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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/28/2012	.	
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	.	
	.	

The Committee on Budget (Altman) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (3) of section 20.24, Florida
Statutes, is amended to read:

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

(3) The Office of Commercial Vehicle Enforcement ~~Motor
Carrier Compliance~~ is established within the Division of the
Florida Highway Patrol.

Section 2. Subsection (21) of section 316.003, Florida



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14 Statutes, is amended, and subsection (89) is added to that
15 section, to read:

16 316.003 Definitions.—The following words and phrases, when
17 used in this chapter, shall have the meanings respectively
18 ascribed to them in this section, except where the context
19 otherwise requires:

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

24 (89) SWAMP BUGGY.—A motorized off-road vehicle that is
25 designed or modified to travel over swampy or varied terrain and
26 that may use large tires or tracks operated from an elevated
27 platform. The term does not include any vehicle defined in
28 chapter 261 or otherwise defined or classified in this chapter.

29 Section 3. Paragraph (d) of subsection (1) of section
30 316.0083, Florida Statutes, is amended to read:

31 316.0083 Mark Wandall Traffic Safety Program;
32 administration; report.—

33 (1)

34 (d)1. The owner of the motor vehicle involved in the
35 violation is responsible and liable for paying the uniform
36 traffic citation issued for a violation of s. 316.074(1) or s.
37 316.075(1)(c)1. when the driver failed to stop at a traffic
38 signal, unless the owner can establish that:

39 a. The motor vehicle passed through the intersection in
40 order to yield right-of-way to an emergency vehicle or as part
41 of a funeral procession;

42 b. The motor vehicle passed through the intersection at the



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43 direction of a law enforcement officer;

44 c. The motor vehicle was, at the time of the violation, in
45 the care, custody, or control of another person; or

46 d. A uniform traffic citation was issued by a law
47 enforcement officer to the driver of the motor vehicle for the
48 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.

49 e. The motor vehicle's owner was deceased on or before the
50 date that the uniformed traffic citation was issued, as
51 established by an affidavit submitted by the representative of
52 the motor vehicle owner's estate or other designated person or
53 family member.

54 2. In order to establish such facts, the owner of the motor
55 vehicle shall, within 30 days after the date of issuance of the
56 traffic citation, furnish to the appropriate governmental entity
57 an affidavit setting forth detailed information supporting an
58 exemption as provided in this paragraph.

59 a. An affidavit supporting an exemption under sub-
60 subparagraph 1.c. must include the name, address, date of birth,
61 and, if known, the driver ~~driver's~~ license number of the person
62 who leased, rented, or otherwise had care, custody, or control
63 of the motor vehicle at the time of the alleged violation. If
64 the vehicle was stolen at the time of the alleged offense, the
65 affidavit must include the police report indicating that the
66 vehicle was stolen.

67 b. If a traffic citation for a violation of s. 316.074(1)
68 or s. 316.075(1)(c)1. was issued at the location of the
69 violation by a law enforcement officer, the affidavit must
70 include the serial number of the uniform traffic citation.

71 c. If the motor vehicle's owner to whom a traffic citation



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72 has been issued is deceased, the affidavit must include a
73 certified copy of the owner's death certificate showing that the
74 date of death occurred on or before the issuance of the uniform
75 traffic citation and one of the following:

76 (I) A bill of sale or other document showing that the
77 deceased owner's motor vehicle was sold or transferred after his
78 or her death, but on or before the date of the alleged
79 violation;

80 (II) Documentary proof that the registered license plate
81 belonging to the deceased owner's vehicle was turned into the
82 department or agent of the department, but on or before the date
83 of the alleged violation; or

84 (III) A copy of a police report showing that the deceased
85 owner's registered license plate or motor vehicle was stolen
86 after the owner's death, but on or before the date of the
87 alleged violation.

88
89 Upon receipt of the affidavit and documentation required under
90 this sub-subparagraph, the governmental entity must dismiss the
91 citation and provide proof of the dismissal to the person that
92 submitted the affidavit.

93 3. Upon receipt of an affidavit, the person designated as
94 having care, custody, and control of the motor vehicle at the
95 time of the violation may be issued a traffic citation for a
96 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
97 failed to stop at a traffic signal. The affidavit is admissible
98 in a proceeding pursuant to this section for the purpose of
99 providing proof that the person identified in the affidavit was
100 in actual care, custody, or control of the motor vehicle. The



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101 owner of a leased vehicle for which a traffic citation is issued
102 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the
103 driver failed to stop at a traffic signal is not responsible for
104 paying the traffic citation and is not required to submit an
105 affidavit as specified in this subsection if the motor vehicle
106 involved in the violation is registered in the name of the
107 lessee of such motor vehicle.

108 4. The submission of a false affidavit is a misdemeanor of
109 the second degree, punishable as provided in s. 775.082 or s.
110 775.083.

111 Section 4. Section 316.1303, Florida Statutes, is amended
112 to read:

113 316.1303 Traffic regulations to assist mobility-impaired
114 persons.—

115 (1) Whenever a pedestrian who is mobility impaired is in
116 the process of crossing a public street or highway with the
117 assistance of and the pedestrian is mobility-impaired (using a
118 guide dog or service animal designated as such with a visible
119 means of identification, a walker, a crutch, an orthopedic cane,
120 or a wheelchair), the driver of a every vehicle approaching the
121 intersection, as defined in s. 316.003(17), shall bring his or
122 her vehicle to a full stop before arriving at the such
123 intersection and, before proceeding, shall take such precautions
124 as may be necessary to avoid injuring the such pedestrian.

125 (2) A person who is mobility impaired and who is using a
126 motorized wheelchair on a sidewalk may temporarily leave the
127 sidewalk and use the roadway to avoid a potential conflict, if
128 no alternative route exists. A law enforcement officer may issue
129 only a verbal warning to such person.



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130 (3) A person who is convicted of a violation of subsection
131 (1) this section shall be punished as provided in s. 318.18(3).

132 Section 5. Subsection (3) of section 316.183, Florida
133 Statutes, is amended to read:

134 316.183 Unlawful speed.—

135 (3) A ~~No~~ school bus may not ~~shall~~ exceed the posted speed
136 limits, ~~not to exceed 55 miles per hour~~ at any time.

137 Section 6. Paragraph (d) of subsection (3) and subsections
138 (5) and (8) of section 316.2065, Florida Statutes, are amended
139 to read:

140 316.2065 Bicycle regulations.—

141 (3)

142 (d) A bicycle rider or passenger who is under 16 years of
143 age must wear a bicycle helmet that is properly fitted and is
144 fastened securely upon the passenger's head by a strap, and that
145 meets the federal safety standard for bicycle helmets, final
146 rule, 16 C.F.R. part 1203. A helmet purchased before October 1,
147 2012, which meets the standards of the American National
148 Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the
149 standards of the Snell Memorial Foundation (1984 Standard for
150 Protective Headgear for Use in Bicycling), or any other
151 nationally recognized standards for bicycle helmets adopted by
152 the department may continue to be worn by a bicycle rider or
153 passenger until January 1, 2016. As used in this subsection, the
154 term "passenger" includes a child who is riding in a trailer or
155 semitrailer attached to a bicycle.

156 (5) (a) Any person operating a bicycle upon a roadway at
157 less than the normal speed of traffic at the time and place and
158 under the conditions then existing shall ride in the lane marked



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159 for bicycle use or, if no lane is marked for bicycle use, as
160 close as practicable to the right-hand curb or edge of the
161 roadway except under any of the following situations:

162 1. When overtaking and passing another bicycle or vehicle
163 proceeding in the same direction.

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

166 3. When reasonably necessary to avoid any condition or
167 potential conflict, including, but not limited to, a fixed or
168 moving object, parked or moving vehicle, bicycle, pedestrian,
169 animal, surface hazard, turn lane, or substandard-width lane,
170 which ~~that~~ makes it unsafe to continue along the right-hand curb
171 or edge or within a bicycle lane. For the purposes of this
172 subsection, a "substandard-width lane" is a lane that is too
173 narrow for a bicycle and another vehicle to travel safely side
174 by side within the lane.

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

178 (8) Every bicycle in use between sunset and sunrise shall
179 be equipped with a lamp on the front exhibiting a white light
180 visible from a distance of at least 500 feet to the front and a
181 lamp and reflector on the rear each exhibiting a red light
182 visible from a distance of 600 feet to the rear. A bicycle or
183 its rider may be equipped with lights or reflectors in addition
184 to those required by this section. A law enforcement officer may
185 issue a bicycle safety brochure and a verbal warning to a
186 bicycle rider who violates this subsection or may issue a
187 citation and assess a fine for a pedestrian violation, as



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188 provided in s. 318.18. The court shall dismiss the charge
189 against a bicycle rider for a first violation of this subsection
190 upon proof of purchase and installation of the proper lighting
191 equipment.

192 Section 7. Subsection (3) of section 316.2085, Florida
193 Statutes, is amended to read:

194 316.2085 Riding on motorcycles or mopeds.—

195 (3) The license tag of a motorcycle or moped must be
196 permanently affixed to the vehicle and remain clearly visible
197 from the rear at all times ~~may not be adjusted or capable of~~
198 ~~being flipped up. Any deliberate act to conceal or obscure~~ ~~No~~
199 ~~device for or method of concealing or obscuring~~ the legibility
200 of the license tag of a motorcycle is prohibited ~~shall be~~
201 ~~installed or used~~. The license tag of a motorcycle or moped may
202 be affixed horizontally to the ground so that the numbers and
203 letters read from left to right. Alternatively, a license tag
204 for a motorcycle or moped for which the numbers and letters read
205 from top to bottom may be affixed perpendicularly to the ground,
206 ~~provided that the registered owner of the motorcycle or moped~~
207 ~~maintains a prepaid toll account in good standing and a~~
208 ~~transponder associated with the prepaid toll account is affixed~~
209 ~~to the motorcycle or moped.~~

210 Section 8. Subsection (1) of section 316.2126, Florida
211 Statutes, is amended to read:

212 316.2126 Authorized use of golf carts, low-speed vehicles,
213 and utility vehicles.—

214 (1) In addition to the powers granted by ss. 316.212 and
215 316.2125, municipalities are authorized to use ~~utilize~~ golf
216 carts and utility vehicles, as defined in s. 320.01, upon any



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217 state, county, or municipal roads located within the corporate
218 limits of such municipalities, subject to the following
219 conditions:

220 (a) Golf carts and utility vehicles must comply with the
221 operational and safety requirements in ss. 316.212 and 316.2125,
222 and with any more restrictive ordinances enacted by the local
223 governmental entity pursuant to s. 316.212(8), and shall be
224 operated only by municipal employees for municipal purposes,
225 including, but not limited to, police patrol, traffic
226 enforcement, and inspection of public facilities.

227 (b) In addition to the safety equipment required in s.
228 316.212(6) and any more restrictive safety equipment required by
229 the local governmental entity pursuant to s. 316.212(8), such
230 golf carts and utility vehicles must be equipped with sufficient
231 lighting and turn signal equipment.

232 (c) Golf carts and utility vehicles may be operated only on
233 state roads that have a posted speed limit of 30 miles per hour
234 or less.

235 (d) Golf carts and utility vehicles may cross a portion of
236 the State Highway System which has a posted speed limit of 45
237 miles per hour or less only at an intersection with an official
238 traffic control device.

239 (e) Golf carts and utility vehicles may operate on
240 sidewalks adjacent to state highways only if such golf carts and
241 utility vehicles yield to pedestrians and if the sidewalks are
242 at least 5 feet wide.

243 Section 9. Section 316.2129, Florida Statutes, is created
244 to read:

245 316.2129 Operation of swamp buggies on public roads,



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246 streets, or highways authorized.-

247 (1) A swamp buggy may be operated on a public road, street,
248 or highway if the local governmental entity, as defined in s.
249 334.03, having jurisdiction over the public road, street, or
250 highway, has designated it for use by swamp buggies. Upon
251 determining that swamp buggies may safely operate on or cross
252 such public road, street, or highway, the local governmental
253 entity shall post appropriate signs or otherwise inform the
254 public that the operation of swamp buggies is allowed. This
255 authorization does not apply to the State Highway System, as
256 defined in s. 334.03. However, a swamp buggy may be operated on
257 a part of the State Highway System only to cross that portion of
258 the State Highway System which intersects a county road or
259 municipal street that has been designated for use by swamp
260 buggies if the Department of Transportation has reviewed and
261 approved the location and design of the crossing and any traffic
262 control devices needed for safety purposes.

263 (2) A swamp buggy may be operated on land managed, owned,
264 or leased by a state or federal agency if the state or federal
265 agency allows the operation of swamp buggies on such land,
266 including any public road, street, or highway running through or
267 located within the state or federal land. Upon determining that
268 swamp buggies may safely operate on or cross a public road,
269 street, or highway running through or located within such land,
270 the state or federal agency shall post appropriate signs or
271 otherwise inform the public that the operation of swamp buggies
272 is allowed.

273 Section 10. Subsection (7) of section 316.2397, Florida
274 Statutes, is amended to read:



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275 316.2397 Certain lights prohibited; exceptions.-

276 (7) Flashing lights are prohibited on vehicles except:

277 (a) As a means of indicating a right or left turn, to
278 change lanes, or to indicate that the vehicle is lawfully
279 stopped or disabled upon the highway;

280 (b) When a motorist intermittently flashes his or her
281 vehicle's headlamps at an oncoming vehicle notwithstanding the
282 motorist's intent for doing so; and ~~or except that~~

283 (c) For the lamps authorized under ~~in~~ subsections (1), (2),
284 (3), (4), and (9), s. 316.2065, or ~~and~~ s. 316.235(5) which may
285 are permitted to flash.

286 Section 11. Effective July 1, 2012, paragraph (b) of
287 subsection (1) and paragraph (c) of subsection (2) of section
288 316.302, Florida Statutes, are amended to read:

289 316.302 Commercial motor vehicles; safety regulations;
290 transporters and shippers of hazardous materials; enforcement.-

291 (1)

292 (b) Except as otherwise provided in this section, all
293 owners or drivers of commercial motor vehicles that are engaged
294 in intrastate commerce are subject to the rules and regulations
295 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
296 exception of 49 C.F.R. s. 390.5 as it relates to the definition
297 of bus, as such rules and regulations existed on October 1, 2011
298 2009.

299 (2)

300 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
301 operates a commercial motor vehicle solely in intrastate
302 commerce not transporting any hazardous material in amounts that
303 require placarding pursuant to 49 C.F.R. part 172 may not drive



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304 after having been on duty more than 70 hours in any period of 7
305 consecutive days or more than 80 hours in any period of 8
306 consecutive days if the motor carrier operates every day of the
307 week. Thirty-four consecutive hours off duty shall constitute
308 the end of any such period of 7 or 8 consecutive days. This
309 weekly limit does not apply to a person who operates a
310 commercial motor vehicle solely within this state while
311 transporting, during harvest periods, any unprocessed
312 agricultural products or unprocessed food or fiber that is
313 subject to seasonal harvesting from place of harvest to the
314 first place of processing or storage or from place of harvest
315 directly to market or while transporting livestock, livestock
316 feed, or farm supplies directly related to growing or harvesting
317 agricultural products. Upon request of the Department of Highway
318 Safety and Motor Vehicles ~~Department of Transportation~~, motor
319 carriers shall furnish time records or other written
320 verification to that department so that the Department of
321 Highway Safety and Motor Vehicles ~~Department of Transportation~~
322 can determine compliance with this subsection. These time
323 records must be furnished to the Department of Highway Safety
324 and Motor Vehicles ~~Department of Transportation~~ within 2 days
325 after receipt of that department's request. Falsification of
326 such information is subject to a civil penalty not to exceed
327 \$100. The provisions of this paragraph do not apply to operators
328 of farm labor vehicles operated during a state of emergency
329 declared by the Governor or operated pursuant to s. 570.07(21),
330 and do not apply to drivers of utility service vehicles as
331 defined in 49 C.F.R. s. 395.2.

332 Section 12. Subsection (1) of section 316.3026, Florida



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333 Statutes, is amended to read:

334 316.3026 Unlawful operation of motor carriers.—

335 (1) The Office of Commercial Vehicle Enforcement ~~Motor~~
336 ~~Carrier Compliance~~ may issue out-of-service orders to motor
337 carriers, as defined in s. 320.01(33), who, after proper notice,
338 have failed to pay any penalty or fine assessed by the
339 department, or its agent, against any owner or motor carrier for
340 violations of state law, refused to submit to a compliance
341 review and provide records pursuant to s. 316.302(5) or s.
342 316.70, or violated safety regulations pursuant to s. 316.302 or
343 insurance requirements in s. 627.7415. Such out-of-service
344 orders have the effect of prohibiting the operations of any
345 motor vehicles owned, leased, or otherwise operated by the motor
346 carrier upon the roadways of this state, until the violations
347 have been corrected or penalties have been paid. Out-of-service
348 orders must be approved by the director of the Division of the
349 Florida Highway Patrol or his or her designee. An administrative
350 hearing pursuant to s. 120.569 shall be afforded to motor
351 carriers subject to such orders.

352 Section 13. Section 316.613, Florida Statutes, is amended
353 to read:

354 316.613 Child restraint requirements.—

355 (1) (a) Every operator of a motor vehicle as defined in this
356 section herein, while transporting a child in a motor vehicle
357 operated on the roadways, streets, or highways of this state,
358 shall, if the child is 5 years of age or younger, provide for
359 protection of the child by properly using a crash-tested,
360 federally approved child restraint device. For children aged
361 through 3 years, such restraint device must be a separate



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362 carrier or a vehicle manufacturer's integrated child seat. For
363 children aged 4 through 5 years, a separate carrier, an
364 integrated child seat, or a seat belt may be used.

365 (b) The department shall provide notice of the requirement
366 for child restraint devices, which notice shall accompany the
367 delivery of each motor vehicle license tag.

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

372 (a) A school bus as defined in s. 316.003(45).

373 (b) A bus used for the transportation of persons for
374 compensation, other than a bus regularly used to transport
375 children to or from school, as defined in s. 316.615(1)(b), or
376 in conjunction with school activities.

