

CHAMBER ACTION

1 The State Infrastructure Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to motor vehicles; amending s. 61.13016,
7 F.S.; revising provisions for suspension of the driver's
8 license of certain support obligors who are delinquent in
9 payment; providing for set-aside of the suspension upon a
10 showing of good cause; defining "good cause"; amending s.
11 261.03, F.S.; redefining the term "off-highway vehicle" to
12 include a two-rider ATV; defining the term "two-rider
13 ATV"; amending s. 316.003, F.S.; defining the term
14 "traffic signal preemption system"; amending s. 316.006,
15 F.S.; providing for interlocal agreements between
16 municipalities and counties transferring traffic
17 regulatory authority; amending s. 316.074, F.S.; requiring
18 hearing for violations of traffic control devices
19 resulting in a crash; amending s. 316.075, F.S.; requiring
20 hearing for specified violations of traffic control signal
21 devices resulting in a crash; amending s. 316.0775, F.S.;
22 providing that the unauthorized use of a traffic signal
23 preemption device is a moving violation; amending s.

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24 | 316.122, F.S.; providing for the right-of-way for certain
25 | passing vehicles; creating s. 316.1576, F.S.; prohibiting
26 | driving through a railroad-highway grade crossing that
27 | does not have sufficient space or clearance; providing a
28 | penalty; creating s. 316.1577, F.S.; prohibiting employer
29 | from allowing, requiring, permitting, or authorizing
30 | certain violations pertaining to railroad-highway grade
31 | crossings; providing a penalty; amending s. 316.183, F.S.;
32 | increasing the minimum speed limit on interstate highways
33 | under certain circumstances; amending s. 316.1932, F.S.;
34 | revising the requirements for printing the notice of
35 | consent for sobriety testing on a driver's license;
36 | amending s. 316.1936, F.S., relating to possession of open
37 | containers of alcohol; removing an exemption provided for
38 | passengers of a vehicle operated by a driver holding a
39 | Class D driver's license; amending s. 316.194, F.S.;
40 | authorizing traffic accident investigation officers to
41 | remove vehicles under certain circumstances; amending s.
42 | 316.1967, F.S.; providing that an owner of a leased
43 | vehicle is not responsible for a parking ticket violation
44 | in certain circumstances; amending s. 316.2074, F.S.;
45 | redefining the term "all-terrain vehicle" to include a
46 | two-rider ATV; amending s. 316.2095, F.S.; revising
47 | equipment requirements for operating motorcycles;
48 | providing penalties; amending s. 316.212, F.S.;
49 | authorizing local governments to enact more restrictive
50 | golf cart equipment and operation regulations; requiring
51 | public notification; providing for enforcement

52 jurisdiction; providing penalties; amending s. 316.2126,
 53 F.S.; providing for application of local golf cart
 54 equipment and operation regulations to golf cart and
 55 utility vehicle use by municipalities; amending s.
 56 316.302, F.S.; updating a reference to the Code of Federal
 57 Regulations relating to commercial motor vehicles;
 58 amending s. 316.3045, F.S.; revising restrictions on the
 59 operation of radios or other soundmaking devices in motor
 60 vehicles; providing penalties; amending s. 316.605, F.S.;
 61 clarifying that portion of a license plate which must be
 62 clear and plainly visible; amending s. 316.613, F.S.;
 63 eliminating authorization for the Department of Highway
 64 Safety and Motor Vehicles to expend certain funds for
 65 promotional purposes; creating s. 316.6131, F.S.;
 66 authorizing the department to expend certain funds for
 67 public information and education campaigns; amending s.
 68 316.650, F.S.; providing exceptions to a prohibition
 69 against using citations as evidence in a trial; amending
 70 s. 317.0003, F.S.; defining the term "off-highway vehicle"
 71 to include a two-rider ATV; providing a definition;
 72 amending ss. 317.0004, 317.0005, and 317.0006, F.S.;
 73 conforming references; amending s. 317.0007, F.S.;
 74 authorizing the Department of Highway Safety and Motor
 75 Vehicles to issue a validation sticker as an additional
 76 proof of title for an off-highway vehicle; providing for
 77 the replacement of lost or destroyed off-highway vehicle
 78 validation stickers; providing for disposition of fees;
 79 repealing s. 317.0008(2), F.S., relating to the expedited

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80 issuance of duplicate certificates of title for off-
81 highway vehicles; amending ss. 317.0010, 317.0012, and
82 317.0013, F.S.; conforming references; creating s.
83 317.0014, F.S.; establishing procedures for the issuance
84 of a certificate of title for an off-highway vehicle;
85 providing duties of the Department of Highway Safety and
86 Motor Vehicles; providing for a notice of lien and lien
87 satisfaction; creating s. 317.0015, F.S.; providing for
88 the applicability of certain provisions of law to the
89 titling of off-highway vehicles; creating s. 317.0016,
90 F.S.; providing for the expedited issuance of titles for
91 off-highway vehicles; creating s. 317.0017, F.S.;
92 prohibiting specified actions relating to the issuance of
93 titles for off-highway vehicles; providing a penalty;
94 creating s. 317.0018, F.S.; prohibiting the transfer of an
95 off-highway vehicle without delivery of a certificate of
96 title; prescribing other violations; providing a penalty;
97 amending s. 318.1215, F.S.; clarifying that funds from the
98 Dori Slosberg Driver Education Safety Act be used for
99 driver education programs in schools; requiring that funds
100 be used for enhancement of driver education program funds;
101 providing program requirements; amending s. 318.14, F.S.;
102 authorizing the department to modify certain actions to
103 suspend or revoke a driver's license following notice of
104 final disposition; providing that certain citation
105 procedures and proceedings apply to persons who do not
106 hold a commercial driver's license; providing penalties
107 for certain traffic infractions requiring a mandatory

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108 hearing; providing for distribution of moneys collected;
109 requiring audit of certain funds; amending s. 318.21,
110 F.S.; providing for distribution of specified civil
111 penalties by county courts; amending s. 319.23, F.S.;
112 requiring a licensed motor vehicle dealer to notify the
113 Department of Highway Safety and Motor Vehicles of a motor
114 vehicle or mobile home taken as a trade-in; requiring the
115 department to update its title record; amending s. 319.27,
116 F.S.; correcting an obsolete cross-reference; amending s.
117 319.30, F.S.; revising an exemption from certificate of
118 destruction requirements for certain damaged motor
119 vehicles and motor homes; amending s. 320.02, F.S.;
120 authorizing the department to withhold motor vehicle
121 registration or renewal of registration when notified by a
122 dealer of unpaid registration and titling fees; requiring
123 the motor vehicle dealer to maintain certain signed
124 evidence and information; providing for dispute of
125 dealer's claim of unpaid fees; amending s. 320.06, F.S.;
126 providing for a credit or refund when a registrant is
127 required to replace a license plate under certain
128 circumstances; amending s. 320.0601, F.S.; requiring that
129 a registration or renewal of a long-term leased motor
130 vehicle be in the name of the lessee; amending s.
131 320.0605, F.S.; exempting a vehicle registered as a fleet
132 vehicle from the requirement that the certificate of
133 registration be carried in the vehicle at all times;
134 amending s. 320.08058, F.S.; revising distribution and
135 authorized uses of revenues from the United We Stand and

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136 Animal Friend specialty license plates; amending s.
 137 320.0843, F.S.; requiring that an applicant's eligibility
 138 for a disabled parking plate be noted on the certificate;
 139 amending s. 320.089, F.S.; allowing retired members of the
 140 United States Armed Forces Reserve to be issued U.S.
 141 Reserve license plates; amending s. 320.131, F.S.;
 142 authorizing the department to provide for an electronic
 143 system for motor vehicle dealers to use in issuing
 144 temporary license plates; providing a penalty; authorizing
 145 the department to adopt rules; amending s. 320.18, F.S.;
 146 authorizing the department to cancel the vehicle or vessel
 147 registration, driver's license, or identification card of
 148 a person who pays certain fees or penalties with a
 149 dishonored check; amending s. 320.27, F.S.; requiring
 150 dealer principals to provide certification of completing
 151 continuing education under certain circumstances;
 152 requiring motor vehicle dealers to maintain records for a
 153 specified period; providing for denial, suspension, or
 154 revocation of a motor vehicle dealer's license for failure
 155 to maintain evidence of notification to the owner or
 156 coowner of a vehicle regarding unpaid registration and
 157 titling fees; providing certain penalties; amending s.
 158 322.01, F.S.; redefining the terms "commercial motor
 159 vehicle" and "out-of-service order"; providing the
 160 definition of conviction applicable to offenses committed
 161 in a commercial motor vehicle; amending s. 322.05, F.S.;
 162 removing requirements for a Class D driver's license;
 163 amending s. 322.051, F.S.; revising provisions relating to

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164 the application for an identification card; providing that
165 the requirement for a fullface photograph or digital image
166 on an identification card may not be waived under ch. 761,
167 F.S.; amending s. 322.07, F.S.; removing requirements for
168 a Class D driver's license; amending s. 322.08, F.S.;
169 providing that a United States passport is an acceptable
170 proof of identity for purposes of obtaining a driver's
171 license; providing that a naturalization certificate
172 issued by the United States Department of Homeland
173 Security is an acceptable proof of identity for such
174 purpose; providing that specified documents are acceptable
175 as proof of nonimmigrant classification; removing
176 prescribed purpose of funds collected from a voluntary
177 contribution option on driver's license applications
178 associated with hearing research; amending s. 322.09,
179 F.S.; requiring the signature of a secondary guardian on a
180 driver's license application for a minor under certain
181 circumstances; amending s. 322.11, F.S.; providing for
182 notice to a minor before canceling the minor's license due
183 to the death of the person who cosigned the initial
184 application; amending s. 322.12, F.S.; removing
185 requirements for a Class D driver's license; amending s.
186 322.135, F.S.; revising requirements for the deposit of
187 certain fees for a driver's license; revising requirements
188 for the tax collector in directing a licensee for
189 examination or reexamination; requiring county officers to
190 pay certain funds to the State Treasury by electronic
191 funds transfer within a specified period; amending s.

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192 322.142, F.S.; providing that the requirement for a
 193 fullface photograph or digital image on a driver's license
 194 may not be waived under ch. 761, F.S.; amending s.
 195 322.161, F.S.; removing requirements for a Class D
 196 driver's license; amending s. 322.17, F.S., relating to
 197 duplicate and replacement certificates; conforming a
 198 cross-reference; amending s. 322.18, F.S.; revising the
 199 expiration period for driver's licenses issued to
 200 specified persons; conforming cross-references; amending
 201 s. 322.19, F.S., relating to change of address or name;
 202 conforming cross-references; amending s. 322.21, F.S.;
 203 removing requirements for a Class D driver's license;
 204 requiring the department to set a fee for a hazardous-
 205 materials endorsement; providing maximum fee amount;
 206 authorizing the department to adopt rules; amending s.
 207 322.212, F.S.; providing an additional penalty for giving
 208 false information when applying for a commercial driver's
 209 license; amending s. 322.22, F.S.; authorizing the
 210 department to cancel any identification card, vehicle or
 211 vessel registration, or fuel-use decal of a licensee who
 212 pays certain fees or penalties with a dishonored check;
 213 amending s. 322.251, F.S.; removing requirements for a
 214 Class D driver's license; amending s. 322.2615, F.S.;
 215 revising provisions related to notice and review
 216 procedures for administrative suspension of driver's
 217 licenses; revising notice information; clarifying review
 218 procedures; amending s. 322.27, F.S.; correcting a cross-
 219 reference relating to points assigned for littering

220 | violations; assigning point value for a conviction of
 221 | specified violations of a traffic control device or
 222 | traffic control signal device resulting in a crash;
 223 | amending s. 322.30, F.S.; removing the requirements for a
 224 | Class D driver's license; amending s. 322.53, F.S.;
 225 | removing requirements for a Class D driver's license;
 226 | removing a requirement that certain operators of a
 227 | commercial motor vehicle obtain a specified license;
 228 | amending s. 322.54, F.S.; revising the classification
 229 | requirements for certain driver's licenses; deleting
 230 | requirements for a Class D driver's license; amending s.
 231 | 322.57, F.S.; providing testing requirements for school
 232 | bus drivers; removing certain license restriction
 233 | requirements; amending s. 322.58, F.S.; deleting
 234 | requirements for a Class D driver's license and changing
 235 | those requirements to a Class E driver's license; amending
 236 | and reenacting s. 322.61, F.S.; specifying additional
 237 | violations that disqualify a person from operating a
 238 | commercial motor vehicle; providing penalties; providing
 239 | an exception; removing requirements for a Class D driver's
 240 | license; amending s. 322.63, F.S.; clarifying provisions
 241 | governing alcohol and drug testing for commercial motor
 242 | vehicle operators; amending s. 322.64, F.S., and
 243 | reenacting s. 322.64(14), F.S., relating to citation
 244 | procedures and proceedings, to incorporate the amendment
 245 | to s. 322.61, F.S., in a reference thereto; providing for
 246 | a temporary permit issued following certain DUI offenses
 247 | to apply only to the operation of noncommercial vehicles;

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248 | amending s. 338.155, F.S.; exempting from payment of toll
 249 | any person participating in the funeral procession of a
 250 | law enforcement officer or firefighter killed in the line
 251 | of duty; amending s. 713.78, F.S.; revising provisions
 252 | relating to the placement of a wrecker operator's lien
 253 | against a motor vehicle; amending s. 768.28, F.S.;
 254 | providing that certain medical professionals volunteering
 255 | for Florida Highway Patrol service are considered
 256 | employees of the state for sovereign immunity purposes;
 257 | amending s. 843.16, F.S.; prohibiting the transportation
 258 | of radio equipment that receives signals on frequencies
 259 | used by this state's law enforcement officers or fire
 260 | rescue personnel; redefining the term "emergency vehicle"
 261 | to include any motor vehicle designated as such by the
 262 | fire chief of a county or municipality; revising
 263 | penalties; providing effective dates.

264

265 | Be It Enacted by the Legislature of the State of Florida:

266

267 | Section 1. Subsection (2) of section 61.13016, Florida
 268 | Statutes, is amended and renumbered as subsection (3), present
 269 | subsection (3) is renumbered as subsection (4), and a new
 270 | subsection (2) is added to said section, to read:

271 | 61.13016 Suspension of driver's licenses and motor vehicle
 272 | registrations.--

273 | (2) The suspension of the driver's license of an obligor
 274 | pursuant to this section may be set aside for good cause if a
 275 | petition is filed by the obligor in the circuit court within 20

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276 days after the mailing date of the notice. For purposes of this
 277 subsection, "good cause" means proof to the court that the
 278 failure to pay any delinquency is due to inability to pay
 279 because a medical condition exists that prevents the obligor
 280 from being employed or because of extended unemployment that is
 281 beyond the obligor's control. The obligor must serve a copy of
 282 the petition on the Title IV-D agency in IV-D cases or
 283 depository or clerk of the court in non-IV-D cases. When an
 284 obligor timely files a petition to set aside a suspension, the
 285 court must hear the matter within 15 days after the petition is
 286 filed. The court must enter an order resolving the matter within
 287 10 days after the hearing, and a copy of the order must be
 288 served on the parties. The timely filing of a petition under
 289 this subsection stays the intent to suspend until the entry of a
 290 court order resolving the matter.

291 (3)(2) If the obligor does not, within 20 days after the
 292 mailing date on the notice, pay the delinquency, enter into a
 293 payment agreement, comply with the subpoena, order to appear,
 294 order to show cause, or other similar order, or file a motion to
 295 contest or a petition to set aside, the Title IV-D agency in IV-
 296 D cases, or the depository or clerk of the court in non-IV-D
 297 cases, shall file the notice with the Department of Highway
 298 Safety and Motor Vehicles and request the suspension of the
 299 obligor's driver's license and motor vehicle registration in
 300 accordance with s. 322.058.

301 Section 2. Subsection (6) of section 261.03, Florida
 302 Statutes, is amended and subsection (11) is added to that
 303 section, to read:

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304 261.03 Definitions.--As used in this chapter, the term:
305 (6) "Off-highway vehicle" means any ATV, two-rider ATV, or
306 OHM that is used off the roads or highways of this state ~~for~~
307 ~~recreational purposes~~ and that is not registered and licensed
308 for highway use under chapter 320.

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

312 Section 3. Subsection (84) is added to section 316.003,
313 Florida Statutes, to read:

314 316.003 Definitions.--The following words and phrases,
315 when used in this chapter, shall have the meanings respectively
316 ascribed to them in this section, except where the context
317 otherwise requires:

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

322 Section 4. Paragraph (c) is added to subsection (2) of
323 section 316.006, Florida Statutes, to read:

324 316.006 Jurisdiction.--Jurisdiction to control traffic is
325 vested as follows:

326 (2) MUNICIPALITIES.--

327 (c) Notwithstanding any other provisions of law to the
328 contrary, a municipality may, by interlocal agreement with a
329 county, agree to transfer traffic regulatory authority over
330 areas within the municipality to the county.

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332 This subsection shall not limit those counties which have the
 333 charter powers to provide and regulate arterial, toll, and other
 334 roads, bridges, tunnels, and related facilities from the proper
 335 exercise of those powers by the placement and maintenance of
 336 traffic control devices which conform to the manual and
 337 specifications of the Department of Transportation on streets
 338 and highways located within municipal boundaries.

339 Section 5. Effective October 1, 2005, subsection (6) of
 340 section 316.074, Florida Statutes, is amended to read:

341 316.074 Obedience to and required traffic control
 342 devices.--

343 (1) The driver of any vehicle shall obey the instructions
 344 of any official traffic control device applicable thereto,
 345 placed in accordance with the provisions of this chapter, unless
 346 otherwise directed by a police officer, subject to the
 347 exceptions granted the driver of an authorized emergency vehicle
 348 in this chapter.

349 (6)(a) A violation of this section is a noncriminal
 350 traffic infraction, punishable as a moving violation as provided
 351 in chapter 318.

352 (b) A person committing a violation of subsection (1)
 353 resulting in a crash that causes serious bodily injury of
 354 another as defined in s. 316.1933(1) is subject to a mandatory
 355 hearing under the provisions of s. 318.19.

356 Section 6. Effective October 1, 2005, subsection (4) of
 357 section 316.075, Florida Statutes, is amended to read:

358 316.075 Traffic control signal devices.--

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359 (1) Except for automatic warning signal lights installed
 360 or to be installed at railroad crossings, whenever traffic,
 361 including municipal traffic, is controlled by traffic control
 362 signals exhibiting different colored lights, or colored lighted
 363 arrows, successively one at a time or in combination, only the
 364 colors green, red, and yellow shall be used, except for special
 365 pedestrian signals carrying a word legend, and the lights shall
 366 indicate and apply to drivers of vehicles and pedestrians as
 367 follows:

368 (c) Steady red indication.--

369 1. Vehicular traffic facing a steady red signal shall stop
 370 before entering the crosswalk on the near side of the
 371 intersection or, if none, then before entering the intersection
 372 and shall remain standing until a green indication is shown;
 373 however:

374 a. The driver of a vehicle which is stopped at a clearly
 375 marked stop line, but if none, before entering the crosswalk on
 376 the near side of the intersection, or, if none then at the point
 377 nearest the intersecting roadway where the driver has a view of
 378 approaching traffic on the intersecting roadway before entering
 379 the intersection in obedience to a steady red signal may make a
 380 right turn, but shall yield the right-of-way to pedestrians and
 381 other traffic proceeding as directed by the signal at the
 382 intersection, except that municipal and county authorities may
 383 prohibit any such right turn against a steady red signal at any
 384 intersection, which prohibition shall be effective when a sign
 385 giving notice thereof is erected in a location visible to
 386 traffic approaching the intersection.

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387 b. The driver of a vehicle on a one-way street that
388 intersects another one-way street on which traffic moves to the
389 left shall stop in obedience to a steady red signal, but may
390 then make a left turn into the one-way street, but shall yield
391 the right-of-way to pedestrians and other traffic proceeding as
392 directed by the signal at the intersection, except that
393 municipal and county authorities may prohibit any such left turn
394 as described, which prohibition shall be effective when a sign
395 giving notice thereof is attached to the traffic control signal
396 device at the intersection.

397 2. Unless otherwise directed by a pedestrian control
398 signal as provided in s. 316.0755, pedestrians facing a steady
399 red signal shall not enter the roadway.

400 (4)(a) A violation of this section is a noncriminal
401 traffic infraction, punishable pursuant to chapter 318 as either
402 a pedestrian violation or, if the infraction resulted from the
403 operation of a vehicle, as a moving violation.

404 (b) A person committing a violation of subparagraph
405 (1)(c)1. resulting in a crash that causes serious bodily injury
406 of another as defined in s. 316.1933(1) is subject to a
407 mandatory hearing under the provisions of s. 318.19.

408 Section 7. Section 316.0775, Florida Statutes, is amended
409 to read:

410 316.0775 Interference with official traffic control
411 devices or railroad signs or signals.--

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

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

420 (2) A person may not, without lawful authority, possess or
 421 use any traffic signal preemption device as defined under s.
 422 316.003. A person who violates this subsection commits a moving
 423 violation, punishable as provided in chapter 318 and shall have
 424 4 points assessed against his or her driver's license as set
 425 forth in s. 322.27.

