

1 A bill to be entitled
2 An act relating to highway safety and motor vehicles;
3 amending s. 20.24, F.S.; renaming the Office of Motor
4 Carrier Compliance within the Division of the Florida
5 Highway Patrol as the "Office of Commercial Vehicle
6 Enforcement"; amending s. 316.003, F.S.; revising the
7 definition of the term "motor vehicle" to exclude
8 swamp buggies; defining the term "swamp buggy";
9 amending s. 316.0083, F.S.; providing for the
10 dismissal of a uniform traffic citation for failure to
11 stop at a red light when the motor vehicle owner is
12 deceased and an affidavit with specified supporting
13 documents is filed with the issuing agency; amending
14 s. 316.1303, F.S.; authorizing a person who is
15 mobility impaired to use a motorized wheelchair to
16 temporarily leave the sidewalk and use the roadway
17 under certain circumstances; authorizing a law
18 enforcement officer to issue only a verbal warning to
19 such person; amending s. 316.183, F.S.; revising a
20 provision that prohibits a school bus from exceeding
21 the posted speed limits; amending s. 316.2065, F.S.;
22 revising safety standard requirements for bicycle
23 helmets that must be worn by certain riders and
24 passengers; revising requirements for a bicycle
25 operator to ride in a bicycle lane or along the curb
26 or edge of the roadway; providing for enforcement of
27 requirements for bicycle lighting equipment; providing
28 penalties for violations; providing for dismissal of

29 | the charge following a first offense under certain
30 | circumstances; amending s. 316.2085, F.S.; requiring
31 | that the license tag of a motorcycle or moped remain
32 | clearly visible from the rear at all times;
33 | prohibiting deliberate acts to conceal or obscure the
34 | license tag; providing penalties; amending s.
35 | 316.2126, F.S.; authorizing municipalities to use golf
36 | carts and utility vehicles to cross the State Highway
37 | System and operate on sidewalks adjacent to state
38 | highways under certain circumstances; creating s.
39 | 316.2129, F.S.; authorizing the operation of swamp
40 | buggies on a public road, highway, or street if a
41 | local governmental entity has designated the public
42 | road, highway, or street for such use; providing that
43 | the authorization does not apply to the State Highway
44 | System; authorizing the operation of swamp buggies on
45 | land managed, owned, or leased by a state or federal
46 | agency; amending s. 316.2397, F.S.; providing an
47 | exception to the prohibition against flashing vehicle
48 | lights for motorists who intermittently flash the
49 | vehicle's headlamps at an oncoming vehicle, regardless
50 | of the intent in doing so, and for persons operating
51 | bicycles equipped with lamps; amending s. 316.302,
52 | F.S.; requiring owners or drivers of commercial motor
53 | vehicles that are engaged in intrastate commerce to be
54 | subject to specified federal rules and regulations as
55 | such rules and regulations existed on a certain date;
56 | providing that certain restrictions on the number of

57 consecutive hours that a commercial motor vehicle may
58 operate do not apply to a farm labor vehicle operated
59 during a state of emergency or during an emergency
60 pertaining to agriculture; correcting terminology;
61 amending s. 316.3026, F.S., relating to unlawful
62 operation of motor carriers; conforming provisions to
63 changes made by the act; amending s. 316.613, F.S.,
64 relating to requirements for the operator of a vehicle
65 to use child restraints; providing that such
66 provisions do not apply to certain for-hire vehicles;
67 providing for the obligation of a parent, guardian, or
68 other person responsible for a child's welfare to
69 comply with the requirements; amending s. 316.6135,
70 F.S.; revising the criteria under which a child may
71 not be left unattended in a vehicle; providing
72 penalties; amending s. 316.614, F.S.; deleting
73 provisions that require that a law enforcement officer
74 record the race and ethnicity of a person who is given
75 a citation for not wearing his or her safety belt;
76 deleting provisions that require that the Department
77 of Highway Safety and Motor Vehicles collect such
78 information and provide reports; amending s. 316.655,
79 F.S.; providing that a driver convicted of a violation
80 of certain offenses relating to motor vehicles which
81 resulted in an accident may have his or her driving
82 privileges revoked or suspended; amending s. 318.14,
83 F.S.; authorizing a person who does not hold a
84 commercial driver license and who is cited for a

85 noncriminal traffic infraction while driving a
86 noncommercial motor vehicle to elect to attend a basic
87 driver improvement course in lieu of a court
88 appearance; authorizing a person who does not hold a
89 commercial driver license and who is cited for certain
90 offenses while driving a noncommercial motor vehicle
91 to elect to enter a plea of nolo contendere and to
92 provide proof of compliance in lieu of payment of fine
93 or court appearance; amending s. 318.15, F.S.;
94 providing that a person charged with a traffic
95 infraction may request a hearing within a specified
96 period after the date upon which the violation
97 occurred; requiring that the clerk set the case for
98 hearing; providing exceptions to the time period for
99 requesting a hearing; authorizing the court to grant a
100 request for a hearing made after the time period has
101 expired; amending ss. 318.18 and 318.21, F.S.,
102 relating to penalties and disposition of penalties;
103 conforming cross-references; amending s. 319.14, F.S.;
104 prohibiting the sale or exchange of custom vehicles or
105 street rod vehicles under certain conditions;
106 providing definitions; amending s. 319.23, F.S.;
107 requiring that the application for a certificate of
108 title, corrected certificate, or assignment or
109 reassignment be filed within a certain time period
110 after the consummation of the sale of a mobile home;
111 authorizing the department to accept a bond and
112 affidavit if the applicant for a certificate of title

113 is unable to provide a title that assigns the prior
114 owner's interest in the motor vehicle; providing
115 requirements for the bond and the affidavit; providing
116 that an interested person has a right to recover on
117 the bond; limiting liability to the amount of the
118 bond; providing for future expiration of the bond;
119 amending s. 319.24, F.S.; requiring that the
120 department electronically transmit a lien to the first
121 lienholder and notify the first lienholder of any
122 additional liens if there are one or more lien
123 encumbrances on a motor vehicle or mobile home;
124 requiring that subsequent lien satisfactions be
125 transmitted electronically to the department; amending
126 s. 319.27, F.S.; requiring that the department
127 establish and administer an electronic titling
128 program; requiring the electronic recording of vehicle
129 title information for new, transferred, and corrected
130 certificates of title; requiring that lienholders
131 electronically transmit liens and lien satisfactions
132 to the department; providing exceptions; amending s.
133 319.28, F.S.; providing that a dealer of certain
134 industrial equipment is not subject to licensure as a
135 recovery agent or agency under certain conditions;
136 amending to s. 319.30, F.S.; authorizing the
137 department to adopt rules to implement an electronic
138 system for issuing salvage certificates of title and
139 certificates of destruction; amending s. 319.40, F.S.;
140 authorizing the department to issue an electronic

141 certificate of title in lieu of printing a paper title
142 and to collect electronic mail addresses and use
143 electronic mail as a notification method in lieu of
144 the United States Postal Service; providing an
145 exception; amending s. 320.01, F.S.; revising the
146 definition of the term "motor vehicle" to exclude
147 special mobile equipment and swamp buggies; defining
148 the term "swamp buggy"; amending s. 320.02, F.S.;
149 providing that an active duty member of the Armed
150 Forces of the United States is exempt from the
151 requirement to provide an address on an application
152 for vehicle registration; revising provisions relating
153 to the registration of a motor carrier who operates a
154 commercial motor vehicle without liability insurance,
155 a surety bond, or a valid self-insurance certificate;
156 providing that the registration shall be canceled on
157 the expiration date noted in the cancellation notice
158 that the department receives from the insurer;
159 requiring that the insurer provide notice to the
160 department at the same time the cancellation notice is
161 provided to the insured; authorizing the department to
162 adopt rules regarding the electronic submission of the
163 cancellation notice; removing a provision that
164 prohibits cancellation of liability insurance or
165 surety bond on less than 30 days' notice to the
166 department; requiring the application forms for motor
167 vehicle registration and renewal of registration to
168 include language permitting the applicant to make

169 certain voluntary contributions to specified not-for-
170 profit entities; providing that such contributions are
171 not income for specified purposes; requiring that the
172 department retain all electronic registration records
173 for a specified period; amending s. 320.03, F.S.;
174 conforming a cross-reference; amending s. 320.06,
175 F.S.; authorizing the department to conduct a pilot
176 program to evaluate the designs, concepts, and
177 technologies for alternative license plates; requiring
178 that the department investigate the feasibility and
179 use of alternative license plate technologies and the
180 long-term cost impact to the consumer for purposes of
181 the pilot program; requiring limiting the scope of the
182 pilot program to license plates that are used on
183 government-owned motor vehicles; providing an
184 exemption for such license plates from certain
185 requirements; providing that license plates issued
186 under ch. 320, F.S., are the property of the state;
187 amending s. 320.0605, F.S.; revising provisions
188 relating to a requirement that rental or lease
189 documentation be in the possession of an operator of a
190 motor vehicle; providing specified information
191 sufficient to satisfy this requirement; amending s.
192 320.061, F.S.; prohibiting a person from altering the
193 original appearance of a temporary license plate;
194 amending s. 320.07, F.S.; revising provisions relating
195 to the expiration of a registration of a motor vehicle
196 or mobile home; providing that the registration for a

197 motor vehicle or mobile home whose owner is a natural
198 person expires at midnight on the owner's birthday;
199 amending s. 320.08056, F.S.; prohibiting the use of
200 funds derived from the specialty license plate program
201 from being used to lobby elected members or employees
202 of the Legislature; amending s. 320.08058, F.S.;
203 providing that up to 15 percent of the proceeds from
204 the annual use fees for the Florida Golf license plate
205 may be used by the Dade Amateur Golf Association for
206 the administration of the Florida Junior Golf Program;
207 amending s. 320.08068, F.S.; revising provisions
208 relating to the use of funds received from the sale of
209 motorcycle specialty license plates; deleting a
210 provision that requires that 20 percent of the annual
211 fee collected for such plates be used to leverage
212 additional funding and new sources of revenue for the
213 centers for independent living; amending s. 320.0848,
214 F.S.; revising the requirements for the deposit of fee
215 proceeds from temporary disabled parking permits;
216 requiring that certain proceeds be deposited into the
217 Florida Endowment Foundation for Vocational
218 Rehabilitation, instead of the Florida Governor's
219 Alliance for the Employment of Disabled Citizens;
220 amending s. 320.089, F.S.; providing for the issuance
221 of a Combat Infantry Badge license plate and a Vietnam
222 War Veterans license plate; providing qualifications
223 and requirements for the plate; amending s. 320.13,
224 F.S.; authorizing a dealer of heavy trucks, upon

225 payment of a license tax, to secure one or more dealer
226 license plates under certain circumstances; providing
227 that the license plates may be used for demonstration
228 purposes for a specified period; requiring that the
229 license plates be validated on a form prescribed by
230 the department and be retained in the vehicle being
231 operated; amending s. 320.15, F.S.; providing that an
232 owner of a motor vehicle or mobile home may apply for
233 a refund of certain license taxes if the owner renews
234 a registration during the advanced renewal period and
235 surrenders the motor vehicle or mobile home license
236 plate before the end of the renewal period; amending
237 s. 320.27, F.S.; providing an exemption for salvage
238 motor vehicle dealers from certain application and
239 security requirements; amending s. 320.771, F.S.;
240 revising the definition of the term "dealer"; amending
241 s. 320.95, F.S.; authorizing the department to collect
242 electronic mail addresses and use electronic mail for
243 the purpose of providing renewal notices in lieu of
244 the United States Postal Service; amending s. 322.04,
245 F.S.; revising provisions exempting a nonresident from
246 the requirement to obtain a driver license under
247 certain circumstances; amending s. 322.051, F.S.;
248 revising requirements by which an applicant for an
249 identification card may prove nonimmigrant
250 classification; clarifying the validity of an
251 identification card based on specified documents;
252 authorizing the department to require additional

253 | documentation to establish the maintenance of, or
254 | efforts to maintain, continuous lawful presence;
255 | providing for the department to waive the fees for
256 | issuing or renewing an identification card to a person
257 | who is homeless; amending s. 322.058, F.S.; conforming
258 | a cross-reference; amending s. 322.065, F.S.; revising
259 | provisions relating to a person whose driver license
260 | has expired for 6 months or less and who drives a
261 | motor vehicle; amending s. 322.07, F.S.; revising
262 | provisions relating to temporary commercial
263 | instruction permits; amending s. 322.08, F.S.;;
264 | revising provisions relating to an application for a
265 | driver license or temporary permit; requiring that
266 | applicants prove nonimmigrant classification by
267 | providing certain documentation; authorizing the
268 | department to require additional documentation to
269 | establish the maintenance of, or efforts to maintain,
270 | continuous lawful presence; revising the length of
271 | time a license is valid when issuance is based on
272 | documentation required under specified provisions;
273 | requiring the application forms for an original,
274 | renewal, or replacement driver license to include
275 | language permitting the applicant to make certain
276 | voluntary contributions to specified not-for-profit
277 | entities;; authorizing the department to collect
278 | electronic mail addresses and use electronic mail for
279 | the purpose of providing renewal notices in lieu of
280 | the United States Postal Service; amending s. 322.121,

281 F.S.; conforming a provision relating to Safe Driver
282 designation; revising provisions authorizing the
283 automatic extension of a license for members of the
284 Armed Forces of the United States or their dependents
285 while serving on active duty outside the state;
286 amending s. 322.14, F.S.; deleting a requirement that
287 a qualified driver license applicant appear in person
288 for issuance of a color photographic or digital imaged
289 driver license; creating s. 322.1415, F.S.;
290 authorizing the department to issue a specialty driver
291 license or identification card to qualified
292 applicants; specifying that, at a minimum, the
293 specialty driver licenses and identification cards
294 must be available for certain state and independent
295 universities and professional sports teams and all of
296 the branches of the Armed Forces of the United States;
297 requiring that the department approve the design of
298 each specialty driver license and identification card;
299 providing for future expiration; amending s. 322.142,
300 F.S.; providing district medical examiners access to
301 driver information maintained in the Driver and
302 Vehicle Information Database for a specified purpose;
303 amending s. 322.19, F.S.; providing that certain
304 persons who have a valid student identification card
305 are presumed not to have changed their legal residence
306 or mailing address; amending s. 322.21, F.S.;

307 providing for the distribution of funds collected from
308 the specialty driver license and identification card

309 fees; amending s. 322.251, F.S.; providing that
310 certain notices of cancellation, suspension,
311 revocation, or disqualification of a driver license
312 are complete within a specified period after deposit
313 in the mail; amending s. 322.27, F.S.; revising the
314 department's authority to suspend or revoke licenses
315 or identification cards under certain circumstances;
316 repealing s. 322.292(5), F.S., relating to private
317 probation services providers referring probationers to
318 any DUI program owned in whole or in part by that
319 probation services provider or its affiliates;
320 amending s. 322.53, F.S.; revising an exemption from
321 the requirement to obtain a commercial driver license
322 for farmers transporting agricultural products, farm
323 supplies, or farm machinery under certain
324 circumstances; providing that such exemption applies
325 if the vehicle is not used in the operations of a
326 common or contract motor carrier; amending s. 322.54,
327 F.S.; requiring that persons who drive a motor vehicle
328 having a gross vehicle weight rating or gross vehicle
329 weight of a specified amount or more possess certain
330 classifications of driver licenses; repealing s.
331 322.58, F.S., relating to holders of chauffeur
332 licenses and the classified licensure of commercial
333 motor vehicle drivers; amending s. 322.59, F.S.;
334 revising provisions relating to the possession of a
335 medical examiner's certificate; requiring that the
336 department disqualify a driver from operating a

337 commercial motor vehicle if the driver holds a
338 commercial driver license and fails to comply with the
339 medical certification requirements; authorizing the
340 department to issue, under certain circumstances, a
341 Class E driver license to a person who is disqualified
342 from operating a commercial motor vehicle; amending s.
343 322.61, F.S.; revising provisions relating to the
344 disqualification from operating a commercial motor
345 vehicle; providing that any holder of a commercial
346 driver license who is convicted of two violations
347 committed while operating any motor vehicle is
348 permanently disqualified from operating a commercial
349 motor vehicle; amending s. 324.072, F.S.; prohibiting
350 the department from suspending a registration of a
351 motor vehicle if the person to whom the motor vehicle
352 is registered had certain limits on the date of the
353 offense that caused the suspension or revocation;
354 amending s. 324.091, F.S.; revising the period within
355 which an owner or operator involved in a crash must
356 furnish evidence of automobile liability insurance,
357 motor vehicle liability insurance, or surety bond;
358 amending s. 328.15, F.S.; requiring that the
359 department establish and administer an electronic
360 titling program that requires the recording of vessel
361 title information for new, transferred, and corrected
362 certificates of title; requiring that lienholders
363 electronically transmit liens and lien satisfactions
364 to the department; providing exceptions; amending s.

365 328.16, F.S.; requiring that the department
 366 electronically transmit a lien to the first lienholder
 367 and notify such lienholder of any additional liens;
 368 requiring that subsequent lien satisfactions be
 369 electronically transmitted to the department; amending
 370 s. 328.30, F.S.; authorizing the department to issue
 371 an electronic certificate of title in lieu of printing
 372 a paper title; authorizing the department to collect
 373 electronic mail addresses and use electronic mail for
 374 the purpose of providing renewal notices in lieu of
 375 the United States Postal Service; amending s. 520.32,
 376 F.S.; providing an exemption to specified licensing
 377 requirements for motor vehicle dealers licensed under
 378 specified provisions; providing for application of the
 379 exemption; amending s. 713.78, F.S.; conforming a
 380 cross-reference; providing effective dates.

