

FOR CONSIDERATION By the Committee on Transportation

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1                   A bill to be entitled  
2           An act relating to highway safety and motor vehicles;  
3           amending s. 17.61, F.S.; requiring the Department of  
4           Highway Safety and Motor Vehicles to retain trust fund  
5           moneys in the DUI Programs Coordination Trust Fund for  
6           investment; amending s. 215.20, F.S.; removing the DUI  
7           Programs Coordination Trust Fund from the list of  
8           trust funds subject to a statutory service charge;  
9           amending s. 316.126, F.S.; requiring drivers of  
10          vehicles to behave in a specified fashion when  
11          approaching emergency vehicles or wreckers; amending  
12          s. 316.2085, F.S.; prohibiting a person under 16 years  
13          of age from operating a motorcycle or moped; amending  
14          s. 318.18, F.S.; increasing certain civil penalties  
15          for a person who fails to comply with the court's  
16          requirements or who fails to pay the civil penalties  
17          within the 30-day period; amending s. 319.14, F.S.;  
18          prohibiting a person from knowingly offering for sale,  
19          selling, or exchanging a vehicle until the Department  
20          of Highway Safety and Motor Vehicles has stamped in a  
21          conspicuous place on the certificate of title words  
22          stating that the vehicle is a custom vehicle or street  
23          rod vehicle; defining the terms "custom vehicle" and  
24          "street rod vehicle"; providing that a person who does  
25          not make the required disclosures commits a  
26          misdemeanor of the second degree; amending s. 319.32,  
27          F.S.; requiring that certain specified fees be charged  
28          for vehicle inspections; amending s. 319.40, F.S.;  
29          authorizing the Department of Highway Safety and Motor

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30 Vehicles to issue an electronic certificate of title  
31 in lieu of printing a paper title; authorizing the  
32 department to collect and use e-mail addresses in lieu  
33 of the United States Postal Service to notify motor  
34 vehicle owners and registrants; amending s. 320.023,  
35 F.S.; requiring that voluntary contributions collected  
36 by the department be deposited into and distributed  
37 from the Motor Vehicle License Clearing Trust Fund;  
38 providing for the implementation of a certain  
39 litigation settlement; providing eligibility and  
40 procedures to collect the credit; providing for  
41 expiration of the provision; amending s. 320.05, F.S.;  
42 authorizing the Department of Highway Safety and Motor  
43 Vehicles to provide public access to the National  
44 Motor Vehicle Title Information System in a specified  
45 manner; requiring the department to adopt a fee  
46 schedule to provide for the public-access service;  
47 amending s. 320.06, F.S.; requiring that fees  
48 collected on each motor vehicle registration or motor  
49 vehicle renewal registration issued in this state be  
50 deposited into the Highway Safety Operating Trust  
51 Fund; amending s. 320.0607, F.S.; increasing fees for  
52 certain license plates; amending s. 320.08, F.S.;  
53 providing for additional fees collected from  
54 motorcycle registrations to be used to fund the  
55 general operations of the department; amending s.  
56 320.08048, F.S.; increasing fees for sample license  
57 plates; amending s. 320.0805, F.S.; requiring that the  
58 processing fee for personalized prestige license

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59 plates be deposited into the Highway Safety Operating  
60 Trust Fund; amending s. 320.08056, F.S.; requiring  
61 that the processing fee for specialty license plates  
62 be deposited into the Highway Safety Operating Trust  
63 Fund; amending s. 320.0863, F.S.; deleting definitions  
64 for "custom vehicle" and "street rod" to conform to  
65 changes made by the act; amending s. 320.203, F.S.;  
66 providing for the disposition of biennial license tax  
67 moneys; amending s. 320.27, F.S.; removing certain  
68 information from the application form for motor  
69 vehicle dealers; providing additional grounds for the  
70 Department of Highway Safety and Motor Vehicles to  
71 deny, suspend, or revoke a license issued to a motor  
72 vehicle dealer; providing that an insurer may cancel  
73 the surety bond of a motor vehicle dealer by giving  
74 written notice of the cancellation to the department;  
75 providing an effective date of the cancellation;  
76 requiring the Department of Highway Safety and Motor  
77 Vehicles to revoke, suspend, or deny the license  
78 issued to a motor vehicle dealer if the dealer  
79 conducts business during the license period without  
80 having in full force and effect a surety bond that  
81 complies with the law; requiring each motor vehicle  
82 dealer to deliver to the department evidence of a new  
83 or continued garage liability insurance policy;  
84 requiring certain policy limits; requiring the  
85 Department of Highway Safety and Motor Vehicles to  
86 notify the insurance company of the licensee in  
87 writing if the license for the motor vehicle dealer

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88 has been denied, suspended, or revoked; requiring the  
89 department to revoke, suspend, or deny the license  
90 issued to a motor vehicle dealer if a dealer conducts  
91 business during the license period without having in  
92 full force and effect a liability insurance policy;  
93 amending s. 320.642, F.S.; requiring the department to  
94 assess a licensee fee in connection with establishing  
95 an additional motor vehicle dealership or relocating  
96 an existing dealership within a community or territory  
97 where the same line-make vehicle is presently  
98 represented by a franchised motor vehicle dealer or  
99 dealers; amending s. 320.77, F.S.; providing that an  
100 insurer may cancel the surety bond of a mobile home  
101 dealer by giving written notice of the cancellation to  
102 the department; providing an effective date of the  
103 cancellation; requiring the Department of Highway  
104 Safety and Motor Vehicles to revoke, suspend, or deny  
105 the license issued to a mobile home dealer if the  
106 dealer conducts business during the license period  
107 without having in full force and effect a surety bond  
108 that complies with the law; requiring each mobile home  
109 dealer to deliver to the department evidence of a new  
110 or continued garage liability insurance policy;  
111 requiring certain policy limits; requiring the  
112 department to notify the insurance company of the  
113 licensee in writing if the license for the mobile home  
114 dealer has been denied, suspended, or revoked;  
115 requiring the department to revoke, suspend, or deny  
116 the license issued to a mobile home dealer if a dealer

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117 conducts business during the license period without  
118 having in full force and effect a liability insurance  
119 policy; amending s. 320.95, F.S.; authorizing the  
120 Department of Highway Safety and Motor Vehicles to  
121 collect and use e-mail addresses in lieu of the United  
122 States Postal Service to notify motor vehicle owners  
123 and registrants; amending s. 322.025, F.S.; providing  
124 that motorcycle driver improvement programs may be  
125 funded by the motorcycle safety education fee;  
126 amending s. 322.0255, F.S.; removing the requirement  
127 that the Department of Highway Safety and Motor  
128 Vehicles reimburse each organization that provides an  
129 approved motorcycle safety education course for each  
130 student who begins the on-cycle portion of the course;  
131 amending s. 322.03, F.S.; providing for part-time  
132 residents of the state to be issued a license that is  
133 valid within this state only and continue to hold such  
134 license until the next regularly scheduled renewal;  
135 providing a termination date for "Florida only"  
136 licenses; amending s. 322.051, F.S.; providing for the  
137 issuance of a duplicate identification card; amending  
138 s. 322.08, F.S.; prohibiting the department from  
139 issuing a driver's license or identification card to  
140 an applicant if the applicant holds a valid driver's  
141 license or identification card issued by another  
142 state; amending s. 322.095, F.S.; eliminating the  
143 requirement that all instructors teaching in the  
144 traffic law and substance abuse education program be  
145 certified by the department; amending s. 322.201,

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146 F.S.; providing that certain records of the department  
147 or the clerk of the court are admissible in evidence  
148 in all courts of the state; amending s. 322.22, F.S.;  
149 authorizing the department to cancel identification  
150 cards; amending s. 322.2615, F.S.; eliminating the  
151 requirement that a copy of the crash report be  
152 submitted to the department within 5 days after  
153 issuing the notice of suspension; defining the term  
154 "lawful breath, blood, or urine test"; amending s.  
155 322.27, F.S.; authorizing the department to suspend  
156 the license or identification card of any person;  
157 providing the grounds to suspend an identification  
158 card; amending s. 322.271, F.S.; authorizing the  
159 Department of Highway Safety and Motor Vehicles to  
160 modify a revocation, cancellation, or suspension  
161 order; providing that the department may waive the  
162 hearing process for suspensions and revocations upon  
163 request by the driver under certain circumstances;  
164 amending s. 322.28, F.S.; providing for the period of  
165 suspension or revocation of a license; amending s.  
166 322.293, F.S.; providing for the administration of the  
167 DUI programs of the department; amending s. 322.64,  
168 F.S.; providing for disqualification of a driver of a  
169 commercial motor vehicle for certain violations;  
170 amending s. 328.30. F.S.; providing that the  
171 Department of Highway Safety and Motor Vehicles may  
172 issue an electronic certificate of title in lieu of  
173 printing a paper title; authorizing the department to  
174 collect and use e-mail addresses in lieu of the United

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175 States Postal Service to notify vessel owners and  
176 registrants; amending s. 328.72, F.S.; defining the  
177 term "extended registration period"; providing for  
178 registration fees for vessels; amending s. 328.80.  
179 F.S.; providing that the Department of Highway Safety  
180 and Motor Vehicles may accept any vessel application  
181 by electronic or telephonic means; authorizing the  
182 department to collect and use e-mail addresses in lieu  
183 of the United States Postal Service to notify vessel  
184 owners and registrants; providing an effective date.

185

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

187

188 Section 1. Paragraph (c) of subsection (3) of section  
189 17.61, Florida Statutes, is amended to read:

190 17.61 Chief Financial Officer; powers and duties in the  
191 investment of certain funds.—

192 (3)

193 (c) Except as provided in this paragraph and except for  
194 moneys described in paragraph (d), the following agencies shall  
195 not invest trust fund moneys as provided in this section, but  
196 shall retain such moneys in their respective trust funds for  
197 investment, with interest appropriated to the General Revenue  
198 Fund, pursuant to s. 17.57:

199 1. The Agency for Health Care Administration, except for  
200 the Tobacco Settlement Trust Fund.

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

202 a. The Federal Grants Trust Fund.

203 b. The Tobacco Settlement Trust Fund.

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- 204           3. The Department of Children and Family Services, except  
205 for:
- 206           a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.  
207           b. The Social Services Block Grant Trust Fund.  
208           c. The Tobacco Settlement Trust Fund.  
209           d. The Working Capital Trust Fund.
- 210           4. The Department of Community Affairs, only for the  
211 Operating Trust Fund.
- 212           5. The Department of Corrections.
- 213           6. The Department of Elderly Affairs, except for:
- 214           a. The Federal Grants Trust Fund.  
215           b. The Tobacco Settlement Trust Fund.
- 216           7. The Department of Health, except for:
- 217           a. The Federal Grants Trust Fund.  
218           b. The Grants and Donations Trust Fund.  
219           c. The Maternal and Child Health Block Grant Trust Fund.  
220           d. The Tobacco Settlement Trust Fund.
- 221           8. The Department of Highway Safety and Motor Vehicles,  
222 only for:
- 223           ~~a. The DUI Programs Coordination Trust Fund.~~  
224           ~~b.~~ the Security Deposits Trust Fund.
- 225           9. The Department of Juvenile Justice.  
226           10. The Department of Law Enforcement.  
227           11. The Department of Legal Affairs.  
228           12. The Department of State, only for:
- 229           a. The Grants and Donations Trust Fund.  
230           b. The Records Management Trust Fund.  
231           13. The Executive Office of the Governor, only for:  
232           a. The Economic Development Transportation Trust Fund.

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- 233           b. The Economic Development Trust Fund.
- 234           14. The Florida Public Service Commission, only for the  
235 Florida Public Service Regulatory Trust Fund.
- 236           15. The Justice Administrative Commission.
- 237           16. The state courts system.
- 238           Section 2. Subsection (4) of section 215.20, Florida  
239 Statutes, is amended to read:
- 240           215.20 Certain income and certain trust funds to contribute  
241 to the General Revenue Fund.—
- 242           (4) The income of a revenue nature deposited in the  
243 following described trust funds, by whatever name designated, is  
244 that from which the appropriations authorized by subsection (3)  
245 shall be made:
- 246           (a) Within the Agency for Health Care Administration, the  
247 Health Care Trust Fund.
- 248           (b) Within the Agency for Workforce Innovation:
- 249           1. The Employment Security Administration Trust Fund.
- 250           2. The Special Employment Security Administration Trust  
251 Fund.
- 252           (c) Within the Department of Agriculture and Consumer  
253 Services:
- 254           1. The Conservation and Recreation Lands Program Trust  
255 Fund.
- 256           2. The General Inspection Trust Fund and subsidiary  
257 accounts thereof, unless a different percentage is authorized by  
258 s. 570.20.
- 259           3. The Division of Licensing Trust Fund.
- 260           (d) Within the Department of Business and Professional  
261 Regulation:

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- 262 1. The Administrative Trust Fund.
- 263 2. The Alcoholic Beverage and Tobacco Trust Fund.
- 264 3. The Cigarette Tax Collection Trust Fund.
- 265 4. The Division of Florida Condominiums, Timeshares, and
- 266 Mobile Homes Trust Fund.
- 267 5. The Hotel and Restaurant Trust Fund, with the exception
- 268 of those fees collected for the purpose of funding of the
- 269 hospitality education program as stated in s. 509.302.
- 270 6. The Professional Regulation Trust Fund.
- 271 7. The trust funds administered by the Division of Pari-
- 272 mutuel Wagering.
- 273 (e) Within the Department of Children and Family Services:
- 274 1. The Administrative Trust Fund.
- 275 2. The Child Welfare Training Trust Fund.
- 276 3. The Domestic Violence Trust Fund.
- 277 4. The Grants and Donations Trust Fund.
- 278 5. The Operations and Maintenance Trust Fund.
- 279 (f) Within the Department of Citrus, the Florida Citrus
- 280 Advertising Trust Fund, including transfers from any subsidiary
- 281 accounts thereof, unless a different percentage is authorized in
- 282 s. 601.15(7).
- 283 (g) Within the Department of Community Affairs, the
- 284 Operating Trust Fund.
- 285 (h) Within the Department of Education:
- 286 1. The Educational Certification and Service Trust Fund.
- 287 2. The Phosphate Research Trust Fund.
- 288 (i) Within the Department of Elderly Affairs:
- 289 1. The Administrative Trust Fund.
- 290 2. The Federal Grants Trust Fund.

