

By Senator Latvala

16-00530B-11

20111150__

1 A bill to be entitled
2 An act relating to the Department of Highway Safety
3 and Motor Vehicles; amending s. 20.24, F.S.;
4 specifying that the executive director of the
5 department serves at the pleasure of the Governor and
6 Cabinet; creating a Division of Motorist Services
7 within the department; eliminating the Division of
8 Driver Licenses and the Division of Motor Vehicles;
9 amending s. 261.03, F.S.; conforming cross-references;
10 amending s. 288.816, F.S., relating to Consul Corps
11 license plates; conforming a reference; amending s.
12 316.1933, F.S.; authorizing a health care provider to
13 notify a law enforcement agency after detecting the
14 presence of a controlled substance in the blood of a
15 person injured in a motor vehicle crash; amending s.
16 316.1957, F.S., relating to parking violations;
17 conforming a reference; amending ss. 316.2122,
18 316.2124, 316.21265, 316.3026, and 316.550, F.S.,
19 relating to the operation of low-speed vehicles,
20 motorized disability access vehicles, and all-terrain
21 or utility vehicles, the unlawful operation of motor
22 carriers, and special permits, respectively;
23 conforming cross-references; amending s. 316.545,
24 F.S.; providing for the regulation of apportionable
25 vehicles; amending s. 316.646, F.S.; authorizing the
26 department to suspend the registrations and driving
27 privilege of a person convicted of failing to maintain
28 the required security while operating a private
29 passenger motor vehicle; amending s. 317.0003, F.S.,

16-00530B-11

20111150__

30 relating to off-highway vehicles; conforming a cross-
31 reference; amending s. 317.0016, F.S.; eliminating a
32 requirement that the department provide expedited
33 service for certificates of repossession; amending s.
34 318.14, F.S.; clarifying provisions authorizing a
35 person cited for a noncriminal traffic infraction to
36 elect to attend a driver improvement course or enter a
37 plea of nolo contendere; amending s. 318.15, F.S.,
38 relating to the suspension of driving privileges;
39 conforming a reference; amending s. 319.14, F.S.;
40 prohibiting a person from knowingly offering for sale,
41 selling, or exchanging certain vehicles unless the
42 department has stamped in a conspicuous place on the
43 certificate of title words stating that the vehicle is
44 a custom vehicle or street rod vehicle; defining the
45 terms "custom vehicle" and "street rod"; amending s.
46 319.225, F.S.; revising the requirements for the
47 transfer and reassignment forms for vehicles;
48 requiring that a dealer selling a vehicle out of state
49 mail a copy of the power of attorney form to the
50 department; providing for the electronic transfer of a
51 vehicle title; amending s. 319.23, F.S.; authorizing
52 the department to accept a bond if the applicant for a
53 certificate of title is unable to provide a title that
54 assigns the prior owner's interest in the motor
55 vehicle; providing requirements for the bond and the
56 affidavit; providing for future expiration of the
57 bond; amending s. 319.28, F.S.; eliminating certain
58 requirements that a lienholder obtain a certificate of

16-00530B-11

20111150__

59 repossession following repossession of a vehicle or
60 mobile home; amending s. 319.323, F.S., relating to
61 title offices for expedited service; conforming
62 provisions to changes made by the act; amending s.
63 319.40, F.S.; authorizing the department to issue
64 electronic certificates of title and use electronic
65 mail addresses for purposes of notification; amending
66 s. 320.01, F.S.; deleting an obsolete definition;
67 revising the gross vehicle weight for purposes of
68 defining the terms "apportionable vehicle" and
69 "commercial motor vehicle"; amending s. 320.02, F.S.;
70 providing that an active-duty military member is
71 exempt from the requirement to provide an address on
72 an application for vehicle registration; requiring the
73 application forms for motor vehicle registration and
74 renewal of registration to include language permitting
75 the applicant to make a voluntary contribution to End
76 Hunger in Florida; requiring that the department
77 retain certain records for a specified period;
78 amending s. 320.023, F.S.; authorizing the department
79 to retain certain proceeds derived from the voluntary
80 contributions program to cover certain specified costs
81 to the department; amending s. 320.03, F.S., relating
82 to the International Registration Plan; conforming
83 provisions to changes made by the act; amending s.
84 320.05, F.S.; deleting a provision requiring that the
85 department provide a procedures manual for a fee;
86 clarifying that the creation and maintenance of
87 records by the Division of Motorist Services is not a

16-00530B-11

20111150__

88 law enforcement function of agency recordkeeping;
89 amending s. 320.06, F.S.; authorizing the department
90 to conduct a pilot program to evaluate alternative
91 license plate technologies for use on government-owned
92 motor vehicles; specifying that all license plates
93 issued by the department are the property of the
94 state; amending s. 320.061, F.S.; providing that it is
95 a noncriminal traffic infraction to alter a temporary
96 license plate; amending s. 320.071, F.S.; providing
97 for the renewal of registration for an apportionable
98 vehicle that is registered under the International
99 Registration Plan; amending s. 320.0715, F.S.;
100 clarifying provisions requiring the registration of
101 apportionable vehicles under the International
102 Registration Plan; amending s. 320.08, F.S., relating
103 to license taxes; conforming cross-references;
104 amending s. 320.0847, F.S., relating to license plates
105 for mini trucks and low-speed vehicles; conforming
106 cross-references; amending s. 320.0848, F.S.; revising
107 the requirements for the deposit of fee proceeds from
108 temporary disabled parking permits; amending s.
109 320.275, F.S., relating to the Automobile Dealers
110 Industry Advisory Board; conforming provisions to the
111 elimination of the Division of Motor Vehicles within
112 the department; amending s. 320.771, F.S.; specifying
113 circumstances under which certain dealers may apply
114 for a certificate of title to a recreational vehicle
115 using a manufacturer's statement of origin; amending
116 s. 320.95, F.S.; authorizing the department to use

16-00530B-11

20111150__

117 electronic mail addresses for the purpose of providing
118 license renewal notices; amending s. 321.02, F.S.;
119 designating the director of the Division of Highway
120 Patrol of the department as the Colonel of the Florida
121 Highway Patrol; amending s. 322.02, F.S.; providing
122 for a director of the Division of Motorist Services;
123 amending s. 322.04, F.S.; revising provisions
124 exempting a nonresident from the requirement to obtain
125 a driver's license under certain circumstances;
126 amending s. 322.051, F.S.; revising requirements by
127 which an applicant for an identification card may
128 prove nonimmigrant classification; clarifying the
129 validity of an identification card based on specified
130 documents; providing for the department to waive the
131 fees for issuing or renewing an identification card to
132 persons who present good cause for such waiver;
133 amending s. 322.058, F.S.; conforming a cross-
134 reference; amending s. 322.065, F.S.; revising the
135 period of expiration that constitutes the offense of
136 driving with an expired driver's license; amending s.
137 322.07, F.S.; clarifying the qualifications for
138 obtaining a temporary commercial instruction permit;
139 amending s. 322.08, F.S.; revising requirements by
140 which an applicant for a driver's license may prove
141 nonimmigrant classification; clarifying the validity
142 of a license based on specified documents; authorizing
143 the department to use electronic mail addresses for
144 the purposes of providing license renewal notices;
145 amending s. 322.081, F.S.; authorizing the department

16-00530B-11

20111150__

146 to retain certain proceeds derived from the voluntary
147 contributions made on driver's license applications to
148 cover certain specified costs to the department;
149 amending s. 322.12, F.S.; deleting provisions
150 requiring a separate examination for applicants for a
151 license to operate a motorcycle; requiring that the
152 motorcycle safety course for a first-time applicant
153 include a final examination; requiring that completion
154 of the course be indicated on the license; amending s.
155 322.121, F.S.; clarifying provisions authorizing the
156 automatic extension of a license for members of the
157 Armed Forces or their dependents while serving on
158 active duty outside the state; amending s. 322.14,
159 F.S.; deleting a requirement that applicants for
160 specified licenses appear in person for issuance of a
161 color photographic or digital imaged driver's license;
162 amending s. 322.20, F.S., relating to department
163 records; conforming provisions to changes made by the
164 act; amending s. 322.202, F.S.; clarifying that the
165 Division of Motorist Services is not a law enforcement
166 agency; amending s. 322.21, F.S.; conforming
167 provisions to changes made by the act; authorizing a
168 driver to renew his or her driver's license during a
169 specified period before the license expiration date;
170 amending s. 322.53, F.S.; revising provisions
171 exempting certain farmers and drivers who operate
172 straight trucks from the requirement to obtain a
173 commercial driver's license; amending s. 322.54, F.S.;
174 requiring that the weight of a commercial motor

16-00530B-11

20111150__

175 vehicle be based on the vehicle's actual weight under
176 certain circumstances; repealing s. 322.58, F.S.,
177 relating to holders of chauffeur's licenses; amending
178 s. 322.59, F.S.; requiring that the department
179 disqualify a driver holding a commercial driver's
180 license who fails to comply with specified federal
181 certification requirements; amending s. 322.61, F.S.;
182 providing that the holder of a commercial driver's
183 license is permanently disqualified from operating a
184 commercial motor vehicle following two violations of
185 specified offenses committed while operating any
186 vehicle; amending s. 322.64, F.S.; providing that a
187 notice of disqualification from operating a commercial
188 motor vehicle acts as a conviction for purposes of
189 certain federal restrictions imposed for the offense
190 of operating a commercial motor vehicle while under
191 the influence of alcohol; deleting provisions
192 authorizing the department to impose certain
193 alternative restrictions for such offense; amending s.
194 328.30, F.S.; authorizing the department to issue
195 electronic certificates of title for vessels and use
196 electronic mail addresses for purposes of providing
197 renewal notices; amending s. 413.012, F.S., relating
198 to a prohibition on disclosing confidential records
199 held by the department; conforming provisions to
200 changes made by the act; amending s. 713.78, F.S.;
201 conforming a cross-reference; providing an effective
202 date.
203

16-00530B-11

20111150__

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

205

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

208 20.24 Department of Highway Safety and Motor Vehicles.—
209 There is created a Department of Highway Safety and Motor
210 Vehicles.

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

217 (2) The following divisions, ~~and bureaus within the~~
218 ~~divisions,~~ of the Department of Highway Safety and Motor
219 Vehicles are established:

220 (a) Division of the Florida Highway Patrol.

221 (b) Division of Motorist Services.

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

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

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

226 261.03 Definitions.—As used in this chapter, the term:

227 (9) "ROV" means any motorized recreational off-highway
228 vehicle 64 inches or less in width, having a dry weight of 2,000
229 pounds or less, designed to travel on four or more nonhighway
230 tires, having nonstraddle seating and a steering wheel, and
231 manufactured for recreational use by one or more persons. The
232 term "ROV" does not include a golf cart as defined in ss.

16-00530B-11

20111150

233 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
234 s. 320.01~~(42)~~.

235 Section 3. Paragraph (e) of subsection (2) of section
236 288.816, Florida Statutes, is amended to read:

237 288.816 Intergovernmental relations.—

238 (2) The Office of Tourism, Trade, and Economic Development
239 shall be responsible for all consular relations between the
240 state and all foreign governments doing business in Florida. The
241 office shall monitor United States laws and directives to ensure
242 that all federal treaties regarding foreign privileges and
243 immunities are properly observed. The office shall promulgate
244 rules which shall:

245 (e) Verify entitlement to issuance of special motor vehicle
246 license plates by ~~the Division of Motor Vehicles of the~~
247 Department of Highway Safety and Motor Vehicles to honorary
248 consuls or such other officials representing foreign governments
249 who are not entitled to issuance of special Consul Corps license
250 plates by the United States Government.

251 Section 4. Paragraph (a) of subsection (2) of section
252 316.1933, Florida Statutes, is amended to read:

253 316.1933 Blood test for impairment or intoxication in cases
254 of death or serious bodily injury; right to use reasonable
255 force.—

256 (2) (a) Only a physician, certified paramedic, registered
257 nurse, licensed practical nurse, other personnel authorized by a
258 hospital to draw blood, or duly licensed clinical laboratory
259 director, supervisor, technologist, or technician, acting at the
260 request of a law enforcement officer, may withdraw blood for the
261 purpose of determining the alcoholic content thereof or the

16-00530B-11

20111150__

262 presence of chemical substances or controlled substances
263 therein. However, the failure of a law enforcement officer to
264 request the withdrawal of blood shall not affect the
265 admissibility of a test of blood withdrawn for medical purposes.

266 1. Notwithstanding any provision of law pertaining to the
267 confidentiality of hospital records or other medical records, if
268 a health care provider, who is providing medical care in a
269 health care facility to a person injured in a motor vehicle
270 crash, becomes aware, as a result of any blood test performed in
271 the course of that medical treatment, that the person's blood-
272 alcohol level meets or exceeds the blood-alcohol level specified
273 in s. 316.193(1)(b), or detects the presence of a controlled
274 substance listed in chapter 893, the health care provider may
275 notify any law enforcement officer or law enforcement agency.
276 Any such notice must be given within a reasonable time after the
277 health care provider receives the test result. Any such notice
278 shall be used only for the purpose of providing the law
279 enforcement officer with reasonable cause to request the
280 withdrawal of a blood sample pursuant to this section.

281 2. The notice shall consist only of the name of the person
282 being treated, the name of the person who drew the blood, the
283 blood-alcohol level indicated by the test, and the date and time
284 of the administration of the test.

285 3. Nothing contained in s. 395.3025(4), s. 456.057, or any
286 applicable practice act affects the authority to provide notice
287 under this section, and the health care provider is not
288 considered to have breached any duty owed to the person under s.
289 395.3025(4), s. 456.057, or any applicable practice act by
290 providing notice or failing to provide notice. It shall not be a

16-00530B-11

20111150__

291 breach of any ethical, moral, or legal duty for a health care
292 provider to provide notice or fail to provide notice.

293 4. A civil, criminal, or administrative action may not be
294 brought against any person or health care provider participating
295 in good faith in the provision of notice or failure to provide
296 notice as provided in this section. Any person or health care
297 provider participating in the provision of notice or failure to
298 provide notice as provided in this section shall be immune from
299 any civil or criminal liability and from any professional
300 disciplinary action with respect to the provision of notice or
301 failure to provide notice under this section. Any such
302 participant has the same immunity with respect to participating
303 in any judicial proceedings resulting from the notice or failure
304 to provide notice.

