

1 A bill to be entitled
2 An act relating to the Department of Highway Safety
3 and Motor Vehicles; creating s. 316.88, F.S.;
4 prohibiting the sale of certain service appointments
5 unless authorized in writing by specified entities;
6 amending s. 319.24, F.S.; authorizing tax collectors
7 to deliver by mail or make available at the tax
8 collector's office certificates of title; amending s.
9 319.29, F.S.; providing that certain applications may
10 be fulfilled by the tax collector acting as an
11 authorized agent of the department; amending s.
12 320.031, F.S.; authorizing the department and tax
13 collectors, as agents of the department, to deliver
14 certain documents, including duplicate registration
15 certificates, in person or by mail; amending s.
16 320.0848, F.S.; requiring the department to issue a
17 lifetime disabled parking permit to certain
18 permanently disabled persons; providing the validation
19 period for such permits; requiring the department to
20 renew certain disabled parking permits for a specified
21 period without requiring certain documentation;
22 requiring the validation sticker issued for lifetime
23 disabled parking permits to indicate that the permits
24 do not expire; authorizing a person who has been
25 issued such a permit to provide a certificate of

26 disability issued at any time in order to obtain a
27 replacement for a lost or stolen permit; amending s.
28 322.02, F.S.; revising the year by which the
29 Legislature intends that the transition of certain
30 services to certain tax collectors be completed;
31 removing a provision authorizing such transition of
32 services to appointed charter county tax collectors on
33 a limited basis; providing that the tax collector is,
34 rather than may be, designated the exclusive agent of
35 the department for a specified purpose; amending s.
36 322.12, F.S.; requiring certain driver license
37 applicants to retake certain examinations; amending s.
38 322.135, F.S.; authorizing a tax collector to process
39 certain transactions using the department's online
40 license and registration portal; authorizing a tax
41 collector to offer to a licensee or prospective
42 licensee a certain donation option; removing a
43 provision concerning driver license issuance being
44 assumed by tax collectors by a certain date; amending
45 s. 322.251, F.S.; authorizing the issuance of a Class
46 E driver license to certain persons, if eligible;
47 amending s. 322.271, F.S.; requiring the revocation of
48 a restricted driving privilege for a specified period
49 in certain circumstances; amending s. 322.66, F.S.;
50 conforming a cross-reference; creating s. 683.337,

51 F.S.; designating the week of April 14 of each year as
52 "Move Over Awareness Week"; encouraging specified
53 entities to sponsor events to promote public awareness
54 of the dangers of failing to comply with the Move Over
55 Act; providing an effective date.

56
57 Be It Enacted by the Legislature of the State of Florida:
58

59 Section 1. Section 316.88, Florida Statutes, is created to
60 read:

61 316.88 Sale of appointments prohibited.—Unless authorized
62 in writing by the department or a tax collector acting as an
63 authorized agent of the department, a person may not sell, or
64 offer to sell, a service appointment with a department office,
65 or the office of a tax collector acting as an authorized agent
66 of the department, for any service authorized by chapter 319,
67 chapter 320, chapter 322, or chapter 328. A person who violates
68 this section commits a misdemeanor of the first degree,
69 punishable as provided in s. 775.082 or s. 775.083.

70 Section 2. Subsection (2) of section 319.24, Florida
71 Statutes, is amended to read:

72 319.24 Issuance in duplicate; delivery; liens and
73 encumbrances.—

74 (2) A duly authorized person shall sign the original
75 certificate of title and each corrected certificate and, if

76 | there are no liens or encumbrances on the motor vehicle or
77 | mobile home, as shown in the records of the department or as
78 | shown in the application, must ~~shall~~ deliver the certificate to
79 | the applicant or to another person as directed by the applicant
80 | or person, agent, or attorney submitting such application. Tax
81 | collectors, as authorized agents of the department, may deliver
82 | original certificates of title and corrected certificates by
83 | mail or make such certificates available to applicants at tax
84 | collectors' offices. The motor vehicle dealer license number
85 | must be submitted to the department when a dealer applies for or
86 | receives a duplicate title. The current odometer reading must be
87 | submitted on an application for a duplicate title. If there are
88 | one or more liens or encumbrances on the motor vehicle or mobile
89 | home, the certificate must ~~shall~~ be delivered by the department
90 | to the first lienholder as shown by department records or to the
91 | owner as indicated in the notice of lien filed by the first
92 | lienholder pursuant to s. 319.27. If the notice of lien filed by
93 | the first lienholder indicates that the certificate should be
94 | delivered to the first lienholder, the department must ~~shall~~
95 | deliver to the first lienholder, along with the certificate, a
96 | form to be subsequently used by the lienholder as a
97 | satisfaction. If the notice of lien filed by the first
98 | lienholder directs the certificate of title to be delivered to
99 | the owner, then, upon delivery of the certificate of title by
100 | the department to the owner, the department must ~~shall~~ deliver

