

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

1 providing an additional penalty for giving  
2 false information when applying for a  
3 commercial driver's license; amending s.  
4 322.22, F.S.; authorizing the department to  
5 cancel any identification card, vehicle or  
6 vessel registration, or fuel-use decal of a  
7 licensee who pays certain fees or penalties  
8 with a dishonored check; amending s. 322.251,  
9 F.S.; removing requirements for a Class D  
10 driver's license; amending s. 322.2615, F.S.;  
11 revising provisions related to administrative  
12 suspension of driver's licenses; amending s.  
13 322.27, F.S.; providing 4 points to be assessed  
14 against a person's driver's license for a  
15 violation of s. 316.0775(2), F.S.; amending s.  
16 322.30, F.S.; removing the requirements for a  
17 Class D driver's license; amending s. 322.53,  
18 F.S.; removing requirements for a Class D  
19 driver's license; removing a requirement that  
20 certain operators of a commercial motor vehicle  
21 obtain a specified license; amending s. 322.54,  
22 F.S.; revising the classification requirements  
23 for certain driver's licenses; deleting  
24 requirements for a Class D driver's license;  
25 amending s. 322.57, F.S.; providing testing  
26 requirements for school bus drivers; amending  
27 s. 322.58, F.S.; deleting requirements for a  
28 Class D driver's license and changing those  
29 requirements to a Class E driver's license;  
30 amending and reenacting s. 322.61, F.S.;  
31 specifying additional violations that

1 disqualify a person from operating a commercial  
2 motor vehicle; providing penalties; removing  
3 requirements for a Class D driver's license;  
4 amending s. 322.63, F.S.; clarifying provisions  
5 governing alcohol and drug testing for  
6 commercial motor vehicle operators; amending s.  
7 322.64, F.S., and reenacting s. 322.64(14),  
8 F.S., relating to citation procedures and  
9 proceedings, to incorporate the amendment to s.  
10 322.61, F.S., in a reference thereto; providing  
11 for a temporary permit issued following certain  
12 DUI offenses to apply only to the operation of  
13 noncommercial vehicles; amending s. 713.78,  
14 F.S.; revising provisions relating to the  
15 placement of a wrecker operator's lien against  
16 a motor vehicle; amending s. 843.16, F.S.;  
17 prohibiting the transportation of radio  
18 equipment that receives signals on frequencies  
19 used by this state's law enforcement officers  
20 or fire rescue personnel; redefining the term  
21 "emergency vehicle" to include any motor  
22 vehicle designated as such by the fire chief of  
23 a county or municipality; providing an enhanced  
24 penalty; providing an effective date.

25  
26 Be It Enacted by the Legislature of the State of Florida:

27  
28 Section 1. Subsection (6) of section 261.03, Florida  
29 Statutes, is amended and subsection (11) is added to that  
30 section, to read:  
31



1           261.03 Definitions.--As used in this chapter, the  
2 term:

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

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

10           Section 2. Subsection (84) is added to section  
11 316.003, Florida Statutes, to read:

12           316.003 Definitions.--The following words and phrases,  
13 when used in this chapter, shall have the meanings  
14 respectively ascribed to them in this section, except where  
15 the context otherwise requires:

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

20           Section 3. Section 316.0775, Florida Statutes, is  
21 amended to read:

22           316.0775 Interference with official traffic control  
23 devices or railroad signs or signals.--

24           (1) A No person may not shall, without lawful  
25 authority, attempt to or in fact alter, deface, injure, knock  
26 down, or remove any official traffic control device or any  
27 railroad sign or signal or any inscription, shield, or  
28 insignia thereon, or any other part thereof. A violation of  
29 this subsection ~~section~~ is a criminal violation pursuant to s.  
30 318.17 and shall be punishable as set forth in s. 806.13  
31

1 related to criminal mischief and graffiti, beginning on or  
2 after July 1, 2000.

3 (2) A person may not, without lawful authority,  
4 possess or use any traffic signal preemption device as defined  
5 under s. 316.003. A person who violates this subsection  
6 commits a moving violation, punishable as provided in chapter  
7 318 and shall have 4 points assessed against his or her  
8 driver's license as set forth in s. 322.27.

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

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

20 Section 5. Section 316.1576, Florida Statutes, is  
21 created to read:

22 316.1576 Insufficient clearance at a railroad-highway  
23 grade crossing.--

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

28 (2) A person may not drive any vehicle through a  
29 railroad-highway grade crossing that does not have sufficient  
30 undercarriage clearance to drive completely through the  
31 crossing without stopping.

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

4           Section 6. Section 316.1577, Florida Statutes, is  
5 created to read:

6           316.1577 Employer responsibility for violations  
7 pertaining to railroad-highway grade crossings.--

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

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

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

16           316.183 Unlawful speed.--

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

31

1           Section 8. Paragraph (e) of subsection (1) of section  
2 316.1932, Florida Statutes, is amended to read:

3           316.1932 Tests for alcohol, chemical substances, or  
4 controlled substances; implied consent; refusal.--

5           (1)

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

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

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

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

20          316.1936 Possession of open containers of alcoholic  
21 beverages in vehicles prohibited; penalties.--

22          (5) This section shall not apply to:

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

29          (b) A passenger of a bus in which the driver holds a  
30 valid commercial driver's license with a passenger endorsement

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1 ~~or a Class D driver's license~~ issued in accordance with the  
2 requirements of chapter 322; or

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

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

7 316.194 Stopping, standing or parking outside of  
8 municipalities.--

9 (3)(a) Whenever any police officer or traffic accident  
10 investigation officer finds a vehicle standing upon a highway  
11 in violation of any of the foregoing provisions of this  
12 section, the officer is authorized to move the vehicle, or  
13 require the driver or other persons in charge of the vehicle  
14 to move the vehicle same, to a position off the paved or  
15 main-traveled part of the highway.

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

23 1. Where such vehicle constitutes an obstruction of  
24 traffic;

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

29 3. Where an operative vehicle has been parked or  
30 stored on the public right-of-way for a period exceeding 10  
31 days, in other than designated parking areas, and is more than

1 30 feet from the pavement edge. However, the agency removing  
2 such vehicle shall be required to report same to the  
3 Department of Highway Safety and Motor Vehicles within 24  
4 hours of such removal.

5 Section 11. Section 316.1967, Florida Statutes, is  
6 amended to read:

7 316.1967 Liability for payment of parking ticket  
8 violations and other parking violations.--

9 (1) The owner of a vehicle is responsible and liable  
10 for payment of any parking ticket violation unless the owner  
11 can furnish evidence, when required by this subsection, that  
12 the vehicle was, at the time of the parking violation, in the  
13 care, custody, or control of another person. In such  
14 instances, the owner of the vehicle is required, within a  
15 reasonable time after notification of the parking violation,  
16 to furnish to the appropriate law enforcement authorities an  
17 affidavit setting forth the name, address, and driver's  
18 license number of the person who leased, rented, or otherwise  
19 had the care, custody, or control of the vehicle. The  
20 affidavit submitted under this subsection is admissible in a  
21 proceeding charging a parking ticket violation and raises the  
22 rebuttable presumption that the person identified in the  
23 affidavit is responsible for payment of the parking ticket  
24 violation. The owner of a vehicle is not responsible for a  
25 parking ticket violation if the vehicle involved was, at the  
26 time, stolen or in the care, custody, or control of some  
27 person who did not have permission of the owner to use the  
28 vehicle. The owner of a leased vehicle is not responsible for  
29 a parking ticket violation and is not required to submit an  
30 affidavit or the other evidence specified in this section, if  
31

1 the vehicle is registered in the name of the person who leased  
2 the vehicle.

3 (2) Any person who is issued a county or municipal  
4 parking ticket by a parking enforcement specialist or officer  
5 is deemed to be charged with a noncriminal violation and shall  
6 comply with the directions on the ticket. If payment is not  
7 received or a response to the ticket is not made within the  
8 time period specified thereon, the county court or its traffic  
9 violations bureau shall notify the registered owner of the  
10 vehicle that was cited, or the registered lessee when the  
11 cited vehicle is registered in the name of the person who  
12 leased the vehicle, by mail to the address given on the motor  
13 vehicle registration, of the ticket. Mailing the notice to  
14 this address constitutes notification. Upon notification, the  
15 registered owner or registered lessee shall comply with the  
16 court's directive.

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

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

31

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

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

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

26           316.2074 All-terrain vehicles.--

27           (2) As used in this section, the term "all-terrain  
28 vehicle" means any motorized off-highway vehicle 50 inches or  
29 less in width, having a dry weight of 900 pounds or less,  
30 designed to travel on three or more low-pressure tires, having  
31 a seat designed to be straddled by the operator and handlebars



1 for steering control, and intended for use by a single  
2 operator with no passenger. For the purposes of this section,  
3 "all-terrain vehicle" also includes any "two-rider ATV" as  
4 defined in s. 317.0003.

5 Section 13. Paragraph (b) of subsection (1) of section  
6 316.302, Florida Statutes, is amended to read:

7 316.302 Commercial motor vehicles; safety regulations;  
8 transporters and shippers of hazardous materials;  
9 enforcement.--

10 (1)

11 (b) Except as otherwise provided in this section, all  
12 owners or drivers of commercial motor vehicles that are  
13 engaged in intrastate commerce are subject to the rules and  
14 regulations contained in 49 C.F.R. parts 382, 385, and  
15 390-397, with the exception of 49 C.F.R. s. 390.5 as it  
16 relates to the definition of bus, as such rules and  
17 regulations existed on October 1, 2004 ~~2002~~.

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

20 316.605 Licensing of vehicles.--

21 (1) Every vehicle, at all times while driven, stopped,  
22 or parked upon any highways, roads, or streets of this state,  
23 shall be licensed in the name of the owner thereof in  
24 accordance with the laws of this state unless such vehicle is  
25 not required by the laws of this state to be licensed in this  
26 state and shall, except as otherwise provided in s. 320.0706  
27 for front-end registration license plates on truck tractors,  
28 display the license plate or both of the license plates  
29 assigned to it by the state, one on the rear and, if two, the  
30 other on the front of the vehicle, each to be securely  
31 fastened to the vehicle outside the main body of the vehicle

1 in such manner as to prevent the plates from swinging, and  
2 ~~with~~ all letters, numerals, printing, writing, and other  
3 identification marks upon the plates regarding the word  
4 "Florida," the registration decal, and the alphanumeric  
5 designation shall be clear and distinct and free from  
6 defacement, mutilation, grease, and other obscuring matter, so  
7 that they will be plainly visible and legible at all times 100  
8 feet from the rear or front. Nothing shall be placed upon the  
9 face of a Florida plate except as permitted by law or by rule  
10 or regulation of a governmental agency. No license plates  
11 other than those furnished by the state shall be used.  
12 However, if the vehicle is not required to be licensed in this  
13 state, the license plates on such vehicle issued by another  
14 state, by a territory, possession, or district of the United  
15 States, or by a foreign country, substantially complying with  
16 the provisions hereof, shall be considered as complying with  
17 this chapter. A violation of this subsection is a noncriminal  
18 traffic infraction, punishable as a nonmoving violation as  
19 provided in chapter 318.

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

22 316.613 Child restraint requirements.--

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

29 ~~(b) The department may authorize the expenditure of~~  
30 ~~funds for the purchase of promotional items as part of the~~

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1 ~~public information and education campaigns provided for in~~  
2 ~~this subsection and ss. 316.614, 322.025, and 403.7145.~~

3 Section 16. Section 316.6131, Florida Statutes, is  
4 created to read:

5 316.6131 Educational expenditures.--The department may  
6 authorize the expenditure of funds for the purchase of  
7 educational items as part of the public information and  
8 education campaigns promoting highway safety and awareness, as  
9 well as departmental community-based initiatives. Funds may be  
10 expended for, but are not limited to, educational campaigns  
11 provided in this chapter, chapters 320 and 322, and s.  
12 403.7145.

