

Bill No. HB 1697, 1st Eng.

Barcode 950742

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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11 Senator Sebesta moved the following amendment:

12

13 **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:

19 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.

2

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

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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.

11 ~~(8)(7)~~ A violation of this section is a noncriminal
12 traffic infraction, punishable pursuant to chapter 318 as
13 ~~either~~ a moving violation for infractions of subsection (1),
14 subsection (2), subsection (3), ~~or~~ subsection (4), or a local
15 ordinance corresponding thereto and enacted pursuant to
16 subsection (7), or punishable pursuant to chapter 318 as a
17 nonmoving violation for infractions of subsection ~~subsections~~
18 ~~(5), subsection and (6), or a local ordinance corresponding~~
19 thereto and enacted pursuant to subsection (7).

20 Section 7. Section 316.2126, Florida Statutes, is
21 amended to read:

22 316.2126 Use of golf carts and utility vehicles by
23 municipalities.--In addition to the powers granted by ss.
24 316.212 and 316.2125, municipalities are hereby authorized to
25 utilize golf carts and utility vehicles, as defined in s.
26 320.01, upon any state, county, or municipal roads located
27 within the corporate limits of such municipalities, subject to
28 the following conditions:

29 (1) Golf carts and utility vehicles must comply with
30 the operational and safety requirements in ss. 316.212 and
31 316.2125, and with any more restrictive ordinances enacted by

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1 the local governmental entity pursuant to s. 316.212(7), and
 2 shall only be operated by municipal employees for municipal
 3 purposes, including, but not limited to, police patrol,
 4 traffic enforcement, and inspection of public facilities.

5 (2) In addition to the safety equipment required in s.
 6 316.212(5) and any more restrictive safety equipment required
 7 by the local governmental entity pursuant to s. 316.212(7),
 8 such golf carts and utility vehicles must be equipped with
 9 sufficient lighting and turn signal equipment.

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

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

16 Section 8. Subsection (11) is added to section
 17 316.302, Florida Statutes, to read:

18 316.302 Commercial motor vehicles; safety regulations;
 19 transporters and shippers of hazardous materials;
 20 enforcement.--

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

28 Section 9. Section 316.3045, Florida Statutes, is
 29 amended to read:

30 316.3045 Operation of radios or other mechanical
 31 soundmaking devices or instruments in vehicles; exemptions.--

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

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

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

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

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

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

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

4 Section 10. Section 318.1215, Florida Statutes, is
5 amended to read:

6 318.1215 Dori Slosberg Driver Education Safety
7 Act.--Effective October 1, 2002, notwithstanding the
8 provisions of s. 318.121, a board of county commissioners may
9 require, by ordinance, that the clerk of the court collect an
10 additional \$3 with each civil traffic penalty, which shall be
11 used to fund driver ~~traffic~~ education programs in public and
12 nonpublic schools. The ordinance shall provide for the board
13 of county commissioners to administer the funds, which shall
14 be used for enhancement, and not replacement, of driver
15 education program funds. The funds shall be used for direct
16 educational expenses and shall not be used for administration.
17 Each driver education program receiving funds pursuant to this
18 section shall require that a minimum of 30 percent of a
19 student's time in the program be behind-the-wheel training.

20 This section may be cited as the "Dori Slosberg Driver
21 Education Safety Act."

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

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

26 (5) Any person electing to appear before the
27 designated official or who is required so to appear shall be
28 deemed to have waived his or her right to the civil penalty
29 provisions of s. 318.18. The official, after a hearing, shall
30 make a determination as to whether an infraction has been
31 committed. If the commission of an infraction has been proven,

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

31 (b) Fifty percent shall be allocated among Level I,

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1 Level II, and pediatric trauma centers based on each center's
2 relative volume of trauma cases as reported in the Department
3 of Health Trauma Registry.

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

6 318.21 Disposition of civil penalties by county
7 courts.--All civil penalties received by a county court
8 pursuant to the provisions of this chapter shall be
9 distributed and paid monthly as follows:

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

14 Section 13. Paragraph (b) of subsection (3) of section
15 319.30, Florida Statutes, is amended to read:

16 319.30 Definitions; dismantling, destruction, change
17 of identity of motor vehicle or mobile home; salvage.--

18 (3)

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

24 However, an insurance company which pays money as compensation
25 for total loss of a motor vehicle or mobile home shall obtain
26 the certificate of title for the motor vehicle or mobile home
27 and, within 72 hours after receiving such certificate of
28 title, shall forward such title to the department for
29 processing. The owner or insurance company, as the case may
30 be, may not dispose of a vehicle or mobile home that is a
31 total loss before it has obtained a salvage certificate of

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1 title or certificate of destruction from the department. When
2 applying for a salvage certificate of title or certificate of
3 destruction, the owner or insurance company must provide the
4 department with an estimate of the costs of repairing the
5 physical and mechanical damage suffered by the vehicle for
6 which a salvage certificate of title or certificate of
7 destruction is sought. If the estimated costs of repairing the
8 physical and mechanical damage to the vehicle are equal to 80
9 percent or more of the current retail cost of the vehicle, as
10 established in any official used car or used mobile home
11 guide, the department shall declare the vehicle unrebuildable
12 and print a certificate of destruction, which authorizes the
13 dismantling or destruction of the motor vehicle or mobile home
14 described therein. However, if the damaged motor vehicle is
15 equipped with custom-lowered floors for wheelchair access or a
16 wheelchair lift, the insurance company may, upon determining
17 that the vehicle is repairable to a condition that is safe for
18 operation on public roads, submit the certificate of title to
19 the department for reissuance as a salvage rebuildable title
20 and the addition of a title brand of "insurance-declared total
21 loss." This certificate of destruction shall be reassignable a
22 maximum of two times before dismantling or destruction of the
23 vehicle shall be required, and shall accompany the motor
24 vehicle or mobile home for which it is issued, when such motor
25 vehicle or mobile home is sold for such purposes, in lieu of a
26 certificate of title, and, thereafter, the department shall
27 refuse issuance of any certificate of title for that vehicle.
28 Nothing in this subsection shall be applicable when a vehicle
29 is worth less than \$1,500 retail in undamaged condition in any
30 official used motor vehicle guide or used mobile home guide or
31 when a stolen motor vehicle or mobile home is recovered in

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

8 Section 14. Subsection (19) is added to section
 9 320.02, Florida Statutes, to read:

10 320.02 Registration required; application for
 11 registration; forms.--

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

26 (a) The motor vehicle owner or co-owner may dispute
 27 the claim that money is owed to a dealer for registration fees
 28 by submitting a form to the department if the motor vehicle
 29 owner or co-owner has documentary proof that the registration
 30 fees have been paid to the dealer for the disputed amount.
 31 Without clear evidence of the amounts owed for the vehicle

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1 registration and repayment, the department will assume initial
2 payments are applied to government-assessed fees first.

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

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

10 320.27 Motor vehicle dealers.--

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

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

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

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

30 3. Misrepresentation or false, deceptive, or
31 misleading statements with regard to the sale or financing of

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

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

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

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

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

18 8. Failure to continually meet the requirements of the
19 licensure law.

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

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

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

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

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

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

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

17 16. Willful failure to comply with any administrative
18 rule adopted by the department.

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

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

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

30 320.08058 Specialty license plates.--

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

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1 (a) ~~Florida~~ Special Olympics Florida license plates
2 must contain the official ~~Florida~~ Special Olympics Florida
3 logo and must bear a design and colors that are approved by
4 the department. The word "Florida" must be centered at the
5 bottom ~~top~~ of the plate, and the words "Everyone Wins"
6 "~~Support Florida Special Olympics~~" must be centered at the top
7 ~~bottom~~ of the plate.

8 (b) The license plate annual use fees are to be
9 annually distributed as follows:

10 1. The first \$5 million collected annually must be
11 forwarded to the private nonprofit corporation as described in
12 s. 393.002 and must be used solely for Special Olympics
13 purposes as approved by the private nonprofit corporation.

14 2. Any additional fees must be deposited into the
15 General Revenue Fund.

16 (30) CHOOSE LIFE LICENSE PLATES.--

17 (a) The department shall develop a Choose Life license
18 plate as provided in this section. The word "Florida" must
19 appear at the bottom of the plate, and the words "Choose Life"
20 must appear at the top of the plate.

