

1 A bill to be entitled

2 An act relating to motor vehicles; amending s. 61.13016,
3 F.S.; revising provisions for suspension of the driver's
4 license of certain support obligors who are delinquent in
5 payment; providing for set-aside of the suspension upon a
6 showing of good cause; defining "good cause"; amending s.
7 261.03, F.S.; redefining the term "off-highway vehicle" to
8 include a two-rider ATV; defining the term "two-rider
9 ATV"; amending s. 316.003, F.S.; defining the term
10 "traffic signal preemption system"; amending s. 316.006,
11 F.S.; providing for interlocal agreements between
12 municipalities and counties transferring traffic
13 regulatory authority; amending s. 316.074, F.S.; requiring
14 hearing for violations of traffic control devices
15 resulting in a crash; amending s. 316.075, F.S.; requiring
16 hearing for specified violations of traffic control signal
17 devices resulting in a crash; amending s. 316.0775, F.S.;
18 providing that the unauthorized use of a traffic signal
19 preemption device is a moving violation; amending s.
20 316.122, F.S.; providing for the right-of-way for certain
21 passing vehicles; creating s. 316.1576, F.S.; prohibiting
22 driving through a railroad-highway grade crossing that
23 does not have sufficient space or clearance; providing a
24 penalty; creating s. 316.1577, F.S.; prohibiting employer
25 from allowing, requiring, permitting, or authorizing
26 certain violations pertaining to railroad-highway grade
27 crossings; providing a penalty; amending s. 316.183, F.S.;
28 increasing the minimum speed limit on interstate highways

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29 | under certain circumstances; amending s. 316.1932, F.S.;

30 | revising the requirements for printing the notice of

31 | consent for sobriety testing on a driver's license;

32 | amending s. 316.1936, F.S., relating to possession of open

33 | containers of alcohol; removing an exemption provided for

34 | passengers of a vehicle operated by a driver holding a

35 | Class D driver's license; amending s. 316.194, F.S.;

36 | authorizing traffic accident investigation officers to

37 | remove vehicles under certain circumstances; amending s.

38 | 316.1967, F.S.; providing that an owner of a leased

39 | vehicle is not responsible for a parking ticket violation

40 | in certain circumstances; amending s. 316.2074, F.S.;

41 | redefining the term "all-terrain vehicle" to include a

42 | two-rider ATV; amending s. 316.2095, F.S.; revising

43 | equipment requirements for operating motorcycles;

44 | providing penalties; amending s. 316.212, F.S.;

45 | authorizing local governments to enact more restrictive

46 | golf cart equipment and operation regulations; requiring

47 | public notification; providing for enforcement

48 | jurisdiction; providing penalties; amending s. 316.2126,

49 | F.S.; providing for application of local golf cart

50 | equipment and operation regulations to golf cart and

51 | utility vehicle use by municipalities; amending s.

52 | 316.302, F.S.; updating a reference to the Code of Federal

53 | Regulations relating to commercial motor vehicles;

54 | amending s. 316.3045, F.S.; revising restrictions on the

55 | operation of radios or other soundmaking devices in motor

56 | vehicles; providing penalties; amending s. 316.605, F.S.;

57 | clarifying that portion of a license plate which must be
58 | clear and plainly visible; amending s. 316.613, F.S.;
59 | eliminating authorization for the Department of Highway
60 | Safety and Motor Vehicles to expend certain funds for
61 | promotional purposes; creating s. 316.6131, F.S.;
62 | authorizing the department to expend certain funds for
63 | public information and education campaigns; amending s.
64 | 316.650, F.S.; providing exceptions to a prohibition
65 | against using citations as evidence in a trial; amending
66 | s. 317.0003, F.S.; defining the term "off-highway vehicle"
67 | to include a two-rider ATV; providing a definition;
68 | amending ss. 317.0004, 317.0005, and 317.0006, F.S.;
69 | conforming references; amending s. 317.0007, F.S.;
70 | authorizing the Department of Highway Safety and Motor
71 | Vehicles to issue a validation sticker as an additional
72 | proof of title for an off-highway vehicle; providing for
73 | the replacement of lost or destroyed off-highway vehicle
74 | validation stickers; providing for disposition of fees;
75 | repealing s. 317.0008(2), F.S., relating to the expedited
76 | issuance of duplicate certificates of title for off-
77 | highway vehicles; amending ss. 317.0010, 317.0012, and
78 | 317.0013, F.S.; conforming references; creating s.
79 | 317.0014, F.S.; establishing procedures for the issuance
80 | of a certificate of title for an off-highway vehicle;
81 | providing duties of the Department of Highway Safety and
82 | Motor Vehicles; providing for a notice of lien and lien
83 | satisfaction; creating s. 317.0015, F.S.; providing for
84 | the applicability of certain provisions of law to the

85 titling of off-highway vehicles; creating s. 317.0016,
86 F.S.; providing for the expedited issuance of titles for
87 off-highway vehicles; creating s. 317.0017, F.S.;
88 prohibiting specified actions relating to the issuance of
89 titles for off-highway vehicles; providing a penalty;
90 creating s. 317.0018, F.S.; prohibiting the transfer of an
91 off-highway vehicle without delivery of a certificate of
92 title; prescribing other violations; providing a penalty;
93 amending s. 318.1215, F.S.; clarifying that funds from the
94 Dori Slosberg Driver Education Safety Act be used for
95 driver education programs in schools; requiring that funds
96 be used for enhancement of driver education program funds;
97 providing program requirements; amending s. 318.14, F.S.;
98 authorizing the department to modify certain actions to
99 suspend or revoke a driver's license following notice of
100 final disposition; providing that certain citation
101 procedures and proceedings apply to persons who do not
102 hold a commercial driver's license; providing penalties
103 for certain traffic infractions requiring a mandatory
104 hearing; providing for distribution of moneys collected;
105 requiring audit of certain funds; amending s. 318.21,
106 F.S.; providing for distribution of specified civil
107 penalties by county courts; amending s. 319.23, F.S.;
108 requiring a licensed motor vehicle dealer to notify the
109 Department of Highway Safety and Motor Vehicles of a motor
110 vehicle or mobile home taken as a trade-in; requiring the
111 department to update its title record; amending s. 319.27,
112 F.S.; correcting an obsolete cross-reference; amending s.

113 | 320.02, F.S.; authorizing the department to withhold motor
114 | vehicle registration or renewal of registration when
115 | notified by a dealer of unpaid registration and titling
116 | fees; requiring the motor vehicle dealer to maintain
117 | certain signed evidence and information; providing for
118 | dispute of dealer's claim of unpaid fees; amending s.
119 | 320.06, F.S.; providing for a credit or refund when a
120 | registrant is required to replace a license plate under
121 | certain circumstances; amending s. 320.0601, F.S.;
122 | requiring that a registration or renewal of a long-term
123 | leased motor vehicle be in the name of the lessee;
124 | amending s. 320.0605, F.S.; exempting a vehicle registered
125 | as a fleet vehicle from the requirement that the
126 | certificate of registration be carried in the vehicle at
127 | all times; amending s. 320.08058, F.S.; revising
128 | distribution and authorized uses of revenues from the
129 | United We Stand and Animal Friend specialty license
130 | plates; amending s. 320.0843, F.S.; requiring that an
131 | applicant's eligibility for a disabled parking plate be
132 | noted on the certificate; amending s. 320.089, F.S.;
133 | allowing retired members of the United States Armed Forces
134 | Reserve to be issued U.S. Reserve license plates; amending
135 | s. 320.131, F.S.; authorizing the department to provide
136 | for an electronic system for motor vehicle dealers to use
137 | in issuing temporary license plates; providing a penalty;
138 | authorizing the department to adopt rules; amending s.
139 | 320.18, F.S.; authorizing the department to cancel the
140 | vehicle or vessel registration, driver's license, or

141 identification card of a person who pays certain fees or
 142 penalties with a dishonored check; amending s. 320.27,
 143 F.S.; requiring dealer principals to provide certification
 144 of completing continuing education under certain
 145 circumstances; requiring motor vehicle dealers to maintain
 146 records for a specified period; providing for denial,
 147 suspension, or revocation of a motor vehicle dealer's
 148 license for failure to maintain evidence of notification
 149 to the owner or coowner of a vehicle regarding unpaid
 150 registration and titling fees; providing certain
 151 penalties; amending s. 320.77, F.S.; providing that mobile
 152 home dealers may provide a cash bond or letter of credit
 153 in lieu of a required surety bond; creating the
 154 Manufactured Housing Regulatory Study Commission;
 155 providing for membership; providing duties; requiring the
 156 commission to file a report with the Governor and the
 157 Legislature; amending s. 322.01, F.S.; redefining the
 158 terms "commercial motor vehicle" and "out-of-service
 159 order"; providing the definition of conviction applicable
 160 to offenses committed in a commercial motor vehicle;
 161 amending s. 322.05, F.S.; removing requirements for a
 162 Class D driver's license; amending s. 322.051, F.S.;
 163 revising provisions relating to the application for an
 164 identification card; providing that the requirement for a
 165 fullface photograph or digital image on an identification
 166 card may not be waived under ch. 761, F.S.; amending s.
 167 322.07, F.S.; removing requirements for a Class D driver's
 168 license; amending s. 322.08, F.S.; providing that a United

169 States passport is an acceptable proof of identity for
170 purposes of obtaining a driver's license; providing that a
171 naturalization certificate issued by the United States
172 Department of Homeland Security is an acceptable proof of
173 identity for such purpose; providing that specified
174 documents are acceptable as proof of nonimmigrant
175 classification; removing prescribed purpose of funds
176 collected from a voluntary contribution option on driver's
177 license applications associated with hearing research;
178 amending s. 322.09, F.S.; requiring the signature of a
179 secondary guardian on a driver's license application for a
180 minor under certain circumstances; amending s. 322.11,
181 F.S.; providing for notice to a minor before canceling the
182 minor's license due to the death of the person who
183 cosigned the initial application; amending s. 322.12,
184 F.S.; removing requirements for a Class D driver's
185 license; amending s. 322.135, F.S.; revising requirements
186 for the deposit of certain fees for a driver's license;
187 revising requirements for the tax collector in directing a
188 licensee for examination or reexamination; requiring
189 county officers to pay certain funds to the State Treasury
190 by electronic funds transfer within a specified period;
191 amending s. 322.142, F.S.; providing that the requirement
192 for a fullface photograph or digital image on a driver's
193 license may not be waived under ch. 761, F.S.; amending s.
194 322.161, F.S.; removing requirements for a Class D
195 driver's license; amending s. 322.17, F.S., relating to
196 duplicate and replacement certificates; conforming a

197 cross-reference; amending s. 322.18, F.S.; revising the
198 expiration period for driver's licenses issued to
199 specified persons; conforming cross-references; amending
200 s. 322.19, F.S., relating to change of address or name;
201 conforming cross-references; amending s. 322.21, F.S.;
202 removing requirements for a Class D driver's license;
203 requiring the department to set a fee for a hazardous-
204 materials endorsement; providing maximum fee amount;
205 authorizing the department to adopt rules; amending s.
206 322.212, F.S.; providing an additional penalty for giving
207 false information when applying for a commercial driver's
208 license; amending s. 322.22, F.S.; authorizing the
209 department to cancel any identification card, vehicle or
210 vessel registration, or fuel-use decal of a licensee who
211 pays certain fees or penalties with a dishonored check;
212 amending s. 322.251, F.S.; removing requirements for a
213 Class D driver's license; amending s. 322.2615, F.S.;
214 revising provisions related to notice and review
215 procedures for administrative suspension of driver's
216 licenses; revising notice information; clarifying review
217 procedures; amending s. 322.27, F.S.; correcting a cross-
218 reference relating to points assigned for littering
219 violations; assigning point value for a conviction of
220 specified violations of a traffic control device or
221 traffic control signal device resulting in a crash;
222 amending s. 322.30, F.S.; removing the requirements for a
223 Class D driver's license; amending s. 322.53, F.S.;
224 removing requirements for a Class D driver's license;

225 removing a requirement that certain operators of a
226 commercial motor vehicle obtain a specified license;
227 amending s. 322.54, F.S.; revising the classification
228 requirements for certain driver's licenses; deleting
229 requirements for a Class D driver's license; amending s.
230 322.57, F.S.; providing testing requirements for school
231 bus drivers; removing certain license restriction
232 requirements; amending s. 322.58, F.S.; deleting
233 requirements for a Class D driver's license and changing
234 those requirements to a Class E driver's license; amending
235 and reenacting s. 322.61, F.S.; specifying additional
236 violations that disqualify a person from operating a
237 commercial motor vehicle; providing penalties; providing
238 an exception; removing requirements for a Class D driver's
239 license; amending s. 322.63, F.S.; clarifying provisions
240 governing alcohol and drug testing for commercial motor
241 vehicle operators; amending s. 322.64, F.S., and
242 reenacting s. 322.64(14), F.S., relating to citation
243 procedures and proceedings, to incorporate the amendment
244 to s. 322.61, F.S., in a reference thereto; providing for
245 a temporary permit issued following certain DUI offenses
246 to apply only to the operation of noncommercial vehicles;
247 amending s. 338.155, F.S.; exempting from payment of toll
248 any person participating in the funeral procession of a
249 law enforcement officer or firefighter killed in the line
250 of duty; creating s. 549.102, F.S.; authorizing temporary
251 overnight parking during a motorsports event at a
252 motorsports entertainment complex; exempting such parking

253 from regulations relating to recreational vehicle parks;
 254 providing for application of health agency requirements;
 255 amending s. 713.78, F.S.; revising provisions relating to
 256 the placement of a wrecker operator's lien against a motor
 257 vehicle; amending s. 768.28, F.S.; providing that certain
 258 medical professionals volunteering for Florida Highway
 259 Patrol service are considered employees of the state for
 260 sovereign immunity purposes; amending s. 843.16, F.S.;
 261 prohibiting the transportation of radio equipment that
 262 receives signals on frequencies used by this state's law
 263 enforcement officers or fire rescue personnel; redefining
 264 the term "emergency vehicle" to include any motor vehicle
 265 designated as such by the fire chief of a county or
 266 municipality; revising penalties; providing effective
 267 dates.

268

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

270

271 Section 1. Subsection (2) of section 61.13016, Florida
 272 Statutes, is amended and renumbered as subsection (3), present
 273 subsection (3) is renumbered as subsection (4), and a new
 274 subsection (2) is added to said section, to read:

275 61.13016 Suspension of driver's licenses and motor vehicle
 276 registrations.--

277 (2) The suspension of the driver's license of an obligor
 278 pursuant to this section may be set aside for good cause if a
 279 petition is filed by the obligor in the circuit court within 20
 280 days after the mailing date of the notice. For purposes of this

281 subsection, "good cause" means proof to the court that the
282 failure to pay any delinquency is due to inability to pay
283 because a medical condition exists that prevents the obligor
284 from being employed or because of extended unemployment that is
285 beyond the obligor's control. The obligor must serve a copy of
286 the petition on the Title IV-D agency in IV-D cases or
287 depository or clerk of the court in non-IV-D cases. When an
288 obligor timely files a petition to set aside a suspension, the
289 court must hear the matter within 15 days after the petition is
290 filed. The court must enter an order resolving the matter within
291 10 days after the hearing, and a copy of the order must be
292 served on the parties. The timely filing of a petition under
293 this subsection stays the intent to suspend until the entry of a
294 court order resolving the matter.

295 (3)-(2) If the obligor does not, within 20 days after the
296 mailing date on the notice, pay the delinquency, enter into a
297 payment agreement, comply with the subpoena, order to appear,
298 order to show cause, or other similar order, or file a motion to
299 contest or a petition to set aside, the Title IV-D agency in IV-
300 D cases, or the depository or clerk of the court in non-IV-D
301 cases, shall file the notice with the Department of Highway
302 Safety and Motor Vehicles and request the suspension of the
303 obligor's driver's license and motor vehicle registration in
304 accordance with s. 322.058.

305 Section 2. Subsection (6) of section 261.03, Florida
306 Statutes, is amended and subsection (11) is added to that
307 section, to read:

308 261.03 Definitions.--As used in this chapter, the term:

309 (6) "Off-highway vehicle" means any ATV, two-rider ATV, or
 310 OHM that is used off the roads or highways of this state ~~for~~
 311 ~~recreational purposes~~ and that is not registered and licensed
 312 for highway use under chapter 320.

313 (11) "Two-rider ATV" means any ATV that is specifically
 314 designed by the manufacturer for a single operator and one
 315 passenger.

316 Section 3. Subsection (84) is added to section 316.003,
 317 Florida Statutes, to read:

318 316.003 Definitions.--The following words and phrases,
 319 when used in this chapter, shall have the meanings respectively
 320 ascribed to them in this section, except where the context
 321 otherwise requires:

322 (84) TRAFFIC SIGNAL PREEMPTION SYSTEM.--Any system or
 323 device with the capability of activating a control mechanism
 324 mounted on or near traffic signals which alters a traffic
 325 signal's timing cycle.

326 Section 4. Paragraph (c) is added to subsection (2) of
 327 section 316.006, Florida Statutes, to read:

328 316.006 Jurisdiction.--Jurisdiction to control traffic is
 329 vested as follows:

330 (2) MUNICIPALITIES.--

331 (c) Notwithstanding any other provisions of law to the
 332 contrary, a municipality may, by interlocal agreement with a
 333 county, agree to transfer traffic regulatory authority over
 334 areas within the municipality to the county.

335

336 This subsection shall not limit those counties which have the
337 charter powers to provide and regulate arterial, toll, and other
338 roads, bridges, tunnels, and related facilities from the proper
339 exercise of those powers by the placement and maintenance of
340 traffic control devices which conform to the manual and
341 specifications of the Department of Transportation on streets
342 and highways located within municipal boundaries.

343 Section 5. Effective October 1, 2005, subsection (6) of
344 section 316.074, Florida Statutes, is amended to read:

345 316.074 Obedience to and required traffic control
346 devices.--

347 (1) The driver of any vehicle shall obey the instructions
348 of any official traffic control device applicable thereto,
349 placed in accordance with the provisions of this chapter, unless
350 otherwise directed by a police officer, subject to the
351 exceptions granted the driver of an authorized emergency vehicle
352 in this chapter.

353 (6) (a) A violation of this section is a noncriminal
354 traffic infraction, punishable as a moving violation as provided
355 in chapter 318.

356 (b) A person committing a violation of subsection (1)
357 resulting in a crash that causes serious bodily injury of
358 another as defined in s. 316.1933(1) is subject to a mandatory
359 hearing under the provisions of s. 318.19.

360 Section 6. Effective October 1, 2005, subsection (4) of
361 section 316.075, Florida Statutes, is amended to read:

362 316.075 Traffic control signal devices.--

363 (1) Except for automatic warning signal lights installed
364 or to be installed at railroad crossings, whenever traffic,
365 including municipal traffic, is controlled by traffic control
366 signals exhibiting different colored lights, or colored lighted
367 arrows, successively one at a time or in combination, only the
368 colors green, red, and yellow shall be used, except for special
369 pedestrian signals carrying a word legend, and the lights shall
370 indicate and apply to drivers of vehicles and pedestrians as
371 follows:

372 (c) Steady red indication.--

373 1. Vehicular traffic facing a steady red signal shall stop
374 before entering the crosswalk on the near side of the
375 intersection or, if none, then before entering the intersection
376 and shall remain standing until a green indication is shown;
377 however:

378 a. The driver of a vehicle which is stopped at a clearly
379 marked stop line, but if none, before entering the crosswalk on
380 the near side of the intersection, or, if none then at the point
381 nearest the intersecting roadway where the driver has a view of
382 approaching traffic on the intersecting roadway before entering
383 the intersection in obedience to a steady red signal may make a
384 right turn, but shall yield the right-of-way to pedestrians and
385 other traffic proceeding as directed by the signal at the
386 intersection, except that municipal and county authorities may
387 prohibit any such right turn against a steady red signal at any
388 intersection, which prohibition shall be effective when a sign
389 giving notice thereof is erected in a location visible to
390 traffic approaching the intersection.

391 | b. The driver of a vehicle on a one-way street that
 392 | intersects another one-way street on which traffic moves to the
 393 | left shall stop in obedience to a steady red signal, but may
 394 | then make a left turn into the one-way street, but shall yield
 395 | the right-of-way to pedestrians and other traffic proceeding as
 396 | directed by the signal at the intersection, except that
 397 | municipal and county authorities may prohibit any such left turn
 398 | as described, which prohibition shall be effective when a sign
 399 | giving notice thereof is attached to the traffic control signal
 400 | device at the intersection.

401 | 2. Unless otherwise directed by a pedestrian control
 402 | signal as provided in s. 316.0755, pedestrians facing a steady
 403 | red signal shall not enter the roadway.

404 | (4) (a) A violation of this section is a noncriminal
 405 | traffic infraction, punishable pursuant to chapter 318 as either
 406 | a pedestrian violation or, if the infraction resulted from the
 407 | operation of a vehicle, as a moving violation.

408 | (b) A person committing a violation of subparagraph
 409 | (1)(c)1. resulting in a crash that causes serious bodily injury
 410 | of another as defined in s. 316.1933(1) is subject to a
 411 | mandatory hearing under the provisions of s. 318.19.

412 | Section 7. Section 316.0775, Florida Statutes, is amended
 413 | to read:

414 | 316.0775 Interference with official traffic control
 415 | devices or railroad signs or signals.--

416 | (1) A ~~no~~ person may not ~~shall~~, without lawful authority,
 417 | attempt to or in fact alter, deface, injure, knock down, or
 418 | remove any official traffic control device or any railroad sign

419 or signal or any inscription, shield, or insignia thereon, or
420 any other part thereof. A violation of this subsection ~~section~~
421 is a criminal violation pursuant to s. 318.17 and shall be
422 punishable as set forth in s. 806.13 related to criminal
423 mischief and graffiti, beginning on or after July 1, 2000.

424 (2) A person may not, without lawful authority, possess or
425 use any traffic signal preemption device as defined under s.
426 316.003. A person who violates this subsection commits a moving
427 violation, punishable as provided in chapter 318 and shall have
428 4 points assessed against his or her driver's license as set
429 forth in s. 322.27.

