

By Senator Latvala

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1 A bill to be entitled
2 An act relating to the Department of Highway Safety
3 and Motor Vehicles; amending s. 20.24, F.S.;
4 specifying that the executive director of the
5 Department of Highway Safety and Motor Vehicles serves
6 at the pleasure of the Governor and Cabinet;
7 authorizing the executive director to establish a
8 command, operational, and administrative services
9 structure to assist, manage, and support the
10 department in operating programs and delivering
11 services; creating a Division of Motorist Services
12 within the department; eliminating the Division of
13 Driver Licenses and the Division of Motor Vehicles;
14 amending s. 288.816, F.S.; requiring the Office of
15 Tourism, Trade, and Economic Development to verify to
16 the department that honorary counsels are entitled to
17 special motor vehicle license plates; amending s.
18 316.1905, F.S.; providing that certain traffic
19 citations may not be issued or prosecuted unless a law
20 enforcement officer used an electrical, mechanical, or
21 other speed-calculating device that has been tested
22 and approved; amending ss. 316.1957 and 318.15, F.S.;
23 conforming provisions to changes made by the act;
24 amending s. 316.2085, F.S.; providing that license
25 tags for mopeds and motorcycles must be affixed so
26 that the letters and numbers are legible from the
27 rear; specifying that the tags may be displayed
28 horizontally or vertically to the ground so that the
29 numbers and letters read from left to right or from

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30 top to bottom; amending s. 320.01, F.S.; revising the
31 definition of the term "motor vehicle" to include
32 special mobile equipment; amending s. 320.05, F.S.;
33 deleting a provision requiring the department to
34 provide a procedures manual for a fee; clarifying that
35 the creation and maintenance of records by the
36 Division of Motorist Services is not a law enforcement
37 function of agency recordkeeping; amending s. 320.275,
38 F.S., relating to the Automobile Dealers Industry
39 Advisory Board; conforming provisions to the
40 elimination of the Division of Motor Vehicles within
41 the department; amending s. 321.02, F.S.; designating
42 the director of the Division of Highway Patrol of the
43 department as the Colonel of the Florida Highway
44 Patrol; amending s. 322.02, F.S.; providing that the
45 executive director of the department serves as the
46 executive officer of the Division of Motorist
47 Services; amending s. 322.051, F.S.; revising
48 requirements by which an applicant for an
49 identification card may prove nonimmigrant
50 classification; clarifying the validity of an
51 identification card based on specified documents;
52 providing for the department to waive the fees for
53 issuing or renewing an identification card to persons
54 who present good cause for such waiver; amending s.
55 322.08, F.S.; revising requirements by which an
56 applicant for a driver's license may prove
57 nonimmigrant classification; clarifying the validity
58 of a license based on specified documents; creating s.

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59 322.1415, F.S.; requiring the Department of Highway
60 Safety and Motor Vehicles to issue a specialty
61 driver's license or identification card to qualified
62 applicants; specifying that, at a minimum, the
63 specialty driver's licenses and identification cards
64 must be available for certain state and independent
65 universities and professional sports teams and all of
66 the branches of the United States military; requiring
67 that the design of each specialty driver's license and
68 identification card be approved by the department;
69 amending s. 322.20, F.S.; conforming provisions to
70 changes made by the act; amending s. 322.202, F.S.;
71 clarifying that the Division of Motorist Services is
72 not a law enforcement agency; amending s. 322.21,
73 F.S.; providing for the distribution of funds
74 collected from the specialty driver's license and
75 identification card fees; conforming provisions to
76 changes made by the act; amending s. 413.012, F.S.,
77 relating to a prohibition on disclosing confidential
78 records held by the department; conforming provisions
79 to changes made by the act; reenacting s. 322.17(3),
80 F.S., relating to replacement of a driver's license or
81 instructional permit, to incorporate the amendments
82 made to s. 322.08, F.S., in a reference thereto;
83 reenacting s. 322.18(2)(d) and (4)(c), F.S., relating
84 to driver's licenses, to incorporate the amendments
85 made to s. 322.08, F.S., in references thereto;
86 reenacting s. 322.19(4), F.S., relating to change of
87 address or name on a driver's license, to incorporate

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88 the amendments made to s. 322.08, F.S., in a reference
89 thereto; providing an effective date.

