

By the Committee on Transportation; and Senator Latvala

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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.
12 316.1905, F.S.; providing that certain traffic
13 citations may not be issued or prosecuted unless a law
14 enforcement officer used an electrical, mechanical, or
15 other speed-calculating device that has been tested
16 and approved; providing an exception; amending s.
17 316.1933, F.S.; authorizing a health care provider to
18 notify a law enforcement agency after detecting the
19 presence of a controlled substance in the blood of a
20 person injured in a motor vehicle crash; amending s.
21 316.1957, F.S., relating to parking violations;
22 conforming a reference; amending s. 316.2085, F.S.;
23 requiring that license tags for mopeds and motorcycles
24 be affixed so that the letters and numbers are legible
25 from the rear; specifying that the tags may be
26 displayed horizontally or vertically to the ground so
27 that the numbers and letters read from left to right
28 or from top to bottom; amending ss. 316.2122,
29 316.2124, 316.21265, 316.3026, and 316.550, F.S.,

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30 relating to the operation of low-speed vehicles,
31 motorized disability access vehicles, and all-terrain
32 or utility vehicles, the unlawful operation of motor
33 carriers, and special permits, respectively;
34 conforming cross-references; amending s. 316.545,
35 F.S.; providing for the regulation of apportionable
36 vehicles; amending s. 316.646, F.S.; authorizing the
37 department to suspend the registrations and driving
38 privilege of a person convicted of failing to maintain
39 the required security while operating a private
40 passenger motor vehicle; amending s. 317.0003, F.S.,
41 relating to off-highway vehicles; conforming a cross-
42 reference; amending s. 317.0016, F.S.; eliminating a
43 requirement that the department provide expedited
44 service for certificates of repossession; amending s.
45 318.14, F.S.; clarifying provisions authorizing a
46 person cited for a noncriminal traffic infraction to
47 elect to attend a driver improvement course or enter a
48 plea of nolo contendere; amending s. 318.15, F.S.,
49 relating to the suspension of driving privileges;
50 conforming a reference; amending s. 319.14, F.S.;
51 prohibiting a person from knowingly offering for sale,
52 selling, or exchanging certain vehicles unless the
53 department has stamped in a conspicuous place on the
54 certificate of title words stating that the vehicle is
55 a custom vehicle or street rod vehicle; defining the
56 terms "custom vehicle" and "street rod"; amending s.
57 319.225, F.S.; revising the requirements for the
58 transfer and reassignment forms for vehicles;

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59 requiring that a dealer selling a vehicle out of state
60 mail a copy of the power of attorney form to the
61 department; providing for the electronic transfer of a
62 vehicle title; amending s. 319.23, F.S.; providing for
63 the application for a certificate of title, corrected
64 certificate, or assignment or reassignment to be filed
65 from the consummation of the sale of a mobile home;
66 authorizing the department to accept a bond if the
67 applicant for a certificate of title is unable to
68 provide a title that assigns the prior owner's
69 interest in the motor vehicle; providing requirements
70 for the bond and the affidavit; providing for future
71 expiration of the bond; amending s. 319.28, F.S.;
72 eliminating certain requirements that a lienholder
73 obtain a certificate of repossession following
74 repossession of a vehicle or mobile home; amending s.
75 319.323, F.S., relating to title offices for expedited
76 service; conforming provisions to changes made by the
77 act; amending s. 319.40, F.S.; authorizing the
78 department to issue electronic certificates of title
79 and use electronic mail addresses for purposes of
80 notification; amending s. 320.01, F.S.; revising the
81 definition of the term "motor vehicle" to include
82 special mobile equipment; deleting an obsolete
83 definition; revising the gross vehicle weight for
84 purposes of defining the terms "apportionable vehicle"
85 and "commercial motor vehicle"; amending s. 320.02,
86 F.S.; providing that an active-duty military member is
87 exempt from the requirement to provide an address on

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88 an application for vehicle registration; requiring the
89 application forms for motor vehicle registration and
90 renewal of registration to include language permitting
91 the applicant to make a voluntary contribution to End
92 Hunger in Florida; requiring that the department
93 retain certain records for a specified period;
94 amending s. 320.023, F.S.; authorizing the department
95 to retain certain proceeds derived from the voluntary
96 contributions program to cover certain specified costs
97 to the department; amending s. 320.03, F.S., relating
98 to the International Registration Plan; conforming
99 provisions to changes made by the act; amending s.
100 320.05, F.S.; deleting a provision requiring that the
101 department provide a procedures manual for a fee;
102 clarifying that the creation and maintenance of
103 records by the Division of Motorist Services is not a
104 law enforcement function of agency recordkeeping;
105 amending s. 320.06, F.S.; authorizing the department
106 to conduct a pilot program to evaluate alternative
107 license plate technologies for use on government-owned
108 motor vehicles; specifying that all license plates
109 issued by the department are the property of the
110 state; amending s. 320.061, F.S.; providing that it is
111 a noncriminal traffic infraction to alter a temporary
112 license plate; amending s. 320.071, F.S.; providing
113 for the renewal of registration for an apportionable
114 vehicle that is registered under the International
115 Registration Plan; amending s. 320.0715, F.S.;

116 clarifying provisions requiring the registration of

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117 apportionable vehicles under the International
118 Registration Plan; amending s. 320.08, F.S., relating
119 to license taxes; conforming cross-references;
120 amending s. 320.0847, F.S., relating to license plates
121 for mini trucks and low-speed vehicles; conforming
122 cross-references; amending s. 320.0848, F.S.; revising
123 the requirements for the deposit of fee proceeds from
124 temporary disabled parking permits; amending s.
125 320.275, F.S., relating to the Automobile Dealers
126 Industry Advisory Board; conforming provisions to the
127 elimination of the Division of Motor Vehicles within
128 the department; amending s. 320.771, F.S.; specifying
129 circumstances under which certain dealers may apply
130 for a certificate of title to a recreational vehicle
131 using a manufacturer's statement of origin; amending
132 s. 320.95, F.S.; authorizing the department to use
133 electronic mail addresses for the purpose of providing
134 license renewal notices; amending s. 321.02, F.S.;
135 designating the director of the Division of Highway
136 Patrol of the department as the Colonel of the Florida
137 Highway Patrol; amending s. 322.02, F.S.; providing
138 for a director of the Division of Motorist Services;
139 amending s. 322.04, F.S.; revising provisions
140 exempting a nonresident from the requirement to obtain
141 a driver's license under certain circumstances;
142 amending s. 322.051, F.S.; revising requirements by
143 which an applicant for an identification card may
144 prove nonimmigrant classification; clarifying the
145 validity of an identification card based on specified

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146 documents; providing for the department to waive the
147 fees for issuing or renewing an identification card to
148 persons who present good cause for such waiver;
149 amending s. 322.058, F.S.; conforming a cross-
150 reference; amending s. 322.065, F.S.; revising the
151 period of expiration that constitutes the offense of
152 driving with an expired driver's license; amending s.
153 322.07, F.S.; clarifying the qualifications for
154 obtaining a temporary commercial instruction permit;
155 amending s. 322.08, F.S.; revising requirements by
156 which an applicant for a driver's license may prove
157 nonimmigrant classification; clarifying the validity
158 of a license based on specified documents; authorizing
159 the department to use electronic mail addresses for
160 the purposes of providing license renewal notices;
161 amending s. 322.081, F.S.; authorizing the department
162 to retain certain proceeds derived from the voluntary
163 contributions made on driver's license applications to
164 cover certain specified costs to the department;
165 amending s. 322.12, F.S.; deleting provisions
166 requiring a separate examination for applicants for a
167 license to operate a motorcycle; requiring that the
168 motorcycle safety course for a first-time applicant
169 include a final examination; requiring that completion
170 of the course be indicated on the license; amending s.
171 322.121, F.S.; clarifying provisions authorizing the
172 automatic extension of a license for members of the
173 Armed Forces or their dependents while serving on
174 active duty outside the state; amending s. 322.14,

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175 F.S.; deleting a requirement that applicants for
176 specified licenses appear in person for issuance of a
177 color photographic or digital imaged driver's license;
178 creating s. 322.1415, F.S.; requiring the Department
179 of Highway Safety and Motor Vehicles to issue a
180 specialty driver's license or identification card to
181 qualified applicants; specifying that, at a minimum,
182 the specialty driver's licenses and identification
183 cards must be available for certain state and
184 independent universities and professional sports teams
185 and all of the branches of the United States military;
186 requiring that the design of each specialty driver's
187 license and identification card be approved by the
188 department; amending s. 322.20, F.S., relating to
189 department records; conforming provisions to changes
190 made by the act; amending s. 322.202, F.S.; clarifying
191 that the Division of Motorist Services is not a law
192 enforcement agency; amending s. 322.21, F.S.;

193 providing for the distribution of funds collected from
194 the specialty driver's license and identification card
195 fees; conforming provisions to changes made by the
196 act; authorizing a driver to renew his or her driver's
197 license during a specified period before the license
198 expiration date; amending s. 322.53, F.S.; revising
199 provisions exempting certain farmers and drivers who
200 operate straight trucks from the requirement to obtain
201 a commercial driver's license; amending s. 322.54,
202 F.S.; requiring that the weight of a commercial motor
203 vehicle be based on the vehicle's actual weight under

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204 certain circumstances; repealing s. 322.58, F.S.,
205 relating to holders of chauffeur's licenses; amending
206 s. 322.59, F.S.; requiring that the department
207 disqualify a driver holding a commercial driver's
208 license who fails to comply with specified federal
209 certification requirements; amending s. 322.61, F.S.;
210 providing that the holder of a commercial driver's
211 license is permanently disqualified from operating a
212 commercial motor vehicle following two violations of
213 specified offenses committed while operating any
214 vehicle; amending s. 322.64, F.S.; providing that a
215 notice of disqualification from operating a commercial
216 motor vehicle acts as a conviction for purposes of
217 certain federal restrictions imposed for the offense
218 of operating a commercial motor vehicle while under
219 the influence of alcohol; deleting provisions
220 authorizing the department to impose certain
221 alternative restrictions for such offense; amending s.
222 328.30, F.S.; authorizing the department to issue
223 electronic certificates of title for vessels and use
224 electronic mail addresses for purposes of providing
225 renewal notices; amending s. 413.012, F.S., relating
226 to a prohibition on disclosing confidential records
227 held by the department; conforming provisions to
228 changes made by the act; amending s. 713.78, F.S.;
229 conforming a cross-reference; providing an effective
230 date.

231

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

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

236 20.24 Department of Highway Safety and Motor Vehicles.—
237 There is created a Department of Highway Safety and Motor
238 Vehicles.

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

245 (2) The following divisions, ~~and bureaus within the~~
246 ~~divisions,~~ of the Department of Highway Safety and Motor
247 Vehicles are established:

248 (a) Division of the Florida Highway Patrol.

249 (b) Division of Motorist Services.

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

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

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

254 261.03 Definitions.—As used in this chapter, the term:

255 (9) "ROV" means any motorized recreational off-highway
256 vehicle 64 inches or less in width, having a dry weight of 2,000
257 pounds or less, designed to travel on four or more nonhighway
258 tires, having nonstraddle seating and a steering wheel, and
259 manufactured for recreational use by one or more persons. The
260 term "ROV" does not include a golf cart as defined in ss.
261 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in

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262 s. 320.01~~(42)~~.

263 Section 3. Paragraph (e) of subsection (2) of section
264 288.816, Florida Statutes, is amended to read:

265 288.816 Intergovernmental relations.—

266 (2) The Office of Tourism, Trade, and Economic Development
267 shall be responsible for all consular relations between the
268 state and all foreign governments doing business in Florida. The
269 office shall monitor United States laws and directives to ensure
270 that all federal treaties regarding foreign privileges and
271 immunities are properly observed. The office shall promulgate
272 rules which shall:

273 (e) Verify entitlement to issuance of special motor vehicle
274 license plates by ~~the Division of Motor Vehicles~~ of the
275 Department of Highway Safety and Motor Vehicles to honorary
276 consuls or such other officials representing foreign governments
277 who are not entitled to issuance of special Consul Corps license
278 plates by the United States Government.

279 Section 4. Section 316.1905, Florida Statutes, is amended
280 to read:

281 316.1905 Electrical, mechanical, or other speed calculating
282 devices; power of arrest; evidence.—

283 (1) Whenever any peace officer engaged in the enforcement
284 of the motor vehicle laws of this state uses an electronic,
285 electrical, mechanical, or other device used to determine the
286 speed of a motor vehicle on any highway, road, street, or other
287 public way, such device shall be of a type approved by the
288 department and shall have been tested to determine that it is
289 operating accurately. Tests for this purpose shall be made not
290 less than once each 6 months, according to procedures and at

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291 regular intervals of time prescribed by the department.

292 (2) Any police officer, upon receiving information relayed
293 to him or her from a fellow officer stationed on the ground or
294 in the air operating such a device that a driver of a vehicle
295 has violated the speed laws of this state, may arrest the driver
296 for violation of said laws where reasonable and proper
297 identification of the vehicle and the speed of same has been
298 communicated to the arresting officer.

299 (3) A citations for a violation of s. 316.183, s. 316.187,
300 s. 316.189, or s. 316.1893 may not be issued or prosecuted
301 unless a law enforcement officer used an electrical, mechanical,
302 or other speed-calculating device that has been tested and
303 approved in accordance with subsection (1), or unless the
304 violation is determined to have contributed to a crash and the
305 law enforcement officer is able to determine by other reliable
306 measures that the driver was speeding.

307 (4)~~(3)~~(a) A witness otherwise qualified to testify shall be
308 competent to give testimony against an accused violator of the
309 motor vehicle laws of this state when such testimony is derived
310 from the use of such an electronic, electrical, mechanical, or
311 other device used in the calculation of speed, upon showing that
312 the speed calculating device which was used had been tested.
313 However, the operator of any visual average speed computer
314 device shall first be certified as a competent operator of such
315 device by the department.

316 (b) Upon the production of a certificate, signed and
317 witnessed, showing that such device was tested within the time
318 period specified and that such device was working properly, a
319 presumption is established to that effect unless the contrary

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320 shall be established by competent evidence.

321 (c) Any person accused pursuant to the provisions of this
322 section shall be entitled to have the officer actually operating
323 the device appear in court and testify upon oral or written
324 motion.

325 Section 5. Paragraph (a) of subsection (2) of section
326 316.1933, Florida Statutes, is amended to read:

327 316.1933 Blood test for impairment or intoxication in cases
328 of death or serious bodily injury; right to use reasonable
329 force.—

330 (2) (a) Only a physician, certified paramedic, registered
331 nurse, licensed practical nurse, other personnel authorized by a
332 hospital to draw blood, or duly licensed clinical laboratory
333 director, supervisor, technologist, or technician, acting at the
334 request of a law enforcement officer, may withdraw blood for the
335 purpose of determining the alcoholic content thereof or the
336 presence of chemical substances or controlled substances
337 therein. However, the failure of a law enforcement officer to
338 request the withdrawal of blood shall not affect the
339 admissibility of a test of blood withdrawn for medical purposes.

340 1. Notwithstanding any provision of law pertaining to the
341 confidentiality of hospital records or other medical records, if
342 a health care provider, who is providing medical care in a
343 health care facility to a person injured in a motor vehicle
344 crash, becomes aware, as a result of any blood test performed in
345 the course of that medical treatment, that the person's blood-
346 alcohol level meets or exceeds the blood-alcohol level specified
347 in s. 316.193(1) (b), or detects the presence of a controlled
348 substance listed in chapter 893, the health care provider may

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349 notify any law enforcement officer or law enforcement agency.
350 Any such notice must be given within a reasonable time after the
351 health care provider receives the test result. Any such notice
352 shall be used only for the purpose of providing the law
353 enforcement officer with reasonable cause to request the
354 withdrawal of a blood sample pursuant to this section.

