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1 A bill to be entitled
2 An act relating to highway safety and motor vehicles;
3 terminating the DUI Programs Coordination Trust Fund;
4 providing for the disposition of the balances in and
5 revenues of the trust fund; prescribing procedures for
6 the termination of the trust fund; amending s. 17.61,
7 F.S.; removing the DUI Programs Coordination Trust
8 Fund from provisions requiring the Department of
9 Highway Safety and Motor Vehicles to retain moneys in
10 that fund for investment; amending s. 215.20, F.S.;
11 removing the DUI Programs Coordination Trust Fund from
12 the list of trust funds subject to a statutory service
13 charge; amending s. 316.126, F.S.; requiring drivers
14 of vehicles to behave in a specified fashion when
15 approaching emergency vehicles or wreckers; amending
16 s. 316.2085, F.S.; prohibiting a person under 16 years
17 of age from operating a motorcycle or moped; amending
18 s. 316.251, F.S.; conforming a cross-reference;
19 amending s. 318.18, F.S.; revising distribution of an
20 additional civil penalty for failure to comply with
21 the court's requirements or pay specified civil
22 penalties; amending s. 319.14, F.S.; prohibiting a
23 person from knowingly offering for sale, selling,
24 transferring, or exchanging certain vehicles until the
25 department has stamped in a conspicuous place on the
26 certificate of title words stating that the vehicle is
27 a custom vehicle or street rod vehicle; defining the
28 terms "custom vehicle" and "street rod vehicle";

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29 providing that a person who does not make the required
30 disclosures commits a misdemeanor of the second
31 degree; providing penalties; amending s. 319.32, F.S.;
32 requiring that certain specified fees be charged for
33 certain vehicle inspections; amending s. 319.40, F.S.;
34 authorizing the department to issue an electronic
35 certificate of title in lieu of printing a paper
36 title; authorizing the department to collect and use
37 e-mail addresses in lieu of the United States Postal
38 Service to notify motor vehicle owners and
39 registrants; amending s. 320.023, F.S.; requiring that
40 voluntary contributions collected by the department be
41 deposited into and distributed from the Motor Vehicle
42 License Clearing Trust Fund; providing for the
43 implementation of a certain litigation settlement;
44 providing for eligibility and procedures to collect
45 the credit; providing for funding; providing for
46 expiration of the provision; amending s. 320.05, F.S.;
47 authorizing the department to provide public access to
48 the National Motor Vehicle Title Information System in
49 a specified manner; requiring the department to adopt
50 a fee schedule to provide for the public-access
51 service; amending s. 320.0607, F.S.; increasing fees
52 for certain license plates; amending s. 320.08, F.S.;
53 conforming a cross-reference; amending s. 320.08048,
54 F.S.; increasing fees for sample license plates;
55 amending s. 320.0863, F.S.; deleting definitions for
56 "custom vehicle" and "street rod" to conform to

57 | changes made by the act; amending s. 320.203, F.S.;

58 | providing for the disposition of biennial license tax

59 | moneys; amending s. 320.27, F.S.; removing certain

60 | information from the application form for motor

61 | vehicle dealers; providing additional grounds for the

62 | department to deny, suspend, or revoke a license

63 | issued to a motor vehicle dealer; providing that an

64 | insurer may cancel the surety bond of a motor vehicle

65 | dealer by giving written notice of the cancellation to

66 | the department; providing for an effective date of the

67 | cancellation; requiring the department to revoke,

68 | suspend, or deny the license issued to a motor vehicle

69 | dealer if the dealer conducts business during the

70 | license period without having in full force and effect

71 | a surety bond that complies with the law; requiring

72 | each motor vehicle dealer to deliver to the department

73 | evidence of a new or continued garage liability

74 | insurance policy; requiring certain policy limits;

75 | requiring the department to notify the insurance

76 | company of the licensee in writing if the license for

77 | the motor vehicle dealer has been denied, suspended,

78 | or revoked; requiring the insurance company to notify

79 | the department of payment of a claim or cancellation

80 | of insurance; requiring the department to revoke,

81 | suspend, or deny the license issued to a motor vehicle

82 | dealer if a dealer conducts business during the

83 | license period without having in full force and effect

84 | a liability insurance policy; amending s. 320.642,

85 F.S.; requiring the department to assess a licensee
86 fee and service charge in connection with establishing
87 an additional motor vehicle dealership or relocating
88 an existing dealership within a community or territory
89 where the same line-make vehicle is presently
90 represented by a franchised motor vehicle dealer or
91 dealers; amending s. 320.77, F.S.; providing that an
92 insurer may cancel the surety bond of a mobile home
93 dealer by giving written notice of the cancellation to
94 the department; providing for an effective date of the
95 cancellation; requiring the department to revoke,
96 suspend, or deny the license issued to a mobile home
97 dealer if the dealer conducts business during the
98 license period without having in full force and effect
99 a surety bond that complies with the law; requiring
100 each mobile home dealer to deliver to the department
101 evidence of a new or continued garage liability
102 insurance policy; requiring certain policy limits;
103 requiring the department to notify the insurance
104 company of the licensee in writing if the license for
105 the mobile home dealer has been denied, suspended, or
106 revoked; requiring the insurance company to notify the
107 department of payment of a claim or cancellation of
108 insurance; requiring the department to revoke,
109 suspend, or deny the license issued to a mobile home
110 dealer if a dealer conducts business during the
111 license period without having in full force and effect
112 a liability insurance policy; amending s. 320.95,

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113 F.S.; authorizing the department to collect and use e-
114 mail addresses in lieu of the United States Postal
115 Service to notify motor vehicle owners and
116 registrants; amending s. 322.03, F.S.; removing an
117 exception to provisions requiring a person to
118 surrender a driver's license issued in another
119 jurisdiction to qualify for a driver's license in this
120 state; removing provisions for a driver's license
121 valid in Florida only; providing for part-time
122 residents of the state issued a license that is valid
123 within this state only to continue to hold such
124 license until the next regularly scheduled renewal;
125 providing a termination date for "Florida only"
126 licenses; amending s. 322.051, F.S.; revising
127 provisions for the issuance of a duplicate
128 identification card to provide for collection and
129 distribution of the fee under specified provisions;
130 amending s. 322.08, F.S.; prohibiting the department
131 from issuing a driver's license or identification card
132 to an applicant if the applicant holds a valid
133 driver's license or identification card issued by
134 another state; amending s. 322.095, F.S.; eliminating
135 the requirement that all instructors teaching in
136 traffic law and substance abuse education courses be
137 certified by the department; amending s. 322.201,
138 F.S.; providing that certain records of the department
139 or the clerk of the court are admissible in evidence
140 in all courts of the state; removing a requirement for

141 such certification; amending s. 322.22, F.S.;

142 authorizing the department to cancel identification

143 cards under certain conditions; requiring the

144 identification card holder to surrender the canceled

145 card; amending s. 322.2615, F.S.; eliminating the

146 requirement that a copy of the crash report be

147 submitted to the department within 5 days after

148 issuing the notice of suspension; defining the term

149 "lawful breath, blood, or urine test"; amending s.

150 322.27, F.S.; authorizing the department to suspend

151 the identification card of any person; providing the

152 grounds to suspend an identification card without

153 preliminary hearing under certain circumstances;

154 amending s. 322.271, F.S.; authorizing the department

155 to modify a revocation, cancellation, or suspension

156 order; providing that the department may waive the

157 hearing process for suspensions and revocations upon

158 request by the driver under certain circumstances;

159 amending s. 322.28, F.S.; providing for the period of

160 suspension or revocation of a license for certain DUI

161 offenses; providing for imposition when a person is

162 convicted of two offenses; amending s. 322.293, F.S.;

163 providing for the administration of the DUI programs

164 of the department; amending s. 322.64, F.S.; providing

165 for disqualification of a driver of a commercial motor

166 vehicle for certain violations; amending s. 328.30,

167 F.S.; providing that the department may issue an

168 electronic certificate of title for a vessel in lieu

169 of printing a paper title; authorizing the department
 170 to collect and use e-mail addresses in lieu of the
 171 United States Postal Service to notify vessel owners
 172 and registrants; amending s. 328.72, F.S.; defining
 173 the term "extended registration period"; providing for
 174 registration fees for vessels; amending s. 328.80,
 175 F.S.; providing that the department may accept any
 176 vessel application by electronic or telephonic means;
 177 authorizing the department to collect and use e-mail
 178 addresses in lieu of the United States Postal Service
 179 to notify vessel owners and registrants; providing an
 180 effective date.

181

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

183

184 Section 1. (1) The DUI Programs Coordination Trust Fund
 185 within the Department of Highway Safety and Motor Vehicles,
 186 FLAIR number 76-2-172, is terminated.

187 (2) All current balances remaining in, and all revenues
 188 of, the trust fund shall be transferred to the Highway Safety
 189 Operating Trust Fund within the Department of Highway Safety and
 190 Motor Vehicles, FLAIR number 76-2-009.

191 (3) The Department of Highway Safety and Motor Vehicles
 192 shall pay any outstanding debts and obligations of the
 193 terminated fund as soon as practicable and the Chief Financial
 194 Officer shall close out and remove the terminated fund from the
 195 various state accounting systems using generally accepted
 196 accounting principles concerning warrants outstanding, assets,

197 and liabilities.

198 Section 2. Paragraph (c) of subsection (3) of section
 199 17.61, Florida Statutes, is amended to read:

200 17.61 Chief Financial Officer; powers and duties in the
 201 investment of certain funds.--

202 (3)

203 (c) Except as provided in this paragraph and except for
 204 moneys described in paragraph (d), the following agencies shall
 205 not invest trust fund moneys as provided in this section, but
 206 shall retain such moneys in their respective trust funds for
 207 investment, with interest appropriated to the General Revenue
 208 Fund, pursuant to s. 17.57:

209 1. The Agency for Health Care Administration, except for
 210 the Tobacco Settlement Trust Fund.

211 2. The Agency for Persons with Disabilities, except for:

212 a. The Federal Grants Trust Fund.

213 b. The Tobacco Settlement Trust Fund.

214 3. The Department of Children and Family Services, except
 215 for:

216 a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.

217 b. The Social Services Block Grant Trust Fund.

218 c. The Tobacco Settlement Trust Fund.

219 d. The Working Capital Trust Fund.

220 4. The Department of Community Affairs, only for the
 221 Operating Trust Fund.

222 5. The Department of Corrections.

223 6. The Department of Elderly Affairs, except for:

224 a. The Federal Grants Trust Fund.

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- 225 b. The Tobacco Settlement Trust Fund.
- 226 7. The Department of Health, except for:
- 227 a. The Federal Grants Trust Fund.
- 228 b. The Grants and Donations Trust Fund.
- 229 c. The Maternal and Child Health Block Grant Trust Fund.
- 230 d. The Tobacco Settlement Trust Fund.
- 231 8. The Department of Highway Safety and Motor Vehicles,
- 232 only for:
- 233 ~~a. The DUI Programs Coordination Trust Fund.~~
- 234 ~~b.~~ the Security Deposits Trust Fund.
- 235 9. The Department of Juvenile Justice.
- 236 10. The Department of Law Enforcement.
- 237 11. The Department of Legal Affairs.
- 238 12. The Department of State, only for:
- 239 a. The Grants and Donations Trust Fund.
- 240 b. The Records Management Trust Fund.
- 241 13. The Executive Office of the Governor, only for:
- 242 a. The Economic Development Transportation Trust Fund.
- 243 b. The Economic Development Trust Fund.
- 244 14. The Florida Public Service Commission, only for the
- 245 Florida Public Service Regulatory Trust Fund.
- 246 15. The Justice Administrative Commission.
- 247 16. The state courts system.
- 248 Section 3. Subsection (4) of section 215.20, Florida
- 249 Statutes, is amended to read:
- 250 215.20 Certain income and certain trust funds to
- 251 contribute to the General Revenue Fund.--
- 252 (4) The income of a revenue nature deposited in the

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253 following described trust funds, by whatever name designated, is
 254 that from which the appropriations authorized by subsection (3)
 255 shall be made:

256 (a) Within the Agency for Health Care Administration, the
 257 Health Care Trust Fund.

258 (b) Within the Agency for Workforce Innovation:

- 259 1. The Employment Security Administration Trust Fund.
- 260 2. The Special Employment Security Administration Trust
 261 Fund.

262 (c) Within the Department of Agriculture and Consumer
 263 Services:

- 264 1. The Conservation and Recreation Lands Program Trust
 265 Fund.
- 266 2. The General Inspection Trust Fund and subsidiary
 267 accounts thereof, unless a different percentage is authorized by
 268 s. 570.20.

269 3. The Division of Licensing Trust Fund.

270 (d) Within the Department of Business and Professional
 271 Regulation:

- 272 1. The Administrative Trust Fund.
- 273 2. The Alcoholic Beverage and Tobacco Trust Fund.
- 274 3. The Cigarette Tax Collection Trust Fund.
- 275 4. The Division of Florida Condominiums, Timeshares, and
 276 Mobile Homes Trust Fund.
- 277 5. The Hotel and Restaurant Trust Fund, with the exception
 278 of those fees collected for the purpose of funding of the
 279 hospitality education program as stated in s. 509.302.
- 280 6. The Professional Regulation Trust Fund.