305 Section 5. Section 316.1957, Florida Statutes, is amended
306 to read:

307 316.1957 Parking violations; designated parking spaces for
308 persons who have disabilities.—When evidence is presented in any
309 court of the fact that any motor vehicle was parked in a
310 properly designated parking space for persons who have
311 disabilities in violation of s. 316.1955, it is prima facie
312 evidence that the vehicle was parked and left in the space by
313 the person, firm, or corporation in whose name the vehicle is
314 registered and licensed according to the records of the
315 department ~~Division of Motor Vehicles~~.

316 Section 6. Section 316.2122, Florida Statutes, is amended
317 to read:

318 316.2122 Operation of a low-speed vehicle or mini truck on
319 certain roadways.—The operation of a low-speed vehicle as

16-00530B-11

20111150__

320 defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
321 320.01~~(45)~~ on any road as defined in s. 334.03(15) or (33) is
322 authorized with the following restrictions:

323 (1) A low-speed vehicle or mini truck may be operated only
324 on streets where the posted speed limit is 35 miles per hour or
325 less. This does not prohibit a low-speed vehicle or mini truck
326 from crossing a road or street at an intersection where the road
327 or street has a posted speed limit of more than 35 miles per
328 hour.

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

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

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

338 (5) A county or municipality may prohibit the operation of
339 low-speed vehicles or mini trucks on any road under its
340 jurisdiction if the governing body of the county or municipality
341 determines that such prohibition is necessary in the interest of
342 safety.

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

347 Section 7. Section 316.2124, Florida Statutes, is amended
348 to read:

16-00530B-11

20111150__

349 316.2124 Motorized disability access vehicles.—The
350 Department of Highway Safety and Motor Vehicles is directed to
351 provide, by rule, for the regulation of motorized disability
352 access vehicles as described in s. 320.01~~(34)~~. The department
353 shall provide that motorized disability access vehicles shall be
354 registered in the same manner as motorcycles and shall pay the
355 same registration fee as for a motorcycle. There shall also be
356 assessed, in addition to the registration fee, a \$2.50 surcharge
357 for motorized disability access vehicles. This surcharge shall
358 be paid into the Highway Safety Operating Trust Fund. Motorized
359 disability access vehicles shall not be required to be titled by
360 the department. The department shall require motorized
361 disability access vehicles to be subject to the same safety
362 requirements as set forth in this chapter for motorcycles.

363 Section 8. Section 316.21265, Florida Statutes, is amended
364 to read:

365 316.21265 Use of all-terrain vehicles, golf carts, low-
366 speed vehicles, or utility vehicles by law enforcement
367 agencies.—

368 (1) Notwithstanding any provision of law to the contrary,
369 any law enforcement agency in this state may operate all-terrain
370 vehicles as defined in s. 316.2074, golf carts as defined in s.
371 320.01(22), low-speed vehicles as defined in s. 320.01~~(42)~~, or
372 utility vehicles as defined in s. 320.01~~(43)~~ on any street,
373 road, or highway in this state while carrying out its official
374 duties.

375 (2) Such vehicles must be clearly marked as vehicles of a
376 law enforcement agency and may be equipped with special warning
377 lights, signaling devices, or other equipment approved or

16-00530B-11

20111150__

378 authorized for use on law enforcement vehicles.

379 (3) The vehicle operator and passengers must wear safety
380 gear, such as helmets, which is ordinarily required for use by
381 operators or passengers on such vehicles.

382 Section 9. Subsection (1) of section 316.3026, Florida
383 Statutes, is amended to read:

384 316.3026 Unlawful operation of motor carriers.—

385 (1) The Office of Motor Carrier Compliance of the
386 Department of Transportation may issue out-of-service orders to
387 motor carriers, as defined in s. 320.01~~(33)~~, who have after
388 proper notice failed to pay any penalty or fine assessed by the
389 department, or its agent, against any owner or motor carrier for
390 violations of state law, refused to submit to a compliance
391 review and provide records pursuant to s. 316.302(5) or s.
392 316.70, or violated safety regulations pursuant to s. 316.302 or
393 insurance requirements found in s. 627.7415. Such out-of-service
394 orders shall have the effect of prohibiting the operations of
395 any motor vehicles owned, leased, or otherwise operated by the
396 motor carrier upon the roadways of this state, until such time
397 as the violations have been corrected or penalties have been
398 paid. Out-of-service orders issued under this section must be
399 approved by the Secretary of Transportation or his or her
400 designee. An administrative hearing pursuant to s. 120.569 shall
401 be afforded to motor carriers subject to such orders.

402 Section 10. Subsection (3) of section 316.545, Florida
403 Statutes, is amended to read:

404 316.545 Weight and load unlawful; special fuel and motor
405 fuel tax enforcement; inspection; penalty; review.—

406 (3) Any person who violates the overloading provisions of

16-00530B-11

20111150

407 this chapter shall be conclusively presumed to have damaged the
408 highways of this state by reason of such overloading, which
409 damage is hereby fixed as follows:

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

412 (b) Five cents per pound for each pound of weight in excess
413 of the maximum herein provided when the excess weight exceeds
414 200 pounds. However, whenever the gross weight of the vehicle or
415 combination of vehicles does not exceed the maximum allowable
416 gross weight, the maximum fine for the first 600 pounds of
417 unlawful axle weight shall be \$10;

418 (c) For a vehicle equipped with fully functional idle-
419 reduction technology, any penalty shall be calculated by
420 reducing the actual gross vehicle weight or the internal bridge
421 weight by the certified weight of the idle-reduction technology
422 or by 400 pounds, whichever is less. The vehicle operator must
423 present written certification of the weight of the idle-
424 reduction technology and must demonstrate or certify that the
425 idle-reduction technology is fully functional at all times. This
426 calculation is not allowed for vehicles described in s.

427 316.535(6);

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

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

16-00530B-11

20111150

436 Section 11. Paragraph (a) of subsection (5) and subsection
437 (10) of section 316.550, Florida Statutes, are amended to read:

438 316.550 Operations not in conformity with law; special
439 permits.—

440 (5) (a) The Department of Transportation may issue a wrecker
441 special blanket permit to authorize a wrecker as defined in s.
442 320.01~~(40)~~ to tow a disabled vehicle as defined in s. 320.01(38)
443 where the combination of the wrecker and the disabled vehicle
444 being towed exceeds the maximum weight limits as established by
445 s. 316.535.

446 (10) Whenever any motor vehicle, or the combination of a
447 wrecker as defined in s. 320.01~~(40)~~ and a towed motor vehicle,
448 exceeds any weight or dimensional criteria or special
449 operational or safety stipulation contained in a special permit
450 issued under the provisions of this section, the penalty
451 assessed to the owner or operator shall be as follows:

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

455 (b) For each violation of dimensional criteria in a special
456 permit, the penalty shall be as provided in s. 316.516 and
457 penalties for multiple violations of dimensional criteria shall
458 be cumulative except that the total penalty for the vehicle
459 shall not exceed \$1,000.

460 (c) For each violation of an operational or safety
461 stipulation in a special permit, the penalty shall be an amount
462 not to exceed \$1,000 per violation and penalties for multiple
463 violations of operational or safety stipulations shall be
464 cumulative except that the total penalty for the vehicle shall

16-00530B-11

20111150__

465 not exceed \$1,000.

466 (d) For violation of any special condition that has been
467 prescribed in the rules of the Department of Transportation and
468 declared on the permit, the vehicle shall be determined to be
469 out of conformance with the permit and the permit shall be
470 declared null and void for the vehicle, and weight and
471 dimensional limits for the vehicle shall be as established in s.
472 316.515 or s. 316.535, whichever is applicable, and:

473 1. For weight violations, a penalty as provided in s.
474 316.545 shall be assessed for those weights which exceed the
475 limits thus established for the vehicle; and

476 2. For dimensional, operational, or safety violations, a
477 penalty as established in paragraph (c) or s. 316.516, whichever
478 is applicable, shall be assessed for each nonconforming
479 dimensional, operational, or safety violation and the penalties
480 for multiple violations shall be cumulative for the vehicle.

481 Section 12. Subsection (3) of section 316.646, Florida
482 Statutes, is amended to read:

483 316.646 Security required; proof of security and display
484 thereof; dismissal of cases.—

485 (3) Any person who violates this section commits a
486 nonmoving traffic infraction subject to the penalty provided in
487 chapter 318 and shall be required to furnish proof of security
488 as provided in this section. If any person charged with a
489 violation of this section fails to furnish proof at or before
490 the scheduled court appearance date that security was in effect
491 at the time of the violation, the court shall, upon conviction,
492 notify the department to suspend the registrations ~~registration~~
493 and driver's license of such person. If the court fails to order

16-00530B-11

20111150__

494 the suspension of the person's registrations ~~registration~~ and
495 driver's license for a conviction of this section at the time of
496 sentencing, the department shall, upon receiving notice of the
497 conviction from the court, and for all motor vehicle owners
498 charged with operating a vehicle as defined in s. 627.732(3)(a),
499 suspend the person's registrations ~~registration~~ and driver's
500 license for the violation of this section. Such license and
501 registration may be reinstated only as provided in s. 324.0221.

502 Section 13. Subsection (9) of section 317.0003, Florida
503 Statutes, is amended to read:

504 317.0003 Definitions.—As used in this chapter, the term:

505 (9) "ROV" means any motorized recreational off-highway
506 vehicle 64 inches or less in width, having a dry weight of 2,000
507 pounds or less, designed to travel on four or more nonhighway
508 tires, having nonstraddle seating and a steering wheel, and
509 manufactured for recreational use by one or more persons. The
510 term "ROV" does not include a golf cart as defined in ss.
511 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
512 s. 320.01~~(42)~~.

513 Section 14. Section 317.0016, Florida Statutes, is amended
514 to read:

515 317.0016 Expedited service; applications; fees.—The
516 department shall provide, through its agents and for use by the
517 public, expedited service on title transfers, title issuances,
518 duplicate titles, and recordation of liens, ~~and certificates of~~
519 ~~repossession~~. A fee of \$7 shall be charged for this service,
520 which is in addition to the fees imposed by ss. 317.0007 and
521 317.0008, and \$3.50 of this fee shall be retained by the
522 processing agency. All remaining fees shall be deposited in the

16-00530B-11

20111150__

523 Incidental Trust Fund of the Division of Forestry of the
524 Department of Agriculture and Consumer Services. Application for
525 expedited service may be made by mail or in person. The
526 department shall issue each title applied for pursuant to this
527 section within 5 working days after receipt of the application
528 except for an application for a duplicate title certificate
529 covered by s. 317.0008(3), in which case the title must be
530 issued within 5 working days after compliance with the
531 department's verification requirements.

532 Section 15. Subsection (9) and paragraph (a) of subsection
533 (10) of section 318.14, Florida Statutes, are amended to read:

534 318.14 Noncriminal traffic infractions; exception;
535 procedures.—

536 (9) Any person who does not hold a commercial driver's
537 license and who is cited while driving a noncommercial motor
538 vehicle for an infraction under this section other than a
539 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the
540 driver exceeds the posted limit by 30 miles per hour or more, s.
541 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s.
542 322.61, or s. 322.62 may, in lieu of a court appearance, elect
543 to attend in the location of his or her choice within this state
544 a basic driver improvement course approved by the Department of
545 Highway Safety and Motor Vehicles. In such a case, adjudication
546 must be withheld and points, as provided by s. 322.27, may not
547 be assessed. However, a person may not make an election under
548 this subsection if the person has made an election under this
549 subsection in the preceding 12 months. A person may make no more
550 than five elections within his or her lifetime under this
551 subsection. The requirement for community service under s.

16-00530B-11

20111150

552 318.18(8) is not waived by a plea of nolo contendere or by the
553 withholding of adjudication of guilt by a court. If a person
554 makes an election to attend a basic driver improvement course
555 under this subsection, 18 percent of the civil penalty imposed
556 under s. 318.18(3) shall be deposited in the State Courts
557 Revenue Trust Fund; however, that portion is not revenue for
558 purposes of s. 28.36 and may not be used in establishing the
559 budget of the clerk of the court under that section or s. 28.35.

560 (10) (a) Any person who does not hold a commercial driver's
561 license and who is cited while driving a noncommercial motor
562 vehicle for an offense listed under this subsection may, in lieu
563 of payment of fine or court appearance, elect to enter a plea of
564 nolo contendere and provide proof of compliance to the clerk of
565 the court, designated official, or authorized operator of a
566 traffic violations bureau. In such case, adjudication shall be
567 withheld; however, no election shall be made under this
568 subsection if such person has made an election under this
569 subsection in the 12 months preceding election hereunder. No
570 person may make more than three elections under this subsection.
571 This subsection applies to the following offenses:

572 1. Operating a motor vehicle without a valid driver's
573 license in violation of the provisions of s. 322.03, s. 322.065,
574 or s. 322.15(1), or operating a motor vehicle with a license
575 that has been suspended for failure to appear, failure to pay
576 civil penalty, or failure to attend a driver improvement course
577 pursuant to s. 322.291.

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

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

16-00530B-11

20111150

581 4. Operating a motor vehicle with a license that has been
582 suspended under s. 61.13016 or s. 322.245 for failure to pay
583 child support or for failure to pay any other financial
584 obligation as provided in s. 322.245; however, this subparagraph
585 does not apply if the license has been suspended pursuant to s.
586 322.245(1).

587 5. Operating a motor vehicle with a license that has been
588 suspended under s. 322.091 for failure to meet school attendance
589 requirements.