355 2. The notice shall consist only of the name of the person
356 being treated, the name of the person who drew the blood, the
357 blood-alcohol level indicated by the test, and the date and time
358 of the administration of the test.

359 3. Nothing contained in s. 395.3025(4), s. 456.057, or any
360 applicable practice act affects the authority to provide notice
361 under this section, and the health care provider is not
362 considered to have breached any duty owed to the person under s.
363 395.3025(4), s. 456.057, or any applicable practice act by
364 providing notice or failing to provide notice. It shall not be a
365 breach of any ethical, moral, or legal duty for a health care
366 provider to provide notice or fail to provide notice.

367 4. A civil, criminal, or administrative action may not be
368 brought against any person or health care provider participating
369 in good faith in the provision of notice or failure to provide
370 notice as provided in this section. Any person or health care
371 provider participating in the provision of notice or failure to
372 provide notice as provided in this section shall be immune from
373 any civil or criminal liability and from any professional
374 disciplinary action with respect to the provision of notice or
375 failure to provide notice under this section. Any such
376 participant has the same immunity with respect to participating
377 in any judicial proceedings resulting from the notice or failure

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378 to provide notice.

379 Section 6. Section 316.1957, Florida Statutes, is amended
380 to read:

381 316.1957 Parking violations; designated parking spaces for
382 persons who have disabilities.—When evidence is presented in any
383 court of the fact that any motor vehicle was parked in a
384 properly designated parking space for persons who have
385 disabilities in violation of s. 316.1955, it is prima facie
386 evidence that the vehicle was parked and left in the space by
387 the person, firm, or corporation in whose name the vehicle is
388 registered and licensed according to the records of the
389 department ~~Division of Motor Vehicles~~.

390 Section 7. Subsection (3) of section 316.2085, Florida
391 Statutes, is amended to read:

392 316.2085 Riding on motorcycles or mopeds.—

393 (3) The license tag of a motorcycle or moped must be
394 permanently affixed to the vehicle and may not be ~~adjusted or~~
395 ~~capable of being~~ flipped up, inverted, reversed, or in any other
396 way rendered to make the letters of the tag illegible from the
397 rear while the vehicle is being operated. Concealing ~~No device~~
398 ~~for or method of concealing~~ or obscuring the legibility of the
399 license tag of a motorcycle is prohibited ~~shall be installed or~~
400 ~~used~~. The license tag of a motorcycle or moped may be affixed
401 horizontally or vertically to the ground so that the numbers and
402 letters read from left to right or from top to bottom.
403 ~~Alternatively, a license tag for a motorcycle or moped for which~~
404 ~~the numbers and letters read from top to bottom may be affixed~~
405 ~~perpendicularly to the ground, provided that the registered~~
406 ~~owner of the motorcycle or moped maintains a prepaid toll~~

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407 ~~account in good standing and a transponder associated with the~~
408 ~~prepaid toll account is affixed to the motorcycle or moped.~~

409 Section 8. Section 316.2122, Florida Statutes, is amended
410 to read:

411 316.2122 Operation of a low-speed vehicle or mini truck on
412 certain roadways.—The operation of a low-speed vehicle as
413 defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
414 320.01~~(45)~~ on any road as defined in s. 334.03(15) or (33) is
415 authorized with the following restrictions:

416 (1) A low-speed vehicle or mini truck may be operated only
417 on streets where the posted speed limit is 35 miles per hour or
418 less. This does not prohibit a low-speed vehicle or mini truck
419 from crossing a road or street at an intersection where the road
420 or street has a posted speed limit of more than 35 miles per
421 hour.

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

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

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

431 (5) A county or municipality may prohibit the operation of
432 low-speed vehicles or mini trucks on any road under its
433 jurisdiction if the governing body of the county or municipality
434 determines that such prohibition is necessary in the interest of
435 safety.

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

440 Section 9. Section 316.2124, Florida Statutes, is amended
441 to read:

442 316.2124 Motorized disability access vehicles.—The
443 Department of Highway Safety and Motor Vehicles is directed to
444 provide, by rule, for the regulation of motorized disability
445 access vehicles as described in s. 320.01~~(34)~~. The department
446 shall provide that motorized disability access vehicles shall be
447 registered in the same manner as motorcycles and shall pay the
448 same registration fee as for a motorcycle. There shall also be
449 assessed, in addition to the registration fee, a \$2.50 surcharge
450 for motorized disability access vehicles. This surcharge shall
451 be paid into the Highway Safety Operating Trust Fund. Motorized
452 disability access vehicles shall not be required to be titled by
453 the department. The department shall require motorized
454 disability access vehicles to be subject to the same safety
455 requirements as set forth in this chapter for motorcycles.

456 Section 10. Section 316.21265, Florida Statutes, is amended
457 to read:

458 316.21265 Use of all-terrain vehicles, golf carts, low-
459 speed vehicles, or utility vehicles by law enforcement
460 agencies.—

461 (1) Notwithstanding any provision of law to the contrary,
462 any law enforcement agency in this state may operate all-terrain
463 vehicles as defined in s. 316.2074, golf carts as defined in s.
464 320.01(22), low-speed vehicles as defined in s. 320.01~~(42)~~, or

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465 utility vehicles as defined in s. 320.01~~(43)~~ on any street,
466 road, or highway in this state while carrying out its official
467 duties.

468 (2) Such vehicles must be clearly marked as vehicles of a
469 law enforcement agency and may be equipped with special warning
470 lights, signaling devices, or other equipment approved or
471 authorized for use on law enforcement vehicles.

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

475 Section 11. Subsection (1) of section 316.3026, Florida
476 Statutes, is amended to read:

477 316.3026 Unlawful operation of motor carriers.—

478 (1) The Office of Motor Carrier Compliance of the
479 Department of Transportation may issue out-of-service orders to
480 motor carriers, as defined in s. 320.01~~(33)~~, who have after
481 proper notice failed to pay any penalty or fine assessed by the
482 department, or its agent, against any owner or motor carrier for
483 violations of state law, refused to submit to a compliance
484 review and provide records pursuant to s. 316.302(5) or s.
485 316.70, or violated safety regulations pursuant to s. 316.302 or
486 insurance requirements found in s. 627.7415. Such out-of-service
487 orders shall have the effect of prohibiting the operations of
488 any motor vehicles owned, leased, or otherwise operated by the
489 motor carrier upon the roadways of this state, until such time
490 as the violations have been corrected or penalties have been
491 paid. Out-of-service orders issued under this section must be
492 approved by the Secretary of Transportation or his or her
493 designee. An administrative hearing pursuant to s. 120.569 shall

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494 be afforded to motor carriers subject to such orders.

495 Section 12. Subsection (3) of section 316.545, Florida
496 Statutes, is amended to read:

497 316.545 Weight and load unlawful; special fuel and motor
498 fuel tax enforcement; inspection; penalty; review.—

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

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

505 (b) Five cents per pound for each pound of weight in excess
506 of the maximum herein provided when the excess weight exceeds
507 200 pounds. However, whenever the gross weight of the vehicle or
508 combination of vehicles does not exceed the maximum allowable
509 gross weight, the maximum fine for the first 600 pounds of
510 unlawful axle weight shall be \$10;

511 (c) For a vehicle equipped with fully functional idle-
512 reduction technology, any penalty shall be calculated by
513 reducing the actual gross vehicle weight or the internal bridge
514 weight by the certified weight of the idle-reduction technology
515 or by 400 pounds, whichever is less. The vehicle operator must
516 present written certification of the weight of the idle-
517 reduction technology and must demonstrate or certify that the
518 idle-reduction technology is fully functional at all times. This
519 calculation is not allowed for vehicles described in s.
520 316.535(6);

521 (d) An apportionable ~~apportioned motor~~ vehicle, as defined
522 in s. 320.01, operating on the highways of this state without

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523 being properly licensed and registered shall be subject to the
524 penalties as herein provided; and

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

529 Section 13. Paragraph (a) of subsection (5) and subsection
530 (10) of section 316.550, Florida Statutes, are amended to read:

531 316.550 Operations not in conformity with law; special
532 permits.—

533 (5) (a) The Department of Transportation may issue a wrecker
534 special blanket permit to authorize a wrecker as defined in s.
535 320.01~~(40)~~ to tow a disabled vehicle as defined in s. 320.01(38)
536 where the combination of the wrecker and the disabled vehicle
537 being towed exceeds the maximum weight limits as established by
538 s. 316.535.

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

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

548 (b) For each violation of dimensional criteria in a special
549 permit, the penalty shall be as provided in s. 316.516 and
550 penalties for multiple violations of dimensional criteria shall
551 be cumulative except that the total penalty for the vehicle

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552 shall not exceed \$1,000.

553 (c) For each violation of an operational or safety
554 stipulation in a special permit, the penalty shall be an amount
555 not to exceed \$1,000 per violation and penalties for multiple
556 violations of operational or safety stipulations shall be
557 cumulative except that the total penalty for the vehicle shall
558 not exceed \$1,000.

559 (d) For violation of any special condition that has been
560 prescribed in the rules of the Department of Transportation and
561 declared on the permit, the vehicle shall be determined to be
562 out of conformance with the permit and the permit shall be
563 declared null and void for the vehicle, and weight and
564 dimensional limits for the vehicle shall be as established in s.
565 316.515 or s. 316.535, whichever is applicable, and:

566 1. For weight violations, a penalty as provided in s.
567 316.545 shall be assessed for those weights which exceed the
568 limits thus established for the vehicle; and

569 2. For dimensional, operational, or safety violations, a
570 penalty as established in paragraph (c) or s. 316.516, whichever
571 is applicable, shall be assessed for each nonconforming
572 dimensional, operational, or safety violation and the penalties
573 for multiple violations shall be cumulative for the vehicle.

574 Section 14. Subsection (3) of section 316.646, Florida
575 Statutes, is amended to read:

576 316.646 Security required; proof of security and display
577 thereof; dismissal of cases.—

578 (3) Any person who violates this section commits a
579 nonmoving traffic infraction subject to the penalty provided in
580 chapter 318 and shall be required to furnish proof of security

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581 as provided in this section. If any person charged with a
582 violation of this section fails to furnish proof at or before
583 the scheduled court appearance date that security was in effect
584 at the time of the violation, the court shall, upon conviction,
585 notify the department to suspend the registrations ~~registration~~
586 and driver's license of such person. If the court fails to order
587 the suspension of the person's registrations ~~registration~~ and
588 driver's license for a conviction of this section at the time of
589 sentencing, the department shall, upon receiving notice of the
590 conviction from the court, and for all motor vehicle owners
591 charged with operating a vehicle as defined in s. 627.732(3)(a),
592 suspend the person's registrations ~~registration~~ and driver's
593 license for the violation of this section. Such license and
594 registration may be reinstated only as provided in s. 324.0221.

595 Section 15. Subsection (9) of section 317.0003, Florida
596 Statutes, is amended to read:

597 317.0003 Definitions.—As used in this chapter, the term:

598 (9) "ROV" means any motorized recreational off-highway
599 vehicle 64 inches or less in width, having a dry weight of 2,000
600 pounds or less, designed to travel on four or more nonhighway
601 tires, having nonstraddle seating and a steering wheel, and
602 manufactured for recreational use by one or more persons. The
603 term "ROV" does not include a golf cart as defined in ss.
604 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
605 s. 320.01~~(42)~~.

606 Section 16. Section 317.0016, Florida Statutes, is amended
607 to read:

608 317.0016 Expedited service; applications; fees.—The
609 department shall provide, through its agents and for use by the

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610 public, expedited service on title transfers, title issuances,
611 duplicate titles, and recordation of liens, ~~and certificates of~~
612 ~~repossession~~. A fee of \$7 shall be charged for this service,
613 which is in addition to the fees imposed by ss. 317.0007 and
614 317.0008, and \$3.50 of this fee shall be retained by the
615 processing agency. All remaining fees shall be deposited in the
616 Incidental Trust Fund of the Division of Forestry of the
617 Department of Agriculture and Consumer Services. Application for
618 expedited service may be made by mail or in person. The
619 department shall issue each title applied for pursuant to this
620 section within 5 working days after receipt of the application
621 except for an application for a duplicate title certificate
622 covered by s. 317.0008(3), in which case the title must be
623 issued within 5 working days after compliance with the
624 department's verification requirements.

625 Section 17. Subsection (9) and paragraph (a) of subsection
626 (10) of section 318.14, Florida Statutes, are amended to read:

627 318.14 Noncriminal traffic infractions; exception;
628 procedures.—

629 (9) Any person who does not hold a commercial driver's
630 license and who is cited while driving a noncommercial motor
631 vehicle for an infraction under this section other than a
632 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the
633 driver exceeds the posted limit by 30 miles per hour or more, s.
634 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s.
635 322.61, or s. 322.62 may, in lieu of a court appearance, elect
636 to attend in the location of his or her choice within this state
637 a basic driver improvement course approved by the Department of
638 Highway Safety and Motor Vehicles. In such a case, adjudication

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639 must be withheld and points, as provided by s. 322.27, may not
640 be assessed. However, a person may not make an election under
641 this subsection if the person has made an election under this
642 subsection in the preceding 12 months. A person may make no more
643 than five elections within his or her lifetime under this
644 subsection. The requirement for community service under s.
645 318.18(8) is not waived by a plea of nolo contendere or by the
646 withholding of adjudication of guilt by a court. If a person
647 makes an election to attend a basic driver improvement course
648 under this subsection, 18 percent of the civil penalty imposed
649 under s. 318.18(3) shall be deposited in the State Courts
650 Revenue Trust Fund; however, that portion is not revenue for
651 purposes of s. 28.36 and may not be used in establishing the
652 budget of the clerk of the court under that section or s. 28.35.

653 (10) (a) Any person who does not hold a commercial driver's
654 license and who is cited while driving a noncommercial motor
655 vehicle for an offense listed under this subsection may, in lieu
656 of payment of fine or court appearance, elect to enter a plea of
657 nolo contendere and provide proof of compliance to the clerk of
658 the court, designated official, or authorized operator of a
659 traffic violations bureau. In such case, adjudication shall be
660 withheld; however, no election shall be made under this
661 subsection if such person has made an election under this
662 subsection in the 12 months preceding election hereunder. No
663 person may make more than three elections under this subsection.
664 This subsection applies to the following offenses:

665 1. Operating a motor vehicle without a valid driver's
666 license in violation of the provisions of s. 322.03, s. 322.065,
667 or s. 322.15(1), or operating a motor vehicle with a license

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668 that has been suspended for failure to appear, failure to pay
669 civil penalty, or failure to attend a driver improvement course
670 pursuant to s. 322.291.

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

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

674 4. Operating a motor vehicle with a license that has been
675 suspended under s. 61.13016 or s. 322.245 for failure to pay
676 child support or for failure to pay any other financial
677 obligation as provided in s. 322.245; however, this subparagraph
678 does not apply if the license has been suspended pursuant to s.
679 322.245(1).

680 5. Operating a motor vehicle with a license that has been
681 suspended under s. 322.091 for failure to meet school attendance
682 requirements.

