

1 A bill to be entitled
2 An act relating to the Department of Highway Safety and
3 Motor Vehicles; amending s. 20.24, F.S.; specifying that
4 the executive director of the department serves at the
5 pleasure of the Governor and Cabinet; creating a Division
6 of Motorist Services within the department; eliminating
7 the Division of Driver Licenses and the Division of Motor
8 Vehicles; amending s. 261.03, F.S.; conforming cross-
9 references; amending s. 288.816, F.S., relating to Consul
10 Corps license plates; conforming a reference; amending s.
11 311.121, F.S., relating to membership of the Seaport
12 Security Officer Qualification, Training, and Standards
13 Coordinating Council; conforming provisions to changes
14 made by the act; reenacting s. 316.065(4), F.S., relating
15 to crash reports, to incorporate changes made to s.
16 316.066, F.S., by chapter 2010-163, Laws of Florida;
17 amending s. 316.1933, F.S.; authorizing a health care
18 provider to notify a law enforcement agency after
19 detecting the presence of a controlled substance in the
20 blood of a person injured in a motor vehicle crash;
21 amending s. 316.1957, F.S., relating to parking
22 violations; conforming a reference; amending s. 316.2085,
23 F.S.; requiring the license tag of a motorcycle or moped
24 to remain clearly visible from the rear; prohibiting
25 deliberate acts to conceal or obscure the tag; amending
26 ss. 316.2122, 316.2124, 316.21265, 316.3026, and 316.550,
27 F.S., relating to the operation of low-speed vehicles,
28 motorized disability access vehicles, and all-terrain or

29 utility vehicles, the unlawful operation of motor
30 carriers, and special permits, respectively; conforming
31 cross-references; amending s. 316.545, F.S.; providing for
32 the regulation of apportionable vehicles; amending s.
33 317.0003, F.S., relating to off-highway vehicles;
34 conforming a cross-reference; amending s. 317.0016, F.S.;
35 eliminating a requirement that the department provide
36 expedited service for certificates of repossession;
37 amending s. 318.14, F.S.; clarifying provisions
38 authorizing a person cited for a noncriminal traffic
39 infraction to elect to attend a driver improvement course
40 or enter a plea of nolo contendere; amending s. 318.15,
41 F.S., relating to the suspension of driving privileges;
42 conforming a reference; amending s. 319.14, F.S.;
43 prohibiting a person from knowingly offering for sale,
44 selling, or exchanging certain vehicles unless the
45 department has stamped in a conspicuous place on the
46 certificate of title words stating that the vehicle is a
47 custom vehicle or street rod vehicle; defining the terms
48 "custom vehicle" and "street rod"; providing requirements
49 for inspection and issuance of a rebuilt title; amending
50 s. 319.225, F.S.; revising provisions for vehicle
51 certificates of title; revising requirements for the
52 transfer and reassignment forms for vehicles; revising
53 dealer submission requirements; requiring a dealer selling
54 a vehicle out of state to mail a copy of the power of
55 attorney form to the department; providing for the
56 electronic transfer of a vehicle title; amending s.

57 | 319.23, F.S.; providing for the application for a
58 | certificate of title, corrected certificate, or assignment
59 | or reassignment to be filed from the consummation of the
60 | sale of a mobile home; authorizing the department to
61 | accept a bond if the applicant for a certificate of title
62 | is unable to provide a title that assigns the prior
63 | owner's interest in the motor vehicle; providing
64 | requirements for the bond and the affidavit; providing for
65 | future expiration of the bond; amending s. 319.28, F.S.;
66 | eliminating certain requirements that a lienholder obtain
67 | a certificate of repossession following repossession of a
68 | vehicle or mobile home; amending s. 319.323, F.S.,
69 | relating to title offices for expedited service;
70 | conforming provisions to changes made by the act; amending
71 | s. 319.40, F.S.; authorizing the department to issue
72 | electronic certificates of title and use electronic mail
73 | addresses for purposes of notification; amending s.
74 | 320.01, F.S.; revising definitions; excluding special
75 | mobile equipment from the meaning of the term "motor
76 | vehicle"; deleting an obsolete definition; revising the
77 | gross vehicle weight for purposes of defining the terms
78 | "apportionable vehicle" and "commercial motor vehicle";
79 | amending s. 320.02, F.S.; providing that an active-duty
80 | military member is exempt from the requirement to provide
81 | an address on an application for vehicle registration;
82 | requiring that a Florida driver's license or
83 | identification card be changed following a change of
84 | residence or mailing address before the vehicle

85 registration is changed; requiring that the department
86 retain certain records for a specified period; amending s.
87 320.023, F.S.; authorizing the department to retain
88 certain proceeds derived from the voluntary contributions
89 program to cover certain specified costs to the
90 department; amending s. 320.03, F.S., relating to the
91 International Registration Plan; conforming provisions to
92 changes made by the act; amending s. 320.05, F.S.;

93 deleting a provision requiring that the department provide
94 a procedures manual for a fee; clarifying that the
95 creation and maintenance of records by the Division of
96 Motorist Services is not a law enforcement function of
97 agency recordkeeping; amending s. 320.06, F.S.;

98 authorizing the department to conduct a pilot program to
99 evaluate alternative license plate technologies for use on
100 government-owned motor vehicles; exempting plates in the
101 pilot program from specified license plate design and
102 construction requirements; specifying that all license
103 plates issued by the department are the property of the
104 state; amending s. 320.061, F.S.; providing that it is a
105 noncriminal traffic infraction to alter a temporary
106 license plate; amending s. 320.071, F.S.; providing for
107 the renewal of registration for an apportionable vehicle
108 that is registered under the International Registration
109 Plan; amending s. 320.0715, F.S.; clarifying provisions
110 requiring the registration of apportionable vehicles under
111 the International Registration Plan; amending s. 320.08,
112 F.S., relating to license taxes; conforming cross-

113 references; amending s. 320.0847, F.S., relating to
114 license plates for mini trucks and low-speed vehicles;
115 conforming cross-references; amending s. 320.0848, F.S.;
116 revising the requirements for the deposit of fee proceeds
117 from temporary disabled parking permits; amending s.
118 320.089, F.S.; providing for the issuance of a Combat
119 Infantry Badge license plate; providing qualifications and
120 requirements for the plate; providing for the use of
121 proceeds from the sale of the plate; amending s. 320.275,
122 F.S., relating to the Automobile Dealers Industry Advisory
123 Board; conforming provisions to the elimination of the
124 Division of Motor Vehicles within the department; amending
125 s. 320.95, F.S.; authorizing the department to use
126 electronic mail addresses for the purpose of providing
127 license renewal notices; amending s. 321.02, F.S.;
128 designating the director of the Division of Highway Patrol
129 of the department as the Colonel of the Florida Highway
130 Patrol; amending s. 322.02, F.S.; providing for a director
131 of the Division of Motorist Services; amending s. 322.04,
132 F.S.; revising provisions exempting a nonresident from the
133 requirement to obtain a driver's license under certain
134 circumstances; amending s. 322.051, F.S.; revising
135 requirements by which an applicant for an identification
136 card may prove nonimmigrant classification; clarifying the
137 validity of an identification card based on specified
138 documents; amending s. 322.058, F.S., relating to renewal
139 of motor vehicle registration; conforming a cross-
140 reference; amending s. 322.065, F.S.; revising the period

141 of expiration that constitutes the offense of driving with
142 an expired driver's license; amending s. 322.07, F.S.;
143 revising qualifications for obtaining a temporary
144 commercial instruction permit; amending s. 322.08, F.S.;
145 revising requirements by which an applicant for a driver's
146 license may prove nonimmigrant classification; clarifying
147 the validity of a license based on specified documents;
148 authorizing the department to use electronic mail
149 addresses for the purposes of providing license renewal
150 notices; amending s. 322.081, F.S.; authorizing the
151 department to retain certain proceeds derived from the
152 voluntary contributions made on driver's license
153 applications to cover certain specified costs to the
154 department; amending s. 322.12, F.S.; deleting provisions
155 requiring a separate examination for applicants for a
156 license to operate a motorcycle; requiring that the
157 motorcycle safety course for a first-time applicant
158 include a final examination; requiring that completion of
159 the course be indicated on the license; amending s.
160 322.121, F.S.; clarifying provisions authorizing the
161 automatic extension of a license for members of the Armed
162 Forces or their dependents while serving on active duty
163 outside the state; amending s. 322.14, F.S.; deleting a
164 requirement that applicants for specified licenses appear
165 in person for issuance of a color photographic or digital
166 imaged driver's license; providing for the department to
167 suspend a person's driver's license for violating certain
168 restrictions on his or her authorization to drive;

169 amending s. 322.20, F.S., relating to department records;
170 conforming provisions to changes made by the act; amending
171 s. 322.202, F.S.; clarifying that the Division of Motorist
172 Services is not a law enforcement agency; amending s.
173 322.21, F.S.; conforming provisions to changes made by the
174 act; authorizing a driver to renew his or her driver's
175 license during a specified period before the license
176 expiration date; amending s. 322.22, F.S.; clarifying
177 provisions authorizing the department to cancel a driver's
178 license; authorizing the department to cancel a license
179 upon determining that the licensee is not entitled to the
180 license; amending s. 322.2615, F.S., relating to a
181 person's right to review of a license suspension; revising
182 provisions for a formal review hearing and enforcement of
183 a subpoena; amending s. 322.53, F.S.; revising provisions
184 exempting certain farmers and drivers who operate straight
185 trucks from the requirement to obtain a commercial
186 driver's license; amending s. 322.54, F.S.; requiring that
187 the weight of a commercial motor vehicle be based on the
188 vehicle's actual weight under certain circumstances;
189 repealing s. 322.58, F.S., relating to holders of
190 chauffeur's licenses; amending s. 322.59, F.S.; requiring
191 that the department disqualify a driver holding a
192 commercial driver's license who fails to comply with
193 specified federal certification requirements; amending s.
194 322.61, F.S.; providing that the holder of a commercial
195 driver's license is permanently disqualified from
196 operating a commercial motor vehicle following two

197 | violations of specified offenses committed while operating
 198 | any vehicle; amending s. 322.64, F.S.; providing that a
 199 | notice of disqualification from operating a commercial
 200 | motor vehicle acts as a conviction for purposes of certain
 201 | federal restrictions imposed for the offense of operating
 202 | a commercial motor vehicle while under the influence of
 203 | alcohol; deleting provisions authorizing the department to
 204 | impose certain alternative restrictions for such offense;
 205 | amending s. 328.30, F.S.; authorizing the department to
 206 | issue electronic certificates of title for vessels and use
 207 | electronic mail addresses for purposes of providing
 208 | renewal notices; amending s. 413.012, F.S., relating to a
 209 | prohibition on disclosing confidential records held by the
 210 | department; conforming provisions to changes made by the
 211 | act; amending s. 713.78, F.S., relating to renewal of
 212 | motor vehicle registration; conforming a cross-reference;
 213 | providing effective dates.

214 |
 215 | Be It Enacted by the Legislature of the State of Florida:

216 |
 217 | Section 1. Section 20.24, Florida Statutes, is amended to
 218 | read:

219 | 20.24 Department of Highway Safety and Motor Vehicles.—
 220 | There is created a Department of Highway Safety and Motor
 221 | Vehicles.

222 | (1) The head of the Department of Highway Safety and Motor
 223 | Vehicles is the Governor and Cabinet. An executive director
 224 | shall serve at the pleasure of the Governor and Cabinet. The

225 executive director may establish a command, operational, and
 226 administrative services structure to assist, manage, and support
 227 the department in operating programs and delivering services.

228 (2) The following divisions, ~~and bureaus within the~~
 229 ~~divisions,~~ of the Department of Highway Safety and Motor
 230 Vehicles are established:

231 (a) Division of the Florida Highway Patrol.

232 (b) Division of Motorist Services.

233 ~~(b) Division of Driver Licenses.~~

234 ~~(c) Division of Motor Vehicles.~~

235 Section 2. Subsection (9) of section 261.03, Florida
 236 Statutes, is amended to read:

237 261.03 Definitions.—As used in this chapter, the term:

238 (9) "ROV" means any motorized recreational off-highway
 239 vehicle 64 inches or less in width, having a dry weight of 2,000
 240 pounds or less, designed to travel on four or more nonhighway
 241 tires, having nonstraddle seating and a steering wheel, and
 242 manufactured for recreational use by one or more persons. The
 243 term "ROV" does not include a golf cart as defined in ss.
 244 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
 245 s. 320.01~~(42)~~.

246 Section 3. Paragraph (e) of subsection (2) of section
 247 288.816, Florida Statutes, is amended to read:

248 288.816 Intergovernmental relations.—

249 (2) The Office of Tourism, Trade, and Economic Development
 250 shall be responsible for all consular relations between the
 251 state and all foreign governments doing business in Florida. The
 252 office shall monitor United States laws and directives to ensure

253 that all federal treaties regarding foreign privileges and
 254 immunities are properly observed. The office shall promulgate
 255 rules which shall:

256 (e) Verify entitlement to issuance of special motor
 257 vehicle license plates by ~~the Division of Motor Vehicles~~ of the
 258 Department of Highway Safety and Motor Vehicles to honorary
 259 consuls or such other officials representing foreign governments
 260 who are not entitled to issuance of special Consul Corps license
 261 plates by the United States Government.

262 Section 4. Paragraph (a) of subsection (3) of section
 263 311.121, Florida Statutes, is amended to read:

264 311.121 Qualifications, training, and certification of
 265 licensed security officers at Florida seaports.-

266 (3) The Seaport Security Officer Qualification, Training,
 267 and Standards Coordinating Council is created under the
 268 Department of Law Enforcement.

269 (a) The executive director of the Department of Law
 270 Enforcement shall appoint 11 members to the council, to include:

271 1. The seaport administrator of the Department of Law
 272 Enforcement.

273 2. The Commissioner of Education or his or her designee.

274 3. The director of the Division of Licensing of the
 275 Department of Agriculture and Consumer Services.

276 4. The administrator of the Florida Seaport Transportation
 277 and Economic Development Council.

278 5. Two seaport security directors from seaports designated
 279 under s. 311.09.

280 6. One director of a state law enforcement academy.

- 281 7. One representative of a local law enforcement agency.
- 282 8. Two representatives of contract security services.
- 283 9. One representative of ~~the Division of Driver Licenses~~
- 284 ~~of~~ the Department of Highway Safety and Motor Vehicles.

285 Section 5. For the purpose of incorporating the amendment
 286 made by chapter 2010-163, Laws of Florida, to section 316.066,
 287 Florida Statutes, in a reference thereto, subsection (4) of
 288 section 316.065, Florida Statutes, is reenacted retroactive to
 289 July 1, 2010, to read:

290 316.065 Crashes; reports; penalties.—

291 (4) Any person who knowingly repairs a motor vehicle
 292 without having made a report as required by subsection (3) is
 293 guilty of a misdemeanor of the first degree, punishable as
 294 provided in s. 775.082 or s. 775.083. The owner and driver of a
 295 vehicle involved in a crash who makes a report thereof in
 296 accordance with subsection (1) or s. 316.066(1) is not liable
 297 under this section.

298 Section 6. Subsection (1) of section 316.066, Florida
 299 Statutes, as amended by chapter 2010-163, Laws of Florida,
 300 reads:

301 316.066 Written reports of crashes.—

302 (1)(a) A Florida Traffic Crash Report, Long Form is
 303 required to be completed and submitted to the department within
 304 10 days after completing an investigation by every law
 305 enforcement officer who in the regular course of duty
 306 investigates a motor vehicle crash:

- 307 1. That resulted in death or personal injury.
- 308 2. That involved a violation of s. 316.061(1) or s.

309 316.193.

310 3. In which a vehicle was rendered inoperative to a degree
 311 that required a wrecker to remove it from traffic, if such
 312 action is appropriate, in the officer's discretion.

313 (b) In every crash for which a Florida Traffic Crash
 314 Report, Long Form is not required by this section, the law
 315 enforcement officer may complete a short-form crash report or
 316 provide a short-form crash report to be completed by each party
 317 involved in the crash. The short-form report must include:

- 318 1. The date, time, and location of the crash.
- 319 2. A description of the vehicles involved.
- 320 3. The names and addresses of the parties involved.
- 321 4. The names and addresses of witnesses.
- 322 5. The name, badge number, and law enforcement agency of
 323 the officer investigating the crash.
- 324 6. The names of the insurance companies for the respective
 325 parties involved in the crash.

