

By the Appropriations Committee on Transportation, Tourism, and Economic Development; the Committee on Transportation; and Senator Trumbull

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A bill to be entitled

An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.305, F.S.; revising penalties for the use of a wireless communications device while operating a motor vehicle; authorizing certain persons to participate in a distracted driving safety program approved by the department; authorizing the waiver of certain penalties and associated costs, and requiring the waiver of the assessment of points, upon completion of such program; amending s. 316.306, F.S.; authorizing a person to participate in a distracted driving safety program, upon completion of which certain penalties and associated costs may, and the assessment of points must, be waived for certain offenses; creating s. 316.88, F.S.; prohibiting a person from selling or offering to sell certain service appointments without the written authorization of the department or a tax collector; providing criminal penalties; amending s. 318.1451, F.S.; requiring the department to create a specified driver improvement course related to distracted driving which driver improvement schools shall offer to certain persons; requiring that all basic driver improvement courses include certain content relating to distracted driving; amending s. 319.24, F.S.; authorizing tax collectors to deliver by mail or make available at the tax collector's office certificates of title; amending s. 319.29, F.S.; providing that certain applications may be fulfilled

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by the tax collector acting as an authorized agent of the department; amending s. 320.031, F.S.; authorizing the department and tax collectors, as agents of the department, to deliver certain documents, including duplicate registration certificates, in person or by mail; amending s. 320.084, F.S.; providing for disabled veteran motor vehicle license plates in lieu of "DV" motor vehicle license plates; amending s. 320.0848, F.S.; requiring the department to renew certain disabled parking permits for a specified period without requiring certain documentation; conforming a provision to changes made by the act; amending s. 322.02, F.S.; revising the year by which the Legislature intends that the transition of certain services to certain tax collectors be completed; deleting a provision authorizing such transition of services to appointed charter county tax collectors on a limited basis; providing that the tax collector is, rather than may be, designated the exclusive agent of the department for a specified purpose; amending s. 322.12, F.S.; requiring certain driver license applicants to retake certain examinations; amending s. 322.135, F.S.; authorizing a tax collector to process certain transactions using the department's online license and registration portal; authorizing a tax collector to offer to a licensee or prospective licensee a certain donation option; amending s. 322.251, F.S.; authorizing the issuance of a Class E driver license to certain persons, if eligible;

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amending s. 322.271, F.S.; requiring the revocation of
a restricted driving privilege for a specified period
in certain circumstances; amending s. 322.66, F.S.;
conforming a cross-reference; providing an effective
date.

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

Section 1. Subsection (4) of section 316.305, Florida
Statutes, is amended to read:

316.305 Wireless communications devices; prohibition.—

(4) (a) A ~~Any~~ person who violates paragraph (3) (a) commits a
noncriminal traffic infraction, punishable as a moving ~~nonmoving~~
violation as provided in chapter 318, and shall have 3 points
assessed against his or her driver license as set forth in s.
322.27(3) (d) 8.

(b) A ~~Any~~ person who commits a second or subsequent
violation of paragraph (3) (a) within 5 years after the date of a
prior conviction for a violation of paragraph (3) (a) commits a
noncriminal traffic infraction, punishable as a moving violation
as provided in chapter 318, and shall have 4 points assessed
against his or her driver license for the purposes of s. 322.27.

(c) In lieu of the penalty specified in s. 318.18 and the
assessment of points, a person who violates paragraph (3) (a) may
elect to participate in a distracted driving safety program
approved by the department. Upon the person's completion of such
program, the penalty specified in s. 318.18 and associated costs
may be waived by the clerk of the court and the assessment of
points must be waived.

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88 Section 2. Subsection (4) of section 316.306, Florida
89 Statutes, is amended to read:

90 316.306 School and work zones; prohibition on the use of a
91 wireless communications device in a handheld manner.—

92 (4)(a) A ~~Any~~ person who violates this section commits a
93 noncriminal traffic infraction, punishable as a moving
94 violation~~r~~, as provided in chapter 318, and shall have 3 points
95 assessed against his or her driver license as set forth in s.
96 322.27(3)(d)8. ~~For a first offense under this section,~~ In lieu
97 of the penalty specified in s. 318.18 and the assessment of
98 points, a person who violates this section may elect to
99 participate in a distracted ~~wireless communications device~~
100 driving safety program approved by the Department of Highway
101 Safety and Motor Vehicles. Upon the person's completion of such
102 program, the penalty specified in s. 318.18 and associated costs
103 may be waived by the clerk of the court and the assessment of
104 points must be waived.

