

Bill No. HB 1697, 1st Eng.

Barcode 045176

CHAMBER ACTION

Senate

House

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11 Senator Sebesta moved the following amendment:

12

Senate Amendment (with title amendment)

14 Delete everything after the enacting clause

15

16 and insert:

17 Section 1. Section 61.13016, Florida Statutes, is

18 amended to read:

<A NAME="PageLine19 61.13016 Suspension of driver's licenses and motor

20 vehicle registrations.--

21 (1) The driver's license and motor vehicle
 22 registration of a support obligor who is delinquent in payment
 23 or who has failed to comply with subpoenas or a similar order
 24 to appear or show cause relating to paternity or support
 25 proceedings may be suspended. When an obligor is 15 days
 26 delinquent making a payment in support or failure to comply
 27 with a subpoena, order to appear, order to show cause, or
 28 similar order in IV-D cases, the Title IV-D agency may provide
 29 notice to the obligor of the delinquency or failure to comply
 30 with a subpoena, order to appear, order to show cause, or
 31 similar order and the intent to suspend by regular United

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1 States mail that is posted to the obligor's last address of
 2 record with the Department of Highway Safety and Motor
 3 Vehicles. When an obligor is 15 days delinquent in making a
 4 payment in support in non-IV-D cases, and upon the request of
 5 the obligee, the depository or the clerk of the court must
 6 provide notice to the obligor of the delinquency and the
 7 intent to suspend by regular United States mail that is posted
 8 to the obligor's last address of record with the Department of
 9 Highway Safety and Motor Vehicles. In either case, the notice
 10 must state:

11 (a) The terms of the order creating the support
 12 obligation;

13 (b) The period of the delinquency and the total amount
 14 of the delinquency as of the date of the notice or describe
 15 the subpoena, order to appear, order to show cause, or other
 16 similar order which has not been complied with;

17 (c) That notification will be given to the Department
 18 of Highway Safety and Motor Vehicles to suspend the obligor's
 19 driver's license and motor vehicle registration unless, within
 20 20 days after the date the notice is mailed, the obligor:

21 1.a. Pays the delinquency in full and any other costs
 22 and fees accrued between the date of the notice and the date
 23 the delinquency is paid;

24 b. Enters into a written agreement for payment with
 25 the obligee in non-IV-D cases or with the Title IV-D agency in
 26 IV-D cases; or in IV-D cases, complies with a subpoena or
 27 order to appear, order to show cause, or a similar order; or

28 c. Files a petition with the circuit court to contest
 29 the delinquency action; and

30 2. Pays any applicable delinquency fees.

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1 If the obligor in non-IV-D cases enters into a written
2 agreement for payment before the expiration of the 20-day
3 period, the obligor must provide a copy of the signed written
4 agreement to the depository or the clerk of the court.

5 (2)(a) Upon petition filed by the obligor in the
6 circuit court within 20 days after the mailing date of the
7 notice, the court may, in its discretion, direct the
8 department to issue a license for driving privileges
9 restricted to business purposes only, as defined by s.
10 322.271, if the person is otherwise qualified for such a
11 license. As a condition for the court to exercise its
12 discretion under this subsection, the obligor must agree to a
13 schedule of payment on any child support arrearages and to
14 maintain current child support obligations. If the obligor
15 fails to comply with the schedule of payment, the court shall
16 direct the Department of Highway Safety and Motor Vehicles to
17 suspend the obligor's driver's license.

18 (b) The obligor must serve a copy of the petition on
19 the Title IV-D agency in IV-D cases or on the depository or
20 the clerk of the court in non-IV-D cases. When an obligor
21 timely files a petition to set aside a suspension, the court
22 must hear the matter within 15 days after the petition is
23 filed. The court must enter an order resolving the matter
24 within 10 days after the hearing, and a copy of the order must
25 be served on the parties. The timely filing of a petition
26 under this subsection stays the intent to suspend until the
27 entry of a court order resolving the matter.

28 (3)(2) If the obligor does not, within 20 days after
29 the mailing date on the notice, pay the delinquency, enter
30 into a payment agreement, comply with the subpoena, order to
31 appear, order to show cause, or other similar order, or file a

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1 motion to contest, the Title IV-D agency in IV-D cases, or the
 2 depository or clerk of the court in non-IV-D cases, shall file
 3 the notice with the Department of Highway Safety and Motor
 4 Vehicles and request the suspension of the obligor's driver's
 5 license and motor vehicle registration in accordance with s.
 6 322.058.

7 ~~(4)(3)~~ The obligor may, within 20 days after the
 8 mailing date on the notice of delinquency or noncompliance and
 9 intent to suspend, file in the circuit court a petition to
 10 contest the notice of delinquency or noncompliance and intent
 11 to suspend on the ground of mistake of fact regarding the
 12 existence of a delinquency or the identity of the obligor.
 13 The obligor must serve a copy of the petition on the Title
 14 IV-D agency in IV-D cases or depository or clerk of the court
 15 in non-IV-D cases. When an obligor timely files a petition to
 16 contest, the court must hear the matter within 15 days after
 17 the petition is filed. The court must enter an order
 18 resolving the matter within 10 days after the hearing, and a
 19 copy of the order must be served on the parties. The timely
 20 filing of a petition to contest stays the notice of
 21 delinquency and intent to suspend until the entry of a court
 22 order resolving the matter.

23 Section 2. Subsection (2) of section 316.006, Florida
 24 Statutes, is amended to read:

25 316.006 Jurisdiction.--Jurisdiction to control traffic
 26 is vested as follows:

27 (2) MUNICIPALITIES.--

28 (a) Chartered municipalities shall have original
 29 jurisdiction over all streets and highways located within
 30 their boundaries, except state roads, and may place and
 31 maintain such traffic control devices which conform to the

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1 manual and specifications of the Department of Transportation
2 upon all streets and highways under their original
3 jurisdiction as they shall deem necessary to indicate and to
4 carry out the provisions of this chapter or to regulate, warn,
5 or guide traffic.

6 (b) A municipality may exercise jurisdiction over any
7 private road or roads, or over any limited access road or
8 roads owned or controlled by a special district, located
9 within its boundaries if the municipality and party or parties
10 owning or controlling such road or roads provide, by written
11 agreement approved by the governing body of the municipality,
12 for municipal traffic control jurisdiction over the road or
13 roads encompassed by such agreement. Pursuant thereto:

14 1. Provision for reimbursement for actual costs of
15 traffic control and enforcement and for liability insurance
16 and indemnification by the party or parties, and such other
17 terms as are mutually agreeable, may be included in such an
18 agreement.

19 2. The exercise of jurisdiction provided for herein
20 shall be in addition to jurisdictional authority presently
21 exercised by municipalities under law, and nothing in this
22 paragraph shall be construed to limit or remove any such
23 jurisdictional authority. Such jurisdiction includes
24 regulation of access to such road or roads by security devices
25 or personnel.

26 3. Any such agreement may provide for the installation
27 of multiparty stop signs by the parties controlling the roads
28 covered by the agreement if a determination is made by such
29 parties that the signage will enhance traffic safety.
30 Multiparty stop signs must conform to the manual and
31 specifications of the Department of Transportation; however,

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1 minimum traffic volumes may not be required for the
2 installation of such signage. Enforcement for the signs shall
3 be as provided in s. 316.123.

4 (c) Notwithstanding any other provisions of law to the
5 contrary, a municipality may, by interlocal agreement with a
6 county, agree to transfer traffic regulatory authority over
7 areas within the municipality to the county.

8
9 This subsection shall not limit those counties which have the
10 charter powers to provide and regulate arterial, toll, and
11 other roads, bridges, tunnels, and related facilities from the
12 proper exercise of those powers by the placement and
13 maintenance of traffic control devices which conform to the
14 manual and specifications of the Department of Transportation
15 on streets and highways located within municipal boundaries.

16 Section 3. Section 316.083, Florida Statutes, is
17 amended to read:

18 316.083 Overtaking and passing a vehicle.--The
19 following rules shall govern the overtaking and passing of
20 vehicles proceeding in the same direction, subject to those
21 limitations, exceptions, and special rules hereinafter stated:

22 (1) The driver of a vehicle overtaking another vehicle
23 proceeding in the same direction shall give an appropriate
24 signal as provided for in s. 316.156, shall pass to the left
25 thereof at a safe distance, and shall not again drive to the
26 right side of the roadway until safely clear of the overtaken
27 vehicle.

28 (2) Except when overtaking and passing on the right is
29 permitted, the driver of an overtaken vehicle shall give way
30 to the right in favor of the overtaking vehicle, on audible
31 signal or upon the visible blinking of the headlamps of the

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1 overtaking vehicle if such overtaking is being attempted at
2 nighttime, and shall not increase the speed of his or her
3 vehicle until completely passed by the overtaking vehicle.

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

7 Section 4. Section 316.155, Florida Statutes, is
8 amended to read:

9 316.155 When signal required.--

10 (1) No person may turn a vehicle from a direct course
11 or move right or left upon a highway unless and until such
12 movement can be made with reasonable safety, and then only
13 after giving an appropriate signal in the manner hereinafter
14 provided, in the event any other vehicle may be affected by
15 the movement.

16 (2) A signal of intention to turn right or left must
17 be given continuously during not less than the last 100 feet
18 traveled by the vehicle before turning, except that such a
19 signal by hand or arm need not be given continuously by a
20 bicyclist if the hand is needed in the control or operation of
21 the bicycle.

22 (3) No person may stop or suddenly decrease the speed
23 of a vehicle without first giving an appropriate signal in the
24 manner provided herein to the driver of any vehicle
25 immediately to the rear, when there is opportunity to give
26 such signal.

27 (4) The signals provided for in s. 316.156 shall be
28 used to indicate an intention to turn, to overtake, or to pass
29 a vehicle and may not, except as provided in s. 316.2397, be
30 flashed on one side only on a parked or disabled vehicle or
31 flashed as a courtesy or "do pass" signal to operators of

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1 other vehicles approaching from the rear.

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

5 Section 5. Section 316.2095, Florida Statutes, is
6 amended to read:

7 316.2095 Footrests, handholds, and handlebars.--

8 (1) Any motorcycle carrying a passenger, other than in
9 a sidecar or enclosed cab, shall be equipped with footrests
10 and handholds for such passenger.

11 (2) No person shall operate any motorcycle with
12 handlebars or with handgrips that are higher than the top of
13 the shoulders of the person operating the motorcycle while
14 properly seated upon the motorcycle more than 15 inches in
15 height above that portion of the seat occupied by the
16 operator.

17 (3) A violation of this section is a noncriminal
18 traffic infraction, punishable as a nonmoving violation as
19 provided in chapter 318.

20 Section 6. Section 316.212, Florida Statutes, is
21 amended to read:

22 316.212 Operation of golf carts on certain
23 roadways.--The operation of a golf cart upon the public roads
24 or streets of this state is prohibited except as provided
25 herein:

26 (1) A golf cart may be operated only upon a county
27 road that has been designated by a county, or a municipal city
28 street that has been designated by a municipality city, for
29 use by golf carts. Prior to making such a designation, the
30 responsible local governmental entity must first determine
31 that golf carts may safely travel on or cross the public road

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1 or street, considering factors including the speed, volume,
 2 and character of motor vehicle traffic using the road or
 3 street. Upon a determination that golf carts may be safely
 4 operated on a designated road or street, the responsible
 5 governmental entity shall post appropriate signs to indicate
 6 that such operation is allowed.

7 (2) A golf cart may be operated on a part of the State
 8 Highway System only under the following conditions:

9 (a) To cross a portion of the State Highway System
 10 which intersects a county road or municipal ~~city~~ street that
 11 has been designated for use by golf carts if the Department of
 12 Transportation has reviewed and approved the location and
 13 design of the crossing and any traffic control devices needed
 14 for safety purposes.

15 (b) To cross, at midblock, a part of the State Highway
 16 System where a golf course is constructed on both sides of the
 17 highway if the Department of Transportation has reviewed and
 18 approved the location and design of the crossing and any
 19 traffic control devices needed for safety purposes.

20 (c) A golf cart may be operated on a state road that
 21 has been designated for transfer to a local government unit
 22 pursuant to s. 335.0415 if the Department of Transportation
 23 determines that the operation of a golf cart within the
 24 right-of-way of the road will not impede the safe and
 25 efficient flow of motor vehicular traffic. The department may
 26 authorize the operation of golf carts on such a road if:

27 1. The road is the only available public road along
 28 which golf carts may travel or cross or the road provides the
 29 safest travel route among alternative routes available; and

30 2. The speed, volume, and character of motor vehicular
 31 traffic using the road is considered in making such a

1 determination.

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3 Upon its determination that golf carts may be operated on a
4 given road, the department shall post appropriate signs on the
5 road to indicate that such operation is allowed.

6 (3) Any other provision of this section to the
7 contrary notwithstanding, a golf cart may be operated for the
8 purpose of crossing a street or highway where a single mobile
9 home park is located on both sides of the street or highway
10 and is divided by that street or highway, provided that the
11 governmental entity having original jurisdiction over such
12 street or highway shall review and approve the location of the
13 crossing and require implementation of any traffic controls
14 needed for safety purposes. This subsection shall apply only
15 to residents or guests of the mobile home park. Any other
16 provision of law to the contrary notwithstanding, if notice is
17 posted at the entrance and exit to any mobile home park that
18 residents of the park utilize golf carts or electric vehicles
19 within the confines of the park it shall not be necessary that
20 the park have a gate or other device at the entrance and exit
21 in order for such golf carts or electric vehicles to be
22 lawfully operated in the park.

23 (4) A golf cart may be operated only during the hours
24 between sunrise and sunset, unless the responsible
25 governmental entity has determined that a golf cart may be
26 operated during the hours between sunset and sunrise and the
27 golf cart is equipped with headlights, brake lights, turn
28 signals, and a windshield.

29 (5) A golf cart must be equipped with efficient
30 brakes, reliable steering apparatus, safe tires, a rearview
31 mirror, and red reflectorized warning devices in both the

1 front and rear.

2 (6) A golf cart may not be operated on public roads or
3 streets by any person under the age of 14.

4 (7) A local governmental entity may enact an ordinance
5 regarding golf cart operation and equipment which is more
6 restrictive than those enumerated in this section. Upon
7 enactment of any such ordinance, the local governmental entity
8 shall post appropriate signs or otherwise inform the residents
9 that such an ordinance exists and that it shall be enforced
10 within the local government's jurisdictional territory. An
11 ordinance referred to in this section must apply only to an
12 unlicensed driver.

