

1 A bill to be entitled
2 An act relating to motor vehicles; amending s. 261.03,
3 F.S.; redefining the term "off-highway vehicle" to include
4 a two-rider ATV; defining the term "two-rider ATV";
5 amending s. 316.003, F.S.; defining the term "traffic
6 signal preemption system"; amending s. 316.006, F.S.;
7 providing for interlocal agreements between municipalities
8 and counties transferring traffic regulatory authority;
9 amending s. 316.0775, F.S.; providing that the
10 unauthorized use of a traffic signal preemption device is
11 a moving violation; amending s. 316.122, F.S.; providing
12 for the right-of-way for certain passing vehicles;
13 creating s. 316.1576, F.S.; prohibiting driving through a
14 railroad-highway grade crossing that does not have
15 sufficient space or clearance; providing a penalty;
16 creating s. 316.1577, F.S.; prohibiting employer from
17 allowing, requiring, permitting, or authorizing certain
18 violations pertaining to railroad-highway grade crossings;
19 providing a penalty; amending s. 316.183, F.S.; increasing
20 the minimum speed limit on interstate highways under
21 certain circumstances; amending s. 316.1932, F.S.;
22 revising the requirements for printing the notice of
23 consent for sobriety testing on a driver's license;
24 amending s. 316.1936, F.S., relating to possession of open
25 containers of alcohol; removing an exemption provided for
26 passengers of a vehicle operated by a driver holding a
27 Class D driver's license; amending s. 316.194, F.S.;
28 authorizing traffic accident investigation officers to

29 remove vehicles under certain circumstances; amending s.
 30 316.1967, F.S.; providing that an owner of a leased
 31 vehicle is not responsible for a parking ticket violation
 32 in certain circumstances; amending s. 316.2074, F.S.;
 33 redefining the term "all-terrain vehicle" to include a
 34 two-rider ATV; amending s. 316.2095, F.S.; revising
 35 equipment requirements for operating motorcycles;
 36 providing penalties; amending s. 316.302, F.S.; updating a
 37 reference to the Code of Federal Regulations relating to
 38 commercial motor vehicles; amending s. 316.3045, F.S.;
 39 revising restrictions on the operation of radios or other
 40 soundmaking devices in motor vehicles; providing
 41 penalties; amending s. 316.605, F.S.; clarifying that
 42 portion of a license plate which must be clear and plainly
 43 visible; amending s. 316.613, F.S.; eliminating
 44 authorization for the Department of Highway Safety and
 45 Motor Vehicles to expend certain funds for promotional
 46 purposes; creating s. 316.6131, F.S.; authorizing the
 47 department to expend certain funds for public information
 48 and education campaigns; amending s. 316.650, F.S.;
 49 providing exceptions to a prohibition against using
 50 citations as evidence in a trial; amending s. 317.0003,
 51 F.S.; defining the term "off-highway vehicle" to include a
 52 two-rider ATV; providing a definition; amending ss.
 53 317.0004, 317.0005, and 317.0006, F.S.; conforming
 54 references; amending s. 317.0007, F.S.; authorizing the
 55 Department of Highway Safety and Motor Vehicles to issue a
 56 validation sticker as an additional proof of title for an

57 | off-highway vehicle; providing for the replacement of lost
58 | or destroyed off-highway vehicle validation stickers;
59 | providing for disposition of fees; repealing s.
60 | 317.0008(2), F.S., relating to the expedited issuance of
61 | duplicate certificates of title for off-highway vehicles;
62 | amending ss. 317.0010, 317.0012, and 317.0013, F.S.;
63 | conforming references; creating s. 317.0014, F.S.;
64 | establishing procedures for the issuance of a certificate
65 | of title for an off-highway vehicle; providing duties of
66 | the Department of Highway Safety and Motor Vehicles;
67 | providing for a notice of lien and lien satisfaction;
68 | creating s. 317.0015, F.S.; providing for the
69 | applicability of certain provisions of law to the titling
70 | of off-highway vehicles; creating s. 317.0016, F.S.;
71 | providing for the expedited issuance of titles for off-
72 | highway vehicles; creating s. 317.0017, F.S.; prohibiting
73 | specified actions relating to the issuance of titles for
74 | off-highway vehicles; providing a penalty; creating s.
75 | 317.0018, F.S.; prohibiting the transfer of an off-highway
76 | vehicle without delivery of a certificate of title;
77 | prescribing other violations; providing a penalty;
78 | amending s. 318.1215, F.S.; clarifying that funds from the
79 | Dori Slosberg Driver Education Safety Act be used for
80 | driver education programs in schools; requiring that funds
81 | be used for enhancement of driver education program funds;
82 | providing program requirements; amending s. 318.14, F.S.;
83 | authorizing the department to modify certain actions to
84 | suspend or revoke a driver's license following notice of

85 final disposition; providing that certain citation
86 procedures and proceedings apply to persons who do not
87 hold a commercial driver's license; amending s. 319.23,
88 F.S.; requiring a licensed motor vehicle dealer to notify
89 the Department of Highway Safety and Motor Vehicles of a
90 motor vehicle or mobile home taken as a trade-in;
91 requiring the department to update its title record;
92 amending s. 319.27, F.S.; correcting an obsolete cross-
93 reference; amending s. 320.02, F.S.; authorizing the
94 department to withhold motor vehicle registration or
95 renewal of registration when notified by a dealer of
96 unpaid registration and titling fees; requiring the motor
97 vehicle dealer to inform the owner or coowner and maintain
98 certain information; providing for dispute of dealer's
99 claim of unpaid fees; amending s. 320.06, F.S.; providing
100 for a credit or refund when a registrant is required to
101 replace a license plate under certain circumstances;
102 amending s. 320.0601, F.S.; requiring that a registration
103 or renewal of a long-term leased motor vehicle be in the
104 name of the lessee; amending s. 320.0605, F.S.; exempting
105 a vehicle registered as a fleet vehicle from the
106 requirement that the certificate of registration be
107 carried in the vehicle at all times; amending s.
108 320.08058, F.S.; revising authorized uses of revenues from
109 the Animal Friend specialty license plate; amending s.
110 320.0843, F.S.; requiring that an applicant's eligibility
111 for a disabled parking plate be noted on the certificate;
112 amending s. 320.089, F.S.; allowing retired members of the

113 United States Armed Forces Reserve to be issued U.S.
114 Reserve license plates; amending s. 320.131, F.S.;
115 authorizing the department to provide for an electronic
116 system for motor vehicle dealers to use in issuing
117 temporary license plates; providing a penalty; authorizing
118 the department to adopt rules; amending s. 320.18, F.S.;
119 authorizing the department to cancel the vehicle or vessel
120 registration, driver's license, or identification card of
121 a person who pays certain fees or penalties with a
122 dishonored check; amending s. 320.27, F.S.; requiring
123 dealer principals to provide certification of completing
124 continuing education under certain circumstances;
125 requiring motor vehicle dealers to maintain records for a
126 specified period; providing for denial, suspension, or
127 revocation of a motor vehicle dealer's license for failure
128 to maintain evidence of notification to the owner or
129 coowner of a vehicle regarding unpaid registration and
130 titling fees; providing certain penalties; amending s.
131 322.01, F.S.; redefining the terms "commercial motor
132 vehicle" and "out-of-service order"; providing the
133 definition of conviction applicable to offenses committed
134 in a commercial motor vehicle; amending s. 322.05, F.S.;
135 removing requirements for a Class D driver's license;
136 amending s. 322.051, F.S.; revising provisions relating to
137 the application for an identification card; providing that
138 the requirement for a fullface photograph or digital image
139 on an identification card may not be waived under ch. 761,
140 F.S.; amending s. 322.07, F.S.; removing requirements for

141 a Class D driver's license; amending s. 322.08, F.S.;

142 providing that a United States passport is an acceptable

143 proof of identity for purposes of obtaining a driver's

144 license; providing that a naturalization certificate

145 issued by the United States Department of Homeland

146 Security is an acceptable proof of identity for such

147 purpose; providing that specified documents are acceptable

148 as proof of nonimmigrant classification; allowing funds

149 collected from a voluntary contribution associated with

150 driver license applications to be used for hearing

151 screening for all age groups; amending s. 322.09, F.S.;

152 requiring the signature of a secondary guardian on a

153 driver's license application for a minor under certain

154 circumstances; amending s. 322.11, F.S.; providing for

155 notice to a minor before canceling the minor's license due

156 to the death of the person who cosigned the initial

157 application; amending s. 322.12, F.S.; removing

158 requirements for a Class D driver's license; amending s.

159 322.135, F.S.; requiring all tax collectors serving as

160 agents for the department to provide all services

161 available as deemed appropriate by the department;

162 revising requirements for the deposit of certain fees for

163 a driver's license; revising requirements for the tax

164 collector in directing a licensee for examination or

165 reexamination; requiring county officers to pay certain

166 funds to the State Treasury by electronic funds transfer

167 within a specified period; amending s. 322.142, F.S.;

168 providing that the requirement for a fullface photograph

169 or digital image on a driver's license may not be waived
170 under ch. 761, F.S.; amending s. 322.161, F.S.; removing
171 requirements for a Class D driver's license; amending s.
172 322.17, F.S., relating to duplicate and replacement
173 certificates; conforming a cross-reference; amending s.
174 322.18, F.S.; revising the expiration period for driver's
175 licenses issued to specified persons; conforming cross-
176 references; amending s. 322.19, F.S., relating to change
177 of address or name; conforming cross-references; amending
178 s. 322.21, F.S.; removing requirements for a Class D
179 driver's license; requiring the department to set a fee
180 for a hazardous-materials endorsement; providing maximum
181 fee amount; authorizing the department to adopt rules;
182 amending s. 322.212, F.S.; providing an additional penalty
183 for giving false information when applying for a
184 commercial driver's license; amending s. 322.22, F.S.;
185 authorizing the department to cancel any identification
186 card, vehicle or vessel registration, or fuel-use decal of
187 a licensee who pays certain fees or penalties with a
188 dishonored check; amending s. 322.251, F.S.; removing
189 requirements for a Class D driver's license; amending s.
190 322.2615, F.S.; revising provisions related to notice and
191 review procedures for administrative suspension of
192 driver's licenses; revising notice information; clarifying
193 review procedures; amending s. 322.27, F.S.; correcting a
194 cross-reference relating to points assigned for littering
195 violations; amending s. 322.30, F.S.; removing the
196 requirements for a Class D driver's license; amending s.

197 322.53, F.S.; removing requirements for a Class D driver's
 198 license; removing a requirement that certain operators of
 199 a commercial motor vehicle obtain a specified license;
 200 amending s. 322.54, F.S.; revising the classification
 201 requirements for certain driver's licenses; deleting
 202 requirements for a Class D driver's license; amending s.
 203 322.57, F.S.; providing testing requirements for school
 204 bus drivers; removing certain license restriction
 205 requirements; amending s. 322.58, F.S.; deleting
 206 requirements for a Class D driver's license and changing
 207 those requirements to a Class E driver's license; amending
 208 and reenacting s. 322.61, F.S.; specifying additional
 209 violations that disqualify a person from operating a
 210 commercial motor vehicle; providing penalties; removing
 211 requirements for a Class D driver's license; amending s.
 212 322.63, F.S.; clarifying provisions governing alcohol and
 213 drug testing for commercial motor vehicle operators;
 214 amending s. 322.64, F.S., and reenacting s. 322.64(14),
 215 F.S., relating to citation procedures and proceedings, to
 216 incorporate the amendment to s. 322.61, F.S., in a
 217 reference thereto; providing for a temporary permit issued
 218 following certain DUI offenses to apply only to the
 219 operation of noncommercial vehicles; amending s. 713.78,
 220 F.S.; revising provisions relating to the placement of a
 221 wrecker operator's lien against a motor vehicle; amending
 222 s. 768.28, F.S.; providing that certain medical
 223 professionals volunteering for Florida Highway Patrol
 224 service are considered employees of the state for

225 sovereign immunity purposes; amending s. 843.16, F.S.;
 226 prohibiting the transportation of radio equipment that
 227 receives signals on frequencies used by this state's law
 228 enforcement officers or fire rescue personnel; redefining
 229 the term "emergency vehicle" to include any motor vehicle
 230 designated as such by the fire chief of a county or
 231 municipality; revising penalties; providing an effective
 232 date.

233

234 Be It Enacted by the Legislature of the State of Florida:

235

236 Section 1. Subsection (6) of section 261.03, Florida
 237 Statutes, is amended and subsection (11) is added to that
 238 section, to read:

239 261.03 Definitions.--As used in this chapter, the term:

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

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

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

249 316.003 Definitions.--The following words and phrases,
 250 when used in this chapter, shall have the meanings respectively
 251 ascribed to them in this section, except where the context
 252 otherwise requires:

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

257 Section 3. Paragraph (c) is added to subsection (2) of
 258 section 316.006, Florida Statutes, to read:

259 316.006 Jurisdiction.--Jurisdiction to control traffic is
 260 vested as follows:

261 (2) MUNICIPALITIES.--

262 (c) Notwithstanding any other provisions of law to the
 263 contrary, a municipality may, by interlocal agreement with a
 264 county, agree to transfer traffic regulatory authority over
 265 areas within the municipality to the county.

266
 267 This subsection shall not limit those counties which have the
 268 charter powers to provide and regulate arterial, toll, and other
 269 roads, bridges, tunnels, and related facilities from the proper
 270 exercise of those powers by the placement and maintenance of
 271 traffic control devices which conform to the manual and
 272 specifications of the Department of Transportation on streets
 273 and highways located within municipal boundaries.

274 Section 4. Section 316.0775, Florida Statutes, is amended
 275 to read:

276 316.0775 Interference with official traffic control
 277 devices or railroad signs or signals.--

278 (1) A ~~No~~ person may not shall, without lawful authority,
 279 attempt to or in fact alter, deface, injure, knock down, or
 280 remove any official traffic control device or any railroad sign

281 or signal or any inscription, shield, or insignia thereon, or
 282 any other part thereof. A violation of this subsection ~~section~~
 283 is a criminal violation pursuant to s. 318.17 and shall be
 284 punishable as set forth in s. 806.13 related to criminal
 285 mischief and graffiti, beginning on or after July 1, 2000.

286 (2) A person may not, without lawful authority, possess or
 287 use any traffic signal preemption device as defined under s.
 288 316.003. A person who violates this subsection commits a moving
 289 violation, punishable as provided in chapter 318 and shall have
 290 4 points assessed against his or her driver's license as set
 291 forth in s. 322.27.

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

294 316.122 Vehicle turning left.--The driver of a vehicle
 295 intending to turn to the left within an intersection or into an
 296 alley, private road, or driveway shall yield the right-of-way to
 297 any vehicle approaching from the opposite direction, or vehicles
 298 lawfully passing on the left of the turning vehicle, which is
 299 within the intersection or so close thereto as to constitute an
 300 immediate hazard. A violation of this section is a noncriminal
 301 traffic infraction, punishable as a moving violation as provided
 302 in chapter 318.

303 Section 6. Section 316.1576, Florida Statutes, is created
 304 to read:

305 316.1576 Insufficient clearance at a railroad-highway
 306 grade crossing.--

307 (1) A person may not drive any vehicle through a railroad-
 308 highway grade crossing that does not have sufficient space to

309 drive completely through the crossing without stopping.

310 (2) A person may not drive any vehicle through a railroad-
 311 highway grade crossing that does not have sufficient
 312 undercarriage clearance to drive completely through the crossing
 313 without stopping.

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

317 Section 7. Section 316.1577, Florida Statutes, is created
 318 to read:

319 316.1577 Employer responsibility for violations pertaining
 320 to railroad-highway grade crossings.--

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

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

327 Section 8. Subsection (2) of section 316.183, Florida
 328 Statutes, is amended to read:

329 316.183 Unlawful speed.--

330 (2) On all streets or highways, the maximum speed limits
 331 for all vehicles must be 30 miles per hour in business or
 332 residence districts, and 55 miles per hour at any time at all
 333 other locations. However, with respect to a residence district,
 334 a county or municipality may set a maximum speed limit of 20 or
 335 25 miles per hour on local streets and highways after an
 336 investigation determines that such a limit is reasonable. It is

337 not necessary to conduct a separate investigation for each
 338 residence district. The minimum speed limit on all highways that
 339 comprise a part of the National System of Interstate and Defense
 340 Highways and have not fewer than four lanes is 40 miles per
 341 hour, except that when the posted speed limit is 70 miles per
 342 hour, the minimum speed limit is 50 miles per hour.

343 Section 9. Paragraph (e) of subsection (1) of section
 344 316.1932, Florida Statutes, is amended to read:

345 316.1932 Tests for alcohol, chemical substances, or
 346 controlled substances; implied consent; refusal.--

347 (1)

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

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

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

359 Section 10. Subsection (5) of section 316.1936, Florida
 360 Statutes, is amended to read:

361 316.1936 Possession of open containers of alcoholic
 362 beverages in vehicles prohibited; penalties.--

363 (5) This section shall not apply to:

364 (a) A passenger of a vehicle in which the driver is

365 operating the vehicle pursuant to a contract to provide
 366 transportation for passengers and such driver holds a valid
 367 commercial driver's license with a passenger endorsement ~~or a~~
 368 ~~Class D driver's license~~ issued in accordance with the
 369 requirements of chapter 322;

370 (b) A passenger of a bus in which the driver holds a valid
 371 commercial driver's license with a passenger endorsement ~~or a~~
 372 ~~Class D driver's license~~ issued in accordance with the
 373 requirements of chapter 322; or

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

376 Section 11. Paragraphs (a) and (b) of subsection (3) of
 377 section 316.194, Florida Statutes, are amended to read:

378 316.194 Stopping, standing or parking outside of
 379 municipalities.--

380 (3)(a) Whenever any police officer or traffic accident
 381 investigation officer finds a vehicle standing upon a highway in
 382 violation of any of the foregoing provisions of this section,
 383 the officer is authorized to move the vehicle, or require the
 384 driver or other persons in charge of the vehicle to move the
 385 vehicle same, to a position off the paved or main-traveled part
 386 of the highway.

