

By the Committees on Governmental Oversight and Accountability;
and 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.
12 316.003, F.S.; revising the definition of the term
13 "motor vehicle" to include swamp buggies; defining the
14 terms "swamp buggy" and "road rage"; amending s.
15 316.1905, F.S.; providing that certain traffic
16 citations may not be issued or prosecuted unless a law
17 enforcement officer used an electrical, mechanical, or
18 other speed-calculating device that has been tested
19 and approved; providing an exception; amending s.
20 316.1933, F.S.; authorizing a health care provider to
21 notify a law enforcement agency after detecting the
22 presence of a controlled substance in the blood of a
23 person injured in a motor vehicle crash; amending s.
24 316.1957, F.S., relating to parking violations;
25 conforming a reference; amending s. 316.2015, F.S.;
26 prohibiting the operator of a pickup truck or flatbed
27 truck from permitting a child who is younger than 6
28 years of age from riding within the open body of the
29 truck under certain circumstances; providing for

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30 certain exceptions; making technical and grammatical
31 changes; amending s. 316.2065, F.S.; revising safety
32 standard requirements for bicycle helmets that must be
33 worn by certain riders and passengers; clarifying
34 provisions relating to when a bicycle operator must
35 ride in a bicycle lane or along the curb or edge of
36 the roadway; providing for enforcement of requirements
37 for bicycle lighting equipment; providing penalties
38 for violations; providing for dismissal of the charge
39 following a first offense under certain circumstances;
40 amending s. 316.2085, F.S.; requiring that license
41 tags for mopeds and motorcycles be affixed so that the
42 letters and numbers are legible from the rear;
43 specifying that the tags may be displayed horizontally
44 or vertically to the ground so that the numbers and
45 letters read from left to right or from top to bottom;
46 amending ss. 316.2122, 316.2124, 316.21265, 316.3026,
47 and 316.550, F.S., relating to the operation of low-
48 speed vehicles, motorized disability access vehicles,
49 and all-terrain or utility vehicles, the unlawful
50 operation of motor carriers, and special permits,
51 respectively; conforming cross-references; amending s.
52 316.545, F.S.; providing for the regulation of
53 apportionable vehicles; amending s. 316.613, F.S.;
54 providing child-restraint requirements for children
55 ages 4 through 7 years of age who are less than a
56 specified height; providing certain exceptions;
57 redefining the term "motor vehicle" to exclude certain
58 vehicles from such requirements; providing a grace

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59 period; amending s. 317.0003, F.S., relating to off-
60 highway vehicles; conforming a cross-reference;
61 amending s. 317.0016, F.S.; eliminating a requirement
62 that the department provide expedited service for
63 certificates of repossession; amending s. 318.14,
64 F.S.; clarifying provisions authorizing a person cited
65 for a noncriminal traffic infraction to elect to
66 attend a driver improvement course or enter a plea of
67 nolo contendere; amending s. 318.15, F.S., relating to
68 the suspension of driving privileges; conforming a
69 reference; amending s. 319.14, F.S.; prohibiting a
70 person from knowingly offering for sale, selling, or
71 exchanging certain vehicles unless the department has
72 stamped in a conspicuous place on the certificate of
73 title words stating that the vehicle is a custom
74 vehicle or street rod vehicle; defining the terms
75 "custom vehicle" and "street rod"; amending s.
76 319.225, F.S.; revising the requirements for the
77 transfer and reassignment forms for vehicles;
78 requiring that a dealer selling a vehicle out of state
79 mail a copy of the power of attorney form to the
80 department; providing for the electronic transfer of a
81 vehicle title; amending s. 319.23, F.S.; providing for
82 the application for a certificate of title, corrected
83 certificate, or assignment or reassignment to be filed
84 from the consummation of the sale of a mobile home;
85 authorizing the department to accept a bond if the
86 applicant for a certificate of title is unable to
87 provide a title that assigns the prior owner's

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88 interest in the motor vehicle; providing requirements
89 for the bond and the affidavit; providing for future
90 expiration of the bond; amending s. 319.28, F.S.;
91 eliminating certain requirements that a lienholder
92 obtain a certificate of repossession following
93 repossession of a vehicle or mobile home; amending s.
94 319.323, F.S., relating to title offices for expedited
95 service; conforming provisions to changes made by the
96 act; amending s. 319.40, F.S.; authorizing the
97 department to issue electronic certificates of title
98 and use electronic mail addresses for purposes of
99 notification; amending s. 320.01, F.S.; revising the
100 definition of the term "motor vehicle" to include
101 special mobile equipment and swamp buggies; deleting
102 an obsolete definition; revising the gross vehicle
103 weight for purposes of defining the terms
104 "apportionable vehicle" and "commercial motor
105 vehicle"; defining the term "swamp buggy"; amending s.
106 320.02, F.S.; providing that an active-duty military
107 member is exempt from the requirement to provide an
108 address on an application for vehicle registration;
109 requiring the application forms for motor vehicle
110 registration and renewal of registration to include
111 language permitting the applicant to make a voluntary
112 contribution to End Hunger in Florida, Autism Services
113 and Supports, and the Auto Club South Traffic Safety
114 Foundation; requiring that the department retain
115 certain records for a specified period; amending s.
116 320.023, F.S.; authorizing the department to retain

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117 certain proceeds derived from the voluntary
118 contributions program to cover certain specified costs
119 to the department; amending s. 320.03, F.S., relating
120 to the International Registration Plan; conforming
121 provisions to changes made by the act; amending s.
122 320.05, F.S.; deleting a provision requiring that the
123 department provide a procedures manual for a fee;
124 clarifying that the creation and maintenance of
125 records by the Division of Motorist Services is not a
126 law enforcement function of agency recordkeeping;
127 amending s. 320.06, F.S.; authorizing the department
128 to conduct a pilot program to evaluate alternative
129 license plate technologies for use on government-owned
130 motor vehicles; specifying that all license plates
131 issued by the department are the property of the
132 state; amending s. 320.061, F.S.; providing that it is
133 a noncriminal traffic infraction to alter a temporary
134 license plate; amending s. 320.071, F.S.; providing
135 for the renewal of registration for an apportionable
136 vehicle that is registered under the International
137 Registration Plan; amending s. 320.0715, F.S.;
138 clarifying provisions requiring the registration of
139 apportionable vehicles under the International
140 Registration Plan; amending s. 320.08, F.S., relating
141 to license taxes; conforming cross-references;
142 amending s. 320.0847, F.S., relating to license plates
143 for mini trucks and low-speed vehicles; conforming
144 cross-references; amending s. 320.0848, F.S.; revising
145 the requirements for the deposit of fee proceeds from

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146 temporary disabled parking permits; amending s.
147 320.275, F.S., relating to the Automobile Dealers
148 Industry Advisory Board; conforming provisions to the
149 elimination of the Division of Motor Vehicles within
150 the department; amending s. 320.771, F.S.; specifying
151 circumstances under which certain dealers may apply
152 for a certificate of title to a recreational vehicle
153 using a manufacturer's statement of origin; amending
154 s. 320.95, F.S.; authorizing the department to use
155 electronic mail addresses for the purpose of providing
156 license renewal notices; amending s. 321.02, F.S.;
157 designating the director of the Division of Highway
158 Patrol of the department as the Colonel of the Florida
159 Highway Patrol; amending s. 322.02, F.S.; providing
160 for a director of the Division of Motorist Services;
161 amending s. 322.04, F.S.; revising provisions
162 exempting a nonresident from the requirement to obtain
163 a driver's license under certain circumstances;
164 amending s. 322.051, F.S.; revising requirements by
165 which an applicant for an identification card may
166 prove nonimmigrant classification; clarifying the
167 validity of an identification card based on specified
168 documents; providing for the department to waive the
169 fees for issuing or renewing an identification card to
170 persons who present good cause for such waiver;
171 amending s. 322.058, F.S.; conforming a cross-
172 reference; amending s. 322.065, F.S.; revising the
173 period of expiration that constitutes the offense of
174 driving with an expired driver's license; amending s.

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175 322.07, F.S.; clarifying the qualifications for
176 obtaining a temporary commercial instruction permit;
177 amending s. 322.08, F.S.; revising requirements by
178 which an applicant for a driver's license may prove
179 nonimmigrant classification; clarifying the validity
180 of a license based on specified documents; providing
181 for driver's license application forms to allow the
182 applicant to make a voluntary contribution to Autism
183 Services and Supports and the Auto Club South Traffic
184 Safety Foundation; authorizing the department to use
185 electronic mail addresses for the purposes of
186 providing license renewal notices; amending s.
187 322.081, F.S.; authorizing the department to retain
188 certain proceeds derived from the voluntary
189 contributions made on driver's license applications to
190 cover certain specified costs to the department;
191 amending s. 322.12, F.S.; deleting provisions
192 requiring a separate examination for applicants for a
193 license to operate a motorcycle; requiring that the
194 motorcycle safety course for a first-time applicant
195 include a final examination; requiring that completion
196 of the course be indicated on the license; amending s.
197 322.121, F.S.; clarifying provisions authorizing the
198 automatic extension of a license for members of the
199 Armed Forces or their dependents while serving on
200 active duty outside the state; amending s. 322.14,
201 F.S.; deleting a requirement that applicants for
202 specified licenses appear in person for issuance of a
203 color photographic or digital imaged driver's license;

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204 creating s. 322.1415, F.S.; requiring the Department
205 of Highway Safety and Motor Vehicles to issue a
206 specialty driver's license or identification card to
207 qualified applicants; specifying that, at a minimum,
208 the specialty driver's licenses and identification
209 cards must be available for certain state and
210 independent universities and professional sports teams
211 and all of the branches of the United States military;
212 requiring that the design of each specialty driver's
213 license and identification card be approved by the
214 department; creating s. 322.145, F.S.; requiring the
215 Department of Highway Safety and Motor Vehicles to
216 implement a system providing for the electronic
217 authentication of driver's licenses; providing
218 criteria for a token for security authenticity;
219 requiring that the department contract for
220 implementation of the electronic verification;
221 amending s. 322.20, F.S., relating to department
222 records; conforming provisions to changes made by the
223 act; amending s. 322.202, F.S.; clarifying that the
224 Division of Motorist Services is not a law enforcement
225 agency; amending s. 322.21, F.S.; providing for the
226 distribution of funds collected from the specialty
227 driver's license and identification card fees;
228 conforming provisions to changes made by the act;
229 authorizing a driver to renew his or her driver's
230 license during a specified period before the license
231 expiration date; amending s. 322.53, F.S.; revising
232 provisions exempting certain farmers and drivers who

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233 operate straight trucks from the requirement to obtain
234 a commercial driver's license; amending s. 322.54,
235 F.S.; requiring that the weight of a commercial motor
236 vehicle be based on the vehicle's actual weight under
237 certain circumstances; repealing s. 322.58, F.S.,
238 relating to holders of chauffeur's licenses; amending
239 s. 322.59, F.S.; requiring that the department
240 disqualify a driver holding a commercial driver's
241 license who fails to comply with specified federal
242 certification requirements; amending s. 322.61, F.S.;
243 providing that the holder of a commercial driver's
244 license is permanently disqualified from operating a
245 commercial motor vehicle following two violations of
246 specified offenses committed while operating any
247 vehicle; amending s. 322.64, F.S.; providing that a
248 notice of disqualification from operating a commercial
249 motor vehicle acts as a conviction for purposes of
250 certain federal restrictions imposed for the offense
251 of operating a commercial motor vehicle while under
252 the influence of alcohol; deleting provisions
253 authorizing the department to impose certain
254 alternative restrictions for such offense; amending s.
255 328.30, F.S.; authorizing the department to issue
256 electronic certificates of title for vessels and use
257 electronic mail addresses for purposes of providing
258 renewal notices; amending s. 413.012, F.S., relating
259 to a prohibition on disclosing confidential records
260 held by the department; conforming provisions to
261 changes made by the act; amending s. 713.78, F.S.;

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262 conforming a cross-reference; creating the "Highway
263 Safety Act"; providing legislative intent relating to
264 road rage and aggressive careless driving; amending s.
265 316.083, F.S.; requiring an operator of a motor
266 vehicle to yield the left lane when being overtaken on
267 a multilane highway; providing exceptions; amending s.
268 316.1923, F.S.; revising the number of specified acts
269 necessary to qualify as an aggressive careless driver;
270 providing specified punishments for aggressive
271 careless driving, including imposition of an increased
272 fine; amending s. 318.121, F.S.; revising the
273 preemption of additional fees, fines, surcharges, and
274 court costs to allow imposition of the increased fine
275 for aggressive careless driving; amending s. 318.18,
276 F.S.; specifying the amount of the fine and the
277 allocation of moneys received from the increased fine
278 imposed for aggressive careless driving; amending s.
279 318.19, F.S.; providing that a second or subsequent
280 infraction as an aggressive careless driver requires
281 attendance at a mandatory hearing; requiring the
282 Department of Highway Safety and Motor Vehicles to
283 provide information about the Highway Safety Act in
284 driver's license educational materials; reenacting s.
285 316.650(1)(a), F.S., relating to traffic citations, to
286 incorporate the amendments made to s. 316.1923, F.S.,
287 in a reference thereto; amending s. 320.089, F.S.;
288 providing for the issuance of a Combat Infantry Badge
289 license plate; providing qualifications and
290 requirements for the plate; providing for the use of

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291 proceeds from the sale of the plate; amending ss.
292 318.1451 and 322.095, F.S.; requiring the curricula of
293 driver improvement schools and education programs for
294 driver's license applicants to include instruction on
295 the risks associated with using a handheld electronic
296 communication device while operating a motor vehicle;
297 providing effective dates.

298

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

300

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

303 20.24 Department of Highway Safety and Motor Vehicles.—

304 There is created a Department of Highway Safety and Motor
305 Vehicles.

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

312 (2) The following divisions, ~~and bureaus within the~~
313 ~~divisions,~~ of the Department of Highway Safety and Motor
314 Vehicles are established:

315 (a) Division of the Florida Highway Patrol.

316 (b) Division of Motorist Services.

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

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

319 Section 2. Subsection (9) of section 261.03, Florida

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320 Statutes, is amended to read:

321 261.03 Definitions.—As used in this chapter, the term:

322 (9) "ROV" means any motorized recreational off-highway
323 vehicle 64 inches or less in width, having a dry weight of 2,000
324 pounds or less, designed to travel on four or more nonhighway
325 tires, having nonstraddle seating and a steering wheel, and
326 manufactured for recreational use by one or more persons. The
327 term "ROV" does not include a golf cart as defined in ss.
328 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
329 s. 320.01~~(42)~~.

330 Section 3. Paragraph (e) of subsection (2) of section
331 288.816, Florida Statutes, is amended to read:

332 288.816 Intergovernmental relations.—

333 (2) The Office of Tourism, Trade, and Economic Development
334 shall be responsible for all consular relations between the
335 state and all foreign governments doing business in Florida. The
336 office shall monitor United States laws and directives to ensure
337 that all federal treaties regarding foreign privileges and
338 immunities are properly observed. The office shall promulgate
339 rules which shall:

340 (e) Verify entitlement to issuance of special motor vehicle
341 license plates by ~~the Division of Motor Vehicles~~ of the
342 Department of Highway Safety and Motor Vehicles to honorary
343 consuls or such other officials representing foreign governments
344 who are not entitled to issuance of special Consul Corps license
345 plates by the United States Government.

346 Section 4. Subsection (21) of section 316.003, Florida
347 Statutes, is amended, and subsections (89) and (90) are added to
348 that section, to read:

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349 316.003 Definitions.—The following words and phrases, when
350 used in this chapter, shall have the meanings respectively
351 ascribed to them in this section, except where the context
352 otherwise requires:

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

357 (89) SWAMP BUGGY.—A motorized off-road vehicle designed to
358 travel over swampy terrain, which may utilize large tires or
359 tracks operated from an elevated platform, and may be used on
360 varied terrain. A swamp buggy does not include any vehicle
361 defined in chapter 261 or otherwise defined or classified in
362 this chapter. A swamp buggy may not be operated upon the public
363 roads, streets, or highways of this state, except to the extent
364 specifically authorized by a state or federal agency to be used
365 exclusively upon lands, managed, owned, or leased by that
366 agency.

367 (90) ROAD RAGE.—The act of a driver or passenger to
368 intentionally or unintentionally, due to a loss of emotional
369 control, injure or kill another driver, passenger, or
370 pedestrian, or to attempt or threaten to injure or kill another
371 driver, passenger, or pedestrian.

372 Section 5. Section 316.1905, Florida Statutes, is amended
373 to read:

374 316.1905 Electrical, mechanical, or other speed calculating
375 devices; power of arrest; evidence.—

376 (1) Whenever any peace officer engaged in the enforcement
377 of the motor vehicle laws of this state uses an electronic,

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378 electrical, mechanical, or other device used to determine the
379 speed of a motor vehicle on any highway, road, street, or other
380 public way, such device shall be of a type approved by the
381 department and shall have been tested to determine that it is
382 operating accurately. Tests for this purpose shall be made not
383 less than once each 6 months, according to procedures and at
384 regular intervals of time prescribed by the department.

385 (2) Any police officer, upon receiving information relayed
386 to him or her from a fellow officer stationed on the ground or
387 in the air operating such a device that a driver of a vehicle
388 has violated the speed laws of this state, may arrest the driver
389 for violation of said laws where reasonable and proper
390 identification of the vehicle and the speed of same has been
391 communicated to the arresting officer.

392 (3) A citations for a violation of s. 316.183, s. 316.187,
393 s. 316.189, or s. 316.1893 may not be issued or prosecuted
394 unless a law enforcement officer used an electrical, mechanical,
395 or other speed-calculating device that has been tested and
396 approved in accordance with subsection (1), or unless the
397 violation is determined to have contributed to a crash and the
398 law enforcement officer is able to determine by other reliable
399 measures that the driver was speeding.

400 ~~(4)~~ (3)(a) A witness otherwise qualified to testify shall be
401 competent to give testimony against an accused violator of the
402 motor vehicle laws of this state when such testimony is derived
403 from the use of such an electronic, electrical, mechanical, or
404 other device used in the calculation of speed, upon showing that
405 the speed calculating device which was used had been tested.
406 However, the operator of any visual average speed computer

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407 device shall first be certified as a competent operator of such
408 device by the department.

409 (b) Upon the production of a certificate, signed and
410 witnessed, showing that such device was tested within the time
411 period specified and that such device was working properly, a
412 presumption is established to that effect unless the contrary
413 shall be established by competent evidence.

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

418 Section 6. Paragraph (a) of subsection (2) of section
419 316.1933, Florida Statutes, is amended to read:

420 316.1933 Blood test for impairment or intoxication in cases
421 of death or serious bodily injury; right to use reasonable
422 force.—

423 (2) (a) Only a physician, certified paramedic, registered
424 nurse, licensed practical nurse, other personnel authorized by a
425 hospital to draw blood, or duly licensed clinical laboratory
426 director, supervisor, technologist, or technician, acting at the
427 request of a law enforcement officer, may withdraw blood for the
428 purpose of determining the alcoholic content thereof or the
429 presence of chemical substances or controlled substances
430 therein. However, the failure of a law enforcement officer to
431 request the withdrawal of blood shall not affect the
432 admissibility of a test of blood withdrawn for medical purposes.