13 (8)(7) A violation of this section is a noncriminal
14 traffic infraction, punishable pursuant to chapter 318 as
15 either a moving violation for infractions of subsection (1),
16 subsection (2), subsection (3), ~~or~~ subsection (4), or a local
17 ordinance corresponding thereto and enacted pursuant to
18 subsection (7), or punishable pursuant to chapter 318 as a
19 nonmoving violation for infractions of ~~subsection~~ subsections
20 (5), subsection and (6), or a local ordinance corresponding
21 thereto and enacted pursuant to subsection (7).

22 Section 7. Section 316.2126, Florida Statutes, is
23 amended to read:

24 316.2126 Use of golf carts and utility vehicles by
25 municipalities.--In addition to the powers granted by ss.
26 316.212 and 316.2125, municipalities are hereby authorized to
27 utilize golf carts and utility vehicles, as defined in s.
28 320.01, upon any state, county, or municipal roads located
29 within the corporate limits of such municipalities, subject to
30 the following conditions:

31 (1) Golf carts and utility vehicles must comply with

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1 the operational and safety requirements in ss. 316.212 and
 2 316.2125, and with any more restrictive ordinances enacted by
 3 the local governmental entity pursuant to s. 316.212(7), and
 4 shall only be operated by municipal employees for municipal
 5 purposes, including, but not limited to, police patrol,
 6 traffic enforcement, and inspection of public facilities.

7 (2) In addition to the safety equipment required in s.
 8 316.212(5) and any more restrictive safety equipment required
 9 by the local governmental entity pursuant to s. 316.212(7),
 10 such golf carts and utility vehicles must be equipped with
 11 sufficient lighting and turn signal equipment.

12 (3) Golf carts and utility vehicles may only be
 13 operated on state roads that have a posted speed limit of 30
 14 miles per hour or less.

15 (4) A municipal employee operating a golf cart or
 16 utility vehicle pursuant to this section must possess a valid
 17 driver's license as required by s. 322.03.

18 Section 8. Subsection (11) is added to section
 19 316.302, Florida Statutes, to read:

20 316.302 Commercial motor vehicles; safety regulations;
 21 transporters and shippers of hazardous materials;
 22 enforcement.--

23 (11) In addition to any other penalty provided in this
 24 section, a person who operates a commercial motor vehicle that
 25 bears an identification number required by this section which
 26 is false, fraudulent, or displayed without the consent of the
 27 person to whom it is assigned commits a misdemeanor of the
 28 first degree, punishable as provided in s. 775.082 or s.
 29 775.083.

30 Section 9. Section 316.3045, Florida Statutes, is
 31 amended to read:

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1 316.3045 Operation of radios or other mechanical
2 soundmaking devices or instruments in vehicles; exemptions.--

3 (1) It is unlawful for any person operating or
4 occupying a motor vehicle on a street or highway to operate or
5 amplify the sound produced by a radio, tape player, or other
6 mechanical soundmaking device or instrument from within the
7 motor vehicle so that the sound is:

8 (a) Plainly audible at a distance of 25 ~~100~~ feet or
9 more from the motor vehicle; or

10 (b) Louder than necessary for the convenient hearing
11 by persons inside the vehicle in areas adjoining churches,
12 schools, or hospitals.

13 (2) The provisions of this section shall not apply to
14 any law enforcement motor vehicle equipped with any
15 communication device necessary in the performance of law
16 enforcement duties or to any emergency vehicle equipped with
17 any communication device necessary in the performance of any
18 emergency procedures.

19 (3) The provisions of this section do not apply to
20 motor vehicles used for business or political purposes, which
21 in the normal course of conducting such business use
22 soundmaking devices. The provisions of this subsection shall
23 not be deemed to prevent local authorities, with respect to
24 streets and highways under their jurisdiction and within the
25 reasonable exercise of the police power, from regulating the
26 time and manner in which such business may be operated.

27 (4) The provisions of this section do not apply to the
28 noise made by a horn or other warning device required or
29 permitted by s. 316.271. The Department of Highway Safety and
30 Motor Vehicles shall promulgate rules defining "plainly
31 audible" and establish standards regarding how sound should be

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1 measured by law enforcement personnel who enforce the
2 provisions of this section.

3 (5) A violation of this section is a noncriminal
4 traffic infraction, punishable as a nonmoving violation as
5 provided in chapter 318.

6 Section 10. Section 318.1215, Florida Statutes, is
7 amended to read:

8 318.1215 Dori Slosberg Driver Education Safety
9 Act.--Effective October 1, 2002, notwithstanding the
10 provisions of s. 318.121, a board of county commissioners may
11 require, by ordinance, that the clerk of the court collect an
12 additional \$3 with each civil traffic penalty, which shall be
13 used to fund driver ~~traffic~~ education programs in public and
14 nonpublic schools. The ordinance shall provide for the board
15 of county commissioners to administer the funds, which shall
16 be used for enhancement, and not replacement, of driver
17 education program funds. The funds shall be used for direct
18 educational expenses and shall not be used for administration.
19 Each driver education program receiving funds pursuant to this
20 section shall require that a minimum of 30 percent of a
21 student's time in the program be behind-the-wheel training.

22 This section may be cited as the "Dori Slosberg Driver
23 Education Safety Act."

24 Section 11. Effective October 1, 2005, subsection (5)
25 of section 318.14, Florida Statutes, is amended to read:

26 318.14 Noncriminal traffic infractions; exception;
27 procedures.--

28 (5) Any person electing to appear before the
29 designated official or who is required so to appear shall be
30 deemed to have waived his or her right to the civil penalty
31 provisions of s. 318.18. The official, after a hearing, shall

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1 make a determination as to whether an infraction has been
 2 committed. If the commission of an infraction has been proven,
 3 the official may impose a civil penalty not to exceed \$500,
 4 except that in cases involving unlawful speed in a school zone
 5 or involving unlawful speed in a construction zone, ~~or~~
 6 ~~involving a death~~, the civil penalty may not exceed \$1,000; or
 7 require attendance at a driver improvement school, or both. If
 8 the person is required to appear before the designated
 9 official pursuant to s. 318.19(1) and is found to have
 10 committed the infraction, the designated official shall impose
 11 a civil penalty of \$1,000 in addition to any other penalties
 12 and the person's driver's license shall be suspended for 6
 13 months. If the person is required to appear before the
 14 designated official pursuant to s. 318.19(2) and is found to
 15 have committed the infraction, the designated official shall
 16 impose a civil penalty of \$500 in addition to any other
 17 penalties and the person's driver's license shall be suspended
 18 for 3 months. If the official determines that no infraction
 19 has been committed, no costs or penalties shall be imposed and
 20 any costs or penalties that have been paid shall be returned.
 21 Moneys received from the mandatory civil penalties imposed
 22 pursuant to this subsection upon persons required to appear
 23 before a designated official pursuant to s. 318.19(1) or (2)
 24 shall be remitted to the Department of Revenue and deposited
 25 into the Department of Health Administrative Trust Fund to
 26 provide financial support to certified trauma centers to
 27 assure the availability and accessibility of trauma services
 28 throughout the state. Funds deposited into the Administrative
 29 Trust Fund under this section shall be allocated as follows:
 30 (a) Fifty percent shall be allocated equally among all
 31 Level I, Level II, and pediatric trauma centers in recognition

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1 of readiness costs for maintaining trauma services.

2 (b) Fifty percent shall be allocated among Level I,
3 Level II, and pediatric trauma centers based on each center's
4 relative volume of trauma cases as reported in the Department
5 of Health Trauma Registry.

6 Section 12. Effective October 1, 2005, subsection (13)
7 is added to section 318.21, Florida Statutes, to read:

8 318.21 Disposition of civil penalties by county
9 courts.--All civil penalties received by a county court
10 pursuant to the provisions of this chapter shall be
11 distributed and paid monthly as follows:

12 (13) Notwithstanding subsections (1) and (2), the
13 proceeds from the mandatory civil penalties imposed pursuant
14 to s. 318.14(5) shall be distributed as provided in that
15 section.

16 Section 13. Paragraph (b) of subsection (3) of section
17 319.30, Florida Statutes, is amended to read:

18 319.30 Definitions; dismantling, destruction, change
19 of identity of motor vehicle or mobile home; salvage.--

20 (3)

21 (b) The owner, including persons who are self-insured,
22 of any motor vehicle or mobile home which is considered to be
23 salvage shall, within 72 hours after the motor vehicle or
24 mobile home becomes salvage, forward the title to the motor
25 vehicle or mobile home to the department for processing.

26 However, an insurance company which pays money as compensation
27 for total loss of a motor vehicle or mobile home shall obtain
28 the certificate of title for the motor vehicle or mobile home
29 and, within 72 hours after receiving such certificate of
30 title, shall forward such title to the department for
31 processing. The owner or insurance company, as the case may

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1 be, may not dispose of a vehicle or mobile home that is a
2 total loss before it has obtained a salvage certificate of
3 title or certificate of destruction from the department. When
4 applying for a salvage certificate of title or certificate of
5 destruction, the owner or insurance company must provide the
6 department with an estimate of the costs of repairing the
7 physical and mechanical damage suffered by the vehicle for
8 which a salvage certificate of title or certificate of
9 destruction is sought. If the estimated costs of repairing the
10 physical and mechanical damage to the vehicle are equal to 80
11 percent or more of the current retail cost of the vehicle, as
12 established in any official used car or used mobile home
13 guide, the department shall declare the vehicle unrebuildable
14 and print a certificate of destruction, which authorizes the
15 dismantling or destruction of the motor vehicle or mobile home
16 described therein. However, if the damaged motor vehicle is
17 equipped with custom-lowered floors for wheelchair access or a
18 wheelchair lift, the insurance company may, upon determining
19 that the vehicle is repairable to a condition that is safe for
20 operation on public roads, submit the certificate of title to
21 the department for reissuance as a salvage rebuildable title
22 and the addition of a title brand of "insurance-declared total
23 loss." This certificate of destruction shall be reassignable a
24 maximum of two times before dismantling or destruction of the
25 vehicle shall be required, and shall accompany the motor
26 vehicle or mobile home for which it is issued, when such motor
27 vehicle or mobile home is sold for such purposes, in lieu of a
28 certificate of title, and, thereafter, the department shall
29 refuse issuance of any certificate of title for that vehicle.
30 Nothing in this subsection shall be applicable when a vehicle
31 is worth less than \$1,500 retail in undamaged condition in any

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1 official used motor vehicle guide or used mobile home guide or
 2 when a stolen motor vehicle or mobile home is recovered in
 3 substantially intact condition and is readily resalable
 4 without extensive repairs to or replacement of the frame or
 5 engine. Any person who willfully and deliberately violates
 6 this paragraph or falsifies any document to avoid the
 7 requirements of this paragraph commits a misdemeanor of the
 8 first degree, punishable as provided in s. 775.082 or s.
 9 775.083.

10 Section 14. Subsection (19) is added to section
 11 320.02, Florida Statutes, to read:

12 320.02 Registration required; application for
 13 registration; forms.--

14 (19) The department is authorized to withhold
 15 registration or re-registration of a motor vehicle if the name
 16 of the owner or of a co-owner appears on a list submitted to
 17 the department by a licensed motor vehicle dealer for a
 18 previous registration of that vehicle. The motor vehicle
 19 dealer must maintain signed evidence that the owner or
 20 co-owner acknowledged the dealer's authority to submit the
 21 list to the department if he or she failed to pay and must
 22 note the amount for which the owner or co-owner would be
 23 responsible for the vehicle registration. The dealer must
 24 maintain the necessary documentation required in this
 25 subsection or face penalties as provided in s. 320.27. This
 26 subsection does not affect the issuance of a title to a motor
 27 vehicle.

28 (a) The motor vehicle owner or co-owner may dispute
 29 the claim that money is owed to a dealer for registration fees
 30 by submitting a form to the department if the motor vehicle
 31 owner or co-owner has documentary proof that the registration

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1 fees have been paid to the dealer for the disputed amount.
 2 Without clear evidence of the amounts owed for the vehicle
 3 registration and repayment, the department will assume initial
 4 payments are applied to government-assessed fees first.

5 (b) If the registered owner's dispute complies with
 6 paragraph (a), the department shall immediately remove the
 7 motor vehicle owner or co-owner's name from the list, thereby
 8 allowing the issuance of a license plate or revalidation
 9 sticker.

10 Section 15. Paragraph (b) of subsection (9) of section
 11 320.27, Florida Statutes, is amended to read:

12 320.27 Motor vehicle dealers.--

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

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

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

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

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

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

12 5. Failure of any motor vehicle dealer to comply with
13 the terms of any bona fide written, executed agreement,
14 pursuant to the sale of a motor vehicle.

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

17 7. Use of the dealer license identification number by
18 any person other than the licensed dealer or his or her
19 designee.

20 8. Failure to continually meet the requirements of the
21 licensure law.

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

28 10. Requirement by any motor vehicle dealer that a
29 customer or purchaser accept equipment on his or her motor
30 vehicle which was not ordered by the customer or purchaser.

31 11. Requirement by any motor vehicle dealer that any

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1 customer or purchaser finance a motor vehicle with a specific
2 financial institution or company.

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

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

11 14. Violation of any of the provisions of s. 319.35 by
12 any motor vehicle dealer.

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

19 16. Willful failure to comply with any administrative
20 rule adopted by the department.

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

27 18. Failure to maintain evidence of notification to
28 the owner or co-owner of a vehicle regarding registration or
29 titling fees owned as required in s. 320.02(19).

30 Section 16. Subsections (7), (30), (33), and (56) of
31 section 320.08058, Florida Statutes, are amended to read:

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1 320.08058 Specialty license plates.--

2 (7) ~~FLORIDA~~ SPECIAL OLYMPICS FLORIDA LICENSE PLATES.--

3 (a) ~~Florida~~ Special Olympics Florida license plates

4 must contain the official ~~Florida~~ Special Olympics Florida

5 logo and must bear a design and colors that are approved by

6 the department. The word "Florida" must be centered at the

7 bottom ~~top~~ of the plate, and the words "Everyone Wins"

8 ~~"Support Florida Special Olympics"~~ must be centered at the top

9 ~~bottom~~ of the plate.

10 (b) The license plate annual use fees are to be

11 annually distributed as follows:

12 1. The first \$5 million collected annually must be

13 forwarded to the private nonprofit corporation as described in

14 s. 393.002 and must be used solely for Special Olympics

15 purposes as approved by the private nonprofit corporation.

16 2. Any additional fees must be deposited into the

17 General Revenue Fund.

18 (30) CHOOSE LIFE LICENSE PLATES.--

19 (a) The department shall develop a Choose Life license

20 plate as provided in this section. The word "Florida" must

21 appear at the bottom of the plate, and the words "Choose Life"

22 must appear at the top of the plate.