21 (b) The annual use fees shall be distributed annually
22 to each county in the ratio that the annual use fees collected
23 by each county bears to the total fees collected for the
24 plates within the state. Each county shall distribute the
25 funds to nongovernmental, not-for-profit agencies within the
26 county, which agencies' services are limited to counseling and
27 meeting the physical needs of pregnant women who are committed
28 to placing their children for adoption. Funds may not be
29 distributed to any agency that is involved or associated with
30 abortion activities, including counseling for or referrals to
31 abortion clinics, providing medical abortion-related

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1 procedures, or proabortion advertising, and funds may not be
2 distributed to any agency that charges women for services
3 received.

4 1. Agencies that receive the funds must use at least
5 70 percent of the funds to provide for the material needs of
6 pregnant women who are committed to placing their children for
7 adoption, including clothing, housing, medical care, food,
8 utilities, and transportation. Such funds may also be expended
9 on infants awaiting placement with adoptive parents.

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

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

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

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

27 (b) The department shall retain all revenues from the
28 sale of such plates until all startup costs for developing and
29 issuing the plates have been recovered. Thereafter, 100 ~~50~~
30 percent of the annual use fee shall be distributed to the
31 Department of Transportation SAFE Council to fund a grant

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

7 (56) ANIMAL FRIEND LICENSE PLATES.--

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

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

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

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

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

29 Section 17. Paragraph (a) of subsection (1) of section
 30 320.089, Florida Statutes, is amended to read:

31 320.089 Members of National Guard and active United

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1 States Armed Forces reservists; former prisoners of war;
2 survivors of Pearl Harbor; Purple Heart medal recipients;
3 special license plates; fee.--

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

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

30 320.77 License required of mobile home dealers.--

31 (15) SURETY BOND, CASH BOND, OR IRREVOCABLE LETTER OF

1 CREDIT REQUIRED.--

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

27 1. A single dealer who buys, sells, or deals in mobile
28 homes and who has four or fewer supplemental licenses shall
29 provide a surety bond, cash bond, or irrevocable letter of
30 credit executed by the dealer applicant or licensee in the
31 amount of \$25,000.

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

6
 7 For the purposes of this paragraph, any person who buys,
 8 sells, or deals in both mobile homes and recreational vehicles
 9 shall provide the same surety bond required of dealers who
 10 buy, sell, or deal in mobile homes only.

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

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

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

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

30 **(f)(d)** Any surety company that ~~which~~ cancels the bond
 31 of any licensee or any bank that cancels an irrevocable letter

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1 of credit shall notify the department, in writing, of such
2 cancellation, giving reason for the cancellation.

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

5 322.08 Application for license.--

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

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

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

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

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

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

27
28 A statement providing an explanation of the purpose of the
29 trust funds shall also be included. For the purpose of
30 applying the service charge provided in s. 215.20,
31 contributions received under paragraphs (c), (d), and (e) and

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1 under s. 322.18(9)(a) are not income of a revenue nature.

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

5 322.2615 Suspension of license; right to review.--

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

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

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

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

26 (a) Four members appointed by the Florida Manufactured
27 Housing Association, one member representing publicly owned
28 manufacturers of manufactured housing, one member representing
29 privately owned manufacturers of manufactured housing, and two
30 members who are retail sellers of manufactured housing, one of
31 whom must also sell residential manufactured buildings

1 approved by the Department of Community Affairs.

2 (b) Two members from the Senate, appointed by the
3 President of the Senate.

4 (c) Two members from the House of Representatives,
5 appointed by the Speaker of the House of Representatives.

6 (d) The secretary of the Department of Community
7 Affairs or the secretary's designee.

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

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

12
13 The commission members representing the departments of
14 Community Affairs, Highway Safety and Motor Vehicles, and
15 Agriculture and Consumer Services shall serve as ex officio,
16 nonvoting members of the study commission.

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

22 (a) The federal construction and inspection programs.

23 (b) The installation program, including the regulation
24 and inspection functions.

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

26 (d) The licensing of manufacturers, retailers, and
27 installers of manufactured and mobile homes.

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

29 (f) Dispute resolution.

30
31 During the course of the study, the study commission must

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1 review the sources funding the programs to determine if the
2 manufactured and mobile home programs are or can be
3 self-sustaining. The study commission shall also consider the
4 impact that changes in regulation may have on the industry and
5 its consumers.

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

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

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

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

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

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

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

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

31 (3) There is established a point system for evaluation

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

13 (a) When a licensee accumulates 12 points within a
 14 12-month period, the period of suspension shall be for not
 15 more than 30 days.

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

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

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

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

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- 1 5. Unlawful speed:
- 2 a. Not in excess of 15 miles per hour of lawful or
- 3 posted speed--3 points.
- 4 b. In excess of 15 miles per hour of lawful or posted
- 5 speed--4 points.
- 6 6. All other moving violations (including parking on a
- 7 highway outside the limits of a municipality)--3 points.
- 8 However, no points shall be imposed for a violation of s.
- 9 316.0741 or s. 316.2065(12).
- 10 7. Any moving violation covered above, excluding
- 11 unlawful speed, resulting in a crash--4 points.
- 12 8. Any conviction under s. 403.413(6)(b) ~~s.~~
- 13 ~~403.413(5)(b)~~--3 points.
- 14 (e) A conviction in another state of a violation
- 15 therein which, if committed in this state, would be a
- 16 violation of the traffic laws of this state, or a conviction
- 17 of an offense under any federal law substantially conforming
- 18 to the traffic laws of this state, except a violation of s.
- 19 322.26, may be recorded against a driver on the basis of the
- 20 same number of points received had the conviction been made in
- 21 a court of this state.
- 22 (f) In computing the total number of points, when the
- 23 licensee reaches the danger zone, the department is authorized
- 24 to send the licensee a warning letter advising that any
- 25 further convictions may result in suspension of his or her
- 26 driving privilege.
- 27 (g) The department shall administer and enforce the
- 28 provisions of this law and may make rules and regulations
- 29 necessary for its administration.
- 30 (h) Three points shall be deducted from the driver
- 31 history record of any person whose driving privilege has been

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1 suspended only once pursuant to this subsection and has been
2 reinstated, if such person has complied with all other
3 requirements of this chapter.

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

7 Section 23. Subsections (1), (2), (3), (7), (8), and
8 (10) of section 322.61, Florida Statutes, are amended to read:

9 322.61 Disqualification from operating a commercial
10 motor vehicle.--

11 (1) A person who, for offenses occurring within a
12 3-year period, is convicted of two of the following serious
13 traffic violations or any combination thereof, arising in
14 separate incidents committed in a commercial motor vehicle
15 shall, in addition to any other applicable penalties, be
16 disqualified from operating a commercial motor vehicle for a
17 period of 60 days. A person who, for offenses occurring within
18 a 3-year period, is convicted of two of the following serious
19 traffic violations, or any combination thereof, arising in
20 separate incidents committed in a noncommercial motor vehicle
21 shall, in addition to any other applicable penalties, be
22 disqualified from operating a commercial motor vehicle for a
23 period of 60 days if such convictions result in the
24 suspension, revocation, or cancellation of the licenseholder's
25 driving privilege:

26 (a) A violation of any state or local law relating to
27 motor vehicle traffic control, other than a parking violation,
28 a weight violation, or a vehicle equipment violation, arising
29 in connection with a crash resulting in death or personal
30 injury to any person;

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

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

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

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

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

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

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

10 (i) Driving a commercial vehicle without obtaining a
11 commercial driver's license;

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

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

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

31 (b) A person who, for offenses occurring within a

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

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

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

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

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

22 (d) Using a commercial motor vehicle in the commission
 23 of a felony;

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

26 (f) Refusing to submit to a test to determine his or
 27 her alcohol concentration while driving a commercial motor
 28 vehicle; ~~-~~

29 (g) Driving a commercial vehicle while the
 30 licenseholder's commercial driver's license is suspended,
 31 revoked, or canceled or while the licenseholder is

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1 disqualified from driving a commercial vehicle; or

2 (h) Causing a fatality through the negligent operation
3 of a commercial motor vehicle.

