

1 A bill to be entitled
2 An act relating to highway safety and motor vehicles;
3 amending s. 20.24, F.S.; specifying that the executive
4 director of the Department of Highway Safety and Motor
5 Vehicles serves at the pleasure of the Governor and
6 Cabinet; creating a Division of Motorist Services within
7 the department; eliminating the Division of Driver
8 Licenses and the Division of Motor Vehicles; amending ss.
9 261.03 and 288.816, F.S., relating to off-highway vehicle
10 safety and recreation and Consul Corps license plates,
11 respectively; conforming references; amending s. 311.121,
12 F.S., relating to membership of the Seaport Security
13 Officer Qualification, Training, and Standards
14 Coordinating Council; conforming provisions to changes
15 made by the act; amending s. 316.003, F.S.; revising
16 definitions and defining the term "swamp buggy" for
17 purposes of the Florida Uniform Traffic Control Law;
18 reenacting s. 316.065(4), F.S., relating to crash
19 reports, to incorporate changes made to s. 316.066, F.S.,
20 by chapter 2010-163, Laws of Florida; amending s.
21 316.1933, F.S.; revising provisions for a health care
22 provider to notify a law enforcement agency if the
23 provider becomes aware that a person's blood-alcohol
24 level meets or exceeds a specified blood-alcohol level;
25 authorizing a health care provider to notify a law
26 enforcement agency after detecting the presence of a
27 controlled substance in the blood of a driver injured in
28 a motor vehicle crash; amending s. 316.1957, F.S.,

29 relating to parking violations; conforming a reference;
30 amending s. 316.2065, F.S.; revising safety standard
31 requirements for bicycle helmets that must be worn by
32 certain riders and passengers; revising requirements for
33 a bicycle operator to ride in a bicycle lane or along the
34 curb or edge of the roadway; providing for enforcement of
35 requirements for bicycle lighting equipment; providing
36 penalties for violations; providing for dismissal of the
37 charge following a first offense under certain
38 circumstances; amending s. 316.2085, F.S.; requiring the
39 license tag of a motorcycle or moped to remain clearly
40 visible from the rear; prohibiting deliberate acts to
41 conceal or obscure the tag; providing for certain tags to
42 be affixed perpendicularly; amending ss. 316.2122,
43 316.2124, 316.21265, 316.3026, and 316.550, F.S.,
44 relating to low-speed vehicles, disability access
45 vehicles, all-terrain and utility vehicles, motor
46 carriers, and special permits, respectively; conforming
47 cross-references; amending s. 316.545, F.S.; providing
48 for the regulation of apportionable vehicles; amending s.
49 316.613, F.S.; providing an exception for certain for-
50 hire passenger vehicles from provisions requiring the use
51 of child restraint devices in motor vehicles; amending s.
52 317.0003, F.S., relating to off-highway vehicles;
53 conforming a cross-reference; amending s. 317.0016, F.S.;
54 eliminating a requirement that the department provide
55 expedited service for certificates of repossession;
56 amending s. 318.14, F.S.; clarifying provisions

57 | authorizing a person cited for a noncriminal traffic
58 | infraction to elect to attend a driver improvement course
59 | or enter a plea of nolo contendere; amending s. 318.1451,
60 | F.S.; requiring the curricula of driver improvement
61 | schools to include instruction on the dangers of driving
62 | while distracted; amending s. 318.15, F.S., relating to
63 | the suspension of driving privileges; conforming a
64 | reference; amending s. 319.14, F.S.; prohibiting a person
65 | from knowingly offering for sale, selling, or exchanging
66 | certain vehicles unless the department has stamped in a
67 | conspicuous place on the certificate of title words
68 | stating that the vehicle is a custom vehicle or street
69 | rod vehicle; defining the terms "custom vehicle" and
70 | "street rod"; providing requirements for inspection and
71 | issuance of a rebuilt title; amending s. 319.225, F.S.;
72 | revising provisions for vehicle certificates of title;
73 | revising requirements for the transfer and reassignment
74 | forms for vehicles; revising dealer submission
75 | requirements; requiring a dealer selling a vehicle out of
76 | state to mail a copy of the power of attorney form to the
77 | department; providing for the electronic transfer of a
78 | vehicle title; amending s. 319.23, F.S.; providing for
79 | the application for a certificate of title, corrected
80 | certificate, or assignment or reassignment to be filed
81 | from the consummation of the sale of a mobile home;
82 | authorizing the department to accept a bond if the
83 | applicant for a certificate of title is unable to provide
84 | a title that assigns the prior owner's interest in the

85 | motor vehicle; providing requirements for the bond and
86 | the affidavit; providing for future expiration of the
87 | bond; amending s. 319.28, F.S.; eliminating certain
88 | requirements that a lienholder obtain a certificate of
89 | repossession following repossession of a vehicle or
90 | mobile home; amending s. 319.323, F.S., relating to title
91 | offices for expedited service; conforming provisions to
92 | changes made by the act; amending s. 319.40, F.S.;
93 | authorizing the department to issue electronic
94 | certificates of title and use electronic mail addresses
95 | for purposes of certain notifications; amending s.
96 | 320.01, F.S.; revising definitions; excluding special
97 | mobile equipment and swamp buggies from the meaning of
98 | the term "motor vehicle"; deleting an obsolete
99 | definition; revising the gross vehicle weight for
100 | purposes of defining the terms "apportionable vehicle"
101 | and "commercial motor vehicle"; defining the term "swamp
102 | buggy"; amending s. 320.02, F.S.; providing that an
103 | active-duty military member is exempt from the
104 | requirement to provide an address on an application for
105 | vehicle registration; requiring the application forms for
106 | motor vehicle registration and renewal of registration to
107 | include language permitting the applicant to make a
108 | voluntary contribution to End Hunger in Florida, Take
109 | Stock In Children, Autism Services and Supports, and
110 | Support Our Troops; requiring certain information related
111 | to voluntary contributions; providing requirements for
112 | renewal applications; requiring the department to retain

113 | certain records for a specified period; amending s.
 114 | 320.023, F.S.; relating to voluntary contributions;
 115 | revising provisions regarding requests to establish
 116 | voluntary contributions; conforming provisions to changes
 117 | made by the act; amending s. 320.03, F.S., relating to
 118 | the International Registration Plan; conforming
 119 | provisions to changes made by the act; amending s.
 120 | 320.05, F.S.; deleting a provision requiring that the
 121 | department provide a procedures manual for a fee;
 122 | clarifying that the creation and maintenance of records
 123 | by the Division of Motorist Services is not a law
 124 | enforcement function of agency recordkeeping; amending s.
 125 | 320.06, F.S.; authorizing the department to conduct a
 126 | pilot program to evaluate alternative license plate
 127 | technologies for use on government-owned motor vehicles;
 128 | exempting plates in the pilot program from specified
 129 | license plate design and construction requirements;
 130 | amending s. 320.061, F.S.; providing that it is a
 131 | noncriminal traffic infraction to alter a temporary
 132 | license plate; amending s. 320.071, F.S.; providing for
 133 | the renewal of registration for an apportionable vehicle
 134 | that is registered under the International Registration
 135 | Plan; amending s. 320.0715, F.S.; clarifying provisions
 136 | requiring the registration of apportionable vehicles
 137 | under the International Registration Plan; amending s.
 138 | 320.08, F.S., relating to license taxes; conforming
 139 | cross-references; amending s. 320.08068, F.S.; revising
 140 | use of funds received from the sale of motorcycle

141 specialty license plates; amending s. 320.0847, F.S.,
 142 relating to license plates for mini trucks and low-speed
 143 vehicles; conforming cross-references; amending s.
 144 320.0848, F.S.; revising the requirements for the deposit
 145 of fee proceeds from temporary disabled parking permits;
 146 amending s. 320.089, F.S.; providing for the issuance of
 147 a Combat Infantry Badge license plate; providing
 148 qualifications and requirements for the plate; providing
 149 for the use of proceeds from the sale of the plate;
 150 amending s. 320.27, F.S.; exempting salvage motor vehicle
 151 dealers from certain security requirements; amending s.
 152 320.275, F.S., relating to the Automobile Dealers
 153 Industry Advisory Board; conforming provisions to the
 154 elimination of the Division of Motor Vehicles within the
 155 department; amending s. 320.771, F.S.; providing criteria
 156 for a dealer to apply for a certificate of title to a
 157 recreational vehicle under certain circumstances;
 158 amending s. 320.95, F.S.; authorizing the department to
 159 use electronic mail addresses for the purpose of
 160 providing license renewal notices; amending s. 321.02,
 161 F.S.; designating the director of the Division of Highway
 162 Patrol of the department as the Colonel of the Florida
 163 Highway Patrol; amending s. 322.02, F.S.; providing for a
 164 director of the Division of Motorist Services; amending
 165 s. 322.04, F.S.; revising provisions exempting a
 166 nonresident from the requirement to obtain a driver's
 167 license under certain circumstances; amending s. 322.051,
 168 F.S.; revising requirements by which an applicant for an

169 identification card may prove nonimmigrant
170 classification; clarifying the validity of an
171 identification card based on specified documents;
172 amending s. 322.058, F.S., relating to renewal of motor
173 vehicle registration; conforming a cross-reference;
174 amending s. 322.065, F.S.; revising the period of
175 expiration that constitutes the offense of driving with
176 an expired driver's license; amending s. 322.07, F.S.;
177 revising qualifications for obtaining a temporary
178 commercial instruction permit; amending s. 322.08, F.S.;
179 revising requirements by which an applicant for a
180 driver's license may prove nonimmigrant classification;
181 clarifying the validity of a license based on specified
182 documents; providing for driver's license application
183 forms to allow the applicant to make a voluntary
184 contribution to Autism Services and Supports and Support
185 Our Troops, Inc.; requiring certain information related
186 to voluntary contributions; providing requirements for
187 renewal applications; authorizing the department to use
188 electronic mail addresses for the purposes of providing
189 license renewal notices; amending s. 322.081, F.S.,
190 relating to requests to establish voluntary
191 contributions; conforming provisions to changes made by
192 the act; amending s. 322.095, F.S.; requiring the
193 curricula of traffic law and substance abuse education
194 courses to include instruction on the dangers of driving
195 while distracted; amending s. 322.12, F.S.; deleting
196 provisions requiring a separate examination for

197 applicants for a license to operate a motorcycle;
198 requiring that the motorcycle safety course for a first-
199 time applicant include a final examination; requiring
200 that completion of the course be indicated on the
201 license; amending s. 322.121, F.S.; clarifying provisions
202 authorizing the automatic extension of a license for
203 members of the Armed Forces or their dependents while
204 serving on active duty outside the state; amending s.
205 322.14, F.S.; deleting a requirement that applicants for
206 specified licenses appear in person for issuance of a
207 color photographic or digital imaged driver's license;
208 amending s. 322.19, F.S., providing that certain persons
209 with a valid student identification card are presumed not
210 to have changed their legal residence or mailing address;
211 amending s. 322.20, F.S., relating to department records;
212 conforming provisions to changes made by the act;
213 amending s. 322.202, F.S.; clarifying that the Division
214 of Motorist Services is not a law enforcement agency;
215 amending s. 322.21, F.S., relating to handling and
216 collecting license fees; conforming provisions to changes
217 made by the act; authorizing a driver to renew his or her
218 driver's license during a specified period before the
219 license expiration date; amending s. 322.22, F.S.;
220 clarifying provisions authorizing the department to
221 cancel a driver's license; authorizing the department to
222 cancel a license upon determining that the licensee is
223 not entitled to the license; amending s. 322.2615, F.S.,
224 relating to a person's right to review of a license

225 suspension; revising provisions for a formal review
226 hearing and enforcement of a subpoena; amending s.
227 322.34, F.S.; providing that a person who commits a
228 certain infraction shall not have a vehicle impounded or
229 immobilized; amending s. 322.53, F.S.; revising
230 provisions exempting certain farmers and drivers who
231 operate straight trucks from the requirement to obtain a
232 commercial driver's license; amending s. 322.54, F.S.;
233 requiring that the driver's license classification be
234 determined by the actual weight of the vehicle under
235 certain circumstances; repealing s. 322.58, F.S.,
236 relating to holders of chauffeur's licenses; amending s.
237 322.59, F.S.; requiring that the department disqualify a
238 driver holding a commercial driver's license who fails to
239 comply with specified federal certification requirements;
240 amending s. 322.61, F.S.; providing that the holder of a
241 commercial driver's license is permanently disqualified
242 from operating a commercial motor vehicle following two
243 violations of specified offenses committed while
244 operating any vehicle; amending s. 322.64, F.S.;
245 providing that a notice of disqualification from
246 operating a commercial motor vehicle acts as a conviction
247 for purposes of certain federal restrictions imposed for
248 the offense of operating a commercial motor vehicle while
249 under the influence of alcohol; deleting provisions
250 authorizing the department to impose certain alternative
251 restrictions for such offense; amending s. 328.30, F.S.;
252 authorizing the department to issue electronic

253 certificates of title for vessels and use electronic mail
 254 addresses for purposes of providing renewal notices;
 255 amending s. 328.72, F.S., relating to registration of
 256 vessels; requiring certain information related to
 257 voluntary contributions; providing requirements for
 258 renewal applications; amending s. 413.012, F.S., relating
 259 to a prohibition on disclosing confidential records held
 260 by the department; conforming provisions to changes made
 261 by the act; amending s. 713.78, F.S., relating to renewal
 262 of motor vehicle registration; conforming a cross-
 263 reference; providing a short title; providing for a
 264 voluntary emergency contact information program
 265 established by the department; providing effective dates.
 266

267 Be It Enacted by the Legislature of the State of Florida:
 268

269 Section 1. Section 20.24, Florida Statutes, is amended to
 270 read:

271 20.24 Department of Highway Safety and Motor Vehicles.—
 272 There is created a Department of Highway Safety and Motor
 273 Vehicles.

274 (1) The head of the Department of Highway Safety and Motor
 275 Vehicles is the Governor and Cabinet. An executive director
 276 shall serve at the pleasure of the Governor and Cabinet. The
 277 executive director may establish a command, operational, and
 278 administrative services structure to assist, manage, and support
 279 the department in operating programs and delivering services.

280 (2) The following divisions, ~~and bureaus within the~~

CS/CS/CS/HB 1353

2011

281 ~~divisions,~~ of the Department of Highway Safety and Motor
 282 Vehicles are established:

283 (a) Division of the Florida Highway Patrol.

284 (b) Division of Motorist Services.

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

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

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

289 261.03 Definitions.—As used in this chapter, the term:

290 (9) "ROV" means any motorized recreational off-highway
 291 vehicle 64 inches or less in width, having a dry weight of 2,000
 292 pounds or less, designed to travel on four or more nonhighway
 293 tires, having nonstraddle seating and a steering wheel, and
 294 manufactured for recreational use by one or more persons. The
 295 term "ROV" does not include a golf cart as defined in ss.
 296 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
 297 s. 320.01~~(42)~~.

298 Section 3. Paragraph (e) of subsection (2) of section
 299 288.816, Florida Statutes, is amended to read:

300 288.816 Intergovernmental relations.—

301 (2) The Office of Tourism, Trade, and Economic Development
 302 shall be responsible for all consular relations between the
 303 state and all foreign governments doing business in Florida. The
 304 office shall monitor United States laws and directives to ensure
 305 that all federal treaties regarding foreign privileges and
 306 immunities are properly observed. The office shall promulgate
 307 rules which shall:

308 (e) Verify entitlement to issuance of special motor

309 vehicle license plates by ~~the Division of Motor Vehicles~~ of the
 310 Department of Highway Safety and Motor Vehicles to honorary
 311 consuls or such other officials representing foreign governments
 312 who are not entitled to issuance of special Consul Corps license
 313 plates by the United States Government.

314 Section 4. Paragraph (a) of subsection (3) of section
 315 311.121, Florida Statutes, is amended to read:

316 311.121 Qualifications, training, and certification of
 317 licensed security officers at Florida seaports.—

318 (3) The Seaport Security Officer Qualification, Training,
 319 and Standards Coordinating Council is created under the
 320 Department of Law Enforcement.

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

- 323 1. The seaport administrator of the Department of Law
 324 Enforcement.
- 325 2. The Commissioner of Education or his or her designee.
- 326 3. The director of the Division of Licensing of the
 327 Department of Agriculture and Consumer Services.
- 328 4. The administrator of the Florida Seaport Transportation
 329 and Economic Development Council.
- 330 5. Two seaport security directors from seaports designated
 331 under s. 311.09.
- 332 6. One director of a state law enforcement academy.
- 333 7. One representative of a local law enforcement agency.
- 334 8. Two representatives of contract security services.
- 335 9. One representative of ~~the Division of Driver Licenses~~
 336 ~~of~~ the Department of Highway Safety and Motor Vehicles.

337 Section 5. Subsections (2) and (21) of section 316.003,
 338 Florida Statutes, are amended, and subsection (89) is added to
 339 that section, to read:

340 316.003 Definitions.—The following words and phrases, when
 341 used in this chapter, shall have the meanings respectively
 342 ascribed to them in this section, except where the context
 343 otherwise requires:

344 (2) BICYCLE.—Every vehicle propelled solely by human
 345 power, and every motorized bicycle propelled by a combination of
 346 human power and a ~~an electric~~ helper motor capable of propelling
 347 the vehicle at a speed of not more than 20 miles per hour on
 348 level ground upon which any person may ride, having two tandem
 349 wheels, and including any device generally recognized as a
 350 bicycle though equipped with two front or two rear wheels. The
 351 term does not include such a vehicle with a seat height of no
 352 more than 25 inches from the ground when the seat is adjusted to
 353 its highest position or a scooter or similar device. No person
 354 under the age of 16 may operate or ride upon a motorized
 355 bicycle.

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

360 (89) SWAMP BUGGY.—A motorized off-road vehicle designed to
 361 travel over swampy terrain, which may use large tires or tracks
 362 operated from an elevated platform, and may be used upon varied
 363 terrain. A swamp buggy does not include any vehicle defined in
 364 chapter 261 or otherwise defined or classified in this chapter.

365 A swamp buggy may not be operated upon the public roads,
 366 streets, or highways of this state, except to the extent
 367 specifically authorized by a state or federal agency to be used
 368 exclusively upon lands, managed, owned, or leased by that
 369 agency.

370 Section 6. For the purpose of incorporating the amendment
 371 made by chapter 2010-163, Laws of Florida, to section 316.066,
 372 Florida Statutes, in a reference thereto, subsection (4) of
 373 section 316.065, Florida Statutes, is reenacted retroactive to
 374 July 1, 2010, to read:

375 316.065 Crashes; reports; penalties.—

376 (4) Any person who knowingly repairs a motor vehicle
 377 without having made a report as required by subsection (3) is
 378 guilty of a misdemeanor of the first degree, punishable as
 379 provided in s. 775.082 or s. 775.083. The owner and driver of a
 380 vehicle involved in a crash who makes a report thereof in
 381 accordance with subsection (1) or s. 316.066(1) is not liable
 382 under this section.

