

By the Committees on Budget; and Transportation; and Senator  
Latvala

576-04297B-12

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1                   A bill to be entitled  
2           An act relating to highway safety and motor vehicles;  
3           amending s. 20.24, F.S.; renaming the Office of Motor  
4           Carrier Compliance within the Division of the Florida  
5           Highway Patrol as the "Office of Commercial Vehicle  
6           Enforcement"; amending s. 316.003, F.S.; revising the  
7           definition of the term "motor vehicle" to exclude  
8           swamp buggies; defining the terms "swamp buggy" and  
9           "road rage"; amending s. 316.0083, F.S.; providing for  
10          the dismissal of a uniform traffic citation for  
11          failure to stop at a red light when the motor vehicle  
12          owner is deceased and an affidavit with specified  
13          supporting documents is filed with the issuing agency;  
14          amending s. 316.1303, F.S.; authorizing a person who  
15          is mobility impaired to use a motorized wheelchair to  
16          temporarily leave the sidewalk and use the roadway  
17          under certain circumstances; authorizing a law  
18          enforcement officer to issue only a verbal warning to  
19          such person; amending s. 316.183, F.S.; revising a  
20          provision that prohibits a school bus from exceeding  
21          the posted speed limits; amending s. 316.2065, F.S.;  
22          revising safety standard requirements for bicycle  
23          helmets that must be worn by certain riders and  
24          passengers; revising requirements for a bicycle  
25          operator to ride in a bicycle lane or along the curb  
26          or edge of the roadway; providing for enforcement of  
27          requirements for bicycle lighting equipment; providing  
28          penalties for violations; providing for dismissal of  
29          the charge following a first offense under certain

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30           circumstances; amending s. 316.2085, F.S.; requiring  
31           that the license tag of a motorcycle or moped remain  
32           clearly visible from the rear at all times;  
33           prohibiting deliberate acts to conceal or obscure the  
34           license tag; removing a condition requiring an affixed  
35           transponder for a motorcycle or moped license plate  
36           that reads from top to bottom and is affixed  
37           perpendicular to the ground; providing penalties;  
38           amending s. 316.2126, F.S.; authorizing municipalities  
39           to use golf carts and utility vehicles to cross the  
40           State Highway System and operate on sidewalks adjacent  
41           to state highways under certain circumstances;  
42           creating s. 316.2129, F.S.; authorizing the operation  
43           of swamp buggies on a public road, highway, or street  
44           if a local governmental entity has designated the  
45           public road, highway, or street for such use;  
46           providing that the authorization does not apply to the  
47           State Highway System; authorizing the operation of  
48           swamp buggies on land managed, owned, or leased by a  
49           state or federal agency; amending s. 316.2397, F.S.;  
50           providing an exception to the prohibition against  
51           flashing vehicle lights for motorists who  
52           intermittently flash the vehicle's headlamps at an  
53           oncoming vehicle, regardless of the intent in doing  
54           so, and for persons operating bicycles equipped with  
55           lamps; amending s. 316.302, F.S.; requiring owners or  
56           drivers of commercial motor vehicles that are engaged  
57           in intrastate commerce to be subject to specified  
58           federal rules and regulations as such rules and

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59 regulations existed on a certain date; providing that  
60 certain restrictions on the number of consecutive  
61 hours that a commercial motor vehicle may operate do  
62 not apply to a farm labor vehicle operated during a  
63 state of emergency or during an emergency pertaining  
64 to agriculture; correcting terminology; amending s.  
65 316.3026, F.S., relating to unlawful operation of  
66 motor carriers; conforming provisions to changes made  
67 by the act; amending s. 316.613, F.S., relating to  
68 requirements for the operator of a vehicle to use  
69 child restraints; providing that such provisions do  
70 not apply to certain for-hire vehicles; providing for  
71 the obligation of a parent, guardian, or other person  
72 responsible for a child's welfare to comply with the  
73 requirements; amending s. 316.6135, F.S.; revising the  
74 criteria under which a child may not be left  
75 unattended in a vehicle; providing penalties; amending  
76 s. 316.655, F.S.; providing that a driver convicted of  
77 a violation of certain offenses relating to motor  
78 vehicles which resulted in an accident may have his or  
79 her driving privileges revoked or suspended; amending  
80 s. 318.14, F.S.; authorizing a person who does not  
81 hold a commercial driver license and who is cited for  
82 a noncriminal traffic infraction while driving a  
83 noncommercial motor vehicle to elect to attend a basic  
84 driver improvement course in lieu of a court  
85 appearance; authorizing a person who does not hold a  
86 commercial driver license and who is cited for certain  
87 offenses while driving a noncommercial motor vehicle

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88 to elect to enter a plea of nolo contendere and to  
89 provide proof of compliance in lieu of payment of fine  
90 or court appearance; amending s. 318.1451, F.S.;  
91 revising provisions relating to driver improvement  
92 schools and education programs for driver license  
93 applicants; requiring the curricula of such programs  
94 to include instruction on the risks associated with  
95 using a handheld electronic communication device while  
96 operating a motor vehicle; amending s. 318.15, F.S.;  
97 providing that a person charged with a traffic  
98 infraction may request a hearing within a specified  
99 period after the date upon which the violation  
100 occurred; requiring that the clerk set the case for  
101 hearing; providing exceptions to the time period for  
102 requesting a hearing; authorizing the court to grant a  
103 request for a hearing made after the time period has  
104 expired; amending s. 318.18, F.S., relating to  
105 penalties and disposition of penalties; conforming a  
106 cross-reference; specifying the amount of the fine and  
107 the allocation of moneys received from the increased  
108 fine imposed for aggressive careless driving; amending  
109 s. 318.21, F.S.; conforming a cross-reference;  
110 amending s. 319.14, F.S.; prohibiting the sale or  
111 exchange of custom vehicles or street rod vehicles  
112 under certain conditions; providing definitions;  
113 amending s. 319.23, F.S.; requiring that the  
114 application for a certificate of title, corrected  
115 certificate, or assignment or reassignment be filed  
116 within a certain time period after the consummation of

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117 the sale of a mobile home; authorizing the department  
118 to accept a bond and affidavit if the applicant for a  
119 certificate of title is unable to provide a title that  
120 assigns the prior owner's interest in the motor  
121 vehicle; providing requirements for the bond and the  
122 affidavit; providing that an interested person has a  
123 right to recover on the bond; limiting liability to  
124 the amount of the bond; providing for future  
125 expiration of the bond; amending s. 319.24, F.S.;  
126 requiring that the department electronically transmit  
127 a lien to the first lienholder and notify the first  
128 lienholder of any additional liens if there are one or  
129 more lien encumbrances on a motor vehicle or mobile  
130 home; requiring that subsequent lien satisfactions be  
131 transmitted electronically to the department; amending  
132 s. 319.27, F.S.; requiring that the department  
133 establish and administer an electronic titling  
134 program; requiring the electronic recording of vehicle  
135 title information for new, transferred, and corrected  
136 certificates of title; requiring that lienholders  
137 electronically transmit liens and lien satisfactions  
138 to the department; providing exceptions; amending s.  
139 319.28, F.S.; providing that a dealer of certain farm  
140 or industrial equipment is not subject to licensure as  
141 a recovery agent or agency under certain conditions;  
142 amending s. 319.30, F.S.; authorizing the department  
143 to adopt rules to implement an electronic system for  
144 issuing salvage certificates of title and certificates  
145 of destruction; amending s. 319.40, F.S.; authorizing

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146 the department to issue an electronic certificate of  
147 title in lieu of printing a paper title and to collect  
148 electronic mail addresses and use electronic mail as a  
149 notification method in lieu of the United States  
150 Postal Service; providing an exception; amending s.  
151 320.01, F.S.; revising the definition of the term  
152 "motor vehicle" to exclude special mobile equipment  
153 and swamp buggies; defining the term "swamp buggy";  
154 amending s. 320.02, F.S.; providing that an active  
155 duty member of the Armed Forces of the United States  
156 is exempt from the requirement to provide an address  
157 on an application for vehicle registration; revising  
158 provisions relating to the registration of a motor  
159 carrier who operates a commercial motor vehicle  
160 without liability insurance, a surety bond, or a valid  
161 self-insurance certificate; providing that the  
162 registration shall be canceled on the expiration date  
163 noted in the cancellation notice that the department  
164 receives from the insurer; requiring that the insurer  
165 provide notice to the department at the same time the  
166 cancellation notice is provided to the insured;  
167 authorizing the department to adopt rules regarding  
168 the electronic submission of the cancellation notice;  
169 removing a provision that prohibits cancellation of  
170 liability insurance or surety bond on less than 30  
171 days' notice to the department; requiring the  
172 application forms for motor vehicle registration and  
173 renewal of registration to include language permitting  
174 the applicant to make certain voluntary contributions

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175 to specified not-for-profit entities; providing that  
176 such contributions are not income for specified  
177 purposes; requiring that the department retain all  
178 electronic registration records for a specified  
179 period; amending s. 320.03, F.S.; conforming a cross-  
180 reference; amending s. 320.06, F.S.; authorizing the  
181 department to conduct a pilot program to evaluate the  
182 designs, concepts, and technologies for alternative  
183 license plates; requiring that the department  
184 investigate the feasibility and use of alternative  
185 license plate technologies and the long-term cost  
186 impact to the consumer for purposes of the pilot  
187 program; requiring limiting the scope of the pilot  
188 program to license plates that are used on government-  
189 owned motor vehicles; providing an exemption for such  
190 license plates from certain requirements; providing  
191 that license plates issued under ch. 320, F.S., are  
192 the property of the state; amending s. 320.0605, F.S.;  
193 revising provisions relating to a requirement that  
194 rental or lease documentation be in the possession of  
195 an operator of a motor vehicle; providing specified  
196 information sufficient to satisfy this requirement;  
197 amending s. 320.061, F.S.; prohibiting a person from  
198 altering the original appearance of a temporary  
199 license plate; amending s. 320.07, F.S.; revising  
200 provisions relating to the expiration of a  
201 registration of a motor vehicle or mobile home;  
202 providing that the registration for a motor vehicle or  
203 mobile home whose owner is a natural person expires at

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204 midnight on the owner's birthday; amending s.  
205 320.08056, F.S.; increasing the annual use fee for the  
206 Tampa Bay Estuary license plate; amending s.  
207 320.08058, F.S.; providing that up to 15 percent of  
208 the proceeds from the annual use fees for the Florida  
209 Golf license plate may be used by the Dade Amateur  
210 Golf Association for the administration of the Florida  
211 Junior Golf Program; amending s. 320.08068, F.S.;  
212 revising provisions relating to the use of funds  
213 received from the sale of motorcycle specialty license  
214 plates; deleting a provision that requires that 20  
215 percent of the annual fee collected for such plates be  
216 used to leverage additional funding and new sources of  
217 revenue for the centers for independent living;  
218 amending s. 320.0848, F.S.; revising the requirements  
219 for the deposit of fee proceeds from temporary  
220 disabled parking permits; requiring that certain  
221 proceeds be deposited into the Florida Endowment  
222 Foundation for Vocational Rehabilitation, instead of  
223 the Florida Governor's Alliance for the Employment of  
224 Disabled Citizens; amending s. 320.089, F.S.;  
225 providing for the issuance of a Combat Infantry Badge  
226 license plate and a Vietnam War Veterans license  
227 plate; providing qualifications and requirements for  
228 the plate; amending s. 320.13, F.S.; authorizing a  
229 dealer of heavy trucks, upon payment of a license tax,  
230 to secure one or more dealer license plates under  
231 certain circumstances; providing that the license  
232 plates may be used for demonstration purposes for a



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233 specified period; requiring that the license plates be  
234 validated on a form prescribed by the department and  
235 be retained in the vehicle being operated; amending s.  
236 320.15, F.S.; providing that an owner of a motor  
237 vehicle or mobile home may apply for a refund of  
238 certain license taxes if the owner renews a  
239 registration during the advanced renewal period and  
240 surrenders the motor vehicle or mobile home license  
241 plate before the end of the renewal period; amending  
242 s. 320.27, F.S.; providing an exemption for salvage  
243 motor vehicle dealers from certain application and  
244 security requirements; amending s. 320.771, F.S.;  
245 revising the definition of the term "dealer"; amending  
246 s. 320.95, F.S.; authorizing the department to collect  
247 electronic mail addresses and use electronic mail for  
248 the purpose of providing renewal notices in lieu of  
249 the United States Postal Service; amending s.  
250 322.0261, F.S.; revising provisions relating to driver  
251 improvement schools and education programs for driver  
252 license applicants to conform to changes made by the  
253 act; amending s. 322.04, F.S.; revising provisions  
254 exempting a nonresident from the requirement to obtain  
255 a driver license under certain circumstances; amending  
256 s. 322.051, F.S.; revising requirements by which an  
257 applicant for an identification card may prove  
258 nonimmigrant classification; clarifying the validity  
259 of an identification card based on specified  
260 documents; authorizing the department to require  
261 additional documentation to establish the maintenance

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262 of, or efforts to maintain, continuous lawful  
263 presence; providing for the department to waive the  
264 fee for issuing or renewing an identification card to  
265 a person who is homeless; amending s. 322.058, F.S.;  
266 conforming a cross-reference; amending s. 322.065,  
267 F.S.; revising provisions relating to a person whose  
268 driver license has expired for 6 months or less and  
269 who drives a motor vehicle; amending s. 322.07, F.S.;  
270 revising provisions relating to temporary commercial  
271 instruction permits; amending s. 322.08, F.S.;  
272 revising provisions relating to an application for a  
273 driver license or temporary permit; requiring that  
274 applicants prove nonimmigrant classification by  
275 providing certain documentation; authorizing the  
276 department to require additional documentation to  
277 establish the maintenance of, or efforts to maintain,  
278 continuous lawful presence; revising the length of  
279 time a license is valid when issuance is based on  
280 documentation required under specified provisions;  
281 requiring the application forms for an original,  
282 renewal, or replacement driver license to include  
283 language permitting the applicant to make certain  
284 voluntary contributions to specified not-for-profit  
285 entities; authorizing the department to collect  
286 electronic mail addresses and use electronic mail for  
287 the purpose of providing renewal notices in lieu of  
288 the United States Postal Service; amending s. 322.095,  
289 F.S.; revising provisions relating to driver  
290 improvement schools and education programs for driver

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291 license applicants to conform to changes made by the  
292 act; amending s. 322.121, F.S.; conforming a provision  
293 relating to Safe Driver designation; revising  
294 provisions authorizing the automatic extension of a  
295 license for members of the Armed Forces of the United  
296 States or their dependents while serving on active  
297 duty outside the state; amending s. 322.14, F.S.;  
298 deleting a requirement that a qualified driver license  
299 applicant appear in person for issuance of a color  
300 photographic or digital imaged driver license;  
301 creating s. 322.1415, F.S.; authorizing the department  
302 to issue a specialty driver license or identification  
303 card to qualified applicants; specifying that, at a  
304 minimum, the specialty driver licenses and  
305 identification cards must be available for certain  
306 state and independent universities and professional  
307 sports teams and all of the branches of the Armed  
308 Forces of the United States; requiring that the  
309 department approve the design of each specialty driver  
310 license and identification card; providing for future  
311 expiration; amending s. 322.142, F.S.; providing  
312 district medical examiners access to driver  
313 information maintained in the Driver and Vehicle  
314 Information Database for a specified purpose; creating  
315 s. 322.145, F.S.; requiring that the department  
316 implement a system providing for the electronic  
317 authentication of driver licenses; providing criteria  
318 for a security token for electronic authenticity;  
319 requiring that the department enter into a contract

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320 for implementation of the electronic authentication;  
321 providing contract requirements; amending s. 322.19,  
322 F.S.; providing that certain persons who have a valid  
323 student identification card are presumed not to have  
324 changed their legal residence or mailing address;  
325 amending s. 322.21, F.S.; revising provisions relating  
326 to license fees; prohibiting the fee for an original  
327 or renewal of an enhanced driver license or  
328 identification card from exceeding a specified amount;  
329 requiring that the funds collected from such fee be  
330 deposited into the Highway Safety Operating Trust  
331 Fund; providing that the issuance of an enhanced  
332 driver license or identification card is optional for  
333 certain qualified residents; providing for the  
334 distribution of funds collected from the specialty  
335 driver license and identification card fees; amending  
336 s. 322.251, F.S.; providing that certain notices of  
337 cancellation, suspension, revocation, or  
338 disqualification of a driver license are complete  
339 within a specified period after deposit in the mail;  
340 amending s. 322.27, F.S.; revising the department's  
341 authority to suspend or revoke licenses or  
342 identification cards under certain circumstances;  
343 repealing s. 322.292(5), F.S., relating to private  
344 probation services providers referring probationers to  
345 any DUI program owned in whole or in part by that  
346 probation services provider or its affiliates;  
347 amending s. 322.53, F.S.; revising an exemption from  
348 the requirement to obtain a commercial driver license

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349 for farmers transporting agricultural products, farm  
350 supplies, or farm machinery under certain  
351 circumstances; providing that such exemption applies  
352 if the vehicle is not used in the operations of a  
353 common or contract motor carrier; amending s. 322.54,  
354 F.S.; requiring that persons who drive a motor vehicle  
355 having a gross vehicle weight rating or gross vehicle  
356 weight of a specified amount or more possess certain  
357 classifications of driver licenses; repealing s.  
358 322.58, F.S., relating to holders of chauffeur  
359 licenses and the classified licensure of commercial  
360 motor vehicle drivers; amending s. 322.59, F.S.;

361 revising provisions relating to the possession of a  
362 medical examiner's certificate; requiring that the  
363 department disqualify a driver from operating a  
364 commercial motor vehicle if the driver holds a  
365 commercial driver license and fails to comply with the  
366 medical certification requirements; authorizing the  
367 department to issue, under certain circumstances, a  
368 Class E driver license to a person who is disqualified  
369 from operating a commercial motor vehicle; amending s.  
370 322.61, F.S.; revising provisions relating to the  
371 disqualification from operating a commercial motor  
372 vehicle; providing that any holder of a commercial  
373 driver license who is convicted of two violations  
374 committed while operating any motor vehicle is  
375 permanently disqualified from operating a commercial  
376 motor vehicle; amending s. 323.002, F.S.; providing  
377 that an unauthorized wrecker operator's wrecker, tow

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378 truck, or other motor vehicle used during certain  
379 offenses may be immediately removed and impounded;  
380 requiring that an unauthorized wrecker operator  
381 disclose in writing to the owner or operator of a  
382 motor vehicle certain information; requiring that the  
383 unauthorized wrecker operator also provide a copy of  
384 the disclosure to the owner or operator in the  
385 presence of a law enforcement officer if at the scene  
386 of a motor vehicle accident; authorizing a law  
387 enforcement officer from a local governmental agency  
388 or state law enforcement agency to cause to be removed  
389 and impounded from the scene of a wrecked or disabled  
390 vehicle an unauthorized wrecker, tow truck, or other  
391 motor vehicle; authorizing the authority that caused  
392 the removal and impoundment to assess a cost recovery  
393 fine; requiring a release form; requiring that the  
394 wrecker, tow truck, or other motor vehicle remain  
395 impounded until the fine has been paid; providing the  
396 amounts for the cost recovery fine for first-time and  
397 subsequent violations; requiring that the unauthorized  
398 wrecker operator pay the fees associated with the  
399 removal and storage of the wrecker, tow truck, or  
400 other motor vehicle; amending s. 324.072, F.S.;  
401 prohibiting the department from suspending a  
402 registration of a motor vehicle if the person to whom  
403 the motor vehicle is registered had certain limits on  
404 the date of the offense that caused the suspension or  
405 revocation; amending s. 324.091, F.S.; revising the  
406 period within which an owner or operator involved in a

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407 crash must furnish evidence of automobile liability  
408 insurance, motor vehicle liability insurance, or  
409 surety bond; amending s. 328.15, F.S.; requiring that  
410 the department establish and administer an electronic  
411 titling program that requires the recording of vessel  
412 title information for new, transferred, and corrected  
413 certificates of title; requiring that lienholders  
414 electronically transmit liens and lien satisfactions  
415 to the department; providing exceptions; amending s.  
416 328.16, F.S.; requiring that the department  
417 electronically transmit a lien to the first lienholder  
418 and notify such lienholder of any additional liens;  
419 requiring that subsequent lien satisfactions be  
420 electronically transmitted to the department; amending  
421 s. 328.30, F.S.; authorizing the department to issue  
422 an electronic certificate of title in lieu of printing  
423 a paper title; authorizing the department to collect  
424 electronic mail addresses and use electronic mail for  
425 the purpose of providing renewal notices in lieu of  
426 the United States Postal Service; amending s. 520.32,  
427 F.S.; providing an exemption to specified licensing  
428 requirements for motor vehicle dealers licensed under  
429 specified provisions; providing for application of the  
430 exemption; amending s. 713.78, F.S.; conforming a  
431 cross-reference; amending s. 316.083, F.S.; requiring  
432 an operator of a motor vehicle to yield the left lane  
433 when being overtaken on a multilane highway; providing  
434 exceptions; amending s. 316.1923, F.S.; revising the  
435 number of specified acts necessary to qualify as an

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436 aggressive careless driver; providing specified  
437 punishments for aggressive careless driving, including  
438 imposition of an increased fine; reenacting s.  
439 316.650(1)(a), F.S., relating to traffic citations, to  
440 incorporate the amendments made to s. 316.1923, F.S.,  
441 in a reference thereto; amending s. 318.121, F.S.;  
442 revising the preemption of additional fees, fines,  
443 surcharges, and court costs to allow imposition of the  
444 increased fine for aggressive careless driving;  
445 amending s. 318.19, F.S.; providing that a second or  
446 subsequent infraction as an aggressive careless driver  
447 requires attendance at a mandatory hearing; providing  
448 a short title; requiring the Department of Highway  
449 Safety and Motor Vehicles to provide information about  
450 the Highway Safety Act in driver's license educational  
451 materials; providing legislative intent and findings;  
452 providing effective dates.

