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1 A bill to be entitled
2 An act relating to the Department of Highway Safety
3 and Motor Vehicles; amending s. 20.24, F.S.;
4 specifying that the executive director of the
5 department serves at the pleasure of the Governor and
6 Cabinet; creating a Division of Motorist Services
7 within the department; eliminating the Division of
8 Driver Licenses and the Division of Motor Vehicles;
9 amending s. 261.03, F.S.; conforming cross-references;
10 amending s. 288.816, F.S., relating to Consul Corps
11 license plates; conforming a reference; amending s.
12 316.003, F.S.; revising the definition of the term
13 "motor vehicle" to include durable medical equipment
14 and swamp buggies; revising the definition of the term
15 "electric personal assistive mobility device";
16 defining the terms "swamp buggy," "road rage," and
17 "durable medical equipment"; amending s. 316.008,
18 F.S.; deleting the powers of local authorities to
19 regulate assistive mobility devices on sidewalks;
20 providing that mobility-impaired persons have the
21 rights and responsibilities provided to pedestrians in
22 s. 316.130, F.S., with respect to traffic regulations;
23 amending s. 316.1905, F.S.; providing that certain
24 traffic citations may not be issued or prosecuted
25 unless a law enforcement officer used an electrical,
26 mechanical, or other speed-calculating device that has
27 been tested and approved; providing an exception;
28 amending s. 316.1933, F.S.; authorizing a health care
29 provider to notify a law enforcement agency after

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30 detecting the presence of a controlled substance in
31 the blood of a person injured in a motor vehicle
32 crash; amending s. 316.1957, F.S., relating to parking
33 violations; conforming a reference; amending s.
34 316.2015, F.S.; prohibiting the operator of a pickup
35 truck or flatbed truck from permitting a child who is
36 younger than 6 years of age from riding within the
37 open body of the truck under certain circumstances;
38 providing for certain exceptions; making technical and
39 grammatical changes; amending s. 316.2065, F.S.;
40 revising safety standard requirements for bicycle
41 helmets that must be worn by certain riders and
42 passengers; clarifying provisions relating to when a
43 bicycle operator must ride in a bicycle lane or along
44 the curb or edge of the roadway; providing for
45 enforcement of requirements for bicycle lighting
46 equipment; providing penalties for violations;
47 providing for dismissal of the charge following a
48 first offense under certain circumstances; amending s.
49 316.2085, F.S.; requiring that license tags for mopeds
50 and motorcycles be affixed so that the letters and
51 numbers are legible from the rear; specifying that the
52 tags may be displayed horizontally or vertically to
53 the ground so that the numbers and letters read from
54 left to right or from top to bottom; amending ss.
55 316.2122, 316.2124, 316.21265, 316.3026, and 316.550,
56 F.S., relating to the operation of low-speed vehicles,
57 motorized disability access vehicles, and all-terrain
58 or utility vehicles, the unlawful operation of motor

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59 carriers, and special permits, respectively;
60 conforming cross-references; amending s. 316.545,
61 F.S.; providing for the regulation of apportionable
62 vehicles; amending s. 316.613, F.S.; providing child-
63 restraint requirements for children ages 4 through 7
64 years of age who are less than a specified height;
65 providing certain exceptions; redefining the term
66 "motor vehicle" to exclude certain vehicles from such
67 requirements; providing that parents and others are
68 responsible for complying with child-restraint
69 requirements in certain chauffeur-driven vehicles;
70 providing a grace period; amending s. 317.0003, F.S.,
71 relating to off-highway vehicles; conforming a cross-
72 reference; amending s. 317.0016, F.S.; eliminating a
73 requirement that the department provide expedited
74 service for certificates of repossession; amending s.
75 318.14, F.S.; clarifying provisions authorizing a
76 person cited for a noncriminal traffic infraction to
77 elect to attend a driver improvement course or enter a
78 plea of nolo contendere; amending s. 318.15, F.S.,
79 relating to the suspension of driving privileges;
80 conforming a reference; providing that a person
81 charged with a traffic infraction may request a
82 hearing that the clerk must set; providing criteria;
83 amending s. 319.14, F.S.; prohibiting a person from
84 knowingly offering for sale, selling, or exchanging
85 certain vehicles unless the department has stamped in
86 a conspicuous place on the certificate of title words
87 stating that the vehicle is a custom vehicle or street

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88 rod vehicle; defining the terms "custom vehicle" and
89 "street rod"; amending s. 319.225, F.S.; revising the
90 requirements for the transfer and reassignment forms
91 for vehicles; requiring that a dealer selling a
92 vehicle out of state mail a copy of the power of
93 attorney form to the department; providing for the
94 electronic transfer of a vehicle title; amending s.
95 319.23, F.S.; providing for the application for a
96 certificate of title, corrected certificate, or
97 assignment or reassignment to be filed from the
98 consummation of the sale of a mobile home; authorizing
99 the department to accept a bond if the applicant for a
100 certificate of title is unable to provide a title that
101 assigns the prior owner's interest in the motor
102 vehicle; providing requirements for the bond and the
103 affidavit; providing for future expiration of the
104 bond; amending s. 319.28, F.S.; eliminating certain
105 requirements that a lienholder obtain a certificate of
106 repossession following repossession of a vehicle or
107 mobile home; providing that a dealer of certain farm
108 or industrial equipment is not subject to licensure as
109 a recovery agent or agency under certain conditions;
110 amending s. 319.323, F.S., relating to title offices
111 for expedited service; conforming provisions to
112 changes made by the act; amending s. 319.40, F.S.;
113 authorizing the department to issue electronic
114 certificates of title and use electronic mail
115 addresses for purposes of notification, except for any
116 notice regarding the potential forfeiture or

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117 foreclosure of an interest in property; amending s.
118 320.01, F.S.; revising the definition of the term
119 "motor vehicle" to include special mobile equipment
120 and swamp buggies; deleting an obsolete definition;
121 revising the gross vehicle weight for purposes of
122 defining the terms "apportionable vehicle" and
123 "commercial motor vehicle"; defining the term "swamp
124 buggy"; amending s. 320.02, F.S.; providing that an
125 active-duty military member is exempt from the
126 requirement to provide an address on an application
127 for vehicle registration; requiring the application
128 forms for motor vehicle registration and renewal of
129 registration to include language permitting the
130 applicant to make a voluntary contribution to End
131 Hunger in Florida, Autism Services and Supports, the
132 Auto Club South Traffic Safety Foundation, Support Our
133 Troops and Take Stock in Children; requiring that the
134 department retain certain records for a specified
135 period; amending s. 320.023, F.S.; authorizing the
136 department to retain certain proceeds derived from the
137 voluntary contributions program to cover certain
138 specified costs to the department; amending s. 320.03,
139 F.S., relating to the International Registration Plan;
140 conforming provisions to changes made by the act;
141 providing for an electronic filing system agent to
142 operate in a county other than the county in which the
143 agent is located; providing for the division of fees;
144 deleting obsolete provisions; amending s. 320.05,
145 F.S.; deleting a provision requiring that the

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146 department provide a procedures manual for a fee;
147 clarifying that the creation and maintenance of
148 records by the Division of Motorist Services is not a
149 law enforcement function of agency recordkeeping;
150 amending s. 320.06, F.S.; authorizing the department
151 to conduct a pilot program to evaluate alternative
152 license plate technologies for use on government-owned
153 motor vehicles; specifying that all license plates
154 issued by the department are the property of the
155 state; amending s. 320.061, F.S.; providing that it is
156 a noncriminal traffic infraction to alter a temporary
157 license plate; amending s. 320.071, F.S.; providing
158 for the renewal of registration for an apportionable
159 vehicle that is registered under the International
160 Registration Plan; amending s. 320.0715, F.S.;
161 clarifying provisions requiring the registration of
162 apportionable vehicles under the International
163 Registration Plan; amending s. 320.08, F.S., relating
164 to license taxes; conforming cross-references;
165 creating s. 320.08051, F.S.; providing for the
166 approval of certain specialty license plate
167 applications; providing conditions; requiring the
168 organization to submit certain information to the
169 department for the specialty plate; requiring the
170 department to begin production of any approved
171 specialty plate within a certain time; providing for a
172 fee; requiring compliance with all other provisions
173 relating to specialty plates; amending s. 320.08058,
174 F.S.; changing the recipient of the proceeds for the

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175 Live the Dream license plates to the Florida Dream
176 Foundation, Inc.; amending s. 320.08068, F.S.;
177 revising use of funds received from the sale of
178 motorcycle specialty license plates; amending s.
179 320.0847, F.S., relating to license plates for mini
180 trucks and low-speed vehicles; conforming cross-
181 references; amending s. 320.0848, F.S.; revising the
182 requirements for disabled parking permit renewals;
183 requiring a permitholder to personally appear to
184 obtain a renewal or replacement permit; revising the
185 requirements for the deposit of fee proceeds from
186 temporary disabled parking permits; amending s.
187 320.275, F.S., relating to the Automobile Dealers
188 Industry Advisory Board; conforming provisions to the
189 elimination of the Division of Motor Vehicles within
190 the department; amending s. 320.771, F.S.; specifying
191 circumstances under which certain dealers may apply
192 for a certificate of title to a recreational vehicle
193 using a manufacturer's statement of origin; amending
194 s. 320.95, F.S.; authorizing the department to use
195 electronic mail addresses for the purpose of providing
196 license renewal notices; amending s. 321.02, F.S.;
197 designating the director of the Division of Highway
198 Patrol of the department as the Colonel of the Florida
199 Highway Patrol; amending s. 322.02, F.S.; providing
200 for a director of the Division of Motorist Services;
201 amending s. 322.04, F.S.; revising provisions
202 exempting a nonresident from the requirement to obtain
203 a driver's license under certain circumstances;

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204 amending s. 322.051, F.S.; revising the means by which
205 an applicant for an identification card may prove
206 nonimmigrant classification; clarifying the validity
207 of an identification card based on specified
208 documents; providing for the department to waive the
209 fees for issuing or renewing an identification card to
210 persons who present good cause for such waiver;
211 amending s. 322.058, F.S.; conforming a cross-
212 reference; amending s. 322.065, F.S.; revising the
213 period of expiration that constitutes the offense of
214 driving with an expired driver's license; amending s.
215 322.07, F.S.; clarifying the qualifications for
216 obtaining a temporary commercial instruction permit;
217 amending s. 322.08, F.S.; revising requirements by
218 which an applicant for a driver's license may prove
219 nonimmigrant classification; clarifying the validity
220 of a license based on specified documents; providing
221 for driver's license application forms to allow the
222 applicant to make a voluntary contribution to Autism
223 Services and Supports, the Auto Club South Traffic
224 Safety Foundation, and Support Our Troops; authorizing
225 the department to use electronic mail addresses for
226 the purposes of providing license renewal notices;
227 amending s. 322.081, F.S.; authorizing the department
228 to retain certain proceeds derived from the voluntary
229 contributions made on driver's license applications to
230 cover certain specified costs to the department;
231 amending s. 322.12, F.S.; deleting provisions
232 requiring a separate examination for applicants for a

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233 license to operate a motorcycle; requiring that the
234 motorcycle safety course for a first-time applicant
235 include a final examination; requiring that completion
236 of the course be indicated on the license; amending s.
237 322.121, F.S.; clarifying provisions authorizing the
238 automatic extension of a license for members of the
239 Armed Forces or their dependents while serving on
240 active duty outside the state; amending s. 322.14,
241 F.S.; deleting a requirement that applicants for
242 specified licenses appear in person for issuance of a
243 color photographic or digital imaged driver's license;
244 creating s. 322.1415, F.S.; authorizing the Department
245 of Highway Safety and Motor Vehicles to issue a
246 specialty driver's license or identification card to
247 qualified applicants; specifying that, at a minimum,
248 the specialty driver's licenses and identification
249 cards must be available for certain state and
250 independent universities and professional sports teams
251 and all of the branches of the United States military;
252 requiring that the design of each specialty driver's
253 license and identification card be approved by the
254 department; creating s. 322.145, F.S.; requiring the
255 Department of Highway Safety and Motor Vehicles to
256 implement a system providing for the electronic
257 authentication of driver's licenses; providing
258 criteria for a token for security authenticity;
259 requiring that the department contract for
260 implementation of the electronic verification;
261 amending s. 322.20, F.S., relating to department

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262 records; conforming provisions to changes made by the
263 act; amending s. 322.202, F.S.; clarifying that the
264 Division of Motorist Services is not a law enforcement
265 agency; amending s. 322.21, F.S.; providing for the
266 distribution of funds collected from the specialty
267 driver's license and identification card fees;
268 conforming provisions to changes made by the act;
269 authorizing a driver to renew his or her driver's
270 license during a specified period before the license
271 expiration date; amending s. 322.53, F.S.; revising
272 provisions exempting certain farmers and drivers who
273 operate straight trucks from the requirement to obtain
274 a commercial driver's license; amending s. 322.54,
275 F.S.; requiring that the weight of a commercial motor
276 vehicle be based on the vehicle's actual weight under
277 certain circumstances; repealing s. 322.58, F.S.,
278 relating to holders of chauffeur's licenses; amending
279 s. 322.59, F.S.; requiring that the department
280 disqualify a driver holding a commercial driver's
281 license who fails to comply with specified federal
282 certification requirements; amending s. 322.61, F.S.;
283 providing that the holder of a commercial driver's
284 license is permanently disqualified from operating a
285 commercial motor vehicle following two violations of
286 specified offenses committed while operating any
287 vehicle; amending s. 322.64, F.S.; providing that a
288 notice of disqualification from operating a commercial
289 motor vehicle acts as a conviction for purposes of
290 certain federal restrictions imposed for the offense

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291 of operating a commercial motor vehicle while under
292 the influence of alcohol; deleting provisions
293 authorizing the department to impose certain
294 alternative restrictions for such offense; amending s.
295 328.30, F.S.; authorizing the department to issue
296 electronic certificates of title for vessels and use
297 electronic mail addresses for purposes of providing
298 renewal notices; amending s. 413.012, F.S., relating
299 to a prohibition on disclosing confidential records
300 held by the department; conforming provisions to
301 changes made by the act; amending s. 713.78, F.S.;
302 conforming a cross-reference; creating the "Highway
303 Safety Act"; providing legislative intent relating to
304 road rage and aggressive careless driving; amending s.
305 316.083, F.S.; requiring an operator of a motor
306 vehicle to yield the left lane when being overtaken on
307 a multilane highway; providing exceptions; amending s.
308 316.1923, F.S.; revising the number of specified acts
309 necessary to qualify as an aggressive careless driver;
310 providing specified punishments for aggressive
311 careless driving, including imposition of an increased
312 fine; amending s. 318.121, F.S.; revising the
313 preemption of additional fees, fines, surcharges, and
314 court costs to allow imposition of the increased fine
315 for aggressive careless driving; amending s. 318.18,
316 F.S.; specifying the amount of the fine and the
317 allocation of moneys received from the increased fine
318 imposed for aggressive careless driving; amending s.
319 318.19, F.S.; providing that a second or subsequent

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320 infraction as an aggressive careless driver requires
321 attendance at a mandatory hearing; requiring the
322 Department of Highway Safety and Motor Vehicles to
323 provide information about the Highway Safety Act in
324 driver's license educational materials; reenacting s.
325 316.650(1)(a), F.S., relating to traffic citations, to
326 incorporate the amendments made to s. 316.1923, F.S.,
327 in a reference thereto; amending s. 320.089, F.S.;
328 providing for the issuance of a Combat Infantry Badge
329 license plate; providing qualifications and
330 requirements for the plate; providing for the use of
331 proceeds from the sale of the plate; amending ss.
332 318.1451 and 322.095, F.S.; requiring the curricula of
333 driver improvement schools and education programs for
334 driver's license applicants to include instruction on
335 the dangers of driving while distracted, which must
336 specifically include the use of technology while
337 driving; amending s. 320.27, F.S.; exempting salvage
338 motor vehicle dealers from certain insurance
339 requirements; amending s. 316.6135, F.S.; clarifying
340 the criteria under which a child may not be left
341 unattended in a vehicle; providing a short title;
342 providing for a voluntary emergency contact
343 information program established by the department;
344 amending s. 320.08058, F.S.; providing that proceeds
345 from the sale of Support Soccer license plates shall
346 be distributed to the Florida Soccer Foundation, Inc.;
347 amending s. 402.305, F.S.; requiring vehicles used by
348 child care facilities and large family child care

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349 homes to be equipped with an alarm system that prompts
350 the driver to inspect the vehicle for children before
351 exiting the vehicle; requiring the Department of
352 Children and Family Services to adopt rules and
353 maintain a list of approved alarm systems; providing
354 effective dates.

355

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

357

358 Section 1. Section 20.24, Florida Statutes, is amended to
359 read:

360 20.24 Department of Highway Safety and Motor Vehicles.—

361 There is created a Department of Highway Safety and Motor
362 Vehicles.

363 (1) The head of the Department of Highway Safety and Motor
364 Vehicles is the Governor and Cabinet. An executive director
365 shall serve at the pleasure of the Governor and Cabinet. The
366 executive director may establish a command, operational, and
367 administrative services structure to assist, manage, and support
368 the department in operating programs and delivering services.

369 (2) The following divisions, ~~and bureaus within the~~
370 ~~divisions,~~ of the Department of Highway Safety and Motor
371 Vehicles are established:

372 (a) Division of the Florida Highway Patrol.

373 (b) Division of Motorist Services.

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

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

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

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378 261.03 Definitions.—As used in this chapter, the term:

379 (9) "ROV" means any motorized recreational off-highway
380 vehicle 64 inches or less in width, having a dry weight of 2,000
381 pounds or less, designed to travel on four or more nonhighway
382 tires, having nonstraddle seating and a steering wheel, and
383 manufactured for recreational use by one or more persons. The
384 term "ROV" does not include a golf cart as defined in ss.
385 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
386 s. 320.01~~(42)~~.

387 Section 3. Paragraph (e) of subsection (2) of section
388 288.816, Florida Statutes, is amended to read:

389 288.816 Intergovernmental relations.—

390 (2) The Office of Tourism, Trade, and Economic Development
391 shall be responsible for all consular relations between the
392 state and all foreign governments doing business in Florida. The
393 office shall monitor United States laws and directives to ensure
394 that all federal treaties regarding foreign privileges and
395 immunities are properly observed. The office shall promulgate
396 rules which shall:

397 (e) Verify entitlement to issuance of special motor vehicle
398 license plates by ~~the Division of Motor Vehicles of the~~
399 Department of Highway Safety and Motor Vehicles to honorary
400 consuls or such other officials representing foreign governments
401 who are not entitled to issuance of special Consul Corps license
402 plates by the United States Government.

403 Section 4. Subsections (2), (21), and (83) of section
404 316.003, Florida Statutes, are amended, and subsections (89),
405 (90), and (91) are added to that section, to read:

406 316.003 Definitions.—The following words and phrases, when

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407 used in this chapter, shall have the meanings respectively
408 ascribed to them in this section, except where the context
409 otherwise requires:

410 (2) BICYCLE.—Every vehicle propelled solely by human power,
411 and every motorized bicycle propelled by a combination of human
412 power and an electric helper motor capable of propelling the
413 vehicle at a speed of not more than 20 miles per hour on level
414 ground upon which any person may ride, having two tandem wheels
415 or three wheels, and including any device generally recognized
416 as a bicycle though equipped with two front or two rear wheels.
417 The term does not include such a vehicle with a seat height of
418 no more than 25 inches from the ground when the seat is adjusted
419 to its highest position or a scooter or similar device. No
420 person under the age of 16 may operate or ride upon a motorized
421 bicycle.

422 (21) MOTOR VEHICLE.—Any self-propelled vehicle not operated
423 upon rails or guideway, but not including any bicycle, motorized
424 scooter, electric personal assistive mobility device, durable
425 medical equipment, swamp buggy, or moped.

426 (83) ELECTRIC PERSONAL ASSISTIVE MOBILITY DEVICE.—Any self-
427 balancing, two-nontandem-wheeled device, commonly known as a
428 Segway, designed to transport only one person, with an electric
429 propulsion system with average power of 750 watts (1
430 horsepower), the maximum speed of which, on a paved level
431 surface when powered solely by such a propulsion system while
432 being ridden by an operator who weighs 170 pounds, is less than
433 20 miles per hour. Electric personal assistive mobility devices
434 are not vehicles as defined in this section.

435 (89) SWAMP BUGGY.—A motorized off-road vehicle designed to

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436 travel over swampy terrain, which may utilize large tires or
437 tracks operated from an elevated platform, and may be used on
438 varied terrain. A swamp buggy does not include any vehicle
439 defined in chapter 261 or otherwise defined or classified in
440 this chapter. A swamp buggy may not be operated upon the public
441 roads, streets, or highways of this state, except to the extent
442 specifically authorized by a state or federal agency to be used
443 exclusively upon lands, managed, owned, or leased by that
444 agency.

445 (90) ROAD RAGE.—The act of a driver or passenger to
446 intentionally or unintentionally, due to a loss of emotional
447 control, injure or kill another driver, passenger, or
448 pedestrian, or to attempt or threaten to injure or kill another
449 driver, passenger, or pedestrian.

450 (91) DURABLE MEDICAL EQUIPMENT.—Any three- or four-wheeled
451 mobility device, including a manually propelled or powered
452 wheelchair or motorized scooter, which is designed to provide
453 transportation for mobility-impaired persons.

454 Section 5. Subsection (7) of section 316.008, Florida
455 Statutes, is amended to read:

456 316.008 Powers of local authorities.—

457 (7) A county or municipality may enact an ordinance to
458 permit, control, or regulate the operation of vehicles, golf
459 carts, mopeds, motorized scooters, and electric personal
460 ~~assistive~~ mobility devices on sidewalks or sidewalk areas when
461 such use is permissible under federal law. The ordinance must
462 restrict such vehicles or devices to a maximum speed of 15 miles
463 per hour in such areas.

464 Section 6. Mobility-impaired persons have the same rights,

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465 responsibilities, and restrictions as provided for pedestrians
466 in s. 316.130, Florida Statutes, including persons who:

467 (1) Are legally blind;

468 (2) Are unable to walk without assistance from another
469 person or the use of a brace, cane, crutch, prosthetic device,
470 wheelchair, or other assistive device;

471 (3) Are restricted by lung disease to the extent that their
472 forced expiratory volume for 1 second, when measured by
473 spirometry, is less than 1 liter, their arterial oxygen is less
474 than 60mm/hg on room air at rest, or they require the use of
475 portable oxygen;

476 (4) Are restricted by a cardiac condition to the extent
477 that their functional limitations are classified as Class III or
478 Class IV in severity, by American Heart Association standards;
479 or

480 (5) Are restricted in their ability to walk due to an
481 arthritic, neurological, or orthopedic condition.

482 Section 7. Section 316.1905, Florida Statutes, is amended
483 to read:

484 316.1905 Electrical, mechanical, or other speed calculating
485 devices; power of arrest; evidence.—

486 (1) Whenever any peace officer engaged in the enforcement
487 of the motor vehicle laws of this state uses an electronic,
488 electrical, mechanical, or other device used to determine the
489 speed of a motor vehicle on any highway, road, street, or other
490 public way, such device shall be of a type approved by the
491 department and shall have been tested to determine that it is
492 operating accurately. Tests for this purpose shall be made not
493 less than once each 6 months, according to procedures and at

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494 regular intervals of time prescribed by the department.