326 (c) Each party to the crash shall provide the law
 327 enforcement officer with proof of insurance to be included in
 328 the crash report. If a law enforcement officer submits a report
 329 on the accident, proof of insurance must be provided to the
 330 officer by each party involved in the crash. Any party who fails
 331 to provide the required information commits a noncriminal
 332 traffic infraction, punishable as a nonmoving violation as
 333 provided in chapter 318, unless the officer determines that due
 334 to injuries or other special circumstances such insurance
 335 information cannot be provided immediately. If the person
 336 provides the law enforcement agency, within 24 hours after the

337 | crash, proof of insurance that was valid at the time of the
 338 | crash, the law enforcement agency may void the citation.

339 | (d) The driver of a vehicle that was in any manner
 340 | involved in a crash resulting in damage to any vehicle or other
 341 | property in an amount of \$500 or more, which crash was not
 342 | investigated by a law enforcement agency, shall, within 10 days
 343 | after the crash, submit a written report of the crash to the
 344 | department or traffic records center. The entity receiving the
 345 | report may require witnesses of crashes to render reports and
 346 | may require any driver of a vehicle involved in a crash of which
 347 | a written report must be made as provided in this section to
 348 | file supplemental written reports whenever the original report
 349 | is deemed insufficient by the receiving entity.

350 | (e) Short-form crash reports prepared by law enforcement
 351 | shall be maintained by the law enforcement officer's agency.

352 | Section 7. Paragraph (a) of subsection (2) of section
 353 | 316.1933, Florida Statutes, is amended to read:

354 | 316.1933 Blood test for impairment or intoxication in
 355 | cases of death or serious bodily injury; right to use reasonable
 356 | force.—

357 | (2) (a) Only a physician, certified paramedic, registered
 358 | nurse, licensed practical nurse, other personnel authorized by a
 359 | hospital to draw blood, or duly licensed clinical laboratory
 360 | director, supervisor, technologist, or technician, acting at the
 361 | request of a law enforcement officer, may withdraw blood for the
 362 | purpose of determining the alcoholic content thereof or the
 363 | presence of chemical substances or controlled substances
 364 | therein. However, the failure of a law enforcement officer to

365 request the withdrawal of blood shall not affect the
366 admissibility of a test of blood withdrawn for medical purposes.

367 1. Notwithstanding any provision of law pertaining to the
368 confidentiality of hospital records or other medical records, if
369 a health care provider, who is providing medical care in a
370 health care facility to a person injured in a motor vehicle
371 crash, becomes aware, as a result of any blood test performed in
372 the course of that medical treatment, that the person's blood-
373 alcohol level meets or exceeds the blood-alcohol level specified
374 in s. 316.193(1)(b), or detects the presence of a controlled
375 substance listed in chapter 893, the health care provider may
376 notify any law enforcement officer or law enforcement agency.
377 Any such notice must be given within a reasonable time after the
378 health care provider receives the test result. Any such notice
379 shall be used only for the purpose of providing the law
380 enforcement officer with reasonable cause to request the
381 withdrawal of a blood sample pursuant to this section.

382 2. The notice shall consist only of the name of the person
383 being treated, the name of the person who drew the blood, the
384 blood-alcohol level indicated by the test, and the date and time
385 of the administration of the test.

386 3. Nothing contained in s. 395.3025(4), s. 456.057, or any
387 applicable practice act affects the authority to provide notice
388 under this section, and the health care provider is not
389 considered to have breached any duty owed to the person under s.
390 395.3025(4), s. 456.057, or any applicable practice act by
391 providing notice or failing to provide notice. It shall not be a
392 breach of any ethical, moral, or legal duty for a health care

393 provider to provide notice or fail to provide notice.

394 4. A civil, criminal, or administrative action may not be
 395 brought against any person or health care provider participating
 396 in good faith in the provision of notice or failure to provide
 397 notice as provided in this section. Any person or health care
 398 provider participating in the provision of notice or failure to
 399 provide notice as provided in this section shall be immune from
 400 any civil or criminal liability and from any professional
 401 disciplinary action with respect to the provision of notice or
 402 failure to provide notice under this section. Any such
 403 participant has the same immunity with respect to participating
 404 in any judicial proceedings resulting from the notice or failure
 405 to provide notice.

406 Section 8. Section 316.1957, Florida Statutes, is amended
 407 to read:

408 316.1957 Parking violations; designated parking spaces for
 409 persons who have disabilities.—When evidence is presented in any
 410 court of the fact that any motor vehicle was parked in a
 411 properly designated parking space for persons who have
 412 disabilities in violation of s. 316.1955, it is prima facie
 413 evidence that the vehicle was parked and left in the space by
 414 the person, firm, or corporation in whose name the vehicle is
 415 registered and licensed according to the records of the
 416 department ~~Division of Motor Vehicles~~.

417 Section 9. Subsection (3) of section 316.2085, Florida
 418 Statutes, is amended to read:

419 316.2085 Riding on motorcycles or mopeds.—

420 (3) The license tag of a motorcycle or moped must be

421 permanently affixed to the vehicle and remain clearly visible
 422 from the rear at all times ~~may not be adjusted or capable of~~
 423 ~~being flipped up.~~ Any deliberate act to conceal or obscure ~~No~~
 424 ~~device for or method of concealing or obscuring~~ the legibility
 425 of the license tag of a motorcycle is prohibited ~~shall be~~
 426 ~~installed or used.~~ The license tag of a motorcycle or moped may
 427 be affixed horizontally to the ground so that the numbers and
 428 letters read from left to right. Alternatively, a license tag
 429 for a motorcycle or moped for which the numbers and letters read
 430 from top to bottom may be affixed perpendicularly to the ground,
 431 provided that the registered owner of the motorcycle or moped
 432 maintains a prepaid toll account in good standing and a
 433 transponder associated with the prepaid toll account is affixed
 434 to the motorcycle or moped.

435 Section 10. Section 316.2122, Florida Statutes, is amended
 436 to read:

437 316.2122 Operation of a low-speed vehicle or mini truck on
 438 certain roadways.—The operation of a low-speed vehicle as
 439 defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
 440 320.01~~(45)~~ on any road as defined in s. 334.03(15) or (33) is
 441 authorized with the following restrictions:

442 (1) A low-speed vehicle or mini truck may be operated only
 443 on streets where the posted speed limit is 35 miles per hour or
 444 less. This does not prohibit a low-speed vehicle or mini truck
 445 from crossing a road or street at an intersection where the road
 446 or street has a posted speed limit of more than 35 miles per
 447 hour.

448 (2) A low-speed vehicle must be equipped with headlamps,

449 stop lamps, turn signal lamps, taillamps, reflex reflectors,
 450 parking brakes, rearview mirrors, windshields, seat belts, and
 451 vehicle identification numbers.

452 (3) A low-speed vehicle or mini truck must be registered
 453 and insured in accordance with s. 320.02 and titled pursuant to
 454 chapter 319.

455 (4) Any person operating a low-speed vehicle or mini truck
 456 must have in his or her possession a valid driver's license.

457 (5) A county or municipality may prohibit the operation of
 458 low-speed vehicles or mini trucks on any road under its
 459 jurisdiction if the governing body of the county or municipality
 460 determines that such prohibition is necessary in the interest of
 461 safety.

462 (6) The Department of Transportation may prohibit the
 463 operation of low-speed vehicles or mini trucks on any road under
 464 its jurisdiction if it determines that such prohibition is
 465 necessary in the interest of safety.

466 Section 11. Section 316.2124, Florida Statutes, is amended
 467 to read:

468 316.2124 Motorized disability access vehicles.—The
 469 Department of Highway Safety and Motor Vehicles is directed to
 470 provide, by rule, for the regulation of motorized disability
 471 access vehicles as described in s. 320.01~~(34)~~. The department
 472 shall provide that motorized disability access vehicles shall be
 473 registered in the same manner as motorcycles and shall pay the
 474 same registration fee as for a motorcycle. There shall also be
 475 assessed, in addition to the registration fee, a \$2.50 surcharge
 476 for motorized disability access vehicles. This surcharge shall

477 be paid into the Highway Safety Operating Trust Fund. Motorized
 478 disability access vehicles shall not be required to be titled by
 479 the department. The department shall require motorized
 480 disability access vehicles to be subject to the same safety
 481 requirements as set forth in this chapter for motorcycles.

482 Section 12. Subsection (1) of section 316.21265, Florida
 483 Statutes, is amended to read:

484 316.21265 Use of all-terrain vehicles, golf carts, low-
 485 speed vehicles, or utility vehicles by law enforcement
 486 agencies.—

487 (1) Notwithstanding any provision of law to the contrary,
 488 any law enforcement agency in this state may operate all-terrain
 489 vehicles as defined in s. 316.2074, golf carts as defined in s.
 490 320.01~~(22)~~, low-speed vehicles as defined in s. 320.01~~(42)~~, or
 491 utility vehicles as defined in s. 320.01~~(43)~~ on any street,
 492 road, or highway in this state while carrying out its official
 493 duties.

494 Section 13. Subsection (1) of section 316.3026, Florida
 495 Statutes, is amended to read:

496 316.3026 Unlawful operation of motor carriers.—

497 (1) The Office of Motor Carrier Compliance of the
 498 Department of Transportation may issue out-of-service orders to
 499 motor carriers, as defined in s. 320.01~~(33)~~, who have after
 500 proper notice failed to pay any penalty or fine assessed by the
 501 department, or its agent, against any owner or motor carrier for
 502 violations of state law, refused to submit to a compliance
 503 review and provide records pursuant to s. 316.302(5) or s.
 504 316.70, or violated safety regulations pursuant to s. 316.302 or

505 insurance requirements found in s. 627.7415. Such out-of-service
 506 orders shall have the effect of prohibiting the operations of
 507 any motor vehicles owned, leased, or otherwise operated by the
 508 motor carrier upon the roadways of this state, until such time
 509 as the violations have been corrected or penalties have been
 510 paid. Out-of-service orders issued under this section must be
 511 approved by the Secretary of Transportation or his or her
 512 designee. An administrative hearing pursuant to s. 120.569 shall
 513 be afforded to motor carriers subject to such orders.

514 Section 14. Subsection (3) of section 316.545, Florida
 515 Statutes, is amended to read:

516 316.545 Weight and load unlawful; special fuel and motor
 517 fuel tax enforcement; inspection; penalty; review.—

518 (3) Any person who violates the overloading provisions of
 519 this chapter shall be conclusively presumed to have damaged the
 520 highways of this state by reason of such overloading, which
 521 damage is hereby fixed as follows:

522 (a) When the excess weight is 200 pounds or less than the
 523 maximum herein provided, the penalty shall be \$10;

524 (b) Five cents per pound for each pound of weight in
 525 excess of the maximum herein provided when the excess weight
 526 exceeds 200 pounds. However, whenever the gross weight of the
 527 vehicle or combination of vehicles does not exceed the maximum
 528 allowable gross weight, the maximum fine for the first 600
 529 pounds of unlawful axle weight shall be \$10;

530 (c) For a vehicle equipped with fully functional idle-
 531 reduction technology, any penalty shall be calculated by
 532 reducing the actual gross vehicle weight or the internal bridge

533 weight by the certified weight of the idle-reduction technology
 534 or by 400 pounds, whichever is less. The vehicle operator must
 535 present written certification of the weight of the idle-
 536 reduction technology and must demonstrate or certify that the
 537 idle-reduction technology is fully functional at all times. This
 538 calculation is not allowed for vehicles described in s.
 539 316.535(6);

540 (d) An apportionable ~~apportioned~~ motor vehicle, as defined
 541 in s. 320.01, operating on the highways of this state without
 542 being properly licensed and registered shall be subject to the
 543 penalties as herein provided; and

544 (e) Vehicles operating on the highways of this state from
 545 nonmember International Registration Plan jurisdictions which
 546 are not in compliance with the provisions of s. 316.605 shall be
 547 subject to the penalties as herein provided.

548 Section 15. Paragraph (a) of subsection (5) and subsection
 549 (10) of section 316.550, Florida Statutes, are amended to read:

550 316.550 Operations not in conformity with law; special
 551 permits.—

552 (5) (a) The Department of Transportation may issue a
 553 wrecker special blanket permit to authorize a wrecker as defined
 554 in s. 320.01~~(40)~~ to tow a disabled vehicle as defined in s.
 555 320.01~~(38)~~ where the combination of the wrecker and the disabled
 556 vehicle being towed exceeds the maximum weight limits as
 557 established by s. 316.535.

558 (10) Whenever any motor vehicle, or the combination of a
 559 wrecker as defined in s. 320.01~~(40)~~ and a towed motor vehicle,
 560 exceeds any weight or dimensional criteria or special

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561 operational or safety stipulation contained in a special permit
562 issued under the provisions of this section, the penalty
563 assessed to the owner or operator shall be as follows:

564 (a) For violation of weight criteria contained in a
565 special permit, the penalty per pound or portion thereof
566 exceeding the permitted weight shall be as provided in s.
567 316.545.

568 (b) For each violation of dimensional criteria in a
569 special permit, the penalty shall be as provided in s. 316.516
570 and penalties for multiple violations of dimensional criteria
571 shall be cumulative except that the total penalty for the
572 vehicle shall not exceed \$1,000.

573 (c) For each violation of an operational or safety
574 stipulation in a special permit, the penalty shall be an amount
575 not to exceed \$1,000 per violation and penalties for multiple
576 violations of operational or safety stipulations shall be
577 cumulative except that the total penalty for the vehicle shall
578 not exceed \$1,000.

579 (d) For violation of any special condition that has been
580 prescribed in the rules of the Department of Transportation and
581 declared on the permit, the vehicle shall be determined to be
582 out of conformance with the permit and the permit shall be
583 declared null and void for the vehicle, and weight and
584 dimensional limits for the vehicle shall be as established in s.
585 316.515 or s. 316.535, whichever is applicable, and:

586 1. For weight violations, a penalty as provided in s.
587 316.545 shall be assessed for those weights which exceed the
588 limits thus established for the vehicle; and

589 2. For dimensional, operational, or safety violations, a
 590 penalty as established in paragraph (c) or s. 316.516, whichever
 591 is applicable, shall be assessed for each nonconforming
 592 dimensional, operational, or safety violation and the penalties
 593 for multiple violations shall be cumulative for the vehicle.

594 Section 16. Subsection (9) of section 317.0003, Florida
 595 Statutes, is amended to read:

596 317.0003 Definitions.—As used in this chapter, the term:

597 (9) "ROV" means any motorized recreational off-highway
 598 vehicle 64 inches or less in width, having a dry weight of 2,000
 599 pounds or less, designed to travel on four or more nonhighway
 600 tires, having nonstraddle seating and a steering wheel, and
 601 manufactured for recreational use by one or more persons. The
 602 term "ROV" does not include a golf cart as defined in ss.
 603 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
 604 s. 320.01~~(42)~~.

605 Section 17. Section 317.0016, Florida Statutes, is amended
 606 to read:

607 317.0016 Expedited service; applications; fees.—The
 608 department shall provide, through its agents and for use by the
 609 public, expedited service on title transfers, title issuances,
 610 duplicate titles, and recordation of liens, ~~and certificates of~~
 611 ~~repossession~~. A fee of \$7 shall be charged for this service,
 612 which is in addition to the fees imposed by ss. 317.0007 and
 613 317.0008, and \$3.50 of this fee shall be retained by the
 614 processing agency. All remaining fees shall be deposited in the
 615 Incidental Trust Fund of the Division of Forestry of the
 616 Department of Agriculture and Consumer Services. Application for

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617 expedited service may be made by mail or in person. The
618 department shall issue each title applied for pursuant to this
619 section within 5 working days after receipt of the application
620 except for an application for a duplicate title certificate
621 covered by s. 317.0008(3), in which case the title must be
622 issued within 5 working days after compliance with the
623 department's verification requirements.