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- 291 3. The Grants and Donations Trust Fund.
- 292 4. The Operations and Maintenance Trust Fund.
- 293 (j) Within the Department of Environmental Protection:
- 294 1. The Administrative Trust Fund.
- 295 2. The Air Pollution Control Trust Fund.
- 296 3. The Conservation and Recreation Lands Trust Fund.
- 297 4. The Ecosystem Management and Restoration Trust Fund.
- 298 5. The Environmental Laboratory Trust Fund.
- 299 6. The Florida Coastal Protection Trust Fund.
- 300 7. The Florida Permit Fee Trust Fund.
- 301 8. The Grants and Donations Trust Fund.
- 302 9. The Inland Protection Trust Fund.
- 303 10. The Internal Improvement Trust Fund.
- 304 11. The Land Acquisition Trust Fund.
- 305 12. The Minerals Trust Fund.
- 306 13. The Nonmandatory Land Reclamation Trust Fund.
- 307 14. The State Park Trust Fund.
- 308 15. The Water Quality Assurance Trust Fund.
- 309 16. The Working Capital Trust Fund.
- 310 (k) Within the Department of Financial Services:
- 311 1. The Agents County Tax Trust Fund.
- 312 2. The Insurance Regulatory Trust Fund.
- 313 3. The Special Disability Trust Fund.
- 314 4. The Workers' Compensation Administration Trust Fund.
- 315 (l) Within the Department of Health:
- 316 1. The Administrative Trust Fund.
- 317 2. The Brain and Spinal Cord Injury Program Trust Fund.
- 318 3. The Donations Trust Fund.
- 319 4. The Emergency Medical Services Trust Fund.

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- 320 5. The Epilepsy Services Trust Fund.
- 321 6. The Florida Drug, Device, and Cosmetic Trust Fund.
- 322 7. The Grants and Donations Trust Fund.
- 323 8. The Medical Quality Assurance Trust Fund.
- 324 9. The Nursing Student Loan Forgiveness Trust Fund.
- 325 10. The Planning and Evaluation Trust Fund.
- 326 11. The Radiation Protection Trust Fund.
- 327 ~~(m) Within the Department of Highway Safety and Motor~~
- 328 ~~Vehicles, the DUI Programs Coordination Trust Fund.~~
- 329 (m) ~~(n)~~ Within the Department of Legal Affairs, the Crimes
- 330 Compensation Trust Fund.
- 331 (n) ~~(o)~~ Within the Department of Management Services:
- 332 1. The Administrative Trust Fund.
- 333 2. The Architects Incidental Trust Fund.
- 334 3. The Bureau of Aircraft Trust Fund.
- 335 4. The Florida Facilities Pool Working Capital Trust Fund.
- 336 5. The Grants and Donations Trust Fund.
- 337 6. The Police and Firefighters' Premium Tax Trust Fund.
- 338 7. The Public Employees Relations Commission Trust Fund.
- 339 8. The State Personnel System Trust Fund.
- 340 9. The Supervision Trust Fund.
- 341 10. The Working Capital Trust Fund.
- 342 (o) ~~(p)~~ Within the Department of Revenue:
- 343 1. The Additional Court Cost Clearing Trust Fund.
- 344 2. The Administrative Trust Fund.
- 345 3. The Certification Program Trust Fund.
- 346 4. The Fuel Tax Collection Trust Fund.
- 347 5. The Local Alternative Fuel User Fee Clearing Trust Fund.
- 348 6. The Local Option Fuel Tax Trust Fund.

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349 7. The Motor Vehicle Rental Surcharge Clearing Trust Fund.

350 8. The Motor Vehicle Warranty Trust Fund.

351 9. The Oil and Gas Tax Trust Fund.

352 10. The Operations Trust Fund.

353 11. The Severance Tax Solid Mineral Trust Fund.

354 12. The State Alternative Fuel User Fee Clearing Trust  
355 Fund.

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

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

359 1. The Records Management Trust Fund.

360 2. The trust funds administered by the Division of  
361 Historical Resources.

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

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

366 1. The Grants and Donations Trust Fund.

367 2. The Operations and Maintenance Trust Fund.

368 3. The State Homes for Veterans Trust Fund.

369 (s)~~(t)~~ Within the Division of Administrative Hearings, the  
370 Administrative Trust Fund.

371 (t)~~(u)~~ Within the Fish and Wildlife Conservation  
372 Commission:

373 1. The Conservation and Recreation Lands Program Trust  
374 Fund.

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

376 3. The Land Acquisition Trust Fund.

377 4. The Marine Resources Conservation Trust Fund, with the

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378 exception of those fees collected for recreational saltwater  
379 fishing licenses as provided in s. 379.354.

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

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

384 (w)~~(x)~~ Within the Office of Financial Regulation of the  
385 Financial Services Commission:

386 1. The Administrative Trust Fund.

387 2. The Anti-Fraud Trust Fund.

388 3. The Financial Institutions' Regulatory Trust Fund.

389 4. The Regulatory Trust Fund.

390

391 The enumeration of the foregoing moneys or trust funds do ~~shall~~  
392 not prohibit the applicability of s. 215.24 should the Governor  
393 determine that for the reasons mentioned in s. 215.24 the money  
394 or trust funds should be exempt herefrom, as it is the purpose  
395 of this law to exempt income from its force and effect when, by  
396 the operation of this law, federal matching funds or  
397 contributions or private grants to any trust fund would be lost  
398 to the state.

399 Section 3. Subsection (1) of section 316.126, Florida  
400 Statutes, is amended to read:

401 316.126 Operation of vehicles and actions of pedestrians on  
402 approach of authorized emergency vehicle.—

403 (1) (a) Upon the immediate approach of an authorized  
404 emergency vehicle, while en route to meet an existing emergency,  
405 the driver of every other vehicle shall, when such emergency  
406 vehicle is giving audible signals by siren, exhaust whistle, or

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407 other adequate device, or visible signals by the use of  
408 displayed blue or red lights, yield the right-of-way to the  
409 emergency vehicle and shall immediately proceed to a position  
410 parallel to, and as close as reasonable to the closest edge of  
411 the curb of the roadway, clear of any intersection and shall  
412 stop and remain in position until the authorized emergency  
413 vehicle has passed, unless otherwise directed by any law  
414 enforcement officer.

415 (b) When an authorized emergency vehicle making use of any  
416 visual signals is parked or a wrecker displaying amber rotating  
417 or flashing lights is performing a recovery or loading on the  
418 roadside, the driver of every other vehicle, as soon as it is  
419 safe:

420 1. Shall vacate the lane closest to the emergency vehicle  
421 or wrecker when driving on an interstate highway or other  
422 highway with two or more lanes traveling in the direction of the  
423 emergency vehicle or wrecker, except when otherwise directed by  
424 a law enforcement officer. If such movement cannot be safely  
425 accomplished, the driver shall reduce speed as provided in  
426 subparagraph 2.

427 2. Shall slow to a speed that is 20 miles per hour less  
428 than the posted speed limit when the posted speed limit is 25  
429 miles per hour or greater; or travel at 5 miles per hour when  
430 the posted speed limit is 20 miles per hour or less, when  
431 driving on a two-lane road, except when otherwise directed by a  
432 law enforcement officer.

433 (c) The Department of Highway Safety and Motor Vehicles  
434 shall provide an educational awareness campaign informing the  
435 motoring public about the Move Over Act. The department shall

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436 provide information about the Move Over Act in all newly printed  
437 driver's license educational materials after July 1, 2002.

438

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

442 Section 4. Subsection (6) of section 316.2085, Florida  
443 Statutes, is amended to read:

444 316.2085 Riding on motorcycles or mopeds.—

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

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

448 (b) Rent a motorcycle or a moped.

449 Section 5. Paragraph (a) of subsection (8) of section  
450 318.18, Florida Statutes, is amended to read:

451 318.18 Amount of penalties.—The penalties required for a  
452 noncriminal disposition pursuant to s. 318.14 or a criminal  
453 offense listed in s. 318.17 are as follows:

454 (8) (a) Any person who fails to comply with the court's  
455 requirements or who fails to pay the civil penalties specified  
456 in this section within the 30-day period provided for in s.  
457 318.14 must pay an additional civil penalty of \$16 ~~\$12~~, \$2.50 of  
458 which must be remitted to the Department of Revenue for deposit  
459 in the General Revenue Fund, and \$13.50 ~~\$9.50~~ of which must be  
460 remitted to the Department of Revenue for deposit in the Highway  
461 Safety Operating Trust Fund. The department shall contract with  
462 the Florida Association of Court Clerks, Inc., to design,  
463 establish, operate, upgrade, and maintain an automated statewide  
464 Uniform Traffic Citation Accounting System to be operated by the

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465 clerks of the court which shall include, but not be limited to,  
466 the accounting for traffic infractions by type, a record of the  
467 disposition of the citations, and an accounting system for the  
468 fines assessed and the subsequent fine amounts paid to the  
469 clerks of the court. On or before December 1, 2001, the clerks  
470 of the court must provide the information required by this  
471 chapter to be transmitted to the department by electronic  
472 transmission pursuant to the contract.

473 Section 6. Section 319.14, Florida Statutes, is amended to  
474 read:

475 319.14 Sale of motor vehicles registered or used as  
476 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,  
477 ~~and~~ nonconforming vehicles, custom vehicles, or street rod  
478 vehicles.-

479 (1) (a) A ~~No~~ person may not shall knowingly offer for sale,  
480 sell, or exchange any vehicle that has been licensed,  
481 registered, or used as a taxicab, police vehicle, or short-term-  
482 lease vehicle, or a vehicle that has been repurchased by a  
483 manufacturer pursuant to a settlement, determination, or  
484 decision under chapter 681, until the department has stamped in  
485 a conspicuous place on the certificate of title of the vehicle,  
486 or its duplicate, words stating the nature of the previous use  
487 of the vehicle or the title has been stamped "Manufacturer's Buy  
488 Back" to reflect that the vehicle is a nonconforming vehicle. If  
489 the certificate of title or duplicate was not so stamped upon  
490 initial issuance thereof or if, subsequent to initial issuance  
491 of the title, the use of the vehicle is changed to a use  
492 requiring the notation provided for in this section, the owner  
493 or lienholder of the vehicle shall surrender the certificate of

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494 title or duplicate to the department before ~~prior to~~ offering  
495 the vehicle for sale, and the department shall stamp the  
496 certificate or duplicate as required herein. If ~~When~~ a vehicle  
497 has been repurchased by a manufacturer pursuant to a settlement,  
498 determination, or decision under chapter 681, the title shall be  
499 stamped "Manufacturer's Buy Back" to reflect that the vehicle is  
500 a nonconforming vehicle.

501 (b) A ~~No~~ person may not shall knowingly offer for sale,  
502 sell, or exchange a rebuilt vehicle until the department has  
503 stamped in a conspicuous place on the certificate of title for  
504 the vehicle words stating that the vehicle has been rebuilt or  
505 assembled from parts, or is a kit car, glider kit, replica, ~~or~~  
506 flood vehicle, custom vehicle, or street rod vehicle unless  
507 proper application for a certificate of title for a vehicle that  
508 is rebuilt or assembled from parts, or is a kit car, glider kit,  
509 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle  
510 has been made to the department in accordance with this chapter  
511 and the department has conducted the physical examination of the  
512 vehicle to assure the identity of the vehicle and all major  
513 component parts, as defined in s. 319.30(1), which have been  
514 repaired or replaced. Thereafter, the department shall affix a  
515 decal to the vehicle, in the manner prescribed by the  
516 department, showing the vehicle to be rebuilt.

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

518 1. "Police vehicle" means a motor vehicle owned or leased  
519 by the state or a county or municipality and used in law  
520 enforcement.

521 2.a. "Short-term-lease vehicle" means a motor vehicle  
522 leased without a driver and under a written agreement to one or

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523 more persons from time to time for a period of less than 12  
524 months.

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

528 c. "Lease vehicle" includes both short-term-lease vehicles  
529 and long-term-lease vehicles.

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

532 4. "Assembled from parts" means a motor vehicle or mobile  
533 home assembled from parts or combined from parts of motor  
534 vehicles or mobile homes, new or used. "Assembled from parts"  
535 does not mean a motor vehicle defined as a "rebuilt vehicle" in  
536 subparagraph 3., which has been declared a total loss pursuant  
537 to s. 319.30.

