

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Albritton offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause and insert:

Section 1. Section 20.24, Florida Statutes, is amended to read:

20.24 Department of Highway Safety and Motor Vehicles.— There is created a Department of Highway Safety and Motor Vehicles.

(1) The head of the Department of Highway Safety and Motor Vehicles is the Governor and Cabinet. An executive director shall serve at the pleasure of the Governor and Cabinet. The executive director may establish a command, operational, and administrative services structure to assist, manage, and support the department in operating programs and delivering services.

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

17 (2) The following divisions, ~~and bureaus within the~~
18 ~~divisions,~~ of the Department of Highway Safety and Motor
19 Vehicles are established:

20 (a) Division of the Florida Highway Patrol.

21 (b) Division of Motorist Services.

22 ~~(b) Division of Driver Licenses.~~

23 ~~(c) Division of Motor Vehicles.~~

24 Section 2. Subsection (9) of section 261.03, Florida
25 Statutes, is amended to read:

26 261.03 Definitions.—As used in this chapter, the term:

27 (9) "ROV" means any motorized recreational off-highway
28 vehicle 64 inches or less in width, having a dry weight of 2,000
29 pounds or less, designed to travel on four or more nonhighway
30 tires, having nonstraddle seating and a steering wheel, and
31 manufactured for recreational use by one or more persons. The
32 term "ROV" does not include a golf cart as defined in ss.
33 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
34 s. 320.01~~(42)~~.

35 Section 3. Paragraph (e) of subsection (2) of section
36 288.816, Florida Statutes, is amended to read:

37 288.816 Intergovernmental relations.—

38 (2) The Office of Tourism, Trade, and Economic Development
39 shall be responsible for all consular relations between the
40 state and all foreign governments doing business in Florida. The
41 office shall monitor United States laws and directives to ensure
42 that all federal treaties regarding foreign privileges and
43 immunities are properly observed. The office shall promulgate
44 rules which shall:

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

45 (e) Verify entitlement to issuance of special motor
46 vehicle license plates by ~~the Division of Motor Vehicles~~ of the
47 Department of Highway Safety and Motor Vehicles to honorary
48 consuls or such other officials representing foreign governments
49 who are not entitled to issuance of special Consul Corps license
50 plates by the United States Government.

51 Section 4. Paragraph (a) of subsection (3) of section
52 311.121, Florida Statutes, is amended to read:

53 311.121 Qualifications, training, and certification of
54 licensed security officers at Florida seaports.-

55 (3) The Seaport Security Officer Qualification, Training,
56 and Standards Coordinating Council is created under the
57 Department of Law Enforcement.

58 (a) The executive director of the Department of Law
59 Enforcement shall appoint 11 members to the council, to include:

60 1. The seaport administrator of the Department of Law
61 Enforcement.

62 2. The Commissioner of Education or his or her designee.

63 3. The director of the Division of Licensing of the
64 Department of Agriculture and Consumer Services.

65 4. The administrator of the Florida Seaport Transportation
66 and Economic Development Council.

67 5. Two seaport security directors from seaports designated
68 under s. 311.09.

69 6. One director of a state law enforcement academy.

70 7. One representative of a local law enforcement agency.

71 8. Two representatives of contract security services.

72 9. One representative of ~~the Division of Driver Licenses~~

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

73 of the Department of Highway Safety and Motor Vehicles.

74 Section 5. Subsections (2) and (21) of section 316.003,
75 Florida Statutes, are amended, and subsection (89) is added to
76 that section, to read:

77 316.003 Definitions.—The following words and phrases, when
78 used in this chapter, shall have the meanings respectively
79 ascribed to them in this section, except where the context
80 otherwise requires:

81 (2) BICYCLE.—Every vehicle propelled solely by human
82 power, and every motorized bicycle propelled by a combination of
83 human power and a ~~an electric~~ helper motor capable of propelling
84 the vehicle at a speed of not more than 20 miles per hour on
85 level ground upon which any person may ride, having two tandem
86 wheels, and including any device generally recognized as a
87 bicycle though equipped with two front or two rear wheels. The
88 term does not include such a vehicle with a seat height of no
89 more than 25 inches from the ground when the seat is adjusted to
90 its highest position or a scooter or similar device. No person
91 under the age of 16 may operate or ride upon a motorized
92 bicycle.

93 (21) MOTOR VEHICLE.—Any self-propelled vehicle not
94 operated upon rails or guideway, but not including any bicycle,
95 motorized scooter, electric personal assistive mobility device,
96 swamp buggy, or moped.

97 (89) SWAMP BUGGY.—A motorized off-road vehicle designed to
98 travel over swampy terrain, which may use large tires or tracks
99 operated from an elevated platform, and may be used upon varied
100 terrain. A swamp buggy does not include any vehicle defined in

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

101 chapter 261 or otherwise defined or classified in this chapter.
102 A swamp buggy may not be operated upon the public roads,
103 streets, or highways of this state, except to the extent
104 specifically authorized by a state or federal agency to be used
105 exclusively upon lands, managed, owned, or leased by that
106 agency.

107 Section 6. For the purpose of incorporating the amendment
108 made by chapter 2010-163, Laws of Florida, to section 316.066,
109 Florida Statutes, in a reference thereto, subsection (4) of
110 section 316.065, Florida Statutes, is reenacted retroactive to
111 July 1, 2010, to read:

112 316.065 Crashes; reports; penalties.—

113 (4) Any person who knowingly repairs a motor vehicle
114 without having made a report as required by subsection (3) is
115 guilty of a misdemeanor of the first degree, punishable as
116 provided in s. 775.082 or s. 775.083. The owner and driver of a
117 vehicle involved in a crash who makes a report thereof in
118 accordance with subsection (1) or s. 316.066(1) is not liable
119 under this section.

120 Section 7. Section 316.1303, Florida Statutes, is amended
121 to read:

122 316.1303 Traffic regulations to assist mobility-impaired
123 persons.—

124 (1) Whenever a pedestrian is in the process of crossing a
125 public street or highway and the pedestrian is mobility impaired
126 ~~mobility-impaired~~ (using a guide dog or service animal
127 designated as such with a visible means of identification, a
128 walker, a crutch, an orthopedic cane, or a wheelchair), the
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

129 driver of every vehicle approaching the intersection, as defined
130 in s. 316.003(17), shall bring his or her vehicle to a full stop
131 before arriving at such intersection and, before proceeding,
132 shall take such precautions as may be necessary to avoid
133 injuring such pedestrian.

134 (2) A person with impaired mobility who is using a
135 motorized wheelchair or scooter on a sidewalk may temporarily
136 leave the sidewalk and use the roadway to avoid a potential
137 conflict, if no alternative route exists. A law enforcement
138 officer may issue a warning to such person, but may not issue a
139 citation for a violation of subsection (1) to a person described
140 in this subsection.

141 (3) A person who is convicted of a violation of subsection
142 (1) ~~this section~~ shall be punished as provided in s. 318.18(3).

143 Section 8. Section 316.1957, Florida Statutes, is amended
144 to read:

145 316.1957 Parking violations; designated parking spaces for
146 persons who have disabilities.—When evidence is presented in any
147 court of the fact that any motor vehicle was parked in a
148 properly designated parking space for persons who have
149 disabilities in violation of s. 316.1955, it is prima facie
150 evidence that the vehicle was parked and left in the space by
151 the person, firm, or corporation in whose name the vehicle is
152 registered and licensed according to the records of the
153 department ~~Division of Motor Vehicles.~~

154 Section 9. Paragraph (d) of subsection (3) and subsections
155 (5) and (8) of section 316.2065, Florida Statutes, are amended
156 to read:

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

157 316.2065 Bicycle regulations.—

158 (3)

159 (d) A bicycle rider or passenger who is under 16 years of
160 age must wear a bicycle helmet that is properly fitted and is
161 fastened securely upon the passenger's head by a strap, and that
162 meets the federal safety standard for bicycle helmets, final
163 rule, 16 C.F.R. part 1203. Helmets purchased before October 1,
164 2011, and meeting standards of the American National Standards
165 Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards
166 of the Snell Memorial Foundation (1984 Standard for Protective
167 Headgear for Use in Bicycling), or any other nationally
168 recognized standards for bicycle helmets adopted by the
169 department may continue to be worn by riders or passengers until
170 January 1, 2015. As used in this subsection, the term
171 "passenger" includes a child who is riding in a trailer or
172 semitrailer attached to a bicycle.

173 (5) (a) Any person operating a bicycle upon a roadway at
174 less than the normal speed of traffic at the time and place and
175 under the conditions then existing shall ride in the lane marked
176 for bicycle use or, if no lane is marked for bicycle use, as
177 close as practicable to the right-hand curb or edge of the
178 roadway except under any of the following situations:

179 1. When overtaking and passing another bicycle or vehicle
180 proceeding in the same direction.

181 2. When preparing for a left turn at an intersection or
182 into a private road or driveway.

183 3. When reasonably necessary to avoid any condition or
184 potential conflict, including, but not limited to, a fixed or

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

185 moving object, parked or moving vehicle, bicycle, pedestrian,
186 animal, surface hazard, turn lane, or substandard-width lane,
187 which ~~that~~ makes it unsafe to continue along the right-hand curb
188 or edge or within a bicycle lane. For the purposes of this
189 subsection, a "substandard-width lane" is a lane that is too
190 narrow for a bicycle and another vehicle to travel safely side
191 by side within the lane.

192 (b) Any person operating a bicycle upon a one-way highway
193 with two or more marked traffic lanes may ride as near the left-
194 hand curb or edge of such roadway as practicable.

195 (8) Every bicycle in use between sunset and sunrise shall
196 be equipped with a lamp on the front exhibiting a white light
197 visible from a distance of at least 500 feet to the front and a
198 lamp and reflector on the rear each exhibiting a red light
199 visible from a distance of 600 feet to the rear. A bicycle or
200 its rider may be equipped with lights or reflectors in addition
201 to those required by this section. A law enforcement officer may
202 issue a bicycle safety brochure and a verbal warning to a
203 bicycle rider who violates this subsection. A bicycle rider who
204 violates this subsection may be issued a citation by a law
205 enforcement officer and assessed a fine for a pedestrian
206 violation, as provided in s. 318.18. The court shall dismiss the
207 charge against a bicycle rider for a first violation of this
208 subsection upon proof of purchase and installation of the proper
209 lighting equipment.

210 Section 10. Subsection (3) of section 316.2085, Florida
211 Statutes, is amended to read:

212 316.2085 Riding on motorcycles or mopeds.—

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

213 (3) The license tag of a motorcycle or moped must be
214 permanently affixed to the vehicle and remain clearly visible
215 from the rear at all times ~~may not be adjusted or capable of~~
216 ~~being flipped up.~~ Any deliberate act to conceal or obscure ~~No~~
217 ~~device for or method of concealing or obscuring~~ the legibility
218 of the license tag of a motorcycle is prohibited ~~shall be~~
219 ~~installed or used.~~ The license tag of a motorcycle or moped may
220 be affixed horizontally to the ground so that the numbers and
221 letters read from left to right. Alternatively, a Florida
222 license tag for a motorcycle or moped for which the numbers and
223 letters read from top to bottom may be affixed perpendicularly
224 to the ground, provided that the registered owner of the
225 motorcycle or moped maintains a prepaid toll account in good
226 standing and a transponder associated with the prepaid toll
227 account is affixed to the motorcycle or moped. A license tag for
228 a motorcycle or moped issued by another jurisdiction for which
229 the numbers and letters read from top to bottom may be affixed
230 perpendicularly to the ground.

231 Section 11. Section 316.2122, Florida Statutes, is amended
232 to read:

233 316.2122 Operation of a low-speed vehicle or mini truck on
234 certain roadways.—The operation of a low-speed vehicle as
235 defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
236 320.01~~(45)~~ on any road as defined in s. 334.03(15) or (33) is
237 authorized with the following restrictions:

238 (1) A low-speed vehicle or mini truck may be operated only
239 on streets where the posted speed limit is 35 miles per hour or
240 less. This does not prohibit a low-speed vehicle or mini truck
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

241 from crossing a road or street at an intersection where the road
242 or street has a posted speed limit of more than 35 miles per
243 hour.

244 (2) A low-speed vehicle must be equipped with headlamps,
245 stop lamps, turn signal lamps, taillamps, reflex reflectors,
246 parking brakes, rearview mirrors, windshields, seat belts, and
247 vehicle identification numbers.

248 (3) A low-speed vehicle or mini truck must be registered
249 and insured in accordance with s. 320.02 and titled pursuant to
250 chapter 319.

251 (4) Any person operating a low-speed vehicle or mini truck
252 must have in his or her possession a valid driver's license.

253 (5) A county or municipality may prohibit the operation of
254 low-speed vehicles or mini trucks on any road under its
255 jurisdiction if the governing body of the county or municipality
256 determines that such prohibition is necessary in the interest of
257 safety.

258 (6) The Department of Transportation may prohibit the
259 operation of low-speed vehicles or mini trucks on any road under
260 its jurisdiction if it determines that such prohibition is
261 necessary in the interest of safety.

262 Section 12. Section 316.2124, Florida Statutes, is amended
263 to read:

264 316.2124 Motorized disability access vehicles.—The
265 Department of Highway Safety and Motor Vehicles is directed to
266 provide, by rule, for the regulation of motorized disability
267 access vehicles as described in s. 320.01~~(34)~~. The department
268 shall provide that motorized disability access vehicles shall be
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

269 registered in the same manner as motorcycles and shall pay the
270 same registration fee as for a motorcycle. There shall also be
271 assessed, in addition to the registration fee, a \$2.50 surcharge
272 for motorized disability access vehicles. This surcharge shall
273 be paid into the Highway Safety Operating Trust Fund. Motorized
274 disability access vehicles shall not be required to be titled by
275 the department. The department shall require motorized
276 disability access vehicles to be subject to the same safety
277 requirements as set forth in this chapter for motorcycles.

278 Section 13. Subsection (1) of section 316.21265, Florida
279 Statutes, is amended to read:

280 316.21265 Use of all-terrain vehicles, golf carts, low-
281 speed vehicles, or utility vehicles by law enforcement
282 agencies.—

283 (1) Notwithstanding any provision of law to the contrary,
284 any law enforcement agency in this state may operate all-terrain
285 vehicles as defined in s. 316.2074, golf carts as defined in s.
286 320.01~~(22)~~, low-speed vehicles as defined in s. 320.01~~(42)~~, or
287 utility vehicles as defined in s. 320.01~~(43)~~ on any street,
288 road, or highway in this state while carrying out its official
289 duties.

290 Section 14. Subsection (1) of section 316.3026, Florida
291 Statutes, is amended to read:

292 316.3026 Unlawful operation of motor carriers.—

293 (1) The Office of Motor Carrier Compliance of the
294 Department of Transportation may issue out-of-service orders to
295 motor carriers, as defined in s. 320.01~~(33)~~, who have after
296 proper notice failed to pay any penalty or fine assessed by the
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

297 department, or its agent, against any owner or motor carrier for
298 violations of state law, refused to submit to a compliance
299 review and provide records pursuant to s. 316.302(5) or s.
300 316.70, or violated safety regulations pursuant to s. 316.302 or
301 insurance requirements found in s. 627.7415. Such out-of-service
302 orders shall have the effect of prohibiting the operations of
303 any motor vehicles owned, leased, or otherwise operated by the
304 motor carrier upon the roadways of this state, until such time
305 as the violations have been corrected or penalties have been
306 paid. Out-of-service orders issued under this section must be
307 approved by the Secretary of Transportation or his or her
308 designee. An administrative hearing pursuant to s. 120.569 shall
309 be afforded to motor carriers subject to such orders.

310 Section 15. Subsection (3) of section 316.545, Florida
311 Statutes, is amended to read:

312 316.545 Weight and load unlawful; special fuel and motor
313 fuel tax enforcement; inspection; penalty; review.—

314 (3) Any person who violates the overloading provisions of
315 this chapter shall be conclusively presumed to have damaged the
316 highways of this state by reason of such overloading, which
317 damage is hereby fixed as follows:

318 (a) When the excess weight is 200 pounds or less than the
319 maximum herein provided, the penalty shall be \$10;

320 (b) Five cents per pound for each pound of weight in
321 excess of the maximum herein provided when the excess weight
322 exceeds 200 pounds. However, whenever the gross weight of the
323 vehicle or combination of vehicles does not exceed the maximum
324 allowable gross weight, the maximum fine for the first 600

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

325 pounds of unlawful axle weight shall be \$10;

326 (c) For a vehicle equipped with fully functional idle-
327 reduction technology, any penalty shall be calculated by
328 reducing the actual gross vehicle weight or the internal bridge
329 weight by the certified weight of the idle-reduction technology
330 or by 400 pounds, whichever is less. The vehicle operator must
331 present written certification of the weight of the idle-
332 reduction technology and must demonstrate or certify that the
333 idle-reduction technology is fully functional at all times. This
334 calculation is not allowed for vehicles described in s.
335 316.535(6);

336 (d) An apportionable ~~apportioned motor~~ vehicle, as defined
337 in s. 320.01, operating on the highways of this state without
338 being properly licensed and registered shall be subject to the
339 penalties as herein provided; and

340 (e) Vehicles operating on the highways of this state from
341 nonmember International Registration Plan jurisdictions which
342 are not in compliance with the provisions of s. 316.605 shall be
343 subject to the penalties as herein provided.

344 Section 16. Paragraph (a) of subsection (5) and subsection
345 (10) of section 316.550, Florida Statutes, are amended to read:

346 316.550 Operations not in conformity with law; special
347 permits.-

348 (5) (a) The Department of Transportation may issue a
349 wrecker special blanket permit to authorize a wrecker as defined
350 in s. 320.01~~(40)~~ to tow a disabled vehicle as defined in s.
351 320.01~~(38)~~ where the combination of the wrecker and the disabled
352 vehicle being towed exceeds the maximum weight limits as

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

353 established by s. 316.535.

354 (10) Whenever any motor vehicle, or the combination of a
355 wrecker as defined in s. 320.01(40) and a towed motor vehicle,
356 exceeds any weight or dimensional criteria or special
357 operational or safety stipulation contained in a special permit
358 issued under the provisions of this section, the penalty
359 assessed to the owner or operator shall be as follows:

360 (a) For violation of weight criteria contained in a
361 special permit, the penalty per pound or portion thereof
362 exceeding the permitted weight shall be as provided in s.
363 316.545.

364 (b) For each violation of dimensional criteria in a
365 special permit, the penalty shall be as provided in s. 316.516
366 and penalties for multiple violations of dimensional criteria
367 shall be cumulative except that the total penalty for the
368 vehicle shall not exceed \$1,000.

369 (c) For each violation of an operational or safety
370 stipulation in a special permit, the penalty shall be an amount
371 not to exceed \$1,000 per violation and penalties for multiple
372 violations of operational or safety stipulations shall be
373 cumulative except that the total penalty for the vehicle shall
374 not exceed \$1,000.

375 (d) For violation of any special condition that has been
376 prescribed in the rules of the Department of Transportation and
377 declared on the permit, the vehicle shall be determined to be
378 out of conformance with the permit and the permit shall be
379 declared null and void for the vehicle, and weight and
380 dimensional limits for the vehicle shall be as established in s.
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

381 316.515 or s. 316.535, whichever is applicable, and:

382 1. For weight violations, a penalty as provided in s.
383 316.545 shall be assessed for those weights which exceed the
384 limits thus established for the vehicle; and

385 2. For dimensional, operational, or safety violations, a
386 penalty as established in paragraph (c) or s. 316.516, whichever
387 is applicable, shall be assessed for each nonconforming
388 dimensional, operational, or safety violation and the penalties
389 for multiple violations shall be cumulative for the vehicle.

390 Section 17. Subsection (5) of section 316.613, Florida
391 Statutes, is renumbered as subsection (6), and a new subsection
392 (5) is added to that section to read:

393 316.613 Child restraint requirements.—

394 (5) The child restraint requirements imposed by this
395 section do not apply to a chauffeur-driven taxi, limousine,
396 sedan, van, bus, motor coach, or other passenger vehicle if the
397 operator and the motor vehicle are hired and used for the
398 transportation of persons for compensation. It is the obligation
399 and responsibility of the parent, guardian, or other person
400 responsible for a child's welfare, as defined in s. 39.01(47),
401 to comply with the requirements of this section.

402 Section 18. Subsection (9) of section 317.0003, Florida
403 Statutes, is amended to read:

404 317.0003 Definitions.—As used in this chapter, the term:

405 (9) "ROV" means any motorized recreational off-highway
406 vehicle 64 inches or less in width, having a dry weight of 2,000
407 pounds or less, designed to travel on four or more nonhighway
408 tires, having nonstraddle seating and a steering wheel, and

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

409 manufactured for recreational use by one or more persons. The
410 term "ROV" does not include a golf cart as defined in ss.
411 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
412 s. 320.01~~(42)~~.

413 Section 19. Section 317.0016, Florida Statutes, is amended
414 to read:

415 317.0016 Expedited service; applications; fees.—The
416 department shall provide, through its agents and for use by the
417 public, expedited service on title transfers, title issuances,
418 duplicate titles, and recordation of liens, ~~and certificates of~~
419 ~~repossession~~. A fee of \$7 shall be charged for this service,
420 which is in addition to the fees imposed by ss. 317.0007 and
421 317.0008, and \$3.50 of this fee shall be retained by the
422 processing agency. All remaining fees shall be deposited in the
423 Incidental Trust Fund of the Division of Forestry of the
424 Department of Agriculture and Consumer Services. Application for
425 expedited service may be made by mail or in person. The
426 department shall issue each title applied for pursuant to this
427 section within 5 working days after receipt of the application
428 except for an application for a duplicate title certificate
429 covered by s. 317.0008(3), in which case the title must be
430 issued within 5 working days after compliance with the
431 department's verification requirements.

432 Section 20. Subsection (9) and paragraph (a) of subsection
433 (10) of section 318.14, Florida Statutes, are amended to read:

434 318.14 Noncriminal traffic infractions; exception;
435 procedures.—

436 (9) Any person who does not hold a commercial driver's
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

437 license and who is cited while driving a noncommercial motor
438 vehicle for an infraction under this section other than a
439 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the
440 driver exceeds the posted limit by 30 miles per hour or more, s.
441 320.0605, s. 320.07(3) (a) or (b), s. 322.065, s. 322.15(1), s.
442 322.61, or s. 322.62 may, in lieu of a court appearance, elect
443 to attend in the location of his or her choice within this state
444 a basic driver improvement course approved by the Department of
445 Highway Safety and Motor Vehicles. In such a case, adjudication
446 must be withheld and points, as provided by s. 322.27, may not
447 be assessed. However, a person may not make an election under
448 this subsection if the person has made an election under this
449 subsection in the preceding 12 months. A person may make no more
450 than five elections within his or her lifetime under this
451 subsection. The requirement for community service under s.
452 318.18(8) is not waived by a plea of nolo contendere or by the
453 withholding of adjudication of guilt by a court. If a person
454 makes an election to attend a basic driver improvement course
455 under this subsection, 18 percent of the civil penalty imposed
456 under s. 318.18(3) shall be deposited in the State Courts
457 Revenue Trust Fund; however, that portion is not revenue for
458 purposes of s. 28.36 and may not be used in establishing the
459 budget of the clerk of the court under that section or s. 28.35.