383 Section 7. Subsection (1) of section 316.066, Florida
 384 Statutes, as amended by chapter 2010-163, Laws of Florida,
 385 reads:

386 316.066 Written reports of crashes.—

387 (1) (a) A Florida Traffic Crash Report, Long Form is
 388 required to be completed and submitted to the department within
 389 10 days after completing an investigation by every law
 390 enforcement officer who in the regular course of duty
 391 investigates a motor vehicle crash:

392 1. That resulted in death or personal injury.

393 2. That involved a violation of s. 316.061(1) or s.
394 316.193.

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

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

- 403 1. The date, time, and location of the crash.
- 404 2. A description of the vehicles involved.
- 405 3. The names and addresses of the parties involved.
- 406 4. The names and addresses of witnesses.
- 407 5. The name, badge number, and law enforcement agency of
408 the officer investigating the crash.
- 409 6. The names of the insurance companies for the respective
410 parties involved in the crash.

411 (c) Each party to the crash shall provide the law
412 enforcement officer with proof of insurance to be included in
413 the crash report. If a law enforcement officer submits a report
414 on the accident, proof of insurance must be provided to the
415 officer by each party involved in the crash. Any party who fails
416 to provide the required information commits a noncriminal
417 traffic infraction, punishable as a nonmoving violation as
418 provided in chapter 318, unless the officer determines that due
419 to injuries or other special circumstances such insurance
420 information cannot be provided immediately. If the person

421 provides the law enforcement agency, within 24 hours after the
 422 crash, proof of insurance that was valid at the time of the
 423 crash, the law enforcement agency may void the citation.

424 (d) The driver of a vehicle that was in any manner
 425 involved in a crash resulting in damage to any vehicle or other
 426 property in an amount of \$500 or more, which crash was not
 427 investigated by a law enforcement agency, shall, within 10 days
 428 after the crash, submit a written report of the crash to the
 429 department or traffic records center. The entity receiving the
 430 report may require witnesses of crashes to render reports and
 431 may require any driver of a vehicle involved in a crash of which
 432 a written report must be made as provided in this section to
 433 file supplemental written reports whenever the original report
 434 is deemed insufficient by the receiving entity.

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

437 Section 8. Paragraph (a) of subsection (2) of section
 438 316.1933, Florida Statutes, is amended to read:

439 316.1933 Blood test for impairment or intoxication in
 440 cases of death or serious bodily injury; right to use reasonable
 441 force.—

442 (2)(a) Only a physician, certified paramedic, registered
 443 nurse, licensed practical nurse, other personnel authorized by a
 444 hospital to draw blood, or duly licensed clinical laboratory
 445 director, supervisor, technologist, or technician, acting at the
 446 request of a law enforcement officer, may withdraw blood for the
 447 purpose of determining the alcoholic content thereof or the
 448 presence of chemical substances or controlled substances

449 | therein. However, the failure of a law enforcement officer to
450 | request the withdrawal of blood shall not affect the
451 | admissibility of a test of blood withdrawn for medical purposes.

452 | 1. Notwithstanding any provision of law pertaining to the
453 | confidentiality of hospital records or other medical records, if
454 | a health care provider, who is providing medical care in a
455 | health care facility to a driver ~~person~~ injured in a motor
456 | vehicle crash, becomes aware, as a result of any blood test
457 | performed in the course of that medical treatment, that the
458 | person's blood-alcohol level meets or exceeds the blood-alcohol
459 | level specified in s. 316.193(1)(b), or detects the presence of
460 | a controlled substance listed in s. 893.03(1), the health care
461 | provider may notify any law enforcement officer or law
462 | enforcement agency. Any such notice must be given within a
463 | reasonable time after the health care provider receives the test
464 | result. Any such notice shall be used only for the purpose of
465 | providing the law enforcement officer with reasonable cause to
466 | request the withdrawal of a blood sample pursuant to this
467 | section.

468 | 2. The notice shall consist only of the name of the person
469 | being treated, the name of the person who drew the blood, the
470 | blood-alcohol level indicated by the test, and the date and time
471 | of the administration of the test.

472 | 3. Nothing contained in s. 395.3025(4), s. 456.057, or any
473 | applicable practice act affects the authority to provide notice
474 | under this section, and the health care provider is not
475 | considered to have breached any duty owed to the person under s.
476 | 395.3025(4), s. 456.057, or any applicable practice act by

477 providing notice or failing to provide notice. It shall not be a
 478 breach of any ethical, moral, or legal duty for a health care
 479 provider to provide notice or fail to provide notice.

480 4. A civil, criminal, or administrative action may not be
 481 brought against any person or health care provider participating
 482 in good faith in the provision of notice or failure to provide
 483 notice as provided in this section. Any person or health care
 484 provider participating in the provision of notice or failure to
 485 provide notice as provided in this section shall be immune from
 486 any civil or criminal liability and from any professional
 487 disciplinary action with respect to the provision of notice or
 488 failure to provide notice under this section. Any such
 489 participant has the same immunity with respect to participating
 490 in any judicial proceedings resulting from the notice or failure
 491 to provide notice.

492 Section 9. Section 316.1957, Florida Statutes, is amended
 493 to read:

494 316.1957 Parking violations; designated parking spaces for
 495 persons who have disabilities.—When evidence is presented in any
 496 court of the fact that any motor vehicle was parked in a
 497 properly designated parking space for persons who have
 498 disabilities in violation of s. 316.1955, it is prima facie
 499 evidence that the vehicle was parked and left in the space by
 500 the person, firm, or corporation in whose name the vehicle is
 501 registered and licensed according to the records of the
 502 department ~~Division of Motor Vehicles~~.

503 Section 10. Paragraph (d) of subsection (3) and
 504 subsections (5) and (8) of section 316.2065, Florida Statutes,

505 are amended to read:

506 316.2065 Bicycle regulations.—

507 (3)

508 (d) A bicycle rider or passenger who is under 16 years of
 509 age must wear a bicycle helmet that is properly fitted and is
 510 fastened securely upon the passenger's head by a strap, and that
 511 meets the federal safety standard for bicycle helmets, final
 512 rule, 16 C.F.R. part 1203. Helmets purchased before October 1,
 513 2011, and meeting standards of the American National Standards
 514 Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards
 515 of the Snell Memorial Foundation (1984 Standard for Protective
 516 Headgear for Use in Bicycling), or any other nationally
 517 recognized standards for bicycle helmets adopted by the
 518 department may continue to be worn by riders or passengers until
 519 January 1, 2015. As used in this subsection, the term
 520 "passenger" includes a child who is riding in a trailer or
 521 semitrailer attached to a bicycle.

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

528 1. When overtaking and passing another bicycle or vehicle
 529 proceeding in the same direction.

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

532 3. When reasonably necessary to avoid any condition or

CS/CS/CS/HB 1353

2011

533 potential conflict, including, but not limited to, a fixed or
534 moving object, parked or moving vehicle, bicycle, pedestrian,
535 animal, surface hazard, turn lane, or substandard-width lane,
536 which ~~that~~ makes it unsafe to continue along the right-hand curb
537 or edge or within a bicycle lane. For the purposes of this
538 subsection, a "substandard-width lane" is a lane that is too
539 narrow for a bicycle and another vehicle to travel safely side
540 by side within the lane.

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

544 (8) Every bicycle in use between sunset and sunrise shall
545 be equipped with a lamp on the front exhibiting a white light
546 visible from a distance of at least 500 feet to the front and a
547 lamp and reflector on the rear each exhibiting a red light
548 visible from a distance of 600 feet to the rear. A bicycle or
549 its rider may be equipped with lights or reflectors in addition
550 to those required by this section. A law enforcement officer may
551 issue a bicycle safety brochure and a verbal warning to a
552 bicycle rider who violates this subsection. A bicycle rider who
553 violates this subsection may be issued a citation by a law
554 enforcement officer and assessed a fine for a pedestrian
555 violation, as provided in s. 318.18. The court shall dismiss the
556 charge against a bicycle rider for a first violation of this
557 subsection upon proof of purchase and installation of the proper
558 lighting equipment.

559 Section 11. Subsection (3) of section 316.2085, Florida
560 Statutes, is amended to read:

CS/CS/CS/HB 1353

2011

561 316.2085 Riding on motorcycles or mopeds.—
 562 (3) The license tag of a motorcycle or moped must be
 563 permanently affixed to the vehicle and remain clearly visible
 564 from the rear at all times ~~may not be adjusted or capable of~~
 565 ~~being flipped up.~~ Any deliberate act to conceal or obscure ~~No~~
 566 ~~device for or method of concealing or obscuring~~ the legibility
 567 of the license tag of a motorcycle is prohibited ~~shall be~~
 568 ~~installed or used.~~ The license tag of a motorcycle or moped may
 569 be affixed horizontally to the ground so that the numbers and
 570 letters read from left to right. Alternatively, a Florida
 571 license tag for a motorcycle or moped for which the numbers and
 572 letters read from top to bottom may be affixed perpendicularly
 573 to the ground, provided that the registered owner of the
 574 motorcycle or moped maintains a prepaid toll account in good
 575 standing and a transponder associated with the prepaid toll
 576 account is affixed to the motorcycle or moped. A license tag for
 577 a motorcycle or moped issued by another jurisdiction for which
 578 the numbers and letters read from top to bottom may be affixed
 579 perpendicularly to the ground.

580 Section 12. Section 316.2122, Florida Statutes, is amended
 581 to read:

582 316.2122 Operation of a low-speed vehicle or mini truck on
 583 certain roadways.—The operation of a low-speed vehicle as
 584 defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
 585 320.01~~(45)~~ on any road as defined in s. 334.03(15) or (33) is
 586 authorized with the following restrictions:

587 (1) A low-speed vehicle or mini truck may be operated only
 588 on streets where the posted speed limit is 35 miles per hour or

CS/CS/CS/HB 1353

2011

589 less. This does not prohibit a low-speed vehicle or mini truck
590 from crossing a road or street at an intersection where the road
591 or street has a posted speed limit of more than 35 miles per
592 hour.

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

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

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

602 (5) A county or municipality may prohibit the operation of
603 low-speed vehicles or mini trucks on any road under its
604 jurisdiction if the governing body of the county or municipality
605 determines that such prohibition is necessary in the interest of
606 safety.

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

611 Section 13. Section 316.2124, Florida Statutes, is amended
612 to read:

613 316.2124 Motorized disability access vehicles.—The
614 Department of Highway Safety and Motor Vehicles is directed to
615 provide, by rule, for the regulation of motorized disability
616 access vehicles as described in s. 320.01~~(34)~~. The department

CS/CS/CS/HB 1353

2011

617 shall provide that motorized disability access vehicles shall be
 618 registered in the same manner as motorcycles and shall pay the
 619 same registration fee as for a motorcycle. There shall also be
 620 assessed, in addition to the registration fee, a \$2.50 surcharge
 621 for motorized disability access vehicles. This surcharge shall
 622 be paid into the Highway Safety Operating Trust Fund. Motorized
 623 disability access vehicles shall not be required to be titled by
 624 the department. The department shall require motorized
 625 disability access vehicles to be subject to the same safety
 626 requirements as set forth in this chapter for motorcycles.

627 Section 14. Subsection (1) of section 316.21265, Florida
 628 Statutes, is amended to read:

629 316.21265 Use of all-terrain vehicles, golf carts, low-
 630 speed vehicles, or utility vehicles by law enforcement
 631 agencies.—

632 (1) Notwithstanding any provision of law to the contrary,
 633 any law enforcement agency in this state may operate all-terrain
 634 vehicles as defined in s. 316.2074, golf carts as defined in s.
 635 320.01~~(22)~~, low-speed vehicles as defined in s. 320.01~~(42)~~, or
 636 utility vehicles as defined in s. 320.01~~(43)~~ on any street,
 637 road, or highway in this state while carrying out its official
 638 duties.

639 Section 15. Subsection (1) of section 316.3026, Florida
 640 Statutes, is amended to read:

641 316.3026 Unlawful operation of motor carriers.—

642 (1) The Office of Motor Carrier Compliance of the
 643 Department of Transportation may issue out-of-service orders to
 644 motor carriers, as defined in s. 320.01~~(33)~~, who have after

645 | proper notice failed to pay any penalty or fine assessed by the
 646 | department, or its agent, against any owner or motor carrier for
 647 | violations of state law, refused to submit to a compliance
 648 | review and provide records pursuant to s. 316.302(5) or s.
 649 | 316.70, or violated safety regulations pursuant to s. 316.302 or
 650 | insurance requirements found in s. 627.7415. Such out-of-service
 651 | orders shall have the effect of prohibiting the operations of
 652 | any motor vehicles owned, leased, or otherwise operated by the
 653 | motor carrier upon the roadways of this state, until such time
 654 | as the violations have been corrected or penalties have been
 655 | paid. Out-of-service orders issued under this section must be
 656 | approved by the Secretary of Transportation or his or her
 657 | designee. An administrative hearing pursuant to s. 120.569 shall
 658 | be afforded to motor carriers subject to such orders.

659 | Section 16. Subsection (3) of section 316.545, Florida
 660 | Statutes, is amended to read:

661 | 316.545 Weight and load unlawful; special fuel and motor
 662 | fuel tax enforcement; inspection; penalty; review.—

663 | (3) Any person who violates the overloading provisions of
 664 | this chapter shall be conclusively presumed to have damaged the
 665 | highways of this state by reason of such overloading, which
 666 | damage is hereby fixed as follows:

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

669 | (b) Five cents per pound for each pound of weight in
 670 | excess of the maximum herein provided when the excess weight
 671 | exceeds 200 pounds. However, whenever the gross weight of the
 672 | vehicle or combination of vehicles does not exceed the maximum

673 allowable gross weight, the maximum fine for the first 600
 674 pounds of unlawful axle weight shall be \$10;

675 (c) For a vehicle equipped with fully functional idle-
 676 reduction technology, any penalty shall be calculated by
 677 reducing the actual gross vehicle weight or the internal bridge
 678 weight by the certified weight of the idle-reduction technology
 679 or by 400 pounds, whichever is less. The vehicle operator must
 680 present written certification of the weight of the idle-
 681 reduction technology and must demonstrate or certify that the
 682 idle-reduction technology is fully functional at all times. This
 683 calculation is not allowed for vehicles described in s.
 684 316.535(6);

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

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

693 Section 17. Paragraph (a) of subsection (5) and subsection
 694 (10) of section 316.550, Florida Statutes, are amended to read:
 695 316.550 Operations not in conformity with law; special
 696 permits.—

697 (5) (a) The Department of Transportation may issue a
 698 wrecker special blanket permit to authorize a wrecker as defined
 699 in s. 320.01~~(40)~~ to tow a disabled vehicle as defined in s.
 700 320.01~~(38)~~ where the combination of the wrecker and the disabled

701 vehicle being towed exceeds the maximum weight limits as
702 established by s. 316.535.

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

709 (a) For violation of weight criteria contained in a
710 special permit, the penalty per pound or portion thereof
711 exceeding the permitted weight shall be as provided in s.
712 316.545.

713 (b) For each violation of dimensional criteria in a
714 special permit, the penalty shall be as provided in s. 316.516
715 and penalties for multiple violations of dimensional criteria
716 shall be cumulative except that the total penalty for the
717 vehicle shall not exceed \$1,000.

718 (c) For each violation of an operational or safety
719 stipulation in a special permit, the penalty shall be an amount
720 not to exceed \$1,000 per violation and penalties for multiple
721 violations of operational or safety stipulations shall be
722 cumulative except that the total penalty for the vehicle shall
723 not exceed \$1,000.

724 (d) For violation of any special condition that has been
725 prescribed in the rules of the Department of Transportation and
726 declared on the permit, the vehicle shall be determined to be
727 out of conformance with the permit and the permit shall be
728 declared null and void for the vehicle, and weight and

729 dimensional limits for the vehicle shall be as established in s.
 730 316.515 or s. 316.535, whichever is applicable, and:

731 1. For weight violations, a penalty as provided in s.
 732 316.545 shall be assessed for those weights which exceed the
 733 limits thus established for the vehicle; and

734 2. For dimensional, operational, or safety violations, a
 735 penalty as established in paragraph (c) or s. 316.516, whichever
 736 is applicable, shall be assessed for each nonconforming
 737 dimensional, operational, or safety violation and the penalties
 738 for multiple violations shall be cumulative for the vehicle.

739 Section 18. Subsection (5) of section 316.613, Florida
 740 Statutes, is renumbered as subsection (6), and a new subsection
 741 (5) is added to that section to read:

742 316.613 Child restraint requirements.—

743 (5) The child restraint requirements imposed by this
 744 section do not apply to a chauffeur-driven taxi, limousine,
 745 sedan, van, bus, motor coach, or other passenger vehicle if the
 746 operator and the motor vehicle are hired and used for the
 747 transportation of persons for compensation. It is the obligation
 748 and responsibility of the parent, guardian, or other person
 749 responsible for a child's welfare, as defined in s. 39.01(47),
 750 to comply with the requirements of this section.

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

753 317.0003 Definitions.—As used in this chapter, the term:

754 (9) "ROV" means any motorized recreational off-highway
 755 vehicle 64 inches or less in width, having a dry weight of 2,000
 756 pounds or less, designed to travel on four or more nonhighway

CS/CS/CS/HB 1353

2011

757 tires, having nonstraddle seating and a steering wheel, and
 758 manufactured for recreational use by one or more persons. The
 759 term "ROV" does not include a golf cart as defined in ss.
 760 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
 761 s. 320.01~~(42)~~.

762 Section 20. Section 317.0016, Florida Statutes, is amended
 763 to read:

764 317.0016 Expedited service; applications; fees.—The
 765 department shall provide, through its agents and for use by the
 766 public, expedited service on title transfers, title issuances,
 767 duplicate titles, and recordation of liens, ~~and certificates of~~
 768 ~~repossession~~. A fee of \$7 shall be charged for this service,
 769 which is in addition to the fees imposed by ss. 317.0007 and
 770 317.0008, and \$3.50 of this fee shall be retained by the
 771 processing agency. All remaining fees shall be deposited in the
 772 Incidental Trust Fund of the Division of Forestry of the
 773 Department of Agriculture and Consumer Services. Application for
 774 expedited service may be made by mail or in person. The
 775 department shall issue each title applied for pursuant to this
 776 section within 5 working days after receipt of the application
 777 except for an application for a duplicate title certificate
 778 covered by s. 317.0008(3), in which case the title must be
 779 issued within 5 working days after compliance with the
 780 department's verification requirements.