453

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

455

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

458 20.24 Department of Highway Safety and Motor Vehicles.—

459 There is created a Department of Highway Safety and Motor  
460 Vehicles.

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

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



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465 Statutes, is amended, and subsections (89) and (90) are added to  
466 that section, to read:

467 316.003 Definitions.—The following words and phrases, when  
468 used in this chapter, shall have the meanings respectively  
469 ascribed to them in this section, except where the context  
470 otherwise requires:

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

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

480 (90) ROAD RAGE.—The act of a driver or passenger to  
481 intentionally or unintentionally, due to a loss of emotional  
482 control, injure or kill another driver, passenger, bicyclist, or  
483 pedestrian, or to attempt or threaten to injure or kill another  
484 driver, passenger, bicyclist, or pedestrian.

485 Section 3. Paragraph (d) of subsection (1) of section  
486 316.0083, Florida Statutes, is amended to read:

487 316.0083 Mark Wandall Traffic Safety Program;  
488 administration; report.—

489 (1)

490 (d)1. The owner of the motor vehicle involved in the  
491 violation is responsible and liable for paying the uniform  
492 traffic citation issued for a violation of s. 316.074(1) or s.  
493 316.075(1)(c)1. when the driver failed to stop at a traffic

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494 signal, unless the owner can establish that:

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

498 b. The motor vehicle passed through the intersection at the  
499 direction of a law enforcement officer;

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

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

505 e. The motor vehicle's owner was deceased on or before the  
506 date that the uniformed traffic citation was issued, as  
507 established by an affidavit submitted by the representative of  
508 the motor vehicle owner's estate or other designated person or  
509 family member.

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

515 a. An affidavit supporting an exemption under sub-  
516 subparagraph 1.c. must include the name, address, date of birth,  
517 and, if known, the driver ~~driver's~~ license number of the person  
518 who leased, rented, or otherwise had care, custody, or control  
519 of the motor vehicle at the time of the alleged violation. If  
520 the vehicle was stolen at the time of the alleged offense, the  
521 affidavit must include the police report indicating that the  
522 vehicle was stolen.

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

527 c. If the motor vehicle's owner to whom a traffic citation  
528 has been issued is deceased, the affidavit must include a  
529 certified copy of the owner's death certificate showing that the  
530 date of death occurred on or before the issuance of the uniform  
531 traffic citation and one of the following:

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

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

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

544  
545 Upon receipt of the affidavit and documentation required under  
546 this sub-subparagraph, the governmental entity must dismiss the  
547 citation and provide proof of the dismissal to the person that  
548 submitted the affidavit.

549 3. Upon receipt of an affidavit, the person designated as  
550 having care, custody, and control of the motor vehicle at the  
551 time of the violation may be issued a traffic citation for a

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552 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver  
553 failed to stop at a traffic signal. The affidavit is admissible  
554 in a proceeding pursuant to this section for the purpose of  
555 providing proof that the person identified in the affidavit was  
556 in actual care, custody, or control of the motor vehicle. The  
557 owner of a leased vehicle for which a traffic citation is issued  
558 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the  
559 driver failed to stop at a traffic signal is not responsible for  
560 paying the traffic citation and is not required to submit an  
561 affidavit as specified in this subsection if the motor vehicle  
562 involved in the violation is registered in the name of the  
563 lessee of such motor vehicle.

564 4. The submission of a false affidavit is a misdemeanor of  
565 the second degree, punishable as provided in s. 775.082 or s.  
566 775.083.

567 Section 4. Section 316.1303, Florida Statutes, is amended  
568 to read:

569 316.1303 Traffic regulations to assist mobility-impaired  
570 persons.—

571 (1) Whenever a pedestrian who is mobility impaired is in  
572 the process of crossing a public street or highway with the  
573 assistance of ~~and the pedestrian is mobility impaired (using a~~  
574 ~~guide dog or service animal designated as such with a visible~~  
575 ~~means of identification, a walker, a crutch, an orthopedic cane,~~  
576 ~~or a wheelchair),~~ the driver of a every vehicle approaching the  
577 intersection, as defined in s. 316.003(17), shall bring his or  
578 her vehicle to a full stop before arriving at the ~~such~~  
579 intersection and, before proceeding, shall take ~~such~~ precautions  
580 ~~as may be necessary~~ to avoid injuring the ~~such~~ pedestrian.

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

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

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

590       316.183 Unlawful speed.—

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

593       Section 6. Effective October 1, 2012, paragraph (d) of  
594 subsection (3) and subsections (5) and (8) of section 316.2065,  
595 Florida Statutes, are amended to read:

596       316.2065 Bicycle regulations.—

597       (3)

598       (d) A bicycle rider or passenger who is under 16 years of  
599 age must wear a bicycle helmet that is properly fitted and is  
600 fastened securely upon the passenger's head by a strap, and that  
601 meets the federal safety standard for bicycle helmets, final  
602 rule, 16 C.F.R. part 1203. A helmet purchased before October 1,  
603 2012, which meets the standards of the American National  
604 Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the  
605 standards of the Snell Memorial Foundation (1984 Standard for  
606 Protective Headgear for Use in Bicycling), or any other  
607 nationally recognized standards for bicycle helmets adopted by  
608 the department may continue to be worn by a bicycle rider or  
609 passenger until January 1, 2016. As used in this subsection, the

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610 term "passenger" includes a child who is riding in a trailer or  
611 semitrailer attached to a bicycle.

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

618 1. When overtaking and passing another bicycle or vehicle  
619 proceeding in the same direction.

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

622 3. When reasonably necessary to avoid any condition or  
623 potential conflict, including, but not limited to, a fixed or  
624 moving object, parked or moving vehicle, bicycle, pedestrian,  
625 animal, surface hazard, turn lane, or substandard-width lane,  
626 which ~~that~~ makes it unsafe to continue along the right-hand curb  
627 or edge or within a bicycle lane. For the purposes of this  
628 subsection, a "substandard-width lane" is a lane that is too  
629 narrow for a bicycle and another vehicle to travel safely side  
630 by side within the lane.

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

634 (8) Every bicycle in use between sunset and sunrise shall  
635 be equipped with a lamp on the front exhibiting a white light  
636 visible from a distance of at least 500 feet to the front and a  
637 lamp and reflector on the rear each exhibiting a red light  
638 visible from a distance of 600 feet to the rear. A bicycle or

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639 its rider may be equipped with lights or reflectors in addition  
640 to those required by this section. A law enforcement officer may  
641 issue a bicycle safety brochure and a verbal warning to a  
642 bicycle rider who violates this subsection or may issue a  
643 citation and assess a fine for a pedestrian violation, as  
644 provided in s. 318.18. The court shall dismiss the charge  
645 against a bicycle rider for a first violation of this subsection  
646 upon proof of purchase and installation of the proper lighting  
647 equipment.

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

650 316.2085 Riding on motorcycles or mopeds.—

651 (3) The license tag of a motorcycle or moped must be  
652 permanently affixed to the vehicle and remain clearly visible  
653 from the rear at all times ~~may not be adjusted or capable of~~  
654 ~~being flipped up. Any deliberate act to conceal or obscure No~~  
655 ~~device for or method of concealing or obscuring~~ the legibility  
656 of the license tag of a motorcycle is prohibited ~~shall be~~  
657 ~~installed or used.~~ The license tag of a motorcycle or moped may  
658 be affixed horizontally to the ground so that the numbers and  
659 letters read from left to right. Alternatively, a license tag  
660 for a motorcycle or moped for which the numbers and letters read  
661 from top to bottom may be affixed perpendicularly to the ground,  
662 ~~provided that the registered owner of the motorcycle or moped~~  
663 ~~maintains a prepaid toll account in good standing and a~~  
664 ~~transponder associated with the prepaid toll account is affixed~~  
665 ~~to the motorcycle or moped.~~

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

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668 316.2126 Authorized use of golf carts, low-speed vehicles,  
669 and utility vehicles.-

670 (1) In addition to the powers granted by ss. 316.212 and  
671 316.2125, municipalities are authorized to use ~~utilize~~ golf  
672 carts and utility vehicles, as defined in s. 320.01, upon any  
673 state, county, or municipal roads located within the corporate  
674 limits of such municipalities, subject to the following  
675 conditions:

676 (a) Golf carts and utility vehicles must comply with the  
677 operational and safety requirements in ss. 316.212 and 316.2125,  
678 and with any more restrictive ordinances enacted by the local  
679 governmental entity pursuant to s. 316.212(8), and shall be  
680 operated only by municipal employees for municipal purposes,  
681 including, but not limited to, police patrol, traffic  
682 enforcement, and inspection of public facilities.

683 (b) In addition to the safety equipment required in s.  
684 316.212(6) and any more restrictive safety equipment required by  
685 the local governmental entity pursuant to s. 316.212(8), such  
686 golf carts and utility vehicles must be equipped with sufficient  
687 lighting and turn signal equipment.

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

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

695 (e) Golf carts and utility vehicles may operate on  
696 sidewalks adjacent to state highways only if such golf carts and



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697 utility vehicles yield to pedestrians and if the sidewalks are  
698 at least 5 feet wide.

699 Section 9. Section 316.2129, Florida Statutes, is created  
700 to read:

701 316.2129 Operation of swamp buggies on public roads,  
702 streets, or highways authorized.-

703 (1) A swamp buggy may be operated on a public road, street,  
704 or highway if the local governmental entity, as defined in s.  
705 334.03, having jurisdiction over the public road, street, or  
706 highway, has designated it for use by swamp buggies. Upon  
707 determining that swamp buggies may safely operate on or cross  
708 such public road, street, or highway, the local governmental  
709 entity shall post appropriate signs or otherwise inform the  
710 public that the operation of swamp buggies is allowed. This  
711 authorization does not apply to the State Highway System, as  
712 defined in s. 334.03. However, a swamp buggy may be operated on  
713 a part of the State Highway System only to cross that portion of  
714 the State Highway System which intersects a county road or  
715 municipal street that has been designated for use by swamp  
716 buggies if the Department of Transportation has reviewed and  
717 approved the location and design of the crossing and any traffic  
718 control devices needed for safety purposes.

719 (2) A swamp buggy may be operated on land managed, owned,  
720 or leased by a state or federal agency if the state or federal  
721 agency allows the operation of swamp buggies on such land,  
722 including any public road, street, or highway running through or  
723 located within the state or federal land. Upon determining that  
724 swamp buggies may safely operate on or cross a public road,  
725 street, or highway running through or located within such land,

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726 the state or federal agency shall post appropriate signs or  
727 otherwise inform the public that the operation of swamp buggies  
728 is allowed.

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

731 316.2397 Certain lights prohibited; exceptions.—

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

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

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

739 (c) For the lamps authorized under ~~in~~ subsections (1), (2),  
740 (3), (4), and (9), s. 316.2065, or ~~and~~ s. 316.235(5) which may  
741 are permitted to flash.

742 Section 11. Effective July 1, 2012, paragraph (b) of  
743 subsection (1) and paragraph (c) of subsection (2) of section  
744 316.302, Florida Statutes, are amended to read:

745 316.302 Commercial motor vehicles; safety regulations;  
746 transporters and shippers of hazardous materials; enforcement.—

747 (1)

748 (b) Except as otherwise provided in this section, all  
749 owners or drivers of commercial motor vehicles that are engaged  
750 in intrastate commerce are subject to the rules and regulations  
751 contained in 49 C.F.R. parts 382, 385, and 390-397, with the  
752 exception of 49 C.F.R. s. 390.5 as it relates to the definition  
753 of bus, as such rules and regulations existed on October 1, 2011  
754 2009.

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755 (2)

756 (c) Except as provided in 49 C.F.R. s. 395.1, a person who

757 operates a commercial motor vehicle solely in intrastate

758 commerce not transporting any hazardous material in amounts that

759 require placarding pursuant to 49 C.F.R. part 172 may not drive

760 after having been on duty more than 70 hours in any period of 7

761 consecutive days or more than 80 hours in any period of 8

762 consecutive days if the motor carrier operates every day of the

763 week. Thirty-four consecutive hours off duty shall constitute

764 the end of any such period of 7 or 8 consecutive days. This

765 weekly limit does not apply to a person who operates a

766 commercial motor vehicle solely within this state while

767 transporting, during harvest periods, any unprocessed

768 agricultural products or unprocessed food or fiber that is

769 subject to seasonal harvesting from place of harvest to the

770 first place of processing or storage or from place of harvest

771 directly to market or while transporting livestock, livestock

772 feed, or farm supplies directly related to growing or harvesting

773 agricultural products. Upon request of the Department of Highway

774 Safety and Motor Vehicles ~~Department of Transportation~~, motor

775 carriers shall furnish time records or other written

776 verification to that department so that the Department of

777 Highway Safety and Motor Vehicles ~~Department of Transportation~~

778 can determine compliance with this subsection. These time

779 records must be furnished to the Department of Highway Safety

780 and Motor Vehicles ~~Department of Transportation~~ within 2 days

781 after receipt of that department's request. Falsification of

782 such information is subject to a civil penalty not to exceed

783 \$100. The provisions of this paragraph do not apply to operators

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784 of farm labor vehicles operated during a state of emergency  
785 declared by the Governor or operated pursuant to s. 570.07(21),  
786 and do not apply to drivers of utility service vehicles as  
787 defined in 49 C.F.R. s. 395.2.

788 Section 12. Subsection (1) of section 316.3026, Florida  
789 Statutes, is amended to read:

790 316.3026 Unlawful operation of motor carriers.—

791 (1) The Office of Commercial Vehicle Enforcement ~~Motor~~  
792 ~~Carrier Compliance~~ may issue out-of-service orders to motor  
793 carriers, as defined in s. 320.01(33), who, after proper notice,  
794 have failed to pay any penalty or fine assessed by the  
795 department, or its agent, against any owner or motor carrier for  
796 violations of state law, refused to submit to a compliance  
797 review and provide records pursuant to s. 316.302(5) or s.  
798 316.70, or violated safety regulations pursuant to s. 316.302 or  
799 insurance requirements in s. 627.7415. Such out-of-service  
800 orders have the effect of prohibiting the operations of any  
801 motor vehicles owned, leased, or otherwise operated by the motor  
802 carrier upon the roadways of this state, until the violations  
803 have been corrected or penalties have been paid. Out-of-service  
804 orders must be approved by the director of the Division of the  
805 Florida Highway Patrol or his or her designee. An administrative  
806 hearing pursuant to s. 120.569 shall be afforded to motor  
807 carriers subject to such orders.

808 Section 13. Section 316.613, Florida Statutes, is amended  
809 to read:

810 316.613 Child restraint requirements.—

811 (1) (a) Every operator of a motor vehicle as defined in this  
812 section ~~herein~~, while transporting a child in a motor vehicle

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813 operated on the roadways, streets, or highways of this state,  
814 shall, if the child is 5 years of age or younger, provide for  
815 protection of the child by properly using a crash-tested,  
816 federally approved child restraint device. For children aged  
817 through 3 years, such restraint device must be a separate  
818 carrier or a vehicle manufacturer's integrated child seat. For  
819 children aged 4 through 5 years, a separate carrier, an  
820 integrated child seat, or a seat belt may be used.

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

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

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

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

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

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

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

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

841 (4) It is the legislative intent that all state, county,

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842 and local law enforcement agencies, and safety councils, in  
843 recognition of the problems with child death and injury from  
844 unrestrained occupancy in motor vehicles, conduct a continuing  
845 safety and public awareness campaign as to the magnitude of the  
846 problem.

847 (5) Any person who violates ~~the provisions of~~ this section  
848 commits a moving violation, punishable as provided in chapter  
849 318 and shall have 3 points assessed against his or her driver  
850 ~~driver's~~ license as set forth in s. 322.27. In lieu of the  
851 penalty specified in s. 318.18 and the assessment of points, a  
852 person who violates ~~the provisions of~~ this section may elect,  
853 with the court's approval, to participate in a child restraint  
854 safety program approved by the chief judge of the circuit in  
855 which the violation occurs, and upon completing such program,  
856 the penalty specified in chapter 318 and associated costs may be  
857 waived at the court's discretion and the assessment of points  
858 shall be waived. The child restraint safety program must use a  
859 course approved by the Department of Highway Safety and Motor  
860 Vehicles, and the fee for the course must bear a reasonable  
861 relationship to the cost of providing the course.

862 (6) The child restraint requirements imposed by this  
863 section do not apply to a chauffeur-driven taxi, limousine,  
864 sedan, van, bus, motor coach, or other passenger vehicle if the  
865 operator and the motor vehicle are hired and used for the  
866 transportation of persons for compensation. It is the obligation  
867 and responsibility of the parent, guardian, or other person  
868 responsible for a child's welfare, as defined in s. 39.01(47),  
869 to comply with the requirements of this section.

870 Section 14. Section 316.6135, Florida Statutes, is amended

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871 to read:

872 316.6135 Leaving children unattended or unsupervised in  
873 motor vehicles; penalty; authority of law enforcement officer.-

874 (1) A parent, legal guardian, or other person responsible  
875 for a child younger than 6 years of age may not leave the ~~such~~  
876 child unattended or unsupervised in a motor vehicle:

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

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

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

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

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

891 (5) Any law enforcement officer who observes a child left  
892 unattended or unsupervised in a motor vehicle in violation of  
893 subsection (1) may use whatever means are reasonably necessary  
894 to protect the minor child and to remove the child from the  
895 vehicle.

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

898 (7) The child shall be remanded to the custody of the  
899 Department of Children and Family Services pursuant to chapter

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900 39, unless the law enforcement officer is able to locate the  
901 parents or legal guardian or other person responsible for the  
902 child.