90
91 Be It Enacted by the Legislature of the State of Florida:

92
93 Section 1. Section 20.24, Florida Statutes, is amended to
94 read:

95 20.24 Department of Highway Safety and Motor Vehicles.—
96 There is created a Department of Highway Safety and Motor
97 Vehicles.

98 (1) The head of the Department of Highway Safety and Motor
99 Vehicles is the Governor and Cabinet. An executive director
100 shall serve at the pleasure of the Governor and Cabinet. The
101 executive director may establish a command, operational, and
102 administrative services structure to assist, manage, and support
103 the department in operating programs and delivering services.

104 (2) The following divisions, ~~and bureaus within the~~
105 ~~divisions,~~ of the Department of Highway Safety and Motor
106 Vehicles are established:

107 (a) Division of the Florida Highway Patrol.

108 (b) Division of Motorist Services.

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

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

111 Section 2. Paragraph (e) of subsection (2) of section
112 288.816, Florida Statutes, is amended to read:

113 288.816 Intergovernmental relations.—

114 (2) The Office of Tourism, Trade, and Economic Development
115 shall be responsible for all consular relations between the
116 state and all foreign governments doing business in Florida. The

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117 office shall monitor United States laws and directives to ensure
118 that all federal treaties regarding foreign privileges and
119 immunities are properly observed. The office shall promulgate
120 rules which shall:

121 (e) Verify entitlement to issuance of special motor vehicle
122 license plates by ~~the Division of Motor Vehicles of the~~
123 Department of Highway Safety and Motor Vehicles to honorary
124 consuls or such other officials representing foreign governments
125 who are not entitled to issuance of special Consul Corps license
126 plates by the United States Government.

127 Section 3. Section 316.1905, Florida Statutes, is amended
128 to read:

129 316.1905 Electrical, mechanical, or other speed calculating
130 devices; power of arrest; evidence.—

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

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

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146 communicated to the arresting officer.

147 (3) Citations for violations of ss. 316.183, 316.187,
148 316.189, 316.1893, and 316.1895 may not be issued or prosecuted
149 unless a law enforcement officer used an electrical, mechanical,
150 or other speed-calculating device that has been tested and
151 approved in accordance with subsection (1).

152 (4)~~(3)~~(a) A witness otherwise qualified to testify shall be
153 competent to give testimony against an accused violator of the
154 motor vehicle laws of this state when such testimony is derived
155 from the use of such an electronic, electrical, mechanical, or
156 other device used in the calculation of speed, upon showing that
157 the speed calculating device which was used had been tested.
158 However, the operator of any visual average speed computer
159 device shall first be certified as a competent operator of such
160 device by the department.

161 (b) Upon the production of a certificate, signed and
162 witnessed, showing that such device was tested within the time
163 period specified and that such device was working properly, a
164 presumption is established to that effect unless the contrary
165 shall be established by competent evidence.

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

170 Section 4. Section 316.1957, Florida Statutes, is amended
171 to read:

172 316.1957 Parking violations; designated parking spaces for
173 persons who have disabilities.—When evidence is presented in any
174 court of the fact that any motor vehicle was parked in a

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175 properly designated parking space for persons who have
176 disabilities in violation of s. 316.1955, it is prima facie
177 evidence that the vehicle was parked and left in the space by
178 the person, firm, or corporation in whose name the vehicle is
179 registered and licensed according to the records of the
180 department ~~Division of Motor Vehicles~~.

181 Section 5. Subsection (3) of section 316.2085, Florida
182 Statutes, is amended to read:

183 316.2085 Riding on motorcycles or mopeds.—

184 (3) The license tag of a motorcycle or moped must be
185 permanently affixed to the vehicle and may not be ~~adjusted or~~
186 ~~capable of being~~ flipped up, inverted, reversed, or in any other
187 way rendered to make the letters of the tag illegible from the
188 rear while the vehicle is being operated. ~~No device for or~~
189 ~~method of~~ Concealing or obscuring the legibility of the license
190 tag of a motorcycle is prohibited ~~shall be installed or used.~~
191 The license tag of a motorcycle or moped may be affixed
192 horizontally or vertically to the ground so that the numbers and
193 letters read from left to right or from top to bottom.

