

By the Committee on Transportation; and Senator Latvala

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1                                   A bill to be entitled  
2           An act relating to the Department of Highway Safety  
3           and Motor Vehicles; amending s. 20.24, F.S.; renaming  
4           the Office of Motor Carrier Compliance within the  
5           Division of the Florida Highway Patrol as the "Office  
6           of Commercial Vehicle Enforcement"; amending s.  
7           316.003, F.S.; revising the definition of the term  
8           "motor vehicle" to exclude swamp buggies; defining the  
9           term "swamp buggy"; amending s. 316.1303, F.S.;  
10          authorizing a person who is mobility impaired to use a  
11          motorized wheelchair to temporarily leave the sidewalk  
12          and use the roadway under certain circumstances;  
13          authorizing a law enforcement officer to issue only a  
14          verbal warning to such person; amending s. 316.183,  
15          F.S.; revising a provision that prohibits a school bus  
16          from exceeding the posted speed limits; amending s.  
17          316.2065, F.S.; revising safety standard requirements  
18          for bicycle helmets that must be worn by certain  
19          riders and passengers; revising requirements for a  
20          bicycle operator to ride in a bicycle lane or along  
21          the curb or edge of the roadway; providing for  
22          enforcement of requirements for bicycle lighting  
23          equipment; providing penalties for violations;  
24          providing for dismissal of the charge following a  
25          first offense under certain circumstances; amending s.  
26          316.2085, F.S.; requiring that the license tag of a  
27          motorcycle or moped remain clearly visible from the  
28          rear at all times; prohibiting deliberate acts to  
29          conceal or obscure the license tag; providing that

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30 certain license tags may be affixed perpendicularly to  
31 the ground; amending s. 316.2126, F.S.; authorizing  
32 municipalities to use golf carts and utility vehicles  
33 to cross the State Highway System and operate on  
34 sidewalks adjacent to state highways under certain  
35 circumstances; creating s. 316.2129, F.S.; authorizing  
36 the operation of swamp buggies on a public road,  
37 highway, or street if a local governmental entity has  
38 designated the public road, highway, or street for  
39 such use; authorizing the operation of swamp buggies  
40 on land managed, owned, or leased by a state or  
41 federal agency; amending s. 316.2397, F.S.; providing  
42 an exception to the prohibition against flashing  
43 vehicle lights for motorists who intermittently flash  
44 their vehicle's headlamps at an oncoming vehicle,  
45 regardless of their intent in doing so, and for  
46 persons operating bicycles equipped with lamps;  
47 amending s. 316.302, F.S.; providing that certain  
48 restrictions on the number of consecutive hours that a  
49 commercial motor vehicle may operate do not apply to a  
50 farm labor vehicle operated during a state of  
51 emergency or during an emergency pertaining to  
52 agriculture; amending s. 316.3026, F.S.; revising  
53 provisions to rename the Office of Motor Carrier  
54 Compliance within the Division of the Florida Highway  
55 Patrol as the Office of Commercial Vehicle Enforcement  
56 to conform to changes made by the act; amending s.  
57 316.6135, F.S.; revising the criteria under which a  
58 child may not be left unattended in a vehicle;

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59 amending s. 316.614, F.S.; deleting provisions that  
60 require that a law enforcement officer record the race  
61 and ethnicity of a person who is given a citation for  
62 not wearing his or her safety belt; deleting  
63 provisions that require that the Department of Highway  
64 Safety and Motor Vehicles collect such information and  
65 provide reports; amending s. 316.655, F.S.; providing  
66 that drivers convicted of a violation of certain  
67 offenses relating to motor vehicles which resulted in  
68 an accident may have their driving privileges revoked  
69 or suspended; amending s. 318.14, F.S.; authorizing a  
70 person who does not hold a commercial driver license  
71 and who is cited for a noncriminal traffic infraction  
72 while driving a noncommercial motor vehicle to elect  
73 to attend a basic driver improvement course in lieu of  
74 a court appearance; authorizing a person who does not  
75 hold a commercial driver license and who is cited for  
76 certain offenses while driving a noncommercial motor  
77 vehicle to elect to enter a plea of nolo contendere  
78 and to provide proof of compliance in lieu of payment  
79 of fine or court appearance; amending s. 318.15, F.S.;  
80 providing that a person charged with a traffic  
81 infraction may request a hearing within a specified  
82 period after the date upon which the violation  
83 occurred; requiring that the clerk set the case for  
84 hearing; providing exceptions to the time period for  
85 requesting a hearing; authorizing the court to grant a  
86 request for a hearing made more than 180 days after  
87 the date upon which the violation occurred; amending

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88 s. 318.18, F.S.; conforming a cross-reference;  
89 extending the future expiration of provisions relating  
90 to surcharges deposited into the State Agency Law  
91 Enforcement Radio System Trust Fund of the Department  
92 of Management Services; amending s. 318.21, F.S.;  
93 conforming a cross-reference; amending s. 319.14,  
94 F.S.; prohibiting the sale or exchange of custom  
95 vehicles or street rod vehicles under certain  
96 conditions; providing definitions; amending s. 319.23,  
97 F.S.; requiring that the application for a certificate  
98 of title, corrected certificate, or assignment or  
99 reassignment be filed after the consummation of the  
100 sale of a mobile home; authorizing the department to  
101 accept a bond if the applicant for a certificate of  
102 title is unable to provide a title that assigns the  
103 prior owner's interest in the motor vehicle; providing  
104 requirements for the bond and the affidavit; providing  
105 for future expiration of the bond; amending s. 319.24,  
106 F.S.; requiring that the department electronically  
107 transmit a lien to the first lienholder and notify the  
108 first lienholder of any additional liens if there are  
109 one or more lien encumbrances on a motor vehicle or  
110 mobile home; requiring that subsequent lien  
111 satisfactions be transmitted electronically to the  
112 department; amending s. 319.27, F.S.; requiring that  
113 the department establish and administer an electronic  
114 titling program; requiring the electronic recording of  
115 vehicle title information for new, transferred, and  
116 corrected certificates of title; requiring that

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117       lienholders electronically transmit liens and lien  
118       satisfactions to the department; providing exceptions;  
119       amending s. 319.28, F.S.; providing that a dealer of  
120       certain farm or industrial equipment is not subject to  
121       licensure as a recovery agent or agency under certain  
122       conditions; amending s. 319.40, F.S.; authorizing the  
123       department to issue an electronic certificate of title  
124       in lieu of printing a paper title and to collect  
125       electronic mail addresses and use electronic mail as a  
126       notification method in lieu of the United States  
127       Postal Service; providing an exception; amending s.  
128       320.01, F.S.; revising the definition of the term  
129       "motor vehicle" to include special mobile equipment  
130       and swamp buggies; defining the term "swamp buggy";  
131       amending s. 320.02, F.S.; providing that an active  
132       duty member of the Armed Forces of the United States  
133       is exempt from the requirement to provide an address  
134       on an application for vehicle registration; revising  
135       provisions relating to the registration of a motor  
136       carrier who operates a commercial motor vehicle and  
137       the notice of the suspension of such registration;  
138       requiring that the insurer's notice contain  
139       information required by the department and provided in  
140       a format compatible with the data processing  
141       capabilities of the department; authorizing the  
142       department to adopt rules; providing that an insurer  
143       who fails to file the proper documentation with the  
144       department violates the Florida Insurance Code;  
145       providing that the department use the documentation

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146 only for enforcement and regulatory purposes;  
147 requiring that the application form for motor vehicle  
148 registration must provide for the applicant to make a  
149 voluntary contribution to the Florida Association of  
150 Food Banks, Inc., to end hunger; requiring that the  
151 department retain all electronic registration records  
152 for a specified period; amending s. 320.023, F.S.;  
153 requiring that the department develop a bid process  
154 for legislatively authorized voluntary contribution  
155 organizations to be listed on the renewal notices for  
156 vehicle registrations, vessel registrations, and  
157 driver licenses; providing certain requirements for  
158 the bidding process; requiring that the funds  
159 collected by the department through the bidding  
160 process be deposited into the Highway Safety Operating  
161 Trust Fund to offset costs associated with  
162 administering the voluntary contribution program;  
163 requiring that the department refund the fees  
164 collected from voluntary contribution organizations  
165 that are not selected to be listed on the renewal  
166 notices; amending s. 320.03, F.S.; conforming a cross-  
167 reference; amending s. 320.06, F.S.; authorizing the  
168 department to conduct a pilot program to evaluate the  
169 designs, concepts, and technologies for alternative  
170 license plates; requiring that the department  
171 investigate the feasibility and use of alternative  
172 license plate technologies for purposes of the pilot  
173 program; limiting the scope of the pilot program to  
174 license plates that are used on government-owned motor

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175 vehicles; providing an exemption for such license  
176 plates from certain requirements; providing that  
177 license plates issued under ch. 320, F.S., are the  
178 property of the state; amending s. 320.0605, F.S.;  
179 revising provisions relating to a requirement that  
180 rental or lease documentation be in the possession of  
181 an operator of a motor vehicle; providing specified  
182 information sufficient to satisfy this requirement;  
183 amending s. 320.061, F.S.; prohibiting a person from  
184 altering the original appearance of a temporary  
185 license plate; amending s. 320.07, F.S.; revising  
186 provisions relating to the expiration of a  
187 registration of a motor vehicle or mobile home;  
188 providing that the registration for a motor vehicle or  
189 mobile home whose owner is a natural person expires at  
190 midnight on the owner's birthday; amending s.  
191 320.08056, F.S.; increasing the annual use fee for the  
192 Tampa Bay Estuary license plate; amending s.  
193 320.08058, F.S.; requiring that the Harbor Branch  
194 Oceanographic Institution, Inc., distribute a  
195 specified percentage of the remaining fees from the  
196 Aquaculture license plate to the Florida Aquaculture  
197 Association for research and education; amending s.  
198 320.08068, F.S.; revising provisions relating to the  
199 use of funds received from the sale of motorcycle  
200 specialty license plates; deleting a provision that  
201 requires that 20 percent of the annual fee collected  
202 for such plates be used to leverage additional funding  
203 and new sources of revenue for the centers for

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204 independent living; amending s. 320.0848, F.S.;

205 revising the requirements for the deposit of fee

206 proceeds from temporary disabled parking permits;

207 requiring that certain proceeds be deposited into the

208 Florida Endowment Foundation for Vocational

209 Rehabilitation, instead of the Florida Governor's

210 Alliance for the Employment of Disabled Citizens;

211 amending s. 320.089, F.S.; providing for the issuance

212 of a Combat Infantry Badge license plate; providing

213 qualifications and requirements for the plate;

214 providing for the use of proceeds from the sale of the

215 plate; amending s. 320.13, F.S.; authorizing a dealer

216 of heavy trucks, upon payment of a license tax, to

217 secure one or more dealer license plates under certain

218 circumstances; providing that the license plates may

219 be used for demonstration purposes for a specified

220 period; requiring that the license plates be validated

221 on a form prescribed by the department and be retained

222 in the vehicle being operated; amending s. 320.15,

223 F.S.; providing that an owner of a motor vehicle or

224 mobile home may apply for a refund of certain license

225 taxes if the owner renews a registration during the

226 advanced renewal period and surrenders the motor

227 vehicle or mobile home license plate before the end of

228 the renewal period; amending s. 320.27, F.S.;

229 providing an exemption for salvage motor vehicle

230 dealers from certain application and security

231 requirements; amending s. 320.771, F.S.; revising the

232 definition of the term "dealer"; amending s. 320.95,



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233 F.S.; authorizing the department to collect electronic  
234 mail addresses and use electronic mail for the purpose  
235 of providing renewal notices in lieu of the United  
236 States Postal Service; amending s. 322.04, F.S.;  
237 revising provisions exempting a nonresident from the  
238 requirement to obtain a driver license under certain  
239 circumstances; amending s. 322.051, F.S.; revising  
240 requirements by which an applicant for an  
241 identification card may prove nonimmigrant  
242 classification; clarifying the validity of an  
243 identification card based on specified documents;  
244 authorizing the department to require additional  
245 documentation to establish the maintenance of, or  
246 efforts to maintain, continuous lawful presence;  
247 providing for the department to waive the fees for  
248 issuing or renewing an identification card to persons  
249 who present good cause for such waiver; amending s.  
250 322.058, F.S.; conforming a cross-reference; amending  
251 s. 322.065, F.S.; revising provisions relating to a  
252 person whose driver license has expired for 6 months  
253 or less and who drives a motor vehicle; amending s.  
254 322.07, F.S.; revising provisions relating to  
255 temporary commercial instruction permits; amending s.  
256 322.08, F.S.; revising provisions relating to an  
257 application for a driver license or temporary permit;  
258 requiring that applicants prove nonimmigrant  
259 classification by providing certain documentation;  
260 authorizing the department to require additional  
261 documentation to establish the maintenance of, or

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262 efforts to maintain, continuous lawful presence;  
263 authorizing the department to collect electronic mail  
264 addresses and use electronic mail for the purpose of  
265 providing renewal notices in lieu of the United States  
266 Postal Service; amending s. 322.081, F.S.; requiring  
267 that the department develop a bid process for  
268 legislatively authorized voluntary contribution  
269 organizations to be listed on the renewal notices for  
270 vehicle registrations, vessel registrations, and  
271 driver licenses; providing certain requirements for  
272 the bidding process; requiring that the funds  
273 collected by the department through the bidding  
274 process be deposited into the Highway Safety Operating  
275 Trust Fund to offset costs associated with  
276 administering the voluntary contribution program;  
277 requiring that the department refund the fees  
278 collected from voluntary contribution organizations  
279 that are not selected to be listed on the renewal  
280 notices; amending s. 322.121, F.S.; revising  
281 provisions authorizing the automatic extension of a  
282 license for members of the Armed Forces of the United  
283 States or their dependents while serving on active  
284 duty outside the state; amending s. 322.14, F.S.;  
285 deleting a requirement that a qualified driver license  
286 applicant appear in person for issuance of a color  
287 photographic or digital imaged driver license;  
288 creating s. 322.1415, F.S.; authorizing the department  
289 to issue a specialty driver license or identification  
290 card to qualified applicants; specifying that, at a

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291 minimum, the specialty driver licenses and  
292 identification cards must be available for certain  
293 state and independent universities and professional  
294 sports teams and all of the branches of the Armed  
295 Forces of the United States; requiring that the  
296 department approve the design of each specialty driver  
297 license and identification card; providing for future  
298 expiration; creating s. 322.145, F.S.; requiring that  
299 the department implement a system providing for the  
300 electronic authentication of driver licenses;  
301 providing criteria for a security token for electronic  
302 authenticity; requiring that the department enter into  
303 a contract for implementation of the electronic  
304 authentication; providing contract requirements;  
305 amending s. 322.18, F.S.; providing that a person who  
306 has been issued a driver license using certain  
307 documentation as proof of identity is not eligible to  
308 renew the driver license; requiring that such person  
309 obtain an original license; amending s. 322.19, F.S.;  
310 providing that certain persons who have a valid  
311 student identification card are presumed not to have  
312 changed their legal residence or mailing address;  
313 amending s. 322.21, F.S.; revising provisions relating  
314 to license fees; prohibiting the fee for an original  
315 or renewal of an enhanced driver license or  
316 identification card from exceeding a specified amount;  
317 requiring that the funds collected from such fee be  
318 deposited into the Highway Safety Operating Trust  
319 Fund; providing that the issuance of an enhanced

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320 driver license or identification card is optional for  
321 certain qualified residents; providing for the  
322 distribution of funds collected from the specialty  
323 driver license and identification card fees; amending  
324 s. 322.251, F.S.; providing that certain notices of  
325 cancellation, suspension, revocation, or  
326 disqualification of a driver license are complete  
327 within a specified period after deposit in the mail;  
328 amending s. 322.27, F.S.; revising the department's  
329 authority to suspend or revoke licenses or  
330 identification cards under certain circumstances;  
331 amending s. 322.53, F.S.; revising an exemption from  
332 the requirement to obtain a commercial driver license  
333 for farmers transporting agricultural products, farm  
334 supplies, or farm machinery under certain  
335 circumstances; providing that such exemption applies  
336 if the vehicle is not used in the operations of a  
337 common or contract motor carrier; amending s. 322.54,  
338 F.S.; requiring that persons who drive a motor vehicle  
339 having a gross vehicle weight rating or gross vehicle  
340 weight of a specified amount or more possess certain  
341 classifications of driver licenses; repealing s.  
342 322.58, F.S., relating to holders of chauffeur  
343 licenses and the classified licensure of commercial  
344 motor vehicle drivers; amending s. 322.59, F.S.;  
345 revising provisions relating to the possession of a  
346 medical examiner's certificate; requiring that the  
347 department disqualify a driver from operating a  
348 commercial motor vehicle if the driver holds a

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349 commercial driver license and fails to comply with the  
350 medical certification requirements; authorizing the  
351 department to issue, under certain circumstances, a  
352 Class E driver license to a person who is disqualified  
353 from operating a commercial motor vehicle; amending s.  
354 322.61, F.S.; revising provisions relating to the  
355 disqualification from operating a commercial motor  
356 vehicle; providing that any holder of a commercial  
357 driver license who is convicted of two violations  
358 committed while operating any motor vehicle is  
359 permanently disqualified from operating a commercial  
360 motor vehicle; amending s. 323.002, F.S.; providing  
361 that an unauthorized wrecker operator's wrecker, tow  
362 truck, or other motor vehicle used during certain  
363 offenses may be immediately removed and impounded;  
364 requiring that an unauthorized wrecker operator  
365 disclose in writing to the owner or operator of a  
366 motor vehicle certain information; requiring that the  
367 unauthorized wrecker operator also provide a copy of  
368 the disclosure to the owner or operator in the  
369 presence of a law enforcement officer if at the scene  
370 of a motor vehicle accident; authorizing a law  
371 enforcement officer from a local governmental agency  
372 or state law enforcement agency to cause to be removed  
373 and impounded from the scene of a wrecked or disabled  
374 vehicle an unauthorized wrecker, tow truck, or other  
375 motor vehicle; authorizing the authority that caused  
376 the removal and impoundment to assess a cost recovery  
377 fine; requiring a release form; requiring that the

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378 wrecker, tow truck, or other motor vehicle remain  
379 impounded until the fine has been paid; providing the  
380 amounts for the cost recovery fine for first-time and  
381 subsequent violations; requiring that the unauthorized  
382 wrecker operator pay the fees associated with the  
383 removal and storage of the wrecker, tow truck, or  
384 other motor vehicle; amending s. 324.072, F.S.;

385 prohibiting the department from suspending a  
386 registration of a motor vehicle if the person to whom  
387 the motor vehicle is registered had certain limits on  
388 the date of the offense that caused the suspension or  
389 revocation; amending s. 324.091, F.S.; revising the  
390 period within which an owner or operator involved in a  
391 crash must furnish evidence of automobile liability  
392 insurance, motor vehicle liability insurance, or  
393 surety bond; amending s. 328.15, F.S.; requiring that  
394 the department establish and administer an electronic  
395 titling program that requires the recording of vessel  
396 title information for new, transferred, and corrected  
397 certificates of title; requiring that lienholders  
398 electronically transmit liens and lien satisfactions  
399 to the department; providing exceptions; amending s.  
400 328.16, F.S.; requiring that the department  
401 electronically transmit a lien to the first lienholder  
402 and notify such lienholder of any additional liens;  
403 requiring that subsequent lien satisfactions be  
404 electronically transmitted to the department; amending  
405 s. 328.30, F.S.; authorizing the department to issue  
406 an electronic certificate of title in lieu of printing

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407 a paper title; authorizing the department to collect  
408 electronic mail addresses and use electronic mail for  
409 the purpose of providing renewal notices in lieu of  
410 the United States Postal Service; amending s. 713.78,  
411 F.S.; conforming a cross-reference; providing  
412 effective dates.