538 5. "Kit car" means a motor vehicle assembled with a kit  
539 supplied by a manufacturer to rebuild a wrecked or outdated  
540 motor vehicle with a new body kit.

541 6. "Glider kit" means a vehicle assembled with a kit  
542 supplied by a manufacturer to rebuild a wrecked or outdated  
543 truck or truck tractor.

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

546 8. "Flood vehicle" means a motor vehicle or mobile home  
547 that has been declared to be a total loss pursuant to s.  
548 319.30(3)(a) resulting from damage caused by water.

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

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552 10. "Settlement" means an agreement entered into between a  
553 manufacturer and a consumer that occurs after a dispute is  
554 submitted to a program, or an informal dispute settlement  
555 procedure established by a manufacturer or is approved for  
556 arbitration before the New Motor Vehicle Arbitration Board as  
557 defined in s. 681.102.

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

559 a. Is 25 years of age or older and of a model year after  
560 1948, or was manufactured to resemble a vehicle that is 25 years  
561 of age or older and of a model year after 1948; and

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

564  
565 The model year and year of manufacture which the body of a  
566 custom vehicle resembles is the model year and year of  
567 manufacture listed on the certificate of title, regardless of  
568 when the vehicle was actually manufactured.

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

570 a. Is a model year of 1948 or older or was manufactured  
571 after 1948 to resemble a vehicle of a model year of 1948 or  
572 older; and

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

575  
576 The model year and year of manufacture which the body of a  
577 street rod resembles is the model year and year of manufacture  
578 listed on the certificate of title, regardless of when the  
579 vehicle was actually manufactured.

580 (2) A ~~No~~ person may not ~~shall~~ knowingly sell, exchange, or

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581 transfer a vehicle referred to in subsection (1) without, before  
582 ~~prior to~~ consummating the sale, exchange, or transfer,  
583 disclosing in writing to the purchaser, customer, or transferee  
584 the fact that the vehicle has previously been titled,  
585 registered, or used as a taxicab, police vehicle, or short-term-  
586 lease vehicle, or is a vehicle that is rebuilt or assembled from  
587 parts, ~~or~~ is a kit car, glider kit, replica, or flood vehicle,  
588 or is a nonconforming vehicle, custom vehicle, or street rod  
589 vehicle, as the case may be.

590 (3) Any person who, with intent to offer for sale or  
591 exchange any vehicle referred to in subsection (1), knowingly or  
592 intentionally advertises, publishes, disseminates, circulates,  
593 or places before the public in any communications medium,  
594 whether directly or indirectly, any offer to sell or exchange  
595 the vehicle shall clearly and precisely state in each ~~such~~ offer  
596 that the vehicle has previously been titled, registered, or used  
597 as a taxicab, police vehicle, or short-term-lease vehicle or  
598 that the vehicle or mobile home is a vehicle that is rebuilt or  
599 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or  
600 flood vehicle, or is a nonconforming vehicle, custom vehicle, or  
601 street rod vehicle, as the case may be. Any person who violates  
602 this subsection commits a misdemeanor of the second degree,  
603 punishable as provided in s. 775.082 or s. 775.083.

604 (4) If ~~When~~ a certificate of title, including a foreign  
605 certificate, is branded to reflect a condition or prior use of  
606 the titled vehicle, the brand must be noted on the registration  
607 certificate of the vehicle and such brand shall be carried  
608 forward on all subsequent certificates of title and registration  
609 certificates issued for the life of the vehicle.

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610 (5) Any person who knowingly sells, exchanges, or offers to  
611 sell or exchange a motor vehicle or mobile home contrary to ~~the~~  
612 ~~provisions of~~ this section or any officer, agent, or employee of  
613 a person who knowingly authorizes, directs, aids in, or consents  
614 to the sale, exchange, or offer to sell or exchange a motor  
615 vehicle or mobile home contrary to ~~the provisions of~~ this  
616 section commits a misdemeanor of the second degree, punishable  
617 as provided in s. 775.082 or s. 775.083.

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

622 (7) This section applies to a mobile home, travel trailer,  
623 camping trailer, truck camper, or fifth-wheel recreation trailer  
624 only when the ~~such~~ mobile home or vehicle is a rebuilt vehicle  
625 or is assembled from parts.

626 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in  
627 any civil action arising out of a violation of this section if  
628 the designation of the previous use or condition of the motor  
629 vehicle is not noted on the certificate of title and  
630 registration certificate of the vehicle which was received by,  
631 or delivered to, such person, unless the ~~such~~ person has  
632 actively concealed the prior use or condition of the vehicle  
633 from the purchaser.

634 (9) Subsections (1), (2), and (3) do not apply to the  
635 transfer of ownership of a motor vehicle after the motor vehicle  
636 has ceased to be used as a lease vehicle and the ownership has  
637 been transferred to an owner for private use or to the transfer  
638 of ownership of a nonconforming vehicle with 36,000 or more

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639 miles on its odometer, or 34 months whichever is later and the  
640 ownership has been transferred to an owner for private use. Such  
641 owner, as shown on the title certificate, may request the  
642 department to issue a corrected certificate of title that does  
643 not contain the statement of the previous use of the vehicle as  
644 a lease vehicle or condition as a nonconforming vehicle.

645 Section 7. Subsection (1) of section 319.32, Florida  
646 Statutes, is amended to read:

647 319.32 Fees; service charges; disposition.—

648 (1) The department shall charge a fee of \$24 for each  
649 original certificate of title except for a certificate of title  
650 for a motor vehicle for hire registered under s. 320.08(6), for  
651 which the title fee shall be \$3, \$24 for each duplicate copy of  
652 a certificate of title except for a certificate of title for a  
653 motor vehicle for hire registered under s. 320.08(6), for which  
654 the title fee shall be \$3, \$2 for each salvage certificate of  
655 title, and \$3 for each assignment by a lienholder. The  
656 department ~~It~~ shall also charge a fee of \$2 for noting a lien on  
657 a title certificate, which fee shall include the services for  
658 the subsequent issuance of a corrected certificate or  
659 cancellation of lien when that lien is satisfied. If an  
660 application for a certificate of title is for a vehicle that is  
661 required to have a physical examination as defined in s.  
662 319.14(1) rebuilt vehicle, the department shall charge an  
663 additional fee of \$40 for each initial inspection and \$20 for  
664 each subsequent inspection. The physical examination of the  
665 vehicle must include, but need not be limited to, verification  
666 of the vehicle identification number and verification of the  
667 bill of sale or title for major components ~~conducting a physical~~

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668 ~~examination of the vehicle to assure its identity.~~ In addition  
669 to all other fees charged, a sum of \$1 shall be paid for the  
670 issuance of an original or duplicate certificate of title to  
671 cover the cost of materials used for security purposes.

672 Section 8. Section 319.40, Florida Statutes, is amended to  
673 read:

674 319.40 Transactions by electronic or telephonic means.—

675 (1) The department is authorized to accept any application  
676 provided for under this chapter by electronic or telephonic  
677 means.

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

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

683 Section 9. Paragraph (c) of subsection (5) of section  
684 320.023, Florida Statutes, is amended to read:

685 320.023 Requests to establish voluntary checkoff on motor  
686 vehicle registration application.—

687 (5) A voluntary contribution collected and distributed  
688 under this chapter, or any interest earned from those  
689 contributions, may not be used for commercial or for-profit  
690 activities nor for general or administrative expenses, except as  
691 authorized by law.

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

696 Section 10. Implementation of litigation settlement

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697 provisions of Collier v. Dickinson.-

698 (1) Any person who held a driver's license, identification  
699 card, or motor vehicle registration that was valid between June  
700 1, 2000, and September 30, 2004, is eligible to receive a single  
701 \$1 credit on a new or renewed motor vehicle registration between  
702 July 1, 2009, and June 30, 2010.

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

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

707 Section 11. Present subsection (5) of section 320.05,  
708 Florida Statutes, is redesignated as subsection (6), and a new  
709 subsection (5) is added to that section, to read:

710 320.05 Records of the department; inspection procedure;  
711 lists and searches; fees.-

712 (5) The department may provide public access to the  
713 National Motor Vehicle Title Information System via an  
714 authorized connection with the American Association of Motor  
715 Vehicle Administrators in order to access out-of-state motor  
716 vehicle records. The department shall adopt a fee schedule to  
717 provide for the public-access service, which may not exceed the  
718 actual cost of providing the service.

719 Section 12. Paragraph (b) of subsection (3) of section  
720 320.06, Florida Statutes, is amended to read:

721 320.06 Registration certificates, license plates, and  
722 validation stickers generally.-

723 (3)

724 (b) An additional fee of 50 cents shall be collected and  
725 deposited into the Highway Safety Operating Trust Fund on each

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726 motor vehicle registration or motor vehicle renewal registration  
727 issued in this state in order that all license plates and  
728 validation stickers be fully treated with retroreflective  
729 material.

730 Section 13. Subsections (3) and (5) of section 320.0607,  
731 Florida Statutes, are amended to read:

732 320.0607 Replacement license plates, validation decal, or  
733 mobile home sticker.—

734 (3) Except as provided in subsection (2), in all such  
735 cases, upon filing of an application accompanied by a fee of \$12  
736 ~~\$10~~ plus applicable service charges, the department shall issue  
737 a replacement plate, sticker, or decal as the case may be if it  
738 is satisfied that the information reported in the application is  
739 true. The replacement fee shall be deposited into the Highway  
740 Safety Operating Trust Fund.

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

744 Section 14. Paragraph (c) of subsection (1) of section  
745 320.08, Florida Statutes, is amended to read:

746 320.08 License taxes.—Except as otherwise provided herein,  
747 there are hereby levied and imposed annual license taxes for the  
748 operation of motor vehicles, mopeds, motorized bicycles as  
749 defined in s. 316.003(2), and mobile homes, as defined in s.  
750 320.01, which shall be paid to and collected by the department  
751 or its agent upon the registration or renewal of registration of  
752 the following:

753 (1) MOTORCYCLES AND MOPEDS.—

754 (c) Upon registration of any motorcycle, motor-driven

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755 cycle, or moped there shall be paid in addition to the license  
756 taxes specified in this subsection a nonrefundable motorcycle  
757 safety education fee in the amount of \$2.50. The proceeds of  
758 such additional fee shall be deposited in the Highway Safety  
759 Operating Trust Fund and be used ~~exclusively~~ to fund a  
760 motorcycle driver improvement program implemented pursuant to s.  
761 322.025, ~~or~~ the Florida Motorcycle Safety Education Program  
762 established in s. 322.0255, or the general operations of the  
763 department.

764 Section 15. Subsection (1) of section 320.08048, Florida  
765 Statutes, is amended to read:

766 320.08048 Sample license plates.—

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

771 Section 16. Subsection (2) of section 320.0805, Florida  
772 Statutes, is amended to read:

773 320.0805 Personalized prestige license plates.—

774 (2) Each request for specific numbers or letters or  
775 combinations thereof must ~~shall~~ be submitted annually to the  
776 department on an application form supplied by the department,  
777 accompanied by the following tax and fees:

778 (a) The license tax required for the vehicle, as set forth  
779 in s. 320.08. ~~†~~

780 (b) A prestige plate annual use fee of \$10. ~~†~~ ~~and~~

781 (c) A processing fee of \$2, to be deposited into the  
782 Highway Safety Operating Trust Fund.

783 Section 17. Subsection (3) of section 320.08056, Florida

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784 Statutes, is amended to read:

785 320.08056 Specialty license plates.—

786 (3) Each request must be made annually to the department,  
787 accompanied by the following tax and fees:

788 (a) The license tax required for the vehicle as set forth  
789 in s. 320.08.

790 (b) A processing fee of \$2, to be deposited into the  
791 Highway Safety Operating Trust Fund.

792 (c) A license plate fee as required by s. 320.06(1)(b).

793 (d) A license plate annual use fee as required in  
794 subsection (4).

795

796 A request may be made any time during a registration period. If  
797 a request is made for a specialty license plate to replace a  
798 current valid license plate, the specialty license plate must be  
799 issued with appropriate decals attached at no tax for the plate,  
800 but all fees and service charges must be paid. When a request is  
801 made for a specialty license plate at the beginning of the  
802 registration period, the tax, together with all applicable fees  
803 and service charges, must be paid.

804 Section 18. Section 320.0863, Florida Statutes, is amended  
805 to read:

806 320.0863 Custom vehicles and street rods; registration and  
807 license plates.—

808 (1) As used in this section, the term—

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

812 ~~(b) "Custom vehicle" means a motor vehicle that—~~

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813 ~~1. Is 25 years old or older and of a model year after 1948~~  
814 ~~or was manufactured to resemble a vehicle that is 25 years old~~  
815 ~~or older and of a model year after 1948; and~~

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

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

819 ~~1. Is of a model year of 1948 or older or was manufactured~~  
820 ~~after 1948 to resemble a vehicle of a model year of 1948 or~~  
821 ~~older; and~~

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

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

828 ~~(2)(3)~~ To register a street rod or custom vehicle as  
829 defined in s. 319.14(1)(c), the owner shall apply to the  
830 department by submitting a completed application form and  
831 providing:

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

834 (b) A written statement that the vehicle will not be used  
835 for general daily transportation but will be maintained for  
836 occasional transportation, exhibitions, club activities,  
837 parades, tours, or other functions of public interest and  
838 similar uses; and

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

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

844 (3)~~(4)~~ The registration numbers and special license plates  
845 assigned to such vehicles shall run in a separate series,  
846 commencing with "Custom Vehicle 1" or "Street Rod 1,"  
847 respectively, and the plates shall be of a distinguishing color  
848 and design.