683 Section 18. Paragraph (a) of subsection (1) of section
684 318.15, Florida Statutes, is amended to read:

685 318.15 Failure to comply with civil penalty or to appear;
686 penalty.—

687 (1) (a) If a person fails to comply with the civil penalties
688 provided in s. 318.18 within the time period specified in s.
689 318.14(4), fails to enter into or comply with the terms of a
690 penalty payment plan with the clerk of the court in accordance
691 with ss. 318.14 and 28.246, fails to attend driver improvement
692 school, or fails to appear at a scheduled hearing, the clerk of
693 the court shall notify the ~~Division of Driver Licenses of the~~
694 Department of Highway Safety and Motor Vehicles of such failure
695 within 10 days after such failure. Upon receipt of such notice,
696 the department shall immediately issue an order suspending the

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697 driver's license and privilege to drive of such person effective
698 20 days after the date the order of suspension is mailed in
699 accordance with s. 322.251(1), (2), and (6). Any such suspension
700 of the driving privilege which has not been reinstated,
701 including a similar suspension imposed outside Florida, shall
702 remain on the records of the department for a period of 7 years
703 from the date imposed and shall be removed from the records
704 after the expiration of 7 years from the date it is imposed.

705 Section 19. Section 319.14, Florida Statutes, is amended to
706 read:

707 319.14 Sale of motor vehicles registered or used as
708 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,
709 ~~and~~ nonconforming vehicles, custom vehicles, or street rod
710 vehicles.—

711 (1) (a) A ~~No~~ person may not shall knowingly offer for sale,
712 sell, or exchange any vehicle that has been licensed,
713 registered, or used as a taxicab, police vehicle, or short-term-
714 lease vehicle, or a vehicle that has been repurchased by a
715 manufacturer pursuant to a settlement, determination, or
716 decision under chapter 681, until the department has stamped in
717 a conspicuous place on the certificate of title of the vehicle,
718 or its duplicate, words stating the nature of the previous use
719 of the vehicle or the title has been stamped "Manufacturer's Buy
720 Back" to reflect that the vehicle is a nonconforming vehicle. If
721 the certificate of title or duplicate was not so stamped upon
722 initial issuance thereof or if, subsequent to initial issuance
723 of the title, the use of the vehicle is changed to a use
724 requiring the notation provided for in this section, the owner
725 or lienholder of the vehicle shall surrender the certificate of

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726 title or duplicate to the department before ~~prior to~~ offering
727 the vehicle for sale, and the department shall stamp the
728 certificate or duplicate as required herein. If ~~When~~ a vehicle
729 has been repurchased by a manufacturer pursuant to a settlement,
730 determination, or decision under chapter 681, the title shall be
731 stamped "Manufacturer's Buy Back" to reflect that the vehicle is
732 a nonconforming vehicle.

733 (b) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
734 sell, or exchange a rebuilt vehicle until the department has
735 stamped in a conspicuous place on the certificate of title for
736 the vehicle words stating that the vehicle has been rebuilt or
737 assembled from parts, or is a kit car, glider kit, replica, ~~or~~
738 flood vehicle, custom vehicle, or street rod vehicle unless
739 proper application for a certificate of title for a vehicle that
740 is rebuilt or assembled from parts, or is a kit car, glider kit,
741 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle
742 has been made to the department in accordance with this chapter
743 and the department has conducted the physical examination of the
744 vehicle to assure the identity of the vehicle and all major
745 component parts, as defined in s. 319.30(1), which have been
746 repaired or replaced. Thereafter, the department shall affix a
747 decal to the vehicle, in the manner prescribed by the
748 department, showing the vehicle to be rebuilt. A vehicle may not
749 be inspected or issued a rebuilt title until all major component
750 parts, as defined in s. 319.30, which were damaged have been
751 repaired or replaced.

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

753 1. "Police vehicle" means a motor vehicle owned or leased
754 by the state or a county or municipality and used in law

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755 enforcement.

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

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

763 c. "Lease vehicle" includes both short-term-lease vehicles
764 and long-term-lease vehicles.

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

767 4. "Assembled from parts" means a motor vehicle or mobile
768 home assembled from parts or combined from parts of motor
769 vehicles or mobile homes, new or used. "Assembled from parts"
770 does not mean a motor vehicle defined as a "rebuilt vehicle" in
771 subparagraph 3., which has been declared a total loss pursuant
772 to s. 319.30.

773 5. "Kit car" means a motor vehicle assembled with a kit
774 supplied by a manufacturer to rebuild a wrecked or outdated
775 motor vehicle with a new body kit.

776 6. "Glider kit" means a vehicle assembled with a kit
777 supplied by a manufacturer to rebuild a wrecked or outdated
778 truck or truck tractor.

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

781 8. "Flood vehicle" means a motor vehicle or mobile home
782 that has been declared to be a total loss pursuant to s.
783 319.30(3)(a) resulting from damage caused by water.

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

787 10. "Settlement" means an agreement entered into between a
788 manufacturer and a consumer that occurs after a dispute is
789 submitted to a program, or an informal dispute settlement
790 procedure established by a manufacturer or is approved for
791 arbitration before the New Motor Vehicle Arbitration Board as
792 defined in s. 681.102.

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

794 a. Is 25 years of age or older and of a model year after
795 1948, or was manufactured to resemble a vehicle that is 25 years
796 of age or older and of a model year after 1948; and

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

799
800 The model year and year of manufacture which the body of a
801 custom vehicle resembles is the model year and year of
802 manufacture listed on the certificate of title, regardless of
803 when the vehicle was actually manufactured.

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

805 a. Is a model year of 1948 or older or was manufactured
806 after 1948 to resemble a vehicle of a model year of 1948 or
807 older; and

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

810
811 The model year and year of manufacture which the body of a
812 street rod resembles is the model year and year of manufacture

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813 listed on the certificate of title, regardless of when the
814 vehicle was actually manufactured.

815 (2) A ~~No~~ person may not ~~shall~~ knowingly sell, exchange, or
816 transfer a vehicle referred to in subsection (1) without, before
817 ~~prior to~~ consummating the sale, exchange, or transfer,
818 disclosing in writing to the purchaser, customer, or transferee
819 the fact that the vehicle has previously been titled,
820 registered, or used as a taxicab, police vehicle, or short-term-
821 lease vehicle, ~~or~~ is a vehicle that is rebuilt or assembled from
822 parts, ~~or~~ is a kit car, glider kit, replica, or flood vehicle,
823 or is a nonconforming vehicle, custom vehicle, or street rod
824 vehicle, as the case may be.

825 (3) Any person who, with intent to offer for sale or
826 exchange any vehicle referred to in subsection (1), knowingly or
827 intentionally advertises, publishes, disseminates, circulates,
828 or places before the public in any communications medium,
829 whether directly or indirectly, any offer to sell or exchange
830 the vehicle shall clearly and precisely state in each ~~such~~ offer
831 that the vehicle has previously been titled, registered, or used
832 as a taxicab, police vehicle, or short-term-lease vehicle or
833 that the vehicle or mobile home is a vehicle that is rebuilt or
834 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or
835 flood vehicle, or is a nonconforming vehicle, custom vehicle, or
836 street rod vehicle, as the case may be. Any person who violates
837 this subsection commits a misdemeanor of the second degree,
838 punishable as provided in s. 775.082 or s. 775.083.

839 (4) If ~~When~~ a certificate of title, including a foreign
840 certificate, is branded to reflect a condition or prior use of
841 the titled vehicle, the brand must be noted on the registration

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842 certificate of the vehicle and such brand shall be carried
843 forward on all subsequent certificates of title and registration
844 certificates issued for the life of the vehicle.

845 (5) Any person who knowingly sells, exchanges, or offers to
846 sell or exchange a motor vehicle or mobile home contrary to ~~the~~
847 ~~provisions of~~ this section or any officer, agent, or employee of
848 a person who knowingly authorizes, directs, aids in, or consents
849 to the sale, exchange, or offer to sell or exchange a motor
850 vehicle or mobile home contrary to ~~the provisions of~~ this
851 section commits a misdemeanor of the second degree, punishable
852 as provided in s. 775.082 or s. 775.083.

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

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

861 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in
862 any civil action arising out of a violation of this section if
863 the designation of the previous use or condition of the motor
864 vehicle is not noted on the certificate of title and
865 registration certificate of the vehicle which was received by,
866 or delivered to, such person, unless the ~~such~~ person has
867 actively concealed the prior use or condition of the vehicle
868 from the purchaser.

869 (9) Subsections (1), (2), and (3) do not apply to the
870 transfer of ownership of a motor vehicle after the motor vehicle

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871 has ceased to be used as a lease vehicle and the ownership has
872 been transferred to an owner for private use or to the transfer
873 of ownership of a nonconforming vehicle with 36,000 or more
874 miles on its odometer, or 34 months whichever is later and the
875 ownership has been transferred to an owner for private use. Such
876 owner, as shown on the title certificate, may request the
877 department to issue a corrected certificate of title that does
878 not contain the statement of the previous use of the vehicle as
879 a lease vehicle or condition as a nonconforming vehicle.

880 Section 20. Section 319.225, Florida Statutes, is amended
881 to read:

882 319.225 Transfer and reassignment forms; odometer
883 disclosure statements.—

884 (1) Every certificate of title issued by the department
885 must contain the following statement ~~on its reverse side~~:
886 "Federal and state law require the completion of the odometer
887 statement set out below. Failure to complete or providing false
888 information may result in fines, imprisonment, or both."

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

893 (3) Each certificate of title issued by the department must
894 contain ~~on its reverse side~~ as many forms as space allows for
895 reassignment of title by a licensed dealer as permitted by s.
896 319.21(3), which form or forms shall contain an odometer
897 disclosure statement in the form required by 49 C.F.R. s. 580.5.
898 When all dealer reassignment forms ~~provided on the back of the~~
899 ~~title certificate~~ have been filled in, a dealer may reassign the

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900 title certificate by using a separate dealer reassignment form
901 issued by the department in compliance with 49 C.F.R. ss. 580.4
902 and 580.5, which form shall contain an original, ~~two carbon~~
903 ~~copies one of~~ which shall be submitted ~~directly~~ to the
904 department by the dealer ~~within 5 business days after the~~
905 ~~transfer~~ and a copy, ~~one of~~ which shall be retained by the
906 dealer in his or her records for 5 years. The provisions of this
907 subsection ~~shall~~ also apply to vehicles not previously titled in
908 this state and vehicles whose title certificates do not contain
909 the forms required by this section.

910 (4) Upon transfer or reassignment of a certificate of title
911 to a used motor vehicle, the transferor shall complete the
912 odometer disclosure statement provided for by this section and
913 the transferee shall acknowledge the disclosure by signing and
914 printing his or her name in the spaces provided. This subsection
915 does not apply to a vehicle that has a gross vehicle rating of
916 more than 16,000 pounds, a vehicle that is not self-propelled,
917 or a vehicle that is 10 years old or older. A lessor who
918 transfers title to his or her vehicle without obtaining
919 possession of the vehicle shall make odometer disclosure as
920 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
921 or acknowledge a disclosure statement as required by this
922 subsection commits ~~is guilty of~~ a misdemeanor of the second
923 degree, punishable as provided in s. 775.082 or s. 775.083. The
924 department may not issue a certificate of title unless this
925 subsection has been complied with.

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

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929 (6) (a) If the certificate of title is physically held by a
930 lienholder, the transferor may give a power of attorney to his
931 or her transferee for the purpose of odometer disclosure. The
932 power of attorney must be on a form issued or authorized by the
933 department, which form must be in compliance with 49 C.F.R. ss.
934 580.4 and 580.13. The department shall not require the signature
935 of the transferor to be notarized on the form; however, in lieu
936 of notarization, the form shall include an affidavit with the
937 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
938 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
939 ARE TRUE. The transferee shall sign the power of attorney form,
940 print his or her name, and return a copy of the power of
941 attorney form to the transferor. Upon receipt of a title
942 certificate, the transferee shall complete the space for mileage
943 disclosure on the title certificate exactly as the mileage was
944 disclosed by the transferor on the power of attorney form. If
945 the transferee is a licensed motor vehicle dealer who is
946 transferring the vehicle to a retail purchaser, the dealer shall
947 make application on behalf of the retail purchaser as provided
948 in s. 319.23(6) and shall submit the original power of attorney
949 form to the department with the application for title and the
950 transferor's title certificate; otherwise, a dealer may reassign
951 the title certificate by using the dealer reassignment form in
952 the manner prescribed in subsection (3), and, at the time of
953 physical transfer of the vehicle, the original power of attorney
954 shall be delivered to the person designated as the transferee of
955 the dealer on the dealer reassignment form. ~~A copy of the~~
956 ~~executed power of attorney shall be submitted to the department~~
957 ~~with a copy of the executed dealer reassignment form within 5~~

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958 ~~business days after the certificate of title and dealer~~
959 ~~reassignment form are delivered by the dealer to its transferee.~~

960 (b) If the certificate of title is lost or otherwise
961 unavailable, the transferor may give a power of attorney to his
962 or her transferee for the purpose of odometer disclosure. The
963 power of attorney must be on a form issued or authorized by the
964 department, which form must be in compliance with 49 C.F.R. ss.
965 580.4 and 580.13. The department shall not require the signature
966 of the transferor to be notarized on the form; however, in lieu
967 of notarization, the form shall include an affidavit with the
968 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
969 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
970 ARE TRUE. The transferee shall sign the power of attorney form,
971 print his or her name, and return a copy of the power of
972 attorney form to the transferor. Upon receipt of the title
973 certificate or a duplicate title certificate, the transferee
974 shall complete the space for mileage disclosure on the title
975 certificate exactly as the mileage was disclosed by the
976 transferor on the power of attorney form. If the transferee is a
977 licensed motor vehicle dealer who is transferring the vehicle to
978 a retail purchaser, the dealer shall make application on behalf
979 of the retail purchaser as provided in s. 319.23(6) and shall
980 submit the original power of attorney form to the department
981 with the application for title and the transferor's title
982 certificate or duplicate title certificate; otherwise, a dealer
983 may reassign the title certificate by using the dealer
984 reassignment form in the manner prescribed in subsection (3),
985 and, at the time of physical transfer of the vehicle, the
986 original power of attorney shall be delivered to the person

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987 designated as the transferee of the dealer on the dealer
988 reassignment form. If the dealer sells the vehicle to an out-of-
989 state resident or an out-of-state dealer and the power of
990 attorney form is applicable to the transaction, the dealer must
991 photocopy the completed original of the form and mail it
992 directly to the department within 5 business days after the
993 certificate of title and dealer reassignment form are delivered
994 by the dealer to the purchaser. A copy of the executed power of
995 attorney shall be submitted to the department with a copy of the
996 executed dealer reassignment form within 5 business days after
997 the duplicate certificate of title and dealer reassignment form
998 are delivered by the dealer to its transferee.

999 (c) If the mechanics of the transfer of title to a motor
1000 vehicle in accordance with the provisions of paragraph (a) or
1001 paragraph (b) are determined to be incompatible with and
1002 unlawful under the provisions of 49 C.F.R. part 580, the
1003 transfer of title to a motor vehicle by operation of this
1004 subsection can be effected in any manner not inconsistent with
1005 49 C.F.R. part 580 and Florida law; provided, any power of
1006 attorney form issued or authorized by the department under this
1007 subsection shall contain an original, ~~two carbon copies,~~ ~~one of~~
1008 which shall be submitted ~~directly~~ to the department by the
1009 dealer ~~within 5 business days of use by the dealer~~ to effect
1010 transfer of a title certificate as provided in paragraphs (a)
1011 and (b) and a copy, ~~one of~~ which shall be retained by the dealer
1012 in its records for 5 years.