413

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

415

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

418 20.24 Department of Highway Safety and Motor Vehicles.—  
419 There is created a Department of Highway Safety and Motor  
420 Vehicles.

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

424 Section 2. Subsection (21) of section 316.003, Florida  
425 Statutes, is amended, and subsection (89) is added to that  
426 section, to read:

427 316.003 Definitions.—The following words and phrases, when  
428 used in this chapter, shall have the meanings respectively  
429 ascribed to them in this section, except where the context  
430 otherwise requires:

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

435 (89) SWAMP BUGGY.—A motorized off-road vehicle that is

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436 designed or modified to travel over swampy or varied terrain and  
437 that may use large tires or tracks operated from an elevated  
438 platform. The term does not include any vehicle defined in  
439 chapter 261 or otherwise defined or classified in this chapter.

440 Section 3. Section 316.1303, Florida Statutes, is amended  
441 to read:

442 316.1303 Traffic regulations to assist mobility-impaired  
443 persons.—

444 (1) Whenever a pedestrian who is mobility impaired is in  
445 the process of crossing a public street or highway with the  
446 assistance of and the pedestrian is mobility-impaired (using a  
447 guide dog or service animal designated as such with a visible  
448 means of identification, a walker, a crutch, an orthopedic cane,  
449 or a wheelchair), the driver of a every vehicle approaching the  
450 intersection, as defined in s. 316.003(17), shall bring his or  
451 her vehicle to a full stop before arriving at the such  
452 intersection and, before proceeding, shall take such precautions  
453 as may be necessary to avoid injuring the such pedestrian.

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

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

461 Section 4. Subsection (3) of section 316.183, Florida  
462 Statutes, is amended to read:

463 316.183 Unlawful speed.—

464 (3) A ~~No~~ school bus may not ~~shall~~ exceed the posted speed



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465 ~~limits, not to exceed 55 miles per hour~~ at any time.

466 Section 5. Paragraph (d) of subsection (3) and subsections  
467 (5) and (8) of section 316.2065, Florida Statutes, are amended  
468 to read:

469 316.2065 Bicycle regulations.—

470 (3)

471 (d) A bicycle rider or passenger who is under 16 years of  
472 age must wear a bicycle helmet that is properly fitted and is  
473 fastened securely upon the passenger's head by a strap, and that  
474 meets the federal safety standard for bicycle helmets, final  
475 rule, 16 C.F.R. part 1203. A helmet purchased before October 1,  
476 2012, which meets the standards of the American National  
477 Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the  
478 standards of the Snell Memorial Foundation (1984 Standard for  
479 Protective Headgear for Use in Bicycling), or any other  
480 nationally recognized standards for bicycle helmets adopted by  
481 the department may continue to be worn by a bicycle rider or  
482 passenger until January 1, 2016. As used in this subsection, the  
483 term "passenger" includes a child who is riding in a trailer or  
484 semitrailer attached to a bicycle.

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

491 1. When overtaking and passing another bicycle or vehicle  
492 proceeding in the same direction.

493 2. When preparing for a left turn at an intersection or

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494 into a private road or driveway.

495 3. When reasonably necessary to avoid any condition or  
496 potential conflict, including, but not limited to, a fixed or  
497 moving object, parked or moving vehicle, bicycle, pedestrian,  
498 animal, surface hazard, turn lane, or substandard-width lane,  
499 which ~~that~~ makes it unsafe to continue along the right-hand curb  
500 or edge or within a bicycle lane. For the purposes of this  
501 subsection, a "substandard-width lane" is a lane that is too  
502 narrow for a bicycle and another vehicle to travel safely side  
503 by side within the lane.

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

507 (8) Every bicycle in use between sunset and sunrise shall  
508 be equipped with a lamp on the front exhibiting a white light  
509 visible from a distance of at least 500 feet to the front and a  
510 lamp and reflector on the rear each exhibiting a red light  
511 visible from a distance of 600 feet to the rear. A bicycle or  
512 its rider may be equipped with lights or reflectors in addition  
513 to those required by this section. A law enforcement officer may  
514 issue a bicycle safety brochure and a verbal warning to a  
515 bicycle rider who violates this subsection or may issue a  
516 citation and assess a fine for a pedestrian violation, as  
517 provided in s. 318.18. The court shall dismiss the charge  
518 against a bicycle rider for a first violation of this subsection  
519 upon proof of purchase and installation of the proper lighting  
520 equipment.

521 Section 6. Subsection (3) of section 316.2085, Florida  
522 Statutes, is amended to read:

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523 316.2085 Riding on motorcycles or mopeds.—

524 (3) The license tag of a motorcycle or moped must be  
525 permanently affixed to the vehicle and remain clearly visible  
526 from the rear at all times ~~may not be adjusted or capable of~~  
527 ~~being flipped up. Any deliberate act to conceal or obscure~~ ~~No~~  
528 ~~device for or method of concealing or obscuring~~ the legibility  
529 of the license tag of a motorcycle is prohibited ~~shall be~~  
530 ~~installed or used~~. The license tag of a motorcycle or moped may  
531 be affixed horizontally to the ground so that the numbers and  
532 letters read from left to right. Alternatively, a Florida  
533 license tag for a motorcycle or moped for which the numbers and  
534 letters read from top to bottom may be affixed perpendicularly  
535 to the ground, provided that the registered owner of the  
536 motorcycle or moped maintains a prepaid toll account in good  
537 standing and a transponder associated with the prepaid toll  
538 account is affixed to the motorcycle or moped. A license tag for  
539 a motorcycle or moped issued by another jurisdiction for which  
540 the numbers and letters read from top to bottom may be affixed  
541 perpendicularly to the ground.

542 Section 7. Subsection (1) of section 316.2126, Florida  
543 Statutes, is amended to read:

544 316.2126 Authorized use of golf carts, low-speed vehicles,  
545 and utility vehicles.—

546 (1) In addition to the powers granted by ss. 316.212 and  
547 316.2125, municipalities are authorized to utilize golf carts  
548 and utility vehicles, as defined in s. 320.01, upon any state,  
549 county, or municipal roads located within the corporate limits  
550 of such municipalities, subject to the following conditions:

551 (a) Golf carts and utility vehicles must comply with the

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552 operational and safety requirements in ss. 316.212 and 316.2125,  
553 and with any more restrictive ordinances enacted by the local  
554 governmental entity pursuant to s. 316.212(8), and shall be  
555 operated only by municipal employees for municipal purposes,  
556 including, but not limited to, police patrol, traffic  
557 enforcement, and inspection of public facilities.

558 (b) In addition to the safety equipment required in s.  
559 316.212(6) and any more restrictive safety equipment required by  
560 the local governmental entity pursuant to s. 316.212(8), such  
561 golf carts and utility vehicles must be equipped with sufficient  
562 lighting and turn signal equipment.

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

566 (d) Golf carts and utility vehicles may cross any portion  
567 of the State Highway System having a posted speed limit of 45  
568 miles per hour or less only at an intersection that has an  
569 official traffic control device.

570 (e) Golf carts and utility vehicles may be operated on a  
571 sidewalk adjacent to a state highway only if such golf carts and  
572 utility vehicles yield to pedestrians and if the sidewalk is at  
573 least 5 feet wide.

574 Section 8. Section 316.2129, Florida Statutes, is created  
575 to read:

576 316.2129 Operation of swamp buggies on public roads,  
577 streets, or highways authorized.—

578 (1) The operation of a swamp buggy on a public road,  
579 street, or highway is authorized if a local governmental entity  
580 has designated the public road, street, or highway for use by

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581 swamp buggies. Upon determining that swamp buggies may safely  
582 operate on or cross a public road, street, or highway, the local  
583 governmental entity shall post appropriate signs or otherwise  
584 inform the public that the operation of swamp buggies is  
585 allowed.

586 (2) The operation of a swamp buggy on land managed, owned,  
587 or leased by a state or federal agency is authorized if the  
588 state or federal agency allows the operation of swamp buggies on  
589 such land, including any public road, street, or highway running  
590 through or located within the state or federal land. Upon  
591 determining that swamp buggies may safely operate on or cross a  
592 public road, street, or highway running through or located  
593 within such land, the state or federal agency shall post  
594 appropriate signs or otherwise inform the public that the  
595 operation of swamp buggies is allowed.

596 Section 9. Subsection (7) of section 316.2397, Florida  
597 Statutes, is amended to read:

598 316.2397 Certain lights prohibited; exceptions.—

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

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

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

606 (c) For the lamps authorized under ~~in~~ subsections (1), (2),  
607 (3), (4), and (9), s. 316.2065, or ~~and~~ s. 316.235(5) which may  
608 are ~~permitted to~~ flash.

609 Section 10. Paragraph (c) of subsection (2) of section

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610 316.302, Florida Statutes, is amended to read:

611 316.302 Commercial motor vehicles; safety regulations;  
612 transporters and shippers of hazardous materials; enforcement.-

613 (2)

614 (c) Except as provided in 49 C.F.R. s. 395.1, a person who  
615 operates a commercial motor vehicle solely in intrastate  
616 commerce not transporting any hazardous material in amounts that  
617 require placarding pursuant to 49 C.F.R. part 172 may not drive  
618 after having been on duty more than 70 hours in any period of 7  
619 consecutive days or more than 80 hours in any period of 8  
620 consecutive days if the motor carrier operates every day of the  
621 week. Thirty-four consecutive hours off duty shall constitute  
622 the end of any such period of 7 or 8 consecutive days. This  
623 weekly limit does not apply to a person who operates a  
624 commercial motor vehicle solely within this state while  
625 transporting, during harvest periods, any unprocessed  
626 agricultural products or unprocessed food or fiber that is  
627 subject to seasonal harvesting from place of harvest to the  
628 first place of processing or storage or from place of harvest  
629 directly to market or while transporting livestock, livestock  
630 feed, or farm supplies directly related to growing or harvesting  
631 agricultural products. Upon request of the Department of  
632 Transportation, motor carriers shall furnish time records or  
633 other written verification to that department so that the  
634 Department of Transportation can determine compliance with this  
635 subsection. These time records must be furnished to the  
636 Department of Transportation within 2 days after receipt of that  
637 department's request. Falsification of such information is  
638 subject to a civil penalty not to exceed \$100. The provisions of

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639 this paragraph do not apply to operators of farm labor vehicles  
640 operated during a state of emergency declared by the Governor or  
641 operated pursuant to s. 570.07(21), and do not apply to drivers  
642 of utility service vehicles as defined in 49 C.F.R. s. 395.2.

643 Section 11. Subsection (1) of section 316.3026, Florida  
644 Statutes, is amended to read:

645 316.3026 Unlawful operation of motor carriers.—

646 (1) The Office of Commercial Vehicle Enforcement ~~Motor~~  
647 ~~Carrier Compliance~~ may issue out-of-service orders to motor  
648 carriers, as defined in s. 320.01(33), who, after proper notice,  
649 have failed to pay any penalty or fine assessed by the  
650 department, or its agent, against any owner or motor carrier for  
651 violations of state law, refused to submit to a compliance  
652 review and provide records pursuant to s. 316.302(5) or s.  
653 316.70, or violated safety regulations pursuant to s. 316.302 or  
654 insurance requirements in s. 627.7415. Such out-of-service  
655 orders have the effect of prohibiting the operations of any  
656 motor vehicles owned, leased, or otherwise operated by the motor  
657 carrier upon the roadways of this state, until the violations  
658 have been corrected or penalties have been paid. Out-of-service  
659 orders must be approved by the director of the Division of the  
660 Florida Highway Patrol or his or her designee. An administrative  
661 hearing pursuant to s. 120.569 shall be afforded to motor  
662 carriers subject to such orders.

663 Section 12. Subsection (1) of section 316.6135, Florida  
664 Statutes, is amended to read:

665 316.6135 Leaving children unattended or unsupervised in  
666 motor vehicles; penalty; authority of law enforcement officer.—

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

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

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

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

674 Section 13. Subsection (9) of section 316.614, Florida  
675 Statutes, is amended to read:

676 316.614 Safety belt usage.—

677 (9) ~~By January 1, 2006,~~ Each law enforcement agency in this  
678 state shall adopt departmental policies to prohibit the practice  
679 of racial profiling. ~~When a law enforcement officer issues a~~  
680 ~~citation for a violation of this section, the law enforcement~~  
681 ~~officer must record the race and ethnicity of the violator. All~~  
682 ~~law enforcement agencies must maintain such information and~~  
683 ~~forward the information to the department in a form and manner~~  
684 ~~determined by the department. The department shall collect this~~  
685 ~~information by jurisdiction and annually report the data to the~~  
686 ~~Governor, the President of the Senate, and the Speaker of the~~  
687 ~~House of Representatives. The report must show separate~~  
688 ~~statewide totals for the state's county sheriffs and municipal~~  
689 ~~law enforcement agencies, state law enforcement agencies, and~~  
690 ~~state university law enforcement agencies.~~

691 Section 14. Subsection (2) of section 316.655, Florida  
692 Statutes, is amended to read:

693 316.655 Penalties.—

694 (2) Drivers convicted of a violation of any offense  
695 prohibited by this chapter or any other law of this state  
696 regulating motor vehicles, which resulted in an accident, may



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697 have their driving privileges revoked or suspended by the court  
698 if the court finds such revocation or suspension warranted by  
699 the totality of the circumstances resulting in the conviction  
700 and the need to provide for the maximum safety for all persons  
701 who travel on or who are otherwise affected by the use of the  
702 highways of the state. In determining whether suspension or  
703 revocation is appropriate, the court shall consider all  
704 pertinent factors, including, but not limited to, such factors  
705 as the extent and nature of the driver's violation of this  
706 chapter, the number of persons killed or injured as the result  
707 of the driver's violation of this chapter, and the extent of any  
708 property damage resulting from the driver's violation of this  
709 chapter.

710 Section 15. Subsections (9) and (10) of section 318.14,  
711 Florida Statutes, are amended to read:

712 318.14 Noncriminal traffic infractions; exception;  
713 procedures.—

714 (9) Any person who does not hold a commercial driver  
715 ~~driver's~~ license and who is cited while driving a noncommercial  
716 motor vehicle for an infraction under this section other than a  
717 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the  
718 driver exceeds the posted limit by 30 miles per hour or more, s.  
719 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s.  
720 322.61, or s. 322.62 may, in lieu of a court appearance, elect  
721 to attend in the location of his or her choice within this state  
722 a basic driver improvement course approved by the Department of  
723 Highway Safety and Motor Vehicles. In such a case, adjudication  
724 must be withheld and points, as provided by s. 322.27, may not  
725 be assessed. However, a person may not make an election under

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726 this subsection if the person has made an election under this  
 727 subsection in the preceding 12 months. A person may not make ~~no~~  
 728 more than five elections within his or her lifetime under this  
 729 subsection. The requirement for community service under s.  
 730 318.18(8) is not waived by a plea of nolo contendere or by the  
 731 withholding of adjudication of guilt by a court. If a person  
 732 makes an election to attend a basic driver improvement course  
 733 under this subsection, 18 percent of the civil penalty imposed  
 734 under s. 318.18(3) shall be deposited in the State Courts  
 735 Revenue Trust Fund; however, that portion is not revenue for  
 736 purposes of s. 28.36 and may not be used in establishing the  
 737 budget of the clerk of the court under that section or s. 28.35.

