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# **Transportation & Highway Safety Subcommittee**

## **Meeting Packet**

**Tuesday, January 24, 2012  
8:15 AM - 10:30 AM  
306 HOB**

**Dean Cannon  
Speaker**

**Brad Drake  
Chair**

# Committee Meeting Notice

## HOUSE OF REPRESENTATIVES

### Transportation & Highway Safety Subcommittee

**Start Date and Time:** Tuesday, January 24, 2012 08:15 am  
**End Date and Time:** Tuesday, January 24, 2012 10:30 am  
**Location:** 306 HOB  
**Duration:** 2.25 hrs

**Consideration of the following bill(s):**

HB 17 Motor Vehicle License Plates by Jenne  
HB 763 Motor Vehicle Registration by Rogers  
HB 1009 Low-speed Vehicles by O'Toole  
HB 1207 Autonomous Vehicle Technology by Brandes, Corcoran  
HB 1223 Highway Safety and Motor Vehicles by Albritton  
HB 1287 Motor Vehicle Registration Forms by Abruzzo

**Consideration of the following proposed committee bill(s):**

PCB THSS 12-02 -- Public Records

Pursuant to rule 7.12, the filing deadline for amendments to bills on the agenda by a member who is not a member of the committee or subcommittee considering the bill is 6:00 p.m., Monday, January 23, 2012.

By request of the Chair, all Subcommittee members are asked to have amendments to bills on the agenda submitted to staff by 6:00 p.m., Monday, January 23, 2012.

**NOTICE FINALIZED on 01/20/2012 16:22 by Manning.Karen**



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 17 Motor Vehicle License Plates

SPONSOR(S): Jenne and others

TIED BILLS: IDEN./SIM. BILLS: SB 310

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Johnson <i>AS</i>	Kruse <i>MLC</i>
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill creates new special use license plates for recipients of the Distinguished Service Cross, Navy Cross, Air Force Cross, and Silver Star, which are among the nation's highest military decorations for valor.

The bill provides that recipients of any of these four awards may, upon application to the Department of Highway Safety and Motor Vehicles, receive a license plate with the words "Silver Star," "Distinguished Service Cross," "Navy Cross," or "Air Force Cross," followed by the license plate serial number. The bill provides that upon application and proof of qualifications, the department shall issue the plate without payment of the license tax imposed by s. 320.08, F.S.

The fiscal impact is indeterminate negative, but likely insignificant to both state trust funds and general revenue. It is not known how many recipients of these awards reside in Florida and would submit an application for the license plate.

The bill has an effective date of July 1, 2011.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### *Medal of Honor; Special Use License Plate*

The Medal of Honor is the highest military decoration awarded by the United States government, awarded to members of the United States Armed Forces who distinguish themselves through "conspicuous gallantry and intrepidity at the risk of his or her life above and beyond the call of duty while engaged in an action against an enemy of the United States."<sup>1</sup> The Medal of Honor is bestowed upon an individual by the passing of a Joint Resolution of Congress and is then personally presented to the recipient or, in the case of posthumous awards, to next of kin, by the President of the United States, on behalf of the Congress, representing and recognizing the gratitude of the American people.

Section 320.0893, F.S., provides that a resident of Florida who was awarded the Medal of Honor while serving as a member of the United States Armed Forces may be issued a license plate on which is stamped the words "Medal of Honor" followed by the serial number. Upon submission of the application and proof that the applicant meets the qualifications the plate is issued without payment of the license tax imposed by s. 320.08, F.S.

##### *Motor vehicle license plates; issuance; annual license taxes*

The Department of Highway Safety and Motor Vehicles (DHSMV) administers the issuance of motor vehicle license plates as a part of the tag and registration requirements specified in ch. 320, F.S. License plates are issued for a 10-year period and are replaced upon renewal at the end of the 10-year period.<sup>2</sup> The license plate fee for both an original issuance and replacement is \$28.00.<sup>3</sup> An advance replacement fee of \$2.80 is applied to the annual vehicle registration and is credited towards the next replacement.

Section 320.08, F.S., requires the payment of an annual license tax that varies by motor vehicle type and weight; for a standard passenger vehicle weighing between 2,500 and 3,500 pounds, the annual tax is \$30.50.

Current law provides for several types of license plates in addition to plates issued for governmental or business purposes, DHSMV offers four basic types of plates to the general public:

- Standard plates: The standard license plate currently comes in three configurations, which include the county name designation, the state motto designation, and the state slogan designation.
- Specialty license plates: Specialty license plates are used to generate revenue for colleges, universities and other organizations. Organizations seeking to participate in the specialty plate program are required to make application with DHSMV, pay an application fee, and obtain authority from the Florida Legislature.<sup>4</sup> The recipient must pay applicable taxes pursuant to ss. 320.08, F.S., and 320.06(1)(b), F.S., and an additional charitable contribution as provided in section 320.08056(a) – (zzz), F.S., in order to receive a specialty license plate. The creation of new specialty license plates by DHSMV is prohibited until July 1, 2014.<sup>5</sup>

<sup>1</sup> 10 U.S.C. s. 3741.

<sup>2</sup> Section 320.06, F.S.

<sup>3</sup> An initial issuance requires a fee of \$225, pursuant to s. 320.072, F.S.

<sup>4</sup> See generally s. 320.08056, F.S.

<sup>5</sup> The moratorium on new specialty license plates is created by s. 45, Chapter 2008-176, Laws of Florida, as amended by s. 21, Chapter 2010-223, Laws of Florida.

- **Personalized Prestige License Plates:** Personalized license plates are available to motorists who wish to personalize a license plate. Personalized license plates allow motorists to define the alpha numeric design (up to seven characters) on a standard plate that must be approved by the DHSMV. The cost for a personalized prestige license plate (in addition to the applicable tax in s. 320.08, F.S.) is \$15, pursuant to s. 320.0805, F.S.
- **Special Use License Plates:** Certain members of the general public may be eligible to apply for special use license plates if they are able to document their eligibility pursuant to various sections of ch. 320, F.S. This category of plates primarily includes special military license plates as well as plates for the handicapped. Examples include the Purple Heart, National Guard, U.S. Armed Forces, Pearl Harbor, Iraqi Freedom, and Enduring Freedom plates,<sup>6</sup> Disabled Veteran plates,<sup>7</sup> and Paralyzed Veterans of America plates.<sup>8</sup>

#### *Distinguished Service Cross, Navy Cross, Air Force Cross*

The Distinguished Service Cross is the second highest military decoration that can be awarded to a member of the United States Army for extreme gallantry and risk of life in actual combat with an armed enemy force.<sup>9</sup> Actions that merit the Distinguished Service Cross must be of such a high degree to be above those required for all other U.S. combat decorations but not meeting the criteria for the Medal of Honor.

The Navy Cross is the highest medal that can be awarded by the United States Department of the Navy<sup>10</sup> and along with the Distinguished Service Cross (U.S. Army) and the Air Force Cross, the second highest award given for valor. It is awarded to members of the United States Navy, United States Marine Corps, and United States Coast Guard.

The Air Force Cross is the second highest military decoration that can be awarded to a member of the United States Air Force.<sup>11</sup> The Air Force Cross is awarded for extraordinary heroism not justifying the award of the Medal of Honor. It may be awarded to any person who, while serving in any capacity with the U.S. Air Force, distinguishes him or herself by extraordinary heroism in combat.

#### *Silver Star Award*

The Silver Star is the third-highest military decoration that can be awarded to a member of any branch of the United States armed forces for valor in the face of the enemy.<sup>12</sup> The Silver Star is awarded for gallantry in action against an enemy of the United States not justifying one of the two higher awards – the service crosses or the Medal of Honor.

#### Proposed Changes

The bill provides that recipients of any of these awards may, upon application to DHSMV, receive a license plate with the name of the award, followed by the license plate serial number. The bill provides that upon application and proof of qualifications, DHSMV shall issue the plate without payment of the annual license tax imposed by s. 320.08, F.S. The qualifications are that the person is a United States citizen and Florida resident who has been awarded the Silver Star, Distinguished Service Cross, Navy Cross, or Air Force Cross.

<sup>6</sup> Section 320.089, F.S. Some of these plates require payment of the annual license tax in s. 320.08, F.S., while others are exempt from the tax.

<sup>7</sup> Section 320.084, F.S. The statute provides that an eligible person may receive one free Disabled Veteran license plate, although other taxes apply.

<sup>8</sup> Section 320.0845, F.S. This plate requires payment of the annual license tax in s. 320.08, F.S.

<sup>9</sup> 10 U.S.C. s. 3742.

<sup>10</sup> 10 U.S.C. s. 6242.

<sup>11</sup> 10 U.S.C. s. 8742.

<sup>12</sup> 10 U.S.C. s. 3746.

**B. SECTION DIRECTORY:**

- Section 1      Creates s. 320.0892, F.S., relating to motor vehicle license plates for recipients of the Silver Star, Distinguished Service Cross, Navy Cross, or Air Force Cross.
- Section 2      Provides an effective date.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

**1. Revenues:**

The fiscal impact is indeterminate negative, but likely insignificant to both state trust funds and general revenue.

For a standard size private use vehicle, net weight of 2,500 pounds or more, but less than 3,500 pounds, the annual tax is \$30.50, of which \$8 is deposited into the General Revenue Fund and the balance in the State Transportation Trust Fund. It is unclear how many Florida residents are recipients of these military decorations and would be eligible to apply for this license plate. Therefore, the revenue lost by the waiver of the license taxes under s. 320.08, F.S., is indeterminate to both the General Revenue Fund and the State Transportation Trust Fund.

**2. Expenditures:**

DHSMV estimates that the cost to produce the plates will be minimal and can be absorbed within existing resources.<sup>13</sup>

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

**1. Revenues:**

None.

**2. Expenditures:**

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

Silver Star, Distinguished Service Cross, Navy Cross, and Air Force Cross recipients wishing to indicate such status on their motor vehicle license plate would be entitled to receive a plate without paying the standard license tax required by s. 320.08, F.S.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

**A. CONSTITUTIONAL ISSUES:**

**1. Applicability of Municipality/County Mandates Provision:**

Not Applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditures of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

<sup>13</sup> Department of Highway Safety and Motor Vehicles, *2012 Agency Bill Analysis: HB 17*.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

#### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**



1                                   A bill to be entitled  
 2           An act relating to motor vehicle license plates;  
 3           creating s. 320.0892, F.S.; providing for the  
 4           Department of Highway Safety and Motor Vehicles to  
 5           issue Silver Star, Distinguished Service Cross, Navy  
 6           Cross, and Air Force Cross license plates, without  
 7           payment of the license tax, to persons meeting  
 8           specified criteria; providing an effective date.

9  
 10   Be It Enacted by the Legislature of the State of Florida:

11  
 12           Section 1. Section 320.0892, Florida Statutes is created  
 13   to read:

14           320.0892 Motor vehicle license plates for recipients of  
 15   the Silver Star, Distinguished Service Cross, Navy Cross, or Air  
 16   Force Cross.—Upon receipt of an application and proof that the  
 17   applicant meets the qualifications listed in this section for  
 18   the applicable license plate, the department shall issue the  
 19   license plate without payment of the license tax imposed under  
 20   s. 320.08:

21           (1) SILVER STAR.—Any United States citizen who is a  
 22   resident of Florida and who was awarded the Silver Star while  
 23   serving as a member of the United States Armed Forces shall be  
 24   issued a license plate on which is stamped the words "Silver  
 25   Star" followed by the serial number.

26           (2) DISTINGUISHED SERVICE CROSS.—Any United States citizen  
 27   who is a resident of Florida and who was awarded the  
 28   Distinguished Service Cross while serving as a member of the

29 United States Armed Forces shall be issued a license plate on  
 30 which is stamped the words "Distinguished Service Cross"  
 31 followed by the serial number.

32 (3) NAVY CROSS.—Any United States citizen who is a  
 33 resident of Florida and who was awarded the Navy Cross while  
 34 serving as a member of the United States Armed Forces shall be  
 35 issued a license plate on which is stamped the words "Navy  
 36 Cross" followed by the serial number.

37 (4) AIR FORCE CROSS.—Any United States citizen who is a  
 38 resident of Florida and who was awarded the Air Force Cross  
 39 while serving as a member of the United States Armed Forces  
 40 shall be issued a license plate on which is stamped the words  
 41 "Air Force Cross" followed by the serial number.

42 Section 2. This act shall take effect October 1, 2012.



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 763 Motor Vehicle Registration  
SPONSOR(S): Rogers  
TIED BILLS: IDEN./SIM. BILLS: SB 1068

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Kiner <i>KUK</i>	Kruse <i>MK</i>
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

HB 763 restates in another section of law when an individual's motor vehicle registration expires. Specifically, the bill provides that a vehicle may not be operated on the roads of this state after expiration of the renewal period, or, for a natural person, at midnight on the owner's birthday.

The bill also authorizes a refund of the license taxes assessed in s. 320.08, F.S., to a motor vehicle registrant who has renewed a motor vehicle registration during the advance renewal period (up to three months before the actual registration period begins) and who surrenders the vehicle license plate before the end of the renewal period. Accordingly, this will extend the refund period beyond the advanced period to the end of the renewal period.

The bill has an indeterminate, but likely negative and insignificant fiscal impact.

The bill has an effective date of July 1, 2012.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### ***Expiration of Registration and Required Renewal***

Section 320.07(1), F.S., provides that the registration of a motor vehicle or mobile home expires at midnight on the last day of the registration or extended registration period. In addition, this subsection states that a vehicle shall not be operated on the roads after expiration of the renewal period unless the registration has been renewed according to law.

##### ***Advance Registration Renewal***

Section 320.071, F.S., authorizes advance registration renewals. Specifically, an owner of any motor vehicle, mobile home, or apportioned motor vehicle currently registered in the state may apply for renewal of the registration with the Department of Highway Safety and Motor Vehicles ("DHSMV") any time during the three months preceding the date of expiration of the registration period.

##### ***Registration Credit***

Section 320.15, F.S., entitles a resident owner of a motor vehicle or mobile home to receive a credit applicable to the registration (for the unexpired period) of any other vehicle registered in his or her name when his or her motor vehicle or mobile home has been destroyed or permanently removed from the state. The following stipulations apply:

- the amount of the credit must be \$3 or more;
- the registered owner must make an application to DHSMV for the credit; and
- the registered owner must surrender the vehicle's sticker.

A credit for surrendered "for-hire" license plates may not be more than one-half of the annual license tax. A credit is not valid after the expiration date of the license plate which is current on the date of the credit.

Currently s. 320.15, F.S., is silent with regard to providing a refund to a motor vehicle registrant who renews during the advance renewal period, but surrenders the license plate prior to the first day of his or her birth month. In this scenario, the registrant does not owe taxes to DHSMV because the registrant has not yet entered the registration period. Section 215.26(1)(b), F.S., however, authorizes a refund of any moneys paid into the State Treasury when no tax, license, or account is due. According to DHSMV, "this applies to the situation where . . . a motor vehicle registrant who renewed during the advance renewal period and surrendered the license plate before the first day of his or her birth month."<sup>1</sup> In these instances, the registrant should be entitled to a refund.

##### Effect of Proposed Changes

##### ***Individual Registration Expiration***

The bill amends s. 320.07(1), F.S., to restate that a motor vehicle registration expires at midnight on the registrant owner's birthday. According to the DHSMV, this has been the historical interpretation of this section. The effect of the proposed change may be useful information for motorists as it distinguishes between a company and an individual.

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<sup>1</sup> Department of Highway Safety and Motor Vehicles, 2012 Agency Bill Analysis: HB 763.

### **Registration Credit**

The bill amends s. 320.15, F.S., to provide a motor vehicle registrant who has renewed a motor vehicle registration during the advance renewal period (up to three months before the actual registration period begins) and who surrenders the vehicle license plate before the end of the renewal period may apply for a refund of the license taxes assessed in s. 320.08, F.S. Accordingly, this will extend the refund period beyond the advanced period to the end of the renewal period.

### **Effective Date**

The bill has an effective date of July 1, 2012.

#### **B. SECTION DIRECTORY:**

Section 1: Amends s. 320.07(1), F.S., to clarify that the registration period for a motor vehicle or mobile home registered to an individual expires at midnight on the registrant owner's birthday.

Section 2: Amends s. 320.15, F.S., to provide a motor vehicle registrant a registration credit in certain instances.

Section 3: Provides an effective date.

## **II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

#### **A. FISCAL IMPACT ON STATE GOVERNMENT:**

##### **1. Revenues:**

DHSMV anticipates an increase in the issuance of refunds. The exact amount is indeterminable, but estimated to be minimal.<sup>2</sup>

##### **2. Expenditures:**

None.

#### **B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

##### **1. Revenues:**

None.

##### **2. Expenditures:**

None.

#### **C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

The bill extends the refund period beyond the advanced period to the end of the renewal period, which is midnight on an individual registrant owner's birthday.

#### **D. FISCAL COMMENTS:**

According to DHSMV, ISA will require approximately 40 hours, non-recurring, in order to implement the bill's provisions. These hours can be incorporated into ISA's normal workload.

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<sup>2</sup> Department of Highway Safety and Motor Vehicles, 2012 Agency Bill Analysis: HB 763.

### **III. COMMENTS**

#### **A. CONSTITUTIONAL ISSUES:**

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

#### **B. RULE-MAKING AUTHORITY:**

None.

#### **C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

### **IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

HB 763

2012

1                   A bill to be entitled  
 2           An act relating to motor vehicle registration;  
 3           amending s. 320.07, F.S.; specifying that a vehicle  
 4           may not be operated after expiration of the renewal  
 5           period or, for a natural person, after midnight on the  
 6           owner's birthday unless the registration was renewed  
 7           before then; amending s. 320.15, F.S.; authorizing a  
 8           person who has renewed a vehicle registration during  
 9           an early registration period to apply for a refund of  
 10          specified license taxes upon surrendering the  
 11          registration license plate before the end of the  
 12          renewal period; providing an effective date.

13  
 14   Be It Enacted by the Legislature of the State of Florida:

15  
 16          Section 1. Subsection (1) of section 320.07, Florida  
 17          Statutes, is amended to read:

18          320.07 Expiration of registration; renewal required;  
 19          penalties.—

20          (1) The registration of a motor vehicle or mobile home  
 21          expires at midnight on the last day of the registration or  
 22          extended registration period. A vehicle may ~~shall~~ not be  
 23          operated on the roads of this state after expiration of the  
 24          renewal period, or, for a natural person, at midnight on the  
 25          owner's birthday, unless the registration has been renewed  
 26          according to law.

27          Section 2. Section 320.15, Florida Statutes, is amended to  
 28          read:



HB 763

2012

29 | 320.15 Refund of license tax.-

30 | (1) Any resident owner of a motor vehicle or mobile home  
 31 | that has been destroyed or permanently removed from the state  
 32 | shall, upon application to the department and surrender of the  
 33 | license plate or mobile home sticker issued for such vehicle, be  
 34 | entitled to a credit to apply to registration of any other  
 35 | vehicle in the name of the owner, if the amount is \$3 or more,  
 36 | for the unexpired period of the license. However, if the license  
 37 | plate surrendered is a "for-hire" license plate, the amount of  
 38 | credit may not be more than one-half of the annual license tax  
 39 | amount. A credit will not be valid after the expiration date of  
 40 | the license plate which is current on the date of the credit, as  
 41 | provided in s. 320.07.

42 | (2) A motor vehicle registrant who has renewed a motor  
 43 | vehicle registration during the advance renewal period pursuant  
 44 | to s. 320.071 and surrenders the license plate for the vehicle  
 45 | before the end of the renewal period may apply for a refund of  
 46 | the license taxes assessed in s. 320.08.

47 | Section 3. This act shall take effect July 1, 2012.



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1009 Low-speed Vehicles  
SPONSOR(S): O'Toole  
TIED BILLS: IDEN./SIM. BILLS: SB 1238

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Johnson <i>AS</i>	Kruse <i>NK</i>
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill authorizes the conversion of a vehicle titled or branded and registered as a low speed vehicle to a golf cart. Following the conversion, the vehicle must be inspected by the Department of Highway Safety and Motor Vehicles. The practical effect is that the vehicle will no longer need to be registered or insured.

There is a \$40 fee associated with the vehicle inspection. However, since the number of conversions is unknown, the fiscal impact is indeterminate.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

Section 320.01(42), F.S., defines "low-speed vehicle" as "any four-wheeled electric vehicle whose top speed is greater than 20 miles per hour but not greater than 25 miles per hour, including neighborhood electric vehicles. Low-speed vehicles must comply with the safety standards in 49 C.F.R. s. 571.500 and s. 316.2122."

Section 320.01(22), F.S., defines "golf cart" as "a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of 20 miles per hour."

Current law requires low speed vehicles to be registered and insured in accordance with ch. 320, F.S., and titled pursuant to ch. 319.F.S.<sup>1</sup> These vehicles may be operated on certain roads (generally, streets with a posted speed limit of 35 MPH or lower). One must hold a valid driver license to operate a low speed vehicle.

Golf carts are exempt from registration<sup>2</sup> and do not require a driver license to operate.<sup>3</sup> With exceptions, the operation of golf carts on public roads and streets is prohibited.<sup>4</sup>

#### Proposed Changes

The bill creates s. 319.14(10), F.S., providing that a vehicle titled or branded and registered as a low-speed vehicle may be converted to a golf cart pursuant to the following;

- The owner of the converted vehicle is required to contact the regional office of the DHSMV to verify the conversion, surrender the registration license plate and the current certificate of title, and pay the appropriate fee.
- Upon verification of the conversion, DHSMV shall note in the vehicle record that the low-speed vehicle has been converted to a golf cart and cancel the certificate of title and registration of the vehicle.

The practical effect is that the owner would no longer be required to register and insure the vehicle.

The bill requires DHSMV to establish a \$40 fee to cover the cost of inspection and associated administrative costs.

The bill has an effective date of July 1, 2012.

### B. SECTION DIRECTORY:

Section 1 Amends s. 319.14, F.S., relating to the sale of motor vehicles registered or used as taxicabs, police vehicles, lease vehicles, or rebuilt and nonconforming vehicles; conversion of low-speed vehicles.

Section 2 Provides an effective date.

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<sup>1</sup> Section 316.2122(3), F.S.

<sup>2</sup> Section 320.105, F.S.

<sup>3</sup> Section 322.04(1)(e), F.S.

<sup>4</sup> Section 316.212, F.S.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### 1. Revenues:

Indeterminate. The bill requires DHSMV to charge a \$40 fee to pay for the inspection of the conversion to a golf cart. The number of low speed vehicles which will be converted to golf carts is unknown at this time.

#### 2. Expenditures:

According to DHSMV, programming costs required to implement this bill will be absorbed within existing resources.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Persons wishing to convert a low-speed vehicle into a golf cart will incur the \$40 fee to do so. Owners of low speed vehicles converted to golf carts will no longer need to register and insure these vehicles.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

#### 1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

#### 2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

As DHSMV is charged with a duty of verification, not inspection, of the conversion, the word "inspection" on line 28 should read "verification."

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

HB 1009

2012

1                   A bill to be entitled  
 2           An act relating to low-speed vehicles; amending s.  
 3           319.14, F.S.; authorizing the conversion of a vehicle  
 4           titled or branded and registered as a low-speed  
 5           vehicle to a golf cart; providing procedures;  
 6           providing for a fee; providing an effective date.

7  
 8   Be It Enacted by the Legislature of the State of Florida:

9  
 10           Section 1. Subsection (10) is added to section 319.14,  
 11   Florida Statutes, to read:

12           319.14   Sale of motor vehicles registered or used as  
 13   taxicabs, police vehicles, lease vehicles, or rebuilt vehicles  
 14   and nonconforming vehicles; conversion of low-speed vehicles.-

15           (10) (a) A vehicle titled or branded and registered as a  
 16   low-speed vehicle may be converted to a golf cart pursuant to  
 17   the following:

18           1. The owner of the converted vehicle must contact the  
 19   regional office of the department to verify the conversion,  
 20   surrender the registration license plate and the current  
 21   certificate of title, and pay the appropriate fee established  
 22   under paragraph (b).

23           2. Upon verification of the conversion, the department  
 24   shall note in the vehicle record that the low-speed vehicle has  
 25   been converted to a golf cart and cancel the certificate of  
 26   title and registration of the vehicle.

27           (b) The department shall establish a fee of \$40 to cover  
 28   the cost of inspection and associated administrative costs for

HB 1009

2012

29 carrying out its responsibilities under this subsection.

30 Section 2. This act shall take effect July 1, 2012.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1009 (2012)

Amendment No. 1

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	___	(Y/N)
ADOPTED AS AMENDED	___	(Y/N)
ADOPTED W/O OBJECTION	___	(Y/N)
FAILED TO ADOPT	___	(Y/N)
WITHDRAWN	___	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Transportation & Highway  
2 Safety Subcommittee  
3 Representative O'Toole offered the following:

4  
5 **Amendment**

6 Remove line 28 and insert:  
7 the cost of verification and associated administrative costs for  
8





HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1207 Autonomous Vehicle Technology

SPONSOR(S): Brandes

TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Johnson <i>AS</i>	Kruse <i>MK</i>
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

Florida law does not address the use of autonomous vehicles. Autonomous vehicles are driverless cars that can, in some ways, fulfill human transportation needs. The bill defines autonomous technology and provides that vehicles equipped with autonomous technology may be operated on roads by employees or contractors of manufacturers for the purpose of testing the technology. Further, the bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to prepare a report relating to the safe operation of vehicles equipped with autonomous technology on public roads, which is required to contain recommended legislative action and proposed DHSMV rules.

DHSMV may incur some costs associated with preparing the report.

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

Autonomous vehicles are driverless cars that are able to fulfill human transportation needs.<sup>1</sup> While they are not in widespread use, they can provide several distinct advantages including reduced fuel consumption, not requiring anyone behind the wheel so cars could be shared, and the need for fewer parking spaces.<sup>2</sup>

The only jurisdiction in the world where it is legal to operate autonomous vehicles on public roads is in the state of Nevada, where a law authorizing them passed in June 2011.<sup>3</sup>

#### Proposed Changes

The bill defines "autonomous technology" as "technology installed on a vehicle enabling it to operate without the active control and continuous monitoring of a human operator. The term does not include individual safety systems or driver assistance systems such as electronic blind spot assistance, crash avoidance and emergency breaking systems, park assist, adaptive cruise control, lane keep assist, lane departure warning, or traffic jam and queuing assistant, unless any such system alone or in combination with other systems enables the vehicle to drive itself without the active control or continuous monitoring of a human operator."

The bill provides that vehicles equipped with autonomous technology may be operated on roads in this state by employees or contractors of manufacturers for the purpose of testing the technology. For testing purposes, the vehicle may operate without the active control of a human operator, but the operation of the test vehicle must be continuously monitored in a manner that allows active control over the vehicle to be immediately assumed by a human operator.

The bill requires the Department of Highway Safety and Motor Vehicles (DHSMV) to prepare a report relating to the safe operation of vehicles equipped with autonomous technology on public roads. The report is required to contain recommended legislative action and proposed DHSMV rules to:

- Establish a driver license endorsement to be required for a resident to operate a vehicle with autonomous technology.
- Establish rules of the road and other safety requirements for a vehicle with autonomous technology operating with or without the physical presence of a driver.
- Require each manufacturer of autonomous technology or any vehicle with autonomous technology to certify that such technology conforms with all safety standards established by DHSMV.
- Permit the safe testing of autonomous technology on public roads prior to the manufacturer's certification that such technology conforms with all safety requirements established by DHSMV.

The report must be submitted to the President of the Senate and the Speaker of the House of Representatives by February 1, 2014.

### B. SECTION DIRECTORY:

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<sup>1</sup> A video of an autonomous vehicle is available at [http://www.ted.com/talks/sebastian\\_thrun\\_google\\_s\\_driverless\\_car.html](http://www.ted.com/talks/sebastian_thrun_google_s_driverless_car.html) (Last visited January 17, 2011).

<sup>2</sup> *Google Cars Drive Themselves, in Traffic*, New York Times, October 9, 2010. <http://www.nytimes.com/2010/10/10/science/10google.html> (Last visited January 18, 2010).

<sup>3</sup> Nevada Assembly Bill 511.

Section 1 Authorizes testing of autonomous vehicles and requires the Department of Highway Safety and Motor Vehicles to issue a report on vehicles equipped with autonomous technology.

Section 2 Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

### D. FISCAL COMMENTS:

None.

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

The bill requires DHSMV to submit proposed rules relating to vehicles with autonomous technology with its report.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

1                                   A bill to be entitled  
 2           An act relating to autonomous vehicle technology;  
 3           defining the term "autonomous technology"; authorizing  
 4           operation of vehicles equipped with autonomous  
 5           technology by certain persons for testing purposes  
 6           under certain conditions; directing the Department of  
 7           Highway Safety and Motor Vehicles to prepare a report  
 8           on the safe operation of vehicles equipped with  
 9           autonomous technology on public roads; providing for  
 10          content of the report; requiring submission of the  
 11          report to the Legislature; providing an effective  
 12          date.

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

16           Section 1. Department of Highway Safety and Motor Vehicles  
 17          report on vehicles equipped with autonomous technology.-

18           (1) As used in this section, the term "autonomous  
 19          technology" means technology installed on a vehicle enabling it  
 20          to operate without the active control and continuous monitoring  
 21          of a human operator. The term does not include individual safety  
 22          systems or driver assistance systems such as electronic blind  
 23          spot assistance, crash avoidance and emergency breaking systems,  
 24          park assist, adaptive cruise control, lane keep assist, lane  
 25          departure warning, or traffic jam and queuing assistant, unless  
 26          any such system alone or in combination with other systems  
 27          enables the vehicle to drive itself without the active control  
 28          or continuous monitoring of a human operator.

29        (2) Vehicles equipped with autonomous technology may be  
 30 operated on roads in this state by employees or contractors of  
 31 manufacturers of autonomous technology for the purpose of  
 32 testing the technology. For testing purposes, the vehicle may  
 33 operate without the active control of a human operator, but the  
 34 operation of the test vehicle must be continuously monitored in  
 35 a manner that allows active control over the vehicle to be  
 36 immediately assumed by a human operator.

37        (3) (a) The Department of Highway Safety and Motor Vehicles  
 38 shall prepare a report relating to the safe operation of  
 39 vehicles equipped with autonomous technology on public roads.  
 40 The report shall contain recommended legislative action and  
 41 proposed department rules to:

42            1. Establish a driver license endorsement to be required  
 43 for a resident to operate a vehicle with autonomous technology.

44            2. Establish rules of the road and other safety  
 45 requirements for vehicles with autonomous technology operating  
 46 with or without the physical presence of a driver.

47            3. Require each manufacturer of autonomous technology or  
 48 any vehicle equipped with autonomous technology to certify that  
 49 such technology conforms with all safety requirements  
 50 established by the department.

51            4. Permit the safe testing of autonomous technology on  
 52 public roads prior to the manufacturer's certification that such  
 53 technology conforms with all safety requirements established by  
 54 the department.

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55        (b) No later than February 1, 2014, the department shall  
56        submit the report to President of the Senate and the Speaker of  
57        the House of Representatives.

58        Section 2. This act shall take effect July 1, 2012.





**HOUSE OF REPRESENTATIVES STAFF ANALYSIS**

**BILL #:** HB 1223 Highway Safety and Motor Vehicles

**SPONSOR(S):** Albritton

**TIED BILLS:** IDEN./SIM. BILLS: SB 1122

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Kiner <i>YLK</i>	Kruse <i>MK</i>

**SUMMARY ANALYSIS**

The bill creates, amends and revises Florida law administered by the Department of Highway Safety and Motor Vehicles ("DHSMV"). In addition to technical and conforming changes, the bill:

- revises Florida law dealing with commercial motor vehicles to mirror federal law;
- leverages technology by requiring DHSMV to administer an electronic titling program and authorizing DHSMV to collect e-mail addresses from vehicle owners and registrants for notification purposes;
- requires foreign visitors to receive an original license in lieu of a driver's license renewal upon returning to the state;
- requires DHSMV to ensure all driver's licenses issued on or after July 1, 2013, contain a means of electronic authentication;
- authorizes DHSMV to collect additional information from persons seeking to prove nonimmigrant classification for issuance of a driver's license or identification card;
- clarifies DHSMV's authority to suspend or revoke a driver's license in cases of fraudulent use by the licensee;
- clarifies that members of the United States Armed Forces and any dependents residing with them are granted an automatic license extension without reexamination while serving on active duty outside the state;
- creates law authorizing DHSMV to administer a specialty driver's license and identification card program for Florida's state and independent universities, professional sports teams and all branches of the Armed Forces;
- authorizes DHSMV to issue enhanced driver's licenses that prove identity, nationality and meet the requirements of the Western Hemisphere Travel Initiative;
- authorizes DHSMV to issue a specialty use license plate for a recipient of the Combat Infantry Badge;
- raises the annual usage fee for the Tampa Bay Estuary Program specialty license plate from \$15 to \$25;
- shortens the period (from 30 days to 14 days) for drivers to provide proof of insurance to DHSMV after being involved in an automobile crash or conviction within the purview of chapter 324, F.S.;
- revises law relating to documents that must be possessed by drivers while operating a motor vehicle by allowing a true copy of rental or lease documentation in lieu of a true copy of a rental or lease agreement;
- resolves the DHSMV's lack of specific authority in titling custom vehicles and street rods;
- specifies the circumstances under which RV dealers may apply for a certificate of title to an RV using a manufacturer's statement of origin;
- updates Florida's bicycle helmet law to coincide with federal standards;
- clarifies when bicyclists are required to ride in a bicycle lane or as close as practicable to the right-hand curb or edge of the roadway.

The bill has a significant fiscal impact. See Fiscal Analysis and Economic Impact Statement for details.

The bill has an effective date of July 1, 2012, unless otherwise specified.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h1223.THSS.DOCX

DATE: 1/12/2012

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### **Federal Funding Issues Related to Commercial Drivers (Sections 11; 39; 50; 53; 54; 8; 51)**

The Federal Motor Carrier Safety Administration ("FMCSA") requires states to comply with federal commercial motor vehicle and licensing regulations. The FMCSA has requested minor modifications to current Florida law regarding commercial motor vehicle issues.

##### *Noncriminal Traffic Infractions; Exception; Procedures (Section 11)*

###### Current Situation

Section 318.14(9), F.S., provides that a person who does not hold a commercial driver's license and who is cited for a traffic infraction may, in lieu of a court appearance, elect to attend a basic driver improvement course approved by the Florida Department of Highway Safety and Motor Vehicles ("DHSMV"). In such cases, adjudication must be withheld and points may not be assessed. However, a person may not elect to attend such course if he or she has attended the course within the preceding 12 months. In addition, a person may make no more than five elections in a lifetime.

Section 318.14(10), F.S., provides that any person who does not hold a commercial driver's license and who is cited for an infraction involving an invalid driver's license, registration or proof of insurance may, in lieu of payment of the fine or court appearance, elect to enter a plea of *nolo contendere* and provide proof of compliance to the clerk of court, designated official or authorized operator of a traffic violations bureau. In such cases, adjudication shall be withheld. A person may not make this election if he or she has made a similar election in the preceding 12 months and no person may make more than three elections in a lifetime.

###### Effect of Proposed Changes

The bill amends s. 318.14, F.S., to comply with a federal regulation that denies the elections described above to persons cited for traffic violations who either (i) hold a commercial driver's license (regardless of the vehicle being driven), or (ii) hold a regular operator's license but are cited while driving a vehicle that requires a commercial driver's license. In other words, the bill provides that eligibility for the basic driver improvement course and the withhold-of-adjudication election is restricted to drivers who have regular motor vehicle driver's licenses and who were not driving a commercial motor vehicle when cited. This provision has no fiscal impact.

##### *Instruction Permits and Temporary Licenses (Section 39)*

###### Current Situation

Florida law, with certain specified exceptions, requires all persons to be licensed by the state before operating a motor vehicle within the state. This requirement includes drivers of commercial vehicles. Florida law further provides that drivers of commercial vehicles must be state residents and must surrender all other driver's licenses (or submit an affidavit stating that he or she does not possess a driver's license) before being issued a state commercial driver's license. Section 322.07, F.S., provides that a person may apply for and receive a temporary commercial instruction permit if:

- the applicant possesses a valid driver's license issued in any state; and
- the applicant, while operating a commercial motor vehicle, is accompanied by a licensed driver who is 21 years of age or older, who is licensed to operate the class of vehicle being operated and who is actually occupying the closest seat to the right of the driver.

The permit holder must keep the permit in his or her immediate possession at all times while operating a commercial motor vehicle.

### Effect of Proposed Changes

The bill amends s. 322.07(3), F.S., to require that the applicant hold a valid Florida driver's license before being issued a temporary commercial instruction permit. This provision has no fiscal impact.

### *License Required – Exemptions for Farm Vehicles and Straight Trucks (Section 50)*

#### Current Situation

Section 322.53, F.S., requires every person driving a commercial vehicle to possess a commercial driver's license (CDL). The section also lists several exemptions from this requirement, including:

- drivers of authorized emergency vehicles;
- military personnel driving vehicles operated for military purposes;
- farmers transporting farm supplies or farm machinery within 150 miles of their farm, transporting agricultural products to or from the first place of storage or processing directly to or from market, within 150 miles of their farm;
- drivers of recreational vehicles;
- drivers of straight trucks that are exclusively transporting their own tangible personal property which is not for sale; and
- employees of a public transit system when moving the vehicle for maintenance or parking.

Notwithstanding these exemptions, all drivers of for-hire commercial motor vehicles are required to possess a valid CDL.

#### Effect of Proposed Changes

The bill amends s. 322.53(2), F.S., to clarify two of the exemptions to the requirement for drivers of commercial motor vehicles to possess a CDL. Section 322.53(2)(c), F.S., is amended to clarify that farmers are exempt from CDL requirements only when transporting agricultural products, farm machinery, or farm supplies to or from their farms as long as such transport is also within 150 miles of the farm. Additionally, the vehicle operated must not be used in the operations of a common or contract motor carrier.

Section 322.53(2)(e), F.S., is amended to clarify the exemption for drivers of straight trucks. The bill clarifies that in order for the exemption to apply the driver must be transporting, exclusively, the driver's own tangible personal property, which is not for sale. This provision has no fiscal impact.

### *Possession of Medical Examiner's Certificate (Section 53)*

#### Current Situation

Section 322.59, F.S., provides that DHSMV shall not issue a CDL to any person who is required by the laws of this state or by federal law to possess a medical examiner's certificate, unless such person presents a valid certificate prior to licensure.