23 (b) The annual use fees shall be distributed annually

24 to each county in the ratio that the annual use fees collected

25 by each county bears to the total fees collected for the

26 plates within the state. Each county shall distribute the

27 funds to nongovernmental, not-for-profit agencies within the

28 county, which agencies' services are limited to counseling and

29 meeting the physical needs of pregnant women who are committed

30 to placing their children for adoption. Funds may not be

31 distributed to any agency that is involved or associated with

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1 abortion activities, including counseling for or referrals to
 2 abortion clinics, providing medical abortion-related
 3 procedures, or proabortion advertising, and funds may not be
 4 distributed to any agency that charges women for services
 5 received.

6 1. Agencies that receive the funds must use at least
 7 70 percent of the funds to provide for the material needs of
 8 pregnant women who are committed to placing their children for
 9 adoption, including clothing, housing, medical care, food,
 10 utilities, and transportation. Such funds may also be expended
 11 on infants awaiting placement with adoptive parents.

12 2. The remaining funds may be used for adoption,
 13 counseling, training, or advertising, but may not be used for
 14 administrative expenses, legal expenses, or capital
 15 expenditures.

16 3. Each agency that receives such funds must submit an
 17 annual attestation ~~audit, prepared by a certified public~~
 18 ~~accountant,~~ to the county. ~~The county may conduct a~~
 19 ~~consolidated audit in lieu of the annual audit.~~ Any unused
 20 funds that exceed 10 percent of the funds received by an
 21 agency during its fiscal year must be returned to the county,
 22 which shall distribute them to other qualified agencies.

23 (33) UNITED WE STAND LICENSE PLATES.--

24 (a) Notwithstanding the provisions of s. 320.08053,
 25 the department shall develop a United We Stand license plate
 26 as provided in this section. The American Flag must appear on
 27 the license plate in addition to the words "United We Stand."
 28 The colors of the license plate must be red, white, and blue.

29 (b) The department shall retain all revenues from the
 30 sale of such plates until all startup costs for developing and
 31 issuing the plates have been recovered. Thereafter, 100 ~~50~~

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1 percent of the annual use fee shall be distributed to the
 2 Department of Transportation SAFE Council to fund a grant
 3 program to enhance security at airports throughout the state,
 4 ~~pursuant to s. 332.14 and 50 percent of such fees shall be~~
 5 ~~distributed to the Rewards for Justice Fund, to be contributed~~
 6 ~~to the United States State Department's Rewards for Justice~~
 7 ~~program and used solely to apprehend terrorists and bring them~~
 8 ~~to justice.~~

9 (56) ANIMAL FRIEND LICENSE PLATES.--

10 (a) Notwithstanding the provisions of s. 320.08053,
 11 the department shall develop an Animal Friend license plate as
 12 provided in this section. Animal Friend license plates must
 13 bear the colors and design approved by the department. The
 14 word "Florida" must appear at the top of the plate, and the
 15 words "Animal Friend" must appear at the bottom of the plate.

16 (b) The department shall retain all annual use fee
 17 revenues from the sale of such plates until all startup costs
 18 for developing and issuing the plates are recovered, not to
 19 exceed \$60,000.

20 (c) After the department has recovered all startup
 21 costs for developing and issuing the plates, the annual use
 22 fees shall be distributed to the Florida Animal Friend, Inc.,
 23 ~~for Humane Society of the United States for animal welfare~~
 24 ~~programs and~~ spay and neuter programs in the state.

25 (d) No more than 10 percent of the fees collected may
 26 be used for administrative costs directly associated with
 27 marketing and promotion of the Animal Friend license plate and
 28 distribution of funds as described in paragraph (c).

29 (e) Funds received from the purchase of the Animal
 30 Friend license plate shall not be used for litigation.

31 Section 17. Paragraph (a) of subsection (1) of section

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1 320.089, Florida Statutes, is amended to read:

2 320.089 Members of National Guard and active United
3 States Armed Forces reservists; former prisoners of war;
4 survivors of Pearl Harbor; Purple Heart medal recipients;
5 special license plates; fee.--

6 (1)(a) Each owner or lessee of an automobile or truck
7 for private use or recreational vehicle as specified in s.
8 320.08(9)(c) or (d), which is not used for hire or commercial
9 use, who is a resident of the state and an active or retired
10 member of the Florida National Guard, a survivor of the attack
11 on Pearl Harbor, a recipient of the Purple Heart medal, or an
12 active or retired member of any branch of the United States
13 Armed Forces Reserve shall, upon application to the
14 department, accompanied by proof of active membership or
15 retired status in the Florida National Guard, proof of
16 membership in the Pearl Harbor Survivors Association or proof
17 of active military duty in Pearl Harbor on December 7, 1941,
18 proof of being a Purple Heart medal recipient, or proof of
19 active or retired membership in any branch of the Armed Forces
20 Reserve, and upon payment of the license tax for the vehicle
21 as provided in s. 320.08, be issued a license plate as
22 provided by s. 320.06, upon which, in lieu of the serial
23 numbers prescribed by s. 320.06, shall be stamped the words
24 "National Guard," "Pearl Harbor Survivor," "Combat-wounded
25 veteran," or "U.S. Reserve," as appropriate, followed by the
26 serial number of the license plate. Additionally, the Purple
27 Heart plate may have the words "Purple Heart" stamped on the
28 plate and the likeness of the Purple Heart medal appearing on
29 the plate.

30 Section 18. Subsection (15) of section 320.77, Florida
31 Statutes, is amended to read:

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1 320.77 License required of mobile home dealers.--

2 (15) SURETY BOND, CASH BOND, OR IRREVOCABLE LETTER OF
3 CREDIT REQUIRED.--

4 (a) Before any license shall be issued or renewed, the
5 applicant or licensee shall deliver to the department a good
6 and sufficient surety bond, cash bond, or irrevocable letter
7 of credit, executed by the applicant or licensee as principal
8 ~~and by a surety company qualified to do business in the state~~
9 ~~as surety~~. The bond or irrevocable letter of credit shall be
10 in a form to be approved by the department and shall be
11 conditioned upon the dealer's complying with the conditions of
12 any written contract made by the dealer in connection with the
13 sale, exchange, or improvement of any mobile home and his or
14 her not violating any of the provisions of chapter 319 or this
15 chapter in the conduct of the business for which the dealer is
16 licensed. The bond or irrevocable letter of credit shall be
17 to the department and in favor of any retail customer who
18 shall suffer any loss as a result of any violation of the
19 conditions ~~hereinabove~~ contained in this section. The bond or
20 irrevocable letter of credit shall be for the license period,
21 and a new bond or irrevocable letter of credit or a proper
22 continuation certificate shall be delivered to the department
23 at the beginning of each license period. However, the
24 aggregate liability of the surety in any one license year
25 shall in no event exceed the sum of such bond, or, in the case
26 of a letter of credit, the aggregate liability of the issuing
27 bank shall not exceed the sum of the credit. The amount of the
28 bond required shall be as follows:

29 1. A single dealer who buys, sells, or deals in mobile
30 homes and who has four or fewer supplemental licenses shall
31 provide a surety bond, cash bond, or irrevocable letter of

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1 credit executed by the dealer applicant or licensee in the
2 amount of \$25,000.

3 2. A single dealer who buys, sells, or deals in mobile
4 homes and who has more than four supplemental licenses shall
5 provide a surety bond, cash bond, or irrevocable letter of
6 credit executed by the dealer applicant or licensee in the
7 amount of \$50,000.

8
9 For the purposes of this paragraph, any person who buys,
10 sells, or deals in both mobile homes and recreational vehicles
11 shall provide the same surety bond required of dealers who
12 buy, sell, or deal in mobile homes only.

13 **(b)** Surety bonds shall be executed by a surety company
14 authorized to do business in the state as surety, and
15 irrevocable letters of credit shall be issued by a bank
16 authorized to do business in the state as a bank.

17 **(c)** Irrevocable letters of credit shall be engaged by
18 a bank as an agreement to honor demands for payment as
19 specified in this section.

20 **(d)(b)** The department shall, upon denial, suspension,
21 or revocation of any license, notify the surety company of the
22 licensee or bank issuing an irrevocable letter of credit for
23 the licensee, in writing, that the license has been denied,
24 suspended, or revoked and shall state the reason for such
25 denial, suspension, or revocation.

26 **(e)(c)** Any surety company that ~~which~~ pays any claim
27 against the bond of any licensee or any bank that honors a
28 demand for payment as a condition specified in a letter of
29 credit of a licensee shall notify the department, in writing,
30 that ~~it has paid~~ such action has been taken ~~a claim~~ and shall
31 state the amount of the claim or payment.

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1 ~~(f)(d)~~ Any surety company that ~~which~~ cancels the bond
 2 of any licensee or any bank that cancels an irrevocable letter
 3 of credit shall notify the department, in writing, of such
 4 cancellation, giving reason for the cancellation.

5 Section 19. Subsection (6) of section 322.08, Florida
 6 Statutes, is amended to read:

7 322.08 Application for license.--

8 (6) The application form for a driver's license or
 9 duplicate thereof shall include language permitting the
 10 following:

11 (a) A voluntary contribution of \$5 per applicant,
 12 which contribution shall be transferred into the Election
 13 Campaign Financing Trust Fund.

14 (b) A voluntary contribution of \$1 per applicant,
 15 which contribution shall be deposited into the Florida Organ
 16 and Tissue Donor Education and Procurement Trust Fund for
 17 organ and tissue donor education and for maintaining the organ
 18 and tissue donor registry.

19 (c) A voluntary contribution of \$1 per applicant,
 20 which contribution shall be distributed to the Florida Council
 21 of the Blind.

22 (d) A voluntary contribution of \$2 per applicant,
 23 which shall be distributed to the Hearing Research Institute,
 24 Incorporated, ~~for the purpose of infant hearing screening in~~
 25 ~~Florida.~~

26 (e) A voluntary contribution of \$1 per applicant,
 27 which shall be distributed to the Juvenile Diabetes Foundation
 28 International.

29
 30 A statement providing an explanation of the purpose of the
 31 trust funds shall also be included. For the purpose of

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1 applying the service charge provided in s. 215.20,
2 contributions received under paragraphs (c), (d), and (e) and
3 under s. 322.18(9)(a) are not income of a revenue nature.

4 Section 20. Subsection (14) of section 322.2615,
5 Florida Statutes, is amended, and subsection (16) is added to
6 that section, to read:

7 322.2615 Suspension of license; right to review.--

8 (14)(a) The decision of the department under this
9 section may ~~shall~~ not be considered in any trial for a
10 violation of s. 316.193, and a ~~nor shall any~~ written statement
11 submitted by a person in his or her request for departmental
12 review under this section may not be admitted ~~admissible~~ into
13 evidence against him or her in any such trial.

14 (b) The disposition of any related criminal
15 proceedings does ~~shall~~ not affect a suspension for refusal to
16 submit to a blood, breath, or urine test, authorized by s.
17 316.1932 or s. 316.1933, imposed under ~~pursuant to~~ this
18 section.

19 (16) The department shall invalidate a suspension for
20 driving with an unlawful blood-alcohol level or breath-alcohol
21 level imposed under this section if the suspended person is
22 found not guilty at trial of an underlying violation of s.
23 316.193.

24 Section 21. (1) There is created the Manufactured
25 Housing Regulatory Study Commission. The study commission
26 shall be composed of 11 members who shall be appointed as
27 follows:

28 (a) Four members appointed by the Florida Manufactured
29 Housing Association, one member representing publicly owned
30 manufacturers of manufactured housing, one member representing
31 privately owned manufacturers of manufactured housing, and two

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1 members who are retail sellers of manufactured housing, one of
2 whom must also sell residential manufactured buildings
3 approved by the Department of Community Affairs.

4 (b) Two members from the Senate, appointed by the
5 President of the Senate.

6 (c) Two members from the House of Representatives,
7 appointed by the Speaker of the House of Representatives.

8 (d) The secretary of the Department of Community
9 Affairs or the secretary's designee.

10 (e) The executive director of the Department of
11 Highway Safety and Motor Vehicles or the director's designee.

12 (f) The commissioner of the Department of Agriculture
13 and Consumer Services or the commissioner's designee.

14
15 The commission members representing the departments of
16 Community Affairs, Highway Safety and Motor Vehicles, and
17 Agriculture and Consumer Services shall serve as ex officio,
18 nonvoting members of the study commission.

19 (2) The study commission shall review the programs
20 regulating manufactured and mobile homes which are currently
21 located at the Department of Highway Safety and Motor Vehicles
22 and must include a review of the following programs and
23 activities:

24 (a) The federal construction and inspection programs.

25 (b) The installation program, including the regulation
26 and inspection functions.

27 (c) The Mobile Home and RV Protection Trust Fund.

28 (d) The licensing of manufacturers, retailers, and
29 installers of manufactured and mobile homes.

30 (e) The titling of manufactured and mobile homes.

31 (f) Dispute resolution.

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During the course of the study, the study commission must review the sources funding the programs to determine if the manufactured and mobile home programs are or can be self-sustaining. The study commission shall also consider the impact that changes in regulation may have on the industry and its consumers.

(3) The study commission shall be administratively supported by the staff of the transportation committees of the Senate and the House of Representatives.

(4)(a) The study commission must hold its initial meeting no later than August 15, 2005, in Tallahassee. Staff to the commission shall schedule and organize the initial meeting. Subsequent meetings of the study commission must be held in Tallahassee according to a schedule developed by the chair.

(b) At the initial meeting, the study commission shall elect a chair from one of the elected official members.

(5) The study commission must submit a final report setting forth its findings and recommendations to the Governor, the President of the Senate, and the Speaker of the House of Representatives on or before January 1, 2006.

(6) Members of the study commission shall serve without compensation, but are entitled to be reimbursed for per diem and travel expenses under section 112.061, Florida Statutes.

(7) The study commission terminates after submitting its final report but not later than February 15, 2006.

Section 22. Subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke

1 license.--

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

15 (a) When a licensee accumulates 12 points within a
16 12-month period, the period of suspension shall be for not
17 more than 30 days.

18 (b) When a licensee accumulates 18 points, including
19 points upon which suspension action is taken under paragraph
20 (a), within an 18-month period, the suspension shall be for a
21 period of not more than 3 months.

22 (c) When a licensee accumulates 24 points, including
23 points upon which suspension action is taken under paragraphs
24 (a) and (b), within a 36-month period, the suspension shall be
25 for a period of not more than 1 year.

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

- 29 1. Reckless driving, willful and wanton--4 points.
- 30 2. Leaving the scene of a crash resulting in property
31 damage of more than \$50--6 points.

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1 3. Unlawful speed resulting in a crash--6 points.

2 4. Passing a stopped school bus--4 points.

3 5. Unlawful speed:

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

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

8 6. All other moving violations (including parking on a
9 highway outside the limits of a municipality)--3 points.

10 However, no points shall be imposed for a violation of s.

11 316.0741 or s. 316.2065(12).

