

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. 319.14, F.S.; prohibiting a person from knowingly  
15          offering for sale, selling, or exchanging a vehicle  
16          until the Department of Highway Safety and Motor  
17          Vehicles has stamped in a conspicuous place on the  
18          certificate of title words stating that the vehicle is  
19          a custom vehicle or street rod vehicle; defining the  
20          terms "custom vehicle" and "street rod vehicle";  
21          providing that a person who does not make the required  
22          disclosures commits a misdemeanor of the second  
23          degree; amending s. 319.32, F.S.; requiring that  
24          certain specified fees be charged for vehicle  
25          inspections; amending s. 319.40, F.S.; authorizing the  
26          Department of Highway Safety and Motor Vehicles to  
27          issue an electronic certificate of title in lieu of  
28          printing a paper title; authorizing the department to  
29          collect and use e-mail addresses in lieu of the United

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30 States Postal Service to notify motor vehicle owners  
31 and registrants; amending s. 320.023, F.S.; requiring  
32 that voluntary contributions collected by the  
33 department be deposited into and distributed from the  
34 Motor Vehicle License Clearing Trust Fund; providing  
35 for the implementation of a certain litigation  
36 settlement; providing eligibility and procedures to  
37 collect the credit; providing for expiration of the  
38 provision; amending s. 320.05, F.S.; authorizing the  
39 Department of Highway Safety and Motor Vehicles to  
40 provide public access to the National Motor Vehicle  
41 Title Information System in a specified manner;  
42 requiring the department to adopt a fee schedule to  
43 provide for the public-access service; amending s.  
44 320.0607, F.S.; increasing fees for certain license  
45 plates; amending s. 320.08048, F.S.; increasing fees  
46 for sample license plates; amending s. 320.0863, F.S.;  
47 deleting definitions for "custom vehicle" and "street  
48 rod" to conform to changes made by the act; amending  
49 s. 320.203, F.S.; providing for the disposition of  
50 biennial license tax moneys; amending s. 320.27, F.S.;  
51 removing certain information from the application form  
52 for motor vehicle dealers; providing additional  
53 grounds for the Department of Highway Safety and Motor  
54 Vehicles to deny, suspend, or revoke a license issued  
55 to a motor vehicle dealer; providing that an insurer  
56 may cancel the surety bond of a motor vehicle dealer  
57 by giving written notice of the cancellation to the  
58 department; providing an effective date of the

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59 cancellation; requiring the Department of Highway  
60 Safety and Motor Vehicles to revoke, suspend, or deny  
61 the license issued to a motor vehicle dealer if the  
62 dealer conducts business during the license period  
63 without having in full force and effect a surety bond  
64 that complies with the law; requiring each motor  
65 vehicle dealer to deliver to the department evidence  
66 of a new or continued garage liability insurance  
67 policy; requiring certain policy limits; requiring the  
68 Department of Highway Safety and Motor Vehicles to  
69 notify the insurance company of the licensee in  
70 writing if the license for the motor vehicle dealer  
71 has been denied, suspended, or revoked; requiring the  
72 department to revoke, suspend, or deny the license  
73 issued to a motor vehicle dealer if a dealer conducts  
74 business during the license period without having in  
75 full force and effect a liability insurance policy;  
76 amending s. 320.642, F.S.; requiring the department to  
77 assess a licensee fee in connection with establishing  
78 an additional motor vehicle dealership or relocating  
79 an existing dealership within a community or territory  
80 where the same line-make vehicle is presently  
81 represented by a franchised motor vehicle dealer or  
82 dealers; amending s. 320.77, F.S.; providing that an  
83 insurer may cancel the surety bond of a mobile home  
84 dealer by giving written notice of the cancellation to  
85 the department; providing an effective date of the  
86 cancellation; requiring the Department of Highway  
87 Safety and Motor Vehicles to revoke, suspend, or deny

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88 the license issued to a mobile home dealer if the  
89 dealer conducts business during the license period  
90 without having in full force and effect a surety bond  
91 that complies with the law; requiring each mobile home  
92 dealer to deliver to the department evidence of a new  
93 or continued garage liability insurance policy;  
94 requiring certain policy limits; requiring the  
95 department to notify the insurance company of the  
96 licensee in writing if the license for the mobile home  
97 dealer has been denied, suspended, or revoked;  
98 requiring the department to revoke, suspend, or deny  
99 the license issued to a mobile home dealer if a dealer  
100 conducts business during the license period without  
101 having in full force and effect a liability insurance  
102 policy; amending s. 320.95, F.S.; authorizing the  
103 Department of Highway Safety and Motor Vehicles to  
104 collect and use e-mail addresses in lieu of the United  
105 States Postal Service to notify motor vehicle owners  
106 and registrants; amending s. 322.03, F.S.; providing  
107 for part-time residents of the state to be issued a  
108 license that is valid within this state only and  
109 continue to hold such license until the next regularly  
110 scheduled renewal; providing a termination date for  
111 "Florida only" licenses; amending s. 322.051, F.S.;

112 providing for the issuance of a duplicate  
113 identification card; amending s. 322.08, F.S.;

114 prohibiting the department from issuing a driver's  
115 license or identification card to an applicant if the  
116 applicant holds a valid driver's license or

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117 identification card issued by another state; amending  
118 s. 322.095, F.S.; eliminating the requirement that all  
119 instructors teaching in the traffic law and substance  
120 abuse education program be certified by the  
121 department; amending s. 322.201, F.S.; providing that  
122 certain records of the department or the clerk of the  
123 court are admissible in evidence in all courts of the  
124 state; amending s. 322.22, F.S.; authorizing the  
125 department to cancel identification cards; amending s.  
126 322.2615, F.S.; eliminating the requirement that a  
127 copy of the crash report be submitted to the  
128 department within 5 days after issuing the notice of  
129 suspension; defining the term "lawful breath, blood,  
130 or urine test"; amending s. 322.27, F.S.; authorizing  
131 the department to suspend the license or  
132 identification card of any person; providing the  
133 grounds to suspend an identification card; amending s.  
134 322.271, F.S.; authorizing the Department of Highway  
135 Safety and Motor Vehicles to modify a revocation,  
136 cancellation, or suspension order; providing that the  
137 department may waive the hearing process for  
138 suspensions and revocations upon request by the driver  
139 under certain circumstances; amending s. 322.28, F.S.;  
140 providing for the period of suspension or revocation  
141 of a license; amending s. 322.293, F.S.; providing for  
142 the administration of the DUI programs of the  
143 department; amending s. 322.64, F.S.; providing for  
144 disqualification of a driver of a commercial motor  
145 vehicle for certain violations; amending s. 328.30.

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146 F.S.; providing that the Department of Highway Safety  
147 and Motor Vehicles may issue an electronic certificate  
148 of title in lieu of printing a paper title;  
149 authorizing the department to collect and use e-mail  
150 addresses in lieu of the United States Postal Service  
151 to notify vessel owners and registrants; amending s.  
152 328.72, F.S.; defining the term "extended registration  
153 period"; providing for registration fees for vessels;  
154 amending s. 328.80. F.S.; providing that the  
155 Department of Highway Safety and Motor Vehicles may  
156 accept any vessel application by electronic or  
157 telephonic means; authorizing the department to  
158 collect and use e-mail addresses in lieu of the United  
159 States Postal Service to notify vessel owners and  
160 registrants; providing an effective date.

161

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

163

164 Section 1. Paragraph (c) of subsection (3) of section  
165 17.61, Florida Statutes, is amended to read:

166 17.61 Chief Financial Officer; powers and duties in the  
167 investment of certain funds.—

168 (3)

169 (c) Except as provided in this paragraph and except for  
170 moneys described in paragraph (d), the following agencies shall  
171 not invest trust fund moneys as provided in this section, but  
172 shall retain such moneys in their respective trust funds for  
173 investment, with interest appropriated to the General Revenue  
174 Fund, pursuant to s. 17.57:

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- 175           1. The Agency for Health Care Administration, except for  
176 the Tobacco Settlement Trust Fund.
- 177           2. The Agency for Persons with Disabilities, except for:  
178           a. The Federal Grants Trust Fund.  
179           b. The Tobacco Settlement Trust Fund.
- 180           3. The Department of Children and Family Services, except  
181 for:  
182           a. The Alcohol, Drug Abuse, and Mental Health Trust Fund.  
183           b. The Social Services Block Grant Trust Fund.  
184           c. The Tobacco Settlement Trust Fund.  
185           d. The Working Capital Trust Fund.
- 186           4. The Department of Community Affairs, only for the  
187 Operating Trust Fund.
- 188           5. The Department of Corrections.
- 189           6. The Department of Elderly Affairs, except for:  
190           a. The Federal Grants Trust Fund.  
191           b. The Tobacco Settlement Trust Fund.
- 192           7. The Department of Health, except for:  
193           a. The Federal Grants Trust Fund.  
194           b. The Grants and Donations Trust Fund.  
195           c. The Maternal and Child Health Block Grant Trust Fund.  
196           d. The Tobacco Settlement Trust Fund.
- 197           8. The Department of Highway Safety and Motor Vehicles,  
198 only for:  
199           ~~a. The DUI Programs Coordination Trust Fund.~~  
200           ~~b.~~ the Security Deposits Trust Fund.
- 201           9. The Department of Juvenile Justice.
- 202           10. The Department of Law Enforcement.
- 203           11. The Department of Legal Affairs.

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- 204 12. The Department of State, only for:
- 205 a. The Grants and Donations Trust Fund.
- 206 b. The Records Management Trust Fund.
- 207 13. The Executive Office of the Governor, only for:
- 208 a. The Economic Development Transportation Trust Fund.
- 209 b. The Economic Development Trust Fund.
- 210 14. The Florida Public Service Commission, only for the
- 211 Florida Public Service Regulatory Trust Fund.
- 212 15. The Justice Administrative Commission.
- 213 16. The state courts system.
- 214 Section 2. Subsection (4) of section 215.20, Florida
- 215 Statutes, is amended to read:
- 216 215.20 Certain income and certain trust funds to contribute
- 217 to the General Revenue Fund.—
- 218 (4) The income of a revenue nature deposited in the
- 219 following described trust funds, by whatever name designated, is
- 220 that from which the appropriations authorized by subsection (3)
- 221 shall be made:
- 222 (a) Within the Agency for Health Care Administration, the
- 223 Health Care Trust Fund.
- 224 (b) Within the Agency for Workforce Innovation:
- 225 1. The Employment Security Administration Trust Fund.
- 226 2. The Special Employment Security Administration Trust
- 227 Fund.
- 228 (c) Within the Department of Agriculture and Consumer
- 229 Services:
- 230 1. The Conservation and Recreation Lands Program Trust
- 231 Fund.
- 232 2. The General Inspection Trust Fund and subsidiary



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233 accounts thereof, unless a different percentage is authorized by  
234 s. 570.20.

235 3. The Division of Licensing Trust Fund.

236 (d) Within the Department of Business and Professional  
237 Regulation:

238 1. The Administrative Trust Fund.

239 2. The Alcoholic Beverage and Tobacco Trust Fund.

240 3. The Cigarette Tax Collection Trust Fund.

241 4. The Division of Florida Condominiums, Timeshares, and  
242 Mobile Homes Trust Fund.

243 5. The Hotel and Restaurant Trust Fund, with the exception  
244 of those fees collected for the purpose of funding of the  
245 hospitality education program as stated in s. 509.302.

246 6. The Professional Regulation Trust Fund.

247 7. The trust funds administered by the Division of Pari-  
248 mutuel Wagering.

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

250 1. The Administrative Trust Fund.

251 2. The Child Welfare Training Trust Fund.

252 3. The Domestic Violence Trust Fund.

253 4. The Grants and Donations Trust Fund.

254 5. The Operations and Maintenance Trust Fund.

255 (f) Within the Department of Citrus, the Florida Citrus  
256 Advertising Trust Fund, including transfers from any subsidiary  
257 accounts thereof, unless a different percentage is authorized in  
258 s. 601.15(7).

259 (g) Within the Department of Community Affairs, the  
260 Operating Trust Fund.