590 Section 16. Paragraph (a) of subsection (1) of section
591 318.15, Florida Statutes, is amended to read:

592 318.15 Failure to comply with civil penalty or to appear;
593 penalty.—

594 (1) (a) If a person fails to comply with the civil penalties
595 provided in s. 318.18 within the time period specified in s.
596 318.14(4), fails to enter into or comply with the terms of a
597 penalty payment plan with the clerk of the court in accordance
598 with ss. 318.14 and 28.246, fails to attend driver improvement
599 school, or fails to appear at a scheduled hearing, the clerk of
600 the court shall notify the ~~Division of Driver Licenses of the~~
601 Department of Highway Safety and Motor Vehicles of such failure
602 within 10 days after such failure. Upon receipt of such notice,
603 the department shall immediately issue an order suspending the
604 driver's license and privilege to drive of such person effective
605 20 days after the date the order of suspension is mailed in
606 accordance with s. 322.251(1), (2), and (6). Any such suspension
607 of the driving privilege which has not been reinstated,
608 including a similar suspension imposed outside Florida, shall
609 remain on the records of the department for a period of 7 years

16-00530B-11

20111150__

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

612 Section 17. Section 319.14, Florida Statutes, is amended to
613 read:

614 319.14 Sale of motor vehicles registered or used as
615 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,
616 ~~and~~ nonconforming vehicles, custom vehicles, or street rod
617 vehicles.—

618 (1) (a) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
619 sell, or exchange any vehicle that has been licensed,
620 registered, or used as a taxicab, police vehicle, or short-term-
621 lease vehicle, or a vehicle that has been repurchased by a
622 manufacturer pursuant to a settlement, determination, or
623 decision under chapter 681, until the department has stamped in
624 a conspicuous place on the certificate of title of the vehicle,
625 or its duplicate, words stating the nature of the previous use
626 of the vehicle or the title has been stamped "Manufacturer's Buy
627 Back" to reflect that the vehicle is a nonconforming vehicle. If
628 the certificate of title or duplicate was not so stamped upon
629 initial issuance thereof or if, subsequent to initial issuance
630 of the title, the use of the vehicle is changed to a use
631 requiring the notation provided for in this section, the owner
632 or lienholder of the vehicle shall surrender the certificate of
633 title or duplicate to the department before ~~prior to~~ offering
634 the vehicle for sale, and the department shall stamp the
635 certificate or duplicate as required herein. If ~~When~~ a vehicle
636 has been repurchased by a manufacturer pursuant to a settlement,
637 determination, or decision under chapter 681, the title shall be
638 stamped "Manufacturer's Buy Back" to reflect that the vehicle is

16-00530B-11

20111150__

639 a nonconforming vehicle.

640 (b) A ~~Ne~~ person may not ~~shall~~ knowingly offer for sale,
641 sell, or exchange a rebuilt vehicle until the department has
642 stamped in a conspicuous place on the certificate of title for
643 the vehicle words stating that the vehicle has been rebuilt or
644 assembled from parts, or is a kit car, glider kit, replica, ~~or~~
645 flood vehicle, custom vehicle, or street rod vehicle unless
646 proper application for a certificate of title for a vehicle that
647 is rebuilt or assembled from parts, or is a kit car, glider kit,
648 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle
649 has been made to the department in accordance with this chapter
650 and the department has conducted the physical examination of the
651 vehicle to assure the identity of the vehicle and all major
652 component parts, as defined in s. 319.30(1), which have been
653 repaired or replaced. Thereafter, the department shall affix a
654 decal to the vehicle, in the manner prescribed by the
655 department, showing the vehicle to be rebuilt. A vehicle may not
656 be inspected or issued a rebuilt title until all major component
657 parts, as defined in s. 319.30, which were damaged have been
658 repaired or replaced.

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

660 1. "Police vehicle" means a motor vehicle owned or leased
661 by the state or a county or municipality and used in law
662 enforcement.

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

667 b. "Long-term-lease vehicle" means a motor vehicle leased

16-00530B-11

20111150__

668 without a driver and under a written agreement to one person for
669 a period of 12 months or longer.

670 c. "Lease vehicle" includes both short-term-lease vehicles
671 and long-term-lease vehicles.

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

674 4. "Assembled from parts" means a motor vehicle or mobile
675 home assembled from parts or combined from parts of motor
676 vehicles or mobile homes, new or used. "Assembled from parts"
677 does not mean a motor vehicle defined as a "rebuilt vehicle" in
678 subparagraph 3., which has been declared a total loss pursuant
679 to s. 319.30.

680 5. "Kit car" means a motor vehicle assembled with a kit
681 supplied by a manufacturer to rebuild a wrecked or outdated
682 motor vehicle with a new body kit.

683 6. "Glider kit" means a vehicle assembled with a kit
684 supplied by a manufacturer to rebuild a wrecked or outdated
685 truck or truck tractor.

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

688 8. "Flood vehicle" means a motor vehicle or mobile home
689 that has been declared to be a total loss pursuant to s.
690 319.30(3)(a) resulting from damage caused by water.

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

694 10. "Settlement" means an agreement entered into between a
695 manufacturer and a consumer that occurs after a dispute is
696 submitted to a program, or an informal dispute settlement

16-00530B-11

20111150__

697 procedure established by a manufacturer or is approved for
698 arbitration before the New Motor Vehicle Arbitration Board as
699 defined in s. 681.102.

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

701 a. Is 25 years of age or older and of a model year after
702 1948, or was manufactured to resemble a vehicle that is 25 years
703 of age or older and of a model year after 1948; and

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

706

707 The model year and year of manufacture which the body of a
708 custom vehicle resembles is the model year and year of
709 manufacture listed on the certificate of title, regardless of
710 when the vehicle was actually manufactured.

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

712 a. Is a model year of 1948 or older or was manufactured
713 after 1948 to resemble a vehicle of a model year of 1948 or
714 older; and

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

717

718 The model year and year of manufacture which the body of a
719 street rod resembles is the model year and year of manufacture
720 listed on the certificate of title, regardless of when the
721 vehicle was actually manufactured.

722 (2) A ~~No~~ person may not ~~shall~~ knowingly sell, exchange, or
723 transfer a vehicle referred to in subsection (1) without, before
724 ~~prior to~~ consummating the sale, exchange, or transfer,
725 disclosing in writing to the purchaser, customer, or transferee

16-00530B-11

20111150__

726 the fact that the vehicle has previously been titled,
727 registered, or used as a taxicab, police vehicle, or short-term-
728 lease vehicle, ~~or~~ is a vehicle that is rebuilt or assembled from
729 parts, ~~or~~ is a kit car, glider kit, replica, or flood vehicle,
730 or is a nonconforming vehicle, custom vehicle, or street rod
731 vehicle, as the case may be.

732 (3) Any person who, with intent to offer for sale or
733 exchange any vehicle referred to in subsection (1), knowingly or
734 intentionally advertises, publishes, disseminates, circulates,
735 or places before the public in any communications medium,
736 whether directly or indirectly, any offer to sell or exchange
737 the vehicle shall clearly and precisely state in each ~~such~~ offer
738 that the vehicle has previously been titled, registered, or used
739 as a taxicab, police vehicle, or short-term-lease vehicle or
740 that the vehicle or mobile home is a vehicle that is rebuilt or
741 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or
742 flood vehicle, or is a nonconforming vehicle, custom vehicle, or
743 street rod vehicle, as the case may be. Any person who violates
744 this subsection commits a misdemeanor of the second degree,
745 punishable as provided in s. 775.082 or s. 775.083.

746 (4) ~~If~~ When a certificate of title, including a foreign
747 certificate, is branded to reflect a condition or prior use of
748 the titled vehicle, the brand must be noted on the registration
749 certificate of the vehicle and such brand shall be carried
750 forward on all subsequent certificates of title and registration
751 certificates issued for the life of the vehicle.

752 (5) Any person who knowingly sells, exchanges, or offers to
753 sell or exchange a motor vehicle or mobile home contrary to ~~the~~
754 ~~provisions of~~ this section or any officer, agent, or employee of

16-00530B-11

20111150__

755 a person who knowingly authorizes, directs, aids in, or consents
756 to the sale, exchange, or offer to sell or exchange a motor
757 vehicle or mobile home contrary to ~~the provisions of~~ this
758 section commits a misdemeanor of the second degree, punishable
759 as provided in s. 775.082 or s. 775.083.

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

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

768 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in
769 any civil action arising out of a violation of this section if
770 the designation of the previous use or condition of the motor
771 vehicle is not noted on the certificate of title and
772 registration certificate of the vehicle which was received by,
773 or delivered to, such person, unless the ~~such~~ person has
774 actively concealed the prior use or condition of the vehicle
775 from the purchaser.

776 (9) Subsections (1), (2), and (3) do not apply to the
777 transfer of ownership of a motor vehicle after the motor vehicle
778 has ceased to be used as a lease vehicle and the ownership has
779 been transferred to an owner for private use or to the transfer
780 of ownership of a nonconforming vehicle with 36,000 or more
781 miles on its odometer, or 34 months whichever is later and the
782 ownership has been transferred to an owner for private use. Such
783 owner, as shown on the title certificate, may request the

16-00530B-11

20111150

784 department to issue a corrected certificate of title that does
785 not contain the statement of the previous use of the vehicle as
786 a lease vehicle or condition as a nonconforming vehicle.

787 Section 18. Section 319.225, Florida Statutes, is amended
788 to read:

789 319.225 Transfer and reassignment forms; odometer
790 disclosure statements.—

791 (1) Every certificate of title issued by the department
792 must contain the following statement ~~on its reverse side~~:
793 “Federal and state law require the completion of the odometer
794 statement set out below. Failure to complete or providing false
795 information may result in fines, imprisonment, or both.”

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

800 (3) Each certificate of title issued by the department must
801 contain ~~on its reverse side~~ as many forms as space allows for
802 reassignment of title by a licensed dealer as permitted by s.
803 319.21(3), which form or forms shall contain an odometer
804 disclosure statement in the form required by 49 C.F.R. s. 580.5.
805 When all dealer reassignment forms ~~provided on the back of the~~
806 ~~title certificate~~ have been filled in, a dealer may reassign the
807 title certificate by using a separate dealer reassignment form
808 issued by the department in compliance with 49 C.F.R. ss. 580.4
809 and 580.5, which form shall contain an original, ~~two carbon~~
810 ~~copies one of~~ which shall be submitted ~~directly~~ to the
811 department by the dealer ~~within 5 business days after the~~
812 ~~transfer~~ and a copy, ~~one of~~ which shall be retained by the

16-00530B-11

20111150__

813 dealer in his or her records for 5 years. The provisions of this
814 subsection ~~shall~~ also apply to vehicles not previously titled in
815 this state and vehicles whose title certificates do not contain
816 the forms required by this section.

817 (4) Upon transfer or reassignment of a certificate of title
818 to a used motor vehicle, the transferor shall complete the
819 odometer disclosure statement provided for by this section and
820 the transferee shall acknowledge the disclosure by signing and
821 printing his or her name in the spaces provided. This subsection
822 does not apply to a vehicle that has a gross vehicle rating of
823 more than 16,000 pounds, a vehicle that is not self-propelled,
824 or a vehicle that is 10 years old or older. A lessor who
825 transfers title to his or her vehicle without obtaining
826 possession of the vehicle shall make odometer disclosure as
827 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
828 or acknowledge a disclosure statement as required by this
829 subsection commits ~~is guilty of~~ a misdemeanor of the second
830 degree, punishable as provided in s. 775.082 or s. 775.083. The
831 department may not issue a certificate of title unless this
832 subsection has been complied with.

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

836 (6) (a) If the certificate of title is physically held by a
837 lienholder, the transferor may give a power of attorney to his
838 or her transferee for the purpose of odometer disclosure. The
839 power of attorney must be on a form issued or authorized by the
840 department, which form must be in compliance with 49 C.F.R. ss.
841 580.4 and 580.13. The department shall not require the signature

16-00530B-11

20111150

842 of the transferor to be notarized on the form; however, in lieu
843 of notarization, the form shall include an affidavit with the
844 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
845 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
846 ARE TRUE. The transferee shall sign the power of attorney form,
847 print his or her name, and return a copy of the power of
848 attorney form to the transferor. Upon receipt of a title
849 certificate, the transferee shall complete the space for mileage
850 disclosure on the title certificate exactly as the mileage was
851 disclosed by the transferor on the power of attorney form. If
852 the transferee is a licensed motor vehicle dealer who is
853 transferring the vehicle to a retail purchaser, the dealer shall
854 make application on behalf of the retail purchaser as provided
855 in s. 319.23(6) and shall submit the original power of attorney
856 form to the department with the application for title and the
857 transferor's title certificate; otherwise, a dealer may reassign
858 the title certificate by using the dealer reassignment form in
859 the manner prescribed in subsection (3), and, at the time of
860 physical transfer of the vehicle, the original power of attorney
861 shall be delivered to the person designated as the transferee of
862 the dealer on the dealer reassignment form. ~~A copy of the
863 executed power of attorney shall be submitted to the department
864 with a copy of the executed dealer reassignment form within 5
865 business days after the certificate of title and dealer
866 reassignment form are delivered by the dealer to its transferee.~~

867 (b) If the certificate of title is lost or otherwise
868 unavailable, the transferor may give a power of attorney to his
869 or her transferee for the purpose of odometer disclosure. The
870 power of attorney must be on a form issued or authorized by the

16-00530B-11

20111150__

871 department, which form must be in compliance with 49 C.F.R. ss.
872 580.4 and 580.13. The department shall not require the signature
873 of the transferor to be notarized on the form; however, in lieu
874 of notarization, the form shall include an affidavit with the
875 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
876 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
877 ARE TRUE. The transferee shall sign the power of attorney form,
878 print his or her name, and return a copy of the power of
879 attorney form to the transferor. Upon receipt of the title
880 certificate or a duplicate title certificate, the transferee
881 shall complete the space for mileage disclosure on the title
882 certificate exactly as the mileage was disclosed by the
883 transferor on the power of attorney form. If the transferee is a
884 licensed motor vehicle dealer who is transferring the vehicle to
885 a retail purchaser, the dealer shall make application on behalf
886 of the retail purchaser as provided in s. 319.23(6) and shall
887 submit the original power of attorney form to the department
888 with the application for title and the transferor's title
889 certificate or duplicate title certificate; otherwise, a dealer
890 may reassign the title certificate by using the dealer
891 reassignment form in the manner prescribed in subsection (3),
892 and, at the time of physical transfer of the vehicle, the
893 original power of attorney shall be delivered to the person
894 designated as the transferee of the dealer on the dealer
895 reassignment form. If the dealer sells the vehicle to an out-of-
896 state resident or an out-of-state dealer and the power of
897 attorney form is applicable to the transaction, the dealer must
898 photocopy the completed original of the form and mail it
899 directly to the department within 5 business days after the

16-00530B-11

20111150

900 certificate of title and dealer reassignment form are delivered
901 by the dealer to the purchaser. ~~A copy of the executed power of~~
902 ~~attorney shall be submitted to the department with a copy of the~~
903 ~~executed dealer reassignment form within 5 business days after~~
904 ~~the duplicate certificate of title and dealer reassignment form~~
905 ~~are delivered by the dealer to its transferee.~~

906 (c) If the mechanics of the transfer of title to a motor
907 vehicle in accordance with the provisions of paragraph (a) or
908 paragraph (b) are determined to be incompatible with and
909 unlawful under the provisions of 49 C.F.R. part 580, the
910 transfer of title to a motor vehicle by operation of this
911 subsection can be effected in any manner not inconsistent with
912 49 C.F.R. part 580 and Florida law; provided, any power of
913 attorney form issued or authorized by the department under this
914 subsection shall contain an original, ~~two carbon copies, one of~~
915 which shall be submitted ~~directly~~ to the department by the
916 dealer ~~within 5 business days of use by the dealer~~ to effect
917 transfer of a title certificate as provided in paragraphs (a)
918 and (b) and a copy, ~~one of~~ which shall be retained by the dealer
919 in its records for 5 years.