#### Effect of Proposed Changes

The bill amends s. 322.59, F.S., to provide a citation to the federal medical examiner's certificate requirement<sup>1</sup> and to require DHSMV to disqualify a driver holding a CDL who fails to comply with such requirement. The bill also provides that if otherwise qualified, the disqualified holder may obtain a Class E driver's license. This provision has no fiscal impact.

### *Disqualification from Operating a Commercial Motor Vehicle (Section 54)*

#### Current Situation

Section 322.61(3), F.S., provides that if any driver is convicted of committing one of the following violations while operating a commercial motor vehicle, or if a CDL-holder is convicted of committing one of these violations while operating a non-commercial motor vehicle, he or she will be disqualified for one year from operating a commercial motor vehicle:

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<sup>1</sup> 49 C.F.R. s. 383.71.

- driving a motor vehicle under the influence;
- driving a commercial motor vehicle with a blood alcohol content (BAC) of .04 percent or higher;
- leaving the scene of a crash involving a commercial motor vehicle driven by the driver;
- using a motor vehicle in the commission of a felony;
- driving a commercial motor vehicle while in possession of a controlled substance;
- refusing to submit to a test to determine his or her alcohol concentration while driving a motor vehicle;
- driving a commercial motor vehicle while the driver's commercial driver's license is suspended, revoked, cancelled, or while the driver is disqualified from driving a commercial motor vehicle; or
- causing a fatality through the negligent operation of a commercial motor vehicle.

Section 322.61(5), F.S., specifies instances wherein drivers may be permanently disqualified from operating a commercial motor vehicle. These instances are the following:

- any person convicted of two violations specified above which were committed while operating a commercial motor vehicle, or any combination thereof, arising in separate incidents; or
- a CDL holder convicted of two violations specified above which were committed while operating a non-commercial motor vehicle, or any combination thereof, arising in separate incidents.

#### Effect of Proposed Changes

The bill amends s. 322.61, F.S., to provide that any CDL-holder who is convicted of two violations specified in s. 322.61(3), F.S., which were committed while operating any motor vehicle arising in separate incidents, shall be permanently disqualified from operating a commercial motor vehicle. The proposed change, however, does not affect a CDL-holder that has only been convicted of one of the specified offenses listed in s. 322.61(3). In this instance, the CDL-holder would only be subject to the one year disqualification. This provision has no fiscal impact.

#### *Commercial Motor Vehicles; Safety Regulations; Transporters and Shippers of Hazardous Materials; Enforcement (Section 8)*

#### Current Situation

All owners and drivers of commercial motor vehicles engaged in commerce (interstate and intrastate) are subject to federal regulation. Florida law incorporates this language into s. 316.302, F.S. Among the requirements is a prohibition on the operation of a commercial motor vehicle beyond a specified number of consecutive hours of operation, under certain instances. Specifically, s. 316.302(2)(c), F.S., prohibits a person from operating a commercial motor vehicle more than 70 hours in any period of seven consecutive days or more than 80 hours in any period of eight consecutive days if the motor carrier operates every day of the week. Thirty-four consecutive hours off duty shall constitute the end of any such period of seven or eight consecutive days. This prohibition applies to persons operating solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172. Section 316.302(2)(c), F.S., provides an exception to the prohibition for operators of commercial motor vehicles that transport time-sensitive, unprocessed agricultural products and other specified types of food.

#### Effect of Proposed Changes

The bill amends s. 316.302(2)(c), F.S., to clarify that the provisions of the s. 316.302(2)(c), F.S., do not apply to operators of farm labor vehicles operated during a state of emergency declared by the Governor or operated pursuant to an emergency declared under the authority of the Florida Department of Agriculture and Consumer Services and/or its Secretary. This provision has no fiscal impact.

#### *Classification – Commercial Motor Vehicle Weight (Section 51)*

#### Current Situation

Section 322.54, F.S., provides for the classification of vehicles and the driver's licenses required for their operation. Currently, any vehicle with a declared and actual weight of 26,001 pounds or more is classified as a commercial motor vehicle for CDL purposes. Motor vehicle weight classifications are typically based on the Gross Vehicle Weight Rating (GVWR) ascribed to each vehicle by the manufacturer. The GVWR is

typically identified by the Vehicle Identification Number (VIN) plate or by a separate plate attached to the vehicle. There is currently no provision for classifying a vehicle in situations where a GVWR or VIN plate is not available.

#### Effect of Proposed Changes

The bill creates s. 322.54(5), F.S., to allow the vehicle's actual weight to be used in the determination of the class of CDL required in situations where the GVWR or a separate VIN plate identifying the weight of the vehicle is missing or otherwise not available. This provision has no fiscal impact.

### **Leveraging Technology (Sections 16; 21, 34 and 59; 19 and 57)**

#### *Transfers and Reassignment Forms; Odometer Disclosure Statements (Section 16)*

#### Current Situation

Section 319.225, F.S., provides for procedures and regulations for the transfer and reassignment of motor vehicle titles. Currently, when a motor vehicle owner sells a vehicle, the owner must sign and transfer a paper odometer disclosure form to the buyer in order to comply with federal and state laws.

#### Effect of Proposed Changes

The bill amends s. 319.225, F.S., to modernize the form and format of motor vehicle certificates of title. Specifically, the bill creates s. 319.225(7), F.S., which would allow titles to remain electronic in sales of a motor vehicle. This process is subject to approval of the National Highway Traffic Safety Administration or any other applicable authority, and will allow the transferor and transferee to complete the federally-required odometer disclosure on a "secure reassignment document". Both the transferor and transferee must execute the secure reassignment document at a tax collector office or license plate agency. A dealer acquiring a motor vehicle that has an electronic title must use a secure reassignment document signed by the person from whom the dealer acquired the motor vehicle. Upon transfer of the motor vehicle to another person, a separate reassignment document must be executed.

#### *Electronic Transactions – Motor Vehicle Certificates of Title, Motor Vehicle Licenses and Vessel Registration (Sections 21, 34 and 59)*

#### Current Situation

Section 319.40, F.S., and s. 320.95, F.S., authorize DHSMV to accept motor vehicle title and registration applications by "electronic or telephonic means." However, these sections do not specifically allow the collection and use of e-mail addresses or the issuing of electronic titles in lieu of printing paper titles. Section 322.08, F.S., provides requirements for driver's license applications. The section also does not specifically allow the collection and use of e-mail addresses from driver's license applicants. Chapter 328, F.S., governs title certificates and registration of vessels. Section 328.30, F.S., relating to vessel titles, authorizes the DHSMV to accept any application required under ch. 328, F.S., by "electronic or telephonic means," but similar to s 319.40, F.S., s. 320.95, F.S., and s. 322.08, F.S., there is no specific authorization to collect and use e-mail addresses.

#### Effect of Proposed Changes

The bill amends s. 319.40, F.S., to authorize DHSMV to issue electronic certificates of title, in lieu of printing a paper title. It also allows DHSMV to collect e-mail addresses from vehicle owners and registrants for notification purposes related to motor vehicle titles, in lieu of notification via the United States Postal Service ("USPS"). However, any notice regarding the potential forfeiture or foreclosure of an interest in property must still be sent via the USPS. The bill amends s. 320.95, F.S., to expressly permit DHSMV to collect and use e-mail addresses of motor vehicle owners and registrants as a method of notification relating to motor vehicle registrations in lieu of the USPS, and amends s. 320.02, F.S., to clarify that electronic registration records must be retained for at least ten years.

The bill creates s. 322.08(8), F.S., to authorize DHSMV to collect and use e-mail addresses for the purpose of providing driver's license renewal notices in lieu of the USPS.

The bill amends s. 328.30, F.S., to permit DHSMV to issue an electronic certificate of title for vessels in lieu of printing a paper title and to permit DHSMV to collect and use e-mail addresses as a method of notification regarding vessel titles and registration in lieu of the USPS.

These provisions have an indeterminate, but likely positive fiscal impact. See Fiscal Impact on State Government section.

*Notice of Lien on Motor Vehicles, Mobile Homes or Vessels; Notation on Certificate; Recording of Lien (Sections 19 and 57)*

Current Situation

DHSMV provides electronic titles and liens in order to prevent consumers from losing titles. When it becomes necessary to transfer ownership, however, the title must be printed and signatures must be obtained in accordance with the federal odometer disclosure requirement. The existence of paper ownership documents creates numerous opportunities for fraud and theft. The elimination of paper may reduce those opportunities.

Effect of Proposed Changes

The proposed changes amend s. 319.27, F.S., to require DHSMV to administer an electronic titling program that requires the recording of vehicle title information for new, transferred and corrected certificates of title electronically. In addition, the proposed changes amend s. 319.27, F.S., to require lien holders to electronically transmit liens and lien satisfactions to DHSMV.

The proposed changes create an exemption to the required participation in the electronic titling program for “individuals who are not normally engaged in the business or practice of financing vehicles.” However, the class of persons who are “normally engaged in the business or practice of financing vehicles” is left undefined. According to DHSMV,<sup>2</sup> the exemption is intended for casual sales, leaving lending institutions and other similarly situated organizations subject to the amended requirements. This provision has no fiscal impact.

**Driver’s Licenses (Sections 45; 44; 36 and 40; 48; 49; 38; 42; 46; 35; 41; 43; 47; 52)**

*Driver’s Licenses for Foreign Visitors – Late Fees (Section 45)*

Current Situation

Currently, foreign visitor driver’s licenses are only issued for the duration of the foreign visitor’s authorized stay in the United States. By law, these visitors, who often own homes in Florida and are seasonal residents, must leave the country and return before being issued a renewal driver’s license. The current process requires all foreign visitors to renew their driver’s licenses after the expiration date, which subjects the foreign visitor to a \$15 late fee. This late fee is a penalty imposed on these customers as a result of a process over which they have no control.

Effect of Proposed Changes

The bill amends s. 322.18, F.S., to require foreign visitors to be issued an original license, in lieu of renewing their expired foreign visitor driver’s license, each time the foreign visitor returns to the United States.

Procedurally, the proposed change has no effect because the process for issuing an original license is the same as the issuance of a renewal with regard to the submission of travel documents. The only difference is that treating the issuance as an original instead of a renewal will eliminate the \$15 late fee. Fiscally, however, DHSMV estimates the change will result in a significant loss of revenue. DHSMV estimates this loss to be \$1,159,800. See Fiscal Impact on State Government and Direct Economic Impact on Private Sector.

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<sup>2</sup> See DHSMV’s 2012 Legislative Proposals. This information may be accessed at <http://www.flhsmv.gov/html/safety.html> (Last viewed 11/15/2011).

Current Situation

Chapter 322, F.S., governs the issuance of driver's licenses and the DHSMV's administration of the program. Florida law in this regard covers legislative intent, definitions and requirements for the issuance of a valid Florida driver's license. Among the sections are requirements related to the color or markings of certain licenses, as well as color photographic or digital imaged licenses.

Effect of Proposed Changes

The bill creates s. 322.145, F.S., titled "Electronic Authentication of Licenses." This provision requires a specified means of electronic authentication on any driver's license issued on or after July 1, 2013. The means of electronic authentication must conform to a recognized standard for such authentication, such as public key infrastructure, symmetric key algorithms, security tokens, mediometrics, or biometrics. Additionally, the bill provides that the electronic authentication must not interfere with or change the driver's license's format or topology. Licensees may request a security token accompany the issuance of the license. This security token must conform to the same electronic authentication standards as the license.

The bill's provisions also require that DHSMV negotiate a new contract with the vendor selected to implement the electronic authentication feature which provides that the vendor pay all costs of implementing the system. Finally, the new contract must not conflict with current (as of the bill's effective date) contractual arrangements for the issuance of driver's licenses. This fiscal impact of this provision is indeterminate.

*Identification Cards; Application for License; Requirements for License and Identification Card Forms (Sections 36 and 40)*

Current Situation

Section 322.051, F.S., and s. 322.08, F.S., provide requirements for the issuance of an identification card or driver's license. An applicant must submit the following proof of identity:

- 1) full name (first, middle or maiden, and last), gender, proof of social security card number satisfactory to the department, county of residence, mailing address, proof of residential address satisfactory to the department, country of birth, and a brief description;
- 2) proof of birth date satisfactory to DHSMV; and
- 3) proof of identity satisfactory to DHSMV. Such proof must include one of the following documents issued to the applicant:
  - a) a driver's license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under sub-subparagraphs b. through g., below;
  - b) a certified copy of a United States birth certificate;
  - c) a valid, unexpired United States passport;
  - d) a naturalization certificate issued by the United States Department of Homeland Security;
  - e) a valid, unexpired alien registration receipt card (green card);
  - f) a Consular Report of Birth Abroad provided by the United States Department of State;
  - g) an unexpired employment authorization card issued by the United States Department of Homeland Security; or
  - h) proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original identification card. In order to prove such nonimmigrant classification, applicants may produce, but are not limited to, the following documents:
    - a notice of hearing from an immigration court scheduling a hearing on any proceeding;
    - a notice from the Board of Immigration Appeals acknowledging pendency of an appeal;
    - notice of the approval of an application for adjustment of status issued by the United States Bureau of Citizenship and Immigration Services;
    - any official documentation confirming the filing of a petition for asylum or refugee status or any other relief issued by the United States Bureau of Citizenship and Immigration Services;

- notice of action transferring any pending matter from another jurisdiction to Florida, issued by the United States Bureau of Citizenship and Immigration Services.
- order of an immigration judge or officer granting any relief that authorizes the alien to live and work in the United States including, but not limited to, asylum;
- evidence that an application is pending for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States, if a visa number is available having a current priority date for processing by the United States Bureau of Citizenship and Immigration Services.
- on or after January 1, 2010, an unexpired foreign passport with an unexpired United States Visa affixed, accompanied by an approved I-94, documenting the most recent admittance into the United States.

Presentation of any of the documents described in (3)(g) or (3)(h), above, entitles the applicant to a driver's license or temporary permit for a period not to exceed the expiration date of the document presented or one year, whichever occurs first.

#### Effect of Proposed Changes

The bill amends s. 322.051, F.S., and s. 322.08, F.S., to revise the requirements by which an applicant for an identification card or driver's license may prove nonimmigrant status. Every applicant must have documents to prove evidence of lawful presence and DHSMV is authorized to require additional documents from those listed in the statute in order to establish the applicant's efforts to maintain continuous lawful presence in the United States. Section 322.08(2), F.S., is amended to ensure that the revised documentary evidence described above only entitles the applicant for a license or permit that is valid for a period not to exceed one year from the date of issuance or until the date of expiration of the document, whichever occurs first. It does not entitle the applicant to a permanent license.

The bill also creates s. 322.051(9), F.S., requiring DHSMV to issue or renew an identification card at no charge to a person who presents evidence satisfactory to the department that he or she is homeless as defined in s. 414.0252(7), F.S. Section 414.0252(7), F.S., specifies that an individual is "homeless" if that individual "lacks a fixed, regular and adequate nighttime residence" or has a primary nighttime residence that is either:

- a supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters and traditional housing for the mentally ill;
- an institution that provides a temporary residence of individuals intended to be institutionalized; or
- a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

The bill does not require DHSMV to replace a card at no charge to a homeless person.

The bill requires DHSMV and its authorized agents to provide a complete list of voluntary contributions authorized by law to customers applying for an original or renewal license or identification card. The application form must include either a complete list of all authorized voluntary contributions or DHSMV's website address which provides a complete list and information on all authorized voluntary contributions. DHSMV or its authorized agent may include on the forms a complete list of authorized voluntary contributions and DHSMV's website address. Customers shall be provided information on their options for voluntary contributions.

The bill also authorizes DHSMV to collect and use e-mail addresses for the purpose of providing driver's license or identification card renewal notices in lieu of the USPS.

These provisions have an indeterminate fiscal impact. See Fiscal Impact on State Government and Direct Economic Impact on Private Sector sections.



## *Notice of Cancellation, Suspension, Revocation or Disqualification of Driver's License (Section 48)*

### Current Situation

Under Florida law, DHSMV may cancel, suspend or revoke a licensee's driver's license under certain specified circumstances. DHSMV may also disqualify a licensee from holding a driver's license. Section 322.251, F.S., specifies that all orders of cancellation, suspension, revocation, or disqualification issued under the provisions of ch. 322, F.S., (relating to driver's licenses), ch. 318, F.S., (relating to disposition of traffic infractions), ch. 324, F.S., (relating to financial responsibility), or s. 627.732, F.S., through s. 627.734, F.S., (relating to Florida's Motor Vehicle No-Fault Law), must be either:

- personally delivered to the licensee; or
- delivered by United States mail in an envelope, first class, postage prepaid, addressed to the licensee at his or her last known mailing address furnished to DHSMV.

If the order is delivered by mail, the mailing constitutes notification and any failure on the part of the licensee to receive the notice does not affect the validity of the order. Currently, the notice period is 20 days after deposit in the United States mail.

### Effect of Proposed Changes

The bill amends s. 322.251, F.S., in relation to the notice period required for all orders cancelling, suspending, revoking or disqualifying a licensee's driver's license. The bill specifically affects the notice period for orders issued under the provisions of ch. 324, F.S., and s. 627.732, F.S., through s. 627.734, F.S. For orders issued under these provisions, notice is complete 15 days after deposit in the mail. There is an indeterminate, but likely positive, fiscal impact related to this provision.

## *Authority of DHSMV to Suspend or Revoke License (Section 49)*

### Current Situation

Under Florida law, DHSMV may suspend a licensee's driver's license if that licensee obtains, uses or permits the use of his or her driver's license in an unlawful or fraudulent manner. This provision, however, does not cover identification cards.

### Effect of Proposed Changes

The bill amends s. 322.27, F.S., to include identification cards. The effect of the proposed changes will make it illegal to permit an unlawful or fraudulent use of driver's licenses or identification cards, knowingly be a party to the obtainment of a driver's license or identification card by fraud or misrepresentation or to the display or represent as one's own a driver's license or identification card not issued to him or her. These changes are separate and apart from the prohibitions listed in s. 322.32(1), F.S., relating to knowingly possessing or displaying a canceled, revoked, suspended or disqualified license, the penalty of which is a second degree misdemeanor. This provision has no fiscal impact.

## *Expired Driver's Licenses (Section 38)*

### Current Situation

Section 322.065, F.S., provides that a person whose driver's license is expired for four months or less and who drives a motor vehicle upon the highways of this state is guilty of an infraction and subject to penalty provided in s. 318.18, F.S. Other provisions of law, including s. 322.03, F.S., penalize drivers whose licenses have been expired for six months or more. However, there is no provision of Florida law penalizing drivers whose licenses have been expired for five months.

### Effect of Proposed Changes

The bill amends s. 322.065, F.S., revising the period of expiration that constitutes the offense of driving with an expired driver's license from four months or less to six months or less. The effect of this change will close the loophole relating to drivers whose licenses have been expired for more than four months but less than six months. This provision has no fiscal impact.

## *Licenses Issued to Drivers – Driver’s License Photographs (Section 42)*

### Current Situation

Section 322.14, F.S., requires applicants qualifying to receive a Class A, Class B, or Class C driver’s license to appear in person within the state for issuance of a color photographic or digitally imaged driver’s license. DHSMV has confirmed that all such license holders have complied with the requirement and have had a digital photograph issued.

### Effect of Proposed Changes

The bill removes the requirement that Class A, B, and C license holders appear in person for a digital photograph. This change allows these license holders to renew or replace licenses online. This provision has no fiscal impact.

## *Change of Address or Name – Requirement to update Driver’s License (Section 46)*

### Current Situation

Section 322.19(2), F.S., requires any person to update his or her driver’s license within ten calendar days of changing his or her legal residence or mailing address. The driver’s license must be updated to reflect the new address.

### Effect of Proposed Changes

The bill amends s. 322.19(2), F.S., to provide an exemption to the rule requiring that driver’s licenses be updated after a change of address for students currently enrolled at state educational institutions. To qualify for the exemption, the student must have a valid, current student identification card issued by a state educational institution. The bill notes, however, that the exemption does not affect any person required to register a permanent or temporary address change as a result of being classified as a convicted felon under s. 775.13, F.S., or as a sexual offender under s. 775.21, F.S., s. 775.25, F.S., or s. 943.0435, F.S. This provision has no fiscal impact.

## *Persons Exempt from Obtaining a Florida Driver’s License (Section 35)*

### Current Situation

Section 322.04, F.S., specifies that a nonresident who is at least 16 years of age and who possesses a valid non-commercial driver’s license issued to the nonresident in his or her home state or country may operate a motor vehicle of the type for which a Class E driver’s license is required in Florida. The section further states that a nonresident who is at least 18 years of age and who has in his or her immediate possession a valid non-commercial driver’s license issued to the nonresident in his or her home state or country may operate a motor vehicle, other than a commercial motor vehicle in the state.

### Effect of Proposed Changes

The bill revises s. 322.04, F.S., to permit nonresidents who are at least 16 years of age to use an International Driving Permit (IDP) issued by the person’s country of residence to operate a motor vehicle of the type for which a Class E driver’s license is required. The person must be in immediate possession of either of the following:

- a valid non-commercial driver’s license issued in his or her name from another state or territory of the United States; or
- an IDP issued in his or her name in his or her country of residence and a valid license issued in that country.

The bill eliminates the provision relating to nonresidents who are at least 18 years of age and who have valid non-commercial driver’s licenses issued in their home state or country. The effect of the proposed change will subject these persons to the same guidelines for nonresidents 16 years of age and older. This provision has no fiscal impact.

## *Periodic Reexamination of All Drivers - Military Driver's License Extensions (Section 41)*

### Current Situation

Section 322.121, F.S., grants a member of the Armed Forces, and any dependents residing with them, an automatic license extension without reexamination when the license expires while serving on active duty outside the state. The extension is valid for 90 days after the member of the Armed Forces is either discharged or returns to Florida to live.

### Effect of Proposed Changes

The bill amends s. 322.121(5), F.S., to clarify that military personnel, and dependents residing with them, shall be granted an automatic license extension on the expiration of a Class E license while on active duty outside the state. This provision has no fiscal impact.

## *Specialty Driver's License and Identification Card Program (Section 43)*

### Current Situation

Current Florida law provides for several types of license plates. In addition to plates issued for governmental or business purposes, DHSMV offers four basic types of plates to the general public. One of those is the specialty license plate. Specialty license plates are used to generate revenue for colleges, universities and other civic organizations. Organizations seeking to participate in the specialty license plate program are required to submit an application to DHSMV, pay an application fee and obtain authorization from the Florida Legislature. The recipient must pay applicable taxes pursuant to s. 320.08, F.S., and s. 320.06(1)(b), F.S., and an additional charitable contribution as provided in s. 320.08056(a) – (zzz), F.S., in order to receive a specialty license plate. Further, the recognized organization must expend the funds distributed to it pursuant to the guidelines set out in s. 320.08058, F.S.

Section 322.14, F.S., requires DHSMV to issue a driver's license to every qualified applicant upon successful completion of all required examinations and payment of required fees. Section 322.14, F.S., also sets requirements for the design of state driver's licenses and mandates that licensees affix to them their usual signature. Section 322.051, F.S., governs the issuance of identification cards, and similar to s. 322.14, F.S., sets requirements for their design. At this time, DHSMV does not administer a program to offer specialty driver's licenses or identification cards similar to the specialty license plate program.

### Effect of Proposed Changes

The bill creates s. 322.1415, F.S., to authorize DHSMV to administer a specialty driver's license and identification card program. The bill provides that upon payment of the appropriate fee, DHSMV may issue a specialty driver's license or identification card to any applicant qualified pursuant to s. 322.14, F.S. The bill requires that, at a minimum, specialty driver's licenses and identification cards shall be available for Florida state and independent universities, all Florida professional sports teams designated pursuant to s. 320.08058(9)(a), F.S., and all branches of the United States Armed Forces. Both DHSMV and the recognized organization must approve the design and use of each specialty driver's license and identification card.

The cost for specialty driver's licenses and identification cards will be \$25, with 50 percent of the funds distributed to DHSMV for costs directly related to the administration of the program and to defray the costs associated with production enhancements and distribution. The remaining 50 percent will be distributed to the recognized organization, who in turn must expend funds in the same manner as provided in s. 320.08058, F.S. The bill provides that the section creating the specialty driver's license and identification card program is repealed August 31, 2016.

While the fiscal impact of this provision is indeterminate, but likely positive, the bill requires DHSMV to submit an annual report on December 1 of each year to the President of the Senate and the Speaker of the House of Representatives which addresses the viability of the program and details the amounts distributed to each entity. See Fiscal Impact on State Government and Direct Economic Impact on Private Sector sections.

## *Enhanced Driver's Licenses (Section 47)*

### Current Situation

The Western Hemisphere Travel Initiative ("WHTI") requires travelers to have a passport or other accepted document that establishes the traveler's identity and citizenship to enter or depart the United States from within the Western Hemisphere.<sup>3</sup> The WHTI is the result of recommendations made by the 9/11 Commission, which Congress subsequently passed into law in the Intelligence Reform and Terrorism Prevention Act of 2004.<sup>4</sup>

The goal of the WHTI is to facilitate entry for United States citizens and legitimate foreign visitors while strengthening United States border security.<sup>5</sup> Standard documents will enable the United States Department of Homeland Security ("DHS") to quickly and reliably identify travelers.<sup>6</sup>

Acceptable documentation is outlined in the DHS Land and Sea WHTI Final Rule.<sup>7</sup> What constitutes acceptable documentation varies by citizenship. For United States citizens and nationals, the following documents are acceptable for border crossings:

- valid United States Passport;
- valid United States Passport card;
- state enhanced driver's license approved by the Secretary of Homeland Security;
- valid United States Merchant Mariner Document when traveling on official maritime business; or
- valid United States military identification card when traveling on official orders.

In conjunction with its final rule, DHS also officially designated the Washington state enhanced driver's license as a WHTI-compliant document.<sup>8</sup> An enhanced driver's license is a driver's license that can also be used as a cross-border travel document to enter the United States by land and sea because it denotes both identity and citizenship.<sup>9</sup>

Currently, DHSMV does not issue enhanced driver's licenses which meet WHTI requirements.

### Effect of Proposed Changes

Because Florida has a significant cruise industry as well as a large population of retirees from northern portions of the country, DHSMV believes customer service would improve by offering enhanced driver's licenses. The bill's proposed changes would authorize DHSMV to offer for sale an enhanced driver's license which meets WHTI requirements. As such, the bill creates s. 322.21(1)(i), F.S., and specifies that the fee for issuance of an original or renewal enhanced driver's license or identification card may not exceed \$30 in addition to other required fees. Funds collected pursuant to the enhanced driver's license and identification card program are to be deposited into the Highway Safety Operating Trust Fund to offset the cost of administration and materials related to the program. The bill further specifies that the issuance of an enhanced driver's license or identification card is optional for all residents who are otherwise qualified to be issued a Class A, B, C, or E driver's license or identification card. This provision has an indeterminate, but possibly positive fiscal impact. See Fiscal Impact on State Government and Direct Economic Impact on Private Sector sections.

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<sup>3</sup> The WHTI is overseen by the UNITED STATES Department of Homeland Security (DHS) and the United States Department of State (DOS). See information on the WHTI on the DHS website. The information may be accessed at [http://www.dhs.gov/files/programs/gc\\_1200693579776.shtm](http://www.dhs.gov/files/programs/gc_1200693579776.shtm). (Last viewed 11/15/2011).

<sup>4</sup> Id.

<sup>5</sup> Information on the goals of WHTI and required travel documents can be viewed via links on the DHS website. This information can also be accessed at [http://www.getyouhome.gov/html/eng\\_map.html](http://www.getyouhome.gov/html/eng_map.html). (Last viewed 11/15/2011).

<sup>6</sup> Id.

<sup>7</sup> The WHTI Land and Sea Final Rule was announced on March 27, 2008. Information can be found on the DHS website. See [http://www.dhs.gov/xnews/releases/pr\\_1206634226418.shtm](http://www.dhs.gov/xnews/releases/pr_1206634226418.shtm). (Last viewed 11/15/2011).

<sup>8</sup> Id.

<sup>9</sup> Information on Enhanced Driver's Licenses as part of the WHTI can be found on the getyouhome website that can be directly linked to from the DHS website. This information can be viewed at [http://www.getyouhome.gov/html/lang\\_eng/eng\\_edl.html](http://www.getyouhome.gov/html/lang_eng/eng_edl.html). (Last viewed 11/15/2011).

## *Chauffeur's Licenses (Section 52)*

### Current Situation

Section 322.58, F.S., enacted in 1989, provides a period of time for holders of a chauffeur's license to transfer to uniform Commercial Driver's Licenses ("CDLs"). The 'phasing out' period ended on April 1, 1991, after which time chauffeurs' licenses were neither issued nor recognized as valid.

### Effect of Proposed Changes

The bill amends s. 322.59, F.S., to provide a citation to the federal medical examiner's certificate requirement<sup>10</sup> and to require DHSMV to disqualify a driver holding a CDL who fails to comply with such requirement. The bill also provides that if otherwise qualified, the disqualified holder may obtain a Class E driver's license. This provision has no fiscal impact.

## **License Plates (Sections 5; 25; 27; 28 and 31; 29)**

### *Riding on Motorcycles or Mopeds (Section 5)*

#### Current Situation

Section 316.2085, F.S., provides that the license tag of a motorcycle or moped must be permanently affixed to the vehicle and "may not be adjusted or capable of being flipped up." The section also prohibits any "device for, or method of, concealing or obscuring" the tag. Further, if a motorcycle license tag is affixed to the vehicle perpendicularly (that is, if the letters read top to bottom, rather than left to right), the registered owner must maintain a prepaid toll account in good standing and affix a transponder associated with that account to the motorcycle or moped.

#### Effect of Proposed Changes

The bill clarifies s. 316.2085, F.S., by requiring the tag of a motorcycle or moped to "remain clearly visible from the rear at all times." The bill also clarifies the prohibited action of concealing a tag by eliminating the prohibition on a specific device or method, and instead, explicitly states that any deliberate act to conceal or obscure the legibility of a tag is prohibited. Vehicles with vertical tags registered in Florida must maintain a prepaid toll account in good standing and a transponder associated with the prepaid toll account must be affixed to the motorcycle or moped. Motorcycles or mopeds registered in other jurisdictions are exempt from this requirement. There is an indeterminate fiscal impact associated with this provision.

### *Registration Certificates; License Plates and Validation Stickers Generally (Section 25)*

#### Current Situation

Section 320.06, F.S., relates to registration license plates equipped with validation stickers that reflect the period of valid registration. The current section provides that registration license plates must be made of metal specially treated with a retro-reflection material and must have a specified design that increases visibility and legibility. License plate registration validation stickers expire on midnight on the last day of the registration period and are to be issued upon payment of the proper license tax amount and fees.

#### Effect of Proposed Changes

The bill amends s. 320.06, F.S., to eliminate the requirement that registration license plates be made of metal. The bill, however, leaves intact the requirement that registration license plates be treated with a retro-reflection material and be designed to increase visibility and legibility. This provision has no fiscal impact.

### *Temporary License Plates (Section 27)*

#### Current Situation

Section 320.061, F.S., prohibits altering the original appearance of any motor vehicle registration certificate, license plate, mobile home sticker or validation sticker. However, the prohibition does not

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<sup>10</sup> 49 C.F.R. s. 383.71.

include temporary license plates. A violation of this provision is a noncriminal traffic infraction punishable as a moving violation as provided in ch. 318, F.S.

#### Effect of Proposed Changes

The bill amends s. 320.061, F.S., to also include a prohibition on the alteration of temporary license plates. This provision has no fiscal impact.

#### *Specialty License Plates (Sections 28 and 31)*

#### Current Situation

DHSMV administers the issuance of motor vehicle license plates as a part of the tag and registration requirements specified in ch. 320, F.S. License plates are issued for a ten-year period and are replaced upon renewal at the end of the ten-year period. The license plate fee for both an original issuance and replacement is \$28.00. An advance replacement fee of \$2.80 is applied to the annual vehicle registration and is credited towards the next replacement. Section 320.08, F.S., requires the payment of an annual license tax, which varies by motor vehicle type and weight. For a standard passenger vehicle weighing between 2,500 and 3,500 pounds, the annual tax is \$30.50.

Current law provides for several types of license plates. In addition to plates issued for governmental or business purposes, DHSMV offers four basic types of plates to the general public:

- **Standard Plates:** The standard license plate currently comes in three configurations: the county name designation, the state motto designation or the state slogan designation.
- **Specialty License Plates:** Specialty license plates are used to generate revenue for colleges, universities and other civic organizations. Organizations seeking to participate in the specialty plate program are required to submit an application to DHSMV, pay an application fee and obtain authority from the Florida Legislature. The recipient must pay applicable taxes pursuant to s. 320.08, F.S., and s. 320.06(1)(b), F.S., and an additional charitable contribution as provided in s. 320.08056(a) – (zzz), F.S., in order to receive a specialty license plate. The creation of new specialty license plates by DHSMV is prohibited until July 1, 2014.<sup>11</sup>
- **Personalized Prestige License Plates:** Personalized license plates allow motorists to define the alpha numeric design (up to seven characters) on a standard plate that must be approved by the DHSMV. The cost for a personalized prestige license plate (in addition to the applicable taxes) is \$15, pursuant to s. 320.0805, F.S.
- **Special Use License Plates:** Certain members of the general public may be eligible to apply for special use license plates if they are able to document their eligibility pursuant to various sections of Ch. 320, F.S. This category of plates primarily includes special military license plates as well as plates for the handicapped. Examples include the Purple Heart, National Guard, United States Armed Forces, Pearl Harbor, Iraqi Freedom, Enduring Freedom,<sup>12</sup> Disabled Veteran<sup>13</sup> and Paralyzed Veterans of America plates.<sup>14</sup> The first \$100,000 of revenue from the sales of these special plates is deposited into the Grants and Donations Trust Fund under the Veterans' Nursing Homes of Florida Act. Any additional revenues are deposited into the State Homes for Veterans Trust Fund and used to construct, operate, and maintain domiciliary and nursing homes for veterans.

The Tampa Bay Estuary Program is one of the civic organizations for which DHSMV is authorized to issue a specialty license plate. The mission of the Tampa Bay Estuary Program is to build partnerships to restore

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<sup>11</sup> The moratorium on new specialty license plates is created by s. 45, ch. 2008-176, Laws of Florida, as amended by s. 21, ch. 2010-223, Laws of Florida.

<sup>12</sup> Section 320.089, F.S. Some of these plates require payment of the annual license tax in s. 320.08, F.S., while others are exempt from the tax.

<sup>13</sup> Section 320.084, F.S. The statute provides that an eligible person may receive one free Disabled Veteran license plate, although other taxes apply.

<sup>14</sup> Section 320.0845, F.S. This plate requires payment of the annual license tax in s. 320.08, F.S.

and protect Tampa Bay through implementation of a scientifically sound, community-based management plan.<sup>15</sup>

The Combat Infantryman Badge is the United States Army combat service recognition decoration awarded to soldiers—enlisted men and officers (commissioned and warrant) holding colonel rank or below, who personally fought in active ground combat while an assigned member of either an infantry or a Special Forces unit, of brigade size or smaller, any time after December 6, 1941.<sup>16</sup>

Combat Infantryman Badge recipients must have met the following criteria to have been awarded this honor as provided by the Military Awards Army Regulation 600-8-22:

- be an infantryman satisfactorily performing infantry duties;
- assigned to an infantry unit during such time as the unit is engaged in active ground combat; and
- actively participate in such ground combat – campaign or battle credit alone is not sufficient for the award of the Combat Infantryman Badge.

#### Effect of Proposed Changes

The bill amends s. 320.089, F.S., to create a Special Use plate for recipients of the Combat Infantry Badge. Upon payment of the license tax for the vehicle as provided in s. 320.08, F.S., and proof of membership in the Combat Infantrymen's Association, Inc., or other proof of being a recipient of the Combat Infantry Badge, the applicant may receive a Special Use plate bearing the words "Combat Infantry Badge," followed by the serial number of the license plate. There is an indeterminate, non-recurring, fiscal impact associated with this provision. DHSMV estimates this fiscal impact to be negative, but minimal. See Fiscal Impact on State Government section.

The bill proposes to raise the annual usage fee for the Tampa Bay Estuary Program specialty license plate from \$15 to \$25. The fiscal impact of this provision is indeterminate. This provision has an indeterminate fiscal impact. See Direct Economic Impact on Private Sector section.

#### *Use of Funds from Motorcycle Specialty License Plate Program by The Able Trust (Section 29)*

#### Current Situation

Currently, s. 320.08068, F.S., requires DHSMV to develop reduced dimensions specialty license plates for motorcycles. Each motorcycle specialty license plate is subject to a \$20 annual usage fee. Annual usage fees are distributed to The Able Trust, with 20 percent of the funds going to the Florida Association of Centers for Independent Living to be used to leverage additional funding and new sources of revenue for Florida's centers for independent living.

#### Effect of Proposed Changes

The bill amends s. 320.08068, F.S., to eliminate the requirement that The Able Trust use funds from the motorcycle specialty license plate program to leverage additional funding. This provision has no fiscal impact.

#### **Insurance and Registration (Sections 55; 56; 23 and 60; 26)**

#### *Proof Required Upon Certain Convictions (Section 55)*

#### Current Situation

Under Florida law, if a licensee's driver's license is suspended or revoked under the provisions of s. 322.26, F.S., relating to mandatory revocation of a driver's license by DHSMV, or under s. 322.27, F.S., relating to the authority of DHSMV to suspend or revoke a driver's license, the DHSMV is required to also suspend the licensee's registration. This includes the registration(s) for all motor vehicles registered in the licensee's name, either individually or jointly. However, DHSMV may not cancel the licensee's registration if

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<sup>15</sup> See The Tampa Bay Estuary Program's website at <http://www.tbep.org/index.html> (Last viewed 1/18/2012).

the licensee has previously given, or immediately gives and maintains proof of financial responsibility for the licensee's registered vehicles.

#### Effect of Proposed Changes

The bill amends s. 322.072, F.S., to add to the instances wherein DHSMV may not suspend a licensee's registration pursuant to the circumstances above. The bill provides that if the licensee had insurance coverage limits required under s. 324.031, F.S., relating to the manner of proving financial responsibility, on the date of the latest offense that caused the suspension or revocation, DHSMV may not suspend the licensee's registration. This provision has no fiscal impact.

#### *Notice to DHSMV; Notice to Insurer (Section 56)*

#### Current Situation

Section 324.091, F.S., requires driver's involved in automobile crashes or convictions within the purview of ch. 324, F.S., to provide to DHSMV evidence that the driver had automobile liability insurance, motor vehicle liability insurance or a surety bond in effect at the time of the automobile crash or conviction. Drivers must provide this evidence within 30 days from the date of the mailing of notice of the accident by DHSMV. Once the evidence is received, DHSMV is required to notify the insurer or surety insurer to verify that the driver did, in fact, carry the proper insurance.