781 Section 21. Subsection (9) and paragraph (a) of subsection
 782 (10) of section 318.14, Florida Statutes, are amended to read:

783 318.14 Noncriminal traffic infractions; exception;
 784 procedures.—

785 (9) Any person who does not hold a commercial driver's
 786 license and who is cited while driving a noncommercial motor
 787 vehicle for an infraction under this section other than a
 788 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the
 789 driver exceeds the posted limit by 30 miles per hour or more, s.
 790 320.0605, s. 320.07(3) (a) or (b), s. 322.065, s. 322.15(1), s.
 791 322.61, or s. 322.62 may, in lieu of a court appearance, elect
 792 to attend in the location of his or her choice within this state
 793 a basic driver improvement course approved by the Department of
 794 Highway Safety and Motor Vehicles. In such a case, adjudication
 795 must be withheld and points, as provided by s. 322.27, may not
 796 be assessed. However, a person may not make an election under
 797 this subsection if the person has made an election under this
 798 subsection in the preceding 12 months. A person may make no more
 799 than five elections within his or her lifetime under this
 800 subsection. The requirement for community service under s.
 801 318.18(8) is not waived by a plea of nolo contendere or by the
 802 withholding of adjudication of guilt by a court. If a person
 803 makes an election to attend a basic driver improvement course
 804 under this subsection, 18 percent of the civil penalty imposed
 805 under s. 318.18(3) shall be deposited in the State Courts
 806 Revenue Trust Fund; however, that portion is not revenue for
 807 purposes of s. 28.36 and may not be used in establishing the
 808 budget of the clerk of the court under that section or s. 28.35.

809 (10) (a) Any person who does not hold a commercial driver's
 810 license and who is cited while driving a noncommercial motor
 811 vehicle for an offense listed under this subsection may, in lieu
 812 of payment of fine or court appearance, elect to enter a plea of

813 nolo contendere and provide proof of compliance to the clerk of
 814 the court, designated official, or authorized operator of a
 815 traffic violations bureau. In such case, adjudication shall be
 816 withheld; however, no election shall be made under this
 817 subsection if such person has made an election under this
 818 subsection in the 12 months preceding election hereunder. No
 819 person may make more than three elections under this subsection.
 820 This subsection applies to the following offenses:

821 1. Operating a motor vehicle without a valid driver's
 822 license in violation of the provisions of s. 322.03, s. 322.065,
 823 or s. 322.15(1), or operating a motor vehicle with a license
 824 that has been suspended for failure to appear, failure to pay
 825 civil penalty, or failure to attend a driver improvement course
 826 pursuant to s. 322.291.

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

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

830 4. Operating a motor vehicle with a license that has been
 831 suspended under s. 61.13016 or s. 322.245 for failure to pay
 832 child support or for failure to pay any other financial
 833 obligation as provided in s. 322.245; however, this subparagraph
 834 does not apply if the license has been suspended pursuant to s.
 835 322.245(1).

836 5. Operating a motor vehicle with a license that has been
 837 suspended under s. 322.091 for failure to meet school attendance
 838 requirements.

839 Section 22. Paragraph (a) of subsection (2) of section
 840 318.1451, Florida Statutes, is amended to read:

841 318.1451 Driver improvement schools.-

842 (2) (a) In determining whether to approve the courses
 843 referenced in this section, the department shall consider course
 844 content designed to promote safety, driver awareness, crash
 845 avoidance techniques, the dangers of driving while distracted,
 846 which must specifically include the use of technology while
 847 driving, and other factors or criteria to improve driver
 848 performance from a safety viewpoint.

849 Section 23. Paragraph (a) of subsection (1) of section
 850 318.15, Florida Statutes, is amended to read:

851 318.15 Failure to comply with civil penalty or to appear;
 852 penalty.-

853 (1) (a) If a person fails to comply with the civil
 854 penalties provided in s. 318.18 within the time period specified
 855 in s. 318.14(4), fails to enter into or comply with the terms of
 856 a penalty payment plan with the clerk of the court in accordance
 857 with ss. 318.14 and 28.246, fails to attend driver improvement
 858 school, or fails to appear at a scheduled hearing, the clerk of
 859 the court shall notify the ~~Division of Driver Licenses of the~~
 860 Department of Highway Safety and Motor Vehicles of such failure
 861 within 10 days after such failure. Upon receipt of such notice,
 862 the department shall immediately issue an order suspending the
 863 driver's license and privilege to drive of such person effective
 864 20 days after the date the order of suspension is mailed in
 865 accordance with s. 322.251(1), (2), and (6). Any such suspension
 866 of the driving privilege which has not been reinstated,
 867 including a similar suspension imposed outside Florida, shall
 868 remain on the records of the department for a period of 7 years

CS/CS/CS/HB 1353

2011

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

871 Section 24. Section 319.14, Florida Statutes, is amended
 872 to read:

873 319.14 Sale of motor vehicles registered or used as
 874 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,
 875 ~~and~~ nonconforming vehicles, custom vehicles, or street rod
 876 vehicles.—

877 (1) (a) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
 878 sell, or exchange any vehicle that has been licensed,
 879 registered, or used as a taxicab, police vehicle, or short-term-
 880 lease vehicle, or a vehicle that has been repurchased by a
 881 manufacturer pursuant to a settlement, determination, or
 882 decision under chapter 681, until the department has stamped in
 883 a conspicuous place on the certificate of title of the vehicle,
 884 or its duplicate, words stating the nature of the previous use
 885 of the vehicle or the title has been stamped "Manufacturer's Buy
 886 Back" to reflect that the vehicle is a nonconforming vehicle. If
 887 the certificate of title or duplicate was not so stamped upon
 888 initial issuance thereof or if, subsequent to initial issuance
 889 of the title, the use of the vehicle is changed to a use
 890 requiring the notation provided for in this section, the owner
 891 or lienholder of the vehicle shall surrender the certificate of
 892 title or duplicate to the department before ~~prior to~~ offering
 893 the vehicle for sale, and the department shall stamp the
 894 certificate or duplicate as required herein. If ~~When~~ a vehicle
 895 has been repurchased by a manufacturer pursuant to a settlement,
 896 determination, or decision under chapter 681, the title shall be

897 stamped "Manufacturer's Buy Back" to reflect that the vehicle is
 898 a nonconforming vehicle.

899 (b) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
 900 sell, or exchange a rebuilt vehicle until the department has
 901 stamped in a conspicuous place on the certificate of title for
 902 the vehicle words stating that the vehicle has been rebuilt or
 903 assembled from parts, or is a kit car, glider kit, replica, ~~or~~
 904 flood vehicle, custom vehicle, or street rod vehicle unless
 905 proper application for a certificate of title for a vehicle that
 906 is rebuilt or assembled from parts, or is a kit car, glider kit,
 907 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle
 908 has been made to the department in accordance with this chapter
 909 and the department has conducted the physical examination of the
 910 vehicle to assure the identity of the vehicle and all major
 911 component parts, as defined in s. 319.30(1), which have been
 912 repaired or replaced. Thereafter, the department shall affix a
 913 decal to the vehicle, in the manner prescribed by the
 914 department, showing the vehicle to be rebuilt. A vehicle may not
 915 be inspected or issued a rebuilt title until all major component
 916 parts, as defined in s. 319.30, which were damaged have been
 917 repaired or replaced.

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

919 1. "Police vehicle" means a motor vehicle owned or leased
 920 by the state or a county or municipality and used in law
 921 enforcement.

922 2.a. "Short-term-lease vehicle" means a motor vehicle
 923 leased without a driver and under a written agreement to one or
 924 more persons from time to time for a period of less than 12

925 months.

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

929 c. "Lease vehicle" includes both short-term-lease vehicles
930 and long-term-lease vehicles.

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

933 4. "Assembled from parts" means a motor vehicle or mobile
934 home assembled from parts or combined from parts of motor
935 vehicles or mobile homes, new or used. "Assembled from parts"
936 does not mean a motor vehicle defined as a "rebuilt vehicle" in
937 subparagraph 3., which has been declared a total loss pursuant
938 to s. 319.30.

939 5. "Kit car" means a motor vehicle assembled with a kit
940 supplied by a manufacturer to rebuild a wrecked or outdated
941 motor vehicle with a new body kit.

942 6. "Glider kit" means a vehicle assembled with a kit
943 supplied by a manufacturer to rebuild a wrecked or outdated
944 truck or truck tractor.

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

947 8. "Flood vehicle" means a motor vehicle or mobile home
948 that has been declared to be a total loss pursuant to s.
949 319.30(3)(a) resulting from damage caused by water.

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

953 10. "Settlement" means an agreement entered into between a
954 manufacturer and a consumer that occurs after a dispute is
955 submitted to a program, or an informal dispute settlement
956 procedure established by a manufacturer or is approved for
957 arbitration before the New Motor Vehicle Arbitration Board as
958 defined in s. 681.102.

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

960 a. Is 25 years of age or older and of a model year after
961 1948, or was manufactured to resemble a vehicle that is 25 years
962 of age or older and of a model year after 1948; and

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

965

966 The model year and year of manufacture which the body of a
967 custom vehicle resembles is the model year and year of
968 manufacture listed on the certificate of title, regardless of
969 when the vehicle was actually manufactured.

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

971 a. Is a model year of 1948 or older or was manufactured
972 after 1948 to resemble a vehicle of a model year of 1948 or
973 older; and

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

976

977 The model year and year of manufacture which the body of a
978 street rod resembles is the model year and year of manufacture
979 listed on the certificate of title, regardless of when the
980 vehicle was actually manufactured.

981 (2) A ~~No~~ person may not ~~shall~~ knowingly sell, exchange, or
 982 transfer a vehicle referred to in subsection (1) without, before
 983 ~~prior to~~ consummating the sale, exchange, or transfer,
 984 disclosing in writing to the purchaser, customer, or transferee
 985 the fact that the vehicle has previously been titled,
 986 registered, or used as a taxicab, police vehicle, or short-term-
 987 lease vehicle, ~~or~~ is a vehicle that is rebuilt or assembled from
 988 parts, ~~or~~ is a kit car, glider kit, replica, or flood vehicle,
 989 or is a nonconforming vehicle, custom vehicle, or street rod
 990 vehicle, as the case may be.

991 (3) Any person who, with intent to offer for sale or
 992 exchange any vehicle referred to in subsection (1), knowingly or
 993 intentionally advertises, publishes, disseminates, circulates,
 994 or places before the public in any communications medium,
 995 whether directly or indirectly, any offer to sell or exchange
 996 the vehicle shall clearly and precisely state in each ~~such~~ offer
 997 that the vehicle has previously been titled, registered, or used
 998 as a taxicab, police vehicle, or short-term-lease vehicle or
 999 that the vehicle or mobile home is a vehicle that is rebuilt or
 1000 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or
 1001 flood vehicle, or is a nonconforming vehicle, custom vehicle, or
 1002 street rod vehicle, as the case may be. Any person who violates
 1003 this subsection commits a misdemeanor of the second degree,
 1004 punishable as provided in s. 775.082 or s. 775.083.

1005 (4) If ~~When~~ a certificate of title, including a foreign
 1006 certificate, is branded to reflect a condition or prior use of
 1007 the titled vehicle, the brand must be noted on the registration
 1008 certificate of the vehicle and such brand shall be carried

1009 forward on all subsequent certificates of title and registration
 1010 certificates issued for the life of the vehicle.

1011 (5) Any person who knowingly sells, exchanges, or offers
 1012 to sell or exchange a motor vehicle or mobile home contrary to
 1013 ~~the provisions of~~ this section or any officer, agent, or
 1014 employee of a person who knowingly authorizes, directs, aids in,
 1015 or consents to the sale, exchange, or offer to sell or exchange
 1016 a motor vehicle or mobile home contrary to ~~the provisions of~~
 1017 this section commits a misdemeanor of the second degree,
 1018 punishable as provided in s. 775.082 or s. 775.083.

1019 (6) Any person who removes a rebuilt decal from a rebuilt
 1020 vehicle with the intent to conceal the rebuilt status of the
 1021 vehicle commits a felony of the third degree, punishable as
 1022 provided in s. 775.082, s. 775.083, or s. 775.084.

1023 (7) This section applies to a mobile home, travel trailer,
 1024 camping trailer, truck camper, or fifth-wheel recreation trailer
 1025 only when the ~~such~~ mobile home or vehicle is a rebuilt vehicle
 1026 or is assembled from parts.

1027 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in
 1028 any civil action arising out of a violation of this section if
 1029 the designation of the previous use or condition of the motor
 1030 vehicle is not noted on the certificate of title and
 1031 registration certificate of the vehicle which was received by,
 1032 or delivered to, such person, unless the ~~such~~ person has
 1033 actively concealed the prior use or condition of the vehicle
 1034 from the purchaser.

1035 (9) Subsections (1), (2), and (3) do not apply to the
 1036 transfer of ownership of a motor vehicle after the motor vehicle

CS/CS/CS/HB 1353

2011

1037 has ceased to be used as a lease vehicle and the ownership has
 1038 been transferred to an owner for private use or to the transfer
 1039 of ownership of a nonconforming vehicle with 36,000 or more
 1040 miles on its odometer, or 34 months whichever is later and the
 1041 ownership has been transferred to an owner for private use. Such
 1042 owner, as shown on the title certificate, may request the
 1043 department to issue a corrected certificate of title that does
 1044 not contain the statement of the previous use of the vehicle as
 1045 a lease vehicle or condition as a nonconforming vehicle.

1046 Section 25. Section 319.225, Florida Statutes, is amended
 1047 to read:

1048 319.225 Transfer and reassignment forms; odometer
 1049 disclosure statements.-

1050 (1) Every certificate of title issued by the department
 1051 must contain the following statement ~~on its reverse side~~:
 1052 "Federal and state law require the completion of the odometer
 1053 statement set out below. Failure to complete or providing false
 1054 information may result in fines, imprisonment, or both."

1055 (2) Each certificate of title issued by the department
 1056 must contain ~~on its reverse side~~ a form for transfer of title by
 1057 the titleholder of record, which form must contain an odometer
 1058 disclosure statement in the form required by 49 C.F.R. s. 580.5.

1059 (3) Each certificate of title issued by the department
 1060 must contain ~~on its reverse side~~ as many forms as space allows
 1061 for reassignment of title by a licensed dealer as permitted by
 1062 s. 319.21(3), which form or forms shall contain an odometer
 1063 disclosure statement in the form required by 49 C.F.R. s. 580.5.
 1064 When all dealer reassignment forms ~~provided on the back of the~~

1065 ~~title certificate~~ have been filled in, a dealer may reassign the
 1066 title certificate by using a separate dealer reassignment form
 1067 issued by the department in compliance with 49 C.F.R. ss. 580.4
 1068 and 580.5, which form shall contain an original, ~~two carbon~~
 1069 ~~copies one of~~ which shall be submitted ~~directly~~ to the
 1070 department by the dealer ~~within 5 business days after the~~
 1071 ~~transfer~~ and a copy, ~~one of~~ which shall be retained by the
 1072 dealer in his or her records for 5 years. The provisions of this
 1073 subsection ~~shall~~ also apply to vehicles not previously titled in
 1074 this state and vehicles whose title certificates do not contain
 1075 the forms required by this section.

1076 (4) Upon transfer or reassignment of a certificate of
 1077 title to a used motor vehicle, the transferor shall complete the
 1078 odometer disclosure statement provided for by this section and
 1079 the transferee shall acknowledge the disclosure by signing and
 1080 printing his or her name in the spaces provided. This subsection
 1081 does not apply to a vehicle that has a gross vehicle rating of
 1082 more than 16,000 pounds, a vehicle that is not self-propelled,
 1083 or a vehicle that is 10 years old or older. A lessor who
 1084 transfers title to his or her vehicle without obtaining
 1085 possession of the vehicle shall make odometer disclosure as
 1086 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
 1087 or acknowledge a disclosure statement as required by this
 1088 subsection commits ~~is guilty of~~ a misdemeanor of the second
 1089 degree, punishable as provided in s. 775.082 or s. 775.083. The
 1090 department may not issue a certificate of title unless this
 1091 subsection has been complied with.

1092 (5) The same person may not sign a disclosure statement as

CS/CS/CS/HB 1353

2011

1093 both the transferor and the transferee in the same transaction
1094 except as provided in subsection (6).

1095 (6) (a) If the certificate of title is physically held by a
1096 lienholder, the transferor may give a power of attorney to his
1097 or her transferee for the purpose of odometer disclosure. The
1098 power of attorney must be on a form issued or authorized by the
1099 department, which form must be in compliance with 49 C.F.R. ss.
1100 580.4 and 580.13. The department shall not require the signature
1101 of the transferor to be notarized on the form; however, in lieu
1102 of notarization, the form shall include an affidavit with the
1103 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
1104 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
1105 ARE TRUE. The transferee shall sign the power of attorney form,
1106 print his or her name, and return a copy of the power of
1107 attorney form to the transferor. Upon receipt of a title
1108 certificate, the transferee shall complete the space for mileage
1109 disclosure on the title certificate exactly as the mileage was
1110 disclosed by the transferor on the power of attorney form. If
1111 the transferee is a licensed motor vehicle dealer who is
1112 transferring the vehicle to a retail purchaser, the dealer shall
1113 make application on behalf of the retail purchaser as provided
1114 in s. 319.23(6) and shall submit the original power of attorney
1115 form to the department with the application for title and the
1116 transferor's title certificate; otherwise, a dealer may reassign
1117 the title certificate by using the dealer reassignment form in
1118 the manner prescribed in subsection (3), and, at the time of
1119 physical transfer of the vehicle, the original power of attorney
1120 shall be delivered to the person designated as the transferee of

CS/CS/CS/HB 1353

2011

1121 the dealer on the dealer reassignment form. ~~A copy of the~~
1122 ~~executed power of attorney shall be submitted to the department~~
1123 ~~with a copy of the executed dealer reassignment form within 5~~
1124 ~~business days after the certificate of title and dealer~~
1125 ~~reassignment form are delivered by the dealer to its transferee.~~

1126 (b) If the certificate of title is lost or otherwise
1127 unavailable, the transferor may give a power of attorney to his
1128 or her transferee for the purpose of odometer disclosure. The
1129 power of attorney must be on a form issued or authorized by the
1130 department, which form must be in compliance with 49 C.F.R. ss.
1131 580.4 and 580.13. The department shall not require the signature
1132 of the transferor to be notarized on the form; however, in lieu
1133 of notarization, the form shall include an affidavit with the
1134 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
1135 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
1136 ARE TRUE. The transferee shall sign the power of attorney form,
1137 print his or her name, and return a copy of the power of
1138 attorney form to the transferor. Upon receipt of the title
1139 certificate or a duplicate title certificate, the transferee
1140 shall complete the space for mileage disclosure on the title
1141 certificate exactly as the mileage was disclosed by the
1142 transferor on the power of attorney form. If the transferee is a
1143 licensed motor vehicle dealer who is transferring the vehicle to
1144 a retail purchaser, the dealer shall make application on behalf
1145 of the retail purchaser as provided in s. 319.23(6) and shall
1146 submit the original power of attorney form to the department
1147 with the application for title and the transferor's title
1148 certificate or duplicate title certificate; otherwise, a dealer

CS/CS/CS/HB 1353

2011

1149 may reassign the title certificate by using the dealer
1150 reassignment form in the manner prescribed in subsection (3),
1151 and, at the time of physical transfer of the vehicle, the
1152 original power of attorney shall be delivered to the person
1153 designated as the transferee of the dealer on the dealer
1154 reassignment form. If the dealer sells the vehicle to an out-of-
1155 state resident or an out-of-state dealer and the power of
1156 attorney form is applicable to the transaction, the dealer must
1157 photocopy the completed original of the form and mail it
1158 directly to the department within 5 business days after the
1159 certificate of title and dealer reassignment form are delivered
1160 by the dealer to the purchaser. A copy of the executed power of
1161 attorney shall be submitted to the department with a copy of the
1162 executed dealer reassignment form within 5 business days after
1163 the duplicate certificate of title and dealer reassignment form
1164 are delivered by the dealer to its transferee.