194 ~~Alternatively, a license tag for a motorcycle or moped for which~~
195 ~~the numbers and letters read from top to bottom may be affixed~~
196 ~~perpendicularly to the ground, provided that the registered~~
197 ~~owner of the motorcycle or moped maintains a prepaid toll~~
198 ~~account in good standing and a transponder associated with the~~
199 ~~prepaid toll account is affixed to the motorcycle or moped.~~

200 Section 6. Paragraph (a) of subsection (1) of section
201 318.15, Florida Statutes, is amended to read:

202 318.15 Failure to comply with civil penalty or to appear;
203 penalty.—

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204 (1) (a) If a person fails to comply with the civil penalties
205 provided in s. 318.18 within the time period specified in s.
206 318.14(4), fails to enter into or comply with the terms of a
207 penalty payment plan with the clerk of the court in accordance
208 with ss. 318.14 and 28.246, fails to attend driver improvement
209 school, or fails to appear at a scheduled hearing, the clerk of
210 the court shall notify the ~~Division of Driver Licenses of the~~
211 Department of Highway Safety and Motor Vehicles of such failure
212 within 10 days after such failure. Upon receipt of such notice,
213 the department shall immediately issue an order suspending the
214 driver's license and privilege to drive of such person effective
215 20 days after the date the order of suspension is mailed in
216 accordance with s. 322.251(1), (2), and (6). Any such suspension
217 of the driving privilege which has not been reinstated,
218 including a similar suspension imposed outside Florida, shall
219 remain on the records of the department for a period of 7 years
220 from the date imposed and shall be removed from the records
221 after the expiration of 7 years from the date it is imposed.

222 Section 7. Subsection (1) of section 320.01, Florida
223 Statutes, is amended to read:

224 320.01 Definitions, general.—As used in the Florida
225 Statutes, except as otherwise provided, the term:

226 (1) "Motor vehicle" means:

227 (a) An automobile, motorcycle, truck, trailer, semitrailer,
228 truck tractor and semitrailer combination, or any other vehicle
229 operated on the roads of this state, used to transport persons
230 or property, and propelled by power other than muscular power,
231 but the term does not include traction engines, road rollers,
232 special mobile equipment as defined in chapter 316, such

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233 vehicles as run only upon a track, bicycles, or mopeds.

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

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

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

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

259 4. The "motor home," which is a vehicular unit which does
260 not exceed the length, height, and width limitations provided in
261 s. 316.515, is a self-propelled motor vehicle, and is primarily

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262 designed to provide temporary living quarters for recreational,
263 camping, or travel use.

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

270 6. The "van conversion," which is a vehicular unit which
271 does not exceed the length and width limitations provided in s.
272 316.515, is built on a self-propelled motor vehicle chassis, and
273 is designed for recreation, camping, and travel use.

274 7. The "park trailer," which is a transportable unit which
275 has a body width not exceeding 14 feet and which is built on a
276 single chassis and is designed to provide seasonal or temporary
277 living quarters when connected to utilities necessary for
278 operation of installed fixtures and appliances. The total area
279 of the unit in a setup mode, when measured from the exterior
280 surface of the exterior stud walls at the level of maximum
281 dimensions, not including any bay window, does not exceed 400
282 square feet when constructed to ANSI A-119.5 standards, and 500
283 square feet when constructed to United States Department of
284 Housing and Urban Development Standards. The length of a park
285 trailer means the distance from the exterior of the front of the
286 body (nearest to the drawbar and coupling mechanism) to the
287 exterior of the rear of the body (at the opposite end of the
288 body), including any protrusions.

289 8. The "fifth-wheel trailer," which is a vehicular unit
290 mounted on wheels, designed to provide temporary living quarters

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291 for recreational, camping, or travel use, of such size or weight
292 as not to require a special highway movement permit, of gross
293 trailer area not to exceed 400 square feet in the setup mode,
294 and designed to be towed by a motorized vehicle that contains a
295 towing mechanism that is mounted above or forward of the tow
296 vehicle's rear axle.

297 Section 8. Paragraph (b) of subsection (3) and subsection
298 (5) of section 320.05, Florida Statutes, are amended to read:

299 320.05 Records of the department; inspection procedure;
300 lists and searches; fees.-

301 (3)

302 (b) Fees therefor shall be charged and collected as
303 follows:

304 1. For providing lists of motor vehicle or vessel records
305 for the entire state, or any part or parts thereof, divided
306 according to counties, a sum computed at a rate of not less than
307 1 cent nor more than 5 cents per item.

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

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

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

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

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

318 7. For providing electronic access to motor vehicle,
319 vessel, and mobile home registration data requested by tag,

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320 vehicle identification number, title number, or decal number, 50
321 cents per item.