377 (c) A farm tractor or implement of husbandry.

378 (d) A truck having a gross vehicle weight rating of more
379 than 26,000 pounds.

380 (e) A motorcycle, moped, or bicycle.

381 (3) The failure to provide and use a child passenger
382 restraint shall not be considered comparative negligence, nor
383 shall such failure be admissible as evidence in the trial of any
384 civil action with regard to negligence.

385 (4) It is the legislative intent that all state, county,
386 and local law enforcement agencies, and safety councils, in
387 recognition of the problems with child death and injury from
388 unrestrained occupancy in motor vehicles, conduct a continuing
389 safety and public awareness campaign as to the magnitude of the
390 problem.



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391 (5) Any person who violates ~~the provisions of~~ this section
392 commits a moving violation, punishable as provided in chapter
393 318 and shall have 3 points assessed against his or her driver
394 ~~driver's~~ license as set forth in s. 322.27. In lieu of the
395 penalty specified in s. 318.18 and the assessment of points, a
396 person who violates ~~the provisions of~~ this section may elect,
397 with the court's approval, to participate in a child restraint
398 safety program approved by the chief judge of the circuit in
399 which the violation occurs, and upon completing such program,
400 the penalty specified in chapter 318 and associated costs may be
401 waived at the court's discretion and the assessment of points
402 shall be waived. The child restraint safety program must use a
403 course approved by the Department of Highway Safety and Motor
404 Vehicles, and the fee for the course must bear a reasonable
405 relationship to the cost of providing the course.

406 (6) The child restraint requirements imposed by this
407 section do not apply to a chauffeur-driven taxi, limousine,
408 sedan, van, bus, motor coach, or other passenger vehicle if the
409 operator and the motor vehicle are hired and used for the
410 transportation of persons for compensation. It is the obligation
411 and responsibility of the parent, guardian, or other person
412 responsible for a child's welfare, as defined in s. 39.01(47),
413 to comply with the requirements of this section.

414 Section 14. Section 316.6135, Florida Statutes, is amended
415 to read:

416 316.6135 Leaving children unattended or unsupervised in
417 motor vehicles; penalty; authority of law enforcement officer.—

418 (1) A parent, legal guardian, or other person responsible
419 for a child younger than 6 years of age may not leave the such



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420 child unattended or unsupervised in a motor vehicle:

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

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

425 (2) Any person who violates the provisions of paragraph
426 (1)(a) commits a misdemeanor of the second degree punishable as
427 provided in s. 775.082 or s. 775.083.

428 (3) Any person who violates the provisions of paragraph
429 (1)(b) is guilty of a noncriminal traffic infraction, punishable
430 by a fine not less than \$50 and not more than \$500.

431 (4) Any person who violates subsection (1) and in so doing
432 causes great bodily harm, permanent disability, or permanent
433 disfigurement to a child commits a felony of the third degree,
434 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

435 (5) Any law enforcement officer who observes a child left
436 unattended or unsupervised in a motor vehicle in violation of
437 subsection (1) may use whatever means are reasonably necessary
438 to protect the minor child and to remove the child from the
439 vehicle.

440 (6) If the child is removed from the immediate area,
441 notification should be placed on the vehicle.

442 (7) The child shall be remanded to the custody of the
443 Department of Children and Family Services pursuant to chapter
444 39, unless the law enforcement officer is able to locate the
445 parents or legal guardian or other person responsible for the
446 child.

447 Section 15. Subsection (9) of section 316.614, Florida
448 Statutes, is amended to read:



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449 316.614 Safety belt usage.-

450 (9) ~~By January 1, 2006, Each law enforcement agency in this~~
451 ~~state shall adopt departmental policies to prohibit the practice~~
452 ~~of racial profiling. When a law enforcement officer issues a~~
453 ~~citation for a violation of this section, the law enforcement~~
454 ~~officer must record the race and ethnicity of the violator. All~~
455 ~~law enforcement agencies must maintain such information and~~
456 ~~forward the information to the department in a form and manner~~
457 ~~determined by the department. The department shall collect this~~
458 ~~information by jurisdiction and annually report the data to the~~
459 ~~Governor, the President of the Senate, and the Speaker of the~~
460 ~~House of Representatives. The report must show separate~~
461 ~~statewide totals for the state's county sheriffs and municipal~~
462 ~~law enforcement agencies, state law enforcement agencies, and~~
463 ~~state university law enforcement agencies.~~

464 Section 16. Subsection (2) of section 316.655, Florida
465 Statutes, is amended to read:

466 316.655 Penalties.-

467 (2) A driver ~~Drivers~~ convicted of a violation of any
468 offense prohibited by this chapter or any other law of this
469 state regulating motor vehicles, which resulted in an accident,
470 may have his or her ~~their~~ driving privileges revoked or
471 suspended by the court if the court finds such revocation or
472 suspension warranted by the totality of the circumstances
473 resulting in the conviction and the need to provide for the
474 maximum safety for all persons who travel on or who are
475 otherwise affected by the use of the highways of the state. In
476 determining whether suspension or revocation is appropriate, the
477 court shall consider all pertinent factors, including, but not



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478 limited to, such factors as the extent and nature of the
479 driver's violation of this chapter, the number of persons killed
480 or injured as the result of the driver's violation of this
481 chapter, and the extent of any property damage resulting from
482 the driver's violation of this chapter.

483 Section 17. Subsections (9) and (10) of section 318.14,
484 Florida Statutes, are amended to read:

485 318.14 Noncriminal traffic infractions; exception;
486 procedures.—

487 (9) Any person who does not hold a commercial driver
488 ~~driver's~~ license and who is cited while driving a noncommercial
489 motor vehicle for an infraction under this section other than a
490 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the
491 driver exceeds the posted limit by 30 miles per hour or more, s.
492 320.0605, s. 320.07(3) (a) or (b), s. 322.065, s. 322.15(1), s.
493 322.61, or s. 322.62 may, in lieu of a court appearance, elect
494 to attend in the location of his or her choice within this state
495 a basic driver improvement course approved by the Department of
496 Highway Safety and Motor Vehicles. In such a case, adjudication
497 must be withheld and points, as provided by s. 322.27, may not
498 be assessed. However, a person may not make an election under
499 this subsection if the person has made an election under this
500 subsection in the preceding 12 months. A person may not make ~~no~~
501 more than five elections within his or her lifetime under this
502 subsection. The requirement for community service under s.
503 318.18(8) is not waived by a plea of nolo contendere or by the
504 withholding of adjudication of guilt by a court. If a person
505 makes an election to attend a basic driver improvement course
506 under this subsection, 18 percent of the civil penalty imposed



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507 under s. 318.18(3) shall be deposited in the State Courts
508 Revenue Trust Fund; however, that portion is not revenue for
509 purposes of s. 28.36 and may not be used in establishing the
510 budget of the clerk of the court under that section or s. 28.35.

511 (10) (a) Any person who does not hold a commercial driver
512 ~~driver's~~ license and who is cited while driving a noncommercial
513 motor vehicle for an offense listed under this subsection may,
514 in lieu of payment of fine or court appearance, elect to enter a
515 plea of nolo contendere and provide proof of compliance to the
516 clerk of the court, designated official, or authorized operator
517 of a traffic violations bureau. In such case, adjudication shall
518 be withheld; however, a person may not make an ~~no~~ election ~~shall~~
519 ~~be made~~ under this subsection if the ~~such~~ person has made an
520 election under this subsection in the preceding 12 months
521 ~~preceding election hereunder~~. A ~~No~~ person may not make more than
522 three elections under this subsection. This subsection applies
523 to the following offenses:

524 1. Operating a motor vehicle without a valid driver
525 ~~driver's~~ license in violation of ~~the provisions of~~ s. 322.03, s.
526 322.065, or s. 322.15(1), or operating a motor vehicle with a
527 license that has been suspended for failure to appear, failure
528 to pay civil penalty, or failure to attend a driver improvement
529 course pursuant to s. 322.291.

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

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

533 4. Operating a motor vehicle with a license that has been
534 suspended under s. 61.13016 or s. 322.245 for failure to pay
535 child support or for failure to pay any other financial



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536 obligation as provided in s. 322.245; however, this subparagraph
537 does not apply if the license has been suspended pursuant to s.
538 322.245(1).

539 5. Operating a motor vehicle with a license that has been
540 suspended under s. 322.091 for failure to meet school attendance
541 requirements.

542 (b) Any person cited for an offense listed in this
543 subsection shall present proof of compliance before ~~prior to~~ the
544 scheduled court appearance date. For the purposes of this
545 subsection, proof of compliance shall consist of a valid,
546 renewed, or reinstated driver ~~driver's~~ license or registration
547 certificate and proper proof of maintenance of security as
548 required by s. 316.646. Notwithstanding waiver of fine, any
549 person establishing proof of compliance shall be assessed court
550 costs of \$25, except that a person charged with violation of s.
551 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
552 such costs shall be remitted to the Department of Revenue for
553 deposit into the Child Welfare Training Trust Fund of the
554 Department of Children and Family Services. One dollar of such
555 costs shall be distributed to the Department of Juvenile Justice
556 for deposit into the Juvenile Justice Training Trust Fund.
557 Fourteen dollars of such costs shall be distributed to the
558 municipality and \$9 shall be deposited by the clerk of the court
559 into the fine and forfeiture fund established pursuant to s.
560 142.01, if the offense was committed within the municipality. If
561 the offense was committed in an unincorporated area of a county
562 or if the citation was for a violation of s. 316.646(1)-(3), the
563 entire amount shall be deposited by the clerk of the court into
564 the fine and forfeiture fund established pursuant to s. 142.01,



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565 except for the moneys to be deposited into the Child Welfare
566 Training Trust Fund and the Juvenile Justice Training Trust
567 Fund. This subsection does ~~shall not be construed to~~ authorize
568 the operation of a vehicle without a valid driver ~~driver's~~
569 license, without a valid vehicle tag and registration, or
570 without the maintenance of required security.

571 Section 18. Paragraph (c) is added to subsection (1) of
572 section 318.15, Florida Statutes, to read:

573 318.15 Failure to comply with civil penalty or to appear;
574 penalty.-

575 (1)

576 (c) A person who is charged with a traffic infraction may
577 request a hearing within 180 days after the date upon which the
578 violation occurred, regardless of any action taken by the court
579 or the department to suspend the person's driving privilege,
580 and, upon request, the clerk must set the case for hearing. The
581 person shall be given a form for requesting that his or her
582 driving privilege be reinstated. If the 180th day after the date
583 upon which the violation occurred is a Saturday, Sunday, or a
584 legal holiday, the person who is charged must request a hearing
585 within 177 days after the date upon which the violation
586 occurred; however, the court may grant a request for a hearing
587 made more than 180 days after the date upon which the violation
588 occurred. This paragraph does not affect the assessment of late
589 fees as otherwise provided in this chapter.

590 Section 19. Paragraph (f) of subsection (3) of section
591 318.18, Florida Statutes, is amended to read:

592 318.18 Amount of penalties.-The penalties required for a
593 noncriminal disposition pursuant to s. 318.14 or a criminal



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594 offense listed in s. 318.17 are as follows:

595 (3)

596 (f) If a violation of s. 316.1301 or s. 316.1303(1) ~~s.~~
597 ~~316.1303~~ results in an injury to the pedestrian or damage to the
598 property of the pedestrian, an additional fine of up to \$250
599 shall be paid. This amount must be distributed pursuant to s.
600 318.21.

601 Section 20. Subsection (5) of section 318.21, Florida
602 Statutes, is amended to read:

603 318.21 Disposition of civil penalties by county courts.—All
604 civil penalties received by a county court pursuant to the
605 provisions of this chapter shall be distributed and paid monthly
606 as follows:

607 (5) Of the additional fine assessed under s. 318.18(3)(f)
608 for a violation of s. 316.1303(1) ~~s. 316.1303~~, 60 percent must
609 be remitted to the Department of Revenue and transmitted monthly
610 to the Florida Endowment Foundation for Vocational
611 Rehabilitation, and 40 percent must be distributed pursuant to
612 subsections (1) and (2).

613 Section 21. Section 319.14, Florida Statutes, is amended to
614 read:

615 319.14 Sale of motor vehicles registered or used as
616 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,
617 ~~and~~ nonconforming vehicles, custom vehicles, or street rod
618 vehicles.—

619 (1) (a) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
620 sell, or exchange any vehicle that has been licensed,
621 registered, or used as a taxicab, police vehicle, or short-term-
622 lease vehicle, or a vehicle that has been repurchased by a



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623 manufacturer pursuant to a settlement, determination, or
624 decision under chapter 681, until the department has stamped in
625 a conspicuous place on the certificate of title of the vehicle,
626 or its duplicate, words stating the nature of the previous use
627 of the vehicle or the title has been stamped "Manufacturer's Buy
628 Back" to reflect that the vehicle is a nonconforming vehicle. If
629 the certificate of title or duplicate was not so stamped upon
630 initial issuance thereof or if, subsequent to initial issuance
631 of the title, the use of the vehicle is changed to a use
632 requiring the notation provided for in this section, the owner
633 or lienholder of the vehicle shall surrender the certificate of
634 title or duplicate to the department prior to offering the
635 vehicle for sale, and the department shall stamp the certificate
636 or duplicate as required herein. When a vehicle has been
637 repurchased by a manufacturer pursuant to a settlement,
638 determination, or decision under chapter 681, the title shall be
639 stamped "Manufacturer's Buy Back" to reflect that the vehicle is
640 a nonconforming vehicle.

641 (b) A No person may not shall knowingly offer for sale,
642 sell, or exchange a rebuilt vehicle until the department has
643 stamped in a conspicuous place on the certificate of title for
644 the vehicle words stating that the vehicle has been rebuilt or
645 assembled from parts, or is a kit car, glider kit, replica, ~~or~~
646 flood vehicle, custom vehicle, or street rod vehicle unless
647 proper application for a certificate of title for a vehicle that
648 is rebuilt or assembled from parts, or is a kit car, glider kit,
649 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle
650 has been made to the department in accordance with this chapter
651 and the department has conducted the physical examination of the



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652 vehicle to assure the identity of the vehicle and all major
653 component parts, as defined in s. 319.30(1), which have been
654 repaired or replaced. Thereafter, the department shall affix a
655 decal to the vehicle, in the manner prescribed by the
656 department, showing the vehicle to be rebuilt.

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

658 1. "Police vehicle" means a motor vehicle owned or leased
659 by the state or a county or municipality and used in law
660 enforcement.

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

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

668 c. "Lease vehicle" includes both short-term-lease vehicles
669 and long-term-lease vehicles.

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

672 4. "Assembled from parts" means a motor vehicle or mobile
673 home assembled from parts or combined from parts of motor
674 vehicles or mobile homes, new or used. "Assembled from parts"
675 does not mean a motor vehicle defined as a "rebuilt vehicle" in
676 subparagraph 3., which has been declared a total loss pursuant
677 to s. 319.30.

678 5. "Kit car" means a motor vehicle assembled with a kit
679 supplied by a manufacturer to rebuild a wrecked or outdated
680 motor vehicle with a new body kit.



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681 6. "Glider kit" means a vehicle assembled with a kit
682 supplied by a manufacturer to rebuild a wrecked or outdated
683 truck or truck tractor.

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

686 8. "Flood vehicle" means a motor vehicle or mobile home
687 that has been declared to be a total loss pursuant to s.
688 319.30(3)(a) resulting from damage caused by water.

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

692 10. "Settlement" means an agreement entered into between a
693 manufacturer and a consumer that occurs after a dispute is
694 submitted to a program, or an informal dispute settlement
695 procedure established by a manufacturer or is approved for
696 arbitration before the New Motor Vehicle Arbitration Board as
697 defined in s. 681.102.

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

699 a. Is 25 years of age or older and of a model year after
700 1948 or was manufactured to resemble a vehicle that is 25 years
701 of age or older and of a model year after 1948; and

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

704
705 The model year and year of manufacture that the body of a custom
706 vehicle resembles is the model year and year of manufacture
707 listed on the certificate of title, regardless of when the
708 vehicle was actually manufactured.

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



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710 a. Is of a model year of 1948 or older or was manufactured
711 after 1948 to resemble a vehicle of a model year of 1948 or
712 older; and

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

715
716 The model year and year of manufacture that the body of a street
717 rod resembles is the model year and year of manufacture listed
718 on the certificate of title, regardless of when the vehicle was
719 actually manufactured.

720 (2) A ~~Ne~~ person may not shall knowingly sell, exchange, or
721 transfer a vehicle referred to in subsection (1) without, before
722 ~~prior to~~ consummating the sale, exchange, or transfer,
723 disclosing in writing to the purchaser, customer, or transferee
724 the fact that the vehicle has previously been titled,
725 registered, or used as a taxicab, police vehicle, or short-term-
726 lease vehicle, ~~or~~ is a vehicle that is rebuilt or assembled from
727 parts, ~~or~~ is a kit car, glider kit, replica, or flood vehicle,
728 or is a nonconforming vehicle, custom vehicle, or street rod
729 vehicle, as the case may be.

730 (3) Any person who, with intent to offer for sale or
731 exchange any vehicle referred to in subsection (1), knowingly or
732 intentionally advertises, publishes, disseminates, circulates,
733 or places before the public in any communications medium,
734 whether directly or indirectly, any offer to sell or exchange
735 the vehicle shall clearly and precisely state in each such offer
736 that the vehicle has previously been titled, registered, or used
737 as a taxicab, police vehicle, or short-term-lease vehicle or
738 that the vehicle or mobile home is a vehicle that is rebuilt or



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739 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or
740 flood vehicle, or is a nonconforming vehicle, custom vehicle, or
741 street rod vehicle, as the case may be. A ~~Any~~ person who
742 violates this subsection commits a misdemeanor of the second
743 degree, punishable as provided in s. 775.082 or s. 775.083.

744 (4) If ~~When~~ a certificate of title, including a foreign
745 certificate, is branded to reflect a condition or prior use of
746 the titled vehicle, the brand must be noted on the registration
747 certificate of the vehicle and such brand shall be carried
748 forward on all subsequent certificates of title and registration
749 certificates issued for the life of the vehicle.