105 (b) The clerk of the court may dismiss a case and assess
106 court costs in accordance with s. 318.18(12)(a) for a nonmoving
107 traffic infraction for a person who is cited for a first time
108 violation of this section if the person shows the clerk proof of
109 purchase of equipment that enables his or her personal wireless
110 communications device to be used in a hands-free manner.

111 Section 3. Section 316.88, Florida Statutes, is created to
112 read:

113 316.88 Sale of appointments prohibited.—Unless authorized
114 in writing by the department or a tax collector acting as an
115 authorized agent of the department, a person may not sell or
116 offer to sell a service appointment with a department office or

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with the office of a tax collector acting as an authorized agent of the department, respectively, for any service authorized by chapter 319, chapter 320, chapter 322, or chapter 328. A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 4. Subsection (1) and paragraph (d) of subsection (6) of section 318.1451, Florida Statutes, are amended to read:

318.1451 Driver improvement schools.—

(1)(a) The department shall approve and regulate the courses of all driver improvement schools, as the courses relate to ss. 318.14(9), 322.0261, and 322.291, including courses that use technology as a delivery method.

(b) The department shall create a 4-hour basic driver improvement course specifically related to distracted driving which must include, but need not be limited to, testimonials from people whose lives have been affected by death or injury caused by distracted driving and which driver improvement schools shall offer to persons electing to participate in a distracted driving safety program pursuant to s. 316.305(4)(c) or s. 316.306(4)(a).

(6) The department shall adopt rules establishing and maintaining policies and procedures to implement the requirements of this section. These policies and procedures may include, but shall not be limited to, the following:

(d) *Course content.*—The department shall set and modify course content requirements to keep current with laws and safety information. The department shall annually review changes made to major traffic laws of this state, including s. 316.126(1)(b), and shall require course content for courses referenced in this

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146 section to be modified in accordance with changes relevant to
147 the courses. Course content includes all items used in the
148 conduct of the course. All basic driver improvement courses must
149 include at least 1 hour dedicated to distracted driving which
150 must include, but need not be limited to, testimonials from
151 people whose lives have been affected by death or injury caused
152 by distracted driving.

153 Section 5. Subsection (2) of section 319.24, Florida
154 Statutes, is amended to read:

155 319.24 Issuance in duplicate; delivery; liens and
156 encumbrances.—

157 (2) A duly authorized person shall sign the original
158 certificate of title and each corrected certificate and, if
159 there are no liens or encumbrances on the motor vehicle or
160 mobile home, as shown in the records of the department or as
161 shown in the application, must ~~shall~~ deliver the certificate to
162 the applicant or to another person as directed by the applicant
163 or person, agent, or attorney submitting such application. Tax
164 collectors, as authorized agents of the department, may deliver
165 original certificates of title and corrected certificates by
166 mail or make such certificates available to applicants at tax
167 collectors' offices. The motor vehicle dealer license number
168 must be submitted to the department when a dealer applies for or
169 receives a duplicate title. The current odometer reading must be
170 submitted on an application for a duplicate title. If there are
171 one or more liens or encumbrances on the motor vehicle or mobile
172 home, the certificate must ~~shall~~ be delivered by the department
173 to the first lienholder as shown by department records or to the
174 owner as indicated in the notice of lien filed by the first

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lienholder pursuant to s. 319.27. If the notice of lien filed by the first lienholder indicates that the certificate should be delivered to the first lienholder, the department must ~~shall~~ deliver to the first lienholder, along with the certificate, a form to be subsequently used by the lienholder as a satisfaction. If the notice of lien filed by the first lienholder directs the certificate of title to be delivered to the owner, then, upon delivery of the certificate of title by the department to the owner, the department must ~~shall~~ deliver to the first lienholder confirmation of the receipt of the notice of lien and the date the certificate of title was issued to the owner at the owner's address shown on the notice of lien and a form to be subsequently used by the lienholder as a satisfaction. If the application for certificate shows the name of a first lienholder different from the name of the first lienholder as shown by the records of the department or if the application does not show the name of a judgment lienholder as shown by the records of the department, the certificate may ~~shall~~ not be issued to any person until after all parties who appear to hold a lien and the applicant for the certificate have been notified of the conflict in writing by the department by certified mail. If the parties do not amicably resolve the conflict within 10 days from the date such notice was mailed, ~~then~~ the department must ~~shall~~ serve notice in writing by certified mail on all persons appearing to hold liens on that particular vehicle, including the applicant for the certificate, to show cause within 15 days from the date the notice is mailed why it should not issue and deliver the certificate to the person indicated in the notice of lien filed by the lienholder

