

By Senator Latvala

16-00295D-12

20121122

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.; renaming
4 the Office of Motor Carrier Compliance within the
5 Division of the Florida Highway Patrol as the "Office
6 of Commercial Vehicle Enforcement"; amending s.
7 316.003, F.S.; revising the definition of the term
8 "motor vehicle" to exclude swamp buggies; defining the
9 term "swamp buggy"; amending s. 316.1303, F.S.;
10 authorizing a person who is mobility impaired to use a
11 motorized wheelchair to temporarily leave the sidewalk
12 and use the roadway under certain circumstances;
13 authorizing a law enforcement officer to issue only a
14 verbal warning to such person; amending s. 316.2065,
15 F.S.; revising safety standard requirements for
16 bicycle helmets that must be worn by certain riders
17 and passengers; revising requirements for a bicycle
18 operator to ride in a bicycle lane or along the curb
19 or edge of the roadway; providing for enforcement of
20 requirements for bicycle lighting equipment; providing
21 penalties for violations; providing for dismissal of
22 the charge following a first offense under certain
23 circumstances; amending s. 316.2085, F.S.; requiring
24 that the license tag of a motorcycle or moped remain
25 clearly visible from the rear at all times;
26 prohibiting deliberate acts to conceal or obscure the
27 license tag; providing that certain license tags may
28 be affixed perpendicularly to the ground; creating s.
29 316.2129, F.S.; prohibiting the operation of swamp

16-00295D-12

20121122

30 buggies on a public road, highway, or street;
31 providing exceptions; prohibiting the operation of
32 swamp buggies on land managed, owned, or leased by a
33 state or federal agency; providing exceptions;
34 amending s. 316.2397, F.S.; providing an exception to
35 the prohibition against flashing vehicle lights for
36 motorists who intermittently flash their vehicle's
37 headlamps at an oncoming vehicle, regardless of their
38 intent in doing so; amending s. 316.3026, F.S.;

39 revising provisions to rename the Office of Motor
40 Carrier Compliance within the Division of the Florida
41 Highway Patrol as the Office of Commercial Vehicle
42 Enforcement to conform to changes made by the act;
43 amending s. 316.6135, F.S.; revising the criteria
44 under which a child may not be left unattended in a
45 vehicle; amending s. 316.614, F.S.; deleting
46 provisions that require that a law enforcement officer
47 record the race and ethnicity of a person who is given
48 a citation for not wearing his or her safety belt;
49 deleting provisions that require that the Department
50 of Highway Safety and Motor Vehicles collect such
51 information and provide reports; amending s. 318.14,
52 F.S.; authorizing a person who does not hold a
53 commercial driver license and who is cited for a
54 noncriminal traffic infraction while driving a
55 noncommercial motor vehicle to elect to attend a basic
56 driver improvement course in lieu of a court
57 appearance; authorizing a person who does not hold a
58 commercial driver license and who is cited for certain

16-00295D-12

20121122

59 offenses while driving a noncommercial motor vehicle
60 to elect to enter a plea of nolo contendere and to
61 provide proof of compliance in lieu of payment of fine
62 or court appearance; amending s. 318.15, F.S.;
63 providing that a person charged with a traffic
64 infraction may request a hearing within a specified
65 period after the date upon which the violation
66 occurred; requiring that the clerk set the case for
67 hearing; providing exceptions to the time period for
68 requesting a hearing; authorizing the court to grant a
69 request for a hearing made more than 180 days after
70 the date upon which the violation occurred; amending
71 ss. 318.18 and 318.21, F.S.; conforming cross-
72 references; amending s. 319.14, F.S.; prohibiting the
73 sale or exchange of custom vehicles or street rod
74 vehicles under certain conditions; providing
75 definitions; amending s. 319.23, F.S.; requiring that
76 the application for a certificate of title, corrected
77 certificate, or assignment or reassignment be filed
78 after the consummation of the sale of a mobile home;
79 authorizing the department to accept a bond if the
80 applicant for a certificate of title is unable to
81 provide a title that assigns the prior owner's
82 interest in the motor vehicle; providing requirements
83 for the bond and the affidavit; providing for future
84 expiration of the bond; amending s. 319.24, F.S.;
85 requiring that the department electronically transmit
86 a lien to the first lienholder and notify the first
87 lienholder of any additional liens if there are one or

16-00295D-12

20121122

88 more lien encumbrances on a motor vehicle or mobile
89 home; requiring that subsequent lien satisfactions be
90 transmitted electronically to the department; amending
91 s. 319.27, F.S.; requiring that the department
92 establish and administer an electronic titling
93 program; requiring the electronic recording of vehicle
94 title information for new, transferred, and corrected
95 certificates of title; requiring that lienholders
96 electronically transmit liens and lien satisfactions
97 to the department; providing exceptions; amending s.
98 319.28, F.S.; providing that a dealer of certain farm
99 or industrial equipment is not subject to licensure as
100 a recovery agent or agency under certain conditions;
101 amending s. 319.40, F.S.; authorizing the department
102 to issue an electronic certificate of title in lieu of
103 printing a paper title and to collect electronic mail
104 addresses and use electronic mail as a notification
105 method in lieu of the United States Postal Service;
106 providing an exception; amending s. 320.01, F.S.;
107 revising the definition of the term "motor vehicle" to
108 include special mobile equipment and swamp buggies;
109 defining the term "swamp buggy"; amending s. 320.02,
110 F.S.; providing that an active duty member of the
111 Armed Forces of the United States is exempt from the
112 requirement to provide an address on an application
113 for vehicle registration; revising provisions relating
114 to the registration of a motor carrier who operates a
115 commercial motor vehicle and the notice of the
116 suspension of such registration; requiring that the

16-00295D-12

20121122

117 insurer's notice contain information required by the
118 department and provided in a format compatible with
119 the data processing capabilities of the department;
120 authorizing the department to adopt rules; providing
121 that an insurer who fails to file the proper
122 documentation with the department violates the Florida
123 Insurance Code; providing that the department use the
124 documentation only for enforcement and regulatory
125 purposes; requiring that the department retain all
126 electronic registration records for a specified
127 period; amending s. 320.023, F.S.; requiring that the
128 department develop a bid process for legislatively
129 authorized voluntary contribution organizations to be
130 listed on the renewal notices for vehicle
131 registrations, vessel registrations, and driver
132 licenses; providing certain requirements for the
133 bidding process; requiring that the funds collected by
134 the department through the bidding process be
135 deposited into the Highway Safety Operating Trust Fund
136 to offset costs associated with administering the
137 voluntary contribution program; requiring that the
138 department refund the fees collected from voluntary
139 contribution organizations that are not selected to be
140 listed on the renewal notices; amending s. 320.03,
141 F.S.; conforming a cross-reference; amending s.
142 320.06, F.S.; deleting a requirement that registration
143 license plates be made of metal and conforming
144 terminology; amending s. 320.0605, F.S.; revising
145 provisions relating to a requirement that rental or

16-00295D-12

20121122

146 lease documentation be in the possession of an
147 operator of a motor vehicle; providing specified
148 information sufficient to satisfy this requirement;
149 amending s. 320.061, F.S.; prohibiting a person from
150 altering the original appearance of a temporary
151 license plate; amending s. 320.07, F.S.; revising
152 provisions relating to the expiration of a
153 registration of a motor vehicle or mobile home;
154 providing that the registration for a motor vehicle or
155 mobile home whose owner is a natural person expires at
156 midnight on the owner's birthday; amending s.
157 320.08068, F.S.; revising provisions relating to the
158 use of funds received from the sale of motorcycle
159 specialty license plates; deleting a provision that
160 requires that 20 percent of the annual fee collected
161 for such plates be used to leverage additional funding
162 and new sources of revenue for the centers for
163 independent living; amending s. 320.0848, F.S.;
164 revising the requirements for the deposit of fee
165 proceeds from temporary disabled parking permits;
166 requiring that certain proceeds be deposited into the
167 Florida Endowment Foundation for Vocational
168 Rehabilitation, instead of the Florida Governor's
169 Alliance for the Employment of Disabled Citizens;
170 amending s. 320.089, F.S.; providing for the issuance
171 of a Combat Infantry Badge license plate; providing
172 qualifications and requirements for the plate;
173 providing for the use of proceeds from the sale of the
174 plate; amending s. 320.15, F.S.; providing that an

16-00295D-12

20121122

175 owner of a motor vehicle or mobile home may apply for
176 a refund of certain license taxes if the owner renews
177 a registration during the advanced renewal period and
178 surrenders the motor vehicle or mobile home license
179 plate before the end of the renewal period; amending
180 s. 320.27, F.S.; providing an exemption for salvage
181 motor vehicle dealers from certain application and
182 security requirements; amending s. 320.771, F.S.;
183 revising the definition of the term "dealer"; amending
184 s. 320.95, F.S.; authorizing the department to collect
185 electronic mail addresses and use electronic mail for
186 the purpose of providing renewal notices in lieu of
187 the United States Postal Service; amending s. 322.04,
188 F.S.; revising provisions exempting a nonresident from
189 the requirement to obtain a driver license under
190 certain circumstances; amending s. 322.051, F.S.;
191 revising requirements by which an applicant for an
192 identification card may prove nonimmigrant
193 classification; clarifying the validity of an
194 identification card based on specified documents;
195 authorizing the department to require additional
196 documentation to establish the maintenance of, or
197 efforts to maintain, continuous lawful presence;
198 providing for the department to waive the fees for
199 issuing or renewing an identification card to persons
200 who present good cause for such waiver; amending s.
201 322.058, F.S.; conforming a cross-reference; amending
202 s. 322.065, F.S.; revising provisions relating to a
203 person whose driver license has expired for 6 months

16-00295D-12

20121122

204 or less and who drives a motor vehicle; amending s.
205 322.07, F.S.; revising provisions relating to
206 temporary commercial instruction permits; amending s.
207 322.08, F.S.; revising provisions relating to an
208 application for a driver license or temporary permit;
209 requiring that applicants prove nonimmigrant
210 classification by providing certain documentation;
211 authorizing the department to require additional
212 documentation to establish the maintenance of, or
213 efforts to maintain, continuous lawful presence;
214 authorizing the department to collect electronic mail
215 addresses and use electronic mail for the purpose of
216 providing renewal notices in lieu of the United States
217 Postal Service; amending s. 322.081, F.S.; requiring
218 that the department develop a bid process for
219 legislatively authorized voluntary contribution
220 organizations to be listed on the renewal notices for
221 vehicle registrations, vessel registrations, and
222 driver licenses; providing certain requirements for
223 the bidding process; requiring that the funds
224 collected by the department through the bidding
225 process be deposited into the Highway Safety Operating
226 Trust Fund to offset costs associated with
227 administering the voluntary contribution program;
228 requiring that the department refund the fees
229 collected from voluntary contribution organizations
230 that are not selected to be listed on the renewal
231 notices; amending s. 322.121, F.S.; revising
232 provisions authorizing the automatic extension of a

16-00295D-12

20121122

233 license for members of the Armed Forces of the United
234 States or their dependents while serving on active
235 duty outside the state; amending s. 322.14, F.S.;
236 deleting a requirement that a qualified driver license
237 applicant appear in person for issuance of a color
238 photographic or digital imaged driver license;
239 creating s. 322.1415, F.S.; authorizing the department
240 to issue a specialty driver license or identification
241 card to qualified applicants; specifying that, at a
242 minimum, the specialty driver licenses and
243 identification cards must be available for certain
244 state and independent universities and professional
245 sports teams and all of the branches of the Armed
246 Forces of the United States; requiring that the
247 department approve the design of each specialty driver
248 license and identification card; providing for future
249 repeal; creating s. 322.145, F.S.; requiring that the
250 department implement a system providing for the
251 electronic authentication of driver licenses;
252 providing criteria for a security token for electronic
253 authenticity; requiring that the department enter into
254 a contract for implementation of the electronic
255 authentication; providing contract requirements;
256 amending s. 322.18, F.S.; providing that a person who
257 has been issued a driver license using certain
258 documentation as proof of identity is not eligible to
259 renew the driver license; requiring that such person
260 obtain an original license; amending s. 322.19, F.S.;
261 providing that certain persons who have a valid

16-00295D-12

20121122

262 student identification card are presumed not to have
263 changed their legal residence or mailing address;
264 amending s. 322.21, F.S.; revising provisions relating
265 to license fees; prohibiting the fee for an original
266 or renewal of an enhanced driver license or
267 identification card from exceeding a specified amount;
268 requiring that the funds collected from such fee be
269 deposited into the Highway Safety Operating Trust
270 Fund; providing that the issuance of an enhanced
271 driver license or identification card is optional for
272 certain qualified residents; providing for the
273 distribution of funds collected from the specialty
274 driver license and identification card fees; amending
275 s. 322.251, F.S.; providing that certain notices of
276 cancellation, suspension, revocation, or
277 disqualification of a driver license are complete
278 within a specified period after deposit in the mail;
279 amending s. 322.27, F.S.; revising the department's
280 authority to suspend or revoke licenses or
281 identification cards under certain circumstances;
282 amending s. 322.53, F.S.; revising an exemption from
283 the requirement to obtain a commercial driver license
284 for farmers transporting agricultural products, farm
285 supplies, or farm machinery under certain
286 circumstances; providing that such exemption applies
287 if the vehicle is not used in the operations of a
288 common or contract motor carrier; amending s. 322.54,
289 F.S.; requiring that the driver license classification
290 of any person operating a commercial motor vehicle

16-00295D-12

20121122

291 that does not have a gross vehicle weight rating plate
292 be determined by the actual weight of the vehicle;
293 repealing s. 322.58, F.S., relating to holders of
294 chauffeur licenses and the classified licensure of
295 commercial motor vehicle drivers; amending s. 322.59,
296 F.S.; revising provisions relating to the possession
297 of a medical examiner's certificate; requiring that
298 the department disqualify a driver from operating a
299 commercial motor vehicle if the driver holds a
300 commercial driver license and fails to comply with the
301 medical certification requirements; authorizing the
302 department to issue, under certain circumstances, a
303 Class E driver license to a person who is disqualified
304 from operating a commercial motor vehicle; amending s.
305 322.61, F.S.; revising provisions relating to the
306 disqualification from operating a commercial motor
307 vehicle; providing that any holder of a commercial
308 driver license who is convicted of two violations
309 committed while operating any motor vehicle is
310 permanently disqualified from operating a commercial
311 motor vehicle; amending s. 324.072, F.S.; prohibiting
312 the department from suspending a registration of a
313 motor vehicle if the person to whom the motor vehicle
314 is registered had certain limits on the date of the
315 offense that caused the suspension or revocation;
316 amending s. 324.091, F.S.; revising the period within
317 which an owner or operator involved in a crash must
318 furnish evidence of automobile liability insurance,
319 motor vehicle liability insurance, or surety bond;

16-00295D-12

20121122

320 amending s. 328.15, F.S.; requiring that the
321 department establish and administer an electronic
322 titling program that requires the recording of vehicle
323 title information for new, transferred, and corrected
324 certificates of title; requiring that lienholders
325 electronically transmit liens and lien satisfactions
326 to the department; providing exceptions; amending s.
327 328.16, F.S.; requiring that the department
328 electronically transmit a lien to the first lienholder
329 and notify such lienholder of any additional liens;
330 requiring that subsequent lien satisfactions be
331 electronically transmitted to the department; amending
332 s. 328.30, F.S.; authorizing the department to issue
333 an electronic certificate of title in lieu of printing
334 a paper title; authorizing the department to collect
335 electronic mail addresses and use electronic mail for
336 the purpose of providing renewal notices in lieu of
337 the United States Postal Service; amending s. 713.78,
338 F.S.; conforming a cross-reference; providing
339 effective dates.