381
 382 Be It Enacted by the Legislature of the State of Florida:

383
 384 Section 1. Subsection (3) of section 20.24, Florida
 385 Statutes, is amended to read:

386 20.24 Department of Highway Safety and Motor Vehicles.—
 387 There is created a Department of Highway Safety and Motor
 388 Vehicles.

389 (3) The Office of Commercial Vehicle Enforcement ~~Motor~~
 390 ~~Carrier Compliance~~ is established within the Division of the
 391 Florida Highway Patrol.

392 Section 2. Subsection (21) of section 316.003, Florida

393 Statutes, is amended, and subsection (89) is added to that
 394 section, to read:

395 316.003 Definitions.—The following words and phrases, when
 396 used in this chapter, shall have the meanings respectively
 397 ascribed to them in this section, except where the context
 398 otherwise requires:

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

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

408 Section 3. Paragraph (d) of subsection (1) of section
 409 316.0083, Florida Statutes, is amended to read:

410 316.0083 Mark Wandall Traffic Safety Program;
 411 administration; report.—

412 (1)

413 (d)1. The owner of the motor vehicle involved in the
 414 violation is responsible and liable for paying the uniform
 415 traffic citation issued for a violation of s. 316.074(1) or s.
 416 316.075(1)(c)1. when the driver failed to stop at a traffic
 417 signal, unless the owner can establish that:

418 a. The motor vehicle passed through the intersection in
 419 order to yield right-of-way to an emergency vehicle or as part
 420 of a funeral procession;

421 b. The motor vehicle passed through the intersection at
422 the direction of a law enforcement officer;

423 c. The motor vehicle was, at the time of the violation, in
424 the care, custody, or control of another person; or

425 d. A uniform traffic citation was issued by a law
426 enforcement officer to the driver of the motor vehicle for the
427 alleged violation of s. 316.074(1) or s. 316.075(1)(c)1.

428 e. The motor vehicle's owner was deceased on or before the
429 date that the uniformed traffic citation was issued, as
430 established by an affidavit submitted by the representative of
431 the motor vehicle owner's estate or other designated person or
432 family member.

433 2. In order to establish such facts, the owner of the
434 motor vehicle shall, within 30 days after the date of issuance
435 of the traffic citation, furnish to the appropriate governmental
436 entity an affidavit setting forth detailed information
437 supporting an exemption as provided in this paragraph.

438 a. An affidavit supporting an exemption under sub-
439 subparagraph 1.c. must include the name, address, date of birth,
440 and, if known, the driver ~~driver's~~ license number of the person
441 who leased, rented, or otherwise had care, custody, or control
442 of the motor vehicle at the time of the alleged violation. If
443 the vehicle was stolen at the time of the alleged offense, the
444 affidavit must include the police report indicating that the
445 vehicle was stolen.

446 b. If a traffic citation for a violation of s. 316.074(1)
447 or s. 316.075(1)(c)1. was issued at the location of the
448 violation by a law enforcement officer, the affidavit must

449 include the serial number of the uniform traffic citation.

450 c. If the motor vehicle's owner to whom a traffic citation
451 has been issued is deceased, the affidavit must include a
452 certified copy of the owner's death certificate showing that the
453 date of death occurred on or before the issuance of the uniform
454 traffic citation and one of the following:

455 (I) A bill of sale or other document showing that the
456 deceased owner's motor vehicle was sold or transferred after his
457 or her death, but on or before the date of the alleged
458 violation;

459 (II) Documentary proof that the registered license plate
460 belonging to the deceased owner's vehicle was turned into the
461 department or agent of the department, but on or before the date
462 of the alleged violation; or

463 (III) A copy of a police report showing that the deceased
464 owner's registered license plate or motor vehicle was stolen
465 after the owner's death, but on or before the date of the
466 alleged violation.

467
468 Upon receipt of the affidavit and documentation required under
469 this sub-subparagraph, the governmental entity must dismiss the
470 citation and provide proof of the dismissal to the person that
471 submitted the affidavit.

472 3. Upon receipt of an affidavit, the person designated as
473 having care, custody, and control of the motor vehicle at the
474 time of the violation may be issued a traffic citation for a
475 violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver
476 failed to stop at a traffic signal. The affidavit is admissible

477 in a proceeding pursuant to this section for the purpose of
 478 providing proof that the person identified in the affidavit was
 479 in actual care, custody, or control of the motor vehicle. The
 480 owner of a leased vehicle for which a traffic citation is issued
 481 for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the
 482 driver failed to stop at a traffic signal is not responsible for
 483 paying the traffic citation and is not required to submit an
 484 affidavit as specified in this subsection if the motor vehicle
 485 involved in the violation is registered in the name of the
 486 lessee of such motor vehicle.

487 4. The submission of a false affidavit is a misdemeanor of
 488 the second degree, punishable as provided in s. 775.082 or s.
 489 775.083.

490 Section 4. Section 316.1303, Florida Statutes, is amended
 491 to read:

492 316.1303 Traffic regulations to assist mobility-impaired
 493 persons.—

494 (1) Whenever a pedestrian who is mobility impaired is in
 495 the process of crossing a public street or highway with the
 496 assistance of ~~and the pedestrian is mobility impaired (using a~~
 497 ~~guide dog or service animal designated as such with a visible~~
 498 ~~means of identification, a walker, a crutch, an orthopedic cane,~~
 499 ~~or a wheelchair),~~ the driver of a ~~every~~ vehicle approaching the
 500 intersection, as defined in s. 316.003(17), shall bring his or
 501 her vehicle to a full stop before arriving at the ~~such~~
 502 intersection and, before proceeding, shall take ~~such~~ precautions
 503 ~~as may be necessary~~ to avoid injuring the ~~such~~ pedestrian.

504 (2) A person who is mobility impaired and who is using a

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505 motorized wheelchair on a sidewalk may temporarily leave the
 506 sidewalk and use the roadway to avoid a potential conflict, if
 507 no alternative route exists. A law enforcement officer may issue
 508 only a verbal warning to such person.

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

511 Section 5. Subsection (3) of section 316.183, Florida
 512 Statutes, is amended to read:

513 316.183 Unlawful speed.—

514 (3) A ~~No~~ school bus may not ~~shall~~ exceed the posted speed
 515 limits, ~~not to exceed 55 miles per hour~~ at any time.

516 Section 6. Effective October 1, 2012, paragraph (d) of
 517 subsection (3) and subsections (5) and (8) of section 316.2065,
 518 Florida Statutes, are amended to read:

519 316.2065 Bicycle regulations.—

520 (3)

521 (d) A bicycle rider or passenger who is under 16 years of
 522 age must wear a bicycle helmet that is properly fitted and is
 523 fastened securely upon the passenger's head by a strap, and that
 524 meets the federal safety standard for bicycle helmets, final
 525 rule, 16 C.F.R. part 1203. A helmet purchased before October 1,
 526 2012, which meets the standards of the American National
 527 Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the
 528 standards of the Snell Memorial Foundation (1984 Standard for
 529 Protective Headgear for Use in Bicycling), or any other
 530 nationally recognized standards for bicycle helmets adopted by
 531 the department may continue to be worn by a bicycle rider or
 532 passenger until January 1, 2016. As used in this subsection, the

533 term "passenger" includes a child who is riding in a trailer or
 534 semitrailer attached to a bicycle.

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

541 1. When overtaking and passing another bicycle or vehicle
 542 proceeding in the same direction.

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

545 3. When reasonably necessary to avoid any condition or
 546 potential conflict, including, but not limited to, a fixed or
 547 moving object, parked or moving vehicle, bicycle, pedestrian,
 548 animal, surface hazard, turn lane, or substandard-width lane,
 549 which ~~that~~ makes it unsafe to continue along the right-hand curb
 550 or edge or within a bicycle lane. For the purposes of this
 551 subsection, a "substandard-width lane" is a lane that is too
 552 narrow for a bicycle and another vehicle to travel safely side
 553 by side within the lane.

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

557 (8) Every bicycle in use between sunset and sunrise shall
 558 be equipped with a lamp on the front exhibiting a white light
 559 visible from a distance of at least 500 feet to the front and a
 560 lamp and reflector on the rear each exhibiting a red light

561 | visible from a distance of 600 feet to the rear. A bicycle or
 562 | its rider may be equipped with lights or reflectors in addition
 563 | to those required by this section. A law enforcement officer may
 564 | issue a bicycle safety brochure and a verbal warning to a
 565 | bicycle rider who violates this subsection or may issue a
 566 | citation and assess a fine for a pedestrian violation as
 567 | provided in s. 318.18. The court shall dismiss the charge
 568 | against a bicycle rider for a first violation of this subsection
 569 | upon proof of purchase and installation of the proper lighting
 570 | equipment.

571 | Section 7. Subsection (3) of section 316.2085, Florida
 572 | Statutes, is amended to read:

573 | 316.2085 Riding on motorcycles or mopeds.—

574 | (3) The license tag of a motorcycle or moped must be
 575 | permanently affixed to the vehicle and remain clearly visible
 576 | from the rear at all times ~~may not be adjusted or capable of~~
 577 | ~~being flipped up.~~ Any deliberate act to conceal or obscure ~~No~~
 578 | ~~device for or method of concealing or obscuring~~ the legibility
 579 | of the license tag of a motorcycle is prohibited ~~shall be~~
 580 | ~~installed or used.~~ The license tag of a motorcycle or moped may
 581 | be affixed horizontally to the ground so that the numbers and
 582 | letters read from left to right. Alternatively, a license tag
 583 | for a motorcycle or moped for which the numbers and letters read
 584 | from top to bottom may be affixed perpendicularly to the ground,
 585 | provided that the registered owner of the motorcycle or moped
 586 | maintains a prepaid toll account in good standing and a
 587 | transponder associated with the prepaid toll account is affixed
 588 | to the motorcycle or moped.

589 (7) A violation of this section is a noncriminal traffic
590 infraction, punishable as a moving violation as provided in
591 chapter 318.

592 Section 8. Subsection (1) of section 316.2126, Florida
593 Statutes, is amended to read:

594 316.2126 Authorized use of golf carts, low-speed vehicles,
595 and utility vehicles.—

596 (1) In addition to the powers granted by ss. 316.212 and
597 316.2125, municipalities are authorized to use ~~utilize~~ golf
598 carts and utility vehicles, as defined in s. 320.01, upon any
599 state, county, or municipal roads located within the corporate
600 limits of such municipalities, subject to the following
601 conditions:

602 (a) Golf carts and utility vehicles must comply with the
603 operational and safety requirements in ss. 316.212 and 316.2125,
604 and with any more restrictive ordinances enacted by the local
605 governmental entity pursuant to s. 316.212(8), and shall be
606 operated only by municipal employees for municipal purposes,
607 including, but not limited to, police patrol, traffic
608 enforcement, and inspection of public facilities.

609 (b) In addition to the safety equipment required in s.
610 316.212(6) and any more restrictive safety equipment required by
611 the local governmental entity pursuant to s. 316.212(8), such
612 golf carts and utility vehicles must be equipped with sufficient
613 lighting and turn signal equipment.

614 (c) Golf carts and utility vehicles may be operated only
615 on state roads that have a posted speed limit of 30 miles per
616 hour or less.

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617 (d) Golf carts and utility vehicles may cross a portion of
618 the State Highway System which has a posted speed limit of 45
619 miles per hour or less only at an intersection with an official
620 traffic control device.

621 (e) Golf carts and utility vehicles may operate on
622 sidewalks adjacent to state highways only if such golf carts and
623 utility vehicles yield to pedestrians and if the sidewalks are
624 at least 5 feet wide.

625 Section 9. Section 316.2129, Florida Statutes, is created
626 to read:

627 316.2129 Operation of swamp buggies on public roads,
628 streets, or highways authorized.—

629 (1) A swamp buggy may be operated on a public road,
630 street, or highway if the local governmental entity, as defined
631 in s. 334.03, having jurisdiction over the public road, street,
632 or highway, has designated it for use by swamp buggies. Upon
633 determining that swamp buggies may safely operate on or cross
634 such public road, street, or highway, the local governmental
635 entity shall post appropriate signs or otherwise inform the
636 public that the operation of swamp buggies is allowed. This
637 authorization does not apply to the State Highway System, as
638 defined in s. 334.03. However, a swamp buggy may be operated on
639 a part of the State Highway System only to cross that portion of
640 the State Highway System which intersects a county road or
641 municipal street that has been designated for use by swamp
642 buggies if the Department of Transportation has reviewed and
643 approved the location and design of the crossing and any traffic
644 control devices needed for safety purposes.

645 (2) A swamp buggy may be operated on land managed, owned,
 646 or leased by a state or federal agency if the state or federal
 647 agency allows the operation of swamp buggies on such land,
 648 including any public road, street, or highway running through or
 649 located within the state or federal land. Upon determining that
 650 swamp buggies may safely operate on or cross a public road,
 651 street, or highway running through or located within such land,
 652 the state or federal agency shall post appropriate signs or
 653 otherwise inform the public that the operation of swamp buggies
 654 is allowed.

655 Section 10. Subsection (7) of section 316.2397, Florida
 656 Statutes, is amended to read:

657 316.2397 Certain lights prohibited; exceptions.—

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

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

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

665 (c) For the lamps authorized under ~~in~~ subsections (1),
 666 (2), (3), (4), and (9), s. 316.2065, or ~~and~~ s. 316.235(5) which
 667 may are ~~permitted to~~ flash.

668 Section 11. Effective July 1, 2012, paragraph (b) of
 669 subsection (1) and paragraph (c) of subsection (2) of section
 670 316.302, Florida Statutes, are amended to read:

671 316.302 Commercial motor vehicles; safety regulations;
 672 transporters and shippers of hazardous materials; enforcement.—

673 (1)

674 (b) Except as otherwise provided in this section, all

675 owners or drivers of commercial motor vehicles that are engaged

676 in intrastate commerce are subject to the rules and regulations

677 contained in 49 C.F.R. parts 382, 385, and 390-397, with the

678 exception of 49 C.F.R. s. 390.5 as it relates to the definition

679 of bus, as such rules and regulations existed on October 1, 2011

680 ~~2009~~.

681 (2)

682 (c) Except as provided in 49 C.F.R. s. 395.1, a person who

683 operates a commercial motor vehicle solely in intrastate

684 commerce not transporting any hazardous material in amounts that

685 require placarding pursuant to 49 C.F.R. part 172 may not drive

686 after having been on duty more than 70 hours in any period of 7

687 consecutive days or more than 80 hours in any period of 8

688 consecutive days if the motor carrier operates every day of the

689 week. Thirty-four consecutive hours off duty shall constitute

690 the end of any such period of 7 or 8 consecutive days. This

691 weekly limit does not apply to a person who operates a

692 commercial motor vehicle solely within this state while

693 transporting, during harvest periods, any unprocessed

694 agricultural products or unprocessed food or fiber that is

695 subject to seasonal harvesting from place of harvest to the

696 first place of processing or storage or from place of harvest

697 directly to market or while transporting livestock, livestock

698 feed, or farm supplies directly related to growing or harvesting

699 agricultural products. Upon request of the Department of Highway

700 Safety and Motor Vehicles ~~Department of Transportation~~, motor

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701 carriers shall furnish time records or other written
 702 verification to that department so that the Department of
 703 Highway Safety and Motor Vehicles ~~Department of Transportation~~
 704 can determine compliance with this subsection. These time
 705 records must be furnished to the Department of Highway Safety
 706 and Motor Vehicles ~~Department of Transportation~~ within 2 days
 707 after receipt of that department's request. Falsification of
 708 such information is subject to a civil penalty not to exceed
 709 \$100. The provisions of this paragraph do not apply to operators
 710 of farm labor vehicles operated during a state of emergency
 711 declared by the Governor or operated pursuant to s. 570.07(21),
 712 and do not apply to drivers of utility service vehicles as
 713 defined in 49 C.F.R. s. 395.2.

714 Section 12. Subsection (1) of section 316.3026, Florida
 715 Statutes, is amended to read:

716 316.3026 Unlawful operation of motor carriers.-

717 (1) The Office of Commercial Vehicle Enforcement ~~Motor~~
 718 ~~Carrier Compliance~~ may issue out-of-service orders to motor
 719 carriers, as defined in s. 320.01(33), who, after proper notice,
 720 have failed to pay any penalty or fine assessed by the
 721 department, or its agent, against any owner or motor carrier for
 722 violations of state law, refused to submit to a compliance
 723 review and provide records pursuant to s. 316.302(5) or s.
 724 316.70, or violated safety regulations pursuant to s. 316.302 or
 725 insurance requirements in s. 627.7415. Such out-of-service
 726 orders have the effect of prohibiting the operations of any
 727 motor vehicles owned, leased, or otherwise operated by the motor
 728 carrier upon the roadways of this state, until the violations

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729 have been corrected or penalties have been paid. Out-of-service
730 orders must be approved by the director of the Division of the
731 Florida Highway Patrol or his or her designee. An administrative
732 hearing pursuant to s. 120.569 shall be afforded to motor
733 carriers subject to such orders.