387 (b) Officers and traffic accident investigation officers
 388 may are hereby authorized to provide for the removal of any
 389 abandoned vehicle to the nearest garage or other place of
 390 safety, cost of such removal to be a lien against motor vehicle,
 391 when an said abandoned vehicle is found unattended upon a bridge
 392 or causeway or in any tunnel, or on any public highway in the

393 following instances:

394 1. Where such vehicle constitutes an obstruction of
395 traffic;

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

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

406 Section 12. Section 316.1967, Florida Statutes, is amended
407 to read:

408 316.1967 Liability for payment of parking ticket
409 violations and other parking violations.--

410 (1) The owner of a vehicle is responsible and liable for
411 payment of any parking ticket violation unless the owner can
412 furnish evidence, when required by this subsection, that the
413 vehicle was, at the time of the parking violation, in the care,
414 custody, or control of another person. In such instances, the
415 owner of the vehicle is required, within a reasonable time after
416 notification of the parking violation, to furnish to the
417 appropriate law enforcement authorities an affidavit setting
418 forth the name, address, and driver's license number of the
419 person who leased, rented, or otherwise had the care, custody,
420 or control of the vehicle. The affidavit submitted under this

421 subsection is admissible in a proceeding charging a parking
 422 ticket violation and raises the rebuttable presumption that the
 423 person identified in the affidavit is responsible for payment of
 424 the parking ticket violation. The owner of a vehicle is not
 425 responsible for a parking ticket violation if the vehicle
 426 involved was, at the time, stolen or in the care, custody, or
 427 control of some person who did not have permission of the owner
 428 to use the vehicle. The owner of a leased vehicle is not
 429 responsible for a parking ticket violation and is not required
 430 to submit an affidavit or the other evidence specified in this
 431 section, if the vehicle is registered in the name of the person
 432 who leased the vehicle.

433 (2) Any person who is issued a county or municipal parking
 434 ticket by a parking enforcement specialist or officer is deemed
 435 to be charged with a noncriminal violation and shall comply with
 436 the directions on the ticket. If payment is not received or a
 437 response to the ticket is not made within the time period
 438 specified thereon, the county court or its traffic violations
 439 bureau shall notify the registered owner of the vehicle that was
 440 cited, or the registered lessee when the cited vehicle is
 441 registered in the name of the person who leased the vehicle, by
 442 mail to the address given on the motor vehicle registration, of
 443 the ticket. Mailing the notice to this address constitutes
 444 notification. Upon notification, the registered owner or
 445 registered lessee shall comply with the court's directive.

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

448 (4) Any person who elects to appear before a designated

449 official to present evidence waives his or her right to pay the
 450 civil penalty provisions of the ticket. The official, after a
 451 hearing, shall make a determination as to whether a parking
 452 violation has been committed and may impose a civil penalty not
 453 to exceed \$100 or the fine amount designated by county
 454 ordinance, plus court costs. Any person who fails to pay the
 455 civil penalty within the time allowed by the court is deemed to
 456 have been convicted of a parking ticket violation, and the court
 457 shall take appropriate measures to enforce collection of the
 458 fine.

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

463 (6) Any county or municipality may provide by ordinance
 464 that the clerk of the court or the traffic violations bureau
 465 shall supply the department with a magnetically encoded computer
 466 tape reel or cartridge or send by other electronic means data
 467 which is machine readable by the installed computer system at
 468 the department, listing persons who have three or more
 469 outstanding parking violations, including violations of s.
 470 316.1955. Each county shall provide by ordinance that the clerk
 471 of the court or the traffic violations bureau shall supply the
 472 department with a magnetically encoded computer tape reel or
 473 cartridge or send by other electronic means data that is machine
 474 readable by the installed computer system at the department,
 475 listing persons who have any outstanding violations of s.
 476 316.1955 or any similar local ordinance that regulates parking

477 in spaces designated for use by persons who have disabilities.
 478 The department shall mark the appropriate registration records
 479 of persons who are so reported. Section 320.03(8) applies to
 480 each person whose name appears on the list.

481 Section 13. Subsection (2) of section 316.2074, Florida
 482 Statutes, is amended to read:

483 316.2074 All-terrain vehicles.--

484 (2) As used in this section, the term "all-terrain
 485 vehicle" means any motorized off-highway vehicle 50 inches or
 486 less in width, having a dry weight of 900 pounds or less,
 487 designed to travel on three or more low-pressure tires, having a
 488 seat designed to be straddled by the operator and handlebars for
 489 steering control, and intended for use by a single operator with
 490 no passenger. For the purposes of this section, "all-terrain
 491 vehicle" also includes any "two-rider ATV" as defined in s.
 492 317.0003.

493 Section 14. Section 316.2095, Florida Statutes, is amended
 494 to read:

495 316.2095 Footrests, handholds, and handlebars.--

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

499 (2) No person shall operate any motorcycle with handlebars
 500 with handgrips which are higher than the top of the shoulders of
 501 the person operating the motorcycle while properly seated upon
 502 the motorcycle ~~more than 15 inches in height above that portion~~
 503 ~~of the seat occupied by the operator.~~

504 (3) A violation of this section is a noncriminal traffic

505 | infraction, punishable as a nonmoving violation as provided in
 506 | chapter 318.

507 | Section 15. Paragraph (b) of subsection (1) of section
 508 | 316.302, Florida Statutes, is amended to read:

509 | 316.302 Commercial motor vehicles; safety regulations;
 510 | transporters and shippers of hazardous materials; enforcement.--

511 | (1)

512 | (b) Except as otherwise provided in this section, all
 513 | owners or drivers of commercial motor vehicles that are engaged
 514 | in intrastate commerce are subject to the rules and regulations
 515 | contained in 49 C.F.R. parts 382, 385, and 390-397, with the
 516 | exception of 49 C.F.R. s. 390.5 as it relates to the definition
 517 | of bus, as such rules and regulations existed on October 1, 2004
 518 | ~~2002~~.

519 | Section 16. Paragraph (a) of subsection (1) of section
 520 | 316.3045, Florida Statutes, is amended to read:

521 | 316.3045 Operation of radios or other mechanical
 522 | soundmaking devices or instruments in vehicles; exemptions.--

523 | (1) It is unlawful for any person operating or occupying a
 524 | motor vehicle on a street or highway to operate or amplify the
 525 | sound produced by a radio, tape player, or other mechanical
 526 | soundmaking device or instrument from within the motor vehicle
 527 | so that the sound is:

528 | (a) Plainly audible at a distance of 25 ~~100~~ feet or more
 529 | from the motor vehicle; or

530 | (5) A violation of this section is a noncriminal traffic
 531 | infraction, punishable as a nonmoving violation as provided in
 532 | chapter 318.

533 Section 17. Subsection (1) of section 316.605, Florida
 534 Statutes, is amended to read:
 535 316.605 Licensing of vehicles.--
 536 (1) Every vehicle, at all times while driven, stopped, or
 537 parked upon any highways, roads, or streets of this state, shall
 538 be licensed in the name of the owner thereof in accordance with
 539 the laws of this state unless such vehicle is not required by
 540 the laws of this state to be licensed in this state and shall,
 541 except as otherwise provided in s. 320.0706 for front-end
 542 registration license plates on truck tractors, display the
 543 license plate or both of the license plates assigned to it by
 544 the state, one on the rear and, if two, the other on the front
 545 of the vehicle, each to be securely fastened to the vehicle
 546 outside the main body of the vehicle in such manner as to
 547 prevent the plates from swinging, and ~~with~~ all letters,
 548 numerals, printing, writing, and other identification marks upon
 549 the plates regarding the word "Florida," the registration decal,
 550 and the alphanumeric designation shall be clear and distinct and
 551 free from defacement, mutilation, grease, and other obscuring
 552 matter, so that they will be plainly visible and legible at all
 553 times 100 feet from the rear or front. Nothing shall be placed
 554 upon the face of a Florida plate except as permitted by law or
 555 by rule or regulation of a governmental agency. No license
 556 plates other than those furnished by the state shall be used.
 557 However, if the vehicle is not required to be licensed in this
 558 state, the license plates on such vehicle issued by another
 559 state, by a territory, possession, or district of the United
 560 States, or by a foreign country, substantially complying with

561 the provisions hereof, shall be considered as complying with
 562 this chapter. A violation of this subsection is a noncriminal
 563 traffic infraction, punishable as a nonmoving violation as
 564 provided in chapter 318.

565 Section 18. Subsection (4) of section 316.613, Florida
 566 Statutes, is amended to read:

567 316.613 Child restraint requirements.--

568 (4)(a) It is the legislative intent that all state,
 569 county, and local law enforcement agencies, and safety councils,
 570 in recognition of the problems with child death and injury from
 571 unrestrained occupancy in motor vehicles, conduct a continuing
 572 safety and public awareness campaign as to the magnitude of the
 573 problem.

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

578 Section 19. Section 316.6131, Florida Statutes, is created
 579 to read:

580 316.6131 Educational expenditures.--The department may
 581 authorize the expenditure of funds for the purchase of
 582 educational items as part of the public information and
 583 education campaigns promoting highway safety and awareness, as
 584 well as departmental community-based initiatives. Funds may be
 585 expended for, but are not limited to, educational campaigns
 586 provided in this chapter, chapters 320 and 322, and s. 403.7145.

587 Section 20. Subsection (9) of section 316.650, Florida
 588 Statutes, is amended to read:

589 316.650 Traffic citations.--

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

594 Section 21. Section 317.0003, Florida Statutes, is
 595 amended, to read:

596 317.0003 Definitions.--As used in this chapter ~~ss.~~
 597 ~~317.0001-317.0013~~, the term:

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

604 (2) "Dealer" means any person authorized by the Department
 605 of Revenue to buy, sell, resell, or otherwise distribute off-
 606 highway vehicles. Such person must have a valid sales tax
 607 certificate of registration issued by the Department of Revenue
 608 and a valid commercial or occupational license required by any
 609 county, municipality, or political subdivision of the state in
 610 which the person operates.

611 (3) "Department" means the Department of Highway Safety
 612 and Motor Vehicles.

613 (4) "Florida resident" means a person who has had a
 614 principal place of domicile in this state for a period of more
 615 than 6 consecutive months, who has registered to vote in this
 616 state, who has made a statement of domicile pursuant to s.

HB 1697

2005

617 222.17, or who has filed for homestead tax exemption on property
618 in this state.

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

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

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

635 (8) "Public lands" means lands within the state that are
636 available for public use and that are owned, operated, or
637 managed by a federal, state, county, or municipal governmental
638 entity.

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

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

644 317.0004 Administration of off-highway vehicle titling

645 laws; records.--

646 (1) The administration of off-highway vehicle titling laws
 647 in this chapter ~~ss. 317.0001-317.0013~~ is under the Department of
 648 Highway Safety and Motor Vehicles, which shall provide for the
 649 issuing, handling, and recording of all off-highway vehicle
 650 titling applications and certificates, including the receipt and
 651 accounting of off-highway vehicle titling fees. The provisions
 652 of chapter 319 are applicable to this chapter, unless otherwise
 653 explicitly stated.

654 Section 23. Section 317.0005, Florida Statutes, is amended
 655 to read:

656 317.0005 Rules, forms, and notices.--

657 (1) The department may adopt rules pursuant to ss.
 658 120.536(1) and 120.54, which pertain to off-highway vehicle
 659 titling, in order to implement the provisions of this chapter
 660 ~~ss. 317.0001-317.0013~~ conferring duties upon it.

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

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

666 317.0006 Certificate of title required.--

667 (1) Any off-highway vehicle that is purchased by a
 668 resident of this state after the effective date of this act or
 669 that is owned by a resident and is operated on the public lands
 670 of this state must be titled pursuant to this chapter ~~ss.~~
 671 ~~317.0001-317.0013~~.

672 Section 25. Subsection (6) is added to section 317.0007,

673 Florida Statutes, to read:

674 317.0007 Application for and issuance of certificate of
675 title.--

676 (6) In addition to a certificate of title, the department
677 may issue a validation sticker to be placed on the off-highway
678 vehicle as proof of the issuance of title required pursuant to
679 s. 317.0006(1). A validation sticker that is lost or destroyed
680 may, upon application, be replaced by the department or county
681 tax collector. The department and county tax collector may
682 charge and deposit the fees established in ss. 320.03(5),
683 320.031, and 320.04 for all original and replacement decals.

684 Section 26. Subsection (2) of section 317.0008, Florida
685 Statutes, is repealed.

686 Section 27. Section 317.0010, Florida Statutes, is amended
687 to read:

688 317.0010 Disposition of fees.--The department shall
689 deposit all funds received under this chapter ~~ss. 317.0001-~~
690 ~~317.0013~~, less administrative costs of \$2 per title transaction,
691 into the Incidental Trust Fund of the Division of Forestry of
692 the Department of Agriculture and Consumer Services.

693 Section 28. Subsection (3) of section 317.0012, Florida
694 Statutes, is amended to read:

695 317.0012 Crimes relating to certificates of title;
696 penalties.--

697 (3) It is unlawful to:

698 (a) Alter or forge any certificate of title to an off-
699 highway vehicle or any assignment thereof or any cancellation of
700 any lien on an off-highway vehicle.

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

703 (c) Use a false or fictitious name, give a false or
 704 fictitious address, or make any false statement in any
 705 application or affidavit required by this chapter ~~ss. 317.0001-~~
 706 ~~317.0013~~ or in a bill of sale or sworn statement of ownership or
 707 otherwise commit a fraud in any application.

708 (d) Knowingly obtain goods, services, credit, or money by
 709 means of an invalid, duplicate, fictitious, forged, counterfeit,
 710 stolen, or unlawfully obtained certificate of title, bill of
 711 sale, or other indicia of ownership of an off-highway vehicle.

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

716
 717 Any person who violates this subsection commits a felony of the
 718 third degree, punishable as provided in s. 775.082, s. 775.083,
 719 or s. 775.084. A violation of this subsection with respect to
 720 any off-highway vehicle makes such off-highway vehicle
 721 contraband which may be seized by a law enforcement agency and
 722 forfeited under ss. 932.701-932.704.

723 Section 29. Section 317.0013, Florida Statutes, is amended
 724 to read:

725 317.0013 Nonmoving traffic violations.--Any person who
 726 fails to comply with any provision of this chapter ~~ss. 317.0001-~~
 727 ~~317.0012~~ for which a penalty is not otherwise provided commits a
 728 nonmoving traffic violation, punishable as provided in s.

729 318.18.

730 Section 30. Section 317.0014, Florida Statutes, is created
731 to read:

732 317.0014 Certificate of title; issuance in duplicate;
733 delivery; liens and encumbrances.--

734 (1) The department shall assign a number to each
735 certificate of title and shall issue each certificate of title
736 and each corrected certificate in duplicate. The database record
737 shall serve as the duplicate title certificate required in this
738 section. One printed copy may be retained on file by the
739 department.

740 (2) A duly authorized person shall sign the original
741 certificate of title and each corrected certificate and, if
742 there are no liens or encumbrances on the off-highway vehicle,
743 as shown in the records of the department or as shown in the
744 application, shall deliver the certificate to the applicant or
745 to another person as directed by the applicant or person, agent,
746 or attorney submitting the application. If there are one or more
747 liens or encumbrances on the off-highway vehicle, the
748 certificate shall be delivered by the department to the first
749 lienholder as shown by department records or to the owner as
750 indicated in the notice of lien filed by the first lienholder.
751 If the notice of lien filed by the first lienholder indicates
752 that the certificate should be delivered to the first
753 lienholder, the department shall deliver to the first
754 lienholder, along with the certificate, a form to be
755 subsequently used by the lienholder as a satisfaction. If the
756 notice of lien filed by the first lienholder directs the

757 certificate of title to be delivered to the owner, then, upon
 758 delivery of the certificate of title by the department to the
 759 owner, the department shall deliver to the first lienholder
 760 confirmation of the receipt of the notice of lien and the date
 761 the certificate of title was issued to the owner at the owner's
 762 address shown on the notice of lien and a form to be
 763 subsequently used by the lienholder as a satisfaction. If the
 764 application for certificate shows the name of a first lienholder
 765 different from the name of the first lienholder as shown by the
 766 records of the department, the certificate may not be issued to
 767 any person until after all parties who appear to hold a lien and
 768 the applicant for the certificate have been notified of the
 769 conflict in writing by the department by certified mail. If the
 770 parties do not amicably resolve the conflict within 10 days
 771 after the date the notice was mailed, the department shall serve
 772 notice in writing by certified mail on all persons appearing to
 773 hold liens on that particular vehicle, including the applicant
 774 for the certificate, to show cause within 15 days following the
 775 date the notice is mailed as to why it should not issue and
 776 deliver the certificate to the person indicated in the notice of
 777 lien filed by the lienholder whose name appears in the
 778 application as the first lienholder without showing any lien or
 779 liens as outstanding other than those appearing in the
 780 application or those that have been filed subsequent to the
 781 filing of the application for the certificate. If, within the
 782 15-day period, any person other than the lienholder shown in the
 783 application or a party filing a subsequent lien, in answer to
 784 the notice to show cause, appears in person or by a

785 representative, or responds in writing, and files a written
 786 statement under oath that his or her lien on that particular
 787 vehicle is still outstanding, the department may not issue the
 788 certificate to anyone until after the conflict has been settled
 789 by the lien claimants involved or by a court of competent
 790 jurisdiction. If the conflict is not settled amicably within 10
 791 days after the final date for filing an answer to the notice to
 792 show cause, the complaining party shall have 10 days in which to
 793 obtain a ruling, or a stay order, from a court of competent
 794 jurisdiction. If a ruling or stay order is not issued and served
 795 on the department within the 10-day period, it shall issue the
 796 certificate showing no liens except those shown in the
 797 application or thereafter filed to the original applicant if
 798 there are no liens shown in the application and none are
 799 thereafter filed, or to the person indicated in the notice of
 800 lien filed by the lienholder whose name appears in the
 801 application as the first lienholder if there are liens shown in
 802 the application or thereafter filed. A duplicate certificate or
 803 corrected certificate shall show only the lien or liens as shown
 804 in the application and any subsequently filed liens that may be
 805 outstanding.

806 (3) Except as provided in subsection (4), the certificate
 807 of title shall be retained by the first lienholder or the owner
 808 as indicated in the notice of lien filed by the first
 809 lienholder. If the first lienholder is in possession of the
 810 certificate, the first lienholder is entitled to retain the
 811 certificate until the first lien is satisfied.

