

1 A bill to be entitled
2 An act relating to the Department of Highway Safety and
3 Motor Vehicles; amending s. 20.24, F.S.; specifying that
4 the executive director of the department serves at the
5 pleasure of the Governor and Cabinet; creating a Division
6 of Motorist Services within the department; eliminating
7 the Division of Driver Licenses and the Division of Motor
8 Vehicles; amending s. 261.03, F.S.; conforming cross-
9 references; amending s. 288.816, F.S., relating to Consul
10 Corps license plates; conforming a reference; amending s.
11 311.121, F.S., relating to membership of the Seaport
12 Security Officer Qualification, Training, and Standards
13 Coordinating Council; conforming provisions to changes
14 made by the act; reenacting s. 316.065(4), F.S., relating
15 to crash reports, to incorporate changes made to s.
16 316.066, F.S., by chapter 2010-163, Laws of Florida;
17 amending s. 316.1933, F.S.; authorizing a health care
18 provider to notify a law enforcement agency after
19 detecting the presence of a controlled substance in the
20 blood of a person injured in a motor vehicle crash;
21 amending s. 316.1957, F.S., relating to parking
22 violations; conforming a reference; amending s. 316.2085,
23 F.S.; requiring the license tag of a motorcycle or moped
24 to remain clearly visible from the rear; prohibiting
25 deliberate acts to conceal or obscure the tag; amending
26 ss. 316.2122, 316.2124, 316.21265, 316.3026, and 316.550,
27 F.S., relating to the operation of low-speed vehicles,
28 motorized disability access vehicles, and all-terrain or

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

57 | dealer submission requirements; requiring a dealer selling
58 | a vehicle out of state to mail a copy of the power of
59 | attorney form to the department; providing for the
60 | electronic transfer of a vehicle title; amending s.
61 | 319.28, F.S.; eliminating certain requirements that a
62 | lienholder obtain a certificate of repossession following
63 | repossession of a vehicle or mobile home; amending s.
64 | 319.323, F.S., relating to title offices for expedited
65 | service; conforming provisions to changes made by the act;
66 | amending s. 319.40, F.S.; authorizing the department to
67 | issue electronic certificates of title and use electronic
68 | mail addresses for purposes of notification; amending s.
69 | 320.01, F.S.; deleting an obsolete definition; revising
70 | the gross vehicle weight for purposes of defining the
71 | terms "apportionable vehicle" and "commercial motor
72 | vehicle"; amending s. 320.02, F.S.; providing that an
73 | active-duty military member is exempt from the requirement
74 | to provide an address on an application for vehicle
75 | registration; requiring that a Florida driver's license or
76 | identification card be changed following a change of
77 | residence or mailing address before the vehicle
78 | registration is changed; requiring that the department
79 | retain certain records for a specified period; amending s.
80 | 320.023, F.S.; authorizing the department to retain
81 | certain proceeds derived from the voluntary contributions
82 | program to cover certain specified costs to the
83 | department; amending s. 320.03, F.S., relating to the
84 | International Registration Plan; conforming provisions to

HB 1353

2011

85 | changes made by the act; amending s. 320.05, F.S.;

86 | deleting a provision requiring that the department provide

87 | a procedures manual for a fee; clarifying that the

88 | creation and maintenance of records by the Division of

89 | Motorist Services is not a law enforcement function of

90 | agency recordkeeping; amending s. 320.06, F.S.;

91 | authorizing the department to conduct a pilot program to

92 | evaluate alternative license plate technologies for use on

93 | government-owned motor vehicles; exempting plates in the

94 | pilot program from specified license plate design and

95 | construction requirements; specifying that all license

96 | plates issued by the department are the property of the

97 | state; amending s. 320.061, F.S.; providing that it is a

98 | noncriminal traffic infraction to alter a temporary

99 | license plate; amending s. 320.071, F.S.; providing for

100 | the renewal of registration for an apportionable vehicle

101 | that is registered under the International Registration

102 | Plan; amending s. 320.0715, F.S.; clarifying provisions

103 | requiring the registration of apportionable vehicles under

104 | the International Registration Plan; amending s. 320.08,

105 | F.S., relating to license taxes; conforming cross-

106 | references; amending s. 320.0847, F.S., relating to

107 | license plates for mini trucks and low-speed vehicles;

108 | conforming cross-references; amending s. 320.0848, F.S.;

109 | revising the requirements for the deposit of fee proceeds

110 | from temporary disabled parking permits; amending s.

111 | 320.275, F.S., relating to the Automobile Dealers Industry

112 | Advisory Board; conforming provisions to the elimination

113 of the Division of Motor Vehicles within the department;
114 amending s. 320.95, F.S.; authorizing the department to
115 use electronic mail addresses for the purpose of providing
116 license renewal notices; amending s. 321.02, F.S.;

117 designating the director of the Division of Highway Patrol
118 of the department as the Colonel of the Florida Highway
119 Patrol; amending s. 322.02, F.S.; providing for a director
120 of the Division of Motorist Services; amending s. 322.04,
121 F.S.; revising provisions exempting a nonresident from the
122 requirement to obtain a driver's license under certain
123 circumstances; amending s. 322.051, F.S.; revising
124 requirements by which an applicant for an identification
125 card may prove nonimmigrant classification; clarifying the
126 validity of an identification card based on specified
127 documents; amending s. 322.065, F.S.; revising the period
128 of expiration that constitutes the offense of driving with
129 an expired driver's license; amending s. 322.07, F.S.;

130 revising qualifications for obtaining a temporary
131 commercial instruction permit; amending s. 322.08, F.S.;

132 revising requirements by which an applicant for a driver's
133 license may prove nonimmigrant classification; clarifying
134 the validity of a license based on specified documents;

135 authorizing the department to use electronic mail
136 addresses for the purposes of providing license renewal
137 notices; amending s. 322.081, F.S.; authorizing the
138 department to retain certain proceeds derived from the
139 voluntary contributions made on driver's license
140 applications to cover certain specified costs to the

141 department; amending s. 322.12, F.S.; deleting provisions
142 requiring a separate examination for applicants for a
143 license to operate a motorcycle; requiring that the
144 motorcycle safety course for a first-time applicant
145 include a final examination; requiring that completion of
146 the course be indicated on the license; amending s.
147 322.121, F.S.; clarifying provisions authorizing the
148 automatic extension of a license for members of the Armed
149 Forces or their dependents while serving on active duty
150 outside the state; amending s. 322.14, F.S.; deleting a
151 requirement that applicants for specified licenses appear
152 in person for issuance of a color photographic or digital
153 imaged driver's license; providing for the department to
154 suspend a person's driver's license for violating certain
155 restrictions on his or her authorization to drive;
156 amending s. 322.20, F.S., relating to department records;
157 conforming provisions to changes made by the act; amending
158 s. 322.202, F.S.; clarifying that the Division of Motorist
159 Services is not a law enforcement agency; amending s.
160 322.21, F.S.; conforming provisions to changes made by the
161 act; authorizing a driver to renew his or her driver's
162 license during a specified period before the license
163 expiration date; amending s. 322.22, F.S.; clarifying
164 provisions authorizing the department to cancel a driver's
165 license; authorizing the department to cancel a license
166 upon determining that the licensee is not entitled to the
167 license; amending s. 322.53, F.S.; revising provisions
168 exempting certain farmers and drivers who operate straight

169 trucks from the requirement to obtain a commercial
170 driver's license; amending s. 322.54, F.S.; requiring that
171 the weight of a commercial motor vehicle be based on the
172 vehicle's actual weight under certain circumstances;
173 repealing s. 322.58, F.S., relating to holders of
174 chauffeur's licenses; amending s. 322.59, F.S.; requiring
175 that the department disqualify a driver holding a
176 commercial driver's license who fails to comply with
177 specified federal certification requirements; amending s.
178 322.61, F.S.; providing that the holder of a commercial
179 driver's license is permanently disqualified from
180 operating a commercial motor vehicle following two
181 violations of specified offenses committed while operating
182 any vehicle; amending s. 322.64, F.S.; providing that a
183 notice of disqualification from operating a commercial
184 motor vehicle acts as a conviction for purposes of certain
185 federal restrictions imposed for the offense of operating
186 a commercial motor vehicle while under the influence of
187 alcohol; deleting provisions authorizing the department to
188 impose certain alternative restrictions for such offense;
189 amending s. 328.30, F.S.; authorizing the department to
190 issue electronic certificates of title for vessels and use
191 electronic mail addresses for purposes of providing
192 renewal notices; amending s. 413.012, F.S., relating to a
193 prohibition on disclosing confidential records held by the
194 department; conforming provisions to changes made by the
195 act; providing effective dates.

196

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

198
 199 Section 1. Section 20.24, Florida Statutes, is amended to
 200 read:

201 20.24 Department of Highway Safety and Motor Vehicles.—
 202 There is created a Department of Highway Safety and Motor
 203 Vehicles.

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

210 (2) The following divisions, ~~and bureaus within the~~
 211 ~~divisions,~~ of the Department of Highway Safety and Motor
 212 Vehicles are established:

213 (a) Division of the Florida Highway Patrol.

214 (b) Division of Motorist Services.

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

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

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

219 261.03 Definitions.—As used in this chapter, the term:

220 (9) "ROV" means any motorized recreational off-highway
 221 vehicle 64 inches or less in width, having a dry weight of 2,000
 222 pounds or less, designed to travel on four or more nonhighway
 223 tires, having nonstraddle seating and a steering wheel, and
 224 manufactured for recreational use by one or more persons. The

225 term "ROV" does not include a golf cart as defined in ss.
 226 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
 227 s. 320.01~~(42)~~.

228 Section 3. Paragraph (e) of subsection (2) of section
 229 288.816, Florida Statutes, is amended to read:

230 288.816 Intergovernmental relations.—

231 (2) The Office of Tourism, Trade, and Economic Development
 232 shall be responsible for all consular relations between the
 233 state and all foreign governments doing business in Florida. The
 234 office shall monitor United States laws and directives to ensure
 235 that all federal treaties regarding foreign privileges and
 236 immunities are properly observed. The office shall promulgate
 237 rules which shall:

238 (e) Verify entitlement to issuance of special motor
 239 vehicle license plates by ~~the Division of Motor Vehicles~~ of the
 240 Department of Highway Safety and Motor Vehicles to honorary
 241 consuls or such other officials representing foreign governments
 242 who are not entitled to issuance of special Consul Corps license
 243 plates by the United States Government.

244 Section 4. Paragraph (a) of subsection (3) of section
 245 311.121, Florida Statutes, is amended to read:

246 311.121 Qualifications, training, and certification of
 247 licensed security officers at Florida seaports.—

248 (3) The Seaport Security Officer Qualification, Training,
 249 and Standards Coordinating Council is created under the
 250 Department of Law Enforcement.

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

HB 1353

2011

- 253 1. The seaport administrator of the Department of Law
 254 Enforcement.
- 255 2. The Commissioner of Education or his or her designee.
- 256 3. The director of the Division of Licensing of the
 257 Department of Agriculture and Consumer Services.
- 258 4. The administrator of the Florida Seaport Transportation
 259 and Economic Development Council.
- 260 5. Two seaport security directors from seaports designated
 261 under s. 311.09.
- 262 6. One director of a state law enforcement academy.
- 263 7. One representative of a local law enforcement agency.
- 264 8. Two representatives of contract security services.
- 265 9. One representative of ~~the Division of Driver Licenses~~
 266 ~~of~~ the Department of Highway Safety and Motor Vehicles.
- 267 Section 5. For the purpose of incorporating the amendment
 268 made by chapter 2010-163, Laws of Florida, to section 316.066,
 269 Florida Statutes, in a reference thereto, subsection (4) of
 270 section 316.065, Florida Statutes, is reenacted retroactive to
 271 July 1, 2010, to read:
- 272 316.065 Crashes; reports; penalties.—
- 273 (4) Any person who knowingly repairs a motor vehicle
 274 without having made a report as required by subsection (3) is
 275 guilty of a misdemeanor of the first degree, punishable as
 276 provided in s. 775.082 or s. 775.083. The owner and driver of a
 277 vehicle involved in a crash who makes a report thereof in
 278 accordance with subsection (1) or s. 316.066(1) is not liable
 279 under this section.
- 280 Section 6. Subsection (1) of section 316.066, Florida

HB 1353

2011

281 Statutes, as amended by chapter 2010-163, Laws of Florida,
 282 reads:

283 316.066 Written reports of crashes.—

284 (1) (a) A Florida Traffic Crash Report, Long Form is
 285 required to be completed and submitted to the department within
 286 10 days after completing an investigation by every law
 287 enforcement officer who in the regular course of duty
 288 investigates a motor vehicle crash:

289 1. That resulted in death or personal injury.