1013 (d) Any person who fails to complete the information
1014 required by this subsection or to file with the department the
1015 forms required by this subsection commits ~~is guilty of~~ a

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1016 misdemeanor of the second degree, punishable as provided in s.
1017 775.082 or s. 775.083. The department shall not issue a
1018 certificate of title unless this subsection has been complied
1019 with.

1020 (7) Subject to approval by the National Highway Traffic
1021 Safety Administration or any other applicable authority, if a
1022 title is held electronically and the transferee agrees to
1023 maintain the title electronically, the transferor and transferee
1024 shall complete a secure reassignment document that discloses the
1025 odometer reading and is signed by both the transferor and
1026 transferee at the tax collector's office or license plate
1027 agency. A dealer acquiring a motor vehicle that has an
1028 electronic title shall use a secure reassignment document signed
1029 by the person from whom the dealer acquired the motor vehicle.
1030 Upon transferring the motor vehicle to a purchaser, a separate
1031 reassignment document shall be executed.

1032 (8)~~(7)~~ Each certificate of title issued by the department
1033 must contain ~~on its reverse side~~ a minimum of three ~~four~~ spaces
1034 for notation of the name and license number of any auction
1035 through which the vehicle is sold and the date the vehicle was
1036 auctioned. Each separate dealer reassignment form issued by the
1037 department must also have the space referred to in this section.
1038 When a transfer of title is made at a motor vehicle auction, the
1039 reassignment must note the name and address of the auction, but
1040 the auction shall not thereby be deemed to be the owner, seller,
1041 transferor, or assignor of title. A motor vehicle auction is
1042 required to execute a dealer reassignment only when it is the
1043 owner of a vehicle being sold.

1044 (9)~~(8)~~ Upon transfer or reassignment of a used motor

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1045 vehicle through the services of an auction, the auction shall
1046 complete the information in the space provided for by subsection
1047 (8) ~~(7)~~. Any person who fails to complete the information as
1048 required by this subsection commits ~~is guilty of~~ a misdemeanor
1049 of the second degree, punishable as provided in s. 775.082 or s.
1050 775.083. The department shall not issue a certificate of title
1051 unless this subsection has been complied with.

1052 (10) ~~(9)~~ This section shall be construed to conform to 49
1053 C.F.R. part 580.

1054 Section 21. Subsection (6) of section 319.23, Florida
1055 Statutes, is amended, present subsections (7), (8), (9), (10),
1056 and (11) of that section are renumbered as subsections (8), (9),
1057 (10), (11), and (12), respectively, and a new subsection (7) is
1058 added to that section, to read:

1059 319.23 Application for, and issuance of, certificate of
1060 title.—

1061 (6) (a) In the case of the sale of a motor vehicle or mobile
1062 home by a licensed dealer to a general purchaser, the
1063 certificate of title must be obtained in the name of the
1064 purchaser by the dealer upon application signed by the
1065 purchaser, and in each other case such certificate must be
1066 obtained by the purchaser. In each case of transfer of a motor
1067 vehicle or mobile home, the application for a certificate of
1068 title, a corrected certificate, or an assignment or reassignment
1069 must be filed within 30 days after the delivery of the motor
1070 vehicle or from consummation of the sale of a mobile home to the
1071 purchaser. An applicant must pay a fee of \$20, in addition to
1072 all other fees and penalties required by law, for failing to
1073 file such application within the specified time. In the case of

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1074 the sale of a motor vehicle by a licensed motor vehicle dealer
1075 to a general purchaser who resides in another state or country,
1076 the dealer is not required to apply for a certificate of title
1077 for the motor vehicle; however, the dealer must transfer
1078 ownership and reassign the certificate of title or
1079 manufacturer's certificate of origin to the purchaser, and the
1080 purchaser must sign an affidavit, as approved by the department,
1081 that the purchaser will title and register the motor vehicle in
1082 another state or country.

1083 (b) If a licensed dealer acquires a motor vehicle or mobile
1084 home as a trade-in, the dealer must file with the department,
1085 within 30 days, a notice of sale signed by the seller. The
1086 department shall update its database for that title record to
1087 indicate "sold." A licensed dealer need not apply for a
1088 certificate of title for any motor vehicle or mobile home in
1089 stock acquired for stock purposes except as provided in s.
1090 319.225.

1091 (7) If an applicant for a certificate of title is unable to
1092 provide the department with a certificate of title that assigns
1093 the prior owner's interest in the motor vehicle, the department
1094 may accept a bond in the form prescribed by the department,
1095 along with an affidavit in a form prescribed by the department,
1096 which includes verification of the vehicle identification number
1097 and an application for title.

1098 (a) The bond must be:

1099 1. In a form prescribed by the department;

1100 2. Executed by the applicant;

1101 3. Issued by a person authorized to conduct a surety

1102 business in this state;

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1103 4. In an amount equal to two times the value of the vehicle
1104 as determined by the department; and

1105 5. Conditioned to indemnify all prior owners and
1106 lienholders and all subsequent purchasers of the vehicle or
1107 persons who acquire a security interest in the vehicle, and
1108 their successors in interest, against any expense, loss, or
1109 damage, including reasonable attorney's fees, occurring because
1110 of the issuance of the certificate of title for the vehicle or
1111 for a defect in or undisclosed security interest on the right,
1112 title, or interest of the applicant to the vehicle.

1113 (b) An interested person has a right to recover on the bond
1114 for a breach of the bond's condition. The aggregate liability of
1115 the surety to all persons may not exceed the amount of the bond.

1116 (c) A bond under this subsection expires on the third
1117 anniversary of the date the bond became effective.

1118 (d) The affidavit must:

1119 1. Be in a form prescribed by the department;

1120 2. Include the facts and circumstances through which the
1121 applicant acquired ownership and possession of the motor
1122 vehicle;

1123 3. Disclose that no security interests, liens, or
1124 encumbrances against the motor vehicle are known to the
1125 applicant against the motor vehicle; and

1126 4. State that the applicant has the right to have a
1127 certificate of title issued.

1128 Section 22. Paragraph (b) of subsection (2) of section
1129 319.28, Florida Statutes, is amended to read:

1130 319.28 Transfer of ownership by operation of law.—

1131 (2)

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1132 (b) In case of repossession of a motor vehicle or mobile
1133 home pursuant to the terms of a security agreement or similar
1134 instrument, an affidavit by the party to whom possession has
1135 passed stating that the vehicle or mobile home was repossessed
1136 upon default in the terms of the security agreement or other
1137 instrument shall be considered satisfactory proof of ownership
1138 and right of possession. At least 5 days prior to selling the
1139 repossessed vehicle, any subsequent lienholder named in the last
1140 issued certificate of title shall be sent notice of the
1141 repossession by certified mail, on a form prescribed by the
1142 department. If such notice is given and no written protest to
1143 the department is presented by a subsequent lienholder within 15
1144 days from the date on which the notice was mailed, the
1145 certificate of title ~~or the certificate of repossession~~ shall be
1146 issued showing no liens. If the former owner or any subsequent
1147 lienholder files a written protest under oath within such 15-day
1148 period, the department shall not issue the certificate of title
1149 ~~or certificate of repossession~~ for 10 days thereafter. If within
1150 the 10-day period no injunction or other order of a court of
1151 competent jurisdiction has been served on the department
1152 commanding it not to deliver the certificate of title ~~or~~
1153 ~~certificate of repossession~~, the department shall deliver the
1154 certificate of title ~~or repossession~~ to the applicant or as may
1155 otherwise be directed in the application showing no other liens
1156 than those shown in the application. Any lienholder who has
1157 repossessed a vehicle in this state in compliance with the
1158 provisions of this section must apply to a tax collector's
1159 office in this state or to the department for a ~~certificate of~~
1160 ~~repossession or to the department for a~~ certificate of title

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1161 pursuant to s. 319.323. Proof of the required notice to
1162 subsequent lienholders shall be submitted together with regular
1163 title fees. ~~A lienholder to whom a certificate of repossession~~
1164 ~~has been issued may assign the certificate of title to the~~
1165 ~~subsequent owner.~~ Any person who violates ~~found guilty of~~
1166 ~~violating~~ any requirements of this paragraph commits ~~shall be~~
1167 ~~guilty of~~ a felony of the third degree, punishable as provided
1168 in s. 775.082, s. 775.083, or s. 775.084.

1169 Section 23. Section 319.323, Florida Statutes, is amended
1170 to read:

1171 319.323 Expedited service; applications; fees.—The
1172 department shall establish a separate title office which may be
1173 used by private citizens and licensed motor vehicle dealers to
1174 receive expedited service on title transfers, title issuances,
1175 duplicate titles, and recordation of liens, ~~and certificates of~~
1176 ~~repossession~~. A fee of \$10 shall be charged for this service,
1177 which fee is in addition to the fees imposed by s. 319.32. The
1178 fee, after deducting the amount referenced by s. 319.324 and
1179 \$3.50 to be retained by the processing agency, shall be
1180 deposited into the General Revenue Fund. Application for
1181 expedited service may be made by mail or in person. The
1182 department shall issue each title applied for under this section
1183 within 5 working days after receipt of the application except
1184 for an application for a duplicate title certificate covered by
1185 s. 319.23(4), in which case the title must be issued within 5
1186 working days after compliance with the department's verification
1187 requirements.

1188 Section 24. Section 319.40, Florida Statutes, is amended to
1189 read:

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1190 319.40 Transactions by electronic or telephonic means.—

1191 (1) The department may ~~is authorized to~~ accept any
1192 application provided for under this chapter by electronic or
1193 telephonic means.

1194 (2) The department may issue an electronic certificate of
1195 title in lieu of printing a paper title.

1196 (3) The department may collect and use electronic mail
1197 addresses as a notification method in lieu of the United States
1198 Postal Service.

1199 Section 25. Subsections (1), (23), (25), and (26) of
1200 section 320.01, Florida Statutes, are amended, and present
1201 subsections (24) through (45) of that section are renumbered as
1202 subsections (23) through (44), respectively, to read:

1203 320.01 Definitions, general.—As used in the Florida
1204 Statutes, except as otherwise provided, the term:

1205 (1) "Motor vehicle" means:

1206 (a) An automobile, motorcycle, truck, trailer, semitrailer,
1207 truck tractor and semitrailer combination, or any other vehicle
1208 operated on the roads of this state, used to transport persons
1209 or property, and propelled by power other than muscular power,
1210 but the term does not include traction engines, road rollers,
1211 special mobile equipment as defined in chapter 316, such
1212 vehicles as run only upon a track, bicycles, or mopeds.

1213 (b) A recreational vehicle-type unit primarily designed as
1214 temporary living quarters for recreational, camping, or travel
1215 use, which either has its own motive power or is mounted on or
1216 drawn by another vehicle. Recreational vehicle-type units, when
1217 traveling on the public roadways of this state, must comply with
1218 the length and width provisions of s. 316.515, as that section

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1219 may hereafter be amended. As defined below, the basic entities
1220 are:

1221 1. The "travel trailer," which is a vehicular portable
1222 unit, mounted on wheels, of such a size or weight as not to
1223 require special highway movement permits when drawn by a
1224 motorized vehicle. It is primarily designed and constructed to
1225 provide temporary living quarters for recreational, camping, or
1226 travel use. It has a body width of no more than 8 1/2 feet and
1227 an overall body length of no more than 40 feet when factory-
1228 equipped for the road.

1229 2. The "camping trailer," which is a vehicular portable
1230 unit mounted on wheels and constructed with collapsible partial
1231 sidewalls which fold for towing by another vehicle and unfold at
1232 the campsite to provide temporary living quarters for
1233 recreational, camping, or travel use.

1234 3. The "truck camper," which is a truck equipped with a
1235 portable unit designed to be loaded onto, or affixed to, the bed
1236 or chassis of the truck and constructed to provide temporary
1237 living quarters for recreational, camping, or travel use.

1238 4. The "motor home," which is a vehicular unit which does
1239 not exceed the length, height, and width limitations provided in
1240 s. 316.515, is a self-propelled motor vehicle, and is primarily
1241 designed to provide temporary living quarters for recreational,
1242 camping, or travel use.

1243 5. The "private motor coach," which is a vehicular unit
1244 which does not exceed the length, width, and height limitations
1245 provided in s. 316.515(9), is built on a self-propelled bus type
1246 chassis having no fewer than three load-bearing axles, and is
1247 primarily designed to provide temporary living quarters for

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1248 recreational, camping, or travel use.

1249 6. The "van conversion," which is a vehicular unit which
1250 does not exceed the length and width limitations provided in s.
1251 316.515, is built on a self-propelled motor vehicle chassis, and
1252 is designed for recreation, camping, and travel use.

1253 7. The "park trailer," which is a transportable unit which
1254 has a body width not exceeding 14 feet and which is built on a
1255 single chassis and is designed to provide seasonal or temporary
1256 living quarters when connected to utilities necessary for
1257 operation of installed fixtures and appliances. The total area
1258 of the unit in a setup mode, when measured from the exterior
1259 surface of the exterior stud walls at the level of maximum
1260 dimensions, not including any bay window, does not exceed 400
1261 square feet when constructed to ANSI A-119.5 standards, and 500
1262 square feet when constructed to United States Department of
1263 Housing and Urban Development Standards. The length of a park
1264 trailer means the distance from the exterior of the front of the
1265 body (nearest to the drawbar and coupling mechanism) to the
1266 exterior of the rear of the body (at the opposite end of the
1267 body), including any protrusions.

1268 8. The "fifth-wheel trailer," which is a vehicular unit
1269 mounted on wheels, designed to provide temporary living quarters
1270 for recreational, camping, or travel use, of such size or weight
1271 as not to require a special highway movement permit, of gross
1272 trailer area not to exceed 400 square feet in the setup mode,
1273 and designed to be towed by a motorized vehicle that contains a
1274 towing mechanism that is mounted above or forward of the tow
1275 vehicle's rear axle.

1276 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~

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1277 ~~which is required to be registered, or with respect to which an~~
1278 ~~election has been made to register it, under the International~~
1279 ~~Registration Plan.~~

1280 ~~(24)-(25)~~ "Apportionable vehicle" means any vehicle, except
1281 recreational vehicles, vehicles displaying restricted plates,
1282 city pickup and delivery vehicles, buses used in transportation
1283 of chartered parties, and government-owned vehicles, which is
1284 used or intended for use in two or more member jurisdictions
1285 that allocate or proportionally register vehicles and which is
1286 used for the transportation of persons for hire or is designed,
1287 used, or maintained primarily for the transportation of property
1288 and:

1289 (a) Is a power unit having a gross vehicle weight in excess
1290 of 26,000 ~~26,001~~ pounds;

1291 (b) Is a power unit having three or more axles, regardless
1292 of weight; or

1293 (c) Is used in combination, when the weight of such
1294 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

1295
1296 Vehicles, or combinations thereof, having a gross vehicle weight
1297 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
1298 proportionally registered.

1299 ~~(25)-(26)~~ "Commercial motor vehicle" means any vehicle that
1300 ~~which~~ is not owned or operated by a governmental entity, that
1301 ~~which~~ uses special fuel or motor fuel on the public highways,
1302 and that ~~which~~ has a gross vehicle weight of 26,001 pounds or
1303 more, or has three or more axles regardless of weight, or is
1304 used in combination when the weight of such combination exceeds
1305 26,000 ~~26,001~~ pounds gross vehicle weight. A vehicle that

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1306 occasionally transports personal property to and from a closed-
1307 course motorsport facility, as defined in s. 549.09(1)(a), is
1308 not a commercial motor vehicle if the use is not for profit and
1309 corporate sponsorship is not involved. As used in this
1310 subsection, the term "corporate sponsorship" means a payment,
1311 donation, gratuity, in-kind service, or other benefit provided
1312 to or derived by a person in relation to the underlying
1313 activity, other than the display of product or corporate names,
1314 logos, or other graphic information on the property being
1315 transported.