426 Section 8. Section 316.122, Florida Statutes, is amended
 427 to read:

428 316.122 Vehicle turning left.--The driver of a vehicle
 429 intending to turn to the left within an intersection or into an
 430 alley, private road, or driveway shall yield the right-of-way to
 431 any vehicle approaching from the opposite direction, or vehicles
 432 lawfully passing on the left of the turning vehicle, which is
 433 within the intersection or so close thereto as to constitute an
 434 immediate hazard. A violation of this section is a noncriminal
 435 traffic infraction, punishable as a moving violation as provided
 436 in chapter 318.

437 Section 9. Section 316.1576, Florida Statutes, is created
 438 to read:

439 316.1576 Insufficient clearance at a railroad-highway
 440 grade crossing.--

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

444 (2) A person may not drive any vehicle through a railroad-
 445 highway grade crossing that does not have sufficient
 446 undercarriage clearance to drive completely through the crossing
 447 without stopping.

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

451 Section 10. Section 316.1577, Florida Statutes, is created
 452 to read:

453 316.1577 Employer responsibility for violations pertaining
 454 to railroad-highway grade crossings.--

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

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

461 Section 11. Subsection (2) of section 316.183, Florida
 462 Statutes, is amended to read:

463 316.183 Unlawful speed.--

464 (2) On all streets or highways, the maximum speed limits
 465 for all vehicles must be 30 miles per hour in business or
 466 residence districts, and 55 miles per hour at any time at all
 467 other locations. However, with respect to a residence district,
 468 a county or municipality may set a maximum speed limit of 20 or

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469 | 25 miles per hour on local streets and highways after an
 470 | investigation determines that such a limit is reasonable. It is
 471 | not necessary to conduct a separate investigation for each
 472 | residence district. The minimum speed limit on all highways that
 473 | comprise a part of the National System of Interstate and Defense
 474 | Highways and have not fewer than four lanes is 40 miles per
 475 | hour, except that when the posted speed limit is 70 miles per
 476 | hour, the minimum speed limit is 50 miles per hour.

477 | Section 12. Paragraph (e) of subsection (1) of section
 478 | 316.1932, Florida Statutes, is amended to read:

479 | 316.1932 Tests for alcohol, chemical substances, or
 480 | controlled substances; implied consent; refusal.--

481 | (1)

482 | (e)1. By applying for a driver's license and by accepting
 483 | and using a driver's license, the person holding the driver's
 484 | license is deemed to have expressed his or her consent to the
 485 | provisions of this section.

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

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

493 | Section 13. Subsection (5) of section 316.1936, Florida
 494 | Statutes, is amended to read:

495 | 316.1936 Possession of open containers of alcoholic
 496 | beverages in vehicles prohibited; penalties.--

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497 (5) This section shall not apply to:

498 (a) A passenger of a vehicle in which the driver is
 499 operating the vehicle pursuant to a contract to provide
 500 transportation for passengers and such driver holds a valid
 501 commercial driver's license with a passenger endorsement ~~or a~~
 502 ~~Class D driver's license~~ issued in accordance with the
 503 requirements of chapter 322;

504 (b) A passenger of a bus in which the driver holds a valid
 505 commercial driver's license with a passenger endorsement ~~or a~~
 506 ~~Class D driver's license~~ issued in accordance with the
 507 requirements of chapter 322; or

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

510 Section 14. Paragraphs (a) and (b) of subsection (3) of
 511 section 316.194, Florida Statutes, are amended to read:

512 316.194 Stopping, standing or parking outside of
 513 municipalities.--

514 (3)(a) Whenever any police officer or traffic accident
 515 investigation officer finds a vehicle standing upon a highway in
 516 violation of any of the foregoing provisions of this section,
 517 the officer is authorized to move the vehicle, or require the
 518 driver or other persons in charge of the vehicle to move the
 519 vehicle ~~same~~, to a position off the paved or main-traveled part
 520 of the highway.

521 (b) Officers and traffic accident investigation officers
 522 may ~~are hereby authorized to~~ provide for the removal of any
 523 abandoned vehicle to the nearest garage or other place of
 524 safety, cost of such removal to be a lien against motor vehicle,

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525 when ~~an said~~ abandoned vehicle is found unattended upon a bridge
 526 or causeway or in any tunnel, or on any public highway in the
 527 following instances:

528 1. Where such vehicle constitutes an obstruction of
 529 traffic;

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

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

540 Section 15. Section 316.1967, Florida Statutes, is amended
 541 to read:

542 316.1967 Liability for payment of parking ticket
 543 violations and other parking violations.--

544 (1) The owner of a vehicle is responsible and liable for
 545 payment of any parking ticket violation unless the owner can
 546 furnish evidence, when required by this subsection, that the
 547 vehicle was, at the time of the parking violation, in the care,
 548 custody, or control of another person. In such instances, the
 549 owner of the vehicle is required, within a reasonable time after
 550 notification of the parking violation, to furnish to the
 551 appropriate law enforcement authorities an affidavit setting
 552 forth the name, address, and driver's license number of the

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553 person who leased, rented, or otherwise had the care, custody,
 554 or control of the vehicle. The affidavit submitted under this
 555 subsection is admissible in a proceeding charging a parking
 556 ticket violation and raises the rebuttable presumption that the
 557 person identified in the affidavit is responsible for payment of
 558 the parking ticket violation. The owner of a vehicle is not
 559 responsible for a parking ticket violation if the vehicle
 560 involved was, at the time, stolen or in the care, custody, or
 561 control of some person who did not have permission of the owner
 562 to use the vehicle. The owner of a leased vehicle is not
 563 responsible for a parking ticket violation and is not required
 564 to submit an affidavit or the other evidence specified in this
 565 section, if the vehicle is registered in the name of the person
 566 who leased the vehicle.

567 (2) Any person who is issued a county or municipal parking
 568 ticket by a parking enforcement specialist or officer is deemed
 569 to be charged with a noncriminal violation and shall comply with
 570 the directions on the ticket. If payment is not received or a
 571 response to the ticket is not made within the time period
 572 specified thereon, the county court or its traffic violations
 573 bureau shall notify the registered owner of the vehicle that was
 574 cited, or the registered lessee when the cited vehicle is
 575 registered in the name of the person who leased the vehicle, by
 576 mail to the address given on the motor vehicle registration, of
 577 the ticket. Mailing the notice to this address constitutes
 578 notification. Upon notification, the registered owner or
 579 registered lessee shall comply with the court's directive.

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

582 (4) Any person who elects to appear before a designated
583 official to present evidence waives his or her right to pay the
584 civil penalty provisions of the ticket. The official, after a
585 hearing, shall make a determination as to whether a parking
586 violation has been committed and may impose a civil penalty not
587 to exceed \$100 or the fine amount designated by county
588 ordinance, plus court costs. Any person who fails to pay the
589 civil penalty within the time allowed by the court is deemed to
590 have been convicted of a parking ticket violation, and the court
591 shall take appropriate measures to enforce collection of the
592 fine.

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

597 (6) Any county or municipality may provide by ordinance
598 that the clerk of the court or the traffic violations bureau
599 shall supply the department with a magnetically encoded computer
600 tape reel or cartridge or send by other electronic means data
601 which is machine readable by the installed computer system at
602 the department, listing persons who have three or more
603 outstanding parking violations, including violations of s.
604 316.1955. Each county shall provide by ordinance that the clerk
605 of the court or the traffic violations bureau shall supply the
606 department with a magnetically encoded computer tape reel or
607 cartridge or send by other electronic means data that is machine

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608 | readable by the installed computer system at the department,
 609 | listing persons who have any outstanding violations of s.
 610 | 316.1955 or any similar local ordinance that regulates parking
 611 | in spaces designated for use by persons who have disabilities.
 612 | The department shall mark the appropriate registration records
 613 | of persons who are so reported. Section 320.03(8) applies to
 614 | each person whose name appears on the list.

615 | Section 16. Subsection (2) of section 316.2074, Florida
 616 | Statutes, is amended to read:

617 | 316.2074 All-terrain vehicles.--

618 | (2) As used in this section, the term "all-terrain
 619 | vehicle" means any motorized off-highway vehicle 50 inches or
 620 | less in width, having a dry weight of 900 pounds or less,
 621 | designed to travel on three or more low-pressure tires, having a
 622 | seat designed to be straddled by the operator and handlebars for
 623 | steering control, and intended for use by a single operator with
 624 | no passenger. For the purposes of this section, "all-terrain
 625 | vehicle" also includes any "two-rider ATV" as defined in s.
 626 | 317.0003.

627 | Section 17. Section 316.2095, Florida Statutes, is amended
 628 | to read:

629 | 316.2095 Footrests, handholds, and handlebars.--

630 | (1) Any motorcycle carrying a passenger, other than in a
 631 | sidecar or enclosed cab, shall be equipped with footrests and
 632 | handholds for such passenger.

633 | (2) No person shall operate any motorcycle with handlebars
 634 | with handgrips which are higher than the top of the shoulders of
 635 | the person operating the motorcycle while properly seated upon

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636 | ~~the motorcycle more than 15 inches in height above that portion~~
 637 | ~~of the seat occupied by the operator.~~

638 | (3) A violation of this section is a noncriminal traffic
 639 | infraction, punishable as a nonmoving violation as provided in
 640 | chapter 318.

641 | Section 18. Subsection (1) and paragraph (a) of subsection
 642 | (2) of section 316.212, Florida Statutes, are amended,
 643 | subsection (7) is renumbered as subsection (8) and amended, and
 644 | a new subsection (7) is added to that section, to read:

645 | 316.212 Operation of golf carts on certain roadways.--The
 646 | operation of a golf cart upon the public roads or streets of
 647 | this state is prohibited except as provided herein:

648 | (1) A golf cart may be operated only upon a county road
 649 | that has been designated by a county, or a municipal ~~city~~ street
 650 | that has been designated by a municipality ~~city~~, for use by golf
 651 | carts. Prior to making such a designation, the responsible local
 652 | governmental entity must first determine that golf carts may
 653 | safely travel on or cross the public road or street, considering
 654 | factors including the speed, volume, and character of motor
 655 | vehicle traffic using the road or street. Upon a determination
 656 | that golf carts may be safely operated on a designated road or
 657 | street, the responsible governmental entity shall post
 658 | appropriate signs to indicate that such operation is allowed.

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

661 | (a) To cross a portion of the State Highway System which
 662 | intersects a county road or municipal ~~city~~ street that has been
 663 | designated for use by golf carts if the Department of

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664 Transportation has reviewed and approved the location and design
665 of the crossing and any traffic control devices needed for
666 safety purposes.

667
668 Upon its determination that golf carts may be operated on a
669 given road, the department shall post appropriate signs on the
670 road to indicate that such operation is allowed.

671 (7) Regulations regarding golf cart operation and
672 equipment that are more restrictive than those enumerated in
673 this section may be enacted by the responsible local
674 governmental entity. Upon enactment of any such regulation, the
675 responsible local governmental entity shall post appropriate
676 signs or otherwise inform the citizens that such regulations
677 exist and shall be enforced within its jurisdictional territory.

678 (8)(7) A violation of this section or local regulations
679 corresponding to this section enacted pursuant to subsection (7)
680 is a noncriminal traffic infraction, punishable pursuant to
681 chapter 318 as either a moving violation for infractions of
682 subsection (1), subsection (2), subsection (3), or subsection
683 (4) or local regulations corresponding to subsection (1),
684 subsection (2), subsection (3), or subsection (4), or as a
685 nonmoving violation for infractions of subsection ~~subsections~~
686 (5) or subsection ~~and~~ (6) or local regulations corresponding to
687 subsection (5) or subsection (6).

688 Section 19. Subsections (1) and (2) of section 316.2126,
689 Florida Statutes, are amended to read:

690 316.2126 Use of golf carts and utility vehicles by
691 municipalities.--In addition to the powers granted by ss.

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692 316.212 and 316.2125, municipalities are hereby authorized to
 693 utilize golf carts and utility vehicles, as defined in s.
 694 320.01, upon any state, county, or municipal roads located
 695 within the corporate limits of such municipalities, subject to
 696 the following conditions:

697 (1) Golf carts and utility vehicles must comply with the
 698 operational and safety requirements in ss. 316.212 and 316.2125
 699 and any more restrictive regulations enacted by the local
 700 governmental entity and shall only be operated by municipal
 701 employees for municipal purposes, including, but not limited to,
 702 police patrol, traffic enforcement, and inspection of public
 703 facilities.

704 (2) In addition to the safety equipment required in s.
 705 316.212(5) and any more restrictive safety equipment required by
 706 the local governmental entity, such golf carts and utility
 707 vehicles must be equipped with sufficient lighting and turn
 708 signal equipment.

709 Section 20. Paragraph (b) of subsection (1) of section
 710 316.302, Florida Statutes, is amended to read:

711 316.302 Commercial motor vehicles; safety regulations;
 712 transporters and shippers of hazardous materials; enforcement.--

713 (1)

714 (b) Except as otherwise provided in this section, all
 715 owners or drivers of commercial motor vehicles that are engaged
 716 in intrastate commerce are subject to the rules and regulations
 717 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
 718 exception of 49 C.F.R. s. 390.5 as it relates to the definition

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719 of bus, as such rules and regulations existed on October 1, 2004
720 ~~2002~~.

721 Section 21. Paragraph (a) of subsection (1) of section
722 316.3045, Florida Statutes, is amended to read:

723 316.3045 Operation of radios or other mechanical
724 soundmaking devices or instruments in vehicles; exemptions.--

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

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

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

735 Section 22. Subsection (1) of section 316.605, Florida
736 Statutes, is amended to read:

737 316.605 Licensing of vehicles.--

738 (1) Every vehicle, at all times while driven, stopped, or
739 parked upon any highways, roads, or streets of this state, shall
740 be licensed in the name of the owner thereof in accordance with
741 the laws of this state unless such vehicle is not required by
742 the laws of this state to be licensed in this state and shall,
743 except as otherwise provided in s. 320.0706 for front-end
744 registration license plates on truck tractors, display the
745 license plate or both of the license plates assigned to it by
746 the state, one on the rear and, if two, the other on the front

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747 of the vehicle, each to be securely fastened to the vehicle
 748 outside the main body of the vehicle in such manner as to
 749 prevent the plates from swinging, and ~~with~~ all letters,
 750 numerals, printing, writing, and other identification marks upon
 751 the plates regarding the word "Florida," the registration decal,
 752 and the alphanumeric designation shall be clear and distinct and
 753 free from defacement, mutilation, grease, and other obscuring
 754 matter, so that they will be plainly visible and legible at all
 755 times 100 feet from the rear or front. Nothing shall be placed
 756 upon the face of a Florida plate except as permitted by law or
 757 by rule or regulation of a governmental agency. No license
 758 plates other than those furnished by the state shall be used.
 759 However, if the vehicle is not required to be licensed in this
 760 state, the license plates on such vehicle issued by another
 761 state, by a territory, possession, or district of the United
 762 States, or by a foreign country, substantially complying with
 763 the provisions hereof, shall be considered as complying with
 764 this chapter. A violation of this subsection is a noncriminal
 765 traffic infraction, punishable as a nonmoving violation as
 766 provided in chapter 318.

767 Section 23. Subsection (4) of section 316.613, Florida
 768 Statutes, is amended to read:

769 316.613 Child restraint requirements.--

770 (4)~~(a)~~ It is the legislative intent that all state,
 771 county, and local law enforcement agencies, and safety councils,
 772 in recognition of the problems with child death and injury from
 773 unrestrained occupancy in motor vehicles, conduct a continuing

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774 safety and public awareness campaign as to the magnitude of the
775 problem.

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

780 Section 24. Section 316.6131, Florida Statutes, is created
781 to read:

782 316.6131 Educational expenditures.--The department may
783 authorize the expenditure of funds for the purchase of
784 educational items as part of the public information and
785 education campaigns promoting highway safety and awareness, as
786 well as departmental community-based initiatives. Funds may be
787 expended for, but are not limited to, educational campaigns
788 provided in this chapter, chapters 320 and 322, and s. 403.7145.

789 Section 25. Subsection (9) of section 316.650, Florida
790 Statutes, is amended to read:

791 316.650 Traffic citations.--

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

796 Section 26. Section 317.0003, Florida Statutes, is
797 amended, to read:

798 317.0003 Definitions.--As used in this chapter ~~ss.~~
799 ~~317.0001-317.0013~~, the term:

800 (1) "ATV" means any motorized off-highway or all-terrain
801 vehicle 50 inches or less in width, having a dry weight of 900

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802 pounds or less, designed to travel on three or more low-pressure
803 tires, having a seat designed to be straddled by the operator
804 and handlebars for steering control, and intended for use by a
805 single operator and with no passenger.

806 (2) "Dealer" means any person authorized by the Department
807 of Revenue to buy, sell, resell, or otherwise distribute off-
808 highway vehicles. Such person must have a valid sales tax
809 certificate of registration issued by the Department of Revenue
810 and a valid commercial or occupational license required by any
811 county, municipality, or political subdivision of the state in
812 which the person operates.

813 (3) "Department" means the Department of Highway Safety
814 and Motor Vehicles.

815 (4) "Florida resident" means a person who has had a
816 principal place of domicile in this state for a period of more
817 than 6 consecutive months, who has registered to vote in this
818 state, who has made a statement of domicile pursuant to s.
819 222.17, or who has filed for homestead tax exemption on property
820 in this state.

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

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

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

837 (8) "Public lands" means lands within the state that are
838 available for public use and that are owned, operated, or
839 managed by a federal, state, county, or municipal governmental
840 entity.

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

844 Section 27. Subsection (1) of section 317.0004, Florida
845 Statutes, is amended to read:

846 317.0004 Administration of off-highway vehicle titling
847 laws; records.--

848 (1) The administration of off-highway vehicle titling laws
849 in this chapter ~~ss. 317.0001-317.0013~~ is under the Department of
850 Highway Safety and Motor Vehicles, which shall provide for the
851 issuing, handling, and recording of all off-highway vehicle
852 titling applications and certificates, including the receipt and
853 accounting of off-highway vehicle titling fees. The provisions
854 of chapter 319 are applicable to this chapter, unless otherwise
855 explicitly stated.

856 Section 28. Section 317.0005, Florida Statutes, is amended
857 to read:

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858 317.0005 Rules, forms, and notices.--

859 (1) The department may adopt rules pursuant to ss.
860 120.536(1) and 120.54, which pertain to off-highway vehicle
861 titling, in order to implement the provisions of this chapter
862 ~~ss. 317.0001-317.0013~~ conferring duties upon it.

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

866 Section 29. Subsection (1) of section 317.0006, Florida
867 Statutes, is amended to read:

868 317.0006 Certificate of title required.--

869 (1) Any off-highway vehicle that is purchased by a
870 resident of this state after the effective date of this act or
871 that is owned by a resident and is operated on the public lands
872 of this state must be titled pursuant to this chapter ~~ss.~~
873 ~~317.0001-317.0013~~.

874 Section 30. Subsection (6) is added to section 317.0007,
875 Florida Statutes, to read:

876 317.0007 Application for and issuance of certificate of
877 title.--

878 (6) In addition to a certificate of title, the department
879 may issue a validation sticker to be placed on the off-highway
880 vehicle as proof of the issuance of title required pursuant to
881 s. 317.0006(1). A validation sticker that is lost or destroyed
882 may, upon application, be replaced by the department or county
883 tax collector. The department and county tax collector may
884 charge and deposit the fees established in ss. 320.03(5),
885 320.031, and 320.04 for all original and replacement decals.

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886 Section 31. Subsection (2) of section 317.0008, Florida
887 Statutes, is repealed.

888 Section 32. Section 317.0010, Florida Statutes, is amended
889 to read:

890 317.0010 Disposition of fees.--The department shall
891 deposit all funds received under this chapter ~~ss. 317.0001-~~
892 ~~317.0013~~, less administrative costs of \$2 per title transaction,
893 into the Incidental Trust Fund of the Division of Forestry of
894 the Department of Agriculture and Consumer Services.

895 Section 33. Subsection (3) of section 317.0012, Florida
896 Statutes, is amended to read:

897 317.0012 Crimes relating to certificates of title;
898 penalties.--

899 (3) It is unlawful to:

900 (a) Alter or forge any certificate of title to an off-
901 highway vehicle or any assignment thereof or any cancellation of
902 any lien on an off-highway vehicle.

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

905 (c) Use a false or fictitious name, give a false or
906 fictitious address, or make any false statement in any
907 application or affidavit required by this chapter ~~ss. 317.0001-~~
908 ~~317.0013~~ or in a bill of sale or sworn statement of ownership or
909 otherwise commit a fraud in any application.

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

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

918
919 Any person who violates this subsection commits a felony of the
920 third degree, punishable as provided in s. 775.082, s. 775.083,
921 or s. 775.084. A violation of this subsection with respect to
922 any off-highway vehicle makes such off-highway vehicle
923 contraband which may be seized by a law enforcement agency and
924 forfeited under ss. 932.701-932.704.