1165 (c) If the mechanics of the transfer of title to a motor
1166 vehicle in accordance with the provisions of paragraph (a) or
1167 paragraph (b) are determined to be incompatible with and
1168 unlawful under the provisions of 49 C.F.R. part 580, the
1169 transfer of title to a motor vehicle by operation of this
1170 subsection can be effected in any manner not inconsistent with
1171 49 C.F.R. part 580 and Florida law; provided, any power of
1172 attorney form issued or authorized by the department under this
1173 subsection shall contain an original, ~~two carbon copies, one of~~
1174 which shall be submitted ~~directly~~ to the department by the
1175 dealer ~~within 5 business days of use by the dealer~~ to effect
1176 transfer of a title certificate as provided in paragraphs (a)

1177 and (b) and a copy, ~~one of~~ which shall be retained by the dealer
 1178 in its records for 5 years.

1179 (d) Any person who fails to complete the information
 1180 required by this subsection or to file with the department the
 1181 forms required by this subsection commits ~~is guilty of~~ a
 1182 misdemeanor of the second degree, punishable as provided in s.
 1183 775.082 or s. 775.083. The department shall not issue a
 1184 certificate of title unless this subsection has been complied
 1185 with.

1186 (7) Subject to approval by the National Highway Traffic
 1187 Safety Administration or any other applicable authority, if a
 1188 title is held electronically and the transferee agrees to
 1189 maintain the title electronically, the transferor and transferee
 1190 shall complete a secure reassignment document that discloses the
 1191 odometer reading and is signed by both the transferor and
 1192 transferee at the tax collector's office or license plate
 1193 agency. A dealer acquiring a motor vehicle that has an
 1194 electronic title shall use a secure reassignment document signed
 1195 by the person from whom the dealer acquired the motor vehicle.
 1196 Upon transferring the motor vehicle to a purchaser, a separate
 1197 reassignment document shall be executed.

1198 (8) ~~(7)~~ Each certificate of title issued by the department
 1199 must contain ~~on its reverse side~~ a minimum of three ~~four~~ spaces
 1200 for notation of the name and license number of any auction
 1201 through which the vehicle is sold and the date the vehicle was
 1202 auctioned. Each separate dealer reassignment form issued by the
 1203 department must also have the space referred to in this section.
 1204 When a transfer of title is made at a motor vehicle auction, the

1205 reassignment must note the name and address of the auction, but
 1206 the auction shall not thereby be deemed to be the owner, seller,
 1207 transferor, or assignor of title. A motor vehicle auction is
 1208 required to execute a dealer reassignment only when it is the
 1209 owner of a vehicle being sold.

1210 (9)~~(8)~~ Upon transfer or reassignment of a used motor
 1211 vehicle through the services of an auction, the auction shall
 1212 complete the information in the space provided for by subsection
 1213 (8) ~~(7)~~. Any person who fails to complete the information as
 1214 required by this subsection commits ~~is guilty of~~ a misdemeanor
 1215 of the second degree, punishable as provided in s. 775.082 or s.
 1216 775.083. The department shall not issue a certificate of title
 1217 unless this subsection has been complied with.

1218 (10)~~(9)~~ This section shall be construed to conform to 49
 1219 C.F.R. part 580.

1220 Section 26. Subsection (6) of section 319.23, Florida
 1221 Statutes, is amended, present subsections (7) through (11) of
 1222 that section are renumbered as subsections (8) through (12),
 1223 respectively, and a new subsection (7) is added to that
 1224 section, to read:

1225 319.23 Application for, and issuance of, certificate of
 1226 title.—

1227 (6) (a) In the case of the sale of a motor vehicle or
 1228 mobile home by a licensed dealer to a general purchaser, the
 1229 certificate of title must be obtained in the name of the
 1230 purchaser by the dealer upon application signed by the
 1231 purchaser, and in each other case such certificate must be
 1232 obtained by the purchaser. In each case of transfer of a motor

CS/CS/CS/HB 1353

2011

1233 vehicle or mobile home, the application for a certificate of
1234 title, a corrected certificate, or an assignment or reassignment
1235 must be filed within 30 days after the delivery of the motor
1236 vehicle or from consummation of the sale of a mobile home to the
1237 purchaser. An applicant must pay a fee of \$20, in addition to
1238 all other fees and penalties required by law, for failing to
1239 file such application within the specified time. In the case of
1240 the sale of a motor vehicle by a licensed motor vehicle dealer
1241 to a general purchaser who resides in another state or country,
1242 the dealer is not required to apply for a certificate of title
1243 for the motor vehicle; however, the dealer must transfer
1244 ownership and reassign the certificate of title or
1245 manufacturer's certificate of origin to the purchaser, and the
1246 purchaser must sign an affidavit, as approved by the department,
1247 that the purchaser will title and register the motor vehicle in
1248 another state or country.

1249 (b) If a licensed dealer acquires a motor vehicle or
1250 mobile home as a trade-in, the dealer must file with the
1251 department, within 30 days, a notice of sale signed by the
1252 seller. The department shall update its database for that title
1253 record to indicate "sold." A licensed dealer need not apply for
1254 a certificate of title for any motor vehicle or mobile home in
1255 stock acquired for stock purposes except as provided in s.
1256 319.225.

1257 (7) If an applicant for a certificate of title is unable
1258 to provide the department with a certificate of title that
1259 assigns the prior owner's interest in the motor vehicle, the
1260 department may accept a bond in the form prescribed by the

1261 department, along with an affidavit in a form prescribed by the
 1262 department, which includes verification of the vehicle
 1263 identification number and an application for title.

1264 (a) The bond must be:

1265 1. In a form prescribed by the department;

1266 2. Executed by the applicant;

1267 3. Issued by a person authorized to conduct a surety
 1268 business in this state;

1269 4. In an amount equal to two times the value of the
 1270 vehicle as determined by the department; and

1271 5. Conditioned to indemnify all prior owners and
 1272 lienholders and all subsequent purchasers of the vehicle or
 1273 persons who acquire a security interest in the vehicle, and
 1274 their successors in interest, against any expense, loss, or
 1275 damage, including reasonable attorney's fees, occurring because
 1276 of the issuance of the certificate of title for the vehicle or
 1277 for a defect in or undisclosed security interest on the right,
 1278 title, or interest of the applicant to the vehicle.

1279 (b) An interested person has a right to recover on the
 1280 bond for a breach of the bond's condition. The aggregate
 1281 liability of the surety to all persons may not exceed the amount
 1282 of the bond.

1283 (c) A bond under this subsection expires on the third
 1284 anniversary of the date the bond became effective.

1285 (d) The affidavit must:

1286 1. Be in a form prescribed by the department;

1287 2. Include the facts and circumstances through which the
 1288 applicant acquired ownership and possession of the motor

1289 vehicle;

1290 3. Disclose that no security interests, liens, or
 1291 encumbrances against the motor vehicle are known to the
 1292 applicant against the motor vehicle; and

1293 4. State that the applicant has the right to have a
 1294 certificate of title issued.

1295 Section 27. Paragraph (b) of subsection (2) of section
 1296 319.28, Florida Statutes, is amended to read:

1297 319.28 Transfer of ownership by operation of law.—

1298 (2)

1299 (b) In case of repossession of a motor vehicle or mobile
 1300 home pursuant to the terms of a security agreement or similar
 1301 instrument, an affidavit by the party to whom possession has
 1302 passed stating that the vehicle or mobile home was repossessed
 1303 upon default in the terms of the security agreement or other
 1304 instrument shall be considered satisfactory proof of ownership
 1305 and right of possession. At least 5 days before ~~prior to~~ selling
 1306 the repossessed vehicle, any subsequent lienholder named in the
 1307 last issued certificate of title shall be sent notice of the
 1308 repossession by certified mail, on a form prescribed by the
 1309 department. If such notice is given and no written protest to
 1310 the department is presented by a subsequent lienholder within 15
 1311 days after ~~from~~ the date on which the notice was mailed, the
 1312 certificate of title ~~or the certificate of repossession~~ shall be
 1313 issued showing no liens. If the former owner or any subsequent
 1314 lienholder files a written protest under oath within such 15-day
 1315 period, the department shall not issue the certificate of title
 1316 ~~or certificate of repossession~~ for 10 days thereafter. If within

CS/CS/CS/HB 1353

2011

1317 the 10-day period no injunction or other order of a court of
 1318 competent jurisdiction has been served on the department
 1319 commanding it not to deliver the certificate of title ~~or~~
 1320 ~~certificate of repossession~~, the department shall deliver the
 1321 certificate of title ~~or repossession~~ to the applicant or as may
 1322 otherwise be directed in the application showing no other liens
 1323 than those shown in the application. Any lienholder who has
 1324 repossessed a vehicle in this state in compliance with the
 1325 provisions of this section must apply to a tax collector's
 1326 office in this state or to the department for a ~~certificate of~~
 1327 ~~repossession or to the department for a~~ certificate of title
 1328 pursuant to s. 319.323. Proof of the required notice to
 1329 subsequent lienholders shall be submitted together with regular
 1330 title fees. ~~A lienholder to whom a certificate of repossession~~
 1331 ~~has been issued may assign the certificate of title to the~~
 1332 ~~subsequent owner.~~ Any person who violates ~~found guilty of~~
 1333 ~~violating~~ any requirements of this paragraph commits ~~shall be~~
 1334 ~~guilty of~~ a felony of the third degree, punishable as provided
 1335 in s. 775.082, s. 775.083, or s. 775.084.

1336 Section 28. Section 319.323, Florida Statutes, is amended
 1337 to read:

1338 319.323 Expedited service; applications; fees.—The
 1339 department shall establish a separate title office which may be
 1340 used by private citizens and licensed motor vehicle dealers to
 1341 receive expedited service on title transfers, title issuances,
 1342 duplicate titles, and recordation of liens, ~~and certificates of~~
 1343 ~~repossession~~. A fee of \$10 shall be charged for this service,
 1344 which fee is in addition to the fees imposed by s. 319.32. The

CS/CS/CS/HB 1353

2011

1345 fee, after deducting the amount referenced by s. 319.324 and
 1346 \$3.50 to be retained by the processing agency, shall be
 1347 deposited into the General Revenue Fund. Application for
 1348 expedited service may be made by mail or in person. The
 1349 department shall issue each title applied for under this section
 1350 within 5 working days after receipt of the application except
 1351 for an application for a duplicate title certificate covered by
 1352 s. 319.23(4), in which case the title must be issued within 5
 1353 working days after compliance with the department's verification
 1354 requirements.

1355 Section 29. Section 319.40, Florida Statutes, is amended
 1356 to read:

1357 319.40 Transactions by electronic or telephonic means.—

1358 (1) The department ~~may is authorized to~~ accept any
 1359 application provided for under this chapter by electronic or
 1360 telephonic means.

1361 (2) The department may issue an electronic certificate of
 1362 title in lieu of printing a paper title.

1363 (3) The department may collect and use electronic mail
 1364 addresses as a notification method in lieu of the United States
 1365 Postal Service, except for any notice regarding the potential
 1366 forfeiture or foreclosure of an interest in property.

1367 Section 30. Paragraph (a) of subsection (1) of section
 1368 320.01, Florida Statutes, is amended, present subsections (24)
 1369 through (45) are renumbered as subsections (23) through (44),
 1370 respectively, present subsections (23), (25), and (26) are
 1371 amended, and a new subsection (45) is added to that section, to
 1372 read:

1373 320.01 Definitions, general.—As used in the Florida
 1374 Statutes, except as otherwise provided, the term:

1375 (1) "Motor vehicle" means:

1376 (a) An automobile, motorcycle, truck, trailer,
 1377 semitrailer, truck tractor and semitrailer combination, or any
 1378 other vehicle operated on the roads of this state, used to
 1379 transport persons or property, and propelled by power other than
 1380 muscular power, but the term does not include traction engines,
 1381 road rollers, special mobile equipment as defined in chapter
 1382 316, such vehicles as run only upon a track, bicycles, swamp
 1383 buggies, or mopeds.

1384 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
 1385 ~~which is required to be registered, or with respect to which an~~
 1386 ~~election has been made to register it, under the International~~
 1387 ~~Registration Plan.~~

1388 (24)~~(25)~~ "Apportionable vehicle" means any vehicle, except
 1389 recreational vehicles, vehicles displaying restricted plates,
 1390 city pickup and delivery vehicles, buses used in transportation
 1391 of chartered parties, and government-owned vehicles, which is
 1392 used or intended for use in two or more member jurisdictions
 1393 that allocate or proportionally register vehicles and which is
 1394 used for the transportation of persons for hire or is designed,
 1395 used, or maintained primarily for the transportation of property
 1396 and:

1397 (a) Is a power unit having a gross vehicle weight in
 1398 excess of 26,000 ~~26,001~~ pounds;

1399 (b) Is a power unit having three or more axles, regardless
 1400 of weight; or

1401 (c) Is used in combination, when the weight of such
 1402 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

1403
 1404 Vehicles, or combinations thereof, having a gross vehicle weight
 1405 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
 1406 proportionally registered.

1407 ~~(25)-(26)~~ "Commercial motor vehicle" means any vehicle that
 1408 ~~which~~ is not owned or operated by a governmental entity, that
 1409 ~~which~~ uses special fuel or motor fuel on the public highways,
 1410 and that ~~which~~ has a gross vehicle weight of 26,001 pounds or
 1411 more, or has three or more axles regardless of weight, or is
 1412 used in combination when the weight of such combination exceeds
 1413 26,000 ~~26,001~~ pounds gross vehicle weight. A vehicle that
 1414 occasionally transports personal property to and from a closed-
 1415 course motorsport facility, as defined in s. 549.09(1)(a), is
 1416 not a commercial motor vehicle if the use is not for profit and
 1417 corporate sponsorship is not involved. As used in this
 1418 subsection, the term "corporate sponsorship" means a payment,
 1419 donation, gratuity, in-kind service, or other benefit provided
 1420 to or derived by a person in relation to the underlying
 1421 activity, other than the display of product or corporate names,
 1422 logos, or other graphic information on the property being
 1423 transported.

1424 (45) SWAMP BUGGY.—A motorized off-road vehicle designed to
 1425 travel over swampy terrain, which may utilize large tires or
 1426 tracks operated from an elevated platform, and may be used upon
 1427 varied terrain. A swamp buggy does not include any vehicle
 1428 defined in chapter 261 or otherwise defined or classified in

1429 this chapter. A swamp buggy may not be operated upon the public
1430 roads, streets, or highways of this state, except to the extent
1431 specifically authorized by a state or federal agency to be used
1432 exclusively upon lands, managed, owned, or leased by that
1433 agency.

1434 Section 31. Subsection (2) of section 320.02, Florida
1435 Statutes, is amended, paragraphs (o), (p), (q), and (r) are
1436 added to subsection (15), and subsections (18) and (19) are
1437 added to that section, to read:

1438 320.02 Registration required; application for
1439 registration; forms.—

1440 (2)(a) The application for registration shall include the
1441 street address of the owner's permanent residence or the address
1442 of his or her permanent place of business and shall be
1443 accompanied by personal or business identification information
1444 which may include, but need not be limited to, a driver's
1445 license number, Florida identification card number, or federal
1446 employer identification number. If the owner does not have a
1447 permanent residence or permanent place of business or if the
1448 owner's permanent residence or permanent place of business
1449 cannot be identified by a street address, the application shall
1450 include:

1451 1. If the vehicle is registered to a business, the name
1452 and street address of the permanent residence of an owner of the
1453 business, an officer of the corporation, or an employee who is
1454 in a supervisory position.

1455 2. If the vehicle is registered to an individual, the name
1456 and street address of the permanent residence of a close

1457 relative or friend who is a resident of this state.

1458

1459 If the vehicle is registered to an active-duty military member
1460 who is a Florida resident, the member is exempt from the
1461 requirement to provide a Florida residential address.

1462 (b) The department shall prescribe a form upon which motor
1463 vehicle owners may record odometer readings when registering
1464 their motor vehicles.

1465 (15)

1466 (o) The application form for motor vehicle registration
1467 and renewal registration must include language permitting the
1468 voluntary contribution of \$1 to End Hunger in Florida. The
1469 proceeds shall be distributed monthly by the department to the
1470 Florida Association of Food Banks, Inc., a corporation not for
1471 profit under s. 501(c)(3) of the Internal Revenue Code. The
1472 funds shall be used by the organization for the purpose of
1473 ending hunger in Florida.

1474 (p) The application form for motor vehicle registration
1475 and renewal of registration must include language permitting a
1476 voluntary contribution of \$1 to Take Stock In Children. Such
1477 contributions shall be transferred by the department each month
1478 to Take Stock In Children, Inc.

1479 (q) The application form for motor vehicle registration
1480 and renewal of registration must include language permitting a
1481 voluntary contribution of \$1 per applicant for Autism Services
1482 and Supports. Such contributions must be transferred by the
1483 department each month to the Achievement and Rehabilitation
1484 Centers, Inc., Autism Services Fund.

1485 (r) The application form for motor vehicle registration
1486 and renewal of registration must include language permitting a
1487 voluntary contribution of \$1 to Support Our Troops, which shall
1488 be distributed monthly to Support Our Troops, Inc., a Florida
1489 not-for-profit organization.

1490
1491 For the purpose of applying the service charge provided in s.
1492 215.20, contributions received under this subsection are not
1493 income of a revenue nature.

1494 (18) Notwithstanding subsections (8), (14), and (15), the
1495 department and the tax collectors acting as agents for the
1496 department shall provide a complete list of voluntary
1497 contributions authorized by law to customers applying for
1498 registration or renewal registration. The renewal application
1499 forms must include either a complete list of all authorized
1500 voluntary contributions or the department's website address
1501 which provides a complete list and information on all authorized
1502 voluntary contributions. The department or a tax collector may
1503 include on the renewal forms a complete list of authorized
1504 voluntary contributions and the department's website address.
1505 Customers renewing a registration at either a tax collector's
1506 office or a department office shall be provided information on
1507 voluntary contribution options.

1508 (19) All electronic registration records shall be retained
1509 by the department for not less than 10 years.

1510 Section 32. Subsections (1) and (3) and paragraph (b) of
1511 subsection (4) of section 320.023, Florida Statutes, are amended
1512 to read:

CS/CS/CS/HB 1353

2011

1513 320.023 Requests to establish voluntary contribution
 1514 ~~checkoff~~ on motor vehicle registration ~~application~~.—

1515 (1) An organization that seeks authorization to establish
 1516 a voluntary contribution on a motor vehicle registration
 1517 ~~application~~ must submit to the department:

1518 (a) A request for the particular voluntary contribution
 1519 being sought, describing the proposed voluntary contribution in
 1520 general terms.

1521 (b) An application fee, not to exceed \$10,000 to defray
 1522 the department's cost for reviewing the application and
 1523 developing the voluntary contribution checkoff or website, if
 1524 authorized. State funds may not be used to pay the application
 1525 fee.