261 (h) Within the Department of Education:

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- 262 1. The Educational Certification and Service Trust Fund.
- 263 2. The Phosphate Research Trust Fund.
- 264 (i) Within the Department of Elderly Affairs:
- 265 1. The Administrative Trust Fund.
- 266 2. The Federal Grants Trust Fund.
- 267 3. The Grants and Donations Trust Fund.
- 268 4. The Operations and Maintenance Trust Fund.
- 269 (j) Within the Department of Environmental Protection:
- 270 1. The Administrative Trust Fund.
- 271 2. The Air Pollution Control Trust Fund.
- 272 3. The Conservation and Recreation Lands Trust Fund.
- 273 4. The Ecosystem Management and Restoration Trust Fund.
- 274 5. The Environmental Laboratory Trust Fund.
- 275 6. The Florida Coastal Protection Trust Fund.
- 276 7. The Florida Permit Fee Trust Fund.
- 277 8. The Grants and Donations Trust Fund.
- 278 9. The Inland Protection Trust Fund.
- 279 10. The Internal Improvement Trust Fund.
- 280 11. The Land Acquisition Trust Fund.
- 281 12. The Minerals Trust Fund.
- 282 13. The Nonmandatory Land Reclamation Trust Fund.
- 283 14. The State Park Trust Fund.
- 284 15. The Water Quality Assurance Trust Fund.
- 285 16. The Working Capital Trust Fund.
- 286 (k) Within the Department of Financial Services:
- 287 1. The Agents County Tax Trust Fund.
- 288 2. The Insurance Regulatory Trust Fund.
- 289 3. The Special Disability Trust Fund.
- 290 4. The Workers' Compensation Administration Trust Fund.

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- 291 (1) Within the Department of Health:
- 292 1. The Administrative Trust Fund.
- 293 2. The Brain and Spinal Cord Injury Program Trust Fund.
- 294 3. The Donations Trust Fund.
- 295 4. The Emergency Medical Services Trust Fund.
- 296 5. The Epilepsy Services Trust Fund.
- 297 6. The Florida Drug, Device, and Cosmetic Trust Fund.
- 298 7. The Grants and Donations Trust Fund.
- 299 8. The Medical Quality Assurance Trust Fund.
- 300 9. The Nursing Student Loan Forgiveness Trust Fund.
- 301 10. The Planning and Evaluation Trust Fund.
- 302 11. The Radiation Protection Trust Fund.
- 303 ~~(m) Within the Department of Highway Safety and Motor~~
- 304 ~~Vehicles, the DUI Programs Coordination Trust Fund.~~
- 305 (m) ~~(n)~~ Within the Department of Legal Affairs, the Crimes
- 306 Compensation Trust Fund.
- 307 (n) ~~(o)~~ Within the Department of Management Services:
- 308 1. The Administrative Trust Fund.
- 309 2. The Architects Incidental Trust Fund.
- 310 3. The Bureau of Aircraft Trust Fund.
- 311 4. The Florida Facilities Pool Working Capital Trust Fund.
- 312 5. The Grants and Donations Trust Fund.
- 313 6. The Police and Firefighters' Premium Tax Trust Fund.
- 314 7. The Public Employees Relations Commission Trust Fund.
- 315 8. The State Personnel System Trust Fund.
- 316 9. The Supervision Trust Fund.
- 317 10. The Working Capital Trust Fund.
- 318 (o) ~~(p)~~ Within the Department of Revenue:
- 319 1. The Additional Court Cost Clearing Trust Fund.

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- 320 2. The Administrative Trust Fund.
- 321 3. The Certification Program Trust Fund.
- 322 4. The Fuel Tax Collection Trust Fund.
- 323 5. The Local Alternative Fuel User Fee Clearing Trust Fund.
- 324 6. The Local Option Fuel Tax Trust Fund.
- 325 7. The Motor Vehicle Rental Surcharge Clearing Trust Fund.
- 326 8. The Motor Vehicle Warranty Trust Fund.
- 327 9. The Oil and Gas Tax Trust Fund.
- 328 10. The Operations Trust Fund.
- 329 11. The Severance Tax Solid Mineral Trust Fund.
- 330 12. The State Alternative Fuel User Fee Clearing Trust
- 331 Fund.
- 332 13. All taxes levied on motor fuels other than gasoline
- 333 levied pursuant to the provisions of s. 206.87(1) (a).
- 334 (p)~~(q)~~ Within the Department of State:
- 335 1. The Records Management Trust Fund.
- 336 2. The trust funds administered by the Division of
- 337 Historical Resources.
- 338 (q)~~(r)~~ Within the Department of Transportation, all income
- 339 derived from outdoor advertising and overweight violations which
- 340 is deposited in the State Transportation Trust Fund.
- 341 (r)~~(s)~~ Within the Department of Veterans' Affairs:
- 342 1. The Grants and Donations Trust Fund.
- 343 2. The Operations and Maintenance Trust Fund.
- 344 3. The State Homes for Veterans Trust Fund.
- 345 (s)~~(t)~~ Within the Division of Administrative Hearings, the
- 346 Administrative Trust Fund.
- 347 (t)~~(u)~~ Within the Fish and Wildlife Conservation
- 348 Commission:

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- 349           1. The Conservation and Recreation Lands Program Trust
- 350 Fund.
- 351           2. The Florida Panther Research and Management Trust Fund.
- 352           3. The Land Acquisition Trust Fund.
- 353           4. The Marine Resources Conservation Trust Fund, with the
- 354 exception of those fees collected for recreational saltwater
- 355 fishing licenses as provided in s. 379.354.
- 356           (u)~~(v)~~ Within the Florida Public Service Commission, the
- 357 Florida Public Service Regulatory Trust Fund.
- 358           (v)~~(w)~~ Within the Justice Administrative Commission, the
- 359 Indigent Criminal Defense Trust Fund.
- 360           (w)~~(x)~~ Within the Office of Financial Regulation of the
- 361 Financial Services Commission:
- 362           1. The Administrative Trust Fund.
- 363           2. The Anti-Fraud Trust Fund.
- 364           3. The Financial Institutions' Regulatory Trust Fund.
- 365           4. The Regulatory Trust Fund.

366

367 The enumeration of the foregoing moneys or trust funds do ~~shall~~

368 not prohibit the applicability of s. 215.24 should the Governor

369 determine that for the reasons mentioned in s. 215.24 the money

370 or trust funds should be exempt herefrom, as it is the purpose

371 of this law to exempt income from its force and effect when, by

372 the operation of this law, federal matching funds or

373 contributions or private grants to any trust fund would be lost

374 to the state.

375           Section 3. Subsection (1) of section 316.126, Florida

376 Statutes, is amended to read:

377           316.126 Operation of vehicles and actions of pedestrians on

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378 approach of authorized emergency vehicle.-

379 (1) (a) Upon the immediate approach of an authorized  
380 emergency vehicle, while en route to meet an existing emergency,  
381 the driver of every other vehicle shall, when such emergency  
382 vehicle is giving audible signals by siren, exhaust whistle, or  
383 other adequate device, or visible signals by the use of  
384 displayed blue or red lights, yield the right-of-way to the  
385 emergency vehicle and shall immediately proceed to a position  
386 parallel to, and as close as reasonable to the closest edge of  
387 the curb of the roadway, clear of any intersection and shall  
388 stop and remain in position until the authorized emergency  
389 vehicle has passed, unless otherwise directed by any law  
390 enforcement officer.

391 (b) When an authorized emergency vehicle making use of any  
392 visual signals is parked or a wrecker displaying amber rotating  
393 or flashing lights is performing a recovery or loading on the  
394 roadside, the driver of every other vehicle, as soon as it is  
395 safe:

396 1. Shall vacate the lane closest to the emergency vehicle  
397 or wrecker when driving on an interstate highway or other  
398 highway with two or more lanes traveling in the direction of the  
399 emergency vehicle or wrecker, except when otherwise directed by  
400 a law enforcement officer. If such movement cannot be safely  
401 accomplished, the driver shall reduce speed as provided in  
402 subparagraph 2.

403 2. Shall slow to a speed that is 20 miles per hour less  
404 than the posted speed limit when the posted speed limit is 25  
405 miles per hour or greater; or travel at 5 miles per hour when  
406 the posted speed limit is 20 miles per hour or less, when

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407 driving on a two-lane road, except when otherwise directed by a  
408 law enforcement officer.

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

414

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

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

420 316.2085 Riding on motorcycles or mopeds.—

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

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

424 (b) Rent a motorcycle or a moped.

425 Section 5. Section 319.14, Florida Statutes, is amended to  
426 read:

427 319.14 Sale of motor vehicles registered or used as  
428 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,  
429 ~~and~~ nonconforming vehicles, custom vehicles, or street rod  
430 vehicles.—

431 (1) (a) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,  
432 sell, or exchange any vehicle that has been licensed,  
433 registered, or used as a taxicab, police vehicle, or short-term-  
434 lease vehicle, or a vehicle that has been repurchased by a  
435 manufacturer pursuant to a settlement, determination, or

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436 decision under chapter 681, until the department has stamped in  
437 a conspicuous place on the certificate of title of the vehicle,  
438 or its duplicate, words stating the nature of the previous use  
439 of the vehicle or the title has been stamped "Manufacturer's Buy  
440 Back" to reflect that the vehicle is a nonconforming vehicle. If  
441 the certificate of title or duplicate was not so stamped upon  
442 initial issuance thereof or if, subsequent to initial issuance  
443 of the title, the use of the vehicle is changed to a use  
444 requiring the notation provided for in this section, the owner  
445 or lienholder of the vehicle shall surrender the certificate of  
446 title or duplicate to the department before ~~prior to~~ offering  
447 the vehicle for sale, and the department shall stamp the  
448 certificate or duplicate as required herein. If ~~When~~ a vehicle  
449 has been repurchased by a manufacturer pursuant to a settlement,  
450 determination, or decision under chapter 681, the title shall be  
451 stamped "Manufacturer's Buy Back" to reflect that the vehicle is  
452 a nonconforming vehicle.

453 (b) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,  
454 sell, or exchange a rebuilt vehicle until the department has  
455 stamped in a conspicuous place on the certificate of title for  
456 the vehicle words stating that the vehicle has been rebuilt or  
457 assembled from parts, or is a kit car, glider kit, replica, ~~or~~  
458 flood vehicle, custom vehicle, or street rod vehicle unless  
459 proper application for a certificate of title for a vehicle that  
460 is rebuilt or assembled from parts, or is a kit car, glider kit,  
461 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle  
462 has been made to the department in accordance with this chapter  
463 and the department has conducted the physical examination of the  
464 vehicle to assure the identity of the vehicle and all major



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465 component parts, as defined in s. 319.30(1), which have been  
466 repaired or replaced. Thereafter, the department shall affix a  
467 decal to the vehicle, in the manner prescribed by the  
468 department, showing the vehicle to be rebuilt.

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

470 1. "Police vehicle" means a motor vehicle owned or leased  
471 by the state or a county or municipality and used in law  
472 enforcement.

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

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

480 c. "Lease vehicle" includes both short-term-lease vehicles  
481 and long-term-lease vehicles.

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

484 4. "Assembled from parts" means a motor vehicle or mobile  
485 home assembled from parts or combined from parts of motor  
486 vehicles or mobile homes, new or used. "Assembled from parts"  
487 does not mean a motor vehicle defined as a "rebuilt vehicle" in  
488 subparagraph 3., which has been declared a total loss pursuant  
489 to s. 319.30.

490 5. "Kit car" means a motor vehicle assembled with a kit  
491 supplied by a manufacturer to rebuild a wrecked or outdated  
492 motor vehicle with a new body kit.

493 6. "Glider kit" means a vehicle assembled with a kit

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494 supplied by a manufacturer to rebuild a wrecked or outdated  
495 truck or truck tractor.

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

498 8. "Flood vehicle" means a motor vehicle or mobile home  
499 that has been declared to be a total loss pursuant to s.  
500 319.30(3)(a) resulting from damage caused by water.

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

504 10. "Settlement" means an agreement entered into between a  
505 manufacturer and a consumer that occurs after a dispute is  
506 submitted to a program, or an informal dispute settlement  
507 procedure established by a manufacturer or is approved for  
508 arbitration before the New Motor Vehicle Arbitration Board as  
509 defined in s. 681.102.