812 (4) If the owner of the vehicle, as shown on the title

813 certificate, desires to place a second or subsequent lien or
 814 encumbrance against the vehicle when the title certificate is in
 815 the possession of the first lienholder, the owner shall send a
 816 written request to the first lienholder by certified mail, and
 817 the first lienholder shall forward the certificate to the
 818 department for endorsement. If the title certificate is in the
 819 possession of the owner, the owner shall forward the certificate
 820 to the department for endorsement. The department shall return
 821 the certificate to either the first lienholder or to the owner,
 822 as indicated in the notice of lien filed by the first
 823 lienholder, after endorsing the second or subsequent lien on the
 824 certificate and on the duplicate. If the first lienholder or
 825 owner fails, neglects, or refuses to forward the certificate of
 826 title to the department within 10 days after the date of the
 827 owner's request, the department, on the written request of the
 828 subsequent lienholder or an assignee of the lien, shall demand
 829 of the first lienholder the return of the certificate for the
 830 notation of the second or subsequent lien or encumbrance.

831 (5)(a) Upon satisfaction of any first lien or encumbrance
 832 recorded by the department, the owner of the vehicle, as shown
 833 on the title certificate, or the person satisfying the lien is
 834 entitled to demand and receive from the lienholder a
 835 satisfaction of the lien. If the lienholder, upon satisfaction
 836 of the lien and upon demand, fails or refuses to furnish a
 837 satisfaction of the lien within 30 days after demand, he or she
 838 is liable for all costs, damages, and expenses, including
 839 reasonable attorney's fees, lawfully incurred by the titled
 840 owner or person satisfying the lien in any suit brought in this

841 state for cancellation of the lien. The lienholder receiving
842 final payment as defined in s. 674.215 shall mail or otherwise
843 deliver a lien satisfaction and the certificate of title
844 indicating the satisfaction within 10 working days after receipt
845 of final payment or notify the person satisfying the lien that
846 the title is not available within 10 working days after receipt
847 of final payment. If the lienholder is unable to provide the
848 certificate of title and notifies the person of such, the
849 lienholder shall provide a lien satisfaction and is responsible
850 for the cost of a duplicate title, including expedited title
851 charges as provided in s. 317.0016. This paragraph does not
852 apply to electronic transactions under subsection (8).

853 (b) Following satisfaction of a lien, the lienholder shall
854 enter a satisfaction thereof in the space provided on the face
855 of the certificate of title. If the certificate of title was
856 retained by the owner, the owner shall, within 5 days after
857 satisfaction of the lien, deliver the certificate of title to
858 the lienholder and the lienholder shall enter a satisfaction
859 thereof in the space provided on the face of the certificate of
860 title. If no subsequent liens are shown on the certificate of
861 title, the certificate shall be delivered by the lienholder to
862 the person satisfying the lien or encumbrance and an executed
863 satisfaction on a form provided by the department shall be
864 forwarded to the department by the lienholder within 10 days
865 after satisfaction of the lien.

866 (c) If the certificate of title shows a subsequent lien
867 not then being discharged, an executed satisfaction of the first
868 lien shall be delivered by the lienholder to the person

869 satisfying the lien and the certificate of title showing
 870 satisfaction of the first lien shall be forwarded by the
 871 lienholder to the department within 10 days after satisfaction
 872 of the lien.

873 (d) If, upon receipt of a title certificate showing
 874 satisfaction of the first lien, the department determines from
 875 its records that there are no subsequent liens or encumbrances
 876 upon the vehicle, the department shall forward to the owner, as
 877 shown on the face of the title, a corrected certificate showing
 878 no liens or encumbrances. If there is a subsequent lien not
 879 being discharged, the certificate of title shall be reissued
 880 showing the second or subsequent lienholder as the first
 881 lienholder and shall be delivered to either the new first
 882 lienholder or to the owner as indicated in the notice of lien
 883 filed by the new first lienholder. If the certificate of title
 884 is to be retained by the first lienholder on the reissued
 885 certificate, the first lienholder is entitled to retain the
 886 certificate of title except as provided in subsection (4) until
 887 his or her lien is satisfied. Upon satisfaction of the lien, the
 888 lienholder is subject to the procedures required of a first
 889 lienholder by subsection (4) and this subsection.

890 (6) When the original certificate of title cannot be
 891 returned to the department by the lienholder and evidence
 892 satisfactory to the department is produced that all liens or
 893 encumbrances have been satisfied, upon application by the owner
 894 for a duplicate copy of the certificate upon the form prescribed
 895 by the department, accompanied by the fee prescribed in this
 896 chapter, a duplicate copy of the certificate of title, without

897 statement of liens or encumbrances, shall be issued by the
 898 department and delivered to the owner.

899 (7) Any person who fails, within 10 days after receipt of
 900 a demand by the department by certified mail, to return a
 901 certificate of title to the department as required by subsection
 902 (4) or who, upon satisfaction of a lien, fails within 10 days
 903 after receipt of such demand to forward the appropriate document
 904 to the department as required by paragraph (5)(b) or paragraph
 905 (5)(c) commits a misdemeanor of the second degree, punishable as
 906 provided in s. 775.082 or s. 775.083.

907 (8) Notwithstanding any requirements in this section or in
 908 s. 319.27 indicating that a lien on a vehicle shall be noted on
 909 the face of the Florida certificate of title, if there are one
 910 or more liens or encumbrances on the off-highway vehicle, the
 911 department may electronically transmit the lien to the first
 912 lienholder and notify the first lienholder of any additional
 913 liens. Subsequent lien satisfactions may be electronically
 914 transmitted to the department and must include the name and
 915 address of the person or entity satisfying the lien. When
 916 electronic transmission of liens and lien satisfactions are
 917 used, the issuance of a certificate of title may be waived until
 918 the last lien is satisfied and a clear certificate of title is
 919 issued to the owner of the vehicle.

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

922 Section 31. Section 317.0015, Florida Statutes, is created
 923 to read:

924 317.0015 Application of law.--Sections 319.235, 319.241,

925 319.25, 319.27, 319.28, and 319.40 apply to all off-highway
 926 vehicles that are required to be titled under this chapter.

927 Section 32. Section 317.0016, Florida Statutes, is created
 928 to read:

929 317.0016 Expedited service; applications; fees.--The
 930 department shall provide, through its agents and for use by the
 931 public, expedited service on title transfers, title issuances,
 932 duplicate titles, recordation of liens, and certificates of
 933 repossession. A fee of \$7 shall be charged for this service,
 934 which is in addition to the fees imposed by ss. 317.0007 and
 935 317.0008, and \$3.50 of this fee shall be retained by the
 936 processing agency. All remaining fees shall be deposited in the
 937 Incidental Trust Fund of the Division of Forestry of the
 938 Department of Agriculture and Consumer Services. Application for
 939 expedited service may be made by mail or in person. The
 940 department shall issue each title applied for pursuant to this
 941 section within 5 working days after receipt of the application
 942 except for an application for a duplicate title certificate
 943 covered by s. 317.0008(3), in which case the title must be
 944 issued within 5 working days after compliance with the
 945 department's verification requirements.

946 Section 33. Section 317.0017, Florida Statutes, is created
 947 to read:

948 317.0017 Offenses involving vehicle identification
 949 numbers, applications, certificates, papers; penalty.--

950 (1) A person may not:

951 (a) Alter or forge any certificate of title to an off-
 952 highway vehicle or any assignment thereof or any cancellation of

953 any lien on an off-highway vehicle.

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

956 (c) Procure or attempt to procure a certificate of title
 957 to an off-highway vehicle, or pass or attempt to pass a
 958 certificate of title or any assignment thereof to an off-highway
 959 vehicle, knowing or having reason to believe that the off-
 960 highway vehicle has been stolen.

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

968 (e) Use a false or fictitious name, give a false or
 969 fictitious address, or make any false statement in any
 970 application or affidavit required under this chapter or in a
 971 bill of sale or sworn statement of ownership or otherwise commit
 972 a fraud in any application.

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

978 (3) A person may not knowingly obtain goods, services,
 979 credit, or money by means of a certificate of title to an off-
 980 highway vehicle, which certificate is required by law to be

981 surrendered to the department.

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

988 (5) A person, firm, or corporation may not knowingly
 989 possess, manufacture, sell or exchange, offer to sell or
 990 exchange, supply in blank, or give away any counterfeit
 991 manufacturer's or state-assigned identification number plates or
 992 serial plates or any decal used for the purpose of identifying
 993 an off-highway vehicle. An officer, agent, or employee of any
 994 person, firm, or corporation, or any person may not authorize,
 995 direct, aid in exchange, or give away, or conspire to authorize,
 996 direct, aid in exchange, or give away, such counterfeit
 997 manufacturer's or state-assigned identification number plates or
 998 serial plates or any decal. However, this subsection does not
 999 apply to any approved replacement manufacturer's or state-
 1000 assigned identification number plates or serial plates or any
 1001 decal issued by the department or any state.

1002 (6) A person who violates any provision of this section
 1003 commits a felony of the third degree, punishable as provided in
 1004 s. 775.082, s. 775.083, or s. 775.084. Any off-highway vehicle
 1005 used in violation of this section constitutes contraband that
 1006 may be seized by a law enforcement agency and that is subject to
 1007 forfeiture proceedings pursuant to ss. 932.701-932.704. This
 1008 section is not exclusive of any other penalties prescribed by

1009 any existing or future laws for the larceny or unauthorized
 1010 taking of off-highway vehicles, but is supplementary thereto.

1011 Section 34. Section 317.0018, Florida Statutes, is created
 1012 to read:

1013 317.0018 Transfer without delivery of certificate;
 1014 operation or use without certificate; failure to surrender;
 1015 other violations.--Except as otherwise provided in this chapter,
 1016 any person who:

1017 (1) Purports to sell or transfer an off-highway vehicle
 1018 without delivering to the purchaser or transferee of the vehicle
 1019 a certificate of title to the vehicle duly assigned to the
 1020 purchaser as provided in this chapter;

1021 (2) Operates or uses in this state an off-highway vehicle
 1022 for which a certificate of title is required without the
 1023 certificate having been obtained in accordance with this
 1024 chapter, or upon which the certificate of title has been
 1025 canceled;

1026 (3) Fails to surrender a certificate of title upon
 1027 cancellation of the certificate by the department and notice
 1028 thereof as prescribed in this chapter;

1029 (4) Fails to surrender the certificate of title to the
 1030 department as provided in this chapter in the case of the
 1031 destruction, dismantling, or change of an off-highway vehicle in
 1032 such respect that it is not the off-highway vehicle described in
 1033 the certificate of title; or

1034 (5) Violates any other provision of this chapter or a
 1035 lawful rule adopted pursuant to this chapter;

1036

1037 shall be fined not more than \$500 or imprisoned for not more
 1038 than 6 months, or both, for each offense, unless otherwise
 1039 specified.

1040 Section 35. Section 318.1215, Florida Statutes, is amended
 1041 to read:

1042 318.1215 Dori Slosberg Driver Education Safety
 1043 Act.--Effective October 1, 2002, notwithstanding the provisions
 1044 of s. 318.121, a board of county commissioners may require, by
 1045 ordinance, that the clerk of the court collect an additional \$3
 1046 with each civil traffic penalty, which shall be used to fund
 1047 driver ~~traffic~~ education programs in public and nonpublic
 1048 schools. The ordinance shall provide for the board of county
 1049 commissioners to administer the funds, which shall be used for
 1050 enhancement and not replacement of driver education program
 1051 funds. The funds shall be used for direct educational expenses
 1052 and shall not be used for administration. Each driver education
 1053 program receiving funds pursuant to this section shall require
 1054 that a minimum of 30 percent of a student's time in the program
 1055 shall consist of behind-the-wheel training. This section may be
 1056 cited as the "Dori Slosberg Driver Education Safety Act."

1057 Section 36. Subsections (7), (9), and (10) of section
 1058 318.14, Florida Statutes, are amended to read:

1059 318.14 Noncriminal traffic infractions; exception;
 1060 procedures.--

1061 (7)(a) The official having jurisdiction over the
 1062 infraction shall certify to the department within 10 days after
 1063 payment of the civil penalty that the defendant has admitted to
 1064 the infraction. If the charge results in a hearing, the

HB 1697

2005

1065 official having jurisdiction shall certify to the department the
 1066 final disposition within 10 days after ~~of~~ the hearing. All
 1067 dispositions returned to the county requiring a correction shall
 1068 be resubmitted to the department within 10 days after the
 1069 notification of the error.

1070 (b) If the official having jurisdiction over the traffic
 1071 infraction submits the final disposition to the department more
 1072 than 180 days after the final hearing or after payment of the
 1073 civil penalty, the department may modify any resulting
 1074 suspension or revocation action to begin as if the citation were
 1075 reported in a timely manner.

1076 (9) Any person who does not hold a commercial driver's
 1077 license and who is cited for an infraction under this section
 1078 other than a violation of s. 320.0605, s. 320.07(3)(a) or (b),
 1079 s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu
 1080 of a court appearance, elect to attend in the location of his or
 1081 her choice within this state a basic driver improvement course
 1082 approved by the Department of Highway Safety and Motor Vehicles.
 1083 In such a case, adjudication must be withheld; points, as
 1084 provided by s. 322.27, may not be assessed; and the civil
 1085 penalty that is imposed by s. 318.18(3) must be reduced by 18
 1086 percent; however, a person may not make an election under this
 1087 subsection if the person has made an election under this
 1088 subsection in the preceding 12 months. A person may make no more
 1089 than five elections under this subsection. The requirement for
 1090 community service under s. 318.18(8) is not waived by a plea of
 1091 nolo contendere or by the withholding of adjudication of guilt
 1092 by a court.

1093 (10)(a) Any person who does not hold a commercial driver's
 1094 license and who is cited for an offense listed under this
 1095 subsection may, in lieu of payment of fine or court appearance,
 1096 elect to enter a plea of nolo contendere and provide proof of
 1097 compliance to the clerk of the court or authorized operator of a
 1098 traffic violations bureau. In such case, adjudication shall be
 1099 withheld; however, no election shall be made under this
 1100 subsection if such person has made an election under this
 1101 subsection in the 12 months preceding election hereunder. No
 1102 person may make more than three elections under this subsection.
 1103 This subsection applies to the following offenses:

1104 1. Operating a motor vehicle without a valid driver's
 1105 license in violation of the provisions of s. 322.03, s. 322.065,
 1106 or s. 322.15(1), or operating a motor vehicle with a license
 1107 which has been suspended for failure to appear, failure to pay
 1108 civil penalty, or failure to attend a driver improvement course
 1109 pursuant to s. 322.291.

1110 2. Operating a motor vehicle without a valid registration
 1111 in violation of s. 320.0605, s. 320.07, or s. 320.131.

1112 3. Operating a motor vehicle in violation of s. 316.646.

1113 (b) Any person cited for an offense listed in this
 1114 subsection shall present proof of compliance prior to the
 1115 scheduled court appearance date. For the purposes of this
 1116 subsection, proof of compliance shall consist of a valid,
 1117 renewed, or reinstated driver's license or registration
 1118 certificate and proper proof of maintenance of security as
 1119 required by s. 316.646. Notwithstanding waiver of fine, any
 1120 person establishing proof of compliance shall be assessed court

HB 1697

2005

1121 costs of \$22, except that a person charged with violation of s.
 1122 316.646(1)-(3) may be assessed court costs of \$7. One dollar of
 1123 such costs shall be remitted to the Department of Revenue for
 1124 deposit into the Child Welfare Training Trust Fund of the
 1125 Department of Children and Family Services. One dollar of such
 1126 costs shall be distributed to the Department of Juvenile Justice
 1127 for deposit into the Juvenile Justice Training Trust Fund.
 1128 Twelve dollars of such costs shall be distributed to the
 1129 municipality and \$8 shall be deposited by the clerk of the court
 1130 into the fine and forfeiture fund established pursuant to s.
 1131 142.01, if the offense was committed within the municipality. If
 1132 the offense was committed in an unincorporated area of a county
 1133 or if the citation was for a violation of s. 316.646(1)-(3), the
 1134 entire amount shall be deposited by the clerk of the court into
 1135 the fine and forfeiture fund established pursuant to s. 142.01,
 1136 except for the moneys to be deposited into the Child Welfare
 1137 Training Trust Fund and the Juvenile Justice Training Trust
 1138 Fund. This subsection shall not be construed to authorize the
 1139 operation of a vehicle without a valid driver's license, without
 1140 a valid vehicle tag and registration, or without the maintenance
 1141 of required security.

1142 Section 37. Subsection (6) of section 319.23, Florida
 1143 Statutes, is amended to read:

1144 319.23 Application for, and issuance of, certificate of
 1145 title.--

1146 (6) In the case of the sale of a motor vehicle or mobile
 1147 home by a licensed dealer to a general purchaser, the
 1148 certificate of title shall be obtained in the name of the

1149 purchaser by the dealer upon application signed by the
 1150 purchaser, and in each other case such certificate shall be
 1151 obtained by the purchaser. In each case of transfer of a motor
 1152 vehicle or mobile home, the application for certificate of
 1153 title, or corrected certificate, or assignment or reassignment,
 1154 shall be filed within 30 days from the delivery of such motor
 1155 vehicle or mobile home to the purchaser. An applicant shall be
 1156 required to pay a fee of \$10, in addition to all other fees and
 1157 penalties required by law, for failing to file such application
 1158 within the specified time. When a licensed dealer acquires a
 1159 motor vehicle or mobile home as a trade-in, the dealer must file
 1160 with the department, within 30 days, a notice of sale signed by
 1161 the seller. The department shall update its database for that
 1162 title record to indicate "sold." A licensed dealer need not
 1163 apply for a certificate of title for any motor vehicle or mobile
 1164 home in stock acquired for stock purposes except as provided in
 1165 s. 319.225.