433 1. Notwithstanding any provision of law pertaining to the
434 confidentiality of hospital records or other medical records, if
435 a health care provider, who is providing medical care in a

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436 health care facility to a person injured in a motor vehicle
437 crash, becomes aware, as a result of any blood test performed in
438 the course of that medical treatment, that the person's blood-
439 alcohol level meets or exceeds the blood-alcohol level specified
440 in s. 316.193(1)(b), or detects the presence of a controlled
441 substance listed in chapter 893, the health care provider may
442 notify any law enforcement officer or law enforcement agency.
443 Any such notice must be given within a reasonable time after the
444 health care provider receives the test result. Any such notice
445 shall be used only for the purpose of providing the law
446 enforcement officer with reasonable cause to request the
447 withdrawal of a blood sample pursuant to this section.

448 2. The notice shall consist only of the name of the person
449 being treated, the name of the person who drew the blood, the
450 blood-alcohol level indicated by the test, and the date and time
451 of the administration of the test.

452 3. Nothing contained in s. 395.3025(4), s. 456.057, or any
453 applicable practice act affects the authority to provide notice
454 under this section, and the health care provider is not
455 considered to have breached any duty owed to the person under s.
456 395.3025(4), s. 456.057, or any applicable practice act by
457 providing notice or failing to provide notice. It shall not be a
458 breach of any ethical, moral, or legal duty for a health care
459 provider to provide notice or fail to provide notice.

460 4. A civil, criminal, or administrative action may not be
461 brought against any person or health care provider participating
462 in good faith in the provision of notice or failure to provide
463 notice as provided in this section. Any person or health care
464 provider participating in the provision of notice or failure to

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465 provide notice as provided in this section shall be immune from
466 any civil or criminal liability and from any professional
467 disciplinary action with respect to the provision of notice or
468 failure to provide notice under this section. Any such
469 participant has the same immunity with respect to participating
470 in any judicial proceedings resulting from the notice or failure
471 to provide notice.

472 Section 7. Section 316.1957, Florida Statutes, is amended
473 to read:

474 316.1957 Parking violations; designated parking spaces for
475 persons who have disabilities.—When evidence is presented in any
476 court of the fact that any motor vehicle was parked in a
477 properly designated parking space for persons who have
478 disabilities in violation of s. 316.1955, it is prima facie
479 evidence that the vehicle was parked and left in the space by
480 the person, firm, or corporation in whose name the vehicle is
481 registered and licensed according to the records of the
482 department ~~Division of Motor Vehicles~~.

483 Section 8. Section 316.2015, Florida Statutes, is amended
484 to read:

485 316.2015 Unlawful for person to ride on exterior of
486 vehicle.—

487 (1) The ~~It is unlawful for any~~ operator of a passenger
488 vehicle may not ~~to~~ permit any person to ride on the bumper,
489 radiator, fender, hood, top, trunk, or running board of such
490 vehicle when operated upon any street or highway that ~~which~~ is
491 maintained by the state, county, or municipality. Any person who
492 violates this subsection shall be cited for a moving violation,
493 punishable as provided in chapter 318.

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494 (2) (a) A ~~Ne~~ person may not ~~shall~~ ride on any vehicle or
495 upon any portion thereof which is not designed or intended for
496 the use of passengers. This paragraph does not apply to an
497 employee of a fire department, an employee of a governmentally
498 operated solid waste disposal department or a waste disposal
499 service operating pursuant to a contract with a governmental
500 entity, or to a volunteer firefighter when the employee or
501 firefighter is engaged in the necessary discharge of a duty, and
502 does not apply to a person who is being transported in response
503 to an emergency by a public agency or pursuant to the direction
504 or authority of a public agency. This paragraph does not apply
505 to an employee engaged in the necessary discharge of a duty or
506 to a person or persons riding within truck bodies in space
507 intended for merchandise.

508 (b) The ~~It is unlawful for any~~ operator of a pickup truck
509 or flatbed truck may not ~~to~~ permit a person ~~minor child~~ who is
510 younger than ~~has not attained~~ 18 years of age to ride upon
511 limited access facilities of the state within the open body of a
512 pickup truck or flatbed truck unless the minor is restrained
513 within the open body in the back of a truck that has been
514 modified to include secure seating and safety restraints to
515 prevent the passenger from being thrown, falling, or jumping
516 from the truck. This paragraph does not apply in a medical
517 emergency if the child is accompanied within the truck by an
518 adult. A county is exempt from this paragraph if the governing
519 body of the county, by majority vote, following a noticed public
520 hearing, votes to exempt the county from this paragraph.

521 (c) The operator of a pickup truck or flatbed truck may not
522 permit a child who is younger than 6 years of age to ride within

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523 the open body of a pickup truck or flatbed truck while the truck
524 is operating on any publicly maintained street or highway having
525 a posted speed limit that is greater than 35 miles per hour
526 unless the minor is restrained within the open body in the back
527 of a truck that has been modified to include secure seating and
528 safety restraints to prevent the passenger from being thrown,
529 falling, or jumping from the truck. This paragraph does not
530 apply in a medical emergency if the child is accompanied within
531 the truck by an adult. A county is exempt from this paragraph if
532 the governing body of the county, by a majority vote, following
533 a noticed public hearing, votes to exempt the county from this
534 paragraph. An operator of a pickup truck is exempt from this
535 paragraph if the pickup truck is the only vehicle owned by the
536 operator or his or her immediate family.

537 (d) ~~(e)~~ Any person who violates this subsection shall be
538 cited for a nonmoving violation, punishable as provided in
539 chapter 318.

540 (3) This section does ~~shall~~ not apply to a performer
541 engaged in a professional exhibition or person participating in
542 an exhibition or parade, or any such person preparing to
543 participate in such exhibitions or parades.

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

547 316.2065 Bicycle regulations.—

548 (3)

549 (d) A bicycle rider or passenger who is under 16 years of
550 age must wear a bicycle helmet that is properly fitted and is
551 fastened securely upon the passenger's head by a strap, and that

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552 meets the federal safety standard for bicycle helmets, final
553 rule, 16 C.F.R. part 1203. Helmets purchased before October 1,
554 2011, and meeting standards of the American National Standards
555 Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards
556 of the Snell Memorial Foundation (1984 Standard for Protective
557 Headgear for Use in Bicycling), or any other nationally
558 recognized standards for bicycle helmets adopted by the
559 department may continue to be worn by riders or passengers until
560 January 1, 2015. As used in this subsection, the term
561 "passenger" includes a child who is riding in a trailer or
562 semitrailer attached to a bicycle.

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

569 1. When overtaking and passing another bicycle or vehicle
570 proceeding in the same direction.

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

573 3. When reasonably necessary to avoid any condition or
574 potential conflict, including, but not limited to, a fixed or
575 moving object, parked or moving vehicle, bicycle, pedestrian,
576 animal, surface hazard, turn lane, or substandard-width lane,
577 which ~~that~~ makes it unsafe to continue along the right-hand curb
578 or edge or within a bicycle lane. For the purposes of this
579 subsection, a "substandard-width lane" is a lane that is too
580 narrow for a bicycle and another vehicle to travel safely side

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581 by side within the lane.

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

585 (8) Every bicycle in use between sunset and sunrise shall
586 be equipped with a lamp on the front exhibiting a white light
587 visible from a distance of at least 500 feet to the front and a
588 lamp and reflector on the rear each exhibiting a red light
589 visible from a distance of 600 feet to the rear. A bicycle or
590 its rider may be equipped with lights or reflectors in addition
591 to those required by this section. A law enforcement officer may
592 issue a bicycle safety brochure and a verbal warning to a
593 bicycle rider who violates this subsection. A bicycle rider who
594 violates this subsection may be issued a citation by a law
595 enforcement officer and assessed a fine for a pedestrian
596 violation, as provided in s. 318.18. The court shall dismiss the
597 charge against a bicycle rider for a first violation of this
598 subsection upon proof of purchase and installation of the proper
599 lighting equipment.

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

602 316.2085 Riding on motorcycles or mopeds.—

603 (3) The license tag of a motorcycle or moped must be
604 permanently affixed to the vehicle and may not be ~~adjusted or~~
605 ~~eapable of being~~ flipped up, inverted, reversed, or in any other
606 way rendered to make the letters of the tag illegible from the
607 rear while the vehicle is being operated. ~~Concealing No device~~
608 ~~for or method of concealing~~ or obscuring the legibility of the
609 license tag of a motorcycle is prohibited ~~shall be installed or~~

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610 ~~used.~~ The license tag of a motorcycle or moped may be affixed
611 horizontally or vertically to the ground so that the numbers and
612 letters read from left to right or from top to bottom.
613 ~~Alternatively, a license tag for a motorcycle or moped for which~~
614 ~~the numbers and letters read from top to bottom may be affixed~~
615 ~~perpendicularly to the ground, provided that the registered~~
616 ~~owner of the motorcycle or moped maintains a prepaid toll~~
617 ~~account in good standing and a transponder associated with the~~
618 ~~prepaid toll account is affixed to the motorcycle or moped.~~

619 Section 11. Section 316.2122, Florida Statutes, is amended
620 to read:

621 316.2122 Operation of a low-speed vehicle or mini truck on
622 certain roadways.—The operation of a low-speed vehicle as
623 defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
624 320.01~~(45)~~ on any road as defined in s. 334.03(15) or (33) is
625 authorized with the following restrictions:

626 (1) A low-speed vehicle or mini truck may be operated only
627 on streets where the posted speed limit is 35 miles per hour or
628 less. This does not prohibit a low-speed vehicle or mini truck
629 from crossing a road or street at an intersection where the road
630 or street has a posted speed limit of more than 35 miles per
631 hour.

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

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

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

641 (5) A county or municipality may prohibit the operation of
642 low-speed vehicles or mini trucks on any road under its
643 jurisdiction if the governing body of the county or municipality
644 determines that such prohibition is necessary in the interest of
645 safety.

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

650 Section 12. Section 316.2124, Florida Statutes, is amended
651 to read:

652 316.2124 Motorized disability access vehicles.—The
653 Department of Highway Safety and Motor Vehicles is directed to
654 provide, by rule, for the regulation of motorized disability
655 access vehicles as described in s. 320.01~~(34)~~. The department
656 shall provide that motorized disability access vehicles shall be
657 registered in the same manner as motorcycles and shall pay the
658 same registration fee as for a motorcycle. There shall also be
659 assessed, in addition to the registration fee, a \$2.50 surcharge
660 for motorized disability access vehicles. This surcharge shall
661 be paid into the Highway Safety Operating Trust Fund. Motorized
662 disability access vehicles shall not be required to be titled by
663 the department. The department shall require motorized
664 disability access vehicles to be subject to the same safety
665 requirements as set forth in this chapter for motorcycles.

666 Section 13. Section 316.21265, Florida Statutes, is amended
667 to read:

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668 316.21265 Use of all-terrain vehicles, golf carts, low-
669 speed vehicles, or utility vehicles by law enforcement
670 agencies.—

671 (1) Notwithstanding any provision of law to the contrary,
672 any law enforcement agency in this state may operate all-terrain
673 vehicles as defined in s. 316.2074, golf carts as defined in s.
674 320.01(22), low-speed vehicles as defined in s. 320.01~~(42)~~, or
675 utility vehicles as defined in s. 320.01~~(43)~~ on any street,
676 road, or highway in this state while carrying out its official
677 duties.

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

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

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

687 316.3026 Unlawful operation of motor carriers.—

688 (1) The Office of Motor Carrier Compliance of the
689 Department of Transportation may issue out-of-service orders to
690 motor carriers, as defined in s. 320.01~~(33)~~, who have after
691 proper notice failed to pay any penalty or fine assessed by the
692 department, or its agent, against any owner or motor carrier for
693 violations of state law, refused to submit to a compliance
694 review and provide records pursuant to s. 316.302(5) or s.
695 316.70, or violated safety regulations pursuant to s. 316.302 or
696 insurance requirements found in s. 627.7415. Such out-of-service

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697 orders shall have the effect of prohibiting the operations of
698 any motor vehicles owned, leased, or otherwise operated by the
699 motor carrier upon the roadways of this state, until such time
700 as the violations have been corrected or penalties have been
701 paid. Out-of-service orders issued under this section must be
702 approved by the Secretary of Transportation or his or her
703 designee. An administrative hearing pursuant to s. 120.569 shall
704 be afforded to motor carriers subject to such orders.

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

707 316.545 Weight and load unlawful; special fuel and motor
708 fuel tax enforcement; inspection; penalty; review.—

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

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

715 (b) Five cents per pound for each pound of weight in excess
716 of the maximum herein provided when the excess weight exceeds
717 200 pounds. However, whenever the gross weight of the vehicle or
718 combination of vehicles does not exceed the maximum allowable
719 gross weight, the maximum fine for the first 600 pounds of
720 unlawful axle weight shall be \$10;

721 (c) For a vehicle equipped with fully functional idle-
722 reduction technology, any penalty shall be calculated by
723 reducing the actual gross vehicle weight or the internal bridge
724 weight by the certified weight of the idle-reduction technology
725 or by 400 pounds, whichever is less. The vehicle operator must

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726 present written certification of the weight of the idle-
727 reduction technology and must demonstrate or certify that the
728 idle-reduction technology is fully functional at all times. This
729 calculation is not allowed for vehicles described in s.
730 316.535(6);

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

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

739 Section 16. Paragraph (a) of subsection (5) and subsection
740 (10) of section 316.550, Florida Statutes, are amended to read:
741 316.550 Operations not in conformity with law; special
742 permits.-

743 (5) (a) The Department of Transportation may issue a wrecker
744 special blanket permit to authorize a wrecker as defined in s.
745 320.01~~(40)~~ to tow a disabled vehicle as defined in s. 320.01(38)
746 where the combination of the wrecker and the disabled vehicle
747 being towed exceeds the maximum weight limits as established by
748 s. 316.535.

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

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

758 (b) For each violation of dimensional criteria in a special
759 permit, the penalty shall be as provided in s. 316.516 and
760 penalties for multiple violations of dimensional criteria shall
761 be cumulative except that the total penalty for the vehicle
762 shall not exceed \$1,000.

763 (c) For each violation of an operational or safety
764 stipulation in a special permit, the penalty shall be an amount
765 not to exceed \$1,000 per violation and penalties for multiple
766 violations of operational or safety stipulations shall be
767 cumulative except that the total penalty for the vehicle shall
768 not exceed \$1,000.

769 (d) For violation of any special condition that has been
770 prescribed in the rules of the Department of Transportation and
771 declared on the permit, the vehicle shall be determined to be
772 out of conformance with the permit and the permit shall be
773 declared null and void for the vehicle, and weight and
774 dimensional limits for the vehicle shall be as established in s.
775 316.515 or s. 316.535, whichever is applicable, and:

776 1. For weight violations, a penalty as provided in s.
777 316.545 shall be assessed for those weights which exceed the
778 limits thus established for the vehicle; and

779 2. For dimensional, operational, or safety violations, a
780 penalty as established in paragraph (c) or s. 316.516, whichever
781 is applicable, shall be assessed for each nonconforming
782 dimensional, operational, or safety violation and the penalties
783 for multiple violations shall be cumulative for the vehicle.

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784 Section 17. Effective July 1, 2012, subsection (1) and
785 paragraph (b) of subsection (2) of section 316.613, Florida
786 Statutes, are amended to read:

787 316.613 Child restraint requirements.-

788 (1) (a) Each ~~Every~~ operator of a motor vehicle ~~as defined~~
789 ~~herein~~, while transporting a child in a motor vehicle operated
790 on the roadways, streets, or highways of this state, shall, if
791 the child is 7 ½ years of age or younger and is less than 4 feet
792 9 inches in height, provide for protection of the child by
793 properly using a crash-tested, federally approved child
794 restraint device that is appropriate for the height and weight
795 of the child. The device may include a vehicle manufacturer's
796 integrated child seat, a separate child safety seat, or a child
797 booster seat that displays the child's weight and height
798 specifications for the seat on the attached manufacturer's label
799 as required by Federal Motor Vehicle Safety Standard No. 213.
800 The device must comply with the standards of the United States
801 Department of Transportation and be secured in the motor vehicle
802 in accordance with the manufacturer's instructions. The court
803 may dismiss the charge against a motor vehicle operator for a
804 first violation of this subsection upon proof that a federally
805 approved child restraint device has been purchased or otherwise
806 obtained.

807 (b) For children aged through 3 years, such restraint
808 device must be a separate carrier or a vehicle manufacturer's
809 integrated child seat.

810 (c) For children aged 4 through 7 ½ years who are less than
811 4 feet 9 inches in height, a separate carrier, an integrated
812 child seat, or a child booster seat ~~belt~~ may be used. However,

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813 the requirement to use a child booster seat does not apply when
814 a separate carrier, integrated child seat, or seat belt as
815 required in s. 316.614(4) (a) is used and the person is:

816 1. Transporting the child gratuitously and in good faith in
817 response to a declared emergency situation or an immediate
818 emergency involving the child; or

819 2. Transporting a child whose medical condition
820 necessitates an exception as evidenced by appropriate
821 documentation from a health professional.

822 (d) ~~(b)~~ The Division of Motor Vehicles shall provide notice
823 of the requirement for child restraint devices, which notice
824 shall accompany the delivery of each motor vehicle license tag.

825 (2) As used in this section, the term "motor vehicle" means
826 a motor vehicle as defined in s. 316.003 that is operated on the
827 roadways, streets, and highways of the state. The term does not
828 include:

829 (b) A bus or a passenger vehicle designed to accommodate 10
830 or more persons and used for the transportation of persons for
831 compensation, other than a bus regularly used to transport
832 children to or from school, as defined in s. 316.615(1) (b), or
833 in conjunction with school activities.

834 Section 18. Effective July 1, 2011, a driver of a motor
835 vehicle who does not violate the then-existing provisions of s.
836 316.613(1) (c), Florida Statutes, but whose conduct would violate
837 that provision, as amended July 1, 2012, shall be issued a
838 verbal warning and given educational literature by a law
839 enforcement officer.

840 Section 19. Subsection (9) of section 317.0003, Florida
841 Statutes, is amended to read:

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842 317.0003 Definitions.—As used in this chapter, the term:
843 (9) "ROV" means any motorized recreational off-highway
844 vehicle 64 inches or less in width, having a dry weight of 2,000
845 pounds or less, designed to travel on four or more nonhighway
846 tires, having nonstraddle seating and a steering wheel, and
847 manufactured for recreational use by one or more persons. The
848 term "ROV" does not include a golf cart as defined in ss.
849 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
850 s. 320.01~~(42)~~.

851 Section 20. Section 317.0016, Florida Statutes, is amended
852 to read:

853 317.0016 Expedited service; applications; fees.—The
854 department shall provide, through its agents and for use by the
855 public, expedited service on title transfers, title issuances,
856 duplicate titles, and recordation of liens, ~~and certificates of~~
857 ~~repossession~~. A fee of \$7 shall be charged for this service,
858 which is in addition to the fees imposed by ss. 317.0007 and
859 317.0008, and \$3.50 of this fee shall be retained by the
860 processing agency. All remaining fees shall be deposited in the
861 Incidental Trust Fund of the Division of Forestry of the
862 Department of Agriculture and Consumer Services. Application for
863 expedited service may be made by mail or in person. The
864 department shall issue each title applied for pursuant to this
865 section within 5 working days after receipt of the application
866 except for an application for a duplicate title certificate
867 covered by s. 317.0008(3), in which case the title must be
868 issued within 5 working days after compliance with the
869 department's verification requirements.