#### Effect of Proposed Changes

The bill amends s. 324.091, F.S., by shortening the period (from 30 days to 14 days) for drivers to provide proof of insurance to DHSMV after being involved in an automobile crash or conviction within the purview of ch. 324, F.S. This provision has no fiscal impact.

#### *Registration Required; Application for Registration; Forms (Sections 23 and 60)*

#### Current Situation

Section 320.02, F.S., requires every owner or person in charge of a motor vehicle operated or driven on the roads of this state to register the vehicle in this state. The owner or person in charge must apply to DHSMV or its authorized agent for registration of the vehicle. The application for registration must include the street address of the owner's permanent residence or the address of his or her permanent place of business and must be accompanied by personal or business identification information which may include, but need not be limited to, a driver's license number, a Florida identification card number or federal employer identification number.

Commercial motor carriers are required to carry full liability insurance, a surety bond or a valid self-insurance certificate during their period of registration. If the commercial motor carrier fails to do so, DHSMV is required to suspend the commercial motor carrier's registration. Additionally, s. 320.02(5)(e), F.S., requires 30 days' written notice from the insurer to DHSMV before canceling the commercial motor carrier's liability insurance policy or surety bond.

#### Effect of Proposed Changes

The bill amends s. 320.02(2), F.S., to exempt active duty military members who are Florida residents from being required to provide a Florida residential address on an application for vehicle registration.

The bill also amends s. 320.02(5)(e), F.S., relating to the process by which an insurer may cancel a liability insurance policy or surety bond. The bill adds additional requirements related to the notice provision that must be provided by the insurer to DHSMV. The bill clarifies that the notice shall contain any information required by DHSMV and authorizes DHSMV to adopt rules regarding the form and format of such notice required. Further, the bill shortens the length of notice required from "no less than 30 days' written notice" to "no less than 10 days' notice."

The bill creates s. 320.02(18), F.S., and s. 328.72(17), F.S., which require DHSMV to provide a list of voluntary contributions authorized by law to customers applying for registration or renewal registration. The renewal application must either include a full list of authorized voluntary contributions or DHSMV's website address, or both. If the DHSMV website address is listed, a complete list and information on all authorized



voluntary contributions must be contained therein. Customers renewing registrations must be informed of the voluntary contribution options.

The bill also creates s. 320.02(19), F.S., which requires DHSMV to retain electronic registration records for at least 10 years.

These provisions have an indeterminate fiscal impact.

#### *Certificate of Registration; Possession Required; Exception (Section 26)*

##### Current Situation

Section 320.0605, F.S., requires all drivers to possess (or carry in the vehicle) one of the following documents while using or operating a motor vehicle on state roads:

- the vehicle's registration certificate (or an official copy);
- the temporary receipt of an internet registration renewal;
- a true copy of a rental or lease agreement;
- a cab card issued for vehicles registered under the International Registration Plan.

One of the documents listed above must be exhibited, upon demand, to any authorized law enforcement officer or DHSMV agent. Failing to meet the requirement is a nonmoving violation subject to a \$30 fine, unless the driver can later show proof of valid registration at the time of arrest.<sup>17</sup> The above requirement has two exceptions: fleet vehicles, and replacement vehicles purchased within the last 30 days.

##### Effect of Proposed Changes

The bill amends s. 320.0605, F.S., to allow a true copy of rental or lease documentation in lieu of a true copy of a rental or lease agreement. The effect of the proposed change broadens the category of documents that will satisfy the statutory requirement by allowing documents other than the rental or lease agreement. This provision has no fiscal impact.

#### **Certificates of Title and Registration (Sections 15; 17, 24, 37 and 61; 18 and 58)**

##### *Sale of Motor Vehicles Registered or Used as Taxicabs, Police Vehicles, Lease Vehicles, or Rebuilt Vehicles and Non-Conforming Vehicles (Section 15)*

##### Current Situation

Chapter 319, F.S., does not provide titling requirements, branding requirements or definitions for custom and street rod vehicles. However, there are registration requirements for these vehicles in ch. 320, F.S. Custom vehicles and street rod vehicles fall into the same category as motor vehicles registered as rebuilt vehicles and non-conforming vehicles. Consequently, DHSMV has been titling these vehicles according to these same requirements when one of these vehicles is offered for sale.

Currently, DHSMV performs a physical inspection of rebuilt vehicles to assure the identity of the vehicle and that any major component parts repaired or replaced have proper ownership documentation and are not stolen. DHSMV does not have specific statutory authority to require damaged major component parts to be repaired or replaced as a condition of inspection and/or issuing a rebuilt title.

##### Effect of Proposed Changes

The bill amends s. 319.14, F.S., to include and define the terms "custom vehicle" and "street rod vehicle." The definitions of the respective terms match those found within s. 320.0863, F.S. The bill also prohibits a person from knowingly offering for sale, selling, or exchanging custom and street rod vehicles unless DHSMV has stamped in a conspicuous place on the certificate of title words stating that the vehicle is a custom vehicle or street rod vehicle and identifies all major component parts that have been repaired or replaced. Major component parts are defined in s. 319.30(1)(i)1., F.S., as "for motor vehicles other than

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<sup>17</sup> s. 318.18(2)(b)1., F.S.

motorcycles, any fender, hood, bumper, cowl assembly, rear quarter panel, trunk lid, door, decklid, floor pan, engine, frame, transmission, catalytic converter, or airbag.” A person who violates this provision commits a second degree misdemeanor.

These new provisions of law resolve the lack of specific statutory authority in titling custom vehicles and street rods. There is no operational or fiscal impact from these changes.

#### *Application for, and Issuance of, Certificate of Title (Sections 17, 24, 37 and 61)*

##### Current Situation

Section 319.23, F.S., provides procedures for applying for a certificate of title to a motor vehicle or mobile home. If the motor vehicle has not been previously titled, the application for title must include a bill of sale, as well as sworn affidavits from the seller and purchaser. In the case of a transfer of a motor vehicle or mobile home, the application for a certificate of title or reassignment must be filed with DHSMV “within 30 days after the delivery of the motor vehicle or mobile home.”

When a previously titled motor vehicle is sold in a private transaction, the seller signs and delivers the certificate of title to the buyer. The buyer is obligated to apply for a certificate of title by presenting to DHSMV the duly assigned certificate of title from the seller, along with an application fee for a new certificate.

##### Effect of Proposed Changes

The bill amends s. 319.23(6)(a), F.S., to modify the title transfer process involving mobile homes. The bill provides that with respect to mobile homes, the application for a certificate of title or reassignment must be filed within 30 days after the “consummation of the sale” of the mobile home, in lieu of “30 days after delivery.”

The bill also creates a bonded-title provision in s. 319.23(7), F.S. In the event that a motor vehicle owner is unable to provide DHSMV with a certificate of title assigning a prior owner’s transfer of ownership to the current owner, DHSMV may accept instead an affidavit identifying the VIN and the applicant’s ownership therein. The affidavit must be accompanied by an application for title along with a bond that meets certain criteria. The bond must be in a form prescribed by DHSMV and must be:

- executed by the applicant;
- issued by a person authorized to conduct a surety business in this state;
- in an amount equal to two times the value of the motor vehicle, as determined by DHSMV; and
- conditioned to indemnify all prior owners and lien holders, as well as all subsequent purchasers who acquire a security interest in the vehicle, against any expense, loss, or damage occurring because of the issuance of the title or any defective or unknown security interest on the right, title, or interest of the applicant in the motor vehicle. The recovery of reasonable attorney’s fees may also be included.

Any interested person has the right to recover on the bond for a breach of any of the bond’s conditions. The bond expires three years after the bond’s effective date.

Sections 320.03, F.S., 322.058, F.S., and 713.78, F.S., are also amended to conform cross-references.

These provisions have no fiscal impact.

#### *Issuance in Duplicate; Delivery; Liens and Encumbrances (Motor Vehicles, Mobile Homes and Vessels) (Sections 18 and 58)*

##### Current Situation

Sections 319.24, F.S., and 328.16, F.S., allow DHSMV to electronically transmit lien information to lien holders in order to, among other things, inform the lien holders of additional liens or encumbrances on motor vehicles, mobile homes or vessels. Sections 319.24, F.S., and 328.16, F.S., also allow lien satisfactions to be electronically transmitted to DHSMV.

### Effect of Proposed Changes

The bill amends s. 319.24, F.S., and s. 328.16, F.S., to require that lien information be electronically transmitted to lien holders to notify those lien holders of additional liens and also to require that lien satisfactions be electronically transmitted to DHSMV. In other words, the bill amends the lien notification process to make electronic lien notification required instead of discretionary. These provisions have no fiscal impact.

### **Motor Vehicle Dealers (Sections 32; 33)**

#### *Motor Vehicle Dealers - Salvage Dealers Exempt from Obtaining Garage Liability and PIP (Section 32)*

#### Current Situation

Florida law states that any person, firm, partnership, or corporation that buys, sells, offers for sale, displays for sale or deals in three or more motor vehicles in any 12-month period is presumed to be a motor vehicle dealer and must have an appropriate license issued by the state. There are various license types including those for independent dealers (VI), franchise dealers (VF), service facility dealers (SF), wholesale dealers (VW), auction dealers (VA) and salvage dealers (SD). Any person who engages in the business of acquiring salvaged or wrecked motor vehicles for the purpose of reselling them and their parts must have a salvage dealer license. In order to obtain a salvage dealer license, the salvage dealer must show evidence of the following:

- a garage liability insurance certificate which shall include, at a minimum, \$25,000 combined single-limit liability coverage including bodily injury and property damage protection and \$10,000 personal injury protection; or
- a general liability insurance policy coupled with a business automobile policy, which shall include, at a minimum, \$25,000 combined single-limit liability coverage including bodily injury and property damage protection and \$10,000 personal injury protection.

#### Effects of Proposed Changes

The bill amends s. 320.27, F.S., to exempt salvage dealers from the requirement to obtain garage liability insurance and personal injury protection insurance on vehicles that cannot be legally operated on state roads, highways or streets. There is an indeterminate fiscal impact associated with this provision.

#### *Recreational Vehicle Dealers – Obtaining Certificates of Title (Section 33)*

#### Current Situation

Section 320.27, F.S., allows motor vehicle dealers to “apply for a certificate of title to a motor vehicle using a manufacturer’s statement of origin . . . if such dealer is authorized by a franchised agreement to buy, sell, or deal in such vehicle and is authorized by such agreement to perform delivery and preparation obligations and warranty defect adjustments on the motor vehicle.” recreational vehicle (RV) dealers are not included within this provision.

As of September 30, 2011, DHSMV has issued licenses to 117 RV manufacturers, distributors, or importers, and 84 RV dealers. These manufacturers, distributors, or importers are licensed for particular line-makes and most of them have more than one model under each line-make. DHSMV authorizes the sale of models under each line-make by an agreement signed by both the dealer and the manufacturer.

#### Effect of Proposed Changes

The bill amends s. 320.771, F.S., to specify circumstances under which RV dealers may apply for a certificate of title to an RV using a manufacturer’s statement of origin. The change requires RV dealers to be authorized by a manufacturer/dealer agreement, on file with DHSMV, to buy, sell or deal in that particular line-make of recreational vehicle. The agreement must also authorize the RV dealer to perform delivery and preparation obligations and warranty defect adjustments on that line-make.

Dealers having a manufacturer/dealer agreement will be able to open an establishment within the same geographic area as an existing dealer. The new dealer may only be authorized to buy, sell, or deal in specific models that the existing dealer is not authorized to buy, sell or deal in within a specific line-make.

The effect of the proposed changes may place some RV dealers at a competitive disadvantage, especially if the dealer is in the same geographic area selling the same line-make but different models.

This provision has an indeterminate fiscal impact. See Fiscal Impact on State Government, Fiscal Impact on Local Governments, Direct Economic Impact on Private Sector and Fiscal Comments sections.

## **Public Safety (Sections 3, 13 and 14; 4; 6; 10; 30)**

### *Traffic Regulations to Assist Mobility Impaired Persons (Sections 3, 13 and 14)*

#### Current Situation

Section 316.1303, F.S., requires drivers approaching intersections to come to a complete stop whenever a mobility impaired pedestrian is in the process of crossing the street. "Mobility impaired" pedestrians are described in the section as those pedestrians "using a guide dog or service animal designated as such with a visible means of identification, a walker, a crutch, an orthopedic cane, or a wheelchair." Pursuant to s. 318.18(3), F.S., drivers who violate s. 316.1303, F.S., are subject to a \$60 fine. If a driver violates s. 316.1303, F.S., and the violation results in an injury to the pedestrian or damage to the pedestrian's property, an additional fine of up to \$250 will be imposed. Section 318.21, F.S., specifies how the additional fine will be disbursed.

#### Effect of Proposed Changes

The bill breaks s. 316.1303, F.S., into three subsections. Section 316.1303(1), F.S., retains the language requiring drivers to come to a complete stop whenever a mobility impaired pedestrian is attempting to cross the street. Varying slightly from the current s. 316.1303, F.S., which describes "mobility impaired" as "using a guide dog or service animal designated as such with a visible means of identification, a walker, a crutch, an orthopedic cane, or a wheelchair," the bill specifies that the pedestrian must be "mobility impaired" and "using a guide dog or service animal designated as such with a visible means of identification, a walker, a crutch an orthopedic cane, or a wheelchair."

New subsection 316.1303(2), provides that mobility impaired persons using a motorized wheelchair on a sidewalk may temporarily leave the sidewalk to avoid a potential conflict, if no alternative route exists. The bill provides that law enforcement officers may only issue verbal warnings to mobility impaired persons who violate this section.

New subsection 316.1303(3), provides that violations of s. 316.1303(1), F.S., are subject to a \$60 fine. The bill also amends s. 318.18(3), F.S., to specify that drivers who violate s. 316.1303(1), F.S., and the violation results in an injury to the pedestrian or damage to the pedestrian's property, face an additional fine of up to \$250. Section 318.21, F.S., is also amended to conform cross-references. These provisions have no fiscal impact.

### *Bicycle Regulations (Section 4)*

#### Current Situation

Pursuant to s. 316.2065(3)(d), F.S., a bicycle rider or passenger who is less than 16 years of age must wear a bicycle helmet properly fitted and fastened securely by a strap. The helmet must meet the standards of the American National Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the standards of the Snell Memorial Foundation (1984 Standard for Protective Headgear for Use in Bicycling), or any other nationally recognized standards for bicycle helmets adopted by DHSMV. The Federal Child Safety Protection Act of 1994 requires the Consumer Product Safety Commission (CPSC) to develop mandatory bicycle helmet standards. The CPSC published 16 CFR Part 1203 in March 1998 to apply to all helmets manufactured after March 1999. The rule mandates several performance requirements related to impact protection, children's helmets' head coverage, and chin strap strength and stability. Helmets meeting the requirements display a label indicating compliance with the standards.

A law enforcement officer or school crossing guard is authorized to issue a bicycle safety brochure and a verbal warning to a rider or passenger who violates the helmet law while riding a bicycle on a public bicycle path or road. A law enforcement officer is also authorized to issue a citation and the violator will be

assessed a \$15 fine, plus applicable court costs and fees. A court is required to dismiss the charge against a bicycle rider or passenger for a first violation of the provision upon proof of purchase of a bicycle helmet in compliance with the law. Further, a court is authorized to waive, reduce, or suspend payment of any fine imposed for a violation of the helmet law.

Section 316.2065(5)(a), F.S., requires bicyclists on the roadway to ride in the marked bicycle lane if the roadway is marked for bicycle use, or if no lane is marked, as close as practicable to the right-hand curb or edge of the roadway, with the following exceptions:

- when overtaking and passing another bicycle or vehicle moving in the same direction;
- when preparing to turn left; or
- when reasonably necessary to avoid any condition such as fixed objects, surface hazards, parked vehicles, other bicycles or pedestrians.

Section 316.2065(8), F.S., requires every bicycle in use between sunset and sunrise to be equipped with a lamp on the front exhibiting a white light visible from a distance of at least 500 feet to the front and a lamp and reflector on the rear, each exhibiting a red light visible from a distance of 600 feet to the rear. A bicycle or its rider may be equipped with lights or reflectors in addition to those required by law. A violation of bicycle lighting requirements is punishable as a pedestrian violation and carries a \$15 fine, plus applicable court costs and fees.

According to the *2010 Annual Report on Uniform Traffic Citations*<sup>18</sup> compiled by DHSMV, roughly 4.3 million uniform traffic citations were written in 2010. Bicycle or pedestrian violations accounted for 15,293 of the overall total.

#### Effect of Proposed Changes

The bill amends s. 316.2065(3)(d), F.S., to update the bicycle helmet law to coincide with new federal standards. The bill requires helmets to meet the requirements of 16 C.F.R., part 1203. Helmets purchased before October 1, 2012, and meeting current standards, may continue to be worn until January 1, 2016.

Section 316.2065(5)(a), F.S., is amended to clarify situations in which a bicyclist is not required to ride in the marked bicycle lane (if the roadway is marked for bicycle use) or as close as practicable to the right-hand curb or edge of the roadway. The bill adds an exception to the requirement when a “potential conflict” or a turn lane interrupts the roadway or bicycle lane.

The bill amends s. 316.2065(8), F.S., to allow law enforcement officers to issue bicycle safety brochures and verbal warnings to bicycle riders who violate bicycle lighting equipment standards in lieu of issuing a citation. At the discretion of the law enforcement officer, a bicycle rider who violates the bicycle lighting equipment standards may still be issued a citation and assessed a fine of \$15, plus applicable court costs and fees. However, the bill requires the court to dismiss the charge against a bicycle rider for a first violation of this offense upon proof of purchase and installation of the proper lighting equipment.

DHSMV does not separate bicycle citations from other pedestrian violations, and as such the total number of citations that will be written as a result of the proposed changes cannot to be determined. Therefore, there is an indeterminate fiscal impact related to this provision. See Fiscal Impact on State Government and Direct Economic Impact on Private Sector sections.

#### *Authorized Use of Golf Carts, Low-speed Vehicles, and Utility Vehicles (Section 6)*

#### Current Situation

Section 316.2126, F.S., authorizes municipalities to utilize golf carts and utility vehicles upon state, county, or municipal roads located within the corporate limits of the municipality. This authorization is subject to certain conditions. For example, municipalities must ensure golf carts and utility vehicles comply with certain state operational and safety requirements, as well as municipal ordinances that are more restrictive

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<sup>18</sup> This report can be accessed online at <http://www.flhsmv.gov/reports/2010UTCStats/UTCStats.html> (Last viewed 11/15/2011).

than state law. One operational requirement governing golf carts and utility vehicles is that they may be operated only on state roads that have a posted speed limit of 30 miles per hour or less.

#### Effect of Proposed Changes

The bill amends s. 316.2126, F.S., to expand the scope of golf cart and utility vehicle operation upon state roads. The bill creates s. 316.2126(1)(d) and (e), F.S., to authorize golf carts and utility vehicles to cross state roads (only at intersections with an official traffic control device) that have a speed limit of 45 miles per hour or less and to authorize golf carts and utility vehicles to be operated on sidewalks adjacent to state highways if the golf carts and utility vehicles yield to pedestrians and if the sidewalks are at least five feet wide.

#### *Seatbelt Reports (Section 10)*

##### Current Situation

Section 316.614, F.S., otherwise known as the "Florida Safety Belt Law," requires, among other things, every state law enforcement agency to adopt departmental policies to prohibit the practice of racial profiling. Section 316.614(9), F.S., requires law enforcement officers to record the race and ethnicity of the violator whenever issuing a citation for violating the safety belt law. All state law enforcement agencies must aggregate this information and submit it to DHSMV, which in turn annually reports the data to the Governor, the President of the Senate and the Speaker of the House of Representatives. In its report, DHSMV is required to show separate statewide totals for the county sheriffs' offices and municipal law enforcement agencies, state law enforcement agencies and state university law enforcement agencies. This reporting requirement has been in effect since January 1, 2006,<sup>19</sup> and according to DHSMV, the annual reports have shown no evidence of racial profiling occurring.<sup>20</sup>

In 2010, the statewide totals<sup>21</sup> for safety belt violation citations were reported as follows:

- unbelted drivers were issued a total of 386,529 citations;
- unbelted passengers under the age of 18 were issued a total of 20,486 citations; and
- unbelted passengers over the age of 18 were issued a total of 49,270 citations.

##### Effect of Proposed Changes

The bill eliminates the safety belt reporting requirement in s. 316.614(9), F.S. While the provision requiring all law enforcement agencies to adopt departmental policies to prohibit racial profiling is left unchanged, the bill strikes the provision requiring law enforcement officers to record the race and ethnicity of the violator. There is no fiscal impact related to this provision.

#### *Funds Derived from the Issuance of Temporary Disabled Parking Permits (Section 30)*

##### Current Situation

Section 320.0848, F.S., provides for the disbursement of the \$15 fee for a temporary disabled parking permit. Specifically, from the proceeds of each temporary disabled parking permit fee:

- the Highway Safety Operating Trust Fund (on deposit from DHSMV) must receive \$3.50 to be used for implementing the real-time disabled parking permit database and for administering the disabled parking permit program;
- the tax collector, for processing, must receive \$2.50; and
- the remainder must be distributed monthly as follows:
  - \$4 to the Florida Governor's Alliance for the Employment of Disabled Citizens for the purpose of improving employment and training opportunities for persons who have disabilities, with special emphasis on removing transportation barriers. These fees must be

<sup>19</sup> s. 316.614(9), F.S.

<sup>20</sup> These reports may be accessed at <http://www.flhsmv.gov/html/safety.html> (Last viewed 11/15/2011).

<sup>21</sup> DHSMV's 2010 Florida Uniform Traffic Citation Statistics report may be accessed at <http://www.flhsmv.gov/reports/2010UTCStats/UTCStats.html> (Last viewed 11/15/2011).

- deposited into the Transportation Disadvantaged Trust Fund for transfer to the Florida Governor's Alliance for Employment of Disabled Citizens; and
- o \$5 to the Transportation Disadvantaged Trust Fund to be used for funding matching grants to counties for the purpose of improving transportation of persons who have disabilities.

#### Effect of Proposed Changes

The bill amends s. 320.0848, F.S., to replace the "Florida Governor's Alliance for the Employment of Disabled Citizens" with the "Florida Endowment Foundation for Vocational Rehabilitation," known as "The Able Trust,"<sup>22</sup> as the recipient organization of the \$4 proceeds from temporary disabled parking permits. The bill also provides that DHSMV must deposit these fees directly with the Florida Endowment Foundation for Vocational Rehabilitation. This provision has no fiscal impact.

#### **Miscellaneous (Sections 12; 20; 1 and 9; 2 and 22; 7)**

##### *Failure to Comply with Civil Penalty or to Appear; Penalty (Section 12)*

#### Current Situation

Section 318.15, F.S., deals with the failure to comply with civil penalties related to the disposition of traffic infractions. Pursuant to this section, DHSMV is authorized to suspend the licensee's license if the licensee fails to, among other things, enter into or comply with the terms of a penalty payment plan with the court, fails to appear at a scheduled hearing or fails to attend driver improvement school. Currently, the section does not contain a provision allowing persons charged with a traffic violation to request a hearing up to 180 days after the date of the violation.

#### Effect of Proposed Changes

The bill amends s. 318.15, F.S., to allow persons charged with a traffic infraction to request a hearing up to 180 days after the date of the violation. If the 180<sup>th</sup> day falls on a Saturday, Sunday or legal holiday, the licensee will have 177 days from the date of the violation to request a hearing, although the court may use its discretion in granting a request for hearing after the 180<sup>th</sup> day. The bill provides that the request for hearing may be made regardless of any action taken by the court or DHSMV to suspend the licensee's driving privilege. The provision does not affect the assessment of late fees as described in ch. 318, F.S. This provision does not have a fiscal impact.

##### *Transfer of Ownership by Operation of Law (Section 20)*

#### Current Situation

Currently, s. 493.6101(21), F.S., defines a "recovery agent" as an individual who, for consideration, advertises as providing or performs repossessions. In Florida, recovery agents must be licensed by the state. Section 493.6101(22), F.S., defines "repossession" as the recovery of a motor vehicle, mobile home, motorboat, aircraft, personal watercraft, all-terrain vehicle, farm equipment or industrial equipment by an individual who is authorized by the legal owner, lien holder or lessor to recover or collect monetary payment, in lieu of recovery, subject to a security agreement containing a repossession clause. As used in the subsection, "industrial equipment" includes, but is not limited to, tractors, road rollers, cranes, forklifts, backhoes and bulldozers. While farm and industrial equipment are included in the definition of "repossession," this equipment is not currently titled by DHSMV.

#### Effect of Proposed Changes

The bill amends s. 319.28, F.S., to exempt farm and industrial equipment dealers from having to be licensed as recovery agents if these dealers are regularly engaged in the sale of such equipment for a particular manufacturer and the lender is affiliated with that manufacturer. This provision has no fiscal impact.

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<sup>22</sup> The Florida Endowment Foundation for Vocational Rehabilitation, or "Able Trust," is a direct-support organization of the Division of Vocational Rehabilitation within the Department of Education, as established in s. 413.615, F.S.

## *Bureau Name Change (Sections 1 and 9)*

### Current Situation

Section 20.24, F.S., creates the Office of Motor Carrier Compliance within the Florida Highway Patrol. The Office of Motor Carrier Compliance performs safety inspections on commercial vehicles and enforces traffic laws with an emphasis on violations committed by commercial motor vehicles and passenger vehicles interacting with large trucks. The Office of Motor Carrier Compliance has a weight enforcement program, the primary purpose of which is to protect Florida's highway system and bridges from damage from overweight vehicles.

### Effect of Proposed Changes

The bill amends s. 20.24, F.S., to change the name of the Office of Motor Carrier Compliance to the Office of Commercial Vehicle Enforcement. In doing so, DHSMV contends the effect of the proposed change would ensure that the name of the office actually reflects its mission. The bill also amends s. 316.3026, F.S., to conform cross references. The bureau name change does not have a fiscal impact.

## *Definitions (Sections 2 and 22)*

### Current Situation

Currently, Florida law does not address vehicles known as "swamp buggies," that are used primarily off-road in managed land areas. As such, "swamp buggies" are undefined in Florida law.

Section 316.003(48), F.S., defines "special mobile equipment" as "any vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway." Road construction and maintenance machinery are among the types of vehicles encompassed within the term's definition. However, the term does not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

### Effect of Proposed Changes

The bill creates s. 316.003(89), F.S., and s. 320.01(46), F.S., to include a definition for "swamp buggy." The bill defines "swamp buggy" as "a motorized off-road vehicle that is designed or modified to travel over swampy or varied terrain and that may use large tires or tracks operated from an elevated platform." The bill clarifies that "swamp buggy" does not include any vehicle defined or classified in ch. 261, ch. 316, or ch. 320, F.S. The effect of this proposed change will update current law to reflect varying degrees of vehicle types used off-road in managed land areas.

The bill also amends s. 320.01, F.S., to exclude "special mobile equipment," as defined in s. 316.003(48), F.S., from the definition of "motor vehicle."

There is no fiscal impact related to these provisions.

## *Operation of Swamp Buggies on Certain Roadways (Section 7)*

### Current Situation

Currently, Florida law does not address the operation of swamp buggies or other off-road vehicles primarily used in managed lands.

### Effect of Proposed Changes

The bill creates s. 316.2129, F.S., prohibiting the operation of swamp buggies on state roads or streets, unless one of the following exceptions applies:

- a swamp buggy may be operated on a public road if (1) the responsible local government entity considers the speed, volume and character of motor vehicle traffic using the road and determines swamp buggies may travel safely, and (2) the responsible local government entity posts appropriate signs designating that use by swamp buggies is allowed; or



- a state or federal agency authorizes the operation of swamp buggies on land managed, owned or leased by that agency and has indicated that such operation is allowed.

There is no fiscal impact associated with this provision.

### Effective Date (Section 62)

The bill has an effective date of July 1, 2012.

### B. SECTION DIRECTORY:

- Section 1** amends s. 20.24, F.S.; renaming the Office of Motor Carrier Compliance as the Office of Commercial Vehicle Enforcement.
- Section 2** amends s. 316.003, F.S.; revising the definition of the term "motor vehicle" to exclude swamp buggies; defining the term "swamp buggy."
- Section 3** amends s. 316.1303, F.S.; authorizing a person who is mobility impaired to use a motorized wheelchair to temporarily leave the sidewalk and use the roadway under certain circumstances; authorizing a law enforcement officer to issue only a verbal warning to such person.
- Section 4** amends s. 316.2065, F.S.; revising safety standard requirements for bicycle helmets; revising requirements for a bicycle operator to ride in a bicycle lane; providing for enforcement of requirements for bicycle lighting equipment.
- Section 5** amends s. 316.2085, F.S.; requiring that the license tag of a motorcycle or moped remain clearly visible from the rear at all times; prohibiting deliberate acts to conceal or obscure the license tag; providing that certain license tags may be affixed perpendicularly to the ground.
- Section 6** amends s. 316.2126, F.S.; revising conditions for use of golf carts and utility vehicles.
- Section 7** creates s. 316.2129, F.S.; prohibiting the operation of swamp buggies on public roads.
- Section 8** amends s. 316.302, F.S.; providing exceptions to specified provisions that restrict the number of consecutive hours a commercial motor vehicle may operate.
- Section 9** amends s. 316.3026, F.S., relating to unlawful operation of motor carriers.
- Section 10** amends s. 316.614, F.S.; deleting provisions that require seatbelt reports.
- Section 11** amends s. 318.14, F.S.; providing that individuals may not elect to attend a driver improvement course if cited driving a commercial motor vehicle.
- Section 12** amends s. 318.15, F.S.; providing that a person charged with a traffic infraction may request a hearing within a specified period; providing exceptions.
- Section 13** amends s. 318.18, F.S.; conforming cross-references.
- Section 14** amends s. 318.21, F.S.; conforming cross-references.
- Section 15** amends s. 319.14, F.S.; revising provisions that prohibit the sale or exchange of a rebuilt vehicle until certain conditions are met.
- Section 16** amends s. 319.225, F.S.; revising provisions relating to title transfer and reassignment forms and odometer disclosure statements.

- Section 17** amends s. 319.23, F.S.; requiring that the application for a certificate of title be filed after the consummation of the sale of a mobile home; authorizing the DHSMV to accept a bond if the applicant for a certificate of title is unable to provide a title that assigns the prior owner's interest in the motor vehicle.
- Section 18** amends s. 319.24, F.S.; requiring that DHSMV electronically transmit a lien to the first lienholder and notify the first lienholder of any additional liens.
- Section 19** amends s. 319.27, F.S.; requiring that DHSMV administer an electronic titling program; requiring the electronic recording of vehicle title information for certificates of title; requiring that lienholders electronically transmit liens and lien satisfactions to DHSMV.
- Section 20** amends s. 319.28, F.S.; providing that a dealer of certain farm or industrial equipment is not subject to licensure as a recovery agent under certain conditions.
- Section 21** amends s. 319.40, F.S.; authorizing the DHSMV to issue an electronic certificate of title in lieu of printing a paper title and to collect electronic mail addresses and use electronic mail as a notification method in lieu of the USPS.
- Section 22** amends s. 320.01, F.S.; revising the definition of the term "motor vehicle" to exclude special mobile equipment and swamp buggies; defines the term "swamp buggy."
- Section 23** amends s. 320.02, F.S.; providing that an active duty member of the Armed Forces is exempt from the requirement to provide an address on an application for vehicle registration; revising provisions relating to the registration of a motor carrier who operates a commercial motor vehicle and the notice of the suspension of such registration; requiring that the insurer's notice contain information required by the DHSMV; providing that an insurer who fails to file the proper documentation with the DHSMV violates the Florida Insurance Code; requiring the application forms for motor vehicle registration and renewal of registration to include language permitting the applicant to make a voluntary contribution to the Florida Association of Food Banks, Inc.
- Section 24** amends s. 320.03, F.S.; conforming a cross-reference.
- Section 25** amends s. 320.06, F.S.; deleting a requirement that registration license plates be made of metal and conforming terminology.
- Section 26** amends s. 320.0605, F.S.; revising requirements to possess certain documentation while a vehicle is being operated; requiring rental or lease vehicle documentation to contain certain information.
- Section 27** amends s. 320.061, F.S.; prohibiting a person from altering the original appearance of a temporary license plate.
- Section 28** amends s. 320.08056, F.S.; increasing the annual use fee for the Tampa Bay Estuary license plate.
- Section 29** amends s. 320.08068, F.S.; revising provisions relating to the use of funds received from the sale of motorcycle specialty license plates.
- Section 30** amends s. 320.0848, F.S.; revising the requirements for the deposit of fee proceeds from temporary disabled parking permits.
- Section 31** amends s. 320.089, F.S.; providing for the issuance of a Combat Infantry Badge license plate; raises the annual usage fee for the Tampa Bay Estuary Program specialty license plate from \$15 to \$25.

- Section 32** amends s. 320.27, F.S.; providing an exemption for salvage motor vehicle dealers from certain application and security requirements.
- Section 33** amends s. 320.771, F.S.; revising the definition of the term "dealer."
- Section 34** amends s. 320.95, F.S.; authorizing the DHSMV to collect electronic mail addresses and use electronic mail for the purpose of providing renewal notices in lieu of the USPS.
- Section 35** amends s. 322.04, F.S.; revising provisions exempting a nonresident from the requirement to obtain a driver license under certain circumstances.
- Section 36** amends s. 322.051, F.S.; revising requirements by which an applicant for an identification card may prove nonimmigrant classification; providing for the DHSMV to waive the fee for issuing or renewing an identification card to a person who is homeless.
- Section 37** amends s. 322.058, F.S.; conforming a cross-reference.
- Section 38** amends s. 322.065, F.S.; revising provisions relating to a person whose driver license has expired for 6 months or less and who drives a motor vehicle.
- Section 39** amends s. 322.07, F.S.; revising provisions relating to temporary commercial instruction permits.
- Section 40** amends s. 322.08, F.S.; revising provisions relating to an application for a driver license or temporary permit; requiring the DHSMV and its agents to provide customers applying for or renewing a license or identification card with certain information on voluntary contribution options; authorizing the DHSMV to collect electronic mail addresses and use electronic mail for the purpose of providing renewal notices in lieu of the USPS.
- Section 41** amends s. 322.121, F.S.; conforming a provision relating to Safe Driver designation; revising provisions authorizing the automatic extension of a license for members of the Armed Forces of the United States or their dependents while serving on active duty outside the state.
- Section 42** amends s. 322.14, F.S.; deleting a requirement that a qualified driver license applicant appear in person for issuance of a color photographic or digital imaged driver license.
- Section 43** creates s. 322.1415, F.S.; authorizing the DHSMV to issue a specialty driver license or identification card to qualified applicants.
- Section 44** creates s. 322.145, F.S.; requiring driver licenses to contain a means for electronic authentication; directing the DHSMV to make certain security tokens available to a driver license applicant; directing the DHSMV to contract for implementation of the electronic authentication.
- Section 45** amends s. 322.18, F.S.; providing that a person who has been issued a driver license using certain documentation as proof of identity is not eligible to renew the driver license and must obtain an original license.
- Section 46** amends s. 322.19, F.S.; providing that certain persons who have a valid student identification card are presumed not to have changed their legal residence or mailing address.
- Section 47** amends s. 322.21, F.S.; prohibiting the fee for an enhanced driver license or identification card from exceeding a specified amount; requiring that the funds collected from such fee be deposited into the Highway Safety Operating Trust Fund; providing that

the issuance of an enhanced driver license or identification card is optional; providing for the distribution of funds.

- Section 48** amends s. 322.251, F.S.; providing that certain notices of cancellation, suspension, revocation, or disqualification of a driver license are complete within a specified period after deposit in the mail.
- Section 49** amends s. 322.27, F.S.; revising the DHSMV's authority to suspend or revoke licenses or identification cards under certain circumstances.
- Section 50** amends s. 322.53, F.S.; revising an exemption from the requirement to obtain a commercial driver license for farmers transporting agricultural products, farm supplies, or farm machinery under certain circumstances.
- Section 51** amends s. 322.54, F.S.; requiring that the driver license classification of any person operating a commercial motor vehicle that does not have a gross vehicle weight rating plate be determined by the actual weight of the vehicle.
- Section 52** repeals s. 322.58, F.S., relating to holders of chauffeur licenses.
- Section 53** amends s. 322.59, F.S.; revising provisions relating to the possession of a medical examiner's certificate.
- Section 54** amends s. 322.61, F.S.; revising provisions relating to the disqualification from operating a commercial motor vehicle.
- Section 55** amends s. 324.072, F.S.; prohibiting the DHSMV from suspending a registration of a motor vehicle if the person to whom the motor vehicle is registered had certain insurance coverage limits on the date of the offense.
- Section 56** amends s. 324.091, F.S.; revising the period within which an owner or operator involved in a crash must furnish evidence of automobile liability insurance, motor vehicle liability insurance, or a surety bond.
- Section 57** amends s. 328.15, F.S.; requiring that the DHSMV establish and administer an electronic titling program; requiring that lienholders electronically transmit liens and lien satisfactions to the DHSMV.
- Section 58** amends s. 328.16, F.S.; requiring that the DHSMV electronically transmit a lien to the first lienholder and notify such lienholder of any additional liens; requiring that subsequent lien satisfactions be electronically transmitted to the DHSMV.
- Section 59** amends s. 328.30, F.S.; authorizing the DHSMV to issue an electronic certificate of title in lieu of printing a paper title and to collect electronic mail addresses and use electronic mail as a notification method in lieu of the USPS.
- Section 60** amends s. 328.72, F.S.; relating to vessel registration; requiring the DHSMV and its agents to provide customers applying for or renewing a registration with certain information on voluntary contribution options.
- Section 61** amends s. 713.78, F.S.; conforming a cross-reference.
- Section 62** provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

#### Revenues:

	Amount Year 1 <u>FY 2012-2013</u>	Amount Year 2 <u>FY 2013-2014</u>	Amount Year 3 <u>FY 2014-2015</u>
General Revenue Fund:	<u>(\$ 579,900)</u>	<u>(\$1,159,800)</u>	<u>(\$1,159,800)</u>
Total	<u>(\$ 579,900)</u>	<u>(\$1,159,800)</u>	<u>(\$1,159,800)</u>

The above loss comes as a result of Section 45, relating to driver's licenses for foreign visitors, and is projected to reflect numbers as of January 1, 2013. The revenue loss is based on 77,320 non-immigrants not paying the \$15 late fee to renew a driver's license.

There may also be a loss as a result of section 36, relating to the requirement that DHSMV waive the fee for the issuance or renewal of an identification card to a homeless person. DHSMV is unable to determine the exact number of persons that will qualify for this benefit, and therefore, is unable to quantify the loss.