281 7. The trust funds administered by the Division of Pari-
282 mutuel Wagering.

283 (e) Within the Department of Children and Family Services:

- 284 1. The Administrative Trust Fund.
- 285 2. The Child Welfare Training Trust Fund.
- 286 3. The Domestic Violence Trust Fund.
- 287 4. The Grants and Donations Trust Fund.
- 288 5. The Operations and Maintenance Trust Fund.

289 (f) Within the Department of Citrus, the Florida Citrus
290 Advertising Trust Fund, including transfers from any subsidiary
291 accounts thereof, unless a different percentage is authorized in
292 s. 601.15(7).

293 (g) Within the Department of Community Affairs, the
294 Operating Trust Fund.

295 (h) Within the Department of Education:

- 296 1. The Educational Certification and Service Trust Fund.
- 297 2. The Phosphate Research Trust Fund.

298 (i) Within the Department of Elderly Affairs:

- 299 1. The Administrative Trust Fund.
- 300 2. The Federal Grants Trust Fund.
- 301 3. The Grants and Donations Trust Fund.
- 302 4. The Operations and Maintenance Trust Fund.

303 (j) Within the Department of Environmental Protection:

- 304 1. The Administrative Trust Fund.
- 305 2. The Air Pollution Control Trust Fund.
- 306 3. The Conservation and Recreation Lands Trust Fund.
- 307 4. The Ecosystem Management and Restoration Trust Fund.
- 308 5. The Environmental Laboratory Trust Fund.

- 309 | 6. The Florida Coastal Protection Trust Fund.
- 310 | 7. The Florida Permit Fee Trust Fund.
- 311 | 8. The Grants and Donations Trust Fund.
- 312 | 9. The Inland Protection Trust Fund.
- 313 | 10. The Internal Improvement Trust Fund.
- 314 | 11. The Land Acquisition Trust Fund.
- 315 | 12. The Minerals Trust Fund.
- 316 | 13. The Nonmandatory Land Reclamation Trust Fund.
- 317 | 14. The State Park Trust Fund.
- 318 | 15. The Water Quality Assurance Trust Fund.
- 319 | 16. The Working Capital Trust Fund.
- 320 | (k) Within the Department of Financial Services:
- 321 | 1. The Agents County Tax Trust Fund.
- 322 | 2. The Insurance Regulatory Trust Fund.
- 323 | 3. The Special Disability Trust Fund.
- 324 | 4. The Workers' Compensation Administration Trust Fund.
- 325 | (l) Within the Department of Health:
- 326 | 1. The Administrative Trust Fund.
- 327 | 2. The Brain and Spinal Cord Injury Program Trust Fund.
- 328 | 3. The Donations Trust Fund.
- 329 | 4. The Emergency Medical Services Trust Fund.
- 330 | 5. The Epilepsy Services Trust Fund.
- 331 | 6. The Florida Drug, Device, and Cosmetic Trust Fund.
- 332 | 7. The Grants and Donations Trust Fund.
- 333 | 8. The Medical Quality Assurance Trust Fund.
- 334 | 9. The Nursing Student Loan Forgiveness Trust Fund.
- 335 | 10. The Planning and Evaluation Trust Fund.
- 336 | 11. The Radiation Protection Trust Fund.

337 ~~(m) Within the Department of Highway Safety and Motor~~
 338 ~~Vehicles, the DUI Programs Coordination Trust Fund.~~

339 (m)~~(n)~~ Within the Department of Legal Affairs, the Crimes
 340 Compensation Trust Fund.

341 (n)~~(o)~~ Within the Department of Management Services:

- 342 1. The Administrative Trust Fund.
- 343 2. The Architects Incidental Trust Fund.
- 344 3. The Bureau of Aircraft Trust Fund.
- 345 4. The Florida Facilities Pool Working Capital Trust Fund.
- 346 5. The Grants and Donations Trust Fund.
- 347 6. The Police and Firefighters' Premium Tax Trust Fund.
- 348 7. The Public Employees Relations Commission Trust Fund.
- 349 8. The State Personnel System Trust Fund.
- 350 9. The Supervision Trust Fund.
- 351 10. The Working Capital Trust Fund.

352 (o)~~(p)~~ Within the Department of Revenue:

- 353 1. The Additional Court Cost Clearing Trust Fund.
- 354 2. The Administrative Trust Fund.
- 355 3. The Certification Program Trust Fund.
- 356 4. The Fuel Tax Collection Trust Fund.
- 357 5. The Local Alternative Fuel User Fee Clearing Trust
 358 Fund.
- 359 6. The Local Option Fuel Tax Trust Fund.
- 360 7. The Motor Vehicle Rental Surcharge Clearing Trust Fund.
- 361 8. The Motor Vehicle Warranty Trust Fund.
- 362 9. The Oil and Gas Tax Trust Fund.
- 363 10. The Operations Trust Fund.
- 364 11. The Severance Tax Solid Mineral Trust Fund.

365 12. The State Alternative Fuel User Fee Clearing Trust
 366 Fund.

367 13. All taxes levied on motor fuels other than gasoline
 368 levied pursuant to the provisions of s. 206.87(1)(a).

369 (p)~~(q)~~ Within the Department of State:

370 1. The Records Management Trust Fund.

371 2. The trust funds administered by the Division of
 372 Historical Resources.

373 (q)~~(r)~~ Within the Department of Transportation, all income
 374 derived from outdoor advertising and overweight violations which
 375 is deposited in the State Transportation Trust Fund.

376 (r)~~(s)~~ Within the Department of Veterans' Affairs:

377 1. The Grants and Donations Trust Fund.

378 2. The Operations and Maintenance Trust Fund.

379 3. The State Homes for Veterans Trust Fund.

380 (s)~~(t)~~ Within the Division of Administrative Hearings, the
 381 Administrative Trust Fund.

382 (t)~~(u)~~ Within the Fish and Wildlife Conservation
 383 Commission:

384 1. The Conservation and Recreation Lands Program Trust
 385 Fund.

386 2. The Florida Panther Research and Management Trust Fund.

387 3. The Land Acquisition Trust Fund.

388 4. The Marine Resources Conservation Trust Fund, with the
 389 exception of those fees collected for recreational saltwater
 390 fishing licenses as provided in s. 379.354.

391 (u)~~(v)~~ Within the Florida Public Service Commission, the
 392 Florida Public Service Regulatory Trust Fund.

393 (v)~~(w)~~ Within the Justice Administrative Commission, the
 394 Indigent Criminal Defense Trust Fund.

395 (w)~~(x)~~ Within the Office of Financial Regulation of the
 396 Financial Services Commission:

- 397 1. The Administrative Trust Fund.
- 398 2. The Anti-Fraud Trust Fund.
- 399 3. The Financial Institutions' Regulatory Trust Fund.
- 400 4. The Regulatory Trust Fund.

401
 402 The enumeration of the foregoing moneys or trust funds does
 403 ~~shall~~ not prohibit the applicability of s. 215.24 should the
 404 Governor determine that for the reasons mentioned in s. 215.24
 405 the money or trust funds should be exempt herefrom, as it is the
 406 purpose of this law to exempt income from its force and effect
 407 when, by the operation of this law, federal matching funds or
 408 contributions or private grants to any trust fund would be lost
 409 to the state.

410 Section 4. Subsection (1) of section 316.126, Florida
 411 Statutes, is amended to read:

412 316.126 Operation of vehicles and actions of pedestrians
 413 on approach of authorized emergency vehicle.--

414 (1)(a) Upon the immediate approach of an authorized
 415 emergency vehicle, while en route to meet an existing emergency,
 416 the driver of every other vehicle shall, when such emergency
 417 vehicle is giving audible signals by siren, exhaust whistle, or
 418 other adequate device, or visible signals by the use of
 419 displayed blue or red lights, yield the right-of-way to the
 420 emergency vehicle and shall immediately proceed to a position

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421 parallel to, and as close as reasonable to the closest edge of
422 the curb of the roadway, clear of any intersection and shall
423 stop and remain in position until the authorized emergency
424 vehicle has passed, unless otherwise directed by any law
425 enforcement officer.

426 (b) When an authorized emergency vehicle making use of any
427 visual signals is parked or a wrecker displaying amber rotating
428 or flashing lights is performing a recovery or loading on the
429 roadside, the driver of every other vehicle, as soon as it is
430 safe:

431 1. Shall vacate the lane closest to the emergency vehicle
432 or wrecker when driving on an interstate highway or other
433 highway with two or more lanes traveling in the direction of the
434 emergency vehicle or wrecker, except when otherwise directed by
435 a law enforcement officer. If such movement cannot be safely
436 accomplished, the driver shall reduce speed as provided in
437 subparagraph 2.

438 2. Shall slow to a speed that is 20 miles per hour less
439 than the posted speed limit when the posted speed limit is 25
440 miles per hour or greater; or travel at 5 miles per hour when
441 the posted speed limit is 20 miles per hour or less, when
442 driving on a two-lane road, except when otherwise directed by a
443 law enforcement officer.

444 (c) The Department of Highway Safety and Motor Vehicles
445 shall provide an educational awareness campaign informing the
446 motoring public about the Move Over Act. The department shall
447 provide information about the Move Over Act in all newly printed
448 driver's license educational materials after July 1, 2002.

449
 450 This section does ~~shall~~ not relieve the driver of an authorized
 451 emergency vehicle from the duty to drive with due regard for the
 452 safety of all persons using the highway.

453 Section 5. Subsection (6) of section 316.2085, Florida
 454 Statutes, is amended to read:

455 316.2085 Riding on motorcycles or mopeds.--

456 (6) A person under 16 years of age may not:

457 (a) Operate a motorcycle or moped ~~that has a motor with~~
 458 ~~more than 150 cubic centimeters displacement.~~

459 (b) Rent a motorcycle or a moped.

460 Section 6. Subsection (2) of section 316.251, Florida
 461 Statutes, is amended to read:

462 316.251 Maximum bumper heights.--

463 (2) "New motor vehicles" as defined in s. 319.001(9),
 464 "antique automobiles" as defined in s. 320.08, "horseless
 465 carriages" as defined in s. 320.086, and "street rods" as
 466 defined in s. 319.14(1)(c) ~~320.0863~~ shall be excluded from the
 467 requirements of this section.

468 Section 7. Paragraph (a) of subsection (8) of section
 469 318.18, Florida Statutes, is amended to read:

470 318.18 Amount of penalties.--The penalties required for a
 471 noncriminal disposition pursuant to s. 318.14 or a criminal
 472 offense listed in s. 318.17 are as follows:

473 (8)(a) Any person who fails to comply with the court's
 474 requirements or who fails to pay the civil penalties specified
 475 in this section within the 30-day period provided for in s.
 476 318.14 must pay an additional civil penalty of \$16, \$2.50 ~~\$6.50~~

477 of which must be remitted to the Department of Revenue for
 478 deposit in the General Revenue Fund, and \$13.50 ~~\$9.50~~ of which
 479 must be remitted to the Department of Revenue for deposit in the
 480 Highway Safety Operating Trust Fund. Of this additional civil
 481 penalty of \$16, \$4 is not revenue for purposes of s. 28.36 and
 482 may not be used in establishing the budget of the clerk of the
 483 court under that section or s. 28.35. The department shall
 484 contract with the Florida Association of Court Clerks, Inc., to
 485 design, establish, operate, upgrade, and maintain an automated
 486 statewide Uniform Traffic Citation Accounting System to be
 487 operated by the clerks of the court which shall include, but not
 488 be limited to, the accounting for traffic infractions by type, a
 489 record of the disposition of the citations, and an accounting
 490 system for the fines assessed and the subsequent fine amounts
 491 paid to the clerks of the court. On or before December 1, 2001,
 492 the clerks of the court must provide the information required by
 493 this chapter to be transmitted to the department by electronic
 494 transmission pursuant to the contract.

495 Section 8. Section 319.14, Florida Statutes, is amended to
 496 read:

497 319.14 Sale of motor vehicles registered or used as
 498 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,
 499 ~~and~~ nonconforming vehicles, custom vehicles, or street rod
 500 vehicles.--

501 (1) (a) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
 502 sell, or exchange any vehicle that has been licensed,
 503 registered, or used as a taxicab, police vehicle, or short-term-
 504 lease vehicle, or a vehicle that has been repurchased by a

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505 manufacturer pursuant to a settlement, determination, or
506 decision under chapter 681, until the department has stamped in
507 a conspicuous place on the certificate of title of the vehicle,
508 or its duplicate, words stating the nature of the previous use
509 of the vehicle or the title has been stamped "Manufacturer's Buy
510 Back" to reflect that the vehicle is a nonconforming vehicle. If
511 the certificate of title or duplicate was not so stamped upon
512 initial issuance thereof or if, subsequent to initial issuance
513 of the title, the use of the vehicle is changed to a use
514 requiring the notation provided for in this section, the owner
515 or lienholder of the vehicle shall surrender the certificate of
516 title or duplicate to the department before ~~prior to~~ offering
517 the vehicle for sale, and the department shall stamp the
518 certificate or duplicate as required herein. If ~~When~~ a vehicle
519 has been repurchased by a manufacturer pursuant to a settlement,
520 determination, or decision under chapter 681, the title shall be
521 stamped "Manufacturer's Buy Back" to reflect that the vehicle is
522 a nonconforming vehicle.