750 (5) A ~~Any~~ person who knowingly sells, exchanges, or offers
751 to sell or exchange a motor vehicle or mobile home contrary to
752 ~~the provisions of~~ this section or any officer, agent, or
753 employee of a person who knowingly authorizes, directs, aids in,
754 or consents to the sale, exchange, or offer to sell or exchange
755 a motor vehicle or mobile home contrary to ~~the provisions of~~
756 this section commits a misdemeanor of the second degree,
757 punishable as provided in s. 775.082 or s. 775.083.

758 (6) A ~~Any~~ person who removes a rebuilt decal from a rebuilt
759 vehicle with the intent to conceal the rebuilt status of the
760 vehicle commits a felony of the third degree, punishable as
761 provided in s. 775.082, s. 775.083, or s. 775.084.

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

766 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in
767 any civil action arising out of a violation of this section if



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768 the designation of the previous use or condition of the motor
769 vehicle is not noted on the certificate of title and
770 registration certificate of the vehicle which was received by,
771 or delivered to, such person, unless the ~~such~~ person has
772 actively concealed the prior use or condition of the vehicle
773 from the purchaser.

774 (9) Subsections (1), (2), and (3) do not apply to the
775 transfer of ownership of a motor vehicle after the motor vehicle
776 has ceased to be used as a lease vehicle and the ownership has
777 been transferred to an owner for private use or to the transfer
778 of ownership of a nonconforming vehicle with 36,000 or more
779 miles on its odometer, or 34 months whichever is later and the
780 ownership has been transferred to an owner for private use. Such
781 owner, as shown on the title certificate, may request the
782 department to issue a corrected certificate of title that does
783 not contain the statement of the previous use of the vehicle as
784 a lease vehicle or condition as a nonconforming vehicle.

785 Section 22. Subsection (6) of section 319.23, Florida
786 Statutes, is amended, present subsections (7) through (11) of
787 that section are redesignated as subsections (8) through (12),
788 respectively, and a new subsection (7) is added to that section,
789 to read:

790 319.23 Application for, and issuance of, certificate of
791 title.—

792 (6) (a) In the case of the sale of a motor vehicle or mobile
793 home by a licensed dealer to a general purchaser, the
794 certificate of title must be obtained in the name of the
795 purchaser by the dealer upon application signed by the
796 purchaser, and in each other case the ~~such~~ certificate must be



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797 obtained by the purchaser. In each case of transfer of a motor
798 vehicle or mobile home, the application for a certificate of
799 title, a corrected certificate, or an assignment or reassignment
800 must be filed within 30 days after the delivery of the motor
801 vehicle or after consummation of the sale of the mobile home to
802 the purchaser. An applicant must pay a fee of \$20, in addition
803 to all other fees and penalties required by law, for failing to
804 file such application within the specified time. In the case of
805 the sale of a motor vehicle by a licensed motor vehicle dealer
806 to a general purchaser who resides in another state or country,
807 the dealer is not required to apply for a certificate of title
808 for the motor vehicle; however, the dealer must transfer
809 ownership and reassign the certificate of title or
810 manufacturer's certificate of origin to the purchaser, and the
811 purchaser must sign an affidavit, as approved by the department,
812 that the purchaser will title and register the motor vehicle in
813 another state or country.

814 (b) If a licensed dealer acquires a motor vehicle or mobile
815 home as a trade-in, the dealer must file with the department,
816 within 30 days, a notice of sale signed by the seller. The
817 department shall update its database for that title record to
818 indicate "sold." A licensed dealer need not apply for a
819 certificate of title for any motor vehicle or mobile home in
820 stock acquired for stock purposes except as provided in s.
821 319.225.

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



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

829 (a) The bond must be:

830 1. In a form prescribed by the department;

831 2. Executed by the applicant;

832 3. Issued by a person authorized to conduct a surety
833 business in this state;

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

836 5. Conditioned to indemnify all prior owners and
837 lienholders and all subsequent purchasers of the vehicle or
838 persons who acquire a security interest in the vehicle, and
839 their successors in interest, against any expense, loss, or
840 damage, including reasonable attorney fees, occurring because of
841 the issuance of the certificate of title for the vehicle or for
842 a defect in or undisclosed security interest on the right,
843 title, or interest of the applicant to the vehicle.

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

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

849 (d) The affidavit must:

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

851 2. Include the facts and circumstances under which the
852 applicant acquired ownership and possession of the motor
853 vehicle;

854 3. Disclose that no security interests, liens, or



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855 encumbrances against the motor vehicle are known to the
856 applicant against the motor vehicle; and

857 4. State that the applicant has the right to have a
858 certificate of title issued.

859 Section 23. Subsection (8) of section 319.24, Florida
860 Statutes, is amended to read:

861 319.24 Issuance in duplicate; delivery; liens and
862 encumbrances.—

863 (8) Notwithstanding any requirements in this section or in
864 s. 319.27 indicating that a lien on a motor vehicle or mobile
865 home shall be noted on the face of the Florida certificate of
866 title, if there are one or more liens or encumbrances on the
867 motor vehicle or mobile home, the department shall ~~may~~
868 electronically transmit the lien to the first lienholder and
869 notify the first lienholder of any additional liens. Subsequent
870 lien satisfactions shall ~~may~~ be electronically transmitted to
871 the department and must ~~shall~~ include the name and address of
872 the person or entity satisfying the lien. When electronic
873 transmission of liens and lien satisfactions is ~~are~~ used, the
874 issuance of a certificate of title may be waived until the last
875 lien is satisfied and a clear certificate of title is issued to
876 the owner of the vehicle. In subsequent transfer of ownership of
877 the motor vehicle, it shall be presumed that the motor vehicle
878 title is subject to a lien as set forth in s. 319.225(6)(a)
879 until the title to be issued pursuant to this subsection is
880 received by the person or entity satisfying the lien.

881 Section 24. Subsection (7) is added to section 319.27,
882 Florida Statutes, to read:

883 319.27 Notice of lien on motor vehicles or mobile homes;



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884 notation on certificate; recording of lien.-

885 (7) The department shall establish and administer an
886 electronic titling program that requires the electronic
887 recording of vehicle title information for new, transferred, and
888 corrected certificates of title. Lienholders shall
889 electronically transmit liens and lien satisfactions to the
890 department in a format determined by the department. Individuals
891 and lienholders who the department determines are not normally
892 engaged in the business or practice of financing vehicles are
893 exempt from the electronic titling requirement.

894 Section 25. Subsection (3) is added to section 319.28,
895 Florida Statutes, to read:

896 319.28 Transfer of ownership by operation of law.-

897 (3) A dealer of farm or industrial equipment who conducts a
898 repossession, as defined in s. 493.6101(22), of such equipment
899 is not subject to licensure as a recovery agent or recovery
900 agency if the dealer is regularly engaged in the sale of the
901 equipment for a particular manufacturer and the lender is
902 affiliated with that manufacturer.

903 Section 26. Present subsection (10) of section 319.30,
904 Florida Statutes, is renumbered as subsection (11), and a new
905 subsection (10) is added to that section to read:

906 319.30 Definitions; dismantling, destruction, change of
907 identity of motor vehicle or mobile home; salvage.-

908 (10) The department may adopt rules to implement an
909 electronic system for issuing salvage certificates of title and
910 certificates of destruction.

911 Section 27. Section 319.40, Florida Statutes, is amended to
912 read:



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913 319.40 Transactions by electronic or telephonic means.-

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

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

919 (3) The department may collect electronic mail addresses
920 and use electronic mail in lieu of the United States Postal
921 Service as a method of notification. However, any notice
922 regarding the potential forfeiture or foreclosure of an interest
923 in property must be sent via the United States Postal Service.

924 Section 28. Paragraph (a) of subsection (1) of section
925 320.01, Florida Statutes, is amended, and subsection (46) is
926 added to that section, to read:

927 320.01 Definitions, general.-As used in the Florida
928 Statutes, except as otherwise provided, the term:

929 (1) "Motor vehicle" means:

930 (a) An automobile, motorcycle, truck, trailer, semitrailer,
931 truck tractor and semitrailer combination, or any other vehicle
932 operated on the roads of this state, used to transport persons
933 or property, and propelled by power other than muscular power,
934 but the term does not include traction engines, road rollers,
935 special mobile equipment as defined in s. 316.003(48), such
936 vehicles that ~~as~~ run only upon a track, bicycles, swamp buggies,
937 or mopeds.

938 (46) "Swamp buggy" means a motorized off-road vehicle that
939 is designed or modified to travel over swampy or varied terrain
940 and that may use large tires or tracks operated from an elevated
941 platform. The term does not include any vehicle defined in



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942 chapter 261 or otherwise defined or classified in this chapter.

943 Section 29. Subsection (2) and paragraph (e) of subsection
944 (5) of section 320.02, Florida Statutes, are amended, paragraphs
945 (o), (p), (q), and (r) are added to subsection (15), and
946 subsection (18) is added to that section, to read:

947 320.02 Registration required; application for registration;
948 forms.-

949 (2) (a) The application for registration shall include the
950 street address of the owner's permanent residence or the address
951 of his or her permanent place of business and shall be
952 accompanied by personal or business identification information
953 which may include, but need not be limited to, a driver ~~driver's~~
954 license number, Florida identification card number, or federal
955 employer identification number. If the owner does not have a
956 permanent residence or permanent place of business or if the
957 owner's permanent residence or permanent place of business
958 cannot be identified by a street address, the application shall
959 include:

960 1. If the vehicle is registered to a business, the name and
961 street address of the permanent residence of an owner of the
962 business, an officer of the corporation, or an employee who is
963 in a supervisory position.

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

967
968 If the vehicle is registered to an active duty member of the
969 Armed Forces of the United States who is a Florida resident, the
970 active duty member is exempt from the requirement to provide the



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971 street address of a permanent residence.

972 (b) The department shall prescribe a form upon which motor
973 vehicle owners may record odometer readings when registering
974 their motor vehicles.

975 (5)

976 (e) Upon the expiration date noted in the cancellation
977 notice that the department receives from the insurer, the
978 department shall suspend the registration, issued under this
979 chapter or s. 207.004(1), of a motor carrier who operates a
980 commercial motor vehicle or who permits it to be operated in
981 this state during the registration period without having in full
982 force and effect liability insurance, a surety bond, or a valid
983 self-insurance certificate that complies with the provisions of
984 this section. The insurer shall provide notice to the department
985 at the same time the cancellation notice is provided to the
986 insured pursuant to s. 627.7281. The department may adopt rules
987 regarding the electronic submission of the cancellation notice
988 ~~liability insurance policy or surety bond may not be canceled on~~
989 ~~less than 30 days' written notice by the insurer to the~~
990 ~~department, such 30 days' notice to commence from the date~~
991 ~~notice is received by the department.~~

992 (15)

993 (o) The application form for motor vehicle registration and
994 renewal registration must include language permitting a
995 voluntary contribution of \$1 to the Florida Association of Food
996 Banks, Inc. The proceeds shall be distributed by the department
997 each month to Florida Association of Food Banks, Inc., to be
998 used by that organization for the purpose of ending hunger in
999 this state.



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1000 (p) The application form for motor vehicle registration and
1001 renewal of registration must include language permitting a
1002 voluntary contribution of \$1 per applicant for Autism Services
1003 and Supports. Such contributions must be transferred by the
1004 department to the Achievement and Rehabilitation Centers, Inc.,
1005 Autism Services Fund.

1006 (q) The application form for motor vehicle registration and
1007 renewal of registration must include language permitting a
1008 voluntary contribution of \$1 per applicant to Support Our
1009 Troops, which shall be distributed to Support Our Troops, Inc.,
1010 a Florida not-for-profit organization.

1011 (r) The application form for motor vehicle registration and
1012 renewal of registration must include language permitting a
1013 voluntary contribution of \$1 to Take Stock In Children. Such
1014 contributions shall be transferred by the department to Take
1015 Stock In Children, Inc.

1016
1017 For the purpose of applying the service charge provided in s.
1018 215.20, contributions received under this subsection are not
1019 income of a revenue nature.

1020 (18) The department shall retain all electronic
1021 registration records for at least 10 years.

1022 Section 30. Subsection (8) of section 320.03, Florida
1023 Statutes, is amended to read:

1024 320.03 Registration; duties of tax collectors;
1025 International Registration Plan.—

1026 (8) If the applicant's name appears on the list referred to
1027 in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license
1028 plate or revalidation sticker may not be issued until that



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1029 person's name no longer appears on the list or until the person
1030 presents a receipt from the governmental entity or the clerk of
1031 court that provided the data showing that the fines outstanding
1032 have been paid. This subsection does not apply to the owner of a
1033 leased vehicle if the vehicle is registered in the name of the
1034 lessee of the vehicle. The tax collector and the clerk of the
1035 court are each entitled to receive monthly, as costs for
1036 implementing and administering this subsection, 10 percent of
1037 the civil penalties and fines recovered from such persons. As
1038 used in this subsection, the term "civil penalties and fines"
1039 does not include a wrecker operator's lien as described in s.
1040 713.78(13). If the tax collector has private tag agents, such
1041 tag agents are entitled to receive a pro rata share of the
1042 amount paid to the tax collector, based upon the percentage of
1043 license plates and revalidation stickers issued by the tag agent
1044 compared to the total issued within the county. The authority of
1045 any private agent to issue license plates shall be revoked,
1046 after notice and a hearing as provided in chapter 120, if he or
1047 she issues any license plate or revalidation sticker contrary to
1048 the provisions of this subsection. This section applies only to
1049 the annual renewal in the owner's birth month of a motor vehicle
1050 registration and does not apply to the transfer of a
1051 registration of a motor vehicle sold by a motor vehicle dealer
1052 licensed under this chapter, except for the transfer of
1053 registrations which includes ~~is inclusive of~~ the annual
1054 renewals. This section does not affect the issuance of the title
1055 to a motor vehicle, notwithstanding s. 319.23(8)(b)
1056 ~~319.23(7)(b)~~.

1057 Section 31. Subsections (5) and (6) are added to section



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1058 320.06, Florida Statutes, to read:

1059 320.06 Registration certificates, license plates, and
1060 validation stickers generally.—

1061 (5) The department may conduct a pilot program to evaluate
1062 the designs, concepts, and technologies for alternative license
1063 plates. For purposes of the pilot program, the department shall
1064 investigate the feasibility and use of alternative license plate
1065 technologies and the long-term cost impact to the consumer. The
1066 pilot program shall be limited to license plates that are used
1067 on government-owned motor vehicles as described in s. 320.0655.
1068 Such license plates are exempt from the requirements in
1069 paragraph (3) (a).

1070 (6) All license plates issued pursuant to this chapter are
1071 the property of the state.

1072 Section 32. Section 320.0605, Florida Statutes, is amended
1073 to read:

1074 320.0605 Certificate of registration; possession required;
1075 exception.—

1076 (1) The registration certificate or an official copy
1077 thereof, a true copy of a rental or lease documentation
1078 ~~agreement~~ issued for a motor vehicle or issued for a replacement
1079 vehicle in the same registration period, a temporary receipt
1080 printed upon self-initiated electronic renewal of a registration
1081 via the Internet, or a cab card issued for a vehicle registered
1082 under the International Registration Plan shall, at all times
1083 while the vehicle is being used or operated on the roads of this
1084 state, be in the possession of the operator thereof or be
1085 carried in the vehicle for which issued and shall be exhibited
1086 upon demand of any authorized law enforcement officer or any



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1087 agent of the department, except for a vehicle registered under
1088 s. 320.0657. The provisions of this section do not apply during
1089 the first 30 days after purchase of a replacement vehicle. A
1090 violation of this section is a noncriminal traffic infraction,
1091 punishable as a nonmoving violation as provided in chapter 318.

1092 (2) Rental or lease documentation that is sufficient to
1093 satisfy the requirement in subsection (1) includes the
1094 following:

1095 (a) Date of rental and time of exit from rental facility;

1096 (b) Rental station identification;

1097 (c) Rental agreement number;

1098 (d) Rental vehicle identification number;

1099 (e) Rental vehicle license plate number and state of
1100 registration;

1101 (f) Vehicle's make, model, and color;

1102 (g) Vehicle's mileage; and

1103 (h) Authorized renter's name.

1104 Section 33. Section 320.061, Florida Statutes, is amended
1105 to read:

1106 320.061 Unlawful to alter motor vehicle registration
1107 certificates, license plates, temporary license plates, mobile
1108 home stickers, or validation stickers or to obscure license
1109 plates; penalty.—A ~~No~~ person may not ~~shall~~ alter the original
1110 appearance of a vehicle registration certificate, any
1111 ~~registration~~ license plate, temporary license plate, mobile home
1112 sticker, or validation sticker, ~~or vehicle registration~~
1113 ~~certificate~~ issued for and assigned to a ~~any~~ motor vehicle or
1114 mobile home, whether by mutilation, alteration, defacement, or
1115 change of color or in any other manner. A ~~No~~ person may not



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1116 ~~shall~~ apply or attach a ~~any~~ substance, reflective matter,
1117 illuminated device, spray, coating, covering, or other material
1118 onto or around any license plate which ~~that~~ interferes with the
1119 legibility, angular visibility, or detectability of any feature
1120 or detail on the license plate or interferes with the ability to
1121 record any feature or detail on the license plate. A ~~Any~~ person
1122 who violates this section commits a noncriminal traffic
1123 infraction, punishable as a moving violation as provided in
1124 chapter 318.

1125 Section 34. Subsection (1) of section 320.07, Florida
1126 Statutes, is amended to read:

1127 320.07 Expiration of registration; renewal required;
1128 penalties.—

1129 (1) The registration of a motor vehicle or mobile home
1130 expires at midnight on the last day of the registration or
1131 extended registration period, or for a motor vehicle or mobile
1132 home owner who is a natural person, at midnight on the owner's
1133 birthday. A vehicle may ~~shall~~ not be operated on the roads of
1134 this state after expiration of the renewal period unless the
1135 registration has been renewed according to law.