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

511 a. Is 25 years of age or older and of a model year after  
512 1948, or was manufactured to resemble a vehicle that is 25 years  
513 of age or older and of a model year after 1948; and

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

516  
517 The model year and year of manufacture which the body of a  
518 custom vehicle resembles is the model year and year of  
519 manufacture listed on the certificate of title, regardless of  
520 when the vehicle was actually manufactured.

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

522 a. Is a model year of 1948 or older or was manufactured

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523 after 1948 to resemble a vehicle of a model year of 1948 or  
524 older; and

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

527  
528 The model year and year of manufacture which the body of a  
529 street rod resembles is the model year and year of manufacture  
530 listed on the certificate of title, regardless of when the  
531 vehicle was actually manufactured.

532 (2) A ~~No~~ person may not ~~shall~~ knowingly sell, exchange, or  
533 transfer a vehicle referred to in subsection (1) without, before  
534 ~~prior to~~ consummating the sale, exchange, or transfer,  
535 disclosing in writing to the purchaser, customer, or transferee  
536 the fact that the vehicle has previously been titled,  
537 registered, or used as a taxicab, police vehicle, or short-term-  
538 lease vehicle, ~~or~~ is a vehicle that is rebuilt or assembled from  
539 parts, ~~or~~ is a kit car, glider kit, replica, or flood vehicle,  
540 or is a nonconforming vehicle, custom vehicle, or street rod  
541 vehicle, as the case may be.

542 (3) Any person who, with intent to offer for sale or  
543 exchange any vehicle referred to in subsection (1), knowingly or  
544 intentionally advertises, publishes, disseminates, circulates,  
545 or places before the public in any communications medium,  
546 whether directly or indirectly, any offer to sell or exchange  
547 the vehicle shall clearly and precisely state in each ~~such~~ offer  
548 that the vehicle has previously been titled, registered, or used  
549 as a taxicab, police vehicle, or short-term-lease vehicle or  
550 that the vehicle or mobile home is a vehicle that is rebuilt or  
551 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or

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552 flood vehicle, or is a nonconforming vehicle, custom vehicle, or  
553 street rod vehicle, as the case may be. Any person who violates  
554 this subsection commits a misdemeanor of the second degree,  
555 punishable as provided in s. 775.082 or s. 775.083.

556 (4) If ~~When~~ a certificate of title, including a foreign  
557 certificate, is branded to reflect a condition or prior use of  
558 the titled vehicle, the brand must be noted on the registration  
559 certificate of the vehicle and such brand shall be carried  
560 forward on all subsequent certificates of title and registration  
561 certificates issued for the life of the vehicle.

562 (5) Any person who knowingly sells, exchanges, or offers to  
563 sell or exchange a motor vehicle or mobile home contrary to ~~the~~  
564 ~~provisions of~~ this section or any officer, agent, or employee of  
565 a person who knowingly authorizes, directs, aids in, or consents  
566 to the sale, exchange, or offer to sell or exchange a motor  
567 vehicle or mobile home contrary to ~~the provisions of~~ this  
568 section commits a misdemeanor of the second degree, punishable  
569 as provided in s. 775.082 or s. 775.083.

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

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

578 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in  
579 any civil action arising out of a violation of this section if  
580 the designation of the previous use or condition of the motor

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581 vehicle is not noted on the certificate of title and  
582 registration certificate of the vehicle which was received by,  
583 or delivered to, such person, unless the ~~such~~ person has  
584 actively concealed the prior use or condition of the vehicle  
585 from the purchaser.

586 (9) Subsections (1), (2), and (3) do not apply to the  
587 transfer of ownership of a motor vehicle after the motor vehicle  
588 has ceased to be used as a lease vehicle and the ownership has  
589 been transferred to an owner for private use or to the transfer  
590 of ownership of a nonconforming vehicle with 36,000 or more  
591 miles on its odometer, or 34 months whichever is later and the  
592 ownership has been transferred to an owner for private use. Such  
593 owner, as shown on the title certificate, may request the  
594 department to issue a corrected certificate of title that does  
595 not contain the statement of the previous use of the vehicle as  
596 a lease vehicle or condition as a nonconforming vehicle.

597 Section 6. Subsection (1) of section 319.32, Florida  
598 Statutes, is amended to read:

599 319.32 Fees; service charges; disposition.-

600 (1) The department shall charge a fee of \$24 for each  
601 original certificate of title except for a certificate of title  
602 for a motor vehicle for hire registered under s. 320.08(6), for  
603 which the title fee shall be \$3, \$24 for each duplicate copy of  
604 a certificate of title except for a certificate of title for a  
605 motor vehicle for hire registered under s. 320.08(6), for which  
606 the title fee shall be \$3, \$2 for each salvage certificate of  
607 title, and \$3 for each assignment by a lienholder. The  
608 department ~~It~~ shall also charge a fee of \$2 for noting a lien on  
609 a title certificate, which fee shall include the services for

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610 the subsequent issuance of a corrected certificate or  
611 cancellation of lien when that lien is satisfied. If an  
612 application for a certificate of title is for a vehicle that is  
613 required to have a physical examination as defined in s.  
614 319.14(1) rebuilt vehicle, the department shall charge an  
615 additional fee of \$40 for each initial inspection and may charge  
616 \$20 for each subsequent inspection. The physical examination of  
617 the vehicle must include, but need not be limited to,  
618 verification of the vehicle identification number and  
619 verification of the bill of sale or title for major components  
620 ~~conducting a physical examination of the vehicle to assure its~~  
621 ~~identity.~~ In addition to all other fees charged, a sum of \$1  
622 shall be paid for the issuance of an original or duplicate  
623 certificate of title to cover the cost of materials used for  
624 security purposes.

625 Section 7. Section 319.40, Florida Statutes, is amended to  
626 read:

627 319.40 Transactions by electronic or telephonic means.—

628 (1) The department is authorized to accept any application  
629 provided for under this chapter by electronic or telephonic  
630 means.

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

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

636 Section 8. Paragraph (c) of subsection (5) of section  
637 320.023, Florida Statutes, is amended to read:

638 320.023 Requests to establish voluntary checkoff on motor

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639 vehicle registration application.-

640 (5) A voluntary contribution collected and distributed  
641 under this chapter, or any interest earned from those  
642 contributions, may not be used for commercial or for-profit  
643 activities nor for general or administrative expenses, except as  
644 authorized by law.

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

649 Section 9. Implementation of litigation settlement  
650 provisions of Collier v. Dickinson.-

651 (1) Any person who held a driver's license, identification  
652 card, or motor vehicle registration that was valid between June  
653 1, 2000, and September 30, 2004, is eligible to receive a single  
654 \$1 credit on a new or renewed motor vehicle registration between  
655 July 1, 2009, and June 30, 2010.

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

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

660 Section 10. Present subsection (5) of section 320.05,  
661 Florida Statutes, is redesignated as subsection (6), and a new  
662 subsection (5) is added to that section, to read:

663 320.05 Records of the department; inspection procedure;  
664 lists and searches; fees.-

665 (5) The department may provide public access to the  
666 National Motor Vehicle Title Information System via an  
667 authorized connection with the American Association of Motor

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668 Vehicle Administrators in order to access out-of-state motor  
669 vehicle records. The department shall adopt a fee schedule to  
670 provide for the public-access service, which may not exceed the  
671 actual cost of providing the service.

672 Section 11. Subsections (3) and (5) of section 320.0607,  
673 Florida Statutes, are amended to read:

674 320.0607 Replacement license plates, validation decal, or  
675 mobile home sticker.—

676 (3) Except as provided in subsection (2), in all such  
677 cases, upon filing of an application accompanied by a fee of \$12  
678 ~~\$10~~ plus applicable service charges, the department shall issue  
679 a replacement plate, sticker, or decal as the case may be if it  
680 is satisfied that the information reported in the application is  
681 true. The replacement fee shall be deposited into the Highway  
682 Safety Operating Trust Fund.

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

686 Section 12. Subsection (1) of section 320.08048, Florida  
687 Statutes, is amended to read:

688 320.08048 Sample license plates.—

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

693 Section 13. Section 320.0863, Florida Statutes, is amended  
694 to read:

695 320.0863 Custom vehicles and street rods; registration and  
696 license plates.—



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- 697 (1) As used in this section, the term:
- 698 ~~(a) "blue dot tail light" means a red lamp that contains a~~  
699 ~~blue or purple insert that is not more than one inch in diameter~~  
700 ~~and is installed in the rear of a motor vehicle.~~
- 701 ~~(b) "Custom vehicle" means a motor vehicle that:~~
- 702 ~~1. Is 25 years old or older and of a model year after 1948~~  
703 ~~or was manufactured to resemble a vehicle that is 25 years old~~  
704 ~~or older and of a model year after 1948; and~~
- 705 ~~2. Has been altered from the manufacturer's original design~~  
706 ~~or has a body constructed from nonoriginal materials.~~
- 707 ~~(c) "Street rod" means a motor vehicle that:~~
- 708 ~~1. Is of a model year of 1948 or older or was manufactured~~  
709 ~~after 1948 to resemble a vehicle of a model year of 1948 or~~  
710 ~~older; and~~
- 711 ~~2. Has been altered from the manufacturer's original design~~  
712 ~~or has a body constructed from nonoriginal materials.~~
- 713 ~~(2) The model year and year of manufacture which the body~~  
714 ~~of a custom vehicle or street rod resembles is the model year~~  
715 ~~and year of manufacture listed on the certificate of title,~~  
716 ~~regardless of when the vehicle was actually manufactured.~~
- 717 (2)(3) To register a street rod or custom vehicle as  
718 defined in s. 319.14(1)(c), the owner shall apply to the  
719 department by submitting a completed application form and  
720 providing:
- 721 (a) The license tax prescribed by s. 320.08(2)(a) and a  
722 processing fee of \$3;
- 723 (b) A written statement that the vehicle will not be used  
724 for general daily transportation but will be maintained for  
725 occasional transportation, exhibitions, club activities,

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726 parades, tours, or other functions of public interest and  
727 similar uses; and

728 (c) A written statement that the vehicle meets state  
729 equipment and safety requirements for motor vehicles. However,  
730 the vehicle must meet only the requirements that were in effect  
731 in this state as a condition of sale in the year listed as the  
732 model year on the certificate of title.

733 (3)~~(4)~~ The registration numbers and special license plates  
734 assigned to such vehicles shall run in a separate series,  
735 commencing with "Custom Vehicle 1" or "Street Rod 1,"  
736 respectively, and the plates shall be of a distinguishing color  
737 and design.

738 (4)~~(5)~~(a) A vehicle registered under this section is exempt  
739 from any law or local ordinance that requires periodic vehicle  
740 inspections or the use and inspection of emission controls.

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

744 Section 14. Subsection (1) of section 320.203, Florida  
745 Statutes, is amended to read:

746 320.203 Disposition of biennial license tax moneys.—

747 (1) Notwithstanding ss. 320.08(1), (2), (3), (4) (a) or (b),  
748 (6), (7), (8), (9), (10), or (11), 320.08058, and 328.76 and  
749 pursuant to s. 216.351, after the provisions of s. 320.20(1),  
750 (2), (3), ~~and (4)~~, and (5) are fulfilled, an amount equal to 50  
751 percent of revenues collected from the biennial registrations  
752 created in s. 320.07 shall be retained in the Motor Vehicle  
753 License Clearing Trust Fund, authorized in s. 215.32(2)(b)2.f.,  
754 until July 1. After July 1 of the subsequent fiscal year, an

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755 amount equal to 50 percent of revenues collected from the  
756 biennial registrations created in s. 320.07 shall be distributed  
757 according to ss. 320.08(1), (2), (3), (4) (a) or (b), (6), (7),  
758 (8), (9), (10), or (11), 320.08058, 328.76, and 320.20(1), (2),  
759 (3), ~~and (4)~~, and (5).