738 (10) (a) Any person who does not hold a commercial driver  
 739 ~~driver's~~ license and who is cited while driving a noncommercial  
 740 motor vehicle for an offense listed under this subsection may,  
 741 in lieu of payment of fine or court appearance, elect to enter a  
 742 plea of nolo contendere and provide proof of compliance to the  
 743 clerk of the court, designated official, or authorized operator  
 744 of a traffic violations bureau. In such case, adjudication shall  
 745 be withheld; however, a person may not make an ~~no~~ election ~~shall~~  
 746 ~~be made~~ under this subsection if the ~~such~~ person has made an  
 747 election under this subsection in the preceding 12 months  
 748 ~~preceding election hereunder~~. ~~A~~ ~~No~~ person may not make more than  
 749 three elections under this subsection. This subsection applies  
 750 to the following offenses:

751 1. Operating a motor vehicle without a valid driver  
 752 ~~driver's~~ license in violation of ~~the provisions of~~ s. 322.03, s.  
 753 322.065, or s. 322.15(1), or operating a motor vehicle with a  
 754 license that has been suspended for failure to appear, failure

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755 to pay civil penalty, or failure to attend a driver improvement  
756 course pursuant to s. 322.291.

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

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

760 4. Operating a motor vehicle with a license that has been  
761 suspended under s. 61.13016 or s. 322.245 for failure to pay  
762 child support or for failure to pay any other financial  
763 obligation as provided in s. 322.245; however, this subparagraph  
764 does not apply if the license has been suspended pursuant to s.  
765 322.245(1).

766 5. Operating a motor vehicle with a license that has been  
767 suspended under s. 322.091 for failure to meet school attendance  
768 requirements.

769 (b) Any person cited for an offense listed in this  
770 subsection shall present proof of compliance before ~~prior to~~ the  
771 scheduled court appearance date. For the purposes of this  
772 subsection, proof of compliance shall consist of a valid,  
773 renewed, or reinstated driver ~~driver's~~ license or registration  
774 certificate and proper proof of maintenance of security as  
775 required by s. 316.646. Notwithstanding waiver of fine, any  
776 person establishing proof of compliance shall be assessed court  
777 costs of \$25, except that a person charged with violation of s.  
778 316.646(1)-(3) may be assessed court costs of \$8. One dollar of  
779 such costs shall be remitted to the Department of Revenue for  
780 deposit into the Child Welfare Training Trust Fund of the  
781 Department of Children and Family Services. One dollar of such  
782 costs shall be distributed to the Department of Juvenile Justice  
783 for deposit into the Juvenile Justice Training Trust Fund.

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784 Fourteen dollars of such costs shall be distributed to the  
785 municipality and \$9 shall be deposited by the clerk of the court  
786 into the fine and forfeiture fund established pursuant to s.  
787 142.01, if the offense was committed within the municipality. If  
788 the offense was committed in an unincorporated area of a county  
789 or if the citation was for a violation of s. 316.646(1)-(3), the  
790 entire amount shall be deposited by the clerk of the court into  
791 the fine and forfeiture fund established pursuant to s. 142.01,  
792 except for the moneys to be deposited into the Child Welfare  
793 Training Trust Fund and the Juvenile Justice Training Trust  
794 Fund. This subsection does ~~shall~~ not be construed to authorize  
795 the operation of a vehicle without a valid driver ~~driver's~~  
796 license, without a valid vehicle tag and registration, or  
797 without the maintenance of required security.

798 Section 16. Paragraph (c) is added to subsection (1) of  
799 section 318.15, Florida Statutes, to read:

800 318.15 Failure to comply with civil penalty or to appear;  
801 penalty.-

802 (1)

803 (c) A person who is charged with a traffic infraction may  
804 request a hearing within 180 days after the date upon which the  
805 violation occurred, regardless of any action taken by the court  
806 or the department to suspend the person's driving privilege, and  
807 upon request, the clerk must set the case for hearing. The  
808 person shall be given a form for requesting that his or her  
809 driving privilege be reinstated. If the 180th day after the date  
810 upon which the violation occurred is a Saturday, Sunday, or  
811 legal holiday, the person who is charged must request a hearing  
812 within 177 days after the date upon which the violation

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813 occurred; however, the court may grant a request for a hearing  
814 made more than 180 days after the date upon which the violation  
815 occurred. This paragraph does not affect the assessment of late  
816 fees as otherwise provided in this chapter.

817 Section 17. Paragraph (f) of subsection (3) and subsection  
818 (17) of section 318.18, Florida Statutes, are amended to read:

819 318.18 Amount of penalties.—The penalties required for a  
820 noncriminal disposition pursuant to s. 318.14 or a criminal  
821 offense listed in s. 318.17 are as follows:

822 (3)

823 (f) If a violation of s. 316.1301 or s. 316.1303(1) ~~s.~~  
824 ~~316.1303~~ results in an injury to the pedestrian or damage to the  
825 property of the pedestrian, an additional fine of up to \$250  
826 shall be paid. This amount must be distributed pursuant to s.  
827 318.21.

828 (17) In addition to any penalties imposed, a surcharge of  
829 \$3 must be paid for all criminal offenses listed in s. 318.17  
830 and for all noncriminal moving traffic violations under chapter  
831 316. Revenue from the surcharge shall be remitted to the  
832 Department of Revenue and deposited quarterly into the State  
833 Agency Law Enforcement Radio System Trust Fund of the Department  
834 of Management Services for the state agency law enforcement  
835 radio system, as described in s. 282.709, and to provide  
836 technical assistance to state agencies and local law enforcement  
837 agencies with their statewide systems of regional law  
838 enforcement communications, as described in s. 282.7101. This  
839 subsection expires July 1, 2021 ~~2012~~. The Department of  
840 Management Services may retain funds sufficient to recover the  
841 costs and expenses incurred for managing, administering, and

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842 overseeing the Statewide Law Enforcement Radio System, and  
843 providing technical assistance to state agencies and local law  
844 enforcement agencies with their statewide systems of regional  
845 law enforcement communications. The Department of Management  
846 Services working in conjunction with the Joint Task Force on  
847 State Agency Law Enforcement Communications shall determine and  
848 direct the purposes for which these funds are used to enhance  
849 and improve the radio system.

850 Section 18. Subsection (5) of section 318.21, Florida  
851 Statutes, is amended to read:

852 318.21 Disposition of civil penalties by county courts.—All  
853 civil penalties received by a county court pursuant to the  
854 provisions of this chapter shall be distributed and paid monthly  
855 as follows:

856 (5) Of the additional fine assessed under s. 318.18(3)(f)  
857 for a violation of s. 316.1303(1) ~~s. 316.1303~~, 60 percent must  
858 be remitted to the Department of Revenue and transmitted monthly  
859 to the Florida Endowment Foundation for Vocational  
860 Rehabilitation, and 40 percent must be distributed pursuant to  
861 subsections (1) and (2).

862 Section 19. Section 319.14, Florida Statutes, is amended to  
863 read:

864 319.14 Sale of motor vehicles registered or used as  
865 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,  
866 ~~and~~ nonconforming vehicles, custom vehicles, or street rod  
867 vehicles.—

868 (1) (a) A ~~No~~ person may not shall knowingly offer for sale,  
869 sell, or exchange any vehicle that has been licensed,  
870 registered, or used as a taxicab, police vehicle, or short-term-

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871 lease vehicle, or a vehicle that has been repurchased by a  
872 manufacturer pursuant to a settlement, determination, or  
873 decision under chapter 681, until the department has stamped in  
874 a conspicuous place on the certificate of title of the vehicle,  
875 or its duplicate, words stating the nature of the previous use  
876 of the vehicle or the title has been stamped "Manufacturer's Buy  
877 Back" to reflect that the vehicle is a nonconforming vehicle. If  
878 the certificate of title or duplicate was not so stamped upon  
879 initial issuance thereof or if, subsequent to initial issuance  
880 of the title, the use of the vehicle is changed to a use  
881 requiring the notation provided for in this section, the owner  
882 or lienholder of the vehicle shall surrender the certificate of  
883 title or duplicate to the department prior to offering the  
884 vehicle for sale, and the department shall stamp the certificate  
885 or duplicate as required herein. When a vehicle has been  
886 repurchased by a manufacturer pursuant to a settlement,  
887 determination, or decision under chapter 681, the title shall be  
888 stamped "Manufacturer's Buy Back" to reflect that the vehicle is  
889 a nonconforming vehicle.

890 (b) A ~~No~~ person may not shall knowingly offer for sale,  
891 sell, or exchange a rebuilt vehicle until the department has  
892 stamped in a conspicuous place on the certificate of title for  
893 the vehicle words stating that the vehicle has been rebuilt or  
894 assembled from parts, or is a kit car, glider kit, replica, ~~or~~  
895 flood vehicle, custom vehicle, or street rod vehicle unless  
896 proper application for a certificate of title for a vehicle that  
897 is rebuilt or assembled from parts, or is a kit car, glider kit,  
898 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle  
899 has been made to the department in accordance with this chapter

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900 and the department has conducted the physical examination of the  
901 vehicle to assure the identity of the vehicle and all major  
902 component parts, as defined in s. 319.30(1), which have been  
903 repaired or replaced. Thereafter, the department shall affix a  
904 decal to the vehicle, in the manner prescribed by the  
905 department, showing the vehicle to be rebuilt.

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

907 1. "Police vehicle" means a motor vehicle owned or leased  
908 by the state or a county or municipality and used in law  
909 enforcement.

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

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

917 c. "Lease vehicle" includes both short-term-lease vehicles  
918 and long-term-lease vehicles.

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

921 4. "Assembled from parts" means a motor vehicle or mobile  
922 home assembled from parts or combined from parts of motor  
923 vehicles or mobile homes, new or used. "Assembled from parts"  
924 does not mean a motor vehicle defined as a "rebuilt vehicle" in  
925 subparagraph 3., which has been declared a total loss pursuant  
926 to s. 319.30.

927 5. "Kit car" means a motor vehicle assembled with a kit  
928 supplied by a manufacturer to rebuild a wrecked or outdated



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929 motor vehicle with a new body kit.

930 6. "Glider kit" means a vehicle assembled with a kit  
931 supplied by a manufacturer to rebuild a wrecked or outdated  
932 truck or truck tractor.

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

935 8. "Flood vehicle" means a motor vehicle or mobile home  
936 that has been declared to be a total loss pursuant to s.  
937 319.30(3)(a) resulting from damage caused by water.

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

941 10. "Settlement" means an agreement entered into between a  
942 manufacturer and a consumer that occurs after a dispute is  
943 submitted to a program, or an informal dispute settlement  
944 procedure established by a manufacturer or is approved for  
945 arbitration before the New Motor Vehicle Arbitration Board as  
946 defined in s. 681.102.

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

948 a. Is 25 years of age or older and of a model year after  
949 1948 or was manufactured to resemble a vehicle that is 25 years  
950 of age or older and of a model year after 1948; and

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

953

954 The model year and year of manufacture that the body of a custom  
955 vehicle resembles is the model year and year of manufacture  
956 listed on the certificate of title, regardless of when the  
957 vehicle was actually manufactured.

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

959 a. Is of a model year of 1948 or older or was manufactured  
960 after 1948 to resemble a vehicle of a model year of 1948 or  
961 older; and

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

964  
965 The model year and year of manufacture that the body of a street  
966 rod resembles is the model year and year of manufacture listed  
967 on the certificate of title, regardless of when the vehicle was  
968 actually manufactured.

969 (2) A ~~No~~ person may not ~~shall~~ knowingly sell, exchange, or  
970 transfer a vehicle referred to in subsection (1) without, before  
971 ~~prior to~~ consummating the sale, exchange, or transfer,  
972 disclosing in writing to the purchaser, customer, or transferee  
973 the fact that the vehicle has previously been titled,  
974 registered, or used as a taxicab, police vehicle, or short-term-  
975 lease vehicle, ~~or~~ is a vehicle that is rebuilt or assembled from  
976 parts, ~~or~~ is a kit car, glider kit, replica, or flood vehicle,  
977 or is a nonconforming vehicle, custom vehicle, or street rod  
978 vehicle, as the case may be.

979 (3) Any person who, with intent to offer for sale or  
980 exchange any vehicle referred to in subsection (1), knowingly or  
981 intentionally advertises, publishes, disseminates, circulates,  
982 or places before the public in any communications medium,  
983 whether directly or indirectly, any offer to sell or exchange  
984 the vehicle shall clearly and precisely state in each such offer  
985 that the vehicle has previously been titled, registered, or used  
986 as a taxicab, police vehicle, or short-term-lease vehicle or

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987 that the vehicle or mobile home is a vehicle that is rebuilt or  
988 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or  
989 flood vehicle, or is a nonconforming vehicle, custom vehicle, or  
990 street rod vehicle, as the case may be. A ~~Any~~ person who  
991 violates this subsection commits a misdemeanor of the second  
992 degree, punishable as provided in s. 775.082 or s. 775.083.

993 (4) If ~~When~~ a certificate of title, including a foreign  
994 certificate, is branded to reflect a condition or prior use of  
995 the titled vehicle, the brand must be noted on the registration  
996 certificate of the vehicle and such brand shall be carried  
997 forward on all subsequent certificates of title and registration  
998 certificates issued for the life of the vehicle.

999 (5) A ~~Any~~ person who knowingly sells, exchanges, or offers  
1000 to sell or exchange a motor vehicle or mobile home contrary to  
1001 ~~the provisions of~~ this section or any officer, agent, or  
1002 employee of a person who knowingly authorizes, directs, aids in,  
1003 or consents to the sale, exchange, or offer to sell or exchange  
1004 a motor vehicle or mobile home contrary to ~~the provisions of~~  
1005 this section commits a misdemeanor of the second degree,  
1006 punishable as provided in s. 775.082 or s. 775.083.

1007 (6) A ~~Any~~ person who removes a rebuilt decal from a rebuilt  
1008 vehicle with the intent to conceal the rebuilt status of the  
1009 vehicle commits a felony of the third degree, punishable as  
1010 provided in s. 775.082, s. 775.083, or s. 775.084.

1011 (7) This section applies to a mobile home, travel trailer,  
1012 camping trailer, truck camper, or fifth-wheel recreation trailer  
1013 only when the ~~such~~ mobile home or vehicle is a rebuilt vehicle  
1014 or is assembled from parts.

1015 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in

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1016 any civil action arising out of a violation of this section if  
1017 the designation of the previous use or condition of the motor  
1018 vehicle is not noted on the certificate of title and  
1019 registration certificate of the vehicle which was received by,  
1020 or delivered to, such person, unless the ~~such~~ person has  
1021 actively concealed the prior use or condition of the vehicle  
1022 from the purchaser.

1023 (9) Subsections (1), (2), and (3) do not apply to the  
1024 transfer of ownership of a motor vehicle after the motor vehicle  
1025 has ceased to be used as a lease vehicle and the ownership has  
1026 been transferred to an owner for private use or to the transfer  
1027 of ownership of a nonconforming vehicle with 36,000 or more  
1028 miles on its odometer, or 34 months whichever is later and the  
1029 ownership has been transferred to an owner for private use. Such  
1030 owner, as shown on the title certificate, may request the  
1031 department to issue a corrected certificate of title that does  
1032 not contain the statement of the previous use of the vehicle as  
1033 a lease vehicle or condition as a nonconforming vehicle.

1034 Section 20. Subsection (6) of section 319.23, Florida  
1035 Statutes, is amended, present subsections (7) through (11) of  
1036 that section are redesignated as subsections (8) through (12),  
1037 respectively, and a new subsection (7) is added to that section,  
1038 to read:

1039 319.23 Application for, and issuance of, certificate of  
1040 title.—

1041 (6) (a) In the case of the sale of a motor vehicle or mobile  
1042 home by a licensed dealer to a general purchaser, the  
1043 certificate of title must be obtained in the name of the  
1044 purchaser by the dealer upon application signed by the

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1045 purchaser, and in each other case the ~~such~~ certificate must be  
1046 obtained by the purchaser. In each case of transfer of a motor  
1047 vehicle or mobile home, the application for a certificate of  
1048 title, a corrected certificate, or an assignment or reassignment  
1049 must be filed within 30 days after the delivery of the motor  
1050 vehicle or after consummation of the sale of the mobile home to  
1051 the purchaser. An applicant must pay a fee of \$20, in addition  
1052 to all other fees and penalties required by law, for failing to  
1053 file such application within the specified time. In the case of  
1054 the sale of a motor vehicle by a licensed motor vehicle dealer  
1055 to a general purchaser who resides in another state or country,  
1056 the dealer is not required to apply for a certificate of title  
1057 for the motor vehicle; however, the dealer must transfer  
1058 ownership and reassign the certificate of title or  
1059 manufacturer's certificate of origin to the purchaser, and the  
1060 purchaser must sign an affidavit, as approved by the department,  
1061 that the purchaser will title and register the motor vehicle in  
1062 another state or country.

1063 (b) If a licensed dealer acquires a motor vehicle or mobile  
1064 home as a trade-in, the dealer must file with the department,  
1065 within 30 days, a notice of sale signed by the seller. The  
1066 department shall update its database for that title record to  
1067 indicate "sold." A licensed dealer need not apply for a  
1068 certificate of title for any motor vehicle or mobile home in  
1069 stock acquired for stock purposes except as provided in s.  
1070 319.225.

1071 (7) If an applicant for a certificate of title is unable to  
1072 provide the department with a certificate of title that assigns  
1073 the prior owner's interest in the motor vehicle, the department

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1074 may accept a bond in the form prescribed by the department,  
1075 along with an affidavit in a form prescribed by the department,  
1076 which includes verification of the vehicle identification number  
1077 and an application for title.