523 (b) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
524 sell, or exchange a rebuilt vehicle until the department has
525 stamped in a conspicuous place on the certificate of title for
526 the vehicle words stating that the vehicle has been rebuilt or
527 assembled from parts, or is a kit car, glider kit, replica, ~~or~~
528 flood vehicle, custom vehicle, or street rod vehicle unless
529 proper application for a certificate of title for a vehicle that
530 is rebuilt or assembled from parts, or is a kit car, glider kit,
531 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle
532 has been made to the department in accordance with this chapter

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533 and the department has conducted the physical examination of the
534 vehicle to assure the identity of the vehicle and all major
535 component parts, as defined in s. 319.30(1), which have been
536 repaired or replaced. Thereafter, the department shall affix a
537 decal to the vehicle, in the manner prescribed by the
538 department, showing the vehicle to be rebuilt.

539 (c) As used in this section, the term:

540 1. "Police vehicle" means a motor vehicle owned or leased
541 by the state or a county or municipality and used in law
542 enforcement.

543 2.a. "Short-term-lease vehicle" means a motor vehicle
544 leased without a driver and under a written agreement to one or
545 more persons from time to time for a period of less than 12
546 months.

547 b. "Long-term-lease vehicle" means a motor vehicle leased
548 without a driver and under a written agreement to one person for
549 a period of 12 months or longer.

550 c. "Lease vehicle" includes both short-term-lease vehicles
551 and long-term-lease vehicles.

552 3. "Rebuilt vehicle" means a motor vehicle or mobile home
553 built from salvage or junk, as defined in s. 319.30(1).

554 4. "Assembled from parts" means a motor vehicle or mobile
555 home assembled from parts or combined from parts of motor
556 vehicles or mobile homes, new or used. "Assembled from parts"
557 does not mean a motor vehicle defined as a "rebuilt vehicle" in
558 subparagraph 3., which has been declared a total loss pursuant
559 to s. 319.30.

560 5. "Kit car" means a motor vehicle assembled with a kit

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561 supplied by a manufacturer to rebuild a wrecked or outdated
562 motor vehicle with a new body kit.

563 6. "Glider kit" means a vehicle assembled with a kit
564 supplied by a manufacturer to rebuild a wrecked or outdated
565 truck or truck tractor.

566 7. "Replica" means a complete new motor vehicle
567 manufactured to look like an old vehicle.

568 8. "Flood vehicle" means a motor vehicle or mobile home
569 that has been declared to be a total loss pursuant to s.
570 319.30(3)(a) resulting from damage caused by water.

571 9. "Nonconforming vehicle" means a motor vehicle which has
572 been purchased by a manufacturer pursuant to a settlement,
573 determination, or decision under chapter 681.

574 10. "Settlement" means an agreement entered into between a
575 manufacturer and a consumer that occurs after a dispute is
576 submitted to a program, or an informal dispute settlement
577 procedure established by a manufacturer or is approved for
578 arbitration before the New Motor Vehicle Arbitration Board as
579 defined in s. 681.102.

580 11. "Custom vehicle" means a motor vehicle that:

581 a. Is 25 years of age or older and of a model year after
582 1948, or was manufactured to resemble a vehicle that is 25 years
583 of age or older and of a model year after 1948; and

584 b. Has been altered from the manufacturer's original
585 design or has a body constructed from nonoriginal materials.

586

587 The model year and year of manufacture which the body of a
588 custom vehicle resembles is the model year and year of

589 manufacture listed on the certificate of title, regardless of
 590 when the vehicle was actually manufactured.

591 12. "Street rod" means a motor vehicle that:

592 a. Is a model year of 1948 or older or was manufactured
 593 after 1948 to resemble a vehicle of a model year of 1948 or
 594 older; and

595 b. Has been altered from the manufacturer's original
 596 design or has a body constructed from nonoriginal materials.

597
 598 The model year and year of manufacture which the body of a
 599 street rod resembles is the model year and year of manufacture
 600 listed on the certificate of title, regardless of when the
 601 vehicle was actually manufactured.

602 (2) A ~~No~~ person may not ~~shall~~ knowingly sell, exchange, or
 603 transfer a vehicle referred to in subsection (1) without, before
 604 ~~prior to~~ consummating the sale, exchange, or transfer,
 605 disclosing in writing to the purchaser, customer, or transferee
 606 the fact that the vehicle has previously been titled,
 607 registered, or used as a taxicab, police vehicle, or short-term-
 608 lease vehicle, ~~or~~ is a vehicle that is rebuilt or assembled from
 609 parts, ~~or~~ is a kit car, glider kit, replica, or flood vehicle,
 610 or is a nonconforming vehicle, custom vehicle, or street rod
 611 vehicle, as the case may be.

612 (3) Any person who, with intent to offer for sale or
 613 exchange any vehicle referred to in subsection (1), knowingly or
 614 intentionally advertises, publishes, disseminates, circulates,
 615 or places before the public in any communications medium,
 616 whether directly or indirectly, any offer to sell or exchange

617 the vehicle shall clearly and precisely state in each ~~such~~ offer
 618 that the vehicle has previously been titled, registered, or used
 619 as a taxicab, police vehicle, or short-term-lease vehicle or
 620 that the vehicle or mobile home is a vehicle that is rebuilt or
 621 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or
 622 flood vehicle, or is a nonconforming vehicle, custom vehicle, or
 623 street rod vehicle, as the case may be. Any person who violates
 624 this subsection commits a misdemeanor of the second degree,
 625 punishable as provided in s. 775.082 or s. 775.083.

626 (4) If ~~When~~ a certificate of title, including a foreign
 627 certificate, is branded to reflect a condition or prior use of
 628 the titled vehicle, the brand must be noted on the registration
 629 certificate of the vehicle and such brand shall be carried
 630 forward on all subsequent certificates of title and registration
 631 certificates issued for the life of the vehicle.

632 (5) Any person who knowingly sells, exchanges, or offers
 633 to sell or exchange a motor vehicle or mobile home contrary to
 634 ~~the provisions of~~ this section or any officer, agent, or
 635 employee of a person who knowingly authorizes, directs, aids in,
 636 or consents to the sale, exchange, or offer to sell or exchange
 637 a motor vehicle or mobile home contrary to ~~the provisions of~~
 638 this section commits a misdemeanor of the second degree,
 639 punishable as provided in s. 775.082 or s. 775.083.

640 (6) Any person who removes a rebuilt decal from a rebuilt
 641 vehicle with the intent to conceal the rebuilt status of the
 642 vehicle commits a felony of the third degree, punishable as
 643 provided in s. 775.082, s. 775.083, or s. 775.084.

644 (7) This section applies to a mobile home, travel trailer,

645 camping trailer, truck camper, or fifth-wheel recreation trailer
 646 only when the ~~such~~ mobile home or vehicle is a rebuilt vehicle
 647 or is assembled from parts.

648 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in
 649 any civil action arising out of a violation of this section if
 650 the designation of the previous use or condition of the motor
 651 vehicle is not noted on the certificate of title and
 652 registration certificate of the vehicle which was received by,
 653 or delivered to, such person, unless the ~~such~~ person has
 654 actively concealed the prior use or condition of the vehicle
 655 from the purchaser.

656 (9) Subsections (1), (2), and (3) do not apply to the
 657 transfer of ownership of a motor vehicle after the motor vehicle
 658 has ceased to be used as a lease vehicle and the ownership has
 659 been transferred to an owner for private use or to the transfer
 660 of ownership of a nonconforming vehicle with 36,000 or more
 661 miles on its odometer, or 34 months whichever is later and the
 662 ownership has been transferred to an owner for private use. Such
 663 owner, as shown on the title certificate, may request the
 664 department to issue a corrected certificate of title that does
 665 not contain the statement of the previous use of the vehicle as
 666 a lease vehicle or condition as a nonconforming vehicle.

667 Section 9. Subsection (1) of section 319.32, Florida
 668 Statutes, is amended to read:

669 319.32 Fees; service charges; disposition.--

670 (1) The department shall charge a fee of \$24 for each
 671 original certificate of title except for a certificate of title
 672 for a motor vehicle for hire registered under s. 320.08(6), for

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673 | which the title fee shall be \$3, \$24 for each duplicate copy of
 674 | a certificate of title except for a certificate of title for a
 675 | motor vehicle for hire registered under s. 320.08(6), for which
 676 | the title fee shall be \$3, \$2 for each salvage certificate of
 677 | title, and \$3 for each assignment by a lienholder. The
 678 | department ~~It~~ shall also charge a fee of \$2 for noting a lien on
 679 | a title certificate, which fee shall include the services for
 680 | the subsequent issuance of a corrected certificate or
 681 | cancellation of lien when that lien is satisfied. If an
 682 | application for a certificate of title is for a vehicle that is
 683 | required to have a physical examination as defined in s.
 684 | 319.14(1) rebuilt vehicle, the department shall charge an
 685 | additional fee of \$40 for each initial inspection and \$20 for
 686 | each subsequent inspection. The physical examination of the
 687 | vehicle must include, but need not be limited to, verification
 688 | of the vehicle identification number and verification of the
 689 | bill of sale or title for major components ~~conducting a physical~~
 690 | ~~examination of the vehicle to assure its identity.~~ In addition
 691 | to all other fees charged, a sum of \$1 shall be paid for the
 692 | issuance of an original or duplicate certificate of title to
 693 | cover the cost of materials used for security purposes.

694 | Section 10. Section 319.40, Florida Statutes, is amended
 695 | to read:

696 | 319.40 Transactions by electronic or telephonic means.--

697 | (1) The department is authorized to accept any application
 698 | provided for under this chapter by electronic or telephonic
 699 | means.

700 | (2) The department may issue an electronic certificate of

701 title in lieu of printing a paper title.

702 (3) The department may collect and use e-mail addresses of
 703 motor vehicle owners and registrants as a notification method in
 704 lieu of the United States Postal Service.

705 Section 11. Paragraph (c) of subsection (5) of section
 706 320.023, Florida Statutes, is amended to read:

707 320.023 Requests to establish voluntary checkoff on motor
 708 vehicle registration application.--

709 (5) A voluntary contribution collected and distributed
 710 under this chapter, or any interest earned from those
 711 contributions, may not be used for commercial or for-profit
 712 activities nor for general or administrative expenses, except as
 713 authorized by law.

714 (c) Any voluntary contributions authorized by law must be
 715 deposited into and distributed from the Motor Vehicle License
 716 Clearing Trust Fund ~~shall only be distributed to an organization~~
 717 ~~under an appropriation by the Legislature.~~

718 Section 12. Implementation of litigation settlement
 719 provisions of Collier v. Dickinson.--

720 (1) Any person who held a driver's license, identification
 721 card, or motor vehicle registration that was valid between June
 722 1, 2000, and September 30, 2004, is eligible to receive a single
 723 \$1 credit on a new or renewed motor vehicle registration between
 724 July 1, 2009, and June 30, 2010.

725 (2) The revenue generated by s. 320.08046, Florida
 726 Statutes, and deposited into the General Revenue Fund shall fund
 727 the \$1 credit.

728 (3) This section expires July 1, 2011.

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729 Section 13. Present subsection (5) of section 320.05,
730 Florida Statutes, is redesignated as subsection (6), and a new
731 subsection (5) is added to that section, to read:

732 320.05 Records of the department; inspection procedure;
733 lists and searches; fees.--

734 (5) The department may provide public access to the
735 National Motor Vehicle Title Information System via an
736 authorized connection with the American Association of Motor
737 Vehicle Administrators in order to access out-of-state motor
738 vehicle records. The department shall adopt a fee schedule to
739 provide for the public-access service, which may not exceed the
740 actual cost of providing the service.

741 Section 14. Subsections (3) and (5) of section 320.0607,
742 Florida Statutes, are amended to read:

743 320.0607 Replacement license plates, validation decal, or
744 mobile home sticker.--

745 (3) Except as provided in subsection (2), in all such
746 cases, upon filing of an application accompanied by a fee of \$12
747 ~~\$10~~ plus applicable service charges, the department shall issue
748 a replacement plate, sticker, or decal as the case may be if it
749 is satisfied that the information reported in the application is
750 true. The replacement fee shall be deposited into the Highway
751 Safety Operating Trust Fund.

752 (5) Upon the issuance of an original license plate, the
753 applicant shall pay a fee of \$12 ~~\$10~~ to be deposited in the
754 Highway Safety Operating Trust Fund.

755 Section 15. Paragraph (a) of subsection (2) of section
756 320.08, Florida Statutes, is amended to read:

757 320.08 License taxes.--Except as otherwise provided
 758 herein, there are hereby levied and imposed annual license taxes
 759 for the operation of motor vehicles, mopeds, motorized bicycles
 760 as defined in s. 316.003(2), and mobile homes, as defined in s.
 761 320.01, which shall be paid to and collected by the department
 762 or its agent upon the registration or renewal of registration of
 763 the following:

764 (2) AUTOMOBILES FOR PRIVATE USE.--

765 (a) An ancient or antique automobile, as defined in s.
 766 320.086, or a street rod, as defined in s. 319.14(1)(c)
 767 ~~320.0863~~: \$7.50 flat.