760 Section 15. Subsections (3), (9), (10), (11), (12), (13),  
761 and (14) of section 320.27, Florida Statutes, are amended to  
762 read:

763 320.27 Motor vehicle dealers.—

764 (3) APPLICATION AND FEE.—The application for the license  
765 shall be in such form as may be prescribed by the department and  
766 shall be subject to such rules with respect thereto as may be so  
767 prescribed by it. Such application shall be verified by oath or  
768 affirmation and shall contain a full statement of the name and  
769 birth date of the person or persons applying therefor; the name  
770 of the firm or copartnership, with the names and places of  
771 residence of all members thereof, if such applicant is a firm or  
772 copartnership; the names and places of residence of the  
773 principal officers, if the applicant is a body corporate or  
774 other artificial body; the name of the state under whose laws  
775 the corporation is organized; the present and former place or  
776 places of residence of the applicant; and prior business in  
777 which the applicant has been engaged and the location thereof.  
778 Such application shall describe the exact location of the place  
779 of business and shall state whether the place of business is  
780 owned by the applicant and when acquired, or, if leased, a true  
781 copy of the lease shall be attached to the application. The  
782 applicant shall certify that the location provides an adequately  
783 equipped office and is not a residence; that the location

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784 affords sufficient unoccupied space upon and within which  
785 adequately to store all motor vehicles offered and displayed for  
786 sale; and that the location is a suitable place where the  
787 applicant can in good faith carry on such business and keep and  
788 maintain books, records, and files necessary to conduct such  
789 business, which will be available at all reasonable hours to  
790 inspection by the department or any of its inspectors or other  
791 employees. The applicant shall certify that the business of a  
792 motor vehicle dealer is the principal business which shall be  
793 conducted at that location. Such application shall contain a  
794 statement that the applicant is either franchised by a  
795 manufacturer of motor vehicles, in which case the name of each  
796 motor vehicle that the applicant is franchised to sell shall be  
797 included, or an independent (nonfranchised) motor vehicle  
798 dealer. ~~Such application shall contain such other relevant~~  
799 ~~information as may be required by the department, including~~  
800 ~~evidence that the applicant is insured under a garage liability~~  
801 ~~insurance policy or a general liability insurance policy coupled~~  
802 ~~with a business automobile policy, which shall include, at a~~  
803 ~~minimum, \$25,000 combined single-limit liability coverage~~  
804 ~~including bodily injury and property damage protection and~~  
805 ~~\$10,000 personal injury protection. Franchise dealers must~~  
806 ~~submit a garage liability insurance policy, and all other~~  
807 ~~dealers must submit a garage liability insurance policy or a~~  
808 ~~general liability insurance policy coupled with a business~~  
809 ~~automobile policy. Such policy shall be for the license period,~~  
810 ~~and evidence of a new or continued policy shall be delivered to~~  
811 ~~the department at the beginning of each license period. Upon~~  
812 making initial application, the applicant shall pay to the

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813 department a fee of \$300 in addition to any other fees now  
814 required by law; upon making a subsequent renewal application,  
815 the applicant shall pay to the department a fee of \$75 in  
816 addition to any other fees now required by law. Upon making an  
817 application for a change of location, the person shall pay a fee  
818 of \$50 in addition to any other fees now required by law. The  
819 department shall, in the case of every application for initial  
820 licensure, verify whether certain facts set forth in the  
821 application are true. Each applicant, general partner in the  
822 case of a partnership, or corporate officer and director in the  
823 case of a corporate applicant, must file a set of fingerprints  
824 with the department for the purpose of determining any prior  
825 criminal record or any outstanding warrants. The department  
826 shall submit the fingerprints to the Department of Law  
827 Enforcement for state processing and forwarding to the Federal  
828 Bureau of Investigation for federal processing. The actual cost  
829 of state and federal processing shall be borne by the applicant  
830 and is in addition to the fee for licensure. The department may  
831 issue a license to an applicant pending the results of the  
832 fingerprint investigation, which license is fully revocable if  
833 the department subsequently determines that any facts set forth  
834 in the application are not true or correctly represented.

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

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

840 1. Commission of fraud or willful misrepresentation in  
841 application for or in obtaining a license.

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842 2. Conviction of a felony.

843 3. Failure to honor a bank draft or check given to a motor  
844 vehicle dealer for the purchase of a motor vehicle by another  
845 motor vehicle dealer within 10 days after notification that the  
846 bank draft or check has been dishonored. If the transaction is  
847 disputed, the maker of the bank draft or check shall post a bond  
848 in accordance with the provisions of s. 559.917, and a ~~no~~  
849 proceeding for revocation or suspension may not ~~shall~~ be  
850 commenced until the dispute is resolved.

851 4. Failure to honor a bank draft or check given to the  
852 department for payment of any fees within 10 days after  
853 notification that the bank draft or check has been dishonored.  
854 If the transaction is disputed, the maker of the bank draft or  
855 check shall post a bond in accordance with s. 559.917, and a  
856 proceeding for revocation or suspension may not be commenced  
857 until the dispute is resolved.

858 (b) The department may deny, suspend, or revoke any license  
859 issued hereunder or under ~~the provisions of~~ s. 320.77 or s.  
860 320.771 upon proof that a licensee has committed, with  
861 sufficient frequency so as to establish a pattern of wrongdoing  
862 on the part of a licensee, violations of one or more of the  
863 following activities:

864 1. Representation that a demonstrator is a new motor  
865 vehicle, or the attempt to sell or the sale of a demonstrator as  
866 a new motor vehicle without written notice to the purchaser that  
867 the vehicle is a demonstrator. For the purposes of this section,  
868 the terms ~~a~~ "demonstrator," ~~a~~ "new motor vehicle," and ~~a~~ "used  
869 motor vehicle" have the same meaning ~~shall be defined as in~~  
870 ~~under~~ s. 320.60.

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871           2. Unjustifiable refusal to comply with a licensee's  
872 responsibility under the terms of the new motor vehicle warranty  
873 issued by its respective manufacturer, distributor, or importer.  
874 However, if such refusal is at the direction of the  
875 manufacturer, distributor, or importer, such refusal may ~~shall~~  
876 not be a ground under this section.

877           3. Misrepresentation or false, deceptive, or misleading  
878 statements with regard to the sale or financing of motor  
879 vehicles which any motor vehicle dealer has, or causes to have,  
880 advertised, printed, displayed, published, distributed,  
881 broadcast, televised, or made in any manner with regard to the  
882 sale or financing of motor vehicles.

883           4. Failure by any motor vehicle dealer to provide a  
884 customer or purchaser with an odometer disclosure statement and  
885 a copy of any bona fide written, executed sales contract or  
886 agreement of purchase connected with the purchase of the motor  
887 vehicle purchased by the customer or purchaser.

888           5. Failure of any motor vehicle dealer to comply with the  
889 terms of any bona fide written, executed agreement, pursuant to  
890 the sale of a motor vehicle.

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

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

895           8. Failure to continually meet the requirements of the  
896 licensure law.

897           9. Representation to a customer or any advertisement to the  
898 public representing or suggesting that a motor vehicle is a new  
899 motor vehicle if the ~~such~~ vehicle lawfully cannot be titled in

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900 the name of the customer or other member of the public by the  
901 seller using a manufacturer's statement of origin as permitted  
902 in s. 319.23(1).

903 10. Requirement by any motor vehicle dealer that a customer  
904 or purchaser accept equipment on his or her motor vehicle which  
905 was not ordered by the customer or purchaser.

906 11. Requirement by any motor vehicle dealer that any  
907 customer or purchaser finance a motor vehicle with a specific  
908 financial institution or company.

909 12. Requirement by any motor vehicle dealer that the  
910 purchaser of a motor vehicle contract with the dealer for  
911 physical damage insurance.

912 13. Perpetration of a fraud upon any person as a result of  
913 dealing in motor vehicles, including, without limitation, the  
914 misrepresentation to any person by the licensee of the  
915 licensee's relationship to any manufacturer, importer, or  
916 distributor.

917 14. Violation of any of the provisions of s. 319.35 by any  
918 motor vehicle dealer.

919 15. Sale by a motor vehicle dealer of a vehicle offered in  
920 trade by a customer before ~~prior to~~ consummation of the sale,  
921 exchange, or transfer of a newly acquired vehicle to the  
922 customer, unless the customer provides written authorization for  
923 the sale of the trade-in vehicle before ~~prior to~~ delivery of the  
924 newly acquired vehicle.

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

927 17. Violation of chapter 319, this chapter, or ss. 559.901-  
928 559.9221, which has to do with dealing in or repairing motor



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

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

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

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

940 (c) If ~~When~~ a motor vehicle dealer is convicted of a crime  
 941 which results in his or her being prohibited from continuing in  
 942 that capacity, the dealer may not continue in any capacity  
 943 within the industry. The offender shall have no financial  
 944 interest, management, sales, or other role in the operation of a  
 945 dealership. Further, the offender may not derive income from the  
 946 dealership beyond reasonable compensation for the sale of his or  
 947 her ownership interest in the business.

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

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

954 (b) Surety bonds and irrevocable letters of credit must  
 955 ~~shall~~ be in a form to be approved by the department and ~~shall~~ be  
 956 conditioned that the motor vehicle dealer ~~shall~~ comply with the  
 957 conditions of any written contract made by the ~~such~~ dealer in

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958 connection with the sale or exchange of any motor vehicle and  
959 ~~shall~~ not violate any of the provisions of chapter 319 and this  
960 chapter in the conduct of the business for which the dealer is  
961 licensed. Such bonds and letters of credit shall be to the  
962 department and in favor of any person in a retail or wholesale  
963 transaction who shall suffer any loss as a result of any  
964 violation of the conditions hereinabove contained. If ~~When~~ the  
965 department determines that a person has incurred a loss as a  
966 result of a violation of chapter 319 or this chapter, it shall  
967 notify the person in writing of the existence of the bond or  
968 letter of credit. Such bonds and letters of credit shall be for  
969 the license period, and a new bond or letter of credit or a  
970 proper continuation certificate shall be delivered to the  
971 department at the beginning of each license period. However, the  
972 aggregate liability of the surety in any one year shall in no  
973 event exceed the sum of the bond or, in the case of a letter of  
974 credit, the aggregate liability of the issuing bank may ~~shall~~  
975 not exceed the sum of the credit.

976 (c) Surety bonds must ~~shall~~ be executed by a surety company  
977 authorized to do business in the state as surety, and  
978 irrevocable letters of credit shall be issued by a bank  
979 authorized to do business in the state as a bank.

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

983 (e) The department shall, upon denial, suspension, or  
984 revocation of any license, notify the surety company of the  
985 licensee, or bank issuing an irrevocable letter of credit for  
986 the licensee, in writing, that the license has been denied,

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987 suspended, or revoked and shall state the reason for such  
988 denial, suspension, or revocation.

989 (f) Any surety company which pays any claim against the  
990 bond of any licensee or any bank which honors a demand for  
991 payment as a condition specified in a letter of credit of a  
992 licensee shall notify the department in writing that such action  
993 has been taken and shall state the amount of the claim or  
994 payment.

995 (g) Any surety company which cancels the bond of any  
996 licensee or any bank which cancels an irrevocable letter of  
997 credit shall notify the department in writing of such  
998 cancellation, giving reason for the cancellation. The insurer  
999 may cancel the surety bond by giving written notice of the  
1000 cancellation to the department. The cancellation of the surety  
1001 bond is effective no earlier than 30 days after the notice is  
1002 received by the department.

1003 (h) The department shall revoke, suspend, or deny a  
1004 dealer's license issued under this chapter if the dealer  
1005 conducts business during the license period without having in  
1006 full force and effect a surety bond that complies with this  
1007 subsection.

1008 (11) LIABILITY INSURANCE REQUIRED.-

1009 (a) Annually, before any license is issued to a franchised  
1010 motor vehicle dealer, the applicant for the dealer's license  
1011 shall deliver to the department evidence of a new or continued  
1012 garage liability insurance policy, executed by the applicant as  
1013 principal, which includes, at a minimum, \$25,000 combined  
1014 single-limit liability coverage, including bodily injury and  
1015 property damage protection, and \$10,000 personal injury

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1016 protection. The policy must cover the period of the issued  
1017 license.