734 Section 13. Section 316.613, Florida Statutes, is amended
735 to read:

736 316.613 Child restraint requirements.—

737 (1) (a) Every operator of a motor vehicle as defined in
738 this section ~~herein~~, while transporting a child in a motor
739 vehicle operated on the roadways, streets, or highways of this
740 state, shall, if the child is 5 years of age or younger, provide
741 for protection of the child by properly using a crash-tested,
742 federally approved child restraint device. For children aged
743 through 3 years, such restraint device must be a separate
744 carrier or a vehicle manufacturer's integrated child seat. For
745 children aged 4 through 5 years, a separate carrier, an
746 integrated child seat, or a seat belt may be used.

747 (b) The department shall provide notice of the requirement
748 for child restraint devices, which notice shall accompany the
749 delivery of each motor vehicle license tag.

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

754 (a) A school bus as defined in s. 316.003(45).

755 (b) A bus used for the transportation of persons for
756 compensation, other than a bus regularly used to transport

757 children to or from school, as defined in s. 316.615(1)(b), or
 758 in conjunction with school activities.

759 (c) A farm tractor or implement of husbandry.

760 (d) A truck having a gross vehicle weight rating of more
 761 than 26,000 pounds.

762 (e) A motorcycle, moped, or bicycle.

763 (3) The failure to provide and use a child passenger
 764 restraint shall not be considered comparative negligence, nor
 765 shall such failure be admissible as evidence in the trial of any
 766 civil action with regard to negligence.

767 (4) It is the legislative intent that all state, county,
 768 and local law enforcement agencies, and safety councils, in
 769 recognition of the problems with child death and injury from
 770 unrestrained occupancy in motor vehicles, conduct a continuing
 771 safety and public awareness campaign as to the magnitude of the
 772 problem.

773 (5) Any person who violates ~~the provisions of~~ this section
 774 commits a moving violation, punishable as provided in chapter
 775 318 and shall have 3 points assessed against his or her driver
 776 ~~driver's~~ license as set forth in s. 322.27. In lieu of the
 777 penalty specified in s. 318.18 and the assessment of points, a
 778 person who violates ~~the provisions of~~ this section may elect,
 779 with the court's approval, to participate in a child restraint
 780 safety program approved by the chief judge of the circuit in
 781 which the violation occurs, and, upon completing such program,
 782 the penalty specified in chapter 318 and associated costs may be
 783 waived at the court's discretion and the assessment of points
 784 shall be waived. The child restraint safety program must use a

785 course approved by the Department of Highway Safety and Motor
 786 Vehicles, and the fee for the course must bear a reasonable
 787 relationship to the cost of providing the course.

788 (6) The child restraint requirements imposed by this
 789 section do not apply to a chauffeur-driven taxi, limousine,
 790 sedan, van, bus, motor coach, or other passenger vehicle if the
 791 operator and the motor vehicle are hired and used for the
 792 transportation of persons for compensation. It is the obligation
 793 and responsibility of the parent, guardian, or other person
 794 responsible for a child's welfare, as defined in s. 39.01(47),
 795 to comply with the requirements of this section.

796 Section 14. Section 316.6135, Florida Statutes, is amended
 797 to read:

798 316.6135 Leaving children unattended or unsupervised in
 799 motor vehicles; penalty; authority of law enforcement officer.-

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

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

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

807 (2) Any person who violates the provisions of paragraph
 808 (1)(a) commits a misdemeanor of the second degree punishable as
 809 provided in s. 775.082 or s. 775.083.

810 (3) Any person who violates the provisions of paragraph
 811 (1)(b) is guilty of a noncriminal traffic infraction, punishable
 812 by a fine not less than \$50 and not more than \$500.

813 (4) Any person who violates subsection (1) and in so doing
 814 causes great bodily harm, permanent disability, or permanent
 815 disfigurement to a child commits a felony of the third degree,
 816 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

817 (5) Any law enforcement officer who observes a child left
 818 unattended or unsupervised in a motor vehicle in violation of
 819 subsection (1) may use whatever means are reasonably necessary
 820 to protect the minor child and to remove the child from the
 821 vehicle.

822 (6) If the child is removed from the immediate area,
 823 notification should be placed on the vehicle.

824 (7) The child shall be remanded to the custody of the
 825 Department of Children and Family Services pursuant to chapter
 826 39, unless the law enforcement officer is able to locate the
 827 parents or legal guardian or other person responsible for the
 828 child.

829 Section 15. Subsection (9) of section 316.614, Florida
 830 Statutes, is amended to read:

831 316.614 Safety belt usage.—

832 (9) ~~By January 1, 2006,~~ Each law enforcement agency in
 833 this state shall adopt departmental policies to prohibit the
 834 practice of racial profiling. ~~When a law enforcement officer~~
 835 ~~issues a citation for a violation of this section, the law~~
 836 ~~enforcement officer must record the race and ethnicity of the~~
 837 ~~violation. All law enforcement agencies must maintain such~~
 838 ~~information and forward the information to the department in a~~
 839 ~~form and manner determined by the department. The department~~
 840 ~~shall collect this information by jurisdiction and annually~~

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841 ~~report the data to the Governor, the President of the Senate,~~
842 ~~and the Speaker of the House of Representatives. The report must~~
843 ~~show separate statewide totals for the state's county sheriffs~~
844 ~~and municipal law enforcement agencies, state law enforcement~~
845 ~~agencies, and state university law enforcement agencies.~~

846 Section 16. Subsection (2) of section 316.655, Florida
847 Statutes, is amended to read:

848 316.655 Penalties.—

849 (2) A driver ~~Drivers~~ convicted of a violation of any
850 offense prohibited by this chapter or any other law of this
851 state regulating motor vehicles, which resulted in an accident,
852 may have his or her ~~their~~ driving privileges revoked or
853 suspended by the court if the court finds such revocation or
854 suspension warranted by the totality of the circumstances
855 resulting in the conviction and the need to provide for the
856 maximum safety for all persons who travel on or who are
857 otherwise affected by the use of the highways of the state. In
858 determining whether suspension or revocation is appropriate, the
859 court shall consider all pertinent factors, including, but not
860 limited to, such factors as the extent and nature of the
861 driver's violation of this chapter, the number of persons killed
862 or injured as the result of the driver's violation of this
863 chapter, and the extent of any property damage resulting from
864 the driver's violation of this chapter.

865 Section 17. Subsections (9) and (10) of section 318.14,
866 Florida Statutes, are amended to read:

867 318.14 Noncriminal traffic infractions; exception;
868 procedures.—

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869 (9) Any person who does not hold a commercial driver
870 ~~driver's~~ license and who is cited while driving a noncommercial
871 motor vehicle for an infraction under this section other than a
872 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the
873 driver exceeds the posted limit by 30 miles per hour or more, s.
874 320.0605, s. 320.07(3) (a) or (b), s. 322.065, s. 322.15(1), s.
875 322.61, or s. 322.62 may, in lieu of a court appearance, elect
876 to attend in the location of his or her choice within this state
877 a basic driver improvement course approved by the Department of
878 Highway Safety and Motor Vehicles. In such a case, adjudication
879 must be withheld and points, as provided by s. 322.27, may not
880 be assessed. However, a person may not make an election under
881 this subsection if the person has made an election under this
882 subsection in the preceding 12 months. A person may not make ~~ne~~
883 more than five elections within his or her lifetime under this
884 subsection. The requirement for community service under s.
885 318.18(8) is not waived by a plea of nolo contendere or by the
886 withholding of adjudication of guilt by a court. If a person
887 makes an election to attend a basic driver improvement course
888 under this subsection, 18 percent of the civil penalty imposed
889 under s. 318.18(3) shall be deposited in the State Courts
890 Revenue Trust Fund; however, that portion is not revenue for
891 purposes of s. 28.36 and may not be used in establishing the
892 budget of the clerk of the court under that section or s. 28.35.

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

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897 plea of nolo contendere and provide proof of compliance to the
 898 clerk of the court, designated official, or authorized operator
 899 of a traffic violations bureau. In such case, adjudication shall
 900 be withheld; however, a person may not make an ~~no~~ election ~~shall~~
 901 ~~be made~~ under this subsection if the ~~such~~ person has made an
 902 election under this subsection in the preceding 12 months
 903 ~~preceding election hereunder~~. A ~~No~~ person may not make more than
 904 three elections under this subsection. This subsection applies
 905 to the following offenses:

906 1. Operating a motor vehicle without a valid driver
 907 ~~driver's~~ license in violation of ~~the provisions of~~ s. 322.03, s.
 908 322.065, or s. 322.15(1), or operating a motor vehicle with a
 909 license that has been suspended for failure to appear, failure
 910 to pay civil penalty, or failure to attend a driver improvement
 911 course pursuant to s. 322.291.

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

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

915 4. Operating a motor vehicle with a license that has been
 916 suspended under s. 61.13016 or s. 322.245 for failure to pay
 917 child support or for failure to pay any other financial
 918 obligation as provided in s. 322.245; however, this subparagraph
 919 does not apply if the license has been suspended pursuant to s.
 920 322.245(1).

921 5. Operating a motor vehicle with a license that has been
 922 suspended under s. 322.091 for failure to meet school attendance
 923 requirements.

924 (b) Any person cited for an offense listed in this

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925 subsection shall present proof of compliance before ~~prior to~~ the
926 scheduled court appearance date. For the purposes of this
927 subsection, proof of compliance shall consist of a valid,
928 renewed, or reinstated driver ~~driver's~~ license or registration
929 certificate and proper proof of maintenance of security as
930 required by s. 316.646. Notwithstanding waiver of fine, any
931 person establishing proof of compliance shall be assessed court
932 costs of \$25, except that a person charged with violation of s.
933 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
934 such costs shall be remitted to the Department of Revenue for
935 deposit into the Child Welfare Training Trust Fund of the
936 Department of Children and Family Services. One dollar of such
937 costs shall be distributed to the Department of Juvenile Justice
938 for deposit into the Juvenile Justice Training Trust Fund.
939 Fourteen dollars of such costs shall be distributed to the
940 municipality and \$9 shall be deposited by the clerk of the court
941 into the fine and forfeiture fund established pursuant to s.
942 142.01, if the offense was committed within the municipality. If
943 the offense was committed in an unincorporated area of a county
944 or if the citation was for a violation of s. 316.646(1)-(3), the
945 entire amount shall be deposited by the clerk of the court into
946 the fine and forfeiture fund established pursuant to s. 142.01,
947 except for the moneys to be deposited into the Child Welfare
948 Training Trust Fund and the Juvenile Justice Training Trust
949 Fund. This subsection does ~~shall not be construed to~~ authorize
950 the operation of a vehicle without a valid driver ~~driver's~~
951 license, without a valid vehicle tag and registration, or
952 without the maintenance of required security.

953 Section 18. Paragraph (c) is added to subsection (1) of
 954 section 318.15, Florida Statutes, to read:

955 318.15 Failure to comply with civil penalty or to appear;
 956 penalty.—

957 (1)

958 (c) A person who is charged with a traffic infraction may
 959 request a hearing within 180 days after the date upon which the
 960 violation occurred, regardless of any action taken by the court
 961 or the department to suspend the person's driving privilege,
 962 and, upon request, the clerk must set the case for hearing. The
 963 person shall be given a form for requesting that his or her
 964 driving privilege be reinstated. If the 180th day after the date
 965 upon which the violation occurred is a Saturday, Sunday, or a
 966 legal holiday, the person who is charged must request a hearing
 967 within 177 days after the date upon which the violation
 968 occurred; however, the court may grant a request for a hearing
 969 made more than 180 days after the date upon which the violation
 970 occurred. This paragraph does not affect the assessment of late
 971 fees as otherwise provided in this chapter.

972 Section 19. Paragraph (f) of subsection (3) of section
 973 318.18, Florida Statutes, is amended to read:

974 318.18 Amount of penalties.—The penalties required for a
 975 noncriminal disposition pursuant to s. 318.14 or a criminal
 976 offense listed in s. 318.17 are as follows:

977 (3)

978 (f) If a violation of s. 316.1301 or s. 316.1303(1) ~~s.~~
 979 ~~316.1303~~ results in an injury to the pedestrian or damage to the
 980 property of the pedestrian, an additional fine of up to \$250

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981 shall be paid. This amount must be distributed pursuant to s.
 982 318.21.

983 Section 20. Subsection (5) of section 318.21, Florida
 984 Statutes, is amended to read:

985 318.21 Disposition of civil penalties by county courts.—
 986 All civil penalties received by a county court pursuant to the
 987 provisions of this chapter shall be distributed and paid monthly
 988 as follows:

989 (5) Of the additional fine assessed under s. 318.18(3)(f)
 990 for a violation of s. 316.1303(1) ~~s. 316.1303~~, 60 percent must
 991 be remitted to the Department of Revenue and transmitted monthly
 992 to the Florida Endowment Foundation for Vocational
 993 Rehabilitation, and 40 percent must be distributed pursuant to
 994 subsections (1) and (2).

995 Section 21. Section 319.14, Florida Statutes, is amended
 996 to read:

997 319.14 Sale of motor vehicles registered or used as
 998 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,
 999 ~~and~~ nonconforming vehicles, custom vehicles, or street rod
 1000 vehicles.—

1001 (1)(a) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
 1002 sell, or exchange any vehicle that has been licensed,
 1003 registered, or used as a taxicab, police vehicle, or short-term-
 1004 lease vehicle, or a vehicle that has been repurchased by a
 1005 manufacturer pursuant to a settlement, determination, or
 1006 decision under chapter 681, until the department has stamped in
 1007 a conspicuous place on the certificate of title of the vehicle,
 1008 or its duplicate, words stating the nature of the previous use

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1009 of the vehicle or the title has been stamped "Manufacturer's Buy
 1010 Back" to reflect that the vehicle is a nonconforming vehicle. If
 1011 the certificate of title or duplicate was not so stamped upon
 1012 initial issuance thereof or if, subsequent to initial issuance
 1013 of the title, the use of the vehicle is changed to a use
 1014 requiring the notation provided for in this section, the owner
 1015 or lienholder of the vehicle shall surrender the certificate of
 1016 title or duplicate to the department prior to offering the
 1017 vehicle for sale, and the department shall stamp the certificate
 1018 or duplicate as required herein. When a vehicle has been
 1019 repurchased by a manufacturer pursuant to a settlement,
 1020 determination, or decision under chapter 681, the title shall be
 1021 stamped "Manufacturer's Buy Back" to reflect that the vehicle is
 1022 a nonconforming vehicle.

1023 (b) A ~~No~~ person may not shall knowingly offer for sale,
 1024 sell, or exchange a rebuilt vehicle until the department has
 1025 stamped in a conspicuous place on the certificate of title for
 1026 the vehicle words stating that the vehicle has been rebuilt or
 1027 assembled from parts, or is a kit car, glider kit, replica, ~~or~~
 1028 flood vehicle, custom vehicle, or street rod vehicle unless
 1029 proper application for a certificate of title for a vehicle that
 1030 is rebuilt or assembled from parts, or is a kit car, glider kit,
 1031 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle
 1032 has been made to the department in accordance with this chapter
 1033 and the department has conducted the physical examination of the
 1034 vehicle to assure the identity of the vehicle and all major
 1035 component parts, as defined in s. 319.30(1), which have been
 1036 repaired or replaced. Thereafter, the department shall affix a

1037 | decal to the vehicle, in the manner prescribed by the
 1038 | department, showing the vehicle to be rebuilt.

1039 | (c) As used in this section, the term:

1040 | 1. "Police vehicle" means a motor vehicle owned or leased
 1041 | by the state or a county or municipality and used in law
 1042 | enforcement.

1043 | 2.a. "Short-term-lease vehicle" means a motor vehicle
 1044 | leased without a driver and under a written agreement to one or
 1045 | more persons from time to time for a period of less than 12
 1046 | months.

1047 | b. "Long-term-lease vehicle" means a motor vehicle leased
 1048 | without a driver and under a written agreement to one person for
 1049 | a period of 12 months or longer.

1050 | c. "Lease vehicle" includes both short-term-lease vehicles
 1051 | and long-term-lease vehicles.

1052 | 3. "Rebuilt vehicle" means a motor vehicle or mobile home
 1053 | built from salvage or junk, as defined in s. 319.30(1).

1054 | 4. "Assembled from parts" means a motor vehicle or mobile
 1055 | home assembled from parts or combined from parts of motor
 1056 | vehicles or mobile homes, new or used. "Assembled from parts"
 1057 | does not mean a motor vehicle defined as a "rebuilt vehicle" in
 1058 | subparagraph 3., which has been declared a total loss pursuant
 1059 | to s. 319.30.

1060 | 5. "Kit car" means a motor vehicle assembled with a kit
 1061 | supplied by a manufacturer to rebuild a wrecked or outdated
 1062 | motor vehicle with a new body kit.

1063 | 6. "Glider kit" means a vehicle assembled with a kit
 1064 | supplied by a manufacturer to rebuild a wrecked or outdated

1065 truck or truck tractor.

1066 7. "Replica" means a complete new motor vehicle
1067 manufactured to look like an old vehicle.

1068 8. "Flood vehicle" means a motor vehicle or mobile home
1069 that has been declared to be a total loss pursuant to s.
1070 319.30(3)(a) resulting from damage caused by water.

1071 9. "Nonconforming vehicle" means a motor vehicle which has
1072 been purchased by a manufacturer pursuant to a settlement,
1073 determination, or decision under chapter 681.

1074 10. "Settlement" means an agreement entered into between a
1075 manufacturer and a consumer that occurs after a dispute is
1076 submitted to a program, or an informal dispute settlement
1077 procedure established by a manufacturer or is approved for
1078 arbitration before the New Motor Vehicle Arbitration Board as
1079 defined in s. 681.102.