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

15 316.650 Traffic citations.--

16 (9) Such citations shall not be admissible evidence in  
17 any trial, except when used as evidence of falsification,  
18 forgery, uttering, fraud, or perjury, or when used as physical  
19 evidence resulting from a forensic examination of the  
20 citation.

21 Section 18. Section 317.0003, Florida Statutes, is  
22 amended, to read:

23 317.0003 Definitions.--As used in this chapter ~~ss.~~  
24 ~~317.0001-317.0013~~, the term:

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

1           (2) "Dealer" means any person authorized by the  
2 Department of Revenue to buy, sell, resell, or otherwise  
3 distribute off-highway vehicles. Such person must have a valid  
4 sales tax certificate of registration issued by the Department  
5 of Revenue and a valid commercial or occupational license  
6 required by any county, municipality, or political subdivision  
7 of the state in which the person operates.

8           (3) "Department" means the Department of Highway  
9 Safety and Motor Vehicles.

10           (4) "Florida resident" means a person who has had a  
11 principal place of domicile in this state for a period of more  
12 than 6 consecutive months, who has registered to vote in this  
13 state, who has made a statement of domicile pursuant to s.  
14 222.17, or who has filed for homestead tax exemption on  
15 property in this state.

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

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

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

1 (8) "Public lands" means lands within the state that  
2 are available for public use and that are owned, operated, or  
3 managed by a federal, state, county, or municipal governmental  
4 entity.

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

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

10 317.0004 Administration of off-highway vehicle titling  
11 laws; records.--

12 (1) The administration of off-highway vehicle titling  
13 laws in this chapter ~~ss. 317.0001-317.0013~~ is under the  
14 Department of Highway Safety and Motor Vehicles, which shall  
15 provide for the issuing, handling, and recording of all  
16 off-highway vehicle titling applications and certificates,  
17 including the receipt and accounting of off-highway vehicle  
18 titling fees. The provisions of chapter 319 are applicable to  
19 this chapter, unless otherwise explicitly stated.

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

22 317.0005 Rules, forms, and notices.--

23 (1) The department may adopt rules pursuant to ss.  
24 120.536(1) and 120.54, which pertain to off-highway vehicle  
25 titling, in order to implement the provisions of this chapter  
26 ~~ss. 317.0001-317.0013~~ conferring duties upon it.

27 (2) The department shall prescribe and provide  
28 suitable forms for applications and other notices and forms  
29 necessary to administer the provisions of this chapter ~~ss.~~  
30 ~~317.0001-317.0013.~~

31

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

3 317.0006 Certificate of title required.--

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

9 Section 22. Subsection (6) is added to section  
10 317.0007, Florida Statutes, to read:

11 317.0007 Application for and issuance of certificate  
12 of title.--

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

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

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

26 317.0010 Disposition of fees.--The department shall  
27 deposit all funds received under this chapter ~~ss.~~  
28 ~~317.0001-317.0013~~, less administrative costs of \$2 per title  
29 transaction, into the Incidental Trust Fund of the Division of  
30 Forestry of the Department of Agriculture and Consumer  
31 Services.

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

3           317.0012 Crimes relating to certificates of title;  
4 penalties.--

5           (3) It is unlawful to:

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

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

11           (c) Use a false or fictitious name, give a false or  
12 fictitious address, or make any false statement in any  
13 application or affidavit required by this chapter ~~ss.~~  
14 ~~317.0001-317.0013~~ or in a bill of sale or sworn statement of  
15 ownership or otherwise commit a fraud in any application.

16           (d) Knowingly obtain goods, services, credit, or money  
17 by means of an invalid, duplicate, fictitious, forged,  
18 counterfeit, stolen, or unlawfully obtained certificate of  
19 title, bill of sale, or other indicia of ownership of an  
20 off-highway vehicle.

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

25  
26 Any person who violates this subsection commits a felony of  
27 the third degree, punishable as provided in s. 775.082, s.  
28 775.083, or s. 775.084. A violation of this subsection with  
29 respect to any off-highway vehicle makes such off-highway  
30 vehicle contraband which may be seized by a law enforcement  
31 agency and forfeited under ss. 932.701-932.704.

1           Section 26. Section 317.0013, Florida Statutes, is  
2 amended to read:

3           317.0013 Nonmoving traffic violations.--Any person who  
4 fails to comply with any provision of this chapter ~~ss.~~  
5 ~~317.0001-317.0012~~ for which a penalty is not otherwise  
6 provided commits a nonmoving traffic violation, punishable as  
7 provided in s. 318.18.

8           Section 27. Section 317.0014, Florida Statutes, is  
9 created to read:

10           317.0014 Certificate of title; issuance in duplicate;  
11 delivery; liens and encumbrances.--

12           (1) The department shall assign a number to each  
13 certificate of title and shall issue each certificate of title  
14 and each corrected certificate in duplicate. The database  
15 record shall serve as the duplicate title certificate required  
16 in this section. One printed copy may be retained on file by  
17 the department.

18           (2) A duly authorized person shall sign the original  
19 certificate of title and each corrected certificate and, if  
20 there are no liens or encumbrances on the off-highway vehicle,  
21 as shown in the records of the department or as shown in the  
22 application, shall deliver the certificate to the applicant or  
23 to another person as directed by the applicant or person,  
24 agent, or attorney submitting the application. If there are  
25 one or more liens or encumbrances on the off-highway vehicle,  
26 the certificate shall be delivered by the department to the  
27 first lienholder as shown by department records or to the  
28 owner as indicated in the notice of lien filed by the first  
29 lienholder. If the notice of lien filed by the first  
30 lienholder indicates that the certificate should be delivered  
31 to the first lienholder, the department shall deliver to the



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

1 cause, appears in person or by a representative, or responds  
2 in writing, and files a written statement under oath that his  
3 or her lien on that particular vehicle is still outstanding,  
4 the department may not issue the certificate to anyone until  
5 after the conflict has been settled by the lien claimants  
6 involved or by a court of competent jurisdiction. If the  
7 conflict is not settled amicably within 10 days after the  
8 final date for filing an answer to the notice to show cause,  
9 the complaining party shall have 10 days in which to obtain a  
10 ruling, or a stay order, from a court of competent  
11 jurisdiction. If a ruling or stay order is not issued and  
12 served on the department within the 10-day period, it shall  
13 issue the certificate showing no liens except those shown in  
14 the application or thereafter filed to the original applicant  
15 if there are no liens shown in the application and none are  
16 thereafter filed, or to the person indicated in the notice of  
17 lien filed by the lienholder whose name appears in the  
18 application as the first lienholder if there are liens shown  
19 in the application or thereafter filed. A duplicate  
20 certificate or corrected certificate shall show only the lien  
21 or liens as shown in the application and any subsequently  
22 filed liens that may be outstanding.

23 (3) Except as provided in subsection (4), the  
24 certificate of title shall be retained by the first lienholder  
25 or the owner as indicated in the notice of lien filed by the  
26 first lienholder. If the first lienholder is in possession of  
27 the certificate, the first lienholder is entitled to retain  
28 the certificate until the first lien is satisfied.

29 (4) If the owner of the vehicle, as shown on the title  
30 certificate, desires to place a second or subsequent lien or  
31 encumbrance against the vehicle when the title certificate is

1 in the possession of the first lienholder, the owner shall  
2 send a written request to the first lienholder by certified  
3 mail, and the first lienholder shall forward the certificate  
4 to the department for endorsement. If the title certificate is  
5 in the possession of the owner, the owner shall forward the  
6 certificate to the department for endorsement. The department  
7 shall return the certificate to either the first lienholder or  
8 to the owner, as indicated in the notice of lien filed by the  
9 first lienholder, after endorsing the second or subsequent  
10 lien on the certificate and on the duplicate. If the first  
11 lienholder or owner fails, neglects, or refuses to forward the  
12 certificate of title to the department within 10 days after  
13 the date of the owner's request, the department, on the  
14 written request of the subsequent lienholder or an assignee of  
15 the lien, shall demand of the first lienholder the return of  
16 the certificate for the notation of the second or subsequent  
17 lien or encumbrance.

18 (5)(a) Upon satisfaction of any first lien or  
19 encumbrance recorded by the department, the owner of the  
20 vehicle, as shown on the title certificate, or the person  
21 satisfying the lien is entitled to demand and receive from the  
22 lienholder a satisfaction of the lien. If the lienholder, upon  
23 satisfaction of the lien and upon demand, fails or refuses to  
24 furnish a satisfaction of the lien within 30 days after  
25 demand, he or she is liable for all costs, damages, and  
26 expenses, including reasonable attorney's fees, lawfully  
27 incurred by the titled owner or person satisfying the lien in  
28 any suit brought in this state for cancellation of the lien.  
29 The lienholder receiving final payment as defined in s.  
30 674.215 shall mail or otherwise deliver a lien satisfaction  
31 and the certificate of title indicating the satisfaction

1 within 10 working days after receipt of final payment or  
2 notify the person satisfying the lien that the title is not  
3 available within 10 working days after receipt of final  
4 payment. If the lienholder is unable to provide the  
5 certificate of title and notifies the person of such, the  
6 lienholder shall provide a lien satisfaction and is  
7 responsible for the cost of a duplicate title, including  
8 expedited title charges as provided in s. 317.0016. This  
9 paragraph does not apply to electronic transactions under  
10 subsection (8).

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

24 (c) If the certificate of title shows a subsequent  
25 lien not then being discharged, an executed satisfaction of  
26 the first lien shall be delivered by the lienholder to the  
27 person satisfying the lien and the certificate of title  
28 showing satisfaction of the first lien shall be forwarded by  
29 the lienholder to the department within 10 days after  
30 satisfaction of the lien.

31

1           (d) If, upon receipt of a title certificate showing  
2 satisfaction of the first lien, the department determines from  
3 its records that there are no subsequent liens or encumbrances  
4 upon the vehicle, the department shall forward to the owner,  
5 as shown on the face of the title, a corrected certificate  
6 showing no liens or encumbrances. If there is a subsequent  
7 lien not being discharged, the certificate of title shall be  
8 reissued showing the second or subsequent lienholder as the  
9 first lienholder and shall be delivered to either the new  
10 first lienholder or to the owner as indicated in the notice of  
11 lien filed by the new first lienholder. If the certificate of  
12 title is to be retained by the first lienholder on the  
13 reissued certificate, the first lienholder is entitled to  
14 retain the certificate of title except as provided in  
15 subsection (4) until his or her lien is satisfied. Upon  
16 satisfaction of the lien, the lienholder is subject to the  
17 procedures required of a first lienholder by subsection (4)  
18 and this subsection.

19           (6) When the original certificate of title cannot be  
20 returned to the department by the lienholder and evidence  
21 satisfactory to the department is produced that all liens or  
22 encumbrances have been satisfied, upon application by the  
23 owner for a duplicate copy of the certificate upon the form  
24 prescribed by the department, accompanied by the fee  
25 prescribed in this chapter, a duplicate copy of the  
26 certificate of title, without statement of liens or  
27 encumbrances, shall be issued by the department and delivered  
28 to the owner.

29           (7) Any person who fails, within 10 days after receipt  
30 of a demand by the department by certified mail, to return a  
31 certificate of title to the department as required by

1 subsection (4) or who, upon satisfaction of a lien, fails  
2 within 10 days after receipt of such demand to forward the  
3 appropriate document to the department as required by  
4 paragraph (5)(b) or paragraph (5)(c) commits a misdemeanor of  
5 the second degree, punishable as provided in s. 775.082 or s.  
6 775.083.