430 Section 8. Section 316.122, Florida Statutes, is amended
431 to read:

432 316.122 Vehicle turning left.--The driver of a vehicle
433 intending to turn to the left within an intersection or into an
434 alley, private road, or driveway shall yield the right-of-way to
435 any vehicle approaching from the opposite direction, or vehicles
436 lawfully passing on the left of the turning vehicle, which is
437 within the intersection or so close thereto as to constitute an
438 immediate hazard. A violation of this section is a noncriminal
439 traffic infraction, punishable as a moving violation as provided
440 in chapter 318.

441 Section 9. Section 316.1576, Florida Statutes, is created
442 to read:

443 316.1576 Insufficient clearance at a railroad-highway
444 grade crossing.--

445 (1) A person may not drive any vehicle through a railroad-
 446 highway grade crossing that does not have sufficient space to
 447 drive completely through the crossing without stopping.

448 (2) A person may not drive any vehicle through a railroad-
 449 highway grade crossing that does not have sufficient
 450 undercarriage clearance to drive completely through the crossing
 451 without stopping.

452 (3) A violation of this section is a noncriminal traffic
 453 infraction, punishable as a moving violation as provided in
 454 chapter 318.

455 Section 10. Section 316.1577, Florida Statutes, is created
 456 to read:

457 316.1577 Employer responsibility for violations pertaining
 458 to railroad-highway grade crossings.--

459 (1) An employer may not knowingly allow, require, permit,
 460 or authorize a driver to operate a commercial motor vehicle in
 461 violation of a federal, state, or local law or rule pertaining
 462 to railroad-highway grade crossings.

463 (2) A person who violates subsection (1) is subject to a
 464 civil penalty of not more than \$10,000.

465 Section 11. Subsection (2) of section 316.183, Florida
 466 Statutes, is amended to read:

467 316.183 Unlawful speed.--

468 (2) On all streets or highways, the maximum speed limits
 469 for all vehicles must be 30 miles per hour in business or
 470 residence districts, and 55 miles per hour at any time at all
 471 other locations. However, with respect to a residence district,
 472 a county or municipality may set a maximum speed limit of 20 or

473 25 miles per hour on local streets and highways after an
474 investigation determines that such a limit is reasonable. It is
475 not necessary to conduct a separate investigation for each
476 residence district. The minimum speed limit on all highways that
477 comprise a part of the National System of Interstate and Defense
478 Highways and have not fewer than four lanes is 40 miles per
479 hour, except that when the posted speed limit is 70 miles per
480 hour, the minimum speed limit is 50 miles per hour.

481 Section 12. Paragraph (e) of subsection (1) of section
482 316.1932, Florida Statutes, is amended to read:

483 316.1932 Tests for alcohol, chemical substances, or
484 controlled substances; implied consent; refusal.--

485 (1)

486 (e)1. By applying for a driver's license and by accepting
487 and using a driver's license, the person holding the driver's
488 license is deemed to have expressed his or her consent to the
489 provisions of this section.

490 2. A nonresident or any other person driving in a status
491 exempt from the requirements of the driver's license law, by his
492 or her act of driving in such exempt status, is deemed to have
493 expressed his or her consent to the provisions of this section.

494 3. A warning of the consent provision of this section
495 shall be printed ~~above the signature line~~ on each new or renewed
496 driver's license.

497 Section 13. Subsection (5) of section 316.1936, Florida
498 Statutes, is amended to read:

499 316.1936 Possession of open containers of alcoholic
500 beverages in vehicles prohibited; penalties.--

501 (5) This section shall not apply to:

502 (a) A passenger of a vehicle in which the driver is
 503 operating the vehicle pursuant to a contract to provide
 504 transportation for passengers and such driver holds a valid
 505 commercial driver's license with a passenger endorsement ~~or a~~
 506 ~~Class D driver's license~~ issued in accordance with the
 507 requirements of chapter 322;

508 (b) A passenger of a bus in which the driver holds a valid
 509 commercial driver's license with a passenger endorsement ~~or a~~
 510 ~~Class D driver's license~~ issued in accordance with the
 511 requirements of chapter 322; or

512 (c) A passenger of a self-contained motor home which is in
 513 excess of 21 feet in length.

514 Section 14. Paragraphs (a) and (b) of subsection (3) of
 515 section 316.194, Florida Statutes, are amended to read:

516 316.194 Stopping, standing or parking outside of
 517 municipalities.--

518 (3)(a) Whenever any police officer or traffic accident
 519 investigation officer finds a vehicle standing upon a highway in
 520 violation of any of the foregoing provisions of this section,
 521 the officer is authorized to move the vehicle, or require the
 522 driver or other persons in charge of the vehicle to move the
 523 vehicle same, to a position off the paved or main-traveled part
 524 of the highway.

525 (b) Officers and traffic accident investigation officers
 526 may ~~are hereby authorized to~~ provide for the removal of any
 527 abandoned vehicle to the nearest garage or other place of
 528 safety, cost of such removal to be a lien against motor vehicle,

529 when an ~~said~~ abandoned vehicle is found unattended upon a bridge
 530 or causeway or in any tunnel, or on any public highway in the
 531 following instances:

532 1. Where such vehicle constitutes an obstruction of
 533 traffic;

534 2. Where such vehicle has been parked or stored on the
 535 public right-of-way for a period exceeding 48 hours, in other
 536 than designated parking areas, and is within 30 feet of the
 537 pavement edge; and

538 3. Where an operative vehicle has been parked or stored on
 539 the public right-of-way for a period exceeding 10 days, in other
 540 than designated parking areas, and is more than 30 feet from the
 541 pavement edge. However, the agency removing such vehicle shall
 542 be required to report same to the Department of Highway Safety
 543 and Motor Vehicles within 24 hours of such removal.

544 Section 15. Section 316.1967, Florida Statutes, is amended
 545 to read:

546 316.1967 Liability for payment of parking ticket
 547 violations and other parking violations.--

548 (1) The owner of a vehicle is responsible and liable for
 549 payment of any parking ticket violation unless the owner can
 550 furnish evidence, when required by this subsection, that the
 551 vehicle was, at the time of the parking violation, in the care,
 552 custody, or control of another person. In such instances, the
 553 owner of the vehicle is required, within a reasonable time after
 554 notification of the parking violation, to furnish to the
 555 appropriate law enforcement authorities an affidavit setting
 556 forth the name, address, and driver's license number of the

557 person who leased, rented, or otherwise had the care, custody,
558 or control of the vehicle. The affidavit submitted under this
559 subsection is admissible in a proceeding charging a parking
560 ticket violation and raises the rebuttable presumption that the
561 person identified in the affidavit is responsible for payment of
562 the parking ticket violation. The owner of a vehicle is not
563 responsible for a parking ticket violation if the vehicle
564 involved was, at the time, stolen or in the care, custody, or
565 control of some person who did not have permission of the owner
566 to use the vehicle. The owner of a leased vehicle is not
567 responsible for a parking ticket violation and is not required
568 to submit an affidavit or the other evidence specified in this
569 section, if the vehicle is registered in the name of the person
570 who leased the vehicle.

571 (2) Any person who is issued a county or municipal parking
572 ticket by a parking enforcement specialist or officer is deemed
573 to be charged with a noncriminal violation and shall comply with
574 the directions on the ticket. If payment is not received or a
575 response to the ticket is not made within the time period
576 specified thereon, the county court or its traffic violations
577 bureau shall notify the registered owner of the vehicle that was
578 cited, or the registered lessee when the cited vehicle is
579 registered in the name of the person who leased the vehicle, by
580 mail to the address given on the motor vehicle registration, of
581 the ticket. Mailing the notice to this address constitutes
582 notification. Upon notification, the registered owner or
583 registered lessee shall comply with the court's directive.

584 (3) Any person who fails to satisfy the court's directive
585 waives his or her right to pay the applicable civil penalty.

586 (4) Any person who elects to appear before a designated
587 official to present evidence waives his or her right to pay the
588 civil penalty provisions of the ticket. The official, after a
589 hearing, shall make a determination as to whether a parking
590 violation has been committed and may impose a civil penalty not
591 to exceed \$100 or the fine amount designated by county
592 ordinance, plus court costs. Any person who fails to pay the
593 civil penalty within the time allowed by the court is deemed to
594 have been convicted of a parking ticket violation, and the court
595 shall take appropriate measures to enforce collection of the
596 fine.

597 (5) Any provision of subsections (2), (3), and (4) to the
598 contrary notwithstanding, chapter 318 does not apply to
599 violations of county parking ordinances and municipal parking
600 ordinances.

601 (6) Any county or municipality may provide by ordinance
602 that the clerk of the court or the traffic violations bureau
603 shall supply the department with a magnetically encoded computer
604 tape reel or cartridge or send by other electronic means data
605 which is machine readable by the installed computer system at
606 the department, listing persons who have three or more
607 outstanding parking violations, including violations of s.
608 316.1955. Each county shall provide by ordinance that the clerk
609 of the court or the traffic violations bureau shall supply the
610 department with a magnetically encoded computer tape reel or
611 cartridge or send by other electronic means data that is machine

612 readable by the installed computer system at the department,
613 listing persons who have any outstanding violations of s.
614 316.1955 or any similar local ordinance that regulates parking
615 in spaces designated for use by persons who have disabilities.
616 The department shall mark the appropriate registration records
617 of persons who are so reported. Section 320.03(8) applies to
618 each person whose name appears on the list.

619 Section 16. Subsection (2) of section 316.2074, Florida
620 Statutes, is amended to read:

621 316.2074 All-terrain vehicles.--

622 (2) As used in this section, the term "all-terrain
623 vehicle" means any motorized off-highway vehicle 50 inches or
624 less in width, having a dry weight of 900 pounds or less,
625 designed to travel on three or more low-pressure tires, having a
626 seat designed to be straddled by the operator and handlebars for
627 steering control, and intended for use by a single operator with
628 no passenger. For the purposes of this section, "all-terrain
629 vehicle" also includes any "two-rider ATV" as defined in s.
630 317.0003.

631 Section 17. Section 316.2095, Florida Statutes, is amended
632 to read:

633 316.2095 Footrests, handholds, and handlebars.--

634 (1) Any motorcycle carrying a passenger, other than in a
635 sidecar or enclosed cab, shall be equipped with footrests and
636 handholds for such passenger.

637 (2) No person shall operate any motorcycle with handlebars
638 with handgrips which are higher than the top of the shoulders of
639 the person operating the motorcycle while properly seated upon

640 ~~the motorcycle more than 15 inches in height above that portion~~
641 ~~of the seat occupied by the operator.~~

642 (3) A violation of this section is a noncriminal traffic
643 infraction, punishable as a nonmoving violation as provided in
644 chapter 318.

645 Section 18. Subsection (1) and paragraph (a) of subsection
646 (2) of section 316.212, Florida Statutes, are amended,
647 subsection (7) is renumbered as subsection (8) and amended, and
648 a new subsection (7) is added to that section, to read:

649 316.212 Operation of golf carts on certain roadways.--The
650 operation of a golf cart upon the public roads or streets of
651 this state is prohibited except as provided herein:

652 (1) A golf cart may be operated only upon a county road
653 that has been designated by a county, or a municipal ~~city~~ street
654 that has been designated by a municipality ~~city~~, for use by golf
655 carts. Prior to making such a designation, the responsible local
656 governmental entity must first determine that golf carts may
657 safely travel on or cross the public road or street, considering
658 factors including the speed, volume, and character of motor
659 vehicle traffic using the road or street. Upon a determination
660 that golf carts may be safely operated on a designated road or
661 street, the responsible governmental entity shall post
662 appropriate signs to indicate that such operation is allowed.

663 (2) A golf cart may be operated on a part of the State
664 Highway System only under the following conditions:

665 (a) To cross a portion of the State Highway System which
666 intersects a county road or municipal ~~city~~ street that has been
667 designated for use by golf carts if the Department of

668 Transportation has reviewed and approved the location and design
669 of the crossing and any traffic control devices needed for
670 safety purposes.

671
672 Upon its determination that golf carts may be operated on a
673 given road, the department shall post appropriate signs on the
674 road to indicate that such operation is allowed.

675 (7) Regulations regarding golf cart operation and
676 equipment that are more restrictive than those enumerated in
677 this section may be enacted by the responsible local
678 governmental entity. Upon enactment of any such regulation, the
679 responsible local governmental entity shall post appropriate
680 signs or otherwise inform the citizens that such regulations
681 exist and shall be enforced within its jurisdictional territory.

682 (8) ~~(7)~~ A violation of this section or local regulations
683 corresponding to this section enacted pursuant to subsection (7)
684 is a noncriminal traffic infraction, punishable pursuant to
685 chapter 318 as either a moving violation for infractions of
686 subsection (1), subsection (2), subsection (3), or subsection
687 (4) or local regulations corresponding to subsection (1),
688 subsection (2), subsection (3), or subsection (4), or as a
689 nonmoving violation for infractions of subsection ~~subsections~~
690 (5) or subsection and (6) or local regulations corresponding to
691 subsection (5) or subsection (6).

692 Section 19. Subsections (1) and (2) of section 316.2126,
693 Florida Statutes, are amended to read:

694 316.2126 Use of golf carts and utility vehicles by
695 municipalities.--In addition to the powers granted by ss.

696 316.212 and 316.2125, municipalities are hereby authorized to
 697 utilize golf carts and utility vehicles, as defined in s.
 698 320.01, upon any state, county, or municipal roads located
 699 within the corporate limits of such municipalities, subject to
 700 the following conditions:

701 (1) Golf carts and utility vehicles must comply with the
 702 operational and safety requirements in ss. 316.212 and 316.2125
 703 and any more restrictive regulations enacted by the local
 704 governmental entity and shall only be operated by municipal
 705 employees for municipal purposes, including, but not limited to,
 706 police patrol, traffic enforcement, and inspection of public
 707 facilities.

708 (2) In addition to the safety equipment required in s.
 709 316.212(5) and any more restrictive safety equipment required by
 710 the local governmental entity, such golf carts and utility
 711 vehicles must be equipped with sufficient lighting and turn
 712 signal equipment.

713 Section 20. Paragraph (b) of subsection (1) of section
 714 316.302, Florida Statutes, is amended to read:

715 316.302 Commercial motor vehicles; safety regulations;
 716 transporters and shippers of hazardous materials; enforcement.--

717 (1)

718 (b) Except as otherwise provided in this section, all
 719 owners or drivers of commercial motor vehicles that are engaged
 720 in intrastate commerce are subject to the rules and regulations
 721 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
 722 exception of 49 C.F.R. s. 390.5 as it relates to the definition

723 of bus, as such rules and regulations existed on October 1, 2004
 724 ~~2002~~.

725 Section 21. Paragraph (a) of subsection (1) of section
 726 316.3045, Florida Statutes, is amended to read:

727 316.3045 Operation of radios or other mechanical
 728 soundmaking devices or instruments in vehicles; exemptions.--

729 (1) It is unlawful for any person operating or occupying a
 730 motor vehicle on a street or highway to operate or amplify the
 731 sound produced by a radio, tape player, or other mechanical
 732 soundmaking device or instrument from within the motor vehicle
 733 so that the sound is:

734 (a) Plainly audible at a distance of 25 ~~100~~ feet or more
 735 from the motor vehicle; or

736 (5) A violation of this section is a noncriminal traffic
 737 infraction, punishable as a nonmoving violation as provided in
 738 chapter 318.

739 Section 22. Subsection (1) of section 316.605, Florida
 740 Statutes, is amended to read:

741 316.605 Licensing of vehicles.--

742 (1) Every vehicle, at all times while driven, stopped, or
 743 parked upon any highways, roads, or streets of this state, shall
 744 be licensed in the name of the owner thereof in accordance with
 745 the laws of this state unless such vehicle is not required by
 746 the laws of this state to be licensed in this state and shall,
 747 except as otherwise provided in s. 320.0706 for front-end
 748 registration license plates on truck tractors, display the
 749 license plate or both of the license plates assigned to it by
 750 the state, one on the rear and, if two, the other on the front

751 of the vehicle, each to be securely fastened to the vehicle
 752 outside the main body of the vehicle in such manner as to
 753 prevent the plates from swinging, and ~~with~~ all letters,
 754 numerals, printing, writing, and other identification marks upon
 755 the plates regarding the word "Florida," the registration decal,
 756 and the alphanumeric designation shall be clear and distinct and
 757 free from defacement, mutilation, grease, and other obscuring
 758 matter, so that they will be plainly visible and legible at all
 759 times 100 feet from the rear or front. Nothing shall be placed
 760 upon the face of a Florida plate except as permitted by law or
 761 by rule or regulation of a governmental agency. No license
 762 plates other than those furnished by the state shall be used.
 763 However, if the vehicle is not required to be licensed in this
 764 state, the license plates on such vehicle issued by another
 765 state, by a territory, possession, or district of the United
 766 States, or by a foreign country, substantially complying with
 767 the provisions hereof, shall be considered as complying with
 768 this chapter. A violation of this subsection is a noncriminal
 769 traffic infraction, punishable as a nonmoving violation as
 770 provided in chapter 318.

771 Section 23. Subsection (4) of section 316.613, Florida
 772 Statutes, is amended to read:

773 316.613 Child restraint requirements.--

774 (4)~~(a)~~ It is the legislative intent that all state,
 775 county, and local law enforcement agencies, and safety councils,
 776 in recognition of the problems with child death and injury from
 777 unrestrained occupancy in motor vehicles, conduct a continuing

778 safety and public awareness campaign as to the magnitude of the
779 problem.

780 ~~(b) The department may authorize the expenditure of funds~~
781 ~~for the purchase of promotional items as part of the public~~
782 ~~information and education campaigns provided for in this~~
783 ~~subsection and ss. 316.614, 322.025, and 403.7145.~~

784 Section 24. Section 316.6131, Florida Statutes, is created
785 to read:

786 316.6131 Educational expenditures.--The department may
787 authorize the expenditure of funds for the purchase of
788 educational items as part of the public information and
789 education campaigns promoting highway safety and awareness, as
790 well as departmental community-based initiatives. Funds may be
791 expended for, but are not limited to, educational campaigns
792 provided in this chapter, chapters 320 and 322, and s. 403.7145.

793 Section 25. Subsection (9) of section 316.650, Florida
794 Statutes, is amended to read:

795 316.650 Traffic citations.--

796 (9) Such citations shall not be admissible evidence in any
797 trial, except when used as evidence of falsification, forgery,
798 uttering, fraud, or perjury, or when used as physical evidence
799 resulting from a forensic examination of the citation.

800 Section 26. Section 317.0003, Florida Statutes, is
801 amended, to read:

802 317.0003 Definitions.--As used in this chapter ~~ss.~~
803 ~~317.0001-317.0013~~, the term:

804 (1) "ATV" means any motorized off-highway or all-terrain
805 vehicle 50 inches or less in width, having a dry weight of 900

806 pounds or less, designed to travel on three or more low-pressure
 807 tires, having a seat designed to be straddled by the operator
 808 and handlebars for steering control, and intended for use by a
 809 single operator and with no passenger.

810 (2) "Dealer" means any person authorized by the Department
 811 of Revenue to buy, sell, resell, or otherwise distribute off-
 812 highway vehicles. Such person must have a valid sales tax
 813 certificate of registration issued by the Department of Revenue
 814 and a valid commercial or occupational license required by any
 815 county, municipality, or political subdivision of the state in
 816 which the person operates.

817 (3) "Department" means the Department of Highway Safety
 818 and Motor Vehicles.

819 (4) "Florida resident" means a person who has had a
 820 principal place of domicile in this state for a period of more
 821 than 6 consecutive months, who has registered to vote in this
 822 state, who has made a statement of domicile pursuant to s.
 823 222.17, or who has filed for homestead tax exemption on property
 824 in this state.

825 (5) "OHM" or "off-highway motorcycle" means any motor
 826 vehicle used off the roads or highways of this state that has a
 827 seat or saddle for the use of the rider and is designed to
 828 travel with not more than two wheels in contact with the ground,
 829 but excludes a tractor or a moped.

830 (6) "Off-highway vehicle" means any ATV, two-rider ATV, or
 831 OHM that is used off the roads or highways of this state ~~for~~
 832 ~~recreational purposes~~ and that is not registered and licensed
 833 for highway use pursuant to chapter 320.

834 (7) "Owner" means a person, other than a lienholder,
 835 having the property in or title to an off-highway vehicle,
 836 including a person entitled to the use or possession of an off-
 837 highway vehicle subject to an interest held by another person,
 838 reserved or created by agreement and securing payment of
 839 performance of an obligation, but the term excludes a lessee
 840 under a lease not intended as security.

841 (8) "Public lands" means lands within the state that are
 842 available for public use and that are owned, operated, or
 843 managed by a federal, state, county, or municipal governmental
 844 entity.

845 (9) "Two-rider ATV" means any ATV that is specifically
 846 designed by the manufacturer for a single operator and one
 847 passenger.

848 Section 27. Subsection (1) of section 317.0004, Florida
 849 Statutes, is amended to read:

850 317.0004 Administration of off-highway vehicle titling
 851 laws; records.--

852 (1) The administration of off-highway vehicle titling laws
 853 in this chapter ~~ss. 317.0001-317.0013~~ is under the Department of
 854 Highway Safety and Motor Vehicles, which shall provide for the
 855 issuing, handling, and recording of all off-highway vehicle
 856 titling applications and certificates, including the receipt and
 857 accounting of off-highway vehicle titling fees. The provisions
 858 of chapter 319 are applicable to this chapter, unless otherwise
 859 explicitly stated.

860 Section 28. Section 317.0005, Florida Statutes, is amended
 861 to read:

862 317.0005 Rules, forms, and notices.--

863 (1) The department may adopt rules pursuant to ss.
864 120.536(1) and 120.54, which pertain to off-highway vehicle
865 titling, in order to implement the provisions of this chapter
866 ~~ss. 317.0001-317.0013~~ conferring duties upon it.

867 (2) The department shall prescribe and provide suitable
868 forms for applications and other notices and forms necessary to
869 administer the provisions of this chapter ~~ss. 317.0001-317.0013~~.