624 Section 18. Subsection (9) and paragraph (a) of subsection
625 (10) of section 318.14, Florida Statutes, are amended to read:

626 318.14 Noncriminal traffic infractions; exception;
627 procedures.—

628 (9) Any person who does not hold a commercial driver's
629 license and who is cited while driving a noncommercial motor
630 vehicle for an infraction under this section other than a
631 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the
632 driver exceeds the posted limit by 30 miles per hour or more, s.
633 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s.
634 322.61, or s. 322.62 may, in lieu of a court appearance, elect
635 to attend in the location of his or her choice within this state
636 a basic driver improvement course approved by the Department of
637 Highway Safety and Motor Vehicles. In such a case, adjudication
638 must be withheld and points, as provided by s. 322.27, may not
639 be assessed. However, a person may not make an election under
640 this subsection if the person has made an election under this
641 subsection in the preceding 12 months. A person may make no more
642 than five elections within his or her lifetime under this
643 subsection. The requirement for community service under s.
644 318.18(8) is not waived by a plea of nolo contendere or by the

645 withholding of adjudication of guilt by a court. If a person
646 makes an election to attend a basic driver improvement course
647 under this subsection, 18 percent of the civil penalty imposed
648 under s. 318.18(3) shall be deposited in the State Courts
649 Revenue Trust Fund; however, that portion is not revenue for
650 purposes of s. 28.36 and may not be used in establishing the
651 budget of the clerk of the court under that section or s. 28.35.

652 (10)(a) Any person who does not hold a commercial driver's
653 license and who is cited while driving a noncommercial motor
654 vehicle for an offense listed under this subsection may, in lieu
655 of payment of fine or court appearance, elect to enter a plea of
656 nolo contendere and provide proof of compliance to the clerk of
657 the court, designated official, or authorized operator of a
658 traffic violations bureau. In such case, adjudication shall be
659 withheld; however, no election shall be made under this
660 subsection if such person has made an election under this
661 subsection in the 12 months preceding election hereunder. No
662 person may make more than three elections under this subsection.
663 This subsection applies to the following offenses:

664 1. Operating a motor vehicle without a valid driver's
665 license in violation of the provisions of s. 322.03, s. 322.065,
666 or s. 322.15(1), or operating a motor vehicle with a license
667 that has been suspended for failure to appear, failure to pay
668 civil penalty, or failure to attend a driver improvement course
669 pursuant to s. 322.291.

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

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

673 4. Operating a motor vehicle with a license that has been
 674 suspended under s. 61.13016 or s. 322.245 for failure to pay
 675 child support or for failure to pay any other financial
 676 obligation as provided in s. 322.245; however, this subparagraph
 677 does not apply if the license has been suspended pursuant to s.
 678 322.245(1).

679 5. Operating a motor vehicle with a license that has been
 680 suspended under s. 322.091 for failure to meet school attendance
 681 requirements.

682 Section 19. Paragraph (a) of subsection (1) of section
 683 318.15, Florida Statutes, is amended to read:

684 318.15 Failure to comply with civil penalty or to appear;
 685 penalty.—

686 (1)(a) If a person fails to comply with the civil
 687 penalties provided in s. 318.18 within the time period specified
 688 in s. 318.14(4), fails to enter into or comply with the terms of
 689 a penalty payment plan with the clerk of the court in accordance
 690 with ss. 318.14 and 28.246, fails to attend driver improvement
 691 school, or fails to appear at a scheduled hearing, the clerk of
 692 the court shall notify the ~~Division of Driver Licenses of the~~
 693 Department of Highway Safety and Motor Vehicles of such failure
 694 within 10 days after such failure. Upon receipt of such notice,
 695 the department shall immediately issue an order suspending the
 696 driver's license and privilege to drive of such person effective
 697 20 days after the date the order of suspension is mailed in
 698 accordance with s. 322.251(1), (2), and (6). Any such suspension
 699 of the driving privilege which has not been reinstated,
 700 including a similar suspension imposed outside Florida, shall

701 remain on the records of the department for a period of 7 years
 702 from the date imposed and shall be removed from the records
 703 after the expiration of 7 years from the date it is imposed.

704 Section 20. Section 319.14, Florida Statutes, is amended
 705 to read:

706 319.14 Sale of motor vehicles registered or used as
 707 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,
 708 ~~and~~ nonconforming vehicles, custom vehicles, or street rod
 709 vehicles.-

710 (1) (a) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
 711 sell, or exchange any vehicle that has been licensed,
 712 registered, or used as a taxicab, police vehicle, or short-term-
 713 lease vehicle, or a vehicle that has been repurchased by a
 714 manufacturer pursuant to a settlement, determination, or
 715 decision under chapter 681, until the department has stamped in
 716 a conspicuous place on the certificate of title of the vehicle,
 717 or its duplicate, words stating the nature of the previous use
 718 of the vehicle or the title has been stamped "Manufacturer's Buy
 719 Back" to reflect that the vehicle is a nonconforming vehicle. If
 720 the certificate of title or duplicate was not so stamped upon
 721 initial issuance thereof or if, subsequent to initial issuance
 722 of the title, the use of the vehicle is changed to a use
 723 requiring the notation provided for in this section, the owner
 724 or lienholder of the vehicle shall surrender the certificate of
 725 title or duplicate to the department before ~~prior to~~ offering
 726 the vehicle for sale, and the department shall stamp the
 727 certificate or duplicate as required herein. If ~~When~~ a vehicle
 728 has been repurchased by a manufacturer pursuant to a settlement,

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729 determination, or decision under chapter 681, the title shall be
730 stamped "Manufacturer's Buy Back" to reflect that the vehicle is
731 a nonconforming vehicle.

732 (b) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
733 sell, or exchange a rebuilt vehicle until the department has
734 stamped in a conspicuous place on the certificate of title for
735 the vehicle words stating that the vehicle has been rebuilt or
736 assembled from parts, or is a kit car, glider kit, replica, ~~or~~
737 flood vehicle, custom vehicle, or street rod vehicle unless
738 proper application for a certificate of title for a vehicle that
739 is rebuilt or assembled from parts, or is a kit car, glider kit,
740 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle
741 has been made to the department in accordance with this chapter
742 and the department has conducted the physical examination of the
743 vehicle to assure the identity of the vehicle and all major
744 component parts, as defined in s. 319.30(1), which have been
745 repaired or replaced. Thereafter, the department shall affix a
746 decal to the vehicle, in the manner prescribed by the
747 department, showing the vehicle to be rebuilt. A vehicle may not
748 be inspected or issued a rebuilt title until all major component
749 parts, as defined in s. 319.30, which were damaged have been
750 repaired or replaced.

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

752 1. "Police vehicle" means a motor vehicle owned or leased
753 by the state or a county or municipality and used in law
754 enforcement.

755 2.a. "Short-term-lease vehicle" means a motor vehicle
756 leased without a driver and under a written agreement to one or

757 | more persons from time to time for a period of less than 12
 758 | months.

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

762 | c. "Lease vehicle" includes both short-term-lease vehicles
 763 | and long-term-lease vehicles.

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

766 | 4. "Assembled from parts" means a motor vehicle or mobile
 767 | home assembled from parts or combined from parts of motor
 768 | vehicles or mobile homes, new or used. "Assembled from parts"
 769 | does not mean a motor vehicle defined as a "rebuilt vehicle" in
 770 | subparagraph 3., which has been declared a total loss pursuant
 771 | to s. 319.30.

772 | 5. "Kit car" means a motor vehicle assembled with a kit
 773 | supplied by a manufacturer to rebuild a wrecked or outdated
 774 | motor vehicle with a new body kit.

775 | 6. "Glider kit" means a vehicle assembled with a kit
 776 | supplied by a manufacturer to rebuild a wrecked or outdated
 777 | truck or truck tractor.

778 | 7. "Replica" means a complete new motor vehicle
 779 | manufactured to look like an old vehicle.

780 | 8. "Flood vehicle" means a motor vehicle or mobile home
 781 | that has been declared to be a total loss pursuant to s.
 782 | 319.30(3)(a) resulting from damage caused by water.

783 | 9. "Nonconforming vehicle" means a motor vehicle which has
 784 | been purchased by a manufacturer pursuant to a settlement,

785 determination, or decision under chapter 681.

786 10. "Settlement" means an agreement entered into between a
 787 manufacturer and a consumer that occurs after a dispute is
 788 submitted to a program, or an informal dispute settlement
 789 procedure established by a manufacturer or is approved for
 790 arbitration before the New Motor Vehicle Arbitration Board as
 791 defined in s. 681.102.

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

793 a. Is 25 years of age or older and of a model year after
 794 1948, or was manufactured to resemble a vehicle that is 25 years
 795 of age or older and of a model year after 1948; and

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

798
 799 The model year and year of manufacture which the body of a
 800 custom vehicle resembles is the model year and year of
 801 manufacture listed on the certificate of title, regardless of
 802 when the vehicle was actually manufactured.

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

804 a. Is a model year of 1948 or older or was manufactured
 805 after 1948 to resemble a vehicle of a model year of 1948 or
 806 older; and

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

809
 810 The model year and year of manufacture which the body of a
 811 street rod resembles is the model year and year of manufacture
 812 listed on the certificate of title, regardless of when the

813 vehicle was actually manufactured.

814 (2) A ~~No~~ person may not ~~shall~~ knowingly sell, exchange, or
 815 transfer a vehicle referred to in subsection (1) without, before
 816 ~~prior to~~ consummating the sale, exchange, or transfer,
 817 disclosing in writing to the purchaser, customer, or transferee
 818 the fact that the vehicle has previously been titled,
 819 registered, or used as a taxicab, police vehicle, or short-term-
 820 lease vehicle, ~~or~~ is a vehicle that is rebuilt or assembled from
 821 parts, ~~or~~ is a kit car, glider kit, replica, or flood vehicle,
 822 or is a nonconforming vehicle, custom vehicle, or street rod
 823 vehicle, as the case may be.

824 (3) Any person who, with intent to offer for sale or
 825 exchange any vehicle referred to in subsection (1), knowingly or
 826 intentionally advertises, publishes, disseminates, circulates,
 827 or places before the public in any communications medium,
 828 whether directly or indirectly, any offer to sell or exchange
 829 the vehicle shall clearly and precisely state in each ~~such~~ offer
 830 that the vehicle has previously been titled, registered, or used
 831 as a taxicab, police vehicle, or short-term-lease vehicle or
 832 that the vehicle or mobile home is a vehicle that is rebuilt or
 833 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or
 834 flood vehicle, or is a nonconforming vehicle, custom vehicle, or
 835 street rod vehicle, as the case may be. Any person who violates
 836 this subsection commits a misdemeanor of the second degree,
 837 punishable as provided in s. 775.082 or s. 775.083.

838 (4) If ~~When~~ a certificate of title, including a foreign
 839 certificate, is branded to reflect a condition or prior use of
 840 the titled vehicle, the brand must be noted on the registration

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841 certificate of the vehicle and such brand shall be carried
842 forward on all subsequent certificates of title and registration
843 certificates issued for the life of the vehicle.

844 (5) Any person who knowingly sells, exchanges, or offers
845 to sell or exchange a motor vehicle or mobile home contrary to
846 ~~the provisions of~~ this section or any officer, agent, or
847 employee of a person who knowingly authorizes, directs, aids in,
848 or consents to the sale, exchange, or offer to sell or exchange
849 a motor vehicle or mobile home contrary to ~~the provisions of~~
850 this section commits a misdemeanor of the second degree,
851 punishable as provided in s. 775.082 or s. 775.083.

852 (6) Any person who removes a rebuilt decal from a rebuilt
853 vehicle with the intent to conceal the rebuilt status of the
854 vehicle commits a felony of the third degree, punishable as
855 provided in s. 775.082, s. 775.083, or s. 775.084.

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

860 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in
861 any civil action arising out of a violation of this section if
862 the designation of the previous use or condition of the motor
863 vehicle is not noted on the certificate of title and
864 registration certificate of the vehicle which was received by,
865 or delivered to, such person, unless the ~~such~~ person has
866 actively concealed the prior use or condition of the vehicle
867 from the purchaser.

868 (9) Subsections (1), (2), and (3) do not apply to the

869 transfer of ownership of a motor vehicle after the motor vehicle
 870 has ceased to be used as a lease vehicle and the ownership has
 871 been transferred to an owner for private use or to the transfer
 872 of ownership of a nonconforming vehicle with 36,000 or more
 873 miles on its odometer, or 34 months whichever is later and the
 874 ownership has been transferred to an owner for private use. Such
 875 owner, as shown on the title certificate, may request the
 876 department to issue a corrected certificate of title that does
 877 not contain the statement of the previous use of the vehicle as
 878 a lease vehicle or condition as a nonconforming vehicle.

879 Section 21. Section 319.225, Florida Statutes, is amended
 880 to read:

881 319.225 Transfer and reassignment forms; odometer
 882 disclosure statements.—

883 (1) Every certificate of title issued by the department
 884 must contain the following statement ~~on its reverse side~~:
 885 "Federal and state law require the completion of the odometer
 886 statement set out below. Failure to complete or providing false
 887 information may result in fines, imprisonment, or both."

888 (2) Each certificate of title issued by the department
 889 must contain ~~on its reverse side~~ a form for transfer of title by
 890 the titleholder of record, which form must contain an odometer
 891 disclosure statement in the form required by 49 C.F.R. s. 580.5.

892 (3) Each certificate of title issued by the department
 893 must contain ~~on its reverse side~~ as many forms as space allows
 894 for reassignment of title by a licensed dealer as permitted by
 895 s. 319.21(3), which form or forms shall contain an odometer
 896 disclosure statement in the form required by 49 C.F.R. s. 580.5.

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897 When all dealer reassignment forms ~~provided on the back of the~~
898 ~~title certificate~~ have been filled in, a dealer may reassign the
899 title certificate by using a separate dealer reassignment form
900 issued by the department in compliance with 49 C.F.R. ss. 580.4
901 and 580.5, which form shall contain an original, ~~two carbon~~
902 ~~copies one of~~ which shall be submitted ~~directly~~ to the
903 department by the dealer ~~within 5 business days after the~~
904 ~~transfer~~ and a copy, ~~one of~~ which shall be retained by the
905 dealer in his or her records for 5 years. The provisions of this
906 subsection ~~shall~~ also apply to vehicles not previously titled in
907 this state and vehicles whose title certificates do not contain
908 the forms required by this section.

909 (4) Upon transfer or reassignment of a certificate of
910 title to a used motor vehicle, the transferor shall complete the
911 odometer disclosure statement provided for by this section and
912 the transferee shall acknowledge the disclosure by signing and
913 printing his or her name in the spaces provided. This subsection
914 does not apply to a vehicle that has a gross vehicle rating of
915 more than 16,000 pounds, a vehicle that is not self-propelled,
916 or a vehicle that is 10 years old or older. A lessor who
917 transfers title to his or her vehicle without obtaining
918 possession of the vehicle shall make odometer disclosure as
919 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
920 or acknowledge a disclosure statement as required by this
921 subsection commits ~~is guilty of~~ a misdemeanor of the second
922 degree, punishable as provided in s. 775.082 or s. 775.083. The
923 department may not issue a certificate of title unless this
924 subsection has been complied with.

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925 (5) The same person may not sign a disclosure statement as
926 both the transferor and the transferee in the same transaction
927 except as provided in subsection (6).