1316 Section 26. Subsections (2) and (4) of section 320.02,
1317 Florida Statutes, are amended, paragraph (o) is added to
1318 subsection (15) to that section, and subsection (18) is added to
1319 that section, to read:

1320 320.02 Registration required; application for registration;
1321 forms.—

1322 (2)(a) The application for registration shall include the
1323 street address of the owner's permanent residence or the address
1324 of his or her permanent place of business and shall be
1325 accompanied by personal or business identification information
1326 which may include, but need not be limited to, a driver's
1327 license number, Florida identification card number, or federal
1328 employer identification number. If the owner does not have a
1329 permanent residence or permanent place of business or if the
1330 owner's permanent residence or permanent place of business
1331 cannot be identified by a street address, the application shall
1332 include:

1333 1. If the vehicle is registered to a business, the name and
1334 street address of the permanent residence of an owner of the

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1335 business, an officer of the corporation, or an employee who is
1336 in a supervisory position.

1337 2. If the vehicle is registered to an individual, the name
1338 and street address of the permanent residence of a close
1339 relative or friend who is a resident of this state.

1340
1341 If the vehicle is registered to an active-duty military member
1342 who is a Florida resident, the member is exempt from the
1343 requirement of a Florida residential address.

1344 (b) The department shall prescribe a form upon which motor
1345 vehicle owners may record odometer readings when registering
1346 their motor vehicles.

1347 (4) The owner of any motor vehicle registered in the state
1348 shall notify the department in writing of any change of address
1349 within 20 days of such change. The notification shall include
1350 the registration license plate number, the vehicle
1351 identification number (VIN) or title certificate number, year of
1352 vehicle make, and the owner's full name. Any owner or registrant
1353 who possesses a Florida driver's license or identification card
1354 and changes residence or mailing address must obtain a
1355 replacement as provided for in s. 322.19(2) before changing the
1356 address on the motor vehicle record.

1357 (15)

1358 (o) The application form for motor vehicle registration and
1359 renewal registration must include language permitting the
1360 voluntary contribution of \$1 to End Hunger in Florida. The
1361 proceeds shall be distributed monthly by the department to the
1362 Florida Association of Food Banks, Inc., a corporation not for
1363 profit under s. 501(c)(3) of the Internal Revenue Code. The

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1364 funds shall be used by the organization for the purpose of
1365 ending hunger in Florida.

1366

1367 For the purpose of applying the service charge provided in s.
1368 215.20, contributions received under this subsection are not
1369 income of a revenue nature.

1370 (18) All electronic registration records shall be retained
1371 by the department for at least 10 years.

1372 Section 27. Subsection (9) is added to section 320.023,
1373 Florida Statutes, to read:

1374 320.023 Requests to establish voluntary checkoff on motor
1375 vehicle registration application.-

1376 (9) The department may annually retain from the first
1377 proceeds derived from the voluntary contributions collected an
1378 amount sufficient to defray for each voluntary contribution the
1379 pro rata share of the department's costs directly related to the
1380 voluntary contributions program. Such costs include renewal
1381 notices, postage, distribution costs, direct costs to the
1382 department, and costs associated with reviewing each
1383 organization's compliance with the audit and attestation
1384 requirements of this section. The revenues retained by the
1385 department may not be less than 0.005 percent and may not exceed
1386 0.015 percent. The balance of the proceeds from the voluntary
1387 contributions collected shall be distributed as provided by law.

1388 Section 28. Subsections (7) and (8) of section 320.03,
1389 Florida Statutes, are amended to read:

1390 320.03 Registration; duties of tax collectors;
1391 International Registration Plan.-

1392 (7) The Department of Highway Safety and Motor Vehicles

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1393 shall register apportionable ~~apportioned~~ motor vehicles under
1394 the provisions of the International Registration Plan. The
1395 department may adopt rules to implement and enforce the
1396 provisions of the plan.

1397 (8) If the applicant's name appears on the list referred to
1398 in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license
1399 plate or revalidation sticker may not be issued until that
1400 person's name no longer appears on the list or until the person
1401 presents a receipt from the governmental entity or the clerk of
1402 court that provided the data showing that the fines outstanding
1403 have been paid. This subsection does not apply to the owner of a
1404 leased vehicle if the vehicle is registered in the name of the
1405 lessee of the vehicle. The tax collector and the clerk of the
1406 court are each entitled to receive monthly, as costs for
1407 implementing and administering this subsection, 10 percent of
1408 the civil penalties and fines recovered from such persons. As
1409 used in this subsection, the term "civil penalties and fines"
1410 does not include a wrecker operator's lien as described in s.
1411 713.78(13). If the tax collector has private tag agents, such
1412 tag agents are entitled to receive a pro rata share of the
1413 amount paid to the tax collector, based upon the percentage of
1414 license plates and revalidation stickers issued by the tag agent
1415 compared to the total issued within the county. The authority of
1416 any private agent to issue license plates shall be revoked,
1417 after notice and a hearing as provided in chapter 120, if he or
1418 she issues any license plate or revalidation sticker contrary to
1419 the provisions of this subsection. This section applies only to
1420 the annual renewal in the owner's birth month of a motor vehicle
1421 registration and does not apply to the transfer of a

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1422 registration of a motor vehicle sold by a motor vehicle dealer
1423 licensed under this chapter, except for the transfer of
1424 registrations which is inclusive of the annual renewals. This
1425 section does not affect the issuance of the title to a motor
1426 vehicle, notwithstanding s. 319.23(8)(b) ~~319.23(7)(b)~~.

1427 Section 29. Paragraph (b) of subsection (3) and subsection
1428 (5) of section 320.05, Florida Statutes, are amended to read:

1429 320.05 Records of the department; inspection procedure;
1430 lists and searches; fees.—

1431 (3)

1432 (b) Fees therefor shall be charged and collected as
1433 follows:

1434 1. For providing lists of motor vehicle or vessel records
1435 for the entire state, or any part or parts thereof, divided
1436 according to counties, a sum computed at a rate of not less than
1437 1 cent nor more than 5 cents per item.

1438 2. For providing noncertified photographic copies of motor
1439 vehicle or vessel documents, \$1 per page.

1440 3. For providing noncertified photographic copies of
1441 micrographic records, \$1 per page.

1442 4. For providing certified copies of motor vehicle or
1443 vessel records, \$3 per record.

1444 5. For providing noncertified computer-generated printouts
1445 of motor vehicle or vessel records, 50 cents per record.

1446 6. For providing certified computer-generated printouts of
1447 motor vehicle or vessel records, \$3 per record.

1448 7. For providing electronic access to motor vehicle,
1449 vessel, and mobile home registration data requested by tag,
1450 vehicle identification number, title number, or decal number, 50

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1451 cents per item.

1452 8. For providing electronic access to driver's license
1453 status report by name, sex, and date of birth or by driver
1454 license number, 50 cents per item.

1455 9. For providing lists of licensed mobile home dealers and
1456 manufacturers and recreational vehicle dealers and
1457 manufacturers, \$15 per list.

1458 10. For providing lists of licensed motor vehicle dealers,
1459 \$25 per list.

1460 11. For each copy of a videotape record, \$15 per tape.

1461 ~~12. For each copy of the Division of Motor Vehicles~~
1462 ~~Procedures Manual, \$25.~~

1463 (5) The creation and maintenance of records by the Division
1464 of Motorist Services within the department ~~and the Division of~~
1465 ~~Motor Vehicles~~ pursuant to this chapter shall not be regarded as
1466 law enforcement functions of agency recordkeeping.

1467 Section 30. Paragraph (d) is added to subsection (1) of
1468 section 320.06, Florida Statutes, and subsection (5) is added to
1469 that section, to read:

1470 320.06 Registration certificates, license plates, and
1471 validation stickers generally.—

1472 (1)

1473 (d) The department may conduct a pilot program to evaluate
1474 designs, concepts, and technologies for alternative license
1475 plate technologies. The pilot program shall investigate the
1476 feasibility and use of alternative license plate technologies
1477 and shall be limited to license plates that are used on
1478 government-owned motor vehicles, as defined in s. 320.0655.
1479 Government license plates in the pilot program are exempt from

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1480 current license plate requirements in s. 320.06(3)(a).

1481 (5) All license plates issued pursuant to this chapter are
1482 the property of the State of Florida.

1483 Section 31. Section 320.061, Florida Statutes, is amended
1484 to read:

1485 320.061 Unlawful to alter motor vehicle registration
1486 certificates, temporary license plates, license plates, mobile
1487 home stickers, or validation stickers or to obscure license
1488 plates; penalty.—No person shall alter the original appearance
1489 of any registration license plate, temporary license plate,
1490 mobile home sticker, validation sticker, or vehicle registration
1491 certificate issued for and assigned to any motor vehicle or
1492 mobile home, whether by mutilation, alteration, defacement, or
1493 change of color or in any other manner. No person shall apply or
1494 attach any substance, reflective matter, illuminated device,
1495 spray, coating, covering, or other material onto or around any
1496 license plate that interferes with the legibility, angular
1497 visibility, or detectability of any feature or detail on the
1498 license plate or interferes with the ability to record any
1499 feature or detail on the license plate. Any person who violates
1500 this section commits a noncriminal traffic infraction,
1501 punishable as a moving violation as provided in chapter 318.

1502 Section 32. Subsection (1) of section 320.071, Florida
1503 Statutes, is amended to read:

1504 320.071 Advance registration renewal; procedures.—

1505 (1) (a) The owner of any motor vehicle or mobile home
1506 currently registered in this state may file an application for
1507 renewal of registration with the department, or its authorized
1508 agent in the county wherein the owner resides, any time during

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1509 the 3 months preceding the date of expiration of the
1510 registration period. The registration period may not exceed 27
1511 months.

1512 (b) The owner of any apportionable ~~apportioned motor~~
1513 vehicle currently registered in this state under the provisions
1514 of the International Registration Plan may file an application
1515 for renewal of registration with the department any time during
1516 the 3 months preceding the date of expiration of the
1517 registration period.

1518 Section 33. Subsections (1) and (3) of section 320.0715,
1519 Florida Statutes, are amended to read:

1520 320.0715 International Registration Plan; motor carrier
1521 services; permits; retention of records.—

1522 (1) All apportionable ~~commercial motor~~ vehicles domiciled
1523 in this state ~~and engaged in interstate commerce~~ shall be
1524 registered in accordance with the provisions of the
1525 International Registration Plan ~~and shall display apportioned~~
1526 ~~license plates.~~

1527 (3) (a) If the department is unable to immediately issue the
1528 apportioned license plate to an applicant currently registered
1529 in this state under the International Registration Plan or to a
1530 vehicle currently titled in this state, the department or its
1531 designated agent is authorized to issue a 60-day temporary
1532 operational permit. The department or agent of the department
1533 shall charge a \$3 fee and the service charge authorized by s.
1534 320.04 for each temporary operational permit it issues.

1535 (b) The department shall in no event issue a temporary
1536 operational permit for any apportionable ~~commercial motor~~
1537 vehicle to any applicant until the applicant has shown that:

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1538 1. All sales or use taxes due on the registration of the
1539 vehicle are paid; and

1540 2. Insurance requirements have been met in accordance with
1541 ss. 320.02(5) and 627.7415.

1542 (c) Issuance of a temporary operational permit provides
1543 ~~commercial motor vehicle~~ registration privileges in each
1544 International Registration Plan member jurisdiction designated
1545 on said permit and therefore requires payment of all applicable
1546 registration fees and taxes due for that period of registration.

1547 (d) Application for permanent registration must be made to
1548 the department within 10 days following ~~from~~ issuance of a
1549 temporary operational permit. Failure to file an application
1550 within this 10-day period may result in cancellation of the
1551 temporary operational permit.

1552 Section 34. Paragraph (d) of subsection (5) of section
1553 320.08, Florida Statutes, is amended to read:

1554 320.08 License taxes.—Except as otherwise provided herein,
1555 there are hereby levied and imposed annual license taxes for the
1556 operation of motor vehicles, mopeds, motorized bicycles as
1557 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
1558 and mobile homes, as defined in s. 320.01, which shall be paid
1559 to and collected by the department or its agent upon the
1560 registration or renewal of registration of the following:

1561 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
1562 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1563 (d) A wrecker, as defined in s. 320.01~~(40)~~, which is used
1564 to tow a vessel as defined in s. 327.02(39), a disabled,
1565 abandoned, stolen-recovered, or impounded motor vehicle as
1566 defined in s. 320.01~~(38)~~, or a replacement motor vehicle as

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1567 defined in s. 320.01~~(39)~~: \$41 flat, of which \$11 shall be
1568 deposited into the General Revenue Fund.

1569 Section 35. Subsection (1) of section 320.0847, Florida
1570 Statutes, is amended to read:

1571 320.0847 Mini truck and low-speed vehicle license plates.—

1572 (1) The department shall issue a license plate to the owner
1573 or lessee of any vehicle registered as a low-speed vehicle as
1574 defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
1575 320.01~~(45)~~ upon payment of the appropriate license taxes and
1576 fees prescribed in s. 320.08.

1577 Section 36. Subsection (4) of section 320.0848, Florida
1578 Statutes, is amended to read:

1579 320.0848 Persons who have disabilities; issuance of
1580 disabled parking permits; temporary permits; permits for certain
1581 providers of transportation services to persons who have
1582 disabilities.—

1583 (4) From the proceeds of the temporary disabled parking
1584 permit fees:

1585 (a) The Department of Highway Safety and Motor Vehicles
1586 must receive \$3.50 for each temporary permit, to be deposited
1587 into the Highway Safety Operating Trust Fund and used for
1588 implementing the real-time disabled parking permit database and
1589 for administering the disabled parking permit program.

1590 (b) The tax collector, for processing, must receive \$2.50
1591 for each temporary permit.

1592 (c) The remainder must be distributed monthly as follows:

1593 1. To the Florida Endowment Foundation for Vocational
1594 Rehabilitation, known as "The Able Trust," ~~Florida Governor's~~
1595 ~~Alliance for the Employment of Disabled Citizens~~ for the purpose

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1596 of improving employment and training opportunities for persons
1597 who have disabilities, with special emphasis on removing
1598 transportation barriers, \$4. These fees must be directly
1599 deposited into the Florida Endowment Foundation for Vocational
1600 Rehabilitation as established in s. 413.615 ~~Transportation~~
1601 ~~Disadvantaged Trust Fund for transfer to the Florida Governor's~~
1602 ~~Alliance for Employment of Disabled Citizens.~~

1603 2. To the Transportation Disadvantaged Trust Fund to be
1604 used for funding matching grants to counties for the purpose of
1605 improving transportation of persons who have disabilities, \$5.