1018 (b) Annually, before any license is issued to any other  
1019 motor vehicle dealer not included in paragraph (a), the  
1020 applicant shall deliver to the department evidence of a new or  
1021 continued garage liability insurance policy, or general  
1022 liability insurance policy, coupled with a business automobile  
1023 policy executed by the applicant as principal, which includes,  
1024 at a minimum, \$25,000 combined single-limit liability coverage,  
1025 including bodily injury and property damage protection, and  
1026 \$10,000 personal injury protection. The policy must cover the  
1027 period of the issued license.

1028 (c) The insurance requirement set forth in paragraphs (a)  
1029 and (b) must be in a form approved by the department and must be  
1030 conditioned on the motor vehicle dealer complying with the  
1031 conditions of any written contract made by the dealer in  
1032 connection with the sale or exchange of any recreational vehicle  
1033 and not violating any provision of chapter 319 or this chapter  
1034 in the conduct of the business for which the dealer is licensed.  
1035 Such evidence of liability insurance shall be to the department  
1036 and in favor of any person in a retail or wholesale transaction  
1037 who suffers any loss as a result of a violation of this section.  
1038 If the department determines that a person has incurred a loss  
1039 as a result of a violation of chapter 319 or this chapter, the  
1040 department shall notify the person in writing of the existence  
1041 of the garage liability insurance.

1042 (d) The liability insurance shall be executed by an  
1043 insurance company authorized to do business in the state.

1044 (e) The department shall, upon denial, suspension, or

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1045 revocation of any license, notify the insurance company of the  
1046 licensee in writing that the license has been denied, suspended,  
1047 or revoked and state the reason for the denial, suspension, or  
1048 revocation.

1049 (f) An insurance company that pays any claim against the  
1050 bond of any licensee shall notify the department in writing that  
1051 such action has been taken and state the amount of the claim or  
1052 payment.

1053 (g) An insurance company that cancels the insurance of any  
1054 licensee shall notify the department in writing of such  
1055 cancellation, giving reason for the cancellation. The insurance  
1056 company may cancel the liability insurance by giving written  
1057 notice of the cancellation to the department. The cancellation  
1058 of the liability insurance is effective no earlier than 30 days  
1059 after the notice is received by the department.

1060 (h) The department shall revoke, suspend, or deny a  
1061 dealer's license issued under this chapter if the dealer  
1062 conducts business during the license period without having in  
1063 full force and effect liability insurance that complies with  
1064 this subsection.

1065 (12)~~(11)~~ INJUNCTION.—In addition to the remedies provided  
1066 in this chapter and notwithstanding the existence of any  
1067 adequate remedy at law, the department may apply ~~is authorized~~  
1068 ~~to make application~~ to any circuit court of the state, and such  
1069 circuit court shall have jurisdiction, upon a hearing and for  
1070 cause shown, to grant a temporary or permanent injunction, or  
1071 both, restraining any person from acting as a motor vehicle  
1072 dealer under the terms of this section without being properly  
1073 licensed hereunder, from violating or continuing to violate any

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1074 of the provisions of chapter 319, this chapter, or ss. 559.901-  
 1075 559.9221, or for failing or refusing to comply with the  
 1076 requirements of chapter 319, this chapter, or ss. 559.901-  
 1077 559.9221, or any rule or regulation adopted thereunder, such  
 1078 injunction to be issued without bond. A single act in violation  
 1079 of the provisions of chapter 319, this chapter, or chapter 559  
 1080 is ~~shall be~~ sufficient to authorize the issuance of an  
 1081 injunction.

1082 (13) ~~(12)~~ CIVIL FINES; PROCEDURE.—In addition to the  
 1083 exercise of other powers provided in this section, the  
 1084 department may levy and collect a civil fine, in an amount not  
 1085 to exceed \$1,000 for each violation, against any licensee if it  
 1086 finds that the licensee has violated any provision of this  
 1087 section or has violated any other law of this state or the  
 1088 federal law and administrative rule set forth in paragraph  
 1089 (9) (a) related to dealing in motor vehicles. A ~~Any~~ licensee is  
 1090 ~~shall be~~ entitled to a hearing pursuant to chapter 120 if the  
 1091 licensee contests the fine levied, or about to be levied, upon  
 1092 him or her.

1093 (14) ~~(13)~~ DEPOSIT AND USE OF FEES.—The fees charged  
 1094 applicants for both the required background investigation and  
 1095 the computerized card as provided in this section shall be  
 1096 deposited into the Highway Safety Operating Trust Fund and shall  
 1097 be used to cover the cost of such service.

1098 (15) ~~(14)~~ EXEMPTION.—~~The provisions of~~ This section does ~~de~~  
 1099 not apply to persons who sell or deliver motorized disability  
 1100 access vehicles as defined in s. 320.01.

1101 Section 16. Subsection (1) of section 320.642, Florida  
 1102 Statutes, is amended to read:

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1103 320.642 Dealer licenses in areas previously served;  
1104 procedure.—

1105 (1) Any licensee who proposes to establish an additional  
1106 motor vehicle dealership or permit the relocation of an existing  
1107 dealer to a location within a community or territory where the  
1108 same line-make vehicle is presently represented by a franchised  
1109 motor vehicle dealer or dealers shall give written notice of its  
1110 intention to the department. Such notice shall state:

1111 (a) The specific location at which the additional or  
1112 relocated motor vehicle dealership will be established.

1113 (b) The date on or after which the licensee intends to be  
1114 engaged in business with the additional or relocated motor  
1115 vehicle dealer at the proposed location.

1116 (c) The identity of all motor vehicle dealers who are  
1117 franchised to sell the same line-make vehicle with licensed  
1118 locations in the county or any contiguous county to the county  
1119 where the additional or relocated motor vehicle dealer is  
1120 proposed to be located.

1121 (d) The names and addresses of the dealer-operator and  
1122 principal investors in the proposed additional or relocated  
1123 motor vehicle dealership.

1124

1125 Immediately upon receipt of such notice the department shall  
1126 cause a notice to be published in the Florida Administrative  
1127 Weekly. The published notice shall state that a petition or  
1128 complaint by any dealer with standing to protest pursuant to  
1129 subsection (3) must be filed not more than 30 days from the date  
1130 of publication of the notice in the Florida Administrative  
1131 Weekly. The published notice shall describe and identify the

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1132 proposed dealership sought to be licensed, and the department  
1133 shall mail ~~cause~~ a copy of the notice ~~to be mailed~~ to those  
1134 dealers identified in the licensee's notice under paragraph (c).  
1135 The department shall assess the licensee a fee of \$75 to pay for  
1136 the cost of publication and a service charge of \$2.50 for each  
1137 publication that is handled in connection with establishing an  
1138 additional motor vehicle dealership or relocating an existing  
1139 dealership.

1140 Section 17. Subsection (16) of section 320.77, Florida  
1141 Statutes, is amended, and subsection (17) is added to that  
1142 section, to read:

1143 320.77 License required of mobile home dealers.—

1144 (16) SURETY BOND, CASH BOND, OR IRREVOCABLE LETTER OF  
1145 CREDIT REQUIRED.—

1146 (a) Before any license is ~~shall be~~ issued or renewed, the  
1147 applicant or licensee shall deliver to the department a good and  
1148 sufficient surety bond, cash bond, or irrevocable letter of  
1149 credit, executed by the applicant or licensee as principal. The  
1150 bond or irrevocable letter of credit shall be in a form ~~to be~~  
1151 approved by the department and must ~~shall~~ be conditioned upon  
1152 the dealer's complying with the conditions of any written  
1153 contract made by the dealer in connection with the sale,  
1154 exchange, or improvement of any mobile home and his or her not  
1155 violating any of the provisions of chapter 319 or this chapter  
1156 in the conduct of the business for which the dealer is licensed.  
1157 The bond or irrevocable letter of credit shall be to the  
1158 department and in favor of any retail customer who shall suffer  
1159 any loss as a result of any violation of ~~the conditions~~  
1160 ~~contained in~~ this section. The bond or irrevocable letter of



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1161 credit shall be for the license period, and a new bond or  
1162 irrevocable letter of credit or a proper continuation  
1163 certificate shall be delivered to the department at the  
1164 beginning of each license period. However, the aggregate  
1165 liability of the surety in any one license year may not ~~shall in~~  
1166 ~~no event~~ exceed the sum of such bond, or, in the case of a  
1167 letter of credit, the aggregate liability of the issuing bank  
1168 may ~~shall~~ not exceed the sum of the credit. The amount of the  
1169 bond required shall be as follows:

1170 1. A single dealer who buys, sells, or deals in mobile  
1171 homes and who has four or fewer supplemental licenses shall  
1172 provide a surety bond, cash bond, or irrevocable letter of  
1173 credit executed by the dealer applicant or licensee in the  
1174 amount of \$25,000.

1175 2. A single dealer who buys, sells, or deals in mobile  
1176 homes and who has more than four supplemental licenses shall  
1177 provide a surety bond, cash bond, or irrevocable letter of  
1178 credit executed by the dealer applicant or licensee in the  
1179 amount of \$50,000.

1180  
1181 For the purposes of this paragraph, any person who buys, sells,  
1182 or deals in both mobile homes and recreational vehicles shall  
1183 provide the same surety bond required of dealers who buy, sell,  
1184 or deal in mobile homes only.

1185 (b) Surety bonds shall be executed by a surety company  
1186 authorized to do business in the state as surety, and  
1187 irrevocable letters of credit shall be issued by a bank  
1188 authorized to do business in the state as a bank.

1189 (c) Irrevocable letters of credit shall be engaged by a

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1190 bank as an agreement to honor demands for payment as specified  
1191 in this section.

1192 (d) The department shall, upon denial, suspension, or  
1193 revocation of any license, notify the surety company of the  
1194 licensee or bank issuing an irrevocable letter of credit for the  
1195 licensee, in writing, that the license has been denied,  
1196 suspended, or revoked and shall state the reason for such  
1197 denial, suspension, or revocation.

1198 (e) Any surety company that pays any claim against the bond  
1199 of any licensee or any bank that honors a demand for payment as  
1200 a condition specified in a letter of credit of a licensee shall  
1201 notify the department, in writing, that such action has been  
1202 taken and shall state the amount of the claim or payment.

1203 (f) Any surety company that cancels the bond of any  
1204 licensee or any bank that cancels an irrevocable letter of  
1205 credit shall notify the department, in writing, of such  
1206 cancellation, giving reason for the cancellation. The insurer  
1207 may cancel the surety bond by giving written notice of the  
1208 cancellation to the department. The cancellation of the surety  
1209 bond is effective no earlier than 30 days after the notice is  
1210 received by the department.

1211 (g) The department shall revoke, suspend, or deny a  
1212 dealer's license issued under this chapter if the dealer  
1213 conducts business during the license period without having in  
1214 full force and effect a surety bond that complies with this  
1215 subsection.

1216 (17) GARAGE LIABILITY INSURANCE REQUIRED.-Any person who  
1217 buys, sells, or deals in both mobile homes and recreational  
1218 vehicles shall provide the same garage liability insurance

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1219 required of dealers who buy, sell, or deal only in recreational  
1220 vehicles.

1221 (a) Before any license is issued or renewed, the applicant  
1222 shall deliver to the department evidence of a new or continued  
1223 garage liability insurance policy or a general liability  
1224 insurance policy coupled with a business automobile policy,  
1225 executed by the applicant as principal, which shall include, at  
1226 minimum, \$25,000 combined single-limit liability coverage,  
1227 including bodily injury and property damage protection, and  
1228 \$10,000 personal injury protection. The policy shall be for the  
1229 license period.

1230 (b) Proof of garage liability must be in a form approved by  
1231 the department and conditioned upon the dealer complying with  
1232 the conditions of any written contract made by that dealer in  
1233 connection with the sale, exchange, or improvement of any  
1234 recreational vehicle and not violating any provision of chapter  
1235 319 or this chapter in the conduct of the business for which he  
1236 or she is licensed. The garage liability insurance shall be to  
1237 the department and in favor of any retail customer who suffers  
1238 any loss as a result of any violation of this section.

1239 (c) The department shall, upon denial, suspension, or  
1240 revocation of any license, notify the insurance company of the  
1241 licensee in writing that the license has been denied, suspended,  
1242 or revoked and state the reason for such denial, suspension, or  
1243 revocation.