7 (8) Notwithstanding any requirements in this section  
8 or in s. 319.27 indicating that a lien on a vehicle shall be  
9 noted on the face of the Florida certificate of title, if  
10 there are one or more liens or encumbrances on the off-highway  
11 vehicle, the department may electronically transmit the lien  
12 to the first lienholder and notify the first lienholder of any  
13 additional liens. Subsequent lien satisfactions may be  
14 electronically transmitted to the department and must include  
15 the name and address of the person or entity satisfying the  
16 lien. When electronic transmission of liens and lien  
17 satisfactions are used, the issuance of a certificate of title  
18 may be waived until the last lien is satisfied and a clear  
19 certificate of title is issued to the owner of the vehicle.

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

22 Section 28. Section 317.0015, Florida Statutes, is  
23 created to read:

24 317.0015 Application of law.--Sections 319.235,  
25 319.241, 319.25, 319.27, 319.28, and 319.40 apply to all  
26 off-highway vehicles that are required to be titled under this  
27 chapter.

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

30 317.0016 Expedited service; applications; fees.--The  
31 department shall provide, through its agents and for use by

1 the public, expedited service on title transfers, title  
2 issuances, duplicate titles, recordation of liens, and  
3 certificates of repossession. A fee of \$7 shall be charged for  
4 this service, which is in addition to the fees imposed by ss.  
5 317.0007 and 317.0008, and \$3.50 of this fee shall be retained  
6 by the processing agency. All remaining fees shall be  
7 deposited in the Incidental Trust Fund of the Division of  
8 Forestry of the Department of Agriculture and Consumer  
9 Services. Application for expedited service may be made by  
10 mail or in person. The department shall issue each title  
11 applied for pursuant to this section within 5 working days  
12 after receipt of the application except for an application for  
13 a duplicate title certificate covered by s. 317.0008(3), in  
14 which case the title must be issued within 5 working days  
15 after compliance with the department's verification  
16 requirements.

17 Section 30. Section 317.0017, Florida Statutes, is  
18 created to read:

19 317.0017 Offenses involving vehicle identification  
20 numbers, applications, certificates, papers; penalty.--

21 (1) A person may not:

22 (a) Alter or forge any certificate of title to an  
23 off-highway vehicle or any assignment thereof or any  
24 cancellation of any lien on an off-highway vehicle.

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

27 (c) Procure or attempt to procure a certificate of  
28 title to an off-highway vehicle, or pass or attempt to pass a  
29 certificate of title or any assignment thereof to an  
30 off-highway vehicle, knowing or having reason to believe that  
31 the off-highway vehicle has been stolen.

1       (d) Possess, sell or offer for sale, conceal, or  
2 dispose of in this state an off-highway vehicle, or major  
3 component part thereof, on which any motor number or vehicle  
4 identification number affixed by the manufacturer or by a  
5 state agency has been destroyed, removed, covered, altered, or  
6 defaced, with knowledge of such destruction, removal,  
7 covering, alteration, or defacement, except as provided in s.  
8 319.30(4).

9       (e) Use a false or fictitious name, give a false or  
10 fictitious address, or make any false statement in any  
11 application or affidavit required under this chapter or in a  
12 bill of sale or sworn statement of ownership or otherwise  
13 commit a fraud in any application.

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

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

23       (4) A person may not knowingly and with intent to  
24 defraud have in his or her possession, sell, offer to sell,  
25 counterfeit, or supply a blank, forged, fictitious,  
26 counterfeit, stolen, or fraudulently or unlawfully obtained  
27 certificate of title, bill of sale, or other indicia of  
28 ownership of an off-highway vehicle or conspire to do any of  
29 the foregoing.

30       (5) A person, firm, or corporation may not knowingly  
31 possess, manufacture, sell or exchange, offer to sell or



1 exchange, supply in blank, or give away any counterfeit  
2 manufacturer's or state-assigned identification number plates  
3 or serial plates or any decal used for the purpose of  
4 identifying an off-highway vehicle. An officer, agent, or  
5 employee of any person, firm, or corporation, or any person  
6 may not authorize, direct, aid in exchange, or give away, or  
7 conspire to authorize, direct, aid in exchange, or give away,  
8 such counterfeit manufacturer's or state-assigned  
9 identification number plates or serial plates or any decal.  
10 However, this subsection does not apply to any approved  
11 replacement manufacturer's or state-assigned identification  
12 number plates or serial plates or any decal issued by the  
13 department or any state.

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

24 Section 31. Section 317.0018, Florida Statutes, is  
25 created to read:

26 317.0018 Transfer without delivery of certificate;  
27 operation or use without certificate; failure to surrender;  
28 other violations.--Except as otherwise provided in this  
29 chapter, any person who:

30 (1) Purports to sell or transfer an off-highway  
31 vehicle without delivering to the purchaser or transferee of

1 the vehicle a certificate of title to the vehicle duly  
 2 assigned to the purchaser as provided in this chapter;

3 (2) Operates or uses in this state an off-highway  
 4 vehicle for which a certificate of title is required without  
 5 the certificate having been obtained in accordance with this  
 6 chapter, or upon which the certificate of title has been  
 7 canceled;

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

11 (4) Fails to surrender the certificate of title to the  
 12 department as provided in this chapter in the case of the  
 13 destruction, dismantling, or change of an off-highway vehicle  
 14 in such respect that it is not the off-highway vehicle  
 15 described in the certificate of title; or

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

18  
 19 shall be fined not more than \$500 or imprisoned for not more  
 20 than 6 months, or both, for each offense, unless otherwise  
 21 specified.

22 Section 32. Subsections (7), (9), and (10) of section  
 23 318.14, Florida Statutes, are amended to read:

24 318.14 Noncriminal traffic infractions; exception;  
 25 procedures.--

26 (7)(a) The official having jurisdiction over the  
 27 infraction shall certify to the department within 10 days  
 28 after payment of the civil penalty that the defendant has  
 29 admitted to the infraction. If the charge results in a  
 30 hearing, the official having jurisdiction shall certify to the  
 31 department the final disposition within 10 days after ~~of~~ the

1 hearing. All dispositions returned to the county requiring a  
2 correction shall be resubmitted to the department within 10  
3 days after the notification of the error.

4 (b) If the official having jurisdiction over the  
5 traffic infraction submits the final disposition to the  
6 department more than 180 days after the final hearing or after  
7 payment of the civil penalty, the department may modify any  
8 resulting suspension or revocation action to begin as if the  
9 citation were reported in a timely manner.

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

27 (10)(a) Any person who does not hold a commercial  
28 driver's license and who is cited for an offense listed under  
29 this subsection may, in lieu of payment of fine or court  
30 appearance, elect to enter a plea of nolo contendere and  
31 provide proof of compliance to the clerk of the court or

1 authorized operator of a traffic violations bureau. In such  
2 case, adjudication shall be withheld; however, no election  
3 shall be made under this subsection if such person has made an  
4 election under this subsection in the 12 months preceding  
5 election hereunder. No person may make more than three  
6 elections under this subsection. This subsection applies to  
7 the following offenses:

8 1. Operating a motor vehicle without a valid driver's  
9 license in violation of the provisions of s. 322.03, s.  
10 322.065, or s. 322.15(1), or operating a motor vehicle with a  
11 license which has been suspended for failure to appear,  
12 failure to pay civil penalty, or failure to attend a driver  
13 improvement course pursuant to s. 322.291.

14 2. Operating a motor vehicle without a valid  
15 registration in violation of s. 320.0605, s. 320.07, or s.  
16 320.131.

17 3. Operating a motor vehicle in violation of s.  
18 316.646.

19 (b) Any person cited for an offense listed in this  
20 subsection shall present proof of compliance prior to the  
21 scheduled court appearance date. For the purposes of this  
22 subsection, proof of compliance shall consist of a valid,  
23 renewed, or reinstated driver's license or registration  
24 certificate and proper proof of maintenance of security as  
25 required by s. 316.646. Notwithstanding waiver of fine, any  
26 person establishing proof of compliance shall be assessed  
27 court costs of \$22, except that a person charged with  
28 violation of s. 316.646(1)-(3) may be assessed court costs of  
29 \$7. One dollar of such costs shall be remitted to the  
30 Department of Revenue for deposit into the Child Welfare  
31 Training Trust Fund of the Department of Children and Family

1 Services. One dollar of such costs shall be distributed to the  
2 Department of Juvenile Justice for deposit into the Juvenile  
3 Justice Training Trust Fund. Twelve dollars of such costs  
4 shall be distributed to the municipality and \$8 shall be  
5 deposited by the clerk of the court into the fine and  
6 forfeiture fund established pursuant to s. 142.01, if the  
7 offense was committed within the municipality. If the offense  
8 was committed in an unincorporated area of a county or if the  
9 citation was for a violation of s. 316.646(1)-(3), the entire  
10 amount shall be deposited by the clerk of the court into the  
11 fine and forfeiture fund established pursuant to s. 142.01,  
12 except for the moneys to be deposited into the Child Welfare  
13 Training Trust Fund and the Juvenile Justice Training Trust  
14 Fund. This subsection shall not be construed to authorize the  
15 operation of a vehicle without a valid driver's license,  
16 without a valid vehicle tag and registration, or without the  
17 maintenance of required security.

18 Section 33. Subsection (6) of section 319.23, Florida  
19 Statutes, is amended to read:

20 319.23 Application for, and issuance of, certificate  
21 of title.--

22 (6) In the case of the sale of a motor vehicle or  
23 mobile home by a licensed dealer to a general purchaser, the  
24 certificate of title shall be obtained in the name of the  
25 purchaser by the dealer upon application signed by the  
26 purchaser, and in each other case such certificate shall be  
27 obtained by the purchaser. In each case of transfer of a  
28 motor vehicle or mobile home, the application for certificate  
29 of title, or corrected certificate, or assignment or  
30 reassignment, shall be filed within 30 days from the delivery  
31 of such motor vehicle or mobile home to the purchaser. An

1 applicant shall be required to pay a fee of \$10, in addition  
 2 to all other fees and penalties required by law, for failing  
 3 to file such application within the specified time. When a  
 4 licensed dealer acquires a motor vehicle or mobile home as a  
 5 trade-in, the dealer must file with the department, within 30  
 6 days, a notice of sale signed by the seller. The department  
 7 shall update its database for that title record to indicate  
 8 "sold." A licensed dealer need not apply for a certificate of  
 9 title for any motor vehicle or mobile home in stock acquired  
 10 for stock purposes except as provided in s. 319.225.

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

13 319.27 Notice of lien on motor vehicles or mobile  
 14 homes; notation on certificate; recording of lien.--

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

1 purchasers for a valuable consideration unless such interest  
2 becomes a possessory lien or is noted upon the certificate of  
3 title for the subject motor vehicle or mobile home prior to  
4 the occurrence of the subsequent transaction. Provided the  
5 provisions of this subsection relating to a nonpossessory  
6 statutory lienor; a nonpossessory execution, attachment, or  
7 equitable lienor; or the interest of a lien creditor as  
8 defined in s. 679.1021(1)(zz) ~~s. 679.301(3)~~ shall not apply to  
9 liens validly perfected prior to October 1, 1988. The notice  
10 of lien shall provide the following information:

11 (a) The date of the lien if a security agreement,  
12 retain title contract, conditional bill of sale, chattel  
13 mortgage, or other similar instrument was executed prior to  
14 the filing of the notice of lien;

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

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

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

19 (3)(a) A person may file a notice of lien with regard  
20 to a motor vehicle or mobile home before a security agreement,  
21 retain title contract, conditional bill of sale, chattel  
22 mortgage, or other similar instrument is executed granting a  
23 lien, mortgage, or encumbrance on, or a security interest in,  
24 such motor vehicle or mobile home.