DHSMV may see additional revenue as a result of possible fines for pedestrian violations mentioned in Section 4, relating to bicycle regulations.

DHSMV may see additional revenue as a result of interest in the specialty driver's license and identification card program created by Section 43 and the enhanced driver's license and identification card program created by Section 47.

#### Expenditures:

Section 4, relating to bicycle regulations, authorizes a law enforcement officer to issue a bicycle safety brochure, but the bill does not provide for the printing of bicycle safety brochures. However, profits from the Florida "Share the Road" specialty license plate program benefit the Florida Bicycle Association and Bike Florida. These organizations use a portion of these proceeds to create educational materials and may be able to provide the requisite number of bicycle brochures.

Sections 21, 34, 40, and 59, authorizing the collection of e-mail addresses, will allow DHSMV to provide enhanced customer service by facilitating electronic communication. Postal costs may be reduced in the future depending on the number of customers participating in the electronic service.

Section 31, relating to the Combat Infantry Badge special use license plate, has minimal production costs that can be absorbed within existing resources. It is unknown how many Florida residents are Combat Infantry Badge recipients, and therefore unknown how many will apply to receive the license plate.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

#### 1. Revenues:

None.

#### 2. Expenditures:

Section 33, relating to RV dealers, will require local Tax Collector employees to receive training on RV dealer title processing.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct private sector costs:

Section 4, relating to bicycle regulations, may cause an increase in bicyclists purchasing lighting and/or reflective equipment to comply with the bill's provisions. Violators may be subject to a \$15 fine.

Section 31, relating to the Combat Infantry Badge special use license plate, will require persons purchasing the plate to pay applicable annual license taxes as provided in s. 320.08, F.S. The provision raising the annual usage fee for the Tampa Bay Estuary Program specialty license plate from \$15 to \$25 will require customers wishing to purchase or renew the license plate to pay an additional \$10 per year.

Section 43, relating to the specialty driver's license and identification card program, will require persons who elect to purchase a specialty driver's license or identification card to pay an additional \$25 fee.

Section 45, relating to driver's licenses for foreign visitors, may produce a benefit to foreign visitor licensee's who will no longer be charged a \$15 late fee for a driver's license renewal.

Section 47, relating to enhanced driver's licenses, will require persons who elect to purchase an enhanced driver's license or enhanced identification card to pay a \$30 fee.

2. Direct private sector benefits:

Homeless persons will benefit as a result of section 36, relating to the requirement that DHSMV waive the fee for the issuance or renewal of an identification card to a homeless person.

Organizations that choose to participate in the specialty driver's license and identification card program created by Section 43 will benefit as a result of the funds distributed via the program.

D. FISCAL COMMENTS:

Section 31, relating to the Combat Infantry Badge special use license plate, will require 120 Information Systems Administration ("ISA") hours to implement, but these hours can be incorporated into ISA's normal workload.

Section 33, relating to RV dealers, will require programming to capture all brand or model names under a line-make for each of the manufacturers and their associated RV dealers. Programming costs to implement the provisions of this bill will be absorbed within existing resources. In addition, capturing the brands under a line-make for a licensed manufacturer and its associated dealers will provide assistance to the department to ensure that the correct brands stated in the single franchise agreement for the dealer are being sold.<sup>23</sup>

In total, DHSMV estimates ISA will require 750 hours, non-recurring, to implement the bill's provisions. DHSMV further estimates that these hours can be incorporated into ISA's normal workload.

**III. COMMENTS**

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

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<sup>23</sup> Id.

**B. RULE-MAKING AUTHORITY:**

None.

**C. DRAFTING ISSUES OR OTHER COMMENTS:**

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

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  
7 definitions for purposes of the Florida Uniform  
8 Traffic Control Law; revising the definition of the  
9 term "motor vehicle" to exclude swamp buggies;  
10 defining the term "swamp buggy"; amending s. 316.1303,  
11 F.S.; authorizing a person who is mobility impaired to  
12 use a motorized wheelchair to temporarily leave the  
13 sidewalk and use the roadway under certain  
14 circumstances; authorizing a law enforcement officer  
15 to issue only a verbal warning to such person;  
16 amending s. 316.2065, F.S.; revising safety standard  
17 requirements for bicycle helmets that must be worn by  
18 certain riders and passengers; revising requirements  
19 for a bicycle operator to ride in a bicycle lane or  
20 along the curb or edge of the roadway; providing for  
21 enforcement of requirements for bicycle lighting  
22 equipment; providing penalties for violations;  
23 providing for dismissal of the charge following a  
24 first offense under certain circumstances; amending s.  
25 316.2085, F.S.; requiring that the license tag of a  
26 motorcycle or moped remain clearly visible from the  
27 rear at all times; prohibiting deliberate acts to  
28 conceal or obscure the license tag; providing that



29 certain license tags may be affixed perpendicularly to  
 30 the ground; amending s. 316.2126, F.S.; revising  
 31 conditions for use of golf carts and utility vehicles;  
 32 creating s. 316.2129, F.S.; prohibiting the operation  
 33 of swamp buggies on a public road, street, or highway;  
 34 providing exceptions; prohibiting the operation of  
 35 swamp buggies on land managed, owned, or leased by a  
 36 state or federal agency; providing exceptions;  
 37 amending s. 316.302, F.S.; providing that specified  
 38 provisions that restrict the number of consecutive  
 39 hours a commercial motor vehicle may operate do not  
 40 apply to a farm labor vehicle operated during a state  
 41 of emergency or during an emergency pertaining to  
 42 agriculture; amending s. 316.3026, F.S., relating to  
 43 unlawful operation of motor carriers; conforming  
 44 provisions to changes made by the act; amending s.  
 45 316.614, F.S.; deleting provisions that require that a  
 46 law enforcement officer record the race and ethnicity  
 47 of a person who is given a citation for not wearing  
 48 his or her safety belt; deleting provisions that  
 49 require that the Department of Highway Safety and  
 50 Motor Vehicles collect such information and provide  
 51 reports; amending s. 318.14, F.S.; authorizing a  
 52 person who does not hold a commercial driver license  
 53 and who is cited for a noncriminal traffic infraction  
 54 while driving a noncommercial motor vehicle to elect  
 55 to attend a basic driver improvement course in lieu of  
 56 a court appearance; authorizing a person who does not

57 hold a commercial driver license and who is cited for  
 58 certain offenses while driving a noncommercial motor  
 59 vehicle to elect to enter a plea of nolo contendere  
 60 and to provide proof of compliance in lieu of payment  
 61 of fine or court appearance; amending s. 318.15, F.S.;  
 62 providing that a person charged with a traffic  
 63 infraction may request a hearing within a specified  
 64 period after the date upon which the violation  
 65 occurred; requiring that the clerk set the case for  
 66 hearing; providing exceptions to the time period for  
 67 requesting a hearing; authorizing the court to grant a  
 68 request for a hearing made more than 180 days after  
 69 the date upon which the violation occurred; amending  
 70 ss. 318.18 and 318.21, F.S.; conforming cross-  
 71 references; amending s. 319.14, F.S.; revising  
 72 provisions that prohibit the sale or exchange of a  
 73 rebuilt vehicle until certain conditions are met;  
 74 requiring an application for a certificate of title  
 75 with indication on the title that a vehicle is a  
 76 custom vehicle or a street rod, an inspection by the  
 77 department, and a decal affixed to such vehicle by the  
 78 department; defining the terms "custom vehicle" and  
 79 "street rod"; prohibiting the sale, exchange, or  
 80 transfer of a custom vehicle or street rod or  
 81 advertising or offering to sell or exchange a vehicle  
 82 previously titled, registered, or used as a custom  
 83 vehicle or street rod unless certain conditions are  
 84 met; providing penalties; amending s. 319.225, F.S.;

85 revising provisions relating to title transfer and  
 86 reassignment forms and odometer disclosure statements;  
 87 requiring that the transferor and transferee complete  
 88 a secure reassignment document disclosing the odometer  
 89 reading if the title is held electronically and the  
 90 transferee agrees to maintain the title  
 91 electronically; requiring that a dealer who acquires a  
 92 motor vehicle that has an electronic title use a  
 93 secure reassignment document signed by the person from  
 94 whom the dealer acquired the motor vehicle; requiring  
 95 that the dealer execute a separate reassignment  
 96 document upon transferring the motor vehicle to a  
 97 purchaser; amending s. 319.23, F.S.; requiring that  
 98 the application for a certificate of title, corrected  
 99 certificate, or assignment or reassignment be filed  
 100 after the consummation of the sale of a mobile home;  
 101 authorizing the department to accept a bond if the  
 102 applicant for a certificate of title is unable to  
 103 provide a title that assigns the prior owner's  
 104 interest in the motor vehicle; providing requirements  
 105 for the bond and the affidavit; providing for future  
 106 expiration of the bond; amending s. 319.24, F.S.;  
 107 requiring that the department electronically transmit  
 108 a lien to the first lienholder and notify the first  
 109 lienholder of any additional liens if there are one or  
 110 more lien encumbrances on a motor vehicle or mobile  
 111 home; requiring that subsequent lien satisfactions be  
 112 transmitted electronically to the department; amending

113 | s. 319.27, F.S.; requiring that the department  
 114 | administer an electronic titling program; requiring  
 115 | the electronic recording of vehicle title information  
 116 | for new, transferred, and corrected certificates of  
 117 | title; requiring that lienholders electronically  
 118 | transmit liens and lien satisfactions to the  
 119 | department; providing exceptions; amending s. 319.28,  
 120 | F.S.; providing that a dealer of certain farm or  
 121 | industrial equipment is not subject to licensure as a  
 122 | recovery agent or agency under certain conditions;  
 123 | amending s. 319.40, F.S.; authorizing the department  
 124 | to issue an electronic certificate of title in lieu of  
 125 | printing a paper title and to collect electronic mail  
 126 | addresses and use electronic mail as a notification  
 127 | method in lieu of the United States Postal Service;  
 128 | providing an exception; amending s. 320.01, F.S.;  
 129 | revising the definition of the term "motor vehicle" to  
 130 | exclude special mobile equipment and swamp buggies;  
 131 | defining the term "swamp buggy"; amending s. 320.02,  
 132 | F.S.; providing that an active duty member of the  
 133 | Armed Forces of the United States is exempt from the  
 134 | requirement to provide an address on an application  
 135 | for vehicle registration; revising provisions relating  
 136 | to the registration of a motor carrier who operates a  
 137 | commercial motor vehicle and the notice of the  
 138 | suspension of such registration; requiring that the  
 139 | insurer's notice contain information required by the  
 140 | department and provided in a format compatible with

141 the data processing capabilities of the department;  
 142 authorizing the department to adopt rules; providing  
 143 that an insurer who fails to file the proper  
 144 documentation with the department violates the Florida  
 145 Insurance Code; providing that the department may use  
 146 the documentation only for enforcement and regulatory  
 147 purposes; requiring the application forms for motor  
 148 vehicle registration and renewal of registration to  
 149 include language permitting the applicant to make a  
 150 voluntary contribution to the Florida Association of  
 151 Food Banks, inc.; providing that such contributions  
 152 are not income for specified purposes; requiring the  
 153 department and its agents to provide customers  
 154 applying for or renewing a registration with certain  
 155 information on voluntary contribution options;  
 156 requiring that the department retain all electronic  
 157 registration records for a specified period; amending  
 158 s. 320.03, F.S.; conforming a cross-reference;  
 159 amending s. 320.06, F.S.; deleting a requirement that  
 160 registration license plates be made of metal and  
 161 conforming terminology; amending s. 320.0605, F.S.;  
 162 revising requirements to possess certain documentation  
 163 while a vehicle is being operated; requiring rental or  
 164 lease vehicle documentation to contain certain  
 165 information; amending s. 320.061, F.S.; prohibiting a  
 166 person from altering the original appearance of a  
 167 temporary license plate; providing penalties; amending  
 168 s. 320.08056, F.S.; revising the annual use fee for

169 the Tampa Bay Estuary license plate; amending s.  
 170 320.08068, F.S.; revising provisions relating to the  
 171 use of funds received from the sale of motorcycle  
 172 specialty license plates; deleting a provision that  
 173 requires that 20 percent of the annual fee collected  
 174 for such plates be used to leverage additional funding  
 175 and new sources of revenue for the centers for  
 176 independent living; amending s. 320.0848, F.S.;  
 177 revising the requirements for the deposit of fee  
 178 proceeds from temporary disabled parking permits;  
 179 requiring that certain proceeds be deposited into the  
 180 Florida Endowment Foundation for Vocational  
 181 Rehabilitation, instead of the Florida Governor's  
 182 Alliance for the Employment of Disabled Citizens;  
 183 amending s. 320.089, F.S.; providing for the issuance  
 184 of a Combat Infantry Badge license plate; amending s.  
 185 320.27, F.S.; providing an exemption for salvage motor  
 186 vehicle dealers from certain application and security  
 187 requirements; amending s. 320.771, F.S.; revising the  
 188 definition of the term "dealer"; amending s. 320.95,  
 189 F.S.; authorizing the department to collect electronic  
 190 mail addresses and use electronic mail for the purpose  
 191 of providing renewal notices in lieu of the United  
 192 States Postal Service; amending s. 322.04, F.S.;  
 193 revising provisions exempting a nonresident from the  
 194 requirement to obtain a driver license under certain  
 195 circumstances; amending s. 322.051, F.S.; revising  
 196 requirements by which an applicant for an

197 identification card may prove nonimmigrant  
 198 classification; clarifying the validity of an  
 199 identification card based on specified documents;  
 200 authorizing the department to require additional  
 201 documentation to establish the maintenance of, or  
 202 efforts to maintain, continuous lawful presence;  
 203 providing for the department to waive the fees for  
 204 issuing or renewing an identification card to a person  
 205 who is homeless; amending s. 322.058, F.S.; conforming  
 206 a cross-reference; amending s. 322.065, F.S.; revising  
 207 provisions relating to a person whose driver license  
 208 has expired for 6 months or less and who drives a  
 209 motor vehicle; providing penalties; amending s.  
 210 322.07, F.S.; revising provisions relating to  
 211 temporary commercial instruction permits; amending s.  
 212 322.08, F.S.; revising provisions relating to an  
 213 application for a driver license or temporary permit;  
 214 requiring that applicants prove nonimmigrant  
 215 classification by providing certain documentation;  
 216 authorizing the department to require additional  
 217 documentation to establish the maintenance of, or  
 218 efforts to maintain, continuous lawful presence;  
 219 revising the length of time a license is valid when  
 220 issuance is based on documentation required under  
 221 specified provisions; requiring the department and its  
 222 agents to provide customers applying for or renewing a  
 223 license or identification card with certain  
 224 information on voluntary contribution options;

225 | authorizing the department to collect electronic mail  
 226 | addresses and use electronic mail for the purpose of  
 227 | providing renewal notices in lieu of the United States  
 228 | Postal Service; amending s. 322.121, F.S.; conforming  
 229 | a provision relating to Safe Driver designation;  
 230 | revising provisions authorizing the automatic  
 231 | extension of a license for members of the Armed Forces  
 232 | of the United States or their dependents while serving  
 233 | on active duty outside the state; amending s. 322.14,  
 234 | F.S.; deleting a requirement that a qualified driver  
 235 | license applicant appear in person for issuance of a  
 236 | color photographic or digital imaged driver license;  
 237 | creating s. 322.1415, F.S.; authorizing the department  
 238 | to issue a specialty driver license or identification  
 239 | card to qualified applicants; specifying that, at a  
 240 | minimum, the specialty driver licenses and  
 241 | identification cards must be available for certain  
 242 | state and independent universities and professional  
 243 | sports teams and all branches of the Armed Forces of  
 244 | the United States; requiring that the department and  
 245 | applicable organization approve the design of each  
 246 | specialty driver license and identification card;  
 247 | requiring an annual report to the Legislature;  
 248 | providing for future repeal; creating s. 322.145,  
 249 | F.S.; requiring driver licenses to contain a means for  
 250 | electronic authentication; directing the department to  
 251 | make certain security tokens available to a driver  
 252 | license applicant; directing the department to



253 contract for implementation of the electronic  
 254 authentication; amending s. 322.18, F.S.; providing  
 255 that a person who has been issued a driver license  
 256 using certain documentation as proof of identity is  
 257 not eligible to renew the driver license; requiring  
 258 that such person obtain an original license; amending  
 259 s. 322.19, F.S.; providing that certain persons who  
 260 have a valid student identification card are presumed  
 261 not to have changed their legal residence or mailing  
 262 address; amending s. 322.21, F.S.; revising provisions  
 263 relating to license fees; prohibiting the fee for an  
 264 original or renewal of an enhanced driver license or  
 265 identification card from exceeding a specified amount;  
 266 requiring that the funds collected from such fee be  
 267 deposited into the Highway Safety Operating Trust  
 268 Fund; providing that the issuance of an enhanced  
 269 driver license or identification card is optional for  
 270 certain qualified residents; providing for the  
 271 distribution of funds collected from the specialty  
 272 driver license and identification card fees; amending  
 273 s. 322.251, F.S.; providing that certain notices of  
 274 cancellation, suspension, revocation, or  
 275 disqualification of a driver license are complete  
 276 within a specified period after deposit in the mail;  
 277 amending s. 322.27, F.S.; revising the department's  
 278 authority to suspend or revoke licenses or  
 279 identification cards under certain circumstances;  
 280 amending s. 322.53, F.S.; revising an exemption from

281 the requirement to obtain a commercial driver license  
 282 for farmers transporting agricultural products, farm  
 283 supplies, or farm machinery under certain  
 284 circumstances; providing that such exemption applies  
 285 if the vehicle is not used in the operations of a  
 286 common or contract motor carrier; amending s. 322.54,  
 287 F.S.; requiring that the driver license classification  
 288 of any person operating a commercial motor vehicle  
 289 that does not have a gross vehicle weight rating plate  
 290 be determined by the actual weight of the vehicle;  
 291 repealing s. 322.58, F.S., relating to holders of  
 292 chauffeur licenses and the classified licensure of  
 293 commercial motor vehicle drivers; amending s. 322.59,  
 294 F.S.; revising provisions relating to the possession  
 295 of a medical examiner's certificate; requiring that  
 296 the department disqualify a driver from operating a  
 297 commercial motor vehicle if the driver holds a  
 298 commercial driver license and fails to comply with the  
 299 medical certification requirements; authorizing the  
 300 department to issue, under certain circumstances, a  
 301 Class E driver license to a person who is disqualified  
 302 from operating a commercial motor vehicle; amending s.  
 303 322.61, F.S.; revising provisions relating to the  
 304 disqualification from operating a commercial motor  
 305 vehicle; providing that any holder of a commercial  
 306 driver license who is convicted of two violations  
 307 committed while operating any motor vehicle is  
 308 permanently disqualified from operating a commercial

309 motor vehicle; amending s. 324.072, F.S.; prohibiting  
 310 the department from suspending a registration of a  
 311 motor vehicle if the person to whom the motor vehicle  
 312 is registered had certain insurance coverage limits on  
 313 the date of the offense that caused the suspension or  
 314 revocation; amending s. 324.091, F.S.; revising the  
 315 period within which an owner or operator involved in a  
 316 crash must furnish evidence of automobile liability  
 317 insurance, motor vehicle liability insurance, or a  
 318 surety bond; amending s. 328.15, F.S.; requiring that  
 319 the department establish and administer an electronic  
 320 titling program that requires the recording of vehicle  
 321 title information for new, transferred, and corrected  
 322 certificates of title; requiring that lienholders  
 323 electronically transmit liens and lien satisfactions  
 324 to the department; providing exceptions; amending s.  
 325 328.16, F.S.; requiring that the department  
 326 electronically transmit a lien to the first lienholder  
 327 and notify such lienholder of any additional liens;  
 328 requiring that subsequent lien satisfactions be  
 329 electronically transmitted to the department; amending  
 330 s. 328.30, F.S.; authorizing the department to issue  
 331 an electronic certificate of title in lieu of printing  
 332 a paper title and to collect electronic mail addresses  
 333 and use electronic mail as a notification method in  
 334 lieu of the United States Postal Service; amending s.  
 335 328.72, F.S., relating to vessel registration;  
 336 requiring the department and its agents to provide

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337 customers applying for or renewing a registration with  
 338 certain information on voluntary contribution options;  
 339 amending s. 713.78, F.S.; conforming a cross-  
 340 reference; providing an effective date.

341

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

343

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

346 20.24 Department of Highway Safety and Motor Vehicles.—  
 347 There is created a Department of Highway Safety and Motor  
 348 Vehicles.

349 (3) The Office of Commercial Vehicle Enforcement ~~Motor~~  
 350 ~~Carrier Compliance~~ is established within the Division of the  
 351 Florida Highway Patrol.

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

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

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

363 (89) SWAMP BUGGY.—A motorized off-road vehicle that is  
 364 designed or modified to travel over swampy or varied terrain and

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365 that may use large tires or tracks operated from an elevated  
 366 platform. The term does not include any vehicle defined in  
 367 chapter 261 or otherwise defined or classified in this chapter.

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

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

372 (1) Whenever a pedestrian who is mobility impaired is in  
 373 the process of crossing a public street or highway with the  
 374 assistance of ~~and the pedestrian is mobility-impaired (using a~~  
 375 ~~guide dog or service animal designated as such with a visible~~  
 376 ~~means of identification, a walker, a crutch, an orthopedic cane,~~  
 377 ~~or a wheelchair), the driver of a every vehicle approaching the~~  
 378 ~~intersection, as defined in s. 316.003(17), shall bring his or~~  
 379 ~~her vehicle to a full stop before arriving at the such~~  
 380 ~~intersection and, before proceeding, shall take such precautions~~  
 381 ~~as may be necessary to avoid injuring the such pedestrian.~~

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

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

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

392 316.2065 Bicycle regulations.—

393 (3)  
 394 (d) A bicycle rider or passenger who is under 16 years of  
 395 age must wear a bicycle helmet that is properly fitted and is  
 396 fastened securely upon the passenger's head by a strap, and that  
 397 meets the federal safety standard for bicycle helmets, final  
 398 rule, 16 C.F.R. part 1203. A helmet purchased before October 1,  
 399 2012, which meets the standards of the American National  
 400 Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the  
 401 standards of the Snell Memorial Foundation (1984 Standard for  
 402 Protective Headgear for Use in Bicycling), or any other  
 403 nationally recognized standards for bicycle helmets adopted by  
 404 the department may continue to be worn by a bicycle rider or  
 405 passenger until January 1, 2016. As used in this subsection, the  
 406 term "passenger" includes a child who is riding in a trailer or  
 407 semitrailer attached to a bicycle.

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

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

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

418 3. When reasonably necessary to avoid any condition or  
 419 potential conflict, including, but not limited to, a fixed or  
 420 moving object, parked or moving vehicle, bicycle, pedestrian,

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421 animal, surface hazard, turn lane, or substandard-width lane,  
 422 which ~~that~~ makes it unsafe to continue along the right-hand curb  
 423 or edge or within a bicycle lane. For the purposes of this  
 424 subsection, a "substandard-width lane" is a lane that is too  
 425 narrow for a bicycle and another vehicle to travel safely side  
 426 by side within the lane.

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

430 (8) Every bicycle in use between sunset and sunrise shall  
 431 be equipped with a lamp on the front exhibiting a white light  
 432 visible from a distance of at least 500 feet to the front and a  
 433 lamp and reflector on the rear each exhibiting a red light  
 434 visible from a distance of 600 feet to the rear. A bicycle or  
 435 its rider may be equipped with lights or reflectors in addition  
 436 to those required by this section. A law enforcement officer may  
 437 issue a bicycle safety brochure and a verbal warning to a  
 438 bicycle rider who violates this subsection or may issue a  
 439 citation and assess a fine for a pedestrian violation, as  
 440 provided in s. 318.18. The court shall dismiss the charge  
 441 against a bicycle rider for a first violation of this subsection  
 442 upon proof of purchase and installation of the proper lighting  
 443 equipment.

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

446 316.2085 Riding on motorcycles or mopeds.—

447 (3) The license tag of a motorcycle or moped must be  
 448 permanently affixed to the vehicle and remain clearly visible

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

465 | Section 6. Subsection (1) of section 316.2126, Florida  
 466 | Statutes, is amended to read:

467 | 316.2126 Authorized use of golf carts, low-speed vehicles,  
 468 | and utility vehicles.-

469 | (1) In addition to the powers granted by ss. 316.212 and  
 470 | 316.2125, municipalities are authorized to utilize golf carts  
 471 | and utility vehicles, as defined in s. 320.01, upon any state,  
 472 | county, or municipal roads located within the corporate limits  
 473 | of such municipalities, subject to the following conditions:

474 | (a) Golf carts and utility vehicles must comply with the  
 475 | operational and safety requirements in ss. 316.212 and 316.2125,  
 476 | and with any more restrictive ordinances enacted by the local



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477 governmental entity pursuant to s. 316.212(8), and shall be  
 478 operated only by municipal employees for municipal purposes,  
 479 including, but not limited to, police patrol, traffic  
 480 enforcement, and inspection of public facilities.

481 (b) In addition to the safety equipment required in s.  
 482 316.212(6) and any more restrictive safety equipment required by  
 483 the local governmental entity pursuant to s. 316.212(8), such  
 484 golf carts and utility vehicles must be equipped with sufficient  
 485 lighting and turn signal equipment.

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

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

493 (e) Golf carts and utility vehicles may operate on  
 494 sidewalks adjacent to state highways only if such golf carts and  
 495 utility vehicles yield to pedestrians and if the sidewalks are  
 496 at least 5 feet wide.

497 Section 7. Section 316.2129, Florida Statutes, is created  
 498 to read:

499 316.2129 Operation of swamp buggies on public roads,  
 500 streets, or highways prohibited; exceptions.-

501 (1) The operation of a swamp buggy on a public road,  
 502 street, or highway is prohibited unless a local governmental  
 503 entity has designated the public road, street, or highway for  
 504 use by swamp buggies based on factors including, but not limited

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505 to, the speed, volume, and character of the motor vehicle  
 506 traffic currently using the public road, street, or highway.  
 507 Upon determining that swamp buggies may be safely operated on a  
 508 public road, street, or highway, the local governmental entity  
 509 shall post signs indicating that such operation is allowed.

510 (2) The operation of a swamp buggy on land managed, owned,  
 511 or leased by a state or federal agency is prohibited unless the  
 512 state or federal agency authorizes the operation of swamp  
 513 buggies on such land, including any public road, street, or  
 514 highway running through or located within the state or federal  
 515 land. Upon determining that swamp buggies may be safely operated  
 516 on a public road, street, or highway running through or located  
 517 within such land, the state or federal agency shall post  
 518 appropriate signs or otherwise inform the public that the  
 519 operation of swamp buggies is allowed.

520 Section 8. Paragraph (c) of subsection (2) of section  
 521 316.302, Florida Statutes, is amended to read:

522 316.302 Commercial motor vehicles; safety regulations;  
 523 transporters and shippers of hazardous materials; enforcement.—

524 (2)

525 (c) Except as provided in 49 C.F.R. s. 395.1, a person who  
 526 operates a commercial motor vehicle solely in intrastate  
 527 commerce not transporting any hazardous material in amounts that  
 528 require placarding pursuant to 49 C.F.R. part 172 may not drive  
 529 after having been on duty more than 70 hours in any period of 7  
 530 consecutive days or more than 80 hours in any period of 8  
 531 consecutive days if the motor carrier operates every day of the  
 532 week. Thirty-four consecutive hours off duty shall constitute

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533 | the end of any such period of 7 or 8 consecutive days. This  
 534 | weekly limit does not apply to a person who operates a  
 535 | commercial motor vehicle solely within this state while  
 536 | transporting, during harvest periods, any unprocessed  
 537 | agricultural products or unprocessed food or fiber that is  
 538 | subject to seasonal harvesting from place of harvest to the  
 539 | first place of processing or storage or from place of harvest  
 540 | directly to market or while transporting livestock, livestock  
 541 | feed, or farm supplies directly related to growing or harvesting  
 542 | agricultural products. Upon request of the Department of  
 543 | Transportation, motor carriers shall furnish time records or  
 544 | other written verification to that department so that the  
 545 | Department of Transportation can determine compliance with this  
 546 | subsection. These time records must be furnished to the  
 547 | Department of Transportation within 2 days after receipt of that  
 548 | department's request. Falsification of such information is  
 549 | subject to a civil penalty not to exceed \$100. ~~The provisions of~~  
 550 | This paragraph does not apply to operators of farm labor  
 551 | vehicles being operated during a state of emergency declared by  
 552 | the Governor or pursuant to s. 570.07(21) and does ~~de~~ not apply  
 553 | to drivers of utility service vehicles as defined in 49 C.F.R.  
 554 | s. 395.2.

555 |       Section 9. Subsection (1) of section 316.3026, Florida  
 556 | Statutes, is amended to read:

557 |       316.3026 Unlawful operation of motor carriers.—

558 |       (1) The Office of Commercial Vehicle Enforcement ~~Motor~~  
 559 | ~~Carrier Compliance~~ may issue out-of-service orders to motor  
 560 | carriers, as defined in s. 320.01(33), who, after proper notice,

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561 have failed to pay any penalty or fine assessed by the  
 562 department, or its agent, against any owner or motor carrier for  
 563 violations of state law, refused to submit to a compliance  
 564 review and provide records pursuant to s. 316.302(5) or s.  
 565 316.70, or violated safety regulations pursuant to s. 316.302 or  
 566 insurance requirements in s. 627.7415. Such out-of-service  
 567 orders have the effect of prohibiting the operations of any  
 568 motor vehicles owned, leased, or otherwise operated by the motor  
 569 carrier upon the roadways of this state, until the violations  
 570 have been corrected or penalties have been paid. Out-of-service  
 571 orders must be approved by the director of the Division of the  
 572 Florida Highway Patrol or his or her designee. An administrative  
 573 hearing pursuant to s. 120.569 shall be afforded to motor  
 574 carriers subject to such orders.

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

577 316.614 Safety belt usage.—

578 (9) ~~By January 1, 2006,~~ Each law enforcement agency in  
 579 this state shall adopt departmental policies to prohibit the  
 580 practice of racial profiling. ~~When a law enforcement officer~~  
 581 ~~issues a citation for a violation of this section, the law~~  
 582 ~~enforcement officer must record the race and ethnicity of the~~  
 583 ~~violation. All law enforcement agencies must maintain such~~  
 584 ~~information and forward the information to the department in a~~  
 585 ~~form and manner determined by the department. The department~~  
 586 ~~shall collect this information by jurisdiction and annually~~  
 587 ~~report the data to the Governor, the President of the Senate,~~  
 588 ~~and the Speaker of the House of Representatives. The report must~~

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589 ~~show separate statewide totals for the state's county sheriffs~~  
 590 ~~and municipal law enforcement agencies, state law enforcement~~  
 591 ~~agencies, and state university law enforcement agencies.~~

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

594 318.14 Noncriminal traffic infractions; exception;  
 595 procedures.—

596 (9) Any person who does not hold a commercial driver  
 597 ~~driver's~~ license and who is cited while driving a noncommercial  
 598 motor vehicle for an infraction under this section other than a  
 599 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the  
 600 driver exceeds the posted limit by 30 miles per hour or more, s.  
 601 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s.  
 602 322.61, or s. 322.62 may, in lieu of a court appearance, elect  
 603 to attend in the location of his or her choice within this state  
 604 a basic driver improvement course approved by the Department of  
 605 Highway Safety and Motor Vehicles. In such a case, adjudication  
 606 must be withheld and points, as provided by s. 322.27, may not  
 607 be assessed. However, a person may not make an election under  
 608 this subsection if the person has made an election under this  
 609 subsection in the preceding 12 months. A person may not make ~~no~~  
 610 more than five elections within his or her lifetime under this  
 611 subsection. The requirement for community service under s.  
 612 318.18(8) is not waived by a plea of nolo contendere or by the  
 613 withholding of adjudication of guilt by a court. If a person  
 614 makes an election to attend a basic driver improvement course  
 615 under this subsection, 18 percent of the civil penalty imposed  
 616 under s. 318.18(3) shall be deposited in the State Courts

617 Revenue Trust Fund; however, that portion is not revenue for  
 618 purposes of s. 28.36 and may not be used in establishing the  
 619 budget of the clerk of the court under that section or s. 28.35.

620 (10)(a) Any person who does not hold a commercial driver  
 621 ~~driver's~~ license and who is cited while driving a noncommercial  
 622 motor vehicle for an offense listed under this subsection may,  
 623 in lieu of payment of fine or court appearance, elect to enter a  
 624 plea of nolo contendere and provide proof of compliance to the  
 625 clerk of the court, designated official, or authorized operator  
 626 of a traffic violations bureau. In such case, adjudication shall  
 627 be withheld; however, a person may not make an ~~no~~ election ~~shall~~  
 628 ~~be made~~ under this subsection if the ~~such~~ person has made an  
 629 election under this subsection in the preceding 12 months  
 630 ~~preceding election hereunder~~. ~~A No~~ person may not make more than  
 631 three elections under this subsection. This subsection applies  
 632 to the following offenses:

633 1. Operating a motor vehicle without a valid driver  
 634 ~~driver's~~ license in violation of ~~the provisions of~~ s. 322.03, s.  
 635 322.065, or s. 322.15(1), or operating a motor vehicle with a  
 636 license that has been suspended for failure to appear, failure  
 637 to pay civil penalty, or failure to attend a driver improvement  
 638 course pursuant to s. 322.291.

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

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

642 4. Operating a motor vehicle with a license that has been  
 643 suspended under s. 61.13016 or s. 322.245 for failure to pay  
 644 child support or for failure to pay any other financial

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645 obligation as provided in s. 322.245; however, this subparagraph  
 646 does not apply if the license has been suspended pursuant to s.  
 647 322.245(1).

648 5. Operating a motor vehicle with a license that has been  
 649 suspended under s. 322.091 for failure to meet school attendance  
 650 requirements.

651 (b) Any person cited for an offense listed in this  
 652 subsection shall present proof of compliance before ~~prior to~~ the  
 653 scheduled court appearance date. For the purposes of this  
 654 subsection, proof of compliance shall consist of a valid,  
 655 renewed, or reinstated driver ~~driver's~~ license or registration  
 656 certificate and proper proof of maintenance of security as  
 657 required by s. 316.646. Notwithstanding waiver of fine, any  
 658 person establishing proof of compliance shall be assessed court  
 659 costs of \$25, except that a person charged with violation of s.  
 660 316.646(1)-(3) may be assessed court costs of \$8. One dollar of  
 661 such costs shall be remitted to the Department of Revenue for  
 662 deposit into the Child Welfare Training Trust Fund of the  
 663 Department of Children and Family Services. One dollar of such  
 664 costs shall be distributed to the Department of Juvenile Justice  
 665 for deposit into the Juvenile Justice Training Trust Fund.  
 666 Fourteen dollars of such costs shall be distributed to the  
 667 municipality and \$9 shall be deposited by the clerk of the court  
 668 into the fine and forfeiture fund established pursuant to s.  
 669 142.01, if the offense was committed within the municipality. If  
 670 the offense was committed in an unincorporated area of a county  
 671 or if the citation was for a violation of s. 316.646(1)-(3), the  
 672 entire amount shall be deposited by the clerk of the court into

673 the fine and forfeiture fund established pursuant to s. 142.01,  
 674 except for the moneys to be deposited into the Child Welfare  
 675 Training Trust Fund and the Juvenile Justice Training Trust  
 676 Fund. This subsection does ~~shall~~ not be ~~construed~~ to authorize  
 677 the operation of a vehicle without a valid driver ~~driver's~~  
 678 license, without a valid vehicle tag and registration, or  
 679 without the maintenance of required security.

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

682 318.15 Failure to comply with civil penalty or to appear;  
 683 penalty.—

684 (1)

685 (c) A person who is charged with a traffic infraction may  
 686 request a hearing within 180 days after the date upon which the  
 687 violation occurred, regardless of any action taken by the court  
 688 or the department to suspend the person's driving privilege, and  
 689 upon request, the clerk must set the case for hearing. The  
 690 person shall be given a form for requesting that his or her  
 691 driving privilege be reinstated. If the 180th day after the date  
 692 upon which the violation occurred is a Saturday, Sunday, or a  
 693 legal holiday, the person who is charged must request a hearing  
 694 within 177 days after the date upon which the violation  
 695 occurred; however, the court may grant a request for a hearing  
 696 made more than 180 days after the date upon which the violation  
 697 occurred. This paragraph does not affect the assessment of late  
 698 fees as otherwise provided in this chapter.

699 Section 13. Paragraph (f) of subsection (3) of section  
 700 318.18, Florida Statutes, is amended to read:



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701 318.18 Amount of penalties.—The penalties required for a  
 702 noncriminal disposition pursuant to s. 318.14 or a criminal  
 703 offense listed in s. 318.17 are as follows:

704 (3)

705 (f) If a violation of s. 316.1301 or s. 316.1303(1) ~~s.~~  
 706 ~~316.1303~~ results in an injury to the pedestrian or damage to the  
 707 property of the pedestrian, an additional fine of up to \$250  
 708 shall be paid. This amount must be distributed pursuant to s.  
 709 318.21.

710 Section 14. Subsection (5) of section 318.21, Florida  
 711 Statutes, is amended to read:

712 318.21 Disposition of civil penalties by county courts.—  
 713 All civil penalties received by a county court pursuant to the  
 714 provisions of this chapter shall be distributed and paid monthly  
 715 as follows:

716 (5) Of the additional fine assessed under s. 318.18(3)(f)  
 717 for a violation of s. 316.1303(1) ~~s. 316.1303~~, 60 percent must  
 718 be remitted to the Department of Revenue and transmitted monthly  
 719 to the Florida Endowment Foundation for Vocational  
 720 Rehabilitation, and 40 percent must be distributed pursuant to  
 721 subsections (1) and (2).

722 Section 15. Section 319.14, Florida Statutes, is amended  
 723 to read:

724 319.14 Sale of motor vehicles registered or used as  
 725 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles  
 726 and nonconforming vehicles.—

727 (1)(a) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,  
 728 sell, or exchange any vehicle that has been licensed,

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729 registered, or used as a taxicab, police vehicle, or short-term-  
 730 lease vehicle, or a vehicle that has been repurchased by a  
 731 manufacturer pursuant to a settlement, determination, or  
 732 decision under chapter 681, until the department has stamped in  
 733 a conspicuous place on the certificate of title of the vehicle,  
 734 or its duplicate, words stating the nature of the previous use  
 735 of the vehicle or the title has been stamped "Manufacturer's Buy  
 736 Back" to reflect that the vehicle is a nonconforming vehicle. If  
 737 the certificate of title or duplicate was not so stamped upon  
 738 initial issuance thereof or if, subsequent to initial issuance  
 739 of the title, the use of the vehicle is changed to a use  
 740 requiring the notation provided for in this section, the owner  
 741 or lienholder of the vehicle shall surrender the certificate of  
 742 title or duplicate to the department prior to offering the  
 743 vehicle for sale, and the department shall stamp the certificate  
 744 or duplicate as required herein. When a vehicle has been  
 745 repurchased by a manufacturer pursuant to a settlement,  
 746 determination, or decision under chapter 681, the title shall be  
 747 stamped "Manufacturer's Buy Back" to reflect that the vehicle is  
 748 a nonconforming vehicle.