1244 (d) An insurance company that pays any claim against the  
1245 bond of any licensee shall notify the department in writing that  
1246 such action has been taken and the amount of the claim or  
1247 payment.

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1248       (e) An insurance company that cancels the insurance of any  
1249 licensee shall notify the department in writing of the  
1250 cancellation, giving the reason for the cancellation. The  
1251 insurance company may cancel the liability insurance by giving  
1252 written notice of the cancellation to the department. The  
1253 cancellation of the liability insurance is effective no earlier  
1254 than 30 days after the notice is received by the department.

1255       (f) The department shall revoke, suspend, or deny a  
1256 dealer's license issued under this chapter if the dealer  
1257 conducts business during the license period without having in  
1258 full force and effect garage liability insurance that complies  
1259 with this subsection.

1260       Section 18. Section 320.95, Florida Statutes, is amended to  
1261 read:

1262       320.95 Transactions by electronic or telephonic means.—

1263       (1) The department may ~~is authorized to~~ accept any  
1264 application provided for under this chapter by electronic or  
1265 telephonic means.

1266       (2) The department may collect and use e-mail addresses of  
1267 motor vehicle owners and registrants as a notification method in  
1268 lieu of the United States Postal Service.

1269       Section 19. Subsection (1) of section 322.03, Florida  
1270 Statutes, is amended to read:

1271       322.03 Drivers must be licensed; penalties.—

1272       (1) Except as otherwise authorized in this chapter, a  
1273 person may not drive any motor vehicle upon a highway in this  
1274 state unless such person has a valid driver's license issued  
1275 under ~~the provisions of~~ this chapter.

1276       (a) A person who drives a commercial motor vehicle may

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1277 ~~shall~~ not receive a driver's license unless and until he or she  
1278 surrenders to the department all driver's licenses in his or her  
1279 possession issued to him or her by any other jurisdiction or  
1280 makes an affidavit that he or she does not possess a driver's  
1281 license. Any such person who fails to surrender such licenses or  
1282 who makes a false affidavit concerning such licenses commits ~~is~~  
1283 ~~guilty of~~ a misdemeanor of the first degree, punishable as  
1284 provided in s. 775.082 or s. 775.083.

1285 ~~(b) A person who does not drive a commercial motor vehicle~~  
1286 ~~is not required to surrender a license issued by another~~  
1287 ~~jurisdiction, upon a showing to the department that such license~~  
1288 ~~is necessary because of employment or part-time residence. Any~~  
1289 ~~person who retains a driver's license because of employment or~~  
1290 ~~part-time residence shall, upon qualifying for a license in this~~  
1291 ~~state, be issued a driver's license which shall be valid within~~  
1292 ~~this state only.~~ All surrendered licenses may be returned by the  
1293 department to the issuing jurisdiction together with information  
1294 that the licensee is now licensed in a new jurisdiction or may  
1295 be destroyed by the department, which shall notify the issuing  
1296 jurisdiction of such destruction. A person may not have more  
1297 than one valid ~~Florida~~ driver's license at any time.

1298 (c) Part-time residents of this state issued a license that  
1299 is valid within this state only under paragraph (b) as that  
1300 paragraph existed before June 30, 2009, may continue to hold  
1301 such license until the next regularly scheduled renewal.  
1302 Licenses that are identified as "Valid in Florida Only" may not  
1303 be issued or renewed effective July 1, 2009. This paragraph  
1304 expires June 30, 2017.

1305 Section 20. Subsection (3) of section 322.051, Florida

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1306 Statutes, is amended to read:

1307 322.051 Identification cards.—

1308 (3) If an identification card issued under this section is  
1309 lost, destroyed, or mutilated or a new name is acquired, the  
1310 person to whom it was issued may obtain a duplicate upon  
1311 furnishing satisfactory proof of such fact to the department and  
1312 upon payment of the applicable fee under s. 322.21 ~~a fee of \$10~~  
1313 ~~for such duplicate, \$2.50 of which shall be deposited into the~~  
1314 ~~General Revenue Fund and \$7.50 into the Highway Safety Operating~~  
1315 ~~Trust Fund.~~ The fee must ~~shall~~ include payment for the color  
1316 photograph or digital image of the applicant. Any person who  
1317 loses an identification card and who, after obtaining a  
1318 duplicate, finds the original card shall immediately surrender  
1319 the original card to the department. The same documentary  
1320 evidence must ~~shall~~ be furnished for a duplicate as for an  
1321 original identification card.

1322 Section 21. Present subsection (6) of section 322.08,  
1323 Florida Statutes, is redesignated as subsection (7), and a new  
1324 subsection (6) is added to that section, to read:

1325 322.08 Application for license.—

1326 (6) The department may not issue a driver's license or  
1327 identification card, as described in s. 322.051, to an applicant  
1328 if the applicant holds a valid driver's license or  
1329 identification card issued by any state.

1330 Section 22. Subsection (1) of section 322.095, Florida  
1331 Statutes, is amended to read:

1332 322.095 Traffic law and substance abuse education program  
1333 for driver's license applicants.—

1334 (1) The Department of Highway Safety and Motor Vehicles

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1335 must approve traffic law and substance abuse education courses  
1336 that must be completed by applicants for a Florida driver's  
1337 license. The curricula for the courses must provide instruction  
1338 on the physiological and psychological consequences of the abuse  
1339 of alcohol and other drugs, the societal and economic costs of  
1340 alcohol and drug abuse, the effects of alcohol and drug abuse on  
1341 the driver of a motor vehicle, and the laws of this state  
1342 relating to the operation of a motor vehicle. ~~All instructors~~  
1343 ~~teaching the courses shall be certified by the department.~~

1344 Section 23. Section 322.201, Florida Statutes, is amended  
1345 to read:

1346 322.201 Records as evidence.—A copy, computer copy, or  
1347 transcript of all abstracts of crash reports and all abstracts  
1348 of court records of convictions received by the department and  
1349 the complete driving record of any individual duly certified by  
1350 ~~machine imprint~~ of the department or by ~~machine imprint~~ of the  
1351 clerk of a court shall be received as evidence in all courts of  
1352 this state without further authentication, provided the same is  
1353 otherwise admissible in evidence. Further, any court or the  
1354 office of the clerk of any court of this state which is  
1355 electronically connected by a terminal device to the computer  
1356 data center of the department may use as evidence in any case  
1357 the information obtained by this device from the records of the  
1358 department without need of such certification; however, if a  
1359 genuine issue as to the authenticity of such information is  
1360 raised by a party or by the court, the court in its sound  
1361 discretion may require that a record certified by the department  
1362 be submitted for admission into evidence. For such computer  
1363 copies generated by a terminal device of a court or clerk of

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1364 court, entry in a driver's record that the notice required by s.  
1365 322.251 was given shall constitute sufficient evidence that such  
1366 notice was given.

1367 Section 24. Section 322.22, Florida Statutes, is amended to  
1368 read:

1369 322.22 Authority of department to cancel license or  
1370 identification card.—

1371 (1) The department may ~~is authorized to~~ cancel any driver's  
1372 license or identification card, upon determining that the  
1373 licensee or identification cardholder was not entitled to the  
1374 issuance thereof, ~~or~~ that the licensee or identification  
1375 cardholder failed to give the required or correct information in  
1376 his or her application or committed any fraud in making such  
1377 application, or that the licensee or identification cardholder  
1378 has two or more licenses on file with the department, each in a  
1379 different name but bearing the photograph of the licensee or  
1380 identification cardholder, unless the licensee or identification  
1381 cardholder has complied with the requirements of this chapter in  
1382 obtaining the licenses or identification cards. The department  
1383 may cancel any driver's license, identification card, vehicle or  
1384 vessel registration, or fuel-use decal if the licensee or  
1385 identification cardholder fails to pay the correct fee or pays  
1386 for the driver's license, identification card, vehicle or vessel  
1387 registration, or fuel-use decal; pays any tax liability,  
1388 penalty, or interest specified in chapter 207; or pays any  
1389 administrative, delinquency, or reinstatement fee by a  
1390 dishonored check.

1391 (2) Upon such cancellation, the licensee or identification  
1392 cardholder must surrender to the department the license or



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1393 identification card so canceled.

1394 Section 25. Subsection (2) of section 322.2615, Florida  
1395 Statutes, is amended, and subsection (17) is added to that  
1396 section, to read:

1397 322.2615 Suspension of license; right to review.—

1398 (2) Except as provided in paragraph (1)(a), the law  
1399 enforcement officer shall forward to the department, within 5  
1400 days after issuing the notice of suspension, the driver's  
1401 license; an affidavit stating the officer's grounds for belief  
1402 that the person was driving or in actual physical control of a  
1403 motor vehicle while under the influence of alcoholic beverages  
1404 or chemical or controlled substances; the results of any breath  
1405 or blood test or an affidavit stating that a breath, blood, or  
1406 urine test was requested by a law enforcement officer or  
1407 correctional officer and that the person refused to submit; the  
1408 officer's description of the person's field sobriety test, if  
1409 any; and the notice of suspension; ~~and a copy of the crash~~  
1410 ~~report, if any.~~ The failure of the officer to submit materials  
1411 within the 5-day period specified in this subsection and in  
1412 subsection (1) does not affect the department's ability to  
1413 consider any evidence submitted at or prior to the hearing. The  
1414 officer may also submit a copy of the crash report or a copy of  
1415 a videotape of the field sobriety test or the attempt to  
1416 administer such test. Materials submitted to the department by a  
1417 law enforcement agency or correctional agency shall be  
1418 considered self-authenticating and shall be in the record for  
1419 consideration by the hearing officer. Notwithstanding s.  
1420 316.066(7), the crash report shall be considered by the hearing  
1421 officer.

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1422           (17) Notwithstanding s. 316.1932, the term "lawful breath,  
1423 blood, or urine test" means any test approved by the Department  
1424 of Law Enforcement.

1425           Section 26. Section 322.27, Florida Statutes, is amended to  
1426 read:

1427           322.27 Authority of department to suspend or revoke license  
1428 or identification card.-

1429           (1) Notwithstanding any provisions to the contrary in  
1430 chapter 120, the department may ~~is hereby authorized to~~ suspend  
1431 the license or identification card of any person without  
1432 preliminary hearing upon a showing of its records or other  
1433 sufficient evidence that the licensee or identification  
1434 cardholder:

1435           (a) Has committed an offense for which mandatory revocation  
1436 of license is required upon conviction. A law enforcement agency  
1437 must provide information to the department within 24 hours after  
1438 any traffic fatality or when the law enforcement agency  
1439 initiates action under ~~pursuant to~~ s. 316.1933;

1440           (b) Has been convicted of a violation of any traffic law  
1441 which resulted in a crash that caused the death or personal  
1442 injury of another or property damage in excess of \$500;

1443           (c) Is incompetent to drive a motor vehicle;

1444           (d) Has permitted an unlawful or fraudulent use of such  
1445 license or identification card or has knowingly been a party to  
1446 the obtaining of a license or identification card by fraud or  
1447 misrepresentation or to display, or represent as one's own, any  
1448 driver's license or identification card not issued him or her.

1449 ~~Provided, However, no provision of this section does not shall~~  
1450 ~~be construed to~~ include the provisions of s. 322.32(1);

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1451 (e) Has committed an offense in another state which if  
1452 committed in this state would be grounds for suspension or  
1453 revocation; or

1454 (f) Has committed a second or subsequent violation of s.  
1455 316.172(1) within a 5-year period of any previous violation.

1456 (2) The department shall suspend the license of any person  
1457 without preliminary hearing upon a showing of its records that  
1458 the licensee has been convicted in any court having jurisdiction  
1459 over offenses committed under this chapter or any other law of  
1460 this state regulating the operation of a motor vehicle on the  
1461 highways, upon direction of the court, when the court feels that  
1462 the seriousness of the offense and the circumstances surrounding  
1463 the conviction warrant the suspension of the licensee's driving  
1464 privilege.