1166 Section 38. Subsections (2) and (3) of section 319.27,
 1167 Florida Statutes, are amended to read:

1168 319.27 Notice of lien on motor vehicles or mobile homes;
 1169 notation on certificate; recording of lien.--

1170 (2) No lien for purchase money or as security for a debt
 1171 in the form of a security agreement, retain title contract,
 1172 conditional bill of sale, chattel mortgage, or other similar
 1173 instrument or any other nonpossessory lien, including a lien for
 1174 child support, upon a motor vehicle or mobile home upon which a
 1175 Florida certificate of title has been issued shall be
 1176 enforceable in any of the courts of this state against creditors

1177 or subsequent purchasers for a valuable consideration and
 1178 without notice, unless a sworn notice of such lien has been
 1179 filed in the department and such lien has been noted upon the
 1180 certificate of title of the motor vehicle or mobile home. Such
 1181 notice shall be effective as constructive notice when filed. No
 1182 interest of a statutory nonpossessory lienor; the interest of a
 1183 nonpossessory execution, attachment, or equitable lienor; or the
 1184 interest of a lien creditor as defined in s. 679.1021(1)(zz) ~~s.~~
 1185 ~~679.301(3)~~, if nonpossessory, shall be enforceable against
 1186 creditors or subsequent purchasers for a valuable consideration
 1187 unless such interest becomes a possessory lien or is noted upon
 1188 the certificate of title for the subject motor vehicle or mobile
 1189 home prior to the occurrence of the subsequent transaction.
 1190 Provided the provisions of this subsection relating to a
 1191 nonpossessory statutory lienor; a nonpossessory execution,
 1192 attachment, or equitable lienor; or the interest of a lien
 1193 creditor as defined in s. 679.1021(1)(zz) ~~s. 679.301(3)~~ shall
 1194 not apply to liens validly perfected prior to October 1, 1988.
 1195 The notice of lien shall provide the following information:
 1196 (a) The date of the lien if a security agreement, retain
 1197 title contract, conditional bill of sale, chattel mortgage, or
 1198 other similar instrument was executed prior to the filing of the
 1199 notice of lien;
 1200 (b) The name and address of the registered owner;
 1201 (c) A description of the motor vehicle or mobile home,
 1202 showing the make, type, and vehicle identification number; and
 1203 (d) The name and address of the lienholder.
 1204 (3)(a) A person may file a notice of lien with regard to a

HB 1697

2005

1205 motor vehicle or mobile home before a security agreement, retain
 1206 title contract, conditional bill of sale, chattel mortgage, or
 1207 other similar instrument is executed granting a lien, mortgage,
 1208 or encumbrance on, or a security interest in, such motor vehicle
 1209 or mobile home.

1210 (b) As applied to a determination of the respective rights
 1211 of a secured party under this chapter and a lien creditor as
 1212 defined by s. 679.1021(1)(zz) ~~s. 679.301(3)~~, or a nonpossessory
 1213 statutory lienor, a security interest under this chapter shall
 1214 be perfected upon the filing of the notice of lien with the
 1215 department, the county tax collector, or their agents. Provided,
 1216 however, the date of perfection of a security interest of such
 1217 secured party shall be the same date as the execution of the
 1218 security agreement or other similar instrument if the notice of
 1219 lien is filed in accordance with this subsection within 15 days
 1220 after the debtor receives possession of the motor vehicle or
 1221 mobile home and executes such security agreement or other
 1222 similar instrument. The date of filing of the notice of lien
 1223 shall be the date of its receipt by the department central
 1224 office in Tallahassee, if first filed there, or otherwise by the
 1225 office of the county tax collector, or their agents.

1226 Section 39. Subsection (19) is added to section 320.02,
 1227 Florida Statutes, to read:

1228 320.02 Registration required; application for
 1229 registration; forms; withholding of registration.--

1230 (19) The department is authorized to withhold registration
 1231 or renewal of registration of any motor vehicle if the name of
 1232 the owner or one of the coowners appears on a list that was

1233 submitted to the department by a licensed motor vehicle dealer
 1234 showing that money is owed to the dealer for fees for a previous
 1235 registration. The motor vehicle dealer must maintain evidence
 1236 that the owner or coowner acknowledged the dealer's authority to
 1237 submit the list to the department if the owner or coowner failed
 1238 to pay and note the amount the owner or coowner would be
 1239 responsible to pay. The dealer must maintain the necessary
 1240 documentation required in this subsection or face penalties as
 1241 provided in s. 320.27. This subsection does not affect the
 1242 issuance of a title to a motor vehicle.

1243 (a) If the motor vehicle owner or coowner has documentary
 1244 proof that the registration fees have been paid to the dealer
 1245 for the disputed amount, the motor vehicle owner or coowner may
 1246 dispute the claim that money is owed to a dealer for
 1247 registration fees by submitting a form to the department.

1248 (b) If the motor vehicle owner's or coowner's dispute
 1249 complies with paragraph (a), the department shall immediately
 1250 remove the motor vehicle owner's or coowner's name from the
 1251 list, thereby allowing the issuance of a license plate or
 1252 revalidation sticker.

1253 Section 40. Paragraph (b) of subsection (1) of section
 1254 320.06, Florida Statutes, is amended to read:

1255 320.06 Registration certificates, license plates, and
 1256 validation stickers generally.--

1257 (1)

1258 (b) Registration license plates bearing a graphic symbol
 1259 and the alphanumeric system of identification shall be issued
 1260 for a 5-year period. At the end of said 5-year period, upon

HB 1697

2005

1261 renewal, the plate shall be replaced. The fee for such
 1262 replacement shall be \$10, \$2 of which shall be paid each year
 1263 before the plate is replaced, to be credited towards the next
 1264 \$10 replacement fee. The fees shall be deposited into the
 1265 Highway Safety Operating Trust Fund. A credit or refund shall
 1266 not be given for any prior years' payments of such prorated
 1267 replacement fee when the plate is replaced or surrendered before
 1268 the end of the 5-year period, except that a credit may be given
 1269 when a registrant is required by the department to replace a
 1270 license plate under s. 320.08056(8)(a). With each license plate,
 1271 there shall be issued a validation sticker showing the owner's
 1272 birth month, license plate number, and the year of expiration or
 1273 the appropriate renewal period if the owner is not a natural
 1274 person. The validation sticker is to be placed on the upper
 1275 right corner of the license plate. Such license plate and
 1276 validation sticker shall be issued based on the applicant's
 1277 appropriate renewal period. The registration period shall be a
 1278 period of 12 months, and all expirations shall occur based on
 1279 the applicant's appropriate registration period. A vehicle with
 1280 an apportioned registration shall be issued an annual license
 1281 plate and a cab card that denote the declared gross vehicle
 1282 weight for each apportioned jurisdiction in which the vehicle is
 1283 authorized to operate.

1284 Section 41. Section 320.0601, Florida Statutes, is amended
 1285 to read:

1286 320.0601 Lease and rental car companies; identification of
 1287 vehicles as for-hire.--

1288 (1) A rental car company may not rent in this state any

HB 1697

2005

1289 for-hire vehicle, other than vehicles designed to transport
 1290 cargo, that has affixed to its exterior any bumper stickers,
 1291 insignias, or advertising that identifies the vehicle as a
 1292 rental vehicle.

1293 (2) As used in this section, the term:

1294 (a) "Bumper stickers, insignias, or advertising" does not
 1295 include:

1296 1. Any emblem of no more than two colors which is less
 1297 than 2 inches by 4 inches, which is placed on the rental car for
 1298 inventory purposes only, and which does not display the name or
 1299 logo of the rental car company; or

1300 2. Any license required by the law of the state in which
 1301 the vehicle is registered.

1302 (b) "Rent in this state" means to sign a rental contract
 1303 in this state or to deliver a car to a renter in this state.

1304 (3) A rental car company that leases a motor vehicle that
 1305 is found to be in violation of this section shall be punished by
 1306 a fine of \$500 per occurrence.

1307 (4) Any registration or renewal as required under s.
 1308 320.02 for an original or transfer of a long-term leased motor
 1309 vehicle must be in the name and address of the lessee.

1310 Section 42. Section 320.0605, Florida Statutes, is amended
 1311 to read:

1312 320.0605 Certificate of registration; possession required;
 1313 exception.--The registration certificate or an official copy
 1314 thereof, a true copy of a rental or lease agreement issued for a
 1315 motor vehicle or issued for a replacement vehicle in the same
 1316 registration period, a temporary receipt printed upon self-

HB 1697

2005

1317 initiated electronic renewal of a registration via the Internet,
 1318 or a cab card issued for a vehicle registered under the
 1319 International Registration Plan shall, at all times while the
 1320 vehicle is being used or operated on the roads of this state, be
 1321 in the possession of the operator thereof or be carried in the
 1322 vehicle for which issued and shall be exhibited upon demand of
 1323 any authorized law enforcement officer or any agent of the
 1324 department, except for a vehicle registered under s. 320.0657.
 1325 The provisions of this section do not apply during the first 30
 1326 days after purchase of a replacement vehicle. A violation of
 1327 this section is a noncriminal traffic infraction, punishable as
 1328 a nonmoving violation as provided in chapter 318.

1329 Section 43. Paragraph (c) of subsection (56) of section
 1330 320.08058, Florida Statutes, is amended to read:

1331 320.08058 Specialty license plates.--

1332 (56) ANIMAL FRIEND LICENSE PLATES.--

1333 (c) After the department has recovered all startup costs
 1334 for developing and issuing the plates, the annual use fees shall
 1335 be distributed to the Humane Society of the United States for
 1336 ~~animal welfare programs and~~ spay and neuter programs in the
 1337 state.

1338 Section 44. Section 320.0843, Florida Statutes, is amended
 1339 to read:

1340 320.0843 License plates for persons with disabilities
 1341 eligible for permanent disabled parking permits.--

1342 (1) Any owner or lessee of a motor vehicle who resides in
 1343 this state and qualifies for a disabled parking permit under s.
 1344 320.0848(2), upon application to the department and payment of

1345 the license tax for a motor vehicle registered under s.
 1346 320.08(2), (3)(a), (b), (c), or (e), (4)(a) or (b), (6)(a), or
 1347 (9)(c) or (d), shall be issued a license plate as provided by s.
 1348 320.06 which, in lieu of the serial number prescribed by s.
 1349 320.06, shall be stamped with the international wheelchair user
 1350 symbol after the serial number of the license plate. The
 1351 license plate entitles the person to all privileges afforded by
 1352 a parking permit issued under s. 320.0848. When more than one
 1353 registrant is listed on the registration issued under this
 1354 section, the eligible applicant shall be noted on the
 1355 registration certificate.

1356 (2) All applications for such license plates must be made
 1357 to the department.

1358 Section 45. Paragraph (a) of subsection (1) of section
 1359 320.089, Florida Statutes, is amended to read:

1360 320.089 Members of National Guard and ~~active~~ United States
 1361 Armed Forces reservists; former prisoners of war; survivors of
 1362 Pearl Harbor; Purple Heart medal recipients; special license
 1363 plates; fee.--

1364 (1)(a) Each owner or lessee of an automobile or truck for
 1365 private use or recreational vehicle as specified in s.
 1366 320.08(9)(c) or (d), which is not used for hire or commercial
 1367 use, who is a resident of the state and an active or retired
 1368 member of the Florida National Guard, a survivor of the attack
 1369 on Pearl Harbor, a recipient of the Purple Heart medal, or an
 1370 active or retired member of any branch of the United States
 1371 Armed Forces Reserve shall, upon application to the department,
 1372 accompanied by proof of active membership or retired status in

HB 1697

2005

1373 the Florida National Guard, proof of membership in the Pearl
 1374 Harbor Survivors Association or proof of active military duty in
 1375 Pearl Harbor on December 7, 1941, proof of being a Purple Heart
 1376 medal recipient, or proof of active or retired membership in any
 1377 branch of the Armed Forces Reserve, and upon payment of the
 1378 license tax for the vehicle as provided in s. 320.08, be issued
 1379 a license plate as provided by s. 320.06, upon which, in lieu of
 1380 the serial numbers prescribed by s. 320.06, shall be stamped the
 1381 words "National Guard," "Pearl Harbor Survivor," "Combat-wounded
 1382 veteran," or "U.S. Reserve," as appropriate, followed by the
 1383 serial number of the license plate. Additionally, the Purple
 1384 Heart plate may have the words "Purple Heart" stamped on the
 1385 plate and the likeness of the Purple Heart medal appearing on
 1386 the plate.

1387 Section 46. Subsection (8) is added to section 320.131,
 1388 Florida Statutes, to read:

1389 320.131 Temporary tags.--

1390 (8) The department may administer an electronic system for
 1391 licensed motor vehicle dealers to use in issuing temporary
 1392 license plates. Upon issuing a temporary license plate, the
 1393 dealer shall access the electronic system and enter the
 1394 appropriate vehicle and owner information within the timeframe
 1395 specified by department rule. If a dealer fails to comply with
 1396 the department's requirements for issuing temporary license
 1397 plates using the electronic system, the department may deny,
 1398 suspend, or revoke a license under s. 320.27(9)(b)16. upon proof
 1399 that the licensee has failed to comply with the department's
 1400 requirements. The department may adopt rules pursuant to ss.

HB 1697

2005

1401 120.536(1) and 120.54 to administer the provisions of this
 1402 subsection.

1403 Section 47. Subsection (1) of section 320.18, Florida
 1404 Statutes, is amended to read:

1405 320.18 Withholding registration.--

1406 (1) The department may withhold the registration of any
 1407 motor vehicle or mobile home the owner of which has failed to
 1408 register it under the provisions of law for any previous period
 1409 or periods for which it appears registration should have been
 1410 made in this state, until the tax for such period or periods is
 1411 paid. The department may cancel any vehicle or vessel
 1412 registration, driver's license, identification card, license
 1413 plate or fuel-use tax decal if the owner pays for the vehicle or
 1414 vessel registration, driver's license, identification card, or
 1415 license plate, fuel-use tax decal; pays any administrative,
 1416 delinquency, or reinstatement fee; or pays any tax liability,
 1417 penalty, or interest specified in chapter 207 by a dishonored
 1418 check, or if the vehicle owner or motor carrier has failed to
 1419 pay a penalty for a weight or safety violation issued by the
 1420 Department of Transportation Motor Carrier Compliance Office.
 1421 The Department of Transportation and the Department of Highway
 1422 Safety and Motor Vehicles may impound any commercial motor
 1423 vehicle that has a canceled license plate or fuel-use tax decal
 1424 until the tax liability, penalty, and interest specified in
 1425 chapter 207, the license tax, or the fuel-use decal fee, and
 1426 applicable administrative fees have been paid for by certified
 1427 funds.

1428 Section 48. Paragraph (a) of subsection (4), subsection

1429 (6), and paragraph (b) of subsection (9) of section 320.27,
 1430 Florida Statutes, are amended to read:
 1431 320.27 Motor vehicle dealers.--
 1432 (4) LICENSE CERTIFICATE.--
 1433 (a) A license certificate shall be issued by the
 1434 department in accordance with such application when the
 1435 application is regular in form and in compliance with the
 1436 provisions of this section. The license certificate may be in
 1437 the form of a document or a computerized card as determined by
 1438 the department. The actual cost of each original, additional, or
 1439 replacement computerized card shall be borne by the licensee and
 1440 is in addition to the fee for licensure. Such license, when so
 1441 issued, entitles the licensee to carry on and conduct the
 1442 business of a motor vehicle dealer. Each license issued to a
 1443 franchise motor vehicle dealer expires annually on December 31
 1444 unless revoked or suspended prior to that date. Each license
 1445 issued to an independent or wholesale dealer or auction expires
 1446 annually on April 30 unless revoked or suspended prior to that
 1447 date. Not less than 60 days prior to the license expiration
 1448 date, the department shall deliver or mail to each licensee the
 1449 necessary renewal forms. Each independent dealer shall certify
 1450 that the dealer principal (owner, partner, officer of the
 1451 corporation, or director) has completed 8 hours of continuing
 1452 education prior to filing the renewal forms with the department.
 1453 Such certification shall be filed once every 2 years commencing
 1454 with the 2006 renewal period. The continuing education shall
 1455 include at least 2 hours of legal or legislative issues, 1 hour
 1456 of department issues, and 5 hours of relevant motor vehicle

1457 industry topics. Continuing education shall be provided by
 1458 dealer schools licensed under paragraph (b) either in a
 1459 classroom setting or by correspondence. Such schools shall
 1460 provide certificates of completion to the department and the
 1461 customer which shall be filed with the license renewal form, and
 1462 such schools may charge a fee for providing continuing
 1463 education. Any licensee who does not file his or her application
 1464 and fees and any other requisite documents, as required by law,
 1465 with the department at least 30 days prior to the license
 1466 expiration date shall cease to engage in business as a motor
 1467 vehicle dealer on the license expiration date. A renewal filed
 1468 with the department within 45 days after the expiration date
 1469 shall be accompanied by a delinquent fee of \$100. Thereafter, a
 1470 new application is required, accompanied by the initial license
 1471 fee. A license certificate duly issued by the department may be
 1472 modified by endorsement to show a change in the name of the
 1473 licensee, provided, as shown by affidavit of the licensee, the
 1474 majority ownership interest of the licensee has not changed or
 1475 the name of the person appearing as franchisee on the sales and
 1476 service agreement has not changed. Modification of a license
 1477 certificate to show any name change as herein provided shall not
 1478 require initial licensure or reissuance of dealer tags; however,
 1479 any dealer obtaining a name change shall transact all business
 1480 in and be properly identified by that name. All documents
 1481 relative to licensure shall reflect the new name. In the case of
 1482 a franchise dealer, the name change shall be approved by the
 1483 manufacturer, distributor, or importer. A licensee applying for
 1484 a name change endorsement shall pay a fee of \$25 which fee shall

1485 apply to the change in the name of a main location and all
 1486 additional locations licensed under the provisions of subsection
 1487 (5). Each initial license application received by the department
 1488 shall be accompanied by verification that, within the preceding
 1489 6 months, the applicant, or one or more of his or her designated
 1490 employees, has attended a training and information seminar
 1491 conducted by a licensed motor vehicle dealer training school ~~the~~
 1492 ~~department~~. Such seminar shall include, but is not limited to,
 1493 statutory dealer requirements, which requirements include
 1494 required bookkeeping and recordkeeping procedures, requirements
 1495 for the collection of sales and use taxes, and such other
 1496 information that in the opinion of the department will promote
 1497 good business practices. No seminar may exceed 8 hours in
 1498 length.

1499 (6) RECORDS TO BE KEPT BY LICENSEE.--Every licensee shall
 1500 keep a book or record in such form as shall be prescribed or
 1501 approved by the department for a period of 5 years, in which the
 1502 licensee shall keep a record of the purchase, sale, or exchange,
 1503 or receipt for the purpose of sale, of any motor vehicle, the
 1504 date upon which any temporary tag was issued, the date of title
 1505 transfer, and a description of such motor vehicle together with
 1506 the name and address of the seller, the purchaser, and the
 1507 alleged owner or other person from whom such motor vehicle was
 1508 purchased or received or to whom it was sold or delivered, as
 1509 the case may be. Such description shall include the
 1510 identification or engine number, maker's number, if any, chassis
 1511 number, if any, and such other numbers or identification marks
 1512 as may be thereon and shall also include a statement that a

1513 number has been obliterated, defaced, or changed, if such is the
 1514 fact.

