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HB 1697, Engrossed 2

2005 Legislature

1 A bill to be entitled
2 An act relating to highway safety; amending s. 61.13016,
3 F.S.; directing the department to issue a driver's license
4 restricted for business purposes only under certain
5 circumstances relating to failure to pay child support;
6 amending s. 316.006, F.S.; providing for interlocal
7 agreements between municipalities and counties
8 transferring traffic regulatory authority; amending s.
9 316.083, F.S.; requiring an appropriate signal when
10 overtaking and passing a vehicle; amending s. 316.155,
11 F.S.; specifying that signals are required when moving
12 right or left or overtaking or passing a vehicle; amending
13 s. 316.2095, F.S.; revising physical requirements for
14 operating motorcycles under certain circumstances;
15 amending s. 316.212, F.S.; granting local jurisdictions
16 the authority to enact ordinances governing the use of
17 golf carts which are more restrictive than state law;
18 amending s. 316.2126, F.S.; requiring that the use of golf
19 carts upon any state, county, or municipal road within a
20 local jurisdiction be in compliance with local ordinances
21 governing the use of golf carts; amending s. 316.302,
22 F.S.; providing a penalty for operating a commercial motor
23 vehicle bearing a false or other illegal identification
24 number; amending s. 316.3045, F.S.; revising criteria
25 related to the operation of radios or other sound-making
26 devices in motor vehicles; amending s. 318.1215, F.S.;
27 clarifying that funds from the Dori Slosberg Driver
28 Education Safety Act be used for driver education programs

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29 | in schools; requiring that funds be used for enhancement
30 | of a driver education program; providing a requirement for
31 | behind-the-wheel training; amending s. 318.14, F.S.;
32 | providing penalties for certain traffic infractions
33 | requiring a mandatory hearing; providing for distribution
34 | of moneys collected; amending s. 318.21, F.S.; providing
35 | for distribution of specified civil penalties by county
36 | courts; amending s. 319.30, F.S.; revising provisions
37 | relating to the applicability of certificate of
38 | destruction requirements for certain damaged vehicles;
39 | amending s. 320.02, F.S.; authorizing the withholding of
40 | motor vehicle registrations or re-registrations in certain
41 | situations; requiring motor vehicle dealers to maintain
42 | certain information; allowing owners and co-owners to
43 | dispute a dealer's claims of money owed; amending s.
44 | 320.27, F.S.; providing for motor vehicle dealer license
45 | discipline for the failure to maintain evidence of
46 | notification to the owner or co-owner of a vehicle
47 | regarding registration and titling fees owed; revising
48 | authorized uses of revenues from the United We Stand
49 | specialty license plate; amending s. 320.08058, F.S.;
50 | redesignating the Florida Special Olympics license plate
51 | as the Special Olympics Florida license plate and revising
52 | design requirements for such specialty license plate;
53 | revising requirements for agencies that receive funds from
54 | the Choose Life license plate; revising authorized uses of
55 | revenues from the Animal Friend specialty license plate;
56 | amending s. 320.089, F.S.; allowing retired members of the

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57 | U.S. Armed Forces Reserve to be issued U.S. Reserve
58 | license plates; amending s. 320.77, F.S.; providing that
59 | mobile home dealers may provide a cash bond or letter of
60 | credit in lieu of a required surety bond; amending s.
61 | 322.08, F.S.; revising the use of funds collected from a
62 | voluntary contribution associated with driver's license
63 | renewals to be used for the purposes designated by the
64 | Hearing Research Institute, Inc.; amending s. 322.2615,
65 | F.S.; providing that the disposition of a related criminal
66 | proceeding may not affect a suspension of a driver's
67 | license for refusal to submit to blood, breath, or urine
68 | testing; directing the Department of Highway Safety and
69 | Motor Vehicles to invalidate a suspension for driving with
70 | an unlawful blood-alcohol level or breath-alcohol level if
71 | the suspended person is found not guilty at trial of the
72 | underlying violation of law; creating the Manufactured
73 | Housing Regulatory Study Commission; providing for
74 | membership; providing duties; requiring the commission to
75 | file a report with the Governor and the Legislature;
76 | amending s. 322.27, F.S.; correcting a cross-reference
77 | relating to points assigned for littering violations;
78 | amending s. 322.61, F.S.; specifying additional violations
79 | that disqualify a person from operating a commercial motor
80 | vehicle; providing penalties; providing an exception to
81 | the requirement that a commercial driver's license be in
82 | possession of the commercial driver; removing requirements
83 | for a Class D driver's license; amending s. 321.24, F.S.;
84 | providing that certain medical professionals who volunteer

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85 | for Florida Highway Patrol service are considered
86 | employees of the state for sovereign immunity purposes;
87 | creating s. 549.102, F.S.; authorizing temporary overnight
88 | parking during a motorsports event at a motorsports
89 | entertainment complex; exempting such parking from
90 | regulations relating to recreational vehicle parks;
91 | providing for application of health agency requirements;
92 | amending s. 261.03, F.S.; redefining the term "off-highway
93 | vehicle" to include a two-rider ATV; adding a definition;
94 | amending s. 316.003, F.S.; defining the term "traffic
95 | signal preemption system"; amending s. 316.0775, F.S.;
96 | providing that the unauthorized use of a traffic signal
97 | preemption device is a moving violation; amending s.
98 | 316.122, F.S.; providing for the right-of-way for certain
99 | passing vehicles; creating s. 316.1576, F.S.; providing
100 | clearance specifications for a railroad-highway grade
101 | crossing; providing a penalty; creating s. 316.1577, F.S.;
102 | providing that an employer is responsible under certain
103 | circumstances for violations pertaining to railroad-
104 | highway grade crossings; providing a penalty; amending s.
105 | 316.183, F.S.; increasing the minimum speed limit on
106 | interstate highways under certain circumstances; amending
107 | s. 316.1932, F.S.; revising the requirements for printing
108 | the notice of consent for sobriety testing on a driver's
109 | license; amending s. 316.1936, F.S., relating to
110 | possession of open containers of alcohol; removing an
111 | exemption provided for passengers of a vehicle operated by
112 | a driver holding a Class D driver's license; amending s.

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113 | 316.194, F.S.; authorizing traffic accident investigation
 114 | officers to remove vehicles under certain circumstances;
 115 | amending s. 316.1967, F.S.; providing that an owner of a
 116 | leased vehicle is not responsible for a parking ticket
 117 | violation in certain circumstances; amending s. 316.2074,
 118 | F.S.; redefining the term "all-terrain vehicle" to include
 119 | a two-rider ATV; amending s. 316.302, F.S.; updating a
 120 | reference to the Code of Federal Regulations relating to
 121 | commercial motor vehicles; amending s. 316.605, F.S.;
 122 | clarifying that portion of a license plate which must be
 123 | clear and plainly visible; amending s. 316.613, F.S.;
 124 | eliminating authorization for the Department of Highway
 125 | Safety and Motor Vehicles to expend certain funds for
 126 | promotional purposes; creating s. 316.6131, F.S.;
 127 | authorizing the department to expend certain funds for
 128 | public information and education campaigns; amending s.
 129 | 316.650, F.S.; providing exceptions to a prohibition
 130 | against using citations as evidence in a trial; amending
 131 | s. 317.0003, F.S.; defining the term "off-highway vehicle"
 132 | to include a two-rider ATV; providing a definition;
 133 | amending ss. 317.0004, 317.0005, and 317.0006, F.S.;
 134 | conforming references; amending s. 317.0007, F.S.;
 135 | authorizing the Department of Highway Safety and Motor
 136 | Vehicles to issue a validation sticker as an additional
 137 | proof of title for an off-highway vehicle; providing for
 138 | the replacement of lost or destroyed off-highway vehicle
 139 | validation stickers; providing for disposition of fees;
 140 | repealing s. 317.0008(2), F.S., relating to the expedited

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141 issuance of duplicate certificates of title for off-
 142 highway vehicles; amending ss. 317.0010, 317.0012, and
 143 317.0013, F.S.; conforming references; creating s.
 144 317.0014, F.S.; establishing procedures for the issuance
 145 of a certificate of title for an off-highway vehicle;
 146 providing duties of the Department of Highway Safety and
 147 Motor Vehicles; providing for a notice of lien and lien
 148 satisfaction; creating s. 317.0015, F.S.; providing for
 149 the applicability of certain provisions of law to the
 150 titling of off-highway vehicles; creating s. 317.0016,
 151 F.S.; providing for the expedited issuance of titles for
 152 off-highway vehicles; creating s. 317.0017, F.S.;
 153 prohibiting specified actions relating to the issuance of
 154 titles for off-highway vehicles; providing a penalty;
 155 creating s. 317.0018, F.S.; prohibiting the transfer of an
 156 off-highway vehicle without delivery of a certificate of
 157 title; prescribing other violations; providing a penalty;
 158 amending s. 318.14, F.S.; authorizing the department to
 159 modify certain actions to suspend or revoke a driver's
 160 license following notice of final disposition; providing
 161 citation procedures and proceedings for persons who do not
 162 hold a commercial driver's license; amending s. 319.23,
 163 F.S.; requiring a licensed motor vehicle dealer to notify
 164 the Department of Highway Safety and Motor Vehicles of a
 165 motor vehicle or mobile home taken as a trade-in;
 166 requiring the department to update its title record;
 167 amending s. 319.27, F.S.; correcting an obsolete cross-
 168 reference; amending s. 320.06, F.S.; providing for a

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169 credit or refund when a registrant is required to replace
 170 a license plate under certain circumstances; amending s.
 171 320.0601, F.S.; requiring that a registration or renewal
 172 of a long-term leased motor vehicle be in the name of the
 173 lessee; amending s. 320.0605, F.S.; exempting a vehicle
 174 registered as a fleet vehicle from the requirement that
 175 the certificate of registration be carried in the vehicle
 176 at all times; amending s. 320.0843, F.S.; requiring that
 177 an applicant's eligibility for a disabled parking plate be
 178 noted on the certificate; amending s. 320.131, F.S.;
 179 authorizing the department to provide for an electronic
 180 system for motor vehicle dealers to use in issuing
 181 temporary license plates; providing a penalty; amending s.
 182 320.18, F.S.; authorizing the department to cancel the
 183 vehicle or vessel registration, driver's license, or
 184 identification card of a person who pays certain fees or
 185 penalties with a dishonored check; amending s. 320.27,
 186 F.S.; requiring dealer principals to provide certification
 187 of completing continuing education under certain
 188 circumstances; requiring motor vehicle dealers to maintain
 189 records for a specified period; providing certain
 190 penalties; amending s. 322.01, F.S.; redefining the terms
 191 "commercial motor vehicle" and "out-of-service order";
 192 providing the definition of conviction applicable to
 193 offenses committed in a commercial motor vehicle; amending
 194 s. 322.05, F.S.; removing requirements for a Class D
 195 driver's license; amending s. 322.051, F.S.; revising
 196 provisions relating to the application for an

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197 identification card; providing that the requirement for a
 198 fullface photograph or digital image on an identification
 199 card may not be waived under ch. 761, F.S.; amending s.
 200 322.07, F.S.; removing requirements for a Class D driver's
 201 license; amending s. 322.08, F.S.; providing that a United
 202 States passport is an acceptable proof of identity for
 203 purposes of obtaining a driver's license; providing that a
 204 naturalization certificate issued by the United States
 205 Department of Homeland Security is an acceptable proof of
 206 identity for such purpose; providing that specified
 207 documents issued by the United States Department of
 208 Homeland Security are acceptable as proof of nonimmigrant
 209 classification; amending s. 322.09, F.S.; requiring the
 210 signature of a secondary guardian on a driver's license
 211 application for a minor under certain circumstances;
 212 amending s. 322.11, F.S.; providing for notice to a minor
 213 before canceling the minor's license due to the death of
 214 the person who cosigned the initial application; amending
 215 s. 322.12, F.S.; removing requirements for a Class D
 216 driver's license; amending s. 322.135, F.S.; deleting a
 217 requirement that a portion of certain fees collected by a
 218 tax collector be deposited in the Highway Safety Operating
 219 Trust Fund; revising requirements for the tax collector in
 220 directing a licensee for examination or reexamination;
 221 requiring county officers to pay certain funds to the
 222 State Treasury by electronic funds transfer within a
 223 specified period; amending s. 322.142, F.S.; providing
 224 that the requirement for a fullface photograph or digital

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225 image on a driver's license may not be waived under ch.
 226 761, F.S.; amending s. 322.161, F.S.; removing
 227 requirements for a Class D driver's license; amending s.
 228 322.17, F.S., relating to duplicate and replacement
 229 certificates; conforming a cross-reference; amending s.
 230 322.18, F.S.; revising the expiration period for driver's
 231 licenses issued to specified persons; conforming cross-
 232 references; amending s. 322.19, F.S., relating to change
 233 of address or name; conforming cross-references; amending
 234 s. 322.21, F.S.; removing requirements for a Class D
 235 driver's license; requiring the department to set a fee
 236 for a hazardous-materials endorsement; providing that the
 237 fee may not exceed \$100; amending s. 322.212, F.S.;
 238 providing an additional penalty for giving false
 239 information when applying for a commercial driver's
 240 license; amending s. 322.22, F.S.; authorizing the
 241 department to cancel any identification card, vehicle or
 242 vessel registration, or fuel-use decal of a licensee who
 243 pays certain fees or penalties with a dishonored check;
 244 amending s. 322.251, F.S.; removing requirements for a
 245 Class D driver's license; amending s. 322.2615, F.S.;
 246 revising provisions related to administrative suspension
 247 of driver's licenses; amending s. 322.27, F.S.; providing
 248 4 points to be assessed against a person's driver's
 249 license for a violation of s. 316.0775(2), F.S.; amending
 250 s. 322.30, F.S.; removing the requirements for a Class D
 251 driver's license; amending s. 322.53, F.S.; removing
 252 requirements for a Class D driver's license; removing a

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253 requirement that certain operators of a commercial motor
254 vehicle obtain a specified license; amending s. 322.54,
255 F.S.; revising the classification requirements for certain
256 driver's licenses; deleting requirements for a Class D
257 driver's license; amending s. 322.57, F.S.; providing
258 testing requirements for school bus drivers; amending s.
259 322.58, F.S.; deleting requirements for a Class D driver's
260 license and changing those requirements to a Class E
261 driver's license; amending s. 322.63, F.S.; clarifying
262 provisions governing alcohol and drug testing for
263 commercial motor vehicle operators; amending s. 322.64,
264 F.S., and reenacting s. 322.64(14), F.S., relating to
265 citation procedures and proceedings, to incorporate the
266 amendment to s. 322.61, F.S., in a reference thereto;
267 providing for a temporary permit issued following certain
268 DUI offenses to apply only to the operation of
269 noncommercial vehicles; amending s. 713.78, F.S.; revising
270 provisions relating to the placement of a wrecker
271 operator's lien against a motor vehicle; amending s.
272 843.16, F.S.; prohibiting the transportation of radio
273 equipment that receives signals on frequencies used by
274 this state's law enforcement officers or fire rescue
275 personnel; redefining the term "emergency vehicle" to
276 include any motor vehicle designated as such by the fire
277 chief of a county or municipality; providing a short
278 title; amending s. 316.614, F.S.; revising provisions
279 relating to safety belt usage; requiring the Department of
280 Highway Safety and Motor Vehicles to develop a policy to

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281 | prohibit the practice of racial profiling; providing an
 282 | enhanced penalty; providing effective dates.

283

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

285

286 | Section 1. Section 61.13016, Florida Statutes, is amended
 287 | to read:

288 | 61.13016 Suspension of driver's licenses and motor vehicle
 289 | registrations.--

290 | (1) The driver's license and motor vehicle registration of
 291 | a support obligor who is delinquent in payment or who has failed
 292 | to comply with subpoenas or a similar order to appear or show
 293 | cause relating to paternity or support proceedings may be
 294 | suspended. When an obligor is 15 days delinquent making a
 295 | payment in support or failure to comply with a subpoena, order
 296 | to appear, order to show cause, or similar order in IV-D cases,
 297 | the Title IV-D agency may provide notice to the obligor of the
 298 | delinquency or failure to comply with a subpoena, order to
 299 | appear, order to show cause, or similar order and the intent to
 300 | suspend by regular United States mail that is posted to the
 301 | obligor's last address of record with the Department of Highway
 302 | Safety and Motor Vehicles. When an obligor is 15 days delinquent
 303 | in making a payment in support in non-IV-D cases, and upon the
 304 | request of the obligee, the depository or the clerk of the court
 305 | must provide notice to the obligor of the delinquency and the
 306 | intent to suspend by regular United States mail that is posted
 307 | to the obligor's last address of record with the Department of

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308 Highway Safety and Motor Vehicles. In either case, the notice
 309 must state:

310 (a) The terms of the order creating the support
 311 obligation;

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

316 (c) That notification will be given to the Department of
 317 Highway Safety and Motor Vehicles to suspend the obligor's
 318 driver's license and motor vehicle registration unless, within
 319 20 days after the date the notice is mailed, the obligor:

320 1.a. Pays the delinquency in full and any other costs and
 321 fees accrued between the date of the notice and the date the
 322 delinquency is paid;

323 b. Enters into a written agreement for payment with the
 324 obligee in non-IV-D cases or with the Title IV-D agency in IV-D
 325 cases; or in IV-D cases, complies with a subpoena or order to
 326 appear, order to show cause, or a similar order; or

327 c. Files a petition with the circuit court to contest the
 328 delinquency action; and

329 2. Pays any applicable delinquency fees.

330

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

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335 (2) (a) Upon petition filed by the obligor in the circuit
336 court within 20 days after the mailing date of the notice, the
337 court may, in its discretion, direct the department to issue a
338 license for driving privileges restricted to business purposes
339 only, as defined by s. 322.271, if the person is otherwise
340 qualified for such a license. As a condition for the court to
341 exercise its discretion under this subsection, the obligor must
342 agree to a schedule of payment on any child support arrearages
343 and to maintain current child support obligations. If the
344 obligor fails to comply with the schedule of payment, the court
345 shall direct the Department of Highway Safety and Motor Vehicles
346 to suspend the obligor's driver's license.

347 (b) The obligor must serve a copy of the petition on the
348 Title IV-D agency in IV-D cases or on the depository or the
349 clerk of the court in non-IV-D cases. When an obligor timely
350 files a petition to set aside a suspension, the court must hear
351 the matter within 15 days after the petition is filed. The court
352 must enter an order resolving the matter within 10 days after
353 the hearing, and a copy of the order must be served on the
354 parties. The timely filing of a petition under this subsection
355 stays the intent to suspend until the entry of a court order
356 resolving the matter.

357 ~~(3)~~ ~~(2)~~ If the obligor does not, within 20 days after the
358 mailing date on the notice, pay the delinquency, enter into a
359 payment agreement, comply with the subpoena, order to appear,
360 order to show cause, or other similar order, or file a motion to
361 contest, the Title IV-D agency in IV-D cases, or the depository
362 or clerk of the court in non-IV-D cases, shall file the notice

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363 with the Department of Highway Safety and Motor Vehicles and
 364 request the suspension of the obligor's driver's license and
 365 motor vehicle registration in accordance with s. 322.058.

366 (4)~~(3)~~ The obligor may, within 20 days after the mailing
 367 date on the notice of delinquency or noncompliance and intent to
 368 suspend, file in the circuit court a petition to contest the
 369 notice of delinquency or noncompliance and intent to suspend on
 370 the ground of mistake of fact regarding the existence of a
 371 delinquency or the identity of the obligor. The obligor must
 372 serve a copy of the petition on the Title IV-D agency in IV-D
 373 cases or depository or clerk of the court in non-IV-D cases.
 374 When an obligor timely files a petition to contest, the court
 375 must hear the matter within 15 days after the petition is filed.
 376 The court must enter an order resolving the matter within 10
 377 days after the hearing, and a copy of the order must be served
 378 on the parties. The timely filing of a petition to contest stays
 379 the notice of delinquency and intent to suspend until the entry
 380 of a court order resolving the matter.

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

383 316.006 Jurisdiction.--Jurisdiction to control traffic is
 384 vested as follows:

385 (2) MUNICIPALITIES.--

386 (a) Chartered municipalities shall have original
 387 jurisdiction over all streets and highways located within their
 388 boundaries, except state roads, and may place and maintain such
 389 traffic control devices which conform to the manual and
 390 specifications of the Department of Transportation upon all

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391 streets and highways under their original jurisdiction as they
392 shall deem necessary to indicate and to carry out the provisions
393 of this chapter or to regulate, warn, or guide traffic.

394 (b) A municipality may exercise jurisdiction over any
395 private road or roads, or over any limited access road or roads
396 owned or controlled by a special district, located within its
397 boundaries if the municipality and party or parties owning or
398 controlling such road or roads provide, by written agreement
399 approved by the governing body of the municipality, for
400 municipal traffic control jurisdiction over the road or roads
401 encompassed by such agreement. Pursuant thereto:

402 1. Provision for reimbursement for actual costs of traffic
403 control and enforcement and for liability insurance and
404 indemnification by the party or parties, and such other terms as
405 are mutually agreeable, may be included in such an agreement.

406 2. The exercise of jurisdiction provided for herein shall
407 be in addition to jurisdictional authority presently exercised
408 by municipalities under law, and nothing in this paragraph shall
409 be construed to limit or remove any such jurisdictional
410 authority. Such jurisdiction includes regulation of access to
411 such road or roads by security devices or personnel.

412 3. Any such agreement may provide for the installation of
413 multiparty stop signs by the parties controlling the roads
414 covered by the agreement if a determination is made by such
415 parties that the signage will enhance traffic safety. Multiparty
416 stop signs must conform to the manual and specifications of the
417 Department of Transportation; however, minimum traffic volumes

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418 | may not be required for the installation of such signage.
 419 | Enforcement for the signs shall be as provided in s. 316.123.

420 | (c) Notwithstanding any other provisions of law to the
 421 | contrary, a municipality may, by interlocal agreement with a
 422 | county, agree to transfer traffic regulatory authority over
 423 | areas within the municipality to the county.

424 |
 425 | This subsection shall not limit those counties which have the
 426 | charter powers to provide and regulate arterial, toll, and other
 427 | roads, bridges, tunnels, and related facilities from the proper
 428 | exercise of those powers by the placement and maintenance of
 429 | traffic control devices which conform to the manual and
 430 | specifications of the Department of Transportation on streets
 431 | and highways located within municipal boundaries.

432 | Section 3. Section 316.083, Florida Statutes, is amended
 433 | to read:

434 | 316.083 Overtaking and passing a vehicle.--The following
 435 | rules shall govern the overtaking and passing of vehicles
 436 | proceeding in the same direction, subject to those limitations,
 437 | exceptions, and special rules hereinafter stated:

438 | (1) The driver of a vehicle overtaking another vehicle
 439 | proceeding in the same direction shall give an appropriate
 440 | signal as provided for in s. 316.156, shall pass to the left
 441 | thereof at a safe distance, and shall not again drive to the
 442 | right side of the roadway until safely clear of the overtaken
 443 | vehicle.

444 | (2) Except when overtaking and passing on the right is
 445 | permitted, the driver of an overtaken vehicle shall give way to

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446 the right in favor of the overtaking vehicle, on audible signal
 447 or upon the visible blinking of the headlamps of the overtaking
 448 vehicle if such overtaking is being attempted at nighttime, and
 449 shall not increase the speed of his or her vehicle until
 450 completely passed by the overtaking vehicle.

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

454 Section 4. Section 316.155, Florida Statutes, is amended
 455 to read:

456 316.155 When signal required.--

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

462 (2) A signal of intention to turn right or left must be
 463 given continuously during not less than the last 100 feet
 464 traveled by the vehicle before turning, except that such a
 465 signal by hand or arm need not be given continuously by a
 466 bicyclist if the hand is needed in the control or operation of
 467 the bicycle.

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

472 (4) The signals provided for in s. 316.156 shall be used
 473 to indicate an intention to turn, to overtake, or to pass a

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474 vehicle and may not, except as provided in s. 316.2397, be
 475 flashed on one side only on a parked or disabled vehicle or
 476 flashed as a courtesy or "do pass" signal to operators of other
 477 vehicles approaching from the rear.

478 (5) A violation of this section is a noncriminal traffic
 479 infraction, punishable as a moving violation as provided in
 480 chapter 318.

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

483 316.2095 Footrests, handholds, and handlebars.--

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

487 (2) No person shall operate any motorcycle with handlebars
 488 or with handgrips that are higher than the top of the shoulders
 489 of the person operating the motorcycle while properly seated
 490 upon the motorcycle ~~more than 15 inches in height above that~~
 491 portion of the seat occupied by the operator.