1465 (3) There is established a point system for evaluation of  
1466 convictions of violations of motor vehicle laws or ordinances,  
1467 and violations of applicable provisions of s. 403.413(6) (b) when  
1468 such violations involve the use of motor vehicles, for the  
1469 determination of the continuing qualification of any person to  
1470 operate a motor vehicle. The department is authorized to suspend  
1471 the license of any person upon showing of its records or other  
1472 good and sufficient evidence that the licensee has been  
1473 convicted of violation of motor vehicle laws or ordinances, or  
1474 applicable provisions of s. 403.413(6) (b), amounting to 12 or  
1475 more points as determined by the point system. The suspension  
1476 shall be for a period of not more than 1 year.

1477 (a) When a licensee accumulates 12 points within a 12-month  
1478 period, the period of suspension shall be for not more than 30  
1479 days.

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1480 (b) When a licensee accumulates 18 points, including points  
1481 upon which suspension action is taken under paragraph (a),  
1482 within an 18-month period, the suspension shall be for a period  
1483 of not more than 3 months.

1484 (c) When a licensee accumulates 24 points, including points  
1485 upon which suspension action is taken under paragraphs (a) and  
1486 (b), within a 36-month period, the suspension shall be for a  
1487 period of not more than 1 year.

1488 (d) The point system shall have as its basic element a  
1489 graduated scale of points assigning relative values to  
1490 convictions of the following violations:

- 1491 1. Reckless driving, willful and wanton—4 points.
- 1492 2. Leaving the scene of a crash resulting in property  
1493 damage of more than \$50—6 points.
- 1494 3. Unlawful speed resulting in a crash—6 points.
- 1495 4. Passing a stopped school bus—4 points.
- 1496 5. Unlawful speed:
  - 1497 a. Not in excess of 15 miles per hour of lawful or posted  
1498 speed—3 points.
  - 1499 b. In excess of 15 miles per hour of lawful or posted  
1500 speed—4 points.
- 1501 6. A violation of a traffic control signal device as  
1502 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
- 1503 7. All other moving violations (including parking on a  
1504 highway outside the limits of a municipality)—3 points. However,  
1505 no points shall be imposed for a violation of s. 316.0741 or s.  
1506 316.2065(12).
- 1507 8. Any moving violation covered above, excluding unlawful  
1508 speed, resulting in a crash—4 points.

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1509 9. Any conviction under s. 403.413(6)(b)-3 points.

1510 10. Any conviction under s. 316.0775(2)-4 points.

1511 (e) A conviction in another state of a violation therein  
1512 which, if committed in this state, would be a violation of the  
1513 traffic laws of this state, or a conviction of an offense under  
1514 any federal law substantially conforming to the traffic laws of  
1515 this state, except a violation of s. 322.26, may be recorded  
1516 against a driver on the basis of the same number of points  
1517 received had the conviction been made in a court of this state.

1518 (f) In computing the total number of points, when the  
1519 licensee reaches the danger zone, the department is authorized  
1520 to send the licensee a warning letter advising that any further  
1521 convictions may result in suspension of his or her driving  
1522 privilege.

1523 (g) The department shall administer and enforce the  
1524 provisions of this law and may make rules and regulations  
1525 necessary for its administration.

1526 (h) Three points shall be deducted from the driver history  
1527 record of any person whose driving privilege has been suspended  
1528 only once pursuant to this subsection and has been reinstated,  
1529 if such person has complied with all other requirements of this  
1530 chapter.

1531 (i) This subsection shall not apply to persons operating a  
1532 nonmotorized vehicle for which a driver's license is not  
1533 required.

1534 (4) The department, in computing the points and period of  
1535 time for suspensions under this section, shall use the offense  
1536 date of all convictions.

1537 (5) The department shall revoke the license of any person

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1538 designated a habitual offender, as set forth in s. 322.264, and  
1539 such person shall not be eligible to be relicensed for a minimum  
1540 of 5 years from the date of revocation, except as provided for  
1541 in s. 322.271. Any person whose license is revoked may, by  
1542 petition to the department, show cause why his or her license  
1543 should not be revoked.

1544 (6) The department shall revoke the driving privilege of  
1545 any person who is convicted of a felony for the possession of a  
1546 controlled substance if, at the time of such possession, the  
1547 person was driving or in actual physical control of a motor  
1548 vehicle. A person whose driving privilege has been revoked  
1549 pursuant to this subsection shall not be eligible to receive a  
1550 limited business or employment purpose license during the term  
1551 of such revocation.

1552 (7) Review of an order of suspension or revocation shall be  
1553 by writ of certiorari as provided in s. 322.31.

1554 Section 27. Subsection (2) of section 322.271, Florida  
1555 Statutes, is amended to read:

1556 322.271 Authority to modify revocation, cancellation, or  
1557 suspension order.—

1558 (2) ~~(a) At~~ Upon such hearing, the person whose license has  
1559 been suspended, canceled, or revoked may show that such  
1560 suspension, cancellation, or revocation ~~of his or her license~~  
1561 causes a serious hardship and precludes the person from ~~person's~~  
1562 carrying out his or her normal business occupation, trade, or  
1563 employment and that the use of the person's license in the  
1564 normal course of his or her business is necessary to the proper  
1565 support of the person or his or her family.

1566 (a) Except as otherwise provided in this subsection, the

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1567 department shall require proof of the successful completion of  
1568 the applicable department-approved driver training course  
1569 operating pursuant to s. 318.1451 or DUI program substance abuse  
1570 education course and evaluation as provided in s. 316.193(5).  
1571 Letters of recommendation from respected business persons in the  
1572 community, law enforcement officers, or judicial officers may  
1573 also be required to determine whether the ~~such~~ person should be  
1574 permitted to operate a motor vehicle on a restricted basis for  
1575 business or employment use only and in determining whether such  
1576 person can be trusted to so operate a motor vehicle. If a  
1577 driver's license has been suspended under the point system or  
1578 under ~~pursuant to~~ s. 322.2615, the department shall require  
1579 proof of enrollment in the applicable department-approved driver  
1580 training course or licensed DUI program substance abuse  
1581 education course, including evaluation and treatment, if  
1582 referred, and may require letters of recommendation described in  
1583 this paragraph ~~subsection~~ to determine if the driver should be  
1584 reinstated on a restricted basis. If the ~~such~~ person fails to  
1585 complete the approved course within 90 days after reinstatement  
1586 or subsequently fails to complete treatment, ~~if applicable,~~ the  
1587 department shall cancel his or her driver's license until the  
1588 course and treatment, if applicable, is successfully completed,  
1589 notwithstanding the terms of the court order or any suspension  
1590 or revocation of the driving privilege. The department may  
1591 temporarily reinstate the driving privilege on a restricted  
1592 basis upon verification from the DUI program that the offender  
1593 has reentered and is currently participating in treatment and  
1594 has completed the DUI education course and evaluation  
1595 requirement. If the DUI program notifies the department of the

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1596 second failure to complete treatment, the department shall  
1597 reinstate the driving privilege only after notice of completion  
1598 of treatment from the DUI program. The privilege of driving on a  
1599 limited or restricted basis for business or employment use may  
1600 ~~shall~~ not be granted to a person who has been convicted of a  
1601 violation of s. 316.193 until completion of the DUI program  
1602 substance abuse education course and evaluations as provided in  
1603 s. 316.193(5). Except as provided in paragraph (c) ~~(b)~~, the  
1604 privilege of driving on a limited or restricted basis for  
1605 business or employment use may ~~shall~~ not be granted to a person  
1606 whose license is revoked pursuant to s. 322.28 or suspended  
1607 pursuant to s. 322.2615 and who has been convicted of a  
1608 violation of s. 316.193 two or more times or whose license has  
1609 been suspended two or more times for refusal to submit to a test  
1610 pursuant to s. 322.2615 or former s. 322.261.

1611 (b) The department may waive the hearing process for  
1612 suspensions and revocations upon request by the driver if the  
1613 driver has enrolled or completed the applicable driver training  
1614 course approved under s. 318.1451 or the DUI program substance  
1615 abuse education course and evaluation provided in s. 316.193(5).  
1616 However, the department may not waive the hearing for  
1617 suspensions or revocations that involve death or serious bodily  
1618 injury, multiple convictions for violations of s. 316.193  
1619 pursuant to s. 322.27(5), or a second or subsequent suspension  
1620 or revocation pursuant to the same provision of this chapter.  
1621 This paragraph does not preclude the department from requiring a  
1622 hearing for any suspension or revocation that it determines is  
1623 warranted based on the severity of the offense.

1624 (c) ~~(b)~~ A person whose license has been revoked for a period



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1625 of 5 years or less pursuant to s. 322.28(2) (a) may, ~~upon the~~  
1626 ~~expiration of~~ 12 months after the date the ~~said~~ revocation was  
1627 imposed, petition the department for reinstatement of his or her  
1628 driving privilege on a restricted basis. A person whose license  
1629 has been revoked for ~~a period of~~ more than 5 years under s.  
1630 322.28(2) (a) may, ~~upon the expiration of~~ 24 months after the  
1631 date the revocation was imposed, petition the department for  
1632 reinstatement of his or her driving privilege on a restricted  
1633 basis. Reinstatement under ~~of the driving privilege pursuant to~~  
1634 this subsection is ~~shall be~~ restricted to business or employment  
1635 purposes only. In addition, the department shall require such  
1636 persons upon reinstatement to have not driven and to have been  
1637 drug free for at least 12 months immediately before the ~~prior to~~  
1638 ~~such~~ reinstatement, to be supervised by a DUI program licensed  
1639 by the department, and to report to the program at least three  
1640 times a year as required by the program for the duration of the  
1641 revocation period for supervision. Such supervision includes  
1642 ~~shall include~~ evaluation, education, referral into treatment,  
1643 and other activities required by the department. Such persons  
1644 shall assume reasonable costs of supervision. If the ~~such~~ person  
1645 fails to comply with the required supervision, the program shall  
1646 report the failure to the department, and the department shall  
1647 cancel the ~~such~~ person's driving privilege. This paragraph does  
1648 not apply to any person whose driving privilege has been  
1649 permanently revoked.

1650 (d) ~~(e)~~ For the purpose of this section, a previous  
1651 conviction of driving under the influence, driving while  
1652 intoxicated, driving with an unlawful blood-alcohol level, or  
1653 any other similar alcohol-related or drug-related offense

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1654 outside this state or a previous conviction of former s.  
1655 316.1931, former s. 316.028, or former s. 860.01 is ~~shall be~~  
1656 considered a previous conviction for violation of s. 316.193.

1657 (e) ~~(d)~~ The department, based upon review of the licensee's  
1658 application for reinstatement, may require use of an ignition  
1659 interlock device pursuant to s. 322.2715.

1660 Section 28. Paragraph (a) of subsection (2) of section  
1661 322.28, Florida Statutes, is amended to read:

1662 322.28 Period of suspension or revocation.—

1663 (2) In a prosecution for a violation of s. 316.193 or  
1664 former s. 316.1931, the following provisions apply:

1665 (a) Upon conviction of the driver, the court, along with  
1666 imposing sentence, shall revoke the driver's license or driving  
1667 privilege of the person so convicted, effective on the date of  
1668 conviction, and shall prescribe the period of such revocation in  
1669 accordance with the following provisions:

1670 1. Upon a first conviction, or any conviction that does not  
1671 fall under subparagraph 2. or subparagraph 3., for a violation  
1672 of the provisions of s. 316.193 or former s. 316.1931, except a  
1673 violation resulting in death, the driver's license or driving  
1674 privilege shall be revoked for not less than 180 days or more  
1675 than 1 year.

1676 2. Upon a second conviction for an offense that occurs  
1677 within a period of 5 years after the date of a prior conviction  
1678 for a violation of the provisions of s. 316.193 or former s.  
1679 316.1931 or a combination of such sections, the driver's license  
1680 or driving privilege shall be revoked for not less than 5 years.

1681 3. Upon a third conviction for an offense that occurs  
1682 within a period of 10 years after the date of a prior conviction

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1683 for the violation of the provisions of s. 316.193 or former s.  
 1684 316.1931 or a combination of such sections, the driver's license  
 1685 or driving privilege shall be revoked for not less than 10  
 1686 years.