768 Section 16. Subsection (1) of section 320.08048, Florida
 769 Statutes, is amended to read:

770 320.08048 Sample license plates.--

771 (1) The department is authorized, upon application and
 772 payment of a \$12 ~~\$10~~ fee per plate, to provide one or more
 773 sample regular issuance license plates or specialty license
 774 plates based upon availability.

775 Section 17. Section 320.0863, Florida Statutes, is amended
 776 to read:

777 320.0863 Custom vehicles and street rods; registration and
 778 license plates.--

779 (1) As used in this section, the term:

780 ~~(a)~~ "blue dot tail light" means a red lamp that contains a
 781 blue or purple insert that is not more than one inch in diameter
 782 and is installed in the rear of a motor vehicle.

783 ~~(b)~~ "Custom vehicle" means a motor vehicle that:

784 ~~1. Is 25 years old or older and of a model year after 1948~~

785 ~~or was manufactured to resemble a vehicle that is 25 years old~~
 786 ~~or older and of a model year after 1948; and~~

787 ~~2. Has been altered from the manufacturer's original~~
 788 ~~design or has a body constructed from nonoriginal materials.~~

789 ~~(c) "Street rod" means a motor vehicle that:~~

790 ~~1. Is of a model year of 1948 or older or was manufactured~~
 791 ~~after 1948 to resemble a vehicle of a model year of 1948 or~~
 792 ~~older; and~~

793 ~~2. Has been altered from the manufacturer's original~~
 794 ~~design or has a body constructed from nonoriginal materials.~~

795 ~~(2) The model year and year of manufacture which the body~~
 796 ~~of a custom vehicle or street rod resembles is the model year~~
 797 ~~and year of manufacture listed on the certificate of title,~~
 798 ~~regardless of when the vehicle was actually manufactured.~~

799 ~~(2)(3)~~ To register a street rod or custom vehicle as
 800 defined in s. 319.14(1)(c), the owner shall apply to the
 801 department by submitting a completed application form and
 802 providing:

803 (a) The license tax prescribed by s. 320.08(2)(a) and a
 804 processing fee of \$3;

805 (b) A written statement that the vehicle will not be used
 806 for general daily transportation but will be maintained for
 807 occasional transportation, exhibitions, club activities,
 808 parades, tours, or other functions of public interest and
 809 similar uses; and

810 (c) A written statement that the vehicle meets state
 811 equipment and safety requirements for motor vehicles. However,
 812 the vehicle must meet only the requirements that were in effect

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813 in this state as a condition of sale in the year listed as the
814 model year on the certificate of title.

815 ~~(3)~~(4) The registration numbers and special license plates
816 assigned to such vehicles shall run in a separate series,
817 commencing with "Custom Vehicle 1" or "Street Rod 1,"
818 respectively, and the plates shall be of a distinguishing color
819 and design.

820 ~~(4)~~(5) (a) A vehicle registered under this section is
821 exempt from any law or local ordinance that requires periodic
822 vehicle inspections or the use and inspection of emission
823 controls.

824 (b) Such vehicle may also be equipped with blue dot tail
825 lights for stop lamps, rear turning indicator lamps, rear hazard
826 lamps, and rear reflectors.

827 Section 18. Subsection (1) of section 320.203, Florida
828 Statutes, is amended to read:

829 320.203 Disposition of biennial license tax moneys.--

830 (1) Notwithstanding ss. 320.08(1), (2), (3), (4) (a) or
831 (b), (6), (7), (8), (9), (10), or (11), 320.08058, and 328.76
832 and pursuant to s. 216.351, after the provisions of s.
833 320.20(1), (2), (3), and (4), and (5) are fulfilled, an amount
834 equal to 50 percent of revenues collected from the biennial
835 registrations created in s. 320.07 shall be retained in the
836 Motor Vehicle License Clearing Trust Fund, authorized in s.
837 215.32(2)(b)2.f., until July 1. After July 1 of the subsequent
838 fiscal year, an amount equal to 50 percent of revenues collected
839 from the biennial registrations created in s. 320.07 shall be
840 distributed according to ss. 320.08(1), (2), (3), (4) (a) or (b),

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841 (6), (7), (8), (9), (10), or (11), 320.08058, 328.76, and
842 320.20(1), (2), (3), ~~and~~ (4), and (5).

843 Section 19. Present subsections (3) and (9) through (14)
844 of section 320.27, Florida Statutes, are amended, and a new
845 subsection (11) is added to that section, to read:

846 320.27 Motor vehicle dealers.--

847 (3) APPLICATION AND FEE.--The application for the license
848 shall be in such form as may be prescribed by the department and
849 shall be subject to such rules with respect thereto as may be so
850 prescribed by it. Such application shall be verified by oath or
851 affirmation and shall contain a full statement of the name and
852 birth date of the person or persons applying therefor; the name
853 of the firm or copartnership, with the names and places of
854 residence of all members thereof, if such applicant is a firm or
855 copartnership; the names and places of residence of the
856 principal officers, if the applicant is a body corporate or
857 other artificial body; the name of the state under whose laws
858 the corporation is organized; the present and former place or
859 places of residence of the applicant; and prior business in
860 which the applicant has been engaged and the location thereof.
861 Such application shall describe the exact location of the place
862 of business and shall state whether the place of business is
863 owned by the applicant and when acquired, or, if leased, a true
864 copy of the lease shall be attached to the application. The
865 applicant shall certify that the location provides an adequately
866 equipped office and is not a residence; that the location
867 affords sufficient unoccupied space upon and within which
868 adequately to store all motor vehicles offered and displayed for

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869 sale; and that the location is a suitable place where the
870 applicant can in good faith carry on such business and keep and
871 maintain books, records, and files necessary to conduct such
872 business, which will be available at all reasonable hours to
873 inspection by the department or any of its inspectors or other
874 employees. The applicant shall certify that the business of a
875 motor vehicle dealer is the principal business which shall be
876 conducted at that location. Such application shall contain a
877 statement that the applicant is either franchised by a
878 manufacturer of motor vehicles, in which case the name of each
879 motor vehicle that the applicant is franchised to sell shall be
880 included, or an independent (nonfranchised) motor vehicle
881 dealer. ~~Such application shall contain such other relevant~~
882 ~~information as may be required by the department, including~~
883 ~~evidence that the applicant is insured under a garage liability~~
884 ~~insurance policy or a general liability insurance policy coupled~~
885 ~~with a business automobile policy, which shall include, at a~~
886 ~~minimum, \$25,000 combined single-limit liability coverage~~
887 ~~including bodily injury and property damage protection and~~
888 ~~\$10,000 personal injury protection. Franchise dealers must~~
889 ~~submit a garage liability insurance policy, and all other~~
890 ~~dealers must submit a garage liability insurance policy or a~~
891 ~~general liability insurance policy coupled with a business~~
892 ~~automobile policy. Such policy shall be for the license period,~~
893 ~~and evidence of a new or continued policy shall be delivered to~~
894 ~~the department at the beginning of each license period. Upon~~
895 making initial application, the applicant shall pay to the
896 department a fee of \$300 in addition to any other fees now

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

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897 required by law; upon making a subsequent renewal application,
 898 the applicant shall pay to the department a fee of \$75 in
 899 addition to any other fees now required by law. Upon making an
 900 application for a change of location, the person shall pay a fee
 901 of \$50 in addition to any other fees now required by law. The
 902 department shall, in the case of every application for initial
 903 licensure, verify whether certain facts set forth in the
 904 application are true. Each applicant, general partner in the
 905 case of a partnership, or corporate officer and director in the
 906 case of a corporate applicant, must file a set of fingerprints
 907 with the department for the purpose of determining any prior
 908 criminal record or any outstanding warrants. The department
 909 shall submit the fingerprints to the Department of Law
 910 Enforcement for state processing and forwarding to the Federal
 911 Bureau of Investigation for federal processing. The actual cost
 912 of state and federal processing shall be borne by the applicant
 913 and is in addition to the fee for licensure. The department may
 914 issue a license to an applicant pending the results of the
 915 fingerprint investigation, which license is fully revocable if
 916 the department subsequently determines that any facts set forth
 917 in the application are not true or correctly represented.

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

919 (a) The department may deny, suspend, or revoke any
 920 license issued under this section, ~~hereunder~~ or under ~~the~~
 921 ~~provisions of~~ s. 320.77 or s. 320.771, upon proof that a
 922 licensee has committed any of the following activities:

- 923 1. Commission of fraud or willful misrepresentation in
- 924 application for or in obtaining a license.

925 2. Conviction of a felony.

926 3. Failure to honor a bank draft or check given to a motor
 927 vehicle dealer for the purchase of a motor vehicle by another
 928 motor vehicle dealer within 10 days after notification that the
 929 bank draft or check has been dishonored. If the transaction is
 930 disputed, the maker of the bank draft or check shall post a bond
 931 in accordance with the provisions of s. 559.917, and a ~~no~~
 932 proceeding for revocation or suspension may not ~~shall~~ be
 933 commenced until the dispute is resolved.

934 4. Failure to honor a bank draft or check given to the
 935 department for payment of any fees within 10 days after
 936 notification that the bank draft or check has been dishonored.
 937 If the transaction is disputed, the maker of the bank draft or
 938 check shall post a bond in accordance with s. 559.917, and a
 939 proceeding for revocation or suspension may not be commenced
 940 until the dispute is resolved.

941 (b) The department may deny, suspend, or revoke any
 942 license issued hereunder or under ~~the provisions of~~ s. 320.77 or
 943 s. 320.771 upon proof that a licensee has committed, with
 944 sufficient frequency so as to establish a pattern of wrongdoing
 945 on the part of a licensee, violations of one or more of the
 946 following activities:

947 1. Representation that a demonstrator is a new motor
 948 vehicle, or the attempt to sell or the sale of a demonstrator as
 949 a new motor vehicle without written notice to the purchaser that
 950 the vehicle is a demonstrator. For the purposes of this section,
 951 the terms ~~a~~ "demonstrator," ~~a~~ "new motor vehicle," and ~~a~~ "used
 952 motor vehicle" have the same meaning ~~shall be defined as in~~

953 | ~~under~~ s. 320.60.

954 | 2. Unjustifiable refusal to comply with a licensee's
 955 | responsibility under the terms of the new motor vehicle warranty
 956 | issued by its respective manufacturer, distributor, or importer.
 957 | However, if such refusal is at the direction of the
 958 | manufacturer, distributor, or importer, such refusal may ~~shall~~
 959 | not be a ground under this section.

960 | 3. Misrepresentation or false, deceptive, or misleading
 961 | statements with regard to the sale or financing of motor
 962 | vehicles which any motor vehicle dealer has, or causes to have,
 963 | advertised, printed, displayed, published, distributed,
 964 | broadcast, televised, or made in any manner with regard to the
 965 | sale or financing of motor vehicles.

966 | 4. Failure by any motor vehicle dealer to provide a
 967 | customer or purchaser with an odometer disclosure statement and
 968 | a copy of any bona fide written, executed sales contract or
 969 | agreement of purchase connected with the purchase of the motor
 970 | vehicle purchased by the customer or purchaser.

971 | 5. Failure of any motor vehicle dealer to comply with the
 972 | terms of any bona fide written, executed agreement, pursuant to
 973 | the sale of a motor vehicle.

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

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

978 | 8. Failure to continually meet the requirements of the
 979 | licensure law.

980 | 9. Representation to a customer or any advertisement to

981 the public representing or suggesting that a motor vehicle is a
 982 new motor vehicle if the ~~such~~ vehicle lawfully cannot be titled
 983 in the name of the customer or other member of the public by the
 984 seller using a manufacturer's statement of origin as permitted
 985 in s. 319.23(1).

986 10. Requirement by any motor vehicle dealer that a
 987 customer or purchaser accept equipment on his or her motor
 988 vehicle which was not ordered by the customer or purchaser.

989 11. Requirement by any motor vehicle dealer that any
 990 customer or purchaser finance a motor vehicle with a specific
 991 financial institution or company.

992 12. Requirement by any motor vehicle dealer that the
 993 purchaser of a motor vehicle contract with the dealer for
 994 physical damage insurance.

995 13. Perpetration of a fraud upon any person as a result of
 996 dealing in motor vehicles, including, without limitation, the
 997 misrepresentation to any person by the licensee of the
 998 licensee's relationship to any manufacturer, importer, or
 999 distributor.

1000 14. Violation of any of the provisions of s. 319.35 by any
 1001 motor vehicle dealer.

1002 15. Sale by a motor vehicle dealer of a vehicle offered in
 1003 trade by a customer before ~~prior to~~ consummation of the sale,
 1004 exchange, or transfer of a newly acquired vehicle to the
 1005 customer, unless the customer provides written authorization for
 1006 the sale of the trade-in vehicle before ~~prior to~~ delivery of the
 1007 newly acquired vehicle.

1008 16. Willful failure to comply with any administrative rule

1009 adopted by the department or the provisions of s. 320.131(8).