870 Section 29. Subsection (1) of section 317.0006, Florida
871 Statutes, is amended to read:

872 317.0006 Certificate of title required.--

873 (1) Any off-highway vehicle that is purchased by a
874 resident of this state after the effective date of this act or
875 that is owned by a resident and is operated on the public lands
876 of this state must be titled pursuant to this chapter ~~ss.~~
877 ~~317.0001-317.0013~~.

878 Section 30. Subsection (6) is added to section 317.0007,
879 Florida Statutes, to read:

880 317.0007 Application for and issuance of certificate of
881 title.--

882 (6) In addition to a certificate of title, the department
883 may issue a validation sticker to be placed on the off-highway
884 vehicle as proof of the issuance of title required pursuant to
885 s. 317.0006(1). A validation sticker that is lost or destroyed
886 may, upon application, be replaced by the department or county
887 tax collector. The department and county tax collector may
888 charge and deposit the fees established in ss. 320.03(5),
889 320.031, and 320.04 for all original and replacement decals.

890 Section 31. Subsection (2) of section 317.0008, Florida
 891 Statutes, is repealed.

892 Section 32. Section 317.0010, Florida Statutes, is amended
 893 to read:

894 317.0010 Disposition of fees.--The department shall
 895 deposit all funds received under this chapter ~~ss. 317.0001-~~
 896 ~~317.0013~~, less administrative costs of \$2 per title transaction,
 897 into the Incidental Trust Fund of the Division of Forestry of
 898 the Department of Agriculture and Consumer Services.

899 Section 33. Subsection (3) of section 317.0012, Florida
 900 Statutes, is amended to read:

901 317.0012 Crimes relating to certificates of title;
 902 penalties.--

903 (3) It is unlawful to:

904 (a) Alter or forge any certificate of title to an off-
 905 highway vehicle or any assignment thereof or any cancellation of
 906 any lien on an off-highway vehicle.

907 (b) Retain or use such certificate, assignment, or
 908 cancellation knowing that it has been altered or forged.

909 (c) Use a false or fictitious name, give a false or
 910 fictitious address, or make any false statement in any
 911 application or affidavit required by this chapter ~~ss. 317.0001-~~
 912 ~~317.0013~~ or in a bill of sale or sworn statement of ownership or
 913 otherwise commit a fraud in any application.

914 (d) Knowingly obtain goods, services, credit, or money by
 915 means of an invalid, duplicate, fictitious, forged, counterfeit,
 916 stolen, or unlawfully obtained certificate of title, bill of
 917 sale, or other indicia of ownership of an off-highway vehicle.

918 (e) Knowingly obtain goods, services, credit, or money by
 919 means of a certificate of title to an off-highway vehicle which
 920 certificate is required by law to be surrendered to the
 921 department.

922
 923 Any person who violates this subsection commits a felony of the
 924 third degree, punishable as provided in s. 775.082, s. 775.083,
 925 or s. 775.084. A violation of this subsection with respect to
 926 any off-highway vehicle makes such off-highway vehicle
 927 contraband which may be seized by a law enforcement agency and
 928 forfeited under ss. 932.701-932.704.

929 Section 34. Section 317.0013, Florida Statutes, is amended
 930 to read:

931 317.0013 Nonmoving traffic violations.--Any person who
 932 fails to comply with any provision of this chapter ~~ss. 317.0001-~~
 933 ~~317.0012~~ for which a penalty is not otherwise provided commits a
 934 nonmoving traffic violation, punishable as provided in s.
 935 318.18.

936 Section 35. Section 317.0014, Florida Statutes, is created
 937 to read:

938 317.0014 Certificate of title; issuance in duplicate;
 939 delivery; liens and encumbrances.--

940 (1) The department shall assign a number to each
 941 certificate of title and shall issue each certificate of title
 942 and each corrected certificate in duplicate. The database record
 943 shall serve as the duplicate title certificate required in this
 944 section. One printed copy may be retained on file by the
 945 department.

946 (2) A duly authorized person shall sign the original
947 certificate of title and each corrected certificate and, if
948 there are no liens or encumbrances on the off-highway vehicle,
949 as shown in the records of the department or as shown in the
950 application, shall deliver the certificate to the applicant or
951 to another person as directed by the applicant or person, agent,
952 or attorney submitting the application. If there are one or more
953 liens or encumbrances on the off-highway vehicle, the
954 certificate shall be delivered by the department to the first
955 lienholder as shown by department records or to the owner as
956 indicated in the notice of lien filed by the first lienholder.
957 If the notice of lien filed by the first lienholder indicates
958 that the certificate should be delivered to the first
959 lienholder, the department shall deliver to the first
960 lienholder, along with the certificate, a form to be
961 subsequently used by the lienholder as a satisfaction. If the
962 notice of lien filed by the first lienholder directs the
963 certificate of title to be delivered to the owner, then, upon
964 delivery of the certificate of title by the department to the
965 owner, the department shall deliver to the first lienholder
966 confirmation of the receipt of the notice of lien and the date
967 the certificate of title was issued to the owner at the owner's
968 address shown on the notice of lien and a form to be
969 subsequently used by the lienholder as a satisfaction. If the
970 application for certificate shows the name of a first lienholder
971 different from the name of the first lienholder as shown by the
972 records of the department, the certificate may not be issued to
973 any person until after all parties who appear to hold a lien and

974 the applicant for the certificate have been notified of the
975 conflict in writing by the department by certified mail. If the
976 parties do not amicably resolve the conflict within 10 days
977 after the date the notice was mailed, the department shall serve
978 notice in writing by certified mail on all persons appearing to
979 hold liens on that particular vehicle, including the applicant
980 for the certificate, to show cause within 15 days following the
981 date the notice is mailed as to why it should not issue and
982 deliver the certificate to the person indicated in the notice of
983 lien filed by the lienholder whose name appears in the
984 application as the first lienholder without showing any lien or
985 liens as outstanding other than those appearing in the
986 application or those that have been filed subsequent to the
987 filing of the application for the certificate. If, within the
988 15-day period, any person other than the lienholder shown in the
989 application or a party filing a subsequent lien, in answer to
990 the notice to show cause, appears in person or by a
991 representative, or responds in writing, and files a written
992 statement under oath that his or her lien on that particular
993 vehicle is still outstanding, the department may not issue the
994 certificate to anyone until after the conflict has been settled
995 by the lien claimants involved or by a court of competent
996 jurisdiction. If the conflict is not settled amicably within 10
997 days after the final date for filing an answer to the notice to
998 show cause, the complaining party shall have 10 days in which to
999 obtain a ruling, or a stay order, from a court of competent
1000 jurisdiction. If a ruling or stay order is not issued and served
1001 on the department within the 10-day period, it shall issue the

1002 certificate showing no liens except those shown in the
1003 application or thereafter filed to the original applicant if
1004 there are no liens shown in the application and none are
1005 thereafter filed, or to the person indicated in the notice of
1006 lien filed by the lienholder whose name appears in the
1007 application as the first lienholder if there are liens shown in
1008 the application or thereafter filed. A duplicate certificate or
1009 corrected certificate shall show only the lien or liens as shown
1010 in the application and any subsequently filed liens that may be
1011 outstanding.

1012 (3) Except as provided in subsection (4), the certificate
1013 of title shall be retained by the first lienholder or the owner
1014 as indicated in the notice of lien filed by the first
1015 lienholder. If the first lienholder is in possession of the
1016 certificate, the first lienholder is entitled to retain the
1017 certificate until the first lien is satisfied.

1018 (4) If the owner of the vehicle, as shown on the title
1019 certificate, desires to place a second or subsequent lien or
1020 encumbrance against the vehicle when the title certificate is in
1021 the possession of the first lienholder, the owner shall send a
1022 written request to the first lienholder by certified mail, and
1023 the first lienholder shall forward the certificate to the
1024 department for endorsement. If the title certificate is in the
1025 possession of the owner, the owner shall forward the certificate
1026 to the department for endorsement. The department shall return
1027 the certificate to either the first lienholder or to the owner,
1028 as indicated in the notice of lien filed by the first
1029 lienholder, after endorsing the second or subsequent lien on the

1030 certificate and on the duplicate. If the first lienholder or
1031 owner fails, neglects, or refuses to forward the certificate of
1032 title to the department within 10 days after the date of the
1033 owner's request, the department, on the written request of the
1034 subsequent lienholder or an assignee of the lien, shall demand
1035 of the first lienholder the return of the certificate for the
1036 notation of the second or subsequent lien or encumbrance.

1037 (5) (a) Upon satisfaction of any first lien or encumbrance
1038 recorded by the department, the owner of the vehicle, as shown
1039 on the title certificate, or the person satisfying the lien is
1040 entitled to demand and receive from the lienholder a
1041 satisfaction of the lien. If the lienholder, upon satisfaction
1042 of the lien and upon demand, fails or refuses to furnish a
1043 satisfaction of the lien within 30 days after demand, he or she
1044 is liable for all costs, damages, and expenses, including
1045 reasonable attorney's fees, lawfully incurred by the titled
1046 owner or person satisfying the lien in any suit brought in this
1047 state for cancellation of the lien. The lienholder receiving
1048 final payment as defined in s. 674.215 shall mail or otherwise
1049 deliver a lien satisfaction and the certificate of title
1050 indicating the satisfaction within 10 working days after receipt
1051 of final payment or notify the person satisfying the lien that
1052 the title is not available within 10 working days after receipt
1053 of final payment. If the lienholder is unable to provide the
1054 certificate of title and notifies the person of such, the
1055 lienholder shall provide a lien satisfaction and is responsible
1056 for the cost of a duplicate title, including expedited title

1057 charges as provided in s. 317.0016. This paragraph does not
 1058 apply to electronic transactions under subsection (8).

1059 (b) Following satisfaction of a lien, the lienholder shall
 1060 enter a satisfaction thereof in the space provided on the face
 1061 of the certificate of title. If the certificate of title was
 1062 retained by the owner, the owner shall, within 5 days after
 1063 satisfaction of the lien, deliver the certificate of title to
 1064 the lienholder and the lienholder shall enter a satisfaction
 1065 thereof in the space provided on the face of the certificate of
 1066 title. If no subsequent liens are shown on the certificate of
 1067 title, the certificate shall be delivered by the lienholder to
 1068 the person satisfying the lien or encumbrance and an executed
 1069 satisfaction on a form provided by the department shall be
 1070 forwarded to the department by the lienholder within 10 days
 1071 after satisfaction of the lien.

1072 (c) If the certificate of title shows a subsequent lien
 1073 not then being discharged, an executed satisfaction of the first
 1074 lien shall be delivered by the lienholder to the person
 1075 satisfying the lien and the certificate of title showing
 1076 satisfaction of the first lien shall be forwarded by the
 1077 lienholder to the department within 10 days after satisfaction
 1078 of the lien.

1079 (d) If, upon receipt of a title certificate showing
 1080 satisfaction of the first lien, the department determines from
 1081 its records that there are no subsequent liens or encumbrances
 1082 upon the vehicle, the department shall forward to the owner, as
 1083 shown on the face of the title, a corrected certificate showing
 1084 no liens or encumbrances. If there is a subsequent lien not

1085 being discharged, the certificate of title shall be reissued
1086 showing the second or subsequent lienholder as the first
1087 lienholder and shall be delivered to either the new first
1088 lienholder or to the owner as indicated in the notice of lien
1089 filed by the new first lienholder. If the certificate of title
1090 is to be retained by the first lienholder on the reissued
1091 certificate, the first lienholder is entitled to retain the
1092 certificate of title except as provided in subsection (4) until
1093 his or her lien is satisfied. Upon satisfaction of the lien, the
1094 lienholder is subject to the procedures required of a first
1095 lienholder by subsection (4) and this subsection.

1096 (6) When the original certificate of title cannot be
1097 returned to the department by the lienholder and evidence
1098 satisfactory to the department is produced that all liens or
1099 encumbrances have been satisfied, upon application by the owner
1100 for a duplicate copy of the certificate upon the form prescribed
1101 by the department, accompanied by the fee prescribed in this
1102 chapter, a duplicate copy of the certificate of title, without
1103 statement of liens or encumbrances, shall be issued by the
1104 department and delivered to the owner.

1105 (7) Any person who fails, within 10 days after receipt of
1106 a demand by the department by certified mail, to return a
1107 certificate of title to the department as required by subsection
1108 (4) or who, upon satisfaction of a lien, fails within 10 days
1109 after receipt of such demand to forward the appropriate document
1110 to the department as required by paragraph (5) (b) or paragraph
1111 (5) (c) commits a misdemeanor of the second degree, punishable as
1112 provided in s. 775.082 or s. 775.083.

1113 (8) Notwithstanding any requirements in this section or in
 1114 s. 319.27 indicating that a lien on a vehicle shall be noted on
 1115 the face of the Florida certificate of title, if there are one
 1116 or more liens or encumbrances on the off-highway vehicle, the
 1117 department may electronically transmit the lien to the first
 1118 lienholder and notify the first lienholder of any additional
 1119 liens. Subsequent lien satisfactions may be electronically
 1120 transmitted to the department and must include the name and
 1121 address of the person or entity satisfying the lien. When
 1122 electronic transmission of liens and lien satisfactions are
 1123 used, the issuance of a certificate of title may be waived until
 1124 the last lien is satisfied and a clear certificate of title is
 1125 issued to the owner of the vehicle.

1126 (9) In sending any notice, the department is required to
 1127 use only the last known address, as shown by its records.

1128 Section 36. Section 317.0015, Florida Statutes, is created
 1129 to read:

1130 317.0015 Application of law.--Sections 319.235, 319.241,
 1131 319.25, 319.27, 319.28, and 319.40 apply to all off-highway
 1132 vehicles that are required to be titled under this chapter.

1133 Section 37. Section 317.0016, Florida Statutes, is created
 1134 to read:

1135 317.0016 Expedited service; applications; fees.--The
 1136 department shall provide, through its agents and for use by the
 1137 public, expedited service on title transfers, title issuances,
 1138 duplicate titles, recordation of liens, and certificates of
 1139 repossession. A fee of \$7 shall be charged for this service,
 1140 which is in addition to the fees imposed by ss. 317.0007 and

1141 317.0008, and \$3.50 of this fee shall be retained by the
 1142 processing agency. All remaining fees shall be deposited in the
 1143 Incidental Trust Fund of the Division of Forestry of the
 1144 Department of Agriculture and Consumer Services. Application for
 1145 expedited service may be made by mail or in person. The
 1146 department shall issue each title applied for pursuant to this
 1147 section within 5 working days after receipt of the application
 1148 except for an application for a duplicate title certificate
 1149 covered by s. 317.0008(3), in which case the title must be
 1150 issued within 5 working days after compliance with the
 1151 department's verification requirements.

1152 Section 38. Section 317.0017, Florida Statutes, is created
 1153 to read:

1154 317.0017 Offenses involving vehicle identification
 1155 numbers, applications, certificates, papers; penalty.--

1156 (1) A person may not:

1157 (a) Alter or forge any certificate of title to an off-
 1158 highway vehicle or any assignment thereof or any cancellation of
 1159 any lien on an off-highway vehicle.

1160 (b) Retain or use such certificate, assignment, or
 1161 cancellation knowing that it has been altered or forged.

1162 (c) Procure or attempt to procure a certificate of title
 1163 to an off-highway vehicle, or pass or attempt to pass a
 1164 certificate of title or any assignment thereof to an off-highway
 1165 vehicle, knowing or having reason to believe that the off-
 1166 highway vehicle has been stolen.

1167 (d) Possess, sell or offer for sale, conceal, or dispose
 1168 of in this state an off-highway vehicle, or major component part

1169 thereof, on which any motor number or vehicle identification
 1170 number affixed by the manufacturer or by a state agency has been
 1171 destroyed, removed, covered, altered, or defaced, with knowledge
 1172 of such destruction, removal, covering, alteration, or
 1173 defacement, except as provided in s. 319.30(4).

1174 (e) Use a false or fictitious name, give a false or
 1175 fictitious address, or make any false statement in any
 1176 application or affidavit required under this chapter or in a
 1177 bill of sale or sworn statement of ownership or otherwise commit
 1178 a fraud in any application.

1179 (2) A person may not knowingly obtain goods, services,
 1180 credit, or money by means of an invalid, duplicate, fictitious,
 1181 forged, counterfeit, stolen, or unlawfully obtained certificate
 1182 of title, registration, bill of sale, or other indicia of
 1183 ownership of an off-highway vehicle.

1184 (3) A person may not knowingly obtain goods, services,
 1185 credit, or money by means of a certificate of title to an off-
 1186 highway vehicle, which certificate is required by law to be
 1187 surrendered to the department.

1188 (4) A person may not knowingly and with intent to defraud
 1189 have in his or her possession, sell, offer to sell, counterfeit,
 1190 or supply a blank, forged, fictitious, counterfeit, stolen, or
 1191 fraudulently or unlawfully obtained certificate of title, bill
 1192 of sale, or other indicia of ownership of an off-highway vehicle
 1193 or conspire to do any of the foregoing.

1194 (5) A person, firm, or corporation may not knowingly
 1195 possess, manufacture, sell or exchange, offer to sell or
 1196 exchange, supply in blank, or give away any counterfeit

1197 manufacturer's or state-assigned identification number plates or
 1198 serial plates or any decal used for the purpose of identifying
 1199 an off-highway vehicle. An officer, agent, or employee of any
 1200 person, firm, or corporation, or any person may not authorize,
 1201 direct, aid in exchange, or give away, or conspire to authorize,
 1202 direct, aid in exchange, or give away, such counterfeit
 1203 manufacturer's or state-assigned identification number plates or
 1204 serial plates or any decal. However, this subsection does not
 1205 apply to any approved replacement manufacturer's or state-
 1206 assigned identification number plates or serial plates or any
 1207 decal issued by the department or any state.

1208 (6) A person who violates any provision of this section
 1209 commits a felony of the third degree, punishable as provided in
 1210 s. 775.082, s. 775.083, or s. 775.084. Any off-highway vehicle
 1211 used in violation of this section constitutes contraband that
 1212 may be seized by a law enforcement agency and that is subject to
 1213 forfeiture proceedings pursuant to ss. 932.701-932.704. This
 1214 section is not exclusive of any other penalties prescribed by
 1215 any existing or future laws for the larceny or unauthorized
 1216 taking of off-highway vehicles, but is supplementary thereto.

1217 Section 39. Section 317.0018, Florida Statutes, is created
 1218 to read:

1219 317.0018 Transfer without delivery of certificate;
 1220 operation or use without certificate; failure to surrender;
 1221 other violations.--Except as otherwise provided in this chapter,
 1222 any person who:

1223 (1) Purports to sell or transfer an off-highway vehicle
 1224 without delivering to the purchaser or transferee of the vehicle

1225 a certificate of title to the vehicle duly assigned to the
 1226 purchaser as provided in this chapter;

1227 (2) Operates or uses in this state an off-highway vehicle
 1228 for which a certificate of title is required without the
 1229 certificate having been obtained in accordance with this
 1230 chapter, or upon which the certificate of title has been
 1231 canceled;

1232 (3) Fails to surrender a certificate of title upon
 1233 cancellation of the certificate by the department and notice
 1234 thereof as prescribed in this chapter;

1235 (4) Fails to surrender the certificate of title to the
 1236 department as provided in this chapter in the case of the
 1237 destruction, dismantling, or change of an off-highway vehicle in
 1238 such respect that it is not the off-highway vehicle described in
 1239 the certificate of title; or

1240 (5) Violates any other provision of this chapter or a
 1241 lawful rule adopted pursuant to this chapter

1242
 1243 shall be fined not more than \$500 or imprisoned for not more
 1244 than 6 months, or both, for each offense, unless otherwise
 1245 specified.

1246 Section 40. Section 318.1215, Florida Statutes, is amended
 1247 to read:

1248 318.1215 Dori Slosberg Driver Education Safety
 1249 Act.--Effective October 1, 2002, notwithstanding the provisions
 1250 of s. 318.121, a board of county commissioners may require, by
 1251 ordinance, that the clerk of the court collect an additional \$3
 1252 with each civil traffic penalty, which shall be used to fund

1253 driver ~~traffie~~ education programs in public and nonpublic
 1254 schools. The ordinance shall provide for the board of county
 1255 commissioners to administer the funds, which shall be used for
 1256 enhancement and not replacement of driver education program
 1257 funds. The funds shall be used for direct educational expenses
 1258 and shall not be used for administration. Each driver education
 1259 program receiving funds pursuant to this section shall require
 1260 that a minimum of 30 percent of a student's time in the program
 1261 shall consist of behind-the-wheel training. This section may be
 1262 cited as the "Dori Slosberg Driver Education Safety Act."

1263 Section 41. Subsections (7), (9), and (10) of section
 1264 318.14, Florida Statutes, are amended to read:

1265 318.14 Noncriminal traffic infractions; exception;
 1266 procedures.--

1267 (7)(a) The official having jurisdiction over the
 1268 infraction shall certify to the department within 10 days after
 1269 payment of the civil penalty that the defendant has admitted to
 1270 the infraction. If the charge results in a hearing, the official
 1271 having jurisdiction shall certify to the department the final
 1272 disposition within 10 days after ~~of~~ the hearing. All
 1273 dispositions returned to the county requiring a correction shall
 1274 be resubmitted to the department within 10 days after the
 1275 notification of the error.

1276 (b) If the official having jurisdiction over the traffic
 1277 infraction submits the final disposition to the department more
 1278 than 180 days after the final hearing or after payment of the
 1279 civil penalty, the department may modify any resulting

1280 suspension or revocation action to begin as if the citation were
1281 reported in a timely manner.

1282 (9) Any person who does not hold a commercial driver's
1283 license and who is cited for an infraction under this section
1284 other than a violation of s. 320.0605, s. 320.07(3)(a) or (b),
1285 s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu
1286 of a court appearance, elect to attend in the location of his or
1287 her choice within this state a basic driver improvement course
1288 approved by the Department of Highway Safety and Motor Vehicles.
1289 In such a case, adjudication must be withheld; points, as
1290 provided by s. 322.27, may not be assessed; and the civil
1291 penalty that is imposed by s. 318.18(3) must be reduced by 18
1292 percent; however, a person may not make an election under this
1293 subsection if the person has made an election under this
1294 subsection in the preceding 12 months. A person may make no more
1295 than five elections under this subsection. The requirement for
1296 community service under s. 318.18(8) is not waived by a plea of
1297 nolo contendere or by the withholding of adjudication of guilt
1298 by a court.