1080 11. "Custom vehicle" means a motor vehicle that:

1081 a. Is 25 years of age or older and of a model year after
1082 1948 or was manufactured to resemble a vehicle that is 25 years
1083 of age or older and of a model year after 1948; and

1084 b. Has been altered from the manufacturer's original
1085 design or has a body constructed from nonoriginal materials.

1086
1087 The model year and year of manufacture that the body of a custom
1088 vehicle resembles is the model year and year of manufacture
1089 listed on the certificate of title, regardless of when the
1090 vehicle was actually manufactured.

1091 12. "Street rod" means a motor vehicle that:

1092 a. Is of a model year of 1948 or older or was manufactured

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1093 after 1948 to resemble a vehicle of a model year of 1948 or
 1094 older; and

1095 b. Has been altered from the manufacturer's original
 1096 design or has a body constructed from nonoriginal materials.

1097
 1098 The model year and year of manufacture that the body of a street
 1099 rod resembles is the model year and year of manufacture listed
 1100 on the certificate of title, regardless of when the vehicle was
 1101 actually manufactured.

1102 (2) A ~~No~~ person may not ~~shall~~ knowingly sell, exchange, or
 1103 transfer a vehicle referred to in subsection (1) without, before
 1104 ~~prior to~~ consummating the sale, exchange, or transfer,
 1105 disclosing in writing to the purchaser, customer, or transferee
 1106 the fact that the vehicle has previously been titled,
 1107 registered, or used as a taxicab, police vehicle, or short-term-
 1108 lease vehicle, ~~or~~ is a vehicle that is rebuilt or assembled from
 1109 parts, ~~or~~ is a kit car, glider kit, replica, or flood vehicle,
 1110 or is a nonconforming vehicle, custom vehicle, or street rod
 1111 vehicle, as the case may be.

1112 (3) Any person who, with intent to offer for sale or
 1113 exchange any vehicle referred to in subsection (1), knowingly or
 1114 intentionally advertises, publishes, disseminates, circulates,
 1115 or places before the public in any communications medium,
 1116 whether directly or indirectly, any offer to sell or exchange
 1117 the vehicle shall clearly and precisely state in each such offer
 1118 that the vehicle has previously been titled, registered, or used
 1119 as a taxicab, police vehicle, or short-term-lease vehicle or
 1120 that the vehicle or mobile home is a vehicle that is rebuilt or

1121 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or
 1122 flood vehicle, or is a nonconforming vehicle, custom vehicle, or
 1123 street rod vehicle, as the case may be. A ~~Any~~ person who
 1124 violates this subsection commits a misdemeanor of the second
 1125 degree, punishable as provided in s. 775.082 or s. 775.083.

1126 (4) If ~~When~~ a certificate of title, including a foreign
 1127 certificate, is branded to reflect a condition or prior use of
 1128 the titled vehicle, the brand must be noted on the registration
 1129 certificate of the vehicle and such brand shall be carried
 1130 forward on all subsequent certificates of title and registration
 1131 certificates issued for the life of the vehicle.

1132 (5) A ~~Any~~ person who knowingly sells, exchanges, or offers
 1133 to sell or exchange a motor vehicle or mobile home contrary to
 1134 ~~the provisions of~~ this section or any officer, agent, or
 1135 employee of a person who knowingly authorizes, directs, aids in,
 1136 or consents to the sale, exchange, or offer to sell or exchange
 1137 a motor vehicle or mobile home contrary to ~~the provisions of~~
 1138 this section commits a misdemeanor of the second degree,
 1139 punishable as provided in s. 775.082 or s. 775.083.

1140 (6) A ~~Any~~ person who removes a rebuilt decal from a
 1141 rebuilt vehicle with the intent to conceal the rebuilt status of
 1142 the vehicle commits a felony of the third degree, punishable as
 1143 provided in s. 775.082, s. 775.083, or s. 775.084.

1144 (7) This section applies to a mobile home, travel trailer,
 1145 camping trailer, truck camper, or fifth-wheel recreation trailer
 1146 only when the ~~such~~ mobile home or vehicle is a rebuilt vehicle
 1147 or is assembled from parts.

1148 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in

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1149 any civil action arising out of a violation of this section if
 1150 the designation of the previous use or condition of the motor
 1151 vehicle is not noted on the certificate of title and
 1152 registration certificate of the vehicle which was received by,
 1153 or delivered to, such person, unless the ~~such~~ person has
 1154 actively concealed the prior use or condition of the vehicle
 1155 from the purchaser.

1156 (9) Subsections (1), (2), and (3) do not apply to the
 1157 transfer of ownership of a motor vehicle after the motor vehicle
 1158 has ceased to be used as a lease vehicle and the ownership has
 1159 been transferred to an owner for private use or to the transfer
 1160 of ownership of a nonconforming vehicle with 36,000 or more
 1161 miles on its odometer, or 34 months whichever is later and the
 1162 ownership has been transferred to an owner for private use. Such
 1163 owner, as shown on the title certificate, may request the
 1164 department to issue a corrected certificate of title that does
 1165 not contain the statement of the previous use of the vehicle as
 1166 a lease vehicle or condition as a nonconforming vehicle.

1167 Section 22. Subsection (6) of section 319.23, Florida
 1168 Statutes, is amended, present subsections (7) through (11) of
 1169 that section are redesignated as subsections (8) through (12),
 1170 respectively, and a new subsection (7) is added to that section,
 1171 to read:

1172 319.23 Application for, and issuance of, certificate of
 1173 title.—

1174 (6) (a) In the case of the sale of a motor vehicle or
 1175 mobile home by a licensed dealer to a general purchaser, the
 1176 certificate of title must be obtained in the name of the

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1177 purchaser by the dealer upon application signed by the
1178 purchaser, and in each other case the ~~such~~ certificate must be
1179 obtained by the purchaser. In each case of transfer of a motor
1180 vehicle or mobile home, the application for a certificate of
1181 title, a corrected certificate, or an assignment or reassignment
1182 must be filed within 30 days after the delivery of the motor
1183 vehicle or after consummation of the sale of the mobile home to
1184 the purchaser. An applicant must pay a fee of \$20, in addition
1185 to all other fees and penalties required by law, for failing to
1186 file such application within the specified time. In the case of
1187 the sale of a motor vehicle by a licensed motor vehicle dealer
1188 to a general purchaser who resides in another state or country,
1189 the dealer is not required to apply for a certificate of title
1190 for the motor vehicle; however, the dealer must transfer
1191 ownership and reassign the certificate of title or
1192 manufacturer's certificate of origin to the purchaser, and the
1193 purchaser must sign an affidavit, as approved by the department,
1194 that the purchaser will title and register the motor vehicle in
1195 another state or country.

1196 (b) If a licensed dealer acquires a motor vehicle or
1197 mobile home as a trade-in, the dealer must file with the
1198 department, within 30 days, a notice of sale signed by the
1199 seller. The department shall update its database for that title
1200 record to indicate "sold." A licensed dealer need not apply for
1201 a certificate of title for any motor vehicle or mobile home in
1202 stock acquired for stock purposes except as provided in s.
1203 319.225.

1204 (7) If an applicant for a certificate of title is unable

1205 to provide the department with a certificate of title that
 1206 assigns the prior owner's interest in the motor vehicle, the
 1207 department may accept a bond in the form prescribed by the
 1208 department, along with an affidavit in a form prescribed by the
 1209 department, which includes verification of the vehicle
 1210 identification number and an application for title.

1211 (a) The bond must be:

1212 1. In a form prescribed by the department;

1213 2. Executed by the applicant;

1214 3. Issued by a person authorized to conduct a surety
 1215 business in this state;

1216 4. In an amount equal to two times the value of the
 1217 vehicle as determined by the department; and

1218 5. Conditioned to indemnify all prior owners and
 1219 lienholders and all subsequent purchasers of the vehicle or
 1220 persons who acquire a security interest in the vehicle, and
 1221 their successors in interest, against any expense, loss, or
 1222 damage, including reasonable attorney fees, occurring because of
 1223 the issuance of the certificate of title for the vehicle or for
 1224 a defect in or undisclosed security interest on the right,
 1225 title, or interest of the applicant to the vehicle.

1226 (b) An interested person has a right to recover on the
 1227 bond for a breach of the bond's condition. The aggregate
 1228 liability of the surety to all persons may not exceed the amount
 1229 of the bond.

1230 (c) A bond under this subsection expires on the third
 1231 anniversary of the date the bond became effective.

1232 (d) The affidavit must:

- 1233 | 1. Be in a form prescribed by the department;
- 1234 | 2. Include the facts and circumstances under which the
- 1235 | applicant acquired ownership and possession of the motor
- 1236 | vehicle;
- 1237 | 3. Disclose that no security interests, liens, or
- 1238 | encumbrances against the motor vehicle are known to the
- 1239 | applicant against the motor vehicle; and
- 1240 | 4. State that the applicant has the right to have a
- 1241 | certificate of title issued.

1242 | Section 23. Subsection (8) of section 319.24, Florida
 1243 | Statutes, is amended to read:

1244 | 319.24 Issuance in duplicate; delivery; liens and
 1245 | encumbrances.—

1246 | (8) Notwithstanding any requirements in this section or in
 1247 | s. 319.27 indicating that a lien on a motor vehicle or mobile
 1248 | home shall be noted on the face of the Florida certificate of
 1249 | title, if there are one or more liens or encumbrances on the
 1250 | motor vehicle or mobile home, the department shall ~~may~~
 1251 | electronically transmit the lien to the first lienholder and
 1252 | notify the first lienholder of any additional liens. Subsequent
 1253 | lien satisfactions shall ~~may~~ be electronically transmitted to
 1254 | the department and must ~~shall~~ include the name and address of
 1255 | the person or entity satisfying the lien. When electronic
 1256 | transmission of liens and lien satisfactions is ~~are~~ used, the
 1257 | issuance of a certificate of title may be waived until the last
 1258 | lien is satisfied and a clear certificate of title is issued to
 1259 | the owner of the vehicle. In subsequent transfer of ownership of
 1260 | the motor vehicle, it shall be presumed that the motor vehicle

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1261 title is subject to a lien as set forth in s. 319.225(6)(a)
 1262 until the title to be issued pursuant to this subsection is
 1263 received by the person or entity satisfying the lien.

1264 Section 24. Subsection (7) is added to section 319.27,
 1265 Florida Statutes, to read:

1266 319.27 Notice of lien on motor vehicles or mobile homes;
 1267 notation on certificate; recording of lien.—

1268 (7) The department shall establish and administer an
 1269 electronic titling program that requires the electronic
 1270 recording of vehicle title information for new, transferred, and
 1271 corrected certificates of title. Lienholders shall
 1272 electronically transmit liens and lien satisfactions to the
 1273 department in a format determined by the department. Individuals
 1274 and lienholders who the department determines are not normally
 1275 engaged in the business or practice of financing vehicles are
 1276 exempt from the electronic titling requirement.

1277 Section 25. Subsection (3) is added to section 319.28,
 1278 Florida Statutes, to read:

1279 319.28 Transfer of ownership by operation of law.—

1280 (3) A dealer of industrial equipment who conducts a
 1281 repossession, as defined in s. 493.6101(22), of such equipment
 1282 is not subject to licensure as a recovery agent or recovery
 1283 agency if the dealer is regularly engaged in the sale of the
 1284 equipment for a particular manufacturer and the lender is
 1285 affiliated with that manufacturer.

1286 Section 26. Present subsection (10) of section 319.30,
 1287 Florida Statutes, is renumbered as subsection (11), and new
 1288 subsection (10) is added to that section to read:

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1289 319.30 Definitions; dismantling, destruction, change of
 1290 identity of motor vehicle or mobile home; salvage.—

1291 (10) The department may adopt rules to implement an
 1292 electronic system for issuing salvage certificates of title and
 1293 certificates of destruction.

1294 Section 27. Section 319.40, Florida Statutes, is amended
 1295 to read:

1296 319.40 Transactions by electronic or telephonic means.—

1297 (1) The department may ~~is authorized to~~ accept any
 1298 application provided for under this chapter by electronic or
 1299 telephonic means.

1300 (2) The department may issue an electronic certificate of
 1301 title in lieu of printing a paper title.

1302 (3) The department may collect electronic mail addresses
 1303 and use electronic mail in lieu of the United States Postal
 1304 Service as a method of notification. However, any notice
 1305 regarding the potential forfeiture or foreclosure of an interest
 1306 in property must be sent via the United States Postal Service.

1307 Section 28. Paragraph (a) of subsection (1) of section
 1308 320.01, Florida Statutes, is amended, and subsection (46) is
 1309 added to that section, to read:

1310 320.01 Definitions, general.—As used in the Florida
 1311 Statutes, except as otherwise provided, the term:

1312 (1) "Motor vehicle" means:

1313 (a) An automobile, motorcycle, truck, trailer,
 1314 semitrailer, truck tractor and semitrailer combination, or any
 1315 other vehicle operated on the roads of this state, used to
 1316 transport persons or property, and propelled by power other than

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1317 muscular power, but the term does not include traction engines,
 1318 road rollers, special mobile equipment as defined in s.
 1319 316.003(48), ~~such~~ vehicles that ~~as~~ run only upon a track,
 1320 bicycles, swamp buggies, or mopeds.

1321 (46) "Swamp buggy" means a motorized off-road vehicle that
 1322 is designed or modified to travel over swampy or varied terrain
 1323 and that may use large tires or tracks operated from an elevated
 1324 platform. The term does not include any vehicle defined in
 1325 chapter 261 or otherwise defined or classified in this chapter.

1326 Section 29. Subsection (2) and paragraph (e) of subsection
 1327 (5) of section 320.02, Florida Statutes, are amended, paragraphs
 1328 (o), (p), (q), and (r) are added to subsection (15), and
 1329 subsection (18) is added to that section, to read:

1330 320.02 Registration required; application for
 1331 registration; forms.—

1332 (2) (a) The application for registration shall include the
 1333 street address of the owner's permanent residence or the address
 1334 of his or her permanent place of business and shall be
 1335 accompanied by personal or business identification information
 1336 which may include, but need not be limited to, a driver ~~driver's~~
 1337 license number, Florida identification card number, or federal
 1338 employer identification number. If the owner does not have a
 1339 permanent residence or permanent place of business or if the
 1340 owner's permanent residence or permanent place of business
 1341 cannot be identified by a street address, the application shall
 1342 include:

1343 1. If the vehicle is registered to a business, the name
 1344 and street address of the permanent residence of an owner of the

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1345 business, an officer of the corporation, or an employee who is
1346 in a supervisory position.

1347 2. If the vehicle is registered to an individual, the name
1348 and street address of the permanent residence of a close
1349 relative or friend who is a resident of this state.

1350

1351 If the vehicle is registered to an active duty member of the
1352 Armed Forces of the United States who is a Florida resident, the
1353 active duty member is exempt from the requirement to provide the
1354 street address of a permanent residence.

1355 (b) The department shall prescribe a form upon which motor
1356 vehicle owners may record odometer readings when registering
1357 their motor vehicles.

1358 (5)

1359 (e) Upon the expiration date noted in the cancellation
1360 notice that the department receives from the insurer, the
1361 department shall suspend the registration, issued under this
1362 chapter or s. 207.004(1), of a motor carrier who operates a
1363 commercial motor vehicle or who permits it to be operated in
1364 this state during the registration period without having in full
1365 force ~~and effect~~ liability insurance, a surety bond, or a valid
1366 self-insurance certificate that complies with ~~the provisions of~~
1367 this section. The insurer shall provide notice to the department
1368 at the same time the cancellation notice is provided to the
1369 insured pursuant to s. 627.7281. The department may adopt rules
1370 regarding the electronic submission of the cancellation notice
1371 ~~liability insurance policy or surety bond may not be canceled on~~
1372 ~~less than 30 days' written notice by the insurer to the~~

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1373 ~~department, such 30 days' notice to commence from the date~~
 1374 ~~notice is received by the department.~~

1375 (15)

1376 (o) The application form for motor vehicle registration
 1377 and renewal registration must include language permitting a
 1378 voluntary contribution of \$1 to the Florida Association of Food
 1379 Banks, Inc. The proceeds shall be distributed by the department
 1380 each month to Florida Association of Food Banks, Inc., to be
 1381 used by that organization for the purpose of ending hunger in
 1382 this state.

1383 (p) The application form for motor vehicle registration
 1384 and renewal of registration must include language permitting a
 1385 voluntary contribution of \$1 per applicant for Autism Services
 1386 and Supports. Such contributions must be transferred by the
 1387 department to the Achievement and Rehabilitation Centers, Inc.,
 1388 Autism Services Fund.

1389 (q) The application form for motor vehicle registration
 1390 and renewal of registration must include language permitting a
 1391 voluntary contribution of \$1 per applicant to Support Our
 1392 Troops, which shall be distributed to Support Our Troops, Inc.,
 1393 a Florida not-for-profit organization.

1394 (r) The application form for motor vehicle registration
 1395 and renewal of registration must include language permitting a
 1396 voluntary contribution of \$1 to Take Stock In Children. Such
 1397 contributions shall be transferred by the department to Take
 1398 Stock In Children, Inc.

1399
 1400 For the purpose of applying the service charge provided in s.

1401 215.20, contributions received under this subsection are not
 1402 income of a revenue nature.