903 Section 15. Subsection (2) of section 316.655, Florida  
904 Statutes, is amended to read:

905 316.655 Penalties.—

906 (2) A driver ~~Drivers~~ convicted of a violation of any  
907 offense prohibited by this chapter or any other law of this  
908 state regulating motor vehicles, which resulted in an accident,  
909 may have his or her ~~their~~ driving privileges revoked or  
910 suspended by the court if the court finds such revocation or  
911 suspension warranted by the totality of the circumstances  
912 resulting in the conviction and the need to provide for the  
913 maximum safety for all persons who travel on or who are  
914 otherwise affected by the use of the highways of the state. In  
915 determining whether suspension or revocation is appropriate, the  
916 court shall consider all pertinent factors, including, but not  
917 limited to, such factors as the extent and nature of the  
918 driver's violation of this chapter, the number of persons killed  
919 or injured as the result of the driver's violation of this  
920 chapter, and the extent of any property damage resulting from  
921 the driver's violation of this chapter.

922 Section 16. Subsections (9) and (10) of section 318.14,  
923 Florida Statutes, are amended to read:

924 318.14 Noncriminal traffic infractions; exception;  
925 procedures.—

926 (9) Any person who does not hold a commercial driver  
927 ~~driver's~~ license and who is cited while driving a noncommercial  
928 motor vehicle for an infraction under this section other than a



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929 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the  
930 driver exceeds the posted limit by 30 miles per hour or more, s.  
931 320.0605, s. 320.07(3) (a) or (b), s. 322.065, s. 322.15(1), s.  
932 322.61, or s. 322.62 may, in lieu of a court appearance, elect  
933 to attend in the location of his or her choice within this state  
934 a basic driver improvement course approved by the Department of  
935 Highway Safety and Motor Vehicles. In such a case, adjudication  
936 must be withheld and points, as provided by s. 322.27, may not  
937 be assessed. However, a person may not make an election under  
938 this subsection if the person has made an election under this  
939 subsection in the preceding 12 months. A person may not make ~~no~~  
940 more than five elections within his or her lifetime under this  
941 subsection. The requirement for community service under s.  
942 318.18(8) is not waived by a plea of nolo contendere or by the  
943 withholding of adjudication of guilt by a court. If a person  
944 makes an election to attend a basic driver improvement course  
945 under this subsection, 18 percent of the civil penalty imposed  
946 under s. 318.18(3) shall be deposited in the State Courts  
947 Revenue Trust Fund; however, that portion is not revenue for  
948 purposes of s. 28.36 and may not be used in establishing the  
949 budget of the clerk of the court under that section or s. 28.35.

950 (10) (a) Any person who does not hold a commercial driver  
951 ~~driver's~~ license and who is cited while driving a noncommercial  
952 motor vehicle for an offense listed under this subsection may,  
953 in lieu of payment of fine or court appearance, elect to enter a  
954 plea of nolo contendere and provide proof of compliance to the  
955 clerk of the court, designated official, or authorized operator  
956 of a traffic violations bureau. In such case, adjudication shall  
957 be withheld; however, a person may not make an ~~no~~ election ~~shall~~

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958 ~~be made~~ under this subsection if the ~~such~~ person has made an  
959 election under this subsection in the preceding 12 months  
960 ~~preceding election hereunder~~. A ~~No~~ person may not make more than  
961 three elections under this subsection. This subsection applies  
962 to the following offenses:

963 1. Operating a motor vehicle without a valid driver  
964 ~~driver's~~ license in violation of ~~the provisions of~~ s. 322.03, s.  
965 322.065, or s. 322.15(1), or operating a motor vehicle with a  
966 license that has been suspended for failure to appear, failure  
967 to pay civil penalty, or failure to attend a driver improvement  
968 course pursuant to s. 322.291.

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

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

972 4. Operating a motor vehicle with a license that has been  
973 suspended under s. 61.13016 or s. 322.245 for failure to pay  
974 child support or for failure to pay any other financial  
975 obligation as provided in s. 322.245; however, this subparagraph  
976 does not apply if the license has been suspended pursuant to s.  
977 322.245(1).

978 5. Operating a motor vehicle with a license that has been  
979 suspended under s. 322.091 for failure to meet school attendance  
980 requirements.

981 (b) Any person cited for an offense listed in this  
982 subsection shall present proof of compliance before ~~prior to~~ the  
983 scheduled court appearance date. For the purposes of this  
984 subsection, proof of compliance shall consist of a valid,  
985 renewed, or reinstated driver ~~driver's~~ license or registration  
986 certificate and proper proof of maintenance of security as

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987 required by s. 316.646. Notwithstanding waiver of fine, any  
988 person establishing proof of compliance shall be assessed court  
989 costs of \$25, except that a person charged with violation of s.  
990 316.646(1)-(3) may be assessed court costs of \$8. One dollar of  
991 such costs shall be remitted to the Department of Revenue for  
992 deposit into the Child Welfare Training Trust Fund of the  
993 Department of Children and Family Services. One dollar of such  
994 costs shall be distributed to the Department of Juvenile Justice  
995 for deposit into the Juvenile Justice Training Trust Fund.  
996 Fourteen dollars of such costs shall be distributed to the  
997 municipality and \$9 shall be deposited by the clerk of the court  
998 into the fine and forfeiture fund established pursuant to s.  
999 142.01, if the offense was committed within the municipality. If  
1000 the offense was committed in an unincorporated area of a county  
1001 or if the citation was for a violation of s. 316.646(1)-(3), the  
1002 entire amount shall be deposited by the clerk of the court into  
1003 the fine and forfeiture fund established pursuant to s. 142.01,  
1004 except for the moneys to be deposited into the Child Welfare  
1005 Training Trust Fund and the Juvenile Justice Training Trust  
1006 Fund. This subsection does ~~shall not be construed to~~ authorize  
1007 the operation of a vehicle without a valid driver ~~driver's~~  
1008 license, without a valid vehicle tag and registration, or  
1009 without the maintenance of required security.

1010 Section 17. Paragraph (a) of subsection (2) of section  
1011 318.1451, Florida Statutes, is amended to read:

1012 318.1451 Driver improvement schools.—

1013 (2) (a) In determining whether to approve the courses  
1014 referenced in this section, the department shall consider course  
1015 content designed to promote safety, driver awareness, crash

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1016 avoidance techniques, awareness of the risks associated with  
1017 using a handheld electronic communication device while operating  
1018 a motor vehicle, and other factors or criteria to improve driver  
1019 performance from a safety viewpoint.

1020 Section 18. Paragraph (c) is added to subsection (1) of  
1021 section 318.15, Florida Statutes, to read:

1022 318.15 Failure to comply with civil penalty or to appear;  
1023 penalty.-

1024 (1)

1025 (c) A person who is charged with a traffic infraction may  
1026 request a hearing within 180 days after the date upon which the  
1027 violation occurred, regardless of any action taken by the court  
1028 or the department to suspend the person's driving privilege,  
1029 and, upon request, the clerk must set the case for hearing. The  
1030 person shall be given a form for requesting that his or her  
1031 driving privilege be reinstated. If the 180th day after the date  
1032 upon which the violation occurred is a Saturday, Sunday, or a  
1033 legal holiday, the person who is charged must request a hearing  
1034 within 177 days after the date upon which the violation  
1035 occurred; however, the court may grant a request for a hearing  
1036 made more than 180 days after the date upon which the violation  
1037 occurred. This paragraph does not affect the assessment of late  
1038 fees as otherwise provided in this chapter.

1039 Section 19. Paragraph (f) of subsection (3) of section  
1040 318.18, Florida Statutes, is amended, and subsection (22) is  
1041 added to that section, to read:

1042 318.18 Amount of penalties.-The penalties required for a  
1043 noncriminal disposition pursuant to s. 318.14 or a criminal  
1044 offense listed in s. 318.17 are as follows:

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1045 (3)  
1046 (f) If a violation of s. 316.1301 or s. 316.1303(1) ~~s.~~  
1047 ~~316.1303~~ results in an injury to the pedestrian or damage to the  
1048 property of the pedestrian, an additional fine of up to \$250  
1049 shall be paid. This amount must be distributed pursuant to s.  
1050 318.21.

1051 (22) (a) In addition to any penalties or points imposed  
1052 under s. 316.1923, a person convicted of aggressive careless  
1053 driving shall also pay:

- 1054 1. Upon a first violation, a fine of \$100.  
1055 2. Upon a second or subsequent conviction, a fine of not  
1056 less than \$250 but not more than \$500 and be subject to a  
1057 mandatory hearing under s. 318.19.

1058 (b) The clerk of the court shall remit the moneys collected  
1059 from the increased fine imposed by this subsection to the  
1060 Department of Revenue for deposit into the Emergency Medical  
1061 Services Trust Fund. Of the funds deposited into the Emergency  
1062 Medical Services Trust Fund, \$200,000 in the first year after  
1063 October 1, 2012, and \$50,000 in the second and third years,  
1064 shall be transferred into the Highway Safety Operating Trust  
1065 Fund to offset the cost of providing educational materials  
1066 related to this act. Funds deposited into the Emergency Medical  
1067 Services Trust Fund under this subsection shall be allocated as  
1068 follows:

1069 1. Twenty-five percent shall be allocated equally among all  
1070 Level I, Level II, and pediatric trauma centers in recognition  
1071 of readiness costs for maintaining trauma services.

1072 2. Twenty-five percent shall be allocated among Level I,  
1073 Level II, and pediatric trauma centers based on each center's

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1074 relative volume of trauma cases as reported in the Department of  
1075 Health Trauma Registry.

1076 3. Twenty-five percent shall be used by the department for  
1077 making matching grants to emergency medical services  
1078 organizations as defined in s. 401.107.

1079 4. Twenty-five percent shall be made available to rural  
1080 emergency medical services as defined in s. 401.107, and shall  
1081 be used solely to improve and expand prehospital emergency  
1082 medical services in this state. Additionally, these moneys may  
1083 be used for the improvement, expansion, or continuation of  
1084 services provided.

1085 Section 20. Subsection (5) of section 318.21, Florida  
1086 Statutes, is amended to read:

1087 318.21 Disposition of civil penalties by county courts.—All  
1088 civil penalties received by a county court pursuant to the  
1089 provisions of this chapter shall be distributed and paid monthly  
1090 as follows:

1091 (5) Of the additional fine assessed under s. 318.18(3)(f)  
1092 for a violation of s. 316.1303(1) ~~s. 316.1303~~, 60 percent must  
1093 be remitted to the Department of Revenue and transmitted monthly  
1094 to the Florida Endowment Foundation for Vocational  
1095 Rehabilitation, and 40 percent must be distributed pursuant to  
1096 subsections (1) and (2).

1097 Section 21. Section 319.14, Florida Statutes, is amended to  
1098 read:

1099 319.14 Sale of motor vehicles registered or used as  
1100 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,  
1101 ~~and~~ nonconforming vehicles, custom vehicles, or street rod  
1102 vehicles.—

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1103           (1) (a) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,  
1104 sell, or exchange any vehicle that has been licensed,  
1105 registered, or used as a taxicab, police vehicle, or short-term-  
1106 lease vehicle, or a vehicle that has been repurchased by a  
1107 manufacturer pursuant to a settlement, determination, or  
1108 decision under chapter 681, until the department has stamped in  
1109 a conspicuous place on the certificate of title of the vehicle,  
1110 or its duplicate, words stating the nature of the previous use  
1111 of the vehicle or the title has been stamped "Manufacturer's Buy  
1112 Back" to reflect that the vehicle is a nonconforming vehicle. If  
1113 the certificate of title or duplicate was not so stamped upon  
1114 initial issuance thereof or if, subsequent to initial issuance  
1115 of the title, the use of the vehicle is changed to a use  
1116 requiring the notation provided for in this section, the owner  
1117 or lienholder of the vehicle shall surrender the certificate of  
1118 title or duplicate to the department prior to offering the  
1119 vehicle for sale, and the department shall stamp the certificate  
1120 or duplicate as required herein. When a vehicle has been  
1121 repurchased by a manufacturer pursuant to a settlement,  
1122 determination, or decision under chapter 681, the title shall be  
1123 stamped "Manufacturer's Buy Back" to reflect that the vehicle is  
1124 a nonconforming vehicle.

1125           (b) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,  
1126 sell, or exchange a rebuilt vehicle until the department has  
1127 stamped in a conspicuous place on the certificate of title for  
1128 the vehicle words stating that the vehicle has been rebuilt or  
1129 assembled from parts, or is a kit car, glider kit, replica, ~~or~~  
1130 flood vehicle, custom vehicle, or street rod vehicle unless  
1131 proper application for a certificate of title for a vehicle that

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1132 is rebuilt or assembled from parts, or is a kit car, glider kit,  
1133 replica, ~~or flood vehicle~~, custom vehicle, or street rod vehicle  
1134 has been made to the department in accordance with this chapter  
1135 and the department has conducted the physical examination of the  
1136 vehicle to assure the identity of the vehicle and all major  
1137 component parts, as defined in s. 319.30(1), which have been  
1138 repaired or replaced. Thereafter, the department shall affix a  
1139 decal to the vehicle, in the manner prescribed by the  
1140 department, showing the vehicle to be rebuilt.

1141 (c) As used in this section, the term:

1142 1. "Police vehicle" means a motor vehicle owned or leased  
1143 by the state or a county or municipality and used in law  
1144 enforcement.

1145 2.a. "Short-term-lease vehicle" means a motor vehicle  
1146 leased without a driver and under a written agreement to one or  
1147 more persons from time to time for a period of less than 12  
1148 months.

1149 b. "Long-term-lease vehicle" means a motor vehicle leased  
1150 without a driver and under a written agreement to one person for  
1151 a period of 12 months or longer.

1152 c. "Lease vehicle" includes both short-term-lease vehicles  
1153 and long-term-lease vehicles.

1154 3. "Rebuilt vehicle" means a motor vehicle or mobile home  
1155 built from salvage or junk, as defined in s. 319.30(1).

1156 4. "Assembled from parts" means a motor vehicle or mobile  
1157 home assembled from parts or combined from parts of motor  
1158 vehicles or mobile homes, new or used. "Assembled from parts"  
1159 does not mean a motor vehicle defined as a "rebuilt vehicle" in  
1160 subparagraph 3., which has been declared a total loss pursuant



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1161 to s. 319.30.

1162 5. "Kit car" means a motor vehicle assembled with a kit  
1163 supplied by a manufacturer to rebuild a wrecked or outdated  
1164 motor vehicle with a new body kit.

1165 6. "Glider kit" means a vehicle assembled with a kit  
1166 supplied by a manufacturer to rebuild a wrecked or outdated  
1167 truck or truck tractor.

1168 7. "Replica" means a complete new motor vehicle  
1169 manufactured to look like an old vehicle.

1170 8. "Flood vehicle" means a motor vehicle or mobile home  
1171 that has been declared to be a total loss pursuant to s.  
1172 319.30(3)(a) resulting from damage caused by water.

1173 9. "Nonconforming vehicle" means a motor vehicle which has  
1174 been purchased by a manufacturer pursuant to a settlement,  
1175 determination, or decision under chapter 681.

1176 10. "Settlement" means an agreement entered into between a  
1177 manufacturer and a consumer that occurs after a dispute is  
1178 submitted to a program, or an informal dispute settlement  
1179 procedure established by a manufacturer or is approved for  
1180 arbitration before the New Motor Vehicle Arbitration Board as  
1181 defined in s. 681.102.

1182 11. "Custom vehicle" means a motor vehicle that:

1183 a. Is 25 years of age or older and of a model year after  
1184 1948 or was manufactured to resemble a vehicle that is 25 years  
1185 of age or older and of a model year after 1948; and

1186 b. Has been altered from the manufacturer's original design  
1187 or has a body constructed from nonoriginal materials.

1188  
1189 The model year and year of manufacture that the body of a custom

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1190 vehicle resembles is the model year and year of manufacture  
1191 listed on the certificate of title, regardless of when the  
1192 vehicle was actually manufactured.

1193 12. "Street rod" means a motor vehicle that:

1194 a. Is of a model year of 1948 or older or was manufactured  
1195 after 1948 to resemble a vehicle of a model year of 1948 or  
1196 older; and

1197 b. Has been altered from the manufacturer's original design  
1198 or has a body constructed from nonoriginal materials.

1199  
1200 The model year and year of manufacture that the body of a street  
1201 rod resembles is the model year and year of manufacture listed  
1202 on the certificate of title, regardless of when the vehicle was  
1203 actually manufactured.

1204 (2) A ~~No~~ person may not shall knowingly sell, exchange, or  
1205 transfer a vehicle referred to in subsection (1) without, before  
1206 ~~prior to~~ consummating the sale, exchange, or transfer,  
1207 disclosing in writing to the purchaser, customer, or transferee  
1208 the fact that the vehicle has previously been titled,  
1209 registered, or used as a taxicab, police vehicle, or short-term-  
1210 lease vehicle, ~~or~~ is a vehicle that is rebuilt or assembled from  
1211 parts, or is a kit car, glider kit, replica, or flood vehicle,  
1212 or is a nonconforming vehicle, custom vehicle, or street rod  
1213 vehicle, as the case may be.

1214 (3) Any person who, with intent to offer for sale or  
1215 exchange any vehicle referred to in subsection (1), knowingly or  
1216 intentionally advertises, publishes, disseminates, circulates,  
1217 or places before the public in any communications medium,  
1218 whether directly or indirectly, any offer to sell or exchange

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1219 the vehicle shall clearly and precisely state in each such offer  
1220 that the vehicle has previously been titled, registered, or used  
1221 as a taxicab, police vehicle, or short-term-lease vehicle or  
1222 that the vehicle or mobile home is a vehicle that is rebuilt or  
1223 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or  
1224 flood vehicle, or is a nonconforming vehicle, custom vehicle, or  
1225 street rod vehicle, as the case may be. A ~~Any~~ person who  
1226 violates this subsection commits a misdemeanor of the second  
1227 degree, punishable as provided in s. 775.082 or s. 775.083.

1228 (4) If ~~When~~ a certificate of title, including a foreign  
1229 certificate, is branded to reflect a condition or prior use of  
1230 the titled vehicle, the brand must be noted on the registration  
1231 certificate of the vehicle and such brand shall be carried  
1232 forward on all subsequent certificates of title and registration  
1233 certificates issued for the life of the vehicle.

1234 (5) A ~~Any~~ person who knowingly sells, exchanges, or offers  
1235 to sell or exchange a motor vehicle or mobile home contrary to  
1236 ~~the provisions of~~ this section or any officer, agent, or  
1237 employee of a person who knowingly authorizes, directs, aids in,  
1238 or consents to the sale, exchange, or offer to sell or exchange  
1239 a motor vehicle or mobile home contrary to ~~the provisions of~~  
1240 this section commits a misdemeanor of the second degree,  
1241 punishable as provided in s. 775.082 or s. 775.083.

1242 (6) A ~~Any~~ person who removes a rebuilt decal from a rebuilt  
1243 vehicle with the intent to conceal the rebuilt status of the  
1244 vehicle commits a felony of the third degree, punishable as  
1245 provided in s. 775.082, s. 775.083, or s. 775.084.

1246 (7) This section applies to a mobile home, travel trailer,  
1247 camping trailer, truck camper, or fifth-wheel recreation trailer

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1248 only when the ~~such~~ mobile home or vehicle is a rebuilt vehicle  
1249 or is assembled from parts.

1250 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in  
1251 any civil action arising out of a violation of this section if  
1252 the designation of the previous use or condition of the motor  
1253 vehicle is not noted on the certificate of title and  
1254 registration certificate of the vehicle which was received by,  
1255 or delivered to, such person, unless the ~~such~~ person has  
1256 actively concealed the prior use or condition of the vehicle  
1257 from the purchaser.