928 (6) (a) If the certificate of title is physically held by a
929 lienholder, the transferor may give a power of attorney to his
930 or her transferee for the purpose of odometer disclosure. The
931 power of attorney must be on a form issued or authorized by the
932 department, which form must be in compliance with 49 C.F.R. ss.
933 580.4 and 580.13. The department shall not require the signature
934 of the transferor to be notarized on the form; however, in lieu
935 of notarization, the form shall include an affidavit with the
936 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
937 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
938 ARE TRUE. The transferee shall sign the power of attorney form,
939 print his or her name, and return a copy of the power of
940 attorney form to the transferor. Upon receipt of a title
941 certificate, the transferee shall complete the space for mileage
942 disclosure on the title certificate exactly as the mileage was
943 disclosed by the transferor on the power of attorney form. If
944 the transferee is a licensed motor vehicle dealer who is
945 transferring the vehicle to a retail purchaser, the dealer shall
946 make application on behalf of the retail purchaser as provided
947 in s. 319.23(6) and shall submit the original power of attorney
948 form to the department with the application for title and the
949 transferor's title certificate; otherwise, a dealer may reassign
950 the title certificate by using the dealer reassignment form in
951 the manner prescribed in subsection (3), and, at the time of
952 physical transfer of the vehicle, the original power of attorney

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953 shall be delivered to the person designated as the transferee of
954 the dealer on the dealer reassignment form. ~~A copy of the~~
955 ~~executed power of attorney shall be submitted to the department~~
956 ~~with a copy of the executed dealer reassignment form within 5~~
957 ~~business days after the certificate of title and dealer~~
958 ~~reassignment form are delivered by the dealer to its transferee.~~

959 (b) If the certificate of title is lost or otherwise
960 unavailable, the transferor may give a power of attorney to his
961 or her transferee for the purpose of odometer disclosure. The
962 power of attorney must be on a form issued or authorized by the
963 department, which form must be in compliance with 49 C.F.R. ss.
964 580.4 and 580.13. The department shall not require the signature
965 of the transferor to be notarized on the form; however, in lieu
966 of notarization, the form shall include an affidavit with the
967 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
968 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
969 ARE TRUE. The transferee shall sign the power of attorney form,
970 print his or her name, and return a copy of the power of
971 attorney form to the transferor. Upon receipt of the title
972 certificate or a duplicate title certificate, the transferee
973 shall complete the space for mileage disclosure on the title
974 certificate exactly as the mileage was disclosed by the
975 transferor on the power of attorney form. If the transferee is a
976 licensed motor vehicle dealer who is transferring the vehicle to
977 a retail purchaser, the dealer shall make application on behalf
978 of the retail purchaser as provided in s. 319.23(6) and shall
979 submit the original power of attorney form to the department
980 with the application for title and the transferor's title

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981 certificate or duplicate title certificate; otherwise, a dealer
982 may reassign the title certificate by using the dealer
983 reassignment form in the manner prescribed in subsection (3),
984 and, at the time of physical transfer of the vehicle, the
985 original power of attorney shall be delivered to the person
986 designated as the transferee of the dealer on the dealer
987 reassignment form. If the dealer sells the vehicle to an out-of-
988 state resident or an out-of-state dealer and the power of
989 attorney form is applicable to the transaction, the dealer must
990 photocopy the completed original of the form and mail it
991 directly to the department within 5 business days after the
992 certificate of title and dealer reassignment form are delivered
993 by the dealer to the purchaser. A copy of the executed power of
994 attorney shall be submitted to the department with a copy of the
995 executed dealer reassignment form within 5 business days after
996 the duplicate certificate of title and dealer reassignment form
997 are delivered by the dealer to its transferee.

998 (c) If the mechanics of the transfer of title to a motor
999 vehicle in accordance with the provisions of paragraph (a) or
1000 paragraph (b) are determined to be incompatible with and
1001 unlawful under the provisions of 49 C.F.R. part 580, the
1002 transfer of title to a motor vehicle by operation of this
1003 subsection can be effected in any manner not inconsistent with
1004 49 C.F.R. part 580 and Florida law; provided, any power of
1005 attorney form issued or authorized by the department under this
1006 subsection shall contain an original, two carbon copies, one of
1007 which shall be submitted directly to the department by the
1008 dealer within 5 business days of use by the dealer to effect

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1009 transfer of a title certificate as provided in paragraphs (a)
 1010 and (b) and a copy, ~~one of~~ which shall be retained by the dealer
 1011 in its records for 5 years.

1012 (d) Any person who fails to complete the information
 1013 required by this subsection or to file with the department the
 1014 forms required by this subsection commits ~~is guilty of~~ a
 1015 misdemeanor of the second degree, punishable as provided in s.
 1016 775.082 or s. 775.083. The department shall not issue a
 1017 certificate of title unless this subsection has been complied
 1018 with.

1019 (7) Subject to approval by the National Highway Traffic
 1020 Safety Administration or any other applicable authority, if a
 1021 title is held electronically and the transferee agrees to
 1022 maintain the title electronically, the transferor and transferee
 1023 shall complete a secure reassignment document that discloses the
 1024 odometer reading and is signed by both the transferor and
 1025 transferee at the tax collector's office or license plate
 1026 agency. A dealer acquiring a motor vehicle that has an
 1027 electronic title shall use a secure reassignment document signed
 1028 by the person from whom the dealer acquired the motor vehicle.
 1029 Upon transferring the motor vehicle to a purchaser, a separate
 1030 reassignment document shall be executed.

1031 (8)-(7) Each certificate of title issued by the department
 1032 must contain ~~on its reverse side~~ a minimum of three ~~four~~ spaces
 1033 for notation of the name and license number of any auction
 1034 through which the vehicle is sold and the date the vehicle was
 1035 auctioned. Each separate dealer reassignment form issued by the
 1036 department must also have the space referred to in this section.

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1037 When a transfer of title is made at a motor vehicle auction, the
 1038 reassignment must note the name and address of the auction, but
 1039 the auction shall not thereby be deemed to be the owner, seller,
 1040 transferor, or assignor of title. A motor vehicle auction is
 1041 required to execute a dealer reassignment only when it is the
 1042 owner of a vehicle being sold.

1043 (9)~~(8)~~ Upon transfer or reassignment of a used motor
 1044 vehicle through the services of an auction, the auction shall
 1045 complete the information in the space provided for by subsection
 1046 (8) ~~(7)~~. Any person who fails to complete the information as
 1047 required by this subsection commits ~~is guilty of~~ a misdemeanor
 1048 of the second degree, punishable as provided in s. 775.082 or s.
 1049 775.083. The department shall not issue a certificate of title
 1050 unless this subsection has been complied with.

1051 (10)~~(9)~~ This section shall be construed to conform to 49
 1052 C.F.R. part 580.

1053 Section 22. Subsection (6) of section 319.23, Florida
 1054 Statutes, is amended, present subsections (7) through (11) of
 1055 that section are renumbered as subsections (8) through (12),
 1056 respectively, and a new subsection (7) is added to that
 1057 section, to read:

1058 319.23 Application for, and issuance of, certificate of
 1059 title.—

1060 (6) (a) In the case of the sale of a motor vehicle or
 1061 mobile home by a licensed dealer to a general purchaser, the
 1062 certificate of title must be obtained in the name of the
 1063 purchaser by the dealer upon application signed by the
 1064 purchaser, and in each other case such certificate must be

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1065 obtained by the purchaser. In each case of transfer of a motor
1066 vehicle or mobile home, the application for a certificate of
1067 title, a corrected certificate, or an assignment or reassignment
1068 must be filed within 30 days after the delivery of the motor
1069 vehicle or from consummation of the sale of a mobile home to the
1070 purchaser. An applicant must pay a fee of \$20, in addition to
1071 all other fees and penalties required by law, for failing to
1072 file such application within the specified time. In the case of
1073 the sale of a motor vehicle by a licensed motor vehicle dealer
1074 to a general purchaser who resides in another state or country,
1075 the dealer is not required to apply for a certificate of title
1076 for the motor vehicle; however, the dealer must transfer
1077 ownership and reassign the certificate of title or
1078 manufacturer's certificate of origin to the purchaser, and the
1079 purchaser must sign an affidavit, as approved by the department,
1080 that the purchaser will title and register the motor vehicle in
1081 another state or country.

1082 (b) If a licensed dealer acquires a motor vehicle or
1083 mobile home as a trade-in, the dealer must file with the
1084 department, within 30 days, a notice of sale signed by the
1085 seller. The department shall update its database for that title
1086 record to indicate "sold." A licensed dealer need not apply for
1087 a certificate of title for any motor vehicle or mobile home in
1088 stock acquired for stock purposes except as provided in s.
1089 319.225.

1090 (7) If an applicant for a certificate of title is unable
1091 to provide the department with a certificate of title that
1092 assigns the prior owner's interest in the motor vehicle, the

1093 department may accept a bond in the form prescribed by the
 1094 department, along with an affidavit in a form prescribed by the
 1095 department, which includes verification of the vehicle
 1096 identification number and an application for title.

1097 (a) The bond must be:

1098 1. In a form prescribed by the department;

1099 2. Executed by the applicant;

1100 3. Issued by a person authorized to conduct a surety
 1101 business in this state;

1102 4. In an amount equal to two times the value of the
 1103 vehicle as determined by the department; and

1104 5. Conditioned to indemnify all prior owners and
 1105 lienholders and all subsequent purchasers of the vehicle or
 1106 persons who acquire a security interest in the vehicle, and
 1107 their successors in interest, against any expense, loss, or
 1108 damage, including reasonable attorney's fees, occurring because
 1109 of the issuance of the certificate of title for the vehicle or
 1110 for a defect in or undisclosed security interest on the right,
 1111 title, or interest of the applicant to the vehicle.

1112 (b) An interested person has a right to recover on the
 1113 bond for a breach of the bond's condition. The aggregate
 1114 liability of the surety to all persons may not exceed the amount
 1115 of the bond.

1116 (c) A bond under this subsection expires on the third
 1117 anniversary of the date the bond became effective.

1118 (d) The affidavit must:

1119 1. Be in a form prescribed by the department;

1120 2. Include the facts and circumstances through which the

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1121 applicant acquired ownership and possession of the motor
 1122 vehicle;

1123 3. Disclose that no security interests, liens, or
 1124 encumbrances against the motor vehicle are known to the
 1125 applicant against the motor vehicle; and

1126 4. State that the applicant has the right to have a
 1127 certificate of title issued.

1128 Section 23. Paragraph (b) of subsection (2) of section
 1129 319.28, Florida Statutes, is amended to read:

1130 319.28 Transfer of ownership by operation of law.—

1131 (2)

1132 (b) In case of repossession of a motor vehicle or mobile
 1133 home pursuant to the terms of a security agreement or similar
 1134 instrument, an affidavit by the party to whom possession has
 1135 passed stating that the vehicle or mobile home was repossessed
 1136 upon default in the terms of the security agreement or other
 1137 instrument shall be considered satisfactory proof of ownership
 1138 and right of possession. At least 5 days before ~~prior to~~ selling
 1139 the repossessed vehicle, any subsequent lienholder named in the
 1140 last issued certificate of title shall be sent notice of the
 1141 repossession by certified mail, on a form prescribed by the
 1142 department. If such notice is given and no written protest to
 1143 the department is presented by a subsequent lienholder within 15
 1144 days after ~~from~~ the date on which the notice was mailed, the
 1145 certificate of title ~~or the certificate of repossession~~ shall be
 1146 issued showing no liens. If the former owner or any subsequent
 1147 lienholder files a written protest under oath within such 15-day
 1148 period, the department shall not issue the certificate of title

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1149 ~~or certificate of repossession~~ for 10 days thereafter. If within
 1150 the 10-day period no injunction or other order of a court of
 1151 competent jurisdiction has been served on the department
 1152 commanding it not to deliver the certificate of title ~~or~~
 1153 ~~certificate of repossession~~, the department shall deliver the
 1154 certificate of title ~~or repossession~~ to the applicant or as may
 1155 otherwise be directed in the application showing no other liens
 1156 than those shown in the application. Any lienholder who has
 1157 repossessed a vehicle in this state in compliance with the
 1158 provisions of this section must apply to a tax collector's
 1159 office in this state or to the department for a ~~certificate of~~
 1160 ~~repossession or to the department for a~~ certificate of title
 1161 pursuant to s. 319.323. Proof of the required notice to
 1162 subsequent lienholders shall be submitted together with regular
 1163 title fees. ~~A lienholder to whom a certificate of repossession~~
 1164 ~~has been issued may assign the certificate of title to the~~
 1165 ~~subsequent owner.~~ Any person who violates ~~found guilty of~~
 1166 ~~violating~~ any requirements of this paragraph commits ~~shall be~~
 1167 ~~guilty of~~ a felony of the third degree, punishable as provided
 1168 in s. 775.082, s. 775.083, or s. 775.084.

1169 Section 24. Section 319.323, Florida Statutes, is amended
 1170 to read:

1171 319.323 Expedited service; applications; fees.—The
 1172 department shall establish a separate title office which may be
 1173 used by private citizens and licensed motor vehicle dealers to
 1174 receive expedited service on title transfers, title issuances,
 1175 duplicate titles, and recordation of liens, ~~and certificates of~~
 1176 ~~repossession~~. A fee of \$10 shall be charged for this service,

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1177 | which fee is in addition to the fees imposed by s. 319.32. The
 1178 | fee, after deducting the amount referenced by s. 319.324 and
 1179 | \$3.50 to be retained by the processing agency, shall be
 1180 | deposited into the General Revenue Fund. Application for
 1181 | expedited service may be made by mail or in person. The
 1182 | department shall issue each title applied for under this section
 1183 | within 5 working days after receipt of the application except
 1184 | for an application for a duplicate title certificate covered by
 1185 | s. 319.23(4), in which case the title must be issued within 5
 1186 | working days after compliance with the department's verification
 1187 | requirements.

1188 | Section 25. Section 319.40, Florida Statutes, is amended
 1189 | to read:

1190 | 319.40 Transactions by electronic or telephonic means.—

1191 | (1) The department may ~~is authorized to~~ accept any
 1192 | application provided for under this chapter by electronic or
 1193 | telephonic means.

1194 | (2) The department may issue an electronic certificate of
 1195 | title in lieu of printing a paper title.

1196 | (3) The department may collect and use electronic mail
 1197 | addresses as a notification method in lieu of the United States
 1198 | Postal Service.

1199 | Section 26. Paragraph (a) of subsection (1) of section
 1200 | 320.01, Florida Statutes, is amended, present subsections (24)
 1201 | through (45) are renumbered as subsections (23) through (44),
 1202 | respectively, and present subsections (23), (25), and (26) of
 1203 | that section are amended, to read:

1204 | 320.01 Definitions, general.—As used in the Florida

1205 Statutes, except as otherwise provided, the term:

1206 (1) "Motor vehicle" means:

1207 (a) An automobile, motorcycle, truck, trailer,
 1208 semitrailer, truck tractor and semitrailer combination, or any
 1209 other vehicle operated on the roads of this state, used to
 1210 transport persons or property, and propelled by power other than
 1211 muscular power, but the term does not include traction engines,
 1212 road rollers, special mobile equipment as defined in chapter
 1213 316, such vehicles as run only upon a track, bicycles, or
 1214 mopeds.

1215 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
 1216 ~~which is required to be registered, or with respect to which an~~
 1217 ~~election has been made to register it, under the International~~
 1218 ~~Registration Plan.~~

1219 (24)~~(25)~~ "Apportionable vehicle" means any vehicle, except
 1220 recreational vehicles, vehicles displaying restricted plates,
 1221 city pickup and delivery vehicles, buses used in transportation
 1222 of chartered parties, and government-owned vehicles, which is
 1223 used or intended for use in two or more member jurisdictions
 1224 that allocate or proportionally register vehicles and which is
 1225 used for the transportation of persons for hire or is designed,
 1226 used, or maintained primarily for the transportation of property
 1227 and:

1228 (a) Is a power unit having a gross vehicle weight in
 1229 excess of 26,000 ~~26,001~~ pounds;

1230 (b) Is a power unit having three or more axles, regardless
 1231 of weight; or

1232 (c) Is used in combination, when the weight of such

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1233 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

1234

1235 Vehicles, or combinations thereof, having a gross vehicle weight
 1236 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
 1237 proportionally registered.

1238 ~~(25)-(26)~~ "Commercial motor vehicle" means any vehicle that
 1239 ~~which~~ is not owned or operated by a governmental entity, that
 1240 ~~which~~ uses special fuel or motor fuel on the public highways,
 1241 and that ~~which~~ has a gross vehicle weight of 26,001 pounds or
 1242 more, or has three or more axles regardless of weight, or is
 1243 used in combination when the weight of such combination exceeds
 1244 26,000 ~~26,001~~ pounds gross vehicle weight. A vehicle that
 1245 occasionally transports personal property to and from a closed-
 1246 course motorsport facility, as defined in s. 549.09(1)(a), is
 1247 not a commercial motor vehicle if the use is not for profit and
 1248 corporate sponsorship is not involved. As used in this
 1249 subsection, the term "corporate sponsorship" means a payment,
 1250 donation, gratuity, in-kind service, or other benefit provided
 1251 to or derived by a person in relation to the underlying
 1252 activity, other than the display of product or corporate names,
 1253 logos, or other graphic information on the property being
 1254 transported.

1255 Section 27. Subsections (2) and (4) of section 320.02,
 1256 Florida Statutes, are amended, and subsection (18) is added to
 1257 that section, to read:

1258 320.02 Registration required; application for
 1259 registration; forms.—

1260 (2) (a) The application for registration shall include the

1261 street address of the owner's permanent residence or the address
 1262 of his or her permanent place of business and shall be
 1263 accompanied by personal or business identification information
 1264 which may include, but need not be limited to, a driver's
 1265 license number, Florida identification card number, or federal
 1266 employer identification number. If the owner does not have a
 1267 permanent residence or permanent place of business or if the
 1268 owner's permanent residence or permanent place of business
 1269 cannot be identified by a street address, the application shall
 1270 include:

1271 1. If the vehicle is registered to a business, the name
 1272 and street address of the permanent residence of an owner of the
 1273 business, an officer of the corporation, or an employee who is
 1274 in a supervisory position.