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

495 Section 6. Section 316.212, Florida Statutes, is amended
 496 to read:

497 316.212 Operation of golf carts on certain roadways.--The
 498 operation of a golf cart upon the public roads or streets of
 499 this state is prohibited except as provided herein:

500 (1) A golf cart may be operated only upon a county road
 501 that has been designated by a county, or a municipal city street

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502 that has been designated by a municipality ~~eity~~, for use by golf
503 carts. Prior to making such a designation, the responsible
504 local governmental entity must first determine that golf carts
505 may safely travel on or cross the public road or street,
506 considering factors including the speed, volume, and character
507 of motor vehicle traffic using the road or street. Upon a
508 determination that golf carts may be safely operated on a
509 designated road or street, the responsible governmental entity
510 shall post appropriate signs to indicate that such operation is
511 allowed.

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

514 (a) To cross a portion of the State Highway System which
515 intersects a county road or municipal ~~eity~~ street that has been
516 designated for use by golf carts if the Department of
517 Transportation has reviewed and approved the location and design
518 of the crossing and any traffic control devices needed for
519 safety purposes.

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

525 (c) A golf cart may be operated on a state road that has
526 been designated for transfer to a local government unit pursuant
527 to s. 335.0415 if the Department of Transportation determines
528 that the operation of a golf cart within the right-of-way of the
529 road will not impede the safe and efficient flow of motor

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530 vehicular traffic. The department may authorize the operation of
 531 golf carts on such a road if:

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

535 2. The speed, volume, and character of motor vehicular
 536 traffic using the road is considered in making such a
 537 determination.

538
 539 Upon its determination that golf carts may be operated on a
 540 given road, the department shall post appropriate signs on the
 541 road to indicate that such operation is allowed.

542 (3) Any other provision of this section to the contrary
 543 notwithstanding, a golf cart may be operated for the purpose of
 544 crossing a street or highway where a single mobile home park is
 545 located on both sides of the street or highway and is divided by
 546 that street or highway, provided that the governmental entity
 547 having original jurisdiction over such street or highway shall
 548 review and approve the location of the crossing and require
 549 implementation of any traffic controls needed for safety
 550 purposes. This subsection shall apply only to residents or
 551 guests of the mobile home park. Any other provision of law to
 552 the contrary notwithstanding, if notice is posted at the
 553 entrance and exit to any mobile home park that residents of the
 554 park utilize golf carts or electric vehicles within the confines
 555 of the park it shall not be necessary that the park have a gate
 556 or other device at the entrance and exit in order for such golf
 557 carts or electric vehicles to be lawfully operated in the park.

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558 (4) A golf cart may be operated only during the hours
 559 between sunrise and sunset, unless the responsible governmental
 560 entity has determined that a golf cart may be operated during
 561 the hours between sunset and sunrise and the golf cart is
 562 equipped with headlights, brake lights, turn signals, and a
 563 windshield.

564 (5) A golf cart must be equipped with efficient brakes,
 565 reliable steering apparatus, safe tires, a rearview mirror, and
 566 red reflectorized warning devices in both the front and rear.

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

569 (7) A local governmental entity may enact an ordinance
 570 regarding golf cart operation and equipment which is more
 571 restrictive than those enumerated in this section. Upon
 572 enactment of any such ordinance, the local governmental entity
 573 shall post appropriate signs or otherwise inform the residents
 574 that such an ordinance exists and that it shall be enforced
 575 within the local government's jurisdictional territory. An
 576 ordinance referred to in this section must apply only to an
 577 unlicensed driver.

578 (8)~~(7)~~ A violation of this section is a noncriminal
 579 traffic infraction, punishable pursuant to chapter 318 as ~~either~~
 580 a moving violation for infractions of subsection (1), subsection
 581 (2), subsection (3), ~~or~~ subsection (4), or a local ordinance
 582 corresponding thereto and enacted pursuant to subsection (7), or
 583 punishable pursuant to chapter 318 as a nonmoving violation for
 584 infractions of subsection ~~subsections~~ (5), subsection ~~and~~ (6),

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585 or a local ordinance corresponding thereto and enacted pursuant
 586 to subsection (7).

587 Section 7. Section 316.2126, Florida Statutes, is amended
 588 to read:

589 316.2126 Use of golf carts and utility vehicles by
 590 municipalities.--In addition to the powers granted by ss.
 591 316.212 and 316.2125, municipalities are hereby authorized to
 592 utilize golf carts and utility vehicles, as defined in s.
 593 320.01, upon any state, county, or municipal roads located
 594 within the corporate limits of such municipalities, subject to
 595 the following conditions:

596 (1) Golf carts and utility vehicles must comply with the
 597 operational and safety requirements in ss. 316.212 and 316.2125,
 598 and with any more restrictive ordinances enacted by the local
 599 governmental entity pursuant to s. 316.212(7), and shall only be
 600 operated by municipal employees for municipal purposes,
 601 including, but not limited to, police patrol, traffic
 602 enforcement, and inspection of public facilities.

603 (2) In addition to the safety equipment required in s.
 604 316.212(5) and any more restrictive safety equipment required by
 605 the local governmental entity pursuant to s. 316.212(7), such
 606 golf carts and utility vehicles must be equipped with sufficient
 607 lighting and turn signal equipment.

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

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

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

616 316.302 Commercial motor vehicles; safety regulations;
 617 transporters and shippers of hazardous materials; enforcement.--

618 (11) In addition to any other penalty provided in this
 619 section, a person who operates a commercial motor vehicle that
 620 bears an identification number required by this section which is
 621 false, fraudulent, or displayed without the consent of the
 622 person to whom it is assigned commits a misdemeanor of the first
 623 degree, punishable as provided in s. 775.082 or s. 775.083.

624 Section 9. Section 316.3045, Florida Statutes, is amended
 625 to read:

626 316.3045 Operation of radios or other mechanical
 627 soundmaking devices or instruments in vehicles; exemptions.--

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

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

635 (b) Louder than necessary for the convenient hearing by
 636 persons inside the vehicle in areas adjoining churches, schools,
 637 or hospitals.

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638 (2) The provisions of this section shall not apply to any
 639 law enforcement motor vehicle equipped with any communication
 640 device necessary in the performance of law enforcement duties or
 641 to any emergency vehicle equipped with any communication device
 642 necessary in the performance of any emergency procedures.

643 (3) The provisions of this section do not apply to motor
 644 vehicles used for business or political purposes, which in the
 645 normal course of conducting such business use soundmaking
 646 devices. The provisions of this subsection shall not be deemed
 647 to prevent local authorities, with respect to streets and
 648 highways under their jurisdiction and within the reasonable
 649 exercise of the police power, from regulating the time and
 650 manner in which such business may be operated.

651 (4) The provisions of this section do not apply to the
 652 noise made by a horn or other warning device required or
 653 permitted by s. 316.271. The Department of Highway Safety and
 654 Motor Vehicles shall promulgate rules defining "plainly audible"
 655 and establish standards regarding how sound should be measured
 656 by law enforcement personnel who enforce the provisions of this
 657 section.

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

661 Section 10. Section 318.1215, Florida Statutes, is amended
 662 to read:

663 318.1215 Dori Slosberg Driver Education Safety Act.--
 664 Effective October 1, 2002, notwithstanding the provisions of s.
 665 318.121, a board of county commissioners may require, by

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666 ordinance, that the clerk of the court collect an additional \$3
 667 with each civil traffic penalty, which shall be used to fund
 668 driver ~~traffie~~ education programs in public and nonpublic
 669 schools. The ordinance shall provide for the board of county
 670 commissioners to administer the funds, which shall be used for
 671 enhancement, and not replacement, of driver education program
 672 funds. The funds shall be used for direct educational expenses
 673 and shall not be used for administration. Each driver education
 674 program receiving funds pursuant to this section shall require
 675 that a minimum of 30 percent of a student's time in the program
 676 be behind-the-wheel training. This section may be cited as the
 677 "Dori Slosberg Driver Education Safety Act."

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

680 318.14 Noncriminal traffic infractions; exception;
 681 procedures.--

682 (5) Any person electing to appear before the designated
 683 official or who is required so to appear shall be deemed to have
 684 waived his or her right to the civil penalty provisions of s.
 685 318.18. The official, after a hearing, shall make a
 686 determination as to whether an infraction has been committed. If
 687 the commission of an infraction has been proven, the official
 688 may impose a civil penalty not to exceed \$500, except that in
 689 cases involving unlawful speed in a school zone or, involving
 690 unlawful speed in a construction zone, ~~or involving a death~~, the
 691 civil penalty may not exceed \$1,000; or require attendance at a
 692 driver improvement school, or both. If the person is required to
 693 appear before the designated official pursuant to s. 318.19(1)

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694 and is found to have committed the infraction, the designated
 695 official shall impose a civil penalty of \$1,000 in addition to
 696 any other penalties and the person's driver's license shall be
 697 suspended for 6 months. If the person is required to appear
 698 before the designated official pursuant to s. 318.19(2) and is
 699 found to have committed the infraction, the designated official
 700 shall impose a civil penalty of \$500 in addition to any other
 701 penalties and the person's driver's license shall be suspended
 702 for 3 months. If the official determines that no infraction has
 703 been committed, no costs or penalties shall be imposed and any
 704 costs or penalties that have been paid shall be returned. Moneys
 705 received from the mandatory civil penalties imposed pursuant to
 706 this subsection upon persons required to appear before a
 707 designated official pursuant to s. 318.19(1) or (2) shall be
 708 remitted to the Department of Revenue and deposited into the
 709 Department of Health Administrative Trust Fund to provide
 710 financial support to certified trauma centers to assure the
 711 availability and accessibility of trauma services throughout the
 712 state. Funds deposited into the Administrative Trust Fund under
 713 this section shall be allocated as follows:
 714 (a) Fifty percent shall be allocated equally among all
 715 Level I, Level II, and pediatric trauma centers in recognition
 716 of readiness costs for maintaining trauma services.
 717 (b) Fifty percent shall be allocated among Level I, Level
 718 II, and pediatric trauma centers based on each center's relative
 719 volume of trauma cases as reported in the Department of Health
 720 Trauma Registry.

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

723 318.21 Disposition of civil penalties by county courts.--
 724 All civil penalties received by a county court pursuant to the
 725 provisions of this chapter shall be distributed and paid monthly
 726 as follows:

727 (13) Notwithstanding subsections (1) and (2), the proceeds
 728 from the mandatory civil penalties imposed pursuant to s.
 729 318.14(5) shall be distributed as provided in that section.

730 Section 13. Paragraph (b) of subsection (3) of section
 731 319.30, Florida Statutes, is amended to read:

732 319.30 Definitions; dismantling, destruction, change of
 733 identity of motor vehicle or mobile home; salvage.--

734 (3)

735 (b) The owner, including persons who are self-insured, of
 736 any motor vehicle or mobile home which is considered to be
 737 salvage shall, within 72 hours after the motor vehicle or mobile
 738 home becomes salvage, forward the title to the motor vehicle or
 739 mobile home to the department for processing. However, an
 740 insurance company which pays money as compensation for total
 741 loss of a motor vehicle or mobile home shall obtain the
 742 certificate of title for the motor vehicle or mobile home and,
 743 within 72 hours after receiving such certificate of title, shall
 744 forward such title to the department for processing. The owner
 745 or insurance company, as the case may be, may not dispose of a
 746 vehicle or mobile home that is a total loss before it has
 747 obtained a salvage certificate of title or certificate of
 748 destruction from the department. When applying for a salvage

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749 certificate of title or certificate of destruction, the owner or
750 insurance company must provide the department with an estimate
751 of the costs of repairing the physical and mechanical damage
752 suffered by the vehicle for which a salvage certificate of title
753 or certificate of destruction is sought. If the estimated costs
754 of repairing the physical and mechanical damage to the vehicle
755 are equal to 80 percent or more of the current retail cost of
756 the vehicle, as established in any official used car or used
757 mobile home guide, the department shall declare the vehicle
758 unrebildable and print a certificate of destruction, which
759 authorizes the dismantling or destruction of the motor vehicle
760 or mobile home described therein. However, if the damaged motor
761 vehicle is equipped with custom-lowered floors for wheelchair
762 access or a wheelchair lift, the insurance company may, upon
763 determing that the vehicle is repairable to a condition that is
764 safe for operation on public roads, submit the certificate of
765 title to the department for reissuance as a salvage rebuildable
766 title and the addition of a title brand of "insurance-declared
767 total loss." This certificate of destruction shall be
768 reassignable a maximum of two times before dismantling or
769 destruction of the vehicle shall be required, and shall
770 accompany the motor vehicle or mobile home for which it is
771 issued, when such motor vehicle or mobile home is sold for such
772 purposes, in lieu of a certificate of title, and, thereafter,
773 the department shall refuse issuance of any certificate of title
774 for that vehicle. Nothing in this subsection shall be applicable
775 when a vehicle is worth less than \$1,500 retail in undamaged
776 condition in any official used motor vehicle guide or used

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777 mobile home guide or when a stolen motor vehicle or mobile home
 778 is recovered in substantially intact condition and is readily
 779 resalable without extensive repairs to or replacement of the
 780 frame or engine. Any person who willfully and deliberately
 781 violates this paragraph or falsifies any document to avoid the
 782 requirements of this paragraph commits a misdemeanor of the
 783 first degree, punishable as provided in s. 775.082 or s.
 784 775.083.

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

787 320.02 Registration required; application for
 788 registration; forms.--

789 (19) The department is authorized to withhold registration
 790 or re-registration of a motor vehicle if the name of the owner
 791 or of a co-owner appears on a list submitted to the department
 792 by a licensed motor vehicle dealer for a previous registration
 793 of that vehicle. The motor vehicle dealer must maintain signed
 794 evidence that the owner or co-owner acknowledged the dealer's
 795 authority to submit the list to the department if he or she
 796 failed to pay and must note the amount for which the owner or
 797 co-owner would be responsible for the vehicle registration. The
 798 dealer must maintain the necessary documentation required in
 799 this subsection or face penalties as provided in s. 320.27. This
 800 subsection does not affect the issuance of a title to a motor
 801 vehicle.

802 (a) The motor vehicle owner or co-owner may dispute the
 803 claim that money is owed to a dealer for registration fees by
 804 submitting a form to the department if the motor vehicle owner

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805 or co-owner has documentary proof that the registration fees
 806 have been paid to the dealer for the disputed amount. Without
 807 clear evidence of the amounts owed for the vehicle registration
 808 and repayment, the department will assume initial payments are
 809 applied to government-assessed fees first.

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

814 Section 15. Paragraph (b) of subsection (9) of section
 815 320.27, Florida Statutes, is amended to read:

816 320.27 Motor vehicle dealers.--

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

818 (b) The department may deny, suspend, or revoke any
 819 license issued hereunder or under the provisions of s. 320.77 or
 820 s. 320.771 upon proof that a licensee has committed, with
 821 sufficient frequency so as to establish a pattern of wrongdoing
 822 on the part of a licensee, violations of one or more of the
 823 following activities:

824 1. Representation that a demonstrator is a new motor
 825 vehicle, or the attempt to sell or the sale of a demonstrator as
 826 a new motor vehicle without written notice to the purchaser that
 827 the vehicle is a demonstrator. For the purposes of this section,
 828 a "demonstrator," a "new motor vehicle," and a "used motor
 829 vehicle" shall be defined as under s. 320.60.

830 2. Unjustifiable refusal to comply with a licensee's
 831 responsibility under the terms of the new motor vehicle warranty
 832 issued by its respective manufacturer, distributor, or importer.

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833 | However, if such refusal is at the direction of the
 834 | manufacturer, distributor, or importer, such refusal shall not
 835 | be a ground under this section.

836 | 3. Misrepresentation or false, deceptive, or misleading
 837 | statements with regard to the sale or financing of motor
 838 | vehicles which any motor vehicle dealer has, or causes to have,
 839 | advertised, printed, displayed, published, distributed,
 840 | broadcast, televised, or made in any manner with regard to the
 841 | sale or financing of motor vehicles.

842 | 4. Failure by any motor vehicle dealer to provide a
 843 | customer or purchaser with an odometer disclosure statement and
 844 | a copy of any bona fide written, executed sales contract or
 845 | agreement of purchase connected with the purchase of the motor
 846 | vehicle purchased by the customer or purchaser.

847 | 5. Failure of any motor vehicle dealer to comply with the
 848 | terms of any bona fide written, executed agreement, pursuant to
 849 | the sale of a motor vehicle.

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

852 | 7. Use of the dealer license identification number by any
 853 | person other than the licensed dealer or his or her designee.

854 | 8. Failure to continually meet the requirements of the
 855 | licensure law.

856 | 9. Representation to a customer or any advertisement to
 857 | the public representing or suggesting that a motor vehicle is a
 858 | new motor vehicle if such vehicle lawfully cannot be titled in
 859 | the name of the customer or other member of the public by the

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860 seller using a manufacturer's statement of origin as permitted
861 in s. 319.23(1).

862 10. Requirement by any motor vehicle dealer that a
863 customer or purchaser accept equipment on his or her motor
864 vehicle which was not ordered by the customer or purchaser.

865 11. Requirement by any motor vehicle dealer that any
866 customer or purchaser finance a motor vehicle with a specific
867 financial institution or company.

868 12. Requirement by any motor vehicle dealer that the
869 purchaser of a motor vehicle contract with the dealer for
870 physical damage insurance.

871 13. Perpetration of a fraud upon any person as a result of
872 dealing in motor vehicles, including, without limitation, the
873 misrepresentation to any person by the licensee of the
874 licensee's relationship to any manufacturer, importer, or
875 distributor.

876 14. Violation of any of the provisions of s. 319.35 by any
877 motor vehicle dealer.

878 15. Sale by a motor vehicle dealer of a vehicle offered in
879 trade by a customer prior to consummation of the sale, exchange,
880 or transfer of a newly acquired vehicle to the customer, unless
881 the customer provides written authorization for the sale of the
882 trade-in vehicle prior to delivery of the newly acquired
883 vehicle.

884 16. Willful failure to comply with any administrative rule
885 adopted by the department.

886 17. Violation of chapter 319, this chapter, or ss.
887 559.901-559.9221, which has to do with dealing in or repairing

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888 motor vehicles or mobile homes. Additionally, in the case of
 889 used motor vehicles, the willful violation of the federal law
 890 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
 891 the consumer sales window form.

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

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

897 320.08058 Specialty license plates.--

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

899 (a) ~~Florida~~ Special Olympics Florida license plates must
 900 contain the official ~~Florida~~ Special Olympics Florida logo and
 901 must bear a design and colors that are approved by the
 902 department. The word "Florida" must be centered at the bottom
 903 ~~top~~ of the plate, and the words "Everyone Wins" "~~Support Florida~~
 904 ~~Special Olympics~~" must be centered at the top ~~bottom~~ of the
 905 plate.

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

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

912 2. Any additional fees must be deposited into the General
 913 Revenue Fund.

914 (30) CHOOSE LIFE LICENSE PLATES.--

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915 (a) The department shall develop a Choose Life license
916 plate as provided in this section. The word "Florida" must
917 appear at the bottom of the plate, and the words "Choose Life"
918 must appear at the top of the plate.

919 (b) The annual use fees shall be distributed annually to
920 each county in the ratio that the annual use fees collected by
921 each county bears to the total fees collected for the plates
922 within the state. Each county shall distribute the funds to
923 nongovernmental, not-for-profit agencies within the county,
924 which agencies' services are limited to counseling and meeting
925 the physical needs of pregnant women who are committed to
926 placing their children for adoption. Funds may not be
927 distributed to any agency that is involved or associated with
928 abortion activities, including counseling for or referrals to
929 abortion clinics, providing medical abortion-related procedures,
930 or proabortion advertising, and funds may not be distributed to
931 any agency that charges women for services received.

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

938 2. The remaining funds may be used for adoption,
939 counseling, training, or advertising, but may not be used for
940 administrative expenses, legal expenses, or capital
941 expenditures.

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942 3. Each agency that receives such funds must submit an
 943 annual attestation audit, ~~prepared by a certified public~~
 944 ~~accountant~~, to the county. ~~The county may conduct a consolidated~~
 945 ~~audit in lieu of the annual audit.~~ Any unused funds that exceed
 946 10 percent of the funds received by an agency during its fiscal
 947 year must be returned to the county, which shall distribute them
 948 to other qualified agencies.

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

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

955 (b) The department shall retain all revenues from the sale
 956 of such plates until all startup costs for developing and
 957 issuing the plates have been recovered. Thereafter, 100 ~~50~~
 958 percent of the annual use fee shall be distributed to the
 959 Department of Transportation SAFE Council to fund a grant
 960 program to enhance security at airports throughout the state,
 961 pursuant to s. 332.14 ~~and 50 percent of such fees shall be~~
 962 ~~distributed to the Rewards for Justice Fund, to be contributed~~
 963 ~~to the United States State Department's Rewards for Justice~~
 964 ~~program and used solely to apprehend terrorists and bring them~~
 965 ~~to justice.~~

966 (56) ANIMAL FRIEND LICENSE PLATES.--

967 (a) Notwithstanding the provisions of s. 320.08053, the
 968 department shall develop an Animal Friend license plate as
 969 provided in this section. Animal Friend license plates must bear

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970 the colors and design approved by the department. The word
971 "Florida" must appear at the top of the plate, and the words
972 "Animal Friend" must appear at the bottom of the plate.

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

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

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

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

988 Section 17. Paragraph (a) of subsection (1) of section
989 320.089, Florida Statutes, is amended to read:

990 320.089 Members of National Guard and active United States
991 Armed Forces reservists; former prisoners of war; survivors of
992 Pearl Harbor; Purple Heart medal recipients; special license
993 plates; fee.--

994 (1) (a) Each owner or lessee of an automobile or truck for
995 private use or recreational vehicle as specified in s.
996 320.08(9)(c) or (d), which is not used for hire or commercial
997 use, who is a resident of the state and an active or retired

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998 member of the Florida National Guard, a survivor of the attack
 999 on Pearl Harbor, a recipient of the Purple Heart medal, or an
 1000 active or retired member of any branch of the United States
 1001 Armed Forces Reserve shall, upon application to the department,
 1002 accompanied by proof of active membership or retired status in
 1003 the Florida National Guard, proof of membership in the Pearl
 1004 Harbor Survivors Association or proof of active military duty in
 1005 Pearl Harbor on December 7, 1941, proof of being a Purple Heart
 1006 medal recipient, or proof of active or retired membership in any
 1007 branch of the Armed Forces Reserve, and upon payment of the
 1008 license tax for the vehicle as provided in s. 320.08, be issued
 1009 a license plate as provided by s. 320.06, upon which, in lieu of
 1010 the serial numbers prescribed by s. 320.06, shall be stamped the
 1011 words "National Guard," "Pearl Harbor Survivor," "Combat-wounded
 1012 veteran," or "U.S. Reserve," as appropriate, followed by the
 1013 serial number of the license plate. Additionally, the Purple
 1014 Heart plate may have the words "Purple Heart" stamped on the
 1015 plate and the likeness of the Purple Heart medal appearing on
 1016 the plate.

1017 Section 18. Subsection (15) of section 320.77, Florida
 1018 Statutes, is amended to read:

1019 320.77 License required of mobile home dealers.--

1020 (15) SURETY BOND, CASH BOND, OR IRREVOCABLE LETTER OF
 1021 CREDIT REQUIRED.--

1022 (a) Before any license shall be issued or renewed, the
 1023 applicant or licensee shall deliver to the department a good and
 1024 sufficient surety bond, cash bond, or irrevocable letter of
 1025 credit, executed by the applicant or licensee as principal ~~and~~

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1026 ~~by a surety company qualified to do business in the state as~~
 1027 ~~surety.~~ The bond or irrevocable letter of credit shall be in a
 1028 form to be approved by the department and shall be conditioned
 1029 upon the dealer's complying with the conditions of any written
 1030 contract made by the dealer in connection with the sale,
 1031 exchange, or improvement of any mobile home and his or her not
 1032 violating any of the provisions of chapter 319 or this chapter
 1033 in the conduct of the business for which the dealer is licensed.
 1034 The bond or irrevocable letter of credit shall be to the
 1035 department and in favor of any retail customer who shall suffer
 1036 any loss as a result of any violation of the conditions
 1037 ~~hereinabove~~ contained in this section. The bond or irrevocable
 1038 letter of credit shall be for the license period, and a new bond
 1039 or irrevocable letter of credit or a proper continuation
 1040 certificate shall be delivered to the department at the
 1041 beginning of each license period. However, the aggregate
 1042 liability of the surety in any one license year shall in no
 1043 event exceed the sum of such bond, or, in the case of a letter
 1044 of credit, the aggregate liability of the issuing bank shall not
 1045 exceed the sum of the credit. The amount of the bond required
 1046 shall be as follows:

1047 1. A single dealer who buys, sells, or deals in mobile
 1048 homes and who has four or fewer supplemental licenses shall
 1049 provide a surety bond, cash bond, or irrevocable letter of
 1050 credit executed by the dealer applicant or licensee in the
 1051 amount of \$25,000.

1052 2. A single dealer who buys, sells, or deals in mobile
 1053 homes and who has more than four supplemental licenses shall

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1054 provide a surety bond, cash bond, or irrevocable letter of
 1055 credit executed by the dealer applicant or licensee in the
 1056 amount of \$50,000.