1258 (9) Subsections (1), (2), and (3) do not apply to the  
1259 transfer of ownership of a motor vehicle after the motor vehicle  
1260 has ceased to be used as a lease vehicle and the ownership has  
1261 been transferred to an owner for private use or to the transfer  
1262 of ownership of a nonconforming vehicle with 36,000 or more  
1263 miles on its odometer, or 34 months whichever is later and the  
1264 ownership has been transferred to an owner for private use. Such  
1265 owner, as shown on the title certificate, may request the  
1266 department to issue a corrected certificate of title that does  
1267 not contain the statement of the previous use of the vehicle as  
1268 a lease vehicle or condition as a nonconforming vehicle.

1269 Section 22. Subsection (6) of section 319.23, Florida  
1270 Statutes, is amended, present subsections (7) through (11) of  
1271 that section are redesignated as subsections (8) through (12),  
1272 respectively, and a new subsection (7) is added to that section,  
1273 to read:

1274 319.23 Application for, and issuance of, certificate of  
1275 title.—

1276 (6) (a) In the case of the sale of a motor vehicle or mobile

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1277 home by a licensed dealer to a general purchaser, the  
1278 certificate of title must be obtained in the name of the  
1279 purchaser by the dealer upon application signed by the  
1280 purchaser, and in each other case the ~~such~~ certificate must be  
1281 obtained by the purchaser. In each case of transfer of a motor  
1282 vehicle or mobile home, the application for a certificate of  
1283 title, a corrected certificate, or an assignment or reassignment  
1284 must be filed within 30 days after the delivery of the motor  
1285 vehicle or after consummation of the sale of the mobile home to  
1286 the purchaser. An applicant must pay a fee of \$20, in addition  
1287 to all other fees and penalties required by law, for failing to  
1288 file such application within the specified time. In the case of  
1289 the sale of a motor vehicle by a licensed motor vehicle dealer  
1290 to a general purchaser who resides in another state or country,  
1291 the dealer is not required to apply for a certificate of title  
1292 for the motor vehicle; however, the dealer must transfer  
1293 ownership and reassign the certificate of title or  
1294 manufacturer's certificate of origin to the purchaser, and the  
1295 purchaser must sign an affidavit, as approved by the department,  
1296 that the purchaser will title and register the motor vehicle in  
1297 another state or country.

1298 (b) If a licensed dealer acquires a motor vehicle or mobile  
1299 home as a trade-in, the dealer must file with the department,  
1300 within 30 days, a notice of sale signed by the seller. The  
1301 department shall update its database for that title record to  
1302 indicate "sold." A licensed dealer need not apply for a  
1303 certificate of title for any motor vehicle or mobile home in  
1304 stock acquired for stock purposes except as provided in s.  
1305 319.225.

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1306       (7) If an applicant for a certificate of title is unable to  
1307 provide the department with a certificate of title that assigns  
1308 the prior owner's interest in the motor vehicle, the department  
1309 may accept a bond in the form prescribed by the department,  
1310 along with an affidavit in a form prescribed by the department,  
1311 which includes verification of the vehicle identification number  
1312 and an application for title.

1313       (a) The bond must be:

1314       1. In a form prescribed by the department;

1315       2. Executed by the applicant;

1316       3. Issued by a person authorized to conduct a surety  
1317 business in this state;

1318       4. In an amount equal to two times the value of the vehicle  
1319 as determined by the department; and

1320       5. Conditioned to indemnify all prior owners and  
1321 lienholders and all subsequent purchasers of the vehicle or  
1322 persons who acquire a security interest in the vehicle, and  
1323 their successors in interest, against any expense, loss, or  
1324 damage, including reasonable attorney fees, occurring because of  
1325 the issuance of the certificate of title for the vehicle or for  
1326 a defect in or undisclosed security interest on the right,  
1327 title, or interest of the applicant to the vehicle.

1328       (b) An interested person has a right to recover on the bond  
1329 for a breach of the bond's condition. The aggregate liability of  
1330 the surety to all persons may not exceed the amount of the bond.

1331       (c) A bond under this subsection expires on the third  
1332 anniversary of the date the bond became effective.

1333       (d) The affidavit must:

1334       1. Be in a form prescribed by the department;

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1335 2. Include the facts and circumstances under which the  
1336 applicant acquired ownership and possession of the motor  
1337 vehicle;

1338 3. Disclose that no security interests, liens, or  
1339 encumbrances against the motor vehicle are known to the  
1340 applicant against the motor vehicle; and

1341 4. State that the applicant has the right to have a  
1342 certificate of title issued.

1343 Section 23. Subsection (8) of section 319.24, Florida  
1344 Statutes, is amended to read:

1345 319.24 Issuance in duplicate; delivery; liens and  
1346 encumbrances.—

1347 (8) Notwithstanding any requirements in this section or in  
1348 s. 319.27 indicating that a lien on a motor vehicle or mobile  
1349 home shall be noted on the face of the Florida certificate of  
1350 title, if there are one or more liens or encumbrances on the  
1351 motor vehicle or mobile home, the department shall ~~may~~  
1352 electronically transmit the lien to the first lienholder and  
1353 notify the first lienholder of any additional liens. Subsequent  
1354 lien satisfactions shall ~~may~~ be electronically transmitted to  
1355 the department and must ~~shall~~ include the name and address of  
1356 the person or entity satisfying the lien. When electronic  
1357 transmission of liens and lien satisfactions is ~~are~~ used, the  
1358 issuance of a certificate of title may be waived until the last  
1359 lien is satisfied and a clear certificate of title is issued to  
1360 the owner of the vehicle. In subsequent transfer of ownership of  
1361 the motor vehicle, it shall be presumed that the motor vehicle  
1362 title is subject to a lien as set forth in s. 319.225(6) (a)  
1363 until the title to be issued pursuant to this subsection is

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1364 received by the person or entity satisfying the lien.

1365 Section 24. Subsection (7) is added to section 319.27,  
1366 Florida Statutes, to read:

1367 319.27 Notice of lien on motor vehicles or mobile homes;  
1368 notation on certificate; recording of lien.—

1369 (7) The department shall establish and administer an  
1370 electronic titling program that requires the electronic  
1371 recording of vehicle title information for new, transferred, and  
1372 corrected certificates of title. Lienholders shall  
1373 electronically transmit liens and lien satisfactions to the  
1374 department in a format determined by the department. Individuals  
1375 and lienholders who the department determines are not normally  
1376 engaged in the business or practice of financing vehicles are  
1377 exempt from the electronic titling requirement.

1378 Section 25. Subsection (3) is added to section 319.28,  
1379 Florida Statutes, to read:

1380 319.28 Transfer of ownership by operation of law.—

1381 (3) A dealer of farm or industrial equipment who conducts a  
1382 repossession, as defined in s. 493.6101(22), of such equipment  
1383 is not subject to licensure as a recovery agent or recovery  
1384 agency if the dealer is regularly engaged in the sale of the  
1385 equipment for a particular manufacturer and the lender is  
1386 affiliated with that manufacturer.

1387 Section 26. Present subsection (10) of section 319.30,  
1388 Florida Statutes, is renumbered as subsection (11), and a new  
1389 subsection (10) is added to that section to read:

1390 319.30 Definitions; dismantling, destruction, change of  
1391 identity of motor vehicle or mobile home; salvage.—

1392 (10) The department may adopt rules to implement an



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1393 electronic system for issuing salvage certificates of title and  
1394 certificates of destruction.

1395 Section 27. Section 319.40, Florida Statutes, is amended to  
1396 read:

1397 319.40 Transactions by electronic or telephonic means.—

1398 (1) The department may ~~is authorized to~~ accept any  
1399 application provided for under this chapter by electronic or  
1400 telephonic means.

1401 (2) The department may issue an electronic certificate of  
1402 title in lieu of printing a paper title.

1403 (3) The department may collect electronic mail addresses  
1404 and use electronic mail in lieu of the United States Postal  
1405 Service as a method of notification. However, any notice  
1406 regarding the potential forfeiture or foreclosure of an interest  
1407 in property must be sent via the United States Postal Service.

1408 Section 28. Paragraph (a) of subsection (1) of section  
1409 320.01, Florida Statutes, is amended, and subsection (46) is  
1410 added to that section, to read:

1411 320.01 Definitions, general.—As used in the Florida  
1412 Statutes, except as otherwise provided, the term:

1413 (1) "Motor vehicle" means:

1414 (a) An automobile, motorcycle, truck, trailer, semitrailer,  
1415 truck tractor and semitrailer combination, or any other vehicle  
1416 operated on the roads of this state, used to transport persons  
1417 or property, and propelled by power other than muscular power,  
1418 but the term does not include traction engines, road rollers,  
1419 special mobile equipment as defined in s. 316.003(48), such  
1420 vehicles that ~~as~~ run only upon a track, bicycles, swamp buggies,  
1421 or mopeds.

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1422       (46) "Swamp buggy" means a motorized off-road vehicle that  
1423 is designed or modified to travel over swampy or varied terrain  
1424 and that may use large tires or tracks operated from an elevated  
1425 platform. The term does not include any vehicle defined in  
1426 chapter 261 or otherwise defined or classified in this chapter.

1427       Section 29. Subsection (2) and paragraph (e) of subsection  
1428 (5) of section 320.02, Florida Statutes, are amended, paragraphs  
1429 (o), (p), (q), and (r) are added to subsection (15), and  
1430 subsection (18) is added to that section, to read:

1431       320.02 Registration required; application for registration;  
1432 forms.—

1433       (2) (a) The application for registration shall include the  
1434 street address of the owner's permanent residence or the address  
1435 of his or her permanent place of business and shall be  
1436 accompanied by personal or business identification information  
1437 which may include, but need not be limited to, a driver ~~driver's~~  
1438 license number, Florida identification card number, or federal  
1439 employer identification number. If the owner does not have a  
1440 permanent residence or permanent place of business or if the  
1441 owner's permanent residence or permanent place of business  
1442 cannot be identified by a street address, the application shall  
1443 include:

1444       1. If the vehicle is registered to a business, the name and  
1445 street address of the permanent residence of an owner of the  
1446 business, an officer of the corporation, or an employee who is  
1447 in a supervisory position.

1448       2. If the vehicle is registered to an individual, the name  
1449 and street address of the permanent residence of a close  
1450 relative or friend who is a resident of this state.

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1451  
1452 If the vehicle is registered to an active duty member of the  
1453 Armed Forces of the United States who is a Florida resident, the  
1454 active duty member is exempt from the requirement to provide the  
1455 street address of a permanent residence.

1456 (b) The department shall prescribe a form upon which motor  
1457 vehicle owners may record odometer readings when registering  
1458 their motor vehicles.

1459 (5)

1460 (e) Upon the expiration date noted in the cancellation  
1461 notice that the department receives from the insurer, the  
1462 department shall suspend the registration, issued under this  
1463 chapter or s. 207.004(1), of a motor carrier who operates a  
1464 commercial motor vehicle or who permits it to be operated in  
1465 this state during the registration period without having in full  
1466 force ~~and effect~~ liability insurance, a surety bond, or a valid  
1467 self-insurance certificate that complies with ~~the provisions of~~  
1468 this section. The insurer shall provide notice to the department  
1469 at the same time the cancellation notice is provided to the  
1470 insured pursuant to s. 627.7281. The department may adopt rules  
1471 regarding the electronic submission of the cancellation notice  
1472 liability insurance policy or surety bond may not be canceled on  
1473 less than 30 days' written notice by the insurer to the  
1474 department, such 30 days' notice to commence from the date  
1475 notice is received by the department.

1476 (15)

1477 (o) The application form for motor vehicle registration and  
1478 renewal registration must include language permitting a  
1479 voluntary contribution of \$1 to the Florida Association of Food

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1480 Banks, Inc. The proceeds shall be distributed by the department  
1481 each month to Florida Association of Food Banks, Inc., to be  
1482 used by that organization for the purpose of ending hunger in  
1483 this state.

1484 (p) The application form for motor vehicle registration and  
1485 renewal of registration must include language permitting a  
1486 voluntary contribution of \$1 per applicant for Autism Services  
1487 and Supports. Such contributions must be transferred by the  
1488 department to the Achievement and Rehabilitation Centers, Inc.,  
1489 Autism Services Fund.

1490 (q) The application form for motor vehicle registration and  
1491 renewal of registration must include language permitting a  
1492 voluntary contribution of \$1 per applicant to Support Our  
1493 Troops, which shall be distributed to Support Our Troops, Inc.,  
1494 a Florida not-for-profit organization.

1495 (r) The application form for motor vehicle registration and  
1496 renewal of registration must include language permitting a  
1497 voluntary contribution of \$1 to Take Stock In Children. Such  
1498 contributions shall be transferred by the department to Take  
1499 Stock In Children, Inc.

1500  
1501 For the purpose of applying the service charge provided in s.  
1502 215.20, contributions received under this subsection are not  
1503 income of a revenue nature.

1504 (18) The department shall retain all electronic  
1505 registration records for at least 10 years.

1506 Section 30. Subsection (8) of section 320.03, Florida  
1507 Statutes, is amended to read:

1508 320.03 Registration; duties of tax collectors;

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1509 International Registration Plan.—

1510 (8) If the applicant's name appears on the list referred to  
1511 in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license  
1512 plate or revalidation sticker may not be issued until that  
1513 person's name no longer appears on the list or until the person  
1514 presents a receipt from the governmental entity or the clerk of  
1515 court that provided the data showing that the fines outstanding  
1516 have been paid. This subsection does not apply to the owner of a  
1517 leased vehicle if the vehicle is registered in the name of the  
1518 lessee of the vehicle. The tax collector and the clerk of the  
1519 court are each entitled to receive monthly, as costs for  
1520 implementing and administering this subsection, 10 percent of  
1521 the civil penalties and fines recovered from such persons. As  
1522 used in this subsection, the term "civil penalties and fines"  
1523 does not include a wrecker operator's lien as described in s.  
1524 713.78(13). If the tax collector has private tag agents, such  
1525 tag agents are entitled to receive a pro rata share of the  
1526 amount paid to the tax collector, based upon the percentage of  
1527 license plates and revalidation stickers issued by the tag agent  
1528 compared to the total issued within the county. The authority of  
1529 any private agent to issue license plates shall be revoked,  
1530 after notice and a hearing as provided in chapter 120, if he or  
1531 she issues any license plate or revalidation sticker contrary to  
1532 the provisions of this subsection. This section applies only to  
1533 the annual renewal in the owner's birth month of a motor vehicle  
1534 registration and does not apply to the transfer of a  
1535 registration of a motor vehicle sold by a motor vehicle dealer  
1536 licensed under this chapter, except for the transfer of  
1537 registrations which includes ~~is inclusive of~~ the annual

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1538 renewals. This section does not affect the issuance of the title  
1539 to a motor vehicle, notwithstanding s. 319.23(8)(b)  
1540 ~~319.23(7)(b)~~.

1541 Section 31. Subsections (5) and (6) are added to section  
1542 320.06, Florida Statutes, to read:

1543 320.06 Registration certificates, license plates, and  
1544 validation stickers generally.—

1545 (5) The department may conduct a pilot program to evaluate  
1546 the designs, concepts, and technologies for alternative license  
1547 plates. For purposes of the pilot program, the department shall  
1548 investigate the feasibility and use of alternative license plate  
1549 technologies and the long-term cost impact to the consumer. The  
1550 pilot program shall be limited to license plates that are used  
1551 on government-owned motor vehicles as described in s. 320.0655.  
1552 Such license plates are exempt from the requirements in  
1553 paragraph (3)(a).

1554 (6) All license plates issued pursuant to this chapter are  
1555 the property of the state.

1556 Section 32. Section 320.0605, Florida Statutes, is amended  
1557 to read:

1558 320.0605 Certificate of registration; possession required;  
1559 exception.—

1560 (1) The registration certificate or an official copy  
1561 thereof, a true copy of a rental or lease documentation  
1562 agreement issued for a motor vehicle or issued for a replacement  
1563 vehicle in the same registration period, a temporary receipt  
1564 printed upon self-initiated electronic renewal of a registration  
1565 via the Internet, or a cab card issued for a vehicle registered  
1566 under the International Registration Plan shall, at all times

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1567 while the vehicle is being used or operated on the roads of this  
1568 state, be in the possession of the operator thereof or be  
1569 carried in the vehicle for which issued and shall be exhibited  
1570 upon demand of any authorized law enforcement officer or any  
1571 agent of the department, except for a vehicle registered under  
1572 s. 320.0657. The provisions of this section do not apply during  
1573 the first 30 days after purchase of a replacement vehicle. A  
1574 violation of this section is a noncriminal traffic infraction,  
1575 punishable as a nonmoving violation as provided in chapter 318.

1576 (2) Rental or lease documentation that is sufficient to  
1577 satisfy the requirement in subsection (1) includes the  
1578 following:

1579 (a) Date of rental and time of exit from rental facility;

1580 (b) Rental station identification;

1581 (c) Rental agreement number;

1582 (d) Rental vehicle identification number;

1583 (e) Rental vehicle license plate number and state of  
1584 registration;

1585 (f) Vehicle's make, model, and color;

1586 (g) Vehicle's mileage; and

1587 (h) Authorized renter's name.

1588 Section 33. Section 320.061, Florida Statutes, is amended  
1589 to read:

1590 320.061 Unlawful to alter motor vehicle registration  
1591 certificates, license plates, temporary license plates, mobile  
1592 home stickers, or validation stickers or to obscure license  
1593 plates; penalty.—A No person may not shall alter the original  
1594 appearance of a vehicle registration certificate, any  
1595 registration license plate, temporary license plate, mobile home

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1596 sticker, or validation sticker, ~~or vehicle registration~~  
1597 ~~certificate~~ issued for and assigned to a ~~any~~ motor vehicle or  
1598 mobile home, whether by mutilation, alteration, defacement, or  
1599 change of color or in any other manner. A ~~No~~ person may not  
1600 ~~shall~~ apply or attach a ~~any~~ substance, reflective matter,  
1601 illuminated device, spray, coating, covering, or other material  
1602 onto or around any license plate which ~~that~~ interferes with the  
1603 legibility, angular visibility, or detectability of any feature  
1604 or detail on the license plate or interferes with the ability to  
1605 record any feature or detail on the license plate. A ~~Any~~ person  
1606 who violates this section commits a noncriminal traffic  
1607 infraction, punishable as a moving violation as provided in  
1608 chapter 318.

1609 Section 34. Subsection (1) of section 320.07, Florida  
1610 Statutes, is amended to read:

1611 320.07 Expiration of registration; renewal required;  
1612 penalties.—

1613 (1) The registration of a motor vehicle or mobile home  
1614 expires at midnight on the last day of the registration or  
1615 extended registration period, or for a motor vehicle or mobile  
1616 home owner who is a natural person, at midnight on the owner's  
1617 birthday. A vehicle may ~~shall~~ not be operated on the roads of  
1618 this state after expiration of the renewal period unless the  
1619 registration has been renewed according to law.

1620 Section 35. Paragraph (z) of subsection (4) of section  
1621 320.08056, Florida Statutes, is amended to read:

1622 320.08056 Specialty license plates.—

1623 (4) The following license plate annual use fees shall be  
1624 collected for the appropriate specialty license plates:



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1625 (z) Tampa Bay Estuary license plate, \$25 ~~\$15~~.

1626 Section 36. Paragraph (b) of subsection (35) of section

1627 320.08058, Florida Statutes, is amended to read:

1628 320.08058 Specialty license plates.—

1629 (35) FLORIDA GOLF LICENSE PLATES.—

1630 (b) The department shall distribute the Florida Golf

1631 license plate annual use fee to the Dade Amateur Golf

1632 Association, a nonprofit organization under s. 501(c)(3) of the

1633 Internal Revenue Code. The license plate annual use fees are to

1634 be annually allocated as follows:

1635 1. Up to 15 ~~10~~ percent of the proceeds from the annual use

1636 fees may be used by the Dade Amateur Golf Association for the

1637 administration of the Florida Junior Golf Program.