460 (10) (a) Any person who does not hold a commercial driver's
461 license and who is cited while driving a noncommercial motor
462 vehicle for an offense listed under this subsection may, in lieu
463 of payment of fine or court appearance, elect to enter a plea of
464 nolo contendere and provide proof of compliance to the clerk of
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

465 the court, designated official, or authorized operator of a
466 traffic violations bureau. In such case, adjudication shall be
467 withheld; however, no election shall be made under this
468 subsection if such person has made an election under this
469 subsection in the 12 months preceding election hereunder. No
470 person may make more than three elections under this subsection.
471 This subsection applies to the following offenses:

472 1. Operating a motor vehicle without a valid driver's
473 license in violation of the provisions of s. 322.03, s. 322.065,
474 or s. 322.15(1), or operating a motor vehicle with a license
475 that has been suspended for failure to appear, failure to pay
476 civil penalty, or failure to attend a driver improvement course
477 pursuant to s. 322.291.

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

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

481 4. Operating a motor vehicle with a license that has been
482 suspended under s. 61.13016 or s. 322.245 for failure to pay
483 child support or for failure to pay any other financial
484 obligation as provided in s. 322.245; however, this subparagraph
485 does not apply if the license has been suspended pursuant to s.
486 322.245(1).

487 5. Operating a motor vehicle with a license that has been
488 suspended under s. 322.091 for failure to meet school attendance
489 requirements.

490 Section 21. Paragraph (a) of subsection (2) of section
491 318.1451, Florida Statutes, is amended to read:

492 318.1451 Driver improvement schools.-

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

493 (2) (a) In determining whether to approve the courses
494 referenced in this section, the department shall consider course
495 content designed to promote safety, driver awareness, crash
496 avoidance techniques, the dangers of driving while distracted,
497 which must specifically include the use of technology while
498 driving, and other factors or criteria to improve driver
499 performance from a safety viewpoint.

500 Section 22. Paragraph (a) of subsection (1) of section
501 318.15, Florida Statutes, is amended, and paragraph (c) is added
502 to that subsection, to read:

503 318.15 Failure to comply with civil penalty or to appear;
504 penalty.-

505 (1) (a) If a person fails to comply with the civil
506 penalties provided in s. 318.18 within the time period specified
507 in s. 318.14(4), fails to enter into or comply with the terms of
508 a penalty payment plan with the clerk of the court in accordance
509 with ss. 318.14 and 28.246, fails to attend driver improvement
510 school, or fails to appear at a scheduled hearing, the clerk of
511 the court shall notify the ~~Division of Driver Licenses of the~~
512 Department of Highway Safety and Motor Vehicles of such failure
513 within 10 days after such failure. Upon receipt of such notice,
514 the department shall immediately issue an order suspending the
515 driver's license and privilege to drive of such person effective
516 20 days after the date the order of suspension is mailed in
517 accordance with s. 322.251(1), (2), and (6). Any such suspension
518 of the driving privilege which has not been reinstated,
519 including a similar suspension imposed outside Florida, shall
520 remain on the records of the department for a period of 7 years

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

521 from the date imposed and shall be removed from the records
522 after the expiration of 7 years from the date it is imposed.

523 (c) A person charged with a traffic infraction may request
524 a hearing within 180 days after the date of the violation,
525 regardless of any action taken by the court or the department to
526 suspend the driving privilege of the person, and, upon request,
527 the clerk must set the case for hearing. The person shall be
528 given a form for requesting that the driving privilege be
529 reinstated. If the 180th day after the date of the violation is
530 a Saturday, Sunday, or a legal holiday, then the person charged
531 must request the hearing within 177 days after the violation;
532 however, the court may grant a request for a hearing made after
533 180 days after the alleged offense. This paragraph does not
534 affect the assessment of late fees as otherwise provided in this
535 chapter.

536 Section 23. Section 319.14, Florida Statutes, is amended
537 to read:

538 319.14 Sale of motor vehicles registered or used as
539 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,
540 ~~and~~ nonconforming vehicles, custom vehicles, or street rod
541 vehicles.-

542 (1) (a) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
543 sell, or exchange any vehicle that has been licensed,
544 registered, or used as a taxicab, police vehicle, or short-term-
545 lease vehicle, or a vehicle that has been repurchased by a
546 manufacturer pursuant to a settlement, determination, or
547 decision under chapter 681, until the department has stamped in
548 a conspicuous place on the certificate of title of the vehicle,
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

549 or its duplicate, words stating the nature of the previous use
550 of the vehicle or the title has been stamped "Manufacturer's Buy
551 Back" to reflect that the vehicle is a nonconforming vehicle. If
552 the certificate of title or duplicate was not so stamped upon
553 initial issuance thereof or if, subsequent to initial issuance
554 of the title, the use of the vehicle is changed to a use
555 requiring the notation provided for in this section, the owner
556 or lienholder of the vehicle shall surrender the certificate of
557 title or duplicate to the department before ~~prior to~~ offering
558 the vehicle for sale, and the department shall stamp the
559 certificate or duplicate as required herein. If ~~When~~ a vehicle
560 has been repurchased by a manufacturer pursuant to a settlement,
561 determination, or decision under chapter 681, the title shall be
562 stamped "Manufacturer's Buy Back" to reflect that the vehicle is
563 a nonconforming vehicle.

564 (b) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
565 sell, or exchange a rebuilt vehicle until the department has
566 stamped in a conspicuous place on the certificate of title for
567 the vehicle words stating that the vehicle has been rebuilt or
568 assembled from parts, or is a kit car, glider kit, replica, ~~or~~
569 flood vehicle, custom vehicle, or street rod vehicle unless
570 proper application for a certificate of title for a vehicle that
571 is rebuilt or assembled from parts, or is a kit car, glider kit,
572 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle
573 has been made to the department in accordance with this chapter
574 and the department has conducted the physical examination of the
575 vehicle to assure the identity of the vehicle and all major
576 component parts, as defined in s. 319.30(1), which have been

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

577 repaired or replaced. Thereafter, the department shall affix a
578 decal to the vehicle, in the manner prescribed by the
579 department, showing the vehicle to be rebuilt. A vehicle may not
580 be inspected or issued a rebuilt title until all major component
581 parts, as defined in s. 319.30, which were damaged have been
582 repaired or replaced.

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

584 1. "Police vehicle" means a motor vehicle owned or leased
585 by the state or a county or municipality and used in law
586 enforcement.

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

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

594 c. "Lease vehicle" includes both short-term-lease vehicles
595 and long-term-lease vehicles.

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

598 4. "Assembled from parts" means a motor vehicle or mobile
599 home assembled from parts or combined from parts of motor
600 vehicles or mobile homes, new or used. "Assembled from parts"
601 does not mean a motor vehicle defined as a "rebuilt vehicle" in
602 subparagraph 3., which has been declared a total loss pursuant
603 to s. 319.30.

604 5. "Kit car" means a motor vehicle assembled with a kit
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

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

607 6. "Glider kit" means a vehicle assembled with a kit
608 supplied by a manufacturer to rebuild a wrecked or outdated
609 truck or truck tractor.

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

612 8. "Flood vehicle" means a motor vehicle or mobile home
613 that has been declared to be a total loss pursuant to s.
614 319.30(3)(a) resulting from damage caused by water.

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

618 10. "Settlement" means an agreement entered into between a
619 manufacturer and a consumer that occurs after a dispute is
620 submitted to a program, or an informal dispute settlement
621 procedure established by a manufacturer or is approved for
622 arbitration before the New Motor Vehicle Arbitration Board as
623 defined in s. 681.102.

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

625 a. Is 25 years of age or older and of a model year after
626 1948, or was manufactured to resemble a vehicle that is 25 years
627 of age or older and of a model year after 1948; and

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

630
631 The model year and year of manufacture which the body of a
632 custom vehicle resembles is the model year and year of

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

633 manufacture listed on the certificate of title, regardless of
634 when the vehicle was actually manufactured.

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

636 a. Is a model year of 1948 or older or was manufactured
637 after 1948 to resemble a vehicle of a model year of 1948 or
638 older; and

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

641
642 The model year and year of manufacture which the body of a
643 street rod resembles is the model year and year of manufacture
644 listed on the certificate of title, regardless of when the
645 vehicle was actually manufactured.

646 (2) A ~~No~~ person may not ~~shall~~ knowingly sell, exchange, or
647 transfer a vehicle referred to in subsection (1) without, before
648 ~~prior to~~ consummating the sale, exchange, or transfer,
649 disclosing in writing to the purchaser, customer, or transferee
650 the fact that the vehicle has previously been titled,
651 registered, or used as a taxicab, police vehicle, or short-term-
652 lease vehicle, ~~or~~ is a vehicle that is rebuilt or assembled from
653 parts, ~~or~~ is a kit car, glider kit, replica, or flood vehicle,
654 or is a nonconforming vehicle, custom vehicle, or street rod
655 vehicle, as the case may be.

656 (3) Any person who, with intent to offer for sale or
657 exchange any vehicle referred to in subsection (1), knowingly or
658 intentionally advertises, publishes, disseminates, circulates,
659 or places before the public in any communications medium,
660 whether directly or indirectly, any offer to sell or exchange

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

661 the vehicle shall clearly and precisely state in each ~~such~~ offer
662 that the vehicle has previously been titled, registered, or used
663 as a taxicab, police vehicle, or short-term-lease vehicle or
664 that the vehicle or mobile home is a vehicle that is rebuilt or
665 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or
666 flood vehicle, or is a nonconforming vehicle, custom vehicle, or
667 street rod vehicle, as the case may be. Any person who violates
668 this subsection commits a misdemeanor of the second degree,
669 punishable as provided in s. 775.082 or s. 775.083.

670 (4) If ~~When~~ a certificate of title, including a foreign
671 certificate, is branded to reflect a condition or prior use of
672 the titled vehicle, the brand must be noted on the registration
673 certificate of the vehicle and such brand shall be carried
674 forward on all subsequent certificates of title and registration
675 certificates issued for the life of the vehicle.

676 (5) Any person who knowingly sells, exchanges, or offers
677 to sell or exchange a motor vehicle or mobile home contrary to
678 ~~the provisions of~~ this section or any officer, agent, or
679 employee of a person who knowingly authorizes, directs, aids in,
680 or consents to the sale, exchange, or offer to sell or exchange
681 a motor vehicle or mobile home contrary to ~~the provisions of~~
682 this section commits a misdemeanor of the second degree,
683 punishable as provided in s. 775.082 or s. 775.083.

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

688 (7) This section applies to a mobile home, travel trailer,
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

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

692 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in
693 any civil action arising out of a violation of this section if
694 the designation of the previous use or condition of the motor
695 vehicle is not noted on the certificate of title and
696 registration certificate of the vehicle which was received by,
697 or delivered to, such person, unless the ~~such~~ person has
698 actively concealed the prior use or condition of the vehicle
699 from the purchaser.

700 (9) Subsections (1), (2), and (3) do not apply to the
701 transfer of ownership of a motor vehicle after the motor vehicle
702 has ceased to be used as a lease vehicle and the ownership has
703 been transferred to an owner for private use or to the transfer
704 of ownership of a nonconforming vehicle with 36,000 or more
705 miles on its odometer, or 34 months whichever is later and the
706 ownership has been transferred to an owner for private use. Such
707 owner, as shown on the title certificate, may request the
708 department to issue a corrected certificate of title that does
709 not contain the statement of the previous use of the vehicle as
710 a lease vehicle or condition as a nonconforming vehicle.

711 Section 24. Section 319.225, Florida Statutes, is amended
712 to read:

713 319.225 Transfer and reassignment forms; odometer
714 disclosure statements.-

715 (1) Every certificate of title issued by the department
716 must contain the following statement ~~on its reverse side:~~

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

717 "Federal and state law require the completion of the odometer
718 statement set out below. Failure to complete or providing false
719 information may result in fines, imprisonment, or both."

720 (2) Each certificate of title issued by the department
721 must contain ~~on its reverse side~~ a form for transfer of title by
722 the titleholder of record, which form must contain an odometer
723 disclosure statement in the form required by 49 C.F.R. s. 580.5.

724 (3) Each certificate of title issued by the department
725 must contain ~~on its reverse side~~ as many forms as space allows
726 for reassignment of title by a licensed dealer as permitted by
727 s. 319.21(3), which form or forms shall contain an odometer
728 disclosure statement in the form required by 49 C.F.R. s. 580.5.
729 When all dealer reassignment forms ~~provided on the back of the~~
730 ~~title certificate~~ have been filled in, a dealer may reassign the
731 title certificate by using a separate dealer reassignment form
732 issued by the department in compliance with 49 C.F.R. ss. 580.4
733 and 580.5, which form shall contain an original, ~~two carbon~~
734 ~~copies one of~~ which shall be submitted ~~directly~~ to the
735 department by the dealer ~~within 5 business days after the~~
736 ~~transfer~~ and a copy, ~~one of~~ which shall be retained by the
737 dealer in his or her records for 5 years. The provisions of this
738 subsection ~~shall~~ also apply to vehicles not previously titled in
739 this state and vehicles whose title certificates do not contain
740 the forms required by this section.

741 (4) Upon transfer or reassignment of a certificate of
742 title to a used motor vehicle, the transferor shall complete the
743 odometer disclosure statement provided for by this section and
744 the transferee shall acknowledge the disclosure by signing and
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

745 printing his or her name in the spaces provided. This subsection
746 does not apply to a vehicle that has a gross vehicle rating of
747 more than 16,000 pounds, a vehicle that is not self-propelled,
748 or a vehicle that is 10 years old or older. A lessor who
749 transfers title to his or her vehicle without obtaining
750 possession of the vehicle shall make odometer disclosure as
751 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
752 or acknowledge a disclosure statement as required by this
753 subsection commits ~~is guilty of~~ a misdemeanor of the second
754 degree, punishable as provided in s. 775.082 or s. 775.083. The
755 department may not issue a certificate of title unless this
756 subsection has been complied with.

757 (5) The same person may not sign a disclosure statement as
758 both the transferor and the transferee in the same transaction
759 except as provided in subsection (6).

760 (6) (a) If the certificate of title is physically held by a
761 lienholder, the transferor may give a power of attorney to his
762 or her transferee for the purpose of odometer disclosure. The
763 power of attorney must be on a form issued or authorized by the
764 department, which form must be in compliance with 49 C.F.R. ss.
765 580.4 and 580.13. The department shall not require the signature
766 of the transferor to be notarized on the form; however, in lieu
767 of notarization, the form shall include an affidavit with the
768 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
769 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
770 ARE TRUE. The transferee shall sign the power of attorney form,
771 print his or her name, and return a copy of the power of
772 attorney form to the transferor. Upon receipt of a title

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

773 certificate, the transferee shall complete the space for mileage
774 disclosure on the title certificate exactly as the mileage was
775 disclosed by the transferor on the power of attorney form. If
776 the transferee is a licensed motor vehicle dealer who is
777 transferring the vehicle to a retail purchaser, the dealer shall
778 make application on behalf of the retail purchaser as provided
779 in s. 319.23(6) and shall submit the original power of attorney
780 form to the department with the application for title and the
781 transferor's title certificate; otherwise, a dealer may reassign
782 the title certificate by using the dealer reassignment form in
783 the manner prescribed in subsection (3), and, at the time of
784 physical transfer of the vehicle, the original power of attorney
785 shall be delivered to the person designated as the transferee of
786 the dealer on the dealer reassignment form. ~~A copy of the~~
787 ~~executed power of attorney shall be submitted to the department~~
788 ~~with a copy of the executed dealer reassignment form within 5~~
789 ~~business days after the certificate of title and dealer~~
790 ~~reassignment form are delivered by the dealer to its transferee.~~

791 (b) If the certificate of title is lost or otherwise
792 unavailable, the transferor may give a power of attorney to his
793 or her transferee for the purpose of odometer disclosure. The
794 power of attorney must be on a form issued or authorized by the
795 department, which form must be in compliance with 49 C.F.R. ss.
796 580.4 and 580.13. The department shall not require the signature
797 of the transferor to be notarized on the form; however, in lieu
798 of notarization, the form shall include an affidavit with the
799 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
800 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

801 ARE TRUE. The transferee shall sign the power of attorney form,
802 print his or her name, and return a copy of the power of
803 attorney form to the transferor. Upon receipt of the title
804 certificate or a duplicate title certificate, the transferee
805 shall complete the space for mileage disclosure on the title
806 certificate exactly as the mileage was disclosed by the
807 transferor on the power of attorney form. If the transferee is a
808 licensed motor vehicle dealer who is transferring the vehicle to
809 a retail purchaser, the dealer shall make application on behalf
810 of the retail purchaser as provided in s. 319.23(6) and shall
811 submit the original power of attorney form to the department
812 with the application for title and the transferor's title
813 certificate or duplicate title certificate; otherwise, a dealer
814 may reassign the title certificate by using the dealer
815 reassignment form in the manner prescribed in subsection (3),
816 and, at the time of physical transfer of the vehicle, the
817 original power of attorney shall be delivered to the person
818 designated as the transferee of the dealer on the dealer
819 reassignment form. If the dealer sells the vehicle to an out-of-
820 state resident or an out-of-state dealer and the power of
821 attorney form is applicable to the transaction, the dealer must
822 photocopy the completed original of the form and mail it
823 directly to the department within 5 business days after the
824 certificate of title and dealer reassignment form are delivered
825 by the dealer to the purchaser. A copy of the executed power of
826 attorney shall be submitted to the department with a copy of the
827 executed dealer reassignment form within 5 business days after
828 the duplicate certificate of title and dealer reassignment form

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

829 ~~are delivered by the dealer to its transferee.~~

830 (c) If the mechanics of the transfer of title to a motor
831 vehicle in accordance with the provisions of paragraph (a) or
832 paragraph (b) are determined to be incompatible with and
833 unlawful under the provisions of 49 C.F.R. part 580, the
834 transfer of title to a motor vehicle by operation of this
835 subsection can be effected in any manner not inconsistent with
836 49 C.F.R. part 580 and Florida law; provided, any power of
837 attorney form issued or authorized by the department under this
838 subsection shall contain an original, ~~two carbon copies, one of~~
839 which shall be submitted ~~directly~~ to the department by the
840 dealer ~~within 5 business days of use by the dealer~~ to effect
841 transfer of a title certificate as provided in paragraphs (a)
842 and (b) and a copy, ~~one of~~ which shall be retained by the dealer
843 in its records for 5 years.

844 (d) Any person who fails to complete the information
845 required by this subsection or to file with the department the
846 forms required by this subsection commits ~~is guilty of~~ a
847 misdemeanor of the second degree, punishable as provided in s.
848 775.082 or s. 775.083. The department shall not issue a
849 certificate of title unless this subsection has been complied
850 with.

851 (7) Subject to approval by the National Highway Traffic
852 Safety Administration or any other applicable authority, if a
853 title is held electronically and the transferee agrees to
854 maintain the title electronically, the transferor and transferee
855 shall complete a secure reassignment document that discloses the
856 odometer reading and is signed by both the transferor and

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

857 transferee at the tax collector's office or license plate
858 agency. A dealer acquiring a motor vehicle that has an
859 electronic title shall use a secure reassignment document signed
860 by the person from whom the dealer acquired the motor vehicle.
861 Upon transferring the motor vehicle to a purchaser, a separate
862 reassignment document shall be executed.

863 (8)-(7) Each certificate of title issued by the department
864 must contain ~~on its reverse side~~ a minimum of three ~~four~~ spaces
865 for notation of the name and license number of any auction
866 through which the vehicle is sold and the date the vehicle was
867 auctioned. Each separate dealer reassignment form issued by the
868 department must also have the space referred to in this section.
869 When a transfer of title is made at a motor vehicle auction, the
870 reassignment must note the name and address of the auction, but
871 the auction shall not thereby be deemed to be the owner, seller,
872 transferor, or assignor of title. A motor vehicle auction is
873 required to execute a dealer reassignment only when it is the
874 owner of a vehicle being sold.

875 (9)-(8) Upon transfer or reassignment of a used motor
876 vehicle through the services of an auction, the auction shall
877 complete the information in the space provided for by subsection
878 (8) -(7). Any person who fails to complete the information as
879 required by this subsection commits ~~is guilty of~~ a misdemeanor
880 of the second degree, punishable as provided in s. 775.082 or s.
881 775.083. The department shall not issue a certificate of title
882 unless this subsection has been complied with.

883 (10)-(9) This section shall be construed to conform to 49
884 C.F.R. part 580.

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

885 Section 25. Subsection (6) of section 319.23, Florida
886 Statutes, is amended, present subsections (7) through (11) of
887 that section are renumbered as subsections (8) through (12),
888 respectively, and a new subsection (7) is added to that
889 section, to read:

890 319.23 Application for, and issuance of, certificate of
891 title.—

892 (6)(a) In the case of the sale of a motor vehicle or
893 mobile home by a licensed dealer to a general purchaser, the
894 certificate of title must be obtained in the name of the
895 purchaser by the dealer upon application signed by the
896 purchaser, and in each other case such certificate must be
897 obtained by the purchaser. In each case of transfer of a motor
898 vehicle or mobile home, the application for a certificate of
899 title, a corrected certificate, or an assignment or reassignment
900 must be filed within 30 days after the delivery of the motor
901 vehicle or from consummation of the sale of a mobile home to the
902 purchaser. An applicant must pay a fee of \$20, in addition to
903 all other fees and penalties required by law, for failing to
904 file such application within the specified time. In the case of
905 the sale of a motor vehicle by a licensed motor vehicle dealer
906 to a general purchaser who resides in another state or country,
907 the dealer is not required to apply for a certificate of title
908 for the motor vehicle; however, the dealer must transfer
909 ownership and reassign the certificate of title or
910 manufacturer's certificate of origin to the purchaser, and the
911 purchaser must sign an affidavit, as approved by the department,
912 that the purchaser will title and register the motor vehicle in
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

913 another state or country.

914 (b) If a licensed dealer acquires a motor vehicle or
915 mobile home as a trade-in, the dealer must file with the
916 department, within 30 days, a notice of sale signed by the
917 seller. The department shall update its database for that title
918 record to indicate "sold." A licensed dealer need not apply for
919 a certificate of title for any motor vehicle or mobile home in
920 stock acquired for stock purposes except as provided in s.
921 319.225.

922 (7) If an applicant for a certificate of title is unable
923 to provide the department with a certificate of title that
924 assigns the prior owner's interest in the motor vehicle, the
925 department may accept a bond in the form prescribed by the
926 department, along with an affidavit in a form prescribed by the
927 department, which includes verification of the vehicle
928 identification number and an application for title.

929 (a) The bond must be:

- 930 1. In a form prescribed by the department;
931 2. Executed by the applicant;
932 3. Issued by a person authorized to conduct a surety
933 business in this state;
934 4. In an amount equal to two times the value of the
935 vehicle as determined by the department; and
936 5. Conditioned to indemnify all prior owners and
937 lienholders and all subsequent purchasers of the vehicle or
938 persons who acquire a security interest in the vehicle, and
939 their successors in interest, against any expense, loss, or
940 damage, including reasonable attorney's fees, occurring because

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

941 of the issuance of the certificate of title for the vehicle or
942 for a defect in or undisclosed security interest on the right,
943 title, or interest of the applicant to the vehicle.