1057
 1058 For the purposes of this paragraph, any person who buys, sells,
 1059 or deals in both mobile homes and recreational vehicles shall
 1060 provide the same surety bond required of dealers who buy, sell,
 1061 or deal in mobile homes only.

1062 (b) Surety bonds shall be executed by a surety company
 1063 authorized to do business in the state as surety, and
 1064 irrevocable letters of credit shall be issued by a bank
 1065 authorized to do business in the state as a bank.

1066 (c) Irrevocable letters of credit shall be engaged by a
 1067 bank as an agreement to honor demands for payment as specified
 1068 in this section.

1069 (d)~~(b)~~ The department shall, upon denial, suspension, or
 1070 revocation of any license, notify the surety company of the
 1071 licensee or bank issuing an irrevocable letter of credit for the
 1072 licensee, in writing, that the license has been denied,
 1073 suspended, or revoked and shall state the reason for such
 1074 denial, suspension, or revocation.

1075 (e)~~(c)~~ Any surety company that ~~which~~ pays any claim
 1076 against the bond of any licensee or any bank that honors a
 1077 demand for payment as a condition specified in a letter of
 1078 credit of a licensee shall notify the department, in writing,
 1079 that ~~it has paid~~ such action has been taken ~~a claim~~ and shall
 1080 state the amount of the claim or payment.

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1081 (f)~~(d)~~ Any surety company that ~~which~~ cancels the bond of
 1082 any licensee or any bank that cancels an irrevocable letter of
 1083 credit shall notify the department, in writing, of such
 1084 cancellation, giving reason for the cancellation.

1085 Section 19. Subsection (6) of section 322.08, Florida
 1086 Statutes, is amended to read:

1087 322.08 Application for license.--

1088 (6) The application form for a driver's license or
 1089 duplicate thereof shall include language permitting the
 1090 following:

1091 (a) A voluntary contribution of \$5 per applicant, which
 1092 contribution shall be transferred into the Election Campaign
 1093 Financing Trust Fund.

1094 (b) A voluntary contribution of \$1 per applicant, which
 1095 contribution shall be deposited into the Florida Organ and
 1096 Tissue Donor Education and Procurement Trust Fund for organ and
 1097 tissue donor education and for maintaining the organ and tissue
 1098 donor registry.

1099 (c) A voluntary contribution of \$1 per applicant, which
 1100 contribution shall be distributed to the Florida Council of the
 1101 Blind.

1102 (d) A voluntary contribution of \$2 per applicant, which
 1103 shall be distributed to the Hearing Research Institute,
 1104 Incorporated, ~~for the purpose of infant hearing screening in~~
 1105 ~~Florida.~~

1106 (e) A voluntary contribution of \$1 per applicant, which
 1107 shall be distributed to the Juvenile Diabetes Foundation
 1108 International.

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1109
 1110 A statement providing an explanation of the purpose of the trust
 1111 funds shall also be included. For the purpose of applying the
 1112 service charge provided in s. 215.20, contributions received
 1113 under paragraphs (c), (d), and (e) and under s. 322.18(9)(a) are
 1114 not income of a revenue nature.

1115 Section 20. Subsection (14) of section 322.2615, Florida
 1116 Statutes, is amended, and subsection (16) is added to that
 1117 section, to read:

1118 322.2615 Suspension of license; right to review.--

1119 (14) (a) The decision of the department under this section
 1120 ~~may shall~~ not be considered in any trial for a violation of s.
 1121 316.193, and a ~~nor shall any~~ written statement submitted by a
 1122 person in his or her request for departmental review under this
 1123 section may not be admitted ~~admissible~~ into evidence against him
 1124 or her in any such trial.

1125 (b) The disposition of any related criminal proceedings
 1126 does shall not affect a suspension for refusal to submit to a
 1127 blood, breath, or urine test, authorized by s. 316.1932 or s.
 1128 316.1933, imposed under pursuant ~~to~~ this section.

1129 (16) The department shall invalidate a suspension for
 1130 driving with an unlawful blood-alcohol level or breath-alcohol
 1131 level imposed under this section if the suspended person is
 1132 found not guilty at trial of an underlying violation of s.
 1133 316.193.

1134 Section 21. (1) There is created the Manufactured Housing
 1135 Regulatory Study Commission. The study commission shall be
 1136 composed of 11 members who shall be appointed as follows:

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1137 (a) Four members appointed by the Florida Manufactured
 1138 Housing Association, one member representing publicly owned
 1139 manufacturers of manufactured housing, one member representing
 1140 privately owned manufacturers of manufactured housing, and two
 1141 members who are retail sellers of manufactured housing, one of
 1142 whom must also sell residential manufactured buildings approved
 1143 by the Department of Community Affairs.

1144 (b) Two members from the Senate, appointed by the
 1145 President of the Senate.

1146 (c) Two members from the House of Representatives,
 1147 appointed by the Speaker of the House of Representatives.

1148 (d) The secretary of the Department of Community Affairs
 1149 or the secretary's designee.

1150 (e) The executive director of the Department of Highway
 1151 Safety and Motor Vehicles or the director's designee.

1152 (f) The commissioner of the Department of Agriculture and
 1153 Consumer Services or the commissioner's designee.

1154
 1155 The commission members representing the departments of Community
 1156 Affairs, Highway Safety and Motor Vehicles, and Agriculture and
 1157 Consumer Services shall serve as ex officio, nonvoting members
 1158 of the study commission.

1159 (2) The study commission shall review the programs
 1160 regulating manufactured and mobile homes which are currently
 1161 located at the Department of Highway Safety and Motor Vehicles
 1162 and must include a review of the following programs and
 1163 activities:

1164 (a) The federal construction and inspection programs.

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1165 (b) The installation program, including the regulation and
 1166 inspection functions.

1167 (c) The Mobile Home and RV Protection Trust Fund.

1168 (d) The licensing of manufacturers, retailers, and
 1169 installers of manufactured and mobile homes.

1170 (e) The titling of manufactured and mobile homes.

1171 (f) Dispute resolution.

1172
 1173 During the course of the study, the study commission must review
 1174 the sources funding the programs to determine if the
 1175 manufactured and mobile home programs are or can be self-
 1176 sustaining. The study commission shall also consider the impact
 1177 that changes in regulation may have on the industry and its
 1178 consumers.

1179 (3) The study commission shall be administratively
 1180 supported by the staff of the transportation committees of the
 1181 Senate and the House of Representatives.

1182 (4) (a) The study commission must hold its initial meeting
 1183 no later than August 15, 2005, in Tallahassee. Staff to the
 1184 commission shall schedule and organize the initial meeting.
 1185 Subsequent meetings of the study commission must be held in
 1186 Tallahassee according to a schedule developed by the chair.

1187 (b) At the initial meeting, the study commission shall
 1188 elect a chair from one of the elected official members.

1189 (5) The study commission must submit a final report
 1190 setting forth its findings and recommendations to the Governor,
 1191 the President of the Senate, and the Speaker of the House of
 1192 Representatives on or before January 1, 2006.

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1193 (6) Members of the study commission shall serve without
 1194 compensation, but are entitled to be reimbursed for per diem and
 1195 travel expenses under section 112.061, Florida Statutes.

1196 (7) The study commission terminates after submitting its
 1197 final report but not later than February 15, 2006.

1198 Section 22. Subsection (3) of section 322.27, Florida
 1199 Statutes, is amended to read:

1200 322.27 Authority of department to suspend or revoke
 1201 license.--

1202 (3) There is established a point system for evaluation of
 1203 convictions of violations of motor vehicle laws or ordinances,
 1204 and violations of applicable provisions of s. 403.413(6)(b) when
 1205 such violations involve the use of motor vehicles, for the
 1206 determination of the continuing qualification of any person to
 1207 operate a motor vehicle. The department is authorized to suspend
 1208 the license of any person upon showing of its records or other
 1209 good and sufficient evidence that the licensee has been
 1210 convicted of violation of motor vehicle laws or ordinances, or
 1211 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 1212 more points as determined by the point system. The suspension
 1213 shall be for a period of not more than 1 year.

1214 (a) When a licensee accumulates 12 points within a 12-
 1215 month period, the period of suspension shall be for not more
 1216 than 30 days.

1217 (b) When a licensee accumulates 18 points, including
 1218 points upon which suspension action is taken under paragraph
 1219 (a), within an 18-month period, the suspension shall be for a
 1220 period of not more than 3 months.

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1221 (c) When a licensee accumulates 24 points, including
 1222 points upon which suspension action is taken under paragraphs
 1223 (a) and (b), within a 36-month period, the suspension shall be
 1224 for a period of not more than 1 year.

1225 (d) The point system shall have as its basic element a
 1226 graduated scale of points assigning relative values to
 1227 convictions of the following violations:

- 1228 1. Reckless driving, willful and wanton--4 points.
- 1229 2. Leaving the scene of a crash resulting in property
 1230 damage of more than \$50--6 points.
- 1231 3. Unlawful speed resulting in a crash--6 points.
- 1232 4. Passing a stopped school bus--4 points.
- 1233 5. Unlawful speed:
- 1234 a. Not in excess of 15 miles per hour of lawful or posted
 1235 speed--3 points.
- 1236 b. In excess of 15 miles per hour of lawful or posted
 1237 speed--4 points.
- 1238 6. All other moving violations (including parking on a
 1239 highway outside the limits of a municipality)--3 points.
 1240 However, no points shall be imposed for a violation of s.
 1241 316.0741 or s. 316.2065(12).
- 1242 7. Any moving violation covered above, excluding unlawful
 1243 speed, resulting in a crash--4 points.
- 1244 8. Any conviction under s. 403.413(6)(b) ~~s. 403.413(5)(b)~~--
 1245 -3 points.

1246 (e) A conviction in another state of a violation therein
 1247 which, if committed in this state, would be a violation of the
 1248 traffic laws of this state, or a conviction of an offense under

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1249 | any federal law substantially conforming to the traffic laws of
 1250 | this state, except a violation of s. 322.26, may be recorded
 1251 | against a driver on the basis of the same number of points
 1252 | received had the conviction been made in a court of this state.

1253 | (f) In computing the total number of points, when the
 1254 | licensee reaches the danger zone, the department is authorized
 1255 | to send the licensee a warning letter advising that any further
 1256 | convictions may result in suspension of his or her driving
 1257 | privilege.

1258 | (g) The department shall administer and enforce the
 1259 | provisions of this law and may make rules and regulations
 1260 | necessary for its administration.

1261 | (h) Three points shall be deducted from the driver history
 1262 | record of any person whose driving privilege has been suspended
 1263 | only once pursuant to this subsection and has been reinstated,
 1264 | if such person has complied with all other requirements of this
 1265 | chapter.

1266 | (i) This subsection shall not apply to persons operating a
 1267 | nonmotorized vehicle for which a driver's license is not
 1268 | required.

1269 | Section 23. Subsections (1), (2), (3), (7), (8), and (10)
 1270 | of section 322.61, Florida Statutes, are amended to read:

1271 | 322.61 Disqualification from operating a commercial motor
 1272 | vehicle.--

1273 | (1) A person who, for offenses occurring within a 3-year
 1274 | period, is convicted of two of the following serious traffic
 1275 | violations or any combination thereof, arising in separate
 1276 | incidents committed in a commercial motor vehicle shall, in

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1277 addition to any other applicable penalties, be disqualified from
 1278 operating a commercial motor vehicle for a period of 60 days. A
 1279 person who, for offenses occurring within a 3-year period, is
 1280 convicted of two of the following serious traffic violations, or
 1281 any combination thereof, arising in separate incidents committed
 1282 in a noncommercial motor vehicle shall, in addition to any other
 1283 applicable penalties, be disqualified from operating a
 1284 commercial motor vehicle for a period of 60 days if such
 1285 convictions result in the suspension, revocation, or
 1286 cancellation of the licenseholder's driving privilege:

1287 (a) A violation of any state or local law relating to
 1288 motor vehicle traffic control, other than a parking violation, a
 1289 weight violation, or a vehicle equipment violation, arising in
 1290 connection with a crash resulting in death or personal injury to
 1291 any person;

1292 (b) Reckless driving, as defined in s. 316.192;

1293 (c) Careless driving, as defined in s. 316.1925;

1294 (d) Fleeing or attempting to elude a law enforcement
 1295 officer, as defined in s. 316.1935;

1296 (e) Unlawful speed of 15 miles per hour or more above the
 1297 posted speed limit;

1298 (f) Driving a commercial motor vehicle, owned by such
 1299 person, which is not properly insured;

1300 (g) Improper lane change, as defined in s. 316.085; ~~or~~

1301 (h) Following too closely, as defined in s. 316.0895; ~~or~~

1302 (i) Driving a commercial vehicle without obtaining a
 1303 commercial driver's license;

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1304 (j) Driving a commercial vehicle without the proper class
 1305 of commercial driver's license or without the proper
 1306 endorsement; or

1307 (k) Driving a commercial vehicle without a commercial
 1308 driver's license in possession, as required by s. 322.03. Any
 1309 individual who provides proof to the clerk of the court or
 1310 designated official in the jurisdiction where the citation was
 1311 issued, by the date the individual must appear in court or pay
 1312 any fine for such a violation, that the individual held a valid
 1313 commercial driver's license on the date the citation was issued
 1314 is not guilty of this offense.

1315 (2) (a) Any person who, for offenses occurring within a 3-
 1316 year period, is convicted of three serious traffic violations
 1317 specified in subsection (1) or any combination thereof, arising
 1318 in separate incidents committed in a commercial motor vehicle
 1319 shall, in addition to any other applicable penalties, including
 1320 but not limited to the penalty provided in subsection (1), be
 1321 disqualified from operating a commercial motor vehicle for a
 1322 period of 120 days.

1323 (b) A person who, for offenses occurring within a 3-year
 1324 period, is convicted of three serious traffic violations
 1325 specified in subsection (1) or any combination thereof arising
 1326 in separate incidents committed in a noncommercial motor vehicle
 1327 shall, in addition to any other applicable penalties, including,
 1328 but not limited to, the penalty provided in subsection (1), be
 1329 disqualified from operating a commercial motor vehicle for a
 1330 period of 120 days if such convictions result in the suspension,

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1331 | revocation, or cancellation of the licenseholder's driving
 1332 | privilege.

1333 | (3) Except as provided in subsection (4), any person who
 1334 | is convicted of one of the following offenses shall, in addition
 1335 | to any other applicable penalties, be disqualified from
 1336 | operating a commercial motor vehicle for a period of 1 year:

1337 | (a) Driving a commercial motor vehicle while he or she is
 1338 | under the influence of alcohol or a controlled substance;

1339 | (b) Driving a commercial motor vehicle while the alcohol
 1340 | concentration of his or her blood, breath, or urine is .04
 1341 | percent or higher;

1342 | (c) Leaving the scene of a crash involving a commercial
 1343 | motor vehicle driven by such person;

1344 | (d) Using a commercial motor vehicle in the commission of
 1345 | a felony;

1346 | (e) Driving a commercial motor vehicle while in possession
 1347 | of a controlled substance; ~~or~~

1348 | (f) Refusing to submit to a test to determine his or her
 1349 | alcohol concentration while driving a commercial motor vehicle;~~;~~

1350 | (g) Driving a commercial vehicle while the licenseholder's
 1351 | commercial driver's license is suspended, revoked, or canceled
 1352 | or while the licenseholder is disqualified from driving a
 1353 | commercial vehicle; or

1354 | (h) Causing a fatality through the negligent operation of
 1355 | a commercial motor vehicle.

1356 | (7) A person whose privilege to operate a commercial motor
 1357 | vehicle is disqualified under this section may, if otherwise

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1358 | qualified, be issued a ~~Class D or~~ Class E driver's license,
 1359 | pursuant to s. 322.251.

1360 | (8) A driver who is convicted of or otherwise found to
 1361 | have committed a violation of an out-of-service order while
 1362 | driving a commercial motor vehicle is disqualified as follows:

1363 | (a) Not less than 90 days nor more than 1 year if the
 1364 | driver is convicted of or otherwise found to have committed a
 1365 | first violation of an out-of-service order.

1366 | (b) Not less than 1 year nor more than 5 years if, for
 1367 | offenses occurring during any 10-year period, the driver is
 1368 | convicted of or otherwise found to have committed two violations
 1369 | of out-of-service orders in separate incidents.

1370 | (c) Not less than 3 years nor more than 5 years if, for
 1371 | offenses occurring during any 10-year period, the driver is
 1372 | convicted of or otherwise found to have committed three or more
 1373 | violations of out-of-service orders in separate incidents.

1374 | (d) Not less than 180 days nor more than 2 years if the
 1375 | driver is convicted of or otherwise found to have committed a
 1376 | first violation of an out-of-service order while transporting
 1377 | hazardous materials required to be placarded under the Hazardous
 1378 | Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or
 1379 | while operating motor vehicles designed to transport more than
 1380 | 15 passengers, including the driver. A driver is disqualified
 1381 | for a period of not less than 3 years nor more than 5 years if,
 1382 | for offenses occurring during any 10-year period, the driver is
 1383 | convicted of or otherwise found to have committed any subsequent
 1384 | violations of out-of-service orders, in separate incidents,
 1385 | while transporting hazardous materials required to be placarded

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1386 under the Hazardous Materials Transportation Act 49 U.S.C. ss.
 1387 5101 et seq., or while operating motor vehicles designed to
 1388 transport more than 15 passengers, including the driver.

1389 (10) (a) A driver must be disqualified for not less than 60
 1390 days if the driver is convicted of or otherwise found to have
 1391 committed a first violation of a railroad-highway grade crossing
 1392 violation.

1393 (b) A driver must be disqualified for not less than 120
 1394 days if, for offenses occurring during any 3-year period, the
 1395 driver is convicted of or otherwise found to have committed a
 1396 second railroad-highway grade crossing violation in separate
 1397 incidents.

1398 (c) A driver must be disqualified for not less than 1 year
 1399 if, for offenses occurring during any 3-year period, the driver
 1400 is convicted of or otherwise found to have committed a third or
 1401 subsequent railroad-highway grade crossing violation in separate
 1402 incidents.

1403 Section 24. Subsection (5) is added to section 321.24, to
 1404 read:

1405 321.24 Members of an auxiliary to Florida Highway Patrol.-
 1406 -

1407 (5) Notwithstanding any other law to the contrary, any
 1408 volunteer highway patrol troop surgeon appointed by the director
 1409 of the Florida Highway Patrol, and any volunteer licensed health
 1410 professional appointed by the director of the Florida Highway
 1411 Patrol to work under the medical direction of a highway patrol
 1412 troop surgeon is considered an employee for purposes of s.
 1413 768.28(9).

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1414 Section 25. Section 549.102, Florida Statutes, is created
 1415 to read:

1416 549.102 Motorsports entertainment complex; overnight
 1417 parking.--Notwithstanding any other law to the contrary, the
 1418 owner of a motorsports entertainment complex may allow temporary
 1419 overnight parking during a motorsports event and the 2 days
 1420 immediately preceding and following such motorsports event
 1421 without any other license or permit as long as the area where
 1422 such temporary overnight parking is allowed meets applicable
 1423 health department requirements other than site requirements. The
 1424 Department of Health, or any other health agency in the state,
 1425 shall not regard such temporary overnight parking as a
 1426 "recreational vehicle park" as described in chapter 513 and the
 1427 administrative code adopted under that chapter.

1428 Section 26. Subsection (6) of section 261.03, Florida
 1429 Statutes, is amended and subsection (11) is added to that
 1430 section, to read:

1431 261.03 Definitions.--As used in this chapter, the term:

1432 (6) "Off-highway vehicle" means any ATV, two-rider ATV, or
 1433 OHM that is used off the roads or highways of this state ~~for~~
 1434 ~~recreational purposes~~ and that is not registered and licensed
 1435 for highway use under chapter 320.

1436 (11) "Two-rider ATV" means any ATV that is specifically
 1437 designed by the manufacturer for a single operator and one
 1438 passenger.

1439 Section 27. Subsection (84) is added to section 316.003,
 1440 Florida Statutes, to read:

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1441 316.003 Definitions.--The following words and phrases,
 1442 when used in this chapter, shall have the meanings respectively
 1443 ascribed to them in this section, except where the context
 1444 otherwise requires:

1445 (84) TRAFFIC SIGNAL PREEMPTION SYSTEM.--Any system or
 1446 device with the capability of activating a control mechanism
 1447 mounted on or near traffic signals which alters a traffic
 1448 signal's timing cycle.

1449 Section 28. Section 316.0775, Florida Statutes, is amended
 1450 to read:

1451 316.0775 Interference with official traffic control
 1452 devices or railroad signs or signals.--

1453 (1) A ~~No~~ person may not ~~shall~~, without lawful authority,
 1454 attempt to or in fact alter, deface, injure, knock down, or
 1455 remove any official traffic control device or any railroad sign
 1456 or signal or any inscription, shield, or insignia thereon, or
 1457 any other part thereof. A violation of this subsection ~~section~~
 1458 is a criminal violation pursuant to s. 318.17 and shall be
 1459 punishable as set forth in s. 806.13 related to criminal
 1460 mischief and graffiti, beginning on or after July 1, 2000.

1461 (2) A person may not, without lawful authority, possess or
 1462 use any traffic signal preemption device as defined under s.
 1463 316.003. A person who violates this subsection commits a moving
 1464 violation, punishable as provided in chapter 318 and shall have
 1465 4 points assessed against his or her driver's license as set
 1466 forth in s. 322.27.

1467 Section 29. Section 316.122, Florida Statutes, is amended
 1468 to read:

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1469 316.122 Vehicle turning left.--The driver of a vehicle
 1470 intending to turn to the left within an intersection or into an
 1471 alley, private road, or driveway shall yield the right-of-way to
 1472 any vehicle approaching from the opposite direction, or vehicles
 1473 lawfully passing on the left of the turning vehicle, which is
 1474 within the intersection or so close thereto as to constitute an
 1475 immediate hazard. A violation of this section is a noncriminal
 1476 traffic infraction, punishable as a moving violation as provided
 1477 in chapter 318.

1478 Section 30. Section 316.1576, Florida Statutes, is created
 1479 to read:

1480 316.1576 Insufficient clearance at a railroad-highway
 1481 grade crossing.--

1482 (1) A person may not drive any vehicle through a railroad-
 1483 highway grade crossing that does not have sufficient space to
 1484 drive completely through the crossing without stopping.

1485 (2) A person may not drive any vehicle through a railroad-
 1486 highway grade crossing that does not have sufficient
 1487 undercarriage clearance to drive completely through the crossing
 1488 without stopping.

1489 (3) A violation of this section is a noncriminal traffic
 1490 infraction, punishable as a moving violation as provided in
 1491 chapter 318.

1492 Section 31. Section 316.1577, Florida Statutes, is created
 1493 to read:

1494 316.1577 Employer responsibility for violations pertaining
 1495 to railroad-highway grade crossings.--

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1496 (1) An employer may not knowingly allow, require, permit,
 1497 or authorize a driver to operate a commercial motor vehicle in
 1498 violation of a federal, state, or local law or rule pertaining
 1499 to railroad-highway grade crossings.

1500 (2) A person who violates subsection (1) is subject to a
 1501 civil penalty of not more than \$10,000.

1502 Section 32. Subsection (2) of section 316.183, Florida
 1503 Statutes, is amended to read:

1504 316.183 Unlawful speed.--

1505 (2) On all streets or highways, the maximum speed limits
 1506 for all vehicles must be 30 miles per hour in business or
 1507 residence districts, and 55 miles per hour at any time at all
 1508 other locations. However, with respect to a residence district,
 1509 a county or municipality may set a maximum speed limit of 20 or
 1510 25 miles per hour on local streets and highways after an
 1511 investigation determines that such a limit is reasonable. It is
 1512 not necessary to conduct a separate investigation for each
 1513 residence district. The minimum speed limit on all highways that
 1514 comprise a part of the National System of Interstate and Defense
 1515 Highways and have not fewer than four lanes is 40 miles per
 1516 hour, except that when the posted speed limit is 70 miles per
 1517 hour, the minimum speed limit is 50 miles per hour.

1518 Section 33. Paragraph (e) of subsection (1) of section
 1519 316.1932, Florida Statutes, is amended to read:

1520 316.1932 Tests for alcohol, chemical substances, or
 1521 controlled substances; implied consent; refusal.--

1522 (1)

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1523 (e)1. By applying for a driver's license and by accepting
 1524 and using a driver's license, the person holding the driver's
 1525 license is deemed to have expressed his or her consent to the
 1526 provisions of this section.

1527 2. A nonresident or any other person driving in a status
 1528 exempt from the requirements of the driver's license law, by his
 1529 or her act of driving in such exempt status, is deemed to have
 1530 expressed his or her consent to the provisions of this section.

1531 3. A warning of the consent provision of this section
 1532 shall be printed ~~above the signature line~~ on each new or renewed
 1533 driver's license.