101 to the first lienholder confirmation of the receipt of the
102 notice of lien and the date the certificate of title was issued
103 to the owner at the owner's address shown on the notice of lien
104 and a form to be subsequently used by the lienholder as a
105 satisfaction. If the application for certificate shows the name
106 of a first lienholder different from the name of the first
107 lienholder as shown by the records of the department or if the
108 application does not show the name of a judgment lienholder as
109 shown by the records of the department, the certificate may
110 ~~shall~~ not be issued to any person until after all parties who
111 appear to hold a lien and the applicant for the certificate have
112 been notified of the conflict in writing by the department by
113 certified mail. If the parties do not amicably resolve the
114 conflict within 10 days from the date such notice was mailed,
115 ~~then~~ the department must ~~shall~~ serve notice in writing by
116 certified mail on all persons appearing to hold liens on that
117 particular vehicle, including the applicant for the certificate,
118 to show cause within 15 days from the date the notice is mailed
119 why it should not issue and deliver the certificate to the
120 person indicated in the notice of lien filed by the lienholder
121 whose name appears in the application as the first lienholder
122 without showing any lien or liens as outstanding other than
123 those appearing in the application or those which may have been
124 filed subsequent to the filing of the application for the
125 certificate. If, within the 15-day period, any person other than

126 the lienholder shown in the application or a party filing a
127 subsequent lien, in answer to such notice to show cause, appears
128 in person or by a representative, or responds in writing, and
129 files a written statement under oath that his or her lien on
130 that particular vehicle is still outstanding, the department may
131 ~~shall~~ not issue the certificate to anyone until after such
132 conflict has been settled by the lien claimants involved or by a
133 court of competent jurisdiction. If the conflict is not settled
134 amicably within 10 days of the final date for filing an answer
135 to the notice to show cause, the complaining party must ~~shall~~
136 have 10 days to obtain a ruling, or a stay order, from a court
137 of competent jurisdiction; if no ruling or stay order is issued
138 and served on the department within the 10-day period, it must
139 ~~shall~~ issue the certificate showing no liens except those shown
140 in the application or thereafter filed to the original applicant
141 if there are no liens shown in the application and none are
142 thereafter filed, or to the person indicated in the notice of
143 lien filed by the lienholder whose name appears in the
144 application as the first lienholder if there are liens shown in
145 the application or thereafter filed. A duplicate certificate or
146 corrected certificate may ~~shall~~ only show such lien or liens as
147 were shown in the application and subsequently filed liens that
148 may be outstanding.

149 Section 3. Present subsection (4) of section 319.29,
150 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 4. 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 5. Subsections (1) and (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) (a) The Department of Highway Safety and Motor Vehicles

176 or its authorized agents shall, upon application and receipt of
177 the fee:7

178 1. Issue a disabled parking permit for a period of up to 4
179 years, which period ends on the applicant's birthday, to any
180 person who has long-term mobility impairment;

181 2. Issue, ~~or~~ a temporary disabled parking permit for up to
182 ~~not to exceed~~ 6 months to a ~~any~~ person who has a temporary
183 mobility impairment; or

184 3. Issue a lifetime disabled parking permit to a person
185 who is certified as permanently disabled due to permanent
186 dismemberment or an amputation and is in need of the disabled
187 parking permit due to that permanent dismemberment or
188 amputation. A lifetime disabled parking permit is valid from the
189 date of issuance until the person's death and is not subject to
190 renewal under paragraph (d).

191
192 A ~~No~~ person is not ~~will be~~ required to pay a fee for a parking
193 permit for disabled persons more than once in a 12-month period
194 from the date of the prior fee payment.

195 (b)1. The person must be currently certified as being
196 legally blind or as having any of the following disabilities
197 that render him or her unable to walk 200 feet without stopping
198 to rest:

199 a. Inability to walk without the use of or assistance from
200 a brace, cane, crutch, prosthetic device, or other assistive

201 device, or without the assistance of another person. If the
202 assistive device significantly restores the person's ability to
203 walk to the extent that the person can walk without severe
204 limitation, the person is not eligible for the exemption parking
205 permit.

206 b. The need to permanently use a wheelchair.

207 c. Restriction by lung disease to the extent that the
208 person's forced (respiratory) expiratory volume for 1 second,
209 when measured by spirometry, is less than 1 liter, or the
210 person's arterial oxygen is less than 60 mm/hg on room air at
211 rest.

212 d. Use of portable oxygen.

213 e. Restriction by cardiac condition to the extent that the
214 person's functional limitations are classified in severity as
215 Class III or Class IV according to standards set by the American
216 Heart Association.

217 f. Severe limitation in the person's ability to walk due
218 to an arthritic, neurological, or orthopedic condition.