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

14 8. Any conviction under s. 403.413(6)(b) ~~s.~~

15 ~~403.413(5)(b)~~--3 points.

16 (e) A conviction in another state of a violation
17 therein which, if committed in this state, would be a
18 violation of the traffic laws of this state, or a conviction
19 of an offense under any federal law substantially conforming
20 to the traffic laws of this state, except a violation of s.
21 322.26, may be recorded against a driver on the basis of the
22 same number of points received had the conviction been made in
23 a court of this state.

24 (f) In computing the total number of points, when the
25 licensee reaches the danger zone, the department is authorized
26 to send the licensee a warning letter advising that any
27 further convictions may result in suspension of his or her
28 driving privilege.

29 (g) The department shall administer and enforce the
30 provisions of this law and may make rules and regulations
31 necessary for its administration.

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1 (h) Three points shall be deducted from the driver
 2 history record of any person whose driving privilege has been
 3 suspended only once pursuant to this subsection and has been
 4 reinstated, if such person has complied with all other
 5 requirements of this chapter.

6 (i) This subsection shall not apply to persons
 7 operating a nonmotorized vehicle for which a driver's license
 8 is not required.

9 Section 23. Subsections (1), (2), (3), (7), (8), and
 10 (10) of section 322.61, Florida Statutes, are amended to 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 in connection with a crash resulting in death or personal

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1 injury to any person;

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

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

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

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

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

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

11 (h) Following too closely, as defined in s. 316.0895; ~~-~~

12 (i) Driving a commercial vehicle without obtaining a
13 commercial driver's license;

14 (j) Driving a commercial vehicle without the proper
15 class of commercial driver's license or without the proper
16 endorsement; or

17 (k) Driving a commercial vehicle without a commercial
18 driver's license in possession, as required by s. 322.03. Any
19 individual who provides proof to the clerk of the court or
20 designated official in the jurisdiction where the citation was
21 issued, by the date the individual must appear in court or pay
22 any fine for such a violation, that the individual held a
23 valid commercial driver's license on the date the citation was
24 issued is not guilty of this offense.

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

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1 commercial motor vehicle for a period of 120 days.

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

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

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

19 (b) Driving a commercial motor vehicle while the
 20 alcohol concentration of his or her blood, breath, or urine is
 21 .04 percent or higher;

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

24 (d) Using a commercial motor vehicle in the commission
 25 of a felony;

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

28 (f) Refusing to submit to a test to determine his or
 29 her alcohol concentration while driving a commercial motor
 30 vehicle;—

31 (g) Driving a commercial vehicle while the

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1 licenseholder's commercial driver's license is suspended,
2 revoked, or canceled or while the licenseholder is
3 disqualified from driving a commercial vehicle; or

4 (h) Causing a fatality through the negligent operation
5 of a commercial motor vehicle.

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

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

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

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

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

25 (d) Not less than 180 days nor more than 2 years if
26 the driver is convicted of or otherwise found to have
27 committed a first violation of an out-of-service order while
28 transporting hazardous materials required to be placarded
29 under the Hazardous Materials Transportation Act, 49 U.S.C.
30 ss. 5101 et seq., or while operating motor vehicles designed
31 to transport more than 15 passengers, including the driver. A

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1 driver is disqualified for a period of not less than 3 years
 2 nor more than 5 years if, for offenses occurring during any
 3 10-year period, the driver is convicted of or otherwise found
 4 to have committed any subsequent violations of out-of-service
 5 orders, in separate incidents, while transporting hazardous
 6 materials required to be placarded under the Hazardous
 7 Materials Transportation Act 49 U.S.C. ss. 5101 et seq., or
 8 while operating motor vehicles designed to transport more than
 9 15 passengers, including the driver.

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

14 (b) A driver must be disqualified for not less than
 15 120 days if, for offenses occurring during any 3-year period,
 16 the driver is convicted of or otherwise found to have
 17 committed a second railroad-highway grade crossing violation
 18 in separate incidents.

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

24 Section 24. Subsection (5) is added to section 321.24,
 25 to read:

26 321.24 Members of an auxiliary to Florida Highway
 27 Patrol.--

28 (5) Notwithstanding any other law to the contrary, any
 29 volunteer highway patrol troop surgeon appointed by the
 30 director of the Florida Highway Patrol, and any volunteer
 31 licensed health professional appointed by the director of the

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1 Florida Highway Patrol to work under the medical direction of
2 a highway patrol troop surgeon is considered an employee for
3 purposes of s. 768.28(9).

4 Section 25. Section 549.102, Florida Statutes, is
5 created to read:

6 549.102 Motorsports entertainment complex; overnight
7 parking.--Notwithstanding any other law to the contrary, the
8 owner of a motorsports entertainment complex may allow
9 temporary overnight parking during a motorsports event and the
10 2 days immediately preceding and following such motorsports
11 event without any other license or permit as long as the area
12 where such temporary overnight parking is allowed meets
13 applicable health department requirements other than site
14 requirements. The Department of Health, or any other health
15 agency in the state, shall not regard such temporary overnight
16 parking as a "recreational vehicle park" as described in
17 chapter 513 and the administrative code adopted under that
18 chapter.

19 Section 26. Subsection (6) of section 261.03, Florida
20 Statutes, is amended and subsection (11) is added to that
21 section, to read:

22 261.03 Definitions.--As used in this chapter, the
23 term:

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

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

31 Section 27. Subsection (84) is added to section

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1 316.003, Florida Statutes, to read:

2 316.003 Definitions.--The following words and phrases,
3 when used in this chapter, shall have the meanings
4 respectively ascribed to them in this section, except where
5 the context otherwise requires:

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

10 Section 28. Section 316.0775, Florida Statutes, is
11 amended to read:

12 316.0775 Interference with official traffic control
13 devices or railroad signs or signals.--

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

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

29 Section 29. Section 316.122, Florida Statutes, is
30 amended to read:

31 316.122 Vehicle turning left.--The driver of a vehicle

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

9 Section 30. Section 316.1576, Florida Statutes, is
 10 created to read:

11 316.1576 Insufficient clearance at a railroad-highway
 12 grade crossing.--

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

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

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

24 Section 31. Section 316.1577, Florida Statutes, is
 25 created to read:

26 316.1577 Employer responsibility for violations
 27 pertaining to railroad-highway grade crossings.--

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

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

3 Section 32. Subsection (2) of section 316.183, Florida
4 Statutes, is amended to read:

5 316.183 Unlawful speed.--

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

20 Section 33. Paragraph (e) of subsection (1) of section
21 316.1932, Florida Statutes, is amended to read:

22 316.1932 Tests for alcohol, chemical substances, or
23 controlled substances; implied consent; refusal.--

24 (1)

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

29 2. A nonresident or any other person driving in a
30 status exempt from the requirements of the driver's license
31 law, by his or her act of driving in such exempt status, is

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1 deemed to have expressed his or her consent to the provisions
2 of this section.

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

6 Section 34. Subsection (5) of section 316.1936,
7 Florida Statutes, is amended to read:

8 316.1936 Possession of open containers of alcoholic
9 beverages in vehicles prohibited; penalties.--

10 (5) This section shall not apply to:

11 (a) A passenger of a vehicle in which the driver is
12 operating the vehicle pursuant to a contract to provide
13 transportation for passengers and such driver holds a valid
14 commercial driver's license with a passenger endorsement ~~or a~~
15 ~~Class D driver's license~~ issued in accordance with the
16 requirements of chapter 322;

17 (b) A passenger of a bus in which the driver holds a
18 valid commercial driver's license with a passenger endorsement
19 ~~or a Class D driver's license~~ issued in accordance with the
20 requirements of chapter 322; or

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

23 Section 35. Paragraphs (a) and (b) of subsection (3)
24 of section 316.194, Florida Statutes, are amended to read:

25 316.194 Stopping, standing or parking outside of
26 municipalities.--

27 (3)(a) Whenever any police officer or traffic accident
28 investigation officer finds a vehicle standing upon a highway
29 in violation of any of the foregoing provisions of this
30 section, the officer is authorized to move the vehicle, or
31 require the driver or other persons in charge of the vehicle

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1 to move the vehicle same, to a position off the paved or
2 main-traveled part of the highway.

3 (b) Officers and traffic accident investigation
4 officers may ~~are hereby authorized to~~ provide for the removal
5 of any abandoned vehicle to the nearest garage or other place
6 of safety, cost of such removal to be a lien against motor
7 vehicle, when an ~~said~~ abandoned vehicle is found unattended
8 upon a bridge or causeway or in any tunnel, or on any public
9 highway in the following instances:

10 1. Where such vehicle constitutes an obstruction of
11 traffic;

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

16 3. Where an operative vehicle has been parked or
17 stored on the public right-of-way for a period exceeding 10
18 days, in other than designated parking areas, and is more than
19 30 feet from the pavement edge. However, the agency removing
20 such vehicle shall be required to report same to the
21 Department of Highway Safety and Motor Vehicles within 24
22 hours of such removal.

23 Section 36. Section 316.1967, Florida Statutes, is
24 amended to read:

25 316.1967 Liability for payment of parking ticket
26 violations and other parking violations.--

27 (1) The owner of a vehicle is responsible and liable
28 for payment of any parking ticket violation unless the owner
29 can furnish evidence, when required by this subsection, that
30 the vehicle was, at the time of the parking violation, in the
31 care, custody, or control of another person. In such

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

20 (2) Any person who is issued a county or municipal
 21 parking ticket by a parking enforcement specialist or officer
 22 is deemed to be charged with a noncriminal violation and shall
 23 comply with the directions on the ticket. If payment is not
 24 received or a response to the ticket is not made within the
 25 time period specified thereon, the county court or its traffic
 26 violations bureau shall notify the registered owner of the
 27 vehicle that was cited, or the registered lessee when the
 28 cited vehicle is registered in the name of the person who
 29 leased the vehicle, by mail to the address given on the motor
 30 vehicle registration, of the ticket. Mailing the notice to
 31 this address constitutes notification. Upon notification, the

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1 registered owner or registered lessee shall comply with the
2 court's directive.

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

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

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

21 (6) Any county or municipality may provide by
22 ordinance that the clerk of the court or the traffic
23 violations bureau shall supply the department with a
24 magnetically encoded computer tape reel or cartridge or send
25 by other electronic means data which is machine readable by
26 the installed computer system at the department, listing
27 persons who have three or more outstanding parking violations,
28 including violations of s. 316.1955. Each county shall provide
29 by ordinance that the clerk of the court or the traffic
30 violations bureau shall supply the department with a
31 magnetically encoded computer tape reel or cartridge or send

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1 by other electronic means data that is machine readable by the
 2 installed computer system at the department, listing persons
 3 who have any outstanding violations of s. 316.1955 or any
 4 similar local ordinance that regulates parking in spaces
 5 designated for use by persons who have disabilities. The
 6 department shall mark the appropriate registration records of
 7 persons who are so reported. Section 320.03(8) applies to each
 8 person whose name appears on the list.

9 Section 37. Subsection (2) of section 316.2074,
 10 Florida Statutes, is amended to read:

11 316.2074 All-terrain vehicles.--

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

21 Section 38. Paragraph (b) of subsection (1) of section
 22 316.302, Florida Statutes, is amended to read:

23 316.302 Commercial motor vehicles; safety regulations;
 24 transporters and shippers of hazardous materials;
 25 enforcement.--

26 (1)

27 (b) Except as otherwise provided in this section, all
 28 owners or drivers of commercial motor vehicles that are
 29 engaged in intrastate commerce are subject to the rules and
 30 regulations contained in 49 C.F.R. parts 382, 385, and
 31 390-397, with the exception of 49 C.F.R. s. 390.5 as it

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1 relates to the definition of bus, as such rules and
2 regulations existed on October 1, 2004 ~~2002~~.

3 Section 39. Subsection (1) of section 316.605, Florida
4 Statutes, is amended to read:

5 316.605 Licensing of vehicles.--

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

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1 the provisions hereof, shall be considered as complying with
2 this chapter. A violation of this subsection is a noncriminal
3 traffic infraction, punishable as a nonmoving violation as
4 provided in chapter 318.

5 Section 40. Subsection (4) of section 316.613, Florida
6 Statutes, is amended to read:

7 316.613 Child restraint requirements.--

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

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

18 Section 41. Section 316.6131, Florida Statutes, is
19 created to read:

20 316.6131 Educational expenditures.--The department may
21 authorize the expenditure of funds for the purchase of
22 educational items as part of the public information and
23 education campaigns promoting highway safety and awareness, as
24 well as departmental community-based initiatives. Funds may be
25 expended for, but are not limited to, educational campaigns
26 provided in this chapter, chapters 320 and 322, and s.
27 403.7145.

28 Section 42. Subsection (9) of section 316.650, Florida
29 Statutes, is amended to read:

30 316.650 Traffic citations.--

31 (9) Such citations shall not be admissible evidence in

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1 any trial, except when used as evidence of falsification,
2 forgery, uttering, fraud, or perjury, or when used as physical
3 evidence resulting from a forensic examination of the
4 citation.

5 Section 43. Section 317.0003, Florida Statutes, is
6 amended, to read:

7 317.0003 Definitions.--As used in this chapter ~~ss.~~
8 ~~317.0001-317.0013~~, the term:

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

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

23 (3) "Department" means the Department of Highway
24 Safety and Motor Vehicles.

25 (4) "Florida resident" means a person who has had a
26 principal place of domicile in this state for a period of more
27 than 6 consecutive months, who has registered to vote in this
28 state, who has made a statement of domicile pursuant to s.
29 222.17, or who has filed for homestead tax exemption on
30 property in this state.

31 (5) "OHM" or "off-highway motorcycle" means any motor

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1 vehicle used off the roads or highways of this state that has
2 a seat or saddle for the use of the rider and is designed to
3 travel with not more than two wheels in contact with the
4 ground, but excludes a tractor or a moped.

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

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

16 (8) "Public lands" means lands within the state that
17 are available for public use and that are owned, operated, or
18 managed by a federal, state, county, or municipal governmental
19 entity.

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

23 Section 44. Subsection (1) of section 317.0004,
24 Florida Statutes, is amended to read:

25 317.0004 Administration of off-highway vehicle titling
26 laws; records.--

27 (1) The administration of off-highway vehicle titling
28 laws in this chapter ~~ss. 317.0001-317.0013~~ is under the
29 Department of Highway Safety and Motor Vehicles, which shall
30 provide for the issuing, handling, and recording of all
31 off-highway vehicle titling applications and certificates,

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1 including the receipt and accounting of off-highway vehicle
2 titling fees. The provisions of chapter 319 are applicable to
3 this chapter, unless otherwise explicitly stated.