1534 Section 34. Subsection (5) of section 316.1936, Florida
 1535 Statutes, is amended to read:

1536 316.1936 Possession of open containers of alcoholic
 1537 beverages in vehicles prohibited; penalties.--

1538 (5) This section shall not apply to:

1539 (a) A passenger of a vehicle in which the driver is
 1540 operating the vehicle pursuant to a contract to provide
 1541 transportation for passengers and such driver holds a valid
 1542 commercial driver's license with a passenger endorsement ~~or a~~
 1543 ~~Class D driver's license~~ issued in accordance with the
 1544 requirements of chapter 322;

1545 (b) A passenger of a bus in which the driver holds a valid
 1546 commercial driver's license with a passenger endorsement ~~or a~~
 1547 ~~Class D driver's license~~ issued in accordance with the
 1548 requirements of chapter 322; or

1549 (c) A passenger of a self-contained motor home which is in
 1550 excess of 21 feet in length.

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1551 Section 35. Paragraphs (a) and (b) of subsection (3) of
 1552 section 316.194, Florida Statutes, are amended to read:

1553 316.194 Stopping, standing or parking outside of
 1554 municipalities.--

1555 (3) (a) Whenever any police officer or traffic accident
 1556 investigation officer finds a vehicle standing upon a highway in
 1557 violation of any of the foregoing provisions of this section,
 1558 the officer is authorized to move the vehicle, or require the
 1559 driver or other persons in charge of the vehicle to move the
 1560 vehicle same, to a position off the paved or main-traveled part
 1561 of the highway.

1562 (b) Officers and traffic accident investigation officers
 1563 may ~~are hereby authorized to~~ provide for the removal of any
 1564 abandoned vehicle to the nearest garage or other place of
 1565 safety, cost of such removal to be a lien against motor vehicle,
 1566 when an ~~said~~-abandoned vehicle is found unattended upon a bridge
 1567 or causeway or in any tunnel, or on any public highway in the
 1568 following instances:

1569 1. Where such vehicle constitutes an obstruction of
 1570 traffic;

1571 2. Where such vehicle has been parked or stored on the
 1572 public right-of-way for a period exceeding 48 hours, in other
 1573 than designated parking areas, and is within 30 feet of the
 1574 pavement edge; and

1575 3. Where an operative vehicle has been parked or stored on
 1576 the public right-of-way for a period exceeding 10 days, in other
 1577 than designated parking areas, and is more than 30 feet from the
 1578 pavement edge. However, the agency removing such vehicle shall

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1579 | be required to report same to the Department of Highway Safety
 1580 | and Motor Vehicles within 24 hours of such removal.

1581 | Section 36. Section 316.1967, Florida Statutes, is amended
 1582 | to read:

1583 | 316.1967 Liability for payment of parking ticket
 1584 | violations and other parking violations.--

1585 | (1) The owner of a vehicle is responsible and liable for
 1586 | payment of any parking ticket violation unless the owner can
 1587 | furnish evidence, when required by this subsection, that the
 1588 | vehicle was, at the time of the parking violation, in the care,
 1589 | custody, or control of another person. In such instances, the
 1590 | owner of the vehicle is required, within a reasonable time after
 1591 | notification of the parking violation, to furnish to the
 1592 | appropriate law enforcement authorities an affidavit setting
 1593 | forth the name, address, and driver's license number of the
 1594 | person who leased, rented, or otherwise had the care, custody,
 1595 | or control of the vehicle. The affidavit submitted under this
 1596 | subsection is admissible in a proceeding charging a parking
 1597 | ticket violation and raises the rebuttable presumption that the
 1598 | person identified in the affidavit is responsible for payment of
 1599 | the parking ticket violation. The owner of a vehicle is not
 1600 | responsible for a parking ticket violation if the vehicle
 1601 | involved was, at the time, stolen or in the care, custody, or
 1602 | control of some person who did not have permission of the owner
 1603 | to use the vehicle. The owner of a leased vehicle is not
 1604 | responsible for a parking ticket violation and is not required
 1605 | to submit an affidavit or the other evidence specified in this

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1606 section, if the vehicle is registered in the name of the person
 1607 who leased the vehicle.

1608 (2) Any person who is issued a county or municipal parking
 1609 ticket by a parking enforcement specialist or officer is deemed
 1610 to be charged with a noncriminal violation and shall comply with
 1611 the directions on the ticket. If payment is not received or a
 1612 response to the ticket is not made within the time period
 1613 specified thereon, the county court or its traffic violations
 1614 bureau shall notify the registered owner of the vehicle that was
 1615 cited, or the registered lessee when the cited vehicle is
 1616 registered in the name of the person who leased the vehicle, by
 1617 mail to the address given on the motor vehicle registration, of
 1618 the ticket. Mailing the notice to this address constitutes
 1619 notification. Upon notification, the registered owner or
 1620 registered lessee shall comply with the court's directive.

1621 (3) Any person who fails to satisfy the court's directive
 1622 waives his or her right to pay the applicable civil penalty.

1623 (4) Any person who elects to appear before a designated
 1624 official to present evidence waives his or her right to pay the
 1625 civil penalty provisions of the ticket. The official, after a
 1626 hearing, shall make a determination as to whether a parking
 1627 violation has been committed and may impose a civil penalty not
 1628 to exceed \$100 or the fine amount designated by county
 1629 ordinance, plus court costs. Any person who fails to pay the
 1630 civil penalty within the time allowed by the court is deemed to
 1631 have been convicted of a parking ticket violation, and the court
 1632 shall take appropriate measures to enforce collection of the
 1633 fine.

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1634 (5) Any provision of subsections (2), (3), and (4) to the
 1635 contrary notwithstanding, chapter 318 does not apply to
 1636 violations of county parking ordinances and municipal parking
 1637 ordinances.

1638 (6) Any county or municipality may provide by ordinance
 1639 that the clerk of the court or the traffic violations bureau
 1640 shall supply the department with a magnetically encoded computer
 1641 tape reel or cartridge or send by other electronic means data
 1642 which is machine readable by the installed computer system at
 1643 the department, listing persons who have three or more
 1644 outstanding parking violations, including violations of s.
 1645 316.1955. Each county shall provide by ordinance that the clerk
 1646 of the court or the traffic violations bureau shall supply the
 1647 department with a magnetically encoded computer tape reel or
 1648 cartridge or send by other electronic means data that is machine
 1649 readable by the installed computer system at the department,
 1650 listing persons who have any outstanding violations of s.
 1651 316.1955 or any similar local ordinance that regulates parking
 1652 in spaces designated for use by persons who have disabilities.
 1653 The department shall mark the appropriate registration records
 1654 of persons who are so reported. Section 320.03(8) applies to
 1655 each person whose name appears on the list.

1656 Section 37. Subsection (2) of section 316.2074, Florida
 1657 Statutes, is amended to read:

1658 316.2074 All-terrain vehicles.--

1659 (2) As used in this section, the term "all-terrain
 1660 vehicle" means any motorized off-highway vehicle 50 inches or
 1661 less in width, having a dry weight of 900 pounds or less,

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1662 | designed to travel on three or more low-pressure tires, having a
 1663 | seat designed to be straddled by the operator and handlebars for
 1664 | steering control, and intended for use by a single operator with
 1665 | no passenger. For the purposes of this section, "all-terrain
 1666 | vehicle" also includes any "two-rider ATV" as defined in s.
 1667 | 317.0003.

1668 | Section 38. Paragraph (b) of subsection (1) of section
 1669 | 316.302, Florida Statutes, is amended to read:

1670 | 316.302 Commercial motor vehicles; safety regulations;
 1671 | transporters and shippers of hazardous materials; enforcement.--

1672 | (1)

1673 | (b) Except as otherwise provided in this section, all
 1674 | owners or drivers of commercial motor vehicles that are engaged
 1675 | in intrastate commerce are subject to the rules and regulations
 1676 | contained in 49 C.F.R. parts 382, 385, and 390-397, with the
 1677 | exception of 49 C.F.R. s. 390.5 as it relates to the definition
 1678 | of bus, as such rules and regulations existed on October 1, 2004
 1679 | 2002.

1680 | Section 39. Subsection (1) of section 316.605, Florida
 1681 | Statutes, is amended to read:

1682 | 316.605 Licensing of vehicles.--

1683 | (1) Every vehicle, at all times while driven, stopped, or
 1684 | parked upon any highways, roads, or streets of this state, shall
 1685 | be licensed in the name of the owner thereof in accordance with
 1686 | the laws of this state unless such vehicle is not required by
 1687 | the laws of this state to be licensed in this state and shall,
 1688 | except as otherwise provided in s. 320.0706 for front-end
 1689 | registration license plates on truck tractors, display the

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1690 license plate or both of the license plates assigned to it by
 1691 the state, one on the rear and, if two, the other on the front
 1692 of the vehicle, each to be securely fastened to the vehicle
 1693 outside the main body of the vehicle in such manner as to
 1694 prevent the plates from swinging, and ~~with~~ all letters,
 1695 numerals, printing, writing, and other identification marks upon
 1696 the plates regarding the word "Florida," the registration decal,
 1697 and the alphanumeric designation shall be clear and distinct and
 1698 free from defacement, mutilation, grease, and other obscuring
 1699 matter, so that they will be plainly visible and legible at all
 1700 times 100 feet from the rear or front. Nothing shall be placed
 1701 upon the face of a Florida plate except as permitted by law or
 1702 by rule or regulation of a governmental agency. No license
 1703 plates other than those furnished by the state shall be used.
 1704 However, if the vehicle is not required to be licensed in this
 1705 state, the license plates on such vehicle issued by another
 1706 state, by a territory, possession, or district of the United
 1707 States, or by a foreign country, substantially complying with
 1708 the provisions hereof, shall be considered as complying with
 1709 this chapter. A violation of this subsection is a noncriminal
 1710 traffic infraction, punishable as a nonmoving violation as
 1711 provided in chapter 318.

1712 Section 40. Subsection (4) of section 316.613, Florida
 1713 Statutes, is amended to read:

1714 316.613 Child restraint requirements.--

1715 (4)~~(a)~~ It is the legislative intent that all state,
 1716 county, and local law enforcement agencies, and safety councils,
 1717 in recognition of the problems with child death and injury from

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1718 unrestrained occupancy in motor vehicles, conduct a continuing
 1719 safety and public awareness campaign as to the magnitude of the
 1720 problem.

1721 ~~(b) The department may authorize the expenditure of funds~~
 1722 ~~for the purchase of promotional items as part of the public~~
 1723 ~~information and education campaigns provided for in this~~
 1724 ~~subsection and ss. 316.614, 322.025, and 403.7145.~~

1725 Section 41. Section 316.6131, Florida Statutes, is created
 1726 to read:

1727 316.6131 Educational expenditures.--The department may
 1728 authorize the expenditure of funds for the purchase of
 1729 educational items as part of the public information and
 1730 education campaigns promoting highway safety and awareness, as
 1731 well as departmental community-based initiatives. Funds may be
 1732 expended for, but are not limited to, educational campaigns
 1733 provided in this chapter, chapters 320 and 322, and s. 403.7145.

1734 Section 42. Subsection (9) of section 316.650, Florida
 1735 Statutes, is amended to read:

1736 316.650 Traffic citations.--

1737 (9) Such citations shall not be admissible evidence in any
 1738 trial, except when used as evidence of falsification, forgery,
 1739 uttering, fraud, or perjury, or when used as physical evidence
 1740 resulting from a forensic examination of the citation.

1741 Section 43. Section 317.0003, Florida Statutes, is
 1742 amended, to read:

1743 317.0003 Definitions.--As used in this chapter ~~ss.~~
 1744 ~~317.0001-317.0013~~, the term:

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1745 (1) "ATV" means any motorized off-highway or all-terrain
 1746 vehicle 50 inches or less in width, having a dry weight of 900
 1747 pounds or less, designed to travel on three or more low-pressure
 1748 tires, having a seat designed to be straddled by the operator
 1749 and handlebars for steering control, and intended for use by a
 1750 single operator and with no passenger.

1751 (2) "Dealer" means any person authorized by the Department
 1752 of Revenue to buy, sell, resell, or otherwise distribute off-
 1753 highway vehicles. Such person must have a valid sales tax
 1754 certificate of registration issued by the Department of Revenue
 1755 and a valid commercial or occupational license required by any
 1756 county, municipality, or political subdivision of the state in
 1757 which the person operates.

1758 (3) "Department" means the Department of Highway Safety
 1759 and Motor Vehicles.

1760 (4) "Florida resident" means a person who has had a
 1761 principal place of domicile in this state for a period of more
 1762 than 6 consecutive months, who has registered to vote in this
 1763 state, who has made a statement of domicile pursuant to s.
 1764 222.17, or who has filed for homestead tax exemption on property
 1765 in this state.

1766 (5) "OHM" or "off-highway motorcycle" means any motor
 1767 vehicle used off the roads or highways of this state that has a
 1768 seat or saddle for the use of the rider and is designed to
 1769 travel with not more than two wheels in contact with the ground,
 1770 but excludes a tractor or a moped.

1771 (6) "Off-highway vehicle" means any ATV, two-rider ATV, or
 1772 OHM that is used off the roads or highways of this state ~~for~~

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1773 ~~recreational purposes~~ and that is not registered and licensed
 1774 for highway use pursuant to chapter 320.

1775 (7) "Owner" means a person, other than a lienholder,
 1776 having the property in or title to an off-highway vehicle,
 1777 including a person entitled to the use or possession of an off-
 1778 highway vehicle subject to an interest held by another person,
 1779 reserved or created by agreement and securing payment of
 1780 performance of an obligation, but the term excludes a lessee
 1781 under a lease not intended as security.

1782 (8) "Public lands" means lands within the state that are
 1783 available for public use and that are owned, operated, or
 1784 managed by a federal, state, county, or municipal governmental
 1785 entity.

1786 (9) "Two-rider ATV" means any ATV that is specifically
 1787 designed by the manufacturer for a single operator and one
 1788 passenger.

1789 Section 44. Subsection (1) of section 317.0004, Florida
 1790 Statutes, is amended to read:

1791 317.0004 Administration of off-highway vehicle titling
 1792 laws; records.--

1793 (1) The administration of off-highway vehicle titling laws
 1794 in this chapter ~~ss. 317.0001-317.0013~~ is under the Department of
 1795 Highway Safety and Motor Vehicles, which shall provide for the
 1796 issuing, handling, and recording of all off-highway vehicle
 1797 titling applications and certificates, including the receipt and
 1798 accounting of off-highway vehicle titling fees. The provisions
 1799 of chapter 319 are applicable to this chapter, unless otherwise
 1800 explicitly stated.

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1801 Section 45. Section 317.0005, Florida Statutes, is amended
 1802 to read:

1803 317.0005 Rules, forms, and notices.--

1804 (1) The department may adopt rules pursuant to ss.
 1805 120.536(1) and 120.54, which pertain to off-highway vehicle
 1806 titling, in order to implement the provisions of this chapter
 1807 ~~ss. 317.0001-317.0013~~ conferring duties upon it.

1808 (2) The department shall prescribe and provide suitable
 1809 forms for applications and other notices and forms necessary to
 1810 administer the provisions of this chapter ~~ss. 317.0001-317.0013~~.

1811 Section 46. Subsection (1) of section 317.0006, Florida
 1812 Statutes, is amended to read:

1813 317.0006 Certificate of title required.--

1814 (1) Any off-highway vehicle that is purchased by a
 1815 resident of this state after the effective date of this act or
 1816 that is owned by a resident and is operated on the public lands
 1817 of this state must be titled pursuant to this chapter ~~ss.~~
 1818 ~~317.0001-317.0013~~.

1819 Section 47. Subsection (6) is added to section 317.0007,
 1820 Florida Statutes, to read:

1821 317.0007 Application for and issuance of certificate of
 1822 title.--

1823 (6) In addition to a certificate of title, the department
 1824 may issue a validation sticker to be placed on the off-highway
 1825 vehicle as proof of the issuance of title required pursuant to
 1826 s. 317.0006(1). A validation sticker that is lost or destroyed
 1827 may, upon application, be replaced by the department or county
 1828 tax collector. The department and county tax collector may

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1829 charge and deposit the fees established in ss. 320.03(5),
 1830 320.031, and 320.04 for all original and replacement decals.

1831 Section 48. Subsection (2) of section 317.0008, Florida
 1832 Statutes, is repealed.

1833 Section 49. Section 317.0010, Florida Statutes, is amended
 1834 to read:

1835 317.0010 Disposition of fees.--The department shall
 1836 deposit all funds received under this chapter ~~ss. 317.0001-~~
 1837 ~~317.0013~~, less administrative costs of \$2 per title transaction,
 1838 into the Incidental Trust Fund of the Division of Forestry of
 1839 the Department of Agriculture and Consumer Services.

1840 Section 50. Subsection (3) of section 317.0012, Florida
 1841 Statutes, is amended to read:

1842 317.0012 Crimes relating to certificates of title;
 1843 penalties.--

1844 (3) It is unlawful to:

1845 (a) Alter or forge any certificate of title to an off-
 1846 highway vehicle or any assignment thereof or any cancellation of
 1847 any lien on an off-highway vehicle.

1848 (b) Retain or use such certificate, assignment, or
 1849 cancellation knowing that it has been altered or forged.

1850 (c) Use a false or fictitious name, give a false or
 1851 fictitious address, or make any false statement in any
 1852 application or affidavit required by this chapter ~~ss. 317.0001-~~
 1853 ~~317.0013~~ or in a bill of sale or sworn statement of ownership or
 1854 otherwise commit a fraud in any application.

1855 (d) Knowingly obtain goods, services, credit, or money by
 1856 means of an invalid, duplicate, fictitious, forged, counterfeit,

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1857 | stolen, or unlawfully obtained certificate of title, bill of
 1858 | sale, or other indicia of ownership of an off-highway vehicle.

1859 | (e) Knowingly obtain goods, services, credit, or money by
 1860 | means of a certificate of title to an off-highway vehicle which
 1861 | certificate is required by law to be surrendered to the
 1862 | department.

1863 |
 1864 | Any person who violates this subsection commits a felony of the
 1865 | third degree, punishable as provided in s. 775.082, s. 775.083,
 1866 | or s. 775.084. A violation of this subsection with respect to
 1867 | any off-highway vehicle makes such off-highway vehicle
 1868 | contraband which may be seized by a law enforcement agency and
 1869 | forfeited under ss. 932.701-932.704.

1870 | Section 51. Section 317.0013, Florida Statutes, is amended
 1871 | to read:

1872 | 317.0013 Nonmoving traffic violations.--Any person who
 1873 | fails to comply with any provision of this chapter ~~ss. 317.0001-~~
 1874 | ~~317.0012~~ for which a penalty is not otherwise provided commits a
 1875 | nonmoving traffic violation, punishable as provided in s.
 1876 | 318.18.

1877 | Section 52. Section 317.0014, Florida Statutes, is created
 1878 | to read:

1879 | 317.0014 Certificate of title; issuance in duplicate;
 1880 | delivery; liens and encumbrances.--

1881 | (1) The department shall assign a number to each
 1882 | certificate of title and shall issue each certificate of title
 1883 | and each corrected certificate in duplicate. The database record
 1884 | shall serve as the duplicate title certificate required in this

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1885 section. One printed copy may be retained on file by the
 1886 department.

1887 (2) A duly authorized person shall sign the original
 1888 certificate of title and each corrected certificate and, if
 1889 there are no liens or encumbrances on the off-highway vehicle,
 1890 as shown in the records of the department or as shown in the
 1891 application, shall deliver the certificate to the applicant or
 1892 to another person as directed by the applicant or person, agent,
 1893 or attorney submitting the application. If there are one or more
 1894 liens or encumbrances on the off-highway vehicle, the
 1895 certificate shall be delivered by the department to the first
 1896 lienholder as shown by department records or to the owner as
 1897 indicated in the notice of lien filed by the first lienholder.
 1898 If the notice of lien filed by the first lienholder indicates
 1899 that the certificate should be delivered to the first
 1900 lienholder, the department shall deliver to the first
 1901 lienholder, along with the certificate, a form to be
 1902 subsequently used by the lienholder as a satisfaction. If the
 1903 notice of lien filed by the first lienholder directs the
 1904 certificate of title to be delivered to the owner, then, upon
 1905 delivery of the certificate of title by the department to the
 1906 owner, the department shall deliver to the first lienholder
 1907 confirmation of the receipt of the notice of lien and the date
 1908 the certificate of title was issued to the owner at the owner's
 1909 address shown on the notice of lien and a form to be
 1910 subsequently used by the lienholder as a satisfaction. If the
 1911 application for certificate shows the name of a first lienholder
 1912 different from the name of the first lienholder as shown by the

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1913 | records of the department, the certificate may not be issued to
 1914 | any person until after all parties who appear to hold a lien and
 1915 | the applicant for the certificate have been notified of the
 1916 | conflict in writing by the department by certified mail. If the
 1917 | parties do not amicably resolve the conflict within 10 days
 1918 | after the date the notice was mailed, the department shall serve
 1919 | notice in writing by certified mail on all persons appearing to
 1920 | hold liens on that particular vehicle, including the applicant
 1921 | for the certificate, to show cause within 15 days following the
 1922 | date the notice is mailed as to why it should not issue and
 1923 | deliver the certificate to the person indicated in the notice of
 1924 | lien filed by the lienholder whose name appears in the
 1925 | application as the first lienholder without showing any lien or
 1926 | liens as outstanding other than those appearing in the
 1927 | application or those that have been filed subsequent to the
 1928 | filing of the application for the certificate. If, within the
 1929 | 15-day period, any person other than the lienholder shown in the
 1930 | application or a party filing a subsequent lien, in answer to
 1931 | the notice to show cause, appears in person or by a
 1932 | representative, or responds in writing, and files a written
 1933 | statement under oath that his or her lien on that particular
 1934 | vehicle is still outstanding, the department may not issue the
 1935 | certificate to anyone until after the conflict has been settled
 1936 | by the lien claimants involved or by a court of competent
 1937 | jurisdiction. If the conflict is not settled amicably within 10
 1938 | days after the final date for filing an answer to the notice to
 1939 | show cause, the complaining party shall have 10 days in which to
 1940 | obtain a ruling, or a stay order, from a court of competent

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1941 jurisdiction. If a ruling or stay order is not issued and served
 1942 on the department within the 10-day period, it shall issue the
 1943 certificate showing no liens except those shown in the
 1944 application or thereafter filed to the original applicant if
 1945 there are no liens shown in the application and none are
 1946 thereafter filed, or to the person indicated in the notice of
 1947 lien filed by the lienholder whose name appears in the
 1948 application as the first lienholder if there are liens shown in
 1949 the application or thereafter filed. A duplicate certificate or
 1950 corrected certificate shall show only the lien or liens as shown
 1951 in the application and any subsequently filed liens that may be
 1952 outstanding.

1953 (3) Except as provided in subsection (4), the certificate
 1954 of title shall be retained by the first lienholder or the owner
 1955 as indicated in the notice of lien filed by the first
 1956 lienholder. If the first lienholder is in possession of the
 1957 certificate, the first lienholder is entitled to retain the
 1958 certificate until the first lien is satisfied.

1959 (4) If the owner of the vehicle, as shown on the title
 1960 certificate, desires to place a second or subsequent lien or
 1961 encumbrance against the vehicle when the title certificate is in
 1962 the possession of the first lienholder, the owner shall send a
 1963 written request to the first lienholder by certified mail, and
 1964 the first lienholder shall forward the certificate to the
 1965 department for endorsement. If the title certificate is in the
 1966 possession of the owner, the owner shall forward the certificate
 1967 to the department for endorsement. The department shall return
 1968 the certificate to either the first lienholder or to the owner,

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1969 as indicated in the notice of lien filed by the first
 1970 lienholder, after endorsing the second or subsequent lien on the
 1971 certificate and on the duplicate. If the first lienholder or
 1972 owner fails, neglects, or refuses to forward the certificate of
 1973 title to the department within 10 days after the date of the
 1974 owner's request, the department, on the written request of the
 1975 subsequent lienholder or an assignee of the lien, shall demand
 1976 of the first lienholder the return of the certificate for the
 1977 notation of the second or subsequent lien or encumbrance.

1978 (5) (a) Upon satisfaction of any first lien or encumbrance
 1979 recorded by the department, the owner of the vehicle, as shown
 1980 on the title certificate, or the person satisfying the lien is
 1981 entitled to demand and receive from the lienholder a
 1982 satisfaction of the lien. If the lienholder, upon satisfaction
 1983 of the lien and upon demand, fails or refuses to furnish a
 1984 satisfaction of the lien within 30 days after demand, he or she
 1985 is liable for all costs, damages, and expenses, including
 1986 reasonable attorney's fees, lawfully incurred by the titled
 1987 owner or person satisfying the lien in any suit brought in this
 1988 state for cancellation of the lien. The lienholder receiving
 1989 final payment as defined in s. 674.215 shall mail or otherwise
 1990 deliver a lien satisfaction and the certificate of title
 1991 indicating the satisfaction within 10 working days after receipt
 1992 of final payment or notify the person satisfying the lien that
 1993 the title is not available within 10 working days after receipt
 1994 of final payment. If the lienholder is unable to provide the
 1995 certificate of title and notifies the person of such, the
 1996 lienholder shall provide a lien satisfaction and is responsible

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1997 for the cost of a duplicate title, including expedited title
 1998 charges as provided in s. 317.0016. This paragraph does not
 1999 apply to electronic transactions under subsection (8).