1275 2. If the vehicle is registered to an individual, the name
 1276 and street address of the permanent residence of a close
 1277 relative or friend who is a resident of this state.

1278
 1279 If the vehicle is registered to an active-duty military member
 1280 who is a Florida resident, the member is exempt from the
 1281 requirement to provide a Florida residential address.

1282 (b) The department shall prescribe a form upon which motor
 1283 vehicle owners may record odometer readings when registering
 1284 their motor vehicles.

1285 (4) The owner of any motor vehicle registered in the state
 1286 shall notify the department in writing of any change of address
 1287 within 20 days of such change. The notification shall include
 1288 the registration license plate number, the vehicle

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1289 identification number (VIN) or title certificate number, year of
 1290 vehicle make, and the owner's full name. Any owner or registrant
 1291 who possesses a Florida driver's license or identification card
 1292 and changes residence or mailing address must obtain a
 1293 replacement as provided for in s. 322.19(2) before changing the
 1294 address on the motor vehicle record.

1295 (18) All electronic registration records shall be retained
 1296 by the department for not less than 10 years.

1297 Section 28. Subsection (9) is added to section 320.023,
 1298 Florida Statutes, to read:

1299 320.023 Requests to establish voluntary checkoff on motor
 1300 vehicle registration application.—

1301 (9) The department may annually retain from the first
 1302 proceeds derived from the voluntary contributions collected an
 1303 amount sufficient to defray for each voluntary contribution the
 1304 pro rata share of the department's costs directly related to the
 1305 voluntary contributions program. Such costs include renewal
 1306 notices, postage, distribution costs, direct costs to the
 1307 department, and costs associated with reviewing each
 1308 organization's compliance with the audit and attestation
 1309 requirements of this section. The balance of the proceeds from
 1310 the voluntary contributions collected shall be distributed as
 1311 provided by law.

1312 Section 29. Subsections (7) and (8) of section 320.03,
 1313 Florida Statutes, are amended to read:

1314 320.03 Registration; duties of tax collectors;
 1315 International Registration Plan.—

1316 (7) The Department of Highway Safety and Motor Vehicles

1317 shall register apportionable ~~apportioned motor~~ vehicles under
 1318 the provisions of the International Registration Plan. The
 1319 department may adopt rules to implement and enforce the
 1320 provisions of the plan.

1321 (8) If the applicant's name appears on the list referred
 1322 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
 1323 license plate or revalidation sticker may not be issued until
 1324 that person's name no longer appears on the list or until the
 1325 person presents a receipt from the governmental entity or the
 1326 clerk of court that provided the data showing that the fines
 1327 outstanding have been paid. This subsection does not apply to
 1328 the owner of a leased vehicle if the vehicle is registered in
 1329 the name of the lessee of the vehicle. The tax collector and the
 1330 clerk of the court are each entitled to receive monthly, as
 1331 costs for implementing and administering this subsection, 10
 1332 percent of the civil penalties and fines recovered from such
 1333 persons. As used in this subsection, the term "civil penalties
 1334 and fines" does not include a wrecker operator's lien as
 1335 described in s. 713.78(13). If the tax collector has private tag
 1336 agents, such tag agents are entitled to receive a pro rata share
 1337 of the amount paid to the tax collector, based upon the
 1338 percentage of license plates and revalidation stickers issued by
 1339 the tag agent compared to the total issued within the county.
 1340 The authority of any private agent to issue license plates shall
 1341 be revoked, after notice and a hearing as provided in chapter
 1342 120, if he or she issues any license plate or revalidation
 1343 sticker contrary to the provisions of this subsection. This
 1344 section applies only to the annual renewal in the owner's birth

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1345 month of a motor vehicle registration and does not apply to the
 1346 transfer of a registration of a motor vehicle sold by a motor
 1347 vehicle dealer licensed under this chapter, except for the
 1348 transfer of registrations which is inclusive of the annual
 1349 renewals. This section does not affect the issuance of the title
 1350 to a motor vehicle, notwithstanding s. 319.23(8)~~(7)~~(b).

1351 Section 30. Paragraph (b) of subsection (3) and subsection
 1352 (5) of section 320.05, Florida Statutes, are amended to read:

1353 320.05 Records of the department; inspection procedure;
 1354 lists and searches; fees.—

1355 (3)

1356 (b) Fees therefor shall be charged and collected as
 1357 follows:

1358 1. For providing lists of motor vehicle or vessel records
 1359 for the entire state, or any part or parts thereof, divided
 1360 according to counties, a sum computed at a rate of not less than
 1361 1 cent nor more than 5 cents per item.

1362 2. For providing noncertified photographic copies of motor
 1363 vehicle or vessel documents, \$1 per page.

1364 3. For providing noncertified photographic copies of
 1365 micrographic records, \$1 per page.

1366 4. For providing certified copies of motor vehicle or
 1367 vessel records, \$3 per record.

1368 5. For providing noncertified computer-generated printouts
 1369 of motor vehicle or vessel records, 50 cents per record.

1370 6. For providing certified computer-generated printouts of
 1371 motor vehicle or vessel records, \$3 per record.

1372 7. For providing electronic access to motor vehicle,

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1373 vessel, and mobile home registration data requested by tag,
 1374 vehicle identification number, title number, or decal number, 50
 1375 cents per item.

1376 8. For providing electronic access to driver's license
 1377 status report by name, sex, and date of birth or by driver
 1378 license number, 50 cents per item.

1379 9. For providing lists of licensed mobile home dealers and
 1380 manufacturers and recreational vehicle dealers and
 1381 manufacturers, \$15 per list.

1382 10. For providing lists of licensed motor vehicle dealers,
 1383 \$25 per list.

1384 11. For each copy of a videotape record, \$15 per tape.

1385 ~~12. For each copy of the Division of Motor Vehicles~~
 1386 ~~Procedures Manual, \$25.~~

1387 (5) The creation and maintenance of records by the
 1388 Division of Motorist Services within the department ~~and the~~
 1389 ~~Division of Motor Vehicles~~ pursuant to this chapter shall not be
 1390 regarded as law enforcement functions of agency recordkeeping.

1391 Section 31. Paragraph (d) is added to subsection (1) of
 1392 section 320.06, Florida Statutes, and subsection (5) is added to
 1393 that section, to read:

1394 320.06 Registration certificates, license plates, and
 1395 validation stickers generally.—

1396 (1)

1397 (d) The department may conduct a pilot program to evaluate
 1398 designs, concepts, and technologies for alternative license
 1399 plate technologies. The pilot program shall investigate the
 1400 feasibility and use of alternative license plate technologies

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1401 and shall be limited to license plates that are used on
 1402 government-owned motor vehicles, as defined in s. 320.0655.
 1403 Government license plates in the pilot program are exempt from
 1404 current license plate requirements in paragraph (3)(a).

1405 (5) All license plates issued pursuant to this chapter are
 1406 the property of the State of Florida.

1407 Section 32. Section 320.061, Florida Statutes, is amended
 1408 to read:

1409 320.061 Unlawful to alter motor vehicle registration
 1410 certificates, temporary license plates, license plates, mobile
 1411 home stickers, or validation stickers or to obscure license
 1412 plates; penalty.—No person shall alter the original appearance
 1413 of any registration license plate, temporary license plate,
 1414 mobile home sticker, validation sticker, or vehicle registration
 1415 certificate issued for and assigned to any motor vehicle or
 1416 mobile home, whether by mutilation, alteration, defacement, or
 1417 change of color or in any other manner. No person shall apply or
 1418 attach any substance, reflective matter, illuminated device,
 1419 spray, coating, covering, or other material onto or around any
 1420 license plate that interferes with the legibility, angular
 1421 visibility, or detectability of any feature or detail on the
 1422 license plate or interferes with the ability to record any
 1423 feature or detail on the license plate. Any person who violates
 1424 this section commits a noncriminal traffic infraction,
 1425 punishable as a moving violation as provided in chapter 318.

1426 Section 33. Subsection (1) of section 320.071, Florida
 1427 Statutes, is amended to read:

1428 320.071 Advance registration renewal; procedures.—

1429 (1) (a) The owner of any motor vehicle or mobile home
 1430 currently registered in this state may file an application for
 1431 renewal of registration with the department, or its authorized
 1432 agent in the county wherein the owner resides, any time during
 1433 the 3 months preceding the date of expiration of the
 1434 registration period. The registration period may not exceed 27
 1435 months.

1436 (b) The owner of any apportionable ~~apportioned motor~~
 1437 vehicle currently registered in this state under the provisions
 1438 of the International Registration Plan may file an application
 1439 for renewal of registration with the department any time during
 1440 the 3 months preceding the date of expiration of the
 1441 registration period.

1442 Section 34. Subsections (1) and (3) of section 320.0715,
 1443 Florida Statutes, are amended to read:

1444 320.0715 International Registration Plan; motor carrier
 1445 services; permits; retention of records.—

1446 (1) All apportionable ~~commercial motor~~ vehicles domiciled
 1447 in this state ~~and engaged in interstate commerce~~ shall be
 1448 registered in accordance with the provisions of the
 1449 International Registration Plan ~~and shall display apportioned~~
 1450 ~~license plates~~.

1451 (3) (a) If the department is unable to immediately issue
 1452 the apportioned license plate to an applicant currently
 1453 registered in this state under the International Registration
 1454 Plan or to a vehicle currently titled in this state, the
 1455 department or its designated agent is authorized to issue a 60-
 1456 day temporary operational permit. The department or agent of the

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1457 department shall charge a \$3 fee and the service charge
 1458 authorized by s. 320.04 for each temporary operational permit it
 1459 issues.

1460 (b) The department shall in no event issue a temporary
 1461 operational permit for any apportionable ~~commercial motor~~
 1462 vehicle to any applicant until the applicant has shown that:

1463 1. All sales or use taxes due on the registration of the
 1464 vehicle are paid; and

1465 2. Insurance requirements have been met in accordance with
 1466 ss. 320.02(5) and 627.7415.

1467 (c) Issuance of a temporary operational permit provides
 1468 ~~commercial motor vehicle~~ registration privileges in each
 1469 International Registration Plan member jurisdiction designated
 1470 on said permit and therefore requires payment of all applicable
 1471 registration fees and taxes due for that period of registration.

1472 (d) Application for permanent registration must be made to
 1473 the department within 10 days following ~~from~~ issuance of a
 1474 temporary operational permit. Failure to file an application
 1475 within this 10-day period may result in cancellation of the
 1476 temporary operational permit.

1477 Section 35. Paragraph (d) of subsection (5) of section
 1478 320.08, Florida Statutes, is amended to read:

1479 320.08 License taxes.—Except as otherwise provided herein,
 1480 there are hereby levied and imposed annual license taxes for the
 1481 operation of motor vehicles, mopeds, motorized bicycles as
 1482 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
 1483 and mobile homes, as defined in s. 320.01, which shall be paid
 1484 to and collected by the department or its agent upon the

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1485 registration or renewal of registration of the following:

1486 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 1487 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1488 (d) A wrecker, as defined in s. 320.01~~(40)~~, which is used
 1489 to tow a vessel as defined in s. 327.02(39), a disabled,
 1490 abandoned, stolen-recovered, or impounded motor vehicle as
 1491 defined in s. 320.01~~(38)~~, or a replacement motor vehicle as
 1492 defined in s. 320.01~~(39)~~: \$41 flat, of which \$11 shall be
 1493 deposited into the General Revenue Fund.

1494 Section 36. Subsection (1) of section 320.0847, Florida
 1495 Statutes, is amended to read:

1496 320.0847 Mini truck and low-speed vehicle license plates.—

1497 (1) The department shall issue a license plate to the
 1498 owner or lessee of any vehicle registered as a low-speed vehicle
 1499 as defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
 1500 320.01~~(45)~~ upon payment of the appropriate license taxes and
 1501 fees prescribed in s. 320.08.

1502 Section 37. Subsection (4) of section 320.0848, Florida
 1503 Statutes, is amended to read:

1504 320.0848 Persons who have disabilities; issuance of
 1505 disabled parking permits; temporary permits; permits for certain
 1506 providers of transportation services to persons who have
 1507 disabilities.—

1508 (4) From the proceeds of the temporary disabled parking
 1509 permit fees:

1510 (a) The Department of Highway Safety and Motor Vehicles
 1511 must receive \$3.50 for each temporary permit, to be deposited
 1512 into the Highway Safety Operating Trust Fund and used for

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1513 implementing the real-time disabled parking permit database and
 1514 for administering the disabled parking permit program.

1515 (b) The tax collector, for processing, must receive \$2.50
 1516 for each temporary permit.

1517 (c) The remainder must be distributed monthly as follows:

1518 1. To the Florida Endowment Foundation for Vocational
 1519 Rehabilitation, known as "The Able Trust," ~~Florida Governor's~~
 1520 ~~Alliance for the Employment of Disabled Citizens~~ for the purpose
 1521 of improving employment and training opportunities for persons
 1522 who have disabilities, with special emphasis on removing
 1523 transportation barriers, \$4. These fees must be directly
 1524 deposited into the Florida Endowment Foundation for Vocational
 1525 Rehabilitation as established in s. 413.615 ~~Transportation~~
 1526 ~~Disadvantaged Trust Fund for transfer to the Florida Governor's~~
 1527 ~~Alliance for Employment of Disabled Citizens.~~

1528 2. To the Transportation Disadvantaged Trust Fund to be
 1529 used for funding matching grants to counties for the purpose of
 1530 improving transportation of persons who have disabilities, \$5.

1531 Section 38. Section 320.089, Florida Statutes, is amended
 1532 to read:

1533 320.089 Members of National Guard and active United States
 1534 Armed Forces reservists; former prisoners of war; survivors of
 1535 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi
 1536 Freedom and Operation Enduring Freedom Veterans; Combat Infantry
 1537 Badge recipients; special license plates; fee.—

1538 (1) (a) Each owner or lessee of an automobile or truck for
 1539 private use or recreational vehicle as specified in s.
 1540 320.08(9) (c) or (d), which is not used for hire or commercial

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1541 use, who is a resident of the state and an active or retired
 1542 member of the Florida National Guard, a survivor of the attack
 1543 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an
 1544 active or retired member of any branch of the United States
 1545 Armed Forces Reserve, or a recipient of the Combat Infantry
 1546 Badge shall, upon application to the department, accompanied by
 1547 proof of active membership or retired status in the Florida
 1548 National Guard, proof of membership in the Pearl Harbor
 1549 Survivors Association or proof of active military duty in Pearl
 1550 Harbor on December 7, 1941, proof of being a Purple Heart medal
 1551 recipient, ~~or~~ proof of active or retired membership in any
 1552 branch of the Armed Forces Reserve, or proof of membership in
 1553 the Combat Infantrymen's Association, Inc., or other proof of
 1554 being a recipient of the Combat Infantry Badge, and upon payment
 1555 of the license tax for the vehicle as provided in s. 320.08, be
 1556 issued a license plate as provided by s. 320.06, upon which, in
 1557 lieu of the serial numbers prescribed by s. 320.06, shall be
 1558 stamped the words "National Guard," "Pearl Harbor Survivor,"
 1559 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry
 1560 Badge," as appropriate, followed by the serial number of the
 1561 license plate. Additionally, the Purple Heart plate may have the
 1562 words "Purple Heart" stamped on the plate and the likeness of
 1563 the Purple Heart medal appearing on the plate.

1564 (b) Notwithstanding any other provision of law to the
 1565 contrary, beginning with fiscal year 2002-2003 and annually
 1566 thereafter, the first \$100,000 in general revenue generated from
 1567 the sale of license plates issued under this section shall be
 1568 deposited into the Grants and Donations Trust Fund, as described

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1569 in s. 296.38(2), to be used for the purposes established by law
1570 for that trust fund. Any additional general revenue generated
1571 from the sale of such plates shall be deposited into the State
1572 Homes for Veterans Trust Fund and used solely to construct,
1573 operate, and maintain domiciliary and nursing homes for
1574 veterans, subject to the requirements of chapter 216.

1575 (c) Notwithstanding any provisions of law to the contrary,
1576 an applicant for a Pearl Harbor Survivor license plate or a
1577 Purple Heart license plate who also qualifies for a disabled
1578 veteran's license plate under s. 320.084 shall be issued the
1579 appropriate special license plate without payment of the license
1580 tax imposed by s. 320.08.