1638 2. The Dade Amateur Golf Association shall receive the

1639 first \$80,000 in proceeds from the annual use fees for the

1640 operation of youth golf programs in Miami-Dade County.

1641 Thereafter, 15 percent of the proceeds from the annual use fees

1642 shall be provided to the Dade Amateur Golf Association for the

1643 operation of youth golf programs in Miami-Dade County.

1644 3. The remaining proceeds from the annual use fees shall be

1645 available for grants to nonprofit organizations to operate youth

1646 golf programs and for marketing the Florida Golf license plates.

1647 All grant recipients shall be required to provide to the Dade

1648 Amateur Golf Association an annual program and financial report

1649 regarding the use of grant funds. Such reports shall be made

1650 available to the public.

1651 Section 37. Paragraph (e) of subsection (4) of section

1652 320.08068, Florida Statutes, is amended to read:

1653 320.08068 Motorcycle specialty license plates.—

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1654 (4) A license plate annual use fee of \$20 shall be  
1655 collected for each motorcycle specialty license plate. Annual  
1656 use fees shall be distributed to The Able Trust as custodial  
1657 agent. The Able Trust may retain a maximum of 10 percent of the  
1658 proceeds from the sale of the license plate for administrative  
1659 costs. The Able Trust shall distribute the remaining funds as  
1660 follows:

1661 (e) Twenty percent to the Florida Association of Centers  
1662 for Independent Living ~~to be used to leverage additional funding~~  
1663 ~~and new sources of revenue for the centers for independent~~  
1664 ~~living in this state.~~

1665 Section 38. Subsection (4) of section 320.0848, Florida  
1666 Statutes, is amended to read:

1667 320.0848 Persons who have disabilities; issuance of  
1668 disabled parking permits; temporary permits; permits for certain  
1669 providers of transportation services to persons who have  
1670 disabilities.—

1671 (4) From the proceeds of the temporary disabled parking  
1672 permit fees:

1673 (a) The Department of Highway Safety and Motor Vehicles  
1674 must receive \$3.50 for each temporary permit, to be deposited  
1675 into the Highway Safety Operating Trust Fund and used for  
1676 implementing the real-time disabled parking permit database and  
1677 for administering the disabled parking permit program.

1678 (b) The tax collector, for processing, must receive \$2.50  
1679 for each temporary permit.

1680 (c) The remainder must be distributed monthly as follows:

1681 1. To the Florida Endowment Foundation for Vocational  
1682 Rehabilitation, known as "The Able Trust," ~~Florida Governor's~~

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1683 ~~Alliance for the Employment of Disabled Citizens~~ for the purpose  
1684 of improving employment and training opportunities for persons  
1685 who have disabilities, with special emphasis on removing  
1686 transportation barriers, \$4. These fees must be directly  
1687 deposited into the Florida Endowment Foundation for Vocational  
1688 Rehabilitation as established in s. 413.615 ~~Transportation~~  
1689 ~~Disadvantaged Trust Fund for transfer to the Florida Governor's~~  
1690 ~~Alliance for Employment of Disabled Citizens.~~

1691 2. To the Transportation Disadvantaged Trust Fund to be  
1692 used for funding matching grants to counties for the purpose of  
1693 improving transportation of persons who have disabilities, \$5.

1694 Section 39. Paragraph (a) of subsection (1) of section  
1695 320.089, Florida Statutes, is amended, and subsection (5) is  
1696 added to that section, to read:

1697 320.089 Members of National Guard and active United States  
1698 Armed Forces reservists; former prisoners of war; survivors of  
1699 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi  
1700 Freedom and Operation Enduring Freedom Veterans; Vietnam War  
1701 Veterans; Combat Infantry Badge recipients; special license  
1702 plates; fee.-

1703 (1) (a) Each owner or lessee of an automobile or truck for  
1704 private use or recreational vehicle as specified in s.  
1705 320.08(9)(c) or (d), which is not used for hire or commercial  
1706 use, who is a resident of the state and an active or retired  
1707 member of the Florida National Guard, a survivor of the attack  
1708 on Pearl Harbor, a recipient of the Purple Heart medal, or an  
1709 active or retired member of any branch of the United States  
1710 Armed Forces Reserve, or a recipient of the Combat Infantry  
1711 Badge shall, upon application to the department, accompanied by

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1712 proof of active membership or retired status in the Florida  
1713 National Guard, proof of membership in the Pearl Harbor  
1714 Survivors Association or proof of active military duty in Pearl  
1715 Harbor on December 7, 1941, proof of being a Purple Heart medal  
1716 recipient, ~~or~~ proof of active or retired membership in any  
1717 branch of the Armed Forces Reserve, or proof of membership in  
1718 the Combat Infantrymen's Association, Inc., or other proof of  
1719 being a recipient of the Combat Infantry Badge, and upon payment  
1720 of the license tax for the vehicle as provided in s. 320.08, be  
1721 issued a license plate as provided by s. 320.06, upon which, in  
1722 lieu of the serial numbers prescribed by s. 320.06, shall be  
1723 stamped the words "National Guard," "Pearl Harbor Survivor,"  
1724 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry  
1725 Badge," as appropriate, followed by the serial number of the  
1726 license plate. Additionally, the Purple Heart plate may have the  
1727 words "Purple Heart" stamped on the plate and the likeness of  
1728 the Purple Heart medal appearing on the plate.

1729 (5) The owner or lessee of an automobile or truck for  
1730 private use, a truck weighing not more than 7,999 pounds, or a  
1731 recreational vehicle as specified in s. 320.08(9)(c) or (d)  
1732 which automobile, truck, or recreational vehicle is not used for  
1733 hire or commercial use who is a resident of the state and a  
1734 current or former member of the United States military who was  
1735 deployed and served in Vietnam during United States military  
1736 deployment in Indochina shall, upon application to the  
1737 department, accompanied by proof of active membership or former  
1738 active duty status during these operations, and, upon payment of  
1739 the license tax for the vehicle as provided in s. 320.08, be  
1740 issued a license plate as provided by s. 320.06 upon which, in

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1741 lieu of the registration license number prescribed by s. 320.06,  
1742 shall be stamped the words "Vietnam War Veteran," followed by  
1743 the registration license number of the plate.

1744 Section 40. Paragraph (c) is added to subsection (1) of  
1745 section 320.13, Florida Statutes, to read:

1746 320.13 Dealer and manufacturer license plates and  
1747 alternative method of registration.—

1748 (1)

1749 (c) A dealer of heavy trucks as defined in s. 320.01(10),  
1750 upon payment of the license tax imposed by s. 320.08(12), may  
1751 secure one or more dealer license plates that are valid for use  
1752 on vehicles owned by the dealer to whom such plates are issued  
1753 while the heavy trucks are in inventory and for sale and are  
1754 being used only in the state for demonstration purposes. The  
1755 license plates may be used for demonstration purposes for a  
1756 period not to exceed 24 hours. The license plates must be  
1757 validated on a form prescribed by the department and must be  
1758 retained in the vehicle being operated.

1759 Section 41. Section 320.15, Florida Statutes, is amended to  
1760 read:

1761 320.15 Refund of license tax.—Any resident owner of a motor  
1762 vehicle or mobile home that has been destroyed or permanently  
1763 removed from the state shall, upon application to the department  
1764 and surrender of the license plate or mobile home sticker issued  
1765 for such vehicle, be entitled to a credit to apply to  
1766 registration of any other vehicle in the name of the owner, if  
1767 the amount is \$3 or more, for the unexpired period of the  
1768 license. However, if the license plate surrendered is a "for-  
1769 hire" license plate, the amount of credit may not be more than

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1770 one-half of the annual license tax amount. A credit is ~~will~~ not  
1771 ~~be~~ valid after the expiration date of the license plate which is  
1772 current on the date of the credit, as provided in s. 320.07. A  
1773 motor vehicle or mobile home owner who renews a registration  
1774 during the advanced renewal period as provided in s. 320.071 and  
1775 who surrenders the motor vehicle or mobile home license plate  
1776 before the end of the renewal period may apply for a refund of  
1777 the license taxes assessed pursuant to s. 320.08.

1778 Section 42. Subsection (3) of section 320.27, Florida  
1779 Statutes, is amended to read:

1780 320.27 Motor vehicle dealers.—

1781 (3) APPLICATION AND FEE.—The application for the license  
1782 shall be in such form as may be prescribed by the department and  
1783 shall be subject to such rules with respect thereto as may be so  
1784 prescribed by it. Such application shall be verified by oath or  
1785 affirmation and shall contain a full statement of the name and  
1786 birth date of the person or persons applying therefor; the name  
1787 of the firm or copartnership, with the names and places of  
1788 residence of all members thereof, if such applicant is a firm or  
1789 copartnership; the names and places of residence of the  
1790 principal officers, if the applicant is a body corporate or  
1791 other artificial body; the name of the state under whose laws  
1792 the corporation is organized; the present and former place or  
1793 places of residence of the applicant; and prior business in  
1794 which the applicant has been engaged and the location thereof.  
1795 Such application shall describe the exact location of the place  
1796 of business and shall state whether the place of business is  
1797 owned by the applicant and when acquired, or, if leased, a true  
1798 copy of the lease shall be attached to the application. The

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1799 applicant shall certify that the location provides an adequately  
1800 equipped office and is not a residence; that the location  
1801 affords sufficient unoccupied space upon and within which  
1802 adequately to store all motor vehicles offered and displayed for  
1803 sale; and that the location is a suitable place where the  
1804 applicant can in good faith carry on such business and keep and  
1805 maintain books, records, and files necessary to conduct such  
1806 business, which shall ~~will~~ be available at all reasonable hours  
1807 to inspection by the department or any of its inspectors or  
1808 other employees. The applicant shall certify that the business  
1809 of a motor vehicle dealer is the principal business which shall  
1810 be conducted at that location. The ~~Such~~ application shall  
1811 contain a statement that the applicant is either franchised by a  
1812 manufacturer of motor vehicles, in which case the name of each  
1813 motor vehicle that the applicant is franchised to sell shall be  
1814 included, or an independent (nonfranchised) motor vehicle  
1815 dealer. The ~~Such~~ application shall contain ~~such~~ other relevant  
1816 information as may be required by the department, including  
1817 evidence that the applicant is insured under a garage liability  
1818 insurance policy or a general liability insurance policy coupled  
1819 with a business automobile policy, which shall include, at a  
1820 minimum, \$25,000 combined single-limit liability coverage  
1821 including bodily injury and property damage protection and  
1822 \$10,000 personal injury protection. However, a salvage motor  
1823 vehicle dealer as defined in subparagraph (1)(c)5. is exempt  
1824 from the requirements for garage liability insurance and  
1825 personal injury protection insurance on those vehicles that  
1826 cannot be legally operated on roads, highways, or streets in  
1827 this state. Franchise dealers must submit a garage liability

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1828 insurance policy, and all other dealers must submit a garage  
1829 liability insurance policy or a general liability insurance  
1830 policy coupled with a business automobile policy. Such policy  
1831 shall be for the license period, and evidence of a new or  
1832 continued policy shall be delivered to the department at the  
1833 beginning of each license period. Upon making initial  
1834 application, the applicant shall pay to the department a fee of  
1835 \$300 in addition to any other fees now required by law. + Upon  
1836 making a subsequent renewal application, the applicant shall pay  
1837 to the department a fee of \$75 in addition to any other fees now  
1838 required by law. Upon making an application for a change of  
1839 location, the person shall pay a fee of \$50 in addition to any  
1840 other fees now required by law. The department shall, in the  
1841 case of every application for initial licensure, verify whether  
1842 certain facts set forth in the application are true. Each  
1843 applicant, general partner in the case of a partnership, or  
1844 corporate officer and director in the case of a corporate  
1845 applicant, must file a set of fingerprints with the department  
1846 for the purpose of determining any prior criminal record or any  
1847 outstanding warrants. The department shall submit the  
1848 fingerprints to the Department of Law Enforcement for state  
1849 processing and forwarding to the Federal Bureau of Investigation  
1850 for federal processing. The actual cost of state and federal  
1851 processing shall be borne by the applicant and is in addition to  
1852 the fee for licensure. The department may issue a license to an  
1853 applicant pending the results of the fingerprint investigation,  
1854 which license is fully revocable if the department subsequently  
1855 determines that any facts set forth in the application are not  
1856 true or correctly represented.



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1857 Section 43. Subsection (1) of section 320.771, Florida  
1858 Statutes, is amended to read:

1859 320.771 License required of recreational vehicle dealers.-

1860 (1) DEFINITIONS.-As used in this section, the term:

1861 (a)1. "Dealer" means any person engaged in the business of  
1862 buying, selling, or dealing in recreational vehicles or offering  
1863 or displaying recreational vehicles for sale. The term "dealer"  
1864 includes a recreational vehicle broker. Any person who buys,  
1865 sells, deals in, or offers or displays for sale, or who acts as  
1866 the agent for the sale of, one or more recreational vehicles in  
1867 any 12-month period shall be prima facie presumed to be a  
1868 dealer. The terms "selling" and "sale" include lease-purchase  
1869 transactions. The term "dealer" does not include banks, credit  
1870 unions, and finance companies that acquire recreational vehicles  
1871 as an incident to their regular business and does not include  
1872 mobile home rental and leasing companies that sell recreational  
1873 vehicles to dealers licensed under this section.

1874 2. A licensed dealer may transact business in recreational  
1875 vehicles with a motor vehicle auction as defined in s.

1876 320.27(1)(c)4. Further, a licensed dealer may, at retail or  
1877 wholesale, sell a motor vehicle, as described in s.

1878 320.01(1)(a), acquired in exchange for the sale of a  
1879 recreational vehicle, if the ~~such~~ acquisition is incidental to  
1880 the principal business of being a recreational vehicle dealer.

1881 However, a recreational vehicle dealer may not buy a motor  
1882 vehicle for the purpose of resale unless licensed as a motor  
1883 vehicle dealer pursuant to s. 320.27. A dealer may apply for a  
1884 certificate of title to a recreational vehicle required to be  
1885 registered under s. 320.08(9), using a manufacturer's statement

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1886 of origin as permitted by s. 319.23(1), only if the dealer is  
1887 authorized by a manufacturer/dealer agreement, as defined in s.  
1888 320.3202, on file with the department, to buy, sell, or deal in  
1889 that particular line-make of recreational vehicle, and the  
1890 dealer is authorized by the manufacturer/dealer agreement to  
1891 perform delivery and preparation obligations and warranty defect  
1892 adjustments on that line-make.

1893 (b) "Recreational vehicle broker" means any person who is  
1894 engaged in the business of offering to procure or procuring used  
1895 recreational vehicles for the general public; who holds himself  
1896 or herself out through solicitation, advertisement, or otherwise  
1897 as one who offers to procure or procures used recreational  
1898 vehicles for the general public; or who acts as the agent or  
1899 intermediary on behalf of the owner or seller of a used  
1900 recreational vehicle which is for sale or who assists or  
1901 represents the seller in finding a buyer for the recreational  
1902 vehicle.

1903 (c) ~~For the purposes of this section, the term~~  
1904 "Recreational vehicle" does not include any camping trailer, as  
1905 defined in s. 320.01(1)(b)2.

1906 Section 44. Section 320.95, Florida Statutes, is amended to  
1907 read:

1908 320.95 Transactions by electronic or telephonic means.—

1909 (1) The department may ~~is authorized to~~ accept an any  
1910 application provided for under this chapter by electronic or  
1911 telephonic means.

1912 (2) The department may collect electronic mail addresses  
1913 and use electronic mail in lieu of the United States Postal  
1914 Service for the purpose of providing renewal notices.

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1915 Section 45. Subsection (5) of section 322.0261, Florida  
1916 Statutes, is amended to read:

1917 322.0261 Driver improvement course; requirement to maintain  
1918 driving privileges; failure to complete; department approval of  
1919 course.—

1920 (5) In determining whether to approve a driver improvement  
1921 course for the purposes of this section, the department shall  
1922 consider course content designed to promote safety, driver  
1923 awareness, crash avoidance techniques, awareness of the risks  
1924 associated with using a handheld electronic communication device  
1925 while operating a motor vehicle, and other factors or criteria  
1926 to improve driver performance from a safety viewpoint.

1927 Section 46. Section 322.04, Florida Statutes, is amended to  
1928 read:

1929 322.04 Persons exempt from obtaining driver ~~driver's~~  
1930 license.—

1931 (1) The following persons are exempt from obtaining a  
1932 driver ~~driver's~~ license:

1933 (a) Any employee of the United States Government, while  
1934 operating a noncommercial motor vehicle owned by or leased to  
1935 the United States Government and being operated on official  
1936 business.

1937 (b) Any person while driving or operating any road machine,  
1938 farm tractor, or implement of husbandry temporarily operated or  
1939 moved on a highway.

1940 (c) A nonresident who is at least 16 years of age operating  
1941 ~~and who has in his or her immediate possession a valid~~  
1942 ~~noncommercial driver's license issued to the nonresident in his~~  
1943 ~~or her home state or country,~~ may operate a motor vehicle of the

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1944 type for which a Class E driver ~~driver's~~ license is required in  
1945 this state if the nonresident has in his or her immediate  
1946 possession:

1947 1. A valid noncommercial driver license issued in his or  
1948 her name from another state or territory of the United States;  
1949 or

1950 2. An International Driving Permit issued in his or her  
1951 name in his or her country of residence and a valid license  
1952 issued in that country.

1953 ~~(d) A nonresident who is at least 18 years of age and who~~  
1954 ~~has in his or her immediate possession a valid noncommercial~~  
1955 ~~driver's license issued to the nonresident in his or her home~~  
1956 ~~state or country may operate a motor vehicle, other than a~~  
1957 ~~commercial motor vehicle, in this state.~~

1958 ~~(d)(e)~~ Any person operating a golf cart, as defined in s.  
1959 320.01, which is operated in accordance with the provisions of  
1960 s. 316.212.

1961 (2) ~~The provisions of~~ This section does ~~de~~ not apply to any  
1962 person to whom s. 322.031 applies.

1963 (3) Any person working for a firm under contract to the  
1964 United States Government, whose residence is outside ~~without~~  
1965 this state and whose main point of employment is outside ~~without~~  
1966 this state may drive a noncommercial vehicle on the public roads  
1967 of this state for periods up to 60 days while in this state on  
1968 temporary duty, if the ~~provided such~~ person has a valid driver  
1969 ~~driver's~~ license from the state of the ~~such~~ person's residence.

1970 Section 47. Paragraph (a) of subsection (1) of section  
1971 322.051, Florida Statutes, is amended, and subsection (9) is  
1972 added to that section, to read:

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1973 322.051 Identification cards.—

1974 (1) Any person who is 5 years of age or older, or any  
1975 person who has a disability, regardless of age, who applies for  
1976 a disabled parking permit under s. 320.0848, may be issued an  
1977 identification card by the department upon completion of an  
1978 application and payment of an application fee.

1979 (a) The ~~Each such~~ application must ~~shall~~ include the  
1980 following information regarding the applicant:

1981 1. Full name (first, middle or maiden, and last), gender,  
1982 proof of social security card number satisfactory to the  
1983 department, county of residence, mailing address, proof of  
1984 residential address satisfactory to the department, country of  
1985 birth, and a brief description.

1986 2. Proof of birth date satisfactory to the department.