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whose name appears in the application as the first lienholder without showing any lien or liens as outstanding other than those appearing in the application or those which may have been filed subsequent to the filing of the application for the certificate. If, within the 15-day period, any person other than the lienholder shown in the application or a party filing a subsequent lien, in answer to such notice to show cause, appears in person or by a representative, or responds in writing, and files a written statement under oath that his or her lien on that particular vehicle is still outstanding, the department may ~~shall~~ not issue the certificate to anyone until after such conflict has been settled by the lien claimants involved or by a court of competent jurisdiction. If the conflict is not settled amicably within 10 days of the final date for filing an answer to the notice to show cause, the complaining party must ~~shall~~ have 10 days to obtain a ruling, or a stay order, from a court of competent jurisdiction; if no ruling or stay order is issued and served on the department within the 10-day period, it must ~~shall~~ issue the certificate showing no liens except those shown in the application or thereafter filed to the original applicant if there are no liens shown in the application and none are thereafter filed, or to the person indicated in the notice of lien filed by the lienholder whose name appears in the application as the first lienholder if there are liens shown in the application or thereafter filed. A duplicate certificate or corrected certificate may ~~shall~~ only show such lien or liens as were shown in the application and subsequently filed liens that may be outstanding.

Section 6. Present subsection (4) of section 319.29,

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Florida Statutes, is redesignated as subsection (5), and a new subsection (4) is added to that section, to read:

319.29 Lost or destroyed certificates.—

(4) An application for a duplicate copy of a certificate of title may be fulfilled by the tax collector acting as an authorized agent of the department. Upon the applicant's request, the duplicate copy may be issued by the tax collector and provided to the applicant at the tax collector's office or mailed by the tax collector to the applicant's address.

Section 7. Subsection (1) of section 320.031, Florida Statutes, is amended to read:

320.031 Mailing or delivery of registration certificates, license plates, and validation stickers.—

(1) The department and the tax collectors of the several counties of the state, as agents of the department, may at the request of the applicant deliver in person or use United States mail service to deliver registration certificates and renewals thereof, duplicate registration certificates, license plates, mobile home stickers, and validation stickers to applicants.

Section 8. Subsections (1) and (3), paragraphs (a) and (c) of subsection (4), and subsection (6) of section 320.084, Florida Statutes, are amended to read:

320.084 Free motor vehicle license plate to certain disabled veterans.—

(1) One free disabled veteran ~~"DV"~~ motor vehicle license number plate shall be issued by the department for use on any motor vehicle owned or leased by any disabled veteran who has been a resident of this state continuously for the preceding 5 years or has established a domicile in this state as provided by

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s. 222.17(1), (2), or (3), and who has been honorably discharged from the United States Armed Forces, upon application, accompanied by proof that:

(a) A vehicle was initially acquired through financial assistance by the United States Department of Veterans Affairs or its predecessor specifically for the purchase of an automobile;

(b) The applicant has been determined by the United States Department of Veterans Affairs or its predecessor to have a service-connected 100-percent disability rating for compensation; or

(c) The applicant has been determined to have a service-connected disability rating of 100 percent and is in receipt of disability retirement pay from any branch of the United States Armed Services.

(3) The department shall, as it deems necessary, require each person to whom a motor vehicle license plate has been issued pursuant to subsection (1) to apply to the department for reissuance of his or her registration license plate. Upon receipt of the application and proof of the applicant's continued eligibility, the department shall issue a new permanent disabled veteran ~~"DV" numerical~~ motor vehicle license plate which shall be of the colors red, white, and blue similar to the colors of the United States flag. The operation of a motor vehicle displaying a disabled veteran ~~"DV"~~ license plate from a previous issue period or a noncurrent validation sticker after the date specified by the department shall subject the owner if he or she is present, otherwise the operator, to the penalty provided in s. 318.18(2). Such permanent license plate

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shall be removed upon sale of the vehicle, but may be transferred to another vehicle owned by such veteran in the manner prescribed by law. ~~The license number of each plate issued under this section shall be identified by the letter designation "DV."~~ Upon request of any such veteran, the department is authorized to issue a designation plate containing only the letters "DV," to be displayed on the front of the vehicle.