1526 (c) A marketing strategy outlining short-term and long-
 1527 term marketing plans for the requested voluntary contribution
 1528 and a financial analysis outlining the anticipated revenues and
 1529 the planned expenditures of the revenues to be derived from the
 1530 voluntary contribution.

1531
 1532 The information required under this subsection must be submitted
 1533 to the department at least 90 days before the convening of the
 1534 next regular session of the Legislature.

1535 (3) The department must include any voluntary
 1536 contributions approved by the Legislature on the motor vehicle
 1537 application form when the form is reprinted by the agency in
 1538 accordance with s. 320.02(18).

1539 (4)

1540 (b) The department is authorized to discontinue the

1541 voluntary contribution and distribution of associated proceeds
 1542 if the organization no longer exists, if the organization has
 1543 stopped providing services that are authorized to be funded from
 1544 the voluntary contributions, or pursuant to an organizational
 1545 recipient's request. Organizations are required to notify the
 1546 department immediately to stop warrants for voluntary ~~check-off~~
 1547 contributions if any of the conditions in this subsection exist,
 1548 and must meet the requirements of paragraph (5) (b) or paragraph
 1549 (5) (c), if applicable, for any period of operation during the
 1550 fiscal year.

1551 Section 33. Subsections (7) and (8) of section 320.03,
 1552 Florida Statutes, are amended to read:

1553 320.03 Registration; duties of tax collectors;
 1554 International Registration Plan.—

1555 (7) The Department of Highway Safety and Motor Vehicles
 1556 shall register apportionable ~~apportioned motor~~ vehicles under
 1557 the provisions of the International Registration Plan. The
 1558 department may adopt rules to implement and enforce the
 1559 provisions of the plan.

1560 (8) If the applicant's name appears on the list referred
 1561 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
 1562 license plate or revalidation sticker may not be issued until
 1563 that person's name no longer appears on the list or until the
 1564 person presents a receipt from the governmental entity or the
 1565 clerk of court that provided the data showing that the fines
 1566 outstanding have been paid. This subsection does not apply to
 1567 the owner of a leased vehicle if the vehicle is registered in
 1568 the name of the lessee of the vehicle. The tax collector and the

1569 clerk of the court are each entitled to receive monthly, as
 1570 costs for implementing and administering this subsection, 10
 1571 percent of the civil penalties and fines recovered from such
 1572 persons. As used in this subsection, the term "civil penalties
 1573 and fines" does not include a wrecker operator's lien as
 1574 described in s. 713.78(13). If the tax collector has private tag
 1575 agents, such tag agents are entitled to receive a pro rata share
 1576 of the amount paid to the tax collector, based upon the
 1577 percentage of license plates and revalidation stickers issued by
 1578 the tag agent compared to the total issued within the county.
 1579 The authority of any private agent to issue license plates shall
 1580 be revoked, after notice and a hearing as provided in chapter
 1581 120, if he or she issues any license plate or revalidation
 1582 sticker contrary to the provisions of this subsection. This
 1583 section applies only to the annual renewal in the owner's birth
 1584 month of a motor vehicle registration and does not apply to the
 1585 transfer of a registration of a motor vehicle sold by a motor
 1586 vehicle dealer licensed under this chapter, except for the
 1587 transfer of registrations which is inclusive of the annual
 1588 renewals. This section does not affect the issuance of the title
 1589 to a motor vehicle, notwithstanding s. 319.23(8) ~~(7)~~(b).

1590 Section 34. Paragraph (b) of subsection (3) and subsection
 1591 (5) of section 320.05, Florida Statutes, are amended to read:

1592 320.05 Records of the department; inspection procedure;
 1593 lists and searches; fees.—

1594 (3)

1595 (b) Fees therefor shall be charged and collected as
 1596 follows:

1597 1. For providing lists of motor vehicle or vessel records
 1598 for the entire state, or any part or parts thereof, divided
 1599 according to counties, a sum computed at a rate of not less than
 1600 1 cent nor more than 5 cents per item.

1601 2. For providing noncertified photographic copies of motor
 1602 vehicle or vessel documents, \$1 per page.

1603 3. For providing noncertified photographic copies of
 1604 micrographic records, \$1 per page.

1605 4. For providing certified copies of motor vehicle or
 1606 vessel records, \$3 per record.

1607 5. For providing noncertified computer-generated printouts
 1608 of motor vehicle or vessel records, 50 cents per record.

1609 6. For providing certified computer-generated printouts of
 1610 motor vehicle or vessel records, \$3 per record.

1611 7. For providing electronic access to motor vehicle,
 1612 vessel, and mobile home registration data requested by tag,
 1613 vehicle identification number, title number, or decal number, 50
 1614 cents per item.

1615 8. For providing electronic access to driver's license
 1616 status report by name, sex, and date of birth or by driver
 1617 license number, 50 cents per item.

1618 9. For providing lists of licensed mobile home dealers and
 1619 manufacturers and recreational vehicle dealers and
 1620 manufacturers, \$15 per list.

1621 10. For providing lists of licensed motor vehicle dealers,
 1622 \$25 per list.

1623 11. For each copy of a videotape record, \$15 per tape.

1624 ~~12. For each copy of the Division of Motor Vehicles~~

1625 ~~Procedures Manual, \$25.~~

1626 (5) The creation and maintenance of records by the
 1627 Division of Motorist Services within the department ~~and the~~
 1628 ~~Division of Motor Vehicles~~ pursuant to this chapter shall not be
 1629 regarded as law enforcement functions of agency recordkeeping.

1630 Section 35. Paragraph (d) is added to subsection (1) of
 1631 section 320.06, Florida Statutes, to read:

1632 320.06 Registration certificates, license plates, and
 1633 validation stickers generally.—

1634 (1)

1635 (d) The department may conduct a pilot program to evaluate
 1636 designs, concepts, and technologies for alternative license
 1637 plate technologies. The pilot program shall investigate the
 1638 feasibility and use of alternative license plate technologies
 1639 and shall be limited to license plates that are used on
 1640 government-owned motor vehicles, as defined in s. 320.0655.
 1641 Government license plates in the pilot program are exempt from
 1642 current license plate requirements in paragraph (3) (a).

1643 Section 36. Section 320.061, Florida Statutes, is amended
 1644 to read:

1645 320.061 Unlawful to alter motor vehicle registration
 1646 certificates, temporary license plates, license plates, mobile
 1647 home stickers, or validation stickers or to obscure license
 1648 plates; penalty.—No person shall alter the original appearance
 1649 of any registration license plate, temporary license plate,
 1650 mobile home sticker, validation sticker, or vehicle registration
 1651 certificate issued for and assigned to any motor vehicle or
 1652 mobile home, whether by mutilation, alteration, defacement, or

CS/CS/CS/HB 1353

2011

1653 change of color or in any other manner. No person shall apply or
 1654 attach any substance, reflective matter, illuminated device,
 1655 spray, coating, covering, or other material onto or around any
 1656 license plate that interferes with the legibility, angular
 1657 visibility, or detectability of any feature or detail on the
 1658 license plate or interferes with the ability to record any
 1659 feature or detail on the license plate. Any person who violates
 1660 this section commits a noncriminal traffic infraction,
 1661 punishable as a moving violation as provided in chapter 318.

1662 Section 37. Subsection (1) of section 320.071, Florida
 1663 Statutes, is amended to read:

1664 320.071 Advance registration renewal; procedures.—

1665 (1) (a) The owner of any motor vehicle or mobile home
 1666 currently registered in this state may file an application for
 1667 renewal of registration with the department, or its authorized
 1668 agent in the county wherein the owner resides, any time during
 1669 the 3 months preceding the date of expiration of the
 1670 registration period. The registration period may not exceed 27
 1671 months.

1672 (b) The owner of any apportionable ~~apportioned motor~~
 1673 vehicle currently registered in this state under the provisions
 1674 of the International Registration Plan may file an application
 1675 for renewal of registration with the department any time during
 1676 the 3 months preceding the date of expiration of the
 1677 registration period.

1678 Section 38. Subsections (1) and (3) of section 320.0715,
 1679 Florida Statutes, are amended to read:

1680 320.0715 International Registration Plan; motor carrier

1681 services; permits; retention of records.-

1682 (1) All apportionable ~~commercial motor~~ vehicles domiciled
 1683 in this state ~~and engaged in interstate commerce~~ shall be
 1684 registered in accordance with the provisions of the
 1685 International Registration Plan ~~and shall display apportioned~~
 1686 ~~license plates.~~

1687 (3) (a) If the department is unable to immediately issue
 1688 the apportioned license plate to an applicant currently
 1689 registered in this state under the International Registration
 1690 Plan or to a vehicle currently titled in this state, the
 1691 department or its designated agent is authorized to issue a 60-
 1692 day temporary operational permit. The department or agent of the
 1693 department shall charge a \$3 fee and the service charge
 1694 authorized by s. 320.04 for each temporary operational permit it
 1695 issues.

1696 (b) The department shall in no event issue a temporary
 1697 operational permit for any apportionable ~~commercial motor~~
 1698 vehicle to any applicant until the applicant has shown that:

1699 1. All sales or use taxes due on the registration of the
 1700 vehicle are paid; and

1701 2. Insurance requirements have been met in accordance with
 1702 ss. 320.02(5) and 627.7415.

1703 (c) Issuance of a temporary operational permit provides
 1704 ~~commercial motor vehicle~~ registration privileges in each
 1705 International Registration Plan member jurisdiction designated
 1706 on said permit and therefore requires payment of all applicable
 1707 registration fees and taxes due for that period of registration.

1708 (d) Application for permanent registration must be made to

1709 the department within 10 days following ~~from~~ issuance of a
 1710 temporary operational permit. Failure to file an application
 1711 within this 10-day period may result in cancellation of the
 1712 temporary operational permit.

1713 Section 39. Paragraph (d) of subsection (5) of section
 1714 320.08, Florida Statutes, is amended to read:

1715 320.08 License taxes.—Except as otherwise provided herein,
 1716 there are hereby levied and imposed annual license taxes for the
 1717 operation of motor vehicles, mopeds, motorized bicycles as
 1718 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
 1719 and mobile homes, as defined in s. 320.01, which shall be paid
 1720 to and collected by the department or its agent upon the
 1721 registration or renewal of registration of the following:

1722 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 1723 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1724 (d) A wrecker, as defined in s. 320.01~~(40)~~, which is used
 1725 to tow a vessel as defined in s. 327.02(39), a disabled,
 1726 abandoned, stolen-recovered, or impounded motor vehicle as
 1727 defined in s. 320.01~~(38)~~, or a replacement motor vehicle as
 1728 defined in s. 320.01~~(39)~~: \$41 flat, of which \$11 shall be
 1729 deposited into the General Revenue Fund.

1730 Section 40. Paragraph (e) of subsection (4) of section
 1731 320.08068, Florida Statutes, is amended to read:

1732 320.08068 Motorcycle specialty license plates.—

1733 (4) A license plate annual use fee of \$20 shall be
 1734 collected for each motorcycle specialty license plate. Annual
 1735 use fees shall be distributed to The Able Trust as custodial
 1736 agent. The Able Trust may retain a maximum of 10 percent of the

CS/CS/CS/HB 1353

2011

1737 | proceeds from the sale of the license plate for administrative
 1738 | costs. The Able Trust shall distribute the remaining funds as
 1739 | follows:

1740 | (e) Twenty percent to the Florida Association of Centers
 1741 | for Independent Living ~~to be used to leverage additional funding~~
 1742 | ~~and new sources of revenue for the centers for independent~~
 1743 | ~~living in this state.~~

1744 | Section 41. Subsection (1) of section 320.0847, Florida
 1745 | Statutes, is amended to read:

1746 | 320.0847 Mini truck and low-speed vehicle license plates.—

1747 | (1) The department shall issue a license plate to the
 1748 | owner or lessee of any vehicle registered as a low-speed vehicle
 1749 | as defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
 1750 | 320.01~~(45)~~ upon payment of the appropriate license taxes and
 1751 | fees prescribed in s. 320.08.

1752 | Section 42. Subsection (4) of section 320.0848, Florida
 1753 | Statutes, is amended to read:

1754 | 320.0848 Persons who have disabilities; issuance of
 1755 | disabled parking permits; temporary permits; permits for certain
 1756 | providers of transportation services to persons who have
 1757 | disabilities.—

1758 | (4) From the proceeds of the temporary disabled parking
 1759 | permit fees:

1760 | (a) The Department of Highway Safety and Motor Vehicles
 1761 | must receive \$3.50 for each temporary permit, to be deposited
 1762 | into the Highway Safety Operating Trust Fund and used for
 1763 | implementing the real-time disabled parking permit database and
 1764 | for administering the disabled parking permit program.

1765 (b) The tax collector, for processing, must receive \$2.50
 1766 for each temporary permit.

1767 (c) The remainder must be distributed monthly as follows:

1768 1. To the Florida Endowment Foundation for Vocational
 1769 Rehabilitation, known as "The Able Trust," ~~Florida Governor's~~
 1770 ~~Alliance for the Employment of Disabled Citizens~~ for the purpose
 1771 of improving employment and training opportunities for persons
 1772 who have disabilities, with special emphasis on removing
 1773 transportation barriers, \$4. These fees must be directly
 1774 deposited into the Florida Endowment Foundation for Vocational
 1775 Rehabilitation as established in s. 413.615 ~~Transportation~~
 1776 ~~Disadvantaged Trust Fund for transfer to the Florida Governor's~~
 1777 ~~Alliance for Employment of Disabled Citizens.~~

1778 2. To the Transportation Disadvantaged Trust Fund to be
 1779 used for funding matching grants to counties for the purpose of
 1780 improving transportation of persons who have disabilities, \$5.

1781 Section 43. Effective October 1, 2011, subsection (1) of
 1782 section 320.089, Florida Statutes, is amended to read:

1783 320.089 Members of National Guard and active United States
 1784 Armed Forces reservists; former prisoners of war; survivors of
 1785 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi
 1786 Freedom and Operation Enduring Freedom Veterans; Combat Infantry
 1787 Badge recipients; special license plates; fee.-

1788 (1) (a) Each owner or lessee of an automobile or truck for
 1789 private use or recreational vehicle as specified in s.
 1790 320.08(9)(c) or (d), which is not used for hire or commercial
 1791 use, who is a resident of the state and an active or retired
 1792 member of the Florida National Guard, a survivor of the attack

CS/CS/CS/HB 1353

2011

1793 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an
 1794 active or retired member of any branch of the United States
 1795 Armed Forces Reserve, or a recipient of the Combat Infantry
 1796 Badge shall, upon application to the department, accompanied by
 1797 proof of active membership or retired status in the Florida
 1798 National Guard, proof of membership in the Pearl Harbor
 1799 Survivors Association or proof of active military duty in Pearl
 1800 Harbor on December 7, 1941, proof of being a Purple Heart medal
 1801 recipient, ~~or~~ proof of active or retired membership in any
 1802 branch of the Armed Forces Reserve, or proof of membership in
 1803 the Combat Infantrymen's Association, Inc., or other proof of
 1804 being a recipient of the Combat Infantry Badge, and upon payment
 1805 of the license tax for the vehicle as provided in s. 320.08, be
 1806 issued a license plate as provided by s. 320.06, upon which, in
 1807 lieu of the serial numbers prescribed by s. 320.06, shall be
 1808 stamped the words "National Guard," "Pearl Harbor Survivor,"
 1809 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry
 1810 Badge," as appropriate, followed by the serial number of the
 1811 license plate. Additionally, the Purple Heart plate may have the
 1812 words "Purple Heart" stamped on the plate and the likeness of
 1813 the Purple Heart medal appearing on the plate.

1814 (b) Notwithstanding any other provision of law to the
 1815 contrary, beginning with fiscal year 2002-2003 and annually
 1816 thereafter, the first \$100,000 in general revenue generated from
 1817 the sale of license plates issued under this section shall be
 1818 deposited into the Grants and Donations Trust Fund, as described
 1819 in s. 296.38(2), to be used for the purposes established by law
 1820 for that trust fund. Any additional general revenue generated

1821 from the sale of such plates shall be deposited into the State
 1822 Homes for Veterans Trust Fund and used solely to construct,
 1823 operate, and maintain domiciliary and nursing homes for
 1824 veterans, subject to the requirements of chapter 216.

1825 (c) Notwithstanding any provisions of law to the contrary,
 1826 an applicant for a Pearl Harbor Survivor license plate or a
 1827 Purple Heart license plate who also qualifies for a disabled
 1828 veteran's license plate under s. 320.084 shall be issued the
 1829 appropriate special license plate without payment of the license
 1830 tax imposed by s. 320.08.

1831 Section 44. Subsection (3) of section 320.27, Florida
 1832 Statutes, is amended to read:

1833 320.27 Motor vehicle dealers.—

1834 (3) APPLICATION AND FEE.—The application for the license
 1835 shall be in such form as may be prescribed by the department and
 1836 shall be subject to such rules with respect thereto as may be so
 1837 prescribed by it. Such application shall be verified by oath or
 1838 affirmation and shall contain a full statement of the name and
 1839 birth date of the person or persons applying therefor; the name
 1840 of the firm or copartnership, with the names and places of
 1841 residence of all members thereof, if such applicant is a firm or
 1842 copartnership; the names and places of residence of the
 1843 principal officers, if the applicant is a body corporate or
 1844 other artificial body; the name of the state under whose laws
 1845 the corporation is organized; the present and former place or
 1846 places of residence of the applicant; and prior business in
 1847 which the applicant has been engaged and the location thereof.
 1848 Such application shall describe the exact location of the place

1849 of business and shall state whether the place of business is
 1850 owned by the applicant and when acquired, or, if leased, a true
 1851 copy of the lease shall be attached to the application. The
 1852 applicant shall certify that the location provides an adequately
 1853 equipped office and is not a residence; that the location
 1854 affords sufficient unoccupied space upon and within which
 1855 adequately to store all motor vehicles offered and displayed for
 1856 sale; and that the location is a suitable place where the
 1857 applicant can in good faith carry on such business and keep and
 1858 maintain books, records, and files necessary to conduct such
 1859 business, which will be available at all reasonable hours to
 1860 inspection by the department or any of its inspectors or other
 1861 employees. The applicant shall certify that the business of a
 1862 motor vehicle dealer is the principal business which shall be
 1863 conducted at that location. Such application shall contain a
 1864 statement that the applicant is either franchised by a
 1865 manufacturer of motor vehicles, in which case the name of each
 1866 motor vehicle that the applicant is franchised to sell shall be
 1867 included, or an independent (nonfranchised) motor vehicle
 1868 dealer. Such application shall contain such other relevant
 1869 information as may be required by the department, including
 1870 evidence that the applicant is insured under a garage liability
 1871 insurance policy or a general liability insurance policy coupled
 1872 with a business automobile policy, which shall include, at a
 1873 minimum, \$25,000 combined single-limit liability coverage
 1874 including bodily injury and property damage protection and
 1875 \$10,000 personal injury protection. A salvage motor vehicle
 1876 dealer as defined in subparagraph (1)(c)5. is exempt from the

1877 | requirements for garage liability insurance and personal injury
 1878 | protection. Franchise dealers must submit a garage liability
 1879 | insurance policy, and all other dealers must submit a garage
 1880 | liability insurance policy or a general liability insurance
 1881 | policy coupled with a business automobile policy. Such policy
 1882 | shall be for the license period, and evidence of a new or
 1883 | continued policy shall be delivered to the department at the
 1884 | beginning of each license period. Upon making initial
 1885 | application, the applicant shall pay to the department a fee of
 1886 | \$300 in addition to any other fees now required by law; upon
 1887 | making a subsequent renewal application, the applicant shall pay
 1888 | to the department a fee of \$75 in addition to any other fees now
 1889 | required by law. Upon making an application for a change of
 1890 | location, the person shall pay a fee of \$50 in addition to any
 1891 | other fees now required by law. The department shall, in the
 1892 | case of every application for initial licensure, verify whether
 1893 | certain facts set forth in the application are true. Each
 1894 | applicant, general partner in the case of a partnership, or
 1895 | corporate officer and director in the case of a corporate
 1896 | applicant, must file a set of fingerprints with the department
 1897 | for the purpose of determining any prior criminal record or any
 1898 | outstanding warrants. The department shall submit the
 1899 | fingerprints to the Department of Law Enforcement for state
 1900 | processing and forwarding to the Federal Bureau of Investigation
 1901 | for federal processing. The actual cost of state and federal
 1902 | processing shall be borne by the applicant and is in addition to
 1903 | the fee for licensure. The department may issue a license to an
 1904 | applicant pending the results of the fingerprint investigation,

1905 which license is fully revocable if the department subsequently
 1906 determines that any facts set forth in the application are not
 1907 true or correctly represented.