290 2. That involved a violation of s. 316.061(1) or s.
 291 316.193.

292 3. In which a vehicle was rendered inoperative to a degree
 293 that required a wrecker to remove it from traffic, if such
 294 action is appropriate, in the officer's discretion.

295 (b) In every crash for which a Florida Traffic Crash
 296 Report, Long Form is not required by this section, the law
 297 enforcement officer may complete a short-form crash report or
 298 provide a short-form crash report to be completed by each party
 299 involved in the crash. The short-form report must include:

300 1. The date, time, and location of the crash.

301 2. A description of the vehicles involved.

302 3. The names and addresses of the parties involved.

303 4. The names and addresses of witnesses.

304 5. The name, badge number, and law enforcement agency of
 305 the officer investigating the crash.

306 6. The names of the insurance companies for the respective
 307 parties involved in the crash.

308 (c) Each party to the crash shall provide the law

HB 1353

2011

309 enforcement officer with proof of insurance to be included in
310 the crash report. If a law enforcement officer submits a report
311 on the accident, proof of insurance must be provided to the
312 officer by each party involved in the crash. Any party who fails
313 to provide the required information commits a noncriminal
314 traffic infraction, punishable as a nonmoving violation as
315 provided in chapter 318, unless the officer determines that due
316 to injuries or other special circumstances such insurance
317 information cannot be provided immediately. If the person
318 provides the law enforcement agency, within 24 hours after the
319 crash, proof of insurance that was valid at the time of the
320 crash, the law enforcement agency may void the citation.

321 (d) The driver of a vehicle that was in any manner
322 involved in a crash resulting in damage to any vehicle or other
323 property in an amount of \$500 or more, which crash was not
324 investigated by a law enforcement agency, shall, within 10 days
325 after the crash, submit a written report of the crash to the
326 department or traffic records center. The entity receiving the
327 report may require witnesses of crashes to render reports and
328 may require any driver of a vehicle involved in a crash of which
329 a written report must be made as provided in this section to
330 file supplemental written reports whenever the original report
331 is deemed insufficient by the receiving entity.

332 (e) Short-form crash reports prepared by law enforcement
333 shall be maintained by the law enforcement officer's agency.

334 Section 7. Paragraph (a) of subsection (2) of section
335 316.1933, Florida Statutes, is amended to read:

336 316.1933 Blood test for impairment or intoxication in

HB 1353

2011

337 cases of death or serious bodily injury; right to use reasonable
338 force.—

339 (2) (a) Only a physician, certified paramedic, registered
340 nurse, licensed practical nurse, other personnel authorized by a
341 hospital to draw blood, or duly licensed clinical laboratory
342 director, supervisor, technologist, or technician, acting at the
343 request of a law enforcement officer, may withdraw blood for the
344 purpose of determining the alcoholic content thereof or the
345 presence of chemical substances or controlled substances
346 therein. However, the failure of a law enforcement officer to
347 request the withdrawal of blood shall not affect the
348 admissibility of a test of blood withdrawn for medical purposes.

349 1. Notwithstanding any provision of law pertaining to the
350 confidentiality of hospital records or other medical records, if
351 a health care provider, who is providing medical care in a
352 health care facility to a person injured in a motor vehicle
353 crash, becomes aware, as a result of any blood test performed in
354 the course of that medical treatment, that the person's blood-
355 alcohol level meets or exceeds the blood-alcohol level specified
356 in s. 316.193(1)(b), or detects the presence of a controlled
357 substance listed in chapter 893, the health care provider may
358 notify any law enforcement officer or law enforcement agency.
359 Any such notice must be given within a reasonable time after the
360 health care provider receives the test result. Any such notice
361 shall be used only for the purpose of providing the law
362 enforcement officer with reasonable cause to request the
363 withdrawal of a blood sample pursuant to this section.

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

365 being treated, the name of the person who drew the blood, the
 366 blood-alcohol level indicated by the test, and the date and time
 367 of the administration of the test.

368 3. Nothing contained in s. 395.3025(4), s. 456.057, or any
 369 applicable practice act affects the authority to provide notice
 370 under this section, and the health care provider is not
 371 considered to have breached any duty owed to the person under s.
 372 395.3025(4), s. 456.057, or any applicable practice act by
 373 providing notice or failing to provide notice. It shall not be a
 374 breach of any ethical, moral, or legal duty for a health care
 375 provider to provide notice or fail to provide notice.

376 4. A civil, criminal, or administrative action may not be
 377 brought against any person or health care provider participating
 378 in good faith in the provision of notice or failure to provide
 379 notice as provided in this section. Any person or health care
 380 provider participating in the provision of notice or failure to
 381 provide notice as provided in this section shall be immune from
 382 any civil or criminal liability and from any professional
 383 disciplinary action with respect to the provision of notice or
 384 failure to provide notice under this section. Any such
 385 participant has the same immunity with respect to participating
 386 in any judicial proceedings resulting from the notice or failure
 387 to provide notice.

388 Section 8. Section 316.1957, Florida Statutes, is amended
 389 to read:

390 316.1957 Parking violations; designated parking spaces for
 391 persons who have disabilities.—When evidence is presented in any
 392 court of the fact that any motor vehicle was parked in a

HB 1353

2011

393 properly designated parking space for persons who have
 394 disabilities in violation of s. 316.1955, it is prima facie
 395 evidence that the vehicle was parked and left in the space by
 396 the person, firm, or corporation in whose name the vehicle is
 397 registered and licensed according to the records of the
 398 department ~~Division of Motor Vehieles.~~

399 Section 9. Subsection (3) of section 316.2085, Florida
 400 Statutes, is amended to read:

401 316.2085 Riding on motorcycles or mopeds.—

402 (3) The license tag of a motorcycle or moped must be
 403 permanently affixed to the vehicle and remain clearly visible
 404 from the rear at all times ~~may not be adjusted or capable of~~
 405 ~~being flipped up. Any deliberate act to conceal or obscure No~~
 406 ~~device for or method of concealing or obscuring~~ the legibility
 407 of the license tag of a motorcycle is prohibited ~~shall be~~
 408 ~~installed or used.~~ The license tag of a motorcycle or moped may
 409 be affixed horizontally to the ground so that the numbers and
 410 letters read from left to right. Alternatively, a license tag
 411 for a motorcycle or moped for which the numbers and letters read
 412 from top to bottom may be affixed perpendicularly to the ground,
 413 provided that the registered owner of the motorcycle or moped
 414 maintains a prepaid toll account in good standing and a
 415 transponder associated with the prepaid toll account is affixed
 416 to the motorcycle or moped.

417 Section 10. Section 316.2122, Florida Statutes, is amended
 418 to read:

419 316.2122 Operation of a low-speed vehicle or mini truck on
 420 certain roadways.—The operation of a low-speed vehicle as

HB 1353

2011

421 defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
 422 320.01~~(45)~~ on any road as defined in s. 334.03(15) or (33) is
 423 authorized with the following restrictions:

424 (1) A low-speed vehicle or mini truck may be operated only
 425 on streets where the posted speed limit is 35 miles per hour or
 426 less. This does not prohibit a low-speed vehicle or mini truck
 427 from crossing a road or street at an intersection where the road
 428 or street has a posted speed limit of more than 35 miles per
 429 hour.

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

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

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

439 (5) A county or municipality may prohibit the operation of
 440 low-speed vehicles or mini trucks on any road under its
 441 jurisdiction if the governing body of the county or municipality
 442 determines that such prohibition is necessary in the interest of
 443 safety.

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

448 Section 11. Section 316.2124, Florida Statutes, is amended

HB 1353

2011

449 to read:

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

464 Section 12. Subsection (1) of section 316.21265, Florida
465 Statutes, is amended to read:

466 316.21265 Use of all-terrain vehicles, golf carts, low-
467 speed vehicles, or utility vehicles by law enforcement
468 agencies.—

469 (1) Notwithstanding any provision of law to the contrary,
470 any law enforcement agency in this state may operate all-terrain
471 vehicles as defined in s. 316.2074, golf carts as defined in s.
472 320.01~~(22)~~, low-speed vehicles as defined in s. 320.01~~(42)~~, or
473 utility vehicles as defined in s. 320.01~~(43)~~ on any street,
474 road, or highway in this state while carrying out its official
475 duties.

476 Section 13. Subsection (1) of section 316.3026, Florida

HB 1353

2011

477 Statutes, is amended to read:

478 316.3026 Unlawful operation of motor carriers.—

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

496 Section 14. Subsection (3) of section 316.545, Florida
 497 Statutes, is amended to read:

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

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

504 (a) When the excess weight is 200 pounds or less than the

505 maximum herein provided, the penalty shall be \$10;

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

512 (c) For a vehicle equipped with fully functional idle-
 513 reduction technology, any penalty shall be calculated by
 514 reducing the actual gross vehicle weight or the internal bridge
 515 weight by the certified weight of the idle-reduction technology
 516 or by 400 pounds, whichever is less. The vehicle operator must
 517 present written certification of the weight of the idle-
 518 reduction technology and must demonstrate or certify that the
 519 idle-reduction technology is fully functional at all times. This
 520 calculation is not allowed for vehicles described in s.
 521 316.535(6);

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

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

530 Section 15. Paragraph (a) of subsection (5) and subsection
 531 (10) of section 316.550, Florida Statutes, are amended to read:
 532 316.550 Operations not in conformity with law; special

533 permits.—

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

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

546 (a) For violation of weight criteria contained in a
 547 special permit, the penalty per pound or portion thereof
 548 exceeding the permitted weight shall be as provided in s.
 549 316.545.

550 (b) For each violation of dimensional criteria in a
 551 special permit, the penalty shall be as provided in s. 316.516
 552 and penalties for multiple violations of dimensional criteria
 553 shall be cumulative except that the total penalty for the
 554 vehicle shall not exceed \$1,000.

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

561 (d) For violation of any special condition that has been
 562 prescribed in the rules of the Department of Transportation and
 563 declared on the permit, the vehicle shall be determined to be
 564 out of conformance with the permit and the permit shall be
 565 declared null and void for the vehicle, and weight and
 566 dimensional limits for the vehicle shall be as established in s.
 567 316.515 or s. 316.535, whichever is applicable, and:

568 1. For weight violations, a penalty as provided in s.
 569 316.545 shall be assessed for those weights which exceed the
 570 limits thus established for the vehicle; and

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

576 Section 16. Subsection (3) of section 316.646, Florida
 577 Statutes, is amended to read:

578 316.646 Security required; proof of security and display
 579 thereof; dismissal of cases.-

580 (3) Any person who violates this section commits a
 581 nonmoving traffic infraction subject to the penalty provided in
 582 chapter 318 and shall be required to furnish proof of security
 583 as provided in this section. If any person charged with a
 584 violation of this section fails to furnish proof at or before
 585 the scheduled court appearance date that security was in effect
 586 at the time of the violation, the court shall, upon conviction,
 587 notify the department to suspend the motor vehicle registrations
 588 ~~registration~~ and driver's license of such person. If the court

HB 1353

2011

589 fails to order the suspension of the person's motor vehicle
 590 registrations ~~registration~~ and driver's license for a conviction
 591 of this section at the time of sentencing, the department shall,
 592 upon receiving notice of the conviction from the court, and for
 593 all motor vehicle owners charged with operating a vehicle as
 594 defined in s. 627.732(3)(a), suspend the person's motor vehicle
 595 registrations ~~registration~~ and driver's license for the
 596 violation of this section. Such license and registrations
 597 ~~registration~~ may be reinstated only as provided in s. 324.0221.

598 Section 17. Subsection (9) of section 317.0003, Florida
 599 Statutes, is amended to read:

600 317.0003 Definitions.—As used in this chapter, the term:

601 (9) "ROV" means any motorized recreational off-highway
 602 vehicle 64 inches or less in width, having a dry weight of 2,000
 603 pounds or less, designed to travel on four or more nonhighway
 604 tires, having nonstraddle seating and a steering wheel, and
 605 manufactured for recreational use by one or more persons. The
 606 term "ROV" does not include a golf cart as defined in ss.
 607 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
 608 s. 320.01~~(42)~~.

609 Section 18. Section 317.0016, Florida Statutes, is amended
 610 to read:

611 317.0016 Expedited service; applications; fees.—The
 612 department shall provide, through its agents and for use by the
 613 public, expedited service on title transfers, title issuances,
 614 duplicate titles, and recordation of liens, ~~and certificates of~~
 615 ~~repossession~~. A fee of \$7 shall be charged for this service,
 616 which is in addition to the fees imposed by ss. 317.0007 and

617 317.0008, and \$3.50 of this fee shall be retained by the
 618 processing agency. All remaining fees shall be deposited in the
 619 Incidental Trust Fund of the Division of Forestry of the
 620 Department of Agriculture and Consumer Services. Application for
 621 expedited service may be made by mail or in person. The
 622 department shall issue each title applied for pursuant to this
 623 section within 5 working days after receipt of the application
 624 except for an application for a duplicate title certificate
 625 covered by s. 317.0008(3), in which case the title must be
 626 issued within 5 working days after compliance with the
 627 department's verification requirements.