495 (2) Any police officer, upon receiving information relayed
496 to him or her from a fellow officer stationed on the ground or
497 in the air operating such a device that a driver of a vehicle
498 has violated the speed laws of this state, may arrest the driver
499 for violation of said laws where reasonable and proper
500 identification of the vehicle and the speed of same has been
501 communicated to the arresting officer.

502 (3) A citations for a violation of s. 316.183, s. 316.187,
503 s. 316.189, or s. 316.1893 may not be issued or prosecuted
504 unless a law enforcement officer used an electrical, mechanical,
505 or other speed-calculating device that has been tested and
506 approved in accordance with subsection (1), or unless the
507 violation is determined to have contributed to a crash and the
508 law enforcement officer is able to determine by other reliable
509 measures that the driver was speeding.

510 (4)~~(3)~~(a) A witness otherwise qualified to testify shall be
511 competent to give testimony against an accused violator of the
512 motor vehicle laws of this state when such testimony is derived
513 from the use of such an electronic, electrical, mechanical, or
514 other device used in the calculation of speed, upon showing that
515 the speed calculating device which was used had been tested.
516 However, the operator of any visual average speed computer
517 device shall first be certified as a competent operator of such
518 device by the department.

519 (b) Upon the production of a certificate, signed and
520 witnessed, showing that such device was tested within the time
521 period specified and that such device was working properly, a
522 presumption is established to that effect unless the contrary

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523 shall be established by competent evidence.

524 (c) Any person accused pursuant to the provisions of this
525 section shall be entitled to have the officer actually operating
526 the device appear in court and testify upon oral or written
527 motion.

528 Section 8. Paragraph (a) of subsection (2) of section
529 316.1933, Florida Statutes, is amended to read:

530 316.1933 Blood test for impairment or intoxication in cases
531 of death or serious bodily injury; right to use reasonable
532 force.-

533 (2) (a) Only a physician, certified paramedic, registered
534 nurse, licensed practical nurse, other personnel authorized by a
535 hospital to draw blood, or duly licensed clinical laboratory
536 director, supervisor, technologist, or technician, acting at the
537 request of a law enforcement officer, may withdraw blood for the
538 purpose of determining the alcoholic content thereof or the
539 presence of chemical substances or controlled substances
540 therein. However, the failure of a law enforcement officer to
541 request the withdrawal of blood shall not affect the
542 admissibility of a test of blood withdrawn for medical purposes.

543 1. Notwithstanding any provision of law pertaining to the
544 confidentiality of hospital records or other medical records, if
545 a health care provider, who is providing medical care in a
546 health care facility to a person injured in a motor vehicle
547 crash, becomes aware, as a result of any blood test performed in
548 the course of that medical treatment, that the person's blood-
549 alcohol level meets or exceeds the blood-alcohol level specified
550 in s. 316.193(1) (b), or detects the presence of a controlled
551 substance listed in chapter 893, the health care provider may

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552 notify any law enforcement officer or law enforcement agency.
553 Any such notice must be given within a reasonable time after the
554 health care provider receives the test result. Any such notice
555 shall be used only for the purpose of providing the law
556 enforcement officer with reasonable cause to request the
557 withdrawal of a blood sample pursuant to this section.

558 2. The notice shall consist only of the name of the person
559 being treated, the name of the person who drew the blood, the
560 blood-alcohol level indicated by the test, and the date and time
561 of the administration of the test.

562 3. Nothing contained in s. 395.3025(4), s. 456.057, or any
563 applicable practice act affects the authority to provide notice
564 under this section, and the health care provider is not
565 considered to have breached any duty owed to the person under s.
566 395.3025(4), s. 456.057, or any applicable practice act by
567 providing notice or failing to provide notice. It shall not be a
568 breach of any ethical, moral, or legal duty for a health care
569 provider to provide notice or fail to provide notice.

570 4. A civil, criminal, or administrative action may not be
571 brought against any person or health care provider participating
572 in good faith in the provision of notice or failure to provide
573 notice as provided in this section. Any person or health care
574 provider participating in the provision of notice or failure to
575 provide notice as provided in this section shall be immune from
576 any civil or criminal liability and from any professional
577 disciplinary action with respect to the provision of notice or
578 failure to provide notice under this section. Any such
579 participant has the same immunity with respect to participating
580 in any judicial proceedings resulting from the notice or failure

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581 to provide notice.

582 Section 9. Section 316.1957, Florida Statutes, is amended
583 to read:

584 316.1957 Parking violations; designated parking spaces for
585 persons who have disabilities.—When evidence is presented in any
586 court of the fact that any motor vehicle was parked in a
587 properly designated parking space for persons who have
588 disabilities in violation of s. 316.1955, it is prima facie
589 evidence that the vehicle was parked and left in the space by
590 the person, firm, or corporation in whose name the vehicle is
591 registered and licensed according to the records of the
592 department ~~Division of Motor Vehicles~~.

593 Section 10. Section 316.2015, Florida Statutes, is amended
594 to read:

595 316.2015 Unlawful for person to ride on exterior of
596 vehicle.—

597 (1) The ~~It is unlawful for any~~ operator of a passenger
598 vehicle may not ~~to~~ permit any person to ride on the bumper,
599 radiator, fender, hood, top, trunk, or running board of such
600 vehicle when operated upon any street or highway that ~~which~~ is
601 maintained by the state, county, or municipality. Any person who
602 violates this subsection shall be cited for a moving violation,
603 punishable as provided in chapter 318.

604 (2) (a) A ~~No~~ person may not ~~shall~~ ride on any vehicle or
605 upon any portion thereof which is not designed or intended for
606 the use of passengers. This paragraph does not apply to an
607 employee of a fire department, an employee of a governmentally
608 operated solid waste disposal department or a waste disposal
609 service operating pursuant to a contract with a governmental

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610 entity, or to a volunteer firefighter when the employee or
611 firefighter is engaged in the necessary discharge of a duty, and
612 does not apply to a person who is being transported in response
613 to an emergency by a public agency or pursuant to the direction
614 or authority of a public agency. This paragraph does not apply
615 to an employee engaged in the necessary discharge of a duty or
616 to a person or persons riding within truck bodies in space
617 intended for merchandise.

618 (b) The ~~It is unlawful for any~~ operator of a pickup truck
619 or flatbed truck may not ~~to~~ permit a person ~~minor child~~ who is
620 younger than ~~has not attained~~ 18 years of age to ride upon
621 limited access facilities of the state within the open body of a
622 pickup truck or flatbed truck unless the minor is restrained
623 within the open body in the back of a truck that has been
624 modified to include secure seating and safety restraints to
625 prevent the passenger from being thrown, falling, or jumping
626 from the truck. This paragraph does not apply in a medical
627 emergency if the child is accompanied within the truck by an
628 adult. A county is exempt from this paragraph if the governing
629 body of the county, by majority vote, following a noticed public
630 hearing, votes to exempt the county from this paragraph.

631 (c) The operator of a pickup truck or flatbed truck may not
632 permit a child who is younger than 6 years of age to ride within
633 the open body of a pickup truck or flatbed truck while the truck
634 is operating on any publicly maintained street or highway having
635 a posted speed limit that is greater than 35 miles per hour
636 unless the minor is restrained within the open body in the back
637 of a truck that has been modified to include secure seating and
638 safety restraints to prevent the passenger from being thrown,

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639 falling, or jumping from the truck. This paragraph does not
640 apply in a medical emergency if the child is accompanied within
641 the truck by an adult. A county is exempt from this paragraph if
642 the governing body of the county, by a majority vote, following
643 a noticed public hearing, votes to exempt the county from this
644 paragraph. An operator of a pickup truck is exempt from this
645 paragraph if the pickup truck is the only vehicle owned by the
646 operator or his or her immediate family.

647 (d)(e) Any person who violates this subsection shall be
648 cited for a nonmoving violation, punishable as provided in
649 chapter 318.

650 (3) This section does ~~shall~~ not apply to a performer
651 engaged in a professional exhibition or person participating in
652 an exhibition or parade, or any such person preparing to
653 participate in such exhibitions or parades.

654 Section 11. Paragraph (d) of subsection (3) and subsections
655 (5) and (8) of section 316.2065, Florida Statutes, are amended
656 to read:

657 316.2065 Bicycle regulations.—

658 (3)

659 (d) A bicycle rider or passenger who is under 16 years of
660 age must wear a bicycle helmet that is properly fitted and is
661 fastened securely upon the passenger's head by a strap, and that
662 meets the federal safety standard for bicycle helmets, final
663 rule, 16 C.F.R. part 1203. Helmets purchased before October 1,
664 2011, and meeting standards of the American National Standards
665 Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards
666 of the Snell Memorial Foundation (1984 Standard for Protective
667 Headgear for Use in Bicycling), or any other nationally

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668 recognized standards for bicycle helmets adopted by the
669 department may continue to be worn by riders or passengers until
670 January 1, 2015. As used in this subsection, the term
671 "passenger" includes a child who is riding in a trailer or
672 semitrailer attached to a bicycle.

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

679 1. When overtaking and passing another bicycle or vehicle
680 proceeding in the same direction.

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

683 3. When reasonably necessary to avoid any condition or
684 potential conflict, including, but not limited to, a fixed or
685 moving object, parked or moving vehicle, bicycle, pedestrian,
686 animal, surface hazard, turn lane, or substandard-width lane,
687 which ~~that~~ makes it unsafe to continue along the right-hand curb
688 or edge or within a bicycle lane. For the purposes of this
689 subsection, a "substandard-width lane" is a lane that is too
690 narrow for a bicycle and another vehicle to travel safely side
691 by side within the lane.

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

695 (8) Every bicycle in use between sunset and sunrise shall
696 be equipped with a lamp on the front exhibiting a white light

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697 visible from a distance of at least 500 feet to the front and a
698 lamp and reflector on the rear each exhibiting a red light
699 visible from a distance of 600 feet to the rear. A bicycle or
700 its rider may be equipped with lights or reflectors in addition
701 to those required by this section. A law enforcement officer may
702 issue a bicycle safety brochure and a verbal warning to a
703 bicycle rider who violates this subsection. A bicycle rider who
704 violates this subsection may be issued a citation by a law
705 enforcement officer and assessed a fine for a pedestrian
706 violation, as provided in s. 318.18. The court shall dismiss the
707 charge against a bicycle rider for a first violation of this
708 subsection upon proof of purchase and installation of the proper
709 lighting equipment.

710 Section 12. Subsection (3) of section 316.2085, Florida
711 Statutes, is amended to read:

712 316.2085 Riding on motorcycles or mopeds.—

713 (3) The license tag of a motorcycle or moped must be
714 permanently affixed to the vehicle and may not be ~~adjusted or~~
715 ~~capable of being~~ flipped up, inverted, reversed, or in any other
716 way rendered to make the letters of the tag illegible from the
717 rear while the vehicle is being operated. ~~Concealing No device~~
718 ~~for or method of concealing~~ or obscuring the legibility of the
719 license tag of a motorcycle is prohibited ~~shall be installed or~~
720 ~~used~~. The license tag of a motorcycle or moped may be affixed
721 horizontally or vertically to the ground so that the numbers and
722 letters read from left to right or from top to bottom.
723 ~~Alternatively, a license tag for a motorcycle or moped for which~~
724 ~~the numbers and letters read from top to bottom may be affixed~~
725 ~~perpendicularly to the ground, provided that the registered~~

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726 ~~owner of the motorcycle or moped maintains a prepaid toll~~
727 ~~account in good standing and a transponder associated with the~~
728 ~~prepaid toll account is affixed to the motorcycle or moped.~~

729 Section 13. Section 316.2122, Florida Statutes, is amended
730 to read:

731 316.2122 Operation of a low-speed vehicle or mini truck on
732 certain roadways.—The operation of a low-speed vehicle as
733 defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
734 320.01~~(45)~~ on any road as defined in s. 334.03(15) or (33) is
735 authorized with the following restrictions:

736 (1) A low-speed vehicle or mini truck may be operated only
737 on streets where the posted speed limit is 35 miles per hour or
738 less. This does not prohibit a low-speed vehicle or mini truck
739 from crossing a road or street at an intersection where the road
740 or street has a posted speed limit of more than 35 miles per
741 hour.

742 (2) A low-speed vehicle must be equipped with headlamps,
743 stop lamps, turn signal lamps, taillamps, reflex reflectors,
744 parking brakes, rearview mirrors, windshields, seat belts, and
745 vehicle identification numbers.

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

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

751 (5) A county or municipality may prohibit the operation of
752 low-speed vehicles or mini trucks on any road under its
753 jurisdiction if the governing body of the county or municipality
754 determines that such prohibition is necessary in the interest of

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755 safety.

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

760 Section 14. Section 316.2124, Florida Statutes, is amended
761 to read:

762 316.2124 Motorized disability access vehicles.—The
763 Department of Highway Safety and Motor Vehicles is directed to
764 provide, by rule, for the regulation of motorized disability
765 access vehicles as described in s. 320.01~~(34)~~. The department
766 shall provide that motorized disability access vehicles shall be
767 registered in the same manner as motorcycles and shall pay the
768 same registration fee as for a motorcycle. There shall also be
769 assessed, in addition to the registration fee, a \$2.50 surcharge
770 for motorized disability access vehicles. This surcharge shall
771 be paid into the Highway Safety Operating Trust Fund. Motorized
772 disability access vehicles shall not be required to be titled by
773 the department. The department shall require motorized
774 disability access vehicles to be subject to the same safety
775 requirements as set forth in this chapter for motorcycles.

776 Section 15. Section 316.21265, Florida Statutes, is amended
777 to read:

778 316.21265 Use of all-terrain vehicles, golf carts, low-
779 speed vehicles, or utility vehicles by law enforcement
780 agencies.—

781 (1) Notwithstanding any provision of law to the contrary,
782 any law enforcement agency in this state may operate all-terrain
783 vehicles as defined in s. 316.2074, golf carts as defined in s.

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784 320.01(22), low-speed vehicles as defined in s. 320.01~~(42)~~, or
785 utility vehicles as defined in s. 320.01~~(43)~~ on any street,
786 road, or highway in this state while carrying out its official
787 duties.

788 (2) Such vehicles must be clearly marked as vehicles of a
789 law enforcement agency and may be equipped with special warning
790 lights, signaling devices, or other equipment approved or
791 authorized for use on law enforcement vehicles.

792 (3) The vehicle operator and passengers must wear safety
793 gear, such as helmets, which is ordinarily required for use by
794 operators or passengers on such vehicles.

795 Section 16. Subsection (1) of section 316.3026, Florida
796 Statutes, is amended to read:

797 316.3026 Unlawful operation of motor carriers.—

798 (1) The Office of Motor Carrier Compliance of the
799 Department of Transportation may issue out-of-service orders to
800 motor carriers, as defined in s. 320.01~~(33)~~, who have after
801 proper notice failed to pay any penalty or fine assessed by the
802 department, or its agent, against any owner or motor carrier for
803 violations of state law, refused to submit to a compliance
804 review and provide records pursuant to s. 316.302(5) or s.
805 316.70, or violated safety regulations pursuant to s. 316.302 or
806 insurance requirements found in s. 627.7415. Such out-of-service
807 orders shall have the effect of prohibiting the operations of
808 any motor vehicles owned, leased, or otherwise operated by the
809 motor carrier upon the roadways of this state, until such time
810 as the violations have been corrected or penalties have been
811 paid. Out-of-service orders issued under this section must be
812 approved by the Secretary of Transportation or his or her

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813 designee. An administrative hearing pursuant to s. 120.569 shall
814 be afforded to motor carriers subject to such orders.

815 Section 17. Subsection (3) of section 316.545, Florida
816 Statutes, is amended to read:

817 316.545 Weight and load unlawful; special fuel and motor
818 fuel tax enforcement; inspection; penalty; review.—

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

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

825 (b) Five cents per pound for each pound of weight in excess
826 of the maximum herein provided when the excess weight exceeds
827 200 pounds. However, whenever the gross weight of the vehicle or
828 combination of vehicles does not exceed the maximum allowable
829 gross weight, the maximum fine for the first 600 pounds of
830 unlawful axle weight shall be \$10;

831 (c) For a vehicle equipped with fully functional idle-
832 reduction technology, any penalty shall be calculated by
833 reducing the actual gross vehicle weight or the internal bridge
834 weight by the certified weight of the idle-reduction technology
835 or by 400 pounds, whichever is less. The vehicle operator must
836 present written certification of the weight of the idle-
837 reduction technology and must demonstrate or certify that the
838 idle-reduction technology is fully functional at all times. This
839 calculation is not allowed for vehicles described in s.

840 316.535(6);

841 (d) An apportionable ~~apportioned motor~~ vehicle, as defined

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842 in s. 320.01, operating on the highways of this state without
843 being properly licensed and registered shall be subject to the
844 penalties as herein provided; and

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

849 Section 18. Paragraph (a) of subsection (5) and subsection
850 (10) of section 316.550, Florida Statutes, are amended to read:
851 316.550 Operations not in conformity with law; special
852 permits.—

853 (5) (a) The Department of Transportation may issue a wrecker
854 special blanket permit to authorize a wrecker as defined in s.
855 320.01~~(40)~~ to tow a disabled vehicle as defined in s. 320.01(38)
856 where the combination of the wrecker and the disabled vehicle
857 being towed exceeds the maximum weight limits as established by
858 s. 316.535.

859 (10) Whenever any motor vehicle, or the combination of a
860 wrecker as defined in s. 320.01~~(40)~~ and a towed motor vehicle,
861 exceeds any weight or dimensional criteria or special
862 operational or safety stipulation contained in a special permit
863 issued under the provisions of this section, the penalty
864 assessed to the owner or operator shall be as follows:

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

868 (b) For each violation of dimensional criteria in a special
869 permit, the penalty shall be as provided in s. 316.516 and
870 penalties for multiple violations of dimensional criteria shall

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871 be cumulative except that the total penalty for the vehicle
872 shall not exceed \$1,000.

873 (c) For each violation of an operational or safety
874 stipulation in a special permit, the penalty shall be an amount
875 not to exceed \$1,000 per violation and penalties for multiple
876 violations of operational or safety stipulations shall be
877 cumulative except that the total penalty for the vehicle shall
878 not exceed \$1,000.

879 (d) For violation of any special condition that has been
880 prescribed in the rules of the Department of Transportation and
881 declared on the permit, the vehicle shall be determined to be
882 out of conformance with the permit and the permit shall be
883 declared null and void for the vehicle, and weight and
884 dimensional limits for the vehicle shall be as established in s.
885 316.515 or s. 316.535, whichever is applicable, and:

886 1. For weight violations, a penalty as provided in s.
887 316.545 shall be assessed for those weights which exceed the
888 limits thus established for the vehicle; and

889 2. For dimensional, operational, or safety violations, a
890 penalty as established in paragraph (c) or s. 316.516, whichever
891 is applicable, shall be assessed for each nonconforming
892 dimensional, operational, or safety violation and the penalties
893 for multiple violations shall be cumulative for the vehicle.

894 Section 19. Effective July 1, 2012, subsection (1) and
895 paragraph (b) of subsection (2) of section 316.613, Florida
896 Statutes, are amended, and subsection (6) is added to that
897 section, to read:

898 316.613 Child restraint requirements.—

899 (1) (a) Each ~~Every~~ operator of a motor vehicle ~~as defined~~

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900 ~~herein~~, while transporting a child in a motor vehicle operated
901 on the roadways, streets, or highways of this state, shall, if
902 the child is 7 ½ years of age or younger and is less than 4 feet
903 9 inches in height, provide for protection of the child by
904 properly using a crash-tested, federally approved child
905 restraint device that is appropriate for the height and weight
906 of the child. The device may include a vehicle manufacturer's
907 integrated child seat, a separate child safety seat, or a child
908 booster seat that displays the child's weight and height
909 specifications for the seat on the attached manufacturer's label
910 as required by Federal Motor Vehicle Safety Standard No. 213.
911 The device must comply with the standards of the United States
912 Department of Transportation and be secured in the motor vehicle
913 in accordance with the manufacturer's instructions. The court
914 may dismiss the charge against a motor vehicle operator for a
915 first violation of this subsection upon proof that a federally
916 approved child restraint device has been purchased or otherwise
917 obtained.

918 (b) For children aged through 3 years, such restraint
919 device must be a separate carrier or a vehicle manufacturer's
920 integrated child seat.

921 (c) For children aged 4 through 7 ½ years who are less than
922 4 feet 9 inches in height, a separate carrier, an integrated
923 child seat, or a child booster seat ~~belt~~ may be used. However,
924 the requirement to use a child booster seat does not apply when
925 a separate carrier, integrated child seat, or seat belt as
926 required in s. 316.614(4) (a) is used and the person is:

927 1. Transporting the child gratuitously and in good faith in
928 response to a declared emergency situation or an immediate

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929 emergency involving the child; or

930 2. Transporting a child whose medical condition
931 necessitates an exception as evidenced by appropriate
932 documentation from a health professional.

933 (d) ~~(b)~~ The Division of Motor Vehicles shall provide notice
934 of the requirement for child restraint devices, which notice
935 shall accompany the delivery of each motor vehicle license tag.

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

940 (b) A bus or a passenger vehicle designed to accommodate 10
941 or more persons and used for the transportation of persons for
942 compensation, other than a bus regularly used to transport
943 children to or from school, as defined in s. 316.615(1)(b), or
944 in conjunction with school activities.

945 (6) It is the legislative intent that the child-restraint
946 requirements imposed by this section shall not apply to a
947 chauffeur-driven taxi, limousine, sedan, van, bus, motor coach,
948 or other passenger vehicle if the operator and the motor vehicle
949 are hired and used for transporting persons for compensation. It
950 shall be the obligation and responsibility of the parent,
951 guardian, or other person responsible for a child's welfare as
952 defined in s. 39.01(47), to comply with the requirements of this
953 section.

954 Section 20. Effective July 1, 2011, a driver of a motor
955 vehicle who does not violate the then-existing provisions of s.
956 316.613(1)(c), Florida Statutes, but whose conduct would violate
957 that provision, as amended July 1, 2012, shall be issued a

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958 verbal warning and given educational literature by a law
959 enforcement officer.

960 Section 21. Subsection (9) of section 317.0003, Florida
961 Statutes, is amended to read:

962 317.0003 Definitions.—As used in this chapter, the term:

963 (9) "ROV" means any motorized recreational off-highway
964 vehicle 64 inches or less in width, having a dry weight of 2,000
965 pounds or less, designed to travel on four or more nonhighway
966 tires, having nonstraddle seating and a steering wheel, and
967 manufactured for recreational use by one or more persons. The
968 term "ROV" does not include a golf cart as defined in ss.
969 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
970 s. 320.01~~(42)~~.

971 Section 22. Section 317.0016, Florida Statutes, is amended
972 to read:

973 317.0016 Expedited service; applications; fees.—The
974 department shall provide, through its agents and for use by the
975 public, expedited service on title transfers, title issuances,
976 duplicate titles, and recordation of liens, ~~and certificates of~~
977 ~~repossession~~. A fee of \$7 shall be charged for this service,
978 which is in addition to the fees imposed by ss. 317.0007 and
979 317.0008, and \$3.50 of this fee shall be retained by the
980 processing agency. All remaining fees shall be deposited in the
981 Incidental Trust Fund of the Division of Forestry of the
982 Department of Agriculture and Consumer Services. Application for
983 expedited service may be made by mail or in person. The
984 department shall issue each title applied for pursuant to this
985 section within 5 working days after receipt of the application
986 except for an application for a duplicate title certificate

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987 covered by s. 317.0008(3), in which case the title must be
988 issued within 5 working days after compliance with the
989 department's verification requirements.