849 (4)~~(5)~~(a) A vehicle registered under this section is exempt  
850 from any law or local ordinance that requires periodic vehicle  
851 inspections or the use and inspection of emission controls.

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

855 Section 19. Subsection (1) of section 320.203, Florida  
856 Statutes, is amended to read:

857 320.203 Disposition of biennial license tax moneys.—

858 (1) Notwithstanding ss. 320.08(1), (2), (3), (4) (a) or (b),  
859 (6), (7), (8), (9), (10), or (11), 320.08058, and 328.76 and  
860 pursuant to s. 216.351, after the provisions of s. 320.20(1),  
861 (2), (3), ~~and (4)~~, and (5) are fulfilled, an amount equal to 50  
862 percent of revenues collected from the biennial registrations  
863 created in s. 320.07 shall be retained in the Motor Vehicle  
864 License Clearing Trust Fund, authorized in s. 215.32(2)(b)2.f.,  
865 until July 1. After July 1 of the subsequent fiscal year, an  
866 amount equal to 50 percent of revenues collected from the  
867 biennial registrations created in s. 320.07 shall be distributed  
868 according to ss. 320.08(1), (2), (3), (4) (a) or (b), (6), (7),  
869 (8), (9), (10), or (11), 320.08058, 328.76, and 320.20(1), (2),  
870 (3), ~~and (4)~~, and (5).

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871 Section 20. Subsections (3), (9), (10), (11), (12), (13),  
872 and (14) of section 320.27, Florida Statutes, are amended to  
873 read:

874 320.27 Motor vehicle dealers.—

875 (3) APPLICATION AND FEE.—The application for the license  
876 shall be in such form as may be prescribed by the department and  
877 shall be subject to such rules with respect thereto as may be so  
878 prescribed by it. Such application shall be verified by oath or  
879 affirmation and shall contain a full statement of the name and  
880 birth date of the person or persons applying therefor; the name  
881 of the firm or copartnership, with the names and places of  
882 residence of all members thereof, if such applicant is a firm or  
883 copartnership; the names and places of residence of the  
884 principal officers, if the applicant is a body corporate or  
885 other artificial body; the name of the state under whose laws  
886 the corporation is organized; the present and former place or  
887 places of residence of the applicant; and prior business in  
888 which the applicant has been engaged and the location thereof.  
889 Such application shall describe the exact location of the place  
890 of business and shall state whether the place of business is  
891 owned by the applicant and when acquired, or, if leased, a true  
892 copy of the lease shall be attached to the application. The  
893 applicant shall certify that the location provides an adequately  
894 equipped office and is not a residence; that the location  
895 affords sufficient unoccupied space upon and within which  
896 adequately to store all motor vehicles offered and displayed for  
897 sale; and that the location is a suitable place where the  
898 applicant can in good faith carry on such business and keep and  
899 maintain books, records, and files necessary to conduct such

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900 business, which will be available at all reasonable hours to  
901 inspection by the department or any of its inspectors or other  
902 employees. The applicant shall certify that the business of a  
903 motor vehicle dealer is the principal business which shall be  
904 conducted at that location. Such application shall contain a  
905 statement that the applicant is either franchised by a  
906 manufacturer of motor vehicles, in which case the name of each  
907 motor vehicle that the applicant is franchised to sell shall be  
908 included, or an independent (nonfranchised) motor vehicle  
909 dealer. ~~Such application shall contain such other relevant~~  
910 ~~information as may be required by the department, including~~  
911 ~~evidence that the applicant is insured under a garage liability~~  
912 ~~insurance policy or a general liability insurance policy coupled~~  
913 ~~with a business automobile policy, which shall include, at a~~  
914 ~~minimum, \$25,000 combined single-limit liability coverage~~  
915 ~~including bodily injury and property damage protection and~~  
916 ~~\$10,000 personal injury protection. Franchise dealers must~~  
917 ~~submit a garage liability insurance policy, and all other~~  
918 ~~dealers must submit a garage liability insurance policy or a~~  
919 ~~general liability insurance policy coupled with a business~~  
920 ~~automobile policy. Such policy shall be for the license period,~~  
921 ~~and evidence of a new or continued policy shall be delivered to~~  
922 ~~the department at the beginning of each license period. Upon~~  
923 making initial application, the applicant shall pay to the  
924 department a fee of \$300 in addition to any other fees now  
925 required by law; upon making a subsequent renewal application,  
926 the applicant shall pay to the department a fee of \$75 in  
927 addition to any other fees now required by law. Upon making an  
928 application for a change of location, the person shall pay a fee

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929 of \$50 in addition to any other fees now required by law. The  
930 department shall, in the case of every application for initial  
931 licensure, verify whether certain facts set forth in the  
932 application are true. Each applicant, general partner in the  
933 case of a partnership, or corporate officer and director in the  
934 case of a corporate applicant, must file a set of fingerprints  
935 with the department for the purpose of determining any prior  
936 criminal record or any outstanding warrants. The department  
937 shall submit the fingerprints to the Department of Law  
938 Enforcement for state processing and forwarding to the Federal  
939 Bureau of Investigation for federal processing. The actual cost  
940 of state and federal processing shall be borne by the applicant  
941 and is in addition to the fee for licensure. The department may  
942 issue a license to an applicant pending the results of the  
943 fingerprint investigation, which license is fully revocable if  
944 the department subsequently determines that any facts set forth  
945 in the application are not true or correctly represented.

946 (9) DENIAL, SUSPENSION, OR REVOCATION.—

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

- 951 1. Commission of fraud or willful misrepresentation in  
952 application for or in obtaining a license.
- 953 2. Conviction of a felony.
- 954 3. Failure to honor a bank draft or check given to a motor  
955 vehicle dealer for the purchase of a motor vehicle by another  
956 motor vehicle dealer within 10 days after notification that the  
957 bank draft or check has been dishonored. If the transaction is

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958 disputed, the maker of the bank draft or check shall post a bond  
959 in accordance with the provisions of s. 559.917, and a ~~no~~  
960 proceeding for revocation or suspension may not ~~shall~~ be  
961 commenced until the dispute is resolved.

962 4. Failure to honor a bank draft or check given to the  
963 department for payment of any fees within 10 days after  
964 notification that the bank draft or check has been dishonored.  
965 If the transaction is disputed, the maker of the bank draft or  
966 check shall post a bond in accordance with s. 559.917, and a  
967 proceeding for revocation or suspension may not be commenced  
968 until the dispute is resolved.

969 (b) The department may deny, suspend, or revoke any license  
970 issued hereunder or under ~~the provisions of~~ s. 320.77 or s.  
971 320.771 upon proof that a licensee has committed, with  
972 sufficient frequency so as to establish a pattern of wrongdoing  
973 on the part of a licensee, violations of one or more of the  
974 following activities:

975 1. Representation that a demonstrator is a new motor  
976 vehicle, or the attempt to sell or the sale of a demonstrator as  
977 a new motor vehicle without written notice to the purchaser that  
978 the vehicle is a demonstrator. For the purposes of this section,  
979 the terms a "demonstrator," a "new motor vehicle," and a "used  
980 motor vehicle" have the same meaning ~~shall be defined as~~ in  
981 under s. 320.60.

982 2. Unjustifiable refusal to comply with a licensee's  
983 responsibility under the terms of the new motor vehicle warranty  
984 issued by its respective manufacturer, distributor, or importer.  
985 However, if such refusal is at the direction of the  
986 manufacturer, distributor, or importer, such refusal may ~~shall~~

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987 not be a ground under this section.

988 3. Misrepresentation or false, deceptive, or misleading  
989 statements with regard to the sale or financing of motor  
990 vehicles which any motor vehicle dealer has, or causes to have,  
991 advertised, printed, displayed, published, distributed,  
992 broadcast, televised, or made in any manner with regard to the  
993 sale or financing of motor vehicles.

994 4. Failure by any motor vehicle dealer to provide a  
995 customer or purchaser with an odometer disclosure statement and  
996 a copy of any bona fide written, executed sales contract or  
997 agreement of purchase connected with the purchase of the motor  
998 vehicle purchased by the customer or purchaser.

999 5. Failure of any motor vehicle dealer to comply with the  
1000 terms of any bona fide written, executed agreement, pursuant to  
1001 the sale of a motor vehicle.

1002 6. Failure to apply for transfer of a title as prescribed  
1003 in s. 319.23(6).

1004 7. Use of the dealer license identification number by any  
1005 person other than the licensed dealer or his or her designee.

1006 8. Failure to continually meet the requirements of the  
1007 licensure law.

1008 9. Representation to a customer or any advertisement to the  
1009 public representing or suggesting that a motor vehicle is a new  
1010 motor vehicle if the ~~such~~ vehicle lawfully cannot be titled in  
1011 the name of the customer or other member of the public by the  
1012 seller using a manufacturer's statement of origin as permitted  
1013 in s. 319.23(1).

1014 10. Requirement by any motor vehicle dealer that a customer  
1015 or purchaser accept equipment on his or her motor vehicle which

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1016 was not ordered by the customer or purchaser.

1017 11. Requirement by any motor vehicle dealer that any  
1018 customer or purchaser finance a motor vehicle with a specific  
1019 financial institution or company.

1020 12. Requirement by any motor vehicle dealer that the  
1021 purchaser of a motor vehicle contract with the dealer for  
1022 physical damage insurance.

1023 13. Perpetration of a fraud upon any person as a result of  
1024 dealing in motor vehicles, including, without limitation, the  
1025 misrepresentation to any person by the licensee of the  
1026 licensee's relationship to any manufacturer, importer, or  
1027 distributor.

1028 14. Violation of any of the provisions of s. 319.35 by any  
1029 motor vehicle dealer.

1030 15. Sale by a motor vehicle dealer of a vehicle offered in  
1031 trade by a customer before ~~prior to~~ consummation of the sale,  
1032 exchange, or transfer of a newly acquired vehicle to the  
1033 customer, unless the customer provides written authorization for  
1034 the sale of the trade-in vehicle before ~~prior to~~ delivery of the  
1035 newly acquired vehicle.

1036 16. Willful failure to comply with any administrative rule  
1037 adopted by the department or the provisions of s. 320.131(8).

1038 17. Violation of chapter 319, this chapter, or ss. 559.901-  
1039 559.9221, which has to do with dealing in or repairing motor  
1040 vehicles or mobile homes. Additionally, in the case of used  
1041 motor vehicles, the willful violation of the federal law and  
1042 rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the  
1043 consumer sales window form.

1044 18. Failure to maintain evidence of notification to the

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1045 owner or coowner of a vehicle regarding registration or titling  
1046 fees owed as required in s. 320.02(16).

1047 19. Failure to register a mobile home salesperson with the  
1048 department as required by this section.

1049 20. Failure to obtain an off-premises permit as required in  
1050 subsection (5).

1051 (c) If ~~When~~ a motor vehicle dealer is convicted of a crime  
1052 which results in his or her being prohibited from continuing in  
1053 that capacity, the dealer may not continue in any capacity  
1054 within the industry. The offender shall have no financial  
1055 interest, management, sales, or other role in the operation of a  
1056 dealership. Further, the offender may not derive income from the  
1057 dealership beyond reasonable compensation for the sale of his or  
1058 her ownership interest in the business.

1059 (10) SURETY BOND OR IRREVOCABLE LETTER OF CREDIT REQUIRED.—

1060 (a) Annually, before any license is ~~shall be~~ issued to a  
1061 motor vehicle dealer, the applicant-dealer of new or used motor  
1062 vehicles shall deliver to the department a good and sufficient  
1063 surety bond or irrevocable letter of credit, executed by the  
1064 applicant-dealer as principal, in the sum of \$25,000.

1065 (b) Surety bonds and irrevocable letters of credit must  
1066 ~~shall~~ be in a form to be approved by the department and ~~shall~~ be  
1067 conditioned that the motor vehicle dealer ~~shall~~ comply with the  
1068 conditions of any written contract made by the ~~such~~ dealer in  
1069 connection with the sale or exchange of any motor vehicle and  
1070 ~~shall~~ not violate any of the provisions of chapter 319 and this  
1071 chapter in the conduct of the business for which the dealer is  
1072 licensed. Such bonds and letters of credit shall be to the  
1073 department and in favor of any person in a retail or wholesale

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1074 transaction who shall suffer any loss as a result of any  
1075 violation of the conditions hereinabove contained. ~~If when~~ the  
1076 department determines that a person has incurred a loss as a  
1077 result of a violation of chapter 319 or this chapter, it shall  
1078 notify the person in writing of the existence of the bond or  
1079 letter of credit. Such bonds and letters of credit shall be for  
1080 the license period, and a new bond or letter of credit or a  
1081 proper continuation certificate shall be delivered to the  
1082 department at the beginning of each license period. However, the  
1083 aggregate liability of the surety in any one year shall in no  
1084 event exceed the sum of the bond or, in the case of a letter of  
1085 credit, the aggregate liability of the issuing bank may ~~shall~~  
1086 not exceed the sum of the credit.

1087 (c) Surety bonds must ~~shall~~ be executed by a surety company  
1088 authorized to do business in the state as surety, and  
1089 irrevocable letters of credit shall be issued by a bank  
1090 authorized to do business in the state as a bank.