25 (b) As applied to a determination of the respective  
26 rights of a secured party under this chapter and a lien  
27 creditor as defined by s. 679.1021(1)(zz) ~~s. 679.301(3)~~, or a  
28 nonpossessory statutory lienor, a security interest under this  
29 chapter shall be perfected upon the filing of the notice of  
30 lien with the department, the county tax collector, or their  
31 agents. Provided, however, the date of perfection of a

1 security interest of such secured party shall be the same date  
2 as the execution of the security agreement or other similar  
3 instrument if the notice of lien is filed in accordance with  
4 this subsection within 15 days after the debtor receives  
5 possession of the motor vehicle or mobile home and executes  
6 such security agreement or other similar instrument. The date  
7 of filing of the notice of lien shall be the date of its  
8 receipt by the department central office in Tallahassee, if  
9 first filed there, or otherwise by the office of the county  
10 tax collector, or their agents.

11 Section 35. Paragraph (b) of subsection (1) of section  
12 320.06, Florida Statutes, is amended to read:

13 320.06 Registration certificates, license plates, and  
14 validation stickers generally.--

15 (1)

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



1 owner is not a natural person. The validation sticker is to be  
2 placed on the upper right corner of the license plate. Such  
3 license plate and validation sticker shall be issued based on  
4 the applicant's appropriate renewal period. The registration  
5 period shall be a period of 12 months, and all expirations  
6 shall occur based on the applicant's appropriate registration  
7 period. A vehicle with an apportioned registration shall be  
8 issued an annual license plate and a cab card that denote the  
9 declared gross vehicle weight for each apportioned  
10 jurisdiction in which the vehicle is authorized to operate.

11 Section 36. Section 320.0601, Florida Statutes, is  
12 amended to read:

13 320.0601 Lease and rental car companies;  
14 identification of vehicles as for-hire.--

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

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

21 (a) "Bumper stickers, insignias, or advertising" does  
22 not include:

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

27 2. Any license required by the law of the state in  
28 which the vehicle is registered.

29 (b) "Rent in this state" means to sign a rental  
30 contract in this state or to deliver a car to a renter in this  
31 state.

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

4 (4) Any registration or renewal as required under s.  
5 320.02 for an original or transfer of a long-term leased motor  
6 vehicle must be in the name and address of the lessee.

7 Section 37. Section 320.0605, Florida Statutes, is  
8 amended to read:

9 320.0605 Certificate of registration; possession  
10 required; exception.--The registration certificate or an  
11 official copy thereof, a true copy of a rental or lease  
12 agreement issued for a motor vehicle or issued for a  
13 replacement vehicle in the same registration period, a  
14 temporary receipt printed upon self-initiated electronic  
15 renewal of a registration via the Internet, or a cab card  
16 issued for a vehicle registered under the International  
17 Registration Plan shall, at all times while the vehicle is  
18 being used or operated on the roads of this state, be in the  
19 possession of the operator thereof or be carried in the  
20 vehicle for which issued and shall be exhibited upon demand of  
21 any authorized law enforcement officer or any agent of the  
22 department, except for a vehicle registered under s. 320.0657.

23 The provisions of this section do not apply during the first  
24 30 days after purchase of a replacement vehicle. A violation  
25 of this section is a noncriminal traffic infraction,  
26 punishable as a nonmoving violation as provided in chapter  
27 318.

28 Section 38. Section 320.0843, Florida Statutes, is  
29 amended to read:

30 320.0843 License plates for persons with disabilities  
31 eligible for permanent disabled parking permits.--

1           (1) Any owner or lessee of a motor vehicle who resides  
2 in this state and qualifies for a disabled parking permit  
3 under s. 320.0848(2), upon application to the department and  
4 payment of the license tax for a motor vehicle registered  
5 under s. 320.08(2), (3)(a), (b), (c), or (e), (4)(a) or (b),  
6 (6)(a), or (9)(c) or (d), shall be issued a license plate as  
7 provided by s. 320.06 which, in lieu of the serial number  
8 prescribed by s. 320.06, shall be stamped with the  
9 international wheelchair user symbol after the serial number  
10 of the license plate. The license plate entitles the person  
11 to all privileges afforded by a parking permit issued under s.  
12 320.0848. When more that one registrant is listed on the  
13 registration issued under this section, the eligible applicant  
14 shall be noted on the registration certificate.

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

17           Section 39. Subsection (8) is added to section  
18 320.131, Florida Statutes, to read:

19           320.131 Temporary tags.--

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

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

3           320.18 Withholding registration.--

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

26           Section 41. Paragraph (a) of subsection (4),  
27 subsection (6), and paragraph (b) of subsection (9) of section  
28 320.27, Florida Statutes, are amended to read:

29           320.27 Motor vehicle dealers.--

30           (4) LICENSE CERTIFICATE.--

31

1 (a) A license certificate shall be issued by the  
2 department in accordance with such application when the  
3 application is regular in form and in compliance with the  
4 provisions of this section. The license certificate may be in  
5 the form of a document or a computerized card as determined by  
6 the department. The actual cost of each original, additional,  
7 or replacement computerized card shall be borne by the  
8 licensee and is in addition to the fee for licensure. Such  
9 license, when so issued, entitles the licensee to carry on and  
10 conduct the business of a motor vehicle dealer. Each license  
11 issued to a franchise motor vehicle dealer expires annually on  
12 December 31 unless revoked or suspended prior to that date.  
13 Each license issued to an independent or wholesale dealer or  
14 auction expires annually on April 30 unless revoked or  
15 suspended prior to that date. Not less than 60 days prior to  
16 the license expiration date, the department shall deliver or  
17 mail to each licensee the necessary renewal forms. Each  
18 independent dealer shall certify that the dealer principal  
19 (owner, partner, officer of the corporation, or director) has  
20 completed 8 hours of continuing education prior to filing the  
21 renewal forms with the department. Such certification shall be  
22 filed once every 2 years commencing with the 2006 renewal  
23 period. The continuing education shall include at least 2  
24 hours of legal or legislative issues, 1 hour of department  
25 issues, and 5 hours of relevant motor vehicle industry topics.  
26 Continuing education shall be provided by dealer schools  
27 licensed under paragraph (b) either in a classroom setting or  
28 by correspondence. Such schools shall provide certificates of  
29 completion to the department and the customer which shall be  
30 filed with the license renewal form, and such schools may  
31 charge a fee for providing continuing education. Any licensee

1 who does not file his or her application and fees and any  
2 other requisite documents, as required by law, with the  
3 department at least 30 days prior to the license expiration  
4 date shall cease to engage in business as a motor vehicle  
5 dealer on the license expiration date. A renewal filed with  
6 the department within 45 days after the expiration date shall  
7 be accompanied by a delinquent fee of \$100. Thereafter, a new  
8 application is required, accompanied by the initial license  
9 fee. A license certificate duly issued by the department may  
10 be modified by endorsement to show a change in the name of the  
11 licensee, provided, as shown by affidavit of the licensee, the  
12 majority ownership interest of the licensee has not changed or  
13 the name of the person appearing as franchisee on the sales  
14 and service agreement has not changed. Modification of a  
15 license certificate to show any name change as herein provided  
16 shall not require initial licensure or reissuance of dealer  
17 tags; however, any dealer obtaining a name change shall  
18 transact all business in and be properly identified by that  
19 name. All documents relative to licensure shall reflect the  
20 new name. In the case of a franchise dealer, the name change  
21 shall be approved by the manufacturer, distributor, or  
22 importer. A licensee applying for a name change endorsement  
23 shall pay a fee of \$25 which fee shall apply to the change in  
24 the name of a main location and all additional locations  
25 licensed under the provisions of subsection (5). Each initial  
26 license application received by the department shall be  
27 accompanied by verification that, within the preceding 6  
28 months, the applicant, or one or more of his or her designated  
29 employees, has attended a training and information seminar  
30 conducted by a licensed motor vehicle dealer training school  
31 ~~the department~~. Such seminar shall include, but is not limited

1 to, statutory dealer requirements, which requirements include  
2 required bookkeeping and recordkeeping procedures,  
3 requirements for the collection of sales and use taxes, and  
4 such other information that in the opinion of the department  
5 will promote good business practices. No seminar may exceed 8  
6 hours in length.

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

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

24 (b) The department may deny, suspend, or revoke any  
25 license issued hereunder or under the provisions of s. 320.77  
26 or s. 320.771 upon proof that a licensee has committed, with  
27 sufficient frequency so as to establish a pattern of  
28 wrongdoing on the part of a licensee, violations of one or  
29 more of the following activities:

30 1. Representation that a demonstrator is a new motor  
31 vehicle, or the attempt to sell or the sale of a demonstrator

1 as a new motor vehicle without written notice to the purchaser  
2 that the vehicle is a demonstrator. For the purposes of this  
3 section, a "demonstrator," a "new motor vehicle," and a "used  
4 motor vehicle" shall be defined as under s. 320.60.

5         2. Unjustifiable refusal to comply with a licensee's  
6 responsibility under the terms of the new motor vehicle  
7 warranty issued by its respective manufacturer, distributor,  
8 or importer. However, if such refusal is at the direction of  
9 the manufacturer, distributor, or importer, such refusal shall  
10 not be a ground under this section.

11         3. Misrepresentation or false, deceptive, or  
12 misleading statements with regard to the sale or financing of  
13 motor vehicles which any motor vehicle dealer has, or causes  
14 to have, advertised, printed, displayed, published,  
15 distributed, broadcast, televised, or made in any manner with  
16 regard to the sale or financing of motor vehicles.

17         4. Failure by any motor vehicle dealer to provide a  
18 customer or purchaser with an odometer disclosure statement  
19 and a copy of any bona fide written, executed sales contract  
20 or agreement of purchase connected with the purchase of the  
21 motor vehicle purchased by the customer or purchaser.

22         5. Failure of any motor vehicle dealer to comply with  
23 the terms of any bona fide written, executed agreement,  
24 pursuant to the sale of a motor vehicle.

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

27         7. Use of the dealer license identification number by  
28 any person other than the licensed dealer or his or her  
29 designee.

30         8. Failure to continually meet the requirements of the  
31 licensure law.



1           9. Representation to a customer or any advertisement  
2 to the public representing or suggesting that a motor vehicle  
3 is a new motor vehicle if such vehicle lawfully cannot be  
4 titled in the name of the customer or other member of the  
5 public by the seller using a manufacturer's statement of  
6 origin as permitted in s. 319.23(1).

7           10. Requirement by any motor vehicle dealer that a  
8 customer or purchaser accept equipment on his or her motor  
9 vehicle which was not ordered by the customer or purchaser.

10           11. Requirement by any motor vehicle dealer that any  
11 customer or purchaser finance a motor vehicle with a specific  
12 financial institution or company.

13           12. Requirement by any motor vehicle dealer that the  
14 purchaser of a motor vehicle contract with the dealer for  
15 physical damage insurance.

16           13. Perpetration of a fraud upon any person as a  
17 result of dealing in motor vehicles, including, without  
18 limitation, the misrepresentation to any person by the  
19 licensee of the licensee's relationship to any manufacturer,  
20 importer, or distributor.

21           14. Violation of any of the provisions of s. 319.35 by  
22 any motor vehicle dealer.

23           15. Sale by a motor vehicle dealer of a vehicle  
24 offered in trade by a customer prior to consummation of the  
25 sale, exchange, or transfer of a newly acquired vehicle to the  
26 customer, unless the customer provides written authorization  
27 for the sale of the trade-in vehicle prior to delivery of the  
28 newly acquired vehicle.