1987 3. Proof of identity satisfactory to the department. Such  
1988 proof must include one of the following documents issued to the  
1989 applicant:

1990 a. A driver ~~driver's~~ license record or identification card  
1991 record from another jurisdiction that required the applicant to  
1992 submit a document for identification which is substantially  
1993 similar to a document required under sub-subparagraph b., sub-  
1994 subparagraph c., sub-subparagraph d., sub-subparagraph e., sub-  
1995 subparagraph f., sub-subparagraph g., or sub-subparagraph h.;

1996 b. A certified copy of a United States birth certificate;

1997 c. A valid, unexpired United States passport;

1998 d. A naturalization certificate issued by the United States  
1999 Department of Homeland Security;

2000 e. A valid, unexpired alien registration receipt card  
2001 (green card);

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2002 f. A Consular Report of Birth Abroad provided by the United  
2003 States Department of State;

2004 g. An unexpired employment authorization card issued by the  
2005 United States Department of Homeland Security; or

2006 h. Proof of nonimmigrant classification provided by the  
2007 United States Department of Homeland Security, for an original  
2008 identification card. In order to prove ~~such~~ nonimmigrant  
2009 classification, an applicant must provide at least one of  
2010 ~~applicants may produce but are not limited to~~ the following  
2011 documents. In addition, the department may require applicants to  
2012 produce United States Department of Homeland Security documents  
2013 for the sole purpose of establishing the maintenance of, or  
2014 efforts to maintain, continuous lawful presence:

2015 (I) A notice of hearing from an immigration court  
2016 scheduling a hearing on any proceeding.

2017 (II) A notice from the Board of Immigration Appeals  
2018 acknowledging pendency of an appeal.

2019 (III) A notice of the approval of an application for  
2020 adjustment of status issued by the United States Bureau of  
2021 Citizenship and Immigration Services.

2022 (IV) An ~~Any~~ official documentation confirming the filing of  
2023 a petition for asylum or refugee status or any other relief  
2024 issued by the United States Bureau of Citizenship and  
2025 Immigration Services.

2026 (V) A notice of action transferring any pending matter from  
2027 another jurisdiction to Florida, issued by the United States  
2028 Bureau of Citizenship and Immigration Services.

2029 (VI) An order of an immigration judge or immigration  
2030 officer granting ~~any~~ relief that authorizes the alien to live

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2031 and work in the United States, including, but not limited to,  
2032 asylum.

2033 (VII) Evidence that an application is pending for  
2034 adjustment of status to that of an alien lawfully admitted for  
2035 permanent residence in the United States or conditional  
2036 permanent resident status in the United States, if a visa number  
2037 is available having a current priority date for processing by  
2038 the United States Bureau of Citizenship and Immigration  
2039 Services.

2040 (VIII) On or after January 1, 2010, an unexpired foreign  
2041 passport with an unexpired United States Visa affixed,  
2042 accompanied by an approved I-94, documenting the most recent  
2043 admittance into the United States.

2044  
2045 An identification card issued based on documents required  
2046 ~~Presentation of any of the documents described~~ in sub-  
2047 subparagraph g. or sub-subparagraph h. is valid ~~entitles the~~  
2048 ~~applicant to an identification card~~ for a period not to exceed  
2049 the expiration date of the document presented or 1 year,  
2050 whichever ~~first~~ occurs first.

2051 (9) Notwithstanding any other provision of this section or  
2052 s. 322.21 to the contrary, the department shall issue or renew a  
2053 card at no charge to a person who presents evidence satisfactory  
2054 to the department that he or she is homeless as defined in s.  
2055 414.0252.

2056 Section 48. Subsection (4) of section 322.058, Florida  
2057 Statutes, is amended to read:

2058 322.058 Suspension of driving privileges due to support  
2059 delinquency; reinstatement.-

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2060 (4) This section applies only to the annual renewal in the  
2061 owner's birth month of a motor vehicle registration and does not  
2062 apply to the transfer of a registration of a motor vehicle sold  
2063 by a motor vehicle dealer licensed under chapter 320, except for  
2064 the transfer of registrations which includes ~~is inclusive of~~ the  
2065 annual renewals. This section does not affect the issuance of  
2066 the title to a motor vehicle, notwithstanding s. 319.23(8)(b) ~~s.~~  
2067 ~~319.23(7)(b)~~.

2068 Section 49. Section 322.065, Florida Statutes, is amended  
2069 to read:

2070 322.065 Driver ~~Driver's~~ license expired for 6 4 months or  
2071 less; penalties.—A Any person whose driver ~~driver's~~ license has  
2072 been expired for 6 4 months or less and who drives a motor  
2073 vehicle upon the highways of this state commits ~~is guilty of~~ an  
2074 infraction and is subject to the penalty provided in s. 318.18.

2075 Section 50. Subsection (3) of section 322.07, Florida  
2076 Statutes, is amended to read:

2077 322.07 Instruction permits and temporary licenses.—

2078 (3) Any person who, except for his or her lack of  
2079 instruction in operating a commercial motor vehicle, would  
2080 otherwise be qualified to obtain a commercial driver ~~driver's~~  
2081 license under this chapter, may apply for a temporary commercial  
2082 instruction permit. The department shall issue such a permit  
2083 entitling the applicant, while having the permit in his or her  
2084 immediate possession, to drive a commercial motor vehicle on the  
2085 highways, if ~~provided that~~:

2086 (a) The applicant possesses a valid Florida driver ~~driver's~~  
2087 license ~~issued in any state~~; and

2088 (b) The applicant, while operating a commercial motor



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2089 vehicle, is accompanied by a licensed driver who is 21 years of  
2090 age or older, who is licensed to operate the class of vehicle  
2091 being operated, and who is ~~actually~~ occupying the closest seat  
2092 to the right of the driver.

2093 Section 51. Paragraph (c) of subsection (2) and subsection  
2094 (7) of section 322.08, Florida Statutes, are amended, and  
2095 subsection (8) is added to that section, to read:

2096 322.08 Application for license; requirements for license  
2097 and identification card forms.—

2098 (2) Each such application shall include the following  
2099 information regarding the applicant:

2100 (c) Proof of identity satisfactory to the department. Such  
2101 proof must include one of the following documents issued to the  
2102 applicant:

2103 1. A driver ~~driver's~~ license record or identification card  
2104 record from another jurisdiction that required the applicant to  
2105 submit a document for identification which is substantially  
2106 similar to a document required under subparagraph 2.,  
2107 subparagraph 3., subparagraph 4., subparagraph 5., subparagraph  
2108 6., subparagraph 7., or subparagraph 8.;

2109 2. A certified copy of a United States birth certificate;

2110 3. A valid, unexpired United States passport;

2111 4. A naturalization certificate issued by the United States  
2112 Department of Homeland Security;

2113 5. A valid, unexpired alien registration receipt card  
2114 (green card);

2115 6. A Consular Report of Birth Abroad provided by the United  
2116 States Department of State;

2117 7. An unexpired employment authorization card issued by the

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2118 United States Department of Homeland Security; or

2119 8. Proof of nonimmigrant classification provided by the  
2120 United States Department of Homeland Security, for an original  
2121 driver ~~driver's~~ license. In order to prove nonimmigrant  
2122 classification, an applicant must provide at least one of the  
2123 following documents. In addition, the department may require  
2124 applicants to produce United States Department of Homeland  
2125 Security documents for the sole purpose of establishing the  
2126 maintenance of, or efforts to maintain, continuous lawful  
2127 presence ~~may produce the following documents, including, but not~~  
2128 ~~limited to:~~

2129 a. A notice of hearing from an immigration court scheduling  
2130 a hearing on any proceeding.

2131 b. A notice from the Board of Immigration Appeals  
2132 acknowledging pendency of an appeal.

2133 c. A notice of the approval of an application for  
2134 adjustment of status issued by the United States Bureau of  
2135 Citizenship and Immigration Services.

2136 d. An ~~Any~~ official documentation confirming the filing of a  
2137 petition for asylum or refugee status or any other relief issued  
2138 by the United States Bureau of Citizenship and Immigration  
2139 Services.

2140 e. A notice of action transferring any pending matter from  
2141 another jurisdiction to this state issued by the United States  
2142 Bureau of Citizenship and Immigration Services.

2143 f. An order of an immigration judge or immigration officer  
2144 granting ~~any~~ relief that authorizes the alien to live and work  
2145 in the United States, including, but not limited to, asylum.

2146 g. Evidence that an application is pending for adjustment

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2147 of status to that of an alien lawfully admitted for permanent  
2148 residence in the United States or conditional permanent resident  
2149 status in the United States, if a visa number is available  
2150 having a current priority date for processing by the United  
2151 States Bureau of Citizenship and Immigration Services.

2152 h. On or after January 1, 2010, an unexpired foreign  
2153 passport with an unexpired United States Visa affixed,  
2154 accompanied by an approved I-94, documenting the most recent  
2155 admittance into the United States.

2156  
2157 A driver license or temporary permit issued based on documents  
2158 required ~~Presentation of any of the documents~~ in subparagraph 7.  
2159 or subparagraph 8. is valid ~~entitles the applicant to a driver's~~  
2160 ~~license or temporary permit~~ for a period not to exceed the  
2161 expiration date of the document presented or 1 year, ~~whichever~~  
2162 ~~occurs first.~~

2163 (7) The application form for an original, renewal, or  
2164 replacement driver ~~driver's~~ license or identification card shall  
2165 include language permitting the following:

2166 (a) A voluntary contribution of \$1 per applicant, which  
2167 contribution shall be deposited into the Health Care Trust Fund  
2168 for organ and tissue donor education and for maintaining the  
2169 organ and tissue donor registry.

2170 (b) A voluntary contribution of \$1 per applicant, which  
2171 contribution shall be distributed to the Florida Council of the  
2172 Blind.

2173 (c) A voluntary contribution of \$2 per applicant, which  
2174 shall be distributed to the Hearing Research Institute,  
2175 Incorporated.

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2176 (d) A voluntary contribution of \$1 per applicant, which  
2177 shall be distributed to the Juvenile Diabetes Foundation  
2178 International.

2179 (e) A voluntary contribution of \$1 per applicant, which  
2180 shall be distributed to the Children's Hearing Help Fund.

2181 (f) A voluntary contribution of \$1 per applicant, which  
2182 shall be distributed to Family First, a nonprofit organization.

2183 (g) A voluntary contribution of \$1 per applicant to Stop  
2184 Heart Disease, which shall be distributed to the Florida Heart  
2185 Research Institute, a nonprofit organization.

2186 (h) A voluntary contribution of \$1 per applicant to Senior  
2187 Vision Services, which shall be distributed to the Florida  
2188 Association of Agencies Serving the Blind, Inc., a not-for-  
2189 profit organization.

2190 (i) A voluntary contribution of \$1 per applicant for  
2191 services for persons with developmental disabilities, which  
2192 shall be distributed to The Arc of Florida.

2193 (j) A voluntary contribution of \$1 to the Ronald McDonald  
2194 House, which shall be distributed each month to Ronald McDonald  
2195 House Charities of Tampa Bay, Inc.

2196 (k) Notwithstanding s. 322.081, a voluntary contribution of  
2197 \$1 per applicant, which shall be distributed to the League  
2198 Against Cancer/La Liga Contra el Cancer, a not-for-profit  
2199 organization.

2200 (l) A voluntary contribution of \$1 per applicant to Prevent  
2201 Child Sexual Abuse, which shall be distributed to Lauren's Kids,  
2202 Inc., a nonprofit organization.

2203 (m) A voluntary contribution of \$1 per applicant, which  
2204 shall be distributed to Prevent Blindness Florida, a not-for-

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2205 profit organization, to prevent blindness and preserve the sight  
2206 of the residents of this state.

2207 (n) Notwithstanding s. 322.081, a voluntary contribution of  
2208 \$1 per applicant to the state homes for veterans, to be  
2209 distributed on a quarterly basis by the department to the State  
2210 Homes for Veterans Trust Fund, which is administered by the  
2211 Department of Veterans' Affairs.

2212 (o) A voluntary contribution of \$1 per applicant to the  
2213 Disabled American Veterans, Department of Florida, which shall  
2214 be distributed quarterly to Disabled American Veterans,  
2215 Department of Florida, a nonprofit organization.

2216 (p) A voluntary contribution of \$1 per applicant for Autism  
2217 Services and Supports. Such contributions must be transferred by  
2218 the department to the Achievement and Rehabilitation Centers,  
2219 Inc., Autism Services Fund.

2220 (q) A voluntary contribution of \$1 per applicant to Support  
2221 Our Troops, which shall be distributed to Support Our Troops,  
2222 Inc., a Florida not-for-profit organization.

2223  
2224 A statement providing an explanation of the purpose of the trust  
2225 funds shall also be included. For the purpose of applying the  
2226 service charge provided in s. 215.20, contributions received  
2227 under paragraphs (b)-(q) ~~(b)-(e)~~ are not income of a revenue  
2228 nature.

2229 (8) The department may collect electronic mail addresses  
2230 and use electronic mail in lieu of the United States Postal  
2231 Service for the purpose of providing renewal notices.

2232 Section 52. Subsection (1) of section 322.095, Florida  
2233 Statutes, is amended to read:

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2234 322.095 Traffic law and substance abuse education program  
2235 for driver's license applicants.-

2236 (1) The Department of Highway Safety and Motor Vehicles  
2237 must approve traffic law and substance abuse education courses  
2238 that must be completed by applicants for a Florida driver's  
2239 license. The curricula for the courses must provide instruction  
2240 on the physiological and psychological consequences of the abuse  
2241 of alcohol and other drugs, the societal and economic costs of  
2242 alcohol and drug abuse, the effects of alcohol and drug abuse on  
2243 the driver of a motor vehicle, the risks associated with using a  
2244 handheld electronic communication device while operating a motor  
2245 vehicle, and the laws of this state relating to the operation of  
2246 a motor vehicle. All instructors teaching the courses shall be  
2247 certified by the department.

2248 Section 53. Paragraph (c) of subsection (2) and subsection  
2249 (5) of section 322.121, Florida Statutes, are amended to read:

2250 322.121 Periodic reexamination of all drivers.-

2251 (2) For each licensee whose driving record does not show  
2252 any revocations, disqualifications, or suspensions for the  
2253 preceding 7 years or any convictions for the preceding 3 years  
2254 except for convictions of the following nonmoving violations:

2255 (c) Operating a motor vehicle with an expired license that  
2256 has been expired for 6 4 months or less pursuant to s. 322.065;

2257  
2258 the department shall cause such licensee's license to be  
2259 prominently marked with the notation "Safe Driver."

2260 (5) Members of the Armed Forces, or their dependents  
2261 residing with them, shall be granted an automatic extension for  
2262 the expiration of their Class E licenses without reexamination

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2263 while serving on active duty outside this state. This extension  
2264 is valid for 90 days after the member of the Armed Forces is  
2265 either discharged or returns to this state to live.

2266 Section 54. Paragraph (a) of subsection (1) of section  
2267 322.14, Florida Statutes, is amended to read:

2268 322.14 Licenses issued to drivers.—

2269 (1) (a) The department shall, upon successful completion of  
2270 all required examinations and payment of the required fee, issue  
2271 to every qualified applicant ~~qualifying therefor,~~ a driver  
2272 ~~driver's~~ license that must ~~as applied for,~~ which license shall  
2273 bear ~~thereon~~ a color photograph or digital image of the  
2274 licensee; the name of the state; a distinguishing number  
2275 assigned to the licensee; and the licensee's full name, date of  
2276 birth, and residence address; a brief description of the  
2277 licensee, including, but not limited to, the licensee's gender  
2278 and height; and the dates of issuance and expiration of the  
2279 license. A space shall be provided upon which the licensee shall  
2280 affix his or her usual signature. A ~~No~~ license is invalid ~~shall~~  
2281 ~~be valid~~ until it has been ~~so~~ signed by the licensee except that  
2282 the signature of the said licensee is not ~~shall not be~~ required  
2283 if it appears thereon in facsimile or if the licensee is not  
2284 present within the state at the time of issuance. Applicants  
2285 ~~qualifying to receive a Class A, Class B, or Class C driver's~~  
2286 ~~license must appear in person within the state for issuance of a~~  
2287 ~~color photographic or digital imaged driver's license pursuant~~  
2288 ~~to s. 322.142.~~

2289 Section 55. Section 322.1415, Florida Statutes, is created  
2290 to read:

2291 322.1415 Specialty driver license and identification card

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2292 program.-

2293 (1) The department may issue to any applicant qualified  
2294 pursuant to s. 322.14 a specialty driver license or  
2295 identification card upon payment of the appropriate fee pursuant  
2296 to s. 322.21.

2297 (2) Any specialty driver license or identification card  
2298 approved by the department shall, at a minimum, be available for  
2299 state and independent universities domiciled in this state, all  
2300 Florida professional sports teams designated pursuant to s.  
2301 320.08058(9) (a), and all branches of the United States Armed  
2302 Forces.

2303 (3) The design and use of each specialty driver license and  
2304 identification card must be approved by the department and the  
2305 organization that is recognized by the driver license or card.

2306 (4) Organizations receiving funds from this program shall  
2307 attest, under penalties of perjury, pursuant to s. 320.08062  
2308 that the funds have been expended in the same manner as provided  
2309 in s. 320.08058. On December 1 of each year, the department  
2310 shall deliver an annual report to the President of the Senate  
2311 and the Speaker of the House of Representatives which addresses  
2312 the viability of the program and details the amounts distributed  
2313 to each entity.

2314 (5) This section expires August 31, 2016.

2315 Section 56. Subsection (4) of section 322.142, Florida  
2316 Statutes, is amended to read:

2317 322.142 Color photographic or digital imaged licenses.-

2318 (4) The department may maintain a film negative or print  
2319 file. The department shall maintain a record of the digital  
2320 image and signature of the licensees, together with other data



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2321 required by the department for identification and retrieval.  
2322 Reproductions from the file or digital record are exempt from  
2323 the provisions of s. 119.07(1) and shall be made and issued only  
2324 for departmental administrative purposes; for the issuance of  
2325 duplicate licenses; in response to law enforcement agency  
2326 requests; to the Department of Business and Professional  
2327 Regulation pursuant to an interagency agreement for the purpose  
2328 of accessing digital images for reproduction of licenses issued  
2329 by the Department of Business and Professional Regulation; to  
2330 the Department of State pursuant to an interagency agreement to  
2331 facilitate determinations of eligibility of voter registration  
2332 applicants and registered voters in accordance with ss. 98.045  
2333 and 98.075; to the Department of Revenue pursuant to an  
2334 interagency agreement for use in establishing paternity and  
2335 establishing, modifying, or enforcing support obligations in  
2336 Title IV-D cases; to the Department of Children and Family  
2337 Services pursuant to an interagency agreement to conduct  
2338 protective investigations under part III of chapter 39 and  
2339 chapter 415; to the Department of Children and Family Services  
2340 pursuant to an interagency agreement specifying the number of  
2341 employees in each of that department's regions to be granted  
2342 access to the records for use as verification of identity to  
2343 expedite the determination of eligibility for public assistance  
2344 and for use in public assistance fraud investigations; ~~or~~ to the  
2345 Department of Financial Services pursuant to an interagency  
2346 agreement to facilitate the location of owners of unclaimed  
2347 property, the validation of unclaimed property claims, and the  
2348 identification of fraudulent or false claims; or to district  
2349 medical examiners pursuant to an interagency agreement for the

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2350 purpose of identifying a deceased individual, determining cause  
2351 of death, and notifying next of kin of any investigations,  
2352 including autopsies and other laboratory examinations,  
2353 authorized in s. 406.011.

2354 Section 57. Section 322.145, Florida Statutes, is created  
2355 to read:

2356 322.145 Electronic authentication of licenses.-

2357 (1) Any driver license issued on or after July 1, 2013,  
2358 must contain a means of electronic authentication which conforms  
2359 to a recognized standard for such authentication such as public  
2360 key infrastructure, symmetric key algorithms, security tokens,  
2361 mediametrics, or biometrics. The electronic authentication  
2362 capabilities must not interfere with or change the driver  
2363 license format or topology.