925 Section 34. Section 317.0013, Florida Statutes, is amended
926 to read:

927 317.0013 Nonmoving traffic violations.--Any person who
928 fails to comply with any provision of this chapter ~~ss. 317.0001-~~
929 ~~317.0012~~ for which a penalty is not otherwise provided commits a
930 nonmoving traffic violation, punishable as provided in s.
931 318.18.

932 Section 35. Section 317.0014, Florida Statutes, is created
933 to read:

934 317.0014 Certificate of title; issuance in duplicate;
935 delivery; liens and encumbrances.--

936 (1) The department shall assign a number to each
937 certificate of title and shall issue each certificate of title
938 and each corrected certificate in duplicate. The database record
939 shall serve as the duplicate title certificate required in this
940 section. One printed copy may be retained on file by the
941 department.

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942 (2) A duly authorized person shall sign the original
943 certificate of title and each corrected certificate and, if
944 there are no liens or encumbrances on the off-highway vehicle,
945 as shown in the records of the department or as shown in the
946 application, shall deliver the certificate to the applicant or
947 to another person as directed by the applicant or person, agent,
948 or attorney submitting the application. If there are one or more
949 liens or encumbrances on the off-highway vehicle, the
950 certificate shall be delivered by the department to the first
951 lienholder as shown by department records or to the owner as
952 indicated in the notice of lien filed by the first lienholder.
953 If the notice of lien filed by the first lienholder indicates
954 that the certificate should be delivered to the first
955 lienholder, the department shall deliver to the first
956 lienholder, along with the certificate, a form to be
957 subsequently used by the lienholder as a satisfaction. If the
958 notice of lien filed by the first lienholder directs the
959 certificate of title to be delivered to the owner, then, upon
960 delivery of the certificate of title by the department to the
961 owner, the department shall deliver to the first lienholder
962 confirmation of the receipt of the notice of lien and the date
963 the certificate of title was issued to the owner at the owner's
964 address shown on the notice of lien and a form to be
965 subsequently used by the lienholder as a satisfaction. If the
966 application for certificate shows the name of a first lienholder
967 different from the name of the first lienholder as shown by the
968 records of the department, the certificate may not be issued to
969 any person until after all parties who appear to hold a lien and

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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970 | the applicant for the certificate have been notified of the
 971 | conflict in writing by the department by certified mail. If the
 972 | parties do not amicably resolve the conflict within 10 days
 973 | after the date the notice was mailed, the department shall serve
 974 | notice in writing by certified mail on all persons appearing to
 975 | hold liens on that particular vehicle, including the applicant
 976 | for the certificate, to show cause within 15 days following the
 977 | date the notice is mailed as to why it should not issue and
 978 | deliver the certificate to the person indicated in the notice of
 979 | lien filed by the lienholder whose name appears in the
 980 | application as the first lienholder without showing any lien or
 981 | liens as outstanding other than those appearing in the
 982 | application or those that have been filed subsequent to the
 983 | filing of the application for the certificate. If, within the
 984 | 15-day period, any person other than the lienholder shown in the
 985 | application or a party filing a subsequent lien, in answer to
 986 | the notice to show cause, appears in person or by a
 987 | representative, or responds in writing, and files a written
 988 | statement under oath that his or her lien on that particular
 989 | vehicle is still outstanding, the department may not issue the
 990 | certificate to anyone until after the conflict has been settled
 991 | by the lien claimants involved or by a court of competent
 992 | jurisdiction. If the conflict is not settled amicably within 10
 993 | days after the final date for filing an answer to the notice to
 994 | show cause, the complaining party shall have 10 days in which to
 995 | obtain a ruling, or a stay order, from a court of competent
 996 | jurisdiction. If a ruling or stay order is not issued and served
 997 | on the department within the 10-day period, it shall issue the

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998 certificate showing no liens except those shown in the
 999 application or thereafter filed to the original applicant if
 1000 there are no liens shown in the application and none are
 1001 thereafter filed, or to the person indicated in the notice of
 1002 lien filed by the lienholder whose name appears in the
 1003 application as the first lienholder if there are liens shown in
 1004 the application or thereafter filed. A duplicate certificate or
 1005 corrected certificate shall show only the lien or liens as shown
 1006 in the application and any subsequently filed liens that may be
 1007 outstanding.

1008 (3) Except as provided in subsection (4), the certificate
 1009 of title shall be retained by the first lienholder or the owner
 1010 as indicated in the notice of lien filed by the first
 1011 lienholder. If the first lienholder is in possession of the
 1012 certificate, the first lienholder is entitled to retain the
 1013 certificate until the first lien is satisfied.

1014 (4) If the owner of the vehicle, as shown on the title
 1015 certificate, desires to place a second or subsequent lien or
 1016 encumbrance against the vehicle when the title certificate is in
 1017 the possession of the first lienholder, the owner shall send a
 1018 written request to the first lienholder by certified mail, and
 1019 the first lienholder shall forward the certificate to the
 1020 department for endorsement. If the title certificate is in the
 1021 possession of the owner, the owner shall forward the certificate
 1022 to the department for endorsement. The department shall return
 1023 the certificate to either the first lienholder or to the owner,
 1024 as indicated in the notice of lien filed by the first
 1025 lienholder, after endorsing the second or subsequent lien on the

1026 certificate and on the duplicate. If the first lienholder or
 1027 owner fails, neglects, or refuses to forward the certificate of
 1028 title to the department within 10 days after the date of the
 1029 owner's request, the department, on the written request of the
 1030 subsequent lienholder or an assignee of the lien, shall demand
 1031 of the first lienholder the return of the certificate for the
 1032 notation of the second or subsequent lien or encumbrance.

1033 (5)(a) Upon satisfaction of any first lien or encumbrance
 1034 recorded by the department, the owner of the vehicle, as shown
 1035 on the title certificate, or the person satisfying the lien is
 1036 entitled to demand and receive from the lienholder a
 1037 satisfaction of the lien. If the lienholder, upon satisfaction
 1038 of the lien and upon demand, fails or refuses to furnish a
 1039 satisfaction of the lien within 30 days after demand, he or she
 1040 is liable for all costs, damages, and expenses, including
 1041 reasonable attorney's fees, lawfully incurred by the titled
 1042 owner or person satisfying the lien in any suit brought in this
 1043 state for cancellation of the lien. The lienholder receiving
 1044 final payment as defined in s. 674.215 shall mail or otherwise
 1045 deliver a lien satisfaction and the certificate of title
 1046 indicating the satisfaction within 10 working days after receipt
 1047 of final payment or notify the person satisfying the lien that
 1048 the title is not available within 10 working days after receipt
 1049 of final payment. If the lienholder is unable to provide the
 1050 certificate of title and notifies the person of such, the
 1051 lienholder shall provide a lien satisfaction and is responsible
 1052 for the cost of a duplicate title, including expedited title

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1053 charges as provided in s. 317.0016. This paragraph does not
 1054 apply to electronic transactions under subsection (8).

1055 (b) Following satisfaction of a lien, the lienholder shall
 1056 enter a satisfaction thereof in the space provided on the face
 1057 of the certificate of title. If the certificate of title was
 1058 retained by the owner, the owner shall, within 5 days after
 1059 satisfaction of the lien, deliver the certificate of title to
 1060 the lienholder and the lienholder shall enter a satisfaction
 1061 thereof in the space provided on the face of the certificate of
 1062 title. If no subsequent liens are shown on the certificate of
 1063 title, the certificate shall be delivered by the lienholder to
 1064 the person satisfying the lien or encumbrance and an executed
 1065 satisfaction on a form provided by the department shall be
 1066 forwarded to the department by the lienholder within 10 days
 1067 after satisfaction of the lien.

1068 (c) If the certificate of title shows a subsequent lien
 1069 not then being discharged, an executed satisfaction of the first
 1070 lien shall be delivered by the lienholder to the person
 1071 satisfying the lien and the certificate of title showing
 1072 satisfaction of the first lien shall be forwarded by the
 1073 lienholder to the department within 10 days after satisfaction
 1074 of the lien.

1075 (d) If, upon receipt of a title certificate showing
 1076 satisfaction of the first lien, the department determines from
 1077 its records that there are no subsequent liens or encumbrances
 1078 upon the vehicle, the department shall forward to the owner, as
 1079 shown on the face of the title, a corrected certificate showing
 1080 no liens or encumbrances. If there is a subsequent lien not

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1081 being discharged, the certificate of title shall be reissued
 1082 showing the second or subsequent lienholder as the first
 1083 lienholder and shall be delivered to either the new first
 1084 lienholder or to the owner as indicated in the notice of lien
 1085 filed by the new first lienholder. If the certificate of title
 1086 is to be retained by the first lienholder on the reissued
 1087 certificate, the first lienholder is entitled to retain the
 1088 certificate of title except as provided in subsection (4) until
 1089 his or her lien is satisfied. Upon satisfaction of the lien, the
 1090 lienholder is subject to the procedures required of a first
 1091 lienholder by subsection (4) and this subsection.

1092 (6) When the original certificate of title cannot be
 1093 returned to the department by the lienholder and evidence
 1094 satisfactory to the department is produced that all liens or
 1095 encumbrances have been satisfied, upon application by the owner
 1096 for a duplicate copy of the certificate upon the form prescribed
 1097 by the department, accompanied by the fee prescribed in this
 1098 chapter, a duplicate copy of the certificate of title, without
 1099 statement of liens or encumbrances, shall be issued by the
 1100 department and delivered to the owner.

1101 (7) Any person who fails, within 10 days after receipt of
 1102 a demand by the department by certified mail, to return a
 1103 certificate of title to the department as required by subsection
 1104 (4) or who, upon satisfaction of a lien, fails within 10 days
 1105 after receipt of such demand to forward the appropriate document
 1106 to the department as required by paragraph (5)(b) or paragraph
 1107 (5)(c) commits a misdemeanor of the second degree, punishable as
 1108 provided in s. 775.082 or s. 775.083.

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1109 (8) Notwithstanding any requirements in this section or in
 1110 s. 319.27 indicating that a lien on a vehicle shall be noted on
 1111 the face of the Florida certificate of title, if there are one
 1112 or more liens or encumbrances on the off-highway vehicle, the
 1113 department may electronically transmit the lien to the first
 1114 lienholder and notify the first lienholder of any additional
 1115 liens. Subsequent lien satisfactions may be electronically
 1116 transmitted to the department and must include the name and
 1117 address of the person or entity satisfying the lien. When
 1118 electronic transmission of liens and lien satisfactions are
 1119 used, the issuance of a certificate of title may be waived until
 1120 the last lien is satisfied and a clear certificate of title is
 1121 issued to the owner of the vehicle.

1122 (9) In sending any notice, the department is required to
 1123 use only the last known address, as shown by its records.

1124 Section 36. Section 317.0015, Florida Statutes, is created
 1125 to read:

1126 317.0015 Application of law.--Sections 319.235, 319.241,
 1127 319.25, 319.27, 319.28, and 319.40 apply to all off-highway
 1128 vehicles that are required to be titled under this chapter.

1129 Section 37. Section 317.0016, Florida Statutes, is created
 1130 to read:

1131 317.0016 Expedited service; applications; fees.--The
 1132 department shall provide, through its agents and for use by the
 1133 public, expedited service on title transfers, title issuances,
 1134 duplicate titles, recordation of liens, and certificates of
 1135 repossession. A fee of \$7 shall be charged for this service,
 1136 which is in addition to the fees imposed by ss. 317.0007 and

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1137 317.0008, and \$3.50 of this fee shall be retained by the
 1138 processing agency. All remaining fees shall be deposited in the
 1139 Incidental Trust Fund of the Division of Forestry of the
 1140 Department of Agriculture and Consumer Services. Application for
 1141 expedited service may be made by mail or in person. The
 1142 department shall issue each title applied for pursuant to this
 1143 section within 5 working days after receipt of the application
 1144 except for an application for a duplicate title certificate
 1145 covered by s. 317.0008(3), in which case the title must be
 1146 issued within 5 working days after compliance with the
 1147 department's verification requirements.

1148 Section 38. Section 317.0017, Florida Statutes, is created
 1149 to read:

1150 317.0017 Offenses involving vehicle identification
 1151 numbers, applications, certificates, papers; penalty.--

1152 (1) A person may not:

1153 (a) Alter or forge any certificate of title to an off-
 1154 highway vehicle or any assignment thereof or any cancellation of
 1155 any lien on an off-highway vehicle.

1156 (b) Retain or use such certificate, assignment, or
 1157 cancellation knowing that it has been altered or forged.

1158 (c) Procure or attempt to procure a certificate of title
 1159 to an off-highway vehicle, or pass or attempt to pass a
 1160 certificate of title or any assignment thereof to an off-highway
 1161 vehicle, knowing or having reason to believe that the off-
 1162 highway vehicle has been stolen.

1163 (d) Possess, sell or offer for sale, conceal, or dispose
 1164 of in this state an off-highway vehicle, or major component part

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1165 thereof, on which any motor number or vehicle identification
 1166 number affixed by the manufacturer or by a state agency has been
 1167 destroyed, removed, covered, altered, or defaced, with knowledge
 1168 of such destruction, removal, covering, alteration, or
 1169 defacement, except as provided in s. 319.30(4).

1170 (e) Use a false or fictitious name, give a false or
 1171 fictitious address, or make any false statement in any
 1172 application or affidavit required under this chapter or in a
 1173 bill of sale or sworn statement of ownership or otherwise commit
 1174 a fraud in any application.

1175 (2) A person may not knowingly obtain goods, services,
 1176 credit, or money by means of an invalid, duplicate, fictitious,
 1177 forged, counterfeit, stolen, or unlawfully obtained certificate
 1178 of title, registration, bill of sale, or other indicia of
 1179 ownership of an off-highway vehicle.

1180 (3) A person may not knowingly obtain goods, services,
 1181 credit, or money by means of a certificate of title to an off-
 1182 highway vehicle, which certificate is required by law to be
 1183 surrendered to the department.

1184 (4) A person may not knowingly and with intent to defraud
 1185 have in his or her possession, sell, offer to sell, counterfeit,
 1186 or supply a blank, forged, fictitious, counterfeit, stolen, or
 1187 fraudulently or unlawfully obtained certificate of title, bill
 1188 of sale, or other indicia of ownership of an off-highway vehicle
 1189 or conspire to do any of the foregoing.

1190 (5) A person, firm, or corporation may not knowingly
 1191 possess, manufacture, sell or exchange, offer to sell or
 1192 exchange, supply in blank, or give away any counterfeit

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1193 manufacturer's or state-assigned identification number plates or
 1194 serial plates or any decal used for the purpose of identifying
 1195 an off-highway vehicle. An officer, agent, or employee of any
 1196 person, firm, or corporation, or any person may not authorize,
 1197 direct, aid in exchange, or give away, or conspire to authorize,
 1198 direct, aid in exchange, or give away, such counterfeit
 1199 manufacturer's or state-assigned identification number plates or
 1200 serial plates or any decal. However, this subsection does not
 1201 apply to any approved replacement manufacturer's or state-
 1202 assigned identification number plates or serial plates or any
 1203 decal issued by the department or any state.

1204 (6) A person who violates any provision of this section
 1205 commits a felony of the third degree, punishable as provided in
 1206 s. 775.082, s. 775.083, or s. 775.084. Any off-highway vehicle
 1207 used in violation of this section constitutes contraband that
 1208 may be seized by a law enforcement agency and that is subject to
 1209 forfeiture proceedings pursuant to ss. 932.701-932.704. This
 1210 section is not exclusive of any other penalties prescribed by
 1211 any existing or future laws for the larceny or unauthorized
 1212 taking of off-highway vehicles, but is supplementary thereto.

1213 Section 39. Section 317.0018, Florida Statutes, is created
 1214 to read:

1215 317.0018 Transfer without delivery of certificate;
 1216 operation or use without certificate; failure to surrender;
 1217 other violations.--Except as otherwise provided in this chapter,
 1218 any person who:

1219 (1) Purports to sell or transfer an off-highway vehicle
 1220 without delivering to the purchaser or transferee of the vehicle

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1221 a certificate of title to the vehicle duly assigned to the
1222 purchaser as provided in this chapter;

1223 (2) Operates or uses in this state an off-highway vehicle
1224 for which a certificate of title is required without the
1225 certificate having been obtained in accordance with this
1226 chapter, or upon which the certificate of title has been
1227 canceled;

1228 (3) Fails to surrender a certificate of title upon
1229 cancellation of the certificate by the department and notice
1230 thereof as prescribed in this chapter;

1231 (4) Fails to surrender the certificate of title to the
1232 department as provided in this chapter in the case of the
1233 destruction, dismantling, or change of an off-highway vehicle in
1234 such respect that it is not the off-highway vehicle described in
1235 the certificate of title; or

1236 (5) Violates any other provision of this chapter or a
1237 lawful rule adopted pursuant to this chapter

1238
1239 shall be fined not more than \$500 or imprisoned for not more
1240 than 6 months, or both, for each offense, unless otherwise
1241 specified.

1242 Section 40. Section 318.1215, Florida Statutes, is amended
1243 to read:

1244 318.1215 Dori Slosberg Driver Education Safety
1245 Act.--Effective October 1, 2002, notwithstanding the provisions
1246 of s. 318.121, a board of county commissioners may require, by
1247 ordinance, that the clerk of the court collect an additional \$3
1248 with each civil traffic penalty, which shall be used to fund

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1249 driver ~~traffic~~ education programs in public and nonpublic
 1250 schools. The ordinance shall provide for the board of county
 1251 commissioners to administer the funds, which shall be used for
 1252 enhancement and not replacement of driver education program
 1253 funds. The funds shall be used for direct educational expenses
 1254 and shall not be used for administration. Each driver education
 1255 program receiving funds pursuant to this section shall require
 1256 that a minimum of 30 percent of a student's time in the program
 1257 shall consist of behind-the-wheel training. This section may be
 1258 cited as the "Dori Slosberg Driver Education Safety Act."

1259 Section 41. Subsections (7), (9), and (10) of section
 1260 318.14, Florida Statutes, are amended to read:

1261 318.14 Noncriminal traffic infractions; exception;
 1262 procedures.--

1263 (7)(a) The official having jurisdiction over the
 1264 infraction shall certify to the department within 10 days after
 1265 payment of the civil penalty that the defendant has admitted to
 1266 the infraction. If the charge results in a hearing, the official
 1267 having jurisdiction shall certify to the department the final
 1268 disposition within 10 days after ~~of~~ the hearing. All
 1269 dispositions returned to the county requiring a correction shall
 1270 be resubmitted to the department within 10 days after the
 1271 notification of the error.

1272 (b) If the official having jurisdiction over the traffic
 1273 infraction submits the final disposition to the department more
 1274 than 180 days after the final hearing or after payment of the
 1275 civil penalty, the department may modify any resulting

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1276 | suspension or revocation action to begin as if the citation were
 1277 | reported in a timely manner.

1278 | (9) Any person who does not hold a commercial driver's
 1279 | license and who is cited for an infraction under this section
 1280 | other than a violation of s. 320.0605, s. 320.07(3)(a) or (b),
 1281 | s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu
 1282 | of a court appearance, elect to attend in the location of his or
 1283 | her choice within this state a basic driver improvement course
 1284 | approved by the Department of Highway Safety and Motor Vehicles.
 1285 | In such a case, adjudication must be withheld; points, as
 1286 | provided by s. 322.27, may not be assessed; and the civil
 1287 | penalty that is imposed by s. 318.18(3) must be reduced by 18
 1288 | percent; however, a person may not make an election under this
 1289 | subsection if the person has made an election under this
 1290 | subsection in the preceding 12 months. A person may make no more
 1291 | than five elections under this subsection. The requirement for
 1292 | community service under s. 318.18(8) is not waived by a plea of
 1293 | nolo contendere or by the withholding of adjudication of guilt
 1294 | by a court.

1295 | (10)(a) Any person who does not hold a commercial driver's
 1296 | license and who is cited for an offense listed under this
 1297 | subsection may, in lieu of payment of fine or court appearance,
 1298 | elect to enter a plea of nolo contendere and provide proof of
 1299 | compliance to the clerk of the court or authorized operator of a
 1300 | traffic violations bureau. In such case, adjudication shall be
 1301 | withheld; however, no election shall be made under this
 1302 | subsection if such person has made an election under this
 1303 | subsection in the 12 months preceding election hereunder. No

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1304 person may make more than three elections under this subsection.

1305 This subsection applies to the following offenses:

1306 1. Operating a motor vehicle without a valid driver's
 1307 license in violation of the provisions of s. 322.03, s. 322.065,
 1308 or s. 322.15(1), or operating a motor vehicle with a license
 1309 which has been suspended for failure to appear, failure to pay
 1310 civil penalty, or failure to attend a driver improvement course
 1311 pursuant to s. 322.291.

1312 2. Operating a motor vehicle without a valid registration
 1313 in violation of s. 320.0605, s. 320.07, or s. 320.131.