219 2. The certification of disability which is required under
220 subparagraph 1. must be provided by a physician licensed under
221 chapter 458, chapter 459, or chapter 460, by a podiatric
222 physician licensed under chapter 461, by an optometrist licensed
223 under chapter 463, by an advanced practice registered nurse
224 licensed under chapter 464 under the protocol of a licensed
225 physician as stated in this subparagraph, by a physician

226 assistant licensed under chapter 458 or chapter 459, or by a
227 similarly licensed physician from another state if the
228 application is accompanied by documentation of the physician's
229 licensure in the other state and a form signed by the out-of-
230 state physician verifying his or her knowledge of this state's
231 eligibility guidelines.

232 (c) The certificate of disability must include, but need
233 not be limited to:

234 1. The disability of the applicant; the certifying
235 practitioner's name and address; the practitioner's
236 certification number; the eligibility criteria for the permit;
237 the penalty for falsification by either the certifying
238 practitioner or the applicant; the duration of the condition
239 that entitles the person to the permit; and justification for
240 the additional placard pursuant to subsection (2).

241 2. The statement, in bold letters: "A disabled parking
242 permit may be issued only for a medical necessity that severely
243 affects mobility."

244 3. The signatures of:

245 a. The applicant's physician or other certifying
246 practitioner.

247 b. The applicant or the applicant's parent or guardian.

248 c. The employee of the department's authorized agent which
249 employee is processing the application.

250 (d) The department shall renew the disabled parking permit

251 of ~~a any~~ person certified as permanently disabled on the
252 previous application for a subsequent 4-year period without
253 requiring the person to provide another certificate of
254 disability or United States Department of Veterans Affairs Form
255 Letter 27-333, or its equivalent, as applicable. After such 4-
256 year period, the department shall renew the disabled parking
257 permit if the person provides a certificate of disability issued
258 within the last 12 months pursuant to this subsection. A veteran
259 who has been previously evaluated and certified by the United
260 States Department of Veterans Affairs or any branch of the
261 United States Armed Forces as permanently and totally disabled
262 from a service-connected disability may provide a United States
263 Department of Veterans Affairs Form Letter 27-333, or its
264 equivalent, issued within the last 12 months in lieu of a
265 certificate of disability.

266 (e) The Department of Highway Safety and Motor Vehicles
267 shall, in consultation with the Commission for the
268 Transportation Disadvantaged, adopt rules, in accordance with
269 chapter 120, for the issuance of a disabled parking permit to
270 any organization that can adequately demonstrate a bona fide
271 need for such a permit because the organization provides regular
272 transportation services to persons who have disabilities and are
273 certified as provided in this subsection.

274 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
275 MOBILITY PROBLEMS, PERMANENT DISMEMBERMENT, OR AMPUTATION.—

(a) The disabled parking permit is a placard that can be placed in a motor vehicle so as to be visible from the front and rear of the vehicle. Each side of the placard must have the international symbol of accessibility in a contrasting color in the center so as to be visible. One side of the placard must display the applicant's driver license number or state identification card number along with a warning that the applicant must have such identification at all times while using the parking permit. In those cases where the severity of the disability prevents a disabled person from physically visiting or being transported to a driver license or tax collector office to obtain a driver license or identification card, a certifying physician may sign the exemption section of the department's parking permit application to exempt the disabled person from being issued a driver license or identification card for the number to be displayed on the parking permit. A validation sticker must also be issued with each disabled parking permit, showing the month and year of expiration, or, in the case of a lifetime disabled parking permit, indicating that the permit does not expire, on each side of the placard. Validation stickers must be of the size specified by the Department of Highway Safety and Motor Vehicles and must be affixed to the disabled parking permits. The disabled parking permits must use the same colors as license plate validations.

(b) License plates issued under ss. 320.084, 320.0842,

320.0843, and 320.0845 are valid for the same parking privileges and other privileges provided under ss. 316.1955, 316.1964, and 526.141(5) (a).

(c) The department shall not issue an additional disabled parking permit unless the applicant states that he or she is a frequent traveler or a quadriplegic. The department may not issue to any one eligible applicant more than two disabled parking permits except to an organization in accordance with paragraph (1)(e). Subsections (1), (5), (6), and (7) apply to this subsection.

(d) To obtain a replacement for a disabled parking permit that has been lost or stolen, a person must submit an application on a form prescribed by the department, pay a replacement fee in the amount of \$1, to be retained by the issuing agency, and provide a certificate of disability issued within the last 12 months pursuant to subsection (1), except that: ~~and pay a replacement fee in the amount of \$1, to be retained by the issuing agency.~~

1. If the person submits with the application a police report documenting that the permit was stolen, there is no replacement fee.