1908 Section 45. Paragraphs (a) and (b) of subsection (2) of
 1909 section 320.275, Florida Statutes, are amended to read:

1910 320.275 Automobile Dealers Industry Advisory Board.—

1911 (2) MEMBERSHIP, TERMS, MEETINGS.—

1912 (a) The board shall be composed of 12 members. The
 1913 executive director of the Department of Highway Safety and Motor
 1914 Vehicles shall appoint the members from names submitted by the
 1915 entities for the designated categories the member will
 1916 represent. The executive director shall appoint one
 1917 representative of the Department of Highway Safety and Motor
 1918 Vehicles, ~~who must represent the Division of Motor Vehicles;~~ two
 1919 representatives of the independent motor vehicle industry as
 1920 recommended by the Florida Independent Automobile Dealers
 1921 Association; two representatives of the franchise motor vehicle
 1922 industry as recommended by the Florida Automobile Dealers
 1923 Association; one representative of the auction motor vehicle
 1924 industry who is from an auction chain and is recommended by a
 1925 group affiliated with the National Auto Auction Association; one
 1926 representative of the auction motor vehicle industry who is from
 1927 an independent auction and is recommended by a group affiliated
 1928 with the National Auto Auction Association; one representative
 1929 from the Department of Revenue; a Florida tax collector
 1930 representative recommended by the Florida Tax Collectors
 1931 Association; one representative from the Better Business Bureau;
 1932 one representative from the Department of Agriculture and

1933 Consumer Services, who must represent the Division of Consumer
 1934 Services; and one representative of the insurance industry who
 1935 writes motor vehicle dealer surety bonds.

1936 (b)1. The executive director shall appoint the following
 1937 initial members to 1-year terms: one representative from the
 1938 motor vehicle auction industry who represents an auction chain,
 1939 one representative from the independent motor vehicle industry,
 1940 one representative from the franchise motor vehicle industry,
 1941 one representative from the Department of Revenue, one Florida
 1942 tax collector, and one representative from the Better Business
 1943 Bureau.

1944 2. The executive director shall appoint the following
 1945 initial members to 2-year terms: one representative from the
 1946 motor vehicle auction industry who represents an independent
 1947 auction, one representative from the independent motor vehicle
 1948 industry, one representative from the franchise motor vehicle
 1949 industry, one representative from the Division of Consumer
 1950 Services, one representative from the insurance industry, and
 1951 one representative from the department ~~Division of Motor~~
 1952 ~~Vehicles~~.

1953 3. As the initial terms expire, the executive director
 1954 shall appoint successors from the same designated category for
 1955 terms of 2 years. If renominated, a member may succeed himself
 1956 or herself.

1957 4. The board shall appoint a chair and vice chair at its
 1958 initial meeting and every 2 years thereafter.

1959 Section 46. Subsection (1) of section 320.771, Florida
 1960 Statutes, is amended to read:

1961 320.771 License required of recreational vehicle dealers.—

1962 (1) DEFINITIONS.—As used in this section:

1963 (a) "Dealer" means any person engaged in the business of
 1964 buying, selling, or dealing in recreational vehicles or offering
 1965 or displaying recreational vehicles for sale. The term "dealer"
 1966 includes a recreational vehicle broker. Any person who buys,
 1967 sells, deals in, or offers or displays for sale, or who acts as
 1968 the agent for the sale of, one or more recreational vehicles in
 1969 any 12-month period shall be prima facie presumed to be a
 1970 dealer. The terms "selling" and "sale" include lease-purchase
 1971 transactions. The term "dealer" does not include banks, credit
 1972 unions, and finance companies that acquire recreational vehicles
 1973 as an incident to their regular business and does not include
 1974 mobile home rental and leasing companies that sell recreational
 1975 vehicles to dealers licensed under this section. A licensed
 1976 dealer may transact business in recreational vehicles with a
 1977 motor vehicle auction as defined in s. 320.27(1)(c)4. Further, a
 1978 licensed dealer may, at retail or wholesale, sell a motor
 1979 vehicle, as described in s. 320.01(1)(a), acquired in exchange
 1980 for the sale of a recreational vehicle, if such acquisition is
 1981 incidental to the principal business of being a recreational
 1982 vehicle dealer. However, a recreational vehicle dealer may not
 1983 buy a motor vehicle for the purpose of resale unless licensed as
 1984 a motor vehicle dealer pursuant to s. 320.27.

1985 (b) "Recreational vehicle broker" means any person who is
 1986 engaged in the business of offering to procure or procuring used
 1987 recreational vehicles for the general public; who holds himself
 1988 or herself out through solicitation, advertisement, or otherwise

CS/CS/CS/HB 1353

2011

1989 as one who offers to procure or procures used recreational
 1990 vehicles for the general public; or who acts as the agent or
 1991 intermediary on behalf of the owner or seller of a used
 1992 recreational vehicle which is for sale or who assists or
 1993 represents the seller in finding a buyer for the recreational
 1994 vehicle.

1995 (c) For the purposes of this section, the term
 1996 "recreational vehicle" does not include any camping trailer, as
 1997 defined in s. 320.01(1)(b)2.

1998 (d) A dealer may apply for a certificate of title to a
 1999 recreational vehicle required to be registered under s.
 2000 320.08(9) using a manufacturer's statement of origin as
 2001 permitted by s. 319.23(1) only if such dealer is authorized by a
 2002 manufacturer/dealer agreement as defined in s. 320.3202(8) on
 2003 file with the department to buy, sell, or deal in that
 2004 particular line-make of recreational vehicle and is authorized
 2005 by such agreement to perform delivery and preparation
 2006 obligations and warranty defect adjustments on that line-make.

2007 Section 47. Section 320.95, Florida Statutes, is amended
 2008 to read:

2009 320.95 Transactions by electronic or telephonic means.—

2010 (1) The department may ~~is authorized to~~ accept any
 2011 application provided for under this chapter by electronic or
 2012 telephonic means.

2013 (2) The department may collect and use electronic mail
 2014 addresses for the purpose of providing renewal notices in lieu
 2015 of the United States Postal Service.

2016 Section 48. Section 321.02, Florida Statutes, is amended

2017 | to read:

2018 | 321.02 Powers and duties of department, highway patrol.—

2019 | The director of the Division of Highway Patrol of the Department

2020 | of Highway Safety and Motor Vehicles shall be designated the

2021 | Colonel ~~also be the commander~~ of the Florida Highway Patrol. The

2022 | said department shall set up and promulgate rules and

2023 | regulations by which the personnel of the Florida Highway Patrol

2024 | officers shall be examined, employed, trained, located,

2025 | suspended, reduced in rank, discharged, recruited, paid and

2026 | pensioned, subject to civil service provisions hereafter set

2027 | out. The department may enter into contracts or agreements, with

2028 | or without competitive bidding or procurement, to make

2029 | available, on a fair, reasonable, nonexclusive, and

2030 | nondiscriminatory basis, property and other structures under

2031 | division control for the placement of new facilities by any

2032 | wireless provider of mobile service as defined in 47 U.S.C. s.

2033 | 153(27) or s. 332(d), and any telecommunications company as

2034 | defined in s. 364.02 when it is determined to be practical and

2035 | feasible to make such property or other structures available.

2036 | The department may, without adopting a rule, charge a just,

2037 | reasonable, and nondiscriminatory fee for placement of the

2038 | facilities, payable annually, based on the fair market value of

2039 | space used by comparable communications facilities in the state.

2040 | The department and a wireless provider or telecommunications

2041 | company may negotiate the reduction or elimination of a fee in

2042 | consideration of services provided to the division by the

2043 | wireless provider or the telecommunications company. All such

2044 | fees collected by the department shall be deposited directly

2045 into the State Agency Law Enforcement Radio System Trust Fund,
 2046 and may be used to construct, maintain, or support the system.
 2047 The department is further specifically authorized to purchase,
 2048 sell, trade, rent, lease and maintain all necessary equipment,
 2049 uniforms, motor vehicles, communication systems, housing
 2050 facilities, office space, and perform any other acts necessary
 2051 for the proper administration and enforcement of this chapter.
 2052 However, all supplies and equipment consisting of single items
 2053 or in lots shall be purchased under the requirements of s.
 2054 287.057. Purchases shall be made by accepting the bid of the
 2055 lowest responsive bidder, the right being reserved to reject all
 2056 bids. The department shall prescribe a distinctive uniform and
 2057 distinctive emblem to be worn by all officers of the Florida
 2058 Highway Patrol. It shall be unlawful for any other person or
 2059 persons to wear a similar uniform or emblem, or any part or
 2060 parts thereof. The department shall also prescribe distinctive
 2061 colors for use on motor vehicles and motorcycles operated by the
 2062 Florida Highway Patrol. The prescribed colors shall be referred
 2063 to as "Florida Highway Patrol black and tan."

2064 Section 49. Subsection (3) of section 322.02, Florida
 2065 Statutes, is amended to read:

2066 322.02 Legislative intent; administration.—

2067 (3) The department shall employ a director, who is charged
 2068 with the duty of serving as the executive officer of the
 2069 Division of Motorist Services within ~~Driver Licenses~~ of the
 2070 department insofar as the administration of this chapter is
 2071 concerned. He or she shall be subject to the supervision and
 2072 direction of the department, and his or her official actions and

2073 decisions as executive officer shall be conclusive unless the
 2074 same are superseded or reversed by the department or by a court
 2075 of competent jurisdiction.

2076 Section 50. Subsection (1) of section 322.04, Florida
 2077 Statutes, is amended to read:

2078 322.04 Persons exempt from obtaining driver's license.—

2079 (1) The following persons are exempt from obtaining a
 2080 driver's license:

2081 (a) Any employee of the United States Government, while
 2082 operating a noncommercial motor vehicle owned by or leased to
 2083 the United States Government and being operated on official
 2084 business.

2085 (b) Any person while driving or operating any road
 2086 machine, farm tractor, or implement of husbandry temporarily
 2087 operated or moved on a highway.

2088 (c) A nonresident who is at least 16 years of age ~~and who~~
 2089 ~~has in his or her immediate possession a valid noncommercial~~
 2090 ~~driver's license issued to the nonresident in his or her home~~
 2091 ~~state or country,~~ may operate a motor vehicle of the type for
 2092 which a Class E driver's license is required in this state if he
 2093 or she has in their immediate possession:

2094 1. A valid noncommercial driver's license issued in his or
 2095 her name from another state or territory of the United States;
 2096 or

2097 2. An International Driving Permit issued in his or her
 2098 name in their country of residence and a valid license issued in
 2099 that country.

2100 ~~(d) A nonresident who is at least 18 years of age and who~~

CS/CS/CS/HB 1353

2011

2101 ~~has in his or her immediate possession a valid noncommercial~~
 2102 ~~driver's license issued to the nonresident in his or her home~~
 2103 ~~state or country may operate a motor vehicle, other than a~~
 2104 ~~commercial motor vehicle, in this state.~~

2105 (d)~~(e)~~ Any person operating a golf cart, as defined in s.
 2106 320.01, which is operated in accordance with the provisions of
 2107 s. 316.212.

2108 Section 51. Paragraph (a) of subsection (1) of section
 2109 322.051, Florida Statutes, is amended to read:

2110 322.051 Identification cards.—

2111 (1) Any person who is 5 years of age or older, or any
 2112 person who has a disability, regardless of age, who applies for
 2113 a disabled parking permit under s. 320.0848, may be issued an
 2114 identification card by the department upon completion of an
 2115 application and payment of an application fee.

2116 (a) Each such application shall include the following
 2117 information regarding the applicant:

2118 1. Full name (first, middle or maiden, and last), gender,
 2119 proof of social security card number satisfactory to the
 2120 department, county of residence, mailing address, proof of
 2121 residential address satisfactory to the department, country of
 2122 birth, and a brief description.

2123 2. Proof of birth date satisfactory to the department.

2124 3. Proof of identity satisfactory to the department. Such
 2125 proof must include one of the following documents issued to the
 2126 applicant:

2127 a. A driver's license record or identification card record
 2128 from another jurisdiction that required the applicant to submit

CS/CS/CS/HB 1353

2011

2129 a document for identification which is substantially similar to
 2130 a document required under sub-subparagraph b., sub-subparagraph
 2131 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
 2132 f., sub-subparagraph g., or sub-subparagraph h.;

2133 b. A certified copy of a United States birth certificate;

2134 c. A valid, unexpired United States passport;

2135 d. A naturalization certificate issued by the United
 2136 States Department of Homeland Security;

2137 e. A valid, unexpired alien registration receipt card
 2138 (green card);

2139 f. A Consular Report of Birth Abroad provided by the
 2140 United States Department of State;

2141 g. An unexpired employment authorization card issued by
 2142 the United States Department of Homeland Security; or

2143 h. Proof of nonimmigrant classification provided by the
 2144 United States Department of Homeland Security, for an original
 2145 identification card. In order to prove such nonimmigrant
 2146 classification, applicants must provide at least one of ~~may~~
 2147 ~~produce but are not limited to~~ the following documents, and, in
 2148 addition, the department may require applicants to produce
 2149 United States Department of Homeland Security documents for the
 2150 sole purpose of establishing the maintenance of or efforts to
 2151 maintain continuous lawful presence:

2152 (I) A notice of hearing from an immigration court
 2153 scheduling a hearing on any proceeding.

2154 (II) A notice from the Board of Immigration Appeals
 2155 acknowledging pendency of an appeal.

2156 (III) Notice of the approval of an application for

2157 adjustment of status issued by the United States Bureau of
 2158 Citizenship and Immigration Services.

2159 (IV) Any official documentation confirming the filing of a
 2160 petition for asylum or refugee status or any other relief issued
 2161 by the United States Bureau of Citizenship and Immigration
 2162 Services.

2163 (V) Notice of action transferring any pending matter from
 2164 another jurisdiction to Florida, issued by the United States
 2165 Bureau of Citizenship and Immigration Services.

2166 (VI) Order of an immigration judge or immigration officer
 2167 granting any relief that authorizes the alien to live and work
 2168 in the United States including, but not limited to asylum.

2169 (VII) Evidence that an application is pending for
 2170 adjustment of status to that of an alien lawfully admitted for
 2171 permanent residence in the United States or conditional
 2172 permanent resident status in the United States, if a visa number
 2173 is available having a current priority date for processing by
 2174 the United States Bureau of Citizenship and Immigration
 2175 Services.

2176 (VIII) On or after January 1, 2010, an unexpired foreign
 2177 passport with an unexpired United States Visa affixed,
 2178 accompanied by an approved I-94, documenting the most recent
 2179 admittance into the United States.

2180
 2181 An identification card issued based on documents required
 2182 ~~Presentation of any of the documents described in sub-~~
 2183 ~~subparagraph g. or sub-subparagraph h. is valid entitles the~~
 2184 ~~applicant to an identification card for a period not to exceed~~

2185 the expiration date of the document presented or 1 year,
 2186 whichever first occurs.

2187 Section 52. Subsection (4) of section 322.058, Florida
 2188 Statutes, is amended to read:

2189 322.058 Suspension of driving privileges due to support
 2190 delinquency; reinstatement.—

2191 (4) This section applies only to the annual renewal in the
 2192 owner's birth month of a motor vehicle registration and does not
 2193 apply to the transfer of a registration of a motor vehicle sold
 2194 by a motor vehicle dealer licensed under chapter 320, except for
 2195 the transfer of registrations which is inclusive of the annual
 2196 renewals. This section does not affect the issuance of the title
 2197 to a motor vehicle, notwithstanding s. 319.23(8)~~(7)~~(b).

2198 Section 53. Section 322.065, Florida Statutes, is amended
 2199 to read:

2200 322.065 Driver's license expired for 6 4 months or less;
 2201 penalties.—Any person whose driver's license has been expired
 2202 for 6 4 months or less and who drives a motor vehicle upon the
 2203 highways of this state commits ~~is guilty of~~ an infraction and is
 2204 subject to the penalty provided in s. 318.18.

2205 Section 54. Subsection (3) of section 322.07, Florida
 2206 Statutes, is amended to read:

2207 322.07 Instruction permits and temporary licenses.—

2208 (3) Any person who, except for his or her lack of
 2209 instruction in operating a commercial motor vehicle, would
 2210 otherwise be qualified to obtain a commercial driver's license
 2211 under this chapter, may apply for a temporary commercial
 2212 instruction permit. The department shall issue such a permit

CS/CS/CS/HB 1353

2011

2213 | entitling the applicant, while having the permit in his or her
 2214 | immediate possession, to drive a commercial motor vehicle on the
 2215 | highways, provided that:

2216 | (a) The applicant possesses a valid Florida driver's
 2217 | license ~~issued in any state~~; and

2218 | (b) The applicant, while operating a commercial motor
 2219 | vehicle, is accompanied by a licensed driver who is 21 years of
 2220 | age or older, who is licensed to operate the class of vehicle
 2221 | being operated, and who is actually occupying the closest seat
 2222 | to the right of the driver.

2223 | Section 55. Subsection (2) of section 322.08, Florida
 2224 | Statutes, is amended, paragraphs (o) and (p) are added to
 2225 | subsection (7), and subsections (8) and (9) are added to that
 2226 | section, to read:

2227 | 322.08 Application for license; requirements for license
 2228 | and identification card forms.—

2229 | (2) Each such application shall include the following
 2230 | information regarding the applicant:

2231 | (a) Full name (first, middle or maiden, and last), gender,
 2232 | proof of social security card number satisfactory to the
 2233 | department, county of residence, mailing address, proof of
 2234 | residential address satisfactory to the department, country of
 2235 | birth, and a brief description.