944 (b) An interested person has a right to recover on the
945 bond for a breach of the bond's condition. The aggregate
946 liability of the surety to all persons may not exceed the amount
947 of the bond.

948 (c) A bond under this subsection expires on the third
949 anniversary of the date the bond became effective.

950 (d) The affidavit must:

951 1. Be in a form prescribed by the department;

952 2. Include the facts and circumstances through which the
953 applicant acquired ownership and possession of the motor
954 vehicle;

955 3. Disclose that no security interests, liens, or
956 encumbrances against the motor vehicle are known to the
957 applicant against the motor vehicle; and

958 4. State that the applicant has the right to have a
959 certificate of title issued.

960 Section 26. Paragraph (b) of subsection (2) of section
961 319.28, Florida Statutes, is amended, and subsection (3) is
962 added to that section, to read:

963 319.28 Transfer of ownership by operation of law.—

964 (2)

965 (b) In case of repossession of a motor vehicle or mobile
966 home pursuant to the terms of a security agreement or similar
967 instrument, an affidavit by the party to whom possession has
968 passed stating that the vehicle or mobile home was repossessed
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

969 upon default in the terms of the security agreement or other
970 instrument shall be considered satisfactory proof of ownership
971 and right of possession. At least 5 days before ~~prior to~~ selling
972 the repossessed vehicle, any subsequent lienholder named in the
973 last issued certificate of title shall be sent notice of the
974 repossession by certified mail, on a form prescribed by the
975 department. If such notice is given and no written protest to
976 the department is presented by a subsequent lienholder within 15
977 days after ~~from~~ the date on which the notice was mailed, the
978 certificate of title ~~or the certificate of repossession~~ shall be
979 issued showing no liens. If the former owner or any subsequent
980 lienholder files a written protest under oath within such 15-day
981 period, the department shall not issue the certificate of title
982 ~~or certificate of repossession~~ for 10 days thereafter. If within
983 the 10-day period no injunction or other order of a court of
984 competent jurisdiction has been served on the department
985 commanding it not to deliver the certificate of title ~~or~~
986 ~~certificate of repossession~~, the department shall deliver the
987 certificate of title ~~or repossession~~ to the applicant or as may
988 otherwise be directed in the application showing no other liens
989 than those shown in the application. Any lienholder who has
990 repossessed a vehicle in this state in compliance with the
991 provisions of this section must apply to a tax collector's
992 office in this state or to the department for a ~~certificate of~~
993 ~~repossession or to the department for a~~ certificate of title
994 pursuant to s. 319.323. Proof of the required notice to
995 subsequent lienholders shall be submitted together with regular
996 title fees. ~~A lienholder to whom a certificate of repossession~~

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

997 ~~has been issued may assign the certificate of title to the~~
998 ~~subsequent owner. Any person who violates found guilty of~~
999 ~~violating~~ any requirements of this paragraph commits ~~shall be~~
1000 ~~guilty of~~ a felony of the third degree, punishable as provided
1001 in s. 775.082, s. 775.083, or s. 775.084.

1002 (3) A dealer of farm or industrial equipment, as those
1003 terms are used in s. 493.6101(22), conducting a repossession of
1004 such equipment is not subject to licensure as a recovery agent
1005 or recovery agency if such dealer is regularly engaged in the
1006 sale of such equipment for a particular manufacturer and the
1007 lender is affiliated with that manufacturer.

1008 Section 27. Section 319.323, Florida Statutes, is amended
1009 to read:

1010 319.323 Expedited service; applications; fees.—The
1011 department shall establish a separate title office which may be
1012 used by private citizens and licensed motor vehicle dealers to
1013 receive expedited service on title transfers, title issuances,
1014 duplicate titles, and recordation of liens, ~~and certificates of~~
1015 ~~repossession~~. A fee of \$10 shall be charged for this service,
1016 which fee is in addition to the fees imposed by s. 319.32. The
1017 fee, after deducting the amount referenced by s. 319.324 and
1018 \$3.50 to be retained by the processing agency, shall be
1019 deposited into the General Revenue Fund. Application for
1020 expedited service may be made by mail or in person. The
1021 department shall issue each title applied for under this section
1022 within 5 working days after receipt of the application except
1023 for an application for a duplicate title certificate covered by
1024 s. 319.23(4), in which case the title must be issued within 5

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1025 working days after compliance with the department's verification
1026 requirements.

1027 Section 28. Section 319.40, Florida Statutes, is amended
1028 to read:

1029 319.40 Transactions by electronic or telephonic means.—

1030 (1) The department may ~~is authorized to~~ accept any
1031 application provided for under this chapter by electronic or
1032 telephonic means.

1033 (2) The department may issue an electronic certificate of
1034 title in lieu of printing a paper title.

1035 (3) The department may collect and use electronic mail
1036 addresses as a notification method in lieu of the United States
1037 Postal Service, except for any notice regarding the potential
1038 forfeiture or foreclosure of an interest in property.

1039 Section 29. Paragraph (a) of subsection (1) of section
1040 320.01, Florida Statutes, is amended, present subsections (24)
1041 through (45) are renumbered as subsections (23) through (44),
1042 respectively, present subsections (23), (25), and (26) are
1043 amended, and a new subsection (45) is added to that section, to
1044 read:

1045 320.01 Definitions, general.—As used in the Florida
1046 Statutes, except as otherwise provided, the term:

1047 (1) "Motor vehicle" means:

1048 (a) An automobile, motorcycle, truck, trailer,
1049 semitrailer, truck tractor and semitrailer combination, or any
1050 other vehicle operated on the roads of this state, used to
1051 transport persons or property, and propelled by power other than
1052 muscular power, but the term does not include traction engines,
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1053 road rollers, special mobile equipment as defined in chapter
1054 316, such vehicles as run only upon a track, bicycles, swamp
1055 buggies, or mopeds.

1056 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
1057 ~~which is required to be registered, or with respect to which an~~
1058 ~~election has been made to register it, under the International~~
1059 ~~Registration Plan.~~

1060 ~~(24)~~(25) "Apportionable vehicle" means any vehicle, except
1061 recreational vehicles, vehicles displaying restricted plates,
1062 city pickup and delivery vehicles, buses used in transportation
1063 of chartered parties, and government-owned vehicles, which is
1064 used or intended for use in two or more member jurisdictions
1065 that allocate or proportionally register vehicles and which is
1066 used for the transportation of persons for hire or is designed,
1067 used, or maintained primarily for the transportation of property
1068 and:

1069 (a) Is a power unit having a gross vehicle weight in
1070 excess of 26,000 ~~26,001~~ pounds;

1071 (b) Is a power unit having three or more axles, regardless
1072 of weight; or

1073 (c) Is used in combination, when the weight of such
1074 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

1075
1076 Vehicles, or combinations thereof, having a gross vehicle weight
1077 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
1078 proportionally registered.

1079 ~~(25)~~(26) "Commercial motor vehicle" means any vehicle that
1080 ~~which~~ is not owned or operated by a governmental entity, that

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1081 ~~which~~ uses special fuel or motor fuel on the public highways,
1082 and that ~~which~~ has a gross vehicle weight of 26,001 pounds or
1083 more, or has three or more axles regardless of weight, or is
1084 used in combination when the weight of such combination exceeds
1085 26,000 ~~26,001~~ pounds gross vehicle weight. A vehicle that
1086 occasionally transports personal property to and from a closed-
1087 course motorsport facility, as defined in s. 549.09(1)(a), is
1088 not a commercial motor vehicle if the use is not for profit and
1089 corporate sponsorship is not involved. As used in this
1090 subsection, the term "corporate sponsorship" means a payment,
1091 donation, gratuity, in-kind service, or other benefit provided
1092 to or derived by a person in relation to the underlying
1093 activity, other than the display of product or corporate names,
1094 logos, or other graphic information on the property being
1095 transported.

1096 (45) SWAMP BUGGY.—A motorized off-road vehicle designed to
1097 travel over swampy terrain, which may utilize large tires or
1098 tracks operated from an elevated platform, and may be used upon
1099 varied terrain. A swamp buggy does not include any vehicle
1100 defined in chapter 261 or otherwise defined or classified in
1101 this chapter. A swamp buggy may not be operated upon the public
1102 roads, streets, or highways of this state, except to the extent
1103 specifically authorized by a state or federal agency to be used
1104 exclusively upon lands, managed, owned, or leased by that
1105 agency.

1106 Section 30. Subsection (2) of section 320.02, Florida
1107 Statutes, is amended, paragraphs (o), (p), (q), and (r) are
1108 added to subsection (15), and subsection (18) is added to that
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1109 section, to read:

1110 320.02 Registration required; application for
1111 registration; forms.-

1112 (2) (a) The application for registration shall include the
1113 street address of the owner's permanent residence or the address
1114 of his or her permanent place of business and shall be
1115 accompanied by personal or business identification information
1116 which may include, but need not be limited to, a driver's
1117 license number, Florida identification card number, or federal
1118 employer identification number. If the owner does not have a
1119 permanent residence or permanent place of business or if the
1120 owner's permanent residence or permanent place of business
1121 cannot be identified by a street address, the application shall
1122 include:

1123 1. If the vehicle is registered to a business, the name
1124 and street address of the permanent residence of an owner of the
1125 business, an officer of the corporation, or an employee who is
1126 in a supervisory position.

1127 2. If the vehicle is registered to an individual, the name
1128 and street address of the permanent residence of a close
1129 relative or friend who is a resident of this state.

1130
1131 If the vehicle is registered to an active-duty military member
1132 who is a Florida resident, the member is exempt from the
1133 requirement to provide a Florida residential address.

1134 (b) The department shall prescribe a form upon which motor
1135 vehicle owners may record odometer readings when registering
1136 their motor vehicles.

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1137 (15)

1138 (o) The application form for motor vehicle registration
1139 and renewal registration must include language permitting the
1140 voluntary contribution of \$1 to End Hunger in Florida. The
1141 proceeds shall be distributed monthly by the department to the
1142 Florida Association of Food Banks, Inc., a corporation not for
1143 profit under s. 501(c)(3) of the Internal Revenue Code. The
1144 funds shall be used by the organization for the purpose of
1145 ending hunger in Florida.

1146 (p) The application form for motor vehicle registration
1147 and renewal of registration must include language permitting a
1148 voluntary contribution of \$1 to Take Stock In Children. Such
1149 contributions shall be transferred by the department each month
1150 to Take Stock In Children, Inc.

1151 (q) The application form for motor vehicle registration
1152 and renewal of registration must include language permitting a
1153 voluntary contribution of \$1 per applicant for Autism Services
1154 and Supports. Such contributions must be transferred by the
1155 department each month to the Achievement and Rehabilitation
1156 Centers, Inc., Autism Services Fund.

1157 (r) The application form for motor vehicle registration
1158 and renewal of registration must include language permitting a
1159 voluntary contribution of \$1 to Support Our Troops, which shall
1160 be distributed monthly to Support Our Troops, Inc., a Florida
1161 not-for-profit organization.

1162
1163 For the purpose of applying the service charge provided in s.
1164 215.20, contributions received under this subsection are not
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1165 income of a revenue nature.

1166 (18) All electronic registration records shall be retained
1167 by the department for not less than 10 years.

1168 Section 31. Subsection (9) is added to section 320.023,
1169 Florida Statutes, to read:

1170 320.023 Requests to establish voluntary checkoff on motor
1171 vehicle registration application.-

1172 (9) The department may annually retain from the first
1173 proceeds derived from the voluntary contributions collected an
1174 amount sufficient to defray for each voluntary contribution the
1175 pro rata share of the department's costs directly related to the
1176 voluntary contributions program. Such costs include renewal
1177 notices, postage, distribution costs, direct costs to the
1178 department, and costs associated with reviewing each
1179 organization's compliance with the audit and attestation
1180 requirements of this section. The revenues retained by the
1181 department may not be less than 0.5 percent and may not exceed
1182 1.5 percent. The balance of the proceeds from the voluntary
1183 contributions collected shall be distributed as provided by law.

1184 Section 32. Subsections (7) and (8) of section 320.03,
1185 Florida Statutes, are amended to read:

1186 320.03 Registration; duties of tax collectors;
1187 International Registration Plan.-

1188 (7) The Department of Highway Safety and Motor Vehicles
1189 shall register apportionable ~~apportioned~~ ~~motor~~ vehicles under
1190 the provisions of the International Registration Plan. The
1191 department may adopt rules to implement and enforce the
1192 provisions of the plan.

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1193 (8) If the applicant's name appears on the list referred
1194 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
1195 license plate or revalidation sticker may not be issued until
1196 that person's name no longer appears on the list or until the
1197 person presents a receipt from the governmental entity or the
1198 clerk of court that provided the data showing that the fines
1199 outstanding have been paid. This subsection does not apply to
1200 the owner of a leased vehicle if the vehicle is registered in
1201 the name of the lessee of the vehicle. The tax collector and the
1202 clerk of the court are each entitled to receive monthly, as
1203 costs for implementing and administering this subsection, 10
1204 percent of the civil penalties and fines recovered from such
1205 persons. As used in this subsection, the term "civil penalties
1206 and fines" does not include a wrecker operator's lien as
1207 described in s. 713.78(13). If the tax collector has private tag
1208 agents, such tag agents are entitled to receive a pro rata share
1209 of the amount paid to the tax collector, based upon the
1210 percentage of license plates and revalidation stickers issued by
1211 the tag agent compared to the total issued within the county.
1212 The authority of any private agent to issue license plates shall
1213 be revoked, after notice and a hearing as provided in chapter
1214 120, if he or she issues any license plate or revalidation
1215 sticker contrary to the provisions of this subsection. This
1216 section applies only to the annual renewal in the owner's birth
1217 month of a motor vehicle registration and does not apply to the
1218 transfer of a registration of a motor vehicle sold by a motor
1219 vehicle dealer licensed under this chapter, except for the
1220 transfer of registrations which is inclusive of the annual

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1221 renewals. This section does not affect the issuance of the title
1222 to a motor vehicle, notwithstanding s. 319.23(8)~~(7)~~(b).

1223 Section 33. Paragraph (b) of subsection (3) and subsection
1224 (5) of section 320.05, Florida Statutes, are amended to read:

1225 320.05 Records of the department; inspection procedure;
1226 lists and searches; fees.—

1227 (3)

1228 (b) Fees therefor shall be charged and collected as
1229 follows:

1230 1. For providing lists of motor vehicle or vessel records
1231 for the entire state, or any part or parts thereof, divided
1232 according to counties, a sum computed at a rate of not less than
1233 1 cent nor more than 5 cents per item.

1234 2. For providing noncertified photographic copies of motor
1235 vehicle or vessel documents, \$1 per page.

1236 3. For providing noncertified photographic copies of
1237 micrographic records, \$1 per page.

1238 4. For providing certified copies of motor vehicle or
1239 vessel records, \$3 per record.

1240 5. For providing noncertified computer-generated printouts
1241 of motor vehicle or vessel records, 50 cents per record.

1242 6. For providing certified computer-generated printouts of
1243 motor vehicle or vessel records, \$3 per record.

1244 7. For providing electronic access to motor vehicle,
1245 vessel, and mobile home registration data requested by tag,
1246 vehicle identification number, title number, or decal number, 50
1247 cents per item.

1248 8. For providing electronic access to driver's license
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1249 status report by name, sex, and date of birth or by driver
1250 license number, 50 cents per item.

1251 9. For providing lists of licensed mobile home dealers and
1252 manufacturers and recreational vehicle dealers and
1253 manufacturers, \$15 per list.

1254 10. For providing lists of licensed motor vehicle dealers,
1255 \$25 per list.

1256 11. For each copy of a videotape record, \$15 per tape.

1257 ~~12. For each copy of the Division of Motor Vehicles~~
1258 ~~Procedures Manual, \$25.~~

1259 (5) The creation and maintenance of records by the
1260 Division of Motorist Services within the department ~~and the~~
1261 ~~Division of Motor Vehicles~~ pursuant to this chapter shall not be
1262 regarded as law enforcement functions of agency recordkeeping.

1263 Section 34. Paragraph (d) is added to subsection (1) of
1264 section 320.06, Florida Statutes, to read:

1265 320.06 Registration certificates, license plates, and
1266 validation stickers generally.-

1267 (1)

1268 (d) The department may conduct a pilot program to evaluate
1269 designs, concepts, and technologies for alternative license
1270 plate technologies. The pilot program shall investigate the
1271 feasibility and use of alternative license plate technologies
1272 and shall be limited to license plates that are used on
1273 government-owned motor vehicles, as defined in s. 320.0655.
1274 Government license plates in the pilot program are exempt from
1275 current license plate requirements in paragraph (3) (a).

1276 Section 35. Section 320.061, Florida Statutes, is amended
162081

Amendment No.

1277 to read:

1278 320.061 Unlawful to alter motor vehicle registration
1279 certificates, temporary license plates, license plates, mobile
1280 home stickers, or validation stickers or to obscure license
1281 plates; penalty.—No person shall alter the original appearance
1282 of any registration license plate, temporary license plate,
1283 mobile home sticker, validation sticker, or vehicle registration
1284 certificate issued for and assigned to any motor vehicle or
1285 mobile home, whether by mutilation, alteration, defacement, or
1286 change of color or in any other manner. No person shall apply or
1287 attach any substance, reflective matter, illuminated device,
1288 spray, coating, covering, or other material onto or around any
1289 license plate that interferes with the legibility, angular
1290 visibility, or detectability of any feature or detail on the
1291 license plate or interferes with the ability to record any
1292 feature or detail on the license plate. Any person who violates
1293 this section commits a noncriminal traffic infraction,
1294 punishable as a moving violation as provided in chapter 318.

1295 Section 36. Subsection (1) of section 320.071, Florida
1296 Statutes, is amended to read:

1297 320.071 Advance registration renewal; procedures.—

1298 (1) (a) The owner of any motor vehicle or mobile home
1299 currently registered in this state may file an application for
1300 renewal of registration with the department, or its authorized
1301 agent in the county wherein the owner resides, any time during
1302 the 3 months preceding the date of expiration of the
1303 registration period. The registration period may not exceed 27
1304 months.

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1305 (b) The owner of any apportionable ~~apportioned motor~~
1306 vehicle currently registered in this state under the provisions
1307 of the International Registration Plan may file an application
1308 for renewal of registration with the department any time during
1309 the 3 months preceding the date of expiration of the
1310 registration period.

1311 Section 37. Subsections (1) and (3) of section 320.0715,
1312 Florida Statutes, are amended to read:

1313 320.0715 International Registration Plan; motor carrier
1314 services; permits; retention of records.—

1315 (1) All apportionable ~~commercial motor~~ vehicles domiciled
1316 in this state ~~and engaged in interstate commerce~~ shall be
1317 registered in accordance with the provisions of the
1318 International Registration Plan ~~and shall display apportioned~~
1319 ~~license plates~~.

1320 (3) (a) If the department is unable to immediately issue
1321 the apportioned license plate to an applicant currently
1322 registered in this state under the International Registration
1323 Plan or to a vehicle currently titled in this state, the
1324 department or its designated agent is authorized to issue a 60-
1325 day temporary operational permit. The department or agent of the
1326 department shall charge a \$3 fee and the service charge
1327 authorized by s. 320.04 for each temporary operational permit it
1328 issues.

1329 (b) The department shall in no event issue a temporary
1330 operational permit for any apportionable ~~commercial motor~~
1331 vehicle to any applicant until the applicant has shown that:

1332 1. All sales or use taxes due on the registration of the
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1333 vehicle are paid; and

1334 2. Insurance requirements have been met in accordance with
1335 ss. 320.02(5) and 627.7415.

1336 (c) Issuance of a temporary operational permit provides
1337 ~~commercial motor vehicle~~ registration privileges in each
1338 International Registration Plan member jurisdiction designated
1339 on said permit and therefore requires payment of all applicable
1340 registration fees and taxes due for that period of registration.

1341 (d) Application for permanent registration must be made to
1342 the department within 10 days following ~~from~~ issuance of a
1343 temporary operational permit. Failure to file an application
1344 within this 10-day period may result in cancellation of the
1345 temporary operational permit.

1346 Section 38. Paragraph (d) of subsection (5) of section
1347 320.08, Florida Statutes, is amended to read:

1348 320.08 License taxes.—Except as otherwise provided herein,
1349 there are hereby levied and imposed annual license taxes for the
1350 operation of motor vehicles, mopeds, motorized bicycles as
1351 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
1352 and mobile homes, as defined in s. 320.01, which shall be paid
1353 to and collected by the department or its agent upon the
1354 registration or renewal of registration of the following:

1355 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
1356 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1357 (d) A wrecker, as defined in s. 320.01~~(40)~~, which is used
1358 to tow a vessel as defined in s. 327.02(39), a disabled,
1359 abandoned, stolen-recovered, or impounded motor vehicle as
1360 defined in s. 320.01~~(38)~~, or a replacement motor vehicle as

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1361 defined in s. 320.01~~(39)~~: \$41 flat, of which \$11 shall be
1362 deposited into the General Revenue Fund.

1363 Section 39. Subsection (9) of section 320.08056, Florida
1364 Statutes, is amended, and paragraph (aaaa) is added to
1365 subsection (4) of that section, to read:

1366 320.08056 Specialty license plates.—

1367 (4) The following license plate annual use fees shall be
1368 collected for the appropriate specialty license plates:

1369 (aaaa) Go Green license plate, \$25.

1370 (9) (a) The organization that requested the specialty
1371 license plate may not redesign the specialty license plate
1372 unless the inventory of those plates has been depleted. However,
1373 the organization may purchase the remaining inventory of the
1374 specialty license plates from the department at cost.

1375 (b) An organization with a specialty license plate must
1376 submit a written request to the department 90 days before the
1377 convening of the next regular session of the Legislature in
1378 order to change the name of the recipient organization listed in
1379 this section or s. 320.08058.

1380 Section 40. Paragraph (b) of subsection (48) and
1381 subsection (53) of section 320.08058, Florida Statutes, are
1382 amended, and subsection (79) is added to that section, to read:

1383 320.08058 Specialty license plates.—

1384 (48) LIVE THE DREAM LICENSE PLATES.—

1385 (b) The proceeds of the annual use fee shall be
1386 distributed to the Florida Dream Foundation, Inc. The Florida
1387 Dream Foundation, Inc., shall retain the first \$60,000 in
1388 proceeds from the annual use fees as reimbursement for

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1389 administrative costs, startup costs, and costs incurred in the
1390 approval process. Thereafter, up to 25 percent shall be used for
1391 continuing promotion and marketing of the license plate and
1392 concept. The remaining funds shall be used in the following
1393 manner:

1394 1. Twenty-five percent shall be distributed equally among
1395 the sickle cell organizations that are Florida members of the
1396 Sickle Cell Disease Association of America, Inc., for programs
1397 that provide research, care, and treatment for sickle cell
1398 disease.

1399 2. Twenty-five percent shall be distributed to the Florida
1400 chapter of the March of Dimes for programs and services that
1401 improve the health of babies through the prevention of birth
1402 defects and infant mortality.

