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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 durable medical equipment
14 and swamp buggies; revising the definition of the term
15 "electric personal assistive mobility device";
16 defining the terms "swamp buggy," "road rage," and
17 "durable medical equipment"; amending s. 316.008,
18 F.S.; deleting the powers of local authorities to
19 regulate assistive mobility devices on sidewalks;
20 providing that mobility-impaired persons have the
21 rights and responsibilities provided to pedestrians in
22 s. 316.130, F.S., with respect to traffic regulations;
23 amending s. 316.1905, F.S.; providing that certain
24 traffic citations may not be issued or prosecuted
25 unless a law enforcement officer used an electrical,
26 mechanical, or other speed-calculating device that has
27 been tested and approved; providing an exception;
28 amending s. 316.1933, F.S.; authorizing a health care
29 provider to notify a law enforcement agency after

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30 detecting the presence of a controlled substance in
31 the blood of a person injured in a motor vehicle
32 crash; amending s. 316.1957, F.S., relating to parking
33 violations; conforming a reference; amending s.
34 316.2015, F.S.; prohibiting the operator of a pickup
35 truck or flatbed truck from permitting a child who is
36 younger than 6 years of age from riding within the
37 open body of the truck under certain circumstances;
38 providing for certain exceptions; making technical and
39 grammatical changes; amending s. 316.2065, F.S.;
40 revising safety standard requirements for bicycle
41 helmets that must be worn by certain riders and
42 passengers; clarifying provisions relating to when a
43 bicycle operator must ride in a bicycle lane or along
44 the curb or edge of the roadway; providing for
45 enforcement of requirements for bicycle lighting
46 equipment; providing penalties for violations;
47 providing for dismissal of the charge following a
48 first offense under certain circumstances; amending s.
49 316.2085, F.S.; requiring that license tags for mopeds
50 and motorcycles be affixed so that the letters and
51 numbers are legible from the rear; specifying that the
52 tags may be displayed horizontally or vertically to
53 the ground so that the numbers and letters read from
54 left to right or from top to bottom; amending ss.
55 316.2122, 316.2124, 316.21265, 316.3026, and 316.550,
56 F.S., relating to the operation of low-speed vehicles,
57 motorized disability access vehicles, and all-terrain
58 or utility vehicles, the unlawful operation of motor

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59 carriers, and special permits, respectively;
60 conforming cross-references; amending s. 316.545,
61 F.S.; providing for the regulation of apportionable
62 vehicles; amending s. 316.613, F.S.; providing child-
63 restraint requirements for children ages 4 through 7
64 years of age who are less than a specified height;
65 providing certain exceptions; redefining the term
66 "motor vehicle" to exclude certain vehicles from such
67 requirements; providing that parents and others are
68 responsible for complying with child-restraint
69 requirements in certain chauffeur-driven vehicles;
70 providing a grace period; amending s. 317.0003, F.S.,
71 relating to off-highway vehicles; conforming a cross-
72 reference; amending s. 317.0016, F.S.; eliminating a
73 requirement that the department provide expedited
74 service for certificates of repossession; amending s.
75 318.14, F.S.; clarifying provisions authorizing a
76 person cited for a noncriminal traffic infraction to
77 elect to attend a driver improvement course or enter a
78 plea of nolo contendere; amending s. 318.15, F.S.,
79 relating to the suspension of driving privileges;
80 conforming a reference; providing that a person
81 charged with a traffic infraction may request a
82 hearing that the clerk must set; providing criteria;
83 amending s. 319.14, F.S.; prohibiting a person from
84 knowingly offering for sale, selling, or exchanging
85 certain vehicles unless the department has stamped in
86 a conspicuous place on the certificate of title words
87 stating that the vehicle is a custom vehicle or street

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88 rod vehicle; defining the terms "custom vehicle" and
89 "street rod"; amending s. 319.225, F.S.; revising the
90 requirements for the transfer and reassignment forms
91 for vehicles; requiring that a dealer selling a
92 vehicle out of state mail a copy of the power of
93 attorney form to the department; providing for the
94 electronic transfer of a vehicle title; amending s.
95 319.23, F.S.; providing for the application for a
96 certificate of title, corrected certificate, or
97 assignment or reassignment to be filed from the
98 consummation of the sale of a mobile home; authorizing
99 the department to accept a bond if the applicant for a
100 certificate of title is unable to provide a title that
101 assigns the prior owner's interest in the motor
102 vehicle; providing requirements for the bond and the
103 affidavit; providing for future expiration of the
104 bond; amending s. 319.28, F.S.; eliminating certain
105 requirements that a lienholder obtain a certificate of
106 repossession following repossession of a vehicle or
107 mobile home; providing that a dealer of certain farm
108 or industrial equipment is not subject to licensure as
109 a recovery agent or agency under certain conditions;
110 amending s. 319.323, F.S., relating to title offices
111 for expedited service; conforming provisions to
112 changes made by the act; amending s. 319.40, F.S.;
113 authorizing the department to issue electronic
114 certificates of title and use electronic mail
115 addresses for purposes of notification, except for any
116 notice regarding the potential forfeiture or

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117 foreclosure of an interest in property; amending s.
118 320.01, F.S.; revising the definition of the term
119 "motor vehicle" to include special mobile equipment
120 and swamp buggies; deleting an obsolete definition;
121 revising the gross vehicle weight for purposes of
122 defining the terms "apportionable vehicle" and
123 "commercial motor vehicle"; defining the term "swamp
124 buggy"; amending s. 320.02, F.S.; providing that an
125 active-duty military member is exempt from the
126 requirement to provide an address on an application
127 for vehicle registration; requiring the application
128 forms for motor vehicle registration and renewal of
129 registration to include language permitting the
130 applicant to make a voluntary contribution to End
131 Hunger in Florida, Autism Services and Supports, the
132 Auto Club South Traffic Safety Foundation, Support Our
133 Troops and Take Stock in Children; requiring that the
134 department retain certain records for a specified
135 period; amending s. 320.023, F.S.; authorizing the
136 department to retain certain proceeds derived from the
137 voluntary contributions program to cover certain
138 specified costs to the department; amending s. 320.03,
139 F.S., relating to the International Registration Plan;
140 conforming provisions to changes made by the act;
141 providing for an electronic filing system agent to
142 operate in a county other than the county in which the
143 agent is located; providing for the division of fees;
144 deleting obsolete provisions; amending s. 320.05,
145 F.S.; deleting a provision requiring that the

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146 department provide a procedures manual for a fee;
147 clarifying that the creation and maintenance of
148 records by the Division of Motorist Services is not a
149 law enforcement function of agency recordkeeping;
150 amending s. 320.06, F.S.; authorizing the department
151 to conduct a pilot program to evaluate alternative
152 license plate technologies for use on government-owned
153 motor vehicles; specifying that all license plates
154 issued by the department are the property of the
155 state; amending s. 320.061, F.S.; providing that it is
156 a noncriminal traffic infraction to alter a temporary
157 license plate; amending s. 320.071, F.S.; providing
158 for the renewal of registration for an apportionable
159 vehicle that is registered under the International
160 Registration Plan; amending s. 320.0715, F.S.;
161 clarifying provisions requiring the registration of
162 apportionable vehicles under the International
163 Registration Plan; amending s. 320.08, F.S., relating
164 to license taxes; conforming cross-references;
165 creating s. 320.08051, F.S.; providing for the
166 approval of certain specialty license plate
167 applications; providing conditions; requiring the
168 organization to submit certain information to the
169 department for the specialty plate; requiring the
170 department to begin production of any approved
171 specialty plate within a certain time; providing for a
172 fee; requiring compliance with all other provisions
173 relating to specialty plates; amending s. 320.08058,
174 F.S.; changing the recipient of the proceeds for the

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175 Live the Dream license plates to the Florida Dream
176 Foundation, Inc.; amending s. 320.08068, F.S.;
177 revising use of funds received from the sale of
178 motorcycle specialty license plates; amending s.
179 320.0847, F.S., relating to license plates for mini
180 trucks and low-speed vehicles; conforming cross-
181 references; amending s. 320.0848, F.S.; revising the
182 requirements for disabled parking permit renewals;
183 requiring a permitholder to personally appear to
184 obtain a renewal or replacement permit; revising the
185 requirements for the deposit of fee proceeds from
186 temporary disabled parking permits; amending s.
187 320.275, F.S., relating to the Automobile Dealers
188 Industry Advisory Board; conforming provisions to the
189 elimination of the Division of Motor Vehicles within
190 the department; amending s. 320.771, F.S.; specifying
191 circumstances under which certain dealers may apply
192 for a certificate of title to a recreational vehicle
193 using a manufacturer's statement of origin; amending
194 s. 320.95, F.S.; authorizing the department to use
195 electronic mail addresses for the purpose of providing
196 license renewal notices; amending s. 321.02, F.S.;
197 designating the director of the Division of Highway
198 Patrol of the department as the Colonel of the Florida
199 Highway Patrol; amending s. 322.02, F.S.; providing
200 for a director of the Division of Motorist Services;
201 amending s. 322.04, F.S.; revising provisions
202 exempting a nonresident from the requirement to obtain
203 a driver's license under certain circumstances;

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204 amending s. 322.051, F.S.; revising the means by which
205 an applicant for an identification card may prove
206 nonimmigrant classification; clarifying the validity
207 of an identification card based on specified
208 documents; providing for the department to waive the
209 fees for issuing or renewing an identification card to
210 persons who present good cause for such waiver;
211 amending s. 322.058, F.S.; conforming a cross-
212 reference; amending s. 322.065, F.S.; revising the
213 period of expiration that constitutes the offense of
214 driving with an expired driver's license; amending s.
215 322.07, F.S.; clarifying the qualifications for
216 obtaining a temporary commercial instruction permit;
217 amending s. 322.08, F.S.; revising requirements by
218 which an applicant for a driver's license may prove
219 nonimmigrant classification; clarifying the validity
220 of a license based on specified documents; providing
221 for driver's license application forms to allow the
222 applicant to make a voluntary contribution to Autism
223 Services and Supports, the Auto Club South Traffic
224 Safety Foundation, and Support Our Troops; authorizing
225 the department to use electronic mail addresses for
226 the purposes of providing license renewal notices;
227 amending s. 322.081, F.S.; authorizing the department
228 to retain certain proceeds derived from the voluntary
229 contributions made on driver's license applications to
230 cover certain specified costs to the department;
231 amending s. 322.12, F.S.; deleting provisions
232 requiring a separate examination for applicants for a

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233 license to operate a motorcycle; requiring that the
234 motorcycle safety course for a first-time applicant
235 include a final examination; requiring that completion
236 of the course be indicated on the license; amending s.
237 322.121, F.S.; clarifying provisions authorizing the
238 automatic extension of a license for members of the
239 Armed Forces or their dependents while serving on
240 active duty outside the state; amending s. 322.14,
241 F.S.; deleting a requirement that applicants for
242 specified licenses appear in person for issuance of a
243 color photographic or digital imaged driver's license;
244 creating s. 322.1415, F.S.; authorizing the Department
245 of Highway Safety and Motor Vehicles to issue a
246 specialty driver's license or identification card to
247 qualified applicants; specifying that, at a minimum,
248 the specialty driver's licenses and identification
249 cards must be available for certain state and
250 independent universities and professional sports teams
251 and all of the branches of the United States military;
252 requiring that the design of each specialty driver's
253 license and identification card be approved by the
254 department; creating s. 322.145, F.S.; requiring the
255 Department of Highway Safety and Motor Vehicles to
256 implement a system providing for the electronic
257 authentication of driver's licenses; providing
258 criteria for a token for security authenticity;
259 requiring that the department contract for
260 implementation of the electronic verification;
261 amending s. 322.20, F.S., relating to department

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262 records; conforming provisions to changes made by the
263 act; amending s. 322.202, F.S.; clarifying that the
264 Division of Motorist Services is not a law enforcement
265 agency; amending s. 322.21, F.S.; providing for the
266 distribution of funds collected from the specialty
267 driver's license and identification card fees;
268 conforming provisions to changes made by the act;
269 authorizing a driver to renew his or her driver's
270 license during a specified period before the license
271 expiration date; amending s. 322.53, F.S.; revising
272 provisions exempting certain farmers and drivers who
273 operate straight trucks from the requirement to obtain
274 a commercial driver's license; amending s. 322.54,
275 F.S.; requiring that the weight of a commercial motor
276 vehicle be based on the vehicle's actual weight under
277 certain circumstances; repealing s. 322.58, F.S.,
278 relating to holders of chauffeur's licenses; amending
279 s. 322.59, F.S.; requiring that the department
280 disqualify a driver holding a commercial driver's
281 license who fails to comply with specified federal
282 certification requirements; amending s. 322.61, F.S.;
283 providing that the holder of a commercial driver's
284 license is permanently disqualified from operating a
285 commercial motor vehicle following two violations of
286 specified offenses committed while operating any
287 vehicle; amending s. 322.64, F.S.; providing that a
288 notice of disqualification from operating a commercial
289 motor vehicle acts as a conviction for purposes of
290 certain federal restrictions imposed for the offense

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291 of operating a commercial motor vehicle while under
292 the influence of alcohol; deleting provisions
293 authorizing the department to impose certain
294 alternative restrictions for such offense; amending s.
295 328.30, F.S.; authorizing the department to issue
296 electronic certificates of title for vessels and use
297 electronic mail addresses for purposes of providing
298 renewal notices; amending s. 413.012, F.S., relating
299 to a prohibition on disclosing confidential records
300 held by the department; conforming provisions to
301 changes made by the act; amending s. 713.78, F.S.;

302 conforming a cross-reference; creating the "Highway
303 Safety Act"; providing legislative intent relating to
304 road rage and aggressive careless driving; amending s.
305 316.083, F.S.; requiring an operator of a motor
306 vehicle to yield the left lane when being overtaken on
307 a multilane highway; providing exceptions; amending s.
308 316.1923, F.S.; revising the number of specified acts
309 necessary to qualify as an aggressive careless driver;
310 providing specified punishments for aggressive
311 careless driving, including imposition of an increased
312 fine; amending s. 318.121, F.S.; revising the
313 preemption of additional fees, fines, surcharges, and
314 court costs to allow imposition of the increased fine
315 for aggressive careless driving; amending s. 318.18,
316 F.S.; specifying the amount of the fine and the
317 allocation of moneys received from the increased fine
318 imposed for aggressive careless driving; amending s.
319 318.19, F.S.; providing that a second or subsequent

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320 infraction as an aggressive careless driver requires
321 attendance at a mandatory hearing; requiring the
322 Department of Highway Safety and Motor Vehicles to
323 provide information about the Highway Safety Act in
324 driver's license educational materials; reenacting s.
325 316.650(1)(a), F.S., relating to traffic citations, to
326 incorporate the amendments made to s. 316.1923, F.S.,
327 in a reference thereto; amending s. 320.089, F.S.;
328 providing for the issuance of a Combat Infantry Badge
329 license plate; providing qualifications and
330 requirements for the plate; providing for the use of
331 proceeds from the sale of the plate; amending ss.
332 318.1451 and 322.095, F.S.; requiring the curricula of
333 driver improvement schools and education programs for
334 driver's license applicants to include instruction on
335 the dangers of driving while distracted, which must
336 specifically include the use of technology while
337 driving; amending s. 320.27, F.S.; exempting salvage
338 motor vehicle dealers from certain insurance
339 requirements; amending s. 316.6135, F.S.; clarifying
340 the criteria under which a child may not be left
341 unattended in a vehicle; providing a short title;
342 providing for a voluntary emergency contact
343 information program established by the department;
344 amending s. 320.08058, F.S.; providing that proceeds
345 from the sale of Support Soccer license plates shall
346 be distributed to the Florida Soccer Foundation, Inc.;
347 providing effective dates.

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

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

353 20.24 Department of Highway Safety and Motor Vehicles.—

354 There is created a Department of Highway Safety and Motor
355 Vehicles.

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

362 (2) The following divisions, ~~and bureaus within the~~
363 ~~divisions,~~ of the Department of Highway Safety and Motor
364 Vehicles are established:

365 (a) Division of the Florida Highway Patrol.

366 (b) Division of Motorist Services.

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

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

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

371 261.03 Definitions.—As used in this chapter, the term:

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

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378 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
379 s. 320.01~~(42)~~.

380 Section 3. Paragraph (e) of subsection (2) of section
381 288.816, Florida Statutes, is amended to read:

382 288.816 Intergovernmental relations.—

383 (2) The Office of Tourism, Trade, and Economic Development
384 shall be responsible for all consular relations between the
385 state and all foreign governments doing business in Florida. The
386 office shall monitor United States laws and directives to ensure
387 that all federal treaties regarding foreign privileges and
388 immunities are properly observed. The office shall promulgate
389 rules which shall:

390 (e) Verify entitlement to issuance of special motor vehicle
391 license plates by ~~the Division of Motor Vehicles of the~~
392 Department of Highway Safety and Motor Vehicles to honorary
393 consuls or such other officials representing foreign governments
394 who are not entitled to issuance of special Consul Corps license
395 plates by the United States Government.

396 Section 4. Subsections (2), (21), and (83) of section
397 316.003, Florida Statutes, are amended, and subsections (89),
398 (90), and (91) are added to that section, to read:

399 316.003 Definitions.—The following words and phrases, when
400 used in this chapter, shall have the meanings respectively
401 ascribed to them in this section, except where the context
402 otherwise requires:

403 (2) BICYCLE.—Every vehicle propelled solely by human power,
404 and every motorized bicycle propelled by a combination of human
405 power and an electric helper motor capable of propelling the
406 vehicle at a speed of not more than 20 miles per hour on level

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407 ground upon which any person may ride, having two tandem wheels
408 or three wheels, and including any device generally recognized
409 as a bicycle though equipped with two front or two rear wheels.
410 The term does not include such a vehicle with a seat height of
411 no more than 25 inches from the ground when the seat is adjusted
412 to its highest position or a scooter or similar device. No
413 person under the age of 16 may operate or ride upon a motorized
414 bicycle.

415 (21) MOTOR VEHICLE.—Any self-propelled vehicle not operated
416 upon rails or guideway, but not including any bicycle, motorized
417 scooter, electric personal assistive mobility device, durable
418 medical equipment, swamp buggy, or moped.

419 (83) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.—Any self-
420 balancing, two-nontandem-wheeled device, commonly known as a
421 Segway, designed to transport only one person, with an electric
422 propulsion system with average power of 750 watts (1
423 horsepower), the maximum speed of which, on a paved level
424 surface when powered solely by such a propulsion system while
425 being ridden by an operator who weighs 170 pounds, is less than
426 20 miles per hour. Electric personal assistive mobility devices
427 are not vehicles as defined in this section.

428 (89) SWAMP BUGGY.—A motorized off-road vehicle designed to
429 travel over swampy terrain, which may utilize large tires or
430 tracks operated from an elevated platform, and may be used on
431 varied terrain. A swamp buggy does not include any vehicle
432 defined in chapter 261 or otherwise defined or classified in
433 this chapter. A swamp buggy may not be operated upon the public
434 roads, streets, or highways of this state, except to the extent
435 specifically authorized by a state or federal agency to be used

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436 exclusively upon lands, managed, owned, or leased by that
437 agency.

438 (90) ROAD RAGE.—The act of a driver or passenger to
439 intentionally or unintentionally, due to a loss of emotional
440 control, injure or kill another driver, passenger, or
441 pedestrian, or to attempt or threaten to injure or kill another
442 driver, passenger, or pedestrian.

443 (91) DURABLE MEDICAL EQUIPMENT.—Any three- or four-wheeled
444 mobility device, including a manually propelled or powered
445 wheelchair or motorized scooter, which is designed to provide
446 transportation for mobility-impaired persons.

447 Section 5. Subsection (7) of section 316.008, Florida
448 Statutes, is amended to read:

449 316.008 Powers of local authorities.—

450 (7) A county or municipality may enact an ordinance to
451 permit, control, or regulate the operation of vehicles, golf
452 carts, mopeds, motorized scooters, and electric personal
453 ~~assistive~~ mobility devices on sidewalks or sidewalk areas when
454 such use is permissible under federal law. The ordinance must
455 restrict such vehicles or devices to a maximum speed of 15 miles
456 per hour in such areas.

457 Section 6. Mobility-impaired persons have the same rights,
458 responsibilities, and restrictions as provided for pedestrians
459 in s. 316.130, Florida Statutes, including persons who:

460 (1) Are legally blind;

461 (2) Are unable to walk without assistance from another
462 person or the use of a brace, cane, crutch, prosthetic device,
463 wheelchair, or other assistive device;

464 (3) Are restricted by lung disease to the extent that their

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465 forced expiratory volume for 1 second, when measured by
466 spirometry, is less than 1 liter, their arterial oxygen is less
467 than 60mm/hg on room air at rest, or they require the use of
468 portable oxygen;

469 (4) Are restricted by a cardiac condition to the extent
470 that their functional limitations are classified as Class III or
471 Class IV in severity, by American Heart Association standards;
472 or

473 (5) Are restricted in their ability to walk due to an
474 arthritic, neurological, or orthopedic condition.

475 Section 7. Section 316.1905, Florida Statutes, is amended
476 to read:

477 316.1905 Electrical, mechanical, or other speed calculating
478 devices; power of arrest; evidence.—

479 (1) Whenever any peace officer engaged in the enforcement
480 of the motor vehicle laws of this state uses an electronic,
481 electrical, mechanical, or other device used to determine the
482 speed of a motor vehicle on any highway, road, street, or other
483 public way, such device shall be of a type approved by the
484 department and shall have been tested to determine that it is
485 operating accurately. Tests for this purpose shall be made not
486 less than once each 6 months, according to procedures and at
487 regular intervals of time prescribed by the department.

488 (2) Any police officer, upon receiving information relayed
489 to him or her from a fellow officer stationed on the ground or
490 in the air operating such a device that a driver of a vehicle
491 has violated the speed laws of this state, may arrest the driver
492 for violation of said laws where reasonable and proper
493 identification of the vehicle and the speed of same has been

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494 communicated to the arresting officer.

495 (3) A citations for a violation of s. 316.183, s. 316.187,
496 s. 316.189, or s. 316.1893 may not be issued or prosecuted
497 unless a law enforcement officer used an electrical, mechanical,
498 or other speed-calculating device that has been tested and
499 approved in accordance with subsection (1), or unless the
500 violation is determined to have contributed to a crash and the
501 law enforcement officer is able to determine by other reliable
502 measures that the driver was speeding.

503 (4)~~(3)~~ (a) A witness otherwise qualified to testify shall be
504 competent to give testimony against an accused violator of the
505 motor vehicle laws of this state when such testimony is derived
506 from the use of such an electronic, electrical, mechanical, or
507 other device used in the calculation of speed, upon showing that
508 the speed calculating device which was used had been tested.
509 However, the operator of any visual average speed computer
510 device shall first be certified as a competent operator of such
511 device by the department.