4 Section 45. Section 317.0005, Florida Statutes, is
5 amended to read:

6 317.0005 Rules, forms, and notices.--

7 (1) The department may adopt rules pursuant to ss.
8 120.536(1) and 120.54, which pertain to off-highway vehicle
9 titling, in order to implement the provisions of this chapter
10 ~~ss. 317.0001-317.0013~~ conferring duties upon it.

11 (2) The department shall prescribe and provide
12 suitable forms for applications and other notices and forms
13 necessary to administer the provisions of this chapter ~~ss.~~
14 ~~317.0001-317.0013~~.

15 Section 46. Subsection (1) of section 317.0006,
16 Florida Statutes, is amended to read:

17 317.0006 Certificate of title required.--

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

23 Section 47. Subsection (6) is added to section
24 317.0007, Florida Statutes, to read:

25 317.0007 Application for and issuance of certificate
26 of title.--

27 (6) In addition to a certificate of title, the
28 department may issue a validation sticker to be placed on the
29 off-highway vehicle as proof of the issuance of title required
30 pursuant to s. 317.0006(1). A validation sticker that is lost
31 or destroyed may, upon application, be replaced by the

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1 department or county tax collector. The department and county
 2 tax collector may charge and deposit the fees established in
 3 ss. 320.03(5), 320.031, and 320.04 for all original and
 4 replacement decals.

5 Section 48. Subsection (2) of section 317.0008,
 6 Florida Statutes, is repealed.

7 Section 49. Section 317.0010, Florida Statutes, is
 8 amended to read:

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

15 Section 50. Subsection (3) of section 317.0012,
 16 Florida Statutes, is amended to read:

17 317.0012 Crimes relating to certificates of title;
 18 penalties.--

19 (3) It is unlawful to:

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

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

25 (c) Use a false or fictitious name, give a false or
 26 fictitious address, or make any false statement in any
 27 application or affidavit required by this chapter ss-

28 ~~317.0001-317.0013~~ or in a bill of sale or sworn statement of
 29 ownership or otherwise commit a fraud in any application.

30 (d) Knowingly obtain goods, services, credit, or money
 31 by means of an invalid, duplicate, fictitious, forged,

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1 counterfeit, stolen, or unlawfully obtained certificate of
 2 title, bill of sale, or other indicia of ownership of an
 3 off-highway vehicle.

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

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

15 Section 51. Section 317.0013, Florida Statutes, is
 16 amended to read:

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

22 Section 52. Section 317.0014, Florida Statutes, is
 23 created to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 certificate of title is issued to the owner of the vehicle.

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

4 Section 53. Section 317.0015, Florida Statutes, is
5 created to read:

6 317.0015 Application of law.--Sections 319.235,
7 319.241, 319.25, 319.27, 319.28, and 319.40 apply to all
8 off-highway vehicles that are required to be titled under this
9 chapter.

10 Section 54. Section 317.0016, Florida Statutes, is
11 created to read:

12 317.0016 Expedited service; applications; fees.--The
13 department shall provide, through its agents and for use by
14 the public, expedited service on title transfers, title
15 issuances, duplicate titles, recordation of liens, and
16 certificates of repossession. A fee of \$7 shall be charged for
17 this service, which is in addition to the fees imposed by ss.
18 317.0007 and 317.0008, and \$3.50 of this fee shall be retained
19 by the processing agency. All remaining fees shall be
20 deposited in the Incidental Trust Fund of the Division of
21 Forestry of the Department of Agriculture and Consumer
22 Services. Application for expedited service may be made by
23 mail or in person. The department shall issue each title
24 applied for pursuant to this section within 5 working days
25 after receipt of the application except for an application for
26 a duplicate title certificate covered by s. 317.0008(3), in
27 which case the title must be issued within 5 working days
28 after compliance with the department's verification
29 requirements.

30 Section 55. Section 317.0017, Florida Statutes, is
31 created to read:

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1 317.0017 Offenses involving vehicle identification

2 numbers, applications, certificates, papers; penalty.--

3 (1) A person may not:

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

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

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

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

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

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

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

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

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

27 (6) A person who violates any provision of this
28 section commits a felony of the third degree, punishable as
29 provided in s. 775.082, s. 775.083, or s. 775.084. Any
30 off-highway vehicle used in violation of this section
31 constitutes contraband that may be seized by a law enforcement

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1 agency and that is subject to forfeiture proceedings pursuant
 2 to ss. 932.701-932.704. This section is not exclusive of any
 3 other penalties prescribed by any existing or future laws for
 4 the larceny or unauthorized taking of off-highway vehicles,
 5 but is supplementary thereto.

6 Section 56. Section 317.0018, Florida Statutes, is
 7 created to read:

8 317.0018 Transfer without delivery of certificate;
 9 operation or use without certificate; failure to surrender;
 10 other violations.--Except as otherwise provided in this
 11 chapter, any person who:

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

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

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

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

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

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

4 Section 57. Subsections (7), (9), and (10) of section
5 318.14, Florida Statutes, are amended to read:

6 318.14 Noncriminal traffic infractions; exception;
7 procedures.--

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

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

23 (9) Any person who does not hold a commercial driver's
24 license and who is cited for an infraction under this section
25 other than a violation of s. 320.0605, s. 320.07(3)(a) or (b),
26 s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu
27 of a court appearance, elect to attend in the location of his
28 or her choice within this state a basic driver improvement
29 course approved by the Department of Highway Safety and Motor
30 Vehicles. In such a case, adjudication must be withheld;
31 points, as provided by s. 322.27, may not be assessed; and the

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1 civil penalty that is imposed by s. 318.18(3) must be reduced
2 by 18 percent; however, a person may not make an election
3 under this subsection if the person has made an election under
4 this subsection in the preceding 12 months. A person may make
5 no more than five elections under this subsection. The
6 requirement for community service under s. 318.18(8) is not
7 waived by a plea of nolo contendere or by the withholding of
8 adjudication of guilt by a court.

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

21 1. Operating a motor vehicle without a valid driver's
22 license in violation of the provisions of s. 322.03, s.
23 322.065, or s. 322.15(1), or operating a motor vehicle with a
24 license which has been suspended for failure to appear,
25 failure to pay civil penalty, or failure to attend a driver
26 improvement course pursuant to s. 322.291.

27 2. Operating a motor vehicle without a valid
28 registration in violation of s. 320.0605, s. 320.07, or s.
29 320.131.

30 3. Operating a motor vehicle in violation of s.
31 316.646.

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1 (b) Any person cited for an offense listed in this
2 subsection shall present proof of compliance prior to the
3 scheduled court appearance date. For the purposes of this
4 subsection, proof of compliance shall consist of a valid,
5 renewed, or reinstated driver's license or registration
6 certificate and proper proof of maintenance of security as
7 required by s. 316.646. Notwithstanding waiver of fine, any
8 person establishing proof of compliance shall be assessed
9 court costs of \$22, except that a person charged with
10 violation of s. 316.646(1)-(3) may be assessed court costs of
11 \$7. One dollar of such costs shall be remitted to the
12 Department of Revenue for deposit into the Child Welfare
13 Training Trust Fund of the Department of Children and Family
14 Services. One dollar of such costs shall be distributed to the
15 Department of Juvenile Justice for deposit into the Juvenile
16 Justice Training Trust Fund. Twelve dollars of such costs
17 shall be distributed to the municipality and \$8 shall be
18 deposited by the clerk of the court into the fine and
19 forfeiture fund established pursuant to s. 142.01, if the
20 offense was committed within the municipality. If the offense
21 was committed in an unincorporated area of a county or if the
22 citation was for a violation of s. 316.646(1)-(3), the entire
23 amount shall be deposited by the clerk of the court into the
24 fine and forfeiture fund established pursuant to s. 142.01,
25 except for the moneys to be deposited into the Child Welfare
26 Training Trust Fund and the Juvenile Justice Training Trust
27 Fund. This subsection shall not be construed to authorize the
28 operation of a vehicle without a valid driver's license,
29 without a valid vehicle tag and registration, or without the
30 maintenance of required security.

31 Section 58. Subsection (6) of section 319.23, Florida

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1 Statutes, is amended to read:

2 319.23 Application for, and issuance of, certificate
3 of title.--

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

24 Section 59. Subsections (2) and (3) of section 319.27,
25 Florida Statutes, are amended to read:

26 319.27 Notice of lien on motor vehicles or mobile
27 homes; notation on certificate; recording of lien.--

28 (2) No lien for purchase money or as security for a
29 debt in the form of a security agreement, retain title
30 contract, conditional bill of sale, chattel mortgage, or other
31 similar instrument or any other nonpossessory lien, including

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

- 24 (a) The date of the lien if a security agreement,
- 25 retain title contract, conditional bill of sale, chattel
- 26 mortgage, or other similar instrument was executed prior to
- 27 the filing of the notice of lien;
- 28 (b) The name and address of the registered owner;
- 29 (c) A description of the motor vehicle or mobile home,
- 30 showing the make, type, and vehicle identification number; and
- 31 (d) The name and address of the lienholder.

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1 (3)(a) A person may file a notice of lien with regard
 2 to a motor vehicle or mobile home before a security agreement,
 3 retain title contract, conditional bill of sale, chattel
 4 mortgage, or other similar instrument is executed granting a
 5 lien, mortgage, or encumbrance on, or a security interest in,
 6 such motor vehicle or mobile home.

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

24 Section 60. Paragraph (b) of subsection (1) of section
 25 320.06, Florida Statutes, is amended to read:

26 320.06 Registration certificates, license plates, and
 27 validation stickers generally.--

28 (1)

29 (b) Registration license plates bearing a graphic
 30 symbol and the alphanumeric system of identification shall be
 31 issued for a 5-year period. At the end of said 5-year period,

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

24 Section 61. Section 320.0601, Florida Statutes, is
 25 amended to read:

26 320.0601 Lease and rental car companies;
 27 identification of vehicles as for-hire.--

28 (1) A rental car company may not rent in this state
 29 any for-hire vehicle, other than vehicles designed to
 30 transport cargo, that has affixed to its exterior any bumper
 31 stickers, insignias, or advertising that identifies the

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1 vehicle as a rental vehicle.

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

3 (a) "Bumper stickers, insignias, or advertising" does
4 not include:

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

9 2. Any license required by the law of the state in
10 which the vehicle is registered.

11 (b) "Rent in this state" means to sign a rental
12 contract in this state or to deliver a car to a renter in this
13 state.

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

17 (4) Any registration or renewal as required under s.
18 320.02 for an original or transfer of a long-term leased motor
19 vehicle must be in the name and address of the lessee.

20 Section 62. Section 320.0605, Florida Statutes, is
21 amended to read:

22 320.0605 Certificate of registration; possession
23 required; exception.--The registration certificate or an
24 official copy thereof, a true copy of a rental or lease
25 agreement issued for a motor vehicle or issued for a
26 replacement vehicle in the same registration period, a
27 temporary receipt printed upon self-initiated electronic
28 renewal of a registration via the Internet, or a cab card
29 issued for a vehicle registered under the International
30 Registration Plan shall, at all times while the vehicle is
31 being used or operated on the roads of this state, be in the

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

5 The provisions of this section do not apply during the first
6 30 days after purchase of a replacement vehicle. A violation
7 of this section is a noncriminal traffic infraction,
8 punishable as a nonmoving violation as provided in chapter
9 318.

10 Section 63. Section 320.0843, Florida Statutes, is
11 amended to read:

12 320.0843 License plates for persons with disabilities
13 eligible for permanent disabled parking permits.--

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

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

30 Section 64. Subsection (8) is added to section
31 320.131, Florida Statutes, to read:

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1 320.131 Temporary tags.--

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

14 Section 65. Subsection (1) of section 320.18, Florida
 15 Statutes, is amended to read:

16 320.18 Withholding registration.--

17 (1) The department may withhold the registration of
 18 any motor vehicle or mobile home the owner of which has failed
 19 to register it under the provisions of law for any previous
 20 period or periods for which it appears registration should
 21 have been made in this state, until the tax for such period or
 22 periods is paid. The department may cancel any vehicle or
 23 vessel registration, driver's license, identification card,
 24 license plate or fuel-use tax decal if the owner pays for the
 25 vehicle or vessel registration, driver's license,
 26 identification card, or license plate, fuel-use tax decal;
 27 pays any administrative, delinquency, or reinstatement fee;
 28 or pays any tax liability, penalty, or interest specified in
 29 chapter 207 by a dishonored check, or if the vehicle owner or
 30 motor carrier has failed to pay a penalty for a weight or
 31 safety violation issued by the Department of Transportation

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1 Motor Carrier Compliance Office. The Department of
2 Transportation and the Department of Highway Safety and Motor
3 Vehicles may impound any commercial motor vehicle that has a
4 canceled license plate or fuel-use tax decal until the tax
5 liability, penalty, and interest specified in chapter 207, the
6 license tax, or the fuel-use decal fee, and applicable
7 administrative fees have been paid for by certified funds.

8 Section 66. Paragraph (a) of subsection (4),
9 subsection (6), and paragraph (b) of subsection (9) of section
10 320.27, Florida Statutes, are amended to read:

11 320.27 Motor vehicle dealers.--

12 (4) LICENSE CERTIFICATE.--

13 (a) A license certificate shall be issued by the
14 department in accordance with such application when the
15 application is regular in form and in compliance with the
16 provisions of this section. The license certificate may be in
17 the form of a document or a computerized card as determined by
18 the department. The actual cost of each original, additional,
19 or replacement computerized card shall be borne by the
20 licensee and is in addition to the fee for licensure. Such
21 license, when so issued, entitles the licensee to carry on and
22 conduct the business of a motor vehicle dealer. Each license
23 issued to a franchise motor vehicle dealer expires annually on
24 December 31 unless revoked or suspended prior to that date.
25 Each license issued to an independent or wholesale dealer or
26 auction expires annually on April 30 unless revoked or
27 suspended prior to that date. Not less than 60 days prior to
28 the license expiration date, the department shall deliver or
29 mail to each licensee the necessary renewal forms. Each
30 independent dealer shall certify that the dealer principal
31 (owner, partner, officer of the corporation, or director) has

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

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

19 (6) RECORDS TO BE KEPT BY LICENSEE.--Every licensee
20 shall keep a book or record in such form as shall be
21 prescribed or approved by the department for a period of 5
22 years, in which the licensee shall keep a record of the
23 purchase, sale, or exchange, or receipt for the purpose of
24 sale, of any motor vehicle, the date upon which any temporary
25 tag was issued, the date of title transfer, and a description
26 of such motor vehicle together with the name and address of
27 the seller, the purchaser, and the alleged owner or other
28 person from whom such motor vehicle was purchased or received
29 or to whom it was sold or delivered, as the case may be. Such
30 description shall include the identification or engine number,
31 maker's number, if any, chassis number, if any, and such other

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1 numbers or identification marks as may be thereon and shall
2 also include a statement that a number has been obliterated,
3 defaced, or changed, if such is the fact.