1078 (a) The bond must be:

1079 1. In a form prescribed by the department;

1080 2. Executed by the applicant;

1081 3. Issued by a person authorized to conduct a surety  
1082 business in this state;

1083 4. In an amount equal to two times the value of the vehicle  
1084 as determined by the department; and

1085 5. Conditioned to indemnify all prior owners and  
1086 lienholders and all subsequent purchasers of the vehicle or  
1087 persons who acquire a security interest in the vehicle, and  
1088 their successors in interest, against any expense, loss, or  
1089 damage, including reasonable attorney fees, occurring because of  
1090 the issuance of the certificate of title for the vehicle or for  
1091 a defect in or undisclosed security interest on the right,  
1092 title, or interest of the applicant to the vehicle.

1093 (b) An interested person has a right to recover on the bond  
1094 for a breach of the bond's condition. The aggregate liability of  
1095 the surety to all persons may not exceed the amount of the bond.

1096 (c) A bond under this subsection expires on the third  
1097 anniversary of the date the bond became effective.

1098 (d) The affidavit must:

1099 1. Be in a form prescribed by the department;

1100 2. Include the facts and circumstances under which the  
1101 applicant acquired ownership and possession of the motor  
1102 vehicle;

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1103       3. Disclose that no security interests, liens, or  
1104 encumbrances against the motor vehicle are known to the  
1105 applicant against the motor vehicle; and

1106       4. State that the applicant has the right to have a  
1107 certificate of title issued.

1108       Section 21. Subsection (8) of section 319.24, Florida  
1109 Statutes, is amended to read:

1110       319.24 Issuance in duplicate; delivery; liens and  
1111 encumbrances.—

1112       (8) Notwithstanding any requirements in this section or in  
1113 s. 319.27 indicating that a lien on a motor vehicle or mobile  
1114 home shall be noted on the face of the Florida certificate of  
1115 title, if there are one or more liens or encumbrances on the  
1116 motor vehicle or mobile home, the department shall ~~may~~  
1117 electronically transmit the lien to the first lienholder and  
1118 notify the first lienholder of any additional liens. Subsequent  
1119 lien satisfactions shall ~~may~~ be electronically transmitted to  
1120 the department and must ~~shall~~ include the name and address of  
1121 the person or entity satisfying the lien. When electronic  
1122 transmission of liens and lien satisfactions is ~~are~~ used, the  
1123 issuance of a certificate of title may be waived until the last  
1124 lien is satisfied and a clear certificate of title is issued to  
1125 the owner of the vehicle. In subsequent transfer of ownership of  
1126 the motor vehicle, it shall be presumed that the motor vehicle  
1127 title is subject to a lien as set forth in s. 319.225(6)(a)  
1128 until the title to be issued pursuant to this subsection is  
1129 received by the person or entity satisfying the lien.

1130       Section 22. Subsection (7) is added to section 319.27,  
1131 Florida Statutes, to read:

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1132           319.27 Notice of lien on motor vehicles or mobile homes;  
1133 notation on certificate; recording of lien.-

1134           (7) The department shall establish and administer an  
1135 electronic titling program that requires the electronic  
1136 recording of vehicle title information for new, transferred, and  
1137 corrected certificates of title. Lienholders shall  
1138 electronically transmit liens and lien satisfactions to the  
1139 department in a format determined by the department. Individuals  
1140 and lienholders who the department determines are not normally  
1141 engaged in the business or practice of financing vehicles are  
1142 exempt from the electronic titling requirement.

1143           Section 23. Subsection (3) is added to section 319.28,  
1144 Florida Statutes, to read:

1145           319.28 Transfer of ownership by operation of law.-

1146           (3) A dealer of farm or industrial equipment who conducts a  
1147 repossession, as defined in s. 493.6101(22), of such equipment  
1148 is not subject to licensure as a recovery agent or recovery  
1149 agency if the dealer is regularly engaged in the sale of the  
1150 equipment for a particular manufacturer and the lender is  
1151 affiliated with that manufacturer.

1152           Section 24. Section 319.40, Florida Statutes, is amended to  
1153 read:

1154           319.40 Transactions by electronic or telephonic means.-

1155           (1) The department ~~may~~ ~~is authorized to~~ accept an any  
1156 application provided for under this chapter by electronic or  
1157 telephonic means.

1158           (2) The department may issue an electronic certificate of  
1159 title in lieu of printing a paper title.

1160           (3) The department may collect electronic mail addresses



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1161 and use electronic mail in lieu of the United States Postal  
1162 Service as a method of notification. However, any notice  
1163 regarding the potential forfeiture or foreclosure of an interest  
1164 in property must be sent via the United States Postal Service.

1165 Section 25. Paragraph (a) of subsection (1) of section  
1166 320.01, Florida Statutes, is amended, and subsection (46) is  
1167 added to that section, to read:

1168 320.01 Definitions, general.—As used in the Florida  
1169 Statutes, except as otherwise provided, the term:

1170 (1) "Motor vehicle" means:

1171 (a) An automobile, motorcycle, truck, trailer, semitrailer,  
1172 truck tractor and semitrailer combination, or any other vehicle  
1173 operated on the roads of this state, used to transport persons  
1174 or property, and propelled by power other than muscular power,  
1175 but the term does not include traction engines, road rollers,  
1176 special mobile equipment as defined in s. 316.003(48), such  
1177 vehicles as run only upon a track, bicycles, swamp buggies, or  
1178 mopeds.

1179 (46) "Swamp buggy" means a motorized off-road vehicle that  
1180 is designed or modified to travel over swampy or varied terrain  
1181 and that may use large tires or tracks operated from an elevated  
1182 platform. The term does not include any vehicle defined in  
1183 chapter 261 or otherwise defined or classified in this chapter.

1184 Section 26. Subsection (2) and paragraph (e) of subsection  
1185 (5) of section 320.02, Florida Statutes, are amended, paragraph  
1186 (o) is added to subsection (15) of that section, and subsection  
1187 (18) is added to that section, to read:

1188 320.02 Registration required; application for registration;  
1189 forms.—

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1190 (2) (a) The application for registration shall include the  
1191 street address of the owner's permanent residence or the address  
1192 of his or her permanent place of business and shall be  
1193 accompanied by personal or business identification information  
1194 which may include, but need not be limited to, a driver ~~driver's~~  
1195 license number, Florida identification card number, or federal  
1196 employer identification number. If the owner does not have a  
1197 permanent residence or permanent place of business or if the  
1198 owner's permanent residence or permanent place of business  
1199 cannot be identified by a street address, the application shall  
1200 include:

1201 1. If the vehicle is registered to a business, the name and  
1202 street address of the permanent residence of an owner of the  
1203 business, an officer of the corporation, or an employee who is  
1204 in a supervisory position.

1205 2. If the vehicle is registered to an individual, the name  
1206 and street address of the permanent residence of a close  
1207 relative or friend who is a resident of this state.

1208  
1209 If the vehicle is registered to an active duty member of the  
1210 Armed Forces of the United States who is a Florida resident, the  
1211 active duty member is exempt from the requirement to provide the  
1212 street address of a permanent residence.

1213 (b) The department shall prescribe a form upon which motor  
1214 vehicle owners may record odometer readings when registering  
1215 their motor vehicles.

1216 (5)

1217 (e) Upon the expiration date noted in the cancellation  
1218 policy that the department receives from the insurer, the

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1219 department shall suspend the registration, issued under this  
1220 chapter or s. 207.004(1), of a motor carrier who operates a  
1221 commercial motor vehicle or who permits it to be operated in  
1222 this state during the registration period without having in full  
1223 force ~~and effect~~ liability insurance, a surety bond, or a valid  
1224 self-insurance certificate that complies with ~~the provisions of~~  
1225 this section. The department may cancel the liability insurance  
1226 policy or surety bond no less than 10 days after receiving the  
1227 insurer's ~~may not be canceled on less than 30 days' written~~  
1228 ~~notice by the insurer to the department, such 30 days' notice to~~  
1229 ~~commence from the date notice is received by the department. The~~  
1230 insurer's notice must contain information required by the  
1231 department and must be provided in a format that is compatible  
1232 with the data processing capabilities of the department. The  
1233 department may adopt rules regarding the form and required  
1234 documentation. An insurer who fails to file the proper  
1235 documentation with the department as required in this subsection  
1236 or by rules adopted under this subsection violates the Florida  
1237 Insurance Code. The department shall use the documentation only  
1238 for enforcement and regulatory purposes, including the  
1239 generation of data regarding compliance by owners of motor  
1240 vehicles with the requirements for financial responsibility  
1241 coverage.

1242 (15)

1243 (o) The application form for motor vehicle registration  
1244 must include language permitting a voluntary contribution of \$1  
1245 to the Florida Association of Food Banks, Inc. Such  
1246 contributions shall be distributed by the department each month  
1247 to the Florida Association of Food Banks, Inc., to be used by

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1248 that organization for the purpose of ending hunger in this  
1249 state.

1250

1251 For the purpose of applying the service charge provided in s.  
1252 215.20, contributions received under this subsection are not  
1253 income of a revenue nature.

1254 (18) The department shall retain all electronic  
1255 registration records for at least 10 years.

1256 Section 27. Effective July 1, 2012, subsection (9) is added  
1257 to section 320.023, Florida Statutes, to read:

1258 320.023 Requests to establish voluntary checkoff on motor  
1259 vehicle registration application.-

1260 (9) Notwithstanding ss. 320.02, 320.023(3), and 328.72(11),  
1261 the department shall develop a bid process for legislatively  
1262 authorized voluntary contribution organizations to be listed on  
1263 the renewal notices for vehicle registrations, vessel  
1264 registrations, and driver licenses.

1265 (a) The department shall conduct an open bidding process to  
1266 determine which voluntary contribution organizations may be  
1267 listed on the renewal notices beginning with the 2013 calendar  
1268 year. In September 2012, and each September thereafter, the  
1269 department shall accept bids from legislatively authorized  
1270 organizations that submit requests to be listed on the renewal  
1271 notices during the following calendar year. The department shall  
1272 list a maximum of 20 organizations on the renewal notices. The  
1273 department shall list the organizations that are not listed on  
1274 the renewal notices on its Internet website. Renewal notices  
1275 printed by the department or the tax collector must contain only  
1276 those organizations that request and participate in the bidding

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1277 process and are one of the 20 organizations chosen to be listed  
1278 on the renewal notices.

1279 (b) Funds collected by the department through the bidding  
1280 process shall be deposited into the Highway Safety Operating  
1281 Trust Fund to offset the costs associated with administering the  
1282 voluntary contribution program. The department shall refund the  
1283 fees collected from voluntary contribution organizations that  
1284 are not selected to be listed on the renewal notices.

1285 Section 28. Subsection (8) of section 320.03, Florida  
1286 Statutes, is amended to read:

1287 320.03 Registration; duties of tax collectors;  
1288 International Registration Plan.—

1289 (8) If the applicant's name appears on the list referred to  
1290 in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license  
1291 plate or revalidation sticker may not be issued until that  
1292 person's name no longer appears on the list or until the person  
1293 presents a receipt from the governmental entity or the clerk of  
1294 court that provided the data showing that the fines outstanding  
1295 have been paid. This subsection does not apply to the owner of a  
1296 leased vehicle if the vehicle is registered in the name of the  
1297 lessee of the vehicle. The tax collector and the clerk of the  
1298 court are each entitled to receive monthly, as costs for  
1299 implementing and administering this subsection, 10 percent of  
1300 the civil penalties and fines recovered from such persons. As  
1301 used in this subsection, the term "civil penalties and fines"  
1302 does not include a wrecker operator's lien as described in s.  
1303 713.78(13). If the tax collector has private tag agents, such  
1304 tag agents are entitled to receive a pro rata share of the  
1305 amount paid to the tax collector, based upon the percentage of

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1306 license plates and revalidation stickers issued by the tag agent  
1307 compared to the total issued within the county. The authority of  
1308 any private agent to issue license plates shall be revoked,  
1309 after notice and a hearing as provided in chapter 120, if he or  
1310 she issues any license plate or revalidation sticker contrary to  
1311 the provisions of this subsection. This section applies only to  
1312 the annual renewal in the owner's birth month of a motor vehicle  
1313 registration and does not apply to the transfer of a  
1314 registration of a motor vehicle sold by a motor vehicle dealer  
1315 licensed under this chapter, except for the transfer of  
1316 registrations which includes ~~is inclusive of~~ the annual  
1317 renewals. This section does not affect the issuance of the title  
1318 to a motor vehicle, notwithstanding s. 319.23(8)(b)  
1319 ~~319.23(7)(b)~~.

1320 Section 29. Subsections (5) and (6) are added to section  
1321 320.06, Florida Statutes, to read:

1322 320.06 Registration certificates, license plates, and  
1323 validation stickers generally.—

1324 (5) The department may conduct a pilot program to evaluate  
1325 the designs, concepts, and technologies for alternative license  
1326 plates. For purposes of the pilot program, the department shall  
1327 investigate the feasibility and use of alternative license plate  
1328 technologies. The pilot program shall be limited to license  
1329 plates that are used on government-owned motor vehicles as  
1330 described in s. 320.0655. Such license plates are exempt from  
1331 the requirements in paragraph (3)(a).

1332 (6) All license plates issued pursuant to this chapter are  
1333 the property of the state.

1334 Section 30. Section 320.0605, Florida Statutes, is amended

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1335 to read:

1336 320.0605 Certificate of registration; possession required;  
1337 exception.—

1338 (1) The registration certificate or an official copy  
1339 thereof, a true copy of a rental or lease documentation  
1340 ~~agreement~~ issued for a motor vehicle or issued for a replacement  
1341 vehicle in the same registration period, a temporary receipt  
1342 printed upon self-initiated electronic renewal of a registration  
1343 via the Internet, or a cab card issued for a vehicle registered  
1344 under the International Registration Plan shall, at all times  
1345 while the vehicle is being used or operated on the roads of this  
1346 state, be in the possession of the operator thereof or be  
1347 carried in the vehicle for which issued and shall be exhibited  
1348 upon demand of any authorized law enforcement officer or any  
1349 agent of the department, except for a vehicle registered under  
1350 s. 320.0657. The provisions of this section do not apply during  
1351 the first 30 days after purchase of a replacement vehicle. A  
1352 violation of this section is a noncriminal traffic infraction,  
1353 punishable as a nonmoving violation as provided in chapter 318.

1354 (2) Rental or lease documentation that is sufficient to  
1355 satisfy the requirement in subsection (1) includes the  
1356 following:

1357 (a) Date of rental and time of exit from rental facility;

1358 (b) Rental station identification;

1359 (c) Rental agreement number;

1360 (d) Rental vehicle identification number;

1361 (e) Rental vehicle license plate number and state of  
1362 registration;

1363 (f) Vehicle's make, model, and color;

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- 1364       (g) Vehicle's mileage; and  
1365       (h) Authorized renter's name.

1366       Section 31. Section 320.061, Florida Statutes, is amended  
1367 to read:

1368       320.061 Unlawful to alter motor vehicle registration  
1369 certificates, license plates, temporary license plates, mobile  
1370 home stickers, or validation stickers or to obscure license  
1371 plates; penalty.—A No person may not shall alter the original  
1372 appearance of a vehicle registration certificate, ~~any~~  
1373 ~~registration~~ license plate, temporary license plate, mobile home  
1374 sticker, or validation sticker, ~~or vehicle registration~~  
1375 ~~certificate~~ issued for and assigned to a any motor vehicle or  
1376 mobile home, whether by mutilation, alteration, defacement, or  
1377 change of color or in any other manner. A No person may not  
1378 ~~shall~~ apply or attach a any substance, reflective matter,  
1379 illuminated device, spray, coating, covering, or other material  
1380 onto or around any license plate which ~~that~~ interferes with the  
1381 legibility, angular visibility, or detectability of any feature  
1382 or detail on the license plate or interferes with the ability to  
1383 record any feature or detail on the license plate. A Any person  
1384 who violates this section commits a noncriminal traffic  
1385 infraction, punishable as a moving violation as provided in  
1386 chapter 318.

1387       Section 32. Subsection (1) of section 320.07, Florida  
1388 Statutes, is amended to read:

1389       320.07 Expiration of registration; renewal required;  
1390 penalties.—

1391       (1) The registration of a motor vehicle or mobile home  
1392 expires at midnight on the last day of the registration or



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1393 extended registration period, or for a motor vehicle or mobile  
1394 home owner who is a natural person, at midnight on the owner's  
1395 birthday. A vehicle may ~~shall~~ not be operated on the roads of  
1396 this state after expiration of the renewal period unless the  
1397 registration has been renewed according to law.

1398 Section 33. Paragraph (z) of subsection (4) of section  
1399 320.08056, Florida Statutes, is amended to read:

1400 320.08056 Specialty license plates.—

1401 (4) The following license plate annual use fees shall be  
1402 collected for the appropriate specialty license plates:

1403 (z) Tampa Bay Estuary license plate, \$25 ~~\$15~~.

1404 Section 34. Paragraph (b) of subsection (45) of section  
1405 320.08058, Florida Statutes, is amended to read:

1406 320.08058 Specialty license plates.—

1407 (45) AQUACULTURE LICENSE PLATES.—

1408 (b) The annual use fees shall be distributed to the Harbor  
1409 Branch Oceanographic Institution, Inc. After reimbursement for  
1410 documented costs expended for establishing the license plate,  
1411 the Harbor Branch Oceanographic Institution, Inc., shall use the  
1412 remaining funds for aquaculture research and education programs  
1413 as follows:

1414 1. Ten percent of the funds shall be distributed to the Guy  
1415 Harvey Research Institute of the Nova Southeastern University  
1416 Oceanographic Center to conduct outreach and education regarding  
1417 aquaculture in the state.