512 (b) Upon the production of a certificate, signed and
513 witnessed, showing that such device was tested within the time
514 period specified and that such device was working properly, a
515 presumption is established to that effect unless the contrary
516 shall be established by competent evidence.

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

521 Section 8. Paragraph (a) of subsection (2) of section
522 316.1933, Florida Statutes, is amended to read:

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523 316.1933 Blood test for impairment or intoxication in cases
524 of death or serious bodily injury; right to use reasonable
525 force.—

526 (2) (a) Only a physician, certified paramedic, registered
527 nurse, licensed practical nurse, other personnel authorized by a
528 hospital to draw blood, or duly licensed clinical laboratory
529 director, supervisor, technologist, or technician, acting at the
530 request of a law enforcement officer, may withdraw blood for the
531 purpose of determining the alcoholic content thereof or the
532 presence of chemical substances or controlled substances
533 therein. However, the failure of a law enforcement officer to
534 request the withdrawal of blood shall not affect the
535 admissibility of a test of blood withdrawn for medical purposes.

536 1. Notwithstanding any provision of law pertaining to the
537 confidentiality of hospital records or other medical records, if
538 a health care provider, who is providing medical care in a
539 health care facility to a person injured in a motor vehicle
540 crash, becomes aware, as a result of any blood test performed in
541 the course of that medical treatment, that the person's blood-
542 alcohol level meets or exceeds the blood-alcohol level specified
543 in s. 316.193(1) (b), or detects the presence of a controlled
544 substance listed in chapter 893, the health care provider may
545 notify any law enforcement officer or law enforcement agency.
546 Any such notice must be given within a reasonable time after the
547 health care provider receives the test result. Any such notice
548 shall be used only for the purpose of providing the law
549 enforcement officer with reasonable cause to request the
550 withdrawal of a blood sample pursuant to this section.

551 2. The notice shall consist only of the name of the person

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552 being treated, the name of the person who drew the blood, the
553 blood-alcohol level indicated by the test, and the date and time
554 of the administration of the test.

555 3. Nothing contained in s. 395.3025(4), s. 456.057, or any
556 applicable practice act affects the authority to provide notice
557 under this section, and the health care provider is not
558 considered to have breached any duty owed to the person under s.
559 395.3025(4), s. 456.057, or any applicable practice act by
560 providing notice or failing to provide notice. It shall not be a
561 breach of any ethical, moral, or legal duty for a health care
562 provider to provide notice or fail to provide notice.

563 4. A civil, criminal, or administrative action may not be
564 brought against any person or health care provider participating
565 in good faith in the provision of notice or failure to provide
566 notice as provided in this section. Any person or health care
567 provider participating in the provision of notice or failure to
568 provide notice as provided in this section shall be immune from
569 any civil or criminal liability and from any professional
570 disciplinary action with respect to the provision of notice or
571 failure to provide notice under this section. Any such
572 participant has the same immunity with respect to participating
573 in any judicial proceedings resulting from the notice or failure
574 to provide notice.

575 Section 9. Section 316.1957, Florida Statutes, is amended
576 to read:

577 316.1957 Parking violations; designated parking spaces for
578 persons who have disabilities.—When evidence is presented in any
579 court of the fact that any motor vehicle was parked in a
580 properly designated parking space for persons who have

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581 disabilities in violation of s. 316.1955, it is prima facie
582 evidence that the vehicle was parked and left in the space by
583 the person, firm, or corporation in whose name the vehicle is
584 registered and licensed according to the records of the
585 department ~~Division of Motor Vehicles~~.

586 Section 10. Section 316.2015, Florida Statutes, is amended
587 to read:

588 316.2015 Unlawful for person to ride on exterior of
589 vehicle.—

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

597 (2) (a) A ~~No~~ person may not ~~shall~~ ride on any vehicle or
598 upon any portion thereof which is not designed or intended for
599 the use of passengers. This paragraph does not apply to an
600 employee of a fire department, an employee of a governmentally
601 operated solid waste disposal department or a waste disposal
602 service operating pursuant to a contract with a governmental
603 entity, or to a volunteer firefighter when the employee or
604 firefighter is engaged in the necessary discharge of a duty, and
605 does not apply to a person who is being transported in response
606 to an emergency by a public agency or pursuant to the direction
607 or authority of a public agency. This paragraph does not apply
608 to an employee engaged in the necessary discharge of a duty or
609 to a person or persons riding within truck bodies in space

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610 intended for merchandise.

611 (b) ~~The~~ ~~It is unlawful for any~~ operator of a pickup truck
612 or flatbed truck may not ~~to~~ permit a person ~~minor child~~ who is
613 younger than ~~has not attained~~ 18 years of age to ride upon
614 limited access facilities of the state within the open body of a
615 pickup truck or flatbed truck unless the minor is restrained
616 within the open body in the back of a truck that has been
617 modified to include secure seating and safety restraints to
618 prevent the passenger from being thrown, falling, or jumping
619 from the truck. This paragraph does not apply in a medical
620 emergency if the child is accompanied within the truck by an
621 adult. A county is exempt from this paragraph if the governing
622 body of the county, by majority vote, following a noticed public
623 hearing, votes to exempt the county from this paragraph.

624 (c) The operator of a pickup truck or flatbed truck may not
625 permit a child who is younger than 6 years of age to ride within
626 the open body of a pickup truck or flatbed truck while the truck
627 is operating on any publicly maintained street or highway having
628 a posted speed limit that is greater than 35 miles per hour
629 unless the minor is restrained within the open body in the back
630 of a truck that has been modified to include secure seating and
631 safety restraints to prevent the passenger from being thrown,
632 falling, or jumping from the truck. This paragraph does not
633 apply in a medical emergency if the child is accompanied within
634 the truck by an adult. A county is exempt from this paragraph if
635 the governing body of the county, by a majority vote, following
636 a noticed public hearing, votes to exempt the county from this
637 paragraph. An operator of a pickup truck is exempt from this
638 paragraph if the pickup truck is the only vehicle owned by the

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639 operator or his or her immediate family.

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

643 (3) This section does ~~shall~~ not apply to a performer
644 engaged in a professional exhibition or person participating in
645 an exhibition or parade, or any such person preparing to
646 participate in such exhibitions or parades.

647 Section 11. Paragraph (d) of subsection (3) and subsections
648 (5) and (8) of section 316.2065, Florida Statutes, are amended
649 to read:

650 316.2065 Bicycle regulations.—

651 (3)

652 (d) A bicycle rider or passenger who is under 16 years of
653 age must wear a bicycle helmet that is properly fitted and is
654 fastened securely upon the passenger's head by a strap, and that
655 meets the federal safety standard for bicycle helmets, final
656 rule, 16 C.F.R. part 1203. Helmets purchased before October 1,
657 2011, and meeting standards of the American National Standards
658 Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards
659 of the Snell Memorial Foundation (1984 Standard for Protective
660 Headgear for Use in Bicycling), or any other nationally
661 recognized standards for bicycle helmets adopted by the
662 department may continue to be worn by riders or passengers until
663 January 1, 2015. As used in this subsection, the term
664 "passenger" includes a child who is riding in a trailer or
665 semitrailer attached to a bicycle.

666 (5) (a) Any person operating a bicycle upon a roadway at
667 less than the normal speed of traffic at the time and place and

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668 under the conditions then existing shall ride in the lane marked
669 for bicycle use or, if no lane is marked for bicycle use, as
670 close as practicable to the right-hand curb or edge of the
671 roadway except under any of the following situations:

672 1. When overtaking and passing another bicycle or vehicle
673 proceeding in the same direction.

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

676 3. When reasonably necessary to avoid any condition or
677 potential conflict, including, but not limited to, a fixed or
678 moving object, parked or moving vehicle, bicycle, pedestrian,
679 animal, surface hazard, turn lane, or substandard-width lane,
680 which ~~that~~ makes it unsafe to continue along the right-hand curb
681 or edge or within a bicycle lane. For the purposes of this
682 subsection, a "substandard-width lane" is a lane that is too
683 narrow for a bicycle and another vehicle to travel safely side
684 by side within the lane.

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

688 (8) Every bicycle in use between sunset and sunrise shall
689 be equipped with a lamp on the front exhibiting a white light
690 visible from a distance of at least 500 feet to the front and a
691 lamp and reflector on the rear each exhibiting a red light
692 visible from a distance of 600 feet to the rear. A bicycle or
693 its rider may be equipped with lights or reflectors in addition
694 to those required by this section. A law enforcement officer may
695 issue a bicycle safety brochure and a verbal warning to a
696 bicycle rider who violates this subsection. A bicycle rider who

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697 violates this subsection may be issued a citation by a law
698 enforcement officer and assessed a fine for a pedestrian
699 violation, as provided in s. 318.18. The court shall dismiss the
700 charge against a bicycle rider for a first violation of this
701 subsection upon proof of purchase and installation of the proper
702 lighting equipment.

703 Section 12. Subsection (3) of section 316.2085, Florida
704 Statutes, is amended to read:

705 316.2085 Riding on motorcycles or mopeds.—

706 (3) The license tag of a motorcycle or moped must be
707 permanently affixed to the vehicle and may not be ~~adjusted or~~
708 ~~capable of being~~ flipped up, inverted, reversed, or in any other
709 way rendered to make the letters of the tag illegible from the
710 rear while the vehicle is being operated. ~~Concealing No device~~
711 ~~for or method of concealing~~ or obscuring the legibility of the
712 license tag of a motorcycle is prohibited ~~shall be installed or~~
713 ~~used~~. The license tag of a motorcycle or moped may be affixed
714 horizontally or vertically to the ground so that the numbers and
715 letters read from left to right or from top to bottom.

716 ~~Alternatively, a license tag for a motorcycle or moped for which~~
717 ~~the numbers and letters read from top to bottom may be affixed~~
718 ~~perpendicularly to the ground, provided that the registered~~
719 ~~owner of the motorcycle or moped maintains a prepaid toll~~
720 ~~account in good standing and a transponder associated with the~~
721 ~~prepaid toll account is affixed to the motorcycle or moped.~~

722 Section 13. Section 316.2122, Florida Statutes, is amended
723 to read:

724 316.2122 Operation of a low-speed vehicle or mini truck on
725 certain roadways.—The operation of a low-speed vehicle as

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726 defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
727 320.01~~(45)~~ on any road as defined in s. 334.03(15) or (33) is
728 authorized with the following restrictions:

729 (1) A low-speed vehicle or mini truck may be operated only
730 on streets where the posted speed limit is 35 miles per hour or
731 less. This does not prohibit a low-speed vehicle or mini truck
732 from crossing a road or street at an intersection where the road
733 or street has a posted speed limit of more than 35 miles per
734 hour.

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

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

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

744 (5) A county or municipality may prohibit the operation of
745 low-speed vehicles or mini trucks on any road under its
746 jurisdiction if the governing body of the county or municipality
747 determines that such prohibition is necessary in the interest of
748 safety.

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

753 Section 14. Section 316.2124, Florida Statutes, is amended
754 to read:

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755 316.2124 Motorized disability access vehicles.—The
756 Department of Highway Safety and Motor Vehicles is directed to
757 provide, by rule, for the regulation of motorized disability
758 access vehicles as described in s. 320.01~~(34)~~. The department
759 shall provide that motorized disability access vehicles shall be
760 registered in the same manner as motorcycles and shall pay the
761 same registration fee as for a motorcycle. There shall also be
762 assessed, in addition to the registration fee, a \$2.50 surcharge
763 for motorized disability access vehicles. This surcharge shall
764 be paid into the Highway Safety Operating Trust Fund. Motorized
765 disability access vehicles shall not be required to be titled by
766 the department. The department shall require motorized
767 disability access vehicles to be subject to the same safety
768 requirements as set forth in this chapter for motorcycles.

769 Section 15. Section 316.21265, Florida Statutes, is amended
770 to read:

771 316.21265 Use of all-terrain vehicles, golf carts, low-
772 speed vehicles, or utility vehicles by law enforcement
773 agencies.—

774 (1) Notwithstanding any provision of law to the contrary,
775 any law enforcement agency in this state may operate all-terrain
776 vehicles as defined in s. 316.2074, golf carts as defined in s.
777 320.01(22), low-speed vehicles as defined in s. 320.01~~(42)~~, or
778 utility vehicles as defined in s. 320.01~~(43)~~ on any street,
779 road, or highway in this state while carrying out its official
780 duties.

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

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784 authorized for use on law enforcement vehicles.

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

788 Section 16. Subsection (1) of section 316.3026, Florida
789 Statutes, is amended to read:

790 316.3026 Unlawful operation of motor carriers.—

791 (1) The Office of Motor Carrier Compliance of the
792 Department of Transportation may issue out-of-service orders to
793 motor carriers, as defined in s. 320.01~~(33)~~, who have after
794 proper notice failed to pay any penalty or fine assessed by the
795 department, or its agent, against any owner or motor carrier for
796 violations of state law, refused to submit to a compliance
797 review and provide records pursuant to s. 316.302(5) or s.
798 316.70, or violated safety regulations pursuant to s. 316.302 or
799 insurance requirements found in s. 627.7415. Such out-of-service
800 orders shall have the effect of prohibiting the operations of
801 any motor vehicles owned, leased, or otherwise operated by the
802 motor carrier upon the roadways of this state, until such time
803 as the violations have been corrected or penalties have been
804 paid. Out-of-service orders issued under this section must be
805 approved by the Secretary of Transportation or his or her
806 designee. An administrative hearing pursuant to s. 120.569 shall
807 be afforded to motor carriers subject to such orders.

808 Section 17. Subsection (3) of section 316.545, Florida
809 Statutes, is amended to read:

810 316.545 Weight and load unlawful; special fuel and motor
811 fuel tax enforcement; inspection; penalty; review.—

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

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

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

818 (b) Five cents per pound for each pound of weight in excess
819 of the maximum herein provided when the excess weight exceeds
820 200 pounds. However, whenever the gross weight of the vehicle or
821 combination of vehicles does not exceed the maximum allowable
822 gross weight, the maximum fine for the first 600 pounds of
823 unlawful axle weight shall be \$10;

824 (c) For a vehicle equipped with fully functional idle-
825 reduction technology, any penalty shall be calculated by
826 reducing the actual gross vehicle weight or the internal bridge
827 weight by the certified weight of the idle-reduction technology
828 or by 400 pounds, whichever is less. The vehicle operator must
829 present written certification of the weight of the idle-
830 reduction technology and must demonstrate or certify that the
831 idle-reduction technology is fully functional at all times. This
832 calculation is not allowed for vehicles described in s.
833 316.535(6);

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

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

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842 Section 18. Paragraph (a) of subsection (5) and subsection
843 (10) of section 316.550, Florida Statutes, are amended to read:
844 316.550 Operations not in conformity with law; special
845 permits.—

846 (5) (a) The Department of Transportation may issue a wrecker
847 special blanket permit to authorize a wrecker as defined in s.
848 320.01~~(40)~~ to tow a disabled vehicle as defined in s. 320.01(38)
849 where the combination of the wrecker and the disabled vehicle
850 being towed exceeds the maximum weight limits as established by
851 s. 316.535.

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

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

861 (b) For each violation of dimensional criteria in a special
862 permit, the penalty shall be as provided in s. 316.516 and
863 penalties for multiple violations of dimensional criteria shall
864 be cumulative except that the total penalty for the vehicle
865 shall not exceed \$1,000.

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

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871 not exceed \$1,000.

872 (d) For violation of any special condition that has been
873 prescribed in the rules of the Department of Transportation and
874 declared on the permit, the vehicle shall be determined to be
875 out of conformance with the permit and the permit shall be
876 declared null and void for the vehicle, and weight and
877 dimensional limits for the vehicle shall be as established in s.
878 316.515 or s. 316.535, whichever is applicable, and:

879 1. For weight violations, a penalty as provided in s.
880 316.545 shall be assessed for those weights which exceed the
881 limits thus established for the vehicle; and

882 2. For dimensional, operational, or safety violations, a
883 penalty as established in paragraph (c) or s. 316.516, whichever
884 is applicable, shall be assessed for each nonconforming
885 dimensional, operational, or safety violation and the penalties
886 for multiple violations shall be cumulative for the vehicle.

887 Section 19. Effective July 1, 2012, subsection (1) and
888 paragraph (b) of subsection (2) of section 316.613, Florida
889 Statutes, are amended, and subsection (6) is added to that
890 section, to read:

891 316.613 Child restraint requirements.—

892 (1) (a) Each ~~Every~~ operator of a motor vehicle ~~as defined~~
893 ~~herein~~, while transporting a child in a motor vehicle operated
894 on the roadways, streets, or highways of this state, shall, if
895 the child is 7 5 years of age or younger and is less than 4 feet
896 9 inches in height, provide for protection of the child by
897 properly using a crash-tested, federally approved child
898 restraint device that is appropriate for the height and weight
899 of the child. The device may include a vehicle manufacturer's

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900 integrated child seat, a separate child safety seat, or a child
901 booster seat that displays the child's weight and height
902 specifications for the seat on the attached manufacturer's label
903 as required by Federal Motor Vehicle Safety Standard No. 213.
904 The device must comply with the standards of the United States
905 Department of Transportation and be secured in the motor vehicle
906 in accordance with the manufacturer's instructions. The court
907 may dismiss the charge against a motor vehicle operator for a
908 first violation of this subsection upon proof that a federally
909 approved child restraint device has been purchased or otherwise
910 obtained.

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

914 (c) For children aged 4 through 7 5 years who are less than
915 4 feet 9 inches in height, a separate carrier, an integrated
916 child seat, or a child booster seat belt may be used. However,
917 the requirement to use a child booster seat does not apply when
918 a separate carrier, integrated child seat, or seat belt as
919 required in s. 316.614(4) (a) is used and the person is:

920 1. Transporting the child gratuitously and in good faith in
921 response to a declared emergency situation or an immediate
922 emergency involving the child; or

923 2. Transporting a child whose medical condition
924 necessitates an exception as evidenced by appropriate
925 documentation from a health professional.

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

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

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

938 (6) It is the legislative intent that the child-restraint
939 requirements imposed by this section shall not apply to a
940 chauffeur-driven taxi, limousine, sedan, van, bus, motor coach,
941 or other passenger vehicle if the operator and the motor vehicle
942 are hired and used for transporting persons for compensation. It
943 shall be the obligation and responsibility of the parent,
944 guardian, or other person responsible for a child's welfare as
945 defined in s. 39.01(47), to comply with the requirements of this
946 section.

947 Section 20. Effective July 1, 2011, a driver of a motor
948 vehicle who does not violate the then-existing provisions of s.
949 316.613(1)(c), Florida Statutes, but whose conduct would violate
950 that provision, as amended July 1, 2012, shall be issued a
951 verbal warning and given educational literature by a law
952 enforcement officer.

953 Section 21. Subsection (9) of section 317.0003, Florida
954 Statutes, is amended to read:

955 317.0003 Definitions.—As used in this chapter, the term:

956 (9) "ROV" means any motorized recreational off-highway
957 vehicle 64 inches or less in width, having a dry weight of 2,000

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958 pounds or less, designed to travel on four or more nonhighway
959 tires, having nonstraddle seating and a steering wheel, and
960 manufactured for recreational use by one or more persons. The
961 term "ROV" does not include a golf cart as defined in ss.
962 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
963 s. 320.01~~(42)~~.

964 Section 22. Section 317.0016, Florida Statutes, is amended
965 to read:

966 317.0016 Expedited service; applications; fees.—The
967 department shall provide, through its agents and for use by the
968 public, expedited service on title transfers, title issuances,
969 duplicate titles, and recordation of liens, ~~and certificates of~~
970 ~~repossession~~. A fee of \$7 shall be charged for this service,
971 which is in addition to the fees imposed by ss. 317.0007 and
972 317.0008, and \$3.50 of this fee shall be retained by the
973 processing agency. All remaining fees shall be deposited in the
974 Incidental Trust Fund of the Division of Forestry of the
975 Department of Agriculture and Consumer Services. Application for
976 expedited service may be made by mail or in person. The
977 department shall issue each title applied for pursuant to this
978 section within 5 working days after receipt of the application
979 except for an application for a duplicate title certificate
980 covered by s. 317.0008(3), in which case the title must be
981 issued within 5 working days after compliance with the
982 department's verification requirements.

983 Section 23. Subsection (9) and paragraph (a) of subsection
984 (10) of section 318.14, Florida Statutes, are amended to read:

985 318.14 Noncriminal traffic infractions; exception;
986 procedures.—

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987 (9) Any person who does not hold a commercial driver's
988 license and who is cited while driving a noncommercial motor
989 vehicle for an infraction under this section other than a
990 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the
991 driver exceeds the posted limit by 30 miles per hour or more, s.
992 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s.
993 322.61, or s. 322.62 may, in lieu of a court appearance, elect
994 to attend in the location of his or her choice within this state
995 a basic driver improvement course approved by the Department of
996 Highway Safety and Motor Vehicles. In such a case, adjudication
997 must be withheld and points, as provided by s. 322.27, may not
998 be assessed. However, a person may not make an election under
999 this subsection if the person has made an election under this
1000 subsection in the preceding 12 months. A person may make no more
1001 than five elections within his or her lifetime under this
1002 subsection. The requirement for community service under s.
1003 318.18(8) is not waived by a plea of nolo contendere or by the
1004 withholding of adjudication of guilt by a court. If a person
1005 makes an election to attend a basic driver improvement course
1006 under this subsection, 18 percent of the civil penalty imposed
1007 under s. 318.18(3) shall be deposited in the State Courts
1008 Revenue Trust Fund; however, that portion is not revenue for
1009 purposes of s. 28.36 and may not be used in establishing the
1010 budget of the clerk of the court under that section or s. 28.35.

1011 (10) (a) Any person who does not hold a commercial driver's
1012 license and who is cited while driving a noncommercial motor
1013 vehicle for an offense listed under this subsection may, in lieu
1014 of payment of fine or court appearance, elect to enter a plea of
1015 nolo contendere and provide proof of compliance to the clerk of

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1016 the court, designated official, or authorized operator of a
1017 traffic violations bureau. In such case, adjudication shall be
1018 withheld; however, no election shall be made under this
1019 subsection if such person has made an election under this
1020 subsection in the 12 months preceding election hereunder. No
1021 person may make more than three elections under this subsection.
1022 This subsection applies to the following offenses:

1023 1. Operating a motor vehicle without a valid driver's
1024 license in violation of the provisions of s. 322.03, s. 322.065,
1025 or s. 322.15(1), or operating a motor vehicle with a license
1026 that has been suspended for failure to appear, failure to pay
1027 civil penalty, or failure to attend a driver improvement course
1028 pursuant to s. 322.291.

1029 2. Operating a motor vehicle without a valid registration
1030 in violation of s. 320.0605, s. 320.07, or s. 320.131.