2000 (b) Following satisfaction of a lien, the lienholder shall
 2001 enter a satisfaction thereof in the space provided on the face
 2002 of the certificate of title. If the certificate of title was
 2003 retained by the owner, the owner shall, within 5 days after
 2004 satisfaction of the lien, deliver the certificate of title to
 2005 the lienholder and the lienholder shall enter a satisfaction
 2006 thereof in the space provided on the face of the certificate of
 2007 title. If no subsequent liens are shown on the certificate of
 2008 title, the certificate shall be delivered by the lienholder to
 2009 the person satisfying the lien or encumbrance and an executed
 2010 satisfaction on a form provided by the department shall be
 2011 forwarded to the department by the lienholder within 10 days
 2012 after satisfaction of the lien.

2013 (c) If the certificate of title shows a subsequent lien
 2014 not then being discharged, an executed satisfaction of the first
 2015 lien shall be delivered by the lienholder to the person
 2016 satisfying the lien and the certificate of title showing
 2017 satisfaction of the first lien shall be forwarded by the
 2018 lienholder to the department within 10 days after satisfaction
 2019 of the lien.

2020 (d) If, upon receipt of a title certificate showing
 2021 satisfaction of the first lien, the department determines from
 2022 its records that there are no subsequent liens or encumbrances
 2023 upon the vehicle, the department shall forward to the owner, as
 2024 shown on the face of the title, a corrected certificate showing

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2025 no liens or encumbrances. If there is a subsequent lien not
2026 being discharged, the certificate of title shall be reissued
2027 showing the second or subsequent lienholder as the first
2028 lienholder and shall be delivered to either the new first
2029 lienholder or to the owner as indicated in the notice of lien
2030 filed by the new first lienholder. If the certificate of title
2031 is to be retained by the first lienholder on the reissued
2032 certificate, the first lienholder is entitled to retain the
2033 certificate of title except as provided in subsection (4) until
2034 his or her lien is satisfied. Upon satisfaction of the lien, the
2035 lienholder is subject to the procedures required of a first
2036 lienholder by subsection (4) and this subsection.

2037 (6) When the original certificate of title cannot be
2038 returned to the department by the lienholder and evidence
2039 satisfactory to the department is produced that all liens or
2040 encumbrances have been satisfied, upon application by the owner
2041 for a duplicate copy of the certificate upon the form prescribed
2042 by the department, accompanied by the fee prescribed in this
2043 chapter, a duplicate copy of the certificate of title, without
2044 statement of liens or encumbrances, shall be issued by the
2045 department and delivered to the owner.

2046 (7) Any person who fails, within 10 days after receipt of
2047 a demand by the department by certified mail, to return a
2048 certificate of title to the department as required by subsection
2049 (4) or who, upon satisfaction of a lien, fails within 10 days
2050 after receipt of such demand to forward the appropriate document
2051 to the department as required by paragraph (5) (b) or paragraph

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2052 (5) (c) commits a misdemeanor of the second degree, punishable as
 2053 provided in s. 775.082 or s. 775.083.

2054 (8) Notwithstanding any requirements in this section or in
 2055 s. 319.27 indicating that a lien on a vehicle shall be noted on
 2056 the face of the Florida certificate of title, if there are one
 2057 or more liens or encumbrances on the off-highway vehicle, the
 2058 department may electronically transmit the lien to the first
 2059 lienholder and notify the first lienholder of any additional
 2060 liens. Subsequent lien satisfactions may be electronically
 2061 transmitted to the department and must include the name and
 2062 address of the person or entity satisfying the lien. When
 2063 electronic transmission of liens and lien satisfactions are
 2064 used, the issuance of a certificate of title may be waived until
 2065 the last lien is satisfied and a clear certificate of title is
 2066 issued to the owner of the vehicle.

2067 (9) In sending any notice, the department is required to
 2068 use only the last known address, as shown by its records.

2069 Section 53. Section 317.0015, Florida Statutes, is created
 2070 to read:

2071 317.0015 Application of law.--Sections 319.235, 319.241,
 2072 319.25, 319.27, 319.28, and 319.40 apply to all off-highway
 2073 vehicles that are required to be titled under this chapter.

2074 Section 54. Section 317.0016, Florida Statutes, is created
 2075 to read:

2076 317.0016 Expedited service; applications; fees.--The
 2077 department shall provide, through its agents and for use by the
 2078 public, expedited service on title transfers, title issuances,
 2079 duplicate titles, recordation of liens, and certificates of

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2080 repossession. A fee of \$7 shall be charged for this service,
 2081 which is in addition to the fees imposed by ss. 317.0007 and
 2082 317.0008, and \$3.50 of this fee shall be retained by the
 2083 processing agency. All remaining fees shall be deposited in the
 2084 Incidental Trust Fund of the Division of Forestry of the
 2085 Department of Agriculture and Consumer Services. Application for
 2086 expedited service may be made by mail or in person. The
 2087 department shall issue each title applied for pursuant to this
 2088 section within 5 working days after receipt of the application
 2089 except for an application for a duplicate title certificate
 2090 covered by s. 317.0008(3), in which case the title must be
 2091 issued within 5 working days after compliance with the
 2092 department's verification requirements.

2093 Section 55. Section 317.0017, Florida Statutes, is created
 2094 to read:

2095 317.0017 Offenses involving vehicle identification
 2096 numbers, applications, certificates, papers; penalty.--

2097 (1) A person may not:

2098 (a) Alter or forge any certificate of title to an off-
 2099 highway vehicle or any assignment thereof or any cancellation of
 2100 any lien on an off-highway vehicle.

2101 (b) Retain or use such certificate, assignment, or
 2102 cancellation knowing that it has been altered or forged.

2103 (c) Procure or attempt to procure a certificate of title
 2104 to an off-highway vehicle, or pass or attempt to pass a
 2105 certificate of title or any assignment thereof to an off-highway
 2106 vehicle, knowing or having reason to believe that the off-
 2107 highway vehicle has been stolen.

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2108 (d) Possess, sell or offer for sale, conceal, or dispose
 2109 of in this state an off-highway vehicle, or major component part
 2110 thereof, on which any motor number or vehicle identification
 2111 number affixed by the manufacturer or by a state agency has been
 2112 destroyed, removed, covered, altered, or defaced, with knowledge
 2113 of such destruction, removal, covering, alteration, or
 2114 defacement, except as provided in s. 319.30(4).

2115 (e) Use a false or fictitious name, give a false or
 2116 fictitious address, or make any false statement in any
 2117 application or affidavit required under this chapter or in a
 2118 bill of sale or sworn statement of ownership or otherwise commit
 2119 a fraud in any application.

2120 (2) A person may not knowingly obtain goods, services,
 2121 credit, or money by means of an invalid, duplicate, fictitious,
 2122 forged, counterfeit, stolen, or unlawfully obtained certificate
 2123 of title, registration, bill of sale, or other indicia of
 2124 ownership of an off-highway vehicle.

2125 (3) A person may not knowingly obtain goods, services,
 2126 credit, or money by means of a certificate of title to an off-
 2127 highway vehicle, which certificate is required by law to be
 2128 surrendered to the department.

2129 (4) A person may not knowingly and with intent to defraud
 2130 have in his or her possession, sell, offer to sell, counterfeit,
 2131 or supply a blank, forged, fictitious, counterfeit, stolen, or
 2132 fraudulently or unlawfully obtained certificate of title, bill
 2133 of sale, or other indicia of ownership of an off-highway vehicle
 2134 or conspire to do any of the foregoing.

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2135 (5) A person, firm, or corporation may not knowingly
 2136 possess, manufacture, sell or exchange, offer to sell or
 2137 exchange, supply in blank, or give away any counterfeit
 2138 manufacturer's or state-assigned identification number plates or
 2139 serial plates or any decal used for the purpose of identifying
 2140 an off-highway vehicle. An officer, agent, or employee of any
 2141 person, firm, or corporation, or any person may not authorize,
 2142 direct, aid in exchange, or give away, or conspire to authorize,
 2143 direct, aid in exchange, or give away, such counterfeit
 2144 manufacturer's or state-assigned identification number plates or
 2145 serial plates or any decal. However, this subsection does not
 2146 apply to any approved replacement manufacturer's or state-
 2147 assigned identification number plates or serial plates or any
 2148 decal issued by the department or any state.

2149 (6) A person who violates any provision of this section
 2150 commits a felony of the third degree, punishable as provided in
 2151 s. 775.082, s. 775.083, or s. 775.084. Any off-highway vehicle
 2152 used in violation of this section constitutes contraband that
 2153 may be seized by a law enforcement agency and that is subject to
 2154 forfeiture proceedings pursuant to ss. 932.701-932.704. This
 2155 section is not exclusive of any other penalties prescribed by
 2156 any existing or future laws for the larceny or unauthorized
 2157 taking of off-highway vehicles, but is supplementary thereto.

2158 Section 56. Section 317.0018, Florida Statutes, is created
 2159 to read:

2160 317.0018 Transfer without delivery of certificate;
 2161 operation or use without certificate; failure to surrender;

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2162 other violations.--Except as otherwise provided in this chapter,
 2163 any person who:

2164 (1) Purports to sell or transfer an off-highway vehicle
 2165 without delivering to the purchaser or transferee of the vehicle
 2166 a certificate of title to the vehicle duly assigned to the
 2167 purchaser as provided in this chapter;

2168 (2) Operates or uses in this state an off-highway vehicle
 2169 for which a certificate of title is required without the
 2170 certificate having been obtained in accordance with this
 2171 chapter, or upon which the certificate of title has been
 2172 canceled;

2173 (3) Fails to surrender a certificate of title upon
 2174 cancellation of the certificate by the department and notice
 2175 thereof as prescribed in this chapter;

2176 (4) Fails to surrender the certificate of title to the
 2177 department as provided in this chapter in the case of the
 2178 destruction, dismantling, or change of an off-highway vehicle in
 2179 such respect that it is not the off-highway vehicle described in
 2180 the certificate of title; or

2181 (5) Violates any other provision of this chapter or a
 2182 lawful rule adopted pursuant to this chapter;

2183
 2184 shall be fined not more than \$500 or imprisoned for not more
 2185 than 6 months, or both, for each offense, unless otherwise
 2186 specified.

2187 Section 57. Subsections (7), (9), and (10) of section
 2188 318.14, Florida Statutes, are amended to read:

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2189 318.14 Noncriminal traffic infractions; exception;
 2190 procedures.--

2191 (7) (a) The official having jurisdiction over the
 2192 infraction shall certify to the department within 10 days after
 2193 payment of the civil penalty that the defendant has admitted to
 2194 the infraction. If the charge results in a hearing, the
 2195 official having jurisdiction shall certify to the department the
 2196 final disposition within 10 days after ~~of~~ the hearing. All
 2197 dispositions returned to the county requiring a correction shall
 2198 be resubmitted to the department within 10 days after the
 2199 notification of the error.

2200 (b) If the official having jurisdiction over the traffic
 2201 infraction submits the final disposition to the department more
 2202 than 180 days after the final hearing or after payment of the
 2203 civil penalty, the department may modify any resulting
 2204 suspension or revocation action to begin as if the citation were
 2205 reported in a timely manner.

2206 (9) Any person who does not hold a commercial driver's
 2207 license and who is cited for an infraction under this section
 2208 other than a violation of s. 320.0605, s. 320.07(3) (a) or (b),
 2209 s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu
 2210 of a court appearance, elect to attend in the location of his or
 2211 her choice within this state a basic driver improvement course
 2212 approved by the Department of Highway Safety and Motor Vehicles.
 2213 In such a case, adjudication must be withheld; points, as
 2214 provided by s. 322.27, may not be assessed; and the civil
 2215 penalty that is imposed by s. 318.18(3) must be reduced by 18
 2216 percent; however, a person may not make an election under this

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2217 subsection if the person has made an election under this
 2218 subsection in the preceding 12 months. A person may make no more
 2219 than five elections under this subsection. The requirement for
 2220 community service under s. 318.18(8) is not waived by a plea of
 2221 nolo contendere or by the withholding of adjudication of guilt
 2222 by a court.

2223 (10) (a) Any person who does not hold a commercial driver's
 2224 license and who is cited for an offense listed under this
 2225 subsection may, in lieu of payment of fine or court appearance,
 2226 elect to enter a plea of nolo contendere and provide proof of
 2227 compliance to the clerk of the court or authorized operator of a
 2228 traffic violations bureau. In such case, adjudication shall be
 2229 withheld; however, no election shall be made under this
 2230 subsection if such person has made an election under this
 2231 subsection in the 12 months preceding election hereunder. No
 2232 person may make more than three elections under this subsection.
 2233 This subsection applies to the following offenses:

2234 1. Operating a motor vehicle without a valid driver's
 2235 license in violation of the provisions of s. 322.03, s. 322.065,
 2236 or s. 322.15(1), or operating a motor vehicle with a license
 2237 which has been suspended for failure to appear, failure to pay
 2238 civil penalty, or failure to attend a driver improvement course
 2239 pursuant to s. 322.291.

2240 2. Operating a motor vehicle without a valid registration
 2241 in violation of s. 320.0605, s. 320.07, or s. 320.131.

2242 3. Operating a motor vehicle in violation of s. 316.646.

2243 (b) Any person cited for an offense listed in this
 2244 subsection shall present proof of compliance prior to the

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2245 | scheduled court appearance date. For the purposes of this
2246 | subsection, proof of compliance shall consist of a valid,
2247 | renewed, or reinstated driver's license or registration
2248 | certificate and proper proof of maintenance of security as
2249 | required by s. 316.646. Notwithstanding waiver of fine, any
2250 | person establishing proof of compliance shall be assessed court
2251 | costs of \$22, except that a person charged with violation of s.
2252 | 316.646(1)-(3) may be assessed court costs of \$7. One dollar of
2253 | such costs shall be remitted to the Department of Revenue for
2254 | deposit into the Child Welfare Training Trust Fund of the
2255 | Department of Children and Family Services. One dollar of such
2256 | costs shall be distributed to the Department of Juvenile Justice
2257 | for deposit into the Juvenile Justice Training Trust Fund.
2258 | Twelve dollars of such costs shall be distributed to the
2259 | municipality and \$8 shall be deposited by the clerk of the court
2260 | into the fine and forfeiture fund established pursuant to s.
2261 | 142.01, if the offense was committed within the municipality. If
2262 | the offense was committed in an unincorporated area of a county
2263 | or if the citation was for a violation of s. 316.646(1)-(3), the
2264 | entire amount shall be deposited by the clerk of the court into
2265 | the fine and forfeiture fund established pursuant to s. 142.01,
2266 | except for the moneys to be deposited into the Child Welfare
2267 | Training Trust Fund and the Juvenile Justice Training Trust
2268 | Fund. This subsection shall not be construed to authorize the
2269 | operation of a vehicle without a valid driver's license, without
2270 | a valid vehicle tag and registration, or without the maintenance
2271 | of required security.

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2272 Section 58. Subsection (6) of section 319.23, Florida
 2273 Statutes, is amended to read:

2274 319.23 Application for, and issuance of, certificate of
 2275 title.--

2276 (6) In the case of the sale of a motor vehicle or mobile
 2277 home by a licensed dealer to a general purchaser, the
 2278 certificate of title shall be obtained in the name of the
 2279 purchaser by the dealer upon application signed by the
 2280 purchaser, and in each other case such certificate shall be
 2281 obtained by the purchaser. In each case of transfer of a motor
 2282 vehicle or mobile home, the application for certificate of
 2283 title, or corrected certificate, or assignment or reassignment,
 2284 shall be filed within 30 days from the delivery of such motor
 2285 vehicle or mobile home to the purchaser. An applicant shall be
 2286 required to pay a fee of \$10, in addition to all other fees and
 2287 penalties required by law, for failing to file such application
 2288 within the specified time. When a licensed dealer acquires a
 2289 motor vehicle or mobile home as a trade-in, the dealer must file
 2290 with the department, within 30 days, a notice of sale signed by
 2291 the seller. The department shall update its database for that
 2292 title record to indicate "sold." A licensed dealer need not
 2293 apply for a certificate of title for any motor vehicle or mobile
 2294 home in stock acquired for stock purposes except as provided in
 2295 s. 319.225.

2296 Section 59. Subsections (2) and (3) of section 319.27,
 2297 Florida Statutes, are amended to read:

2298 319.27 Notice of lien on motor vehicles or mobile homes;
 2299 notation on certificate; recording of lien.--

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2300 (2) No lien for purchase money or as security for a debt
 2301 in the form of a security agreement, retain title contract,
 2302 conditional bill of sale, chattel mortgage, or other similar
 2303 instrument or any other nonpossessory lien, including a lien for
 2304 child support, upon a motor vehicle or mobile home upon which a
 2305 Florida certificate of title has been issued shall be
 2306 enforceable in any of the courts of this state against creditors
 2307 or subsequent purchasers for a valuable consideration and
 2308 without notice, unless a sworn notice of such lien has been
 2309 filed in the department and such lien has been noted upon the
 2310 certificate of title of the motor vehicle or mobile home. Such
 2311 notice shall be effective as constructive notice when filed. No
 2312 interest of a statutory nonpossessory lienor; the interest of a
 2313 nonpossessory execution, attachment, or equitable lienor; or the
 2314 interest of a lien creditor as defined in s. 679.1021(1)(zz) ~~s.~~
 2315 ~~679.301(3)~~, if nonpossessory, shall be enforceable against
 2316 creditors or subsequent purchasers for a valuable consideration
 2317 unless such interest becomes a possessory lien or is noted upon
 2318 the certificate of title for the subject motor vehicle or mobile
 2319 home prior to the occurrence of the subsequent transaction.
 2320 Provided the provisions of this subsection relating to a
 2321 nonpossessory statutory lienor; a nonpossessory execution,
 2322 attachment, or equitable lienor; or the interest of a lien
 2323 creditor as defined in s. 679.1021(1)(zz) ~~s. 679.301(3)~~ shall
 2324 not apply to liens validly perfected prior to October 1, 1988.
 2325 The notice of lien shall provide the following information:

2326 (a) The date of the lien if a security agreement, retain
 2327 title contract, conditional bill of sale, chattel mortgage, or

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2328 other similar instrument was executed prior to the filing of the
 2329 notice of lien;

2330 (b) The name and address of the registered owner;

2331 (c) A description of the motor vehicle or mobile home,
 2332 showing the make, type, and vehicle identification number; and

2333 (d) The name and address of the lienholder.

2334 (3) (a) A person may file a notice of lien with regard to a
 2335 motor vehicle or mobile home before a security agreement, retain
 2336 title contract, conditional bill of sale, chattel mortgage, or
 2337 other similar instrument is executed granting a lien, mortgage,
 2338 or encumbrance on, or a security interest in, such motor vehicle
 2339 or mobile home.

2340 (b) As applied to a determination of the respective rights
 2341 of a secured party under this chapter and a lien creditor as
 2342 defined by s. 679.1021(1)(zz) ~~s. 679.301(3)~~, or a nonpossessory
 2343 statutory lienor, a security interest under this chapter shall
 2344 be perfected upon the filing of the notice of lien with the
 2345 department, the county tax collector, or their agents. Provided,
 2346 however, the date of perfection of a security interest of such
 2347 secured party shall be the same date as the execution of the
 2348 security agreement or other similar instrument if the notice of
 2349 lien is filed in accordance with this subsection within 15 days
 2350 after the debtor receives possession of the motor vehicle or
 2351 mobile home and executes such security agreement or other
 2352 similar instrument. The date of filing of the notice of lien
 2353 shall be the date of its receipt by the department central
 2354 office in Tallahassee, if first filed there, or otherwise by the
 2355 office of the county tax collector, or their agents.

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2356 Section 60. Paragraph (b) of subsection (1) of section
 2357 320.06, Florida Statutes, is amended to read:

2358 320.06 Registration certificates, license plates, and
 2359 validation stickers generally.--

2360 (1)

2361 (b) Registration license plates bearing a graphic symbol
 2362 and the alphanumeric system of identification shall be issued
 2363 for a 5-year period. At the end of said 5-year period, upon
 2364 renewal, the plate shall be replaced. The fee for such
 2365 replacement shall be \$10, \$2 of which shall be paid each year
 2366 before the plate is replaced, to be credited towards the next
 2367 \$10 replacement fee. The fees shall be deposited into the
 2368 Highway Safety Operating Trust Fund. A credit or refund shall
 2369 not be given for any prior years' payments of such prorated
 2370 replacement fee when the plate is replaced or surrendered before
 2371 the end of the 5-year period, except that a credit may be given
 2372 when a registrant is required by the department to replace a
 2373 license plate under s. 320.08056(8)(a). With each license plate,
 2374 there shall be issued a validation sticker showing the owner's
 2375 birth month, license plate number, and the year of expiration or
 2376 the appropriate renewal period if the owner is not a natural
 2377 person. The validation sticker is to be placed on the upper
 2378 right corner of the license plate. Such license plate and
 2379 validation sticker shall be issued based on the applicant's
 2380 appropriate renewal period. The registration period shall be a
 2381 period of 12 months, and all expirations shall occur based on
 2382 the applicant's appropriate registration period. A vehicle with
 2383 an apportioned registration shall be issued an annual license

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2384 | plate and a cab card that denote the declared gross vehicle
 2385 | weight for each apportioned jurisdiction in which the vehicle is
 2386 | authorized to operate.

2387 | Section 61. Section 320.0601, Florida Statutes, is amended
 2388 | to read:

2389 | 320.0601 Lease and rental car companies; identification of
 2390 | vehicles as for-hire.--

2391 | (1) A rental car company may not rent in this state any
 2392 | for-hire vehicle, other than vehicles designed to transport
 2393 | cargo, that has affixed to its exterior any bumper stickers,
 2394 | insignias, or advertising that identifies the vehicle as a
 2395 | rental vehicle.

2396 | (2) As used in this section, the term:

2397 | (a) "Bumper stickers, insignias, or advertising" does not
 2398 | include:

2399 | 1. Any emblem of no more than two colors which is less
 2400 | than 2 inches by 4 inches, which is placed on the rental car for
 2401 | inventory purposes only, and which does not display the name or
 2402 | logo of the rental car company; or

2403 | 2. Any license required by the law of the state in which
 2404 | the vehicle is registered.

2405 | (b) "Rent in this state" means to sign a rental contract
 2406 | in this state or to deliver a car to a renter in this state.

2407 | (3) A rental car company that leases a motor vehicle that
 2408 | is found to be in violation of this section shall be punished by
 2409 | a fine of \$500 per occurrence.

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2410 (4) Any registration or renewal as required under s.
 2411 320.02 for an original or transfer of a long-term leased motor
 2412 vehicle must be in the name and address of the lessee.

2413 Section 62. Section 320.0605, Florida Statutes, is amended
 2414 to read:

2415 320.0605 Certificate of registration; possession required;
 2416 exception.--The registration certificate or an official copy
 2417 thereof, a true copy of a rental or lease agreement issued for a
 2418 motor vehicle or issued for a replacement vehicle in the same
 2419 registration period, a temporary receipt printed upon self-
 2420 initiated electronic renewal of a registration via the Internet,
 2421 or a cab card issued for a vehicle registered under the
 2422 International Registration Plan shall, at all times while the
 2423 vehicle is being used or operated on the roads of this state, be
 2424 in the possession of the operator thereof or be carried in the
 2425 vehicle for which issued and shall be exhibited upon demand of
 2426 any authorized law enforcement officer or any agent of the
 2427 department, except for a vehicle registered under s. 320.0657.

2428 The provisions of this section do not apply during the first 30
 2429 days after purchase of a replacement vehicle. A violation of
 2430 this section is a noncriminal traffic infraction, punishable as
 2431 a nonmoving violation as provided in chapter 318.

2432 Section 63. Section 320.0843, Florida Statutes, is amended
 2433 to read:

2434 320.0843 License plates for persons with disabilities
 2435 eligible for permanent disabled parking permits.--

2436 (1) Any owner or lessee of a motor vehicle who resides in
 2437 this state and qualifies for a disabled parking permit under s.

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2438 320.0848(2), upon application to the department and payment of
 2439 the license tax for a motor vehicle registered under s.
 2440 320.08(2), (3)(a), (b), (c), or (e), (4)(a) or (b), (6)(a), or
 2441 (9)(c) or (d), shall be issued a license plate as provided by s.
 2442 320.06 which, in lieu of the serial number prescribed by s.
 2443 320.06, shall be stamped with the international wheelchair user
 2444 symbol after the serial number of the license plate. The
 2445 license plate entitles the person to all privileges afforded by
 2446 a parking permit issued under s. 320.0848. When more than one
 2447 registrant is listed on the registration issued under this
 2448 section, the eligible applicant shall be noted on the
 2449 registration certificate.