340
341 Be It Enacted by the Legislature of the State of Florida:

342

343 Section 1. Subsection (3) of section 20.24, Florida
344 Statutes, is amended to read:

345 20.24 Department of Highway Safety and Motor Vehicles.—

346 There is created a Department of Highway Safety and Motor
347 Vehicles.

348 (3) The Office of Commercial Vehicle Enforcement ~~Motor~~

16-00295D-12

20121122

349 ~~Carrier Compliance~~ is established within the Division of the
350 Florida Highway Patrol.

351 Section 2. Subsection (21) of section 316.003, Florida
352 Statutes, is amended, and subsection (89) is added to that
353 section, to read:

354 316.003 Definitions.—The following words and phrases, when
355 used in this chapter, shall have the meanings respectively
356 ascribed to them in this section, except where the context
357 otherwise requires:

358 (21) MOTOR VEHICLE.—~~A Any~~ self-propelled vehicle not
359 operated upon rails or guideway, but not including any bicycle,
360 motorized scooter, electric personal assistive mobility device,
361 swamp buggy, or moped.

362 (89) SWAMP BUGGY.—A motorized off-road vehicle that is
363 designed or modified to travel over swampy or varied terrain and
364 that may use large tires or tracks operated from an elevated
365 platform. The term does not include any vehicle defined in
366 chapter 261 or otherwise defined or classified in this chapter.

367 Section 3. Section 316.1303, Florida Statutes, is amended
368 to read:

369 316.1303 Traffic regulations to assist mobility-impaired
370 persons.—

371 (1) Whenever a pedestrian who is mobility impaired is in
372 the process of crossing a public street or highway with the
373 assistance of ~~and the pedestrian is mobility-impaired (using a~~
374 ~~guide dog or service animal designated as such with a visible~~
375 ~~means of identification, a walker, a crutch, an orthopedic cane,~~
376 ~~or a wheelchair),~~ the driver of a every vehicle approaching the
377 intersection, as defined in s. 316.003(17), shall bring his or

16-00295D-12

20121122

378 her vehicle to a full stop before arriving at the ~~such~~
379 intersection and, before proceeding, shall take ~~such~~ precautions
380 ~~as may be~~ necessary to avoid injuring the ~~such~~ pedestrian.

381 (2) A person who is mobility impaired and who is using a
382 motorized wheelchair on a sidewalk may temporarily leave the
383 sidewalk and use the roadway to avoid a potential conflict, if
384 no alternative route exists. A law enforcement officer may issue
385 only a verbal warning to such person.

386 (3) A person who is convicted of a violation of subsection
387 (1) ~~this section~~ shall be punished as provided in s. 318.18(3).

388 Section 4. Paragraph (d) of subsection (3) and subsections
389 (5) and (8) of section 316.2065, Florida Statutes, are amended
390 to read:

391 316.2065 Bicycle regulations.—

392 (3)

393 (d) A bicycle rider or passenger who is under 16 years of
394 age must wear a bicycle helmet that is properly fitted and is
395 fastened securely upon the passenger's head by a strap, and that
396 meets the federal safety standard for bicycle helmets, final
397 rule, 16 C.F.R. part 1203. A helmet purchased before October 1,
398 2012, which meets the standards of the American National
399 Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the
400 standards of the Snell Memorial Foundation (1984 Standard for
401 Protective Headgear for Use in Bicycling), or any other
402 nationally recognized standards for bicycle helmets adopted by
403 the department may continue to be worn by a bicycle rider or
404 passenger until January 1, 2016. As used in this subsection, the
405 term "passenger" includes a child who is riding in a trailer or
406 semitrailer attached to a bicycle.

16-00295D-12

20121122

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

413 1. When overtaking and passing another bicycle or vehicle
414 proceeding in the same direction.

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

417 3. When reasonably necessary to avoid any condition or
418 potential conflict, including, but not limited to, a fixed or
419 moving object, parked or moving vehicle, bicycle, pedestrian,
420 animal, surface hazard, turn lane, or substandard-width lane,
421 which ~~that~~ makes it unsafe to continue along the right-hand curb
422 or edge or within a bicycle lane. For the purposes of this
423 subsection, a "substandard-width lane" is a lane that is too
424 narrow for a bicycle and another vehicle to travel safely side
425 by side within the lane.

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

429 (8) Every bicycle in use between sunset and sunrise shall
430 be equipped with a lamp on the front exhibiting a white light
431 visible from a distance of at least 500 feet to the front and a
432 lamp and reflector on the rear each exhibiting a red light
433 visible from a distance of 600 feet to the rear. A bicycle or
434 its rider may be equipped with lights or reflectors in addition
435 to those required by this section. A law enforcement officer may

16-00295D-12

20121122

436 issue a bicycle safety brochure and a verbal warning to a
437 bicycle rider who violates this subsection or may issue a
438 citation and assess a fine for a pedestrian violation, as
439 provided in s. 318.18. The court shall dismiss the charge
440 against a bicycle rider for a first violation of this subsection
441 upon proof of purchase and installation of the proper lighting
442 equipment.

443 Section 5. Subsection (3) of section 316.2085, Florida
444 Statutes, is amended to read:

445 316.2085 Riding on motorcycles or mopeds.—

446 (3) The license tag of a motorcycle or moped must be
447 permanently affixed to the vehicle and remain clearly visible
448 from the rear at all times ~~may not be adjusted or capable of~~
449 ~~being flipped up. Any deliberate act to conceal or obscure~~ ~~No~~
450 ~~device for or method of concealing or obscuring~~ the legibility
451 of the license tag of a motorcycle is prohibited ~~shall be~~
452 ~~installed or used~~. The license tag of a motorcycle or moped may
453 be affixed horizontally to the ground so that the numbers and
454 letters read from left to right. Alternatively, a Florida
455 license tag for a motorcycle or moped for which the numbers and
456 letters read from top to bottom may be affixed perpendicularly
457 to the ground, provided that the registered owner of the
458 motorcycle or moped maintains a prepaid toll account in good
459 standing and a transponder associated with the prepaid toll
460 account is affixed to the motorcycle or moped. A license tag for
461 a motorcycle or moped issued by another jurisdiction for which
462 the numbers and letters read from top to bottom may be affixed
463 perpendicularly to the ground.

464 Section 6. Section 316.2129, Florida Statutes, is created

16-00295D-12

20121122

465 to read:

466 316.2129 Operation of swamp buggies on public roads,
467 streets, or highways prohibited; exceptions.-

468 (1) The operation of a swamp buggy on a public road,
469 street, or highway is prohibited unless a local governmental
470 entity has designated the public road, street, or highway for
471 use by swamp buggies based on factors, including, but not
472 limited to, the speed, volume, and character of the motor
473 vehicle traffic currently using the public road, street, or
474 highway. Upon determining that swamp buggies may be safely
475 operated on a public road, street, or highway, the local
476 governmental entity shall post appropriate signs or otherwise
477 inform the public that the operation of swamp buggies is
478 allowed.

479 (2) The operation of a swamp buggy on land managed, owned,
480 or leased by a state or federal agency is prohibited unless the
481 state or federal agency authorizes the operation of swamp
482 buggies on such land, including any public road, street, or
483 highway running through or located within the state or federal
484 land. Upon determining that swamp buggies may be safely operated
485 on a public road, street, or highway running through or located
486 within such land, the state or federal agency shall post
487 appropriate signs or otherwise inform the public that the
488 operation of swamp buggies is allowed.

489 Section 7. Subsection (1) of section 316.3026, Florida
490 Statutes, is amended to read:

491 316.3026 Unlawful operation of motor carriers.-

492 (1) The Office of Commercial Vehicle Enforcement ~~Motor~~
493 ~~Carrier Compliance~~ may issue out-of-service orders to motor

16-00295D-12

20121122

494 carriers, as defined in s. 320.01(33), who, after proper notice,
495 have failed to pay any penalty or fine assessed by the
496 department, or its agent, against any owner or motor carrier for
497 violations of state law, refused to submit to a compliance
498 review and provide records pursuant to s. 316.302(5) or s.
499 316.70, or violated safety regulations pursuant to s. 316.302 or
500 insurance requirements in s. 627.7415. Such out-of-service
501 orders have the effect of prohibiting the operations of any
502 motor vehicles owned, leased, or otherwise operated by the motor
503 carrier upon the roadways of this state, until the violations
504 have been corrected or penalties have been paid. Out-of-service
505 orders must be approved by the director of the Division of the
506 Florida Highway Patrol or his or her designee. An administrative
507 hearing pursuant to s. 120.569 shall be afforded to motor
508 carriers subject to such orders.

509 Section 8. Subsection (7) of section 316.2397, Florida
510 Statutes, is amended to read:

511 316.2397 Certain lights prohibited; exceptions.—

512 (7) Flashing lights are prohibited on vehicles except:

513 (a) As a means of indicating a right or left turn, to
514 change lanes, or to indicate that the vehicle is lawfully
515 stopped or disabled upon the highway;

516 (b) When a motorist intermittently flashes his or her
517 vehicle's headlamps at an oncoming vehicle notwithstanding the
518 motorist's intent for doing so; and ~~or except that~~

519 (c) For the lamps authorized in subsections (1), (2), (3),
520 (4), and (9) and s. 316.235(5), which are permitted to flash.

521 Section 9. Subsection (1) of section 316.6135, Florida
522 Statutes, is amended to read:

16-00295D-12

20121122

523 316.6135 Leaving children unattended or unsupervised in
524 motor vehicles; penalty; authority of law enforcement officer.-

525 (1) A parent, legal guardian, or other person responsible
526 for a child younger than 6 years of age may not leave the ~~such~~
527 child unattended or unsupervised in a motor vehicle:

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

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

532 Section 10. Subsection (9) of section 316.614, Florida
533 Statutes, is amended to read:

534 316.614 Safety belt usage.-

535 (9) ~~By January 1, 2006,~~ Each law enforcement agency in this
536 state shall adopt departmental policies to prohibit the practice
537 of racial profiling. ~~When a law enforcement officer issues a~~
538 ~~citation for a violation of this section, the law enforcement~~
539 ~~officer must record the race and ethnicity of the violator. All~~
540 ~~law enforcement agencies must maintain such information and~~
541 ~~forward the information to the department in a form and manner~~
542 ~~determined by the department. The department shall collect this~~
543 ~~information by jurisdiction and annually report the data to the~~
544 ~~Governor, the President of the Senate, and the Speaker of the~~
545 ~~House of Representatives. The report must show separate~~
546 ~~statewide totals for the state's county sheriffs and municipal~~
547 ~~law enforcement agencies, state law enforcement agencies, and~~
548 ~~state university law enforcement agencies.~~

549 Section 11. Subsections (9) and (10) of section 318.14,
550 Florida Statutes, are amended to read:

551 318.14 Noncriminal traffic infractions; exception;

16-00295D-12

20121122

552 procedures.—

553 (9) Any person who does not hold a commercial driver
554 ~~driver's~~ license and who is cited while driving a noncommercial
555 motor vehicle for an infraction under this section other than a
556 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the
557 driver exceeds the posted limit by 30 miles per hour or more, s.
558 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s.
559 322.61, or s. 322.62 may, in lieu of a court appearance, elect
560 to attend in the location of his or her choice within this state
561 a basic driver improvement course approved by the Department of
562 Highway Safety and Motor Vehicles. In such a case, adjudication
563 must be withheld and points, as provided by s. 322.27, may not
564 be assessed. However, a person may not make an election under
565 this subsection if the person has made an election under this
566 subsection in the preceding 12 months. A person may not make ~~no~~
567 more than five elections within his or her lifetime under this
568 subsection. The requirement for community service under s.
569 318.18(8) is not waived by a plea of nolo contendere or by the
570 withholding of adjudication of guilt by a court. If a person
571 makes an election to attend a basic driver improvement course
572 under this subsection, 18 percent of the civil penalty imposed
573 under s. 318.18(3) shall be deposited in the State Courts
574 Revenue Trust Fund; however, that portion is not revenue for
575 purposes of s. 28.36 and may not be used in establishing the
576 budget of the clerk of the court under that section or s. 28.35.

577 (10) (a) Any person who does not hold a commercial driver
578 ~~driver's~~ license and who is cited while driving a noncommercial
579 motor vehicle for an offense listed under this subsection may,
580 in lieu of payment of fine or court appearance, elect to enter a

16-00295D-12

20121122

581 plea of nolo contendere and provide proof of compliance to the
 582 clerk of the court, designated official, or authorized operator
 583 of a traffic violations bureau. In such case, adjudication shall
 584 be withheld; however, a person may not make an ~~no~~ election ~~shall~~
 585 ~~be made~~ under this subsection if the ~~such~~ person has made an
 586 election under this subsection in the preceding 12 months
 587 ~~preceding election hereunder~~. A ~~No~~ person may not make more than
 588 three elections under this subsection. This subsection applies
 589 to the following offenses:

590 1. Operating a motor vehicle without a valid driver
 591 ~~driver's~~ license in violation of ~~the provisions of~~ s. 322.03, s.
 592 322.065, or s. 322.15(1), or operating a motor vehicle with a
 593 license that has been suspended for failure to appear, failure
 594 to pay civil penalty, or failure to attend a driver improvement
 595 course pursuant to s. 322.291.

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

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

599 4. Operating a motor vehicle with a license that has been
 600 suspended under s. 61.13016 or s. 322.245 for failure to pay
 601 child support or for failure to pay any other financial
 602 obligation as provided in s. 322.245; however, this subparagraph
 603 does not apply if the license has been suspended pursuant to s.
 604 322.245(1).

605 5. Operating a motor vehicle with a license that has been
 606 suspended under s. 322.091 for failure to meet school attendance
 607 requirements.

608 (b) Any person cited for an offense listed in this
 609 subsection shall present proof of compliance before ~~prior to~~ the

16-00295D-12

20121122

610 scheduled court appearance date. For the purposes of this
611 subsection, proof of compliance shall consist of a valid,
612 renewed, or reinstated driver ~~driver's~~ license or registration
613 certificate and proper proof of maintenance of security as
614 required by s. 316.646. Notwithstanding waiver of fine, any
615 person establishing proof of compliance shall be assessed court
616 costs of \$25, except that a person charged with violation of s.
617 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
618 such costs shall be remitted to the Department of Revenue for
619 deposit into the Child Welfare Training Trust Fund of the
620 Department of Children and Family Services. One dollar of such
621 costs shall be distributed to the Department of Juvenile Justice
622 for deposit into the Juvenile Justice Training Trust Fund.
623 Fourteen dollars of such costs shall be distributed to the
624 municipality and \$9 shall be deposited by the clerk of the court
625 into the fine and forfeiture fund established pursuant to s.
626 142.01, if the offense was committed within the municipality. If
627 the offense was committed in an unincorporated area of a county
628 or if the citation was for a violation of s. 316.646(1)-(3), the
629 entire amount shall be deposited by the clerk of the court into
630 the fine and forfeiture fund established pursuant to s. 142.01,
631 except for the moneys to be deposited into the Child Welfare
632 Training Trust Fund and the Juvenile Justice Training Trust
633 Fund. This subsection does ~~shall not be construed to~~ authorize
634 the operation of a vehicle without a valid driver ~~driver's~~
635 license, without a valid vehicle tag and registration, or
636 without the maintenance of required security.