29           16. Willful failure to comply with any administrative  
30 rule adopted by the department or the provisions of s.  
31 320.131(8).

1 17. Violation of chapter 319, this chapter, or ss.  
 2 559.901-559.9221, which has to do with dealing in or repairing  
 3 motor vehicles or mobile homes. Additionally, in the case of  
 4 used motor vehicles, the willful violation of the federal law  
 5 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining  
 6 to the consumer sales window form.

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

9 322.01 Definitions.--As used in this chapter:

10 (8) "Commercial motor vehicle" means any motor vehicle  
 11 or motor vehicle combination used on the streets or highways,  
 12 which:

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

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

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

17 (b)(d) Is designed to transport more than 15 persons,  
 18 including the driver; or

19 (c)(e) Is transporting hazardous materials and is  
 20 required to be placarded in accordance with Title 49 C.F.R.  
 21 part 172, subpart F.

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

30 (b) Notwithstanding any other provisions of this  
 31 chapter, the definition of "conviction" provided in 49 C.F.R.

1 part 383.5 applies to offenses committed in a commercial motor  
2 vehicle.

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

7 Section 43. Subsections (4) and (10) of section  
8 322.05, Florida Statutes, are amended to read:

9 322.05 Persons not to be licensed.--The department may  
10 not issue a license:

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

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

28 Section 44. Paragraph (a) of subsection (1) and  
29 paragraphs (b) and (c) of subsection (2) of section 322.051,  
30 Florida Statutes, are amended, and subsection (8) is added to  
31 that section, to read:

1           322.051 Identification cards.--

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

7           (a) Each such application shall include the following  
8 information regarding the applicant:

- 9           1. Full name (first, middle or maiden, and last),  
10 gender, social security card number, county of residence and  
11 mailing address, country of birth, and a brief description.  
12           2. Proof of birth date satisfactory to the department.  
13           3. Proof of identity satisfactory to the department.

14 Such proof must include one of the following documents issued  
15 to the applicant:

16           a. A driver's license record or identification card  
17 record from another jurisdiction that required the applicant  
18 to submit a document for identification which is substantially  
19 similar to a document required under sub-subparagraph b.,  
20 sub-subparagraph c., sub-subparagraph d., sub-subparagraph e.,  
21 ~~or~~ sub-subparagraph f., or sub-subparagraph g.;

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

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

25           d. A naturalization certificate issued by the United  
26 States Department of Homeland Security;

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

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

30           ~~g.f.~~ Proof of nonimmigrant classification provided by  
31 the United States Department of Homeland Security, for an

1 original identification card. In order to prove such  
2 nonimmigrant classification, applicants may produce but are  
3 not limited to the following documents:

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

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

8 (III) Notice of the approval of an application for  
9 adjustment of status issued by the United States Bureau of  
10 Citizenship and Immigration Services.

11 (IV) Any official documentation confirming the filing  
12 of a petition for asylum status or any other relief issued by  
13 the United States Bureau of Citizenship and Immigration  
14 Services.

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

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

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

29 (2)

30 (b) Notwithstanding any other provision of this  
31 chapter, if an applicant establishes his or her identity for

1 an identification card using a document authorized under  
2 ~~sub-subparagraph(1)(a)3.e.(1)(a)3.d.~~, the identification  
3 card shall expire on the fourth birthday of the applicant  
4 following the date of original issue or upon first renewal or  
5 duplicate issued after implementation of this section. After  
6 an initial showing of such documentation, he or she is  
7 exempted from having to renew or obtain a duplicate in person.

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

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

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

1           322.07 Instruction permits and temporary licenses.--

2           (2) The department may, in its discretion, issue a  
3 temporary permit to an applicant for a ~~Class D or~~ Class E  
4 driver's license permitting him or her to operate a motor  
5 vehicle of the type for which a ~~Class D or~~ Class E driver's  
6 license is required while the department is completing its  
7 investigation and determination of all facts relative to such  
8 applicant's right to receive a driver's license. Such permit  
9 must be in his or her immediate possession while operating a  
10 motor vehicle, and it shall be invalid when the applicant's  
11 license has been issued or for good cause has been refused.

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

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

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

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

30           322.08 Application for license.--

31

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

3 (a) 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 (b) Proof of birth date satisfactory to the  
7 department.

8 (c) Proof of identity satisfactory to the department.

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

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

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

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

20 4. A naturalization certificate issued by the United  
21 States Department of Homeland Security;

22 ~~5.4.~~ An alien registration receipt card (green card);

23 ~~6.5.~~ An employment authorization card issued by the  
24 United States Department of Homeland Security; or

25 ~~7.6.~~ Proof of nonimmigrant classification provided by  
26 the United States Department of Homeland Security, for an  
27 original driver's license. In order to prove nonimmigrant  
28 classification, an applicant may produce the following  
29 documents, including, but not limited to:

30 a. A notice of hearing from an immigration court  
31 scheduling a hearing on any proceeding.



1           b. A notice from the Board of Immigration Appeals  
2 acknowledging pendency of an appeal.

3           c. A notice of the approval of an application for  
4 adjustment of status issued by the United States Immigration  
5 and Naturalization Service.

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

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

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

16  
17 Presentation of any of the documents in subparagraph 6. or  
18 subparagraph 7. entitles the applicant to a driver's license  
19 or temporary permit for a period not to exceed the expiration  
20 date of the document presented or 2 years, whichever occurs  
21 first.

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

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

30           Section 47. Paragraph (a) of subsection (1) of section  
31 322.09, Florida Statutes, is amended to read:

1           322.09 Application of minors; responsibility for  
2 negligence or misconduct of minor.--

3           (1)(a) The application of any person under the age of  
4 18 years for a driver's license must be signed and verified  
5 before a person authorized to administer oaths by the father,  
6 mother, or guardian; by a secondary guardian if the primary  
7 guardian dies before the minor reaches 18 years of age; or,  
8 if there is no parent or guardian, by another responsible  
9 adult who is willing to assume the obligation imposed under  
10 this chapter upon a person signing the application of a minor.  
11 This section does not apply to a person under the age of 18  
12 years who is emancipated by marriage.

13           Section 48. Section 322.11, Florida Statutes, is  
14 amended to read:

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

24           Section 49. Subsection (3) of section 322.12, Florida  
25 Statutes, is amended to read:

26           322.12 Examination of applicants.--

27           (3) For an applicant for a ~~Class D or a Class E~~  
28 driver's license, such examination shall include a test of the  
29 applicant's eyesight given by the driver's license examiner  
30 designated by the department or by a licensed ophthalmologist,  
31 optometrist, or physician and a test of the applicant's

1 hearing given by a driver's license examiner or a licensed  
2 physician. The examination shall also include a test of the  
3 applicant's ability to read and understand highway signs  
4 regulating, warning, and directing traffic; his or her  
5 knowledge of the traffic laws of this state, including laws  
6 regulating driving under the influence of alcohol or  
7 controlled substances, driving with an unlawful blood-alcohol  
8 level, and driving while intoxicated; and his or her knowledge  
9 of the effects of alcohol and controlled substances upon  
10 persons and the dangers of driving a motor vehicle while under  
11 the influence of alcohol or controlled substances and shall  
12 include an actual demonstration of ability to exercise  
13 ordinary and reasonable control in the operation of a motor  
14 vehicle.

15 Section 50. Subsections (1) and (4) of section  
16 322.135, Florida Statutes, are amended, and subsection (9) is  
17 added to that section, to read:

18 322.135 Driver's license agents.--

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

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

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

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

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

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

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

17 Section 51. Subsection (1) of section 322.142, Florida  
 18 Statutes, is amended to read:

19 322.142 Color photographic or digital imaged  
 20 licenses.--

21 (1) The department shall, upon receipt of the required  
 22 fee, issue to each qualified applicant for ~~a an original~~  
 23 driver's license a color photographic or digital imaged  
 24 driver's license bearing a fullface photograph or digital  
 25 image of the licensee. Notwithstanding chapter 761 or s.  
 26 761.05, the requirement for a fullface photograph or digital  
 27 image of the licensee may not be waived. A space shall be  
 28 provided upon which the licensee shall affix his or her usual  
 29 signature, as required in s. 322.14, in the presence of an  
 30 authorized agent of the department so as to ensure that such  
 31 signature becomes a part of the license.

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

4           322.161 High-risk drivers; restricted licenses.--

5           (1)(a) Notwithstanding any provision of law to the  
6 contrary, the department shall restrict the driving privilege  
7 of any ~~Class D or~~ Class E licensee who is age 15 through 17  
8 and who has accumulated six or more points pursuant to s.  
9 318.14, excluding parking violations, within a 12-month  
10 period.

11           ~~(2)(a) Any Class E licensee who is age 15 through 17  
12 and who has accumulated six or more points pursuant to s.  
13 318.14, excluding parking violations, within a 12 month period  
14 shall not be eligible to obtain a Class D license for a period  
15 of no less than 1 year. The period of ineligibility shall  
16 begin on the date of conviction for the violation that results  
17 in the licensee's accumulation of six or more points.~~

18           ~~(b) The period of ineligibility shall automatically  
19 expire after 1 year if the licensee does not accumulate any  
20 additional points. If the licensee accumulates any additional  
21 points, then the period of ineligibility shall be extended 90  
22 days for each point. The period of ineligibility shall also  
23 automatically expire upon the licensee's 18th birthday if no  
24 other grounds for ineligibility exist.~~

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

27           322.17 Duplicate and replacement certificates.--

28           (3) Notwithstanding any other provisions of this  
29 chapter, if a licensee establishes his or her identity for a  
30 driver's license using an identification document authorized  
31 under s. 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5. 6.~~, the

1 licensee may not obtain a duplicate or replacement instruction  
 2 permit or driver's license except in person and upon  
 3 submission of an identification document authorized under s.  
 4 322.08(2)(c)6. or 7 ~~s. 322.08(2)(c)5. 6.~~

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

7 322.18 Original applications, licenses, and renewals;  
 8 expiration of licenses; delinquent licenses.--

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

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

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

26 (c) Notwithstanding any other provision of this  
 27 chapter, if an applicant establishes his or her identity for a  
 28 driver's license using a document authorized under s.  
 29 322.08(2)(c)5. ~~s. 322.08(2)(c)4.~~, the driver's license shall  
 30 expire in accordance with paragraph (b). After an initial  
 31

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

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

10 (e) Notwithstanding any other provision of this  
11 chapter, an applicant applying for an original or renewal  
12 issuance of a commercial driver's license as defined in s.  
13 322.01(7), with a hazardous-materials endorsement, pursuant to  
14 s. 322.57(1)(e), shall be issued a driver's license that  
15 expires at midnight on the licensee's birthday that next  
16 occurs 4 years after the month of expiration of the license  
17 being issued or renewed.

18 (4)(a) Except as otherwise provided in this chapter,  
19 all licenses shall be renewable every 4 years or 6 years,  
20 depending upon the terms of issuance and shall be issued or  
21 extended upon application, payment of the fees required by s.  
22 322.21, and successful passage of any required examination,  
23 unless the department has reason to believe that the licensee  
24 is no longer qualified to receive a license.

25 (b) Notwithstanding any other provision of this  
26 chapter, if an applicant establishes his or her identity for a  
27 driver's license using a document authorized under s.  
28 322.08(2)(c)5. ~~s. 322.08(2)(c)4.~~, the license, upon an initial  
29 showing of such documentation, is exempted from having to  
30 renew or obtain a duplicate in person, unless the renewal or  
31

1 duplication coincides with the periodic reexamination of a  
2 driver as required pursuant to s. 322.121.