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

325 9. For providing lists of licensed mobile home dealers and
326 manufacturers and recreational vehicle dealers and
327 manufacturers, \$15 per list.

328 10. For providing lists of licensed motor vehicle dealers,
329 \$25 per list.

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

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

333 (5) The creation and maintenance of records by the Division
334 of Motorists Services within the department ~~and the Division of~~
335 ~~Motor Vehicles~~ pursuant to this chapter are not ~~shall not be~~
336 ~~regarded as~~ law enforcement functions of agency recordkeeping.

337 Section 9. Paragraphs (a) and (b) of subsection (2) of
338 section 320.275, Florida Statutes, are amended to read:

339 320.275 Automobile Dealers Industry Advisory Board.—

340 (2) MEMBERSHIP, TERMS, MEETINGS.—

341 (a) The board shall be composed of 12 members. The
342 executive director of the Department of Highway Safety and Motor
343 Vehicles shall appoint the members from names submitted by the
344 entities for the designated categories the member will
345 represent. The executive director shall appoint one
346 representative of the Department of Highway Safety and Motor
347 Vehicles, ~~who must represent the Division of Motor Vehicles;~~ two
348 representatives of the independent motor vehicle industry as

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349 recommended by the Florida Independent Automobile Dealers
350 Association; two representatives of the franchise motor vehicle
351 industry as recommended by the Florida Automobile Dealers
352 Association; one representative of the auction motor vehicle
353 industry who is from an auction chain and is recommended by a
354 group affiliated with the National Auto Auction Association; one
355 representative of the auction motor vehicle industry who is from
356 an independent auction and is recommended by a group affiliated
357 with the National Auto Auction Association; one representative
358 from the Department of Revenue; a Florida tax collector
359 representative recommended by the Florida Tax Collectors
360 Association; one representative from the Better Business Bureau;
361 one representative from the Department of Agriculture and
362 Consumer Services, who must represent the Division of Consumer
363 Services; and one representative of the insurance industry who
364 writes motor vehicle dealer surety bonds.

365 (b)1. The executive director shall appoint the following
366 initial members to 1-year terms: one representative from the
367 motor vehicle auction industry who represents an auction chain,
368 one representative from the independent motor vehicle industry,
369 one representative from the franchise motor vehicle industry,
370 one representative from the Department of Revenue, one Florida
371 tax collector, and one representative from the Better Business
372 Bureau.

373 2. The executive director shall appoint the following
374 initial members to 2-year terms: one representative from the
375 motor vehicle auction industry who represents an independent
376 auction, one representative from the independent motor vehicle
377 industry, one representative from the franchise motor vehicle

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378 industry, one representative from the Division of Consumer
379 Services, one representative from the insurance industry, and
380 one representative from the department ~~Division of Motor~~
381 ~~Vehicles~~.

382 3. As the initial terms expire, the executive director
383 shall appoint successors from the same designated category for
384 terms of 2 years. If renominated, a member may succeed himself
385 or herself.

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

388 Section 10. Section 321.02, Florida Statutes, is amended to
389 read:

390 321.02 Powers and duties of department, highway patrol.—The
391 director of the Division of Highway Patrol of the Department of
392 Highway Safety and Motor Vehicles shall be designated the
393 Colonel ~~also be the commander~~ of the Florida Highway Patrol. The
394 said department shall set up and promulgate rules and
395 regulations by which the personnel of the Florida Highway Patrol
396 officers shall be examined, employed, trained, located,
397 suspended, reduced in rank, discharged, recruited, paid and
398 pensioned, subject to civil service provisions hereafter set
399 out. The department may enter into contracts or agreements, with
400 or without competitive bidding or procurement, to make
401 available, on a fair, reasonable, nonexclusive, and
402 nondiscriminatory basis, property and other structures under
403 division control for the placement of new facilities by any
404 wireless provider of mobile service as defined in 47 U.S.C. s.
405 153(27) or s. 332(d), and any telecommunications company as
406 defined in s. 364.02 when it is determined to be practical and