2. A veteran who has been previously evaluated and certified by the United 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

326 a United States Department of Veterans Affairs Form Letter 27-
327 333, or its equivalent, issued within the last 12 months in lieu
328 of a certificate of disability.

329 3. A person who has been issued a lifetime disabled
330 parking permit under subparagraph (1)(a)3. may provide a
331 certificate of disability issued at any time.

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

338 Section 6. Subsections (1) and (5) of section 322.02,
339 Florida Statutes, are amended to read:

340 322.02 Legislative intent; administration.—

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

351 ~~transition of services to appointed charter county tax~~
352 ~~collectors may occur on a limited basis as directed by the~~
353 ~~department.~~

354 (5) The tax collector in and for his or her county is ~~may~~
355 ~~be~~ designated the exclusive agent of the department to implement
356 and administer ~~the provisions of~~ this chapter as provided by s.
357 322.135.

358 Section 7. Subsections (3) and (4) of section 322.12,
359 Florida Statutes, are amended to read:

360 322.12 Examination of applicants.—

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

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

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

368 3.(c) A test of the applicant's ability to read and
369 understand highway signs regulating, warning, and directing
370 traffic; his or her knowledge of the traffic laws of this state,
371 including laws regulating driving under the influence of alcohol
372 or controlled substances, driving with an unlawful blood-alcohol
373 level, and driving while intoxicated; and his or her knowledge
374 of the effects of alcohol and controlled substances upon persons
375 and the dangers of driving a motor vehicle while under the

376 influence of alcohol or controlled substances. At least 25
377 questions within the bank of test questions must address bicycle
378 and pedestrian safety.

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

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

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

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

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

392 3. ~~The examination shall also include~~ A test of the
393 applicant's ability to read and understand highway signs
394 regulating, warning, and directing traffic; his or her knowledge
395 of the traffic laws of this state pertaining to the class of
396 motor vehicle which he or she is applying to be licensed to
397 operate, including laws regulating driving under the influence
398 of alcohol or controlled substances, driving with an unlawful
399 blood-alcohol level, and driving while intoxicated; his or her
400 knowledge of the effects of alcohol and controlled substances

401 and the dangers of driving a motor vehicle after having consumed
402 alcohol or controlled substances; and his or her knowledge of
403 any special skills, requirements, or precautions necessary for
404 the safe operation of the class of vehicle which he or she is
405 applying to be licensed to operate.

406 4. ~~In addition, the examination shall include~~ An actual
407 demonstration of the applicant's ability to exercise ordinary
408 and reasonable control in the safe operation of a motor vehicle
409 or combination of vehicles of the type covered by the license
410 classification which the applicant is seeking, including an
411 examination of the applicant's ability to perform an inspection
412 of his or her vehicle.

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

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

425 (d) An applicant who is found to have cheated during, or

426 to have otherwise circumvented, any portion of the examination
427 must retake the examination.

428 Section 8. Subsections (6) and (7) of section 322.135,
429 Florida Statutes, are renumbered as subsections (5) and (6),
430 respectively, paragraph (a) of subsection (1) and present
431 subsection (5) are amended, and paragraph (d) is added to
432 subsection (1) of that section, to read:

433 322.135 Driver license agents.—

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

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

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

~~(5) All driver license issuance services shall be assumed by the tax collectors who are constitutional officers under s. 1(d), Art. VIII of the State Constitution by June 30, 2015. The implementation shall follow the schedule outlined in the transition report of February 1, 2011, which was required pursuant to chapter 2010-163, Laws of Florida.~~

Section 9. 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 10. 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)

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

490 Section 11. Section 322.66, Florida Statutes, is amended
491 to read:

492 322.66 Vehicles permitted to be driven during driving
493 skills tests.—A person who does not possess a valid driver
494 license may drive a noncommercial or commercial motor vehicle
495 during a driving skills test conducted in accordance with s.
496 322.12(3) and (4)(b) ~~s. 322.12(3) and (4)(a)~~, if the person has
497 passed the vision, hearing, road rules, and road signs tests
498 ordinarily administered to applicants for a Class E license,
499 and, if required, has passed the commercial driver license
500 knowledge and appropriate endorsement tests.

501 Section 12. Section 683.337, Florida Statutes, is created
502 to read:

503 683.337 Move Over Awareness Week.—

504 (1) The week of April 14 of each year is designated as
505 "Move Over Awareness Week" to educate the motoring public on the
506 dangers of failing to comply with the Move Over Act and to honor
507 those who have been injured or killed by motorists who failed to
508 move over pursuant to s. 316.126.

509 (2) The Department of Highway Safety and Motor Vehicles,
510 local governments, and other agencies are encouraged to sponsor
511 events to promote public awareness of the dangers of failing to
512 comply with the Move Over Act.

513 Section 13. This act shall take effect July 1, 2026.