637 Section 12. Paragraph (c) is added to subsection (1) of
638 section 318.15, Florida Statutes, to read:

16-00295D-12

20121122

639 318.15 Failure to comply with civil penalty or to appear;
640 penalty.-

641 (1)

642 (c) A person who is charged with a traffic infraction may
643 request a hearing within 180 days after the date upon which the
644 violation occurred, regardless of any action taken by the court
645 or the department to suspend the person's driving privilege, and
646 upon request, the clerk must set the case for hearing. The
647 person shall be given a form for requesting that his or her
648 driving privilege be reinstated. If the 180th day after the date
649 upon which the violation occurred is a Saturday, Sunday, or
650 legal holiday, the person who is charged must request a hearing
651 within 177 days after the date upon which the violation
652 occurred; however, the court may grant a request for a hearing
653 made more than 180 days after the date upon which the violation
654 occurred. This paragraph does not affect the assessment of late
655 fees as otherwise provided in this chapter.

656 Section 13. Paragraph (f) of subsection (3) of section
657 318.18, Florida Statutes, is amended to read:

658 318.18 Amount of penalties.—The penalties required for a
659 noncriminal disposition pursuant to s. 318.14 or a criminal
660 offense listed in s. 318.17 are as follows:

661 (3)

662 (f) If a violation of s. 316.1301 or s. 316.1303(1) ~~s.~~
663 ~~316.1303~~ results in an injury to the pedestrian or damage to the
664 property of the pedestrian, an additional fine of up to \$250
665 shall be paid. This amount must be distributed pursuant to s.
666 318.21.

667 Section 14. Subsection (5) of section 318.21, Florida

16-00295D-12

20121122__

668 Statutes, is amended to read:

669 318.21 Disposition of civil penalties by county courts.—All
670 civil penalties received by a county court pursuant to the
671 provisions of this chapter shall be distributed and paid monthly
672 as follows:

673 (5) Of the additional fine assessed under s. 318.18(3)(f)
674 for a violation of s. 316.1303(1) ~~s. 316.1303~~, 60 percent must
675 be remitted to the Department of Revenue and transmitted monthly
676 to the Florida Endowment Foundation for Vocational
677 Rehabilitation, and 40 percent must be distributed pursuant to
678 subsections (1) and (2).

679 Section 15. Section 319.14, Florida Statutes, is amended to
680 read:

681 319.14 Sale of motor vehicles registered or used as
682 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,
683 ~~and~~ nonconforming vehicles, custom vehicles, or street rod
684 vehicles.—

685 (1)(a) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
686 sell, or exchange any vehicle that has been licensed,
687 registered, or used as a taxicab, police vehicle, or short-term-
688 lease vehicle, or a vehicle that has been repurchased by a
689 manufacturer pursuant to a settlement, determination, or
690 decision under chapter 681, until the department has stamped in
691 a conspicuous place on the certificate of title of the vehicle,
692 or its duplicate, words stating the nature of the previous use
693 of the vehicle or the title has been stamped "Manufacturer's Buy
694 Back" to reflect that the vehicle is a nonconforming vehicle. If
695 the certificate of title or duplicate was not so stamped upon
696 initial issuance thereof or if, subsequent to initial issuance

16-00295D-12

20121122

697 of the title, the use of the vehicle is changed to a use
698 requiring the notation provided for in this section, the owner
699 or lienholder of the vehicle shall surrender the certificate of
700 title or duplicate to the department prior to offering the
701 vehicle for sale, and the department shall stamp the certificate
702 or duplicate as required herein. When a vehicle has been
703 repurchased by a manufacturer pursuant to a settlement,
704 determination, or decision under chapter 681, the title shall be
705 stamped "Manufacturer's Buy Back" to reflect that the vehicle is
706 a nonconforming vehicle.

707 (b) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
708 sell, or exchange a rebuilt vehicle until the department has
709 stamped in a conspicuous place on the certificate of title for
710 the vehicle words stating that the vehicle has been rebuilt or
711 assembled from parts, or is a kit car, glider kit, replica, ~~or~~
712 flood vehicle, custom vehicle, or street rod vehicle unless
713 proper application for a certificate of title for a vehicle that
714 is rebuilt or assembled from parts, or is a kit car, glider kit,
715 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle
716 has been made to the department in accordance with this chapter
717 and the department has conducted the physical examination of the
718 vehicle to assure the identity of the vehicle and all major
719 component parts, as defined in s. 319.30(1), which have been
720 repaired or replaced. Thereafter, the department shall affix a
721 decal to the vehicle, in the manner prescribed by the
722 department, showing the vehicle to be rebuilt.

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

724 1. "Police vehicle" means a motor vehicle owned or leased
725 by the state or a county or municipality and used in law

16-00295D-12

20121122

726 enforcement.

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

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

734 c. "Lease vehicle" includes both short-term-lease vehicles
735 and long-term-lease vehicles.

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

738 4. "Assembled from parts" means a motor vehicle or mobile
739 home assembled from parts or combined from parts of motor
740 vehicles or mobile homes, new or used. "Assembled from parts"
741 does not mean a motor vehicle defined as a "rebuilt vehicle" in
742 subparagraph 3., which has been declared a total loss pursuant
743 to s. 319.30.

744 5. "Kit car" means a motor vehicle assembled with a kit
745 supplied by a manufacturer to rebuild a wrecked or outdated
746 motor vehicle with a new body kit.

747 6. "Glider kit" means a vehicle assembled with a kit
748 supplied by a manufacturer to rebuild a wrecked or outdated
749 truck or truck tractor.

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

752 8. "Flood vehicle" means a motor vehicle or mobile home
753 that has been declared to be a total loss pursuant to s.
754 319.30(3)(a) resulting from damage caused by water.

16-00295D-12

20121122

755 9. "Nonconforming vehicle" means a motor vehicle which has
756 been purchased by a manufacturer pursuant to a settlement,
757 determination, or decision under chapter 681.

758 10. "Settlement" means an agreement entered into between a
759 manufacturer and a consumer that occurs after a dispute is
760 submitted to a program, or an informal dispute settlement
761 procedure established by a manufacturer or is approved for
762 arbitration before the New Motor Vehicle Arbitration Board as
763 defined in s. 681.102.

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

765 a. Is 25 years of age or older and of a model year after
766 1948 or was manufactured to resemble a vehicle that is 25 years
767 of age or older and of a model year after 1948; and

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

770
771 The model year and year of manufacture that the body of a custom
772 vehicle resembles is the model year and year of manufacture
773 listed on the certificate of title, regardless of when the
774 vehicle was actually manufactured.

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

776 a. Is of a model year of 1948 or older or was manufactured
777 after 1948 to resemble a vehicle of a model year of 1948 or
778 older; and

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

781
782 The model year and year of manufacture that the body of a street
783 rod resembles is the model year and year of manufacture listed

16-00295D-12

20121122

784 on the certificate of title, regardless of when the vehicle was
785 actually manufactured.

786 (2) A ~~No~~ person may not shall knowingly sell, exchange, or
787 transfer a vehicle referred to in subsection (1) without, before
788 ~~prior to~~ consummating the sale, exchange, or transfer,
789 disclosing in writing to the purchaser, customer, or transferee
790 the fact that the vehicle has previously been titled,
791 registered, or used as a taxicab, police vehicle, or short-term-
792 lease vehicle, ~~or~~ is a vehicle that is rebuilt or assembled from
793 parts, ~~or~~ is a kit car, glider kit, replica, or flood vehicle,
794 or is a nonconforming vehicle, custom vehicle, or street rod
795 vehicle, as the case may be.

796 (3) Any person who, with intent to offer for sale or
797 exchange any vehicle referred to in subsection (1), knowingly or
798 intentionally advertises, publishes, disseminates, circulates,
799 or places before the public in any communications medium,
800 whether directly or indirectly, any offer to sell or exchange
801 the vehicle shall clearly and precisely state in each such offer
802 that the vehicle has previously been titled, registered, or used
803 as a taxicab, police vehicle, or short-term-lease vehicle or
804 that the vehicle or mobile home is a vehicle that is rebuilt or
805 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or
806 flood vehicle, or is a nonconforming vehicle, custom vehicle, or
807 street rod vehicle, as the case may be. A ~~Any~~ person who
808 violates this subsection commits a misdemeanor of the second
809 degree, punishable as provided in s. 775.082 or s. 775.083.

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

16-00295D-12

20121122

813 certificate of the vehicle and such brand shall be carried
814 forward on all subsequent certificates of title and registration
815 certificates issued for the life of the vehicle.

816 (5) A ~~Any~~ person who knowingly sells, exchanges, or offers
817 to sell or exchange a motor vehicle or mobile home contrary to
818 ~~the provisions of~~ this section or any officer, agent, or
819 employee of a person who knowingly authorizes, directs, aids in,
820 or consents to the sale, exchange, or offer to sell or exchange
821 a motor vehicle or mobile home contrary to ~~the provisions of~~
822 this section commits a misdemeanor of the second degree,
823 punishable as provided in s. 775.082 or s. 775.083.

824 (6) A ~~Any~~ person who removes a rebuilt decal from a rebuilt
825 vehicle with the intent to conceal the rebuilt status of the
826 vehicle commits a felony of the third degree, punishable as
827 provided in s. 775.082, s. 775.083, or s. 775.084.

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

832 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in
833 any civil action arising out of a violation of this section if
834 the designation of the previous use or condition of the motor
835 vehicle is not noted on the certificate of title and
836 registration certificate of the vehicle which was received by,
837 or delivered to, such person, unless the ~~such~~ person has
838 actively concealed the prior use or condition of the vehicle
839 from the purchaser.

840 (9) Subsections (1), (2), and (3) do not apply to the
841 transfer of ownership of a motor vehicle after the motor vehicle

16-00295D-12

20121122

842 has ceased to be used as a lease vehicle and the ownership has
843 been transferred to an owner for private use or to the transfer
844 of ownership of a nonconforming vehicle with 36,000 or more
845 miles on its odometer, or 34 months whichever is later and the
846 ownership has been transferred to an owner for private use. Such
847 owner, as shown on the title certificate, may request the
848 department to issue a corrected certificate of title that does
849 not contain the statement of the previous use of the vehicle as
850 a lease vehicle or condition as a nonconforming vehicle.

851 Section 16. Subsection (6) of section 319.23, Florida
852 Statutes, is amended, present subsections (7) through (11) of
853 that section are redesignated as subsections (8) through (12),
854 respectively, and a new subsection (7) is added to that section,
855 to read:

856 319.23 Application for, and issuance of, certificate of
857 title.—

858 (6) (a) In the case of the sale of a motor vehicle or mobile
859 home by a licensed dealer to a general purchaser, the
860 certificate of title must be obtained in the name of the
861 purchaser by the dealer upon application signed by the
862 purchaser, and in each other case the ~~such~~ certificate must be
863 obtained by the purchaser. In each case of transfer of a motor
864 vehicle or mobile home, the application for a certificate of
865 title, a corrected certificate, or an assignment or reassignment
866 must be filed within 30 days after the delivery of the motor
867 vehicle or after consummation of the sale of the mobile home to
868 the purchaser. An applicant must pay a fee of \$20, in addition
869 to all other fees and penalties required by law, for failing to
870 file such application within the specified time. In the case of

16-00295D-12

20121122

871 the sale of a motor vehicle by a licensed motor vehicle dealer
872 to a general purchaser who resides in another state or country,
873 the dealer is not required to apply for a certificate of title
874 for the motor vehicle; however, the dealer must transfer
875 ownership and reassign the certificate of title or
876 manufacturer's certificate of origin to the purchaser, and the
877 purchaser must sign an affidavit, as approved by the department,
878 that the purchaser will title and register the motor vehicle in
879 another state or country.

880 (b) If a licensed dealer acquires a motor vehicle or mobile
881 home as a trade-in, the dealer must file with the department,
882 within 30 days, a notice of sale signed by the seller. The
883 department shall update its database for that title record to
884 indicate "sold." A licensed dealer need not apply for a
885 certificate of title for any motor vehicle or mobile home in
886 stock acquired for stock purposes except as provided in s.
887 319.225.

888 (7) If an applicant for a certificate of title is unable to
889 provide the department with a certificate of title that assigns
890 the prior owner's interest in the motor vehicle, the department
891 may accept a bond in the form prescribed by the department,
892 along with an affidavit in a form prescribed by the department,
893 which includes verification of the vehicle identification number
894 and an application for title.

895 (a) The bond must be:

896 1. In a form prescribed by the department;

897 2. Executed by the applicant;

898 3. Issued by a person authorized to conduct a surety

899 business in this state;

16-00295D-12

20121122

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

902 5. Conditioned to indemnify all prior owners and
903 lienholders and all subsequent purchasers of the vehicle or
904 persons who acquire a security interest in the vehicle, and
905 their successors in interest, against any expense, loss, or
906 damage, including reasonable attorney fees, occurring because of
907 the issuance of the certificate of title for the vehicle or for
908 a defect in or undisclosed security interest on the right,
909 title, or interest of the applicant to the vehicle.

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

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

915 (d) The affidavit must:

916 1. Be in a form prescribed by the department;
917 2. Include the facts and circumstances under which the
918 applicant acquired ownership and possession of the motor
919 vehicle;

920 3. Disclose that no security interests, liens, or
921 encumbrances against the motor vehicle are known to the
922 applicant against the motor vehicle; and

923 4. State that the applicant has the right to have a
924 certificate of title issued.

925 Section 17. Subsection (8) of section 319.24, Florida
926 Statutes, is amended to read:

927 319.24 Issuance in duplicate; delivery; liens and
928 encumbrances.-

16-00295D-12

20121122

929 (8) Notwithstanding any requirements in this section or in
930 s. 319.27 indicating that a lien on a motor vehicle or mobile
931 home shall be noted on the face of the Florida certificate of
932 title, if there are one or more liens or encumbrances on the
933 motor vehicle or mobile home, the department shall ~~may~~
934 electronically transmit the lien to the first lienholder and
935 notify the first lienholder of any additional liens. Subsequent
936 lien satisfactions shall ~~may~~ be electronically transmitted to
937 the department and must ~~shall~~ include the name and address of
938 the person or entity satisfying the lien. When electronic
939 transmission of liens and lien satisfactions is ~~are~~ used, the
940 issuance of a certificate of title may be waived until the last
941 lien is satisfied and a clear certificate of title is issued to
942 the owner of the vehicle. In subsequent transfer of ownership of
943 the motor vehicle, it shall be presumed that the motor vehicle
944 title is subject to a lien as set forth in s. 319.225(6)(a)
945 until the title to be issued pursuant to this subsection is
946 received by the person or entity satisfying the lien.