920 (d) Any person who fails to complete the information
921 required by this subsection or to file with the department the
922 forms required by this subsection commits ~~is guilty of~~ a
923 misdemeanor of the second degree, punishable as provided in s.
924 775.082 or s. 775.083. The department shall not issue a
925 certificate of title unless this subsection has been complied
926 with.

927 (7) Subject to approval by the National Highway Safety
928 Association or any other applicable authority, if a title is

16-00530B-11

20111150

929 held electronically and the transferee agrees to maintain the
930 title electronically, the transferor and transferee shall
931 complete a secure reassignment document that discloses the
932 odometer reading and is signed by both the transferor and
933 transferee at the tax collector's office or license plate
934 agency. A dealer acquiring a motor vehicle that has an
935 electronic title shall use a secure reassignment document signed
936 by the person from whom the dealer acquired the motor vehicle.
937 Upon transferring the motor vehicle to a purchaser, a separate
938 reassignment document shall be executed.

939 (8)~~(7)~~ Each certificate of title issued by the department
940 must contain ~~on its reverse side~~ a minimum of three ~~four~~ spaces
941 for notation of the name and license number of any auction
942 through which the vehicle is sold and the date the vehicle was
943 auctioned. Each separate dealer reassignment form issued by the
944 department must also have the space referred to in this section.
945 When a transfer of title is made at a motor vehicle auction, the
946 reassignment must note the name and address of the auction, but
947 the auction shall not thereby be deemed to be the owner, seller,
948 transferor, or assignor of title. A motor vehicle auction is
949 required to execute a dealer reassignment only when it is the
950 owner of a vehicle being sold.

951 (9)~~(8)~~ Upon transfer or reassignment of a used motor
952 vehicle through the services of an auction, the auction shall
953 complete the information in the space provided for by subsection
954 (8) ~~(7)~~. Any person who fails to complete the information as
955 required by this subsection commits ~~is guilty of~~ a misdemeanor
956 of the second degree, punishable as provided in s. 775.082 or s.
957 775.083. The department shall not issue a certificate of title

16-00530B-11

20111150__

958 unless this subsection has been complied with.

959 (10)~~(9)~~ This section shall be construed to conform to 49
960 C.F.R. part 580.

961 Section 19. Present subsections (7), (8), (9), (10), and
962 (11) of section 319.23, Florida Statutes, are renumbered as
963 subsections (8), (9), (10), (11), and (12), respectively, and a
964 new subsection (7) is added to that section, to read:

965 319.23 Application for, and issuance of, certificate of
966 title.—

967 (7) If an applicant for a certificate of title is unable to
968 provide the department with a certificate of title that assigns
969 the prior owner's interest in the motor vehicle, the department
970 may accept a bond in the form prescribed by the department,
971 along with an affidavit in a form prescribed by the department,
972 which includes verification of the vehicle identification number
973 and an application for title.

974 (a) The bond must be:

975 1. In a form prescribed by the department;

976 2. Executed by the applicant;

977 3. Issued by a person authorized to conduct a surety
978 business in this state;

979 4. In an amount equal to two times the value of the vehicle
980 as determined by the department; and

981 5. Conditioned to indemnify all prior owners and
982 lienholders and all subsequent purchasers of the vehicle or
983 persons who acquire a security interest in the vehicle, and
984 their successors in interest, against any expense, loss, or
985 damage, including reasonable attorney's fees, occurring because
986 of the issuance of the certificate of title for the vehicle or

16-00530B-11

20111150__

987 for a defect in or undisclosed security interest on the right,
988 title, or interest of the applicant to the vehicle.

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

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

994 (d) The affidavit must:

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

996 2. Include the facts and circumstances through which the
997 applicant acquired ownership and possession of the motor
998 vehicle;

999 3. Disclose that no security interests, liens, or
1000 encumbrances against the motor vehicle are known to the
1001 applicant against the motor vehicle; and

1002 4. State that the applicant has the right to have a
1003 certificate of title issued.

1004 Section 20. Paragraph (b) of subsection (2) of section
1005 319.28, Florida Statutes, is amended to read:

1006 319.28 Transfer of ownership by operation of law.—

1007 (2)

1008 (b) In case of repossession of a motor vehicle or mobile
1009 home pursuant to the terms of a security agreement or similar
1010 instrument, an affidavit by the party to whom possession has
1011 passed stating that the vehicle or mobile home was repossessed
1012 upon default in the terms of the security agreement or other
1013 instrument shall be considered satisfactory proof of ownership
1014 and right of possession. At least 5 days prior to selling the
1015 repossessed vehicle, any subsequent lienholder named in the last

16-00530B-11

20111150__

1016 issued certificate of title shall be sent notice of the
1017 repossession by certified mail, on a form prescribed by the
1018 department. If such notice is given and no written protest to
1019 the department is presented by a subsequent lienholder within 15
1020 days from the date on which the notice was mailed, the
1021 certificate of title ~~or the certificate of repossession~~ shall be
1022 issued showing no liens. If the former owner or any subsequent
1023 lienholder files a written protest under oath within such 15-day
1024 period, the department shall not issue the certificate of title
1025 ~~or certificate of repossession~~ for 10 days thereafter. If within
1026 the 10-day period no injunction or other order of a court of
1027 competent jurisdiction has been served on the department
1028 commanding it not to deliver the certificate of title ~~or~~
1029 ~~certificate of repossession~~, the department shall deliver the
1030 certificate of title ~~or repossession~~ to the applicant or as may
1031 otherwise be directed in the application showing no other liens
1032 than those shown in the application. Any lienholder who has
1033 repossessed a vehicle in this state in compliance with the
1034 provisions of this section must apply to a tax collector's
1035 office in this state or to the department for a ~~certificate of~~
1036 ~~repossession or to the department for a~~ certificate of title
1037 pursuant to s. 319.323. Proof of the required notice to
1038 subsequent lienholders shall be submitted together with regular
1039 title fees. ~~A lienholder to whom a certificate of repossession~~
1040 ~~has been issued may assign the certificate of title to the~~
1041 ~~subsequent owner.~~ Any person who violates ~~found guilty of~~
1042 ~~violating~~ any requirements of this paragraph commits ~~shall be~~
1043 ~~guilty of~~ a felony of the third degree, punishable as provided
1044 in s. 775.082, s. 775.083, or s. 775.084.

16-00530B-11

20111150

1045 Section 21. Section 319.323, Florida Statutes, is amended
1046 to read:

1047 319.323 Expedited service; applications; fees.—The
1048 department shall establish a separate title office which may be
1049 used by private citizens and licensed motor vehicle dealers to
1050 receive expedited service on title transfers, title issuances,
1051 duplicate titles, and recordation of liens, ~~and certificates of~~
1052 ~~repossession~~. A fee of \$10 shall be charged for this service,
1053 which fee is in addition to the fees imposed by s. 319.32. The
1054 fee, after deducting the amount referenced by s. 319.324 and
1055 \$3.50 to be retained by the processing agency, shall be
1056 deposited into the General Revenue Fund. Application for
1057 expedited service may be made by mail or in person. The
1058 department shall issue each title applied for under this section
1059 within 5 working days after receipt of the application except
1060 for an application for a duplicate title certificate covered by
1061 s. 319.23(4), in which case the title must be issued within 5
1062 working days after compliance with the department's verification
1063 requirements.

1064 Section 22. Section 319.40, Florida Statutes, is amended to
1065 read:

1066 319.40 Transactions by electronic or telephonic means.—

1067 (1) The department may ~~is authorized to~~ accept any
1068 application provided for under this chapter by electronic or
1069 telephonic means.

1070 (2) The department may issue an electronic certificate of
1071 title in lieu of printing a paper title.

1072 (3) The department may collect and use electronic mail
1073 addresses as a notification method in lieu of the United States

16-00530B-11

20111150__

1074 Postal Service.

1075 Section 23. Present subsections (24) through (45) of
1076 section 320.01, Florida Statutes, are renumbered as subsections
1077 (23) through (44), respectively, and present subsections (23),
1078 (25), and (26) of that section are amended, to read:

1079 320.01 Definitions, general.—As used in the Florida
1080 Statutes, except as otherwise provided, the term:

1081 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
1082 ~~which is required to be registered, or with respect to which an~~
1083 ~~election has been made to register it, under the International~~
1084 ~~Registration Plan.~~

1085 (24)~~(25)~~ "Apportionable vehicle" means any vehicle, except
1086 recreational vehicles, vehicles displaying restricted plates,
1087 city pickup and delivery vehicles, buses used in transportation
1088 of chartered parties, and government-owned vehicles, which is
1089 used or intended for use in two or more member jurisdictions
1090 that allocate or proportionally register vehicles and which is
1091 used for the transportation of persons for hire or is designed,
1092 used, or maintained primarily for the transportation of property
1093 and:

1094 (a) Is a power unit having a gross vehicle weight in excess
1095 of 26,000 ~~26,001~~ pounds;

1096 (b) Is a power unit having three or more axles, regardless
1097 of weight; or

1098 (c) Is used in combination, when the weight of such
1099 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

1100
1101 Vehicles, or combinations thereof, having a gross vehicle weight
1102 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be

16-00530B-11

20111150

1103 proportionally registered.

1104 (25)~~(26)~~ "Commercial motor vehicle" means any vehicle that
1105 ~~which~~ is not owned or operated by a governmental entity, that
1106 ~~which~~ uses special fuel or motor fuel on the public highways,
1107 and that ~~which~~ has a gross vehicle weight of 26,001 pounds or
1108 more, or has three or more axles regardless of weight, or is
1109 used in combination when the weight of such combination exceeds
1110 26,000 ~~26,001~~ pounds gross vehicle weight. A vehicle that
1111 occasionally transports personal property to and from a closed-
1112 course motorsport facility, as defined in s. 549.09(1)(a), is
1113 not a commercial motor vehicle if the use is not for profit and
1114 corporate sponsorship is not involved. As used in this
1115 subsection, the term "corporate sponsorship" means a payment,
1116 donation, gratuity, in-kind service, or other benefit provided
1117 to or derived by a person in relation to the underlying
1118 activity, other than the display of product or corporate names,
1119 logos, or other graphic information on the property being
1120 transported.

1121 Section 24. Subsections (2) and (4) of section 320.02,
1122 Florida Statutes, are amended, paragraph (o) is added to
1123 subsection (15) to that section, and subsection (18) is added to
1124 that section, to read:

1125 320.02 Registration required; application for registration;
1126 forms.—

1127 (2) (a) The application for registration shall include the
1128 street address of the owner's permanent residence or the address
1129 of his or her permanent place of business and shall be
1130 accompanied by personal or business identification information
1131 which may include, but need not be limited to, a driver's

16-00530B-11

20111150

1132 license number, Florida identification card number, or federal
1133 employer identification number. If the owner does not have a
1134 permanent residence or permanent place of business or if the
1135 owner's permanent residence or permanent place of business
1136 cannot be identified by a street address, the application shall
1137 include:

1138 1. If the vehicle is registered to a business, the name and
1139 street address of the permanent residence of an owner of the
1140 business, an officer of the corporation, or an employee who is
1141 in a supervisory position.

1142 2. If the vehicle is registered to an individual, the name
1143 and street address of the permanent residence of a close
1144 relative or friend who is a resident of this state.

1145
1146 If the vehicle is registered to an active-duty military member
1147 who is a Florida resident, the member is exempt from the
1148 requirement of a Florida residential address.

1149 (b) The department shall prescribe a form upon which motor
1150 vehicle owners may record odometer readings when registering
1151 their motor vehicles.

1152 (4) The owner of any motor vehicle registered in the state
1153 shall notify the department in writing of any change of address
1154 within 20 days of such change. The notification shall include
1155 the registration license plate number, the vehicle
1156 identification number (VIN) or title certificate number, year of
1157 vehicle make, and the owner's full name. Any owner or registrant
1158 who possesses a Florida driver's license or identification card
1159 and changes residence or mailing address must obtain a
1160 replacement as provided for in s. 322.19(2) before changing the

16-00530B-11

20111150__

1161 address on the motor vehicle record.

1162 (15)

1163 (o) The application form for motor vehicle registration and
1164 renewal registration must include language permitting the
1165 voluntary contribution of \$1 to End Hunger in Florida. The
1166 proceeds shall be distributed monthly by the department to the
1167 Florida Association of Food Banks, Inc., a corporation not for
1168 profit under s. 501(c)(3) of the Internal Revenue Code. The
1169 funds shall be used by the organization for the purpose of
1170 ending hunger in Florida.

1171
1172 For the purpose of applying the service charge provided in s.
1173 215.20, contributions received under this subsection are not
1174 income of a revenue nature.

1175 (18) All electronic registration records shall be retained
1176 by the department for at least 10 years.

1177 Section 25. Subsection (9) is added to section 320.023,
1178 Florida Statutes, to read:

1179 320.023 Requests to establish voluntary checkoff on motor
1180 vehicle registration application.—

1181 (9) The department may annually retain from the first
1182 proceeds derived from the voluntary contributions collected an
1183 amount sufficient to defray for each voluntary contribution the
1184 pro rata share of the department's costs directly related to the
1185 voluntary contributions program. Such costs include renewal
1186 notices, postage, distribution costs, direct costs to the
1187 department, and costs associated with reviewing each
1188 organization's compliance with the audit and attestation
1189 requirements of this section. The revenues retained by the

16-00530B-11

20111150__

1190 department may not be less than 0.005 percent and may not exceed
1191 0.015 percent. The balance of the proceeds from the voluntary
1192 contributions collected shall be distributed as provided by law.