2450 (2) All applications for such license plates must be made
 2451 to the department.

2452 Section 64. Subsection (8) is added to section 320.131,
 2453 Florida Statutes, to read:

2454 320.131 Temporary tags.--

2455 (8) The department may administer an electronic system for
 2456 licensed motor vehicle dealers to use in issuing temporary
 2457 license plates. Upon issuing a temporary license plate, the
 2458 dealer shall access the electronic system and enter the
 2459 appropriate vehicle and owner information within the timeframe
 2460 specified by department rule. If a dealer fails to comply with
 2461 the department's requirements for issuing temporary license
 2462 plates using the electronic system, the department may deny,
 2463 suspend, or revoke a license under s. 320.27(9)(b)16. upon proof
 2464 that the licensee has failed to comply with the department's

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2465 requirements. The department may adopt rules to administer this
 2466 section.

2467 Section 65. Subsection (1) of section 320.18, Florida
 2468 Statutes, is amended to read:

2469 320.18 Withholding registration.--

2470 (1) The department may withhold the registration of any
 2471 motor vehicle or mobile home the owner of which has failed to
 2472 register it under the provisions of law for any previous period
 2473 or periods for which it appears registration should have been
 2474 made in this state, until the tax for such period or periods is
 2475 paid. The department may cancel any vehicle or vessel
 2476 registration, driver's license, identification card, ~~license~~
 2477 plate or fuel-use tax decal if the owner pays for the vehicle or
 2478 vessel registration, driver's license, identification card, or
 2479 ~~license plate,~~ fuel-use tax decal; pays any administrative,
 2480 ~~delinquency, or reinstatement fee;~~ or pays any tax liability,
 2481 penalty, or interest specified in chapter 207 by a dishonored
 2482 check, or if the vehicle owner or motor carrier has failed to
 2483 pay a penalty for a weight or safety violation issued by the
 2484 Department of Transportation Motor Carrier Compliance Office.
 2485 The Department of Transportation and the Department of Highway
 2486 Safety and Motor Vehicles may impound any commercial motor
 2487 vehicle that has a canceled license plate or fuel-use tax decal
 2488 until the tax liability, penalty, and interest specified in
 2489 chapter 207, the license tax, or the fuel-use decal fee, and
 2490 applicable administrative fees have been paid for by certified
 2491 funds.

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2492 | Section 66. Paragraph (a) of subsection (4), subsection
 2493 | (6), and paragraph (b) of subsection (9) of section 320.27,
 2494 | Florida Statutes, are amended to read:
 2495 | 320.27 Motor vehicle dealers.--
 2496 | (4) LICENSE CERTIFICATE.--
 2497 | (a) A license certificate shall be issued by the
 2498 | department in accordance with such application when the
 2499 | application is regular in form and in compliance with the
 2500 | provisions of this section. The license certificate may be in
 2501 | the form of a document or a computerized card as determined by
 2502 | the department. The actual cost of each original, additional,
 2503 | or replacement computerized card shall be borne by the licensee
 2504 | and is in addition to the fee for licensure. Such license, when
 2505 | so issued, entitles the licensee to carry on and conduct the
 2506 | business of a motor vehicle dealer. Each license issued to a
 2507 | franchise motor vehicle dealer expires annually on December 31
 2508 | unless revoked or suspended prior to that date. Each license
 2509 | issued to an independent or wholesale dealer or auction expires
 2510 | annually on April 30 unless revoked or suspended prior to that
 2511 | date. Not less than 60 days prior to the license expiration
 2512 | date, the department shall deliver or mail to each licensee the
 2513 | necessary renewal forms. Each independent dealer shall certify
 2514 | that the dealer principal (owner, partner, officer of the
 2515 | corporation, or director) has completed 8 hours of continuing
 2516 | education prior to filing the renewal forms with the department.
 2517 | Such certification shall be filed once every 2 years commencing
 2518 | with the 2006 renewal period. The continuing education shall
 2519 | include at least 2 hours of legal or legislative issues, 1 hour

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2520 of department issues, and 5 hours of relevant motor vehicle
2521 industry topics. Continuing education shall be provided by
2522 dealer schools licensed under paragraph (b) either in a
2523 classroom setting or by correspondence. Such schools shall
2524 provide certificates of completion to the department and the
2525 customer which shall be filed with the license renewal form, and
2526 such schools may charge a fee for providing continuing
2527 education. Any licensee who does not file his or her application
2528 and fees and any other requisite documents, as required by law,
2529 with the department at least 30 days prior to the license
2530 expiration date shall cease to engage in business as a motor
2531 vehicle dealer on the license expiration date. A renewal filed
2532 with the department within 45 days after the expiration date
2533 shall be accompanied by a delinquent fee of \$100. Thereafter, a
2534 new application is required, accompanied by the initial license
2535 fee. A license certificate duly issued by the department may be
2536 modified by endorsement to show a change in the name of the
2537 licensee, provided, as shown by affidavit of the licensee, the
2538 majority ownership interest of the licensee has not changed or
2539 the name of the person appearing as franchisee on the sales and
2540 service agreement has not changed. Modification of a license
2541 certificate to show any name change as herein provided shall not
2542 require initial licensure or reissuance of dealer tags; however,
2543 any dealer obtaining a name change shall transact all business
2544 in and be properly identified by that name. All documents
2545 relative to licensure shall reflect the new name. In the case
2546 of a franchise dealer, the name change shall be approved by the
2547 manufacturer, distributor, or importer. A licensee applying for

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2548 a name change endorsement shall pay a fee of \$25 which fee shall
 2549 apply to the change in the name of a main location and all
 2550 additional locations licensed under the provisions of subsection
 2551 (5). Each initial license application received by the
 2552 department shall be accompanied by verification that, within the
 2553 preceding 6 months, the applicant, or one or more of his or her
 2554 designated employees, has attended a training and information
 2555 seminar conducted by a licensed motor vehicle dealer training
 2556 school ~~the department~~. Such seminar shall include, but is not
 2557 limited to, statutory dealer requirements, which requirements
 2558 include required bookkeeping and recordkeeping procedures,
 2559 requirements for the collection of sales and use taxes, and such
 2560 other information that in the opinion of the department will
 2561 promote good business practices. No seminar may exceed 8 hours
 2562 in length.

2563 (6) RECORDS TO BE KEPT BY LICENSEE.--Every licensee shall
 2564 keep a book or record in such form as shall be prescribed or
 2565 approved by the department for a period of 5 years, in which the
 2566 licensee shall keep a record of the purchase, sale, or exchange,
 2567 or receipt for the purpose of sale, of any motor vehicle, the
 2568 date upon which any temporary tag was issued, the date of title
 2569 transfer, and a description of such motor vehicle together with
 2570 the name and address of the seller, the purchaser, and the
 2571 alleged owner or other person from whom such motor vehicle was
 2572 purchased or received or to whom it was sold or delivered, as
 2573 the case may be. Such description shall include the
 2574 identification or engine number, maker's number, if any, chassis
 2575 number, if any, and such other numbers or identification marks

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2576 as may be thereon and shall also include a statement that a
 2577 number has been obliterated, defaced, or changed, if such is the
 2578 fact.

2579 (9) DENIAL, SUSPENSION, OR REVOCATION.--

2580 (b) The department may deny, suspend, or revoke any
 2581 license issued hereunder or under the provisions of s. 320.77 or
 2582 s. 320.771 upon proof that a licensee has committed, with
 2583 sufficient frequency so as to establish a pattern of wrongdoing
 2584 on the part of a licensee, violations of one or more of the
 2585 following activities:

2586 1. Representation that a demonstrator is a new motor
 2587 vehicle, or the attempt to sell or the sale of a demonstrator as
 2588 a new motor vehicle without written notice to the purchaser that
 2589 the vehicle is a demonstrator. For the purposes of this section,
 2590 a "demonstrator," a "new motor vehicle," and a "used motor
 2591 vehicle" shall be defined as under s. 320.60.

2592 2. Unjustifiable refusal to comply with a licensee's
 2593 responsibility under the terms of the new motor vehicle warranty
 2594 issued by its respective manufacturer, distributor, or importer.
 2595 However, if such refusal is at the direction of the
 2596 manufacturer, distributor, or importer, such refusal shall not
 2597 be a ground under this section.

2598 3. Misrepresentation or false, deceptive, or misleading
 2599 statements with regard to the sale or financing of motor
 2600 vehicles which any motor vehicle dealer has, or causes to have,
 2601 advertised, printed, displayed, published, distributed,
 2602 broadcast, televised, or made in any manner with regard to the
 2603 sale or financing of motor vehicles.

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2604 4. Failure by any motor vehicle dealer to provide a
2605 customer or purchaser with an odometer disclosure statement and
2606 a copy of any bona fide written, executed sales contract or
2607 agreement of purchase connected with the purchase of the motor
2608 vehicle purchased by the customer or purchaser.

2609 5. Failure of any motor vehicle dealer to comply with the
2610 terms of any bona fide written, executed agreement, pursuant to
2611 the sale of a motor vehicle.

2612 6. Failure to apply for transfer of a title as prescribed
2613 in s. 319.23(6).

2614 7. Use of the dealer license identification number by any
2615 person other than the licensed dealer or his or her designee.

2616 8. Failure to continually meet the requirements of the
2617 licensure law.

2618 9. Representation to a customer or any advertisement to
2619 the public representing or suggesting that a motor vehicle is a
2620 new motor vehicle if such vehicle lawfully cannot be titled in
2621 the name of the customer or other member of the public by the
2622 seller using a manufacturer's statement of origin as permitted
2623 in s. 319.23(1).

2624 10. Requirement by any motor vehicle dealer that a
2625 customer or purchaser accept equipment on his or her motor
2626 vehicle which was not ordered by the customer or purchaser.

2627 11. Requirement by any motor vehicle dealer that any
2628 customer or purchaser finance a motor vehicle with a specific
2629 financial institution or company.

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2630 12. Requirement by any motor vehicle dealer that the
 2631 purchaser of a motor vehicle contract with the dealer for
 2632 physical damage insurance.

2633 13. Perpetration of a fraud upon any person as a result of
 2634 dealing in motor vehicles, including, without limitation, the
 2635 misrepresentation to any person by the licensee of the
 2636 licensee's relationship to any manufacturer, importer, or
 2637 distributor.

2638 14. Violation of any of the provisions of s. 319.35 by any
 2639 motor vehicle dealer.

2640 15. Sale by a motor vehicle dealer of a vehicle offered in
 2641 trade by a customer prior to consummation of the sale, exchange,
 2642 or transfer of a newly acquired vehicle to the customer, unless
 2643 the customer provides written authorization for the sale of the
 2644 trade-in vehicle prior to delivery of the newly acquired
 2645 vehicle.

2646 16. Willful failure to comply with any administrative rule
 2647 adopted by the department or the provisions of s. 320.131(8).

2648 17. Violation of chapter 319, this chapter, or ss.
 2649 559.901-559.9221, which has to do with dealing in or repairing
 2650 motor vehicles or mobile homes. Additionally, in the case of
 2651 used motor vehicles, the willful violation of the federal law
 2652 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
 2653 the consumer sales window form.

2654 Section 67. Subsections (8), (10), and (29) of section
 2655 322.01, Florida Statutes, are amended to read:

2656 322.01 Definitions.--As used in this chapter:

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2657 (8) "Commercial motor vehicle" means any motor vehicle or
 2658 motor vehicle combination used on the streets or highways,
 2659 which:

2660 (a) Has a gross vehicle weight rating of 26,001 pounds or
 2661 more;

2662 ~~(b) Has a declared weight of 26,001 pounds or more;~~

2663 ~~(c) Has an actual weight of 26,001 pounds or more;~~

2664 (b)~~(d)~~ Is designed to transport more than 15 persons,
 2665 including the driver; or

2666 (c)~~(e)~~ Is transporting hazardous materials and is required
 2667 to be placarded in accordance with Title 49 C.F.R. part 172,
 2668 subpart F.

2669 (10) (a) "Conviction" means a conviction of an offense
 2670 relating to the operation of motor vehicles on highways which is
 2671 a violation of this chapter or any other such law of this state
 2672 or any other state, including an admission or determination of a
 2673 noncriminal traffic infraction pursuant to s. 318.14, or a
 2674 judicial disposition of an offense committed under any federal
 2675 law substantially conforming to the aforesaid state statutory
 2676 provisions.

2677 (b) Notwithstanding any other provisions of this chapter,
 2678 the definition of "conviction" provided in 49 C.F.R. part 383.5
 2679 applies to offenses committed in a commercial motor vehicle.

2680 (29) "Out-of-service order" means a prohibition issued by
 2681 an authorized local, state, or Federal Government official which
 2682 ~~that~~ precludes a person from driving a commercial motor vehicle
 2683 for a period of 72 hours or less.

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2684 Section 68. Subsections (4) and (10) of section 322.05,
 2685 Florida Statutes, are amended to read:

2686 322.05 Persons not to be licensed.--The department may not
 2687 issue a license:

2688 (4) Except as provided by this subsection, to any person,
 2689 as a Class A licensee, Class B licensee, or Class C licensee, ~~or~~
 2690 ~~Class D licensee,~~ who is under the age of 18 years. ~~A person~~
 2691 ~~age 16 or 17 years who applies for a Class D driver's license is~~
 2692 ~~subject to all the requirements and provisions of paragraphs~~
 2693 ~~(2)(a) and (b) and ss. 322.09 and 322.16(2) and (3). The~~
 2694 ~~department may require of any such applicant for a Class D~~
 2695 ~~driver's license such examination of the qualifications of the~~
 2696 ~~applicant as the department considers proper, and the department~~
 2697 ~~may limit the use of any license granted as it considers proper.~~

2698 (10) To any person, when the department has good cause to
 2699 believe that the operation of a motor vehicle on the highways by
 2700 such person would be detrimental to public safety or welfare.
 2701 Deafness alone shall not prevent the person afflicted from being
 2702 issued a ~~Class D or~~ Class E driver's license.

2703 Section 69. Paragraph (a) of subsection (1) and paragraphs
 2704 (b) and (c) of subsection (2) of section 322.051, Florida
 2705 Statutes, are amended, and subsection (8) is added to that
 2706 section, to read:

2707 322.051 Identification cards.--

2708 (1) Any person who is 12 years of age or older, or any
 2709 person who has a disability, regardless of age, who applies for
 2710 a disabled parking permit under s. 320.0848, may be issued an

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2711 identification card by the department upon completion of an
 2712 application and payment of an application fee.

2713 (a) Each such application shall include the following
 2714 information regarding the applicant:

2715 1. Full name (first, middle or maiden, and last), gender,
 2716 social security card number, county of residence and mailing
 2717 address, country of birth, and a brief description.

2718 2. Proof of birth date satisfactory to the department.

2719 3. Proof of identity satisfactory to the department. Such
 2720 proof must include one of the following documents issued to the
 2721 applicant:

2722 a. A driver's license record or identification card record
 2723 from another jurisdiction that required the applicant to submit
 2724 a document for identification which is substantially similar to
 2725 a document required under sub-subparagraph b., sub-subparagraph
 2726 c., sub-subparagraph d., sub-subparagraph e., ~~or~~ sub-
 2727 subparagraph f., or subparagraph g.;

2728 b. A certified copy of a United States birth certificate;

2729 c. A ~~valid~~ United States passport;

2730 d. A naturalization certificate issued by the United
 2731 States Department of Homeland Security;

2732 ~~e.d.~~ An alien registration receipt card (green card);

2733 ~~f.e.~~ An employment authorization card issued by the United
 2734 States Department of Homeland Security; or

2735 ~~g.f.~~ Proof of nonimmigrant classification provided by the
 2736 United States Department of Homeland Security, for an original
 2737 identification card. In order to prove such nonimmigrant

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2738 classification, applicants may produce but are not limited to
 2739 the following documents:

2740 (I) A notice of hearing from an immigration court
 2741 scheduling a hearing on any proceeding.

2742 (II) A notice from the Board of Immigration Appeals
 2743 acknowledging pendency of an appeal.

2744 (III) Notice of the approval of an application for
 2745 adjustment of status issued by the United States Bureau of
 2746 Citizenship and Immigration Services.

2747 (IV) Any official documentation confirming the filing of a
 2748 petition for asylum status or any other relief issued by the
 2749 United States Bureau of Citizenship and Immigration Services.

2750 (V) Notice of action transferring any pending matter from
 2751 another jurisdiction to Florida, issued by the United States
 2752 Bureau of Citizenship and Immigration Services.

2753 (VI) Order of an immigration judge or immigration officer
 2754 granting any relief that authorizes the alien to live and work
 2755 in the United States including, but not limited to asylum.

2756
 2757 Presentation of any of the ~~foregoing~~ documents described in sub-
 2758 subparagraph f. or sub-subparagraph g. entitles ~~shall entitle~~
 2759 the applicant to an identification card ~~a driver's license or~~
 2760 ~~temporary permit~~ for a period not to exceed the expiration date
 2761 of the document presented or 2 years, whichever first occurs.

2762 (2)

2763 (b) Notwithstanding any other provision of this chapter,
 2764 if an applicant establishes his or her identity for an
 2765 identification card using a document authorized under sub-

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2766 subparagraph (1)(a)3.e. ~~(1)(a)3.d.~~, the identification card
 2767 shall expire on the fourth birthday of the applicant following
 2768 the date of original issue or upon first renewal or duplicate
 2769 issued after implementation of this section. After an initial
 2770 showing of such documentation, he or she is exempted from having
 2771 to renew or obtain a duplicate in person.

2772 (c) Notwithstanding any other provisions of this chapter,
 2773 if an applicant establishes his or her identity for an
 2774 identification card using an identification document authorized
 2775 under sub-subparagraph (1)(a)3.f. or sub-subparagraph (1)(a)3.g.
 2776 ~~sub-subparagraphs (1)(a)3.e.-f.~~, the identification card shall
 2777 expire 2 years after the date of issuance or upon the expiration
 2778 date cited on the United States Department of Homeland Security
 2779 documents, whichever date first occurs, and may not be renewed
 2780 or obtain a duplicate except in person.

2781 (8) The department shall, upon receipt of the required
 2782 fee, issue to each qualified applicant for an identification
 2783 card a color photographic or digital image identification card
 2784 bearing a fullface photograph or digital image of the
 2785 identification cardholder. Notwithstanding chapter 761 or s.
 2786 761.05, the requirement for a fullface photograph or digital
 2787 image of the identification cardholder may not be waived. A
 2788 space shall be provided upon which the identification cardholder
 2789 shall affix his or her usual signature, as required in s.
 2790 322.14, in the presence of an authorized agent of the department
 2791 so as to ensure that such signature becomes a part of the
 2792 identification card.

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2793 Section 70. Subsections (2) and (3) of section 322.07,
 2794 Florida Statutes, are amended to read:

2795 322.07 Instruction permits and temporary licenses.--

2796 (2) The department may, in its discretion, issue a
 2797 temporary permit to an applicant for a ~~Class D or~~ Class E
 2798 driver's license permitting him or her to operate a motor
 2799 vehicle of the type for which a ~~Class D or~~ Class E driver's
 2800 license is required while the department is completing its
 2801 investigation and determination of all facts relative to such
 2802 applicant's right to receive a driver's license. Such permit
 2803 must be in his or her immediate possession while operating a
 2804 motor vehicle, and it shall be invalid when the applicant's
 2805 license has been issued or for good cause has been refused.

2806 (3) Any person who, except for his or her lack of
 2807 instruction in operating a ~~Class D or~~ commercial motor vehicle,
 2808 would otherwise be qualified to obtain a ~~Class D or~~ commercial
 2809 driver's license under this chapter, may apply for a ~~temporary~~
 2810 ~~Class D or~~ temporary commercial instruction permit. The
 2811 department shall issue such a permit entitling the applicant,
 2812 while having the permit in his or her immediate possession, to
 2813 drive a ~~Class D or~~ commercial motor vehicle on the highways,
 2814 provided that:

2815 (a) The applicant possesses a valid driver's license
 2816 issued in any state; and

2817 (b) The applicant, while operating a ~~Class D or~~ commercial
 2818 motor vehicle, is accompanied by a licensed driver who is 21
 2819 years of age or older, who is licensed to operate the class of

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2820 vehicle being operated, and who is actually occupying the
 2821 closest seat to the right of the driver.

2822 Section 71. Subsection (2) of section 322.08, Florida
 2823 Statutes, is amended to read:

2824 322.08 Application for license.--

2825 (2) Each such application shall include the following
 2826 information regarding the applicant:

2827 (a) Full name (first, middle or maiden, and last), gender,
 2828 social security card number, county of residence and mailing
 2829 address, country of birth, and a brief description.

2830 (b) Proof of birth date satisfactory to the department.

2831 (c) Proof of identity satisfactory to the department. Such
 2832 proof must include one of the following documents issued to the
 2833 applicant:

2834 1. A driver's license record or identification card record
 2835 from another jurisdiction that required the applicant to submit
 2836 a document for identification which is substantially similar to
 2837 a document required under subparagraph 2., subparagraph 3.,
 2838 subparagraph 4., subparagraph 5., ~~or~~ subparagraph 6., or
 2839 subparagraph 7.;

2840 2. A certified copy of a United States birth certificate;

2841 3. A ~~valid~~ United States passport;

2842 4. A naturalization certificate issued by the United
 2843 States Department of Homeland Security;

2844 ~~5.4.~~ An alien registration receipt card (green card);

2845 ~~6.5.~~ An employment authorization card issued by the United
 2846 States Department of Homeland Security; or

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2847 7.6- Proof of nonimmigrant classification provided by the
 2848 United States Department of Homeland Security, for an original
 2849 driver's license. In order to prove nonimmigrant classification,
 2850 an applicant may produce the following documents, including, but
 2851 not limited to:

2852 a. A notice of hearing from an immigration court
 2853 scheduling a hearing on any proceeding.

2854 b. A notice from the Board of Immigration Appeals
 2855 acknowledging pendency of an appeal.

2856 c. A notice of the approval of an application for
 2857 adjustment of status issued by the United States Immigration and
 2858 Naturalization Service.

2859 d. Any official documentation confirming the filing of a
 2860 petition for asylum status or any other relief issued by the
 2861 United States Immigration and Naturalization Service.

2862 e. A notice of action transferring any pending matter from
 2863 another jurisdiction to this state issued by the United States
 2864 Immigration and Naturalization Service.

2865 f. An order of an immigration judge or immigration officer
 2866 granting any relief that authorizes the alien to live and work
 2867 in the United States, including, but not limited to, asylum.

2868
 2869 Presentation of any of the documents in subparagraph 6. or
 2870 subparagraph 7. entitles the applicant to a driver's license or
 2871 temporary permit for a period not to exceed the expiration date
 2872 of the document presented or 2 years, whichever occurs first.

2873 (d) Whether the applicant has previously been licensed to
 2874 drive, and, if so, when and by what state, and whether any such

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2875 license or driving privilege has ever been disqualified,
 2876 revoked, or suspended, or whether an application has ever been
 2877 refused, and, if so, the date of and reason for such
 2878 disqualification, suspension, revocation, or refusal.

2879 (e) Each such application may include fingerprints and
 2880 other unique biometric means of identity.

2881 Section 72. Paragraph (a) of subsection (1) of section
 2882 322.09, Florida Statutes, is amended to read:

2883 322.09 Application of minors; responsibility for
 2884 negligence or misconduct of minor.--

2885 (1) (a) The application of any person under the age of 18
 2886 years for a driver's license must be signed and verified before
 2887 a person authorized to administer oaths by the father, mother,
 2888 or guardian; by a secondary guardian if the primary guardian
 2889 dies before the minor reaches 18 years of age; or, if there is
 2890 no parent or guardian, by another responsible adult who is
 2891 willing to assume the obligation imposed under this chapter upon
 2892 a person signing the application of a minor. This section does
 2893 not apply to a person under the age of 18 years who is
 2894 emancipated by marriage.

2895 Section 73. Section 322.11, Florida Statutes, is amended
 2896 to read:

2897 322.11 Revocation of license upon death of person signing
 2898 minor's application.--The department, upon receipt of
 2899 satisfactory evidence of the death of the person who signed the
 2900 application of a minor for a license, shall, 90 days after
 2901 giving written notice to the minor, cancel such license and may
 2902 ~~shall~~ not issue a new license until ~~such time as~~ the new

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2903 application, ~~duly~~ signed and verified, is made as required by
 2904 this chapter. This provision does ~~shall~~ not apply if ~~in the~~
 2905 ~~event~~ the minor has attained the age of 18 years.