870 Section 21. Subsection (9) and paragraph (a) of subsection

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871 (10) of section 318.14, Florida Statutes, are amended to read:

872 318.14 Noncriminal traffic infractions; exception;
873 procedures.—

874 (9) Any person who does not hold a commercial driver's
875 license and who is cited while driving a noncommercial motor
876 vehicle for an infraction under this section other than a
877 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the
878 driver exceeds the posted limit by 30 miles per hour or more, s.
879 320.0605, s. 320.07(3) (a) or (b), s. 322.065, s. 322.15(1), s.
880 322.61, or s. 322.62 may, in lieu of a court appearance, elect
881 to attend in the location of his or her choice within this state
882 a basic driver improvement course approved by the Department of
883 Highway Safety and Motor Vehicles. In such a case, adjudication
884 must be withheld and points, as provided by s. 322.27, may not
885 be assessed. However, a person may not make an election under
886 this subsection if the person has made an election under this
887 subsection in the preceding 12 months. A person may make no more
888 than five elections within his or her lifetime under this
889 subsection. The requirement for community service under s.
890 318.18(8) is not waived by a plea of nolo contendere or by the
891 withholding of adjudication of guilt by a court. If a person
892 makes an election to attend a basic driver improvement course
893 under this subsection, 18 percent of the civil penalty imposed
894 under s. 318.18(3) shall be deposited in the State Courts
895 Revenue Trust Fund; however, that portion is not revenue for
896 purposes of s. 28.36 and may not be used in establishing the
897 budget of the clerk of the court under that section or s. 28.35.

898 (10) (a) Any person who does not hold a commercial driver's
899 license and who is cited while driving a noncommercial motor

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900 vehicle for an offense listed under this subsection may, in lieu
901 of payment of fine or court appearance, elect to enter a plea of
902 nolo contendere and provide proof of compliance to the clerk of
903 the court, designated official, or authorized operator of a
904 traffic violations bureau. In such case, adjudication shall be
905 withheld; however, no election shall be made under this
906 subsection if such person has made an election under this
907 subsection in the 12 months preceding election hereunder. No
908 person may make more than three elections under this subsection.
909 This subsection applies to the following offenses:

910 1. Operating a motor vehicle without a valid driver's
911 license in violation of the provisions of s. 322.03, s. 322.065,
912 or s. 322.15(1), or operating a motor vehicle with a license
913 that has been suspended for failure to appear, failure to pay
914 civil penalty, or failure to attend a driver improvement course
915 pursuant to s. 322.291.

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

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

919 4. Operating a motor vehicle with a license that has been
920 suspended under s. 61.13016 or s. 322.245 for failure to pay
921 child support or for failure to pay any other financial
922 obligation as provided in s. 322.245; however, this subparagraph
923 does not apply if the license has been suspended pursuant to s.
924 322.245(1).

925 5. Operating a motor vehicle with a license that has been
926 suspended under s. 322.091 for failure to meet school attendance
927 requirements.

928 Section 22. Paragraph (a) of subsection (1) of section

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929 318.15, Florida Statutes, is amended to read:

930 318.15 Failure to comply with civil penalty or to appear;
931 penalty.-

932 (1) (a) If a person fails to comply with the civil penalties
933 provided in s. 318.18 within the time period specified in s.
934 318.14(4), fails to enter into or comply with the terms of a
935 penalty payment plan with the clerk of the court in accordance
936 with ss. 318.14 and 28.246, fails to attend driver improvement
937 school, or fails to appear at a scheduled hearing, the clerk of
938 the court shall notify the ~~Division of Driver Licenses of the~~
939 Department of Highway Safety and Motor Vehicles of such failure
940 within 10 days after such failure. Upon receipt of such notice,
941 the department shall immediately issue an order suspending the
942 driver's license and privilege to drive of such person effective
943 20 days after the date the order of suspension is mailed in
944 accordance with s. 322.251(1), (2), and (6). Any such suspension
945 of the driving privilege which has not been reinstated,
946 including a similar suspension imposed outside Florida, shall
947 remain on the records of the department for a period of 7 years
948 from the date imposed and shall be removed from the records
949 after the expiration of 7 years from the date it is imposed.

950 Section 23. Section 319.14, Florida Statutes, is amended to
951 read:

952 319.14 Sale of motor vehicles registered or used as
953 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,
954 ~~and nonconforming vehicles,~~ custom vehicles, or street rod
955 vehicles.-

956 (1) (a) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
957 sell, or exchange any vehicle that has been licensed,

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958 registered, or used as a taxicab, police vehicle, or short-term-
959 lease vehicle, or a vehicle that has been repurchased by a
960 manufacturer pursuant to a settlement, determination, or
961 decision under chapter 681, until the department has stamped in
962 a conspicuous place on the certificate of title of the vehicle,
963 or its duplicate, words stating the nature of the previous use
964 of the vehicle or the title has been stamped "Manufacturer's Buy
965 Back" to reflect that the vehicle is a nonconforming vehicle. If
966 the certificate of title or duplicate was not so stamped upon
967 initial issuance thereof or if, subsequent to initial issuance
968 of the title, the use of the vehicle is changed to a use
969 requiring the notation provided for in this section, the owner
970 or lienholder of the vehicle shall surrender the certificate of
971 title or duplicate to the department before ~~prior to~~ offering
972 the vehicle for sale, and the department shall stamp the
973 certificate or duplicate as required herein. If ~~When~~ a vehicle
974 has been repurchased by a manufacturer pursuant to a settlement,
975 determination, or decision under chapter 681, the title shall be
976 stamped "Manufacturer's Buy Back" to reflect that the vehicle is
977 a nonconforming vehicle.

978 (b) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
979 sell, or exchange a rebuilt vehicle until the department has
980 stamped in a conspicuous place on the certificate of title for
981 the vehicle words stating that the vehicle has been rebuilt or
982 assembled from parts, or is a kit car, glider kit, replica, ~~or~~
983 flood vehicle, custom vehicle, or street rod vehicle unless
984 proper application for a certificate of title for a vehicle that
985 is rebuilt or assembled from parts, or is a kit car, glider kit,
986 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle

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987 has been made to the department in accordance with this chapter
988 and the department has conducted the physical examination of the
989 vehicle to assure the identity of the vehicle and all major
990 component parts, as defined in s. 319.30(1), which have been
991 repaired or replaced. Thereafter, the department shall affix a
992 decal to the vehicle, in the manner prescribed by the
993 department, showing the vehicle to be rebuilt. A vehicle may not
994 be inspected or issued a rebuilt title until all major component
995 parts, as defined in s. 319.30, which were damaged have been
996 repaired or replaced.

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

998 1. "Police vehicle" means a motor vehicle owned or leased
999 by the state or a county or municipality and used in law
1000 enforcement.

1001 2.a. "Short-term-lease vehicle" means a motor vehicle
1002 leased without a driver and under a written agreement to one or
1003 more persons from time to time for a period of less than 12
1004 months.

1005 b. "Long-term-lease vehicle" means a motor vehicle leased
1006 without a driver and under a written agreement to one person for
1007 a period of 12 months or longer.

1008 c. "Lease vehicle" includes both short-term-lease vehicles
1009 and long-term-lease vehicles.

1010 3. "Rebuilt vehicle" means a motor vehicle or mobile home
1011 built from salvage or junk, as defined in s. 319.30(1).

1012 4. "Assembled from parts" means a motor vehicle or mobile
1013 home assembled from parts or combined from parts of motor
1014 vehicles or mobile homes, new or used. "Assembled from parts"
1015 does not mean a motor vehicle defined as a "rebuilt vehicle" in

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1016 subparagraph 3., which has been declared a total loss pursuant
1017 to s. 319.30.

1018 5. "Kit car" means a motor vehicle assembled with a kit
1019 supplied by a manufacturer to rebuild a wrecked or outdated
1020 motor vehicle with a new body kit.

1021 6. "Glider kit" means a vehicle assembled with a kit
1022 supplied by a manufacturer to rebuild a wrecked or outdated
1023 truck or truck tractor.

1024 7. "Replica" means a complete new motor vehicle
1025 manufactured to look like an old vehicle.

1026 8. "Flood vehicle" means a motor vehicle or mobile home
1027 that has been declared to be a total loss pursuant to s.
1028 319.30(3)(a) resulting from damage caused by water.

1029 9. "Nonconforming vehicle" means a motor vehicle which has
1030 been purchased by a manufacturer pursuant to a settlement,
1031 determination, or decision under chapter 681.

1032 10. "Settlement" means an agreement entered into between a
1033 manufacturer and a consumer that occurs after a dispute is
1034 submitted to a program, or an informal dispute settlement
1035 procedure established by a manufacturer or is approved for
1036 arbitration before the New Motor Vehicle Arbitration Board as
1037 defined in s. 681.102.

1038 11. "Custom vehicle" means a motor vehicle that:

1039 a. Is 25 years of age or older and of a model year after
1040 1948, or was manufactured to resemble a vehicle that is 25 years
1041 of age or older and of a model year after 1948; and

1042 b. Has been altered from the manufacturer's original design
1043 or has a body constructed from nonoriginal materials.

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1045 The model year and year of manufacture which the body of a
1046 custom vehicle resembles is the model year and year of
1047 manufacture listed on the certificate of title, regardless of
1048 when the vehicle was actually manufactured.

1049 12. "Street rod" means a motor vehicle that:

1050 a. Is a model year of 1948 or older or was manufactured
1051 after 1948 to resemble a vehicle of a model year of 1948 or
1052 older; and

1053 b. Has been altered from the manufacturer's original design
1054 or has a body constructed from nonoriginal materials.

1055
1056 The model year and year of manufacture which the body of a
1057 street rod resembles is the model year and year of manufacture
1058 listed on the certificate of title, regardless of when the
1059 vehicle was actually manufactured.

1060 (2) A ~~No~~ person may not shall knowingly sell, exchange, or
1061 transfer a vehicle referred to in subsection (1) without, before
1062 ~~prior to~~ consummating the sale, exchange, or transfer,
1063 disclosing in writing to the purchaser, customer, or transferee
1064 the fact that the vehicle has previously been titled,
1065 registered, or used as a taxicab, police vehicle, or short-term-
1066 lease vehicle, ~~or~~ is a vehicle that is rebuilt or assembled from
1067 parts, ~~or~~ is a kit car, glider kit, replica, or flood vehicle,
1068 or is a nonconforming vehicle, custom vehicle, or street rod
1069 vehicle, as the case may be.

1070 (3) Any person who, with intent to offer for sale or
1071 exchange any vehicle referred to in subsection (1), knowingly or
1072 intentionally advertises, publishes, disseminates, circulates,
1073 or places before the public in any communications medium,

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1074 whether directly or indirectly, any offer to sell or exchange
1075 the vehicle shall clearly and precisely state in each ~~such~~ offer
1076 that the vehicle has previously been titled, registered, or used
1077 as a taxicab, police vehicle, or short-term-lease vehicle or
1078 that the vehicle or mobile home is a vehicle that is rebuilt or
1079 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or
1080 flood vehicle, or is a nonconforming vehicle, custom vehicle, or
1081 street rod vehicle, as the case may be. Any person who violates
1082 this subsection commits a misdemeanor of the second degree,
1083 punishable as provided in s. 775.082 or s. 775.083.

1084 (4) ~~If~~ When a certificate of title, including a foreign
1085 certificate, is branded to reflect a condition or prior use of
1086 the titled vehicle, the brand must be noted on the registration
1087 certificate of the vehicle and such brand shall be carried
1088 forward on all subsequent certificates of title and registration
1089 certificates issued for the life of the vehicle.

1090 (5) Any person who knowingly sells, exchanges, or offers to
1091 sell or exchange a motor vehicle or mobile home contrary to ~~the~~
1092 ~~provisions of~~ this section or any officer, agent, or employee of
1093 a person who knowingly authorizes, directs, aids in, or consents
1094 to the sale, exchange, or offer to sell or exchange a motor
1095 vehicle or mobile home contrary to ~~the provisions of~~ this
1096 section commits a misdemeanor of the second degree, punishable
1097 as provided in s. 775.082 or s. 775.083.

1098 (6) Any person who removes a rebuilt decal from a rebuilt
1099 vehicle with the intent to conceal the rebuilt status of the
1100 vehicle commits a felony of the third degree, punishable as
1101 provided in s. 775.082, s. 775.083, or s. 775.084.

1102 (7) This section applies to a mobile home, travel trailer,

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1103 camping trailer, truck camper, or fifth-wheel recreation trailer
1104 only when the ~~such~~ mobile home or vehicle is a rebuilt vehicle
1105 or is assembled from parts.

1106 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in
1107 any civil action arising out of a violation of this section if
1108 the designation of the previous use or condition of the motor
1109 vehicle is not noted on the certificate of title and
1110 registration certificate of the vehicle which was received by,
1111 or delivered to, such person, unless the ~~such~~ person has
1112 actively concealed the prior use or condition of the vehicle
1113 from the purchaser.

1114 (9) Subsections (1), (2), and (3) do not apply to the
1115 transfer of ownership of a motor vehicle after the motor vehicle
1116 has ceased to be used as a lease vehicle and the ownership has
1117 been transferred to an owner for private use or to the transfer
1118 of ownership of a nonconforming vehicle with 36,000 or more
1119 miles on its odometer, or 34 months whichever is later and the
1120 ownership has been transferred to an owner for private use. Such
1121 owner, as shown on the title certificate, may request the
1122 department to issue a corrected certificate of title that does
1123 not contain the statement of the previous use of the vehicle as
1124 a lease vehicle or condition as a nonconforming vehicle.

1125 Section 24. Section 319.225, Florida Statutes, is amended
1126 to read:

1127 319.225 Transfer and reassignment forms; odometer
1128 disclosure statements.-

1129 (1) Every certificate of title issued by the department
1130 must contain the following statement ~~on its reverse side~~:
1131 "Federal and state law require the completion of the odometer

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1132 statement set out below. Failure to complete or providing false
1133 information may result in fines, imprisonment, or both."

1134 (2) Each certificate of title issued by the department must
1135 contain ~~on its reverse side~~ a form for transfer of title by the
1136 titleholder of record, which form must contain an odometer
1137 disclosure statement in the form required by 49 C.F.R. s. 580.5.

1138 (3) Each certificate of title issued by the department must
1139 contain ~~on its reverse side~~ as many forms as space allows for
1140 reassignment of title by a licensed dealer as permitted by s.
1141 319.21(3), which form or forms shall contain an odometer
1142 disclosure statement in the form required by 49 C.F.R. s. 580.5.
1143 When all dealer reassignment forms ~~provided on the back of the~~
1144 ~~title certificate~~ have been filled in, a dealer may reassign the
1145 title certificate by using a separate dealer reassignment form
1146 issued by the department in compliance with 49 C.F.R. ss. 580.4
1147 and 580.5, which form shall contain an original, ~~two carbon~~
1148 ~~copies one of~~ which shall be submitted ~~directly~~ to the
1149 department by the dealer ~~within 5 business days after the~~
1150 ~~transfer~~ and a copy, ~~one of~~ which shall be retained by the
1151 dealer in his or her records for 5 years. The provisions of this
1152 subsection ~~shall~~ also apply to vehicles not previously titled in
1153 this state and vehicles whose title certificates do not contain
1154 the forms required by this section.

1155 (4) Upon transfer or reassignment of a certificate of title
1156 to a used motor vehicle, the transferor shall complete the
1157 odometer disclosure statement provided for by this section and
1158 the transferee shall acknowledge the disclosure by signing and
1159 printing his or her name in the spaces provided. This subsection
1160 does not apply to a vehicle that has a gross vehicle rating of

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1161 more than 16,000 pounds, a vehicle that is not self-propelled,
1162 or a vehicle that is 10 years old or older. A lessor who
1163 transfers title to his or her vehicle without obtaining
1164 possession of the vehicle shall make odometer disclosure as
1165 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
1166 or acknowledge a disclosure statement as required by this
1167 subsection commits ~~is guilty of~~ a misdemeanor of the second
1168 degree, punishable as provided in s. 775.082 or s. 775.083. The
1169 department may not issue a certificate of title unless this
1170 subsection has been complied with.

1171 (5) The same person may not sign a disclosure statement as
1172 both the transferor and the transferee in the same transaction
1173 except as provided in subsection (6).

1174 (6) (a) If the certificate of title is physically held by a
1175 lienholder, the transferor may give a power of attorney to his
1176 or her transferee for the purpose of odometer disclosure. The
1177 power of attorney must be on a form issued or authorized by the
1178 department, which form must be in compliance with 49 C.F.R. ss.
1179 580.4 and 580.13. The department shall not require the signature
1180 of the transferor to be notarized on the form; however, in lieu
1181 of notarization, the form shall include an affidavit with the
1182 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
1183 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
1184 ARE TRUE. The transferee shall sign the power of attorney form,
1185 print his or her name, and return a copy of the power of
1186 attorney form to the transferor. Upon receipt of a title
1187 certificate, the transferee shall complete the space for mileage
1188 disclosure on the title certificate exactly as the mileage was
1189 disclosed by the transferor on the power of attorney form. If

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1190 the transferee is a licensed motor vehicle dealer who is
1191 transferring the vehicle to a retail purchaser, the dealer shall
1192 make application on behalf of the retail purchaser as provided
1193 in s. 319.23(6) and shall submit the original power of attorney
1194 form to the department with the application for title and the
1195 transferor's title certificate; otherwise, a dealer may reassign
1196 the title certificate by using the dealer reassignment form in
1197 the manner prescribed in subsection (3), and, at the time of
1198 physical transfer of the vehicle, the original power of attorney
1199 shall be delivered to the person designated as the transferee of
1200 the dealer on the dealer reassignment form. ~~A copy of the~~
1201 ~~executed power of attorney shall be submitted to the department~~
1202 ~~with a copy of the executed dealer reassignment form within 5~~
1203 ~~business days after the certificate of title and dealer~~
1204 ~~reassignment form are delivered by the dealer to its transferee.~~

1205 (b) If the certificate of title is lost or otherwise
1206 unavailable, the transferor may give a power of attorney to his
1207 or her transferee for the purpose of odometer disclosure. The
1208 power of attorney must be on a form issued or authorized by the
1209 department, which form must be in compliance with 49 C.F.R. ss.
1210 580.4 and 580.13. The department shall not require the signature
1211 of the transferor to be notarized on the form; however, in lieu
1212 of notarization, the form shall include an affidavit with the
1213 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
1214 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
1215 ARE TRUE. The transferee shall sign the power of attorney form,
1216 print his or her name, and return a copy of the power of
1217 attorney form to the transferor. Upon receipt of the title
1218 certificate or a duplicate title certificate, the transferee

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1219 shall complete the space for mileage disclosure on the title
1220 certificate exactly as the mileage was disclosed by the
1221 transferor on the power of attorney form. If the transferee is a
1222 licensed motor vehicle dealer who is transferring the vehicle to
1223 a retail purchaser, the dealer shall make application on behalf
1224 of the retail purchaser as provided in s. 319.23(6) and shall
1225 submit the original power of attorney form to the department
1226 with the application for title and the transferor's title
1227 certificate or duplicate title certificate; otherwise, a dealer
1228 may reassign the title certificate by using the dealer
1229 reassignment form in the manner prescribed in subsection (3),
1230 and, at the time of physical transfer of the vehicle, the
1231 original power of attorney shall be delivered to the person
1232 designated as the transferee of the dealer on the dealer
1233 reassignment form. If the dealer sells the vehicle to an out-of-
1234 state resident or an out-of-state dealer and the power of
1235 attorney form is applicable to the transaction, the dealer must
1236 photocopy the completed original of the form and mail it
1237 directly to the department within 5 business days after the
1238 certificate of title and dealer reassignment form are delivered
1239 by the dealer to the purchaser. ~~A copy of the executed power of~~
1240 ~~attorney shall be submitted to the department with a copy of the~~
1241 ~~executed dealer reassignment form within 5 business days after~~
1242 ~~the duplicate certificate of title and dealer reassignment form~~
1243 ~~are delivered by the dealer to its transferee.~~

1244 (c) If the mechanics of the transfer of title to a motor
1245 vehicle in accordance with the provisions of paragraph (a) or
1246 paragraph (b) are determined to be incompatible with and
1247 unlawful under the provisions of 49 C.F.R. part 580, the

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1248 transfer of title to a motor vehicle by operation of this
1249 subsection can be effected in any manner not inconsistent with
1250 49 C.F.R. part 580 and Florida law; provided, any power of
1251 attorney form issued or authorized by the department under this
1252 subsection shall contain an original, ~~two carbon copies, one of~~
1253 which shall be submitted ~~directly~~ to the department by the
1254 dealer ~~within 5 business days of use by the dealer~~ to effect
1255 transfer of a title certificate as provided in paragraphs (a)
1256 and (b) and a copy, ~~one of~~ which shall be retained by the dealer
1257 in its records for 5 years.