1581 (2) Each owner or lessee of an automobile or truck for
1582 private use, truck weighing not more than 7,999 pounds, or
1583 recreational vehicle as specified in s. 320.08(9)(c) or (d),
1584 which is not used for hire or commercial use, who is a resident
1585 of the state and who is a former prisoner of war, or their
1586 unremarried surviving spouse, shall, upon application therefor
1587 to the department, be issued a license plate as provided in s.
1588 320.06, on which license plate are stamped the words "Ex-POW"
1589 followed by the serial number. Each application shall be
1590 accompanied by proof that the applicant meets the qualifications
1591 specified in paragraph (a) or paragraph (b).

1592 (a) A citizen of the United States who served as a member
1593 of the Armed Forces of the United States or the armed forces of
1594 a nation allied with the United States who was held as a
1595 prisoner of war at such time as the Armed Forces of the United
1596 States were engaged in combat, or their unremarried surviving

1597 spouse, may be issued the special license plate provided for in
 1598 this subsection without payment of the license tax imposed by s.
 1599 320.08.

1600 (b) A person who was serving as a civilian with the
 1601 consent of the United States Government, or a person who was a
 1602 member of the Armed Forces of the United States who was not a
 1603 United States citizen and was held as a prisoner of war when the
 1604 Armed Forces of the United States were engaged in combat, or
 1605 their unremarried surviving spouse, may be issued the special
 1606 license plate provided for in this subsection upon payment of
 1607 the license tax imposed by s. 320.08.

1608 (3) Each owner or lessee of an automobile or truck for
 1609 private use, truck weighing not more than 7,999 pounds, or
 1610 recreational vehicle as specified in s. 320.08(9)(c) or (d),
 1611 which is not used for hire or commercial use, who is a resident
 1612 of this state and who is the unremarried surviving spouse of a
 1613 recipient of the Purple Heart medal shall, upon application
 1614 therefor to the department, with the payment of the required
 1615 fees, be issued a license plate as provided in s. 320.06, on
 1616 which license plate are stamped the words "Purple Heart" and the
 1617 likeness of the Purple Heart medal followed by the serial
 1618 number. Each application shall be accompanied by proof that the
 1619 applicant is the unremarried surviving spouse of a recipient of
 1620 the Purple Heart medal.

1621 (4) The owner or lessee of an automobile or truck for
 1622 private use, a truck weighing not more than 7,999 pounds, or a
 1623 recreational vehicle as specified in s. 320.08(9)(c) or (d)
 1624 which automobile, truck, or recreational vehicle is not used for

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1625 hire or commercial use who is a resident of the state and a
 1626 current or former member of the United States military who was
 1627 deployed and served in Iraq during Operation Iraqi Freedom or in
 1628 Afghanistan during Operation Enduring Freedom shall, upon
 1629 application to the department, accompanied by proof of active
 1630 membership or former active duty status during one of these
 1631 operations, and upon payment of the license tax for the vehicle
 1632 as provided in s. 320.08, be issued a license plate as provided
 1633 by s. 320.06 upon which, in lieu of the registration license
 1634 number prescribed by s. 320.06, shall be stamped the words
 1635 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as
 1636 appropriate, followed by the registration license number of the
 1637 plate.

1638 Section 39. Paragraphs (a) and (b) of subsection (2) of
 1639 section 320.275, Florida Statutes, are amended to read:

1640 320.275 Automobile Dealers Industry Advisory Board.—

1641 (2) MEMBERSHIP, TERMS, MEETINGS.—

1642 (a) The board shall be composed of 12 members. The
 1643 executive director of the Department of Highway Safety and Motor
 1644 Vehicles shall appoint the members from names submitted by the
 1645 entities for the designated categories the member will
 1646 represent. The executive director shall appoint one
 1647 representative of the Department of Highway Safety and Motor
 1648 Vehicles, ~~who must represent the Division of Motor Vehicles;~~ two
 1649 representatives of the independent motor vehicle industry as
 1650 recommended by the Florida Independent Automobile Dealers
 1651 Association; two representatives of the franchise motor vehicle
 1652 industry as recommended by the Florida Automobile Dealers

1653 Association; one representative of the auction motor vehicle
 1654 industry who is from an auction chain and is recommended by a
 1655 group affiliated with the National Auto Auction Association; one
 1656 representative of the auction motor vehicle industry who is from
 1657 an independent auction and is recommended by a group affiliated
 1658 with the National Auto Auction Association; one representative
 1659 from the Department of Revenue; a Florida tax collector
 1660 representative recommended by the Florida Tax Collectors
 1661 Association; one representative from the Better Business Bureau;
 1662 one representative from the Department of Agriculture and
 1663 Consumer Services, who must represent the Division of Consumer
 1664 Services; and one representative of the insurance industry who
 1665 writes motor vehicle dealer surety bonds.

1666 (b)1. The executive director shall appoint the following
 1667 initial members to 1-year terms: one representative from the
 1668 motor vehicle auction industry who represents an auction chain,
 1669 one representative from the independent motor vehicle industry,
 1670 one representative from the franchise motor vehicle industry,
 1671 one representative from the Department of Revenue, one Florida
 1672 tax collector, and one representative from the Better Business
 1673 Bureau.

1674 2. The executive director shall appoint the following
 1675 initial members to 2-year terms: one representative from the
 1676 motor vehicle auction industry who represents an independent
 1677 auction, one representative from the independent motor vehicle
 1678 industry, one representative from the franchise motor vehicle
 1679 industry, one representative from the Division of Consumer
 1680 Services, one representative from the insurance industry, and

1681 one representative from the department ~~Division of Motor~~
 1682 ~~Vehicles.~~

1683 3. As the initial terms expire, the executive director
 1684 shall appoint successors from the same designated category for
 1685 terms of 2 years. If renominated, a member may succeed himself
 1686 or herself.

1687 4. The board shall appoint a chair and vice chair at its
 1688 initial meeting and every 2 years thereafter.

1689 Section 40. Section 320.95, Florida Statutes, is amended
 1690 to read:

1691 320.95 Transactions by electronic or telephonic means.—

1692 (1) The department may ~~is authorized to~~ accept any
 1693 application provided for under this chapter by electronic or
 1694 telephonic means.

1695 (2) The department may collect and use electronic mail
 1696 addresses for the purpose of providing renewal notices in lieu
 1697 of the United States Postal Service.

1698 Section 41. Section 321.02, Florida Statutes, is amended
 1699 to read:

1700 321.02 Powers and duties of department, highway patrol.—

1701 The director of the Division of Highway Patrol of the Department
 1702 of Highway Safety and Motor Vehicles shall be designated the
 1703 Colonel ~~also be the commander~~ of the Florida Highway Patrol. The
 1704 said department shall set up and promulgate rules and
 1705 regulations by which the personnel of the Florida Highway Patrol
 1706 officers shall be examined, employed, trained, located,
 1707 suspended, reduced in rank, discharged, recruited, paid and
 1708 pensioned, subject to civil service provisions hereafter set

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1709 out. The department may enter into contracts or agreements, with
1710 or without competitive bidding or procurement, to make
1711 available, on a fair, reasonable, nonexclusive, and
1712 nondiscriminatory basis, property and other structures under
1713 division control for the placement of new facilities by any
1714 wireless provider of mobile service as defined in 47 U.S.C. s.
1715 153(27) or s. 332(d), and any telecommunications company as
1716 defined in s. 364.02 when it is determined to be practical and
1717 feasible to make such property or other structures available.
1718 The department may, without adopting a rule, charge a just,
1719 reasonable, and nondiscriminatory fee for placement of the
1720 facilities, payable annually, based on the fair market value of
1721 space used by comparable communications facilities in the state.
1722 The department and a wireless provider or telecommunications
1723 company may negotiate the reduction or elimination of a fee in
1724 consideration of services provided to the division by the
1725 wireless provider or the telecommunications company. All such
1726 fees collected by the department shall be deposited directly
1727 into the State Agency Law Enforcement Radio System Trust Fund,
1728 and may be used to construct, maintain, or support the system.
1729 The department is further specifically authorized to purchase,
1730 sell, trade, rent, lease and maintain all necessary equipment,
1731 uniforms, motor vehicles, communication systems, housing
1732 facilities, office space, and perform any other acts necessary
1733 for the proper administration and enforcement of this chapter.
1734 However, all supplies and equipment consisting of single items
1735 or in lots shall be purchased under the requirements of s.
1736 287.057. Purchases shall be made by accepting the bid of the

1737 lowest responsive bidder, the right being reserved to reject all
 1738 bids. The department shall prescribe a distinctive uniform and
 1739 distinctive emblem to be worn by all officers of the Florida
 1740 Highway Patrol. It shall be unlawful for any other person or
 1741 persons to wear a similar uniform or emblem, or any part or
 1742 parts thereof. The department shall also prescribe distinctive
 1743 colors for use on motor vehicles and motorcycles operated by the
 1744 Florida Highway Patrol. The prescribed colors shall be referred
 1745 to as "Florida Highway Patrol black and tan."

1746 Section 42. Subsection (3) of section 322.02, Florida
 1747 Statutes, is amended to read:

1748 322.02 Legislative intent; administration.—

1749 (3) The department shall employ a director, who is charged
 1750 with the duty of serving as the executive officer of the
 1751 Division of Motorist Services within ~~Driver Licenses~~ of the
 1752 department insofar as the administration of this chapter is
 1753 concerned. He or she shall be subject to the supervision and
 1754 direction of the department, and his or her official actions and
 1755 decisions as executive officer shall be conclusive unless the
 1756 same are superseded or reversed by the department or by a court
 1757 of competent jurisdiction.

1758 Section 43. Subsection (1) of section 322.04, Florida
 1759 Statutes, is amended to read:

1760 322.04 Persons exempt from obtaining driver's license.—

1761 (1) The following persons are exempt from obtaining a
 1762 driver's license:

1763 (a) Any employee of the United States Government, while
 1764 operating a noncommercial motor vehicle owned by or leased to

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1765 the United States Government and being operated on official
 1766 business.

1767 (b) Any person while driving or operating any road
 1768 machine, farm tractor, or implement of husbandry temporarily
 1769 operated or moved on a highway.

1770 (c) A nonresident who is at least 16 years of age ~~and who~~
 1771 ~~has in his or her immediate possession a valid noncommercial~~
 1772 ~~driver's license issued to the nonresident in his or her home~~
 1773 ~~state or country,~~ may operate a motor vehicle of the type for
 1774 which a Class E driver's license is required in this state if he
 1775 or she has in their immediate possession:

1776 1. A valid noncommercial driver's license issued in his or
 1777 her name from another state or territory of the United States;
 1778 or

1779 2. An International Driving Permit issued in his or her
 1780 name in his or her country of residence along with a valid
 1781 license issued in that country.

1782 ~~(d) A nonresident who is at least 18 years of age and who~~
 1783 ~~has in his or her immediate possession a valid noncommercial~~
 1784 ~~driver's license issued to the nonresident in his or her home~~
 1785 ~~state or country may operate a motor vehicle, other than a~~
 1786 ~~commercial motor vehicle, in this state.~~

1787 (d)(e) Any person operating a golf cart, as defined in s.
 1788 320.01, which is operated in accordance with the provisions of
 1789 s. 316.212.

1790 Section 44. Paragraph (a) of subsection (1) of section
 1791 322.051, Florida Statutes, is amended to read:

1792 322.051 Identification cards.—

1793 (1) Any person who is 5 years of age or older, or any
 1794 person who has a disability, regardless of age, who applies for
 1795 a disabled parking permit under s. 320.0848, may be issued an
 1796 identification card by the department upon completion of an
 1797 application and payment of an application fee.

1798 (a) Each such application shall include the following
 1799 information regarding the applicant:

1800 1. Full name (first, middle or maiden, and last), gender,
 1801 proof of social security card number satisfactory to the
 1802 department, county of residence, mailing address, proof of
 1803 residential address satisfactory to the department, country of
 1804 birth, and a brief description.

1805 2. Proof of birth date satisfactory to the department.

1806 3. Proof of identity satisfactory to the department. Such
 1807 proof must include one of the following documents issued to the
 1808 applicant:

1809 a. A driver's license record or identification card record
 1810 from another jurisdiction that required the applicant to submit
 1811 a document for identification which is substantially similar to
 1812 a document required under sub-subparagraph b., sub-subparagraph
 1813 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
 1814 f., sub-subparagraph g., or sub-subparagraph h.;

1815 b. A certified copy of a United States birth certificate;

1816 c. A valid, unexpired United States passport;

1817 d. A naturalization certificate issued by the United
 1818 States Department of Homeland Security;

1819 e. A valid, unexpired alien registration receipt card
 1820 (green card);

1821 f. A Consular Report of Birth Abroad provided by the
 1822 United States Department of State;

1823 g. An unexpired employment authorization card issued by
 1824 the United States Department of Homeland Security; or

1825 h. Proof of nonimmigrant classification provided by the
 1826 United States Department of Homeland Security, for an original
 1827 identification card. In order to prove such nonimmigrant
 1828 classification, applicants must provide at least one of ~~may~~
 1829 ~~produce but are not limited to~~ the following documents, and, in
 1830 addition, the department may require other documents for the
 1831 sole purpose of establishing the maintenance of or efforts to
 1832 maintain continuous lawful presence:

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

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

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

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

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

1847 (VI) Order of an immigration judge or immigration officer
 1848 granting any relief that authorizes the alien to live and work

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1849 | in the United States including, but not limited to asylum.

1850 | (VII) Evidence that an application is pending for
 1851 | adjustment of status to that of an alien lawfully admitted for
 1852 | permanent residence in the United States or conditional
 1853 | permanent resident status in the United States, if a visa number
 1854 | is available having a current priority date for processing by
 1855 | the United States Bureau of Citizenship and Immigration
 1856 | Services.

1857 | (VIII) On or after January 1, 2010, an unexpired foreign
 1858 | passport with an unexpired United States Visa affixed,
 1859 | accompanied by an approved I-94, documenting the most recent
 1860 | admittance into the United States.

1861 |
 1862 | An identification card issued based on documents required
 1863 | ~~Presentation of any of the documents described in sub-~~
 1864 | ~~subparagraph g. or sub-subparagraph h. is valid entitles the~~
 1865 | ~~applicant to an identification card~~ for a period not to exceed
 1866 | the expiration date of the document presented or 1 year,
 1867 | whichever first occurs.

1868 | Section 45. Subsection (4) of section 322.058, Florida
 1869 | Statutes, is amended to read:

1870 | 322.058 Suspension of driving privileges due to support
 1871 | delinquency; reinstatement.—

1872 | (4) This section applies only to the annual renewal in the
 1873 | owner's birth month of a motor vehicle registration and does not
 1874 | apply to the transfer of a registration of a motor vehicle sold
 1875 | by a motor vehicle dealer licensed under chapter 320, except for
 1876 | the transfer of registrations which is inclusive of the annual

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1877 renewals. This section does not affect the issuance of the title
 1878 to a motor vehicle, notwithstanding s. 319.23(8)~~(7)~~(b).

1879 Section 46. Section 322.065, Florida Statutes, is amended
 1880 to read:

1881 322.065 Driver's license expired for 6 4 months or less;
 1882 penalties.—Any person whose driver's license has been expired
 1883 for 6 4 months or less and who drives a motor vehicle upon the
 1884 highways of this state commits ~~is guilty of~~ an infraction and is
 1885 subject to the penalty provided in s. 318.18.

1886 Section 47. Subsection (3) of section 322.07, Florida
 1887 Statutes, is amended to read:

1888 322.07 Instruction permits and temporary licenses.—

1889 (3) Any person who, except for his or her lack of
 1890 instruction in operating a commercial motor vehicle, would
 1891 otherwise be qualified to obtain a commercial driver's license
 1892 under this chapter, may apply for a temporary commercial
 1893 instruction permit. The department shall issue such a permit
 1894 entitling the applicant, while having the permit in his or her
 1895 immediate possession, to drive a commercial motor vehicle on the
 1896 highways, provided that:

1897 (a) The applicant possesses a valid Florida driver's
 1898 license ~~issued in any state~~; and

1899 (b) The applicant, while operating a commercial motor
 1900 vehicle, is accompanied by a licensed driver who is 21 years of
 1901 age or older, who is licensed to operate the class of vehicle
 1902 being operated, and who is actually occupying the closest seat
 1903 to the right of the driver.