947 Section 18. Subsection (7) is added to section 319.27,
948 Florida Statutes, to read:

949 319.27 Notice of lien on motor vehicles or mobile homes;
950 notation on certificate; recording of lien.—

951 (7) The department shall establish and administer an
952 electronic titling program that requires the electronic
953 recording of vehicle title information for new, transferred, and
954 corrected certificates of title. Lienholders shall
955 electronically transmit liens and lien satisfactions to the
956 department in a format determined by the department. Individuals
957 and lienholders who the department determines are not normally

16-00295D-12

20121122

958 engaged in the business or practice of financing vehicles are
959 exempt from the electronic titling requirement.

960 Section 19. Subsection (3) is added to section 319.28,
961 Florida Statutes, to read:

962 319.28 Transfer of ownership by operation of law.—

963 (3) A dealer of farm or industrial equipment who conducts a
964 repossession, as defined in s. 493.6101(22), of such equipment
965 is not subject to licensure as a recovery agent or recovery
966 agency if the dealer is regularly engaged in the sale of the
967 equipment for a particular manufacturer and the lender is
968 affiliated with that manufacturer.

969 Section 20. Section 319.40, Florida Statutes, is amended to
970 read:

971 319.40 Transactions by electronic or telephonic means.—

972 (1) The department may ~~is authorized to~~ accept an any
973 application provided for under this chapter by electronic or
974 telephonic means.

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

977 (3) The department may collect electronic mail addresses
978 and use electronic mail in lieu of the United States Postal
979 Service as a method of notification. However, any notice
980 regarding the potential forfeiture or foreclosure of an interest
981 in property must be sent via the United States Postal Service.

982 Section 21. Paragraph (a) of subsection (1) of section
983 320.01, Florida Statutes, is amended, and subsection (46) is
984 added to that section, to read:

985 320.01 Definitions, general.—As used in the Florida
986 Statutes, except as otherwise provided, the term:

16-00295D-12

20121122

987 (1) "Motor vehicle" means:

988 (a) An automobile, motorcycle, truck, trailer, semitrailer,
989 truck tractor and semitrailer combination, or any other vehicle
990 operated on the roads of this state, used to transport persons
991 or property, and propelled by power other than muscular power,
992 but the term does not include traction engines, road rollers,
993 special mobile equipment as defined in s. 316.003(48), such
994 vehicles as run only upon a track, bicycles, swamp buggies, or
995 mopeds.

996 (46) "Swamp buggy" means a motorized off-road vehicle that
997 is designed or modified to travel over swampy or varied terrain
998 and that may use large tires or tracks operated from an elevated
999 platform. The term does not include any vehicle defined in
1000 chapter 261 or otherwise defined or classified in this chapter.

1001 Section 22. Subsection (2) and paragraph (e) of subsection
1002 (5) of section 320.02, Florida Statutes, are amended, and
1003 subsection (18) is added to that section, to read:

1004 320.02 Registration required; application for registration;
1005 forms.—

1006 (2) (a) The application for registration shall include the
1007 street address of the owner's permanent residence or the address
1008 of his or her permanent place of business and shall be
1009 accompanied by personal or business identification information
1010 which may include, but need not be limited to, a driver ~~driver's~~
1011 license number, Florida identification card number, or federal
1012 employer identification number. If the owner does not have a
1013 permanent residence or permanent place of business or if the
1014 owner's permanent residence or permanent place of business
1015 cannot be identified by a street address, the application shall

16-00295D-12

20121122__

1016 include:

1017 1. If the vehicle is registered to a business, the name and
1018 street address of the permanent residence of an owner of the
1019 business, an officer of the corporation, or an employee who is
1020 in a supervisory position.

1021 2. If the vehicle is registered to an individual, the name
1022 and street address of the permanent residence of a close
1023 relative or friend who is a resident of this state.

1024
1025 If the vehicle is registered to an active duty member of the
1026 Armed Forces of the United States who is a Florida resident, the
1027 active duty member is exempt from the requirement to provide the
1028 street address of a permanent residence.

1029 (b) The department shall prescribe a form upon which motor
1030 vehicle owners may record odometer readings when registering
1031 their motor vehicles.

1032 (5)

1033 (e) Upon the expiration date noted in the cancellation
1034 policy that the department receives from the insurer, the
1035 department shall suspend the registration, issued under this
1036 chapter or s. 207.004(1), of a motor carrier who operates a
1037 commercial motor vehicle or who permits it to be operated in
1038 this state during the registration period without having in full
1039 force ~~and effect~~ liability insurance, a surety bond, or a valid
1040 self-insurance certificate that complies with ~~the provisions of~~
1041 this section. The department may cancel the liability insurance
1042 policy or surety bond no less than 10 days after receiving the
1043 insurer's ~~may not be canceled on less than 30 days' written~~
1044 ~~notice by the insurer to the department, such 30 days' notice to~~

16-00295D-12

20121122

1045 ~~commence from the date notice is received by the department. The~~
1046 insurer's notice must contain information required by the
1047 department and must be provided in a format that is compatible
1048 with the data processing capabilities of the department. The
1049 department may adopt rules regarding the form and required
1050 documentation. An insurer who fails to file the proper
1051 documentation with the department as required in this subsection
1052 or by rules adopted under this subsection violates the Florida
1053 Insurance Code. The department shall use the documentation only
1054 for enforcement and regulatory purposes, including the
1055 generation of data regarding compliance by owners of motor
1056 vehicles with the requirements for financial responsibility
1057 coverage.

1058 (18) The department shall retain all electronic
1059 registration records for at least 10 years.

1060 Section 23. Effective July 1, 2012, subsection (9) is added
1061 to section 320.023, Florida Statutes, to read:

1062 320.023 Requests to establish voluntary checkoff on motor
1063 vehicle registration application.—

1064 (9) Notwithstanding ss. 320.02, 320.023(3), and 328.72(11),
1065 the department shall develop a bid process for legislatively
1066 authorized voluntary contribution organizations to be listed on
1067 the renewal notices for vehicle registrations, vessel
1068 registrations, and driver licenses.

1069 (a) The department shall conduct an open bidding process to
1070 determine which voluntary contribution organizations may be
1071 listed on the renewal notices beginning with the 2013 calendar
1072 year. In September 2012, and each September thereafter, the
1073 department shall accept bids from legislatively authorized

16-00295D-12

20121122

1074 organizations that submit requests to be listed on the renewal
1075 notices during the following calendar year. The department shall
1076 list a maximum of 20 organizations on the renewal notices. The
1077 department shall list the organizations that are not listed on
1078 the renewal notices on its Internet website. Renewal notices
1079 printed by the department or the tax collector must contain only
1080 those organizations that request and participate in the bidding
1081 process and are one of the 20 organizations chosen to be listed
1082 on the renewal notices.

1083 (b) Funds collected by the department through the bidding
1084 process shall be deposited into the Highway Safety Operating
1085 Trust Fund to offset the costs associated with administering the
1086 voluntary contribution program. The department shall refund the
1087 fees collected from voluntary contribution organizations that
1088 are not selected to be listed on the renewal notices.

1089 Section 24. Subsection (8) of section 320.03, Florida
1090 Statutes, is amended to read:

1091 320.03 Registration; duties of tax collectors;
1092 International Registration Plan.—

1093 (8) If the applicant's name appears on the list referred to
1094 in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a license
1095 plate or revalidation sticker may not be issued until that
1096 person's name no longer appears on the list or until the person
1097 presents a receipt from the governmental entity or the clerk of
1098 court that provided the data showing that the fines outstanding
1099 have been paid. This subsection does not apply to the owner of a
1100 leased vehicle if the vehicle is registered in the name of the
1101 lessee of the vehicle. The tax collector and the clerk of the
1102 court are each entitled to receive monthly, as costs for

16-00295D-12

20121122

1103 implementing and administering this subsection, 10 percent of
1104 the civil penalties and fines recovered from such persons. As
1105 used in this subsection, the term "civil penalties and fines"
1106 does not include a wrecker operator's lien as described in s.
1107 713.78(13). If the tax collector has private tag agents, such
1108 tag agents are entitled to receive a pro rata share of the
1109 amount paid to the tax collector, based upon the percentage of
1110 license plates and revalidation stickers issued by the tag agent
1111 compared to the total issued within the county. The authority of
1112 any private agent to issue license plates shall be revoked,
1113 after notice and a hearing as provided in chapter 120, if he or
1114 she issues any license plate or revalidation sticker contrary to
1115 the provisions of this subsection. This section applies only to
1116 the annual renewal in the owner's birth month of a motor vehicle
1117 registration and does not apply to the transfer of a
1118 registration of a motor vehicle sold by a motor vehicle dealer
1119 licensed under this chapter, except for the transfer of
1120 registrations which includes ~~is inclusive of~~ the annual
1121 renewals. This section does not affect the issuance of the title
1122 to a motor vehicle, notwithstanding s. 319.23(8)(b)
1123 ~~319.23(7)(b)~~.

1124 Section 25. Paragraph (c) of subsection (1) and paragraph
1125 (a) of subsection (3) of section 320.06, Florida Statutes, are
1126 amended to read:

1127 320.06 Registration certificates, license plates, and
1128 validation stickers generally.—

1129 (1)

1130 (c) Registration license plates equipped with validation
1131 stickers subject to the registration period are valid for not

16-00295D-12

20121122

1132 more than 12 months and expire at midnight on the last day of
1133 the registration period. A registration license plate equipped
1134 with a validation sticker subject to the extended registration
1135 period is valid for not more than 24 months and expires at
1136 midnight on the last day of the extended registration period.
1137 For each registration period after the one in which the original
1138 ~~metal~~ registration license plate is issued, and until the
1139 license plate is required to be replaced, a validation sticker
1140 showing the month and year of expiration shall be issued upon
1141 payment of the proper license tax amount and fees and is valid
1142 for not more than 12 months. For each extended registration
1143 period occurring after the one in which the original ~~metal~~
1144 registration license plate is issued and until the license plate
1145 is required to be replaced, a validation sticker showing the
1146 year of expiration shall be issued upon payment of the proper
1147 license tax amount and fees and is valid for not more than 24
1148 months. When license plates equipped with validation stickers
1149 are issued in any month other than the owner's birth month or
1150 the designated registration period for any other motor vehicle,
1151 the effective date shall reflect the birth month or month and
1152 the year of renewal. However, when a license plate or validation
1153 sticker is issued for a period of less than 12 months, the
1154 applicant shall pay the appropriate amount of license tax and
1155 the applicable fee under s. 320.14 in addition to all other
1156 fees. Validation stickers issued for vehicles taxed under s.
1157 320.08(6)(a), for any company that owns 250 vehicles or more, or
1158 for semitrailers taxed under the provisions of s. 320.08(5)(a),
1159 for any company that owns 50 vehicles or more, may be placed on
1160 any vehicle in the fleet so long as the vehicle receiving the

16-00295D-12

20121122

1161 validation sticker has the same owner's name and address as the
1162 vehicle to which the validation sticker was originally assigned.

1163 (3) (a) Registration license plates must be ~~made of metal~~
1164 specially treated with a retroreflection material, as specified
1165 by the department. The registration license plate is designed to
1166 increase nighttime visibility and legibility and must be at
1167 least 6 inches wide and not less than 12 inches in length,
1168 unless a plate with reduced dimensions is deemed necessary by
1169 the department to accommodate motorcycles, mopeds, or similar
1170 smaller vehicles. Validation stickers must also be treated with
1171 a retroreflection material, must be of such size as specified by
1172 the department, and must adhere to the license plate. The
1173 registration license plate must be imprinted with a combination
1174 of bold letters and numerals or numerals, not to exceed seven
1175 digits, to identify the registration license plate number. The
1176 license plate must be imprinted with the word "Florida" at the
1177 top and the name of the county in which it is sold, the state
1178 motto, or the words "Sunshine State" at the bottom. Apportioned
1179 license plates must have the word "Apportioned" at the bottom
1180 and license plates issued for vehicles taxed under s.

1181 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have
1182 the word "Restricted" at the bottom. License plates issued for
1183 vehicles taxed under s. 320.08(12) must be imprinted with the
1184 word "Florida" at the top and the word "Dealer" at the bottom.
1185 Manufacturer license plates issued for vehicles taxed under s.
1186 320.08(12) must be imprinted with the word "Florida" at the top
1187 and the word "Manufacturer" at the bottom. License plates issued
1188 for vehicles taxed under s. 320.08(5)(d) or (e) must be
1189 imprinted with the word "Wrecker" at the bottom. Any county may,

16-00295D-12

20121122

1190 upon majority vote of the county commission, elect to have the
1191 county name removed from the license plates sold in that county.
1192 The state motto or the words "Sunshine State" shall be printed
1193 in lieu thereof. A license plate issued for a vehicle taxed
1194 under s. 320.08(6) may not be assigned a registration license
1195 number~~r~~ or be issued with any other distinctive character or
1196 designation~~r~~ that distinguishes the motor vehicle as a for-hire
1197 motor vehicle.

1198 Section 26. Section 320.0605, Florida Statutes, is amended
1199 to read:

1200 320.0605 Certificate of registration; possession required;
1201 exception.—

1202 (1) The registration certificate or an official copy
1203 thereof, a true copy of ~~a~~ rental or lease documentation
1204 ~~agreement~~ issued for a motor vehicle or issued for a replacement
1205 vehicle in the same registration period, a temporary receipt
1206 printed upon self-initiated electronic renewal of a registration
1207 via the Internet, or a cab card issued for a vehicle registered
1208 under the International Registration Plan shall, at all times
1209 while the vehicle is being used or operated on the roads of this
1210 state, be in the possession of the operator thereof or be
1211 carried in the vehicle for which issued and shall be exhibited
1212 upon demand of any authorized law enforcement officer or any
1213 agent of the department, except for a vehicle registered under
1214 s. 320.0657. The provisions of this section do not apply during
1215 the first 30 days after purchase of a replacement vehicle. A
1216 violation of this section is a noncriminal traffic infraction,
1217 punishable as a nonmoving violation as provided in chapter 318.

1218 (2) Rental or lease documentation that is sufficient to

16-00295D-12

20121122__

1219 satisfy the requirement in subsection (1) includes the
 1220 following:

- 1221 (a) Date of rental and time of exit from rental facility;
- 1222 (b) Rental station identification;
- 1223 (c) Rental agreement number;
- 1224 (d) Rental vehicle identification number;
- 1225 (e) Rental vehicle license plate number and state of
 1226 registration;
- 1227 (f) Vehicle's make, model, and color;
- 1228 (g) Vehicle's mileage; and
- 1229 (h) Authorized renter's name.