1606 Section 37. Paragraphs (a) and (b) of subsection (2) of
1607 section 320.275, Florida Statutes, are amended to read:

1608 320.275 Automobile Dealers Industry Advisory Board.—

1609 (2) MEMBERSHIP, TERMS, MEETINGS.—

1610 (a) The board shall be composed of 12 members. The
1611 executive director of the Department of Highway Safety and Motor
1612 Vehicles shall appoint the members from names submitted by the
1613 entities for the designated categories the member will
1614 represent. The executive director shall appoint one
1615 representative of the Department of Highway Safety and Motor
1616 Vehicles, ~~who must represent the Division of Motor Vehicles;~~ two
1617 representatives of the independent motor vehicle industry as
1618 recommended by the Florida Independent Automobile Dealers
1619 Association; two representatives of the franchise motor vehicle
1620 industry as recommended by the Florida Automobile Dealers
1621 Association; one representative of the auction motor vehicle
1622 industry who is from an auction chain and is recommended by a
1623 group affiliated with the National Auto Auction Association; one
1624 representative of the auction motor vehicle industry who is from

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1625 an independent auction and is recommended by a group affiliated
1626 with the National Auto Auction Association; one representative
1627 from the Department of Revenue; a Florida tax collector
1628 representative recommended by the Florida Tax Collectors
1629 Association; one representative from the Better Business Bureau;
1630 one representative from the Department of Agriculture and
1631 Consumer Services, who must represent the Division of Consumer
1632 Services; and one representative of the insurance industry who
1633 writes motor vehicle dealer surety bonds.

1634 (b)1. The executive director shall appoint the following
1635 initial members to 1-year terms: one representative from the
1636 motor vehicle auction industry who represents an auction chain,
1637 one representative from the independent motor vehicle industry,
1638 one representative from the franchise motor vehicle industry,
1639 one representative from the Department of Revenue, one Florida
1640 tax collector, and one representative from the Better Business
1641 Bureau.

1642 2. The executive director shall appoint the following
1643 initial members to 2-year terms: one representative from the
1644 motor vehicle auction industry who represents an independent
1645 auction, one representative from the independent motor vehicle
1646 industry, one representative from the franchise motor vehicle
1647 industry, one representative from the Division of Consumer
1648 Services, one representative from the insurance industry, and
1649 one representative from the department ~~Division of Motor~~
1650 ~~Vehicles~~.

1651 3. As the initial terms expire, the executive director
1652 shall appoint successors from the same designated category for
1653 terms of 2 years. If renominated, a member may succeed himself

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1654 or herself.

1655 4. The board shall appoint a chair and vice chair at its
1656 initial meeting and every 2 years thereafter.

1657 Section 38. Subsection (1) of section 320.771, Florida
1658 Statutes, is amended to read:

1659 320.771 License required of recreational vehicle dealers.-

1660 (1) DEFINITIONS.-As used in this section:

1661 (a) "Dealer" means any person engaged in the business of
1662 buying, selling, or dealing in recreational vehicles or offering
1663 or displaying recreational vehicles for sale. The term "dealer"
1664 includes a recreational vehicle broker. Any person who buys,
1665 sells, deals in, or offers or displays for sale, or who acts as
1666 the agent for the sale of, one or more recreational vehicles in
1667 any 12-month period shall be prima facie presumed to be a
1668 dealer. The terms "selling" and "sale" include lease-purchase
1669 transactions. The term "dealer" does not include banks, credit
1670 unions, and finance companies that acquire recreational vehicles
1671 as an incident to their regular business and does not include
1672 mobile home rental and leasing companies that sell recreational
1673 vehicles to dealers licensed under this section. A licensed
1674 dealer may transact business in recreational vehicles with a
1675 motor vehicle auction as defined in s. 320.27(1)(c)4. Further, a
1676 licensed dealer may, at retail or wholesale, sell a motor
1677 vehicle, as described in s. 320.01(1)(a), acquired in exchange
1678 for the sale of a recreational vehicle, if such acquisition is
1679 incidental to the principal business of being a recreational
1680 vehicle dealer. However, a recreational vehicle dealer may not
1681 buy a motor vehicle for the purpose of resale unless licensed as
1682 a motor vehicle dealer pursuant to s. 320.27.

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1683 (b) "Recreational vehicle broker" means any person who is
1684 engaged in the business of offering to procure or procuring used
1685 recreational vehicles for the general public; who holds himself
1686 or herself out through solicitation, advertisement, or otherwise
1687 as one who offers to procure or procures used recreational
1688 vehicles for the general public; or who acts as the agent or
1689 intermediary on behalf of the owner or seller of a used
1690 recreational vehicle which is for sale or who assists or
1691 represents the seller in finding a buyer for the recreational
1692 vehicle.

1693 (c) For the purposes of this section, the term
1694 "recreational vehicle" does not include any camping trailer, as
1695 defined in s. 320.01(1)(b)2.

1696 (d) A dealer may apply for a certificate of title to a
1697 recreational vehicle required to be registered under s.
1698 320.08(9) using a manufacturer's statement of origin as
1699 permitted by s. 319.23(1) only if such dealer is authorized by a
1700 manufacturer/dealer agreement as defined in s. 320.3202(8) on
1701 file with the department to buy, sell, or deal in that
1702 particular line-make of recreational vehicle and is authorized
1703 by such agreement to perform delivery and preparation
1704 obligations and warranty defect adjustments on that line-make.

1705 Section 39. Section 320.95, Florida Statutes, is amended to
1706 read:

1707 320.95 Transactions by electronic or telephonic means.—

1708 (1) The department may ~~is authorized to~~ accept any
1709 application provided for under this chapter by electronic or
1710 telephonic means.

1711 (2) The department may collect and use electronic mail

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1712 addresses for the purpose of providing renewal notices in lieu
1713 of the United States Postal Service.

1714 Section 40. Section 321.02, Florida Statutes, is amended to
1715 read:

1716 321.02 Powers and duties of department, highway patrol.—The
1717 director of the Division of Highway Patrol of the Department of
1718 Highway Safety and Motor Vehicles shall be designated the
1719 Colonel ~~also be the commander~~ of the Florida Highway Patrol. The
1720 said department shall set up and promulgate rules and
1721 regulations by which the personnel of the Florida Highway Patrol
1722 officers shall be examined, employed, trained, located,
1723 suspended, reduced in rank, discharged, recruited, paid and
1724 pensioned, subject to civil service provisions hereafter set
1725 out. The department may enter into contracts or agreements, with
1726 or without competitive bidding or procurement, to make
1727 available, on a fair, reasonable, nonexclusive, and
1728 nondiscriminatory basis, property and other structures under
1729 division control for the placement of new facilities by any
1730 wireless provider of mobile service as defined in 47 U.S.C. s.
1731 153(27) or s. 332(d), and any telecommunications company as
1732 defined in s. 364.02 when it is determined to be practical and
1733 feasible to make such property or other structures available.
1734 The department may, without adopting a rule, charge a just,
1735 reasonable, and nondiscriminatory fee for placement of the
1736 facilities, payable annually, based on the fair market value of
1737 space used by comparable communications facilities in the state.
1738 The department and a wireless provider or telecommunications
1739 company may negotiate the reduction or elimination of a fee in
1740 consideration of services provided to the division by the

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1741 wireless provider or the telecommunications company. All such
1742 fees collected by the department shall be deposited directly
1743 into the State Agency Law Enforcement Radio System Trust Fund,
1744 and may be used to construct, maintain, or support the system.
1745 The department is further specifically authorized to purchase,
1746 sell, trade, rent, lease and maintain all necessary equipment,
1747 uniforms, motor vehicles, communication systems, housing
1748 facilities, office space, and perform any other acts necessary
1749 for the proper administration and enforcement of this chapter.
1750 However, all supplies and equipment consisting of single items
1751 or in lots shall be purchased under the requirements of s.
1752 287.057. Purchases shall be made by accepting the bid of the
1753 lowest responsive bidder, the right being reserved to reject all
1754 bids. The department shall prescribe a distinctive uniform and
1755 distinctive emblem to be worn by all officers of the Florida
1756 Highway Patrol. It shall be unlawful for any other person or
1757 persons to wear a similar uniform or emblem, or any part or
1758 parts thereof. The department shall also prescribe distinctive
1759 colors for use on motor vehicles and motorcycles operated by the
1760 Florida Highway Patrol. The prescribed colors shall be referred
1761 to as "Florida Highway Patrol black and tan."

1762 Section 41. Subsection (3) of section 322.02, Florida
1763 Statutes, is amended to read:

1764 322.02 Legislative intent; administration.-

1765 (3) The department shall employ a director, who is charged
1766 with the duty of serving as the executive officer of the
1767 Division of Motorist Services within ~~Driver Licenses~~ of the
1768 department insofar as the administration of this chapter is
1769 concerned. He or she shall be subject to the supervision and

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1770 direction of the department, and his or her official actions and
1771 decisions as executive officer shall be conclusive unless the
1772 same are superseded or reversed by the department or by a court
1773 of competent jurisdiction.

1774 Section 42. Subsection (1) of section 322.04, Florida
1775 Statutes, is amended to read:

1776 322.04 Persons exempt from obtaining driver's license.—

1777 (1) The following persons are exempt from obtaining a
1778 driver's license:

1779 (a) Any employee of the United States Government, while
1780 operating a noncommercial motor vehicle owned by or leased to
1781 the United States Government and being operated on official
1782 business.

1783 (b) Any person while driving or operating any road machine,
1784 farm tractor, or implement of husbandry temporarily operated or
1785 moved on a highway.

1786 (c) A nonresident who is at least 16 years of age ~~and who~~
1787 ~~has in his or her immediate possession a valid noncommercial~~
1788 ~~driver's license issued to the nonresident in his or her home~~
1789 ~~state or country,~~ may operate a motor vehicle of the type for
1790 which a Class E driver's license is required in this state if he
1791 or she has in their immediate possession:

1792 1. A valid noncommercial driver's license issued in his or
1793 her name from another state or territory of the United States;
1794 or

1795 2. An International Driving Permit issued in his or her
1796 name by their country of residence.

1797 ~~(d) A nonresident who is at least 18 years of age and who~~
1798 ~~has in his or her immediate possession a valid noncommercial~~

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1799 ~~driver's license issued to the nonresident in his or her home~~
1800 ~~state or country may operate a motor vehicle, other than a~~
1801 ~~commercial motor vehicle, in this state.~~

1802 (d) ~~(e)~~ Any person operating a golf cart, as defined in s.
1803 320.01, which is operated in accordance with the provisions of
1804 s. 316.212.

1805 Section 43. Paragraph (a) of subsection (1) of section
1806 322.051, Florida Statutes, is amended, and subsection (9) is
1807 added to that section, to read:

1808 322.051 Identification cards.—

1809 (1) Any person who is 5 years of age or older, or any
1810 person who has a disability, regardless of age, who applies for
1811 a disabled parking permit under s. 320.0848, may be issued an
1812 identification card by the department upon completion of an
1813 application and payment of an application fee.

1814 (a) Each such application shall include the following
1815 information regarding the applicant:

1816 1. Full name (first, middle or maiden, and last), gender,
1817 proof of social security card number satisfactory to the
1818 department, county of residence, mailing address, proof of
1819 residential address satisfactory to the department, country of
1820 birth, and a brief description.

1821 2. Proof of birth date satisfactory to the department.

1822 3. Proof of identity satisfactory to the department. Such
1823 proof must include one of the following documents issued to the
1824 applicant:

1825 a. A driver's license record or identification card record
1826 from another jurisdiction that required the applicant to submit
1827 a document for identification which is substantially similar to

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- 1828 a document required under sub-subparagraph b., sub-subparagraph
1829 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
1830 f., sub-subparagraph g., or sub-subparagraph h.;
- 1831 b. A certified copy of a United States birth certificate;
- 1832 c. A valid, unexpired United States passport;
- 1833 d. A naturalization certificate issued by the United States
1834 Department of Homeland Security;
- 1835 e. A valid, unexpired alien registration receipt card
1836 (green card);
- 1837 f. A Consular Report of Birth Abroad provided by the United
1838 States Department of State;
- 1839 g. An unexpired employment authorization card issued by the
1840 United States Department of Homeland Security; or
- 1841 h. Proof of nonimmigrant classification provided by the
1842 United States Department of Homeland Security, for an original
1843 identification card. In order to prove such nonimmigrant
1844 classification, applicants must provide at least one of ~~may~~
1845 ~~produce but are not limited to~~ the following documents, and, in
1846 addition, the department may require other documents for the
1847 sole purpose of establishing the maintenance of or efforts to
1848 maintain continuous lawful presence:
- 1849 (I) A notice of hearing from an immigration court
1850 scheduling a hearing on any proceeding.
- 1851 (II) A notice from the Board of Immigration Appeals
1852 acknowledging pendency of an appeal.
- 1853 (III) Notice of the approval of an application for
1854 adjustment of status issued by the United States Bureau of
1855 Citizenship and Immigration Services.
- 1856 (IV) Any official documentation confirming the filing of a

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1857 petition for asylum or refugee status or any other relief issued
1858 by the United States Bureau of Citizenship and Immigration
1859 Services.

1860 (V) Notice of action transferring any pending matter from
1861 another jurisdiction to Florida, issued by the United States
1862 Bureau of Citizenship and Immigration Services.

1863 (VI) Order of an immigration judge or immigration officer
1864 granting any relief that authorizes the alien to live and work
1865 in the United States including, but not limited to asylum.

1866 (VII) Evidence that an application is pending for
1867 adjustment of status to that of an alien lawfully admitted for
1868 permanent residence in the United States or conditional
1869 permanent resident status in the United States, if a visa number
1870 is available having a current priority date for processing by
1871 the United States Bureau of Citizenship and Immigration
1872 Services.

1873 (VIII) On or after January 1, 2010, an unexpired foreign
1874 passport with an unexpired United States Visa affixed,
1875 accompanied by an approved I-94, documenting the most recent
1876 admittance into the United States.

1877
1878 An identification card issued based on documents required
1879 ~~Presentation of any of the documents described in sub-~~
1880 ~~subparagraph g. or sub-subparagraph h. is valid entitles the~~
1881 ~~applicant to an identification card~~ for a period not to exceed
1882 the expiration date of the document presented or 1 year,
1883 whichever first occurs.

1884 (9) Notwithstanding any other provision of this section or
1885 s. 322.21 to the contrary, the department shall issue or renew a

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1886 card at no charge to a person who presents good cause for a fee
1887 waiver.

1888 Section 44. Subsection (4) of section 322.058, Florida
1889 Statutes, is amended to read:

1890 322.058 Suspension of driving privileges due to support
1891 delinquency; reinstatement.—

1892 (4) This section applies only to the annual renewal in the
1893 owner's birth month of a motor vehicle registration and does not
1894 apply to the transfer of a registration of a motor vehicle sold
1895 by a motor vehicle dealer licensed under chapter 320, except for
1896 the transfer of registrations which is inclusive of the annual
1897 renewals. This section does not affect the issuance of the title
1898 to a motor vehicle, notwithstanding s. 319.23(8)(b)
1899 ~~319.23(7)(b)~~.

1900 Section 45. Section 322.065, Florida Statutes, is amended
1901 to read:

1902 322.065 Driver's license expired for 6 4 months or less;
1903 penalties.—Any person whose driver's license has been expired
1904 for 6 4 months or less and who drives a motor vehicle upon the
1905 highways of this state commits ~~is guilty of~~ an infraction and is
1906 subject to the penalty provided in s. 318.18.

1907 Section 46. Subsection (3) of section 322.07, Florida
1908 Statutes, is amended to read:

1909 322.07 Instruction permits and temporary licenses.—

1910 (3) Any person who, except for his or her lack of
1911 instruction in operating a commercial motor vehicle, would
1912 otherwise be qualified to obtain a commercial driver's license
1913 under this chapter, may apply for a temporary commercial
1914 instruction permit. The department shall issue such a permit

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1915 entitling the applicant, while having the permit in his or her
1916 immediate possession, to drive a commercial motor vehicle on the
1917 highways, provided that:

1918 (a) The applicant possesses a valid Florida driver's
1919 license ~~issued in any state~~; and

1920 (b) The applicant, while operating a commercial motor
1921 vehicle, is accompanied by a licensed driver who is 21 years of
1922 age or older, who is licensed to operate the class of vehicle
1923 being operated, and who is actually occupying the closest seat
1924 to the right of the driver.