1403 3. Ten percent shall be distributed to the Florida
1404 Association of Healthy Start Coalitions to decrease racial
1405 disparity in infant mortality and to increase healthy birth
1406 outcomes. Funding will be used by local Healthy Start Coalitions
1407 to provide services and increase screening rates for high-risk
1408 pregnant women, children under 4 years of age, and women of
1409 childbearing age.

1410 4. Ten percent shall be distributed to the Community
1411 Partnership for Homeless, Inc., for programs that provide relief
1412 from poverty, hunger, and homelessness.

1413 5. Five percent of the proceeds shall be used by the
1414 foundation for administrative costs directly associated with
1415 operations as they relate to the management and distribution of
1416 the proceeds.

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1417 (53) SUPPORT SOCCER LICENSE PLATES.—

1418 (a) The department shall develop a Support Soccer license
1419 plate as provided in this section. Support Soccer license plates
1420 must bear the colors and design approved by the department. The
1421 word "Florida" must appear at the top of the plate, and the
1422 words "Support Soccer" must appear at the bottom of the plate.

1423 (b) The annual use fees shall be distributed to the
1424 Florida Lighthouse Soccer Foundation, Inc., which shall retain
1425 the initial revenues from the sale of such plates until all
1426 startup costs for developing and establishing the plate have
1427 been recovered, not to exceed \$85,000. Thereafter, the proceeds
1428 of the annual use fee shall be used in the following manner:

1429 1. Up to 25 percent of the proceeds may be used by the
1430 Florida Lighthouse Soccer Foundation, Inc., for continuing
1431 promotion and marketing of the license plate and concept.

1432 2. Twenty percent shall be distributed to the Florida
1433 Youth Soccer Association for programs and services that foster
1434 the physical, mental, and emotional growth and development of
1435 Florida's youth through the sport of soccer at all levels of age
1436 and competition, including a portion to be determined by the
1437 Florida Youth Soccer Association for the TOPSoccer program to
1438 promote participation by the physically and mentally
1439 disadvantaged.

1440 3. Twenty percent shall be distributed as grants for
1441 programs that promote participation by the economically
1442 disadvantaged and to support soccer programs where none
1443 previously existed.

1444 4. Ten percent shall be distributed to the Florida State
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1445 Soccer Association to promote the sport of soccer and the long-
1446 term development of the sport.

1447 5. Ten percent shall be distributed as grants for programs
1448 that promote and support the construction of fields and soccer-
1449 specific infrastructure.

1450 6. Ten percent shall be distributed as grants for programs
1451 that foster and promote health, physical fitness, and
1452 educational opportunities through soccer.

1453 7. Five percent shall be expended by the Florida
1454 ~~Lighthouse~~ Soccer Foundation, Inc., for administrative costs
1455 directly associated with the foundation's operations as they
1456 relate to the management and distribution of the proceeds.

1457 (79) GO GREEN LICENSE PLATE.-

1458 (a) Notwithstanding the provisions of s. 45 of chapter
1459 2008-176, Laws of Florida, as amended by s. 21 of chapter 2010-
1460 223, Laws of Florida, and upon receipt of \$60,000 and submission
1461 of the proposed art design for the specialty license plate to
1462 the department in a medium prescribed by the department, as soon
1463 as practicable, but no later than 60 days after the effective
1464 date of this act, the department shall develop a Go Green
1465 license plate as provided in this section. The plate must bear
1466 the colors and design approved by the department. The word
1467 "Florida" must appear at the top of the plate, and the words "Go
1468 Green" must appear at the bottom of the plate.

1469 (b) The annual use fees shall be distributed to the
1470 Coalition for Renewable Energy Solutions, Inc., which shall
1471 retain the initial revenues from the sales of such plates until
1472 all startup costs incurred in the development and approval of

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1473 the plates have been reimbursed. Thereafter, the proceeds shall
1474 be used by the coalition as follows:

1475 1. A maximum of 10 percent of the proceeds may be used to
1476 fund the administrative and marketing costs of the license plate
1477 program.

1478 2. The remaining fees shall be used to fund programs and
1479 projects that educate the public and implement or publicize
1480 renewable energy solutions.

1481 Section 41. Paragraph (e) of subsection (4) of section
1482 320.08068, Florida Statutes, is amended to read:

1483 320.08068 Motorcycle specialty license plates.-

1484 (4) A license plate annual use fee of \$20 shall be
1485 collected for each motorcycle specialty license plate. Annual
1486 use fees shall be distributed to The Able Trust as custodial
1487 agent. The Able Trust may retain a maximum of 10 percent of the
1488 proceeds from the sale of the license plate for administrative
1489 costs. The Able Trust shall distribute the remaining funds as
1490 follows:

1491 (e) Twenty percent to the Florida Association of Centers
1492 for Independent Living ~~to be used to leverage additional funding~~
1493 ~~and new sources of revenue for the centers for independent~~
1494 ~~living in this state.~~

1495 Section 42. Subsection (1) of section 320.0847, Florida
1496 Statutes, is amended to read:

1497 320.0847 Mini truck and low-speed vehicle license plates.-

1498 (1) The department shall issue a license plate to the
1499 owner or lessee of any vehicle registered as a low-speed vehicle
1500 as defined in s. 320.01(42) or a mini truck as defined in s.

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1501 | 320.01~~(45)~~ upon payment of the appropriate license taxes and
1502 | fees prescribed in s. 320.08.

1503 | Section 43. Subsections (1), (2), and (4) of section
1504 | 320.0848, Florida Statutes, are amended to read:

1505 | 320.0848 Persons who have disabilities; issuance of
1506 | disabled parking permits; temporary permits; permits for certain
1507 | providers of transportation services to persons who have
1508 | disabilities.—

1509 | (1)(a) The Department of Highway Safety and Motor Vehicles
1510 | or its authorized agents shall, upon application and receipt of
1511 | the fee, issue a disabled parking permit for a period of up to 4
1512 | years, which period ends on the applicant's birthday, to any
1513 | person who has long-term mobility impairment, or a temporary
1514 | disabled parking permit not to exceed 6 months to any person who
1515 | has a temporary mobility impairment. No person will be required
1516 | to pay a fee for a parking permit for disabled persons more than
1517 | once in a 12-month period from the date of the prior fee
1518 | payment.

1519 | (b)1. The person must be currently certified as being
1520 | legally blind or as having any of the following disabilities
1521 | that render him or her unable to walk 200 feet without stopping
1522 | to rest:

1523 | a. Inability to walk without the use of or assistance from
1524 | a brace, cane, crutch, prosthetic device, or other assistive
1525 | device, or without the assistance of another person. If the
1526 | assistive device significantly restores the person's ability to
1527 | walk to the extent that the person can walk without severe
1528 | limitation, the person is not eligible for the exemption parking
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1529 permit.

1530 b. The need to permanently use a wheelchair.

1531 c. Restriction by lung disease to the extent that the
1532 person's forced (respiratory) expiratory volume for 1 second,
1533 when measured by spirometry, is less than 1 liter, or the
1534 person's arterial oxygen is less than 60 mm/hg on room air at
1535 rest.

1536 d. Use of portable oxygen.

1537 e. Restriction by cardiac condition to the extent that the
1538 person's functional limitations are classified in severity as
1539 Class III or Class IV according to standards set by the American
1540 Heart Association.

1541 f. Severe limitation in the person's ability to walk due
1542 to an arthritic, neurological, or orthopedic condition.

1543 2. The certification of disability which is required under
1544 subparagraph 1. must be provided by a physician licensed under
1545 chapter 458, chapter 459, or chapter 460, by a podiatric
1546 physician licensed under chapter 461, by an optometrist licensed
1547 under chapter 463, by an advanced registered nurse practitioner
1548 licensed under chapter 464 under the protocol of a licensed
1549 physician as stated in this subparagraph, by a physician
1550 assistant licensed under chapter 458 or chapter 459, or by a
1551 similarly licensed physician from another state if the
1552 application is accompanied by documentation of the physician's
1553 licensure in the other state and a form signed by the out-of-
1554 state physician verifying his or her knowledge of this state's
1555 eligibility guidelines.

1556 (c) The certificate of disability must include, but need
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

not be limited to:

1. The disability of the applicant; the certifying practitioner's name and address; the practitioner's certification number; the eligibility criteria for the permit; the penalty for falsification by either the certifying practitioner or the applicant; the duration of the condition that entitles the person to the permit; and justification for the additional placard pursuant to subsection (2).

2. The statement, in bold letters: "A disabled parking permit may be issued only for a medical necessity that severely affects mobility."

3. The signatures of:

a. The applicant's physician or other certifying practitioner.

b. The applicant or the applicant's parent or guardian.

c. The employee of the department's authorized agent which employee is processing the application.

(d) Beginning October 1, 2011 ~~April 1, 1999~~, the Department of Highway Safety and Motor Vehicles shall renew the disabled parking permit of any person certified as permanently disabled on the application if the person applies for renewal in person and provides a current certificate of disability pursuant to this subsection. The requirement to apply for renewal in person does not apply if the severity of the disability prevents a disabled person from physically visiting or being transported to a driver license or tax collector office and the certifying physician has signed an additional section of the department's parking permit application to exempt the disabled person from

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1585 the appearance requirement.

1586 (e) The Department of Highway Safety and Motor Vehicles
1587 shall, in consultation with the Commission for the
1588 Transportation Disadvantaged, adopt rules, in accordance with
1589 chapter 120, for the issuance of a disabled parking permit to
1590 any organization that can adequately demonstrate a bona fide
1591 need for such a permit because the organization provides regular
1592 transportation services to persons who have disabilities and are
1593 certified as provided in this subsection.

1594 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
1595 MOBILITY PROBLEMS.—

1596 (a) The disabled parking permit is a placard that can be
1597 placed in a motor vehicle so as to be visible from the front and
1598 rear of the vehicle. Each side of the placard must have the
1599 international symbol of accessibility in a contrasting color in
1600 the center so as to be visible. One side of the placard must
1601 display the applicant's driver's license number or state
1602 identification card number along with a warning that the
1603 applicant must have such identification at all times while using
1604 the parking permit. In those cases where the severity of the
1605 disability prevents a disabled person from physically visiting
1606 or being transported to a driver license or tax collector office
1607 to obtain a driver's license or identification card, a
1608 certifying physician may sign the exemption section of the
1609 department's parking permit application to exempt the disabled
1610 person from being issued a driver's license or identification
1611 card for the number to be displayed on the parking permit. A
1612 validation sticker must also be issued with each disabled

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1613 parking permit, showing the month and year of expiration on each
1614 side of the placard. Validation stickers must be of the size
1615 specified by the Department of Highway Safety and Motor Vehicles
1616 and must be affixed to the disabled parking permits. The
1617 disabled parking permits must use the same colors as license
1618 plate validations.

1619 (b) License plates issued under ss. 320.084, 320.0842,
1620 320.0843, and 320.0845 are valid for the same parking privileges
1621 and other privileges provided under ss. 316.1955, 316.1964, and
1622 526.141(5) (a).

1623 (c) The department shall not issue an additional disabled
1624 parking permit unless the applicant states that he or she is a
1625 frequent traveler or a quadriplegic. The department may not
1626 issue to any one eligible applicant more than two disabled
1627 parking permits except to an organization in accordance with
1628 paragraph (1)(e). Subsections (1), (5), (6), and (7) apply to
1629 this subsection.

1630 (d) If an applicant who is a disabled veteran, is a
1631 resident of this state, has been honorably discharged, and
1632 either has been determined by the Department of Defense or the
1633 United States Department of Veterans Affairs or its predecessor
1634 to have a service-connected disability rating for compensation
1635 of 50 percent or greater or has been determined to have a
1636 service-connected disability rating of 50 percent or greater and
1637 is in receipt of both disability retirement pay from the United
1638 States Department of Veterans Affairs, he or she must still
1639 provide a signed physician's statement of qualification for the
1640 disabled parking permits.

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1641 (e) To obtain a replacement for a disabled parking permit
1642 that has been lost or stolen, a person must appear in person,
1643 submit an application on a form prescribed by the department,
1644 and ~~must~~ pay a replacement fee in the amount of \$1.00, to be
1645 retained by the issuing agency. If the person submits with the
1646 application a police report documenting that the permit was
1647 stolen, there is no replacement fee. The requirement to apply
1648 for replacement in person does not apply if the severity of the
1649 disability prevents a disabled person from physically visiting
1650 or being transported to a driver license or tax collector
1651 office, and the certifying physician has signed an additional
1652 section of the department's parking permit application to exempt
1653 the disabled person from the appearance requirement.

1654 (f) A person who qualifies for a disabled parking permit
1655 under this section may be issued an international wheelchair
1656 user symbol license plate under s. 320.0843 in lieu of the
1657 disabled parking permit; or, if the person qualifies for a "DV"
1658 license plate under s. 320.084, such a license plate may be
1659 issued to him or her in lieu of a disabled parking permit.

1660 (4) From the proceeds of the temporary disabled parking
1661 permit fees:

1662 (a) The Department of Highway Safety and Motor Vehicles
1663 must receive \$3.50 for each temporary permit, to be deposited
1664 into the Highway Safety Operating Trust Fund and used for
1665 implementing the real-time disabled parking permit database and
1666 for administering the disabled parking permit program.

1667 (b) The tax collector, for processing, must receive \$2.50
1668 for each temporary permit.

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

(c) The remainder must be distributed monthly as follows:

1. To the Florida Endowment Foundation for Vocational Rehabilitation, known as "The Able Trust," ~~Florida Governor's Alliance for the Employment of Disabled Citizens~~ for the purpose of improving employment and training opportunities for persons who have disabilities, with special emphasis on removing transportation barriers, \$4. These fees must be directly deposited into the Florida Endowment Foundation for Vocational Rehabilitation as established in s. 413.615 Transportation Disadvantaged Trust Fund for transfer to the ~~Florida Governor's Alliance for Employment of Disabled Citizens~~.

2. To the Transportation Disadvantaged Trust Fund to be used for funding matching grants to counties for the purpose of improving transportation of persons who have disabilities, \$5.

Section 44. Effective October 1, 2011, subsection (1) of section 320.089, Florida Statutes, is amended to read:

320.089 Members of National Guard and active United States Armed Forces reservists; former prisoners of war; survivors of Pearl Harbor; Purple Heart medal recipients; Operation Iraqi Freedom and Operation Enduring Freedom Veterans; Combat Infantry Badge recipients; special license plates; fee.—

(1) (a) Each owner or lessee of an automobile or truck for private use or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and an active or retired member of the Florida National Guard, a survivor of the attack on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an active or retired member of any branch of the United States

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1697 Armed Forces Reserve, or a recipient of the Combat Infantry
1698 Badge shall, upon application to the department, accompanied by
1699 proof of active membership or retired status in the Florida
1700 National Guard, proof of membership in the Pearl Harbor
1701 Survivors Association or proof of active military duty in Pearl
1702 Harbor on December 7, 1941, proof of being a Purple Heart medal
1703 recipient, ~~or~~ proof of active or retired membership in any
1704 branch of the Armed Forces Reserve, or proof of membership in
1705 the Combat Infantrymen's Association, Inc., or other proof of
1706 being a recipient of the Combat Infantry Badge, and upon payment
1707 of the license tax for the vehicle as provided in s. 320.08, be
1708 issued a license plate as provided by s. 320.06, upon which, in
1709 lieu of the serial numbers prescribed by s. 320.06, shall be
1710 stamped the words "National Guard," "Pearl Harbor Survivor,"
1711 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry
1712 Badge," as appropriate, followed by the serial number of the
1713 license plate. Additionally, the Purple Heart plate may have the
1714 words "Purple Heart" stamped on the plate and the likeness of
1715 the Purple Heart medal appearing on the plate.

1716 (b) Notwithstanding any other provision of law to the
1717 contrary, beginning with fiscal year 2002-2003 and annually
1718 thereafter, the first \$100,000 in general revenue generated from
1719 the sale of license plates issued under this section shall be
1720 deposited into the Grants and Donations Trust Fund, as described
1721 in s. 296.38(2), to be used for the purposes established by law
1722 for that trust fund. Any additional general revenue generated
1723 from the sale of such plates shall be deposited into the State
1724 Homes for Veterans Trust Fund and used solely to construct,

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1725 operate, and maintain domiciliary and nursing homes for
1726 veterans, subject to the requirements of chapter 216.

1727 (c) Notwithstanding any provisions of law to the contrary,
1728 an applicant for a Pearl Harbor Survivor license plate or a
1729 Purple Heart license plate who also qualifies for a disabled
1730 veteran's license plate under s. 320.084 shall be issued the
1731 appropriate special license plate without payment of the license
1732 tax imposed by s. 320.08.

1733 Section 45. Subsection (3) of section 320.27, Florida
1734 Statutes, is amended to read:

1735 320.27 Motor vehicle dealers.—

1736 (3) APPLICATION AND FEE.—The application for the license
1737 shall be in such form as may be prescribed by the department and
1738 shall be subject to such rules with respect thereto as may be so
1739 prescribed by it. Such application shall be verified by oath or
1740 affirmation and shall contain a full statement of the name and
1741 birth date of the person or persons applying therefor; the name
1742 of the firm or copartnership, with the names and places of
1743 residence of all members thereof, if such applicant is a firm or
1744 copartnership; the names and places of residence of the
1745 principal officers, if the applicant is a body corporate or
1746 other artificial body; the name of the state under whose laws
1747 the corporation is organized; the present and former place or
1748 places of residence of the applicant; and prior business in
1749 which the applicant has been engaged and the location thereof.
1750 Such application shall describe the exact location of the place
1751 of business and shall state whether the place of business is
1752 owned by the applicant and when acquired, or, if leased, a true
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1753 copy of the lease shall be attached to the application. The
1754 applicant shall certify that the location provides an adequately
1755 equipped office and is not a residence; that the location
1756 affords sufficient unoccupied space upon and within which
1757 adequately to store all motor vehicles offered and displayed for
1758 sale; and that the location is a suitable place where the
1759 applicant can in good faith carry on such business and keep and
1760 maintain books, records, and files necessary to conduct such
1761 business, which will be available at all reasonable hours to
1762 inspection by the department or any of its inspectors or other
1763 employees. The applicant shall certify that the business of a
1764 motor vehicle dealer is the principal business which shall be
1765 conducted at that location. Such application shall contain a
1766 statement that the applicant is either franchised by a
1767 manufacturer of motor vehicles, in which case the name of each
1768 motor vehicle that the applicant is franchised to sell shall be
1769 included, or an independent (nonfranchised) motor vehicle
1770 dealer. Such application shall contain such other relevant
1771 information as may be required by the department, including
1772 evidence that the applicant is insured under a garage liability
1773 insurance policy or a general liability insurance policy coupled
1774 with a business automobile policy, which shall include, at a
1775 minimum, \$25,000 combined single-limit liability coverage
1776 including bodily injury and property damage protection and
1777 \$10,000 personal injury protection. A salvage motor vehicle
1778 dealer as defined in subparagraph (1)(c)5. is exempt from the
1779 requirements for garage liability insurance and personal injury
1780 protection insurance on those vehicles that have been issued a

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1781 certificate of destruction and if the vehicle cannot be legally
1782 operated on Florida roads, highways, or streets. Franchise
1783 dealers must submit a garage liability insurance policy, and all
1784 other dealers must submit a garage liability insurance policy or
1785 a general liability insurance policy coupled with a business
1786 automobile policy. Such policy shall be for the license period,
1787 and evidence of a new or continued policy shall be delivered to
1788 the department at the beginning of each license period. Upon
1789 making initial application, the applicant shall pay to the
1790 department a fee of \$300 in addition to any other fees now
1791 required by law; upon making a subsequent renewal application,
1792 the applicant shall pay to the department a fee of \$75 in
1793 addition to any other fees now required by law. Upon making an
1794 application for a change of location, the person shall pay a fee
1795 of \$50 in addition to any other fees now required by law. The
1796 department shall, in the case of every application for initial
1797 licensure, verify whether certain facts set forth in the
1798 application are true. Each applicant, general partner in the
1799 case of a partnership, or corporate officer and director in the
1800 case of a corporate applicant, must file a set of fingerprints
1801 with the department for the purpose of determining any prior
1802 criminal record or any outstanding warrants. The department
1803 shall submit the fingerprints to the Department of Law
1804 Enforcement for state processing and forwarding to the Federal
1805 Bureau of Investigation for federal processing. The actual cost
1806 of state and federal processing shall be borne by the applicant
1807 and is in addition to the fee for licensure. The department may
1808 issue a license to an applicant pending the results of the

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1809 fingerprint investigation, which license is fully revocable if
1810 the department subsequently determines that any facts set forth
1811 in the application are not true or correctly represented.

1812 Section 46. Paragraphs (a) and (b) of subsection (2) of
1813 section 320.275, Florida Statutes, are amended to read:

1814 320.275 Automobile Dealers Industry Advisory Board.—

1815 (2) MEMBERSHIP, TERMS, MEETINGS.—

1816 (a) The board shall be composed of 12 members. The
1817 executive director of the Department of Highway Safety and Motor
1818 Vehicles shall appoint the members from names submitted by the
1819 entities for the designated categories the member will
1820 represent. The executive director shall appoint one
1821 representative of the Department of Highway Safety and Motor
1822 Vehicles, ~~who must represent the Division of Motor Vehicles;~~ two
1823 representatives of the independent motor vehicle industry as
1824 recommended by the Florida Independent Automobile Dealers
1825 Association; two representatives of the franchise motor vehicle
1826 industry as recommended by the Florida Automobile Dealers
1827 Association; one representative of the auction motor vehicle
1828 industry who is from an auction chain and is recommended by a
1829 group affiliated with the National Auto Auction Association; one
1830 representative of the auction motor vehicle industry who is from
1831 an independent auction and is recommended by a group affiliated
1832 with the National Auto Auction Association; one representative
1833 from the Department of Revenue; a Florida tax collector
1834 representative recommended by the Florida Tax Collectors
1835 Association; one representative from the Better Business Bureau;
1836 one representative from the Department of Agriculture and

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1837 Consumer Services, who must represent the Division of Consumer
1838 Services; and one representative of the insurance industry who
1839 writes motor vehicle dealer surety bonds.

1840 (b)1. The executive director shall appoint the following
1841 initial members to 1-year terms: one representative from the
1842 motor vehicle auction industry who represents an auction chain,
1843 one representative from the independent motor vehicle industry,
1844 one representative from the franchise motor vehicle industry,
1845 one representative from the Department of Revenue, one Florida
1846 tax collector, and one representative from the Better Business
1847 Bureau.

1848 2. The executive director shall appoint the following
1849 initial members to 2-year terms: one representative from the
1850 motor vehicle auction industry who represents an independent
1851 auction, one representative from the independent motor vehicle
1852 industry, one representative from the franchise motor vehicle
1853 industry, one representative from the Division of Consumer
1854 Services, one representative from the insurance industry, and
1855 one representative from the department ~~Division of Motor~~
1856 ~~Vehicles~~.

1857 3. As the initial terms expire, the executive director
1858 shall appoint successors from the same designated category for
1859 terms of 2 years. If renominated, a member may succeed himself
1860 or herself.