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

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

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

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

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

23 (d) Not less than 180 days nor more than 2 years if
24 the driver is convicted of or otherwise found to have
25 committed a first violation of an out-of-service order while
26 transporting hazardous materials required to be placarded
27 under the Hazardous Materials Transportation Act, 49 U.S.C.
28 ss. 5101 et seq., or while operating motor vehicles designed
29 to transport more than 15 passengers, including the driver. A
30 driver is disqualified for a period of not less than 3 years
31 nor more than 5 years if, for offenses occurring during any

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1 10-year period, the driver is convicted of or otherwise found
 2 to have committed any subsequent violations of out-of-service
 3 orders, in separate incidents, while transporting hazardous
 4 materials required to be placarded under the Hazardous
 5 Materials Transportation Act 49 U.S.C. ss. 5101 et seq., or
 6 while operating motor vehicles designed to transport more than
 7 15 passengers, including the driver.

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

12 (b) A driver must be disqualified for not less than
 13 120 days if, for offenses occurring during any 3-year period,
 14 the driver is convicted of or otherwise found to have
 15 committed a second railroad-highway grade crossing violation
 16 in separate incidents.

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

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

24 321.24 Members of an auxiliary to Florida Highway
 25 Patrol.--

26 (5) Notwithstanding any other law to the contrary, any
 27 volunteer highway patrol troop surgeon appointed by the
 28 director of the Florida Highway Patrol, and any volunteer
 29 licensed health professional appointed by the director of the
 30 Florida Highway Patrol to work under the medical direction of
 31 a highway patrol troop surgeon is considered an employee for

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1 purposes of s. 768.28(9).

2 Section 25. Section 549.102, Florida Statutes, is
3 created to read:

4 549.102 Motorsports entertainment complex; overnight
5 parking.--Notwithstanding any other law to the contrary, the
6 owner of a motorsports entertainment complex may allow
7 temporary overnight parking during a motorsports event and the
8 2 days immediately preceding and following such motorsports
9 event without any other license or permit as long as the area
10 where such temporary overnight parking is allowed meets
11 applicable health department requirements other than site
12 requirements. The Department of Health, or any other health
13 agency in the state, shall not regard such temporary overnight
14 parking as a "recreational vehicle park" as described in
15 chapter 513 and the administrative code adopted under that
16 chapter.

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

20 261.03 Definitions.--As used in this chapter, the
21 term:

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

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

29 Section 27. Subsection (84) is added to section
30 316.003, Florida Statutes, to read:

31 316.003 Definitions.--The following words and phrases,

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1 when used in this chapter, shall have the meanings
2 respectively ascribed to them in this section, except where
3 the context otherwise requires:

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

8 Section 28. Section 316.0775, Florida Statutes, is
9 amended to read:

10 316.0775 Interference with official traffic control
11 devices or railroad signs or signals.--

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

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

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

29 316.122 Vehicle turning left.--The driver of a vehicle
30 intending to turn to the left within an intersection or into
31 an alley, private road, or driveway shall yield the

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

7 Section 30. Section 316.1576, Florida Statutes, is
 8 created to read:

9 316.1576 Insufficient clearance at a railroad-highway
 10 grade crossing.--

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

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

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

22 Section 31. Section 316.1577, Florida Statutes, is
 23 created to read:

24 316.1577 Employer responsibility for violations
 25 pertaining to railroad-highway grade crossings.--

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

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

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

3 316.183 Unlawful speed.--

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

18 Section 33. Paragraph (e) of subsection (1) of section
19 316.1932, Florida Statutes, is amended to read:

20 316.1932 Tests for alcohol, chemical substances, or
21 controlled substances; implied consent; refusal.--

22 (1)

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

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

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

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

6 316.1936 Possession of open containers of alcoholic
7 beverages in vehicles prohibited; penalties.--

8 (5) This section shall not apply to:

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

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

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

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

23 316.194 Stopping, standing or parking outside of
24 municipalities.--

25 (3)(a) Whenever any police officer or traffic accident
26 investigation officer finds a vehicle standing upon a highway
27 in violation of any of the foregoing provisions of this
28 section, the officer is authorized to move the vehicle, or
29 require the driver or other persons in charge of the vehicle
30 to move the vehicle ~~same~~, to a position off the paved or
31 main-traveled part of the highway.

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

8 1. Where such vehicle constitutes an obstruction of
 9 traffic;

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

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

21 Section 36. Section 316.1967, Florida Statutes, is
 22 amended to read:

23 316.1967 Liability for payment of parking ticket
 24 violations and other parking violations.--

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

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

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

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

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

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

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

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1 who have any outstanding violations of s. 316.1955 or any
 2 similar local ordinance that regulates parking in spaces
 3 designated for use by persons who have disabilities. The
 4 department shall mark the appropriate registration records of
 5 persons who are so reported. Section 320.03(8) applies to each
 6 person whose name appears on the list.

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

9 316.2074 All-terrain vehicles.--

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

19 Section 38. Paragraph (b) of subsection (1) of section
 20 316.302, Florida Statutes, is amended to read:

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

24 (1)

25 (b) Except as otherwise provided in this section, all
 26 owners or drivers of commercial motor vehicles that are
 27 engaged in intrastate commerce are subject to the rules and
 28 regulations contained in 49 C.F.R. parts 382, 385, and
 29 390-397, with the exception of 49 C.F.R. s. 390.5 as it
 30 relates to the definition of bus, as such rules and
 31 regulations existed on October 1, 2004 ~~2002~~.

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

3 316.605 Licensing of vehicles.--

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

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1 traffic infraction, punishable as a nonmoving violation as
2 provided in chapter 318.

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

5 316.613 Child restraint requirements.--

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

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

16 Section 41. Section 316.6131, Florida Statutes, is
17 created to read:

18 316.6131 Educational expenditures.--The department may
19 authorize the expenditure of funds for the purchase of
20 educational items as part of the public information and
21 education campaigns promoting highway safety and awareness, as
22 well as departmental community-based initiatives. Funds may be
23 expended for, but are not limited to, educational campaigns
24 provided in this chapter, chapters 320 and 322, and s.
25 403.7145.

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

28 316.650 Traffic citations.--

29 (9) Such citations shall not be admissible evidence in
30 any trial, except when used as evidence of falsification,
31 forgery, uttering, fraud, or perjury, or when used as physical

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1 evidence resulting from a forensic examination of the
2 citation.

3 Section 43. Section 317.0003, Florida Statutes, is
4 amended, to read:

5 317.0003 Definitions.--As used in this chapter ~~ss.~~
6 ~~317.0001-317.0013~~, the term:

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

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

21 (3) "Department" means the Department of Highway
22 Safety and Motor Vehicles.

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

29 (5) "OHM" or "off-highway motorcycle" means any motor
30 vehicle used off the roads or highways of this state that has
31 a seat or saddle for the use of the rider and is designed to

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1 travel with not more than two wheels in contact with the
2 ground, but excludes a tractor or a moped.

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

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

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

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

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

23 317.0004 Administration of off-highway vehicle titling
24 laws; records.--

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

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1 this chapter, unless otherwise explicitly stated.

2 Section 45. Section 317.0005, Florida Statutes, is
3 amended to read:

4 317.0005 Rules, forms, and notices.--

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

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

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

15 317.0006 Certificate of title required.--

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

21 Section 47. Subsection (6) is added to section
22 317.0007, Florida Statutes, to read:

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

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

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

3 Section 48. Subsection (2) of section 317.0008,
4 Florida Statutes, is repealed.

5 Section 49. Section 317.0010, Florida Statutes, is
6 amended to read:

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

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

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

17 (3) It is unlawful to:

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

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

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

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

1 off-highway vehicle.

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

6
7 Any person who violates this subsection commits a felony of
8 the third degree, punishable as provided in s. 775.082, s.
9 775.083, or s. 775.084. A violation of this subsection with
10 respect to any off-highway vehicle makes such off-highway
11 vehicle contraband which may be seized by a law enforcement
12 agency and forfeited under ss. 932.701-932.704.

13 Section 51. Section 317.0013, Florida Statutes, is
14 amended to read:

15 317.0013 Nonmoving traffic violations.--Any person who
16 fails to comply with any provision of this chapter ~~ss.~~
17 ~~317.0001-317.0012~~ for which a penalty is not otherwise
18 provided commits a nonmoving traffic violation, punishable as
19 provided in s. 318.18.

20 Section 52. Section 317.0014, Florida Statutes, is
21 created to read:

22 317.0014 Certificate of title; issuance in duplicate;
23 delivery; liens and encumbrances.--

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

30 (2) A duly authorized person shall sign the original
31 certificate of title and each corrected certificate and, if

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

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

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1 certificate or corrected certificate shall show only the lien
2 or liens as shown in the application and any subsequently
3 filed liens that may be outstanding.