1031 3. Operating a motor vehicle in violation of s. 316.646.

1032 4. Operating a motor vehicle with a license that has been
1033 suspended under s. 61.13016 or s. 322.245 for failure to pay
1034 child support or for failure to pay any other financial
1035 obligation as provided in s. 322.245; however, this subparagraph
1036 does not apply if the license has been suspended pursuant to s.
1037 322.245(1).

1038 5. Operating a motor vehicle with a license that has been
1039 suspended under s. 322.091 for failure to meet school attendance
1040 requirements.

1041 Section 24. Paragraph (a) of subsection (1) of section
1042 318.15, Florida Statutes, is amended, and paragraph (c) is added
1043 to that subsection, to read:

1044 318.15 Failure to comply with civil penalty or to appear;

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1045 penalty.—

1046 (1) (a) If a person fails to comply with the civil penalties
1047 provided in s. 318.18 within the time period specified in s.
1048 318.14(4), fails to enter into or comply with the terms of a
1049 penalty payment plan with the clerk of the court in accordance
1050 with ss. 318.14 and 28.246, fails to attend driver improvement
1051 school, or fails to appear at a scheduled hearing, the clerk of
1052 the court shall notify the ~~Division of Driver Licenses of the~~
1053 Department of Highway Safety and Motor Vehicles of such failure
1054 within 10 days after such failure. Upon receipt of such notice,
1055 the department shall immediately issue an order suspending the
1056 driver's license and privilege to drive of such person effective
1057 20 days after the date the order of suspension is mailed in
1058 accordance with s. 322.251(1), (2), and (6). Any such suspension
1059 of the driving privilege which has not been reinstated,
1060 including a similar suspension imposed outside Florida, shall
1061 remain on the records of the department for a period of 7 years
1062 from the date imposed and shall be removed from the records
1063 after the expiration of 7 years from the date it is imposed.

1064 (c) A person charged with a traffic infraction may request
1065 a hearing within 180 days after the date of the violation,
1066 regardless of any action taken by the court or the department to
1067 suspend the driving privilege of the person, and upon request,
1068 the clerk must set the case for hearing. The person shall be
1069 given a form for requesting that the driving privilege be
1070 reinstated. The court may grant a request for a hearing made
1071 after 180 days after the alleged offense. This paragraph does
1072 not affect the assessment of late fees as otherwise provided in
1073 this chapter.

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1074 Section 25. Section 319.14, Florida Statutes, is amended to
1075 read:

1076 319.14 Sale of motor vehicles registered or used as
1077 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,
1078 ~~and~~ nonconforming vehicles, custom vehicles, or street rod
1079 vehicles.—

1080 (1) (a) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
1081 sell, or exchange any vehicle that has been licensed,
1082 registered, or used as a taxicab, police vehicle, or short-term-
1083 lease vehicle, or a vehicle that has been repurchased by a
1084 manufacturer pursuant to a settlement, determination, or
1085 decision under chapter 681, until the department has stamped in
1086 a conspicuous place on the certificate of title of the vehicle,
1087 or its duplicate, words stating the nature of the previous use
1088 of the vehicle or the title has been stamped "Manufacturer's Buy
1089 Back" to reflect that the vehicle is a nonconforming vehicle. If
1090 the certificate of title or duplicate was not so stamped upon
1091 initial issuance thereof or if, subsequent to initial issuance
1092 of the title, the use of the vehicle is changed to a use
1093 requiring the notation provided for in this section, the owner
1094 or lienholder of the vehicle shall surrender the certificate of
1095 title or duplicate to the department before ~~prior to~~ offering
1096 the vehicle for sale, and the department shall stamp the
1097 certificate or duplicate as required herein. If ~~When~~ a vehicle
1098 has been repurchased by a manufacturer pursuant to a settlement,
1099 determination, or decision under chapter 681, the title shall be
1100 stamped "Manufacturer's Buy Back" to reflect that the vehicle is
1101 a nonconforming vehicle.

1102 (b) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,

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1103 sell, or exchange a rebuilt vehicle until the department has
1104 stamped in a conspicuous place on the certificate of title for
1105 the vehicle words stating that the vehicle has been rebuilt or
1106 assembled from parts, or is a kit car, glider kit, replica, ~~or~~
1107 flood vehicle, custom vehicle, or street rod vehicle unless
1108 proper application for a certificate of title for a vehicle that
1109 is rebuilt or assembled from parts, or is a kit car, glider kit,
1110 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle
1111 has been made to the department in accordance with this chapter
1112 and the department has conducted the physical examination of the
1113 vehicle to assure the identity of the vehicle and all major
1114 component parts, as defined in s. 319.30(1), which have been
1115 repaired or replaced. Thereafter, the department shall affix a
1116 decal to the vehicle, in the manner prescribed by the
1117 department, showing the vehicle to be rebuilt. A vehicle may not
1118 be inspected or issued a rebuilt title until all major component
1119 parts, as defined in s. 319.30, which were damaged have been
1120 repaired or replaced.

1121 (c) As used in this section, the term:

1122 1. "Police vehicle" means a motor vehicle owned or leased
1123 by the state or a county or municipality and used in law
1124 enforcement.

1125 2.a. "Short-term-lease vehicle" means a motor vehicle
1126 leased without a driver and under a written agreement to one or
1127 more persons from time to time for a period of less than 12
1128 months.

1129 b. "Long-term-lease vehicle" means a motor vehicle leased
1130 without a driver and under a written agreement to one person for
1131 a period of 12 months or longer.

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1132 c. "Lease vehicle" includes both short-term-lease vehicles
1133 and long-term-lease vehicles.

1134 3. "Rebuilt vehicle" means a motor vehicle or mobile home
1135 built from salvage or junk, as defined in s. 319.30(1).

1136 4. "Assembled from parts" means a motor vehicle or mobile
1137 home assembled from parts or combined from parts of motor
1138 vehicles or mobile homes, new or used. "Assembled from parts"
1139 does not mean a motor vehicle defined as a "rebuilt vehicle" in
1140 subparagraph 3., which has been declared a total loss pursuant
1141 to s. 319.30.

1142 5. "Kit car" means a motor vehicle assembled with a kit
1143 supplied by a manufacturer to rebuild a wrecked or outdated
1144 motor vehicle with a new body kit.

1145 6. "Glider kit" means a vehicle assembled with a kit
1146 supplied by a manufacturer to rebuild a wrecked or outdated
1147 truck or truck tractor.

1148 7. "Replica" means a complete new motor vehicle
1149 manufactured to look like an old vehicle.

1150 8. "Flood vehicle" means a motor vehicle or mobile home
1151 that has been declared to be a total loss pursuant to s.
1152 319.30(3)(a) resulting from damage caused by water.

1153 9. "Nonconforming vehicle" means a motor vehicle which has
1154 been purchased by a manufacturer pursuant to a settlement,
1155 determination, or decision under chapter 681.

1156 10. "Settlement" means an agreement entered into between a
1157 manufacturer and a consumer that occurs after a dispute is
1158 submitted to a program, or an informal dispute settlement
1159 procedure established by a manufacturer or is approved for
1160 arbitration before the New Motor Vehicle Arbitration Board as

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1161 defined in s. 681.102.

1162 11. "Custom vehicle" means a motor vehicle that:

1163 a. Is 25 years of age or older and of a model year after
1164 1948, or was manufactured to resemble a vehicle that is 25 years
1165 of age or older and of a model year after 1948; and

1166 b. Has been altered from the manufacturer's original design
1167 or has a body constructed from nonoriginal materials.

1168
1169 The model year and year of manufacture which the body of a
1170 custom vehicle resembles is the model year and year of
1171 manufacture listed on the certificate of title, regardless of
1172 when the vehicle was actually manufactured.

1173 12. "Street rod" means a motor vehicle that:

1174 a. Is a model year of 1948 or older or was manufactured
1175 after 1948 to resemble a vehicle of a model year of 1948 or
1176 older; and

1177 b. Has been altered from the manufacturer's original design
1178 or has a body constructed from nonoriginal materials.

1179
1180 The model year and year of manufacture which the body of a
1181 street rod resembles is the model year and year of manufacture
1182 listed on the certificate of title, regardless of when the
1183 vehicle was actually manufactured.

1184 (2) A ~~No~~ person may not shall knowingly sell, exchange, or
1185 transfer a vehicle referred to in subsection (1) without, before
1186 ~~prior to~~ consummating the sale, exchange, or transfer,
1187 disclosing in writing to the purchaser, customer, or transferee
1188 the fact that the vehicle has previously been titled,
1189 registered, or used as a taxicab, police vehicle, or short-term-

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1190 lease vehicle, ~~or~~ is a vehicle that is rebuilt or assembled from
1191 parts, ~~or~~ is a kit car, glider kit, replica, or flood vehicle,
1192 or is a nonconforming vehicle, custom vehicle, or street rod
1193 vehicle, as the case may be.

1194 (3) Any person who, with intent to offer for sale or
1195 exchange any vehicle referred to in subsection (1), knowingly or
1196 intentionally advertises, publishes, disseminates, circulates,
1197 or places before the public in any communications medium,
1198 whether directly or indirectly, any offer to sell or exchange
1199 the vehicle shall clearly and precisely state in each ~~such~~ offer
1200 that the vehicle has previously been titled, registered, or used
1201 as a taxicab, police vehicle, or short-term-lease vehicle or
1202 that the vehicle or mobile home is a vehicle that is rebuilt or
1203 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or
1204 flood vehicle, or is a nonconforming vehicle, custom vehicle, or
1205 street rod vehicle, as the case may be. Any person who violates
1206 this subsection commits a misdemeanor of the second degree,
1207 punishable as provided in s. 775.082 or s. 775.083.

1208 (4) ~~If~~ When a certificate of title, including a foreign
1209 certificate, is branded to reflect a condition or prior use of
1210 the titled vehicle, the brand must be noted on the registration
1211 certificate of the vehicle and such brand shall be carried
1212 forward on all subsequent certificates of title and registration
1213 certificates issued for the life of the vehicle.

1214 (5) Any person who knowingly sells, exchanges, or offers to
1215 sell or exchange a motor vehicle or mobile home contrary to ~~the~~
1216 ~~provisions of~~ this section or any officer, agent, or employee of
1217 a person who knowingly authorizes, directs, aids in, or consents
1218 to the sale, exchange, or offer to sell or exchange a motor

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1219 vehicle or mobile home contrary to ~~the provisions of~~ this
1220 section commits a misdemeanor of the second degree, punishable
1221 as provided in s. 775.082 or s. 775.083.

1222 (6) Any person who removes a rebuilt decal from a rebuilt
1223 vehicle with the intent to conceal the rebuilt status of the
1224 vehicle commits a felony of the third degree, punishable as
1225 provided in s. 775.082, s. 775.083, or s. 775.084.

1226 (7) This section applies to a mobile home, travel trailer,
1227 camping trailer, truck camper, or fifth-wheel recreation trailer
1228 only when the ~~such~~ mobile home or vehicle is a rebuilt vehicle
1229 or is assembled from parts.

1230 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in
1231 any civil action arising out of a violation of this section if
1232 the designation of the previous use or condition of the motor
1233 vehicle is not noted on the certificate of title and
1234 registration certificate of the vehicle which was received by,
1235 or delivered to, such person, unless the ~~such~~ person has
1236 actively concealed the prior use or condition of the vehicle
1237 from the purchaser.

1238 (9) Subsections (1), (2), and (3) do not apply to the
1239 transfer of ownership of a motor vehicle after the motor vehicle
1240 has ceased to be used as a lease vehicle and the ownership has
1241 been transferred to an owner for private use or to the transfer
1242 of ownership of a nonconforming vehicle with 36,000 or more
1243 miles on its odometer, or 34 months whichever is later and the
1244 ownership has been transferred to an owner for private use. Such
1245 owner, as shown on the title certificate, may request the
1246 department to issue a corrected certificate of title that does
1247 not contain the statement of the previous use of the vehicle as

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1248 a lease vehicle or condition as a nonconforming vehicle.

1249 Section 26. Section 319.225, Florida Statutes, is amended
1250 to read:

1251 319.225 Transfer and reassignment forms; odometer
1252 disclosure statements.—

1253 (1) Every certificate of title issued by the department
1254 must contain the following statement ~~on its reverse side~~:
1255 "Federal and state law require the completion of the odometer
1256 statement set out below. Failure to complete or providing false
1257 information may result in fines, imprisonment, or both."

1258 (2) Each certificate of title issued by the department must
1259 contain ~~on its reverse side~~ a form for transfer of title by the
1260 titleholder of record, which form must contain an odometer
1261 disclosure statement in the form required by 49 C.F.R. s. 580.5.

1262 (3) Each certificate of title issued by the department must
1263 contain ~~on its reverse side~~ as many forms as space allows for
1264 reassignment of title by a licensed dealer as permitted by s.
1265 319.21(3), which form or forms shall contain an odometer
1266 disclosure statement in the form required by 49 C.F.R. s. 580.5.
1267 When all dealer reassignment forms ~~provided on the back of the~~
1268 ~~title certificate~~ have been filled in, a dealer may reassign the
1269 title certificate by using a separate dealer reassignment form
1270 issued by the department in compliance with 49 C.F.R. ss. 580.4
1271 and 580.5, which form shall contain an original, ~~two carbon~~
1272 ~~copies one of~~ which shall be submitted ~~directly~~ to the
1273 department by the dealer ~~within 5 business days after the~~
1274 ~~transfer~~ and a copy, ~~one of~~ which shall be retained by the
1275 dealer in his or her records for 5 years. The provisions of this
1276 subsection ~~shall~~ also apply to vehicles not previously titled in

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1277 this state and vehicles whose title certificates do not contain
1278 the forms required by this section.

1279 (4) Upon transfer or reassignment of a certificate of title
1280 to a used motor vehicle, the transferor shall complete the
1281 odometer disclosure statement provided for by this section and
1282 the transferee shall acknowledge the disclosure by signing and
1283 printing his or her name in the spaces provided. This subsection
1284 does not apply to a vehicle that has a gross vehicle rating of
1285 more than 16,000 pounds, a vehicle that is not self-propelled,
1286 or a vehicle that is 10 years old or older. A lessor who
1287 transfers title to his or her vehicle without obtaining
1288 possession of the vehicle shall make odometer disclosure as
1289 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
1290 or acknowledge a disclosure statement as required by this
1291 subsection commits ~~is guilty of~~ a misdemeanor of the second
1292 degree, punishable as provided in s. 775.082 or s. 775.083. The
1293 department may not issue a certificate of title unless this
1294 subsection has been complied with.

1295 (5) The same person may not sign a disclosure statement as
1296 both the transferor and the transferee in the same transaction
1297 except as provided in subsection (6).

1298 (6) (a) If the certificate of title is physically held by a
1299 lienholder, the transferor may give a power of attorney to his
1300 or her transferee for the purpose of odometer disclosure. The
1301 power of attorney must be on a form issued or authorized by the
1302 department, which form must be in compliance with 49 C.F.R. ss.
1303 580.4 and 580.13. The department shall not require the signature
1304 of the transferor to be notarized on the form; however, in lieu
1305 of notarization, the form shall include an affidavit with the

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1306 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
1307 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
1308 ARE TRUE. The transferee shall sign the power of attorney form,
1309 print his or her name, and return a copy of the power of
1310 attorney form to the transferor. Upon receipt of a title
1311 certificate, the transferee shall complete the space for mileage
1312 disclosure on the title certificate exactly as the mileage was
1313 disclosed by the transferor on the power of attorney form. If
1314 the transferee is a licensed motor vehicle dealer who is
1315 transferring the vehicle to a retail purchaser, the dealer shall
1316 make application on behalf of the retail purchaser as provided
1317 in s. 319.23(6) and shall submit the original power of attorney
1318 form to the department with the application for title and the
1319 transferor's title certificate; otherwise, a dealer may reassign
1320 the title certificate by using the dealer reassignment form in
1321 the manner prescribed in subsection (3), and, at the time of
1322 physical transfer of the vehicle, the original power of attorney
1323 shall be delivered to the person designated as the transferee of
1324 the dealer on the dealer reassignment form. ~~A copy of the
1325 executed power of attorney shall be submitted to the department
1326 with a copy of the executed dealer reassignment form within 5
1327 business days after the certificate of title and dealer
1328 reassignment form are delivered by the dealer to its transferee.~~

1329 (b) If the certificate of title is lost or otherwise
1330 unavailable, the transferor may give a power of attorney to his
1331 or her transferee for the purpose of odometer disclosure. The
1332 power of attorney must be on a form issued or authorized by the
1333 department, which form must be in compliance with 49 C.F.R. ss.
1334 580.4 and 580.13. The department shall not require the signature

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1335 of the transferor to be notarized on the form; however, in lieu
1336 of notarization, the form shall include an affidavit with the
1337 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
1338 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
1339 ARE TRUE. The transferee shall sign the power of attorney form,
1340 print his or her name, and return a copy of the power of
1341 attorney form to the transferor. Upon receipt of the title
1342 certificate or a duplicate title certificate, the transferee
1343 shall complete the space for mileage disclosure on the title
1344 certificate exactly as the mileage was disclosed by the
1345 transferor on the power of attorney form. If the transferee is a
1346 licensed motor vehicle dealer who is transferring the vehicle to
1347 a retail purchaser, the dealer shall make application on behalf
1348 of the retail purchaser as provided in s. 319.23(6) and shall
1349 submit the original power of attorney form to the department
1350 with the application for title and the transferor's title
1351 certificate or duplicate title certificate; otherwise, a dealer
1352 may reassign the title certificate by using the dealer
1353 reassignment form in the manner prescribed in subsection (3),
1354 and, at the time of physical transfer of the vehicle, the
1355 original power of attorney shall be delivered to the person
1356 designated as the transferee of the dealer on the dealer
1357 reassignment form. If the dealer sells the vehicle to an out-of-
1358 state resident or an out-of-state dealer and the power of
1359 attorney form is applicable to the transaction, the dealer must
1360 photocopy the completed original of the form and mail it
1361 directly to the department within 5 business days after the
1362 certificate of title and dealer reassignment form are delivered
1363 by the dealer to the purchaser. ~~A copy of the executed power of~~

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1364 ~~attorney shall be submitted to the department with a copy of the~~
1365 ~~executed dealer reassignment form within 5 business days after~~
1366 ~~the duplicate certificate of title and dealer reassignment form~~
1367 ~~are delivered by the dealer to its transferee.~~

1368 (c) If the mechanics of the transfer of title to a motor
1369 vehicle in accordance with the provisions of paragraph (a) or
1370 paragraph (b) are determined to be incompatible with and
1371 unlawful under the provisions of 49 C.F.R. part 580, the
1372 transfer of title to a motor vehicle by operation of this
1373 subsection can be effected in any manner not inconsistent with
1374 49 C.F.R. part 580 and Florida law; provided, any power of
1375 attorney form issued or authorized by the department under this
1376 subsection shall contain an original, ~~two carbon copies, one of~~
1377 ~~which shall be submitted directly to the department by the~~
1378 ~~dealer within 5 business days of use by the dealer to effect~~
1379 ~~transfer of a title certificate as provided in paragraphs (a)~~
1380 ~~and (b) and a copy, one of which shall be retained by the dealer~~
1381 ~~in its records for 5 years.~~

1382 (d) Any person who fails to complete the information
1383 required by this subsection or to file with the department the
1384 forms required by this subsection commits ~~is guilty of~~ a
1385 misdemeanor of the second degree, punishable as provided in s.
1386 775.082 or s. 775.083. The department shall not issue a
1387 certificate of title unless this subsection has been complied
1388 with.

1389 (7) Subject to approval by the National Highway Traffic
1390 Safety Administration or any other applicable authority, if a
1391 title is held electronically and the transferee agrees to
1392 maintain the title electronically, the transferor and transferee

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1393 shall complete a secure reassignment document that discloses the
1394 odometer reading and is signed by both the transferor and
1395 transferee at the tax collector's office or license plate
1396 agency. A dealer acquiring a motor vehicle that has an
1397 electronic title shall use a secure reassignment document signed
1398 by the person from whom the dealer acquired the motor vehicle.
1399 Upon transferring the motor vehicle to a purchaser, a separate
1400 reassignment document shall be executed.

1401 (8)~~(7)~~ Each certificate of title issued by the department
1402 must contain ~~on its reverse side~~ a minimum of three ~~four~~ spaces
1403 for notation of the name and license number of any auction
1404 through which the vehicle is sold and the date the vehicle was
1405 auctioned. Each separate dealer reassignment form issued by the
1406 department must also have the space referred to in this section.
1407 When a transfer of title is made at a motor vehicle auction, the
1408 reassignment must note the name and address of the auction, but
1409 the auction shall not thereby be deemed to be the owner, seller,
1410 transferor, or assignor of title. A motor vehicle auction is
1411 required to execute a dealer reassignment only when it is the
1412 owner of a vehicle being sold.

1413 (9)~~(8)~~ Upon transfer or reassignment of a used motor
1414 vehicle through the services of an auction, the auction shall
1415 complete the information in the space provided for by subsection
1416 (8) ~~(7)~~. Any person who fails to complete the information as
1417 required by this subsection commits ~~is guilty of~~ a misdemeanor
1418 of the second degree, punishable as provided in s. 775.082 or s.
1419 775.083. The department shall not issue a certificate of title
1420 unless this subsection has been complied with.

1421 (10)~~(9)~~ This section shall be construed to conform to 49

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1422 C.F.R. part 580.

1423 Section 27. Subsection (6) of section 319.23, Florida
1424 Statutes, is amended, present subsections (7), (8), (9), (10),
1425 and (11) of that section are renumbered as subsections (8), (9),
1426 (10), (11), and (12), respectively, and a new subsection (7) is
1427 added to that section, to read:

1428 319.23 Application for, and issuance of, certificate of
1429 title.—

1430 (6) (a) In the case of the sale of a motor vehicle or mobile
1431 home by a licensed dealer to a general purchaser, the
1432 certificate of title must be obtained in the name of the
1433 purchaser by the dealer upon application signed by the
1434 purchaser, and in each other case such certificate must be
1435 obtained by the purchaser. In each case of transfer of a motor
1436 vehicle or mobile home, the application for a certificate of
1437 title, a corrected certificate, or an assignment or reassignment
1438 must be filed within 30 days after the delivery of the motor
1439 vehicle or from consummation of the sale of a mobile home to the
1440 purchaser. An applicant must pay a fee of \$20, in addition to
1441 all other fees and penalties required by law, for failing to
1442 file such application within the specified time. In the case of
1443 the sale of a motor vehicle by a licensed motor vehicle dealer
1444 to a general purchaser who resides in another state or country,
1445 the dealer is not required to apply for a certificate of title
1446 for the motor vehicle; however, the dealer must transfer
1447 ownership and reassign the certificate of title or
1448 manufacturer's certificate of origin to the purchaser, and the
1449 purchaser must sign an affidavit, as approved by the department,
1450 that the purchaser will title and register the motor vehicle in

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1451 another state or country.