1299 (10)(a) Any person who does not hold a commercial driver's
1300 license and who is cited for an offense listed under this
1301 subsection may, in lieu of payment of fine or court appearance,
1302 elect to enter a plea of nolo contendere and provide proof of
1303 compliance to the clerk of the court or authorized operator of a
1304 traffic violations bureau. In such case, adjudication shall be
1305 withheld; however, no election shall be made under this
1306 subsection if such person has made an election under this
1307 subsection in the 12 months preceding election hereunder. No

1308 person may make more than three elections under this subsection.

1309 This subsection applies to the following offenses:

1310 1. Operating a motor vehicle without a valid driver's
 1311 license in violation of the provisions of s. 322.03, s. 322.065,
 1312 or s. 322.15(1), or operating a motor vehicle with a license
 1313 which has been suspended for failure to appear, failure to pay
 1314 civil penalty, or failure to attend a driver improvement course
 1315 pursuant to s. 322.291.

1316 2. Operating a motor vehicle without a valid registration
 1317 in violation of s. 320.0605, s. 320.07, or s. 320.131.

1318 3. Operating a motor vehicle in violation of s. 316.646.

1319 (b) Any person cited for an offense listed in this
 1320 subsection shall present proof of compliance prior to the
 1321 scheduled court appearance date. For the purposes of this
 1322 subsection, proof of compliance shall consist of a valid,
 1323 renewed, or reinstated driver's license or registration
 1324 certificate and proper proof of maintenance of security as
 1325 required by s. 316.646. Notwithstanding waiver of fine, any
 1326 person establishing proof of compliance shall be assessed court
 1327 costs of \$22, except that a person charged with violation of s.
 1328 316.646(1)-(3) may be assessed court costs of \$7. One dollar of
 1329 such costs shall be remitted to the Department of Revenue for
 1330 deposit into the Child Welfare Training Trust Fund of the
 1331 Department of Children and Family Services. One dollar of such
 1332 costs shall be distributed to the Department of Juvenile Justice
 1333 for deposit into the Juvenile Justice Training Trust Fund.
 1334 Twelve dollars of such costs shall be distributed to the
 1335 municipality and \$8 shall be deposited by the clerk of the court

1336 into the fine and forfeiture fund established pursuant to s.
 1337 142.01, if the offense was committed within the municipality. If
 1338 the offense was committed in an unincorporated area of a county
 1339 or if the citation was for a violation of s. 316.646(1)-(3), the
 1340 entire amount shall be deposited by the clerk of the court into
 1341 the fine and forfeiture fund established pursuant to s. 142.01,
 1342 except for the moneys to be deposited into the Child Welfare
 1343 Training Trust Fund and the Juvenile Justice Training Trust
 1344 Fund. This subsection shall not be construed to authorize the
 1345 operation of a vehicle without a valid driver's license, without
 1346 a valid vehicle tag and registration, or without the maintenance
 1347 of required security.

1348 Section 42. Effective October 1, 2005, subsection (5) of
 1349 section 318.14, Florida Statutes, is amended to read:

1350 318.14 Noncriminal traffic infractions; exception;
 1351 procedures.--

1352 (5) Any person electing to appear before the designated
 1353 official or who is required so to appear shall be deemed to have
 1354 waived his or her right to the civil penalty provisions of s.
 1355 318.18. The official, after a hearing, shall make a
 1356 determination as to whether an infraction has been committed. If
 1357 the commission of an infraction has been proven, the official
 1358 may impose a civil penalty not to exceed \$500, except that in
 1359 cases involving unlawful speed in a school zone or, involving
 1360 unlawful speed in a construction zone, ~~or involving a death~~, the
 1361 civil penalty may not exceed \$1,000; or require attendance at a
 1362 driver improvement school, or both. If the person is required to
 1363 appear before the designated official pursuant to s. 318.19(1)

1364 and is found to have committed the infraction, the designated
1365 official shall impose a civil penalty of \$1,000 in addition to
1366 any other penalties and the person's driver license shall be
1367 suspended for 6 months. If the person is required to appear
1368 before the designated official pursuant to s. 318.19(2) and is
1369 found to have committed the infraction, the designated official
1370 shall impose a civil penalty of \$500 in addition to any other
1371 penalties and the person's driver license shall be suspended for
1372 3 months. If the official determines that no infraction has been
1373 committed, no costs or penalties shall be imposed and any costs
1374 or penalties that have been paid shall be returned. Moneys
1375 received from the mandatory civil penalties imposed pursuant to
1376 this subsection upon persons required to appear before a
1377 designated official pursuant to s. 318.19(1) or (2) shall be
1378 remitted to the Department of Revenue and distributed in the
1379 following manner:

1380 (a) One million dollars annually shall be transferred to
1381 ABATE of Florida, Inc., a 501(c)(4) corporation, for the purpose
1382 of fostering motorcycle safety awareness, education, and
1383 research programs relating to accident prevention. Such funds
1384 shall be subject to annual audit by the department and the
1385 Auditor General.

1386 (b) The remaining funds shall be deposited into the
1387 Highway Safety Operating Trust to be used by the department for
1388 the purpose of fostering safety awareness, education, and
1389 research programs relating to accident prevention.

1390 Section 43. Effective October 1, 2005, subsection (13) is
1391 added to section 318.21, Florida Statutes, to read:

1392 318.21 Disposition of civil penalties by county
 1393 courts.--All civil penalties received by a county court pursuant
 1394 to the provisions of this chapter shall be distributed and paid
 1395 monthly as follows:

1396 (13) Notwithstanding subsections (1) and (2), the proceeds
 1397 from the mandatory civil penalties imposed pursuant to s.
 1398 318.14(5) shall be distributed as provided in that section.

1399 Section 44. Subsection (6) of section 319.23, Florida
 1400 Statutes, is amended to read:

1401 319.23 Application for, and issuance of, certificate of
 1402 title.--

1403 (6) In the case of the sale of a motor vehicle or mobile
 1404 home by a licensed dealer to a general purchaser, the
 1405 certificate of title shall be obtained in the name of the
 1406 purchaser by the dealer upon application signed by the
 1407 purchaser, and in each other case such certificate shall be
 1408 obtained by the purchaser. In each case of transfer of a motor
 1409 vehicle or mobile home, the application for certificate of
 1410 title, or corrected certificate, or assignment or reassignment,
 1411 shall be filed within 30 days from the delivery of such motor
 1412 vehicle or mobile home to the purchaser. An applicant shall be
 1413 required to pay a fee of \$10, in addition to all other fees and
 1414 penalties required by law, for failing to file such application
 1415 within the specified time. When a licensed dealer acquires a
 1416 motor vehicle or mobile home as a trade-in, the dealer must file
 1417 with the department, within 30 days, a notice of sale signed by
 1418 the seller. The department shall update its database for that
 1419 title record to indicate "sold." A licensed dealer need not

1420 apply for a certificate of title for any motor vehicle or mobile
 1421 home in stock acquired for stock purposes except as provided in
 1422 s. 319.225.

1423 Section 45. Subsections (2) and (3) of section 319.27,
 1424 Florida Statutes, are amended to read:

1425 319.27 Notice of lien on motor vehicles or mobile homes;
 1426 notation on certificate; recording of lien.--

1427 (2) No lien for purchase money or as security for a debt
 1428 in the form of a security agreement, retain title contract,
 1429 conditional bill of sale, chattel mortgage, or other similar
 1430 instrument or any other nonpossessory lien, including a lien for
 1431 child support, upon a motor vehicle or mobile home upon which a
 1432 Florida certificate of title has been issued shall be
 1433 enforceable in any of the courts of this state against creditors
 1434 or subsequent purchasers for a valuable consideration and
 1435 without notice, unless a sworn notice of such lien has been
 1436 filed in the department and such lien has been noted upon the
 1437 certificate of title of the motor vehicle or mobile home. Such
 1438 notice shall be effective as constructive notice when filed. No
 1439 interest of a statutory nonpossessory lienor; the interest of a
 1440 nonpossessory execution, attachment, or equitable lienor; or the
 1441 interest of a lien creditor as defined in s. 679.1021(1)(zz) ~~s.~~
 1442 ~~679.301(3)~~, if nonpossessory, shall be enforceable against
 1443 creditors or subsequent purchasers for a valuable consideration
 1444 unless such interest becomes a possessory lien or is noted upon
 1445 the certificate of title for the subject motor vehicle or mobile
 1446 home prior to the occurrence of the subsequent transaction.

1447 Provided the provisions of this subsection relating to a

1448 nonpossessory statutory lienor; a nonpossessory execution,
 1449 attachment, or equitable lienor; or the interest of a lien
 1450 creditor as defined in s. 679.1021(1)(zz) ~~s. 679.301(3)~~ shall
 1451 not apply to liens validly perfected prior to October 1, 1988.
 1452 The notice of lien shall provide the following information:

1453 (a) The date of the lien if a security agreement, retain
 1454 title contract, conditional bill of sale, chattel mortgage, or
 1455 other similar instrument was executed prior to the filing of the
 1456 notice of lien;

1457 (b) The name and address of the registered owner;

1458 (c) A description of the motor vehicle or mobile home,
 1459 showing the make, type, and vehicle identification number; and

1460 (d) The name and address of the lienholder.

1461 (3)(a) A person may file a notice of lien with regard to a
 1462 motor vehicle or mobile home before a security agreement, retain
 1463 title contract, conditional bill of sale, chattel mortgage, or
 1464 other similar instrument is executed granting a lien, mortgage,
 1465 or encumbrance on, or a security interest in, such motor vehicle
 1466 or mobile home.

1467 (b) As applied to a determination of the respective rights
 1468 of a secured party under this chapter and a lien creditor as
 1469 defined by s. 679.1021(1)(zz) ~~s. 679.301(3)~~, or a nonpossessory
 1470 statutory lienor, a security interest under this chapter shall
 1471 be perfected upon the filing of the notice of lien with the
 1472 department, the county tax collector, or their agents. Provided,
 1473 however, the date of perfection of a security interest of such
 1474 secured party shall be the same date as the execution of the
 1475 security agreement or other similar instrument if the notice of

1476 lien is filed in accordance with this subsection within 15 days
1477 after the debtor receives possession of the motor vehicle or
1478 mobile home and executes such security agreement or other
1479 similar instrument. The date of filing of the notice of lien
1480 shall be the date of its receipt by the department central
1481 office in Tallahassee, if first filed there, or otherwise by the
1482 office of the county tax collector, or their agents.

1483 Section 46. Subsection (19) is added to section 320.02,
1484 Florida Statutes, to read:

1485 320.02 Registration required; application for
1486 registration; forms; withholding of registration.--

1487 (19) The department is authorized to withhold registration
1488 or renewal of registration of any motor vehicle if the name of
1489 the owner or one of the coowners appears on a list that was
1490 submitted to the department by a licensed motor vehicle dealer
1491 showing that money is owed to the dealer for fees for a previous
1492 registration. The motor vehicle dealer must maintain signed
1493 evidence that the owner or coowner acknowledged the dealer's
1494 authority to submit the list to the department if the owner or
1495 coowner failed to pay and must note the amount the owner or
1496 coowner would be responsible to pay for the vehicle
1497 registration. The dealer must maintain the necessary
1498 documentation required in this subsection or face penalties as
1499 provided in s. 320.27. This subsection does not affect the
1500 issuance of a title to a motor vehicle.

1501 (a) If the motor vehicle owner or coowner has documentary
1502 proof that the registration fees have been paid to the dealer
1503 for the disputed amount, the motor vehicle owner or coowner may

1504 dispute the claim that money is owed to a dealer for
 1505 registration fees by submitting a form to the department.
 1506 Without clear evidence of the amounts owed for the vehicle
 1507 registration and repayment, the department will assume initial
 1508 payments are applied to government-assessed fees first.

1509 (b) If the motor vehicle owner's or coowner's dispute
 1510 complies with paragraph (a), the department shall immediately
 1511 remove the motor vehicle owner's or coowner's name from the
 1512 list, thereby allowing the issuance of a license plate or
 1513 revalidation sticker.

1514 Section 47. Paragraph (b) of subsection (1) of section
 1515 320.06, Florida Statutes, is amended to read:

1516 320.06 Registration certificates, license plates, and
 1517 validation stickers generally.--

1518 (1)

1519 (b) Registration license plates bearing a graphic symbol
 1520 and the alphanumeric system of identification shall be issued
 1521 for a 5-year period. At the end of said 5-year period, upon
 1522 renewal, the plate shall be replaced. The fee for such
 1523 replacement shall be \$10, \$2 of which shall be paid each year
 1524 before the plate is replaced, to be credited towards the next
 1525 \$10 replacement fee. The fees shall be deposited into the
 1526 Highway Safety Operating Trust Fund. A credit or refund shall
 1527 not be given for any prior years' payments of such prorated
 1528 replacement fee when the plate is replaced or surrendered before
 1529 the end of the 5-year period, except that a credit may be given
 1530 when a registrant is required by the department to replace a
 1531 license plate under s. 320.08056(8)(a). With each license plate,

1532 | there shall be issued a validation sticker showing the owner's
 1533 | birth month, license plate number, and the year of expiration or
 1534 | the appropriate renewal period if the owner is not a natural
 1535 | person. The validation sticker is to be placed on the upper
 1536 | right corner of the license plate. Such license plate and
 1537 | validation sticker shall be issued based on the applicant's
 1538 | appropriate renewal period. The registration period shall be a
 1539 | period of 12 months, and all expirations shall occur based on
 1540 | the applicant's appropriate registration period. A vehicle with
 1541 | an apportioned registration shall be issued an annual license
 1542 | plate and a cab card that denote the declared gross vehicle
 1543 | weight for each apportioned jurisdiction in which the vehicle is
 1544 | authorized to operate.

1545 | Section 48. Section 320.0601, Florida Statutes, is amended
 1546 | to read:

1547 | 320.0601 Lease and rental car companies; identification of
 1548 | vehicles as for-hire.--

1549 | (1) A rental car company may not rent in this state any
 1550 | for-hire vehicle, other than vehicles designed to transport
 1551 | cargo, that has affixed to its exterior any bumper stickers,
 1552 | insignias, or advertising that identifies the vehicle as a
 1553 | rental vehicle.

1554 | (2) As used in this section, the term:

1555 | (a) "Bumper stickers, insignias, or advertising" does not
 1556 | include:

1557 | 1. Any emblem of no more than two colors which is less
 1558 | than 2 inches by 4 inches, which is placed on the rental car for

1559 | inventory purposes only, and which does not display the name or
 1560 | logo of the rental car company; or

1561 | 2. Any license required by the law of the state in which
 1562 | the vehicle is registered.

1563 | (b) "Rent in this state" means to sign a rental contract
 1564 | in this state or to deliver a car to a renter in this state.

1565 | (3) A rental car company that leases a motor vehicle that
 1566 | is found to be in violation of this section shall be punished by
 1567 | a fine of \$500 per occurrence.

1568 | (4) Any registration or renewal as required under s.
 1569 | 320.02 for an original or transfer of a long-term leased motor
 1570 | vehicle must be in the name and address of the lessee.

1571 | Section 49. Section 320.0605, Florida Statutes, is amended
 1572 | to read:

1573 | 320.0605 Certificate of registration; possession required;
 1574 | exception.--The registration certificate or an official copy
 1575 | thereof, a true copy of a rental or lease agreement issued for a
 1576 | motor vehicle or issued for a replacement vehicle in the same
 1577 | registration period, a temporary receipt printed upon self-
 1578 | initiated electronic renewal of a registration via the Internet,
 1579 | or a cab card issued for a vehicle registered under the
 1580 | International Registration Plan shall, at all times while the
 1581 | vehicle is being used or operated on the roads of this state, be
 1582 | in the possession of the operator thereof or be carried in the
 1583 | vehicle for which issued and shall be exhibited upon demand of
 1584 | any authorized law enforcement officer or any agent of the
 1585 | department, except for a vehicle registered under s. 320.0657.

1586 | The provisions of this section do not apply during the first 30

1587 days after purchase of a replacement vehicle. A violation of
 1588 this section is a noncriminal traffic infraction, punishable as
 1589 a nonmoving violation as provided in chapter 318.

1590 Section 50. Paragraph (b) of subsection (33) and paragraph
 1591 (c) of subsection (56) of section 320.08058, Florida Statutes,
 1592 are amended to read:

1593 320.08058 Specialty license plates.--

1594 (33) UNITED WE STAND LICENSE PLATES.--

1595 (b) The department shall retain all revenues from the sale
 1596 of such plates until all startup costs for developing and
 1597 issuing the plates have been recovered. Thereafter, ~~50 percent~~
 1598 ~~of the annual use fee shall be distributed to the Department of~~
 1599 ~~Transportation to fund a grant program to enhance security at~~
 1600 ~~airports throughout the state and 50 percent of such fees shall~~
 1601 ~~be distributed to the Rewards for Justice Fund, to be~~
 1602 ~~contributed to the United States State Department's Rewards for~~
 1603 ~~Justice program and used solely to apprehend terrorists and~~
 1604 ~~bring them to justice.~~

1605 (56) ANIMAL FRIEND LICENSE PLATES.--

1606 (c) After the department has recovered all startup costs
 1607 for developing and issuing the plates, the annual use fees shall
 1608 be distributed to Florida Animal Friend, Inc. ~~the Humane Society~~
 1609 ~~of the United States for animal welfare programs and spay and~~
 1610 ~~neuter programs in the state.~~

1611 Section 51. Section 320.0843, Florida Statutes, is amended
 1612 to read:

1613 320.0843 License plates for persons with disabilities
 1614 eligible for permanent disabled parking permits.--

1615 (1) Any owner or lessee of a motor vehicle who resides in
 1616 this state and qualifies for a disabled parking permit under s.
 1617 320.0848(2), upon application to the department and payment of
 1618 the license tax for a motor vehicle registered under s.
 1619 320.08(2), (3)(a), (b), (c), or (e), (4)(a) or (b), (6)(a), or
 1620 (9)(c) or (d), shall be issued a license plate as provided by s.
 1621 320.06 which, in lieu of the serial number prescribed by s.
 1622 320.06, shall be stamped with the international wheelchair user
 1623 symbol after the serial number of the license plate. The license
 1624 plate entitles the person to all privileges afforded by a
 1625 parking permit issued under s. 320.0848. When more that one
 1626 registrant is listed on the registration issued under this
 1627 section, the eligible applicant shall be noted on the
 1628 registration certificate.

1629 (2) All applications for such license plates must be made
 1630 to the department.

1631 Section 52. Paragraph (a) of subsection (1) of section
 1632 320.089, Florida Statutes, is amended to read:

1633 320.089 Members of National Guard and ~~active~~ United States
 1634 Armed Forces reservists; former prisoners of war; survivors of
 1635 Pearl Harbor; Purple Heart medal recipients; special license
 1636 plates; fee.--

1637 (1)(a) Each owner or lessee of an automobile or truck for
 1638 private use or recreational vehicle as specified in s.
 1639 320.08(9)(c) or (d), which is not used for hire or commercial
 1640 use, who is a resident of the state and an active or retired
 1641 member of the Florida National Guard, a survivor of the attack
 1642 on Pearl Harbor, a recipient of the Purple Heart medal, or an

1643 active or retired member of any branch of the United States
 1644 Armed Forces Reserve shall, upon application to the department,
 1645 accompanied by proof of active membership or retired status in
 1646 the Florida National Guard, proof of membership in the Pearl
 1647 Harbor Survivors Association or proof of active military duty in
 1648 Pearl Harbor on December 7, 1941, proof of being a Purple Heart
 1649 medal recipient, or proof of active or retired membership in any
 1650 branch of the Armed Forces Reserve, and upon payment of the
 1651 license tax for the vehicle as provided in s. 320.08, be issued
 1652 a license plate as provided by s. 320.06, upon which, in lieu of
 1653 the serial numbers prescribed by s. 320.06, shall be stamped the
 1654 words "National Guard," "Pearl Harbor Survivor," "Combat-wounded
 1655 veteran," or "U.S. Reserve," as appropriate, followed by the
 1656 serial number of the license plate. Additionally, the Purple
 1657 Heart plate may have the words "Purple Heart" stamped on the
 1658 plate and the likeness of the Purple Heart medal appearing on
 1659 the plate.

1660 Section 53. Subsection (8) is added to section 320.131,
 1661 Florida Statutes, to read:

1662 320.131 Temporary tags.--

1663 (8) The department may administer an electronic system for
 1664 licensed motor vehicle dealers to use in issuing temporary
 1665 license plates. Upon issuing a temporary license plate, the
 1666 dealer shall access the electronic system and enter the
 1667 appropriate vehicle and owner information within the timeframe
 1668 specified by department rule. If a dealer fails to comply with
 1669 the department's requirements for issuing temporary license
 1670 plates using the electronic system, the department may deny,

1671 suspend, or revoke a license under s. 320.27(9)(b)16. upon proof
 1672 that the licensee has failed to comply with the department's
 1673 requirements. The department may adopt rules pursuant to ss.
 1674 120.536(1) and 120.54 to administer the provisions of this
 1675 subsection.

1676 Section 54. Subsection (1) of section 320.18, Florida
 1677 Statutes, is amended to read:

1678 320.18 Withholding registration.--

1679 (1) The department may withhold the registration of any
 1680 motor vehicle or mobile home the owner of which has failed to
 1681 register it under the provisions of law for any previous period
 1682 or periods for which it appears registration should have been
 1683 made in this state, until the tax for such period or periods is
 1684 paid. The department may cancel any vehicle or vessel
 1685 registration, driver's license, identification card, ~~license~~
 1686 plate or fuel-use tax decal if the owner pays for the vehicle or
 1687 vessel registration, driver's license, identification card, or
 1688 ~~license plate,~~ fuel-use tax decal; pays any administrative,
 1689 ~~delinquency, or reinstatement fee;~~ or pays any tax liability,
 1690 penalty, or interest specified in chapter 207 by a dishonored
 1691 check, or if the vehicle owner or motor carrier has failed to
 1692 pay a penalty for a weight or safety violation issued by the
 1693 Department of Transportation Motor Carrier Compliance Office.
 1694 The Department of Transportation and the Department of Highway
 1695 Safety and Motor Vehicles may impound any commercial motor
 1696 vehicle that has a canceled license plate or fuel-use tax decal
 1697 until the tax liability, penalty, and interest specified in
 1698 chapter 207, the license tax, or the fuel-use decal fee, and

1699 applicable administrative fees have been paid for by certified
 1700 funds.