1136 Section 35. Paragraph (z) of subsection (4) of section
1137 320.08056, Florida Statutes, is amended to read:

1138 320.08056 Specialty license plates.—

1139 (4) The following license plate annual use fees shall be
1140 collected for the appropriate specialty license plates:

1141 (z) Tampa Bay Estuary license plate, \$25 ~~\$15~~.

1142 Section 36. Paragraph (b) of subsection (35) of section
1143 320.08058, Florida Statutes, is amended to read:

1144 320.08058 Specialty license plates.—



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1145 (35) FLORIDA GOLF LICENSE PLATES.—

1146 (b) The department shall distribute the Florida Golf
1147 license plate annual use fee to the Dade Amateur Golf
1148 Association, a nonprofit organization under s. 501(c)(3) of the
1149 Internal Revenue Code. The license plate annual use fees are to
1150 be annually allocated as follows:

1151 1. Up to 15 ~~10~~ percent of the proceeds from the annual use
1152 fees may be used by the Dade Amateur Golf Association for the
1153 administration of the Florida Junior Golf Program.

1154 2. The Dade Amateur Golf Association shall receive the
1155 first \$80,000 in proceeds from the annual use fees for the
1156 operation of youth golf programs in Miami-Dade County.
1157 Thereafter, 15 percent of the proceeds from the annual use fees
1158 shall be provided to the Dade Amateur Golf Association for the
1159 operation of youth golf programs in Miami-Dade County.

1160 3. The remaining proceeds from the annual use fees shall be
1161 available for grants to nonprofit organizations to operate youth
1162 golf programs and for marketing the Florida Golf license plates.
1163 All grant recipients shall be required to provide to the Dade
1164 Amateur Golf Association an annual program and financial report
1165 regarding the use of grant funds. Such reports shall be made
1166 available to the public.

1167 Section 37. Paragraph (e) of subsection (4) of section
1168 320.08068, Florida Statutes, is amended to read:

1169 320.08068 Motorcycle specialty license plates.—

1170 (4) A license plate annual use fee of \$20 shall be
1171 collected for each motorcycle specialty license plate. Annual
1172 use fees shall be distributed to The Able Trust as custodial
1173 agent. The Able Trust may retain a maximum of 10 percent of the



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1174 proceeds from the sale of the license plate for administrative
1175 costs. The Able Trust shall distribute the remaining funds as
1176 follows:

1177 (e) Twenty percent to the Florida Association of Centers
1178 for Independent Living ~~to be used to leverage additional funding~~
1179 ~~and new sources of revenue for the centers for independent~~
1180 ~~living in this state.~~

1181 Section 38. Subsection (4) of section 320.0848, Florida
1182 Statutes, is amended to read:

1183 320.0848 Persons who have disabilities; issuance of
1184 disabled parking permits; temporary permits; permits for certain
1185 providers of transportation services to persons who have
1186 disabilities.-

1187 (4) From the proceeds of the temporary disabled parking
1188 permit fees:

1189 (a) The Department of Highway Safety and Motor Vehicles
1190 must receive \$3.50 for each temporary permit, to be deposited
1191 into the Highway Safety Operating Trust Fund and used for
1192 implementing the real-time disabled parking permit database and
1193 for administering the disabled parking permit program.

1194 (b) The tax collector, for processing, must receive \$2.50
1195 for each temporary permit.

1196 (c) The remainder must be distributed monthly as follows:

1197 1. To the Florida Endowment Foundation for Vocational
1198 Rehabilitation, known as "The Able Trust," ~~Florida Governor's~~
1199 ~~Alliance for the Employment of Disabled Citizens~~ for the purpose
1200 of improving employment and training opportunities for persons
1201 who have disabilities, with special emphasis on removing
1202 transportation barriers, \$4. These fees must be directly



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1203 deposited into the Florida Endowment Foundation for Vocational
1204 Rehabilitation as established in s. 413.615 ~~Transportation~~
1205 ~~Disadvantaged Trust Fund for transfer to the Florida Governor's~~
1206 ~~Alliance for Employment of Disabled Citizens.~~

1207 2. To the Transportation Disadvantaged Trust Fund to be
1208 used for funding matching grants to counties for the purpose of
1209 improving transportation of persons who have disabilities, \$5.

1210 Section 39. Paragraph (a) of subsection (1) of section
1211 320.089, Florida Statutes, is amended, and subsection (5) is
1212 added to that section, to read:

1213 320.089 Members of National Guard and active United States
1214 Armed Forces reservists; former prisoners of war; survivors of
1215 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi
1216 Freedom and Operation Enduring Freedom Veterans; Vietnam War
1217 Veterans; Combat Infantry Badge recipients; special license
1218 plates; fee.—

1219 (1) (a) Each owner or lessee of an automobile or truck for
1220 private use or recreational vehicle as specified in s.
1221 320.08(9)(c) or (d), which is not used for hire or commercial
1222 use, who is a resident of the state and an active or retired
1223 member of the Florida National Guard, a survivor of the attack
1224 on Pearl Harbor, a recipient of the Purple Heart medal, or an
1225 active or retired member of any branch of the United States
1226 Armed Forces Reserve, or a recipient of the Combat Infantry
1227 Badge shall, upon application to the department, accompanied by
1228 proof of active membership or retired status in the Florida
1229 National Guard, proof of membership in the Pearl Harbor
1230 Survivors Association or proof of active military duty in Pearl
1231 Harbor on December 7, 1941, proof of being a Purple Heart medal



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1232 recipient, ~~or~~ proof of active or retired membership in any
1233 branch of the Armed Forces Reserve, or proof of membership in
1234 the Combat Infantrymen's Association, Inc., or other proof of
1235 being a recipient of the Combat Infantry Badge, and upon payment
1236 of the license tax for the vehicle as provided in s. 320.08, be
1237 issued a license plate as provided by s. 320.06, upon which, in
1238 lieu of the serial numbers prescribed by s. 320.06, shall be
1239 stamped the words "National Guard," "Pearl Harbor Survivor,"
1240 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry
1241 Badge," as appropriate, followed by the serial number of the
1242 license plate. Additionally, the Purple Heart plate may have the
1243 words "Purple Heart" stamped on the plate and the likeness of
1244 the Purple Heart medal appearing on the plate.

1245 (5) The owner or lessee of an automobile or truck for
1246 private use, a truck weighing not more than 7,999 pounds, or a
1247 recreational vehicle as specified in s. 320.08(9)(c) or (d)
1248 which automobile, truck, or recreational vehicle is not used for
1249 hire or commercial use who is a resident of the state and a
1250 current or former member of the United States military who was
1251 deployed and served in Vietnam during United States military
1252 deployment in Indochina shall, upon application to the
1253 department, accompanied by proof of active membership or former
1254 active duty status during these operations, and, upon payment of
1255 the license tax for the vehicle as provided in s. 320.08, be
1256 issued a license plate as provided by s. 320.06 upon which, in
1257 lieu of the registration license number prescribed by s. 320.06,
1258 shall be stamped the words "Vietnam War Veteran," followed by
1259 the registration license number of the plate.

1260 Section 40. Paragraph (c) is added to subsection (1) of



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1261 section 320.13, Florida Statutes, to read:

1262 320.13 Dealer and manufacturer license plates and
1263 alternative method of registration.—

1264 (1)

1265 (c) A dealer of heavy trucks as defined in s. 320.01(10),
1266 upon payment of the license tax imposed by s. 320.08(12), may
1267 secure one or more dealer license plates that are valid for use
1268 on vehicles owned by the dealer to whom such plates are issued
1269 while the heavy trucks are in inventory and for sale and are
1270 being used only in the state for demonstration purposes. The
1271 license plates may be used for demonstration purposes for a
1272 period not to exceed 24 hours. The license plates must be
1273 validated on a form prescribed by the department and must be
1274 retained in the vehicle being operated.

1275 Section 41. Section 320.15, Florida Statutes, is amended to
1276 read:

1277 320.15 Refund of license tax.—Any resident owner of a motor
1278 vehicle or mobile home that has been destroyed or permanently
1279 removed from the state shall, upon application to the department
1280 and surrender of the license plate or mobile home sticker issued
1281 for such vehicle, be entitled to a credit to apply to
1282 registration of any other vehicle in the name of the owner, if
1283 the amount is \$3 or more, for the unexpired period of the
1284 license. However, if the license plate surrendered is a "for-
1285 hire" license plate, the amount of credit may not be more than
1286 one-half of the annual license tax amount. A credit is ~~will~~ not
1287 ~~be~~ valid after the expiration date of the license plate which is
1288 current on the date of the credit, as provided in s. 320.07. A
1289 motor vehicle or mobile home owner who renews a registration



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1290 during the advanced renewal period as provided in s. 320.071 and
1291 who surrenders the motor vehicle or mobile home license plate
1292 before the end of the renewal period may apply for a refund of
1293 the license taxes assessed pursuant to s. 320.08.

1294 Section 42. Subsection (3) of section 320.27, Florida
1295 Statutes, is amended to read:

1296 320.27 Motor vehicle dealers.—

1297 (3) APPLICATION AND FEE.—The application for the license
1298 shall be in such form as may be prescribed by the department and
1299 shall be subject to such rules with respect thereto as may be so
1300 prescribed by it. Such application shall be verified by oath or
1301 affirmation and shall contain a full statement of the name and
1302 birth date of the person or persons applying therefor; the name
1303 of the firm or copartnership, with the names and places of
1304 residence of all members thereof, if such applicant is a firm or
1305 copartnership; the names and places of residence of the
1306 principal officers, if the applicant is a body corporate or
1307 other artificial body; the name of the state under whose laws
1308 the corporation is organized; the present and former place or
1309 places of residence of the applicant; and prior business in
1310 which the applicant has been engaged and the location thereof.
1311 Such application shall describe the exact location of the place
1312 of business and shall state whether the place of business is
1313 owned by the applicant and when acquired, or, if leased, a true
1314 copy of the lease shall be attached to the application. The
1315 applicant shall certify that the location provides an adequately
1316 equipped office and is not a residence; that the location
1317 affords sufficient unoccupied space upon and within which
1318 adequately to store all motor vehicles offered and displayed for



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1319 sale; and that the location is a suitable place where the
1320 applicant can in good faith carry on such business and keep and
1321 maintain books, records, and files necessary to conduct such
1322 business, which shall ~~will~~ be available at all reasonable hours
1323 to inspection by the department or any of its inspectors or
1324 other employees. The applicant shall certify that the business
1325 of a motor vehicle dealer is the principal business which shall
1326 be conducted at that location. The ~~Such~~ application shall
1327 contain a statement that the applicant is either franchised by a
1328 manufacturer of motor vehicles, in which case the name of each
1329 motor vehicle that the applicant is franchised to sell shall be
1330 included, or an independent (nonfranchised) motor vehicle
1331 dealer. The ~~Such~~ application shall contain ~~such~~ other relevant
1332 information as may be required by the department, including
1333 evidence that the applicant is insured under a garage liability
1334 insurance policy or a general liability insurance policy coupled
1335 with a business automobile policy, which shall include, at a
1336 minimum, \$25,000 combined single-limit liability coverage
1337 including bodily injury and property damage protection and
1338 \$10,000 personal injury protection. However, a salvage motor
1339 vehicle dealer as defined in subparagraph (1)(c)5. is exempt
1340 from the requirements for garage liability insurance and
1341 personal injury protection insurance on those vehicles that
1342 cannot be legally operated on roads, highways, or streets in
1343 this state. Franchise dealers must submit a garage liability
1344 insurance policy, and all other dealers must submit a garage
1345 liability insurance policy or a general liability insurance
1346 policy coupled with a business automobile policy. Such policy
1347 shall be for the license period, and evidence of a new or



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1348 continued policy shall be delivered to the department at the
1349 beginning of each license period. Upon making initial
1350 application, the applicant shall pay to the department a fee of
1351 \$300 in addition to any other fees now required by law.† Upon
1352 making a subsequent renewal application, the applicant shall pay
1353 to the department a fee of \$75 in addition to any other fees now
1354 required by law. Upon making an application for a change of
1355 location, the person shall pay a fee of \$50 in addition to any
1356 other fees now required by law. The department shall, in the
1357 case of every application for initial licensure, verify whether
1358 certain facts set forth in the application are true. Each
1359 applicant, general partner in the case of a partnership, or
1360 corporate officer and director in the case of a corporate
1361 applicant, must file a set of fingerprints with the department
1362 for the purpose of determining any prior criminal record or any
1363 outstanding warrants. The department shall submit the
1364 fingerprints to the Department of Law Enforcement for state
1365 processing and forwarding to the Federal Bureau of Investigation
1366 for federal processing. The actual cost of state and federal
1367 processing shall be borne by the applicant and is in addition to
1368 the fee for licensure. The department may issue a license to an
1369 applicant pending the results of the fingerprint investigation,
1370 which license is fully revocable if the department subsequently
1371 determines that any facts set forth in the application are not
1372 true or correctly represented.

1373 Section 43. Subsection (1) of section 320.771, Florida
1374 Statutes, is amended to read:

1375 320.771 License required of recreational vehicle dealers.-

1376 (1) DEFINITIONS.-As used in this section, the term:



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1377 (a)1. "Dealer" means any person engaged in the business of
1378 buying, selling, or dealing in recreational vehicles or offering
1379 or displaying recreational vehicles for sale. The term "dealer"
1380 includes a recreational vehicle broker. Any person who buys,
1381 sells, deals in, or offers or displays for sale, or who acts as
1382 the agent for the sale of, one or more recreational vehicles in
1383 any 12-month period shall be prima facie presumed to be a
1384 dealer. The terms "selling" and "sale" include lease-purchase
1385 transactions. The term "dealer" does not include banks, credit
1386 unions, and finance companies that acquire recreational vehicles
1387 as an incident to their regular business and does not include
1388 mobile home rental and leasing companies that sell recreational
1389 vehicles to dealers licensed under this section.

1390 2. A licensed dealer may transact business in recreational
1391 vehicles with a motor vehicle auction as defined in s.
1392 320.27(1)(c)4. Further, a licensed dealer may, at retail or
1393 wholesale, sell a motor vehicle, as described in s.
1394 320.01(1)(a), acquired in exchange for the sale of a
1395 recreational vehicle, if the such acquisition is incidental to
1396 the principal business of being a recreational vehicle dealer.
1397 However, a recreational vehicle dealer may not buy a motor
1398 vehicle for the purpose of resale unless licensed as a motor
1399 vehicle dealer pursuant to s. 320.27. A dealer may apply for a
1400 certificate of title to a recreational vehicle required to be
1401 registered under s. 320.08(9), using a manufacturer's statement
1402 of origin as permitted by s. 319.23(1), only if the dealer is
1403 authorized by a manufacturer/dealer agreement, as defined in s.
1404 320.3202, on file with the department, to buy, sell, or deal in
1405 that particular line-make of recreational vehicle, and the



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1406 dealer is authorized by the manufacturer/dealer agreement to
1407 perform delivery and preparation obligations and warranty defect
1408 adjustments on that line-make.

1409 (b) "Recreational vehicle broker" means any person who is
1410 engaged in the business of offering to procure or procuring used
1411 recreational vehicles for the general public; who holds himself
1412 or herself out through solicitation, advertisement, or otherwise
1413 as one who offers to procure or procures used recreational
1414 vehicles for the general public; or who acts as the agent or
1415 intermediary on behalf of the owner or seller of a used
1416 recreational vehicle which is for sale or who assists or
1417 represents the seller in finding a buyer for the recreational
1418 vehicle.

1419 (c) ~~For the purposes of this section, the term~~
1420 "Recreational vehicle" does not include any camping trailer, as
1421 defined in s. 320.01(1)(b)2.

1422 Section 44. Section 320.95, Florida Statutes, is amended to
1423 read:

1424 320.95 Transactions by electronic or telephonic means.—

1425 (1) The department may ~~is authorized to~~ accept an any
1426 application provided for under this chapter by electronic or
1427 telephonic means.

1428 (2) The department may collect electronic mail addresses
1429 and use electronic mail in lieu of the United States Postal
1430 Service for the purpose of providing renewal notices.

1431 Section 45. Section 322.04, Florida Statutes, is amended to
1432 read:

1433 322.04 Persons exempt from obtaining driver ~~driver's~~
1434 license.—



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1435 (1) The following persons are exempt from obtaining a
1436 driver ~~driver's~~ license:

1437 (a) Any employee of the United States Government, while
1438 operating a noncommercial motor vehicle owned by or leased to
1439 the United States Government and being operated on official
1440 business.

1441 (b) Any person while driving or operating any road machine,
1442 farm tractor, or implement of husbandry temporarily operated or
1443 moved on a highway.

1444 (c) A nonresident who is at least 16 years of age operating
1445 ~~and who has in his or her immediate possession a valid~~
1446 ~~noncommercial driver's license issued to the nonresident in his~~
1447 ~~or her home state or country, may operate~~ a motor vehicle of the
1448 type for which a Class E driver ~~driver's~~ license is required in
1449 this state if the nonresident has in his or her immediate
1450 possession:

1451 1. A valid noncommercial driver license issued in his or
1452 her name from another state or territory of the United States;
1453 or

1454 2. An International Driving Permit issued in his or her
1455 name in his or her country of residence and a valid license
1456 issued in that country.

1457 ~~(d) A nonresident who is at least 18 years of age and who~~
1458 ~~has in his or her immediate possession a valid noncommercial~~
1459 ~~driver's license issued to the nonresident in his or her home~~
1460 ~~state or country may operate a motor vehicle, other than a~~
1461 ~~commercial motor vehicle, in this state.~~

1462 (d)(e) Any person operating a golf cart, as defined in s.
1463 320.01, which is operated in accordance with the provisions of



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1464 s. 316.212.

1465 (2) ~~The provisions of~~ This section does ~~de~~ not apply to any
1466 person to whom s. 322.031 applies.

1467 (3) Any person working for a firm under contract to the
1468 United States Government, whose residence is outside ~~without~~
1469 this state and whose main point of employment is outside ~~without~~
1470 this state may drive a noncommercial vehicle on the public roads
1471 of this state for periods up to 60 days while in this state on
1472 temporary duty, if the ~~provided~~ ~~such~~ person has a valid driver
1473 ~~driver's~~ license from the state of the ~~such~~ person's residence.