628 Section 19. Subsection (9) and paragraph (a) of subsection
 629 (10) of section 318.14, Florida Statutes, are amended to read:

630 318.14 Noncriminal traffic infractions; exception;
 631 procedures.—

632 (9) Any person who does not hold a commercial driver's
 633 license and who is cited while driving a noncommercial motor
 634 vehicle for an infraction under this section other than a
 635 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the
 636 driver exceeds the posted limit by 30 miles per hour or more, s.
 637 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s.
 638 322.61, or s. 322.62 may, in lieu of a court appearance, elect
 639 to attend in the location of his or her choice within this state
 640 a basic driver improvement course approved by the Department of
 641 Highway Safety and Motor Vehicles. In such a case, adjudication
 642 must be withheld and points, as provided by s. 322.27, may not
 643 be assessed. However, a person may not make an election under
 644 this subsection if the person has made an election under this

HB 1353

2011

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

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

668 1. Operating a motor vehicle without a valid driver's
669 license in violation of the provisions of s. 322.03, s. 322.065,
670 or s. 322.15(1), or operating a motor vehicle with a license
671 that has been suspended for failure to appear, failure to pay
672 civil penalty, or failure to attend a driver improvement course

673 pursuant to s. 322.291.

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

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

677 4. Operating a motor vehicle with a license that has been
678 suspended under s. 61.13016 or s. 322.245 for failure to pay
679 child support or for failure to pay any other financial
680 obligation as provided in s. 322.245; however, this subparagraph
681 does not apply if the license has been suspended pursuant to s.
682 322.245(1).

683 5. Operating a motor vehicle with a license that has been
684 suspended under s. 322.091 for failure to meet school attendance
685 requirements.

686 Section 20. Paragraph (a) of subsection (1) of section
687 318.15, Florida Statutes, is amended to read:

688 318.15 Failure to comply with civil penalty or to appear;
689 penalty.—

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

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

708 Section 21. Section 319.14, Florida Statutes, is amended
 709 to read:

710 319.14 Sale of motor vehicles registered or used as
 711 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,
 712 ~~and nonconforming vehicles,~~ custom vehicles, or street rod
 713 vehicles.—

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

HB 1353

2011

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

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

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

756 1. "Police vehicle" means a motor vehicle owned or leased

HB 1353

2011

757 by the state or a county or municipality and used in law
758 enforcement.

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

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

766 c. "Lease vehicle" includes both short-term-lease vehicles
767 and long-term-lease vehicles.

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

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

776 5. "Kit car" means a motor vehicle assembled with a kit
777 supplied by a manufacturer to rebuild a wrecked or outdated
778 motor vehicle with a new body kit.

779 6. "Glider kit" means a vehicle assembled with a kit
780 supplied by a manufacturer to rebuild a wrecked or outdated
781 truck or truck tractor.

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

784 8. "Flood vehicle" means a motor vehicle or mobile home

785 that has been declared to be a total loss pursuant to s.
 786 319.30(3)(a) resulting from damage caused by water.

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

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

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

797 a. Is 25 years of age or older and of a model year after
 798 1948, or was manufactured to resemble a vehicle that is 25 years
 799 of age or older and of a model year after 1948; and

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

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

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

808 a. Is a model year of 1948 or older or was manufactured
 809 after 1948 to resemble a vehicle of a model year of 1948 or
 810 older; and

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

HB 1353

2011

813
814 The model year and year of manufacture which the body of a
815 street rod resembles is the model year and year of manufacture
816 listed on the certificate of title, regardless of when the
817 vehicle was actually manufactured.

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

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

841 punishable as provided in s. 775.082 or s. 775.083.

842 (4) If ~~When~~ a certificate of title, including a foreign
 843 certificate, is branded to reflect a condition or prior use of
 844 the titled vehicle, the brand must be noted on the registration
 845 certificate of the vehicle and such brand shall be carried
 846 forward on all subsequent certificates of title and registration
 847 certificates issued for the life of the vehicle.

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

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

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

864 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in
 865 any civil action arising out of a violation of this section if
 866 the designation of the previous use or condition of the motor
 867 vehicle is not noted on the certificate of title and
 868 registration certificate of the vehicle which was received by,

HB 1353

2011

869 or delivered to, such person, unless the ~~such~~ person has
 870 actively concealed the prior use or condition of the vehicle
 871 from the purchaser.

872 (9) Subsections (1), (2), and (3) do not apply to the
 873 transfer of ownership of a motor vehicle after the motor vehicle
 874 has ceased to be used as a lease vehicle and the ownership has
 875 been transferred to an owner for private use or to the transfer
 876 of ownership of a nonconforming vehicle with 36,000 or more
 877 miles on its odometer, or 34 months whichever is later and the
 878 ownership has been transferred to an owner for private use. Such
 879 owner, as shown on the title certificate, may request the
 880 department to issue a corrected certificate of title that does
 881 not contain the statement of the previous use of the vehicle as
 882 a lease vehicle or condition as a nonconforming vehicle.

883 Section 22. Section 319.225, Florida Statutes, is amended
 884 to read:

885 319.225 Transfer and reassignment forms; odometer
 886 disclosure statements.—

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

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

896 (3) Each certificate of title issued by the department

HB 1353

2011

897 | must contain ~~on its reverse side~~ as many forms as space allows
898 | for reassignment of title by a licensed dealer as permitted by
899 | s. 319.21(3), which form or forms shall contain an odometer
900 | disclosure statement in the form required by 49 C.F.R. s. 580.5.
901 | When all dealer reassignment forms ~~provided on the back of the~~
902 | ~~title certificate~~ have been filled in, a dealer may reassign the
903 | title certificate by using a separate dealer reassignment form
904 | issued by the department in compliance with 49 C.F.R. ss. 580.4
905 | and 580.5, which form shall contain an original, ~~two carbon~~
906 | ~~copies one of~~ which shall be submitted ~~directly~~ to the
907 | department by the dealer ~~within 5 business days after the~~
908 | ~~transfer~~ and a copy, ~~one of~~ which shall be retained by the
909 | dealer in his or her records for 5 years. The provisions of this
910 | subsection ~~shall~~ also apply to vehicles not previously titled in
911 | this state and vehicles whose title certificates do not contain
912 | the forms required by this section.

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

HB 1353

2011

925 subsection commits ~~is guilty of~~ a misdemeanor of the second
926 degree, punishable as provided in s. 775.082 or s. 775.083. The
927 department may not issue a certificate of title unless this
928 subsection has been complied with.

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

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

HB 1353

2011

953 transferor's title certificate; otherwise, a dealer may reassign
954 the title certificate by using the dealer reassignment form in
955 the manner prescribed in subsection (3), and, at the time of
956 physical transfer of the vehicle, the original power of attorney
957 shall be delivered to the person designated as the transferee of
958 the dealer on the dealer reassignment form. ~~A copy of the~~
959 ~~executed power of attorney shall be submitted to the department~~
960 ~~with a copy of the executed dealer reassignment form within 5~~
961 ~~business days after the certificate of title and dealer~~
962 ~~reassignment form are delivered by the dealer to its transferee.~~

963 (b) If the certificate of title is lost or otherwise
964 unavailable, the transferor may give a power of attorney to his
965 or her transferee for the purpose of odometer disclosure. The
966 power of attorney must be on a form issued or authorized by the
967 department, which form must be in compliance with 49 C.F.R. ss.
968 580.4 and 580.13. The department shall not require the signature
969 of the transferor to be notarized on the form; however, in lieu
970 of notarization, the form shall include an affidavit with the
971 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
972 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
973 ARE TRUE. The transferee shall sign the power of attorney form,
974 print his or her name, and return a copy of the power of
975 attorney form to the transferor. Upon receipt of the title
976 certificate or a duplicate title certificate, the transferee
977 shall complete the space for mileage disclosure on the title
978 certificate exactly as the mileage was disclosed by the
979 transferor on the power of attorney form. If the transferee is a
980 licensed motor vehicle dealer who is transferring the vehicle to

981 a retail purchaser, the dealer shall make application on behalf
 982 of the retail purchaser as provided in s. 319.23(6) and shall
 983 submit the original power of attorney form to the department
 984 with the application for title and the transferor's title
 985 certificate or duplicate title certificate; otherwise, a dealer
 986 may reassign the title certificate by using the dealer
 987 reassignment form in the manner prescribed in subsection (3),
 988 and, at the time of physical transfer of the vehicle, the
 989 original power of attorney shall be delivered to the person
 990 designated as the transferee of the dealer on the dealer
 991 reassignment form. If the dealer sells the vehicle to an out-of-
 992 state resident or an out-of-state dealer and the power of
 993 attorney form is applicable to the transaction, the dealer must
 994 photocopy the completed original of the form and mail it
 995 directly to the department within 5 business days after the
 996 certificate of title and dealer reassignment form are delivered
 997 by the dealer to the purchaser. A copy of the executed power of
 998 attorney shall be submitted to the department with a copy of the
 999 executed dealer reassignment form within 5 business days after
 1000 the duplicate certificate of title and dealer reassignment form
 1001 are delivered by the dealer to its transferee.

1002 (c) If the mechanics of the transfer of title to a motor
 1003 vehicle in accordance with the provisions of paragraph (a) or
 1004 paragraph (b) are determined to be incompatible with and
 1005 unlawful under the provisions of 49 C.F.R. part 580, the
 1006 transfer of title to a motor vehicle by operation of this
 1007 subsection can be effected in any manner not inconsistent with
 1008 49 C.F.R. part 580 and Florida law; provided, any power of

HB 1353

2011

1009 attorney form issued or authorized by the department under this
 1010 subsection shall contain an original, ~~two carbon copies~~, one of
 1011 which shall be submitted ~~directly~~ to the department by the
 1012 dealer ~~within 5 business days of use by the dealer~~ to effect
 1013 transfer of a title certificate as provided in paragraphs (a)
 1014 and (b) and a copy, ~~one of~~ which shall be retained by the dealer
 1015 in its records for 5 years.

1016 (d) Any person who fails to complete the information
 1017 required by this subsection or to file with the department the
 1018 forms required by this subsection commits ~~is guilty of~~ a
 1019 misdemeanor of the second degree, punishable as provided in s.
 1020 775.082 or s. 775.083. The department shall not issue a
 1021 certificate of title unless this subsection has been complied
 1022 with.

1023 (7) Subject to approval by the National Highway Traffic
 1024 Safety Administration or any other applicable authority, if a
 1025 title is held electronically and the transferee agrees to
 1026 maintain the title electronically, the transferor and transferee
 1027 shall complete a secure reassignment document that discloses the
 1028 odometer reading and is signed by both the transferor and
 1029 transferee at the tax collector's office or license plate
 1030 agency. A dealer acquiring a motor vehicle that has an
 1031 electronic title shall use a secure reassignment document signed
 1032 by the person from whom the dealer acquired the motor vehicle.
 1033 Upon transferring the motor vehicle to a purchaser, a separate
 1034 reassignment document shall be executed.

1035 (8) ~~(7)~~ Each certificate of title issued by the department
 1036 must contain ~~on its reverse side~~ a minimum of three ~~four~~ spaces

HB 1353

2011

1037 for notation of the name and license number of any auction
 1038 through which the vehicle is sold and the date the vehicle was
 1039 auctioned. Each separate dealer reassignment form issued by the
 1040 department must also have the space referred to in this section.
 1041 When a transfer of title is made at a motor vehicle auction, the
 1042 reassignment must note the name and address of the auction, but
 1043 the auction shall not thereby be deemed to be the owner, seller,
 1044 transferor, or assignor of title. A motor vehicle auction is
 1045 required to execute a dealer reassignment only when it is the
 1046 owner of a vehicle being sold.

1047 (9) ~~(8)~~ Upon transfer or reassignment of a used motor
 1048 vehicle through the services of an auction, the auction shall
 1049 complete the information in the space provided for by subsection
 1050 (8) ~~(7)~~. Any person who fails to complete the information as
 1051 required by this subsection commits ~~is guilty of~~ a misdemeanor
 1052 of the second degree, punishable as provided in s. 775.082 or s.
 1053 775.083. The department shall not issue a certificate of title
 1054 unless this subsection has been complied with.

1055 (10) ~~(9)~~ This section shall be construed to conform to 49
 1056 C.F.R. part 580.