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407 feasible to make such property or other structures available.
408 The department may, without adopting a rule, charge a just,
409 reasonable, and nondiscriminatory fee for placement of the
410 facilities, payable annually, based on the fair market value of
411 space used by comparable communications facilities in the state.
412 The department and a wireless provider or telecommunications
413 company may negotiate the reduction or elimination of a fee in
414 consideration of services provided to the division by the
415 wireless provider or the telecommunications company. All such
416 fees collected by the department shall be deposited directly
417 into the State Agency Law Enforcement Radio System Trust Fund,
418 and may be used to construct, maintain, or support the system.
419 The department is further specifically authorized to purchase,
420 sell, trade, rent, lease and maintain all necessary equipment,
421 uniforms, motor vehicles, communication systems, housing
422 facilities, office space, and perform any other acts necessary
423 for the proper administration and enforcement of this chapter.
424 However, all supplies and equipment consisting of single items
425 or in lots shall be purchased under the requirements of s.
426 287.057. Purchases shall be made by accepting the bid of the
427 lowest responsive bidder, the right being reserved to reject all
428 bids. The department shall prescribe a distinctive uniform and
429 distinctive emblem to be worn by all officers of the Florida
430 Highway Patrol. It shall be unlawful for any other person or
431 persons to wear a similar uniform or emblem, or any part or
432 parts thereof. The department shall also prescribe distinctive
433 colors for use on motor vehicles and motorcycles operated by the
434 Florida Highway Patrol. The prescribed colors shall be referred
435 to as "Florida Highway Patrol black and tan."

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436 Section 11. Subsection (3) of section 322.02, Florida
437 Statutes, is amended to read:

438 322.02 Legislative intent; administration.-

439 (3) The department shall employ a director, who is charged
440 with the duty of serving as the executive officer of the
441 Division of Motorists Services within ~~Driver Licenses~~ of the
442 department insofar as the administration of this chapter is
443 concerned. He or she shall be subject to the supervision and
444 direction of the department, and his or her official actions and
445 decisions as executive officer shall be conclusive unless the
446 same are superseded or reversed by the department or by a court
447 of competent jurisdiction.

448 Section 12. Paragraph (a) of subsection (1) of section
449 322.051, Florida Statutes, is amended, and subsection (9) is
450 added to that section, to read:

451 322.051 Identification cards.-

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

457 (a) Each such application shall include the following
458 information regarding the applicant:

459 1. Full name (first, middle or maiden, and last), gender,
460 proof of social security card number satisfactory to the
461 department, county of residence, mailing address, proof of
462 residential address satisfactory to the department, country of
463 birth, and a brief description.

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

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465 3. Proof of identity satisfactory to the department. Such
466 proof must include one of the following documents issued to the
467 applicant:

468 a. A driver's license record or identification card record
469 from another jurisdiction that required the applicant to submit
470 a document for identification which is substantially similar to
471 a document required under sub-subparagraph b., sub-subparagraph
472 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
473 f., sub-subparagraph g., or sub-subparagraph h.;

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

475 c. A valid, unexpired United States passport;

476 d. A naturalization certificate issued by the United States
477 Department of Homeland Security;

478 e. A valid, unexpired alien registration receipt card
479 (green card);

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

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

484 h. Proof of nonimmigrant classification provided by the
485 United States Department of Homeland Security, for an original
486 identification card. In order to prove such nonimmigrant
487 classification, applicants must provide at least one of ~~may~~
488 ~~produce but are not limited to~~ the following documents, and, in
489 addition, the department may require other documents for the
490 sole purpose of establishing the maintenance of or efforts to
491 maintain continuous lawful presence:

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

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

496 (III) Notice of the approval of an application for
497 adjustment of status issued by the United States Bureau of
498 Citizenship and Immigration Services.

499 (IV) Any official documentation confirming the filing of a
500 petition for asylum or refugee status or any other relief issued
501 by the United States Bureau of Citizenship and Immigration
502 Services.

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

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

509 (VII) Evidence that an application is pending for
510 adjustment of status to that of an alien lawfully admitted for
511 permanent residence in the United States or conditional
512 permanent resident status in the United States, if a visa number
513 is available having a current priority date for processing by
514 the United States Bureau of Citizenship and Immigration
515 Services.

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

520

521 An identification card issued based on documents required

522 ~~Presentation of any of the documents described in sub-~~

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

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

531 Section 13. Subsection (2) of section 322.08, Florida
532 Statutes, is amended to read:

533 322.08 Application for license; requirements for license
534 and identification card forms.—

535 (2) Each such application shall include the following
536 information regarding the applicant:

537 (a) Full name (first, middle or maiden, and last), gender,
538 proof of social security card number satisfactory to the
539 department, county of residence, mailing address, proof of
540 residential address satisfactory to the department, country of
541 birth, and a brief description.