1258 (d) Any person who fails to complete the information
1259 required by this subsection or to file with the department the
1260 forms required by this subsection commits ~~is guilty of~~ a
1261 misdemeanor of the second degree, punishable as provided in s.
1262 775.082 or s. 775.083. The department shall not issue a
1263 certificate of title unless this subsection has been complied
1264 with.

1265 (7) Subject to approval by the National Highway Traffic
1266 Safety Administration or any other applicable authority, if a
1267 title is held electronically and the transferee agrees to
1268 maintain the title electronically, the transferor and transferee
1269 shall complete a secure reassignment document that discloses the
1270 odometer reading and is signed by both the transferor and
1271 transferee at the tax collector's office or license plate
1272 agency. A dealer acquiring a motor vehicle that has an
1273 electronic title shall use a secure reassignment document signed
1274 by the person from whom the dealer acquired the motor vehicle.
1275 Upon transferring the motor vehicle to a purchaser, a separate
1276 reassignment document shall be executed.

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1277 (8)~~(7)~~ Each certificate of title issued by the department
1278 must contain ~~on its reverse side~~ a minimum of three ~~four~~ spaces
1279 for notation of the name and license number of any auction
1280 through which the vehicle is sold and the date the vehicle was
1281 auctioned. Each separate dealer reassignment form issued by the
1282 department must also have the space referred to in this section.
1283 When a transfer of title is made at a motor vehicle auction, the
1284 reassignment must note the name and address of the auction, but
1285 the auction shall not thereby be deemed to be the owner, seller,
1286 transferor, or assignor of title. A motor vehicle auction is
1287 required to execute a dealer reassignment only when it is the
1288 owner of a vehicle being sold.

1289 (9)~~(8)~~ Upon transfer or reassignment of a used motor
1290 vehicle through the services of an auction, the auction shall
1291 complete the information in the space provided for by subsection
1292 (8) ~~(7)~~. Any person who fails to complete the information as
1293 required by this subsection commits ~~is guilty of~~ a misdemeanor
1294 of the second degree, punishable as provided in s. 775.082 or s.
1295 775.083. The department shall not issue a certificate of title
1296 unless this subsection has been complied with.

1297 (10)~~(9)~~ This section shall be construed to conform to 49
1298 C.F.R. part 580.

1299 Section 25. Subsection (6) of section 319.23, Florida
1300 Statutes, is amended, present subsections (7), (8), (9), (10),
1301 and (11) of that section are renumbered as subsections (8), (9),
1302 (10), (11), and (12), respectively, and a new subsection (7) is
1303 added to that section, to read:

1304 319.23 Application for, and issuance of, certificate of
1305 title.-

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1306 (6) (a) In the case of the sale of a motor vehicle or mobile
1307 home by a licensed dealer to a general purchaser, the
1308 certificate of title must be obtained in the name of the
1309 purchaser by the dealer upon application signed by the
1310 purchaser, and in each other case such certificate must be
1311 obtained by the purchaser. In each case of transfer of a motor
1312 vehicle or mobile home, the application for a certificate of
1313 title, a corrected certificate, or an assignment or reassignment
1314 must be filed within 30 days after the delivery of the motor
1315 vehicle or from consummation of the sale of a mobile home to the
1316 purchaser. An applicant must pay a fee of \$20, in addition to
1317 all other fees and penalties required by law, for failing to
1318 file such application within the specified time. In the case of
1319 the sale of a motor vehicle by a licensed motor vehicle dealer
1320 to a general purchaser who resides in another state or country,
1321 the dealer is not required to apply for a certificate of title
1322 for the motor vehicle; however, the dealer must transfer
1323 ownership and reassign the certificate of title or
1324 manufacturer's certificate of origin to the purchaser, and the
1325 purchaser must sign an affidavit, as approved by the department,
1326 that the purchaser will title and register the motor vehicle in
1327 another state or country.

1328 (b) If a licensed dealer acquires a motor vehicle or mobile
1329 home as a trade-in, the dealer must file with the department,
1330 within 30 days, a notice of sale signed by the seller. The
1331 department shall update its database for that title record to
1332 indicate "sold." A licensed dealer need not apply for a
1333 certificate of title for any motor vehicle or mobile home in
1334 stock acquired for stock purposes except as provided in s.

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1335 319.225.

1336 (7) If an applicant for a certificate of title is unable to
1337 provide the department with a certificate of title that assigns
1338 the prior owner's interest in the motor vehicle, the department
1339 may accept a bond in the form prescribed by the department,
1340 along with an affidavit in a form prescribed by the department,
1341 which includes verification of the vehicle identification number
1342 and an application for title.

1343 (a) The bond must be:

- 1344 1. In a form prescribed by the department;
- 1345 2. Executed by the applicant;
- 1346 3. Issued by a person authorized to conduct a surety
1347 business in this state;
- 1348 4. In an amount equal to two times the value of the vehicle
1349 as determined by the department; and
- 1350 5. Conditioned to indemnify all prior owners and
1351 lienholders and all subsequent purchasers of the vehicle or
1352 persons who acquire a security interest in the vehicle, and
1353 their successors in interest, against any expense, loss, or
1354 damage, including reasonable attorney's fees, occurring because
1355 of the issuance of the certificate of title for the vehicle or
1356 for a defect in or undisclosed security interest on the right,
1357 title, or interest of the applicant to the vehicle.

1358 (b) An interested person has a right to recover on the bond
1359 for a breach of the bond's condition. The aggregate liability of
1360 the surety to all persons may not exceed the amount of the bond.

1361 (c) A bond under this subsection expires on the third
1362 anniversary of the date the bond became effective.

1363 (d) The affidavit must:

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- 1364 1. Be in a form prescribed by the department;
1365 2. Include the facts and circumstances through which the
1366 applicant acquired ownership and possession of the motor
1367 vehicle;
1368 3. Disclose that no security interests, liens, or
1369 encumbrances against the motor vehicle are known to the
1370 applicant against the motor vehicle; and
1371 4. State that the applicant has the right to have a
1372 certificate of title issued.

1373 Section 26. Paragraph (b) of subsection (2) of section
1374 319.28, Florida Statutes, is amended to read:

1375 319.28 Transfer of ownership by operation of law.—
1376 (2)

1377 (b) In case of repossession of a motor vehicle or mobile
1378 home pursuant to the terms of a security agreement or similar
1379 instrument, an affidavit by the party to whom possession has
1380 passed stating that the vehicle or mobile home was repossessed
1381 upon default in the terms of the security agreement or other
1382 instrument shall be considered satisfactory proof of ownership
1383 and right of possession. At least 5 days prior to selling the
1384 repossessed vehicle, any subsequent lienholder named in the last
1385 issued certificate of title shall be sent notice of the
1386 repossession by certified mail, on a form prescribed by the
1387 department. If such notice is given and no written protest to
1388 the department is presented by a subsequent lienholder within 15
1389 days from the date on which the notice was mailed, the
1390 certificate of title ~~or the certificate of repossession~~ shall be
1391 issued showing no liens. If the former owner or any subsequent
1392 lienholder files a written protest under oath within such 15-day

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1393 period, the department shall not issue the certificate of title
1394 ~~or certificate of repossession~~ for 10 days thereafter. If within
1395 the 10-day period no injunction or other order of a court of
1396 competent jurisdiction has been served on the department
1397 commanding it not to deliver the certificate of title ~~or~~
1398 ~~certificate of repossession~~, the department shall deliver the
1399 certificate of title ~~or repossession~~ to the applicant or as may
1400 otherwise be directed in the application showing no other liens
1401 than those shown in the application. Any lienholder who has
1402 repossessed a vehicle in this state in compliance with the
1403 provisions of this section must apply to a tax collector's
1404 office in this state or to the department for a ~~certificate of~~
1405 ~~repossession or to the department for a~~ certificate of title
1406 pursuant to s. 319.323. Proof of the required notice to
1407 subsequent lienholders shall be submitted together with regular
1408 title fees. ~~A lienholder to whom a certificate of repossession~~
1409 ~~has been issued may assign the certificate of title to the~~
1410 ~~subsequent owner.~~ Any person who violates ~~found guilty of~~
1411 ~~violating~~ any requirements of this paragraph commits ~~shall be~~
1412 ~~guilty of~~ a felony of the third degree, punishable as provided
1413 in s. 775.082, s. 775.083, or s. 775.084.

1414 Section 27. Section 319.323, Florida Statutes, is amended
1415 to read:

1416 319.323 Expedited service; applications; fees.—The
1417 department shall establish a separate title office which may be
1418 used by private citizens and licensed motor vehicle dealers to
1419 receive expedited service on title transfers, title issuances,
1420 duplicate titles, and recordation of liens, ~~and certificates of~~
1421 ~~repossession~~. A fee of \$10 shall be charged for this service,

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1422 which fee is in addition to the fees imposed by s. 319.32. The
1423 fee, after deducting the amount referenced by s. 319.324 and
1424 \$3.50 to be retained by the processing agency, shall be
1425 deposited into the General Revenue Fund. Application for
1426 expedited service may be made by mail or in person. The
1427 department shall issue each title applied for under this section
1428 within 5 working days after receipt of the application except
1429 for an application for a duplicate title certificate covered by
1430 s. 319.23(4), in which case the title must be issued within 5
1431 working days after compliance with the department's verification
1432 requirements.

1433 Section 28. Section 319.40, Florida Statutes, is amended to
1434 read:

1435 319.40 Transactions by electronic or telephonic means.—

1436 (1) The department may ~~is authorized to~~ accept any
1437 application provided for under this chapter by electronic or
1438 telephonic means.

1439 (2) The department may issue an electronic certificate of
1440 title in lieu of printing a paper title.

1441 (3) The department may collect and use electronic mail
1442 addresses as a notification method in lieu of the United States
1443 Postal Service.

1444 Section 29. Subsections (1), (23), (25), and (26) of
1445 section 320.01, Florida Statutes, are amended, present
1446 subsections (24) through (45) of that section are renumbered as
1447 subsections (23) through (44), respectively, and a new
1448 subsection (45) is added to that section, to read:

1449 320.01 Definitions, general.—As used in the Florida
1450 Statutes, except as otherwise provided, the term:

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1451 (1) "Motor vehicle" means:

1452 (a) An automobile, motorcycle, truck, trailer, semitrailer,
1453 truck tractor and semitrailer combination, or any other vehicle
1454 operated on the roads of this state, used to transport persons
1455 or property, and propelled by power other than muscular power,
1456 but the term does not include traction engines, road rollers,
1457 special mobile equipment as defined in chapter 316, such
1458 vehicles as run only upon a track, bicycles, swamp buggies, or
1459 mopeds.

1460 (b) A recreational vehicle-type unit primarily designed as
1461 temporary living quarters for recreational, camping, or travel
1462 use, which either has its own motive power or is mounted on or
1463 drawn by another vehicle. Recreational vehicle-type units, when
1464 traveling on the public roadways of this state, must comply with
1465 the length and width provisions of s. 316.515, as that section
1466 may hereafter be amended. As defined below, the basic entities
1467 are:

1468 1. The "travel trailer," which is a vehicular portable
1469 unit, mounted on wheels, of such a size or weight as not to
1470 require special highway movement permits when drawn by a
1471 motorized vehicle. It is primarily designed and constructed to
1472 provide temporary living quarters for recreational, camping, or
1473 travel use. It has a body width of no more than 8 1/2 feet and
1474 an overall body length of no more than 40 feet when factory-
1475 equipped for the road.

1476 2. The "camping trailer," which is a vehicular portable
1477 unit mounted on wheels and constructed with collapsible partial
1478 sidewalls which fold for towing by another vehicle and unfold at
1479 the campsite to provide temporary living quarters for

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1480 recreational, camping, or travel use.

1481 3. The "truck camper," which is a truck equipped with a
1482 portable unit designed to be loaded onto, or affixed to, the bed
1483 or chassis of the truck and constructed to provide temporary
1484 living quarters for recreational, camping, or travel use.

1485 4. The "motor home," which is a vehicular unit which does
1486 not exceed the length, height, and width limitations provided in
1487 s. 316.515, is a self-propelled motor vehicle, and is primarily
1488 designed to provide temporary living quarters for recreational,
1489 camping, or travel use.

1490 5. The "private motor coach," which is a vehicular unit
1491 which does not exceed the length, width, and height limitations
1492 provided in s. 316.515(9), is built on a self-propelled bus type
1493 chassis having no fewer than three load-bearing axles, and is
1494 primarily designed to provide temporary living quarters for
1495 recreational, camping, or travel use.

1496 6. The "van conversion," which is a vehicular unit which
1497 does not exceed the length and width limitations provided in s.
1498 316.515, is built on a self-propelled motor vehicle chassis, and
1499 is designed for recreation, camping, and travel use.

1500 7. The "park trailer," which is a transportable unit which
1501 has a body width not exceeding 14 feet and which is built on a
1502 single chassis and is designed to provide seasonal or temporary
1503 living quarters when connected to utilities necessary for
1504 operation of installed fixtures and appliances. The total area
1505 of the unit in a setup mode, when measured from the exterior
1506 surface of the exterior stud walls at the level of maximum
1507 dimensions, not including any bay window, does not exceed 400
1508 square feet when constructed to ANSI A-119.5 standards, and 500

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1509 square feet when constructed to United States Department of
1510 Housing and Urban Development Standards. The length of a park
1511 trailer means the distance from the exterior of the front of the
1512 body (nearest to the drawbar and coupling mechanism) to the
1513 exterior of the rear of the body (at the opposite end of the
1514 body), including any protrusions.

1515 8. The "fifth-wheel trailer," which is a vehicular unit
1516 mounted on wheels, designed to provide temporary living quarters
1517 for recreational, camping, or travel use, of such size or weight
1518 as not to require a special highway movement permit, of gross
1519 trailer area not to exceed 400 square feet in the setup mode,
1520 and designed to be towed by a motorized vehicle that contains a
1521 towing mechanism that is mounted above or forward of the tow
1522 vehicle's rear axle.

1523 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
1524 ~~which is required to be registered, or with respect to which an~~
1525 ~~election has been made to register it, under the International~~
1526 ~~Registration Plan.~~

1527 ~~(24)~~(25) "Apportionable vehicle" means any vehicle, except
1528 recreational vehicles, vehicles displaying restricted plates,
1529 city pickup and delivery vehicles, buses used in transportation
1530 of chartered parties, and government-owned vehicles, which is
1531 used or intended for use in two or more member jurisdictions
1532 that allocate or proportionally register vehicles and which is
1533 used for the transportation of persons for hire or is designed,
1534 used, or maintained primarily for the transportation of property
1535 and:

1536 (a) Is a power unit having a gross vehicle weight in excess
1537 of 26,000 ~~26,001~~ pounds;

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1538 (b) Is a power unit having three or more axles, regardless
1539 of weight; or

1540 (c) Is used in combination, when the weight of such
1541 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

1542
1543 Vehicles, or combinations thereof, having a gross vehicle weight
1544 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
1545 proportionally registered.

1546 ~~(25)~~ ~~(26)~~ "Commercial motor vehicle" means any vehicle that
1547 ~~which~~ is not owned or operated by a governmental entity, that
1548 ~~which~~ uses special fuel or motor fuel on the public highways,
1549 and that ~~which~~ has a gross vehicle weight of 26,001 pounds or
1550 more, or has three or more axles regardless of weight, or is
1551 used in combination when the weight of such combination exceeds
1552 26,000 ~~26,001~~ pounds gross vehicle weight. A vehicle that
1553 occasionally transports personal property to and from a closed-
1554 course motorsport facility, as defined in s. 549.09(1)(a), is
1555 not a commercial motor vehicle if the use is not for profit and
1556 corporate sponsorship is not involved. As used in this
1557 subsection, the term "corporate sponsorship" means a payment,
1558 donation, gratuity, in-kind service, or other benefit provided
1559 to or derived by a person in relation to the underlying
1560 activity, other than the display of product or corporate names,
1561 logos, or other graphic information on the property being
1562 transported.

1563 (45) "Swamp buggy" means a motorized off-road vehicle
1564 designed to travel over swampy terrain, which may utilize large
1565 tires or tracks operated from an elevated platform, and may be
1566 used on varied terrain. A swamp buggy does not include any

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1567 vehicle defined in chapter 261 or otherwise defined or
1568 classified in this chapter. A swamp buggy may not be operated
1569 upon the public roads, streets, or highways of this state,
1570 except to the extent specifically authorized by a state or
1571 federal agency to be used exclusively upon lands, managed,
1572 owned, or leased by that agency.

1573 Section 30. Subsections (2) and (4) of section 320.02,
1574 Florida Statutes, are amended, paragraphs (o), (p), and (q) are
1575 added to subsection (15) to that section, and subsection (18) is
1576 added to that section, to read:

1577 320.02 Registration required; application for registration;
1578 forms.—

1579 (2) (a) The application for registration shall include the
1580 street address of the owner's permanent residence or the address
1581 of his or her permanent place of business and shall be
1582 accompanied by personal or business identification information
1583 which may include, but need not be limited to, a driver's
1584 license number, Florida identification card number, or federal
1585 employer identification number. If the owner does not have a
1586 permanent residence or permanent place of business or if the
1587 owner's permanent residence or permanent place of business
1588 cannot be identified by a street address, the application shall
1589 include:

1590 1. If the vehicle is registered to a business, the name and
1591 street address of the permanent residence of an owner of the
1592 business, an officer of the corporation, or an employee who is
1593 in a supervisory position.

1594 2. If the vehicle is registered to an individual, the name
1595 and street address of the permanent residence of a close

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1596 relative or friend who is a resident of this state.

1597
1598 If the vehicle is registered to an active-duty military member
1599 who is a Florida resident, the member is exempt from the
1600 requirement of a Florida residential address.

1601 (b) The department shall prescribe a form upon which motor
1602 vehicle owners may record odometer readings when registering
1603 their motor vehicles.

1604 (4) The owner of any motor vehicle registered in the state
1605 shall notify the department in writing of any change of address
1606 within 20 days of such change. The notification shall include
1607 the registration license plate number, the vehicle
1608 identification number (VIN) or title certificate number, year of
1609 vehicle make, and the owner's full name. Any owner or registrant
1610 who possesses a Florida driver's license or identification card
1611 and changes residence or mailing address must obtain a
1612 replacement as provided for in s. 322.19(2) before changing the
1613 address on the motor vehicle record.