1057 Section 23. Paragraph (b) of subsection (2) of section
 1058 319.28, Florida Statutes, is amended to read:

1059 319.28 Transfer of ownership by operation of law.—

1060 (2)

1061 (b) In case of repossession of a motor vehicle or mobile
 1062 home pursuant to the terms of a security agreement or similar
 1063 instrument, an affidavit by the party to whom possession has
 1064 passed stating that the vehicle or mobile home was repossessed

HB 1353

2011

1065 upon default in the terms of the security agreement or other
1066 instrument shall be considered satisfactory proof of ownership
1067 and right of possession. At least 5 days before ~~prior to~~ selling
1068 the repossessed vehicle, any subsequent lienholder named in the
1069 last issued certificate of title shall be sent notice of the
1070 repossession by certified mail, on a form prescribed by the
1071 department. If such notice is given and no written protest to
1072 the department is presented by a subsequent lienholder within 15
1073 days after ~~from~~ the date on which the notice was mailed, the
1074 certificate of title ~~or the certificate of repossession~~ shall be
1075 issued showing no liens. If the former owner or any subsequent
1076 lienholder files a written protest under oath within such 15-day
1077 period, the department shall not issue the certificate of title
1078 ~~or certificate of repossession~~ for 10 days thereafter. If within
1079 the 10-day period no injunction or other order of a court of
1080 competent jurisdiction has been served on the department
1081 commanding it not to deliver the certificate of title ~~or~~
1082 ~~certificate of repossession~~, the department shall deliver the
1083 certificate of title ~~or repossession~~ to the applicant or as may
1084 otherwise be directed in the application showing no other liens
1085 than those shown in the application. Any lienholder who has
1086 repossessed a vehicle in this state in compliance with the
1087 provisions of this section must apply to a tax collector's
1088 office in this state or to the department for a ~~certificate of~~
1089 ~~repossession or to the department for a~~ certificate of title
1090 pursuant to s. 319.323. Proof of the required notice to
1091 subsequent lienholders shall be submitted together with regular
1092 title fees. ~~A lienholder to whom a certificate of repossession~~

HB 1353

2011

1093 ~~has been issued may assign the certificate of title to the~~
 1094 ~~subsequent owner. Any person who violates found guilty of~~
 1095 ~~violating~~ any requirements of this paragraph commits ~~shall be~~
 1096 ~~guilty of~~ a felony of the third degree, punishable as provided
 1097 in s. 775.082, s. 775.083, or s. 775.084.

1098 Section 24. Section 319.323, Florida Statutes, is amended
 1099 to read:

1100 319.323 Expedited service; applications; fees.—The
 1101 department shall establish a separate title office which may be
 1102 used by private citizens and licensed motor vehicle dealers to
 1103 receive expedited service on title transfers, title issuances,
 1104 duplicate titles, and recordation of liens, ~~and certificates of~~
 1105 ~~repossession~~. A fee of \$10 shall be charged for this service,
 1106 which fee is in addition to the fees imposed by s. 319.32. The
 1107 fee, after deducting the amount referenced by s. 319.324 and
 1108 \$3.50 to be retained by the processing agency, shall be
 1109 deposited into the General Revenue Fund. Application for
 1110 expedited service may be made by mail or in person. The
 1111 department shall issue each title applied for under this section
 1112 within 5 working days after receipt of the application except
 1113 for an application for a duplicate title certificate covered by
 1114 s. 319.23(4), in which case the title must be issued within 5
 1115 working days after compliance with the department's verification
 1116 requirements.

1117 Section 25. Section 319.40, Florida Statutes, is amended
 1118 to read:

1119 319.40 Transactions by electronic or telephonic means.—
 1120 (1) The department may ~~is authorized to~~ accept any

HB 1353

2011

1121 application provided for under this chapter by electronic or
 1122 telephonic means.

1123 (2) The department may issue an electronic certificate of
 1124 title in lieu of printing a paper title.

1125 (3) The department may collect and use electronic mail
 1126 addresses as a notification method in lieu of the United States
 1127 Postal Service.

1128 Section 26. Present subsections (24) through (45) of
 1129 section 320.01, Florida Statutes, are renumbered as subsections
 1130 (23) through (44), respectively, and present subsections (23),
 1131 (25), and (26) of that section are amended to read:

1132 320.01 Definitions, general.—As used in the Florida
 1133 Statutes, except as otherwise provided, the term:

1134 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
 1135 ~~which is required to be registered, or with respect to which an~~
 1136 ~~election has been made to register it, under the International~~
 1137 ~~Registration Plan.~~

1138 (24) ~~(25)~~ "Apportionable vehicle" means any vehicle, except
 1139 recreational vehicles, vehicles displaying restricted plates,
 1140 city pickup and delivery vehicles, buses used in transportation
 1141 of chartered parties, and government-owned vehicles, which is
 1142 used or intended for use in two or more member jurisdictions
 1143 that allocate or proportionally register vehicles and which is
 1144 used for the transportation of persons for hire or is designed,
 1145 used, or maintained primarily for the transportation of property
 1146 and:

1147 (a) Is a power unit having a gross vehicle weight in
 1148 excess of 26,000 ~~26,001~~ pounds;

HB 1353

2011

1149 (b) Is a power unit having three or more axles, regardless
 1150 of weight; or

1151 (c) Is used in combination, when the weight of such
 1152 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

1153
 1154 Vehicles, or combinations thereof, having a gross vehicle weight
 1155 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
 1156 proportionally registered.

1157 ~~(25)-(26)~~ "Commercial motor vehicle" means any vehicle that
 1158 ~~which~~ is not owned or operated by a governmental entity, that
 1159 ~~which~~ uses special fuel or motor fuel on the public highways,
 1160 and that ~~which~~ has a gross vehicle weight of 26,001 pounds or
 1161 more, or has three or more axles regardless of weight, or is
 1162 used in combination when the weight of such combination exceeds
 1163 26,000 ~~26,001~~ pounds gross vehicle weight. A vehicle that
 1164 occasionally transports personal property to and from a closed-
 1165 course motorsport facility, as defined in s. 549.09(1)(a), is
 1166 not a commercial motor vehicle if the use is not for profit and
 1167 corporate sponsorship is not involved. As used in this
 1168 subsection, the term "corporate sponsorship" means a payment,
 1169 donation, gratuity, in-kind service, or other benefit provided
 1170 to or derived by a person in relation to the underlying
 1171 activity, other than the display of product or corporate names,
 1172 logos, or other graphic information on the property being
 1173 transported.

1174 Section 27. Subsections (2) and (4) of section 320.02,
 1175 Florida Statutes, are amended, and subsection (18) is added to
 1176 that section, to read:

HB 1353

2011

1177 320.02 Registration required; application for
1178 registration; forms.—

1179 (2) (a) The application for registration shall include the
1180 street address of the owner's permanent residence or the address
1181 of his or her permanent place of business and shall be
1182 accompanied by personal or business identification information
1183 which may include, but need not be limited to, a driver's
1184 license number, Florida identification card number, or federal
1185 employer identification number. If the owner does not have a
1186 permanent residence or permanent place of business or if the
1187 owner's permanent residence or permanent place of business
1188 cannot be identified by a street address, the application shall
1189 include:

1190 1. If the vehicle is registered to a business, the name
1191 and street address of the permanent residence of an owner of the
1192 business, an officer of the corporation, or an employee who is
1193 in a supervisory position.

1194 2. If the vehicle is registered to an individual, the name
1195 and street address of the permanent residence of a close
1196 relative or friend who is a resident of this state.

1197
1198 If the vehicle is registered to an active-duty military member
1199 who is a Florida resident, the member is exempt from the
1200 requirement to provide a Florida residential address.

1201 (b) The department shall prescribe a form upon which motor
1202 vehicle owners may record odometer readings when registering
1203 their motor vehicles.

1204 (4) The owner of any motor vehicle registered in the state

HB 1353

2011

1205 shall notify the department in writing of any change of address
 1206 within 20 days of such change. The notification shall include
 1207 the registration license plate number, the vehicle
 1208 identification number (VIN) or title certificate number, year of
 1209 vehicle make, and the owner's full name. Any owner or registrant
 1210 who possesses a Florida driver's license or identification card
 1211 and changes residence or mailing address must obtain a
 1212 replacement as provided for in s. 322.19(2) before changing the
 1213 address on the motor vehicle record.

1214 (18) All electronic registration records shall be retained
 1215 by the department for not less than 10 years.

1216 Section 28. Subsection (9) is added to section 320.023,
 1217 Florida Statutes, to read:

1218 320.023 Requests to establish voluntary checkoff on motor
 1219 vehicle registration application.—

1220 (9) The department may annually retain from the first
 1221 proceeds derived from the voluntary contributions collected an
 1222 amount sufficient to defray for each voluntary contribution the
 1223 pro rata share of the department's costs directly related to the
 1224 voluntary contributions program. Such costs include renewal
 1225 notices, postage, distribution costs, direct costs to the
 1226 department, and costs associated with reviewing each
 1227 organization's compliance with the audit and attestation
 1228 requirements of this section. The balance of the proceeds from
 1229 the voluntary contributions collected shall be distributed as
 1230 provided by law.

1231 Section 29. Subsection (7) of section 320.03, Florida
 1232 Statutes, is amended to read:

HB 1353

2011

1233 320.03 Registration; duties of tax collectors;
1234 International Registration Plan.—

1235 (7) The Department of Highway Safety and Motor Vehicles
1236 shall register apportionable ~~apportioned motor~~ vehicles under
1237 the provisions of the International Registration Plan. The
1238 department may adopt rules to implement and enforce the
1239 provisions of the plan.

1240 Section 30. Paragraph (b) of subsection (3) and subsection
1241 (5) of section 320.05, Florida Statutes, are amended to read:

1242 320.05 Records of the department; inspection procedure;
1243 lists and searches; fees.—

1244 (3)

1245 (b) Fees therefor shall be charged and collected as
1246 follows:

1247 1. For providing lists of motor vehicle or vessel records
1248 for the entire state, or any part or parts thereof, divided
1249 according to counties, a sum computed at a rate of not less than
1250 1 cent nor more than 5 cents per item.

1251 2. For providing noncertified photographic copies of motor
1252 vehicle or vessel documents, \$1 per page.

1253 3. For providing noncertified photographic copies of
1254 micrographic records, \$1 per page.

1255 4. For providing certified copies of motor vehicle or
1256 vessel records, \$3 per record.

1257 5. For providing noncertified computer-generated printouts
1258 of motor vehicle or vessel records, 50 cents per record.

1259 6. For providing certified computer-generated printouts of
1260 motor vehicle or vessel records, \$3 per record.

HB 1353

2011

1261 7. For providing electronic access to motor vehicle,
 1262 vessel, and mobile home registration data requested by tag,
 1263 vehicle identification number, title number, or decal number, 50
 1264 cents per item.

1265 8. For providing electronic access to driver's license
 1266 status report by name, sex, and date of birth or by driver
 1267 license number, 50 cents per item.

1268 9. For providing lists of licensed mobile home dealers and
 1269 manufacturers and recreational vehicle dealers and
 1270 manufacturers, \$15 per list.

1271 10. For providing lists of licensed motor vehicle dealers,
 1272 \$25 per list.

1273 11. For each copy of a videotape record, \$15 per tape.

1274 ~~12. For each copy of the Division of Motor Vehicles~~
 1275 ~~Procedures Manual, \$25.~~

1276 (5) The creation and maintenance of records by the
 1277 Division of Motorist Services within the department ~~and the~~
 1278 ~~Division of Motor Vehicles~~ pursuant to this chapter shall not be
 1279 regarded as law enforcement functions of agency recordkeeping.

1280 Section 31. Paragraph (d) is added to subsection (1) of
 1281 section 320.06, Florida Statutes, and subsection (5) is added to
 1282 that section, to read:

1283 320.06 Registration certificates, license plates, and
 1284 validation stickers generally.—

1285 (1)

1286 (d) The department may conduct a pilot program to evaluate
 1287 designs, concepts, and technologies for alternative license
 1288 plate technologies. The pilot program shall investigate the

HB 1353

2011

1289 feasibility and use of alternative license plate technologies
 1290 and shall be limited to license plates that are used on
 1291 government-owned motor vehicles, as defined in s. 320.0655.
 1292 Government license plates in the pilot program are exempt from
 1293 current license plate requirements in paragraph (3) (a).

1294 (5) All license plates issued pursuant to this chapter are
 1295 the property of the State of Florida.