1515 (9) DENIAL, SUSPENSION, OR REVOCATION.--

1516 (b) The department may deny, suspend, or revoke any
 1517 license issued hereunder or under the provisions of s. 320.77 or
 1518 s. 320.771 upon proof that a licensee has committed, with
 1519 sufficient frequency so as to establish a pattern of wrongdoing
 1520 on the part of a licensee, violations of one or more of the
 1521 following activities:

1522 1. Representation that a demonstrator is a new motor
 1523 vehicle, or the attempt to sell or the sale of a demonstrator as
 1524 a new motor vehicle without written notice to the purchaser that
 1525 the vehicle is a demonstrator. For the purposes of this section,
 1526 a "demonstrator," a "new motor vehicle," and a "used motor
 1527 vehicle" shall be defined as under s. 320.60.

1528 2. Unjustifiable refusal to comply with a licensee's
 1529 responsibility under the terms of the new motor vehicle warranty
 1530 issued by its respective manufacturer, distributor, or importer.
 1531 However, if such refusal is at the direction of the
 1532 manufacturer, distributor, or importer, such refusal shall not
 1533 be a ground under this section.

1534 3. Misrepresentation or false, deceptive, or misleading
 1535 statements with regard to the sale or financing of motor
 1536 vehicles which any motor vehicle dealer has, or causes to have,
 1537 advertised, printed, displayed, published, distributed,
 1538 broadcast, televised, or made in any manner with regard to the
 1539 sale or financing of motor vehicles.

1540 4. Failure by any motor vehicle dealer to provide a

1541 customer or purchaser with an odometer disclosure statement and
 1542 a copy of any bona fide written, executed sales contract or
 1543 agreement of purchase connected with the purchase of the motor
 1544 vehicle purchased by the customer or purchaser.

1545 5. Failure of any motor vehicle dealer to comply with the
 1546 terms of any bona fide written, executed agreement, pursuant to
 1547 the sale of a motor vehicle.

1548 6. Failure to apply for transfer of a title as prescribed
 1549 in s. 319.23(6).

1550 7. Use of the dealer license identification number by any
 1551 person other than the licensed dealer or his or her designee.

1552 8. Failure to continually meet the requirements of the
 1553 licensure law.

1554 9. Representation to a customer or any advertisement to
 1555 the public representing or suggesting that a motor vehicle is a
 1556 new motor vehicle if such vehicle lawfully cannot be titled in
 1557 the name of the customer or other member of the public by the
 1558 seller using a manufacturer's statement of origin as permitted
 1559 in s. 319.23(1).

1560 10. Requirement by any motor vehicle dealer that a
 1561 customer or purchaser accept equipment on his or her motor
 1562 vehicle which was not ordered by the customer or purchaser.

1563 11. Requirement by any motor vehicle dealer that any
 1564 customer or purchaser finance a motor vehicle with a specific
 1565 financial institution or company.

1566 12. Requirement by any motor vehicle dealer that the
 1567 purchaser of a motor vehicle contract with the dealer for
 1568 physical damage insurance.

1569 13. Perpetration of a fraud upon any person as a result of
 1570 dealing in motor vehicles, including, without limitation, the
 1571 misrepresentation to any person by the licensee of the
 1572 licensee's relationship to any manufacturer, importer, or
 1573 distributor.

1574 14. Violation of any of the provisions of s. 319.35 by any
 1575 motor vehicle dealer.

1576 15. Sale by a motor vehicle dealer of a vehicle offered in
 1577 trade by a customer prior to consummation of the sale, exchange,
 1578 or transfer of a newly acquired vehicle to the customer, unless
 1579 the customer provides written authorization for the sale of the
 1580 trade-in vehicle prior to delivery of the newly acquired
 1581 vehicle.

1582 16. Willful failure to comply with any administrative rule
 1583 adopted by the department or the provisions of s. 320.131(8).

1584 17. Violation of chapter 319, this chapter, or ss.
 1585 559.901-559.9221, which has to do with dealing in or repairing
 1586 motor vehicles or mobile homes. Additionally, in the case of
 1587 used motor vehicles, the willful violation of the federal law
 1588 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
 1589 the consumer sales window form.

1590 18. Failure to maintain evidence of notification to the
 1591 owner or coowner of a vehicle regarding registration or titling
 1592 fees owed as required under s. 320.02(19).

1593 Section 49. Subsections (8), (10), and (29) of section
 1594 322.01, Florida Statutes, are amended to read:

1595 322.01 Definitions.--As used in this chapter:

1596 (8) "Commercial motor vehicle" means any motor vehicle or

HB 1697

2005

1597 motor vehicle combination used on the streets or highways,
 1598 which:

1599 (a) Has a gross vehicle weight rating of 26,001 pounds or
 1600 more;

1601 ~~(b) Has a declared weight of 26,001 pounds or more;~~

1602 ~~(c) Has an actual weight of 26,001 pounds or more;~~

1603 (b)~~(d)~~ Is designed to transport more than 15 persons,
 1604 including the driver; or

1605 (c)~~(e)~~ Is transporting hazardous materials and is required
 1606 to be placarded in accordance with Title 49 C.F.R. part 172,
 1607 subpart F.

1608 (10)(a) "Conviction" means a conviction of an offense
 1609 relating to the operation of motor vehicles on highways which is
 1610 a violation of this chapter or any other such law of this state
 1611 or any other state, including an admission or determination of a
 1612 noncriminal traffic infraction pursuant to s. 318.14, or a
 1613 judicial disposition of an offense committed under any federal
 1614 law substantially conforming to the aforesaid state statutory
 1615 provisions.

1616 (b) Notwithstanding any other provisions of this chapter,
 1617 the definition of "conviction" provided in 49 C.F.R. part 383.5
 1618 applies to offenses committed in a commercial motor vehicle.

1619 (29) "Out-of-service order" means a prohibition issued by
 1620 an authorized local, state, or Federal Government official which
 1621 ~~that~~ precludes a person from driving a commercial motor vehicle
 1622 for a period of 72 hours or less.

1623 Section 50. Subsections (4) and (10) of section 322.05,
 1624 Florida Statutes, are amended to read:

HB 1697

2005

1625 322.05 Persons not to be licensed.--The department may not
1626 issue a license:

1627 (4) Except as provided by this subsection, to any person,
1628 as a Class A licensee, Class B licensee, or Class C licensee, ~~or~~
1629 ~~Class D licensee,~~ who is under the age of 18 years. ~~A person age~~
1630 ~~16 or 17 years who applies for a Class D driver's license is~~
1631 ~~subject to all the requirements and provisions of paragraphs~~
1632 ~~(2)(a) and (b) and ss. 322.09 and 322.16(2) and (3). The~~
1633 ~~department may require of any such applicant for a Class D~~
1634 ~~driver's license such examination of the qualifications of the~~
1635 ~~applicant as the department considers proper, and the department~~
1636 ~~may limit the use of any license granted as it considers proper.~~

1637 (10) To any person, when the department has good cause to
1638 believe that the operation of a motor vehicle on the highways by
1639 such person would be detrimental to public safety or welfare.
1640 Deafness alone shall not prevent the person afflicted from being
1641 issued a ~~Class D or~~ Class E driver's license.

1642 Section 51. Paragraph (a) of subsection (1) and paragraphs
1643 (b) and (c) of subsection (2) of section 322.051, Florida
1644 Statutes, are amended, and subsection (8) is added to that
1645 section, to read:

1646 322.051 Identification cards.--

1647 (1) Any person who is 12 years of age or older, or any
1648 person who has a disability, regardless of age, who applies for
1649 a disabled parking permit under s. 320.0848, may be issued an
1650 identification card by the department upon completion of an
1651 application and payment of an application fee.

1652 (a) Each such application shall include the following

1653 information regarding the applicant:

1654 1. Full name (first, middle or maiden, and last), gender,
1655 social security card number, county of residence and mailing
1656 address, country of birth, and a brief description.

1657 2. Proof of birth date satisfactory to the department.

1658 3. Proof of identity satisfactory to the department. Such
1659 proof must include one of the following documents issued to the
1660 applicant:

1661 a. A driver's license record or identification card record
1662 from another jurisdiction that required the applicant to submit
1663 a document for identification which is substantially similar to
1664 a document required under sub-subparagraph b., sub-subparagraph
1665 c., sub-subparagraph d., sub-subparagraph e., ~~or~~ sub-
1666 subparagraph f., or sub-subparagraph g.;

1667 b. A certified copy of a United States birth certificate;

1668 c. A ~~valid~~ United States passport;

1669 d. A naturalization certificate issued by the United
1670 States Department of Homeland Security;

1671 e.~~d.~~ An alien registration receipt card (green card);

1672 f.~~e.~~ An employment authorization card issued by the United
1673 States Department of Homeland Security; or

1674 g.~~f.~~ Proof of nonimmigrant classification provided by the
1675 United States Department of Homeland Security, for an original
1676 identification card. In order to prove such nonimmigrant
1677 classification, applicants may produce but are not limited to
1678 the following documents:

1679 (I) A notice of hearing from an immigration court
1680 scheduling a hearing on any proceeding.

HB 1697

2005

1681 (II) A notice from the Board of Immigration Appeals
1682 acknowledging pendency of an appeal.

1683 (III) Notice of the approval of an application for
1684 adjustment of status issued by the United States Bureau of
1685 Citizenship and Immigration Services.

1686 (IV) Any official documentation confirming the filing of a
1687 petition for asylum status or any other relief issued by the
1688 United States Bureau of Citizenship and Immigration Services.

1689 (V) Notice of action transferring any pending matter from
1690 another jurisdiction to Florida, issued by the United States
1691 Bureau of Citizenship and Immigration Services.

1692 (VI) Order of an immigration judge or immigration officer
1693 granting any relief that authorizes the alien to live and work
1694 in the United States including, but not limited to asylum.

1695
1696 Presentation of any of the ~~foregoing~~ documents described in sub-
1697 subparagraph f. or sub-subparagraph g. entitles ~~shall entitle~~
1698 the applicant to an identification card ~~a driver's license or~~
1699 ~~temporary permit~~ for a period not to exceed the expiration date
1700 of the document presented or 2 years, whichever first occurs.

1701 (2)

1702 (b) Notwithstanding any other provision of this chapter,
1703 if an applicant establishes his or her identity for an
1704 identification card using a document authorized under sub-
1705 subparagraph (1)(a)3.e. ~~(1)(a)3.d.~~, the identification card
1706 shall expire on the fourth birthday of the applicant following
1707 the date of original issue or upon first renewal or duplicate
1708 issued after implementation of this section. After an initial

HB 1697

2005

1709 showing of such documentation, he or she is exempted from having
1710 to renew or obtain a duplicate in person.

1711 (c) Notwithstanding any other provisions of this chapter,
1712 if an applicant establishes his or her identity for an
1713 identification card using an identification document authorized
1714 under sub-subparagraph (1)(a)3.f. or sub-subparagraph (1)(a)3.g.
1715 ~~sub-subparagraphs (1)(a)3.e.-f.~~, the identification card shall
1716 expire 2 years after the date of issuance or upon the expiration
1717 date cited on the United States Department of Homeland Security
1718 documents, whichever date first occurs, and may not be renewed
1719 or obtain a duplicate except in person.

1720 (8) The department shall, upon receipt of the required
1721 fee, issue to each qualified applicant for an identification
1722 card a color photographic or digital image identification card
1723 bearing a fullface photograph or digital image of the
1724 identification cardholder. Notwithstanding chapter 761 or s.
1725 761.05, the requirement for a fullface photograph or digital
1726 image of the identification cardholder may not be waived. A
1727 space shall be provided upon which the identification cardholder
1728 shall affix his or her usual signature, as required in s.
1729 322.14, in the presence of an authorized agent of the department
1730 so as to ensure that such signature becomes a part of the
1731 identification card.

1732 Section 52. Subsections (2) and (3) of section 322.07,
1733 Florida Statutes, are amended to read:

1734 322.07 Instruction permits and temporary licenses.--

1735 (2) The department may, in its discretion, issue a
1736 temporary permit to an applicant for a ~~Class D or~~ Class E

1737 driver's license permitting him or her to operate a motor
 1738 vehicle of the type for which a ~~Class D or~~ Class E driver's
 1739 license is required while the department is completing its
 1740 investigation and determination of all facts relative to such
 1741 applicant's right to receive a driver's license. Such permit
 1742 must be in his or her immediate possession while operating a
 1743 motor vehicle, and it shall be invalid when the applicant's
 1744 license has been issued or for good cause has been refused.

1745 (3) Any person who, except for his or her lack of
 1746 instruction in operating a ~~Class D or~~ commercial motor vehicle,
 1747 would otherwise be qualified to obtain a ~~Class D or~~ commercial
 1748 driver's license under this chapter, may apply for a ~~temporary~~
 1749 ~~Class D or~~ temporary commercial instruction permit. The
 1750 department shall issue such a permit entitling the applicant,
 1751 while having the permit in his or her immediate possession, to
 1752 drive a ~~Class D or~~ commercial motor vehicle on the highways,
 1753 provided that:

1754 (a) The applicant possesses a valid driver's license
 1755 issued in any state; and

1756 (b) The applicant, while operating a ~~Class D or~~ commercial
 1757 motor vehicle, is accompanied by a licensed driver who is 21
 1758 years of age or older, who is licensed to operate the class of
 1759 vehicle being operated, and who is actually occupying the
 1760 closest seat to the right of the driver.

1761 Section 53. Subsection (2) and paragraph (d) of subsection
 1762 (6) of section 322.08, Florida Statutes, are amended to read:

1763 322.08 Application for license.--

1764 (2) Each such application shall include the following

1765 information regarding the applicant:

1766 (a) Full name (first, middle or maiden, and last), gender,
1767 social security card number, county of residence and mailing
1768 address, country of birth, and a brief description.

1769 (b) Proof of birth date satisfactory to the department.

1770 (c) Proof of identity satisfactory to the department. Such
1771 proof must include one of the following documents issued to the
1772 applicant:

1773 1. A driver's license record or identification card record
1774 from another jurisdiction that required the applicant to submit
1775 a document for identification which is substantially similar to
1776 a document required under subparagraph 2., subparagraph 3.,
1777 subparagraph 4., subparagraph 5., ~~or~~ subparagraph 6., or
1778 subparagraph 7.;

1779 2. A certified copy of a United States birth certificate;

1780 3. A ~~valid~~ United States passport;

1781 4. A naturalization certificate issued by the United
1782 States Department of Homeland Security;

1783 ~~5.4.~~ An alien registration receipt card (green card);

1784 ~~6.5.~~ An employment authorization card issued by the United
1785 States Department of Homeland Security; or

1786 ~~7.6.~~ Proof of nonimmigrant classification provided by the
1787 United States Department of Homeland Security, for an original
1788 driver's license. In order to prove nonimmigrant classification,
1789 an applicant may produce the following documents, including, but
1790 not limited to:

1791 a. A notice of hearing from an immigration court
1792 scheduling a hearing on any proceeding.

1793 b. A notice from the Board of Immigration Appeals
 1794 acknowledging pendency of an appeal.

1795 c. A notice of the approval of an application for
 1796 adjustment of status issued by the United States Immigration and
 1797 Naturalization Service.

1798 d. Any official documentation confirming the filing of a
 1799 petition for asylum status or any other relief issued by the
 1800 United States Immigration and Naturalization Service.

1801 e. A notice of action transferring any pending matter from
 1802 another jurisdiction to this state issued by the United States
 1803 Immigration and Naturalization Service.

1804 f. An order of an immigration judge or immigration officer
 1805 granting any relief that authorizes the alien to live and work
 1806 in the United States, including, but not limited to, asylum.

1807
 1808 Presentation of any of the documents in subparagraph 6. or
 1809 subparagraph 7. entitles the applicant to a driver's license or
 1810 temporary permit for a period not to exceed the expiration date
 1811 of the document presented or 2 years, whichever occurs first.

1812 (d) Whether the applicant has previously been licensed to
 1813 drive, and, if so, when and by what state, and whether any such
 1814 license or driving privilege has ever been disqualified,
 1815 revoked, or suspended, or whether an application has ever been
 1816 refused, and, if so, the date of and reason for such
 1817 disqualification, suspension, revocation, or refusal.

1818 (e) Each such application may include fingerprints and
 1819 other unique biometric means of identity.

1820 (6) The application form for a driver's license or

HB 1697

2005

1821 duplicate thereof shall include language permitting the
 1822 following:

1823 (d) A voluntary contribution of \$2 per applicant, which
 1824 shall be distributed to the Hearing Research Institute,
 1825 Incorporated, for the purpose of ~~infant~~ hearing screening in
 1826 Florida.

1827
 1828 A statement providing an explanation of the purpose of the trust
 1829 funds shall also be included. For the purpose of applying the
 1830 service charge provided in s. 215.20, contributions received
 1831 under paragraphs (c), (d), and (e) and under s. 322.18(9)(a) are
 1832 not income of a revenue nature.

1833 Section 54. Paragraph (a) of subsection (1) of section
 1834 322.09, Florida Statutes, is amended to read:

1835 322.09 Application of minors; responsibility for
 1836 negligence or misconduct of minor.--

1837 (1)(a) The application of any person under the age of 18
 1838 years for a driver's license must be signed and verified before
 1839 a person authorized to administer oaths by the father, mother,
 1840 or guardian; by a secondary guardian if the primary guardian
 1841 dies before the minor reaches 18 years of age;~~7~~ or, if there is
 1842 no parent or guardian, by another responsible adult who is
 1843 willing to assume the obligation imposed under this chapter upon
 1844 a person signing the application of a minor. This section does
 1845 not apply to a person under the age of 18 years who is
 1846 emancipated by marriage.