2364 (2) The department shall provide, at the applicant's option  
2365 and at the time a license is issued, a security token that can  
2366 be electronically authenticated through a personal computer. The  
2367 token must also conform to one of the standards provided in  
2368 subsection (1).

2369 (3) The department shall negotiate a new contract with the  
2370 vendor selected to implement the electronic authentication  
2371 feature which contains a provision requiring that the vendor pay  
2372 all the costs associated with implementing the system. The  
2373 contract must not conflict with current contractual arrangements  
2374 for the issuance of driver licenses.

2375 Section 58. Subsection (2) of section 322.19, Florida  
2376 Statutes, is amended to read:

2377 322.19 Change of address or name.-

2378 (2) Whenever any person, after applying for or receiving a

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2379 driver ~~driver's~~ license, changes the legal residence or mailing  
2380 address in the application or license, the person must, within  
2381 10 calendar days after making the change, obtain a replacement  
2382 license that reflects the change. A written request to the  
2383 department must include the old and new addresses and the driver  
2384 ~~driver's~~ license number. Any person who has a valid, current  
2385 student identification card issued by an educational institution  
2386 in this state is presumed not to have changed his or her legal  
2387 residence or mailing address. This subsection does not affect  
2388 any person required to register a permanent or temporary address  
2389 change pursuant to s. 775.13, s. 775.21, s. 775.25, or s.  
2390 943.0435.

2391 Section 59. Present paragraphs (e) through (h) of  
2392 subsection (1) of section 322.21, Florida Statutes, are  
2393 redesignated as paragraphs (f) through (i), respectively, and  
2394 new paragraphs (e) and (j) are added to that subsection, to  
2395 read:

2396 322.21 License fees; procedure for handling and collecting  
2397 fees.—

2398 (1) Except as otherwise provided herein, the fee for:

2399 (e) An original or renewal enhanced driver license or  
2400 identification card that meets the requirements of the Western  
2401 Hemisphere Travel Initiative, in addition to the fees required  
2402 in paragraph (a), paragraph (b), paragraph (c), or paragraph  
2403 (f), may not exceed \$30. The funds collected pursuant to this  
2404 paragraph shall be deposited into the Highway Safety Operating  
2405 Trust Fund to offset the cost of administration and materials  
2406 related to the issuance of the enhanced driver license or  
2407 identification card. The issuance of an enhanced driver license

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2408 or identification card is optional for all residents who are  
2409 otherwise qualified to be issued a Class A, B, C, or E driver  
2410 license or an identification card.

2411 (j) The specialty driver license or identification card  
2412 issued pursuant to s. 322.1415 is \$25, which is in addition to  
2413 other fees required in this section. The fee shall be  
2414 distributed as follows:

2415 1. Fifty percent shall be distributed as provided in s.  
2416 320.08058 to the appropriate state or independent university,  
2417 professional sports team, or branch of the United States Armed  
2418 Forces.

2419 2. Fifty percent shall be distributed to the department for  
2420 costs directly related to the specialty driver license and  
2421 identification card program and to defray the costs associated  
2422 with production enhancements and distribution.

2423 Section 60. Subsection (2) of section 322.251, Florida  
2424 Statutes, is amended to read:

2425 322.251 Notice of cancellation, suspension, revocation, or  
2426 disqualification of license.—

2427 (2) The giving of notice and an order of cancellation,  
2428 suspension, revocation, or disqualification by mail is complete  
2429 upon expiration of 20 days after deposit in the United States  
2430 mail for all notices except those issued under chapter 324 or  
2431 ss. 627.732-627.734, which are complete 15 days after deposit in  
2432 the United States mail. Proof of the giving of notice and an  
2433 order of cancellation, suspension, revocation, or  
2434 disqualification in either ~~such~~ manner shall be made by entry in  
2435 the records of the department that such notice was given. The  
2436 ~~Such~~ entry is ~~shall be~~ admissible in the courts of this state

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2437 and constitutes ~~shall constitute~~ sufficient proof that such  
2438 notice was given.

2439 Section 61. Section 322.27, Florida Statutes, is amended to  
2440 read:

2441 322.27 Authority of department to suspend or revoke driver  
2442 license or identification card.—

2443 (1) Notwithstanding any provisions to the contrary in  
2444 chapter 120, the department may ~~is hereby authorized to~~ suspend  
2445 the license or identification card of any person without  
2446 preliminary hearing upon a showing of its records or other  
2447 sufficient evidence that the licensee:

2448 (a) Has committed an offense for which mandatory revocation  
2449 of license is required upon conviction. A law enforcement agency  
2450 must provide information to the department within 24 hours after  
2451 any traffic fatality or when the law enforcement agency  
2452 initiates action pursuant to s. 316.1933;

2453 (b) Has been convicted of a violation of any traffic law  
2454 which resulted in a crash that caused the death or personal  
2455 injury of another or property damage in excess of \$500;

2456 (c) Is incompetent to drive a motor vehicle;

2457 (d) Has permitted an unlawful or fraudulent use of the such  
2458 license or identification card or has knowingly been a party to  
2459 the obtaining of a license or identification card by fraud or  
2460 misrepresentation or to the display, or representation ~~represent~~  
2461 as one's own, of a driver ~~any driver's~~ license or identification  
2462 card not issued to him or her. ~~Provided, however, no provision~~  
2463 ~~of This section does not shall be construed to~~ include the  
2464 provisions of s. 322.32(1);

2465 (e) Has committed an offense in another state which, if

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2466 committed in this state,    would be grounds for suspension or  
2467 revocation; or

2468       (f) Has committed a second or subsequent violation of s.  
2469 316.172(1) within a 5-year period of any previous violation.

2470       (2) The department shall suspend the license of any person  
2471 without preliminary hearing upon a showing of its records that  
2472 the licensee has been convicted in any court having jurisdiction  
2473 over offenses committed under this chapter or any other law of  
2474 this state regulating the operation of a motor vehicle on the  
2475 highways, upon direction of the court, when the court feels that  
2476 the seriousness of the offense and the circumstances surrounding  
2477 the conviction warrant the suspension of the licensee's driving  
2478 privilege.

2479       (3) There is established a point system for evaluation of  
2480 convictions of violations of motor vehicle laws or ordinances,  
2481 and violations of applicable provisions of s. 403.413(6)(b) when  
2482 such violations involve the use of motor vehicles, for the  
2483 determination of the continuing qualification of any person to  
2484 operate a motor vehicle. The department is authorized to suspend  
2485 the license of any person upon showing of its records or other  
2486 good and sufficient evidence that the licensee has been  
2487 convicted of violation of motor vehicle laws or ordinances, or  
2488 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
2489 more points as determined by the point system. The suspension  
2490 shall be for a period of not more than 1 year.

2491       (a) When a licensee accumulates 12 points within a 12-month  
2492 period, the period of suspension shall be for not more than 30  
2493 days.

2494       (b) When a licensee accumulates 18 points, including points

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2495 upon which suspension action is taken under paragraph (a),  
2496 within an 18-month period, the suspension shall be for a period  
2497 of not more than 3 months.

2498 (c) When a licensee accumulates 24 points, including points  
2499 upon which suspension action is taken under paragraphs (a) and  
2500 (b), within a 36-month period, the suspension shall be for a  
2501 period of not more than 1 year.

2502 (d) The point system shall have as its basic element a  
2503 graduated scale of points assigning relative values to  
2504 convictions of the following violations:

- 2505 1. Reckless driving, willful and wanton—4 points.
- 2506 2. Leaving the scene of a crash resulting in property  
2507 damage of more than \$50—6 points.
- 2508 3. Unlawful speed resulting in a crash—6 points.
- 2509 4. Passing a stopped school bus—4 points.
- 2510 5. Unlawful speed:
  - 2511 a. Not in excess of 15 miles per hour of lawful or posted  
2512 speed—3 points.
  - 2513 b. In excess of 15 miles per hour of lawful or posted  
2514 speed—4 points.
- 2515 6. A violation of a traffic control signal device as  
2516 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.  
2517 However, no points shall be imposed for a violation of s.  
2518 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
2519 stop at a traffic signal and when enforced by a traffic  
2520 infraction enforcement officer. In addition, a violation of s.  
2521 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
2522 stop at a traffic signal and when enforced by a traffic  
2523 infraction enforcement officer may not be used for purposes of

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2524 setting motor vehicle insurance rates.

2525 7. All other moving violations (including parking on a  
2526 highway outside the limits of a municipality)—3 points. However,  
2527 no points shall be imposed for a violation of s. 316.0741 or s.  
2528 316.2065(12); and points shall be imposed for a violation of s.  
2529 316.1001 only when imposed by the court after a hearing pursuant  
2530 to s. 318.14(5).

2531 8. Any moving violation covered above, excluding unlawful  
2532 speed, resulting in a crash—4 points.

2533 9. Any conviction under s. 403.413(6) (b)—3 points.

2534 10. Any conviction under s. 316.0775(2)—4 points.

2535 (e) A conviction in another state of a violation therein  
2536 which, if committed in this state, would be a violation of the  
2537 traffic laws of this state, or a conviction of an offense under  
2538 any federal law substantially conforming to the traffic laws of  
2539 this state, except a violation of s. 322.26, may be recorded  
2540 against a driver on the basis of the same number of points  
2541 received had the conviction been made in a court of this state.

2542 (f) In computing the total number of points, when the  
2543 licensee reaches the danger zone, the department is authorized  
2544 to send the licensee a warning letter advising that any further  
2545 convictions may result in suspension of his or her driving  
2546 privilege.

2547 (g) The department shall administer and enforce the  
2548 provisions of this law and may make rules and regulations  
2549 necessary for its administration.

2550 (h) Three points shall be deducted from the driver history  
2551 record of any person whose driving privilege has been suspended  
2552 only once pursuant to this subsection and has been reinstated,



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2553 if such person has complied with all other requirements of this  
2554 chapter.

2555 (i) This subsection does ~~shall~~ not apply to persons  
2556 operating a nonmotorized vehicle for which a driver ~~driver's~~  
2557 license is not required.

2558 (4) The department, in computing the points and period of  
2559 time for suspensions under this section, shall use the offense  
2560 date of all convictions.

2561 (5) The department shall revoke the license of any person  
2562 designated a habitual offender, as set forth in s. 322.264, and  
2563 such person is ~~shall~~ not ~~be~~ eligible to be relicensed for a  
2564 minimum of 5 years from the date of revocation, except as  
2565 provided for in s. 322.271. Any person whose license is revoked  
2566 may, by petition to the department, show cause why his or her  
2567 license should not be revoked.

2568 (6) The department shall revoke the driving privilege of  
2569 any person who is convicted of a felony for the possession of a  
2570 controlled substance if, at the time of such possession, the  
2571 person was driving or in actual physical control of a motor  
2572 vehicle. A person whose driving privilege has been revoked  
2573 pursuant to this subsection is ~~shall~~ not ~~be~~ eligible to receive  
2574 a limited business or employment purpose license during the term  
2575 of such revocation.

2576 (7) Review of an order of suspension or revocation shall be  
2577 by writ of certiorari as provided in s. 322.31.

2578 Section 62. Subsection (5) of section 322.292, Florida  
2579 Statutes, is repealed.

2580 Section 63. Subsection (2) of section 322.53, Florida  
2581 Statutes, is amended to read:

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2582 322.53 License required; exemptions.—

2583 (2) The following persons are exempt from the requirement  
2584 to obtain a commercial driver ~~driver's~~ license:

2585 (a) Drivers of authorized emergency vehicles.

2586 (b) Military personnel driving vehicles operated for  
2587 military purposes.

2588 (c) Farmers transporting agricultural products, farm  
2589 supplies, or farm machinery to or from their farms and within  
2590 150 miles of their farms ~~farm~~, if the vehicle operated under  
2591 this exemption is not used in the operations of a common or  
2592 contract motor carrier ~~or transporting agricultural products to~~  
2593 ~~or from the first place of storage or processing or directly to~~  
2594 ~~or from market, within 150 miles of their farm.~~

2595 (d) Drivers of recreational vehicles, as defined in s.  
2596 320.01.

2597 (e) Drivers who operate straight trucks, as defined in s.  
2598 316.003, and who ~~that~~ are ~~exclusively~~ transporting exclusively  
2599 their own tangible personal property, which is not for sale.

2600 (f) Employees ~~An employee~~ of a publicly owned transit  
2601 system who are ~~is~~ limited to moving vehicles for maintenance or  
2602 parking purposes exclusively within the restricted-access  
2603 confines of a transit system's property.

2604 Section 64. Subsection (2) of section 322.54, Florida  
2605 Statutes, is amended to read:

2606 322.54 Classification.—

2607 (2) The department shall issue, pursuant to the  
2608 requirements of this chapter, driver ~~drivers'~~ licenses in  
2609 accordance with the following classifications:

2610 (a) Any person who drives a motor vehicle combination

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2611 having a gross vehicle weight rating or gross vehicle weight of  
2612 26,001 pounds or more must possess a valid Class A driver  
2613 ~~driver's~~ license, if provided the gross vehicle weight rating or  
2614 gross vehicle weight of the vehicle being towed is more than  
2615 10,000 pounds. Any person who possesses a valid Class A driver  
2616 ~~driver's~~ license may, subject to the appropriate restrictions  
2617 and endorsements, drive any class of motor vehicle within this  
2618 state.

2619 (b) Any person, except a person who possesses a valid Class  
2620 A driver ~~driver's~~ license, who drives a motor vehicle having a  
2621 gross vehicle weight rating or gross vehicle weight of 26,001  
2622 pounds or more must possess a valid Class B driver ~~driver's~~  
2623 license. Any person, except a person who possesses a valid Class  
2624 A driver ~~driver's~~ license, who drives such vehicle towing a  
2625 vehicle having a gross vehicle weight rating of 10,000 pounds or  
2626 less must possess a valid Class B driver ~~driver's~~ license. Any  
2627 person who possesses a valid Class B driver ~~driver's~~ license  
2628 may, subject to the appropriate restrictions and endorsements,  
2629 drive any class of motor vehicle, other than the type of motor  
2630 vehicle for which a Class A driver ~~driver's~~ license is required,  
2631 within this state.

2632 (c) Any person, except a person who possesses a valid Class  
2633 A or a valid Class B driver ~~driver's~~ license, who drives a motor  
2634 vehicle having a gross vehicle weight rating of less than 26,001  
2635 pounds and who is required to obtain an endorsement pursuant to  
2636 paragraph (1)(b), paragraph (1)(c), or paragraph (1)(e) of s.  
2637 322.57, must possess a valid Class C driver ~~driver's~~ license.  
2638 Any person who possesses a valid Class C driver ~~driver's~~ license  
2639 may, subject to the appropriate restrictions and endorsements,

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2640 drive any class of motor vehicle, other than the type of motor  
2641 vehicle for which a Class A or a Class B driver ~~driver's~~ license  
2642 is required, within this state.

2643 (d) Any person, except a person who possesses a valid Class  
2644 A, valid Class B, or valid Class C driver ~~driver's~~ license, who  
2645 drives a motor vehicle must possess a valid Class E driver  
2646 ~~driver's~~ license. Any person who possesses a valid Class E  
2647 driver ~~driver's~~ license may, subject to the appropriate  
2648 restrictions and endorsements, drive any type of motor vehicle,  
2649 other than the type of motor vehicle for which a Class A, Class  
2650 B, or Class C driver ~~driver's~~ license is required, within this  
2651 state.

2652 Section 65. Section 322.58, Florida Statutes, is repealed.

2653 Section 66. Section 322.59, Florida Statutes, is amended to  
2654 read:

2655 322.59 Possession of medical examiner's certificate.—

2656 (1) The department may ~~shall~~ not issue a commercial driver  
2657 ~~driver's~~ license to a ~~any~~ person who is required by the laws of  
2658 this state or by federal law to possess a medical examiner's  
2659 certificate, unless the ~~such~~ person presents a valid  
2660 certificate, as described in 49 C.F.R. s. 383.71, before ~~prior~~  
2661 ~~to~~ licensure.

2662 (2) The department shall disqualify a driver from operating  
2663 a commercial motor vehicle if the driver holds a commercial  
2664 driver license and fails to comply with the medical  
2665 certification requirements in 49 C.F.R. s. 383.71 ~~This section~~  
2666 ~~does not expand the requirements as to who must possess a~~  
2667 ~~medical examiner's certificate.~~

2668 (3) A person who is disqualified from operating a

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2669 commercial motor vehicle under this section may, if otherwise  
2670 qualified, be issued a Class E driver license pursuant to s.  
2671 322.251.

2672 Section 67. Subsections (3) and (5) of section 322.61,  
2673 Florida Statutes, are amended to read:

2674 322.61 Disqualification from operating a commercial motor  
2675 vehicle.—

2676 (3) (a) Except as provided in subsection (4), any person who  
2677 is convicted of one of the offenses listed in paragraph (b)  
2678 while operating a commercial motor vehicle shall, in addition to  
2679 any other applicable penalties, be disqualified from operating a  
2680 commercial motor vehicle for a period of 1 year.÷

2681 (b) Except as provided in subsection (4), any holder of a  
2682 commercial driver ~~driver's~~ license who is convicted of one of  
2683 the offenses listed in this paragraph while operating a  
2684 noncommercial motor vehicle shall, in addition to any other  
2685 applicable penalties, be disqualified from operating a  
2686 commercial motor vehicle for a period of 1 year:

2687 1. Driving a motor vehicle while he or she is under the  
2688 influence of alcohol or a controlled substance;

2689 2. Driving a commercial motor vehicle while the alcohol  
2690 concentration of his or her blood, breath, or urine is .04  
2691 percent or higher;

2692 3. Leaving the scene of a crash involving a motor vehicle  
2693 driven by such person;

2694 4. Using a motor vehicle in the commission of a felony;

2695 5. Driving a commercial motor vehicle while in possession  
2696 of a controlled substance;

2697 6. Refusing to submit to a test to determine his or her

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2698 alcohol concentration while driving a motor vehicle;

2699 7. Driving a commercial vehicle while the licenseholder's  
2700 commercial driver ~~driver's~~ license is suspended, revoked, or  
2701 canceled or while the licenseholder is disqualified from driving  
2702 a commercial vehicle; or

2703 8. Causing a fatality through the negligent operation of a  
2704 commercial motor vehicle.

2705 (5) A ~~Any~~ person who is convicted of two violations  
2706 specified in subsection (3) which were committed while operating  
2707 a commercial motor vehicle, or any combination thereof, arising  
2708 in separate incidents shall be permanently disqualified from  
2709 operating a commercial motor vehicle. A ~~Any~~ holder of a  
2710 commercial driver ~~driver's~~ license who is convicted of two  
2711 violations specified in subsection (3) which were committed  
2712 while operating any ~~a noncommercial~~ motor vehicle, ~~or any~~  
2713 ~~combination thereof~~, arising in separate incidents shall be  
2714 permanently disqualified from operating a commercial motor  
2715 vehicle. The penalty provided in this subsection is in addition  
2716 to any other applicable penalty.

2717 Section 68. Section 323.002, Florida Statutes, is amended  
2718 to read:

2719 323.002 County and municipal wrecker operator systems;  
2720 penalties for operation outside of system.—

2721 (1) As used in this section, the term:

2722 (a) "Authorized wrecker operator" means any wrecker  
2723 operator who has been designated as part of the wrecker operator  
2724 system established by the governmental unit having jurisdiction  
2725 over the scene of a wrecked or disabled vehicle.

2726 (b) "Unauthorized wrecker operator" means any wrecker

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2727 operator who has not been designated as part of the wrecker  
2728 operator system established by the governmental unit having  
2729 jurisdiction over the scene of a wrecked or disabled vehicle.