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

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

30 (5)(a) Upon satisfaction of any first lien or
31 encumbrance recorded by the department, the owner of the

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

23 (b) Following satisfaction of a lien, the lienholder
24 shall enter a satisfaction thereof in the space provided on
25 the face of the certificate of title. If the certificate of
26 title was retained by the owner, the owner shall, within 5
27 days after satisfaction of the lien, deliver the certificate
28 of title to the lienholder and the lienholder shall enter a
29 satisfaction thereof in the space provided on the face of the
30 certificate of title. If no subsequent liens are shown on the
31 certificate of title, the certificate shall be delivered by

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1 the lienholder to the person satisfying the lien or
2 encumbrance and an executed satisfaction on a form provided by
3 the department shall be forwarded to the department by the
4 lienholder within 10 days after satisfaction of the lien.

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

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

30 (6) When the original certificate of title cannot be
31 returned to the department by the lienholder and evidence

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1 satisfactory to the department is produced that all liens or
 2 encumbrances have been satisfied, upon application by the
 3 owner for a duplicate copy of the certificate upon the form
 4 prescribed by the department, accompanied by the fee
 5 prescribed in this chapter, a duplicate copy of the
 6 certificate of title, without statement of liens or
 7 encumbrances, shall be issued by the department and delivered
 8 to the owner.

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

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

31 (9) In sending any notice, the department is required

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1 to use only the last known address, as shown by its records.

2 Section 53. Section 317.0015, Florida Statutes, is
3 created to read:

4 317.0015 Application of law.--Sections 319.235,
5 319.241, 319.25, 319.27, 319.28, and 319.40 apply to all
6 off-highway vehicles that are required to be titled under this
7 chapter.

8 Section 54. Section 317.0016, Florida Statutes, is
9 created to read:

10 317.0016 Expedited service; applications; fees.--The
11 department shall provide, through its agents and for use by
12 the public, expedited service on title transfers, title
13 issuances, duplicate titles, recordation of liens, and
14 certificates of repossession. A fee of \$7 shall be charged for
15 this service, which is in addition to the fees imposed by ss.
16 317.0007 and 317.0008, and \$3.50 of this fee shall be retained
17 by the processing agency. All remaining fees shall be
18 deposited in the Incidental Trust Fund of the Division of
19 Forestry of the Department of Agriculture and Consumer
20 Services. Application for expedited service may be made by
21 mail or in person. The department shall issue each title
22 applied for pursuant to this section within 5 working days
23 after receipt of the application except for an application for
24 a duplicate title certificate covered by s. 317.0008(3), in
25 which case the title must be issued within 5 working days
26 after compliance with the department's verification
27 requirements.

28 Section 55. Section 317.0017, Florida Statutes, is
29 created to read:

30 317.0017 Offenses involving vehicle identification
31 numbers, applications, certificates, papers; penalty.--

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1 (1) A person may not:

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

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

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

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

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

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

30 (3) A person may not knowingly obtain goods, services,
31 credit, or money by means of a certificate of title to an

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1 off-highway vehicle, which certificate is required by law to
2 be surrendered to the department.

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

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

25 (6) A person who violates any provision of this
26 section commits a felony of the third degree, punishable as
27 provided in s. 775.082, s. 775.083, or s. 775.084. Any
28 off-highway vehicle used in violation of this section
29 constitutes contraband that may be seized by a law enforcement
30 agency and that is subject to forfeiture proceedings pursuant
31 to ss. 932.701-932.704. This section is not exclusive of any

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1 other penalties prescribed by any existing or future laws for
2 the larceny or unauthorized taking of off-highway vehicles,
3 but is supplementary thereto.

4 Section 56. Section 317.0018, Florida Statutes, is
5 created to read:

6 317.0018 Transfer without delivery of certificate;
7 operation or use without certificate; failure to surrender;
8 other violations.--Except as otherwise provided in this
9 chapter, any person who:

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

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

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

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

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

29
30 shall be fined not more than \$500 or imprisoned for not more
31 than 6 months, or both, for each offense, unless otherwise

1 specified.

2 Section 57. Subsections (7), (9), and (10) of section
3 318.14, Florida Statutes, are amended to read:

4 318.14 Noncriminal traffic infractions; exception;
5 procedures.--

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

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

21 (9) Any person who does not hold a commercial driver's
22 license and who is cited for an infraction under this section
23 other than a violation of s. 320.0605, s. 320.07(3)(a) or (b),
24 s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu
25 of a court appearance, elect to attend in the location of his
26 or her choice within this state a basic driver improvement
27 course approved by the Department of Highway Safety and Motor
28 Vehicles. In such a case, adjudication must be withheld;
29 points, as provided by s. 322.27, may not be assessed; and the
30 civil penalty that is imposed by s. 318.18(3) must be reduced
31 by 18 percent; however, a person may not make an election

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

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

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

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

28 3. Operating a motor vehicle in violation of s.
 29 316.646.

30 (b) Any person cited for an offense listed in this
 31 subsection shall present proof of compliance prior to the

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

29 Section 58. Subsection (6) of section 319.23, Florida
30 Statutes, is amended to read:

31 319.23 Application for, and issuance of, certificate

1 of title.--

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

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

24 319.27 Notice of lien on motor vehicles or mobile
25 homes; notation on certificate; recording of lien.--

26 (2) No lien for purchase money or as security for a
27 debt in the form of a security agreement, retain title
28 contract, conditional bill of sale, chattel mortgage, or other
29 similar instrument or any other nonpossessory lien, including
30 a lien for child support, upon a motor vehicle or mobile home
31 upon which a Florida certificate of title has been issued

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

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

30 (3)(a) A person may file a notice of lien with regard
 31 to a motor vehicle or mobile home before a security agreement,

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1 retain title contract, conditional bill of sale, chattel
2 mortgage, or other similar instrument is executed granting a
3 lien, mortgage, or encumbrance on, or a security interest in,
4 such motor vehicle or mobile home.

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

22 Section 60. Paragraph (b) of subsection (1) of section
23 320.06, Florida Statutes, is amended to read:

24 320.06 Registration certificates, license plates, and
25 validation stickers generally.--

26 (1)

27 (b) Registration license plates bearing a graphic
28 symbol and the alphanumeric system of identification shall be
29 issued for a 5-year period. At the end of said 5-year period,
30 upon renewal, the plate shall be replaced. The fee for such
31 replacement shall be \$10, \$2 of which shall be paid each year

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

22 Section 61. Section 320.0601, Florida Statutes, is
 23 amended to read:

24 320.0601 Lease and rental car companies;
 25 identification of vehicles as for-hire.--

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

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

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1 (a) "Bumper stickers, insignias, or advertising" does
2 not include:

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

7 2. Any license required by the law of the state in
8 which the vehicle is registered.

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

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

15 (4) Any registration or renewal as required under s.
16 320.02 for an original or transfer of a long-term leased motor
17 vehicle must be in the name and address of the lessee.

18 Section 62. Section 320.0605, Florida Statutes, is
19 amended to read:

20 320.0605 Certificate of registration; possession
21 required; exception.--The registration certificate or an
22 official copy thereof, a true copy of a rental or lease
23 agreement issued for a motor vehicle or issued for a
24 replacement vehicle in the same registration period, a
25 temporary receipt printed upon self-initiated electronic
26 renewal of a registration via the Internet, or a cab card
27 issued for a vehicle registered under the International
28 Registration Plan shall, at all times while the vehicle is
29 being used or operated on the roads of this state, be in the
30 possession of the operator thereof or be carried in the
31 vehicle for which issued and shall be exhibited upon demand of

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1 any authorized law enforcement officer or any agent of the
2 department, except for a vehicle registered under s. 320.0657.

3 The provisions of this section do not apply during the first
4 30 days after purchase of a replacement vehicle. A violation
5 of this section is a noncriminal traffic infraction,
6 punishable as a nonmoving violation as provided in chapter
7 318.

8 Section 63. Section 320.0843, Florida Statutes, is
9 amended to read:

10 320.0843 License plates for persons with disabilities
11 eligible for permanent disabled parking permits.--

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

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

28 Section 64. Subsection (8) is added to section
29 320.131, Florida Statutes, to read:

30 320.131 Temporary tags.--

31 (8) The department may administer an electronic system

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

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

14 320.18 Withholding registration.--

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

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1 Vehicles may impound any commercial motor vehicle that has a
 2 canceled license plate or fuel-use tax decal until the tax
 3 liability, penalty, and interest specified in chapter 207, the
 4 license tax, or the fuel-use decal fee, and applicable
 5 administrative fees have been paid for by certified funds.