2236 | (b) Proof of birth date satisfactory to the department.

2237 | (c) Proof of identity satisfactory to the department. Such
 2238 | proof must include one of the following documents issued to the
 2239 | applicant:

2240 | 1. A driver's license record or identification card record

2241 from another jurisdiction that required the applicant to submit
 2242 a document for identification which is substantially similar to
 2243 a document required under subparagraph 2., subparagraph 3.,
 2244 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
 2245 7., or subparagraph 8.;

2246 2. A certified copy of a United States birth certificate;

2247 3. A valid, unexpired United States passport;

2248 4. A naturalization certificate issued by the United
 2249 States Department of Homeland Security;

2250 5. A valid, unexpired alien registration receipt card
 2251 (green card);

2252 6. A Consular Report of Birth Abroad provided by the
 2253 United States Department of State;

2254 7. An unexpired employment authorization card issued by
 2255 the United States Department of Homeland Security; or

2256 8. Proof of nonimmigrant classification provided by the
 2257 United States Department of Homeland Security, for an original
 2258 driver's license. In order to prove nonimmigrant classification,
 2259 an applicant must provide at least one of the following
 2260 documents, and, in addition, the department may require
 2261 applicants to produce United States Department of Homeland
 2262 Security documents for the sole purpose of establishing the
 2263 maintenance of or efforts to maintain continuous lawful presence
 2264 ~~may produce the following documents, including, but not limited~~
 2265 ~~to:~~

2266 a. A notice of hearing from an immigration court
 2267 scheduling a hearing on any proceeding.

2268 b. A notice from the Board of Immigration Appeals

2269 acknowledging pendency of an appeal.

2270 c. A notice of the approval of an application for
2271 adjustment of status issued by the United States Bureau of
2272 Citizenship and Immigration Services.

2273 d. Any official documentation confirming the filing of a
2274 petition for asylum or refugee status or any other relief issued
2275 by the United States Bureau of Citizenship and Immigration
2276 Services.

2277 e. A notice of action transferring any pending matter from
2278 another jurisdiction to this state issued by the United States
2279 Bureau of Citizenship and Immigration Services.

2280 f. An order of an immigration judge or immigration officer
2281 granting any relief that authorizes the alien to live and work
2282 in the United States, including, but not limited to, asylum.

2283 g. Evidence that an application is pending for adjustment
2284 of status to that of an alien lawfully admitted for permanent
2285 residence in the United States or conditional permanent resident
2286 status in the United States, if a visa number is available
2287 having a current priority date for processing by the United
2288 States Bureau of Citizenship and Immigration Services.

2289 h. On or after January 1, 2010, an unexpired foreign
2290 passport with an unexpired United States Visa affixed,
2291 accompanied by an approved I-94, documenting the most recent
2292 admittance into the United States.

2293
2294 A driver's license or temporary permit issued based on documents
2295 required ~~Presentation of any of the documents~~ in subparagraph 7.
2296 or subparagraph 8. is valid ~~entitles the applicant to a driver's~~

2297 ~~license or temporary permit~~ for a period not to exceed the
 2298 expiration date of the document presented or 1 year, whichever
 2299 occurs first.

2300 (d) Whether the applicant has previously been licensed to
 2301 drive, and, if so, when and by what state, and whether any such
 2302 license or driving privilege has ever been disqualified,
 2303 revoked, or suspended, or whether an application has ever been
 2304 refused, and, if so, the date of and reason for such
 2305 disqualification, suspension, revocation, or refusal.

2306 (e) Each such application may include fingerprints and
 2307 other unique biometric means of identity.

2308 (7) The application form for an original, renewal, or
 2309 replacement driver's license or identification card shall
 2310 include language permitting the following:

2311 (o) A voluntary contribution of \$1 per applicant for
 2312 Autism Services and Supports. Such contributions must be
 2313 transferred by the department each month to the Achievement and
 2314 Rehabilitation Centers, Inc., Autism Services Fund.

2315 (p) A voluntary contribution of \$1 per applicant to
 2316 Support Our Troops, which shall be distributed monthly to
 2317 Support Our Troops, Inc., a Florida not-for-profit organization.

2318
 2319 A statement providing an explanation of the purpose of the trust
 2320 funds shall also be included. For the purpose of applying the
 2321 service charge provided in s. 215.20, contributions received
 2322 under paragraphs (b)-(n) are not income of a revenue nature.

2323 (8) Notwithstanding subsection (7), the department and its
 2324 authorized agents shall provide a complete list of voluntary

2325 contributions authorized by law to customers applying for a
 2326 license or identification card or renewal of a license or
 2327 identification card. The renewal application form must include
 2328 either a complete list of all authorized voluntary contributions
 2329 or the department's website address which provides a complete
 2330 list and information on all authorized voluntary contributions.
 2331 The department or authorized agent may include on the renewal
 2332 forms a complete list of authorized voluntary contributions and
 2333 the department's website address. Customers renewing a license
 2334 or identification card at either an agent's office or a
 2335 department office shall be provided information on voluntary
 2336 contribution options.

2337 (9) The department may collect and use electronic mail
 2338 addresses for the purpose of providing renewal notices in lieu
 2339 of the United State Postal Service.

2340 Section 56. Paragraph (b) of subsection (1) and subsection
 2341 (3) of section 322.081, Florida Statutes, are amended to read:

2342 322.081 Requests to establish voluntary contribution
 2343 ~~checkoff~~ on driver's license application.-

2344 (1) An organization that seeks authorization to establish
 2345 a voluntary contribution on a driver's license application must
 2346 submit to the department:

2347 (b) An application fee, not to exceed \$10,000 to defray
 2348 the department's cost for reviewing the application and
 2349 developing the voluntary contribution checkoff or website, if
 2350 authorized. State funds may not be used to pay the application
 2351 fee.

2352

CS/CS/CS/HB 1353

2011

2353 The information required under this subsection must be submitted
 2354 to the department at least 90 days before the convening of the
 2355 next regular session of the Legislature.

2356 (3) The department must include any voluntary
 2357 contributions approved by the Legislature on the driver's
 2358 license application form in accordance with s. 322.08(8) ~~when~~
 2359 ~~the form is reprinted by the agency.~~

2360 Section 57. Subsection (1) of section 322.095, Florida
 2361 Statutes, is amended to read:

2362 322.095 Traffic law and substance abuse education program
 2363 for driver's license applicants.—

2364 (1) The Department of Highway Safety and Motor Vehicles
 2365 must approve traffic law and substance abuse education courses
 2366 that must be completed by applicants for a Florida driver's
 2367 license. The curricula for the courses must provide instruction
 2368 on the physiological and psychological consequences of the abuse
 2369 of alcohol and other drugs, the societal and economic costs of
 2370 alcohol and drug abuse, the effects of alcohol and drug abuse on
 2371 the driver of a motor vehicle, the dangers of driving while
 2372 distracted, which must specifically include the use of
 2373 technology while driving, and the laws of this state relating to
 2374 the operation of a motor vehicle. All instructors teaching the
 2375 courses shall be certified by the department.

2376 Section 58. Subsection (5) of section 322.12, Florida
 2377 Statutes, is amended to read:

2378 322.12 Examination of applicants.—

2379 (5)(a) ~~The department shall formulate a separate~~
 2380 ~~examination for applicants for licenses to operate motorcycles.~~

CS/CS/CS/HB 1353

2011

2381 ~~Any applicant for a driver's license who wishes to operate a~~
2382 ~~motorcycle, and who is otherwise qualified, must successfully~~
2383 ~~complete such an examination, which is in addition to the~~
2384 ~~examination administered under subsection (3). The examination~~
2385 ~~must test the applicant's knowledge of the operation of a~~
2386 ~~motorcycle and of any traffic laws specifically relating thereto~~
2387 ~~and must include an actual demonstration of his or her ability~~
2388 ~~to exercise ordinary and reasonable control in the operation of~~
2389 ~~a motorcycle. Any applicant who fails to pass the initial~~
2390 ~~knowledge examination will incur a \$5 fee for each subsequent~~
2391 ~~examination, to be deposited into the Highway Safety Operating~~
2392 ~~Trust Fund. Any applicant who fails to pass the initial skills~~
2393 ~~examination will incur a \$10 fee for each subsequent~~
2394 ~~examination, to be deposited into the Highway Safety Operating~~
2395 ~~Trust Fund. In the formulation of the examination, the~~
2396 ~~department shall consider the use of the Motorcycle Operator~~
2397 ~~Skills Test and the Motorcycle in Traffic Test offered by the~~
2398 ~~Motorcycle Safety Foundation. The department shall indicate on~~
2399 ~~the license of any person who successfully completes the~~
2400 ~~examination that the licensee is authorized to operate a~~
2401 ~~motorcycle. If the applicant wishes to be licensed to operate a~~
2402 ~~motorcycle only, he or she need not take the skill or road test~~
2403 ~~required under subsection (3) for the operation of a motor~~
2404 ~~vehicle, and the department shall indicate such a limitation on~~
2405 ~~his or her license as a restriction. Every first-time applicant~~
2406 ~~for licensure to operate a motorcycle must provide proof of~~
2407 ~~completion of a motorcycle safety course, as provided for in s.~~
2408 ~~322.0255, which shall include a final examination before the~~

2409 applicant may be licensed to operate a motorcycle. The
 2410 department shall indicate on the license of any person who
 2411 successfully completes the course that the licensee is
 2412 authorized to operate a motorcycle. If the applicant wishes to
 2413 be licensed to operate a motorcycle only, he or she need not
 2414 take the skills or road test required under subsection (3) for
 2415 the operation of a motor vehicle, and the department shall
 2416 indicate such a limitation on his or her license as a
 2417 restriction.

2418 ~~(b) The department may exempt any applicant from the~~
 2419 ~~examination provided in this subsection if the applicant~~
 2420 ~~presents a certificate showing successful completion of a course~~
 2421 ~~approved by the department, which course includes a similar~~
 2422 ~~examination of the knowledge and skill of the applicant in the~~
 2423 ~~operation of a motorcycle.~~

2424 Section 59. Subsection (5) of section 322.121, Florida
 2425 Statutes, is amended to read:

2426 322.121 Periodic reexamination of all drivers.—

2427 (5) Members of the Armed Forces, or their dependents
 2428 residing with them, shall be granted an automatic extension for
 2429 the expiration of their Class E licenses without reexamination
 2430 while serving on active duty outside this state. This extension
 2431 is valid for 90 days after the member of the Armed Forces is
 2432 either discharged or returns to this state to live.

2433 Section 60. Paragraph (a) of subsection (1) of section
 2434 322.14, Florida Statutes, is amended to read:

2435 322.14 Licenses issued to drivers.—

2436 (1) (a) The department shall, upon successful completion of

CS/CS/CS/HB 1353

2011

2437 all required examinations and payment of the required fee, issue
 2438 to every applicant qualifying therefor, a driver's license as
 2439 applied for, which license shall bear thereon a color photograph
 2440 or digital image of the licensee; the name of the state; a
 2441 distinguishing number assigned to the licensee; and the
 2442 licensee's full name, date of birth, and residence address; a
 2443 brief description of the licensee, including, but not limited
 2444 to, the licensee's gender and height; and the dates of issuance
 2445 and expiration of the license. A space shall be provided upon
 2446 which the licensee shall affix his or her usual signature. No
 2447 license shall be valid until it has been so signed by the
 2448 licensee except that the signature of said licensee shall not be
 2449 required if it appears thereon in facsimile or if the licensee
 2450 is not present within the state at the time of issuance.

2451 ~~Applicants qualifying to receive a Class A, Class B, or Class C~~
 2452 ~~driver's license must appear in person within the state for~~
 2453 ~~issuance of a color photographic or digital imaged driver's~~
 2454 ~~license pursuant to s. 322.142.~~

2455 Section 61. Subsection (2) of section 322.19, Florida
 2456 Statutes, is amended to read:

2457 322.19 Change of address or name.—

2458 (2) Whenever any person, after applying for or receiving a
 2459 driver's license, changes the legal residence or mailing address
 2460 in the application or license, the person must, within 10
 2461 calendar days, obtain a replacement license that reflects the
 2462 change. A written request to the department must include the old
 2463 and new addresses and the driver's license number. Persons with
 2464 a valid, current student identification card issued by an

2465 educational institution in this state are presumed not to have
 2466 changed their legal residence or mailing address. Nothing in
 2467 this provision shall affect any person required to register a
 2468 permanent or temporary address change pursuant to s. 775.13, s.
 2469 775.21, s. 775.25, or s. 943.0435.

2470 Section 62. Subsections (9), (10), (13), (14), and (16) of
 2471 section 322.20, Florida Statutes, are amended to read:

2472 322.20 Records of the department; fees; destruction of
 2473 records.—

2474 (9) The department may, upon application, furnish to any
 2475 person, from its ~~the records of the Division of Driver Licenses,~~
 2476 a list of the names, addresses, and birth dates of the licensed
 2477 drivers of the entire state or any portion thereof by age group.
 2478 In addition, the department may furnish to the courts, for the
 2479 purpose of establishing jury selection lists, the names,
 2480 addresses, and birth dates of the persons of the entire state or
 2481 any portion thereof by age group having identification cards
 2482 issued by the department. Each person who requests such
 2483 information shall pay a fee, set by the department, of 1 cent
 2484 per name listed, except that the department shall furnish such
 2485 information without charge to the courts for the purpose of jury
 2486 selection or to any state agency or to any state attorney,
 2487 sheriff, or chief of police. Such court, state agency, state
 2488 attorney, or law enforcement agency may not sell, give away, or
 2489 allow the copying of such information. Noncompliance with this
 2490 prohibition shall authorize the department to charge the
 2491 noncomplying court, state agency, state attorney, or law
 2492 enforcement agency the appropriate fee for any subsequent lists

2493 requested. The department may adopt rules necessary to implement
 2494 this subsection.

2495 (10) The department ~~Division of Driver Licenses~~ is
 2496 authorized, upon application of any person and payment of the
 2497 proper fees, to search and to assist such person in the search
 2498 of the records of the department and make reports thereof and to
 2499 make photographic copies of the departmental records and
 2500 attestations thereof.

2501 (13) The department ~~Division of Driver Licenses~~ shall
 2502 implement a system that allows either parent of a minor, or a
 2503 guardian, or other responsible adult who signed a minor's
 2504 application for a driver's license to have Internet access
 2505 through a secure website to inspect the minor's driver history
 2506 record. Internet access to driver history records granted to a
 2507 minor's parents, guardian, or other responsible adult shall be
 2508 furnished by the department at no fee and shall terminate when
 2509 the minor attains 18 years of age.

2510 (14) The department is authorized in accordance with
 2511 chapter 257 to destroy reports, records, documents, papers, and
 2512 correspondence in the department ~~Division of Driver Licenses~~
 2513 which are considered obsolete.

2514 (16) The creation and maintenance of records by the
 2515 Division of Motorist Services within the department ~~and the~~
 2516 ~~Division of Driver Licenses~~ pursuant to this chapter shall not
 2517 be regarded as law enforcement functions of agency
 2518 recordkeeping.

2519 Section 63. Section 322.202, Florida Statutes, is amended
 2520 to read:

2521 322.202 Admission of evidence obtained from the Division
 2522 of Motorist Services Driver Licenses ~~and the Division of Motor~~
 2523 ~~Vehicles.~~—

2524 (1) The Legislature finds that the Division of Motorist
 2525 Services Driver Licenses ~~and the Division of Motor Vehicles~~ of
 2526 the Department of Highway Safety and Motor Vehicles is ~~are~~ not a
 2527 law enforcement agency ~~agencies~~. The Legislature also finds that
 2528 the division is ~~divisions are~~ not an adjunct ~~adjuncts~~ of any law
 2529 enforcement agency in that employees have no stake in particular
 2530 prosecutions. The Legislature further finds that errors in
 2531 records maintained by the Division of Motorist Services
 2532 ~~divisions~~ are not within the collective knowledge of any law
 2533 enforcement agency. The Legislature also finds that the mission
 2534 ~~missions~~ of the Division of Motorist Services Driver Licenses,
 2535 ~~the Division of Motor Vehicles~~, and the Department of Highway
 2536 Safety and Motor Vehicles provides ~~provide~~ a sufficient
 2537 incentive to maintain records in a current and correct fashion.

2538 (2) The Legislature finds that the purpose of the
 2539 exclusionary rule is to deter misconduct on the part of law
 2540 enforcement officers and law enforcement agencies.

2541 (3) The Legislature finds that the application of the
 2542 exclusionary rule to cases where a law enforcement officer
 2543 effects an arrest based on objectively reasonable reliance on
 2544 information obtained from the division ~~divisions~~ is repugnant to
 2545 the purposes of the exclusionary rule and contrary to the
 2546 decisions of the United States Supreme Court in *Arizona v.*
 2547 *Evans*, 514 U.S. 1 (1995) and *United States v. Leon*, 468 U.S. 897
 2548 (1984).

CS/CS/CS/HB 1353

2011

2549 (4) In any case where a law enforcement officer effects an
 2550 arrest based on objectively reasonable reliance on information
 2551 obtained from the division ~~divisions~~, evidence found pursuant to
 2552 such an arrest shall not be suppressed by application of the
 2553 exclusionary rule on the grounds that the arrest is subsequently
 2554 determined to be unlawful due to erroneous information obtained
 2555 from the divisions.

2556 Section 64. Subsections (2) and (4) of section 322.21,
 2557 Florida Statutes, are amended to read:

2558 322.21 License fees; procedure for handling and collecting
 2559 fees.—

2560 (2) It is the duty of the director of the Division of
 2561 Motorist Services to provide Driver Licenses to set up a
 2562 ~~division in the department with the~~ necessary personnel to
 2563 perform the ~~necessary~~ clerical and routine work for the
 2564 department in issuing and recording applications, licenses, and
 2565 certificates of eligibility, including the receiving and
 2566 accounting of all license funds and their payment into the State
 2567 Treasury, and other incidental clerical work connected with the
 2568 administration of this chapter. The department may use such
 2569 electronic, mechanical, or other devices as necessary to
 2570 accomplish the purposes of this chapter.

2571 (4) If the department determines from its records or is
 2572 otherwise satisfied that the holder of a license about to expire
 2573 is entitled to have it renewed, the department shall mail a
 2574 renewal notice to the licensee at his or her last known address,
 2575 at least ~~within~~ 30 days before the licensee's birthday. The
 2576 licensee may ~~shall~~ be issued a renewal license, after

CS/CS/CS/HB 1353

2011

2577 reexamination, if required, ~~during the 30 days immediately~~
 2578 ~~preceding his or her birthday upon presenting a renewal notice,~~
 2579 ~~his or her current license, and the fee for renewal to the~~
 2580 ~~department at any driver's license examining office. A driver~~
 2581 may renew his or her driver's license up to 18 months prior to
 2582 the license expiration date.