1418 2. Up to 15 percent of the funds may be used for  
1419 administrative costs directly associated with the Harbor Branch  
1420 Oceanographic Institution's aquaculture programs and  
1421 administrative costs associated with the Aquaculture license

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1422 plate.

1423 3. Up to 10 percent of the funds may be used for continuing  
1424 promotion and marketing of the license plate.

1425 4. Up to 30 percent of the funds shall be distributed to  
1426 the Florida Aquaculture Association for research and education.

1427 ~~5.4.~~ The remaining funds shall be used to conduct  
1428 scientific research on environmentally responsible and  
1429 sustainable methods of farming freshwater and saltwater  
1430 organisms such as fish, shellfish, and crustaceans for food;  
1431 biomedical species for pharmaceutical and nutraceutical  
1432 compounds; and marine ornamentals for the aquarium trade. These  
1433 funds shall also be used to expand the institution's educational  
1434 programs that include secondary school field experiences,  
1435 college degree programs, and intensive courses in order to  
1436 further the objective of increasing aquaculture's contribution  
1437 to the state's economy.

1438 Section 35. Paragraph (e) of subsection (4) of section  
1439 320.08068, Florida Statutes, is amended to read:

1440 320.08068 Motorcycle specialty license plates.—

1441 (4) A license plate annual use fee of \$20 shall be  
1442 collected for each motorcycle specialty license plate. Annual  
1443 use fees shall be distributed to The Able Trust as custodial  
1444 agent. The Able Trust may retain a maximum of 10 percent of the  
1445 proceeds from the sale of the license plate for administrative  
1446 costs. The Able Trust shall distribute the remaining funds as  
1447 follows:

1448 (e) Twenty percent to the Florida Association of Centers  
1449 for Independent Living ~~to be used to leverage additional funding~~  
1450 ~~and new sources of revenue for the centers for independent~~

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1451 ~~living in this state.~~

1452 Section 36. Subsection (4) of section 320.0848, Florida  
1453 Statutes, is amended to read:

1454 320.0848 Persons who have disabilities; issuance of  
1455 disabled parking permits; temporary permits; permits for certain  
1456 providers of transportation services to persons who have  
1457 disabilities.—

1458 (4) From the proceeds of the temporary disabled parking  
1459 permit fees:

1460 (a) The Department of Highway Safety and Motor Vehicles  
1461 must receive \$3.50 for each temporary permit, to be deposited  
1462 into the Highway Safety Operating Trust Fund and used for  
1463 implementing the real-time disabled parking permit database and  
1464 for administering the disabled parking permit program.

1465 (b) The tax collector, for processing, must receive \$2.50  
1466 for each temporary permit.

1467 (c) The remainder must be distributed monthly as follows:

1468 1. To the Florida Endowment Foundation for Vocational  
1469 Rehabilitation, known as "The Able Trust," ~~Florida Governor's~~  
1470 ~~Alliance for the Employment of Disabled Citizens~~ for the purpose  
1471 of improving employment and training opportunities for persons  
1472 who have disabilities, with special emphasis on removing  
1473 transportation barriers, \$4. These fees must be directly  
1474 deposited into the Florida Endowment Foundation for Vocational  
1475 Rehabilitation as established in s. 413.615 ~~Transportation~~  
1476 ~~Disadvantaged Trust Fund for transfer to the Florida Governor's~~  
1477 ~~Alliance for Employment of Disabled Citizens.~~

1478 2. To the Transportation Disadvantaged Trust Fund to be  
1479 used for funding matching grants to counties for the purpose of

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1480 improving transportation of persons who have disabilities, \$5.

1481 Section 37. Section 320.089, Florida Statutes, is amended  
1482 to read:

1483 320.089 Members of National Guard and active United States  
1484 Armed Forces reservists; former prisoners of war; survivors of  
1485 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi  
1486 Freedom and Operation Enduring Freedom Veterans; Combat Infantry  
1487 Badge recipients; special license plates; fee.—

1488 (1) (a) Each owner or lessee of an automobile or truck for  
1489 private use or recreational vehicle as specified in s.  
1490 320.08(9)(c) or (d), which is not used for hire or commercial  
1491 use, who is a resident of the state and an active or retired  
1492 member of the Florida National Guard, a survivor of the attack  
1493 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an  
1494 active or retired member of any branch of the United States  
1495 Armed Forces Reserve, or a recipient of the Combat Infantry  
1496 Badge shall, upon application to the department, accompanied by  
1497 proof of active membership or retired status in the Florida  
1498 National Guard, proof of membership in the Pearl Harbor  
1499 Survivors Association or proof of active military duty in Pearl  
1500 Harbor on December 7, 1941, proof of being a Purple Heart medal  
1501 recipient, ~~or~~ proof of active or retired membership in any  
1502 branch of the Armed Forces Reserve, or proof of membership in  
1503 the Combat Infantrymen's Association, Inc., or other proof of  
1504 being a recipient of the Combat Infantry Badge, and upon payment  
1505 of the license tax for the vehicle as provided in s. 320.08, be  
1506 issued a license plate as provided by s. 320.06, upon which, in  
1507 lieu of the serial numbers prescribed by s. 320.06, shall be  
1508 stamped the words "National Guard," "Pearl Harbor Survivor,"

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1509 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry  
1510 Badge," as appropriate, followed by the serial number of the  
1511 license plate. Additionally, the Purple Heart plate may have the  
1512 words "Purple Heart" stamped on the plate and the likeness of  
1513 the Purple Heart medal appearing on the plate.

1514 (b) Notwithstanding any other provision of law to the  
1515 contrary, ~~beginning with fiscal year 2002-2003 and annually~~  
1516 ~~thereafter,~~ the first \$100,000 in general revenue generated from  
1517 the sale of license plates issued under this section shall be  
1518 annually deposited into the Grants and Donations Trust Fund, as  
1519 described in s. 296.38(2), to be used for the purposes  
1520 established by law for that trust fund. Any additional general  
1521 revenue generated from the sale of such plates shall be  
1522 deposited into the State Homes for Veterans Trust Fund and used  
1523 solely to construct, operate, and maintain domiciliary and  
1524 nursing homes for veterans, subject to the requirements of  
1525 chapter 216.

1526 (c) Notwithstanding any provisions of law to the contrary,  
1527 an applicant for a Pearl Harbor Survivor license plate or a  
1528 Purple Heart license plate who also qualifies for a disabled  
1529 veteran's license plate under s. 320.084 shall be issued the  
1530 appropriate special license plate without payment of the license  
1531 tax imposed by s. 320.08.

1532 (2) Each owner or lessee of an automobile or truck for  
1533 private use, truck weighing not more than 7,999 pounds, or  
1534 recreational vehicle as specified in s. 320.08(9)(c) or (d),  
1535 which is not used for hire or commercial use, who is a resident  
1536 of the state and who is a former prisoner of war, or their  
1537 unremarried surviving spouse, shall, upon application therefor

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1538 to the department, be issued a license plate as provided in s.  
1539 320.06, on which license plate are stamped the words "Ex-POW"  
1540 followed by the serial number. Each application shall be  
1541 accompanied by proof that the applicant meets the qualifications  
1542 specified in paragraph (a) or paragraph (b).

1543 (a) A citizen of the United States who served as a member  
1544 of the Armed Forces of the United States or the armed forces of  
1545 a nation allied with the United States who was held as a  
1546 prisoner of war at such time as the Armed Forces of the United  
1547 States were engaged in combat, or their unremarried surviving  
1548 spouse, may be issued the special license plate provided for in  
1549 this subsection without payment of the license tax imposed by s.  
1550 320.08.

1551 (b) A person who was serving as a civilian with the consent  
1552 of the United States Government, or a person who was a member of  
1553 the Armed Forces of the United States who was not a United  
1554 States citizen and was held as a prisoner of war when the Armed  
1555 Forces of the United States were engaged in combat, or their  
1556 unremarried surviving spouse, may be issued the special license  
1557 plate provided for in this subsection upon payment of the  
1558 license tax imposed by s. 320.08.

1559 (3) Each owner or lessee of an automobile or truck for  
1560 private use, truck weighing not more than 7,999 pounds, or  
1561 recreational vehicle as specified in s. 320.08(9)(c) or (d),  
1562 which is not used for hire or commercial use, who is a resident  
1563 of this state and who is the unremarried surviving spouse of a  
1564 recipient of the Purple Heart medal shall, upon application  
1565 therefor to the department, with the payment of the required  
1566 fees, be issued a license plate as provided in s. 320.06, on

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1567 which license plate are stamped the words "Purple Heart" and the  
1568 likeness of the Purple Heart medal followed by the serial  
1569 number. Each application shall be accompanied by proof that the  
1570 applicant is the unremarried surviving spouse of a recipient of  
1571 the Purple Heart medal.

1572 (4) The owner or lessee of an automobile or truck for  
1573 private use, a truck weighing not more than 7,999 pounds, or a  
1574 recreational vehicle as specified in s. 320.08(9)(c) or (d)  
1575 which automobile, truck, or recreational vehicle is not used for  
1576 hire or commercial use who is a resident of the state and a  
1577 current or former member of the United States military who was  
1578 deployed and served in Iraq during Operation Iraqi Freedom or in  
1579 Afghanistan during Operation Enduring Freedom shall, upon  
1580 application to the department, accompanied by proof of active  
1581 membership or former active duty status during one of these  
1582 operations, and upon payment of the license tax for the vehicle  
1583 as provided in s. 320.08, be issued a license plate as provided  
1584 by s. 320.06 upon which, in lieu of the registration license  
1585 number prescribed by s. 320.06, shall be stamped the words  
1586 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as  
1587 appropriate, followed by the registration license number of the  
1588 plate.

1589 Section 38. Paragraph (c) is added to subsection (1) of  
1590 section 320.13, Florida Statutes, to read:

1591 320.13 Dealer and manufacturer license plates and  
1592 alternative method of registration.—

1593 (1)

1594 (c) A dealer of heavy trucks as defined in s. 320.01(10),  
1595 upon payment of the license tax imposed by s. 320.08(12), may

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1596 secure one or more dealer license plates that are valid for use  
1597 on vehicles owned by the dealer to whom such plates are issued  
1598 while the heavy trucks are in inventory and for sale and are  
1599 being used only in the state for demonstration purposes. The  
1600 license plates may be used for demonstration purposes for a  
1601 period not to exceed 24 hours. The license plates must be  
1602 validated on a form prescribed by the department and must be  
1603 retained in the vehicle being operated.

1604 Section 39. Section 320.15, Florida Statutes, is amended to  
1605 read:

1606 320.15 Refund of license tax.—Any resident owner of a motor  
1607 vehicle or mobile home that has been destroyed or permanently  
1608 removed from the state shall, upon application to the department  
1609 and surrender of the license plate or mobile home sticker issued  
1610 for such vehicle, be entitled to a credit to apply to  
1611 registration of any other vehicle in the name of the owner, if  
1612 the amount is \$3 or more, for the unexpired period of the  
1613 license. However, if the license plate surrendered is a “for-  
1614 hire” license plate, the amount of credit may not be more than  
1615 one-half of the annual license tax amount. A credit is ~~will~~ not  
1616 ~~be~~ valid after the expiration date of the license plate which is  
1617 current on the date of the credit, as provided in s. 320.07. A  
1618 motor vehicle or mobile home owner who renews a registration  
1619 during the advanced renewal period as provided in s. 320.071 and  
1620 who surrenders the motor vehicle or mobile home license plate  
1621 before the end of the renewal period may apply for a refund of  
1622 the license taxes assessed pursuant to s. 320.08.

1623 Section 40. Subsection (3) of section 320.27, Florida  
1624 Statutes, is amended to read:



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1625           320.27 Motor vehicle dealers.—

1626           (3) APPLICATION AND FEE.—The application for the license

1627 shall be in such form as may be prescribed by the department and

1628 shall be subject to such rules with respect thereto as may be so

1629 prescribed by it. Such application shall be verified by oath or

1630 affirmation and shall contain a full statement of the name and

1631 birth date of the person or persons applying therefor; the name

1632 of the firm or copartnership, with the names and places of

1633 residence of all members thereof, if such applicant is a firm or

1634 copartnership; the names and places of residence of the

1635 principal officers, if the applicant is a body corporate or

1636 other artificial body; the name of the state under whose laws

1637 the corporation is organized; the present and former place or

1638 places of residence of the applicant; and prior business in

1639 which the applicant has been engaged and the location thereof.

1640 Such application shall describe the exact location of the place

1641 of business and shall state whether the place of business is

1642 owned by the applicant and when acquired, or, if leased, a true

1643 copy of the lease shall be attached to the application. The

1644 applicant shall certify that the location provides an adequately

1645 equipped office and is not a residence; that the location

1646 affords sufficient unoccupied space upon and within which

1647 adequately to store all motor vehicles offered and displayed for

1648 sale; and that the location is a suitable place where the

1649 applicant can in good faith carry on such business and keep and

1650 maintain books, records, and files necessary to conduct such

1651 business, which will be available at all reasonable hours to

1652 inspection by the department or any of its inspectors or other

1653 employees. The applicant shall certify that the business of a

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1654 motor vehicle dealer is the principal business which shall be  
1655 conducted at that location. The ~~Such~~ application shall contain a  
1656 statement that the applicant is either franchised by a  
1657 manufacturer of motor vehicles, in which case the name of each  
1658 motor vehicle that the applicant is franchised to sell shall be  
1659 included, or an independent (nonfranchised) motor vehicle  
1660 dealer. The ~~Such~~ application shall contain ~~such~~ other relevant  
1661 information as may be required by the department, including  
1662 evidence that the applicant is insured under a garage liability  
1663 insurance policy or a general liability insurance policy coupled  
1664 with a business automobile policy, which shall include, at a  
1665 minimum, \$25,000 combined single-limit liability coverage  
1666 including bodily injury and property damage protection and  
1667 \$10,000 personal injury protection. However, a salvage motor  
1668 vehicle dealer as defined in subparagraph (1)(c)5. is exempt  
1669 from the requirements for garage liability insurance and  
1670 personal injury protection insurance on those vehicles that  
1671 cannot be legally operated on state roads, highways, or streets.  
1672 Franchise dealers must submit a garage liability insurance  
1673 policy, and all other dealers must submit a garage liability  
1674 insurance policy or a general liability insurance policy coupled  
1675 with a business automobile policy. Such policy shall be for the  
1676 license period, and evidence of a new or continued policy shall  
1677 be delivered to the department at the beginning of each license  
1678 period. Upon making initial application, the applicant shall pay  
1679 to the department a fee of \$300 in addition to any other fees  
1680 now required by law; upon making a subsequent renewal  
1681 application, the applicant shall pay to the department a fee of  
1682 \$75 in addition to any other fees now required by law. Upon

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1683 making an application for a change of location, the person shall  
1684 pay a fee of \$50 in addition to any other fees now required by  
1685 law. The department shall, in the case of every application for  
1686 initial licensure, verify whether certain facts set forth in the  
1687 application are true. Each applicant, general partner in the  
1688 case of a partnership, or corporate officer and director in the  
1689 case of a corporate applicant, must file a set of fingerprints  
1690 with the department for the purpose of determining any prior  
1691 criminal record or any outstanding warrants. The department  
1692 shall submit the fingerprints to the Department of Law  
1693 Enforcement for state processing and forwarding to the Federal  
1694 Bureau of Investigation for federal processing. The actual cost  
1695 of state and federal processing shall be borne by the applicant  
1696 and is in addition to the fee for licensure. The department may  
1697 issue a license to an applicant pending the results of the  
1698 fingerprint investigation, which license is fully revocable if  
1699 the department subsequently determines that any facts set forth  
1700 in the application are not true or correctly represented.

1701 Section 41. Paragraph (a) of subsection (1) of section  
1702 320.771, Florida Statutes, is amended to read:

1703 320.771 License required of recreational vehicle dealers.-

1704 (1) DEFINITIONS.-As used in this section:

1705 (a)1. "Dealer" means any person engaged in the business of  
1706 buying, selling, or dealing in recreational vehicles or offering  
1707 or displaying recreational vehicles for sale. The term "dealer"  
1708 includes a recreational vehicle broker. Any person who buys,  
1709 sells, deals in, or offers or displays for sale, or who acts as  
1710 the agent for the sale of, one or more recreational vehicles in  
1711 any 12-month period shall be prima facie presumed to be a

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1712 dealer. The terms "selling" and "sale" include lease-purchase  
1713 transactions. The term "dealer" does not include banks, credit  
1714 unions, and finance companies that acquire recreational vehicles  
1715 as an incident to their regular business and does not include  
1716 mobile home rental and leasing companies that sell recreational  
1717 vehicles to dealers licensed under this section.