1701 Section 55. Paragraph (a) of subsection (4), subsection
 1702 (6), and paragraph (b) of subsection (9) of section 320.27,
 1703 Florida Statutes, are amended to read:

1704 320.27 Motor vehicle dealers.--

1705 (4) LICENSE CERTIFICATE.--

1706 (a) A license certificate shall be issued by the
 1707 department in accordance with such application when the
 1708 application is regular in form and in compliance with the
 1709 provisions of this section. The license certificate may be in
 1710 the form of a document or a computerized card as determined by
 1711 the department. The actual cost of each original, additional, or
 1712 replacement computerized card shall be borne by the licensee and
 1713 is in addition to the fee for licensure. Such license, when so
 1714 issued, entitles the licensee to carry on and conduct the
 1715 business of a motor vehicle dealer. Each license issued to a
 1716 franchise motor vehicle dealer expires annually on December 31
 1717 unless revoked or suspended prior to that date. Each license
 1718 issued to an independent or wholesale dealer or auction expires
 1719 annually on April 30 unless revoked or suspended prior to that
 1720 date. Not less than 60 days prior to the license expiration
 1721 date, the department shall deliver or mail to each licensee the
 1722 necessary renewal forms. Each independent dealer shall certify
 1723 that the dealer principal (owner, partner, officer of the
 1724 corporation, or director) has completed 8 hours of continuing
 1725 education prior to filing the renewal forms with the department.
 1726 Such certification shall be filed once every 2 years commencing

1727 with the 2006 renewal period. The continuing education shall
1728 include at least 2 hours of legal or legislative issues, 1 hour
1729 of department issues, and 5 hours of relevant motor vehicle
1730 industry topics. Continuing education shall be provided by
1731 dealer schools licensed under paragraph (b) either in a
1732 classroom setting or by correspondence. Such schools shall
1733 provide certificates of completion to the department and the
1734 customer which shall be filed with the license renewal form, and
1735 such schools may charge a fee for providing continuing
1736 education. Any licensee who does not file his or her application
1737 and fees and any other requisite documents, as required by law,
1738 with the department at least 30 days prior to the license
1739 expiration date shall cease to engage in business as a motor
1740 vehicle dealer on the license expiration date. A renewal filed
1741 with the department within 45 days after the expiration date
1742 shall be accompanied by a delinquent fee of \$100. Thereafter, a
1743 new application is required, accompanied by the initial license
1744 fee. A license certificate duly issued by the department may be
1745 modified by endorsement to show a change in the name of the
1746 licensee, provided, as shown by affidavit of the licensee, the
1747 majority ownership interest of the licensee has not changed or
1748 the name of the person appearing as franchisee on the sales and
1749 service agreement has not changed. Modification of a license
1750 certificate to show any name change as herein provided shall not
1751 require initial licensure or reissuance of dealer tags; however,
1752 any dealer obtaining a name change shall transact all business
1753 in and be properly identified by that name. All documents
1754 relative to licensure shall reflect the new name. In the case of

1755 a franchise dealer, the name change shall be approved by the
1756 manufacturer, distributor, or importer. A licensee applying for
1757 a name change endorsement shall pay a fee of \$25 which fee shall
1758 apply to the change in the name of a main location and all
1759 additional locations licensed under the provisions of subsection
1760 (5). Each initial license application received by the department
1761 shall be accompanied by verification that, within the preceding
1762 6 months, the applicant, or one or more of his or her designated
1763 employees, has attended a training and information seminar
1764 conducted by a licensed motor vehicle dealer training school ~~the~~
1765 ~~department~~. Such seminar shall include, but is not limited to,
1766 statutory dealer requirements, which requirements include
1767 required bookkeeping and recordkeeping procedures, requirements
1768 for the collection of sales and use taxes, and such other
1769 information that in the opinion of the department will promote
1770 good business practices. No seminar may exceed 8 hours in
1771 length.

1772 (6) RECORDS TO BE KEPT BY LICENSEE.--Every licensee shall
1773 keep a book or record in such form as shall be prescribed or
1774 approved by the department for a period of 5 years, in which the
1775 licensee shall keep a record of the purchase, sale, or exchange,
1776 or receipt for the purpose of sale, of any motor vehicle, the
1777 date upon which any temporary tag was issued, the date of title
1778 transfer, and a description of such motor vehicle together with
1779 the name and address of the seller, the purchaser, and the
1780 alleged owner or other person from whom such motor vehicle was
1781 purchased or received or to whom it was sold or delivered, as
1782 the case may be. Such description shall include the

1783 identification or engine number, maker's number, if any, chassis
 1784 number, if any, and such other numbers or identification marks
 1785 as may be thereon and shall also include a statement that a
 1786 number has been obliterated, defaced, or changed, if such is the
 1787 fact.

1788 (9) DENIAL, SUSPENSION, OR REVOCATION.--

1789 (b) The department may deny, suspend, or revoke any
 1790 license issued hereunder or under the provisions of s. 320.77 or
 1791 s. 320.771 upon proof that a licensee has committed, with
 1792 sufficient frequency so as to establish a pattern of wrongdoing
 1793 on the part of a licensee, violations of one or more of the
 1794 following activities:

1795 1. Representation that a demonstrator is a new motor
 1796 vehicle, or the attempt to sell or the sale of a demonstrator as
 1797 a new motor vehicle without written notice to the purchaser that
 1798 the vehicle is a demonstrator. For the purposes of this section,
 1799 a "demonstrator," a "new motor vehicle," and a "used motor
 1800 vehicle" shall be defined as under s. 320.60.

1801 2. Unjustifiable refusal to comply with a licensee's
 1802 responsibility under the terms of the new motor vehicle warranty
 1803 issued by its respective manufacturer, distributor, or importer.
 1804 However, if such refusal is at the direction of the
 1805 manufacturer, distributor, or importer, such refusal shall not
 1806 be a ground under this section.

1807 3. Misrepresentation or false, deceptive, or misleading
 1808 statements with regard to the sale or financing of motor
 1809 vehicles which any motor vehicle dealer has, or causes to have,
 1810 advertised, printed, displayed, published, distributed,

1811 broadcast, televised, or made in any manner with regard to the
 1812 sale or financing of motor vehicles.

1813 4. Failure by any motor vehicle dealer to provide a
 1814 customer or purchaser with an odometer disclosure statement and
 1815 a copy of any bona fide written, executed sales contract or
 1816 agreement of purchase connected with the purchase of the motor
 1817 vehicle purchased by the customer or purchaser.

1818 5. Failure of any motor vehicle dealer to comply with the
 1819 terms of any bona fide written, executed agreement, pursuant to
 1820 the sale of a motor vehicle.

1821 6. Failure to apply for transfer of a title as prescribed
 1822 in s. 319.23(6).

1823 7. Use of the dealer license identification number by any
 1824 person other than the licensed dealer or his or her designee.

1825 8. Failure to continually meet the requirements of the
 1826 licensure law.

1827 9. Representation to a customer or any advertisement to
 1828 the public representing or suggesting that a motor vehicle is a
 1829 new motor vehicle if such vehicle lawfully cannot be titled in
 1830 the name of the customer or other member of the public by the
 1831 seller using a manufacturer's statement of origin as permitted
 1832 in s. 319.23(1).

1833 10. Requirement by any motor vehicle dealer that a
 1834 customer or purchaser accept equipment on his or her motor
 1835 vehicle which was not ordered by the customer or purchaser.

1836 11. Requirement by any motor vehicle dealer that any
 1837 customer or purchaser finance a motor vehicle with a specific
 1838 financial institution or company.

1839 12. Requirement by any motor vehicle dealer that the
 1840 purchaser of a motor vehicle contract with the dealer for
 1841 physical damage insurance.

1842 13. Perpetration of a fraud upon any person as a result of
 1843 dealing in motor vehicles, including, without limitation, the
 1844 misrepresentation to any person by the licensee of the
 1845 licensee's relationship to any manufacturer, importer, or
 1846 distributor.

1847 14. Violation of any of the provisions of s. 319.35 by any
 1848 motor vehicle dealer.

1849 15. Sale by a motor vehicle dealer of a vehicle offered in
 1850 trade by a customer prior to consummation of the sale, exchange,
 1851 or transfer of a newly acquired vehicle to the customer, unless
 1852 the customer provides written authorization for the sale of the
 1853 trade-in vehicle prior to delivery of the newly acquired
 1854 vehicle.

1855 16. Willful failure to comply with any administrative rule
 1856 adopted by the department or the provisions of s. 320.131(8).

1857 17. Violation of chapter 319, this chapter, or ss.
 1858 559.901-559.9221, which has to do with dealing in or repairing
 1859 motor vehicles or mobile homes. Additionally, in the case of
 1860 used motor vehicles, the willful violation of the federal law
 1861 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
 1862 the consumer sales window form.

1863 18. Failure to maintain evidence of notification to the
 1864 owner or coowner of a vehicle regarding registration or titling
 1865 fees owed as required under s. 320.02(19).

1866 Section 56. Subsection (15) of section 320.77, Florida
 1867 Statutes, is amended to read:

1868 320.77 License required of mobile home dealers.--

1869 (15) SURETY BOND, CASH BOND, OR IRREVOCABLE LETTER OF
 1870 CREDIT REQUIRED.--

1871 (a) Before any license shall be issued or renewed, the
 1872 applicant or licensee shall deliver to the department a good and
 1873 sufficient surety bond, cash bond, or irrevocable letter of
 1874 credit, executed by the applicant or licensee as principal ~~and~~
 1875 ~~by a surety company qualified to do business in the state as~~
 1876 ~~surety~~. The bond or irrevocable letter of credit shall be in a
 1877 form to be approved by the department and shall be conditioned
 1878 upon the dealer's complying with the conditions of any written
 1879 contract made by the dealer in connection with the sale,
 1880 exchange, or improvement of any mobile home and his or her not
 1881 violating any of the provisions of chapter 319 or this chapter
 1882 in the conduct of the business for which the dealer is licensed.
 1883 The bond or irrevocable letter of credit shall be to the
 1884 department and in favor of any retail customer who shall suffer
 1885 any loss as a result of any violation of the conditions
 1886 ~~hereinabove~~ contained in this section. The bond or irrevocable
 1887 letter of credit shall be for the license period, and a new bond
 1888 or irrevocable letter of credit or a proper continuation
 1889 certificate shall be delivered to the department at the
 1890 beginning of each license period. However, the aggregate
 1891 liability of the surety in any one license year shall in no
 1892 event exceed the sum of such bond, or, in the case of a letter
 1893 of credit, the aggregate liability of the issuing bank shall not

1894 exceed the sum of the credit. The amount of the bond required
 1895 shall be as follows:

1896 1. A single dealer who buys, sells, or deals in mobile
 1897 homes and who has four or fewer supplemental licenses shall
 1898 provide a surety bond, cash bond, or irrevocable letter of
 1899 credit executed by the dealer applicant or licensee in the
 1900 amount of \$25,000.

1901 2. A single dealer who buys, sells, or deals in mobile
 1902 homes and who has more than four supplemental licenses shall
 1903 provide a surety bond, cash bond, or irrevocable letter of
 1904 credit executed by the dealer applicant or licensee in the
 1905 amount of \$50,000.

1906
 1907 For the purposes of this paragraph, any person who buys, sells,
 1908 or deals in both mobile homes and recreational vehicles shall
 1909 provide the same surety bond required of dealers who buy, sell,
 1910 or deal in mobile homes only.

1911 (b) Surety bonds shall be executed by a surety company
 1912 authorized to do business in the state as surety, and
 1913 irrevocable letters of credit shall be issued by a bank
 1914 authorized to do business in the state as a bank.

1915 (c) Irrevocable letters of credit shall be engaged by a
 1916 bank as an agreement to honor demands for payment as specified
 1917 in this section.

1918 (d) ~~(b)~~ The department shall, upon denial, suspension, or
 1919 revocation of any license, notify the surety company of the
 1920 licensee, or bank issuing an irrevocable letter of credit for
 1921 the licensee, in writing, that the license has been denied,

1922 | suspended, or revoked and shall state the reason for such
 1923 | denial, suspension, or revocation.

1924 | (e)~~(e)~~ Any surety company which pays any claim against the
 1925 | bond of any licensee or any bank which honors a demand for
 1926 | payment as a condition specified in a letter of credit of a
 1927 | licensee shall notify the department, in writing, that ~~it has~~
 1928 | ~~paid~~ such action has been taken a claim and shall state the
 1929 | amount of the claim or payment.

1930 | (f)~~(d)~~ Any surety company which cancels the bond of any
 1931 | licensee or any bank which cancels an irrevocable letter of
 1932 | credit shall notify the department, in writing, of such
 1933 | cancellation, giving reason for the cancellation.

1934 | Section 57. (1) There is created the Manufactured Housing
 1935 | Regulatory Study Commission. The study commission shall be
 1936 | composed of 11 members who shall be appointed as follows:

1937 | (a) Four members appointed by the Florida Manufactured
 1938 | Housing Association, one member representing publicly owned
 1939 | manufacturers of manufactured housing, one member representing
 1940 | privately owned manufacturers of manufactured housing, and two
 1941 | members who are retail sellers of manufactured housing, one of
 1942 | whom must also sell residential manufactured buildings approved
 1943 | by the Department of Community Affairs.

1944 | (b) Two members from the Senate, appointed by the
 1945 | President of the Senate.

1946 | (c) Two members from the House of Representatives,
 1947 | appointed by the Speaker of the House of Representatives.

1948 | (d) The secretary of the Department of Community Affairs
 1949 | or the secretary's designee.

1950 (e) The executive director of the Department of Highway
 1951 Safety and Motor Vehicles or the director's designee.

1952 (f) The commissioner of the Department of Agriculture and
 1953 Consumer Services or the commissioner's designee.

1954
 1955 The commission members representing the departments of Community
 1956 Affairs, Highway Safety and Motor Vehicles, and Agriculture and
 1957 Consumer Services shall serve as ex officio, nonvoting members
 1958 of the study commission.

1959 (2) The study commission shall review the programs
 1960 regulating manufactured and mobile homes which are currently
 1961 located at the Department of Highway Safety and Motor Vehicles
 1962 and must include a review of the following programs and
 1963 activities:

1964 (a) The federal construction and inspection programs.

1965 (b) The installation program, including the regulation and
 1966 inspection functions.

1967 (c) The Mobile Home and Recreational Vehicle Protection
 1968 Trust Fund.

1969 (d) The licensing of manufacturers, retailers, and
 1970 installers of manufactured and mobile homes.

1971 (e) The titling of manufactured and mobile homes.

1972 (f) Dispute resolution.

1973
 1974 During the course of the study, the study commission must review
 1975 the sources funding the programs to determine if the
 1976 manufactured and mobile home programs are or can be self-
 1977 sustaining. The study commission shall also consider the impact

1978 changes in regulation may have on the industry and its
 1979 consumers.

1980 (3) The study commission shall be administratively
 1981 supported by the staff of the transportation committees of the
 1982 Senate and the House of Representatives.

1983 (4) (a) The study commission must hold its initial meeting
 1984 no later than August 15, 2005, in Tallahassee. Staff of the
 1985 commission shall schedule and organize the initial meeting.
 1986 Subsequent meetings of the study commission must be held in
 1987 Tallahassee according to a schedule developed by the chair.

1988 (b) At the initial meeting, the study commission shall
 1989 elect a chair from one of the elected official members.

1990 (5) The study commission must submit a final report
 1991 setting forth its findings and recommendations to the Governor,
 1992 the President of the Senate, and the Speaker of the House of
 1993 Representatives on or before January 1, 2006.

1994 (6) Members of the study commission shall serve without
 1995 compensation but are entitled to be reimbursed for per diem and
 1996 travel expenses under section 112.061, Florida Statutes.

1997 (7) The study commission terminates after submitting its
 1998 final report but not later than February 15, 2006.

1999 Section 58. Subsections (8), (10), and (29) of section
 2000 322.01, Florida Statutes, are amended to read:

2001 322.01 Definitions.--As used in this chapter:

2002 (8) "Commercial motor vehicle" means any motor vehicle or
 2003 motor vehicle combination used on the streets or highways,
 2004 which:

2005 (a) Has a gross vehicle weight rating of 26,001 pounds or
 2006 more;

2007 ~~(b) Has a declared weight of 26,001 pounds or more;~~

2008 ~~(c) Has an actual weight of 26,001 pounds or more;~~

2009 (b) ~~(d)~~ Is designed to transport more than 15 persons,
 2010 including the driver; or

2011 (c) ~~(e)~~ Is transporting hazardous materials and is required
 2012 to be placarded in accordance with Title 49 C.F.R. part 172,
 2013 subpart F.

2014 (10) (a) "Conviction" means a conviction of an offense
 2015 relating to the operation of motor vehicles on highways which is
 2016 a violation of this chapter or any other such law of this state
 2017 or any other state, including an admission or determination of a
 2018 noncriminal traffic infraction pursuant to s. 318.14, or a
 2019 judicial disposition of an offense committed under any federal
 2020 law substantially conforming to the aforesaid state statutory
 2021 provisions.

2022 (b) Notwithstanding any other provisions of this chapter,
 2023 the definition of "conviction" provided in 49 C.F.R. part 383.5
 2024 applies to offenses committed in a commercial motor vehicle.

2025 (29) "Out-of-service order" means a prohibition issued by
 2026 an authorized local, state, or Federal Government official which
 2027 ~~that~~ precludes a person from driving a commercial motor vehicle
 2028 for a period of 72 hours or less.

2029 Section 59. Subsections (4) and (10) of section 322.05,
 2030 Florida Statutes, are amended to read:

2031 322.05 Persons not to be licensed.--The department may not
 2032 issue a license:

2033 (4) Except as provided by this subsection, to any person,
 2034 as a Class A licensee, Class B licensee, or Class C licensee, ~~or~~
 2035 ~~Class D licensee,~~ who is under the age of 18 years. ~~A person age~~
 2036 ~~16 or 17 years who applies for a Class D driver's license is~~
 2037 ~~subject to all the requirements and provisions of paragraphs~~
 2038 ~~(2) (a) and (b) and ss. 322.09 and 322.16(2) and (3). The~~
 2039 ~~department may require of any such applicant for a Class D~~
 2040 ~~driver's license such examination of the qualifications of the~~
 2041 ~~applicant as the department considers proper, and the department~~
 2042 ~~may limit the use of any license granted as it considers proper.~~

2043 (10) To any person, when the department has good cause to
 2044 believe that the operation of a motor vehicle on the highways by
 2045 such person would be detrimental to public safety or welfare.
 2046 Deafness alone shall not prevent the person afflicted from being
 2047 issued a ~~Class D or~~ Class E driver's license.

2048 Section 60. Paragraph (a) of subsection (1) and paragraphs
 2049 (b) and (c) of subsection (2) of section 322.051, Florida
 2050 Statutes, are amended, and subsection (8) is added to that
 2051 section, to read:

2052 322.051 Identification cards.--

2053 (1) Any person who is 12 years of age or older, or any
 2054 person who has a disability, regardless of age, who applies for
 2055 a disabled parking permit under s. 320.0848, may be issued an
 2056 identification card by the department upon completion of an
 2057 application and payment of an application fee.

2058 (a) Each such application shall include the following
 2059 information regarding the applicant:

2060 1. Full name (first, middle or maiden, and last), gender,
 2061 social security card number, county of residence and mailing
 2062 address, country of birth, and a brief description.

2063 2. Proof of birth date satisfactory to the department.

2064 3. Proof of identity satisfactory to the department. Such
 2065 proof must include one of the following documents issued to the
 2066 applicant:

2067 a. A driver's license record or identification card record
 2068 from another jurisdiction that required the applicant to submit
 2069 a document for identification which is substantially similar to
 2070 a document required under sub-subparagraph b., sub-subparagraph
 2071 c., sub-subparagraph d., sub-subparagraph e., ~~or~~ sub-
 2072 subparagraph f., or sub-subparagraph g.;

2073 b. A certified copy of a United States birth certificate;

2074 c. A ~~valid~~ United States passport;

2075 d. A naturalization certificate issued by the United
 2076 States Department of Homeland Security;

2077 ~~e.d.~~ An alien registration receipt card (green card);

2078 f.e. An employment authorization card issued by the United
 2079 States Department of Homeland Security; or

2080 g.f. Proof of nonimmigrant classification provided by the
 2081 United States Department of Homeland Security, for an original
 2082 identification card. In order to prove such nonimmigrant
 2083 classification, applicants may produce but are not limited to
 2084 the following documents:

2085 (I) A notice of hearing from an immigration court
 2086 scheduling a hearing on any proceeding.

2087 (II) A notice from the Board of Immigration Appeals
 2088 acknowledging pendency of an appeal.

2089 (III) Notice of the approval of an application for
 2090 adjustment of status issued by the United States Bureau of
 2091 Citizenship and Immigration Services.

2092 (IV) Any official documentation confirming the filing of a
 2093 petition for asylum status or any other relief issued by the
 2094 United States Bureau of Citizenship and Immigration Services.

2095 (V) Notice of action transferring any pending matter from
 2096 another jurisdiction to Florida, issued by the United States
 2097 Bureau of Citizenship and Immigration Services.

2098 (VI) Order of an immigration judge or immigration officer
 2099 granting any relief that authorizes the alien to live and work
 2100 in the United States including, but not limited to asylum.

2101

2102 Presentation of any of the ~~foregoing~~ documents described in sub-
 2103 subparagraph f. or sub-subparagraph g. entitles ~~shall entitle~~
 2104 the applicant to an identification card ~~a driver's license or~~
 2105 ~~temporary permit~~ for a period not to exceed the expiration date
 2106 of the document presented or 2 years, whichever first occurs.