1861 4. The board shall appoint a chair and vice chair at its
1862 initial meeting and every 2 years thereafter.

1863 Section 47. Subsection (1) of section 320.771, Florida
1864 Statutes, is amended to read:

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1865 320.771 License required of recreational vehicle dealers.-

1866 (1) DEFINITIONS.-As used in this section:

1867 (a) "Dealer" means any person engaged in the business of
1868 buying, selling, or dealing in recreational vehicles or offering
1869 or displaying recreational vehicles for sale. The term "dealer"
1870 includes a recreational vehicle broker. Any person who buys,
1871 sells, deals in, or offers or displays for sale, or who acts as
1872 the agent for the sale of, one or more recreational vehicles in
1873 any 12-month period shall be prima facie presumed to be a
1874 dealer. The terms "selling" and "sale" include lease-purchase
1875 transactions. The term "dealer" does not include banks, credit
1876 unions, and finance companies that acquire recreational vehicles
1877 as an incident to their regular business and does not include
1878 mobile home rental and leasing companies that sell recreational
1879 vehicles to dealers licensed under this section. A licensed
1880 dealer may transact business in recreational vehicles with a
1881 motor vehicle auction as defined in s. 320.27(1)(c)4. Further, a
1882 licensed dealer may, at retail or wholesale, sell a motor
1883 vehicle, as described in s. 320.01(1)(a), acquired in exchange
1884 for the sale of a recreational vehicle, if such acquisition is
1885 incidental to the principal business of being a recreational
1886 vehicle dealer. However, a recreational vehicle dealer may not
1887 buy a motor vehicle for the purpose of resale unless licensed as
1888 a motor vehicle dealer pursuant to s. 320.27.

1889 (b) "Recreational vehicle broker" means any person who is
1890 engaged in the business of offering to procure or procuring used
1891 recreational vehicles for the general public; who holds himself
1892 or herself out through solicitation, advertisement, or otherwise
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1893 as one who offers to procure or procures used recreational
1894 vehicles for the general public; or who acts as the agent or
1895 intermediary on behalf of the owner or seller of a used
1896 recreational vehicle which is for sale or who assists or
1897 represents the seller in finding a buyer for the recreational
1898 vehicle.

1899 (c) For the purposes of this section, the term
1900 "recreational vehicle" does not include any camping trailer, as
1901 defined in s. 320.01(1)(b)2.

1902 (d) A dealer may apply for a certificate of title to a
1903 recreational vehicle required to be registered under s.
1904 320.08(9) using a manufacturer's statement of origin as
1905 permitted by s. 319.23(1) only if such dealer is authorized by a
1906 manufacturer/dealer agreement as defined in s. 320.3202(8) on
1907 file with the department to buy, sell, or deal in that
1908 particular line-make of recreational vehicle and is authorized
1909 by such agreement to perform delivery and preparation
1910 obligations and warranty defect adjustments on that line-make.

1911 Section 48. Section 320.95, Florida Statutes, is amended
1912 to read:

1913 320.95 Transactions by electronic or telephonic means.—

1914 (1) The department may ~~is authorized to~~ accept any
1915 application provided for under this chapter by electronic or
1916 telephonic means.

1917 (2) The department may collect and use electronic mail
1918 addresses for the purpose of providing renewal notices in lieu
1919 of the United States Postal Service.

1920 Section 49. Section 321.02, Florida Statutes, is amended
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1921 to read:

1922 321.02 Powers and duties of department, highway patrol.—

1923 The director of the Division of Highway Patrol of the Department
1924 of Highway Safety and Motor Vehicles shall be designated the

1925 Colonel ~~also be the commander~~ of the Florida Highway Patrol. The

1926 said department shall set up and promulgate rules and

1927 regulations by which the personnel of the Florida Highway Patrol

1928 officers shall be examined, employed, trained, located,

1929 suspended, reduced in rank, discharged, recruited, paid and

1930 pensioned, subject to civil service provisions hereafter set

1931 out. The department may enter into contracts or agreements, with

1932 or without competitive bidding or procurement, to make

1933 available, on a fair, reasonable, nonexclusive, and

1934 nondiscriminatory basis, property and other structures under

1935 division control for the placement of new facilities by any

1936 wireless provider of mobile service as defined in 47 U.S.C. s.

1937 153(27) or s. 332(d), and any telecommunications company as

1938 defined in s. 364.02 when it is determined to be practical and

1939 feasible to make such property or other structures available.

1940 The department may, without adopting a rule, charge a just,

1941 reasonable, and nondiscriminatory fee for placement of the

1942 facilities, payable annually, based on the fair market value of

1943 space used by comparable communications facilities in the state.

1944 The department and a wireless provider or telecommunications

1945 company may negotiate the reduction or elimination of a fee in

1946 consideration of services provided to the division by the

1947 wireless provider or the telecommunications company. All such

1948 fees collected by the department shall be deposited directly

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1949 into the State Agency Law Enforcement Radio System Trust Fund,
1950 and may be used to construct, maintain, or support the system.
1951 The department is further specifically authorized to purchase,
1952 sell, trade, rent, lease and maintain all necessary equipment,
1953 uniforms, motor vehicles, communication systems, housing
1954 facilities, office space, and perform any other acts necessary
1955 for the proper administration and enforcement of this chapter.
1956 However, all supplies and equipment consisting of single items
1957 or in lots shall be purchased under the requirements of s.
1958 287.057. Purchases shall be made by accepting the bid of the
1959 lowest responsive bidder, the right being reserved to reject all
1960 bids. The department shall prescribe a distinctive uniform and
1961 distinctive emblem to be worn by all officers of the Florida
1962 Highway Patrol. It shall be unlawful for any other person or
1963 persons to wear a similar uniform or emblem, or any part or
1964 parts thereof. The department shall also prescribe distinctive
1965 colors for use on motor vehicles and motorcycles operated by the
1966 Florida Highway Patrol. The prescribed colors shall be referred
1967 to as "Florida Highway Patrol black and tan."

1968 Section 50. Subsection (3) of section 322.02, Florida
1969 Statutes, is amended to read:

1970 322.02 Legislative intent; administration.-

1971 (3) The department shall employ a director, who is charged
1972 with the duty of serving as the executive officer of the
1973 Division of Motorist Services within ~~Driver Licenses~~ of the
1974 department insofar as the administration of this chapter is
1975 concerned. He or she shall be subject to the supervision and
1976 direction of the department, and his or her official actions and

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

1977 decisions as executive officer shall be conclusive unless the
1978 same are superseded or reversed by the department or by a court
1979 of competent jurisdiction.

1980 Section 51. Subsection (1) of section 322.04, Florida
1981 Statutes, is amended to read:

1982 322.04 Persons exempt from obtaining driver's license.—

1983 (1) The following persons are exempt from obtaining a
1984 driver's license:

1985 (a) Any employee of the United States Government, while
1986 operating a noncommercial motor vehicle owned by or leased to
1987 the United States Government and being operated on official
1988 business.

1989 (b) Any person while driving or operating any road
1990 machine, farm tractor, or implement of husbandry temporarily
1991 operated or moved on a highway.

1992 (c) A nonresident who is at least 16 years of age ~~and who~~
1993 ~~has in his or her immediate possession a valid noncommercial~~
1994 ~~driver's license issued to the nonresident in his or her home~~
1995 ~~state or country,~~ may operate a motor vehicle of the type for
1996 which a Class E driver's license is required in this state if he
1997 or she has in their immediate possession:

1998 1. A valid noncommercial driver's license issued in his or
1999 her name from another state or territory of the United States;
2000 or

2001 2. An International Driving Permit issued in his or her
2002 name in their country of residence and a valid license issued in
2003 that country.

2004 ~~(d) A nonresident who is at least 18 years of age and who~~
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2005 ~~has in his or her immediate possession a valid noncommercial~~
2006 ~~driver's license issued to the nonresident in his or her home~~
2007 ~~state or country may operate a motor vehicle, other than a~~
2008 ~~commercial motor vehicle, in this state.~~

2009 (d)~~(e)~~ Any person operating a golf cart, as defined in s.
2010 320.01, which is operated in accordance with the provisions of
2011 s. 316.212.

2012 Section 52. Paragraph (a) of subsection (1) of section
2013 322.051, Florida Statutes, is amended to read:

2014 322.051 Identification cards.—

2015 (1) Any person who is 5 years of age or older, or any
2016 person who has a disability, regardless of age, who applies for
2017 a disabled parking permit under s. 320.0848, may be issued an
2018 identification card by the department upon completion of an
2019 application and payment of an application fee.

2020 (a) Each such application shall include the following
2021 information regarding the applicant:

2022 1. Full name (first, middle or maiden, and last), gender,
2023 proof of social security card number satisfactory to the
2024 department, county of residence, mailing address, proof of
2025 residential address satisfactory to the department, country of
2026 birth, and a brief description.

2027 2. Proof of birth date satisfactory to the department.

2028 3. Proof of identity satisfactory to the department. Such
2029 proof must include one of the following documents issued to the
2030 applicant:

2031 a. A driver's license record or identification card record
2032 from another jurisdiction that required the applicant to submit
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2033 a document for identification which is substantially similar to
2034 a document required under sub-subparagraph b., sub-subparagraph
2035 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
2036 f., sub-subparagraph g., or sub-subparagraph h.;

2037 b. A certified copy of a United States birth certificate;

2038 c. A valid, unexpired United States passport;

2039 d. A naturalization certificate issued by the United
2040 States Department of Homeland Security;

2041 e. A valid, unexpired alien registration receipt card
2042 (green card);

2043 f. A Consular Report of Birth Abroad provided by the
2044 United States Department of State;

2045 g. An unexpired employment authorization card issued by
2046 the United States Department of Homeland Security; or

2047 h. Proof of nonimmigrant classification provided by the
2048 United States Department of Homeland Security, for an original
2049 identification card. In order to prove such nonimmigrant
2050 classification, applicants must provide at least one of ~~may~~
2051 ~~produce but are not limited to~~ the following documents, and, in
2052 addition, the department may require applicants to produce
2053 United States Department of Homeland Security documents for the
2054 sole purpose of establishing the maintenance of or efforts to
2055 maintain continuous lawful presence:

2056 (I) A notice of hearing from an immigration court
2057 scheduling a hearing on any proceeding.

2058 (II) A notice from the Board of Immigration Appeals
2059 acknowledging pendency of an appeal.

2060 (III) Notice of the approval of an application for
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2061 adjustment of status issued by the United States Bureau of
2062 Citizenship and Immigration Services.

2063 (IV) Any official documentation confirming the filing of a
2064 petition for asylum or refugee status or any other relief issued
2065 by the United States Bureau of Citizenship and Immigration
2066 Services.

2067 (V) Notice of action transferring any pending matter from
2068 another jurisdiction to Florida, issued by the United States
2069 Bureau of Citizenship and Immigration Services.

2070 (VI) Order of an immigration judge or immigration officer
2071 granting any relief that authorizes the alien to live and work
2072 in the United States including, but not limited to asylum.

2073 (VII) Evidence that an application is pending for
2074 adjustment of status to that of an alien lawfully admitted for
2075 permanent residence in the United States or conditional
2076 permanent resident status in the United States, if a visa number
2077 is available having a current priority date for processing by
2078 the United States Bureau of Citizenship and Immigration
2079 Services.

2080 (VIII) On or after January 1, 2010, an unexpired foreign
2081 passport with an unexpired United States Visa affixed,
2082 accompanied by an approved I-94, documenting the most recent
2083 admittance into the United States.

2084
2085 An identification card issued based on documents required
2086 ~~Presentation of any of the documents described in sub-~~
2087 ~~subparagraph g. or sub-subparagraph h. is valid entitles the~~
2088 ~~applicant to an identification card~~ for a period not to exceed
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2089 the expiration date of the document presented or 1 year,
2090 whichever first occurs.

2091 Section 53. Subsection (4) of section 322.058, Florida
2092 Statutes, is amended to read:

2093 322.058 Suspension of driving privileges due to support
2094 delinquency; reinstatement.-

2095 (4) This section applies only to the annual renewal in the
2096 owner's birth month of a motor vehicle registration and does not
2097 apply to the transfer of a registration of a motor vehicle sold
2098 by a motor vehicle dealer licensed under chapter 320, except for
2099 the transfer of registrations which is inclusive of the annual
2100 renewals. This section does not affect the issuance of the title
2101 to a motor vehicle, notwithstanding s. 319.23(8)~~(7)~~(b).

2102 Section 54. Section 322.065, Florida Statutes, is amended
2103 to read:

2104 322.065 Driver's license expired for 6 4 months or less;
2105 penalties.-Any person whose driver's license has been expired
2106 for 6 4 months or less and who drives a motor vehicle upon the
2107 highways of this state commits ~~is guilty of~~ an infraction and is
2108 subject to the penalty provided in s. 318.18.

2109 Section 55. Subsection (3) of section 322.07, Florida
2110 Statutes, is amended to read:

2111 322.07 Instruction permits and temporary licenses.-

2112 (3) Any person who, except for his or her lack of
2113 instruction in operating a commercial motor vehicle, would
2114 otherwise be qualified to obtain a commercial driver's license
2115 under this chapter, may apply for a temporary commercial
2116 instruction permit. The department shall issue such a permit

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2117 | entitling the applicant, while having the permit in his or her
2118 | immediate possession, to drive a commercial motor vehicle on the
2119 | highways, provided that:

2120 | (a) The applicant possesses a valid Florida driver's
2121 | license ~~issued in any state~~; and

2122 | (b) The applicant, while operating a commercial motor
2123 | vehicle, is accompanied by a licensed driver who is 21 years of
2124 | age or older, who is licensed to operate the class of vehicle
2125 | being operated, and who is actually occupying the closest seat
2126 | to the right of the driver.

2127 | Section 56. Subsections (2) and (7) of section 322.08,
2128 | Florida Statutes, are amended, and subsection (8) is added to
2129 | that section, to read:

2130 | 322.08 Application for license; requirements for license
2131 | and identification card forms.—

2132 | (2) Each such application shall include the following
2133 | information regarding the applicant:

2134 | (a) Full name (first, middle or maiden, and last), gender,
2135 | proof of social security card number satisfactory to the
2136 | department, county of residence, mailing address, proof of
2137 | residential address satisfactory to the department, country of
2138 | birth, and a brief description.

2139 | (b) Proof of birth date satisfactory to the department.

2140 | (c) Proof of identity satisfactory to the department. Such
2141 | proof must include one of the following documents issued to the
2142 | applicant:

2143 | 1. A driver's license record or identification card record
2144 | from another jurisdiction that required the applicant to submit
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2145 a document for identification which is substantially similar to
2146 a document required under subparagraph 2., subparagraph 3.,
2147 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
2148 7., or subparagraph 8.;

2149 2. A certified copy of a United States birth certificate;

2150 3. A valid, unexpired United States passport;

2151 4. A naturalization certificate issued by the United
2152 States Department of Homeland Security;

2153 5. A valid, unexpired alien registration receipt card
2154 (green card);

2155 6. A Consular Report of Birth Abroad provided by the
2156 United States Department of State;

2157 7. An unexpired employment authorization card issued by
2158 the United States Department of Homeland Security; or

2159 8. Proof of nonimmigrant classification provided by the
2160 United States Department of Homeland Security, for an original
2161 driver's license. In order to prove nonimmigrant classification,
2162 an applicant must provide at least one of the following
2163 documents, and, in addition, the department may require
2164 applicants to produce United States Department of Homeland
2165 Security documents for the sole purpose of establishing the
2166 maintenance of or efforts to maintain continuous lawful presence
2167 ~~may produce the following documents, including, but not limited~~
2168 ~~to:~~

2169 a. A notice of hearing from an immigration court
2170 scheduling a hearing on any proceeding.

2171 b. A notice from the Board of Immigration Appeals
2172 acknowledging pendency of an appeal.

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2173 c. A notice of the approval of an application for
2174 adjustment of status issued by the United States Bureau of
2175 Citizenship and Immigration Services.

2176 d. Any official documentation confirming the filing of a
2177 petition for asylum or refugee status or any other relief issued
2178 by the United States Bureau of Citizenship and Immigration
2179 Services.

2180 e. A notice of action transferring any pending matter from
2181 another jurisdiction to this state issued by the United States
2182 Bureau of Citizenship and Immigration Services.

2183 f. An order of an immigration judge or immigration officer
2184 granting any relief that authorizes the alien to live and work
2185 in the United States, including, but not limited to, asylum.

2186 g. Evidence that an application is pending for adjustment
2187 of status to that of an alien lawfully admitted for permanent
2188 residence in the United States or conditional permanent resident
2189 status in the United States, if a visa number is available
2190 having a current priority date for processing by the United
2191 States Bureau of Citizenship and Immigration Services.

2192 h. On or after January 1, 2010, an unexpired foreign
2193 passport with an unexpired United States Visa affixed,
2194 accompanied by an approved I-94, documenting the most recent
2195 admittance into the United States.

2196
2197 A driver's license or temporary permit issued based on documents
2198 required ~~Presentation of any of the documents~~ in subparagraph 7.
2199 or subparagraph 8. is valid ~~entitles the applicant to a driver's~~
2200 ~~license or temporary permit~~ for a period not to exceed the
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2201 expiration date of the document presented or 1 year, whichever
2202 occurs first.

2203 (d) Whether the applicant has previously been licensed to
2204 drive, and, if so, when and by what state, and whether any such
2205 license or driving privilege has ever been disqualified,
2206 revoked, or suspended, or whether an application has ever been
2207 refused, and, if so, the date of and reason for such
2208 disqualification, suspension, revocation, or refusal.

2209 (e) Each such application may include fingerprints and
2210 other unique biometric means of identity.

2211 (7) The application form for an original, renewal, or
2212 replacement driver's license or identification card shall
2213 include language permitting the following:

2214 (a) A voluntary contribution of \$1 per applicant, which
2215 contribution shall be deposited into the Health Care Trust Fund
2216 for organ and tissue donor education and for maintaining the
2217 organ and tissue donor registry.

2218 (b) A voluntary contribution of \$1 per applicant, which
2219 contribution shall be distributed to the Florida Council of the
2220 Blind.

2221 (c) A voluntary contribution of \$2 per applicant, which
2222 shall be distributed to the Hearing Research Institute,
2223 Incorporated.

2224 (d) A voluntary contribution of \$1 per applicant, which
2225 shall be distributed to the Juvenile Diabetes Foundation
2226 International.

2227 (e) A voluntary contribution of \$1 per applicant, which
2228 shall be distributed to the Children's Hearing Help Fund.

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2229 (f) A voluntary contribution of \$1 per applicant, which
2230 shall be distributed to Family First, a nonprofit organization.

2231 (g) A voluntary contribution of \$1 per applicant to Stop
2232 Heart Disease, which shall be distributed to the Florida Heart
2233 Research Institute, a nonprofit organization.

2234 (h) A voluntary contribution of \$1 per applicant to Senior
2235 Vision Services, which shall be distributed to the Florida
2236 Association of Agencies Serving the Blind, Inc., a not-for-
2237 profit organization.

2238 (i) A voluntary contribution of \$1 per applicant for
2239 services for persons with developmental disabilities, which
2240 shall be distributed to The Arc of Florida.

2241 (j) A voluntary contribution of \$1 to the Ronald McDonald
2242 House, which shall be distributed each month to Ronald McDonald
2243 House Charities of Tampa Bay, Inc.

2244 (k) Notwithstanding s. 322.081, a voluntary contribution
2245 of \$1 per applicant, which shall be distributed to the League
2246 Against Cancer/La Liga Contra el Cancer, a not-for-profit
2247 organization.

2248 (l) A voluntary contribution of \$1 per applicant to
2249 Prevent Child Sexual Abuse, which shall be distributed to
2250 Lauren's Kids, Inc., a nonprofit organization.

2251 (m) A voluntary contribution of \$1 per applicant, which
2252 shall be distributed to Prevent Blindness Florida, a not-for-
2253 profit organization, to prevent blindness and preserve the sight
2254 of the residents of this state.

2255 (n) Notwithstanding s. 322.081, a voluntary contribution
2256 of \$1 per applicant to the state homes for veterans, to be
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2257 distributed on a quarterly basis by the department to the State
2258 Homes for Veterans Trust Fund, which is administered by the
2259 Department of Veterans' Affairs.

2260 (o) A voluntary contribution of \$1 per applicant for
2261 Autism Services and Supports. Such contributions must be
2262 transferred by the department each month to the Achievement and
2263 Rehabilitation Centers, Inc., Autism Services Fund.

2264 (p) A voluntary contribution of \$1 per applicant to
2265 Support Our Troops, which shall be distributed monthly to
2266 Support Our Troops, Inc., a Florida not-for-profit organization.

2267
2268 A statement providing an explanation of the purpose of the trust
2269 funds shall also be included. For the purpose of applying the
2270 service charge provided in s. 215.20, contributions received
2271 under paragraphs (b)-(p) ~~(b)-(n)~~ are not income of a revenue
2272 nature.

2273 (8) The department may collect and use electronic mail
2274 addresses for the purpose of providing renewal notices in lieu
2275 of the United State Postal Service.

2276 Section 57. Subsection (9) is added to section 322.081,
2277 Florida Statutes, to read:

2278 322.081 Requests to establish voluntary checkoff on
2279 driver's license application.-

2280 (9) The department may annually retain from the first
2281 proceeds derived from the voluntary contributions collected an
2282 amount sufficient to defray for each voluntary contribution the
2283 pro rata share of the department's costs directly related to the
2284 voluntary contributions program. Such costs include renewal

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2285 notices, postage, distribution costs, direct costs to the
2286 department, and costs associated with reviewing each
2287 organization's compliance with the audit and attestation
2288 requirements of this section. The revenues retained by the
2289 department may not be less than 0.5 percent and may not exceed
2290 1.5 percent. The balance of the proceeds from the voluntary
2291 contributions collected shall be distributed as provided by law.

2292 Section 58. Subsection (1) of section 322.095, Florida
2293 Statutes, is amended to read:

2294 322.095 Traffic law and substance abuse education program
2295 for driver's license applicants.—

2296 (1) The Department of Highway Safety and Motor Vehicles
2297 must approve traffic law and substance abuse education courses
2298 that must be completed by applicants for a Florida driver's
2299 license. The curricula for the courses must provide instruction
2300 on the physiological and psychological consequences of the abuse
2301 of alcohol and other drugs, the societal and economic costs of
2302 alcohol and drug abuse, the effects of alcohol and drug abuse on
2303 the driver of a motor vehicle, the dangers of driving while
2304 distracted, which must specifically include the use of
2305 technology while driving, and the laws of this state relating to
2306 the operation of a motor vehicle. All instructors teaching the
2307 courses shall be certified by the department.