1718 2. A licensed dealer may transact business in recreational  
1719 vehicles with a motor vehicle auction as defined in s.  
1720 320.27(1)(c)4. Further, a licensed dealer may, at retail or  
1721 wholesale, sell a motor vehicle, as described in s.  
1722 320.01(1)(a), acquired in exchange for the sale of a  
1723 recreational vehicle, if the ~~such~~ acquisition is incidental to  
1724 the principal business of being a recreational vehicle dealer.  
1725 However, a recreational vehicle dealer may not buy a motor  
1726 vehicle for the purpose of resale unless licensed as a motor  
1727 vehicle dealer pursuant to s. 320.27. A dealer may apply for a  
1728 certificate of title to a recreational vehicle required to be  
1729 registered under s. 320.08(9), using a manufacturer's statement  
1730 of origin as permitted by s. 319.23(1), only if the dealer is  
1731 authorized by a manufacturer/dealer agreement, as defined in s.  
1732 320.3202, on file with the department, to buy, sell, or deal in  
1733 that particular line-make of recreational vehicle, and the  
1734 dealer is authorized by the manufacturer/dealer agreement to  
1735 perform delivery and preparation obligations and warranty defect  
1736 adjustments on that line-make.

1737 Section 42. Section 320.95, Florida Statutes, is amended to  
1738 read:

1739 320.95 Transactions by electronic or telephonic means.—

1740 (1) The department may ~~is authorized to~~ accept an any

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1741 application provided for under this chapter by electronic or  
1742 telephonic means.

1743 (2) The department may collect electronic mail addresses  
1744 and use electronic mail in lieu of the United States Postal  
1745 Service for the purpose of providing renewal notices.

1746 Section 43. Section 322.04, Florida Statutes, is amended to  
1747 read:

1748 322.04 Persons exempt from obtaining driver ~~driver's~~  
1749 license.—

1750 (1) The following persons are exempt from obtaining a  
1751 driver ~~driver's~~ license:

1752 (a) Any employee of the United States Government, while  
1753 operating a noncommercial motor vehicle owned by or leased to  
1754 the United States Government and being operated on official  
1755 business.

1756 (b) Any person while driving or operating any road machine,  
1757 farm tractor, or implement of husbandry temporarily operated or  
1758 moved on a highway.

1759 (c) A nonresident who is at least 16 years of age ~~and who~~  
1760 ~~has in his or her immediate possession a valid noncommercial~~  
1761 ~~driver's license issued to the nonresident in his or her home~~  
1762 ~~state or country,~~ may operate a motor vehicle of the type for  
1763 which a Class E driver ~~driver's~~ license is required in this  
1764 state if the nonresident has in his or her immediate possession:

1765 1. A valid noncommercial driver license issued in his or  
1766 her name from another state or territory of the United States;  
1767 or

1768 2. An International Driving Permit issued in his or her  
1769 name in his or her country of residence and a valid license

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1770 issued in that country.

1771 ~~(d) A nonresident who is at least 18 years of age and who~~  
1772 ~~has in his or her immediate possession a valid noncommercial~~  
1773 ~~driver's license issued to the nonresident in his or her home~~  
1774 ~~state or country may operate a motor vehicle, other than a~~  
1775 ~~commercial motor vehicle, in this state.~~

1776 (d)~~(e)~~ Any person operating a golf cart, as defined in s.  
1777 320.01, which is operated in accordance with the provisions of  
1778 s. 316.212.

1779 (2) The provisions of this section do not apply to any  
1780 person to whom s. 322.031 applies.

1781 (3) Any person working for a firm under contract to the  
1782 United States Government, whose residence is without this state  
1783 and whose main point of employment is without this state may  
1784 drive a noncommercial vehicle on the public roads of this state  
1785 for periods up to 60 days while in this state on temporary duty,  
1786 provided such person has a valid driver ~~driver's~~ license from  
1787 the state of such person's residence.

1788 Section 44. Paragraph (a) of subsection (1) of section  
1789 322.051, Florida Statutes, is amended, and subsection (9) is  
1790 added to that section, to read:

1791 322.051 Identification cards.—

1792 (1) Any person who is 5 years of age or older, or any  
1793 person who has a disability, regardless of age, who applies for  
1794 a disabled parking permit under s. 320.0848, may be issued an  
1795 identification card by the department upon completion of an  
1796 application and payment of an application fee.

1797 (a) The ~~Each such~~ application must ~~shall~~ include the  
1798 following information regarding the applicant:

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1799 1. Full name (first, middle or maiden, and last), gender,  
1800 proof of social security card number satisfactory to the  
1801 department, county of residence, mailing address, proof of  
1802 residential address satisfactory to the department, country of  
1803 birth, and a brief description.

1804 2. Proof of birth date satisfactory to the department.

1805 3. Proof of identity satisfactory to the department. Such  
1806 proof must include one of the following documents issued to the  
1807 applicant:

1808 a. A driver ~~driver's~~ license record or identification card  
1809 record from another jurisdiction that required the applicant to  
1810 submit a document for identification which is substantially  
1811 similar to a document required under sub-subparagraph b., sub-  
1812 subparagraph c., sub-subparagraph d., sub-subparagraph e., sub-  
1813 subparagraph f., sub-subparagraph g., or sub-subparagraph h.;

1814 b. A certified copy of a United States birth certificate;

1815 c. A valid, unexpired United States passport;

1816 d. A naturalization certificate issued by the United States  
1817 Department of Homeland Security;

1818 e. A valid, unexpired alien registration receipt card  
1819 (green card);

1820 f. A Consular Report of Birth Abroad provided by the United  
1821 States Department of State;

1822 g. An unexpired employment authorization card issued by the  
1823 United States Department of Homeland Security; or

1824 h. Proof of nonimmigrant classification provided by the  
1825 United States Department of Homeland Security, for an original  
1826 identification card. In order to prove ~~such~~ nonimmigrant  
1827 classification, an applicant must provide at least one of

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1828 ~~applicants may produce but are not limited to~~ the following  
1829 documents. In addition, the department may require applicants to  
1830 produce United States Department of Homeland Security documents  
1831 for the sole purpose of establishing the maintenance of, or  
1832 efforts to maintain, continuous lawful presence:

1833 (I) A notice of hearing from an immigration court  
1834 scheduling a hearing on any proceeding.

1835 (II) A notice from the Board of Immigration Appeals  
1836 acknowledging pendency of an appeal.

1837 (III) A notice of the approval of an application for  
1838 adjustment of status issued by the United States Bureau of  
1839 Citizenship and Immigration Services.

1840 (IV) An ~~Any~~ official documentation confirming the filing of  
1841 a petition for asylum or refugee status or any other relief  
1842 issued by the United States Bureau of Citizenship and  
1843 Immigration Services.

1844 (V) A notice of action transferring any pending matter from  
1845 another jurisdiction to Florida, issued by the United States  
1846 Bureau of Citizenship and Immigration Services.

1847 (VI) An order of an immigration judge or immigration  
1848 officer granting ~~any~~ relief that authorizes the alien to live  
1849 and work in the United States, including, but not limited to,  
1850 asylum.

1851 (VII) Evidence that an application is pending for  
1852 adjustment of status to that of an alien lawfully admitted for  
1853 permanent residence in the United States or conditional  
1854 permanent resident status in the United States, if a visa number  
1855 is available having a current priority date for processing by  
1856 the United States Bureau of Citizenship and Immigration



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1857 Services.

1858 (VIII) On or after January 1, 2010, an unexpired foreign  
1859 passport with an unexpired United States Visa affixed,  
1860 accompanied by an approved I-94, documenting the most recent  
1861 admittance into the United States.

1862  
1863 An identification card issued based on documents required  
1864 ~~Presentation of any of the documents described in sub-~~  
1865 ~~subparagraph g. or sub-subparagraph h. is valid entitles the~~  
1866 ~~applicant to an identification card~~ for a period not to exceed  
1867 the expiration date of the document presented or 1 year,  
1868 whichever ~~first~~ occurs first.

1869 (9) Notwithstanding any other provision of this section or  
1870 s. 322.21 to the contrary, the department shall issue or renew a  
1871 card at no charge to a person who presents good cause for a fee  
1872 waiver.

1873 Section 45. Subsection (4) of section 322.058, Florida  
1874 Statutes, is amended to read:

1875 322.058 Suspension of driving privileges due to support  
1876 delinquency; reinstatement.-

1877 (4) This section applies only to the annual renewal in the  
1878 owner's birth month of a motor vehicle registration and does not  
1879 apply to the transfer of a registration of a motor vehicle sold  
1880 by a motor vehicle dealer licensed under chapter 320, except for  
1881 the transfer of registrations which includes ~~is inclusive of~~ the  
1882 annual renewals. This section does not affect the issuance of  
1883 the title to a motor vehicle, notwithstanding s. 319.23(8)(b) ~~s.~~  
1884 ~~319.23(7)(b)~~.

1885 Section 46. Section 322.065, Florida Statutes, is amended

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1886 to read:

1887 322.065 Driver ~~Driver's~~ license expired for 6 4 months or  
1888 less; penalties.-A Any person whose driver ~~driver's~~ license has  
1889 been expired for 6 4 months or less and who drives a motor  
1890 vehicle upon the highways of this state commits ~~is guilty of~~ an  
1891 infraction and is subject to the penalty provided in s. 318.18.

1892 Section 47. Subsection (3) of section 322.07, Florida  
1893 Statutes, is amended to read:

1894 322.07 Instruction permits and temporary licenses.-

1895 (3) Any person who, except for his or her lack of  
1896 instruction in operating a commercial motor vehicle, would  
1897 otherwise be qualified to obtain a commercial driver ~~driver's~~  
1898 license under this chapter, may apply for a temporary commercial  
1899 instruction permit. The department shall issue such a permit  
1900 entitling the applicant, while having the permit in his or her  
1901 immediate possession, to drive a commercial motor vehicle on the  
1902 highways, if ~~provided that~~:

1903 (a) The applicant possesses a valid Florida driver ~~driver's~~  
1904 license ~~issued in any state~~; and

1905 (b) The applicant, while operating a commercial motor  
1906 vehicle, is accompanied by a licensed driver who is 21 years of  
1907 age or older, who is licensed to operate the class of vehicle  
1908 being operated, and who is ~~actually~~ occupying the closest seat  
1909 to the right of the driver.

1910 Section 48. Paragraph (c) of subsection (2) of section  
1911 322.08, Florida Statutes, is amended, and subsection (8) is  
1912 added to that section, to read:

1913 322.08 Application for license; requirements for license  
1914 and identification card forms.-

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1915 (2) Each such application shall include the following  
1916 information regarding the applicant:

1917 (c) Proof of identity satisfactory to the department. Such  
1918 proof must include one of the following documents issued to the  
1919 applicant:

1920 1. A driver ~~driver's~~ license record or identification card  
1921 record from another jurisdiction that required the applicant to  
1922 submit a document for identification which is substantially  
1923 similar to a document required under subparagraph 2.,  
1924 subparagraph 3., subparagraph 4., subparagraph 5., subparagraph  
1925 6., subparagraph 7., or subparagraph 8.;

1926 2. A certified copy of a United States birth certificate;

1927 3. A valid, unexpired United States passport;

1928 4. A naturalization certificate issued by the United States  
1929 Department of Homeland Security;

1930 5. A valid, unexpired alien registration receipt card  
1931 (green card);

1932 6. A Consular Report of Birth Abroad provided by the United  
1933 States Department of State;

1934 7. An unexpired employment authorization card issued by the  
1935 United States Department of Homeland Security; or

1936 8. Proof of nonimmigrant classification provided by the  
1937 United States Department of Homeland Security, for an original  
1938 driver ~~driver's~~ license. In order to prove nonimmigrant  
1939 classification, an applicant must provide at least one of the  
1940 following documents. In addition, the department may require  
1941 applicants to produce United States Department of Homeland  
1942 Security documents for the sole purpose of establishing the  
1943 maintenance of, or efforts to maintain, continuous lawful

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1944 ~~presence may produce the following documents, including, but not~~  
1945 ~~limited to:~~

1946 a. A notice of hearing from an immigration court scheduling  
1947 a hearing on any proceeding.

1948 b. A notice from the Board of Immigration Appeals  
1949 acknowledging pendency of an appeal.

1950 c. A notice of the approval of an application for  
1951 adjustment of status issued by the United States Bureau of  
1952 Citizenship and Immigration Services.

1953 d. An ~~Any~~ official documentation confirming the filing of a  
1954 petition for asylum or refugee status or any other relief issued  
1955 by the United States Bureau of Citizenship and Immigration  
1956 Services.

1957 e. A notice of action transferring any pending matter from  
1958 another jurisdiction to this state issued by the United States  
1959 Bureau of Citizenship and Immigration Services.

1960 f. An order of an immigration judge or immigration officer  
1961 granting a ~~any~~ relief that authorizes the alien to live and work  
1962 in the United States, including, but not limited to, asylum.

1963 g. Evidence that an application is pending for adjustment  
1964 of status to that of an alien lawfully admitted for permanent  
1965 residence in the United States or conditional permanent resident  
1966 status in the United States, if a visa number is available  
1967 having a current priority date for processing by the United  
1968 States Bureau of Citizenship and Immigration Services.

1969 h. On or after January 1, 2010, an unexpired foreign  
1970 passport with an unexpired United States Visa affixed,  
1971 accompanied by an approved I-94, documenting the most recent  
1972 admittance into the United States.

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

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

Section 49. Effective July 1, 2012, section 322.081, Florida Statutes, is amended to read:

322.081 Requests to establish voluntary checkoff on driver ~~driver's~~ license application.—

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

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

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

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

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2002

2003 The information required under this subsection must be submitted  
2004 to the department at least 90 days before the convening of the  
2005 next regular session of the Legislature.

2006 (2) If the voluntary contribution is not approved by the  
2007 Legislature, the application fee must be refunded to the  
2008 requesting organization.

2009 (3) The department must include any voluntary contributions  
2010 approved by the Legislature on the driver ~~driver's~~ license  
2011 application form when the form is reprinted by the agency.

2012 (4) (a) The department must discontinue the voluntary  
2013 contribution if:

2014 1. Less than \$25,000 has been contributed by the end of the  
2015 5th year.

2016 2. Less than \$25,000 is contributed during any subsequent  
2017 5-year period.

2018 (b) The department is authorized to discontinue the  
2019 voluntary contribution and distribution of associated proceeds  
2020 if the organization no longer exists, if the organization has  
2021 stopped providing services that are authorized to be funded from  
2022 the voluntary contributions, or pursuant to an organizational  
2023 recipient's request. Organizations are required to notify the  
2024 department immediately to stop warrants for voluntary check-off  
2025 contribution, if any of the conditions in this subsection exist,  
2026 and must meet the requirements of paragraph (5) (b) or paragraph  
2027 (5) (c), if applicable, for any period of operation during the  
2028 fiscal year.

2029 (5) A voluntary contribution collected and distributed  
2030 under this chapter, or any interest earned from those

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2031 contributions, may not be used for commercial or for-profit  
2032 activities nor for general or administrative expenses, except as  
2033 authorized by law.

2034 (a) All organizations that receive annual use fee proceeds  
2035 from the department are responsible for ensuring that proceeds  
2036 are used in accordance with law.

2037 (b) Any organization not subject to audit pursuant to s.  
2038 215.97 shall annually attest, under penalties of perjury, that  
2039 such proceeds were used in compliance with law. The attestation  
2040 shall be made annually in a form and format determined by the  
2041 department.

2042 (c) Any voluntary contributions authorized by law shall be  
2043 deposited into and distributed from the Motor Vehicle License  
2044 Clearing Trust Fund to the recipients specified in this chapter.

2045 (d) Any organization subject to audit pursuant to s. 215.97  
2046 shall submit an audit report in accordance with rules  
2047 promulgated by the Auditor General. The annual attestation must  
2048 be submitted to the department for review within 9 months after  
2049 the end of the organization's fiscal year.

2050 (6) Within 90 days after receiving an organization's audit  
2051 or attestation, the department shall determine which recipients  
2052 have not complied with subsection (5). If the department  
2053 determines that an organization has not complied or has failed  
2054 to use the revenues in accordance with law, the department must  
2055 discontinue the distribution of the revenues to the organization  
2056 until the department determines that the organization has  
2057 complied. If an organization fails to comply within 12 months  
2058 after the voluntary contributions are withheld by the  
2059 department, the proceeds shall be deposited into the Highway

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2060 Safety Operating Trust Fund to offset department costs.

2061 (7) The department has the authority to examine all records  
2062 pertaining to the use of funds from the voluntary contributions  
2063 authorized.

2064 (8) All organizations seeking to establish a voluntary  
2065 contribution on a driver ~~driver's~~ license application which ~~that~~  
2066 are required to operate under the Solicitation of Contributions  
2067 Act, as provided in chapter 496, must do so before funds may be  
2068 distributed.

2069 (9) Notwithstanding subsection (3) and s. 322.08(7), the  
2070 department shall develop a bid process for legislatively  
2071 authorized voluntary contribution organizations to be listed on  
2072 the renewal notices for vehicle registrations, vessel  
2073 registrations, and driver licenses.

2074 (a) The department shall conduct an open bidding process to  
2075 determine which voluntary contribution organizations may be  
2076 listed on the renewal notices beginning with the 2013 calendar  
2077 year. In September 2012, and each September thereafter, the  
2078 department shall accept bids from legislatively authorized  
2079 organizations that submit requests to be listed on the renewal  
2080 notices during the following calendar year. The department shall  
2081 list a maximum of 20 organizations on the renewal notices. The  
2082 department shall list the organizations that are not listed on  
2083 the renewal notices on its Internet website. Renewal notices  
2084 printed by the department or the tax collector must contain only  
2085 those organizations that request and participate in the bidding  
2086 process and are one of the 20 organizations chosen to be listed  
2087 on the renewal notices.

2088 (b) Funds collected by the department through the bidding



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2089 process shall be deposited into the Highway Safety Operating  
2090 Trust Fund to offset the costs associated with administering the  
2091 voluntary contribution program. The department shall refund the  
2092 fees collected from voluntary contribution organizations that  
2093 are not selected to be listed on the renewal notices.