1314 3. Operating a motor vehicle in violation of s. 316.646.

1315 (b) Any person cited for an offense listed in this
 1316 subsection shall present proof of compliance prior to the
 1317 scheduled court appearance date. For the purposes of this
 1318 subsection, proof of compliance shall consist of a valid,
 1319 renewed, or reinstated driver's license or registration
 1320 certificate and proper proof of maintenance of security as
 1321 required by s. 316.646. Notwithstanding waiver of fine, any
 1322 person establishing proof of compliance shall be assessed court
 1323 costs of \$22, except that a person charged with violation of s.
 1324 316.646(1)-(3) may be assessed court costs of \$7. One dollar of
 1325 such costs shall be remitted to the Department of Revenue for
 1326 deposit into the Child Welfare Training Trust Fund of the
 1327 Department of Children and Family Services. One dollar of such
 1328 costs shall be distributed to the Department of Juvenile Justice
 1329 for deposit into the Juvenile Justice Training Trust Fund.
 1330 Twelve dollars of such costs shall be distributed to the
 1331 municipality and \$8 shall be deposited by the clerk of the court

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1332 into the fine and forfeiture fund established pursuant to s.
 1333 142.01, if the offense was committed within the municipality. If
 1334 the offense was committed in an unincorporated area of a county
 1335 or if the citation was for a violation of s. 316.646(1)-(3), the
 1336 entire amount shall be deposited by the clerk of the court into
 1337 the fine and forfeiture fund established pursuant to s. 142.01,
 1338 except for the moneys to be deposited into the Child Welfare
 1339 Training Trust Fund and the Juvenile Justice Training Trust
 1340 Fund. This subsection shall not be construed to authorize the
 1341 operation of a vehicle without a valid driver's license, without
 1342 a valid vehicle tag and registration, or without the maintenance
 1343 of required security.

1344 Section 42. Effective October 1, 2005, subsection (5) of
 1345 section 318.14, Florida Statutes, is amended to read:

1346 318.14 Noncriminal traffic infractions; exception;
 1347 procedures.--

1348 (5) Any person electing to appear before the designated
 1349 official or who is required so to appear shall be deemed to have
 1350 waived his or her right to the civil penalty provisions of s.
 1351 318.18. The official, after a hearing, shall make a
 1352 determination as to whether an infraction has been committed. If
 1353 the commission of an infraction has been proven, the official
 1354 may impose a civil penalty not to exceed \$500, except that in
 1355 cases involving unlawful speed in a school zone or, involving
 1356 unlawful speed in a construction zone, ~~or involving a death~~, the
 1357 civil penalty may not exceed \$1,000; or require attendance at a
 1358 driver improvement school, or both. If the person is required to
 1359 appear before the designated official pursuant to s. 318.19(1)

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1360 and is found to have committed the infraction, the designated
 1361 official shall impose a civil penalty of \$1,000 in addition to
 1362 any other penalties and the person's driver license shall be
 1363 suspended for 6 months. If the person is required to appear
 1364 before the designated official pursuant to s. 318.19(2) and is
 1365 found to have committed the infraction, the designated official
 1366 shall impose a civil penalty of \$500 in addition to any other
 1367 penalties and the person's driver license shall be suspended for
 1368 3 months. If the official determines that no infraction has been
 1369 committed, no costs or penalties shall be imposed and any costs
 1370 or penalties that have been paid shall be returned. Moneys
 1371 received from the mandatory civil penalties imposed pursuant to
 1372 this subsection upon persons required to appear before a
 1373 designated official pursuant to s. 318.19(1) or (2) shall be
 1374 remitted to the Department of Revenue and distributed in the
 1375 following manner:

1376 (a) One million dollars annually shall be transferred to
 1377 ABATE of Florida, Inc., a 501(c)(4) corporation, for the purpose
 1378 of fostering motorcycle safety awareness, education, and
 1379 research programs relating to accident prevention. Such funds
 1380 shall be subject to annual audit by the department and the
 1381 Auditor General.

1382 (b) The remaining funds shall be deposited into the
 1383 Highway Safety Operating Trust to be used by the department for
 1384 the purpose of fostering safety awareness, education, and
 1385 research programs relating to accident prevention.

1386 Section 43. Effective October 1, 2005, subsection (13) is
 1387 added to section 318.21, Florida Statutes, to read:

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1388 318.21 Disposition of civil penalties by county
1389 courts.--All civil penalties received by a county court pursuant
1390 to the provisions of this chapter shall be distributed and paid
1391 monthly as follows:

1392 (13) Notwithstanding subsections (1) and (2), the proceeds
1393 from the mandatory civil penalties imposed pursuant to s.
1394 318.14(5) shall be distributed as provided in that section.

1395 Section 44. Subsection (6) of section 319.23, Florida
1396 Statutes, is amended to read:

1397 319.23 Application for, and issuance of, certificate of
1398 title.--

1399 (6) In the case of the sale of a motor vehicle or mobile
1400 home by a licensed dealer to a general purchaser, the
1401 certificate of title shall be obtained in the name of the
1402 purchaser by the dealer upon application signed by the
1403 purchaser, and in each other case such certificate shall be
1404 obtained by the purchaser. In each case of transfer of a motor
1405 vehicle or mobile home, the application for certificate of
1406 title, or corrected certificate, or assignment or reassignment,
1407 shall be filed within 30 days from the delivery of such motor
1408 vehicle or mobile home to the purchaser. An applicant shall be
1409 required to pay a fee of \$10, in addition to all other fees and
1410 penalties required by law, for failing to file such application
1411 within the specified time. When a licensed dealer acquires a
1412 motor vehicle or mobile home as a trade-in, the dealer must file
1413 with the department, within 30 days, a notice of sale signed by
1414 the seller. The department shall update its database for that
1415 title record to indicate "sold." A licensed dealer need not

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1416 apply for a certificate of title for any motor vehicle or mobile
1417 home in stock acquired for stock purposes except as provided in
1418 s. 319.225.

1419 Section 45. Subsections (2) and (3) of section 319.27,
1420 Florida Statutes, are amended to read:

1421 319.27 Notice of lien on motor vehicles or mobile homes;
1422 notation on certificate; recording of lien.--

1423 (2) No lien for purchase money or as security for a debt
1424 in the form of a security agreement, retain title contract,
1425 conditional bill of sale, chattel mortgage, or other similar
1426 instrument or any other nonpossessory lien, including a lien for
1427 child support, upon a motor vehicle or mobile home upon which a
1428 Florida certificate of title has been issued shall be
1429 enforceable in any of the courts of this state against creditors
1430 or subsequent purchasers for a valuable consideration and
1431 without notice, unless a sworn notice of such lien has been
1432 filed in the department and such lien has been noted upon the
1433 certificate of title of the motor vehicle or mobile home. Such
1434 notice shall be effective as constructive notice when filed. No
1435 interest of a statutory nonpossessory lienor; the interest of a
1436 nonpossessory execution, attachment, or equitable lienor; or the
1437 interest of a lien creditor as defined in s. 679.1021(1)(zz) ~~s.~~
1438 ~~679.301(3)~~, if nonpossessory, shall be enforceable against
1439 creditors or subsequent purchasers for a valuable consideration
1440 unless such interest becomes a possessory lien or is noted upon
1441 the certificate of title for the subject motor vehicle or mobile
1442 home prior to the occurrence of the subsequent transaction.

1443 Provided the provisions of this subsection relating to a

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1444 nonpossessory statutory lienor; a nonpossessory execution,
 1445 attachment, or equitable lienor; or the interest of a lien
 1446 creditor as defined in s. 679.1021(1)(zz) ~~s. 679.301(3)~~ shall
 1447 not apply to liens validly perfected prior to October 1, 1988.
 1448 The notice of lien shall provide the following information:

1449 (a) The date of the lien if a security agreement, retain
 1450 title contract, conditional bill of sale, chattel mortgage, or
 1451 other similar instrument was executed prior to the filing of the
 1452 notice of lien;

1453 (b) The name and address of the registered owner;

1454 (c) A description of the motor vehicle or mobile home,
 1455 showing the make, type, and vehicle identification number; and

1456 (d) The name and address of the lienholder.

1457 (3)(a) A person may file a notice of lien with regard to a
 1458 motor vehicle or mobile home before a security agreement, retain
 1459 title contract, conditional bill of sale, chattel mortgage, or
 1460 other similar instrument is executed granting a lien, mortgage,
 1461 or encumbrance on, or a security interest in, such motor vehicle
 1462 or mobile home.

1463 (b) As applied to a determination of the respective rights
 1464 of a secured party under this chapter and a lien creditor as
 1465 defined by s. 679.1021(1)(zz) ~~s. 679.301(3)~~, or a nonpossessory
 1466 statutory lienor, a security interest under this chapter shall
 1467 be perfected upon the filing of the notice of lien with the
 1468 department, the county tax collector, or their agents. Provided,
 1469 however, the date of perfection of a security interest of such
 1470 secured party shall be the same date as the execution of the
 1471 security agreement or other similar instrument if the notice of

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1472 | lien is filed in accordance with this subsection within 15 days
 1473 | after the debtor receives possession of the motor vehicle or
 1474 | mobile home and executes such security agreement or other
 1475 | similar instrument. The date of filing of the notice of lien
 1476 | shall be the date of its receipt by the department central
 1477 | office in Tallahassee, if first filed there, or otherwise by the
 1478 | office of the county tax collector, or their agents.

1479 | Section 46. Paragraph (b) of subsection (3) of section
 1480 | 319.30, Florida Statutes, is amended to read:

1481 | 319.30 Definitions; dismantling, destruction, change of
 1482 | identity of motor vehicle or mobile home; salvage.--

1483 | (3)

1484 | (b) The owner, including persons who are self-insured, of
 1485 | any motor vehicle or mobile home which is considered to be
 1486 | salvage shall, within 72 hours after the motor vehicle or mobile
 1487 | home becomes salvage, forward the title to the motor vehicle or
 1488 | mobile home to the department for processing. However, an
 1489 | insurance company which pays money as compensation for total
 1490 | loss of a motor vehicle or mobile home shall obtain the
 1491 | certificate of title for the motor vehicle or mobile home and,
 1492 | within 72 hours after receiving such certificate of title, shall
 1493 | forward such title to the department for processing. The owner
 1494 | or insurance company, as the case may be, may not dispose of a
 1495 | vehicle or mobile home that is a total loss before it has
 1496 | obtained a salvage certificate of title or certificate of
 1497 | destruction from the department. When applying for a salvage
 1498 | certificate of title or certificate of destruction, the owner or
 1499 | insurance company must provide the department with an estimate

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1500 of the costs of repairing the physical and mechanical damage
 1501 suffered by the vehicle for which a salvage certificate of title
 1502 or certificate of destruction is sought. If the estimated costs
 1503 of repairing the physical and mechanical damage to the vehicle
 1504 are equal to 80 percent or more of the current retail cost of
 1505 the vehicle, as established in any official used car or used
 1506 mobile home guide, the department shall declare the vehicle
 1507 unbuildable and print a certificate of destruction, which
 1508 authorizes the dismantling or destruction of the motor vehicle
 1509 or mobile home described therein. This certificate of
 1510 destruction shall be reassignable a maximum of two times before
 1511 dismantling or destruction of the vehicle shall be required, and
 1512 shall accompany the motor vehicle or mobile home for which it is
 1513 issued, when such motor vehicle or mobile home is sold for such
 1514 purposes, in lieu of a certificate of title, and, thereafter,
 1515 the department shall refuse issuance of any certificate of title
 1516 for that vehicle. Nothing in this subsection shall be applicable
 1517 when a vehicle is worth less than \$5,000 ~~\$1,500~~ retail in
 1518 undamaged condition in any official used motor vehicle guide or
 1519 used mobile home guide or when a stolen motor vehicle or mobile
 1520 home is recovered in substantially intact condition and is
 1521 readily resalable without extensive repairs to or replacement of
 1522 the frame or engine. Any person who willfully and deliberately
 1523 violates this paragraph or falsifies any document to avoid the
 1524 requirements of this paragraph commits a misdemeanor of the
 1525 first degree, punishable as provided in s. 775.082 or s.
 1526 775.083.

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1527 Section 47. Subsection (19) is added to section 320.02,
1528 Florida Statutes, to read:

1529 320.02 Registration required; application for
1530 registration; forms; withholding of registration.--

1531 (19) The department is authorized to withhold registration
1532 or renewal of registration of any motor vehicle if the name of
1533 the owner or one of the coowners appears on a list that was
1534 submitted to the department by a licensed motor vehicle dealer
1535 showing that money is owed to the dealer for fees for a previous
1536 registration. The motor vehicle dealer must maintain signed
1537 evidence that the owner or coowner acknowledged the dealer's
1538 authority to submit the list to the department if the owner or
1539 coowner failed to pay and must note the amount the owner or
1540 coowner would be responsible to pay for the vehicle
1541 registration. The dealer must maintain the necessary
1542 documentation required in this subsection or face penalties as
1543 provided in s. 320.27. This subsection does not affect the
1544 issuance of a title to a motor vehicle.

1545 (a) If the motor vehicle owner or coowner has documentary
1546 proof that the registration fees have been paid to the dealer
1547 for the disputed amount, the motor vehicle owner or coowner may
1548 dispute the claim that money is owed to a dealer for
1549 registration fees by submitting a form to the department.
1550 Without clear evidence of the amounts owed for the vehicle
1551 registration and repayment, the department will assume initial
1552 payments are applied to government-assessed fees first.

1553 (b) If the motor vehicle owner's or coowner's dispute
1554 complies with paragraph (a), the department shall immediately

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1555 | remove the motor vehicle owner's or coowner's name from the
 1556 | list, thereby allowing the issuance of a license plate or
 1557 | revalidation sticker.

1558 | Section 48. Paragraph (b) of subsection (1) of section
 1559 | 320.06, Florida Statutes, is amended to read:

1560 | 320.06 Registration certificates, license plates, and
 1561 | validation stickers generally.--

1562 | (1)

1563 | (b) Registration license plates bearing a graphic symbol
 1564 | and the alphanumeric system of identification shall be issued
 1565 | for a 5-year period. At the end of said 5-year period, upon
 1566 | renewal, the plate shall be replaced. The fee for such
 1567 | replacement shall be \$10, \$2 of which shall be paid each year
 1568 | before the plate is replaced, to be credited towards the next
 1569 | \$10 replacement fee. The fees shall be deposited into the
 1570 | Highway Safety Operating Trust Fund. A credit or refund shall
 1571 | not be given for any prior years' payments of such prorated
 1572 | replacement fee when the plate is replaced or surrendered before
 1573 | the end of the 5-year period, except that a credit may be given
 1574 | when a registrant is required by the department to replace a
 1575 | license plate under s. 320.08056(8)(a). With each license plate,
 1576 | there shall be issued a validation sticker showing the owner's
 1577 | birth month, license plate number, and the year of expiration or
 1578 | the appropriate renewal period if the owner is not a natural
 1579 | person. The validation sticker is to be placed on the upper
 1580 | right corner of the license plate. Such license plate and
 1581 | validation sticker shall be issued based on the applicant's
 1582 | appropriate renewal period. The registration period shall be a

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1583 | period of 12 months, and all expirations shall occur based on
 1584 | the applicant's appropriate registration period. A vehicle with
 1585 | an apportioned registration shall be issued an annual license
 1586 | plate and a cab card that denote the declared gross vehicle
 1587 | weight for each apportioned jurisdiction in which the vehicle is
 1588 | authorized to operate.

1589 | Section 49. Section 320.0601, Florida Statutes, is amended
 1590 | to read:

1591 | 320.0601 Lease and rental car companies; identification of
 1592 | vehicles as for-hire.--

1593 | (1) A rental car company may not rent in this state any
 1594 | for-hire vehicle, other than vehicles designed to transport
 1595 | cargo, that has affixed to its exterior any bumper stickers,
 1596 | insignias, or advertising that identifies the vehicle as a
 1597 | rental vehicle.

1598 | (2) As used in this section, the term:

1599 | (a) "Bumper stickers, insignias, or advertising" does not
 1600 | include:

1601 | 1. Any emblem of no more than two colors which is less
 1602 | than 2 inches by 4 inches, which is placed on the rental car for
 1603 | inventory purposes only, and which does not display the name or
 1604 | logo of the rental car company; or

1605 | 2. Any license required by the law of the state in which
 1606 | the vehicle is registered.

1607 | (b) "Rent in this state" means to sign a rental contract
 1608 | in this state or to deliver a car to a renter in this state.

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1609 (3) A rental car company that leases a motor vehicle that
1610 is found to be in violation of this section shall be punished by
1611 a fine of \$500 per occurrence.

1612 (4) Any registration or renewal as required under s.
1613 320.02 for an original or transfer of a long-term leased motor
1614 vehicle must be in the name and address of the lessee.

1615 Section 50. Section 320.0605, Florida Statutes, is amended
1616 to read:

1617 320.0605 Certificate of registration; possession required;
1618 exception.--The registration certificate or an official copy
1619 thereof, a true copy of a rental or lease agreement issued for a
1620 motor vehicle or issued for a replacement vehicle in the same
1621 registration period, a temporary receipt printed upon self-
1622 initiated electronic renewal of a registration via the Internet,
1623 or a cab card issued for a vehicle registered under the
1624 International Registration Plan shall, at all times while the
1625 vehicle is being used or operated on the roads of this state, be
1626 in the possession of the operator thereof or be carried in the
1627 vehicle for which issued and shall be exhibited upon demand of
1628 any authorized law enforcement officer or any agent of the
1629 department, except for a vehicle registered under s. 320.0657.

1630 The provisions of this section do not apply during the first 30
1631 days after purchase of a replacement vehicle. A violation of
1632 this section is a noncriminal traffic infraction, punishable as
1633 a nonmoving violation as provided in chapter 318.

1634 Section 51. Paragraph (b) of subsection (33) and paragraph
1635 (c) of subsection (56) of section 320.08058, Florida Statutes,
1636 are amended to read:

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1637 | 320.08058 Specialty license plates.--
 1638 | (33) UNITED WE STAND LICENSE PLATES.--
 1639 | (b) The department shall retain all revenues from the sale
 1640 | of such plates until all startup costs for developing and
 1641 | issuing the plates have been recovered. Thereafter, ~~50 percent~~
 1642 | ~~of the annual use fee shall be distributed to the Department of~~
 1643 | ~~Transportation to fund a grant program to enhance security at~~
 1644 | ~~airports throughout the state and 50 percent of such fees shall~~
 1645 | ~~be distributed to the Rewards for Justice Fund, to be~~
 1646 | ~~contributed to the United States State Department's Rewards for~~
 1647 | ~~Justice program and used solely to apprehend terrorists and~~
 1648 | ~~bring them to justice.~~
 1649 | (56) ANIMAL FRIEND LICENSE PLATES.--
 1650 | (c) After the department has recovered all startup costs
 1651 | for developing and issuing the plates, the annual use fees shall
 1652 | be distributed to Florida Animal Friend, Inc. ~~the Humane Society~~
 1653 | ~~of the United States for animal welfare programs and spay and~~
 1654 | ~~neuter programs in the state.~~
 1655 | Section 52. Section 320.0843, Florida Statutes, is amended
 1656 | to read:
 1657 | 320.0843 License plates for persons with disabilities
 1658 | eligible for permanent disabled parking permits.--
 1659 | (1) Any owner or lessee of a motor vehicle who resides in
 1660 | this state and qualifies for a disabled parking permit under s.
 1661 | 320.0848(2), upon application to the department and payment of
 1662 | the license tax for a motor vehicle registered under s.
 1663 | 320.08(2), (3)(a), (b), (c), or (e), (4)(a) or (b), (6)(a), or
 1664 | (9)(c) or (d), shall be issued a license plate as provided by s.

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1665 | 320.06 which, in lieu of the serial number prescribed by s.
 1666 | 320.06, shall be stamped with the international wheelchair user
 1667 | symbol after the serial number of the license plate. The license
 1668 | plate entitles the person to all privileges afforded by a
 1669 | parking permit issued under s. 320.0848. When more that one
 1670 | registrant is listed on the registration issued under this
 1671 | section, the eligible applicant shall be noted on the
 1672 | registration certificate.

1673 | (2) All applications for such license plates must be made
 1674 | to the department.