1091 (d) Irrevocable letters of credit shall be engaged by a  
1092 bank as an agreement to honor demands for payment as specified  
1093 in this section.

1094 (e) The department shall, upon denial, suspension, or  
1095 revocation of any license, notify the surety company of the  
1096 licensee, or bank issuing an irrevocable letter of credit for  
1097 the licensee, in writing, that the license has been denied,  
1098 suspended, or revoked and shall state the reason for such  
1099 denial, suspension, or revocation.

1100 (f) Any surety company which pays any claim against the  
1101 bond of any licensee or any bank which honors a demand for  
1102 payment as a condition specified in a letter of credit of a

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1103 licensee shall notify the department in writing that such action  
1104 has been taken and shall state the amount of the claim or  
1105 payment.

1106 (g) Any surety company which cancels the bond of any  
1107 licensee or any bank which cancels an irrevocable letter of  
1108 credit shall notify the department in writing of such  
1109 cancellation, giving reason for the cancellation. The insurer  
1110 may cancel the surety bond by giving written notice of the  
1111 cancellation to the department. The cancellation of the surety  
1112 bond is effective no earlier than 30 days after the notice is  
1113 received by the department.

1114 (h) The department shall revoke, suspend, or deny a  
1115 dealer's license issued under this chapter if the dealer  
1116 conducts business during the license period without having in  
1117 full force and effect a surety bond that complies with this  
1118 subsection.

1119 (11) LIABILITY INSURANCE REQUIRED.-

1120 (a) Annually, before any license is issued to a franchised  
1121 motor vehicle dealer, the applicant for the dealer's license  
1122 shall deliver to the department evidence of a new or continued  
1123 garage liability insurance policy, executed by the applicant as  
1124 principal, which includes, at a minimum, \$25,000 combined  
1125 single-limit liability coverage, including bodily injury and  
1126 property damage protection, and \$10,000 personal injury  
1127 protection. The policy must cover the period of the issued  
1128 license.

1129 (b) Annually, before any license is issued to any other  
1130 motor vehicle dealer not included in paragraph (a), the  
1131 applicant shall deliver to the department evidence of a new or

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1132 continued garage liability insurance policy, or general  
1133 liability insurance policy, coupled with a business automobile  
1134 policy executed by the applicant as principal, which includes,  
1135 at a minimum, \$25,000 combined single-limit liability coverage,  
1136 including bodily injury and property damage protection, and  
1137 \$10,000 personal injury protection. The policy must cover the  
1138 period of the issued license.

1139 (c) The insurance requirement set forth in paragraphs (a)  
1140 and (b) must be in a form approved by the department and must be  
1141 conditioned on the motor vehicle dealer complying with the  
1142 conditions of any written contract made by the dealer in  
1143 connection with the sale or exchange of any recreational vehicle  
1144 and not violating any provision of chapter 319 or this chapter  
1145 in the conduct of the business for which the dealer is licensed.  
1146 Such evidence of liability insurance shall be to the department  
1147 and in favor of any person in a retail or wholesale transaction  
1148 who suffers any loss as a result of a violation of this section.  
1149 If the department determines that a person has incurred a loss  
1150 as a result of a violation of chapter 319 or this chapter, the  
1151 department shall notify the person in writing of the existence  
1152 of the garage liability insurance.

1153 (d) The liability insurance shall be executed by an  
1154 insurance company authorized to do business in the state.

1155 (e) The department shall, upon denial, suspension, or  
1156 revocation of any license, notify the insurance company of the  
1157 licensee in writing that the license has been denied, suspended,  
1158 or revoked and state the reason for the denial, suspension, or  
1159 revocation.

1160 (f) An insurance company that pays any claim against the

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1161 bond of any licensee shall notify the department in writing that  
1162 such action has been taken and state the amount of the claim or  
1163 payment.

1164 (g) An insurance company that cancels the insurance of any  
1165 licensee shall notify the department in writing of such  
1166 cancellation, giving reason for the cancellation. The insurance  
1167 company may cancel the liability insurance by giving written  
1168 notice of the cancellation to the department. The cancellation  
1169 of the liability insurance is effective no earlier than 30 days  
1170 after the notice is received by the department.

1171 (h) The department shall revoke, suspend, or deny a  
1172 dealer's license issued under this chapter if the dealer  
1173 conducts business during the license period without having in  
1174 full force and effect liability insurance that complies with  
1175 this subsection.

1176 (12)~~(11)~~ INJUNCTION.—In addition to the remedies provided  
1177 in this chapter and notwithstanding the existence of any  
1178 adequate remedy at law, the department may apply ~~is authorized~~  
1179 ~~to make application~~ to any circuit court of the state, and such  
1180 circuit court shall have jurisdiction, upon a hearing and for  
1181 cause shown, to grant a temporary or permanent injunction, or  
1182 both, restraining any person from acting as a motor vehicle  
1183 dealer under the terms of this section without being properly  
1184 licensed hereunder, from violating or continuing to violate any  
1185 of the provisions of chapter 319, this chapter, or ss. 559.901-  
1186 559.9221, or for failing or refusing to comply with the  
1187 requirements of chapter 319, this chapter, or ss. 559.901-  
1188 559.9221, or any rule or regulation adopted thereunder, such  
1189 injunction to be issued without bond. A single act in violation

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1190 of the provisions of chapter 319, this chapter, or chapter 559  
1191 is ~~shall be~~ sufficient to authorize the issuance of an  
1192 injunction.

1193 (13)~~(12)~~ CIVIL FINES; PROCEDURE.—In addition to the  
1194 exercise of other powers provided in this section, the  
1195 department may levy and collect a civil fine, in an amount not  
1196 to exceed \$1,000 for each violation, against any licensee if it  
1197 finds that the licensee has violated any provision of this  
1198 section or has violated any other law of this state or the  
1199 federal law and administrative rule set forth in paragraph  
1200 (9) (a) related to dealing in motor vehicles. A ~~Any~~ licensee is  
1201 ~~shall be~~ entitled to a hearing pursuant to chapter 120 if the  
1202 licensee contests the fine levied, or about to be levied, upon  
1203 him or her.

1204 (14)~~(13)~~ DEPOSIT AND USE OF FEES.—The fees charged  
1205 applicants for both the required background investigation and  
1206 the computerized card as provided in this section shall be  
1207 deposited into the Highway Safety Operating Trust Fund and shall  
1208 be used to cover the cost of such service.

1209 (15)~~(14)~~ EXEMPTION.—~~The provisions of~~ This section does ~~de~~  
1210 not apply to persons who sell or deliver motorized disability  
1211 access vehicles as defined in s. 320.01.

1212 Section 21. Subsection (1) of section 320.642, Florida  
1213 Statutes, is amended to read:

1214 320.642 Dealer licenses in areas previously served;  
1215 procedure.—

1216 (1) Any licensee who proposes to establish an additional  
1217 motor vehicle dealership or permit the relocation of an existing  
1218 dealer to a location within a community or territory where the

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1219 same line-make vehicle is presently represented by a franchised  
1220 motor vehicle dealer or dealers shall give written notice of its  
1221 intention to the department. Such notice shall state:

1222 (a) The specific location at which the additional or  
1223 relocated motor vehicle dealership will be established.

1224 (b) The date on or after which the licensee intends to be  
1225 engaged in business with the additional or relocated motor  
1226 vehicle dealer at the proposed location.

1227 (c) The identity of all motor vehicle dealers who are  
1228 franchised to sell the same line-make vehicle with licensed  
1229 locations in the county or any contiguous county to the county  
1230 where the additional or relocated motor vehicle dealer is  
1231 proposed to be located.

1232 (d) The names and addresses of the dealer-operator and  
1233 principal investors in the proposed additional or relocated  
1234 motor vehicle dealership.

1235

1236 Immediately upon receipt of such notice the department shall  
1237 cause a notice to be published in the Florida Administrative  
1238 Weekly. The published notice shall state that a petition or  
1239 complaint by any dealer with standing to protest pursuant to  
1240 subsection (3) must be filed not more than 30 days from the date  
1241 of publication of the notice in the Florida Administrative  
1242 Weekly. The published notice shall describe and identify the  
1243 proposed dealership sought to be licensed, and the department  
1244 shall mail ~~cause~~ a copy of the notice ~~to be mailed~~ to those  
1245 dealers identified in the licensee's notice under paragraph (c).  
1246 The department shall assess the licensee a fee of \$75 to pay for  
1247 the cost of publication and a service charge of \$2.50 for each

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1248 publication that is handled in connection with establishing an  
1249 additional motor vehicle dealership or relocating an existing  
1250 dealership.

1251 Section 22. Subsection (16) of section 320.77, Florida  
1252 Statutes, is amended, and subsection (17) is added to that  
1253 section, to read:

1254 320.77 License required of mobile home dealers.-

1255 (16) SURETY BOND, CASH BOND, OR IRREVOCABLE LETTER OF  
1256 CREDIT REQUIRED.-

1257 (a) Before any license is ~~shall be~~ issued or renewed, the  
1258 applicant or licensee shall deliver to the department a good and  
1259 sufficient surety bond, cash bond, or irrevocable letter of  
1260 credit, executed by the applicant or licensee as principal. The  
1261 bond or irrevocable letter of credit shall be in a form ~~to be~~  
1262 approved by the department and must ~~shall~~ be conditioned upon  
1263 the dealer's complying with the conditions of any written  
1264 contract made by the dealer in connection with the sale,  
1265 exchange, or improvement of any mobile home and his or her not  
1266 violating any of the provisions of chapter 319 or this chapter  
1267 in the conduct of the business for which the dealer is licensed.  
1268 The bond or irrevocable letter of credit shall be to the  
1269 department and in favor of any retail customer who shall suffer  
1270 any loss as a result of any violation of ~~the conditions~~  
1271 ~~contained in~~ this section. The bond or irrevocable letter of  
1272 credit shall be for the license period, and a new bond or  
1273 irrevocable letter of credit or a proper continuation  
1274 certificate shall be delivered to the department at the  
1275 beginning of each license period. However, the aggregate  
1276 liability of the surety in any one license year may not ~~shall in~~

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1277 ~~no event~~ exceed the sum of such bond, or, in the case of a  
1278 letter of credit, the aggregate liability of the issuing bank  
1279 may shall not exceed the sum of the credit. The amount of the  
1280 bond required shall be as follows:

1281 1. A single dealer who buys, sells, or deals in mobile  
1282 homes and who has four or fewer supplemental licenses shall  
1283 provide a surety bond, cash bond, or irrevocable letter of  
1284 credit executed by the dealer applicant or licensee in the  
1285 amount of \$25,000.

1286 2. A single dealer who buys, sells, or deals in mobile  
1287 homes and who has more than four supplemental licenses shall  
1288 provide a surety bond, cash bond, or irrevocable letter of  
1289 credit executed by the dealer applicant or licensee in the  
1290 amount of \$50,000.

1291  
1292 For the purposes of this paragraph, any person who buys, sells,  
1293 or deals in both mobile homes and recreational vehicles shall  
1294 provide the same surety bond required of dealers who buy, sell,  
1295 or deal in mobile homes only.

1296 (b) Surety bonds shall be executed by a surety company  
1297 authorized to do business in the state as surety, and  
1298 irrevocable letters of credit shall be issued by a bank  
1299 authorized to do business in the state as a bank.

1300 (c) Irrevocable letters of credit shall be engaged by a  
1301 bank as an agreement to honor demands for payment as specified  
1302 in this section.

1303 (d) The department shall, upon denial, suspension, or  
1304 revocation of any license, notify the surety company of the  
1305 licensee or bank issuing an irrevocable letter of credit for the

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1306 licensee, in writing, that the license has been denied,  
1307 suspended, or revoked and shall state the reason for such  
1308 denial, suspension, or revocation.

1309 (e) Any surety company that pays any claim against the bond  
1310 of any licensee or any bank that honors a demand for payment as  
1311 a condition specified in a letter of credit of a licensee shall  
1312 notify the department, in writing, that such action has been  
1313 taken and shall state the amount of the claim or payment.

1314 (f) Any surety company that cancels the bond of any  
1315 licensee or any bank that cancels an irrevocable letter of  
1316 credit shall notify the department, in writing, of such  
1317 cancellation, giving reason for the cancellation. The insurer  
1318 may cancel the surety bond by giving written notice of the  
1319 cancellation to the department. The cancellation of the surety  
1320 bond is effective no earlier than 30 days after the notice is  
1321 received by the department.

1322 (g) The department shall revoke, suspend, or deny a  
1323 dealer's license issued under this chapter if the dealer  
1324 conducts business during the license period without having in  
1325 full force and effect a surety bond that complies with this  
1326 subsection.

1327 (17) GARAGE LIABILITY INSURANCE REQUIRED.-Any person who  
1328 buys, sells, or deals in both mobile homes and recreational  
1329 vehicles shall provide the same garage liability insurance  
1330 required of dealers who buy, sell, or deal only in recreational  
1331 vehicles.

1332 (a) Before any license is issued or renewed, the applicant  
1333 shall deliver to the department evidence of a new or continued  
1334 garage liability insurance policy or a general liability

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1335 insurance policy coupled with a business automobile policy,  
1336 executed by the applicant as principal, which shall include, at  
1337 minimum, \$25,000 combined single-limit liability coverage,  
1338 including bodily injury and property damage protection, and  
1339 \$10,000 personal injury protection. The policy shall be for the  
1340 license period.