1452 (b) If a licensed dealer acquires a motor vehicle or mobile
1453 home as a trade-in, the dealer must file with the department,
1454 within 30 days, a notice of sale signed by the seller. The
1455 department shall update its database for that title record to
1456 indicate "sold." A licensed dealer need not apply for a
1457 certificate of title for any motor vehicle or mobile home in
1458 stock acquired for stock purposes except as provided in s.
1459 319.225.

1460 (7) If an applicant for a certificate of title is unable to
1461 provide the department with a certificate of title that assigns
1462 the prior owner's interest in the motor vehicle, the department
1463 may accept a bond in the form prescribed by the department,
1464 along with an affidavit in a form prescribed by the department,
1465 which includes verification of the vehicle identification number
1466 and an application for title.

1467 (a) The bond must be:

1468 1. In a form prescribed by the department;

1469 2. Executed by the applicant;

1470 3. Issued by a person authorized to conduct a surety
1471 business in this state;

1472 4. In an amount equal to two times the value of the vehicle
1473 as determined by the department; and

1474 5. Conditioned to indemnify all prior owners and
1475 lienholders and all subsequent purchasers of the vehicle or
1476 persons who acquire a security interest in the vehicle, and
1477 their successors in interest, against any expense, loss, or
1478 damage, including reasonable attorney's fees, occurring because
1479 of the issuance of the certificate of title for the vehicle or

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1480 for a defect in or undisclosed security interest on the right,
1481 title, or interest of the applicant to the vehicle.

1482 (b) An interested person has a right to recover on the bond
1483 for a breach of the bond's condition. The aggregate liability of
1484 the surety to all persons may not exceed the amount of the bond.

1485 (c) A bond under this subsection expires on the third
1486 anniversary of the date the bond became effective.

1487 (d) The affidavit must:

1488 1. Be in a form prescribed by the department;

1489 2. Include the facts and circumstances through which the
1490 applicant acquired ownership and possession of the motor
1491 vehicle;

1492 3. Disclose that no security interests, liens, or
1493 encumbrances against the motor vehicle are known to the
1494 applicant against the motor vehicle; and

1495 4. State that the applicant has the right to have a
1496 certificate of title issued.

1497 Section 28. Paragraph (b) of subsection (2) of section
1498 319.28, Florida Statutes, is amended, and subsection (3) is
1499 added to that section, to read:

1500 319.28 Transfer of ownership by operation of law.—

1501 (2)

1502 (b) In case of repossession of a motor vehicle or mobile
1503 home pursuant to the terms of a security agreement or similar
1504 instrument, an affidavit by the party to whom possession has
1505 passed stating that the vehicle or mobile home was repossessed
1506 upon default in the terms of the security agreement or other
1507 instrument shall be considered satisfactory proof of ownership
1508 and right of possession. At least 5 days prior to selling the

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1509 repossessed vehicle, any subsequent lienholder named in the last
1510 issued certificate of title shall be sent notice of the
1511 repossession by certified mail, on a form prescribed by the
1512 department. If such notice is given and no written protest to
1513 the department is presented by a subsequent lienholder within 15
1514 days from the date on which the notice was mailed, the
1515 certificate of title ~~or the certificate of repossession~~ shall be
1516 issued showing no liens. If the former owner or any subsequent
1517 lienholder files a written protest under oath within such 15-day
1518 period, the department shall not issue the certificate of title
1519 ~~or certificate of repossession~~ for 10 days thereafter. If within
1520 the 10-day period no injunction or other order of a court of
1521 competent jurisdiction has been served on the department
1522 commanding it not to deliver the certificate of title ~~or~~
1523 ~~ertificate of repossession~~, the department shall deliver the
1524 certificate of title ~~or repossession~~ to the applicant or as may
1525 otherwise be directed in the application showing no other liens
1526 than those shown in the application. Any lienholder who has
1527 repossessed a vehicle in this state in compliance with the
1528 provisions of this section must apply to a tax collector's
1529 office in this state or to the department for a ~~ertificate of~~
1530 ~~repossession or to the department for a~~ certificate of title
1531 pursuant to s. 319.323. Proof of the required notice to
1532 subsequent lienholders shall be submitted together with regular
1533 title fees. ~~A lienholder to whom a certificate of repossession~~
1534 ~~has been issued may assign the certificate of title to the~~
1535 ~~subsequent owner.~~ Any person who violates ~~found guilty of~~
1536 ~~violating~~ any requirements of this paragraph commits ~~shall be~~
1537 ~~guilty of~~ a felony of the third degree, punishable as provided

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1538 in s. 775.082, s. 775.083, or s. 775.084.

1539 (3) A dealer of farm or industrial equipment, as those
1540 terms are used in s. 493.6101(22), conducting a repossession of
1541 such equipment is not subject to licensure as a recovery agent
1542 or recovery agency if such dealer is regularly engaged in the
1543 sale of such equipment for a particular manufacturer and the
1544 lender is affiliated with that manufacturer.

1545 Section 29. Section 319.323, Florida Statutes, is amended
1546 to read:

1547 319.323 Expedited service; applications; fees.—The
1548 department shall establish a separate title office which may be
1549 used by private citizens and licensed motor vehicle dealers to
1550 receive expedited service on title transfers, title issuances,
1551 duplicate titles, and recordation of liens, ~~and certificates of~~
1552 ~~repossession~~. A fee of \$10 shall be charged for this service,
1553 which fee is in addition to the fees imposed by s. 319.32. The
1554 fee, after deducting the amount referenced by s. 319.324 and
1555 \$3.50 to be retained by the processing agency, shall be
1556 deposited into the General Revenue Fund. Application for
1557 expedited service may be made by mail or in person. The
1558 department shall issue each title applied for under this section
1559 within 5 working days after receipt of the application except
1560 for an application for a duplicate title certificate covered by
1561 s. 319.23(4), in which case the title must be issued within 5
1562 working days after compliance with the department's verification
1563 requirements.

1564 Section 30. Section 319.40, Florida Statutes, is amended to
1565 read:

1566 319.40 Transactions by electronic or telephonic means.—

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1567 (1) The department may ~~is authorized to~~ accept any
1568 application provided for under this chapter by electronic or
1569 telephonic means.

1570 (2) The department may issue an electronic certificate of
1571 title in lieu of printing a paper title.

1572 (3) The department may collect and use electronic mail
1573 addresses as a notification method in lieu of the United States
1574 Postal Service, except for any notice regarding the potential
1575 forfeiture or foreclosure of an interest in property.

1576 Section 31. Subsections (1), (23), (25), and (26) of
1577 section 320.01, Florida Statutes, are amended, present
1578 subsections (24) through (45) of that section are renumbered as
1579 subsections (23) through (44), respectively, and a new
1580 subsection (45) is added to that section, to read:

1581 320.01 Definitions, general.—As used in the Florida
1582 Statutes, except as otherwise provided, the term:

1583 (1) "Motor vehicle" means:

1584 (a) An automobile, motorcycle, truck, trailer, semitrailer,
1585 truck tractor and semitrailer combination, or any other vehicle
1586 operated on the roads of this state, used to transport persons
1587 or property, and propelled by power other than muscular power,
1588 but the term does not include traction engines, road rollers,
1589 special mobile equipment as defined in chapter 316, such
1590 vehicles as run only upon a track, bicycles, swamp buggies, or
1591 mopeds.

1592 (b) A recreational vehicle-type unit primarily designed as
1593 temporary living quarters for recreational, camping, or travel
1594 use, which either has its own motive power or is mounted on or
1595 drawn by another vehicle. Recreational vehicle-type units, when

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1596 traveling on the public roadways of this state, must comply with
1597 the length and width provisions of s. 316.515, as that section
1598 may hereafter be amended. As defined below, the basic entities
1599 are:

1600 1. The "travel trailer," which is a vehicular portable
1601 unit, mounted on wheels, of such a size or weight as not to
1602 require special highway movement permits when drawn by a
1603 motorized vehicle. It is primarily designed and constructed to
1604 provide temporary living quarters for recreational, camping, or
1605 travel use. It has a body width of no more than 8 1/2 feet and
1606 an overall body length of no more than 40 feet when factory-
1607 equipped for the road.

1608 2. The "camping trailer," which is a vehicular portable
1609 unit mounted on wheels and constructed with collapsible partial
1610 sidewalls which fold for towing by another vehicle and unfold at
1611 the campsite to provide temporary living quarters for
1612 recreational, camping, or travel use.

1613 3. The "truck camper," which is a truck equipped with a
1614 portable unit designed to be loaded onto, or affixed to, the bed
1615 or chassis of the truck and constructed to provide temporary
1616 living quarters for recreational, camping, or travel use.

1617 4. The "motor home," which is a vehicular unit which does
1618 not exceed the length, height, and width limitations provided in
1619 s. 316.515, is a self-propelled motor vehicle, and is primarily
1620 designed to provide temporary living quarters for recreational,
1621 camping, or travel use.

1622 5. The "private motor coach," which is a vehicular unit
1623 which does not exceed the length, width, and height limitations
1624 provided in s. 316.515(9), is built on a self-propelled bus type

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1625 chassis having no fewer than three load-bearing axles, and is
1626 primarily designed to provide temporary living quarters for
1627 recreational, camping, or travel use.

1628 6. The "van conversion," which is a vehicular unit which
1629 does not exceed the length and width limitations provided in s.
1630 316.515, is built on a self-propelled motor vehicle chassis, and
1631 is designed for recreation, camping, and travel use.

1632 7. The "park trailer," which is a transportable unit which
1633 has a body width not exceeding 14 feet and which is built on a
1634 single chassis and is designed to provide seasonal or temporary
1635 living quarters when connected to utilities necessary for
1636 operation of installed fixtures and appliances. The total area
1637 of the unit in a setup mode, when measured from the exterior
1638 surface of the exterior stud walls at the level of maximum
1639 dimensions, not including any bay window, does not exceed 400
1640 square feet when constructed to ANSI A-119.5 standards, and 500
1641 square feet when constructed to United States Department of
1642 Housing and Urban Development Standards. The length of a park
1643 trailer means the distance from the exterior of the front of the
1644 body (nearest to the drawbar and coupling mechanism) to the
1645 exterior of the rear of the body (at the opposite end of the
1646 body), including any protrusions.

1647 8. The "fifth-wheel trailer," which is a vehicular unit
1648 mounted on wheels, designed to provide temporary living quarters
1649 for recreational, camping, or travel use, of such size or weight
1650 as not to require a special highway movement permit, of gross
1651 trailer area not to exceed 400 square feet in the setup mode,
1652 and designed to be towed by a motorized vehicle that contains a
1653 towing mechanism that is mounted above or forward of the tow

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1654 vehicle's rear axle.

1655 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
1656 ~~which is required to be registered, or with respect to which an~~
1657 ~~election has been made to register it, under the International~~
1658 ~~Registration Plan.~~

1659 ~~(24)~~(25) "Apportionable vehicle" means any vehicle, except
1660 recreational vehicles, vehicles displaying restricted plates,
1661 city pickup and delivery vehicles, buses used in transportation
1662 of chartered parties, and government-owned vehicles, which is
1663 used or intended for use in two or more member jurisdictions
1664 that allocate or proportionally register vehicles and which is
1665 used for the transportation of persons for hire or is designed,
1666 used, or maintained primarily for the transportation of property
1667 and:

1668 (a) Is a power unit having a gross vehicle weight in excess
1669 of 26,000 ~~26,001~~ pounds;

1670 (b) Is a power unit having three or more axles, regardless
1671 of weight; or

1672 (c) Is used in combination, when the weight of such
1673 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

1674
1675 Vehicles, or combinations thereof, having a gross vehicle weight
1676 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
1677 proportionally registered.

1678 ~~(25)~~(26) "Commercial motor vehicle" means any vehicle that
1679 ~~which~~ is not owned or operated by a governmental entity, that
1680 ~~which~~ uses special fuel or motor fuel on the public highways,
1681 and that ~~which~~ has a gross vehicle weight of 26,001 pounds or
1682 more, or has three or more axles regardless of weight, or is

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1683 used in combination when the weight of such combination exceeds
1684 26,000 ~~26,001~~ pounds gross vehicle weight. A vehicle that
1685 occasionally transports personal property to and from a closed-
1686 course motorsport facility, as defined in s. 549.09(1)(a), is
1687 not a commercial motor vehicle if the use is not for profit and
1688 corporate sponsorship is not involved. As used in this
1689 subsection, the term "corporate sponsorship" means a payment,
1690 donation, gratuity, in-kind service, or other benefit provided
1691 to or derived by a person in relation to the underlying
1692 activity, other than the display of product or corporate names,
1693 logos, or other graphic information on the property being
1694 transported.

1695 (45) "Swamp buggy" means a motorized off-road vehicle
1696 designed to travel over swampy terrain, which may utilize large
1697 tires or tracks operated from an elevated platform, and may be
1698 used on varied terrain. A swamp buggy does not include any
1699 vehicle defined in chapter 261 or otherwise defined or
1700 classified in this chapter. A swamp buggy may not be operated
1701 upon the public roads, streets, or highways of this state,
1702 except to the extent specifically authorized by a state or
1703 federal agency to be used exclusively upon lands, managed,
1704 owned, or leased by that agency.

1705 Section 32. Subsections (2) and (4) of section 320.02,
1706 Florida Statutes, are amended, paragraphs (o), (p), (q), (r),
1707 and (s) are added to subsection (15) of that section, and
1708 subsection (18) is added to that section, to read:

1709 320.02 Registration required; application for registration;
1710 forms.—

1711 (2) (a) The application for registration shall include the

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1712 street address of the owner's permanent residence or the address
1713 of his or her permanent place of business and shall be
1714 accompanied by personal or business identification information
1715 which may include, but need not be limited to, a driver's
1716 license number, Florida identification card number, or federal
1717 employer identification number. If the owner does not have a
1718 permanent residence or permanent place of business or if the
1719 owner's permanent residence or permanent place of business
1720 cannot be identified by a street address, the application shall
1721 include:

1722 1. If the vehicle is registered to a business, the name and
1723 street address of the permanent residence of an owner of the
1724 business, an officer of the corporation, or an employee who is
1725 in a supervisory position.

1726 2. If the vehicle is registered to an individual, the name
1727 and street address of the permanent residence of a close
1728 relative or friend who is a resident of this state.

1729
1730 If the vehicle is registered to an active-duty military member
1731 who is a Florida resident, the member is exempt from the
1732 requirement of a Florida residential address.

1733 (b) The department shall prescribe a form upon which motor
1734 vehicle owners may record odometer readings when registering
1735 their motor vehicles.

1736 (4) The owner of any motor vehicle registered in the state
1737 shall notify the department in writing of any change of address
1738 within 20 days of such change. The notification shall include
1739 the registration license plate number, the vehicle
1740 identification number (VIN) or title certificate number, year of

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1741 vehicle make, and the owner's full name. Any owner or registrant
1742 who possesses a Florida driver's license or identification card
1743 and changes residence or mailing address must obtain a
1744 replacement as provided for in s. 322.19(2) before changing the
1745 address on the motor vehicle record.

1746 (15)

1747 (o) The application form for motor vehicle registration and
1748 renewal registration must include language permitting the
1749 voluntary contribution of \$1 to End Hunger in Florida. The
1750 proceeds shall be distributed monthly by the department to the
1751 Florida Association of Food Banks, Inc., a corporation not for
1752 profit under s. 501(c)(3) of the Internal Revenue Code. The
1753 funds shall be used by the organization for the purpose of
1754 ending hunger in Florida.

1755 (p) The application form for motor vehicle registration and
1756 renewal registration must include language permitting a
1757 voluntary contribution of \$1 for Autism Services and Supports.
1758 The proceeds shall be transferred by the department each month
1759 to the Achievement and Rehabilitation Centers, Inc., Autism
1760 Services Fund.

1761 (q) Notwithstanding s. 26 of chapter 2010-223, Laws of
1762 Florida, the application form for motor vehicle registration and
1763 renewal registration must include a provision permitting a
1764 voluntary contribution of \$1 or more per applicant, to be
1765 distributed to the Auto Club South Traffic Safety Foundation, a
1766 nonprofit organization. Funds received by the foundation shall
1767 be used to improve traffic safety culture in communities through
1768 effective outreach, education, and activities that will save
1769 lives, reduce injuries, and prevent crashes. The foundation must

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1770 comply with s. 320.023.

1771 (r) The application form for motor vehicle registration and
1772 renewal registration must include language permitting a
1773 voluntary contribution of \$1 for Support Our Troops. The
1774 proceeds shall be transferred by the department each month to
1775 Support Our Troops, Inc.

1776 (s) The application form for motor vehicle registration and
1777 renewal registration must include language permitting a
1778 voluntary contribution of \$1 to Take Stock In Children. The
1779 proceeds shall be transferred by the department each month to
1780 Take Stock In Children, Inc.

1781

1782 For the purpose of applying the service charge provided in s.
1783 215.20, contributions received under this subsection are not
1784 income of a revenue nature.

1785 (18) All electronic registration records shall be retained
1786 by the department for at least 10 years.

1787 Section 33. Subsection (9) is added to section 320.023,
1788 Florida Statutes, to read:

1789 320.023 Requests to establish voluntary checkoff on motor
1790 vehicle registration application.-

1791 (9) The department may annually retain from the first
1792 proceeds derived from the voluntary contributions collected an
1793 amount sufficient to defray for each voluntary contribution the
1794 pro rata share of the department's costs directly related to the
1795 voluntary contributions program. Such costs include renewal
1796 notices, postage, distribution costs, direct costs to the
1797 department, and costs associated with reviewing each
1798 organization's compliance with the audit and attestation

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1799 requirements of this section. The revenues retained by the
1800 department may not be less than 0.005 percent and may not exceed
1801 0.015 percent. The balance of the proceeds from the voluntary
1802 contributions collected shall be distributed as provided by law.

1803 Section 34. Subsections (7), (8), and 10 of section 320.03,
1804 Florida Statutes, are amended to read:

1805 320.03 Registration; duties of tax collectors;
1806 International Registration Plan.—

1807 (7) The Department of Highway Safety and Motor Vehicles
1808 shall register apportionable ~~apportioned motor~~ vehicles under
1809 the provisions of the International Registration Plan. The
1810 department may adopt rules to implement and enforce the
1811 provisions of the plan.

1812 (8) If the applicant's name appears on the list referred to
1813 in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license
1814 plate or revalidation sticker may not be issued until that
1815 person's name no longer appears on the list or until the person
1816 presents a receipt from the governmental entity or the clerk of
1817 court that provided the data showing that the fines outstanding
1818 have been paid. This subsection does not apply to the owner of a
1819 leased vehicle if the vehicle is registered in the name of the
1820 lessee of the vehicle. The tax collector and the clerk of the
1821 court are each entitled to receive monthly, as costs for
1822 implementing and administering this subsection, 10 percent of
1823 the civil penalties and fines recovered from such persons. As
1824 used in this subsection, the term "civil penalties and fines"
1825 does not include a wrecker operator's lien as described in s.
1826 713.78(13). If the tax collector has private tag agents, such
1827 tag agents are entitled to receive a pro rata share of the

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1828 amount paid to the tax collector, based upon the percentage of
1829 license plates and revalidation stickers issued by the tag agent
1830 compared to the total issued within the county. The authority of
1831 any private agent to issue license plates shall be revoked,
1832 after notice and a hearing as provided in chapter 120, if he or
1833 she issues any license plate or revalidation sticker contrary to
1834 the provisions of this subsection. This section applies only to
1835 the annual renewal in the owner's birth month of a motor vehicle
1836 registration and does not apply to the transfer of a
1837 registration of a motor vehicle sold by a motor vehicle dealer
1838 licensed under this chapter, except for the transfer of
1839 registrations which is inclusive of the annual renewals. This
1840 section does not affect the issuance of the title to a motor
1841 vehicle, notwithstanding s. 319.23(8)(b) ~~319.23(7)(b)~~.

1842 (10) Jurisdiction over the electronic filing system for use
1843 by authorized electronic filing system agents to electronically
1844 title or register motor vehicles, vessels, mobile homes, or off-
1845 highway vehicles; issue or transfer registration license plates
1846 or decals; electronically transfer fees due for the title and
1847 registration process; and perform inquiries for title,
1848 registration, and lienholder verification and certification of
1849 service providers is expressly preempted to the state, and the
1850 department shall have regulatory authority over the system. The
1851 electronic filing system shall be available for use statewide
1852 and applied uniformly throughout the state. An entity that, in
1853 the normal course of its business, sells products that must be
1854 titled or registered, provides title and registration services
1855 on behalf of its consumers and meets all established
1856 requirements may be an authorized electronic filing system agent

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1857 and shall not be precluded from participating in the electronic
1858 filing system in any county. Upon request from a qualified
1859 entity, the tax collector shall appoint the entity as an
1860 authorized electronic filing system agent for that county,
1861 regardless of the county in which the entity is physically
1862 located. An entity may be an authorized electronic filing system
1863 agent in more than one county at any given time. Upon
1864 appointment as an authorized electronic filing system agent by a
1865 tax collector in a county other than the county where the agent
1866 is physically located and absent an interlocal agreement between
1867 tax collectors, any statutory service fees shall be divided
1868 equally between the tax collector that appointed the agent and
1869 the tax collector in the county where the agent is physically
1870 located. The department shall adopt rules in accordance with
1871 chapter 120 to replace the December 10, 2009, program standards
1872 and to administer the provisions of this section, including, but
1873 not limited to, establishing participation requirements,
1874 certification of service providers, electronic filing system
1875 requirements, and enforcement authority for noncompliance. ~~The~~
1876 ~~December 10, 2009, program standards, excluding any standards~~
1877 ~~which conflict with this subsection, shall remain in effect~~
1878 ~~until the rules are adopted.~~ An authorized electronic filing
1879 agent may charge a fee to the customer for use of the electronic
1880 filing system.