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

9 320.27 Motor vehicle dealers.--

10 (4) LICENSE CERTIFICATE.--

11 (a) A license certificate shall be issued by the
 12 department in accordance with such application when the
 13 application is regular in form and in compliance with the
 14 provisions of this section. The license certificate may be in
 15 the form of a document or a computerized card as determined by
 16 the department. The actual cost of each original, additional,
 17 or replacement computerized card shall be borne by the
 18 licensee and is in addition to the fee for licensure. Such
 19 license, when so issued, entitles the licensee to carry on and
 20 conduct the business of a motor vehicle dealer. Each license
 21 issued to a franchise motor vehicle dealer expires annually on
 22 December 31 unless revoked or suspended prior to that date.
 23 Each license issued to an independent or wholesale dealer or
 24 auction expires annually on April 30 unless revoked or
 25 suspended prior to that date. Not less than 60 days prior to
 26 the license expiration date, the department shall deliver or
 27 mail to each licensee the necessary renewal forms. Each
 28 independent dealer shall certify that the dealer principal
 29 (owner, partner, officer of the corporation, or director) has
 30 completed 8 hours of continuing education prior to filing the
 31 renewal forms with the department. Such certification shall be

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

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

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

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1 defaced, or changed, if such is the fact.

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

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

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

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

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

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

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

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

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

9 8. Failure to continually meet the requirements of the
10 licensure law.

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

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

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

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

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

31 14. Violation of any of the provisions of s. 319.35 by

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1 any motor vehicle dealer.

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

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

11 17. Violation of chapter 319, this chapter, or ss.
12 559.901-559.9221, which has to do with dealing in or repairing
13 motor vehicles or mobile homes. Additionally, in the case of
14 used motor vehicles, the willful violation of the federal law
15 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining
16 to the consumer sales window form.

17 Section 67. Subsections (8), (10), and (29) of section
18 322.01, Florida Statutes, are amended to read:

19 322.01 Definitions.--As used in this chapter:

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

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

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

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

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

29 ~~(c)(e)~~ Is transporting hazardous materials and is
30 required to be placarded in accordance with Title 49 C.F.R.

31 part 172, subpart F.

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

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

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

17 Section 68. Subsections (4) and (10) of section
 18 322.05, Florida Statutes, are amended to read:

19 322.05 Persons not to be licensed.--The department may
 20 not issue a license:

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

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

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

11 322.051 Identification cards.--

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

17 (a) Each such application shall include the following
18 information regarding the applicant:

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

24 Such proof must include one of the following documents issued
25 to the applicant:

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

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- 1 b. A certified copy of a United States birth
- 2 certificate;
- 3 c. A ~~valid~~ United States passport;
- 4 d. A naturalization certificate issued by the United
- 5 States Department of Homeland Security;
- 6 ~~e.d.~~ An alien registration receipt card (green card);
- 7 ~~f.e.~~ An employment authorization card issued by the
- 8 United States Department of Homeland Security; or
- 9 g.f. Proof of nonimmigrant classification provided by
- 10 the United States Department of Homeland Security, for an
- 11 original identification card. In order to prove such
- 12 nonimmigrant classification, applicants may produce but are
- 13 not limited to the following documents:
- 14 (I) A notice of hearing from an immigration court
- 15 scheduling a hearing on any proceeding.
- 16 (II) A notice from the Board of Immigration Appeals
- 17 acknowledging pendency of an appeal.
- 18 (III) Notice of the approval of an application for
- 19 adjustment of status issued by the United States Bureau of
- 20 Citizenship and Immigration Services.
- 21 (IV) Any official documentation confirming the filing
- 22 of a petition for asylum status or any other relief issued by
- 23 the United States Bureau of Citizenship and Immigration
- 24 Services.
- 25 (V) Notice of action transferring any pending matter
- 26 from another jurisdiction to Florida, issued by the United
- 27 States Bureau of Citizenship and Immigration Services.
- 28 (VI) Order of an immigration judge or immigration
- 29 officer granting any relief that authorizes the alien to live
- 30 and work in the United States including, but not limited to
- 31 asylum.

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

(2)

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

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

(8) The department shall, upon receipt of the required fee, issue to each qualified applicant for an identification card a color photographic or digital image identification card bearing a fullface photograph or digital image of the

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

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

11 322.07 Instruction permits and temporary licenses.--

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

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

31 (a) The applicant possesses a valid driver's license

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1 issued in any state; and

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

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

9 322.08 Application for license.--

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

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

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

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

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

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

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

29 4. A naturalization certificate issued by the United
30 States Department of Homeland Security;

31 5.4. An alien registration receipt card (green card);

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1 ~~6.5.~~ An employment authorization card issued by the
2 United States Department of Homeland Security; or

3 ~~7.6.~~ Proof of nonimmigrant classification provided by
4 the United States Department of Homeland Security, for an
5 original driver's license. In order to prove nonimmigrant
6 classification, an applicant may produce the following
7 documents, including, but not limited to:

8 a. A notice of hearing from an immigration court
9 scheduling a hearing on any proceeding.

10 b. A notice from the Board of Immigration Appeals
11 acknowledging pendency of an appeal.

12 c. A notice of the approval of an application for
13 adjustment of status issued by the United States Immigration
14 and Naturalization Service.

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

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

21 f. An order of an immigration judge or immigration
22 officer granting any relief that authorizes the alien to live
23 and work in the United States, including, but not limited to,
24 asylum.

25
26 Presentation of any of the documents in subparagraph 6. or
27 subparagraph 7. entitles the applicant to a driver's license
28 or temporary permit for a period not to exceed the expiration
29 date of the document presented or 2 years, whichever occurs
30 first.

31 (d) Whether the applicant has previously been licensed

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

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

8 Section 72. Paragraph (a) of subsection (1) of section
9 322.09, Florida Statutes, is amended to read:

10 322.09 Application of minors; responsibility for
11 negligence or misconduct of minor.--

12 (1)(a) The application of any person under the age of
13 18 years for a driver's license must be signed and verified
14 before a person authorized to administer oaths by the father,
15 mother, or guardian; by a secondary guardian if the primary
16 guardian dies before the minor reaches 18 years of age; or,
17 if there is no parent or guardian, by another responsible
18 adult who is willing to assume the obligation imposed under
19 this chapter upon a person signing the application of a minor.
20 This section does not apply to a person under the age of 18
21 years who is emancipated by marriage.

22 Section 73. Section 322.11, Florida Statutes, is
23 amended to read:

24 322.11 Revocation of license upon death of person
25 signing minor's application.--The department, upon receipt of
26 satisfactory evidence of the death of the person who signed
27 the application of a minor for a license, shall, 90 days after
28 giving written notice to the minor, cancel such license and
29 may ~~shall~~ not issue a new license until ~~such time as~~ the new
30 application, ~~duly~~ signed and verified, is made as required by
31 this chapter. This provision does ~~shall~~ not apply ~~if in the~~

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1 ~~event~~ the minor has attained the age of 18 years.

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

4 322.12 Examination of applicants.--

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

24 Section 75. Subsections (1) and (4) of section
25 322.135, Florida Statutes, are amended, and subsection (9) is
26 added to that section, to read:

27 322.135 Driver's license agents.--

28 (1) The department may, upon application, authorize
29 any or all of the tax collectors in the several counties of
30 the state, subject to the requirements of law, in accordance
31 with rules of the department, to serve as its agent for the

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1 provision of specified driver's license services.