990 Section 23. Subsection (9) and paragraph (a) of subsection
991 (10) of section 318.14, Florida Statutes, are amended to read:

992 318.14 Noncriminal traffic infractions; exception;
993 procedures.—

994 (9) Any person who does not hold a commercial driver's
995 license and who is cited while driving a noncommercial motor
996 vehicle for an infraction under this section other than a
997 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the
998 driver exceeds the posted limit by 30 miles per hour or more, s.
999 320.0605, s. 320.07(3) (a) or (b), s. 322.065, s. 322.15(1), s.
1000 322.61, or s. 322.62 may, in lieu of a court appearance, elect
1001 to attend in the location of his or her choice within this state
1002 a basic driver improvement course approved by the Department of
1003 Highway Safety and Motor Vehicles. In such a case, adjudication
1004 must be withheld and points, as provided by s. 322.27, may not
1005 be assessed. However, a person may not make an election under
1006 this subsection if the person has made an election under this
1007 subsection in the preceding 12 months. A person may make no more
1008 than five elections within his or her lifetime under this
1009 subsection. The requirement for community service under s.
1010 318.18(8) is not waived by a plea of nolo contendere or by the
1011 withholding of adjudication of guilt by a court. If a person
1012 makes an election to attend a basic driver improvement course
1013 under this subsection, 18 percent of the civil penalty imposed
1014 under s. 318.18(3) shall be deposited in the State Courts
1015 Revenue Trust Fund; however, that portion is not revenue for

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1016 purposes of s. 28.36 and may not be used in establishing the
1017 budget of the clerk of the court under that section or s. 28.35.

1018 (10) (a) Any person who does not hold a commercial driver's
1019 license and who is cited while driving a noncommercial motor
1020 vehicle for an offense listed under this subsection may, in lieu
1021 of payment of fine or court appearance, elect to enter a plea of
1022 nolo contendere and provide proof of compliance to the clerk of
1023 the court, designated official, or authorized operator of a
1024 traffic violations bureau. In such case, adjudication shall be
1025 withheld; however, no election shall be made under this
1026 subsection if such person has made an election under this
1027 subsection in the 12 months preceding election hereunder. No
1028 person may make more than three elections under this subsection.
1029 This subsection applies to the following offenses:

1030 1. Operating a motor vehicle without a valid driver's
1031 license in violation of the provisions of s. 322.03, s. 322.065,
1032 or s. 322.15(1), or operating a motor vehicle with a license
1033 that has been suspended for failure to appear, failure to pay
1034 civil penalty, or failure to attend a driver improvement course
1035 pursuant to s. 322.291.

1036 2. Operating a motor vehicle without a valid registration
1037 in violation of s. 320.0605, s. 320.07, or s. 320.131.

1038 3. Operating a motor vehicle in violation of s. 316.646.

1039 4. Operating a motor vehicle with a license that has been
1040 suspended under s. 61.13016 or s. 322.245 for failure to pay
1041 child support or for failure to pay any other financial
1042 obligation as provided in s. 322.245; however, this subparagraph
1043 does not apply if the license has been suspended pursuant to s.
1044 322.245(1).

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1045 5. Operating a motor vehicle with a license that has been
1046 suspended under s. 322.091 for failure to meet school attendance
1047 requirements.

1048 Section 24. Paragraph (a) of subsection (1) of section
1049 318.15, Florida Statutes, is amended, and paragraph (c) is added
1050 to that subsection, to read:

1051 318.15 Failure to comply with civil penalty or to appear;
1052 penalty.—

1053 (1) (a) If a person fails to comply with the civil penalties
1054 provided in s. 318.18 within the time period specified in s.
1055 318.14(4), fails to enter into or comply with the terms of a
1056 penalty payment plan with the clerk of the court in accordance
1057 with ss. 318.14 and 28.246, fails to attend driver improvement
1058 school, or fails to appear at a scheduled hearing, the clerk of
1059 the court shall notify the ~~Division of Driver Licenses of the~~
1060 Department of Highway Safety and Motor Vehicles of such failure
1061 within 10 days after such failure. Upon receipt of such notice,
1062 the department shall immediately issue an order suspending the
1063 driver's license and privilege to drive of such person effective
1064 20 days after the date the order of suspension is mailed in
1065 accordance with s. 322.251(1), (2), and (6). Any such suspension
1066 of the driving privilege which has not been reinstated,
1067 including a similar suspension imposed outside Florida, shall
1068 remain on the records of the department for a period of 7 years
1069 from the date imposed and shall be removed from the records
1070 after the expiration of 7 years from the date it is imposed.

1071 (c) A person charged with a traffic infraction may request
1072 a hearing within 180 days after the date of the violation,
1073 regardless of any action taken by the court or the department to

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1074 suspend the driving privilege of the person, and upon request,
1075 the clerk must set the case for hearing. The person shall be
1076 given a form for requesting that the driving privilege be
1077 reinstated. The court may grant a request for a hearing made
1078 after 180 days after the alleged offense. This paragraph does
1079 not affect the assessment of late fees as otherwise provided in
1080 this chapter.

1081 Section 25. Section 319.14, Florida Statutes, is amended to
1082 read:

1083 319.14 Sale of motor vehicles registered or used as
1084 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,
1085 ~~and~~ nonconforming vehicles, custom vehicles, or street rod
1086 vehicles.—

1087 (1) (a) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
1088 sell, or exchange any vehicle that has been licensed,
1089 registered, or used as a taxicab, police vehicle, or short-term-
1090 lease vehicle, or a vehicle that has been repurchased by a
1091 manufacturer pursuant to a settlement, determination, or
1092 decision under chapter 681, until the department has stamped in
1093 a conspicuous place on the certificate of title of the vehicle,
1094 or its duplicate, words stating the nature of the previous use
1095 of the vehicle or the title has been stamped "Manufacturer's Buy
1096 Back" to reflect that the vehicle is a nonconforming vehicle. If
1097 the certificate of title or duplicate was not so stamped upon
1098 initial issuance thereof or if, subsequent to initial issuance
1099 of the title, the use of the vehicle is changed to a use
1100 requiring the notation provided for in this section, the owner
1101 or lienholder of the vehicle shall surrender the certificate of
1102 title or duplicate to the department before ~~prior to~~ offering

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1103 the vehicle for sale, and the department shall stamp the
1104 certificate or duplicate as required herein. ~~If~~ ~~When~~ a vehicle
1105 has been repurchased by a manufacturer pursuant to a settlement,
1106 determination, or decision under chapter 681, the title shall be
1107 stamped "Manufacturer's Buy Back" to reflect that the vehicle is
1108 a nonconforming vehicle.

1109 (b) ~~A~~ ~~No~~ person may not ~~shall~~ knowingly offer for sale,
1110 sell, or exchange a rebuilt vehicle until the department has
1111 stamped in a conspicuous place on the certificate of title for
1112 the vehicle words stating that the vehicle has been rebuilt or
1113 assembled from parts, or is a kit car, glider kit, replica, ~~or~~
1114 flood vehicle, custom vehicle, or street rod vehicle unless
1115 proper application for a certificate of title for a vehicle that
1116 is rebuilt or assembled from parts, or is a kit car, glider kit,
1117 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle
1118 has been made to the department in accordance with this chapter
1119 and the department has conducted the physical examination of the
1120 vehicle to assure the identity of the vehicle and all major
1121 component parts, as defined in s. 319.30(1), which have been
1122 repaired or replaced. Thereafter, the department shall affix a
1123 decal to the vehicle, in the manner prescribed by the
1124 department, showing the vehicle to be rebuilt. A vehicle may not
1125 be inspected or issued a rebuilt title until all major component
1126 parts, as defined in s. 319.30, which were damaged have been
1127 repaired or replaced.

1128 (c) As used in this section, the term:

1129 1. "Police vehicle" means a motor vehicle owned or leased
1130 by the state or a county or municipality and used in law
1131 enforcement.

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1132 2.a. "Short-term-lease vehicle" means a motor vehicle
1133 leased without a driver and under a written agreement to one or
1134 more persons from time to time for a period of less than 12
1135 months.

1136 b. "Long-term-lease vehicle" means a motor vehicle leased
1137 without a driver and under a written agreement to one person for
1138 a period of 12 months or longer.

1139 c. "Lease vehicle" includes both short-term-lease vehicles
1140 and long-term-lease vehicles.

1141 3. "Rebuilt vehicle" means a motor vehicle or mobile home
1142 built from salvage or junk, as defined in s. 319.30(1).

1143 4. "Assembled from parts" means a motor vehicle or mobile
1144 home assembled from parts or combined from parts of motor
1145 vehicles or mobile homes, new or used. "Assembled from parts"
1146 does not mean a motor vehicle defined as a "rebuilt vehicle" in
1147 subparagraph 3., which has been declared a total loss pursuant
1148 to s. 319.30.

1149 5. "Kit car" means a motor vehicle assembled with a kit
1150 supplied by a manufacturer to rebuild a wrecked or outdated
1151 motor vehicle with a new body kit.

1152 6. "Glider kit" means a vehicle assembled with a kit
1153 supplied by a manufacturer to rebuild a wrecked or outdated
1154 truck or truck tractor.

1155 7. "Replica" means a complete new motor vehicle
1156 manufactured to look like an old vehicle.

1157 8. "Flood vehicle" means a motor vehicle or mobile home
1158 that has been declared to be a total loss pursuant to s.
1159 319.30(3) (a) resulting from damage caused by water.

1160 9. "Nonconforming vehicle" means a motor vehicle which has

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1161 been purchased by a manufacturer pursuant to a settlement,
1162 determination, or decision under chapter 681.

1163 10. "Settlement" means an agreement entered into between a
1164 manufacturer and a consumer that occurs after a dispute is
1165 submitted to a program, or an informal dispute settlement
1166 procedure established by a manufacturer or is approved for
1167 arbitration before the New Motor Vehicle Arbitration Board as
1168 defined in s. 681.102.

1169 11. "Custom vehicle" means a motor vehicle that:

1170 a. Is 25 years of age or older and of a model year after
1171 1948, or was manufactured to resemble a vehicle that is 25 years
1172 of age or older and of a model year after 1948; and

1173 b. Has been altered from the manufacturer's original design
1174 or has a body constructed from nonoriginal materials.

1175
1176 The model year and year of manufacture which the body of a
1177 custom vehicle resembles is the model year and year of
1178 manufacture listed on the certificate of title, regardless of
1179 when the vehicle was actually manufactured.

1180 12. "Street rod" means a motor vehicle that:

1181 a. Is a model year of 1948 or older or was manufactured
1182 after 1948 to resemble a vehicle of a model year of 1948 or
1183 older; and

1184 b. Has been altered from the manufacturer's original design
1185 or has a body constructed from nonoriginal materials.

1186
1187 The model year and year of manufacture which the body of a
1188 street rod resembles is the model year and year of manufacture
1189 listed on the certificate of title, regardless of when the

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1190 vehicle was actually manufactured.

1191 (2) A ~~No~~ person may not ~~shall~~ knowingly sell, exchange, or
1192 transfer a vehicle referred to in subsection (1) without, before
1193 ~~prior to~~ consummating the sale, exchange, or transfer,
1194 disclosing in writing to the purchaser, customer, or transferee
1195 the fact that the vehicle has previously been titled,
1196 registered, or used as a taxicab, police vehicle, or short-term-
1197 lease vehicle, ~~or~~ is a vehicle that is rebuilt or assembled from
1198 parts, ~~or~~ is a kit car, glider kit, replica, or flood vehicle,
1199 or is a nonconforming vehicle, custom vehicle, or street rod
1200 vehicle, as the case may be.

1201 (3) Any person who, with intent to offer for sale or
1202 exchange any vehicle referred to in subsection (1), knowingly or
1203 intentionally advertises, publishes, disseminates, circulates,
1204 or places before the public in any communications medium,
1205 whether directly or indirectly, any offer to sell or exchange
1206 the vehicle shall clearly and precisely state in each ~~such~~ offer
1207 that the vehicle has previously been titled, registered, or used
1208 as a taxicab, police vehicle, or short-term-lease vehicle or
1209 that the vehicle or mobile home is a vehicle that is rebuilt or
1210 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or
1211 flood vehicle, or is a nonconforming vehicle, custom vehicle, or
1212 street rod vehicle, as the case may be. Any person who violates
1213 this subsection commits a misdemeanor of the second degree,
1214 punishable as provided in s. 775.082 or s. 775.083.

1215 (4) If ~~When~~ a certificate of title, including a foreign
1216 certificate, is branded to reflect a condition or prior use of
1217 the titled vehicle, the brand must be noted on the registration
1218 certificate of the vehicle and such brand shall be carried

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1219 forward on all subsequent certificates of title and registration
1220 certificates issued for the life of the vehicle.

1221 (5) Any person who knowingly sells, exchanges, or offers to
1222 sell or exchange a motor vehicle or mobile home contrary to ~~the~~
1223 ~~provisions of~~ this section or any officer, agent, or employee of
1224 a person who knowingly authorizes, directs, aids in, or consents
1225 to the sale, exchange, or offer to sell or exchange a motor
1226 vehicle or mobile home contrary to ~~the provisions of~~ this
1227 section commits a misdemeanor of the second degree, punishable
1228 as provided in s. 775.082 or s. 775.083.

1229 (6) Any person who removes a rebuilt decal from a rebuilt
1230 vehicle with the intent to conceal the rebuilt status of the
1231 vehicle commits a felony of the third degree, punishable as
1232 provided in s. 775.082, s. 775.083, or s. 775.084.

1233 (7) This section applies to a mobile home, travel trailer,
1234 camping trailer, truck camper, or fifth-wheel recreation trailer
1235 only when the ~~such~~ mobile home or vehicle is a rebuilt vehicle
1236 or is assembled from parts.

1237 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in
1238 any civil action arising out of a violation of this section if
1239 the designation of the previous use or condition of the motor
1240 vehicle is not noted on the certificate of title and
1241 registration certificate of the vehicle which was received by,
1242 or delivered to, such person, unless the ~~such~~ person has
1243 actively concealed the prior use or condition of the vehicle
1244 from the purchaser.

1245 (9) Subsections (1), (2), and (3) do not apply to the
1246 transfer of ownership of a motor vehicle after the motor vehicle
1247 has ceased to be used as a lease vehicle and the ownership has

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1248 been transferred to an owner for private use or to the transfer
1249 of ownership of a nonconforming vehicle with 36,000 or more
1250 miles on its odometer, or 34 months whichever is later and the
1251 ownership has been transferred to an owner for private use. Such
1252 owner, as shown on the title certificate, may request the
1253 department to issue a corrected certificate of title that does
1254 not contain the statement of the previous use of the vehicle as
1255 a lease vehicle or condition as a nonconforming vehicle.

1256 Section 26. Section 319.225, Florida Statutes, is amended
1257 to read:

1258 319.225 Transfer and reassignment forms; odometer
1259 disclosure statements.—

1260 (1) Every certificate of title issued by the department
1261 must contain the following statement ~~on its reverse side~~:
1262 "Federal and state law require the completion of the odometer
1263 statement set out below. Failure to complete or providing false
1264 information may result in fines, imprisonment, or both."

1265 (2) Each certificate of title issued by the department must
1266 contain ~~on its reverse side~~ a form for transfer of title by the
1267 titleholder of record, which form must contain an odometer
1268 disclosure statement in the form required by 49 C.F.R. s. 580.5.

1269 (3) Each certificate of title issued by the department must
1270 contain ~~on its reverse side~~ as many forms as space allows for
1271 reassignment of title by a licensed dealer as permitted by s.
1272 319.21(3), which form or forms shall contain an odometer
1273 disclosure statement in the form required by 49 C.F.R. s. 580.5.
1274 When all dealer reassignment forms ~~provided on the back of the~~
1275 ~~title certificate~~ have been filled in, a dealer may reassign the
1276 title certificate by using a separate dealer reassignment form

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1277 issued by the department in compliance with 49 C.F.R. ss. 580.4
1278 and 580.5, which form shall contain an original, ~~two carbon~~
1279 ~~copies one of~~ which shall be submitted ~~directly~~ to the
1280 department by the dealer ~~within 5 business days after the~~
1281 ~~transfer~~ and a copy, ~~one of~~ which shall be retained by the
1282 dealer in his or her records for 5 years. The provisions of this
1283 subsection ~~shall~~ also apply to vehicles not previously titled in
1284 this state and vehicles whose title certificates do not contain
1285 the forms required by this section.

1286 (4) Upon transfer or reassignment of a certificate of title
1287 to a used motor vehicle, the transferor shall complete the
1288 odometer disclosure statement provided for by this section and
1289 the transferee shall acknowledge the disclosure by signing and
1290 printing his or her name in the spaces provided. This subsection
1291 does not apply to a vehicle that has a gross vehicle rating of
1292 more than 16,000 pounds, a vehicle that is not self-propelled,
1293 or a vehicle that is 10 years old or older. A lessor who
1294 transfers title to his or her vehicle without obtaining
1295 possession of the vehicle shall make odometer disclosure as
1296 provided by 49 C.F.R. s. 580.7. Any person who fails to complete
1297 or acknowledge a disclosure statement as required by this
1298 subsection commits ~~is guilty of~~ a misdemeanor of the second
1299 degree, punishable as provided in s. 775.082 or s. 775.083. The
1300 department may not issue a certificate of title unless this
1301 subsection has been complied with.

1302 (5) The same person may not sign a disclosure statement as
1303 both the transferor and the transferee in the same transaction
1304 except as provided in subsection (6).

1305 (6) (a) If the certificate of title is physically held by a

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1306 lienholder, the transferor may give a power of attorney to his
1307 or her transferee for the purpose of odometer disclosure. The
1308 power of attorney must be on a form issued or authorized by the
1309 department, which form must be in compliance with 49 C.F.R. ss.
1310 580.4 and 580.13. The department shall not require the signature
1311 of the transferor to be notarized on the form; however, in lieu
1312 of notarization, the form shall include an affidavit with the
1313 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
1314 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
1315 ARE TRUE. The transferee shall sign the power of attorney form,
1316 print his or her name, and return a copy of the power of
1317 attorney form to the transferor. Upon receipt of a title
1318 certificate, the transferee shall complete the space for mileage
1319 disclosure on the title certificate exactly as the mileage was
1320 disclosed by the transferor on the power of attorney form. If
1321 the transferee is a licensed motor vehicle dealer who is
1322 transferring the vehicle to a retail purchaser, the dealer shall
1323 make application on behalf of the retail purchaser as provided
1324 in s. 319.23(6) and shall submit the original power of attorney
1325 form to the department with the application for title and the
1326 transferor's title certificate; otherwise, a dealer may reassign
1327 the title certificate by using the dealer reassignment form in
1328 the manner prescribed in subsection (3), and, at the time of
1329 physical transfer of the vehicle, the original power of attorney
1330 shall be delivered to the person designated as the transferee of
1331 the dealer on the dealer reassignment form. ~~A copy of the~~
1332 ~~executed power of attorney shall be submitted to the department~~
1333 ~~with a copy of the executed dealer reassignment form within 5~~
1334 ~~business days after the certificate of title and dealer~~

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1335 ~~reassignment form are delivered by the dealer to its transferee.~~

1336 (b) If the certificate of title is lost or otherwise
1337 unavailable, the transferor may give a power of attorney to his
1338 or her transferee for the purpose of odometer disclosure. The
1339 power of attorney must be on a form issued or authorized by the
1340 department, which form must be in compliance with 49 C.F.R. ss.
1341 580.4 and 580.13. The department shall not require the signature
1342 of the transferor to be notarized on the form; however, in lieu
1343 of notarization, the form shall include an affidavit with the
1344 following wording: UNDER PENALTY OF PERJURY, I DECLARE THAT I
1345 HAVE READ THE FOREGOING DOCUMENT AND THAT THE FACTS STATED IN IT
1346 ARE TRUE. The transferee shall sign the power of attorney form,
1347 print his or her name, and return a copy of the power of
1348 attorney form to the transferor. Upon receipt of the title
1349 certificate or a duplicate title certificate, the transferee
1350 shall complete the space for mileage disclosure on the title
1351 certificate exactly as the mileage was disclosed by the
1352 transferor on the power of attorney form. If the transferee is a
1353 licensed motor vehicle dealer who is transferring the vehicle to
1354 a retail purchaser, the dealer shall make application on behalf
1355 of the retail purchaser as provided in s. 319.23(6) and shall
1356 submit the original power of attorney form to the department
1357 with the application for title and the transferor's title
1358 certificate or duplicate title certificate; otherwise, a dealer
1359 may reassign the title certificate by using the dealer
1360 reassignment form in the manner prescribed in subsection (3),
1361 and, at the time of physical transfer of the vehicle, the
1362 original power of attorney shall be delivered to the person
1363 designated as the transferee of the dealer on the dealer

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1364 reassignment form. If the dealer sells the vehicle to an out-of-
1365 state resident or an out-of-state dealer and the power of
1366 attorney form is applicable to the transaction, the dealer must
1367 photocopy the completed original of the form and mail it
1368 directly to the department within 5 business days after the
1369 certificate of title and dealer reassignment form are delivered
1370 by the dealer to the purchaser. A copy of the executed power of
1371 attorney shall be submitted to the department with a copy of the
1372 executed dealer reassignment form within 5 business days after
1373 the duplicate certificate of title and dealer reassignment form
1374 are delivered by the dealer to its transferee.

1375 (c) If the mechanics of the transfer of title to a motor
1376 vehicle in accordance with the provisions of paragraph (a) or
1377 paragraph (b) are determined to be incompatible with and
1378 unlawful under the provisions of 49 C.F.R. part 580, the
1379 transfer of title to a motor vehicle by operation of this
1380 subsection can be effected in any manner not inconsistent with
1381 49 C.F.R. part 580 and Florida law; provided, any power of
1382 attorney form issued or authorized by the department under this
1383 subsection shall contain an original, ~~two carbon copies,~~ one of
1384 which shall be submitted ~~directly~~ to the department by the
1385 dealer ~~within 5 business days of use by the dealer~~ to effect
1386 transfer of a title certificate as provided in paragraphs (a)
1387 and (b) and a copy, ~~one of~~ which shall be retained by the dealer
1388 in its records for 5 years.

1389 (d) Any person who fails to complete the information
1390 required by this subsection or to file with the department the
1391 forms required by this subsection commits ~~is guilty of~~ a
1392 misdemeanor of the second degree, punishable as provided in s.

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1393 775.082 or s. 775.083. The department shall not issue a
1394 certificate of title unless this subsection has been complied
1395 with.

1396 (7) Subject to approval by the National Highway Traffic
1397 Safety Administration or any other applicable authority, if a
1398 title is held electronically and the transferee agrees to
1399 maintain the title electronically, the transferor and transferee
1400 shall complete a secure reassignment document that discloses the
1401 odometer reading and is signed by both the transferor and
1402 transferee at the tax collector's office or license plate
1403 agency. A dealer acquiring a motor vehicle that has an
1404 electronic title shall use a secure reassignment document signed
1405 by the person from whom the dealer acquired the motor vehicle.
1406 Upon transferring the motor vehicle to a purchaser, a separate
1407 reassignment document shall be executed.