1403 (18) The department shall retain all electronic
 1404 registration records for at least 10 years.

1405 Section 30. Subsection (8) of section 320.03, Florida
 1406 Statutes, is amended to read:

1407 320.03 Registration; duties of tax collectors;
 1408 International Registration Plan.—

1409 (8) If the applicant's name appears on the list referred
 1410 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
 1411 license plate or revalidation sticker may not be issued until
 1412 that person's name no longer appears on the list or until the
 1413 person presents a receipt from the governmental entity or the
 1414 clerk of court that provided the data showing that the fines
 1415 outstanding have been paid. This subsection does not apply to
 1416 the owner of a leased vehicle if the vehicle is registered in
 1417 the name of the lessee of the vehicle. The tax collector and the
 1418 clerk of the court are each entitled to receive monthly, as
 1419 costs for implementing and administering this subsection, 10
 1420 percent of the civil penalties and fines recovered from such
 1421 persons. As used in this subsection, the term "civil penalties
 1422 and fines" does not include a wrecker operator's lien as
 1423 described in s. 713.78(13). If the tax collector has private tag
 1424 agents, such tag agents are entitled to receive a pro rata share
 1425 of the amount paid to the tax collector, based upon the
 1426 percentage of license plates and revalidation stickers issued by
 1427 the tag agent compared to the total issued within the county.
 1428 The authority of any private agent to issue license plates shall

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1429 be revoked, after notice and a hearing as provided in chapter
1430 120, if he or she issues any license plate or revalidation
1431 sticker contrary to the provisions of this subsection. This
1432 section applies only to the annual renewal in the owner's birth
1433 month of a motor vehicle registration and does not apply to the
1434 transfer of a registration of a motor vehicle sold by a motor
1435 vehicle dealer licensed under this chapter, except for the
1436 transfer of registrations which includes ~~is inclusive of~~ the
1437 annual renewals. This section does not affect the issuance of
1438 the title to a motor vehicle, notwithstanding s. 319.23(8)(b)
1439 ~~319.23(7)(b)~~.

1440 Section 31. Subsections (5) and (6) are added to section
1441 320.06, Florida Statutes, to read:

1442 320.06 Registration certificates, license plates, and
1443 validation stickers generally.—

1444 (5) The department may conduct a pilot program to evaluate
1445 the designs, concepts, and technologies for alternative license
1446 plates. For purposes of the pilot program, the department shall
1447 investigate the feasibility and use of alternative license plate
1448 technologies and the long-term cost impact to the consumer. The
1449 pilot program shall be limited to license plates that are used
1450 on government-owned motor vehicles as described in s. 320.0655.
1451 Such license plates are exempt from the requirements in
1452 paragraph (3)(a).

1453 (6) All license plates issued pursuant to this chapter are
1454 the property of the state.

1455 Section 32. Section 320.0605, Florida Statutes, is amended
1456 to read:

1457 320.0605 Certificate of registration; possession required;
 1458 exception.—

1459 (1) The registration certificate or an official copy
 1460 thereof, a true copy of a rental or lease documentation
 1461 ~~agreement~~ issued for a motor vehicle or issued for a replacement
 1462 vehicle in the same registration period, a temporary receipt
 1463 printed upon self-initiated electronic renewal of a registration
 1464 via the Internet, or a cab card issued for a vehicle registered
 1465 under the International Registration Plan shall, at all times
 1466 while the vehicle is being used or operated on the roads of this
 1467 state, be in the possession of the operator thereof or be
 1468 carried in the vehicle for which issued and shall be exhibited
 1469 upon demand of any authorized law enforcement officer or any
 1470 agent of the department, except for a vehicle registered under
 1471 s. 320.0657. The provisions of this section do not apply during
 1472 the first 30 days after purchase of a replacement vehicle. A
 1473 violation of this section is a noncriminal traffic infraction,
 1474 punishable as a nonmoving violation as provided in chapter 318.

1475 (2) Rental or lease documentation that is sufficient to
 1476 satisfy the requirement in subsection (1) includes the
 1477 following:

- 1478 (a) Date of rental and time of exit from rental facility;
- 1479 (b) Rental station identification;
- 1480 (c) Rental agreement number;
- 1481 (d) Rental vehicle identification number;
- 1482 (e) Rental vehicle license plate number and state of
 1483 registration;
- 1484 (f) Vehicle's make, model, and color;

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- 1485 (g) Vehicle's mileage; and
- 1486 (h) Authorized renter's name.

1487 Section 33. Section 320.061, Florida Statutes, is amended
 1488 to read:

1489 320.061 Unlawful to alter motor vehicle registration
 1490 certificates, license plates, temporary license plates, mobile
 1491 home stickers, or validation stickers or to obscure license
 1492 plates; penalty.—A ~~No~~ person may not ~~shall~~ alter the original
 1493 appearance of a vehicle registration certificate, ~~any~~
 1494 ~~registration~~ license plate, temporary license plate, mobile home
 1495 sticker, or validation sticker, ~~or vehicle registration~~
 1496 ~~certificate~~ issued for and assigned to a ~~any~~ motor vehicle or
 1497 mobile home, whether by mutilation, alteration, defacement, or
 1498 change of color or in any other manner. A ~~No~~ person may not
 1499 ~~shall~~ apply or attach a ~~any~~ substance, reflective matter,
 1500 illuminated device, spray, coating, covering, or other material
 1501 onto or around any license plate which ~~that~~ interferes with the
 1502 legibility, angular visibility, or detectability of any feature
 1503 or detail on the license plate or interferes with the ability to
 1504 record any feature or detail on the license plate. A ~~Any~~ person
 1505 who violates this section commits a noncriminal traffic
 1506 infraction, punishable as a moving violation as provided in
 1507 chapter 318.

1508 Section 34. Subsection (1) of section 320.07, Florida
 1509 Statutes, is amended to read:

1510 320.07 Expiration of registration; renewal required;
 1511 penalties.—

1512 (1) The registration of a motor vehicle or mobile home

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1513 expires at midnight on the last day of the registration or
 1514 extended registration period, or for a motor vehicle or mobile
 1515 home owner who is a natural person, at midnight on the owner's
 1516 birthday. A vehicle may ~~shall~~ not be operated on the roads of
 1517 this state after expiration of the renewal period unless the
 1518 registration has been renewed according to law.

1519 Section 35. Subsection (11) of section 320.08056, Florida
 1520 Statutes, is amended to read:

1521 320.08056 Specialty license plates.—

1522 (11) The annual use fee from the sale of specialty license
 1523 plates, the interest earned from those fees, or any fees
 1524 received by an agency as a result of the sale of specialty
 1525 license plates may not be used for the purpose of marketing to,
 1526 or lobbying, entertaining, or rewarding, an employee of a
 1527 governmental agency that is responsible for the sale and
 1528 distribution of specialty license plates, or an elected member
 1529 or employee of the Legislature.

1530 Section 36. Paragraph (b) of subsection (35) of section
 1531 320.08058, Florida Statutes, is amended to read:

1532 320.08058 Specialty license plates.—

1533 (35) Florida Golf License Plates.—

1534 (b) The department shall distribute the Florida Golf
 1535 license plate annual use fee to the Dade Amateur Golf
 1536 Association, a nonprofit organization under s. 501(c)(3) of the
 1537 Internal Revenue Code. The license plate annual use fees are to
 1538 be annually allocated as follows:

1539 1. Up to ~~40~~ 15 percent of the proceeds from the annual use
 1540 fees may be used by the Dade Amateur Golf Association for the

1541 administration of the Florida Junior Golf Program.

1542 2. The Dade Amateur Golf Association shall receive the
 1543 first \$80,000 in proceeds from the annual use fees for the
 1544 operation of youth golf programs in Miami-Dade County.
 1545 Thereafter, 15 percent of the proceeds from the annual use fees
 1546 shall be provided to the Dade Amateur Golf Association for the
 1547 operation of youth golf programs in Miami-Dade County.

1548 3. The remaining proceeds from the annual use fees shall
 1549 be available for grants to nonprofit organizations to operate
 1550 youth golf programs and for marketing the Florida Golf license
 1551 plates. All grant recipients shall be required to provide to the
 1552 Dade Amateur Golf Association an annual program and financial
 1553 report regarding the use of grant funds. Such reports shall be
 1554 made available to the public.

1555 Section 37. Paragraph (e) of subsection (4) of section
 1556 320.08068, Florida Statutes, is amended to read:

1557 320.08068 Motorcycle specialty license plates.—

1558 (4) A license plate annual use fee of \$20 shall be
 1559 collected for each motorcycle specialty license plate. Annual
 1560 use fees shall be distributed to The Able Trust as custodial
 1561 agent. The Able Trust may retain a maximum of 10 percent of the
 1562 proceeds from the sale of the license plate for administrative
 1563 costs. The Able Trust shall distribute the remaining funds as
 1564 follows:

1565 (e) Twenty percent to the Florida Association of Centers
 1566 for Independent Living ~~to be used to leverage additional funding~~
 1567 ~~and new sources of revenue for the centers for independent~~
 1568 ~~living in this state.~~

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1569 Section 38. Subsection (4) of section 320.0848, Florida
 1570 Statutes, is amended to read:

1571 320.0848 Persons who have disabilities; issuance of
 1572 disabled parking permits; temporary permits; permits for certain
 1573 providers of transportation services to persons who have
 1574 disabilities.-

1575 (4) From the proceeds of the temporary disabled parking
 1576 permit fees:

1577 (a) The Department of Highway Safety and Motor Vehicles
 1578 must receive \$3.50 for each temporary permit, to be deposited
 1579 into the Highway Safety Operating Trust Fund and used for
 1580 implementing the real-time disabled parking permit database and
 1581 for administering the disabled parking permit program.

1582 (b) The tax collector, for processing, must receive \$2.50
 1583 for each temporary permit.

1584 (c) The remainder must be distributed monthly as follows:

1585 1. To the Florida Endowment Foundation for Vocational
 1586 Rehabilitation, known as "The Able Trust," ~~Governor's Alliance~~
 1587 ~~for the Employment of Disabled Citizens~~ for the purpose of
 1588 improving employment and training opportunities for persons who
 1589 have disabilities, with special emphasis on removing
 1590 transportation barriers, \$4. These fees must be directly
 1591 deposited into the Florida Endowment Foundation for Vocational
 1592 Rehabilitation as established in s. 413.615 ~~Transportation~~
 1593 ~~Disadvantaged Trust Fund for transfer to the Florida Governor's~~
 1594 ~~Alliance for Employment of Disabled Citizens.~~

1595 2. To the Transportation Disadvantaged Trust Fund to be
 1596 used for funding matching grants to counties for the purpose of

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1597 improving transportation of persons who have disabilities, \$5.

1598 Section 39. Paragraph (a) of subsection (1) of section
 1599 320.089, Florida Statutes, is amended, and subsection (5) is
 1600 added to that section, to read:

1601 320.089 Members of National Guard and active United States
 1602 Armed Forces reservists; former prisoners of war; survivors of
 1603 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi
 1604 Freedom and Operation Enduring Freedom Veterans; Vietnam War
 1605 Veterans; Combat Infantry Badge recipients; special license
 1606 plates; fee.—

1607 (1) (a) Each owner or lessee of an automobile or truck for
 1608 private use or recreational vehicle as specified in s.
 1609 320.08(9) (c) or (d), which is not used for hire or commercial
 1610 use, who is a resident of the state and an active or retired
 1611 member of the Florida National Guard, a survivor of the attack
 1612 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an
 1613 active or retired member of any branch of the United States
 1614 Armed Forces Reserve, or a recipient of the Combat Infantry
 1615 Badge shall, upon application to the department, accompanied by
 1616 proof of active membership or retired status in the Florida
 1617 National Guard, proof of membership in the Pearl Harbor
 1618 Survivors Association or proof of active military duty in Pearl
 1619 Harbor on December 7, 1941, proof of being a Purple Heart medal
 1620 recipient, ~~or~~ proof of active or retired membership in any
 1621 branch of the Armed Forces Reserve, or proof of membership in
 1622 the Combat Infantrymen's Association, Inc., or other proof of
 1623 being a recipient of the Combat Infantry Badge, and upon payment
 1624 of the license tax for the vehicle as provided in s. 320.08, be

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1625 issued a license plate as provided by s. 320.06, upon which, in
1626 lieu of the serial numbers prescribed by s. 320.06, shall be
1627 stamped the words "National Guard," "Pearl Harbor Survivor,"
1628 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry
1629 Badge," as appropriate, followed by the serial number of the
1630 license plate. Additionally, the Purple Heart plate may have the
1631 words "Purple Heart" stamped on the plate and the likeness of
1632 the Purple Heart medal appearing on the plate.

1633 (5) The owner or lessee of an automobile or truck for
1634 private use, a truck weighing not more than 7,999 pounds, or a
1635 recreational vehicle as specified in s. 320.08(9)(c) or (d)
1636 which automobile, truck, or recreational vehicle is not used for
1637 hire or commercial use who is a resident of the state and a
1638 current or former member of the United States military who was
1639 deployed and served in Vietnam during United States military
1640 deployment in Indochina shall, upon application to the
1641 department, accompanied by proof of active membership or former
1642 active duty status during these operations, and, upon payment of
1643 the license tax for the vehicle as provided in s. 320.08, be
1644 issued a license plate as provided by s. 320.06 upon which, in
1645 lieu of the registration license number prescribed by s. 320.06,
1646 shall be stamped the words "Vietnam War Veteran," followed by
1647 the registration license number of the plate.

1648 Section 40. Paragraph (c) is added to subsection (1) of
1649 section 320.13, Florida Statutes, to read:

1650 320.13 Dealer and manufacturer license plates and
1651 alternative method of registration.—

1652 (1)

1653 (c) A dealer of heavy trucks as defined in s. 320.01(10),
 1654 upon payment of the license tax imposed by s. 320.08(12), may
 1655 secure one or more dealer license plates that are valid for use
 1656 on vehicles owned by the dealer to whom such plates are issued
 1657 while the heavy trucks are in inventory and for sale and are
 1658 being used only in the state for demonstration purposes. The
 1659 license plates may be used for demonstration purposes for a
 1660 period not to exceed 24 hours. The license plates must be
 1661 validated on a form prescribed by the department and must be
 1662 retained in the vehicle being operated.

1663 Section 41. Section 320.15, Florida Statutes, is amended
 1664 to read:

1665 320.15 Refund of license tax.—Any resident owner of a
 1666 motor vehicle or mobile home that has been destroyed or
 1667 permanently removed from the state shall, upon application to
 1668 the department and surrender of the license plate or mobile home
 1669 sticker issued for such vehicle, be entitled to a credit to
 1670 apply to registration of any other vehicle in the name of the
 1671 owner, if the amount is \$3 or more, for the unexpired period of
 1672 the license. However, if the license plate surrendered is a
 1673 "for-hire" license plate, the amount of credit may not be more
 1674 than one-half of the annual license tax amount. A credit ~~is~~ will
 1675 ~~not be~~ valid after the expiration date of the license plate
 1676 which is current on the date of the credit, as provided in s.
 1677 320.07. A motor vehicle or mobile home owner who renews a
 1678 registration during the advanced renewal period as provided in
 1679 s. 320.071 and who surrenders the motor vehicle or mobile home
 1680 license plate before the end of the renewal period may apply for

1681 a refund of the license taxes assessed pursuant to s. 320.08.
 1682 Section 42. Subsection (3) of section 320.27, Florida
 1683 Statutes, is amended to read:
 1684 320.27 Motor vehicle dealers.—
 1685 (3) APPLICATION AND FEE.—The application for the license
 1686 shall be in such form as may be prescribed by the department and
 1687 shall be subject to such rules with respect thereto as may be so
 1688 prescribed by it. Such application shall be verified by oath or
 1689 affirmation and shall contain a full statement of the name and
 1690 birth date of the person or persons applying therefor; the name
 1691 of the firm or copartnership, with the names and places of
 1692 residence of all members thereof, if such applicant is a firm or
 1693 copartnership; the names and places of residence of the
 1694 principal officers, if the applicant is a body corporate or
 1695 other artificial body; the name of the state under whose laws
 1696 the corporation is organized; the present and former place or
 1697 places of residence of the applicant; and prior business in
 1698 which the applicant has been engaged and the location thereof.
 1699 Such application shall describe the exact location of the place
 1700 of business and shall state whether the place of business is
 1701 owned by the applicant and when acquired, or, if leased, a true
 1702 copy of the lease shall be attached to the application. The
 1703 applicant shall certify that the location provides an adequately
 1704 equipped office and is not a residence; that the location
 1705 affords sufficient unoccupied space upon and within which
 1706 adequately to store all motor vehicles offered and displayed for
 1707 sale; and that the location is a suitable place where the
 1708 applicant can in good faith carry on such business and keep and

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1709 maintain books, records, and files necessary to conduct such
1710 business, which shall ~~will~~ be available at all reasonable hours
1711 to inspection by the department or any of its inspectors or
1712 other employees. The applicant shall certify that the business
1713 of a motor vehicle dealer is the principal business which shall
1714 be conducted at that location. The ~~Such~~ application shall
1715 contain a statement that the applicant is either franchised by a
1716 manufacturer of motor vehicles, in which case the name of each
1717 motor vehicle that the applicant is franchised to sell shall be
1718 included, or an independent (nonfranchised) motor vehicle
1719 dealer. The ~~Such~~ application shall contain ~~such~~ other relevant
1720 information as may be required by the department, including
1721 evidence that the applicant is insured under a garage liability
1722 insurance policy or a general liability insurance policy coupled
1723 with a business automobile policy, which shall include, at a
1724 minimum, \$25,000 combined single-limit liability coverage
1725 including bodily injury and property damage protection and
1726 \$10,000 personal injury protection. However, a salvage motor
1727 vehicle dealer as defined in subparagraph (1)(c)5. is exempt
1728 from the requirements for garage liability insurance and
1729 personal injury protection insurance on those vehicles that
1730 cannot be legally operated on roads, highways, or streets in
1731 this state. Franchise dealers must submit a garage liability
1732 insurance policy, and all other dealers must submit a garage
1733 liability insurance policy or a general liability insurance
1734 policy coupled with a business automobile policy. Such policy
1735 shall be for the license period, and evidence of a new or
1736 continued policy shall be delivered to the department at the

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1737 beginning of each license period. Upon making initial
1738 application, the applicant shall pay to the department a fee of
1739 \$300 in addition to any other fees now required by law.~~†~~ Upon
1740 making a subsequent renewal application, the applicant shall pay
1741 to the department a fee of \$75 in addition to any other fees now
1742 required by law. Upon making an application for a change of
1743 location, the person shall pay a fee of \$50 in addition to any
1744 other fees now required by law. The department shall, in the
1745 case of every application for initial licensure, verify whether
1746 certain facts set forth in the application are true. Each
1747 applicant, general partner in the case of a partnership, or
1748 corporate officer and director in the case of a corporate
1749 applicant, must file a set of fingerprints with the department
1750 for the purpose of determining any prior criminal record or any
1751 outstanding warrants. The department shall submit the
1752 fingerprints to the Department of Law Enforcement for state
1753 processing and forwarding to the Federal Bureau of Investigation
1754 for federal processing. The actual cost of state and federal
1755 processing shall be borne by the applicant and is in addition to
1756 the fee for licensure. The department may issue a license to an
1757 applicant pending the results of the fingerprint investigation,
1758 which license is fully revocable if the department subsequently
1759 determines that any facts set forth in the application are not
1760 true or correctly represented.