1614 (15)

1615 (o) The application form for motor vehicle registration and
1616 renewal registration must include language permitting the
1617 voluntary contribution of \$1 to End Hunger in Florida. The
1618 proceeds shall be distributed monthly by the department to the
1619 Florida Association of Food Banks, Inc., a corporation not for
1620 profit under s. 501(c)(3) of the Internal Revenue Code. The
1621 funds shall be used by the organization for the purpose of
1622 ending hunger in Florida.

1623 (p) The application form for motor vehicle registration and
1624 renewal registration must include language permitting a

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1625 voluntary contribution of \$1 for Autism Services and Supports.
1626 The proceeds shall be transferred by the department each month
1627 to the Achievement and Rehabilitation Centers, Inc., Autism
1628 Services Fund.

1629 (q) Notwithstanding s. 26 of chapter 2010-223, Laws of
1630 Florida, the application form for motor vehicle registration and
1631 renewal registration must include a provision permitting a
1632 voluntary contribution of \$1 or more per applicant, to be
1633 distributed to the Auto Club South Traffic Safety Foundation, a
1634 nonprofit organization. Funds received by the foundation shall
1635 be used to improve traffic safety culture in communities through
1636 effective outreach, education, and activities that will save
1637 lives, reduce injuries, and prevent crashes. The foundation must
1638 comply with s. 320.023.

1639
1640 For the purpose of applying the service charge provided in s.
1641 215.20, contributions received under this subsection are not
1642 income of a revenue nature.

1643 (18) All electronic registration records shall be retained
1644 by the department for at least 10 years.

1645 Section 31. Subsection (9) is added to section 320.023,
1646 Florida Statutes, to read:

1647 320.023 Requests to establish voluntary checkoff on motor
1648 vehicle registration application.-

1649 (9) The department may annually retain from the first
1650 proceeds derived from the voluntary contributions collected an
1651 amount sufficient to defray for each voluntary contribution the
1652 pro rata share of the department's costs directly related to the
1653 voluntary contributions program. Such costs include renewal

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1654 notices, postage, distribution costs, direct costs to the
1655 department, and costs associated with reviewing each
1656 organization's compliance with the audit and attestation
1657 requirements of this section. The revenues retained by the
1658 department may not be less than 0.005 percent and may not exceed
1659 0.015 percent. The balance of the proceeds from the voluntary
1660 contributions collected shall be distributed as provided by law.

1661 Section 32. Subsections (7) and (8) of section 320.03,
1662 Florida Statutes, are amended to read:

1663 320.03 Registration; duties of tax collectors;
1664 International Registration Plan.—

1665 (7) The Department of Highway Safety and Motor Vehicles
1666 shall register apportionable ~~apportioned~~ motor vehicles under
1667 the provisions of the International Registration Plan. The
1668 department may adopt rules to implement and enforce the
1669 provisions of the plan.

1670 (8) If the applicant's name appears on the list referred to
1671 in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license
1672 plate or revalidation sticker may not be issued until that
1673 person's name no longer appears on the list or until the person
1674 presents a receipt from the governmental entity or the clerk of
1675 court that provided the data showing that the fines outstanding
1676 have been paid. This subsection does not apply to the owner of a
1677 leased vehicle if the vehicle is registered in the name of the
1678 lessee of the vehicle. The tax collector and the clerk of the
1679 court are each entitled to receive monthly, as costs for
1680 implementing and administering this subsection, 10 percent of
1681 the civil penalties and fines recovered from such persons. As
1682 used in this subsection, the term "civil penalties and fines"

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1683 does not include a wrecker operator's lien as described in s.
1684 713.78(13). If the tax collector has private tag agents, such
1685 tag agents are entitled to receive a pro rata share of the
1686 amount paid to the tax collector, based upon the percentage of
1687 license plates and revalidation stickers issued by the tag agent
1688 compared to the total issued within the county. The authority of
1689 any private agent to issue license plates shall be revoked,
1690 after notice and a hearing as provided in chapter 120, if he or
1691 she issues any license plate or revalidation sticker contrary to
1692 the provisions of this subsection. This section applies only to
1693 the annual renewal in the owner's birth month of a motor vehicle
1694 registration and does not apply to the transfer of a
1695 registration of a motor vehicle sold by a motor vehicle dealer
1696 licensed under this chapter, except for the transfer of
1697 registrations which is inclusive of the annual renewals. This
1698 section does not affect the issuance of the title to a motor
1699 vehicle, notwithstanding s. 319.23(8)(b) ~~319.23(7)(b)~~.

1700 Section 33. Paragraph (b) of subsection (3) and subsection
1701 (5) of section 320.05, Florida Statutes, are amended to read:

1702 320.05 Records of the department; inspection procedure;
1703 lists and searches; fees.—

1704 (3)

1705 (b) Fees therefor shall be charged and collected as
1706 follows:

1707 1. For providing lists of motor vehicle or vessel records
1708 for the entire state, or any part or parts thereof, divided
1709 according to counties, a sum computed at a rate of not less than
1710 1 cent nor more than 5 cents per item.

1711 2. For providing noncertified photographic copies of motor

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- 1712 vehicle or vessel documents, \$1 per page.
- 1713 3. For providing noncertified photographic copies of
- 1714 micrographic records, \$1 per page.
- 1715 4. For providing certified copies of motor vehicle or
- 1716 vessel records, \$3 per record.
- 1717 5. For providing noncertified computer-generated printouts
- 1718 of motor vehicle or vessel records, 50 cents per record.
- 1719 6. For providing certified computer-generated printouts of
- 1720 motor vehicle or vessel records, \$3 per record.
- 1721 7. For providing electronic access to motor vehicle,
- 1722 vessel, and mobile home registration data requested by tag,
- 1723 vehicle identification number, title number, or decal number, 50
- 1724 cents per item.
- 1725 8. For providing electronic access to driver's license
- 1726 status report by name, sex, and date of birth or by driver
- 1727 license number, 50 cents per item.
- 1728 9. For providing lists of licensed mobile home dealers and
- 1729 manufacturers and recreational vehicle dealers and
- 1730 manufacturers, \$15 per list.
- 1731 10. For providing lists of licensed motor vehicle dealers,
- 1732 \$25 per list.
- 1733 11. For each copy of a videotape record, \$15 per tape.
- 1734 ~~12. For each copy of the Division of Motor Vehicles~~
- 1735 ~~Procedures Manual, \$25.~~
- 1736 (5) The creation and maintenance of records by the Division
- 1737 of Motorist Services within the department ~~and the Division of~~
- 1738 ~~Motor Vehicles~~ pursuant to this chapter shall not be regarded as
- 1739 law enforcement functions of agency recordkeeping.
- 1740 Section 34. Paragraph (d) is added to subsection (1) of

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1741 section 320.06, Florida Statutes, and subsection (5) is added to
1742 that section, to read:

1743 320.06 Registration certificates, license plates, and
1744 validation stickers generally.—

1745 (1)

1746 (d) The department may conduct a pilot program to evaluate
1747 designs, concepts, and technologies for alternative license
1748 plate technologies. The pilot program shall investigate the
1749 feasibility and use of alternative license plate technologies
1750 and shall be limited to license plates that are used on
1751 government-owned motor vehicles, as defined in s. 320.0655.
1752 Government license plates in the pilot program are exempt from
1753 current license plate requirements in s. 320.06(3)(a).

1754 (5) All license plates issued pursuant to this chapter are
1755 the property of the State of Florida.

1756 Section 35. Section 320.061, Florida Statutes, is amended
1757 to read:

1758 320.061 Unlawful to alter motor vehicle registration
1759 certificates, temporary license plates, license plates, mobile
1760 home stickers, or validation stickers or to obscure license
1761 plates; penalty.—No person shall alter the original appearance
1762 of any registration license plate, temporary license plate,
1763 mobile home sticker, validation sticker, or vehicle registration
1764 certificate issued for and assigned to any motor vehicle or
1765 mobile home, whether by mutilation, alteration, defacement, or
1766 change of color or in any other manner. No person shall apply or
1767 attach any substance, reflective matter, illuminated device,
1768 spray, coating, covering, or other material onto or around any
1769 license plate that interferes with the legibility, angular

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1770 visibility, or detectability of any feature or detail on the
1771 license plate or interferes with the ability to record any
1772 feature or detail on the license plate. Any person who violates
1773 this section commits a noncriminal traffic infraction,
1774 punishable as a moving violation as provided in chapter 318.

1775 Section 36. Subsection (1) of section 320.071, Florida
1776 Statutes, is amended to read:

1777 320.071 Advance registration renewal; procedures.—

1778 (1) (a) The owner of any motor vehicle or mobile home
1779 currently registered in this state may file an application for
1780 renewal of registration with the department, or its authorized
1781 agent in the county wherein the owner resides, any time during
1782 the 3 months preceding the date of expiration of the
1783 registration period. The registration period may not exceed 27
1784 months.

1785 (b) The owner of any apportionable ~~apportioned motor~~
1786 vehicle currently registered in this state under the provisions
1787 of the International Registration Plan may file an application
1788 for renewal of registration with the department any time during
1789 the 3 months preceding the date of expiration of the
1790 registration period.

1791 Section 37. Subsections (1) and (3) of section 320.0715,
1792 Florida Statutes, are amended to read:

1793 320.0715 International Registration Plan; motor carrier
1794 services; permits; retention of records.—

1795 (1) All apportionable ~~commercial motor~~ vehicles domiciled
1796 in this state ~~and engaged in interstate commerce~~ shall be
1797 registered in accordance with the provisions of the
1798 International Registration Plan ~~and shall display apportioned~~

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1799 ~~license plates.~~

1800 (3) (a) If the department is unable to immediately issue the
1801 apportioned license plate to an applicant currently registered
1802 in this state under the International Registration Plan or to a
1803 vehicle currently titled in this state, the department or its
1804 designated agent is authorized to issue a 60-day temporary
1805 operational permit. The department or agent of the department
1806 shall charge a \$3 fee and the service charge authorized by s.
1807 320.04 for each temporary operational permit it issues.

1808 (b) The department shall in no event issue a temporary
1809 operational permit for any apportionable ~~commercial motor~~
1810 vehicle to any applicant until the applicant has shown that:

1811 1. All sales or use taxes due on the registration of the
1812 vehicle are paid; and

1813 2. Insurance requirements have been met in accordance with
1814 ss. 320.02(5) and 627.7415.

1815 (c) Issuance of a temporary operational permit provides
1816 ~~commercial motor vehicle~~ registration privileges in each
1817 International Registration Plan member jurisdiction designated
1818 on said permit and therefore requires payment of all applicable
1819 registration fees and taxes due for that period of registration.

1820 (d) Application for permanent registration must be made to
1821 the department within 10 days following ~~from~~ issuance of a
1822 temporary operational permit. Failure to file an application
1823 within this 10-day period may result in cancellation of the
1824 temporary operational permit.

1825 Section 38. Paragraph (d) of subsection (5) of section
1826 320.08, Florida Statutes, is amended to read:

1827 320.08 License taxes.—Except as otherwise provided herein,

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1828 there are hereby levied and imposed annual license taxes for the
1829 operation of motor vehicles, mopeds, motorized bicycles as
1830 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
1831 and mobile homes, as defined in s. 320.01, which shall be paid
1832 to and collected by the department or its agent upon the
1833 registration or renewal of registration of the following:

1834 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
1835 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1836 (d) A wrecker, as defined in s. 320.01~~(40)~~, which is used
1837 to tow a vessel as defined in s. 327.02(39), a disabled,
1838 abandoned, stolen-recovered, or impounded motor vehicle as
1839 defined in s. 320.01~~(38)~~, or a replacement motor vehicle as
1840 defined in s. 320.01~~(39)~~: \$41 flat, of which \$11 shall be
1841 deposited into the General Revenue Fund.

1842 Section 39. Subsection (1) of section 320.0847, Florida
1843 Statutes, is amended to read:

1844 320.0847 Mini truck and low-speed vehicle license plates.—

1845 (1) The department shall issue a license plate to the owner
1846 or lessee of any vehicle registered as a low-speed vehicle as
1847 defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
1848 320.01~~(45)~~ upon payment of the appropriate license taxes and
1849 fees prescribed in s. 320.08.

1850 Section 40. Subsection (4) of section 320.0848, Florida
1851 Statutes, is amended to read:

1852 320.0848 Persons who have disabilities; issuance of
1853 disabled parking permits; temporary permits; permits for certain
1854 providers of transportation services to persons who have
1855 disabilities.—

1856 (4) From the proceeds of the temporary disabled parking

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1857 permit fees:

1858 (a) The Department of Highway Safety and Motor Vehicles
1859 must receive \$3.50 for each temporary permit, to be deposited
1860 into the Highway Safety Operating Trust Fund and used for
1861 implementing the real-time disabled parking permit database and
1862 for administering the disabled parking permit program.

1863 (b) The tax collector, for processing, must receive \$2.50
1864 for each temporary permit.

1865 (c) The remainder must be distributed monthly as follows:

1866 1. To the Florida Endowment Foundation for Vocational
1867 Rehabilitation, known as "The Able Trust," ~~Florida Governor's~~
1868 ~~Alliance for the Employment of Disabled Citizens~~ for the purpose
1869 of improving employment and training opportunities for persons
1870 who have disabilities, with special emphasis on removing
1871 transportation barriers, \$4. These fees must be directly
1872 deposited into the Florida Endowment Foundation for Vocational
1873 Rehabilitation as established in s. 413.615 ~~Transportation~~
1874 ~~Disadvantaged Trust Fund for transfer to the Florida Governor's~~
1875 ~~Alliance for Employment of Disabled Citizens.~~

1876 2. To the Transportation Disadvantaged Trust Fund to be
1877 used for funding matching grants to counties for the purpose of
1878 improving transportation of persons who have disabilities, \$5.

1879 Section 41. Paragraphs (a) and (b) of subsection (2) of
1880 section 320.275, Florida Statutes, are amended to read:

1881 320.275 Automobile Dealers Industry Advisory Board.—

1882 (2) MEMBERSHIP, TERMS, MEETINGS.—

1883 (a) The board shall be composed of 12 members. The
1884 executive director of the Department of Highway Safety and Motor
1885 Vehicles shall appoint the members from names submitted by the

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1886 entities for the designated categories the member will
1887 represent. The executive director shall appoint one
1888 representative of the Department of Highway Safety and Motor
1889 Vehicles, ~~who must represent the Division of Motor Vehicles;~~ two
1890 representatives of the independent motor vehicle industry as
1891 recommended by the Florida Independent Automobile Dealers
1892 Association; two representatives of the franchise motor vehicle
1893 industry as recommended by the Florida Automobile Dealers
1894 Association; one representative of the auction motor vehicle
1895 industry who is from an auction chain and is recommended by a
1896 group affiliated with the National Auto Auction Association; one
1897 representative of the auction motor vehicle industry who is from
1898 an independent auction and is recommended by a group affiliated
1899 with the National Auto Auction Association; one representative
1900 from the Department of Revenue; a Florida tax collector
1901 representative recommended by the Florida Tax Collectors
1902 Association; one representative from the Better Business Bureau;
1903 one representative from the Department of Agriculture and
1904 Consumer Services, who must represent the Division of Consumer
1905 Services; and one representative of the insurance industry who
1906 writes motor vehicle dealer surety bonds.

1907 (b)1. The executive director shall appoint the following
1908 initial members to 1-year terms: one representative from the
1909 motor vehicle auction industry who represents an auction chain,
1910 one representative from the independent motor vehicle industry,
1911 one representative from the franchise motor vehicle industry,
1912 one representative from the Department of Revenue, one Florida
1913 tax collector, and one representative from the Better Business
1914 Bureau.

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1915 2. The executive director shall appoint the following
1916 initial members to 2-year terms: one representative from the
1917 motor vehicle auction industry who represents an independent
1918 auction, one representative from the independent motor vehicle
1919 industry, one representative from the franchise motor vehicle
1920 industry, one representative from the Division of Consumer
1921 Services, one representative from the insurance industry, and
1922 one representative from the department ~~Division of Motor~~
1923 ~~Vehicles~~.

1924 3. As the initial terms expire, the executive director
1925 shall appoint successors from the same designated category for
1926 terms of 2 years. If renominated, a member may succeed himself
1927 or herself.

1928 4. The board shall appoint a chair and vice chair at its
1929 initial meeting and every 2 years thereafter.

1930 Section 42. Subsection (1) of section 320.771, Florida
1931 Statutes, is amended to read:

1932 320.771 License required of recreational vehicle dealers.-

1933 (1) DEFINITIONS.-As used in this section:

1934 (a) "Dealer" means any person engaged in the business of
1935 buying, selling, or dealing in recreational vehicles or offering
1936 or displaying recreational vehicles for sale. The term "dealer"
1937 includes a recreational vehicle broker. Any person who buys,
1938 sells, deals in, or offers or displays for sale, or who acts as
1939 the agent for the sale of, one or more recreational vehicles in
1940 any 12-month period shall be prima facie presumed to be a
1941 dealer. The terms "selling" and "sale" include lease-purchase
1942 transactions. The term "dealer" does not include banks, credit
1943 unions, and finance companies that acquire recreational vehicles

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1944 as an incident to their regular business and does not include
1945 mobile home rental and leasing companies that sell recreational
1946 vehicles to dealers licensed under this section. A licensed
1947 dealer may transact business in recreational vehicles with a
1948 motor vehicle auction as defined in s. 320.27(1)(c)4. Further, a
1949 licensed dealer may, at retail or wholesale, sell a motor
1950 vehicle, as described in s. 320.01(1)(a), acquired in exchange
1951 for the sale of a recreational vehicle, if such acquisition is
1952 incidental to the principal business of being a recreational
1953 vehicle dealer. However, a recreational vehicle dealer may not
1954 buy a motor vehicle for the purpose of resale unless licensed as
1955 a motor vehicle dealer pursuant to s. 320.27.

1956 (b) "Recreational vehicle broker" means any person who is
1957 engaged in the business of offering to procure or procuring used
1958 recreational vehicles for the general public; who holds himself
1959 or herself out through solicitation, advertisement, or otherwise
1960 as one who offers to procure or procures used recreational
1961 vehicles for the general public; or who acts as the agent or
1962 intermediary on behalf of the owner or seller of a used
1963 recreational vehicle which is for sale or who assists or
1964 represents the seller in finding a buyer for the recreational
1965 vehicle.

1966 (c) For the purposes of this section, the term
1967 "recreational vehicle" does not include any camping trailer, as
1968 defined in s. 320.01(1)(b)2.

1969 (d) A dealer may apply for a certificate of title to a
1970 recreational vehicle required to be registered under s.
1971 320.08(9) using a manufacturer's statement of origin as
1972 permitted by s. 319.23(1) only if such dealer is authorized by a

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1973 manufacturer/dealer agreement as defined in s. 320.3202(8) on
1974 file with the department to buy, sell, or deal in that
1975 particular line-make of recreational vehicle and is authorized
1976 by such agreement to perform delivery and preparation
1977 obligations and warranty defect adjustments on that line-make.

1978 Section 43. Section 320.95, Florida Statutes, is amended to
1979 read:

1980 320.95 Transactions by electronic or telephonic means.—

1981 (1) The department may ~~is authorized to~~ accept any
1982 application provided for under this chapter by electronic or
1983 telephonic means.

1984 (2) The department may collect and use electronic mail
1985 addresses for the purpose of providing renewal notices in lieu
1986 of the United States Postal Service.