1925 Section 47. Subsection (2) of section 322.08, Florida
1926 Statutes, is amended, and subsection (8) is added to that
1927 section, to read:

1928 322.08 Application for license; requirements for license
1929 and identification card forms.—

1930 (2) Each such application shall include the following
1931 information regarding the applicant:

1932 (a) Full name (first, middle or maiden, and last), gender,
1933 proof of social security card number satisfactory to the
1934 department, county of residence, mailing address, proof of
1935 residential address satisfactory to the department, country of
1936 birth, and a brief description.

1937 (b) Proof of birth date satisfactory to the department.

1938 (c) Proof of identity satisfactory to the department. Such
1939 proof must include one of the following documents issued to the
1940 applicant:

1941 1. A driver's license record or identification card record
1942 from another jurisdiction that required the applicant to submit
1943 a document for identification which is substantially similar to

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- 1944 a document required under subparagraph 2., subparagraph 3.,
1945 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
1946 7., or subparagraph 8.;
- 1947 2. A certified copy of a United States birth certificate;
- 1948 3. A valid, unexpired United States passport;
- 1949 4. A naturalization certificate issued by the United States
1950 Department of Homeland Security;
- 1951 5. A valid, unexpired alien registration receipt card
1952 (green card);
- 1953 6. A Consular Report of Birth Abroad provided by the United
1954 States Department of State;
- 1955 7. An unexpired employment authorization card issued by the
1956 United States Department of Homeland Security; or
- 1957 8. Proof of nonimmigrant classification provided by the
1958 United States Department of Homeland Security, for an original
1959 driver's license. In order to prove nonimmigrant classification,
1960 an applicant must provide at least one of the following
1961 documents; in addition, the department may require other
1962 documents for the sole purpose of establishing the maintenance
1963 of or efforts to maintain continuous lawful presence ~~may produce~~
1964 ~~the following documents, including, but not limited to:~~
- 1965 a. A notice of hearing from an immigration court scheduling
1966 a hearing on any proceeding.
- 1967 b. A notice from the Board of Immigration Appeals
1968 acknowledging pendency of an appeal.
- 1969 c. A notice of the approval of an application for
1970 adjustment of status issued by the United States Bureau of
1971 Citizenship and Immigration Services.
- 1972 d. Any official documentation confirming the filing of a

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1973 petition for asylum or refugee status or any other relief issued
1974 by the United States Bureau of Citizenship and Immigration
1975 Services.

1976 e. A notice of action transferring any pending matter from
1977 another jurisdiction to this state issued by the United States
1978 Bureau of Citizenship and Immigration Services.

1979 f. An order of an immigration judge or immigration officer
1980 granting any relief that authorizes the alien to live and work
1981 in the United States, including, but not limited to, asylum.

1982 g. Evidence that an application is pending for adjustment
1983 of status to that of an alien lawfully admitted for permanent
1984 residence in the United States or conditional permanent resident
1985 status in the United States, if a visa number is available
1986 having a current priority date for processing by the United
1987 States Bureau of Citizenship and Immigration Services.

1988 h. On or after January 1, 2010, an unexpired foreign
1989 passport with an unexpired United States Visa affixed,
1990 accompanied by an approved I-94, documenting the most recent
1991 admittance into the United States.

1992
1993 A driver's license or temporary permit issued based on documents
1994 required ~~Presentation of any of the documents~~ in subparagraph 7.
1995 or subparagraph 8. is valid ~~entitles the applicant to a driver's~~
1996 ~~license or temporary permit~~ for a period not to exceed the
1997 expiration date of the document presented or 1 year, whichever
1998 occurs first.

1999 (d) Whether the applicant has previously been licensed to
2000 drive, and, if so, when and by what state, and whether any such
2001 license or driving privilege has ever been disqualified,

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2002 revoked, or suspended, or whether an application has ever been
2003 refused, and, if so, the date of and reason for such
2004 disqualification, suspension, revocation, or refusal.

2005 (e) Each such application may include fingerprints and
2006 other unique biometric means of identity.

2007 (8) The department may collect and use electronic mail
2008 addresses for the purpose of providing renewal notices in lieu
2009 of the United State Postal Service.

2010 Section 48. Subsection (9) is added to section 322.081,
2011 Florida Statutes, to read:

2012 322.081 Requests to establish voluntary checkoff on
2013 driver's license application.—

2014 (9) The department may annually retain from the first
2015 proceeds derived from the voluntary contributions collected an
2016 amount sufficient to defray for each voluntary contribution the
2017 pro rata share of the department's costs directly related to the
2018 voluntary contributions program. Such costs include renewal
2019 notices, postage, distribution costs, direct costs to the
2020 department, and costs associated with reviewing each
2021 organization's compliance with the audit and attestation
2022 requirements of this section. The revenues retained by the
2023 department may not be less than 0.005 percent and may not exceed
2024 0.015 percent. The balance of the proceeds from the voluntary
2025 contributions collected shall be distributed as provided by law.

2026 Section 49. Subsection (5) of section 322.12, Florida
2027 Statutes, is amended to read:

2028 322.12 Examination of applicants.—

2029 ~~(5)(a) The department shall formulate a separate~~
2030 ~~examination for applicants for licenses to operate motorcycles.~~

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2031 ~~Any applicant for a driver's license who wishes to operate a~~
2032 ~~motorcycle, and who is otherwise qualified, must successfully~~
2033 ~~complete such an examination, which is in addition to the~~
2034 ~~examination administered under subsection (3). The examination~~
2035 ~~must test the applicant's knowledge of the operation of a~~
2036 ~~motorcycle and of any traffic laws specifically relating thereto~~
2037 ~~and must include an actual demonstration of his or her ability~~
2038 ~~to exercise ordinary and reasonable control in the operation of~~
2039 ~~a motorcycle. Any applicant who fails to pass the initial~~
2040 ~~knowledge examination will incur a \$5 fee for each subsequent~~
2041 ~~examination, to be deposited into the Highway Safety Operating~~
2042 ~~Trust Fund. Any applicant who fails to pass the initial skills~~
2043 ~~examination will incur a \$10 fee for each subsequent~~
2044 ~~examination, to be deposited into the Highway Safety Operating~~
2045 ~~Trust Fund. In the formulation of the examination, the~~
2046 ~~department shall consider the use of the Motorcycle Operator~~
2047 ~~Skills Test and the Motorcycle in Traffic Test offered by the~~
2048 ~~Motorcycle Safety Foundation. The department shall indicate on~~
2049 ~~the license of any person who successfully completes the~~
2050 ~~examination that the licensee is authorized to operate a~~
2051 ~~motorcycle. If the applicant wishes to be licensed to operate a~~
2052 ~~motorcycle only, he or she need not take the skill or road test~~
2053 ~~required under subsection (3) for the operation of a motor~~
2054 ~~vehicle, and the department shall indicate such a limitation on~~
2055 ~~his or her license as a restriction. Every first-time applicant~~
2056 ~~for licensure to operate a motorcycle must provide proof of~~
2057 ~~completion of a motorcycle safety course, as provided for in s.~~
2058 ~~322.0255, which shall include a final examination before the~~
2059 ~~applicant may be licensed to operate a motorcycle. The~~

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2060 department shall indicate on the license of any person who
2061 successfully completes the course that the licensee is
2062 authorized to operate a motorcycle. If the applicant wishes to
2063 be licensed to operate a motorcycle only, he or she need not
2064 take the skill or road test required under subsection (3) for
2065 the operation of a motor vehicle, and the department shall
2066 indicate such a limitation on his or her license as a
2067 restriction.

2068 ~~(b) The department may exempt any applicant from the~~
2069 ~~examination provided in this subsection if the applicant~~
2070 ~~presents a certificate showing successful completion of a course~~
2071 ~~approved by the department, which course includes a similar~~
2072 ~~examination of the knowledge and skill of the applicant in the~~
2073 ~~operation of a motorcycle.~~

2074 Section 50. Subsection (5) of section 322.121, Florida
2075 Statutes, is amended to read:

2076 322.121 Periodic reexamination of all drivers.—

2077 (5) Members of the Armed Forces, or their dependents
2078 residing with them, shall be granted an automatic extension for
2079 the expiration of their Class E licenses without reexamination
2080 while serving on active duty outside this state. This extension
2081 is valid for 90 days after the member of the Armed Forces is
2082 either discharged or returns to this state to live.

2083 Section 51. Paragraph (a) of subsection (1) of section
2084 322.14, Florida Statutes, is amended to read:

2085 322.14 Licenses issued to drivers.—

2086 (1) (a) The department shall, upon successful completion of
2087 all required examinations and payment of the required fee, issue
2088 to every applicant qualifying therefor, a driver's license as

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2089 applied for, which license shall bear thereon a color photograph
2090 or digital image of the licensee; the name of the state; a
2091 distinguishing number assigned to the licensee; and the
2092 licensee's full name, date of birth, and residence address; a
2093 brief description of the licensee, including, but not limited
2094 to, the licensee's gender and height; and the dates of issuance
2095 and expiration of the license. A space shall be provided upon
2096 which the licensee shall affix his or her usual signature. No
2097 license shall be valid until it has been so signed by the
2098 licensee except that the signature of said licensee shall not be
2099 required if it appears thereon in facsimile or if the licensee
2100 is not present within the state at the time of issuance.

2101 ~~Applicants qualifying to receive a Class A, Class B, or Class C~~
2102 ~~driver's license must appear in person within the state for~~
2103 ~~issuance of a color photographic or digital imaged driver's~~
2104 ~~license pursuant to s. 322.142.~~

2105 Section 52. Section 322.1415, Florida Statutes, is created
2106 to read:

2107 322.1415 Specialty driver's license and identification card
2108 program.—

2109 (1) The department shall issue to any applicant qualified
2110 pursuant to s. 322.14 a specialty driver's license or
2111 identification card upon payment of the appropriate fee pursuant
2112 to s. 322.21.

2113 (2) Department-approved specialty driver's licenses and
2114 identification cards shall, at a minimum, be available for state
2115 and independent universities domiciled in this state, all
2116 Florida professional sports teams designated in s.
2117 320.08058(9)(a), and all branches of the United States military.

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2118 (3) The design and use of each specialty driver's license
2119 and identification card must be approved by the department and
2120 the organization that is recognized by the driver's license or
2121 card.

2122 Section 53. Subsections (9), (10), (13), (14), and (16) of
2123 section 322.20, Florida Statutes, are amended to read:

2124 322.20 Records of the department; fees; destruction of
2125 records.-

2126 (9) The department may, upon application, furnish to any
2127 person, from its ~~the records of the Division of Driver Licenses,~~
2128 a list of the names, addresses, and birth dates of the licensed
2129 drivers of the entire state or any portion thereof by age group.
2130 In addition, the department may furnish to the courts, for the
2131 purpose of establishing jury selection lists, the names,
2132 addresses, and birth dates of the persons of the entire state or
2133 any portion thereof by age group having identification cards
2134 issued by the department. Each person who requests such
2135 information shall pay a fee, set by the department, of 1 cent
2136 per name listed, except that the department shall furnish such
2137 information without charge to the courts for the purpose of jury
2138 selection or to any state agency or to any state attorney,
2139 sheriff, or chief of police. Such court, state agency, state
2140 attorney, or law enforcement agency may not sell, give away, or
2141 allow the copying of such information. Noncompliance with this
2142 prohibition shall authorize the department to charge the
2143 noncomplying court, state agency, state attorney, or law
2144 enforcement agency the appropriate fee for any subsequent lists
2145 requested. The department may adopt rules necessary to implement
2146 this subsection.

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2147 (10) The department ~~Division of Driver Licenses~~ is
2148 authorized, upon application of any person and payment of the
2149 proper fees, to search and to assist such person in the search
2150 of the records of the department and make reports thereof and to
2151 make photographic copies of the departmental records and
2152 attestations thereof.

2153 (13) The department ~~Division of Driver Licenses~~ shall
2154 implement a system that allows either parent of a minor, or a
2155 guardian, or other responsible adult who signed a minor's
2156 application for a driver's license to have Internet access
2157 through a secure website to inspect the minor's driver history
2158 record. Internet access to driver history records granted to a
2159 minor's parents, guardian, or other responsible adult shall be
2160 furnished by the department at no fee and shall terminate when
2161 the minor attains 18 years of age.

2162 (14) The department is authorized in accordance with
2163 chapter 257 to destroy reports, records, documents, papers, and
2164 correspondence in the department ~~Division of Driver Licenses~~
2165 which are considered obsolete.

2166 (16) The creation and maintenance of records by the
2167 Division of Motorist Services within the department ~~and the~~
2168 ~~Division of Driver Licenses~~ pursuant to this chapter shall not
2169 be regarded as law enforcement functions of agency
2170 recordkeeping.

2171 Section 54. Section 322.202, Florida Statutes, is amended
2172 to read:

2173 322.202 Admission of evidence obtained from the Division of
2174 Motorist Services ~~Driver Licenses and the Division of Motor~~
2175 ~~Vehicles.~~

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2176 (1) The Legislature finds that the Division of Motorist
2177 Services ~~Driver Licenses and the Division of Motor Vehicles~~ of
2178 the Department of Highway Safety and Motor Vehicles is ~~are~~ not a
2179 law enforcement agency ~~agencies~~. The Legislature also finds that
2180 the division is ~~divisions are~~ not an adjunct ~~adjuncts~~ of any law
2181 enforcement agency in that employees have no stake in particular
2182 prosecutions. The Legislature further finds that errors in
2183 records maintained by the Division of Motorist Services
2184 ~~divisions~~ are not within the collective knowledge of any law
2185 enforcement agency. The Legislature also finds that the mission
2186 ~~missions~~ of the Division of Motorist Services ~~Driver Licenses,~~
2187 ~~the Division of Motor Vehicles,~~ and the Department of Highway
2188 Safety and Motor Vehicles provides ~~provide~~ a sufficient
2189 incentive to maintain records in a current and correct fashion.

2190 (2) The Legislature finds that the purpose of the
2191 exclusionary rule is to deter misconduct on the part of law
2192 enforcement officers and law enforcement agencies.

2193 (3) The Legislature finds that the application of the
2194 exclusionary rule to cases where a law enforcement officer
2195 effects an arrest based on objectively reasonable reliance on
2196 information obtained from the divisions is repugnant to the
2197 purposes of the exclusionary rule and contrary to the decisions
2198 of the United States Supreme Court in *Arizona v. Evans*, 514 U.S.
2199 1 (1995) and *United States v. Leon*, 468 U.S. 897 (1984).

2200 (4) In any case where a law enforcement officer effects an
2201 arrest based on objectively reasonable reliance on information
2202 obtained from the divisions, evidence found pursuant to such an
2203 arrest shall not be suppressed by application of the
2204 exclusionary rule on the grounds that the arrest is subsequently

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2205 determined to be unlawful due to erroneous information obtained
2206 from the divisions.