1010 17. Violation of chapter 319, this chapter, or ss.
 1011 559.901-559.9221, which has to do with dealing in or repairing
 1012 motor vehicles or mobile homes. Additionally, in the case of
 1013 used motor vehicles, the willful violation of the federal law
 1014 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
 1015 the consumer sales window form.

1016 18. Failure to maintain evidence of notification to the
 1017 owner or coowner of a vehicle regarding registration or titling
 1018 fees owed as required in s. 320.02(16).

1019 19. Failure to register a mobile home salesperson with the
 1020 department as required by this section.

1021 20. Failure to obtain an off-premises permit as required
 1022 in subsection (5).

1023 (c) If ~~When~~ a motor vehicle dealer is convicted of a crime
 1024 which results in his or her being prohibited from continuing in
 1025 that capacity, the dealer may not continue in any capacity
 1026 within the industry. The offender shall have no financial
 1027 interest, management, sales, or other role in the operation of a
 1028 dealership. Further, the offender may not derive income from the
 1029 dealership beyond reasonable compensation for the sale of his or
 1030 her ownership interest in the business.

1031 (10) SURETY BOND OR IRREVOCABLE LETTER OF CREDIT
 1032 REQUIRED.--

1033 (a) Annually, before any license is ~~shall be~~ issued to a
 1034 motor vehicle dealer, the applicant-dealer of new or used motor
 1035 vehicles shall deliver to the department a good and sufficient
 1036 surety bond or irrevocable letter of credit, executed by the

1037 applicant-dealer as principal, in the sum of \$25,000.

1038 (b) Surety bonds and irrevocable letters of credit must

1039 ~~shall~~ be in a form to be approved by the department and ~~shall~~ be

1040 conditioned that the motor vehicle dealer ~~shall~~ comply with the

1041 conditions of any written contract made by the ~~such~~ dealer in

1042 connection with the sale or exchange of any motor vehicle and

1043 ~~shall~~ not violate any of the provisions of chapter 319 and this

1044 chapter in the conduct of the business for which the dealer is

1045 licensed. Such bonds and letters of credit shall be to the

1046 department and in favor of any person in a retail or wholesale

1047 transaction who shall suffer any loss as a result of any

1048 violation of the conditions hereinabove contained. If ~~When~~ the

1049 department determines that a person has incurred a loss as a

1050 result of a violation of chapter 319 or this chapter, it shall

1051 notify the person in writing of the existence of the bond or

1052 letter of credit. Such bonds and letters of credit shall be for

1053 the license period, and a new bond or letter of credit or a

1054 proper continuation certificate shall be delivered to the

1055 department at the beginning of each license period. However, the

1056 aggregate liability of the surety in any one year shall in no

1057 event exceed the sum of the bond or, in the case of a letter of

1058 credit, the aggregate liability of the issuing bank may ~~shall~~

1059 not exceed the sum of the credit.

1060 (c) Surety bonds must ~~shall~~ be executed by a surety

1061 company authorized to do business in the state as surety, and

1062 irrevocable letters of credit shall be issued by a bank

1063 authorized to do business in the state as a bank.

1064 (d) Irrevocable letters of credit shall be engaged by a

1065 bank as an agreement to honor demands for payment as specified
 1066 in this section.

1067 (e) The department shall, upon denial, suspension, or
 1068 revocation of any license, notify the surety company of the
 1069 licensee, or bank issuing an irrevocable letter of credit for
 1070 the licensee, in writing, that the license has been denied,
 1071 suspended, or revoked and shall state the reason for such
 1072 denial, suspension, or revocation.

1073 (f) Any surety company which pays any claim against the
 1074 bond of any licensee or any bank which honors a demand for
 1075 payment as a condition specified in a letter of credit of a
 1076 licensee shall notify the department in writing that such action
 1077 has been taken and shall state the amount of the claim or
 1078 payment.

1079 (g) Any surety company which cancels the bond of any
 1080 licensee or any bank which cancels an irrevocable letter of
 1081 credit shall notify the department in writing of such
 1082 cancellation, giving reason for the cancellation. The insurer
 1083 may cancel the surety bond by giving written notice of the
 1084 cancellation to the department. The cancellation of the surety
 1085 bond is effective no earlier than 30 days after the notice is
 1086 received by the department.

1087 (h) The department shall revoke, suspend, or deny a
 1088 dealer's license issued under this chapter if the dealer
 1089 conducts business during the license period without having in
 1090 full force and effect a surety bond that complies with this
 1091 subsection.

1092 (11) LIABILITY INSURANCE REQUIRED.--

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1093 (a) Annually, before any license is issued to a franchised
1094 motor vehicle dealer, the applicant for the dealer's license
1095 shall deliver to the department evidence of a new or continued
1096 garage liability insurance policy, executed by the applicant as
1097 principal, which includes, at a minimum, \$25,000 combined
1098 single-limit liability coverage, including bodily injury and
1099 property damage protection, and \$10,000 personal injury
1100 protection. The policy must cover the period of the issued
1101 license.

1102 (b) Annually, before any license is issued to any other
1103 motor vehicle dealer not included in paragraph (a), the
1104 applicant shall deliver to the department evidence of a new or
1105 continued garage liability insurance policy, or general
1106 liability insurance policy, coupled with a business automobile
1107 policy executed by the applicant as principal, which includes,
1108 at a minimum, \$25,000 combined single-limit liability coverage,
1109 including bodily injury and property damage protection, and
1110 \$10,000 personal injury protection. The policy must cover the
1111 period of the issued license.

1112 (c) The insurance requirements set forth in paragraphs (a)
1113 and (b) must be in a form approved by the department and must be
1114 conditioned on the motor vehicle dealer complying with the
1115 conditions of any written contract made by the dealer in
1116 connection with the sale or exchange of any recreational vehicle
1117 and not violating any provision of chapter 319 or this chapter
1118 in the conduct of the business for which the dealer is licensed.
1119 Such evidence of liability insurance shall be to the department
1120 and in favor of any person in a retail or wholesale transaction

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1121 who suffers any loss as a result of a violation of this section.
1122 If the department determines that a person has incurred a loss
1123 as a result of a violation of chapter 319 or this chapter, the
1124 department shall notify the person in writing of the existence
1125 of the garage liability insurance.

1126 (d) The liability insurance shall be executed by an
1127 insurance company authorized to do business in the state.

1128 (e) The department shall, upon denial, suspension, or
1129 revocation of any license, notify the insurance company of the
1130 licensee in writing that the license has been denied, suspended,
1131 or revoked and state the reason for the denial, suspension, or
1132 revocation.

1133 (f) An insurance company that pays any claim against the
1134 bond of any licensee shall notify the department in writing that
1135 such action has been taken and state the amount of the claim or
1136 payment.

1137 (g) An insurance company that cancels the insurance of any
1138 licensee shall notify the department in writing of such
1139 cancellation, giving reason for the cancellation. The insurance
1140 company may cancel the liability insurance by giving written
1141 notice of the cancellation to the department. The cancellation
1142 of the liability insurance is effective no earlier than 30 days
1143 after the notice is received by the department.

1144 (h) The department shall revoke, suspend, or deny a
1145 dealer's license issued under this chapter if the dealer
1146 conducts business during the license period without having in
1147 full force and effect liability insurance that complies with
1148 this subsection.

1149 (12)~~(11)~~ INJUNCTION.--In addition to the remedies provided
 1150 in this chapter and notwithstanding the existence of any
 1151 adequate remedy at law, the department may apply ~~is authorized~~
 1152 ~~to make application~~ to any circuit court of the state, and such
 1153 circuit court shall have jurisdiction, upon a hearing and for
 1154 cause shown, to grant a temporary or permanent injunction, or
 1155 both, restraining any person from acting as a motor vehicle
 1156 dealer under the terms of this section without being properly
 1157 licensed hereunder, from violating or continuing to violate any
 1158 of the provisions of chapter 319, this chapter, or ss. 559.901-
 1159 559.9221, or for failing or refusing to comply with the
 1160 requirements of chapter 319, this chapter, or ss. 559.901-
 1161 559.9221, or any rule or regulation adopted thereunder, such
 1162 injunction to be issued without bond. A single act in violation
 1163 of the provisions of chapter 319, this chapter, or chapter 559
 1164 is ~~shall be~~ sufficient to authorize the issuance of an
 1165 injunction.

1166 (13)~~(12)~~ CIVIL FINES; PROCEDURE.--In addition to the
 1167 exercise of other powers provided in this section, the
 1168 department may levy and collect a civil fine, in an amount not
 1169 to exceed \$1,000 for each violation, against any licensee if it
 1170 finds that the licensee has violated any provision of this
 1171 section or has violated any other law of this state or the
 1172 federal law and administrative rule set forth in paragraph
 1173 (9) (a) related to dealing in motor vehicles. A ~~Any~~ licensee is
 1174 ~~shall be~~ entitled to a hearing pursuant to chapter 120 if the
 1175 licensee contests the fine levied, or about to be levied, upon
 1176 him or her.

1177 (14)~~(13)~~ DEPOSIT AND USE OF FEES.--The fees charged
 1178 applicants for both the required background investigation and
 1179 the computerized card as provided in this section shall be
 1180 deposited into the Highway Safety Operating Trust Fund and shall
 1181 be used to cover the cost of such service.

1182 (15)~~(14)~~ EXEMPTION.--~~The provisions of~~ This section does
 1183 ~~de~~ not apply to persons who sell or deliver motorized disability
 1184 access vehicles as defined in s. 320.01.

1185 Section 20. Subsection (1) of section 320.642, Florida
 1186 Statutes, is amended to read:

1187 320.642 Dealer licenses in areas previously served;
 1188 procedure.--

1189 (1) Any licensee who proposes to establish an additional
 1190 motor vehicle dealership or permit the relocation of an existing
 1191 dealer to a location within a community or territory where the
 1192 same line-make vehicle is presently represented by a franchised
 1193 motor vehicle dealer or dealers shall give written notice of its
 1194 intention to the department. Such notice shall state:

1195 (a) The specific location at which the additional or
 1196 relocated motor vehicle dealership will be established.

1197 (b) The date on or after which the licensee intends to be
 1198 engaged in business with the additional or relocated motor
 1199 vehicle dealer at the proposed location.

1200 (c) The identity of all motor vehicle dealers who are
 1201 franchised to sell the same line-make vehicle with licensed
 1202 locations in the county or any contiguous county to the county
 1203 where the additional or relocated motor vehicle dealer is
 1204 proposed to be located.

1205 (d) The names and addresses of the dealer-operator and
 1206 principal investors in the proposed additional or relocated
 1207 motor vehicle dealership.

1208
 1209 Immediately upon receipt of such notice the department shall
 1210 cause a notice to be published in the Florida Administrative
 1211 Weekly. The published notice shall state that a petition or
 1212 complaint by any dealer with standing to protest pursuant to
 1213 subsection (3) must be filed not more than 30 days from the date
 1214 of publication of the notice in the Florida Administrative
 1215 Weekly. The published notice shall describe and identify the
 1216 proposed dealership sought to be licensed, and the department
 1217 shall mail ~~cause~~ a copy of the notice ~~to be mailed~~ to those
 1218 dealers identified in the licensee's notice under paragraph (c).
 1219 The department shall assess the licensee a fee of \$75 to pay for
 1220 the cost of publication and a service charge of \$2.50 for each
 1221 publication that is handled in connection with establishing an
 1222 additional motor vehicle dealership or relocating an existing
 1223 dealership.

1224 Section 21. Subsection (16) of section 320.77, Florida
 1225 Statutes, is amended, and subsection (17) is added to that
 1226 section, to read:

1227 320.77 License required of mobile home dealers.--

1228 (16) SURETY BOND, CASH BOND, OR IRREVOCABLE LETTER OF
 1229 CREDIT REQUIRED.--

1230 (a) Before any license is ~~shall be~~ issued or renewed, the
 1231 applicant or licensee shall deliver to the department a good and
 1232 sufficient surety bond, cash bond, or irrevocable letter of

1233 credit, executed by the applicant or licensee as principal. The
 1234 bond or irrevocable letter of credit shall be in a form ~~to be~~
 1235 approved by the department and must ~~shall~~ be conditioned upon
 1236 the dealer's complying with the conditions of any written
 1237 contract made by the dealer in connection with the sale,
 1238 exchange, or improvement of any mobile home and his or her not
 1239 violating any of the provisions of chapter 319 or this chapter
 1240 in the conduct of the business for which the dealer is licensed.
 1241 The bond or irrevocable letter of credit shall be to the
 1242 department and in favor of any retail customer who shall suffer
 1243 any loss as a result of any violation of ~~the conditions~~
 1244 ~~contained in~~ this section. The bond or irrevocable letter of
 1245 credit shall be for the license period, and a new bond or
 1246 irrevocable letter of credit or a proper continuation
 1247 certificate shall be delivered to the department at the
 1248 beginning of each license period. However, the aggregate
 1249 liability of the surety in any one license year may not ~~shall in~~
 1250 ~~no event~~ exceed the sum of such bond, or, in the case of a
 1251 letter of credit, the aggregate liability of the issuing bank
 1252 may ~~shall~~ not exceed the sum of the credit. The amount of the
 1253 bond required shall be as follows:

1254 1. A single dealer who buys, sells, or deals in mobile
 1255 homes and who has four or fewer supplemental licenses shall
 1256 provide a surety bond, cash bond, or irrevocable letter of
 1257 credit executed by the dealer applicant or licensee in the
 1258 amount of \$25,000.