2906 Section 74. Subsection (3) of section 322.12, Florida
 2907 Statutes, is amended to read:

2908 322.12 Examination of applicants.--

2909 (3) For an applicant for a ~~Class D or a~~ Class E driver's
 2910 license, such examination shall include a test of the
 2911 applicant's eyesight given by the driver's license examiner
 2912 designated by the department or by a licensed ophthalmologist,
 2913 optometrist, or physician and a test of the applicant's hearing
 2914 given by a driver's license examiner or a licensed physician.
 2915 The examination shall also include a test of the applicant's
 2916 ability to read and understand highway signs regulating,
 2917 warning, and directing traffic; his or her knowledge of the
 2918 traffic laws of this state, including laws regulating driving
 2919 under the influence of alcohol or controlled substances, driving
 2920 with an unlawful blood-alcohol level, and driving while
 2921 intoxicated; and his or her knowledge of the effects of alcohol
 2922 and controlled substances upon persons and the dangers of
 2923 driving a motor vehicle while under the influence of alcohol or
 2924 controlled substances and shall include an actual demonstration
 2925 of ability to exercise ordinary and reasonable control in the
 2926 operation of a motor vehicle.

2927 Section 75. Subsections (1) and (4) of section 322.135,
 2928 Florida Statutes, are amended, and subsection (9) is added to
 2929 that section, to read:

2930 322.135 Driver's license agents.--

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2931 (1) The department may, upon application, authorize any or
 2932 all of the tax collectors in the several counties of the state,
 2933 subject to the requirements of law, in accordance with rules of
 2934 the department, to serve as its agent for the provision of
 2935 specified driver's license services.

2936 (a) These services shall be limited to the issuance of
 2937 driver's licenses and identification cards as authorized by this
 2938 chapter.

2939 (b) Each tax collector who is authorized by the department
 2940 to provide driver's license services shall bear all costs
 2941 associated with providing those services.

2942 (c) A fee of \$5.25 is to be charged, in addition to the
 2943 fees set forth in this chapter, for any driver's license issued
 2944 or renewed by a tax collector. ~~One dollar of the \$5.25 fee must~~
 2945 ~~be deposited into the Highway Safety Operating Trust Fund.~~

2946 (4) A tax collector may not issue or renew a driver's
 2947 license if he or she has any reason to believe that the licensee
 2948 or prospective licensee is physically or mentally unqualified to
 2949 operate a motor vehicle. The tax collector may ~~shall~~ direct any
 2950 such licensee to the department for examination or reexamination
 2951 under s. 322.221.

2952 (9) Notwithstanding chapter 116, each county officer
 2953 within this state who is authorized to collect funds provided
 2954 for in this chapter shall pay all sums officially received by
 2955 the officer into the State Treasury no later than 5 working days
 2956 after the close of the business day in which the officer
 2957 received the funds. Payment by county officers to the state
 2958 shall be made by means of electronic funds transfers.

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2959 Section 76. Subsection (1) of section 322.142, Florida
 2960 Statutes, is amended to read:

2961 322.142 Color photographic or digital imaged licenses.--
 2962 (1) The department shall, upon receipt of the required
 2963 fee, issue to each qualified applicant for a ~~an original~~
 2964 driver's license a color photographic or digital imaged driver's
 2965 license bearing a fullface photograph or digital image of the
 2966 licensee. Notwithstanding chapter 761 or s. 761.05, the
 2967 requirement for a fullface photograph or digital image of the
 2968 licensee may not be waived. A space shall be provided upon which
 2969 the licensee shall affix his or her usual signature, as required
 2970 in s. 322.14, in the presence of an authorized agent of the
 2971 department so as to ensure that such signature becomes a part of
 2972 the license.

2973 Section 77. Paragraph (a) of subsection (1) and subsection
 2974 (2) of section 322.161, Florida Statutes, are amended to read:

2975 322.161 High-risk drivers; restricted licenses.--
 2976 (1)(a) Notwithstanding any provision of law to the
 2977 contrary, the department shall restrict the driving privilege of
 2978 any ~~Class D or Class E~~ licensee who is age 15 through 17 and who
 2979 has accumulated six or more points pursuant to s. 318.14,
 2980 excluding parking violations, within a 12-month period.

2981 ~~(2)(a) Any Class E licensee who is age 15 through 17 and~~
 2982 ~~who has accumulated six or more points pursuant to s. 318.14,~~
 2983 ~~excluding parking violations, within a 12-month period shall not~~
 2984 ~~be eligible to obtain a Class D license for a period of no less~~
 2985 ~~than 1 year. The period of ineligibility shall begin on the~~

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2986 ~~date of conviction for the violation that results in the~~
 2987 ~~licensee's accumulation of six or more points.~~

2988 ~~(b) The period of ineligibility shall automatically expire~~
 2989 ~~after 1 year if the licensee does not accumulate any additional~~
 2990 ~~points. If the licensee accumulates any additional points, then~~
 2991 ~~the period of ineligibility shall be extended 90 days for each~~
 2992 ~~point. The period of ineligibility shall also automatically~~
 2993 ~~expire upon the licensee's 18th birthday if no other grounds for~~
 2994 ~~ineligibility exist.~~

2995 Section 78. Subsection (3) of section 322.17, Florida
 2996 Statutes, is amended to read:

2997 322.17 Duplicate and replacement certificates.--

2998 (3) Notwithstanding any other provisions of this chapter,
 2999 if a licensee establishes his or her identity for a driver's
 3000 license using an identification document authorized under s.
 3001 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5.-6.~~, the licensee may not
 3002 obtain a duplicate or replacement instruction permit or driver's
 3003 license except in person and upon submission of an
 3004 identification document authorized under s. 322.08(2)(c)6. or 7
 3005 ~~s. 322.08(2)(c)5.-6.~~

3006 Section 79. Subsections (2) and (4) of section 322.18,
 3007 Florida Statutes, are amended to read:

3008 322.18 Original applications, licenses, and renewals;
 3009 expiration of licenses; delinquent licenses.--

3010 (2) Each applicant who is entitled to the issuance of a
 3011 driver's license, as provided in this section, shall be issued a
 3012 driver's license, as follows:

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3013 (a) An applicant applying for an original issuance shall
 3014 be issued a driver's license which expires at midnight on the
 3015 licensee's birthday which next occurs on or after the sixth
 3016 anniversary of the date of issue.

3017 (b) An applicant applying for a renewal issuance or
 3018 renewal extension shall be issued a driver's license or renewal
 3019 extension sticker which expires at midnight on the licensee's
 3020 birthday which next occurs 4 years after the month of expiration
 3021 of the license being renewed, except that a driver whose driving
 3022 record reflects no convictions for the preceding 3 years shall
 3023 be issued a driver's license or renewal extension sticker which
 3024 expires at midnight on the licensee's birthday which next occurs
 3025 6 years after the month of expiration of the license being
 3026 renewed.

3027 (c) Notwithstanding any other provision of this chapter,
 3028 if an applicant establishes his or her identity for a driver's
 3029 license using a document authorized under s. 322.08(2)(c)5. ~~s.~~
 3030 ~~322.08(2)(e)4.~~, the driver's license shall expire in accordance
 3031 with paragraph (b). After an initial showing of such
 3032 documentation, he or she is exempted from having to renew or
 3033 obtain a duplicate in person.

3034 (d) Notwithstanding any other provision of this chapter,
 3035 if applicant establishes his or her identity for a driver's
 3036 license using a document authorized in s. 322.08(2)(c)6. or 7.
 3037 ~~s. 322.08(2)(e)5. or 6.~~, the driver's license shall expire 2 4
 3038 years after the date of issuance or upon the expiration date
 3039 cited on the United States Department of Homeland Security
 3040 documents, whichever date first occurs.

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3041 | (e) Notwithstanding any other provision of this chapter,
 3042 | an applicant applying for an original or renewal issuance of a
 3043 | commercial driver's license as defined in s. 322.01(7), with a
 3044 | hazardous-materials endorsement, pursuant to s. 322.57(1)(e),
 3045 | shall be issued a driver's license that expires at midnight on
 3046 | the licensee's birthday that next occurs 4 years after the month
 3047 | of expiration of the license being issued or renewed.

3048 | (4)(a) Except as otherwise provided in this chapter, all
 3049 | licenses shall be renewable every 4 years or 6 years, depending
 3050 | upon the terms of issuance and shall be issued or extended upon
 3051 | application, payment of the fees required by s. 322.21, and
 3052 | successful passage of any required examination, unless the
 3053 | department has reason to believe that the licensee is no longer
 3054 | qualified to receive a license.

3055 | (b) Notwithstanding any other provision of this chapter,
 3056 | if an applicant establishes his or her identity for a driver's
 3057 | license using a document authorized under s. 322.08(2)(c)5. ~~s.~~
 3058 | ~~322.08(2)(e)4.~~, the license, upon an initial showing of such
 3059 | documentation, is exempted from having to renew or obtain a
 3060 | duplicate in person, unless the renewal or duplication coincides
 3061 | with the periodic reexamination of a driver as required pursuant
 3062 | to s. 322.121.

3063 | (c) Notwithstanding any other provision of this chapter,
 3064 | if a licensee establishes his or her identity for a driver's
 3065 | license using an identification document authorized under s.
 3066 | 322.08(2)(c)6. or 7. ~~s. 322.08(2)(e)5. or 6.~~, the licensee may
 3067 | not renew the driver's license except in person and upon
 3068 | submission of an identification document authorized under s.

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3069 322.08(2)(c)6. or 7 ~~s. 322.08(2)(e)4.-6.~~ A driver's license
 3070 renewed under this paragraph expires 4 years after the date of
 3071 issuance or upon the expiration date cited on the United States
 3072 Department of Homeland Security documents, whichever date first
 3073 occurs.

3074 Section 80. Subsection (4) of section 322.19, Florida
 3075 Statutes, is amended to read:

3076 322.19 Change of address or name.--

3077 (4) Notwithstanding any other provision of this chapter,
 3078 if a licensee established his or her identity for a driver's
 3079 license using an identification document authorized under s.
 3080 322.08(2)(c)6. or 7. ~~s. 322.08(2)(e)5.-6.~~, the licensee may not
 3081 change his or her name or address except in person and upon
 3082 submission of an identification document authorized under s.
 3083 322.08(2)(c)6. or 7 ~~s. 322.08(2)(e)4.-6.~~

3084 Section 81. Subsection (1) of section 322.21, Florida
 3085 Statutes, is amended to read:

3086 322.21 License fees; procedure for handling and collecting
 3087 fees.--

3088 (1) Except as otherwise provided herein, the fee for:

3089 (a) An original or renewal commercial driver's license is
 3090 \$50, which shall include the fee for driver education provided
 3091 by s. 1003.48; however, if an applicant has completed training
 3092 and is applying for employment or is currently employed in a
 3093 public or nonpublic school system that requires the commercial
 3094 license, the fee shall be the same as for a Class E driver's
 3095 license. A delinquent fee of \$1 shall be added for a renewal
 3096 made not more than 12 months after the license expiration date.

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3097 (b) An original ~~Class D or~~ Class E driver's license is
 3098 \$20, which shall include the fee for driver's education provided
 3099 by s. 1003.48; however, if an applicant has completed training
 3100 and is applying for employment or is currently employed in a
 3101 public or nonpublic school system that requires a commercial
 3102 driver license, the fee shall be the same as for a Class E
 3103 license.

3104 (c) The renewal or extension of a ~~Class D or~~ Class E
 3105 driver's license or of a license restricted to motorcycle use
 3106 only is \$15, except that a delinquent fee of \$1 shall be added
 3107 for a renewal or extension made not more than 12 months after
 3108 the license expiration date. The fee provided in this paragraph
 3109 shall include the fee for driver's education provided by s.
 3110 1003.48.

3111 (d) An original driver's license restricted to motorcycle
 3112 use only is \$20, which shall include the fee for driver's
 3113 education provided by s. 1003.48.

3114 (e) Each endorsement required by s. 322.57 is \$5.

3115 (f) A hazardous-materials endorsement, as required by s.
 3116 322.57(1)(d), shall be set by the department by rule and shall
 3117 reflect the cost of the required criminal history check,
 3118 including the cost of the state and federal fingerprint check,
 3119 and the cost to the department of providing and issuing the
 3120 license. The fee shall not exceed \$100. This fee shall be
 3121 deposited in the Highway Safety Operating Trust Fund. The
 3122 department may adopt rules to administer this section.

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3123 Section 82. Present subsection (7) of section 322.212,
 3124 Florida Statutes, is redesignated as subsection (8), and a new
 3125 subsection (7) is added to that section, to read:

3126 322.212 Unauthorized possession of, and other unlawful
 3127 acts in relation to, driver's license or identification card.--

3128 (7) In addition to any other penalties provided by this
 3129 section, any person who provides false information when applying
 3130 for a commercial driver's license shall be disqualified from
 3131 operating a commercial motor vehicle for a period of 60 days.

3132 Section 83. Subsection (1) of section 322.22, Florida
 3133 Statutes, is amended to read:

3134 322.22 Authority of department to cancel license.--

3135 (1) The department is authorized to cancel any driver's
 3136 license, upon determining that the licensee was not entitled to
 3137 the issuance thereof, or that the licensee failed to give the
 3138 required or correct information in his or her application or
 3139 committed any fraud in making such application, or that the
 3140 licensee has two or more licenses on file with the department,
 3141 each in a different name but bearing the photograph of the
 3142 licensee, unless the licensee has complied with the requirements
 3143 of this chapter in obtaining the licenses. The department may
 3144 cancel any driver's license, identification card, vehicle or
 3145 vessel registration, or fuel-use decal if the licensee fails to
 3146 pay the correct fee or pays for the driver's license,
 3147 identification card, vehicle or vessel registration, or fuel-
 3148 use decal; pays any tax liability, penalty, or interest
 3149 specified in chapter 207; or pays any administrative,
 3150 delinquency, or reinstatement fee by a dishonored check.

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3151 Section 84. Subsections (4) and (5) of section 322.251,
 3152 Florida Statutes, are amended to read:

3153 322.251 Notice of cancellation, suspension, revocation, or
 3154 disqualification of license.--

3155 (4) A person whose privilege to operate a commercial motor
 3156 vehicle is temporarily disqualified may, upon surrendering his
 3157 or her commercial driver's license, be issued a ~~Class D~~ or Class
 3158 E driver's license, valid for the length of his or her unexpired
 3159 commercial driver's license, at no cost. Such person may, upon
 3160 the completion of his or her disqualification, be issued a
 3161 commercial driver's license, of the type disqualified, for the
 3162 remainder of his or her unexpired license period. Any such
 3163 person shall pay the reinstatement fee provided in s. 322.21
 3164 before being issued a commercial driver's license.

3165 (5) A person whose privilege to operate a commercial motor
 3166 vehicle is permanently disqualified may, upon surrendering his
 3167 or her commercial driver's license, be issued a ~~Class D~~ or Class
 3168 E driver's license, if he or she is otherwise qualified to
 3169 receive such license. Any such person shall be issued a ~~Class D~~
 3170 or Class E license, valid for the remainder of his or her
 3171 unexpired license period, at no cost.

3172 Section 85. Subsections (1), (7), (10), and (11) of
 3173 section 322.2615, Florida Statutes, are amended to read:

3174 322.2615 Suspension of license; right to review.--

3175 (1)(a) A law enforcement officer or correctional officer
 3176 shall, on behalf of the department, suspend the driving
 3177 privilege of a person who has been arrested by a law enforcement
 3178 officer for a violation of s. 316.193, relating to unlawful

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3179 | blood-alcohol level or breath-alcohol level, or of a person who
 3180 | has refused to submit to a breath, urine, or blood test
 3181 | authorized by s. 316.1932. The officer shall take the person's
 3182 | driver's license and issue the person a 10-day temporary permit
 3183 | if the person is otherwise eligible for the driving privilege
 3184 | and shall issue the person a notice of suspension. If a blood
 3185 | test has been administered, the results of which are not
 3186 | available to the officer at the time of the arrest, the agency
 3187 | employing the officer shall transmit such results to the
 3188 | department within 5 days after receipt of the results. If the
 3189 | department then determines that the person was arrested for a
 3190 | violation of s. 316.193 and that the person had a blood-alcohol
 3191 | level or breath-alcohol level of 0.08 or higher, the department
 3192 | shall suspend the person's driver's license pursuant to
 3193 | subsection (3).

3194 | (b) The suspension under paragraph (a) shall be pursuant
 3195 | to, and the notice of suspension shall inform the driver of, the
 3196 | following:

3197 | 1.a. The driver refused to submit to a lawful breath,
 3198 | blood, or urine test and his or her driving privilege is
 3199 | suspended for a period of 1 year for a first refusal or for a
 3200 | period of 18 months if his or her driving privilege has been
 3201 | previously suspended as a result of a refusal to submit to such
 3202 | a test; or

3203 | b. The driver violated s. 316.193 by driving with an
 3204 | unlawful blood-alcohol level or breath-alcohol level as provided
 3205 | in that section and his or her driving privilege is suspended
 3206 | for a period of 6 months for a first offense or for a period of

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3207 | 1 year if his or her driving privilege has been previously
 3208 | suspended for a violation of s. 316.193.

3209 | 2. The suspension period shall commence on the date of
 3210 | arrest or issuance of the notice of suspension, whichever is
 3211 | later.

3212 | 3. The driver may request a formal or informal review of
 3213 | the suspension by the department within 10 days after the date
 3214 | of arrest or issuance of the notice of suspension, whichever is
 3215 | later.

3216 | 4. The temporary permit issued at the time of arrest will
 3217 | expire at midnight of the 10th day following the date of arrest
 3218 | or issuance of the notice of suspension, whichever is later.

3219 | 5. The driver may submit to the department any materials
 3220 | relevant to the arrest.

3221 | (7) In a formal review hearing under subsection (6) or an
 3222 | informal review hearing under subsection (4), the hearing
 3223 | officer shall determine by a preponderance of the evidence
 3224 | whether sufficient cause exists to sustain, amend, or invalidate
 3225 | the suspension. The scope of the review shall be limited to the
 3226 | following issues:

3227 | (a) If the license was suspended for driving with an
 3228 | unlawful blood-alcohol level or breath-alcohol level in
 3229 | violation of s. 316.193:

3230 | 1. Whether the arresting law enforcement officer had
 3231 | probable cause to believe that the person was driving or in
 3232 | actual physical control of a motor vehicle in this state while
 3233 | under the influence of alcoholic beverages or controlled
 3234 | substances.

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3235 2. Whether the person was placed under lawful arrest for a
 3236 violation of s. 316.193.

3237 3. Whether the person had an unlawful blood-alcohol level
 3238 or breath-alcohol level as provided in s. 316.193.

3239 (b) If the license was suspended for refusal to submit to
 3240 a breath, blood, or urine test:

3241 1. Whether the arresting law enforcement officer had
 3242 probable cause to believe that the person was driving or in
 3243 actual physical control of a motor vehicle in this state while
 3244 under the influence of alcoholic beverages or controlled
 3245 substances.

3246 2. Whether the person was placed under lawful arrest for a
 3247 violation of s. 316.193.

3248 3. Whether the person refused to submit to any such test
 3249 after being requested to do so by a law enforcement officer or
 3250 correctional officer.

3251 4. Whether the person was told that if he or she refused
 3252 to submit to such test his or her privilege to operate a motor
 3253 vehicle would be suspended for a period of 1 year or, in the
 3254 case of a second or subsequent refusal, for a period of 18
 3255 months.

3256 (10) A person whose driver's license is suspended under
 3257 subsection (1) or subsection (3) may apply for issuance of a
 3258 license for business or employment purposes only if the person
 3259 is otherwise eligible for the driving privilege pursuant to s.
 3260 322.271.

3261 (a) If the suspension of the driver's license of the
 3262 person for failure to submit to a breath, urine, or blood test

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3263 | is sustained, the person is not eligible to receive a license
 3264 | for business or employment purposes only, pursuant to s.
 3265 | 322.271, until 90 days have elapsed after the expiration of the
 3266 | last temporary permit issued. If the driver is not issued a 10-
 3267 | day permit pursuant to this section or s. 322.64 because he or
 3268 | she is ineligible for the permit and the suspension for failure
 3269 | to submit to a breath, urine, or blood test is not invalidated
 3270 | by the department, the driver is not eligible to receive a
 3271 | business or employment license pursuant to s. 322.271 until 90
 3272 | days have elapsed from the date of the suspension.

3273 | (b) If the suspension of the driver's license of the
 3274 | person arrested for a violation of s. 316.193, relating to
 3275 | unlawful blood-alcohol level, or breath-alcohol level is
 3276 | sustained, the person is not eligible to receive a license for
 3277 | business or employment purposes only pursuant to s. 322.271
 3278 | until 30 days have elapsed after the expiration of the last
 3279 | temporary permit issued. If the driver is not issued a 10-day
 3280 | permit pursuant to this section or s. 322.64 because he or she
 3281 | is ineligible for the permit and the suspension for a violation
 3282 | of s. 316.193, relating to unlawful blood-alcohol level, is not
 3283 | invalidated by the department, the driver is not eligible to
 3284 | receive a business or employment license pursuant to s. 322.271
 3285 | until 30 days have elapsed from the date of the arrest.

3286 | (11) The formal review hearing may be conducted upon a
 3287 | review of the reports of a law enforcement officer or a
 3288 | correctional officer, including documents relating to the
 3289 | administration of a breath test or blood test or the refusal to
 3290 | take either test or the refusal to take a urine test. However,

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3291 as provided in subsection (6), the driver may subpoena the
 3292 officer or any person who administered or analyzed a breath or
 3293 blood test.

3294 Section 86. Paragraph (d) of subsection (3) of section
 3295 322.27, Florida Statutes, is amended to read:

3296 322.27 Authority of department to suspend or revoke
 3297 license.--

3298 (3) There is established a point system for evaluation of
 3299 convictions of violations of motor vehicle laws or ordinances,
 3300 and violations of applicable provisions of s. 403.413(6)(b) when
 3301 such violations involve the use of motor vehicles, for the
 3302 determination of the continuing qualification of any person to
 3303 operate a motor vehicle. The department is authorized to suspend
 3304 the license of any person upon showing of its records or other
 3305 good and sufficient evidence that the licensee has been
 3306 convicted of violation of motor vehicle laws or ordinances, or
 3307 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 3308 more points as determined by the point system. The suspension
 3309 shall be for a period of not more than 1 year.

3310 (d) The point system shall have as its basic element a
 3311 graduated scale of points assigning relative values to
 3312 convictions of the following violations:

- 3313 1. Reckless driving, willful and wanton--4 points.
- 3314 2. Leaving the scene of a crash resulting in property
 3315 damage of more than \$50--6 points.
- 3316 3. Unlawful speed resulting in a crash--6 points.
- 3317 4. Passing a stopped school bus--4 points.
- 3318 5. Unlawful speed:

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3319 | a. Not in excess of 15 miles per hour of lawful or posted
 3320 | speed--3 points.

3321 | b. In excess of 15 miles per hour of lawful or posted
 3322 | speed--4 points.

3323 | 6. All other moving violations (including parking on a
 3324 | highway outside the limits of a municipality)--3 points.
 3325 | However, no points shall be imposed for a violation of s.
 3326 | 316.0741 or s. 316.2065(12).

3327 | 7. Any moving violation covered above, excluding unlawful
 3328 | speed, resulting in a crash--4 points.

3329 | 8. Any conviction under s. 403.413(6)(b) ~~s. 403.413(5)(b)~~--
 3330 | -3 points.

3331 | 9. Any conviction under s. 316.0775(2)--4 points.

3332 | Section 87. Section 322.30, Florida Statutes, is amended
 3333 | to read:

3334 | 322.30 No operation under foreign license during
 3335 | suspension, revocation, or disqualification in this state.--

3336 | (1) Any resident or nonresident whose driver's license or
 3337 | right or privilege to operate a motor vehicle in this state has
 3338 | been suspended, revoked, or disqualified as provided in this
 3339 | chapter, shall not operate a motor vehicle in this state under a
 3340 | license, permit, or registration certificate issued by any other
 3341 | jurisdiction or otherwise during such suspension, revocation, or
 3342 | disqualification until a new license is obtained.

3343 | (2) Notwithstanding subsection (1), any commercial motor
 3344 | vehicle operator whose privilege to operate such vehicle is
 3345 | disqualified may operate a motor vehicle in this state as a
 3346 | ~~Class D or~~ Class E licensee, if authorized by this chapter.

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3347 Section 88. Paragraph (b) of subsection (2) and
 3348 subsections (4), (5), and (6) of section 322.53, Florida
 3349 Statutes, are amended to read:

3350 322.53 License required; exemptions.--

3351 (2) The following persons are exempt from the requirement
 3352 to obtain a commercial driver's license:

3353 (b) Military personnel driving ~~military~~ vehicles operated
 3354 for military purposes.