1230 Section 27. Section 320.061, Florida Statutes, is amended
 1231 to read:

1232 320.061 Unlawful to alter motor vehicle registration
 1233 certificates, license plates, temporary license plates, mobile
 1234 home stickers, or validation stickers or to obscure license
 1235 plates; penalty.—A No person may not shall alter the original
 1236 appearance of a vehicle registration certificate, ~~any~~
 1237 ~~registration~~ license plate, temporary license plate, mobile home
 1238 sticker, or validation sticker, ~~or vehicle registration~~
 1239 ~~certificate~~ issued for and assigned to a any motor vehicle or
 1240 mobile home, whether by mutilation, alteration, defacement, or
 1241 change of color or in any other manner. A No person may not
 1242 ~~shall~~ apply or attach a any substance, reflective matter,
 1243 illuminated device, spray, coating, covering, or other material
 1244 onto or around any license plate which ~~that~~ interferes with the
 1245 legibility, angular visibility, or detectability of any feature
 1246 or detail on the license plate or interferes with the ability to
 1247 record any feature or detail on the license plate. A Any person

16-00295D-12

20121122

1248 who violates this section commits a noncriminal traffic
1249 infraction, punishable as a moving violation as provided in
1250 chapter 318.

1251 Section 28. Subsection (1) of section 320.07, Florida
1252 Statutes, is amended to read:

1253 320.07 Expiration of registration; renewal required;
1254 penalties.—

1255 (1) The registration of a motor vehicle or mobile home
1256 expires at midnight on the last day of the registration or
1257 extended registration period, or for a motor vehicle or mobile
1258 home owner who is a natural person, at midnight on the owner's
1259 birthday. A vehicle may ~~shall~~ not be operated on the roads of
1260 this state after expiration of the renewal period unless the
1261 registration has been renewed according to law.

1262 Section 29. Paragraph (e) of subsection (4) of section
1263 320.08068, Florida Statutes, is amended to read:

1264 320.08068 Motorcycle specialty license plates.—

1265 (4) A license plate annual use fee of \$20 shall be
1266 collected for each motorcycle specialty license plate. Annual
1267 use fees shall be distributed to The Able Trust as custodial
1268 agent. The Able Trust may retain a maximum of 10 percent of the
1269 proceeds from the sale of the license plate for administrative
1270 costs. The Able Trust shall distribute the remaining funds as
1271 follows:

1272 (e) Twenty percent to the Florida Association of Centers
1273 for Independent Living ~~to be used to leverage additional funding~~
1274 ~~and new sources of revenue for the centers for independent~~
1275 ~~living in this state.~~

1276 Section 30. Subsection (4) of section 320.0848, Florida

16-00295D-12

20121122

1277 Statutes, is amended to read:

1278 320.0848 Persons who have disabilities; issuance of
1279 disabled parking permits; temporary permits; permits for certain
1280 providers of transportation services to persons who have
1281 disabilities.—

1282 (4) From the proceeds of the temporary disabled parking
1283 permit fees:

1284 (a) The Department of Highway Safety and Motor Vehicles
1285 must receive \$3.50 for each temporary permit, to be deposited
1286 into the Highway Safety Operating Trust Fund and used for
1287 implementing the real-time disabled parking permit database and
1288 for administering the disabled parking permit program.

1289 (b) The tax collector, for processing, must receive \$2.50
1290 for each temporary permit.

1291 (c) The remainder must be distributed monthly as follows:

1292 1. To the Florida Endowment Foundation for Vocational
1293 Rehabilitation, known as "The Able Trust," ~~Florida Governor's~~
1294 ~~Alliance for the Employment of Disabled Citizens~~ for the purpose
1295 of improving employment and training opportunities for persons
1296 who have disabilities, with special emphasis on removing
1297 transportation barriers, \$4. These fees must be directly
1298 deposited into the Florida Endowment Foundation for Vocational
1299 Rehabilitation as established in s. 413.615 ~~Transportation~~
1300 ~~Disadvantaged Trust Fund for transfer to the Florida Governor's~~
1301 ~~Alliance for Employment of Disabled Citizens.~~

1302 2. To the Transportation Disadvantaged Trust Fund to be
1303 used for funding matching grants to counties for the purpose of
1304 improving transportation of persons who have disabilities, \$5.

1305 Section 31. Section 320.089, Florida Statutes, is amended

16-00295D-12

20121122

1306 to read:

1307 320.089 Members of National Guard and active United States
 1308 Armed Forces reservists; former prisoners of war; survivors of
 1309 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi
 1310 Freedom and Operation Enduring Freedom Veterans; Combat Infantry
 1311 Badge recipients; special license plates; fee.—

1312 (1) (a) Each owner or lessee of an automobile or truck for
 1313 private use or recreational vehicle as specified in s.
 1314 320.08(9)(c) or (d), which is not used for hire or commercial
 1315 use, who is a resident of the state and an active or retired
 1316 member of the Florida National Guard, a survivor of the attack
 1317 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an
 1318 active or retired member of any branch of the United States
 1319 Armed Forces Reserve, or a recipient of the Combat Infantry
 1320 Badge shall, upon application to the department, accompanied by
 1321 proof of active membership or retired status in the Florida
 1322 National Guard, proof of membership in the Pearl Harbor
 1323 Survivors Association or proof of active military duty in Pearl
 1324 Harbor on December 7, 1941, proof of being a Purple Heart medal
 1325 recipient, ~~or~~ proof of active or retired membership in any
 1326 branch of the Armed Forces Reserve, or proof of membership in
 1327 the Combat Infantrymen's Association, Inc., or other proof of
 1328 being a recipient of the Combat Infantry Badge, and upon payment
 1329 of the license tax for the vehicle as provided in s. 320.08, be
 1330 issued a license plate as provided by s. 320.06, upon which, in
 1331 lieu of the serial numbers prescribed by s. 320.06, shall be
 1332 stamped the words "National Guard," "Pearl Harbor Survivor,"
 1333 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry
 1334 Badge," as appropriate, followed by the serial number of the

16-00295D-12

20121122

1335 license plate. Additionally, the Purple Heart plate may have the
1336 words "Purple Heart" stamped on the plate and the likeness of
1337 the Purple Heart medal appearing on the plate.

1338 (b) Notwithstanding any other provision of law to the
1339 contrary, ~~beginning with fiscal year 2002-2003 and annually~~
1340 ~~thereafter~~, the first \$100,000 in general revenue generated from
1341 the sale of license plates issued under this section shall be
1342 annually deposited into the Grants and Donations Trust Fund, as
1343 described in s. 296.38(2), to be used for the purposes
1344 established by law for that trust fund. Any additional general
1345 revenue generated from the sale of such plates shall be
1346 deposited into the State Homes for Veterans Trust Fund and used
1347 solely to construct, operate, and maintain domiciliary and
1348 nursing homes for veterans, subject to the requirements of
1349 chapter 216.

1350 (c) Notwithstanding any provisions of law to the contrary,
1351 an applicant for a Pearl Harbor Survivor license plate or a
1352 Purple Heart license plate who also qualifies for a disabled
1353 veteran's license plate under s. 320.084 shall be issued the
1354 appropriate special license plate without payment of the license
1355 tax imposed by s. 320.08.

1356 (2) Each owner or lessee of an automobile or truck for
1357 private use, truck weighing not more than 7,999 pounds, or
1358 recreational vehicle as specified in s. 320.08(9)(c) or (d),
1359 which is not used for hire or commercial use, who is a resident
1360 of the state and who is a former prisoner of war, or their
1361 unremarried surviving spouse, shall, upon application therefor
1362 to the department, be issued a license plate as provided in s.
1363 320.06, on which license plate are stamped the words "Ex-POW"

16-00295D-12

20121122

1364 followed by the serial number. Each application shall be
1365 accompanied by proof that the applicant meets the qualifications
1366 specified in paragraph (a) or paragraph (b).

1367 (a) A citizen of the United States who served as a member
1368 of the Armed Forces of the United States or the armed forces of
1369 a nation allied with the United States who was held as a
1370 prisoner of war at such time as the Armed Forces of the United
1371 States were engaged in combat, or their unremarried surviving
1372 spouse, may be issued the special license plate provided for in
1373 this subsection without payment of the license tax imposed by s.
1374 320.08.

1375 (b) A person who was serving as a civilian with the consent
1376 of the United States Government, or a person who was a member of
1377 the Armed Forces of the United States who was not a United
1378 States citizen and was held as a prisoner of war when the Armed
1379 Forces of the United States were engaged in combat, or their
1380 unremarried surviving spouse, may be issued the special license
1381 plate provided for in this subsection upon payment of the
1382 license tax imposed by s. 320.08.

1383 (3) Each owner or lessee of an automobile or truck for
1384 private use, truck weighing not more than 7,999 pounds, or
1385 recreational vehicle as specified in s. 320.08(9)(c) or (d),
1386 which is not used for hire or commercial use, who is a resident
1387 of this state and who is the unremarried surviving spouse of a
1388 recipient of the Purple Heart medal shall, upon application
1389 therefor to the department, with the payment of the required
1390 fees, be issued a license plate as provided in s. 320.06, on
1391 which license plate are stamped the words "Purple Heart" and the
1392 likeness of the Purple Heart medal followed by the serial

16-00295D-12

20121122

1393 number. Each application shall be accompanied by proof that the
1394 applicant is the unremarried surviving spouse of a recipient of
1395 the Purple Heart medal.

1396 (4) The owner or lessee of an automobile or truck for
1397 private use, a truck weighing not more than 7,999 pounds, or a
1398 recreational vehicle as specified in s. 320.08(9)(c) or (d)
1399 which automobile, truck, or recreational vehicle is not used for
1400 hire or commercial use who is a resident of the state and a
1401 current or former member of the United States military who was
1402 deployed and served in Iraq during Operation Iraqi Freedom or in
1403 Afghanistan during Operation Enduring Freedom shall, upon
1404 application to the department, accompanied by proof of active
1405 membership or former active duty status during one of these
1406 operations, and upon payment of the license tax for the vehicle
1407 as provided in s. 320.08, be issued a license plate as provided
1408 by s. 320.06 upon which, in lieu of the registration license
1409 number prescribed by s. 320.06, shall be stamped the words
1410 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as
1411 appropriate, followed by the registration license number of the
1412 plate.

1413 Section 32. Section 320.15, Florida Statutes, is amended to
1414 read:

1415 320.15 Refund of license tax.—Any resident owner of a motor
1416 vehicle or mobile home that has been destroyed or permanently
1417 removed from the state shall, upon application to the department
1418 and surrender of the license plate or mobile home sticker issued
1419 for such vehicle, be entitled to a credit to apply to
1420 registration of any other vehicle in the name of the owner, if
1421 the amount is \$3 or more, for the unexpired period of the

16-00295D-12

20121122

1422 license. However, if the license plate surrendered is a "for-
1423 hire" license plate, the amount of credit may not be more than
1424 one-half of the annual license tax amount. A credit is ~~will~~ not
1425 ~~be~~ valid after the expiration date of the license plate which is
1426 current on the date of the credit, as provided in s. 320.07. A
1427 motor vehicle or mobile home owner who renews a registration
1428 during the advanced renewal period as provided in s. 320.071 and
1429 who surrenders the motor vehicle or mobile home license plate
1430 before the end of the renewal period may apply for a refund of
1431 the license taxes assessed pursuant to s. 320.08.

1432 Section 33. Subsection (3) of section 320.27, Florida
1433 Statutes, is amended to read:

1434 320.27 Motor vehicle dealers.—

1435 (3) APPLICATION AND FEE.—The application for the license
1436 shall be in such form as may be prescribed by the department and
1437 shall be subject to such rules with respect thereto as may be so
1438 prescribed by it. Such application shall be verified by oath or
1439 affirmation and shall contain a full statement of the name and
1440 birth date of the person or persons applying therefor; the name
1441 of the firm or copartnership, with the names and places of
1442 residence of all members thereof, if such applicant is a firm or
1443 copartnership; the names and places of residence of the
1444 principal officers, if the applicant is a body corporate or
1445 other artificial body; the name of the state under whose laws
1446 the corporation is organized; the present and former place or
1447 places of residence of the applicant; and prior business in
1448 which the applicant has been engaged and the location thereof.
1449 Such application shall describe the exact location of the place
1450 of business and shall state whether the place of business is

16-00295D-12

20121122

1451 owned by the applicant and when acquired, or, if leased, a true
1452 copy of the lease shall be attached to the application. The
1453 applicant shall certify that the location provides an adequately
1454 equipped office and is not a residence; that the location
1455 affords sufficient unoccupied space upon and within which
1456 adequately to store all motor vehicles offered and displayed for
1457 sale; and that the location is a suitable place where the
1458 applicant can in good faith carry on such business and keep and
1459 maintain books, records, and files necessary to conduct such
1460 business, which will be available at all reasonable hours to
1461 inspection by the department or any of its inspectors or other
1462 employees. The applicant shall certify that the business of a
1463 motor vehicle dealer is the principal business which shall be
1464 conducted at that location. The ~~Such~~ application shall contain a
1465 statement that the applicant is either franchised by a
1466 manufacturer of motor vehicles, in which case the name of each
1467 motor vehicle that the applicant is franchised to sell shall be
1468 included, or an independent (nonfranchised) motor vehicle
1469 dealer. The ~~Such~~ application shall contain ~~such~~ other relevant
1470 information as may be required by the department, including
1471 evidence that the applicant is insured under a garage liability
1472 insurance policy or a general liability insurance policy coupled
1473 with a business automobile policy, which shall include, at a
1474 minimum, \$25,000 combined single-limit liability coverage
1475 including bodily injury and property damage protection and
1476 \$10,000 personal injury protection. However, a salvage motor
1477 vehicle dealer as defined in subparagraph (1)(c)5. is exempt
1478 from the requirements for garage liability insurance and
1479 personal injury protection insurance on those vehicles that

16-00295D-12

20121122

1480 cannot be legally operated on state roads, highways, or streets.
1481 Franchise dealers must submit a garage liability insurance
1482 policy, and all other dealers must submit a garage liability
1483 insurance policy or a general liability insurance policy coupled
1484 with a business automobile policy. Such policy shall be for the
1485 license period, and evidence of a new or continued policy shall
1486 be delivered to the department at the beginning of each license
1487 period. Upon making initial application, the applicant shall pay
1488 to the department a fee of \$300 in addition to any other fees
1489 now required by law; upon making a subsequent renewal
1490 application, the applicant shall pay to the department a fee of
1491 \$75 in addition to any other fees now required by law. Upon
1492 making an application for a change of location, the person shall
1493 pay a fee of \$50 in addition to any other fees now required by
1494 law. The department shall, in the case of every application for
1495 initial licensure, verify whether certain facts set forth in the
1496 application are true. Each applicant, general partner in the
1497 case of a partnership, or corporate officer and director in the
1498 case of a corporate applicant, must file a set of fingerprints
1499 with the department for the purpose of determining any prior
1500 criminal record or any outstanding warrants. The department
1501 shall submit the fingerprints to the Department of Law
1502 Enforcement for state processing and forwarding to the Federal
1503 Bureau of Investigation for federal processing. The actual cost
1504 of state and federal processing shall be borne by the applicant
1505 and is in addition to the fee for licensure. The department may
1506 issue a license to an applicant pending the results of the
1507 fingerprint investigation, which license is fully revocable if
1508 the department subsequently determines that any facts set forth

16-00295D-12

20121122

1509 in the application are not true or correctly represented.