1687  
 1688 For the purposes of this paragraph, a previous conviction  
 1689 outside this state for driving under the influence, driving  
 1690 while intoxicated, driving with an unlawful blood-alcohol level,  
 1691 or any other alcohol-related or drug-related traffic offense  
 1692 similar to the offense of driving under the influence as  
 1693 proscribed by s. 316.193 will be considered a previous  
 1694 conviction for violation of s. 316.193, and a conviction for  
 1695 violation of former s. 316.028, former s. 316.1931, or former s.  
 1696 860.01 is considered a conviction for violation of s. 316.193.  
 1697 Additionally, if a person has two offenses for violating s.  
 1698 316.193 pending at the same time which were committed on  
 1699 different offense dates and the person is subsequently convicted  
 1700 for each violation, the court shall impose the sanction as if  
 1701 the first conviction preceded the offense date of the second  
 1702 conviction.

1703 Section 29. Section 322.293, Florida Statutes, is amended  
 1704 to read:

1705 322.293 DUI Programs ~~Coordination Trust Fund~~; assessment;  
 1706 disposition.—

1707 (1) ~~The DUI Programs Coordination Trust Fund~~ shall be  
 1708 administered by the department, and the costs of administration  
 1709 shall be paid ~~borne~~ by the revenue collections provided in this  
 1710 section ~~fund~~. All funds received by the department ~~DUI Programs~~  
 1711 ~~Coordination Trust Fund~~ shall be used ~~solely~~ for the purposes

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1712 set forth in this chapter and for the general operation of the  
1713 department ~~section and s. 322.292. However, if the Legislature~~  
1714 ~~passes legislation consolidating existing trust funds assigned~~  
1715 ~~to the department, all funds remaining in and deposited to the~~  
1716 ~~DUI Programs Coordination Trust Fund shall be transferred to the~~  
1717 ~~consolidated trust funds, subject to their being earmarked for~~  
1718 ~~use solely for the purposes set forth in this section and s.~~  
1719 ~~322.292.~~

1720 (2) Each DUI program shall assess \$12 against each person  
1721 enrolling in a DUI program at the time of enrollment, including  
1722 persons who transfer to or from a program in another state. In  
1723 addition, second and third offenders and those offenders under  
1724 permanent driver's-license revocation who are evaluated for  
1725 ~~eligibility for~~ license restrictions under s. 322.271(2) ~~s.~~  
1726 ~~322.271(2)(b)~~ and (4) shall be assessed \$12 upon enrollment in  
1727 the program and upon each subsequent anniversary date while they  
1728 are in the program, for the duration of the license period.

1729 (3) All assessments collected under this section shall be  
1730 deposited in the Highway Safety Operating ~~forwarded to the DUI~~  
1731 ~~Programs Coordination~~ Trust Fund within 30 days after the last  
1732 day of the month in which the assessment was received.

1733 Section 30. Subsection (1), paragraph (b) of subsection  
1734 (7), and subsection (8) of section 322.64, Florida Statutes, are  
1735 amended to read:

1736 322.64 Holder of commercial driver's license; persons  
1737 operating a commercial motor vehicle; driving with unlawful  
1738 blood-alcohol level; refusal to submit to breath, urine, or  
1739 blood test.—

1740 (1) (a) A law enforcement officer or correctional officer

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1741 shall, on behalf of the department, disqualify from operating  
1742 any commercial motor vehicle a person who while operating or in  
1743 actual physical control of a commercial motor vehicle is  
1744 arrested for a violation of s. 316.193, relating to unlawful  
1745 blood-alcohol level or breath-alcohol level, or a person who has  
1746 refused to submit to a breath, urine, or blood test authorized  
1747 by s. 322.63 or s. 316.1932 arising out of the operation or  
1748 actual physical control of a commercial motor vehicle. A law  
1749 enforcement officer or correctional officer shall, on behalf of  
1750 the department, disqualify the holder of a commercial driver's  
1751 license from operating any commercial motor vehicle if the  
1752 licenseholder, while operating or in actual physical control of  
1753 a motor vehicle, is arrested for a violation of s. 316.193,  
1754 relating to unlawful blood-alcohol level or breath-alcohol  
1755 level, or refused to submit to a breath, urine, or blood test  
1756 authorized by s. 322.63 or s. 316.1932. Upon disqualification of  
1757 the person, the officer shall take the person's driver's license  
1758 and issue the person a 10-day temporary permit for the operation  
1759 of noncommercial vehicles only if the person is otherwise  
1760 eligible for the driving privilege and shall issue the person a  
1761 notice of disqualification. If the person has been given a  
1762 blood, breath, or urine test, the results of which are not  
1763 available to the officer at the time of the arrest, the agency  
1764 employing the officer shall transmit such results to the  
1765 department within 5 days after receipt of the results. If the  
1766 department then determines that the person had a blood-alcohol  
1767 level or breath-alcohol level of 0.08 or higher, the department  
1768 shall disqualify the person from operating a commercial motor  
1769 vehicle pursuant to subsection (3).

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1770 (b) The disqualification under paragraph (a) shall be  
1771 pursuant to, and the notice of disqualification shall inform the  
1772 driver of, the following:

1773 1.a. The driver refused to submit to a lawful breath,  
1774 blood, or urine test and he or she is disqualified from  
1775 operating a commercial motor vehicle for a period of 1 year, for  
1776 a first refusal, or permanently, if he or she has previously  
1777 been disqualified under this section ~~as a result of a refusal to~~  
1778 ~~submit to such a test;~~ or

1779 b. The driver was driving or in actual physical control of  
1780 a commercial motor vehicle, or any motor vehicle if the driver  
1781 holds a commercial driver's license, had an unlawful blood-  
1782 alcohol level or breath-alcohol level of 0.08 or higher, and his  
1783 or her driving privilege shall be disqualified for a period of 1  
1784 year for a first offense or permanently disqualified if his or  
1785 her driving privilege has been previously disqualified under  
1786 this section.

1787 2. The disqualification period for operating commercial  
1788 vehicles shall commence on the date of issuance of the notice of  
1789 disqualification.

1790 3. The driver may request a formal or informal review of  
1791 the disqualification by the department within 10 days after the  
1792 date of issuance of the notice of disqualification.

1793 4. The temporary permit issued at the time of  
1794 disqualification expires at midnight of the 10th day following  
1795 the date of disqualification.

1796 5. The driver may submit to the department any materials  
1797 relevant to the disqualification.

1798 (7) In a formal review hearing under subsection (6) or an

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1799 informal review hearing under subsection (4), the hearing  
1800 officer shall determine by a preponderance of the evidence  
1801 whether sufficient cause exists to sustain, amend, or invalidate  
1802 the disqualification. The scope of the review shall be limited  
1803 to the following issues:

1804 (b) If the person was disqualified from operating a  
1805 commercial motor vehicle for refusal to submit to a breath,  
1806 blood, or urine test:

1807 1. Whether the law enforcement officer had probable cause  
1808 to believe that the person was driving or in actual physical  
1809 control of a commercial motor vehicle, or any motor vehicle if  
1810 the driver holds a commercial driver's license, in this state  
1811 while he or she had any alcohol, chemical substances, or  
1812 controlled substances in his or her body.

1813 2. Whether the person refused to submit to the test after  
1814 being requested to do so by a law enforcement officer or  
1815 correctional officer.

1816 3. Whether the person was told that if he or she refused to  
1817 submit to such test he or she would be disqualified from  
1818 operating a commercial motor vehicle for a period of 1 year or,  
1819 if previously disqualified under this section ~~in the case of a~~  
1820 ~~second refusal~~, permanently.

1821 (8) Based on the determination of the hearing officer  
1822 pursuant to subsection (7) for both informal hearings under  
1823 subsection (4) and formal hearings under subsection (6), the  
1824 department shall:

1825 (a) Sustain the disqualification for a period of 1 year for  
1826 a first refusal, or permanently if such person has been  
1827 previously disqualified from operating a commercial motor

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1828 vehicle under this section ~~as a result of a refusal to submit to~~  
1829 ~~such tests~~. The disqualification period commences on the date of  
1830 the ~~arrest or~~ issuance of the notice of disqualification,  
1831 ~~whichever is later~~.

1832 (b) Sustain the disqualification:

1833 1. For a period of 1 year if the person was driving or in  
1834 actual physical control of a commercial motor vehicle, or any  
1835 motor vehicle if the driver holds a commercial driver's license,  
1836 and had an unlawful blood-alcohol level or breath-alcohol level  
1837 of 0.08 or higher; or

1838 2. Permanently if the person has been previously  
1839 disqualified from operating a commercial motor vehicle under  
1840 this section or his or her driving privilege has been previously  
1841 suspended for driving or being in actual physical control of a  
1842 commercial motor vehicle, or any motor vehicle if the driver  
1843 holds a commercial driver's license, and had an unlawful blood-  
1844 alcohol level or breath-alcohol level of 0.08 or higher.

1845  
1846 The disqualification period commences on the date of the ~~arrest~~  
1847 ~~or~~ issuance of the notice of disqualification.

1848 Section 31. Section 328.30, Florida Statutes, is amended to  
1849 read:

1850 328.30 Transactions by electronic or telephonic means.—

1851 (1) The department may ~~is authorized to~~ accept any  
1852 application provided for under this chapter by electronic or  
1853 telephonic means.

1854 (2) The department may issue an electronic certificate of  
1855 title in lieu of printing a paper title.

1856 (3) The department may collect and use e-mail addresses of



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1857 vessel owners and registrants as a notification method in lieu  
1858 of the United States Postal Service.

1859 Section 32. Subsection (12) of section 328.72, Florida  
1860 Statutes, is amended, present subsections (13), (14), (15),  
1861 (16), and (17) of that section, are redesignated as subsections  
1862 (14), (15), (16), (17), and (18), respectively, and a new  
1863 subsection (13) is added to that section, to read:

1864 328.72 Classification; registration; fees and charges;  
1865 surcharge; disposition of fees; fines; marine turtle stickers.-

1866 (12) REGISTRATION.-

1867 (a) "Registration period" is a period of 12 months during  
1868 which a vessel registration is valid.

1869 (b) "Extended registration period" means a period of 24  
1870 months during which a vessel registration is valid.

1871 (c) ~~(b)~~ Any vessel owner who is subject to registration  
1872 under subparagraph (c)1. is eligible for an extended  
1873 registration period that begins the first day of the birth month  
1874 of the owner and ends the last day of the month immediately  
1875 preceding the owner's birth month 24 months after the beginning  
1876 of the registration period. If the vessel is registered in the  
1877 name of more than one person, the birth month of the person  
1878 whose name first appears on the registration shall be used to  
1879 determine the extended registration period. For a vessel subject  
1880 to this extended registration period, the renewal period is the  
1881 30-day period ending at midnight on the vessel owner's date of  
1882 birth.

1883 (d) ~~(e)~~ The following registration periods and renewal  
1884 periods are established:

1885 1. For vessels owned by individuals, the registration

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1886 period begins the first day of the birth month of the owner and  
1887 ends the last day of the month immediately preceding the owner's  
1888 birth month in the succeeding year. If the vessel is registered  
1889 in the name of more than one person, the birth month of the  
1890 person whose name first appears on the registration shall be  
1891 used to determine the registration period. For a vessel subject  
1892 to this registration period, the renewal period is the 30-day  
1893 period ending at midnight on the vessel owner's date of birth.

1894 2. For vessels owned by companies, corporations,  
1895 governmental entities, and registrations issued to dealers and  
1896 manufacturers, the registration period begins July 1 and ends  
1897 June 30. The renewal period is the 30-day period beginning June  
1898 1.

1899 (13) Registration fees shall be prorated on a monthly basis  
1900 when the registration period is other than 12 months or 24  
1901 months. An annual registration may not exceed 15 months and a  
1902 biennial registration may not exceed 27 months.

1903 Section 33. Section 328.80, Florida Statutes, is amended to  
1904 read:

1905 328.80 Transactions by electronic or telephonic means.—

1906 (1) The department may ~~commission is authorized to~~ accept  
1907 any application provided for under this chapter by electronic or  
1908 telephonic means.

1909 (2) The department may collect and use e-mail addresses of  
1910 vessel owners and registrants as a notification method in lieu  
1911 of the United States Postal Service.

1912 Section 34. This act shall take effect October 1, 2009.