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

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

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

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

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

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

28 322.142 Color photographic or digital imaged
29 licenses.--

30 (1) The department shall, upon receipt of the required
31 fee, issue to each qualified applicant for a ~~an original~~

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

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

13 322.161 High-risk drivers; restricted licenses.--

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

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

27 ~~(b) The period of ineligibility shall automatically~~
 28 ~~expire after 1 year if the licensee does not accumulate any~~
 29 ~~additional points. If the licensee accumulates any additional~~
 30 ~~points, then the period of ineligibility shall be extended 90~~
 31 ~~days for each point. The period of ineligibility shall also~~

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1 ~~automatically expire upon the licensee's 18th birthday if no~~
2 ~~other grounds for ineligibility exist.~~

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

5 322.17 Duplicate and replacement certificates.--

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

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

16 322.18 Original applications, licenses, and renewals;
17 expiration of licenses; delinquent licenses.--

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

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

25 (b) An applicant applying for a renewal issuance or
26 renewal extension shall be issued a driver's license or
27 renewal extension sticker which expires at midnight on the
28 licensee's birthday which next occurs 4 years after the month
29 of expiration of the license being renewed, except that a
30 driver whose driving record reflects no convictions for the
31 preceding 3 years shall be issued a driver's license or

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1 renewal extension sticker which expires at midnight on the
 2 licensee's birthday which next occurs 6 years after the month
 3 of expiration of the license being renewed.

4 (c) 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 driver's license shall
 8 expire in accordance with paragraph (b). After an initial
 9 showing of such documentation, he or she is exempted from
 10 having to renew or obtain a duplicate in person.

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

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

26 (4)(a) Except as otherwise provided in this chapter,
 27 all licenses shall be renewable every 4 years or 6 years,
 28 depending upon the terms of issuance and shall be issued or
 29 extended upon application, payment of the fees required by s.
 30 322.21, and successful passage of any required examination,
 31 unless the department has reason to believe that the licensee

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1 is no longer qualified to receive a license.

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

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

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

23 322.19 Change of address or name.--

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

31 Section 81. Subsection (1) of section 322.21, Florida

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1 Statutes, is amended to read:

2 322.21 License fees; procedure for handling and
3 collecting fees.--

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

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

14 (b) An original ~~Class D~~ or Class E driver's license is
15 \$20, which shall include the fee for driver's education
16 provided by s. 1003.48; however, if an applicant has completed
17 training and is applying for employment or is currently
18 employed in a public or nonpublic school system that requires
19 a commercial driver license, the fee shall be the same as for
20 a Class E license.

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

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

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

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

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

12 322.212 Unauthorized possession of, and other unlawful
13 acts in relation to, driver's license or identification
14 card.--

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

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

22 322.22 Authority of department to cancel license.--

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

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

9 Section 84. Subsections (4) and (5) of section
 10 322.251, Florida Statutes, are amended to read:

11 322.251 Notice of cancellation, suspension,
 12 revocation, or disqualification of license.--

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

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

31 Section 85. Subsections (1), (7), (10), and (11) of

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1 section 322.2615, Florida Statutes, are amended to read:

2 322.2615 Suspension of license; right to review.--

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

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

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

31 b. The driver violated s. 316.193 by driving with an

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

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

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

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

17 5. The driver may submit to the department any
 18 materials relevant to the arrest.

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

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

28 1. Whether the arresting law enforcement officer had
 29 probable cause to believe that the person was driving or in
 30 actual physical control of a motor vehicle in this state while
 31 under the influence of alcoholic beverages or controlled

1 substances.

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

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

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

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

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

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

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

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

28 (a) If the suspension of the driver's license of the
29 person for failure to submit to a breath, urine, or blood test
30 is sustained, the person is not eligible to receive a license
31 for business or employment purposes only, pursuant to s.

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

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

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

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1 Section 86. Paragraph (d) of subsection (3) of section
2 322.27, Florida Statutes, is amended to read:

3 322.27 Authority of department to suspend or revoke
4 license.--

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

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

21 1. Reckless driving, willful and wanton--4 points.

22 2. Leaving the scene of a crash resulting in property
23 damage of more than \$50--6 points.

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

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

26 5. Unlawful speed:

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

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

31 6. All other moving violations (including parking on a

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1 highway outside the limits of a municipality)--3 points.
2 However, no points shall be imposed for a violation of s.
3 316.0741 or s. 316.2065(12).

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

6 8. Any conviction under s. 403.413(6)(b) ~~s.~~
7 ~~403.413(5)(b)~~--3 points.

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

9 Section 87. Section 322.30, Florida Statutes, is
10 amended to read:

11 322.30 No operation under foreign license during
12 suspension, revocation, or disqualification in this state.--

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

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

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

28 322.53 License required; exemptions.--

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

31 (b) Military personnel driving ~~military~~ vehicles

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1 operated for military purposes.

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

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

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

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

21 322.54 Classification.--

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

25 (a) Any person who drives a motor vehicle combination
26 having a gross vehicle weight rating, ~~a declared weight, or an~~
27 ~~actual weight, whichever is greatest,~~ of 26,001 pounds or more
28 must possess a valid Class A driver's license, provided the
29 gross vehicle weight rating, ~~declared weight, or actual~~
30 ~~weight, whichever is greatest,~~ of the vehicle being towed is
31 more than 10,000 pounds. Any person who possesses a valid

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1 Class A driver's license may, subject to the appropriate
2 restrictions and endorsements, drive any class of motor
3 vehicle within this state.

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

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

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

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

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

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

30 322.57 Tests of knowledge concerning specified
 31 vehicles; endorsement; nonresidents; violations.--

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

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

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

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

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

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

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

31 (g)(f) Drives a motorcycle must successfully complete

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

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

25 Section 91. Paragraph (a) of subsection (1) of section
26 322.58, Florida Statutes, is amended to read:

27 322.58 Holders of chauffeur's licenses; effect of
28 classified licensure.--

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

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1 on or after April 1, 1991, to the department for classified
2 licensure, according to a schedule developed by the
3 department.

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

8 Section 92. Subsections (1), (2), (3), (7), (8), and
9 (10) of section 322.61, Florida Statutes, are amended, and
10 subsections (4) and (5) of that section are reenacted, to
11 read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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1 incidents.

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

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

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

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

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1 Section 93. Subsection (1) and paragraph (a) of
 2 subsection (3) of section 322.63, Florida Statutes, are
 3 amended to read:

4 322.63 Alcohol or drug testing; commercial motor
 5 vehicle operators.--

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

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

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

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

30 (3)(a) The breath and blood ~~physical and chemical~~
 31 tests authorized in this section shall be administered

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1 substantially in accordance with rules adopted by the
2 Department of Law Enforcement.

3 Section 94. Subsection (1) of section 322.64, Florida
4 Statutes, is amended, and, for the purpose of incorporating
5 the amendment to section 322.61, Florida Statutes, in a
6 reference thereto, subsection (14) of that section is
7 reenacted, to read:

8 322.64 Holder of commercial driver's license; driving
9 with unlawful blood-alcohol level; refusal to submit to
10 breath, urine, or blood test.--

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

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1 breath-alcohol level of 0.08 or higher, the department shall
2 disqualify the person from operating a commercial motor
3 vehicle pursuant to subsection (3).

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

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

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

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

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

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

30 5. The driver may submit to the department any
31 materials relevant to the arrest.

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

9 Section 95. Paragraphs (c) and (f) of subsection (13)
10 of section 713.78, Florida Statutes, are amended to read:

11 713.78 Liens for recovering, towing, or storing
12 vehicles and vessels.--

13 (13)

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

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

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

28 c. The records of the department were marked "sold"
29 prior to the date of the tow.

30

31 If the registered owner's dispute of a wrecker operator's lien

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

24 2. A person against whom a wrecker operator's lien has
25 been imposed may alternatively obtain a discharge of the lien
26 by filing a complaint, challenging the validity of the lien or
27 the amount thereof, in the county court of the county in which
28 the vehicle, vessel, or mobile home was ordered removed. Upon
29 filing of the complaint, the person may have her or his name
30 removed from the list of those persons who may not be issued a
31 license plate or revalidation sticker for any motor vehicle

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

13 3. If a person against whom a wrecker operator's lien
14 has been imposed does not object to the lien, but cannot
15 discharge the lien by payment because the wrecker operator has
16 moved or gone out of business, the person may have her or his
17 name removed from the list of those persons who may not be
18 issued a license plate or revalidation sticker for any motor
19 vehicle under s. 320.03(8), thereby allowing issuance of a
20 license plate or revalidation sticker, upon posting with the
21 clerk of court in the county in which the vehicle, vessel, or
22 mobile home was ordered removed, a cash or surety bond or
23 other adequate security equal to the amount of the wrecker
24 operator's lien. Upon the posting of the bond and the payment
25 of the application fee set forth in s. 28.24, the clerk of the
26 court shall issue a certificate notifying the department of
27 the posting of the bond and directing the department to
28 release the wrecker operator's lien. The department shall mail
29 to the wrecker operator, at the address upon the lien form,
30 notice that the wrecker operator must claim the security
31 within 60 days, or the security will be released back to the

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1 person who posted it. At the conclusion of the 60 days, the
 2 department shall direct the clerk as to which party is
 3 entitled to payment of the security, less applicable clerk's
 4 fees.