1675 | Section 53. Paragraph (a) of subsection (1) of section
 1676 | 320.089, Florida Statutes, is amended to read:

1677 | 320.089 Members of National Guard and ~~active~~ United States
 1678 | Armed Forces reservists; former prisoners of war; survivors of
 1679 | Pearl Harbor; Purple Heart medal recipients; special license
 1680 | plates; fee.--

1681 | (1)(a) Each owner or lessee of an automobile or truck for
 1682 | private use or recreational vehicle as specified in s.
 1683 | 320.08(9)(c) or (d), which is not used for hire or commercial
 1684 | use, who is a resident of the state and an active or retired
 1685 | member of the Florida National Guard, a survivor of the attack
 1686 | on Pearl Harbor, a recipient of the Purple Heart medal, or an
 1687 | active or retired member of any branch of the United States
 1688 | Armed Forces Reserve shall, upon application to the department,
 1689 | accompanied by proof of active membership or retired status in
 1690 | the Florida National Guard, proof of membership in the Pearl
 1691 | Harbor Survivors Association or proof of active military duty in
 1692 | Pearl Harbor on December 7, 1941, proof of being a Purple Heart

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1693 medal recipient, or proof of active or retired membership in any
 1694 branch of the Armed Forces Reserve, and upon payment of the
 1695 license tax for the vehicle as provided in s. 320.08, be issued
 1696 a license plate as provided by s. 320.06, upon which, in lieu of
 1697 the serial numbers prescribed by s. 320.06, shall be stamped the
 1698 words "National Guard," "Pearl Harbor Survivor," "Combat-wounded
 1699 veteran," or "U.S. Reserve," as appropriate, followed by the
 1700 serial number of the license plate. Additionally, the Purple
 1701 Heart plate may have the words "Purple Heart" stamped on the
 1702 plate and the likeness of the Purple Heart medal appearing on
 1703 the plate.

1704 Section 54. Subsection (8) is added to section 320.131,
 1705 Florida Statutes, to read:

1706 320.131 Temporary tags.--

1707 (8) The department may administer an electronic system for
 1708 licensed motor vehicle dealers to use in issuing temporary
 1709 license plates. Upon issuing a temporary license plate, the
 1710 dealer shall access the electronic system and enter the
 1711 appropriate vehicle and owner information within the timeframe
 1712 specified by department rule. If a dealer fails to comply with
 1713 the department's requirements for issuing temporary license
 1714 plates using the electronic system, the department may deny,
 1715 suspend, or revoke a license under s. 320.27(9)(b)16. upon proof
 1716 that the licensee has failed to comply with the department's
 1717 requirements. The department may adopt rules pursuant to ss.
 1718 120.536(1) and 120.54 to administer the provisions of this
 1719 subsection.

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1720 Section 55. Subsection (1) of section 320.18, Florida
 1721 Statutes, is amended to read:
 1722 320.18 Withholding registration.--
 1723 (1) The department may withhold the registration of any
 1724 motor vehicle or mobile home the owner of which has failed to
 1725 register it under the provisions of law for any previous period
 1726 or periods for which it appears registration should have been
 1727 made in this state, until the tax for such period or periods is
 1728 paid. The department may cancel any vehicle or vessel
 1729 registration, driver's license, identification card, license
 1730 plate or fuel-use tax decal if the owner pays for the vehicle or
 1731 vessel registration, driver's license, identification card, or
 1732 license plate, fuel-use tax decal; pays any administrative,
 1733 delinquency, or reinstatement fee; or pays any tax liability,
 1734 penalty, or interest specified in chapter 207 by a dishonored
 1735 check, or if the vehicle owner or motor carrier has failed to
 1736 pay a penalty for a weight or safety violation issued by the
 1737 Department of Transportation Motor Carrier Compliance Office.
 1738 The Department of Transportation and the Department of Highway
 1739 Safety and Motor Vehicles may impound any commercial motor
 1740 vehicle that has a canceled license plate or fuel-use tax decal
 1741 until the tax liability, penalty, and interest specified in
 1742 chapter 207, the license tax, or the fuel-use decal fee, and
 1743 applicable administrative fees have been paid for by certified
 1744 funds.

1745 Section 56. Paragraph (a) of subsection (4), subsection
 1746 (6), and paragraph (b) of subsection (9) of section 320.27,
 1747 Florida Statutes, are amended to read:

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1748 | 320.27 Motor vehicle dealers.--
 1749 | (4) LICENSE CERTIFICATE.--
 1750 | (a) A license certificate shall be issued by the
 1751 | department in accordance with such application when the
 1752 | application is regular in form and in compliance with the
 1753 | provisions of this section. The license certificate may be in
 1754 | the form of a document or a computerized card as determined by
 1755 | the department. The actual cost of each original, additional, or
 1756 | replacement computerized card shall be borne by the licensee and
 1757 | is in addition to the fee for licensure. Such license, when so
 1758 | issued, entitles the licensee to carry on and conduct the
 1759 | business of a motor vehicle dealer. Each license issued to a
 1760 | franchise motor vehicle dealer expires annually on December 31
 1761 | unless revoked or suspended prior to that date. Each license
 1762 | issued to an independent or wholesale dealer or auction expires
 1763 | annually on April 30 unless revoked or suspended prior to that
 1764 | date. Not less than 60 days prior to the license expiration
 1765 | date, the department shall deliver or mail to each licensee the
 1766 | necessary renewal forms. Each independent dealer shall certify
 1767 | that the dealer principal (owner, partner, officer of the
 1768 | corporation, or director) has completed 8 hours of continuing
 1769 | education prior to filing the renewal forms with the department.
 1770 | Such certification shall be filed once every 2 years commencing
 1771 | with the 2006 renewal period. The continuing education shall
 1772 | include at least 2 hours of legal or legislative issues, 1 hour
 1773 | of department issues, and 5 hours of relevant motor vehicle
 1774 | industry topics. Continuing education shall be provided by
 1775 | dealer schools licensed under paragraph (b) either in a

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1776 classroom setting or by correspondence. Such schools shall
1777 provide certificates of completion to the department and the
1778 customer which shall be filed with the license renewal form, and
1779 such schools may charge a fee for providing continuing
1780 education. Any licensee who does not file his or her application
1781 and fees and any other requisite documents, as required by law,
1782 with the department at least 30 days prior to the license
1783 expiration date shall cease to engage in business as a motor
1784 vehicle dealer on the license expiration date. A renewal filed
1785 with the department within 45 days after the expiration date
1786 shall be accompanied by a delinquent fee of \$100. Thereafter, a
1787 new application is required, accompanied by the initial license
1788 fee. A license certificate duly issued by the department may be
1789 modified by endorsement to show a change in the name of the
1790 licensee, provided, as shown by affidavit of the licensee, the
1791 majority ownership interest of the licensee has not changed or
1792 the name of the person appearing as franchisee on the sales and
1793 service agreement has not changed. Modification of a license
1794 certificate to show any name change as herein provided shall not
1795 require initial licensure or reissuance of dealer tags; however,
1796 any dealer obtaining a name change shall transact all business
1797 in and be properly identified by that name. All documents
1798 relative to licensure shall reflect the new name. In the case of
1799 a franchise dealer, the name change shall be approved by the
1800 manufacturer, distributor, or importer. A licensee applying for
1801 a name change endorsement shall pay a fee of \$25 which fee shall
1802 apply to the change in the name of a main location and all
1803 additional locations licensed under the provisions of subsection

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1804 (5). Each initial license application received by the department
 1805 shall be accompanied by verification that, within the preceding
 1806 6 months, the applicant, or one or more of his or her designated
 1807 employees, has attended a training and information seminar
 1808 conducted by a licensed motor vehicle dealer training school ~~the~~
 1809 ~~department~~. Such seminar shall include, but is not limited to,
 1810 statutory dealer requirements, which requirements include
 1811 required bookkeeping and recordkeeping procedures, requirements
 1812 for the collection of sales and use taxes, and such other
 1813 information that in the opinion of the department will promote
 1814 good business practices. No seminar may exceed 8 hours in
 1815 length.

1816 (6) RECORDS TO BE KEPT BY LICENSEE.--Every licensee shall
 1817 keep a book or record in such form as shall be prescribed or
 1818 approved by the department for a period of 5 years, in which the
 1819 licensee shall keep a record of the purchase, sale, or exchange,
 1820 or receipt for the purpose of sale, of any motor vehicle, the
 1821 date upon which any temporary tag was issued, the date of title
 1822 transfer, and a description of such motor vehicle together with
 1823 the name and address of the seller, the purchaser, and the
 1824 alleged owner or other person from whom such motor vehicle was
 1825 purchased or received or to whom it was sold or delivered, as
 1826 the case may be. Such description shall include the
 1827 identification or engine number, maker's number, if any, chassis
 1828 number, if any, and such other numbers or identification marks
 1829 as may be thereon and shall also include a statement that a
 1830 number has been obliterated, defaced, or changed, if such is the
 1831 fact.

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1832 (9) DENIAL, SUSPENSION, OR REVOCATION.--

1833 (b) The department may deny, suspend, or revoke any
1834 license issued hereunder or under the provisions of s. 320.77 or
1835 s. 320.771 upon proof that a licensee has committed, with
1836 sufficient frequency so as to establish a pattern of wrongdoing
1837 on the part of a licensee, violations of one or more of the
1838 following activities:

1839 1. Representation that a demonstrator is a new motor
1840 vehicle, or the attempt to sell or the sale of a demonstrator as
1841 a new motor vehicle without written notice to the purchaser that
1842 the vehicle is a demonstrator. For the purposes of this section,
1843 a "demonstrator," a "new motor vehicle," and a "used motor
1844 vehicle" shall be defined as under s. 320.60.

1845 2. Unjustifiable refusal to comply with a licensee's
1846 responsibility under the terms of the new motor vehicle warranty
1847 issued by its respective manufacturer, distributor, or importer.
1848 However, if such refusal is at the direction of the
1849 manufacturer, distributor, or importer, such refusal shall not
1850 be a ground under this section.

1851 3. Misrepresentation or false, deceptive, or misleading
1852 statements with regard to the sale or financing of motor
1853 vehicles which any motor vehicle dealer has, or causes to have,
1854 advertised, printed, displayed, published, distributed,
1855 broadcast, televised, or made in any manner with regard to the
1856 sale or financing of motor vehicles.

1857 4. Failure by any motor vehicle dealer to provide a
1858 customer or purchaser with an odometer disclosure statement and
1859 a copy of any bona fide written, executed sales contract or

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1860 agreement of purchase connected with the purchase of the motor
1861 vehicle purchased by the customer or purchaser.

1862 5. Failure of any motor vehicle dealer to comply with the
1863 terms of any bona fide written, executed agreement, pursuant to
1864 the sale of a motor vehicle.

1865 6. Failure to apply for transfer of a title as prescribed
1866 in s. 319.23(6).

1867 7. Use of the dealer license identification number by any
1868 person other than the licensed dealer or his or her designee.

1869 8. Failure to continually meet the requirements of the
1870 licensure law.

1871 9. Representation to a customer or any advertisement to
1872 the public representing or suggesting that a motor vehicle is a
1873 new motor vehicle if such vehicle lawfully cannot be titled in
1874 the name of the customer or other member of the public by the
1875 seller using a manufacturer's statement of origin as permitted
1876 in s. 319.23(1).

1877 10. Requirement by any motor vehicle dealer that a
1878 customer or purchaser accept equipment on his or her motor
1879 vehicle which was not ordered by the customer or purchaser.

1880 11. Requirement by any motor vehicle dealer that any
1881 customer or purchaser finance a motor vehicle with a specific
1882 financial institution or company.

1883 12. Requirement by any motor vehicle dealer that the
1884 purchaser of a motor vehicle contract with the dealer for
1885 physical damage insurance.

1886 13. Perpetration of a fraud upon any person as a result of
1887 dealing in motor vehicles, including, without limitation, the

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1888 | misrepresentation to any person by the licensee of the
1889 | licensee's relationship to any manufacturer, importer, or
1890 | distributor.

1891 | 14. Violation of any of the provisions of s. 319.35 by any
1892 | motor vehicle dealer.

1893 | 15. Sale by a motor vehicle dealer of a vehicle offered in
1894 | trade by a customer prior to consummation of the sale, exchange,
1895 | or transfer of a newly acquired vehicle to the customer, unless
1896 | the customer provides written authorization for the sale of the
1897 | trade-in vehicle prior to delivery of the newly acquired
1898 | vehicle.

1899 | 16. Willful failure to comply with any administrative rule
1900 | adopted by the department or the provisions of s. 320.131(8).

1901 | 17. Violation of chapter 319, this chapter, or ss.
1902 | 559.901-559.9221, which has to do with dealing in or repairing
1903 | motor vehicles or mobile homes. Additionally, in the case of
1904 | used motor vehicles, the willful violation of the federal law
1905 | and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
1906 | the consumer sales window form.

1907 | 18. Failure to maintain evidence of notification to the
1908 | owner or coowner of a vehicle regarding registration or titling
1909 | fees owed as required under s. 320.02(19).

1910 | Section 57. Subsections (8), (10), and (29) of section
1911 | 322.01, Florida Statutes, are amended to read:

1912 | 322.01 Definitions.--As used in this chapter:

1913 | (8) "Commercial motor vehicle" means any motor vehicle or
1914 | motor vehicle combination used on the streets or highways,
1915 | which:

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1916 (a) Has a gross vehicle weight rating of 26,001 pounds or
1917 more;

1918 ~~(b) Has a declared weight of 26,001 pounds or more;~~

1919 ~~(c) Has an actual weight of 26,001 pounds or more;~~

1920 (b)~~(d)~~ Is designed to transport more than 15 persons,
1921 including the driver; or

1922 (c)~~(e)~~ Is transporting hazardous materials and is required
1923 to be placarded in accordance with Title 49 C.F.R. part 172,
1924 subpart F.

1925 (10)(a) "Conviction" means a conviction of an offense
1926 relating to the operation of motor vehicles on highways which is
1927 a violation of this chapter or any other such law of this state
1928 or any other state, including an admission or determination of a
1929 noncriminal traffic infraction pursuant to s. 318.14, or a
1930 judicial disposition of an offense committed under any federal
1931 law substantially conforming to the aforesaid state statutory
1932 provisions.

1933 (b) Notwithstanding any other provisions of this chapter,
1934 the definition of "conviction" provided in 49 C.F.R. part 383.5
1935 applies to offenses committed in a commercial motor vehicle.

1936 (29) "Out-of-service order" means a prohibition issued by
1937 an authorized local, state, or Federal Government official which
1938 ~~that~~ precludes a person from driving a commercial motor vehicle
1939 for a period of 72 hours or less.

1940 Section 58. Subsections (4) and (10) of section 322.05,
1941 Florida Statutes, are amended to read:

1942 322.05 Persons not to be licensed.--The department may not
1943 issue a license:

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1944 (4) Except as provided by this subsection, to any person,
1945 as a Class A licensee, Class B licensee, or Class C licensee, ~~or~~
1946 ~~Class D licensee,~~ who is under the age of 18 years. ~~A person age~~
1947 ~~16 or 17 years who applies for a Class D driver's license is~~
1948 ~~subject to all the requirements and provisions of paragraphs~~
1949 ~~(2)(a) and (b) and ss. 322.09 and 322.16(2) and (3). The~~
1950 ~~department may require of any such applicant for a Class D~~
1951 ~~driver's license such examination of the qualifications of the~~
1952 ~~applicant as the department considers proper, and the department~~
1953 ~~may limit the use of any license granted as it considers proper.~~

1954 (10) To any person, when the department has good cause to
1955 believe that the operation of a motor vehicle on the highways by
1956 such person would be detrimental to public safety or welfare.
1957 Deafness alone shall not prevent the person afflicted from being
1958 issued a ~~Class D or~~ Class E driver's license.

1959 Section 59. Paragraph (a) of subsection (1) and paragraphs
1960 (b) and (c) of subsection (2) of section 322.051, Florida
1961 Statutes, are amended, and subsection (8) is added to that
1962 section, to read:

1963 322.051 Identification cards.--

1964 (1) Any person who is 12 years of age or older, or any
1965 person who has a disability, regardless of age, who applies for
1966 a disabled parking permit under s. 320.0848, may be issued an
1967 identification card by the department upon completion of an
1968 application and payment of an application fee.

1969 (a) Each such application shall include the following
1970 information regarding the applicant:

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- 1971 1. Full name (first, middle or maiden, and last), gender,
1972 social security card number, county of residence and mailing
1973 address, country of birth, and a brief description.
- 1974 2. Proof of birth date satisfactory to the department.
- 1975 3. Proof of identity satisfactory to the department. Such
1976 proof must include one of the following documents issued to the
1977 applicant:
- 1978 a. A driver's license record or identification card record
1979 from another jurisdiction that required the applicant to submit
1980 a document for identification which is substantially similar to
1981 a document required under sub-subparagraph b., sub-subparagraph
1982 c., sub-subparagraph d., sub-subparagraph e., ~~or~~ sub-
1983 subparagraph f., or subparagraph g.;
- 1984 b. A certified copy of a United States birth certificate;
- 1985 c. A ~~valid~~ United States passport;
- 1986 d. A naturalization certificate issued by the United
1987 States Department of Homeland Security;
- 1988 ~~e.d.~~ An alien registration receipt card (green card);
- 1989 ~~f.e.~~ An employment authorization card issued by the United
1990 States Department of Homeland Security; or
- 1991 ~~g.f.~~ Proof of nonimmigrant classification provided by the
1992 United States Department of Homeland Security, for an original
1993 identification card. In order to prove such nonimmigrant
1994 classification, applicants may produce but are not limited to
1995 the following documents:
- 1996 (I) A notice of hearing from an immigration court
1997 scheduling a hearing on any proceeding.

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1998 (II) A notice from the Board of Immigration Appeals
 1999 acknowledging pendency of an appeal.
 2000 (III) Notice of the approval of an application for
 2001 adjustment of status issued by the United States Bureau of
 2002 Citizenship and Immigration Services.
 2003 (IV) Any official documentation confirming the filing of a
 2004 petition for asylum status or any other relief issued by the
 2005 United States Bureau of Citizenship and Immigration Services.
 2006 (V) Notice of action transferring any pending matter from
 2007 another jurisdiction to Florida, issued by the United States
 2008 Bureau of Citizenship and Immigration Services.
 2009 (VI) Order of an immigration judge or immigration officer
 2010 granting any relief that authorizes the alien to live and work
 2011 in the United States including, but not limited to asylum.
 2012
 2013 Presentation of any of the ~~foregoing~~ documents described in sub-
 2014 subparagraph f. or sub-subparagraph g. entitles ~~shall entitle~~
 2015 the applicant to an identification card ~~a driver's license or~~
 2016 ~~temporary permit~~ for a period not to exceed the expiration date
 2017 of the document presented or 2 years, whichever first occurs.
 2018 (2)
 2019 (b) Notwithstanding any other provision of this chapter,
 2020 if an applicant establishes his or her identity for an
 2021 identification card using a document authorized under sub-
 2022 subparagraph (1)(a)3.e. ~~(1)(a)3.d.~~, the identification card
 2023 shall expire on the fourth birthday of the applicant following
 2024 the date of original issue or upon first renewal or duplicate
 2025 issued after implementation of this section. After an initial

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2026 showing of such documentation, he or she is exempted from having
2027 to renew or obtain a duplicate in person.

2028 (c) Notwithstanding any other provisions of this chapter,
2029 if an applicant establishes his or her identity for an
2030 identification card using an identification document authorized
2031 under sub-subparagraph (1)(a)3.f. or sub-subparagraph (1)(a)3.g.
2032 ~~sub-subparagraphs (1)(a)3.e.-f.~~, the identification card shall
2033 expire 2 years after the date of issuance or upon the expiration
2034 date cited on the United States Department of Homeland Security
2035 documents, whichever date first occurs, and may not be renewed
2036 or obtain a duplicate except in person.

2037 (8) The department shall, upon receipt of the required
2038 fee, issue to each qualified applicant for an identification
2039 card a color photographic or digital image identification card
2040 bearing a fullface photograph or digital image of the
2041 identification cardholder. Notwithstanding chapter 761 or s.
2042 761.05, the requirement for a fullface photograph or digital
2043 image of the identification cardholder may not be waived. A
2044 space shall be provided upon which the identification cardholder
2045 shall affix his or her usual signature, as required in s.
2046 322.14, in the presence of an authorized agent of the department
2047 so as to ensure that such signature becomes a part of the
2048 identification card.

2049 Section 60. Subsections (2) and (3) of section 322.07,
2050 Florida Statutes, are amended to read:

2051 322.07 Instruction permits and temporary licenses.--

2052 (2) The department may, in its discretion, issue a
2053 temporary permit to an applicant for a ~~Class D or~~ Class E

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2054 driver's license permitting him or her to operate a motor
 2055 vehicle of the type for which a ~~Class D or~~ Class E driver's
 2056 license is required while the department is completing its
 2057 investigation and determination of all facts relative to such
 2058 applicant's right to receive a driver's license. Such permit
 2059 must be in his or her immediate possession while operating a
 2060 motor vehicle, and it shall be invalid when the applicant's
 2061 license has been issued or for good cause has been refused.

2062 (3) Any person who, except for his or her lack of
 2063 instruction in operating a ~~Class D or~~ commercial motor vehicle,
 2064 would otherwise be qualified to obtain a ~~Class D or~~ commercial
 2065 driver's license under this chapter, may apply for a ~~temporary~~
 2066 ~~Class D or~~ temporary commercial instruction permit. The
 2067 department shall issue such a permit entitling the applicant,
 2068 while having the permit in his or her immediate possession, to
 2069 drive a ~~Class D or~~ commercial motor vehicle on the highways,
 2070 provided that:

2071 (a) The applicant possesses a valid driver's license
 2072 issued in any state; and

2073 (b) The applicant, while operating a ~~Class D or~~ commercial
 2074 motor vehicle, is accompanied by a licensed driver who is 21
 2075 years of age or older, who is licensed to operate the class of
 2076 vehicle being operated, and who is actually occupying the
 2077 closest seat to the right of the driver.