3355 ~~(4) A resident who is exempt from obtaining a commercial~~
 3356 ~~driver's license pursuant to paragraph (2) (a) or paragraph~~
 3357 ~~(2) (c) and who drives a commercial motor vehicle must obtain a~~
 3358 ~~Class D driver's license endorsed to authorize the operation of~~
 3359 ~~the particular type of vehicle for which his or her exemption is~~
 3360 ~~granted.~~

3361 (4)~~(5)~~ A resident who is exempt from obtaining a
 3362 commercial driver's license pursuant to paragraph (2) (b),
 3363 paragraph (2) (d), paragraph (2) (e), or paragraph (2) (f) may
 3364 drive a commercial motor vehicle pursuant to the exemption
 3365 granted in paragraph (2) (b), paragraph (2) (d), paragraph (2) (e),
 3366 or paragraph (2) (f) if he or she possesses a valid ~~Class D or~~
 3367 Class E driver's license or a military license.

3368 (5)~~(6)~~ The department shall adopt rules and enter into
 3369 necessary agreements with other jurisdictions to provide for the
 3370 operation of commercial vehicles by nonresidents pursuant to the
 3371 exemption granted in subsection (2).

3372 Section 89. Subsection (2) of section 322.54, Florida
 3373 Statutes, is amended to read:

3374 322.54 Classification.--

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3375 (2) The department shall issue, pursuant to the
 3376 requirements of this chapter, drivers' licenses in accordance
 3377 with the following classifications:

3378 (a) Any person who drives a motor vehicle combination
 3379 having a gross vehicle weight rating, ~~a declared weight, or an~~
 3380 ~~actual weight, whichever is greatest,~~ of 26,001 pounds or more
 3381 must possess a valid Class A driver's license, provided the
 3382 gross vehicle weight rating, ~~declared weight, or actual weight,~~
 3383 ~~whichever is greatest,~~ of the vehicle being towed is more than
 3384 10,000 pounds. Any person who possesses a valid Class A
 3385 driver's license may, subject to the appropriate restrictions
 3386 and endorsements, drive any class of motor vehicle within this
 3387 state.

3388 (b) Any person, except a person who possesses a valid
 3389 Class A driver's license, who drives a motor vehicle having a
 3390 gross vehicle weight rating, ~~a declared weight, or an actual~~
 3391 ~~weight, whichever is greatest,~~ of 26,001 pounds or more must
 3392 possess a valid Class B driver's license. Any person, except a
 3393 person who possesses a valid Class A driver's license, who
 3394 drives such vehicle towing a vehicle having a gross vehicle
 3395 weight rating, ~~a declared weight, or an actual weight, whichever~~
 3396 ~~is greatest,~~ of 10,000 pounds or less must possess a valid Class
 3397 B driver's license. Any person who possesses a valid Class B
 3398 driver's license may, subject to the appropriate restrictions
 3399 and endorsements, drive any class of motor vehicle, other than
 3400 the type of motor vehicle for which a Class A driver's license
 3401 is required, within this state.

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3402 (c) ~~Any person, except a person who possesses a valid~~
 3403 ~~Class A or a valid Class B driver's license, who drives a motor~~
 3404 ~~vehicle combination having a gross vehicle weight rating, a~~
 3405 ~~declared weight, or an actual weight, whichever is greatest, of~~
 3406 ~~26,001 pounds or more must possess a valid Class C driver's~~
 3407 ~~license.~~ Any person, except a person who possesses a valid
 3408 Class A or a valid Class B driver's license, who drives a motor
 3409 vehicle ~~combination~~ having a gross vehicle weight rating,~~a~~
 3410 ~~declared weight, or an actual weight, whichever is greatest,~~ of
 3411 less than 26,001 pounds and who is required to obtain an
 3412 endorsement pursuant to ~~paragraph (1)(a),~~ paragraph (1)(b),
 3413 paragraph (1)(c), ~~paragraph (1)(d),~~ or paragraph (1)(e) of s.
 3414 322.57, must possess a valid Class C driver's license ~~that is~~
 3415 ~~clearly restricted to the operation of a motor vehicle or motor~~
 3416 ~~vehicle combination of less than 26,001 pounds.~~ Any person who
 3417 possesses a valid Class C driver's license may, subject to the
 3418 appropriate restrictions and endorsements, drive any class of
 3419 motor vehicle, other than the type of motor vehicle for which a
 3420 Class A or a Class B driver's license is required, within this
 3421 state.

3422 ~~(d) Any person, except a person who possesses a valid~~
 3423 ~~Class A, valid Class B, or valid Class C driver's license, who~~
 3424 ~~drives a truck or a truck tractor having a gross vehicle weight~~
 3425 ~~rating, a declared weight, or an actual weight, whichever is~~
 3426 ~~greatest, of 8,000 pounds or more but less than 26,001 pounds,~~
 3427 ~~or which has a width of more than 80 inches must possess a valid~~
 3428 ~~Class D driver's license.~~ Any person who possesses a valid Class
 3429 D driver's license may, subject to the appropriate restrictions

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3430 ~~and endorsements, drive any type of motor vehicle, other than~~
 3431 ~~the type of motor vehicle for which a Class A, Class B, or Class~~
 3432 ~~C driver's license is required, within this state.~~

3433 (d)~~(e)~~ Any person, except a person who possesses a valid
 3434 Class A, valid Class B, or ~~valid Class C, or valid Class D~~
 3435 driver's license, who drives a motor vehicle must possess a
 3436 valid Class E driver's license. Any person who possesses a
 3437 valid Class E driver's license may, subject to the appropriate
 3438 restrictions and endorsements, drive any type of motor vehicle,
 3439 other than the type of motor vehicle for which a Class A, Class
 3440 B, or ~~Class C, or Class D~~ driver's license is required, within
 3441 this state.

3442 Section 90. Subsections (1) and (2) of section 322.57,
 3443 Florida Statutes, are amended to read:

3444 322.57 Tests of knowledge concerning specified vehicles;
 3445 endorsement; nonresidents; violations.--

3446 (1) In addition to fulfilling any other driver's licensing
 3447 requirements of this chapter, a person who:

3448 (a) Drives a double or triple trailer must successfully
 3449 complete a test of his or her knowledge concerning the safe
 3450 operation of such vehicles.

3451 (b) Drives a passenger vehicle must successfully complete
 3452 a test of his or her knowledge concerning the safe operation of
 3453 such vehicles and a test of his or her driving skill in such a
 3454 vehicle.

3455 (c) Drives a school bus must successfully complete a test
 3456 of his or her knowledge concerning the safe operation of such
 3457 vehicles and a test of his or her driving skill in such a

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3458 vehicle. This subsection shall be implemented in accordance with
 3459 49 C.F.R. part 383.123.

3460 (d)~~(e)~~ Drives a tank vehicle must successfully complete a
 3461 test of his or her knowledge concerning the safe operation of
 3462 such vehicles.

3463 (e)~~(d)~~ Drives a vehicle that transports hazardous
 3464 materials and that is required to be placarded in accordance
 3465 with Title 49 C.F.R. part 172, subpart F, must successfully
 3466 complete a test of his or her knowledge concerning the safe
 3467 operation of such vehicles. Knowledge tests for hazardous-
 3468 materials endorsements may not be administered orally for
 3469 individuals applying for an initial hazardous-materials
 3470 endorsement after June 30, 1994.

3471 (f)~~(e)~~ Operates a tank vehicle transporting hazardous
 3472 materials must successfully complete the tests required in
 3473 paragraphs (d) ~~(e)~~ and (e) ~~(d)~~ so that the department may issue
 3474 a single endorsement permitting him or her to operate such tank
 3475 vehicle.

3476 (g)~~(f)~~ Drives a motorcycle must successfully complete a
 3477 test of his or her knowledge concerning the safe operation of
 3478 such vehicles and a test of his or her driving skills on such
 3479 vehicle. A person who successfully completes such tests shall
 3480 be issued an endorsement if he or she is licensed to drive
 3481 another type of motor vehicle. A person who successfully
 3482 completes such tests and who is not licensed to drive another
 3483 type of motor vehicle shall be issued a Class E driver's license
 3484 that is clearly restricted to motorcycle use only.

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3485 (2) Before driving or operating any vehicle listed in
 3486 subsection (1), a person must obtain an endorsement on his or
 3487 her driver's license. An endorsement under paragraph (a),
 3488 paragraph (b), paragraph (c), paragraph (d), ~~or~~ paragraph (e),
 3489 or paragraph (f) of subsection (1) shall be issued only to
 3490 persons who possess a valid Class A, valid Class B, or valid
 3491 Class C driver's license. ~~A person who drives a motor vehicle~~
 3492 ~~or motor vehicle combination that requires an endorsement under~~
 3493 ~~this subsection and who drives a motor vehicle or motor vehicle~~
 3494 ~~combination having a gross vehicle weight rating, a declared~~
 3495 ~~weight, or an actual weight, whichever is greatest, of less than~~
 3496 ~~26,000 pounds shall be issued a Class C driver's license that is~~
 3497 ~~clearly restricted to the operation of a motor vehicle or motor~~
 3498 ~~vehicle combination of less than 26,000 pounds.~~

3499 Section 91. Paragraph (a) of subsection (1) of section
 3500 322.58, Florida Statutes, is amended to read:

3501 322.58 Holders of chauffeur's licenses; effect of
 3502 classified licensure.--

3503 (1) In order to provide for the classified licensure of
 3504 commercial motor vehicle drivers, the department shall require
 3505 persons who have valid chauffeur's licenses to report on or
 3506 after April 1, 1991, to the department for classified licensure,
 3507 according to a schedule developed by the department.

3508 (a) Any person who holds a valid chauffeur's license may
 3509 continue to operate vehicles for which a Class E ~~D~~ driver's
 3510 license is required until his or her chauffeur's license
 3511 expires.

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3512 Section 92. Subsection (1) and paragraph (a) of subsection
 3513 (3) of section 322.63, Florida Statutes, are amended to read:

3514 322.63 Alcohol or drug testing; commercial motor vehicle
 3515 operators.--

3516 (1) A person who accepts the privilege extended by the
 3517 laws of this state of operating a commercial motor vehicle
 3518 within this state shall, by so operating such commercial motor
 3519 vehicle, be deemed to have given his or her consent to submit to
 3520 an approved chemical or physical test of his or her blood or
 3521 ~~breath, or urine~~ for the purpose of determining his or her
 3522 alcohol concentration, and to a urine test ~~or~~ for the purpose of
 3523 detecting the presence of chemical substances as set forth in s.
 3524 877.111 or of controlled substances.

3525 (a) By applying for a commercial driver's license and by
 3526 accepting and using a commercial driver's license, the person
 3527 holding the commercial driver's license is deemed to have
 3528 expressed his or her consent to the provisions of this section.

3529 (b) Any person who drives a commercial motor vehicle
 3530 within this state and who is not required to obtain a commercial
 3531 driver's license in this state is, by his or her act of driving
 3532 a commercial motor vehicle within this state, deemed to have
 3533 expressed his or her consent to the provisions of this section.

3534 (c) A notification of the consent provision of this
 3535 section shall be printed ~~above the signature line~~ on each new or
 3536 renewed commercial driver's license issued ~~after March 31, 1991~~.

3537 (3) (a) The breath and blood ~~physical and chemical~~ tests
 3538 authorized in this section shall be administered substantially

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3539 | in accordance with rules adopted by the Department of Law
 3540 | Enforcement.

3541 | Section 93. Subsection (1) of section 322.64, Florida
 3542 | Statutes, is amended, and, for the purpose of incorporating the
 3543 | amendment to section 322.61, Florida Statutes, in a reference
 3544 | thereto, subsection (14) of that section is reenacted, to read:

3545 | 322.64 Holder of commercial driver's license; driving with
 3546 | unlawful blood-alcohol level; refusal to submit to breath,
 3547 | urine, or blood test.--

3548 | (1)(a) A law enforcement officer or correctional officer
 3549 | shall, on behalf of the department, disqualify from operating
 3550 | any commercial motor vehicle a person who while operating or in
 3551 | actual physical control of a commercial motor vehicle is
 3552 | arrested for a violation of s. 316.193, relating to unlawful
 3553 | blood-alcohol level or breath-alcohol level, or a person who has
 3554 | refused to submit to a breath, urine, or blood test authorized
 3555 | by s. 322.63 arising out of the operation or actual physical
 3556 | control of a commercial motor vehicle. Upon disqualification of
 3557 | the person, the officer shall take the person's driver's license
 3558 | and issue the person a 10-day temporary permit for the operation
 3559 | of noncommercial vehicles only if the person is otherwise
 3560 | eligible for the driving privilege and shall issue the person a
 3561 | notice of disqualification. If the person has been given a
 3562 | blood, breath, or urine test, the results of which are not
 3563 | available to the officer at the time of the arrest, the agency
 3564 | employing the officer shall transmit such results to the
 3565 | department within 5 days after receipt of the results. If the
 3566 | department then determines that the person was arrested for a

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3567 violation of s. 316.193 and that the person had a blood-alcohol
 3568 level or breath-alcohol level of 0.08 or higher, the department
 3569 shall disqualify the person from operating a commercial motor
 3570 vehicle pursuant to subsection (3).

3571 (b) The disqualification under paragraph (a) shall be
 3572 pursuant to, and the notice of disqualification shall inform the
 3573 driver of, the following:

3574 1.a. The driver refused to submit to a lawful breath,
 3575 blood, or urine test and he or she is disqualified from
 3576 operating a commercial motor vehicle for a period of 1 year, for
 3577 a first refusal, or permanently, if he or she has previously
 3578 been disqualified as a result of a refusal to submit to such a
 3579 test; or

3580 b. The driver violated s. 316.193 by driving with an
 3581 unlawful blood-alcohol level and he or she is disqualified from
 3582 operating a commercial motor vehicle for a period of 6 months
 3583 for a first offense or for a period of 1 year if he or she has
 3584 previously been disqualified, or his or her driving privilege
 3585 has been previously suspended, for a violation of s. 316.193.

3586 2. The disqualification period for operating commercial
 3587 vehicles shall commence on the date of arrest or issuance of
 3588 notice of disqualification, whichever is later.

3589 3. The driver may request a formal or informal review of
 3590 the disqualification by the department within 10 days after the
 3591 date of arrest or issuance of notice of disqualification,
 3592 whichever is later.

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3593 | 4. The temporary permit issued at the time of arrest or
 3594 | disqualification will expire at midnight of the 10th day
 3595 | following the date of disqualification.

3596 | 5. The driver may submit to the department any materials
 3597 | relevant to the arrest.

3598 | (14) The decision of the department under this section
 3599 | shall not be considered in any trial for a violation of s.
 3600 | 316.193, s. 322.61, or s. 322.62, nor shall any written
 3601 | statement submitted by a person in his or her request for
 3602 | departmental review under this section be admissible into
 3603 | evidence against him or her in any such trial. The disposition
 3604 | of any related criminal proceedings shall not affect a
 3605 | disqualification imposed pursuant to this section.

3606 | Section 94. Paragraphs (c) and (f) of subsection (13) of
 3607 | section 713.78, Florida Statutes, are amended to read:

3608 | 713.78 Liens for recovering, towing, or storing vehicles
 3609 | and vessels.--

3610 | (13)

3611 | (c)1. The registered owner of a vehicle, vessel, or mobile
 3612 | home may dispute a wrecker operator's lien, by notifying the
 3613 | department of the dispute in writing on forms provided by the
 3614 | department, if at least one of the following applies:

3615 | a. The registered owner presents a notarized bill of sale
 3616 | proving that the vehicle, vessel, or mobile home was sold in a
 3617 | private or casual sale before the vehicle, vessel, or mobile
 3618 | home was recovered, towed, or stored.

3619 | b. The registered owner presents proof that the Florida
 3620 | certificate of title of the vehicle, vessel, or mobile home was

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3621 | sold to a licensed dealer as defined in s. 319.001 before the
3622 | vehicle, vessel, or mobile home was recovered, towed, or stored.

3623 | c. The records of the department were marked "sold" prior
3624 | to the date of the tow.

3625 |
3626 | If the registered owner's dispute of a wrecker operator's lien
3627 | complies with one of these criteria, the department shall
3628 | immediately remove the registered owner's name from the list of
3629 | those persons who may not be issued a license plate or
3630 | revalidation sticker for any motor vehicle under s. 320.03(8),
3631 | thereby allowing issuance of a license plate or revalidation
3632 | sticker. If the vehicle, vessel, or mobile home is owned jointly
3633 | by more than one person, each registered owner must dispute the
3634 | wrecker operator's lien in order to be removed from the list.
3635 | However, the department shall deny any dispute and maintain the
3636 | registered owner's name on the list of those persons who may not
3637 | be issued a license plate or revalidation sticker for any motor
3638 | vehicle under s. 320.03(8) if the wrecker operator has provided
3639 | the department with a certified copy of the judgment of a court
3640 | which orders the registered owner to pay the wrecker operator's
3641 | lien claimed under this section. In such a case, the amount of
3642 | the wrecker operator's lien allowed by paragraph (b) may be
3643 | increased to include no more than \$500 of the reasonable costs
3644 | and attorney's fees incurred in obtaining the judgment. The
3645 | department's action under this subparagraph is ministerial in
3646 | nature, shall not be considered final agency action, and is
3647 | appealable only to the county court for the county in which the
3648 | vehicle, vessel, or mobile home was ordered removed.

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3649 2. A person against whom a wrecker operator's lien has
 3650 been imposed may alternatively obtain a discharge of the lien by
 3651 filing a complaint, challenging the validity of the lien or the
 3652 amount thereof, in the county court of the county in which the
 3653 vehicle, vessel, or mobile home was ordered removed. Upon filing
 3654 of the complaint, the person may have her or his name removed
 3655 from the list of those persons who may not be issued a license
 3656 plate or revalidation sticker for any motor vehicle under s.
 3657 320.03(8), thereby allowing issuance of a license plate or
 3658 revalidation sticker, upon posting with the court a cash or
 3659 surety bond or other adequate security equal to the amount of
 3660 the wrecker operator's lien to ensure the payment of such lien
 3661 in the event she or he does not prevail. Upon the posting of the
 3662 bond and the payment of the applicable fee set forth in s.
 3663 28.24, the clerk of the court shall issue a certificate
 3664 notifying the department of the posting of the bond and
 3665 directing the department to release the wrecker operator's lien.
 3666 Upon determining the respective rights of the parties, the court
 3667 may award damages and costs in favor of the prevailing party.

3668 3. If a person against whom a wrecker operator's lien has
 3669 been imposed does not object to the lien, but cannot discharge
 3670 the lien by payment because the wrecker operator has moved or
 3671 gone out of business, the person may have her or his name
 3672 removed from the list of those persons who may not be issued a
 3673 license plate or revalidation sticker for any motor vehicle
 3674 under s. 320.03(8), thereby allowing issuance of a license plate
 3675 or revalidation sticker, upon posting with the clerk of court in
 3676 the county in which the vehicle, vessel, or mobile home was

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3677 | ordered removed, a cash or surety bond or other adequate
 3678 | security equal to the amount of the wrecker operator's lien.
 3679 | Upon the posting of the bond and the payment of the application
 3680 | fee set forth in s. 28.24, the clerk of the court shall issue a
 3681 | certificate notifying the department of the posting of the bond
 3682 | and directing the department to release the wrecker operator's
 3683 | lien. The department shall mail to the wrecker operator, at the
 3684 | address upon the lien form, notice that the wrecker operator
 3685 | must claim the security within 60 days, or the security will be
 3686 | released back to the person who posted it. At the conclusion of
 3687 | the 60 days, the department shall direct the clerk as to which
 3688 | party is entitled to payment of the security, less applicable
 3689 | clerk's fees.

3690 | 4. A wrecker operator's lien expires 5 years after filing.

3691 | (f) This subsection applies only to the annual renewal in
 3692 | the registered owner's birth month of a motor vehicle
 3693 | registration and does not apply to the transfer of a
 3694 | registration of a motor vehicle sold by a motor vehicle dealer
 3695 | licensed under chapter 320, except for the transfer of
 3696 | registrations which is inclusive of the annual renewals. This
 3697 | subsection does not apply to any vehicle registered in the name
 3698 | of the lessor. This subsection does not affect the issuance of
 3699 | the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

3700 | Section 95. Section 843.16, Florida Statutes, is amended
 3701 | to read:

3702 | 843.16 Unlawful to install or transport radio equipment
 3703 | using assigned frequency of state or law enforcement officers;
 3704 | definitions; exceptions; penalties.--

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3705 (1) A ~~No~~ person, firm, or corporation may not ~~shall~~
 3706 install or transport in any motor vehicle or business
 3707 establishment, except an emergency vehicle or crime watch
 3708 vehicle as herein defined or a place established by municipal,
 3709 county, state, or federal authority for governmental purposes,
 3710 any frequency modulation radio receiving equipment so adjusted
 3711 or tuned as to receive messages or signals on frequencies
 3712 assigned by the Federal Communications Commission to police or
 3713 law enforcement officers or fire rescue personnel of any city or
 3714 county of the state or to the state or any of its agencies.
 3715 Provided, nothing herein shall be construed to affect any radio
 3716 station licensed by the Federal Communications System or to
 3717 affect any recognized newspaper or news publication engaged in
 3718 covering the news on a full-time basis or any alarm system
 3719 contractor certified pursuant to part II of chapter 489,
 3720 operating a central monitoring system.

3721 (2) As used in this section, the term:

3722 (a) "Emergency vehicle" shall specifically mean:

3723 1. Any motor vehicle used by any law enforcement officer
 3724 or employee of any city, any county, the state, the Federal
 3725 Bureau of Investigation, or the Armed Forces of the United
 3726 States while on official business;

3727 2. Any fire department vehicle of any city or county of
 3728 the state or any state fire department vehicle;

3729 3. Any motor vehicle designated as an emergency vehicle by
 3730 the Department of Highway Safety and Motor Vehicles when said
 3731 vehicle is to be assigned the use of frequencies assigned to the
 3732 state;

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3733 4. Any motor vehicle designated as an emergency vehicle by
 3734 the sheriff or fire chief of any county in the state when said
 3735 vehicle is to be assigned the use of frequencies assigned to the
 3736 said county;

3737 5. Any motor vehicle designated as an emergency vehicle by
 3738 the chief of police or fire chief of any city in the state when
 3739 said vehicle is to be assigned the use of frequencies assigned
 3740 to the said city.

3741 (b) "Crime watch vehicle" means any motor vehicle used by
 3742 any person participating in a citizen crime watch or
 3743 neighborhood watch program when such program and use are
 3744 approved in writing by the appropriate sheriff or chief of
 3745 police where the vehicle will be used and the vehicle is
 3746 assigned the use of frequencies assigned to the county or city.
 3747 Such approval shall be renewed annually.

3748 (3) This section shall not apply to any holder of a valid
 3749 amateur radio operator or station license issued by the Federal
 3750 Communications Commission or to any recognized newspaper or news
 3751 publication engaged in covering the news on a full-time basis or
 3752 any alarm system contractor certified pursuant to part II of
 3753 chapter 489, operating a central monitoring system.

3754 (4) Any person, firm, or corporation violating any of the
 3755 provisions of this section commits ~~shall be deemed guilty of~~ a
 3756 misdemeanor of the first ~~second~~ degree, punishable as provided
 3757 in s. 775.082 or s. 775.083.

3758 Section 96. Short title.--This section may be cited as the
 3759 "Dori Slosberg Act of 2005."

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3760 Section 97. Subsections (4) and (8) of section 316.614,
 3761 Florida Statutes, are amended, present subsection (9) of that
 3762 section is redesignated as subsection (10), and a new subsection
 3763 (9) is added to that section, to read:

3764 316.614 Safety belt usage.--

3765 (4) It is unlawful for any person:

3766 (a) To operate a motor vehicle in this state unless each
 3767 passenger and the operator of the vehicle under the age of 18
 3768 years is restrained by a safety belt or by a child restraint
 3769 device pursuant to s. 316.613, if applicable; or

3770 (b) To operate a motor vehicle in this state unless the
 3771 person is restrained by a safety belt.

3772 (8) Any person who violates the provisions of this section
 3773 commits a nonmoving violation, punishable as provided in chapter
 3774 318. However, except for violations of s. 316.613 and paragraph
 3775 (4)(a), enforcement of this section by state or local law
 3776 enforcement agencies must be accomplished only as a secondary
 3777 action when a driver of a motor vehicle has been detained for a
 3778 suspected violation of another section of this chapter, chapter
 3779 320, or chapter 322.

3780 (9) By January 1, 2006, each law enforcement agency in
 3781 this state shall adopt departmental policies to prohibit the
 3782 practice of racial profiling. When a law enforcement officer
 3783 issues a citation for a violation of this section, the law
 3784 enforcement officer must record the race and ethnicity of the
 3785 violator. All law enforcement agencies must maintain such
 3786 information and forward the information to the department in a
 3787 form and manner determined by the department. The department

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3788 shall collect this information by jurisdiction and annually
3789 report the data to the Governor, the President of the Senate,
3790 and the Speaker of the House of Representatives. The report must
3791 show separate statewide totals for the state's county sheriffs
3792 and municipal law enforcement agencies, state law enforcement
3793 agencies, and state university law enforcement agencies.

3794 Section 98. Except as otherwise expressly provided in this
3795 act, this act shall take effect July 1, 2005.

3796