1761 Section 43. Subsection (1) of section 320.771, Florida
1762 Statutes, is amended to read:

1763 320.771 License required of recreational vehicle dealers.—

1764 (1) DEFINITIONS.—As used in this section, the term:

1765 (a)1. "Dealer" means any person engaged in the business of
 1766 buying, selling, or dealing in recreational vehicles or offering
 1767 or displaying recreational vehicles for sale. The term "dealer"
 1768 includes a recreational vehicle broker. Any person who buys,
 1769 sells, deals in, or offers or displays for sale, or who acts as
 1770 the agent for the sale of, one or more recreational vehicles in
 1771 any 12-month period shall be prima facie presumed to be a
 1772 dealer. The terms "selling" and "sale" include lease-purchase
 1773 transactions. The term "dealer" does not include banks, credit
 1774 unions, and finance companies that acquire recreational vehicles
 1775 as an incident to their regular business and does not include
 1776 mobile home rental and leasing companies that sell recreational
 1777 vehicles to dealers licensed under this section.

1778 2. A licensed dealer may transact business in recreational
 1779 vehicles with a motor vehicle auction as defined in s.
 1780 320.27(1)(c)4. Further, a licensed dealer may, at retail or
 1781 wholesale, sell a motor vehicle, as described in s.
 1782 320.01(1)(a), acquired in exchange for the sale of a
 1783 recreational vehicle, if the ~~such~~ acquisition is incidental to
 1784 the principal business of being a recreational vehicle dealer.
 1785 However, a recreational vehicle dealer may not buy a motor
 1786 vehicle for the purpose of resale unless licensed as a motor
 1787 vehicle dealer pursuant to s. 320.27. A dealer may apply for a
 1788 certificate of title to a recreational vehicle required to be
 1789 registered under s. 320.08(9), using a manufacturer's statement
 1790 of origin as permitted by s. 319.23(1), only if the dealer is
 1791 authorized by a manufacturer/dealer agreement, as defined in s.
 1792 320.3202, on file with the department, to buy, sell, or deal in

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1793 that particular line-make of recreational vehicle, and the
 1794 dealer is authorized by the manufacturer/dealer agreement to
 1795 perform delivery and preparation obligations and warranty defect
 1796 adjustments on that line-make.

1797 (b) "Recreational vehicle broker" means any person who is
 1798 engaged in the business of offering to procure or procuring used
 1799 recreational vehicles for the general public; who holds himself
 1800 or herself out through solicitation, advertisement, or otherwise
 1801 as one who offers to procure or procures used recreational
 1802 vehicles for the general public; or who acts as the agent or
 1803 intermediary on behalf of the owner or seller of a used
 1804 recreational vehicle which is for sale or who assists or
 1805 represents the seller in finding a buyer for the recreational
 1806 vehicle.

1807 (c) ~~For the purposes of this section, the term~~
 1808 "Recreational vehicle" does not include any camping trailer, as
 1809 defined in s. 320.01(1)(b)2.

1810 Section 44. Section 320.95, Florida Statutes, is amended
 1811 to read:

1812 320.95 Transactions by electronic or telephonic means.—

1813 (1) The department may ~~is authorized to~~ accept an ~~any~~
 1814 application provided for under this chapter by electronic or
 1815 telephonic means.

1816 (2) The department may collect electronic mail addresses
 1817 and use electronic mail in lieu of the United States Postal
 1818 Service for the purpose of providing renewal notices.

1819 Section 45. Section 322.04, Florida Statutes, is amended
 1820 to read:

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1821 322.04 Persons exempt from obtaining driver ~~driver's~~
 1822 license.—

1823 (1) The following persons are exempt from obtaining a
 1824 driver ~~driver's~~ license:

1825 (a) Any employee of the United States Government, while
 1826 operating a noncommercial motor vehicle owned by or leased to
 1827 the United States Government and being operated on official
 1828 business.

1829 (b) Any person while driving or operating any road
 1830 machine, farm tractor, or implement of husbandry temporarily
 1831 operated or moved on a highway.

1832 (c) A nonresident who is at least 16 years of age
 1833 operating ~~and who has in his or her immediate possession a valid~~
 1834 ~~noncommercial driver's license issued to the nonresident in his~~
 1835 ~~or her home state or country,~~ may operate a motor vehicle of the
 1836 type for which a Class E driver ~~driver's~~ license is required in
 1837 this state if the nonresident has in his or her immediate
 1838 possession:

1839 1. A valid noncommercial driver license issued in his or
 1840 her name from another state or territory of the United States;
 1841 or

1842 2. An International Driving Permit issued in his or her
 1843 name in his or her country of residence and a valid license
 1844 issued in that country.

1845 ~~(d) A nonresident who is at least 18 years of age and who~~
 1846 ~~has in his or her immediate possession a valid noncommercial~~
 1847 ~~driver's license issued to the nonresident in his or her home~~
 1848 ~~state or country may operate a motor vehicle, other than a~~

1849 ~~commercial motor vehicle, in this state.~~

1850 (d)~~(e)~~ Any person operating a golf cart, as defined in s.
1851 320.01, which is operated in accordance with the provisions of
1852 s. 316.212.

1853 ~~The provisions of~~ This section does ~~de~~ not apply to
1854 any person to whom s. 322.031 applies.

1855 (3) Any person working for a firm under contract to the
1856 United States Government, whose residence is outside ~~without~~
1857 this state and whose main point of employment is outside ~~without~~
1858 this state may drive a noncommercial vehicle on the public roads
1859 of this state for periods up to 60 days while in this state on
1860 temporary duty, if the ~~provided~~ such person has a valid driver
1861 ~~driver's~~ license from the state of the ~~such~~ person's residence.

1862 Section 46. Paragraph (a) of subsection (1) of section
1863 322.051, Florida Statutes, is amended, and subsection (9) is
1864 added to that section, to read::

1865 322.051 Identification cards.—

1866 (1) Any person who is 5 years of age or older, or any
1867 person who has a disability, regardless of age, who applies for
1868 a disabled parking permit under s. 320.0848, may be issued an
1869 identification card by the department upon completion of an
1870 application and payment of an application fee.

1871 (a) The ~~Each such~~ application must ~~shall~~ include the
1872 following information regarding the applicant:

1873 1. Full name (first, middle or maiden, and last), gender,
1874 proof of social security card number satisfactory to the
1875 department, county of residence, mailing address, proof of
1876 residential address satisfactory to the department, country of

1877 birth, and a brief description.

1878 2. Proof of birth date satisfactory to the department.

1879 3. Proof of identity satisfactory to the department. Such

1880 proof must include one of the following documents issued to the

1881 applicant:

1882 a. A driver ~~driver's~~ license record or identification card

1883 record from another jurisdiction that required the applicant to

1884 submit a document for identification which is substantially

1885 similar to a document required under sub-subparagraph b., sub-

1886 subparagraph c., sub-subparagraph d., sub-subparagraph e., sub-

1887 subparagraph f., sub-subparagraph g., or sub-subparagraph h.;

1888 b. A certified copy of a United States birth certificate;

1889 c. A valid, unexpired United States passport;

1890 d. A naturalization certificate issued by the United

1891 States Department of Homeland Security;

1892 e. A valid, unexpired alien registration receipt card

1893 (green card);

1894 f. A Consular Report of Birth Abroad provided by the

1895 United States Department of State;

1896 g. An unexpired employment authorization card issued by

1897 the United States Department of Homeland Security; or

1898 h. Proof of nonimmigrant classification provided by the

1899 United States Department of Homeland Security, for an original

1900 identification card. In order to prove ~~such~~ nonimmigrant

1901 classification, an applicant must provide at least one of

1902 applicants may produce but are not limited to the following

1903 documents. In addition, the department may require applicants to

1904 produce United States Department of Homeland Security documents

1905 for the sole purpose of establishing the maintenance of, or
 1906 efforts to maintain, continuous lawful presence:

1907 (I) A notice of hearing from an immigration court
 1908 scheduling a hearing on any proceeding.

1909 (II) A notice from the Board of Immigration Appeals
 1910 acknowledging pendency of an appeal.

1911 (III) A notice of the approval of an application for
 1912 adjustment of status issued by the United States Bureau of
 1913 Citizenship and Immigration Services.

1914 (IV) An ~~Any~~ official documentation confirming the filing
 1915 of a petition for asylum or refugee status or any other relief
 1916 issued by the United States Bureau of Citizenship and
 1917 Immigration Services.

1918 (V) A notice of action transferring any pending matter
 1919 from another jurisdiction to Florida, issued by the United
 1920 States Bureau of Citizenship and Immigration Services.

1921 (VI) An order of an immigration judge or immigration
 1922 officer granting ~~any~~ relief that authorizes the alien to live
 1923 and work in the United States, including, but not limited to,
 1924 asylum.

1925 (VII) Evidence that an application is pending for
 1926 adjustment of status to that of an alien lawfully admitted for
 1927 permanent residence in the United States or conditional
 1928 permanent resident status in the United States, if a visa number
 1929 is available having a current priority date for processing by
 1930 the United States Bureau of Citizenship and Immigration
 1931 Services.

1932 (VIII) On or after January 1, 2010, an unexpired foreign

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1933 | passport with an unexpired United States Visa affixed,
 1934 | accompanied by an approved I-94, documenting the most recent
 1935 | admittance into the United States.

1936 |
 1937 | An identification card issued based on documents required
 1938 | ~~Presentation of any of the documents described in sub-~~
 1939 | ~~subparagraph g. or sub-subparagraph h. is valid~~ entitles the
 1940 | ~~applicant to an identification card~~ for a period not to exceed
 1941 | the expiration date of the document presented or 1 year,
 1942 | whichever ~~first~~ occurs first.

1943 | (9) Notwithstanding any other provision of this section or
 1944 | s. 322.21 to the contrary, the department shall issue or renew a
 1945 | card at no charge to a person who presents evidence satisfactory
 1946 | to the department that he or she is homeless as defined in s.
 1947 | 414.0252(7).

1948 | Section 47. Subsection (4) of section 322.058, Florida
 1949 | Statutes, is amended to read:

1950 | 322.058 Suspension of driving privileges due to support
 1951 | delinquency; reinstatement.-

1952 | (4) This section applies only to the annual renewal in the
 1953 | owner's birth month of a motor vehicle registration and does not
 1954 | apply to the transfer of a registration of a motor vehicle sold
 1955 | by a motor vehicle dealer licensed under chapter 320, except for
 1956 | the transfer of registrations which includes ~~is inclusive of~~ the
 1957 | annual renewals. This section does not affect the issuance of
 1958 | the title to a motor vehicle, notwithstanding s. 319.23(8)(b) ~~s.~~
 1959 | ~~319.23(7)(b)~~.

1960 | Section 48. Section 322.065, Florida Statutes, is amended

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1961 to read:

1962 322.065 Driver ~~Driver's~~ license expired for 6 ~~4~~ months or
 1963 less; penalties.—~~A~~ Any person whose driver ~~driver's~~ license has
 1964 been expired for 6 ~~4~~ months or less and who drives a motor
 1965 vehicle upon the highways of this state commits ~~is guilty of~~ an
 1966 infraction and is subject to the penalty provided in s. 318.18.

1967 Section 49. Subsection (3) of section 322.07, Florida
 1968 Statutes, is amended to read:

1969 322.07 Instruction permits and temporary licenses.—

1970 (3) Any person who, except for his or her lack of
 1971 instruction in operating a commercial motor vehicle, would
 1972 otherwise be qualified to obtain a commercial driver ~~driver's~~
 1973 license under this chapter, may apply for a temporary commercial
 1974 instruction permit. The department shall issue such a permit
 1975 entitling the applicant, while having the permit in his or her
 1976 immediate possession, to drive a commercial motor vehicle on the
 1977 highways, if ~~provided that~~:

1978 (a) The applicant possesses a valid Florida driver
 1979 ~~driver's~~ license ~~issued in any state~~; and

1980 (b) The applicant, while operating a commercial motor
 1981 vehicle, is accompanied by a licensed driver who is 21 years of
 1982 age or older, who is licensed to operate the class of vehicle
 1983 being operated, and who is ~~actually~~ occupying the closest seat
 1984 to the right of the driver.

1985 Section 50. Paragraph (c) of subsection (2) and subsection
 1986 (7) of section 322.08, Florida Statutes, are amended, and
 1987 subsection (8) is added to that section, to read:

1988 322.08 Application for license; requirements for license

1989 and identification card forms.—

1990 (2) Each such application shall include the following

1991 information regarding the applicant:

1992 (c) Proof of identity satisfactory to the department. Such

1993 proof must include one of the following documents issued to the

1994 applicant:

1995 1. A driver ~~driver's~~ license record or identification card

1996 record from another jurisdiction that required the applicant to

1997 submit a document for identification which is substantially

1998 similar to a document required under subparagraph 2.,

1999 subparagraph 3., subparagraph 4., subparagraph 5., subparagraph

2000 6., subparagraph 7., or subparagraph 8.;

2001 2. A certified copy of a United States birth certificate;

2002 3. A valid, unexpired United States passport;

2003 4. A naturalization certificate issued by the United

2004 States Department of Homeland Security;

2005 5. A valid, unexpired alien registration receipt card

2006 (green card);

2007 6. A Consular Report of Birth Abroad provided by the

2008 United States Department of State;

2009 7. An unexpired employment authorization card issued by

2010 the United States Department of Homeland Security; or

2011 8. Proof of nonimmigrant classification provided by the

2012 United States Department of Homeland Security, for an original

2013 driver ~~driver's~~ license. In order to prove nonimmigrant

2014 classification, an applicant must provide at least one of the

2015 following documents. In addition, the department may require

2016 applicants to produce United States Department of Homeland

2017 Security documents for the sole purpose of establishing the
 2018 maintenance of, or efforts to maintain, continuous lawful
 2019 presence ~~may produce the following documents, including, but not~~
 2020 ~~limited to:~~

2021 a. A notice of hearing from an immigration court
 2022 scheduling a hearing on any proceeding.

2023 b. A notice from the Board of Immigration Appeals
 2024 acknowledging pendency of an appeal.

2025 c. A notice of the approval of an application for
 2026 adjustment of status issued by the United States Bureau of
 2027 Citizenship and Immigration Services.

2028 d. An ~~Any~~ official documentation confirming the filing of
 2029 a petition for asylum or refugee status or any other relief
 2030 issued by the United States Bureau of Citizenship and
 2031 Immigration Services.

2032 e. A notice of action transferring any pending matter from
 2033 another jurisdiction to this state issued by the United States
 2034 Bureau of Citizenship and Immigration Services.

2035 f. An order of an immigration judge or immigration officer
 2036 granting ~~any~~ relief that authorizes the alien to live and work
 2037 in the United States, including, but not limited to, asylum.

2038 g. Evidence that an application is pending for adjustment
 2039 of status to that of an alien lawfully admitted for permanent
 2040 residence in the United States or conditional permanent resident
 2041 status in the United States, if a visa number is available
 2042 having a current priority date for processing by the United
 2043 States Bureau of Citizenship and Immigration Services.

2044 h. On or after January 1, 2010, an unexpired foreign

2045 | passport with an unexpired United States Visa affixed,
 2046 | accompanied by an approved I-94, documenting the most recent
 2047 | admittance into the United States.