2078 Section 61. Subsection (2) and paragraph (d) of subsection
 2079 (6) of section 322.08, Florida Statutes, are amended to read:

2080 322.08 Application for license.--

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2081 (2) Each such application shall include the following
2082 information regarding the applicant:

2083 (a) Full name (first, middle or maiden, and last), gender,
2084 social security card number, county of residence and mailing
2085 address, country of birth, and a brief description.

2086 (b) Proof of birth date satisfactory to the department.

2087 (c) Proof of identity satisfactory to the department. Such
2088 proof must include one of the following documents issued to the
2089 applicant:

2090 1. A driver's license record or identification card record
2091 from another jurisdiction that required the applicant to submit
2092 a document for identification which is substantially similar to
2093 a document required under subparagraph 2., subparagraph 3.,
2094 subparagraph 4., subparagraph 5., ~~or~~ subparagraph 6., or
2095 subparagraph 7.;

2096 2. A certified copy of a United States birth certificate;

2097 3. A ~~valid~~ United States passport;

2098 4. A naturalization certificate issued by the United
2099 States Department of Homeland Security;

2100 ~~5.4-~~ An alien registration receipt card (green card);

2101 ~~6.5-~~ An employment authorization card issued by the United
2102 States Department of Homeland Security; or

2103 ~~7.6-~~ Proof of nonimmigrant classification provided by the
2104 United States Department of Homeland Security, for an original
2105 driver's license. In order to prove nonimmigrant classification,
2106 an applicant may produce the following documents, including, but
2107 not limited to:

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- 2108 a. A notice of hearing from an immigration court
 2109 scheduling a hearing on any proceeding.
- 2110 b. A notice from the Board of Immigration Appeals
 2111 acknowledging pendency of an appeal.
- 2112 c. A notice of the approval of an application for
 2113 adjustment of status issued by the United States Immigration and
 2114 Naturalization Service.
- 2115 d. Any official documentation confirming the filing of a
 2116 petition for asylum status or any other relief issued by the
 2117 United States Immigration and Naturalization Service.
- 2118 e. A notice of action transferring any pending matter from
 2119 another jurisdiction to this state issued by the United States
 2120 Immigration and Naturalization Service.
- 2121 f. An order of an immigration judge or immigration officer
 2122 granting any relief that authorizes the alien to live and work
 2123 in the United States, including, but not limited to, asylum.
- 2124
- 2125 Presentation of any of the documents in subparagraph 6. or
 2126 subparagraph 7. entitles the applicant to a driver's license or
 2127 temporary permit for a period not to exceed the expiration date
 2128 of the document presented or 2 years, whichever occurs first.
- 2129 (d) Whether the applicant has previously been licensed to
 2130 drive, and, if so, when and by what state, and whether any such
 2131 license or driving privilege has ever been disqualified,
 2132 revoked, or suspended, or whether an application has ever been
 2133 refused, and, if so, the date of and reason for such
 2134 disqualification, suspension, revocation, or refusal.

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2135 (e) Each such application may include fingerprints and
2136 other unique biometric means of identity.

2137 (6) The application form for a driver's license or
2138 duplicate thereof shall include language permitting the
2139 following:

2140 (d) A voluntary contribution of \$2 per applicant, which
2141 shall be distributed to the Hearing Research Institute,
2142 Incorporated, ~~for the purpose of infant hearing screening in~~
2143 ~~Florida.~~

2144
2145 A statement providing an explanation of the purpose of the trust
2146 funds shall also be included. For the purpose of applying the
2147 service charge provided in s. 215.20, contributions received
2148 under paragraphs (c), (d), and (e) and under s. 322.18(9)(a) are
2149 not income of a revenue nature.

2150 Section 62. Paragraph (a) of subsection (1) of section
2151 322.09, Florida Statutes, is amended to read:

2152 322.09 Application of minors; responsibility for
2153 negligence or misconduct of minor.--

2154 (1)(a) The application of any person under the age of 18
2155 years for a driver's license must be signed and verified before
2156 a person authorized to administer oaths by the father, mother,
2157 or guardian; by a secondary guardian if the primary guardian
2158 dies before the minor reaches 18 years of age; or, if there is
2159 no parent or guardian, by another responsible adult who is
2160 willing to assume the obligation imposed under this chapter upon
2161 a person signing the application of a minor. This section does

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2162 | not apply to a person under the age of 18 years who is
2163 | emancipated by marriage.

2164 | Section 63. Section 322.11, Florida Statutes, is amended
2165 | to read:

2166 | 322.11 Revocation of license upon death of person signing
2167 | minor's application.--The department, upon receipt of
2168 | satisfactory evidence of the death of the person who signed the
2169 | application of a minor for a license, shall, 90 days after
2170 | giving written notice to the minor, cancel such license and may
2171 | ~~shall~~ not issue a new license until ~~such time as~~ the new
2172 | application, ~~duly~~ signed and verified, is made as required by
2173 | this chapter. This provision does ~~shall~~ not apply if ~~in the~~
2174 | ~~event~~ the minor has attained the age of 18 years.

2175 | Section 64. Subsection (3) of section 322.12, Florida
2176 | Statutes, is amended to read:

2177 | 322.12 Examination of applicants.--

2178 | (3) For an applicant for a ~~Class D or a~~ Class E driver's
2179 | license, such examination shall include a test of the
2180 | applicant's eyesight given by the driver's license examiner
2181 | designated by the department or by a licensed ophthalmologist,
2182 | optometrist, or physician and a test of the applicant's hearing
2183 | given by a driver's license examiner or a licensed physician.
2184 | The examination shall also include a test of the applicant's
2185 | ability to read and understand highway signs regulating,
2186 | warning, and directing traffic; his or her knowledge of the
2187 | traffic laws of this state, including laws regulating driving
2188 | under the influence of alcohol or controlled substances, driving
2189 | with an unlawful blood-alcohol level, and driving while

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2190 intoxicated; and his or her knowledge of the effects of alcohol
 2191 and controlled substances upon persons and the dangers of
 2192 driving a motor vehicle while under the influence of alcohol or
 2193 controlled substances and shall include an actual demonstration
 2194 of ability to exercise ordinary and reasonable control in the
 2195 operation of a motor vehicle.

2196 Section 65. Paragraph (c) of subsection (1) and subsection
 2197 (4) of section 322.135, Florida Statutes, are amended, and
 2198 subsection (9) is added to that section, to read:

2199 322.135 Driver's license agents.--

2200 (1) The department may, upon application, authorize any or
 2201 all of the tax collectors in the several counties of the state,
 2202 subject to the requirements of law, in accordance with rules of
 2203 the department, to serve as its agent for the provision of
 2204 specified driver's license services.

2205 (c) A fee of \$5.25 is to be charged, in addition to the
 2206 fees set forth in this chapter, for any driver's license issued
 2207 or renewed by a tax collector. ~~One dollar of the \$5.25 fee must~~
 2208 ~~be deposited into the Highway Safety Operating Trust Fund.~~

2209 (4) A tax collector may not issue or renew a driver's
 2210 license if he or she has any reason to believe that the licensee
 2211 or prospective licensee is physically or mentally unqualified to
 2212 operate a motor vehicle. The tax collector may ~~shall~~ direct any
 2213 such licensee to the department for examination or reexamination
 2214 under s. 322.221.

2215 (9) Notwithstanding chapter 116, each county officer
 2216 within this state who is authorized to collect funds provided
 2217 for in this chapter shall pay all sums officially received by

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2218 the officer into the State Treasury no later than 5 working days
 2219 after the close of the business day in which the officer
 2220 received the funds. Payment by county officers to the state
 2221 shall be made by means of electronic funds transfers.

2222 Section 66. Subsection (1) of section 322.142, Florida
 2223 Statutes, is amended to read:

2224 322.142 Color photographic or digital imaged licenses.--

2225 (1) The department shall, upon receipt of the required
 2226 fee, issue to each qualified applicant for a ~~an original~~
 2227 driver's license a color photographic or digital imaged driver's
 2228 license bearing a fullface photograph or digital image of the
 2229 licensee. Notwithstanding chapter 761 or s. 761.05, the
 2230 requirement for a fullface photograph or digital image of the
 2231 licensee may not be waived. A space shall be provided upon which
 2232 the licensee shall affix his or her usual signature, as required
 2233 in s. 322.14, in the presence of an authorized agent of the
 2234 department so as to ensure that such signature becomes a part of
 2235 the license.

2236 Section 67. Section 322.161, Florida Statutes, is amended
 2237 to read:

2238 322.161 High-risk drivers; restricted licenses.--

2239 (1)(a) Notwithstanding any provision of law to the
 2240 contrary, the department shall restrict the driving privilege of
 2241 any ~~Class D or~~ Class E licensee who is age 15 through 17 and who
 2242 has accumulated six or more points pursuant to s. 318.14,
 2243 excluding parking violations, within a 12-month period.

2244 ~~(2)(a) Any Class E licensee who is age 15 through 17 and~~
 2245 ~~who has accumulated six or more points pursuant to s. 318.14,~~

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2246 ~~excluding parking violations, within a 12-month period shall not~~
 2247 ~~be eligible to obtain a Class D license for a period of no less~~
 2248 ~~than 1 year. The period of ineligibility shall begin on the date~~
 2249 ~~of conviction for the violation that results in the licensee's~~
 2250 ~~accumulation of six or more points.~~

2251 ~~(b) The period of ineligibility shall automatically expire~~
 2252 ~~after 1 year if the licensee does not accumulate any additional~~
 2253 ~~points. If the licensee accumulates any additional points, then~~
 2254 ~~the period of ineligibility shall be extended 90 days for each~~
 2255 ~~point. The period of ineligibility shall also automatically~~
 2256 ~~expire upon the licensee's 18th birthday if no other grounds for~~
 2257 ~~ineligibility exist.~~

2258 ~~(2)(3)~~ Any action taken by the department pursuant to this
 2259 section shall not be subject to any formal or informal
 2260 administrative hearing or similar administrative procedure.

2261 ~~(3)(4)~~ The department shall adopt rules to carry out the
 2262 purposes of this section.

2263 Section 68. Subsection (3) of section 322.17, Florida
 2264 Statutes, is amended to read:

2265 322.17 Duplicate and replacement certificates.--

2266 (3) Notwithstanding any other provisions of this chapter,
 2267 if a licensee establishes his or her identity for a driver's
 2268 license using an identification document authorized under s.
 2269 322.08(2)(c)6. or 7. s. 322.08(2)(c)5.-6., the licensee may not
 2270 obtain a duplicate or replacement instruction permit or driver's
 2271 license except in person and upon submission of an
 2272 identification document authorized under s. 322.08(2)(c)6. or 7
 2273 s. 322.08(2)(c)5.-6.

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2274 Section 69. Subsections (2) and (4) of section 322.18,
2275 Florida Statutes, are amended to read:

2276 322.18 Original applications, licenses, and renewals;
2277 expiration of licenses; delinquent licenses.--

2278 (2) Each applicant who is entitled to the issuance of a
2279 driver's license, as provided in this section, shall be issued a
2280 driver's license, as follows:

2281 (a) An applicant applying for an original issuance shall
2282 be issued a driver's license which expires at midnight on the
2283 licensee's birthday which next occurs on or after the sixth
2284 anniversary of the date of issue.

2285 (b) An applicant applying for a renewal issuance or
2286 renewal extension shall be issued a driver's license or renewal
2287 extension sticker which expires at midnight on the licensee's
2288 birthday which next occurs 4 years after the month of expiration
2289 of the license being renewed, except that a driver whose driving
2290 record reflects no convictions for the preceding 3 years shall
2291 be issued a driver's license or renewal extension sticker which
2292 expires at midnight on the licensee's birthday which next occurs
2293 6 years after the month of expiration of the license being
2294 renewed.

2295 (c) Notwithstanding any other provision of this chapter,
2296 if an applicant establishes his or her identity for a driver's
2297 license using a document authorized under s. 322.08(2)(c)5. ~~s.~~
2298 ~~322.08(2)(e)4.~~, the driver's license shall expire in accordance
2299 with paragraph (b). After an initial showing of such
2300 documentation, he or she is exempted from having to renew or
2301 obtain a duplicate in person.

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2302 (d) Notwithstanding any other provision of this chapter,
 2303 if applicant establishes his or her identity for a driver's
 2304 license using a document authorized in s. 322.08(2)(c)6. or 7.
 2305 ~~s. 322.08(2)(e)5. or 6.~~, the driver's license shall expire 2 4
 2306 years after the date of issuance or upon the expiration date
 2307 cited on the United States Department of Homeland Security
 2308 documents, whichever date first occurs.

2309 (e) Notwithstanding any other provision of this chapter,
 2310 an applicant applying for an original or renewal issuance of a
 2311 commercial driver's license as defined in s. 322.01(7), with a
 2312 hazardous-materials endorsement, pursuant to s. 322.57(1)(e),
 2313 shall be issued a driver's license that expires at midnight on
 2314 the licensee's birthday that next occurs 4 years after the month
 2315 of expiration of the license being issued or renewed.

2316 (4)(a) Except as otherwise provided in this chapter, all
 2317 licenses shall be renewable every 4 years or 6 years, depending
 2318 upon the terms of issuance and shall be issued or extended upon
 2319 application, payment of the fees required by s. 322.21, and
 2320 successful passage of any required examination, unless the
 2321 department has reason to believe that the licensee is no longer
 2322 qualified to receive a license.

2323 (b) Notwithstanding any other provision of this chapter,
 2324 if an applicant establishes his or her identity for a driver's
 2325 license using a document authorized under s. 322.08(2)(c)5. ~~s.~~
 2326 ~~322.08(2)(e)4.~~, the license, upon an initial showing of such
 2327 documentation, is exempted from having to renew or obtain a
 2328 duplicate in person, unless the renewal or duplication coincides

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2329 with the periodic reexamination of a driver as required pursuant
2330 to s. 322.121.

2331 (c) Notwithstanding any other provision of this chapter,
2332 if a licensee establishes his or her identity for a driver's
2333 license using an identification document authorized under s.
2334 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5. or 6.~~, the licensee may
2335 not renew the driver's license except in person and upon
2336 submission of an identification document authorized under s.
2337 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)4. or 6.~~ A driver's license
2338 renewed under this paragraph expires 4 years after the date of
2339 issuance or upon the expiration date cited on the United States
2340 Department of Homeland Security documents, whichever date first
2341 occurs.

2342 Section 70. Subsection (4) of section 322.19, Florida
2343 Statutes, is amended to read:

2344 322.19 Change of address or name.--

2345 (4) Notwithstanding any other provision of this chapter,
2346 if a licensee established his or her identity for a driver's
2347 license using an identification document authorized under s.
2348 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5. or 6.~~, the licensee may not
2349 change his or her name or address except in person and upon
2350 submission of an identification document authorized under s.
2351 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)4. or 6.~~

2352 Section 71. Subsection (1) of section 322.21, Florida
2353 Statutes, is amended to read:

2354 322.21 License fees; procedure for handling and collecting
2355 fees.--

2356 (1) Except as otherwise provided herein, the fee for:

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2357 (a) An original or renewal commercial driver's license is
 2358 \$50, which shall include the fee for driver education provided
 2359 by s. 1003.48; however, if an applicant has completed training
 2360 and is applying for employment or is currently employed in a
 2361 public or nonpublic school system that requires the commercial
 2362 license, the fee shall be the same as for a Class E driver's
 2363 license. A delinquent fee of \$1 shall be added for a renewal
 2364 made not more than 12 months after the license expiration date.

2365 (b) An original ~~Class D or~~ Class E driver's license is
 2366 \$20, which shall include the fee for driver's education provided
 2367 by s. 1003.48; however, if an applicant has completed training
 2368 and is applying for employment or is currently employed in a
 2369 public or nonpublic school system that requires a commercial
 2370 driver license, the fee shall be the same as for a Class E
 2371 license.

2372 (c) The renewal or extension of a ~~Class D or~~ Class E
 2373 driver's license or of a license restricted to motorcycle use
 2374 only is \$15, except that a delinquent fee of \$1 shall be added
 2375 for a renewal or extension made not more than 12 months after
 2376 the license expiration date. The fee provided in this paragraph
 2377 shall include the fee for driver's education provided by s.
 2378 1003.48.

2379 (d) An original driver's license restricted to motorcycle
 2380 use only is \$20, which shall include the fee for driver's
 2381 education provided by s. 1003.48.

2382 (e) Each endorsement required by s. 322.57 is \$5.

2383 (f) A hazardous-materials endorsement, as required by s.
 2384 322.57(1)(e), shall be set by the department by rule and shall

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2385 reflect the cost of the required criminal history check,
 2386 including the cost of the state and federal fingerprint check,
 2387 and the cost to the department of providing and issuing the
 2388 license. The fee shall not exceed \$100. This fee shall be
 2389 deposited in the Highway Safety Operating Trust Fund. The
 2390 department may adopt rules pursuant to ss. 120.536(1) and 120.54
 2391 to administer the provisions of this paragraph.

2392 Section 72. Present subsection (7) of section 322.212,
 2393 Florida Statutes, is redesignated as subsection (8), and a new
 2394 subsection (7) is added to that section to read:

2395 322.212 Unauthorized possession of, and other unlawful
 2396 acts in relation to, driver's license or identification card.--

2397 (7) In addition to any other penalties provided by this
 2398 section, any person who provides false information when applying
 2399 for a commercial driver's license shall be disqualified from
 2400 operating a commercial motor vehicle for a period of 60 days.

2401 Section 73. Subsection (1) of section 322.22, Florida
 2402 Statutes, is amended to read:

2403 322.22 Authority of department to cancel license.--

2404 (1) The department is authorized to cancel any driver's
 2405 license, upon determining that the licensee was not entitled to
 2406 the issuance thereof, or that the licensee failed to give the
 2407 required or correct information in his or her application or
 2408 committed any fraud in making such application, or that the
 2409 licensee has two or more licenses on file with the department,
 2410 each in a different name but bearing the photograph of the
 2411 licensee, unless the licensee has complied with the requirements
 2412 of this chapter in obtaining the licenses. The department may

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2413 | cancel any driver's license, identification card, vehicle or
 2414 | vessel registration, or fuel-use decal if the licensee fails to
 2415 | pay the correct fee or pays for the driver's license,
 2416 | identification card, vehicle or vessel registration, or fuel-use
 2417 | decal; pays any tax liability, penalty, or interest specified in
 2418 | chapter 207; or pays any administrative, delinquency, or
 2419 | reinstatement fee by a dishonored check.

2420 | Section 74. Subsections (4) and (5) of section 322.251,
 2421 | Florida Statutes, are amended to read:

2422 | 322.251 Notice of cancellation, suspension, revocation, or
 2423 | disqualification of license.--

2424 | (4) A person whose privilege to operate a commercial motor
 2425 | vehicle is temporarily disqualified may, upon surrendering his
 2426 | or her commercial driver's license, be issued a ~~Class D~~ or Class
 2427 | E driver's license, valid for the length of his or her unexpired
 2428 | commercial driver's license, at no cost. Such person may, upon
 2429 | the completion of his or her disqualification, be issued a
 2430 | commercial driver's license, of the type disqualified, for the
 2431 | remainder of his or her unexpired license period. Any such
 2432 | person shall pay the reinstatement fee provided in s. 322.21
 2433 | before being issued a commercial driver's license.

2434 | (5) A person whose privilege to operate a commercial motor
 2435 | vehicle is permanently disqualified may, upon surrendering his
 2436 | or her commercial driver's license, be issued a ~~Class D~~ or Class
 2437 | E driver's license, if he or she is otherwise qualified to
 2438 | receive such license. Any such person shall be issued a ~~Class D~~
 2439 | or Class E license, valid for the remainder of his or her
 2440 | unexpired license period, at no cost.

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2441 Section 75. Paragraph (b) of subsection (1), paragraph (a)
2442 of subsection (7), paragraph (b) of subsection (10), and
2443 subsection (11) of section 322.2615, Florida Statutes, are
2444 amended to read:

2445 322.2615 Suspension of license; right to review.--

2446 (1)

2447 (b) The suspension under paragraph (a) shall be pursuant
2448 to, and the notice of suspension shall inform the driver of, the
2449 following:

2450 1.a. The driver refused to submit to a lawful breath,
2451 blood, or urine test and his or her driving privilege is
2452 suspended for a period of 1 year for a first refusal or for a
2453 period of 18 months if his or her driving privilege has been
2454 previously suspended as a result of a refusal to submit to such
2455 a test; or

2456 b. The driver violated s. 316.193 by driving with an
2457 unlawful blood-alcohol level or breath-alcohol level as provided
2458 in that section and his or her driving privilege is suspended
2459 for a period of 6 months for a first offense or for a period of
2460 1 year if his or her driving privilege has been previously
2461 suspended for a violation of s. 316.193.