1987 Section 44. Section 321.02, Florida Statutes, is amended to
1988 read:

1989 321.02 Powers and duties of department, highway patrol.—The
1990 director of the Division of Highway Patrol of the Department of
1991 Highway Safety and Motor Vehicles shall be designated the
1992 Colonel ~~also be the commander~~ of the Florida Highway Patrol. The
1993 said department shall set up and promulgate rules and
1994 regulations by which the personnel of the Florida Highway Patrol
1995 officers shall be examined, employed, trained, located,
1996 suspended, reduced in rank, discharged, recruited, paid and
1997 pensioned, subject to civil service provisions hereafter set
1998 out. The department may enter into contracts or agreements, with
1999 or without competitive bidding or procurement, to make
2000 available, on a fair, reasonable, nonexclusive, and
2001 nondiscriminatory basis, property and other structures under

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2002 division control for the placement of new facilities by any
2003 wireless provider of mobile service as defined in 47 U.S.C. s.
2004 153(27) or s. 332(d), and any telecommunications company as
2005 defined in s. 364.02 when it is determined to be practical and
2006 feasible to make such property or other structures available.
2007 The department may, without adopting a rule, charge a just,
2008 reasonable, and nondiscriminatory fee for placement of the
2009 facilities, payable annually, based on the fair market value of
2010 space used by comparable communications facilities in the state.
2011 The department and a wireless provider or telecommunications
2012 company may negotiate the reduction or elimination of a fee in
2013 consideration of services provided to the division by the
2014 wireless provider or the telecommunications company. All such
2015 fees collected by the department shall be deposited directly
2016 into the State Agency Law Enforcement Radio System Trust Fund,
2017 and may be used to construct, maintain, or support the system.
2018 The department is further specifically authorized to purchase,
2019 sell, trade, rent, lease and maintain all necessary equipment,
2020 uniforms, motor vehicles, communication systems, housing
2021 facilities, office space, and perform any other acts necessary
2022 for the proper administration and enforcement of this chapter.
2023 However, all supplies and equipment consisting of single items
2024 or in lots shall be purchased under the requirements of s.
2025 287.057. Purchases shall be made by accepting the bid of the
2026 lowest responsive bidder, the right being reserved to reject all
2027 bids. The department shall prescribe a distinctive uniform and
2028 distinctive emblem to be worn by all officers of the Florida
2029 Highway Patrol. It shall be unlawful for any other person or
2030 persons to wear a similar uniform or emblem, or any part or

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2031 parts thereof. The department shall also prescribe distinctive
2032 colors for use on motor vehicles and motorcycles operated by the
2033 Florida Highway Patrol. The prescribed colors shall be referred
2034 to as "Florida Highway Patrol black and tan."

2035 Section 45. Subsection (3) of section 322.02, Florida
2036 Statutes, is amended to read:

2037 322.02 Legislative intent; administration.—

2038 (3) The department shall employ a director, who is charged
2039 with the duty of serving as the executive officer of the
2040 Division of Motorist Services within ~~Driver Licenses~~ of the
2041 department insofar as the administration of this chapter is
2042 concerned. He or she shall be subject to the supervision and
2043 direction of the department, and his or her official actions and
2044 decisions as executive officer shall be conclusive unless the
2045 same are superseded or reversed by the department or by a court
2046 of competent jurisdiction.

2047 Section 46. Subsection (1) of section 322.04, Florida
2048 Statutes, is amended to read:

2049 322.04 Persons exempt from obtaining driver's license.—

2050 (1) The following persons are exempt from obtaining a
2051 driver's license:

2052 (a) Any employee of the United States Government, while
2053 operating a noncommercial motor vehicle owned by or leased to
2054 the United States Government and being operated on official
2055 business.

2056 (b) Any person while driving or operating any road machine,
2057 farm tractor, or implement of husbandry temporarily operated or
2058 moved on a highway.

2059 (c) A nonresident who is at least 16 years of age ~~and who~~

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2060 ~~has in his or her immediate possession a valid noncommercial~~
2061 ~~driver's license issued to the nonresident in his or her home~~
2062 ~~state or country,~~ may operate a motor vehicle of the type for
2063 which a Class E driver's license is required in this state if he
2064 or she has in their immediate possession:

2065 1. A valid noncommercial driver's license issued in his or
2066 her name from another state or territory of the United States;
2067 or

2068 2. An International Driving Permit issued in his or her
2069 name in their country of residence and a valid license issued in
2070 that country.

2071 ~~(d) A nonresident who is at least 18 years of age and who~~
2072 ~~has in his or her immediate possession a valid noncommercial~~
2073 ~~driver's license issued to the nonresident in his or her home~~
2074 ~~state or country may operate a motor vehicle, other than a~~
2075 ~~commercial motor vehicle, in this state.~~

2076 (d) ~~(e)~~ Any person operating a golf cart, as defined in s.
2077 320.01, which is operated in accordance with the provisions of
2078 s. 316.212.

2079 Section 47. Paragraph (a) of subsection (1) of section
2080 322.051, Florida Statutes, is amended, and subsection (9) is
2081 added to that section, to read:

2082 322.051 Identification cards.—

2083 (1) Any person who is 5 years of age or older, or any
2084 person who has a disability, regardless of age, who applies for
2085 a disabled parking permit under s. 320.0848, may be issued an
2086 identification card by the department upon completion of an
2087 application and payment of an application fee.

2088 (a) Each such application shall include the following

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2089 information regarding the applicant:

2090 1. Full name (first, middle or maiden, and last), gender,
2091 proof of social security card number satisfactory to the
2092 department, county of residence, mailing address, proof of
2093 residential address satisfactory to the department, country of
2094 birth, and a brief description.

2095 2. Proof of birth date satisfactory to the department.

2096 3. Proof of identity satisfactory to the department. Such
2097 proof must include one of the following documents issued to the
2098 applicant:

2099 a. A driver's license record or identification card record
2100 from another jurisdiction that required the applicant to submit
2101 a document for identification which is substantially similar to
2102 a document required under sub-subparagraph b., sub-subparagraph
2103 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
2104 f., sub-subparagraph g., or sub-subparagraph h.;

2105 b. A certified copy of a United States birth certificate;

2106 c. A valid, unexpired United States passport;

2107 d. A naturalization certificate issued by the United States
2108 Department of Homeland Security;

2109 e. A valid, unexpired alien registration receipt card
2110 (green card);

2111 f. A Consular Report of Birth Abroad provided by the United
2112 States Department of State;

2113 g. An unexpired employment authorization card issued by the
2114 United States Department of Homeland Security; or

2115 h. Proof of nonimmigrant classification provided by the
2116 United States Department of Homeland Security, for an original
2117 identification card. In order to prove such nonimmigrant

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2118 classification, applicants must provide at least one of ~~may~~
2119 ~~produce but are not limited to~~ the following documents, and, in
2120 addition, the department may require other documents for the
2121 sole purpose of establishing the maintenance of or efforts to
2122 maintain continuous lawful presence:

2123 (I) A notice of hearing from an immigration court
2124 scheduling a hearing on any proceeding.

2125 (II) A notice from the Board of Immigration Appeals
2126 acknowledging pendency of an appeal.

2127 (III) Notice of the approval of an application for
2128 adjustment of status issued by the United States Bureau of
2129 Citizenship and Immigration Services.

2130 (IV) Any official documentation confirming the filing of a
2131 petition for asylum or refugee status or any other relief issued
2132 by the United States Bureau of Citizenship and Immigration
2133 Services.

2134 (V) Notice of action transferring any pending matter from
2135 another jurisdiction to Florida, issued by the United States
2136 Bureau of Citizenship and Immigration Services.

2137 (VI) Order of an immigration judge or immigration officer
2138 granting any relief that authorizes the alien to live and work
2139 in the United States including, but not limited to asylum.

2140 (VII) Evidence that an application is pending for
2141 adjustment of status to that of an alien lawfully admitted for
2142 permanent residence in the United States or conditional
2143 permanent resident status in the United States, if a visa number
2144 is available having a current priority date for processing by
2145 the United States Bureau of Citizenship and Immigration
2146 Services.

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2147 (VIII) On or after January 1, 2010, an unexpired foreign
2148 passport with an unexpired United States Visa affixed,
2149 accompanied by an approved I-94, documenting the most recent
2150 admittance into the United States.

2151
2152 An identification card issued based on documents required
2153 ~~Presentation of any of the documents described in sub-~~
2154 ~~subparagraph g. or sub-subparagraph h. is valid~~ entitles the
2155 ~~applicant to an identification card~~ for a period not to exceed
2156 the expiration date of the document presented or 1 year,
2157 whichever first occurs.

2158 (9) Notwithstanding any other provision of this section or
2159 s. 322.21 to the contrary, the department shall issue or renew a
2160 card at no charge to a person who presents good cause for a fee
2161 waiver.

2162 Section 48. Subsection (4) of section 322.058, Florida
2163 Statutes, is amended to read:

2164 322.058 Suspension of driving privileges due to support
2165 delinquency; reinstatement.-

2166 (4) This section applies only to the annual renewal in the
2167 owner's birth month of a motor vehicle registration and does not
2168 apply to the transfer of a registration of a motor vehicle sold
2169 by a motor vehicle dealer licensed under chapter 320, except for
2170 the transfer of registrations which is inclusive of the annual
2171 renewals. This section does not affect the issuance of the title
2172 to a motor vehicle, notwithstanding s. 319.23(8)(b)
2173 ~~319.23(7)(b)~~.

2174 Section 49. Section 322.065, Florida Statutes, is amended
2175 to read:

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2176 322.065 Driver's license expired for 6 4 months or less;
2177 penalties.—Any person whose driver's license has been expired
2178 for 6 4 months or less and who drives a motor vehicle upon the
2179 highways of this state commits ~~is guilty of~~ an infraction and is
2180 subject to the penalty provided in s. 318.18.

2181 Section 50. Subsection (3) of section 322.07, Florida
2182 Statutes, is amended to read:

2183 322.07 Instruction permits and temporary licenses.—

2184 (3) Any person who, except for his or her lack of
2185 instruction in operating a commercial motor vehicle, would
2186 otherwise be qualified to obtain a commercial driver's license
2187 under this chapter, may apply for a temporary commercial
2188 instruction permit. The department shall issue such a permit
2189 entitling the applicant, while having the permit in his or her
2190 immediate possession, to drive a commercial motor vehicle on the
2191 highways, provided that:

2192 (a) The applicant possesses a valid Florida driver's
2193 license ~~issued in any state~~; and

2194 (b) The applicant, while operating a commercial motor
2195 vehicle, is accompanied by a licensed driver who is 21 years of
2196 age or older, who is licensed to operate the class of vehicle
2197 being operated, and who is actually occupying the closest seat
2198 to the right of the driver.

2199 Section 51. Subsection (2) of section 322.08, Florida
2200 Statutes, is amended, paragraphs (o) and (p) are added to
2201 subsection (7) of that section, and subsection (8) is added to
2202 that section, to read:

2203 322.08 Application for license; requirements for license
2204 and identification card forms.—

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2205 (2) Each such application shall include the following
2206 information regarding the applicant:

2207 (a) Full name (first, middle or maiden, and last), gender,
2208 proof of social security card number satisfactory to the
2209 department, county of residence, mailing address, proof of
2210 residential address satisfactory to the department, country of
2211 birth, and a brief description.

2212 (b) Proof of birth date satisfactory to the department.

2213 (c) Proof of identity satisfactory to the department. Such
2214 proof must include one of the following documents issued to the
2215 applicant:

2216 1. A driver's license record or identification card record
2217 from another jurisdiction that required the applicant to submit
2218 a document for identification which is substantially similar to
2219 a document required under subparagraph 2., subparagraph 3.,
2220 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
2221 7., or subparagraph 8.;

2222 2. A certified copy of a United States birth certificate;

2223 3. A valid, unexpired United States passport;

2224 4. A naturalization certificate issued by the United States
2225 Department of Homeland Security;

2226 5. A valid, unexpired alien registration receipt card
2227 (green card);

2228 6. A Consular Report of Birth Abroad provided by the United
2229 States Department of State;

2230 7. An unexpired employment authorization card issued by the
2231 United States Department of Homeland Security; or

2232 8. Proof of nonimmigrant classification provided by the
2233 United States Department of Homeland Security, for an original

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2234 driver's license. In order to prove nonimmigrant classification,
2235 an applicant must provide at least one of the following
2236 documents; in addition, the department may require other
2237 documents for the sole purpose of establishing the maintenance
2238 of or efforts to maintain continuous lawful presence ~~may produce~~
2239 ~~the following documents, including, but not limited to:~~

2240 a. A notice of hearing from an immigration court scheduling
2241 a hearing on any proceeding.

2242 b. A notice from the Board of Immigration Appeals
2243 acknowledging pendency of an appeal.

2244 c. A notice of the approval of an application for
2245 adjustment of status issued by the United States Bureau of
2246 Citizenship and Immigration Services.

2247 d. Any official documentation confirming the filing of a
2248 petition for asylum or refugee status or any other relief issued
2249 by the United States Bureau of Citizenship and Immigration
2250 Services.

2251 e. A notice of action transferring any pending matter from
2252 another jurisdiction to this state issued by the United States
2253 Bureau of Citizenship and Immigration Services.

2254 f. An order of an immigration judge or immigration officer
2255 granting any relief that authorizes the alien to live and work
2256 in the United States, including, but not limited to, asylum.

2257 g. Evidence that an application is pending for adjustment
2258 of status to that of an alien lawfully admitted for permanent
2259 residence in the United States or conditional permanent resident
2260 status in the United States, if a visa number is available
2261 having a current priority date for processing by the United
2262 States Bureau of Citizenship and Immigration Services.

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2263 h. On or after January 1, 2010, an unexpired foreign
2264 passport with an unexpired United States Visa affixed,
2265 accompanied by an approved I-94, documenting the most recent
2266 admittance into the United States.

2267
2268 A driver's license or temporary permit issued based on documents
2269 required ~~Presentation of any of the documents~~ in subparagraph 7.
2270 or subparagraph 8. is valid ~~entitles the applicant to a driver's~~
2271 ~~license or temporary permit~~ for a period not to exceed the
2272 expiration date of the document presented or 1 year, whichever
2273 occurs first.

2274 (d) Whether the applicant has previously been licensed to
2275 drive, and, if so, when and by what state, and whether any such
2276 license or driving privilege has ever been disqualified,
2277 revoked, or suspended, or whether an application has ever been
2278 refused, and, if so, the date of and reason for such
2279 disqualification, suspension, revocation, or refusal.

2280 (e) Each such application may include fingerprints and
2281 other unique biometric means of identity.

2282 (7) The application form for an original, renewal, or
2283 replacement driver's license or identification card shall
2284 include language permitting the following:

2285 (o) A voluntary contribution of \$1 per applicant for Autism
2286 Services and Supports. Such contributions must be transferred by
2287 the department each month to the Achievement and Rehabilitation
2288 Centers, Inc., Autism Services Fund.

2289 (p) Notwithstanding s. 26 of chapter 2010-223, Laws of
2290 Florida, a voluntary contribution of \$1 or more per applicant to
2291 the Auto Club South Traffic Safety Foundation, a nonprofit

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2292 organization. Funds received by the foundation shall be used to
2293 improve traffic safety culture in communities through effective
2294 outreach, education, and activities that will save lives, reduce
2295 injuries, and prevent crashes. The foundation must comply with
2296 s. 322.081.

2297
2298 A statement providing an explanation of the purpose of the trust
2299 funds shall also be included. For the purpose of applying the
2300 service charge provided in s. 215.20, contributions received
2301 under paragraphs (b)-(n) are not income of a revenue nature.

2302 (8) The department may collect and use electronic mail
2303 addresses for the purpose of providing renewal notices in lieu
2304 of the United State Postal Service.

2305 Section 52. Subsection (9) is added to section 322.081,
2306 Florida Statutes, to read:

2307 322.081 Requests to establish voluntary checkoff on
2308 driver's license application.-

2309 (9) The department may annually retain from the first
2310 proceeds derived from the voluntary contributions collected an
2311 amount sufficient to defray for each voluntary contribution the
2312 pro rata share of the department's costs directly related to the
2313 voluntary contributions program. Such costs include renewal
2314 notices, postage, distribution costs, direct costs to the
2315 department, and costs associated with reviewing each
2316 organization's compliance with the audit and attestation
2317 requirements of this section. The revenues retained by the
2318 department may not be less than 0.005 percent and may not exceed
2319 0.015 percent. The balance of the proceeds from the voluntary
2320 contributions collected shall be distributed as provided by law.

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2321 Section 53. Subsection (5) of section 322.12, Florida
2322 Statutes, is amended to read:

2323 322.12 Examination of applicants.—

2324 (5) ~~(a) The department shall formulate a separate~~
2325 ~~examination for applicants for licenses to operate motorcycles.~~
2326 ~~Any applicant for a driver's license who wishes to operate a~~
2327 ~~motorcycle, and who is otherwise qualified, must successfully~~
2328 ~~complete such an examination, which is in addition to the~~
2329 ~~examination administered under subsection (3). The examination~~
2330 ~~must test the applicant's knowledge of the operation of a~~
2331 ~~motorcycle and of any traffic laws specifically relating thereto~~
2332 ~~and must include an actual demonstration of his or her ability~~
2333 ~~to exercise ordinary and reasonable control in the operation of~~
2334 ~~a motorcycle. Any applicant who fails to pass the initial~~
2335 ~~knowledge examination will incur a \$5 fee for each subsequent~~
2336 ~~examination, to be deposited into the Highway Safety Operating~~
2337 ~~Trust Fund. Any applicant who fails to pass the initial skills~~
2338 ~~examination will incur a \$10 fee for each subsequent~~
2339 ~~examination, to be deposited into the Highway Safety Operating~~
2340 ~~Trust Fund. In the formulation of the examination, the~~
2341 ~~department shall consider the use of the Motorcycle Operator~~
2342 ~~Skills Test and the Motorcycle in Traffic Test offered by the~~
2343 ~~Motorcycle Safety Foundation. The department shall indicate on~~
2344 ~~the license of any person who successfully completes the~~
2345 ~~examination that the licensee is authorized to operate a~~
2346 ~~motorcycle. If the applicant wishes to be licensed to operate a~~
2347 ~~motorcycle only, he or she need not take the skill or road test~~
2348 ~~required under subsection (3) for the operation of a motor~~
2349 ~~vehicle, and the department shall indicate such a limitation on~~

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2350 ~~his or her license as a restriction.~~ Every first-time applicant
2351 for licensure to operate a motorcycle must provide proof of
2352 completion of a motorcycle safety course, as provided for in s.
2353 322.0255, which shall include a final examination before the
2354 applicant may be licensed to operate a motorcycle. The
2355 department shall indicate on the license of any person who
2356 successfully completes the course that the licensee is
2357 authorized to operate a motorcycle. If the applicant wishes to
2358 be licensed to operate a motorcycle only, he or she need not
2359 take the skill or road test required under subsection (3) for
2360 the operation of a motor vehicle, and the department shall
2361 indicate such a limitation on his or her license as a
2362 restriction.

2363 ~~(b) The department may exempt any applicant from the~~
2364 ~~examination provided in this subsection if the applicant~~
2365 ~~presents a certificate showing successful completion of a course~~
2366 ~~approved by the department, which course includes a similar~~
2367 ~~examination of the knowledge and skill of the applicant in the~~
2368 ~~operation of a motorcycle.~~

2369 Section 54. Subsection (5) of section 322.121, Florida
2370 Statutes, is amended to read:

2371 322.121 Periodic reexamination of all drivers.—

2372 (5) Members of the Armed Forces, or their dependents
2373 residing with them, shall be granted an automatic extension for
2374 the expiration of their Class E licenses without reexamination
2375 while serving on active duty outside this state. This extension
2376 is valid for 90 days after the member of the Armed Forces is
2377 either discharged or returns to this state to live.