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

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

17 Section 96. Section 843.16, Florida Statutes, is
 18 amended to read:

19 843.16 Unlawful to install or transport radio
 20 equipment using assigned frequency of state or law enforcement
 21 officers; definitions; exceptions; penalties.--

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

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

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

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

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

13 2. Any fire department vehicle of any city or county
 14 of the state or any state fire department vehicle;

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

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

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

27 (b) "Crime watch vehicle" means any motor vehicle used
 28 by any person participating in a citizen crime watch or
 29 neighborhood watch program when such program and use are
 30 approved in writing by the appropriate sheriff or chief of
 31 police where the vehicle will be used and the vehicle is

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1 assigned the use of frequencies assigned to the county or
2 city. Such approval shall be renewed annually.

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

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

14 Section 97. Except as otherwise expressly provided in
15 this act, this act shall take effect July 1, 2005.

16
17

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

19 And the title is amended as follows:

20 Delete everything before the enacting clause

21

22 and insert:

23

A bill to be entitled

24

An act relating to highway safety; amending s.

25

61.13016, F.S.; directing the department to

26

issue a driver's license restricted for

27

business purposes only under certain

28

circumstances relating to failure to pay child

29

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

30

for interlocal agreements between

31

municipalities and counties transferring

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1 traffic regulatory authority; amending s.
2 316.083, F.S.; requiring an appropriate signal
3 when overtaking and passing a vehicle; amending
4 s. 316.155, F.S.; specifying that signals are
5 required when moving right or left or
6 overtaking or passing a vehicle; amending s.
7 316.2095, F.S.; revising physical requirements
8 for operating motorcycles under certain
9 circumstances; amending s. 316.212, F.S.;
10 granting local jurisdictions the authority to
11 enact ordinances governing the use of golf
12 carts which are more restrictive than state
13 law; amending s. 316.2126, F.S.; requiring that
14 the use of golf carts upon any state, county,
15 or municipal road within a local jurisdiction
16 be in compliance with local ordinances
17 governing the use of golf carts; amending s.
18 316.302, F.S.; providing a penalty for
19 operating a commercial motor vehicle bearing a
20 false or other illegal identification number;
21 amending s. 316.3045, F.S.; revising criteria
22 related to the operation of radios or other
23 sound-making devices in motor vehicles;
24 amending s. 318.1215, F.S.; clarifying that
25 funds from the Dori Slosberg Driver Education
26 Safety Act be used for driver education
27 programs in schools; requiring that funds be
28 used for enhancement of a driver education
29 program; providing a requirement for
30 behind-the-wheel training; amending s. 318.14,
31 F.S.; providing penalties for certain traffic

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1 infractions requiring a mandatory hearing;
2 providing for distribution of moneys collected;
3 amending s. 318.21, F.S.; providing for
4 distribution of specified civil penalties by
5 county courts; amending s. 319.30, F.S.;
6 revising provisions relating to the
7 applicability of certificate of destruction
8 requirements for certain damaged vehicles;
9 amending s. 320.02, F.S.; authorizing the
10 withholding of motor vehicle registrations or
11 re-registrations in certain situations;
12 requiring motor vehicle dealers to maintain
13 certain information; allowing owners and
14 co-owners to dispute a dealer's claims of money
15 owed; amending s. 320.27, F.S.; providing for
16 motor vehicle dealer license discipline for the
17 failure to maintain evidence of notification to
18 the owner or co-owner of a vehicle regarding
19 registration and titling fees owed; revising
20 authorized uses of revenues from the United We
21 Stand specialty license plate; amending s.
22 320.08058, F.S.; redesignating the Florida
23 Special Olympics license plate as the Special
24 Olympics Florida license plate and revising
25 design requirements for such specialty license
26 plate; revising requirements for agencies that
27 receive funds from the Choose Life license
28 plate; revising authorized uses of revenues
29 from the Animal Friend specialty license plate;
30 amending s. 320.089, F.S.; allowing retired
31 members of the U.S. Armed Forces Reserve to be

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1 issued U.S. Reserve license plates; amending s.
2 320.77, F.S.; providing that mobile home
3 dealers may provide a cash bond or letter of
4 credit in lieu of a required surety bond;
5 amending s. 322.08, F.S.; revising the use of
6 funds collected from a voluntary contribution
7 associated with driver's license renewals to be
8 used for the purposes designated by the Hearing
9 Research Institute, Inc.; amending s. 322.2615,
10 F.S.; providing that the disposition of a
11 related criminal proceeding may not affect a
12 suspension of a driver's license for refusal to
13 submit to blood, breath, or urine testing;
14 directing the Department of Highway Safety and
15 Motor Vehicles to invalidate a suspension for
16 driving with an unlawful blood-alcohol level or
17 breath-alcohol level if the suspended person is
18 found not guilty at trial of the underlying
19 violation of law; creating the Manufactured
20 Housing Regulatory Study Commission; providing
21 for membership; providing duties; requiring the
22 commission to file a report with the Governor
23 and the Legislature; amending s. 322.27, F.S.;
24 correcting a cross-reference relating to points
25 assigned for littering violations; amending s.
26 322.61, F.S.; specifying additional violations
27 that disqualify a person from operating a
28 commercial motor vehicle; providing penalties;
29 providing an exception to the requirement that
30 a commercial driver's license be in possession
31 of the commercial driver; removing requirements

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1 for a Class D driver's license; amending s.
2 321.24, F.S.; providing that certain medical
3 professionals who volunteer for Florida Highway
4 Patrol service are considered employees of the
5 state for sovereign immunity purposes; creating
6 s. 549.102, F.S.; authorizing temporary
7 overnight parking during a motorsports event at
8 a motorsports entertainment complex; exempting
9 such parking from regulations relating to
10 recreational vehicle parks; providing for
11 application of health agency requirements;
12 amending s. 261.03, F.S.; redefining the term
13 "off-highway vehicle" to include a two-rider
14 ATV; adding a definition; amending s. 316.003,
15 F.S.; defining the term "traffic signal
16 preemption system"; amending s. 316.0775, F.S.;
17 providing that the unauthorized use of a
18 traffic signal preemption device is a moving
19 violation; amending s. 316.122, F.S.; providing
20 for the right-of-way for certain passing
21 vehicles; creating s. 316.1576, F.S.; providing
22 clearance specifications for a railroad-highway
23 grade crossing; providing a penalty; creating
24 s. 316.1577, F.S.; providing that an employer
25 is responsible under certain circumstances for
26 violations pertaining to railroad-highway grade
27 crossings; providing a penalty; amending s.
28 316.183, F.S.; increasing the minimum speed
29 limit on interstate highways under certain
30 circumstances; amending s. 316.1932, F.S.;
31 revising the requirements for printing the

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1 notice of consent for sobriety testing on a
2 driver's license; amending s. 316.1936, F.S.,
3 relating to possession of open containers of
4 alcohol; removing an exemption provided for
5 passengers of a vehicle operated by a driver
6 holding a Class D driver's license; amending s.
7 316.194, F.S.; authorizing traffic accident
8 investigation officers to remove vehicles under
9 certain circumstances; amending s. 316.1967,
10 F.S.; providing that an owner of a leased
11 vehicle is not responsible for a parking ticket
12 violation in certain circumstances; amending s.
13 316.2074, F.S.; redefining the term
14 "all-terrain vehicle" to include a two-rider
15 ATV; amending s. 316.302, F.S.; updating a
16 reference to the Code of Federal Regulations
17 relating to commercial motor vehicles; amending
18 s. 316.605, F.S.; clarifying that portion of a
19 license plate which must be clear and plainly
20 visible; amending s. 316.613, F.S.; eliminating
21 authorization for the Department of Highway
22 Safety and Motor Vehicles to expend certain
23 funds for promotional purposes; creating s.
24 316.6131, F.S.; authorizing the department to
25 expend certain funds for public information and
26 education campaigns; amending s. 316.650, F.S.;
27 providing exceptions to a prohibition against
28 using citations as evidence in a trial;
29 amending s. 317.0003, F.S.; defining the term
30 "off-highway vehicle" to include a two-rider
31 ATV; providing a definition; amending ss.