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

543 (c) Proof of identity satisfactory to the department. Such
544 proof must include one of the following documents issued to the
545 applicant:

546 1. A driver's license record or identification card record
547 from another jurisdiction that required the applicant to submit
548 a document for identification which is substantially similar to
549 a document required under subparagraph 2., subparagraph 3.,
550 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
551 7., or subparagraph 8.;

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- 552 2. A certified copy of a United States birth certificate;
- 553 3. A valid, unexpired United States passport;
- 554 4. A naturalization certificate issued by the United States
555 Department of Homeland Security;
- 556 5. A valid, unexpired alien registration receipt card
557 (green card);
- 558 6. A Consular Report of Birth Abroad provided by the United
559 States Department of State;
- 560 7. An unexpired employment authorization card issued by the
561 United States Department of Homeland Security; or
- 562 8. Proof of nonimmigrant classification provided by the
563 United States Department of Homeland Security, for an original
564 driver's license. In order to prove nonimmigrant classification,
565 an applicant must provide at least one of the following
566 documents, and, in addition, the department may require other
567 documents for the sole purpose of establishing the maintenance
568 of or efforts to maintain continuous lawful presence ~~may produce~~
569 ~~the following documents, including, but not limited to:~~
- 570 a. A notice of hearing from an immigration court scheduling
571 a hearing on any proceeding.
- 572 b. A notice from the Board of Immigration Appeals
573 acknowledging pendency of an appeal.
- 574 c. A notice of the approval of an application for
575 adjustment of status issued by the United States Bureau of
576 Citizenship and Immigration Services.
- 577 d. Any official documentation confirming the filing of a
578 petition for asylum or refugee status or any other relief issued
579 by the United States Bureau of Citizenship and Immigration
580 Services.

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

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

587 g. Evidence that an application is pending for adjustment
588 of status to that of an alien lawfully admitted for permanent
589 residence in the United States or conditional permanent resident
590 status in the United States, if a visa number is available
591 having a current priority date for processing by the United
592 States Bureau of Citizenship and Immigration Services.

593 h. On or after January 1, 2010, an unexpired foreign
594 passport with an unexpired United States Visa affixed,
595 accompanied by an approved I-94, documenting the most recent
596 admittance into the United States.

597

598 A driver's license or temporary permit issued based on documents
599 required ~~Presentation of any of the documents~~ in subparagraph 7.
600 or subparagraph 8. is valid ~~entitles the applicant to a driver's~~
601 ~~license or temporary permit~~ for a period not to exceed the
602 expiration date of the document presented or 1 year, whichever
603 occurs first.

604 (d) Whether the applicant has previously been licensed to
605 drive, and, if so, when and by what state, and whether any such
606 license or driving privilege has ever been disqualified,
607 revoked, or suspended, or whether an application has ever been
608 refused, and, if so, the date of and reason for such
609 disqualification, suspension, revocation, or refusal.

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

612 Section 14. Section 322.1415, Florida Statutes, is created
613 to read:

614 322.1415 Specialty driver's license program.-

615 (1) The department shall issue to any applicant qualified
616 pursuant to s. 322.14 a specialty driver's license or
617 identification card upon payment of the appropriate fee pursuant
618 to s. 322.21.

619 (2) Department-approved specialty driver's licenses and
620 identification cards shall, at a minimum, be available for state
621 and independent universities domiciled in this state, all
622 Florida professional sports teams designated in s.
623 320.08058(9)(a), and all branches of the United States military.

624 (3) The design and use of each specialty driver's license
625 and identification card must be approved by the department and
626 the organization that is recognized by the driver's license or
627 card.

628 Section 15. Subsections (9), (10), (13), (14), and (16) of
629 section 322.20, Florida Statutes, are amended to read:

630 322.20 Records of the department; fees; destruction of
631 records.-

632 (9) The department may, upon application, furnish to any
633 person, from ~~its~~ the records of the Division of Driver Licenses,
634 a list of the names, addresses, and birth dates of the licensed
635 drivers of the entire state or any portion thereof by age group.
636 In addition, the department may furnish to the courts, for the
637 purpose of establishing jury selection lists, the names,
638 addresses, and birth dates of the persons of the entire state or

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639 any portion thereof by age group having identification cards
640 issued by the department. Each person who requests such
641 information shall pay a fee, set by the department, of 1 cent
642 per name listed, except that the department shall furnish such
643 information without charge to the courts for the purpose of jury
644 selection or to any state agency or to any state attorney,
645 sheriff, or chief of police. Such court, state agency, state
646 attorney, or law enforcement agency may not sell, give away, or
647 allow the copying of such information. Noncompliance with this
648 prohibition shall authorize the department to charge the
649 noncomplying court, state agency, state attorney, or law
650 enforcement agency the appropriate fee for any subsequent lists
651 requested. The department may adopt rules necessary to implement
652 this subsection.