1296 Section 32. Section 320.061, Florida Statutes, is amended
 1297 to read:

1298 320.061 Unlawful to alter motor vehicle registration
 1299 certificates, temporary license plates, license plates, mobile
 1300 home stickers, or validation stickers or to obscure license
 1301 plates; penalty.—No person shall alter the original appearance
 1302 of any registration license plate, temporary license plate,
 1303 mobile home sticker, validation sticker, or vehicle registration
 1304 certificate issued for and assigned to any motor vehicle or
 1305 mobile home, whether by mutilation, alteration, defacement, or
 1306 change of color or in any other manner. No person shall apply or
 1307 attach any substance, reflective matter, illuminated device,
 1308 spray, coating, covering, or other material onto or around any
 1309 license plate that interferes with the legibility, angular
 1310 visibility, or detectability of any feature or detail on the
 1311 license plate or interferes with the ability to record any
 1312 feature or detail on the license plate. Any person who violates
 1313 this section commits a noncriminal traffic infraction,
 1314 punishable as a moving violation as provided in chapter 318.

1315 Section 33. Subsection (1) of section 320.071, Florida
 1316 Statutes, is amended to read:

HB 1353

2011

1317 | 320.071 Advance registration renewal; procedures.—
 1318 | (1) (a) The owner of any motor vehicle or mobile home
 1319 | currently registered in this state may file an application for
 1320 | renewal of registration with the department, or its authorized
 1321 | agent in the county wherein the owner resides, any time during
 1322 | the 3 months preceding the date of expiration of the
 1323 | registration period. The registration period may not exceed 27
 1324 | months.

1325 | (b) The owner of any apportionable ~~apportioned motor~~
 1326 | vehicle currently registered in this state under the provisions
 1327 | of the International Registration Plan may file an application
 1328 | for renewal of registration with the department any time during
 1329 | the 3 months preceding the date of expiration of the
 1330 | registration period.

1331 | Section 34. Subsections (1) and (3) of section 320.0715,
 1332 | Florida Statutes, are amended to read:

1333 | 320.0715 International Registration Plan; motor carrier
 1334 | services; permits; retention of records.—

1335 | (1) All apportionable ~~commercial motor~~ vehicles domiciled
 1336 | in this state ~~and engaged in interstate commerce~~ shall be
 1337 | registered in accordance with the provisions of the
 1338 | International Registration Plan ~~and shall display apportioned~~
 1339 | ~~license plates~~.

1340 | (3) (a) If the department is unable to immediately issue
 1341 | the apportioned license plate to an applicant currently
 1342 | registered in this state under the International Registration
 1343 | Plan or to a vehicle currently titled in this state, the
 1344 | department or its designated agent is authorized to issue a 60-

HB 1353

2011

1345 day temporary operational permit. The department or agent of the
 1346 department shall charge a \$3 fee and the service charge
 1347 authorized by s. 320.04 for each temporary operational permit it
 1348 issues.

1349 (b) The department shall in no event issue a temporary
 1350 operational permit for any apportionable ~~commercial motor~~
 1351 vehicle to any applicant until the applicant has shown that:

1352 1. All sales or use taxes due on the registration of the
 1353 vehicle are paid; and

1354 2. Insurance requirements have been met in accordance with
 1355 ss. 320.02(5) and 627.7415.

1356 (c) Issuance of a temporary operational permit provides
 1357 ~~commercial motor vehicle~~ registration privileges in each
 1358 International Registration Plan member jurisdiction designated
 1359 on said permit and therefore requires payment of all applicable
 1360 registration fees and taxes due for that period of registration.

1361 (d) Application for permanent registration must be made to
 1362 the department within 10 days following ~~from~~ issuance of a
 1363 temporary operational permit. Failure to file an application
 1364 within this 10-day period may result in cancellation of the
 1365 temporary operational permit.

1366 Section 35. Paragraph (d) of subsection (5) of section
 1367 320.08, Florida Statutes, is amended to read:

1368 320.08 License taxes.—Except as otherwise provided herein,
 1369 there are hereby levied and imposed annual license taxes for the
 1370 operation of motor vehicles, mopeds, motorized bicycles as
 1371 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
 1372 and mobile homes, as defined in s. 320.01, which shall be paid

HB 1353

2011

1373 to and collected by the department or its agent upon the
 1374 registration or renewal of registration of the following:
 1375 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 1376 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1377 (d) A wrecker, as defined in s. 320.01~~(40)~~, which is used
 1378 to tow a vessel as defined in s. 327.02(39), a disabled,
 1379 abandoned, stolen-recovered, or impounded motor vehicle as
 1380 defined in s. 320.01~~(38)~~, or a replacement motor vehicle as
 1381 defined in s. 320.01~~(39)~~: \$41 flat, of which \$11 shall be
 1382 deposited into the General Revenue Fund.

1383 Section 36. Subsection (1) of section 320.0847, Florida
 1384 Statutes, is amended to read:

1385 320.0847 Mini truck and low-speed vehicle license plates.—

1386 (1) The department shall issue a license plate to the
 1387 owner or lessee of any vehicle registered as a low-speed vehicle
 1388 as defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
 1389 320.01~~(45)~~ upon payment of the appropriate license taxes and
 1390 fees prescribed in s. 320.08.

1391 Section 37. Subsection (4) of section 320.0848, Florida
 1392 Statutes, is amended to read:

1393 320.0848 Persons who have disabilities; issuance of
 1394 disabled parking permits; temporary permits; permits for certain
 1395 providers of transportation services to persons who have
 1396 disabilities.—

1397 (4) From the proceeds of the temporary disabled parking
 1398 permit fees:

1399 (a) The Department of Highway Safety and Motor Vehicles
 1400 must receive \$3.50 for each temporary permit, to be deposited

1401 into the Highway Safety Operating Trust Fund and used for
 1402 implementing the real-time disabled parking permit database and
 1403 for administering the disabled parking permit program.

1404 (b) The tax collector, for processing, must receive \$2.50
 1405 for each temporary permit.

1406 (c) The remainder must be distributed monthly as follows:

1407 1. To the Florida Endowment Foundation for Vocational
 1408 Rehabilitation, known as "The Able Trust," ~~Florida Governor's~~
 1409 ~~Alliance for the Employment of Disabled Citizens~~ for the purpose
 1410 of improving employment and training opportunities for persons
 1411 who have disabilities, with special emphasis on removing
 1412 transportation barriers, \$4. These fees must be directly
 1413 deposited into the Florida Endowment Foundation for Vocational
 1414 Rehabilitation as established in s. 413.615 ~~Transportation~~
 1415 ~~Disadvantaged Trust Fund for transfer to the Florida Governor's~~
 1416 ~~Alliance for Employment of Disabled Citizens.~~

1417 2. To the Transportation Disadvantaged Trust Fund to be
 1418 used for funding matching grants to counties for the purpose of
 1419 improving transportation of persons who have disabilities, \$5.

1420 Section 38. Paragraphs (a) and (b) of subsection (2) of
 1421 section 320.275, Florida Statutes, are amended to read:

1422 320.275 Automobile Dealers Industry Advisory Board.—

1423 (2) MEMBERSHIP, TERMS, MEETINGS.—

1424 (a) The board shall be composed of 12 members. The
 1425 executive director of the Department of Highway Safety and Motor
 1426 Vehicles shall appoint the members from names submitted by the
 1427 entities for the designated categories the member will
 1428 represent. The executive director shall appoint one

HB 1353

2011

1429 representative of the Department of Highway Safety and Motor
 1430 Vehicles, ~~who must represent the Division of Motor Vehicles;~~ two
 1431 representatives of the independent motor vehicle industry as
 1432 recommended by the Florida Independent Automobile Dealers
 1433 Association; two representatives of the franchise motor vehicle
 1434 industry as recommended by the Florida Automobile Dealers
 1435 Association; one representative of the auction motor vehicle
 1436 industry who is from an auction chain and is recommended by a
 1437 group affiliated with the National Auto Auction Association; one
 1438 representative of the auction motor vehicle industry who is from
 1439 an independent auction and is recommended by a group affiliated
 1440 with the National Auto Auction Association; one representative
 1441 from the Department of Revenue; a Florida tax collector
 1442 representative recommended by the Florida Tax Collectors
 1443 Association; one representative from the Better Business Bureau;
 1444 one representative from the Department of Agriculture and
 1445 Consumer Services, who must represent the Division of Consumer
 1446 Services; and one representative of the insurance industry who
 1447 writes motor vehicle dealer surety bonds.

1448 (b)1. The executive director shall appoint the following
 1449 initial members to 1-year terms: one representative from the
 1450 motor vehicle auction industry who represents an auction chain,
 1451 one representative from the independent motor vehicle industry,
 1452 one representative from the franchise motor vehicle industry,
 1453 one representative from the Department of Revenue, one Florida
 1454 tax collector, and one representative from the Better Business
 1455 Bureau.

1456 2. The executive director shall appoint the following

HB 1353

2011

1457 initial members to 2-year terms: one representative from the
 1458 motor vehicle auction industry who represents an independent
 1459 auction, one representative from the independent motor vehicle
 1460 industry, one representative from the franchise motor vehicle
 1461 industry, one representative from the Division of Consumer
 1462 Services, one representative from the insurance industry, and
 1463 one representative from the department ~~Division of Motor~~
 1464 ~~Vehicles~~.

1465 3. As the initial terms expire, the executive director
 1466 shall appoint successors from the same designated category for
 1467 terms of 2 years. If renominated, a member may succeed himself
 1468 or herself.

1469 4. The board shall appoint a chair and vice chair at its
 1470 initial meeting and every 2 years thereafter.

1471 Section 39. Section 320.95, Florida Statutes, is amended
 1472 to read:

1473 320.95 Transactions by electronic or telephonic means.—

1474 (1) The department may ~~is authorized to~~ accept any
 1475 application provided for under this chapter by electronic or
 1476 telephonic means.

1477 (2) The department may collect and use electronic mail
 1478 addresses for the purpose of providing renewal notices in lieu
 1479 of the United States Postal Service.

1480 Section 40. Section 321.02, Florida Statutes, is amended
 1481 to read:

1482 321.02 Powers and duties of department, highway patrol.—
 1483 The director of the Division of Highway Patrol of the Department
 1484 of Highway Safety and Motor Vehicles shall be designated the

HB 1353

2011

1485 Colonel ~~also be the commander~~ of the Florida Highway Patrol. The
1486 said department shall set up and promulgate rules and
1487 regulations by which the personnel of the Florida Highway Patrol
1488 officers shall be examined, employed, trained, located,
1489 suspended, reduced in rank, discharged, recruited, paid and
1490 pensioned, subject to civil service provisions hereafter set
1491 out. The department may enter into contracts or agreements, with
1492 or without competitive bidding or procurement, to make
1493 available, on a fair, reasonable, nonexclusive, and
1494 nondiscriminatory basis, property and other structures under
1495 division control for the placement of new facilities by any
1496 wireless provider of mobile service as defined in 47 U.S.C. s.
1497 153(27) or s. 332(d), and any telecommunications company as
1498 defined in s. 364.02 when it is determined to be practical and
1499 feasible to make such property or other structures available.
1500 The department may, without adopting a rule, charge a just,
1501 reasonable, and nondiscriminatory fee for placement of the
1502 facilities, payable annually, based on the fair market value of
1503 space used by comparable communications facilities in the state.
1504 The department and a wireless provider or telecommunications
1505 company may negotiate the reduction or elimination of a fee in
1506 consideration of services provided to the division by the
1507 wireless provider or the telecommunications company. All such
1508 fees collected by the department shall be deposited directly
1509 into the State Agency Law Enforcement Radio System Trust Fund,
1510 and may be used to construct, maintain, or support the system.
1511 The department is further specifically authorized to purchase,
1512 sell, trade, rent, lease and maintain all necessary equipment,

HB 1353

2011

1513 uniforms, motor vehicles, communication systems, housing
 1514 facilities, office space, and perform any other acts necessary
 1515 for the proper administration and enforcement of this chapter.
 1516 However, all supplies and equipment consisting of single items
 1517 or in lots shall be purchased under the requirements of s.
 1518 287.057. Purchases shall be made by accepting the bid of the
 1519 lowest responsive bidder, the right being reserved to reject all
 1520 bids. The department shall prescribe a distinctive uniform and
 1521 distinctive emblem to be worn by all officers of the Florida
 1522 Highway Patrol. It shall be unlawful for any other person or
 1523 persons to wear a similar uniform or emblem, or any part or
 1524 parts thereof. The department shall also prescribe distinctive
 1525 colors for use on motor vehicles and motorcycles operated by the
 1526 Florida Highway Patrol. The prescribed colors shall be referred
 1527 to as "Florida Highway Patrol black and tan."