1408 (8)~~(7)~~ Each certificate of title issued by the department
1409 must contain ~~on its reverse side~~ a minimum of three ~~four~~ spaces
1410 for notation of the name and license number of any auction
1411 through which the vehicle is sold and the date the vehicle was
1412 auctioned. Each separate dealer reassignment form issued by the
1413 department must also have the space referred to in this section.
1414 When a transfer of title is made at a motor vehicle auction, the
1415 reassignment must note the name and address of the auction, but
1416 the auction shall not thereby be deemed to be the owner, seller,
1417 transferor, or assignor of title. A motor vehicle auction is
1418 required to execute a dealer reassignment only when it is the
1419 owner of a vehicle being sold.

1420 (9)~~(8)~~ Upon transfer or reassignment of a used motor
1421 vehicle through the services of an auction, the auction shall

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1422 complete the information in the space provided for by subsection
1423 (8) ~~(7)~~. Any person who fails to complete the information as
1424 required by this subsection commits ~~is guilty of~~ a misdemeanor
1425 of the second degree, punishable as provided in s. 775.082 or s.
1426 775.083. The department shall not issue a certificate of title
1427 unless this subsection has been complied with.

1428 (10) ~~(9)~~ This section shall be construed to conform to 49
1429 C.F.R. part 580.

1430 Section 27. Subsection (6) of section 319.23, Florida
1431 Statutes, is amended, present subsections (7), (8), (9), (10),
1432 and (11) of that section are renumbered as subsections (8), (9),
1433 (10), (11), and (12), respectively, and a new subsection (7) is
1434 added to that section, to read:

1435 319.23 Application for, and issuance of, certificate of
1436 title.—

1437 (6) (a) In the case of the sale of a motor vehicle or mobile
1438 home by a licensed dealer to a general purchaser, the
1439 certificate of title must be obtained in the name of the
1440 purchaser by the dealer upon application signed by the
1441 purchaser, and in each other case such certificate must be
1442 obtained by the purchaser. In each case of transfer of a motor
1443 vehicle or mobile home, the application for a certificate of
1444 title, a corrected certificate, or an assignment or reassignment
1445 must be filed within 30 days after the delivery of the motor
1446 vehicle or from consummation of the sale of a mobile home to the
1447 purchaser. An applicant must pay a fee of \$20, in addition to
1448 all other fees and penalties required by law, for failing to
1449 file such application within the specified time. In the case of
1450 the sale of a motor vehicle by a licensed motor vehicle dealer

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1451 to a general purchaser who resides in another state or country,
1452 the dealer is not required to apply for a certificate of title
1453 for the motor vehicle; however, the dealer must transfer
1454 ownership and reassign the certificate of title or
1455 manufacturer's certificate of origin to the purchaser, and the
1456 purchaser must sign an affidavit, as approved by the department,
1457 that the purchaser will title and register the motor vehicle in
1458 another state or country.

1459 (b) If a licensed dealer acquires a motor vehicle or mobile
1460 home as a trade-in, the dealer must file with the department,
1461 within 30 days, a notice of sale signed by the seller. The
1462 department shall update its database for that title record to
1463 indicate "sold." A licensed dealer need not apply for a
1464 certificate of title for any motor vehicle or mobile home in
1465 stock acquired for stock purposes except as provided in s.
1466 319.225.

1467 (7) If an applicant for a certificate of title is unable to
1468 provide the department with a certificate of title that assigns
1469 the prior owner's interest in the motor vehicle, the department
1470 may accept a bond in the form prescribed by the department,
1471 along with an affidavit in a form prescribed by the department,
1472 which includes verification of the vehicle identification number
1473 and an application for title.

1474 (a) The bond must be:

1475 1. In a form prescribed by the department;

1476 2. Executed by the applicant;

1477 3. Issued by a person authorized to conduct a surety
1478 business in this state;

1479 4. In an amount equal to two times the value of the vehicle

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1480 as determined by the department; and

1481 5. Conditioned to indemnify all prior owners and
1482 lienholders and all subsequent purchasers of the vehicle or
1483 persons who acquire a security interest in the vehicle, and
1484 their successors in interest, against any expense, loss, or
1485 damage, including reasonable attorney's fees, occurring because
1486 of the issuance of the certificate of title for the vehicle or
1487 for a defect in or undisclosed security interest on the right,
1488 title, or interest of the applicant to the vehicle.

1489 (b) An interested person has a right to recover on the bond
1490 for a breach of the bond's condition. The aggregate liability of
1491 the surety to all persons may not exceed the amount of the bond.

1492 (c) A bond under this subsection expires on the third
1493 anniversary of the date the bond became effective.

1494 (d) The affidavit must:

1495 1. Be in a form prescribed by the department;

1496 2. Include the facts and circumstances through which the
1497 applicant acquired ownership and possession of the motor
1498 vehicle;

1499 3. Disclose that no security interests, liens, or
1500 encumbrances against the motor vehicle are known to the
1501 applicant against the motor vehicle; and

1502 4. State that the applicant has the right to have a
1503 certificate of title issued.

1504 Section 28. Paragraph (b) of subsection (2) of section
1505 319.28, Florida Statutes, is amended, and subsection (3) is
1506 added to that section, to read:

1507 319.28 Transfer of ownership by operation of law.—

1508 (2)

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1509 (b) In case of repossession of a motor vehicle or mobile
1510 home pursuant to the terms of a security agreement or similar
1511 instrument, an affidavit by the party to whom possession has
1512 passed stating that the vehicle or mobile home was repossessed
1513 upon default in the terms of the security agreement or other
1514 instrument shall be considered satisfactory proof of ownership
1515 and right of possession. At least 5 days prior to selling the
1516 repossessed vehicle, any subsequent lienholder named in the last
1517 issued certificate of title shall be sent notice of the
1518 repossession by certified mail, on a form prescribed by the
1519 department. If such notice is given and no written protest to
1520 the department is presented by a subsequent lienholder within 15
1521 days from the date on which the notice was mailed, the
1522 certificate of title ~~or the certificate of repossession~~ shall be
1523 issued showing no liens. If the former owner or any subsequent
1524 lienholder files a written protest under oath within such 15-day
1525 period, the department shall not issue the certificate of title
1526 ~~or certificate of repossession~~ for 10 days thereafter. If within
1527 the 10-day period no injunction or other order of a court of
1528 competent jurisdiction has been served on the department
1529 commanding it not to deliver the certificate of title ~~or~~
1530 ~~certificate of repossession~~, the department shall deliver the
1531 certificate of title ~~or repossession~~ to the applicant or as may
1532 otherwise be directed in the application showing no other liens
1533 than those shown in the application. Any lienholder who has
1534 repossessed a vehicle in this state in compliance with the
1535 provisions of this section must apply to a tax collector's
1536 office in this state or to the department for a ~~certificate of~~
1537 ~~repossession or to the department for a~~ certificate of title

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1538 pursuant to s. 319.323. Proof of the required notice to
1539 subsequent lienholders shall be submitted together with regular
1540 title fees. ~~A lienholder to whom a certificate of repossession~~
1541 ~~has been issued may assign the certificate of title to the~~
1542 ~~subsequent owner.~~ Any person who violates ~~found guilty of~~
1543 ~~violating~~ any requirements of this paragraph commits ~~shall be~~
1544 ~~guilty of~~ a felony of the third degree, punishable as provided
1545 in s. 775.082, s. 775.083, or s. 775.084.

1546 (3) A dealer of farm or industrial equipment, as those
1547 terms are used in s. 493.6101(22), conducting a repossession of
1548 such equipment is not subject to licensure as a recovery agent
1549 or recovery agency if such dealer is regularly engaged in the
1550 sale of such equipment for a particular manufacturer and the
1551 lender is affiliated with that manufacturer.

1552 Section 29. Section 319.323, Florida Statutes, is amended
1553 to read:

1554 319.323 Expedited service; applications; fees.—The
1555 department shall establish a separate title office which may be
1556 used by private citizens and licensed motor vehicle dealers to
1557 receive expedited service on title transfers, title issuances,
1558 duplicate titles, and recordation of liens, ~~and certificates of~~
1559 ~~repossession.~~ A fee of \$10 shall be charged for this service,
1560 which fee is in addition to the fees imposed by s. 319.32. The
1561 fee, after deducting the amount referenced by s. 319.324 and
1562 \$3.50 to be retained by the processing agency, shall be
1563 deposited into the General Revenue Fund. Application for
1564 expedited service may be made by mail or in person. The
1565 department shall issue each title applied for under this section
1566 within 5 working days after receipt of the application except

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1567 for an application for a duplicate title certificate covered by
1568 s. 319.23(4), in which case the title must be issued within 5
1569 working days after compliance with the department's verification
1570 requirements.

1571 Section 30. Section 319.40, Florida Statutes, is amended to
1572 read:

1573 319.40 Transactions by electronic or telephonic means.—

1574 (1) The department may ~~is authorized to~~ accept any
1575 application provided for under this chapter by electronic or
1576 telephonic means.

1577 (2) The department may issue an electronic certificate of
1578 title in lieu of printing a paper title.

1579 (3) The department may collect and use electronic mail
1580 addresses as a notification method in lieu of the United States
1581 Postal Service, except for any notice regarding the potential
1582 forfeiture or foreclosure of an interest in property.

1583 Section 31. Subsections (1), (23), (25), and (26) of
1584 section 320.01, Florida Statutes, are amended, present
1585 subsections (24) through (45) of that section are renumbered as
1586 subsections (23) through (44), respectively, and a new
1587 subsection (45) is added to that section, to read:

1588 320.01 Definitions, general.—As used in the Florida
1589 Statutes, except as otherwise provided, the term:

1590 (1) "Motor vehicle" means:

1591 (a) An automobile, motorcycle, truck, trailer, semitrailer,
1592 truck tractor and semitrailer combination, or any other vehicle
1593 operated on the roads of this state, used to transport persons
1594 or property, and propelled by power other than muscular power,
1595 but the term does not include traction engines, road rollers,

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1596 special mobile equipment as defined in chapter 316, such
1597 vehicles as run only upon a track, bicycles, swamp buggies, or
1598 mopeds.

1599 (b) A recreational vehicle-type unit primarily designed as
1600 temporary living quarters for recreational, camping, or travel
1601 use, which either has its own motive power or is mounted on or
1602 drawn by another vehicle. Recreational vehicle-type units, when
1603 traveling on the public roadways of this state, must comply with
1604 the length and width provisions of s. 316.515, as that section
1605 may hereafter be amended. As defined below, the basic entities
1606 are:

1607 1. The "travel trailer," which is a vehicular portable
1608 unit, mounted on wheels, of such a size or weight as not to
1609 require special highway movement permits when drawn by a
1610 motorized vehicle. It is primarily designed and constructed to
1611 provide temporary living quarters for recreational, camping, or
1612 travel use. It has a body width of no more than 8 1/2 feet and
1613 an overall body length of no more than 40 feet when factory-
1614 equipped for the road.

1615 2. The "camping trailer," which is a vehicular portable
1616 unit mounted on wheels and constructed with collapsible partial
1617 sidewalls which fold for towing by another vehicle and unfold at
1618 the campsite to provide temporary living quarters for
1619 recreational, camping, or travel use.

1620 3. The "truck camper," which is a truck equipped with a
1621 portable unit designed to be loaded onto, or affixed to, the bed
1622 or chassis of the truck and constructed to provide temporary
1623 living quarters for recreational, camping, or travel use.

1624 4. The "motor home," which is a vehicular unit which does

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1625 not exceed the length, height, and width limitations provided in
1626 s. 316.515, is a self-propelled motor vehicle, and is primarily
1627 designed to provide temporary living quarters for recreational,
1628 camping, or travel use.

1629 5. The "private motor coach," which is a vehicular unit
1630 which does not exceed the length, width, and height limitations
1631 provided in s. 316.515(9), is built on a self-propelled bus type
1632 chassis having no fewer than three load-bearing axles, and is
1633 primarily designed to provide temporary living quarters for
1634 recreational, camping, or travel use.

1635 6. The "van conversion," which is a vehicular unit which
1636 does not exceed the length and width limitations provided in s.
1637 316.515, is built on a self-propelled motor vehicle chassis, and
1638 is designed for recreation, camping, and travel use.

1639 7. The "park trailer," which is a transportable unit which
1640 has a body width not exceeding 14 feet and which is built on a
1641 single chassis and is designed to provide seasonal or temporary
1642 living quarters when connected to utilities necessary for
1643 operation of installed fixtures and appliances. The total area
1644 of the unit in a setup mode, when measured from the exterior
1645 surface of the exterior stud walls at the level of maximum
1646 dimensions, not including any bay window, does not exceed 400
1647 square feet when constructed to ANSI A-119.5 standards, and 500
1648 square feet when constructed to United States Department of
1649 Housing and Urban Development Standards. The length of a park
1650 trailer means the distance from the exterior of the front of the
1651 body (nearest to the drawbar and coupling mechanism) to the
1652 exterior of the rear of the body (at the opposite end of the
1653 body), including any protrusions.

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1654 8. The "fifth-wheel trailer," which is a vehicular unit
1655 mounted on wheels, designed to provide temporary living quarters
1656 for recreational, camping, or travel use, of such size or weight
1657 as not to require a special highway movement permit, of gross
1658 trailer area not to exceed 400 square feet in the setup mode,
1659 and designed to be towed by a motorized vehicle that contains a
1660 towing mechanism that is mounted above or forward of the tow
1661 vehicle's rear axle.

1662 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
1663 ~~which is required to be registered, or with respect to which an~~
1664 ~~election has been made to register it, under the International~~
1665 ~~Registration Plan.~~

1666 (24)~~(25)~~ "Apportionable vehicle" means any vehicle, except
1667 recreational vehicles, vehicles displaying restricted plates,
1668 city pickup and delivery vehicles, buses used in transportation
1669 of chartered parties, and government-owned vehicles, which is
1670 used or intended for use in two or more member jurisdictions
1671 that allocate or proportionally register vehicles and which is
1672 used for the transportation of persons for hire or is designed,
1673 used, or maintained primarily for the transportation of property
1674 and:

1675 (a) Is a power unit having a gross vehicle weight in excess
1676 of 26,000 ~~26,001~~ pounds;

1677 (b) Is a power unit having three or more axles, regardless
1678 of weight; or

1679 (c) Is used in combination, when the weight of such
1680 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

1681
1682 Vehicles, or combinations thereof, having a gross vehicle weight

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1683 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
1684 proportionally registered.

1685 (25)~~(26)~~ "Commercial motor vehicle" means any vehicle that
1686 ~~which~~ is not owned or operated by a governmental entity, that
1687 ~~which~~ uses special fuel or motor fuel on the public highways,
1688 and that ~~which~~ has a gross vehicle weight of 26,001 pounds or
1689 more, or has three or more axles regardless of weight, or is
1690 used in combination when the weight of such combination exceeds
1691 26,000 ~~26,001~~ pounds gross vehicle weight. A vehicle that
1692 occasionally transports personal property to and from a closed-
1693 course motorsport facility, as defined in s. 549.09(1)(a), is
1694 not a commercial motor vehicle if the use is not for profit and
1695 corporate sponsorship is not involved. As used in this
1696 subsection, the term "corporate sponsorship" means a payment,
1697 donation, gratuity, in-kind service, or other benefit provided
1698 to or derived by a person in relation to the underlying
1699 activity, other than the display of product or corporate names,
1700 logos, or other graphic information on the property being
1701 transported.

1702 (45) "Swamp buggy" means a motorized off-road vehicle
1703 designed to travel over swampy terrain, which may utilize large
1704 tires or tracks operated from an elevated platform, and may be
1705 used on varied terrain. A swamp buggy does not include any
1706 vehicle defined in chapter 261 or otherwise defined or
1707 classified in this chapter. A swamp buggy may not be operated
1708 upon the public roads, streets, or highways of this state,
1709 except to the extent specifically authorized by a state or
1710 federal agency to be used exclusively upon lands, managed,
1711 owned, or leased by that agency.

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1712 Section 32. Subsections (2) and (4) of section 320.02,
1713 Florida Statutes, are amended, paragraphs (o), (p), (q), (r),
1714 and (s) are added to subsection (15) of that section, and
1715 subsection (18) is added to that section, to read:

1716 320.02 Registration required; application for registration;
1717 forms.—

1718 (2) (a) The application for registration shall include the
1719 street address of the owner's permanent residence or the address
1720 of his or her permanent place of business and shall be
1721 accompanied by personal or business identification information
1722 which may include, but need not be limited to, a driver's
1723 license number, Florida identification card number, or federal
1724 employer identification number. If the owner does not have a
1725 permanent residence or permanent place of business or if the
1726 owner's permanent residence or permanent place of business
1727 cannot be identified by a street address, the application shall
1728 include:

1729 1. If the vehicle is registered to a business, the name and
1730 street address of the permanent residence of an owner of the
1731 business, an officer of the corporation, or an employee who is
1732 in a supervisory position.

1733 2. If the vehicle is registered to an individual, the name
1734 and street address of the permanent residence of a close
1735 relative or friend who is a resident of this state.

1736

1737 If the vehicle is registered to an active-duty military member
1738 who is a Florida resident, the member is exempt from the
1739 requirement of a Florida residential address.

1740 (b) The department shall prescribe a form upon which motor

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1741 vehicle owners may record odometer readings when registering
1742 their motor vehicles.

1743 (4) The owner of any motor vehicle registered in the state
1744 shall notify the department in writing of any change of address
1745 within 20 days of such change. The notification shall include
1746 the registration license plate number, the vehicle
1747 identification number (VIN) or title certificate number, year of
1748 vehicle make, and the owner's full name. Any owner or registrant
1749 who possesses a Florida driver's license or identification card
1750 and changes residence or mailing address must obtain a
1751 replacement as provided for in s. 322.19(2) before changing the
1752 address on the motor vehicle record.

1753 (15)

1754 (o) The application form for motor vehicle registration and
1755 renewal registration must include language permitting the
1756 voluntary contribution of \$1 to End Hunger in Florida. The
1757 proceeds shall be distributed monthly by the department to the
1758 Florida Association of Food Banks, Inc., a corporation not for
1759 profit under s. 501(c)(3) of the Internal Revenue Code. The
1760 funds shall be used by the organization for the purpose of
1761 ending hunger in Florida.

1762 (p) The application form for motor vehicle registration and
1763 renewal registration must include language permitting a
1764 voluntary contribution of \$1 for Autism Services and Supports.
1765 The proceeds shall be transferred by the department each month
1766 to the Achievement and Rehabilitation Centers, Inc., Autism
1767 Services Fund.

1768 (q) Notwithstanding s. 26 of chapter 2010-223, Laws of
1769 Florida, the application form for motor vehicle registration and

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1770 renewal registration must include a provision permitting a
1771 voluntary contribution of \$1 or more per applicant, to be
1772 distributed to the Auto Club South Traffic Safety Foundation, a
1773 nonprofit organization. Funds received by the foundation shall
1774 be used to improve traffic safety culture in communities through
1775 effective outreach, education, and activities that will save
1776 lives, reduce injuries, and prevent crashes. The foundation must
1777 comply with s. 320.023.

1778 (r) The application form for motor vehicle registration and
1779 renewal registration must include language permitting a
1780 voluntary contribution of \$1 for Support Our Troops. The
1781 proceeds shall be transferred by the department each month to
1782 Support Our Troops, Inc.

1783 (s) The application form for motor vehicle registration and
1784 renewal registration must include language permitting a
1785 voluntary contribution of \$1 to Take Stock In Children. The
1786 proceeds shall be transferred by the department each month to
1787 Take Stock In Children, Inc.

1788
1789 For the purpose of applying the service charge provided in s.
1790 215.20, contributions received under this subsection are not
1791 income of a revenue nature.

1792 (18) All electronic registration records shall be retained
1793 by the department for at least 10 years.

1794 Section 33. Subsection (9) is added to section 320.023,
1795 Florida Statutes, to read:

1796 320.023 Requests to establish voluntary checkoff on motor
1797 vehicle registration application.—

1798 (9) The department may annually retain from the first

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1799 proceeds derived from the voluntary contributions collected an
1800 amount sufficient to defray for each voluntary contribution the
1801 pro rata share of the department's costs directly related to the
1802 voluntary contributions program. Such costs include renewal
1803 notices, postage, distribution costs, direct costs to the
1804 department, and costs associated with reviewing each
1805 organization's compliance with the audit and attestation
1806 requirements of this section. The revenues retained by the
1807 department may not be less than 0.005 percent and may not exceed
1808 0.015 percent. The balance of the proceeds from the voluntary
1809 contributions collected shall be distributed as provided by law.

1810 Section 34. Subsections (7), (8), and 10 of section 320.03,
1811 Florida Statutes, are amended to read:

1812 320.03 Registration; duties of tax collectors;
1813 International Registration Plan.—

1814 (7) The Department of Highway Safety and Motor Vehicles
1815 shall register apportionable ~~apportioned motor~~ vehicles under
1816 the provisions of the International Registration Plan. The
1817 department may adopt rules to implement and enforce the
1818 provisions of the plan.

1819 (8) If the applicant's name appears on the list referred to
1820 in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license
1821 plate or revalidation sticker may not be issued until that
1822 person's name no longer appears on the list or until the person
1823 presents a receipt from the governmental entity or the clerk of
1824 court that provided the data showing that the fines outstanding
1825 have been paid. This subsection does not apply to the owner of a
1826 leased vehicle if the vehicle is registered in the name of the
1827 lessee of the vehicle. The tax collector and the clerk of the

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1828 court are each entitled to receive monthly, as costs for
1829 implementing and administering this subsection, 10 percent of
1830 the civil penalties and fines recovered from such persons. As
1831 used in this subsection, the term "civil penalties and fines"
1832 does not include a wrecker operator's lien as described in s.
1833 713.78(13). If the tax collector has private tag agents, such
1834 tag agents are entitled to receive a pro rata share of the
1835 amount paid to the tax collector, based upon the percentage of
1836 license plates and revalidation stickers issued by the tag agent
1837 compared to the total issued within the county. The authority of
1838 any private agent to issue license plates shall be revoked,
1839 after notice and a hearing as provided in chapter 120, if he or
1840 she issues any license plate or revalidation sticker contrary to
1841 the provisions of this subsection. This section applies only to
1842 the annual renewal in the owner's birth month of a motor vehicle
1843 registration and does not apply to the transfer of a
1844 registration of a motor vehicle sold by a motor vehicle dealer
1845 licensed under this chapter, except for the transfer of
1846 registrations which is inclusive of the annual renewals. This
1847 section does not affect the issuance of the title to a motor
1848 vehicle, notwithstanding s. 319.23(8)(b) ~~319.23(7)(b)~~.

1849 (10) Jurisdiction over the electronic filing system for use
1850 by authorized electronic filing system agents to electronically
1851 title or register motor vehicles, vessels, mobile homes, or off-
1852 highway vehicles; issue or transfer registration license plates
1853 or decals; electronically transfer fees due for the title and
1854 registration process; and perform inquiries for title,
1855 registration, and lienholder verification and certification of
1856 service providers is expressly preempted to the state, and the

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1857 department shall have regulatory authority over the system. The
1858 electronic filing system shall be available for use statewide
1859 and applied uniformly throughout the state. An entity that, in
1860 the normal course of its business, sells products that must be
1861 titled or registered, provides title and registration services
1862 on behalf of its consumers and meets all established
1863 requirements may be an authorized electronic filing system agent
1864 and shall not be precluded from participating in the electronic
1865 filing system in any county. Upon request from a qualified
1866 entity, the tax collector shall appoint the entity as an
1867 authorized electronic filing system agent for that county,
1868 regardless of the county in which the entity is physically
1869 located. An entity may be an authorized electronic filing system
1870 agent in more than one county at any given time. Upon
1871 appointment as an authorized electronic filing system agent by a
1872 tax collector in a county other than the county where the agent
1873 is physically located and absent an interlocal agreement between
1874 tax collectors, any statutory service fees shall be divided
1875 equally between the tax collector that appointed the agent and
1876 the tax collector in the county where the agent is physically
1877 located. The department shall adopt rules in accordance with
1878 chapter 120 to replace the December 10, 2009, program standards
1879 and to administer the provisions of this section, including, but
1880 not limited to, establishing participation requirements,
1881 certification of service providers, electronic filing system
1882 requirements, and enforcement authority for noncompliance. ~~The~~
1883 ~~December 10, 2009, program standards, excluding any standards~~
1884 ~~which conflict with this subsection, shall remain in effect~~
1885 ~~until the rules are adopted.~~ An authorized electronic filing

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1886 agent may charge a fee to the customer for use of the electronic
1887 filing system.