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

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

16 322.19 Change of address or name.--

17 (4) Notwithstanding any other provision of this  
18 chapter, if a licensee established his or her identity for a  
19 driver's license using an identification document authorized  
20 under s. 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5. 6.~~, the  
21 licensee may not change his or her name or address except in  
22 person and upon submission of an identification document  
23 authorized under s. 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)4. 6.~~

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

26 322.21 License fees; procedure for handling and  
27 collecting fees.--

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

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



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

7 (b) An original ~~Class D or~~ Class E driver's license is  
8 \$20, which shall include the fee for driver's education  
9 provided by s. 1003.48; however, if an applicant has completed  
10 training and is applying for employment or is currently  
11 employed in a public or nonpublic school system that requires  
12 a commercial driver license, the fee shall be the same as for  
13 a Class E license.

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

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

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

25 (f) A hazardous-materials endorsement, as required by  
26 s. 322.57(1)(d), shall be set by the department by rule and  
27 shall reflect the cost of the required criminal history check,  
28 including the cost of the state and federal fingerprint check,  
29 and the cost to the department of providing and issuing the  
30 license. The fee shall not exceed \$100. This fee shall be

31

1 deposited in the Highway Safety Operating Trust Fund. The  
 2 department may adopt rules to administer this section.

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

6 322.212 Unauthorized possession of, and other unlawful  
 7 acts in relation to, driver's license or identification  
 8 card.--

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

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

16 322.22 Authority of department to cancel license.--

17 (1) The department is authorized to cancel any  
 18 driver's license, upon determining that the licensee was not  
 19 entitled to the issuance thereof, or that the licensee failed  
 20 to give the required or correct information in his or her  
 21 application or committed any fraud in making such application,  
 22 or that the licensee has two or more licenses on file with the  
 23 department, each in a different name but bearing the  
 24 photograph of the licensee, unless the licensee has complied  
 25 with the requirements of this chapter in obtaining the  
 26 licenses. The department may cancel any driver's license,  
 27 identification card, vehicle or vessel registration, or  
 28 fuel-use decal if the licensee fails to pay the correct fee or  
 29 pays for the driver's license, identification card, vehicle  
 30 or vessel registration, or fuel-use decal; pays any tax  
 31 liability, penalty, or interest specified in chapter 207; or

1 pays any administrative, delinquency, or reinstatement fee by  
2 a dishonored check.

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

5 322.251 Notice of cancellation, suspension,  
6 revocation, or disqualification of license.--

7 (4) A person whose privilege to operate a commercial  
8 motor vehicle is temporarily disqualified may, upon  
9 surrendering his or her commercial driver's license, be issued  
10 a ~~Class D~~ or Class E driver's license, valid for the length of  
11 his or her unexpired commercial driver's license, at no cost.  
12 Such person may, upon the completion of his or her  
13 disqualification, be issued a commercial driver's license, of  
14 the type disqualified, for the remainder of his or her  
15 unexpired license period. Any such person shall pay the  
16 reinstatement fee provided in s. 322.21 before being issued a  
17 commercial driver's license.

18 (5) A person whose privilege to operate a commercial  
19 motor vehicle is permanently disqualified may, upon  
20 surrendering his or her commercial driver's license, be issued  
21 a ~~Class D~~ or Class E driver's license, if he or she is  
22 otherwise qualified to receive such license. Any such person  
23 shall be issued a ~~Class D~~ or Class E license, valid for the  
24 remainder of his or her unexpired license period, at no cost.

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

27 322.2615 Suspension of license; right to review.--

28 (1)(a) A law enforcement officer or correctional  
29 officer shall, on behalf of the department, suspend the  
30 driving privilege of a person who has been arrested by a law  
31 enforcement officer for a violation of s. 316.193, relating to

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

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

19 1.a. The driver refused to submit to a lawful breath,  
20 blood, or urine test and his or her driving privilege is  
21 suspended for a period of 1 year for a first refusal or for a  
22 period of 18 months if his or her driving privilege has been  
23 previously suspended as a result of a refusal to submit to  
24 such a test; or

25 b. The driver violated s. 316.193 by driving with an  
26 unlawful blood-alcohol level or breath-alcohol level as  
27 provided in that section and his or her driving privilege is  
28 suspended for a period of 6 months for a first offense or for  
29 a period of 1 year if his or her driving privilege has been  
30 previously suspended for a violation of s. 316.193.

31

1           2. The suspension period shall commence on the date of  
2 arrest or issuance of the notice of suspension, whichever is  
3 later.

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

8           4. The temporary permit issued at the time of arrest  
9 will expire at midnight of the 10th day following the date of  
10 arrest or issuance of the notice of suspension, whichever is  
11 later.

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

14           (7) In a formal review hearing under subsection (6) or  
15 an informal review hearing under subsection (4), the hearing  
16 officer shall determine by a preponderance of the evidence  
17 whether sufficient cause exists to sustain, amend, or  
18 invalidate the suspension. The scope of the review shall be  
19 limited to the following issues:

20           (a) If the license was suspended for driving with an  
21 unlawful blood-alcohol level or breath-alcohol level in  
22 violation of s. 316.193:

23           1. Whether the arresting law enforcement officer had  
24 probable cause to believe that the person was driving or in  
25 actual physical control of a motor vehicle in this state while  
26 under the influence of alcoholic beverages or controlled  
27 substances.

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

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

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

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

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

10 3. Whether the person refused to submit to any such  
11 test after being requested to do so by a law enforcement  
12 officer or correctional officer.

13 4. Whether the person was told that if he or she  
14 refused to submit to such test his or her privilege to operate  
15 a motor vehicle would be suspended for a period of 1 year or,  
16 in the case of a second or subsequent refusal, for a period of  
17 18 months.

18 (10) A person whose driver's license is suspended  
19 under subsection (1) or subsection (3) may apply for issuance  
20 of a license for business or employment purposes only if the  
21 person is otherwise eligible for the driving privilege  
22 pursuant to s. 322.271.

23 (a) If the suspension of the driver's license of the  
24 person for failure to submit to a breath, urine, or blood test  
25 is sustained, the person is not eligible to receive a license  
26 for business or employment purposes only, pursuant to s.  
27 322.271, until 90 days have elapsed after the expiration of  
28 the last temporary permit issued. If the driver is not issued  
29 a 10-day permit pursuant to this section or s. 322.64 because  
30 he or she is ineligible for the permit and the suspension for  
31 failure to submit to a breath, urine, or blood test is not

1 | invalidated by the department, the driver is not eligible to  
2 | receive a business or employment license pursuant to s.  
3 | 322.271 until 90 days have elapsed from the date of the  
4 | suspension.

5 |       (b) If the suspension of the driver's license of the  
6 | person arrested for a violation of s. 316.193, relating to  
7 | unlawful blood-alcohol level, or breath-alcohol level is  
8 | sustained, the person is not eligible to receive a license for  
9 | business or employment purposes only pursuant to s. 322.271  
10 | until 30 days have elapsed after the expiration of the last  
11 | temporary permit issued. If the driver is not issued a 10-day  
12 | permit pursuant to this section or s. 322.64 because he or she  
13 | is ineligible for the permit and the suspension for a  
14 | violation of s. 316.193, relating to unlawful blood-alcohol  
15 | level, is not invalidated by the department, the driver is not  
16 | eligible to receive a business or employment license pursuant  
17 | to s. 322.271 until 30 days have elapsed from the date of the  
18 | arrest.

19 |       (11) The formal review hearing may be conducted upon a  
20 | review of the reports of a law enforcement officer or a  
21 | correctional officer, including documents relating to the  
22 | administration of a breath test or blood test or the refusal  
23 | to take either test or the refusal to take a urine test.  
24 | However, as provided in subsection (6), the driver may  
25 | subpoena the officer or any person who administered or  
26 | analyzed a breath or blood test.

27 |       Section 61. Paragraph (d) of subsection (3) of section  
28 | 322.27, Florida Statutes, is amended to read:

29 |       322.27 Authority of department to suspend or revoke  
30 | license.--

31 |

1           (3) There is established a point system for evaluation  
2 of convictions of violations of motor vehicle laws or  
3 ordinances, and violations of applicable provisions of s.  
4 403.413(6)(b) when such violations involve the use of motor  
5 vehicles, for the determination of the continuing  
6 qualification of any person to operate a motor vehicle. The  
7 department is authorized to suspend the license of any person  
8 upon showing of its records or other good and sufficient  
9 evidence that the licensee has been convicted of violation of  
10 motor vehicle laws or ordinances, or applicable provisions of  
11 s. 403.413(6)(b), amounting to 12 or more points as determined  
12 by the point system. The suspension shall be for a period of  
13 not more than 1 year.

14           (d) The point system shall have as its basic element a  
15 graduated scale of points assigning relative values to  
16 convictions of the following violations:

- 17           1. Reckless driving, willful and wanton--4 points.
  - 18           2. Leaving the scene of a crash resulting in property  
19 damage of more than \$50--6 points.
  - 20           3. Unlawful speed resulting in a crash--6 points.
  - 21           4. Passing a stopped school bus--4 points.
  - 22           5. Unlawful speed:
    - 23           a. Not in excess of 15 miles per hour of lawful or  
24 posted speed--3 points.
    - 25           b. In excess of 15 miles per hour of lawful or posted  
26 speed--4 points.
  - 27           6. All other moving violations (including parking on a  
28 highway outside the limits of a municipality)--3 points.
- 29 However, no points shall be imposed for a violation of s.  
30 316.0741 or s. 316.2065(12).  
31



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

3           8. Any conviction under s. 403.413(6)(b) ~~s.~~  
4 ~~403.413(5)(b)~~--3 points.

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

6           Section 62. Section 322.30, Florida Statutes, is  
7 amended to read:

8           322.30 No operation under foreign license during  
9 suspension, revocation, or disqualification in this state.--

10           (1) Any resident or nonresident whose driver's license  
11 or right or privilege to operate a motor vehicle in this state  
12 has been suspended, revoked, or disqualified as provided in  
13 this chapter, shall not operate a motor vehicle in this state  
14 under a license, permit, or registration certificate issued by  
15 any other jurisdiction or otherwise during such suspension,  
16 revocation, or disqualification until a new license is  
17 obtained.

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

22           Section 63. Paragraph (b) of subsection (2) and  
23 subsections (4), (5), and (6) of section 322.53, Florida  
24 Statutes, are amended to read:

25           322.53 License required; exemptions.--

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

28           (b) Military personnel driving ~~military~~  
29 operated for military purposes.

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

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

5 (4)(5) A resident who is exempt from obtaining a  
 6 commercial driver's license pursuant to paragraph (2)(b),  
 7 paragraph (2)(d), paragraph (2)(e), or paragraph (2)(f) may  
 8 drive a commercial motor vehicle pursuant to the exemption  
 9 granted in paragraph (2)(b), paragraph (2)(d), paragraph  
 10 (2)(e), or paragraph (2)(f) if he or she possesses a valid  
 11 ~~Class D or~~ Class E driver's license or a military license.

12 (5)(6) The department shall adopt rules and enter into  
 13 necessary agreements with other jurisdictions to provide for  
 14 the operation of commercial vehicles by nonresidents pursuant  
 15 to the exemption granted in subsection (2).

16 Section 64. Subsection (2) of section 322.54, Florida  
 17 Statutes, is amended to read:

18 322.54 Classification.--

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

22 (a) Any person who drives a motor vehicle combination  
 23 having a gross vehicle weight rating, ~~a declared weight, or an~~  
 24 ~~actual weight, whichever is greatest,~~ of 26,001 pounds or more  
 25 must possess a valid Class A driver's license, provided the  
 26 gross vehicle weight rating, ~~declared weight, or actual~~  
 27 ~~weight, whichever is greatest,~~ of the vehicle being towed is  
 28 more than 10,000 pounds. Any person who possesses a valid  
 29 Class A driver's license may, subject to the appropriate  
 30 restrictions and endorsements, drive any class of motor  
 31 vehicle within this state.