2583 Section 65. Subsection (1) of section 322.22, Florida
 2584 Statutes, is amended to read:

2585 322.22 Authority of department to cancel license.—

2586 (1) The department is authorized to cancel any driver's
 2587 license, upon determining that the licensee is ~~was~~ not entitled
 2588 to the license issuance ~~thereof~~, or that the licensee failed to
 2589 give the required or correct information in his or her
 2590 application or committed any fraud in making such application,
 2591 or that the licensee has two or more licenses on file with the
 2592 department, each in a different name but bearing the photograph
 2593 of the licensee, unless the licensee has complied with the
 2594 requirements of this chapter in obtaining the licenses. The
 2595 department may cancel any driver's license, identification card,
 2596 vehicle or vessel registration, or fuel-use decal if the
 2597 licensee fails to pay the correct fee or pays for the driver's
 2598 license, identification card, vehicle or vessel registration, or
 2599 fuel-use decal; pays any tax liability, penalty, or interest
 2600 specified in chapter 207; or pays any administrative,
 2601 delinquency, or reinstatement fee by a dishonored check.

2602 Section 66. Subsection (6) of section 322.2615, Florida
 2603 Statutes, is amended to read:

2604 322.2615 Suspension of license; right to review.—

2605 (6) (a) If the person whose license was suspended requests
 2606 a formal review, the department must schedule a hearing to be
 2607 held within 30 days after such request is received by the
 2608 department and must notify the person of the date, time, and
 2609 place of the hearing.

2610 (b) Such formal review hearing shall be held before a
 2611 hearing officer designated ~~employed~~ by the department, and the
 2612 hearing officer shall be authorized to administer oaths, examine
 2613 witnesses and take testimony, receive relevant evidence, issue
 2614 subpoenas for the officers and witnesses identified in documents
 2615 in subsection (2), regulate the course and conduct of the
 2616 hearing, question witnesses, and make a ruling on the
 2617 suspension. The party requesting the presence of a witness shall
 2618 be responsible for the payment of any witness fees and for
 2619 notifying in writing the state attorney's office in the
 2620 appropriate circuit of the issuance of the subpoena. If the
 2621 person who requests a formal review hearing fails to appear and
 2622 the hearing officer finds such failure to be without just cause,
 2623 the right to a formal hearing is waived and the suspension shall
 2624 be sustained.

2625 (c) A party may seek enforcement of a subpoena under
 2626 paragraph (b) by:

2627 1. Filing a motion for enforcement of a subpoena in the
 2628 related criminal case, if any; or

2629 2. Filing a petition for enforcement in the circuit court
 2630 of the judicial circuit in which the person failing to comply
 2631 with the subpoena resides. A failure to comply with an order of
 2632 the court shall result in a finding of contempt of court.

2633 | However, a person is not in contempt while a subpoena is being
 2634 | challenged.

2635 | (d) The department must, within 7 working days after a
 2636 | formal review hearing, send notice to the person of the hearing
 2637 | officer's decision as to whether sufficient cause exists to
 2638 | sustain, amend, or invalidate the suspension.

2639 | Section 67. Subsection (12) is added to section 322.34,
 2640 | Florida Statutes, to read:

2641 | 322.34 Driving while license suspended, revoked, canceled,
 2642 | or disqualified.—

2643 | (1) Except as provided in subsection (2), any person whose
 2644 | driver's license or driving privilege has been canceled,
 2645 | suspended, or revoked, except a "habitual traffic offender" as
 2646 | defined in s. 322.264, who drives a vehicle upon the highways of
 2647 | this state while such license or privilege is canceled,
 2648 | suspended, or revoked is guilty of a moving violation,
 2649 | punishable as provided in chapter 318.

2650 | (12) A person who commits a moving violation as provided
 2651 | in subsection (1) shall not have his or her motor vehicle
 2652 | impounded or immobilized.

2653 | Section 68. Subsection (2) of section 322.53, Florida
 2654 | Statutes, is amended to read:

2655 | 322.53 License required; exemptions.—

2656 | (2) The following persons are exempt from the requirement
 2657 | to obtain a commercial driver's license:

2658 | (a) Drivers of authorized emergency vehicles.

2659 | (b) Military personnel driving vehicles operated for
 2660 | military purposes.

2661 (c) Farmers transporting agricultural products, farm
 2662 supplies, or farm machinery to or from their farms within 150
 2663 miles of their farm if the vehicle operated under this exemption
 2664 is not used in the operations of a common or contract motor
 2665 carrier, ~~or transporting agricultural products to or from the~~
 2666 ~~first place of storage or processing or directly to or from~~
 2667 ~~market, within 150 miles of their farm.~~

2668 (d) Drivers of recreational vehicles, as defined in s.
 2669 320.01.

2670 (e) Drivers who operate straight trucks, as defined in s.
 2671 316.003, which ~~that~~ are exclusively transporting their own
 2672 tangible personal property that ~~which~~ is not for sale or hire,
 2673 and the vehicles are not used in commerce.

2674 (f) An employee of a publicly owned transit system who is
 2675 limited to moving vehicles for maintenance or parking purposes
 2676 exclusively within the restricted-access confines of a transit
 2677 system's property.

2678 Section 69. Subsection (5) is added to section 322.54,
 2679 Florida Statutes, to read:

2680 322.54 Classification.—

2681 (5) The required driver's license classification of any
 2682 person operating a commercial motor vehicle that has no gross
 2683 vehicle weight rating plate or no vehicle identification number
 2684 shall be determined by the actual weight of the vehicle.

2685 Section 70. Section 322.58, Florida Statutes, is repealed.

2686 Section 71. Section 322.59, Florida Statutes, is amended
 2687 to read:

2688 322.59 Possession of medical examiner's certificate.—

2689 (1) The department shall not issue a commercial driver's
 2690 license to any person who is required by the laws of this state
 2691 or by federal law to possess a medical examiner's certificate,
 2692 unless such person provides ~~presents~~ a valid certificate, as
 2693 described in 49 C.F.R. s. 383.71 prior to licensure.

2694 (2) The department shall disqualify a driver from
 2695 operating a commercial motor vehicle if that driver holds a
 2696 commercial driver's license and fails to comply with the medical
 2697 certification requirements described in 49 C.F.R. s. 383.71.

2698 ~~(2) This section does not expand the requirements as to~~
 2699 ~~who must possess a medical examiner's certificate.~~

2700 Section 72. Subsection (5) of section 322.61, Florida
 2701 Statutes, is amended to read:

2702 322.61 Disqualification from operating a commercial motor
 2703 vehicle.—

2704 (5) Any person who is convicted of two violations
 2705 specified in subsection (3) which were committed while operating
 2706 a commercial motor vehicle, or any combination thereof, arising
 2707 in separate incidents shall be permanently disqualified from
 2708 operating a commercial motor vehicle. Any holder of a commercial
 2709 driver's license who is convicted of two violations specified in
 2710 subsection (3), which were committed while operating any a
 2711 ~~noncommercial~~ motor vehicle, ~~or any combination thereof,~~ arising
 2712 in separate incidents shall be permanently disqualified from
 2713 operating a commercial motor vehicle. The penalty provided in
 2714 this subsection is in addition to any other applicable penalty.

2715 Section 73. Subsections (1), (4), (7), (8), and (11) of
 2716 section 322.64, Florida Statutes, are amended to read:

2717 322.64 Holder of commercial driver's license; persons
 2718 operating a commercial motor vehicle; driving with unlawful
 2719 blood-alcohol level; refusal to submit to breath, urine, or
 2720 blood test.—

2721 (1) (a) A law enforcement officer or correctional officer
 2722 shall, on behalf of the department, disqualify from operating
 2723 any commercial motor vehicle a person who while operating or in
 2724 actual physical control of a commercial motor vehicle is
 2725 arrested for a violation of s. 316.193, relating to unlawful
 2726 blood-alcohol level or breath-alcohol level, or a person who has
 2727 refused to submit to a breath, urine, or blood test authorized
 2728 by s. 322.63 or s. 316.1932 arising out of the operation or
 2729 actual physical control of a commercial motor vehicle. A law
 2730 enforcement officer or correctional officer shall, on behalf of
 2731 the department, disqualify the holder of a commercial driver's
 2732 license from operating any commercial motor vehicle if the
 2733 licenseholder, while operating or in actual physical control of
 2734 a motor vehicle, is arrested for a violation of s. 316.193,
 2735 relating to unlawful blood-alcohol level or breath-alcohol
 2736 level, or refused to submit to a breath, urine, or blood test
 2737 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
 2738 the person, the officer shall take the person's driver's license
 2739 and issue the person a 10-day temporary permit for the operation
 2740 of noncommercial vehicles only if the person is otherwise
 2741 eligible for the driving privilege and shall issue the person a
 2742 notice of disqualification. If the person has been given a
 2743 blood, breath, or urine test, the results of which are not
 2744 available to the officer at the time of the arrest, the agency

2745 employing the officer shall transmit such results to the
 2746 department within 5 days after receipt of the results. If the
 2747 department then determines that the person had a blood-alcohol
 2748 level or breath-alcohol level of 0.08 or higher, the department
 2749 shall disqualify the person from operating a commercial motor
 2750 vehicle pursuant to subsection (3).

2751 (b) For purposes of determining the period of
 2752 disqualification described in 49 C.F.R. s. 383.51,
 2753 disqualifications listed in paragraph (a) shall be treated as
 2754 convictions.

2755 (c) ~~(b)~~ The disqualification under paragraph (a) shall be
 2756 pursuant to, and the notice of disqualification shall inform the
 2757 driver of, the following:

2758 1.a. The driver refused to submit to a lawful breath,
 2759 blood, or urine test and he or she is disqualified from
 2760 operating a commercial motor vehicle for the time period
 2761 specified in 49 C.F.R. s. 383.51 ~~a period of 1 year, for a first~~
 2762 ~~refusal, or permanently, if he or she has previously been~~
 2763 ~~disqualified under this section; or~~

2764 b. The driver had an unlawful blood-alcohol or breath-
 2765 alcohol level of 0.08 or higher while driving or in actual
 2766 physical control of a commercial motor vehicle, or any motor
 2767 vehicle if the driver holds a commercial driver license, and is
 2768 disqualified for the time period specified in 49 C.F.R. s.
 2769 383.51. ~~The driver was driving or in actual physical control of~~
 2770 ~~a commercial motor vehicle, or any motor vehicle if the driver~~
 2771 ~~holds a commercial driver's license, had an unlawful blood-~~
 2772 ~~alcohol level or breath-alcohol level of 0.08 or higher, and his~~

2773 ~~or her driving privilege shall be disqualified for a period of 1~~
 2774 ~~year for a first offense or permanently disqualified if his or~~
 2775 ~~her driving privilege has been previously disqualified under~~
 2776 ~~this section.~~

2777 2. The disqualification period for operating commercial
 2778 vehicles shall commence on the date of issuance of the notice of
 2779 disqualification.

2780 3. The driver may request a formal or informal review of
 2781 the disqualification by the department within 10 days after the
 2782 date of issuance of the notice of disqualification.

2783 4. The temporary permit issued at the time of
 2784 disqualification expires at midnight of the 10th day following
 2785 the date of disqualification.

2786 5. The driver may submit to the department any materials
 2787 relevant to the disqualification.

2788 (4) If the person disqualified requests an informal review
 2789 pursuant to subparagraph (1) (c) ~~(b)~~ 3., the department shall
 2790 conduct the informal review by a hearing officer employed by the
 2791 department. Such informal review hearing shall consist solely of
 2792 an examination by the department of the materials submitted by a
 2793 law enforcement officer or correctional officer and by the
 2794 person disqualified, and the presence of an officer or witness
 2795 is not required.

2796 (7) In a formal review hearing under subsection (6) or an
 2797 informal review hearing under subsection (4), the hearing
 2798 officer shall determine by a preponderance of the evidence
 2799 whether sufficient cause exists to sustain, amend, or invalidate
 2800 the disqualification. The scope of the review shall be limited

2801 to the following issues:

2802 (a) If the person was disqualified from operating a
 2803 commercial motor vehicle for driving with an unlawful blood-
 2804 alcohol level:

2805 1. Whether the ~~arresting~~ law enforcement officer had
 2806 probable cause to believe that the person was driving or in
 2807 actual physical control of a commercial motor vehicle, or any
 2808 motor vehicle if the driver holds a commercial driver's license,
 2809 in this state while he or she had any alcohol, chemical
 2810 substances, or controlled substances in his or her body.

2811 2. Whether the person had an unlawful blood-alcohol level
 2812 or breath-alcohol level of 0.08 or higher.

2813 (b) If the person was disqualified from operating a
 2814 commercial motor vehicle for refusal to submit to a breath,
 2815 blood, or urine test:

2816 1. Whether the law enforcement officer had probable cause
 2817 to believe that the person was driving or in actual physical
 2818 control of a commercial motor vehicle, or any motor vehicle if
 2819 the driver holds a commercial driver's license, in this state
 2820 while he or she had any alcohol, chemical substances, or
 2821 controlled substances in his or her body.

2822 2. Whether the person refused to submit to the test after
 2823 being requested to do so by a law enforcement officer or
 2824 correctional officer.

2825 3. Whether the person was told that if he or she refused
 2826 to submit to such test he or she would be disqualified from
 2827 operating a commercial motor vehicle for a period of 1 year or,
 2828 if previously disqualified under this section, permanently.

2829 (8) Based on the determination of the hearing officer
 2830 pursuant to subsection (7) for both informal hearings under
 2831 subsection (4) and formal hearings under subsection (6), the
 2832 department shall:

2833 (a) sustain the disqualification for the time period
 2834 described in 49 C.F.R. s. 383.51 ~~a period of 1 year for a first~~
 2835 ~~refusal, or permanently if such person has been previously~~
 2836 ~~disqualified from operating a commercial motor vehicle under~~
 2837 ~~this section.~~ The disqualification period commences on the date
 2838 of the issuance of the notice of disqualification.

2839 (b) ~~Sustain the disqualification:~~

2840 1. ~~For a period of 1 year if the person was driving or in~~
 2841 ~~actual physical control of a commercial motor vehicle, or any~~
 2842 ~~motor vehicle if the driver holds a commercial driver's license,~~
 2843 ~~and had an unlawful blood alcohol level or breath alcohol level~~
 2844 ~~of 0.08 or higher; or~~

2845 2. ~~Permanently if the person has been previously~~
 2846 ~~disqualified from operating a commercial motor vehicle under~~
 2847 ~~this section or his or her driving privilege has been previously~~
 2848 ~~suspended for driving or being in actual physical control of a~~
 2849 ~~commercial motor vehicle, or any motor vehicle if the driver~~
 2850 ~~holds a commercial driver's license, and had an unlawful blood-~~
 2851 ~~alcohol level or breath alcohol level of 0.08 or higher.~~

2852
 2853 ~~The disqualification period commences on the date of the~~
 2854 ~~issuance of the notice of disqualification.~~

2855 (11) The formal review hearing may be conducted upon a
 2856 review of the reports of a law enforcement officer or a

2857 | correctional officer, including documents relating to the
 2858 | administration of a breath test or blood test or the refusal to
 2859 | take a breath, blood, or urine ~~either~~ test. However, as provided
 2860 | in subsection (6), the driver may subpoena the officer or any
 2861 | person who administered or analyzed a breath or blood test.

2862 | Section 74. Section 328.30, Florida Statutes, is amended
 2863 | to read:

2864 | 328.30 Transactions by electronic or telephonic means.—

2865 | (1) The department may ~~is authorized to~~ accept any
 2866 | application provided for under this chapter by electronic or
 2867 | telephonic means.

2868 | (2) The department may issue an electronic certificate of
 2869 | title in lieu of printing a paper title.

2870 | (3) The department may collect and use electronic mail
 2871 | addresses for the purpose of providing renewal notices in lieu
 2872 | of the United States Postal Service.

2873 | Section 75. Subsection (17) of section 328.72, Florida
 2874 | Statutes, is renumbered as subsection (18) and a new subsection
 2875 | (17) is added to that section to read:

2876 | 328.72 Classification; registration; fees and charges;
 2877 | surcharge; disposition of fees; fines; marine turtle stickers.—

2878 | (17) Notwithstanding subsection (11), the department and
 2879 | the tax collectors acting as agents for the department shall
 2880 | provide a complete list of voluntary contributions authorized by
 2881 | law to customers applying for registration or renewal
 2882 | registration. The renewal application forms must include either
 2883 | a complete list of all authorized voluntary contributions or the
 2884 | department's website address which provides a complete list and

2885 information on all authorized voluntary contributions. The
 2886 department or a tax collector may include on the renewal forms a
 2887 complete list of authorized voluntary contributions and the
 2888 department's website address. Customers renewing a registration
 2889 at either a tax collector's office or a department office shall
 2890 be provided information on voluntary contribution options.

2891 Section 76. Subsection (2) of section 413.012, Florida
 2892 Statutes, is amended to read:

2893 413.012 Confidential records disclosure prohibited;
 2894 exemptions.—

2895 (2) It is unlawful for any person to disclose, authorize
 2896 the disclosure, solicit, receive, or make use of any list of
 2897 names and addresses or any record containing any information set
 2898 forth in subsection (1) and maintained in the division. The
 2899 prohibition provided for in this subsection shall not apply to
 2900 the use of such information for purposes directly connected with
 2901 the administration of the vocational rehabilitation program or
 2902 with the monthly dispatch to ~~the Division of Driver Licenses of~~
 2903 the Department of Highway Safety and Motor Vehicles of the name
 2904 in full, place and date of birth, sex, social security number,
 2905 and resident address of individuals with central visual acuity
 2906 20/200 or less in the better eye with correcting glasses, or a
 2907 disqualifying field defect in which the peripheral field has
 2908 contracted to such an extent that the widest diameter or visual
 2909 field subtends an angular distance no greater than 20 degrees.
 2910 When requested in writing by an applicant or client, or her or
 2911 his representative, the Division of Blind Services shall release
 2912 confidential information to the applicant or client or her or

2913 his representative.

2914 Section 77. Paragraph (f) of subsection (13) of section
2915 713.78, Florida Statutes, is amended to read:

2916 713.78 Liens for recovering, towing, or storing vehicles
2917 and vessels.—

2918 (13)

2919 (f) This subsection applies only to the annual renewal in
2920 the registered owner's birth month of a motor vehicle
2921 registration and does not apply to the transfer of a
2922 registration of a motor vehicle sold by a motor vehicle dealer
2923 licensed under chapter 320, except for the transfer of
2924 registrations which is inclusive of the annual renewals. This
2925 subsection does not apply to any vehicle registered in the name
2926 of the lessor. This subsection does not affect the issuance of
2927 the title to a motor vehicle, notwithstanding s.

2928 319.23 (8) ~~(7)~~ (b).

2929 Section 78. (1) This section may be cited as the "To
2930 Inform Families First Act."

2931 (2) The Department of Highway Safety and Motor Vehicles is
2932 encouraged to educate the law enforcement community and the
2933 general public about the importance of making certain that
2934 drivers are aware of and use the Emergency Contact Information
2935 program, established by the department. The department shall
2936 provide signs for the driver license offices to advertise the
2937 program. This voluntary program allows each driver the
2938 opportunity to register the names of up to two individuals as
2939 the person he or she would want to be contacted if he or she is
2940 involved in a crash.

CS/CS/CS/HB 1353

2011

2941 Section 79. Except as otherwise expressly provided in this
2942 act, this act shall take effect July 1, 2011.