2462 2. The suspension period shall commence on the date of
2463 arrest or issuance of the notice of suspension, whichever is
2464 later.

2465 3. The driver may request a formal or informal review of
2466 the suspension by the department within 10 days after the date
2467 of arrest or issuance of the notice of suspension, whichever is
2468 later.

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2469 4. The temporary permit issued at the time of arrest will
2470 expire at midnight of the 10th day following the date of arrest
2471 or issuance of the notice of suspension, whichever is later.

2472 5. The driver may submit to the department any materials
2473 relevant to the arrest.

2474 (7) In a formal review hearing under subsection (6) or an
2475 informal review hearing under subsection (4), the hearing
2476 officer shall determine by a preponderance of the evidence
2477 whether sufficient cause exists to sustain, amend, or invalidate
2478 the suspension. The scope of the review shall be limited to the
2479 following issues:

2480 (a) If the license was suspended for driving with an
2481 unlawful blood-alcohol level or breath-alcohol level in
2482 violation of s. 316.193:

2483 1. Whether the arresting law enforcement officer had
2484 probable cause to believe that the person was driving or in
2485 actual physical control of a motor vehicle in this state while
2486 under the influence of alcoholic beverages or controlled
2487 substances.

2488 2. Whether the person was placed under lawful arrest for a
2489 violation of s. 316.193.

2490 3. Whether the person had an unlawful blood-alcohol level
2491 or breath-alcohol level as provided in s. 316.193.

2492 (10) A person whose driver's license is suspended under
2493 subsection (1) or subsection (3) may apply for issuance of a
2494 license for business or employment purposes only if the person
2495 is otherwise eligible for the driving privilege pursuant to s.
2496 322.271.

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2497 (b) If the suspension of the driver's license of the
 2498 person arrested for a violation of s. 316.193, relating to
 2499 unlawful blood-alcohol level or breath-alcohol level, is
 2500 sustained, the person is not eligible to receive a license for
 2501 business or employment purposes only pursuant to s. 322.271
 2502 until 30 days have elapsed after the expiration of the last
 2503 temporary permit issued. If the driver is not issued a 10-day
 2504 permit pursuant to this section or s. 322.64 because he or she
 2505 is ineligible for the permit and the suspension for a violation
 2506 of s. 316.193, relating to unlawful blood-alcohol level, is not
 2507 invalidated by the department, the driver is not eligible to
 2508 receive a business or employment license pursuant to s. 322.271
 2509 until 30 days have elapsed from the date of the arrest.

2510 (11) The formal review hearing may be conducted upon a
 2511 review of the reports of a law enforcement officer or a
 2512 correctional officer, including documents relating to the
 2513 administration of a breath test or blood test or the refusal to
 2514 take either test or the refusal to take a urine test. However,
 2515 as provided in subsection (6), the driver may subpoena the
 2516 officer or any person who administered or analyzed a breath or
 2517 blood test.

2518 Section 76. Paragraph (d) of subsection (3) of section
 2519 322.27, Florida Statutes, is amended to read:

2520 322.27 Authority of department to suspend or revoke
 2521 license.--

2522 (3) There is established a point system for evaluation of
 2523 convictions of violations of motor vehicle laws or ordinances,
 2524 and violations of applicable provisions of s. 403.413(6)(b) when

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2525 | such violations involve the use of motor vehicles, for the
 2526 | determination of the continuing qualification of any person to
 2527 | operate a motor vehicle. The department is authorized to suspend
 2528 | the license of any person upon showing of its records or other
 2529 | good and sufficient evidence that the licensee has been
 2530 | convicted of violation of motor vehicle laws or ordinances, or
 2531 | applicable provisions of s. 403.413(6)(b), amounting to 12 or
 2532 | more points as determined by the point system. The suspension
 2533 | shall be for a period of not more than 1 year.

2534 | (d) The point system shall have as its basic element a
 2535 | graduated scale of points assigning relative values to
 2536 | convictions of the following violations:

- 2537 | 1. Reckless driving, willful and wanton--4 points.
- 2538 | 2. Leaving the scene of a crash resulting in property
 2539 | damage of more than \$50--6 points.
- 2540 | 3. Unlawful speed resulting in a crash--6 points.
- 2541 | 4. Passing a stopped school bus--4 points.
- 2542 | 5. Unlawful speed:
 - 2543 | a. Not in excess of 15 miles per hour of lawful or posted
 2544 | speed--3 points.
 - 2545 | b. In excess of 15 miles per hour of lawful or posted
 2546 | speed--4 points.
- 2547 | 6. All other moving violations (including parking on a
 2548 | highway outside the limits of a municipality)--3 points.
 2549 | However, no points shall be imposed for a violation of s.
 2550 | 316.0741 or s. 316.2065(12).
- 2551 | 7. Any moving violation covered above, excluding unlawful
 2552 | speed, resulting in a crash--4 points.

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2553 | 8. Any conviction under s. 403.413(6)~~(5)~~(b)--3 points.

2554 | Section 77. Effective October 1, 2005, paragraph (d) of
2555 | subsection (3) of section 322.27, Florida Statutes, as amended
2556 | by this act, is amended to read:

2557 | 322.27 Authority of department to suspend or revoke
2558 | license.--

2559 | (3) There is established a point system for evaluation of
2560 | convictions of violations of motor vehicle laws or ordinances,
2561 | and violations of applicable provisions of s. 403.413(6)(b) when
2562 | such violations involve the use of motor vehicles, for the
2563 | determination of the continuing qualification of any person to
2564 | operate a motor vehicle. The department is authorized to suspend
2565 | the license of any person upon showing of its records or other
2566 | good and sufficient evidence that the licensee has been
2567 | convicted of violation of motor vehicle laws or ordinances, or
2568 | applicable provisions of s. 403.413(6)(b), amounting to 12 or
2569 | more points as determined by the point system. The suspension
2570 | shall be for a period of not more than 1 year.

2571 | (d) The point system shall have as its basic element a
2572 | graduated scale of points assigning relative values to
2573 | convictions of the following violations:

2574 | 1. Reckless driving, willful and wanton--4 points.

2575 | 2. Leaving the scene of a crash resulting in property
2576 | damage of more than \$50--6 points.

2577 | 3. Unlawful speed resulting in a crash--6 points.

2578 | 4. Violation of a traffic control device as provided in s.
2579 | 316.074(1) or a traffic control signal device as provided in s.

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2580 | 316.075(1)(c)1., resulting in a crash that causes serious bodily
 2581 | injury of another as defined in s. 316.1933(1)--6 points.

2582 | ~~5.4.~~ Passing a stopped school bus--4 points.

2583 | ~~6.5.~~ Unlawful speed:

2584 | a. Not in excess of 15 miles per hour of lawful or posted
 2585 | speed--3 points.

2586 | b. In excess of 15 miles per hour of lawful or posted
 2587 | speed--4 points.

2588 | ~~7.6.~~ All other moving violations (including parking on a
 2589 | highway outside the limits of a municipality)--3 points.

2590 | However, no points shall be imposed for a violation of s.
 2591 | 316.0741 or s. 316.2065(12).

2592 | ~~8.7.~~ Any moving violation covered above, excluding
 2593 | unlawful speed, resulting in a crash--4 points.

2594 | ~~9.8.~~ Any conviction under s. 403.413(6)(b)--3 points.

2595 | Section 78. Section 322.30, Florida Statutes, is amended
 2596 | to read:

2597 | 322.30 No operation under foreign license during
 2598 | suspension, revocation, or disqualification in this state.--

2599 | (1) Any resident or nonresident whose driver's license or
 2600 | right or privilege to operate a motor vehicle in this state has
 2601 | been suspended, revoked, or disqualified as provided in this
 2602 | chapter, shall not operate a motor vehicle in this state under a
 2603 | license, permit, or registration certificate issued by any other
 2604 | jurisdiction or otherwise during such suspension, revocation, or
 2605 | disqualification until a new license is obtained.

2606 | (2) Notwithstanding subsection (1), any commercial motor
 2607 | vehicle operator whose privilege to operate such vehicle is

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2608 disqualified may operate a motor vehicle in this state as a
2609 ~~Class D or~~ Class E licensee, if authorized by this chapter.

2610 Section 79. Paragraph (b) of subsection (2) and
2611 subsections (4), (5), and (6) of section 322.53, Florida
2612 Statutes, are amended to read:

2613 322.53 License required; exemptions.--

2614 (2) The following persons are exempt from the requirement
2615 to obtain a commercial driver's license:

2616 (b) Military personnel driving ~~military~~ vehicles operated
2617 for military purposes.

2618 ~~(4) A resident who is exempt from obtaining a commercial~~
2619 ~~driver's license pursuant to paragraph (2)(a) or paragraph~~
2620 ~~(2)(c) and who drives a commercial motor vehicle must obtain a~~
2621 ~~Class D driver's license endorsed to authorize the operation of~~
2622 ~~the particular type of vehicle for which his or her exemption is~~
2623 ~~granted.~~

2624 ~~(4)(5)~~ A resident who is exempt from obtaining a
2625 commercial driver's license pursuant to paragraph (2)(b),
2626 paragraph (2)(d), paragraph (2)(e), or paragraph (2)(f) may
2627 drive a commercial motor vehicle pursuant to the exemption
2628 granted in paragraph (2)(b), paragraph (2)(d), paragraph (2)(e),
2629 or paragraph (2)(f) if he or she possesses a valid ~~Class D or~~
2630 Class E driver's license or a military license.

2631 ~~(5)(6)~~ The department shall adopt rules and enter into
2632 necessary agreements with other jurisdictions to provide for the
2633 operation of commercial vehicles by nonresidents pursuant to the
2634 exemption granted in subsection (2).

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2635 Section 80. Subsection (2) of section 322.54, Florida
2636 Statutes, is amended to read:

2637 322.54 Classification.--

2638 (2) The department shall issue, pursuant to the
2639 requirements of this chapter, drivers' licenses in accordance
2640 with the following classifications:

2641 (a) Any person who drives a motor vehicle combination
2642 having a gross vehicle weight rating, ~~a declared weight, or an~~
2643 ~~actual weight, whichever is greatest,~~ of 26,001 pounds or more
2644 must possess a valid Class A driver's license, provided the
2645 gross vehicle weight rating, ~~declared weight, or actual weight,~~
2646 ~~whichever is greatest,~~ of the vehicle being towed is more than
2647 10,000 pounds. Any person who possesses a valid Class A driver's
2648 license may, subject to the appropriate restrictions and
2649 endorsements, drive any class of motor vehicle within this
2650 state.

2651 (b) Any person, except a person who possesses a valid
2652 Class A driver's license, who drives a motor vehicle having a
2653 gross vehicle weight rating, ~~a declared weight, or an actual~~
2654 ~~weight, whichever is greatest,~~ of 26,001 pounds or more must
2655 possess a valid Class B driver's license. Any person, except a
2656 person who possesses a valid Class A driver's license, who
2657 drives such vehicle towing a vehicle having a gross vehicle
2658 weight rating, ~~a declared weight, or an actual weight, whichever~~
2659 ~~is greatest,~~ of 10,000 pounds or less must possess a valid Class
2660 B driver's license. Any person who possesses a valid Class B
2661 driver's license may, subject to the appropriate restrictions
2662 and endorsements, drive any class of motor vehicle, other than

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2663 | the type of motor vehicle for which a Class A driver's license
2664 | is required, within this state.

2665 | ~~(c) Any person, except a person who possesses a valid~~
2666 | ~~Class A or a valid Class B driver's license, who drives a motor~~
2667 | ~~vehicle combination having a gross vehicle weight rating, a~~
2668 | ~~declared weight, or an actual weight, whichever is greatest, of~~
2669 | ~~26,001 pounds or more must possess a valid Class C driver's~~
2670 | ~~license. Any person, except a person who possesses a valid Class~~
2671 | ~~A or a valid Class B driver's license, who drives a motor~~
2672 | ~~vehicle combination having a gross vehicle weight rating, a~~
2673 | ~~declared weight, or an actual weight, whichever is greatest, of~~
2674 | ~~less than 26,001 pounds and who is required to obtain an~~
2675 | ~~endorsement pursuant to ~~paragraph (1)(a),~~ paragraph (1)(b),~~
2676 | ~~paragraph (1)(c), ~~paragraph (1)(d),~~ or paragraph (1)(e) of s.~~
2677 | ~~322.57, must possess a valid Class C driver's license ~~that is~~~~
2678 | ~~clearly restricted to the operation of a motor vehicle or motor~~
2679 | ~~vehicle combination of less than 26,001 pounds. Any person who~~
2680 | ~~possesses a valid Class C driver's license may, subject to the~~
2681 | ~~appropriate restrictions and endorsements, drive any class of~~
2682 | ~~motor vehicle, other than the type of motor vehicle for which a~~
2683 | ~~Class A or a Class B driver's license is required, within this~~
2684 | ~~state.~~

2685 | ~~(d) Any person, except a person who possesses a valid~~
2686 | ~~Class A, valid Class B, or valid Class C driver's license, who~~
2687 | ~~drives a truck or a truck tractor having a gross vehicle weight~~
2688 | ~~rating, a declared weight, or an actual weight, whichever is~~
2689 | ~~greatest, of 8,000 pounds or more but less than 26,001 pounds,~~
2690 | ~~or which has a width of more than 80 inches must possess a valid~~

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2691 ~~Class D driver's license. Any person who possesses a valid Class~~
 2692 ~~D driver's license may, subject to the appropriate restrictions~~
 2693 ~~and endorsements, drive any type of motor vehicle, other than~~
 2694 ~~the type of motor vehicle for which a Class A, Class B, or Class~~
 2695 ~~C driver's license is required, within this state.~~

2696 (d)(e) Any person, except a person who possesses a valid
 2697 Class A, valid Class B, or valid Class C, ~~or valid Class D~~
 2698 driver's license, who drives a motor vehicle must possess a
 2699 valid Class E driver's license. Any person who possesses a valid
 2700 Class E driver's license may, subject to the appropriate
 2701 restrictions and endorsements, drive any type of motor vehicle,
 2702 other than the type of motor vehicle for which a Class A, Class
 2703 B, or Class C, ~~or Class D~~ driver's license is required, within
 2704 this state.

2705 Section 81. Subsections (1) and (2) of section 322.57,
 2706 Florida Statutes, are amended to read:

2707 322.57 Tests of knowledge concerning specified vehicles;
 2708 endorsement; nonresidents; violations.--

2709 (1) In addition to fulfilling any other driver's licensing
 2710 requirements of this chapter, a person who:

2711 (a) Drives a double or triple trailer must successfully
 2712 complete a test of his or her knowledge concerning the safe
 2713 operation of such vehicles.

2714 (b) Drives a passenger vehicle must successfully complete
 2715 a test of his or her knowledge concerning the safe operation of
 2716 such vehicles and a test of his or her driving skill in such a
 2717 vehicle.

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2718 (c) Drives a school bus must successfully complete a test
 2719 of his or her knowledge concerning the safe operation of such
 2720 vehicles and a test of his or her driving skill in such a
 2721 vehicle. This subsection shall be implemented in accordance with
 2722 49 C.F.R. part 383.123.

2723 (d)~~(e)~~ Drives a tank vehicle must successfully complete a
 2724 test of his or her knowledge concerning the safe operation of
 2725 such vehicles.

2726 (e)~~(d)~~ Drives a vehicle that transports hazardous
 2727 materials and that is required to be placarded in accordance
 2728 with Title 49 C.F.R. part 172, subpart F, must successfully
 2729 complete a test of his or her knowledge concerning the safe
 2730 operation of such vehicles. Knowledge tests for hazardous-
 2731 materials endorsements may not be administered orally for
 2732 individuals applying for an initial hazardous-materials
 2733 endorsement after June 30, 1994.

2734 (f)~~(e)~~ Operates a tank vehicle transporting hazardous
 2735 materials must successfully complete the tests required in
 2736 paragraphs (d) ~~(e)~~ and (e) ~~(d)~~ so that the department may issue
 2737 a single endorsement permitting him or her to operate such tank
 2738 vehicle.

2739 (g)~~(f)~~ Drives a motorcycle must successfully complete a
 2740 test of his or her knowledge concerning the safe operation of
 2741 such vehicles and a test of his or her driving skills on such
 2742 vehicle. A person who successfully completes such tests shall be
 2743 issued an endorsement if he or she is licensed to drive another
 2744 type of motor vehicle. A person who successfully completes such
 2745 tests and who is not licensed to drive another type of motor

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2746 | vehicle shall be issued a Class E driver's license that is
2747 | clearly restricted to motorcycle use only.

2748 | (2) Before driving or operating any vehicle listed in
2749 | subsection (1), a person must obtain an endorsement on his or
2750 | her driver's license. An endorsement under paragraph (a),
2751 | paragraph (b), paragraph (c), paragraph (d), ~~or paragraph (e)~~,
2752 | or paragraph (f) of subsection (1) shall be issued only to
2753 | persons who possess a valid Class A, valid Class B, or valid
2754 | Class C driver's license. ~~A person who drives a motor vehicle or~~
2755 | ~~motor vehicle combination that requires an endorsement under~~
2756 | ~~this subsection and who drives a motor vehicle or motor vehicle~~
2757 | ~~combination having a gross vehicle weight rating, a declared~~
2758 | ~~weight, or an actual weight, whichever is greatest, of less than~~
2759 | ~~26,000 pounds shall be issued a Class C driver's license that is~~
2760 | ~~clearly restricted to the operation of a motor vehicle or motor~~
2761 | ~~vehicle combination of less than 26,000 pounds.~~

2762 | Section 82. Paragraph (a) of subsection (1) of section
2763 | 322.58, Florida Statutes, is amended to read:

2764 | 322.58 Holders of chauffeur's licenses; effect of
2765 | classified licensure.--

2766 | (1) In order to provide for the classified licensure of
2767 | commercial motor vehicle drivers, the department shall require
2768 | persons who have valid chauffeur's licenses to report on or
2769 | after April 1, 1991, to the department for classified licensure,
2770 | according to a schedule developed by the department.

2771 | (a) Any person who holds a valid chauffeur's license may
2772 | continue to operate vehicles for which a Class E ~~D~~ driver's

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2773 license is required until his or her chauffeur's license
2774 expires.

2775 Section 83. Subsections (1), (2), (3), (7), (8), and (10)
2776 of section 322.61, Florida Statutes, are amended, and
2777 subsections (4) and (5) of that section are reenacted, to read:

2778 322.61 Disqualification from operating a commercial motor
2779 vehicle.--

2780 (1) A person who, for offenses occurring within a 3-year
2781 period, is convicted of two of the following serious traffic
2782 violations or any combination thereof, arising in separate
2783 incidents committed in a commercial motor vehicle shall, in
2784 addition to any other applicable penalties, be disqualified from
2785 operating a commercial motor vehicle for a period of 60 days. A
2786 person who, for offenses occurring within a 3-year period, is
2787 convicted of two of the following serious traffic violations or
2788 any combination thereof arising in separate incidents committed
2789 in a noncommercial motor vehicle shall, in addition to any other
2790 applicable penalties, be disqualified from operating a
2791 commercial motor vehicle for a period of 60 days if such
2792 convictions result in the suspension, revocation, or
2793 cancellation of the licenseholder's driving privilege:

2794 (a) A violation of any state or local law relating to
2795 motor vehicle traffic control, other than a parking violation, a
2796 weight violation, or a vehicle equipment violation, arising in
2797 connection with a crash resulting in death or personal injury to
2798 any person;

2799 (b) Reckless driving, as defined in s. 316.192;

2800 (c) Careless driving, as defined in s. 316.1925;

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- 2801 (d) Fleeing or attempting to elude a law enforcement
 2802 officer, as defined in s. 316.1935;
- 2803 (e) Unlawful speed of 15 miles per hour or more above the
 2804 posted speed limit;
- 2805 (f) Driving a commercial motor vehicle, owned by such
 2806 person, which is not properly insured;
- 2807 (g) Improper lane change, as defined in s. 316.085; ~~or~~
- 2808 (h) Following too closely, as defined in s. 316.0895;
- 2809 (i) Driving a commercial motor vehicle without obtaining a
 2810 commercial driver's license;
- 2811 (j) Driving a commercial motor vehicle without the proper
 2812 class of commercial driver's license or without the proper
 2813 endorsement; or
- 2814 (k) Driving a commercial motor vehicle without a
 2815 commercial driver's license in possession. Any person who
 2816 provides proof to the clerk of court or designated official in
 2817 the jurisdiction where the citation was issued, before the date
 2818 the person must appear in court or pay any fine for such a
 2819 violation, that the person held a valid commercial driver's
 2820 license on the date the citation was issued shall not be guilty
 2821 of this offense.
- 2822 (2) Any person who, for offenses occurring within a 3-year
 2823 period, is convicted of three serious traffic violations
 2824 specified in subsection (1) or any combination thereof, arising
 2825 in separate incidents committed in a commercial motor vehicle
 2826 shall, in addition to any other applicable penalties, including,
 2827 but not limited to, the penalty provided in subsection (1), be
 2828 disqualified from operating a commercial motor vehicle for a

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2829 | period of 120 days. A person who, for offenses occurring within
 2830 | a 3-year period, is convicted of three serious traffic
 2831 | violations specified in subsection (1) or any combination
 2832 | thereof, arising in separate incidents committed in a
 2833 | noncommercial motor vehicle shall, in addition to any other
 2834 | applicable penalties, including, but not limited to, the penalty
 2835 | provided in subsection (1), be disqualified from operating a
 2836 | commercial motor vehicle for a period of 120 days if such
 2837 | convictions result in the suspension, revocation, or
 2838 | cancellation of the licenseholder's driving privilege.