653 (10) The department ~~Division of Driver Licenses~~ is
654 authorized, upon application of any person and payment of the
655 proper fees, to search and to assist such person in the search
656 of the records of the department and make reports thereof and to
657 make photographic copies of the departmental records and
658 attestations thereof.

659 (13) The department ~~Division of Driver Licenses~~ shall
660 implement a system that allows either parent of a minor, or a
661 guardian, or other responsible adult who signed a minor's
662 application for a driver's license to have Internet access
663 through a secure website to inspect the minor's driver history
664 record. Internet access to driver history records granted to a
665 minor's parents, guardian, or other responsible adult shall be
666 furnished by the department at no fee and shall terminate when
667 the minor attains 18 years of age.

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

672 (16) The creation and maintenance of records by the
673 Division of Motorist Services within the department ~~and the~~
674 ~~Division of Driver Licenses~~ pursuant to this chapter shall not
675 be regarded as law enforcement functions of agency
676 recordkeeping.

677 Section 16. Section 322.202, Florida Statutes, is amended
678 to read:

679 322.202 Admission of evidence obtained from the Division of
680 Motorist Services ~~Driver Licenses and the Division of Motor~~
681 ~~Vehicles.~~—

682 (1) The Legislature finds that the Division of Motorist
683 Services ~~Driver Licenses and the Division of Motor Vehicles~~ of
684 the Department of Highway Safety and Motor Vehicles is ~~are~~ not a
685 law enforcement agency ~~agencies~~. The Legislature also finds that
686 the division is ~~divisions are~~ not an adjunct ~~adjuncts~~ of any law
687 enforcement agency in that employees have no stake in particular
688 prosecutions. The Legislature further finds that errors in
689 records maintained by the Division of Motorist Services
690 ~~divisions~~ are not within the collective knowledge of any law
691 enforcement agency. The Legislature also finds that the mission
692 ~~missions~~ of the Division of Motorist Services ~~Driver Licenses,~~
693 ~~the Division of Motor Vehicles,~~ and the Department of Highway
694 Safety and Motor Vehicles provides ~~provide~~ a sufficient
695 incentive to maintain records in a current and correct fashion.

696 (2) The Legislature finds that the purpose of the

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697 exclusionary rule is to deter misconduct on the part of law
698 enforcement officers and law enforcement agencies.

699 (3) The Legislature finds that the application of the
700 exclusionary rule to cases where a law enforcement officer
701 effects an arrest based on objectively reasonable reliance on
702 information obtained from the divisions is repugnant to the
703 purposes of the exclusionary rule and contrary to the decisions
704 of the United States Supreme Court in *Arizona v. Evans*, 514 U.S.
705 1 (1995) and *United States v. Leon*, 468 U.S. 897 (1984).

706 (4) In any case where a law enforcement officer effects an
707 arrest based on objectively reasonable reliance on information
708 obtained from the divisions, evidence found pursuant to such an
709 arrest shall not be suppressed by application of the
710 exclusionary rule on the grounds that the arrest is subsequently
711 determined to be unlawful due to erroneous information obtained
712 from the divisions.

713 Section 17. Paragraph (i) is added to subsection (1) of
714 section 322.21, Florida Statutes, and subsection (2) of that
715 section is amended, to read:

716 322.21 License fees; procedure for handling and collecting
717 fees.—

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

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

723 1. Twenty percent shall be distributed to the appropriate
724 state or independent university foundation, the Florida Sports
725 Foundation, or the State Homes for Veterans Trust Fund, as

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726 designated by the purchaser, for deposit into an unrestricted
727 account.

728 2. Eighty percent shall be distributed to the department
729 for department costs directly related to the specialty driver's
730 license and identification card program and to defray costs of
731 production enhancements and distribution.