749 (b) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,  
 750 sell, or exchange a rebuilt vehicle until the department has  
 751 stamped in a conspicuous place on the certificate of title for  
 752 the vehicle words stating that the vehicle has been rebuilt or  
 753 assembled from parts, or is a kit car, glider kit, replica, ~~or~~  
 754 flood vehicle, custom vehicle, or street rod unless proper  
 755 application for a certificate of title for a vehicle that is  
 756 rebuilt or assembled from parts, or is a kit car, glider kit,

757 replica, ~~or~~ flood vehicle, custom vehicle, or street rod has  
 758 been made to the department in accordance with this chapter and  
 759 the department has conducted the physical examination of the  
 760 vehicle to ensure ~~assure~~ the identity of the vehicle and all  
 761 major component parts, as defined in s. 319.30(1), which have  
 762 been repaired or replaced. Thereafter, the department shall  
 763 affix a decal to the vehicle, in the manner prescribed by the  
 764 department, showing the vehicle to be rebuilt.

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

766 1.4- "Assembled from parts" means a motor vehicle or  
 767 mobile home assembled from parts or combined from parts of motor  
 768 vehicles or mobile homes, new or used. The term "Assembled from  
 769 parts" does not include ~~mean~~ a motor vehicle defined as a  
 770 "rebuilt vehicle" in subparagraph 9. 3-, which has been declared  
 771 a total loss pursuant to s. 319.30.

772 2. "Custom vehicle" means a motor vehicle that:

773 a.(I) Is 25 years old or older and of a model year after  
 774 1948 or was manufactured to resemble a vehicle that is 25 years  
 775 old or older and of a model year after 1948; and

776 (II) Has been altered from the manufacturer's original  
 777 design or has a body constructed from nonoriginal materials.

778 b. The model year and year of manufacture which the body  
 779 of a custom vehicle resembles is the model year and year of  
 780 manufacture listed on the certificate of title, regardless of  
 781 when the vehicle was actually manufactured.

782 3.8- "Flood vehicle" means a motor vehicle or mobile home  
 783 that has been declared to be a total loss pursuant to s.  
 784 319.30(3)(a) resulting from damage caused by water.

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785        ~~4.6.~~ "Glider kit" means a vehicle assembled with a kit  
 786 supplied by a manufacturer to rebuild a wrecked or outdated  
 787 truck or truck tractor.

788        5. "Kit car" means a motor vehicle assembled with a kit  
 789 supplied by a manufacturer to rebuild a wrecked or outdated  
 790 motor vehicle with a new body kit.

791        ~~6.a.e.~~ "Lease vehicle" includes both short-term-lease  
 792 vehicles and long-term-lease vehicles.

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

796        ~~c.2.a.~~ "Short-term-lease vehicle" means a motor vehicle  
 797 leased without a driver and under a written agreement to one or  
 798 more persons from time to time for a period of less than 12  
 799 months.

800        ~~7.9.~~ "Nonconforming vehicle" means a motor vehicle that  
 801 ~~which~~ has been purchased by a manufacturer pursuant to a  
 802 settlement, determination, or decision under chapter 681.

803        ~~8.1.~~ "Police vehicle" means a motor vehicle owned or  
 804 leased by the state or a county or municipality and used in law  
 805 enforcement.

806        ~~9.3.~~ "Rebuilt vehicle" means a motor vehicle or mobile  
 807 home built from salvage or junk, as defined in s. 319.30(1).

808        ~~10.7.~~ "Replica" means a complete new motor vehicle  
 809 manufactured to look like an old vehicle.

810        ~~11.10.~~ "Settlement" means an agreement entered into  
 811 between a manufacturer and a consumer that occurs after a  
 812 dispute is submitted to a program, or an informal dispute

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813 settlement procedure established by a manufacturer or is  
 814 approved for arbitration before the New Motor Vehicle  
 815 Arbitration Board as defined in s. 681.102.

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

817 a.(I) Is of a model year of 1948 or older or was  
 818 manufactured after 1948 to resemble a vehicle of a model year of  
 819 1948 or older; and

820 (II) Has been altered from the manufacturer's original  
 821 design or has a body constructed from nonoriginal materials.

822 b. The model year and year of manufacture which the body  
 823 of a street rod resembles is the model year and year of  
 824 manufacture listed on the certificate of title, regardless of  
 825 when the vehicle was actually manufactured.

826 (2) A ~~No~~ person may not ~~shall~~ knowingly sell, exchange, or  
 827 transfer a vehicle referred to in subsection (1) without, prior  
 828 to consummating the sale, exchange, or transfer, disclosing in  
 829 writing to the purchaser, customer, or transferee the fact that  
 830 the vehicle has previously been titled, registered, or used as a  
 831 taxicab, police vehicle, or short-term-lease vehicle or is a  
 832 vehicle that is rebuilt or assembled from parts, or is a kit  
 833 car, glider kit, replica, or flood vehicle, or is a  
 834 nonconforming vehicle, custom vehicle, or street rod, as the  
 835 case may be.

836 (3) A ~~Any~~ person who, with intent to offer for sale or  
 837 exchange any vehicle referred to in subsection (1), knowingly or  
 838 intentionally advertises, publishes, disseminates, circulates,  
 839 or places before the public in any communications medium,  
 840 whether directly or indirectly, any offer to sell or exchange

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841 the vehicle shall clearly and precisely state in each such offer  
 842 that the vehicle has previously been titled, registered, or used  
 843 as a taxicab, police vehicle, or short-term-lease vehicle or  
 844 that the vehicle or mobile home is a vehicle that is rebuilt or  
 845 assembled from parts, or is a kit car, glider kit, replica, or  
 846 flood vehicle, or a nonconforming vehicle, custom vehicle, or  
 847 street rod, as the case may be. A ~~Any~~ person who violates this  
 848 subsection commits a misdemeanor of the second degree,  
 849 punishable as provided in s. 775.082 or s. 775.083.

850 (4) When a certificate of title, including a foreign  
 851 certificate, is branded to reflect a condition or prior use of  
 852 the titled vehicle, the brand must be noted on the registration  
 853 certificate of the vehicle and such brand shall be carried  
 854 forward on all subsequent certificates of title and registration  
 855 certificates issued for the life of the vehicle.

856 (5) A ~~Any~~ person who knowingly sells, exchanges, or offers  
 857 to sell or exchange a motor vehicle or mobile home contrary to  
 858 the provisions of this section or any officer, agent, or  
 859 employee of a person who knowingly authorizes, directs, aids in,  
 860 or consents to the sale, exchange, or offer to sell or exchange  
 861 a motor vehicle or mobile home contrary to the provisions of  
 862 this section commits a misdemeanor of the second degree,  
 863 punishable as provided in s. 775.082 or s. 775.083.

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

868 (7) This section applies to a mobile home, travel trailer,

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869 camping trailer, truck camper, or fifth-wheel recreation trailer  
 870 only when such mobile home or vehicle is a rebuilt vehicle or is  
 871 assembled from parts.

872 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in  
 873 any civil action arising out of a violation of this section if  
 874 the designation of the previous use or condition of the motor  
 875 vehicle is not noted on the certificate of title and  
 876 registration certificate of the vehicle which was received by,  
 877 or delivered to, such person, unless such person has actively  
 878 concealed the prior use or condition of the vehicle from the  
 879 purchaser.

880 (9) Subsections (1), (2), and (3) do not apply to the  
 881 transfer of ownership of a motor vehicle after the motor vehicle  
 882 has ceased to be used as a lease vehicle and the ownership has  
 883 been transferred to an owner for private use or to the transfer  
 884 of ownership of a nonconforming vehicle with 36,000 or more  
 885 miles on its odometer, or 34 months whichever is later and the  
 886 ownership has been transferred to an owner for private use. Such  
 887 owner, as shown on the title certificate, may request the  
 888 department to issue a corrected certificate of title that does  
 889 not contain the statement of the previous use of the vehicle as  
 890 a lease vehicle or condition as a nonconforming vehicle.

891 Section 16. Present subsections (7), (8), and (9) of  
 892 section 319.225, Florida Statutes, are redesignated as  
 893 subsections (8), (9), and (10), respectively, a new subsection  
 894 (7) is added to that section, and present subsection (8) of that  
 895 section is amended, to read:

896 319.225 Transfer and reassignment forms; odometer

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897 disclosure statements.-

898 (7) Subject to approval by the National Highway Traffic  
 899 Safety Administration or any other applicable authority, if a  
 900 title is held electronically and the transferee agrees to  
 901 maintain the title electronically, the transferor and transferee  
 902 shall complete a secure reassignment document that discloses the  
 903 odometer reading and that is signed by the transferor and  
 904 transferee at the tax collector's office or license plate  
 905 agency's office. A dealer acquiring a motor vehicle that has an  
 906 electronic title shall use a secure reassignment document signed  
 907 by the person from whom the dealer acquired the motor vehicle.  
 908 Upon transferring the motor vehicle to a purchaser, the dealer  
 909 shall execute a separate reassignment document.

910 (9)~~(8)~~ Upon transfer or reassignment of a used motor  
 911 vehicle through the services of an auction, the auction shall  
 912 complete the information in the space provided for by subsection  
 913 (8) ~~(7)~~. Any person who fails to complete the information as  
 914 required by this subsection commits ~~is guilty of~~ a misdemeanor  
 915 of the second degree, punishable as provided in s. 775.082 or s.  
 916 775.083. The department may ~~shall~~ not issue a certificate of  
 917 title unless this subsection has been complied with.

918 Section 17. Subsection (6) of section 319.23, Florida  
 919 Statutes, is amended, present subsections (7) through (11) of  
 920 that section are redesignated as subsections (8) through (12),  
 921 respectively, and a new subsection (7) is added to that section,  
 922 to read:

923 319.23 Application for, and issuance of, certificate of  
 924 title.-



925 (6) (a) In the case of the sale of a motor vehicle or  
 926 mobile home by a licensed dealer to a general purchaser, the  
 927 certificate of title must be obtained in the name of the  
 928 purchaser by the dealer upon application signed by the  
 929 purchaser, and in each other case the ~~such~~ certificate must be  
 930 obtained by the purchaser. In each case of transfer of a motor  
 931 vehicle or mobile home, the application for a certificate of  
 932 title, a corrected certificate, or an assignment or reassignment  
 933 must be filed within 30 days after the delivery of the motor  
 934 vehicle or after consummation of the sale of the mobile home to  
 935 the purchaser. An applicant must pay a fee of \$20, in addition  
 936 to all other fees and penalties required by law, for failing to  
 937 file such application within the specified time. In the case of  
 938 the sale of a motor vehicle by a licensed motor vehicle dealer  
 939 to a general purchaser who resides in another state or country,  
 940 the dealer is not required to apply for a certificate of title  
 941 for the motor vehicle; however, the dealer must transfer  
 942 ownership and reassign the certificate of title or  
 943 manufacturer's certificate of origin to the purchaser, and the  
 944 purchaser must sign an affidavit, as approved by the department,  
 945 that the purchaser will title and register the motor vehicle in  
 946 another state or country.

947 (b) If a licensed dealer acquires a motor vehicle or  
 948 mobile home as a trade-in, the dealer must file with the  
 949 department, within 30 days, a notice of sale signed by the  
 950 seller. The department shall update its database for that title  
 951 record to indicate "sold." A licensed dealer need not apply for  
 952 a certificate of title for any motor vehicle or mobile home in

953 | stock acquired for stock purposes except as provided in s.  
 954 | 319.225.

955 | (7) If an applicant for a certificate of title is unable  
 956 | to provide the department with a certificate of title that  
 957 | assigns the prior owner's interest in the motor vehicle, the  
 958 | department may accept a bond in the form prescribed by the  
 959 | department, along with an affidavit in a form prescribed by the  
 960 | department, which includes verification of the vehicle  
 961 | identification number and an application for title.

962 | (a) The bond must be:

963 | 1. In a form prescribed by the department;

964 | 2. Executed by the applicant;

965 | 3. Issued by a person authorized to conduct a surety  
 966 | business in this state;

967 | 4. In an amount equal to two times the value of the  
 968 | vehicle as determined by the department; and

969 | 5. Conditioned to indemnify all prior owners and  
 970 | lienholders and all subsequent purchasers of the vehicle or  
 971 | persons who acquire a security interest in the vehicle, and  
 972 | their successors in interest, against any expense, loss, or  
 973 | damage, including reasonable attorney fees, occurring because of  
 974 | the issuance of the certificate of title for the vehicle or for  
 975 | a defect in or undisclosed security interest on the right,  
 976 | title, or interest of the applicant to the vehicle.

977 | (b) An interested person has a right to recover on the  
 978 | bond for a breach of the bond's condition. The aggregate  
 979 | liability of the surety to all persons may not exceed the amount  
 980 | of the bond.

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

983           (d) The affidavit must:

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

985           2. Include the facts and circumstances under which the  
 986 applicant acquired ownership and possession of the motor  
 987 vehicle;

988           3. Disclose that no security interests, liens, or  
 989 encumbrances against the motor vehicle are known to the  
 990 applicant against the motor vehicle; and

991           4. State that the applicant has the right to have a  
 992 certificate of title issued.

993           Section 18. Subsection (8) of section 319.24, Florida  
 994 Statutes, is amended to read:

995           319.24 Issuance in duplicate; delivery; liens and  
 996 encumbrances.—

997           (8) Notwithstanding any requirements in this section or in  
 998 s. 319.27 indicating that a lien on a motor vehicle or mobile  
 999 home shall be noted on the face of the Florida certificate of  
 1000 title, if there are one or more liens or encumbrances on the  
 1001 motor vehicle or mobile home, the department shall ~~may~~  
 1002 electronically transmit the lien to the first lienholder and  
 1003 notify the first lienholder of any additional liens. Subsequent  
 1004 lien satisfactions shall ~~may~~ be electronically transmitted to  
 1005 the department and must ~~shall~~ include the name and address of  
 1006 the person or entity satisfying the lien. When electronic  
 1007 transmission of liens and lien satisfactions is ~~are~~ used, the  
 1008 issuance of a certificate of title may be waived until the last

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1009 | lien is satisfied and a clear certificate of title is issued to  
 1010 | the owner of the vehicle. In subsequent transfer of ownership of  
 1011 | the motor vehicle, it shall be presumed that the motor vehicle  
 1012 | title is subject to a lien as set forth in s. 319.225(6)(a)  
 1013 | until the title to be issued pursuant to this subsection is  
 1014 | received by the person or entity satisfying the lien.

1015 |         Section 19. Subsection (7) is added to section 319.27,  
 1016 | Florida Statutes, to read:

1017 |         319.27 Notice of lien on motor vehicles or mobile homes;  
 1018 | notation on certificate; recording of lien.-

1019 |         (7) The department shall administer an electronic titling  
 1020 | program that requires the electronic recording of vehicle title  
 1021 | information for new, transferred, and corrected certificates of  
 1022 | title. Lienholders shall electronically transmit liens and lien  
 1023 | satisfactions to the department in a format determined by the  
 1024 | department. Individuals and lienholders who the department  
 1025 | determines are not normally engaged in the business or practice  
 1026 | of financing vehicles are exempt from the electronic titling  
 1027 | requirement.

1028 |         Section 20. Subsection (3) is added to section 319.28,  
 1029 | Florida Statutes, to read:

1030 |         319.28 Transfer of ownership by operation of law.-

1031 |         (3) A dealer of farm or industrial equipment who conducts  
 1032 | a repossession, as defined in s. 493.6101(22), of such equipment  
 1033 | is not subject to licensure as a recovery agent or recovery  
 1034 | agency if the dealer is regularly engaged in the sale of the  
 1035 | equipment for a particular manufacturer and the lender is  
 1036 | affiliated with that manufacturer.

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1037 Section 21. Section 319.40, Florida Statutes, is amended  
 1038 to read:

1039 319.40 Transactions by electronic or telephonic means.—

1040 (1) The department may ~~is authorized to~~ accept any  
 1041 application provided for under this chapter by electronic or  
 1042 telephonic means.

1043 (2) The department may issue an electronic certificate of  
 1044 title in lieu of printing a paper title.

1045 (3) The department may collect electronic mail addresses  
 1046 and use electronic mail in lieu of the United States Postal  
 1047 Service as a method of notification. However, any notice  
 1048 regarding the potential forfeiture or foreclosure of an interest  
 1049 in property must be sent via the United States Postal Service.

1050 Section 22. Paragraph (a) of subsection (1) of section  
 1051 320.01, Florida Statutes, is amended, and subsection (46) is  
 1052 added to that section, to read:

1053 320.01 Definitions, general.—As used in the Florida  
 1054 Statutes, except as otherwise provided, the term:

1055 (1) "Motor vehicle" means:

1056 (a) An automobile, motorcycle, truck, trailer,  
 1057 semitrailer, truck tractor and semitrailer combination, or any  
 1058 other vehicle operated on the roads of this state, used to  
 1059 transport persons or property, and propelled by power other than  
 1060 muscular power, but the term does not include traction engines,  
 1061 road rollers, special mobile equipment as defined in s.  
 1062 316.003(48), such vehicles that ~~as~~ run only upon a track,  
 1063 bicycles, swamp buggies, or mopeds.

1064 (46) "Swamp buggy" means a motorized off-road vehicle that

1065 is designed or modified to travel over swampy or varied terrain  
 1066 and that may use large tires or tracks operated from an elevated  
 1067 platform. The term does not include any vehicle defined in  
 1068 chapter 261 or otherwise defined or classified in this chapter.

1069 Section 23. Subsection (2) and paragraph (e) of subsection  
 1070 (5) of section 320.02, Florida Statutes, are amended, paragraph  
 1071 (o) is added to subsection (15), and subsections (18) and (19)  
 1072 are added to that section, to read:

1073 320.02 Registration required; application for  
 1074 registration; forms.—

1075 (2) (a) The application for registration shall include the  
 1076 street address of the owner's permanent residence or the address  
 1077 of his or her permanent place of business and shall be  
 1078 accompanied by personal or business identification information  
 1079 which may include, but need not be limited to, a driver ~~driver's~~  
 1080 license number, Florida identification card number, or federal  
 1081 employer identification number. If the owner does not have a  
 1082 permanent residence or permanent place of business or if the  
 1083 owner's permanent residence or permanent place of business  
 1084 cannot be identified by a street address, the application shall  
 1085 include:

1086 1. If the vehicle is registered to a business, the name  
 1087 and street address of the permanent residence of an owner of the  
 1088 business, an officer of the corporation, or an employee who is  
 1089 in a supervisory position.

1090 2. If the vehicle is registered to an individual, the name  
 1091 and street address of the permanent residence of a close  
 1092 relative or friend who is a resident of this state.

1093  
 1094 If the vehicle is registered to an active duty member of the  
 1095 Armed Forces of the United States who is a Florida resident, the  
 1096 active duty member is exempt from the requirement to provide the  
 1097 street address of a permanent residence.

1098 (b) The department shall prescribe a form upon which motor  
 1099 vehicle owners may record odometer readings when registering  
 1100 their motor vehicles.

1101 (5)

1102 (e) Upon the expiration date noted in the cancellation  
 1103 policy that the department receives from the insurer, the  
 1104 department shall suspend the registration, issued under this  
 1105 chapter or s. 207.004(1), of a motor carrier who operates a  
 1106 commercial motor vehicle or who permits it to be operated in  
 1107 this state during the registration period without having in full  
 1108 force ~~and effect~~ liability insurance, a surety bond, or a valid  
 1109 self-insurance certificate that complies with ~~the provisions of~~  
 1110 this section. The department may cancel the liability insurance  
 1111 policy or surety bond no less than 10 days after receiving the  
 1112 insurer's ~~may not be canceled on less than 30 days' written~~  
 1113 ~~notice by the insurer to the department, such 30 days' notice to~~  
 1114 ~~commence from the date notice is received by the department. The~~ The  
 1115 insurer's notice must contain information required by the  
 1116 department and must be provided in a format that is compatible  
 1117 with the data processing capabilities of the department. The  
 1118 department may adopt rules regarding the form and required  
 1119 documentation. An insurer who fails to file the proper  
 1120 documentation with the department as required in this subsection

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1121 or by rules adopted under this subsection violates the Florida  
 1122 Insurance Code. The department may use the documentation only  
 1123 for enforcement and regulatory purposes, including the  
 1124 generation of data regarding compliance by owners of motor  
 1125 vehicles with the requirements for financial responsibility  
 1126 coverage.

1127 (15)

1128 (o) The application form for motor vehicle registration  
 1129 and renewal registration must include language permitting a  
 1130 voluntary contribution of \$1 to the Florida Association of Food  
 1131 Banks, Inc. The proceeds shall be distributed by the department  
 1132 each month to Florida Association of Food Banks, Inc., to be  
 1133 used by that organization for the purpose of ending hunger in  
 1134 this state.

1135

1136 For the purpose of applying the service charge provided in s.  
 1137 215.20, contributions received under this subsection are not  
 1138 income of a revenue nature.

1139 (18) Notwithstanding subsections (8), (14), and (15), the  
 1140 department and the tax collectors acting as agents for the  
 1141 department shall provide a complete list of voluntary  
 1142 contributions authorized by law to customers applying for  
 1143 registration or renewal registration. The renewal application  
 1144 forms must include either a complete list of all authorized  
 1145 voluntary contributions or the department's website address  
 1146 which provides a complete list and information on all authorized  
 1147 voluntary contributions. The department or a tax collector may  
 1148 include on the renewal application forms a complete list of



1149 authorized voluntary contributions and the department's website  
 1150 address. Customers renewing a registration at either a tax  
 1151 collector's office or a department office shall be provided  
 1152 information on voluntary contribution options.

1153 (19) The department shall retain all electronic  
 1154 registration records for at least 10 years.

1155 Section 24. Subsection (8) of section 320.03, Florida  
 1156 Statutes, is amended to read:

1157 320.03 Registration; duties of tax collectors;  
 1158 International Registration Plan.—

1159 (8) If the applicant's name appears on the list referred  
 1160 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a  
 1161 license plate or revalidation sticker may not be issued until  
 1162 that person's name no longer appears on the list or until the  
 1163 person presents a receipt from the governmental entity or the  
 1164 clerk of court that provided the data showing that the fines  
 1165 outstanding have been paid. This subsection does not apply to  
 1166 the owner of a leased vehicle if the vehicle is registered in  
 1167 the name of the lessee of the vehicle. The tax collector and the  
 1168 clerk of the court are each entitled to receive monthly, as  
 1169 costs for implementing and administering this subsection, 10  
 1170 percent of the civil penalties and fines recovered from such  
 1171 persons. As used in this subsection, the term "civil penalties  
 1172 and fines" does not include a wrecker operator's lien as  
 1173 described in s. 713.78(13). If the tax collector has private tag  
 1174 agents, such tag agents are entitled to receive a pro rata share  
 1175 of the amount paid to the tax collector, based upon the  
 1176 percentage of license plates and revalidation stickers issued by

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1177 the tag agent compared to the total issued within the county.  
 1178 The authority of any private agent to issue license plates shall  
 1179 be revoked, after notice and a hearing as provided in chapter  
 1180 120, if he or she issues any license plate or revalidation  
 1181 sticker contrary to the provisions of this subsection. This  
 1182 section applies only to the annual renewal in the owner's birth  
 1183 month of a motor vehicle registration and does not apply to the  
 1184 transfer of a registration of a motor vehicle sold by a motor  
 1185 vehicle dealer licensed under this chapter, except for the  
 1186 transfer of registrations which includes ~~is inclusive of~~ the  
 1187 annual renewals. This section does not affect the issuance of  
 1188 the title to a motor vehicle, notwithstanding s. 319.23(8)(b)  
 1189 ~~319.23(7)(b)~~.

1190 Section 25. Paragraph (c) of subsection (1) and paragraph  
 1191 (a) of subsection (3) of section 320.06, Florida Statutes, are  
 1192 amended to read:

1193 320.06 Registration certificates, license plates, and  
 1194 validation stickers generally.—

1195 (1)

1196 (c) Registration license plates equipped with validation  
 1197 stickers subject to the registration period are valid for not  
 1198 more than 12 months and expire at midnight on the last day of  
 1199 the registration period. A registration license plate equipped  
 1200 with a validation sticker subject to the extended registration  
 1201 period is valid for not more than 24 months and expires at  
 1202 midnight on the last day of the extended registration period.  
 1203 For each registration period after the one in which the original  
 1204 ~~meta~~ registration license plate is issued, and until the

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1205 license plate is required to be replaced, a validation sticker  
 1206 showing the month and year of expiration shall be issued upon  
 1207 payment of the proper license tax amount and fees and is valid  
 1208 for not more than 12 months. For each extended registration  
 1209 period occurring after the one in which the original ~~metal~~  
 1210 registration license plate is issued and until the license plate  
 1211 is required to be replaced, a validation sticker showing the  
 1212 year of expiration shall be issued upon payment of the proper  
 1213 license tax amount and fees and is valid for not more than 24  
 1214 months. When license plates equipped with validation stickers  
 1215 are issued in any month other than the owner's birth month or  
 1216 the designated registration period for any other motor vehicle,  
 1217 the effective date shall reflect the birth month or month and  
 1218 the year of renewal. However, when a license plate or validation  
 1219 sticker is issued for a period of less than 12 months, the  
 1220 applicant shall pay the appropriate amount of license tax and  
 1221 the applicable fee under s. 320.14 in addition to all other  
 1222 fees. Validation stickers issued for vehicles taxed under s.  
 1223 320.08(6)(a), for any company that owns 250 vehicles or more, or  
 1224 for semitrailers taxed under the provisions of s. 320.08(5)(a),  
 1225 for any company that owns 50 vehicles or more, may be placed on  
 1226 any vehicle in the fleet so long as the vehicle receiving the  
 1227 validation sticker has the same owner's name and address as the  
 1228 vehicle to which the validation sticker was originally assigned.

1229 (3)(a) Registration license plates must be ~~made of metal~~  
 1230 ~~especially~~ treated with a retroreflection material, as specified  
 1231 by the department. The registration license plate is designed to  
 1232 increase nighttime visibility and legibility and must be at

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1233 least 6 inches wide and not less than 12 inches in length,  
 1234 unless a plate with reduced dimensions is deemed necessary by  
 1235 the department to accommodate motorcycles, mopeds, or similar  
 1236 smaller vehicles. Validation stickers must also be treated with  
 1237 a retroreflection material, must be of such size as specified by  
 1238 the department, and must adhere to the license plate. The  
 1239 registration license plate must be imprinted with a combination  
 1240 of bold letters and numerals or numerals, not to exceed seven  
 1241 digits, to identify the registration license plate number. The  
 1242 license plate must be imprinted with the word "Florida" at the  
 1243 top and the name of the county in which it is sold, the state  
 1244 motto, or the words "Sunshine State" at the bottom. Apportioned  
 1245 license plates must have the word "Apportioned" at the bottom  
 1246 and license plates issued for vehicles taxed under s.  
 1247 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have  
 1248 the word "Restricted" at the bottom. License plates issued for  
 1249 vehicles taxed under s. 320.08(12) must be imprinted with the  
 1250 word "Florida" at the top and the word "Dealer" at the bottom.  
 1251 Manufacturer license plates issued for vehicles taxed under s.  
 1252 320.08(12) must be imprinted with the word "Florida" at the top  
 1253 and the word "Manufacturer" at the bottom. License plates issued  
 1254 for vehicles taxed under s. 320.08(5)(d) or (e) must be  
 1255 imprinted with the word "Wrecker" at the bottom. Any county may,  
 1256 upon majority vote of the county commission, elect to have the  
 1257 county name removed from the license plates sold in that county.  
 1258 The state motto or the words "Sunshine State" shall be printed  
 1259 in lieu thereof. A license plate issued for a vehicle taxed  
 1260 under s. 320.08(6) may not be assigned a registration license

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1261 number~~7~~ or be issued with any other distinctive character or  
 1262 designation~~7~~ that distinguishes the motor vehicle as a for-hire  
 1263 motor vehicle.

1264 Section 26. Section 320.0605, Florida Statutes, is amended  
 1265 to read:

1266 320.0605 Certificate of registration; possession required;  
 1267 exception.—

1268 (1) The registration certificate or an official copy  
 1269 thereof, a true copy of a rental or lease documentation  
 1270 ~~agreement~~ issued for a motor vehicle or issued for a replacement  
 1271 vehicle in the same registration period, a temporary receipt  
 1272 printed upon self-initiated electronic renewal of a registration  
 1273 via the Internet, or a cab card issued for a vehicle registered  
 1274 under the International Registration Plan shall, at all times  
 1275 while the vehicle is being used or operated on the roads of this  
 1276 state, be in the possession of the operator thereof or be  
 1277 carried in the vehicle for which issued and shall be exhibited  
 1278 upon demand of any authorized law enforcement officer or any  
 1279 agent of the department, except for a vehicle registered under  
 1280 s. 320.0657. The provisions of this section do not apply during  
 1281 the first 30 days after purchase of a replacement vehicle. A  
 1282 violation of this section is a noncriminal traffic infraction,  
 1283 punishable as a nonmoving violation as provided in chapter 318.

1284 (2) The rental or lease documentation required under  
 1285 subsection (1) must include all of the following information:

1286 (a) The authorized renter's or lessee's name.

1287 (b) The date of rental or lease and time of exit from the  
 1288 rental or lease facility.

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- 1289        (c) The rental or lease station identification.
- 1290        (d) The rental or lease agreement number.
- 1291        (e) The rental or lease vehicle's vehicle identification
- 1292 number or VIN.
- 1293        (f) The rental or lease vehicle's license plate number and
- 1294 state of registration.
- 1295        (g) The rental or lease vehicle's make, model, and color.
- 1296        (h) The rental or lease vehicle's mileage when rented or
- 1297 leased.

1298        Section 27. Section 320.061, Florida Statutes, is amended  
 1299 to read:

1300        320.061 Unlawful to alter motor vehicle registration  
 1301 certificates, license plates, temporary license plates, mobile  
 1302 home stickers, or validation stickers or to obscure license  
 1303 plates; penalty.—A ~~No~~ person may not ~~shall~~ alter the original  
 1304 appearance of a vehicle registration certificate, ~~any~~  
 1305 ~~registration~~ license plate, temporary license plate, mobile home  
 1306 sticker, or validation sticker, ~~or vehicle registration~~  
 1307 ~~certificate~~ issued for and assigned to a ~~any~~ motor vehicle or  
 1308 mobile home, whether by mutilation, alteration, defacement, or  
 1309 change of color or in any other manner. A ~~No~~ person may not  
 1310 ~~shall~~ apply or attach a ~~any~~ substance, reflective matter,  
 1311 illuminated device, spray, coating, covering, or other material  
 1312 onto or around any license plate which ~~that~~ interferes with the  
 1313 legibility, angular visibility, or detectability of any feature  
 1314 or detail on the license plate or interferes with the ability to  
 1315 record any feature or detail on the license plate. A ~~Any~~ person  
 1316 who violates this section commits a noncriminal traffic

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1317 | infraction, punishable as a moving violation as provided in  
 1318 | chapter 318.

1319 |         Section 28. Paragraph (z) of subsection (4) of section  
 1320 | 320.08056, Florida Statutes, is amended to read:

1321 |             320.08056 Specialty license plates.—

1322 |             (4) The following license plate annual use fees shall be  
 1323 | collected for the appropriate specialty license plates:

1324 |             (z) Tampa Bay Estuary license plate, \$25 ~~\$15~~.

1325 |         Section 29. Paragraph (e) of subsection (4) of section  
 1326 | 320.08068, Florida Statutes, is amended to read:

1327 |             320.08068 Motorcycle specialty license plates.—

1328 |             (4) A license plate annual use fee of \$20 shall be  
 1329 | collected for each motorcycle specialty license plate. Annual  
 1330 | use fees shall be distributed to The Able Trust as custodial  
 1331 | agent. The Able Trust may retain a maximum of 10 percent of the  
 1332 | proceeds from the sale of the license plate for administrative  
 1333 | costs. The Able Trust shall distribute the remaining funds as  
 1334 | follows:

1335 |             (e) Twenty percent to the Florida Association of Centers  
 1336 | for Independent Living ~~to be used to leverage additional funding~~  
 1337 | ~~and new sources of revenue for the centers for independent~~  
 1338 | ~~living in this state.~~

1339 |         Section 30. Subsection (4) of section 320.0848, Florida  
 1340 | Statutes, is amended to read:

1341 |             320.0848 Persons who have disabilities; issuance of  
 1342 | disabled parking permits; temporary permits; permits for certain  
 1343 | providers of transportation services to persons who have  
 1344 | disabilities.—

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1345 (4) From the proceeds of the temporary disabled parking  
1346 permit fees:

1347 (a) The Department of Highway Safety and Motor Vehicles  
1348 must receive \$3.50 for each temporary permit, to be deposited  
1349 into the Highway Safety Operating Trust Fund and used for  
1350 implementing the real-time disabled parking permit database and  
1351 for administering the disabled parking permit program.

1352 (b) The tax collector, for processing, must receive \$2.50  
1353 for each temporary permit.

1354 (c) The remainder must be distributed monthly as follows:

1355 1. To the Florida Endowment Foundation for Vocational  
1356 Rehabilitation, known as "The Able Trust," ~~Governor's Alliance~~  
1357 ~~for the Employment of Disabled Citizens~~ for the purpose of  
1358 improving employment and training opportunities for persons who  
1359 have disabilities, with special emphasis on removing  
1360 transportation barriers, \$4. These fees must be directly  
1361 deposited into the Florida Endowment Foundation for Vocational  
1362 Rehabilitation as established in s. 413.615 ~~Transportation~~  
1363 ~~Disadvantaged Trust Fund for transfer to the Florida Governor's~~  
1364 ~~Alliance for Employment of Disabled Citizens.~~

1365 2. To the Transportation Disadvantaged Trust Fund to be  
1366 used for funding matching grants to counties for the purpose of  
1367 improving transportation of persons who have disabilities, \$5.

1368 Section 31. Paragraph (a) of subsection (1) of section  
1369 320.089, Florida Statutes, is amended to read:

1370 320.089 Members of National Guard and active United States  
1371 Armed Forces reservists; former prisoners of war; survivors of  
1372 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi



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1373 Freedom and Operation Enduring Freedom Veterans; Combat Infantry  
 1374 Badge recipients; special license plates; fee.-

1375 (1)(a) Each owner or lessee of an automobile or truck for  
 1376 private use or recreational vehicle as specified in s.  
 1377 320.08(9)(c) or (d), which is not used for hire or commercial  
 1378 use, who is a resident of the state and an active or retired  
 1379 member of the Florida National Guard, a survivor of the attack  
 1380 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an  
 1381 active or retired member of any branch of the United States  
 1382 Armed Forces Reserve, or a recipient of the Combat Infantry  
 1383 Badge shall, upon application to the department, accompanied by  
 1384 proof of active membership or retired status in the Florida  
 1385 National Guard, proof of membership in the Pearl Harbor  
 1386 Survivors Association or proof of active military duty in Pearl  
 1387 Harbor on December 7, 1941, proof of being a Purple Heart medal  
 1388 recipient, ~~or~~ proof of active or retired membership in any  
 1389 branch of the Armed Forces Reserve, or proof of membership in  
 1390 the Combat Infantrymen's Association, Inc., or other proof of  
 1391 being a recipient of the Combat Infantry Badge, and upon payment  
 1392 of the license tax for the vehicle as provided in s. 320.08, be  
 1393 issued a license plate as provided by s. 320.06, upon which, in  
 1394 lieu of the serial numbers prescribed by s. 320.06, shall be  
 1395 stamped the words "National Guard," "Pearl Harbor Survivor,"  
 1396 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry  
 1397 Badge," as appropriate, followed by the serial number of the  
 1398 license plate. Additionally, the Purple Heart plate may have the  
 1399 words "Purple Heart" stamped on the plate and the likeness of  
 1400 the Purple Heart medal appearing on the plate.

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1401 Section 32. Subsection (3) of section 320.27, Florida  
 1402 Statutes, is amended to read:  
 1403 320.27 Motor vehicle dealers.—  
 1404 (3) APPLICATION AND FEE.—The application for the license  
 1405 shall be in such form as may be prescribed by the department and  
 1406 shall be subject to such rules with respect thereto as may be so  
 1407 prescribed by it. Such application shall be verified by oath or  
 1408 affirmation and shall contain a full statement of the name and  
 1409 birth date of the person or persons applying therefor; the name  
 1410 of the firm or copartnership, with the names and places of  
 1411 residence of all members thereof, if such applicant is a firm or  
 1412 copartnership; the names and places of residence of the  
 1413 principal officers, if the applicant is a body corporate or  
 1414 other artificial body; the name of the state under whose laws  
 1415 the corporation is organized; the present and former place or  
 1416 places of residence of the applicant; and prior business in  
 1417 which the applicant has been engaged and the location thereof.  
 1418 Such application shall describe the exact location of the place  
 1419 of business and shall state whether the place of business is  
 1420 owned by the applicant and when acquired, or, if leased, a true  
 1421 copy of the lease shall be attached to the application. The  
 1422 applicant shall certify that the location provides an adequately  
 1423 equipped office and is not a residence; that the location  
 1424 affords sufficient unoccupied space upon and within which  
 1425 adequately to store all motor vehicles offered and displayed for  
 1426 sale; and that the location is a suitable place where the  
 1427 applicant can in good faith carry on such business and keep and  
 1428 maintain books, records, and files necessary to conduct such

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1429 business, which shall ~~will~~ be available at all reasonable hours  
 1430 to inspection by the department or any of its inspectors or  
 1431 other employees. The applicant shall certify that the business  
 1432 of a motor vehicle dealer is the principal business which shall  
 1433 be conducted at that location. The ~~Such~~ application shall  
 1434 contain a statement that the applicant is either franchised by a  
 1435 manufacturer of motor vehicles, in which case the name of each  
 1436 motor vehicle that the applicant is franchised to sell shall be  
 1437 included, or an independent (nonfranchised) motor vehicle  
 1438 dealer. The ~~Such~~ application shall contain ~~such~~ other relevant  
 1439 information as may be required by the department, including  
 1440 evidence that the applicant is insured under a garage liability  
 1441 insurance policy or a general liability insurance policy coupled  
 1442 with a business automobile policy, which shall include, at a  
 1443 minimum, \$25,000 combined single-limit liability coverage  
 1444 including bodily injury and property damage protection and  
 1445 \$10,000 personal injury protection. However, a salvage motor  
 1446 vehicle dealer as defined in subparagraph (1)(c)5. is exempt  
 1447 from the requirements for garage liability insurance and  
 1448 personal injury protection insurance on those vehicles that  
 1449 cannot be legally operated on state roads, highways, or streets.  
 1450 Franchise dealers must submit a garage liability insurance  
 1451 policy, and all other dealers must submit a garage liability  
 1452 insurance policy or a general liability insurance policy coupled  
 1453 with a business automobile policy. Such policy shall be for the  
 1454 license period, and evidence of a new or continued policy shall  
 1455 be delivered to the department at the beginning of each license  
 1456 period. Upon making initial application, the applicant shall pay

1457 to the department a fee of \$300 in addition to any other fees  
 1458 now required by law.~~‡~~ Upon making a subsequent renewal  
 1459 application, the applicant shall pay to the department a fee of  
 1460 \$75 in addition to any other fees now required by law. Upon  
 1461 making an application for a change of location, the person shall  
 1462 pay a fee of \$50 in addition to any other fees now required by  
 1463 law. The department shall, in the case of every application for  
 1464 initial licensure, verify whether certain facts set forth in the  
 1465 application are true. Each applicant, general partner in the  
 1466 case of a partnership, or corporate officer and director in the  
 1467 case of a corporate applicant, must file a set of fingerprints  
 1468 with the department for the purpose of determining any prior  
 1469 criminal record or any outstanding warrants. The department  
 1470 shall submit the fingerprints to the Department of Law  
 1471 Enforcement for state processing and forwarding to the Federal  
 1472 Bureau of Investigation for federal processing. The actual cost  
 1473 of state and federal processing shall be borne by the applicant  
 1474 and is in addition to the fee for licensure. The department may  
 1475 issue a license to an applicant pending the results of the  
 1476 fingerprint investigation, which license is fully revocable if  
 1477 the department subsequently determines that any facts set forth  
 1478 in the application are not true or correctly represented.