1193 Section 26. Subsections (7) and (8) of section 320.03,
1194 Florida Statutes, are amended to read:

1195 320.03 Registration; duties of tax collectors;
1196 International Registration Plan.—

1197 (7) The Department of Highway Safety and Motor Vehicles
1198 shall register apportionable ~~apportioned motor~~ vehicles under
1199 the provisions of the International Registration Plan. The
1200 department may adopt rules to implement and enforce the
1201 provisions of the plan.

1202 (8) If the applicant's name appears on the list referred to
1203 in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license
1204 plate or revalidation sticker may not be issued until that
1205 person's name no longer appears on the list or until the person
1206 presents a receipt from the governmental entity or the clerk of
1207 court that provided the data showing that the fines outstanding
1208 have been paid. This subsection does not apply to the owner of a
1209 leased vehicle if the vehicle is registered in the name of the
1210 lessee of the vehicle. The tax collector and the clerk of the
1211 court are each entitled to receive monthly, as costs for
1212 implementing and administering this subsection, 10 percent of
1213 the civil penalties and fines recovered from such persons. As
1214 used in this subsection, the term "civil penalties and fines"
1215 does not include a wrecker operator's lien as described in s.
1216 713.78(13). If the tax collector has private tag agents, such
1217 tag agents are entitled to receive a pro rata share of the
1218 amount paid to the tax collector, based upon the percentage of

16-00530B-11

20111150__

1219 license plates and revalidation stickers issued by the tag agent
1220 compared to the total issued within the county. The authority of
1221 any private agent to issue license plates shall be revoked,
1222 after notice and a hearing as provided in chapter 120, if he or
1223 she issues any license plate or revalidation sticker contrary to
1224 the provisions of this subsection. This section applies only to
1225 the annual renewal in the owner's birth month of a motor vehicle
1226 registration and does not apply to the transfer of a
1227 registration of a motor vehicle sold by a motor vehicle dealer
1228 licensed under this chapter, except for the transfer of
1229 registrations which is inclusive of the annual renewals. This
1230 section does not affect the issuance of the title to a motor
1231 vehicle, notwithstanding s. 319.23(8)(b) ~~319.23(7)(b)~~.

1232 Section 27. Paragraph (b) of subsection (3) and subsection
1233 (5) of section 320.05, Florida Statutes, are amended to read:

1234 320.05 Records of the department; inspection procedure;
1235 lists and searches; fees.—

1236 (3)

1237 (b) Fees therefor shall be charged and collected as
1238 follows:

1239 1. For providing lists of motor vehicle or vessel records
1240 for the entire state, or any part or parts thereof, divided
1241 according to counties, a sum computed at a rate of not less than
1242 1 cent nor more than 5 cents per item.

1243 2. For providing noncertified photographic copies of motor
1244 vehicle or vessel documents, \$1 per page.

1245 3. For providing noncertified photographic copies of
1246 micrographic records, \$1 per page.

1247 4. For providing certified copies of motor vehicle or

16-00530B-11

20111150__

1248 vessel records, \$3 per record.

1249 5. For providing noncertified computer-generated printouts
1250 of motor vehicle or vessel records, 50 cents per record.

1251 6. For providing certified computer-generated printouts of
1252 motor vehicle or vessel records, \$3 per record.

1253 7. For providing electronic access to motor vehicle,
1254 vessel, and mobile home registration data requested by tag,
1255 vehicle identification number, title number, or decal number, 50
1256 cents per item.

1257 8. For providing electronic access to driver's license
1258 status report by name, sex, and date of birth or by driver
1259 license number, 50 cents per item.

1260 9. For providing lists of licensed mobile home dealers and
1261 manufacturers and recreational vehicle dealers and
1262 manufacturers, \$15 per list.

1263 10. For providing lists of licensed motor vehicle dealers,
1264 \$25 per list.

1265 11. For each copy of a videotape record, \$15 per tape.

1266 ~~12. For each copy of the Division of Motor Vehicles
1267 Procedures Manual, \$25.~~

1268 (5) The creation and maintenance of records by the Division
1269 of Motorist Services within the department ~~and the Division of~~
1270 ~~Motor Vehicles~~ pursuant to this chapter shall not be regarded as
1271 law enforcement functions of agency recordkeeping.

1272 Section 28. Paragraph (d) is added to subsection (1) of
1273 section 320.06, Florida Statutes, and subsection (5) is added to
1274 that section, to read:

1275 320.06 Registration certificates, license plates, and
1276 validation stickers generally.—

16-00530B-11

20111150

(1)

(d) The department may conduct a pilot program to evaluate designs, concepts, and technologies for alternative license plate technologies. The pilot program shall investigate the feasibility and use of alternative license plate technologies and shall be limited to license plates that are used on government-owned motor vehicles, as defined in s. 320.0655. Government license plates in the pilot program are exempt from current license plate requirements in s. 320.06(3)(a).

(5) All license plates issued pursuant to this chapter are the property of the State of Florida.

Section 29. Section 320.061, Florida Statutes, is amended to read:

320.061 Unlawful to alter motor vehicle registration certificates, temporary license plates, license plates, mobile home stickers, or validation stickers or to obscure license plates; penalty.—No person shall alter the original appearance of any registration license plate, temporary license plate, mobile home sticker, validation sticker, or vehicle registration certificate issued for and assigned to any motor vehicle or mobile home, whether by mutilation, alteration, defacement, or change of color or in any other manner. No person shall apply or attach any substance, reflective matter, illuminated device, spray, coating, covering, or other material onto or around any license plate that interferes with the legibility, angular visibility, or detectability of any feature or detail on the license plate or interferes with the ability to record any feature or detail on the license plate. Any person who violates this section commits a noncriminal traffic infraction,

16-00530B-11

20111150__

1306 punishable as a moving violation as provided in chapter 318.

1307 Section 30. Subsection (1) of section 320.071, Florida
1308 Statutes, is amended to read:

1309 320.071 Advance registration renewal; procedures.—

1310 (1) (a) The owner of any motor vehicle or mobile home
1311 currently registered in this state may file an application for
1312 renewal of registration with the department, or its authorized
1313 agent in the county wherein the owner resides, any time during
1314 the 3 months preceding the date of expiration of the
1315 registration period. The registration period may not exceed 27
1316 months.

1317 (b) The owner of any apportionable ~~apportioned motor~~
1318 vehicle currently registered in this state under the provisions
1319 of the International Registration Plan may file an application
1320 for renewal of registration with the department any time during
1321 the 3 months preceding the date of expiration of the
1322 registration period.

1323 Section 31. Subsections (1) and (3) of section 320.0715,
1324 Florida Statutes, are amended to read:

1325 320.0715 International Registration Plan; motor carrier
1326 services; permits; retention of records.—

1327 (1) All apportionable ~~commercial motor~~ vehicles domiciled
1328 in this state ~~and engaged in interstate commerce~~ shall be
1329 registered in accordance with the provisions of the
1330 International Registration Plan ~~and shall display apportioned~~
1331 ~~license plates~~.

1332 (3) (a) If the department is unable to immediately issue the
1333 apportioned license plate to an applicant currently registered
1334 in this state under the International Registration Plan or to a

16-00530B-11

20111150

1335 vehicle currently titled in this state, the department or its
1336 designated agent is authorized to issue a 60-day temporary
1337 operational permit. The department or agent of the department
1338 shall charge a \$3 fee and the service charge authorized by s.
1339 320.04 for each temporary operational permit it issues.

1340 (b) The department shall in no event issue a temporary
1341 operational permit for any apportionable ~~commercial motor~~
1342 vehicle to any applicant until the applicant has shown that:

1343 1. All sales or use taxes due on the registration of the
1344 vehicle are paid; and

1345 2. Insurance requirements have been met in accordance with
1346 ss. 320.02(5) and 627.7415.

1347 (c) Issuance of a temporary operational permit provides
1348 ~~commercial motor vehicle~~ registration privileges in each
1349 International Registration Plan member jurisdiction designated
1350 on said permit and therefore requires payment of all applicable
1351 registration fees and taxes due for that period of registration.

1352 (d) Application for permanent registration must be made to
1353 the department within 10 days following ~~from~~ issuance of a
1354 temporary operational permit. Failure to file an application
1355 within this 10-day period may result in cancellation of the
1356 temporary operational permit.

1357 Section 32. Paragraph (d) of subsection (5) of section
1358 320.08, Florida Statutes, is amended to read:

1359 320.08 License taxes.—Except as otherwise provided herein,
1360 there are hereby levied and imposed annual license taxes for the
1361 operation of motor vehicles, mopeds, motorized bicycles as
1362 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
1363 and mobile homes, as defined in s. 320.01, which shall be paid

16-00530B-11

20111150

1364 to and collected by the department or its agent upon the
1365 registration or renewal of registration of the following:

1366 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
1367 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1368 (d) A wrecker, as defined in s. 320.01~~(40)~~, which is used
1369 to tow a vessel as defined in s. 327.02(39), a disabled,
1370 abandoned, stolen-recovered, or impounded motor vehicle as
1371 defined in s. 320.01~~(38)~~, or a replacement motor vehicle as
1372 defined in s. 320.01~~(39)~~: \$41 flat, of which \$11 shall be
1373 deposited into the General Revenue Fund.

1374 Section 33. Subsection (1) of section 320.0847, Florida
1375 Statutes, is amended to read:

1376 320.0847 Mini truck and low-speed vehicle license plates.—

1377 (1) The department shall issue a license plate to the owner
1378 or lessee of any vehicle registered as a low-speed vehicle as
1379 defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
1380 320.01~~(45)~~ upon payment of the appropriate license taxes and
1381 fees prescribed in s. 320.08.

1382 Section 34. Subsection (4) of section 320.0848, Florida
1383 Statutes, is amended to read:

1384 320.0848 Persons who have disabilities; issuance of
1385 disabled parking permits; temporary permits; permits for certain
1386 providers of transportation services to persons who have
1387 disabilities.—

1388 (4) From the proceeds of the temporary disabled parking
1389 permit fees:

1390 (a) The Department of Highway Safety and Motor Vehicles
1391 must receive \$3.50 for each temporary permit, to be deposited
1392 into the Highway Safety Operating Trust Fund and used for

16-00530B-11

20111150

1393 implementing the real-time disabled parking permit database and
 1394 for administering the disabled parking permit program.

1395 (b) The tax collector, for processing, must receive \$2.50
 1396 for each temporary permit.

1397 (c) The remainder must be distributed monthly as follows:

1398 1. To the Florida Endowment Foundation for Vocational
 1399 Rehabilitation, known as "The Able Trust," ~~Florida Governor's~~
 1400 ~~Alliance for the Employment of Disabled Citizens~~ for the purpose
 1401 of improving employment and training opportunities for persons
 1402 who have disabilities, with special emphasis on removing
 1403 transportation barriers, \$4. These fees must be directly
 1404 deposited into the Florida Endowment Foundation for Vocational
 1405 Rehabilitation as established in s. 413.615 ~~Transportation~~
 1406 ~~Disadvantaged Trust Fund for transfer to the Florida Governor's~~
 1407 ~~Alliance for Employment of Disabled Citizens.~~

1408 2. To the Transportation Disadvantaged Trust Fund to be
 1409 used for funding matching grants to counties for the purpose of
 1410 improving transportation of persons who have disabilities, \$5.

1411 Section 35. Paragraphs (a) and (b) of subsection (2) of
 1412 section 320.275, Florida Statutes, are amended to read:

1413 320.275 Automobile Dealers Industry Advisory Board.—

1414 (2) MEMBERSHIP, TERMS, MEETINGS.—

1415 (a) The board shall be composed of 12 members. The
 1416 executive director of the Department of Highway Safety and Motor
 1417 Vehicles shall appoint the members from names submitted by the
 1418 entities for the designated categories the member will
 1419 represent. The executive director shall appoint one
 1420 representative of the Department of Highway Safety and Motor
 1421 Vehicles, ~~who must represent the Division of Motor Vehicles;~~ two

16-00530B-11

20111150

1422 representatives of the independent motor vehicle industry as
1423 recommended by the Florida Independent Automobile Dealers
1424 Association; two representatives of the franchise motor vehicle
1425 industry as recommended by the Florida Automobile Dealers
1426 Association; one representative of the auction motor vehicle
1427 industry who is from an auction chain and is recommended by a
1428 group affiliated with the National Auto Auction Association; one
1429 representative of the auction motor vehicle industry who is from
1430 an independent auction and is recommended by a group affiliated
1431 with the National Auto Auction Association; one representative
1432 from the Department of Revenue; a Florida tax collector
1433 representative recommended by the Florida Tax Collectors
1434 Association; one representative from the Better Business Bureau;
1435 one representative from the Department of Agriculture and
1436 Consumer Services, who must represent the Division of Consumer
1437 Services; and one representative of the insurance industry who
1438 writes motor vehicle dealer surety bonds.

1439 (b)1. The executive director shall appoint the following
1440 initial members to 1-year terms: one representative from the
1441 motor vehicle auction industry who represents an auction chain,
1442 one representative from the independent motor vehicle industry,
1443 one representative from the franchise motor vehicle industry,
1444 one representative from the Department of Revenue, one Florida
1445 tax collector, and one representative from the Better Business
1446 Bureau.

1447 2. The executive director shall appoint the following
1448 initial members to 2-year terms: one representative from the
1449 motor vehicle auction industry who represents an independent
1450 auction, one representative from the independent motor vehicle

16-00530B-11

20111150

1451 industry, one representative from the franchise motor vehicle
1452 industry, one representative from the Division of Consumer
1453 Services, one representative from the insurance industry, and
1454 one representative from the department ~~Division of Motor~~
1455 ~~Vehicles~~.

1456 3. As the initial terms expire, the executive director
1457 shall appoint successors from the same designated category for
1458 terms of 2 years. If renominated, a member may succeed himself
1459 or herself.

1460 4. The board shall appoint a chair and vice chair at its
1461 initial meeting and every 2 years thereafter.