2048 |
 2049 | A driver license or temporary permit issued based on documents
 2050 | required ~~Presentation of any of the documents~~ in subparagraph 7.
 2051 | or subparagraph 8. is valid ~~entitles the applicant to a driver's~~
 2052 | ~~license or temporary permit~~ for a period not to exceed the
 2053 | expiration date of the document presented or 1 year, ~~whichever~~
 2054 | ~~occurs first.~~

2055 | (7) The application form for an original, renewal, or
 2056 | replacement driver ~~driver's~~ license or identification card shall
 2057 | include language permitting the following:

2058 | (a) A voluntary contribution of \$1 per applicant, which
 2059 | contribution shall be deposited into the Health Care Trust Fund
 2060 | for organ and tissue donor education and for maintaining the
 2061 | organ and tissue donor registry.

2062 | (b) A voluntary contribution of \$1 per applicant, which
 2063 | contribution shall be distributed to the Florida Council of the
 2064 | Blind.

2065 | (c) A voluntary contribution of \$2 per applicant, which
 2066 | shall be distributed to the Hearing Research Institute,
 2067 | Incorporated.

2068 | (d) A voluntary contribution of \$1 per applicant, which
 2069 | shall be distributed to the Juvenile Diabetes Foundation
 2070 | International.

2071 | (e) A voluntary contribution of \$1 per applicant, which
 2072 | shall be distributed to the Children's Hearing Help Fund.

2073 (f) A voluntary contribution of \$1 per applicant, which
 2074 shall be distributed to Family First, a nonprofit organization.

2075 (g) A voluntary contribution of \$1 per applicant to Stop
 2076 Heart Disease, which shall be distributed to the Florida Heart
 2077 Research Institute, a nonprofit organization.

2078 (h) A voluntary contribution of \$1 per applicant to Senior
 2079 Vision Services, which shall be distributed to the Florida
 2080 Association of Agencies Serving the Blind, Inc., a not-for-
 2081 profit organization.

2082 (i) A voluntary contribution of \$1 per applicant for
 2083 services for persons with developmental disabilities, which
 2084 shall be distributed to The Arc of Florida.

2085 (j) A voluntary contribution of \$1 to the Ronald McDonald
 2086 House, which shall be distributed each month to Ronald McDonald
 2087 House Charities of Tampa Bay, Inc.

2088 (k) Notwithstanding s. 322.081, a voluntary contribution
 2089 of \$1 per applicant, which shall be distributed to the League
 2090 Against Cancer/La Liga Contra el Cancer, a not-for-profit
 2091 organization.

2092 (l) A voluntary contribution of \$1 per applicant to
 2093 Prevent Child Sexual Abuse, which shall be distributed to
 2094 Lauren's Kids, Inc., a nonprofit organization.

2095 (m) A voluntary contribution of \$1 per applicant, which
 2096 shall be distributed to Prevent Blindness Florida, a not-for-
 2097 profit organization, to prevent blindness and preserve the sight
 2098 of the residents of this state.

2099 (n) Notwithstanding s. 322.081, a voluntary contribution
 2100 of \$1 per applicant to the state homes for veterans, to be

2101 distributed on a quarterly basis by the department to the State
 2102 Homes for Veterans Trust Fund, which is administered by the
 2103 Department of Veterans' Affairs.

2104 (o) A voluntary contribution of \$1 per applicant to the
 2105 Disabled American Veterans, Department of Florida, which shall
 2106 be distributed quarterly to Disabled American Veterans,
 2107 Department of Florida, a nonprofit organization.

2108 (p) A voluntary contribution of \$1 per applicant for
 2109 Autism Services and Supports. Such contributions must be
 2110 transferred by the department to the Achievement and
 2111 Rehabilitation Centers, Inc., Autism Services Fund.

2112 (q) A voluntary contribution of \$1 per applicant to
 2113 Support Our Troops, which shall be distributed to Support Our
 2114 Troops, Inc., a Florida not-for-profit organization.

2115
 2116 A statement providing an explanation of the purpose of the trust
 2117 funds shall also be included. For the purpose of applying the
 2118 service charge provided in s. 215.20, contributions received
 2119 under paragraphs (b)-(q) ~~(b)-(e)~~ are not income of a revenue
 2120 nature.

2121 (8) The department may collect electronic mail addresses
 2122 and use electronic mail in lieu of the United States Postal
 2123 Service for the purpose of providing renewal notices.

2124 Section 51. Paragraph (c) of subsection (2) and subsection
 2125 (5) of section 322.121, Florida Statutes, are amended to read:

2126 322.121 Periodic reexamination of all drivers.-

2127 (2) For each licensee whose driving record does not show
 2128 any revocations, disqualifications, or suspensions for the

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2129 preceding 7 years or any convictions for the preceding 3 years
 2130 except for convictions of the following nonmoving violations:

2131 (c) Operating a motor vehicle with an expired license that
 2132 has been expired for 6 4 months or less pursuant to s. 322.065;

2133
 2134 the department shall cause such licensee's license to be
 2135 prominently marked with the notation "Safe Driver."

2136 (5) Members of the Armed Forces, or their dependents
 2137 residing with them, shall be granted an automatic extension for
 2138 the expiration of their Class E licenses without reexamination
 2139 while serving on active duty outside this state. This extension
 2140 is valid for 90 days after the member of the Armed Forces is
 2141 either discharged or returns to this state to live.

2142 Section 52. Paragraph (a) of subsection (1) of section
 2143 322.14, Florida Statutes, is amended to read:

2144 322.14 Licenses issued to drivers.-

2145 (1)(a) The department shall, upon successful completion of
 2146 all required examinations and payment of the required fee, issue
 2147 to every qualified applicant ~~qualifying therefor,~~ a driver
 2148 ~~driver's~~ license that must ~~as applied for,~~ which license shall
 2149 bear ~~thereon~~ a color photograph or digital image of the
 2150 licensee; the name of the state; a distinguishing number
 2151 assigned to the licensee; and the licensee's full name, date of
 2152 birth, and residence address; a brief description of the
 2153 licensee, including, but not limited to, the licensee's gender
 2154 and height; and the dates of issuance and expiration of the
 2155 license. A space shall be provided upon which the licensee shall
 2156 affix his or her usual signature. A ~~No~~ license is invalid ~~shall~~

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2157 ~~be valid~~ until it has been ~~so~~ signed by the licensee except that
 2158 the signature of the said licensee is not ~~shall not be~~ required
 2159 if it appears thereon in facsimile or if the licensee is not
 2160 present within the state at the time of issuance. ~~Applicants~~
 2161 ~~qualifying to receive a Class A, Class B, or Class C driver's~~
 2162 ~~license must appear in person within the state for issuance of a~~
 2163 ~~color photographic or digital imaged driver's license pursuant~~
 2164 ~~to s. 322.142.~~

2165 Section 53. Section 322.1415, Florida Statutes, is created
 2166 to read:

2167 322.1415 Specialty driver license and identification card
 2168 program.—

2169 (1) The department may issue to any applicant qualified
 2170 pursuant to s. 322.14 a specialty driver license or
 2171 identification card upon payment of the appropriate fee pursuant
 2172 to s. 322.21.

2173 (2) Any specialty driver license or identification card
 2174 approved by the department shall, at a minimum, be available for
 2175 state and independent universities domiciled in this state, all
 2176 Florida professional sports teams designated pursuant to s.
 2177 320.08058(9) (a), and all branches of the United States Armed
 2178 Forces.

2179 (3) The design and use of each specialty driver license
 2180 and identification card must be approved by the department and
 2181 the organization that is recognized by the driver license or
 2182 card.

2183 (4) Organizations receiving funds from this program shall
 2184 attest, under penalties of perjury, pursuant to s. 320.08062

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2185 that the funds have been expended in the same manner as provided
 2186 in s. 320.08058. On December 1 of each year, the department
 2187 shall deliver an annual report to the President of the Senate
 2188 and the Speaker of the House of Representatives which addresses
 2189 the viability of the program and details the amounts distributed
 2190 to each entity.

2191 (5) This section is repealed August 31, 2016.

2192 Section 54. Subsection (4) of section 322.142, Florida
 2193 Statutes, is amended to read:

2194 322.142 Color photographic or digital imaged licenses.—

2195 (4) The department may maintain a film negative or print
 2196 file. The department shall maintain a record of the digital
 2197 image and signature of the licensees, together with other data
 2198 required by the department for identification and retrieval.
 2199 Reproductions from the file or digital record are exempt from
 2200 the provisions of s. 119.07(1) and shall be made and issued only
 2201 for departmental administrative purposes; for the issuance of
 2202 duplicate licenses; in response to law enforcement agency
 2203 requests; to the Department of Business and Professional
 2204 Regulation pursuant to an interagency agreement for the purpose
 2205 of accessing digital images for reproduction of licenses issued
 2206 by the Department of Business and Professional Regulation; to
 2207 the Department of State pursuant to an interagency agreement to
 2208 facilitate determinations of eligibility of voter registration
 2209 applicants and registered voters in accordance with ss. 98.045
 2210 and 98.075; to the Department of Revenue pursuant to an
 2211 interagency agreement for use in establishing paternity and
 2212 establishing, modifying, or enforcing support obligations in

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2213 Title IV-D cases; to the Department of Children and Family
 2214 Services pursuant to an interagency agreement to conduct
 2215 protective investigations under part III of chapter 39 and
 2216 chapter 415; to the Department of Children and Family Services
 2217 pursuant to an interagency agreement specifying the number of
 2218 employees in each of that department's regions to be granted
 2219 access to the records for use as verification of identity to
 2220 expedite the determination of eligibility for public assistance
 2221 and for use in public assistance fraud investigations; ~~or~~ to the
 2222 Department of Financial Services pursuant to an interagency
 2223 agreement to facilitate the location of owners of unclaimed
 2224 property, the validation of unclaimed property claims, and the
 2225 identification of fraudulent or false claims; or to district
 2226 medical examiners pursuant to an interagency agreement for the
 2227 purpose of identifying a deceased individual, determining cause
 2228 of death, and notifying next of kin of any investigations,
 2229 including autopsies and other laboratory examinations,
 2230 authorized in s. 406.011.

2231 Section 55. Subsection (2) of section 322.19, Florida
 2232 Statutes, is amended to read:

2233 322.19 Change of address or name.—

2234 (2) Whenever any person, after applying for or receiving a
 2235 driver ~~driver's~~ license, changes the legal residence or mailing
 2236 address in the application or license, the person must, within
 2237 10 calendar days after making the change, obtain a replacement
 2238 license that reflects the change. A written request to the
 2239 department must include the old and new addresses and the driver
 2240 ~~driver's~~ license number. Any person who has a valid, current

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2241 student identification card issued by an educational institution
 2242 in this state is presumed not to have changed his or her legal
 2243 residence or mailing address. This subsection does not affect
 2244 any person required to register a permanent or temporary address
 2245 change pursuant to s. 775.13, s. 775.21, s. 775.25, or s.
 2246 943.0435.

2247 Section 56. Paragraph (i) is added to subsection (1) of
 2248 section 322.21, Florida Statutes, to read:

2249 322.21 License fees; procedure for handling and collecting
 2250 fees.—

2251 (1) Except as otherwise provided herein, the fee for:

2252 (i) The specialty driver license or identification card
 2253 issued pursuant to s. 322.1415 is \$25, which is in addition to
 2254 other fees required in this section. The fee shall be
 2255 distributed as follows:

2256 1. Fifty percent shall be distributed as provided in s.
 2257 320.08058 to the appropriate state or independent university,
 2258 professional sports team, or branch of the United States Armed
 2259 Forces.

2260 2. Fifty percent shall be distributed to the department
 2261 for costs directly related to the specialty driver license and
 2262 identification card program and to defray the costs associated
 2263 with production enhancements and distribution.

2264 Section 57. Subsection (2) of section 322.251, Florida
 2265 Statutes, is amended to read:

2266 322.251 Notice of cancellation, suspension, revocation, or
 2267 disqualification of license.—

2268 (2) The giving of notice and an order of cancellation,

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2269 suspension, revocation, or disqualification by mail is complete
 2270 upon expiration of 20 days after deposit in the United States
 2271 mail for all notices except those issued under chapter 324 or
 2272 ss. 627.732-627.734, which are complete 15 days after deposit in
 2273 the United States mail. Proof of the giving of notice and an
 2274 order of cancellation, suspension, revocation, or
 2275 disqualification in either ~~such~~ manner shall be made by entry in
 2276 the records of the department that such notice was given. The
 2277 ~~Such~~ entry is ~~shall be~~ admissible in the courts of this state
 2278 and constitutes ~~shall constitute~~ sufficient proof that such
 2279 notice was given.

2280 Section 58. Section 322.27, Florida Statutes, is amended
 2281 to read:

2282 322.27 Authority of department to suspend or revoke driver
 2283 license or identification card.-

2284 (1) Notwithstanding any provisions to the contrary in
 2285 chapter 120, the department may ~~is hereby authorized to~~ suspend
 2286 the license of any person without preliminary hearing upon a
 2287 showing of its records or other sufficient evidence that the
 2288 licensee:

2289 (a) Has committed an offense for which mandatory
 2290 revocation of license is required upon conviction. A law
 2291 enforcement agency must provide information to the department
 2292 within 24 hours after any traffic fatality or when the law
 2293 enforcement agency initiates action pursuant to s. 316.1933;

2294 (b) Has been convicted of a violation of any traffic law
 2295 which resulted in a crash that caused the death or personal
 2296 injury of another or property damage in excess of \$500;

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2297 (c) Is incompetent to drive a motor vehicle;

2298 (d) Has permitted an unlawful or fraudulent use of the

2299 ~~such~~ license or identification card or has knowingly been a

2300 party to the obtaining of a license or identification card by

2301 fraud or misrepresentation or to the display, or representation

2302 ~~represent~~ as one's own, of a driver ~~any driver's~~ license or

2303 identification card not issued to him or her. ~~Provided, however,~~

2304 ~~no provision of~~ This section does not ~~shall be construed to~~

2305 include the provisions of s. 322.32(1);

2306 (e) Has committed an offense in another state which, if

2307 committed in this state, would be grounds for suspension or

2308 revocation; or

2309 (f) Has committed a second or subsequent violation of s.

2310 316.172(1) within a 5-year period of any previous violation.

2311 (2) The department shall suspend the license of any person

2312 without preliminary hearing upon a showing of its records that

2313 the licensee has been convicted in any court having jurisdiction

2314 over offenses committed under this chapter or any other law of

2315 this state regulating the operation of a motor vehicle on the

2316 highways, upon direction of the court, when the court feels that

2317 the seriousness of the offense and the circumstances surrounding

2318 the conviction warrant the suspension of the licensee's driving

2319 privilege.

2320 (3) There is established a point system for evaluation of

2321 convictions of violations of motor vehicle laws or ordinances,

2322 and violations of applicable provisions of s. 403.413(6) (b) when

2323 such violations involve the use of motor vehicles, for the

2324 determination of the continuing qualification of any person to

2325 operate a motor vehicle. The department is authorized to suspend
 2326 the license of any person upon showing of its records or other
 2327 good and sufficient evidence that the licensee has been
 2328 convicted of violation of motor vehicle laws or ordinances, or
 2329 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 2330 more points as determined by the point system. The suspension
 2331 shall be for a period of not more than 1 year.

2332 (a) When a licensee accumulates 12 points within a 12-
 2333 month period, the period of suspension shall be for not more
 2334 than 30 days.

2335 (b) When a licensee accumulates 18 points, including
 2336 points upon which suspension action is taken under paragraph
 2337 (a), within an 18-month period, the suspension shall be for a
 2338 period of not more than 3 months.

2339 (c) When a licensee accumulates 24 points, including
 2340 points upon which suspension action is taken under paragraphs
 2341 (a) and (b), within a 36-month period, the suspension shall be
 2342 for a period of not more than 1 year.

2343 (d) The point system shall have as its basic element a
 2344 graduated scale of points assigning relative values to
 2345 convictions of the following violations:

- 2346 1. Reckless driving, willful and wanton—4 points.
- 2347 2. Leaving the scene of a crash resulting in property
 2348 damage of more than \$50—6 points.
- 2349 3. Unlawful speed resulting in a crash—6 points.
- 2350 4. Passing a stopped school bus—4 points.
- 2351 5. Unlawful speed:
- 2352 a. Not in excess of 15 miles per hour of lawful or posted

2353 speed—3 points.

2354 b. In excess of 15 miles per hour of lawful or posted
2355 speed—4 points.

2356 6. A violation of a traffic control signal device as
2357 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
2358 However, no points shall be imposed for a violation of s.
2359 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
2360 stop at a traffic signal and when enforced by a traffic
2361 infraction enforcement officer. In addition, a violation of s.
2362 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
2363 stop at a traffic signal and when enforced by a traffic
2364 infraction enforcement officer may not be used for purposes of
2365 setting motor vehicle insurance rates.

2366 7. All other moving violations (including parking on a
2367 highway outside the limits of a municipality)—3 points. However,
2368 no points shall be imposed for a violation of s. 316.0741 or s.
2369 316.2065(12); and points shall be imposed for a violation of s.
2370 316.1001 only when imposed by the court after a hearing pursuant
2371 to s. 318.14(5).

2372 8. Any moving violation covered above, excluding unlawful
2373 speed, resulting in a crash—4 points.

2374 9. Any conviction under s. 403.413(6)(b)—3 points.

2375 10. Any conviction under s. 316.0775(2)—4 points.