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

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

11 1. Representation that a demonstrator is a new motor
12 vehicle, or the attempt to sell or the sale of a demonstrator
13 as a new motor vehicle without written notice to the purchaser
14 that the vehicle is a demonstrator. For the purposes of this
15 section, a "demonstrator," a "new motor vehicle," and a "used
16 motor vehicle" shall be defined as under s. 320.60.

17 2. Unjustifiable refusal to comply with a licensee's
18 responsibility under the terms of the new motor vehicle
19 warranty issued by its respective manufacturer, distributor,
20 or importer. However, if such refusal is at the direction of
21 the manufacturer, distributor, or importer, such refusal shall
22 not be a ground under this section.

23 3. Misrepresentation or false, deceptive, or
24 misleading statements with regard to the sale or financing of
25 motor vehicles which any motor vehicle dealer has, or causes
26 to have, advertised, printed, displayed, published,
27 distributed, broadcast, televised, or made in any manner with
28 regard to the sale or financing of motor vehicles.

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

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1 or agreement of purchase connected with the purchase of the
2 motor vehicle purchased by the customer or purchaser.

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

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

8 7. Use of the dealer license identification number by
9 any person other than the licensed dealer or his or her
10 designee.

11 8. Failure to continually meet the requirements of the
12 licensure law.

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

19 10. Requirement by any motor vehicle dealer that a
20 customer or purchaser accept equipment on his or her motor
21 vehicle which was not ordered by the customer or purchaser.

22 11. Requirement by any motor vehicle dealer that any
23 customer or purchaser finance a motor vehicle with a specific
24 financial institution or company.

25 12. Requirement by any motor vehicle dealer that the
26 purchaser of a motor vehicle contract with the dealer for
27 physical damage insurance.

28 13. Perpetration of a fraud upon any person as a
29 result of dealing in motor vehicles, including, without
30 limitation, the misrepresentation to any person by the
31 licensee of the licensee's relationship to any manufacturer,

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1 importer, or distributor.

2 14. Violation of any of the provisions of s. 319.35 by
3 any motor vehicle dealer.

4 15. Sale by a motor vehicle dealer of a vehicle
5 offered in trade by a customer prior to consummation of the
6 sale, exchange, or transfer of a newly acquired vehicle to the
7 customer, unless the customer provides written authorization
8 for the sale of the trade-in vehicle prior to delivery of the
9 newly acquired vehicle.

10 16. Willful failure to comply with any administrative
11 rule adopted by the department or the provisions of s.
12 320.131(8).

13 17. Violation of chapter 319, this chapter, or ss.
14 559.901-559.9221, which has to do with dealing in or repairing
15 motor vehicles or mobile homes. Additionally, in the case of
16 used motor vehicles, the willful violation of the federal law
17 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining
18 to the consumer sales window form.

19 Section 67. Subsections (8), (10), and (29) of section
20 322.01, Florida Statutes, are amended to read:

21 322.01 Definitions.--As used in this chapter:

22 (8) "Commercial motor vehicle" means any motor vehicle
23 or motor vehicle combination used on the streets or highways,
24 which:

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

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

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

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

31 ~~(c)(e)~~ Is transporting hazardous materials and is

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1 required to be placarded in accordance with Title 49 C.F.R.
 2 part 172, subpart F.

3 (10)(a) "Conviction" means a conviction of an offense
 4 relating to the operation of motor vehicles on highways which
 5 is a violation of this chapter or any other such law of this
 6 state or any other state, including an admission or
 7 determination of a noncriminal traffic infraction pursuant to
 8 s. 318.14, or a judicial disposition of an offense committed
 9 under any federal law substantially conforming to the
 10 aforesaid state statutory provisions.

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

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

19 Section 68. Subsections (4) and (10) of section
 20 322.05, Florida Statutes, are amended to read:

21 322.05 Persons not to be licensed.--The department may
 22 not issue a license:

23 (4) Except as provided by this subsection, to any
 24 person, as a Class A licensee, Class B licensee, or Class C
 25 licensee, ~~or Class D licensee,~~ who is under the age of 18
 26 years. ~~A person age 16 or 17 years who applies for a Class D~~
 27 ~~driver's license is subject to all the requirements and~~
 28 ~~provisions of paragraphs (2)(a) and (b) and ss. 322.09 and~~
 29 ~~322.16(2) and (3). The department may require of any such~~
 30 ~~applicant for a Class D driver's license such examination of~~
 31 ~~the qualifications of the applicant as the department~~

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1 ~~considers proper, and the department may limit the use of any~~
2 ~~license granted as it considers proper.~~

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

9 Section 69. Paragraph (a) of subsection (1) and
10 paragraphs (b) and (c) of subsection (2) of section 322.051,
11 Florida Statutes, are amended, and subsection (8) is added to
12 that section, to read:

13 322.051 Identification cards.--

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

19 (a) Each such application shall include the following
20 information regarding the applicant:

- 21 1. Full name (first, middle or maiden, and last),
- 22 gender, social security card number, county of residence and
- 23 mailing address, country of birth, and a brief description.
- 24 2. Proof of birth date satisfactory to the department.
- 25 3. Proof of identity satisfactory to the department.

26 Such proof must include one of the following documents issued
27 to the applicant:

- 28 a. A driver's license record or identification card
- 29 record from another jurisdiction that required the applicant
- 30 to submit a document for identification which is substantially
- 31 similar to a document required under sub-subparagraph b.,

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1 sub-subparagraph c., sub-subparagraph d., sub-subparagraph e.,
2 ~~or~~ sub-subparagraph f., or sub-subparagraph g.;

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

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

6 d. A naturalization certificate issued by the United
7 States Department of Homeland Security;

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

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

11 ~~g.f.~~ Proof of nonimmigrant classification provided by
12 the United States Department of Homeland Security, for an
13 original identification card. In order to prove such
14 nonimmigrant classification, applicants may produce but are
15 not limited to the following documents:

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

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

20 (III) Notice of the approval of an application for
21 adjustment of status issued by the United States Bureau of
22 Citizenship and Immigration Services.

23 (IV) Any official documentation confirming the filing
24 of a petition for asylum status or any other relief issued by
25 the United States Bureau of Citizenship and Immigration
26 Services.

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

30 (VI) Order of an immigration judge or immigration
31 officer granting any relief that authorizes the alien to live

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1 and work in the United States including, but not limited to
2 asylum.

3
4 Presentation of any of the ~~foregoing~~ documents described in
5 sub-subparagraph f. or sub-subparagraph g. entitles ~~shall~~
6 ~~entitle~~ the applicant to an identification card ~~a driver's~~
7 ~~license or temporary permit~~ for a period not to exceed the
8 expiration date of the document presented or 2 years,
9 whichever first occurs.

10 (2)

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

20 (c) Notwithstanding any other provisions of this
21 chapter, if an applicant establishes his or her identity for
22 an identification card using an identification document
23 authorized under sub-subparagraph (1)(a)3.f. or
24 sub-subparagraph (1)(a)3.g. ~~sub-subparagraphs (1)(a)3.e.-f.,~~
25 the identification card shall expire 2 years after the date of
26 issuance or upon the expiration date cited on the United
27 States Department of Homeland Security documents, whichever
28 date first occurs, and may not be renewed or obtain a
29 duplicate except in person.

30 (8) The department shall, upon receipt of the required
31 fee, issue to each qualified applicant for an identification

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1 card a color photographic or digital image identification card
 2 bearing a fullface photograph or digital image of the
 3 identification cardholder. Notwithstanding chapter 761 or s.
 4 761.05, the requirement for a fullface photograph or digital
 5 image of the identification cardholder may not be waived. A
 6 space shall be provided upon which the identification
 7 cardholder shall affix his or her usual signature, as required
 8 in s. 322.14, in the presence of an authorized agent of the
 9 department so as to ensure that such signature becomes a part
 10 of the identification card.

11 Section 70. Subsections (2) and (3) of section 322.07,
 12 Florida Statutes, are amended to read:

13 322.07 Instruction permits and temporary licenses.--

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

24 (3) Any person who, except for his or her lack of
 25 instruction in operating a ~~Class D or~~ commercial motor
 26 vehicle, would otherwise be qualified to obtain a ~~Class D or~~
 27 commercial driver's license under this chapter, may apply for
 28 a ~~temporary Class D or~~ temporary commercial instruction
 29 permit. The department shall issue such a permit entitling the
 30 applicant, while having the permit in his or her immediate
 31 possession, to drive a ~~Class D or~~ commercial motor vehicle on

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1 the highways, provided that:

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

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

9 Section 71. Subsection (2) of section 322.08, Florida
10 Statutes, is amended to read:

11 322.08 Application for license.--

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

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

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

19 (c) Proof of identity satisfactory to the department.
20 Such proof must include one of the following documents issued
21 to the applicant:

22 1. A driver's license record or identification card
23 record from another jurisdiction that required the applicant
24 to submit a document for identification which is substantially
25 similar to a document required under subparagraph 2.,
26 subparagraph 3., subparagraph 4., subparagraph 5., ~~or~~
27 subparagraph 6., or subparagraph 7.;

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

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

31 4. A naturalization certificate issued by the United

1 States Department of Homeland Security;

2 5.4. An alien registration receipt card (green card);

3 6.5. An employment authorization card issued by the

4 United States Department of Homeland Security; or

5 7.6. Proof of nonimmigrant classification provided by

6 the United States Department of Homeland Security, for an

7 original driver's license. In order to prove nonimmigrant

8 classification, an applicant may produce the following

9 documents, including, but not limited to:

10 a. A notice of hearing from an immigration court

11 scheduling a hearing on any proceeding.

12 b. A notice from the Board of Immigration Appeals

13 acknowledging pendency of an appeal.

14 c. A notice of the approval of an application for

15 adjustment of status issued by the United States Immigration

16 and Naturalization Service.

17 d. Any official documentation confirming the filing of

18 a petition for asylum status or any other relief issued by the

19 United States Immigration and Naturalization Service.

20 e. A notice of action transferring any pending matter

21 from another jurisdiction to this state issued by the United

22 States Immigration and Naturalization Service.

23 f. An order of an immigration judge or immigration

24 officer granting any relief that authorizes the alien to live

25 and work in the United States, including, but not limited to,

26 asylum.

27

28 Presentation of any of the documents in subparagraph 6. or

29 subparagraph 7. entitles the applicant to a driver's license

30 or temporary permit for a period not to exceed the expiration

31 date of the document presented or 2 years, whichever occurs

1 first.

2 (d) Whether the applicant has previously been licensed
3 to drive, and, if so, when and by what state, and whether any
4 such license or driving privilege has ever been disqualified,
5 revoked, or suspended, or whether an application has ever been
6 refused, and, if so, the date of and reason for such
7 disqualification, suspension, revocation, or refusal.

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

10 Section 72. Paragraph (a) of subsection (1) of section
11 322.09, Florida Statutes, is amended to read:

12 322.09 Application of minors; responsibility for
13 negligence or misconduct of minor.--

14 (1)(a) The application of any person under the age of
15 18 years for a driver's license must be signed and verified
16 before a person authorized to administer oaths by the father,
17 mother, or guardian; by a secondary guardian if the primary
18 guardian dies before the minor reaches 18 years of age; or,
19 if there is no parent or guardian, by another responsible
20 adult who is willing to assume the obligation imposed under
21 this chapter upon a person signing the application of a minor.
22 This section does not apply to a person under the age of 18
23 years who is emancipated by marriage.

24 Section 73. Section 322.11, Florida Statutes, is
25 amended to read:

26 322.11 Revocation of license upon death of person
27 signing minor's application.--The department, upon receipt of
28 satisfactory evidence of the death of the person who signed
29 the application of a minor for a license, shall, 90 days after
30 giving written notice to the minor, cancel such license and
31 may shall not issue a new license until ~~such time as~~ the new

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1 application, ~~duly~~ signed and verified, is made as required by
2 this chapter. This provision does ~~shall~~ not apply if ~~in the~~
3 ~~event~~ the minor has attained the age of 18 years.

4 Section 74. Subsection (3) of section 322.12, Florida
5 Statutes, is amended to read:

6 322.12 Examination of applicants.--

7 (3) For an applicant for a ~~Class D or a~~ Class E
8 driver's license, such examination shall include a test of the
9 applicant's eyesight given by the driver's license examiner
10 designated by the department or by a licensed ophthalmologist,
11 optometrist, or physician and a test of the applicant's
12 hearing given by a driver's license examiner or a licensed
13 physician. The examination shall also include a test of the
14 applicant's ability to read and understand highway signs
15 regulating, warning, and directing traffic; his or her
16 knowledge of the traffic laws of this state, including laws
17 regulating driving under the influence of alcohol or
18 controlled substances, driving with an unlawful blood-alcohol
19 level, and driving while intoxicated; and his or her knowledge
20 of the effects of alcohol and controlled substances upon
21 persons and the dangers of driving a motor vehicle while under
22 the influence of alcohol or controlled substances and shall
23 include an actual demonstration of ability to exercise
24 ordinary and reasonable control in the operation of a motor
25 vehicle.

26 Section 75. Subsections (1) and (4) of section
27 322.135, Florida Statutes, are amended, and subsection (9) is
28 added to that section, to read:

29 322.135 Driver's license agents.--

30 (1) The department may, upon application, authorize
31 any or all of the tax collectors in the several counties of

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1 the state, subject to the requirements of law, in accordance
2 with rules of the department, to serve as its agent for the
3 provision of specified driver's license services.

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

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

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

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

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

28 Section 76. Subsection (1) of section 322.142, Florida
29 Statutes, is amended to read:

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

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

12 Section 77. Paragraph (a) of subsection (1) and
 13 subsection (2) of section 322.161, Florida Statutes, are
 14 amended to read:

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

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

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

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

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

5 Section 78. Subsection (3) of section 322.17, Florida
 6 Statutes, is amended to read:

7 322.17 Duplicate and replacement certificates.--

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

16 Section 79. Subsections (2) and (4) of section 322.18,
 17 Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

23 Section 80. Subsection (4) of section 322.19, Florida
 24 Statutes, is amended to read:

25 322.19 Change of address or name.--

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

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1 authorized under s. 322.08(2)(c)6. or 7 ~~s. 322.08(2)(c)4.-6.~~

2 Section 81. Subsection (1) of section 322.21, Florida
3 Statutes, is amended to read:

4 322.21 License fees; procedure for handling and
5 collecting fees.--

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

7 (a) An original or renewal commercial driver's license
8 is \$50, which shall include the fee for driver 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 the commercial license, the fee shall be the same as for a
13 Class E driver's license. A delinquent fee of \$1 shall be
14 added for a renewal made not more than 12 months after the
15 license expiration date.