1479 Section 33. Subsection (1) of section 320.771, Florida  
 1480 Statutes, is amended to read:

1481 320.771 License required of recreational vehicle dealers.—

1482 (1) DEFINITIONS.—As used in this section, the term:

1483 (a) 1. "Dealer" means any person engaged in the business of  
 1484 buying, selling, or dealing in recreational vehicles or offering

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1485 or displaying recreational vehicles for sale. The term "dealer"  
 1486 includes a recreational vehicle broker. Any person who buys,  
 1487 sells, deals in, or offers or displays for sale, or who acts as  
 1488 the agent for the sale of, one or more recreational vehicles in  
 1489 any 12-month period shall be prima facie presumed to be a  
 1490 dealer. The terms "selling" and "sale" include lease-purchase  
 1491 transactions. The term "dealer" does not include banks, credit  
 1492 unions, and finance companies that acquire recreational vehicles  
 1493 as an incident to their regular business and does not include  
 1494 mobile home rental and leasing companies that sell recreational  
 1495 vehicles to dealers licensed under this section.

1496 2. A licensed dealer may transact business in recreational  
 1497 vehicles with a motor vehicle auction as defined in s.  
 1498 320.27(1)(c)4. Further, a licensed dealer may, at retail or  
 1499 wholesale, sell a motor vehicle, as described in s.  
 1500 320.01(1)(a), acquired in exchange for the sale of a  
 1501 recreational vehicle, if the ~~such~~ acquisition is incidental to  
 1502 the principal business of being a recreational vehicle dealer.  
 1503 However, a recreational vehicle dealer may not buy a motor  
 1504 vehicle for the purpose of resale unless licensed as a motor  
 1505 vehicle dealer pursuant to s. 320.27. A dealer may apply for a  
 1506 certificate of title to a recreational vehicle required to be  
 1507 registered under s. 320.08(9), using a manufacturer's statement  
 1508 of origin as permitted by s. 319.23(1), only if the dealer is  
 1509 authorized by a manufacturer/dealer agreement, as defined in s.  
 1510 320.3202, on file with the department, to buy, sell, or deal in  
 1511 that particular line-make of recreational vehicle, and the  
 1512 dealer is authorized by the manufacturer/dealer agreement to

1513 perform delivery and preparation obligations and warranty defect  
 1514 adjustments on that line-make.

1515 (b) "Recreational vehicle broker" means any person who is  
 1516 engaged in the business of offering to procure or procuring used  
 1517 recreational vehicles for the general public; who holds himself  
 1518 or herself out through solicitation, advertisement, or otherwise  
 1519 as one who offers to procure or procures used recreational  
 1520 vehicles for the general public; or who acts as the agent or  
 1521 intermediary on behalf of the owner or seller of a used  
 1522 recreational vehicle which is for sale or who assists or  
 1523 represents the seller in finding a buyer for the recreational  
 1524 vehicle.

1525 (c) ~~For the purposes of this section, the term~~  
 1526 "Recreational vehicle" does not include any camping trailer, as  
 1527 defined in s. 320.01(1)(b)2.

1528 Section 34. Section 320.95, Florida Statutes, is amended  
 1529 to read:

1530 320.95 Transactions by electronic or telephonic means.-

1531 (1) The department may ~~is authorized to~~ accept an any  
 1532 application provided for under this chapter by electronic or  
 1533 telephonic means.

1534 (2) The department may collect electronic mail addresses  
 1535 and use electronic mail in lieu of the United States Postal  
 1536 Service for the purpose of providing renewal notices.

1537 Section 35. Section 322.04, Florida Statutes, is amended  
 1538 to read:

1539 322.04 Persons exempt from obtaining driver ~~driver's~~  
 1540 license.-

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1541 (1) The following persons are exempt from obtaining a  
 1542 driver ~~driver's~~ license:

1543 (a) Any employee of the United States Government, while  
 1544 operating a noncommercial motor vehicle owned by or leased to  
 1545 the United States Government and being operated on official  
 1546 business.

1547 (b) Any person while driving or operating any road  
 1548 machine, farm tractor, or implement of husbandry temporarily  
 1549 operated or moved on a highway.

1550 (c) A nonresident who is at least 16 years of age  
 1551 operating ~~and who has in his or her immediate possession a valid~~  
 1552 ~~noncommercial driver's license issued to the nonresident in his~~  
 1553 ~~or her home state or country, may operate~~ a motor vehicle of the  
 1554 type for which a Class E driver ~~driver's~~ license is required in  
 1555 this state if the nonresident has in his or her immediate  
 1556 possession:

1557 1. A valid noncommercial driver license issued in his or  
 1558 her name from another state or territory of the United States;  
 1559 or

1560 2. An International Driving Permit issued in his or her  
 1561 name in his or her country of residence and a valid license  
 1562 issued in that country.

1563 ~~(d) A nonresident who is at least 18 years of age and who~~  
 1564 ~~has in his or her immediate possession a valid noncommercial~~  
 1565 ~~driver's license issued to the nonresident in his or her home~~  
 1566 ~~state or country may operate a motor vehicle, other than a~~  
 1567 ~~commercial motor vehicle, in this state.~~

1568 (d) ~~(e)~~ Any person operating a golf cart, as defined in s.

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1569 320.01, which is operated in accordance with the provisions of  
 1570 s. 316.212.

1571 (2) ~~The provisions of~~ This section does ~~de~~ not apply to  
 1572 any person to whom s. 322.031 applies.

1573 (3) Any person working for a firm under contract to the  
 1574 United States Government, whose residence is outside ~~without~~  
 1575 this state and whose main point of employment is outside ~~without~~  
 1576 this state may drive a noncommercial vehicle on the public roads  
 1577 of this state for periods up to 60 days while in this state on  
 1578 temporary duty, if the ~~provided such~~ person has a valid driver  
 1579 ~~driver's~~ license from the state of the ~~such~~ person's residence.

1580 Section 36. Paragraph (a) of subsection (1) of section  
 1581 322.051, Florida Statutes, is amended, and subsection (9) is  
 1582 added to that section, to read::

1583 322.051 Identification cards.-

1584 (1) Any person who is 5 years of age or older, or any  
 1585 person who has a disability, regardless of age, who applies for  
 1586 a disabled parking permit under s. 320.0848, may be issued an  
 1587 identification card by the department upon completion of an  
 1588 application and payment of an application fee.

1589 (a) The ~~Each such~~ application must ~~shall~~ include the  
 1590 following information regarding the applicant:

1591 1. Full name (first, middle or maiden, and last), gender,  
 1592 proof of social security card number satisfactory to the  
 1593 department, county of residence, mailing address, proof of  
 1594 residential address satisfactory to the department, country of  
 1595 birth, and a brief description.

1596 2. Proof of birth date satisfactory to the department.



1597 3. Proof of identity satisfactory to the department. Such  
 1598 proof must include one of the following documents issued to the  
 1599 applicant:

1600 a. A driver ~~driver's~~ license record or identification card  
 1601 record from another jurisdiction that required the applicant to  
 1602 submit a document for identification which is substantially  
 1603 similar to a document required under sub-subparagraph b., sub-  
 1604 subparagraph c., sub-subparagraph d., sub-subparagraph e., sub-  
 1605 subparagraph f., sub-subparagraph g., or sub-subparagraph h.;

1606 b. A certified copy of a United States birth certificate;  
 1607 c. A valid, unexpired United States passport;

1608 d. A naturalization certificate issued by the United  
 1609 States Department of Homeland Security;

1610 e. A valid, unexpired alien registration receipt card  
 1611 (green card);

1612 f. A Consular Report of Birth Abroad provided by the  
 1613 United States Department of State;

1614 g. An unexpired employment authorization card issued by  
 1615 the United States Department of Homeland Security; or

1616 h. Proof of nonimmigrant classification provided by the  
 1617 United States Department of Homeland Security, for an original  
 1618 identification card. In order to prove ~~such~~ nonimmigrant  
 1619 classification, an applicant must provide at least one of  
 1620 applicants may produce but are not limited to the following  
 1621 documents. In addition, the department may require applicants to  
 1622 produce United States Department of Homeland Security documents  
 1623 for the sole purpose of establishing the maintenance of, or  
 1624 efforts to maintain, continuous lawful presence:

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- 1625 (I) A notice of hearing from an immigration court  
 1626 scheduling a hearing on any proceeding.
- 1627 (II) A notice from the Board of Immigration Appeals  
 1628 acknowledging pendency of an appeal.
- 1629 (III) A notice of the approval of an application for  
 1630 adjustment of status issued by the United States Bureau of  
 1631 Citizenship and Immigration Services.
- 1632 (IV) An ~~Any~~ official documentation confirming the filing  
 1633 of a petition for asylum or refugee status or any other relief  
 1634 issued by the United States Bureau of Citizenship and  
 1635 Immigration Services.
- 1636 (V) A notice of action transferring any pending matter  
 1637 from another jurisdiction to Florida, issued by the United  
 1638 States Bureau of Citizenship and Immigration Services.
- 1639 (VI) An order of an immigration judge or immigration  
 1640 officer granting ~~any~~ relief that authorizes the alien to live  
 1641 and work in the United States, including, but not limited to,  
 1642 asylum.
- 1643 (VII) Evidence that an application is pending for  
 1644 adjustment of status to that of an alien lawfully admitted for  
 1645 permanent residence in the United States or conditional  
 1646 permanent resident status in the United States, if a visa number  
 1647 is available having a current priority date for processing by  
 1648 the United States Bureau of Citizenship and Immigration  
 1649 Services.
- 1650 (VIII) On or after January 1, 2010, an unexpired foreign  
 1651 passport with an unexpired United States Visa affixed,  
 1652 accompanied by an approved I-94, documenting the most recent

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1653 admittance into the United States.

1654

1655 An identification card issued based on documents required  
 1656 ~~Presentation of any of the documents described in sub-~~  
 1657 ~~subparagraph g. or sub-subparagraph h. is valid entitles the~~  
 1658 ~~applicant to an identification card~~ for a period not to exceed  
 1659 the expiration date of the document presented or 1 year,  
 1660 whichever ~~first~~ occurs first.

1661 (9) Notwithstanding any other provision of this section or  
 1662 s. 322.21 to the contrary, the department shall issue or renew a  
 1663 card at no charge to a person who presents evidence satisfactory  
 1664 to the department that he or she is homeless as defined in s.  
 1665 414.0252(7).

1666 Section 37. Subsection (4) of section 322.058, Florida  
 1667 Statutes, is amended to read:

1668 322.058 Suspension of driving privileges due to support  
 1669 delinquency; reinstatement.-

1670 (4) This section applies only to the annual renewal in the  
 1671 owner's birth month of a motor vehicle registration and does not  
 1672 apply to the transfer of a registration of a motor vehicle sold  
 1673 by a motor vehicle dealer licensed under chapter 320, except for  
 1674 the transfer of registrations which includes ~~is inclusive of~~ the  
 1675 annual renewals. This section does not affect the issuance of  
 1676 the title to a motor vehicle, notwithstanding s. 319.23(8)(b) ~~s.~~  
 1677 ~~319.23(7)(b)~~.

1678 Section 38. Section 322.065, Florida Statutes, is amended  
 1679 to read:

1680 322.065 Driver ~~Driver's~~ license expired for 6 4 months or

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1681 | less; penalties.—~~A Any~~ person whose driver ~~driver's~~ license has  
 1682 | been expired for 6 4 months or less and who drives a motor  
 1683 | vehicle upon the highways of this state commits ~~is guilty of~~ an  
 1684 | infraction and is subject to the penalty provided in s. 318.18.

1685 |       Section 39. Subsection (3) of section 322.07, Florida  
 1686 | Statutes, is amended to read:

1687 |       322.07 Instruction permits and temporary licenses.—

1688 |       (3) Any person who, except for his or her lack of  
 1689 | instruction in operating a commercial motor vehicle, would  
 1690 | otherwise be qualified to obtain a commercial driver ~~driver's~~  
 1691 | license under this chapter, may apply for a temporary commercial  
 1692 | instruction permit. The department shall issue such a permit  
 1693 | entitling the applicant, while having the permit in his or her  
 1694 | immediate possession, to drive a commercial motor vehicle on the  
 1695 | highways, if ~~provided that~~:

1696 |       (a) The applicant possesses a valid Florida driver  
 1697 | ~~driver's~~ license ~~issued in any state~~; and

1698 |       (b) The applicant, while operating a commercial motor  
 1699 | vehicle, is accompanied by a licensed driver who is 21 years of  
 1700 | age or older, who is licensed to operate the class of vehicle  
 1701 | being operated, and who is ~~actually~~ occupying the closest seat  
 1702 | to the right of the driver.

1703 |       Section 40. Paragraph (c) of subsection (2) of section  
 1704 | 322.08, Florida Statutes, is amended, and subsections (8) and  
 1705 | (9) are added to that section, to read:

1706 |       322.08 Application for license; requirements for license  
 1707 | and identification card forms.—

1708 |       (2) Each such application shall include the following

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1709 information regarding the applicant:

1710 (c) Proof of identity satisfactory to the department. Such  
 1711 proof must include one of the following documents issued to the  
 1712 applicant:

1713 1. A driver ~~driver's~~ license record or identification card  
 1714 record from another jurisdiction that required the applicant to  
 1715 submit a document for identification which is substantially  
 1716 similar to a document required under subparagraph 2.,  
 1717 subparagraph 3., subparagraph 4., subparagraph 5., subparagraph  
 1718 6., subparagraph 7., or subparagraph 8.;

1719 2. A certified copy of a United States birth certificate;

1720 3. A valid, unexpired United States passport;

1721 4. A naturalization certificate issued by the United  
 1722 States Department of Homeland Security;

1723 5. A valid, unexpired alien registration receipt card  
 1724 (green card);

1725 6. A Consular Report of Birth Abroad provided by the  
 1726 United States Department of State;

1727 7. An unexpired employment authorization card issued by  
 1728 the United States Department of Homeland Security; or

1729 8. Proof of nonimmigrant classification provided by the  
 1730 United States Department of Homeland Security, for an original  
 1731 driver ~~driver's~~ license. In order to prove nonimmigrant  
 1732 classification, an applicant must provide at least one of the  
 1733 following documents. In addition, the department may require  
 1734 applicants to produce United States Department of Homeland  
 1735 Security documents for the sole purpose of establishing the  
 1736 maintenance of, or efforts to maintain, continuous lawful

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1737 ~~presence may produce the following documents, including, but not~~  
 1738 ~~limited to:~~

1739 a. A notice of hearing from an immigration court  
 1740 scheduling a hearing on any proceeding.

1741 b. A notice from the Board of Immigration Appeals  
 1742 acknowledging pendency of an appeal.

1743 c. A notice of the approval of an application for  
 1744 adjustment of status issued by the United States Bureau of  
 1745 Citizenship and Immigration Services.

1746 d. An ~~Any~~ official documentation confirming the filing of  
 1747 a petition for asylum or refugee status or any other relief  
 1748 issued by the United States Bureau of Citizenship and  
 1749 Immigration Services.

1750 e. A notice of action transferring any pending matter from  
 1751 another jurisdiction to this state issued by the United States  
 1752 Bureau of Citizenship and Immigration Services.

1753 f. An order of an immigration judge or immigration officer  
 1754 granting ~~any~~ relief that authorizes the alien to live and work  
 1755 in the United States, including, but not limited to, asylum.

1756 g. Evidence that an application is pending for adjustment  
 1757 of status to that of an alien lawfully admitted for permanent  
 1758 residence in the United States or conditional permanent resident  
 1759 status in the United States, if a visa number is available  
 1760 having a current priority date for processing by the United  
 1761 States Bureau of Citizenship and Immigration Services.

1762 h. On or after January 1, 2010, an unexpired foreign  
 1763 passport with an unexpired United States Visa affixed,  
 1764 accompanied by an approved I-94, documenting the most recent

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1765 admittance into the United States.

1766

1767 A driver license or temporary permit issued based on documents  
 1768 required ~~Presentation of any of the documents~~ in subparagraph 7.  
 1769 or subparagraph 8. is valid ~~entitles the applicant to a driver's~~  
 1770 ~~license or temporary permit~~ for a period not to exceed the  
 1771 expiration date of the document presented or 1 year, ~~whichever~~  
 1772 ~~occurs first.~~

1773 (8) Notwithstanding subsection (7), the department and its  
 1774 authorized agents shall provide a complete list of voluntary  
 1775 contributions authorized by law to customers applying for a  
 1776 license or identification card or renewal of a license or  
 1777 identification card. The renewal application form must include  
 1778 either a complete list of all authorized voluntary contributions  
 1779 or the department's website address which provides a complete  
 1780 list and information on all authorized voluntary contributions.  
 1781 The department or authorized agent may include on the renewal  
 1782 application forms a complete list of authorized voluntary  
 1783 contributions and the department's website address. Customers  
 1784 renewing a license or identification card at either an agent's  
 1785 office or a department office shall be provided information on  
 1786 voluntary contribution options.

1787 (9) The department may collect electronic mail addresses  
 1788 and use electronic mail in lieu of the United States Postal  
 1789 Service for the purpose of providing renewal notices.

1790 Section 41. Paragraph (c) of subsection (2) and subsection  
 1791 (5) of section 322.121, Florida Statutes, are amended to read:  
 1792 322.121 Periodic reexamination of all drivers.—

1793 (2) For each licensee whose driving record does not show  
 1794 any revocations, disqualifications, or suspensions for the  
 1795 preceding 7 years or any convictions for the preceding 3 years  
 1796 except for convictions of the following nonmoving violations:

1797 (c) Operating a motor vehicle with an expired license that  
 1798 has been expired for 6 4 months or less pursuant to s. 322.065;  
 1799  
 1800 the department shall cause such licensee's license to be  
 1801 prominently marked with the notation "Safe Driver."

1802 (5) Members of the Armed Forces, or their dependents  
 1803 residing with them, shall be granted an automatic extension for  
 1804 the expiration of their Class E licenses without reexamination  
 1805 while serving on active duty outside this state. This extension  
 1806 is valid for 90 days after the member of the Armed Forces is  
 1807 either discharged or returns to this state to live.

1808 Section 42. Paragraph (a) of subsection (1) of section  
 1809 322.14, Florida Statutes, is amended to read:

1810 322.14 Licenses issued to drivers.—

1811 (1)(a) The department shall, upon successful completion of  
 1812 all required examinations and payment of the required fee, issue  
 1813 to every qualified applicant ~~qualifying therefor,~~ a driver  
 1814 ~~driver's~~ license that must as applied for, which license shall  
 1815 bear ~~thereon~~ a color photograph or digital image of the  
 1816 licensee; the name of the state; a distinguishing number  
 1817 assigned to the licensee; and the licensee's full name, date of  
 1818 birth, and residence address; a brief description of the  
 1819 licensee, including, but not limited to, the licensee's gender  
 1820 and height; and the dates of issuance and expiration of the



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1821 license. A space shall be provided upon which the licensee shall  
 1822 affix his or her usual signature. A No license is invalid shall  
 1823 ~~be valid~~ until it has been ~~se~~ signed by the licensee except that  
 1824 the signature of the said licensee is not ~~shall not be~~ required  
 1825 if it appears thereon in facsimile or if the licensee is not  
 1826 present within the state at the time of issuance. ~~Applicants~~  
 1827 ~~qualifying to receive a Class A, Class B, or Class C driver's~~  
 1828 ~~license must appear in person within the state for issuance of a~~  
 1829 ~~color photographic or digital imaged driver's license pursuant~~  
 1830 ~~to s. 322.142.~~

1831 Section 43. Section 322.1415, Florida Statutes, is created  
 1832 to read:

1833 322.1415 Specialty driver license and identification card  
 1834 program.-

1835 (1) The department may issue to any applicant qualified  
 1836 pursuant to s. 322.14 a specialty driver license or  
 1837 identification card upon payment of the appropriate fee pursuant  
 1838 to s. 322.21.

1839 (2) Any specialty driver license or identification card  
 1840 approved by the department shall, at a minimum, be available for  
 1841 state and independent universities domiciled in this state, all  
 1842 Florida professional sports teams designated pursuant to s.  
 1843 320.08058(9)(a), and all branches of the United States Armed  
 1844 Forces.

1845 (3) The design and use of each specialty driver license  
 1846 and identification card must be approved by the department and  
 1847 the organization that is recognized by the driver license or  
 1848 card.

1849 (4) Organizations receiving funds from this program shall  
 1850 attest, under penalties of perjury, pursuant to s. 320.08062  
 1851 that the funds have been expended in the same manner as provided  
 1852 in s. 320.08058. On December 1 of each year, the department  
 1853 shall deliver an annual report to the President of the Senate  
 1854 and the Speaker of the House of Representatives which addresses  
 1855 the viability of the program and details the amounts distributed  
 1856 to each entity.

1857 (5) This section is repealed August 31, 2016.

1858 Section 44. Section 322.145, Florida Statutes, is created  
 1859 to read:

1860 322.145 Electronic authentication of licenses.-

1861 (1) Any driver license issued on or after July 1, 2013,  
 1862 must contain a means of electronic authentication which conforms  
 1863 to a recognized standard for such authentication, such as public  
 1864 key infrastructure, symmetric key algorithms, security tokens,  
 1865 mediametrics, or biometrics. Electronic authentication  
 1866 capabilities must not interfere with or change the driver  
 1867 license format or topology.

1868 (2) The department shall provide, at the applicant's  
 1869 option and at the time a license is issued, a security token  
 1870 that can be electronically authenticated through a personal  
 1871 computer. The token must also conform to one of the standards  
 1872 provided in subsection (1).

1873 (3) The department shall negotiate a new contract with the  
 1874 vendor selected to implement the electronic authentication  
 1875 feature which provides that the vendor pay all costs of  
 1876 implementing the system. This contract must not conflict with

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1877 current contractual arrangements for the issuance of driver  
 1878 licenses.

1879 Section 45. Paragraph (c) is added to subsection (1) of  
 1880 section 322.18, Florida Statutes, to read:

1881 322.18 Original applications, licenses, and renewals;  
 1882 expiration of licenses; delinquent licenses.—

1883 (1)

1884 (c) A person who has been issued a driver license based on  
 1885 documentation specified in s. 322.08(2)(c)8. as proof of  
 1886 identity is not eligible to renew the driver license and must  
 1887 obtain an original license.

1888 Section 46. Subsection (2) of section 322.19, Florida  
 1889 Statutes, is amended to read:

1890 322.19 Change of address or name.—

1891 (2) Whenever any person, after applying for or receiving a  
 1892 driver ~~driver's~~ license, changes the legal residence or mailing  
 1893 address in the application or license, the person must, within  
 1894 10 calendar days after making the change, obtain a replacement  
 1895 license that reflects the change. A written request to the  
 1896 department must include the old and new addresses and the driver  
 1897 ~~driver's~~ license number. Any person who has a valid, current  
 1898 student identification card issued by an educational institution  
 1899 in this state is presumed not to have changed his or her legal  
 1900 residence or mailing address. This subsection does not affect  
 1901 any person required to register a permanent or temporary address  
 1902 change pursuant to s. 775.13, s. 775.21, s. 775.25, or s.  
 1903 943.0435.

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1904 Section 47. Present paragraphs (e) through (h) of  
 1905 subsection (1) of section 322.21, Florida Statutes, are  
 1906 redesignated as paragraphs (f) through (i), respectively, and  
 1907 new paragraphs (e) and (j) are added to that subsection, to  
 1908 read:

1909 322.21 License fees; procedure for handling and collecting  
 1910 fees.—

1911 (1) Except as otherwise provided herein, the fee for:

1912 (e) An original or renewal enhanced driver license or  
 1913 identification card that meets the requirements of the Western  
 1914 Hemisphere Travel Initiative, in addition to the fees required  
 1915 in paragraph (a), paragraph (b), paragraph (c), or paragraph  
 1916 (f), may not exceed \$30. The funds collected pursuant to this  
 1917 paragraph shall be deposited into the Highway Safety Operating  
 1918 Trust Fund to offset the cost of administration and materials  
 1919 related to the issuance of the enhanced driver license or  
 1920 identification card. The issuance of an enhanced driver license  
 1921 or identification card is optional for all residents who are  
 1922 otherwise qualified to be issued a Class A, B, C, or E driver  
 1923 license or an identification card.

1924 (j) The specialty driver license or identification card  
 1925 issued pursuant to s. 322.1415 is \$25, which is in addition to  
 1926 other fees required in this section. The fee shall be  
 1927 distributed as follows:

1928 1. Fifty percent shall be distributed as provided in s.  
 1929 320.08058 to the appropriate state or independent university,  
 1930 professional sports team, or branch of the United States Armed  
 1931 Forces.

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1932           2. Fifty percent shall be distributed to the department  
 1933 for costs directly related to the specialty driver license and  
 1934 identification card program and to defray the costs associated  
 1935 with production enhancements and distribution.

1936           Section 48. Subsection (2) of section 322.251, Florida  
 1937 Statutes, is amended to read:

1938           322.251 Notice of cancellation, suspension, revocation, or  
 1939 disqualification of license.—

1940           (2) The giving of notice and an order of cancellation,  
 1941 suspension, revocation, or disqualification by mail is complete  
 1942 upon expiration of 20 days after deposit in the United States  
 1943 mail for all notices except those issued under chapter 324 or  
 1944 ss. 627.732–627.734, which are complete 15 days after deposit in  
 1945 the United States mail. Proof of the giving of notice and an  
 1946 order of cancellation, suspension, revocation, or  
 1947 disqualification in either ~~such~~ manner shall be made by entry in  
 1948 the records of the department that such notice was given. The  
 1949 ~~Such~~ entry is ~~shall be~~ admissible in the courts of this state  
 1950 and constitutes ~~shall constitute~~ sufficient proof that such  
 1951 notice was given.

1952           Section 49. Section 322.27, Florida Statutes, is amended  
 1953 to read:

1954           322.27 Authority of department to suspend or revoke driver  
 1955 license or identification card.—

1956           (1) Notwithstanding any provisions to the contrary in  
 1957 chapter 120, the department may ~~is hereby authorized to~~ suspend  
 1958 the license of any person without preliminary hearing upon a  
 1959 showing of its records or other sufficient evidence that the

1960 licensee:

1961 (a) Has committed an offense for which mandatory  
 1962 revocation of license is required upon conviction. A law  
 1963 enforcement agency must provide information to the department  
 1964 within 24 hours after any traffic fatality or when the law  
 1965 enforcement agency initiates action pursuant to s. 316.1933;

1966 (b) Has been convicted of a violation of any traffic law  
 1967 which resulted in a crash that caused the death or personal  
 1968 injury of another or property damage in excess of \$500;

1969 (c) Is incompetent to drive a motor vehicle;

1970 (d) Has permitted an unlawful or fraudulent use of the  
 1971 ~~such~~ license or identification card or has knowingly been a  
 1972 party to the obtaining of a license or identification card by  
 1973 fraud or misrepresentation or to the display, or representation  
 1974 ~~represent~~ as one's own, of a driver any driver's license or  
 1975 identification card not issued to him or her. ~~Provided, however,~~  
 1976 ~~no provision of~~ This section does not ~~shall be construed to~~  
 1977 include the provisions of s. 322.32(1);

1978 (e) Has committed an offense in another state which, if  
 1979 committed in this state, would be grounds for suspension or  
 1980 revocation; or

1981 (f) Has committed a second or subsequent violation of s.  
 1982 316.172(1) within a 5-year period of any previous violation.

1983 (2) The department shall suspend the license of any person  
 1984 without preliminary hearing upon a showing of its records that  
 1985 the licensee has been convicted in any court having jurisdiction  
 1986 over offenses committed under this chapter or any other law of  
 1987 this state regulating the operation of a motor vehicle on the

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1988 highways, upon direction of the court, when the court feels that  
 1989 the seriousness of the offense and the circumstances surrounding  
 1990 the conviction warrant the suspension of the licensee's driving  
 1991 privilege.

1992 (3) There is established a point system for evaluation of  
 1993 convictions of violations of motor vehicle laws or ordinances,  
 1994 and violations of applicable provisions of s. 403.413(6)(b) when  
 1995 such violations involve the use of motor vehicles, for the  
 1996 determination of the continuing qualification of any person to  
 1997 operate a motor vehicle. The department is authorized to suspend  
 1998 the license of any person upon showing of its records or other  
 1999 good and sufficient evidence that the licensee has been  
 2000 convicted of violation of motor vehicle laws or ordinances, or  
 2001 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
 2002 more points as determined by the point system. The suspension  
 2003 shall be for a period of not more than 1 year.

2004 (a) When a licensee accumulates 12 points within a 12-  
 2005 month period, the period of suspension shall be for not more  
 2006 than 30 days.

2007 (b) When a licensee accumulates 18 points, including  
 2008 points upon which suspension action is taken under paragraph  
 2009 (a), within an 18-month period, the suspension shall be for a  
 2010 period of not more than 3 months.

2011 (c) When a licensee accumulates 24 points, including  
 2012 points upon which suspension action is taken under paragraphs  
 2013 (a) and (b), within a 36-month period, the suspension shall be  
 2014 for a period of not more than 1 year.

2015 (d) The point system shall have as its basic element a

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2016 graduated scale of points assigning relative values to  
 2017 convictions of the following violations:  
 2018 1. Reckless driving, willful and wanton—4 points.  
 2019 2. Leaving the scene of a crash resulting in property  
 2020 damage of more than \$50—6 points.  
 2021 3. Unlawful speed resulting in a crash—6 points.  
 2022 4. Passing a stopped school bus—4 points.  
 2023 5. Unlawful speed:  
 2024 a. Not in excess of 15 miles per hour of lawful or posted  
 2025 speed—3 points.  
 2026 b. In excess of 15 miles per hour of lawful or posted  
 2027 speed—4 points.  
 2028 6. A violation of a traffic control signal device as  
 2029 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.  
 2030 However, no points shall be imposed for a violation of s.  
 2031 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
 2032 stop at a traffic signal and when enforced by a traffic  
 2033 infraction enforcement officer. In addition, a violation of s.  
 2034 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
 2035 stop at a traffic signal and when enforced by a traffic  
 2036 infraction enforcement officer may not be used for purposes of  
 2037 setting motor vehicle insurance rates.  
 2038 7. All other moving violations (including parking on a  
 2039 highway outside the limits of a municipality)—3 points. However,  
 2040 no points shall be imposed for a violation of s. 316.0741 or s.  
 2041 316.2065(12); and points shall be imposed for a violation of s.  
 2042 316.1001 only when imposed by the court after a hearing pursuant  
 2043 to s. 318.14(5).



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2044 8. Any moving violation covered above, excluding unlawful  
2045 speed, resulting in a crash—4 points.

2046 9. Any conviction under s. 403.413(6)(b)—3 points.

2047 10. Any conviction under s. 316.0775(2)—4 points.

2048 (e) A conviction in another state of a violation therein  
2049 which, if committed in this state, would be a violation of the  
2050 traffic laws of this state, or a conviction of an offense under  
2051 any federal law substantially conforming to the traffic laws of  
2052 this state, except a violation of s. 322.26, may be recorded  
2053 against a driver on the basis of the same number of points  
2054 received had the conviction been made in a court of this state.

2055 (f) In computing the total number of points, when the  
2056 licensee reaches the danger zone, the department is authorized  
2057 to send the licensee a warning letter advising that any further  
2058 convictions may result in suspension of his or her driving  
2059 privilege.

2060 (g) The department shall administer and enforce the  
2061 provisions of this law and may make rules and regulations  
2062 necessary for its administration.

2063 (h) Three points shall be deducted from the driver history  
2064 record of any person whose driving privilege has been suspended  
2065 only once pursuant to this subsection and has been reinstated,  
2066 if such person has complied with all other requirements of this  
2067 chapter.

2068 (i) This subsection does ~~shall~~ not apply to persons  
2069 operating a nonmotorized vehicle for which a driver ~~driver's~~  
2070 license is not required.

2071 (4) The department, in computing the points and period of

2072 | time for suspensions under this section, shall use the offense  
 2073 | date of all convictions.

2074 |         (5) The department shall revoke the license of any person  
 2075 | designated a habitual offender, as set forth in s. 322.264, and  
 2076 | such person is ~~shall~~ not ~~be~~ eligible to be relicensed for a  
 2077 | minimum of 5 years from the date of revocation, except as  
 2078 | provided for in s. 322.271. Any person whose license is revoked  
 2079 | may, by petition to the department, show cause why his or her  
 2080 | license should not be revoked.

2081 |         (6) The department shall revoke the driving privilege of  
 2082 | any person who is convicted of a felony for the possession of a  
 2083 | controlled substance if, at the time of such possession, the  
 2084 | person was driving or in actual physical control of a motor  
 2085 | vehicle. A person whose driving privilege has been revoked  
 2086 | pursuant to this subsection is ~~shall~~ not ~~be~~ eligible to receive  
 2087 | a limited business or employment purpose license during the term  
 2088 | of such revocation.

2089 |         (7) Review of an order of suspension or revocation shall  
 2090 | be by writ of certiorari as provided in s. 322.31.

2091 |         Section 50. Subsection (2) of section 322.53, Florida  
 2092 | Statutes, is amended to read:

2093 |         322.53 License required; exemptions.—

2094 |         (2) The following persons are exempt from the requirement  
 2095 | to obtain a commercial driver ~~driver's~~ license:

2096 |             (a) Drivers of authorized emergency vehicles.

2097 |             (b) Military personnel driving vehicles operated for  
 2098 | military purposes.

2099 |             (c) Farmers transporting agricultural products, farm

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2100 supplies, or farm machinery to or from their farms and within  
 2101 150 miles of their farms ~~farm~~, if the vehicle operated under  
 2102 this exemption is not used in the operations of a common or  
 2103 contract motor carrier ~~or transporting agricultural products to~~  
 2104 ~~or from the first place of storage or processing or directly to~~  
 2105 ~~or from market, within 150 miles of their farm.~~

2106 (d) Drivers of recreational vehicles, as defined in s.  
 2107 320.01.

2108 (e) Drivers who operate straight trucks, as defined in s.  
 2109 316.003, and who ~~that~~ are exclusively transporting exclusively  
 2110 their own tangible personal property, which is not for sale.

2111 (f) Employees ~~An employee~~ of a publicly owned transit  
 2112 system who are ~~is~~ limited to moving vehicles for maintenance or  
 2113 parking purposes exclusively within the restricted-access  
 2114 confines of a transit system's property.

2115 Section 51. Subsection (5) is added to section 322.54,  
 2116 Florida Statutes, to read:

2117 322.54 Classification.—

2118 (5) The required driver license classification of any  
 2119 person operating a commercial motor vehicle that does not have a  
 2120 gross vehicle weight rating plate or a vehicle identification  
 2121 number shall be determined by the actual weight of the vehicle.

2122 Section 52. Section 322.58, Florida Statutes, is repealed.

2123 Section 53. Section 322.59, Florida Statutes, is amended  
 2124 to read:

2125 322.59 Possession of medical examiner's certificate.—

2126 (1) The department may ~~shall~~ not issue a commercial driver  
 2127 ~~driver's~~ license to a ~~any~~ person who is required by the laws of

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2128 | this state or by federal law to possess a medical examiner's  
 2129 | certificate, unless the ~~such~~ person presents a valid  
 2130 | certificate, as described in 49 C.F.R. s. 383.71, before ~~prior~~  
 2131 | ~~to~~ licensure.

2132 |       (2) The department shall disqualify a driver from  
 2133 | operating a commercial motor vehicle if the driver holds a  
 2134 | commercial driver license and fails to comply with the medical  
 2135 | certification requirements in 49 C.F.R. s. 383.71 ~~This section~~  
 2136 | ~~does not expand the requirements as to who must possess a~~  
 2137 | ~~medical examiner's certificate.~~

2138 |       (3) A person who is disqualified from operating a  
 2139 | commercial motor vehicle under this section may, if otherwise  
 2140 | qualified, be issued a Class E driver license pursuant to s.  
 2141 | 322.251.