1881 Section 35. Paragraph (b) of subsection (3) and subsection
1882 (5) of section 320.05, Florida Statutes, are amended to read:

1883 320.05 Records of the department; inspection procedure;
1884 lists and searches; fees.—

1885 (3)

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- 1886 (b) Fees therefor shall be charged and collected as
1887 follows:
- 1888 1. For providing lists of motor vehicle or vessel records
1889 for the entire state, or any part or parts thereof, divided
1890 according to counties, a sum computed at a rate of not less than
1891 1 cent nor more than 5 cents per item.
 - 1892 2. For providing noncertified photographic copies of motor
1893 vehicle or vessel documents, \$1 per page.
 - 1894 3. For providing noncertified photographic copies of
1895 micrographic records, \$1 per page.
 - 1896 4. For providing certified copies of motor vehicle or
1897 vessel records, \$3 per record.
 - 1898 5. For providing noncertified computer-generated printouts
1899 of motor vehicle or vessel records, 50 cents per record.
 - 1900 6. For providing certified computer-generated printouts of
1901 motor vehicle or vessel records, \$3 per record.
 - 1902 7. For providing electronic access to motor vehicle,
1903 vessel, and mobile home registration data requested by tag,
1904 vehicle identification number, title number, or decal number, 50
1905 cents per item.
 - 1906 8. For providing electronic access to driver's license
1907 status report by name, sex, and date of birth or by driver
1908 license number, 50 cents per item.
 - 1909 9. For providing lists of licensed mobile home dealers and
1910 manufacturers and recreational vehicle dealers and
1911 manufacturers, \$15 per list.
 - 1912 10. For providing lists of licensed motor vehicle dealers,
1913 \$25 per list.
 - 1914 11. For each copy of a videotape record, \$15 per tape.

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1915 ~~12. For each copy of the Division of Motor Vehicles~~
1916 ~~Procedures Manual, \$25.~~

1917 (5) The creation and maintenance of records by the Division
1918 of Motorist Services within the department ~~and the Division of~~
1919 ~~Motor Vehicles~~ pursuant to this chapter shall not be regarded as
1920 law enforcement functions of agency recordkeeping.

1921 Section 36. Paragraph (d) is added to subsection (1) of
1922 section 320.06, Florida Statutes, and subsection (5) is added to
1923 that section, to read:

1924 320.06 Registration certificates, license plates, and
1925 validation stickers generally.—

1926 (1)

1927 (d) The department may conduct a pilot program to evaluate
1928 designs, concepts, and technologies for alternative license
1929 plate technologies. The pilot program shall investigate the
1930 feasibility and use of alternative license plate technologies
1931 and shall be limited to license plates that are used on
1932 government-owned motor vehicles, as defined in s. 320.0655.
1933 Government license plates in the pilot program are exempt from
1934 current license plate requirements in s. 320.06(3)(a).

1935 (5) All license plates issued pursuant to this chapter are
1936 the property of the State of Florida.

1937 Section 37. Section 320.061, Florida Statutes, is amended
1938 to read:

1939 320.061 Unlawful to alter motor vehicle registration
1940 certificates, temporary license plates, license plates, mobile
1941 home stickers, or validation stickers or to obscure license
1942 plates; penalty.—No person shall alter the original appearance
1943 of any registration license plate, temporary license plate,

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1944 mobile home sticker, validation sticker, or vehicle registration
1945 certificate issued for and assigned to any motor vehicle or
1946 mobile home, whether by mutilation, alteration, defacement, or
1947 change of color or in any other manner. No person shall apply or
1948 attach any substance, reflective matter, illuminated device,
1949 spray, coating, covering, or other material onto or around any
1950 license plate that interferes with the legibility, angular
1951 visibility, or detectability of any feature or detail on the
1952 license plate or interferes with the ability to record any
1953 feature or detail on the license plate. Any person who violates
1954 this section commits a noncriminal traffic infraction,
1955 punishable as a moving violation as provided in chapter 318.

1956 Section 38. Subsection (1) of section 320.071, Florida
1957 Statutes, is amended to read:

1958 320.071 Advance registration renewal; procedures.—

1959 (1) (a) The owner of any motor vehicle or mobile home
1960 currently registered in this state may file an application for
1961 renewal of registration with the department, or its authorized
1962 agent in the county wherein the owner resides, any time during
1963 the 3 months preceding the date of expiration of the
1964 registration period. The registration period may not exceed 27
1965 months.

1966 (b) The owner of any apportionable ~~apportioned motor~~
1967 vehicle currently registered in this state under the provisions
1968 of the International Registration Plan may file an application
1969 for renewal of registration with the department any time during
1970 the 3 months preceding the date of expiration of the
1971 registration period.

1972 Section 39. Subsections (1) and (3) of section 320.0715,

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1973 Florida Statutes, are amended to read:

1974 320.0715 International Registration Plan; motor carrier
1975 services; permits; retention of records.—

1976 (1) All apportionable ~~commercial motor~~ vehicles domiciled
1977 in this state ~~and engaged in interstate commerce~~ shall be
1978 registered in accordance with the provisions of the
1979 International Registration Plan ~~and shall display apportioned~~
1980 ~~license plates.~~

1981 (3) (a) If the department is unable to immediately issue the
1982 apportioned license plate to an applicant currently registered
1983 in this state under the International Registration Plan or to a
1984 vehicle currently titled in this state, the department or its
1985 designated agent is authorized to issue a 60-day temporary
1986 operational permit. The department or agent of the department
1987 shall charge a \$3 fee and the service charge authorized by s.
1988 320.04 for each temporary operational permit it issues.

1989 (b) The department shall in no event issue a temporary
1990 operational permit for any apportionable ~~commercial motor~~
1991 vehicle to any applicant until the applicant has shown that:

1992 1. All sales or use taxes due on the registration of the
1993 vehicle are paid; and

1994 2. Insurance requirements have been met in accordance with
1995 ss. 320.02(5) and 627.7415.

1996 (c) Issuance of a temporary operational permit provides
1997 ~~commercial motor vehicle~~ registration privileges in each
1998 International Registration Plan member jurisdiction designated
1999 on said permit and therefore requires payment of all applicable
2000 registration fees and taxes due for that period of registration.

2001 (d) Application for permanent registration must be made to

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2002 the department within 10 days following ~~from~~ issuance of a
2003 temporary operational permit. Failure to file an application
2004 within this 10-day period may result in cancellation of the
2005 temporary operational permit.

2006 Section 40. Paragraph (d) of subsection (5) of section
2007 320.08, Florida Statutes, is amended to read:

2008 320.08 License taxes.—Except as otherwise provided herein,
2009 there are hereby levied and imposed annual license taxes for the
2010 operation of motor vehicles, mopeds, motorized bicycles as
2011 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
2012 and mobile homes, as defined in s. 320.01, which shall be paid
2013 to and collected by the department or its agent upon the
2014 registration or renewal of registration of the following:

2015 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
2016 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

2017 (d) A wrecker, as defined in s. 320.01~~(40)~~, which is used
2018 to tow a vessel as defined in s. 327.02(39), a disabled,
2019 abandoned, stolen-recovered, or impounded motor vehicle as
2020 defined in s. 320.01~~(38)~~, or a replacement motor vehicle as
2021 defined in s. 320.01~~(39)~~: \$41 flat, of which \$11 shall be
2022 deposited into the General Revenue Fund.

2023 Section 41. Section 320.08051, Florida Statutes, is created
2024 to read:

2025 320.08051 Specialty license plates.—

2026 (1) Notwithstanding any provisions of law to the contrary,
2027 any application for a specialty license plate shall be deemed
2028 approved if the application has:

2029 (a) Been determined by the Auditor General to be an
2030 exception to the specialty license plate moratorium established

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2031 by the provisions of s. 45 of chapter 2008-176, Laws of Florida;

2032 (b) Complied with all requirements under s. 320.08053; and

2033 (c) Been considered affirmatively by a legislative
2034 committee and at least one chamber of the Legislature prior to
2035 December 31, 2010.

2036 (2) Once approved, the organization must submit to the
2037 department the proposed art design for the specialty license
2038 plate, in a medium prescribed by the department, together with a
2039 planned distribution of proceeds, as soon as practicable, but no
2040 later than September 1, 2011.

2041 (3) The department shall begin production of any specialty
2042 license plate deemed approved under this section within 1 year
2043 after July 1, 2011.

2044 (4) The license plate annual use fee is \$25, which shall be
2045 distributed to the organization sponsoring the application for
2046 the specialty license plate. The sponsoring organization may not
2047 use more than 10 percent of the proceeds for marketing and
2048 administration.

2049 (5) All other requirements pertaining to specialty license
2050 plates contained in ss. 320.08056 and 320.08058 apply to the
2051 specialty license plates approved pursuant to this section.

2052 Section 42. Paragraph (b) of subsection (48) of section
2053 320.08058, Florida Statutes, is amended to read:

2054 320.08058 Specialty license plates.—

2055 (48) LIVE THE DREAM LICENSE PLATES.—

2056 (b) The proceeds of the annual use fee shall be distributed
2057 to the Florida Dream Foundation, Inc. The Florida Dream
2058 Foundation, Inc., shall retain the first \$60,000 in proceeds
2059 from the annual use fees as reimbursement for administrative

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2060 costs, startup costs, and costs incurred in the approval
2061 process. Thereafter, up to 25 percent shall be used for
2062 continuing promotion and marketing of the license plate and
2063 concept. The remaining funds shall be used in the following
2064 manner:

2065 1. Twenty-five percent shall be distributed equally among
2066 the sickle cell organizations that are Florida members of the
2067 Sickle Cell Disease Association of America, Inc., for programs
2068 that provide research, care, and treatment for sickle cell
2069 disease.

2070 2. Twenty-five percent shall be distributed to the Florida
2071 chapter of the March of Dimes for programs and services that
2072 improve the health of babies through the prevention of birth
2073 defects and infant mortality.

2074 3. Ten percent shall be distributed to the Florida
2075 Association of Healthy Start Coalitions to decrease racial
2076 disparity in infant mortality and to increase healthy birth
2077 outcomes. Funding will be used by local Healthy Start Coalitions
2078 to provide services and increase screening rates for high-risk
2079 pregnant women, children under 4 years of age, and women of
2080 childbearing age.

2081 4. Ten percent shall be distributed to the Community
2082 Partnership for Homeless, Inc., for programs that provide relief
2083 from poverty, hunger, and homelessness.

2084 5. Five percent of the proceeds shall be used by the
2085 foundation for administrative costs directly associated with
2086 operations as they relate to the management and distribution of
2087 the proceeds.

2088 Section 43. Paragraph (e) of subsection (4) of section

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2089 320.08068, Florida Statutes, is amended to read:

2090 320.08068 Motorcycle specialty license plates.—

2091 (4) A license plate annual use fee of \$20 shall be
2092 collected for each motorcycle specialty license plate. Annual
2093 use fees shall be distributed to The Able Trust as custodial
2094 agent. The Able Trust may retain a maximum of 10 percent of the
2095 proceeds from the sale of the license plate for administrative
2096 costs. The Able Trust shall distribute the remaining funds as
2097 follows:

2098 (e) Twenty percent to the Florida Association of Centers
2099 for Independent Living ~~to be used to leverage additional funding~~
2100 ~~and new sources of revenue for the centers for independent~~
2101 ~~living in this state.~~

2102 Section 44. Subsection (1) of section 320.0847, Florida
2103 Statutes, is amended to read:

2104 320.0847 Mini truck and low-speed vehicle license plates.—

2105 (1) The department shall issue a license plate to the owner
2106 or lessee of any vehicle registered as a low-speed vehicle as
2107 defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
2108 320.01~~(45)~~ upon payment of the appropriate license taxes and
2109 fees prescribed in s. 320.08.

2110 Section 45. Subsections (1), (2), and (4) of section
2111 320.0848, Florida Statutes, are amended to read:

2112 320.0848 Persons who have disabilities; issuance of
2113 disabled parking permits; temporary permits; permits for certain
2114 providers of transportation services to persons who have
2115 disabilities.—

2116 (1) (a) The Department of Highway Safety and Motor Vehicles
2117 or its authorized agents shall, upon application and receipt of

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2118 the fee, issue a disabled parking permit for a period of up to 4
2119 years, which period ends on the applicant's birthday, to any
2120 person who has long-term mobility impairment, or a temporary
2121 disabled parking permit not to exceed 6 months to any person who
2122 has a temporary mobility impairment. No person will be required
2123 to pay a fee for a parking permit for disabled persons more than
2124 once in a 12-month period from the date of the prior fee
2125 payment.

2126 (b)1. The person must be currently certified as being
2127 legally blind or as having any of the following disabilities
2128 that render him or her unable to walk 200 feet without stopping
2129 to rest:

2130 a. Inability to walk without the use of or assistance from
2131 a brace, cane, crutch, prosthetic device, or other assistive
2132 device, or without the assistance of another person. If the
2133 assistive device significantly restores the person's ability to
2134 walk to the extent that the person can walk without severe
2135 limitation, the person is not eligible for the exemption parking
2136 permit.

2137 b. The need to permanently use a wheelchair.

2138 c. Restriction by lung disease to the extent that the
2139 person's forced (respiratory) expiratory volume for 1 second,
2140 when measured by spirometry, is less than 1 liter, or the
2141 person's arterial oxygen is less than 60 mm/hg on room air at
2142 rest.

2143 d. Use of portable oxygen.

2144 e. Restriction by cardiac condition to the extent that the
2145 person's functional limitations are classified in severity as
2146 Class III or Class IV according to standards set by the American

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2147 Heart Association.

2148 f. Severe limitation in the person's ability to walk due to
2149 an arthritic, neurological, or orthopedic condition.

2150 2. The certification of disability which is required under
2151 subparagraph 1. must be provided by a physician licensed under
2152 chapter 458, chapter 459, or chapter 460, by a podiatric
2153 physician licensed under chapter 461, by an optometrist licensed
2154 under chapter 463, by an advanced registered nurse practitioner
2155 licensed under chapter 464 under the protocol of a licensed
2156 physician as stated in this subparagraph, by a physician
2157 assistant licensed under chapter 458 or chapter 459, or by a
2158 similarly licensed physician from another state if the
2159 application is accompanied by documentation of the physician's
2160 licensure in the other state and a form signed by the out-of-
2161 state physician verifying his or her knowledge of this state's
2162 eligibility guidelines.

2163 (c) The certificate of disability must include, but need
2164 not be limited to:

2165 1. The disability of the applicant; the certifying
2166 practitioner's name and address; the practitioner's
2167 certification number; the eligibility criteria for the permit;
2168 the penalty for falsification by either the certifying
2169 practitioner or the applicant; the duration of the condition
2170 that entitles the person to the permit; and justification for
2171 the additional placard pursuant to subsection (2).

2172 2. The statement, in bold letters: "A disabled parking
2173 permit may be issued only for a medical necessity that severely
2174 affects mobility."

2175 3. The signatures of:

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2176 a. The applicant's physician or other certifying
2177 practitioner.

2178 b. The applicant or the applicant's parent or guardian.

2179 c. The employee of the department's authorized agent which
2180 employee is processing the application.

2181 (d) Beginning October 1, 2011 ~~April 1, 1999~~, the Department
2182 of Highway Safety and Motor Vehicles shall renew the disabled
2183 parking permit of any person certified as permanently disabled
2184 on the application if the person applies for renewal in person
2185 and provides a current certificate of disability pursuant to
2186 this subsection.

2187 (e) The Department of Highway Safety and Motor Vehicles
2188 shall, in consultation with the Commission for the
2189 Transportation Disadvantaged, adopt rules, in accordance with
2190 chapter 120, for the issuance of a disabled parking permit to
2191 any organization that can adequately demonstrate a bona fide
2192 need for such a permit because the organization provides regular
2193 transportation services to persons who have disabilities and are
2194 certified as provided in this subsection.

2195 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
2196 MOBILITY PROBLEMS.—

2197 (a) The disabled parking permit is a placard that can be
2198 placed in a motor vehicle so as to be visible from the front and
2199 rear of the vehicle. Each side of the placard must have the
2200 international symbol of accessibility in a contrasting color in
2201 the center so as to be visible. One side of the placard must
2202 display the applicant's driver's license number or state
2203 identification card number along with a warning that the
2204 applicant must have such identification at all times while using

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2205 the parking permit. In those cases where the severity of the
2206 disability prevents a disabled person from physically visiting
2207 or being transported to a driver license or tax collector office
2208 to obtain a driver's license or identification card, a
2209 certifying physician may sign the exemption section of the
2210 department's parking permit application to exempt the disabled
2211 person from being issued a driver's license or identification
2212 card for the number to be displayed on the parking permit. A
2213 validation sticker must also be issued with each disabled
2214 parking permit, showing the month and year of expiration on each
2215 side of the placard. Validation stickers must be of the size
2216 specified by the Department of Highway Safety and Motor Vehicles
2217 and must be affixed to the disabled parking permits. The
2218 disabled parking permits must use the same colors as license
2219 plate validations.

2220 (b) License plates issued under ss. 320.084, 320.0842,
2221 320.0843, and 320.0845 are valid for the same parking privileges
2222 and other privileges provided under ss. 316.1955, 316.1964, and
2223 526.141(5) (a).

2224 (c) The department shall not issue an additional disabled
2225 parking permit unless the applicant states that he or she is a
2226 frequent traveler or a quadriplegic. The department may not
2227 issue to any one eligible applicant more than two disabled
2228 parking permits except to an organization in accordance with
2229 paragraph (1)(e). Subsections (1), (5), (6), and (7) apply to
2230 this subsection.

2231 (d) If an applicant who is a disabled veteran, is a
2232 resident of this state, has been honorably discharged, and
2233 either has been determined by the Department of Defense or the

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2234 United States Department of Veterans Affairs or its predecessor
2235 to have a service-connected disability rating for compensation
2236 of 50 percent or greater or has been determined to have a
2237 service-connected disability rating of 50 percent or greater and
2238 is in receipt of both disability retirement pay from the United
2239 States Department of Veterans Affairs, he or she must still
2240 provide a signed physician's statement of qualification for the
2241 disabled parking permits.

2242 (e) To obtain a replacement for a disabled parking permit
2243 that has been lost or stolen, a person must appear in person,
2244 submit an application on a form prescribed by the department,
2245 and ~~must~~ pay a replacement fee in the amount of \$1.00, to be
2246 retained by the issuing agency. If the person submits with the
2247 application a police report documenting that the permit was
2248 stolen, there is no replacement fee.

2249 (f) A person who qualifies for a disabled parking permit
2250 under this section may be issued an international wheelchair
2251 user symbol license plate under s. 320.0843 in lieu of the
2252 disabled parking permit; or, if the person qualifies for a "DV"
2253 license plate under s. 320.084, such a license plate may be
2254 issued to him or her in lieu of a disabled parking permit.

2255 (4) From the proceeds of the temporary disabled parking
2256 permit fees:

2257 (a) The Department of Highway Safety and Motor Vehicles
2258 must receive \$3.50 for each temporary permit, to be deposited
2259 into the Highway Safety Operating Trust Fund and used for
2260 implementing the real-time disabled parking permit database and
2261 for administering the disabled parking permit program.

2262 (b) The tax collector, for processing, must receive \$2.50

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2263 for each temporary permit.

2264 (c) The remainder must be distributed monthly as follows:

2265 1. To the Florida Endowment Foundation for Vocational
2266 Rehabilitation, known as "The Able Trust," ~~Florida Governor's~~
2267 ~~Alliance for the Employment of Disabled Citizens~~ for the purpose
2268 of improving employment and training opportunities for persons
2269 who have disabilities, with special emphasis on removing
2270 transportation barriers, \$4. These fees must be directly
2271 deposited into the Florida Endowment Foundation for Vocational
2272 Rehabilitation as established in s. 413.615 ~~Transportation~~
2273 ~~Disadvantaged Trust Fund for transfer to the Florida Governor's~~
2274 ~~Alliance for Employment of Disabled Citizens.~~

2275 2. To the Transportation Disadvantaged Trust Fund to be
2276 used for funding matching grants to counties for the purpose of
2277 improving transportation of persons who have disabilities, \$5.

2278 Section 46. Paragraphs (a) and (b) of subsection (2) of
2279 section 320.275, Florida Statutes, are amended to read:

2280 320.275 Automobile Dealers Industry Advisory Board.—

2281 (2) MEMBERSHIP, TERMS, MEETINGS.—

2282 (a) The board shall be composed of 12 members. The
2283 executive director of the Department of Highway Safety and Motor
2284 Vehicles shall appoint the members from names submitted by the
2285 entities for the designated categories the member will
2286 represent. The executive director shall appoint one
2287 representative of the Department of Highway Safety and Motor
2288 Vehicles, ~~who must represent the Division of Motor Vehicles;~~ two
2289 representatives of the independent motor vehicle industry as
2290 recommended by the Florida Independent Automobile Dealers
2291 Association; two representatives of the franchise motor vehicle

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2292 industry as recommended by the Florida Automobile Dealers
2293 Association; one representative of the auction motor vehicle
2294 industry who is from an auction chain and is recommended by a
2295 group affiliated with the National Auto Auction Association; one
2296 representative of the auction motor vehicle industry who is from
2297 an independent auction and is recommended by a group affiliated
2298 with the National Auto Auction Association; one representative
2299 from the Department of Revenue; a Florida tax collector
2300 representative recommended by the Florida Tax Collectors
2301 Association; one representative from the Better Business Bureau;
2302 one representative from the Department of Agriculture and
2303 Consumer Services, who must represent the Division of Consumer
2304 Services; and one representative of the insurance industry who
2305 writes motor vehicle dealer surety bonds.

2306 (b)1. The executive director shall appoint the following
2307 initial members to 1-year terms: one representative from the
2308 motor vehicle auction industry who represents an auction chain,
2309 one representative from the independent motor vehicle industry,
2310 one representative from the franchise motor vehicle industry,
2311 one representative from the Department of Revenue, one Florida
2312 tax collector, and one representative from the Better Business
2313 Bureau.

2314 2. The executive director shall appoint the following
2315 initial members to 2-year terms: one representative from the
2316 motor vehicle auction industry who represents an independent
2317 auction, one representative from the independent motor vehicle
2318 industry, one representative from the franchise motor vehicle
2319 industry, one representative from the Division of Consumer
2320 Services, one representative from the insurance industry, and

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2321 one representative from the department ~~Division of Motor~~
2322 ~~Vehicles.~~

2323 3. As the initial terms expire, the executive director
2324 shall appoint successors from the same designated category for
2325 terms of 2 years. If renominated, a member may succeed himself
2326 or herself.

2327 4. The board shall appoint a chair and vice chair at its
2328 initial meeting and every 2 years thereafter.

2329 Section 47. Subsection (1) of section 320.771, Florida
2330 Statutes, is amended to read:

2331 320.771 License required of recreational vehicle dealers.-

2332 (1) DEFINITIONS.-As used in this section:

2333 (a) "Dealer" means any person engaged in the business of
2334 buying, selling, or dealing in recreational vehicles or offering
2335 or displaying recreational vehicles for sale. The term "dealer"
2336 includes a recreational vehicle broker. Any person who buys,
2337 sells, deals in, or offers or displays for sale, or who acts as
2338 the agent for the sale of, one or more recreational vehicles in
2339 any 12-month period shall be prima facie presumed to be a
2340 dealer. The terms "selling" and "sale" include lease-purchase
2341 transactions. The term "dealer" does not include banks, credit
2342 unions, and finance companies that acquire recreational vehicles
2343 as an incident to their regular business and does not include
2344 mobile home rental and leasing companies that sell recreational
2345 vehicles to dealers licensed under this section. A licensed
2346 dealer may transact business in recreational vehicles with a
2347 motor vehicle auction as defined in s. 320.27(1)(c)4. Further, a
2348 licensed dealer may, at retail or wholesale, sell a motor
2349 vehicle, as described in s. 320.01(1)(a), acquired in exchange

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2350 for the sale of a recreational vehicle, if such acquisition is
2351 incidental to the principal business of being a recreational
2352 vehicle dealer. However, a recreational vehicle dealer may not
2353 buy a motor vehicle for the purpose of resale unless licensed as
2354 a motor vehicle dealer pursuant to s. 320.27.