2378 Section 55. Paragraph (a) of subsection (1) of section

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2379 322.14, Florida Statutes, is amended to read:

2380 322.14 Licenses issued to drivers.—

2381 (1) (a) The department shall, upon successful completion of
2382 all required examinations and payment of the required fee, issue
2383 to every applicant qualifying therefor, a driver's license as
2384 applied for, which license shall bear thereon a color photograph
2385 or digital image of the licensee; the name of the state; a
2386 distinguishing number assigned to the licensee; and the
2387 licensee's full name, date of birth, and residence address; a
2388 brief description of the licensee, including, but not limited
2389 to, the licensee's gender and height; and the dates of issuance
2390 and expiration of the license. A space shall be provided upon
2391 which the licensee shall affix his or her usual signature. No
2392 license shall be valid until it has been so signed by the
2393 licensee except that the signature of said licensee shall not be
2394 required if it appears thereon in facsimile or if the licensee
2395 is not present within the state at the time of issuance.

2396 ~~Applicants qualifying to receive a Class A, Class B, or Class C~~
2397 ~~driver's license must appear in person within the state for~~
2398 ~~issuance of a color photographic or digital imaged driver's~~
2399 ~~license pursuant to s. 322.142.~~

2400 Section 56. Section 322.1415, Florida Statutes, is created
2401 to read:

2402 322.1415 Specialty driver's license and identification card
2403 program.—

2404 (1) The department shall issue to any applicant qualified
2405 pursuant to s. 322.14 a specialty driver's license or
2406 identification card upon payment of the appropriate fee pursuant
2407 to s. 322.21.

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2408 (2) Department-approved specialty driver's licenses and
2409 identification cards shall, at a minimum, be available for state
2410 and independent universities domiciled in this state, all
2411 Florida professional sports teams designated in s.
2412 320.08058(9)(a), and all branches of the United States military.

2413 (3) The design and use of each specialty driver's license
2414 and identification card must be approved by the department and
2415 the organization that is recognized by the driver's license or
2416 card.

2417 Section 57. Section 322.145, Florida Statutes, is created
2418 to read:

2419 322.145 Electronic authentication of licenses.-

2420 (1) Any driver's license issued on or after July 1, 2012,
2421 must contain a means of electronic authentication, which
2422 conforms to a recognized standard for such authentication, such
2423 as public key infrastructure, symmetric key algorithms, security
2424 tokens, mediametrics, or biometrics. Electronic authentication
2425 capabilities must not interfere with or change the driver's
2426 license format or topology.

2427 (2) The department shall provide, at the applicant's option
2428 and at the time a license is issued, a security token that can
2429 be electronically authenticated through a personal computer. The
2430 token must also conform to one of the standards provided
2431 subsection (1).

2432 (3) The department shall negotiate a new contract with the
2433 vendor selected to implement the electronic authentication
2434 feature which provides that the vendor pay all costs of
2435 implementing the system. This contract must not conflict with
2436 current contractual arrangements for the issuance of driver's

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2437 licenses.

2438 Section 58. Subsections (9), (10), (13), (14), and (16) of
2439 section 322.20, Florida Statutes, are amended to read:

2440 322.20 Records of the department; fees; destruction of
2441 records.—

2442 (9) The department may, upon application, furnish to any
2443 person, from its ~~the records of the Division of Driver Licenses,~~
2444 a list of the names, addresses, and birth dates of the licensed
2445 drivers of the entire state or any portion thereof by age group.
2446 In addition, the department may furnish to the courts, for the
2447 purpose of establishing jury selection lists, the names,
2448 addresses, and birth dates of the persons of the entire state or
2449 any portion thereof by age group having identification cards
2450 issued by the department. Each person who requests such
2451 information shall pay a fee, set by the department, of 1 cent
2452 per name listed, except that the department shall furnish such
2453 information without charge to the courts for the purpose of jury
2454 selection or to any state agency or to any state attorney,
2455 sheriff, or chief of police. Such court, state agency, state
2456 attorney, or law enforcement agency may not sell, give away, or
2457 allow the copying of such information. Noncompliance with this
2458 prohibition shall authorize the department to charge the
2459 noncomplying court, state agency, state attorney, or law
2460 enforcement agency the appropriate fee for any subsequent lists
2461 requested. The department may adopt rules necessary to implement
2462 this subsection.

2463 (10) The department ~~Division of Driver Licenses~~ is
2464 authorized, upon application of any person and payment of the
2465 proper fees, to search and to assist such person in the search

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2466 of the records of the department and make reports thereof and to
2467 make photographic copies of the departmental records and
2468 attestations thereof.

2469 (13) The department ~~Division of Driver Licenses~~ shall
2470 implement a system that allows either parent of a minor, or a
2471 guardian, or other responsible adult who signed a minor's
2472 application for a driver's license to have Internet access
2473 through a secure website to inspect the minor's driver history
2474 record. Internet access to driver history records granted to a
2475 minor's parents, guardian, or other responsible adult shall be
2476 furnished by the department at no fee and shall terminate when
2477 the minor attains 18 years of age.

2478 (14) The department is authorized in accordance with
2479 chapter 257 to destroy reports, records, documents, papers, and
2480 correspondence in the department ~~Division of Driver Licenses~~
2481 which are considered obsolete.

2482 (16) The creation and maintenance of records by the
2483 Division of Motorist Services within the department ~~and the~~
2484 ~~Division of Driver Licenses~~ pursuant to this chapter shall not
2485 be regarded as law enforcement functions of agency
2486 recordkeeping.

2487 Section 59. Section 322.202, Florida Statutes, is amended
2488 to read:

2489 322.202 Admission of evidence obtained from the Division of
2490 Motorist Services ~~Driver Licenses and the Division of Motor~~
2491 ~~Vehicles.~~

2492 (1) The Legislature finds that the Division of Motorist
2493 Services ~~Driver Licenses and the Division of Motor Vehicles~~ of
2494 the Department of Highway Safety and Motor Vehicles is ~~are~~ not a

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2495 law enforcement agency ~~agencies~~. The Legislature also finds that
2496 the division is ~~divisions are~~ not an adjunct ~~adjuncts~~ of any law
2497 enforcement agency in that employees have no stake in particular
2498 prosecutions. The Legislature further finds that errors in
2499 records maintained by the Division of Motorist Services
2500 ~~divisions~~ are not within the collective knowledge of any law
2501 enforcement agency. The Legislature also finds that the mission
2502 ~~missions~~ of the Division of Motorist Services ~~Driver Licenses,~~
2503 ~~the Division of Motor Vehicles,~~ and the Department of Highway
2504 Safety and Motor Vehicles provides ~~provide~~ a sufficient
2505 incentive to maintain records in a current and correct fashion.

2506 (2) The Legislature finds that the purpose of the
2507 exclusionary rule is to deter misconduct on the part of law
2508 enforcement officers and law enforcement agencies.

2509 (3) The Legislature finds that the application of the
2510 exclusionary rule to cases where a law enforcement officer
2511 effects an arrest based on objectively reasonable reliance on
2512 information obtained from the divisions is repugnant to the
2513 purposes of the exclusionary rule and contrary to the decisions
2514 of the United States Supreme Court in *Arizona v. Evans*, 514 U.S.
2515 1 (1995) and *United States v. Leon*, 468 U.S. 897 (1984).

2516 (4) In any case where a law enforcement officer effects an
2517 arrest based on objectively reasonable reliance on information
2518 obtained from the divisions, evidence found pursuant to such an
2519 arrest shall not be suppressed by application of the
2520 exclusionary rule on the grounds that the arrest is subsequently
2521 determined to be unlawful due to erroneous information obtained
2522 from the divisions.

2523 Section 60. Paragraph (i) is added to subsection (1) of

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2524 section 322.21, Florida Statutes, and subsections (2) and (4) of
2525 that section are amended, to read:

2526 322.21 License fees; procedure for handling and collecting
2527 fees.—

2528 (1) Except as otherwise provided herein, the fee for:

2529 (i) The specialty license or identification card issued
2530 pursuant to s. 322.1415 is \$25, which is in addition to other
2531 fees required in this section. The specialty fee shall be
2532 distributed as follows:

2533 1. Twenty percent shall be distributed to the appropriate
2534 state or independent university foundation, the Florida Sports
2535 Foundation, or the State Homes for Veterans Trust Fund, as
2536 designated by the purchaser, for deposit into an unrestricted
2537 account.

2538 2. Eighty percent shall be distributed to the department
2539 for department costs directly related to the specialty driver's
2540 license and identification card program and to defray costs of
2541 production enhancements and distribution.

2542 (2) It is the duty of the Director of the Division of
2543 Motorist Services to provide ~~Driver Licenses to set up a~~
2544 ~~division in the department with the necessary personnel to~~
2545 perform the necessary clerical and routine work for the
2546 department in issuing and recording applications, licenses, and
2547 certificates of eligibility, including the receiving and
2548 accounting of all license funds and their payment into the State
2549 Treasury, and other incidental clerical work connected with the
2550 administration of this chapter. The department may use such
2551 electronic, mechanical, or other devices as necessary to
2552 accomplish the purposes of this chapter.

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2553 (4) If the department determines from its records or is
2554 otherwise satisfied that the holder of a license about to expire
2555 is entitled to have it renewed, the department shall mail a
2556 renewal notice to the licensee at his or her last known address,
2557 at least within 30 days before the licensee's birthday. The
2558 licensee may ~~shall~~ be issued a renewal license, after
2559 reexamination, if required, ~~during the 30 days immediately~~
2560 ~~preceding his or her birthday upon presenting a renewal notice,~~
2561 ~~his or her current license, and the fee for renewal to the~~
2562 ~~department at any driver's license examining office.~~ A driver
2563 may renew his or her driver's license up to 18 months prior to
2564 the license expiration date.

2565 Section 61. Subsection (2) of section 322.53, Florida
2566 Statutes, is amended to read:

2567 322.53 License required; exemptions.-

2568 (2) The following persons are exempt from the requirement
2569 to obtain a commercial driver's license:

2570 (a) Drivers of authorized emergency vehicles.

2571 (b) Military personnel driving vehicles operated for
2572 military purposes.

2573 (c) Farmers transporting agricultural products, farm
2574 supplies, or farm machinery to or from their farms within 150
2575 miles of their farm if the vehicle operated under this exemption
2576 is not used in the operations of a common or contract motor
2577 carrier, ~~or transporting agricultural products to or from the~~
2578 ~~first place of storage or processing or directly to or from~~
2579 ~~market, within 150 miles of their farm.~~

2580 (d) Drivers of recreational vehicles, as defined in s.
2581 320.01.

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2582 (e) Drivers who operate straight trucks, as defined in s.
2583 316.003, which ~~that~~ are exclusively transporting their own
2584 tangible personal property that ~~which~~ is not for sale or hire,
2585 and the vehicle is not used in commerce.

2586 (f) An employee of a publicly owned transit system who is
2587 limited to moving vehicles for maintenance or parking purposes
2588 exclusively within the restricted-access confines of a transit
2589 system's property.

2590 Section 62. Subsection (5) is added to section 322.54,
2591 Florida Statutes, to read:

2592 322.54 Classification.—

2593 (5) The required driver's license classification of any
2594 person operating a commercial motor vehicle that has no gross
2595 vehicle weight rating plate or no vehicle identification number
2596 shall be determined by the actual weight of the vehicle.

2597 Section 63. Section 322.58, Florida Statutes, is repealed.

2598 Section 64. Section 322.59, Florida Statutes, is amended to
2599 read:

2600 322.59 Possession of medical examiner's certificate.—

2601 (1) The department shall not issue a commercial driver's
2602 license to any person who is required by the laws of this state
2603 or by federal law to possess a medical examiner's certificate,
2604 unless such person provides ~~presents~~ a valid certificate, as
2605 described in 49 C.F.R. s. 383.71, prior to licensure.

2606 (2) The department shall disqualify a driver from operating
2607 a commercial motor vehicle if that driver holds a commercial
2608 driver's license and fails to comply with the medical
2609 certification requirements described in 49 C.F.R. s. 383.71.

2610 ~~(2) This section does not expand the requirements as to who~~

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2611 ~~must possess a medical examiner's certificate.~~

2612 Section 65. Subsection (5) of section 322.61, Florida
2613 Statutes, is amended to read:

2614 322.61 Disqualification from operating a commercial motor
2615 vehicle.-

2616 (5) Any person who is convicted of two violations specified
2617 in subsection (3) which were committed while operating a
2618 commercial motor vehicle, or any combination thereof, arising in
2619 separate incidents shall be permanently disqualified from
2620 operating a commercial motor vehicle. Any holder of a commercial
2621 driver's license who is convicted of two violations specified in
2622 subsection (3), which were committed while operating any a
2623 ~~noncommercial~~ motor vehicle, ~~or any combination thereof~~, arising
2624 in separate incidents shall be permanently disqualified from
2625 operating a commercial motor vehicle. The penalty provided in
2626 this subsection is in addition to any other applicable penalty.

2627 Section 66. Subsections (1), (4), (7), (8), and (11) of
2628 section 322.64, Florida Statutes, are amended to read:

2629 322.64 Holder of commercial driver's license; persons
2630 operating a commercial motor vehicle; driving with unlawful
2631 blood-alcohol level; refusal to submit to breath, urine, or
2632 blood test.-

2633 (1) (a) A law enforcement officer or correctional officer
2634 shall, on behalf of the department, disqualify from operating
2635 any commercial motor vehicle a person who while operating or in
2636 actual physical control of a commercial motor vehicle is
2637 arrested for a violation of s. 316.193, relating to unlawful
2638 blood-alcohol level or breath-alcohol level, or a person who has
2639 refused to submit to a breath, urine, or blood test authorized

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2640 by s. 322.63 or s. 316.1932 arising out of the operation or
2641 actual physical control of a commercial motor vehicle. A law
2642 enforcement officer or correctional officer shall, on behalf of
2643 the department, disqualify the holder of a commercial driver's
2644 license from operating any commercial motor vehicle if the
2645 licenseholder, while operating or in actual physical control of
2646 a motor vehicle, is arrested for a violation of s. 316.193,
2647 relating to unlawful blood-alcohol level or breath-alcohol
2648 level, or refused to submit to a breath, urine, or blood test
2649 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
2650 the person, the officer shall take the person's driver's license
2651 and issue the person a 10-day temporary permit for the operation
2652 of noncommercial vehicles only if the person is otherwise
2653 eligible for the driving privilege and shall issue the person a
2654 notice of disqualification. If the person has been given a
2655 blood, breath, or urine test, the results of which are not
2656 available to the officer at the time of the arrest, the agency
2657 employing the officer shall transmit such results to the
2658 department within 5 days after receipt of the results. If the
2659 department then determines that the person had a blood-alcohol
2660 level or breath-alcohol level of 0.08 or higher, the department
2661 shall disqualify the person from operating a commercial motor
2662 vehicle pursuant to subsection (3).

2663 (b) For purposes of determining the period of
2664 disqualification described in 49 C.F.R. s. 383.51,
2665 disqualifications listed in paragraph (a) shall be treated as
2666 convictions.

2667 (c) ~~(b)~~ The disqualification under paragraph (a) shall be
2668 pursuant to, and the notice of disqualification shall inform the

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2669 driver of, the following:

2670 1.a. The driver refused to submit to a lawful breath,
2671 blood, or urine test and he or she is disqualified from
2672 operating a commercial motor vehicle for the time period
2673 specified in 49 C.F.R. s. 383.51 ~~a period of 1 year, for a first~~
2674 ~~refusal, or permanently, if he or she has previously been~~
2675 ~~disqualified under this section; or~~

2676 b. The driver had an unlawful blood-alcohol or breath-
2677 alcohol level of 0.08 or higher while driving or in actual
2678 physical control of a commercial motor vehicle, or any motor
2679 vehicle if the driver holds a commercial driver's license, and
2680 is disqualified for the time period specified in 49 C.F.R. s.
2681 383.51. ~~The driver was driving or in actual physical control of~~
2682 ~~a commercial motor vehicle, or any motor vehicle if the driver~~
2683 ~~holds a commercial driver's license, had an unlawful blood-~~
2684 ~~alcohol level or breath-alcohol level of 0.08 or higher, and his~~
2685 ~~or her driving privilege shall be disqualified for a period of 1~~
2686 ~~year for a first offense or permanently disqualified if his or~~
2687 ~~her driving privilege has been previously disqualified under~~
2688 ~~this section.~~

2689 2. The disqualification period for operating commercial
2690 vehicles shall commence on the date of issuance of the notice of
2691 disqualification.

2692 3. The driver may request a formal or informal review of
2693 the disqualification by the department within 10 days after the
2694 date of issuance of the notice of disqualification.

2695 4. The temporary permit issued at the time of
2696 disqualification expires at midnight of the 10th day following
2697 the date of disqualification.

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2698 5. The driver may submit to the department any materials
2699 relevant to the disqualification.

2700 (4) If the person disqualified requests an informal review
2701 pursuant to subparagraph (1) (c) ~~(b)~~ 3., the department shall
2702 conduct the informal review by a hearing officer employed by the
2703 department. Such informal review hearing shall consist solely of
2704 an examination by the department of the materials submitted by a
2705 law enforcement officer or correctional officer and by the
2706 person disqualified, and the presence of an officer or witness
2707 is not required.

2708 (7) In a formal review hearing under subsection (6) or an
2709 informal review hearing under subsection (4), the hearing
2710 officer shall determine by a preponderance of the evidence
2711 whether sufficient cause exists to sustain, amend, or invalidate
2712 the disqualification. The scope of the review shall be limited
2713 to the following issues:

2714 (a) If the person was disqualified from operating a
2715 commercial motor vehicle for driving with an unlawful blood-
2716 alcohol level:

2717 1. Whether the ~~arresting~~ law enforcement officer had
2718 probable cause to believe that the person was driving or in
2719 actual physical control of a commercial motor vehicle, or any
2720 motor vehicle if the driver holds a commercial driver's license,
2721 in this state while he or she had any alcohol, chemical
2722 substances, or controlled substances in his or her body.

2723 2. Whether the person had an unlawful blood-alcohol level
2724 or breath-alcohol level of 0.08 or higher.

2725 (b) If the person was disqualified from operating a
2726 commercial motor vehicle for refusal to submit to a breath,

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2727 blood, or urine test:

2728 1. Whether the law enforcement officer had probable cause
2729 to believe that the person was driving or in actual physical
2730 control of a commercial motor vehicle, or any motor vehicle if
2731 the driver holds a commercial driver's license, in this state
2732 while he or she had any alcohol, chemical substances, or
2733 controlled substances in his or her body.

2734 2. Whether the person refused to submit to the test after
2735 being requested to do so by a law enforcement officer or
2736 correctional officer.

2737 3. Whether the person was told that if he or she refused to
2738 submit to such test he or she would be disqualified from
2739 operating a commercial motor vehicle for a period of 1 year or,
2740 if previously disqualified under this section, permanently.

2741 (8) Based on the determination of the hearing officer
2742 pursuant to subsection (7) for both informal hearings under
2743 subsection (4) and formal hearings under subsection (6), the
2744 department shall:

2745 ~~(a) sustain the disqualification for the time period~~
2746 ~~described in 49 C.F.R. s. 383.51 a period of 1 year for a first~~
2747 ~~refusal, or permanently if such person has been previously~~
2748 ~~disqualified from operating a commercial motor vehicle under~~
2749 ~~this section.~~ The disqualification period commences on the date
2750 of the issuance of the notice of disqualification.