1888 Section 35. Paragraph (b) of subsection (3) and subsection
1889 (5) of section 320.05, Florida Statutes, are amended to read:

1890 320.05 Records of the department; inspection procedure;
1891 lists and searches; fees.—

1892 (3)

1893 (b) Fees therefor shall be charged and collected as
1894 follows:

1895 1. For providing lists of motor vehicle or vessel records
1896 for the entire state, or any part or parts thereof, divided
1897 according to counties, a sum computed at a rate of not less than
1898 1 cent nor more than 5 cents per item.

1899 2. For providing noncertified photographic copies of motor
1900 vehicle or vessel documents, \$1 per page.

1901 3. For providing noncertified photographic copies of
1902 micrographic records, \$1 per page.

1903 4. For providing certified copies of motor vehicle or
1904 vessel records, \$3 per record.

1905 5. For providing noncertified computer-generated printouts
1906 of motor vehicle or vessel records, 50 cents per record.

1907 6. For providing certified computer-generated printouts of
1908 motor vehicle or vessel records, \$3 per record.

1909 7. For providing electronic access to motor vehicle,
1910 vessel, and mobile home registration data requested by tag,
1911 vehicle identification number, title number, or decal number, 50
1912 cents per item.

1913 8. For providing electronic access to driver's license
1914 status report by name, sex, and date of birth or by driver

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1915 license number, 50 cents per item.

1916 9. For providing lists of licensed mobile home dealers and
1917 manufacturers and recreational vehicle dealers and
1918 manufacturers, \$15 per list.

1919 10. For providing lists of licensed motor vehicle dealers,
1920 \$25 per list.

1921 11. For each copy of a videotape record, \$15 per tape.

1922 ~~12. For each copy of the Division of Motor Vehicles~~
1923 ~~Procedures Manual, \$25.~~

1924 (5) The creation and maintenance of records by the Division
1925 of Motorist Services within the department and the Division of
1926 Motor Vehicles pursuant to this chapter shall not be regarded as
1927 law enforcement functions of agency recordkeeping.

1928 Section 36. Paragraph (d) is added to subsection (1) of
1929 section 320.06, Florida Statutes, and subsection (5) is added to
1930 that section, to read:

1931 320.06 Registration certificates, license plates, and
1932 validation stickers generally.—

1933 (1)

1934 (d) The department may conduct a pilot program to evaluate
1935 designs, concepts, and technologies for alternative license
1936 plate technologies. The pilot program shall investigate the
1937 feasibility and use of alternative license plate technologies
1938 and shall be limited to license plates that are used on
1939 government-owned motor vehicles, as defined in s. 320.0655.
1940 Government license plates in the pilot program are exempt from
1941 current license plate requirements in s. 320.06(3)(a).

1942 (5) All license plates issued pursuant to this chapter are
1943 the property of the State of Florida.

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1944 Section 37. Section 320.061, Florida Statutes, is amended
1945 to read:

1946 320.061 Unlawful to alter motor vehicle registration
1947 certificates, temporary license plates, license plates, mobile
1948 home stickers, or validation stickers or to obscure license
1949 plates; penalty.—No person shall alter the original appearance
1950 of any registration license plate, temporary license plate,
1951 mobile home sticker, validation sticker, or vehicle registration
1952 certificate issued for and assigned to any motor vehicle or
1953 mobile home, whether by mutilation, alteration, defacement, or
1954 change of color or in any other manner. No person shall apply or
1955 attach any substance, reflective matter, illuminated device,
1956 spray, coating, covering, or other material onto or around any
1957 license plate that interferes with the legibility, angular
1958 visibility, or detectability of any feature or detail on the
1959 license plate or interferes with the ability to record any
1960 feature or detail on the license plate. Any person who violates
1961 this section commits a noncriminal traffic infraction,
1962 punishable as a moving violation as provided in chapter 318.

1963 Section 38. Subsection (1) of section 320.071, Florida
1964 Statutes, is amended to read:

1965 320.071 Advance registration renewal; procedures.—

1966 (1) (a) The owner of any motor vehicle or mobile home
1967 currently registered in this state may file an application for
1968 renewal of registration with the department, or its authorized
1969 agent in the county wherein the owner resides, any time during
1970 the 3 months preceding the date of expiration of the
1971 registration period. The registration period may not exceed 27
1972 months.

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1973 (b) The owner of any apportionable ~~apportioned motor~~
1974 vehicle currently registered in this state under the provisions
1975 of the International Registration Plan may file an application
1976 for renewal of registration with the department any time during
1977 the 3 months preceding the date of expiration of the
1978 registration period.

1979 Section 39. Subsections (1) and (3) of section 320.0715,
1980 Florida Statutes, are amended to read:

1981 320.0715 International Registration Plan; motor carrier
1982 services; permits; retention of records.—

1983 (1) All apportionable ~~commercial motor~~ vehicles domiciled
1984 in this state ~~and engaged in interstate commerce~~ shall be
1985 registered in accordance with the provisions of the
1986 International Registration Plan ~~and shall display apportioned~~
1987 ~~license plates.~~

1988 (3) (a) If the department is unable to immediately issue the
1989 apportioned license plate to an applicant currently registered
1990 in this state under the International Registration Plan or to a
1991 vehicle currently titled in this state, the department or its
1992 designated agent is authorized to issue a 60-day temporary
1993 operational permit. The department or agent of the department
1994 shall charge a \$3 fee and the service charge authorized by s.
1995 320.04 for each temporary operational permit it issues.

1996 (b) The department shall in no event issue a temporary
1997 operational permit for any apportionable ~~commercial motor~~
1998 vehicle to any applicant until the applicant has shown that:

- 1999 1. All sales or use taxes due on the registration of the
2000 vehicle are paid; and
- 2001 2. Insurance requirements have been met in accordance with

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2002 ss. 320.02(5) and 627.7415.

2003 (c) Issuance of a temporary operational permit provides
2004 ~~commercial motor vehicle~~ registration privileges in each
2005 International Registration Plan member jurisdiction designated
2006 on said permit and therefore requires payment of all applicable
2007 registration fees and taxes due for that period of registration.

2008 (d) Application for permanent registration must be made to
2009 the department within 10 days following ~~from~~ issuance of a
2010 temporary operational permit. Failure to file an application
2011 within this 10-day period may result in cancellation of the
2012 temporary operational permit.

2013 Section 40. Paragraph (d) of subsection (5) of section
2014 320.08, Florida Statutes, is amended to read:

2015 320.08 License taxes.—Except as otherwise provided herein,
2016 there are hereby levied and imposed annual license taxes for the
2017 operation of motor vehicles, mopeds, motorized bicycles as
2018 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
2019 and mobile homes, as defined in s. 320.01, which shall be paid
2020 to and collected by the department or its agent upon the
2021 registration or renewal of registration of the following:

2022 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
2023 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

2024 (d) A wrecker, as defined in s. 320.01~~(40)~~, which is used
2025 to tow a vessel as defined in s. 327.02(39), a disabled,
2026 abandoned, stolen-recovered, or impounded motor vehicle as
2027 defined in s. 320.01~~(38)~~, or a replacement motor vehicle as
2028 defined in s. 320.01~~(39)~~: \$41 flat, of which \$11 shall be
2029 deposited into the General Revenue Fund.

2030 Section 41. Section 320.08051, Florida Statutes, is created

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2031 to read:

2032 320.08051 Specialty license plates.-

2033 (1) Notwithstanding any provisions of law to the contrary,
2034 any application for a specialty license plate shall be deemed
2035 approved if the application has:

2036 (a) Been determined by the Auditor General to be an
2037 exception to the specialty license plate moratorium established
2038 by the provisions of s. 45 of chapter 2008-176, Laws of Florida;

2039 (b) Complied with all requirements under s. 320.08053; and

2040 (c) Been considered affirmatively by a legislative
2041 committee and at least one chamber of the Legislature prior to
2042 December 31, 2010.

2043 (2) Once approved, the organization must submit to the
2044 department the proposed art design for the specialty license
2045 plate, in a medium prescribed by the department, together with a
2046 planned distribution of proceeds, as soon as practicable, but no
2047 later than September 1, 2011.

2048 (3) The department shall begin production of any specialty
2049 license plate deemed approved under this section within 1 year
2050 after July 1, 2011.

2051 (4) The license plate annual use fee is \$25, which shall be
2052 distributed to the organization sponsoring the application for
2053 the specialty license plate. The sponsoring organization may not
2054 use more than 10 percent of the proceeds for marketing and
2055 administration.

2056 (5) All other requirements pertaining to specialty license
2057 plates contained in ss. 320.08056 and 320.08058 apply to the
2058 specialty license plates approved pursuant to this section.

2059 Section 42. Paragraph (b) of subsection (48) of section

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2060 320.08058, Florida Statutes, is amended to read:

2061 320.08058 Specialty license plates.—

2062 (48) LIVE THE DREAM LICENSE PLATES.—

2063 (b) The proceeds of the annual use fee shall be distributed
2064 to the Florida Dream Foundation, Inc. The Florida Dream
2065 Foundation, Inc., shall retain the first \$60,000 in proceeds
2066 from the annual use fees as reimbursement for administrative
2067 costs, startup costs, and costs incurred in the approval
2068 process. Thereafter, up to 25 percent shall be used for
2069 continuing promotion and marketing of the license plate and
2070 concept. The remaining funds shall be used in the following
2071 manner:

2072 1. Twenty-five percent shall be distributed equally among
2073 the sickle cell organizations that are Florida members of the
2074 Sickle Cell Disease Association of America, Inc., for programs
2075 that provide research, care, and treatment for sickle cell
2076 disease.

2077 2. Twenty-five percent shall be distributed to the Florida
2078 chapter of the March of Dimes for programs and services that
2079 improve the health of babies through the prevention of birth
2080 defects and infant mortality.

2081 3. Ten percent shall be distributed to the Florida
2082 Association of Healthy Start Coalitions to decrease racial
2083 disparity in infant mortality and to increase healthy birth
2084 outcomes. Funding will be used by local Healthy Start Coalitions
2085 to provide services and increase screening rates for high-risk
2086 pregnant women, children under 4 years of age, and women of
2087 childbearing age.

2088 4. Ten percent shall be distributed to the Community

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2089 Partnership for Homeless, Inc., for programs that provide relief
2090 from poverty, hunger, and homelessness.

2091 5. Five percent of the proceeds shall be used by the
2092 foundation for administrative costs directly associated with
2093 operations as they relate to the management and distribution of
2094 the proceeds.

2095 Section 43. Paragraph (e) of subsection (4) of section
2096 320.08068, Florida Statutes, is amended to read:

2097 320.08068 Motorcycle specialty license plates.—

2098 (4) A license plate annual use fee of \$20 shall be
2099 collected for each motorcycle specialty license plate. Annual
2100 use fees shall be distributed to The Able Trust as custodial
2101 agent. The Able Trust may retain a maximum of 10 percent of the
2102 proceeds from the sale of the license plate for administrative
2103 costs. The Able Trust shall distribute the remaining funds as
2104 follows:

2105 (e) Twenty percent to the Florida Association of Centers
2106 for Independent Living ~~to be used to leverage additional funding~~
2107 ~~and new sources of revenue for the centers for independent~~
2108 ~~living in this state.~~

2109 Section 44. Subsection (1) of section 320.0847, Florida
2110 Statutes, is amended to read:

2111 320.0847 Mini truck and low-speed vehicle license plates.—

2112 (1) The department shall issue a license plate to the owner
2113 or lessee of any vehicle registered as a low-speed vehicle as
2114 defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
2115 320.01~~(45)~~ upon payment of the appropriate license taxes and
2116 fees prescribed in s. 320.08.

2117 Section 45. Subsections (1), (2), and (4) of section

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2118 320.0848, Florida Statutes, are amended to read:

2119 320.0848 Persons who have disabilities; issuance of
2120 disabled parking permits; temporary permits; permits for certain
2121 providers of transportation services to persons who have
2122 disabilities.—

2123 (1) (a) The Department of Highway Safety and Motor Vehicles
2124 or its authorized agents shall, upon application and receipt of
2125 the fee, issue a disabled parking permit for a period of up to 4
2126 years, which period ends on the applicant's birthday, to any
2127 person who has long-term mobility impairment, or a temporary
2128 disabled parking permit not to exceed 6 months to any person who
2129 has a temporary mobility impairment. No person will be required
2130 to pay a fee for a parking permit for disabled persons more than
2131 once in a 12-month period from the date of the prior fee
2132 payment.

2133 (b)1. The person must be currently certified as being
2134 legally blind or as having any of the following disabilities
2135 that render him or her unable to walk 200 feet without stopping
2136 to rest:

2137 a. Inability to walk without the use of or assistance from
2138 a brace, cane, crutch, prosthetic device, or other assistive
2139 device, or without the assistance of another person. If the
2140 assistive device significantly restores the person's ability to
2141 walk to the extent that the person can walk without severe
2142 limitation, the person is not eligible for the exemption parking
2143 permit.

2144 b. The need to permanently use a wheelchair.

2145 c. Restriction by lung disease to the extent that the
2146 person's forced (respiratory) expiratory volume for 1 second,

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2147 when measured by spirometry, is less than 1 liter, or the
2148 person's arterial oxygen is less than 60 mm/hg on room air at
2149 rest.

2150 d. Use of portable oxygen.

2151 e. Restriction by cardiac condition to the extent that the
2152 person's functional limitations are classified in severity as
2153 Class III or Class IV according to standards set by the American
2154 Heart Association.

2155 f. Severe limitation in the person's ability to walk due to
2156 an arthritic, neurological, or orthopedic condition.

2157 2. The certification of disability which is required under
2158 subparagraph 1. must be provided by a physician licensed under
2159 chapter 458, chapter 459, or chapter 460, by a podiatric
2160 physician licensed under chapter 461, by an optometrist licensed
2161 under chapter 463, by an advanced registered nurse practitioner
2162 licensed under chapter 464 under the protocol of a licensed
2163 physician as stated in this subparagraph, by a physician
2164 assistant licensed under chapter 458 or chapter 459, or by a
2165 similarly licensed physician from another state if the
2166 application is accompanied by documentation of the physician's
2167 licensure in the other state and a form signed by the out-of-
2168 state physician verifying his or her knowledge of this state's
2169 eligibility guidelines.

2170 (c) The certificate of disability must include, but need
2171 not be limited to:

2172 1. The disability of the applicant; the certifying
2173 practitioner's name and address; the practitioner's
2174 certification number; the eligibility criteria for the permit;
2175 the penalty for falsification by either the certifying

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2176 practitioner or the applicant; the duration of the condition
2177 that entitles the person to the permit; and justification for
2178 the additional placard pursuant to subsection (2).

2179 2. The statement, in bold letters: "A disabled parking
2180 permit may be issued only for a medical necessity that severely
2181 affects mobility."

2182 3. The signatures of:

2183 a. The applicant's physician or other certifying
2184 practitioner.

2185 b. The applicant or the applicant's parent or guardian.

2186 c. The employee of the department's authorized agent which
2187 employee is processing the application.

2188 (d) Beginning October 1, 2011 ~~April 1, 1999~~, the Department
2189 of Highway Safety and Motor Vehicles shall renew the disabled
2190 parking permit of any person certified as permanently disabled
2191 on the application if the person applies for renewal in person
2192 and provides a current certificate of disability pursuant to
2193 this subsection.

2194 (e) The Department of Highway Safety and Motor Vehicles
2195 shall, in consultation with the Commission for the
2196 Transportation Disadvantaged, adopt rules, in accordance with
2197 chapter 120, for the issuance of a disabled parking permit to
2198 any organization that can adequately demonstrate a bona fide
2199 need for such a permit because the organization provides regular
2200 transportation services to persons who have disabilities and are
2201 certified as provided in this subsection.

2202 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
2203 MOBILITY PROBLEMS.—

2204 (a) The disabled parking permit is a placard that can be

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2205 placed in a motor vehicle so as to be visible from the front and
2206 rear of the vehicle. Each side of the placard must have the
2207 international symbol of accessibility in a contrasting color in
2208 the center so as to be visible. One side of the placard must
2209 display the applicant's driver's license number or state
2210 identification card number along with a warning that the
2211 applicant must have such identification at all times while using
2212 the parking permit. In those cases where the severity of the
2213 disability prevents a disabled person from physically visiting
2214 or being transported to a driver license or tax collector office
2215 to obtain a driver's license or identification card, a
2216 certifying physician may sign the exemption section of the
2217 department's parking permit application to exempt the disabled
2218 person from being issued a driver's license or identification
2219 card for the number to be displayed on the parking permit. A
2220 validation sticker must also be issued with each disabled
2221 parking permit, showing the month and year of expiration on each
2222 side of the placard. Validation stickers must be of the size
2223 specified by the Department of Highway Safety and Motor Vehicles
2224 and must be affixed to the disabled parking permits. The
2225 disabled parking permits must use the same colors as license
2226 plate validations.

2227 (b) License plates issued under ss. 320.084, 320.0842,
2228 320.0843, and 320.0845 are valid for the same parking privileges
2229 and other privileges provided under ss. 316.1955, 316.1964, and
2230 526.141(5) (a).

2231 (c) The department shall not issue an additional disabled
2232 parking permit unless the applicant states that he or she is a
2233 frequent traveler or a quadriplegic. The department may not

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2234 issue to any one eligible applicant more than two disabled
2235 parking permits except to an organization in accordance with
2236 paragraph (1)(e). Subsections (1), (5), (6), and (7) apply to
2237 this subsection.

2238 (d) If an applicant who is a disabled veteran, is a
2239 resident of this state, has been honorably discharged, and
2240 either has been determined by the Department of Defense or the
2241 United States Department of Veterans Affairs or its predecessor
2242 to have a service-connected disability rating for compensation
2243 of 50 percent or greater or has been determined to have a
2244 service-connected disability rating of 50 percent or greater and
2245 is in receipt of both disability retirement pay from the United
2246 States Department of Veterans Affairs, he or she must still
2247 provide a signed physician's statement of qualification for the
2248 disabled parking permits.

2249 (e) To obtain a replacement for a disabled parking permit
2250 that has been lost or stolen, a person must appear in person,
2251 submit an application on a form prescribed by the department,
2252 and ~~must~~ pay a replacement fee in the amount of \$1.00, to be
2253 retained by the issuing agency. If the person submits with the
2254 application a police report documenting that the permit was
2255 stolen, there is no replacement fee.

2256 (f) A person who qualifies for a disabled parking permit
2257 under this section may be issued an international wheelchair
2258 user symbol license plate under s. 320.0843 in lieu of the
2259 disabled parking permit; or, if the person qualifies for a "DV"
2260 license plate under s. 320.084, such a license plate may be
2261 issued to him or her in lieu of a disabled parking permit.

2262 (4) From the proceeds of the temporary disabled parking

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2263 permit fees:

2264 (a) The Department of Highway Safety and Motor Vehicles
2265 must receive \$3.50 for each temporary permit, to be deposited
2266 into the Highway Safety Operating Trust Fund and used for
2267 implementing the real-time disabled parking permit database and
2268 for administering the disabled parking permit program.

2269 (b) The tax collector, for processing, must receive \$2.50
2270 for each temporary permit.

2271 (c) The remainder must be distributed monthly as follows:

2272 1. To the Florida Endowment Foundation for Vocational
2273 Rehabilitation, known as "The Able Trust," ~~Florida Governor's~~
2274 ~~Alliance for the Employment of Disabled Citizens~~ for the purpose
2275 of improving employment and training opportunities for persons
2276 who have disabilities, with special emphasis on removing
2277 transportation barriers, \$4. These fees must be directly
2278 deposited into the Florida Endowment Foundation for Vocational
2279 Rehabilitation as established in s. 413.615 ~~Transportation~~
2280 ~~Disadvantaged Trust Fund for transfer to the Florida Governor's~~
2281 ~~Alliance for Employment of Disabled Citizens.~~

2282 2. To the Transportation Disadvantaged Trust Fund to be
2283 used for funding matching grants to counties for the purpose of
2284 improving transportation of persons who have disabilities, \$5.

2285 Section 46. Paragraphs (a) and (b) of subsection (2) of
2286 section 320.275, Florida Statutes, are amended to read:

2287 320.275 Automobile Dealers Industry Advisory Board.—

2288 (2) MEMBERSHIP, TERMS, MEETINGS.—

2289 (a) The board shall be composed of 12 members. The
2290 executive director of the Department of Highway Safety and Motor
2291 Vehicles shall appoint the members from names submitted by the

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2292 entities for the designated categories the member will
2293 represent. The executive director shall appoint one
2294 representative of the Department of Highway Safety and Motor
2295 Vehicles, ~~who must represent the Division of Motor Vehicles~~; two
2296 representatives of the independent motor vehicle industry as
2297 recommended by the Florida Independent Automobile Dealers
2298 Association; two representatives of the franchise motor vehicle
2299 industry as recommended by the Florida Automobile Dealers
2300 Association; one representative of the auction motor vehicle
2301 industry who is from an auction chain and is recommended by a
2302 group affiliated with the National Auto Auction Association; one
2303 representative of the auction motor vehicle industry who is from
2304 an independent auction and is recommended by a group affiliated
2305 with the National Auto Auction Association; one representative
2306 from the Department of Revenue; a Florida tax collector
2307 representative recommended by the Florida Tax Collectors
2308 Association; one representative from the Better Business Bureau;
2309 one representative from the Department of Agriculture and
2310 Consumer Services, who must represent the Division of Consumer
2311 Services; and one representative of the insurance industry who
2312 writes motor vehicle dealer surety bonds.

2313 (b)1. The executive director shall appoint the following
2314 initial members to 1-year terms: one representative from the
2315 motor vehicle auction industry who represents an auction chain,
2316 one representative from the independent motor vehicle industry,
2317 one representative from the franchise motor vehicle industry,
2318 one representative from the Department of Revenue, one Florida
2319 tax collector, and one representative from the Better Business
2320 Bureau.

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2321 2. The executive director shall appoint the following
2322 initial members to 2-year terms: one representative from the
2323 motor vehicle auction industry who represents an independent
2324 auction, one representative from the independent motor vehicle
2325 industry, one representative from the franchise motor vehicle
2326 industry, one representative from the Division of Consumer
2327 Services, one representative from the insurance industry, and
2328 one representative from the department ~~Division of Motor~~
2329 ~~Vehicles~~.

2330 3. As the initial terms expire, the executive director
2331 shall appoint successors from the same designated category for
2332 terms of 2 years. If renominated, a member may succeed himself
2333 or herself.

2334 4. The board shall appoint a chair and vice chair at its
2335 initial meeting and every 2 years thereafter.