2355 (b) "Recreational vehicle broker" means any person who is
2356 engaged in the business of offering to procure or procuring used
2357 recreational vehicles for the general public; who holds himself
2358 or herself out through solicitation, advertisement, or otherwise
2359 as one who offers to procure or procures used recreational
2360 vehicles for the general public; or who acts as the agent or
2361 intermediary on behalf of the owner or seller of a used
2362 recreational vehicle which is for sale or who assists or
2363 represents the seller in finding a buyer for the recreational
2364 vehicle.

2365 (c) For the purposes of this section, the term
2366 "recreational vehicle" does not include any camping trailer, as
2367 defined in s. 320.01(1)(b)2.

2368 (d) A dealer may apply for a certificate of title to a
2369 recreational vehicle required to be registered under s.
2370 320.08(9) using a manufacturer's statement of origin as
2371 permitted by s. 319.23(1) only if such dealer is authorized by a
2372 manufacturer/dealer agreement as defined in s. 320.3202(8) on
2373 file with the department to buy, sell, or deal in that
2374 particular line-make of recreational vehicle and is authorized
2375 by such agreement to perform delivery and preparation
2376 obligations and warranty defect adjustments on that line-make.

2377 Section 48. Section 320.95, Florida Statutes, is amended to
2378 read:

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2379 320.95 Transactions by electronic or telephonic means.—

2380 (1) The department may ~~is authorized to~~ accept any
2381 application provided for under this chapter by electronic or
2382 telephonic means.

2383 (2) The department may collect and use electronic mail
2384 addresses for the purpose of providing renewal notices in lieu
2385 of the United States Postal Service.

2386 Section 49. Section 321.02, Florida Statutes, is amended to
2387 read:

2388 321.02 Powers and duties of department, highway patrol.—The
2389 director of the Division of Highway Patrol of the Department of
2390 Highway Safety and Motor Vehicles shall be designated the
2391 Colonel ~~also be the commander~~ of the Florida Highway Patrol. The
2392 said department shall set up and promulgate rules and
2393 regulations by which the personnel of the Florida Highway Patrol
2394 officers shall be examined, employed, trained, located,
2395 suspended, reduced in rank, discharged, recruited, paid and
2396 pensioned, subject to civil service provisions hereafter set
2397 out. The department may enter into contracts or agreements, with
2398 or without competitive bidding or procurement, to make
2399 available, on a fair, reasonable, nonexclusive, and
2400 nondiscriminatory basis, property and other structures under
2401 division control for the placement of new facilities by any
2402 wireless provider of mobile service as defined in 47 U.S.C. s.
2403 153(27) or s. 332(d), and any telecommunications company as
2404 defined in s. 364.02 when it is determined to be practical and
2405 feasible to make such property or other structures available.
2406 The department may, without adopting a rule, charge a just,
2407 reasonable, and nondiscriminatory fee for placement of the

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2408 facilities, payable annually, based on the fair market value of
2409 space used by comparable communications facilities in the state.
2410 The department and a wireless provider or telecommunications
2411 company may negotiate the reduction or elimination of a fee in
2412 consideration of services provided to the division by the
2413 wireless provider or the telecommunications company. All such
2414 fees collected by the department shall be deposited directly
2415 into the State Agency Law Enforcement Radio System Trust Fund,
2416 and may be used to construct, maintain, or support the system.
2417 The department is further specifically authorized to purchase,
2418 sell, trade, rent, lease and maintain all necessary equipment,
2419 uniforms, motor vehicles, communication systems, housing
2420 facilities, office space, and perform any other acts necessary
2421 for the proper administration and enforcement of this chapter.
2422 However, all supplies and equipment consisting of single items
2423 or in lots shall be purchased under the requirements of s.
2424 287.057. Purchases shall be made by accepting the bid of the
2425 lowest responsive bidder, the right being reserved to reject all
2426 bids. The department shall prescribe a distinctive uniform and
2427 distinctive emblem to be worn by all officers of the Florida
2428 Highway Patrol. It shall be unlawful for any other person or
2429 persons to wear a similar uniform or emblem, or any part or
2430 parts thereof. The department shall also prescribe distinctive
2431 colors for use on motor vehicles and motorcycles operated by the
2432 Florida Highway Patrol. The prescribed colors shall be referred
2433 to as "Florida Highway Patrol black and tan."

2434 Section 50. Subsection (3) of section 322.02, Florida
2435 Statutes, is amended to read:

2436 322.02 Legislative intent; administration.-

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2437 (3) The department shall employ a director, who is charged
2438 with the duty of serving as the executive officer of the
2439 Division of Motorist Services within ~~Driver Licenses~~ of the
2440 department insofar as the administration of this chapter is
2441 concerned. He or she shall be subject to the supervision and
2442 direction of the department, and his or her official actions and
2443 decisions as executive officer shall be conclusive unless the
2444 same are superseded or reversed by the department or by a court
2445 of competent jurisdiction.

2446 Section 51. Subsection (1) of section 322.04, Florida
2447 Statutes, is amended to read:

2448 322.04 Persons exempt from obtaining driver's license.—

2449 (1) The following persons are exempt from obtaining a
2450 driver's license:

2451 (a) Any employee of the United States Government, while
2452 operating a noncommercial motor vehicle owned by or leased to
2453 the United States Government and being operated on official
2454 business.

2455 (b) Any person while driving or operating any road machine,
2456 farm tractor, or implement of husbandry temporarily operated or
2457 moved on a highway.

2458 (c) A nonresident who is at least 16 years of age ~~and who~~
2459 ~~has in his or her immediate possession a valid noncommercial~~
2460 ~~driver's license issued to the nonresident in his or her home~~
2461 ~~state or country,~~ may operate a motor vehicle of the type for
2462 which a Class E driver's license is required in this state if he
2463 or she has in his or her immediate possession:

2464 1. A valid noncommercial driver's license issued in his or
2465 her name from another state or territory of the United States;

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2466 or

2467 2. An International Driving Permit issued in his or her
2468 name in his or her country of residence and a valid license
2469 issued in that country.

2470 ~~(d) A nonresident who is at least 18 years of age and who~~
2471 ~~has in his or her immediate possession a valid noncommercial~~
2472 ~~driver's license issued to the nonresident in his or her home~~
2473 ~~state or country may operate a motor vehicle, other than a~~
2474 ~~commercial motor vehicle, in this state.~~

2475 (d)(e) Any person operating a golf cart, as defined in s.
2476 320.01, which is operated in accordance with the provisions of
2477 s. 316.212.

2478 Section 52. Paragraph (a) of subsection (1) of section
2479 322.051, Florida Statutes, is amended, and subsection (9) is
2480 added to that section, to read:

2481 322.051 Identification cards.—

2482 (1) Any person who is 5 years of age or older, or any
2483 person who has a disability, regardless of age, who applies for
2484 a disabled parking permit under s. 320.0848, may be issued an
2485 identification card by the department upon completion of an
2486 application and payment of an application fee.

2487 (a) Each such application shall include the following
2488 information regarding the applicant:

2489 1. Full name (first, middle or maiden, and last), gender,
2490 proof of social security card number satisfactory to the
2491 department, county of residence, mailing address, proof of
2492 residential address satisfactory to the department, country of
2493 birth, and a brief description.

2494 2. Proof of birth date satisfactory to the department.

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2495 3. Proof of identity satisfactory to the department. Such
2496 proof must include one of the following documents issued to the
2497 applicant:

2498 a. A driver's license record or identification card record
2499 from another jurisdiction that required the applicant to submit
2500 a document for identification which is substantially similar to
2501 a document required under sub-subparagraph b., sub-subparagraph
2502 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
2503 f., sub-subparagraph g., or sub-subparagraph h.;

2504 b. A certified copy of a United States birth certificate;

2505 c. A valid, unexpired United States passport;

2506 d. A naturalization certificate issued by the United States
2507 Department of Homeland Security;

2508 e. A valid, unexpired alien registration receipt card
2509 (green card);

2510 f. A Consular Report of Birth Abroad provided by the United
2511 States Department of State;

2512 g. An unexpired employment authorization card issued by the
2513 United States Department of Homeland Security; or

2514 h. Proof of nonimmigrant classification provided by the
2515 United States Department of Homeland Security, for an original
2516 identification card. In order to prove such nonimmigrant
2517 classification, applicants must provide at least one of ~~may~~
2518 ~~produce but are not limited to~~ the following documents, and, in
2519 addition, the department may require other documents for the
2520 sole purpose of establishing the maintenance of or efforts to
2521 maintain continuous lawful presence:

2522 (I) A notice of hearing from an immigration court
2523 scheduling a hearing on any proceeding.

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2524 (II) A notice from the Board of Immigration Appeals
2525 acknowledging pendency of an appeal.

2526 (III) Notice of the approval of an application for
2527 adjustment of status issued by the United States Bureau of
2528 Citizenship and Immigration Services.

2529 (IV) Any official documentation confirming the filing of a
2530 petition for asylum or refugee status or any other relief issued
2531 by the United States Bureau of Citizenship and Immigration
2532 Services.

2533 (V) Notice of action transferring any pending matter from
2534 another jurisdiction to Florida, issued by the United States
2535 Bureau of Citizenship and Immigration Services.

2536 (VI) Order of an immigration judge or immigration officer
2537 granting any relief that authorizes the alien to live and work
2538 in the United States including, but not limited to asylum.

2539 (VII) Evidence that an application is pending for
2540 adjustment of status to that of an alien lawfully admitted for
2541 permanent residence in the United States or conditional
2542 permanent resident status in the United States, if a visa number
2543 is available having a current priority date for processing by
2544 the United States Bureau of Citizenship and Immigration
2545 Services.

2546 (VIII) On or after January 1, 2010, an unexpired foreign
2547 passport with an unexpired United States Visa affixed,
2548 accompanied by an approved I-94, documenting the most recent
2549 admittance into the United States.

2550
2551 An identification card issued based on documents required
2552 ~~Presentation of any of the documents described in sub-~~

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2553 subparagraph g. or sub-subparagraph h. is valid ~~entitles the~~
2554 ~~applicant to an identification card~~ for a period not to exceed
2555 the expiration date of the document presented or 1 year,
2556 whichever first occurs.

2557 (9) Notwithstanding any other provision of this section or
2558 s. 322.21 to the contrary, the department shall issue or renew a
2559 card at no charge to a person who presents good cause for a fee
2560 waiver.

2561 Section 53. Subsection (4) of section 322.058, Florida
2562 Statutes, is amended to read:

2563 322.058 Suspension of driving privileges due to support
2564 delinquency; reinstatement.—

2565 (4) This section applies only to the annual renewal in the
2566 owner's birth month of a motor vehicle registration and does not
2567 apply to the transfer of a registration of a motor vehicle sold
2568 by a motor vehicle dealer licensed under chapter 320, except for
2569 the transfer of registrations which is inclusive of the annual
2570 renewals. This section does not affect the issuance of the title
2571 to a motor vehicle, notwithstanding s. 319.23(8)(b)
2572 ~~319.23(7)(b)~~.

2573 Section 54. Section 322.065, Florida Statutes, is amended
2574 to read:

2575 322.065 Driver's license expired for 6 ~~4~~ months or less;
2576 penalties.—Any person whose driver's license has been expired
2577 for 6 ~~4~~ months or less and who drives a motor vehicle upon the
2578 highways of this state commits ~~is guilty of~~ an infraction and is
2579 subject to the penalty provided in s. 318.18.

2580 Section 55. Subsection (3) of section 322.07, Florida
2581 Statutes, is amended to read:

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2582 322.07 Instruction permits and temporary licenses.—

2583 (3) Any person who, except for his or her lack of
2584 instruction in operating a commercial motor vehicle, would
2585 otherwise be qualified to obtain a commercial driver's license
2586 under this chapter, may apply for a temporary commercial
2587 instruction permit. The department shall issue such a permit
2588 entitling the applicant, while having the permit in his or her
2589 immediate possession, to drive a commercial motor vehicle on the
2590 highways, provided that:

2591 (a) The applicant possesses a valid Florida driver's
2592 license ~~issued in any state~~; and

2593 (b) The applicant, while operating a commercial motor
2594 vehicle, is accompanied by a licensed driver who is 21 years of
2595 age or older, who is licensed to operate the class of vehicle
2596 being operated, and who is actually occupying the closest seat
2597 to the right of the driver.

2598 Section 56. Subsection (2) of section 322.08, Florida
2599 Statutes, is amended, paragraphs (o), (p), and (q) are added to
2600 subsection (7) of that section, and subsection (8) is added to
2601 that section, to read:

2602 322.08 Application for license; requirements for license
2603 and identification card forms.—

2604 (2) Each such application shall include the following
2605 information regarding the applicant:

2606 (a) Full name (first, middle or maiden, and last), gender,
2607 proof of social security card number satisfactory to the
2608 department, county of residence, mailing address, proof of
2609 residential address satisfactory to the department, country of
2610 birth, and a brief description.

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- 2611 (b) Proof of birth date satisfactory to the department.
- 2612 (c) Proof of identity satisfactory to the department. Such
2613 proof must include one of the following documents issued to the
2614 applicant:
- 2615 1. A driver's license record or identification card record
2616 from another jurisdiction that required the applicant to submit
2617 a document for identification which is substantially similar to
2618 a document required under subparagraph 2., subparagraph 3.,
2619 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
2620 7., or subparagraph 8.;
 - 2621 2. A certified copy of a United States birth certificate;
 - 2622 3. A valid, unexpired United States passport;
 - 2623 4. A naturalization certificate issued by the United States
2624 Department of Homeland Security;
 - 2625 5. A valid, unexpired alien registration receipt card
2626 (green card);
 - 2627 6. A Consular Report of Birth Abroad provided by the United
2628 States Department of State;
 - 2629 7. An unexpired employment authorization card issued by the
2630 United States Department of Homeland Security; or
 - 2631 8. Proof of nonimmigrant classification provided by the
2632 United States Department of Homeland Security, for an original
2633 driver's license. In order to prove nonimmigrant classification,
2634 an applicant must provide at least one of the following
2635 documents; in addition, the department may require other
2636 documents for the sole purpose of establishing the maintenance
2637 of or efforts to maintain continuous lawful presence ~~may produce~~
2638 ~~the following documents, including, but not limited to:~~
 - 2639 a. A notice of hearing from an immigration court scheduling

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2640 a hearing on any proceeding.

2641 b. A notice from the Board of Immigration Appeals
2642 acknowledging pendency of an appeal.

2643 c. A notice of the approval of an application for
2644 adjustment of status issued by the United States Bureau of
2645 Citizenship and Immigration Services.

2646 d. Any official documentation confirming the filing of a
2647 petition for asylum or refugee status or any other relief issued
2648 by the United States Bureau of Citizenship and Immigration
2649 Services.

2650 e. A notice of action transferring any pending matter from
2651 another jurisdiction to this state issued by the United States
2652 Bureau of Citizenship and Immigration Services.

2653 f. An order of an immigration judge or immigration officer
2654 granting any relief that authorizes the alien to live and work
2655 in the United States, including, but not limited to, asylum.

2656 g. Evidence that an application is pending for adjustment
2657 of status to that of an alien lawfully admitted for permanent
2658 residence in the United States or conditional permanent resident
2659 status in the United States, if a visa number is available
2660 having a current priority date for processing by the United
2661 States Bureau of Citizenship and Immigration Services.

2662 h. On or after January 1, 2010, an unexpired foreign
2663 passport with an unexpired United States Visa affixed,
2664 accompanied by an approved I-94, documenting the most recent
2665 admittance into the United States.

2666

2667 A driver's license or temporary permit issued based on documents
2668 required ~~Presentation of any of the documents~~ in subparagraph 7.

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2669 or subparagraph 8. is valid ~~entitles the applicant to a driver's~~
2670 ~~license or temporary permit~~ for a period not to exceed the
2671 expiration date of the document presented or 1 year, whichever
2672 occurs first.

2673 (d) Whether the applicant has previously been licensed to
2674 drive, and, if so, when and by what state, and whether any such
2675 license or driving privilege has ever been disqualified,
2676 revoked, or suspended, or whether an application has ever been
2677 refused, and, if so, the date of and reason for such
2678 disqualification, suspension, revocation, or refusal.

2679 (e) Each such application may include fingerprints and
2680 other unique biometric means of identity.

2681 (7) The application form for an original, renewal, or
2682 replacement driver's license or identification card shall
2683 include language permitting the following:

2684 (o) A voluntary contribution of \$1 per applicant for Autism
2685 Services and Supports. Such contributions must be transferred by
2686 the department each month to the Achievement and Rehabilitation
2687 Centers, Inc., Autism Services Fund.

2688 (p) Notwithstanding s. 26 of chapter 2010-223, Laws of
2689 Florida, a voluntary contribution of \$1 or more per applicant to
2690 the Auto Club South Traffic Safety Foundation, a nonprofit
2691 organization. Funds received by the foundation shall be used to
2692 improve traffic safety culture in communities through effective
2693 outreach, education, and activities that will save lives, reduce
2694 injuries, and prevent crashes. The foundation must comply with
2695 s. 322.081.

2696 (q) The application form for motor vehicle registration and
2697 renewal registration must include language permitting a

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2698 voluntary contribution of \$1 for Support Our Troops. The
2699 proceeds shall be transferred by the department each month to
2700 Support Our Troops, Inc.

2701
2702 A statement providing an explanation of the purpose of the trust
2703 funds shall also be included. For the purpose of applying the
2704 service charge provided in s. 215.20, contributions received
2705 under paragraphs (b)-(n) are not income of a revenue nature.

2706 (8) The department may collect and use electronic mail
2707 addresses for the purpose of providing renewal notices in lieu
2708 of the United State Postal Service.

2709 Section 57. Subsection (9) is added to section 322.081,
2710 Florida Statutes, to read:

2711 322.081 Requests to establish voluntary checkoff on
2712 driver's license application.-

2713 (9) The department may annually retain from the first
2714 proceeds derived from the voluntary contributions collected an
2715 amount sufficient to defray for each voluntary contribution the
2716 pro rata share of the department's costs directly related to the
2717 voluntary contributions program. Such costs include renewal
2718 notices, postage, distribution costs, direct costs to the
2719 department, and costs associated with reviewing each
2720 organization's compliance with the audit and attestation
2721 requirements of this section. The revenues retained by the
2722 department may not be less than 0.005 percent and may not exceed
2723 0.015 percent. The balance of the proceeds from the voluntary
2724 contributions collected shall be distributed as provided by law.

2725 Section 58. Subsection (5) of section 322.12, Florida
2726 Statutes, is amended to read:

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2727 322.12 Examination of applicants.-

2728 (5)(a) ~~The department shall formulate a separate~~
2729 ~~examination for applicants for licenses to operate motorcycles.~~
2730 ~~Any applicant for a driver's license who wishes to operate a~~
2731 ~~motorcycle, and who is otherwise qualified, must successfully~~
2732 ~~complete such an examination, which is in addition to the~~
2733 ~~examination administered under subsection (3). The examination~~
2734 ~~must test the applicant's knowledge of the operation of a~~
2735 ~~motorcycle and of any traffic laws specifically relating thereto~~
2736 ~~and must include an actual demonstration of his or her ability~~
2737 ~~to exercise ordinary and reasonable control in the operation of~~
2738 ~~a motorcycle. Any applicant who fails to pass the initial~~
2739 ~~knowledge examination will incur a \$5 fee for each subsequent~~
2740 ~~examination, to be deposited into the Highway Safety Operating~~
2741 ~~Trust Fund. Any applicant who fails to pass the initial skills~~
2742 ~~examination will incur a \$10 fee for each subsequent~~
2743 ~~examination, to be deposited into the Highway Safety Operating~~
2744 ~~Trust Fund. In the formulation of the examination, the~~
2745 ~~department shall consider the use of the Motorcycle Operator~~
2746 ~~Skills Test and the Motorcycle in Traffic Test offered by the~~
2747 ~~Motorcycle Safety Foundation. The department shall indicate on~~
2748 ~~the license of any person who successfully completes the~~
2749 ~~examination that the licensee is authorized to operate a~~
2750 ~~motorcycle. If the applicant wishes to be licensed to operate a~~
2751 ~~motorcycle only, he or she need not take the skill or road test~~
2752 ~~required under subsection (3) for the operation of a motor~~
2753 ~~vehicle, and the department shall indicate such a limitation on~~
2754 ~~his or her license as a restriction. Every first-time applicant~~
2755 ~~for licensure to operate a motorcycle must provide proof of~~

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2756 completion of a motorcycle safety course, as provided for in s.
2757 322.0255, which shall include a final examination before the
2758 applicant may be licensed to operate a motorcycle. The
2759 department shall indicate on the license of any person who
2760 successfully completes the course that the licensee is
2761 authorized to operate a motorcycle. If the applicant wishes to
2762 be licensed to operate a motorcycle only, he or she need not
2763 take the skill or road test required under subsection (3) for
2764 the operation of a motor vehicle, and the department shall
2765 indicate such a limitation on his or her license as a
2766 restriction.

2767 ~~(b) The department may exempt any applicant from the~~
2768 ~~examination provided in this subsection if the applicant~~
2769 ~~presents a certificate showing successful completion of a course~~
2770 ~~approved by the department, which course includes a similar~~
2771 ~~examination of the knowledge and skill of the applicant in the~~
2772 ~~operation of a motorcycle.~~

2773 Section 59. Subsection (5) of section 322.121, Florida
2774 Statutes, is amended to read:

2775 322.121 Periodic reexamination of all drivers.—

2776 (5) Members of the Armed Forces, or their dependents
2777 residing with them, shall be granted an automatic extension for
2778 the expiration of their Class E licenses without reexamination
2779 while serving on active duty outside this state. This extension
2780 is valid for 90 days after the member of the Armed Forces is
2781 either discharged or returns to this state to live.