1528 Section 41. Subsection (3) of section 322.02, Florida
 1529 Statutes, is amended to read:

1530 322.02 Legislative intent; administration.—

1531 (3) The department shall employ a director, who is charged
 1532 with the duty of serving as the executive officer of the
 1533 Division of Motorist Services within ~~Driver Licenses~~ of the
 1534 department insofar as the administration of this chapter is
 1535 concerned. He or she shall be subject to the supervision and
 1536 direction of the department, and his or her official actions and
 1537 decisions as executive officer shall be conclusive unless the
 1538 same are superseded or reversed by the department or by a court
 1539 of competent jurisdiction.

1540 Section 42. Subsection (1) of section 322.04, Florida

HB 1353

2011

1541 Statutes, is amended to read:

1542 322.04 Persons exempt from obtaining driver's license.—

1543 (1) The following persons are exempt from obtaining a
1544 driver's license:

1545 (a) Any employee of the United States Government, while
1546 operating a noncommercial motor vehicle owned by or leased to
1547 the United States Government and being operated on official
1548 business.

1549 (b) Any person while driving or operating any road
1550 machine, farm tractor, or implement of husbandry temporarily
1551 operated or moved on a highway.

1552 (c) A nonresident who is at least 16 years of age ~~and who~~
1553 ~~has in his or her immediate possession a valid noncommercial~~
1554 ~~driver's license issued to the nonresident in his or her home~~
1555 ~~state or country,~~ may operate a motor vehicle of the type for
1556 which a Class E driver's license is required in this state if he
1557 or she has in their immediate possession:

1558 1. A valid noncommercial driver's license issued in his or
1559 her name from another state or territory of the United States;
1560 or

1561 2. An International Driving Permit issued in his or her
1562 name by his or her country of residence.

1563 ~~(d) A nonresident who is at least 18 years of age and who~~
1564 ~~has in his or her immediate possession a valid noncommercial~~
1565 ~~driver's license issued to the nonresident in his or her home~~
1566 ~~state or country may operate a motor vehicle, other than a~~
1567 ~~commercial motor vehicle, in this state.~~

1568 (d)(e) Any person operating a golf cart, as defined in s.

1569 320.01, which is operated in accordance with the provisions of
 1570 s. 316.212.

1571 Section 43. Paragraph (a) of subsection (1) of section
 1572 322.051, Florida Statutes, is amended to read:

1573 322.051 Identification cards.—

1574 (1) Any person who is 5 years of age or older, or any
 1575 person who has a disability, regardless of age, who applies for
 1576 a disabled parking permit under s. 320.0848, may be issued an
 1577 identification card by the department upon completion of an
 1578 application and payment of an application fee.

1579 (a) Each such application shall include the following
 1580 information regarding the applicant:

1581 1. Full name (first, middle or maiden, and last), gender,
 1582 proof of social security card number satisfactory to the
 1583 department, county of residence, mailing address, proof of
 1584 residential address satisfactory to the department, country of
 1585 birth, and a brief description.

1586 2. Proof of birth date satisfactory to the department.

1587 3. Proof of identity satisfactory to the department. Such
 1588 proof must include one of the following documents issued to the
 1589 applicant:

1590 a. A driver's license record or identification card record
 1591 from another jurisdiction that required the applicant to submit
 1592 a document for identification which is substantially similar to
 1593 a document required under sub-subparagraph b., sub-subparagraph
 1594 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
 1595 f., sub-subparagraph g., or sub-subparagraph h.;

1596 b. A certified copy of a United States birth certificate;

- 1597 c. A valid, unexpired United States passport;
- 1598 d. A naturalization certificate issued by the United
- 1599 States Department of Homeland Security;
- 1600 e. A valid, unexpired alien registration receipt card
- 1601 (green card);
- 1602 f. A Consular Report of Birth Abroad provided by the
- 1603 United States Department of State;
- 1604 g. An unexpired employment authorization card issued by
- 1605 the United States Department of Homeland Security; or
- 1606 h. Proof of nonimmigrant classification provided by the
- 1607 United States Department of Homeland Security, for an original
- 1608 identification card. In order to prove such nonimmigrant
- 1609 classification, applicants must provide at least one of ~~may~~
- 1610 ~~produce but are not limited to~~ the following documents, and, in
- 1611 addition, the department may require other documents for the
- 1612 sole purpose of establishing the maintenance of or efforts to
- 1613 maintain continuous lawful presence:
- 1614 (I) A notice of hearing from an immigration court
- 1615 scheduling a hearing on any proceeding.
- 1616 (II) A notice from the Board of Immigration Appeals
- 1617 acknowledging pendency of an appeal.
- 1618 (III) Notice of the approval of an application for
- 1619 adjustment of status issued by the United States Bureau of
- 1620 Citizenship and Immigration Services.
- 1621 (IV) Any official documentation confirming the filing of a
- 1622 petition for asylum or refugee status or any other relief issued
- 1623 by the United States Bureau of Citizenship and Immigration
- 1624 Services.

HB 1353

2011

1625 (V) Notice of action transferring any pending matter from
 1626 another jurisdiction to Florida, issued by the United States
 1627 Bureau of Citizenship and Immigration Services.

1628 (VI) Order of an immigration judge or immigration officer
 1629 granting any relief that authorizes the alien to live and work
 1630 in the United States including, but not limited to asylum.

1631 (VII) Evidence that an application is pending for
 1632 adjustment of status to that of an alien lawfully admitted for
 1633 permanent residence in the United States or conditional
 1634 permanent resident status in the United States, if a visa number
 1635 is available having a current priority date for processing by
 1636 the United States Bureau of Citizenship and Immigration
 1637 Services.

1638 (VIII) On or after January 1, 2010, an unexpired foreign
 1639 passport with an unexpired United States Visa affixed,
 1640 accompanied by an approved I-94, documenting the most recent
 1641 admittance into the United States.

1642
 1643 An identification card issued based on documents required
 1644 ~~Presentation of any of the documents described in sub-~~
 1645 ~~subparagraph g. or sub-subparagraph h. is valid entitles the~~
 1646 ~~applicant to an identification card~~ for a period not to exceed
 1647 the expiration date of the document presented or 1 year,
 1648 whichever first occurs.

1649 Section 44. Section 322.065, Florida Statutes, is amended
 1650 to read:

1651 322.065 Driver's license expired for 6 4 months or less;
 1652 penalties.—Any person whose driver's license has been expired

HB 1353

2011

1653 for 6 4 months or less and who drives a motor vehicle upon the
1654 highways of this state commits ~~is guilty of~~ an infraction and is
1655 subject to the penalty provided in s. 318.18.

1656 Section 45. Subsection (3) of section 322.07, Florida
1657 Statutes, is amended to read:

1658 322.07 Instruction permits and temporary licenses.—

1659 (3) Any person who, except for his or her lack of
1660 instruction in operating a commercial motor vehicle, would
1661 otherwise be qualified to obtain a commercial driver's license
1662 under this chapter, may apply for a temporary commercial
1663 instruction permit. The department shall issue such a permit
1664 entitling the applicant, while having the permit in his or her
1665 immediate possession, to drive a commercial motor vehicle on the
1666 highways, provided that:

1667 (a) The applicant possesses a valid Florida driver's
1668 license ~~issued in any state~~; and

1669 (b) The applicant, while operating a commercial motor
1670 vehicle, is accompanied by a licensed driver who is 21 years of
1671 age or older, who is licensed to operate the class of vehicle
1672 being operated, and who is actually occupying the closest seat
1673 to the right of the driver.

1674 Section 46. Subsection (2) of section 322.08, Florida
1675 Statutes, is amended, and subsection (8) is added to that
1676 section, to read:

1677 322.08 Application for license; requirements for license
1678 and identification card forms.—

1679 (2) Each such application shall include the following
1680 information regarding the applicant:

HB 1353

2011

1681 (a) Full name (first, middle or maiden, and last), gender,
 1682 proof of social security card number satisfactory to the
 1683 department, county of residence, mailing address, proof of
 1684 residential address satisfactory to the department, country of
 1685 birth, and a brief description.

1686 (b) Proof of birth date satisfactory to the department.

1687 (c) Proof of identity satisfactory to the department. Such
 1688 proof must include one of the following documents issued to the
 1689 applicant:

1690 1. A driver's license record or identification card record
 1691 from another jurisdiction that required the applicant to submit
 1692 a document for identification which is substantially similar to
 1693 a document required under subparagraph 2., subparagraph 3.,
 1694 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
 1695 7., or subparagraph 8.;

1696 2. A certified copy of a United States birth certificate;

1697 3. A valid, unexpired United States passport;

1698 4. A naturalization certificate issued by the United
 1699 States Department of Homeland Security;

1700 5. A valid, unexpired alien registration receipt card
 1701 (green card);

1702 6. A Consular Report of Birth Abroad provided by the
 1703 United States Department of State;

1704 7. An unexpired employment authorization card issued by
 1705 the United States Department of Homeland Security; or

1706 8. Proof of nonimmigrant classification provided by the
 1707 United States Department of Homeland Security, for an original
 1708 driver's license. In order to prove nonimmigrant classification,

1709 | an applicant must provide at least one of the following
 1710 | documents, and, in addition, the department may require other
 1711 | documents for the sole purpose of establishing the maintenance
 1712 | of or efforts to maintain continuous lawful presence ~~may produce~~
 1713 | ~~the following documents, including, but not limited to:~~

1714 | a. A notice of hearing from an immigration court
 1715 | scheduling a hearing on any proceeding.

1716 | b. A notice from the Board of Immigration Appeals
 1717 | acknowledging pendency of an appeal.

1718 | c. A notice of the approval of an application for
 1719 | adjustment of status issued by the United States Bureau of
 1720 | Citizenship and Immigration Services.

1721 | d. Any official documentation confirming the filing of a
 1722 | petition for asylum or refugee status or any other relief issued
 1723 | by the United States Bureau of Citizenship and Immigration
 1724 | Services.

1725 | e. A notice of action transferring any pending matter from
 1726 | another jurisdiction to this state issued by the United States
 1727 | Bureau of Citizenship and Immigration Services.

1728 | f. An order of an immigration judge or immigration officer
 1729 | granting any relief that authorizes the alien to live and work
 1730 | in the United States, including, but not limited to, asylum.

1731 | g. Evidence that an application is pending for adjustment
 1732 | of status to that of an alien lawfully admitted for permanent
 1733 | residence in the United States or conditional permanent resident
 1734 | status in the United States, if a visa number is available
 1735 | having a current priority date for processing by the United
 1736 | States Bureau of Citizenship and Immigration Services.

HB 1353

2011

1737 h. On or after January 1, 2010, an unexpired foreign
1738 passport with an unexpired United States Visa affixed,
1739 accompanied by an approved I-94, documenting the most recent
1740 admittance into the United States.

1741
1742 A driver's license or temporary permit issued based on documents
1743 required ~~Presentation of any of the documents~~ in subparagraph 7.
1744 or subparagraph 8. is valid ~~entitles the applicant to a driver's~~
1745 ~~license or temporary permit~~ for a period not to exceed the
1746 expiration date of the document presented or 1 year, whichever
1747 occurs first.

1748 (d) Whether the applicant has previously been licensed to
1749 drive, and, if so, when and by what state, and whether any such
1750 license or driving privilege has ever been disqualified,
1751 revoked, or suspended, or whether an application has ever been
1752 refused, and, if so, the date of and reason for such
1753 disqualification, suspension, revocation, or refusal.

1754 (e) Each such application may include fingerprints and
1755 other unique biometric means of identity.

1756 (8) The department may collect and use electronic mail
1757 addresses for the purpose of providing renewal notices in lieu
1758 of the United State Postal Service.

1759 Section 47. Subsection (9) is added to section 322.081,
1760 Florida Statutes, to read:

1761 322.081 Requests to establish voluntary checkoff on
1762 driver's license application.-

1763 (9) The department may annually retain from the first
1764 proceeds derived from the voluntary contributions collected an

1765 amount sufficient to defray for each voluntary contribution the
 1766 pro rata share of the department's costs directly related to the
 1767 voluntary contributions program. Such costs include renewal
 1768 notices, postage, distribution costs, direct costs to the
 1769 department, and costs associated with reviewing each
 1770 organization's compliance with the audit and attestation
 1771 requirements of this section. The balance of the proceeds from
 1772 the voluntary contributions collected shall be distributed as
 1773 provided by law.