1474 Section 46. Paragraph (a) of subsection (1) of section
1475 322.051, Florida Statutes, is amended, and subsection (9) is
1476 added to that section, to read:

1477 322.051 Identification cards.—

1478 (1) Any person who is 5 years of age or older, or any
1479 person who has a disability, regardless of age, who applies for
1480 a disabled parking permit under s. 320.0848, may be issued an
1481 identification card by the department upon completion of an
1482 application and payment of an application fee.

1483 (a) The ~~Each~~ ~~such~~ application must ~~shall~~ include the
1484 following information regarding the applicant:

1485 1. Full name (first, middle or maiden, and last), gender,
1486 proof of social security card number satisfactory to the
1487 department, county of residence, mailing address, proof of
1488 residential address satisfactory to the department, country of
1489 birth, and a brief description.

1490 2. Proof of birth date satisfactory to the department.

1491 3. Proof of identity satisfactory to the department. Such
1492 proof must include one of the following documents issued to the



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1493 applicant:

1494 a. A driver ~~driver's~~ license record or identification card
1495 record from another jurisdiction that required the applicant to
1496 submit a document for identification which is substantially
1497 similar to a document required under sub-subparagraph b., sub-
1498 subparagraph c., sub-subparagraph d., sub-subparagraph e., sub-
1499 subparagraph f., sub-subparagraph g., or sub-subparagraph h.;

1500 b. A certified copy of a United States birth certificate;

1501 c. A valid, unexpired United States passport;

1502 d. A naturalization certificate issued by the United States
1503 Department of Homeland Security;

1504 e. A valid, unexpired alien registration receipt card
1505 (green card);

1506 f. A Consular Report of Birth Abroad provided by the United
1507 States Department of State;

1508 g. An unexpired employment authorization card issued by the
1509 United States Department of Homeland Security; or

1510 h. Proof of nonimmigrant classification provided by the
1511 United States Department of Homeland Security, for an original
1512 identification card. In order to prove ~~such~~ nonimmigrant
1513 classification, an applicant must provide at least one of
1514 applicants may produce but are not limited to the following
1515 documents. In addition, the department may require applicants to
1516 produce United States Department of Homeland Security documents
1517 for the sole purpose of establishing the maintenance of, or
1518 efforts to maintain, continuous lawful presence:

1519 (I) A notice of hearing from an immigration court
1520 scheduling a hearing on any proceeding.

1521 (II) A notice from the Board of Immigration Appeals



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1522 acknowledging pendency of an appeal.

1523 (III) A notice of the approval of an application for
1524 adjustment of status issued by the United States Bureau of
1525 Citizenship and Immigration Services.

1526 (IV) An ~~Any~~ official documentation confirming the filing of
1527 a petition for asylum or refugee status or any other relief
1528 issued by the United States Bureau of Citizenship and
1529 Immigration Services.

1530 (V) A notice of action transferring any pending matter from
1531 another jurisdiction to Florida, issued by the United States
1532 Bureau of Citizenship and Immigration Services.

1533 (VI) An order of an immigration judge or immigration
1534 officer granting ~~any~~ relief that authorizes the alien to live
1535 and work in the United States, including, but not limited to,
1536 asylum.

1537 (VII) Evidence that an application is pending for
1538 adjustment of status to that of an alien lawfully admitted for
1539 permanent residence in the United States or conditional
1540 permanent resident status in the United States, if a visa number
1541 is available having a current priority date for processing by
1542 the United States Bureau of Citizenship and Immigration
1543 Services.

1544 (VIII) On or after January 1, 2010, an unexpired foreign
1545 passport with an unexpired United States Visa affixed,
1546 accompanied by an approved I-94, documenting the most recent
1547 admittance into the United States.

1548
1549 An identification card issued based on documents required
1550 ~~Presentation of any of the documents described in sub-~~



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1551 subparagraph g. or sub-subparagraph h. is valid ~~entitles the~~
1552 ~~applicant to an identification card~~ for a period not to exceed
1553 the expiration date of the document presented or 1 year,
1554 whichever ~~first~~ occurs first.

1555 (9) Notwithstanding any other provision of this section or
1556 s. 322.21 to the contrary, the department shall issue or renew a
1557 card at no charge to a person who presents evidence satisfactory
1558 to the department that he or she is homeless as defined in s.
1559 414.0252.

1560 Section 47. Subsection (4) of section 322.058, Florida
1561 Statutes, is amended to read:

1562 322.058 Suspension of driving privileges due to support
1563 delinquency; reinstatement.-

1564 (4) This section applies only to the annual renewal in the
1565 owner's birth month of a motor vehicle registration and does not
1566 apply to the transfer of a registration of a motor vehicle sold
1567 by a motor vehicle dealer licensed under chapter 320, except for
1568 the transfer of registrations which includes ~~is inclusive of~~ the
1569 annual renewals. This section does not affect the issuance of
1570 the title to a motor vehicle, notwithstanding s. 319.23(8)(b) ~~s.~~
1571 ~~319.23(7)(b)~~.

1572 Section 48. Section 322.065, Florida Statutes, is amended
1573 to read:

1574 322.065 Driver ~~Driver's~~ license expired for 6 4 months or
1575 less; penalties.-A ~~Any~~ person whose driver ~~driver's~~ license has
1576 been expired for 6 4 months or less and who drives a motor
1577 vehicle upon the highways of this state commits ~~is guilty of~~ an
1578 infraction and is subject to the penalty provided in s. 318.18.

1579 Section 49. Subsection (3) of section 322.07, Florida



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1580 Statutes, is amended to read:

1581 322.07 Instruction permits and temporary licenses.—

1582 (3) Any person who, except for his or her lack of
1583 instruction in operating a commercial motor vehicle, would
1584 otherwise be qualified to obtain a commercial driver ~~driver's~~
1585 license under this chapter, may apply for a temporary commercial
1586 instruction permit. The department shall issue such a permit
1587 entitling the applicant, while having the permit in his or her
1588 immediate possession, to drive a commercial motor vehicle on the
1589 highways, if ~~provided that~~:

1590 (a) The applicant possesses a valid Florida driver ~~driver's~~
1591 license ~~issued in any state~~; and

1592 (b) The applicant, while operating a commercial motor
1593 vehicle, is accompanied by a licensed driver who is 21 years of
1594 age or older, who is licensed to operate the class of vehicle
1595 being operated, and who is ~~actually~~ occupying the closest seat
1596 to the right of the driver.

1597 Section 50. Paragraph (c) of subsection (2) and subsection
1598 (7) of section 322.08, Florida Statutes, are amended, and
1599 subsection (8) is added to that section, to read:

1600 322.08 Application for license; requirements for license
1601 and identification card forms.—

1602 (2) Each such application shall include the following
1603 information regarding the applicant:

1604 (c) Proof of identity satisfactory to the department. Such
1605 proof must include one of the following documents issued to the
1606 applicant:

1607 1. A driver ~~driver's~~ license record or identification card
1608 record from another jurisdiction that required the applicant to



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1609 submit a document for identification which is substantially
1610 similar to a document required under subparagraph 2.,
1611 subparagraph 3., subparagraph 4., subparagraph 5., subparagraph
1612 6., subparagraph 7., or subparagraph 8.;

1613 2. A certified copy of a United States birth certificate;

1614 3. A valid, unexpired United States passport;

1615 4. A naturalization certificate issued by the United States
1616 Department of Homeland Security;

1617 5. A valid, unexpired alien registration receipt card
1618 (green card);

1619 6. A Consular Report of Birth Abroad provided by the United
1620 States Department of State;

1621 7. An unexpired employment authorization card issued by the
1622 United States Department of Homeland Security; or

1623 8. Proof of nonimmigrant classification provided by the
1624 United States Department of Homeland Security, for an original
1625 driver ~~driver's~~ license. In order to prove nonimmigrant
1626 classification, an applicant must provide at least one of the
1627 following documents. In addition, the department may require
1628 applicants to produce United States Department of Homeland
1629 Security documents for the sole purpose of establishing the
1630 maintenance of, or efforts to maintain, continuous lawful
1631 presence ~~may produce the following documents, including, but not~~
1632 ~~limited to:~~

1633 a. A notice of hearing from an immigration court scheduling
1634 a hearing on any proceeding.

1635 b. A notice from the Board of Immigration Appeals
1636 acknowledging pendency of an appeal.

1637 c. A notice of the approval of an application for



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1638 adjustment of status issued by the United States Bureau of
1639 Citizenship and Immigration Services.

1640 d. ~~An~~ Any official documentation confirming the filing of a
1641 petition for asylum or refugee status or any other relief issued
1642 by the United States Bureau of Citizenship and Immigration
1643 Services.

1644 e. A notice of action transferring any pending matter from
1645 another jurisdiction to this state issued by the United States
1646 Bureau of Citizenship and Immigration Services.

1647 f. An order of an immigration judge or immigration officer
1648 granting ~~any~~ relief that authorizes the alien to live and work
1649 in the United States, including, but not limited to, asylum.

1650 g. Evidence that an application is pending for adjustment
1651 of status to that of an alien lawfully admitted for permanent
1652 residence in the United States or conditional permanent resident
1653 status in the United States, if a visa number is available
1654 having a current priority date for processing by the United
1655 States Bureau of Citizenship and Immigration Services.

1656 h. On or after January 1, 2010, an unexpired foreign
1657 passport with an unexpired United States Visa affixed,
1658 accompanied by an approved I-94, documenting the most recent
1659 admittance into the United States.

1660
1661 A driver license or temporary permit issued based on documents
1662 required ~~Presentation of any of the documents~~ in subparagraph 7.
1663 or subparagraph 8. is valid ~~entitles the applicant to a driver's~~
1664 ~~license or temporary permit~~ for a period not to exceed the
1665 expiration date of the document presented or 1 year, ~~whichever~~
1666 ~~occurs first.~~



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1667 (7) The application form for an original, renewal, or
1668 replacement driver ~~driver's~~ license or identification card shall
1669 include language permitting the following:

1670 (a) A voluntary contribution of \$1 per applicant, which
1671 contribution shall be deposited into the Health Care Trust Fund
1672 for organ and tissue donor education and for maintaining the
1673 organ and tissue donor registry.

1674 (b) A voluntary contribution of \$1 per applicant, which
1675 contribution shall be distributed to the Florida Council of the
1676 Blind.

1677 (c) A voluntary contribution of \$2 per applicant, which
1678 shall be distributed to the Hearing Research Institute,
1679 Incorporated.

1680 (d) A voluntary contribution of \$1 per applicant, which
1681 shall be distributed to the Juvenile Diabetes Foundation
1682 International.

1683 (e) A voluntary contribution of \$1 per applicant, which
1684 shall be distributed to the Children's Hearing Help Fund.

1685 (f) A voluntary contribution of \$1 per applicant, which
1686 shall be distributed to Family First, a nonprofit organization.

1687 (g) A voluntary contribution of \$1 per applicant to Stop
1688 Heart Disease, which shall be distributed to the Florida Heart
1689 Research Institute, a nonprofit organization.

1690 (h) A voluntary contribution of \$1 per applicant to Senior
1691 Vision Services, which shall be distributed to the Florida
1692 Association of Agencies Serving the Blind, Inc., a not-for-
1693 profit organization.

1694 (i) A voluntary contribution of \$1 per applicant for
1695 services for persons with developmental disabilities, which



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1696 shall be distributed to The Arc of Florida.

1697 (j) A voluntary contribution of \$1 to the Ronald McDonald
1698 House, which shall be distributed each month to Ronald McDonald
1699 House Charities of Tampa Bay, Inc.

1700 (k) Notwithstanding s. 322.081, a voluntary contribution of
1701 \$1 per applicant, which shall be distributed to the League
1702 Against Cancer/La Liga Contra el Cancer, a not-for-profit
1703 organization.

1704 (l) A voluntary contribution of \$1 per applicant to Prevent
1705 Child Sexual Abuse, which shall be distributed to Lauren's Kids,
1706 Inc., a nonprofit organization.

1707 (m) A voluntary contribution of \$1 per applicant, which
1708 shall be distributed to Prevent Blindness Florida, a not-for-
1709 profit organization, to prevent blindness and preserve the sight
1710 of the residents of this state.

1711 (n) Notwithstanding s. 322.081, a voluntary contribution of
1712 \$1 per applicant to the state homes for veterans, to be
1713 distributed on a quarterly basis by the department to the State
1714 Homes for Veterans Trust Fund, which is administered by the
1715 Department of Veterans' Affairs.

1716 (o) A voluntary contribution of \$1 per applicant to the
1717 Disabled American Veterans, Department of Florida, which shall
1718 be distributed quarterly to Disabled American Veterans,
1719 Department of Florida, a nonprofit organization.

1720 (p) A voluntary contribution of \$1 per applicant for Autism
1721 Services and Supports. Such contributions must be transferred by
1722 the department to the Achievement and Rehabilitation Centers,
1723 Inc., Autism Services Fund.

1724 (q) A voluntary contribution of \$1 per applicant to Support



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1725 Our Troops, which shall be distributed to Support Our Troops,
1726 Inc., a Florida not-for-profit organization.

1727
1728 A statement providing an explanation of the purpose of the trust
1729 funds shall also be included. For the purpose of applying the
1730 service charge provided in s. 215.20, contributions received
1731 under paragraphs (b)-(q) ~~(b)-(e)~~ are not income of a revenue
1732 nature.

1733 (8) The department may collect electronic mail addresses
1734 and use electronic mail in lieu of the United States Postal
1735 Service for the purpose of providing renewal notices.

1736 Section 51. Paragraph (c) of subsection (2) and subsection
1737 (5) of section 322.121, Florida Statutes, are amended to read:

1738 322.121 Periodic reexamination of all drivers.—

1739 (2) For each licensee whose driving record does not show
1740 any revocations, disqualifications, or suspensions for the
1741 preceding 7 years or any convictions for the preceding 3 years
1742 except for convictions of the following nonmoving violations:

1743 (c) Operating a motor vehicle with an expired license that
1744 has been expired for 6 4 months or less pursuant to s. 322.065;

1745
1746 the department shall cause such licensee's license to be
1747 prominently marked with the notation "Safe Driver."

1748 (5) Members of the Armed Forces, or their dependents
1749 residing with them, shall be granted an automatic extension for
1750 the expiration of their Class E licenses without reexamination
1751 while serving on active duty outside this state. This extension
1752 is valid for 90 days after the member of the Armed Forces is
1753 either discharged or returns to this state to live.



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1754 Section 52. Paragraph (a) of subsection (1) of section
1755 322.14, Florida Statutes, is amended to read:

1756 322.14 Licenses issued to drivers.—

1757 (1) (a) The department shall, upon successful completion of
1758 all required examinations and payment of the required fee, issue
1759 to every qualified applicant ~~qualifying therefor~~, a driver
1760 ~~driver's~~ license that must as applied for, which license shall
1761 bear ~~thereon~~ a color photograph or digital image of the
1762 licensee; the name of the state; a distinguishing number
1763 assigned to the licensee; and the licensee's full name, date of
1764 birth, and residence address; a brief description of the
1765 licensee, including, but not limited to, the licensee's gender
1766 and height; and the dates of issuance and expiration of the
1767 license. A space shall be provided upon which the licensee shall
1768 affix his or her usual signature. A ~~No~~ license is invalid ~~shall~~
1769 ~~be valid~~ until it has been ~~so~~ signed by the licensee except that
1770 the signature of the said licensee is not ~~shall not be~~ required
1771 if it appears thereon in facsimile or if the licensee is not
1772 present within the state at the time of issuance. ~~Applicants~~
1773 ~~qualifying to receive a Class A, Class B, or Class C driver's~~
1774 ~~license must appear in person within the state for issuance of a~~
1775 ~~color photographic or digital imaged driver's license pursuant~~
1776 ~~to s. 322.142.~~

1777 Section 53. Section 322.1415, Florida Statutes, is created
1778 to read:

1779 322.1415 Specialty driver license and identification card
1780 program.—

1781 (1) The department may issue to any applicant qualified
1782 pursuant to s. 322.14 a specialty driver license or



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1783 identification card upon payment of the appropriate fee pursuant
1784 to s. 322.21.

1785 (2) Any specialty driver license or identification card
1786 approved by the department shall, at a minimum, be available for
1787 state and independent universities domiciled in this state, all
1788 Florida professional sports teams designated pursuant to s.
1789 320.08058(9) (a), and all branches of the United States Armed
1790 Forces.

1791 (3) The design and use of each specialty driver license and
1792 identification card must be approved by the department and the
1793 organization that is recognized by the driver license or card.

1794 (4) Organizations receiving funds from this program shall
1795 attest, under penalties of perjury, pursuant to s. 320.08062
1796 that the funds have been expended in the same manner as provided
1797 in s. 320.08058. On December 1 of each year, the department
1798 shall deliver an annual report to the President of the Senate
1799 and the Speaker of the House of Representatives which addresses
1800 the viability of the program and details the amounts distributed
1801 to each entity.

1802 (5) This section expires August 31, 2016.