1           (b) Any person, except a person who possesses a valid  
2 Class A driver's license, who drives a motor vehicle having a  
3 gross vehicle weight rating, ~~a declared weight, or an actual~~  
4 ~~weight, whichever is greatest,~~ of 26,001 pounds or more must  
5 possess a valid Class B driver's license. Any person, except  
6 a person who possesses a valid Class A driver's license, who  
7 drives such vehicle towing a vehicle having a gross vehicle  
8 weight rating, ~~a declared weight, or an actual weight,~~  
9 ~~whichever is greatest,~~ of 10,000 pounds or less must possess a  
10 valid Class B driver's license. Any person who possesses a  
11 valid Class B driver's license may, subject to the appropriate  
12 restrictions and endorsements, drive any class of motor  
13 vehicle, other than the type of motor vehicle for which a  
14 Class A driver's license is required, within this state.

15           (c) ~~Any person, except a person who possesses a valid~~  
16 ~~Class A or a valid Class B driver's license, who drives a~~  
17 ~~motor vehicle combination having a gross vehicle weight~~  
18 ~~rating, a declared weight, or an actual weight, whichever is~~  
19 ~~greatest, of 26,001 pounds or more must possess a valid Class~~  
20 ~~C driver's license.~~ Any person, except a person who possesses  
21 a valid Class A or a valid Class B driver's license, who  
22 drives a motor vehicle ~~combination~~ having a gross vehicle  
23 weight rating, ~~a declared weight, or an actual weight,~~  
24 ~~whichever is greatest,~~ of less than 26,001 pounds and who is  
25 required to obtain an endorsement pursuant to ~~paragraph~~  
26 ~~(1)(a),~~ paragraph (1)(b), paragraph (1)(c), ~~paragraph (1)(d),~~  
27 or paragraph (1)(e) of s. 322.57, must possess a valid Class C  
28 driver's license ~~that is clearly restricted to the operation~~  
29 ~~of a motor vehicle or motor vehicle combination of less than~~  
30 ~~26,001 pounds.~~ Any person who possesses a valid Class C  
31 driver's license may, subject to the appropriate restrictions

1 and endorsements, drive any class of motor vehicle, other than  
 2 the type of motor vehicle for which a Class A or a Class B  
 3 driver's license is required, within this state.

4 ~~(d) Any person, except a person who possesses a valid~~  
 5 ~~Class A, valid Class B, or valid Class C driver's license, who~~  
 6 ~~drives a truck or a truck tractor having a gross vehicle~~  
 7 ~~weight rating, a declared weight, or an actual weight,~~  
 8 ~~whichever is greatest, of 8,000 pounds or more but less than~~  
 9 ~~26,001 pounds, or which has a width of more than 80 inches~~  
 10 ~~must possess a valid Class D driver's license. Any person who~~  
 11 ~~possesses a valid Class D driver's license may, subject to the~~  
 12 ~~appropriate restrictions and endorsements, drive any type of~~  
 13 ~~motor vehicle, other than the type of motor vehicle for which~~  
 14 ~~a Class A, Class B, or Class C driver's license is required,~~  
 15 ~~within this state.~~

16 ~~(d)(e)~~ Any person, except a person who possesses a  
 17 valid Class A, valid Class B, or valid Class C, ~~or valid Class~~  
 18 ~~D~~ driver's license, who drives a motor vehicle must possess a  
 19 valid Class E driver's license. Any person who possesses a  
 20 valid Class E driver's license may, subject to the appropriate  
 21 restrictions and endorsements, drive any type of motor  
 22 vehicle, other than the type of motor vehicle for which a  
 23 Class A, Class B, or Class C, ~~or Class D~~ driver's license is  
 24 required, within this state.

25 Section 65. Subsections (1) and (2) of section 322.57,  
 26 Florida Statutes, are amended to read:

27 322.57 Tests of knowledge concerning specified  
 28 vehicles; endorsement; nonresidents; violations.--

29 (1) In addition to fulfilling any other driver's  
 30 licensing requirements of this chapter, a person who:  
 31

1 (a) Drives a double or triple trailer must  
2 successfully complete a test of his or her knowledge  
3 concerning the safe operation of such vehicles.

4 (b) Drives a passenger vehicle must successfully  
5 complete a test of his or her knowledge concerning the safe  
6 operation of such vehicles and a test of his or her driving  
7 skill in such a vehicle.

8 (c) Drives a school bus must successfully complete a  
9 test of his or her knowledge concerning the safe operation of  
10 such vehicles and a test of his or her driving skill in such a  
11 vehicle. This subsection shall be implemented in accordance  
12 with 49 C.F.R. part 383.123.

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

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

24 ~~(f)(e)~~ Operates a tank vehicle transporting hazardous  
25 materials must successfully complete the tests required in  
26 paragraphs ~~(d)(e)~~ and ~~(e)(d)~~ so that the department may  
27 issue a single endorsement permitting him or her to operate  
28 such tank vehicle.

29 ~~(g)(f)~~ Drives a motorcycle must successfully complete  
30 a test of his or her knowledge concerning the safe operation  
31 of such vehicles and a test of his or her driving skills on

1 such vehicle. A person who successfully completes such tests  
2 shall be issued an endorsement if he or she is licensed to  
3 drive another type of motor vehicle. A person who  
4 successfully completes such tests and who is not licensed to  
5 drive another type of motor vehicle shall be issued a Class E  
6 driver's license that is clearly restricted to motorcycle use  
7 only.

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

23 Section 66. Paragraph (a) of subsection (1) of section  
24 322.58, Florida Statutes, is amended to read:

25 322.58 Holders of chauffeur's licenses; effect of  
26 classified licensure.--

27 (1) In order to provide for the classified licensure  
28 of commercial motor vehicle drivers, the department shall  
29 require persons who have valid chauffeur's licenses to report  
30 on or after April 1, 1991, to the department for classified  
31

1 licensure, according to a schedule developed by the  
2 department.

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

7 Section 67. Subsections (1), (2), (3), (7), (8), and  
8 (10) of section 322.61, Florida Statutes, are amended, and  
9 subsections (4) and (5) of that section are reenacted, to  
10 read:

11 322.61 Disqualification from operating a commercial  
12 motor vehicle.--

13 (1) A person who, for offenses occurring within a  
14 3-year period, is convicted of two of the following serious  
15 traffic violations or any combination thereof, arising in  
16 separate incidents committed in a commercial motor vehicle  
17 shall, in addition to any other applicable penalties, be  
18 disqualified from operating a commercial motor vehicle for a  
19 period of 60 days. A person who, for offenses occurring within  
20 a 3-year period, is convicted of two of the following serious  
21 traffic violations or any combination thereof, arising in  
22 separate incidents committed in a noncommercial motor vehicle  
23 shall, in addition to any other applicable penalties, be  
24 disqualified from operating a commercial motor vehicle for a  
25 period of 60 days if such convictions result in the  
26 suspension, revocation, or cancellation of the licenseholder's  
27 driving privilege:

28 (a) A violation of any state or local law relating to  
29 motor vehicle traffic control, other than a parking violation,  
30 a weight violation, or a vehicle equipment violation, arising  
31

1 in connection with a crash resulting in death or personal  
 2 injury to any person;

3 (b) Reckless driving, as defined in s. 316.192;  
 4 (c) Careless driving, as defined in s. 316.1925;  
 5 (d) Fleeing or attempting to elude a law enforcement  
 6 officer, as defined in s. 316.1935;  
 7 (e) Unlawful speed of 15 miles per hour or more above  
 8 the posted speed limit;

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

11 (g) Improper lane change, as defined in s. 316.085; ~~or~~  
 12 (h) Following too closely, as defined in s. 316.0895;~~or~~  
 13 (i) Driving a commercial vehicle without obtaining a  
 14 commercial driver's license;

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

17 (k) Driving a commercial vehicle without the proper  
 18 class of commercial driver's license or without the proper  
 19 endorsement.

20 (2) Any person who, for offenses occurring within a  
 21 3-year period, is convicted of three serious traffic  
 22 violations specified in subsection (1) or any combination  
 23 thereof, arising in separate incidents committed in a  
 24 commercial motor vehicle shall, in addition to any other  
 25 applicable penalties, including, but not limited to, the  
 26 penalty provided in subsection (1), be disqualified from  
 27 operating a commercial motor vehicle for a period of 120 days.  
 28 A person who, for offenses occurring within a 3-year period,  
 29 is convicted of three serious traffic violations specified in  
 30 subsection (1) or any combination thereof, arising in separate  
 31 incidents committed in a noncommercial motor vehicle shall, in



1 addition to any other applicable penalties, including, but not  
 2 limited to, the penalty provided in subsection (1), be  
 3 disqualified from operating a commercial motor vehicle for a  
 4 period of 120 days if such convictions result in the  
 5 suspension, revocation, or cancellation of the licenseholder's  
 6 driving privilege.

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

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

14 (b) Driving a commercial motor vehicle while the  
 15 alcohol concentration of his or her blood, breath, or urine is  
 16 .04 percent or higher;

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

19 (d) Using a commercial motor vehicle in the commission  
 20 of a felony;

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

23 (f) Refusing to submit to a test to determine his or  
 24 her alcohol concentration while driving a commercial motor  
 25 vehicle; ~~or~~

26 (g) Driving a commercial vehicle while the  
 27 licenseholder's commercial driver's license is suspended,  
 28 revoked, or canceled or while the licenseholder is  
 29 disqualified from driving a commercial vehicle; or

30 (h) Causing a fatality through the negligent operation  
 31 of a commercial motor vehicle.

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

8           (5) Any person who is convicted of two violations  
9 specified in subsection (3), or any combination thereof,  
10 arising in separate incidents shall be permanently  
11 disqualified from operating a commercial motor vehicle. The  
12 penalty provided in this subsection shall be in addition to  
13 any other applicable penalty.

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

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

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

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

28           (c) Not less than 3 years nor more than 5 years if,  
29 for offenses occurring during any 10-year period, the driver  
30 is convicted of or otherwise found to have committed three or  
31

1 more violations of out-of-service orders in separate  
2 incidents.

3 (d) Not less than 180 days nor more than 2 years if  
4 the driver is convicted of or otherwise found to have  
5 committed a first violation of an out-of-service order while  
6 transporting hazardous materials required to be placarded  
7 under the Hazardous Materials Transportation Act, 49 U.S.C.  
8 ss. 5101 et seq., or while operating motor vehicles designed  
9 to transport more than 15 passengers, including the driver. A  
10 driver is disqualified for a period of not less than 3 years  
11 nor more than 5 years if, for offenses occurring during any  
12 10-year period, the driver is convicted of or otherwise found  
13 to have committed any subsequent violations of out-of-service  
14 orders, in separate incidents, while transporting hazardous  
15 materials required to be placarded under the Hazardous  
16 Materials Transportation Act 49 U.S.C. ss. 5101 et seq., or  
17 while operating motor vehicles designed to transport more than  
18 15 passengers, including the driver.

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

23 (b) A driver must be disqualified for not less than  
24 120 days if, for offenses occurring during any 3-year period,  
25 the driver is convicted of or otherwise found to have  
26 committed a second railroad-highway grade crossing violation  
27 in separate incidents.

28 (c) A driver must be disqualified for not less than 1  
29 year if, for offenses occurring during any 3-year period, the  
30 driver is convicted of or otherwise found to have committed a  
31

1 third or subsequent railroad-highway grade crossing violation  
2 in separate incidents.