1462 Section 36. Subsection (1) of section 320.771, Florida
1463 Statutes, is amended to read:

1464 320.771 License required of recreational vehicle dealers.-

1465 (1) DEFINITIONS.-As used in this section:

1466 (a) "Dealer" means any person engaged in the business of
1467 buying, selling, or dealing in recreational vehicles or offering
1468 or displaying recreational vehicles for sale. The term "dealer"
1469 includes a recreational vehicle broker. Any person who buys,
1470 sells, deals in, or offers or displays for sale, or who acts as
1471 the agent for the sale of, one or more recreational vehicles in
1472 any 12-month period shall be prima facie presumed to be a
1473 dealer. The terms "selling" and "sale" include lease-purchase
1474 transactions. The term "dealer" does not include banks, credit
1475 unions, and finance companies that acquire recreational vehicles
1476 as an incident to their regular business and does not include
1477 mobile home rental and leasing companies that sell recreational
1478 vehicles to dealers licensed under this section. A licensed
1479 dealer may transact business in recreational vehicles with a

16-00530B-11

20111150__

1480 motor vehicle auction as defined in s. 320.27(1)(c)4. Further, a
1481 licensed dealer may, at retail or wholesale, sell a motor
1482 vehicle, as described in s. 320.01(1)(a), acquired in exchange
1483 for the sale of a recreational vehicle, if such acquisition is
1484 incidental to the principal business of being a recreational
1485 vehicle dealer. However, a recreational vehicle dealer may not
1486 buy a motor vehicle for the purpose of resale unless licensed as
1487 a motor vehicle dealer pursuant to s. 320.27.

1488 (b) "Recreational vehicle broker" means any person who is
1489 engaged in the business of offering to procure or procuring used
1490 recreational vehicles for the general public; who holds himself
1491 or herself out through solicitation, advertisement, or otherwise
1492 as one who offers to procure or procures used recreational
1493 vehicles for the general public; or who acts as the agent or
1494 intermediary on behalf of the owner or seller of a used
1495 recreational vehicle which is for sale or who assists or
1496 represents the seller in finding a buyer for the recreational
1497 vehicle.

1498 (c) For the purposes of this section, the term
1499 "recreational vehicle" does not include any camping trailer, as
1500 defined in s. 320.01(1)(b)2.

1501 (d) A dealer may apply for a certificate of title to a
1502 recreational vehicle required to be registered under s.
1503 320.08(9) using a manufacturer's statement of origin as
1504 permitted by s. 319.23(1) only if such dealer is authorized by a
1505 manufacturer/dealer agreement as defined in s. 320.3202(8) on
1506 file with the department to buy, sell, or deal in that
1507 particular line-make of recreational vehicle and is authorized
1508 by such agreement to perform delivery and preparation

16-00530B-11

20111150__

1509 obligations and warranty defect adjustments on that line-make.

1510 Section 37. Section 320.95, Florida Statutes, is amended to
1511 read:

1512 320.95 Transactions by electronic or telephonic means.—

1513 (1) The department may ~~is authorized to~~ accept any
1514 application provided for under this chapter by electronic or
1515 telephonic means.

1516 (2) The department may collect and use electronic mail
1517 addresses for the purpose of providing renewal notices in lieu
1518 of the United States Postal Service.

1519 Section 38. Section 321.02, Florida Statutes, is amended to
1520 read:

1521 321.02 Powers and duties of department, highway patrol.—The
1522 director of the Division of Highway Patrol of the Department of
1523 Highway Safety and Motor Vehicles shall be designated the
1524 Colonel ~~also be the commander~~ of the Florida Highway Patrol. The
1525 said department shall set up and promulgate rules and
1526 regulations by which the personnel of the Florida Highway Patrol
1527 officers shall be examined, employed, trained, located,
1528 suspended, reduced in rank, discharged, recruited, paid and
1529 pensioned, subject to civil service provisions hereafter set
1530 out. The department may enter into contracts or agreements, with
1531 or without competitive bidding or procurement, to make
1532 available, on a fair, reasonable, nonexclusive, and
1533 nondiscriminatory basis, property and other structures under
1534 division control for the placement of new facilities by any
1535 wireless provider of mobile service as defined in 47 U.S.C. s.
1536 153(27) or s. 332(d), and any telecommunications company as
1537 defined in s. 364.02 when it is determined to be practical and

16-00530B-11

20111150__

1538 feasible to make such property or other structures available.
1539 The department may, without adopting a rule, charge a just,
1540 reasonable, and nondiscriminatory fee for placement of the
1541 facilities, payable annually, based on the fair market value of
1542 space used by comparable communications facilities in the state.
1543 The department and a wireless provider or telecommunications
1544 company may negotiate the reduction or elimination of a fee in
1545 consideration of services provided to the division by the
1546 wireless provider or the telecommunications company. All such
1547 fees collected by the department shall be deposited directly
1548 into the State Agency Law Enforcement Radio System Trust Fund,
1549 and may be used to construct, maintain, or support the system.
1550 The department is further specifically authorized to purchase,
1551 sell, trade, rent, lease and maintain all necessary equipment,
1552 uniforms, motor vehicles, communication systems, housing
1553 facilities, office space, and perform any other acts necessary
1554 for the proper administration and enforcement of this chapter.
1555 However, all supplies and equipment consisting of single items
1556 or in lots shall be purchased under the requirements of s.
1557 287.057. Purchases shall be made by accepting the bid of the
1558 lowest responsive bidder, the right being reserved to reject all
1559 bids. The department shall prescribe a distinctive uniform and
1560 distinctive emblem to be worn by all officers of the Florida
1561 Highway Patrol. It shall be unlawful for any other person or
1562 persons to wear a similar uniform or emblem, or any part or
1563 parts thereof. The department shall also prescribe distinctive
1564 colors for use on motor vehicles and motorcycles operated by the
1565 Florida Highway Patrol. The prescribed colors shall be referred
1566 to as "Florida Highway Patrol black and tan."

16-00530B-11

20111150__

1567 Section 39. Subsection (3) of section 322.02, Florida
1568 Statutes, is amended to read:

1569 322.02 Legislative intent; administration.-

1570 (3) The department shall employ a director, who is charged
1571 with the duty of serving as the executive officer of the
1572 Division of Motorist Services within ~~Driver Licenses~~ of the
1573 department insofar as the administration of this chapter is
1574 concerned. He or she shall be subject to the supervision and
1575 direction of the department, and his or her official actions and
1576 decisions as executive officer shall be conclusive unless the
1577 same are superseded or reversed by the department or by a court
1578 of competent jurisdiction.

1579 Section 40. Subsection (1) of section 322.04, Florida
1580 Statutes, is amended to read:

1581 322.04 Persons exempt from obtaining driver's license.-

1582 (1) The following persons are exempt from obtaining a
1583 driver's license:

1584 (a) Any employee of the United States Government, while
1585 operating a noncommercial motor vehicle owned by or leased to
1586 the United States Government and being operated on official
1587 business.

1588 (b) Any person while driving or operating any road machine,
1589 farm tractor, or implement of husbandry temporarily operated or
1590 moved on a highway.

1591 (c) A nonresident who is at least 16 years of age ~~and who~~
1592 ~~has in his or her immediate possession a valid noncommercial~~
1593 ~~driver's license issued to the nonresident in his or her home~~
1594 ~~state or country,~~ may operate a motor vehicle of the type for
1595 which a Class E driver's license is required in this state if he

16-00530B-11

20111150__

1596 or she has in their immediate possession:

1597 1. A valid noncommercial driver's license issued in his or
 1598 her name from another state or territory of the United States;

1599 or

1600 2. An International Driving Permit issued in his or her
 1601 name by their country of residence.

1602 ~~(d) A nonresident who is at least 18 years of age and who~~
 1603 ~~has in his or her immediate possession a valid noncommercial~~
 1604 ~~driver's license issued to the nonresident in his or her home~~
 1605 ~~state or country may operate a motor vehicle, other than a~~
 1606 ~~commercial motor vehicle, in this state.~~

1607 ~~(d)~~(e) Any person operating a golf cart, as defined in s.
 1608 320.01, which is operated in accordance with the provisions of
 1609 s. 316.212.

1610 Section 41. Paragraph (a) of subsection (1) of section
 1611 322.051, Florida Statutes, is amended, and subsection (9) is
 1612 added to that section, to read:

1613 322.051 Identification cards.—

1614 (1) Any person who is 5 years of age or older, or any
 1615 person who has a disability, regardless of age, who applies for
 1616 a disabled parking permit under s. 320.0848, may be issued an
 1617 identification card by the department upon completion of an
 1618 application and payment of an application fee.

1619 (a) Each such application shall include the following
 1620 information regarding the applicant:

1621 1. Full name (first, middle or maiden, and last), gender,
 1622 proof of social security card number satisfactory to the
 1623 department, county of residence, mailing address, proof of
 1624 residential address satisfactory to the department, country of

16-00530B-11

20111150__

1625 birth, and a brief description.

1626 2. Proof of birth date satisfactory to the department.

1627 3. Proof of identity satisfactory to the department. Such
1628 proof must include one of the following documents issued to the
1629 applicant:

1630 a. A driver's license record or identification card record
1631 from another jurisdiction that required the applicant to submit
1632 a document for identification which is substantially similar to
1633 a document required under sub-subparagraph b., sub-subparagraph
1634 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
1635 f., sub-subparagraph g., or sub-subparagraph h.;

1636 b. A certified copy of a United States birth certificate;

1637 c. A valid, unexpired United States passport;

1638 d. A naturalization certificate issued by the United States
1639 Department of Homeland Security;

1640 e. A valid, unexpired alien registration receipt card
1641 (green card);

1642 f. A Consular Report of Birth Abroad provided by the United
1643 States Department of State;

1644 g. An unexpired employment authorization card issued by the
1645 United States Department of Homeland Security; or

1646 h. Proof of nonimmigrant classification provided by the
1647 United States Department of Homeland Security, for an original
1648 identification card. In order to prove such nonimmigrant
1649 classification, applicants must provide at least one of ~~may~~
1650 ~~produce but are not limited to~~ the following documents, and, in
1651 addition, the department may require other documents for the
1652 sole purpose of establishing the maintenance of or efforts to
1653 maintain continuous lawful presence:

16-00530B-11

20111150__

1654 (I) A notice of hearing from an immigration court
1655 scheduling a hearing on any proceeding.

1656 (II) A notice from the Board of Immigration Appeals
1657 acknowledging pendency of an appeal.

1658 (III) Notice of the approval of an application for
1659 adjustment of status issued by the United States Bureau of
1660 Citizenship and Immigration Services.

1661 (IV) Any official documentation confirming the filing of a
1662 petition for asylum or refugee status or any other relief issued
1663 by the United States Bureau of Citizenship and Immigration
1664 Services.

1665 (V) Notice of action transferring any pending matter from
1666 another jurisdiction to Florida, issued by the United States
1667 Bureau of Citizenship and Immigration Services.

1668 (VI) Order of an immigration judge or immigration officer
1669 granting any relief that authorizes the alien to live and work
1670 in the United States including, but not limited to asylum.

1671 (VII) Evidence that an application is pending for
1672 adjustment of status to that of an alien lawfully admitted for
1673 permanent residence in the United States or conditional
1674 permanent resident status in the United States, if a visa number
1675 is available having a current priority date for processing by
1676 the United States Bureau of Citizenship and Immigration
1677 Services.

1678 (VIII) On or after January 1, 2010, an unexpired foreign
1679 passport with an unexpired United States Visa affixed,
1680 accompanied by an approved I-94, documenting the most recent
1681 admittance into the United States.

1682

16-00530B-11

20111150__

1683 An identification card issued based on documents required
1684 ~~Presentation of any of the documents described in sub-~~
1685 ~~subparagraph g. or sub-subparagraph h. is valid entitles the~~
1686 ~~applicant to an identification card~~ for a period not to exceed
1687 the expiration date of the document presented or 1 year,
1688 whichever first occurs.

1689 (9) Notwithstanding any other provision of this section or
1690 s. 322.21 to the contrary, the department shall issue or renew a
1691 card at no charge to a person who presents good cause for a fee
1692 waiver.

1693 Section 42. Subsection (4) of section 322.058, Florida
1694 Statutes, is amended to read:

1695 322.058 Suspension of driving privileges due to support
1696 delinquency; reinstatement.-

1697 (4) This section applies only to the annual renewal in the
1698 owner's birth month of a motor vehicle registration and does not
1699 apply to the transfer of a registration of a motor vehicle sold
1700 by a motor vehicle dealer licensed under chapter 320, except for
1701 the transfer of registrations which is inclusive of the annual
1702 renewals. This section does not affect the issuance of the title
1703 to a motor vehicle, notwithstanding s. 319.23(8)(b)
1704 ~~319.23(7)(b).~~

1705 Section 43. Section 322.065, Florida Statutes, is amended
1706 to read:

1707 322.065 Driver's license expired for 6 4 months or less;
1708 penalties.-Any person whose driver's license has been expired
1709 for 6 4 months or less and who drives a motor vehicle upon the
1710 highways of this state commits ~~is guilty of~~ an infraction and is
1711 subject to the penalty provided in s. 318.18.

16-00530B-11

20111150__

1712 Section 44. Subsection (3) of section 322.07, Florida
1713 Statutes, is amended to read:

1714 322.07 Instruction permits and temporary licenses.—

1715 (3) Any person who, except for his or her lack of
1716 instruction in operating a commercial motor vehicle, would
1717 otherwise be qualified to obtain a commercial driver's license
1718 under this chapter, may apply for a temporary commercial
1719 instruction permit. The department shall issue such a permit
1720 entitling the applicant, while having the permit in his or her
1721 immediate possession, to drive a commercial motor vehicle on the
1722 highways, provided that:

1723 (a) The applicant possesses a valid Florida driver's
1724 license ~~issued in any state~~; and

1725 (b) The applicant, while operating a commercial motor
1726 vehicle, is accompanied by a licensed driver who is 21 years of
1727 age or older, who is licensed to operate the class of vehicle
1728 being operated, and who is actually occupying the closest seat
1729 to the right of the driver.

1730 Section 45. Subsection (2) of section 322.08, Florida
1731 Statutes, is amended, and subsection (8) is added to that
1732 section, to read:

1733 322.08 Application for license; requirements for license
1734 and identification card forms.—

1735 (2) Each such application shall include the following
1736 information regarding the applicant:

1737 (a) Full name (first, middle or maiden, and last), gender,
1738 proof of social security card number satisfactory to the
1739 department, county of residence, mailing address, proof of
1740 residential address satisfactory to the department, country of

16-00530B-11

20111150__

1741 birth, and a brief description.

1742 (b) Proof of birth date satisfactory to the department.