1847 Section 55. Section 322.11, Florida Statutes, is amended
 1848 to read:

1849 322.11 Revocation of license upon death of person signing
 1850 minor's application.--The department, upon receipt of
 1851 satisfactory evidence of the death of the person who signed the
 1852 application of a minor for a license, shall, 90 days after
 1853 giving written notice to the minor, cancel such license and may
 1854 ~~shall~~ not issue a new license until ~~such time as~~ the new
 1855 application, ~~duly~~ signed and verified, is made as required by
 1856 this chapter. This provision does ~~shall~~ not apply if ~~in the~~
 1857 ~~event~~ the minor has attained the age of 18 years.

1858 Section 56. Subsection (3) of section 322.12, Florida
 1859 Statutes, is amended to read:

1860 322.12 Examination of applicants.--

1861 (3) For an applicant for a ~~Class D or a~~ Class E driver's
 1862 license, such examination shall include a test of the
 1863 applicant's eyesight given by the driver's license examiner
 1864 designated by the department or by a licensed ophthalmologist,
 1865 optometrist, or physician and a test of the applicant's hearing
 1866 given by a driver's license examiner or a licensed physician.
 1867 The examination shall also include a test of the applicant's
 1868 ability to read and understand highway signs regulating,
 1869 warning, and directing traffic; his or her knowledge of the
 1870 traffic laws of this state, including laws regulating driving
 1871 under the influence of alcohol or controlled substances, driving
 1872 with an unlawful blood-alcohol level, and driving while
 1873 intoxicated; and his or her knowledge of the effects of alcohol
 1874 and controlled substances upon persons and the dangers of
 1875 driving a motor vehicle while under the influence of alcohol or
 1876 controlled substances and shall include an actual demonstration

1877 of ability to exercise ordinary and reasonable control in the
 1878 operation of a motor vehicle.

1879 Section 57. Subsections (1) and (4) of section 322.135,
 1880 Florida Statutes, are amended, and subsection (9) is added to
 1881 that section, to read:

1882 322.135 Driver's license agents.--

1883 (1) The department may, upon application, authorize any or
 1884 all of the tax collectors in the several counties of the state,
 1885 subject to the requirements of law, in accordance with rules of
 1886 the department, to serve as its agent ~~for the provision of~~
 1887 ~~specified driver's license services.~~

1888 (a) Any authorized agent shall provide all services
 1889 available from a state facility as deemed appropriate by the
 1890 department. ~~These services shall be limited to the issuance of~~
 1891 ~~driver's licenses and identification cards as authorized by this~~
 1892 ~~chapter.~~

1893 (b) Each tax collector who is authorized by the department
 1894 to provide driver's license services shall bear all costs
 1895 associated with providing those services.

1896 (c) A fee of \$5.25 is to be charged, in addition to the
 1897 fees set forth in this chapter, for any driver's license issued
 1898 or renewed by a tax collector. ~~One dollar of the \$5.25 fee must~~
 1899 ~~be deposited into the Highway Safety Operating Trust Fund.~~

1900 (4) A tax collector may not issue or renew a driver's
 1901 license if he or she has any reason to believe that the licensee
 1902 or prospective licensee is physically or mentally unqualified to
 1903 operate a motor vehicle. The tax collector may ~~shall~~ direct any
 1904 such licensee to the department for examination or reexamination

1905 under s. 322.221.

1906 (9) Notwithstanding chapter 116, each county officer
 1907 within this state who is authorized to collect funds provided
 1908 for in this chapter shall pay all sums officially received by
 1909 the officer into the State Treasury no later than 5 working days
 1910 after the close of the business day in which the officer
 1911 received the funds. Payment by county officers to the state
 1912 shall be made by means of electronic funds transfers.

1913 Section 58. Subsection (1) of section 322.142, Florida
 1914 Statutes, is amended to read:

1915 322.142 Color photographic or digital imaged licenses.--

1916 (1) The department shall, upon receipt of the required
 1917 fee, issue to each qualified applicant for a ~~an original~~
 1918 driver's license a color photographic or digital imaged driver's
 1919 license bearing a fullface photograph or digital image of the
 1920 licensee. Notwithstanding chapter 761 or s. 761.05, the
 1921 requirement for a fullface photograph or digital image of the
 1922 licensee may not be waived. A space shall be provided upon which
 1923 the licensee shall affix his or her usual signature, as required
 1924 in s. 322.14, in the presence of an authorized agent of the
 1925 department so as to ensure that such signature becomes a part of
 1926 the license.

1927 Section 59. Section 322.161, Florida Statutes, is amended
 1928 to read:

1929 322.161 High-risk drivers; restricted licenses.--

1930 (1)(a) Notwithstanding any provision of law to the
 1931 contrary, the department shall restrict the driving privilege of
 1932 any ~~Class D or~~ Class E licensee who is age 15 through 17 and who

1933 has accumulated six or more points pursuant to s. 318.14,
 1934 excluding parking violations, within a 12-month period.

1935 ~~(2)(a) Any Class E licensee who is age 15 through 17 and~~
 1936 ~~who has accumulated six or more points pursuant to s. 318.14,~~
 1937 ~~excluding parking violations, within a 12-month period shall not~~
 1938 ~~be eligible to obtain a Class D license for a period of no less~~
 1939 ~~than 1 year. The period of ineligibility shall begin on the~~
 1940 ~~date of conviction for the violation that results in the~~
 1941 ~~licensee's accumulation of six or more points.~~

1942 ~~(b) The period of ineligibility shall automatically expire~~
 1943 ~~after 1 year if the licensee does not accumulate any additional~~
 1944 ~~points. If the licensee accumulates any additional points, then~~
 1945 ~~the period of ineligibility shall be extended 90 days for each~~
 1946 ~~point. The period of ineligibility shall also automatically~~
 1947 ~~expire upon the licensee's 18th birthday if no other grounds for~~
 1948 ~~ineligibility exist.~~

1949 ~~(2)(3)~~ Any action taken by the department pursuant to this
 1950 section shall not be subject to any formal or informal
 1951 administrative hearing or similar administrative procedure.

1952 ~~(3)(4)~~ The department shall adopt rules to carry out the
 1953 purposes of this section.

1954 Section 60. Subsection (3) of section 322.17, Florida
 1955 Statutes, is amended to read:

1956 322.17 Duplicate and replacement certificates.--

1957 (3) Notwithstanding any other provisions of this chapter,
 1958 if a licensee establishes his or her identity for a driver's
 1959 license using an identification document authorized under s.
 1960 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5.-6.~~, the licensee may not

1961 obtain a duplicate or replacement instruction permit or driver's
 1962 license except in person and upon submission of an
 1963 identification document authorized under s. 322.08(2)(c)6. or 7
 1964 ~~s. 322.08(2)(c)5.-6.~~

1965 Section 61. Subsections (2) and (4) of section 322.18,
 1966 Florida Statutes, are amended to read:

1967 322.18 Original applications, licenses, and renewals;
 1968 expiration of licenses; delinquent licenses.--

1969 (2) Each applicant who is entitled to the issuance of a
 1970 driver's license, as provided in this section, shall be issued a
 1971 driver's license, as follows:

1972 (a) An applicant applying for an original issuance shall
 1973 be issued a driver's license which expires at midnight on the
 1974 licensee's birthday which next occurs on or after the sixth
 1975 anniversary of the date of issue.

1976 (b) An applicant applying for a renewal issuance or
 1977 renewal extension shall be issued a driver's license or renewal
 1978 extension sticker which expires at midnight on the licensee's
 1979 birthday which next occurs 4 years after the month of expiration
 1980 of the license being renewed, except that a driver whose driving
 1981 record reflects no convictions for the preceding 3 years shall
 1982 be issued a driver's license or renewal extension sticker which
 1983 expires at midnight on the licensee's birthday which next occurs
 1984 6 years after the month of expiration of the license being
 1985 renewed.

1986 (c) Notwithstanding any other provision of this chapter,
 1987 if an applicant establishes his or her identity for a driver's
 1988 license using a document authorized under s. 322.08(2)(c)5. ~~s-~~

1989 ~~322.08(2)(e)4.~~, the driver's license shall expire in accordance
 1990 with paragraph (b). After an initial showing of such
 1991 documentation, he or she is exempted from having to renew or
 1992 obtain a duplicate in person.

1993 (d) Notwithstanding any other provision of this chapter,
 1994 if applicant establishes his or her identity for a driver's
 1995 license using a document authorized in s. 322.08(2)(c)6. or 7.
 1996 ~~s. 322.08(2)(e)5. or 6.~~, the driver's license shall expire 2 4
 1997 years after the date of issuance or upon the expiration date
 1998 cited on the United States Department of Homeland Security
 1999 documents, whichever date first occurs.

2000 (e) Notwithstanding any other provision of this chapter,
 2001 an applicant applying for an original or renewal issuance of a
 2002 commercial driver's license as defined in s. 322.01(7), with a
 2003 hazardous-materials endorsement, pursuant to s. 322.57(1)(e),
 2004 shall be issued a driver's license that expires at midnight on
 2005 the licensee's birthday that next occurs 4 years after the month
 2006 of expiration of the license being issued or renewed.

2007 (4)(a) Except as otherwise provided in this chapter, all
 2008 licenses shall be renewable every 4 years or 6 years, depending
 2009 upon the terms of issuance and shall be issued or extended upon
 2010 application, payment of the fees required by s. 322.21, and
 2011 successful passage of any required examination, unless the
 2012 department has reason to believe that the licensee is no longer
 2013 qualified to receive a license.

2014 (b) Notwithstanding any other provision of this chapter,
 2015 if an applicant establishes his or her identity for a driver's
 2016 license using a document authorized under s. 322.08(2)(c)5. ~~s.~~

2017 ~~322.08(2)(e)4.~~, the license, upon an initial showing of such
 2018 documentation, is exempted from having to renew or obtain a
 2019 duplicate in person, unless the renewal or duplication coincides
 2020 with the periodic reexamination of a driver as required pursuant
 2021 to s. 322.121.

2022 (c) Notwithstanding any other provision of this chapter,
 2023 if a licensee establishes his or her identity for a driver's
 2024 license using an identification document authorized under s.
 2025 322.08(2)(c)6. or 7. ~~s. 322.08(2)(e)5. or 6.~~, the licensee may
 2026 not renew the driver's license except in person and upon
 2027 submission of an identification document authorized under s.
 2028 322.08(2)(c)6. or 7. ~~s. 322.08(2)(e)4. 6.~~ A driver's license
 2029 renewed under this paragraph expires 4 years after the date of
 2030 issuance or upon the expiration date cited on the United States
 2031 Department of Homeland Security documents, whichever date first
 2032 occurs.

2033 Section 62. Subsection (4) of section 322.19, Florida
 2034 Statutes, is amended to read:

2035 322.19 Change of address or name.--

2036 (4) Notwithstanding any other provision of this chapter,
 2037 if a licensee established his or her identity for a driver's
 2038 license using an identification document authorized under s.
 2039 322.08(2)(c)6. or 7. ~~s. 322.08(2)(e)5. 6.~~, the licensee may not
 2040 change his or her name or address except in person and upon
 2041 submission of an identification document authorized under s.
 2042 322.08(2)(c)6. or 7. ~~s. 322.08(2)(e)4. 6.~~

2043 Section 63. Subsection (1) of section 322.21, Florida
 2044 Statutes, is amended to read:

2045 322.21 License fees; procedure for handling and collecting
2046 fees.--

2047 (1) Except as otherwise provided herein, the fee for:

2048 (a) An original or renewal commercial driver's license is
2049 \$50, which shall include the fee for driver education provided
2050 by s. 1003.48; however, if an applicant has completed training
2051 and is applying for employment or is currently employed in a
2052 public or nonpublic school system that requires the commercial
2053 license, the fee shall be the same as for a Class E driver's
2054 license. A delinquent fee of \$1 shall be added for a renewal
2055 made not more than 12 months after the license expiration date.

2056 (b) An original ~~Class D or~~ Class E driver's license is
2057 \$20, which shall include the fee for driver's education provided
2058 by s. 1003.48; however, if an applicant has completed training
2059 and is applying for employment or is currently employed in a
2060 public or nonpublic school system that requires a commercial
2061 driver license, the fee shall be the same as for a Class E
2062 license.

2063 (c) The renewal or extension of a ~~Class D or~~ Class E
2064 driver's license or of a license restricted to motorcycle use
2065 only is \$15, except that a delinquent fee of \$1 shall be added
2066 for a renewal or extension made not more than 12 months after
2067 the license expiration date. The fee provided in this paragraph
2068 shall include the fee for driver's education provided by s.
2069 1003.48.

2070 (d) An original driver's license restricted to motorcycle
2071 use only is \$20, which shall include the fee for driver's
2072 education provided by s. 1003.48.

2073 (e) Each endorsement required by s. 322.57 is \$5.
 2074 (f) A hazardous-materials endorsement, as required by s.
 2075 322.57(1)(e), shall be set by the department by rule and shall
 2076 reflect the cost of the required criminal history check,
 2077 including the cost of the state and federal fingerprint check,
 2078 and the cost to the department of providing and issuing the
 2079 license. The fee shall not exceed \$100. This fee shall be
 2080 deposited in the Highway Safety Operating Trust Fund. The
 2081 department may adopt rules pursuant to ss. 120.536(1) and 120.54
 2082 to administer the provisions of this paragraph.

2083 Section 64. Present subsection (7) of section 322.212,
 2084 Florida Statutes, is redesignated as subsection (8), and a new
 2085 subsection (7) is added to that section to read:

2086 322.212 Unauthorized possession of, and other unlawful
 2087 acts in relation to, driver's license or identification card.--

2088 (7) In addition to any other penalties provided by this
 2089 section, any person who provides false information when applying
 2090 for a commercial driver's license shall be disqualified from
 2091 operating a commercial motor vehicle for a period of 60 days.

2092 Section 65. Subsection (1) of section 322.22, Florida
 2093 Statutes, is amended to read:

2094 322.22 Authority of department to cancel license.--

2095 (1) The department is authorized to cancel any driver's
 2096 license, upon determining that the licensee was not entitled to
 2097 the issuance thereof, or that the licensee failed to give the
 2098 required or correct information in his or her application or
 2099 committed any fraud in making such application, or that the
 2100 licensee has two or more licenses on file with the department,

2101 each in a different name but bearing the photograph of the
 2102 licensee, unless the licensee has complied with the requirements
 2103 of this chapter in obtaining the licenses. The department may
 2104 cancel any driver's license, identification card, vehicle or
 2105 vessel registration, or fuel-use decal if the licensee fails to
 2106 pay the correct fee or pays for the driver's license,
 2107 identification card, vehicle or vessel registration, or fuel-use
 2108 decal; pays any tax liability, penalty, or interest specified in
 2109 chapter 207; or pays any administrative, delinquency, or
 2110 reinstatement fee by a dishonored check.

2111 Section 66. Subsections (4) and (5) of section 322.251,
 2112 Florida Statutes, are amended to read:

2113 322.251 Notice of cancellation, suspension, revocation, or
 2114 disqualification of license.--

2115 (4) A person whose privilege to operate a commercial motor
 2116 vehicle is temporarily disqualified may, upon surrendering his
 2117 or her commercial driver's license, be issued a ~~Class D or~~ Class
 2118 E driver's license, valid for the length of his or her unexpired
 2119 commercial driver's license, at no cost. Such person may, upon
 2120 the completion of his or her disqualification, be issued a
 2121 commercial driver's license, of the type disqualified, for the
 2122 remainder of his or her unexpired license period. Any such
 2123 person shall pay the reinstatement fee provided in s. 322.21
 2124 before being issued a commercial driver's license.

2125 (5) A person whose privilege to operate a commercial motor
 2126 vehicle is permanently disqualified may, upon surrendering his
 2127 or her commercial driver's license, be issued a ~~Class D or~~ Class
 2128 E driver's license, if he or she is otherwise qualified to

HB 1697

2005

2129 receive such license. Any such person shall be issued a ~~Class D~~
 2130 ~~or~~ Class E license, valid for the remainder of his or her
 2131 unexpired license period, at no cost.

2132 Section 67. Paragraph (b) of subsection (1), paragraph (a)
 2133 of subsection (7), paragraph (b) of subsection (10), and
 2134 subsection (11) of section 322.2615, Florida Statutes, are
 2135 amended to read:

2136 322.2615 Suspension of license; right to review.--

2137 (1)

2138 (b) The suspension under paragraph (a) shall be pursuant
 2139 to, and the notice of suspension shall inform the driver of, the
 2140 following:

2141 1.a. The driver refused to submit to a lawful breath,
 2142 blood, or urine test and his or her driving privilege is
 2143 suspended for a period of 1 year for a first refusal or for a
 2144 period of 18 months if his or her driving privilege has been
 2145 previously suspended as a result of a refusal to submit to such
 2146 a test; or

2147 b. The driver violated s. 316.193 by driving with an
 2148 unlawful blood-alcohol level or breath-alcohol level as provided
 2149 in that section and his or her driving privilege is suspended
 2150 for a period of 6 months for a first offense or for a period of
 2151 1 year if his or her driving privilege has been previously
 2152 suspended for a violation of s. 316.193.

2153 2. The suspension period shall commence on the date of
 2154 arrest or issuance of the notice of suspension, whichever is
 2155 later.

2156 3. The driver may request a formal or informal review of

2157 | the suspension by the department within 10 days after the date
 2158 | of arrest or issuance of the notice of suspension, whichever is
 2159 | later.

2160 | 4. The temporary permit issued at the time of arrest will
 2161 | expire at midnight of the 10th day following the date of arrest
 2162 | or issuance of the notice of suspension, whichever is later.

2163 | 5. The driver may submit to the department any materials
 2164 | relevant to the arrest.

2165 | (7) In a formal review hearing under subsection (6) or an
 2166 | informal review hearing under subsection (4), the hearing
 2167 | officer shall determine by a preponderance of the evidence
 2168 | whether sufficient cause exists to sustain, amend, or invalidate
 2169 | the suspension. The scope of the review shall be limited to the
 2170 | following issues:

2171 | (a) If the license was suspended for driving with an
 2172 | unlawful blood-alcohol level or breath-alcohol level in
 2173 | violation of s. 316.193:

2174 | 1. Whether the arresting law enforcement officer had
 2175 | probable cause to believe that the person was driving or in
 2176 | actual physical control of a motor vehicle in this state while
 2177 | under the influence of alcoholic beverages or controlled
 2178 | substances.

2179 | 2. Whether the person was placed under lawful arrest for a
 2180 | violation of s. 316.193.