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

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

30 (d) An original driver's license restricted to
31 motorcycle use only is \$20, which shall include the fee for

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1 driver's education provided by s. 1003.48.

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

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

11 Section 82. Present subsection (7) of section 322.212,
12 Florida Statutes, is redesignated as subsection (8), and a new
13 subsection (7) is added to that section, to read:

14 322.212 Unauthorized possession of, and other unlawful
15 acts in relation to, driver's license or identification
16 card.--

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

22 Section 83. Subsection (1) of section 322.22, Florida
23 Statutes, is amended to read:

24 322.22 Authority of department to cancel license.--

25 (1) The department is authorized to cancel any
26 driver's license, upon determining that the licensee was not
27 entitled to the issuance thereof, or that the licensee failed
28 to give the required or correct information in his or her
29 application or committed any fraud in making such application,
30 or that the licensee has two or more licenses on file with the
31 department, each in a different name but bearing the

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

11 Section 84. Subsections (4) and (5) of section
12 322.251, Florida Statutes, are amended to read:

13 322.251 Notice of cancellation, suspension,
14 revocation, or disqualification of license.--

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

26 (5) A person whose privilege to operate a commercial
27 motor vehicle is permanently disqualified may, upon
28 surrendering his or her commercial driver's license, be issued
29 a ~~Class D~~ or Class E driver's license, if he or she is
30 otherwise qualified to receive such license. Any such person
31 shall be issued a ~~Class D~~ or Class E license, valid for the

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1 remainder of his or her unexpired license period, at no cost.

2 Section 85. Subsections (1), (7), (10), and (11) of
3 section 322.2615, Florida Statutes, are amended to read:

4 322.2615 Suspension of license; right to review.--

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

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

27 1.a. The driver refused to submit to a lawful breath,
28 blood, or urine test and his or her driving privilege is
29 suspended for a period of 1 year for a first refusal or for a
30 period of 18 months if his or her driving privilege has been
31 previously suspended as a result of a refusal to submit to

1 such a test; or

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

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

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

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

19 5. The driver may submit to the department any
20 materials relevant to the arrest.

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

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

30 1. Whether the arresting law enforcement officer had
31 probable cause to believe that the person was driving or in

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1 actual physical control of a motor vehicle in this state while
2 under the influence of alcoholic beverages or controlled
3 substances.

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

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

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

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

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

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

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

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

30 (a) If the suspension of the driver's license of the
31 person for failure to submit to a breath, urine, or blood test

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

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

26 (11) The formal review hearing may be conducted upon a
27 review of the reports of a law enforcement officer or a
28 correctional officer, including documents relating to the
29 administration of a breath test or blood test or the refusal
30 to take either test or the refusal to take a urine test.
31 However, as provided in subsection (6), the driver may

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1 subpoena the officer or any person who administered or
2 analyzed a breath or blood test.

3 Section 86. Paragraph (d) of subsection (3) of section
4 322.27, Florida Statutes, is amended to read:

5 322.27 Authority of department to suspend or revoke
6 license.--

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

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

- 23 1. Reckless driving, willful and wanton--4 points.
- 24 2. Leaving the scene of a crash resulting in property
25 damage of more than \$50--6 points.
- 26 3. Unlawful speed resulting in a crash--6 points.
- 27 4. Passing a stopped school bus--4 points.
- 28 5. Unlawful speed:
- 29 a. Not in excess of 15 miles per hour of lawful or
30 posted speed--3 points.
- 31 b. In excess of 15 miles per hour of lawful or posted

1 speed--4 points.

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

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

8 8. Any conviction under s. 403.413(6)(b) ~~s.~~
9 ~~403.413(5)(b)~~--3 points.

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

11 Section 87. Section 322.30, Florida Statutes, is
12 amended to read:

13 322.30 No operation under foreign license during
14 suspension, revocation, or disqualification in this state.--

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

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

27 Section 88. Paragraph (b) of subsection (2) and
28 subsections (4), (5), and (6) of section 322.53, Florida
29 Statutes, are amended to read:

30 322.53 License required; exemptions.--

31 (2) The following persons are exempt from the

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1 requirement to obtain a commercial driver's license:

2 (b) Military personnel driving ~~military~~ vehicles
3 operated for military purposes.

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

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

17 (5)(6) The department shall adopt rules and enter into
18 necessary agreements with other jurisdictions to provide for
19 the operation of commercial vehicles by nonresidents pursuant
20 to the exemption granted in subsection (2).

21 Section 89. Subsection (2) of section 322.54, Florida
22 Statutes, is amended to read:

23 322.54 Classification.--

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

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

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1 ~~weight, whichever is greatest,~~ of the vehicle being towed is
2 more than 10,000 pounds. Any person who possesses a valid
3 Class A driver's license may, subject to the appropriate
4 restrictions and endorsements, drive any class of motor
5 vehicle within this state.

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

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

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1 or paragraph (1)(e) of s. 322.57, must possess a valid Class C
 2 driver's license ~~that is clearly restricted to the operation~~
 3 ~~of a motor vehicle or motor vehicle combination of less than~~
 4 ~~26,001 pounds.~~ Any person who possesses a valid Class C
 5 driver's license may, subject to the appropriate restrictions
 6 and endorsements, drive any class of motor vehicle, other than
 7 the type of motor vehicle for which a Class A or a Class B
 8 driver's license is required, within this state.

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

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

30 Section 90. Subsections (1) and (2) of section 322.57,
 31 Florida Statutes, are amended to read:

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1 322.57 Tests of knowledge concerning specified
2 vehicles; endorsement; nonresidents; violations.--

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

5 (a) Drives a double or triple trailer must
6 successfully complete a test of his or her knowledge
7 concerning the safe operation of such vehicles.

8 (b) Drives a passenger vehicle must successfully
9 complete a test of his or her knowledge concerning the safe
10 operation of such vehicles and a test of his or her driving
11 skill in such a vehicle.

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

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

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

28 (f)(e) Operates a tank vehicle transporting hazardous
29 materials must successfully complete the tests required in
30 paragraphs(d)(e) and(e)(d) so that the department may
31 issue a single endorsement permitting him or her to operate

1 such tank vehicle.

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

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

27 Section 91. Paragraph (a) of subsection (1) of section
 28 322.58, Florida Statutes, is amended to read:

29 322.58 Holders of chauffeur's licenses; effect of
 30 classified licensure.--

31 (1) In order to provide for the classified licensure

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1 of commercial motor vehicle drivers, the department shall
 2 require persons who have valid chauffeur's licenses to report
 3 on or after April 1, 1991, to the department for classified
 4 licensure, according to a schedule developed by the
 5 department.

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

10 Section 92. Subsection (1) and paragraph (a) of
 11 subsection (3) of section 322.63, Florida Statutes, are
 12 amended to read:

13 322.63 Alcohol or drug testing; commercial motor
 14 vehicle operators.--

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

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

29 (b) Any person who drives a commercial motor vehicle
 30 within this state and who is not required to obtain a
 31 commercial driver's license in this state is, by his or her

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1 act of driving a commercial motor vehicle within this state,
 2 deemed to have expressed his or her consent to the provisions
 3 of this section.

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

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

12 Section 93. Subsection (1) of section 322.64, Florida
 13 Statutes, is amended, and, for the purpose of incorporating
 14 the amendment to section 322.61, Florida Statutes, in a
 15 reference thereto, subsection (14) of that section is
 16 reenacted, to read:

17 322.64 Holder of commercial driver's license; driving
 18 with unlawful blood-alcohol level; refusal to submit to
 19 breath, urine, or blood test.--

20 (1)(a) A law enforcement officer or correctional
 21 officer shall, on behalf of the department, disqualify from
 22 operating any commercial motor vehicle a person who while
 23 operating or in actual physical control of a commercial motor
 24 vehicle is arrested for a violation of s. 316.193, relating to
 25 unlawful blood-alcohol level or breath-alcohol level, or a
 26 person who has refused to submit to a breath, urine, or blood
 27 test authorized by s. 322.63 arising out of the operation or
 28 actual physical control of a commercial motor vehicle. Upon
 29 disqualification of the person, the officer shall take the
 30 person's driver's license and issue the person a 10-day
 31 temporary permit for the operation of noncommercial vehicles

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

13 (b) The disqualification under paragraph (a) shall be
14 pursuant to, and the notice of disqualification shall inform
15 the driver of, the following:

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

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

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

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

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

8 5. The driver may submit to the department any
 9 materials relevant to the arrest.

10 (14) The decision of the department under this section
 11 shall not be considered in any trial for a violation of s.
 12 316.193, s. 322.61, or s. 322.62, nor shall any written
 13 statement submitted by a person in his or her request for
 14 departmental review under this section be admissible into
 15 evidence against him or her in any such trial. The disposition
 16 of any related criminal proceedings shall not affect a
 17 disqualification imposed pursuant to this section.

18 Section 94. Paragraphs (c) and (f) of subsection (13)
 19 of section 713.78, Florida Statutes, are amended to read:

20 713.78 Liens for recovering, towing, or storing
 21 vehicles and vessels.--

22 (13)

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

28 a. The registered owner presents a notarized bill of
 29 sale proving that the vehicle, vessel, or mobile home was sold
 30 in a private or casual sale before the vehicle, vessel, or
 31 mobile home was recovered, towed, or stored.

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

6 c. The records of the department were marked "sold"
7 prior to the date of the tow.

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

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1 mobile home was ordered removed.

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

22 3. If a person against whom a wrecker operator's lien
23 has been imposed does not object to the lien, but cannot
24 discharge the lien by payment because the wrecker operator has
25 moved or gone out of business, the person may have her or his
26 name removed from the list of those persons who may not be
27 issued a license plate or revalidation sticker for any motor
28 vehicle under s. 320.03(8), thereby allowing issuance of a
29 license plate or revalidation sticker, upon posting with the
30 clerk of court in the county in which the vehicle, vessel, or
31 mobile home was ordered removed, a cash or surety bond or

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1 other adequate security equal to the amount of the wrecker
 2 operator's lien. Upon the posting of the bond and the payment
 3 of the application fee set forth in s. 28.24, the clerk of the
 4 court shall issue a certificate notifying the department of
 5 the posting of the bond and directing the department to
 6 release the wrecker operator's lien. The department shall mail
 7 to the wrecker operator, at the address upon the lien form,
 8 notice that the wrecker operator must claim the security
 9 within 60 days, or the security will be released back to the
 10 person who posted it. At the conclusion of the 60 days, the
 11 department shall direct the clerk as to which party is
 12 entitled to payment of the security, less applicable clerk's
 13 fees.

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

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

26 Section 95. Section 843.16, Florida Statutes, is
 27 amended to read:

28 843.16 Unlawful to install or transport radio
 29 equipment using assigned frequency of state or law enforcement
 30 officers; definitions; exceptions; penalties.--

31 (1) A ~~No~~ person, firm, or corporation may not shall

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1 install or transport in any motor vehicle or business
 2 establishment, except an emergency vehicle or crime watch
 3 vehicle as herein defined or a place established by municipal,
 4 county, state, or federal authority for governmental purposes,
 5 any frequency modulation radio receiving equipment so adjusted
 6 or tuned as to receive messages or signals on frequencies
 7 assigned by the Federal Communications Commission to police or
 8 law enforcement officers or fire rescue personnel of any city
 9 or county of the state or to the state or any of its agencies.
 10 Provided, nothing herein shall be construed to affect any
 11 radio station licensed by the Federal Communications System or
 12 to affect any recognized newspaper or news publication engaged
 13 in covering the news on a full-time basis or any alarm system
 14 contractor certified pursuant to part II of chapter 489,
 15 operating a central monitoring system.

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

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

18 1. Any motor vehicle used by any law enforcement
 19 officer or employee of any city, any county, the state, the
 20 Federal Bureau of Investigation, or the Armed Forces of the
 21 United States while on official business;

22 2. Any fire department vehicle of any city or county
 23 of the state or any state fire department vehicle;

24 3. Any motor vehicle designated as an emergency
 25 vehicle by the Department of Highway Safety and Motor Vehicles
 26 when said vehicle is to be assigned the use of frequencies
 27 assigned to the state;

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

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

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

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

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

23 Section 96. Short title.--This section may be cited as
 24 the "Dori Slosberg Act of 2005."

25 Section 97. Subsections (4) and (8) of section
 26 316.614, Florida Statutes, are amended, present subsection (9)
 27 of that section is redesignated as subsection (10), and a new
 28 subsection (9) is added to that section, to read:

29 316.614 Safety belt usage.--

30 (4) It is unlawful for any person:

31 (a) To operate a motor vehicle in this state unless

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1 each passenger and the operator of the vehicle under the age
2 of 18 years is restrained by a safety belt or by a child
3 restraint device pursuant to s. 316.613, if applicable; or

4 (b) To operate a motor vehicle in this state unless
5 the person is restrained by a safety belt.

6 (8) Any person who violates the provisions of this
7 section commits a nonmoving violation, punishable as provided
8 in chapter 318. However, except for violations of s. 316.613
9 and paragraph (4)(a), enforcement of this section by state or
10 local law enforcement agencies must be accomplished only as a
11 secondary action when a driver of a motor vehicle has been
12 detained for a suspected violation of another section of this
13 chapter, chapter 320, or chapter 322.

14 (9) By January 1, 2006, each law enforcement agency in
15 this state shall adopt departmental policies to prohibit the
16 practice of racial profiling. When a law enforcement officer
17 issues a citation for a violation of this section, the law
18 enforcement officer must record the race and ethnicity of the
19 violator. All law enforcement agencies must maintain such
20 information and forward the information to the department in a
21 form and manner determined by the department. The department
22 shall collect this information by jurisdiction and annually
23 report the data to the Governor, the President of the Senate,
24 and the Speaker of the House of Representatives. The report
25 must show separate statewide totals for the state's county
26 sheriffs and municipal law enforcement agencies, state law
27 enforcement agencies, and state university law enforcement
28 agencies.

29 Section 98. Except as otherwise expressly provided in
30 this act, this act shall take effect July 1, 2005.

31

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6 A bill to be entitled

7 An act relating to highway safety; amending s.

8 61.13016, F.S.; directing the department to

9 issue a driver's license restricted for

10 business purposes only under certain

11 circumstances relating to failure to pay child

12 support; amending s. 316.006, F.S.; providing

13 for interlocal agreements between

14 municipalities and counties transferring

15 traffic regulatory authority; amending s.

16 316.083, F.S.; requiring an appropriate signal

17 when overtaking and passing a vehicle; amending

18 s. 316.155, F.S.; specifying that signals are

19 required when moving right or left or

20 overtaking or passing a vehicle; amending s.