2839 | (3) Except as provided in subsection (4), any person who
 2840 | is convicted of one of the following offenses shall, in addition
 2841 | to any other applicable penalties, be disqualified from
 2842 | operating a commercial motor vehicle for a period of 1 year:

2843 | (a) Driving a commercial motor vehicle while he or she is
 2844 | under the influence of alcohol or a controlled substance;

2845 | (b) Driving a commercial motor vehicle while the alcohol
 2846 | concentration of his or her blood, breath, or urine is .04
 2847 | percent or higher;

2848 | (c) Leaving the scene of a crash involving a commercial
 2849 | motor vehicle driven by such person;

2850 | (d) Using a commercial motor vehicle in the commission of
 2851 | a felony;

2852 | (e) Driving a commercial motor vehicle while in possession
 2853 | of a controlled substance; ~~or~~

2854 | (f) Refusing to submit to a test to determine his or her
 2855 | alcohol concentration while driving a commercial motor vehicle;

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2856 (g) Driving a commercial vehicle while the licenseholder's
 2857 commercial driver's license is suspended, revoked, or canceled
 2858 or while the licenseholder is disqualified from driving a
 2859 commercial vehicle; or

2860 (h) Causing a fatality through the negligent operation of
 2861 a commercial motor vehicle.

2862 (4) Any person who is transporting hazardous materials in
 2863 a vehicle that is required to be placarded in accordance with
 2864 Title 49 C.F.R. part 172, subpart F shall, upon conviction of an
 2865 offense specified in subsection (3), be disqualified from
 2866 operating a commercial motor vehicle for a period of 3 years.
 2867 The penalty provided in this subsection shall be in addition to
 2868 any other applicable penalty.

2869 (5) Any person who is convicted of two violations
 2870 specified in subsection (3), or any combination thereof, arising
 2871 in separate incidents shall be permanently disqualified from
 2872 operating a commercial motor vehicle. The penalty provided in
 2873 this subsection shall be in addition to any other applicable
 2874 penalty.

2875 (7) A person whose privilege to operate a commercial motor
 2876 vehicle is disqualified under this section may, if otherwise
 2877 qualified, be issued a ~~Class D~~ or Class E driver's license,
 2878 pursuant to s. 322.251.

2879 (8) A driver who is convicted of or otherwise found to
 2880 have committed a violation of an out-of-service order while
 2881 driving a commercial motor vehicle is disqualified as follows:

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2882 (a) Not less than 90 days nor more than 1 year if the
2883 driver is convicted of or otherwise found to have committed a
2884 first violation of an out-of-service order.

2885 (b) Not less than 1 year nor more than 5 years if, for
2886 offenses occurring during any 10-year period, the driver is
2887 convicted of or otherwise found to have committed two violations
2888 of out-of-service orders in separate incidents.

2889 (c) Not less than 3 years nor more than 5 years if, for
2890 offenses occurring during any 10-year period, the driver is
2891 convicted of or otherwise found to have committed three or more
2892 violations of out-of-service orders in separate incidents.

2893 (d) Not less than 180 days nor more than 2 years if the
2894 driver is convicted of or otherwise found to have committed a
2895 first violation of an out-of-service order while transporting
2896 hazardous materials required to be placarded under the Hazardous
2897 Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or
2898 while operating motor vehicles designed to transport more than
2899 15 passengers, including the driver. A driver is disqualified
2900 for a period of not less than 3 years nor more than 5 years if,
2901 for offenses occurring during any 10-year period, the driver is
2902 convicted of or otherwise found to have committed any subsequent
2903 violations of out-of-service orders, in separate incidents,
2904 while transporting hazardous materials required to be placarded
2905 under the Hazardous Materials Transportation Act 49 U.S.C. ss.
2906 5101 et seq., or while operating motor vehicles designed to
2907 transport more than 15 passengers, including the driver.

2908 (10)(a) A driver must be disqualified for not less than 60
2909 days if the driver is convicted of or otherwise found to have

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2910 committed a first violation of a railroad-highway grade crossing
2911 violation.

2912 (b) A driver must be disqualified for not less than 120
2913 days if, for offenses occurring during any 3-year period, the
2914 driver is convicted of or otherwise found to have committed a
2915 second railroad-highway grade crossing violation in separate
2916 incidents.

2917 (c) A driver must be disqualified for not less than 1 year
2918 if, for offenses occurring during any 3-year period, the driver
2919 is convicted of or otherwise found to have committed a third or
2920 subsequent railroad-highway grade crossing violation in separate
2921 incidents.

2922 Section 84. Subsection (1) and paragraph (a) of subsection
2923 (3) of section 322.63, Florida Statutes, are amended to read:

2924 322.63 Alcohol or drug testing; commercial motor vehicle
2925 operators.--

2926 (1) A person who accepts the privilege extended by the
2927 laws of this state of operating a commercial motor vehicle
2928 within this state shall, by so operating such commercial motor
2929 vehicle, be deemed to have given his or her consent to submit to
2930 an approved chemical or physical test of his or her blood or
2931 ~~breath, or urine~~ for the purpose of determining his or her
2932 alcohol concentration, and to a urine test ~~or~~ for the purpose of
2933 detecting the presence of chemical substances as set forth in s.
2934 877.111 or of controlled substances.

2935 (a) By applying for a commercial driver's license and by
2936 accepting and using a commercial driver's license, the person

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2937 holding the commercial driver's license is deemed to have
2938 expressed his or her consent to the provisions of this section.

2939 (b) Any person who drives a commercial motor vehicle
2940 within this state and who is not required to obtain a commercial
2941 driver's license in this state is, by his or her act of driving
2942 a commercial motor vehicle within this state, deemed to have
2943 expressed his or her consent to the provisions of this section.

2944 (c) A notification of the consent provision of this
2945 section shall be printed ~~above the signature line~~ on each new or
2946 renewed commercial driver's license issued ~~after March 31, 1991~~.

2947 (3)(a) The breath and blood ~~physical and chemical~~ tests
2948 authorized in this section shall be administered substantially
2949 in accordance with rules adopted by the Department of Law
2950 Enforcement.

2951 Section 85. Subsection (1) of section 322.64, Florida
2952 Statutes, is amended, and, for the purpose of incorporating the
2953 amendment to section 322.61, Florida Statutes, in a reference
2954 thereto, subsection (14) of that section is reenacted, to read:

2955 322.64 Holder of commercial driver's license; driving with
2956 unlawful blood-alcohol level; refusal to submit to breath,
2957 urine, or blood test.--

2958 (1)(a) A law enforcement officer or correctional officer
2959 shall, on behalf of the department, disqualify from operating
2960 any commercial motor vehicle a person who while operating or in
2961 actual physical control of a commercial motor vehicle is
2962 arrested for a violation of s. 316.193, relating to unlawful
2963 blood-alcohol level or breath-alcohol level, or a person who has
2964 refused to submit to a breath, urine, or blood test authorized

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2965 | by s. 322.63 arising out of the operation or actual physical
 2966 | control of a commercial motor vehicle. Upon disqualification of
 2967 | the person, the officer shall take the person's driver's license
 2968 | and issue the person a 10-day temporary permit for the operation
 2969 | of noncommercial vehicles only if the person is otherwise
 2970 | eligible for the driving privilege and shall issue the person a
 2971 | notice of disqualification. If the person has been given a
 2972 | blood, breath, or urine test, the results of which are not
 2973 | available to the officer at the time of the arrest, the agency
 2974 | employing the officer shall transmit such results to the
 2975 | department within 5 days after receipt of the results. If the
 2976 | department then determines that the person was arrested for a
 2977 | violation of s. 316.193 and that the person had a blood-alcohol
 2978 | level or breath-alcohol level of 0.08 or higher, the department
 2979 | shall disqualify the person from operating a commercial motor
 2980 | vehicle pursuant to subsection (3).

2981 | (b) The disqualification under paragraph (a) shall be
 2982 | pursuant to, and the notice of disqualification shall inform the
 2983 | driver of, the following:

2984 | 1.a. The driver refused to submit to a lawful breath,
 2985 | blood, or urine test and he or she is disqualified from
 2986 | operating a commercial motor vehicle for a period of 1 year, for
 2987 | a first refusal, or permanently, if he or she has previously
 2988 | been disqualified as a result of a refusal to submit to such a
 2989 | test; or

2990 | b. The driver violated s. 316.193 by driving with an
 2991 | unlawful blood-alcohol level and he or she is disqualified from
 2992 | operating a commercial motor vehicle for a period of 6 months

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2993 | for a first offense or for a period of 1 year if he or she has
 2994 | previously been disqualified, or his or her driving privilege
 2995 | has been previously suspended, for a violation of s. 316.193.

2996 | 2. The disqualification period for operating commercial
 2997 | vehicles shall commence on the date of arrest or issuance of
 2998 | notice of disqualification, whichever is later.

2999 | 3. The driver may request a formal or informal review of
 3000 | the disqualification by the department within 10 days after the
 3001 | date of arrest or issuance of notice of disqualification,
 3002 | whichever is later.

3003 | 4. The temporary permit issued at the time of arrest or
 3004 | disqualification will expire at midnight of the 10th day
 3005 | following the date of disqualification.

3006 | 5. The driver may submit to the department any materials
 3007 | relevant to the arrest.

3008 | (14) The decision of the department under this section
 3009 | shall not be considered in any trial for a violation of s.
 3010 | 316.193, s. 322.61, or s. 322.62, nor shall any written
 3011 | statement submitted by a person in his or her request for
 3012 | departmental review under this section be admissible into
 3013 | evidence against him or her in any such trial. The disposition
 3014 | of any related criminal proceedings shall not affect a
 3015 | disqualification imposed pursuant to this section.

3016 | Section 86. Subsection (1) of section 338.155, Florida
 3017 | Statutes, is amended to read:

3018 | 338.155 Payment of toll on toll facilities required;
 3019 | exemptions.--

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3020 (1) No persons are permitted to use any toll facility
 3021 without payment of tolls, except employees of the agency
 3022 operating the toll project when using the toll facility on
 3023 official state business, state military personnel while on
 3024 official military business, handicapped persons as provided in
 3025 this section, persons exempt from toll payment by the
 3026 authorizing resolution for bonds issued to finance the facility,
 3027 and persons exempt on a temporary basis where use of such toll
 3028 facility is required as a detour route. Any law enforcement
 3029 officer operating a marked official vehicle is exempt from toll
 3030 payment when on official law enforcement business. Any person
 3031 operating a fire vehicle when on official business or a rescue
 3032 vehicle when on official business is exempt from toll payment.
 3033 Any person participating in the funeral procession of a law
 3034 enforcement officer or firefighter killed in the line of duty is
 3035 exempt from toll payment. The secretary, or the secretary's
 3036 designee, may suspend the payment of tolls on a toll facility
 3037 when necessary to assist in emergency evacuation. The failure to
 3038 pay a prescribed toll constitutes a noncriminal traffic
 3039 infraction, punishable as a moving violation pursuant to s.
 3040 318.18. The department is authorized to adopt rules relating to
 3041 guaranteed toll accounts.

3042 Section 87. Paragraphs (c) and (f) of subsection (13) of
 3043 section 713.78, Florida Statutes, are amended to read:

3044 713.78 Liens for recovering, towing, or storing vehicles
 3045 and vessels.--

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3047 (c)1. The registered owner of a vehicle, vessel, or mobile
 3048 home may dispute a wrecker operator's lien, by notifying the
 3049 department of the dispute in writing on forms provided by the
 3050 department, if at least one of the following applies:

3051 a. The registered owner presents a notarized bill of sale
 3052 proving that the vehicle, vessel, or mobile home was sold in a
 3053 private or casual sale before the vehicle, vessel, or mobile
 3054 home was recovered, towed, or stored.

3055 b. The registered owner presents proof that the Florida
 3056 certificate of title of the vehicle, vessel, or mobile home was
 3057 sold to a licensed dealer as defined in s. 319.001 before the
 3058 vehicle, vessel, or mobile home was recovered, towed, or stored.

3059 c. The records of the department were marked "sold" prior
 3060 to the date of the tow.

3061
 3062 If the registered owner's dispute of a wrecker operator's lien
 3063 complies with one of these criteria, the department shall
 3064 immediately remove the registered owner's name from the list of
 3065 those persons who may not be issued a license plate or
 3066 revalidation sticker for any motor vehicle under s. 320.03(8),
 3067 thereby allowing issuance of a license plate or revalidation
 3068 sticker. If the vehicle, vessel, or mobile home is owned jointly
 3069 by more than one person, each registered owner must dispute the
 3070 wrecker operator's lien in order to be removed from the list.
 3071 However, the department shall deny any dispute and maintain the
 3072 registered owner's name on the list of those persons who may not
 3073 be issued a license plate or revalidation sticker for any motor
 3074 vehicle under s. 320.03(8) if the wrecker operator has provided

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3075 | the department with a certified copy of the judgment of a court
 3076 | which orders the registered owner to pay the wrecker operator's
 3077 | lien claimed under this section. In such a case, the amount of
 3078 | the wrecker operator's lien allowed by paragraph (b) may be
 3079 | increased to include no more than \$500 of the reasonable costs
 3080 | and attorney's fees incurred in obtaining the judgment. The
 3081 | department's action under this subparagraph is ministerial in
 3082 | nature, shall not be considered final agency action, and is
 3083 | appealable only to the county court for the county in which the
 3084 | vehicle, vessel, or mobile home was ordered removed.

3085 | 2. A person against whom a wrecker operator's lien has
 3086 | been imposed may alternatively obtain a discharge of the lien by
 3087 | filing a complaint, challenging the validity of the lien or the
 3088 | amount thereof, in the county court of the county in which the
 3089 | vehicle, vessel, or mobile home was ordered removed. Upon filing
 3090 | of the complaint, the person may have her or his name removed
 3091 | from the list of those persons who may not be issued a license
 3092 | plate or revalidation sticker for any motor vehicle under s.
 3093 | 320.03(8), thereby allowing issuance of a license plate or
 3094 | revalidation sticker, upon posting with the court a cash or
 3095 | surety bond or other adequate security equal to the amount of
 3096 | the wrecker operator's lien to ensure the payment of such lien
 3097 | in the event she or he does not prevail. Upon the posting of the
 3098 | bond and the payment of the applicable fee set forth in s.
 3099 | 28.24, the clerk of the court shall issue a certificate
 3100 | notifying the department of the posting of the bond and
 3101 | directing the department to release the wrecker operator's lien.

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3102 Upon determining the respective rights of the parties, the court
3103 may award damages and costs in favor of the prevailing party.

3104 3. If a person against whom a wrecker operator's lien has
3105 been imposed does not object to the lien, but cannot discharge
3106 the lien by payment because the wrecker operator has moved or
3107 gone out of business, the person may have her or his name
3108 removed from the list of those persons who may not be issued a
3109 license plate or revalidation sticker for any motor vehicle
3110 under s. 320.03(8), thereby allowing issuance of a license plate
3111 or revalidation sticker, upon posting with the clerk of court in
3112 the county in which the vehicle, vessel, or mobile home was
3113 ordered removed, a cash or surety bond or other adequate
3114 security equal to the amount of the wrecker operator's lien.
3115 Upon the posting of the bond and the payment of the application
3116 fee set forth in s. 28.24, the clerk of the court shall issue a
3117 certificate notifying the department of the posting of the bond
3118 and directing the department to release the wrecker operator's
3119 lien. The department shall mail to the wrecker operator, at the
3120 address upon the lien form, notice that the wrecker operator
3121 must claim the security within 60 days, or the security will be
3122 released back to the person who posted it. At the conclusion of
3123 the 60 days, the department shall direct the clerk as to which
3124 party is entitled to payment of the security, less applicable
3125 clerk's fees.

3126 4. A wrecker operator's lien expires 5 years after filing.

3127 (f) This subsection applies only to the annual renewal in
3128 the registered owner's birth month of a motor vehicle
3129 registration and does not apply to the transfer of a

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3130 registration of a motor vehicle sold by a motor vehicle dealer
 3131 licensed under chapter 320, except for the transfer of
 3132 registrations which is inclusive of the annual renewals. This
 3133 subsection does not apply to any vehicle registered in the name
 3134 of the lessor. This subsection does not affect the issuance of
 3135 the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

3136 Section 88. Paragraph (b) of subsection (9) of section
 3137 768.28, Florida Statutes, is amended to read:

3138 768.28 Waiver of sovereign immunity in tort actions;
 3139 recovery limits; limitation on attorney fees; statute of
 3140 limitations; exclusions; indemnification; risk management
 3141 programs.--

3142 (9)

3143 (b) As used in this subsection, the term:

3144 1. "Employee" includes any volunteer firefighter, any
 3145 volunteer highway patrol troop surgeon appointed by the director
 3146 of the Florida Highway Patrol, and any volunteer licensed health
 3147 professional appointed by the director of the Florida Highway
 3148 Patrol to work under the medical direction of a highway patrol
 3149 troop surgeon.

3150 2. "Officer, employee, or agent" includes, but is not
 3151 limited to, any health care provider when providing services
 3152 pursuant to s. 766.1115, any member of the Florida Health
 3153 Services Corps, as defined in s. 381.0302, who provides
 3154 uncompensated care to medically indigent persons referred by the
 3155 Department of Health, and any public defender or her or his
 3156 employee or agent, including, among others, an assistant public
 3157 defender and an investigator.

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3158 Section 89. Section 843.16, Florida Statutes, is amended
3159 to read:

3160 843.16 Unlawful to install or transport radio equipment
3161 using assigned frequency of state or law enforcement officers;
3162 definitions; exceptions; penalties.--

3163 (1) A ~~No~~ person, firm, or corporation may not ~~shall~~
3164 install or transport in any motor vehicle or business
3165 establishment, except an emergency vehicle or crime watch
3166 vehicle as herein defined or a place established by municipal,
3167 county, state, or federal authority for governmental purposes,
3168 any frequency modulation radio receiving equipment so adjusted
3169 or tuned as to receive messages or signals on frequencies
3170 assigned by the Federal Communications Commission to police or
3171 law enforcement officers or fire rescue personnel of any city or
3172 county of the state or to the state or any of its agencies.
3173 Provided, nothing herein shall be construed to affect any radio
3174 station licensed by the Federal Communications System or to
3175 affect any recognized newspaper or news publication engaged in
3176 covering the news on a full-time basis or any alarm system
3177 contractor certified pursuant to part II of chapter 489,
3178 operating a central monitoring system.

3179 (2) As used in this section, the term:

3180 (a) "Emergency vehicle" shall specifically mean:

3181 1. Any motor vehicle used by any law enforcement officer
3182 or employee of any city, any county, the state, the Federal
3183 Bureau of Investigation, or the Armed Forces of the United
3184 States while on official business;

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3185 2. Any fire department vehicle of any city or county of
3186 the state or any state fire department vehicle;

3187 3. Any motor vehicle designated as an emergency vehicle by
3188 the Department of Highway Safety and Motor Vehicles when said
3189 vehicle is to be assigned the use of frequencies assigned to the
3190 state;

3191 4. Any motor vehicle designated as an emergency vehicle by
3192 the sheriff or fire chief of any county in the state when said
3193 vehicle is to be assigned the use of frequencies assigned to the
3194 said county;

3195 5. Any motor vehicle designated as an emergency vehicle by
3196 the chief of police or fire chief of any city in the state when
3197 said vehicle is to be assigned the use of frequencies assigned
3198 to the said city.

3199 (b) "Crime watch vehicle" means any motor vehicle used by
3200 any person participating in a citizen crime watch or
3201 neighborhood watch program when such program and use are
3202 approved in writing by the appropriate sheriff or chief of
3203 police where the vehicle will be used and the vehicle is
3204 assigned the use of frequencies assigned to the county or city.
3205 Such approval shall be renewed annually.

3206 (3) This section shall not apply to any holder of a valid
3207 amateur radio operator or station license issued by the Federal
3208 Communications Commission or to any recognized newspaper or news
3209 publication engaged in covering the news on a full-time basis or
3210 any alarm system contractor certified pursuant to part II of
3211 chapter 489, operating a central monitoring system.

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3212 (4) Any person, firm, or corporation violating any of the
 3213 provisions of this section commits ~~shall be deemed guilty of a~~
 3214 misdemeanor of the first ~~second~~ degree, punishable as provided
 3215 in s. 775.082 or s. 775.083.

3216 Section 90. Except as otherwise provided herein, this act
 3217 shall take effect July 1, 2005.