2751 ~~(b) Sustain the disqualification:~~

2752 ~~1. For a period of 1 year if the person was driving or in~~
2753 ~~actual physical control of a commercial motor vehicle, or any~~
2754 ~~motor vehicle if the driver holds a commercial driver's license,~~
2755 ~~and had an unlawful blood-alcohol level or breath-alcohol level~~

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2756 ~~of 0.08 or higher; or~~

2757 ~~2. Permanently if the person has been previously~~
2758 ~~disqualified from operating a commercial motor vehicle under~~
2759 ~~this section or his or her driving privilege has been previously~~
2760 ~~suspended for driving or being in actual physical control of a~~
2761 ~~commercial motor vehicle, or any motor vehicle if the driver~~
2762 ~~holds a commercial driver's license, and had an unlawful blood-~~
2763 ~~alcohol level or breath-alcohol level of 0.08 or higher.~~

2764

2765 ~~The disqualification period commences on the date of the~~
2766 ~~issuance of the notice of disqualification.~~

2767 (11) The formal review hearing may be conducted upon a
2768 review of the reports of a law enforcement officer or a
2769 correctional officer, including documents relating to the
2770 administration of a breath test or blood test or the refusal to
2771 take a breath, blood, or urine ~~either~~ test. However, as provided
2772 in subsection (6), the driver may subpoena the officer or any
2773 person who administered or analyzed a breath or blood test.

2774 Section 67. Section 328.30, Florida Statutes, is amended to
2775 read:

2776 328.30 Transactions by electronic or telephonic means.-

2777 (1) The department may ~~is authorized to~~ accept any
2778 application provided for under this chapter by electronic or
2779 telephonic means.

2780 (2) The department may issue an electronic certificate of
2781 title in lieu of printing a paper title.

2782 (3) The department may collect and use electronic mail
2783 addresses for the purpose of providing renewal notices in lieu
2784 of the United States Postal Service.

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2785 Section 68. Subsection (2) of section 413.012, Florida
2786 Statutes, is amended to read:

2787 413.012 Confidential records disclosure prohibited;
2788 exemptions.-

2789 (2) It is unlawful for any person to disclose, authorize
2790 the disclosure, solicit, receive, or make use of any list of
2791 names and addresses or any record containing any information set
2792 forth in subsection (1) and maintained in the division. The
2793 prohibition provided for in this subsection shall not apply to
2794 the use of such information for purposes directly connected with
2795 the administration of the vocational rehabilitation program or
2796 with the monthly dispatch to ~~the Division of Driver Licenses of~~
2797 the Department of Highway Safety and Motor Vehicles of the name
2798 in full, place and date of birth, sex, social security number,
2799 and resident address of individuals with central visual acuity
2800 20/200 or less in the better eye with correcting glasses, or a
2801 disqualifying field defect in which the peripheral field has
2802 contracted to such an extent that the widest diameter or visual
2803 field subtends an angular distance no greater than 20 degrees.
2804 When requested in writing by an applicant or client, or her or
2805 his representative, the Division of Blind Services shall release
2806 confidential information to the applicant or client or her or
2807 his representative.

2808 Section 69. Paragraph (f) of subsection (13) of section
2809 713.78, Florida Statutes, is amended to read:

2810 713.78 Liens for recovering, towing, or storing vehicles
2811 and vessels.-

2812 (13)

2813 (f) This subsection applies only to the annual renewal in

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2814 the registered owner's birth month of a motor vehicle
2815 registration and does not apply to the transfer of a
2816 registration of a motor vehicle sold by a motor vehicle dealer
2817 licensed under chapter 320, except for the transfer of
2818 registrations which is inclusive of the annual renewals. This
2819 subsection does not apply to any vehicle registered in the name
2820 of the lessor. This subsection does not affect the issuance of
2821 the title to a motor vehicle, notwithstanding s. 319.23(8)(b)
2822 ~~319.23(7)(b)~~.

2823 Section 70. Effective October 1, 2011, sections 70-78 of
2824 this act may be cited as the "Highway Safety Act."

2825 Section 71. The Legislature finds that road rage and
2826 aggressive careless driving are a growing threat to the health,
2827 safety, and welfare of the public. The intent of the Legislature
2828 is to reduce road rage and aggressive careless driving, reduce
2829 the incidence of drivers' interfering with the movement of
2830 traffic, minimize crashes, and promote the orderly, free flow of
2831 traffic on the roads and highways of the state.

2832 Section 72. Effective October 1, 2011, present subsection
2833 (3) of section 316.083, Florida Statutes, is redesignated as
2834 subsection (4), and a new subsection (3) is added to that
2835 section, to read:

2836 316.083 Overtaking and passing a vehicle.—The following
2837 rules shall govern the overtaking and passing of vehicles
2838 proceeding in the same direction, subject to those limitations,
2839 exceptions, and special rules hereinafter stated:

2840 (3)(a) On roads, streets, or highways having two or more
2841 lanes that allow movement in the same direction, a driver may
2842 not continue to operate a motor vehicle in the furthestmost left-

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2843 hand lane if the driver knows, or reasonably should know, that
2844 he or she is being overtaken in that lane from the rear by a
2845 motor vehicle traveling at a higher rate of speed.

2846 (b) Paragraph (a) does not apply to a driver operating a
2847 motor vehicle in the furthestmost left-hand lane if:

2848 1. The driver is driving the legal speed limit and is not
2849 impeding the flow of traffic in the furthestmost left-hand lane;

2850 2. The driver is in the process of overtaking a slower
2851 motor vehicle in the adjacent right-hand lane for the purpose of
2852 passing the slower moving vehicle so that the driver may move to
2853 the adjacent right-hand lane;

2854 3. Conditions make the flow of traffic substantially the
2855 same in all lanes or preclude the driver from moving to the
2856 adjacent right-hand lane;

2857 4. The driver's movement to the adjacent right-hand lane
2858 could endanger the driver or other drivers;

2859 5. The driver is directed by a law enforcement officer,
2860 road sign, or road crew to remain in the furthestmost left-hand
2861 lane; or

2862 6. The driver is preparing to make a left turn.

2863 (c) A driver who violates s. 316.183 and this subsection
2864 simultaneously shall receive a uniform traffic citation solely
2865 under s. 316.183.

2866 Section 73. Effective October 1, 2011, section 316.1923,
2867 Florida Statutes, is amended to read:

2868 316.1923 Aggressive careless driving.—

2869 (1) "Aggressive careless driving" means committing three
2870 ~~two~~ or more of the following acts simultaneously or in
2871 succession:

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2872 ~~(a)(1)~~ Exceeding the posted speed as defined in s.

2873 322.27(3)(d)5.b.

2874 ~~(b)(2)~~ Unsafely or improperly changing lanes as defined in
2875 s. 316.085.

2876 ~~(c)(3)~~ Following another vehicle too closely as defined in
2877 s. 316.0895(1).

2878 ~~(d)(4)~~ Failing to yield the right-of-way as defined in s.
2879 316.079, s. 316.0815, or s. 316.123.

2880 ~~(e)(5)~~ Improperly passing or failing to yield to overtaking
2881 vehicles as defined in s. 316.083, s. 316.084, or s. 316.085.

2882 ~~(f)(6)~~ Violating traffic control and signal devices as
2883 defined in ss. 316.074 and 316.075.

2884 (2) Any person convicted of aggressive careless driving
2885 shall be cited for a moving violation and punished as provided
2886 in chapter 318, and by the accumulation of points as provided in
2887 s. 322.27, for each act of aggressive careless driving.

2888 Section 74. Effective October 1, 2011, section 318.121,
2889 Florida Statutes, is amended to read

2890 318.121 Preemption of additional fees, fines, surcharges,
2891 and costs.—Notwithstanding any general or special law, or
2892 municipal or county ordinance, additional fees, fines,
2893 surcharges, or costs other than the additional fees, fines,
2894 court costs, and surcharges assessed under s. 318.18(11), (13),
2895 (18), ~~and~~ (19), and (22) may not be added to the civil traffic
2896 penalties assessed in this chapter.

2897 Section 75. Effective October 1, 2011, subsection (22) is
2898 added to section 318.18, Florida Statutes, to read:

2899 318.18 Amount of penalties.—The penalties required for a
2900 noncriminal disposition pursuant to s. 318.14 or a criminal

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2901 offense listed in s. 318.17 are as follows:

2902 (22) (a) In addition to any penalties or points imposed
2903 under s. 316.1923, a person convicted of aggressive careless
2904 driving shall also pay:

2905 1. Upon a first violation, a fine of \$100.

2906 2. Upon a second or subsequent conviction, a fine of not
2907 less than \$250 but not more than \$500 and be subject to a
2908 mandatory hearing under s. 318.19.

2909 (b) The clerk of the court shall remit the moneys collected
2910 from the increased fine imposed by this subsection to the
2911 Department of Revenue for deposit into the Department of Health
2912 Administrative Trust Fund. Of the funds deposited into the
2913 Department of Health Administrative Trust Fund, \$200,000 in the
2914 first year after October 1, 2011, and \$50,000 in the second and
2915 third years, shall be transferred into the Highway Safety
2916 Operating Trust Fund to offset the cost of providing educational
2917 materials related to this act. Funds deposited into the
2918 Department of Health Administrative Trust Fund under this
2919 subsection shall be allocated as follows:

2920 1. Twenty-five percent shall be allocated equally among all
2921 Level I, Level II, and pediatric trauma centers in recognition
2922 of readiness costs for maintaining trauma services.

2923 2. Twenty-five percent shall be allocated among Level I,
2924 Level II, and pediatric trauma centers based on each center's
2925 relative volume of trauma cases as reported in the Department of
2926 Health Trauma Registry.

2927 3. Twenty-five percent shall be transferred to the
2928 Emergency Medical Services Trust Fund and used by the department
2929 for making matching grants to emergency medical services

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2930 organizations as defined in s. 401.107.

2931 4. Twenty-five percent shall be transferred to the
2932 Emergency Medical Services Trust Fund and made available to
2933 rural emergency medical services as defined in s. 401.107, and
2934 shall be used solely to improve and expand prehospital emergency
2935 medical services in this state. Additionally, these moneys may
2936 be used for the improvement, expansion, or continuation of
2937 services provided.

2938 Section 76. Effective October 1, 2011, section 318.19,
2939 Florida Statutes, is amended to read:

2940 318.19 Infractions requiring a mandatory hearing.—Any
2941 person cited for the infractions listed in this section shall
2942 not have the provisions of s. 318.14(2), (4), and (9) available
2943 to him or her but must appear before the designated official at
2944 the time and location of the scheduled hearing:

2945 (1) Any infraction which results in a crash that causes the
2946 death of another;

2947 (2) Any infraction which results in a crash that causes
2948 "serious bodily injury" of another as defined in s. 316.1933(1);

2949 (3) Any infraction of s. 316.172(1)(b);

2950 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

2951 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
2952 316.189 of exceeding the speed limit by 30 m.p.h. or more; ~~or~~

2953 (6) A second or subsequent infraction of s. 316.1923(1).

2954 Section 77. The Department of Highway Safety and Motor
2955 Vehicles shall provide information about the Highway Safety Act
2956 in all driver's license educational materials newly printed on
2957 or after October 1, 2011.

2958 Section 78. Effective October 1, 2011, for the purpose of

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2959 incorporating the amendments made by this act to section
2960 316.1923, Florida Statutes, in a reference thereto, paragraph
2961 (a) of subsection (1) of section 316.650, Florida Statutes, is
2962 reenacted to read:

2963 316.650 Traffic citations.—

2964 (1)(a) The department shall prepare and supply to every
2965 traffic enforcement agency in this state an appropriate form
2966 traffic citation that contains a notice to appear, is issued in
2967 prenumbered books, meets the requirements of this chapter or any
2968 laws of this state regulating traffic, and is consistent with
2969 the state traffic court rules and the procedures established by
2970 the department. The form shall include a box that is to be
2971 checked by the law enforcement officer when the officer believes
2972 that the traffic violation or crash was due to aggressive
2973 careless driving as defined in s. 316.1923. The form shall also
2974 include a box that is to be checked by the law enforcement
2975 officer when the officer writes a uniform traffic citation for a
2976 violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of
2977 the driver failing to stop at a traffic signal.

2978 Section 79. Effective October 1, 2011, section 320.089,
2979 Florida Statutes, is amended to read:

2980 320.089 Members of National Guard and active United States
2981 Armed Forces reservists; former prisoners of war; survivors of
2982 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi
2983 Freedom and Operation Enduring Freedom Veterans; Combat Infantry
2984 Badge recipients; special license plates; fee.—

2985 (1)(a) Each owner or lessee of an automobile or truck for
2986 private use or recreational vehicle as specified in s.
2987 320.08(9)(c) or (d), which is not used for hire or commercial

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2988 use, who is a resident of the state and an active or retired
2989 member of the Florida National Guard, a survivor of the attack
2990 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an
2991 active or retired member of any branch of the United States
2992 Armed Forces Reserve, or a recipient of the Combat Infantry
2993 Badge shall, upon application to the department, accompanied by
2994 proof of active membership or retired status in the Florida
2995 National Guard, proof of membership in the Pearl Harbor
2996 Survivors Association or proof of active military duty in Pearl
2997 Harbor on December 7, 1941, proof of being a Purple Heart medal
2998 recipient, ~~or~~ proof of active or retired membership in any
2999 branch of the Armed Forces Reserve, or proof of membership in
3000 the Combat Infantrymen's Association, Inc., or other proof of
3001 being a recipient of the Combat Infantry Badge, and upon payment
3002 of the license tax for the vehicle as provided in s. 320.08, be
3003 issued a license plate as provided by s. 320.06, upon which, in
3004 lieu of the serial numbers prescribed by s. 320.06, shall be
3005 stamped the words "National Guard," "Pearl Harbor Survivor,"
3006 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry
3007 Badge," as appropriate, followed by the serial number of the
3008 license plate. Additionally, the Purple Heart plate may have the
3009 words "Purple Heart" stamped on the plate and the likeness of
3010 the Purple Heart medal appearing on the plate.

3011 (b) Notwithstanding any other provision of law to the
3012 contrary, beginning with fiscal year 2002-2003 and annually
3013 thereafter, the first \$100,000 in general revenue generated from
3014 the sale of license plates issued under this section shall be
3015 deposited into the Grants and Donations Trust Fund, as described
3016 in s. 296.38(2), to be used for the purposes established by law

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3017 for that trust fund. Any additional general revenue generated
3018 from the sale of such plates shall be deposited into the State
3019 Homes for Veterans Trust Fund and used solely to construct,
3020 operate, and maintain domiciliary and nursing homes for
3021 veterans, subject to the requirements of chapter 216.

3022 (c) Notwithstanding any provisions of law to the contrary,
3023 an applicant for a Pearl Harbor Survivor license plate or a
3024 Purple Heart license plate who also qualifies for a disabled
3025 veteran's license plate under s. 320.084 shall be issued the
3026 appropriate special license plate without payment of the license
3027 tax imposed by s. 320.08.

3028 (2) Each owner or lessee of an automobile or truck for
3029 private use, truck weighing not more than 7,999 pounds, or
3030 recreational vehicle as specified in s. 320.08(9)(c) or (d),
3031 which is not used for hire or commercial use, who is a resident
3032 of the state and who is a former prisoner of war, or their
3033 unremarried surviving spouse, shall, upon application therefor
3034 to the department, be issued a license plate as provided in s.
3035 320.06, on which license plate are stamped the words "Ex-POW"
3036 followed by the serial number. Each application shall be
3037 accompanied by proof that the applicant meets the qualifications
3038 specified in paragraph (a) or paragraph (b).

3039 (a) A citizen of the United States who served as a member
3040 of the Armed Forces of the United States or the armed forces of
3041 a nation allied with the United States who was held as a
3042 prisoner of war at such time as the Armed Forces of the United
3043 States were engaged in combat, or their unremarried surviving
3044 spouse, may be issued the special license plate provided for in
3045 this subsection without payment of the license tax imposed by s.

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3046 320.08.

3047 (b) A person who was serving as a civilian with the consent
3048 of the United States Government, or a person who was a member of
3049 the Armed Forces of the United States who was not a United
3050 States citizen and was held as a prisoner of war when the Armed
3051 Forces of the United States were engaged in combat, or their
3052 unremarried surviving spouse, may be issued the special license
3053 plate provided for in this subsection upon payment of the
3054 license tax imposed by s. 320.08.

3055 (3) Each owner or lessee of an automobile or truck for
3056 private use, truck weighing not more than 7,999 pounds, or
3057 recreational vehicle as specified in s. 320.08(9)(c) or (d),
3058 which is not used for hire or commercial use, who is a resident
3059 of this state and who is the unremarried surviving spouse of a
3060 recipient of the Purple Heart medal shall, upon application
3061 therefor to the department, with the payment of the required
3062 fees, be issued a license plate as provided in s. 320.06, on
3063 which license plate are stamped the words "Purple Heart" and the
3064 likeness of the Purple Heart medal followed by the serial
3065 number. Each application shall be accompanied by proof that the
3066 applicant is the unremarried surviving spouse of a recipient of
3067 the Purple Heart medal.

3068 (4) The owner or lessee of an automobile or truck for
3069 private use, a truck weighing not more than 7,999 pounds, or a
3070 recreational vehicle as specified in s. 320.08(9)(c) or (d)
3071 which automobile, truck, or recreational vehicle is not used for
3072 hire or commercial use who is a resident of the state and a
3073 current or former member of the United States military who was
3074 deployed and served in Iraq during Operation Iraqi Freedom or in

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3075 Afghanistan during Operation Enduring Freedom shall, upon
3076 application to the department, accompanied by proof of active
3077 membership or former active duty status during one of these
3078 operations, and upon payment of the license tax for the vehicle
3079 as provided in s. 320.08, be issued a license plate as provided
3080 by s. 320.06 upon which, in lieu of the registration license
3081 number prescribed by s. 320.06, shall be stamped the words
3082 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as
3083 appropriate, followed by the registration license number of the
3084 plate.

3085 Section 80. Paragraph (a) of subsection (2) of section
3086 318.1451, Florida Statutes, is amended to read:

3087 318.1451 Driver improvement schools.—

3088 (2) (a) In determining whether to approve the courses
3089 referenced in this section, the department shall consider course
3090 content designed to promote safety, driver awareness, crash
3091 avoidance techniques, awareness of the risks associated with
3092 using a handheld electronic communication device while operating
3093 a motor vehicle, and other factors or criteria to improve driver
3094 performance from a safety viewpoint.

3095 Section 81. Subsection (1) of section 322.095, Florida
3096 Statutes, is amended to read:

3097 322.095 Traffic law and substance abuse education program
3098 for driver's license applicants.—

3099 (1) The Department of Highway Safety and Motor Vehicles
3100 must approve traffic law and substance abuse education courses
3101 that must be completed by applicants for a Florida driver's
3102 license. The curricula for the courses must provide instruction
3103 on the physiological and psychological consequences of the abuse

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3104 of alcohol and other drugs, the societal and economic costs of
3105 alcohol and drug abuse, the effects of alcohol and drug abuse on
3106 the driver of a motor vehicle, the risks associated with using a
3107 handheld electronic communication device while operating a motor
3108 vehicle, and the laws of this state relating to the operation of
3109 a motor vehicle. All instructors teaching the courses shall be
3110 certified by the department.

3111 Section 82. Except as otherwise expressly provided in this
3112 act, this act shall take effect July 1, 2011.