2782 Section 60. Paragraph (a) of subsection (1) of section
2783 322.14, Florida Statutes, is amended to read:

2784 322.14 Licenses issued to drivers.—

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2785 (1) (a) The department shall, upon successful completion of
2786 all required examinations and payment of the required fee, issue
2787 to every applicant qualifying therefor, a driver's license as
2788 applied for, which license shall bear thereon a color photograph
2789 or digital image of the licensee; the name of the state; a
2790 distinguishing number assigned to the licensee; and the
2791 licensee's full name, date of birth, and residence address; a
2792 brief description of the licensee, including, but not limited
2793 to, the licensee's gender and height; and the dates of issuance
2794 and expiration of the license. A space shall be provided upon
2795 which the licensee shall affix his or her usual signature. No
2796 license shall be valid until it has been so signed by the
2797 licensee except that the signature of said licensee shall not be
2798 required if it appears thereon in facsimile or if the licensee
2799 is not present within the state at the time of issuance.

2800 ~~Applicants qualifying to receive a Class A, Class B, or Class C~~
2801 ~~driver's license must appear in person within the state for~~
2802 ~~issuance of a color photographic or digital imaged driver's~~
2803 ~~license pursuant to s. 322.142.~~

2804 Section 61. Section 322.1415, Florida Statutes, is created
2805 to read:

2806 322.1415 Specialty driver's license and identification card
2807 program.—

2808 (1) The department may issue to any applicant qualified
2809 pursuant to s. 322.14 a specialty driver's license or
2810 identification card upon payment of the appropriate fee pursuant
2811 to s. 322.21.

2812 (2) Department-approved specialty driver's licenses and
2813 identification cards shall, at a minimum, be available for state

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2814 and independent universities domiciled in this state, all
2815 Florida professional sports teams designated in s.
2816 320.08058(9) (a), and all branches of the United States military.

2817 (3) The design and use of each specialty driver's license
2818 and identification card must be approved by the department and
2819 the organization that is recognized by the driver's license or
2820 card.

2821 Section 62. Section 322.145, Florida Statutes, is created
2822 to read:

2823 322.145 Electronic authentication of licenses.-

2824 (1) Any driver's license issued on or after July 1, 2012,
2825 must contain a means of electronic authentication, which
2826 conforms to a recognized standard for such authentication, such
2827 as public key infrastructure, symmetric key algorithms, security
2828 tokens, mediametrics, or biometrics. Electronic authentication
2829 capabilities must not interfere with or change the driver's
2830 license format or topology.

2831 (2) The department shall provide, at the applicant's option
2832 and at the time a license is issued, a security token that can
2833 be electronically authenticated through a personal computer. The
2834 token must also conform to one of the standards provided
2835 subsection (1).

2836 (3) The department shall negotiate a new contract with the
2837 vendor selected to implement the electronic authentication
2838 feature which provides that the vendor pay all costs of
2839 implementing the system. This contract must not conflict with
2840 current contractual arrangements for the issuance of driver's
2841 licenses.

2842 Section 63. Subsections (9), (10), (13), (14), and (16) of

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2843 section 322.20, Florida Statutes, are amended to read:

2844 322.20 Records of the department; fees; destruction of
2845 records.—

2846 (9) The department may, upon application, furnish to any
2847 person, from its ~~the records of the Division of Driver Licenses,~~
2848 a list of the names, addresses, and birth dates of the licensed
2849 drivers of the entire state or any portion thereof by age group.
2850 In addition, the department may furnish to the courts, for the
2851 purpose of establishing jury selection lists, the names,
2852 addresses, and birth dates of the persons of the entire state or
2853 any portion thereof by age group having identification cards
2854 issued by the department. Each person who requests such
2855 information shall pay a fee, set by the department, of 1 cent
2856 per name listed, except that the department shall furnish such
2857 information without charge to the courts for the purpose of jury
2858 selection or to any state agency or to any state attorney,
2859 sheriff, or chief of police. Such court, state agency, state
2860 attorney, or law enforcement agency may not sell, give away, or
2861 allow the copying of such information. Noncompliance with this
2862 prohibition shall authorize the department to charge the
2863 noncomplying court, state agency, state attorney, or law
2864 enforcement agency the appropriate fee for any subsequent lists
2865 requested. The department may adopt rules necessary to implement
2866 this subsection.

2867 (10) The department ~~Division of Driver Licenses~~ is
2868 authorized, upon application of any person and payment of the
2869 proper fees, to search and to assist such person in the search
2870 of the records of the department and make reports thereof and to
2871 make photographic copies of the departmental records and

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2872 attestations thereof.

2873 (13) The department ~~Division of Driver Licenses~~ shall
2874 implement a system that allows either parent of a minor, or a
2875 guardian, or other responsible adult who signed a minor's
2876 application for a driver's license to have Internet access
2877 through a secure website to inspect the minor's driver history
2878 record. Internet access to driver history records granted to a
2879 minor's parents, guardian, or other responsible adult shall be
2880 furnished by the department at no fee and shall terminate when
2881 the minor attains 18 years of age.

2882 (14) The department is authorized in accordance with
2883 chapter 257 to destroy reports, records, documents, papers, and
2884 correspondence in the department ~~Division of Driver Licenses~~
2885 which are considered obsolete.

2886 (16) The creation and maintenance of records by the
2887 Division of Motorist Services within the department ~~and the~~
2888 ~~Division of Driver Licenses~~ pursuant to this chapter shall not
2889 be regarded as law enforcement functions of agency
2890 recordkeeping.

2891 Section 64. Section 322.202, Florida Statutes, is amended
2892 to read:

2893 322.202 Admission of evidence obtained from the Division of
2894 Motorist Services ~~Driver Licenses and the Division of Motor~~
2895 ~~Vehicles.~~

2896 (1) The Legislature finds that the Division of Motorist
2897 Services ~~Driver Licenses and the Division of Motor Vehicles~~ of
2898 the Department of Highway Safety and Motor Vehicles is ~~are~~ not a
2899 law enforcement agency ~~agencies~~. The Legislature also finds that
2900 the division is ~~divisions are~~ not an adjunct ~~adjuncts~~ of any law

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2901 enforcement agency in that employees have no stake in particular
2902 prosecutions. The Legislature further finds that errors in
2903 records maintained by the Division of Motorist Services
2904 ~~divisions~~ are not within the collective knowledge of any law
2905 enforcement agency. The Legislature also finds that the mission
2906 ~~missions~~ of the Division of Motorist Services Driver Licenses,
2907 ~~the Division of Motor Vehicles~~, and the Department of Highway
2908 Safety and Motor Vehicles provides ~~provide~~ a sufficient
2909 incentive to maintain records in a current and correct fashion.

2910 (2) The Legislature finds that the purpose of the
2911 exclusionary rule is to deter misconduct on the part of law
2912 enforcement officers and law enforcement agencies.

2913 (3) The Legislature finds that the application of the
2914 exclusionary rule to cases where a law enforcement officer
2915 effects an arrest based on objectively reasonable reliance on
2916 information obtained from the divisions is repugnant to the
2917 purposes of the exclusionary rule and contrary to the decisions
2918 of the United States Supreme Court in *Arizona v. Evans*, 514 U.S.
2919 1 (1995) and *United States v. Leon*, 468 U.S. 897 (1984).

2920 (4) In any case where a law enforcement officer effects an
2921 arrest based on objectively reasonable reliance on information
2922 obtained from the divisions, evidence found pursuant to such an
2923 arrest shall not be suppressed by application of the
2924 exclusionary rule on the grounds that the arrest is subsequently
2925 determined to be unlawful due to erroneous information obtained
2926 from the divisions.

2927 Section 65. Paragraph (i) is added to subsection (1) of
2928 section 322.21, Florida Statutes, and subsections (2) and (4) of
2929 that section are amended, to read:

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2930 322.21 License fees; procedure for handling and collecting
2931 fees.—

2932 (1) Except as otherwise provided herein, the fee for:

2933 (i) The specialty license or identification card issued
2934 pursuant to s. 322.1415 is \$25, which is in addition to other
2935 fees required in this section. The specialty fee shall be
2936 distributed as follows:

2937 1. Twenty percent shall be distributed to the appropriate
2938 state or independent university foundation, the Florida Sports
2939 Foundation, or the State Homes for Veterans Trust Fund, as
2940 designated by the purchaser, for deposit into an unrestricted
2941 account.

2942 2. Eighty percent shall be distributed to the department
2943 for department costs directly related to the specialty driver's
2944 license and identification card program and to defray costs of
2945 production enhancements and distribution.

2946 (2) It is the duty of the Director of the Division of
2947 Motorist Services to provide ~~Driver Licenses to set up a~~
2948 ~~division in the department with the~~ necessary personnel to
2949 perform the ~~necessary~~ clerical and routine work for the
2950 department in issuing and recording applications, licenses, and
2951 certificates of eligibility, including the receiving and
2952 accounting of all license funds and their payment into the State
2953 Treasury, and other incidental clerical work connected with the
2954 administration of this chapter. The department may use such
2955 electronic, mechanical, or other devices as necessary to
2956 accomplish the purposes of this chapter.

2957 (4) If the department determines from its records or is
2958 otherwise satisfied that the holder of a license about to expire

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2959 is entitled to have it renewed, the department shall mail a
2960 renewal notice to the licensee at his or her last known address,
2961 at least within 30 days before the licensee's birthday. The
2962 licensee may ~~shall~~ be issued a renewal license, after
2963 reexamination, if required, ~~during the 30 days immediately~~
2964 ~~preceding his or her birthday upon presenting a renewal notice,~~
2965 ~~his or her current license, and the fee for renewal to the~~
2966 ~~department at any driver's license examining office. A driver~~
2967 may renew his or her driver's license up to 18 months prior to
2968 the license expiration date.

2969 Section 66. Subsection (2) of section 322.53, Florida
2970 Statutes, is amended to read:

2971 322.53 License required; exemptions.—

2972 (2) The following persons are exempt from the requirement
2973 to obtain a commercial driver's license:

2974 (a) Drivers of authorized emergency vehicles.

2975 (b) Military personnel driving vehicles operated for
2976 military purposes.

2977 (c) Farmers transporting agricultural products, farm
2978 supplies, or farm machinery to or from their farms within 150
2979 miles of their farm if the vehicle operated under this exemption
2980 is not used in the operations of a common or contract motor
2981 carrier, or transporting agricultural products to or from the
2982 first place of storage or processing or directly to or from
2983 market, within 150 miles of their farm.

2984 (d) Drivers of recreational vehicles, as defined in s.
2985 320.01.

2986 (e) Drivers who operate straight trucks, as defined in s.
2987 316.003, which ~~that~~ are exclusively transporting their own

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2988 tangible personal property that ~~which~~ is not for sale or hire,
2989 and the vehicle is not used in commerce.

2990 (f) An employee of a publicly owned transit system who is
2991 limited to moving vehicles for maintenance or parking purposes
2992 exclusively within the restricted-access confines of a transit
2993 system's property.

2994 Section 67. Subsection (5) is added to section 322.54,
2995 Florida Statutes, to read:

2996 322.54 Classification.—

2997 (5) The required driver's license classification of any
2998 person operating a commercial motor vehicle that has no gross
2999 vehicle weight rating plate or no vehicle identification number
3000 shall be determined by the actual weight of the vehicle.

3001 Section 68. Section 322.58, Florida Statutes, is repealed.

3002 Section 69. Section 322.59, Florida Statutes, is amended to
3003 read:

3004 322.59 Possession of medical examiner's certificate.—

3005 (1) The department shall not issue a commercial driver's
3006 license to any person who is required by the laws of this state
3007 or by federal law to possess a medical examiner's certificate,
3008 unless such person provides ~~presents~~ a valid certificate, as
3009 described in 49 C.F.R. s. 383.71, prior to licensure.

3010 (2) The department shall disqualify a driver from operating
3011 a commercial motor vehicle if that driver holds a commercial
3012 driver's license and fails to comply with the medical
3013 certification requirements described in 49 C.F.R. s. 383.71.

3014 ~~(2) This section does not expand the requirements as to who~~
3015 ~~must possess a medical examiner's certificate.~~

3016 Section 70. Subsection (5) of section 322.61, Florida

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3017 Statutes, is amended to read:

3018 322.61 Disqualification from operating a commercial motor
3019 vehicle.—

3020 (5) Any person who is convicted of two violations specified
3021 in subsection (3) which were committed while operating a
3022 commercial motor vehicle, or any combination thereof, arising in
3023 separate incidents shall be permanently disqualified from
3024 operating a commercial motor vehicle. Any holder of a commercial
3025 driver's license who is convicted of two violations specified in
3026 subsection (3), which were committed while operating any a
3027 ~~noncommercial~~ motor vehicle, ~~or any combination thereof~~, arising
3028 in separate incidents shall be permanently disqualified from
3029 operating a commercial motor vehicle. The penalty provided in
3030 this subsection is in addition to any other applicable penalty.

3031 Section 71. Subsections (1), (4), (7), (8), and (11) of
3032 section 322.64, Florida Statutes, are amended to read:

3033 322.64 Holder of commercial driver's license; persons
3034 operating a commercial motor vehicle; driving with unlawful
3035 blood-alcohol level; refusal to submit to breath, urine, or
3036 blood test.—

3037 (1) (a) A law enforcement officer or correctional officer
3038 shall, on behalf of the department, disqualify from operating
3039 any commercial motor vehicle a person who while operating or in
3040 actual physical control of a commercial motor vehicle is
3041 arrested for a violation of s. 316.193, relating to unlawful
3042 blood-alcohol level or breath-alcohol level, or a person who has
3043 refused to submit to a breath, urine, or blood test authorized
3044 by s. 322.63 or s. 316.1932 arising out of the operation or
3045 actual physical control of a commercial motor vehicle. A law

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3046 enforcement officer or correctional officer shall, on behalf of
3047 the department, disqualify the holder of a commercial driver's
3048 license from operating any commercial motor vehicle if the
3049 licenseholder, while operating or in actual physical control of
3050 a motor vehicle, is arrested for a violation of s. 316.193,
3051 relating to unlawful blood-alcohol level or breath-alcohol
3052 level, or refused to submit to a breath, urine, or blood test
3053 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
3054 the person, the officer shall take the person's driver's license
3055 and issue the person a 10-day temporary permit for the operation
3056 of noncommercial vehicles only if the person is otherwise
3057 eligible for the driving privilege and shall issue the person a
3058 notice of disqualification. If the person has been given a
3059 blood, breath, or urine test, the results of which are not
3060 available to the officer at the time of the arrest, the agency
3061 employing the officer shall transmit such results to the
3062 department within 5 days after receipt of the results. If the
3063 department then determines that the person had a blood-alcohol
3064 level or breath-alcohol level of 0.08 or higher, the department
3065 shall disqualify the person from operating a commercial motor
3066 vehicle pursuant to subsection (3).

3067 (b) For purposes of determining the period of
3068 disqualification described in 49 C.F.R. s. 383.51,
3069 disqualifications listed in paragraph (a) shall be treated as
3070 convictions.

3071 (c) ~~(b)~~ The disqualification under paragraph (a) shall be
3072 pursuant to, and the notice of disqualification shall inform the
3073 driver of, the following:

3074 1.a. The driver refused to submit to a lawful breath,

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3075 blood, or urine test and he or she is disqualified from
3076 operating a commercial motor vehicle for the time period
3077 specified in 49 C.F.R. s. 383.51 ~~a period of 1 year, for a first~~
3078 ~~refusal, or permanently, if he or she has previously been~~
3079 ~~disqualified under this section; or~~

3080 b. The driver had an unlawful blood-alcohol or breath-
3081 alcohol level of 0.08 or higher while driving or in actual
3082 physical control of a commercial motor vehicle, or any motor
3083 vehicle if the driver holds a commercial driver's license, and
3084 is disqualified for the time period specified in 49 C.F.R. s.
3085 383.51. ~~The driver was driving or in actual physical control of~~
3086 ~~a commercial motor vehicle, or any motor vehicle if the driver~~
3087 ~~holds a commercial driver's license, had an unlawful blood-~~
3088 ~~alcohol level or breath-alcohol level of 0.08 or higher, and his~~
3089 ~~or her driving privilege shall be disqualified for a period of 1~~
3090 ~~year for a first offense or permanently disqualified if his or~~
3091 ~~her driving privilege has been previously disqualified under~~
3092 ~~this section.~~

3093 2. The disqualification period for operating commercial
3094 vehicles shall commence on the date of issuance of the notice of
3095 disqualification.

3096 3. The driver may request a formal or informal review of
3097 the disqualification by the department within 10 days after the
3098 date of issuance of the notice of disqualification.

3099 4. The temporary permit issued at the time of
3100 disqualification expires at midnight of the 10th day following
3101 the date of disqualification.

3102 5. The driver may submit to the department any materials
3103 relevant to the disqualification.

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3104 (4) If the person disqualified requests an informal review
3105 pursuant to subparagraph (1) (c) ~~(b)~~ 3., the department shall
3106 conduct the informal review by a hearing officer employed by the
3107 department. Such informal review hearing shall consist solely of
3108 an examination by the department of the materials submitted by a
3109 law enforcement officer or correctional officer and by the
3110 person disqualified, and the presence of an officer or witness
3111 is not required.

3112 (7) In a formal review hearing under subsection (6) or an
3113 informal review hearing under subsection (4), the hearing
3114 officer shall determine by a preponderance of the evidence
3115 whether sufficient cause exists to sustain, amend, or invalidate
3116 the disqualification. The scope of the review shall be limited
3117 to the following issues:

3118 (a) If the person was disqualified from operating a
3119 commercial motor vehicle for driving with an unlawful blood-
3120 alcohol level:

3121 1. Whether the ~~arresting~~ law enforcement officer had
3122 probable cause to believe that the person was driving or in
3123 actual physical control of a commercial motor vehicle, or any
3124 motor vehicle if the driver holds a commercial driver's license,
3125 in this state while he or she had any alcohol, chemical
3126 substances, or controlled substances in his or her body.

3127 2. Whether the person had an unlawful blood-alcohol level
3128 or breath-alcohol level of 0.08 or higher.

3129 (b) If the person was disqualified from operating a
3130 commercial motor vehicle for refusal to submit to a breath,
3131 blood, or urine test:

3132 1. Whether the law enforcement officer had probable cause

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3133 to believe that the person was driving or in actual physical
3134 control of a commercial motor vehicle, or any motor vehicle if
3135 the driver holds a commercial driver's license, in this state
3136 while he or she had any alcohol, chemical substances, or
3137 controlled substances in his or her body.

3138 2. Whether the person refused to submit to the test after
3139 being requested to do so by a law enforcement officer or
3140 correctional officer.

3141 3. Whether the person was told that if he or she refused to
3142 submit to such test he or she would be disqualified from
3143 operating a commercial motor vehicle for a period of 1 year or,
3144 if previously disqualified under this section, permanently.

3145 (8) Based on the determination of the hearing officer
3146 pursuant to subsection (7) for both informal hearings under
3147 subsection (4) and formal hearings under subsection (6), the
3148 department shall:

3149 ~~(a) sustain the disqualification for the time period~~
3150 ~~described in 49 C.F.R. s. 383.51 a period of 1 year for a first~~
3151 ~~refusal, or permanently if such person has been previously~~
3152 ~~disqualified from operating a commercial motor vehicle under~~
3153 ~~this section.~~ The disqualification period commences on the date
3154 of the issuance of the notice of disqualification.

3155 ~~(b) Sustain the disqualification:~~

3156 1. ~~For a period of 1 year if the person was driving or in~~
3157 ~~actual physical control of a commercial motor vehicle, or any~~
3158 ~~motor vehicle if the driver holds a commercial driver's license,~~
3159 ~~and had an unlawful blood alcohol level or breath alcohol level~~
3160 ~~of 0.08 or higher; or~~

3161 2. ~~Permanently if the person has been previously~~

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3162 ~~disqualified from operating a commercial motor vehicle under~~
3163 ~~this section or his or her driving privilege has been previously~~
3164 ~~suspended for driving or being in actual physical control of a~~
3165 ~~commercial motor vehicle, or any motor vehicle if the driver~~
3166 ~~holds a commercial driver's license, and had an unlawful blood-~~
3167 ~~alcohol level or breath-alcohol level of 0.08 or higher.~~

3168

3169 ~~The disqualification period commences on the date of the~~
3170 ~~issuance of the notice of disqualification.~~

3171 (11) The formal review hearing may be conducted upon a
3172 review of the reports of a law enforcement officer or a
3173 correctional officer, including documents relating to the
3174 administration of a breath test or blood test or the refusal to
3175 take a breath, blood, or urine ~~either~~ test. However, as provided
3176 in subsection (6), the driver may subpoena the officer or any
3177 person who administered or analyzed a breath or blood test.

3178 Section 72. Section 328.30, Florida Statutes, is amended to
3179 read:

3180 328.30 Transactions by electronic or telephonic means.—

3181 (1) The department may ~~is authorized to~~ accept any
3182 application provided for under this chapter by electronic or
3183 telephonic means.

3184 (2) The department may issue an electronic certificate of
3185 title in lieu of printing a paper title.

3186 (3) The department may collect and use electronic mail
3187 addresses for the purpose of providing renewal notices in lieu
3188 of the United States Postal Service.

3189 Section 73. Subsection (2) of section 413.012, Florida
3190 Statutes, is amended to read:

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3191 413.012 Confidential records disclosure prohibited;
3192 exemptions.—

3193 (2) It is unlawful for any person to disclose, authorize
3194 the disclosure, solicit, receive, or make use of any list of
3195 names and addresses or any record containing any information set
3196 forth in subsection (1) and maintained in the division. The
3197 prohibition provided for in this subsection shall not apply to
3198 the use of such information for purposes directly connected with
3199 the administration of the vocational rehabilitation program or
3200 with the monthly dispatch to ~~the Division of Driver Licenses of~~
3201 the Department of Highway Safety and Motor Vehicles of the name
3202 in full, place and date of birth, sex, social security number,
3203 and resident address of individuals with central visual acuity
3204 20/200 or less in the better eye with correcting glasses, or a
3205 disqualifying field defect in which the peripheral field has
3206 contracted to such an extent that the widest diameter or visual
3207 field subtends an angular distance no greater than 20 degrees.
3208 When requested in writing by an applicant or client, or her or
3209 his representative, the Division of Blind Services shall release
3210 confidential information to the applicant or client or her or
3211 his representative.

3212 Section 74. Paragraph (f) of subsection (13) of section
3213 713.78, Florida Statutes, is amended to read:

3214 713.78 Liens for recovering, towing, or storing vehicles
3215 and vessels.—

3216 (13)

3217 (f) This subsection applies only to the annual renewal in
3218 the registered owner's birth month of a motor vehicle
3219 registration and does not apply to the transfer of a

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3220 registration of a motor vehicle sold by a motor vehicle dealer
3221 licensed under chapter 320, except for the transfer of
3222 registrations which is inclusive of the annual renewals. This
3223 subsection does not apply to any vehicle registered in the name
3224 of the lessor. This subsection does not affect the issuance of
3225 the title to a motor vehicle, notwithstanding s. 319.23(8)(b)
3226 ~~319.23(7)(b)~~.