2181 | 3. Whether the person had an unlawful blood-alcohol level
 2182 | or breath-alcohol level as provided in s. 316.193.

2183 | (10) A person whose driver's license is suspended under
 2184 | subsection (1) or subsection (3) may apply for issuance of a

2185 license for business or employment purposes only if the person
 2186 is otherwise eligible for the driving privilege pursuant to s.
 2187 322.271.

2188 (b) If the suspension of the driver's license of the
 2189 person arrested for a violation of s. 316.193, relating to
 2190 unlawful blood-alcohol level or breath-alcohol level, is
 2191 sustained, the person is not eligible to receive a license for
 2192 business or employment purposes only pursuant to s. 322.271
 2193 until 30 days have elapsed after the expiration of the last
 2194 temporary permit issued. If the driver is not issued a 10-day
 2195 permit pursuant to this section or s. 322.64 because he or she
 2196 is ineligible for the permit and the suspension for a violation
 2197 of s. 316.193, relating to unlawful blood-alcohol level, is not
 2198 invalidated by the department, the driver is not eligible to
 2199 receive a business or employment license pursuant to s. 322.271
 2200 until 30 days have elapsed from the date of the arrest.

2201 (11) The formal review hearing may be conducted upon a
 2202 review of the reports of a law enforcement officer or a
 2203 correctional officer, including documents relating to the
 2204 administration of a breath test or blood test or the refusal to
 2205 take either test or the refusal to take a urine test. However,
 2206 as provided in subsection (6), the driver may subpoena the
 2207 officer or any person who administered or analyzed a breath or
 2208 blood test.

2209 Section 68. Paragraph (d) of subsection (3) of section
 2210 322.27, Florida Statutes, is amended to read:

2211 322.27 Authority of department to suspend or revoke
 2212 license.--

2213 (3) There is established a point system for evaluation of
 2214 convictions of violations of motor vehicle laws or ordinances,
 2215 and violations of applicable provisions of s. 403.413(6)(b) when
 2216 such violations involve the use of motor vehicles, for the
 2217 determination of the continuing qualification of any person to
 2218 operate a motor vehicle. The department is authorized to suspend
 2219 the license of any person upon showing of its records or other
 2220 good and sufficient evidence that the licensee has been
 2221 convicted of violation of motor vehicle laws or ordinances, or
 2222 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 2223 more points as determined by the point system. The suspension
 2224 shall be for a period of not more than 1 year.

2225 (d) The point system shall have as its basic element a
 2226 graduated scale of points assigning relative values to
 2227 convictions of the following violations:

- 2228 1. Reckless driving, willful and wanton--4 points.
- 2229 2. Leaving the scene of a crash resulting in property
 2230 damage of more than \$50--6 points.
- 2231 3. Unlawful speed resulting in a crash--6 points.
- 2232 4. Passing a stopped school bus--4 points.
- 2233 5. Unlawful speed:
 - 2234 a. Not in excess of 15 miles per hour of lawful or posted
 2235 speed--3 points.
 - 2236 b. In excess of 15 miles per hour of lawful or posted
 2237 speed--4 points.
- 2238 6. All other moving violations (including parking on a
 2239 highway outside the limits of a municipality)--3 points.
- 2240 However, no points shall be imposed for a violation of s.

HB 1697

2005

2241 316.0741 or s. 316.2065(12).

2242 7. Any moving violation covered above, excluding unlawful
2243 speed, resulting in a crash--4 points.

2244 8. Any conviction under s. 403.413 (6)~~(5)~~(b)--3 points.

2245 Section 69. Section 322.30, Florida Statutes, is amended
2246 to read:

2247 322.30 No operation under foreign license during
2248 suspension, revocation, or disqualification in this state.--

2249 (1) Any resident or nonresident whose driver's license or
2250 right or privilege to operate a motor vehicle in this state has
2251 been suspended, revoked, or disqualified as provided in this
2252 chapter, shall not operate a motor vehicle in this state under a
2253 license, permit, or registration certificate issued by any other
2254 jurisdiction or otherwise during such suspension, revocation, or
2255 disqualification until a new license is obtained.

2256 (2) Notwithstanding subsection (1), any commercial motor
2257 vehicle operator whose privilege to operate such vehicle is
2258 disqualified may operate a motor vehicle in this state as a
2259 ~~Class D or~~ Class E licensee, if authorized by this chapter.

2260 Section 70. Paragraph (b) of subsection (2) and
2261 subsections (4), (5), and (6) of section 322.53, Florida
2262 Statutes, are amended to read:

2263 322.53 License required; exemptions.--

2264 (2) The following persons are exempt from the requirement
2265 to obtain a commercial driver's license:

2266 (b) Military personnel driving ~~military~~ vehicles operated
2267 for military purposes.

2268 ~~(4) A resident who is exempt from obtaining a commercial~~

2269 ~~driver's license pursuant to paragraph (2)(a) or paragraph~~
 2270 ~~(2)(c) and who drives a commercial motor vehicle must obtain a~~
 2271 ~~Class D driver's license endorsed to authorize the operation of~~
 2272 ~~the particular type of vehicle for which his or her exemption is~~
 2273 ~~granted.~~

2274 (4)~~(5)~~ A resident who is exempt from obtaining a
 2275 commercial driver's license pursuant to paragraph (2)(b),
 2276 paragraph (2)(d), paragraph (2)(e), or paragraph (2)(f) may
 2277 drive a commercial motor vehicle pursuant to the exemption
 2278 granted in paragraph (2)(b), paragraph (2)(d), paragraph (2)(e),
 2279 or paragraph (2)(f) if he or she possesses a valid ~~Class D or~~
 2280 Class E driver's license or a military license.

2281 (5)~~(6)~~ The department shall adopt rules and enter into
 2282 necessary agreements with other jurisdictions to provide for the
 2283 operation of commercial vehicles by nonresidents pursuant to the
 2284 exemption granted in subsection (2).

2285 Section 71. Subsection (2) of section 322.54, Florida
 2286 Statutes, is amended to read:

2287 322.54 Classification.--

2288 (2) The department shall issue, pursuant to the
 2289 requirements of this chapter, drivers' licenses in accordance
 2290 with the following classifications:

2291 (a) Any person who drives a motor vehicle combination
 2292 having a gross vehicle weight rating, ~~a declared weight, or an~~
 2293 ~~actual weight, whichever is greatest,~~ of 26,001 pounds or more
 2294 must possess a valid Class A driver's license, provided the
 2295 gross vehicle weight rating, ~~declared weight, or actual weight,~~
 2296 ~~whichever is greatest,~~ of the vehicle being towed is more than

HB 1697

2005

2297 10,000 pounds. Any person who possesses a valid Class A
 2298 driver's license may, subject to the appropriate restrictions
 2299 and endorsements, drive any class of motor vehicle within this
 2300 state.

2301 (b) Any person, except a person who possesses a valid
 2302 Class A driver's license, who drives a motor vehicle having a
 2303 gross vehicle weight rating, ~~a declared weight, or an actual~~
 2304 ~~weight, whichever is greatest,~~ of 26,001 pounds or more must
 2305 possess a valid Class B driver's license. Any person, except a
 2306 person who possesses a valid Class A driver's license, who
 2307 drives such vehicle towing a vehicle having a gross vehicle
 2308 weight rating, ~~a declared weight, or an actual weight, whichever~~
 2309 ~~is greatest,~~ of 10,000 pounds or less must possess a valid Class
 2310 B driver's license. Any person who possesses a valid Class B
 2311 driver's license may, subject to the appropriate restrictions
 2312 and endorsements, drive any class of motor vehicle, other than
 2313 the type of motor vehicle for which a Class A driver's license
 2314 is required, within this state.

2315 (c) ~~Any person, except a person who possesses a valid~~
 2316 ~~Class A or a valid Class B driver's license, who drives a motor~~
 2317 ~~vehicle combination having a gross vehicle weight rating, a~~
 2318 ~~declared weight, or an actual weight, whichever is greatest, of~~
 2319 ~~26,001 pounds or more must possess a valid Class C driver's~~
 2320 ~~license.~~ Any person, except a person who possesses a valid Class
 2321 A or a valid Class B driver's license, who drives a motor
 2322 vehicle ~~combination~~ having a gross vehicle weight rating, ~~a~~
 2323 ~~declared weight, or an actual weight, whichever is greatest,~~ of
 2324 less than 26,001 pounds and who is required to obtain an

2325 endorsement pursuant to ~~paragraph (1)(a)~~, paragraph (1)(b),
 2326 paragraph (1)(c), ~~paragraph (1)(d)~~, or paragraph (1)(e) of s.
 2327 322.57, must possess a valid Class C driver's license ~~that is~~
 2328 ~~clearly restricted to the operation of a motor vehicle or motor~~
 2329 ~~vehicle combination of less than 26,001 pounds.~~ Any person who
 2330 possesses a valid Class C driver's license may, subject to the
 2331 appropriate restrictions and endorsements, drive any class of
 2332 motor vehicle, other than the type of motor vehicle for which a
 2333 Class A or a Class B driver's license is required, within this
 2334 state.

2335 ~~(d) Any person, except a person who possesses a valid~~
 2336 ~~Class A, valid Class B, or valid Class C driver's license, who~~
 2337 ~~drives a truck or a truck tractor having a gross vehicle weight~~
 2338 ~~rating, a declared weight, or an actual weight, whichever is~~
 2339 ~~greatest, of 8,000 pounds or more but less than 26,001 pounds,~~
 2340 ~~or which has a width of more than 80 inches must possess a valid~~
 2341 ~~Class D driver's license. Any person who possesses a valid Class~~
 2342 ~~D driver's license may, subject to the appropriate restrictions~~
 2343 ~~and endorsements, drive any type of motor vehicle, other than~~
 2344 ~~the type of motor vehicle for which a Class A, Class B, or Class~~
 2345 ~~C driver's license is required, within this state.~~

2346 (d)(e) Any person, except a person who possesses a valid
 2347 Class A, valid Class B, or valid Class C, ~~or valid Class D~~
 2348 driver's license, who drives a motor vehicle must possess a
 2349 valid Class E driver's license. Any person who possesses a valid
 2350 Class E driver's license may, subject to the appropriate
 2351 restrictions and endorsements, drive any type of motor vehicle,
 2352 other than the type of motor vehicle for which a Class A, Class

HB 1697

2005

2353 B, or Class C, ~~or Class D~~ driver's license is required, within
 2354 this state.

2355 Section 72. Subsections (1) and (2) of section 322.57,
 2356 Florida Statutes, are amended to read:

2357 322.57 Tests of knowledge concerning specified vehicles;
 2358 endorsement; nonresidents; violations.--

2359 (1) In addition to fulfilling any other driver's licensing
 2360 requirements of this chapter, a person who:

2361 (a) Drives a double or triple trailer must successfully
 2362 complete a test of his or her knowledge concerning the safe
 2363 operation of such vehicles.

2364 (b) Drives a passenger vehicle must successfully complete
 2365 a test of his or her knowledge concerning the safe operation of
 2366 such vehicles and a test of his or her driving skill in such a
 2367 vehicle.

2368 (c) Drives a school bus must successfully complete a test
 2369 of his or her knowledge concerning the safe operation of such
 2370 vehicles and a test of his or her driving skill in such a
 2371 vehicle. This subsection shall be implemented in accordance with
 2372 49 C.F.R. part 383.123.

2373 (d)(e) Drives a tank vehicle must successfully complete a
 2374 test of his or her knowledge concerning the safe operation of
 2375 such vehicles.

2376 (e)(d) Drives a vehicle that transports hazardous
 2377 materials and that is required to be placarded in accordance
 2378 with Title 49 C.F.R. part 172, subpart F, must successfully
 2379 complete a test of his or her knowledge concerning the safe
 2380 operation of such vehicles. Knowledge tests for hazardous-

2381 materials endorsements may not be administered orally for
 2382 individuals applying for an initial hazardous-materials
 2383 endorsement after June 30, 1994.

2384 (f)~~(e)~~ Operates a tank vehicle transporting hazardous
 2385 materials must successfully complete the tests required in
 2386 paragraphs (d) ~~(e)~~ and (e) ~~(d)~~ so that the department may issue
 2387 a single endorsement permitting him or her to operate such tank
 2388 vehicle.

2389 (g)~~(f)~~ Drives a motorcycle must successfully complete a
 2390 test of his or her knowledge concerning the safe operation of
 2391 such vehicles and a test of his or her driving skills on such
 2392 vehicle. A person who successfully completes such tests shall be
 2393 issued an endorsement if he or she is licensed to drive another
 2394 type of motor vehicle. A person who successfully completes such
 2395 tests and who is not licensed to drive another type of motor
 2396 vehicle shall be issued a Class E driver's license that is
 2397 clearly restricted to motorcycle use only.

2398 (2) Before driving or operating any vehicle listed in
 2399 subsection (1), a person must obtain an endorsement on his or
 2400 her driver's license. An endorsement under paragraph (a),
 2401 paragraph (b), paragraph (c), paragraph (d), ~~or~~ paragraph (e),
 2402 or paragraph (f) of subsection (1) shall be issued only to
 2403 persons who possess a valid Class A, valid Class B, or valid
 2404 Class C driver's license. ~~A person who drives a motor vehicle or~~
 2405 ~~motor vehicle combination that requires an endorsement under~~
 2406 ~~this subsection and who drives a motor vehicle or motor vehicle~~
 2407 ~~combination having a gross vehicle weight rating, a declared~~
 2408 ~~weight, or an actual weight, whichever is greatest, of less than~~

HB 1697

2005

2409 ~~26,000 pounds shall be issued a Class C driver's license that is~~
 2410 ~~clearly restricted to the operation of a motor vehicle or motor~~
 2411 ~~vehicle combination of less than 26,000 pounds.~~

2412 Section 73. Paragraph (a) of subsection (1) of section
 2413 322.58, Florida Statutes, is amended to read:

2414 322.58 Holders of chauffeur's licenses; effect of
 2415 classified licensure.--

2416 (1) In order to provide for the classified licensure of
 2417 commercial motor vehicle drivers, the department shall require
 2418 persons who have valid chauffeur's licenses to report on or
 2419 after April 1, 1991, to the department for classified licensure,
 2420 according to a schedule developed by the department.

2421 (a) Any person who holds a valid chauffeur's license may
 2422 continue to operate vehicles for which a Class E D driver's
 2423 license is required until his or her chauffeur's license
 2424 expires.

2425 Section 74. Subsections (1), (2), (3), (7), (8), and (10)
 2426 of section 322.61, Florida Statutes, are amended, and
 2427 subsections (4) and (5) of that section are reenacted, to read:

2428 322.61 Disqualification from operating a commercial motor
 2429 vehicle.--

2430 (1) A person who, for offenses occurring within a 3-year
 2431 period, is convicted of two of the following serious traffic
 2432 violations or any combination thereof, arising in separate
 2433 incidents committed in a commercial motor vehicle shall, in
 2434 addition to any other applicable penalties, be disqualified from
 2435 operating a commercial motor vehicle for a period of 60 days. A
 2436 person who, for offenses occurring within a 3-year period, is

2437 convicted of two of the following serious traffic violations or
 2438 any combination thereof, arising in separate incidents committed
 2439 in a noncommercial motor vehicle shall, in addition to any other
 2440 applicable penalties, be disqualified from operating a
 2441 commercial motor vehicle for a period of 60 days if such
 2442 convictions result in the suspension, revocation, or
 2443 cancellation of the licenseholder's driving privilege:

2444 (a) A violation of any state or local law relating to
 2445 motor vehicle traffic control, other than a parking violation, a
 2446 weight violation, or a vehicle equipment violation, arising in
 2447 connection with a crash resulting in death or personal injury to
 2448 any person;

2449 (b) Reckless driving, as defined in s. 316.192;

2450 (c) Careless driving, as defined in s. 316.1925;

2451 (d) Fleeing or attempting to elude a law enforcement
 2452 officer, as defined in s. 316.1935;

2453 (e) Unlawful speed of 15 miles per hour or more above the
 2454 posted speed limit;

2455 (f) Driving a commercial motor vehicle, owned by such
 2456 person, which is not properly insured;

2457 (g) Improper lane change, as defined in s. 316.085; ~~or~~

2458 (h) Following too closely, as defined in s. 316.0895; ~~or~~

2459 (i) Driving a commercial vehicle without obtaining a
 2460 commercial driver's license;

2461 (j) Driving a commercial vehicle without a commercial
 2462 driver's license in possession; or

2463 (k) Driving a commercial vehicle without the proper class
 2464 of commercial driver's license or without the proper

2465 endorsement.

2466 (2) Any person who, for offenses occurring within a 3-year
 2467 period, is convicted of three serious traffic violations
 2468 specified in subsection (1) or any combination thereof, arising
 2469 in separate incidents committed in a commercial motor vehicle
 2470 shall, in addition to any other applicable penalties, including,
 2471 but not limited to, the penalty provided in subsection (1), be
 2472 disqualified from operating a commercial motor vehicle for a
 2473 period of 120 days. A person who, for offenses occurring within
 2474 a 3-year period, is convicted of three serious traffic
 2475 violations specified in subsection (1) or any combination
 2476 thereof, arising in separate incidents committed in a
 2477 noncommercial motor vehicle shall, in addition to any other
 2478 applicable penalties, including, but not limited to, the penalty
 2479 provided in subsection (1), be disqualified from operating a
 2480 commercial motor vehicle for a period of 120 days if such
 2481 convictions result in the suspension, revocation, or
 2482 cancellation of the licenseholder's driving privilege.

2483 (3) Except as provided in subsection (4), any person who
 2484 is convicted of one of the following offenses shall, in addition
 2485 to any other applicable penalties, be disqualified from
 2486 operating a commercial motor vehicle for a period of 1 year:

2487 (a) Driving a commercial motor vehicle while he or she is
 2488 under the influence of alcohol or a controlled substance;

2489 (b) Driving a commercial motor vehicle while the alcohol
 2490 concentration of his or her blood, breath, or urine is .04
 2491 percent or higher;

2492 (c) Leaving the scene of a crash involving a commercial

HB 1697

2005

2493 motor vehicle driven by such person;

2494 (d) Using a commercial motor vehicle in the commission of
2495 a felony;

2496 (e) Driving a commercial motor vehicle while in possession
2497 of a controlled substance; ~~or~~

2498 (f) Refusing to submit to a test to determine his or her
2499 alcohol concentration while driving a commercial motor vehicle;~~;~~

2500 (g) Driving a commercial vehicle while the licenseholder's
2501 commercial driver's license is suspended, revoked, or canceled
2502 or while the licenseholder is disqualified from driving a
2503 commercial vehicle; or

2504 (h) Causing a fatality through the negligent operation of
2505 a commercial motor vehicle.