1904 Section 48. Subsection (2) of section 322.08, Florida

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1905 Statutes, is amended, and subsection (8) is added to that
 1906 section, to read:
 1907 322.08 Application for license; requirements for license
 1908 and identification card forms.—
 1909 (2) Each such application shall include the following
 1910 information regarding the applicant:
 1911 (a) Full name (first, middle or maiden, and last), gender,
 1912 proof of social security card number satisfactory to the
 1913 department, county of residence, mailing address, proof of
 1914 residential address satisfactory to the department, country of
 1915 birth, and a brief description.
 1916 (b) Proof of birth date satisfactory to the department.
 1917 (c) Proof of identity satisfactory to the department. Such
 1918 proof must include one of the following documents issued to the
 1919 applicant:
 1920 1. A driver's license record or identification card record
 1921 from another jurisdiction that required the applicant to submit
 1922 a document for identification which is substantially similar to
 1923 a document required under subparagraph 2., subparagraph 3.,
 1924 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
 1925 7., or subparagraph 8.;
 1926 2. A certified copy of a United States birth certificate;
 1927 3. A valid, unexpired United States passport;
 1928 4. A naturalization certificate issued by the United
 1929 States Department of Homeland Security;
 1930 5. A valid, unexpired alien registration receipt card
 1931 (green card);
 1932 6. A Consular Report of Birth Abroad provided by the

1933 United States Department of State;

1934 7. An unexpired employment authorization card issued by

1935 the United States Department of Homeland Security; or

1936 8. Proof of nonimmigrant classification provided by the

1937 United States Department of Homeland Security, for an original

1938 driver's license. In order to prove nonimmigrant classification,

1939 an applicant must provide at least one of the following

1940 documents, and, in addition, the department may require other

1941 documents for the sole purpose of establishing the maintenance

1942 of or efforts to maintain continuous lawful presence ~~may produce~~

1943 ~~the following documents, including, but not limited to:~~

1944 a. A notice of hearing from an immigration court

1945 scheduling a hearing on any proceeding.

1946 b. A notice from the Board of Immigration Appeals

1947 acknowledging pendency of an appeal.

1948 c. A notice of the approval of an application for

1949 adjustment of status issued by the United States Bureau of

1950 Citizenship and Immigration Services.

1951 d. Any official documentation confirming the filing of a

1952 petition for asylum or refugee status or any other relief issued

1953 by the United States Bureau of Citizenship and Immigration

1954 Services.

1955 e. A notice of action transferring any pending matter from

1956 another jurisdiction to this state issued by the United States

1957 Bureau of Citizenship and Immigration Services.

1958 f. An order of an immigration judge or immigration officer

1959 granting any relief that authorizes the alien to live and work

1960 in the United States, including, but not limited to, asylum.

1961 g. Evidence that an application is pending for adjustment
 1962 of status to that of an alien lawfully admitted for permanent
 1963 residence in the United States or conditional permanent resident
 1964 status in the United States, if a visa number is available
 1965 having a current priority date for processing by the United
 1966 States Bureau of Citizenship and Immigration Services.

1967 h. On or after January 1, 2010, an unexpired foreign
 1968 passport with an unexpired United States Visa affixed,
 1969 accompanied by an approved I-94, documenting the most recent
 1970 admittance into the United States.

1971
 1972 A driver's license or temporary permit issued based on documents
 1973 required ~~Presentation of any of the documents~~ in subparagraph 7.
 1974 or subparagraph 8. is valid ~~entitles the applicant to a driver's~~
 1975 ~~license or temporary permit~~ for a period not to exceed the
 1976 expiration date of the document presented or 1 year, whichever
 1977 occurs first.

1978 (d) Whether the applicant has previously been licensed to
 1979 drive, and, if so, when and by what state, and whether any such
 1980 license or driving privilege has ever been disqualified,
 1981 revoked, or suspended, or whether an application has ever been
 1982 refused, and, if so, the date of and reason for such
 1983 disqualification, suspension, revocation, or refusal.

1984 (e) Each such application may include fingerprints and
 1985 other unique biometric means of identity.

1986 (8) The department may collect and use electronic mail
 1987 addresses for the purpose of providing renewal notices in lieu
 1988 of the United State Postal Service.

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1989 Section 49. Subsection (9) is added to section 322.081,
 1990 Florida Statutes, to read:

1991 322.081 Requests to establish voluntary checkoff on
 1992 driver's license application.—

1993 (9) The department may annually retain from the first
 1994 proceeds derived from the voluntary contributions collected an
 1995 amount sufficient to defray for each voluntary contribution the
 1996 pro rata share of the department's costs directly related to the
 1997 voluntary contributions program. Such costs include renewal
 1998 notices, postage, distribution costs, direct costs to the
 1999 department, and costs associated with reviewing each
 2000 organization's compliance with the audit and attestation
 2001 requirements of this section. The balance of the proceeds from
 2002 the voluntary contributions collected shall be distributed as
 2003 provided by law.

2004 Section 50. Subsection (5) of section 322.12, Florida
 2005 Statutes, is amended to read:

2006 322.12 Examination of applicants.—

2007 ~~(5)(a) The department shall formulate a separate~~
 2008 ~~examination for applicants for licenses to operate motorcycles.~~
 2009 ~~Any applicant for a driver's license who wishes to operate a~~
 2010 ~~motorcycle, and who is otherwise qualified, must successfully~~
 2011 ~~complete such an examination, which is in addition to the~~
 2012 ~~examination administered under subsection (3). The examination~~
 2013 ~~must test the applicant's knowledge of the operation of a~~
 2014 ~~motorcycle and of any traffic laws specifically relating thereto~~
 2015 ~~and must include an actual demonstration of his or her ability~~
 2016 ~~to exercise ordinary and reasonable control in the operation of~~

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2017 ~~a motorcycle. Any applicant who fails to pass the initial~~
2018 ~~knowledge examination will incur a \$5 fee for each subsequent~~
2019 ~~examination, to be deposited into the Highway Safety Operating~~
2020 ~~Trust Fund. Any applicant who fails to pass the initial skills~~
2021 ~~examination will incur a \$10 fee for each subsequent~~
2022 ~~examination, to be deposited into the Highway Safety Operating~~
2023 ~~Trust Fund. In the formulation of the examination, the~~
2024 ~~department shall consider the use of the Motorcycle Operator~~
2025 ~~Skills Test and the Motorcycle in Traffic Test offered by the~~
2026 ~~Motorcycle Safety Foundation. The department shall indicate on~~
2027 ~~the license of any person who successfully completes the~~
2028 ~~examination that the licensee is authorized to operate a~~
2029 ~~motorcycle. If the applicant wishes to be licensed to operate a~~
2030 ~~motorcycle only, he or she need not take the skill or road test~~
2031 ~~required under subsection (3) for the operation of a motor~~
2032 ~~vehicle, and the department shall indicate such a limitation on~~
2033 ~~his or her license as a restriction. Every first-time applicant~~
2034 ~~for licensure to operate a motorcycle must provide proof of~~
2035 ~~completion of a motorcycle safety course, as provided for in s.~~
2036 ~~322.0255, which shall include a final examination before the~~
2037 ~~applicant may be licensed to operate a motorcycle. The~~
2038 ~~department shall indicate on the license of any person who~~
2039 ~~successfully completes the course that the licensee is~~
2040 ~~authorized to operate a motorcycle. If the applicant wishes to~~
2041 ~~be licensed to operate a motorcycle only, he or she need not~~
2042 ~~take the skills or road test required under subsection (3) for~~
2043 ~~the operation of a motor vehicle, and the department shall~~
2044 ~~indicate such a limitation on his or her license as a~~

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2045 restriction.

2046 ~~(b) The department may exempt any applicant from the~~
 2047 ~~examination provided in this subsection if the applicant~~
 2048 ~~presents a certificate showing successful completion of a course~~
 2049 ~~approved by the department, which course includes a similar~~
 2050 ~~examination of the knowledge and skill of the applicant in the~~
 2051 ~~operation of a motorcycle.~~

2052 Section 51. Subsection (5) of section 322.121, Florida
 2053 Statutes, is amended to read:

2054 322.121 Periodic reexamination of all drivers.—

2055 (5) Members of the Armed Forces, or their dependents
 2056 residing with them, shall be granted an automatic extension for
 2057 the expiration of their Class E licenses without reexamination
 2058 while serving on active duty outside this state. This extension
 2059 is valid for 90 days after the member of the Armed Forces is
 2060 either discharged or returns to this state to live.

2061 Section 52. Paragraph (a) of subsection (1) of section
 2062 322.14, Florida Statutes, is amended to read:

2063 322.14 Licenses issued to drivers.—

2064 (1)(a) The department shall, upon successful completion of
 2065 all required examinations and payment of the required fee, issue
 2066 to every applicant qualifying therefor, a driver's license as
 2067 applied for, which license shall bear thereon a color photograph
 2068 or digital image of the licensee; the name of the state; a
 2069 distinguishing number assigned to the licensee; and the
 2070 licensee's full name, date of birth, and residence address; a
 2071 brief description of the licensee, including, but not limited
 2072 to, the licensee's gender and height; and the dates of issuance

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2073 and expiration of the license. A space shall be provided upon
 2074 which the licensee shall affix his or her usual signature. No
 2075 license shall be valid until it has been so signed by the
 2076 licensee except that the signature of said licensee shall not be
 2077 required if it appears thereon in facsimile or if the licensee
 2078 is not present within the state at the time of issuance.

2079 ~~Applicants qualifying to receive a Class A, Class B, or Class C~~
 2080 ~~driver's license must appear in person within the state for~~
 2081 ~~issuance of a color photographic or digital imaged driver's~~
 2082 ~~license pursuant to s. 322.142.~~

2083 Section 53. Subsections (9), (10), (13), (14), and (16) of
 2084 section 322.20, Florida Statutes, are amended to read:

2085 322.20 Records of the department; fees; destruction of
 2086 records.—

2087 (9) The department may, upon application, furnish to any
 2088 person, from its ~~the records of the Division of Driver Licenses,~~
 2089 a list of the names, addresses, and birth dates of the licensed
 2090 drivers of the entire state or any portion thereof by age group.
 2091 In addition, the department may furnish to the courts, for the
 2092 purpose of establishing jury selection lists, the names,
 2093 addresses, and birth dates of the persons of the entire state or
 2094 any portion thereof by age group having identification cards
 2095 issued by the department. Each person who requests such
 2096 information shall pay a fee, set by the department, of 1 cent
 2097 per name listed, except that the department shall furnish such
 2098 information without charge to the courts for the purpose of jury
 2099 selection or to any state agency or to any state attorney,
 2100 sheriff, or chief of police. Such court, state agency, state

2101 attorney, or law enforcement agency may not sell, give away, or
 2102 allow the copying of such information. Noncompliance with this
 2103 prohibition shall authorize the department to charge the
 2104 noncomplying court, state agency, state attorney, or law
 2105 enforcement agency the appropriate fee for any subsequent lists
 2106 requested. The department may adopt rules necessary to implement
 2107 this subsection.

2108 (10) The department ~~Division of Driver Licenses~~ is
 2109 authorized, upon application of any person and payment of the
 2110 proper fees, to search and to assist such person in the search
 2111 of the records of the department and make reports thereof and to
 2112 make photographic copies of the departmental records and
 2113 attestations thereof.

2114 (13) The department ~~Division of Driver Licenses~~ shall
 2115 implement a system that allows either parent of a minor, or a
 2116 guardian, or other responsible adult who signed a minor's
 2117 application for a driver's license to have Internet access
 2118 through a secure website to inspect the minor's driver history
 2119 record. Internet access to driver history records granted to a
 2120 minor's parents, guardian, or other responsible adult shall be
 2121 furnished by the department at no fee and shall terminate when
 2122 the minor attains 18 years of age.

2123 (14) The department is authorized in accordance with
 2124 chapter 257 to destroy reports, records, documents, papers, and
 2125 correspondence in the department ~~Division of Driver Licenses~~
 2126 which are considered obsolete.

2127 (16) The creation and maintenance of records by the
 2128 Division of Motorist Services within the department ~~and the~~

2129 ~~Division of Driver Licenses~~ pursuant to this chapter shall not
 2130 be regarded as law enforcement functions of agency
 2131 recordkeeping.

2132 Section 54. Section 322.202, Florida Statutes, is amended
 2133 to read:

2134 322.202 Admission of evidence obtained from the Division
 2135 of Motorist Services ~~Driver Licenses and the Division of Motor~~
 2136 ~~Vehicles.~~—

2137 (1) The Legislature finds that the Division of Motorist
 2138 Services ~~Driver Licenses and the Division of Motor Vehicles~~ of
 2139 the Department of Highway Safety and Motor Vehicles is ~~are~~ not a
 2140 law enforcement agency ~~agencies~~. The Legislature also finds that
 2141 the division is ~~divisions are~~ not an adjunct ~~adjuncts~~ of any law
 2142 enforcement agency in that employees have no stake in particular
 2143 prosecutions. The Legislature further finds that errors in
 2144 records maintained by the Division of Motorist Services
 2145 ~~divisions~~ are not within the collective knowledge of any law
 2146 enforcement agency. The Legislature also finds that the mission
 2147 ~~missions~~ of the Division of Motorist Services ~~Driver Licenses,~~
 2148 ~~the Division of Motor Vehicles,~~ and the Department of Highway
 2149 Safety and Motor Vehicles provides ~~provide~~ a sufficient
 2150 incentive to maintain records in a current and correct fashion.

2151 (2) The Legislature finds that the purpose of the
 2152 exclusionary rule is to deter misconduct on the part of law
 2153 enforcement officers and law enforcement agencies.

2154 (3) The Legislature finds that the application of the
 2155 exclusionary rule to cases where a law enforcement officer
 2156 effects an arrest based on objectively reasonable reliance on

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2157 information obtained from the division ~~divisions~~ is repugnant to
 2158 the purposes of the exclusionary rule and contrary to the
 2159 decisions of the United States Supreme Court in *Arizona v.*
 2160 *Evans*, 514 U.S. 1 (1995) and *United States v. Leon*, 468 U.S. 897
 2161 (1984).

2162 (4) In any case where a law enforcement officer effects an
 2163 arrest based on objectively reasonable reliance on information
 2164 obtained from the division ~~divisions~~, evidence found pursuant to
 2165 such an arrest shall not be suppressed by application of the
 2166 exclusionary rule on the grounds that the arrest is subsequently
 2167 determined to be unlawful due to erroneous information obtained
 2168 from the divisions.

2169 Section 55. Subsections (2) and (4) of section 322.21,
 2170 Florida Statutes, are amended to read:

2171 322.21 License fees; procedure for handling and collecting
 2172 fees.—

2173 (2) It is the duty of the director of the Division of
 2174 Motorist Services to provide Driver Licenses ~~to set up a~~
 2175 ~~division in the department with the~~ necessary personnel to
 2176 perform the necessary clerical and routine work for the
 2177 department in issuing and recording applications, licenses, and
 2178 certificates of eligibility, including the receiving and
 2179 accounting of all license funds and their payment into the State
 2180 Treasury, and other incidental clerical work connected with the
 2181 administration of this chapter. The department may use such
 2182 electronic, mechanical, or other devices as necessary to
 2183 accomplish the purposes of this chapter.

2184 (4) If the department determines from its records or is

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2185 otherwise satisfied that the holder of a license about to expire
 2186 is entitled to have it renewed, the department shall mail a
 2187 renewal notice to the licensee at his or her last known address,
 2188 at least ~~within~~ 30 days before the licensee's birthday. The
 2189 licensee may ~~shall~~ be issued a renewal license, after
 2190 reexamination, if required, ~~during the 30 days immediately~~
 2191 ~~preceding his or her birthday upon presenting a renewal notice,~~
 2192 ~~his or her current license, and the fee for renewal to the~~
 2193 ~~department at any driver's license examining office.~~ A driver
 2194 may renew his or her driver's license up to 18 months prior to
 2195 the license expiration date.

2196 Section 56. Subsection (1) of section 322.22, Florida
 2197 Statutes, is amended to read:

2198 322.22 Authority of department to cancel license.—

2199 (1) The department is authorized to cancel any driver's
 2200 license, upon determining that the licensee is ~~was~~ not entitled
 2201 to the license ~~issuance thereof~~, or that the licensee failed to
 2202 give the required or correct information in his or her
 2203 application or committed any fraud in making such application,
 2204 or that the licensee has two or more licenses on file with the
 2205 department, each in a different name but bearing the photograph
 2206 of the licensee, unless the licensee has complied with the
 2207 requirements of this chapter in obtaining the licenses. The
 2208 department may cancel any driver's license, identification card,
 2209 vehicle or vessel registration, or fuel-use decal if the
 2210 licensee fails to pay the correct fee or pays for the driver's
 2211 license, identification card, vehicle or vessel registration, or
 2212 fuel-use decal; pays any tax liability, penalty, or interest

2213 specified in chapter 207; or pays any administrative,
 2214 delinquency, or reinstatement fee by a dishonored check.