2336 Section 47. Subsection (1) of section 320.771, Florida
2337 Statutes, is amended to read:

2338 320.771 License required of recreational vehicle dealers.-

2339 (1) DEFINITIONS.-As used in this section:

2340 (a) "Dealer" means any person engaged in the business of
2341 buying, selling, or dealing in recreational vehicles or offering
2342 or displaying recreational vehicles for sale. The term "dealer"
2343 includes a recreational vehicle broker. Any person who buys,
2344 sells, deals in, or offers or displays for sale, or who acts as
2345 the agent for the sale of, one or more recreational vehicles in
2346 any 12-month period shall be prima facie presumed to be a
2347 dealer. The terms "selling" and "sale" include lease-purchase
2348 transactions. The term "dealer" does not include banks, credit
2349 unions, and finance companies that acquire recreational vehicles

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2350 as an incident to their regular business and does not include
2351 mobile home rental and leasing companies that sell recreational
2352 vehicles to dealers licensed under this section. A licensed
2353 dealer may transact business in recreational vehicles with a
2354 motor vehicle auction as defined in s. 320.27(1)(c)4. Further, a
2355 licensed dealer may, at retail or wholesale, sell a motor
2356 vehicle, as described in s. 320.01(1)(a), acquired in exchange
2357 for the sale of a recreational vehicle, if such acquisition is
2358 incidental to the principal business of being a recreational
2359 vehicle dealer. However, a recreational vehicle dealer may not
2360 buy a motor vehicle for the purpose of resale unless licensed as
2361 a motor vehicle dealer pursuant to s. 320.27.

2362 (b) "Recreational vehicle broker" means any person who is
2363 engaged in the business of offering to procure or procuring used
2364 recreational vehicles for the general public; who holds himself
2365 or herself out through solicitation, advertisement, or otherwise
2366 as one who offers to procure or procures used recreational
2367 vehicles for the general public; or who acts as the agent or
2368 intermediary on behalf of the owner or seller of a used
2369 recreational vehicle which is for sale or who assists or
2370 represents the seller in finding a buyer for the recreational
2371 vehicle.

2372 (c) For the purposes of this section, the term
2373 "recreational vehicle" does not include any camping trailer, as
2374 defined in s. 320.01(1)(b)2.

2375 (d) A dealer may apply for a certificate of title to a
2376 recreational vehicle required to be registered under s.
2377 320.08(9) using a manufacturer's statement of origin as
2378 permitted by s. 319.23(1) only if such dealer is authorized by a

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2379 manufacturer/dealer agreement as defined in s. 320.3202(8) on
2380 file with the department to buy, sell, or deal in that
2381 particular line-make of recreational vehicle and is authorized
2382 by such agreement to perform delivery and preparation
2383 obligations and warranty defect adjustments on that line-make.

2384 Section 48. Section 320.95, Florida Statutes, is amended to
2385 read:

2386 320.95 Transactions by electronic or telephonic means.—

2387 (1) The department may ~~is authorized to~~ accept any
2388 application provided for under this chapter by electronic or
2389 telephonic means.

2390 (2) The department may collect and use electronic mail
2391 addresses for the purpose of providing renewal notices in lieu
2392 of the United States Postal Service.

2393 Section 49. Section 321.02, Florida Statutes, is amended to
2394 read:

2395 321.02 Powers and duties of department, highway patrol.—The
2396 director of the Division of Highway Patrol of the Department of
2397 Highway Safety and Motor Vehicles shall be designated the
2398 Colonel ~~also be the commander~~ of the Florida Highway Patrol. The
2399 said department shall set up and promulgate rules and
2400 regulations by which the personnel of the Florida Highway Patrol
2401 officers shall be examined, employed, trained, located,
2402 suspended, reduced in rank, discharged, recruited, paid and
2403 pensioned, subject to civil service provisions hereafter set
2404 out. The department may enter into contracts or agreements, with
2405 or without competitive bidding or procurement, to make
2406 available, on a fair, reasonable, nonexclusive, and
2407 nondiscriminatory basis, property and other structures under

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2408 division control for the placement of new facilities by any
2409 wireless provider of mobile service as defined in 47 U.S.C. s.
2410 153(27) or s. 332(d), and any telecommunications company as
2411 defined in s. 364.02 when it is determined to be practical and
2412 feasible to make such property or other structures available.
2413 The department may, without adopting a rule, charge a just,
2414 reasonable, and nondiscriminatory fee for placement of the
2415 facilities, payable annually, based on the fair market value of
2416 space used by comparable communications facilities in the state.
2417 The department and a wireless provider or telecommunications
2418 company may negotiate the reduction or elimination of a fee in
2419 consideration of services provided to the division by the
2420 wireless provider or the telecommunications company. All such
2421 fees collected by the department shall be deposited directly
2422 into the State Agency Law Enforcement Radio System Trust Fund,
2423 and may be used to construct, maintain, or support the system.
2424 The department is further specifically authorized to purchase,
2425 sell, trade, rent, lease and maintain all necessary equipment,
2426 uniforms, motor vehicles, communication systems, housing
2427 facilities, office space, and perform any other acts necessary
2428 for the proper administration and enforcement of this chapter.
2429 However, all supplies and equipment consisting of single items
2430 or in lots shall be purchased under the requirements of s.
2431 287.057. Purchases shall be made by accepting the bid of the
2432 lowest responsive bidder, the right being reserved to reject all
2433 bids. The department shall prescribe a distinctive uniform and
2434 distinctive emblem to be worn by all officers of the Florida
2435 Highway Patrol. It shall be unlawful for any other person or
2436 persons to wear a similar uniform or emblem, or any part or

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2437 parts thereof. The department shall also prescribe distinctive
2438 colors for use on motor vehicles and motorcycles operated by the
2439 Florida Highway Patrol. The prescribed colors shall be referred
2440 to as "Florida Highway Patrol black and tan."

2441 Section 50. Subsection (3) of section 322.02, Florida
2442 Statutes, is amended to read:

2443 322.02 Legislative intent; administration.—

2444 (3) The department shall employ a director, who is charged
2445 with the duty of serving as the executive officer of the
2446 Division of Motorist Services within Driver Licenses of the
2447 department insofar as the administration of this chapter is
2448 concerned. He or she shall be subject to the supervision and
2449 direction of the department, and his or her official actions and
2450 decisions as executive officer shall be conclusive unless the
2451 same are superseded or reversed by the department or by a court
2452 of competent jurisdiction.

2453 Section 51. Subsection (1) of section 322.04, Florida
2454 Statutes, is amended to read:

2455 322.04 Persons exempt from obtaining driver's license.—

2456 (1) The following persons are exempt from obtaining a
2457 driver's license:

2458 (a) Any employee of the United States Government, while
2459 operating a noncommercial motor vehicle owned by or leased to
2460 the United States Government and being operated on official
2461 business.

2462 (b) Any person while driving or operating any road machine,
2463 farm tractor, or implement of husbandry temporarily operated or
2464 moved on a highway.

2465 (c) A nonresident who is at least 16 years of age ~~and who~~

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2466 ~~has in his or her immediate possession a valid noncommercial~~
2467 ~~driver's license issued to the nonresident in his or her home~~
2468 ~~state or country,~~ may operate a motor vehicle of the type for
2469 which a Class E driver's license is required in this state if he
2470 or she has in his or her immediate possession:

2471 1. A valid noncommercial driver's license issued in his or
2472 her name from another state or territory of the United States;
2473 or

2474 2. An International Driving Permit issued in his or her
2475 name in his or her country of residence and a valid license
2476 issued in that country.

2477 ~~(d) A nonresident who is at least 18 years of age and who~~
2478 ~~has in his or her immediate possession a valid noncommercial~~
2479 ~~driver's license issued to the nonresident in his or her home~~
2480 ~~state or country may operate a motor vehicle, other than a~~
2481 ~~commercial motor vehicle, in this state.~~

2482 ~~(d)~~ (e) Any person operating a golf cart, as defined in s.
2483 320.01, which is operated in accordance with the provisions of
2484 s. 316.212.

2485 Section 52. Paragraph (a) of subsection (1) of section
2486 322.051, Florida Statutes, is amended, and subsection (9) is
2487 added to that section, to read:

2488 322.051 Identification cards.—

2489 (1) Any person who is 5 years of age or older, or any
2490 person who has a disability, regardless of age, who applies for
2491 a disabled parking permit under s. 320.0848, may be issued an
2492 identification card by the department upon completion of an
2493 application and payment of an application fee.

2494 (a) Each such application shall include the following

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2495 information regarding the applicant:

2496 1. Full name (first, middle or maiden, and last), gender,
2497 proof of social security card number satisfactory to the
2498 department, county of residence, mailing address, proof of
2499 residential address satisfactory to the department, country of
2500 birth, and a brief description.

2501 2. Proof of birth date satisfactory to the department.

2502 3. Proof of identity satisfactory to the department. Such
2503 proof must include one of the following documents issued to the
2504 applicant:

2505 a. A driver's license record or identification card record
2506 from another jurisdiction that required the applicant to submit
2507 a document for identification which is substantially similar to
2508 a document required under sub-subparagraph b., sub-subparagraph
2509 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
2510 f., sub-subparagraph g., or sub-subparagraph h.;

2511 b. A certified copy of a United States birth certificate;

2512 c. A valid, unexpired United States passport;

2513 d. A naturalization certificate issued by the United States
2514 Department of Homeland Security;

2515 e. A valid, unexpired alien registration receipt card
2516 (green card);

2517 f. A Consular Report of Birth Abroad provided by the United
2518 States Department of State;

2519 g. An unexpired employment authorization card issued by the
2520 United States Department of Homeland Security; or

2521 h. Proof of nonimmigrant classification provided by the
2522 United States Department of Homeland Security, for an original
2523 identification card. In order to prove such nonimmigrant

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2524 classification, applicants must provide at least one of ~~may~~
2525 ~~produce but are not limited to~~ the following documents, and, in
2526 addition, the department may require other documents for the
2527 sole purpose of establishing the maintenance of or efforts to
2528 maintain continuous lawful presence:

2529 (I) A notice of hearing from an immigration court
2530 scheduling a hearing on any proceeding.

2531 (II) A notice from the Board of Immigration Appeals
2532 acknowledging pendency of an appeal.

2533 (III) Notice of the approval of an application for
2534 adjustment of status issued by the United States Bureau of
2535 Citizenship and Immigration Services.

2536 (IV) Any official documentation confirming the filing of a
2537 petition for asylum or refugee status or any other relief issued
2538 by the United States Bureau of Citizenship and Immigration
2539 Services.

2540 (V) Notice of action transferring any pending matter from
2541 another jurisdiction to Florida, issued by the United States
2542 Bureau of Citizenship and Immigration Services.

2543 (VI) Order of an immigration judge or immigration officer
2544 granting any relief that authorizes the alien to live and work
2545 in the United States including, but not limited to asylum.

2546 (VII) Evidence that an application is pending for
2547 adjustment of status to that of an alien lawfully admitted for
2548 permanent residence in the United States or conditional
2549 permanent resident status in the United States, if a visa number
2550 is available having a current priority date for processing by
2551 the United States Bureau of Citizenship and Immigration
2552 Services.

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2553 (VIII) On or after January 1, 2010, an unexpired foreign
2554 passport with an unexpired United States Visa affixed,
2555 accompanied by an approved I-94, documenting the most recent
2556 admittance into the United States.

2557
2558 An identification card issued based on documents required
2559 ~~Presentation of any of the documents described in sub-~~
2560 ~~subparagraph g. or sub-subparagraph h. is valid entitles the~~
2561 ~~applicant to an identification card~~ for a period not to exceed
2562 the expiration date of the document presented or 1 year,
2563 whichever first occurs.

2564 (9) Notwithstanding any other provision of this section or
2565 s. 322.21 to the contrary, the department shall issue or renew a
2566 card at no charge to a person who presents good cause for a fee
2567 waiver.

2568 Section 53. Subsection (4) of section 322.058, Florida
2569 Statutes, is amended to read:

2570 322.058 Suspension of driving privileges due to support
2571 delinquency; reinstatement.—

2572 (4) This section applies only to the annual renewal in the
2573 owner's birth month of a motor vehicle registration and does not
2574 apply to the transfer of a registration of a motor vehicle sold
2575 by a motor vehicle dealer licensed under chapter 320, except for
2576 the transfer of registrations which is inclusive of the annual
2577 renewals. This section does not affect the issuance of the title
2578 to a motor vehicle, notwithstanding s. 319.23(8)(b)
2579 ~~319.23(7)(b)~~.

2580 Section 54. Section 322.065, Florida Statutes, is amended
2581 to read:

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2582 322.065 Driver's license expired for 6 4 months or less;
2583 penalties.—Any person whose driver's license has been expired
2584 for 6 4 months or less and who drives a motor vehicle upon the
2585 highways of this state commits ~~is guilty of~~ an infraction and is
2586 subject to the penalty provided in s. 318.18.

2587 Section 55. Subsection (3) of section 322.07, Florida
2588 Statutes, is amended to read:

2589 322.07 Instruction permits and temporary licenses.—

2590 (3) Any person who, except for his or her lack of
2591 instruction in operating a commercial motor vehicle, would
2592 otherwise be qualified to obtain a commercial driver's license
2593 under this chapter, may apply for a temporary commercial
2594 instruction permit. The department shall issue such a permit
2595 entitling the applicant, while having the permit in his or her
2596 immediate possession, to drive a commercial motor vehicle on the
2597 highways, provided that:

2598 (a) The applicant possesses a valid Florida driver's
2599 license ~~issued in any state~~; and

2600 (b) The applicant, while operating a commercial motor
2601 vehicle, is accompanied by a licensed driver who is 21 years of
2602 age or older, who is licensed to operate the class of vehicle
2603 being operated, and who is actually occupying the closest seat
2604 to the right of the driver.

2605 Section 56. Subsection (2) of section 322.08, Florida
2606 Statutes, is amended, paragraphs (o), (p), and (q) are added to
2607 subsection (7) of that section, and subsection (8) is added to
2608 that section, to read:

2609 322.08 Application for license; requirements for license
2610 and identification card forms.—

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2611 (2) Each such application shall include the following
2612 information regarding the applicant:

2613 (a) Full name (first, middle or maiden, and last), gender,
2614 proof of social security card number satisfactory to the
2615 department, county of residence, mailing address, proof of
2616 residential address satisfactory to the department, country of
2617 birth, and a brief description.

2618 (b) Proof of birth date satisfactory to the department.

2619 (c) Proof of identity satisfactory to the department. Such
2620 proof must include one of the following documents issued to the
2621 applicant:

2622 1. A driver's license record or identification card record
2623 from another jurisdiction that required the applicant to submit
2624 a document for identification which is substantially similar to
2625 a document required under subparagraph 2., subparagraph 3.,
2626 subparagraph 4., subparagraph 5., subparagraph 6., subparagraph
2627 7., or subparagraph 8.;

2628 2. A certified copy of a United States birth certificate;

2629 3. A valid, unexpired United States passport;

2630 4. A naturalization certificate issued by the United States
2631 Department of Homeland Security;

2632 5. A valid, unexpired alien registration receipt card
2633 (green card);

2634 6. A Consular Report of Birth Abroad provided by the United
2635 States Department of State;

2636 7. An unexpired employment authorization card issued by the
2637 United States Department of Homeland Security; or

2638 8. Proof of nonimmigrant classification provided by the
2639 United States Department of Homeland Security, for an original

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2640 driver's license. In order to prove nonimmigrant classification,
2641 an applicant must provide at least one of the following
2642 documents; in addition, the department may require other
2643 documents for the sole purpose of establishing the maintenance
2644 of or efforts to maintain continuous lawful presence ~~may produce~~
2645 ~~the following documents, including, but not limited to:~~

2646 a. A notice of hearing from an immigration court scheduling
2647 a hearing on any proceeding.

2648 b. A notice from the Board of Immigration Appeals
2649 acknowledging pendency of an appeal.

2650 c. A notice of the approval of an application for
2651 adjustment of status issued by the United States Bureau of
2652 Citizenship and Immigration Services.

2653 d. Any official documentation confirming the filing of a
2654 petition for asylum or refugee status or any other relief issued
2655 by the United States Bureau of Citizenship and Immigration
2656 Services.

2657 e. A notice of action transferring any pending matter from
2658 another jurisdiction to this state issued by the United States
2659 Bureau of Citizenship and Immigration Services.

2660 f. An order of an immigration judge or immigration officer
2661 granting any relief that authorizes the alien to live and work
2662 in the United States, including, but not limited to, asylum.

2663 g. Evidence that an application is pending for adjustment
2664 of status to that of an alien lawfully admitted for permanent
2665 residence in the United States or conditional permanent resident
2666 status in the United States, if a visa number is available
2667 having a current priority date for processing by the United
2668 States Bureau of Citizenship and Immigration Services.

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2669 h. On or after January 1, 2010, an unexpired foreign
2670 passport with an unexpired United States Visa affixed,
2671 accompanied by an approved I-94, documenting the most recent
2672 admittance into the United States.

2673
2674 A driver's license or temporary permit issued based on documents
2675 required ~~Presentation of any of the documents~~ in subparagraph 7.
2676 or subparagraph 8. is valid ~~entitles the applicant to a driver's~~
2677 ~~license or temporary permit~~ for a period not to exceed the
2678 expiration date of the document presented or 1 year, whichever
2679 occurs first.

2680 (d) Whether the applicant has previously been licensed to
2681 drive, and, if so, when and by what state, and whether any such
2682 license or driving privilege has ever been disqualified,
2683 revoked, or suspended, or whether an application has ever been
2684 refused, and, if so, the date of and reason for such
2685 disqualification, suspension, revocation, or refusal.

2686 (e) Each such application may include fingerprints and
2687 other unique biometric means of identity.

2688 (7) The application form for an original, renewal, or
2689 replacement driver's license or identification card shall
2690 include language permitting the following:

2691 (o) A voluntary contribution of \$1 per applicant for Autism
2692 Services and Supports. Such contributions must be transferred by
2693 the department each month to the Achievement and Rehabilitation
2694 Centers, Inc., Autism Services Fund.

2695 (p) Notwithstanding s. 26 of chapter 2010-223, Laws of
2696 Florida, a voluntary contribution of \$1 or more per applicant to
2697 the Auto Club South Traffic Safety Foundation, a nonprofit

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2698 organization. Funds received by the foundation shall be used to
2699 improve traffic safety culture in communities through effective
2700 outreach, education, and activities that will save lives, reduce
2701 injuries, and prevent crashes. The foundation must comply with
2702 s. 322.081.

2703 (g) The application form for motor vehicle registration and
2704 renewal registration must include language permitting a
2705 voluntary contribution of \$1 for Support Our Troops. The
2706 proceeds shall be transferred by the department each month to
2707 Support Our Troops, Inc.

2708
2709 A statement providing an explanation of the purpose of the trust
2710 funds shall also be included. For the purpose of applying the
2711 service charge provided in s. 215.20, contributions received
2712 under paragraphs (b)-(n) are not income of a revenue nature.

2713 (8) The department may collect and use electronic mail
2714 addresses for the purpose of providing renewal notices in lieu
2715 of the United State Postal Service.

2716 Section 57. Subsection (9) is added to section 322.081,
2717 Florida Statutes, to read:

2718 322.081 Requests to establish voluntary checkoff on
2719 driver's license application.—

2720 (9) The department may annually retain from the first
2721 proceeds derived from the voluntary contributions collected an
2722 amount sufficient to defray for each voluntary contribution the
2723 pro rata share of the department's costs directly related to the
2724 voluntary contributions program. Such costs include renewal
2725 notices, postage, distribution costs, direct costs to the
2726 department, and costs associated with reviewing each

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2727 organization's compliance with the audit and attestation
2728 requirements of this section. The revenues retained by the
2729 department may not be less than 0.005 percent and may not exceed
2730 0.015 percent. The balance of the proceeds from the voluntary
2731 contributions collected shall be distributed as provided by law.

2732 Section 58. Subsection (5) of section 322.12, Florida
2733 Statutes, is amended to read:

2734 322.12 Examination of applicants.-

2735 ~~(5)(a) The department shall formulate a separate~~
2736 ~~examination for applicants for licenses to operate motorcycles.~~
2737 ~~Any applicant for a driver's license who wishes to operate a~~
2738 ~~motorcycle, and who is otherwise qualified, must successfully~~
2739 ~~complete such an examination, which is in addition to the~~
2740 ~~examination administered under subsection (3). The examination~~
2741 ~~must test the applicant's knowledge of the operation of a~~
2742 ~~motorcycle and of any traffic laws specifically relating thereto~~
2743 ~~and must include an actual demonstration of his or her ability~~
2744 ~~to exercise ordinary and reasonable control in the operation of~~
2745 ~~a motorcycle. Any applicant who fails to pass the initial~~
2746 ~~knowledge examination will incur a \$5 fee for each subsequent~~
2747 ~~examination, to be deposited into the Highway Safety Operating~~
2748 ~~Trust Fund. Any applicant who fails to pass the initial skills~~
2749 ~~examination will incur a \$10 fee for each subsequent~~
2750 ~~examination, to be deposited into the Highway Safety Operating~~
2751 ~~Trust Fund. In the formulation of the examination, the~~
2752 ~~department shall consider the use of the Motorcycle Operator~~
2753 ~~Skills Test and the Motorcycle in Traffic Test offered by the~~
2754 ~~Motorcycle Safety Foundation. The department shall indicate on~~
2755 ~~the license of any person who successfully completes the~~

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2756 ~~examination that the licensee is authorized to operate a~~
2757 ~~motorcycle. If the applicant wishes to be licensed to operate a~~
2758 ~~motorcycle only, he or she need not take the skill or road test~~
2759 ~~required under subsection (3) for the operation of a motor~~
2760 ~~vehicle, and the department shall indicate such a limitation on~~
2761 ~~his or her license as a restriction. Every first-time applicant~~
2762 ~~for licensure to operate a motorcycle must provide proof of~~
2763 ~~completion of a motorcycle safety course, as provided for in s.~~
2764 ~~322.0255, which shall include a final examination before the~~
2765 ~~applicant may be licensed to operate a motorcycle. The~~
2766 ~~department shall indicate on the license of any person who~~
2767 ~~successfully completes the course that the licensee is~~
2768 ~~authorized to operate a motorcycle. If the applicant wishes to~~
2769 ~~be licensed to operate a motorcycle only, he or she need not~~
2770 ~~take the skill or road test required under subsection (3) for~~
2771 ~~the operation of a motor vehicle, and the department shall~~
2772 ~~indicate such a limitation on his or her license as a~~
2773 ~~restriction.~~

2774 ~~(b) The department may exempt any applicant from the~~
2775 ~~examination provided in this subsection if the applicant~~
2776 ~~presents a certificate showing successful completion of a course~~
2777 ~~approved by the department, which course includes a similar~~
2778 ~~examination of the knowledge and skill of the applicant in the~~
2779 ~~operation of a motorcycle.~~

2780 Section 59. Subsection (5) of section 322.121, Florida
2781 Statutes, is amended to read:

2782 322.121 Periodic reexamination of all drivers.—

2783 (5) Members of the Armed Forces, or their dependents
2784 residing with them, shall be granted an automatic extension for

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2785 the expiration of their Class E licenses without reexamination
2786 while serving on active duty outside this state. This extension
2787 is valid for 90 days after the member of the Armed Forces is
2788 either discharged or returns to this state to live.