1803 Section 54. Subsection (4) of section 322.142, Florida
1804 Statutes, is amended to read:

1805 322.142 Color photographic or digital imaged licenses.—

1806 (4) The department may maintain a film negative or print
1807 file. The department shall maintain a record of the digital
1808 image and signature of the licensees, together with other data
1809 required by the department for identification and retrieval.
1810 Reproductions from the file or digital record are exempt from
1811 the provisions of s. 119.07(1) and shall be made and issued only



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1812 for departmental administrative purposes; for the issuance of
1813 duplicate licenses; in response to law enforcement agency
1814 requests; to the Department of Business and Professional
1815 Regulation pursuant to an interagency agreement for the purpose
1816 of accessing digital images for reproduction of licenses issued
1817 by the Department of Business and Professional Regulation; to
1818 the Department of State pursuant to an interagency agreement to
1819 facilitate determinations of eligibility of voter registration
1820 applicants and registered voters in accordance with ss. 98.045
1821 and 98.075; to the Department of Revenue pursuant to an
1822 interagency agreement for use in establishing paternity and
1823 establishing, modifying, or enforcing support obligations in
1824 Title IV-D cases; to the Department of Children and Family
1825 Services pursuant to an interagency agreement to conduct
1826 protective investigations under part III of chapter 39 and
1827 chapter 415; to the Department of Children and Family Services
1828 pursuant to an interagency agreement specifying the number of
1829 employees in each of that department's regions to be granted
1830 access to the records for use as verification of identity to
1831 expedite the determination of eligibility for public assistance
1832 and for use in public assistance fraud investigations; ~~or~~ to the
1833 Department of Financial Services pursuant to an interagency
1834 agreement to facilitate the location of owners of unclaimed
1835 property, the validation of unclaimed property claims, and the
1836 identification of fraudulent or false claims; or to district
1837 medical examiners pursuant to an interagency agreement for the
1838 purpose of identifying a deceased individual, determining cause
1839 of death, and notifying next of kin of any investigations,
1840 including autopsies and other laboratory examinations,



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1841 authorized in s. 406.011.

1842 Section 55. Section 322.145, Florida Statutes, is created
1843 to read:

1844 322.145 Electronic authentication of licenses.-

1845 (1) Any driver license issued on or after July 1, 2013,
1846 must contain a means of electronic authentication which conforms
1847 to a recognized standard for such authentication such as public
1848 key infrastructure, symmetric key algorithms, security tokens,
1849 mediametrics, or biometrics. The electronic authentication
1850 capabilities must not interfere with or change the driver
1851 license format or topology.

1852 (2) The department shall provide, at the applicant's option
1853 and at the time a license is issued, a security token that can
1854 be electronically authenticated through a personal computer. The
1855 token must also conform to one of the standards provided in
1856 subsection (1).

1857 (3) The department shall negotiate a new contract with the
1858 vendor selected to implement the electronic authentication
1859 feature which contains a provision requiring that the vendor pay
1860 all the costs associated with implementing the system. The
1861 contract must not conflict with current contractual arrangements
1862 for the issuance of driver licenses.

1863 Section 56. Subsection (2) of section 322.19, Florida
1864 Statutes, is amended to read:

1865 322.19 Change of address or name.-

1866 (2) Whenever any person, after applying for or receiving a
1867 driver ~~driver's~~ license, changes the legal residence or mailing
1868 address in the application or license, the person must, within
1869 10 calendar days after making the change, obtain a replacement



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1870 license that reflects the change. A written request to the
1871 department must include the old and new addresses and the driver
1872 driver's license number. Any person who has a valid, current
1873 student identification card issued by an educational institution
1874 in this state is presumed not to have changed his or her legal
1875 residence or mailing address. This subsection does not affect
1876 any person required to register a permanent or temporary address
1877 change pursuant to s. 775.13, s. 775.21, s. 775.25, or s.
1878 943.0435.

1879 Section 57. Present paragraphs (e) through (h) of
1880 subsection (1) of section 322.21, Florida Statutes, are
1881 redesignated as paragraphs (f) through (i), respectively, and
1882 new paragraphs (e) and (j) are added to that subsection, to
1883 read:

1884 322.21 License fees; procedure for handling and collecting
1885 fees.—

1886 (1) Except as otherwise provided herein, the fee for:

1887 (e) An original or renewal enhanced driver license or
1888 identification card that meets the requirements of the Western
1889 Hemisphere Travel Initiative, in addition to the fees required
1890 in paragraph (a), paragraph (b), paragraph (c), or paragraph
1891 (f), may not exceed \$30. The funds collected pursuant to this
1892 paragraph shall be deposited into the Highway Safety Operating
1893 Trust Fund to offset the cost of administration and materials
1894 related to the issuance of the enhanced driver license or
1895 identification card. The issuance of an enhanced driver license
1896 or identification card is optional for all residents who are
1897 otherwise qualified to be issued a Class A, B, C, or E driver
1898 license or an identification card.



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1899 (j) The specialty driver license or identification card
1900 issued pursuant to s. 322.1415 is \$25, which is in addition to
1901 other fees required in this section. The fee shall be
1902 distributed as follows:

1903 1. Fifty percent shall be distributed as provided in s.
1904 320.08058 to the appropriate state or independent university,
1905 professional sports team, or branch of the United States Armed
1906 Forces.

1907 2. Fifty percent shall be distributed to the department for
1908 costs directly related to the specialty driver license and
1909 identification card program and to defray the costs associated
1910 with production enhancements and distribution.

1911 Section 58. Subsection (2) of section 322.251, Florida
1912 Statutes, is amended to read:

1913 322.251 Notice of cancellation, suspension, revocation, or
1914 disqualification of license.—

1915 (2) The giving of notice and an order of cancellation,
1916 suspension, revocation, or disqualification by mail is complete
1917 upon expiration of 20 days after deposit in the United States
1918 mail for all notices except those issued under chapter 324 or
1919 ss. 627.732-627.734, which are complete 15 days after deposit in
1920 the United States mail. Proof of the giving of notice and an
1921 order of cancellation, suspension, revocation, or
1922 disqualification in either ~~such~~ manner shall be made by entry in
1923 the records of the department that such notice was given. The
1924 ~~Such~~ entry is ~~shall be~~ admissible in the courts of this state
1925 and constitutes ~~shall constitute~~ sufficient proof that such
1926 notice was given.

1927 Section 59. Section 322.27, Florida Statutes, is amended to



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1928 read:

1929 322.27 Authority of department to suspend or revoke driver
1930 license or identification card.—

1931 (1) Notwithstanding any provisions to the contrary in
1932 chapter 120, the department may ~~is hereby authorized to~~ suspend
1933 the license or identification card of any person without
1934 preliminary hearing upon a showing of its records or other
1935 sufficient evidence that the licensee:

1936 (a) Has committed an offense for which mandatory revocation
1937 of license is required upon conviction. A law enforcement agency
1938 must provide information to the department within 24 hours after
1939 any traffic fatality or when the law enforcement agency
1940 initiates action pursuant to s. 316.1933;

1941 (b) Has been convicted of a violation of any traffic law
1942 which resulted in a crash that caused the death or personal
1943 injury of another or property damage in excess of \$500;

1944 (c) Is incompetent to drive a motor vehicle;

1945 (d) Has permitted an unlawful or fraudulent use of the such
1946 license or identification card or has knowingly been a party to
1947 the obtaining of a license or identification card by fraud or
1948 misrepresentation or to the display, or representation ~~represent~~
1949 as one's own, of a driver ~~any driver's~~ license or identification
1950 card not issued to him or her. ~~Provided, however, no provision~~
1951 ~~of~~ This section does not ~~shall be construed to~~ include the
1952 provisions of s. 322.32(1);

1953 (e) Has committed an offense in another state which, if
1954 committed in this state, would be grounds for suspension or
1955 revocation; or

1956 (f) Has committed a second or subsequent violation of s.



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1957 316.172(1) within a 5-year period of any previous violation.

1958 (2) The department shall suspend the license of any person
1959 without preliminary hearing upon a showing of its records that
1960 the licensee has been convicted in any court having jurisdiction
1961 over offenses committed under this chapter or any other law of
1962 this state regulating the operation of a motor vehicle on the
1963 highways, upon direction of the court, when the court feels that
1964 the seriousness of the offense and the circumstances surrounding
1965 the conviction warrant the suspension of the licensee's driving
1966 privilege.

1967 (3) There is established a point system for evaluation of
1968 convictions of violations of motor vehicle laws or ordinances,
1969 and violations of applicable provisions of s. 403.413(6) (b) when
1970 such violations involve the use of motor vehicles, for the
1971 determination of the continuing qualification of any person to
1972 operate a motor vehicle. The department is authorized to suspend
1973 the license of any person upon showing of its records or other
1974 good and sufficient evidence that the licensee has been
1975 convicted of violation of motor vehicle laws or ordinances, or
1976 applicable provisions of s. 403.413(6) (b), amounting to 12 or
1977 more points as determined by the point system. The suspension
1978 shall be for a period of not more than 1 year.

1979 (a) When a licensee accumulates 12 points within a 12-month
1980 period, the period of suspension shall be for not more than 30
1981 days.

1982 (b) When a licensee accumulates 18 points, including points
1983 upon which suspension action is taken under paragraph (a),
1984 within an 18-month period, the suspension shall be for a period
1985 of not more than 3 months.



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1986 (c) When a licensee accumulates 24 points, including points
1987 upon which suspension action is taken under paragraphs (a) and
1988 (b), within a 36-month period, the suspension shall be for a
1989 period of not more than 1 year.

1990 (d) The point system shall have as its basic element a
1991 graduated scale of points assigning relative values to
1992 convictions of the following violations:

1993 1. Reckless driving, willful and wanton—4 points.

1994 2. Leaving the scene of a crash resulting in property
1995 damage of more than \$50—6 points.

1996 3. Unlawful speed resulting in a crash—6 points.

1997 4. Passing a stopped school bus—4 points.

1998 5. Unlawful speed:

1999 a. Not in excess of 15 miles per hour of lawful or posted
2000 speed—3 points.

2001 b. In excess of 15 miles per hour of lawful or posted
2002 speed—4 points.

2003 6. A violation of a traffic control signal device as
2004 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.

2005 However, no points shall be imposed for a violation of s.
2006 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
2007 stop at a traffic signal and when enforced by a traffic
2008 infraction enforcement officer. In addition, a violation of s.
2009 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
2010 stop at a traffic signal and when enforced by a traffic
2011 infraction enforcement officer may not be used for purposes of
2012 setting motor vehicle insurance rates.

2013 7. All other moving violations (including parking on a
2014 highway outside the limits of a municipality)—3 points. However,



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2015 no points shall be imposed for a violation of s. 316.0741 or s.
2016 316.2065(12); and points shall be imposed for a violation of s.
2017 316.1001 only when imposed by the court after a hearing pursuant
2018 to s. 318.14(5).

2019 8. Any moving violation covered above, excluding unlawful
2020 speed, resulting in a crash-4 points.

2021 9. Any conviction under s. 403.413(6) (b)-3 points.

2022 10. Any conviction under s. 316.0775(2)-4 points.

2023 (e) A conviction in another state of a violation therein
2024 which, if committed in this state, would be a violation of the
2025 traffic laws of this state, or a conviction of an offense under
2026 any federal law substantially conforming to the traffic laws of
2027 this state, except a violation of s. 322.26, may be recorded
2028 against a driver on the basis of the same number of points
2029 received had the conviction been made in a court of this state.

2030 (f) In computing the total number of points, when the
2031 licensee reaches the danger zone, the department is authorized
2032 to send the licensee a warning letter advising that any further
2033 convictions may result in suspension of his or her driving
2034 privilege.

2035 (g) The department shall administer and enforce the
2036 provisions of this law and may make rules and regulations
2037 necessary for its administration.

2038 (h) Three points shall be deducted from the driver history
2039 record of any person whose driving privilege has been suspended
2040 only once pursuant to this subsection and has been reinstated,
2041 if such person has complied with all other requirements of this
2042 chapter.

2043 (i) This subsection does ~~shall~~ not apply to persons



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2044 operating a nonmotorized vehicle for which a driver ~~driver's~~
2045 license is not required.

2046 (4) The department, in computing the points and period of
2047 time for suspensions under this section, shall use the offense
2048 date of all convictions.

2049 (5) The department shall revoke the license of any person
2050 designated a habitual offender, as set forth in s. 322.264, and
2051 such person is ~~shall~~ not ~~be~~ eligible to be relicensed for a
2052 minimum of 5 years from the date of revocation, except as
2053 provided for in s. 322.271. Any person whose license is revoked
2054 may, by petition to the department, show cause why his or her
2055 license should not be revoked.

2056 (6) The department shall revoke the driving privilege of
2057 any person who is convicted of a felony for the possession of a
2058 controlled substance if, at the time of such possession, the
2059 person was driving or in actual physical control of a motor
2060 vehicle. A person whose driving privilege has been revoked
2061 pursuant to this subsection is ~~shall~~ not ~~be~~ eligible to receive
2062 a limited business or employment purpose license during the term
2063 of such revocation.

2064 (7) Review of an order of suspension or revocation shall be
2065 by writ of certiorari as provided in s. 322.31.

2066 Section 60. Subsection (5) of section 322.292, Florida
2067 Statutes, is repealed.

2068 Section 61. Subsection (2) of section 322.53, Florida
2069 Statutes, is amended to read:

2070 322.53 License required; exemptions.—

2071 (2) The following persons are exempt from the requirement
2072 to obtain a commercial driver ~~driver's~~ license:



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- 2073 (a) Drivers of authorized emergency vehicles.
- 2074 (b) Military personnel driving vehicles operated for
2075 military purposes.
- 2076 (c) Farmers transporting agricultural products, farm
2077 supplies, or farm machinery to or from their farms and within
2078 150 miles of their farms farm, if the vehicle operated under
2079 this exemption is not used in the operations of a common or
2080 contract motor carrier or transporting agricultural products to
2081 or from the first place of storage or processing or directly to
2082 or from market, within 150 miles of their farm.
- 2083 (d) Drivers of recreational vehicles, as defined in s.
2084 320.01.
- 2085 (e) Drivers who operate straight trucks, as defined in s.
2086 316.003, and who that are ~~exclusively~~ exclusively
2087 their own tangible personal property, which is not for sale.
- 2088 (f) Employees ~~An employee~~ of a publicly owned transit
2089 system who are ~~is~~ limited to moving vehicles for maintenance or
2090 parking purposes exclusively within the restricted-access
2091 confines of a transit system's property.
- 2092 Section 62. Subsection (2) of section 322.54, Florida
2093 Statutes, is amended to read:
- 2094 322.54 Classification.—
- 2095 (2) The department shall issue, pursuant to the
2096 requirements of this chapter, driver ~~drivers'~~ licenses in
2097 accordance with the following classifications:
- 2098 (a) Any person who drives a motor vehicle combination
2099 having a gross vehicle weight rating or gross vehicle weight of
2100 26,001 pounds or more must possess a valid Class A driver
2101 ~~driver's~~ license, if provided the gross vehicle weight rating or



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2102 gross vehicle weight of the vehicle being towed is more than
2103 10,000 pounds. Any person who possesses a valid Class A driver
2104 ~~driver's~~ license may, subject to the appropriate restrictions
2105 and endorsements, drive any class of motor vehicle within this
2106 state.

2107 (b) Any person, except a person who possesses a valid Class
2108 A driver ~~driver's~~ license, who drives a motor vehicle having a
2109 gross vehicle weight rating or gross vehicle weight of 26,001
2110 pounds or more must possess a valid Class B driver ~~driver's~~
2111 license. Any person, except a person who possesses a valid Class
2112 A driver ~~driver's~~ license, who drives such vehicle towing a
2113 vehicle having a gross vehicle weight rating of 10,000 pounds or
2114 less must possess a valid Class B driver ~~driver's~~ license. Any
2115 person who possesses a valid Class B driver ~~driver's~~ license
2116 may, subject to the appropriate restrictions and endorsements,
2117 drive any class of motor vehicle, other than the type of motor
2118 vehicle for which a Class A driver ~~driver's~~ license is required,
2119 within this state.

2120 (c) Any person, except a person who possesses a valid Class
2121 A or a valid Class B driver ~~driver's~~ license, who drives a motor
2122 vehicle having a gross vehicle weight rating of less than 26,001
2123 pounds and who is required to obtain an endorsement pursuant to
2124 paragraph (1)(b), paragraph (1)(c), or paragraph (1)(e) of s.
2125 322.57, must possess a valid Class C driver ~~driver's~~ license.
2126 Any person who possesses a valid Class C driver ~~driver's~~ license
2127 may, subject to the appropriate restrictions and endorsements,
2128 drive any class of motor vehicle, other than the type of motor
2129 vehicle for which a Class A or a Class B driver ~~driver's~~ license
2130 is required, within this state.



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2131 (d) Any person, except a person who possesses a valid Class
2132 A, valid Class B, or valid Class C driver ~~driver's~~ license, who
2133 drives a motor vehicle must possess a valid Class E driver
2134 ~~driver's~~ license. Any person who possesses a valid Class E
2135 driver ~~driver's~~ license may, subject to the appropriate
2136 restrictions and endorsements, drive any type of motor vehicle,
2137 other than the type of motor vehicle for which a Class A, Class
2138 B, or Class C driver ~~driver's~~ license is required, within this
2139 state.

2140 Section 63. Section 322.58, Florida Statutes, is repealed.

2141 Section 64. Section 322.59, Florida Statutes, is amended to
2142 read:

2143 322.59 Possession of medical examiner's certificate.-

2144 (1) The department may ~~shall~~ not issue a commercial driver
2145 ~~driver's~~ license to a ~~any~~ person who is required by the laws of
2146 this state or by federal law to possess a medical examiner's
2147 certificate, unless the ~~such~~ person presents a valid
2148 certificate, as described in 49 C.F.R. s. 383.71, before ~~prior~~
2149 ~~to~~ licensure.

2150 (2) The department shall disqualify a driver from operating
2151 a commercial motor vehicle if the driver holds a commercial
2152 driver license and fails to comply with the medical
2153 certification requirements in 49 C.F.R. s. 383.71 ~~This section~~
2154 ~~does not expand the requirements as to who must possess a~~
2155 ~~medical examiner's certificate.~~

2156 (3) A person who is disqualified from operating a
2157 commercial motor vehicle under this section may, if otherwise
2158 qualified, be issued a Class E driver license pursuant to s.
2159 322.251.