1259 2. A single dealer who buys, sells, or deals in mobile
 1260 homes and who has more than four supplemental licenses shall

1261 provide a surety bond, cash bond, or irrevocable letter of
 1262 credit executed by the dealer applicant or licensee in the
 1263 amount of \$50,000.

1264
 1265 For the purposes of this paragraph, any person who buys, sells,
 1266 or deals in both mobile homes and recreational vehicles shall
 1267 provide the same surety bond required of dealers who buy, sell,
 1268 or deal in mobile homes only.

1269 (b) Surety bonds shall be executed by a surety company
 1270 authorized to do business in the state as surety, and
 1271 irrevocable letters of credit shall be issued by a bank
 1272 authorized to do business in the state as a bank.

1273 (c) Irrevocable letters of credit shall be engaged by a
 1274 bank as an agreement to honor demands for payment as specified
 1275 in this section.

1276 (d) The department shall, upon denial, suspension, or
 1277 revocation of any license, notify the surety company of the
 1278 licensee or bank issuing an irrevocable letter of credit for the
 1279 licensee, in writing, that the license has been denied,
 1280 suspended, or revoked and shall state the reason for such
 1281 denial, suspension, or revocation.

1282 (e) Any surety company that pays any claim against the
 1283 bond of any licensee or any bank that honors a demand for
 1284 payment as a condition specified in a letter of credit of a
 1285 licensee shall notify the department, in writing, that such
 1286 action has been taken and shall state the amount of the claim or
 1287 payment.

1288 (f) Any surety company that cancels the bond of any

1289 licensee or any bank that cancels an irrevocable letter of
 1290 credit shall notify the department, in writing, of such
 1291 cancellation, giving reason for the cancellation. The insurer
 1292 may cancel the surety bond by giving written notice of the
 1293 cancellation to the department. The cancellation of the surety
 1294 bond is effective no earlier than 30 days after the notice is
 1295 received by the department.

1296 (g) The department shall revoke, suspend, or deny a
 1297 dealer's license issued under this chapter if the dealer
 1298 conducts business during the license period without having in
 1299 full force and effect a surety bond that complies with this
 1300 subsection.

1301 (17) GARAGE LIABILITY INSURANCE REQUIRED.--Any person who
 1302 buys, sells, or deals in both mobile homes and recreational
 1303 vehicles shall provide the same garage liability insurance
 1304 required of dealers who buy, sell, or deal only in recreational
 1305 vehicles.

1306 (a) Before any license is issued or renewed, the applicant
 1307 shall deliver to the department evidence of a new or continued
 1308 garage liability insurance policy or a general liability
 1309 insurance policy coupled with a business automobile policy,
 1310 executed by the applicant as principal, which shall include, at
 1311 minimum, \$25,000 combined single-limit liability coverage,
 1312 including bodily injury and property damage protection, and
 1313 \$10,000 personal injury protection. The policy shall be for the
 1314 license period.

1315 (b) Proof of garage liability must be in a form approved
 1316 by the department and conditioned upon the dealer complying with

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1317 the conditions of any written contract made by that dealer in
1318 connection with the sale, exchange, or improvement of any
1319 recreational vehicle and not violating any provision of chapter
1320 319 or this chapter in the conduct of the business for which he
1321 or she is licensed. The garage liability insurance shall be to
1322 the department and in favor of any retail customer who suffers
1323 any loss as a result of any violation of this section.

1324 (c) The department shall, upon denial, suspension, or
1325 revocation of any license, notify the insurance company of the
1326 licensee in writing that the license has been denied, suspended,
1327 or revoked and state the reason for such denial, suspension, or
1328 revocation.

1329 (d) An insurance company that pays any claim against the
1330 bond of any licensee shall notify the department in writing that
1331 such action has been taken and the amount of the claim or
1332 payment.

1333 (e) An insurance company that cancels the insurance of any
1334 licensee shall notify the department in writing of the
1335 cancellation, giving the reason for the cancellation. The
1336 insurance company may cancel the liability insurance by giving
1337 written notice of the cancellation to the department. The
1338 cancellation of the liability insurance is effective no earlier
1339 than 30 days after the notice is received by the department.

1340 (f) The department shall revoke, suspend, or deny a
1341 dealer's license issued under this chapter if the dealer
1342 conducts business during the license period without having in
1343 full force and effect garage liability insurance that complies
1344 with this subsection.

1345 Section 22. Section 320.95, Florida Statutes, is amended
 1346 to read:

1347 320.95 Transactions by electronic or telephonic means.--

1348 (1) The department may ~~is authorized to~~ accept any
 1349 application provided for under this chapter by electronic or
 1350 telephonic means.

1351 (2) The department may collect and use e-mail addresses of
 1352 motor vehicle owners and registrants as a notification method in
 1353 lieu of the United States Postal Service.

1354 Section 23. Subsection (1) of section 322.03, Florida
 1355 Statutes, is amended to read:

1356 322.03 Drivers must be licensed; penalties.--

1357 (1) Except as otherwise authorized in this chapter, a
 1358 person may not drive any motor vehicle upon a highway in this
 1359 state unless such person has a valid driver's license issued
 1360 under ~~the provisions of~~ this chapter.

1361 (a) A person who drives a commercial motor vehicle may
 1362 ~~shall~~ not receive a driver's license unless and until he or she
 1363 surrenders to the department all driver's licenses in his or her
 1364 possession issued to him or her by any other jurisdiction or
 1365 makes an affidavit that he or she does not possess a driver's
 1366 license. Any such person who fails to surrender such licenses or
 1367 who makes a false affidavit concerning such licenses commits ~~is~~
 1368 ~~guilty of~~ a misdemeanor of the first degree, punishable as
 1369 provided in s. 775.082 or s. 775.083.

1370 (b) ~~A person who does not drive a commercial motor vehicle~~
 1371 ~~is not required to surrender a license issued by another~~
 1372 ~~jurisdiction, upon a showing to the department that such license~~

1373 ~~is necessary because of employment or part-time residence. Any~~
 1374 ~~person who retains a driver's license because of employment or~~
 1375 ~~part-time residence shall, upon qualifying for a license in this~~
 1376 ~~state, be issued a driver's license which shall be valid within~~
 1377 ~~this state only.~~ All surrendered licenses may be returned by the
 1378 department to the issuing jurisdiction together with information
 1379 that the licensee is now licensed in a new jurisdiction or may
 1380 be destroyed by the department, which shall notify the issuing
 1381 jurisdiction of such destruction. A person may not have more
 1382 than one valid Florida driver's license at any time.

1383 (c) Part-time residents of this state issued a license
 1384 that is valid within this state only under paragraph (b) as that
 1385 paragraph existed before June 30, 2009, may continue to hold
 1386 such license until the next regularly scheduled renewal.
 1387 Licenses that are identified as "Valid in Florida Only" may not
 1388 be issued or renewed effective July 1, 2009. This paragraph
 1389 expires June 30, 2017.

1390 Section 24. Subsection (3) of section 322.051, Florida
 1391 Statutes, is amended to read:

1392 322.051 Identification cards.--

1393 (3) If an identification card issued under this section is
 1394 lost, destroyed, or mutilated or a new name is acquired, the
 1395 person to whom it was issued may obtain a duplicate upon
 1396 furnishing satisfactory proof of such fact to the department and
 1397 upon payment of the applicable fee under s. 322.21 ~~a fee of \$10~~
 1398 ~~for such duplicate, \$2.50 of which shall be deposited into the~~
 1399 ~~General Revenue Fund and \$7.50 into the Highway Safety Operating~~
 1400 ~~Trust Fund.~~ The fee must ~~shall~~ include payment for the color

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1401 photograph or digital image of the applicant. Any person who
 1402 loses an identification card and who, after obtaining a
 1403 duplicate, finds the original card shall immediately surrender
 1404 the original card to the department. The same documentary
 1405 evidence must ~~shall~~ be furnished for a duplicate as for an
 1406 original identification card.

1407 Section 25. Present subsection (6) of section 322.08,
 1408 Florida Statutes, is redesignated as subsection (7), and a new
 1409 subsection (6) is added to that section, to read:

1410 322.08 Application for license.--

1411 (6) The department may not issue a driver's license or
 1412 identification card, as described in s. 322.051, to an applicant
 1413 who holds a valid driver's license or identification card issued
 1414 by another state.

1415 Section 26. Subsection (1) of section 322.095, Florida
 1416 Statutes, is amended to read:

1417 322.095 Traffic law and substance abuse education program
 1418 for driver's license applicants.--

1419 (1) The Department of Highway Safety and Motor Vehicles
 1420 must approve traffic law and substance abuse education courses
 1421 that must be completed by applicants for a Florida driver's
 1422 license. The curricula for the courses must provide instruction
 1423 on the physiological and psychological consequences of the abuse
 1424 of alcohol and other drugs, the societal and economic costs of
 1425 alcohol and drug abuse, the effects of alcohol and drug abuse on
 1426 the driver of a motor vehicle, and the laws of this state
 1427 relating to the operation of a motor vehicle. ~~All instructors~~
 1428 ~~teaching the courses shall be certified by the department.~~

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1429 Section 27. Section 322.201, Florida Statutes, is amended
 1430 to read:

1431 322.201 Records as evidence.--A copy, computer copy, or
 1432 transcript of all abstracts of crash reports and all abstracts
 1433 of court records of convictions received by the department and
 1434 the complete driving record of any individual duly certified by
 1435 ~~machine imprint of the department or by machine imprint of the~~
 1436 clerk of a court shall be received as evidence in all courts of
 1437 this state without further authentication, provided the same is
 1438 otherwise admissible in evidence. Further, any court or the
 1439 office of the clerk of any court of this state which is
 1440 electronically connected by a terminal device to the computer
 1441 data center of the department may use as evidence in any case
 1442 the information obtained by this device from the records of the
 1443 department without need of such certification; however, if a
 1444 genuine issue as to the authenticity of such information is
 1445 raised by a party or by the court, the court in its sound
 1446 discretion may require that a record certified by the department
 1447 be submitted for admission into evidence. For such computer
 1448 copies generated by a terminal device of a court or clerk of
 1449 court, entry in a driver's record that the notice required by s.
 1450 322.251 was given shall constitute sufficient evidence that such
 1451 notice was given.

1452 Section 28. Section 322.22, Florida Statutes, is amended
 1453 to read:

1454 322.22 Authority of department to cancel license or
 1455 identification card.--

1456 (1) The department may ~~is authorized to~~ cancel any

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1457 driver's license or identification card, upon determining that
1458 the licensee or identification card holder was not entitled to
1459 the issuance thereof, ~~or~~ that the licensee or identification
1460 card holder failed to give the required or correct information
1461 in his or her application or committed any fraud in making such
1462 application, or that the licensee or identification card holder
1463 has two or more licenses on file with the department, each in a
1464 different name but bearing the photograph of the licensee or
1465 identification card holder, unless the licensee or
1466 identification card holder has complied with the requirements of
1467 this chapter in obtaining the licenses or identification cards.
1468 The department may cancel any driver's license, identification
1469 card, vehicle or vessel registration, or fuel-use decal if the
1470 licensee or identification card holder fails to pay the correct
1471 fee or pays for the driver's license, identification card,
1472 vehicle or vessel registration, or fuel-use decal; pays any tax
1473 liability, penalty, or interest specified in chapter 207; or
1474 pays any administrative, delinquency, or reinstatement fee by a
1475 dishonored check.

1476 (2) Upon such cancellation, the licensee or identification
1477 card holder must surrender to the department the license or
1478 identification card so canceled.

1479 Section 29. Subsection (2) of section 322.2615, Florida
1480 Statutes, is amended, and subsection (17) is added to that
1481 section, to read:

1482 322.2615 Suspension of license; right to review.--

1483 (2) Except as provided in paragraph (1)(a), the law
1484 enforcement officer shall forward to the department, within 5

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1485 days after issuing the notice of suspension, the driver's
 1486 license; an affidavit stating the officer's grounds for belief
 1487 that the person was driving or in actual physical control of a
 1488 motor vehicle while under the influence of alcoholic beverages
 1489 or chemical or controlled substances; the results of any breath
 1490 or blood test or an affidavit stating that a breath, blood, or
 1491 urine test was requested by a law enforcement officer or
 1492 correctional officer and that the person refused to submit; the
 1493 officer's description of the person's field sobriety test, if
 1494 any; and the notice of suspension; ~~and a copy of the crash~~
 1495 ~~report, if any.~~ The failure of the officer to submit materials
 1496 within the 5-day period specified in this subsection and in
 1497 subsection (1) does not affect the department's ability to
 1498 consider any evidence submitted at or prior to the hearing. The
 1499 officer may also submit a copy of the crash report or a copy of
 1500 a videotape of the field sobriety test or the attempt to
 1501 administer such test. Materials submitted to the department by a
 1502 law enforcement agency or correctional agency shall be
 1503 considered self-authenticating and shall be in the record for
 1504 consideration by the hearing officer. Notwithstanding s.
 1505 316.066(7), the crash report shall be considered by the hearing
 1506 officer.