2094 Section 50. Subsection (5) of section 322.121, Florida  
2095 Statutes, is amended to read:

2096 322.121 Periodic reexamination of all drivers.—

2097 (5) Members of the Armed Forces, or their dependents  
2098 residing with them, shall be granted an automatic extension for  
2099 the expiration of their Class E licenses without reexamination  
2100 while serving on active duty outside this state. This extension  
2101 is valid for 90 days after the member of the Armed Forces is  
2102 either discharged or returns to this state to live.

2103 Section 51. Paragraph (a) of subsection (1) of section  
2104 322.14, Florida Statutes, is amended to read:

2105 322.14 Licenses issued to drivers.—

2106 (1)(a) The department shall, upon successful completion of  
2107 all required examinations and payment of the required fee, issue  
2108 to every qualified applicant ~~qualifying therefor,~~ a driver  
2109 ~~driver's~~ license that must as applied for, ~~which license shall~~  
2110 ~~thereon~~ bear a color photograph or digital image of the  
2111 licensee; the name of the state; a distinguishing number  
2112 assigned to the licensee; and the licensee's full name, date of  
2113 birth, and residence address; a brief description of the  
2114 licensee, including, but not limited to, the licensee's gender  
2115 and height; and the dates of issuance and expiration of the  
2116 license. A space shall be provided upon which the licensee shall  
2117 affix his or her usual signature. A ~~No~~ license is invalid ~~shall~~

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2118 ~~be valid~~ until it has been ~~so~~ signed by the licensee except that  
2119 the signature of the said licensee is not ~~shall not be~~ required  
2120 if it appears thereon in facsimile or if the licensee is not  
2121 present within the state at the time of issuance. ~~Applicants~~  
2122 ~~qualifying to receive a Class A, Class B, or Class C driver's~~  
2123 ~~license must appear in person within the state for issuance of a~~  
2124 ~~color photographic or digital imaged driver's license pursuant~~  
2125 ~~to s. 322.142.~~

2126 Section 52. Section 322.1415, Florida Statutes, is created  
2127 to read:

2128 322.1415 Specialty driver license and identification card  
2129 program.—

2130 (1) The department may issue to any applicant qualified  
2131 pursuant to s. 322.14 a specialty driver license or  
2132 identification card upon payment of the appropriate fee pursuant  
2133 to s. 322.21.

2134 (2) Any specialty driver license or identification card  
2135 approved by the department shall, at a minimum, be available for  
2136 state and independent universities domiciled in this state, all  
2137 Florida professional sports teams designated pursuant to s.  
2138 320.08058(9) (a), and all branches of the United States Armed  
2139 Forces.

2140 (3) The design and use of each specialty driver license and  
2141 identification card must be approved by the department and the  
2142 organization that is recognized by the driver license or card.

2143 (4) Organizations receiving funds from this program shall  
2144 attest, under penalties of perjury, pursuant to s. 320.08062  
2145 that the funds have been expended in the same manner as provided  
2146 in s. 320.08058. On December 1 of each year, the department

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2147 shall deliver an annual report to the President of the Senate  
2148 and the Speaker of the House of Representatives which addresses  
2149 the viability of the program and details the amounts distributed  
2150 to each entity.

2151 (5) This section expires August 31, 2016.

2152 Section 53. Section 322.145, Florida Statutes, is created  
2153 to read:

2154 322.145 Electronic authentication of licenses.-

2155 (1) Any driver license issued on or after July 1, 2013,  
2156 must contain a means of electronic authentication which conforms  
2157 to a recognized standard for such authentication such as public  
2158 key infrastructure, symmetric key algorithms, security tokens,  
2159 mediametrics, or biometrics. The electronic authentication  
2160 capabilities must not interfere with or change the driver  
2161 license format or topology.

2162 (2) The department shall provide, at the applicant's option  
2163 and at the time a license is issued, a security token that can  
2164 be electronically authenticated through a personal computer. The  
2165 token must also conform to one of the standards provided in  
2166 subsection (1).

2167 (3) The department shall negotiate a new contract with the  
2168 vendor selected to implement the electronic authentication  
2169 feature which contains a provision requiring that the vendor pay  
2170 all the costs associated with implementing the system. The  
2171 contract must not conflict with current contractual arrangements  
2172 for the issuance of driver licenses.

2173 Section 54. Paragraph (c) is added to subsection (1) of  
2174 section 322.18, Florida Statutes, to read:

2175 322.18 Original applications, licenses, and renewals;

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2176 expiration of licenses; delinquent licenses.—

2177 (1)

2178 (c) A person who has been issued a driver license based on  
2179 documentation specified in s. 322.08(2)(c)8. as proof of  
2180 identity is not eligible to renew the driver license and must  
2181 obtain an original license.

2182 Section 55. Subsection (2) of section 322.19, Florida  
2183 Statutes, is amended to read:

2184 322.19 Change of address or name.—

2185 (2) Whenever any person, after applying for or receiving a  
2186 driver ~~driver's~~ license, changes the legal residence or mailing  
2187 address in the application or license, the person must, within  
2188 10 calendar days after making the change, obtain a replacement  
2189 license that reflects the change. A written request to the  
2190 department must include the old and new addresses and the driver  
2191 ~~driver's~~ license number. Any person who has a valid, current  
2192 student identification card issued by an educational institution  
2193 in this state is presumed not to have changed his or her legal  
2194 residence or mailing address. This subsection does not affect  
2195 any person required to register a permanent or temporary address  
2196 change pursuant to s. 775.13, s. 775.21, s. 775.25, or s.  
2197 943.0435.

2198 Section 56. Present paragraphs (e) through (h) of  
2199 subsection (1) of section 322.21, Florida Statutes, are  
2200 redesignated as paragraphs (f) through (i), respectively, and  
2201 new paragraphs (e) and (j) are added to that subsection, to  
2202 read:

2203 322.21 License fees; procedure for handling and collecting  
2204 fees.—

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2205 (1) Except as otherwise provided herein, the fee for:  
2206 (e) An original or renewal enhanced driver license or  
2207 identification card that meets the requirements of the Western  
2208 Hemisphere Travel Initiative, in addition to the fees required  
2209 in paragraph (a), paragraph (b), paragraph (c), or paragraph  
2210 (f), may not exceed \$30. The funds collected pursuant to this  
2211 paragraph shall be deposited into the Highway Safety Operating  
2212 Trust Fund to offset the cost of administration and materials  
2213 related to the issuance of the enhanced driver license or  
2214 identification card. The issuance of an enhanced driver license  
2215 or identification card is optional for all residents who are  
2216 otherwise qualified to be issued a Class A, B, C, or E driver  
2217 license or an identification card.

2218 (j) The specialty driver license or identification card  
2219 issued pursuant to s. 322.1415 is \$25, which is in addition to  
2220 other fees required in this section. The fee shall be  
2221 distributed as follows:

2222 1. Fifty percent shall be distributed as provided in s.  
2223 320.08058 to the appropriate state or independent university,  
2224 professional sports team, or branch of the United States Armed  
2225 Forces.

2226 2. Fifty percent shall be distributed to the department for  
2227 costs directly related to the specialty driver license and  
2228 identification card program and to defray the costs associated  
2229 with production enhancements and distribution.

2230 Section 57. Subsection (2) of section 322.251, Florida  
2231 Statutes, is amended to read:

2232 322.251 Notice of cancellation, suspension, revocation, or  
2233 disqualification of license.-

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2234 (2) The giving of notice and an order of cancellation,  
2235 suspension, revocation, or disqualification by mail is complete  
2236 upon expiration of 20 days after deposit in the United States  
2237 mail for all notices except those issued under chapter 324 or  
2238 ss. 627.733-627.734, which are complete 15 days after deposit in  
2239 the United States mail. Proof of the giving of notice and an  
2240 order of cancellation, suspension, revocation, or  
2241 disqualification in either ~~such~~ manner shall be made by entry in  
2242 the records of the department that such notice was given. The  
2243 ~~Such~~ entry is ~~shall be~~ admissible in the courts of this state  
2244 and constitutes ~~shall constitute~~ sufficient proof that such  
2245 notice was given.

2246 Section 58. Section 322.27, Florida Statutes, is amended to  
2247 read:

2248 322.27 Authority of department to suspend or revoke driver  
2249 license or identification card.-

2250 (1) Notwithstanding any provisions to the contrary in  
2251 chapter 120, the department may ~~is hereby authorized to~~ suspend  
2252 the license of any person without preliminary hearing upon a  
2253 showing of its records or other sufficient evidence that the  
2254 licensee:

2255 (a) Has committed an offense for which mandatory revocation  
2256 of license is required upon conviction. A law enforcement agency  
2257 must provide information to the department within 24 hours after  
2258 any traffic fatality or when the law enforcement agency  
2259 initiates action pursuant to s. 316.1933;

2260 (b) Has been convicted of a violation of any traffic law  
2261 which resulted in a crash that caused the death or personal  
2262 injury of another or property damage in excess of \$500;

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- 2263 (c) Is incompetent to drive a motor vehicle;
- 2264 (d) Has permitted an unlawful or fraudulent use of the such  
2265 license or identification card or has knowingly been a party to  
2266 the obtaining of a license or identification card by fraud or  
2267 misrepresentation or to the display, or representation ~~represent~~  
2268 as one's own, of a driver ~~any driver's~~ license or identification  
2269 card not issued him or her. ~~Provided, however, no provision of~~  
2270 This section does not ~~shall be construed to~~ include the  
2271 provisions of s. 322.32(1);
- 2272 (e) Has committed an offense in another state which, if  
2273 committed in this state, would be grounds for suspension or  
2274 revocation; or
- 2275 (f) Has committed a second or subsequent violation of s.  
2276 316.172(1) within a 5-year period of any previous violation.
- 2277 (2) The department shall suspend the license of any person  
2278 without preliminary hearing upon a showing of its records that  
2279 the licensee has been convicted in any court having jurisdiction  
2280 over offenses committed under this chapter or any other law of  
2281 this state regulating the operation of a motor vehicle on the  
2282 highways, upon direction of the court, when the court feels that  
2283 the seriousness of the offense and the circumstances surrounding  
2284 the conviction warrant the suspension of the licensee's driving  
2285 privilege.
- 2286 (3) There is established a point system for evaluation of  
2287 convictions of violations of motor vehicle laws or ordinances,  
2288 and violations of applicable provisions of s. 403.413(6)(b) when  
2289 such violations involve the use of motor vehicles, for the  
2290 determination of the continuing qualification of any person to  
2291 operate a motor vehicle. The department is authorized to suspend

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2292 the license of any person upon showing of its records or other  
2293 good and sufficient evidence that the licensee has been  
2294 convicted of violation of motor vehicle laws or ordinances, or  
2295 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
2296 more points as determined by the point system. The suspension  
2297 shall be for a period of not more than 1 year.

2298 (a) When a licensee accumulates 12 points within a 12-month  
2299 period, the period of suspension shall be for not more than 30  
2300 days.

2301 (b) When a licensee accumulates 18 points, including points  
2302 upon which suspension action is taken under paragraph (a),  
2303 within an 18-month period, the suspension shall be for a period  
2304 of not more than 3 months.

2305 (c) When a licensee accumulates 24 points, including points  
2306 upon which suspension action is taken under paragraphs (a) and  
2307 (b), within a 36-month period, the suspension shall be for a  
2308 period of not more than 1 year.

2309 (d) The point system shall have as its basic element a  
2310 graduated scale of points assigning relative values to  
2311 convictions of the following violations:

- 2312 1. Reckless driving, willful and wanton—4 points.
- 2313 2. Leaving the scene of a crash resulting in property  
2314 damage of more than \$50—6 points.
- 2315 3. Unlawful speed resulting in a crash—6 points.
- 2316 4. Passing a stopped school bus—4 points.
- 2317 5. Unlawful speed:
  - 2318 a. Not in excess of 15 miles per hour of lawful or posted  
2319 speed—3 points.
  - 2320 b. In excess of 15 miles per hour of lawful or posted



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2321 speed-4 points.

2322         6. A violation of a traffic control signal device as  
2323 provided in s. 316.074(1) or s. 316.075(1)(c)1.-4 points.  
2324 However, no points shall be imposed for a violation of s.  
2325 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
2326 stop at a traffic signal and when enforced by a traffic  
2327 infraction enforcement officer. In addition, a violation of s.  
2328 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
2329 stop at a traffic signal and when enforced by a traffic  
2330 infraction enforcement officer may not be used for purposes of  
2331 setting motor vehicle insurance rates.

2332         7. All other moving violations (including parking on a  
2333 highway outside the limits of a municipality)-3 points. However,  
2334 no points shall be imposed for a violation of s. 316.0741 or s.  
2335 316.2065(12); and points shall be imposed for a violation of s.  
2336 316.1001 only when imposed by the court after a hearing pursuant  
2337 to s. 318.14(5).

2338         8. Any moving violation covered above, excluding unlawful  
2339 speed, resulting in a crash-4 points.

2340         9. Any conviction under s. 403.413(6)(b)-3 points.

2341         10. Any conviction under s. 316.0775(2)-4 points.

2342         (e) A conviction in another state of a violation therein  
2343 which, if committed in this state, would be a violation of the  
2344 traffic laws of this state, or a conviction of an offense under  
2345 any federal law substantially conforming to the traffic laws of  
2346 this state, except a violation of s. 322.26, may be recorded  
2347 against a driver on the basis of the same number of points  
2348 received had the conviction been made in a court of this state.

2349         (f) In computing the total number of points, when the

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2350 licensee reaches the danger zone, the department is authorized  
2351 to send the licensee a warning letter advising that any further  
2352 convictions may result in suspension of his or her driving  
2353 privilege.

2354 (g) The department shall administer and enforce the  
2355 provisions of this law and may make rules and regulations  
2356 necessary for its administration.

2357 (h) Three points shall be deducted from the driver history  
2358 record of any person whose driving privilege has been suspended  
2359 only once pursuant to this subsection and has been reinstated,  
2360 if such person has complied with all other requirements of this  
2361 chapter.

2362 (i) This subsection does ~~shall~~ not apply to persons  
2363 operating a nonmotorized vehicle for which a driver ~~driver's~~  
2364 license is not required.

2365 (4) The department, in computing the points and period of  
2366 time for suspensions under this section, shall use the offense  
2367 date of all convictions.

2368 (5) The department shall revoke the license of any person  
2369 designated a habitual offender, as set forth in s. 322.264, and  
2370 such person is ~~shall~~ not ~~be~~ eligible to be relicensed for a  
2371 minimum of 5 years from the date of revocation, except as  
2372 provided for in s. 322.271. Any person whose license is revoked  
2373 may, by petition to the department, show cause why his or her  
2374 license should not be revoked.

2375 (6) The department shall revoke the driving privilege of  
2376 any person who is convicted of a felony for the possession of a  
2377 controlled substance if, at the time of such possession, the  
2378 person was driving or in actual physical control of a motor

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2379 vehicle. A person whose driving privilege has been revoked  
2380 pursuant to this subsection is ~~shall~~ not be eligible to receive  
2381 a limited business or employment purpose license during the term  
2382 of such revocation.

2383 (7) Review of an order of suspension or revocation shall be  
2384 by writ of certiorari as provided in s. 322.31.

2385 Section 59. Subsection (2) of section 322.53, Florida  
2386 Statutes, is amended to read:

2387 322.53 License required; exemptions.—

2388 (2) The following persons are exempt from the requirement  
2389 to obtain a commercial driver ~~driver's~~ license:

2390 (a) Drivers of authorized emergency vehicles.

2391 (b) Military personnel driving vehicles operated for  
2392 military purposes.

2393 (c) Farmers transporting agricultural products, farm  
2394 supplies, or farm machinery to or from their farms and within  
2395 150 miles of their farms farm, if the vehicle operated under  
2396 this exemption is not used in the operations of a common or  
2397 contract motor carrier ~~or transporting agricultural products to~~  
2398 ~~or from the first place of storage or processing or directly to~~  
2399 ~~or from market, within 150 miles of their farm.~~

2400 (d) Drivers of recreational vehicles, as defined in s.  
2401 320.01.

2402 (e) Drivers who operate straight trucks, as defined in s.  
2403 316.003, and who ~~that~~ are ~~exclusively~~ exclusively  
2404 their own tangible personal property, which is not for sale.

2405 (f) Employees ~~An employee~~ of a publicly owned transit  
2406 system who are ~~is~~ limited to moving vehicles for maintenance or  
2407 parking purposes exclusively within the restricted-access

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2408 confines of a transit system's property.

2409 Section 60. Subsection (2) of section 322.54, Florida  
2410 Statutes, is amended to read:

2411 322.54 Classification.—

2412 (2) The department shall issue, pursuant to the  
2413 requirements of this chapter, driver ~~drivers'~~ licenses in  
2414 accordance with the following classifications:

2415 (a) Any person who drives a motor vehicle combination  
2416 having a gross vehicle weight rating or gross vehicle weight of  
2417 26,001 pounds or more must possess a valid Class A driver  
2418 ~~driver's~~ license, if provided the gross vehicle weight rating or  
2419 gross vehicle weight of the vehicle being towed is more than  
2420 10,000 pounds. Any person who possesses a valid Class A driver  
2421 ~~driver's~~ license may, subject to the appropriate restrictions  
2422 and endorsements, drive any class of motor vehicle within this  
2423 state.