1774 Section 48. Subsection (5) of section 322.12, Florida
 1775 Statutes, is amended to read:

1776 322.12 Examination of applicants.—

1777 ~~(5)(a) The department shall formulate a separate~~
 1778 ~~examination for applicants for licenses to operate motorcycles.~~
 1779 ~~Any applicant for a driver's license who wishes to operate a~~
 1780 ~~motorcycle, and who is otherwise qualified, must successfully~~
 1781 ~~complete such an examination, which is in addition to the~~
 1782 ~~examination administered under subsection (3). The examination~~
 1783 ~~must test the applicant's knowledge of the operation of a~~
 1784 ~~motorcycle and of any traffic laws specifically relating thereto~~
 1785 ~~and must include an actual demonstration of his or her ability~~
 1786 ~~to exercise ordinary and reasonable control in the operation of~~
 1787 ~~a motorcycle. Any applicant who fails to pass the initial~~
 1788 ~~knowledge examination will incur a \$5 fee for each subsequent~~
 1789 ~~examination, to be deposited into the Highway Safety Operating~~
 1790 ~~Trust Fund. Any applicant who fails to pass the initial skills~~
 1791 ~~examination will incur a \$10 fee for each subsequent~~
 1792 ~~examination, to be deposited into the Highway Safety Operating~~

1793 ~~Trust Fund. In the formulation of the examination, the~~
 1794 ~~department shall consider the use of the Motorcycle Operator~~
 1795 ~~Skills Test and the Motorcycle in Traffic Test offered by the~~
 1796 ~~Motorcycle Safety Foundation. The department shall indicate on~~
 1797 ~~the license of any person who successfully completes the~~
 1798 ~~examination that the licensee is authorized to operate a~~
 1799 ~~motorcycle. If the applicant wishes to be licensed to operate a~~
 1800 ~~motorcycle only, he or she need not take the skill or road test~~
 1801 ~~required under subsection (3) for the operation of a motor~~
 1802 ~~vehicle, and the department shall indicate such a limitation on~~
 1803 ~~his or her license as a restriction. Every first-time applicant~~
 1804 ~~for licensure to operate a motorcycle must provide proof of~~
 1805 ~~completion of a motorcycle safety course, as provided for in s.~~
 1806 ~~322.0255, which shall include a final examination before the~~
 1807 ~~applicant may be licensed to operate a motorcycle. The~~
 1808 ~~department shall indicate on the license of any person who~~
 1809 ~~successfully completes the course that the licensee is~~
 1810 ~~authorized to operate a motorcycle. If the applicant wishes to~~
 1811 ~~be licensed to operate a motorcycle only, he or she need not~~
 1812 ~~take the skills or road test required under subsection (3) for~~
 1813 ~~the operation of a motor vehicle, and the department shall~~
 1814 ~~indicate such a limitation on his or her license as a~~
 1815 ~~restriction.~~

1816 ~~(b) The department may exempt any applicant from the~~
 1817 ~~examination provided in this subsection if the applicant~~
 1818 ~~presents a certificate showing successful completion of a course~~
 1819 ~~approved by the department, which course includes a similar~~
 1820 ~~examination of the knowledge and skill of the applicant in the~~

1821 ~~operation of a motorcycle.~~

1822 Section 49. Subsection (5) of section 322.121, Florida
 1823 Statutes, is amended to read:

1824 322.121 Periodic reexamination of all drivers.—

1825 (5) Members of the Armed Forces, or their dependents
 1826 residing with them, shall be granted an automatic extension for
 1827 the expiration of their Class E licenses without reexamination
 1828 while serving on active duty outside this state. This extension
 1829 is valid for 90 days after the member of the Armed Forces is
 1830 either discharged or returns to this state to live.

1831 Section 50. Paragraph (a) of subsection (1) of section
 1832 322.14, Florida Statutes, is amended to read:

1833 322.14 Licenses issued to drivers.—

1834 (1)(a) The department shall, upon successful completion of
 1835 all required examinations and payment of the required fee, issue
 1836 to every applicant qualifying therefor, a driver's license as
 1837 applied for, which license shall bear thereon a color photograph
 1838 or digital image of the licensee; the name of the state; a
 1839 distinguishing number assigned to the licensee; and the
 1840 licensee's full name, date of birth, and residence address; a
 1841 brief description of the licensee, including, but not limited
 1842 to, the licensee's gender and height; and the dates of issuance
 1843 and expiration of the license. A space shall be provided upon
 1844 which the licensee shall affix his or her usual signature. No
 1845 license shall be valid until it has been so signed by the
 1846 licensee except that the signature of said licensee shall not be
 1847 required if it appears thereon in facsimile or if the licensee
 1848 is not present within the state at the time of issuance.

HB 1353

2011

1849 ~~Applicants qualifying to receive a Class A, Class B, or Class C~~
 1850 ~~driver's license must appear in person within the state for~~
 1851 ~~issuance of a color photographic or digital imaged driver's~~
 1852 ~~license pursuant to s. 322.142.~~

1853 Section 51. Subsections (9), (10), (13), (14), and (16) of
 1854 section 322.20, Florida Statutes, are amended to read:

1855 322.20 Records of the department; fees; destruction of
 1856 records.—

1857 (9) The department may, upon application, furnish to any
 1858 person, from its ~~the records of the Division of Driver Licenses,~~
 1859 a list of the names, addresses, and birth dates of the licensed
 1860 drivers of the entire state or any portion thereof by age group.
 1861 In addition, the department may furnish to the courts, for the
 1862 purpose of establishing jury selection lists, the names,
 1863 addresses, and birth dates of the persons of the entire state or
 1864 any portion thereof by age group having identification cards
 1865 issued by the department. Each person who requests such
 1866 information shall pay a fee, set by the department, of 1 cent
 1867 per name listed, except that the department shall furnish such
 1868 information without charge to the courts for the purpose of jury
 1869 selection or to any state agency or to any state attorney,
 1870 sheriff, or chief of police. Such court, state agency, state
 1871 attorney, or law enforcement agency may not sell, give away, or
 1872 allow the copying of such information. Noncompliance with this
 1873 prohibition shall authorize the department to charge the
 1874 noncomplying court, state agency, state attorney, or law
 1875 enforcement agency the appropriate fee for any subsequent lists
 1876 requested. The department may adopt rules necessary to implement

HB 1353

2011

1877 | this subsection.

1878 | (10) The department ~~Division of Driver Licenses~~ is
 1879 | authorized, upon application of any person and payment of the
 1880 | proper fees, to search and to assist such person in the search
 1881 | of the records of the department and make reports thereof and to
 1882 | make photographic copies of the departmental records and
 1883 | attestations thereof.

1884 | (13) The department ~~Division of Driver Licenses~~ shall
 1885 | implement a system that allows either parent of a minor, or a
 1886 | guardian, or other responsible adult who signed a minor's
 1887 | application for a driver's license to have Internet access
 1888 | through a secure website to inspect the minor's driver history
 1889 | record. Internet access to driver history records granted to a
 1890 | minor's parents, guardian, or other responsible adult shall be
 1891 | furnished by the department at no fee and shall terminate when
 1892 | the minor attains 18 years of age.

1893 | (14) The department is authorized in accordance with
 1894 | chapter 257 to destroy reports, records, documents, papers, and
 1895 | correspondence in the department ~~Division of Driver Licenses~~
 1896 | which are considered obsolete.

1897 | (16) The creation and maintenance of records by the
 1898 | Division of Motorist Services within the department ~~and the~~
 1899 | ~~Division of Driver Licenses~~ pursuant to this chapter shall not
 1900 | be regarded as law enforcement functions of agency
 1901 | recordkeeping.

1902 | Section 52. Section 322.202, Florida Statutes, is amended
 1903 | to read:

1904 | 322.202 Admission of evidence obtained from the Division

1905 of Motorist Services Driver Licenses and the ~~Division of Motor~~
 1906 ~~Vehicles~~.—

1907 (1) The Legislature finds that the Division of Motorist
 1908 Services ~~Driver Licenses~~ and the ~~Division of Motor Vehicles~~ of
 1909 the Department of Highway Safety and Motor Vehicles is ~~are~~ not a
 1910 law enforcement agency ~~agencies~~. The Legislature also finds that
 1911 the division is ~~divisions~~ are not an adjunct ~~adjuncts~~ of any law
 1912 enforcement agency in that employees have no stake in particular
 1913 prosecutions. The Legislature further finds that errors in
 1914 records maintained by the Division of Motorist Services
 1915 ~~divisions~~ are not within the collective knowledge of any law
 1916 enforcement agency. The Legislature also finds that the mission
 1917 ~~missions~~ of the Division of Motorist Services ~~Driver Licenses~~,
 1918 ~~the Division of Motor Vehicles~~, and the Department of Highway
 1919 Safety and Motor Vehicles provides ~~provide~~ a sufficient
 1920 incentive to maintain records in a current and correct fashion.

1921 (2) The Legislature finds that the purpose of the
 1922 exclusionary rule is to deter misconduct on the part of law
 1923 enforcement officers and law enforcement agencies.

1924 (3) The Legislature finds that the application of the
 1925 exclusionary rule to cases where a law enforcement officer
 1926 effects an arrest based on objectively reasonable reliance on
 1927 information obtained from the division ~~divisions~~ is repugnant to
 1928 the purposes of the exclusionary rule and contrary to the
 1929 decisions of the United States Supreme Court in *Arizona v.*
 1930 *Evans*, 514 U.S. 1 (1995) and *United States v. Leon*, 468 U.S. 897
 1931 (1984).

1932 (4) In any case where a law enforcement officer effects an

HB 1353

2011

1933 | arrest based on objectively reasonable reliance on information
 1934 | obtained from the division ~~divisions~~, evidence found pursuant to
 1935 | such an arrest shall not be suppressed by application of the
 1936 | exclusionary rule on the grounds that the arrest is subsequently
 1937 | determined to be unlawful due to erroneous information obtained
 1938 | from the divisions.

1939 | Section 53. Subsections (2) and (4) of section 322.21,
 1940 | Florida Statutes, are amended to read:

1941 | 322.21 License fees; procedure for handling and collecting
 1942 | fees.—

1943 | (2) It is the duty of the director of the Division of
 1944 | Motorist Services to provide ~~Driver Licenses to set up a~~
 1945 | ~~division in the department with the~~ necessary personnel to
 1946 | perform the ~~necessary~~ clerical and routine work for the
 1947 | department in issuing and recording applications, licenses, and
 1948 | certificates of eligibility, including the receiving and
 1949 | accounting of all license funds and their payment into the State
 1950 | Treasury, and other incidental clerical work connected with the
 1951 | administration of this chapter. The department may use such
 1952 | electronic, mechanical, or other devices as necessary to
 1953 | accomplish the purposes of this chapter.

1954 | (4) If the department determines from its records or is
 1955 | otherwise satisfied that the holder of a license about to expire
 1956 | is entitled to have it renewed, the department shall mail a
 1957 | renewal notice to the licensee at his or her last known address,
 1958 | at least within 30 days before the licensee's birthday. The
 1959 | licensee may ~~shall~~ be issued a renewal license, after
 1960 | reexamination, if required, ~~during the 30 days immediately~~

1961 ~~preceding his or her birthday upon presenting a renewal notice,~~
 1962 ~~his or her current license, and the fee for renewal to the~~
 1963 ~~department at any driver's license examining office. A driver~~
 1964 ~~may renew his or her driver's license up to 18 months prior to~~
 1965 ~~the license expiration date.~~

1966 Section 54. Subsection (1) of section 322.22, Florida
 1967 Statutes, is amended to read:

1968 322.22 Authority of department to cancel license.—

1969 (1) The department is authorized to cancel any driver's
 1970 license, upon determining that the licensee is ~~was~~ not entitled
 1971 to the license issuance ~~thereof~~, or that the licensee failed to
 1972 give the required or correct information in his or her
 1973 application or committed any fraud in making such application,
 1974 or that the licensee has two or more licenses on file with the
 1975 department, each in a different name but bearing the photograph
 1976 of the licensee, unless the licensee has complied with the
 1977 requirements of this chapter in obtaining the licenses. The
 1978 department may cancel any driver's license, identification card,
 1979 vehicle or vessel registration, or fuel-use decal if the
 1980 licensee fails to pay the correct fee or pays for the driver's
 1981 license, identification card, vehicle or vessel registration, or
 1982 fuel-use decal; pays any tax liability, penalty, or interest
 1983 specified in chapter 207; or pays any administrative,
 1984 delinquency, or reinstatement fee by a dishonored check.

1985 Section 55. Subsection (2) of section 322.53, Florida
 1986 Statutes, is amended to read:

1987 322.53 License required; exemptions.—

1988 (2) The following persons are exempt from the requirement

HB 1353

2011

1989 to obtain a commercial driver's license:

1990 (a) Drivers of authorized emergency vehicles.

1991 (b) Military personnel driving vehicles operated for

1992 military purposes.

1993 (c) Farmers transporting agricultural products, farm

1994 supplies, or farm machinery to or from their farms within 150

1995 miles of their farm if the vehicle operated under this exemption

1996 is not used in the operations of a common or contract motor

1997 carrier, ~~or transporting agricultural products to or from the~~

1998 ~~first place of storage or processing or directly to or from~~

1999 ~~market, within 150 miles of their farm.~~

2000 (d) Drivers of recreational vehicles, as defined in s.