1510 Section 34. Paragraph (a) of subsection (1) of section
1511 320.771, Florida Statutes, is amended to read:

1512 320.771 License required of recreational vehicle dealers.—

1513 (1) DEFINITIONS.—As used in this section:

1514 (a)1. "Dealer" means any person engaged in the business of
1515 buying, selling, or dealing in recreational vehicles or offering
1516 or displaying recreational vehicles for sale. The term "dealer"
1517 includes a recreational vehicle broker. Any person who buys,
1518 sells, deals in, or offers or displays for sale, or who acts as
1519 the agent for the sale of, one or more recreational vehicles in
1520 any 12-month period shall be prima facie presumed to be a
1521 dealer. The terms "selling" and "sale" include lease-purchase
1522 transactions. The term "dealer" does not include banks, credit
1523 unions, and finance companies that acquire recreational vehicles
1524 as an incident to their regular business and does not include
1525 mobile home rental and leasing companies that sell recreational
1526 vehicles to dealers licensed under this section.

1527 2. A licensed dealer may transact business in recreational
1528 vehicles with a motor vehicle auction as defined in s.

1529 320.27(1)(c)4. Further, a licensed dealer may, at retail or
1530 wholesale, sell a motor vehicle, as described in s.

1531 320.01(1)(a), acquired in exchange for the sale of a
1532 recreational vehicle, if the ~~such~~ acquisition is incidental to
1533 the principal business of being a recreational vehicle dealer.

1534 However, a recreational vehicle dealer may not buy a motor
1535 vehicle for the purpose of resale unless licensed as a motor
1536 vehicle dealer pursuant to s. 320.27. A dealer may apply for a
1537 certificate of title to a recreational vehicle required to be

16-00295D-12

20121122

1538 registered under s. 320.08(9), using a manufacturer's statement
 1539 of origin as permitted by s. 319.23(1), only if the dealer is
 1540 authorized by a manufacturer/dealer agreement, as defined in s.
 1541 320.3202, on file with the department, to buy, sell, or deal in
 1542 that particular line-make of recreational vehicle, and the
 1543 dealer is authorized by the manufacturer/dealer agreement to
 1544 perform delivery and preparation obligations and warranty defect
 1545 adjustments on that line-make.

1546 Section 35. Section 320.95, Florida Statutes, is amended to
 1547 read:

1548 320.95 Transactions by electronic or telephonic means.—

1549 (1) The department may ~~is authorized to~~ accept an any
 1550 application provided for under this chapter by electronic or
 1551 telephonic means.

1552 (2) The department may collect electronic mail addresses
 1553 and use electronic mail in lieu of the United States Postal
 1554 Service for the purpose of providing renewal notices.

1555 Section 36. Section 322.04, Florida Statutes, is amended to
 1556 read:

1557 322.04 Persons exempt from obtaining driver ~~driver's~~
 1558 license.—

1559 (1) The following persons are exempt from obtaining a
 1560 driver ~~driver's~~ license:

1561 (a) Any employee of the United States Government, while
 1562 operating a noncommercial motor vehicle owned by or leased to
 1563 the United States Government and being operated on official
 1564 business.

1565 (b) Any person while driving or operating any road machine,
 1566 farm tractor, or implement of husbandry temporarily operated or

16-00295D-12

20121122

1567 moved on a highway.

1568 (c) A nonresident who is at least 16 years of age ~~and who~~
1569 ~~has in his or her immediate possession a valid noncommercial~~
1570 ~~driver's license issued to the nonresident in his or her home~~
1571 ~~state or country,~~ may operate a motor vehicle of the type for
1572 which a Class E driver ~~driver's~~ license is required in this
1573 state if the nonresident has in his or her immediate possession:

1574 1. A valid noncommercial driver license issued in his or
1575 her name from another state or territory of the United States;
1576 or

1577 2. An International Driving Permit issued in his or her
1578 name in his or her country of residence and a valid license
1579 issued in that country.

1580 ~~(d) A nonresident who is at least 18 years of age and who~~
1581 ~~has in his or her immediate possession a valid noncommercial~~
1582 ~~driver's license issued to the nonresident in his or her home~~
1583 ~~state or country may operate a motor vehicle, other than a~~
1584 ~~commercial motor vehicle, in this state.~~

1585 ~~(d)(e)~~ Any person operating a golf cart, as defined in s.
1586 320.01, which is operated in accordance with the provisions of
1587 s. 316.212.

1588 (2) The provisions of this section do not apply to any
1589 person to whom s. 322.031 applies.

1590 (3) Any person working for a firm under contract to the
1591 United States Government, whose residence is without this state
1592 and whose main point of employment is without this state may
1593 drive a noncommercial vehicle on the public roads of this state
1594 for periods up to 60 days while in this state on temporary duty,
1595 provided such person has a valid driver ~~driver's~~ license from

16-00295D-12

20121122

1596 the state of such person's residence.

1597 Section 37. Paragraph (a) of subsection (1) of section
1598 322.051, Florida Statutes, is amended, and subsection (9) is
1599 added to that section, to read:

1600 322.051 Identification cards.—

1601 (1) Any person who is 5 years of age or older, or any
1602 person who has a disability, regardless of age, who applies for
1603 a disabled parking permit under s. 320.0848, may be issued an
1604 identification card by the department upon completion of an
1605 application and payment of an application fee.

1606 (a) The ~~Each such~~ application must ~~shall~~ include the
1607 following information regarding the applicant:

1608 1. Full name (first, middle or maiden, and last), gender,
1609 proof of social security card number satisfactory to the
1610 department, county of residence, mailing address, proof of
1611 residential address satisfactory to the department, country of
1612 birth, and a brief description.

1613 2. Proof of birth date satisfactory to the department.

1614 3. Proof of identity satisfactory to the department. Such
1615 proof must include one of the following documents issued to the
1616 applicant:

1617 a. A driver ~~driver's~~ license record or identification card
1618 record from another jurisdiction that required the applicant to
1619 submit a document for identification which is substantially
1620 similar to a document required under sub-subparagraph b., sub-
1621 subparagraph c., sub-subparagraph d., sub-subparagraph e., sub-
1622 subparagraph f., sub-subparagraph g., or sub-subparagraph h.;

1623 b. A certified copy of a United States birth certificate;

1624 c. A valid, unexpired United States passport;

16-00295D-12

20121122

1625 d. A naturalization certificate issued by the United States
1626 Department of Homeland Security;

1627 e. A valid, unexpired alien registration receipt card
1628 (green card);

1629 f. A Consular Report of Birth Abroad provided by the United
1630 States Department of State;

1631 g. An unexpired employment authorization card issued by the
1632 United States Department of Homeland Security; or

1633 h. Proof of nonimmigrant classification provided by the
1634 United States Department of Homeland Security, for an original
1635 identification card. In order to prove ~~such~~ nonimmigrant
1636 classification, an applicant must provide at least one of
1637 ~~applicants may produce but are not limited to~~ the following
1638 documents. In addition, the department may require applicants to
1639 produce United States Department of Homeland Security documents
1640 for the sole purpose of establishing the maintenance of, or
1641 efforts to maintain, continuous lawful presence:

1642 (I) A notice of hearing from an immigration court
1643 scheduling a hearing on any proceeding.

1644 (II) A notice from the Board of Immigration Appeals
1645 acknowledging pendency of an appeal.

1646 (III) A notice of the approval of an application for
1647 adjustment of status issued by the United States Bureau of
1648 Citizenship and Immigration Services.

1649 (IV) An ~~Any~~ official documentation confirming the filing of
1650 a petition for asylum or refugee status or any other relief
1651 issued by the United States Bureau of Citizenship and
1652 Immigration Services.

1653 (V) A notice of action transferring any pending matter from

16-00295D-12

20121122

1654 another jurisdiction to Florida, issued by the United States
1655 Bureau of Citizenship and Immigration Services.

1656 (VI) An order of an immigration judge or immigration
1657 officer granting ~~any~~ relief that authorizes the alien to live
1658 and work in the United States, including, but not limited to,
1659 asylum.

1660 (VII) Evidence that an application is pending for
1661 adjustment of status to that of an alien lawfully admitted for
1662 permanent residence in the United States or conditional
1663 permanent resident status in the United States, if a visa number
1664 is available having a current priority date for processing by
1665 the United States Bureau of Citizenship and Immigration
1666 Services.

1667 (VIII) On or after January 1, 2010, an unexpired foreign
1668 passport with an unexpired United States Visa affixed,
1669 accompanied by an approved I-94, documenting the most recent
1670 admittance into the United States.

1671
1672 An identification card issued based on documents required
1673 ~~Presentation of any of the documents described in sub-~~
1674 ~~subparagraph g. or sub-subparagraph h. is valid entitles the~~
1675 ~~applicant to an identification card~~ for a period not to exceed
1676 the expiration date of the document presented or 1 year,
1677 whichever ~~first~~ occurs first.

1678 (9) Notwithstanding any other provision of this section or
1679 s. 322.21 to the contrary, the department shall issue or renew a
1680 card at no charge to a person who presents good cause for a fee
1681 waiver.

1682 Section 38. Subsection (4) of section 322.058, Florida

16-00295D-12

20121122

1683 Statutes, is amended to read:

1684 322.058 Suspension of driving privileges due to support
1685 delinquency; reinstatement.-

1686 (4) This section applies only to the annual renewal in the
1687 owner's birth month of a motor vehicle registration and does not
1688 apply to the transfer of a registration of a motor vehicle sold
1689 by a motor vehicle dealer licensed under chapter 320, except for
1690 the transfer of registrations which includes ~~is inclusive of~~ the
1691 annual renewals. This section does not affect the issuance of
1692 the title to a motor vehicle, notwithstanding s. 319.23(8)(b) ~~s.~~
1693 ~~319.23(7)(b)~~.

1694 Section 39. Section 322.065, Florida Statutes, is amended
1695 to read:

1696 322.065 Driver ~~Driver's~~ license expired for 6 4 months or
1697 less; penalties.-A Any person whose driver ~~driver's~~ license has
1698 been expired for 6 4 months or less and who drives a motor
1699 vehicle upon the highways of this state commits ~~is guilty of~~ an
1700 infraction and is subject to the penalty provided in s. 318.18.

1701 Section 40. Subsection (3) of section 322.07, Florida
1702 Statutes, is amended to read:

1703 322.07 Instruction permits and temporary licenses.-

1704 (3) Any person who, except for his or her lack of
1705 instruction in operating a commercial motor vehicle, would
1706 otherwise be qualified to obtain a commercial driver ~~driver's~~
1707 license under this chapter, may apply for a temporary commercial
1708 instruction permit. The department shall issue such a permit
1709 entitling the applicant, while having the permit in his or her
1710 immediate possession, to drive a commercial motor vehicle on the
1711 highways, if ~~provided that~~:

16-00295D-12

20121122

1712 (a) The applicant possesses a valid Florida driver ~~driver's~~
1713 license ~~issued in any state~~; and

1714 (b) The applicant, while operating a commercial motor
1715 vehicle, is accompanied by a licensed driver who is 21 years of
1716 age or older, who is licensed to operate the class of vehicle
1717 being operated, and who is ~~actually~~ occupying the closest seat
1718 to the right of the driver.

1719 Section 41. Paragraph (c) of subsection (2) of section
1720 322.08, Florida Statutes, is amended, and subsection (8) is
1721 added to that section, to read:

1722 322.08 Application for license; requirements for license
1723 and identification card forms.—

1724 (2) Each such application shall include the following
1725 information regarding the applicant:

1726 (c) Proof of identity satisfactory to the department. Such
1727 proof must include one of the following documents issued to the
1728 applicant:

1729 1. A driver ~~driver's~~ license record or identification card
1730 record from another jurisdiction that required the applicant to
1731 submit a document for identification which is substantially
1732 similar to a document required under subparagraph 2.,
1733 subparagraph 3., subparagraph 4., subparagraph 5., subparagraph
1734 6., subparagraph 7., or subparagraph 8.;

1735 2. A certified copy of a United States birth certificate;

1736 3. A valid, unexpired United States passport;

1737 4. A naturalization certificate issued by the United States
1738 Department of Homeland Security;

1739 5. A valid, unexpired alien registration receipt card
1740 (green card);

16-00295D-12

20121122

1741 6. A Consular Report of Birth Abroad provided by the United
1742 States Department of State;

1743 7. An unexpired employment authorization card issued by the
1744 United States Department of Homeland Security; or

1745 8. Proof of nonimmigrant classification provided by the
1746 United States Department of Homeland Security, for an original
1747 driver ~~driver's~~ license. In order to prove nonimmigrant
1748 classification, an applicant must provide at least one of the
1749 following documents. In addition, the department may require
1750 applicants to produce United States Department of Homeland
1751 Security documents for the sole purpose of establishing the
1752 maintenance of, or efforts to maintain, continuous lawful
1753 presence may produce the following documents, including, but not
1754 limited to:

1755 a. A notice of hearing from an immigration court scheduling
1756 a hearing on any proceeding.

1757 b. A notice from the Board of Immigration Appeals
1758 acknowledging pendency of an appeal.

1759 c. A notice of the approval of an application for
1760 adjustment of status issued by the United States Bureau of
1761 Citizenship and Immigration Services.

1762 d. An ~~Any~~ official documentation confirming the filing of a
1763 petition for asylum or refugee status or any other relief issued
1764 by the United States Bureau of Citizenship and Immigration
1765 Services.

1766 e. A notice of action transferring any pending matter from
1767 another jurisdiction to this state issued by the United States
1768 Bureau of Citizenship and Immigration Services.

1769 f. An order of an immigration judge or immigration officer

16-00295D-12

20121122

1770 granting ~~a any~~ relief that authorizes the alien to live and work
1771 in the United States, including, but not limited to, asylum.

1772 g. Evidence that an application is pending for adjustment
1773 of status to that of an alien lawfully admitted for permanent
1774 residence in the United States or conditional permanent resident
1775 status in the United States, if a visa number is available
1776 having a current priority date for processing by the United
1777 States Bureau of Citizenship and Immigration Services.

1778 h. On or after January 1, 2010, an unexpired foreign
1779 passport with an unexpired United States Visa affixed,
1780 accompanied by an approved I-94, documenting the most recent
1781 admittance into the United States.

1782

1783 A driver license or temporary permit issued based on documents
1784 required ~~Presentation of any of the documents~~ in subparagraph 7.
1785 or subparagraph 8. is valid ~~entitles the applicant to a driver's~~
1786 ~~license or temporary permit~~ for a period not to exceed the
1787 expiration date of the document presented or 1 year, whichever
1788 occurs first.

1789 (8) The department may collect electronic mail addresses
1790 and use electronic mail in lieu of the United States Postal
1791 Service for the purpose of providing renewal notices.

1792 Section 42. Effective July 1, 2012, section 322.081,
1793 Florida Statutes, is amended to read:

1794 322.081 Requests to establish voluntary checkoff on driver
1795 ~~driver's~~ license application.—

1796 (1) An organization that seeks authorization to establish a
1797 voluntary contribution on a driver ~~driver's~~ license application
1798 must submit to the department:

16-00295D-12

20121122

1799 (a) A request for the particular voluntary contribution
1800 being sought, describing the proposed voluntary contribution in
1801 general terms.