2207 Section 55. Paragraph (i) is added to subsection (1) of
2208 section 322.21, Florida Statutes, and subsections (2) and (4) of
2209 that section are amended, to read:

2210 322.21 License fees; procedure for handling and collecting
2211 fees.—

2212 (1) Except as otherwise provided herein, the fee for:

2213 (i) The specialty license or identification card issued
2214 pursuant to s. 322.1415 is \$25, which is in addition to other
2215 fees required in this section. The specialty fee shall be
2216 distributed as follows:

2217 1. Twenty percent shall be distributed to the appropriate
2218 state or independent university foundation, the Florida Sports
2219 Foundation, or the State Homes for Veterans Trust Fund, as
2220 designated by the purchaser, for deposit into an unrestricted
2221 account.

2222 2. Eighty percent shall be distributed to the department
2223 for department costs directly related to the specialty driver's
2224 license and identification card program and to defray costs of
2225 production enhancements and distribution.

2226 (2) It is the duty of the Director of the Division of
2227 ~~Motorist Services to provide Driver Licenses to set up a~~
2228 ~~division in the department with the necessary personnel to~~
2229 ~~perform the necessary~~ clerical and routine work for the
2230 department in issuing and recording applications, licenses, and
2231 certificates of eligibility, including the receiving and
2232 accounting of all license funds and their payment into the State
2233 Treasury, and other incidental clerical work connected with the

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2234 administration of this chapter. The department may use such
2235 electronic, mechanical, or other devices as necessary to
2236 accomplish the purposes of this chapter.

2237 (4) If the department determines from its records or is
2238 otherwise satisfied that the holder of a license about to expire
2239 is entitled to have it renewed, the department shall mail a
2240 renewal notice to the licensee at his or her last known address,
2241 at least within 30 days before the licensee's birthday. The
2242 licensee may ~~shall~~ be issued a renewal license, after
2243 reexamination, if required, ~~during the 30 days immediately~~
2244 ~~preceding his or her birthday upon presenting a renewal notice,~~
2245 ~~his or her current license, and the fee for renewal to the~~
2246 ~~department at any driver's license examining office.~~ A driver
2247 may renew his or her driver's license up to 18 months prior to
2248 the license expiration date.

2249 Section 56. Subsection (2) of section 322.53, Florida
2250 Statutes, is amended to read:

2251 322.53 License required; exemptions.—

2252 (2) The following persons are exempt from the requirement
2253 to obtain a commercial driver's license:

2254 (a) Drivers of authorized emergency vehicles.

2255 (b) Military personnel driving vehicles operated for
2256 military purposes.

2257 (c) Farmers transporting agricultural products, farm
2258 supplies, or farm machinery to or from their farms within 150
2259 miles of their farm if the vehicle operated under this exemption
2260 is not used in the operations of a common or contract motor
2261 carrier, ~~or transporting agricultural products to or from the~~
2262 ~~first place of storage or processing or directly to or from~~

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2263 ~~market, within 150 miles of their farm.~~

2264 (d) Drivers of recreational vehicles, as defined in s.
2265 320.01.

2266 (e) Drivers who operate straight trucks, as defined in s.
2267 316.003, which ~~that~~ are exclusively transporting their own
2268 tangible personal property that ~~which~~ is not for sale or hire,
2269 and the vehicle is not used in commerce.

2270 (f) An employee of a publicly owned transit system who is
2271 limited to moving vehicles for maintenance or parking purposes
2272 exclusively within the restricted-access confines of a transit
2273 system's property.

2274 Section 57. Subsection (5) is added to section 322.54,
2275 Florida Statutes, to read:

2276 322.54 Classification.—

2277 (5) The required driver's license classification of any
2278 person operating a commercial motor vehicle that has no gross
2279 vehicle weight rating plate or no vehicle identification number
2280 shall be determined by the actual weight of the vehicle.

2281 Section 58. Section 322.58, Florida Statutes, is repealed.

2282 Section 59. Section 322.59, Florida Statutes, is amended to
2283 read:

2284 322.59 Possession of medical examiner's certificate.—

2285 (1) The department shall not issue a commercial driver's
2286 license to any person who is required by the laws of this state
2287 or by federal law to possess a medical examiner's certificate,
2288 unless such person provides ~~presents~~ a valid certificate, as
2289 described in 49 C.F.R. s. 383.71, prior to licensure.

2290 (2) The department shall disqualify a driver from operating
2291 a commercial motor vehicle if that driver holds a commercial

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2292 driver's license and fails to comply with the medical
2293 certification requirements described in 49 C.F.R. s. 383.71.

2294 ~~(2) This section does not expand the requirements as to who~~
2295 ~~must possess a medical examiner's certificate.~~

2296 Section 60. Subsection (5) of section 322.61, Florida
2297 Statutes, is amended to read:

2298 322.61 Disqualification from operating a commercial motor
2299 vehicle.-

2300 (5) Any person who is convicted of two violations specified
2301 in subsection (3) which were committed while operating a
2302 commercial motor vehicle, or any combination thereof, arising in
2303 separate incidents shall be permanently disqualified from
2304 operating a commercial motor vehicle. Any holder of a commercial
2305 driver's license who is convicted of two violations specified in
2306 subsection (3), which were committed while operating any a
2307 ~~noncommercial~~ motor vehicle, ~~or any combination thereof~~, arising
2308 in separate incidents shall be permanently disqualified from
2309 operating a commercial motor vehicle. The penalty provided in
2310 this subsection is in addition to any other applicable penalty.

2311 Section 61. Subsections (1), (4), (7), (8), and (11) of
2312 section 322.64, Florida Statutes, are amended to read:

2313 322.64 Holder of commercial driver's license; persons
2314 operating a commercial motor vehicle; driving with unlawful
2315 blood-alcohol level; refusal to submit to breath, urine, or
2316 blood test.-

2317 (1) (a) A law enforcement officer or correctional officer
2318 shall, on behalf of the department, disqualify from operating
2319 any commercial motor vehicle a person who while operating or in
2320 actual physical control of a commercial motor vehicle is

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2321 arrested for a violation of s. 316.193, relating to unlawful
2322 blood-alcohol level or breath-alcohol level, or a person who has
2323 refused to submit to a breath, urine, or blood test authorized
2324 by s. 322.63 or s. 316.1932 arising out of the operation or
2325 actual physical control of a commercial motor vehicle. A law
2326 enforcement officer or correctional officer shall, on behalf of
2327 the department, disqualify the holder of a commercial driver's
2328 license from operating any commercial motor vehicle if the
2329 licenseholder, while operating or in actual physical control of
2330 a motor vehicle, is arrested for a violation of s. 316.193,
2331 relating to unlawful blood-alcohol level or breath-alcohol
2332 level, or refused to submit to a breath, urine, or blood test
2333 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
2334 the person, the officer shall take the person's driver's license
2335 and issue the person a 10-day temporary permit for the operation
2336 of noncommercial vehicles only if the person is otherwise
2337 eligible for the driving privilege and shall issue the person a
2338 notice of disqualification. If the person has been given a
2339 blood, breath, or urine test, the results of which are not
2340 available to the officer at the time of the arrest, the agency
2341 employing the officer shall transmit such results to the
2342 department within 5 days after receipt of the results. If the
2343 department then determines that the person had a blood-alcohol
2344 level or breath-alcohol level of 0.08 or higher, the department
2345 shall disqualify the person from operating a commercial motor
2346 vehicle pursuant to subsection (3).

2347 (b) For purposes of determining the period of
2348 disqualification described in 49 C.F.R. s. 383.51,
2349 disqualifications listed in paragraph (a) shall be treated as

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2350 convictions.

2351 ~~(c)(b)~~ The disqualification under paragraph (a) shall be
2352 pursuant to, and the notice of disqualification shall inform the
2353 driver of, the following:

2354 1.a. The driver refused to submit to a lawful breath,
2355 blood, or urine test and he or she is disqualified from
2356 operating a commercial motor vehicle for the time period
2357 specified in 49 C.F.R. s. 383.51 ~~a period of 1 year, for a first~~
2358 ~~refusal, or permanently, if he or she has previously been~~
2359 ~~disqualified under this section; or~~

2360 b. The driver had an unlawful blood-alcohol or breath-
2361 alcohol level of 0.08 or higher while driving or in actual
2362 physical control of a commercial motor vehicle, or any motor
2363 vehicle if the driver holds a commercial driver's license, and
2364 is disqualified for the time period specified in 49 C.F.R. s.
2365 383.51. ~~The driver was driving or in actual physical control of~~
2366 ~~a commercial motor vehicle, or any motor vehicle if the driver~~
2367 ~~holds a commercial driver's license, had an unlawful blood-~~
2368 ~~alcohol level or breath-alcohol level of 0.08 or higher, and his~~
2369 ~~or her driving privilege shall be disqualified for a period of 1~~
2370 ~~year for a first offense or permanently disqualified if his or~~
2371 ~~her driving privilege has been previously disqualified under~~
2372 ~~this section.~~

2373 2. The disqualification period for operating commercial
2374 vehicles shall commence on the date of issuance of the notice of
2375 disqualification.

2376 3. The driver may request a formal or informal review of
2377 the disqualification by the department within 10 days after the
2378 date of issuance of the notice of disqualification.

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2379 4. The temporary permit issued at the time of
2380 disqualification expires at midnight of the 10th day following
2381 the date of disqualification.

2382 5. The driver may submit to the department any materials
2383 relevant to the disqualification.

2384 (4) If the person disqualified requests an informal review
2385 pursuant to subparagraph (1) (c) ~~(b)~~ 3., the department shall
2386 conduct the informal review by a hearing officer employed by the
2387 department. Such informal review hearing shall consist solely of
2388 an examination by the department of the materials submitted by a
2389 law enforcement officer or correctional officer and by the
2390 person disqualified, and the presence of an officer or witness
2391 is not required.

2392 (7) In a formal review hearing under subsection (6) or an
2393 informal review hearing under subsection (4), the hearing
2394 officer shall determine by a preponderance of the evidence
2395 whether sufficient cause exists to sustain, amend, or invalidate
2396 the disqualification. The scope of the review shall be limited
2397 to the following issues:

2398 (a) If the person was disqualified from operating a
2399 commercial motor vehicle for driving with an unlawful blood-
2400 alcohol level:

2401 1. Whether the ~~arresting~~ law enforcement officer had
2402 probable cause to believe that the person was driving or in
2403 actual physical control of a commercial motor vehicle, or any
2404 motor vehicle if the driver holds a commercial driver's license,
2405 in this state while he or she had any alcohol, chemical
2406 substances, or controlled substances in his or her body.

2407 2. Whether the person had an unlawful blood-alcohol level

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2408 or breath-alcohol level of 0.08 or higher.

2409 (b) If the person was disqualified from operating a
2410 commercial motor vehicle for refusal to submit to a breath,
2411 blood, or urine test:

2412 1. Whether the law enforcement officer had probable cause
2413 to believe that the person was driving or in actual physical
2414 control of a commercial motor vehicle, or any motor vehicle if
2415 the driver holds a commercial driver's license, in this state
2416 while he or she had any alcohol, chemical substances, or
2417 controlled substances in his or her body.

2418 2. Whether the person refused to submit to the test after
2419 being requested to do so by a law enforcement officer or
2420 correctional officer.

2421 3. Whether the person was told that if he or she refused to
2422 submit to such test he or she would be disqualified from
2423 operating a commercial motor vehicle for a period of 1 year or,
2424 if previously disqualified under this section, permanently.

2425 (8) Based on the determination of the hearing officer
2426 pursuant to subsection (7) for both informal hearings under
2427 subsection (4) and formal hearings under subsection (6), the
2428 department shall:

2429 ~~(a) sustain the disqualification for the time period~~
2430 ~~described in 49 C.F.R. s. 383.51 a period of 1 year for a first~~
2431 ~~refusal, or permanently if such person has been previously~~
2432 ~~disqualified from operating a commercial motor vehicle under~~
2433 ~~this section.~~ The disqualification period commences on the date
2434 of the issuance of the notice of disqualification.

2435 ~~(b) Sustain the disqualification:~~

2436 1. ~~For a period of 1 year if the person was driving or in~~

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2437 ~~actual physical control of a commercial motor vehicle, or any~~
2438 ~~motor vehicle if the driver holds a commercial driver's license,~~
2439 ~~and had an unlawful blood-alcohol level or breath-alcohol level~~
2440 ~~of 0.08 or higher; or~~

2441 ~~2. Permanently if the person has been previously~~
2442 ~~disqualified from operating a commercial motor vehicle under~~
2443 ~~this section or his or her driving privilege has been previously~~
2444 ~~suspended for driving or being in actual physical control of a~~
2445 ~~commercial motor vehicle, or any motor vehicle if the driver~~
2446 ~~holds a commercial driver's license, and had an unlawful blood-~~
2447 ~~alcohol level or breath-alcohol level of 0.08 or higher.~~

2448
2449 ~~The disqualification period commences on the date of the~~
2450 ~~issuance of the notice of disqualification.~~

2451 (11) The formal review hearing may be conducted upon a
2452 review of the reports of a law enforcement officer or a
2453 correctional officer, including documents relating to the
2454 administration of a breath test or blood test or the refusal to
2455 take a breath, blood, or urine ~~either~~ test. However, as provided
2456 in subsection (6), the driver may subpoena the officer or any
2457 person who administered or analyzed a breath or blood test.

2458 Section 62. Section 328.30, Florida Statutes, is amended to
2459 read:

2460 328.30 Transactions by electronic or telephonic means.—

2461 (1) The department may ~~is authorized to~~ accept any
2462 application provided for under this chapter by electronic or
2463 telephonic means.

2464 (2) The department may issue an electronic certificate of
2465 title in lieu of printing a paper title.

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2466 (3) The department may collect and use electronic mail
2467 addresses for the purpose of providing renewal notices in lieu
2468 of the United States Postal Service.

2469 Section 63. Subsection (2) of section 413.012, Florida
2470 Statutes, is amended to read:

2471 413.012 Confidential records disclosure prohibited;
2472 exemptions.—

2473 (2) It is unlawful for any person to disclose, authorize
2474 the disclosure, solicit, receive, or make use of any list of
2475 names and addresses or any record containing any information set
2476 forth in subsection (1) and maintained in the division. The
2477 prohibition provided for in this subsection shall not apply to
2478 the use of such information for purposes directly connected with
2479 the administration of the vocational rehabilitation program or
2480 with the monthly dispatch to ~~the Division of Driver Licenses of~~
2481 the Department of Highway Safety and Motor Vehicles of the name
2482 in full, place and date of birth, sex, social security number,
2483 and resident address of individuals with central visual acuity
2484 20/200 or less in the better eye with correcting glasses, or a
2485 disqualifying field defect in which the peripheral field has
2486 contracted to such an extent that the widest diameter or visual
2487 field subtends an angular distance no greater than 20 degrees.
2488 When requested in writing by an applicant or client, or her or
2489 his representative, the Division of Blind Services shall release
2490 confidential information to the applicant or client or her or
2491 his representative.

2492 Section 64. Paragraph (f) of subsection (13) of section
2493 713.78, Florida Statutes, is amended to read:

2494 713.78 Liens for recovering, towing, or storing vehicles

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2495 and vessels.—

2496 (13)

2497 (f) This subsection applies only to the annual renewal in
2498 the registered owner's birth month of a motor vehicle
2499 registration and does not apply to the transfer of a
2500 registration of a motor vehicle sold by a motor vehicle dealer
2501 licensed under chapter 320, except for the transfer of
2502 registrations which is inclusive of the annual renewals. This
2503 subsection does not apply to any vehicle registered in the name
2504 of the lessor. This subsection does not affect the issuance of
2505 the title to a motor vehicle, notwithstanding s. 319.23(8)(b)
2506 ~~319.23(7)(b)~~.

2507 Section 65. This act shall take effect July 1, 2011.