2376 (e) A conviction in another state of a violation therein
2377 which, if committed in this state, would be a violation of the
2378 traffic laws of this state, or a conviction of an offense under
2379 any federal law substantially conforming to the traffic laws of
2380 this state, except a violation of s. 322.26, may be recorded

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2381 against a driver on the basis of the same number of points
 2382 received had the conviction been made in a court of this state.

2383 (f) In computing the total number of points, when the
 2384 licensee reaches the danger zone, the department is authorized
 2385 to send the licensee a warning letter advising that any further
 2386 convictions may result in suspension of his or her driving
 2387 privilege.

2388 (g) The department shall administer and enforce the
 2389 provisions of this law and may make rules and regulations
 2390 necessary for its administration.

2391 (h) Three points shall be deducted from the driver history
 2392 record of any person whose driving privilege has been suspended
 2393 only once pursuant to this subsection and has been reinstated,
 2394 if such person has complied with all other requirements of this
 2395 chapter.

2396 (i) This subsection does ~~shall~~ not apply to persons
 2397 operating a nonmotorized vehicle for which a driver ~~driver's~~
 2398 license is not required.

2399 (4) The department, in computing the points and period of
 2400 time for suspensions under this section, shall use the offense
 2401 date of all convictions.

2402 (5) The department shall revoke the license of any person
 2403 designated a habitual offender, as set forth in s. 322.264, and
 2404 such person is ~~shall~~ not ~~be~~ eligible to be relicensed for a
 2405 minimum of 5 years from the date of revocation, except as
 2406 provided for in s. 322.271. Any person whose license is revoked
 2407 may, by petition to the department, show cause why his or her
 2408 license should not be revoked.

2409 (6) The department shall revoke the driving privilege of
 2410 any person who is convicted of a felony for the possession of a
 2411 controlled substance if, at the time of such possession, the
 2412 person was driving or in actual physical control of a motor
 2413 vehicle. A person whose driving privilege has been revoked
 2414 pursuant to this subsection is ~~shall~~ not ~~be~~ eligible to receive
 2415 a limited business or employment purpose license during the term
 2416 of such revocation.

2417 (7) Review of an order of suspension or revocation shall
 2418 be by writ of certiorari as provided in s. 322.31.

2419 Section 59. Subsection (5) of section 322.292, Florida
 2420 Statutes, is repealed.

2421 Section 60. Subsection (2) of section 322.53, Florida
 2422 Statutes, is amended to read:

2423 322.53 License required; exemptions.—

2424 (2) The following persons are exempt from the requirement
 2425 to obtain a commercial driver ~~driver's~~ license:

2426 (a) Drivers of authorized emergency vehicles.

2427 (b) Military personnel driving vehicles operated for
 2428 military purposes.

2429 (c) Farmers transporting agricultural products, farm
 2430 supplies, or farm machinery to or from their farms and within
 2431 150 miles of their farms ~~farm~~, if the vehicle operated under
 2432 this exemption is not used in the operations of a common or
 2433 contract motor carrier ~~or transporting agricultural products to~~
 2434 ~~or from the first place of storage or processing or directly to~~
 2435 ~~or from market, within 150 miles of their farm.~~

2436 (d) Drivers of recreational vehicles, as defined in s.

2437 320.01.
 2438 (e) Drivers who operate straight trucks, as defined in s.
 2439 316.003, and who ~~that~~ are ~~exclusively~~ transporting exclusively
 2440 their own tangible personal property, which is not for sale.

2441 (f) Employees ~~An employee~~ of a publicly owned transit
 2442 system who are ~~is~~ limited to moving vehicles for maintenance or
 2443 parking purposes exclusively within the restricted-access
 2444 confines of a transit system's property.

2445 Section 61. Subsection (2) of section 322.54, Florida
 2446 Statutes, is amended to read:

2447 322.54 Classification.—

2448 (2) The department shall issue, pursuant to the
 2449 requirements of this chapter, driver ~~drivers'~~ licenses in
 2450 accordance with the following classifications:

2451 (a) Any person who drives a motor vehicle combination
 2452 having a gross vehicle weight rating or gross vehicle weight of
 2453 26,001 pounds or more must possess a valid Class A driver
 2454 ~~driver's~~ license, if provided the gross vehicle weight rating or
 2455 gross vehicle weight of the vehicle being towed is more than
 2456 10,000 pounds. Any person who possesses a valid Class A driver
 2457 ~~driver's~~ license may, subject to the appropriate restrictions
 2458 and endorsements, drive any class of motor vehicle within this
 2459 state.

2460 (b) Any person, except a person who possesses a valid
 2461 Class A driver ~~driver's~~ license, who drives a motor vehicle
 2462 having a gross vehicle weight rating or gross vehicle weight of
 2463 26,001 pounds or more must possess a valid Class B driver
 2464 ~~driver's~~ license. Any person, except a person who possesses a

2465 valid Class A driver ~~driver's~~ license, who drives such vehicle
 2466 towing a vehicle having a gross vehicle weight rating of 10,000
 2467 pounds or less must possess a valid Class B driver ~~driver's~~
 2468 license. Any person who possesses a valid Class B driver
 2469 ~~driver's~~ license may, subject to the appropriate restrictions
 2470 and endorsements, drive any class of motor vehicle, other than
 2471 the type of motor vehicle for which a Class A driver ~~driver's~~
 2472 license is required, within this state.

2473 (c) Any person, except a person who possesses a valid
 2474 Class A or a valid Class B driver ~~driver's~~ license, who drives a
 2475 motor vehicle having a gross vehicle weight rating of less than
 2476 26,001 pounds and who is required to obtain an endorsement
 2477 pursuant to paragraph (1) (b), paragraph (1) (c), or paragraph
 2478 (1) (e) of s. 322.57, must possess a valid Class C driver
 2479 ~~driver's~~ license. Any person who possesses a valid Class C
 2480 driver ~~driver's~~ license may, subject to the appropriate
 2481 restrictions and endorsements, drive any class of motor vehicle,
 2482 other than the type of motor vehicle for which a Class A or a
 2483 Class B driver ~~driver's~~ license is required, within this state.

2484 (d) Any person, except a person who possesses a valid
 2485 Class A, valid Class B, or valid Class C driver ~~driver's~~
 2486 license, who drives a motor vehicle must possess a valid Class E
 2487 driver ~~driver's~~ license. Any person who possesses a valid Class
 2488 E driver ~~driver's~~ license may, subject to the appropriate
 2489 restrictions and endorsements, drive any type of motor vehicle,
 2490 other than the type of motor vehicle for which a Class A, Class
 2491 B, or Class C driver ~~driver's~~ license is required, within this
 2492 state.

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2493 Section 62. Section 322.58, Florida Statutes, is repealed.

2494 Section 63. Section 322.59, Florida Statutes, is amended
2495 to read:

2496 322.59 Possession of medical examiner's certificate.—

2497 (1) The department may ~~shall~~ not issue a commercial driver
2498 ~~driver's~~ license to a any person who is required by the laws of
2499 this state or by federal law to possess a medical examiner's
2500 certificate, unless the ~~such~~ person presents a valid
2501 certificate, as described in 49 C.F.R. s. 383.71, before ~~prior~~
2502 ~~to~~ licensure.

2503 (2) The department shall disqualify a driver from
2504 operating a commercial motor vehicle if the driver holds a
2505 commercial driver license and fails to comply with the medical
2506 certification requirements in 49 C.F.R. s. 383.71 ~~This section~~
2507 ~~does not expand the requirements as to who must possess a~~
2508 ~~medical examiner's certificate.~~

2509 (3) A person who is disqualified from operating a
2510 commercial motor vehicle under this section may, if otherwise
2511 qualified, be issued a Class E driver license pursuant to s.
2512 322.251.

2513 Section 64. Subsections (3) and (5) of section 322.61,
2514 Florida Statutes, are amended to read:

2515 322.61 Disqualification from operating a commercial motor
2516 vehicle.—

2517 (3) (a) Except as provided in subsection (4), any person
2518 who is convicted of one of the offenses listed in paragraph (b)
2519 while operating a commercial motor vehicle shall, in addition to
2520 any other applicable penalties, be disqualified from operating a

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2521 commercial motor vehicle for a period of 1 year.~~+~~

2522 (b) Except as provided in subsection (4), any holder of a
 2523 commercial driver ~~driver's~~ license who is convicted of one of
 2524 the offenses listed in this paragraph while operating a
 2525 noncommercial motor vehicle shall, in addition to any other
 2526 applicable penalties, be disqualified from operating a
 2527 commercial motor vehicle for a period of 1 year:

2528 1. Driving a motor vehicle while he or she is under the
 2529 influence of alcohol or a controlled substance;

2530 2. Driving a commercial motor vehicle while the alcohol
 2531 concentration of his or her blood, breath, or urine is .04
 2532 percent or higher;

2533 3. Leaving the scene of a crash involving a motor vehicle
 2534 driven by such person;

2535 4. Using a motor vehicle in the commission of a felony;

2536 5. Driving a commercial motor vehicle while in possession
 2537 of a controlled substance;

2538 6. Refusing to submit to a test to determine his or her
 2539 alcohol concentration while driving a motor vehicle;

2540 7. Driving a commercial vehicle while the licenseholder's
 2541 commercial driver ~~driver's~~ license is suspended, revoked, or
 2542 canceled or while the licenseholder is disqualified from driving
 2543 a commercial vehicle; or

2544 8. Causing a fatality through the negligent operation of a
 2545 commercial motor vehicle.

2546 (5) A ~~Any~~ person who is convicted of two violations
 2547 specified in subsection (3) which were committed while operating
 2548 a commercial motor vehicle, or any combination thereof, arising

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2549 | in separate incidents shall be permanently disqualified from
 2550 | operating a commercial motor vehicle. A ~~Any~~ holder of a
 2551 | commercial driver ~~driver's~~ license who is convicted of two
 2552 | violations specified in subsection (3) which were committed
 2553 | while operating any ~~a noncommercial~~ motor vehicle, ~~or any~~
 2554 | ~~combination thereof,~~ arising in separate incidents shall be
 2555 | permanently disqualified from operating a commercial motor
 2556 | vehicle. The penalty provided in this subsection is in addition
 2557 | to any other applicable penalty.

2558 | Section 65. Subsection (1) of section 324.072, Florida
 2559 | Statutes, is amended to read:

2560 | 324.072 Proof required upon certain convictions.—

2561 | (1) Upon the suspension or revocation of a license
 2562 | pursuant to ~~the provisions of~~ s. 322.26 or s. 322.27, the
 2563 | department shall suspend the registration for all motor vehicles
 2564 | registered in the name of the licensee ~~such person~~, either
 2565 | individually or jointly with another. However, the department
 2566 | may, ~~except that it shall~~ not suspend the ~~such~~ registration,
 2567 | unless otherwise required by law, if the ~~such~~ person had
 2568 | insurance coverage limits required under s. 324.031 on the date
 2569 | of the latest offense that caused the suspension or revocation,
 2570 | or has previously given or shall immediately give, and
 2571 | thereafter maintain, proof of financial responsibility with
 2572 | respect to all motor vehicles registered by the ~~such~~ person, in
 2573 | accordance with this chapter.

2574 | Section 66. Subsection (1) of section 324.091, Florida
 2575 | Statutes, is amended to read:

2576 | 324.091 Notice to department; notice to insurer.—

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2577 (1) Each owner and operator involved in a crash or
 2578 conviction case within the purview of this chapter shall furnish
 2579 evidence of automobile liability insurance, motor vehicle
 2580 liability insurance, or a surety bond within 14 ~~30~~ days after
 2581 ~~from~~ the date of the mailing of notice of crash by the
 2582 department in the ~~such~~ form and manner as it may designate. Upon
 2583 receipt of evidence that an automobile liability policy, motor
 2584 vehicle liability policy, or surety bond was in effect at the
 2585 time of the crash or conviction case, the department shall
 2586 forward by United States mail, postage prepaid, to the insurer
 2587 or surety insurer a copy of such information and shall assume
 2588 that the ~~such~~ policy or bond was in effect, unless the insurer
 2589 or surety insurer notifies ~~shall notify~~ the department otherwise
 2590 within 20 days after ~~from~~ the mailing of the notice to the
 2591 insurer or surety insurer. However, ~~provided that~~ if the
 2592 department ~~shall~~ later determines ~~ascertain~~ that an automobile
 2593 liability policy, motor vehicle liability policy, or surety bond
 2594 was not in effect and did not provide coverage for both the
 2595 owner and the operator, it shall ~~at such time~~ take ~~such~~ action
 2596 as it is otherwise authorized to do under this chapter. Proof of
 2597 mailing to the insurer or surety insurer may be made by the
 2598 department by naming the insurer or surety insurer to whom the
 2599 ~~such~~ mailing was made and by specifying the time, place, and
 2600 manner of mailing.

2601 Section 67. Subsection (5) of section 328.15, Florida
 2602 Statutes, is amended to read:

2603 328.15 Notice of lien on vessel; recording.—

2604 (5) (a) The Department of Highway Safety and Motor Vehicles

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2605 shall adopt ~~make such~~ rules to administer and ~~regulations as it~~
 2606 ~~deems necessary or proper for the effective administration of~~
 2607 this section ~~law~~. The department may by rule require that a
 2608 notice of satisfaction of a lien be notarized. The department
 2609 shall prepare the forms of the notice of lien and the
 2610 satisfaction of lien to be supplied, at a charge not to exceed
 2611 50 percent more than cost, to applicants for recording the liens
 2612 or satisfactions and shall keep a record of such notices of lien
 2613 and satisfactions available for inspection by the public at all
 2614 reasonable times. The division may ~~is authorized to~~ furnish
 2615 certified copies of such satisfactions for a fee of \$1, which
 2616 are certified copies ~~shall be~~ admissible in evidence in all
 2617 courts of this state under the same conditions and to the same
 2618 effect as certified copies of other public records.

2619 (b) The department shall establish and administer an
 2620 electronic titling program that requires the recording of vessel
 2621 title information for new, transferred, and corrected
 2622 certificates of title. Lienholders shall electronically transmit
 2623 liens and lien satisfactions to the department in a format
 2624 determined by the department. Individuals and lienholders who
 2625 the department determines are not normally engaged in the
 2626 business or practice of financing vessels are not required to
 2627 participate in the electronic titling program.

2628 Section 68. Subsection (4) of section 328.16, Florida
 2629 Statutes, is amended to read:

2630 328.16 Issuance in duplicate; delivery; liens and
 2631 encumbrances.—

2632 (4) Notwithstanding any requirements in this section or in

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2633 s. 328.15 indicating that a lien on a vessel shall be noted on
 2634 the face of the Florida certificate of title, if there are one
 2635 or more liens or encumbrances on a vessel, the department shall
 2636 ~~may~~ electronically transmit the lien to the first lienholder and
 2637 notify the first lienholder of any additional liens. Subsequent
 2638 lien satisfactions shall ~~may~~ be electronically transmitted to
 2639 the department and must ~~shall~~ include the name and address of
 2640 the person or entity satisfying the lien. When electronic
 2641 transmission of liens and lien satisfactions are used, the
 2642 issuance of a certificate of title may be waived until the last
 2643 lien is satisfied and a clear certificate of title is issued to
 2644 the owner of the vessel.

2645 Section 69. Section 328.30, Florida Statutes, is amended
 2646 to read:

2647 328.30 Transactions by electronic or telephonic means.—

2648 (1) The department may ~~is authorized to~~ accept any
 2649 application provided for under this chapter by electronic or
 2650 telephonic means.

2651 (2) The department may issue an electronic certificate of
 2652 title in lieu of printing a paper title.

2653 (3) The department may collect electronic mail addresses
 2654 and use electronic mail in lieu of the United States Postal
 2655 Service for the purpose of providing renewal notices.

2656 Section 70. Subsection (1) of section 520.32, Florida
 2657 Statutes, is amended to read:

2658 520.32 Licenses.—

2659 (1) A person may not engage in or transact the business of
 2660 a retail seller engaging in retail installment transactions as

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2661 defined in this part or operate a branch of such business
 2662 without a license, except that a license is not required for:
 2663 (a) A retail seller whose retail installment transactions
 2664 are limited to the honoring of credit cards issued by dealers in
 2665 oil and petroleum products licensed to do business in this
 2666 state.

2667 (b) A person licensed by the office under part I. This
 2668 paragraph exempts only a person licensed under part I from the
 2669 licensure requirements of this section. This paragraph does not
 2670 exempt the licensee from the other sections of this part, and
 2671 any violations of those sections may subject the licensee to
 2672 disciplinary action.

2673 Section 71. Paragraph (f) of subsection (13) of section
 2674 713.78, Florida Statutes, is amended to read:

2675 713.78 Liens for recovering, towing, or storing vehicles
 2676 and vessels.—

2677 (13)

2678 (f) This subsection applies only to the annual renewal in
 2679 the registered owner's birth month of a motor vehicle
 2680 registration and does not apply to the transfer of a
 2681 registration of a motor vehicle sold by a motor vehicle dealer
 2682 licensed under chapter 320, except for the transfer of
 2683 registrations which includes ~~is inclusive of~~ the annual
 2684 renewals. This subsection does not apply to any vehicle
 2685 registered in the name of the lessor. This subsection does not
 2686 affect the issuance of the title to a motor vehicle,
 2687 notwithstanding s. 319.23(8)(b) ~~s. 319.23(7)(b)~~.

2688 Section 72. Except as otherwise expressly provided in this

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2689 | act and except for this section, which shall take effect upon
2690 | this act becoming a law, this act shall take effect January 1,
2691 | 2013.