(4)(a) With the issuance of each new permanent disabled veteran ~~"DV" numerical~~ motor vehicle license plate, the department shall initially issue, without cost to the applicant, a validation sticker reflecting the owner's birth month and a serially numbered validation sticker reflecting the year of expiration. The initial sticker reflecting the year of expiration may not exceed 27 months.

(c) Registration under this section shall be renewed annually or biennially during the applicable renewal period on forms prescribed by the department, which shall include, in addition to any other information required by the department, a certified statement as to the continued eligibility of the applicant to receive the disabled veteran ~~special "DV"~~ license plate. Any applicant who falsely or fraudulently submits to the department the certified statement required by this paragraph is guilty of a noncriminal violation and is subject to a civil penalty of \$50.

(6)(a) A disabled veteran who meets the requirements of subsection (1) may be issued, in lieu of the disabled veteran ~~"DV"~~ license plate, a military license plate for which he or she is eligible or a specialty license plate embossed with the

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initials "DV" in the top left-hand corner. A disabled veteran electing a military license plate or specialty license plate under this subsection must pay all applicable fees related to such license plate, except for fees otherwise waived under subsections (1) and (4).

(b) A military license plate or specialty license plate elected under this subsection:

~~1. Does not provide the protections or rights afforded by ss. 316.1955, 316.1964, 320.0848, 526.141, and 553.5041.~~

~~2.~~ is not eligible for the international symbol of accessibility as described in s. 320.0842.

Section 9. Paragraph (d) of subsection (1) and paragraph (e) of subsection (2) of section 320.0848, Florida Statutes, are amended to read:

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

(1)

(d) The department shall renew the disabled parking permit of a ~~any~~ person certified as permanently disabled on the previous application for a subsequent 4-year period without requiring the person to provide another certificate of disability or United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, as applicable. After such 4-year period, the department shall renew the disabled parking permit if the person provides a certificate of disability issued within the last 12 months pursuant to this subsection. A veteran who has been previously evaluated and certified by the United

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States Department of Veterans Affairs or any branch of the United States Armed Forces as permanently and totally disabled from a service-connected disability may provide a United States Department of Veterans Affairs Form Letter 27-333, or its equivalent, issued within the last 12 months in lieu of a certificate of disability.

(2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM MOBILITY PROBLEMS.—

(e) A person who qualifies for a disabled parking permit under this section may be issued an international wheelchair user symbol license plate under s. 320.0843 in lieu of the disabled parking permit; or, if the person qualifies for a disabled veteran ~~"DV"~~ license plate under s. 320.084, such a license plate may be issued to him or her in lieu of a disabled parking permit.

Section 10. Subsections (1) and (5) of section 322.02, Florida Statutes, are amended to read:

322.02 Legislative intent; administration.—

(1) The Legislature finds that over the past several years the department and individual county tax collectors have entered into contracts for the delivery of full and limited driver license services where such contractual relationships best served the public interest through state administration and enforcement and local government implementation. It is the intent of the Legislature that the complete transition of all driver license issuance services to tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution be completed no later than June 30, 2027 ~~2015~~. ~~The transition of services to appointed charter county tax~~

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collectors may occur on a limited basis as directed by the department.

(5) The tax collector in and for his or her county is ~~may~~ be designated the exclusive agent of the department to implement and administer ~~the provisions of~~ this chapter as provided by s. 322.135.

Section 11. Subsections (3) and (4) of section 322.12, Florida Statutes, are amended to read:

322.12 Examination of applicants.—

(3) (a) For an applicant for a Class E driver license, such examination must ~~shall~~ include all of the following:

1. ~~(a)~~ A test of the applicant's eyesight given by the driver license examiner designated by the department or by a licensed ophthalmologist, optometrist, or physician.

2. ~~(b)~~ A test of the applicant's hearing given by a driver license examiner or a licensed physician.

3. ~~(c)~~ A test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; and his or her knowledge of the effects of alcohol and controlled substances upon persons and the dangers of driving a motor vehicle while under the influence of alcohol or controlled substances. At least 25 questions within the bank of test questions must address bicycle and pedestrian safety.

4. ~~(d)~~ An actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor

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407 vehicle.

408 (b) An applicant who is found to have cheated during, or to
409 have otherwise circumvented, any portion of the examination must
410 retake the examination.

411 (4) (a) The examination for an applicant for a commercial
412 driver license must ~~shall~~ include all of the following:

413 1. A test of the applicant's eyesight given by a driver
414 license examiner designated by the department or by a licensed
415 ophthalmologist, optometrist, or physician. ~~and~~

416 2. A test of the applicant's hearing given by a driver
417 license examiner or a licensed physician.