2215 Section 57. Subsection (6) of section 322.2615, Florida
 2216 Statutes, is amended to read:

2217 322.2615 Suspension of license; right to review.—

2218 (6) (a) If the person whose license was suspended requests
 2219 a formal review, the department must schedule a hearing to be
 2220 held within 30 days after such request is received by the
 2221 department and must notify the person of the date, time, and
 2222 place of the hearing.

2223 (b) Such formal review hearing shall be held before a
 2224 hearing officer designated ~~employed~~ by the department, and the
 2225 hearing officer shall be authorized to administer oaths, examine
 2226 witnesses and take testimony, receive relevant evidence, issue
 2227 subpoenas for the officers and witnesses identified in documents
 2228 in subsection (2), regulate the course and conduct of the
 2229 hearing, question witnesses, and make a ruling on the
 2230 suspension. The party requesting the presence of a witness shall
 2231 be responsible for the payment of any witness fees and for
 2232 notifying in writing the state attorney's office in the
 2233 appropriate circuit of the issuance of the subpoena. If the
 2234 person who requests a formal review hearing fails to appear and
 2235 the hearing officer finds such failure to be without just cause,
 2236 the right to a formal hearing is waived and the suspension shall
 2237 be sustained.

2238 (c) A party may seek enforcement of a subpoena under
 2239 paragraph (b) by:

2240 1. Filing a motion for enforcement of a subpoena in the

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2241 related criminal case, if any; or

2242 2. Filing a petition for enforcement in the circuit court
 2243 of the judicial circuit in which the person failing to comply
 2244 with the subpoena resides. A failure to comply with an order of
 2245 the court shall result in a finding of contempt of court.
 2246 However, a person is not in contempt while a subpoena is being
 2247 challenged.

2248 (d) The department must, within 7 working days after a
 2249 formal review hearing, send notice to the person of the hearing
 2250 officer's decision as to whether sufficient cause exists to
 2251 sustain, amend, or invalidate the suspension.

2252 Section 58. Subsection (2) of section 322.53, Florida
 2253 Statutes, is amended to read:

2254 322.53 License required; exemptions.—

2255 (2) The following persons are exempt from the requirement
 2256 to obtain a commercial driver's license:

2257 (a) Drivers of authorized emergency vehicles.

2258 (b) Military personnel driving vehicles operated for
 2259 military purposes.

2260 (c) Farmers transporting agricultural products, farm
 2261 supplies, or farm machinery to or from their farms within 150
 2262 miles of their farm if the vehicle operated under this exemption
 2263 is not used in the operations of a common or contract motor
 2264 carrier, ~~or transporting agricultural products to or from the~~
 2265 ~~first place of storage or processing or directly to or from~~
 2266 ~~market, within 150 miles of their farm.~~

2267 (d) Drivers of recreational vehicles, as defined in s.
 2268 320.01.

2269 (e) Drivers who operate straight trucks, as defined in s.
 2270 316.003, which ~~that~~ are exclusively transporting their own
 2271 tangible personal property that ~~which~~ is not for sale or hire,
 2272 and the vehicles are not used in commerce.

2273 (f) An employee of a publicly owned transit system who is
 2274 limited to moving vehicles for maintenance or parking purposes
 2275 exclusively within the restricted-access confines of a transit
 2276 system's property.

2277 Section 59. Subsection (5) is added to section 322.54,
 2278 Florida Statutes, to read:

2279 322.54 Classification.—

2280 (5) The required driver's license classification of any
 2281 person operating a commercial motor vehicle that has no gross
 2282 vehicle weight rating plate or no vehicle identification number
 2283 shall be determined by the actual weight of the vehicle.

2284 Section 60. Section 322.58, Florida Statutes, is repealed.

2285 Section 61. Section 322.59, Florida Statutes, is amended
 2286 to read:

2287 322.59 Possession of medical examiner's certificate.—

2288 (1) The department shall not issue a commercial driver's
 2289 license to any person who is required by the laws of this state
 2290 or by federal law to possess a medical examiner's certificate,
 2291 unless such person provides ~~presents~~ a valid certificate, as
 2292 described in 49 C.F.R. s. 383.71 prior to licensure.

2293 (2) The department shall disqualify a driver from
 2294 operating a commercial motor vehicle if that driver holds a
 2295 commercial driver's license and fails to comply with the medical
 2296 certification requirements described in 49 C.F.R. s. 383.71.

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2297 ~~(2) This section does not expand the requirements as to~~
 2298 ~~who must possess a medical examiner's certificate.~~

2299 Section 62. Subsection (5) of section 322.61, Florida
 2300 Statutes, is amended to read:

2301 322.61 Disqualification from operating a commercial motor
 2302 vehicle.-

2303 (5) Any person who is convicted of two violations
 2304 specified in subsection (3) which were committed while operating
 2305 a commercial motor vehicle, or any combination thereof, arising
 2306 in separate incidents shall be permanently disqualified from
 2307 operating a commercial motor vehicle. Any holder of a commercial
 2308 driver's license who is convicted of two violations specified in
 2309 subsection (3), which were committed while operating any a
 2310 ~~noncommercial~~ motor vehicle, ~~or any combination thereof,~~ arising
 2311 in separate incidents shall be permanently disqualified from
 2312 operating a commercial motor vehicle. The penalty provided in
 2313 this subsection is in addition to any other applicable penalty.

2314 Section 63. Subsections (1), (4), (7), (8), and (11) of
 2315 section 322.64, Florida Statutes, are amended to read:

2316 322.64 Holder of commercial driver's license; persons
 2317 operating a commercial motor vehicle; driving with unlawful
 2318 blood-alcohol level; refusal to submit to breath, urine, or
 2319 blood test.-

2320 (1)(a) A law enforcement officer or correctional officer
 2321 shall, on behalf of the department, disqualify from operating
 2322 any commercial motor vehicle a person who while operating or in
 2323 actual physical control of a commercial motor vehicle is
 2324 arrested for a violation of s. 316.193, relating to unlawful

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2325 blood-alcohol level or breath-alcohol level, or a person who has
 2326 refused to submit to a breath, urine, or blood test authorized
 2327 by s. 322.63 or s. 316.1932 arising out of the operation or
 2328 actual physical control of a commercial motor vehicle. A law
 2329 enforcement officer or correctional officer shall, on behalf of
 2330 the department, disqualify the holder of a commercial driver's
 2331 license from operating any commercial motor vehicle if the
 2332 licenseholder, while operating or in actual physical control of
 2333 a motor vehicle, is arrested for a violation of s. 316.193,
 2334 relating to unlawful blood-alcohol level or breath-alcohol
 2335 level, or refused to submit to a breath, urine, or blood test
 2336 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
 2337 the person, the officer shall take the person's driver's license
 2338 and issue the person a 10-day temporary permit for the operation
 2339 of noncommercial vehicles only if the person is otherwise
 2340 eligible for the driving privilege and shall issue the person a
 2341 notice of disqualification. If the person has been given a
 2342 blood, breath, or urine test, the results of which are not
 2343 available to the officer at the time of the arrest, the agency
 2344 employing the officer shall transmit such results to the
 2345 department within 5 days after receipt of the results. If the
 2346 department then determines that the person had a blood-alcohol
 2347 level or breath-alcohol level of 0.08 or higher, the department
 2348 shall disqualify the person from operating a commercial motor
 2349 vehicle pursuant to subsection (3).

2350 (b) For purposes of determining the period of
 2351 disqualification described in 49 C.F.R. s. 383.51,
 2352 disqualifications listed in paragraph (a) shall be treated as

2353 convictions.

2354 (c) ~~(b)~~ The disqualification under paragraph (a) shall be
 2355 pursuant to, and the notice of disqualification shall inform the
 2356 driver of, the following:

2357 1.a. The driver refused to submit to a lawful breath,
 2358 blood, or urine test and he or she is disqualified from
 2359 operating a commercial motor vehicle for the time period
 2360 specified in 49 C.F.R. s. 383.51 ~~a period of 1 year, for a first~~
 2361 ~~refusal, or permanently, if he or she has previously been~~
 2362 ~~disqualified under this section; or~~

2363 b. The driver had an unlawful blood-alcohol or breath-
 2364 alcohol level of 0.08 or higher while driving or in actual
 2365 physical control of a commercial motor vehicle, or any motor
 2366 vehicle if the driver holds a commercial driver license, and is
 2367 disqualified for the time period specified in 49 C.F.R. s.
 2368 383.51. ~~The driver was driving or in actual physical control of~~
 2369 ~~a commercial motor vehicle, or any motor vehicle if the driver~~
 2370 ~~holds a commercial driver's license, had an unlawful blood-~~
 2371 ~~alcohol level or breath-alcohol level of 0.08 or higher, and his~~
 2372 ~~or her driving privilege shall be disqualified for a period of 1~~
 2373 ~~year for a first offense or permanently disqualified if his or~~
 2374 ~~her driving privilege has been previously disqualified under~~
 2375 ~~this section.~~

2376 2. The disqualification period for operating commercial
 2377 vehicles shall commence on the date of issuance of the notice of
 2378 disqualification.

2379 3. The driver may request a formal or informal review of
 2380 the disqualification by the department within 10 days after the

2381 date of issuance of the notice of disqualification.

2382 4. The temporary permit issued at the time of
 2383 disqualification expires at midnight of the 10th day following
 2384 the date of disqualification.

2385 5. The driver may submit to the department any materials
 2386 relevant to the disqualification.

2387 (4) If the person disqualified requests an informal review
 2388 pursuant to subparagraph (1) (c) ~~(b)~~ 3., the department shall
 2389 conduct the informal review by a hearing officer employed by the
 2390 department. Such informal review hearing shall consist solely of
 2391 an examination by the department of the materials submitted by a
 2392 law enforcement officer or correctional officer and by the
 2393 person disqualified, and the presence of an officer or witness
 2394 is not required.

2395 (7) In a formal review hearing under subsection (6) or an
 2396 informal review hearing under subsection (4), the hearing
 2397 officer shall determine by a preponderance of the evidence
 2398 whether sufficient cause exists to sustain, amend, or invalidate
 2399 the disqualification. The scope of the review shall be limited
 2400 to the following issues:

2401 (a) If the person was disqualified from operating a
 2402 commercial motor vehicle for driving with an unlawful blood-
 2403 alcohol level:

2404 1. Whether the ~~arresting~~ law enforcement officer had
 2405 probable cause to believe that the person was driving or in
 2406 actual physical control of a commercial motor vehicle, or any
 2407 motor vehicle if the driver holds a commercial driver's license,
 2408 in this state while he or she had any alcohol, chemical

2409 substances, or controlled substances in his or her body.

2410 2. Whether the person had an unlawful blood-alcohol level
2411 or breath-alcohol level of 0.08 or higher.

2412 (b) If the person was disqualified from operating a
2413 commercial motor vehicle for refusal to submit to a breath,
2414 blood, or urine test:

2415 1. Whether the law enforcement officer had probable cause
2416 to believe that the person was driving or in actual physical
2417 control of a commercial motor vehicle, or any motor vehicle if
2418 the driver holds a commercial driver's license, in this state
2419 while he or she had any alcohol, chemical substances, or
2420 controlled substances in his or her body.

2421 2. Whether the person refused to submit to the test after
2422 being requested to do so by a law enforcement officer or
2423 correctional officer.

2424 3. Whether the person was told that if he or she refused
2425 to submit to such test he or she would be disqualified from
2426 operating a commercial motor vehicle for a period of 1 year or,
2427 if previously disqualified under this section, permanently.

2428 (8) Based on the determination of the hearing officer
2429 pursuant to subsection (7) for both informal hearings under
2430 subsection (4) and formal hearings under subsection (6), the
2431 department shall:

2432 ~~(a)~~ sustain the disqualification for the time period
2433 described in 49 C.F.R. s. 383.51 ~~a period of 1 year for a first~~
2434 ~~refusal, or permanently if such person has been previously~~
2435 ~~disqualified from operating a commercial motor vehicle under~~
2436 ~~this section.~~ The disqualification period commences on the date

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2437 of the issuance of the notice of disqualification.

2438 ~~(b) Sustain the disqualification:~~

2439 ~~1. For a period of 1 year if the person was driving or in~~
 2440 ~~actual physical control of a commercial motor vehicle, or any~~
 2441 ~~motor vehicle if the driver holds a commercial driver's license,~~
 2442 ~~and had an unlawful blood alcohol level or breath alcohol level~~
 2443 ~~of 0.08 or higher; or~~

2444 ~~2. Permanently if the person has been previously~~
 2445 ~~disqualified from operating a commercial motor vehicle under~~
 2446 ~~this section or his or her driving privilege has been previously~~
 2447 ~~suspended for driving or being in actual physical control of a~~
 2448 ~~commercial motor vehicle, or any motor vehicle if the driver~~
 2449 ~~holds a commercial driver's license, and had an unlawful blood-~~
 2450 ~~alcohol level or breath-alcohol level of 0.08 or higher.~~

2451
 2452 ~~The disqualification period commences on the date of the~~
 2453 ~~issuance of the notice of disqualification.~~

2454 (11) The formal review hearing may be conducted upon a
 2455 review of the reports of a law enforcement officer or a
 2456 correctional officer, including documents relating to the
 2457 administration of a breath test or blood test or the refusal to
 2458 take a breath, blood, or urine ~~either~~ test. However, as provided
 2459 in subsection (6), the driver may subpoena the officer or any
 2460 person who administered or analyzed a breath or blood test.

2461 Section 64. Section 328.30, Florida Statutes, is amended
 2462 to read:

2463 328.30 Transactions by electronic or telephonic means.—

2464 (1) The department may ~~is authorized to~~ accept any

2465 application provided for under this chapter by electronic or
 2466 telephonic means.

2467 (2) The department may issue an electronic certificate of
 2468 title in lieu of printing a paper title.

2469 (3) The department may collect and use electronic mail
 2470 addresses for the purpose of providing renewal notices in lieu
 2471 of the United States Postal Service.

2472 Section 65. Subsection (2) of section 413.012, Florida
 2473 Statutes, is amended to read:

2474 413.012 Confidential records disclosure prohibited;
 2475 exemptions.—

2476 (2) It is unlawful for any person to disclose, authorize
 2477 the disclosure, solicit, receive, or make use of any list of
 2478 names and addresses or any record containing any information set
 2479 forth in subsection (1) and maintained in the division. The
 2480 prohibition provided for in this subsection shall not apply to
 2481 the use of such information for purposes directly connected with
 2482 the administration of the vocational rehabilitation program or
 2483 with the monthly dispatch to ~~the Division of Driver Licenses of~~
 2484 the Department of Highway Safety and Motor Vehicles of the name
 2485 in full, place and date of birth, sex, social security number,
 2486 and resident address of individuals with central visual acuity
 2487 20/200 or less in the better eye with correcting glasses, or a
 2488 disqualifying field defect in which the peripheral field has
 2489 contracted to such an extent that the widest diameter or visual
 2490 field subtends an angular distance no greater than 20 degrees.
 2491 When requested in writing by an applicant or client, or her or
 2492 his representative, the Division of Blind Services shall release

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2493 confidential information to the applicant or client or her or
2494 his representative.

2495 Section 66. Paragraph (f) of subsection (13) of section
2496 713.78, Florida Statutes, is amended to read:

2497 713.78 Liens for recovering, towing, or storing vehicles
2498 and vessels.—

2499 (13)

2500 (f) This subsection applies only to the annual renewal in
2501 the registered owner's birth month of a motor vehicle
2502 registration and does not apply to the transfer of a
2503 registration of a motor vehicle sold by a motor vehicle dealer
2504 licensed under chapter 320, except for the transfer of
2505 registrations which is inclusive of the annual renewals. This
2506 subsection does not apply to any vehicle registered in the name
2507 of the lessor. This subsection does not affect the issuance of
2508 the title to a motor vehicle, notwithstanding s.

2509 319.23 (8) ~~(7)~~ (b) .

2510 Section 67. Except as otherwise expressly provided in this
2511 act, this act shall take effect July 1, 2011.