2506 (4) Any person who is transporting hazardous materials in
2507 a vehicle that is required to be placarded in accordance with
2508 Title 49 C.F.R. part 172, subpart F shall, upon conviction of an
2509 offense specified in subsection (3), be disqualified from
2510 operating a commercial motor vehicle for a period of 3 years.
2511 The penalty provided in this subsection shall be in addition to
2512 any other applicable penalty.

2513 (5) Any person who is convicted of two violations
2514 specified in subsection (3), or any combination thereof, arising
2515 in separate incidents shall be permanently disqualified from
2516 operating a commercial motor vehicle. The penalty provided in
2517 this subsection shall be in addition to any other applicable
2518 penalty.

2519 (7) A person whose privilege to operate a commercial motor
2520 vehicle is disqualified under this section may, if otherwise

2521 qualified, be issued a ~~Class D~~ or Class E driver's license,
 2522 pursuant to s. 322.251.

2523 (8) A driver who is convicted of or otherwise found to
 2524 have committed a violation of an out-of-service order while
 2525 driving a commercial motor vehicle is disqualified as follows:

2526 (a) Not less than 90 days nor more than 1 year if the
 2527 driver is convicted of or otherwise found to have committed a
 2528 first violation of an out-of-service order.

2529 (b) Not less than 1 year nor more than 5 years if, for
 2530 offenses occurring during any 10-year period, the driver is
 2531 convicted of or otherwise found to have committed two violations
 2532 of out-of-service orders in separate incidents.

2533 (c) Not less than 3 years nor more than 5 years if, for
 2534 offenses occurring during any 10-year period, the driver is
 2535 convicted of or otherwise found to have committed three or more
 2536 violations of out-of-service orders in separate incidents.

2537 (d) Not less than 180 days nor more than 2 years if the
 2538 driver is convicted of or otherwise found to have committed a
 2539 first violation of an out-of-service order while transporting
 2540 hazardous materials required to be placarded under the Hazardous
 2541 Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or
 2542 while operating motor vehicles designed to transport more than
 2543 15 passengers, including the driver. A driver is disqualified
 2544 for a period of not less than 3 years nor more than 5 years if,
 2545 for offenses occurring during any 10-year period, the driver is
 2546 convicted of or otherwise found to have committed any subsequent
 2547 violations of out-of-service orders, in separate incidents,
 2548 while transporting hazardous materials required to be placarded

2549 | under the Hazardous Materials Transportation Act 49 U.S.C. ss.
 2550 | 5101 et seq., or while operating motor vehicles designed to
 2551 | transport more than 15 passengers, including the driver.

2552 | (10)(a) A driver must be disqualified for not less than 60
 2553 | days if the driver is convicted of or otherwise found to have
 2554 | committed a first violation of a railroad-highway grade crossing
 2555 | violation.

2556 | (b) A driver must be disqualified for not less than 120
 2557 | days if, for offenses occurring during any 3-year period, the
 2558 | driver is convicted of or otherwise found to have committed a
 2559 | second railroad-highway grade crossing violation in separate
 2560 | incidents.

2561 | (c) A driver must be disqualified for not less than 1 year
 2562 | if, for offenses occurring during any 3-year period, the driver
 2563 | is convicted of or otherwise found to have committed a third or
 2564 | subsequent railroad-highway grade crossing violation in separate
 2565 | incidents.

2566 | Section 75. Subsection (1) and paragraph (a) of subsection
 2567 | (3) of section 322.63, Florida Statutes, are amended to read:

2568 | 322.63 Alcohol or drug testing; commercial motor vehicle
 2569 | operators.--

2570 | (1) A person who accepts the privilege extended by the
 2571 | laws of this state of operating a commercial motor vehicle
 2572 | within this state shall, by so operating such commercial motor
 2573 | vehicle, be deemed to have given his or her consent to submit to
 2574 | an approved chemical or physical test of his or her blood or~~7~~
 2575 | ~~breath, or urine~~ for the purpose of determining his or her
 2576 | alcohol concentration, and to a urine test ~~or~~ for the purpose of

2577 detecting the presence of chemical substances as set forth in s.
 2578 877.111 or of controlled substances.

2579 (a) By applying for a commercial driver's license and by
 2580 accepting and using a commercial driver's license, the person
 2581 holding the commercial driver's license is deemed to have
 2582 expressed his or her consent to the provisions of this section.

2583 (b) Any person who drives a commercial motor vehicle
 2584 within this state and who is not required to obtain a commercial
 2585 driver's license in this state is, by his or her act of driving
 2586 a commercial motor vehicle within this state, deemed to have
 2587 expressed his or her consent to the provisions of this section.

2588 (c) A notification of the consent provision of this
 2589 section shall be printed ~~above the signature line~~ on each new or
 2590 renewed commercial driver's license issued ~~after March 31, 1991~~.

2591 (3)(a) The breath and blood ~~physical and chemical~~ tests
 2592 authorized in this section shall be administered substantially
 2593 in accordance with rules adopted by the Department of Law
 2594 Enforcement.

2595 Section 76. Subsection (1) of section 322.64, Florida
 2596 Statutes, is amended, and, for the purpose of incorporating the
 2597 amendment to section 322.61, Florida Statutes, in a reference
 2598 thereto, subsection (14) of that section is reenacted, to read:

2599 322.64 Holder of commercial driver's license; driving with
 2600 unlawful blood-alcohol level; refusal to submit to breath,
 2601 urine, or blood test.--

2602 (1)(a) A law enforcement officer or correctional officer
 2603 shall, on behalf of the department, disqualify from operating
 2604 any commercial motor vehicle a person who while operating or in

2605 actual physical control of a commercial motor vehicle is
 2606 arrested for a violation of s. 316.193, relating to unlawful
 2607 blood-alcohol level or breath-alcohol level, or a person who has
 2608 refused to submit to a breath, urine, or blood test authorized
 2609 by s. 322.63 arising out of the operation or actual physical
 2610 control of a commercial motor vehicle. Upon disqualification of
 2611 the person, the officer shall take the person's driver's license
 2612 and issue the person a 10-day temporary permit for the operation
 2613 of noncommercial vehicles only if the person is otherwise
 2614 eligible for the driving privilege and shall issue the person a
 2615 notice of disqualification. If the person has been given a
 2616 blood, breath, or urine test, the results of which are not
 2617 available to the officer at the time of the arrest, the agency
 2618 employing the officer shall transmit such results to the
 2619 department within 5 days after receipt of the results. If the
 2620 department then determines that the person was arrested for a
 2621 violation of s. 316.193 and that the person had a blood-alcohol
 2622 level or breath-alcohol level of 0.08 or higher, the department
 2623 shall disqualify the person from operating a commercial motor
 2624 vehicle pursuant to subsection (3).

2625 (b) The disqualification under paragraph (a) shall be
 2626 pursuant to, and the notice of disqualification shall inform the
 2627 driver of, the following:

2628 1.a. The driver refused to submit to a lawful breath,
 2629 blood, or urine test and he or she is disqualified from
 2630 operating a commercial motor vehicle for a period of 1 year, for
 2631 a first refusal, or permanently, if he or she has previously
 2632 been disqualified as a result of a refusal to submit to such a

2633 test; or

2634 b. The driver violated s. 316.193 by driving with an
 2635 unlawful blood-alcohol level and he or she is disqualified from
 2636 operating a commercial motor vehicle for a period of 6 months
 2637 for a first offense or for a period of 1 year if he or she has
 2638 previously been disqualified, or his or her driving privilege
 2639 has been previously suspended, for a violation of s. 316.193.

2640 2. The disqualification period for operating commercial
 2641 vehicles shall commence on the date of arrest or issuance of
 2642 notice of disqualification, whichever is later.

2643 3. The driver may request a formal or informal review of
 2644 the disqualification by the department within 10 days after the
 2645 date of arrest or issuance of notice of disqualification,
 2646 whichever is later.

2647 4. The temporary permit issued at the time of arrest or
 2648 disqualification will expire at midnight of the 10th day
 2649 following the date of disqualification.

2650 5. The driver may submit to the department any materials
 2651 relevant to the arrest.

2652 (14) The decision of the department under this section
 2653 shall not be considered in any trial for a violation of s.
 2654 316.193, s. 322.61, or s. 322.62, nor shall any written
 2655 statement submitted by a person in his or her request for
 2656 departmental review under this section be admissible into
 2657 evidence against him or her in any such trial. The disposition
 2658 of any related criminal proceedings shall not affect a
 2659 disqualification imposed pursuant to this section.

2660 Section 77. Paragraphs (c) and (f) of subsection (13) of

2661 section 713.78, Florida Statutes, are amended to read:

2662 713.78 Liens for recovering, towing, or storing vehicles
 2663 and vessels.--

2664 (13)

2665 (c)1. The registered owner of a vehicle, vessel, or mobile
 2666 home may dispute a wrecker operator's lien, by notifying the
 2667 department of the dispute in writing on forms provided by the
 2668 department, if at least one of the following applies:

2669 a. The registered owner presents a notarized bill of sale
 2670 proving that the vehicle, vessel, or mobile home was sold in a
 2671 private or casual sale before the vehicle, vessel, or mobile
 2672 home was recovered, towed, or stored.

2673 b. The registered owner presents proof that the Florida
 2674 certificate of title of the vehicle, vessel, or mobile home was
 2675 sold to a licensed dealer as defined in s. 319.001 before the
 2676 vehicle, vessel, or mobile home was recovered, towed, or stored.

2677 c. The records of the department were marked "sold" prior
 2678 to the date of the tow.

2679
 2680 If the registered owner's dispute of a wrecker operator's lien
 2681 complies with one of these criteria, the department shall
 2682 immediately remove the registered owner's name from the list of
 2683 those persons who may not be issued a license plate or
 2684 revalidation sticker for any motor vehicle under s. 320.03(8),
 2685 thereby allowing issuance of a license plate or revalidation
 2686 sticker. If the vehicle, vessel, or mobile home is owned jointly
 2687 by more than one person, each registered owner must dispute the
 2688 wrecker operator's lien in order to be removed from the list.

2689 | However, the department shall deny any dispute and maintain the
 2690 | registered owner's name on the list of those persons who may not
 2691 | be issued a license plate or revalidation sticker for any motor
 2692 | vehicle under s. 320.03(8) if the wrecker operator has provided
 2693 | the department with a certified copy of the judgment of a court
 2694 | which orders the registered owner to pay the wrecker operator's
 2695 | lien claimed under this section. In such a case, the amount of
 2696 | the wrecker operator's lien allowed by paragraph (b) may be
 2697 | increased to include no more than \$500 of the reasonable costs
 2698 | and attorney's fees incurred in obtaining the judgment. The
 2699 | department's action under this subparagraph is ministerial in
 2700 | nature, shall not be considered final agency action, and is
 2701 | appealable only to the county court for the county in which the
 2702 | vehicle, vessel, or mobile home was ordered removed.

2703 | 2. A person against whom a wrecker operator's lien has
 2704 | been imposed may alternatively obtain a discharge of the lien by
 2705 | filing a complaint, challenging the validity of the lien or the
 2706 | amount thereof, in the county court of the county in which the
 2707 | vehicle, vessel, or mobile home was ordered removed. Upon filing
 2708 | of the complaint, the person may have her or his name removed
 2709 | from the list of those persons who may not be issued a license
 2710 | plate or revalidation sticker for any motor vehicle under s.
 2711 | 320.03(8), thereby allowing issuance of a license plate or
 2712 | revalidation sticker, upon posting with the court a cash or
 2713 | surety bond or other adequate security equal to the amount of
 2714 | the wrecker operator's lien to ensure the payment of such lien
 2715 | in the event she or he does not prevail. Upon the posting of the
 2716 | bond and the payment of the applicable fee set forth in s.

2717 28.24, the clerk of the court shall issue a certificate
 2718 notifying the department of the posting of the bond and
 2719 directing the department to release the wrecker operator's lien.
 2720 Upon determining the respective rights of the parties, the court
 2721 may award damages and costs in favor of the prevailing party.

2722 3. If a person against whom a wrecker operator's lien has
 2723 been imposed does not object to the lien, but cannot discharge
 2724 the lien by payment because the wrecker operator has moved or
 2725 gone out of business, the person may have her or his name
 2726 removed from the list of those persons who may not be issued a
 2727 license plate or revalidation sticker for any motor vehicle
 2728 under s. 320.03(8), thereby allowing issuance of a license plate
 2729 or revalidation sticker, upon posting with the clerk of court in
 2730 the county in which the vehicle, vessel, or mobile home was
 2731 ordered removed, a cash or surety bond or other adequate
 2732 security equal to the amount of the wrecker operator's lien.
 2733 Upon the posting of the bond and the payment of the application
 2734 fee set forth in s. 28.24, the clerk of the court shall issue a
 2735 certificate notifying the department of the posting of the bond
 2736 and directing the department to release the wrecker operator's
 2737 lien. The department shall mail to the wrecker operator, at the
 2738 address upon the lien form, notice that the wrecker operator
 2739 must claim the security within 60 days, or the security will be
 2740 released back to the person who posted it. At the conclusion of
 2741 the 60 days, the department shall direct the clerk as to which
 2742 party is entitled to payment of the security, less applicable
 2743 clerk's fees.

2744 4. A wrecker operator's lien expires 5 years after filing.

HB 1697

2005

2745 (f) This subsection applies only to the annual renewal in
 2746 the registered owner's birth month of a motor vehicle
 2747 registration and does not apply to the transfer of a
 2748 registration of a motor vehicle sold by a motor vehicle dealer
 2749 licensed under chapter 320, except for the transfer of
 2750 registrations which is inclusive of the annual renewals. This
 2751 subsection does not apply to any vehicle registered in the name
 2752 of the lessor. This subsection does not affect the issuance of
 2753 the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

2754 Section 78. Paragraph (b) of subsection (9) of section
 2755 768.28, Florida Statutes, is amended to read:

2756 768.28 Waiver of sovereign immunity in tort actions;
 2757 recovery limits; limitation on attorney fees; statute of
 2758 limitations; exclusions; indemnification; risk management
 2759 programs.--

2760 (9)

2761 (b) As used in this subsection, the term:

2762 1. "Employee" includes any volunteer firefighter, any
 2763 volunteer highway patrol troop surgeon appointed by the director
 2764 of the Florida Highway Patrol, and any volunteer licensed health
 2765 professional appointed by the director of the Florida Highway
 2766 Patrol to work under the medical direction of a highway patrol
 2767 troop surgeon.

2768 2. "Officer, employee, or agent" includes, but is not
 2769 limited to, any health care provider when providing services
 2770 pursuant to s. 766.1115, any member of the Florida Health
 2771 Services Corps, as defined in s. 381.0302, who provides
 2772 uncompensated care to medically indigent persons referred by the

2773 Department of Health, and any public defender or her or his
 2774 employee or agent, including, among others, an assistant public
 2775 defender and an investigator.

2776 Section 79. Section 843.16, Florida Statutes, is amended
 2777 to read:

2778 843.16 Unlawful to install or transport radio equipment
 2779 using assigned frequency of state or law enforcement officers;
 2780 definitions; exceptions; penalties.--

2781 (1) A ~~No~~ person, firm, or corporation may not ~~shall~~
 2782 install or transport in any motor vehicle or business
 2783 establishment, except an emergency vehicle or crime watch
 2784 vehicle as herein defined or a place established by municipal,
 2785 county, state, or federal authority for governmental purposes,
 2786 any frequency modulation radio receiving equipment so adjusted
 2787 or tuned as to receive messages or signals on frequencies
 2788 assigned by the Federal Communications Commission to police or
 2789 law enforcement officers or fire rescue personnel of any city or
 2790 county of the state or to the state or any of its agencies.
 2791 Provided, nothing herein shall be construed to affect any radio
 2792 station licensed by the Federal Communications System or to
 2793 affect any recognized newspaper or news publication engaged in
 2794 covering the news on a full-time basis or any alarm system
 2795 contractor certified pursuant to part II of chapter 489,
 2796 operating a central monitoring system.

2797 (2) As used in this section, the term:

2798 (a) "Emergency vehicle" shall specifically mean:

2799 1. Any motor vehicle used by any law enforcement officer
 2800 or employee of any city, any county, the state, the Federal

2801 Bureau of Investigation, or the Armed Forces of the United
 2802 States while on official business;

2803 2. Any fire department vehicle of any city or county of
 2804 the state or any state fire department vehicle;

2805 3. Any motor vehicle designated as an emergency vehicle by
 2806 the Department of Highway Safety and Motor Vehicles when said
 2807 vehicle is to be assigned the use of frequencies assigned to the
 2808 state;

2809 4. Any motor vehicle designated as an emergency vehicle by
 2810 the sheriff or fire chief of any county in the state when said
 2811 vehicle is to be assigned the use of frequencies assigned to the
 2812 said county;

2813 5. Any motor vehicle designated as an emergency vehicle by
 2814 the chief of police or fire chief of any city in the state when
 2815 said vehicle is to be assigned the use of frequencies assigned
 2816 to the said city.

2817 (b) "Crime watch vehicle" means any motor vehicle used by
 2818 any person participating in a citizen crime watch or
 2819 neighborhood watch program when such program and use are
 2820 approved in writing by the appropriate sheriff or chief of
 2821 police where the vehicle will be used and the vehicle is
 2822 assigned the use of frequencies assigned to the county or city.

2823 Such approval shall be renewed annually.

2824 (3) This section shall not apply to any holder of a valid
 2825 amateur radio operator or station license issued by the Federal
 2826 Communications Commission or to any recognized newspaper or news
 2827 publication engaged in covering the news on a full-time basis or
 2828 any alarm system contractor certified pursuant to part II of

HB 1697

2005

2829 chapter 489, operating a central monitoring system.

2830 (4) Any person, firm, or corporation violating any of the
2831 provisions of this section commits ~~shall be deemed guilty of~~ a
2832 misdemeanor of the first ~~second~~ degree, punishable as provided
2833 in s. 775.082 or s. 775.083.

2834 Section 80. This act shall take effect July 1, 2005.