1507 (17) Notwithstanding s. 316.1932, the term "lawful breath,
 1508 blood, or urine test" means any test approved by the Department
 1509 of Law Enforcement.

1510 Section 30. Section 322.27, Florida Statutes, is amended
 1511 to read:

1512 322.27 Authority of department to suspend or revoke

1513 | license or identification card.--

1514 | (1) Notwithstanding any provisions to the contrary in
 1515 | chapter 120, the department may ~~is hereby authorized to~~ suspend
 1516 | the license or identification card of any person without
 1517 | preliminary hearing upon a showing of its records or other
 1518 | sufficient evidence that the licensee or identification card
 1519 | holder:

1520 | (a) Has committed an offense for which mandatory
 1521 | revocation of license is required upon conviction. A law
 1522 | enforcement agency must provide information to the department
 1523 | within 24 hours after any traffic fatality or when the law
 1524 | enforcement agency initiates action under ~~pursuant to~~ s.
 1525 | 316.1933;

1526 | (b) Has been convicted of a violation of any traffic law
 1527 | which resulted in a crash that caused the death or personal
 1528 | injury of another or property damage in excess of \$500;

1529 | (c) Is incompetent to drive a motor vehicle;

1530 | (d) Has permitted an unlawful or fraudulent use of such
 1531 | license or identification card or has knowingly been a party to
 1532 | the obtaining of a license or identification card by fraud or
 1533 | misrepresentation or to display, or represent as one's own, any
 1534 | driver's license or identification card not issued him or her.
 1535 | ~~Provided, However, no provision of this section does not shall~~
 1536 | ~~be construed to~~ include the provisions of s. 322.32(1);

1537 | (e) Has committed an offense in another state which if
 1538 | committed in this state would be grounds for suspension or
 1539 | revocation; or

1540 | (f) Has committed a second or subsequent violation of s.

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1541 316.172(1) within a 5-year period of any previous violation.

1542 (2) The department shall suspend the license of any person
 1543 without preliminary hearing upon a showing of its records that
 1544 the licensee has been convicted in any court having jurisdiction
 1545 over offenses committed under this chapter or any other law of
 1546 this state regulating the operation of a motor vehicle on the
 1547 highways, upon direction of the court, when the court feels that
 1548 the seriousness of the offense and the circumstances surrounding
 1549 the conviction warrant the suspension of the licensee's driving
 1550 privilege.

1551 (3) There is established a point system for evaluation of
 1552 convictions of violations of motor vehicle laws or ordinances,
 1553 and violations of applicable provisions of s. 403.413(6) (b) when
 1554 such violations involve the use of motor vehicles, for the
 1555 determination of the continuing qualification of any person to
 1556 operate a motor vehicle. The department is authorized to suspend
 1557 the license of any person upon showing of its records or other
 1558 good and sufficient evidence that the licensee has been
 1559 convicted of violation of motor vehicle laws or ordinances, or
 1560 applicable provisions of s. 403.413(6) (b), amounting to 12 or
 1561 more points as determined by the point system. The suspension
 1562 shall be for a period of not more than 1 year.

1563 (a) When a licensee accumulates 12 points within a 12-
 1564 month period, the period of suspension shall be for not more
 1565 than 30 days.

1566 (b) When a licensee accumulates 18 points, including
 1567 points upon which suspension action is taken under paragraph
 1568 (a), within an 18-month period, the suspension shall be for a

1569 period of not more than 3 months.

1570 (c) When a licensee accumulates 24 points, including
 1571 points upon which suspension action is taken under paragraphs
 1572 (a) and (b), within a 36-month period, the suspension shall be
 1573 for a period of not more than 1 year.

1574 (d) The point system shall have as its basic element a
 1575 graduated scale of points assigning relative values to
 1576 convictions of the following violations:

- 1577 1. Reckless driving, willful and wanton--4 points.
- 1578 2. Leaving the scene of a crash resulting in property
 1579 damage of more than \$50--6 points.
- 1580 3. Unlawful speed resulting in a crash--6 points.
- 1581 4. Passing a stopped school bus--4 points.
- 1582 5. Unlawful speed:
 - 1583 a. Not in excess of 15 miles per hour of lawful or posted
 1584 speed--3 points.
 - 1585 b. In excess of 15 miles per hour of lawful or posted
 1586 speed--4 points.
- 1587 6. A violation of a traffic control signal device as
 1588 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.
- 1589 7. All other moving violations (including parking on a
 1590 highway outside the limits of a municipality)--3 points.
 1591 However, no points shall be imposed for a violation of s.
 1592 316.0741 or s. 316.2065(12).
- 1593 8. Any moving violation covered above, excluding unlawful
 1594 speed, resulting in a crash--4 points.
- 1595 9. Any conviction under s. 403.413(6)(b)--3 points.
- 1596 10. Any conviction under s. 316.0775(2)--4 points.

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1597 (e) A conviction in another state of a violation therein
1598 which, if committed in this state, would be a violation of the
1599 traffic laws of this state, or a conviction of an offense under
1600 any federal law substantially conforming to the traffic laws of
1601 this state, except a violation of s. 322.26, may be recorded
1602 against a driver on the basis of the same number of points
1603 received had the conviction been made in a court of this state.

1604 (f) In computing the total number of points, when the
1605 licensee reaches the danger zone, the department is authorized
1606 to send the licensee a warning letter advising that any further
1607 convictions may result in suspension of his or her driving
1608 privilege.

1609 (g) The department shall administer and enforce the
1610 provisions of this law and may make rules and regulations
1611 necessary for its administration.

1612 (h) Three points shall be deducted from the driver history
1613 record of any person whose driving privilege has been suspended
1614 only once pursuant to this subsection and has been reinstated,
1615 if such person has complied with all other requirements of this
1616 chapter.

1617 (i) This subsection shall not apply to persons operating a
1618 nonmotorized vehicle for which a driver's license is not
1619 required.

1620 (4) The department, in computing the points and period of
1621 time for suspensions under this section, shall use the offense
1622 date of all convictions.

1623 (5) The department shall revoke the license of any person
1624 designated a habitual offender, as set forth in s. 322.264, and

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1625 such person shall not be eligible to be relicensed for a minimum
 1626 of 5 years from the date of revocation, except as provided for
 1627 in s. 322.271. Any person whose license is revoked may, by
 1628 petition to the department, show cause why his or her license
 1629 should not be revoked.

1630 (6) The department shall revoke the driving privilege of
 1631 any person who is convicted of a felony for the possession of a
 1632 controlled substance if, at the time of such possession, the
 1633 person was driving or in actual physical control of a motor
 1634 vehicle. A person whose driving privilege has been revoked
 1635 pursuant to this subsection shall not be eligible to receive a
 1636 limited business or employment purpose license during the term
 1637 of such revocation.

1638 (7) Review of an order of suspension or revocation shall
 1639 be by writ of certiorari as provided in s. 322.31.

1640 Section 31. Subsection (2) of section 322.271, Florida
 1641 Statutes, is amended to read:

1642 322.271 Authority to modify revocation, cancellation, or
 1643 suspension order.--

1644 (2)~~(a)~~ At ~~Upon~~ such hearing, the person whose license has
 1645 been suspended, canceled, or revoked may show that such
 1646 suspension, cancellation, or revocation ~~of his or her license~~
 1647 causes a serious hardship and precludes the person from ~~person's~~
 1648 carrying out his or her normal business occupation, trade, or
 1649 employment and that the use of the person's license in the
 1650 normal course of his or her business is necessary to the proper
 1651 support of the person or his or her family.

1652 (a) Except as otherwise provided in this subsection, the

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1653 department shall require proof of the successful completion of
1654 the applicable department-approved driver training course
1655 operating pursuant to s. 318.1451 or DUI program substance abuse
1656 education course and evaluation as provided in s. 316.193(5).
1657 Letters of recommendation from respected business persons in the
1658 community, law enforcement officers, or judicial officers may
1659 also be required to determine whether the ~~such~~ person should be
1660 permitted to operate a motor vehicle on a restricted basis for
1661 business or employment use only and in determining whether such
1662 person can be trusted to so operate a motor vehicle. If a
1663 driver's license has been suspended under the point system or
1664 under ~~pursuant to~~ s. 322.2615, the department shall require
1665 proof of enrollment in the applicable department-approved driver
1666 training course or licensed DUI program substance abuse
1667 education course, including evaluation and treatment, if
1668 referred, and may require letters of recommendation described in
1669 this paragraph ~~subsection~~ to determine if the driver should be
1670 reinstated on a restricted basis. If the ~~such~~ person fails to
1671 complete the approved course within 90 days after reinstatement
1672 or subsequently fails to complete treatment, ~~if applicable,~~ the
1673 department shall cancel his or her driver's license until the
1674 course and treatment, if applicable, is successfully completed,
1675 notwithstanding the terms of the court order or any suspension
1676 or revocation of the driving privilege. The department may
1677 temporarily reinstate the driving privilege on a restricted
1678 basis upon verification from the DUI program that the offender
1679 has reentered and is currently participating in treatment and
1680 has completed the DUI education course and evaluation

1681 requirement. If the DUI program notifies the department of the
 1682 second failure to complete treatment, the department shall
 1683 reinstate the driving privilege only after notice of completion
 1684 of treatment from the DUI program. The privilege of driving on a
 1685 limited or restricted basis for business or employment use may
 1686 ~~shall~~ not be granted to a person who has been convicted of a
 1687 violation of s. 316.193 until completion of the DUI program
 1688 substance abuse education course and evaluations as provided in
 1689 s. 316.193(5). Except as provided in paragraph (c) ~~(b)~~, the
 1690 privilege of driving on a limited or restricted basis for
 1691 business or employment use may ~~shall~~ not be granted to a person
 1692 whose license is revoked pursuant to s. 322.28 or suspended
 1693 pursuant to s. 322.2615 and who has been convicted of a
 1694 violation of s. 316.193 two or more times or whose license has
 1695 been suspended two or more times for refusal to submit to a test
 1696 pursuant to s. 322.2615 or former s. 322.261.

1697 (b) The department may waive the hearing process for
 1698 suspensions and revocations upon request by the driver if the
 1699 driver has enrolled or completed the applicable driver training
 1700 course approved under s. 318.1451 or the DUI program substance
 1701 abuse education course and evaluation provided in s. 316.193(5).
 1702 However, the department may not waive the hearing for
 1703 suspensions or revocations that involve death or serious bodily
 1704 injury, multiple convictions for violations of s. 316.193
 1705 pursuant to s. 322.27(5), or a second or subsequent suspension
 1706 or revocation pursuant to the same provision of this chapter.
 1707 This paragraph does not preclude the department from requiring a
 1708 hearing for any suspension or revocation that it determines is

1709 warranted based on the severity of the offense.

1710 (c)~~(b)~~ A person whose license has been revoked for a
 1711 period of 5 years or less pursuant to s. 322.28(2)(a) may, ~~upon~~
 1712 ~~the expiration of~~ 12 months after the date the ~~said~~ revocation
 1713 was imposed, petition the department for reinstatement of his or
 1714 her driving privilege on a restricted basis. A person whose
 1715 license has been revoked for ~~a period of~~ more than 5 years under
 1716 s. 322.28(2)(a) may, ~~upon the expiration of~~ 24 months after the
 1717 date the revocation was imposed, petition the department for
 1718 reinstatement of his or her driving privilege on a restricted
 1719 basis. Reinstatement under ~~of the driving privilege pursuant to~~
 1720 this subsection is ~~shall be~~ restricted to business or employment
 1721 purposes only. In addition, the department shall require such
 1722 persons upon reinstatement to have not driven and to have been
 1723 drug free for at least 12 months immediately before the ~~prior to~~
 1724 ~~such~~ reinstatement, to be supervised by a DUI program licensed
 1725 by the department, and to report to the program at least three
 1726 times a year as required by the program for the duration of the
 1727 revocation period for supervision. Such supervision includes
 1728 ~~shall include~~ evaluation, education, referral into treatment,
 1729 and other activities required by the department. Such persons
 1730 shall assume reasonable costs of supervision. If the ~~such~~ person
 1731 fails to comply with the required supervision, the program shall
 1732 report the failure to the department, and the department shall
 1733 cancel the ~~such~~ person's driving privilege. This paragraph does
 1734 not apply to any person whose driving privilege has been
 1735 permanently revoked.

1736 (d)~~(e)~~ For the purpose of this section, a previous

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1737 conviction of driving under the influence, driving while
1738 intoxicated, driving with an unlawful blood-alcohol level, or
1739 any other similar alcohol-related or drug-related offense
1740 outside this state or a previous conviction of former s.
1741 316.1931, former s. 316.028, or former s. 860.01 is ~~shall be~~
1742 considered a previous conviction for violation of s. 316.193.

1743 (e) ~~(d)~~ The department, based upon review of the licensee's
1744 application for reinstatement, may require use of an ignition
1745 interlock device pursuant to s. 322.2715.