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2160 Section 65. Subsections (3) and (5) of section 322.61,
2161 Florida Statutes, are amended to read:

2162 322.61 Disqualification from operating a commercial motor
2163 vehicle.—

2164 (3) (a) Except as provided in subsection (4), any person who
2165 is convicted of one of the offenses listed in paragraph (b)
2166 while operating a commercial motor vehicle shall, in addition to
2167 any other applicable penalties, be disqualified from operating a
2168 commercial motor vehicle for a period of 1 year:

2169 (b) Except as provided in subsection (4), any holder of a
2170 commercial driver ~~driver's~~ license who is convicted of one of
2171 the offenses listed in this paragraph while operating a
2172 noncommercial motor vehicle shall, in addition to any other
2173 applicable penalties, be disqualified from operating a
2174 commercial motor vehicle for a period of 1 year:

2175 1. Driving a motor vehicle while he or she is under the
2176 influence of alcohol or a controlled substance;

2177 2. Driving a commercial motor vehicle while the alcohol
2178 concentration of his or her blood, breath, or urine is .04
2179 percent or higher;

2180 3. Leaving the scene of a crash involving a motor vehicle
2181 driven by such person;

2182 4. Using a motor vehicle in the commission of a felony;

2183 5. Driving a commercial motor vehicle while in possession
2184 of a controlled substance;

2185 6. Refusing to submit to a test to determine his or her
2186 alcohol concentration while driving a motor vehicle;

2187 7. Driving a commercial vehicle while the licenseholder's
2188 commercial driver ~~driver's~~ license is suspended, revoked, or



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2189 canceled or while the licenseholder is disqualified from driving
2190 a commercial vehicle; or

2191 8. Causing a fatality through the negligent operation of a
2192 commercial motor vehicle.

2193 (5) A ~~Any~~ person who is convicted of two violations
2194 specified in subsection (3) which were committed while operating
2195 a commercial motor vehicle, or any combination thereof, arising
2196 in separate incidents shall be permanently disqualified from
2197 operating a commercial motor vehicle. A ~~Any~~ holder of a
2198 commercial driver ~~driver's~~ license who is convicted of two
2199 violations specified in subsection (3) which were committed
2200 while operating any ~~a noncommercial~~ motor vehicle, ~~or any~~
2201 ~~combination thereof~~, arising in separate incidents shall be
2202 permanently disqualified from operating a commercial motor
2203 vehicle. The penalty provided in this subsection is in addition
2204 to any other applicable penalty.

2205 Section 66. Section 323.002, Florida Statutes, is amended
2206 to read:

2207 323.002 County and municipal wrecker operator systems;
2208 penalties for operation outside of system.—

2209 (1) As used in this section, the term:

2210 (a) "Authorized wrecker operator" means any wrecker
2211 operator who has been designated as part of the wrecker operator
2212 system established by the governmental unit having jurisdiction
2213 over the scene of a wrecked or disabled vehicle.

2214 (b) "Unauthorized wrecker operator" means any wrecker
2215 operator who has not been designated as part of the wrecker
2216 operator system established by the governmental unit having
2217 jurisdiction over the scene of a wrecked or disabled vehicle.



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2218 (c) "Wrecker operator system" means a system for the towing
2219 or removal of wrecked, disabled, or abandoned vehicles, similar
2220 to the Florida Highway Patrol wrecker operator system described
2221 in s. 321.051(2), under which a county or municipality contracts
2222 with one or more wrecker operators for the towing or removal of
2223 wrecked, disabled, or abandoned vehicles from accident scenes,
2224 streets, or highways. A wrecker operator system shall include
2225 using a method for apportioning the towing assignments among the
2226 eligible wrecker operators through the creation of geographic
2227 zones, a rotation schedule, or a combination of these methods.

2228 (2) In any county or municipality that operates a wrecker
2229 operator system:

2230 (a) It is unlawful for an unauthorized wrecker operator or
2231 its employees or agents to monitor police radio for
2232 communications between patrol field units and the dispatcher in
2233 order to determine the location of a wrecked or disabled vehicle
2234 for the purpose of driving by the scene of such vehicle in a
2235 manner described in paragraph (b) or paragraph (c). Any person
2236 who violates this paragraph commits is guilty of a noncriminal
2237 violation, punishable as provided in s. 775.083, and the
2238 person's wrecker, tow truck, or other motor vehicle that was
2239 used during the offense may be immediately removed and impounded
2240 pursuant to subsection (3).

2241 (b) It is unlawful for an unauthorized wrecker operator to
2242 drive by the scene of a wrecked or disabled vehicle before the
2243 arrival of an authorized wrecker operator, initiate contact with
2244 the owner or operator of such vehicle by soliciting or offering
2245 towing services, and tow such vehicle. Any person who violates
2246 this paragraph commits is guilty of a misdemeanor of the second



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2247 degree, punishable as provided in s. 775.082 or s. 775.083, and
2248 the person's wrecker, tow truck, or other motor vehicle that was
2249 used during the offense may be immediately removed and impounded
2250 pursuant to subsection (3).

2251 (c) When an unauthorized wrecker operator drives by the
2252 scene of a wrecked or disabled vehicle and the owner or operator
2253 initiates contact by signaling the wrecker operator to stop and
2254 provide towing services, the unauthorized wrecker operator must
2255 disclose in writing to the owner or operator of the vehicle his
2256 or her full name and driver license number, that he or she is
2257 not the authorized wrecker operator who has been designated as
2258 part of the wrecker operator system, that the motor vehicle is
2259 not being towed for the owner's or operator's insurance company
2260 or lienholder, and the maximum must disclose, in writing, what
2261 charges for towing and storage which will apply before the
2262 vehicle is connected to the towing apparatus. The unauthorized
2263 wrecker operator must also provide a copy of the disclosure to
2264 the owner or operator in the presence of a law enforcement
2265 officer if such officer is at the scene of a motor vehicle
2266 accident. Any person who violates this paragraph commits is
2267 guilty of a misdemeanor of the second degree, punishable as
2268 provided in s. 775.082 or s. 775.083, and the person's wrecker,
2269 tow truck, or other motor vehicle that was used during the
2270 offense may be immediately removed and impounded pursuant to
2271 subsection (3).

2272 (d) At the scene of a wrecked or disabled vehicle, it is
2273 unlawful for a wrecker operator to falsely identify himself or
2274 herself as being part of the wrecker operator system. Any person
2275 who violates this paragraph commits is guilty of a misdemeanor



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2276 of the first degree, punishable as provided in s. 775.082 or s.
2277 775.083, and the person's wrecker, tow truck, or other motor
2278 vehicle that was used during the offense may be immediately
2279 removed and impounded pursuant to subsection (3).

2280 (3) (a) A law enforcement officer from any local
2281 governmental agency or state law enforcement agency may cause to
2282 be immediately removed and impounded from the scene of a wrecked
2283 or disabled vehicle, at the unauthorized wrecker operator's
2284 expense, any wrecker, tow truck, or other motor vehicle that is
2285 used in violation of any provision of subsection (2). The
2286 unauthorized wrecker operator shall be assessed a cost recovery
2287 fine as provided in paragraph (b) by the authority that ordered
2288 the immediate removal and impoundment of the wrecker, tow truck,
2289 or other motor vehicle. A wrecker, tow truck, or other motor
2290 vehicle that is removed and impounded pursuant to this section
2291 may not be released from an impound or towing and storage
2292 facility before a release form has been completed by the
2293 authority that ordered the immediate removal and impoundment of
2294 the wrecker, tow truck, or other motor vehicle which verifies
2295 that the cost recovery fine has been paid to the authority. The
2296 vehicle must remain impounded until the fine has been paid or
2297 until the vehicle is sold at public sale pursuant to s. 713.78.

2298 (b) Notwithstanding any other provision of law to the
2299 contrary, the unauthorized wrecker operator, upon retrieval of
2300 the wrecker, tow truck, or other motor vehicle removed or
2301 impounded pursuant to this section, and in addition to any other
2302 penalties that may be imposed for noncriminal violations, shall
2303 pay a cost recovery fine of \$500 for a first-time violation of
2304 any provision of subsection (2), or a fine of \$1,000 for each



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2305 subsequent violation, to the authority that ordered the
2306 immediate removal and impoundment of the wrecker, tow truck, or
2307 other motor vehicle. Cost recovery funds collected under this
2308 subsection shall be retained by the authority that ordered the
2309 removal and impoundment of the wrecker, tow truck, or other
2310 motor vehicle and may be used only for the enforcement,
2311 investigation, prosecution, and training related to towing
2312 violations and crimes involving motor vehicles.

2313 (c) Notwithstanding any other provision of law to the
2314 contrary and in addition to the cost recovery fine required by
2315 this subsection, a person who violates any provision of
2316 subsection (2) shall pay the fees associated with the removal
2317 and storage of the unauthorized wrecker, tow truck, or other
2318 motor vehicle.

2319 (4)~~(3)~~ This section does not prohibit, or in any way
2320 prevent, the owner or operator of a vehicle involved in an
2321 accident or otherwise disabled from contacting any wrecker
2322 operator for the provision of towing services, whether the
2323 wrecker operator is an authorized wrecker operator or not.

2324 Section 67. Subsection (1) of section 324.072, Florida
2325 Statutes, is amended to read:

2326 324.072 Proof required upon certain convictions.—

2327 (1) Upon the suspension or revocation of a license pursuant
2328 to ~~the provisions of~~ s. 322.26 or s. 322.27, the department
2329 shall suspend the registration for all motor vehicles registered
2330 in the name of the licensee such person, either individually or
2331 jointly with another. However, the department may, except that
2332 ~~it shall~~ not suspend the such registration, unless otherwise
2333 required by law, if the such person had insurance coverage



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2334 limits required under s. 324.031 on the date of the latest
2335 offense that caused the suspension or revocation, or has
2336 previously given or shall immediately give, and thereafter
2337 maintain, proof of financial responsibility with respect to all
2338 motor vehicles registered by the ~~such~~ person, in accordance with
2339 this chapter.

2340 Section 68. Subsection (1) of section 324.091, Florida
2341 Statutes, is amended to read:

2342 324.091 Notice to department; notice to insurer.—

2343 (1) Each owner and operator involved in a crash or
2344 conviction case within the purview of this chapter shall furnish
2345 evidence of automobile liability insurance, motor vehicle
2346 liability insurance, or a surety bond within 14 ~~30~~ days after
2347 ~~from~~ the date of the mailing of notice of crash by the
2348 department in the ~~such~~ form and manner as it may designate. Upon
2349 receipt of evidence that an automobile liability policy, motor
2350 vehicle liability policy, or surety bond was in effect at the
2351 time of the crash or conviction case, the department shall
2352 forward by United States mail, postage prepaid, to the insurer
2353 or surety insurer a copy of such information and shall assume
2354 that the ~~such~~ policy or bond was in effect, unless the insurer
2355 or surety insurer notifies ~~shall notify~~ the department otherwise
2356 within 20 days after ~~from~~ the mailing of the notice to the
2357 insurer or surety insurer. However, ; provided that if the
2358 department ~~shall~~ later determines ~~ascertain~~ that an automobile
2359 liability policy, motor vehicle liability policy, or surety bond
2360 was not in effect and did not provide coverage for both the
2361 owner and the operator, it shall ~~at such time~~ take ~~such~~ action
2362 as it is otherwise authorized to do under this chapter. Proof of



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2363 mailing to the insurer or surety insurer may be made by the
2364 department by naming the insurer or surety insurer to whom the
2365 ~~such~~ mailing was made and by specifying the time, place, and
2366 manner of mailing.

2367 Section 69. Subsection (5) of section 328.15, Florida
2368 Statutes, is amended to read:

2369 328.15 Notice of lien on vessel; recording.-

2370 (5) (a) The Department of Highway Safety and Motor Vehicles
2371 shall adopt ~~make such~~ rules to administer ~~and regulations as it~~
2372 ~~deems necessary or proper for the effective administration of~~
2373 this section law. The department may by rule require that a
2374 notice of satisfaction of a lien be notarized. The department
2375 shall prepare the forms of the notice of lien and the
2376 satisfaction of lien to be supplied, at a charge not to exceed
2377 50 percent more than cost, to applicants for recording the liens
2378 or satisfactions and shall keep a record of such notices of lien
2379 and satisfactions available for inspection by the public at all
2380 reasonable times. The division may ~~is authorized to~~ furnish
2381 certified copies of such satisfactions for a fee of \$1, which
2382 are certified copies ~~shall be~~ admissible in evidence in all
2383 courts of this state under the same conditions and to the same
2384 effect as certified copies of other public records.

2385 (b) The department shall establish and administer an
2386 electronic titling program that requires the recording of vessel
2387 title information for new, transferred, and corrected
2388 certificates of title. Lienholders shall electronically transmit
2389 liens and lien satisfactions to the department in a format
2390 determined by the department. Individuals and lienholders who
2391 the department determines are not normally engaged in the



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2392 business or practice of financing vessels are not required to
2393 participate in the electronic titling program.

2394 Section 70. Subsection (4) of section 328.16, Florida
2395 Statutes, is amended to read:

2396 328.16 Issuance in duplicate; delivery; liens and
2397 encumbrances.—

2398 (4) Notwithstanding any requirements in this section or in
2399 s. 328.15 indicating that a lien on a vessel shall be noted on
2400 the face of the Florida certificate of title, if there are one
2401 or more liens or encumbrances on a vessel, the department shall
2402 ~~may~~ electronically transmit the lien to the first lienholder and
2403 notify the first lienholder of any additional liens. Subsequent
2404 lien satisfactions shall ~~may~~ be electronically transmitted to
2405 the department and must ~~shall~~ include the name and address of
2406 the person or entity satisfying the lien. When electronic
2407 transmission of liens and lien satisfactions are used, the
2408 issuance of a certificate of title may be waived until the last
2409 lien is satisfied and a clear certificate of title is issued to
2410 the owner of the vessel.

2411 Section 71. Section 328.30, Florida Statutes, is amended to
2412 read:

2413 328.30 Transactions by electronic or telephonic means.—

2414 (1) The department may ~~is authorized to~~ accept any
2415 application provided for under this chapter by electronic or
2416 telephonic means.

2417 (2) The department may issue an electronic certificate of
2418 title in lieu of printing a paper title.

2419 (3) The department may collect electronic mail addresses
2420 and use electronic mail in lieu of the United States Postal



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2421 Service for the purpose of providing renewal notices.

2422 Section 72. Subsection (1) of section 520.32, Florida
2423 Statutes, is amended to read:

2424 520.32 Licenses.—

2425 (1) A person may not engage in or transact the business of
2426 a retail seller engaging in retail installment transactions as
2427 defined in this part or operate a branch of such business
2428 without a license, except that a license is not required for:

2429 (a) A retail seller whose retail installment transactions
2430 are limited to the honoring of credit cards issued by dealers in
2431 oil and petroleum products licensed to do business in this
2432 state.

2433 (b) A person licensed by the office under part I. This
2434 paragraph exempts only a person licensed under part I from the
2435 licensure requirements of this section. This paragraph does not
2436 exempt the licensee from the other sections of this part, and
2437 any violations of those sections may subject the licensee to
2438 disciplinary action.

2439 Section 73. Paragraph (f) of subsection (13) of section
2440 713.78, Florida Statutes, is amended to read:

2441 713.78 Liens for recovering, towing, or storing vehicles
2442 and vessels.—

2443 (13)

2444 (f) This subsection applies only to the annual renewal in
2445 the registered owner's birth month of a motor vehicle
2446 registration and does not apply to the transfer of a
2447 registration of a motor vehicle sold by a motor vehicle dealer
2448 licensed under chapter 320, except for the transfer of
2449 registrations which includes ~~is inclusive of~~ the annual



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2450 renewals. This subsection does not apply to any vehicle
2451 registered in the name of the lessor. This subsection does not
2452 affect the issuance of the title to a motor vehicle,
2453 notwithstanding s. 319.23(8)(b) ~~s. 319.23(7)(b)~~.

2454 Section 74. Except as otherwise expressly provided in this
2455 act and except for this section, which shall take effect upon
2456 this act becoming a law, this act shall take effect January 1,
2457 2013.