2730 (c) "Wrecker operator system" means a system for the towing  
2731 or removal of wrecked, disabled, or abandoned vehicles, similar  
2732 to the Florida Highway Patrol wrecker operator system described  
2733 in s. 321.051(2), under which a county or municipality contracts  
2734 with one or more wrecker operators for the towing or removal of  
2735 wrecked, disabled, or abandoned vehicles from accident scenes,  
2736 streets, or highways. A wrecker operator system shall include  
2737 using a method for apportioning the towing assignments among the  
2738 eligible wrecker operators through the creation of geographic  
2739 zones, a rotation schedule, or a combination of these methods.

2740 (2) In any county or municipality that operates a wrecker  
2741 operator system:

2742 (a) It is unlawful for an unauthorized wrecker operator or  
2743 its employees or agents to monitor police radio for  
2744 communications between patrol field units and the dispatcher in  
2745 order to determine the location of a wrecked or disabled vehicle  
2746 for the purpose of driving by the scene of such vehicle in a  
2747 manner described in paragraph (b) or paragraph (c). Any person  
2748 who violates this paragraph commits ~~is guilty of~~ a noncriminal  
2749 violation, punishable as provided in s. 775.083, and the  
2750 person's wrecker, tow truck, or other motor vehicle that was  
2751 used during the offense may be immediately removed and impounded  
2752 pursuant to subsection (3).

2753 (b) It is unlawful for an unauthorized wrecker operator to  
2754 drive by the scene of a wrecked or disabled vehicle before the  
2755 arrival of an authorized wrecker operator, initiate contact with

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2756 the owner or operator of such vehicle by soliciting or offering  
2757 towing services, and tow such vehicle. Any person who violates  
2758 this paragraph commits ~~is guilty of~~ a misdemeanor of the second  
2759 degree, punishable as provided in s. 775.082 or s. 775.083, and  
2760 the person's wrecker, tow truck, or other motor vehicle that was  
2761 used during the offense may be immediately removed and impounded  
2762 pursuant to subsection (3).

2763 (c) When an unauthorized wrecker operator drives by the  
2764 scene of a wrecked or disabled vehicle and the owner or operator  
2765 initiates contact by signaling the wrecker operator to stop and  
2766 provide towing services, the unauthorized wrecker operator must  
2767 disclose in writing to the owner or operator of the vehicle his  
2768 or her full name and driver license number, that he or she is  
2769 not the authorized wrecker operator who has been designated as  
2770 part of the wrecker operator system, that the motor vehicle is  
2771 not being towed for the owner's or operator's insurance company  
2772 or lienholder, and the maximum ~~must disclose, in writing, what~~  
2773 charges for towing and storage which will apply before the  
2774 vehicle is connected to the towing apparatus. The unauthorized  
2775 wrecker operator must also provide a copy of the disclosure to  
2776 the owner or operator in the presence of a law enforcement  
2777 officer if such officer is at the scene of a motor vehicle  
2778 accident. Any person who violates this paragraph commits ~~is~~  
2779 ~~guilty of~~ a misdemeanor of the second degree, punishable as  
2780 provided in s. 775.082 or s. 775.083, and the person's wrecker,  
2781 tow truck, or other motor vehicle that was used during the  
2782 offense may be immediately removed and impounded pursuant to  
2783 subsection (3).

2784 (d) At the scene of a wrecked or disabled vehicle, it is



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2785 unlawful for a wrecker operator to falsely identify himself or  
2786 herself as being part of the wrecker operator system. Any person  
2787 who violates this paragraph commits ~~is guilty of~~ a misdemeanor  
2788 of the first degree, punishable as provided in s. 775.082 or s.  
2789 775.083, and the person's wrecker, tow truck, or other motor  
2790 vehicle that was used during the offense may be immediately  
2791 removed and impounded pursuant to subsection (3).

2792 (3) (a) A law enforcement officer from any local  
2793 governmental agency or state law enforcement agency may cause to  
2794 be immediately removed and impounded from the scene of a wrecked  
2795 or disabled vehicle, at the unauthorized wrecker operator's  
2796 expense, any wrecker, tow truck, or other motor vehicle that is  
2797 used in violation of any provision of subsection (2). The  
2798 unauthorized wrecker operator shall be assessed a cost recovery  
2799 fine as provided in paragraph (b) by the authority that ordered  
2800 the immediate removal and impoundment of the wrecker, tow truck,  
2801 or other motor vehicle. A wrecker, tow truck, or other motor  
2802 vehicle that is removed and impounded pursuant to this section  
2803 may not be released from an impound or towing and storage  
2804 facility before a release form has been completed by the  
2805 authority that ordered the immediate removal and impoundment of  
2806 the wrecker, tow truck, or other motor vehicle which verifies  
2807 that the cost recovery fine has been paid to the authority. The  
2808 vehicle must remain impounded until the fine has been paid or  
2809 until the vehicle is sold at public sale pursuant to s. 713.78.

2810 (b) Notwithstanding any other provision of law to the  
2811 contrary, the unauthorized wrecker operator, upon retrieval of  
2812 the wrecker, tow truck, or other motor vehicle removed or  
2813 impounded pursuant to this section, and in addition to any other

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2814 penalties that may be imposed for noncriminal violations, shall  
2815 pay a cost recovery fine of \$500 for a first-time violation of  
2816 any provision of subsection (2), or a fine of \$1,000 for each  
2817 subsequent violation, to the authority that ordered the  
2818 immediate removal and impoundment of the wrecker, tow truck, or  
2819 other motor vehicle. Cost recovery funds collected under this  
2820 subsection shall be retained by the authority that ordered the  
2821 removal and impoundment of the wrecker, tow truck, or other  
2822 motor vehicle and may be used only for the enforcement,  
2823 investigation, prosecution, and training related to towing  
2824 violations and crimes involving motor vehicles.

2825 (c) Notwithstanding any other provision of law to the  
2826 contrary and in addition to the cost recovery fine required by  
2827 this subsection, a person who violates any provision of  
2828 subsection (2) shall pay the fees associated with the removal  
2829 and storage of the unauthorized wrecker, tow truck, or other  
2830 motor vehicle.

2831 (4)~~(3)~~ This section does not prohibit, or in any way  
2832 prevent, the owner or operator of a vehicle involved in an  
2833 accident or otherwise disabled from contacting any wrecker  
2834 operator for the provision of towing services, whether the  
2835 wrecker operator is an authorized wrecker operator or not.

2836 Section 69. Subsection (1) of section 324.072, Florida  
2837 Statutes, is amended to read:

2838 324.072 Proof required upon certain convictions.—

2839 (1) Upon the suspension or revocation of a license pursuant  
2840 to ~~the provisions of~~ s. 322.26 or s. 322.27, the department  
2841 shall suspend the registration for all motor vehicles registered  
2842 in the name of the licensee ~~such person~~, either individually or

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2843 jointly with another. However, the department may,~~except that~~  
2844 ~~it shall~~ not suspend the such registration, unless otherwise  
2845 required by law, if the such person had insurance coverage  
2846 limits required under s. 324.031 on the date of the latest  
2847 offense that caused the suspension or revocation, or has  
2848 previously given or shall immediately give, and thereafter  
2849 maintain, proof of financial responsibility with respect to all  
2850 motor vehicles registered by the such person, in accordance with  
2851 this chapter.

2852 Section 70. Subsection (1) of section 324.091, Florida  
2853 Statutes, is amended to read:

2854 324.091 Notice to department; notice to insurer.-

2855 (1) Each owner and operator involved in a crash or  
2856 conviction case within the purview of this chapter shall furnish  
2857 evidence of automobile liability insurance, motor vehicle  
2858 liability insurance, or a surety bond within 14 ~~30~~ days after  
2859 ~~from~~ the date of the mailing of notice of crash by the  
2860 department in the such form and manner as it may designate. Upon  
2861 receipt of evidence that an automobile liability policy, motor  
2862 vehicle liability policy, or surety bond was in effect at the  
2863 time of the crash or conviction case, the department shall  
2864 forward by United States mail, postage prepaid, to the insurer  
2865 or surety insurer a copy of such information and shall assume  
2866 that the such policy or bond was in effect, unless the insurer  
2867 or surety insurer notifies ~~shall notify~~ the department otherwise  
2868 within 20 days after ~~from~~ the mailing of the notice to the  
2869 insurer or surety insurer. However, ; provided that if the  
2870 department ~~shall~~ later determines ascertain that an automobile  
2871 liability policy, motor vehicle liability policy, or surety bond

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2872 was not in effect and did not provide coverage for both the  
2873 owner and the operator, it shall ~~at such time~~ take ~~such~~ action  
2874 as it is otherwise authorized to do under this chapter. Proof of  
2875 mailing to the insurer or surety insurer may be made by the  
2876 department by naming the insurer or surety insurer to whom the  
2877 ~~such~~ mailing was made and by specifying the time, place, and  
2878 manner of mailing.

2879 Section 71. Subsection (5) of section 328.15, Florida  
2880 Statutes, is amended to read:

2881 328.15 Notice of lien on vessel; recording.—

2882 (5) (a) The Department of Highway Safety and Motor Vehicles  
2883 shall adopt ~~make such~~ rules to administer ~~and regulations as it~~  
2884 ~~deems necessary or proper for the effective administration of~~  
2885 this section law. The department may by rule require that a  
2886 notice of satisfaction of a lien be notarized. The department  
2887 shall prepare the forms of the notice of lien and the  
2888 satisfaction of lien to be supplied, at a charge not to exceed  
2889 50 percent more than cost, to applicants for recording the liens  
2890 or satisfactions and shall keep a record of such notices of lien  
2891 and satisfactions available for inspection by the public at all  
2892 reasonable times. The division may ~~is authorized to~~ furnish  
2893 certified copies of such satisfactions for a fee of \$1, which  
2894 are certified copies ~~shall be~~ admissible in evidence in all  
2895 courts of this state under the same conditions and to the same  
2896 effect as certified copies of other public records.

2897 (b) The department shall establish and administer an  
2898 electronic titling program that requires the recording of vessel  
2899 title information for new, transferred, and corrected  
2900 certificates of title. Lienholders shall electronically transmit

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2901 liens and lien satisfactions to the department in a format  
2902 determined by the department. Individuals and lienholders who  
2903 the department determines are not normally engaged in the  
2904 business or practice of financing vessels are not required to  
2905 participate in the electronic titling program.

2906 Section 72. Subsection (4) of section 328.16, Florida  
2907 Statutes, is amended to read:

2908 328.16 Issuance in duplicate; delivery; liens and  
2909 encumbrances.—

2910 (4) Notwithstanding any requirements in this section or in  
2911 s. 328.15 indicating that a lien on a vessel shall be noted on  
2912 the face of the Florida certificate of title, if there are one  
2913 or more liens or encumbrances on a vessel, the department shall  
2914 ~~may~~ electronically transmit the lien to the first lienholder and  
2915 notify the first lienholder of any additional liens. Subsequent  
2916 lien satisfactions shall ~~may~~ be electronically transmitted to  
2917 the department and must ~~shall~~ include the name and address of  
2918 the person or entity satisfying the lien. When electronic  
2919 transmission of liens and lien satisfactions are used, the  
2920 issuance of a certificate of title may be waived until the last  
2921 lien is satisfied and a clear certificate of title is issued to  
2922 the owner of the vessel.

2923 Section 73. Section 328.30, Florida Statutes, is amended to  
2924 read:

2925 328.30 Transactions by electronic or telephonic means.—

2926 (1) The department may ~~is authorized to~~ accept any  
2927 application provided for under this chapter by electronic or  
2928 telephonic means.

2929 (2) The department may issue an electronic certificate of

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2930 title in lieu of printing a paper title.

2931 (3) The department may collect electronic mail addresses  
2932 and use electronic mail in lieu of the United States Postal  
2933 Service for the purpose of providing renewal notices.

2934 Section 74. Subsection (1) of section 520.32, Florida  
2935 Statutes, is amended to read:

2936 520.32 Licenses.—

2937 (1) A person may not engage in or transact the business of  
2938 a retail seller engaging in retail installment transactions as  
2939 defined in this part or operate a branch of such business  
2940 without a license, except that a license is not required for:

2941 (a) A retail seller whose retail installment transactions  
2942 are limited to the honoring of credit cards issued by dealers in  
2943 oil and petroleum products licensed to do business in this  
2944 state.

2945 (b) A person licensed by the office under part I. This  
2946 paragraph exempts only a person licensed under part I from the  
2947 licensure requirements of this section. This paragraph does not  
2948 exempt the licensee from the other sections of this part, and  
2949 any violations of those sections may subject the licensee to  
2950 disciplinary action.

2951 Section 75. Paragraph (f) of subsection (13) of section  
2952 713.78, Florida Statutes, is amended to read:

2953 713.78 Liens for recovering, towing, or storing vehicles  
2954 and vessels.—

2955 (13)

2956 (f) This subsection applies only to the annual renewal in  
2957 the registered owner's birth month of a motor vehicle  
2958 registration and does not apply to the transfer of a

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2959 registration of a motor vehicle sold by a motor vehicle dealer  
2960 licensed under chapter 320, except for the transfer of  
2961 registrations which includes ~~is inclusive of~~ the annual  
2962 renewals. This subsection does not apply to any vehicle  
2963 registered in the name of the lessor. This subsection does not  
2964 affect the issuance of the title to a motor vehicle,  
2965 notwithstanding s. 319.23(8)(b) ~~s. 319.23(7)(b)~~.

2966 Section 76. Present subsection (3) of section 316.083,  
2967 Florida Statutes, is redesignated as subsection (4), and a new  
2968 subsection (3) is added to that section, to read:

2969 316.083 Overtaking and passing a vehicle.—The following  
2970 rules shall govern the overtaking and passing of vehicles  
2971 proceeding in the same direction, subject to those limitations,  
2972 exceptions, and special rules hereinafter stated:

2973 (3) (a) On roads, streets, or highways having two or more  
2974 lanes that allow movement in the same direction, a driver may  
2975 not continue to operate a motor vehicle in the furthestmost left-  
2976 hand lane if the driver knows, or reasonably should know, that  
2977 he or she is being overtaken in that lane from the rear by a  
2978 motor vehicle traveling at a higher rate of speed.

2979 (b) Paragraph (a) does not apply to a driver operating a  
2980 motor vehicle in the furthestmost left-hand lane if:

2981 1. The driver is driving the legal speed limit and is not  
2982 impeding the flow of traffic in the furthestmost left-hand lane;

2983 2. The driver is in the process of overtaking a slower  
2984 motor vehicle in the adjacent right-hand lane for the purpose of  
2985 passing the slower moving vehicle so that the driver may move to  
2986 the adjacent right-hand lane;

2987 3. Conditions make the flow of traffic substantially the

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2988 same in all lanes or preclude the driver from moving to the  
2989 adjacent right-hand lane;

2990 4. The driver's movement to the adjacent right-hand lane  
2991 could endanger the driver or other drivers;

2992 5. The driver is directed by a law enforcement officer,  
2993 road sign, or road crew to remain in the furthestmost left-hand  
2994 lane; or

2995 6. The driver is preparing to make a left turn.

2996 (c) A driver who violates s. 316.183 and this subsection  
2997 simultaneously shall receive a uniform traffic citation solely  
2998 under s. 316.183.

2999 Section 77. Section 316.1923, Florida Statutes, is amended  
3000 to read:

3001 316.1923 Aggressive careless driving.-

3002 (1) "Aggressive careless driving" means committing three  
3003 ~~two~~ or more of the following acts simultaneously or in  
3004 succession:

3005 (a)~~(1)~~ Exceeding the posted speed as defined in s.  
3006 322.27(3)(d)5.b.

3007 (b)~~(2)~~ Unsafely or improperly changing lanes as defined in  
3008 s. 316.085.

3009 (c)~~(3)~~ Following another vehicle too closely as defined in  
3010 s. 316.0895(1).

3011 (d)~~(4)~~ Failing to yield the right-of-way as defined in s.  
3012 316.079, s. 316.0815, or s. 316.123.

3013 (e)~~(5)~~ Improperly passing or failing to yield to overtaking  
3014 vehicles as defined in s. 316.083, s. 316.084, or s. 316.085.

3015 (f)~~(6)~~ Violating traffic control and signal devices as  
3016 defined in ss. 316.074 and 316.075.



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3017       (2) Any person convicted of aggressive careless driving  
3018 shall be cited for a moving violation and punished as provided  
3019 in chapter 318, and by the accumulation of points as provided in  
3020 s. 322.27, for each act of aggressive careless driving.

3021       Section 78. For the purpose of incorporating the amendments  
3022 made by this act to section 316.1923, Florida Statutes, in a  
3023 reference thereto, paragraph (a) of subsection (1) of section  
3024 316.650, Florida Statutes, is reenacted to read:

3025       316.650 Traffic citations.—

3026       (1)(a) The department shall prepare and supply to every  
3027 traffic enforcement agency in this state an appropriate form  
3028 traffic citation that contains a notice to appear, is issued in  
3029 prenumbered books, meets the requirements of this chapter or any  
3030 laws of this state regulating traffic, and is consistent with  
3031 the state traffic court rules and the procedures established by  
3032 the department. The form shall include a box that is to be  
3033 checked by the law enforcement officer when the officer believes  
3034 that the traffic violation or crash was due to aggressive  
3035 careless driving as defined in s. 316.1923. The form shall also  
3036 include a box that is to be checked by the law enforcement  
3037 officer when the officer writes a uniform traffic citation for a  
3038 violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of  
3039 the driver failing to stop at a traffic signal.

3040       Section 79. Section 318.121, Florida Statutes, is amended  
3041 to read:

3042       318.121 Preemption of additional fees, fines, surcharges,  
3043 and costs.—Notwithstanding any general or special law, or  
3044 municipal or county ordinance, additional fees, fines,  
3045 surcharges, or costs other than the additional fees, fines,

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3046 court costs, and surcharges assessed under s. 318.18(11), (13),  
3047 (18), ~~and~~ (19), and (22) may not be added to the civil traffic  
3048 penalties assessed in this chapter.

3049 Section 80. Section 318.19, Florida Statutes, is amended to  
3050 read:

3051 318.19 Infractions requiring a mandatory hearing.—Any  
3052 person cited for the infractions listed in this section shall  
3053 not have the provisions of s. 318.14(2), (4), and (9) available  
3054 to him or her but must appear before the designated official at  
3055 the time and location of the scheduled hearing:

3056 (1) Any infraction which results in a crash that causes the  
3057 death of another;

3058 (2) Any infraction which results in a crash that causes  
3059 "serious bodily injury" of another as defined in s. 316.1933(1);

3060 (3) Any infraction of s. 316.172(1)(b);

3061 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

3062 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
3063 316.189 of exceeding the speed limit by 30 m.p.h. or more; ~~or~~.

3064 (6) A second or subsequent infraction of s. 316.1923(1).

3065 Section 81. Sections 2, 19, 76, 77, 78, 79, 80, 81, 82, and  
3066 83 of this act may be cited as the "Highway Safety Act."

3067 Section 82. The Department of Highway Safety and Motor  
3068 Vehicles shall provide information about the Highway Safety Act  
3069 in all driver license educational materials newly printed on or  
3070 after October 1, 2012.

3071 Section 83. The Legislature finds that road rage and  
3072 aggressive careless driving are a growing threat to the health,  
3073 safety, and welfare of the public. The intent of the Legislature  
3074 is to reduce road rage and aggressive careless driving, reduce

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3075 the incidence of drivers' interfering with the movement of  
3076 traffic, minimize crashes, and promote the orderly, free flow of  
3077 traffic on the roads and highways of the state.

3078       Section 84. Except as otherwise expressly provided in this  
3079 act and except for this section, which shall take effect upon  
3080 this act becoming a law, this act shall take effect January 1,  
3081 2013.