2789 Section 60. Paragraph (a) of subsection (1) of section
2790 322.14, Florida Statutes, is amended to read:

2791 322.14 Licenses issued to drivers.—

2792 (1) (a) The department shall, upon successful completion of
2793 all required examinations and payment of the required fee, issue
2794 to every applicant qualifying therefor, a driver's license as
2795 applied for, which license shall bear thereon a color photograph
2796 or digital image of the licensee; the name of the state; a
2797 distinguishing number assigned to the licensee; and the
2798 licensee's full name, date of birth, and residence address; a
2799 brief description of the licensee, including, but not limited
2800 to, the licensee's gender and height; and the dates of issuance
2801 and expiration of the license. A space shall be provided upon
2802 which the licensee shall affix his or her usual signature. No
2803 license shall be valid until it has been so signed by the
2804 licensee except that the signature of said licensee shall not be
2805 required if it appears thereon in facsimile or if the licensee
2806 is not present within the state at the time of issuance.

2807 ~~Applicants qualifying to receive a Class A, Class B, or Class C~~
2808 ~~driver's license must appear in person within the state for~~
2809 ~~issuance of a color photographic or digital imaged driver's~~
2810 ~~license pursuant to s. 322.142.~~

2811 Section 61. Section 322.1415, Florida Statutes, is created
2812 to read:

2813 322.1415 Specialty driver's license and identification card

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2814 program.-

2815 (1) The department may issue to any applicant qualified
2816 pursuant to s. 322.14 a specialty driver's license or
2817 identification card upon payment of the appropriate fee pursuant
2818 to s. 322.21.

2819 (2) Department-approved specialty driver's licenses and
2820 identification cards shall, at a minimum, be available for state
2821 and independent universities domiciled in this state, all
2822 Florida professional sports teams designated in s.
2823 320.08058(9) (a), and all branches of the United States military.

2824 (3) The design and use of each specialty driver's license
2825 and identification card must be approved by the department and
2826 the organization that is recognized by the driver's license or
2827 card.

2828 Section 62. Section 322.145, Florida Statutes, is created
2829 to read:

2830 322.145 Electronic authentication of licenses.-

2831 (1) Any driver's license issued on or after July 1, 2012,
2832 must contain a means of electronic authentication, which
2833 conforms to a recognized standard for such authentication, such
2834 as public key infrastructure, symmetric key algorithms, security
2835 tokens, mediametrics, or biometrics. Electronic authentication
2836 capabilities must not interfere with or change the driver's
2837 license format or topology.

2838 (2) The department shall provide, at the applicant's option
2839 and at the time a license is issued, a security token that can
2840 be electronically authenticated through a personal computer. The
2841 token must also conform to one of the standards provided
2842 subsection (1).

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2843 (3) The department shall negotiate a new contract with the
2844 vendor selected to implement the electronic authentication
2845 feature which provides that the vendor pay all costs of
2846 implementing the system. This contract must not conflict with
2847 current contractual arrangements for the issuance of driver's
2848 licenses.

2849 Section 63. Subsections (9), (10), (13), (14), and (16) of
2850 section 322.20, Florida Statutes, are amended to read:

2851 322.20 Records of the department; fees; destruction of
2852 records.—

2853 (9) The department may, upon application, furnish to any
2854 person, from its ~~the records of the Division of Driver Licenses,~~
2855 a list of the names, addresses, and birth dates of the licensed
2856 drivers of the entire state or any portion thereof by age group.
2857 In addition, the department may furnish to the courts, for the
2858 purpose of establishing jury selection lists, the names,
2859 addresses, and birth dates of the persons of the entire state or
2860 any portion thereof by age group having identification cards
2861 issued by the department. Each person who requests such
2862 information shall pay a fee, set by the department, of 1 cent
2863 per name listed, except that the department shall furnish such
2864 information without charge to the courts for the purpose of jury
2865 selection or to any state agency or to any state attorney,
2866 sheriff, or chief of police. Such court, state agency, state
2867 attorney, or law enforcement agency may not sell, give away, or
2868 allow the copying of such information. Noncompliance with this
2869 prohibition shall authorize the department to charge the
2870 noncomplying court, state agency, state attorney, or law
2871 enforcement agency the appropriate fee for any subsequent lists

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2872 requested. The department may adopt rules necessary to implement
2873 this subsection.

2874 (10) The department ~~Division of Driver Licenses~~ is
2875 authorized, upon application of any person and payment of the
2876 proper fees, to search and to assist such person in the search
2877 of the records of the department and make reports thereof and to
2878 make photographic copies of the departmental records and
2879 attestations thereof.

2880 (13) The department ~~Division of Driver Licenses~~ shall
2881 implement a system that allows either parent of a minor, or a
2882 guardian, or other responsible adult who signed a minor's
2883 application for a driver's license to have Internet access
2884 through a secure website to inspect the minor's driver history
2885 record. Internet access to driver history records granted to a
2886 minor's parents, guardian, or other responsible adult shall be
2887 furnished by the department at no fee and shall terminate when
2888 the minor attains 18 years of age.

2889 (14) The department is authorized in accordance with
2890 chapter 257 to destroy reports, records, documents, papers, and
2891 correspondence in the department ~~Division of Driver Licenses~~
2892 which are considered obsolete.

2893 (16) The creation and maintenance of records by the
2894 Division of Motorist Services within the department ~~and the~~
2895 ~~Division of Driver Licenses~~ pursuant to this chapter shall not
2896 be regarded as law enforcement functions of agency
2897 recordkeeping.

2898 Section 64. Section 322.202, Florida Statutes, is amended
2899 to read:

2900 322.202 Admission of evidence obtained from the Division of

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2901 Motorist Services Driver Licenses and the Division of Motor
2902 Vehicles.—

2903 (1) The Legislature finds that the Division of Motorist
2904 Services Driver Licenses and the Division of Motor Vehicles of
2905 the Department of Highway Safety and Motor Vehicles is ~~are~~ not a
2906 law enforcement agency ~~agencies~~. The Legislature also finds that
2907 the division is ~~divisions~~ are not an adjunct ~~adjuncts~~ of any law
2908 enforcement agency in that employees have no stake in particular
2909 prosecutions. The Legislature further finds that errors in
2910 records maintained by the Division of Motorist Services
2911 ~~divisions~~ are not within the collective knowledge of any law
2912 enforcement agency. The Legislature also finds that the mission
2913 ~~missions~~ of the Division of Motorist Services Driver Licenses,
2914 ~~the Division of Motor Vehicles,~~ and the Department of Highway
2915 Safety and Motor Vehicles provides ~~provide~~ a sufficient
2916 incentive to maintain records in a current and correct fashion.

2917 (2) The Legislature finds that the purpose of the
2918 exclusionary rule is to deter misconduct on the part of law
2919 enforcement officers and law enforcement agencies.

2920 (3) The Legislature finds that the application of the
2921 exclusionary rule to cases where a law enforcement officer
2922 effects an arrest based on objectively reasonable reliance on
2923 information obtained from the divisions is repugnant to the
2924 purposes of the exclusionary rule and contrary to the decisions
2925 of the United States Supreme Court in *Arizona v. Evans*, 514 U.S.
2926 1 (1995) and *United States v. Leon*, 468 U.S. 897 (1984).

2927 (4) In any case where a law enforcement officer effects an
2928 arrest based on objectively reasonable reliance on information
2929 obtained from the divisions, evidence found pursuant to such an

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2930 arrest shall not be suppressed by application of the
2931 exclusionary rule on the grounds that the arrest is subsequently
2932 determined to be unlawful due to erroneous information obtained
2933 from the divisions.

2934 Section 65. Paragraph (i) is added to subsection (1) of
2935 section 322.21, Florida Statutes, and subsections (2) and (4) of
2936 that section are amended, to read:

2937 322.21 License fees; procedure for handling and collecting
2938 fees.—

2939 (1) Except as otherwise provided herein, the fee for:

2940 (i) The specialty license or identification card issued
2941 pursuant to s. 322.1415 is \$25, which is in addition to other
2942 fees required in this section. The specialty fee shall be
2943 distributed as follows:

2944 1. Twenty percent shall be distributed to the appropriate
2945 state or independent university foundation, the Florida Sports
2946 Foundation, or the State Homes for Veterans Trust Fund, as
2947 designated by the purchaser, for deposit into an unrestricted
2948 account.

2949 2. Eighty percent shall be distributed to the department
2950 for department costs directly related to the specialty driver's
2951 license and identification card program and to defray costs of
2952 production enhancements and distribution.

2953 (2) It is the duty of the Director of the Division of
2954 ~~Motorist Services to provide Driver Licenses to set up a~~
2955 ~~division in the department with the necessary personnel to~~
2956 perform the necessary clerical and routine work for the
2957 department in issuing and recording applications, licenses, and
2958 certificates of eligibility, including the receiving and

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2959 accounting of all license funds and their payment into the State
2960 Treasury, and other incidental clerical work connected with the
2961 administration of this chapter. The department may use such
2962 electronic, mechanical, or other devices as necessary to
2963 accomplish the purposes of this chapter.

2964 (4) If the department determines from its records or is
2965 otherwise satisfied that the holder of a license about to expire
2966 is entitled to have it renewed, the department shall mail a
2967 renewal notice to the licensee at his or her last known address,
2968 at least within 30 days before the licensee's birthday. The
2969 licensee may ~~shall~~ be issued a renewal license, after
2970 reexamination, if required, ~~during the 30 days immediately~~
2971 ~~preceding his or her birthday upon presenting a renewal notice,~~
2972 ~~his or her current license, and the fee for renewal to the~~
2973 ~~department at any driver's license examining office. A driver~~
2974 may renew his or her driver's license up to 18 months prior to
2975 the license expiration date.

2976 Section 66. Subsection (2) of section 322.53, Florida
2977 Statutes, is amended to read:

2978 322.53 License required; exemptions.—

2979 (2) The following persons are exempt from the requirement
2980 to obtain a commercial driver's license:

2981 (a) Drivers of authorized emergency vehicles.

2982 (b) Military personnel driving vehicles operated for
2983 military purposes.

2984 (c) Farmers transporting agricultural products, farm
2985 supplies, or farm machinery to or from their farms within 150
2986 miles of their farm if the vehicle operated under this exemption
2987 is not used in the operations of a common or contract motor

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2988 ~~carrier, or transporting agricultural products to or from the~~
2989 ~~first place of storage or processing or directly to or from~~
2990 ~~market, within 150 miles of their farm.~~

2991 (d) Drivers of recreational vehicles, as defined in s.
2992 320.01.

2993 (e) Drivers who operate straight trucks, as defined in s.
2994 316.003, which ~~that~~ are exclusively transporting their own
2995 tangible personal property that ~~which~~ is not for sale or hire,
2996 and the vehicle is not used in commerce.

2997 (f) An employee of a publicly owned transit system who is
2998 limited to moving vehicles for maintenance or parking purposes
2999 exclusively within the restricted-access confines of a transit
3000 system's property.

3001 Section 67. Subsection (5) is added to section 322.54,
3002 Florida Statutes, to read:

3003 322.54 Classification.—

3004 (5) The required driver's license classification of any
3005 person operating a commercial motor vehicle that has no gross
3006 vehicle weight rating plate or no vehicle identification number
3007 shall be determined by the actual weight of the vehicle.

3008 Section 68. Section 322.58, Florida Statutes, is repealed.

3009 Section 69. Section 322.59, Florida Statutes, is amended to
3010 read:

3011 322.59 Possession of medical examiner's certificate.—

3012 (1) The department shall not issue a commercial driver's
3013 license to any person who is required by the laws of this state
3014 or by federal law to possess a medical examiner's certificate,
3015 unless such person provides ~~presents~~ a valid certificate, as
3016 described in 49 C.F.R. s. 383.71, prior to licensure.

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3017 (2) The department shall disqualify a driver from operating
3018 a commercial motor vehicle if that driver holds a commercial
3019 driver's license and fails to comply with the medical
3020 certification requirements described in 49 C.F.R. s. 383.71.

3021 ~~(2) This section does not expand the requirements as to who~~
3022 ~~must possess a medical examiner's certificate.~~

3023 Section 70. Subsection (5) of section 322.61, Florida
3024 Statutes, is amended to read:

3025 322.61 Disqualification from operating a commercial motor
3026 vehicle.—

3027 (5) Any person who is convicted of two violations specified
3028 in subsection (3) which were committed while operating a
3029 commercial motor vehicle, or any combination thereof, arising in
3030 separate incidents shall be permanently disqualified from
3031 operating a commercial motor vehicle. Any holder of a commercial
3032 driver's license who is convicted of two violations specified in
3033 subsection (3), which were committed while operating any a
3034 ~~noncommercial~~ motor vehicle, ~~or any combination thereof,~~ arising
3035 in separate incidents shall be permanently disqualified from
3036 operating a commercial motor vehicle. The penalty provided in
3037 this subsection is in addition to any other applicable penalty.

3038 Section 71. Subsections (1), (4), (7), (8), and (11) of
3039 section 322.64, Florida Statutes, are amended to read:

3040 322.64 Holder of commercial driver's license; persons
3041 operating a commercial motor vehicle; driving with unlawful
3042 blood-alcohol level; refusal to submit to breath, urine, or
3043 blood test.—

3044 (1) (a) A law enforcement officer or correctional officer
3045 shall, on behalf of the department, disqualify from operating

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3046 any commercial motor vehicle a person who while operating or in
3047 actual physical control of a commercial motor vehicle is
3048 arrested for a violation of s. 316.193, relating to unlawful
3049 blood-alcohol level or breath-alcohol level, or a person who has
3050 refused to submit to a breath, urine, or blood test authorized
3051 by s. 322.63 or s. 316.1932 arising out of the operation or
3052 actual physical control of a commercial motor vehicle. A law
3053 enforcement officer or correctional officer shall, on behalf of
3054 the department, disqualify the holder of a commercial driver's
3055 license from operating any commercial motor vehicle if the
3056 licenseholder, while operating or in actual physical control of
3057 a motor vehicle, is arrested for a violation of s. 316.193,
3058 relating to unlawful blood-alcohol level or breath-alcohol
3059 level, or refused to submit to a breath, urine, or blood test
3060 authorized by s. 322.63 or s. 316.1932. Upon disqualification of
3061 the person, the officer shall take the person's driver's license
3062 and issue the person a 10-day temporary permit for the operation
3063 of noncommercial vehicles only if the person is otherwise
3064 eligible for the driving privilege and shall issue the person a
3065 notice of disqualification. If the person has been given a
3066 blood, breath, or urine test, the results of which are not
3067 available to the officer at the time of the arrest, the agency
3068 employing the officer shall transmit such results to the
3069 department within 5 days after receipt of the results. If the
3070 department then determines that the person had a blood-alcohol
3071 level or breath-alcohol level of 0.08 or higher, the department
3072 shall disqualify the person from operating a commercial motor
3073 vehicle pursuant to subsection (3).

3074 (b) For purposes of determining the period of

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3075 disqualification described in 49 C.F.R. s. 383.51,
3076 disqualifications listed in paragraph (a) shall be treated as
3077 convictions.

3078 ~~(c)-(b)~~ The disqualification under paragraph (a) shall be
3079 pursuant to, and the notice of disqualification shall inform the
3080 driver of, the following:

3081 1.a. The driver refused to submit to a lawful breath,
3082 blood, or urine test and he or she is disqualified from
3083 operating a commercial motor vehicle for the time period
3084 specified in 49 C.F.R. s. 383.51 ~~a period of 1 year, for a first~~
3085 ~~refusal, or permanently, if he or she has previously been~~
3086 ~~disqualified under this section; or~~

3087 b. The driver had an unlawful blood-alcohol or breath-
3088 alcohol level of 0.08 or higher while driving or in actual
3089 physical control of a commercial motor vehicle, or any motor
3090 vehicle if the driver holds a commercial driver's license, and
3091 is disqualified for the time period specified in 49 C.F.R. s.
3092 383.51. ~~The driver was driving or in actual physical control of~~
3093 ~~a commercial motor vehicle, or any motor vehicle if the driver~~
3094 ~~holds a commercial driver's license, had an unlawful blood-~~
3095 ~~alcohol level or breath-alcohol level of 0.08 or higher, and his~~
3096 ~~or her driving privilege shall be disqualified for a period of 1~~
3097 ~~year for a first offense or permanently disqualified if his or~~
3098 ~~her driving privilege has been previously disqualified under~~
3099 ~~this section.~~

3100 2. The disqualification period for operating commercial
3101 vehicles shall commence on the date of issuance of the notice of
3102 disqualification.

3103 3. The driver may request a formal or informal review of

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3104 the disqualification by the department within 10 days after the
3105 date of issuance of the notice of disqualification.

3106 4. The temporary permit issued at the time of
3107 disqualification expires at midnight of the 10th day following
3108 the date of disqualification.

3109 5. The driver may submit to the department any materials
3110 relevant to the disqualification.

3111 (4) If the person disqualified requests an informal review
3112 pursuant to subparagraph (1) (c) ~~(b)~~ 3., the department shall
3113 conduct the informal review by a hearing officer employed by the
3114 department. Such informal review hearing shall consist solely of
3115 an examination by the department of the materials submitted by a
3116 law enforcement officer or correctional officer and by the
3117 person disqualified, and the presence of an officer or witness
3118 is not required.

3119 (7) In a formal review hearing under subsection (6) or an
3120 informal review hearing under subsection (4), the hearing
3121 officer shall determine by a preponderance of the evidence
3122 whether sufficient cause exists to sustain, amend, or invalidate
3123 the disqualification. The scope of the review shall be limited
3124 to the following issues:

3125 (a) If the person was disqualified from operating a
3126 commercial motor vehicle for driving with an unlawful blood-
3127 alcohol level:

3128 1. Whether the ~~arresting~~ law enforcement officer had
3129 probable cause to believe that the person was driving or in
3130 actual physical control of a commercial motor vehicle, or any
3131 motor vehicle if the driver holds a commercial driver's license,
3132 in this state while he or she had any alcohol, chemical

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3133 substances, or controlled substances in his or her body.

3134 2. Whether the person had an unlawful blood-alcohol level
3135 or breath-alcohol level of 0.08 or higher.

3136 (b) If the person was disqualified from operating a
3137 commercial motor vehicle for refusal to submit to a breath,
3138 blood, or urine test:

3139 1. Whether the law enforcement officer had probable cause
3140 to believe that the person was driving or in actual physical
3141 control of a commercial motor vehicle, or any motor vehicle if
3142 the driver holds a commercial driver's license, in this state
3143 while he or she had any alcohol, chemical substances, or
3144 controlled substances in his or her body.

3145 2. Whether the person refused to submit to the test after
3146 being requested to do so by a law enforcement officer or
3147 correctional officer.

3148 3. Whether the person was told that if he or she refused to
3149 submit to such test he or she would be disqualified from
3150 operating a commercial motor vehicle for a period of 1 year or,
3151 if previously disqualified under this section, permanently.

3152 (8) Based on the determination of the hearing officer
3153 pursuant to subsection (7) for both informal hearings under
3154 subsection (4) and formal hearings under subsection (6), the
3155 department shall+

3156 ~~(a)~~ sustain the disqualification for the time period
3157 described in 49 C.F.R. s. 383.51 ~~a period of 1 year for a first~~
3158 ~~refusal, or permanently if such person has been previously~~
3159 ~~disqualified from operating a commercial motor vehicle under~~
3160 ~~this section.~~ The disqualification period commences on the date
3161 of the issuance of the notice of disqualification.

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3162 ~~(b) Sustain the disqualification:~~

3163 ~~1. For a period of 1 year if the person was driving or in~~
3164 ~~actual physical control of a commercial motor vehicle, or any~~
3165 ~~motor vehicle if the driver holds a commercial driver's license,~~
3166 ~~and had an unlawful blood alcohol level or breath alcohol level~~
3167 ~~of 0.08 or higher; or~~

3168 ~~2. Permanently if the person has been previously~~
3169 ~~disqualified from operating a commercial motor vehicle under~~
3170 ~~this section or his or her driving privilege has been previously~~
3171 ~~suspended for driving or being in actual physical control of a~~
3172 ~~commercial motor vehicle, or any motor vehicle if the driver~~
3173 ~~holds a commercial driver's license, and had an unlawful blood-~~
3174 ~~alcohol level or breath-alcohol level of 0.08 or higher.~~

3175
3176 ~~The disqualification period commences on the date of the~~
3177 ~~issuance of the notice of disqualification.~~

3178 (11) The formal review hearing may be conducted upon a
3179 review of the reports of a law enforcement officer or a
3180 correctional officer, including documents relating to the
3181 administration of a breath test or blood test or the refusal to
3182 take a breath, blood, or urine ~~either~~ test. However, as provided
3183 in subsection (6), the driver may subpoena the officer or any
3184 person who administered or analyzed a breath or blood test.

3185 Section 72. Section 328.30, Florida Statutes, is amended to
3186 read:

3187 328.30 Transactions by electronic or telephonic means.—

3188 (1) The department may ~~is authorized to~~ accept any
3189 application provided for under this chapter by electronic or
3190 telephonic means.

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3191 (2) The department may issue an electronic certificate of
3192 title in lieu of printing a paper title.

3193 (3) The department may collect and use electronic mail
3194 addresses for the purpose of providing renewal notices in lieu
3195 of the United States Postal Service.

3196 Section 73. Subsection (2) of section 413.012, Florida
3197 Statutes, is amended to read:

3198 413.012 Confidential records disclosure prohibited;
3199 exemptions.—

3200 (2) It is unlawful for any person to disclose, authorize
3201 the disclosure, solicit, receive, or make use of any list of
3202 names and addresses or any record containing any information set
3203 forth in subsection (1) and maintained in the division. The
3204 prohibition provided for in this subsection shall not apply to
3205 the use of such information for purposes directly connected with
3206 the administration of the vocational rehabilitation program or
3207 with the monthly dispatch to ~~the Division of Driver Licenses of~~
3208 the Department of Highway Safety and Motor Vehicles of the name
3209 in full, place and date of birth, sex, social security number,
3210 and resident address of individuals with central visual acuity
3211 20/200 or less in the better eye with correcting glasses, or a
3212 disqualifying field defect in which the peripheral field has
3213 contracted to such an extent that the widest diameter or visual
3214 field subtends an angular distance no greater than 20 degrees.
3215 When requested in writing by an applicant or client, or her or
3216 his representative, the Division of Blind Services shall release
3217 confidential information to the applicant or client or her or
3218 his representative.

3219 Section 74. Paragraph (f) of subsection (13) of section

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3220 713.78, Florida Statutes, is amended to read:

3221 713.78 Liens for recovering, towing, or storing vehicles
3222 and vessels.—

3223 (13)

3224 (f) This subsection applies only to the annual renewal in
3225 the registered owner's birth month of a motor vehicle
3226 registration and does not apply to the transfer of a
3227 registration of a motor vehicle sold by a motor vehicle dealer
3228 licensed under chapter 320, except for the transfer of
3229 registrations which is inclusive of the annual renewals. This
3230 subsection does not apply to any vehicle registered in the name
3231 of the lessor. This subsection does not affect the issuance of
3232 the title to a motor vehicle, notwithstanding s. 319.23(8)(b)
3233 ~~319.23(7)(b)~~.

3234 Section 75. Effective October 1, 2011, sections 70-78 of
3235 this act may be cited as the "Highway Safety Act."

3236 Section 76. The Legislature finds that road rage and
3237 aggressive careless driving are a growing threat to the health,
3238 safety, and welfare of the public. The intent of the Legislature
3239 is to reduce road rage and aggressive careless driving, reduce
3240 the incidence of drivers' interfering with the movement of
3241 traffic, minimize crashes, and promote the orderly, free flow of
3242 traffic on the roads and highways of the state.