2001 320.01.

2002 (e) Drivers who operate straight trucks, as defined in s.

2003 316.003, which ~~that~~ are exclusively transporting their own

2004 tangible personal property that ~~which~~ is not for sale or hire,

2005 and the vehicles are not used in commerce.

2006 (f) An employee of a publicly owned transit system who is

2007 limited to moving vehicles for maintenance or parking purposes

2008 exclusively within the restricted-access confines of a transit

2009 system's property.

2010 Section 56. Subsection (5) is added to section 322.54,

2011 Florida Statutes, to read:

2012 322.54 Classification.—

2013 (5) The required driver's license classification of any

2014 person operating a commercial motor vehicle that has no gross

2015 vehicle weight rating plate or no vehicle identification number

2016 shall be determined by the actual weight of the vehicle.

HB 1353

2011

2017 Section 57. Section 322.58, Florida Statutes, is repealed.

2018 Section 58. Section 322.59, Florida Statutes, is amended
 2019 to read:

2020 322.59 Possession of medical examiner's certificate.—

2021 (1) The department shall not issue a commercial driver's
 2022 license to any person who is required by the laws of this state
 2023 or by federal law to possess a medical examiner's certificate,
 2024 unless such person provides ~~presents~~ a valid certificate, as
 2025 described in 49 C.F.R. s. 383.71 prior to licensure.

2026 (2) The department shall disqualify a driver from
 2027 operating a commercial motor vehicle if that driver holds a
 2028 commercial driver's license and fails to comply with the medical
 2029 certification requirements described in 49 C.F.R. s. 383.71.

2030 ~~(2) This section does not expand the requirements as to~~
 2031 ~~who must possess a medical examiner's certificate.~~

2032 Section 59. Subsection (5) of section 322.61, Florida
 2033 Statutes, is amended to read:

2034 322.61 Disqualification from operating a commercial motor
 2035 vehicle.—

2036 (5) Any person who is convicted of two violations
 2037 specified in subsection (3) which were committed while operating
 2038 a commercial motor vehicle, or any combination thereof, arising
 2039 in separate incidents shall be permanently disqualified from
 2040 operating a commercial motor vehicle. Any holder of a commercial
 2041 driver's license who is convicted of two violations specified in
 2042 subsection (3), which were committed while operating any a
 2043 ~~noncommercial~~ motor vehicle, ~~or any combination thereof,~~ arising
 2044 in separate incidents shall be permanently disqualified from

HB 1353

2011

2045 | operating a commercial motor vehicle. The penalty provided in
2046 | this subsection is in addition to any other applicable penalty.

2047 | Section 60. Subsections (1), (4), (7), (8), and (11) of
2048 | section 322.64, Florida Statutes, are amended to read:

2049 | 322.64 Holder of commercial driver's license; persons
2050 | operating a commercial motor vehicle; driving with unlawful
2051 | blood-alcohol level; refusal to submit to breath, urine, or
2052 | blood test.—

2053 | (1) (a) A law enforcement officer or correctional officer
2054 | shall, on behalf of the department, disqualify from operating
2055 | any commercial motor vehicle a person who while operating or in
2056 | actual physical control of a commercial motor vehicle is
2057 | arrested for a violation of s. 316.193, relating to unlawful
2058 | blood-alcohol level or breath-alcohol level, or a person who has
2059 | refused to submit to a breath, urine, or blood test authorized
2060 | by s. 322.63 or s. 316.1932 arising out of the operation or
2061 | actual physical control of a commercial motor vehicle. A law
2062 | enforcement officer or correctional officer shall, on behalf of
2063 | the department, disqualify the holder of a commercial driver's
2064 | license from operating any commercial motor vehicle if the
2065 | licenseholder, while operating or in actual physical control of
2066 | a motor vehicle, is arrested for a violation of s. 316.193,
2067 | relating to unlawful blood-alcohol level or breath-alcohol
2068 | level, or refused to submit to a breath, urine, or blood test
2069 | authorized by s. 322.63 or s. 316.1932. Upon disqualification of
2070 | the person, the officer shall take the person's driver's license
2071 | and issue the person a 10-day temporary permit for the operation
2072 | of noncommercial vehicles only if the person is otherwise

HB 1353

2011

2073 eligible for the driving privilege and shall issue the person a
 2074 notice of disqualification. If the person has been given a
 2075 blood, breath, or urine test, the results of which are not
 2076 available to the officer at the time of the arrest, the agency
 2077 employing the officer shall transmit such results to the
 2078 department within 5 days after receipt of the results. If the
 2079 department then determines that the person had a blood-alcohol
 2080 level or breath-alcohol level of 0.08 or higher, the department
 2081 shall disqualify the person from operating a commercial motor
 2082 vehicle pursuant to subsection (3).

2083 (b) For purposes of determining the period of
 2084 disqualification described in 49 C.F.R. s. 383.51,
 2085 disqualifications listed in paragraph (a) shall be treated as
 2086 convictions.

2087 (c) ~~(b)~~ The disqualification under paragraph (a) shall be
 2088 pursuant to, and the notice of disqualification shall inform the
 2089 driver of, the following:

2090 1.a. The driver refused to submit to a lawful breath,
 2091 blood, or urine test and he or she is disqualified from
 2092 operating a commercial motor vehicle for the time period
 2093 specified in 49 C.F.R. s. 383.51 ~~a period of 1 year, for a first~~
 2094 ~~refusal, or permanently, if he or she has previously been~~
 2095 ~~disqualified under this section; or~~

2096 b. The driver had an unlawful blood-alcohol or breath-
 2097 alcohol level of 0.08 or higher while driving or in actual
 2098 physical control of a commercial motor vehicle, or any motor
 2099 vehicle if the driver holds a commercial driver license, and is
 2100 disqualified for the time period specified in 49 C.F.R. s.

HB 1353

2011

2101 383.51. ~~The driver was driving or in actual physical control of~~
 2102 ~~a commercial motor vehicle, or any motor vehicle if the driver~~
 2103 ~~holds a commercial driver's license, had an unlawful blood-~~
 2104 ~~alcohol level or breath-alcohol level of 0.08 or higher, and his~~
 2105 ~~or her driving privilege shall be disqualified for a period of 1~~
 2106 ~~year for a first offense or permanently disqualified if his or~~
 2107 ~~her driving privilege has been previously disqualified under~~
 2108 ~~this section.~~

2109 2. The disqualification period for operating commercial
 2110 vehicles shall commence on the date of issuance of the notice of
 2111 disqualification.

2112 3. The driver may request a formal or informal review of
 2113 the disqualification by the department within 10 days after the
 2114 date of issuance of the notice of disqualification.

2115 4. The temporary permit issued at the time of
 2116 disqualification expires at midnight of the 10th day following
 2117 the date of disqualification.

2118 5. The driver may submit to the department any materials
 2119 relevant to the disqualification.

2120 (4) If the person disqualified requests an informal review
 2121 pursuant to subparagraph (1) (c) ~~(b)~~ 3., the department shall
 2122 conduct the informal review by a hearing officer employed by the
 2123 department. Such informal review hearing shall consist solely of
 2124 an examination by the department of the materials submitted by a
 2125 law enforcement officer or correctional officer and by the
 2126 person disqualified, and the presence of an officer or witness
 2127 is not required.

2128 (7) In a formal review hearing under subsection (6) or an

HB 1353

2011

2129 informal review hearing under subsection (4), the hearing
2130 officer shall determine by a preponderance of the evidence
2131 whether sufficient cause exists to sustain, amend, or invalidate
2132 the disqualification. The scope of the review shall be limited
2133 to the following issues:

2134 (a) If the person was disqualified from operating a
2135 commercial motor vehicle for driving with an unlawful blood-
2136 alcohol level:

2137 1. Whether the ~~arresting~~ law enforcement officer had
2138 probable cause to believe that the person was driving or in
2139 actual physical control of a commercial motor vehicle, or any
2140 motor vehicle if the driver holds a commercial driver's license,
2141 in this state while he or she had any alcohol, chemical
2142 substances, or controlled substances in his or her body.

2143 2. Whether the person had an unlawful blood-alcohol level
2144 or breath-alcohol level of 0.08 or higher.

2145 (b) If the person was disqualified from operating a
2146 commercial motor vehicle for refusal to submit to a breath,
2147 blood, or urine test:

2148 1. Whether the law enforcement officer had probable cause
2149 to believe that the person was driving or in actual physical
2150 control of a commercial motor vehicle, or any motor vehicle if
2151 the driver holds a commercial driver's license, in this state
2152 while he or she had any alcohol, chemical substances, or
2153 controlled substances in his or her body.

2154 2. Whether the person refused to submit to the test after
2155 being requested to do so by a law enforcement officer or
2156 correctional officer.

2157 3. Whether the person was told that if he or she refused
 2158 to submit to such test he or she would be disqualified from
 2159 operating a commercial motor vehicle for a period of 1 year or,
 2160 if previously disqualified under this section, permanently.

2161 (8) Based on the determination of the hearing officer
 2162 pursuant to subsection (7) for both informal hearings under
 2163 subsection (4) and formal hearings under subsection (6), the
 2164 department shall:

2165 ~~(a)~~ sustain the disqualification for the time period
 2166 described in 49 C.F.R. s. 383.51 ~~a period of 1 year for a first~~
 2167 ~~refusal, or permanently if such person has been previously~~
 2168 ~~disqualified from operating a commercial motor vehicle under~~
 2169 ~~this section.~~ The disqualification period commences on the date
 2170 of the issuance of the notice of disqualification.

2171 ~~(b) Sustain the disqualification:~~

2172 ~~1. For a period of 1 year if the person was driving or in~~
 2173 ~~actual physical control of a commercial motor vehicle, or any~~
 2174 ~~motor vehicle if the driver holds a commercial driver's license,~~
 2175 ~~and had an unlawful blood alcohol level or breath alcohol level~~
 2176 ~~of 0.08 or higher; or~~

2177 ~~2. Permanently if the person has been previously~~
 2178 ~~disqualified from operating a commercial motor vehicle under~~
 2179 ~~this section or his or her driving privilege has been previously~~
 2180 ~~suspended for driving or being in actual physical control of a~~
 2181 ~~commercial motor vehicle, or any motor vehicle if the driver~~
 2182 ~~holds a commercial driver's license, and had an unlawful blood-~~
 2183 ~~alcohol level or breath alcohol level of 0.08 or higher.~~

2184

2185 ~~The disqualification period commences on the date of the~~
 2186 ~~issuance of the notice of disqualification.~~

2187 (11) The formal review hearing may be conducted upon a
 2188 review of the reports of a law enforcement officer or a
 2189 correctional officer, including documents relating to the
 2190 administration of a breath test or blood test or the refusal to
 2191 take a breath, blood, or urine ~~either~~ test. However, as provided
 2192 in subsection (6), the driver may subpoena the officer or any
 2193 person who administered or analyzed a breath or blood test.

2194 Section 61. Section 328.30, Florida Statutes, is amended
 2195 to read:

2196 328.30 Transactions by electronic or telephonic means.—

2197 (1) The department may ~~is authorized to~~ accept any
 2198 application provided for under this chapter by electronic or
 2199 telephonic means.

2200 (2) The department may issue an electronic certificate of
 2201 title in lieu of printing a paper title.

2202 (3) The department may collect and use electronic mail
 2203 addresses for the purpose of providing renewal notices in lieu
 2204 of the United States Postal Service.

2205 Section 62. Subsection (2) of section 413.012, Florida
 2206 Statutes, is amended to read:

2207 413.012 Confidential records disclosure prohibited;
 2208 exemptions.—

2209 (2) It is unlawful for any person to disclose, authorize
 2210 the disclosure, solicit, receive, or make use of any list of
 2211 names and addresses or any record containing any information set
 2212 forth in subsection (1) and maintained in the division. The

HB 1353

2011

2213 prohibition provided for in this subsection shall not apply to
2214 the use of such information for purposes directly connected with
2215 the administration of the vocational rehabilitation program or
2216 with the monthly dispatch to ~~the Division of Driver Licenses of~~
2217 the Department of Highway Safety and Motor Vehicles of the name
2218 in full, place and date of birth, sex, social security number,
2219 and resident address of individuals with central visual acuity
2220 20/200 or less in the better eye with correcting glasses, or a
2221 disqualifying field defect in which the peripheral field has
2222 contracted to such an extent that the widest diameter or visual
2223 field subtends an angular distance no greater than 20 degrees.
2224 When requested in writing by an applicant or client, or her or
2225 his representative, the Division of Blind Services shall release
2226 confidential information to the applicant or client or her or
2227 his representative.

2228 Section 63. Except as otherwise expressly provided in this
2229 act, this act shall take effect July 1, 2011.