3227 Section 75. Effective October 1, 2011, sections 70-78 of
3228 this act may be cited as the "Highway Safety Act."

3229 Section 76. The Legislature finds that road rage and
3230 aggressive careless driving are a growing threat to the health,
3231 safety, and welfare of the public. The intent of the Legislature
3232 is to reduce road rage and aggressive careless driving, reduce
3233 the incidence of drivers' interfering with the movement of
3234 traffic, minimize crashes, and promote the orderly, free flow of
3235 traffic on the roads and highways of the state.

3236 Section 77. Effective October 1, 2011, present subsection
3237 (3) of section 316.083, Florida Statutes, is redesignated as
3238 subsection (4), and a new subsection (3) is added to that
3239 section, to read:

3240 316.083 Overtaking and passing a vehicle.—The following
3241 rules shall govern the overtaking and passing of vehicles
3242 proceeding in the same direction, subject to those limitations,
3243 exceptions, and special rules hereinafter stated:

3244 (3)(a) On roads, streets, or highways having two or more
3245 lanes that allow movement in the same direction, a driver may
3246 not continue to operate a motor vehicle in the furthestmost left-
3247 hand lane if the driver knows, or reasonably should know, that
3248 he or she is being overtaken in that lane from the rear by a

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3249 motor vehicle traveling at a higher rate of speed.

3250 (b) Paragraph (a) does not apply to a driver operating a
3251 motor vehicle in the furthestmost left-hand lane if:

3252 1. The driver is driving the legal speed limit and is not
3253 impeding the flow of traffic in the furthestmost left-hand lane;

3254 2. The driver is in the process of overtaking a slower
3255 motor vehicle in the adjacent right-hand lane for the purpose of
3256 passing the slower moving vehicle so that the driver may move to
3257 the adjacent right-hand lane;

3258 3. Conditions make the flow of traffic substantially the
3259 same in all lanes or preclude the driver from moving to the
3260 adjacent right-hand lane;

3261 4. The driver's movement to the adjacent right-hand lane
3262 could endanger the driver or other drivers;

3263 5. The driver is directed by a law enforcement officer,
3264 road sign, or road crew to remain in the furthestmost left-hand
3265 lane; or

3266 6. The driver is preparing to make a left turn.

3267 (c) A driver who violates s. 316.183 and this subsection
3268 simultaneously shall receive a uniform traffic citation solely
3269 under s. 316.183.

3270 Section 78. Effective October 1, 2011, section 316.1923,
3271 Florida Statutes, is amended to read:

3272 316.1923 Aggressive careless driving.—

3273 (1) "Aggressive careless driving" means committing three
3274 ~~two~~ or more of the following acts simultaneously or in
3275 succession:

3276 (a) ~~(1)~~ Exceeding the posted speed as defined in s.
3277 322.27(3) (d) 5.b.

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3278 (b)~~(2)~~ Unsafely or improperly changing lanes as defined in
3279 s. 316.085.

3280 (c)~~(3)~~ Following another vehicle too closely as defined in
3281 s. 316.0895(1).

3282 (d)~~(4)~~ Failing to yield the right-of-way as defined in s.
3283 316.079, s. 316.0815, or s. 316.123.

3284 (e)~~(5)~~ Improperly passing or failing to yield to overtaking
3285 vehicles as defined in s. 316.083, s. 316.084, or s. 316.085.

3286 (f)~~(6)~~ Violating traffic control and signal devices as
3287 defined in ss. 316.074 and 316.075.

3288 (2) Any person convicted of aggressive careless driving
3289 shall be cited for a moving violation and punished as provided
3290 in chapter 318, and by the accumulation of points as provided in
3291 s. 322.27, for each act of aggressive careless driving.

3292 Section 79. Effective October 1, 2011, section 318.121,
3293 Florida Statutes, is amended to read

3294 318.121 Preemption of additional fees, fines, surcharges,
3295 and costs.—Notwithstanding any general or special law, or
3296 municipal or county ordinance, additional fees, fines,
3297 surcharges, or costs other than the additional fees, fines,
3298 court costs, and surcharges assessed under s. 318.18(11), (13),
3299 (18), ~~and~~ (19), and (22) may not be added to the civil traffic
3300 penalties assessed in this chapter.

3301 Section 80. Effective October 1, 2011, subsection (22) is
3302 added to section 318.18, Florida Statutes, to read:

3303 318.18 Amount of penalties.—The penalties required for a
3304 noncriminal disposition pursuant to s. 318.14 or a criminal
3305 offense listed in s. 318.17 are as follows:

3306 (22) (a) In addition to any penalties or points imposed

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3307 under s. 316.1923, a person convicted of aggressive careless
3308 driving shall also pay:

3309 1. Upon a first violation, a fine of \$100.

3310 2. Upon a second or subsequent conviction, a fine of not
3311 less than \$250 but not more than \$500 and be subject to a
3312 mandatory hearing under s. 318.19.

3313 (b) The clerk of the court shall remit the moneys collected
3314 from the increased fine imposed by this subsection to the
3315 Department of Revenue for deposit into the Department of Health
3316 Administrative Trust Fund. Of the funds deposited into the
3317 Department of Health Administrative Trust Fund, \$200,000 in the
3318 first year after October 1, 2011, and \$50,000 in the second and
3319 third years, shall be transferred into the Highway Safety
3320 Operating Trust Fund to offset the cost of providing educational
3321 materials related to this act. Funds deposited into the
3322 Department of Health Administrative Trust Fund under this
3323 subsection shall be allocated as follows:

3324 1. Twenty-five percent shall be allocated equally among all
3325 Level I, Level II, and pediatric trauma centers in recognition
3326 of readiness costs for maintaining trauma services.

3327 2. Twenty-five percent shall be allocated among Level I,
3328 Level II, and pediatric trauma centers based on each center's
3329 relative volume of trauma cases as reported in the Department of
3330 Health Trauma Registry.

3331 3. Twenty-five percent shall be transferred to the
3332 Emergency Medical Services Trust Fund and used by the department
3333 for making matching grants to emergency medical services
3334 organizations as defined in s. 401.107.

3335 4. Twenty-five percent shall be transferred to the

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3336 Emergency Medical Services Trust Fund and made available to
3337 rural emergency medical services as defined in s. 401.107, and
3338 shall be used solely to improve and expand prehospital emergency
3339 medical services in this state. Additionally, these moneys may
3340 be used for the improvement, expansion, or continuation of
3341 services provided.

3342 Section 81. Effective October 1, 2011, section 318.19,
3343 Florida Statutes, is amended to read:

3344 318.19 Infractions requiring a mandatory hearing.—Any
3345 person cited for the infractions listed in this section shall
3346 not have the provisions of s. 318.14(2), (4), and (9) available
3347 to him or her but must appear before the designated official at
3348 the time and location of the scheduled hearing:

3349 (1) Any infraction which results in a crash that causes the
3350 death of another;

3351 (2) Any infraction which results in a crash that causes
3352 "serious bodily injury" of another as defined in s. 316.1933(1);

3353 (3) Any infraction of s. 316.172(1)(b);

3354 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

3355 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
3356 316.189 of exceeding the speed limit by 30 m.p.h. or more; or.

3357 (6) A second or subsequent infraction of s. 316.1923(1).

3358 Section 82. The Department of Highway Safety and Motor
3359 Vehicles shall provide information about the Highway Safety Act
3360 in all driver's license educational materials newly printed on
3361 or after October 1, 2011.

3362 Section 83. Effective October 1, 2011, for the purpose of
3363 incorporating the amendments made by this act to section
3364 316.1923, Florida Statutes, in a reference thereto, paragraph

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3365 (a) of subsection (1) of section 316.650, Florida Statutes, is
3366 reenacted to read:

3367 316.650 Traffic citations.—

3368 (1) (a) The department shall prepare and supply to every
3369 traffic enforcement agency in this state an appropriate form
3370 traffic citation that contains a notice to appear, is issued in
3371 prenumbered books, meets the requirements of this chapter or any
3372 laws of this state regulating traffic, and is consistent with
3373 the state traffic court rules and the procedures established by
3374 the department. The form shall include a box that is to be
3375 checked by the law enforcement officer when the officer believes
3376 that the traffic violation or crash was due to aggressive
3377 careless driving as defined in s. 316.1923. The form shall also
3378 include a box that is to be checked by the law enforcement
3379 officer when the officer writes a uniform traffic citation for a
3380 violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of
3381 the driver failing to stop at a traffic signal.

3382 Section 84. Effective October 1, 2011, section 320.089,
3383 Florida Statutes, is amended to read:

3384 320.089 Members of National Guard and active United States
3385 Armed Forces reservists; former prisoners of war; survivors of
3386 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi
3387 Freedom and Operation Enduring Freedom Veterans; Combat Infantry
3388 Badge recipients; special license plates; fee.—

3389 (1) (a) Each owner or lessee of an automobile or truck for
3390 private use or recreational vehicle as specified in s.
3391 320.08(9)(c) or (d), which is not used for hire or commercial
3392 use, who is a resident of the state and an active or retired
3393 member of the Florida National Guard, a survivor of the attack

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3394 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an
3395 active or retired member of any branch of the United States
3396 Armed Forces Reserve, or a recipient of the Combat Infantry
3397 Badge shall, upon application to the department, accompanied by
3398 proof of active membership or retired status in the Florida
3399 National Guard, proof of membership in the Pearl Harbor
3400 Survivors Association or proof of active military duty in Pearl
3401 Harbor on December 7, 1941, proof of being a Purple Heart medal
3402 recipient, ~~or~~ proof of active or retired membership in any
3403 branch of the Armed Forces Reserve, or proof of membership in
3404 the Combat Infantrymen's Association, Inc., or other proof of
3405 being a recipient of the Combat Infantry Badge, and upon payment
3406 of the license tax for the vehicle as provided in s. 320.08, be
3407 issued a license plate as provided by s. 320.06, upon which, in
3408 lieu of the serial numbers prescribed by s. 320.06, shall be
3409 stamped the words "National Guard," "Pearl Harbor Survivor,"
3410 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry
3411 Badge," as appropriate, followed by the serial number of the
3412 license plate. Additionally, the Purple Heart plate may have the
3413 words "Purple Heart" stamped on the plate and the likeness of
3414 the Purple Heart medal appearing on the plate.

3415 (b) Notwithstanding any other provision of law to the
3416 contrary, beginning with fiscal year 2002-2003 and annually
3417 thereafter, the first \$100,000 in general revenue generated from
3418 the sale of license plates issued under this section shall be
3419 deposited into the Grants and Donations Trust Fund, as described
3420 in s. 296.38(2), to be used for the purposes established by law
3421 for that trust fund. Any additional general revenue generated
3422 from the sale of such plates shall be deposited into the State

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3423 Homes for Veterans Trust Fund and used solely to construct,
3424 operate, and maintain domiciliary and nursing homes for
3425 veterans, subject to the requirements of chapter 216.

3426 (c) Notwithstanding any provisions of law to the contrary,
3427 an applicant for a Pearl Harbor Survivor license plate or a
3428 Purple Heart license plate who also qualifies for a disabled
3429 veteran's license plate under s. 320.084 shall be issued the
3430 appropriate special license plate without payment of the license
3431 tax imposed by s. 320.08.

3432 (2) Each owner or lessee of an automobile or truck for
3433 private use, truck weighing not more than 7,999 pounds, or
3434 recreational vehicle as specified in s. 320.08(9)(c) or (d),
3435 which is not used for hire or commercial use, who is a resident
3436 of the state and who is a former prisoner of war, or their
3437 unremarried surviving spouse, shall, upon application therefor
3438 to the department, be issued a license plate as provided in s.
3439 320.06, on which license plate are stamped the words "Ex-POW"
3440 followed by the serial number. Each application shall be
3441 accompanied by proof that the applicant meets the qualifications
3442 specified in paragraph (a) or paragraph (b).

3443 (a) A citizen of the United States who served as a member
3444 of the Armed Forces of the United States or the armed forces of
3445 a nation allied with the United States who was held as a
3446 prisoner of war at such time as the Armed Forces of the United
3447 States were engaged in combat, or their unremarried surviving
3448 spouse, may be issued the special license plate provided for in
3449 this subsection without payment of the license tax imposed by s.
3450 320.08.

3451 (b) A person who was serving as a civilian with the consent

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3452 of the United States Government, or a person who was a member of
3453 the Armed Forces of the United States who was not a United
3454 States citizen and was held as a prisoner of war when the Armed
3455 Forces of the United States were engaged in combat, or their
3456 unremarried surviving spouse, may be issued the special license
3457 plate provided for in this subsection upon payment of the
3458 license tax imposed by s. 320.08.

3459 (3) Each owner or lessee of an automobile or truck for
3460 private use, truck weighing not more than 7,999 pounds, or
3461 recreational vehicle as specified in s. 320.08(9)(c) or (d),
3462 which is not used for hire or commercial use, who is a resident
3463 of this state and who is the unremarried surviving spouse of a
3464 recipient of the Purple Heart medal shall, upon application
3465 therefor to the department, with the payment of the required
3466 fees, be issued a license plate as provided in s. 320.06, on
3467 which license plate are stamped the words "Purple Heart" and the
3468 likeness of the Purple Heart medal followed by the serial
3469 number. Each application shall be accompanied by proof that the
3470 applicant is the unremarried surviving spouse of a recipient of
3471 the Purple Heart medal.

3472 (4) The owner or lessee of an automobile or truck for
3473 private use, a truck weighing not more than 7,999 pounds, or a
3474 recreational vehicle as specified in s. 320.08(9)(c) or (d)
3475 which automobile, truck, or recreational vehicle is not used for
3476 hire or commercial use who is a resident of the state and a
3477 current or former member of the United States military who was
3478 deployed and served in Iraq during Operation Iraqi Freedom or in
3479 Afghanistan during Operation Enduring Freedom shall, upon
3480 application to the department, accompanied by proof of active

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3481 membership or former active duty status during one of these
3482 operations, and upon payment of the license tax for the vehicle
3483 as provided in s. 320.08, be issued a license plate as provided
3484 by s. 320.06 upon which, in lieu of the registration license
3485 number prescribed by s. 320.06, shall be stamped the words
3486 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as
3487 appropriate, followed by the registration license number of the
3488 plate.

3489 Section 85. Paragraph (a) of subsection (2) of section
3490 318.1451, Florida Statutes, is amended to read:

3491 318.1451 Driver improvement schools.—

3492 (2) (a) In determining whether to approve the courses
3493 referenced in this section, the department shall consider course
3494 content designed to promote safety, driver awareness, crash
3495 avoidance techniques, the dangers of driving while distracted,
3496 which must specifically include the use of technology while
3497 driving, and other factors or criteria to improve driver
3498 performance from a safety viewpoint.

3499 Section 86. Subsection (1) of section 322.095, Florida
3500 Statutes, is amended to read:

3501 322.095 Traffic law and substance abuse education program
3502 for driver's license applicants.—

3503 (1) The Department of Highway Safety and Motor Vehicles
3504 must approve traffic law and substance abuse education courses
3505 that must be completed by applicants for a Florida driver's
3506 license. The curricula for the courses must provide instruction
3507 on the physiological and psychological consequences of the abuse
3508 of alcohol and other drugs, the societal and economic costs of
3509 alcohol and drug abuse, the effects of alcohol and drug abuse on

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3510 the driver of a motor vehicle, the dangers of driving while
3511 distracted, which must specifically include the use of
3512 technology while driving, and the laws of this state relating to
3513 the operation of a motor vehicle. All instructors teaching the
3514 courses shall be certified by the department.

3515 Section 87. Subsection (3) of section 320.27, Florida
3516 Statutes, is amended to read:

3517 320.27 Motor vehicle dealers.—

3518 (3) APPLICATION AND FEE.—The application for the license
3519 shall be in such form as may be prescribed by the department and
3520 shall be subject to such rules with respect thereto as may be so
3521 prescribed by it. Such application shall be verified by oath or
3522 affirmation and shall contain a full statement of the name and
3523 birth date of the person or persons applying therefor; the name
3524 of the firm or copartnership, with the names and places of
3525 residence of all members thereof, if such applicant is a firm or
3526 copartnership; the names and places of residence of the
3527 principal officers, if the applicant is a body corporate or
3528 other artificial body; the name of the state under whose laws
3529 the corporation is organized; the present and former place or
3530 places of residence of the applicant; and prior business in
3531 which the applicant has been engaged and the location thereof.
3532 Such application shall describe the exact location of the place
3533 of business and shall state whether the place of business is
3534 owned by the applicant and when acquired, or, if leased, a true
3535 copy of the lease shall be attached to the application. The
3536 applicant shall certify that the location provides an adequately
3537 equipped office and is not a residence; that the location
3538 affords sufficient unoccupied space upon and within which

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3539 adequately to store all motor vehicles offered and displayed for
3540 sale; and that the location is a suitable place where the
3541 applicant can in good faith carry on such business and keep and
3542 maintain books, records, and files necessary to conduct such
3543 business, which will be available at all reasonable hours to
3544 inspection by the department or any of its inspectors or other
3545 employees. The applicant shall certify that the business of a
3546 motor vehicle dealer is the principal business which shall be
3547 conducted at that location. Such application shall contain a
3548 statement that the applicant is either franchised by a
3549 manufacturer of motor vehicles, in which case the name of each
3550 motor vehicle that the applicant is franchised to sell shall be
3551 included, or an independent (nonfranchised) motor vehicle
3552 dealer. Such application shall contain such other relevant
3553 information as may be required by the department, including
3554 evidence that the applicant is insured under a garage liability
3555 insurance policy or a general liability insurance policy coupled
3556 with a business automobile policy, which shall include, at a
3557 minimum, \$25,000 combined single-limit liability coverage
3558 including bodily injury and property damage protection and
3559 \$10,000 personal injury protection. The requirements for garage
3560 liability insurance and personal injury protection do not apply
3561 to a salvage motor vehicle dealer as defined in s.
3562 320.27(1)(c)5. Franchise dealers must submit a garage liability
3563 insurance policy, and all other dealers must submit a garage
3564 liability insurance policy or a general liability insurance
3565 policy coupled with a business automobile policy. Such policy
3566 shall be for the license period, and evidence of a new or
3567 continued policy shall be delivered to the department at the

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3568 beginning of each license period. Upon making initial
3569 application, the applicant shall pay to the department a fee of
3570 \$300 in addition to any other fees now required by law; upon
3571 making a subsequent renewal application, the applicant shall pay
3572 to the department a fee of \$75 in addition to any other fees now
3573 required by law. Upon making an application for a change of
3574 location, the person shall pay a fee of \$50 in addition to any
3575 other fees now required by law. The department shall, in the
3576 case of every application for initial licensure, verify whether
3577 certain facts set forth in the application are true. Each
3578 applicant, general partner in the case of a partnership, or
3579 corporate officer and director in the case of a corporate
3580 applicant, must file a set of fingerprints with the department
3581 for the purpose of determining any prior criminal record or any
3582 outstanding warrants. The department shall submit the
3583 fingerprints to the Department of Law Enforcement for state
3584 processing and forwarding to the Federal Bureau of Investigation
3585 for federal processing. The actual cost of state and federal
3586 processing shall be borne by the applicant and is in addition to
3587 the fee for licensure. The department may issue a license to an
3588 applicant pending the results of the fingerprint investigation,
3589 which license is fully revocable if the department subsequently
3590 determines that any facts set forth in the application are not
3591 true or correctly represented.

3592 Section 88. Subsection (1) of section 316.6135, Florida
3593 Statutes, is amended to read:

3594 316.6135 Leaving children unattended or unsupervised in
3595 motor vehicles; penalty; authority of law enforcement officer.-

3596 (1) A parent, legal guardian, or other person responsible

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3597 for a child younger than 6 years of age may not leave such child
3598 unattended or unsupervised in a motor vehicle:

3599 (a) For a period in excess of 15 minutes;

3600 (b) For any period of time if the motor of the vehicle is
3601 running, ~~or~~ the health of the child is in danger, or the child
3602 appears to be in distress.

3603 Section 89. (1) This section may be cited as the "Inform
3604 Families First Act."

3605 (2) The Department of Highway Safety and Motor Vehicles is
3606 encouraged to educate the law enforcement community and the
3607 general public about the importance of making certain that
3608 drivers are aware of and use the emergency contact information
3609 program established by the department. The department shall
3610 provide signs for the driver's license offices to advertise the
3611 program. This voluntary program allows each driver the
3612 opportunity to register the names of up to two individuals as
3613 the person he or she would want to be contacted if he or she is
3614 involved in a crash.

3615 Section 90. Subsection (53) of section 320.08058, Florida
3616 Statutes, is amended to read:

3617 320.08058 Specialty license plates.—

3618 (53) SUPPORT SOCCER LICENSE PLATES.—

3619 (a) The department shall develop a Support Soccer license
3620 plate as provided in this section. Support Soccer license plates
3621 must bear the colors and design approved by the department. The
3622 word "Florida" must appear at the top of the plate, and the
3623 words "Support Soccer" must appear at the bottom of the plate.

3624 (b) The annual use fees shall be distributed to the Florida
3625 Lighthouse Soccer Foundation, Inc., which shall retain the

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3626 initial revenues from the sale of such plates until all startup
3627 costs for developing and establishing the plate have been
3628 recovered, not to exceed \$85,000. Thereafter, the proceeds of
3629 the annual use fee shall be used in the following manner:

3630 1. Up to 25 percent of the proceeds may be used by the
3631 Florida Lighthouse Soccer Foundation, Inc., for continuing
3632 promotion and marketing of the license plate and concept.

3633 2. Twenty percent shall be distributed to the Florida Youth
3634 Soccer Association for programs and services that foster the
3635 physical, mental, and emotional growth and development of
3636 Florida's youth through the sport of soccer at all levels of age
3637 and competition, including a portion to be determined by the
3638 Florida Youth Soccer Association for the TOPSoccer program to
3639 promote participation by the physically and mentally
3640 disadvantaged.

3641 3. Twenty percent shall be distributed as grants for
3642 programs that promote participation by the economically
3643 disadvantaged and to support soccer programs where none
3644 previously existed.

3645 4. Ten percent shall be distributed to the Florida State
3646 Soccer Association to promote the sport of soccer and the long-
3647 term development of the sport.

3648 5. Ten percent shall be distributed as grants for programs
3649 that promote and support the construction of fields and soccer-
3650 specific infrastructure.

3651 6. Ten percent shall be distributed as grants for programs
3652 that foster and promote health, physical fitness, and
3653 educational opportunities through soccer.

3654 7. Five percent shall be expended by the Florida Lighthouse

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3655 Soccer Foundation, Inc., for administrative costs directly
3656 associated with the foundation's operations as they relate to
3657 the management and distribution of the proceeds.

3658 Section 91. Except as otherwise expressly provided in this
3659 act, this act shall take effect July 1, 2011.