2308 Section 59. Subsection (5) of section 322.12, Florida
2309 Statutes, is amended to read:

2310 322.12 Examination of applicants.—

2311 ~~(5)(a) The department shall formulate a separate~~
2312 ~~examination for applicants for licenses to operate motorcycles.~~

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2313 ~~Any applicant for a driver's license who wishes to operate a~~
2314 ~~motorcycle, and who is otherwise qualified, must successfully~~
2315 ~~complete such an examination, which is in addition to the~~
2316 ~~examination administered under subsection (3). The examination~~
2317 ~~must test the applicant's knowledge of the operation of a~~
2318 ~~motorcycle and of any traffic laws specifically relating thereto~~
2319 ~~and must include an actual demonstration of his or her ability~~
2320 ~~to exercise ordinary and reasonable control in the operation of~~
2321 ~~a motorcycle. Any applicant who fails to pass the initial~~
2322 ~~knowledge examination will incur a \$5 fee for each subsequent~~
2323 ~~examination, to be deposited into the Highway Safety Operating~~
2324 ~~Trust Fund. Any applicant who fails to pass the initial skills~~
2325 ~~examination will incur a \$10 fee for each subsequent~~
2326 ~~examination, to be deposited into the Highway Safety Operating~~
2327 ~~Trust Fund. In the formulation of the examination, the~~
2328 ~~department shall consider the use of the Motorcycle Operator~~
2329 ~~Skills Test and the Motorcycle in Traffic Test offered by the~~
2330 ~~Motorcycle Safety Foundation. The department shall indicate on~~
2331 ~~the license of any person who successfully completes the~~
2332 ~~examination that the licensee is authorized to operate a~~
2333 ~~motorcycle. If the applicant wishes to be licensed to operate a~~
2334 ~~motorcycle only, he or she need not take the skill or road test~~
2335 ~~required under subsection (3) for the operation of a motor~~
2336 ~~vehicle, and the department shall indicate such a limitation on~~
2337 ~~his or her license as a restriction. Every first-time applicant~~
2338 ~~for licensure to operate a motorcycle must provide proof of~~
2339 ~~completion of a motorcycle safety course, as provided for in s.~~
2340 ~~322.0255, which shall include a final examination before the~~
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2341 applicant may be licensed to operate a motorcycle. The
2342 department shall indicate on the license of any person who
2343 successfully completes the course that the licensee is
2344 authorized to operate a motorcycle. If the applicant wishes to
2345 be licensed to operate a motorcycle only, he or she need not
2346 take the skills or road test required under subsection (3) for
2347 the operation of a motor vehicle, and the department shall
2348 indicate such a limitation on his or her license as a
2349 restriction.

2350 ~~(b) The department may exempt any applicant from the~~
2351 ~~examination provided in this subsection if the applicant~~
2352 ~~presents a certificate showing successful completion of a course~~
2353 ~~approved by the department, which course includes a similar~~
2354 ~~examination of the knowledge and skill of the applicant in the~~
2355 ~~operation of a motorcycle.~~

2356 Section 60. Subsection (5) of section 322.121, Florida
2357 Statutes, is amended to read:

2358 322.121 Periodic reexamination of all drivers.—

2359 (5) Members of the Armed Forces, or their dependents
2360 residing with them, shall be granted an automatic extension for
2361 the expiration of their Class E licenses without reexamination
2362 while serving on active duty outside this state. This extension
2363 is valid for 90 days after the member of the Armed Forces is
2364 either discharged or returns to this state to live.

2365 Section 61. Paragraph (a) of subsection (1) of section
2366 322.14, Florida Statutes, is amended to read:

2367 322.14 Licenses issued to drivers.—

2368 (1) (a) The department shall, upon successful completion of
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2369 all required examinations and payment of the required fee, issue
2370 to every applicant qualifying therefor, a driver's license as
2371 applied for, which license shall bear thereon a color photograph
2372 or digital image of the licensee; the name of the state; a
2373 distinguishing number assigned to the licensee; and the
2374 licensee's full name, date of birth, and residence address; a
2375 brief description of the licensee, including, but not limited
2376 to, the licensee's gender and height; and the dates of issuance
2377 and expiration of the license. A space shall be provided upon
2378 which the licensee shall affix his or her usual signature. No
2379 license shall be valid until it has been so signed by the
2380 licensee except that the signature of said licensee shall not be
2381 required if it appears thereon in facsimile or if the licensee
2382 is not present within the state at the time of issuance.

2383 ~~Applicants qualifying to receive a Class A, Class B, or Class C~~
2384 ~~driver's license must appear in person within the state for~~
2385 ~~issuance of a color photographic or digital imaged driver's~~
2386 ~~license pursuant to s. 322.142.~~

2387 Section 62. Section 322.1415, Florida Statutes, is created
2388 to read:

2389 322.1415 Specialty driver's license and identification
2390 card program.-

2391 (1) The department may issue to any applicant qualified
2392 pursuant to s. 322.14 a specialty driver's license or
2393 identification card upon payment of the appropriate fee pursuant
2394 to s. 322.21.

2395 (2) Department-approved specialty driver's licenses and
2396 identification cards shall, at a minimum, be available for state

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2397 and independent universities domiciled in this state, all
2398 Florida professional sports teams designated in s.
2399 320.08058(9) (a), and all branches of the United States military.

2400 (3) The design and use of each specialty driver's license
2401 and identification card must be approved by the department and
2402 the organization that is recognized by the driver's license or
2403 card.

2404 (4) Organizations receiving funds from this program shall
2405 attest as provided in 320.08062 that the funds have been
2406 expended in the same manner as provided in s. 320.08058. On
2407 December 1 of each year, the department shall deliver an annual
2408 report to the President of the Senate and the Speaker of the
2409 House of Representatives addressing the viability of the program
2410 and detailing the amounts distributed to each entity.

2411 (5) This section is repealed August 31, 2015.

2412 Section 63. Subsection (2) of section 322.19, Florida
2413 Statutes, is amended to read:

2414 322.19 Change of address or name.—

2415 (2) Whenever any person, after applying for or receiving a
2416 driver's license, changes the legal residence or mailing address
2417 in the application or license, the person must, within 10
2418 calendar days, obtain a replacement license that reflects the
2419 change. A written request to the department must include the old
2420 and new addresses and the driver's license number. Persons with
2421 a valid, current student identification card issued by an
2422 educational institution in this state are presumed not to have
2423 changed their legal residence or mailing address. Nothing in
2424 this provision shall affect any person required to register a

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2425 permanent or temporary address change pursuant to s. 775.13, s.
2426 775.21, s. 775.25, or s. 943.0435.

2427 Section 64. Subsections (9), (10), (13), (14), and (16) of
2428 section 322.20, Florida Statutes, are amended to read:

2429 322.20 Records of the department; fees; destruction of
2430 records.—

2431 (9) The department may, upon application, furnish to any
2432 person, from its ~~the records of the Division of Driver Licenses,~~
2433 a list of the names, addresses, and birth dates of the licensed
2434 drivers of the entire state or any portion thereof by age group.
2435 In addition, the department may furnish to the courts, for the
2436 purpose of establishing jury selection lists, the names,
2437 addresses, and birth dates of the persons of the entire state or
2438 any portion thereof by age group having identification cards
2439 issued by the department. Each person who requests such
2440 information shall pay a fee, set by the department, of 1 cent
2441 per name listed, except that the department shall furnish such
2442 information without charge to the courts for the purpose of jury
2443 selection or to any state agency or to any state attorney,
2444 sheriff, or chief of police. Such court, state agency, state
2445 attorney, or law enforcement agency may not sell, give away, or
2446 allow the copying of such information. Noncompliance with this
2447 prohibition shall authorize the department to charge the
2448 noncomplying court, state agency, state attorney, or law
2449 enforcement agency the appropriate fee for any subsequent lists
2450 requested. The department may adopt rules necessary to implement
2451 this subsection.

2452 (10) The department ~~Division of Driver Licenses~~ is

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2453 authorized, upon application of any person and payment of the
2454 proper fees, to search and to assist such person in the search
2455 of the records of the department and make reports thereof and to
2456 make photographic copies of the departmental records and
2457 attestations thereof.

2458 (13) The department ~~Division of Driver Licenses~~ shall
2459 implement a system that allows either parent of a minor, or a
2460 guardian, or other responsible adult who signed a minor's
2461 application for a driver's license to have Internet access
2462 through a secure website to inspect the minor's driver history
2463 record. Internet access to driver history records granted to a
2464 minor's parents, guardian, or other responsible adult shall be
2465 furnished by the department at no fee and shall terminate when
2466 the minor attains 18 years of age.

2467 (14) The department is authorized in accordance with
2468 chapter 257 to destroy reports, records, documents, papers, and
2469 correspondence in the department ~~Division of Driver Licenses~~
2470 which are considered obsolete.

2471 (16) The creation and maintenance of records by the
2472 Division of Motorist Services within the department ~~and the~~
2473 ~~Division of Driver Licenses~~ pursuant to this chapter shall not
2474 be regarded as law enforcement functions of agency
2475 recordkeeping.

2476 Section 65. Section 322.202, Florida Statutes, is amended
2477 to read:

2478 322.202 Admission of evidence obtained from the Division
2479 of Motorist Services ~~Driver Licenses and the Division of Motor~~
2480 ~~Vehicles.~~—

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2481 (1) The Legislature finds that the Division of Motorist
2482 Services ~~Driver Licenses and the Division of Motor Vehieles~~ of
2483 the Department of Highway Safety and Motor Vehicles is ~~are~~ not a
2484 law enforcement agency ~~agencies~~. The Legislature also finds that
2485 the division is ~~divisions are~~ not an adjunct ~~adjunets~~ of any law
2486 enforcement agency in that employees have no stake in particular
2487 prosecutions. The Legislature further finds that errors in
2488 records maintained by the Division of Motorist Services
2489 ~~divisions~~ are not within the collective knowledge of any law
2490 enforcement agency. The Legislature also finds that the mission
2491 ~~missions~~ of the Division of Motorist Services ~~Driver Licenses,~~
2492 ~~the Division of Motor Vehieles,~~ and the Department of Highway
2493 Safety and Motor Vehicles provides ~~provide~~ a sufficient
2494 incentive to maintain records in a current and correct fashion.

2495 (2) The Legislature finds that the purpose of the
2496 exclusionary rule is to deter misconduct on the part of law
2497 enforcement officers and law enforcement agencies.

2498 (3) The Legislature finds that the application of the
2499 exclusionary rule to cases where a law enforcement officer
2500 effects an arrest based on objectively reasonable reliance on
2501 information obtained from the division ~~divisions~~ is repugnant to
2502 the purposes of the exclusionary rule and contrary to the
2503 decisions of the United States Supreme Court in *Arizona v.*
2504 *Evans*, 514 U.S. 1 (1995) and *United States v. Leon*, 468 U.S. 897
2505 (1984).

2506 (4) In any case where a law enforcement officer effects an
2507 arrest based on objectively reasonable reliance on information
2508 obtained from the division ~~divisions~~, evidence found pursuant to
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2509 such an arrest shall not be suppressed by application of the
2510 exclusionary rule on the grounds that the arrest is subsequently
2511 determined to be unlawful due to erroneous information obtained
2512 from the divisions.

2513 Section 66. Paragraph (i) is added to subsection (1) of
2514 section 322.21, Florida Statutes, and subsections (2) and (4) of
2515 that section are amended, to read:

2516 322.21 License fees; procedure for handling and collecting
2517 fees.—

2518 (1) Except as otherwise provided herein, the fee for:

2519 (i) The specialty license or identification card issued
2520 pursuant to s. 322.1415 is \$25, which is in addition to other
2521 fees required in this section. The specialty fee shall be
2522 distributed as follows:

2523 1. Fifty percent shall be distributed as provided in
2524 section 320.08058 to the appropriate state or independent
2525 university, the professional sports team, or branches of the
2526 military.

2527 2. Fifty percent shall be distributed to the department
2528 for department costs directly related to the specialty driver's
2529 license and identification card program and to defray costs of
2530 production enhancements and distribution.

2531 (2) It is the duty of the director of the Division of
2532 Motorist Services to provide Driver Licenses to set up a
2533 division in the department with the necessary personnel to
2534 perform the ~~necessary~~ clerical and routine work for the
2535 department in issuing and recording applications, licenses, and
2536 certificates of eligibility, including the receiving and

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2537 accounting of all license funds and their payment into the State
2538 Treasury, and other incidental clerical work connected with the
2539 administration of this chapter. The department may use such
2540 electronic, mechanical, or other devices as necessary to
2541 accomplish the purposes of this chapter.

2542 (4) If the department determines from its records or is
2543 otherwise satisfied that the holder of a license about to expire
2544 is entitled to have it renewed, the department shall mail a
2545 renewal notice to the licensee at his or her last known address,
2546 at least within 30 days before the licensee's birthday. The
2547 licensee may ~~shall~~ be issued a renewal license, after
2548 reexamination, if required, ~~during the 30 days immediately~~
2549 ~~preceding his or her birthday upon presenting a renewal notice,~~
2550 ~~his or her current license, and the fee for renewal to the~~
2551 ~~department at any driver's license examining office.~~ A driver
2552 may renew his or her driver's license up to 18 months prior to
2553 the license expiration date.

2554 Section 67. Subsection (1) of section 322.22, Florida
2555 Statutes, is amended to read:

2556 322.22 Authority of department to cancel license.—

2557 (1) The department is authorized to cancel any driver's
2558 license, upon determining that the licensee is ~~was~~ not entitled
2559 to the license issuance thereof, or that the licensee failed to
2560 give the required or correct information in his or her
2561 application or committed any fraud in making such application,
2562 or that the licensee has two or more licenses on file with the
2563 department, each in a different name but bearing the photograph
2564 of the licensee, unless the licensee has complied with the

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2565 requirements of this chapter in obtaining the licenses. The
2566 department may cancel any driver's license, identification card,
2567 vehicle or vessel registration, or fuel-use decal if the
2568 licensee fails to pay the correct fee or pays for the driver's
2569 license, identification card, vehicle or vessel registration, or
2570 fuel-use decal; pays any tax liability, penalty, or interest
2571 specified in chapter 207; or pays any administrative,
2572 delinquency, or reinstatement fee by a dishonored check.

2573 Section 68. Subsection (6) of section 322.2615, Florida
2574 Statutes, is amended to read:

2575 322.2615 Suspension of license; right to review.—

2576 (6) (a) If the person whose license was suspended requests
2577 a formal review, the department must schedule a hearing to be
2578 held within 30 days after such request is received by the
2579 department and must notify the person of the date, time, and
2580 place of the hearing.

2581 (b) Such formal review hearing shall be held before a
2582 hearing officer employed by the department, and the hearing
2583 officer shall be authorized to administer oaths, examine
2584 witnesses and take testimony, receive relevant evidence, issue
2585 subpoenas for the officers and witnesses identified in documents
2586 in subsection (2), regulate the course and conduct of the
2587 hearing, question witnesses, and make a ruling on the
2588 suspension. The party requesting the presence of a witness shall
2589 be responsible for the payment of any witness fees and for
2590 notifying in writing the state attorney's office in the
2591 appropriate circuit of the issuance of the subpoena. If the
2592 person who requests a formal review hearing fails to appear and
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2593 the hearing officer finds such failure to be without just cause,
2594 the right to a formal hearing is waived and the suspension shall
2595 be sustained.

2596 (c) A party may seek enforcement of a subpoena under
2597 paragraph (b) by:

2598 1. Filing a motion for enforcement of a subpoena in the
2599 related criminal case, if any; or

2600 2. Filing a petition for enforcement in the circuit court
2601 of the judicial circuit in which the person failing to comply
2602 with the subpoena resides. A failure to comply with an order of
2603 the court shall result in a finding of contempt of court.
2604 However, a person is not in contempt while a subpoena is being
2605 challenged.

2606 (d) The department must, within 7 working days after a
2607 formal review hearing, send notice to the person of the hearing
2608 officer's decision as to whether sufficient cause exists to
2609 sustain, amend, or invalidate the suspension.

2610 Section 69. Subsection (12) is added to section 322.34,
2611 Florida Statutes, to read:

2612 322.34 Driving while license suspended, revoked, canceled,
2613 or disqualified.—

2614 (1) Except as provided in subsection (2), any person whose
2615 driver's license or driving privilege has been canceled,
2616 suspended, or revoked, except a "habitual traffic offender" as
2617 defined in s. 322.264, who drives a vehicle upon the highways of
2618 this state while such license or privilege is canceled,
2619 suspended, or revoked is guilty of a moving violation,
2620 punishable as provided in chapter 318.

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2621 (12) A person who commits a moving violation as provided
2622 in subsection (1) shall not have his or her motor vehicle
2623 impounded or immobilized.

2624 Section 70. Subsection (2) of section 322.53, Florida
2625 Statutes, is amended to read:

2626 322.53 License required; exemptions.—

2627 (2) The following persons are exempt from the requirement
2628 to obtain a commercial driver's license:

2629 (a) Drivers of authorized emergency vehicles.

2630 (b) Military personnel driving vehicles operated for
2631 military purposes.

2632 (c) Farmers transporting agricultural products, farm
2633 supplies, or farm machinery to or from their farms within 150
2634 miles of their farm if the vehicle operated under this exemption
2635 is not used in the operations of a common or contract motor
2636 carrier, ~~or transporting agricultural products to or from the~~
2637 ~~first place of storage or processing or directly to or from~~
2638 ~~market, within 150 miles of their farm.~~

2639 (d) Drivers of recreational vehicles, as defined in s.
2640 320.01.

2641 (e) Drivers who operate straight trucks, as defined in s.
2642 316.003, which ~~that~~ are exclusively transporting their own
2643 tangible personal property that ~~which~~ is not for sale or hire,
2644 and the vehicles are not used in commerce.

2645 (f) An employee of a publicly owned transit system who is
2646 limited to moving vehicles for maintenance or parking purposes
2647 exclusively within the restricted-access confines of a transit
2648 system's property.

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2649 Section 71. Subsection (5) is added to section 322.54,
2650 Florida Statutes, to read:

2651 322.54 Classification.—

2652 (5) The required driver's license classification of any
2653 person operating a commercial motor vehicle that has no gross
2654 vehicle weight rating plate or no vehicle identification number
2655 shall be determined by the actual weight of the vehicle.

2656 Section 72. Section 322.58, Florida Statutes, is repealed.

2657 Section 73. Section 322.59, Florida Statutes, is amended
2658 to read:

2659 322.59 Possession of medical examiner's certificate.—

2660 (1) The department shall not issue a commercial driver's
2661 license to any person who is required by the laws of this state
2662 or by federal law to possess a medical examiner's certificate,
2663 unless such person provides ~~presents~~ a valid certificate, as
2664 described in 49 C.F.R. s. 383.71 prior to licensure.

2665 (2) The department shall disqualify a driver from
2666 operating a commercial motor vehicle if that driver holds a
2667 commercial driver's license and fails to comply with the medical
2668 certification requirements described in 49 C.F.R. s. 383.71.

2669 ~~(2) This section does not expand the requirements as to~~
2670 ~~who must possess a medical examiner's certificate.~~

2671 Section 74. Subsection (5) of section 322.61, Florida
2672 Statutes, is amended to read:

2673 322.61 Disqualification from operating a commercial motor
2674 vehicle.—

2675 (5) Any person who is convicted of two violations
2676 specified in subsection (3) which were committed while operating
162081

Amendment No.

2677 a commercial motor vehicle, or any combination thereof, arising
2678 in separate incidents shall be permanently disqualified from
2679 operating a commercial motor vehicle. Any holder of a commercial
2680 driver's license who is convicted of two violations specified in
2681 subsection (3), which were committed while operating any a
2682 ~~noncommercial~~ motor vehicle, ~~or any combination thereof~~, arising
2683 in separate incidents shall be permanently disqualified from
2684 operating a commercial motor vehicle. The penalty provided in
2685 this subsection is in addition to any other applicable penalty.

2686 Section 75. Subsections (1), (4), (7), (8), and (11) of
2687 section 322.64, Florida Statutes, are amended to read:

2688 322.64 Holder of commercial driver's license; persons
2689 operating a commercial motor vehicle; driving with unlawful
2690 blood-alcohol level; refusal to submit to breath, urine, or
2691 blood test.—

2692 (1) (a) A law enforcement officer or correctional officer
2693 shall, on behalf of the department, disqualify from operating
2694 any commercial motor vehicle a person who while operating or in
2695 actual physical control of a commercial motor vehicle is
2696 arrested for a violation of s. 316.193, relating to unlawful
2697 blood-alcohol level or breath-alcohol level, or a person who has
2698 refused to submit to a breath, urine, or blood test authorized
2699 by s. 322.63 or s. 316.1932 arising out of the operation or
2700 actual physical control of a commercial motor vehicle. A law
2701 enforcement officer or correctional officer shall, on behalf of
2702 the department, disqualify the holder of a commercial driver's
2703 license from operating any commercial motor vehicle if the
2704 licenseholder, while operating or in actual physical control of
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2705 a motor vehicle, is arrested for a violation of s. 316.193,
2706 relating to unlawful blood-alcohol level or breath-alcohol
2707 level, or refused to submit to a breath, urine, or blood test
2708 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
2709 the person, the officer shall take the person's driver's license
2710 and issue the person a 10-day temporary permit for the operation
2711 of noncommercial vehicles only if the person is otherwise
2712 eligible for the driving privilege and shall issue the person a
2713 notice of disqualification. If the person has been given a
2714 blood, breath, or urine test, the results of which are not
2715 available to the officer at the time of the arrest, the agency
2716 employing the officer shall transmit such results to the
2717 department within 5 days after receipt of the results. If the
2718 department then determines that the person had a blood-alcohol
2719 level or breath-alcohol level of 0.08 or higher, the department
2720 shall disqualify the person from operating a commercial motor
2721 vehicle pursuant to subsection (3).

2722 (b) For purposes of determining the period of
2723 disqualification described in 49 C.F.R. s. 383.51,
2724 disqualifications listed in paragraph (a) shall be treated as
2725 convictions.

2726 (c) ~~(b)~~ The disqualification under paragraph (a) shall be
2727 pursuant to, and the notice of disqualification shall inform the
2728 driver of, the following:

2729 1.a. The driver refused to submit to a lawful breath,
2730 blood, or urine test and he or she is disqualified from
2731 operating a commercial motor vehicle for the time period
2732 specified in 49 C.F.R. s. 383.51 ~~a period of 1 year, for a first~~
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2733 ~~refusal, or permanently, if he or she has previously been~~
2734 ~~disqualified under this section; or~~

2735 b. The driver had an unlawful blood-alcohol or breath-
2736 alcohol level of 0.08 or higher while driving or in actual
2737 physical control of a commercial motor vehicle, or any motor
2738 vehicle if the driver holds a commercial driver license, and is
2739 disqualified for the time period specified in 49 C.F.R. s.
2740 383.51. ~~The driver was driving or in actual physical control of~~
2741 ~~a commercial motor vehicle, or any motor vehicle if the driver~~
2742 ~~holds a commercial driver's license, had an unlawful blood-~~
2743 ~~alcohol level or breath-alcohol level of 0.08 or higher, and his~~
2744 ~~or her driving privilege shall be disqualified for a period of 1~~
2745 ~~year for a first offense or permanently disqualified if his or~~
2746 ~~her driving privilege has been previously disqualified under~~
2747 ~~this section.~~

2748 2. The disqualification period for operating commercial
2749 vehicles shall commence on the date of issuance of the notice of
2750 disqualification.

2751 3. The driver may request a formal or informal review of
2752 the disqualification by the department within 10 days after the
2753 date of issuance of the notice of disqualification.

2754 4. The temporary permit issued at the time of
2755 disqualification expires at midnight of the 10th day following
2756 the date of disqualification.