1802 (b) An application fee, not to exceed \$10,000 to defray the
1803 department's cost for reviewing the application and developing
1804 the voluntary contribution checkoff, if authorized. State funds
1805 may not be used to pay the application fee.

1806 (c) A marketing strategy outlining short-term and long-term
1807 marketing plans for the requested voluntary contribution and a
1808 financial analysis outlining the anticipated revenues and the
1809 planned expenditures of the revenues to be derived from the
1810 voluntary contribution.

1811
1812 The information required under this subsection must be submitted
1813 to the department at least 90 days before the convening of the
1814 next regular session of the Legislature.

1815 (2) If the voluntary contribution is not approved by the
1816 Legislature, the application fee must be refunded to the
1817 requesting organization.

1818 (3) The department must include any voluntary contributions
1819 approved by the Legislature on the driver ~~driver's~~ license
1820 application form when the form is reprinted by the agency.

1821 (4) (a) The department must discontinue the voluntary
1822 contribution if:

1823 1. Less than \$25,000 has been contributed by the end of the
1824 5th year.

1825 2. Less than \$25,000 is contributed during any subsequent
1826 5-year period.

1827 (b) The department is authorized to discontinue the

16-00295D-12

20121122

1828 voluntary contribution and distribution of associated proceeds
1829 if the organization no longer exists, if the organization has
1830 stopped providing services that are authorized to be funded from
1831 the voluntary contributions, or pursuant to an organizational
1832 recipient's request. Organizations are required to notify the
1833 department immediately to stop warrants for voluntary check-off
1834 contribution, if any of the conditions in this subsection exist,
1835 and must meet the requirements of paragraph (5) (b) or paragraph
1836 (5) (c), if applicable, for any period of operation during the
1837 fiscal year.

1838 (5) A voluntary contribution collected and distributed
1839 under this chapter, or any interest earned from those
1840 contributions, may not be used for commercial or for-profit
1841 activities nor for general or administrative expenses, except as
1842 authorized by law.

1843 (a) All organizations that receive annual use fee proceeds
1844 from the department are responsible for ensuring that proceeds
1845 are used in accordance with law.

1846 (b) Any organization not subject to audit pursuant to s.
1847 215.97 shall annually attest, under penalties of perjury, that
1848 such proceeds were used in compliance with law. The attestation
1849 shall be made annually in a form and format determined by the
1850 department.

1851 (c) Any voluntary contributions authorized by law shall be
1852 deposited into and distributed from the Motor Vehicle License
1853 Clearing Trust Fund to the recipients specified in this chapter.

1854 (d) Any organization subject to audit pursuant to s. 215.97
1855 shall submit an audit report in accordance with rules
1856 promulgated by the Auditor General. The annual attestation must

16-00295D-12

20121122

1857 be submitted to the department for review within 9 months after
1858 the end of the organization's fiscal year.

1859 (6) Within 90 days after receiving an organization's audit
1860 or attestation, the department shall determine which recipients
1861 have not complied with subsection (5). If the department
1862 determines that an organization has not complied or has failed
1863 to use the revenues in accordance with law, the department must
1864 discontinue the distribution of the revenues to the organization
1865 until the department determines that the organization has
1866 complied. If an organization fails to comply within 12 months
1867 after the voluntary contributions are withheld by the
1868 department, the proceeds shall be deposited into the Highway
1869 Safety Operating Trust Fund to offset department costs.

1870 (7) The department has the authority to examine all records
1871 pertaining to the use of funds from the voluntary contributions
1872 authorized.

1873 (8) All organizations seeking to establish a voluntary
1874 contribution on a driver ~~driver's~~ license application which ~~that~~
1875 are required to operate under the Solicitation of Contributions
1876 Act, as provided in chapter 496, must do so before funds may be
1877 distributed.

1878 (9) Notwithstanding subsection (3) and s. 322.08(7), the
1879 department shall develop a bid process for legislatively
1880 authorized voluntary contribution organizations to be listed on
1881 the renewal notices for vehicle registrations, vessel
1882 registrations, and driver licenses.

1883 (a) The department shall conduct an open bidding process to
1884 determine which voluntary contribution organizations may be
1885 listed on the renewal notices beginning with the 2013 calendar

16-00295D-12

20121122

1886 year. In September 2012, and each September thereafter, the
1887 department shall accept bids from legislatively authorized
1888 organizations that submit requests to be listed on the renewal
1889 notices during the following calendar year. The department shall
1890 list a maximum of 20 organizations on the renewal notices. The
1891 department shall list the organizations that are not listed on
1892 the renewal notices on its Internet website. Renewal notices
1893 printed by the department or the tax collector must contain only
1894 those organizations that request and participate in the bidding
1895 process and are one of the 20 organizations chosen to be listed
1896 on the renewal notices.

1897 (b) Funds collected by the department through the bidding
1898 process shall be deposited into the Highway Safety Operating
1899 Trust Fund to offset the costs associated with administering the
1900 voluntary contribution program. The department shall refund the
1901 fees collected from voluntary contribution organizations that
1902 are not selected to be listed on the renewal notices.

1903 Section 43. Subsection (5) of section 322.121, Florida
1904 Statutes, is amended to read:

1905 322.121 Periodic reexamination of all drivers.—

1906 (5) Members of the Armed Forces, or their dependents
1907 residing with them, shall be granted an automatic extension for
1908 the expiration of their Class E licenses without reexamination
1909 while serving on active duty outside this state. This extension
1910 is valid for 90 days after the member of the Armed Forces is
1911 either discharged or returns to this state to live.

1912 Section 44. Paragraph (a) of subsection (1) of section
1913 322.14, Florida Statutes, is amended to read:

1914 322.14 Licenses issued to drivers.—

16-00295D-12

20121122

1915 (1) (a) The department shall, upon successful completion of
 1916 all required examinations and payment of the required fee, issue
 1917 to every qualified applicant ~~qualifying therefor,~~ a driver
 1918 ~~driver's~~ license that must ~~as applied for,~~ which license shall
 1919 bear ~~thereon~~ a color photograph or digital image of the
 1920 licensee; the name of the state; a distinguishing number
 1921 assigned to the licensee; and the licensee's full name, date of
 1922 birth, and residence address; a brief description of the
 1923 licensee, including, but not limited to, the licensee's gender
 1924 and height; and the dates of issuance and expiration of the
 1925 license. A space shall be provided upon which the licensee shall
 1926 affix his or her usual signature. A ~~No~~ license is invalid ~~shall~~
 1927 ~~be valid~~ until it has been ~~so~~ signed by the licensee except that
 1928 the signature of the said licensee is not ~~shall not be~~ required
 1929 if it appears thereon in facsimile or if the licensee is not
 1930 present within the state at the time of issuance. ~~Applicants~~
 1931 ~~qualifying to receive a Class A, Class B, or Class C driver's~~
 1932 ~~license must appear in person within the state for issuance of a~~
 1933 ~~color photographic or digital imaged driver's license pursuant~~
 1934 ~~to s. 322.142.~~

1935 Section 45. Section 322.1415, Florida Statutes, is created
 1936 to read:

1937 322.1415 Specialty driver license and identification card
 1938 program.—

1939 (1) The department may issue to any applicant qualified
 1940 pursuant to s. 322.14 a specialty driver license or
 1941 identification card upon payment of the appropriate fee pursuant
 1942 to s. 322.21.

1943 (2) Any specialty driver license or identification card

16-00295D-12

20121122

1944 approved by the department shall, at a minimum, be available for
1945 state and independent universities domiciled in this state, all
1946 Florida professional sports teams designated pursuant to s.
1947 320.08058(9) (a), and all branches of the United States Armed
1948 Forces.

1949 (3) The design and use of each specialty driver license and
1950 identification card must be approved by the department and the
1951 organization that is recognized by the driver license or card.

1952 (4) Organizations receiving funds from this program shall
1953 attest, under penalties of perjury, pursuant to s. 320.08062
1954 that the funds have been expended in the same manner as provided
1955 in s. 320.08058. On December 1 of each year, the department
1956 shall deliver an annual report to the President of the Senate
1957 and the Speaker of the House of Representatives which addresses
1958 the viability of the program and details the amounts distributed
1959 to each entity.

1960 (5) This section is repealed August 31, 2016.

1961 Section 46. Section 322.145, Florida Statutes, is created
1962 to read:

1963 322.145 Electronic authentication of licenses.—

1964 (1) Any driver license issued on or after July 1, 2013,
1965 must contain a means of electronic authentication which conforms
1966 to a recognized standard for such authentication such as public
1967 key infrastructure, symmetric key algorithms, security tokens,
1968 mediametrics, or biometrics. The electronic authentication
1969 capabilities must not interfere with or change the driver
1970 license format or topology.

1971 (2) The department shall provide, at the applicant's option
1972 and at the time a license is issued, a security token that can

16-00295D-12

20121122

1973 be electronically authenticated through a personal computer. The
 1974 token must also conform to one of the standards provided in
 1975 subsection (1).

1976 (3) The department shall negotiate a new contract with the
 1977 vendor selected to implement the electronic authentication
 1978 feature which contains a provision requiring that the vendor pay
 1979 all the costs associated with implementing the system. The
 1980 contract must not conflict with current contractual arrangements
 1981 for the issuance of driver licenses.

1982 Section 47. Paragraph (c) is added to subsection (1) of
 1983 section 322.18, Florida Statutes, to read:

1984 322.18 Original applications, licenses, and renewals;
 1985 expiration of licenses; delinquent licenses.-

1986 (1)

1987 (c) A person who has been issued a driver license based on
 1988 documentation specified in s. 322.08(2)(c)8. as proof of
 1989 identity is not eligible to renew the driver license and must
 1990 obtain an original license.

1991 Section 48. Subsection (2) of section 322.19, Florida
 1992 Statutes, is amended to read:

1993 322.19 Change of address or name.-

1994 (2) Whenever any person, after applying for or receiving a
 1995 driver ~~driver's~~ license, changes the legal residence or mailing
 1996 address in the application or license, the person must, within
 1997 10 calendar days after making the change, obtain a replacement
 1998 license that reflects the change. A written request to the
 1999 department must include the old and new addresses and the driver
 2000 ~~driver's~~ license number. Any person who has a valid, current
 2001 student identification card issued by an educational institution

16-00295D-12

20121122

2002 in this state is presumed not to have changed his or her legal
2003 residence or mailing address. This subsection does not affect
2004 any person required to register a permanent or temporary address
2005 change pursuant to s. 775.13, s. 775.21, s. 775.25, or s.
2006 943.0435.

2007 Section 49. Present paragraphs (e) through (h) of
2008 subsection (1) of section 322.21, Florida Statutes, are
2009 redesignated as paragraphs (f) through (i), respectively, and
2010 new paragraphs (e) and (j) are added to that subsection, to
2011 read:

2012 322.21 License fees; procedure for handling and collecting
2013 fees.—

2014 (1) Except as otherwise provided herein, the fee for:

2015 (e) An original or renewal enhanced driver license or
2016 identification card that meets the requirements of the Western
2017 Hemisphere Travel Initiative, in addition to the fees required
2018 in paragraph (a), paragraph (b), paragraph (c), or paragraph
2019 (f), may not exceed \$30. The funds collected pursuant to this
2020 paragraph shall be deposited into the Highway Safety Operating
2021 Trust Fund to offset the cost of administration and materials
2022 related to the issuance of the enhanced driver license or
2023 identification card. The issuance of an enhanced driver license
2024 or identification card is optional for all residents who are
2025 otherwise qualified to be issued a Class A, B, C, or E driver
2026 license or an identification card.

2027 (j) The specialty driver license or identification card
2028 issued pursuant to s. 322.1415 is \$25, which is in addition to
2029 other fees required in this section. The fee shall be
2030 distributed as follows:

16-00295D-12

20121122

2031 1. Fifty percent shall be distributed as provided in s.
2032 320.08058 to the appropriate state or independent university,
2033 professional sports team, or branch of the United States Armed
2034 Forces.

2035 2. Fifty percent shall be distributed to the department for
2036 costs directly related to the specialty driver license and
2037 identification card program and to defray the costs associated
2038 with production enhancements and distribution.

2039 Section 50. Subsection (2) of section 322.251, Florida
2040 Statutes, is amended to read:

2041 322.251 Notice of cancellation, suspension, revocation, or
2042 disqualification of license.—

2043 (2) The giving of notice and an order of cancellation,
2044 suspension, revocation, or disqualification by mail is complete
2045 upon expiration of 20 days after deposit in the United States
2046 mail for all notices except those issued under chapter 324 or
2047 ss. 627.733-627.734, which are complete 15 days after deposit in
2048 the United States mail. Proof of the giving of notice and an
2049 order of cancellation, suspension, revocation, or
2050 disqualification in either ~~such~~ manner shall be made by entry in
2051 the records of the department that such notice was given. The
2052 ~~Such~~ entry ~~is shall be~~ admissible in the courts of this state
2053 and constitutes ~~shall constitute~~ sufficient proof that such
2054 notice was given.

2055 Section 51. Section 322.27, Florida Statutes, is amended to
2056 read:

2057 322.27 Authority of department to suspend or revoke driver
2058 license or identification card.—

2059 (1) Notwithstanding any provisions to the contrary in

16-00295D-12

20121122

2060 chapter 120, the department may ~~is hereby authorized to~~ suspend
2061 the license of any person without preliminary hearing upon a
2062 showing of its records or other sufficient evidence that the
2063 licensee:

2064 (a) Has committed an offense for which mandatory revocation
2065 of license is required upon conviction. A law enforcement agency
2066 must provide information to the department within 24 hours after
2067 any traffic fatality or when the law enforcement agency
2068 initiates action pursuant to s. 316.1933;

2069 (b) Has been convicted of a violation of any traffic law
2070 which resulted in a crash that caused the death or personal
2071 injury of another or property damage in excess of \$500;

2072 (c) Is incompetent to drive a motor vehicle;

2073 (d) Has permitted an unlawful or fraudulent use of the such
2074 license or identification card or has knowingly been a party to
2075 the obtaining of a license or identification card by fraud or
2076 misrepresentation or to the display, or representation ~~represent~~
2077 as one's own, of a driver any driver's license or identification
2078 card not issued him or her. ~~Provided, however, no provision of~~
2079 This section does not shall be construed to include the
2080 provisions of s. 322.32(1);

2081 (e) Has committed an offense in another state which, if
2082 committed in this state, would be grounds for suspension or
2083 revocation; or

2084 (f) Has committed a second or subsequent violation of s.
2085 316.172(1) within a 5-year period of any previous violation.

2086 (2) The department shall suspend the license of any person
2087 without preliminary hearing upon a showing of its records that
2088 the licensee has been convicted in any court having jurisdiction

16-00295D-12

20121122

2089 over offenses committed under this chapter or any other law of
2090 this state regulating the operation of a motor vehicle on the
2091 highways, upon direction of the court, when the court feels that
2092 the seriousness of the offense and the circumstances surrounding
2093 the conviction warrant the suspension of the licensee's driving
2094 privilege.