732 (2) It is the duty of the Director of the Division of
733 Motorist Services to provide ~~Driver Licenses to set up a~~
734 ~~division in the department with the~~ necessary personnel to
735 perform the ~~necessary~~ clerical and routine work for the
736 department in issuing and recording applications, licenses, and
737 certificates of eligibility, including the receiving and
738 accounting of all license funds and their payment into the State
739 Treasury, and other incidental clerical work connected with the
740 administration of this chapter. The department may use such
741 electronic, mechanical, or other devices as necessary to
742 accomplish the purposes of this chapter.

743 Section 18. Subsection (2) of section 413.012, Florida
744 Statutes, is amended to read:

745 413.012 Confidential records disclosure prohibited;
746 exemptions.-

747 (2) It is unlawful for any person to disclose, authorize
748 the disclosure, solicit, receive, or make use of any list of
749 names and addresses or any record containing any information set
750 forth in subsection (1) and maintained in the division. The
751 prohibition provided for in this subsection shall not apply to
752 the use of such information for purposes directly connected with
753 the administration of the vocational rehabilitation program or
754 with the monthly dispatch to ~~the Division of Driver Licenses of~~

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755 the Department of Highway Safety and Motor Vehicles of the name
756 in full, place and date of birth, sex, social security number,
757 and resident address of individuals with central visual acuity
758 20/200 or less in the better eye with correcting glasses, or a
759 disqualifying field defect in which the peripheral field has
760 contracted to such an extent that the widest diameter or visual
761 field subtends an angular distance no greater than 20 degrees.
762 When requested in writing by an applicant or client, or her or
763 his representative, the Division of Blind Services shall release
764 confidential information to the applicant or client or her or
765 his representative.

766 Section 19. For the purpose of incorporating the amendment
767 made by this act to section 322.08, Florida Statutes, in a
768 reference thereto, subsection (3) of section 322.17, Florida
769 Statutes, is reenacted to read:

770 322.17 Replacement licenses and permits.—

771 (3) Notwithstanding any other provisions of this chapter,
772 if a licensee establishes his or her identity for a driver's
773 license using an identification document authorized under s.
774 322.08(2)(c)7. or 8., the licensee may not obtain a duplicate or
775 replacement instruction permit or driver's license except in
776 person and upon submission of an identification document
777 authorized under s. 322.08(2)(c)7. or 8.

778 Section 20. For the purpose of incorporating the amendment
779 made by this act to section 322.08, Florida Statutes, in a
780 reference thereto, paragraph (d) of subsection (2) and paragraph
781 (c) of subsection (4) of section 322.18, Florida Statutes, are
782 reenacted to read:

783 322.18 Original applications, licenses, and renewals;

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784 expiration of licenses; delinquent licenses.—

785 (2) Each applicant who is entitled to the issuance of a
786 driver's license, as provided in this section, shall be issued a
787 driver's license, as follows:

788 (d) Notwithstanding any other provision of this chapter, if
789 an applicant establishes his or her identity for a driver's
790 license using a document authorized in s. 322.08(2)(c)7. or 8.,
791 the driver's license shall expire 1 year after the date of
792 issuance or upon the expiration date cited on the United States
793 Department of Homeland Security documents, whichever date first
794 occurs.

795 (4)

796 (c) Notwithstanding any other provision of this chapter, if
797 a licensee establishes his or her identity for a driver's
798 license using an identification document authorized under s.
799 322.08(2)(c)7. or 8., the licensee may not renew the driver's
800 license except in person and upon submission of an
801 identification document authorized under s. 322.08(2)(c)7. or 8.
802 A driver's license renewed under this paragraph expires 1 year
803 after the date of issuance or upon the expiration date cited on
804 the United States Department of Homeland Security documents,
805 whichever date first occurs.

806 Section 21. For the purpose of incorporating the amendment
807 made by this act to section 322.08, Florida Statutes, in a
808 reference thereto, subsection (4) of section 322.19, Florida
809 Statutes, is reenacted to read:

810 322.19 Change of address or name.—

811 (4) Notwithstanding any other provision of this chapter, if
812 a licensee established his or her identity for a driver's

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813 license using an identification document authorized under s.
814 322.08(2)(c)7. or 8., the licensee may not change his or her
815 name or address except in person and upon submission of an
816 identification document authorized under s. 322.08(2)(c)7. or 8.
817 Section 22. This act shall take effect July 1, 2011.