2757 5. The driver may submit to the department any materials
2758 relevant to the disqualification.

2759 (4) If the person disqualified requests an informal review
2760 pursuant to subparagraph (1) (c) ~~(b)~~ 3., the department shall

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2761 conduct the informal review by a hearing officer employed by the
2762 department. Such informal review hearing shall consist solely of
2763 an examination by the department of the materials submitted by a
2764 law enforcement officer or correctional officer and by the
2765 person disqualified, and the presence of an officer or witness
2766 is not required.

2767 (7) In a formal review hearing under subsection (6) or an
2768 informal review hearing under subsection (4), the hearing
2769 officer shall determine by a preponderance of the evidence
2770 whether sufficient cause exists to sustain, amend, or invalidate
2771 the disqualification. The scope of the review shall be limited
2772 to the following issues:

2773 (a) If the person was disqualified from operating a
2774 commercial motor vehicle for driving with an unlawful blood-
2775 alcohol level:

2776 1. Whether the ~~arresting~~ law enforcement officer had
2777 probable cause to believe that the person was driving or in
2778 actual physical control of a commercial motor vehicle, or any
2779 motor vehicle if the driver holds a commercial driver's license,
2780 in this state while he or she had any alcohol, chemical
2781 substances, or controlled substances in his or her body.

2782 2. Whether the person had an unlawful blood-alcohol level
2783 or breath-alcohol level of 0.08 or higher.

2784 (b) If the person was disqualified from operating a
2785 commercial motor vehicle for refusal to submit to a breath,
2786 blood, or urine test:

2787 1. Whether the law enforcement officer had probable cause
2788 to believe that the person was driving or in actual physical

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2789 control of a commercial motor vehicle, or any motor vehicle if
2790 the driver holds a commercial driver's license, in this state
2791 while he or she had any alcohol, chemical substances, or
2792 controlled substances in his or her body.

2793 2. Whether the person refused to submit to the test after
2794 being requested to do so by a law enforcement officer or
2795 correctional officer.

2796 3. Whether the person was told that if he or she refused
2797 to submit to such test he or she would be disqualified from
2798 operating a commercial motor vehicle for a period of 1 year or,
2799 if previously disqualified under this section, permanently.

2800 (8) Based on the determination of the hearing officer
2801 pursuant to subsection (7) for both informal hearings under
2802 subsection (4) and formal hearings under subsection (6), the
2803 department shall:

2804 ~~(a) sustain the disqualification for the time period~~
2805 ~~described in 49 C.F.R. s. 383.51 a period of 1 year for a first~~
2806 ~~refusal, or permanently if such person has been previously~~
2807 ~~disqualified from operating a commercial motor vehicle under~~
2808 ~~this section.~~ The disqualification period commences on the date
2809 of the issuance of the notice of disqualification.

2810 ~~(b) Sustain the disqualification:~~

2811 ~~1. For a period of 1 year if the person was driving or in~~
2812 ~~actual physical control of a commercial motor vehicle, or any~~
2813 ~~motor vehicle if the driver holds a commercial driver's license,~~
2814 ~~and had an unlawful blood-alcohol level or breath-alcohol level~~
2815 ~~of 0.08 or higher; or~~

2816 ~~2. Permanently if the person has been previously~~

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2817 ~~disqualified from operating a commercial motor vehicle under~~
2818 ~~this section or his or her driving privilege has been previously~~
2819 ~~suspended for driving or being in actual physical control of a~~
2820 ~~commercial motor vehicle, or any motor vehicle if the driver~~
2821 ~~holds a commercial driver's license, and had an unlawful blood-~~
2822 ~~alcohol level or breath-alcohol level of 0.08 or higher.~~

2823
2824 ~~The disqualification period commences on the date of the~~
2825 ~~issuance of the notice of disqualification.~~

2826 (11) The formal review hearing may be conducted upon a
2827 review of the reports of a law enforcement officer or a
2828 correctional officer, including documents relating to the
2829 administration of a breath test or blood test or the refusal to
2830 take a breath, blood, or urine ~~either~~ test. However, as provided
2831 in subsection (6), the driver may subpoena the officer or any
2832 person who administered or analyzed a breath or blood test.

2833 Section 76. Section 328.30, Florida Statutes, is amended
2834 to read:

2835 328.30 Transactions by electronic or telephonic means.—

2836 (1) The department may ~~is authorized to~~ accept any
2837 application provided for under this chapter by electronic or
2838 telephonic means.

2839 (2) The department may issue an electronic certificate of
2840 title in lieu of printing a paper title.

2841 (3) The department may collect and use electronic mail
2842 addresses for the purpose of providing renewal notices in lieu
2843 of the United States Postal Service.

2844 Section 77. Subsection (2) of section 413.012, Florida
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2845 Statutes, is amended to read:

2846 413.012 Confidential records disclosure prohibited;
2847 exemptions.-

2848 (2) It is unlawful for any person to disclose, authorize
2849 the disclosure, solicit, receive, or make use of any list of
2850 names and addresses or any record containing any information set
2851 forth in subsection (1) and maintained in the division. The
2852 prohibition provided for in this subsection shall not apply to
2853 the use of such information for purposes directly connected with
2854 the administration of the vocational rehabilitation program or
2855 with the monthly dispatch to ~~the Division of Driver Licenses of~~
2856 the Department of Highway Safety and Motor Vehicles of the name
2857 in full, place and date of birth, sex, social security number,
2858 and resident address of individuals with central visual acuity
2859 20/200 or less in the better eye with correcting glasses, or a
2860 disqualifying field defect in which the peripheral field has
2861 contracted to such an extent that the widest diameter or visual
2862 field subtends an angular distance no greater than 20 degrees.
2863 When requested in writing by an applicant or client, or her or
2864 his representative, the Division of Blind Services shall release
2865 confidential information to the applicant or client or her or
2866 his representative.

2867 Section 78. Paragraph (f) of subsection (13) of section
2868 713.78, Florida Statutes, is amended to read:

2869 713.78 Liens for recovering, towing, or storing vehicles
2870 and vessels.-

2871 (13)

2872 (f) This subsection applies only to the annual renewal in
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2873 the registered owner's birth month of a motor vehicle
2874 registration and does not apply to the transfer of a
2875 registration of a motor vehicle sold by a motor vehicle dealer
2876 licensed under chapter 320, except for the transfer of
2877 registrations which is inclusive of the annual renewals. This
2878 subsection does not apply to any vehicle registered in the name
2879 of the lessor. This subsection does not affect the issuance of
2880 the title to a motor vehicle, notwithstanding s.

2881 319.23(8)(7)(b).

2882 Section 79. Edna S. Hargrett-Thrower Avenue designated;
2883 Department of Transportation to erect suitable markers.-

2884 (1) That portion of Orange Blossom Trail between Gore
2885 Street and Church Street in Orange County is designated as "Edna
2886 S. Hargrett-Thrower Avenue."

2887 (2) The Department of Transportation is directed to erect
2888 suitable markers designating Edna S. Hargrett-Thrower Avenue as
2889 described in subsection (1).

2890 Section 80. SP4 Thomas Berry Corbin Memorial Highway
2891 designated; Department of Transportation to erect suitable
2892 markers.-

2893 (1) That portion of U.S. Highway 19/27A/98/State Road 55
2894 between the Suwannee River Bridge and N.E. 592nd Street/Chavous
2895 Road/Kate Green Road in Dixie County is designated as "SP4
2896 Thomas Berry Corbin Memorial Highway."

2897 (2) The Department of Transportation is directed to erect
2898 suitable markers designating SP4 Thomas Berry Corbin Memorial
2899 Highway as described in subsection (1).

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Page 104 of 129

Amendment No.

2900 Section 81. U.S. Navy BMC Samuel Calhoun Chavous, Jr.
2901 Memorial Highway designated; Department of Transportation to
2902 erect suitable markers.-

2903 (1) That portion of U.S. Highway 19/98/State Road 55
2904 between N.E. 592nd Street/Chavous Road/Kate Green Road and N.E.
2905 170th Street in Dixie County is designated as "U.S. Navy BMC
2906 Samuel Calhoun Chavous, Jr. Memorial Highway."

2907 (2) The Department of Transportation is directed to erect
2908 suitable markers designating U.S. Navy BMC Samuel Calhoun
2909 Chavous, Jr. Memorial Highway as described in subsection (1).

2910 Section 82. Marine Lance Corporal Brian R. Buesing
2911 Memorial Highway designated; Department of Transportation to
2912 erect suitable markers.-

2913 (1) That portion of State Road 24 between County Road 347
2914 and Bridge Number 340053 in Levy County is designated as "Marine
2915 Lance Corporal Brian R. Buesing Memorial Highway."

2916 (2) The Department of Transportation is directed to erect
2917 suitable markers designating Marine Lance Corporal Brian R.
2918 Buesing Memorial Highway as described in subsection (1).

2919 Section 83. United States Army Sergeant Karl A. Campbell
2920 Memorial Highway designated; Department of Transportation to
2921 erect suitable markers.-

2922 (1) That portion of U.S. Highway 19/98/State Road 55/S.
2923 Main Street between N.W. 1st Avenue and S.E. 2nd Avenue in Levy
2924 County is designated as "United States Army Sergeant Karl A.
2925 Campbell Memorial Highway."

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2926 (2) The Department of Transportation is directed to erect
2927 suitable markers designating United States Army Sergeant Karl A.
2928 Campbell Memorial Highway as described in subsection (1).

2929 Section 84. U.S. Army SPC James A. Page Memorial Highway
2930 designated; Department of Transportation to erect suitable
2931 markers.-

2932 (1) That portion of U.S. Highway 27A/State Road
2933 500/Hathaway Avenue between State Road 24/Thrasher Drive and
2934 Town Court in Levy County is designated as "U.S. Army SPC James
2935 A. Page Memorial Highway."

2936 (2) The Department of Transportation is directed to erect
2937 suitable markers designating U.S. Army SPC James A. Page
2938 Memorial Highway as described in subsection (1).

2939 Section 85. Veterans Memorial Highway designated;
2940 Department of Transportation to erect suitable markers.-

2941 (1) That portion of State Road 19 between U.S. Highway
2942 17/State Road 15 and Carriage Drive in the City of Palatka in
2943 Putnam County is designated as "Veterans Memorial Highway."

2944 (2) The Department of Transportation is directed to erect
2945 suitable markers designating Veterans Memorial Highway as
2946 described in subsection (1).

2947 Section 86. Ben G. Watts Highway designated; Department of
2948 Transportation to erect suitable markers.-

2949 (1) That portion of U.S. Highway 90/State Road 10 between
2950 the Holmes County line and the Jackson County line in Washington
2951 County is designated as "Ben G. Watts Highway."

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Page 106 of 129

Amendment No.

2952 (2) The Department of Transportation is directed to erect
2953 suitable markers designating Ben G. Watts Highway as described
2954 in subsection (1).

2955 Section 87. Mardi Gras Way designated; Department of
2956 Transportation to erect suitable markers.-

2957 (1) That portion of State Road 824 between Interstate 95
2958 and U.S. Highway 1 in Broward County is designated as "Mardi
2959 Gras Way."

2960 (2) The Department of Transportation is directed to erect
2961 suitable markers designating Mardi Gras Way as described in
2962 subsection (1).

2963 Section 88. West Park Boulevard designated; Department of
2964 Transportation to erect suitable markers.-

2965 (1) That portion of State Road 7 between Pembroke Road and
2966 County Line Road in Broward County is designated as "West Park
2967 Boulevard."

2968 (2) The Department of Transportation is directed to erect
2969 suitable markers designating West Park Boulevard as described in
2970 subsection (1).

2971 Section 89. Pembroke Park Boulevard designated; Department
2972 of Transportation to erect suitable markers.-

2973 (1) That portion of State Road 858/Hallandale Beach
2974 Boulevard between Interstate 95 and U.S. Highway 441/State Road
2975 7 in Broward County is designated as "Pembroke Park Boulevard."

2976 (2) The Department of Transportation is directed to erect
2977 suitable markers designating Pembroke Park Boulevard as
2978 described in subsection (1).

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

2979 Section 90. Stark Memorial Drive designated; Department of
2980 Transportation to erect suitable markers.-

2981 (1) That portion of State Road 101/Mayport Road between
2982 State Road A1A and Wonderwood Connector in Duval County is
2983 designated as "Stark Memorial Drive."

2984 (2) The Department of Transportation is directed to erect
2985 suitable markers designating Stark Memorial Drive as described
2986 in subsection (1).

2987 Section 91. Duval County Law Enforcement Memorial Overpass
2988 designated; Department of Transportation to erect suitable
2989 markers.-

2990 (1) The Interstate 295/State Road 9A overpass (Bridge
2991 Numbers 720256 and 720347) over Interstate 10/State Road 8 in
2992 Duval County is designated as "Duval County Law Enforcement
2993 Memorial Overpass."

2994 (2) The Department of Transportation is directed to erect
2995 suitable markers designating Duval County Law Enforcement
2996 Memorial Overpass as described in subsection (1).

2997 Section 92. Verna Bell Way designated; Department of
2998 Transportation to erect suitable markers.-

2999 (1) That portion of State Road 200 between Lime Street and
3000 Beech Street in the City of Fernandina Beach in Nassau County is
3001 designated as "Verna Bell Way."

3002 (2) The Department of Transportation is directed to erect
3003 suitable markers designating Verna Bell Way as described in
3004 subsection (1).

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3005 Section 93. Deputy Hal P. Croft and Deputy Ronald Jackson
3006 Memorial Highway designated; Department of Transportation to
3007 erect suitable markers.-

3008 (1) That portion of State Road 100 East in Union County
3009 between the Bradford County line and the Columbia County line is
3010 designated as "Deputy Hal P. Croft and Deputy Ronald Jackson
3011 Memorial Highway."

3012 (2) The Department of Transportation is directed to erect
3013 suitable markers designating Deputy Hal P. Croft and Deputy
3014 Ronald Jackson Memorial Highway as described in subsection (1).

3015 Section 94. Dr. Oscar Elias Biscet Boulevard designated;
3016 Department of Transportation to erect suitable markers.-

3017 (1) That portion of Coral Way between S.W. 32nd Avenue and
3018 S.W. 37th Avenue in Miami-Dade County is designated as "Dr.
3019 Oscar Elias Biscet Boulevard."

3020 (2) The Department of Transportation is directed to erect
3021 suitable markers designating Dr. Oscar Elias Biscet Boulevard as
3022 described in subsection (1).

3023 Section 95. Hugh Anderson Boulevard designated; Department
3024 of Transportation to erect suitable markers.-

3025 (1) That portion of Biscayne Boulevard between N.E. 88th
3026 Street and N.E. 105th Street in Miami Shores Village in Miami-
3027 Dade County is designated as "Hugh Anderson Boulevard."

3028 (2) The Department of Transportation is directed to erect
3029 suitable markers designating Hugh Anderson Boulevard as
3030 described in subsection (1).

3031 Section 96. Palmetto General Hospital Way designated;
3032 Department of Transportation to erect suitable markers.-

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3033 (1) That portion of West 20th Avenue between West 68th
3034 Street and West 73rd Street in Miami-Dade County is designated
3035 as "Palmetto General Hospital Way."

3036 (2) The Department of Transportation is directed to erect
3037 suitable markers designating Palmetto General Hospital Way as
3038 described in subsection (1).

3039 Section 97. Senator Javier D. Souto Way designated;
3040 Department of Transportation to erect suitable markers.-

3041 (1) That portion of State Road 976/Bird Road between S.W.
3042 87th Avenue and the Palmetto Expressway Ramp in Miami-Dade
3043 County is designated as "Senator Javier D. Souto Way."

3044 (2) The Department of Transportation is directed to erect
3045 suitable markers designating Senator Javier D. Souto Way as
3046 described subsection (1).

3047 Section 98. Reverend Max Salvadore Avenue designated;
3048 Department of Transportation to erect suitable markers.-

3049 (1) That portion of S.W. 27th Avenue between S.W. 8th
3050 Street and S.W. 13th Street in the City of Miami in Miami-Dade
3051 County is designated as "Reverend Max Salvadore Avenue."

3052 (2) The Department of Transportation is directed to erect
3053 suitable markers designating Reverend Max Salvadore Avenue as
3054 described in subsection (1).

3055 Section 99. BRIGADA 2506 STREET, Carlos Rodriguez Santana
3056 designated; Department of Transportation to erect suitable
3057 markers.-

3058 (1) That portion of S.W. 8th Street between S.W. 10th
3059 Avenue and S.W. 12th Avenue in the City of Miami in Miami-Dade
3060 County is designated as "BRIGADA 2506 STREET, Carlos Rodriguez

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3061 Santana."

3062 (2) The Department of Transportation is directed to erect
3063 suitable markers designating BRIGADA 2506 STREET, Carlos
3064 Rodriguez Santana as described in subsection (1).

3065 Section 100. Rev. Jorge Comesanas Way designated;
3066 Department of Transportation to erect suitable markers.-

3067 (1) That portion of S.W. 87th Avenue between S.W. 8th
3068 Street and S.W. 24th Street in Miami-Dade County is designated
3069 as "Rev. Jorge Comesanas Way."

3070 (2) The Department of Transportation is directed to erect
3071 suitable markers designating Rev. Jorge Comesanas Way as
3072 described in subsection (1).

3073 Section 101. Amadeo Lopez-Castro, Jr. Road designated;
3074 Department of Transportation to erect suitable markers.-

3075 (1) That portion of S.W. 57th Avenue/Red Road between S.W.
3076 8th Street and S.W. 88th Street/Kendall Drive in Miami-Dade
3077 County is designated as "Amadeo Lopez-Castro, Jr. Road."

3078 (2) The Department of Transportation is directed to erect
3079 suitable markers designating Amadeo Lopez-Castro, Jr. Road as
3080 described in subsection (1).

3081 Section 102. Benjamin Leon, Jr. Way designated; Department
3082 of Transportation to erect suitable markers.-

3083 (1) That portion of 27th Avenue located in Miami-Dade
3084 County is designated as "Benjamin Leon, Jr. Way."

3085 (2) The Department of Transportation is directed to erect
3086 suitable markers designating Benjamin Leon, Jr. Way as described
3087 in subsection (1).

3088 Section 103. Miami Medical Team Way designated; Department

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3089 of Transportation to erect suitable markers.-

3090 (1) That portion of Coral Way/S.W. 22nd Street between
3091 24th Avenue and 27th Avenue in Miami-Dade County is designated
3092 as "Miami Medical Team Way."

3093 (2) The Department of Transportation is directed to erect
3094 suitable markers designating Miami Medical Team Way as described
3095 in subsection (1).

3096 Section 104. Alma Lee Loy Bridge designated; Department of
3097 Transportation to erect suitable markers.-

3098 (1) Bridge Number 880077 on State Road 656 between State
3099 Road A1A and Indian River Boulevard in the City of Vero Beach in
3100 Indian River County is designated as "Alma Lee Loy Bridge."

3101 (2) The Department of Transportation is directed to erect
3102 suitable markers designating Alma Lee Loy Bridge as described
3103 subsection (1).

3104 Section 105. Samuel B. Love Memorial Highway designated;
3105 Department of Transportation to erect suitable markers.-

3106 (1) That portion of Sunset Harbor Road between S.E. 105th
3107 Avenue and S.E. 115th Avenue in Marion County is designated as
3108 "Samuel B. Love Memorial Highway."

3109 (2) The Department of Transportation is directed to erect
3110 suitable markers designating Samuel B. Love Memorial Highway as
3111 described in subsection (1).

3112 Section 106. Elvin Martinez Road designated; Department of
3113 Transportation to erect suitable markers.-

3114 (1) That portion of Tampa Bay Boulevard between Armenia
3115 Avenue and Himes Avenue in Hillsborough County is designated as
3116 "Elvin Martinez Road."

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3117 (2) The Department of Transportation is directed to erect
3118 suitable markers designating Elvin Martinez Road as described in
3119 subsection (1).

3120 Section 107. Whale Harbor Joe Roth, Jr. Bridge designated;
3121 Department of Transportation to erect suitable markers.-

3122 (1) Whale Harbor Bridge (Bridge Number 900076) on U.S.
3123 Highway 1/State Road 5 in Monroe County is designated as "Whale
3124 Harbor Joe Roth Jr. Bridge."

3125 (2) The Department of Transportation is directed to erect
3126 suitable markers designating Whale Harbor Joe Roth Jr. Bridge as
3127 described in subsection (1).

3128 Section 108. Florida Highway Patrol Trooper Sgt. Nicholas
3129 G. Sottile Memorial designated; Department of Transportation to
3130 erect suitable markers.-

3131 (1) Milepost 22.182 on U.S. Highway 27 in Highlands County
3132 is designated as "Florida Highway Patrol Trooper Sgt. Nicholas
3133 G. Sottile Memorial."

3134 (2) The Department of Transportation is directed to erect
3135 suitable markers designating Florida Highway Patrol Trooper Sgt.
3136 Nicholas G. Sottile Memorial as described subsection (1).

3137 Section 109. Coach Jimmy Carnes Boulevard designated;
3138 Department of Transportation to erect suitable markers.-

3139 (1) That portion of S.W. 23rd Street, in front of James G.
3140 Pressly Stadium, and 4211 S.W. 23rd Street, located between S.W.
3141 2nd Avenue and Fraternity Row/Drive in Alachua County, is
3142 designated as "Coach Jimmy Carnes Boulevard."

3143 (2) The Department of Transportation is directed to erect
3144 suitable markers designating Coach Jimmy Carnes Boulevard as

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3145 described in subsection (1).

3146 Section 110. Section 24 of chapter 2010-230, Laws of
3147 Florida, is amended to read:

3148 Section 24. Miss Lillie Williams Boulevard designated;
3149 Department of Transportation to erect suitable markers.—

3150 (1) That portion of N.W. 79th Street between N.W. 6th
3151 Avenue and N.W. 7th E. ~~12th~~ Avenue in Miami-Dade County is
3152 designated as "Miss Lillie Williams Boulevard."

3153 (2) The Department of Transportation is directed to erect
3154 suitable markers designating Miss Lillie Williams Boulevard as
3155 described in subsection (1).

3156 Section 111. Section 45 of chapter 2010-230, Laws of
3157 Florida, is amended to read:

3158 Section 45. Father Gerard Jean-Juste Street designated;
3159 Department of Transportation to erect suitable markers.—

3160 (1) That portion of N.W. 54th Street in Miami-Dade County
3161 between N.W. 2nd Avenue and N.E. ~~N.W.~~ 3rd Avenue in Little Haiti
3162 is designated "Father Gerard Jean-Juste Street."

3163 (2) The Department of Transportation is directed to erect
3164 suitable markers designating Father Gerard Jean-Juste Street as
3165 described in subsection (1).

3166 Section 112. Tanya Martin Oubre Pikel Street designated;
3167 Department of Transportation to erect suitable markers.—

3168 (1) That portion of State Road 932/N.E. 103rd Street
3169 between N.W. 3rd Avenue and N.E. 6th Avenue in Miami-Dade County
3170 is designated as "Tanya Martin Oubre Pikel Street."