2142 |       Section 54. Subsections (3) and (5) of section 322.61,  
 2143 | Florida Statutes, are amended to read:

2144 |       322.61 Disqualification from operating a commercial motor  
 2145 | vehicle.—

2146 |       (3) (a) Except as provided in subsection (4), any person  
 2147 | who is convicted of one of the offenses listed in paragraph (b)  
 2148 | while operating a commercial motor vehicle shall, in addition to  
 2149 | any other applicable penalties, be disqualified from operating a  
 2150 | commercial motor vehicle for a period of 1 year.†

2151 |       (b) Except as provided in subsection (4), any holder of a  
 2152 | commercial driver ~~driver's~~ license who is convicted of one of  
 2153 | the offenses listed in this paragraph while operating a  
 2154 | noncommercial motor vehicle shall, in addition to any other  
 2155 | applicable penalties, be disqualified from operating a

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2156 commercial motor vehicle for a period of 1 year:

2157 1. Driving a motor vehicle while he or she is under the

2158 influence of alcohol or a controlled substance;

2159 2. Driving a commercial motor vehicle while the alcohol

2160 concentration of his or her blood, breath, or urine is .04

2161 percent or higher;

2162 3. Leaving the scene of a crash involving a motor vehicle

2163 driven by such person;

2164 4. Using a motor vehicle in the commission of a felony;

2165 5. Driving a commercial motor vehicle while in possession

2166 of a controlled substance;

2167 6. Refusing to submit to a test to determine his or her

2168 alcohol concentration while driving a motor vehicle;

2169 7. Driving a commercial vehicle while the licenseholder's

2170 commercial driver ~~driver's~~ license is suspended, revoked, or

2171 canceled or while the licenseholder is disqualified from driving

2172 a commercial vehicle; or

2173 8. Causing a fatality through the negligent operation of a

2174 commercial motor vehicle.

2175 (5) A ~~Any~~ person who is convicted of two violations

2176 specified in subsection (3) which were committed while operating

2177 a commercial motor vehicle, or any combination thereof, arising

2178 in separate incidents shall be permanently disqualified from

2179 operating a commercial motor vehicle. A ~~Any~~ holder of a

2180 commercial driver ~~driver's~~ license who is convicted of two

2181 violations specified in subsection (3) which were committed

2182 while operating any ~~a noncommercial~~ motor vehicle, ~~or any~~

2183 ~~combination thereof~~, arising in separate incidents shall be

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2184 permanently disqualified from operating a commercial motor  
 2185 vehicle. The penalty provided in this subsection is in addition  
 2186 to any other applicable penalty.

2187 Section 55. Subsection (1) of section 324.072, Florida  
 2188 Statutes, is amended to read:

2189 324.072 Proof required upon certain convictions.—

2190 (1) Upon the suspension or revocation of a license  
 2191 pursuant to ~~the provisions of~~ s. 322.26 or s. 322.27, the  
 2192 department shall suspend the registration for all motor vehicles  
 2193 registered in the name of the licensee such person, either  
 2194 individually or jointly with another. However, the department  
 2195 may, except that it shall not suspend the such registration,  
 2196 unless otherwise required by law, if the such person had  
 2197 insurance coverage limits required under s. 324.031 on the date  
 2198 of the latest offense that caused the suspension or revocation,  
 2199 or has previously given or shall immediately give, and  
 2200 thereafter maintain, proof of financial responsibility with  
 2201 respect to all motor vehicles registered by the such person, in  
 2202 accordance with this chapter.

2203 Section 56. Subsection (1) of section 324.091, Florida  
 2204 Statutes, is amended to read:

2205 324.091 Notice to department; notice to insurer.—

2206 (1) Each owner and operator involved in a crash or  
 2207 conviction case within the purview of this chapter shall furnish  
 2208 evidence of automobile liability insurance, motor vehicle  
 2209 liability insurance, or a surety bond within 14 30 days after  
 2210 ~~from~~ the date of the mailing of notice of crash by the  
 2211 department in the such form and manner as it may designate. Upon

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2212 receipt of evidence that an automobile liability policy, motor  
 2213 vehicle liability policy, or surety bond was in effect at the  
 2214 time of the crash or conviction case, the department shall  
 2215 forward by United States mail, postage prepaid, to the insurer  
 2216 or surety insurer a copy of such information and shall assume  
 2217 that the ~~such~~ policy or bond was in effect, unless the insurer  
 2218 or surety insurer notifies ~~shall notify~~ the department otherwise  
 2219 within 20 days after ~~from~~ the mailing of the notice to the  
 2220 insurer or surety insurer. ~~However, provided that~~ if the  
 2221 department ~~shall~~ later determines ~~ascertain~~ that an automobile  
 2222 liability policy, motor vehicle liability policy, or surety bond  
 2223 was not in effect and did not provide coverage for both the  
 2224 owner and the operator, it shall ~~at such time~~ take ~~such~~ action  
 2225 as it is otherwise authorized to do under this chapter. Proof of  
 2226 mailing to the insurer or surety insurer may be made by the  
 2227 department by naming the insurer or surety insurer to whom the  
 2228 ~~such~~ mailing was made and by specifying the time, place, and  
 2229 manner of mailing.

2230 Section 57. Subsection (5) of section 328.15, Florida  
 2231 Statutes, is amended to read:

2232 328.15 Notice of lien on vessel; recording.—

2233 (5) (a) The Department of Highway Safety and Motor Vehicles  
 2234 shall adopt ~~make such~~ rules to administer ~~and regulations as it~~  
 2235 ~~deems necessary or proper for the effective administration of~~  
 2236 this section law. The department may by rule require that a  
 2237 notice of satisfaction of a lien be notarized. The department  
 2238 shall prepare the forms of the notice of lien and the  
 2239 satisfaction of lien to be supplied, at a charge not to exceed

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2240 50 percent more than cost, to applicants for recording the liens  
 2241 or satisfactions and shall keep a record of such notices of lien  
 2242 and satisfactions available for inspection by the public at all  
 2243 reasonable times. The division may ~~is authorized to~~ furnish  
 2244 certified copies of such satisfactions for a fee of \$1, which  
 2245 are ~~certified copies shall be~~ admissible in evidence in all  
 2246 courts of this state under the same conditions and to the same  
 2247 effect as certified copies of other public records.

2248 (b) The department shall establish and administer an  
 2249 electronic titling program that requires the recording of  
 2250 vehicle title information for new, transferred, and corrected  
 2251 certificates of title. Lienholders shall electronically transmit  
 2252 liens and lien satisfactions to the department in a format  
 2253 determined by the department. Individuals and lienholders who  
 2254 the department determines are not normally engaged in the  
 2255 business or practice of financing vehicles are not required to  
 2256 participate in the electronic titling program.

2257 Section 58. Subsection (4) of section 328.16, Florida  
 2258 Statutes, is amended to read:

2259 328.16 Issuance in duplicate; delivery; liens and  
 2260 encumbrances.—

2261 (4) Notwithstanding any requirements in this section or in  
 2262 s. 328.15 indicating that a lien on a vessel shall be noted on  
 2263 the face of the Florida certificate of title, if there are one  
 2264 or more liens or encumbrances on a vessel, the department shall  
 2265 ~~may~~ electronically transmit the lien to the first lienholder and  
 2266 notify the first lienholder of any additional liens. Subsequent  
 2267 lien satisfactions shall ~~may~~ be electronically transmitted to



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2268 the department and must ~~shall~~ include the name and address of  
 2269 the person or entity satisfying the lien. When electronic  
 2270 transmission of liens and lien satisfactions are used, the  
 2271 issuance of a certificate of title may be waived until the last  
 2272 lien is satisfied and a clear certificate of title is issued to  
 2273 the owner of the vessel.

2274 Section 59. Section 328.30, Florida Statutes, is amended  
 2275 to read:

2276 328.30 Transactions by electronic or telephonic means.—

2277 (1) The department may ~~is authorized to~~ accept any  
 2278 application provided for under this chapter by electronic or  
 2279 telephonic means.

2280 (2) The department may issue an electronic certificate of  
 2281 title in lieu of printing a paper title.

2282 (3) The department may collect electronic mail addresses  
 2283 and use electronic mail in lieu of the United States Postal  
 2284 Service for the purpose of providing renewal notices.

2285 Section 60. Present subsection (17) of section 328.72,  
 2286 Florida Statutes, is renumbered as subsection (18), and a new  
 2287 subsection (17) is added to that section to read:

2288 328.72 Classification; registration; fees and charges;  
 2289 surcharge; disposition of fees; fines; marine turtle stickers.—

2290 (17) Notwithstanding subsection (11), the department and  
 2291 the tax collectors acting as agents for the department shall  
 2292 provide a complete list of voluntary contributions authorized by  
 2293 law to customers applying for registration or renewal  
 2294 registration. The renewal application forms must include either  
 2295 a complete list of all authorized voluntary contributions or the

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2296 department's website address which provides a complete list and  
 2297 information on all authorized voluntary contributions. The  
 2298 department or a tax collector may include on the renewal forms a  
 2299 complete list of authorized voluntary contributions and the  
 2300 department's website address. Customers renewing a registration  
 2301 at either a tax collector's office or a department office shall  
 2302 be provided information on voluntary contribution options.

2303 Section 61. Paragraph (f) of subsection (13) of section  
 2304 713.78, Florida Statutes, is amended to read:

2305 713.78 Liens for recovering, towing, or storing vehicles  
 2306 and vessels.-

2307 (13)

2308 (f) This subsection applies only to the annual renewal in  
 2309 the registered owner's birth month of a motor vehicle  
 2310 registration and does not apply to the transfer of a  
 2311 registration of a motor vehicle sold by a motor vehicle dealer  
 2312 licensed under chapter 320, except for the transfer of  
 2313 registrations which includes ~~is inclusive of~~ the annual  
 2314 renewals. This subsection does not apply to any vehicle  
 2315 registered in the name of the lessor. This subsection does not  
 2316 affect the issuance of the title to a motor vehicle,  
 2317 notwithstanding s. 319.23(8)(b) ~~s. 319.23(7)(b)~~.

2318 Section 62. This act shall take effect July 1, 2012.

Amendment No.

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED \_\_\_\_\_ (Y/N)  
ADOPTED AS AMENDED \_\_\_\_\_ (Y/N)  
ADOPTED W/O OBJECTION \_\_\_\_\_ (Y/N)  
FAILED TO ADOPT \_\_\_\_\_ (Y/N)  
WITHDRAWN \_\_\_\_\_ (Y/N)  
OTHER

1 Committee/Subcommittee hearing bill: Transportation & Highway  
2 Safety Subcommittee  
3 Representative Albritton offered the following:

4  
5 **Amendment (with title amendment)**

6 Remove everything after the enacting clause and insert:

7  
8 Section 1. Subsection (3) of section 20.24, Florida  
9 Statutes, is amended to read:

10 20.24 Department of Highway Safety and Motor Vehicles.—  
11 There is created a Department of Highway Safety and Motor  
12 Vehicles.

13 (3) The Office of Commercial Vehicle Enforcement ~~Motor~~  
14 ~~Carrier Compliance~~ is established within the Division of the  
15 Florida Highway Patrol.

16 Section 2. Subsection (21) of section 316.003, Florida  
17 Statutes, is amended, and subsection (89) is added to that  
18 section, to read:

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19 316.003 Definitions.—The following words and phrases, when  
20 used in this chapter, shall have the meanings respectively  
21 ascribed to them in this section, except where the context  
22 otherwise requires:

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

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

32 Section 3. Section 316.1303, Florida Statutes, is amended  
33 to read:

34 316.1303 Traffic regulations to assist mobility-impaired  
35 persons.—

36 (1) Whenever a pedestrian who is mobility impaired is in  
37 the process of crossing a public street or highway with the  
38 assistance of ~~and the pedestrian is mobility impaired~~ (using a  
39 guide dog or service animal designated as such with a visible  
40 means of identification, a walker, a crutch, an orthopedic cane,  
41 or a wheelchair), the driver of a ~~every~~ vehicle approaching the  
42 intersection, as defined in s. 316.003(17), shall bring his or  
43 her vehicle to a full stop before arriving at ~~the such~~  
44 intersection and, before proceeding, shall take ~~such~~ precautions  
45 as ~~may be~~ necessary to avoid injuring ~~the such~~ pedestrian.

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

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

53       Section 4. Subsection (3) of section 316.183, Florida  
54 Statutes, is amended to read:

55       316.183 Unlawful speed.—

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

58       Section 5. Paragraph (d) of subsection (3) and subsections  
59 (5) and (8) of section 316.2065, Florida Statutes, are amended  
60 to read:

61       316.2065 Bicycle regulations.—

62       (3)

63       (d) A bicycle rider or passenger who is under 16 years of  
64 age must wear a bicycle helmet that is properly fitted and is  
65 fastened securely upon the passenger's head by a strap, and that  
66 meets the federal safety standard for bicycle helmets, final  
67 rule, 16 C.F.R. part 1203. A helmet purchased before October 1,  
68 2012, which meets the standards of the American National  
69 Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the  
70 standards of the Snell Memorial Foundation (1984 Standard for  
71 Protective Headgear for Use in Bicycling), or any other  
72 nationally recognized standards for bicycle helmets adopted by  
73 the department may continue to be worn by a bicycle rider or

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74 | passenger until January 1, 2016. As used in this subsection, the  
75 | term "passenger" includes a child who is riding in a trailer or  
76 | semitrailer attached to a bicycle.

77 | (5) (a) Any person operating a bicycle upon a roadway at  
78 | less than the normal speed of traffic at the time and place and  
79 | under the conditions then existing shall ride in the lane marked  
80 | for bicycle use or, if no lane is marked for bicycle use, as  
81 | close as practicable to the right-hand curb or edge of the  
82 | roadway except under any of the following situations:

83 | 1. When overtaking and passing another bicycle or vehicle  
84 | proceeding in the same direction.

85 | 2. When preparing for a left turn at an intersection or  
86 | into a private road or driveway.

87 | 3. When reasonably necessary to avoid any condition or  
88 | potential conflict, including, but not limited to, a fixed or  
89 | moving object, parked or moving vehicle, bicycle, pedestrian,  
90 | animal, surface hazard, turn lane, or substandard-width lane,  
91 | which ~~that~~ makes it unsafe to continue along the right-hand curb  
92 | or edge or within a bicycle lane. For the purposes of this  
93 | subsection, a "substandard-width lane" is a lane that is too  
94 | narrow for a bicycle and another vehicle to travel safely side  
95 | by side within the lane.

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

99 | (8) Every bicycle in use between sunset and sunrise shall  
100 | be equipped with a lamp on the front exhibiting a white light  
101 | visible from a distance of at least 500 feet to the front and a

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102 lamp and reflector on the rear each exhibiting a red light  
103 visible from a distance of 600 feet to the rear. A bicycle or  
104 its rider may be equipped with lights or reflectors in addition  
105 to those required by this section. A law enforcement officer may  
106 issue a bicycle safety brochure and a verbal warning to a  
107 bicycle rider who violates this subsection or may issue a  
108 citation and assess a fine for a pedestrian violation, as  
109 provided in s. 318.18. The court shall dismiss the charge  
110 against a bicycle rider for a first violation of this subsection  
111 upon proof of purchase and installation of the proper lighting  
112 equipment.

113 Section 6. Subsection (3) of section 316.2085, Florida  
114 Statutes, is amended to read:

115 316.2085 Riding on motorcycles or mopeds.—

116 (3) The license tag of a motorcycle or moped must be  
117 permanently affixed to the vehicle and remain clearly visible  
118 from the rear at all times ~~may not be adjusted or capable of~~  
119 ~~being flipped up. Any deliberate act to conceal or obscure~~ No  
120 ~~device for or method of concealing or obscuring~~ the legibility  
121 of the license tag of a motorcycle or moped is prohibited ~~shall~~  
122 ~~be installed or used.~~ The license tag of a motorcycle or moped  
123 may be affixed horizontally to the ground so that the numbers  
124 and letters read from left to right. Alternatively, a Florida  
125 license tag for a motorcycle or moped for which the numbers and  
126 letters read from top to bottom may be affixed perpendicularly  
127 to the ground, provided that the registered owner of the  
128 motorcycle or moped maintains a prepaid toll account in good  
129 standing and a transponder associated with the prepaid toll

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130 account is affixed to the motorcycle or moped. A license tag for  
131 a motorcycle or moped issued by another jurisdiction for which  
132 the numbers and letters read from top to bottom may be affixed  
133 perpendicularly to the ground.

134 Section 7. Subsection (1) of section 316.2126, Florida  
135 Statutes, is amended to read:

136 316.2126 Authorized use of golf carts, low-speed vehicles,  
137 and utility vehicles.—

138 (1) In addition to the powers granted by ss. 316.212 and  
139 316.2125, municipalities are authorized to utilize golf carts  
140 and utility vehicles, as defined in s. 320.01, upon any state,  
141 county, or municipal roads located within the corporate limits  
142 of such municipalities, subject to the following conditions:

143 (a) Golf carts and utility vehicles must comply with the  
144 operational and safety requirements in ss. 316.212 and 316.2125,  
145 and with any more restrictive ordinances enacted by the local  
146 governmental entity pursuant to s. 316.212(8), and shall be  
147 operated only by municipal employees for municipal purposes,  
148 including, but not limited to, police patrol, traffic  
149 enforcement, and inspection of public facilities.

150 (b) In addition to the safety equipment required in s.  
151 316.212(6) and any more restrictive safety equipment required by  
152 the local governmental entity pursuant to s. 316.212(8), such  
153 golf carts and utility vehicles must be equipped with sufficient  
154 lighting and turn signal equipment.

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



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

162 (e) Golf carts and utility vehicles may operate on  
163 sidewalks adjacent to state highways only if such golf carts and  
164 utility vehicles yield to pedestrians and if the sidewalks are  
165 at least 5 feet wide.

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

168 316.2397 Certain lights prohibited; exceptions.-

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

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

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

176 (c) For the lamps authorized under in subsections (1),  
177 (2), (3), (4), and (9), s. 316.2065, or ~~and~~ s. 316.235(5) which  
178 may ~~are permitted to~~ flash.

179 Section 9. Section 316.2129, Florida Statutes, is created  
180 to read:

181 316.2129 Operation of swamp buggies on public roads,  
182 streets, or highways prohibited; exceptions.-

183 (1) The operation of a swamp buggy on a public road,  
184 street, or highway is prohibited unless a local governmental  
185 entity has designated the public road, street, or highway for

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186 use by swamp buggies based on factors including, but not limited  
187 to, the speed, volume, and character of the motor vehicle  
188 traffic currently using the public road, street, or highway.  
189 Upon determining that swamp buggies may be safely operated on a  
190 public road, street, or highway, the local governmental entity  
191 shall post signs indicating that such operation is allowed.

192 (2) The operation of a swamp buggy on land managed, owned,  
193 or leased by a state or federal agency is prohibited unless the  
194 state or federal agency authorizes the operation of swamp  
195 buggies on such land, including any public road, street, or  
196 highway running through or located within the state or federal  
197 land. Upon determining that swamp buggies may be safely operated  
198 on a public road, street, or highway running through or located  
199 within such land, the state or federal agency shall post  
200 appropriate signs or otherwise inform the public that the  
201 operation of swamp buggies is allowed.

202 Section 10. Paragraph (c) of subsection (2) of section  
203 316.302, Florida Statutes, is amended to read:

204 316.302 Commercial motor vehicles; safety regulations;  
205 transporters and shippers of hazardous materials; enforcement.--

206 (2)

207 (c) Except as provided in 49 C.F.R. s. 395.1, a person who  
208 operates a commercial motor vehicle solely in intrastate  
209 commerce not transporting any hazardous material in amounts that  
210 require placarding pursuant to 49 C.F.R. part 172 may not drive  
211 after having been on duty more than 70 hours in any period of 7  
212 consecutive days or more than 80 hours in any period of 8  
213 consecutive days if the motor carrier operates every day of the

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214 week. Thirty-four consecutive hours off duty shall constitute  
215 the end of any such period of 7 or 8 consecutive days. This  
216 weekly limit does not apply to a person who operates a  
217 commercial motor vehicle solely within this state while  
218 transporting, during harvest periods, any unprocessed  
219 agricultural products or unprocessed food or fiber that is  
220 subject to seasonal harvesting from place of harvest to the  
221 first place of processing or storage or from place of harvest  
222 directly to market or while transporting livestock, livestock  
223 feed, or farm supplies directly related to growing or harvesting  
224 agricultural products. Upon request of the Department of  
225 Transportation, motor carriers shall furnish time records or  
226 other written verification to that department so that the  
227 Department of Transportation can determine compliance with this  
228 subsection. These time records must be furnished to the  
229 Department of Transportation within 2 days after receipt of that  
230 department's request. Falsification of such information is  
231 subject to a civil penalty not to exceed \$100. ~~The provisions of~~  
232 This paragraph does not apply to operators of farm labor  
233 vehicles being operated during a state of emergency declared by  
234 the Governor or pursuant to s. 570.07(21) and does not apply  
235 to drivers of utility service vehicles as defined in 49 C.F.R.  
236 s. 395.2.

237 Section 11. Subsection (1) of section 316.3026, Florida  
238 Statutes, is amended to read:

239 316.3026 Unlawful operation of motor carriers.—

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

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242 carriers, as defined in s. 320.01(33), who, after proper notice,  
243 have failed to pay any penalty or fine assessed by the  
244 department, or its agent, against any owner or motor carrier for  
245 violations of state law, refused to submit to a compliance  
246 review and provide records pursuant to s. 316.302(5) or s.  
247 316.70, or violated safety regulations pursuant to s. 316.302 or  
248 insurance requirements in s. 627.7415. Such out-of-service  
249 orders have the effect of prohibiting the operations of any  
250 motor vehicles owned, leased, or otherwise operated by the motor  
251 carrier upon the roadways of this state, until the violations  
252 have been corrected or penalties have been paid. Out-of-service  
253 orders must be approved by the director of the Division of the  
254 Florida Highway Patrol or his or her designee. An administrative  
255 hearing pursuant to s. 120.569 shall be afforded to motor  
256 carriers subject to such orders.

257 Section 12. Subsection (1) of section 316.6135, Florida  
258 Statutes, is amended to read:

259 316.6135 Leaving children unattended or unsupervised in  
260 motor vehicles; penalty; authority of law enforcement officer.—

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

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

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

268 Section 13. Subsection (9) of section 316.614, Florida  
269 Statutes, is amended to read:

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270 316.614 Safety belt usage.—

271 (9) ~~By January 1, 2006, Each law enforcement agency in~~  
272 ~~this state shall adopt departmental policies to prohibit the~~  
273 ~~practice of racial profiling. When a law enforcement officer~~  
274 ~~issues a citation for a violation of this section, the law~~  
275 ~~enforcement officer must record the race and ethnicity of the~~  
276 ~~violation. All law enforcement agencies must maintain such~~  
277 ~~information and forward the information to the department in a~~  
278 ~~form and manner determined by the department. The department~~  
279 ~~shall collect this information by jurisdiction and annually~~  
280 ~~report the data to the Governor, the President of the Senate,~~  
281 ~~and the Speaker of the House of Representatives. The report must~~  
282 ~~show separate statewide totals for the state's county sheriffs~~  
283 ~~and municipal law enforcement agencies, state law enforcement~~  
284 ~~agencies, and state university law enforcement agencies.~~

285 Section 14. Subsections (9) and (10) of section 318.14,  
286 Florida Statutes, are amended to read:

287 318.14 Noncriminal traffic infractions; exception;  
288 procedures.—

289 (9) Any person who does not hold a commercial driver  
290 driver's license and who is cited while driving a noncommercial  
291 motor vehicle for an infraction under this section other than a  
292 violation of s. 316.183(2), s. 316.187, or s. 316.189 when the  
293 driver exceeds the posted limit by 30 miles per hour or more, s.  
294 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s.  
295 322.61, or s. 322.62 may, in lieu of a court appearance, elect  
296 to attend in the location of his or her choice within this state  
297 a basic driver improvement course approved by the Department of

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298 Highway Safety and Motor Vehicles. In such a case, adjudication  
299 must be withheld and points, as provided by s. 322.27, may not  
300 be assessed. However, a person may not make an election under  
301 this subsection if the person has made an election under this  
302 subsection in the preceding 12 months. A person may not make ~~no~~  
303 more than five elections within his or her lifetime under this  
304 subsection. The requirement for community service under s.  
305 318.18(8) is not waived by a plea of nolo contendere or by the  
306 withholding of adjudication of guilt by a court. If a person  
307 makes an election to attend a basic driver improvement course  
308 under this subsection, 18 percent of the civil penalty imposed  
309 under s. 318.18(3) shall be deposited in the State Courts  
310 Revenue Trust Fund; however, that portion is not revenue for  
311 purposes of s. 28.36 and may not be used in establishing the  
312 budget of the clerk of the court under that section or s. 28.35.

313 (10)(a) Any person who does not hold a commercial driver  
314 ~~driver's~~ license and who is cited while driving a noncommercial  
315 motor vehicle for an offense listed under this subsection may,  
316 in lieu of payment of fine or court appearance, elect to enter a  
317 plea of nolo contendere and provide proof of compliance to the  
318 clerk of the court, designated official, or authorized operator  
319 of a traffic violations bureau. In such case, adjudication shall  
320 be withheld; however, a person may not make an ~~no~~ election ~~shall~~  
321 ~~be made~~ under this subsection if the ~~such~~ person has made an  
322 election under this subsection in the preceding 12 months  
323 ~~preceding election hereunder~~. A ~~No~~ person may not make more than  
324 three elections under this subsection. This subsection applies  
325 to the following offenses:

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326 1. Operating a motor vehicle without a valid driver  
327 ~~driver's~~ license in violation of ~~the provisions of~~ s. 322.03, s.  
328 322.065, or s. 322.15(1), or operating a motor vehicle with a  
329 license that has been suspended for failure to appear, failure  
330 to pay civil penalty, or failure to attend a driver improvement  
331 course pursuant to s. 322.291.

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

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

335 4. Operating a motor vehicle with a license that has been  
336 suspended under s. 61.13016 or s. 322.245 for failure to pay  
337 child support or for failure to pay any other financial  
338 obligation as provided in s. 322.245; however, this subparagraph  
339 does not apply if the license has been suspended pursuant to s.  
340 322.245(1).

341 5. Operating a motor vehicle with a license that has been  
342 suspended under s. 322.091 for failure to meet school attendance  
343 requirements.

344 (b) Any person cited for an offense listed in this  
345 subsection shall present proof of compliance before ~~prior to~~ the  
346 scheduled court appearance date. For the purposes of this  
347 subsection, proof of compliance shall consist of a valid,  
348 renewed, or reinstated driver ~~driver's~~ license or registration  
349 certificate and proper proof of maintenance of security as  
350 required by s. 316.646. Notwithstanding waiver of fine, any  
351 person establishing proof of compliance shall be assessed court  
352 costs of \$25, except that a person charged with violation of s.  
353 316.646(1)-(3) may be assessed court costs of \$8. One dollar of

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354 such costs shall be remitted to the Department of Revenue for  
355 deposit into the Child Welfare Training Trust Fund of the  
356 Department of Children and Family Services. One dollar of such  
357 costs shall be distributed to the Department of Juvenile Justice  
358 for deposit into the Juvenile Justice Training Trust Fund.  
359 Fourteen dollars of such costs shall be distributed to the  
360 municipality and \$9 shall be deposited by the clerk of the court  
361 into the fine and forfeiture fund established pursuant to s.  
362 142.01, if the offense was committed within the municipality. If  
363 the offense was committed in an unincorporated area of a county  
364 or if the citation was for a violation of s. 316.646(1)-(3), the  
365 entire amount shall be deposited by the clerk of the court into  
366 the fine and forfeiture fund established pursuant to s. 142.01,  
367 except for the moneys to be deposited into the Child Welfare  
368 Training Trust Fund and the Juvenile Justice Training Trust  
369 Fund. This subsection does ~~shall not be construed to~~ authorize  
370 the operation of a vehicle without a valid driver ~~driver's~~  
371 license, without a valid vehicle tag and registration, or  
372 without the maintenance of required security.

373 Section 15. Paragraph (c) is added to subsection (1) of  
374 section 318.15, Florida Statutes, to read:

375 318.15 Failure to comply with civil penalty or to appear;  
376 penalty.-

377 (1)

378 (c) A person who is charged with a traffic infraction may  
379 request a hearing within 180 days after the date upon which the  
380 violation occurred, regardless of any action taken by the court  
381 or the department to suspend the person's driving privilege, and



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382 upon request, the clerk must set the case for hearing. The  
383 person shall be given a form for requesting that his or her  
384 driving privilege be reinstated. If the 180th day after the date  
385 upon which the violation occurred is a Saturday, Sunday, or a  
386 legal holiday, the person who is charged must request a hearing  
387 within 177 days after the date upon which the violation  
388 occurred; however, the court may grant a request for a hearing  
389 made more than 180 days after the date upon which the violation  
390 occurred. This paragraph does not affect the assessment of late  
391 fees as otherwise provided in this chapter.

392 Section 16. Paragraph (f) of subsection (3) of section  
393 318.18, Florida Statutes, is amended to read:

394 318.18 Amount of penalties.—The penalties required for a  
395 noncriminal disposition pursuant to s. 318.14 or a criminal  
396 offense listed in s. 318.17 are as follows:

397 (3)

398 (f) If a violation of s. 316.1301 or s. 316.1303(1) ~~s.~~  
399 ~~316.1303~~ results in an injury to the pedestrian or damage to the  
400 property of the pedestrian, an additional fine of up to \$250  
401 shall be paid. This amount must be distributed pursuant to s.  
402 318.21.

403 Section 17. Subsection (5) of section 318.21, Florida  
404 Statutes, is amended to read:

405 318.21 Disposition of civil penalties by county courts.—  
406 All civil penalties received by a county court pursuant to the  
407 provisions of this chapter shall be distributed and paid monthly  
408 as follows:

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409 (5) Of the additional fine assessed under s. 318.18(3)(f)  
410 for a violation of s. 316.1303(1) ~~s. 316.1303~~, 60 percent must  
411 be remitted to the Department of Revenue and transmitted monthly  
412 to the Florida Endowment Foundation for Vocational  
413 Rehabilitation, and 40 percent must be distributed pursuant to  
414 subsections (1) and (2).

415 Section 18. Section 319.14, Florida Statutes, is amended  
416 to read:

417 319.14 Sale of motor vehicles registered or used as  
418 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles  
419 and nonconforming vehicles.—

420 (1)(a) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,  
421 sell, or exchange any vehicle that has been licensed,  
422 registered, or used as a taxicab, police vehicle, or short-term-  
423 lease vehicle, or a vehicle that has been repurchased by a  
424 manufacturer pursuant to a settlement, determination, or  
425 decision under chapter 681, until the department has stamped in  
426 a conspicuous place on the certificate of title of the vehicle,  
427 or its duplicate, words stating the nature of the previous use  
428 of the vehicle or the title has been stamped "Manufacturer's Buy  
429 Back" to reflect that the vehicle is a nonconforming vehicle. If  
430 the certificate of title or duplicate was not so stamped upon  
431 initial issuance thereof or if, subsequent to initial issuance  
432 of the title, the use of the vehicle is changed to a use  
433 requiring the notation provided for in this section, the owner  
434 or lienholder of the vehicle shall surrender the certificate of  
435 title or duplicate to the department prior to offering the  
436 vehicle for sale, and the department shall stamp the certificate

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437 or duplicate as required herein. When a vehicle has been  
438 repurchased by a manufacturer pursuant to a settlement,  
439 determination, or decision under chapter 681, the title shall be  
440 stamped "Manufacturer's Buy Back" to reflect that the vehicle is  
441 a nonconforming vehicle.

442 (b) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,  
443 sell, or exchange a rebuilt vehicle until the department has  
444 stamped in a conspicuous place on the certificate of title for  
445 the vehicle words stating that the vehicle has been rebuilt or  
446 assembled from parts, or is a kit car, glider kit, replica, ~~or~~  
447 flood vehicle, custom vehicle, or street rod unless proper  
448 application for a certificate of title for a vehicle that is  
449 rebuilt or assembled from parts, or is a kit car, glider kit,  
450 replica, ~~or~~ flood vehicle, custom vehicle, or street rod has  
451 been made to the department in accordance with this chapter and  
452 the department has conducted the physical examination of the  
453 vehicle to ensure ~~assure~~ the identity of the vehicle and all  
454 major component parts, as defined in s. 319.30(1), which have  
455 been repaired or replaced. Thereafter, the department shall  
456 affix a decal to the vehicle, in the manner prescribed by the  
457 department, showing the vehicle to be rebuilt.

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

459 1.4. "Assembled from parts" means a motor vehicle or  
460 mobile home assembled from parts or combined from parts of motor  
461 vehicles or mobile homes, new or used. The term "~~Assembled from~~  
462 ~~parts~~" does not include ~~mean~~ a motor vehicle defined as a  
463 "rebuilt vehicle" in subparagraph 9. 3. ~~7~~, which has been declared  
464 a total loss pursuant to s. 319.30.

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- 465        2. "Custom vehicle" means a motor vehicle that:  
466            a. (I) Is 25 years old or older and of a model year after  
467            1948 or was manufactured to resemble a vehicle that is 25 years  
468            old or older and of a model year after 1948; and  
469            (II) Has been altered from the manufacturer's original  
470            design or has a body constructed from nonoriginal materials.  
471            b. The model year and year of manufacture which the body  
472            of a custom vehicle resembles is the model year and year of  
473            manufacture listed on the certificate of title, regardless of  
474            when the vehicle was actually manufactured.
- 475        ~~3.8-~~ "Flood vehicle" means a motor vehicle or mobile home  
476        that has been declared to be a total loss pursuant to s.  
477        319.30(3)(a) resulting from damage caused by water.
- 478        ~~4.6-~~ "Glider kit" means a vehicle assembled with a kit  
479        supplied by a manufacturer to rebuild a wrecked or outdated  
480        truck or truck tractor.
- 481        5. "Kit car" means a motor vehicle assembled with a kit  
482        supplied by a manufacturer to rebuild a wrecked or outdated  
483        motor vehicle with a new body kit.
- 484        ~~6.a.e-~~ "Lease vehicle" includes both short-term-lease  
485        vehicles and long-term-lease vehicles.
- 486            b. "Long-term-lease vehicle" means a motor vehicle leased  
487        without a driver and under a written agreement to one person for  
488        a period of 12 months or longer.
- 489            ~~c.2.a-~~ "Short-term-lease vehicle" means a motor vehicle  
490        leased without a driver and under a written agreement to one or  
491        more persons from time to time for a period of less than 12  
492        months.

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493 ~~7.9.~~ "Nonconforming vehicle" means a motor vehicle that  
494 ~~which~~ has been purchased by a manufacturer pursuant to a  
495 settlement, determination, or decision under chapter 681.

496 ~~8.1.~~ "Police vehicle" means a motor vehicle owned or  
497 leased by the state or a county or municipality and used in law  
498 enforcement.

499 ~~9.3.~~ "Rebuilt vehicle" means a motor vehicle or mobile  
500 home built from salvage or junk, as defined in s. 319.30(1).

501 ~~10.7.~~ "Replica" means a complete new motor vehicle  
502 manufactured to look like an old vehicle.

503 ~~11.10.~~ "Settlement" means an agreement entered into  
504 between a manufacturer and a consumer that occurs after a  
505 dispute is submitted to a program, or an informal dispute  
506 settlement procedure established by a manufacturer or is  
507 approved for arbitration before the New Motor Vehicle  
508 Arbitration Board as defined in s. 681.102.

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

510 a. (I) Is of a model year of 1948 or older or was  
511 manufactured after 1948 to resemble a vehicle of a model year of  
512 1948 or older; and

513 (II) Has been altered from the manufacturer's original  
514 design or has a body constructed from nonoriginal materials.

515 b. The model year and year of manufacture which the body  
516 of a street rod resembles is the model year and year of  
517 manufacture listed on the certificate of title, regardless of  
518 when the vehicle was actually manufactured.

519 (2) A No person may not shall knowingly sell, exchange, or  
520 transfer a vehicle referred to in subsection (1) without, prior

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521 to consummating the sale, exchange, or transfer, disclosing in  
522 writing to the purchaser, customer, or transferee the fact that  
523 the vehicle has previously been titled, registered, or used as a  
524 taxicab, police vehicle, or short-term-lease vehicle or is a  
525 vehicle that is rebuilt or assembled from parts, or is a kit  
526 car, glider kit, replica, or flood vehicle, or is a  
527 nonconforming vehicle, custom vehicle, or street rod, as the  
528 case may be.

529 (3) A ~~Any~~ person who, with intent to offer for sale or  
530 exchange any vehicle referred to in subsection (1), knowingly or  
531 intentionally advertises, publishes, disseminates, circulates,  
532 or places before the public in any communications medium,  
533 whether directly or indirectly, any offer to sell or exchange  
534 the vehicle shall clearly and precisely state in each such offer  
535 that the vehicle has previously been titled, registered, or used  
536 as a taxicab, police vehicle, or short-term-lease vehicle or  
537 that the vehicle or mobile home is a vehicle that is rebuilt or  
538 assembled from parts, or is a kit car, glider kit, replica, or  
539 flood vehicle, or a nonconforming vehicle, custom vehicle, or  
540 street rod, as the case may be. A ~~Any~~ person who violates this  
541 subsection commits a misdemeanor of the second degree,  
542 punishable as provided in s. 775.082 or s. 775.083.

543 (4) When a certificate of title, including a foreign  
544 certificate, is branded to reflect a condition or prior use of  
545 the titled vehicle, the brand must be noted on the registration  
546 certificate of the vehicle and such brand shall be carried  
547 forward on all subsequent certificates of title and registration  
548 certificates issued for the life of the vehicle.

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549 (5) A ~~Any~~ person who knowingly sells, exchanges, or offers  
550 to sell or exchange a motor vehicle or mobile home contrary to  
551 the provisions of this section or any officer, agent, or  
552 employee of a person who knowingly authorizes, directs, aids in,  
553 or consents to the sale, exchange, or offer to sell or exchange  
554 a motor vehicle or mobile home contrary to the provisions of  
555 this section commits a misdemeanor of the second degree,  
556 punishable as provided in s. 775.082 or s. 775.083.

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

561 (7) This section applies to a mobile home, travel trailer,  
562 camping trailer, truck camper, or fifth-wheel recreation trailer  
563 only when such mobile home or vehicle is a rebuilt vehicle or is  
564 assembled from parts.

565 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in  
566 any civil action arising out of a violation of this section if  
567 the designation of the previous use or condition of the motor  
568 vehicle is not noted on the certificate of title and  
569 registration certificate of the vehicle which was received by,  
570 or delivered to, such person, unless such person has actively  
571 concealed the prior use or condition of the vehicle from the  
572 purchaser.

573 (9) Subsections (1), (2), and (3) do not apply to the  
574 transfer of ownership of a motor vehicle after the motor vehicle  
575 has ceased to be used as a lease vehicle and the ownership has  
576 been transferred to an owner for private use or to the transfer

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577 of ownership of a nonconforming vehicle with 36,000 or more  
578 miles on its odometer, or 34 months whichever is later and the  
579 ownership has been transferred to an owner for private use. Such  
580 owner, as shown on the title certificate, may request the  
581 department to issue a corrected certificate of title that does  
582 not contain the statement of the previous use of the vehicle as  
583 a lease vehicle or condition as a nonconforming vehicle.