3243 Section 77. Effective October 1, 2011, present subsection
3244 (3) of section 316.083, Florida Statutes, is redesignated as
3245 subsection (4), and a new subsection (3) is added to that
3246 section, to read:

3247 316.083 Overtaking and passing a vehicle.—The following
3248 rules shall govern the overtaking and passing of vehicles

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3249 proceeding in the same direction, subject to those limitations,
3250 exceptions, and special rules hereinafter stated:

3251 (3) (a) On roads, streets, or highways having two or more
3252 lanes that allow movement in the same direction, a driver may
3253 not continue to operate a motor vehicle in the furthestmost left-
3254 hand lane if the driver knows, or reasonably should know, that
3255 he or she is being overtaken in that lane from the rear by a
3256 motor vehicle traveling at a higher rate of speed.

3257 (b) Paragraph (a) does not apply to a driver operating a
3258 motor vehicle in the furthestmost left-hand lane if:

3259 1. The driver is driving the legal speed limit and is not
3260 impeding the flow of traffic in the furthestmost left-hand lane;

3261 2. The driver is in the process of overtaking a slower
3262 motor vehicle in the adjacent right-hand lane for the purpose of
3263 passing the slower moving vehicle so that the driver may move to
3264 the adjacent right-hand lane;

3265 3. Conditions make the flow of traffic substantially the
3266 same in all lanes or preclude the driver from moving to the
3267 adjacent right-hand lane;

3268 4. The driver's movement to the adjacent right-hand lane
3269 could endanger the driver or other drivers;

3270 5. The driver is directed by a law enforcement officer,
3271 road sign, or road crew to remain in the furthestmost left-hand
3272 lane; or

3273 6. The driver is preparing to make a left turn.

3274 (c) A driver who violates s. 316.183 and this subsection
3275 simultaneously shall receive a uniform traffic citation solely
3276 under s. 316.183.

3277 Section 78. Effective October 1, 2011, section 316.1923,

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3278 Florida Statutes, is amended to read:

3279 316.1923 Aggressive careless driving.—

3280 (1) “Aggressive careless driving” means committing three
3281 ~~two~~ or more of the following acts simultaneously or in
3282 succession:

3283 (a) ~~(1)~~ Exceeding the posted speed as defined in s.
3284 322.27(3) (d)5.b.

3285 (b) ~~(2)~~ Unsafely or improperly changing lanes as defined in
3286 s. 316.085.

3287 (c) ~~(3)~~ Following another vehicle too closely as defined in
3288 s. 316.0895(1).

3289 (d) ~~(4)~~ Failing to yield the right-of-way as defined in s.
3290 316.079, s. 316.0815, or s. 316.123.

3291 (e) ~~(5)~~ Improperly passing or failing to yield to overtaking
3292 vehicles as defined in s. 316.083, s. 316.084, or s. 316.085.

3293 (f) ~~(6)~~ Violating traffic control and signal devices as
3294 defined in ss. 316.074 and 316.075.

3295 (2) Any person convicted of aggressive careless driving
3296 shall be cited for a moving violation and punished as provided
3297 in chapter 318, and by the accumulation of points as provided in
3298 s. 322.27, for each act of aggressive careless driving.

3299 Section 79. Effective October 1, 2011, section 318.121,
3300 Florida Statutes, is amended to read

3301 318.121 Preemption of additional fees, fines, surcharges,
3302 and costs.—Notwithstanding any general or special law, or
3303 municipal or county ordinance, additional fees, fines,
3304 surcharges, or costs other than the additional fees, fines,
3305 court costs, and surcharges assessed under s. 318.18(11), (13),
3306 (18), ~~and~~ (19), and (22) may not be added to the civil traffic

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3307 penalties assessed in this chapter.

3308 Section 80. Effective October 1, 2011, subsection (22) is
3309 added to section 318.18, Florida Statutes, to read:

3310 318.18 Amount of penalties.—The penalties required for a
3311 noncriminal disposition pursuant to s. 318.14 or a criminal
3312 offense listed in s. 318.17 are as follows:

3313 (22) (a) In addition to any penalties or points imposed
3314 under s. 316.1923, a person convicted of aggressive careless
3315 driving shall also pay:

3316 1. Upon a first violation, a fine of \$100.

3317 2. Upon a second or subsequent conviction, a fine of not
3318 less than \$250 but not more than \$500 and be subject to a
3319 mandatory hearing under s. 318.19.

3320 (b) The clerk of the court shall remit the moneys collected
3321 from the increased fine imposed by this subsection to the
3322 Department of Revenue for deposit into the Department of Health
3323 Administrative Trust Fund. Of the funds deposited into the
3324 Department of Health Administrative Trust Fund, \$200,000 in the
3325 first year after October 1, 2011, and \$50,000 in the second and
3326 third years, shall be transferred into the Highway Safety
3327 Operating Trust Fund to offset the cost of providing educational
3328 materials related to this act. Funds deposited into the
3329 Department of Health Administrative Trust Fund under this
3330 subsection shall be allocated as follows:

3331 1. Twenty-five percent shall be allocated equally among all
3332 Level I, Level II, and pediatric trauma centers in recognition
3333 of readiness costs for maintaining trauma services.

3334 2. Twenty-five percent shall be allocated among Level I,
3335 Level II, and pediatric trauma centers based on each center's

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3336 relative volume of trauma cases as reported in the Department of
 3337 Health Trauma Registry.

3338 3. Twenty-five percent shall be transferred to the
 3339 Emergency Medical Services Trust Fund and used by the department
 3340 for making matching grants to emergency medical services
 3341 organizations as defined in s. 401.107.

3342 4. Twenty-five percent shall be transferred to the
 3343 Emergency Medical Services Trust Fund and made available to
 3344 rural emergency medical services as defined in s. 401.107, and
 3345 shall be used solely to improve and expand prehospital emergency
 3346 medical services in this state. Additionally, these moneys may
 3347 be used for the improvement, expansion, or continuation of
 3348 services provided.

3349 Section 81. Effective October 1, 2011, section 318.19,
 3350 Florida Statutes, is amended to read:

3351 318.19 Infractions requiring a mandatory hearing.—Any
 3352 person cited for the infractions listed in this section shall
 3353 not have the provisions of s. 318.14(2), (4), and (9) available
 3354 to him or her but must appear before the designated official at
 3355 the time and location of the scheduled hearing:

3356 (1) Any infraction which results in a crash that causes the
 3357 death of another;

3358 (2) Any infraction which results in a crash that causes
 3359 "serious bodily injury" of another as defined in s. 316.1933(1);

3360 (3) Any infraction of s. 316.172(1)(b);

3361 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

3362 (5) Any infraction of s. 316.183(2), s. 316.187, or s.

3363 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

3364 (6) A second or subsequent infraction of s. 316.1923(1).

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3365 Section 82. The Department of Highway Safety and Motor
3366 Vehicles shall provide information about the Highway Safety Act
3367 in all driver's license educational materials newly printed on
3368 or after October 1, 2011.

3369 Section 83. Effective October 1, 2011, for the purpose of
3370 incorporating the amendments made by this act to section
3371 316.1923, Florida Statutes, in a reference thereto, paragraph
3372 (a) of subsection (1) of section 316.650, Florida Statutes, is
3373 reenacted to read:

3374 316.650 Traffic citations.—

3375 (1) (a) The department shall prepare and supply to every
3376 traffic enforcement agency in this state an appropriate form
3377 traffic citation that contains a notice to appear, is issued in
3378 prenumbered books, meets the requirements of this chapter or any
3379 laws of this state regulating traffic, and is consistent with
3380 the state traffic court rules and the procedures established by
3381 the department. The form shall include a box that is to be
3382 checked by the law enforcement officer when the officer believes
3383 that the traffic violation or crash was due to aggressive
3384 careless driving as defined in s. 316.1923. The form shall also
3385 include a box that is to be checked by the law enforcement
3386 officer when the officer writes a uniform traffic citation for a
3387 violation of s. 316.074(1) or s. 316.075(1)(c)1. as a result of
3388 the driver failing to stop at a traffic signal.

3389 Section 84. Effective October 1, 2011, section 320.089,
3390 Florida Statutes, is amended to read:

3391 320.089 Members of National Guard and active United States
3392 Armed Forces reservists; former prisoners of war; survivors of
3393 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi

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3394 Freedom and Operation Enduring Freedom Veterans; Combat Infantry
3395 Badge recipients; special license plates; fee.—

3396 (1) (a) Each owner or lessee of an automobile or truck for
3397 private use or recreational vehicle as specified in s.
3398 320.08(9) (c) or (d), which is not used for hire or commercial
3399 use, who is a resident of the state and an active or retired
3400 member of the Florida National Guard, a survivor of the attack
3401 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an
3402 active or retired member of any branch of the United States
3403 Armed Forces Reserve, or a recipient of the Combat Infantry
3404 Badge shall, upon application to the department, accompanied by
3405 proof of active membership or retired status in the Florida
3406 National Guard, proof of membership in the Pearl Harbor
3407 Survivors Association or proof of active military duty in Pearl
3408 Harbor on December 7, 1941, proof of being a Purple Heart medal
3409 recipient, ~~or~~ proof of active or retired membership in any
3410 branch of the Armed Forces Reserve, or proof of membership in
3411 the Combat Infantrymen's Association, Inc., or other proof of
3412 being a recipient of the Combat Infantry Badge, and upon payment
3413 of the license tax for the vehicle as provided in s. 320.08, be
3414 issued a license plate as provided by s. 320.06, upon which, in
3415 lieu of the serial numbers prescribed by s. 320.06, shall be
3416 stamped the words "National Guard," "Pearl Harbor Survivor,"
3417 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry
3418 Badge," as appropriate, followed by the serial number of the
3419 license plate. Additionally, the Purple Heart plate may have the
3420 words "Purple Heart" stamped on the plate and the likeness of
3421 the Purple Heart medal appearing on the plate.

3422 (b) Notwithstanding any other provision of law to the

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3423 contrary, beginning with fiscal year 2002-2003 and annually
3424 thereafter, the first \$100,000 in general revenue generated from
3425 the sale of license plates issued under this section shall be
3426 deposited into the Grants and Donations Trust Fund, as described
3427 in s. 296.38(2), to be used for the purposes established by law
3428 for that trust fund. Any additional general revenue generated
3429 from the sale of such plates shall be deposited into the State
3430 Homes for Veterans Trust Fund and used solely to construct,
3431 operate, and maintain domiciliary and nursing homes for
3432 veterans, subject to the requirements of chapter 216.

3433 (c) Notwithstanding any provisions of law to the contrary,
3434 an applicant for a Pearl Harbor Survivor license plate or a
3435 Purple Heart license plate who also qualifies for a disabled
3436 veteran's license plate under s. 320.084 shall be issued the
3437 appropriate special license plate without payment of the license
3438 tax imposed by s. 320.08.

3439 (2) Each owner or lessee of an automobile or truck for
3440 private use, truck weighing not more than 7,999 pounds, or
3441 recreational vehicle as specified in s. 320.08(9)(c) or (d),
3442 which is not used for hire or commercial use, who is a resident
3443 of the state and who is a former prisoner of war, or their
3444 unremarried surviving spouse, shall, upon application therefor
3445 to the department, be issued a license plate as provided in s.
3446 320.06, on which license plate are stamped the words "Ex-POW"
3447 followed by the serial number. Each application shall be
3448 accompanied by proof that the applicant meets the qualifications
3449 specified in paragraph (a) or paragraph (b).

3450 (a) A citizen of the United States who served as a member
3451 of the Armed Forces of the United States or the armed forces of

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3452 a nation allied with the United States who was held as a
3453 prisoner of war at such time as the Armed Forces of the United
3454 States were engaged in combat, or their unremarried surviving
3455 spouse, may be issued the special license plate provided for in
3456 this subsection without payment of the license tax imposed by s.
3457 320.08.

3458 (b) A person who was serving as a civilian with the consent
3459 of the United States Government, or a person who was a member of
3460 the Armed Forces of the United States who was not a United
3461 States citizen and was held as a prisoner of war when the Armed
3462 Forces of the United States were engaged in combat, or their
3463 unremarried surviving spouse, may be issued the special license
3464 plate provided for in this subsection upon payment of the
3465 license tax imposed by s. 320.08.

3466 (3) Each owner or lessee of an automobile or truck for
3467 private use, truck weighing not more than 7,999 pounds, or
3468 recreational vehicle as specified in s. 320.08(9)(c) or (d),
3469 which is not used for hire or commercial use, who is a resident
3470 of this state and who is the unremarried surviving spouse of a
3471 recipient of the Purple Heart medal shall, upon application
3472 therefor to the department, with the payment of the required
3473 fees, be issued a license plate as provided in s. 320.06, on
3474 which license plate are stamped the words "Purple Heart" and the
3475 likeness of the Purple Heart medal followed by the serial
3476 number. Each application shall be accompanied by proof that the
3477 applicant is the unremarried surviving spouse of a recipient of
3478 the Purple Heart medal.

3479 (4) The owner or lessee of an automobile or truck for
3480 private use, a truck weighing not more than 7,999 pounds, or a

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3481 recreational vehicle as specified in s. 320.08(9)(c) or (d)
3482 which automobile, truck, or recreational vehicle is not used for
3483 hire or commercial use who is a resident of the state and a
3484 current or former member of the United States military who was
3485 deployed and served in Iraq during Operation Iraqi Freedom or in
3486 Afghanistan during Operation Enduring Freedom shall, upon
3487 application to the department, accompanied by proof of active
3488 membership or former active duty status during one of these
3489 operations, and upon payment of the license tax for the vehicle
3490 as provided in s. 320.08, be issued a license plate as provided
3491 by s. 320.06 upon which, in lieu of the registration license
3492 number prescribed by s. 320.06, shall be stamped the words
3493 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as
3494 appropriate, followed by the registration license number of the
3495 plate.

3496 Section 85. Paragraph (a) of subsection (2) of section
3497 318.1451, Florida Statutes, is amended to read:

3498 318.1451 Driver improvement schools.—

3499 (2)(a) In determining whether to approve the courses
3500 referenced in this section, the department shall consider course
3501 content designed to promote safety, driver awareness, crash
3502 avoidance techniques, the dangers of driving while distracted,
3503 which must specifically include the use of technology while
3504 driving, and other factors or criteria to improve driver
3505 performance from a safety viewpoint.

3506 Section 86. Subsection (1) of section 322.095, Florida
3507 Statutes, is amended to read:

3508 322.095 Traffic law and substance abuse education program
3509 for driver's license applicants.—

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3510 (1) The Department of Highway Safety and Motor Vehicles
3511 must approve traffic law and substance abuse education courses
3512 that must be completed by applicants for a Florida driver's
3513 license. The curricula for the courses must provide instruction
3514 on the physiological and psychological consequences of the abuse
3515 of alcohol and other drugs, the societal and economic costs of
3516 alcohol and drug abuse, the effects of alcohol and drug abuse on
3517 the driver of a motor vehicle, the dangers of driving while
3518 distracted, which must specifically include the use of
3519 technology while driving, and the laws of this state relating to
3520 the operation of a motor vehicle. All instructors teaching the
3521 courses shall be certified by the department.

3522 Section 87. Subsection (3) of section 320.27, Florida
3523 Statutes, is amended to read:

3524 320.27 Motor vehicle dealers.—

3525 (3) APPLICATION AND FEE.—The application for the license
3526 shall be in such form as may be prescribed by the department and
3527 shall be subject to such rules with respect thereto as may be so
3528 prescribed by it. Such application shall be verified by oath or
3529 affirmation and shall contain a full statement of the name and
3530 birth date of the person or persons applying therefor; the name
3531 of the firm or copartnership, with the names and places of
3532 residence of all members thereof, if such applicant is a firm or
3533 copartnership; the names and places of residence of the
3534 principal officers, if the applicant is a body corporate or
3535 other artificial body; the name of the state under whose laws
3536 the corporation is organized; the present and former place or
3537 places of residence of the applicant; and prior business in
3538 which the applicant has been engaged and the location thereof.

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3539 Such application shall describe the exact location of the place
3540 of business and shall state whether the place of business is
3541 owned by the applicant and when acquired, or, if leased, a true
3542 copy of the lease shall be attached to the application. The
3543 applicant shall certify that the location provides an adequately
3544 equipped office and is not a residence; that the location
3545 affords sufficient unoccupied space upon and within which
3546 adequately to store all motor vehicles offered and displayed for
3547 sale; and that the location is a suitable place where the
3548 applicant can in good faith carry on such business and keep and
3549 maintain books, records, and files necessary to conduct such
3550 business, which will be available at all reasonable hours to
3551 inspection by the department or any of its inspectors or other
3552 employees. The applicant shall certify that the business of a
3553 motor vehicle dealer is the principal business which shall be
3554 conducted at that location. Such application shall contain a
3555 statement that the applicant is either franchised by a
3556 manufacturer of motor vehicles, in which case the name of each
3557 motor vehicle that the applicant is franchised to sell shall be
3558 included, or an independent (nonfranchised) motor vehicle
3559 dealer. Such application shall contain such other relevant
3560 information as may be required by the department, including
3561 evidence that the applicant is insured under a garage liability
3562 insurance policy or a general liability insurance policy coupled
3563 with a business automobile policy, which shall include, at a
3564 minimum, \$25,000 combined single-limit liability coverage
3565 including bodily injury and property damage protection and
3566 \$10,000 personal injury protection. The requirements for garage
3567 liability insurance and personal injury protection do not apply

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3568 to a salvage motor vehicle dealer as defined in s.
3569 320.27(1)(c)5. Franchise dealers must submit a garage liability
3570 insurance policy, and all other dealers must submit a garage
3571 liability insurance policy or a general liability insurance
3572 policy coupled with a business automobile policy. Such policy
3573 shall be for the license period, and evidence of a new or
3574 continued policy shall be delivered to the department at the
3575 beginning of each license period. Upon making initial
3576 application, the applicant shall pay to the department a fee of
3577 \$300 in addition to any other fees now required by law; upon
3578 making a subsequent renewal application, the applicant shall pay
3579 to the department a fee of \$75 in addition to any other fees now
3580 required by law. Upon making an application for a change of
3581 location, the person shall pay a fee of \$50 in addition to any
3582 other fees now required by law. The department shall, in the
3583 case of every application for initial licensure, verify whether
3584 certain facts set forth in the application are true. Each
3585 applicant, general partner in the case of a partnership, or
3586 corporate officer and director in the case of a corporate
3587 applicant, must file a set of fingerprints with the department
3588 for the purpose of determining any prior criminal record or any
3589 outstanding warrants. The department shall submit the
3590 fingerprints to the Department of Law Enforcement for state
3591 processing and forwarding to the Federal Bureau of Investigation
3592 for federal processing. The actual cost of state and federal
3593 processing shall be borne by the applicant and is in addition to
3594 the fee for licensure. The department may issue a license to an
3595 applicant pending the results of the fingerprint investigation,
3596 which license is fully revocable if the department subsequently

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3597 determines that any facts set forth in the application are not
3598 true or correctly represented.

3599 Section 88. Subsection (1) of section 316.6135, Florida
3600 Statutes, is amended to read:

3601 316.6135 Leaving children unattended or unsupervised in
3602 motor vehicles; penalty; authority of law enforcement officer.—

3603 (1) A parent, legal guardian, or other person responsible
3604 for a child younger than 6 years of age may not leave such child
3605 unattended or unsupervised in a motor vehicle:

3606 (a) For a period in excess of 15 minutes;

3607 (b) For any period of time if the motor of the vehicle is
3608 running, ~~or~~ the health of the child is in danger, or the child
3609 appears to be in distress.

3610 Section 89. (1) This section may be cited as the "Inform
3611 Families First Act."

3612 (2) The Department of Highway Safety and Motor Vehicles is
3613 encouraged to educate the law enforcement community and the
3614 general public about the importance of making certain that
3615 drivers are aware of and use the emergency contact information
3616 program established by the department. The department shall
3617 provide signs for the driver's license offices to advertise the
3618 program. This voluntary program allows each driver the
3619 opportunity to register the names of up to two individuals as
3620 the person he or she would want to be contacted if he or she is
3621 involved in a crash.

3622 Section 90. Subsection (53) of section 320.08058, Florida
3623 Statutes, is amended to read:

3624 320.08058 Specialty license plates.—

3625 (53) SUPPORT SOCCER LICENSE PLATES.—

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3626 (a) The department shall develop a Support Soccer license
3627 plate as provided in this section. Support Soccer license plates
3628 must bear the colors and design approved by the department. The
3629 word "Florida" must appear at the top of the plate, and the
3630 words "Support Soccer" must appear at the bottom of the plate.

3631 (b) The annual use fees shall be distributed to the Florida
3632 ~~Lighthouse~~ Soccer Foundation, Inc., which shall retain the
3633 initial revenues from the sale of such plates until all startup
3634 costs for developing and establishing the plate have been
3635 recovered, not to exceed \$85,000. Thereafter, the proceeds of
3636 the annual use fee shall be used in the following manner:

3637 1. Up to 25 percent of the proceeds may be used by the
3638 Florida ~~Lighthouse~~ Soccer Foundation, Inc., for continuing
3639 promotion and marketing of the license plate and concept.

3640 2. Twenty percent shall be distributed to the Florida Youth
3641 Soccer Association for programs and services that foster the
3642 physical, mental, and emotional growth and development of
3643 Florida's youth through the sport of soccer at all levels of age
3644 and competition, including a portion to be determined by the
3645 Florida Youth Soccer Association for the TOPSoccer program to
3646 promote participation by the physically and mentally
3647 disadvantaged.

3648 3. Twenty percent shall be distributed as grants for
3649 programs that promote participation by the economically
3650 disadvantaged and to support soccer programs where none
3651 previously existed.

3652 4. Ten percent shall be distributed to the Florida State
3653 Soccer Association to promote the sport of soccer and the long-
3654 term development of the sport.

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3655 5. Ten percent shall be distributed as grants for programs
3656 that promote and support the construction of fields and soccer-
3657 specific infrastructure.

3658 6. Ten percent shall be distributed as grants for programs
3659 that foster and promote health, physical fitness, and
3660 educational opportunities through soccer.

3661 7. Five percent shall be expended by the Florida Lighthouse
3662 Soccer Foundation, Inc., for administrative costs directly
3663 associated with the foundation's operations as they relate to
3664 the management and distribution of the proceeds.

3665 Section 91. Subsection (10) of section 402.305, Florida
3666 Statutes, is amended to read:

3667 402.305 Licensing standards; child care facilities.—

3668 (10) TRANSPORTATION SAFETY.—

3669 (a) Minimum standards shall include requirements for child
3670 restraints or seat belts in vehicles used by child care
3671 facilities and large family child care homes to transport
3672 children, requirements for annual inspections of the vehicles,
3673 limitations on the number of children in the vehicles, and
3674 accountability for children being transported.

3675 (b)1. On or before January 1, 2012, such vehicles must be
3676 equipped with an alarm system approved by the department which
3677 prompts the driver to inspect the vehicle for children before
3678 exiting such vehicle.

3679 2. The department shall adopt rules to administer this
3680 paragraph and shall maintain a list of alarm manufacturers and
3681 alarm systems that are approved to be installed in such
3682 vehicles.

3683 Section 92. Except as otherwise expressly provided in this

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3684 | act, this act shall take effect July 1, 2011. |