1341 (b) Proof of garage liability must be in a form approved by  
1342 the department and conditioned upon the dealer complying with  
1343 the conditions of any written contract made by that dealer in  
1344 connection with the sale, exchange, or improvement of any  
1345 recreational vehicle and not violating any provision of chapter  
1346 319 or this chapter in the conduct of the business for which he  
1347 or she is licensed. The garage liability insurance shall be to  
1348 the department and in favor of any retail customer who suffers  
1349 any loss as a result of any violation of this section.

1350 (c) The department shall, upon denial, suspension, or  
1351 revocation of any license, notify the insurance company of the  
1352 licensee in writing that the license has been denied, suspended,  
1353 or revoked and state the reason for such denial, suspension, or  
1354 revocation.

1355 (d) An insurance company that pays any claim against the  
1356 bond of any licensee shall notify the department in writing that  
1357 such action has been taken and the amount of the claim or  
1358 payment.

1359 (e) An insurance company that cancels the insurance of any  
1360 licensee shall notify the department in writing of the  
1361 cancellation, giving the reason for the cancellation. The  
1362 insurance company may cancel the liability insurance by giving  
1363 written notice of the cancellation to the department. The

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1364 cancellation of the liability insurance is effective no earlier  
1365 than 30 days after the notice is received by the department.

1366 (f) The department shall revoke, suspend, or deny a  
1367 dealer's license issued under this chapter if the dealer  
1368 conducts business during the license period without having in  
1369 full force and effect garage liability insurance that complies  
1370 with this subsection.

1371 Section 23. Section 320.95, Florida Statutes, is amended to  
1372 read:

1373 320.95 Transactions by electronic or telephonic means.—

1374 (1) The department may ~~is authorized to~~ accept any  
1375 application provided for under this chapter by electronic or  
1376 telephonic means.

1377 (2) The department may collect and use e-mail addresses of  
1378 motor vehicle owners and registrants as a notification method in  
1379 lieu of the United States Postal Service.

1380 Section 24. Subsection (1) of section 322.025, Florida  
1381 Statutes, is amended to read:

1382 322.025 Driver improvement.—

1383 (1) The department may implement programs to improve the  
1384 driving ability of the drivers of this state. Such programs may  
1385 include, but shall not be limited to, safety awareness  
1386 campaigns, driver training, and licensing improvement.  
1387 Motorcycle driver improvement programs implemented pursuant to  
1388 this section or s. 322.0255 may ~~shall~~ be funded by the  
1389 motorcycle safety education fee collected pursuant to s.  
1390 320.08(1)(c), which shall be deposited in the Highway Safety  
1391 Operating Trust Fund ~~of the department and appropriated for that~~  
1392 purpose.

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1393 Section 25. Subsections (5), (6), (7), and (8) of section  
1394 322.0255, Florida Statutes, are amended to read:

1395 322.0255 Florida Motorcycle Safety Education Program.—

1396 ~~(5) The department shall, subject to the availability of~~  
1397 ~~funds, reimburse each organization that provides an approved~~  
1398 ~~motorcycle safety education course for each student who begins~~  
1399 ~~the on-cycle portion of the course. This shall include any~~  
1400 ~~student not required to attend a motorcycle safety education~~  
1401 ~~course prior to licensure as required in s. 322.12. The amount~~  
1402 ~~to be reimbursed per student to each course provider shall be~~  
1403 ~~determined by the department. In order to facilitate such~~  
1404 ~~determination, each course provider shall be required to submit~~  
1405 ~~proof satisfactory to the department of the expected cost per~~  
1406 ~~student to be incurred by such course provider. In no event~~  
1407 ~~shall the amount to be reimbursed per student to any course~~  
1408 ~~provider exceed the expected cost per student. In addition to~~  
1409 ~~the amount of any reimbursement, each course provider that~~  
1410 ~~conducts such a course may charge each student a tuition fee~~  
1411 ~~sufficient to defray the cost of conducting the course. The~~  
1412 ~~department shall fund the payments required under this~~  
1413 ~~subsection from the motorcycle safety education fee, as provided~~  
1414 ~~in ss. 320.08 and 322.025.~~

1415 (5) ~~(6)~~ Each organization that provides an approved  
1416 motorcycle safety course may charge a registration fee, not to  
1417 exceed \$20 per student. This fee must be refunded if the student  
1418 completes the course. However, any student who registers for,  
1419 and does not complete, the course must forfeit his or her  
1420 registration fee. Forfeited fees may be retained by the  
1421 organization that conducts the course.

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1422        (6)~~(7)~~ The department may adopt rules to implement this  
1423 section.

1424        (7)~~(8)~~ On and after January 1, 1989, every first-time  
1425 applicant for licensure to operate a motorcycle who is under 21  
1426 years of age is ~~shall be~~ required to complete a motorcycle  
1427 education course as established under ~~pursuant to~~ this section.  
1428 Proof of completion of such education course must ~~shall~~ be  
1429 presented to the driver license examining office prior to such  
1430 licensure to operate a motorcycle.

1431        Section 26. Subsection (1) of section 322.03, Florida  
1432 Statutes, is amended to read:

1433        322.03 Drivers must be licensed; penalties.-

1434        (1) Except as otherwise authorized in this chapter, a  
1435 person may not drive any motor vehicle upon a highway in this  
1436 state unless such person has a valid driver's license issued  
1437 ~~under the provisions of~~ this chapter.

1438        (a) A person who drives a commercial motor vehicle may  
1439 ~~shall~~ not receive a driver's license unless and until he or she  
1440 surrenders to the department all driver's licenses in his or her  
1441 possession issued to him or her by any other jurisdiction or  
1442 makes an affidavit that he or she does not possess a driver's  
1443 license. Any such person who fails to surrender such licenses or  
1444 who makes a false affidavit concerning such licenses commits ~~is~~  
1445 ~~guilty of~~ a misdemeanor of the first degree, punishable as  
1446 provided in s. 775.082 or s. 775.083.

1447        ~~(b) A person who does not drive a commercial motor vehicle~~  
1448 ~~is not required to surrender a license issued by another~~  
1449 ~~jurisdiction, upon a showing to the department that such license~~  
1450 ~~is necessary because of employment or part-time residence. Any~~

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1451 ~~person who retains a driver's license because of employment or~~  
1452 ~~part-time residence shall, upon qualifying for a license in this~~  
1453 ~~state, be issued a driver's license which shall be valid within~~  
1454 ~~this state only.~~ All surrendered licenses may be returned by the  
1455 department to the issuing jurisdiction together with information  
1456 that the licensee is now licensed in a new jurisdiction or may  
1457 be destroyed by the department, which shall notify the issuing  
1458 jurisdiction of such destruction. A person may not have more  
1459 than one valid ~~Florida~~ driver's license at any time.

1460 (c) Part-time residents of this state issued a license that  
1461 is valid within this state only under paragraph (b) as that  
1462 paragraph existed before June 30, 2009, may continue to hold  
1463 such license until the next regularly scheduled renewal.  
1464 Licenses that are identified as "Valid in Florida Only" may not  
1465 be issued or renewed effective July 1, 2009. This paragraph  
1466 expires June 30, 2017.

1467 Section 27. Subsection (3) of section 322.051, Florida  
1468 Statutes, is amended to read:

1469 322.051 Identification cards.—

1470 (3) If an identification card issued under this section is  
1471 lost, destroyed, or mutilated or a new name is acquired, the  
1472 person to whom it was issued may obtain a duplicate upon  
1473 furnishing satisfactory proof of such fact to the department and  
1474 upon payment of the applicable fee under s. 322.21 ~~a fee of \$10~~  
1475 ~~for such duplicate, \$2.50 of which shall be deposited into the~~  
1476 ~~General Revenue Fund and \$7.50 into the Highway Safety Operating~~  
1477 ~~Trust Fund.~~ The fee must ~~shall~~ include payment for the color  
1478 photograph or digital image of the applicant. Any person who  
1479 loses an identification card and who, after obtaining a

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1480 duplicate, finds the original card shall immediately surrender  
1481 the original card to the department. The same documentary  
1482 evidence must ~~shall~~ be furnished for a duplicate as for an  
1483 original identification card.

1484 Section 28. Present subsection (6) of section 322.08,  
1485 Florida Statutes, is redesignated as subsection (7), and a new  
1486 subsection (6) is added to that section, to read:

1487 322.08 Application for license.—

1488 (6) The department may not issue a driver's license or  
1489 identification card, as described in s. 322.051, to an applicant  
1490 if the applicant holds a valid driver's license or  
1491 identification card issued by any state.

1492 Section 29. Subsection (1) of section 322.095, Florida  
1493 Statutes, is amended to read:

1494 322.095 Traffic law and substance abuse education program  
1495 for driver's license applicants.—

1496 (1) The Department of Highway Safety and Motor Vehicles  
1497 must approve traffic law and substance abuse education courses  
1498 that must be completed by applicants for a Florida driver's  
1499 license. The curricula for the courses must provide instruction  
1500 on the physiological and psychological consequences of the abuse  
1501 of alcohol and other drugs, the societal and economic costs of  
1502 alcohol and drug abuse, the effects of alcohol and drug abuse on  
1503 the driver of a motor vehicle, and the laws of this state  
1504 relating to the operation of a motor vehicle. ~~All instructors~~  
1505 ~~teaching the courses shall be certified by the department.~~

1506 Section 30. Section 322.201, Florida Statutes, is amended  
1507 to read:

1508 322.201 Records as evidence.—A copy, computer copy, or

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1509 transcript of all abstracts of crash reports and all abstracts  
1510 of court records of convictions received by the department and  
1511 the complete driving record of any individual duly certified by  
1512 ~~machine imprint~~ of the department or by ~~machine imprint~~ of the  
1513 clerk of a court shall be received as evidence in all courts of  
1514 this state without further authentication, provided the same is  
1515 otherwise admissible in evidence. Further, any court or the  
1516 office of the clerk of any court of this state which is  
1517 electronically connected by a terminal device to the computer  
1518 data center of the department may use as evidence in any case  
1519 the information obtained by this device from the records of the  
1520 department without need of such certification; however, if a  
1521 genuine issue as to the authenticity of such information is  
1522 raised by a party or by the court, the court in its sound  
1523 discretion may require that a record certified by the department  
1524 be submitted for admission into evidence. For such computer  
1525 copies generated by a terminal device of a court or clerk of  
1526 court, entry in a driver's record that the notice required by s.  
1527 322.251 was given shall constitute sufficient evidence that such  
1528 notice was given.

1529 Section 31. Section 322.22, Florida Statutes, is amended to  
1530 read:

1531 322.22 Authority of department to cancel license or  
1532 identification card.—

1533 (1) The department may ~~is authorized to~~ cancel any driver's  
1534 license or identification card, upon determining that the  
1535 licensee or identification cardholder was not entitled to the  
1536 issuance thereof, ~~or~~ that the licensee or identification  
1537 cardholder failed to give the required or correct information in

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1538 his or her application or committed any fraud in making such  
1539 application, or that the licensee or identification cardholder  
1540 has two or more licenses on file with the department, each in a  
1541 different name but bearing the photograph of the licensee or  
1542 identification cardholder, unless the licensee or identification  
1543 cardholder has complied with the requirements of this chapter in  
1544 obtaining the licenses or identification cards. The department  
1545 may cancel any driver's license, identification card, vehicle or  
1546 vessel registration, or fuel-use decal if the licensee or  
1547 identification cardholder fails to pay the correct fee or pays  
1548 for the driver's license, identification card, vehicle or vessel  
1549 registration, or fuel-use decal; pays any tax liability,  
1550 penalty, or interest specified in chapter 207; or pays any  
1551 administrative, delinquency, or reinstatement fee by a  
1552 dishonored check.

1553 (2) Upon such cancellation, the licensee or identification  
1554 cardholder must surrender to the department the license or  
1555 identification card so canceled.

1556 Section 32. Subsection (2) of section 322.2615, Florida  
1557 Statutes, is amended, and subsection (17) is added to that  
1558 section, to read:

1559 322.2615 Suspension of license; right to review.—

1560 (2) Except as provided in paragraph (1)(a), the law  
1561 enforcement officer shall forward to the department, within 5  
1562 days after issuing the notice of suspension, the driver's  
1563 license; an affidavit stating the officer's grounds for belief  
1564 that the person was driving or in actual physical control of a  
1565 motor vehicle while under the influence of alcoholic beverages  
1566 or chemical or controlled substances; the results of any breath

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1567 or blood test or an affidavit stating that a breath, blood, or  
1568 urine test was requested by a law enforcement officer or  
1569 correctional officer and that the person refused to submit; the  
1570 officer's description of the person's field sobriety test, if  
1571 any; and the notice of suspension; ~~and a copy of the crash~~  
1572 ~~report, if any.~~ The failure of the officer to submit materials  
1573 within the 5-day period specified in this subsection and in  
1574 subsection (1) does not affect the department's ability to  
1575 consider any evidence submitted at or prior to the hearing. The  
1576 officer may also submit a copy of the crash report or a copy of  
1577 a videotape of the field sobriety test or the attempt to  
1578 administer such test. Materials submitted to the department by a  
1579 law enforcement agency or correctional agency shall be  
1580 considered self-authenticating and shall be in the record for  
1581 consideration by the hearing officer. Notwithstanding s.  
1582 316.066(7), the crash report shall be considered by the hearing  
1583 officer.