1743 (c) Proof of identity satisfactory to the department. Such
1744 proof must include one of the following documents issued to the
1745 applicant:

1746 1. A driver's license record or identification card record
1747 from another jurisdiction that required the applicant to submit
1748 a document for identification which is substantially similar to
1749 a document required under subparagraph 2., subparagraph 3.,
1750 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
1751 7., or subparagraph 8.;

1752 2. A certified copy of a United States birth certificate;

1753 3. A valid, unexpired United States passport;

1754 4. A naturalization certificate issued by the United States
1755 Department of Homeland Security;

1756 5. A valid, unexpired alien registration receipt card
1757 (green card);

1758 6. A Consular Report of Birth Abroad provided by the United
1759 States Department of State;

1760 7. An unexpired employment authorization card issued by the
1761 United States Department of Homeland Security; or

1762 8. Proof of nonimmigrant classification provided by the
1763 United States Department of Homeland Security, for an original
1764 driver's license. In order to prove nonimmigrant classification,
1765 an applicant must provide at least one of the following
1766 documents; in addition, the department may require other
1767 documents for the sole purpose of establishing the maintenance
1768 of or efforts to maintain continuous lawful presence ~~may produce~~
1769 ~~the following documents, including, but not limited to:~~

16-00530B-11

20111150__

1770 a. A notice of hearing from an immigration court scheduling
1771 a hearing on any proceeding.

1772 b. A notice from the Board of Immigration Appeals
1773 acknowledging pendency of an appeal.

1774 c. A notice of the approval of an application for
1775 adjustment of status issued by the United States Bureau of
1776 Citizenship and Immigration Services.

1777 d. Any official documentation confirming the filing of a
1778 petition for asylum or refugee status or any other relief issued
1779 by the United States Bureau of Citizenship and Immigration
1780 Services.

1781 e. A notice of action transferring any pending matter from
1782 another jurisdiction to this state issued by the United States
1783 Bureau of Citizenship and Immigration Services.

1784 f. An order of an immigration judge or immigration officer
1785 granting any relief that authorizes the alien to live and work
1786 in the United States, including, but not limited to, asylum.

1787 g. Evidence that an application is pending for adjustment
1788 of status to that of an alien lawfully admitted for permanent
1789 residence in the United States or conditional permanent resident
1790 status in the United States, if a visa number is available
1791 having a current priority date for processing by the United
1792 States Bureau of Citizenship and Immigration Services.

1793 h. On or after January 1, 2010, an unexpired foreign
1794 passport with an unexpired United States Visa affixed,
1795 accompanied by an approved I-94, documenting the most recent
1796 admittance into the United States.

1797
1798 A driver's license or temporary permit issued based on documents

16-00530B-11

20111150

1799 required ~~Presentation of any of the documents~~ in subparagraph 7.
1800 or subparagraph 8. is valid ~~entitles the applicant to a driver's~~
1801 ~~license or temporary permit~~ for a period not to exceed the
1802 expiration date of the document presented or 1 year, whichever
1803 occurs first.

1804 (d) Whether the applicant has previously been licensed to
1805 drive, and, if so, when and by what state, and whether any such
1806 license or driving privilege has ever been disqualified,
1807 revoked, or suspended, or whether an application has ever been
1808 refused, and, if so, the date of and reason for such
1809 disqualification, suspension, revocation, or refusal.

1810 (e) Each such application may include fingerprints and
1811 other unique biometric means of identity.

1812 (8) The department may collect and use electronic mail
1813 addresses for the purpose of providing renewal notices in lieu
1814 of the United State Postal Service.

1815 Section 46. Subsection (9) is added to section 322.081,
1816 Florida Statutes, to read:

1817 322.081 Requests to establish voluntary checkoff on
1818 driver's license application.—

1819 (9) The department may annually retain from the first
1820 proceeds derived from the voluntary contributions collected an
1821 amount sufficient to defray for each voluntary contribution the
1822 pro rata share of the department's costs directly related to the
1823 voluntary contributions program. Such costs include renewal
1824 notices, postage, distribution costs, direct costs to the
1825 department, and costs associated with reviewing each
1826 organization's compliance with the audit and attestation
1827 requirements of this section. The revenues retained by the

16-00530B-11

20111150__

1828 department may not be less than 0.005 percent and may not exceed
1829 0.015 percent. The balance of the proceeds from the voluntary
1830 contributions collected shall be distributed as provided by law.

1831 Section 47. Subsection (5) of section 322.12, Florida
1832 Statutes, is amended to read:

1833 322.12 Examination of applicants.—

1834 ~~(5)(a) The department shall formulate a separate~~
1835 ~~examination for applicants for licenses to operate motorcycles.~~
1836 ~~Any applicant for a driver's license who wishes to operate a~~
1837 ~~motorcycle, and who is otherwise qualified, must successfully~~
1838 ~~complete such an examination, which is in addition to the~~
1839 ~~examination administered under subsection (3). The examination~~
1840 ~~must test the applicant's knowledge of the operation of a~~
1841 ~~motorcycle and of any traffic laws specifically relating thereto~~
1842 ~~and must include an actual demonstration of his or her ability~~
1843 ~~to exercise ordinary and reasonable control in the operation of~~
1844 ~~a motorcycle. Any applicant who fails to pass the initial~~
1845 ~~knowledge examination will incur a \$5 fee for each subsequent~~
1846 ~~examination, to be deposited into the Highway Safety Operating~~
1847 ~~Trust Fund. Any applicant who fails to pass the initial skills~~
1848 ~~examination will incur a \$10 fee for each subsequent~~
1849 ~~examination, to be deposited into the Highway Safety Operating~~
1850 ~~Trust Fund. In the formulation of the examination, the~~
1851 ~~department shall consider the use of the Motorcycle Operator~~
1852 ~~Skills Test and the Motorcycle in Traffic Test offered by the~~
1853 ~~Motorcycle Safety Foundation. The department shall indicate on~~
1854 ~~the license of any person who successfully completes the~~
1855 ~~examination that the licensee is authorized to operate a~~
1856 ~~motorcycle. If the applicant wishes to be licensed to operate a~~

16-00530B-11

20111150

1857 ~~motorcycle only, he or she need not take the skill or road test~~
1858 ~~required under subsection (3) for the operation of a motor~~
1859 ~~vehicle, and the department shall indicate such a limitation on~~
1860 ~~his or her license as a restriction.~~ Every first-time applicant
1861 for licensure to operate a motorcycle must provide proof of
1862 completion of a motorcycle safety course, as provided for in s.
1863 322.0255, which shall include a final examination before the
1864 applicant may be licensed to operate a motorcycle. The
1865 department shall indicate on the license of any person who
1866 successfully completes the course that the licensee is
1867 authorized to operate a motorcycle. If the applicant wishes to
1868 be licensed to operate a motorcycle only, he or she need not
1869 take the skill or road test required under subsection (3) for
1870 the operation of a motor vehicle, and the department shall
1871 indicate such a limitation on his or her license as a
1872 restriction.

1873 ~~(b) The department may exempt any applicant from the~~
1874 ~~examination provided in this subsection if the applicant~~
1875 ~~presents a certificate showing successful completion of a course~~
1876 ~~approved by the department, which course includes a similar~~
1877 ~~examination of the knowledge and skill of the applicant in the~~
1878 ~~operation of a motorcycle.~~

1879 Section 48. Subsection (5) of section 322.121, Florida
1880 Statutes, is amended to read:

1881 322.121 Periodic reexamination of all drivers.—

1882 (5) Members of the Armed Forces, or their dependents
1883 residing with them, shall be granted an automatic extension for
1884 the expiration of their Class E licenses without reexamination
1885 while serving on active duty outside this state. This extension

16-00530B-11

20111150

1886 is valid for 90 days after the member of the Armed Forces is
1887 either discharged or returns to this state to live.

1888 Section 49. Paragraph (a) of subsection (1) of section
1889 322.14, Florida Statutes, is amended to read:

1890 322.14 Licenses issued to drivers.—

1891 (1)(a) The department shall, upon successful completion of
1892 all required examinations and payment of the required fee, issue
1893 to every applicant qualifying therefor, a driver's license as
1894 applied for, which license shall bear thereon a color photograph
1895 or digital image of the licensee; the name of the state; a
1896 distinguishing number assigned to the licensee; and the
1897 licensee's full name, date of birth, and residence address; a
1898 brief description of the licensee, including, but not limited
1899 to, the licensee's gender and height; and the dates of issuance
1900 and expiration of the license. A space shall be provided upon
1901 which the licensee shall affix his or her usual signature. No
1902 license shall be valid until it has been so signed by the
1903 licensee except that the signature of said licensee shall not be
1904 required if it appears thereon in facsimile or if the licensee
1905 is not present within the state at the time of issuance.

1906 ~~Applicants qualifying to receive a Class A, Class B, or Class C~~
1907 ~~driver's license must appear in person within the state for~~
1908 ~~issuance of a color photographic or digital imaged driver's~~
1909 ~~license pursuant to s. 322.142.~~

1910 Section 50. Subsections (9), (10), (13), (14), and (16) of
1911 section 322.20, Florida Statutes, are amended to read:

1912 322.20 Records of the department; fees; destruction of
1913 records.—

1914 (9) The department may, upon application, furnish to any

16-00530B-11

20111150__

1915 person, from its ~~the~~ records ~~of the Division of Driver Licenses~~,
1916 a list of the names, addresses, and birth dates of the licensed
1917 drivers of the entire state or any portion thereof by age group.
1918 In addition, the department may furnish to the courts, for the
1919 purpose of establishing jury selection lists, the names,
1920 addresses, and birth dates of the persons of the entire state or
1921 any portion thereof by age group having identification cards
1922 issued by the department. Each person who requests such
1923 information shall pay a fee, set by the department, of 1 cent
1924 per name listed, except that the department shall furnish such
1925 information without charge to the courts for the purpose of jury
1926 selection or to any state agency or to any state attorney,
1927 sheriff, or chief of police. Such court, state agency, state
1928 attorney, or law enforcement agency may not sell, give away, or
1929 allow the copying of such information. Noncompliance with this
1930 prohibition shall authorize the department to charge the
1931 noncomplying court, state agency, state attorney, or law
1932 enforcement agency the appropriate fee for any subsequent lists
1933 requested. The department may adopt rules necessary to implement
1934 this subsection.

1935 (10) The department ~~Division of Driver Licenses~~ is
1936 authorized, upon application of any person and payment of the
1937 proper fees, to search and to assist such person in the search
1938 of the records of the department and make reports thereof and to
1939 make photographic copies of the departmental records and
1940 attestations thereof.

1941 (13) The department ~~Division of Driver Licenses~~ shall
1942 implement a system that allows either parent of a minor, or a
1943 guardian, or other responsible adult who signed a minor's

16-00530B-11

20111150

1944 application for a driver's license to have Internet access
1945 through a secure website to inspect the minor's driver history
1946 record. Internet access to driver history records granted to a
1947 minor's parents, guardian, or other responsible adult shall be
1948 furnished by the department at no fee and shall terminate when
1949 the minor attains 18 years of age.

1950 (14) The department is authorized in accordance with
1951 chapter 257 to destroy reports, records, documents, papers, and
1952 correspondence in the department ~~Division of Driver Licenses~~
1953 which are considered obsolete.

1954 (16) The creation and maintenance of records by the
1955 Division of Motorist Services within the department ~~and the~~
1956 ~~Division of Driver Licenses~~ pursuant to this chapter shall not
1957 be regarded as law enforcement functions of agency
1958 recordkeeping.

1959 Section 51. Section 322.202, Florida Statutes, is amended
1960 to read:

1961 322.202 Admission of evidence obtained from the Division of
1962 Motorist Services ~~Driver Licenses and the Division of Motor~~
1963 ~~Vehicles.~~

1964 (1) The Legislature finds that the Division of Motorist
1965 Services ~~Driver Licenses and the Division of Motor Vehicles~~ of
1966 the Department of Highway Safety and Motor Vehicles is ~~are~~ not a
1967 law enforcement agency ~~agencies~~. The Legislature also finds that
1968 the division is ~~divisions are~~ not an adjunct ~~adjuncts~~ of any law
1969 enforcement agency in that employees have no stake in particular
1970 prosecutions. The Legislature further finds that errors in
1971 records maintained by the Division of Motorist Services
1972 ~~divisions~~ are not within the collective knowledge of any law

16-00530B-11

20111150

1973 enforcement agency. The Legislature also finds that the mission
 1974 ~~missions~~ of the Division of Motorist Services Driver Licenses,
 1975 ~~the Division of Motor Vehicles~~, and the Department of Highway
 1976 Safety and Motor Vehicles provides ~~provide~~ a sufficient
 1977 incentive to maintain records in a current and correct fashion.

1978 (2) The Legislature finds that the purpose of the
 1979 exclusionary rule is to deter misconduct on the part of law
 1980 enforcement officers and law enforcement agencies.

1981 (3) The Legislature finds that the application of the
 1982 exclusionary rule to cases where a law enforcement officer
 1983 effects an arrest based on objectively reasonable reliance on
 1984 information obtained from the divisions is repugnant to the
 1985 purposes of the exclusionary rule and contrary to the decisions
 1986 of the United States Supreme Court in *Arizona v. Evans*, 514 U.S.
 1987 1 (1995) and *United States v. Leon*, 468 U.S. 897 (1984).

1988 (4) In any case where a law enforcement officer effects an
 1989 arrest based on objectively reasonable reliance on information
 1990 obtained from the divisions, evidence found pursuant to such an
 1991 arrest shall not be suppressed by application of the
 1992 exclusionary rule on the grounds that the arrest is subsequently
 1993 determined to be unlawful due to erroneous information obtained
 1994 from the divisions.

1995 Section 52. Subsections (2) and (4) of section 322.21,
 1996 Florida Statutes, are amended to read:

1997 322.21 License fees; procedure for handling and collecting
 1998 fees.—

1999 (2) It is the duty of the Director of the Division of
 2000 Motorist Services to provide ~~Driver Licenses to set up a~~
 2001 ~~division in the department with the necessary personnel to~~

16-00530B-11

20111150__

2002 perform the ~~necessary~~ clerical and routine work for the
2003 department in issuing and recording applications, licenses, and
2004 certificates of eligibility, including the receiving and
2005 accounting of all license funds and their payment into the State
2006 Treasury, and other incidental clerical work connected with the
2007 administration of this chapter. The department may use such
2008 electronic, mechanical, or other devices as necessary to
2009 accomplish the purposes of this chapter.