1746 Section 32. Paragraph (a) of subsection (2) of section
1747 322.28, Florida Statutes, is amended to read:

1748 322.28 Period of suspension or revocation.--

1749 (2) In a prosecution for a violation of s. 316.193 or
1750 former s. 316.1931, the following provisions apply:

1751 (a) Upon conviction of the driver, the court, along with
1752 imposing sentence, shall revoke the driver's license or driving
1753 privilege of the person so convicted, effective on the date of
1754 conviction, and shall prescribe the period of such revocation in
1755 accordance with the following provisions:

1756 1. Upon a first conviction, or any conviction that does
1757 not fall under subparagraph 2. or subparagraph 3., for a
1758 violation of the provisions of s. 316.193 or former s. 316.1931,
1759 except a violation resulting in death, the driver's license or
1760 driving privilege shall be revoked for not less than 180 days or
1761 more than 1 year.

1762 2. Upon a second conviction for an offense that occurs
1763 within a period of 5 years after the date of a prior conviction
1764 for a violation of the provisions of s. 316.193 or former s.

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1765 316.1931 or a combination of such sections, the driver's license
 1766 or driving privilege shall be revoked for not less than 5 years.

1767 3. Upon a third conviction for an offense that occurs
 1768 within a period of 10 years after the date of a prior conviction
 1769 for the violation of the provisions of s. 316.193 or former s.
 1770 316.1931 or a combination of such sections, the driver's license
 1771 or driving privilege shall be revoked for not less than 10
 1772 years.

1773
 1774 For the purposes of this paragraph, a previous conviction
 1775 outside this state for driving under the influence, driving
 1776 while intoxicated, driving with an unlawful blood-alcohol level,
 1777 or any other alcohol-related or drug-related traffic offense
 1778 similar to the offense of driving under the influence as
 1779 proscribed by s. 316.193 will be considered a previous
 1780 conviction for violation of s. 316.193, and a conviction for
 1781 violation of former s. 316.028, former s. 316.1931, or former s.
 1782 860.01 is considered a conviction for violation of s. 316.193.
 1783 Additionally, if a person has two offenses for violating s.
 1784 316.193 pending at the same time which were committed on
 1785 different offense dates and the person is subsequently convicted
 1786 for each violation, the court shall impose the sanction as if
 1787 the first conviction preceded the offense date of the second
 1788 conviction.

1789 Section 33. Section 322.293, Florida Statutes, is amended
 1790 to read:

1791 322.293 ~~DUI Programs Coordination Trust Fund~~; assessment;
 1792 disposition.--

1793 (1) ~~The DUI Programs Coordination Trust Fund~~ shall be
 1794 administered by the department, and the costs of administration
 1795 shall be paid borne by the revenue collections provided in this
 1796 section fund. All funds received by the department ~~DUI Programs~~
 1797 ~~Coordination Trust Fund~~ shall be used ~~solely~~ for the purposes
 1798 set forth in this chapter and for the general operation of the
 1799 department ~~section~~ and s. ~~322.292~~. However, ~~if the Legislature~~
 1800 ~~passes legislation consolidating existing trust funds assigned~~
 1801 ~~to the department, all funds remaining in and deposited to the~~
 1802 ~~DUI Programs Coordination Trust Fund shall be transferred to the~~
 1803 ~~consolidated trust funds, subject to their being earmarked for~~
 1804 ~~use solely for the purposes set forth in this section and s.~~
 1805 ~~322.292.~~

1806 (2) Each DUI program shall assess \$12 against each person
 1807 enrolling in a DUI program at the time of enrollment, including
 1808 persons who transfer to or from a program in another state. In
 1809 addition, second and third offenders and those offenders under
 1810 permanent driver's-license revocation who are evaluated for
 1811 ~~eligibility for~~ license restrictions under s. 322.271(2) ~~s.~~
 1812 ~~322.271(2)(b)~~ and (4) shall be assessed \$12 upon enrollment in
 1813 the program and upon each subsequent anniversary date while they
 1814 are in the program, for the duration of the license period.

1815 (3) All assessments collected under this section shall be
 1816 deposited in the Highway Safety Operating ~~forwarded to the DUI~~
 1817 ~~Programs Coordination~~ Trust Fund within 30 days after the last
 1818 day of the month in which the assessment was received.

1819 Section 34. Subsection (1), paragraph (b) of subsection
 1820 (7), and subsection (8) of section 322.64, Florida Statutes, are

1821 amended to read:

1822 322.64 Holder of commercial driver's license; persons
 1823 operating a commercial motor vehicle; driving with unlawful
 1824 blood-alcohol level; refusal to submit to breath, urine, or
 1825 blood test.--

1826 (1) (a) A law enforcement officer or correctional officer
 1827 shall, on behalf of the department, disqualify from operating
 1828 any commercial motor vehicle a person who while operating or in
 1829 actual physical control of a commercial motor vehicle is
 1830 arrested for a violation of s. 316.193, relating to unlawful
 1831 blood-alcohol level or breath-alcohol level, or a person who has
 1832 refused to submit to a breath, urine, or blood test authorized
 1833 by s. 322.63 or s. 316.1932 arising out of the operation or
 1834 actual physical control of a commercial motor vehicle. A law
 1835 enforcement officer or correctional officer shall, on behalf of
 1836 the department, disqualify the holder of a commercial driver's
 1837 license from operating any commercial motor vehicle if the
 1838 licenseholder, while operating or in actual physical control of
 1839 a motor vehicle, is arrested for a violation of s. 316.193,
 1840 relating to unlawful blood-alcohol level or breath-alcohol
 1841 level, or refused to submit to a breath, urine, or blood test
 1842 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
 1843 the person, the officer shall take the person's driver's license
 1844 and issue the person a 10-day temporary permit for the operation
 1845 of noncommercial vehicles only if the person is otherwise
 1846 eligible for the driving privilege and shall issue the person a
 1847 notice of disqualification. If the person has been given a
 1848 blood, breath, or urine test, the results of which are not

1849 available to the officer at the time of the arrest, the agency
 1850 employing the officer shall transmit such results to the
 1851 department within 5 days after receipt of the results. If the
 1852 department then determines that the person had a blood-alcohol
 1853 level or breath-alcohol level of 0.08 or higher, the department
 1854 shall disqualify the person from operating a commercial motor
 1855 vehicle pursuant to subsection (3).

1856 (b) The disqualification under paragraph (a) shall be
 1857 pursuant to, and the notice of disqualification shall inform the
 1858 driver of, the following:

1859 1.a. The driver refused to submit to a lawful breath,
 1860 blood, or urine test and he or she is disqualified from
 1861 operating a commercial motor vehicle for a period of 1 year, for
 1862 a first refusal, or permanently, if he or she has previously
 1863 been disqualified under this section ~~as a result of a refusal to~~
 1864 ~~submit to such a test; or~~

1865 b. The driver was driving or in actual physical control of
 1866 a commercial motor vehicle, or any motor vehicle if the driver
 1867 holds a commercial driver's license, had an unlawful blood-
 1868 alcohol level or breath-alcohol level of 0.08 or higher, and his
 1869 or her driving privilege shall be disqualified for a period of 1
 1870 year for a first offense or permanently disqualified if his or
 1871 her driving privilege has been previously disqualified under
 1872 this section.

1873 2. The disqualification period for operating commercial
 1874 vehicles shall commence on the date of issuance of the notice of
 1875 disqualification.

1876 3. The driver may request a formal or informal review of

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1877 the disqualification by the department within 10 days after the
1878 date of issuance of the notice of disqualification.

1879 4. The temporary permit issued at the time of
1880 disqualification expires at midnight of the 10th day following
1881 the date of disqualification.

1882 5. The driver may submit to the department any materials
1883 relevant to the disqualification.

1884 (7) In a formal review hearing under subsection (6) or an
1885 informal review hearing under subsection (4), the hearing
1886 officer shall determine by a preponderance of the evidence
1887 whether sufficient cause exists to sustain, amend, or invalidate
1888 the disqualification. The scope of the review shall be limited
1889 to the following issues:

1890 (b) If the person was disqualified from operating a
1891 commercial motor vehicle for refusal to submit to a breath,
1892 blood, or urine test:

1893 1. Whether the law enforcement officer had probable cause
1894 to believe that the person was driving or in actual physical
1895 control of a commercial motor vehicle, or any motor vehicle if
1896 the driver holds a commercial driver's license, in this state
1897 while he or she had any alcohol, chemical substances, or
1898 controlled substances in his or her body.

1899 2. Whether the person refused to submit to the test after
1900 being requested to do so by a law enforcement officer or
1901 correctional officer.

1902 3. Whether the person was told that if he or she refused
1903 to submit to such test he or she would be disqualified from
1904 operating a commercial motor vehicle for a period of 1 year or,

1905 if previously disqualified under this section ~~in the case of a~~
 1906 ~~second refusal~~, permanently.

1907 (8) Based on the determination of the hearing officer
 1908 pursuant to subsection (7) for both informal hearings under
 1909 subsection (4) and formal hearings under subsection (6), the
 1910 department shall:

1911 (a) Sustain the disqualification for a period of 1 year
 1912 for a first refusal, or permanently if such person has been
 1913 previously disqualified from operating a commercial motor
 1914 vehicle under this section ~~as a result of a refusal to submit to~~
 1915 ~~such tests~~. The disqualification period commences on the date of
 1916 the ~~arrest or~~ issuance of the notice of disqualification,
 1917 ~~whichever is later~~.

1918 (b) Sustain the disqualification:

1919 1. For a period of 1 year if the person was driving or in
 1920 actual physical control of a commercial motor vehicle, or any
 1921 motor vehicle if the driver holds a commercial driver's license,
 1922 and had an unlawful blood-alcohol level or breath-alcohol level
 1923 of 0.08 or higher; or

1924 2. Permanently if the person has been previously
 1925 disqualified from operating a commercial motor vehicle under
 1926 this section or his or her driving privilege has been previously
 1927 suspended for driving or being in actual physical control of a
 1928 commercial motor vehicle, or any motor vehicle if the driver
 1929 holds a commercial driver's license, and had an unlawful blood-
 1930 alcohol level or breath-alcohol level of 0.08 or higher.

1931
 1932 The disqualification period commences on the date of the ~~arrest~~

1933 ~~or~~ issuance of the notice of disqualification.

1934 Section 35. Section 328.30, Florida Statutes, is amended
1935 to read:

1936 328.30 Transactions by electronic or telephonic means.--

1937 (1) The department may ~~is authorized to~~ accept any
1938 application provided for under this chapter by electronic or
1939 telephonic means.

1940 (2) The department may issue an electronic certificate of
1941 title in lieu of printing a paper title.

1942 (3) The department may collect and use e-mail addresses of
1943 vessel owners and registrants as a notification method in lieu
1944 of the United States Postal Service.

1945 Section 36. Subsection (12) of section 328.72, Florida
1946 Statutes, is amended to read:

1947 328.72 Classification; registration; fees and charges;
1948 surcharge; disposition of fees; fines; marine turtle stickers.--

1949 (12) REGISTRATION.--

1950 (a) "Registration period" is a period of 12 months during
1951 which a vessel registration is valid.

1952 (b) "Extended registration period" means a period of 24
1953 months during which a vessel registration is valid.

1954 (c) ~~(b)~~ Any vessel owner who is subject to registration
1955 under subparagraph (d) ~~(e)~~1. is eligible for an extended
1956 registration period that begins the first day of the birth month
1957 of the owner and ends the last day of the month immediately
1958 preceding the owner's birth month 24 months after the beginning
1959 of the registration period. If the vessel is registered in the
1960 name of more than one person, the birth month of the person

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1961 whose name first appears on the registration shall be used to
 1962 determine the extended registration period. For a vessel subject
 1963 to this extended registration period, the renewal period is the
 1964 30-day period ending at midnight on the vessel owner's date of
 1965 birth.

1966 ~~(d)~~ (e) The following registration periods and renewal
 1967 periods are established:

1968 1. For vessels owned by individuals, the registration
 1969 period begins the first day of the birth month of the owner and
 1970 ends the last day of the month immediately preceding the owner's
 1971 birth month in the succeeding year. If the vessel is registered
 1972 in the name of more than one person, the birth month of the
 1973 person whose name first appears on the registration shall be
 1974 used to determine the registration period. For a vessel subject
 1975 to this registration period, the renewal period is the 30-day
 1976 period ending at midnight on the vessel owner's date of birth.

1977 2. For vessels owned by companies, corporations,
 1978 governmental entities, and registrations issued to dealers and
 1979 manufacturers, the registration period begins July 1 and ends
 1980 June 30. The renewal period is the 30-day period beginning June
 1981 1.

1982 (e) Registration fees shall be prorated on a monthly basis
 1983 when the registration period is other than 12 months or 24
 1984 months. An annual registration may not exceed 15 months and a
 1985 biennial registration may not exceed 27 months.

1986 Section 37. Section 328.80, Florida Statutes, is amended
 1987 to read:

1988 328.80 Transactions by electronic or telephonic means.--

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1989 (1) The department may ~~commission is authorized to~~ accept
 1990 any application provided for under this chapter by electronic or
 1991 telephonic means.

1992 (2) The department may collect and use e-mail addresses of
 1993 vessel owners and registrants as a notification method in lieu
 1994 of the United States Postal Service.

1995 Section 38. This act shall take effect July 1, 2009.