3171 (2) The Department of Transportation is directed to erect
3172 suitable markers designating Tanya Martin Oubre Pikel Street as

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3173 described in subsection (1).

3174 Section 113. Deputy Jack A. Romeis Road designated;
3175 Department of Transportation to erect suitable markers.-

3176 (1) That portion of State Road 26A in Gainesville, Alachua
3177 County, between West University Avenue and S.W. 25th Street, is
3178 designated "Deputy Jack A. Romeis Road."

3179 (2) The Department of Transportation is directed to erect
3180 suitable markers designating Deputy Jack A. Romeis Road as
3181 described in subsection (1).

3182 Section 114. Nona and Papa Road designated; Department of
3183 Transportation to erect suitable markers.-

3184 (1) That portion of the San Juan Road Extension in
3185 Anastasia State Park in St. Johns County is designated as "Nona
3186 and Papa Road."

3187 (2) The Department of Transportation is directed to erect
3188 suitable markers designating Nona and Papa Road as described
3189 subsection (1).

3190 Section 115. Walter Francis Spence Parkway designated;
3191 Department of Transportation to erect suitable markers.-

3192 (1) That portion of State Road 293 from U.S. Highway
3193 98/State Road 30 to State Road 20 in Okaloosa County is
3194 designated as "Walter Francis Spence Parkway."

3195 (2) The Department of Transportation is directed to erect
3196 suitable markers designating Walter Francis Spence Parkway as
3197 described subsection (1).

3198 Section 116. Florida's Beaches and Rivers Parkway
3199 designated; Department of Transportation to erect suitable
3200 markers.-

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3201 (1) That portion of State Route 87 from its intersection
3202 with U.S. Highway 98 northward to its intersection with U.S.
3203 Highway 90 in Santa Rosa County is designated "Florida's Beaches
3204 and Rivers Parkway."

3205 (2) The Department of Transportation is directed to erect
3206 suitable markers designating Florida's Beaches and Rivers
3207 Parkway as described subsection (1).

3208 Section 117. Corporal Michael J. Roberts Parkway
3209 designated; Department of Transportation to erect suitable
3210 markers.-

3211 (1) That portion of U.S. 41/State Road 45/Nebraska Avenue
3212 from County Road 584/Waters Avenue to State Road 580/Busch
3213 Boulevard is designated as "Corporal Michael J. Roberts
3214 Parkway."

3215 (2) The Department of Transportation is directed to erect
3216 suitable markers designating Corporal Michael J. Roberts as
3217 described subsection (1).

3218 Section 118. Harry T. and Harriette V. Moore Memorial
3219 Highway designated; Department of Transportation to erect
3220 suitable markers.-

3221 (1) That portion of State Road 46 in Brevard County from
3222 U.S. Highway 1 to the Volusia County line is designated as
3223 "Harry T. and Harriette V. Moore Memorial Highway."

3224 (2) The Department of Transportation is directed to erect
3225 suitable markers designating Harry T. and Harriette V. Moore
3226 Memorial Highway as described in subsection (1).

3227 Section 119. Elizabeth G. Means Memorial Boulevard
3228 designated; Department of Transportation to erect suitable

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3229 markers.-

3230 (1) That portion of Beaver Street in Duval County between
3231 Laura Street and Rushing Street is designated as "Elizabeth G.
3232 Means Memorial Boulevard."

3233 (2) The Department of Transportation is directed to erect
3234 suitable markers designating Elizabeth G. Means Memorial
3235 Boulevard as described in subsection (1).

3236 Section 120. Louise Steward Memorial Boulevard designated;
3237 Department of Transportation to erect suitable markers.-

3238 (1) That portion of U.S. Highway 1 Alternate/SR 115/SR
3239 115A/Haines Street Expressway in Duval County between 8th Street
3240 and Duval Street is designated as "Louise Steward Memorial
3241 Boulevard."

3242 (2) The Department of Transportation is directed to erect
3243 suitable markers designating Louise Steward Memorial Boulevard
3244 as described in subsection (1).

3245 Section 121. Isiah J. Williams, III, Memorial Boulevard
3246 designated; Department of Transportation to erect suitable
3247 markers.-

3248 (1) That portion of Edgewood Avenue in Duval County
3249 between Commonwealth Avenue and Beaver Street is designated as
3250 "Isiah J. Williams, III, Memorial Boulevard."

3251 (2) The Department of Transportation is directed to erect
3252 suitable markers designating Isiah J. Williams, III, Memorial
3253 Boulevard as described in subsection (1).

3254 Section 122. (1) This section may be cited as the "To
3255 Inform Families First Act."

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3256 (2) The Department of Highway Safety and Motor Vehicles is
 3257 encouraged to educate the law enforcement community and the
 3258 general public about the importance of making certain that
 3259 drivers are aware of and use the Emergency Contact Information
 3260 program, established by the department. The department shall
 3261 provide signs for the driver license offices to advertise the
 3262 program. This voluntary program allows each driver the
 3263 opportunity to register the names of up to two individuals as
 3264 the person he or she would want to be contacted if he or she is
 3265 involved in a crash.

3266 Section 123. The Department of Highway Safety and Motor
 3267 Vehicles shall study the feasibility of creating an electronic
 3268 verification system for use by the private sector to determine
 3269 if a driver's license or identification card is authentic. The
 3270 study must consider the use of symmetric key algorithms,
 3271 security tokens, mediametrics, biometrics, or any other
 3272 technology that is cost effective. The department shall report
 3273 the results of the study to the President of the Senate and the
 3274 Speaker of the House of Representatives by November 1, 2011.

3275 Section 124. Except as otherwise expressly provided in
 3276 this act, this act shall take effect July 1, 2011.

3277
 3278
 3279 -----

T I T L E A M E N D M E N T

Remove the entire title and insert:

A bill to be entitled

Amendment No.

3283 An act relating to highway safety and motor vehicles; amending
3284 s. 20.24, F.S.; specifying that the executive director of the
3285 Department of Highway Safety and Motor Vehicles serves at the
3286 pleasure of the Governor and Cabinet; creating a Division of
3287 Motorist Services within the department; eliminating the
3288 Division of Driver Licenses and the Division of Motor Vehicles;
3289 amending ss. 261.03 and 288.816, F.S., relating to off-highway
3290 vehicle safety and recreation and Consul Corps license plates,
3291 respectively; conforming references; amending s. 311.121, F.S.,
3292 relating to membership of the Seaport Security Officer
3293 Qualification, Training, and Standards Coordinating Council;
3294 conforming provisions to changes made by the act; amending s.
3295 316.003, F.S.; revising definitions and defining the term "swamp
3296 buggy" for purposes of the Florida Uniform Traffic Control Law;
3297 reenacting s. 316.065(4), F.S., relating to crash reports, to
3298 incorporate changes made to s. 316.066, F.S., by chapter 2010-
3299 163, Laws of Florida; amending s. 316.1303, F.S.; authorizing a
3300 person with impaired mobility using a motorized wheelchair or
3301 scooter to temporarily leave the sidewalk and use the roadway
3302 under certain circumstances; amending s. 316.1957, F.S.,
3303 relating to parking violations; conforming a reference; amending
3304 s. 316.2065, F.S.; revising safety standard requirements for
3305 bicycle helmets that must be worn by certain riders and
3306 passengers; revising requirements for a bicycle operator to ride
3307 in a bicycle lane or along the curb or edge of the roadway;
3308 providing for enforcement of requirements for bicycle lighting
3309 equipment; providing penalties for violations; providing for
3310 dismissal of the charge following a first offense under certain
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3311 circumstances; amending s. 316.2085, F.S.; requiring the license
3312 tag of a motorcycle or moped to remain clearly visible from the
3313 rear; prohibiting deliberate acts to conceal or obscure the tag;
3314 providing for certain tags to be affixed perpendicularly;
3315 amending ss. 316.2122, 316.2124, 316.21265, 316.3026, and
3316 316.550, F.S., relating to low-speed vehicles, disability access
3317 vehicles, all-terrain and utility vehicles, motor carriers, and
3318 special permits, respectively; conforming cross-references;
3319 amending s. 316.545, F.S.; providing for the regulation of
3320 apportionable vehicles; amending s. 316.613, F.S.; providing an
3321 exception for certain for-hire passenger vehicles from
3322 provisions requiring the use of child restraint devices in motor
3323 vehicles; amending s. 317.0003, F.S., relating to off-highway
3324 vehicles; conforming a cross-reference; amending s. 317.0016,
3325 F.S.; eliminating a requirement that the department provide
3326 expedited service for certificates of repossession; amending s.
3327 318.14, F.S.; clarifying provisions authorizing a person cited
3328 for a noncriminal traffic infraction to elect to attend a driver
3329 improvement course or enter a plea of nolo contendere; amending
3330 s. 318.1451, F.S.; requiring the curricula of driver improvement
3331 schools to include instruction on the dangers of driving while
3332 distracted; amending s. 318.15, F.S., relating to the suspension
3333 of driving privileges; conforming a reference; providing that a
3334 person charged with a traffic infraction may request a hearing
3335 that the clerk must set; providing criteria; amending s. 319.14,
3336 F.S.; prohibiting a person from knowingly offering for sale,
3337 selling, or exchanging certain vehicles unless the department
3338 has stamped in a conspicuous place on the certificate of title
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3339 words stating that the vehicle is a custom vehicle or street rod
3340 vehicle; defining the terms "custom vehicle" and "street rod";
3341 providing requirements for inspection and issuance of a rebuilt
3342 title; amending s. 319.225, F.S.; revising provisions for
3343 vehicle certificates of title; revising requirements for the
3344 transfer and reassignment forms for vehicles; revising dealer
3345 submission requirements; requiring a dealer selling a vehicle
3346 out of state to mail a copy of the power of attorney form to the
3347 department; providing for the electronic transfer of a vehicle
3348 title; amending s. 319.23, F.S.; providing for the application
3349 for a certificate of title, corrected certificate, or assignment
3350 or reassignment to be filed from the consummation of the sale of
3351 a mobile home; authorizing the department to accept a bond if
3352 the applicant for a certificate of title is unable to provide a
3353 title that assigns the prior owner's interest in the motor
3354 vehicle; providing requirements for the bond and the affidavit;
3355 providing for future expiration of the bond; amending s. 319.28,
3356 F.S.; eliminating certain requirements that a lienholder obtain
3357 a certificate of repossession following repossession of a
3358 vehicle or mobile home; providing that a dealer of certain farm
3359 or industrial equipment is not subject to licensure as a
3360 recovery agent or agency under certain conditions; amending s.
3361 319.323, F.S., relating to title offices for expedited service;
3362 conforming provisions to changes made by the act; amending s.
3363 319.40, F.S.; authorizing the department to issue electronic
3364 certificates of title and use electronic mail addresses for
3365 purposes of certain notifications; amending s. 320.01, F.S.;
3366 revising definitions; excluding special mobile equipment and
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3367 swamp buggies from the meaning of the term "motor vehicle";
3368 deleting an obsolete definition; revising the gross vehicle
3369 weight for purposes of defining the terms "apportionable
3370 vehicle" and "commercial motor vehicle"; defining the term
3371 "swamp buggy"; amending s. 320.02, F.S.; providing that an
3372 active-duty military member is exempt from the requirement to
3373 provide an address on an application for vehicle registration;
3374 requiring the application forms for motor vehicle registration
3375 and renewal of registration to include language permitting the
3376 applicant to make a voluntary contribution to End Hunger in
3377 Florida, Take Stock In Children, Autism Services and Supports,
3378 and Support Our Troops; requiring the department to retain
3379 certain records for a specified period; amending s. 320.023,
3380 F.S.; relating to voluntary contributions; authorizing the
3381 department to retain certain proceeds derived from voluntary
3382 contributions to cover certain specified costs to the
3383 department; amending s. 320.03, F.S., relating to the
3384 International Registration Plan; conforming provisions to
3385 changes made by the act; amending s. 320.05, F.S.; deleting a
3386 provision requiring that the department provide a procedures
3387 manual for a fee; clarifying that the creation and maintenance
3388 of records by the Division of Motorist Services is not a law
3389 enforcement function of agency recordkeeping; amending s.
3390 320.06, F.S.; authorizing the department to conduct a pilot
3391 program to evaluate alternative license plate technologies for
3392 use on government-owned motor vehicles; exempting plates in the
3393 pilot program from specified license plate design and
3394 construction requirements; amending s. 320.061, F.S.; providing
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3395 that it is a noncriminal traffic infraction to alter a temporary
3396 license plate; amending s. 320.071, F.S.; providing for the
3397 renewal of registration for an apportionable vehicle that is
3398 registered under the International Registration Plan; amending
3399 s. 320.0715, F.S.; clarifying provisions requiring the
3400 registration of apportionable vehicles under the International
3401 Registration Plan; amending s. 320.08, F.S., relating to license
3402 taxes; conforming cross-references; amending s. 320.08056, F.S.,
3403 relating to specialty license plates; providing a fee for Go
3404 Green license plates; revising procedures to change the name of
3405 a recipient of the fees collected; amending s. 320.08058, F.S.;
3406 providing for a Go Green License plate; providing for
3407 distribution of fees collected; changing the recipient of the
3408 proceeds for the Live the Dream license plates to the Florida
3409 Dream Foundation, Inc.; providing that proceeds from the sale of
3410 Support Soccer license plates shall be distributed to the
3411 Florida Soccer Foundation, Inc.; amending s. 320.08068, F.S.;
3412 revising use of funds received from the sale of motorcycle
3413 specialty license plates; amending s. 320.0847, F.S., relating
3414 to license plates for mini trucks and low-speed vehicles;
3415 conforming cross-references; amending s. 320.0848, F.S.;
3416 revising the requirements for disabled parking permit renewals;
3417 requiring a permitholder to personally appear to obtain a
3418 renewal or replacement permit; revising the requirements for the
3419 deposit of fee proceeds from temporary disabled parking permits;
3420 amending s. 320.089, F.S.; providing for the issuance of a
3421 Combat Infantry Badge license plate; providing qualifications
3422 and requirements for the plate; providing for the use of
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3423 proceeds from the sale of the plate; amending s. 320.27, F.S.;

3424 exempting salvage motor vehicle dealers from certain security

3425 requirements; amending s. 320.275, F.S., relating to the

3426 Automobile Dealers Industry Advisory Board; conforming

3427 provisions to the elimination of the Division of Motor Vehicles

3428 within the department; amending s. 320.771, F.S.; providing

3429 criteria for a dealer to apply for a certificate of title to a

3430 recreational vehicle under certain circumstances; amending s.

3431 320.95, F.S.; authorizing the department to use electronic mail

3432 addresses for the purpose of providing license renewal notices;

3433 amending s. 321.02, F.S.; designating the director of the

3434 Division of Highway Patrol of the department as the Colonel of

3435 the Florida Highway Patrol; amending s. 322.02, F.S.; providing

3436 for a director of the Division of Motorist Services; amending s.

3437 322.04, F.S.; revising provisions exempting a nonresident from

3438 the requirement to obtain a driver's license under certain

3439 circumstances; amending s. 322.051, F.S.; revising requirements

3440 by which an applicant for an identification card may prove

3441 nonimmigrant classification; clarifying the validity of an

3442 identification card based on specified documents; amending s.

3443 322.058, F.S., relating to renewal of motor vehicle

3444 registration; conforming a cross-reference; amending s. 322.065,

3445 F.S.; revising the period of expiration that constitutes the

3446 offense of driving with an expired driver's license; amending s.

3447 322.07, F.S.; revising qualifications for obtaining a temporary

3448 commercial instruction permit; amending s. 322.08, F.S.;

3449 revising requirements by which an applicant for a driver's

3450 license may prove nonimmigrant classification; clarifying the

162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3451 validity of a license based on specified documents; providing
3452 for driver's license application forms to allow the applicant to
3453 make a voluntary contribution to Autism Services and Supports
3454 and Support Our Troops, Inc.; authorizing the department to use
3455 electronic mail addresses for the purposes of providing license
3456 renewal notices; amending s. 322.081, F.S., relating to requests
3457 to establish voluntary contributions; authorizing the department
3458 to retain certain proceeds derived from the voluntary
3459 contributions made on driver's license applications to cover
3460 certain specified costs to the department; amending s. 322.095,
3461 F.S.; requiring the curricula of traffic law and substance abuse
3462 education courses to include instruction on the dangers of
3463 driving while distracted; amending s. 322.12, F.S.; deleting
3464 provisions requiring a separate examination for applicants for a
3465 license to operate a motorcycle; requiring that the motorcycle
3466 safety course for a first-time applicant include a final
3467 examination; requiring that completion of the course be
3468 indicated on the license; amending s. 322.121, F.S.; clarifying
3469 provisions authorizing the automatic extension of a license for
3470 members of the Armed Forces or their dependents while serving on
3471 active duty outside the state; amending s. 322.14, F.S.;

3472 deleting a requirement that applicants for specified licenses
3473 appear in person for issuance of a color photographic or digital
3474 imaged driver's license; creating s. 322.1415, F.S.; authorizing
3475 the Department of Highway Safety and Motor Vehicles to issue a
3476 specialty driver's license or identification card to qualified
3477 applicants; specifying that, at a minimum, the specialty
3478 driver's licenses and identification cards must be available for
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3479 certain state and independent universities and professional
3480 sports teams and all of the branches of the United States
3481 military; requiring that the design of each specialty driver's
3482 license and identification card be approved by the department;
3483 providing for future repeal; amending s. 322.19, F.S.; providing
3484 that certain persons with a valid student identification card
3485 are presumed not to have changed their legal residence or
3486 mailing address; amending s. 322.20, F.S., relating to
3487 department records; conforming provisions to changes made by the
3488 act; amending s. 322.202, F.S.; clarifying that the Division of
3489 Motorist Services is not a law enforcement agency; amending s.
3490 322.21, F.S., relating to handling and collecting license fees;
3491 providing for the distribution of funds collected from the
3492 specialty driver's license and identification card fees;
3493 conforming provisions to changes made by the act; authorizing a
3494 driver to renew his or her driver's license during a specified
3495 period before the license expiration date; amending s. 322.22,
3496 F.S.; clarifying provisions authorizing the department to cancel
3497 a driver's license; authorizing the department to cancel a
3498 license upon determining that the licensee is not entitled to
3499 the license; amending s. 322.2615, F.S., relating to a person's
3500 right to review of a license suspension; revising provisions for
3501 a formal review hearing and enforcement of a subpoena; amending
3502 s. 322.34, F.S.; providing that a person who commits a certain
3503 infraction shall not have a vehicle impounded or immobilized;
3504 amending s. 322.53, F.S.; revising provisions exempting certain
3505 farmers and drivers who operate straight trucks from the
3506 requirement to obtain a commercial driver's license; amending s.
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3507 322.54, F.S.; requiring that the driver's license classification
3508 be determined by the actual weight of the vehicle under certain
3509 circumstances; repealing s. 322.58, F.S., relating to holders of
3510 chauffeur's licenses; amending s. 322.59, F.S.; requiring that
3511 the department disqualify a driver holding a commercial driver's
3512 license who fails to comply with specified federal certification
3513 requirements; amending s. 322.61, F.S.; providing that the
3514 holder of a commercial driver's license is permanently
3515 disqualified from operating a commercial motor vehicle following
3516 two violations of specified offenses committed while operating
3517 any vehicle; amending s. 322.64, F.S.; providing that a notice
3518 of disqualification from operating a commercial motor vehicle
3519 acts as a conviction for purposes of certain federal
3520 restrictions imposed for the offense of operating a commercial
3521 motor vehicle while under the influence of alcohol; deleting
3522 provisions authorizing the department to impose certain
3523 alternative restrictions for such offense; amending s. 328.30,
3524 F.S.; authorizing the department to issue electronic
3525 certificates of title for vessels and use electronic mail
3526 addresses for purposes of providing renewal notices; amending s.
3527 413.012, F.S., relating to a prohibition on disclosing
3528 confidential records held by the department; conforming
3529 provisions to changes made by the act; amending s. 713.78, F.S.,
3530 relating to renewal of motor vehicle registration; conforming a
3531 cross-reference; designating Edna S. Hargrett-Thrower Avenue in
3532 Orange County; designating SP4 Thomas Berry Corbin Memorial
3533 Highway and U.S. Navy BMC Samuel Calhoun Chavous, Jr. Memorial
3534 Highway in Dixie County; designating Marine Lance Corporal Brian
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3535 R. Buesing Memorial Highway, United States Army Sergeant Karl A.
3536 Campbell Memorial Highway, and U.S. Army SPC James A. Page
3537 Memorial Highway in Levy County; designating Veterans Memorial
3538 Highway in Putnam County; designating Ben G. Watts Highway in
3539 Washington County; designating Mardi Gras Way, West Park
3540 Boulevard, and Pembroke Park Boulevard in Broward County;
3541 designating Stark Memorial Drive and Duval County Law
3542 Enforcement Memorial Overpass in Duval County; designating Verna
3543 Bell Way in Nassau County; designating Deputy Hal P. Croft and
3544 Deputy Ronald Jackson Memorial Highway in Union County;
3545 designating Dr. Oscar Elias Biscet Boulevard, Hugh Anderson
3546 Boulevard, Palmetto General Hospital Way, Senator Javier D.
3547 Souto Way, Reverend Max Salvadore Avenue, BRIGADA 2506 STREET,
3548 Carlos Rodriguez Santana, Rev. Jorge Comesanas Way, Amadeo
3549 Lopez-Castro, Jr. Road, Benjamin Leon, Jr. Way, and Miami
3550 Medical Team Way in Miami-Dade County; designating Alma Lee Loy
3551 Bridge in Indian River County; designating Samuel B. Love
3552 Memorial Highway in Marion County; designating Elvin Martinez
3553 Road in Hillsborough County; designating Whale Harbor Joe Roth,
3554 Jr. Bridge in Monroe County; designating Florida Highway Patrol
3555 Trooper Sgt. Nicholas G. Sottile Memorial in Highlands County;
3556 designating Coach Jimmy Carnes Boulevard in Alachua County;
3557 amending ss. 24 and 45, ch. 2010-230, Laws of Florida; revising
3558 the designation for Miss Lillie Williams Boulevard and Father
3559 Gerard Jean-Juste Street in Miami-Dade County; designating Tanya
3560 Martin Oubre Pekel Street in Miami-Dade County; designating
3561 Deputy Jack A. Romeis Road in Alachua County; designating Nona
3562 and Papa Road in St. Johns County; designating Walter Francis
162081

Approved For Filing: 5/3/2011 7:15:20 AM

Amendment No.

3563 Spence Parkway in Okaloosa County; designating Florida's Beaches
3564 and Rivers Parkway in Santa Rosa County; designating Corporal
3565 Michael J. Roberts Parkway in Hillsborough County; designating
3566 Harry T. and Harriette V. Moore Memorial Highway in Brevard
3567 County; designating Elizabeth G. Means Memorial Boulevard,
3568 Louise Steward Memorial Boulevard, and Isiah J. Williams, III,
3569 Memorial Boulevard in Duval County; directing the Department of
3570 Transportation to erect suitable markers; providing a short
3571 title; providing for a voluntary emergency contact information
3572 program established by the department; directing the department
3573 to study the feasibility of creating an electronic verification
3574 system and to make a report to the Legislature; providing
3575 effective dates.