2107 (2)

2108 (b) Notwithstanding any other provision of this chapter,
 2109 if an applicant establishes his or her identity for an
 2110 identification card using a document authorized under sub-
 2111 subparagraph (1)(a)3.e. ~~(1)(a)3.d.~~, the identification card
 2112 shall expire on the fourth birthday of the applicant following
 2113 the date of original issue or upon first renewal or duplicate
 2114 issued after implementation of this section. After an initial

2115 showing of such documentation, he or she is exempted from having
2116 to renew or obtain a duplicate in person.

2117 (c) Notwithstanding any other provisions of this chapter,
2118 if an applicant establishes his or her identity for an
2119 identification card using an identification document authorized
2120 under sub-subparagraph (1)(a)3.f. or sub-subparagraph (1)(a)3.g.
2121 ~~sub-subparagraphs (1)(a)3.e. f.~~, the identification card shall
2122 expire 2 years after the date of issuance or upon the expiration
2123 date cited on the United States Department of Homeland Security
2124 documents, whichever date first occurs, and may not be renewed
2125 or obtain a duplicate except in person.

2126 (8) The department shall, upon receipt of the required
2127 fee, issue to each qualified applicant for an identification
2128 card a color photographic or digital image identification card
2129 bearing a fullface photograph or digital image of the
2130 identification cardholder. Notwithstanding chapter 761 or s.
2131 761.05, the requirement for a fullface photograph or digital
2132 image of the identification cardholder may not be waived. A
2133 space shall be provided upon which the identification cardholder
2134 shall affix his or her usual signature, as required in s.
2135 322.14, in the presence of an authorized agent of the department
2136 so as to ensure that such signature becomes a part of the
2137 identification card.

2138 Section 61. Subsections (2) and (3) of section 322.07,
2139 Florida Statutes, are amended to read:

2140 322.07 Instruction permits and temporary licenses.--

2141 (2) The department may, in its discretion, issue a
2142 temporary permit to an applicant for a ~~Class D or~~ Class E

2143 driver's license permitting him or her to operate a motor
 2144 vehicle of the type for which a ~~Class D or~~ Class E driver's
 2145 license is required while the department is completing its
 2146 investigation and determination of all facts relative to such
 2147 applicant's right to receive a driver's license. Such permit
 2148 must be in his or her immediate possession while operating a
 2149 motor vehicle, and it shall be invalid when the applicant's
 2150 license has been issued or for good cause has been refused.

2151 (3) Any person who, except for his or her lack of
 2152 instruction in operating a ~~Class D or~~ commercial motor vehicle,
 2153 would otherwise be qualified to obtain a ~~Class D or~~ commercial
 2154 driver's license under this chapter, may apply for a ~~temporary~~
 2155 ~~Class D or~~ temporary commercial instruction permit. The
 2156 department shall issue such a permit entitling the applicant,
 2157 while having the permit in his or her immediate possession, to
 2158 drive a ~~Class D or~~ commercial motor vehicle on the highways,
 2159 provided that:

2160 (a) The applicant possesses a valid driver's license
 2161 issued in any state; and

2162 (b) The applicant, while operating a ~~Class D or~~ commercial
 2163 motor vehicle, is accompanied by a licensed driver who is 21
 2164 years of age or older, who is licensed to operate the class of
 2165 vehicle being operated, and who is actually occupying the
 2166 closest seat to the right of the driver.

2167 Section 62. Subsection (2) and paragraph (d) of subsection
 2168 (6) of section 322.08, Florida Statutes, are amended to read:

2169 322.08 Application for license.--

2170 (2) Each such application shall include the following
 2171 information regarding the applicant:

2172 (a) Full name (first, middle or maiden, and last), gender,
 2173 social security card number, county of residence and mailing
 2174 address, country of birth, and a brief description.

2175 (b) Proof of birth date satisfactory to the department.

2176 (c) Proof of identity satisfactory to the department. Such
 2177 proof must include one of the following documents issued to the
 2178 applicant:

2179 1. A driver's license record or identification card record
 2180 from another jurisdiction that required the applicant to submit
 2181 a document for identification which is substantially similar to
 2182 a document required under subparagraph 2., subparagraph 3.,
 2183 subparagraph 4., subparagraph 5., ~~or~~ subparagraph 6., or
 2184 subparagraph 7.;

2185 2. A certified copy of a United States birth certificate;

2186 3. A ~~valid~~ United States passport;

2187 4. A naturalization certificate issued by the United
 2188 States Department of Homeland Security;

2189 ~~5.4.~~ An alien registration receipt card (green card);

2190 ~~6.5.~~ An employment authorization card issued by the United
 2191 States Department of Homeland Security; or

2192 ~~7.6.~~ Proof of nonimmigrant classification provided by the
 2193 United States Department of Homeland Security, for an original
 2194 driver's license. In order to prove nonimmigrant classification,
 2195 an applicant may produce the following documents, including, but
 2196 not limited to:

- 2197 | a. A notice of hearing from an immigration court
 2198 | scheduling a hearing on any proceeding.
- 2199 | b. A notice from the Board of Immigration Appeals
 2200 | acknowledging pendency of an appeal.
- 2201 | c. A notice of the approval of an application for
 2202 | adjustment of status issued by the United States Immigration and
 2203 | Naturalization Service.
- 2204 | d. Any official documentation confirming the filing of a
 2205 | petition for asylum status or any other relief issued by the
 2206 | United States Immigration and Naturalization Service.
- 2207 | e. A notice of action transferring any pending matter from
 2208 | another jurisdiction to this state issued by the United States
 2209 | Immigration and Naturalization Service.
- 2210 | f. An order of an immigration judge or immigration officer
 2211 | granting any relief that authorizes the alien to live and work
 2212 | in the United States, including, but not limited to, asylum.
- 2213 | Presentation of any of the documents in subparagraph 6. or
 2214 | subparagraph 7. entitles the applicant to a driver's license or
 2215 | temporary permit for a period not to exceed the expiration date
 2216 | of the document presented or 2 years, whichever occurs first.
- 2218 | (d) Whether the applicant has previously been licensed to
 2219 | drive, and, if so, when and by what state, and whether any such
 2220 | license or driving privilege has ever been disqualified,
 2221 | revoked, or suspended, or whether an application has ever been
 2222 | refused, and, if so, the date of and reason for such
 2223 | disqualification, suspension, revocation, or refusal.

2224 (e) Each such application may include fingerprints and
 2225 other unique biometric means of identity.

2226 (6) The application form for a driver's license or
 2227 duplicate thereof shall include language permitting the
 2228 following:

2229 (d) A voluntary contribution of \$2 per applicant, which
 2230 shall be distributed to the Hearing Research Institute,
 2231 Incorporated, ~~for the purpose of infant hearing screening in~~
 2232 Florida.

2233
 2234 A statement providing an explanation of the purpose of the trust
 2235 funds shall also be included. For the purpose of applying the
 2236 service charge provided in s. 215.20, contributions received
 2237 under paragraphs (c), (d), and (e) and under s. 322.18(9)(a) are
 2238 not income of a revenue nature.

2239 Section 63. Paragraph (a) of subsection (1) of section
 2240 322.09, Florida Statutes, is amended to read:

2241 322.09 Application of minors; responsibility for
 2242 negligence or misconduct of minor.--

2243 (1)(a) The application of any person under the age of 18
 2244 years for a driver's license must be signed and verified before
 2245 a person authorized to administer oaths by the father, mother,
 2246 or guardian; by a secondary guardian if the primary guardian
 2247 dies before the minor reaches 18 years of age; or, if there is
 2248 no parent or guardian, by another responsible adult who is
 2249 willing to assume the obligation imposed under this chapter upon
 2250 a person signing the application of a minor. This section does

2251 | not apply to a person under the age of 18 years who is
 2252 | emancipated by marriage.

2253 | Section 64. Section 322.11, Florida Statutes, is amended
 2254 | to read:

2255 | 322.11 Revocation of license upon death of person signing
 2256 | minor's application.--The department, upon receipt of
 2257 | satisfactory evidence of the death of the person who signed the
 2258 | application of a minor for a license, shall, 90 days after
 2259 | giving written notice to the minor, cancel such license and may
 2260 | ~~shall~~ not issue a new license until ~~such time as~~ the new
 2261 | application, ~~duly~~ signed and verified, is made as required by
 2262 | this chapter. This provision does ~~shall~~ not apply if ~~in the~~
 2263 | ~~event~~ the minor has attained the age of 18 years.

2264 | Section 65. Subsection (3) of section 322.12, Florida
 2265 | Statutes, is amended to read:

2266 | 322.12 Examination of applicants.--

2267 | (3) For an applicant for a ~~Class D or a~~ Class E driver's
 2268 | license, such examination shall include a test of the
 2269 | applicant's eyesight given by the driver's license examiner
 2270 | designated by the department or by a licensed ophthalmologist,
 2271 | optometrist, or physician and a test of the applicant's hearing
 2272 | given by a driver's license examiner or a licensed physician.
 2273 | The examination shall also include a test of the applicant's
 2274 | ability to read and understand highway signs regulating,
 2275 | warning, and directing traffic; his or her knowledge of the
 2276 | traffic laws of this state, including laws regulating driving
 2277 | under the influence of alcohol or controlled substances, driving
 2278 | with an unlawful blood-alcohol level, and driving while

2279 intoxicated; and his or her knowledge of the effects of alcohol
 2280 and controlled substances upon persons and the dangers of
 2281 driving a motor vehicle while under the influence of alcohol or
 2282 controlled substances and shall include an actual demonstration
 2283 of ability to exercise ordinary and reasonable control in the
 2284 operation of a motor vehicle.

2285 Section 66. Paragraph (c) of subsection (1) and subsection
 2286 (4) of section 322.135, Florida Statutes, are amended, and
 2287 subsection (9) is added to that section, to read:

2288 322.135 Driver's license agents.--

2289 (1) The department may, upon application, authorize any or
 2290 all of the tax collectors in the several counties of the state,
 2291 subject to the requirements of law, in accordance with rules of
 2292 the department, to serve as its agent for the provision of
 2293 specified driver's license services.

2294 (c) A fee of \$5.25 is to be charged, in addition to the
 2295 fees set forth in this chapter, for any driver's license issued
 2296 or renewed by a tax collector. ~~One dollar of the \$5.25 fee must
 2297 be deposited into the Highway Safety Operating Trust Fund.~~

2298 (4) A tax collector may not issue or renew a driver's
 2299 license if he or she has any reason to believe that the licensee
 2300 or prospective licensee is physically or mentally unqualified to
 2301 operate a motor vehicle. The tax collector may ~~shall~~ direct any
 2302 such licensee to the department for examination or reexamination
 2303 under s. 322.221.

2304 (9) Notwithstanding chapter 116, each county officer
 2305 within this state who is authorized to collect funds provided
 2306 for in this chapter shall pay all sums officially received by

2307 | the officer into the State Treasury no later than 5 working days
 2308 | after the close of the business day in which the officer
 2309 | received the funds. Payment by county officers to the state
 2310 | shall be made by means of electronic funds transfers.

2311 | Section 67. Subsection (1) of section 322.142, Florida
 2312 | Statutes, is amended to read:

2313 | 322.142 Color photographic or digital imaged licenses.--

2314 | (1) The department shall, upon receipt of the required
 2315 | fee, issue to each qualified applicant for a ~~an original~~
 2316 | driver's license a color photographic or digital imaged driver's
 2317 | license bearing a fullface photograph or digital image of the
 2318 | licensee. Notwithstanding chapter 761 or s. 761.05, the
 2319 | requirement for a fullface photograph or digital image of the
 2320 | licensee may not be waived. A space shall be provided upon which
 2321 | the licensee shall affix his or her usual signature, as required
 2322 | in s. 322.14, in the presence of an authorized agent of the
 2323 | department so as to ensure that such signature becomes a part of
 2324 | the license.

2325 | Section 68. Section 322.161, Florida Statutes, is amended
 2326 | to read:

2327 | 322.161 High-risk drivers; restricted licenses.--

2328 | (1) (a) Notwithstanding any provision of law to the
 2329 | contrary, the department shall restrict the driving privilege of
 2330 | any ~~Class D or~~ Class E licensee who is age 15 through 17 and who
 2331 | has accumulated six or more points pursuant to s. 318.14,
 2332 | excluding parking violations, within a 12-month period.

2333 | ~~(2) (a) Any Class E licensee who is age 15 through 17 and~~
 2334 | ~~who has accumulated six or more points pursuant to s. 318.14,~~

2335 ~~excluding parking violations, within a 12-month period shall not~~
2336 ~~be eligible to obtain a Class D license for a period of no less~~
2337 ~~than 1 year. The period of ineligibility shall begin on the date~~
2338 ~~of conviction for the violation that results in the licensee's~~
2339 ~~accumulation of six or more points.~~

2340 ~~(b) The period of ineligibility shall automatically expire~~
2341 ~~after 1 year if the licensee does not accumulate any additional~~
2342 ~~points. If the licensee accumulates any additional points, then~~
2343 ~~the period of ineligibility shall be extended 90 days for each~~
2344 ~~point. The period of ineligibility shall also automatically~~
2345 ~~expire upon the licensee's 18th birthday if no other grounds for~~
2346 ~~ineligibility exist.~~

2347 ~~(2)(3)~~ Any action taken by the department pursuant to this
2348 section shall not be subject to any formal or informal
2349 administrative hearing or similar administrative procedure.

2350 ~~(3)(4)~~ The department shall adopt rules to carry out the
2351 purposes of this section.

2352 Section 69. Subsection (3) of section 322.17, Florida
2353 Statutes, is amended to read:

2354 322.17 Duplicate and replacement certificates.--

2355 (3) Notwithstanding any other provisions of this chapter,
2356 if a licensee establishes his or her identity for a driver's
2357 license using an identification document authorized under s.
2358 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5. 6.~~, the licensee may not
2359 obtain a duplicate or replacement instruction permit or driver's
2360 license except in person and upon submission of an
2361 identification document authorized under s. 322.08(2)(c)6. or 7.
2362 ~~s. 322.08(2)(c)5. 6.~~

2363 Section 70. Subsections (2) and (4) of section 322.18,
 2364 Florida Statutes, are amended to read:

2365 322.18 Original applications, licenses, and renewals;
 2366 expiration of licenses; delinquent licenses.--

2367 (2) Each applicant who is entitled to the issuance of a
 2368 driver's license, as provided in this section, shall be issued a
 2369 driver's license, as follows:

2370 (a) An applicant applying for an original issuance shall
 2371 be issued a driver's license which expires at midnight on the
 2372 licensee's birthday which next occurs on or after the sixth
 2373 anniversary of the date of issue.

2374 (b) An applicant applying for a renewal issuance or
 2375 renewal extension shall be issued a driver's license or renewal
 2376 extension sticker which expires at midnight on the licensee's
 2377 birthday which next occurs 4 years after the month of expiration
 2378 of the license being renewed, except that a driver whose driving
 2379 record reflects no convictions for the preceding 3 years shall
 2380 be issued a driver's license or renewal extension sticker which
 2381 expires at midnight on the licensee's birthday which next occurs
 2382 6 years after the month of expiration of the license being
 2383 renewed.

2384 (c) Notwithstanding any other provision of this chapter,
 2385 if an applicant establishes his or her identity for a driver's
 2386 license using a document authorized under s. 322.08(2)(c)5. ~~s.~~
 2387 ~~322.08(2)(e)4.~~, the driver's license shall expire in accordance
 2388 with paragraph (b). After an initial showing of such
 2389 documentation, he or she is exempted from having to renew or
 2390 obtain a duplicate in person.

2391 (d) Notwithstanding any other provision of this chapter,
 2392 if applicant establishes his or her identity for a driver's
 2393 license using a document authorized in s. 322.08(2)(c)6. or 7.
 2394 ~~s. 322.08(2)(c)5. or 6.~~, the driver's license shall expire 2 4
 2395 years after the date of issuance or upon the expiration date
 2396 cited on the United States Department of Homeland Security
 2397 documents, whichever date first occurs.

2398 (e) Notwithstanding any other provision of this chapter,
 2399 an applicant applying for an original or renewal issuance of a
 2400 commercial driver's license as defined in s. 322.01(7), with a
 2401 hazardous-materials endorsement, pursuant to s. 322.57(1)(e),
 2402 shall be issued a driver's license that expires at midnight on
 2403 the licensee's birthday that next occurs 4 years after the month
 2404 of expiration of the license being issued or renewed.

2405 (4)(a) Except as otherwise provided in this chapter, all
 2406 licenses shall be renewable every 4 years or 6 years, depending
 2407 upon the terms of issuance and shall be issued or extended upon
 2408 application, payment of the fees required by s. 322.21, and
 2409 successful passage of any required examination, unless the
 2410 department has reason to believe that the licensee is no longer
 2411 qualified to receive a license.

2412 (b) Notwithstanding any other provision of this chapter,
 2413 if an applicant establishes his or her identity for a driver's
 2414 license using a document authorized under s. 322.08(2)(c)5. ~~s.~~
 2415 ~~322.08(2)(c)4.~~, the license, upon an initial showing of such
 2416 documentation, is exempted from having to renew or obtain a
 2417 duplicate in person, unless the renewal or duplication coincides

2418 with the periodic reexamination of a driver as required pursuant
2419 to s. 322.121.

2420 (c) Notwithstanding any other provision of this chapter,
2421 if a licensee establishes his or her identity for a driver's
2422 license using an identification document authorized under s.
2423 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5. or 6.~~, the licensee may
2424 not renew the driver's license except in person and upon
2425 submission of an identification document authorized under s.
2426 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)4. 6.~~ A driver's license
2427 renewed under this paragraph expires 4 years after the date of
2428 issuance or upon the expiration date cited on the United States
2429 Department of Homeland Security documents, whichever date first
2430 occurs.

2431 Section 71. Subsection (4) of section 322.19, Florida
2432 Statutes, is amended to read:

2433 322.19 Change of address or name.--

2434 (4) Notwithstanding any other provision of this chapter,
2435 if a licensee established his or her identity for a driver's
2436 license using an identification document authorized under s.
2437 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)5. 6.~~, the licensee may not
2438 change his or her name or address except in person and upon
2439 submission of an identification document authorized under s.
2440 322.08(2)(c)6. or 7. ~~s. 322.08(2)(c)4. 6.~~

2441 Section 72. Subsection (1) of section 322.21, Florida
2442 Statutes, is amended to read:

2443 322.21 License fees; procedure for handling and collecting
2444 fees.--

2445 (1) Except as otherwise provided herein, the fee for:

2446 (a) An original or renewal commercial driver's license is
2447 \$50, which shall include the fee for driver education provided
2448 by s. 1003.48; however, if an applicant has completed training
2449 and is applying for employment or is currently employed in a
2450 public or nonpublic school system that requires the commercial
2451 license, the fee shall be the same as for a Class E driver's
2452 license. A delinquent fee of \$1 shall be added for a renewal
2453 made not more than 12 months after the license expiration date.

2454 (b) An original ~~Class D or~~ Class E driver's license is
2455 \$20, which shall include the fee for driver's education provided
2456 by s. 1003.48; however, if an applicant has completed training
2457 and is applying for employment or is currently employed in a
2458 public or nonpublic school system that requires a commercial
2459 driver license, the fee shall be the same as for a Class E
2460 license.

2461 (c) The renewal or extension of a ~~Class D or~~ Class E
2462 driver's license or of a license restricted to motorcycle use
2463 only is \$15, except that a delinquent fee of \$1 shall be added
2464 for a renewal or extension made not more than 12 months after
2465 the license expiration date. The fee provided in this paragraph
2466 shall include the fee for driver's education provided by s.
2467 1003.48.

2468 (d) An original driver's license restricted to motorcycle
2469 use only is \$20, which shall include the fee for driver's
2470 education provided by s. 1003.48.

2471 (e) Each endorsement required by s. 322.57 is \$5.

2472 (f) A hazardous-materials endorsement, as required by s.
2473 322.57(1)(e), shall be set by the department by rule and shall

2474 reflect the cost of the required criminal history check,
 2475 including the cost of the state and federal fingerprint check,
 2476 and the cost to the department of providing and issuing the
 2477 license. The fee shall not exceed \$100. This fee shall be
 2478 deposited in the Highway Safety Operating Trust Fund. The
 2479 department may adopt rules pursuant to ss. 120.536(1) and 120.54
 2480 to administer the provisions of this paragraph.

2481 Section 73. Present subsection (7) of section 322.212,
 2482 Florida Statutes, is redesignated as subsection (8), and a new
 2483 subsection (7) is added to that section to read:

2484 322.212 Unauthorized possession of, and other unlawful
 2485 acts in relation to, driver's license or identification card.--

2486 (7) In addition to any other penalties provided by this
 2487 section, any person who provides false information when applying
 2488 for a commercial driver's license shall be disqualified from
 2489 operating a commercial motor vehicle for a period of 60 days.

2490 Section 74. Subsection (1) of section 322.22, Florida
 2491 Statutes, is amended to read:

2492 322.22 Authority of department to cancel license.--

2493 (1) The department is authorized to cancel any driver's
 2494 license, upon determining that the licensee was not entitled to
 2495 the issuance thereof, or that the licensee failed to give the
 2496 required or correct information in his or her application or
 2497 committed any fraud in making such application, or that the
 2498 licensee has two or more licenses on file with the department,
 2499 each in a different name but bearing the photograph of the
 2500 licensee, unless the licensee has complied with the requirements
 2501 of this chapter in obtaining the licenses. The department may

2502 | cancel any driver's license, identification card, vehicle or
 2503 | vessel registration, or fuel-use decal if the licensee fails to
 2504 | pay the correct fee or pays for the driver's license,
 2505 | identification card, vehicle or vessel registration, or fuel-use
 2506 | decal; pays any tax liability, penalty, or interest specified in
 2507 | chapter 207; or pays any administrative, delinquency, or
 2508 | reinstatement fee by a dishonored check.