1584 (17) Notwithstanding s. 316.1932, the term "lawful breath,  
1585 blood, or urine test" means any test approved by the Department  
1586 of Law Enforcement.

1587 Section 33. Section 322.27, Florida Statutes, is amended to  
1588 read:

1589 322.27 Authority of department to suspend or revoke license  
1590 or identification card.-

1591 (1) Notwithstanding any provisions to the contrary in  
1592 chapter 120, the department may ~~is hereby authorized to~~ suspend  
1593 the license or identification card of any person without  
1594 preliminary hearing upon a showing of its records or other  
1595 sufficient evidence that the licensee or identification

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1596 cardholder:

1597 (a) Has committed an offense for which mandatory revocation  
1598 of license is required upon conviction. A law enforcement agency  
1599 must provide information to the department within 24 hours after  
1600 any traffic fatality or when the law enforcement agency  
1601 initiates action under ~~pursuant to~~ s. 316.1933;

1602 (b) Has been convicted of a violation of any traffic law  
1603 which resulted in a crash that caused the death or personal  
1604 injury of another or property damage in excess of \$500;

1605 (c) Is incompetent to drive a motor vehicle;

1606 (d) Has permitted an unlawful or fraudulent use of such  
1607 license or identification card or has knowingly been a party to  
1608 the obtaining of a license or identification card by fraud or  
1609 misrepresentation or to display, or represent as one's own, any  
1610 driver's license or identification card not issued him or her.

1611 ~~Provided, However, no provision of this section does not shall~~  
1612 ~~be construed to~~ include the provisions of s. 322.32(1);

1613 (e) Has committed an offense in another state which if  
1614 committed in this state would be grounds for suspension or  
1615 revocation; or

1616 (f) Has committed a second or subsequent violation of s.  
1617 316.172(1) within a 5-year period of any previous violation.

1618 (2) The department shall suspend the license of any person  
1619 without preliminary hearing upon a showing of its records that  
1620 the licensee has been convicted in any court having jurisdiction  
1621 over offenses committed under this chapter or any other law of  
1622 this state regulating the operation of a motor vehicle on the  
1623 highways, upon direction of the court, when the court feels that  
1624 the seriousness of the offense and the circumstances surrounding

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1625 the conviction warrant the suspension of the licensee's driving  
1626 privilege.

1627 (3) There is established a point system for evaluation of  
1628 convictions of violations of motor vehicle laws or ordinances,  
1629 and violations of applicable provisions of s. 403.413(6) (b) when  
1630 such violations involve the use of motor vehicles, for the  
1631 determination of the continuing qualification of any person to  
1632 operate a motor vehicle. The department is authorized to suspend  
1633 the license of any person upon showing of its records or other  
1634 good and sufficient evidence that the licensee has been  
1635 convicted of violation of motor vehicle laws or ordinances, or  
1636 applicable provisions of s. 403.413(6) (b), amounting to 12 or  
1637 more points as determined by the point system. The suspension  
1638 shall be for a period of not more than 1 year.

1639 (a) When a licensee accumulates 12 points within a 12-month  
1640 period, the period of suspension shall be for not more than 30  
1641 days.

1642 (b) When a licensee accumulates 18 points, including points  
1643 upon which suspension action is taken under paragraph (a),  
1644 within an 18-month period, the suspension shall be for a period  
1645 of not more than 3 months.

1646 (c) When a licensee accumulates 24 points, including points  
1647 upon which suspension action is taken under paragraphs (a) and  
1648 (b), within a 36-month period, the suspension shall be for a  
1649 period of not more than 1 year.

1650 (d) The point system shall have as its basic element a  
1651 graduated scale of points assigning relative values to  
1652 convictions of the following violations:

1653 1. Reckless driving, willful and wanton—4 points.

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- 1654           2. Leaving the scene of a crash resulting in property  
1655 damage of more than \$50-6 points.
- 1656           3. Unlawful speed resulting in a crash-6 points.
- 1657           4. Passing a stopped school bus-4 points.
- 1658           5. Unlawful speed:
- 1659           a. Not in excess of 15 miles per hour of lawful or posted  
1660 speed-3 points.
- 1661           b. In excess of 15 miles per hour of lawful or posted  
1662 speed-4 points.
- 1663           6. A violation of a traffic control signal device as  
1664 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.
- 1665           7. All other moving violations (including parking on a  
1666 highway outside the limits of a municipality)-3 points. However,  
1667 no points shall be imposed for a violation of s. 316.0741 or s.  
1668 316.2065(12).
- 1669           8. Any moving violation covered above, excluding unlawful  
1670 speed, resulting in a crash-4 points.
- 1671           9. Any conviction under s. 403.413(6)(b)-3 points.
- 1672           10. Any conviction under s. 316.0775(2)-4 points.
- 1673           (e) A conviction in another state of a violation therein  
1674 which, if committed in this state, would be a violation of the  
1675 traffic laws of this state, or a conviction of an offense under  
1676 any federal law substantially conforming to the traffic laws of  
1677 this state, except a violation of s. 322.26, may be recorded  
1678 against a driver on the basis of the same number of points  
1679 received had the conviction been made in a court of this state.
- 1680           (f) In computing the total number of points, when the  
1681 licensee reaches the danger zone, the department is authorized  
1682 to send the licensee a warning letter advising that any further

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1683 convictions may result in suspension of his or her driving  
1684 privilege.

1685 (g) The department shall administer and enforce the  
1686 provisions of this law and may make rules and regulations  
1687 necessary for its administration.

1688 (h) Three points shall be deducted from the driver history  
1689 record of any person whose driving privilege has been suspended  
1690 only once pursuant to this subsection and has been reinstated,  
1691 if such person has complied with all other requirements of this  
1692 chapter.

1693 (i) This subsection shall not apply to persons operating a  
1694 nonmotorized vehicle for which a driver's license is not  
1695 required.

1696 (4) The department, in computing the points and period of  
1697 time for suspensions under this section, shall use the offense  
1698 date of all convictions.

1699 (5) The department shall revoke the license of any person  
1700 designated a habitual offender, as set forth in s. 322.264, and  
1701 such person shall not be eligible to be relicensed for a minimum  
1702 of 5 years from the date of revocation, except as provided for  
1703 in s. 322.271. Any person whose license is revoked may, by  
1704 petition to the department, show cause why his or her license  
1705 should not be revoked.

1706 (6) The department shall revoke the driving privilege of  
1707 any person who is convicted of a felony for the possession of a  
1708 controlled substance if, at the time of such possession, the  
1709 person was driving or in actual physical control of a motor  
1710 vehicle. A person whose driving privilege has been revoked  
1711 pursuant to this subsection shall not be eligible to receive a

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1712 limited business or employment purpose license during the term  
1713 of such revocation.

1714 (7) Review of an order of suspension or revocation shall be  
1715 by writ of certiorari as provided in s. 322.31.

1716 Section 34. Subsection (2) of section 322.271, Florida  
1717 Statutes, is amended to read:

1718 322.271 Authority to modify revocation, cancellation, or  
1719 suspension order.—

1720 (2) ~~(a) At~~ Upon such hearing, the person whose license has  
1721 been suspended, canceled, or revoked may show that such  
1722 suspension, cancellation, or revocation ~~of his or her license~~  
1723 causes a serious hardship and precludes the person from ~~person's~~  
1724 carrying out his or her normal business occupation, trade, or  
1725 employment and that the use of the person's license in the  
1726 normal course of his or her business is necessary to the proper  
1727 support of the person or his or her family.

1728 (a) Except as otherwise provided in this subsection, the  
1729 department shall require proof of the successful completion of  
1730 the applicable department-approved driver training course  
1731 operating pursuant to s. 318.1451 or DUI program substance abuse  
1732 education course and evaluation as provided in s. 316.193(5).  
1733 Letters of recommendation from respected business persons in the  
1734 community, law enforcement officers, or judicial officers may  
1735 also be required to determine whether the ~~such~~ person should be  
1736 permitted to operate a motor vehicle on a restricted basis for  
1737 business or employment use only and in determining whether such  
1738 person can be trusted to so operate a motor vehicle. If a  
1739 driver's license has been suspended under the point system or  
1740 under ~~pursuant to~~ s. 322.2615, the department shall require

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1741 proof of enrollment in the applicable department-approved driver  
1742 training course or licensed DUI program substance abuse  
1743 education course, including evaluation and treatment, if  
1744 referred, and may require letters of recommendation described in  
1745 this paragraph ~~subsection~~ to determine if the driver should be  
1746 reinstated on a restricted basis. If the ~~such~~ person fails to  
1747 complete the approved course within 90 days after reinstatement  
1748 or subsequently fails to complete treatment, ~~if applicable,~~ the  
1749 department shall cancel his or her driver's license until the  
1750 course and treatment, if applicable, is successfully completed,  
1751 notwithstanding the terms of the court order or any suspension  
1752 or revocation of the driving privilege. The department may  
1753 temporarily reinstate the driving privilege on a restricted  
1754 basis upon verification from the DUI program that the offender  
1755 has reentered and is currently participating in treatment and  
1756 has completed the DUI education course and evaluation  
1757 requirement. If the DUI program notifies the department of the  
1758 second failure to complete treatment, the department shall  
1759 reinstate the driving privilege only after notice of completion  
1760 of treatment from the DUI program. The privilege of driving on a  
1761 limited or restricted basis for business or employment use may  
1762 ~~shall~~ not be granted to a person who has been convicted of a  
1763 violation of s. 316.193 until completion of the DUI program  
1764 substance abuse education course and evaluations as provided in  
1765 s. 316.193(5). Except as provided in paragraph (c) ~~(b)~~, the  
1766 privilege of driving on a limited or restricted basis for  
1767 business or employment use may ~~shall~~ not be granted to a person  
1768 whose license is revoked pursuant to s. 322.28 or suspended  
1769 pursuant to s. 322.2615 and who has been convicted of a

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1770 violation of s. 316.193 two or more times or whose license has  
1771 been suspended two or more times for refusal to submit to a test  
1772 pursuant to s. 322.2615 or former s. 322.261.

1773 (b) The department may waive the hearing process for  
1774 suspensions and revocations upon request by the driver if the  
1775 driver has enrolled or completed the applicable driver training  
1776 course approved under s. 318.1451 or the DUI program substance  
1777 abuse education course and evaluation provided in s. 316.193(5).  
1778 However, the department may not waive the hearing for  
1779 suspensions or revocations that involve death or serious bodily  
1780 injury, multiple convictions for violations of s. 316.193  
1781 pursuant to s. 322.27(5), or a second or subsequent suspension  
1782 or revocation pursuant to the same provision of this chapter.  
1783 This paragraph does not preclude the department from requiring a  
1784 hearing for any suspension or revocation that it determines is  
1785 warranted based on the severity of the offense.

1786 (c) ~~(b)~~ A person whose license has been revoked for a period  
1787 of 5 years or less pursuant to s. 322.28(2) (a) may, ~~upon the~~  
1788 ~~expiration of~~ 12 months after the date the said revocation was  
1789 imposed, petition the department for reinstatement of his or her  
1790 driving privilege on a restricted basis. A person whose license  
1791 has been revoked for ~~a period of~~ more than 5 years under s.  
1792 322.28(2) (a) may, ~~upon the expiration of~~ 24 months after the  
1793 date the revocation was imposed, petition the department for  
1794 reinstatement of his or her driving privilege on a restricted  
1795 basis. Reinstatement under ~~of the driving privilege pursuant to~~  
1796 this subsection is ~~shall be~~ restricted to business or employment  
1797 purposes only. In addition, the department shall require such  
1798 persons upon reinstatement to have not driven and to have been

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1799 drug free for at least 12 months immediately before the ~~prior to~~  
1800 ~~such~~ reinstatement, to be supervised by a DUI program licensed  
1801 by the department, and to report to the program at least three  
1802 times a year as required by the program for the duration of the  
1803 revocation period for supervision. Such supervision includes  
1804 ~~shall include~~ evaluation, education, referral into treatment,  
1805 and other activities required by the department. Such persons  
1806 shall assume reasonable costs of supervision. If the ~~such~~ person  
1807 fails to comply with the required supervision, the program shall  
1808 report the failure to the department, and the department shall  
1809 cancel the ~~such~~ person's driving privilege. This paragraph does  
1810 not apply to any person whose driving privilege has been  
1811 permanently revoked.

1812 (d) ~~(e)~~ For the purpose of this section, a previous  
1813 conviction of driving under the influence, driving while  
1814 intoxicated, driving with an unlawful blood-alcohol level, or  
1815 any other similar alcohol-related or drug-related offense  
1816 outside this state or a previous conviction of former s.  
1817 316.1931, former s. 316.028, or former s. 860.01 is ~~shall be~~  
1818 considered a previous conviction for violation of s. 316.193.

1819 (e) ~~(d)~~ The department, based upon review of the licensee's  
1820 application for reinstatement, may require use of an ignition  
1821 interlock device pursuant to s. 322.2715.