21 316.2095, F.S.; revising physical requirements

22 for operating motorcycles under certain

23 circumstances; amending s. 316.212, F.S.;

24 granting local jurisdictions the authority to

25 enact ordinances governing the use of golf

26 carts which are more restrictive than state

27 law; amending s. 316.2126, F.S.; requiring that

28 the use of golf carts upon any state, county,

29 or municipal road within a local jurisdiction

30 be in compliance with local ordinances

31 governing the use of golf carts; amending s.

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1 316.302, F.S.; providing a penalty for
2 operating a commercial motor vehicle bearing a
3 false or other illegal identification number;
4 amending s. 316.3045, F.S.; revising criteria
5 related to the operation of radios or other
6 sound-making devices in motor vehicles;
7 amending s. 318.1215, F.S.; clarifying that
8 funds from the Dori Slosberg Driver Education
9 Safety Act be used for driver education
10 programs in schools; requiring that funds be
11 used for enhancement of a driver education
12 program; providing a requirement for
13 behind-the-wheel training; amending s. 318.14,
14 F.S.; providing penalties for certain traffic
15 infractions requiring a mandatory hearing;
16 providing for distribution of moneys collected;
17 amending s. 318.21, F.S.; providing for
18 distribution of specified civil penalties by
19 county courts; amending s. 319.30, F.S.;
20 revising provisions relating to the
21 applicability of certificate of destruction
22 requirements for certain damaged vehicles;
23 amending s. 320.02, F.S.; authorizing the
24 withholding of motor vehicle registrations or
25 re-registrations in certain situations;
26 requiring motor vehicle dealers to maintain
27 certain information; allowing owners and
28 co-owners to dispute a dealer's claims of money
29 owed; amending s. 320.27, F.S.; providing for
30 motor vehicle dealer license discipline for the
31 failure to maintain evidence of notification to

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1 the owner or co-owner of a vehicle regarding
2 registration and titling fees owed; revising
3 authorized uses of revenues from the United We
4 Stand specialty license plate; amending s.
5 320.08058, F.S.; redesignating the Florida
6 Special Olympics license plate as the Special
7 Olympics Florida license plate and revising
8 design requirements for such specialty license
9 plate; revising requirements for agencies that
10 receive funds from the Choose Life license
11 plate; revising authorized uses of revenues
12 from the Animal Friend specialty license plate;
13 amending s. 320.089, F.S.; allowing retired
14 members of the U.S. Armed Forces Reserve to be
15 issued U.S. Reserve license plates; amending s.
16 320.77, F.S.; providing that mobile home
17 dealers may provide a cash bond or letter of
18 credit in lieu of a required surety bond;
19 amending s. 322.08, F.S.; revising the use of
20 funds collected from a voluntary contribution
21 associated with driver's license renewals to be
22 used for the purposes designated by the Hearing
23 Research Institute, Inc.; amending s. 322.2615,
24 F.S.; providing that the disposition of a
25 related criminal proceeding may not affect a
26 suspension of a driver's license for refusal to
27 submit to blood, breath, or urine testing;
28 directing the Department of Highway Safety and
29 Motor Vehicles to invalidate a suspension for
30 driving with an unlawful blood-alcohol level or
31 breath-alcohol level if the suspended person is

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1 found not guilty at trial of the underlying
2 violation of law; creating the Manufactured
3 Housing Regulatory Study Commission; providing
4 for membership; providing duties; requiring the
5 commission to file a report with the Governor
6 and the Legislature; amending s. 322.27, F.S.;
7 correcting a cross-reference relating to points
8 assigned for littering violations; amending s.
9 322.61, F.S.; specifying additional violations
10 that disqualify a person from operating a
11 commercial motor vehicle; providing penalties;
12 providing an exception to the requirement that
13 a commercial driver's license be in possession
14 of the commercial driver; removing requirements
15 for a Class D driver's license; amending s.
16 321.24, F.S.; providing that certain medical
17 professionals who volunteer for Florida Highway
18 Patrol service are considered employees of the
19 state for sovereign immunity purposes; creating
20 s. 549.102, F.S.; authorizing temporary
21 overnight parking during a motorsports event at
22 a motorsports entertainment complex; exempting
23 such parking from regulations relating to
24 recreational vehicle parks; providing for
25 application of health agency requirements;
26 amending s. 261.03, F.S.; redefining the term
27 "off-highway vehicle" to include a two-rider
28 ATV; adding a definition; amending s. 316.003,
29 F.S.; defining the term "traffic signal
30 preemption system"; amending s. 316.0775, F.S.;
31 providing that the unauthorized use of a

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1 traffic signal preemption device is a moving
 2 violation; amending s. 316.122, F.S.; providing
 3 for the right-of-way for certain passing
 4 vehicles; creating s. 316.1576, F.S.; providing
 5 clearance specifications for a railroad-highway
 6 grade crossing; providing a penalty; creating
 7 s. 316.1577, F.S.; providing that an employer
 8 is responsible under certain circumstances for
 9 violations pertaining to railroad-highway grade
 10 crossings; providing a penalty; amending s.
 11 316.183, F.S.; increasing the minimum speed
 12 limit on interstate highways under certain
 13 circumstances; amending s. 316.1932, F.S.;
 14 revising the requirements for printing the
 15 notice of consent for sobriety testing on a
 16 driver's license; amending s. 316.1936, F.S.,
 17 relating to possession of open containers of
 18 alcohol; removing an exemption provided for
 19 passengers of a vehicle operated by a driver
 20 holding a Class D driver's license; amending s.
 21 316.194, F.S.; authorizing traffic accident
 22 investigation officers to remove vehicles under
 23 certain circumstances; amending s. 316.1967,
 24 F.S.; providing that an owner of a leased
 25 vehicle is not responsible for a parking ticket
 26 violation in certain circumstances; amending s.
 27 316.2074, F.S.; redefining the term
 28 "all-terrain vehicle" to include a two-rider
 29 ATV; amending s. 316.302, F.S.; updating a
 30 reference to the Code of Federal Regulations
 31 relating to commercial motor vehicles; amending

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1 s. 316.605, F.S.; clarifying that portion of a
 2 license plate which must be clear and plainly
 3 visible; amending s. 316.613, F.S.; eliminating
 4 authorization for the Department of Highway
 5 Safety and Motor Vehicles to expend certain
 6 funds for promotional purposes; creating s.
 7 316.6131, F.S.; authorizing the department to
 8 expend certain funds for public information and
 9 education campaigns; amending s. 316.650, F.S.;
 10 providing exceptions to a prohibition against
 11 using citations as evidence in a trial;
 12 amending s. 317.0003, F.S.; defining the term
 13 "off-highway vehicle" to include a two-rider
 14 ATV; providing a definition; amending ss.
 15 317.0004, 317.0005, and 317.0006, F.S.;
 16 conforming references; amending s. 317.0007,
 17 F.S.; authorizing the Department of Highway
 18 Safety and Motor Vehicles to issue a validation
 19 sticker as an additional proof of title for an
 20 off-highway vehicle; providing for the
 21 replacement of lost or destroyed off-highway
 22 vehicle validation stickers; providing for
 23 disposition of fees; repealing s. 317.0008(2),
 24 F.S., relating to the expedited issuance of
 25 duplicate certificates of title for off-highway
 26 vehicles; amending ss. 317.0010, 317.0012, and
 27 317.0013, F.S.; conforming references; creating
 28 s. 317.0014, F.S.; establishing procedures for
 29 the issuance of a certificate of title for an
 30 off-highway vehicle; providing duties of the
 31 Department of Highway Safety and Motor

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1 Vehicles; providing for a notice of lien and
2 lien satisfaction; creating s. 317.0015, F.S.;
3 providing for the applicability of certain
4 provisions of law to the titling of off-highway
5 vehicles; creating s. 317.0016, F.S.; providing
6 for the expedited issuance of titles for
7 off-highway vehicles; creating s. 317.0017,
8 F.S.; prohibiting specified actions relating to
9 the issuance of titles for off-highway
10 vehicles; providing a penalty; creating s.
11 317.0018, F.S.; prohibiting the transfer of an
12 off-highway vehicle without delivery of a
13 certificate of title; prescribing other
14 violations; providing a penalty; amending s.
15 318.14, F.S.; authorizing the department to
16 modify certain actions to suspend or revoke a
17 driver's license following notice of final
18 disposition; providing citation procedures and
19 proceedings for persons who do not hold a
20 commercial driver's license; amending s.
21 319.23, F.S.; requiring a licensed motor
22 vehicle dealer to notify the Department of
23 Highway Safety and Motor Vehicles of a motor
24 vehicle or mobile home taken as a trade-in;
25 requiring the department to update its title
26 record; amending s. 319.27, F.S.; correcting an
27 obsolete cross-reference; amending s. 320.06,
28 F.S.; providing for a credit or refund when a
29 registrant is required to replace a license
30 plate under certain circumstances; amending s.
31 320.0601, F.S.; requiring that a registration

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1 or renewal of a long-term leased motor vehicle
 2 be in the name of the lessee; amending s.
 3 320.0605, F.S.; exempting a vehicle registered
 4 as a fleet vehicle from the requirement that
 5 the certificate of registration be carried in
 6 the vehicle at all times; amending s. 320.0843,
 7 F.S.; requiring that an applicant's eligibility
 8 for a disabled parking plate be noted on the
 9 certificate; amending s. 320.131, F.S.;
 10 authorizing the department to provide for an
 11 electronic system for motor vehicle dealers to
 12 use in issuing temporary license plates;
 13 providing a penalty; amending s. 320.18, F.S.;
 14 authorizing the department to cancel the
 15 vehicle or vessel registration, driver's
 16 license, or identification card of a person who
 17 pays certain fees or penalties with a
 18 dishonored check; amending s. 320.27, F.S.;
 19 requiring dealer principals to provide
 20 certification of completing continuing
 21 education under certain circumstances;
 22 requiring motor vehicle dealers to maintain
 23 records for a specified period; providing
 24 certain penalties; amending s. 322.01, F.S.;
 25 redefining the terms "commercial motor vehicle"
 26 and "out-of-service order"; providing the
 27 definition of conviction applicable to offenses
 28 committed in a commercial motor vehicle;
 29 amending s. 322.05, F.S.; removing requirements
 30 for a Class D driver's license; amending s.
 31 322.051, F.S.; revising provisions relating to

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1 the application for an identification card;
2 providing that the requirement for a fullface
3 photograph or digital image on an
4 identification card may not be waived under ch.
5 761, F.S.; amending s. 322.07, F.S.; removing
6 requirements for a Class D driver's license;
7 amending s. 322.08, F.S.; providing that a
8 United States passport is an acceptable proof
9 of identity for purposes of obtaining a
10 driver's license; providing that a
11 naturalization certificate issued by the United
12 States Department of Homeland Security is an
13 acceptable proof of identity for such purpose;
14 providing that specified documents issued by
15 the United States Department of Homeland
16 Security are acceptable as proof of
17 nonimmigrant classification; amending s.
18 322.09, F.S.; requiring the signature of a
19 secondary guardian on a driver's license
20 application for a minor under certain
21 circumstances; amending s. 322.11, F.S.;
22 providing for notice to a minor before
23 canceling the minor's license due to the death
24 of the person who cosigned the initial
25 application; amending s. 322.12, F.S.; removing
26 requirements for a Class D driver's license;
27 amending s. 322.135, F.S.; deleting a
28 requirement that a portion of certain fees
29 collected by a tax collector be deposited in
30 the Highway Safety Operating Trust Fund;
31 revising requirements for the tax collector in

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1 directing a licensee for examination or
2 reexamination; requiring county officers to pay
3 certain funds to the State Treasury by
4 electronic funds transfer within a specified
5 period; amending s. 322.142, F.S.; providing
6 that the requirement for a fullface photograph
7 or digital image on a driver's license may not
8 be waived under ch. 761, F.S.; amending s.
9 322.161, F.S.; removing requirements for a
10 Class D driver's license; amending s. 322.17,
11 F.S., relating to duplicate and replacement
12 certificates; conforming a cross-reference;
13 amending s. 322.18, F.S.; revising the
14 expiration period for driver's licenses issued
15 to specified persons; conforming
16 cross-references; amending s. 322.19, F.S.,
17 relating to change of address or name;
18 conforming cross-references; amending s.
19 322.21, F.S.; removing requirements for a Class
20 D driver's license; requiring the department to
21 set a fee for a hazardous-materials
22 endorsement; providing that the fee may not
23 exceed \$100; amending s. 322.212, F.S.;
24 providing an additional penalty for giving
25 false information when applying for a
26 commercial driver's license; amending s.
27 322.22, F.S.; authorizing the department to
28 cancel any identification card, vehicle or
29 vessel registration, or fuel-use decal of a
30 licensee who pays certain fees or penalties
31 with a dishonored check; amending s. 322.251,

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1 F.S.; removing requirements for a Class D
2 driver's license; amending s. 322.2615, F.S.;
3 revising provisions related to administrative
4 suspension of driver's licenses; amending s.
5 322.27, F.S.; providing 4 points to be assessed
6 against a person's driver's license for a
7 violation of s. 316.0775(2), F.S.; amending s.
8 322.30, F.S.; removing the requirements for a
9 Class D driver's license; amending s. 322.53,
10 F.S.; removing requirements for a Class D
11 driver's license; removing a requirement that
12 certain operators of a commercial motor vehicle
13 obtain a specified license; amending s. 322.54,
14 F.S.; revising the classification requirements
15 for certain driver's licenses; deleting
16 requirements for a Class D driver's license;
17 amending s. 322.57, F.S.; providing testing
18 requirements for school bus drivers; amending
19 s. 322.58, F.S.; deleting requirements for a
20 Class D driver's license and changing those
21 requirements to a Class E driver's license;
22 amending s. 322.63, F.S.; clarifying provisions
23 governing alcohol and drug testing for
24 commercial motor vehicle operators; amending s.
25 322.64, F.S., and reenacting s. 322.64(14),
26 F.S., relating to citation procedures and
27 proceedings, to incorporate the amendment to s.
28 322.61, F.S., in a reference thereto; providing
29 for a temporary permit issued following certain
30 DUI offenses to apply only to the operation of
31 noncommercial vehicles; amending s. 713.78,

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1 F.S.; revising provisions relating to the
2 placement of a wrecker operator's lien against
3 a motor vehicle; amending s. 843.16, F.S.;
4 prohibiting the transportation of radio
5 equipment that receives signals on frequencies
6 used by this state's law enforcement officers
7 or fire rescue personnel; redefining the term
8 "emergency vehicle" to include any motor
9 vehicle designated as such by the fire chief of
10 a county or municipality; providing a short
11 title; amending s. 316.614, F.S.; revising
12 provisions relating to safety belt usage;
13 requiring the Department of Highway Safety and
14 Motor Vehicles to develop a policy to prohibit
15 the practice of racial profiling; providing an
16 enhanced penalty; providing effective dates.

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