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1 317.0004, 317.0005, and 317.0006, F.S.;

2 conforming references; amending s. 317.0007,

3 F.S.; authorizing the Department of Highway

4 Safety and Motor Vehicles to issue a validation

5 sticker as an additional proof of title for an

6 off-highway vehicle; providing for the

7 replacement of lost or destroyed off-highway

8 vehicle validation stickers; providing for

9 disposition of fees; repealing s. 317.0008(2),

10 F.S., relating to the expedited issuance of

11 duplicate certificates of title for off-highway

12 vehicles; amending ss. 317.0010, 317.0012, and

13 317.0013, F.S.; conforming references; creating

14 s. 317.0014, F.S.; establishing procedures for

15 the issuance of a certificate of title for an

16 off-highway vehicle; providing duties of the

17 Department of Highway Safety and Motor

18 Vehicles; providing for a notice of lien and

19 lien satisfaction; creating s. 317.0015, F.S.;

20 providing for the applicability of certain

21 provisions of law to the titling of off-highway

22 vehicles; creating s. 317.0016, F.S.; providing

23 for the expedited issuance of titles for

24 off-highway vehicles; creating s. 317.0017,

25 F.S.; prohibiting specified actions relating to

26 the issuance of titles for off-highway

27 vehicles; providing a penalty; creating s.

28 317.0018, F.S.; prohibiting the transfer of an

29 off-highway vehicle without delivery of a

30 certificate of title; prescribing other

31 violations; providing a penalty; amending s.

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1 318.14, F.S.; authorizing the department to
2 modify certain actions to suspend or revoke a
3 driver's license following notice of final
4 disposition; providing citation procedures and
5 proceedings for persons who do not hold a
6 commercial driver's license; amending s.
7 319.23, F.S.; requiring a licensed motor
8 vehicle dealer to notify the Department of
9 Highway Safety and Motor Vehicles of a motor
10 vehicle or mobile home taken as a trade-in;
11 requiring the department to update its title
12 record; amending s. 319.27, F.S.; correcting an
13 obsolete cross-reference; amending s. 320.06,
14 F.S.; providing for a credit or refund when a
15 registrant is required to replace a license
16 plate under certain circumstances; amending s.
17 320.0601, F.S.; requiring that a registration
18 or renewal of a long-term leased motor vehicle
19 be in the name of the lessee; amending s.
20 320.0605, F.S.; exempting a vehicle registered
21 as a fleet vehicle from the requirement that
22 the certificate of registration be carried in
23 the vehicle at all times; amending s. 320.0843,
24 F.S.; requiring that an applicant's eligibility
25 for a disabled parking plate be noted on the
26 certificate; amending s. 320.131, F.S.;
27 authorizing the department to provide for an
28 electronic system for motor vehicle dealers to
29 use in issuing temporary license plates;
30 providing a penalty; amending s. 320.18, F.S.;

31 authorizing the department to cancel the

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1 vehicle or vessel registration, driver's
2 license, or identification card of a person who
3 pays certain fees or penalties with a
4 dishonored check; amending s. 320.27, F.S.;
5 requiring dealer principals to provide
6 certification of completing continuing
7 education under certain circumstances;
8 requiring motor vehicle dealers to maintain
9 records for a specified period; providing
10 certain penalties; amending s. 322.01, F.S.;
11 redefining the terms "commercial motor vehicle"
12 and "out-of-service order"; providing the
13 definition of conviction applicable to offenses
14 committed in a commercial motor vehicle;
15 amending s. 322.05, F.S.; removing requirements
16 for a Class D driver's license; amending s.
17 322.051, F.S.; revising provisions relating to
18 the application for an identification card;
19 providing that the requirement for a fullface
20 photograph or digital image on an
21 identification card may not be waived under ch.
22 761, F.S.; amending s. 322.07, F.S.; removing
23 requirements for a Class D driver's license;
24 amending s. 322.08, F.S.; providing that a
25 United States passport is an acceptable proof
26 of identity for purposes of obtaining a
27 driver's license; providing that a
28 naturalization certificate issued by the United
29 States Department of Homeland Security is an
30 acceptable proof of identity for such purpose;
31 providing that specified documents issued by

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1 the United States Department of Homeland
2 Security are acceptable as proof of
3 nonimmigrant classification; amending s.
4 322.09, F.S.; requiring the signature of a
5 secondary guardian on a driver's license
6 application for a minor under certain
7 circumstances; amending s. 322.11, F.S.;
8 providing for notice to a minor before
9 canceling the minor's license due to the death
10 of the person who cosigned the initial
11 application; amending s. 322.12, F.S.; removing
12 requirements for a Class D driver's license;
13 amending s. 322.135, F.S.; deleting a
14 requirement that a portion of certain fees
15 collected by a tax collector be deposited in
16 the Highway Safety Operating Trust Fund;
17 revising requirements for the tax collector in
18 directing a licensee for examination or
19 reexamination; requiring county officers to pay
20 certain funds to the State Treasury by
21 electronic funds transfer within a specified
22 period; amending s. 322.142, F.S.; providing
23 that the requirement for a fullface photograph
24 or digital image on a driver's license may not
25 be waived under ch. 761, F.S.; amending s.
26 322.161, F.S.; removing requirements for a
27 Class D driver's license; amending s. 322.17,
28 F.S., relating to duplicate and replacement
29 certificates; conforming a cross-reference;
30 amending s. 322.18, F.S.; revising the
31 expiration period for driver's licenses issued

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1 to specified persons; conforming
 2 cross-references; amending s. 322.19, F.S.,
 3 relating to change of address or name;
 4 conforming cross-references; amending s.
 5 322.21, F.S.; removing requirements for a Class
 6 D driver's license; requiring the department to
 7 set a fee for a hazardous-materials
 8 endorsement; providing that the fee may not
 9 exceed \$100; amending s. 322.212, F.S.;
 10 providing an additional penalty for giving
 11 false information when applying for a
 12 commercial driver's license; amending s.
 13 322.22, F.S.; authorizing the department to
 14 cancel any identification card, vehicle or
 15 vessel registration, or fuel-use decal of a
 16 licensee who pays certain fees or penalties
 17 with a dishonored check; amending s. 322.251,
 18 F.S.; removing requirements for a Class D
 19 driver's license; amending s. 322.2615, F.S.;
 20 revising provisions related to administrative
 21 suspension of driver's licenses; amending s.
 22 322.27, F.S.; providing 4 points to be assessed
 23 against a person's driver's license for a
 24 violation of s. 316.0775(2), F.S.; amending s.
 25 322.30, F.S.; removing the requirements for a
 26 Class D driver's license; amending s. 322.53,
 27 F.S.; removing requirements for a Class D
 28 driver's license; removing a requirement that
 29 certain operators of a commercial motor vehicle
 30 obtain a specified license; amending s. 322.54,
 31 F.S.; revising the classification requirements

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1 for certain driver's licenses; deleting
2 requirements for a Class D driver's license;
3 amending s. 322.57, F.S.; providing testing
4 requirements for school bus drivers; amending
5 s. 322.58, F.S.; deleting requirements for a
6 Class D driver's license and changing those
7 requirements to a Class E driver's license;
8 amending and reenacting s. 322.61, F.S.;
9 specifying additional violations that
10 disqualify a person from operating a commercial
11 motor vehicle; providing penalties; removing
12 requirements for a Class D driver's license;
13 amending s. 322.63, F.S.; clarifying provisions
14 governing alcohol and drug testing for
15 commercial motor vehicle operators; amending s.
16 322.64, F.S., and reenacting s. 322.64(14),
17 F.S., relating to citation procedures and
18 proceedings, to incorporate the amendment to s.
19 322.61, F.S., in a reference thereto; providing
20 for a temporary permit issued following certain
21 DUI offenses to apply only to the operation of
22 noncommercial vehicles; amending s. 713.78,
23 F.S.; revising provisions relating to the
24 placement of a wrecker operator's lien against
25 a motor vehicle; amending s. 843.16, F.S.;
26 prohibiting the transportation of radio
27 equipment that receives signals on frequencies
28 used by this state's law enforcement officers
29 or fire rescue personnel; redefining the term
30 "emergency vehicle" to include any motor
31 vehicle designated as such by the fire chief of

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1 a county or municipality; providing an enhanced
2 penalty; providing effective dates.
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