2095 (3) There is established a point system for evaluation of
2096 convictions of violations of motor vehicle laws or ordinances,
2097 and violations of applicable provisions of s. 403.413(6) (b) when
2098 such violations involve the use of motor vehicles, for the
2099 determination of the continuing qualification of any person to
2100 operate a motor vehicle. The department is authorized to suspend
2101 the license of any person upon showing of its records or other
2102 good and sufficient evidence that the licensee has been
2103 convicted of violation of motor vehicle laws or ordinances, or
2104 applicable provisions of s. 403.413(6) (b), amounting to 12 or
2105 more points as determined by the point system. The suspension
2106 shall be for a period of not more than 1 year.

2107 (a) When a licensee accumulates 12 points within a 12-month
2108 period, the period of suspension shall be for not more than 30
2109 days.

2110 (b) When a licensee accumulates 18 points, including points
2111 upon which suspension action is taken under paragraph (a),
2112 within an 18-month period, the suspension shall be for a period
2113 of not more than 3 months.

2114 (c) When a licensee accumulates 24 points, including points
2115 upon which suspension action is taken under paragraphs (a) and
2116 (b), within a 36-month period, the suspension shall be for a
2117 period of not more than 1 year.

16-00295D-12

20121122

2118 (d) The point system shall have as its basic element a
2119 graduated scale of points assigning relative values to
2120 convictions of the following violations:

- 2121 1. Reckless driving, willful and wanton—4 points.
- 2122 2. Leaving the scene of a crash resulting in property
2123 damage of more than \$50—6 points.
- 2124 3. Unlawful speed resulting in a crash—6 points.
- 2125 4. Passing a stopped school bus—4 points.
- 2126 5. Unlawful speed:
 - 2127 a. Not in excess of 15 miles per hour of lawful or posted
2128 speed—3 points.
 - 2129 b. In excess of 15 miles per hour of lawful or posted
2130 speed—4 points.
- 2131 6. A violation of a traffic control signal device as
2132 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
2133 However, no points shall be imposed for a violation of s.
2134 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
2135 stop at a traffic signal and when enforced by a traffic
2136 infraction enforcement officer. In addition, a violation of s.
2137 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
2138 stop at a traffic signal and when enforced by a traffic
2139 infraction enforcement officer may not be used for purposes of
2140 setting motor vehicle insurance rates.
- 2141 7. All other moving violations (including parking on a
2142 highway outside the limits of a municipality)—3 points. However,
2143 no points shall be imposed for a violation of s. 316.0741 or s.
2144 316.2065(12); and points shall be imposed for a violation of s.
2145 316.1001 only when imposed by the court after a hearing pursuant
2146 to s. 318.14(5).

16-00295D-12

20121122

2147 8. Any moving violation covered above, excluding unlawful
2148 speed, resulting in a crash-4 points.

2149 9. Any conviction under s. 403.413(6) (b)-3 points.

2150 10. Any conviction under s. 316.0775(2)-4 points.

2151 (e) A conviction in another state of a violation therein
2152 which, if committed in this state, would be a violation of the
2153 traffic laws of this state, or a conviction of an offense under
2154 any federal law substantially conforming to the traffic laws of
2155 this state, except a violation of s. 322.26, may be recorded
2156 against a driver on the basis of the same number of points
2157 received had the conviction been made in a court of this state.

2158 (f) In computing the total number of points, when the
2159 licensee reaches the danger zone, the department is authorized
2160 to send the licensee a warning letter advising that any further
2161 convictions may result in suspension of his or her driving
2162 privilege.

2163 (g) The department shall administer and enforce the
2164 provisions of this law and may make rules and regulations
2165 necessary for its administration.

2166 (h) Three points shall be deducted from the driver history
2167 record of any person whose driving privilege has been suspended
2168 only once pursuant to this subsection and has been reinstated,
2169 if such person has complied with all other requirements of this
2170 chapter.

2171 (i) This subsection does ~~shall~~ not apply to persons
2172 operating a nonmotorized vehicle for which a driver ~~driver's~~
2173 license is not required.

2174 (4) The department, in computing the points and period of
2175 time for suspensions under this section, shall use the offense

16-00295D-12

20121122

2176 date of all convictions.

2177 (5) The department shall revoke the license of any person
2178 designated a habitual offender, as set forth in s. 322.264, and
2179 such person is ~~shall~~ not ~~be~~ eligible to be relicensed for a
2180 minimum of 5 years from the date of revocation, except as
2181 provided for in s. 322.271. Any person whose license is revoked
2182 may, by petition to the department, show cause why his or her
2183 license should not be revoked.

2184 (6) The department shall revoke the driving privilege of
2185 any person who is convicted of a felony for the possession of a
2186 controlled substance if, at the time of such possession, the
2187 person was driving or in actual physical control of a motor
2188 vehicle. A person whose driving privilege has been revoked
2189 pursuant to this subsection is ~~shall~~ not ~~be~~ eligible to receive
2190 a limited business or employment purpose license during the term
2191 of such revocation.

2192 (7) Review of an order of suspension or revocation shall be
2193 by writ of certiorari as provided in s. 322.31.

2194 Section 52. Subsection (2) of section 322.53, Florida
2195 Statutes, is amended to read:

2196 322.53 License required; exemptions.-

2197 (2) The following persons are exempt from the requirement
2198 to obtain a commercial driver ~~driver's~~ license:

2199 (a) Drivers of authorized emergency vehicles.

2200 (b) Military personnel driving vehicles operated for
2201 military purposes.

2202 (c) Farmers transporting agricultural products, farm
2203 supplies, or farm machinery to or from their farms and within
2204 150 miles of their farms ~~farm~~, if the vehicle operated under

16-00295D-12

20121122

2205 this exemption is not used in the operations of a common or
 2206 contract motor carrier ~~or transporting agricultural products to~~
 2207 ~~or from the first place of storage or processing or directly to~~
 2208 ~~or from market, within 150 miles of their farm.~~

2209 (d) Drivers of recreational vehicles, as defined in s.
 2210 320.01.

2211 (e) Drivers who operate straight trucks, as defined in s.
 2212 316.003, and who ~~that~~ are ~~exclusively~~ exclusively
 2213 their own tangible personal property, which is not for sale.

2214 (f) Employees ~~An employee~~ of a publicly owned transit
 2215 system who are ~~is~~ limited to moving vehicles for maintenance or
 2216 parking purposes exclusively within the restricted-access
 2217 confines of a transit system's property.

2218 Section 53. Subsection (5) is added to section 322.54,
 2219 Florida Statutes, to read:

2220 322.54 Classification.—

2221 (5) The required driver license classification of any
 2222 person operating a commercial motor vehicle that does not have a
 2223 gross vehicle weight rating plate or a vehicle identification
 2224 number shall be determined by the actual weight of the vehicle.

2225 Section 54. Section 322.58, Florida Statutes, is repealed.

2226 Section 55. Section 322.59, Florida Statutes, is amended to
 2227 read:

2228 322.59 Possession of medical examiner's certificate.—

2229 (1) The department may ~~shall~~ not issue a commercial driver
 2230 ~~driver's~~ license to a ~~any~~ person who is required by the laws of
 2231 this state or by federal law to possess a medical examiner's
 2232 certificate, unless the ~~such~~ person presents a valid
 2233 certificate, as described in 49 C.F.R. s. 383.71, before ~~prior~~

16-00295D-12

20121122

2234 ~~to~~ licensure.

2235 (2) The department shall disqualify a driver from operating
 2236 a commercial motor vehicle if the driver holds a commercial
 2237 driver license and fails to comply with the medical
 2238 certification requirements in 49 C.F.R. s. 383.71 ~~This section~~
 2239 ~~does not expand the requirements as to who must possess a~~
 2240 ~~medical examiner's certificate.~~

2241 (3) A person who is disqualified from operating a
 2242 commercial motor vehicle under this section may, if otherwise
 2243 qualified, be issued a Class E driver license pursuant to s.
 2244 322.251.

2245 Section 56. Subsection (5) of section 322.61, Florida
 2246 Statutes, is amended to read:

2247 322.61 Disqualification from operating a commercial motor
 2248 vehicle.-

2249 (5) A ~~Any~~ person who is convicted of two violations
 2250 specified in subsection (3) which were committed while operating
 2251 a commercial motor vehicle, or any combination thereof, arising
 2252 in separate incidents shall be permanently disqualified from
 2253 operating a commercial motor vehicle. A ~~Any~~ holder of a
 2254 commercial driver ~~driver's~~ license who is convicted of two
 2255 violations specified in subsection (3) which were committed
 2256 while operating a ~~noncommercial~~ motor vehicle, ~~or any~~
 2257 ~~combination thereof~~, arising in separate incidents shall be
 2258 permanently disqualified from operating a commercial motor
 2259 vehicle. The penalty provided in this subsection is in addition
 2260 to any other applicable penalty.

2261 Section 57. Subsection (1) of section 324.072, Florida
 2262 Statutes, is amended to read:

16-00295D-12

20121122

2263 324.072 Proof required upon certain convictions.-

2264 (1) Upon the suspension or revocation of a license pursuant
 2265 to ~~the provisions of~~ s. 322.26 or s. 322.27, the department
 2266 shall suspend the registration for all motor vehicles registered
 2267 in the name of the licensee such person, either individually or
 2268 jointly with another. However, the department may,~~except that~~
 2269 ~~it shall~~ not suspend the such registration, unless otherwise
 2270 required by law, if the such person had insurance coverage
 2271 limits required under s. 324.031 on the date of the latest
 2272 offense that caused the suspension or revocation, or has
 2273 previously given or shall immediately give, and thereafter
 2274 maintain, proof of financial responsibility with respect to all
 2275 motor vehicles registered by the such person, in accordance with
 2276 this chapter.

2277 Section 58. Subsection (1) of section 324.091, Florida
 2278 Statutes, is amended to read:

2279 324.091 Notice to department; notice to insurer.-

2280 (1) Each owner and operator involved in a crash or
 2281 conviction case within the purview of this chapter shall furnish
 2282 evidence of automobile liability insurance, motor vehicle
 2283 liability insurance, or surety bond within 14 ~~30~~ days after ~~from~~
 2284 the date of the mailing of notice of crash by the department in
 2285 the such form and manner as it may designate. Upon receipt of
 2286 evidence that an automobile liability policy, motor vehicle
 2287 liability policy, or surety bond was in effect at the time of
 2288 the crash or conviction case, the department shall forward by
 2289 United States mail, postage prepaid, to the insurer or surety
 2290 insurer a copy of such information and shall assume that the
 2291 ~~such~~ policy or bond was in effect, unless the insurer or surety

16-00295D-12

20121122

2292 insurer notifies ~~shall notify~~ the department otherwise within 20
2293 days after ~~from~~ the mailing of the notice to the insurer or
2294 surety insurer. However, ~~provided that~~ if the department ~~shall~~
2295 later determines ~~ascertain~~ that an automobile liability policy,
2296 motor vehicle liability policy, or surety bond was not in effect
2297 and did not provide coverage for both the owner and the
2298 operator, it shall ~~at such time~~ take ~~such~~ action as it is
2299 otherwise authorized to do under this chapter. Proof of mailing
2300 to the insurer or surety insurer may be made by the department
2301 by naming the insurer or surety insurer to whom the ~~such~~ mailing
2302 was made and by specifying the time, place, and manner of
2303 mailing.

2304 Section 59. Subsection (5) of section 328.15, Florida
2305 Statutes, is amended to read:

2306 328.15 Notice of lien on vessel; recording.-

2307 (5) (a) The Department of Highway Safety and Motor Vehicles
2308 shall adopt ~~make such rules to administer and regulations as it~~
2309 ~~deems necessary or proper for the effective administration of~~
2310 this section ~~law~~. The department may by rule require that a
2311 notice of satisfaction of a lien be notarized. The department
2312 shall prepare the forms of the notice of lien and the
2313 satisfaction of lien to be supplied, at a charge not to exceed
2314 50 percent more than cost, to applicants for recording the liens
2315 or satisfactions and shall keep a record of such notices of lien
2316 and satisfactions available for inspection by the public at all
2317 reasonable times. The division may ~~is authorized to~~ furnish
2318 certified copies of such satisfactions for a fee of \$1, which
2319 are ~~certified copies shall be~~ admissible in evidence in all
2320 courts of this state under the same conditions and to the same

16-00295D-12

20121122

2321 effect as certified copies of other public records.

2322 (b) The department shall establish and administer an
2323 electronic titling program that requires the recording of
2324 vehicle title information for new, transferred, and corrected
2325 certificates of title. Lienholders shall electronically transmit
2326 liens and lien satisfactions to the department in a format
2327 determined by the department. Individuals and lienholders who
2328 the department determines are not normally engaged in the
2329 business or practice of financing vehicles are not required to
2330 participate in the electronic titling program.

2331 Section 60. Subsection (4) of section 328.16, Florida
2332 Statutes, is amended to read:

2333 328.16 Issuance in duplicate; delivery; liens and
2334 encumbrances.—

2335 (4) Notwithstanding any requirements in this section or in
2336 s. 328.15 indicating that a lien on a vessel shall be noted on
2337 the face of the Florida certificate of title, if there are one
2338 or more liens or encumbrances on a vessel, the department shall
2339 ~~may~~ electronically transmit the lien to the first lienholder and
2340 notify the first lienholder of any additional liens. Subsequent
2341 lien satisfactions shall ~~may~~ be electronically transmitted to
2342 the department and must ~~shall~~ include the name and address of
2343 the person or entity satisfying the lien. When electronic
2344 transmission of liens and lien satisfactions are used, the
2345 issuance of a certificate of title may be waived until the last
2346 lien is satisfied and a clear certificate of title is issued to
2347 the owner of the vessel.

2348 Section 61. Section 328.30, Florida Statutes, is amended to
2349 read:

16-00295D-12

20121122

2350 328.30 Transactions by electronic or telephonic means.—

2351 (1) The department may ~~is authorized to~~ accept an ~~any~~
2352 application provided for under this chapter by electronic or
2353 telephonic means.

2354 (2) The department may issue an electronic certificate of
2355 title in lieu of printing a paper title.

2356 (3) The department may collect electronic mail addresses
2357 and use electronic mail in lieu of the United States Postal
2358 Service for the purpose of providing renewal notices.

2359 Section 62. Paragraph (f) of subsection (13) of section
2360 713.78, Florida Statutes, is amended to read:

2361 713.78 Liens for recovering, towing, or storing vehicles
2362 and vessels.—

2363 (13)

2364 (f) This subsection applies only to the annual renewal in
2365 the registered owner's birth month of a motor vehicle
2366 registration and does not apply to the transfer of a
2367 registration of a motor vehicle sold by a motor vehicle dealer
2368 licensed under chapter 320, except for the transfer of
2369 registrations which includes ~~is inclusive of~~ the annual
2370 renewals. This subsection does not apply to any vehicle
2371 registered in the name of the lessor. This subsection does not
2372 affect the issuance of the title to a motor vehicle,
2373 notwithstanding s. 319.23(8)(b) ~~s. 319.23(7)(b)~~.

2374 Section 63. Except as otherwise expressly provided in this
2375 act and except for this section, which shall take effect upon
2376 this act becoming a law, this act shall take effect October 1,
2377 2012.