2010 (4) If the department determines from its records or is
2011 otherwise satisfied that the holder of a license about to expire
2012 is entitled to have it renewed, the department shall mail a
2013 renewal notice to the licensee at his or her last known address,
2014 at least within 30 days before the licensee's birthday. The
2015 licensee may ~~shall~~ be issued a renewal license, after
2016 reexamination, if required, ~~during the 30 days immediately~~
2017 ~~preceding his or her birthday upon presenting a renewal notice,~~
2018 ~~his or her current license, and the fee for renewal to the~~
2019 ~~department at any driver's license examining office. A driver~~
2020 may renew his or her driver's license up to 18 months prior to
2021 the license expiration date.

2022 Section 53. Subsection (2) of section 322.53, Florida
2023 Statutes, is amended to read:

2024 322.53 License required; exemptions.—

2025 (2) The following persons are exempt from the requirement
2026 to obtain a commercial driver's license:

2027 (a) Drivers of authorized emergency vehicles.

2028 (b) Military personnel driving vehicles operated for
2029 military purposes.

2030 (c) Farmers transporting agricultural products, farm

16-00530B-11

20111150__

2031 supplies, or farm machinery to or from their farms within 150
 2032 miles of their farm if the vehicle operated under this exemption
 2033 is not used in the operations of a common or contract motor
 2034 carrier, or transporting agricultural products to or from the
 2035 first place of storage or processing or directly to or from
 2036 market, within 150 miles of their farm.

2037 (d) Drivers of recreational vehicles, as defined in s.
 2038 320.01.

2039 (e) Drivers who operate straight trucks, as defined in s.
 2040 316.003, which ~~that~~ are exclusively transporting their own
 2041 tangible personal property that ~~which~~ is not for sale or hire,
 2042 and the vehicle is not used in commerce.

2043 (f) An employee of a publicly owned transit system who is
 2044 limited to moving vehicles for maintenance or parking purposes
 2045 exclusively within the restricted-access confines of a transit
 2046 system's property.

2047 Section 54. Subsection (5) is added to section 322.54,
 2048 Florida Statutes, to read:

2049 322.54 Classification.—

2050 (5) The required driver's license classification of any
 2051 person operating a commercial motor vehicle that has no gross
 2052 vehicle weight rating plate or no vehicle identification number
 2053 shall be determined by the actual weight of the vehicle.

2054 Section 55. Section 322.58, Florida Statutes, is repealed.

2055 Section 56. Section 322.59, Florida Statutes, is amended to
 2056 read:

2057 322.59 Possession of medical examiner's certificate.—

2058 (1) The department shall not issue a commercial driver's
 2059 license to any person who is required by the laws of this state

16-00530B-11

20111150__

2060 or by federal law to possess a medical examiner's certificate,
2061 unless such person provides ~~presents~~ a valid certificate, as
2062 described in 49 C.F.R. s. 383.71, prior to licensure.

2063 (2) The department shall disqualify a driver from operating
2064 a commercial motor vehicle if that driver holds a commercial
2065 driver's license and fails to comply with the medical
2066 certification requirements described in 49 C.F.R. s. 383.71.

2067 ~~(2) This section does not expand the requirements as to who~~
2068 ~~must possess a medical examiner's certificate.~~

2069 Section 57. Subsection (5) of section 322.61, Florida
2070 Statutes, is amended to read:

2071 322.61 Disqualification from operating a commercial motor
2072 vehicle.—

2073 (5) Any person who is convicted of two violations specified
2074 in subsection (3) which were committed while operating a
2075 commercial motor vehicle, or any combination thereof, arising in
2076 separate incidents shall be permanently disqualified from
2077 operating a commercial motor vehicle. Any holder of a commercial
2078 driver's license who is convicted of two violations specified in
2079 subsection (3), which were committed while operating any a
2080 ~~noncommercial~~ motor vehicle, ~~or any combination thereof~~, arising
2081 in separate incidents shall be permanently disqualified from
2082 operating a commercial motor vehicle. The penalty provided in
2083 this subsection is in addition to any other applicable penalty.

2084 Section 58. Subsections (1), (4), (7), (8), and (11) of
2085 section 322.64, Florida Statutes, are amended to read:

2086 322.64 Holder of commercial driver's license; persons
2087 operating a commercial motor vehicle; driving with unlawful
2088 blood-alcohol level; refusal to submit to breath, urine, or

16-00530B-11

20111150

2089 blood test.—

2090 (1) (a) A law enforcement officer or correctional officer
2091 shall, on behalf of the department, disqualify from operating
2092 any commercial motor vehicle a person who while operating or in
2093 actual physical control of a commercial motor vehicle is
2094 arrested for a violation of s. 316.193, relating to unlawful
2095 blood-alcohol level or breath-alcohol level, or a person who has
2096 refused to submit to a breath, urine, or blood test authorized
2097 by s. 322.63 or s. 316.1932 arising out of the operation or
2098 actual physical control of a commercial motor vehicle. A law
2099 enforcement officer or correctional officer shall, on behalf of
2100 the department, disqualify the holder of a commercial driver's
2101 license from operating any commercial motor vehicle if the
2102 licenseholder, while operating or in actual physical control of
2103 a motor vehicle, is arrested for a violation of s. 316.193,
2104 relating to unlawful blood-alcohol level or breath-alcohol
2105 level, or refused to submit to a breath, urine, or blood test
2106 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
2107 the person, the officer shall take the person's driver's license
2108 and issue the person a 10-day temporary permit for the operation
2109 of noncommercial vehicles only if the person is otherwise
2110 eligible for the driving privilege and shall issue the person a
2111 notice of disqualification. If the person has been given a
2112 blood, breath, or urine test, the results of which are not
2113 available to the officer at the time of the arrest, the agency
2114 employing the officer shall transmit such results to the
2115 department within 5 days after receipt of the results. If the
2116 department then determines that the person had a blood-alcohol
2117 level or breath-alcohol level of 0.08 or higher, the department

16-00530B-11

20111150__

2118 shall disqualify the person from operating a commercial motor
2119 vehicle pursuant to subsection (3).

2120 (b) For purposes of determining the period of
2121 disqualification described in 49 C.F.R. s. 383.51,
2122 disqualifications listed in paragraph (a) shall be treated as
2123 convictions.

2124 (c)~~(b)~~ The disqualification under paragraph (a) shall be
2125 pursuant to, and the notice of disqualification shall inform the
2126 driver of, the following:

2127 1.a. The driver refused to submit to a lawful breath,
2128 blood, or urine test and he or she is disqualified from
2129 operating a commercial motor vehicle for the time period
2130 specified in 49 C.F.R. s. 383.51 ~~a period of 1 year, for a first~~
2131 ~~refusal, or permanently, if he or she has previously been~~
2132 ~~disqualified under this section; or~~

2133 b. The driver had an unlawful blood-alcohol or breath-
2134 alcohol level of 0.08 or higher while driving or in actual
2135 physical control of a commercial motor vehicle, or any motor
2136 vehicle if the driver holds a commercial driver's license, and
2137 is disqualified for the time period specified in 49 C.F.R. s.
2138 383.51. ~~The driver was driving or in actual physical control of~~
2139 ~~a commercial motor vehicle, or any motor vehicle if the driver~~
2140 ~~holds a commercial driver's license, had an unlawful blood-~~
2141 ~~alcohol level or breath-alcohol level of 0.08 or higher, and his~~
2142 ~~or her driving privilege shall be disqualified for a period of 1~~
2143 ~~year for a first offense or permanently disqualified if his or~~
2144 ~~her driving privilege has been previously disqualified under~~
2145 ~~this section.~~

2146 2. The disqualification period for operating commercial

16-00530B-11

20111150__

2147 vehicles shall commence on the date of issuance of the notice of
2148 disqualification.

2149 3. The driver may request a formal or informal review of
2150 the disqualification by the department within 10 days after the
2151 date of issuance of the notice of disqualification.

2152 4. The temporary permit issued at the time of
2153 disqualification expires at midnight of the 10th day following
2154 the date of disqualification.

2155 5. The driver may submit to the department any materials
2156 relevant to the disqualification.

2157 (4) If the person disqualified requests an informal review
2158 pursuant to subparagraph (1) (c) ~~(b)~~ 3., the department shall
2159 conduct the informal review by a hearing officer employed by the
2160 department. Such informal review hearing shall consist solely of
2161 an examination by the department of the materials submitted by a
2162 law enforcement officer or correctional officer and by the
2163 person disqualified, and the presence of an officer or witness
2164 is not required.

2165 (7) In a formal review hearing under subsection (6) or an
2166 informal review hearing under subsection (4), the hearing
2167 officer shall determine by a preponderance of the evidence
2168 whether sufficient cause exists to sustain, amend, or invalidate
2169 the disqualification. The scope of the review shall be limited
2170 to the following issues:

2171 (a) If the person was disqualified from operating a
2172 commercial motor vehicle for driving with an unlawful blood-
2173 alcohol level:

2174 1. Whether the ~~arresting~~ law enforcement officer had
2175 probable cause to believe that the person was driving or in

16-00530B-11

20111150__

2176 actual physical control of a commercial motor vehicle, or any
2177 motor vehicle if the driver holds a commercial driver's license,
2178 in this state while he or she had any alcohol, chemical
2179 substances, or controlled substances in his or her body.

2180 2. Whether the person had an unlawful blood-alcohol level
2181 or breath-alcohol level of 0.08 or higher.

2182 (b) If the person was disqualified from operating a
2183 commercial motor vehicle for refusal to submit to a breath,
2184 blood, or urine test:

2185 1. Whether the law enforcement officer had probable cause
2186 to believe that the person was driving or in actual physical
2187 control of a commercial motor vehicle, or any motor vehicle if
2188 the driver holds a commercial driver's license, in this state
2189 while he or she had any alcohol, chemical substances, or
2190 controlled substances in his or her body.

2191 2. Whether the person refused to submit to the test after
2192 being requested to do so by a law enforcement officer or
2193 correctional officer.

2194 3. Whether the person was told that if he or she refused to
2195 submit to such test he or she would be disqualified from
2196 operating a commercial motor vehicle for a period of 1 year or,
2197 if previously disqualified under this section, permanently.

2198 (8) Based on the determination of the hearing officer
2199 pursuant to subsection (7) for both informal hearings under
2200 subsection (4) and formal hearings under subsection (6), the
2201 department shall:

2202 ~~(a)~~ sustain the disqualification for the time period
2203 described in 49 C.F.R. s. 383.51 ~~a period of 1 year for a first~~
2204 ~~refusal, or permanently if such person has been previously~~

16-00530B-11

20111150__

2205 ~~disqualified from operating a commercial motor vehicle under~~
2206 ~~this section.~~ The disqualification period commences on the date
2207 of the issuance of the notice of disqualification.

2208 ~~(b) Sustain the disqualification:~~

2209 ~~1. For a period of 1 year if the person was driving or in~~
2210 ~~actual physical control of a commercial motor vehicle, or any~~
2211 ~~motor vehicle if the driver holds a commercial driver's license,~~
2212 ~~and had an unlawful blood-alcohol level or breath-alcohol level~~
2213 ~~of 0.08 or higher; or~~

2214 ~~2. Permanently if the person has been previously~~
2215 ~~disqualified from operating a commercial motor vehicle under~~
2216 ~~this section or his or her driving privilege has been previously~~
2217 ~~suspended for driving or being in actual physical control of a~~
2218 ~~commercial motor vehicle, or any motor vehicle if the driver~~
2219 ~~holds a commercial driver's license, and had an unlawful blood-~~
2220 ~~alcohol level or breath-alcohol level of 0.08 or higher.~~

2221
2222 ~~The disqualification period commences on the date of the~~
2223 ~~issuance of the notice of disqualification.~~

2224 (11) The formal review hearing may be conducted upon a
2225 review of the reports of a law enforcement officer or a
2226 correctional officer, including documents relating to the
2227 administration of a breath test or blood test or the refusal to
2228 take a breath, blood, or urine ~~either~~ test. However, as provided
2229 in subsection (6), the driver may subpoena the officer or any
2230 person who administered or analyzed a breath or blood test.

2231 Section 59. Section 328.30, Florida Statutes, is amended to
2232 read:

2233 328.30 Transactions by electronic or telephonic means.—

16-00530B-11

20111150__

2234 (1) The department may ~~is authorized to~~ accept any
2235 application provided for under this chapter by electronic or
2236 telephonic means.

2237 (2) The department may issue an electronic certificate of
2238 title in lieu of printing a paper title.

2239 (3) The department may collect and use electronic mail
2240 addresses for the purpose of providing renewal notices in lieu
2241 of the United States Postal Service.

2242 Section 60. Subsection (2) of section 413.012, Florida
2243 Statutes, is amended to read:

2244 413.012 Confidential records disclosure prohibited;
2245 exemptions.—

2246 (2) It is unlawful for any person to disclose, authorize
2247 the disclosure, solicit, receive, or make use of any list of
2248 names and addresses or any record containing any information set
2249 forth in subsection (1) and maintained in the division. The
2250 prohibition provided for in this subsection shall not apply to
2251 the use of such information for purposes directly connected with
2252 the administration of the vocational rehabilitation program or
2253 with the monthly dispatch to ~~the Division of Driver Licenses of~~
2254 the Department of Highway Safety and Motor Vehicles of the name
2255 in full, place and date of birth, sex, social security number,
2256 and resident address of individuals with central visual acuity
2257 20/200 or less in the better eye with correcting glasses, or a
2258 disqualifying field defect in which the peripheral field has
2259 contracted to such an extent that the widest diameter or visual
2260 field subtends an angular distance no greater than 20 degrees.
2261 When requested in writing by an applicant or client, or her or
2262 his representative, the Division of Blind Services shall release

16-00530B-11

20111150__

2263 confidential information to the applicant or client or her or
2264 his representative.

2265 Section 61. Paragraph (f) of subsection (13) of section
2266 713.78, Florida Statutes, is amended to read:

2267 713.78 Liens for recovering, towing, or storing vehicles
2268 and vessels.—

2269 (13)

2270 (f) This subsection applies only to the annual renewal in
2271 the registered owner's birth month of a motor vehicle
2272 registration and does not apply to the transfer of a
2273 registration of a motor vehicle sold by a motor vehicle dealer
2274 licensed under chapter 320, except for the transfer of
2275 registrations which is inclusive of the annual renewals. This
2276 subsection does not apply to any vehicle registered in the name
2277 of the lessor. This subsection does not affect the issuance of
2278 the title to a motor vehicle, notwithstanding s. 319.23(8)(b)
2279 ~~319.23(7)(b)~~.

2280 Section 62. This act shall take effect July 1, 2011.