2509 | Section 75. Subsections (4) and (5) of section 322.251,
 2510 | Florida Statutes, are amended to read:

2511 | 322.251 Notice of cancellation, suspension, revocation, or
 2512 | disqualification of license.--

2513 | (4) A person whose privilege to operate a commercial motor
 2514 | vehicle is temporarily disqualified may, upon surrendering his
 2515 | or her commercial driver's license, be issued a ~~Class D~~ or Class
 2516 | E driver's license, valid for the length of his or her unexpired
 2517 | commercial driver's license, at no cost. Such person may, upon
 2518 | the completion of his or her disqualification, be issued a
 2519 | commercial driver's license, of the type disqualified, for the
 2520 | remainder of his or her unexpired license period. Any such
 2521 | person shall pay the reinstatement fee provided in s. 322.21
 2522 | before being issued a commercial driver's license.

2523 | (5) A person whose privilege to operate a commercial motor
 2524 | vehicle is permanently disqualified may, upon surrendering his
 2525 | or her commercial driver's license, be issued a ~~Class D~~ or Class
 2526 | E driver's license, if he or she is otherwise qualified to
 2527 | receive such license. Any such person shall be issued a ~~Class D~~
 2528 | ~~or~~ Class E license, valid for the remainder of his or her
 2529 | unexpired license period, at no cost.

2530 Section 76. Paragraph (b) of subsection (1), paragraph (a)
 2531 of subsection (7), paragraph (b) of subsection (10), and
 2532 subsection (11) of section 322.2615, Florida Statutes, are
 2533 amended to read:

2534 322.2615 Suspension of license; right to review.--

2535 (1)

2536 (b) The suspension under paragraph (a) shall be pursuant
 2537 to, and the notice of suspension shall inform the driver of, the
 2538 following:

2539 1.a. The driver refused to submit to a lawful breath,
 2540 blood, or urine test and his or her driving privilege is
 2541 suspended for a period of 1 year for a first refusal or for a
 2542 period of 18 months if his or her driving privilege has been
 2543 previously suspended as a result of a refusal to submit to such
 2544 a test; or

2545 b. The driver violated s. 316.193 by driving with an
 2546 unlawful blood-alcohol level or breath-alcohol level as provided
 2547 in that section and his or her driving privilege is suspended
 2548 for a period of 6 months for a first offense or for a period of
 2549 1 year if his or her driving privilege has been previously
 2550 suspended for a violation of s. 316.193.

2551 2. The suspension period shall commence on the date of
 2552 arrest or issuance of the notice of suspension, whichever is
 2553 later.

2554 3. The driver may request a formal or informal review of
 2555 the suspension by the department within 10 days after the date
 2556 of arrest or issuance of the notice of suspension, whichever is
 2557 later.

2558 4. The temporary permit issued at the time of arrest will
 2559 expire at midnight of the 10th day following the date of arrest
 2560 or issuance of the notice of suspension, whichever is later.

2561 5. The driver may submit to the department any materials
 2562 relevant to the arrest.

2563 (7) In a formal review hearing under subsection (6) or an
 2564 informal review hearing under subsection (4), the hearing
 2565 officer shall determine by a preponderance of the evidence
 2566 whether sufficient cause exists to sustain, amend, or invalidate
 2567 the suspension. The scope of the review shall be limited to the
 2568 following issues:

2569 (a) If the license was suspended for driving with an
 2570 unlawful blood-alcohol level or breath-alcohol level in
 2571 violation of s. 316.193:

2572 1. Whether the arresting law enforcement officer had
 2573 probable cause to believe that the person was driving or in
 2574 actual physical control of a motor vehicle in this state while
 2575 under the influence of alcoholic beverages or controlled
 2576 substances.

2577 2. Whether the person was placed under lawful arrest for a
 2578 violation of s. 316.193.

2579 3. Whether the person had an unlawful blood-alcohol level
 2580 or breath-alcohol level as provided in s. 316.193.

2581 (10) A person whose driver's license is suspended under
 2582 subsection (1) or subsection (3) may apply for issuance of a
 2583 license for business or employment purposes only if the person
 2584 is otherwise eligible for the driving privilege pursuant to s.
 2585 322.271.

2586 (b) If the suspension of the driver's license of the
 2587 person arrested for a violation of s. 316.193, relating to
 2588 unlawful blood-alcohol level or breath-alcohol level, is
 2589 sustained, the person is not eligible to receive a license for
 2590 business or employment purposes only pursuant to s. 322.271
 2591 until 30 days have elapsed after the expiration of the last
 2592 temporary permit issued. If the driver is not issued a 10-day
 2593 permit pursuant to this section or s. 322.64 because he or she
 2594 is ineligible for the permit and the suspension for a violation
 2595 of s. 316.193, relating to unlawful blood-alcohol level, is not
 2596 invalidated by the department, the driver is not eligible to
 2597 receive a business or employment license pursuant to s. 322.271
 2598 until 30 days have elapsed from the date of the arrest.

2599 (11) The formal review hearing may be conducted upon a
 2600 review of the reports of a law enforcement officer or a
 2601 correctional officer, including documents relating to the
 2602 administration of a breath test or blood test or the refusal to
 2603 take either test or the refusal to take a urine test. However,
 2604 as provided in subsection (6), the driver may subpoena the
 2605 officer or any person who administered or analyzed a breath or
 2606 blood test.

2607 Section 77. Paragraph (d) of subsection (3) of section
 2608 322.27, Florida Statutes, is amended to read:

2609 322.27 Authority of department to suspend or revoke
 2610 license.--

2611 (3) There is established a point system for evaluation of
 2612 convictions of violations of motor vehicle laws or ordinances,
 2613 and violations of applicable provisions of s. 403.413(6)(b) when

2614 such violations involve the use of motor vehicles, for the
 2615 determination of the continuing qualification of any person to
 2616 operate a motor vehicle. The department is authorized to suspend
 2617 the license of any person upon showing of its records or other
 2618 good and sufficient evidence that the licensee has been
 2619 convicted of violation of motor vehicle laws or ordinances, or
 2620 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 2621 more points as determined by the point system. The suspension
 2622 shall be for a period of not more than 1 year.

2623 (d) The point system shall have as its basic element a
 2624 graduated scale of points assigning relative values to
 2625 convictions of the following violations:

- 2626 1. Reckless driving, willful and wanton--4 points.
- 2627 2. Leaving the scene of a crash resulting in property
 2628 damage of more than \$50--6 points.
- 2629 3. Unlawful speed resulting in a crash--6 points.
- 2630 4. Passing a stopped school bus--4 points.
- 2631 5. Unlawful speed:
 - 2632 a. Not in excess of 15 miles per hour of lawful or posted
 2633 speed--3 points.
 - 2634 b. In excess of 15 miles per hour of lawful or posted
 2635 speed--4 points.
- 2636 6. All other moving violations (including parking on a
 2637 highway outside the limits of a municipality)--3 points.
 2638 However, no points shall be imposed for a violation of s.
 2639 316.0741 or s. 316.2065(12).
- 2640 7. Any moving violation covered above, excluding unlawful
 2641 speed, resulting in a crash--4 points.

2642 8. Any conviction under s. 403.413(6)~~(5)~~(b)--3 points.

2643 Section 78. Effective October 1, 2005, paragraph (d) of
 2644 subsection (3) of section 322.27, Florida Statutes, as amended
 2645 by this act, is amended to read:

2646 322.27 Authority of department to suspend or revoke
 2647 license.--

2648 (3) There is established a point system for evaluation of
 2649 convictions of violations of motor vehicle laws or ordinances,
 2650 and violations of applicable provisions of s. 403.413(6)(b) when
 2651 such violations involve the use of motor vehicles, for the
 2652 determination of the continuing qualification of any person to
 2653 operate a motor vehicle. The department is authorized to suspend
 2654 the license of any person upon showing of its records or other
 2655 good and sufficient evidence that the licensee has been
 2656 convicted of violation of motor vehicle laws or ordinances, or
 2657 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 2658 more points as determined by the point system. The suspension
 2659 shall be for a period of not more than 1 year.

2660 (d) The point system shall have as its basic element a
 2661 graduated scale of points assigning relative values to
 2662 convictions of the following violations:

- 2663 1. Reckless driving, willful and wanton--4 points.
- 2664 2. Leaving the scene of a crash resulting in property
 2665 damage of more than \$50--6 points.
- 2666 3. Unlawful speed resulting in a crash--6 points.
- 2667 4. Violation of a traffic control device as provided in s.
 2668 316.074(1) or a traffic control signal device as provided in s.

2669 316.075(1)(c)1., resulting in a crash that causes serious bodily
 2670 injury of another as defined in s. 316.1933(1)--6 points.

2671 ~~5.4-~~ Passing a stopped school bus--4 points.

2672 ~~6.5-~~ Unlawful speed:

2673 a. Not in excess of 15 miles per hour of lawful or posted
 2674 speed--3 points.

2675 b. In excess of 15 miles per hour of lawful or posted
 2676 speed--4 points.

2677 ~~7.6-~~ All other moving violations (including parking on a
 2678 highway outside the limits of a municipality)--3 points.

2679 However, no points shall be imposed for a violation of s.

2680 316.0741 or s. 316.2065(12).

2681 ~~8.7-~~ Any moving violation covered above, excluding
 2682 unlawful speed, resulting in a crash--4 points.

2683 ~~9.8-~~ Any conviction under s. 403.413(6)(b)--3 points.

2684 Section 79. Section 322.30, Florida Statutes, is amended
 2685 to read:

2686 322.30 No operation under foreign license during
 2687 suspension, revocation, or disqualification in this state.--

2688 (1) Any resident or nonresident whose driver's license or
 2689 right or privilege to operate a motor vehicle in this state has
 2690 been suspended, revoked, or disqualified as provided in this
 2691 chapter, shall not operate a motor vehicle in this state under a
 2692 license, permit, or registration certificate issued by any other
 2693 jurisdiction or otherwise during such suspension, revocation, or
 2694 disqualification until a new license is obtained.

2695 (2) Notwithstanding subsection (1), any commercial motor
 2696 vehicle operator whose privilege to operate such vehicle is

2697 disqualified may operate a motor vehicle in this state as a
2698 ~~Class D or~~ Class E licensee, if authorized by this chapter.

2699 Section 80. Paragraph (b) of subsection (2) and
2700 subsections (4), (5), and (6) of section 322.53, Florida
2701 Statutes, are amended to read:

2702 322.53 License required; exemptions.--

2703 (2) The following persons are exempt from the requirement
2704 to obtain a commercial driver's license:

2705 (b) Military personnel driving ~~military~~ vehicles operated
2706 for military purposes.

2707 ~~(4) A resident who is exempt from obtaining a commercial~~
2708 ~~driver's license pursuant to paragraph (2) (a) or paragraph~~
2709 ~~(2) (c) and who drives a commercial motor vehicle must obtain a~~
2710 ~~Class D driver's license endorsed to authorize the operation of~~
2711 ~~the particular type of vehicle for which his or her exemption is~~
2712 ~~granted.~~

2713 ~~(4) (5)~~ A resident who is exempt from obtaining a
2714 commercial driver's license pursuant to paragraph (2) (b),
2715 paragraph (2) (d), paragraph (2) (e), or paragraph (2) (f) may
2716 drive a commercial motor vehicle pursuant to the exemption
2717 granted in paragraph (2) (b), paragraph (2) (d), paragraph (2) (e),
2718 or paragraph (2) (f) if he or she possesses a valid ~~Class D or~~
2719 Class E driver's license or a military license.

2720 ~~(5) (6)~~ The department shall adopt rules and enter into
2721 necessary agreements with other jurisdictions to provide for the
2722 operation of commercial vehicles by nonresidents pursuant to the
2723 exemption granted in subsection (2).

2724 Section 81. Subsection (2) of section 322.54, Florida
 2725 Statutes, is amended to read:

2726 322.54 Classification.--

2727 (2) The department shall issue, pursuant to the
 2728 requirements of this chapter, drivers' licenses in accordance
 2729 with the following classifications:

2730 (a) Any person who drives a motor vehicle combination
 2731 having a gross vehicle weight rating, ~~a declared weight, or an~~
 2732 ~~actual weight, whichever is greatest,~~ of 26,001 pounds or more
 2733 must possess a valid Class A driver's license, provided the
 2734 gross vehicle weight rating, ~~declared weight, or actual weight,~~
 2735 ~~whichever is greatest,~~ of the vehicle being towed is more than
 2736 10,000 pounds. Any person who possesses a valid Class A driver's
 2737 license may, subject to the appropriate restrictions and
 2738 endorsements, drive any class of motor vehicle within this
 2739 state.

2740 (b) Any person, except a person who possesses a valid
 2741 Class A driver's license, who drives a motor vehicle having a
 2742 gross vehicle weight rating, ~~a declared weight, or an actual~~
 2743 ~~weight, whichever is greatest,~~ of 26,001 pounds or more must
 2744 possess a valid Class B driver's license. Any person, except a
 2745 person who possesses a valid Class A driver's license, who
 2746 drives such vehicle towing a vehicle having a gross vehicle
 2747 weight rating, ~~a declared weight, or an actual weight, whichever~~
 2748 ~~is greatest,~~ of 10,000 pounds or less must possess a valid Class
 2749 B driver's license. Any person who possesses a valid Class B
 2750 driver's license may, subject to the appropriate restrictions
 2751 and endorsements, drive any class of motor vehicle, other than

2752 the type of motor vehicle for which a Class A driver's license
 2753 is required, within this state.

2754 ~~(c) Any person, except a person who possesses a valid~~
 2755 ~~Class A or a valid Class B driver's license, who drives a motor~~
 2756 ~~vehicle combination having a gross vehicle weight rating, a~~
 2757 ~~declared weight, or an actual weight, whichever is greatest, of~~
 2758 ~~26,001 pounds or more must possess a valid Class C driver's~~
 2759 ~~license. Any person, except a person who possesses a valid Class~~
 2760 A or a valid Class B driver's license, who drives a motor
 2761 vehicle ~~combination~~ having a gross vehicle weight rating, ~~a~~
 2762 ~~declared weight, or an actual weight, whichever is greatest,~~ of
 2763 less than 26,001 pounds and who is required to obtain an
 2764 endorsement pursuant to ~~paragraph (1)(a),~~ paragraph (1)(b),
 2765 paragraph (1)(c), ~~paragraph (1)(d),~~ or paragraph (1)(e) of s.
 2766 322.57, must possess a valid Class C driver's license ~~that is~~
 2767 ~~clearly restricted to the operation of a motor vehicle or motor~~
 2768 ~~vehicle combination of less than 26,001 pounds.~~ Any person who
 2769 possesses a valid Class C driver's license may, subject to the
 2770 appropriate restrictions and endorsements, drive any class of
 2771 motor vehicle, other than the type of motor vehicle for which a
 2772 Class A or a Class B driver's license is required, within this
 2773 state.

2774 ~~(d) Any person, except a person who possesses a valid~~
 2775 ~~Class A, valid Class B, or valid Class C driver's license, who~~
 2776 ~~drives a truck or a truck tractor having a gross vehicle weight~~
 2777 ~~rating, a declared weight, or an actual weight, whichever is~~
 2778 ~~greatest, of 8,000 pounds or more but less than 26,001 pounds,~~
 2779 ~~or which has a width of more than 80 inches must possess a valid~~

2780 ~~Class D driver's license. Any person who possesses a valid Class~~
 2781 ~~D driver's license may, subject to the appropriate restrictions~~
 2782 ~~and endorsements, drive any type of motor vehicle, other than~~
 2783 ~~the type of motor vehicle for which a Class A, Class B, or Class~~
 2784 ~~C driver's license is required, within this state.~~

2785 (d)~~(e)~~ Any person, except a person who possesses a valid
 2786 Class A, valid Class B, or valid Class C, ~~or valid Class D~~
 2787 driver's license, who drives a motor vehicle must possess a
 2788 valid Class E driver's license. Any person who possesses a valid
 2789 Class E driver's license may, subject to the appropriate
 2790 restrictions and endorsements, drive any type of motor vehicle,
 2791 other than the type of motor vehicle for which a Class A, Class
 2792 B, or Class C, ~~or Class D~~ driver's license is required, within
 2793 this state.

2794 Section 82. Subsections (1) and (2) of section 322.57,
 2795 Florida Statutes, are amended to read:

2796 322.57 Tests of knowledge concerning specified vehicles;
 2797 endorsement; nonresidents; violations.--

2798 (1) In addition to fulfilling any other driver's licensing
 2799 requirements of this chapter, a person who:

2800 (a) Drives a double or triple trailer must successfully
 2801 complete a test of his or her knowledge concerning the safe
 2802 operation of such vehicles.

2803 (b) Drives a passenger vehicle must successfully complete
 2804 a test of his or her knowledge concerning the safe operation of
 2805 such vehicles and a test of his or her driving skill in such a
 2806 vehicle.

2807 (c) Drives a school bus must successfully complete a test
2808 of his or her knowledge concerning the safe operation of such
2809 vehicles and a test of his or her driving skill in such a
2810 vehicle. This subsection shall be implemented in accordance with
2811 49 C.F.R. part 383.123.

2812 (d)~~(e)~~ Drives a tank vehicle must successfully complete a
2813 test of his or her knowledge concerning the safe operation of
2814 such vehicles.

2815 (e)~~(d)~~ Drives a vehicle that transports hazardous
2816 materials and that is required to be placarded in accordance
2817 with Title 49 C.F.R. part 172, subpart F, must successfully
2818 complete a test of his or her knowledge concerning the safe
2819 operation of such vehicles. Knowledge tests for hazardous-
2820 materials endorsements may not be administered orally for
2821 individuals applying for an initial hazardous-materials
2822 endorsement after June 30, 1994.

2823 (f)~~(e)~~ Operates a tank vehicle transporting hazardous
2824 materials must successfully complete the tests required in
2825 paragraphs (d) ~~(e)~~ and (e) ~~(d)~~ so that the department may issue
2826 a single endorsement permitting him or her to operate such tank
2827 vehicle.

2828 (g)~~(f)~~ Drives a motorcycle must successfully complete a
2829 test of his or her knowledge concerning the safe operation of
2830 such vehicles and a test of his or her driving skills on such
2831 vehicle. A person who successfully completes such tests shall be
2832 issued an endorsement if he or she is licensed to drive another
2833 type of motor vehicle. A person who successfully completes such
2834 tests and who is not licensed to drive another type of motor

2835 vehicle shall be issued a Class E driver's license that is
 2836 clearly restricted to motorcycle use only.

2837 (2) Before driving or operating any vehicle listed in
 2838 subsection (1), a person must obtain an endorsement on his or
 2839 her driver's license. An endorsement under paragraph (a),
 2840 paragraph (b), paragraph (c), paragraph (d), ~~or~~ paragraph (e),
 2841 or paragraph (f) of subsection (1) shall be issued only to
 2842 persons who possess a valid Class A, valid Class B, or valid
 2843 Class C driver's license. ~~A person who drives a motor vehicle or~~
 2844 ~~motor vehicle combination that requires an endorsement under~~
 2845 ~~this subsection and who drives a motor vehicle or motor vehicle~~
 2846 ~~combination having a gross vehicle weight rating, a declared~~
 2847 ~~weight, or an actual weight, whichever is greatest, of less than~~
 2848 ~~26,000 pounds shall be issued a Class C driver's license that is~~
 2849 ~~clearly restricted to the operation of a motor vehicle or motor~~
 2850 ~~vehicle combination of less than 26,000 pounds.~~

2851 Section 83. Paragraph (a) of subsection (1) of section
 2852 322.58, Florida Statutes, is amended to read:

2853 322.58 Holders of chauffeur's licenses; effect of
 2854 classified licensure.--

2855 (1) In order to provide for the classified licensure of
 2856 commercial motor vehicle drivers, the department shall require
 2857 persons who have valid chauffeur's licenses to report on or
 2858 after April 1, 1991, to the department for classified licensure,
 2859 according to a schedule developed by the department.

2860 (a) Any person who holds a valid chauffeur's license may
 2861 continue to operate vehicles for which a Class E ~~D~~ driver's

2862 license is required until his or her chauffeur's license
2863 expires.

2864 Section 84. Subsections (1), (2), (3), (7), (8), and (10)
2865 of section 322.61, Florida Statutes, are amended, and
2866 subsections (4) and (5) of that section are reenacted, to read:

2867 322.61 Disqualification from operating a commercial motor
2868 vehicle.--

2869 (1) A person who, for offenses occurring within a 3-year
2870 period, is convicted of two of the following serious traffic
2871 violations or any combination thereof, arising in separate
2872 incidents committed in a commercial motor vehicle shall, in
2873 addition to any other applicable penalties, be disqualified from
2874 operating a commercial motor vehicle for a period of 60 days. A
2875 person who, for offenses occurring within a 3-year period, is
2876 convicted of two of the following serious traffic violations or
2877 any combination thereof arising in separate incidents committed
2878 in a noncommercial motor vehicle shall, in addition to any other
2879 applicable penalties, be disqualified from operating a
2880 commercial motor vehicle for a period of 60 days if such
2881 convictions result in the suspension, revocation, or
2882 cancellation of the licenseholder's driving privilege:

2883 (a) A violation of any state or local law relating to
2884 motor vehicle traffic control, other than a parking violation, a
2885 weight violation, or a vehicle equipment violation, arising in
2886 connection with a crash resulting in death or personal injury to
2887 any person;

2888 (b) Reckless driving, as defined in s. 316.192;

2889 (c) Careless driving, as defined in s. 316.1925;

- 2890 (d) Fleeing or attempting to elude a law enforcement
 2891 officer, as defined in s. 316.1935;
- 2892 (e) Unlawful speed of 15 miles per hour or more above the
 2893 posted speed limit;
- 2894 (f) Driving a commercial motor vehicle, owned by such
 2895 person, which is not properly insured;
- 2896 (g) Improper lane change, as defined in s. 316.085; ~~or~~
- 2897 (h) Following too closely, as defined in s. 316.0895;
- 2898 (i) Driving a commercial motor vehicle without obtaining a
 2899 commercial driver's license;
- 2900 (j) Driving a commercial motor vehicle without the proper
 2901 class of commercial driver's license or without the proper
 2902 endorsement; or
- 2903 (k) Driving a commercial motor vehicle without a
 2904 commercial driver's license in possession. Any person who
 2905 provides proof to the clerk of court or designated official in
 2906 the jurisdiction where the citation was issued, before the date
 2907 the person must appear in court or pay any fine for such a
 2908 violation, that the person held a valid commercial driver's
 2909 license on the date the citation was issued shall not be guilty
 2910 of this offense.
- 2911 (2) Any person who, for offenses occurring within a 3-year
 2912 period, is convicted of three serious traffic violations
 2913 specified in subsection (1) or any combination thereof, arising
 2914 in separate incidents committed in a commercial motor vehicle
 2915 shall, in addition to any other applicable penalties, including,
 2916 but not limited to, the penalty provided in subsection (1), be
 2917 disqualified from operating a commercial motor vehicle for a

2918 | period of 120 days. A person who, for offenses occurring within
 2919 | a 3-year period, is convicted of three serious traffic
 2920 | violations specified in subsection (1) or any combination
 2921 | thereof, arising in separate incidents committed in a
 2922 | noncommercial motor vehicle shall, in addition to any other
 2923 | applicable penalties, including, but not limited to, the penalty
 2924 | provided in subsection (1), be disqualified from operating a
 2925 | commercial motor vehicle for a period of 120 days if such
 2926 | convictions result in the suspension, revocation, or
 2927 | cancellation of the licenseholder's driving privilege.