2458
2459 ===== T I T L E A M E N D M E N T =====

2460 And the title is amended as follows:

2461 Delete everything before the enacting clause
2462 and insert:

2463 A bill to be entitled
2464 An act relating to highway safety and motor vehicles;
2465 amending s. 20.24, F.S.; renaming the Office of Motor
2466 Carrier Compliance within the Division of the Florida
2467 Highway Patrol as the "Office of Commercial Vehicle
2468 Enforcement"; amending s. 316.003, F.S.; revising the
2469 definition of the term "motor vehicle" to exclude
2470 swamp buggies; defining the term "swamp buggy";
2471 amending s. 316.0083, F.S.; providing for the
2472 dismissal of a uniform traffic citation for failure to
2473 stop at a red light when the motor vehicle owner is
2474 deceased and an affidavit with specified supporting
2475 documents is filed with the issuing agency; amending
2476 s. 316.1303, F.S.; authorizing a person who is
2477 mobility impaired to use a motorized wheelchair to
2478 temporarily leave the sidewalk and use the roadway



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2479 under certain circumstances; authorizing a law
2480 enforcement officer to issue only a verbal warning to
2481 such person; amending s. 316.183, F.S.; revising a
2482 provision that prohibits a school bus from exceeding
2483 the posted speed limits; amending s. 316.2065, F.S.;
2484 revising safety standard requirements for bicycle
2485 helmets that must be worn by certain riders and
2486 passengers; revising requirements for a bicycle
2487 operator to ride in a bicycle lane or along the curb
2488 or edge of the roadway; providing for enforcement of
2489 requirements for bicycle lighting equipment; providing
2490 penalties for violations; providing for dismissal of
2491 the charge following a first offense under certain
2492 circumstances; amending s. 316.2085, F.S.; requiring
2493 that the license tag of a motorcycle or moped remain
2494 clearly visible from the rear at all times;
2495 prohibiting deliberate acts to conceal or obscure the
2496 license tag; removing a condition requiring an affixed
2497 transponder for a motorcycle or moped license plate
2498 that reads from top to bottom and is affixed
2499 perpendicular to the ground; providing penalties;
2500 amending s. 316.2126, F.S.; authorizing municipalities
2501 to use golf carts and utility vehicles to cross the
2502 State Highway System and operate on sidewalks adjacent
2503 to state highways under certain circumstances;
2504 creating s. 316.2129, F.S.; authorizing the operation
2505 of swamp buggies on a public road, highway, or street
2506 if a local governmental entity has designated the
2507 public road, highway, or street for such use;



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2508 providing that the authorization does not apply to the
2509 State Highway System; authorizing the operation of
2510 swamp buggies on land managed, owned, or leased by a
2511 state or federal agency; amending s. 316.2397, F.S.;
2512 providing an exception to the prohibition against
2513 flashing vehicle lights for motorists who
2514 intermittently flash the vehicle's headlamps at an
2515 oncoming vehicle, regardless of the intent in doing
2516 so, and for persons operating bicycles equipped with
2517 lamps; amending s. 316.302, F.S.; requiring owners or
2518 drivers of commercial motor vehicles that are engaged
2519 in intrastate commerce to be subject to specified
2520 federal rules and regulations as such rules and
2521 regulations existed on a certain date; providing that
2522 certain restrictions on the number of consecutive
2523 hours that a commercial motor vehicle may operate do
2524 not apply to a farm labor vehicle operated during a
2525 state of emergency or during an emergency pertaining
2526 to agriculture; correcting terminology; amending s.
2527 316.3026, F.S., relating to unlawful operation of
2528 motor carriers; conforming provisions to changes made
2529 by the act; amending s. 316.613, F.S., relating to
2530 requirements for the operator of a vehicle to use
2531 child restraints; providing that such provisions do
2532 not apply to certain for-hire vehicles; providing for
2533 the obligation of a parent, guardian, or other person
2534 responsible for a child's welfare to comply with the
2535 requirements; amending s. 316.6135, F.S.; revising the
2536 criteria under which a child may not be left



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2537 unattended in a vehicle; providing penalties; amending
2538 s. 316.614, F.S.; deleting provisions that require
2539 that a law enforcement officer record the race and
2540 ethnicity of a person who is given a citation for not
2541 wearing his or her safety belt; deleting provisions
2542 that require that the Department of Highway Safety and
2543 Motor Vehicles collect such information and provide
2544 reports; amending s. 316.655, F.S.; providing that a
2545 driver convicted of a violation of certain offenses
2546 relating to motor vehicles which resulted in an
2547 accident may have his or her driving privileges
2548 revoked or suspended; amending s. 318.14, F.S.;

2549 authorizing a person who does not hold a commercial
2550 driver license and who is cited for a noncriminal
2551 traffic infraction while driving a noncommercial motor
2552 vehicle to elect to attend a basic driver improvement
2553 course in lieu of a court appearance; authorizing a
2554 person who does not hold a commercial driver license
2555 and who is cited for certain offenses while driving a
2556 noncommercial motor vehicle to elect to enter a plea
2557 of nolo contendere and to provide proof of compliance
2558 in lieu of payment of fine or court appearance;

2559 amending s. 318.15, F.S.; providing that a person
2560 charged with a traffic infraction may request a
2561 hearing within a specified period after the date upon
2562 which the violation occurred; requiring that the clerk
2563 set the case for hearing; providing exceptions to the
2564 time period for requesting a hearing; authorizing the
2565 court to grant a request for a hearing made after the



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2566 time period has expired; amending ss. 318.18 and
2567 318.21, F.S., relating to penalties and disposition of
2568 penalties; conforming cross-references; amending s.
2569 319.14, F.S.; prohibiting the sale or exchange of
2570 custom vehicles or street rod vehicles under certain
2571 conditions; providing definitions; amending s. 319.23,
2572 F.S.; requiring that the application for a certificate
2573 of title, corrected certificate, or assignment or
2574 reassignment be filed within a certain time period
2575 after the consummation of the sale of a mobile home;
2576 authorizing the department to accept a bond and
2577 affidavit if the applicant for a certificate of title
2578 is unable to provide a title that assigns the prior
2579 owner's interest in the motor vehicle; providing
2580 requirements for the bond and the affidavit; providing
2581 that an interested person has a right to recover on
2582 the bond; limiting liability to the amount of the
2583 bond; providing for future expiration of the bond;
2584 amending s. 319.24, F.S.; requiring that the
2585 department electronically transmit a lien to the first
2586 lienholder and notify the first lienholder of any
2587 additional liens if there are one or more lien
2588 encumbrances on a motor vehicle or mobile home;
2589 requiring that subsequent lien satisfactions be
2590 transmitted electronically to the department; amending
2591 s. 319.27, F.S.; requiring that the department
2592 establish and administer an electronic titling
2593 program; requiring the electronic recording of vehicle
2594 title information for new, transferred, and corrected



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2595 certificates of title; requiring that lienholders
2596 electronically transmit liens and lien satisfactions
2597 to the department; providing exceptions; amending s.
2598 319.28, F.S.; providing that a dealer of certain farm
2599 or industrial equipment is not subject to licensure as
2600 a recovery agent or agency under certain conditions;
2601 amending s. 319.30, F.S.; authorizing the department
2602 to adopt rules to implement an electronic system for
2603 issuing salvage certificates of title and certificates
2604 of destruction; amending s. 319.40, F.S.; authorizing
2605 the department to issue an electronic certificate of
2606 title in lieu of printing a paper title and to collect
2607 electronic mail addresses and use electronic mail as a
2608 notification method in lieu of the United States
2609 Postal Service; providing an exception; amending s.
2610 320.01, F.S.; revising the definition of the term
2611 "motor vehicle" to exclude special mobile equipment
2612 and swamp buggies; defining the term "swamp buggy";
2613 amending s. 320.02, F.S.; providing that an active
2614 duty member of the Armed Forces of the United States
2615 is exempt from the requirement to provide an address
2616 on an application for vehicle registration; revising
2617 provisions relating to the registration of a motor
2618 carrier who operates a commercial motor vehicle
2619 without liability insurance, a surety bond, or a valid
2620 self-insurance certificate; providing that the
2621 registration shall be canceled on the expiration date
2622 noted in the cancellation notice that the department
2623 receives from the insurer; requiring that the insurer



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2624 provide notice to the department at the same time the
2625 cancellation notice is provided to the insured;
2626 authorizing the department to adopt rules regarding
2627 the electronic submission of the cancellation notice;
2628 removing a provision that prohibits cancellation of
2629 liability insurance or surety bond on less than 30
2630 days' notice to the department; requiring the
2631 application forms for motor vehicle registration and
2632 renewal of registration to include language permitting
2633 the applicant to make certain voluntary contributions
2634 to specified not-for-profit entities; providing that
2635 such contributions are not income for specified
2636 purposes; requiring that the department retain all
2637 electronic registration records for a specified
2638 period; amending s. 320.03, F.S.; conforming a cross-
2639 reference; amending s. 320.06, F.S.; authorizing the
2640 department to conduct a pilot program to evaluate the
2641 designs, concepts, and technologies for alternative
2642 license plates; requiring that the department
2643 investigate the feasibility and use of alternative
2644 license plate technologies and the long-term cost
2645 impact to the consumer for purposes of the pilot
2646 program; requiring limiting the scope of the pilot
2647 program to license plates that are used on government-
2648 owned motor vehicles; providing an exemption for such
2649 license plates from certain requirements; providing
2650 that license plates issued under ch. 320, F.S., are
2651 the property of the state; amending s. 320.0605, F.S.;
2652 revising provisions relating to a requirement that



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2653 rental or lease documentation be in the possession of
2654 an operator of a motor vehicle; providing specified
2655 information sufficient to satisfy this requirement;
2656 amending s. 320.061, F.S.; prohibiting a person from
2657 altering the original appearance of a temporary
2658 license plate; amending s. 320.07, F.S.; revising
2659 provisions relating to the expiration of a
2660 registration of a motor vehicle or mobile home;
2661 providing that the registration for a motor vehicle or
2662 mobile home whose owner is a natural person expires at
2663 midnight on the owner's birthday; amending s.
2664 320.08056, F.S.; increasing the annual use fee for the
2665 Tampa Bay Estuary license plate; amending s.
2666 320.08058, F.S.; providing that up to 15 percent of
2667 the proceeds from the annual use fees for the Florida
2668 Golf license plate may be used by the Dade Amateur
2669 Golf Association for the administration of the Florida
2670 Junior Golf Program; amending s. 320.08068, F.S.;
2671 revising provisions relating to the use of funds
2672 received from the sale of motorcycle specialty license
2673 plates; deleting a provision that requires that 20
2674 percent of the annual fee collected for such plates be
2675 used to leverage additional funding and new sources of
2676 revenue for the centers for independent living;
2677 amending s. 320.0848, F.S.; revising the requirements
2678 for the deposit of fee proceeds from temporary
2679 disabled parking permits; requiring that certain
2680 proceeds be deposited into the Florida Endowment
2681 Foundation for Vocational Rehabilitation, instead of



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2682 the Florida Governor's Alliance for the Employment of
2683 Disabled Citizens; amending s. 320.089, F.S.;

2684 providing for the issuance of a Combat Infantry Badge
2685 license plate and a Vietnam War Veterans license
2686 plate; providing qualifications and requirements for
2687 the plate; amending s. 320.13, F.S.; authorizing a
2688 dealer of heavy trucks, upon payment of a license tax,
2689 to secure one or more dealer license plates under
2690 certain circumstances; providing that the license
2691 plates may be used for demonstration purposes for a
2692 specified period; requiring that the license plates be
2693 validated on a form prescribed by the department and
2694 be retained in the vehicle being operated; amending s.
2695 320.15, F.S.; providing that an owner of a motor
2696 vehicle or mobile home may apply for a refund of
2697 certain license taxes if the owner renews a
2698 registration during the advanced renewal period and
2699 surrenders the motor vehicle or mobile home license
2700 plate before the end of the renewal period; amending
2701 s. 320.27, F.S.; providing an exemption for salvage
2702 motor vehicle dealers from certain application and
2703 security requirements; amending s. 320.771, F.S.;

2704 revising the definition of the term "dealer"; amending
2705 s. 320.95, F.S.; authorizing the department to collect
2706 electronic mail addresses and use electronic mail for
2707 the purpose of providing renewal notices in lieu of
2708 the United States Postal Service; amending s. 322.04,
2709 F.S.; revising provisions exempting a nonresident from
2710 the requirement to obtain a driver license under



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2711 certain circumstances; amending s. 322.051, F.S.;

2712 revising requirements by which an applicant for an

2713 identification card may prove nonimmigrant

2714 classification; clarifying the validity of an

2715 identification card based on specified documents;

2716 authorizing the department to require additional

2717 documentation to establish the maintenance of, or

2718 efforts to maintain, continuous lawful presence;

2719 providing for the department to waive the fee for

2720 issuing or renewing an identification card to a person

2721 who is homeless; amending s. 322.058, F.S.; conforming

2722 a cross-reference; amending s. 322.065, F.S.; revising

2723 provisions relating to a person whose driver license

2724 has expired for 6 months or less and who drives a

2725 motor vehicle; amending s. 322.07, F.S.; revising

2726 provisions relating to temporary commercial

2727 instruction permits; amending s. 322.08, F.S.;

2728 revising provisions relating to an application for a

2729 driver license or temporary permit; requiring that

2730 applicants prove nonimmigrant classification by

2731 providing certain documentation; authorizing the

2732 department to require additional documentation to

2733 establish the maintenance of, or efforts to maintain,

2734 continuous lawful presence; revising the length of

2735 time a license is valid when issuance is based on

2736 documentation required under specified provisions;

2737 requiring the application forms for an original,

2738 renewal, or replacement driver license to include

2739 language permitting the applicant to make certain



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2740 voluntary contributions to specified not-for-profit
2741 entities; authorizing the department to collect
2742 electronic mail addresses and use electronic mail for
2743 the purpose of providing renewal notices in lieu of
2744 the United States Postal Service; amending s. 322.121,
2745 F.S.; conforming a provision relating to Safe Driver
2746 designation; revising provisions authorizing the
2747 automatic extension of a license for members of the
2748 Armed Forces of the United States or their dependents
2749 while serving on active duty outside the state;
2750 amending s. 322.14, F.S.; deleting a requirement that
2751 a qualified driver license applicant appear in person
2752 for issuance of a color photographic or digital imaged
2753 driver license; creating s. 322.1415, F.S.;

2754 authorizing the department to issue a specialty driver
2755 license or identification card to qualified
2756 applicants; specifying that, at a minimum, the
2757 specialty driver licenses and identification cards
2758 must be available for certain state and independent
2759 universities and professional sports teams and all of
2760 the branches of the Armed Forces of the United States;
2761 requiring that the department approve the design of
2762 each specialty driver license and identification card;
2763 providing for future expiration; amending s. 322.142,
2764 F.S.; providing district medical examiners access to
2765 driver information maintained in the Driver and
2766 Vehicle Information Database for a specified purpose;
2767 creating s. 322.145, F.S.; requiring that the
2768 department implement a system providing for the



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2769 electronic authentication of driver licenses;
2770 providing criteria for a security token for electronic
2771 authenticity; requiring that the department enter into
2772 a contract for implementation of the electronic
2773 authentication; providing contract requirements;
2774 amending s. 322.19, F.S.; providing that certain
2775 persons who have a valid student identification card
2776 are presumed not to have changed their legal residence
2777 or mailing address; amending s. 322.21, F.S.; revising
2778 provisions relating to license fees; prohibiting the
2779 fee for an original or renewal of an enhanced driver
2780 license or identification card from exceeding a
2781 specified amount; requiring that the funds collected
2782 from such fee be deposited into the Highway Safety
2783 Operating Trust Fund; providing that the issuance of
2784 an enhanced driver license or identification card is
2785 optional for certain qualified residents; providing
2786 for the distribution of funds collected from the
2787 specialty driver license and identification card fees;
2788 amending s. 322.251, F.S.; providing that certain
2789 notices of cancellation, suspension, revocation, or
2790 disqualification of a driver license are complete
2791 within a specified period after deposit in the mail;
2792 amending s. 322.27, F.S.; revising the department's
2793 authority to suspend or revoke licenses or
2794 identification cards under certain circumstances;
2795 repealing s. 322.292(5), F.S., relating to private
2796 probation services providers referring probationers to
2797 any DUI program owned in whole or in part by that



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2798 probation services provider or its affiliates;
2799 amending s. 322.53, F.S.; revising an exemption from
2800 the requirement to obtain a commercial driver license
2801 for farmers transporting agricultural products, farm
2802 supplies, or farm machinery under certain
2803 circumstances; providing that such exemption applies
2804 if the vehicle is not used in the operations of a
2805 common or contract motor carrier; amending s. 322.54,
2806 F.S.; requiring that persons who drive a motor vehicle
2807 having a gross vehicle weight rating or gross vehicle
2808 weight of a specified amount or more possess certain
2809 classifications of driver licenses; repealing s.
2810 322.58, F.S., relating to holders of chauffeur
2811 licenses and the classified licensure of commercial
2812 motor vehicle drivers; amending s. 322.59, F.S.;
2813 revising provisions relating to the possession of a
2814 medical examiner's certificate; requiring that the
2815 department disqualify a driver from operating a
2816 commercial motor vehicle if the driver holds a
2817 commercial driver license and fails to comply with the
2818 medical certification requirements; authorizing the
2819 department to issue, under certain circumstances, a
2820 Class E driver license to a person who is disqualified
2821 from operating a commercial motor vehicle; amending s.
2822 322.61, F.S.; revising provisions relating to the
2823 disqualification from operating a commercial motor
2824 vehicle; providing that any holder of a commercial
2825 driver license who is convicted of two violations
2826 committed while operating any motor vehicle is



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2827 permanently disqualified from operating a commercial
2828 motor vehicle; amending s. 323.002, F.S.; providing
2829 that an unauthorized wrecker operator's wrecker, tow
2830 truck, or other motor vehicle used during certain
2831 offenses may be immediately removed and impounded;
2832 requiring that an unauthorized wrecker operator
2833 disclose in writing to the owner or operator of a
2834 motor vehicle certain information; requiring that the
2835 unauthorized wrecker operator also provide a copy of
2836 the disclosure to the owner or operator in the
2837 presence of a law enforcement officer if at the scene
2838 of a motor vehicle accident; authorizing a law
2839 enforcement officer from a local governmental agency
2840 or state law enforcement agency to cause to be removed
2841 and impounded from the scene of a wrecked or disabled
2842 vehicle an unauthorized wrecker, tow truck, or other
2843 motor vehicle; authorizing the authority that caused
2844 the removal and impoundment to assess a cost recovery
2845 fine; requiring a release form; requiring that the
2846 wrecker, tow truck, or other motor vehicle remain
2847 impounded until the fine has been paid; providing the
2848 amounts for the cost recovery fine for first-time and
2849 subsequent violations; requiring that the unauthorized
2850 wrecker operator pay the fees associated with the
2851 removal and storage of the wrecker, tow truck, or
2852 other motor vehicle; amending s. 324.072, F.S.;

2853 prohibiting the department from suspending a
2854 registration of a motor vehicle if the person to whom
2855 the motor vehicle is registered had certain limits on



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2856 the date of the offense that caused the suspension or
2857 revocation; amending s. 324.091, F.S.; revising the
2858 period within which an owner or operator involved in a
2859 crash must furnish evidence of automobile liability
2860 insurance, motor vehicle liability insurance, or
2861 surety bond; amending s. 328.15, F.S.; requiring that
2862 the department establish and administer an electronic
2863 titling program that requires the recording of vessel
2864 title information for new, transferred, and corrected
2865 certificates of title; requiring that lienholders
2866 electronically transmit liens and lien satisfactions
2867 to the department; providing exceptions; amending s.
2868 328.16, F.S.; requiring that the department
2869 electronically transmit a lien to the first lienholder
2870 and notify such lienholder of any additional liens;
2871 requiring that subsequent lien satisfactions be
2872 electronically transmitted to the department; amending
2873 s. 328.30, F.S.; authorizing the department to issue
2874 an electronic certificate of title in lieu of printing
2875 a paper title; authorizing the department to collect
2876 electronic mail addresses and use electronic mail for
2877 the purpose of providing renewal notices in lieu of
2878 the United States Postal Service; amending s. 520.32,
2879 F.S.; providing an exemption to specified licensing
2880 requirements for motor vehicle dealers licensed under
2881 specified provisions; providing for application of the
2882 exemption; amending s. 713.78, F.S.; conforming a
2883 cross-reference; providing effective dates.