1822 Section 35. Paragraph (a) of subsection (2) of section  
1823 322.28, Florida Statutes, is amended to read:

1824 322.28 Period of suspension or revocation.—

1825 (2) In a prosecution for a violation of s. 316.193 or  
1826 former s. 316.1931, the following provisions apply:

1827 (a) Upon conviction of the driver, the court, along with

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1828 imposing sentence, shall revoke the driver's license or driving  
1829 privilege of the person so convicted, effective on the date of  
1830 conviction, and shall prescribe the period of such revocation in  
1831 accordance with the following provisions:

1832 1. Upon a first conviction, or any conviction that does not  
1833 fall under subparagraph 2. or subparagraph 3., for a violation  
1834 of the provisions of s. 316.193 or former s. 316.1931, except a  
1835 violation resulting in death, the driver's license or driving  
1836 privilege shall be revoked for not less than 180 days or more  
1837 than 1 year.

1838 2. Upon a second conviction for an offense that occurs  
1839 within a period of 5 years after the date of a prior conviction  
1840 for a violation of the provisions of s. 316.193 or former s.  
1841 316.1931 or a combination of such sections, the driver's license  
1842 or driving privilege shall be revoked for not less than 5 years.

1843 3. Upon a third conviction for an offense that occurs  
1844 within a period of 10 years after the date of a prior conviction  
1845 for the violation of the provisions of s. 316.193 or former s.  
1846 316.1931 or a combination of such sections, the driver's license  
1847 or driving privilege shall be revoked for not less than 10  
1848 years.

1849  
1850 For the purposes of this paragraph, a previous conviction  
1851 outside this state for driving under the influence, driving  
1852 while intoxicated, driving with an unlawful blood-alcohol level,  
1853 or any other alcohol-related or drug-related traffic offense  
1854 similar to the offense of driving under the influence as  
1855 proscribed by s. 316.193 will be considered a previous  
1856 conviction for violation of s. 316.193, and a conviction for

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1857 violation of former s. 316.028, former s. 316.1931, or former s.  
1858 860.01 is considered a conviction for violation of s. 316.193.  
1859 Additionally, if a person has two offenses for violating s.  
1860 316.193 pending at the same time which were committed on  
1861 different offense dates and the person is subsequently convicted  
1862 for each violation, the court shall impose the sanction as if  
1863 the first conviction preceded the offense date of the second  
1864 conviction.

1865 Section 36. Section 322.293, Florida Statutes, is amended  
1866 to read:

1867 322.293 DUI Programs ~~Coordination Trust Fund~~; assessment;  
1868 disposition.-

1869 (1) ~~The DUI Programs Coordination Trust Fund~~ shall be  
1870 administered by the department, and the costs of administration  
1871 shall be paid ~~borne~~ by the revenue collections provided in this  
1872 section ~~fund~~. All funds received by the department ~~DUI Programs~~  
1873 ~~Coordination Trust Fund~~ shall be used ~~solely~~ for the purposes  
1874 set forth in this chapter and for the general operation of the  
1875 department ~~section~~ and s. ~~322.292~~. However, ~~if the Legislature~~  
1876 ~~passes legislation consolidating existing trust funds assigned~~  
1877 ~~to the department, all funds remaining in and deposited to the~~  
1878 ~~DUI Programs Coordination Trust Fund shall be transferred to the~~  
1879 ~~consolidated trust funds, subject to their being earmarked for~~  
1880 ~~use solely for the purposes set forth in this section and s.~~  
1881 ~~322.292.~~

1882 (2) Each DUI program shall assess \$12 against each person  
1883 enrolling in a DUI program at the time of enrollment, including  
1884 persons who transfer to or from a program in another state. In  
1885 addition, second and third offenders and those offenders under

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1886 permanent driver's-license revocation who are evaluated for  
1887 ~~eligibility for~~ license restrictions under s. 322.271(2) ~~s.~~  
1888 ~~322.271(2)(b)~~ and (4) shall be assessed \$12 upon enrollment in  
1889 the program and upon each subsequent anniversary date while they  
1890 are in the program, for the duration of the license period.

1891 (3) All assessments collected under this section shall be  
1892 deposited in the Highway Safety Operating ~~forwarded to the DUI~~  
1893 ~~Programs Coordination~~ Trust Fund within 30 days after the last  
1894 day of the month in which the assessment was received.

1895 Section 37. Subsection (1), paragraph (b) of subsection  
1896 (7), and subsection (8) of section 322.64, Florida Statutes, are  
1897 amended to read:

1898 322.64 Holder of commercial driver's license; persons  
1899 operating a commercial motor vehicle; driving with unlawful  
1900 blood-alcohol level; refusal to submit to breath, urine, or  
1901 blood test.—

1902 (1) (a) A law enforcement officer or correctional officer  
1903 shall, on behalf of the department, disqualify from operating  
1904 any commercial motor vehicle a person who while operating or in  
1905 actual physical control of a commercial motor vehicle is  
1906 arrested for a violation of s. 316.193, relating to unlawful  
1907 blood-alcohol level or breath-alcohol level, or a person who has  
1908 refused to submit to a breath, urine, or blood test authorized  
1909 by s. 322.63 or s. 316.1932 arising out of the operation or  
1910 actual physical control of a commercial motor vehicle. A law  
1911 enforcement officer or correctional officer shall, on behalf of  
1912 the department, disqualify the holder of a commercial driver's  
1913 license from operating any commercial motor vehicle if the  
1914 licenseholder, while operating or in actual physical control of

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1915 a motor vehicle, is arrested for a violation of s. 316.193,  
1916 relating to unlawful blood-alcohol level or breath-alcohol  
1917 level, or refused to submit to a breath, urine, or blood test  
1918 authorized by s. 322.63 or s. 316.1932. Upon disqualification of  
1919 the person, the officer shall take the person's driver's license  
1920 and issue the person a 10-day temporary permit for the operation  
1921 of noncommercial vehicles only if the person is otherwise  
1922 eligible for the driving privilege and shall issue the person a  
1923 notice of disqualification. If the person has been given a  
1924 blood, breath, or urine test, the results of which are not  
1925 available to the officer at the time of the arrest, the agency  
1926 employing the officer shall transmit such results to the  
1927 department within 5 days after receipt of the results. If the  
1928 department then determines that the person had a blood-alcohol  
1929 level or breath-alcohol level of 0.08 or higher, the department  
1930 shall disqualify the person from operating a commercial motor  
1931 vehicle pursuant to subsection (3).

1932 (b) The disqualification under paragraph (a) shall be  
1933 pursuant to, and the notice of disqualification shall inform the  
1934 driver of, the following:

1935 1.a. The driver refused to submit to a lawful breath,  
1936 blood, or urine test and he or she is disqualified from  
1937 operating a commercial motor vehicle for a period of 1 year, for  
1938 a first refusal, or permanently, if he or she has previously  
1939 been disqualified under this section ~~as a result of a refusal to~~  
1940 ~~submit to such a test;~~ or

1941 b. The driver was driving or in actual physical control of  
1942 a commercial motor vehicle, or any motor vehicle if the driver  
1943 holds a commercial driver's license, had an unlawful blood-

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1944 alcohol level or breath-alcohol level of 0.08 or higher, and his  
1945 or her driving privilege shall be disqualified for a period of 1  
1946 year for a first offense or permanently disqualified if his or  
1947 her driving privilege has been previously disqualified under  
1948 this section.

1949         2. The disqualification period for operating commercial  
1950 vehicles shall commence on the date of issuance of the notice of  
1951 disqualification.

1952         3. The driver may request a formal or informal review of  
1953 the disqualification by the department within 10 days after the  
1954 date of issuance of the notice of disqualification.

1955         4. The temporary permit issued at the time of  
1956 disqualification expires at midnight of the 10th day following  
1957 the date of disqualification.

1958         5. The driver may submit to the department any materials  
1959 relevant to the disqualification.

1960         (7) In a formal review hearing under subsection (6) or an  
1961 informal review hearing under subsection (4), the hearing  
1962 officer shall determine by a preponderance of the evidence  
1963 whether sufficient cause exists to sustain, amend, or invalidate  
1964 the disqualification. The scope of the review shall be limited  
1965 to the following issues:

1966                 (b) If the person was disqualified from operating a  
1967 commercial motor vehicle for refusal to submit to a breath,  
1968 blood, or urine test:

1969                         1. Whether the law enforcement officer had probable cause  
1970 to believe that the person was driving or in actual physical  
1971 control of a commercial motor vehicle, or any motor vehicle if  
1972 the driver holds a commercial driver's license, in this state

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1973 while he or she had any alcohol, chemical substances, or  
1974 controlled substances in his or her body.

1975 2. Whether the person refused to submit to the test after  
1976 being requested to do so by a law enforcement officer or  
1977 correctional officer.

1978 3. Whether the person was told that if he or she refused to  
1979 submit to such test he or she would be disqualified from  
1980 operating a commercial motor vehicle for a period of 1 year or,  
1981 if previously disqualified under this section ~~in the case of a~~  
1982 ~~second refusal~~, permanently.

1983 (8) Based on the determination of the hearing officer  
1984 pursuant to subsection (7) for both informal hearings under  
1985 subsection (4) and formal hearings under subsection (6), the  
1986 department shall:

1987 (a) Sustain the disqualification for a period of 1 year for  
1988 a first refusal, or permanently if such person has been  
1989 previously disqualified from operating a commercial motor  
1990 vehicle under this section ~~as a result of a refusal to submit to~~  
1991 ~~such tests~~. The disqualification period commences on the date of  
1992 the ~~arrest or~~ issuance of the notice of disqualification,  
1993 ~~whichever is later~~.

1994 (b) Sustain the disqualification:

1995 1. For a period of 1 year if the person was driving or in  
1996 actual physical control of a commercial motor vehicle, or any  
1997 motor vehicle if the driver holds a commercial driver's license,  
1998 and had an unlawful blood-alcohol level or breath-alcohol level  
1999 of 0.08 or higher; or

2000 2. Permanently if the person has been previously  
2001 disqualified from operating a commercial motor vehicle under

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2002 this section or his or her driving privilege has been previously  
2003 suspended for driving or being in actual physical control of a  
2004 commercial motor vehicle, or any motor vehicle if the driver  
2005 holds a commercial driver's license, and had an unlawful blood-  
2006 alcohol level or breath-alcohol level of 0.08 or higher.

2007  
2008 The disqualification period commences on the date of the ~~arrest~~  
2009 ~~or~~ issuance of the notice of disqualification.

2010 Section 38. Section 328.30, Florida Statutes, is amended to  
2011 read:

2012 328.30 Transactions by electronic or telephonic means.—

2013 (1) The department may ~~is authorized to~~ accept any  
2014 application provided for under this chapter by electronic or  
2015 telephonic means.

2016 (2) The department may issue an electronic certificate of  
2017 title in lieu of printing a paper title.

2018 (3) The department may collect and use e-mail addresses of  
2019 vessel owners and registrants as a notification method in lieu  
2020 of the United States Postal Service.

2021 Section 39. Subsection (12) of section 328.72, Florida  
2022 Statutes, is amended, present subsections (13), (14), (15),  
2023 (16), and (17) of that section, are redesignated as subsections  
2024 (14), (15), (16), (17), and (18), respectively, and a new  
2025 subsection (13) is added to that section, to read:

2026 328.72 Classification; registration; fees and charges;  
2027 surcharge; disposition of fees; fines; marine turtle stickers.—

2028 (12) REGISTRATION.—

2029 (a) "Registration period" is a period of 12 months during  
2030 which a vessel registration is valid.

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2031           (b) "Extended registration period" means a period of 24  
2032 months during which a vessel registration is valid.

2033           ~~(c)~~ Any vessel owner who is subject to registration  
2034 under subparagraph (c)1. is eligible for an extended  
2035 registration period that begins the first day of the birth month  
2036 of the owner and ends the last day of the month immediately  
2037 preceding the owner's birth month 24 months after the beginning  
2038 of the registration period. If the vessel is registered in the  
2039 name of more than one person, the birth month of the person  
2040 whose name first appears on the registration shall be used to  
2041 determine the extended registration period. For a vessel subject  
2042 to this extended registration period, the renewal period is the  
2043 30-day period ending at midnight on the vessel owner's date of  
2044 birth.

2045           ~~(d)~~ The following registration periods and renewal  
2046 periods are established:

2047           1. For vessels owned by individuals, the registration  
2048 period begins the first day of the birth month of the owner and  
2049 ends the last day of the month immediately preceding the owner's  
2050 birth month in the succeeding year. If the vessel is registered  
2051 in the name of more than one person, the birth month of the  
2052 person whose name first appears on the registration shall be  
2053 used to determine the registration period. For a vessel subject  
2054 to this registration period, the renewal period is the 30-day  
2055 period ending at midnight on the vessel owner's date of birth.

2056           2. For vessels owned by companies, corporations,  
2057 governmental entities, and registrations issued to dealers and  
2058 manufacturers, the registration period begins July 1 and ends  
2059 June 30. The renewal period is the 30-day period beginning June

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2060 1.

2061 (13) Registration fees shall be prorated on a monthly basis  
2062 when the registration period is other than 12 months or 24  
2063 months. An annual registration may not exceed 15 months and a  
2064 biennial registration may not exceed 27 months.

2065 Section 40. Section 328.80, Florida Statutes, is amended to  
2066 read:

2067 328.80 Transactions by electronic or telephonic means.—

2068 (1) The department may ~~commission is authorized to accept~~  
2069 any application provided for under this chapter by electronic or  
2070 telephonic means.

2071 (2) The department may collect and use e-mail addresses of  
2072 vessel owners and registrants as a notification method in lieu  
2073 of the United States Postal Service.

2074 Section 41. This act shall take effect October 1, 2009.