3 Section 68. Subsection (1) and paragraph (a) of  
4 subsection (3) of section 322.63, Florida Statutes, are  
5 amended to read:

6 322.63 Alcohol or drug testing; commercial motor  
7 vehicle operators.--

8 (1) A person who accepts the privilege extended by the  
9 laws of this state of operating a commercial motor vehicle  
10 within this state shall, by so operating such commercial motor  
11 vehicle, be deemed to have given his or her consent to submit  
12 to an approved chemical or physical test of his or her blood  
13 or, ~~breath, or urine~~ for the purpose of determining his or her  
14 alcohol concentration, and to a urine test ~~or~~ for the purpose  
15 of detecting the presence of chemical substances as set forth  
16 in s. 877.111 or of controlled substances.

17 (a) By applying for a commercial driver's license and  
18 by accepting and using a commercial driver's license, the  
19 person holding the commercial driver's license is deemed to  
20 have expressed his or her consent to the provisions of this  
21 section.

22 (b) Any person who drives a commercial motor vehicle  
23 within this state and who is not required to obtain a  
24 commercial driver's license in this state is, by his or her  
25 act of driving a commercial motor vehicle within this state,  
26 deemed to have expressed his or her consent to the provisions  
27 of this section.

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

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

5           Section 69. Subsection (1) of section 322.64, Florida  
6 Statutes, is amended, and, for the purpose of incorporating  
7 the amendment to section 322.61, Florida Statutes, in a  
8 reference thereto, subsection (14) of that section is  
9 reenacted, to read:

10           322.64 Holder of commercial driver's license; driving  
11 with unlawful blood-alcohol level; refusal to submit to  
12 breath, urine, or blood test.--

13           (1)(a) A law enforcement officer or correctional  
14 officer shall, on behalf of the department, disqualify from  
15 operating any commercial motor vehicle a person who while  
16 operating or in actual physical control of a commercial motor  
17 vehicle is arrested for a violation of s. 316.193, relating to  
18 unlawful blood-alcohol level or breath-alcohol level, or a  
19 person who has refused to submit to a breath, urine, or blood  
20 test authorized by s. 322.63 arising out of the operation or  
21 actual physical control of a commercial motor vehicle. Upon  
22 disqualification of the person, the officer shall take the  
23 person's driver's license and issue the person a 10-day  
24 temporary permit for the operation of noncommercial vehicles  
25 only if the person is otherwise eligible for the driving  
26 privilege and shall issue the person a notice of  
27 disqualification. If the person has been given a blood,  
28 breath, or urine test, the results of which are not available  
29 to the officer at the time of the arrest, the agency employing  
30 the officer shall transmit such results to the department  
31 within 5 days after receipt of the results. If the department

1 then determines that the person was arrested for a violation  
2 of s. 316.193 and that the person had a blood-alcohol level or  
3 breath-alcohol level of 0.08 or higher, the department shall  
4 disqualify the person from operating a commercial motor  
5 vehicle pursuant to subsection (3).

6 (b) The disqualification under paragraph (a) shall be  
7 pursuant to, and the notice of disqualification shall inform  
8 the driver of, the following:

9 1.a. The driver refused to submit to a lawful breath,  
10 blood, or urine test and he or she is disqualified from  
11 operating a commercial motor vehicle for a period of 1 year,  
12 for a first refusal, or permanently, if he or she has  
13 previously been disqualified as a result of a refusal to  
14 submit to such a test; or

15 b. The driver violated s. 316.193 by driving with an  
16 unlawful blood-alcohol level and he or she is disqualified  
17 from operating a commercial motor vehicle for a period of 6  
18 months for a first offense or for a period of 1 year if he or  
19 she has previously been disqualified, or his or her driving  
20 privilege has been previously suspended, for a violation of s.  
21 316.193.

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

25 3. The driver may request a formal or informal review  
26 of the disqualification by the department within 10 days after  
27 the date of arrest or issuance of notice of disqualification,  
28 whichever is later.

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

1           5. The driver may submit to the department any  
2 materials relevant to the arrest.

3           (14) The decision of the department under this section  
4 shall not be considered in any trial for a violation of s.  
5 316.193, s. 322.61, or s. 322.62, nor shall any written  
6 statement submitted by a person in his or her request for  
7 departmental review under this section be admissible into  
8 evidence against him or her in any such trial. The disposition  
9 of any related criminal proceedings shall not affect a  
10 disqualification imposed pursuant to this section.

11           Section 70. Paragraphs (c) and (f) of subsection (13)  
12 of section 713.78, Florida Statutes, are amended to read:

13           713.78 Liens for recovering, towing, or storing  
14 vehicles and vessels.--

15           (13)

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

21           a. The registered owner presents a notarized bill of  
22 sale proving that the vehicle, vessel, or mobile home was sold  
23 in a private or casual sale before the vehicle, vessel, or  
24 mobile home was recovered, towed, or stored.

25           b. The registered owner presents proof that the  
26 Florida certificate of title of the vehicle, vessel, or mobile  
27 home was sold to a licensed dealer as defined in s. 319.001  
28 before the vehicle, vessel, or mobile home was recovered,  
29 towed, or stored.

30           c. The records of the department were marked "sold"  
31 prior to the date of the tow.

1  
2 If the registered owner's dispute of a wrecker operator's lien  
3 complies with one of these criteria, the department shall  
4 immediately remove the registered owner's name from the list  
5 of those persons who may not be issued a license plate or  
6 revalidation sticker for any motor vehicle under s. 320.03(8),  
7 thereby allowing issuance of a license plate or revalidation  
8 sticker. If the vehicle, vessel, or mobile home is owned  
9 jointly by more than one person, each registered owner must  
10 dispute the wrecker operator's lien in order to be removed  
11 from the list. However, the department shall deny any dispute  
12 and maintain the registered owner's name on the list of those  
13 persons who may not be issued a license plate or revalidation  
14 sticker for any motor vehicle under s. 320.03(8) if the  
15 wrecker operator has provided the department with a certified  
16 copy of the judgment of a court which orders the registered  
17 owner to pay the wrecker operator's lien claimed under this  
18 section. In such a case, the amount of the wrecker operator's  
19 lien allowed by paragraph (b) may be increased to include no  
20 more than \$500 of the reasonable costs and attorney's fees  
21 incurred in obtaining the judgment. The department's action  
22 under this subparagraph is ministerial in nature, shall not be  
23 considered final agency action, and is appealable only to the  
24 county court for the county in which the vehicle, vessel, or  
25 mobile home was ordered removed.

26         2. A person against whom a wrecker operator's lien has  
27 been imposed may alternatively obtain a discharge of the lien  
28 by filing a complaint, challenging the validity of the lien or  
29 the amount thereof, in the county court of the county in which  
30 the vehicle, vessel, or mobile home was ordered removed. Upon  
31 filing of the complaint, the person may have her or his name



1 removed from the list of those persons who may not be issued a  
2 license plate or revalidation sticker for any motor vehicle  
3 under s. 320.03(8), thereby allowing issuance of a license  
4 plate or revalidation sticker, upon posting with the court a  
5 cash or surety bond or other adequate security equal to the  
6 amount of the wrecker operator's lien to ensure the payment of  
7 such lien in the event she or he does not prevail. Upon the  
8 posting of the bond and the payment of the applicable fee set  
9 forth in s. 28.24, the clerk of the court shall issue a  
10 certificate notifying the department of the posting of the  
11 bond and directing the department to release the wrecker  
12 operator's lien. Upon determining the respective rights of the  
13 parties, the court may award damages and costs in favor of the  
14 prevailing party.

15           3. If a person against whom a wrecker operator's lien  
16 has been imposed does not object to the lien, but cannot  
17 discharge the lien by payment because the wrecker operator has  
18 moved or gone out of business, the person may have her or his  
19 name removed from the list of those persons who may not be  
20 issued a license plate or revalidation sticker for any motor  
21 vehicle under s. 320.03(8), thereby allowing issuance of a  
22 license plate or revalidation sticker, upon posting with the  
23 clerk of court in the county in which the vehicle, vessel, or  
24 mobile home was ordered removed, a cash or surety bond or  
25 other adequate security equal to the amount of the wrecker  
26 operator's lien. Upon the posting of the bond and the payment  
27 of the application fee set forth in s. 28.24, the clerk of the  
28 court shall issue a certificate notifying the department of  
29 the posting of the bond and directing the department to  
30 release the wrecker operator's lien. The department shall mail  
31 to the wrecker operator, at the address upon the lien form,

1 notice that the wrecker operator must claim the security  
 2 within 60 days, or the security will be released back to the  
 3 person who posted it. At the conclusion of the 60 days, the  
 4 department shall direct the clerk as to which party is  
 5 entitled to payment of the security, less applicable clerk's  
 6 fees.

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

9 (f) This subsection applies only to the annual renewal  
 10 in the registered owner's birth month of a motor vehicle  
 11 registration and does not apply to the transfer of a  
 12 registration of a motor vehicle sold by a motor vehicle dealer  
 13 licensed under chapter 320, except for the transfer of  
 14 registrations which is inclusive of the annual renewals. This  
 15 subsection does not apply to any vehicle registered in the  
 16 name of the lessor. This subsection does not affect the  
 17 issuance of the title to a motor vehicle, notwithstanding s.  
 18 319.23(7)(b).

19 Section 71. Section 843.16, Florida Statutes, is  
 20 amended to read:

21 843.16 Unlawful to install or transport radio  
 22 equipment using assigned frequency of state or law enforcement  
 23 officers; definitions; exceptions; penalties.--

24 (1) ~~A No~~ person, firm, or corporation may not shall  
 25 install or transport in any motor vehicle or business  
 26 establishment, except an emergency vehicle or crime watch  
 27 vehicle as herein defined or a place established by municipal,  
 28 county, state, or federal authority for governmental purposes,  
 29 any frequency modulation radio receiving equipment so adjusted  
 30 or tuned as to receive messages or signals on frequencies  
 31 assigned by the Federal Communications Commission to police or

1 law enforcement officers or fire rescue personnel of any city  
2 or county of the state or to the state or any of its agencies.  
3 Provided, nothing herein shall be construed to affect any  
4 radio station licensed by the Federal Communications System or  
5 to affect any recognized newspaper or news publication engaged  
6 in covering the news on a full-time basis or any alarm system  
7 contractor certified pursuant to part II of chapter 489,  
8 operating a central monitoring system.

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

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

11 1. Any motor vehicle used by any law enforcement  
12 officer or employee of any city, any county, the state, the  
13 Federal Bureau of Investigation, or the Armed Forces of the  
14 United States while on official business;

15 2. Any fire department vehicle of any city or county  
16 of the state or any state fire department vehicle;

17 3. Any motor vehicle designated as an emergency  
18 vehicle by the Department of Highway Safety and Motor Vehicles  
19 when said vehicle is to be assigned the use of frequencies  
20 assigned to the state;

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

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

29 (b) "Crime watch vehicle" means any motor vehicle used  
30 by any person participating in a citizen crime watch or  
31 neighborhood watch program when such program and use are

1 approved in writing by the appropriate sheriff or chief of  
2 police where the vehicle will be used and the vehicle is  
3 assigned the use of frequencies assigned to the county or  
4 city. Such approval shall be renewed annually.

5 (3) This section shall not apply to any holder of a  
6 valid amateur radio operator or station license issued by the  
7 Federal Communications Commission or to any recognized  
8 newspaper or news publication engaged in covering the news on  
9 a full-time basis or any alarm system contractor certified  
10 pursuant to part II of chapter 489, operating a central  
11 monitoring system.

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

16 Section 72. This act shall take effect July 1, 2005.  
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