2928 | (3) Except as provided in subsection (4), any person who
 2929 | is convicted of one of the following offenses shall, in addition
 2930 | to any other applicable penalties, be disqualified from
 2931 | operating a commercial motor vehicle for a period of 1 year:

2932 | (a) Driving a commercial motor vehicle while he or she is
 2933 | under the influence of alcohol or a controlled substance;

2934 | (b) Driving a commercial motor vehicle while the alcohol
 2935 | concentration of his or her blood, breath, or urine is .04
 2936 | percent or higher;

2937 | (c) Leaving the scene of a crash involving a commercial
 2938 | motor vehicle driven by such person;

2939 | (d) Using a commercial motor vehicle in the commission of
 2940 | a felony;

2941 | (e) Driving a commercial motor vehicle while in possession
 2942 | of a controlled substance; ~~or~~

2943 | (f) Refusing to submit to a test to determine his or her
 2944 | alcohol concentration while driving a commercial motor vehicle;

2945 (g) Driving a commercial vehicle while the licenseholder's
 2946 commercial driver's license is suspended, revoked, or canceled
 2947 or while the licenseholder is disqualified from driving a
 2948 commercial vehicle; or

2949 (h) Causing a fatality through the negligent operation of
 2950 a commercial motor vehicle.

2951 (4) Any person who is transporting hazardous materials in
 2952 a vehicle that is required to be placarded in accordance with
 2953 Title 49 C.F.R. part 172, subpart F shall, upon conviction of an
 2954 offense specified in subsection (3), be disqualified from
 2955 operating a commercial motor vehicle for a period of 3 years.
 2956 The penalty provided in this subsection shall be in addition to
 2957 any other applicable penalty.

2958 (5) Any person who is convicted of two violations
 2959 specified in subsection (3), or any combination thereof, arising
 2960 in separate incidents shall be permanently disqualified from
 2961 operating a commercial motor vehicle. The penalty provided in
 2962 this subsection shall be in addition to any other applicable
 2963 penalty.

2964 (7) A person whose privilege to operate a commercial motor
 2965 vehicle is disqualified under this section may, if otherwise
 2966 qualified, be issued a ~~Class D or~~ Class E driver's license,
 2967 pursuant to s. 322.251.

2968 (8) A driver who is convicted of or otherwise found to
 2969 have committed a violation of an out-of-service order while
 2970 driving a commercial motor vehicle is disqualified as follows:

2971 (a) Not less than 90 days nor more than 1 year if the
 2972 driver is convicted of or otherwise found to have committed a
 2973 first violation of an out-of-service order.

2974 (b) Not less than 1 year nor more than 5 years if, for
 2975 offenses occurring during any 10-year period, the driver is
 2976 convicted of or otherwise found to have committed two violations
 2977 of out-of-service orders in separate incidents.

2978 (c) Not less than 3 years nor more than 5 years if, for
 2979 offenses occurring during any 10-year period, the driver is
 2980 convicted of or otherwise found to have committed three or more
 2981 violations of out-of-service orders in separate incidents.

2982 (d) Not less than 180 days nor more than 2 years if the
 2983 driver is convicted of or otherwise found to have committed a
 2984 first violation of an out-of-service order while transporting
 2985 hazardous materials required to be placarded under the Hazardous
 2986 Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or
 2987 while operating motor vehicles designed to transport more than
 2988 15 passengers, including the driver. A driver is disqualified
 2989 for a period of not less than 3 years nor more than 5 years if,
 2990 for offenses occurring during any 10-year period, the driver is
 2991 convicted of or otherwise found to have committed any subsequent
 2992 violations of out-of-service orders, in separate incidents,
 2993 while transporting hazardous materials required to be placarded
 2994 under the Hazardous Materials Transportation Act 49 U.S.C. ss.
 2995 5101 et seq., or while operating motor vehicles designed to
 2996 transport more than 15 passengers, including the driver.

2997 (10) (a) A driver must be disqualified for not less than 60
 2998 days if the driver is convicted of or otherwise found to have

2999 | committed a first violation of a railroad-highway grade crossing
 3000 | violation.

3001 | (b) A driver must be disqualified for not less than 120
 3002 | days if, for offenses occurring during any 3-year period, the
 3003 | driver is convicted of or otherwise found to have committed a
 3004 | second railroad-highway grade crossing violation in separate
 3005 | incidents.

3006 | (c) A driver must be disqualified for not less than 1 year
 3007 | if, for offenses occurring during any 3-year period, the driver
 3008 | is convicted of or otherwise found to have committed a third or
 3009 | subsequent railroad-highway grade crossing violation in separate
 3010 | incidents.

3011 | Section 85. Subsection (1) and paragraph (a) of subsection
 3012 | (3) of section 322.63, Florida Statutes, are amended to read:

3013 | 322.63 Alcohol or drug testing; commercial motor vehicle
 3014 | operators.--

3015 | (1) A person who accepts the privilege extended by the
 3016 | laws of this state of operating a commercial motor vehicle
 3017 | within this state shall, by so operating such commercial motor
 3018 | vehicle, be deemed to have given his or her consent to submit to
 3019 | an approved chemical or physical test of his or her blood or,
 3020 | ~~breath, or urine~~ for the purpose of determining his or her
 3021 | alcohol concentration, and to a urine test ~~or~~ for the purpose of
 3022 | detecting the presence of chemical substances as set forth in s.
 3023 | 877.111 or of controlled substances.

3024 | (a) By applying for a commercial driver's license and by
 3025 | accepting and using a commercial driver's license, the person

3026 holding the commercial driver's license is deemed to have
 3027 expressed his or her consent to the provisions of this section.

3028 (b) Any person who drives a commercial motor vehicle
 3029 within this state and who is not required to obtain a commercial
 3030 driver's license in this state is, by his or her act of driving
 3031 a commercial motor vehicle within this state, deemed to have
 3032 expressed his or her consent to the provisions of this section.

3033 (c) A notification of the consent provision of this
 3034 section shall be printed ~~above the signature line~~ on each new or
 3035 renewed commercial driver's license issued ~~after March 31, 1991~~.

3036 (3) (a) The breath and blood ~~physical and chemical~~ tests
 3037 authorized in this section shall be administered substantially
 3038 in accordance with rules adopted by the Department of Law
 3039 Enforcement.

3040 Section 86. Subsection (1) of section 322.64, Florida
 3041 Statutes, is amended, and, for the purpose of incorporating the
 3042 amendment to section 322.61, Florida Statutes, in a reference
 3043 thereto, subsection (14) of that section is reenacted, to read:

3044 322.64 Holder of commercial driver's license; driving with
 3045 unlawful blood-alcohol level; refusal to submit to breath,
 3046 urine, or blood test.--

3047 (1) (a) A law enforcement officer or correctional officer
 3048 shall, on behalf of the department, disqualify from operating
 3049 any commercial motor vehicle a person who while operating or in
 3050 actual physical control of a commercial motor vehicle is
 3051 arrested for a violation of s. 316.193, relating to unlawful
 3052 blood-alcohol level or breath-alcohol level, or a person who has
 3053 refused to submit to a breath, urine, or blood test authorized

3054 | by s. 322.63 arising out of the operation or actual physical
3055 | control of a commercial motor vehicle. Upon disqualification of
3056 | the person, the officer shall take the person's driver's license
3057 | and issue the person a 10-day temporary permit for the operation
3058 | of noncommercial vehicles only if the person is otherwise
3059 | eligible for the driving privilege and shall issue the person a
3060 | notice of disqualification. If the person has been given a
3061 | blood, breath, or urine test, the results of which are not
3062 | available to the officer at the time of the arrest, the agency
3063 | employing the officer shall transmit such results to the
3064 | department within 5 days after receipt of the results. If the
3065 | department then determines that the person was arrested for a
3066 | violation of s. 316.193 and that the person had a blood-alcohol
3067 | level or breath-alcohol level of 0.08 or higher, the department
3068 | shall disqualify the person from operating a commercial motor
3069 | vehicle pursuant to subsection (3).

3070 | (b) The disqualification under paragraph (a) shall be
3071 | pursuant to, and the notice of disqualification shall inform the
3072 | driver of, the following:

3073 | 1.a. The driver refused to submit to a lawful breath,
3074 | blood, or urine test and he or she is disqualified from
3075 | operating a commercial motor vehicle for a period of 1 year, for
3076 | a first refusal, or permanently, if he or she has previously
3077 | been disqualified as a result of a refusal to submit to such a
3078 | test; or

3079 | b. The driver violated s. 316.193 by driving with an
3080 | unlawful blood-alcohol level and he or she is disqualified from
3081 | operating a commercial motor vehicle for a period of 6 months

3082 for a first offense or for a period of 1 year if he or she has
 3083 previously been disqualified, or his or her driving privilege
 3084 has been previously suspended, for a violation of s. 316.193.

3085 2. The disqualification period for operating commercial
 3086 vehicles shall commence on the date of arrest or issuance of
 3087 notice of disqualification, whichever is later.

3088 3. The driver may request a formal or informal review of
 3089 the disqualification by the department within 10 days after the
 3090 date of arrest or issuance of notice of disqualification,
 3091 whichever is later.

3092 4. The temporary permit issued at the time of arrest or
 3093 disqualification will expire at midnight of the 10th day
 3094 following the date of disqualification.

3095 5. The driver may submit to the department any materials
 3096 relevant to the arrest.

3097 (14) The decision of the department under this section
 3098 shall not be considered in any trial for a violation of s.
 3099 316.193, s. 322.61, or s. 322.62, nor shall any written
 3100 statement submitted by a person in his or her request for
 3101 departmental review under this section be admissible into
 3102 evidence against him or her in any such trial. The disposition
 3103 of any related criminal proceedings shall not affect a
 3104 disqualification imposed pursuant to this section.

3105 Section 87. Subsection (1) of section 338.155, Florida
 3106 Statutes, is amended to read:

3107 338.155 Payment of toll on toll facilities required;
 3108 exemptions.--

3109 (1) No persons are permitted to use any toll facility
 3110 without payment of tolls, except employees of the agency
 3111 operating the toll project when using the toll facility on
 3112 official state business, state military personnel while on
 3113 official military business, handicapped persons as provided in
 3114 this section, persons exempt from toll payment by the
 3115 authorizing resolution for bonds issued to finance the facility,
 3116 and persons exempt on a temporary basis where use of such toll
 3117 facility is required as a detour route. Any law enforcement
 3118 officer operating a marked official vehicle is exempt from toll
 3119 payment when on official law enforcement business. Any person
 3120 operating a fire vehicle when on official business or a rescue
 3121 vehicle when on official business is exempt from toll payment.
 3122 Any person participating in the funeral procession of a law
 3123 enforcement officer or firefighter killed in the line of duty is
 3124 exempt from toll payment. The secretary, or the secretary's
 3125 designee, may suspend the payment of tolls on a toll facility
 3126 when necessary to assist in emergency evacuation. The failure to
 3127 pay a prescribed toll constitutes a noncriminal traffic
 3128 infraction, punishable as a moving violation pursuant to s.
 3129 318.18. The department is authorized to adopt rules relating to
 3130 guaranteed toll accounts.

3131 Section 88. Section 549.102, Florida Statutes, is created
 3132 to read:

3133 549.102 Motorsports entertainment complex; overnight
 3134 parking.--Notwithstanding any other law to the contrary, the
 3135 owner of a motorsports entertainment complex may allow temporary
 3136 overnight parking during a motorsports event and the 2 days

3137 immediately preceding and following such motorsports event
 3138 without any other license or permit as long as the area where
 3139 such temporary overnight parking is allowed meets applicable
 3140 health department requirements other than site requirements. The
 3141 Department of Health, or any other health agency in the state,
 3142 shall not regard such temporary overnight parking as a
 3143 "recreational vehicle park" as described in chapter 513 and the
 3144 administrative code adopted under that chapter.

3145 Section 89. Paragraphs (c) and (f) of subsection (13) of
 3146 section 713.78, Florida Statutes, are amended to read:

3147 713.78 Liens for recovering, towing, or storing vehicles
 3148 and vessels.--

3149 (13)

3150 (c)1. The registered owner of a vehicle, vessel, or mobile
 3151 home may dispute a wrecker operator's lien, by notifying the
 3152 department of the dispute in writing on forms provided by the
 3153 department, if at least one of the following applies:

3154 a. The registered owner presents a notarized bill of sale
 3155 proving that the vehicle, vessel, or mobile home was sold in a
 3156 private or casual sale before the vehicle, vessel, or mobile
 3157 home was recovered, towed, or stored.

3158 b. The registered owner presents proof that the Florida
 3159 certificate of title of the vehicle, vessel, or mobile home was
 3160 sold to a licensed dealer as defined in s. 319.001 before the
 3161 vehicle, vessel, or mobile home was recovered, towed, or stored.

3162 c. The records of the department were marked "sold" prior
 3163 to the date of the tow.

3164

3165 If the registered owner's dispute of a wrecker operator's lien
 3166 complies with one of these criteria, the department shall
 3167 immediately remove the registered owner's name from the list of
 3168 those persons who may not be issued a license plate or
 3169 revalidation sticker for any motor vehicle under s. 320.03(8),
 3170 thereby allowing issuance of a license plate or revalidation
 3171 sticker. If the vehicle, vessel, or mobile home is owned jointly
 3172 by more than one person, each registered owner must dispute the
 3173 wrecker operator's lien in order to be removed from the list.
 3174 However, the department shall deny any dispute and maintain the
 3175 registered owner's name on the list of those persons who may not
 3176 be issued a license plate or revalidation sticker for any motor
 3177 vehicle under s. 320.03(8) if the wrecker operator has provided
 3178 the department with a certified copy of the judgment of a court
 3179 which orders the registered owner to pay the wrecker operator's
 3180 lien claimed under this section. In such a case, the amount of
 3181 the wrecker operator's lien allowed by paragraph (b) may be
 3182 increased to include no more than \$500 of the reasonable costs
 3183 and attorney's fees incurred in obtaining the judgment. The
 3184 department's action under this subparagraph is ministerial in
 3185 nature, shall not be considered final agency action, and is
 3186 appealable only to the county court for the county in which the
 3187 vehicle, vessel, or mobile home was ordered removed.

3188 2. A person against whom a wrecker operator's lien has
 3189 been imposed may alternatively obtain a discharge of the lien by
 3190 filing a complaint, challenging the validity of the lien or the
 3191 amount thereof, in the county court of the county in which the
 3192 vehicle, vessel, or mobile home was ordered removed. Upon filing

3193 of the complaint, the person may have her or his name removed
3194 from the list of those persons who may not be issued a license
3195 plate or revalidation sticker for any motor vehicle under s.
3196 320.03(8), thereby allowing issuance of a license plate or
3197 revalidation sticker, upon posting with the court a cash or
3198 surety bond or other adequate security equal to the amount of
3199 the wrecker operator's lien to ensure the payment of such lien
3200 in the event she or he does not prevail. Upon the posting of the
3201 bond and the payment of the applicable fee set forth in s.
3202 28.24, the clerk of the court shall issue a certificate
3203 notifying the department of the posting of the bond and
3204 directing the department to release the wrecker operator's lien.
3205 Upon determining the respective rights of the parties, the court
3206 may award damages and costs in favor of the prevailing party.

3207 3. If a person against whom a wrecker operator's lien has
3208 been imposed does not object to the lien, but cannot discharge
3209 the lien by payment because the wrecker operator has moved or
3210 gone out of business, the person may have her or his name
3211 removed from the list of those persons who may not be issued a
3212 license plate or revalidation sticker for any motor vehicle
3213 under s. 320.03(8), thereby allowing issuance of a license plate
3214 or revalidation sticker, upon posting with the clerk of court in
3215 the county in which the vehicle, vessel, or mobile home was
3216 ordered removed, a cash or surety bond or other adequate
3217 security equal to the amount of the wrecker operator's lien.
3218 Upon the posting of the bond and the payment of the application
3219 fee set forth in s. 28.24, the clerk of the court shall issue a
3220 certificate notifying the department of the posting of the bond

3221 and directing the department to release the wrecker operator's
 3222 lien. The department shall mail to the wrecker operator, at the
 3223 address upon the lien form, notice that the wrecker operator
 3224 must claim the security within 60 days, or the security will be
 3225 released back to the person who posted it. At the conclusion of
 3226 the 60 days, the department shall direct the clerk as to which
 3227 party is entitled to payment of the security, less applicable
 3228 clerk's fees.

3229 4. A wrecker operator's lien expires 5 years after filing.

3230 (f) This subsection applies only to the annual renewal in
 3231 the registered owner's birth month of a motor vehicle
 3232 registration and does not apply to the transfer of a
 3233 registration of a motor vehicle sold by a motor vehicle dealer
 3234 licensed under chapter 320, except for the transfer of
 3235 registrations which is inclusive of the annual renewals. This
 3236 subsection does not apply to any vehicle registered in the name
 3237 of the lessor. This subsection does not affect the issuance of
 3238 the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

3239 Section 90. Paragraph (b) of subsection (9) of section
 3240 768.28, Florida Statutes, is amended to read:

3241 768.28 Waiver of sovereign immunity in tort actions;
 3242 recovery limits; limitation on attorney fees; statute of
 3243 limitations; exclusions; indemnification; risk management
 3244 programs.--

3245 (9)

3246 (b) As used in this subsection, the term:

3247 1. "Employee" includes any volunteer firefighter, any
 3248 volunteer highway patrol troop surgeon appointed by the director

3249 of the Florida Highway Patrol, and any volunteer licensed health
 3250 professional appointed by the director of the Florida Highway
 3251 Patrol to work under the medical direction of a highway patrol
 3252 troop surgeon.

3253 2. "Officer, employee, or agent" includes, but is not
 3254 limited to, any health care provider when providing services
 3255 pursuant to s. 766.1115, any member of the Florida Health
 3256 Services Corps, as defined in s. 381.0302, who provides
 3257 uncompensated care to medically indigent persons referred by the
 3258 Department of Health, and any public defender or her or his
 3259 employee or agent, including, among others, an assistant public
 3260 defender and an investigator.

3261 Section 91. Section 843.16, Florida Statutes, is amended
 3262 to read:

3263 843.16 Unlawful to install or transport radio equipment
 3264 using assigned frequency of state or law enforcement officers;
 3265 definitions; exceptions; penalties.--

3266 (1) A ~~No~~ person, firm, or corporation may not ~~shall~~
 3267 install or transport in any motor vehicle or business
 3268 establishment, except an emergency vehicle or crime watch
 3269 vehicle as herein defined or a place established by municipal,
 3270 county, state, or federal authority for governmental purposes,
 3271 any frequency modulation radio receiving equipment so adjusted
 3272 or tuned as to receive messages or signals on frequencies
 3273 assigned by the Federal Communications Commission to police or
 3274 law enforcement officers or fire rescue personnel of any city or
 3275 county of the state or to the state or any of its agencies.

3276 Provided, nothing herein shall be construed to affect any radio

3277 station licensed by the Federal Communications System or to
 3278 affect any recognized newspaper or news publication engaged in
 3279 covering the news on a full-time basis or any alarm system
 3280 contractor certified pursuant to part II of chapter 489,
 3281 operating a central monitoring system.

3282 (2) As used in this section, the term:

3283 (a) "Emergency vehicle" shall specifically mean:

3284 1. Any motor vehicle used by any law enforcement officer
 3285 or employee of any city, any county, the state, the Federal
 3286 Bureau of Investigation, or the Armed Forces of the United
 3287 States while on official business;

3288 2. Any fire department vehicle of any city or county of
 3289 the state or any state fire department vehicle;

3290 3. Any motor vehicle designated as an emergency vehicle by
 3291 the Department of Highway Safety and Motor Vehicles when said
 3292 vehicle is to be assigned the use of frequencies assigned to the
 3293 state;

3294 4. Any motor vehicle designated as an emergency vehicle by
 3295 the sheriff or fire chief of any county in the state when said
 3296 vehicle is to be assigned the use of frequencies assigned to the
 3297 said county;

3298 5. Any motor vehicle designated as an emergency vehicle by
 3299 the chief of police or fire chief of any city in the state when
 3300 said vehicle is to be assigned the use of frequencies assigned
 3301 to the said city.

3302 (b) "Crime watch vehicle" means any motor vehicle used by
 3303 any person participating in a citizen crime watch or
 3304 neighborhood watch program when such program and use are

3305 approved in writing by the appropriate sheriff or chief of
3306 police where the vehicle will be used and the vehicle is
3307 assigned the use of frequencies assigned to the county or city.
3308 Such approval shall be renewed annually.

3309 (3) This section shall not apply to any holder of a valid
3310 amateur radio operator or station license issued by the Federal
3311 Communications Commission or to any recognized newspaper or news
3312 publication engaged in covering the news on a full-time basis or
3313 any alarm system contractor certified pursuant to part II of
3314 chapter 489, operating a central monitoring system.

3315 (4) Any person, firm, or corporation violating any of the
3316 provisions of this section commits ~~shall be deemed guilty of~~ a
3317 misdemeanor of the first ~~second~~ degree, punishable as provided
3318 in s. 775.082 or s. 775.083.

3319 Section 92. Except as otherwise provided herein, this act
3320 shall take effect July 1, 2005.