2424 (b) Any person, except a person who possesses a valid Class  
2425 A driver ~~driver's~~ license, who drives a motor vehicle having a  
2426 gross vehicle weight rating or gross vehicle weight of 26,001  
2427 pounds or more must possess a valid Class B driver ~~driver's~~  
2428 license. Any person, except a person who possesses a valid Class  
2429 A driver ~~driver's~~ license, who drives such vehicle towing a  
2430 vehicle having a gross vehicle weight rating of 10,000 pounds or  
2431 less must possess a valid Class B driver ~~driver's~~ license. Any  
2432 person who possesses a valid Class B driver ~~driver's~~ license  
2433 may, subject to the appropriate restrictions and endorsements,  
2434 drive any class of motor vehicle, other than the type of motor  
2435 vehicle for which a Class A driver ~~driver's~~ license is required,  
2436 within this state.

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2437 (c) Any person, except a person who possesses a valid Class  
2438 A or a valid Class B driver ~~driver's~~ license, who drives a motor  
2439 vehicle having a gross vehicle weight rating of less than 26,001  
2440 pounds and who is required to obtain an endorsement pursuant to  
2441 paragraph (1)(b), paragraph (1)(c), or paragraph (1)(e) of s.  
2442 322.57, must possess a valid Class C driver ~~driver's~~ license.  
2443 Any person who possesses a valid Class C driver ~~driver's~~ license  
2444 may, subject to the appropriate restrictions and endorsements,  
2445 drive any class of motor vehicle, other than the type of motor  
2446 vehicle for which a Class A or a Class B driver ~~driver's~~ license  
2447 is required, within this state.

2448 (d) Any person, except a person who possesses a valid Class  
2449 A, valid Class B, or valid Class C driver ~~driver's~~ license, who  
2450 drives a motor vehicle must possess a valid Class E driver  
2451 ~~driver's~~ license. Any person who possesses a valid Class E  
2452 driver ~~driver's~~ license may, subject to the appropriate  
2453 restrictions and endorsements, drive any type of motor vehicle,  
2454 other than the type of motor vehicle for which a Class A, Class  
2455 B, or Class C driver ~~driver's~~ license is required, within this  
2456 state.

2457 Section 61. Section 322.58, Florida Statutes, is repealed.

2458 Section 62. Section 322.59, Florida Statutes, is amended to  
2459 read:

2460 322.59 Possession of medical examiner's certificate.—

2461 (1) The department may ~~shall~~ not issue a commercial driver  
2462 ~~driver's~~ license to a ~~any~~ person who is required by the laws of  
2463 this state or by federal law to possess a medical examiner's  
2464 certificate, unless the ~~such~~ person presents a valid  
2465 certificate, as described in 49 C.F.R. s. 383.71, before ~~prior~~

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2466 ~~to~~ licensure.

2467       (2) The department shall disqualify a driver from operating  
2468 a commercial motor vehicle if the driver holds a commercial  
2469 driver license and fails to comply with the medical  
2470 certification requirements in 49 C.F.R. s. 383.71 ~~This section~~  
2471 ~~does not expand the requirements as to who must possess a~~  
2472 ~~medical examiner's certificate.~~

2473       (3) A person who is disqualified from operating a  
2474 commercial motor vehicle under this section may, if otherwise  
2475 qualified, be issued a Class E driver license pursuant to s.  
2476 322.251.

2477       Section 63. Subsection (5) of section 322.61, Florida  
2478 Statutes, is amended to read:

2479       322.61 Disqualification from operating a commercial motor  
2480 vehicle.-

2481       (5) A ~~Any~~ person who is convicted of two violations  
2482 specified in subsection (3) which were committed while operating  
2483 a commercial motor vehicle, or any combination thereof, arising  
2484 in separate incidents shall be permanently disqualified from  
2485 operating a commercial motor vehicle. A ~~Any~~ holder of a  
2486 commercial driver ~~driver's~~ license who is convicted of two  
2487 violations specified in subsection (3) which were committed  
2488 while operating a ~~noncommercial~~ motor vehicle, ~~or any~~  
2489 ~~combination thereof~~, arising in separate incidents shall be  
2490 permanently disqualified from operating a commercial motor  
2491 vehicle. The penalty provided in this subsection is in addition  
2492 to any other applicable penalty.

2493       Section 64. Section 323.002, Florida Statutes, is amended  
2494 to read:

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2495           323.002 County and municipal wrecker operator systems;  
2496 penalties for operation outside of system.-

2497           (1) As used in this section, the term:

2498           (a) "Authorized wrecker operator" means any wrecker  
2499 operator who has been designated as part of the wrecker operator  
2500 system established by the governmental unit having jurisdiction  
2501 over the scene of a wrecked or disabled vehicle.

2502           (b) "Unauthorized wrecker operator" means any wrecker  
2503 operator who has not been designated as part of the wrecker  
2504 operator system established by the governmental unit having  
2505 jurisdiction over the scene of a wrecked or disabled vehicle.

2506           (c) "Wrecker operator system" means a system for the towing  
2507 or removal of wrecked, disabled, or abandoned vehicles, similar  
2508 to the Florida Highway Patrol wrecker operator system described  
2509 in s. 321.051(2), under which a county or municipality contracts  
2510 with one or more wrecker operators for the towing or removal of  
2511 wrecked, disabled, or abandoned vehicles from accident scenes,  
2512 streets, or highways. A wrecker operator system shall include  
2513 using a method for apportioning the towing assignments among the  
2514 eligible wrecker operators through the creation of geographic  
2515 zones, a rotation schedule, or a combination of these methods.

2516           (2) In any county or municipality that operates a wrecker  
2517 operator system:

2518           (a) It is unlawful for an unauthorized wrecker operator or  
2519 its employees or agents to monitor police radio for  
2520 communications between patrol field units and the dispatcher in  
2521 order to determine the location of a wrecked or disabled vehicle  
2522 for the purpose of driving by the scene of such vehicle in a  
2523 manner described in paragraph (b) or paragraph (c). Any person

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2524 who violates this paragraph commits ~~is guilty of~~ a noncriminal  
2525 violation, punishable as provided in s. 775.083, and the  
2526 person's wrecker, tow truck, or other motor vehicle that was  
2527 used during the offense may be immediately removed and impounded  
2528 pursuant to subsection (3).

2529 (b) It is unlawful for an unauthorized wrecker operator to  
2530 drive by the scene of a wrecked or disabled vehicle before the  
2531 arrival of an authorized wrecker operator, initiate contact with  
2532 the owner or operator of such vehicle by soliciting or offering  
2533 towing services, and tow such vehicle. Any person who violates  
2534 this paragraph commits ~~is guilty of~~ a misdemeanor of the second  
2535 degree, punishable as provided in s. 775.082 or s. 775.083, and  
2536 the person's wrecker, tow truck, or other motor vehicle that was  
2537 used during the offense may be immediately removed and impounded  
2538 pursuant to subsection (3).

2539 (c) When an unauthorized wrecker operator drives by the  
2540 scene of a wrecked or disabled vehicle and the owner or operator  
2541 initiates contact by signaling the wrecker operator to stop and  
2542 provide towing services, the unauthorized wrecker operator must  
2543 disclose in writing to the owner or operator of the vehicle his  
2544 or her full name and driver license number, that he or she is  
2545 not the authorized wrecker operator who has been designated as  
2546 part of the wrecker operator system, that the motor vehicle is  
2547 not being towed for the owner's or operator's insurance company  
2548 or lienholder, and the maximum ~~must disclose, in writing, what~~  
2549 charges for towing and storage which will apply before the  
2550 vehicle is connected to the towing apparatus. The unauthorized  
2551 wrecker operator must also provide a copy of the disclosure to  
2552 the owner or operator in the presence of a law enforcement



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2553 officer if such officer is at the scene of a motor vehicle  
2554 accident. Any person who violates this paragraph commits ~~is~~  
2555 ~~guilty of~~ a misdemeanor of the second degree, punishable as  
2556 provided in s. 775.082 or s. 775.083, and the person's wrecker,  
2557 tow truck, or other motor vehicle that was used during the  
2558 offense may be immediately removed and impounded pursuant to  
2559 subsection (3).

2560 (d) At the scene of a wrecked or disabled vehicle, it is  
2561 unlawful for a wrecker operator to falsely identify himself or  
2562 herself as being part of the wrecker operator system. Any person  
2563 who violates this paragraph commits ~~is guilty of~~ a misdemeanor  
2564 of the first degree, punishable as provided in s. 775.082 or s.  
2565 775.083, and the person's wrecker, tow truck, or other motor  
2566 vehicle that was used during the offense may be immediately  
2567 removed and impounded pursuant to subsection (3).

2568 (3) (a) A law enforcement officer from any local  
2569 governmental agency or state law enforcement agency may cause to  
2570 be immediately removed and impounded from the scene of a wrecked  
2571 or disabled vehicle, at the unauthorized wrecker operator's  
2572 expense, any wrecker, tow truck, or other motor vehicle that is  
2573 used in violation of any provision of subsection (2). The  
2574 unauthorized wrecker operator shall be assessed a cost recovery  
2575 fine as provided in paragraph (b) by the authority that ordered  
2576 the immediate removal and impoundment of the wrecker, tow truck,  
2577 or other motor vehicle. A wrecker, tow truck, or other motor  
2578 vehicle that is removed and impounded pursuant to this section  
2579 may not be released from an impound or towing and storage  
2580 facility before a release form has been completed by the  
2581 authority that ordered the immediate removal and impoundment of

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2582 the wrecker, tow truck, or other motor vehicle which verifies  
2583 that the cost recovery fine has been paid to the authority. The  
2584 vehicle must remain impounded until the fine has been paid or  
2585 until the vehicle is sold at public sale pursuant to s. 713.78.

2586 (b) Notwithstanding any other provision of law to the  
2587 contrary, the unauthorized wrecker operator, upon retrieval of  
2588 the wrecker, tow truck, or other motor vehicle removed or  
2589 impounded pursuant to this section, and in addition to any other  
2590 penalties that may be imposed for noncriminal violations, shall  
2591 pay a cost recovery fine of \$500 for a first-time violation of  
2592 any provision of subsection (2), or a fine of \$1,000 for each  
2593 subsequent violation, to the authority that ordered the  
2594 immediate removal and impoundment of the wrecker, tow truck, or  
2595 other motor vehicle. Cost recovery funds collected under this  
2596 subsection shall be retained by the authority that ordered the  
2597 removal and impoundment of the wrecker, tow truck, or other  
2598 motor vehicle and may be used only for the enforcement,  
2599 investigation, prosecution, and training related to towing  
2600 violations and crimes involving motor vehicles.

2601 (c) Notwithstanding any other provision of law to the  
2602 contrary and in addition to the cost recovery fine required by  
2603 this subsection, a person who violates any provision of  
2604 subsection (2) shall pay the fees associated with the removal  
2605 and storage of the unauthorized wrecker, tow truck, or other  
2606 motor vehicle.

2607 (4)~~(3)~~ This section does not prohibit, or in any way  
2608 prevent, the owner or operator of a vehicle involved in an  
2609 accident or otherwise disabled from contacting any wrecker  
2610 operator for the provision of towing services, whether the

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2611 wrecker operator is an authorized wrecker operator or not.

2612 Section 65. Subsection (1) of section 324.072, Florida  
2613 Statutes, is amended to read:

2614 324.072 Proof required upon certain convictions.—

2615 (1) Upon the suspension or revocation of a license pursuant  
2616 to ~~the provisions of~~ s. 322.26 or s. 322.27, the department  
2617 shall suspend the registration for all motor vehicles registered  
2618 in the name of the licensee ~~such person~~, either individually or  
2619 jointly with another. However, the department may, except that  
2620 ~~it shall~~ not suspend the ~~such~~ registration, unless otherwise  
2621 required by law, if the ~~such~~ person had insurance coverage  
2622 limits required under s. 324.031 on the date of the latest  
2623 offense that caused the suspension or revocation, or has  
2624 previously given or shall immediately give, and thereafter  
2625 maintain, proof of financial responsibility with respect to all  
2626 motor vehicles registered by the ~~such~~ person, in accordance with  
2627 this chapter.

2628 Section 66. Subsection (1) of section 324.091, Florida  
2629 Statutes, is amended to read:

2630 324.091 Notice to department; notice to insurer.—

2631 (1) Each owner and operator involved in a crash or  
2632 conviction case within the purview of this chapter shall furnish  
2633 evidence of automobile liability insurance, motor vehicle  
2634 liability insurance, or surety bond within 14 ~~30~~ days after ~~from~~  
2635 the date of the mailing of notice of crash by the department in  
2636 the ~~such~~ form and manner as it may designate. Upon receipt of  
2637 evidence that an automobile liability policy, motor vehicle  
2638 liability policy, or surety bond was in effect at the time of  
2639 the crash or conviction case, the department shall forward by

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2640 United States mail, postage prepaid, to the insurer or surety  
2641 insurer a copy of such information and shall assume that the  
2642 ~~such~~ policy or bond was in effect, unless the insurer or surety  
2643 insurer notifies ~~shall notify~~ the department otherwise within 20  
2644 days after ~~from~~ the mailing of the notice to the insurer or  
2645 surety insurer. However, ~~provided that~~ if the department ~~shall~~  
2646 later determines ~~ascertain~~ that an automobile liability policy,  
2647 motor vehicle liability policy, or surety bond was not in effect  
2648 and did not provide coverage for both the owner and the  
2649 operator, it shall ~~at such time~~ take ~~such~~ action as it is  
2650 otherwise authorized to do under this chapter. Proof of mailing  
2651 to the insurer or surety insurer may be made by the department  
2652 by naming the insurer or surety insurer to whom the ~~such~~ mailing  
2653 was made and by specifying the time, place, and manner of  
2654 mailing.

2655 Section 67. Subsection (5) of section 328.15, Florida  
2656 Statutes, is amended to read:

2657 328.15 Notice of lien on vessel; recording.-

2658 (5) (a) The Department of Highway Safety and Motor Vehicles  
2659 shall adopt ~~make such~~ rules to administer ~~and regulations as it~~  
2660 ~~deems necessary or proper for the effective administration of~~  
2661 this section law. The department may by rule require that a  
2662 notice of satisfaction of a lien be notarized. The department  
2663 shall prepare the forms of the notice of lien and the  
2664 satisfaction of lien to be supplied, at a charge not to exceed  
2665 50 percent more than cost, to applicants for recording the liens  
2666 or satisfactions and shall keep a record of such notices of lien  
2667 and satisfactions available for inspection by the public at all  
2668 reasonable times. The division may ~~is authorized to~~ furnish

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2669 certified copies of such satisfactions for a fee of \$1, which  
2670 are certified copies shall be admissible in evidence in all  
2671 courts of this state under the same conditions and to the same  
2672 effect as certified copies of other public records.

2673 (b) The department shall establish and administer an  
2674 electronic titling program that requires the recording of vessel  
2675 title information for new, transferred, and corrected  
2676 certificates of title. Lienholders shall electronically transmit  
2677 liens and lien satisfactions to the department in a format  
2678 determined by the department. Individuals and lienholders who  
2679 the department determines are not normally engaged in the  
2680 business or practice of financing vessels are not required to  
2681 participate in the electronic titling program.

2682 Section 68. Subsection (4) of section 328.16, Florida  
2683 Statutes, is amended to read:

2684 328.16 Issuance in duplicate; delivery; liens and  
2685 encumbrances.—

2686 (4) Notwithstanding any requirements in this section or in  
2687 s. 328.15 indicating that a lien on a vessel shall be noted on  
2688 the face of the Florida certificate of title, if there are one  
2689 or more liens or encumbrances on a vessel, the department shall  
2690 ~~may~~ electronically transmit the lien to the first lienholder and  
2691 notify the first lienholder of any additional liens. Subsequent  
2692 lien satisfactions shall ~~may~~ be electronically transmitted to  
2693 the department and must ~~shall~~ include the name and address of  
2694 the person or entity satisfying the lien. When electronic  
2695 transmission of liens and lien satisfactions are used, the  
2696 issuance of a certificate of title may be waived until the last  
2697 lien is satisfied and a clear certificate of title is issued to

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2698 the owner of the vessel.

2699 Section 69. Section 328.30, Florida Statutes, is amended to  
2700 read:

2701 328.30 Transactions by electronic or telephonic means.—

2702 (1) The department may ~~is authorized to~~ accept an any  
2703 application provided for under this chapter by electronic or  
2704 telephonic means.

2705 (2) The department may issue an electronic certificate of  
2706 title in lieu of printing a paper title.

2707 (3) The department may collect electronic mail addresses  
2708 and use electronic mail in lieu of the United States Postal  
2709 Service for the purpose of providing renewal notices.

2710 Section 70. Paragraph (f) of subsection (13) of section  
2711 713.78, Florida Statutes, is amended to read:

2712 713.78 Liens for recovering, towing, or storing vehicles  
2713 and vessels.—

2714 (13)

2715 (f) This subsection applies only to the annual renewal in  
2716 the registered owner's birth month of a motor vehicle  
2717 registration and does not apply to the transfer of a  
2718 registration of a motor vehicle sold by a motor vehicle dealer  
2719 licensed under chapter 320, except for the transfer of  
2720 registrations which includes ~~is inclusive of~~ the annual  
2721 renewals. This subsection does not apply to any vehicle  
2722 registered in the name of the lessor. This subsection does not  
2723 affect the issuance of the title to a motor vehicle,  
2724 notwithstanding s. 319.23(8)(b) ~~s. 319.23(7)(b)~~.

2725 Section 71. Except as otherwise expressly provided in this  
2726 act and except for this section, which shall take effect upon

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2727 this act becoming a law, this act shall take effect January 1,  
2728 2013.