418 3. ~~The examination shall also include~~ A test of the
419 applicant's ability to read and understand highway signs
420 regulating, warning, and directing traffic; his or her knowledge
421 of the traffic laws of this state pertaining to the class of
422 motor vehicle which he or she is applying to be licensed to
423 operate, including laws regulating driving under the influence
424 of alcohol or controlled substances, driving with an unlawful
425 blood-alcohol level, and driving while intoxicated; his or her
426 knowledge of the effects of alcohol and controlled substances
427 and the dangers of driving a motor vehicle after having consumed
428 alcohol or controlled substances; and his or her knowledge of
429 any special skills, requirements, or precautions necessary for
430 the safe operation of the class of vehicle which he or she is
431 applying to be licensed to operate.

432 4. ~~In addition, the examination shall include~~ An actual
433 demonstration of the applicant's ability to exercise ordinary
434 and reasonable control in the safe operation of a motor vehicle
435 or combination of vehicles of the type covered by the license

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classification which the applicant is seeking, including an examination of the applicant's ability to perform an inspection of his or her vehicle.

(b)(a) The portion of the examination required under subparagraph (a)4. ~~which tests an applicant's safe driving ability~~ shall be administered by the department or by an entity authorized by the department to administer such examination, pursuant to s. 322.56. Such examination shall be administered at a location approved by the department.

(c)(b) A person who seeks to retain a hazardous-materials endorsement must, upon renewal, pass the test for such endorsement as specified in s. 322.57(1)(e), if the person has not taken and passed the hazardous-materials test within 2 years preceding his or her application for a commercial driver license in this state.

(d) An applicant who is found to have cheated during, or to have otherwise circumvented, any portion of the examination must retake the examination.

Section 12. Paragraph (a) of subsection (1) of section 322.135, Florida Statutes, is amended, and paragraph (d) is added to that subsection, to read:

322.135 Driver license agents.—

(1) The department shall, upon application, authorize by interagency agreement any or all of the tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution in the several counties of the state, subject to the requirements of law, in accordance with rules of the department, to serve as its agent for the provision of specified driver license services.

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(a) These services shall be limited to the issuance of driver licenses and identification cards as authorized by this chapter, transactions for which may be processed by the tax collector using the department's online license and registration portal.

(d) A tax collector may offer a licensee or prospective licensee the option to increase the amount of his or her transaction to the next whole dollar amount in order to donate the amount of the increase to a charity registered with the Department of Agriculture and Consumer Services.

Section 13. Subsection (4) of section 322.251, Florida Statutes, is amended to read:

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

(4) A person whose privilege to operate a commercial motor vehicle is temporarily disqualified may, upon surrendering his or her commercial driver license, be issued a Class E driver license, valid for the length of his or her unexpired commercial driver license, if eligible, at no cost. Such person may, upon the completion of his or her disqualification, be issued a commercial driver license, of the type disqualified, for the remainder of his or her unexpired license period. Any such person must ~~shall~~ pay the reinstatement fee provided in s. 322.21 before being issued a commercial driver license.

Section 14. Paragraph (b) of subsection (1) of section 322.271, Florida Statutes, is amended to read:

322.271 Authority to modify revocation, cancellation, or suspension order.—

(1)

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(b) A person whose driving privilege has been revoked under s. 322.27(5) may, upon expiration of 12 months from the date of such revocation, petition the department for reinstatement of his or her driving privilege. Upon such petition and after investigation of the person's qualification, fitness, and need to drive, the department shall hold a hearing pursuant to chapter 120 to determine whether the driving privilege shall be reinstated on a restricted basis solely for business or employment purposes. If such person is granted a limited driving privilege and subsequently violates the conditions of the restricted driving privilege, the restricted driving privilege must be revoked and the person is not eligible for any driving privilege for the remaining duration of the 5-year period after his or her initial license revocation.

Section 15. Section 322.66, Florida Statutes, is amended to read:

322.66 Vehicles permitted to be driven during driving skills tests.—A person who does not possess a valid driver license may drive a noncommercial or commercial motor vehicle during a driving skills test conducted in accordance with s. 322.12(3) and (4)(b) ~~s. 322.12(3) and (4)(a)~~, if the person has passed the vision, hearing, road rules, and road signs tests ordinarily administered to applicants for a Class E license, and, if required, has passed the commercial driver license knowledge and appropriate endorsement tests.

Section 16. This act shall take effect July 1, 2026.