584 Section 19. Subsection (6) of section 319.23, Florida  
585 Statutes, is amended, present subsections (7) through (11) of  
586 that section are redesignated as subsections (8) through (12),  
587 respectively, and a new subsection (7) is added to that section,  
588 to read:

589 319.23 Application for, and issuance of, certificate of  
590 title.—

591 (6)(a) In the case of the sale of a motor vehicle or  
592 mobile home by a licensed dealer to a general purchaser, the  
593 certificate of title must be obtained in the name of the  
594 purchaser by the dealer upon application signed by the  
595 purchaser, and in each other case the ~~such~~ certificate must be  
596 obtained by the purchaser. In each case of transfer of a motor  
597 vehicle or mobile home, the application for a certificate of  
598 title, a corrected certificate, or an assignment or reassignment  
599 must be filed within 30 days after the delivery of the motor  
600 vehicle or after consummation of the sale of the mobile home to  
601 the purchaser. An applicant must pay a fee of \$20, in addition  
602 to all other fees and penalties required by law, for failing to  
603 file such application within the specified time. In the case of  
604 the sale of a motor vehicle by a licensed motor vehicle dealer



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605 to a general purchaser who resides in another state or country,  
606 the dealer is not required to apply for a certificate of title  
607 for the motor vehicle; however, the dealer must transfer  
608 ownership and reassign the certificate of title or  
609 manufacturer's certificate of origin to the purchaser, and the  
610 purchaser must sign an affidavit, as approved by the department,  
611 that the purchaser will title and register the motor vehicle in  
612 another state or country.

613 (b) If a licensed dealer acquires a motor vehicle or  
614 mobile home as a trade-in, the dealer must file with the  
615 department, within 30 days, a notice of sale signed by the  
616 seller. The department shall update its database for that title  
617 record to indicate "sold." A licensed dealer need not apply for  
618 a certificate of title for any motor vehicle or mobile home in  
619 stock acquired for stock purposes except as provided in s.  
620 319.225.

621 (7) If an applicant for a certificate of title is unable  
622 to provide the department with a certificate of title that  
623 assigns the prior owner's interest in the motor vehicle, the  
624 department may accept a bond in the form prescribed by the  
625 department, along with an affidavit in a form prescribed by the  
626 department, which includes verification of the vehicle  
627 identification number and an application for title.

628 (a) The bond must be:

629 1. In a form prescribed by the department;

630 2. Executed by the applicant;

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

632 business in this state;

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

635 5. Conditioned to indemnify all prior owners and  
636 lienholders and all subsequent purchasers of the vehicle or  
637 persons who acquire a security interest in the vehicle, and  
638 their successors in interest, against any expense, loss, or  
639 damage, including reasonable attorney fees, occurring because of  
640 the issuance of the certificate of title for the vehicle or for  
641 a defect in or undisclosed security interest on the right,  
642 title, or interest of the applicant to the vehicle.

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

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

649 (d) The affidavit must:

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

651 2. Include the facts and circumstances under which the  
652 applicant acquired ownership and possession of the motor  
653 vehicle;

654 3. Disclose that no security interests, liens, or  
655 encumbrances against the motor vehicle are known to the  
656 applicant against the motor vehicle; and

657 4. State that the applicant has the right to have a  
658 certificate of title issued.

659 Section 20. Subsection (8) of section 319.24, Florida  
660 Statutes, is amended to read:

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661 319.24 Issuance in duplicate; delivery; liens and  
662 encumbrances.—

663 (8) Notwithstanding any requirements in this section or in  
664 s. 319.27 indicating that a lien on a motor vehicle or mobile  
665 home shall be noted on the face of the Florida certificate of  
666 title, if there are one or more liens or encumbrances on the  
667 motor vehicle or mobile home, the department shall ~~may~~  
668 electronically transmit the lien to the first lienholder and  
669 notify the first lienholder of any additional liens. Subsequent  
670 lien satisfactions shall ~~may~~ be electronically transmitted to  
671 the department and must ~~shall~~ include the name and address of  
672 the person or entity satisfying the lien. When electronic  
673 transmission of liens and lien satisfactions is ~~are~~ used, the  
674 issuance of a certificate of title may be waived until the last  
675 lien is satisfied and a clear certificate of title is issued to  
676 the owner of the vehicle. In subsequent transfer of ownership of  
677 the motor vehicle, it shall be presumed that the motor vehicle  
678 title is subject to a lien as set forth in s. 319.225(6)(a)  
679 until the title to be issued pursuant to this subsection is  
680 received by the person or entity satisfying the lien.

681 Section 21. Subsection (7) is added to section 319.27,  
682 Florida Statutes, to read:

683 319.27 Notice of lien on motor vehicles or mobile homes;  
684 notation on certificate; recording of lien.—

685 (7) The department shall administer an electronic titling  
686 program that requires the electronic recording of vehicle title  
687 information for new, transferred, and corrected certificates of  
688 title. Lienholders shall electronically transmit liens and lien

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689 satisfactions to the department in a format determined by the  
690 department. Individuals and lienholders who the department  
691 determines are not normally engaged in the business or practice  
692 of financing vehicles are exempt from the electronic titling  
693 requirement.

694 Section 22. Subsection (3) is added to section 319.28,  
695 Florida Statutes, to read:

696 319.28 Transfer of ownership by operation of law.—

697 (3) A dealer of farm or industrial equipment who conducts  
698 a repossession, as defined in s. 493.6101(22), of such equipment  
699 is not subject to licensure as a recovery agent or recovery  
700 agency if the dealer is regularly engaged in the sale of the  
701 equipment for a particular manufacturer and the lender is  
702 affiliated with that manufacturer.

703 Section 23. Section 319.40, Florida Statutes, is amended  
704 to read:

705 319.40 Transactions by electronic or telephonic means.—

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

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

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

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716 Section 24. Paragraph (a) of subsection (1) of section  
717 320.01, Florida Statutes, is amended, and subsection (46) is  
718 added to that section, to read:

719 320.01 Definitions, general.—As used in the Florida  
720 Statutes, except as otherwise provided, the term:

721 (1) "Motor vehicle" means:

722 (a) An automobile, motorcycle, truck, trailer,  
723 semitrailer, truck tractor and semitrailer combination, or any  
724 other vehicle operated on the roads of this state, used to  
725 transport persons or property, and propelled by power other than  
726 muscular power, but the term does not include traction engines,  
727 road rollers, special mobile equipment as defined in s.  
728 316.003(48), such vehicles that as run only upon a track,  
729 bicycles, swamp buggies, or mopeds.

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

735 Section 25. Subsection (2) and paragraph (e) of subsection  
736 (5) of section 320.02, Florida Statutes, are amended, paragraphs  
737 (o), (p), (q), and (r) are added to subsection (15), and  
738 subsections (18) and (19) are added to that section, to read:

739 320.02 Registration required; application for  
740 registration; forms.—

741 (2)(a) The application for registration shall include the  
742 street address of the owner's permanent residence or the address  
743 of his or her permanent place of business and shall be

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744 accompanied by personal or business identification information  
745 which may include, but need not be limited to, a driver ~~driver's~~  
746 license number, Florida identification card number, or federal  
747 employer identification number. If the owner does not have a  
748 permanent residence or permanent place of business or if the  
749 owner's permanent residence or permanent place of business  
750 cannot be identified by a street address, the application shall  
751 include:

752 1. If the vehicle is registered to a business, the name  
753 and street address of the permanent residence of an owner of the  
754 business, an officer of the corporation, or an employee who is  
755 in a supervisory position.

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

759  
760 If the vehicle is registered to an active duty member of the  
761 Armed Forces of the United States who is a Florida resident, the  
762 active duty member is exempt from the requirement to provide the  
763 street address of a permanent residence.

764 (b) The department shall prescribe a form upon which motor  
765 vehicle owners may record odometer readings when registering  
766 their motor vehicles.

767 (5)

768 (e) Upon the expiration date noted in the cancellation  
769 notice that the department receives from the insurer, the  
770 department shall suspend the registration, issued under this  
771 chapter or s. 207.004(1), of a motor carrier who operates a

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772 commercial motor vehicle or who permits it to be operated in  
773 this state during the registration period without having in full  
774 force ~~and effect~~ liability insurance, a surety bond, or a valid  
775 self-insurance certificate that complies with ~~the provisions of~~  
776 this section. The insurer shall provide notice to the department  
777 at the same time the cancellation notice is provided to the  
778 insured pursuant to s. 627.7281. The department may adopt rules  
779 regarding the electronic submission of the cancellation notice  
780 ~~liability insurance policy or surety bond may not be canceled on~~  
781 ~~less than 30 days' written notice by the insurer to the~~  
782 ~~department, such 30 days' notice to commence from the date~~  
783 ~~notice is received by the department.~~

784 (15)

785 (o) The application form for motor vehicle registration  
786 and renewal registration must include language permitting a  
787 voluntary contribution of \$1 to the Florida Association of Food  
788 Banks, Inc. The proceeds shall be distributed by the department  
789 each month to Florida Association of Food Banks, Inc., to be  
790 used by that organization for the purpose of ending hunger in  
791 this state.

792 (p) The application form for motor vehicle registration  
793 and renewal of registration must include language permitting a  
794 voluntary contribution of \$1 per applicant for Autism Services  
795 and Supports. Such contributions must be transferred by the  
796 department to the Achievement and Rehabilitation Centers, Inc.,  
797 Autism Services Fund.

798 (q) The application form for motor vehicle registration  
799 and renewal of registration must include language permitting a

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800 voluntary contribution of \$1 per applicant to Support Our  
801 Troops, which shall be distributed to Support Our Troops, Inc.,  
802 a Florida not-for-profit organization.

803 (r) The application form for motor vehicle registration  
804 and renewal of registration must include language permitting a  
805 voluntary contribution of \$1 to Take Stock In Children. Such  
806 contributions shall be transferred by the department to Take  
807 Stock In Children, Inc.

808  
809 For the purpose of applying the service charge provided in s.  
810 215.20, contributions received under this subsection are not  
811 income of a revenue nature.

812 (18) Notwithstanding subsections (8), (14), and (15), the  
813 department and the tax collectors acting as agents for the  
814 department shall provide a complete list of voluntary  
815 contributions authorized by law to customers applying for  
816 registration or renewal registration. The renewal application  
817 forms must include either a complete list of all authorized  
818 voluntary contributions or the department's website address  
819 which provides a complete list and information on all authorized  
820 voluntary contributions. The department or a tax collector may  
821 include on the renewal application forms a complete list of  
822 authorized voluntary contributions and the department's website  
823 address. Customers renewing a registration at either a tax  
824 collector's office or a department office shall be provided  
825 information on voluntary contribution options.

826 (19) The department shall retain all electronic  
827 registration records for at least 10 years.



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828 Section 26. Subsection (8) of section 320.03, Florida  
829 Statutes, is amended to read:

830 320.03 Registration; duties of tax collectors;  
831 International Registration Plan.—

832 (8) If the applicant's name appears on the list referred  
833 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a  
834 license plate or revalidation sticker may not be issued until  
835 that person's name no longer appears on the list or until the  
836 person presents a receipt from the governmental entity or the  
837 clerk of court that provided the data showing that the fines  
838 outstanding have been paid. This subsection does not apply to  
839 the owner of a leased vehicle if the vehicle is registered in  
840 the name of the lessee of the vehicle. The tax collector and the  
841 clerk of the court are each entitled to receive monthly, as  
842 costs for implementing and administering this subsection, 10  
843 percent of the civil penalties and fines recovered from such  
844 persons. As used in this subsection, the term "civil penalties  
845 and fines" does not include a wrecker operator's lien as  
846 described in s. 713.78(13). If the tax collector has private tag  
847 agents, such tag agents are entitled to receive a pro rata share  
848 of the amount paid to the tax collector, based upon the  
849 percentage of license plates and revalidation stickers issued by  
850 the tag agent compared to the total issued within the county.  
851 The authority of any private agent to issue license plates shall  
852 be revoked, after notice and a hearing as provided in chapter  
853 120, if he or she issues any license plate or revalidation  
854 sticker contrary to the provisions of this subsection. This  
855 section applies only to the annual renewal in the owner's birth

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856 month of a motor vehicle registration and does not apply to the  
857 transfer of a registration of a motor vehicle sold by a motor  
858 vehicle dealer licensed under this chapter, except for the  
859 transfer of registrations which includes ~~is inclusive of~~ the  
860 annual renewals. This section does not affect the issuance of  
861 the title to a motor vehicle, notwithstanding s. 319.23(8)(b)  
862 ~~319.23(7)(b)~~.

863 Section 27. Paragraph (c) of subsection (1) and paragraph  
864 (a) of subsection (3) of section 320.06, Florida Statutes, are  
865 amended to read:

866 320.06 Registration certificates, license plates, and  
867 validation stickers generally.—

868 (1)

869 (c) Registration license plates equipped with validation  
870 stickers subject to the registration period are valid for not  
871 more than 12 months and expire at midnight on the last day of  
872 the registration period. A registration license plate equipped  
873 with a validation sticker subject to the extended registration  
874 period is valid for not more than 24 months and expires at  
875 midnight on the last day of the extended registration period.  
876 For each registration period after the one in which the original  
877 ~~metal~~ registration license plate is issued, and until the  
878 license plate is required to be replaced, a validation sticker  
879 showing the month and year of expiration shall be issued upon  
880 payment of the proper license tax amount and fees and is valid  
881 for not more than 12 months. For each extended registration  
882 period occurring after the one in which the original ~~metal~~  
883 registration license plate is issued and until the license plate

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884 is required to be replaced, a validation sticker showing the  
885 year of expiration shall be issued upon payment of the proper  
886 license tax amount and fees and is valid for not more than 24  
887 months. When license plates equipped with validation stickers  
888 are issued in any month other than the owner's birth month or  
889 the designated registration period for any other motor vehicle,  
890 the effective date shall reflect the birth month or month and  
891 the year of renewal. However, when a license plate or validation  
892 sticker is issued for a period of less than 12 months, the  
893 applicant shall pay the appropriate amount of license tax and  
894 the applicable fee under s. 320.14 in addition to all other  
895 fees. Validation stickers issued for vehicles taxed under s.  
896 320.08(6)(a), for any company that owns 250 vehicles or more, or  
897 for semitrailers taxed under the provisions of s. 320.08(5)(a),  
898 for any company that owns 50 vehicles or more, may be placed on  
899 any vehicle in the fleet so long as the vehicle receiving the  
900 validation sticker has the same owner's name and address as the  
901 vehicle to which the validation sticker was originally assigned.

902 (3)(a) Registration license plates must be ~~made of metal~~  
903 ~~specialy~~ treated with a retroreflection material, as specified  
904 by the department. The registration license plate is designed to  
905 increase nighttime visibility and legibility and must be at  
906 least 6 inches wide and not less than 12 inches in length,  
907 unless a plate with reduced dimensions is deemed necessary by  
908 the department to accommodate motorcycles, mopeds, or similar  
909 smaller vehicles. Validation stickers must also be treated with  
910 a retroreflection material, must be of such size as specified by  
911 the department, and must adhere to the license plate. The

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912 registration license plate must be imprinted with a combination  
913 of bold letters and numerals or numerals, not to exceed seven  
914 digits, to identify the registration license plate number. The  
915 license plate must be imprinted with the word "Florida" at the  
916 top and the name of the county in which it is sold, the state  
917 motto, or the words "Sunshine State" at the bottom. Apportioned  
918 license plates must have the word "Apportioned" at the bottom  
919 and license plates issued for vehicles taxed under s.  
920 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have  
921 the word "Restricted" at the bottom. License plates issued for  
922 vehicles taxed under s. 320.08(12) must be imprinted with the  
923 word "Florida" at the top and the word "Dealer" at the bottom.  
924 Manufacturer license plates issued for vehicles taxed under s.  
925 320.08(12) must be imprinted with the word "Florida" at the top  
926 and the word "Manufacturer" at the bottom. License plates issued  
927 for vehicles taxed under s. 320.08(5)(d) or (e) must be  
928 imprinted with the word "Wrecker" at the bottom. Any county may,  
929 upon majority vote of the county commission, elect to have the  
930 county name removed from the license plates sold in that county.  
931 The state motto or the words "Sunshine State" shall be printed  
932 in lieu thereof. A license plate issued for a vehicle taxed  
933 under s. 320.08(6) may not be assigned a registration license  
934 number, or be issued with any other distinctive character or  
935 designation, that distinguishes the motor vehicle as a for-hire  
936 motor vehicle.

937 Section 28. Section 320.0605, Florida Statutes, is amended  
938 to read:

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939 320.0605 Certificate of registration; possession required;  
940 exception.-

941 (1) The registration certificate or an official copy  
942 thereof, a true copy of a rental or lease documentation  
943 ~~agreement~~ issued for a motor vehicle or issued for a replacement  
944 vehicle in the same registration period, a temporary receipt  
945 printed upon self-initiated electronic renewal of a registration  
946 via the Internet, or a cab card issued for a vehicle registered  
947 under the International Registration Plan shall, at all times  
948 while the vehicle is being used or operated on the roads of this  
949 state, be in the possession of the operator thereof or be  
950 carried in the vehicle for which issued and shall be exhibited  
951 upon demand of any authorized law enforcement officer or any  
952 agent of the department, except for a vehicle registered under  
953 s. 320.0657. The provisions of this section do not apply during  
954 the first 30 days after purchase of a replacement vehicle. A  
955 violation of this section is a noncriminal traffic infraction,  
956 punishable as a nonmoving violation as provided in chapter 318.

957 (2) The rental or lease documentation required under  
958 subsection (1) must include all of the following information:

959 (a) The authorized renter's or lessee's name.

960 (b) The date of rental or lease and time of exit from the  
961 rental or lease facility.

962 (c) The rental or lease station identification.

963 (d) The rental or lease agreement number.

964 (e) The rental or lease vehicle's vehicle identification  
965 number or VIN.

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966        (f) The rental or lease vehicle's license plate number and  
967 state of registration.

968        (g) The rental or lease vehicle's make, model, and color.

969        (h) The rental or lease vehicle's mileage when rented or  
970 leased.

971        Section 29. Section 320.061, Florida Statutes, is amended  
972 to read:

973        320.061 Unlawful to alter motor vehicle registration  
974 certificates, license plates, temporary license plates, mobile  
975 home stickers, or validation stickers or to obscure license  
976 plates; penalty.—A No person may not shall alter the original  
977 appearance of a vehicle registration certificate, ~~any~~  
978 ~~registration~~ license plate, temporary license plate, mobile home  
979 sticker, or validation sticker, ~~or vehicle registration~~  
980 ~~certificate~~ issued for and assigned to a any motor vehicle or  
981 mobile home, whether by mutilation, alteration, defacement, or  
982 change of color or in any other manner. A No person may not  
983 ~~shall~~ apply or attach a any substance, reflective matter,  
984 illuminated device, spray, coating, covering, or other material  
985 onto or around any license plate which that interferes with the  
986 legibility, angular visibility, or detectability of any feature  
987 or detail on the license plate or interferes with the ability to  
988 record any feature or detail on the license plate. A Any person  
989 who violates this section commits a noncriminal traffic  
990 infraction, punishable as a moving violation as provided in  
991 chapter 318.

992        Section 30. Subsection (1) of section 320.07, Florida  
993 Statutes, is amended to read:

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994 320.07 Expiration of registration; renewal required;  
995 penalties.-

996 (1) The registration of a motor vehicle or mobile home  
997 expires at midnight on the last day of the registration or  
998 extended registration period, or for a motor vehicle or mobile  
999 home owner who is a natural person, at midnight on the owner's  
1000 birthday. A vehicle may ~~shall~~ not be operated on the roads of  
1001 this state after expiration of the renewal period unless the  
1002 registration has been renewed according to law.

1003 Section 31. Paragraph (z) of subsection (4) of section  
1004 320.08056, Florida Statutes, is amended to read:

1005 320.08056 Specialty license plates.-

1006 (4) The following license plate annual use fees shall be  
1007 collected for the appropriate specialty license plates:

1008 (z) Tampa Bay Estuary license plate, \$25 ~~\$15~~.

1009 Section 32. Paragraph (b) of subsection (45) of section  
1010 320.08058, Florida Statutes, is amended to read:

1011 320.08058 Specialty license plates.-

1012 (45) AQUACULTURE LICENSE PLATES.-

1013 (b) The annual use fees shall be distributed to the Harbor  
1014 Branch Oceanographic Institution, Inc. After reimbursement for  
1015 documented costs expended for establishing the license plate,  
1016 the Harbor Branch Oceanographic Institution, Inc., shall use the  
1017 remaining funds for aquaculture research and education programs  
1018 as follows:

1019 1. Ten percent of the funds shall be distributed to the  
1020 Guy Harvey Research Institute of the Nova Southeastern

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1021 University Oceanographic Center to conduct outreach and  
1022 education regarding aquaculture in the state.

1023 2. Up to 15 percent of the funds may be used for  
1024 administrative costs directly associated with the Harbor Branch  
1025 Oceanographic Institution's aquaculture programs and  
1026 administrative costs associated with the Aquaculture license  
1027 plate.

1028 3. Up to 10 percent of the funds may be used for  
1029 continuing promotion and marketing of the license plate.

1030 4. Thirty percent of the funds shall be distributed to the  
1031 Florida Aquaculture Association for research and education.

1032 5.4. The remaining funds shall be used to conduct  
1033 scientific research on environmentally responsible and  
1034 sustainable methods of farming freshwater and saltwater  
1035 organisms such as fish, shellfish, and crustaceans for food;  
1036 biomedical species for pharmaceutical and nutraceutical  
1037 compounds; and marine ornamentals for the aquarium trade. These  
1038 funds shall also be used to expand the institution's educational  
1039 programs that include secondary school field experiences,  
1040 college degree programs, and intensive courses in order to  
1041 further the objective of increasing aquaculture's contribution  
1042 to the state's economy.

1043 Section 33. Paragraph (e) of subsection (4) of section  
1044 320.08068, Florida Statutes, is amended to read:

1045 320.08068 Motorcycle specialty license plates.—

1046 (4) A license plate annual use fee of \$20 shall be  
1047 collected for each motorcycle specialty license plate. Annual  
1048 use fees shall be distributed to The Able Trust as custodial

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1049 agent. The Able Trust may retain a maximum of 10 percent of the  
1050 proceeds from the sale of the license plate for administrative  
1051 costs. The Able Trust shall distribute the remaining funds as  
1052 follows:

1053 (e) Twenty percent to the Florida Association of Centers  
1054 for Independent Living ~~to be used to leverage additional funding~~  
1055 ~~and new sources of revenue for the centers for independent~~  
1056 ~~living in this state.~~

1057 Section 34. Subsection (4) of section 320.0848, Florida  
1058 Statutes, is amended to read:

1059 320.0848 Persons who have disabilities; issuance of  
1060 disabled parking permits; temporary permits; permits for certain  
1061 providers of transportation services to persons who have  
1062 disabilities.—

1063 (4) From the proceeds of the temporary disabled parking  
1064 permit fees:

1065 (a) The Department of Highway Safety and Motor Vehicles  
1066 must receive \$3.50 for each temporary permit, to be deposited  
1067 into the Highway Safety Operating Trust Fund and used for  
1068 implementing the real-time disabled parking permit database and  
1069 for administering the disabled parking permit program.

1070 (b) The tax collector, for processing, must receive \$2.50  
1071 for each temporary permit.

1072 (c) The remainder must be distributed monthly as follows:

1073 1. To the Florida Endowment Foundation for Vocational  
1074 Rehabilitation, known as "The Able Trust," ~~Governor's Alliance~~  
1075 ~~for the Employment of Disabled Citizens~~ for the purpose of  
1076 improving employment and training opportunities for persons who

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1077 have disabilities, with special emphasis on removing  
1078 transportation barriers, \$4. These fees must be directly  
1079 deposited into the Florida Endowment Foundation for Vocational  
1080 Rehabilitation as established in s. 413.615 Transportation  
1081 ~~Disadvantaged Trust Fund for transfer to the Florida Governor's~~  
1082 ~~Alliance for Employment of Disabled Citizens.~~

1083 2. To the Transportation Disadvantaged Trust Fund to be  
1084 used for funding matching grants to counties for the purpose of  
1085 improving transportation of persons who have disabilities, \$5.

1086 Section 35. Paragraph (a) of subsection (1) of section  
1087 320.089, Florida Statutes, is amended to read:

1088 320.089 Members of National Guard and active United States  
1089 Armed Forces reservists; former prisoners of war; survivors of  
1090 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi  
1091 Freedom and Operation Enduring Freedom Veterans; Combat Infantry  
1092 Badge recipients; special license plates; fee.-

1093 (1)(a) Each owner or lessee of an automobile or truck for  
1094 private use or recreational vehicle as specified in s.  
1095 320.08(9)(c) or (d), which is not used for hire or commercial  
1096 use, who is a resident of the state and an active or retired  
1097 member of the Florida National Guard, a survivor of the attack  
1098 on Pearl Harbor, a recipient of the Purple Heart medal, ~~or~~ an  
1099 active or retired member of any branch of the United States  
1100 Armed Forces Reserve, or a recipient of the Combat Infantry  
1101 Badge shall, upon application to the department, accompanied by  
1102 proof of active membership or retired status in the Florida  
1103 National Guard, proof of membership in the Pearl Harbor  
1104 Survivors Association or proof of active military duty in Pearl

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1105 Harbor on December 7, 1941, proof of being a Purple Heart medal  
1106 recipient, ~~or~~ proof of active or retired membership in any  
1107 branch of the Armed Forces Reserve, or proof of membership in  
1108 the Combat Infantrymen's Association, Inc., or other proof of  
1109 being a recipient of the Combat Infantry Badge, and upon payment  
1110 of the license tax for the vehicle as provided in s. 320.08, be  
1111 issued a license plate as provided by s. 320.06, upon which, in  
1112 lieu of the serial numbers prescribed by s. 320.06, shall be  
1113 stamped the words "National Guard," "Pearl Harbor Survivor,"  
1114 "Combat-wounded veteran," ~~or~~ "U.S. Reserve," or "Combat Infantry  
1115 Badge," as appropriate, followed by the serial number of the  
1116 license plate. Additionally, the Purple Heart plate may have the  
1117 words "Purple Heart" stamped on the plate and the likeness of  
1118 the Purple Heart medal appearing on the plate.

1119 Section 36. Section 320.15, Florida Statutes, is amended  
1120 to read:

1121 320.15 Refund of license tax.—Any resident owner of a  
1122 motor vehicle or mobile home that has been destroyed or  
1123 permanently removed from the state shall, upon application to  
1124 the department and surrender of the license plate or mobile home  
1125 sticker issued for such vehicle, be entitled to a credit to  
1126 apply to registration of any other vehicle in the name of the  
1127 owner, if the amount is \$3 or more, for the unexpired period of  
1128 the license. However, if the license plate surrendered is a  
1129 "for-hire" license plate, the amount of credit may not be more  
1130 than one-half of the annual license tax amount. A credit ~~is will~~  
1131 not be valid after the expiration date of the license plate  
1132 which is current on the date of the credit, as provided in s.

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1133 | 320.07. A motor vehicle or mobile home owner who renews a  
1134 | registration during the advanced renewal period as provided in  
1135 | s. 320.071 and who surrenders the motor vehicle or mobile home  
1136 | license plate before the end of the renewal period may apply for  
1137 | a refund of the license taxes assessed pursuant to s. 320.08.

1138 | Section 37. Subsection (3) of section 320.27, Florida  
1139 | Statutes, is amended to read:

1140 | 320.27 Motor vehicle dealers.—

1141 | (3) APPLICATION AND FEE.—The application for the license  
1142 | shall be in such form as may be prescribed by the department and  
1143 | shall be subject to such rules with respect thereto as may be so  
1144 | prescribed by it. Such application shall be verified by oath or  
1145 | affirmation and shall contain a full statement of the name and  
1146 | birth date of the person or persons applying therefor; the name  
1147 | of the firm or copartnership, with the names and places of  
1148 | residence of all members thereof, if such applicant is a firm or  
1149 | copartnership; the names and places of residence of the  
1150 | principal officers, if the applicant is a body corporate or  
1151 | other artificial body; the name of the state under whose laws  
1152 | the corporation is organized; the present and former place or  
1153 | places of residence of the applicant; and prior business in  
1154 | which the applicant has been engaged and the location thereof.  
1155 | Such application shall describe the exact location of the place  
1156 | of business and shall state whether the place of business is  
1157 | owned by the applicant and when acquired, or, if leased, a true  
1158 | copy of the lease shall be attached to the application. The  
1159 | applicant shall certify that the location provides an adequately  
1160 | equipped office and is not a residence; that the location

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1161 affords sufficient unoccupied space upon and within which  
1162 adequately to store all motor vehicles offered and displayed for  
1163 sale; and that the location is a suitable place where the  
1164 applicant can in good faith carry on such business and keep and  
1165 maintain books, records, and files necessary to conduct such  
1166 business, which shall ~~will~~ be available at all reasonable hours  
1167 to inspection by the department or any of its inspectors or  
1168 other employees. The applicant shall certify that the business  
1169 of a motor vehicle dealer is the principal business which shall  
1170 be conducted at that location. The ~~Such~~ application shall  
1171 contain a statement that the applicant is either franchised by a  
1172 manufacturer of motor vehicles, in which case the name of each  
1173 motor vehicle that the applicant is franchised to sell shall be  
1174 included, or an independent (nonfranchised) motor vehicle  
1175 dealer. The ~~Such~~ application shall contain ~~such~~ other relevant  
1176 information as may be required by the department, including  
1177 evidence that the applicant is insured under a garage liability  
1178 insurance policy or a general liability insurance policy coupled  
1179 with a business automobile policy, which shall include, at a  
1180 minimum, \$25,000 combined single-limit liability coverage  
1181 including bodily injury and property damage protection and  
1182 \$10,000 personal injury protection. However, a salvage motor  
1183 vehicle dealer as defined in subparagraph (1)(c)5. is exempt  
1184 from the requirements for garage liability insurance and  
1185 personal injury protection insurance on those vehicles that  
1186 cannot be legally operated on state roads, highways, or streets.  
1187 Franchise dealers must submit a garage liability insurance  
1188 policy, and all other dealers must submit a garage liability

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1189 insurance policy or a general liability insurance policy coupled  
1190 with a business automobile policy. Such policy shall be for the  
1191 license period, and evidence of a new or continued policy shall  
1192 be delivered to the department at the beginning of each license  
1193 period. Upon making initial application, the applicant shall pay  
1194 to the department a fee of \$300 in addition to any other fees  
1195 now required by law. Upon making a subsequent renewal  
1196 application, the applicant shall pay to the department a fee of  
1197 \$75 in addition to any other fees now required by law. Upon  
1198 making an application for a change of location, the person shall  
1199 pay a fee of \$50 in addition to any other fees now required by  
1200 law. The department shall, in the case of every application for  
1201 initial licensure, verify whether certain facts set forth in the  
1202 application are true. Each applicant, general partner in the  
1203 case of a partnership, or corporate officer and director in the  
1204 case of a corporate applicant, must file a set of fingerprints  
1205 with the department for the purpose of determining any prior  
1206 criminal record or any outstanding warrants. The department  
1207 shall submit the fingerprints to the Department of Law  
1208 Enforcement for state processing and forwarding to the Federal  
1209 Bureau of Investigation for federal processing. The actual cost  
1210 of state and federal processing shall be borne by the applicant  
1211 and is in addition to the fee for licensure. The department may  
1212 issue a license to an applicant pending the results of the  
1213 fingerprint investigation, which license is fully revocable if  
1214 the department subsequently determines that any facts set forth  
1215 in the application are not true or correctly represented.

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1216 Section 38. Subsection (1) of section 320.771, Florida  
1217 Statutes, is amended to read:

1218 320.771 License required of recreational vehicle dealers.-

1219 (1) DEFINITIONS.-As used in this section, the term:

1220 (a)1. "Dealer" means any person engaged in the business of  
1221 buying, selling, or dealing in recreational vehicles or offering  
1222 or displaying recreational vehicles for sale. The term "dealer"  
1223 includes a recreational vehicle broker. Any person who buys,  
1224 sells, deals in, or offers or displays for sale, or who acts as  
1225 the agent for the sale of, one or more recreational vehicles in  
1226 any 12-month period shall be prima facie presumed to be a  
1227 dealer. The terms "selling" and "sale" include lease-purchase  
1228 transactions. The term "dealer" does not include banks, credit  
1229 unions, and finance companies that acquire recreational vehicles  
1230 as an incident to their regular business and does not include  
1231 mobile home rental and leasing companies that sell recreational  
1232 vehicles to dealers licensed under this section.

1233 2. A licensed dealer may transact business in recreational  
1234 vehicles with a motor vehicle auction as defined in s.  
1235 320.27(1)(c)4. Further, a licensed dealer may, at retail or  
1236 wholesale, sell a motor vehicle, as described in s.  
1237 320.01(1)(a), acquired in exchange for the sale of a  
1238 recreational vehicle, if the ~~such~~ acquisition is incidental to  
1239 the principal business of being a recreational vehicle dealer.  
1240 However, a recreational vehicle dealer may not buy a motor  
1241 vehicle for the purpose of resale unless licensed as a motor  
1242 vehicle dealer pursuant to s. 320.27. A dealer may apply for a  
1243 certificate of title to a recreational vehicle required to be

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1244 registered under s. 320.08(9), using a manufacturer's statement  
1245 of origin as permitted by s. 319.23(1), only if the dealer is  
1246 authorized by a manufacturer/dealer agreement, as defined in s.  
1247 320.3202, on file with the department, to buy, sell, or deal in  
1248 that particular line-make of recreational vehicle, and the  
1249 dealer is authorized by the manufacturer/dealer agreement to  
1250 perform delivery and preparation obligations and warranty defect  
1251 adjustments on that line-make.

1252 (b) "Recreational vehicle broker" means any person who is  
1253 engaged in the business of offering to procure or procuring used  
1254 recreational vehicles for the general public; who holds himself  
1255 or herself out through solicitation, advertisement, or otherwise  
1256 as one who offers to procure or procures used recreational  
1257 vehicles for the general public; or who acts as the agent or  
1258 intermediary on behalf of the owner or seller of a used  
1259 recreational vehicle which is for sale or who assists or  
1260 represents the seller in finding a buyer for the recreational  
1261 vehicle.

1262 (c) ~~For the purposes of this section, the term~~  
1263 "Recreational vehicle" does not include any camping trailer, as  
1264 defined in s. 320.01(1)(b)2.

1265 Section 39. Section 320.95, Florida Statutes, is amended  
1266 to read:

1267 320.95 Transactions by electronic or telephonic means.-

1268 (1) The department may ~~is authorized to~~ accept an ~~any~~  
1269 application provided for under this chapter by electronic or  
1270 telephonic means.



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1271        (2) The department may collect electronic mail addresses  
1272 and use electronic mail in lieu of the United States Postal  
1273 Service for the purpose of providing renewal notices.

1274        Section 40. Section 322.04, Florida Statutes, is amended  
1275 to read:

1276        322.04 Persons exempt from obtaining driver ~~driver's~~  
1277 license.-

1278        (1) The following persons are exempt from obtaining a  
1279 driver ~~driver's~~ license:

1280        (a) Any employee of the United States Government, while  
1281 operating a noncommercial motor vehicle owned by or leased to  
1282 the United States Government and being operated on official  
1283 business.

1284        (b) Any person while driving or operating any road  
1285 machine, farm tractor, or implement of husbandry temporarily  
1286 operated or moved on a highway.

1287        (c) A nonresident who is at least 16 years of age  
1288 ~~operating and who has in his or her immediate possession a valid~~  
1289 ~~noncommercial driver's license issued to the nonresident in his~~  
1290 ~~or her home state or country, may operate a motor vehicle of the~~  
1291 type for which a Class E driver ~~driver's~~ license is required in  
1292 this state if the nonresident has in his or her immediate  
1293 possession:

1294        1. A valid noncommercial driver license issued in his or  
1295 her name from another state or territory of the United States;  
1296 or

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1297        2. An International Driving Permit issued in his or her  
1298 name in his or her country of residence and a valid license  
1299 issued in that country.

1300        ~~(d) A nonresident who is at least 18 years of age and who~~  
1301 ~~has in his or her immediate possession a valid noncommercial~~  
1302 ~~driver's license issued to the nonresident in his or her home~~  
1303 ~~state or country may operate a motor vehicle, other than a~~  
1304 ~~commercial motor vehicle, in this state.~~

1305        (d)(e) Any person operating a golf cart, as defined in s.  
1306 320.01, which is operated in accordance with the provisions of  
1307 s. 316.212.

1308        (2) ~~The provisions of~~ This section does ~~de~~ not apply to  
1309 any person to whom s. 322.031 applies.

1310        (3) Any person working for a firm under contract to the  
1311 United States Government, whose residence is outside ~~without~~  
1312 this state and whose main point of employment is outside ~~without~~  
1313 this state may drive a noncommercial vehicle on the public roads  
1314 of this state for periods up to 60 days while in this state on  
1315 temporary duty, if the ~~provided such~~ person has a valid driver  
1316 ~~driver's~~ license from the state of the ~~such~~ person's residence.

1317        Section 41. Paragraph (a) of subsection (1) of section  
1318 322.051, Florida Statutes, is amended, and subsection (9) is  
1319 added to that section, to read::

1320        322.051 Identification cards.—

1321        (1) Any person who is 5 years of age or older, or any  
1322 person who has a disability, regardless of age, who applies for  
1323 a disabled parking permit under s. 320.0848, may be issued an

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1324 identification card by the department upon completion of an  
1325 application and payment of an application fee.

1326 (a) The ~~Each such~~ application must ~~shall~~ include the  
1327 following information regarding the applicant:

1328 1. Full name (first, middle or maiden, and last), gender,  
1329 proof of social security card number satisfactory to the  
1330 department, county of residence, mailing address, proof of  
1331 residential address satisfactory to the department, country of  
1332 birth, and a brief description.

1333 2. Proof of birth date satisfactory to the department.

1334 3. Proof of identity satisfactory to the department. Such  
1335 proof must include one of the following documents issued to the  
1336 applicant:

1337 a. A driver ~~driver's~~ license record or identification card  
1338 record from another jurisdiction that required the applicant to  
1339 submit a document for identification which is substantially  
1340 similar to a document required under sub-subparagraph b., sub-  
1341 subparagraph c., sub-subparagraph d., sub-subparagraph e., sub-  
1342 subparagraph f., sub-subparagraph g., or sub-subparagraph h.;

1343 b. A certified copy of a United States birth certificate;

1344 c. A valid, unexpired United States passport;

1345 d. A naturalization certificate issued by the United  
1346 States Department of Homeland Security;

1347 e. A valid, unexpired alien registration receipt card  
1348 (green card);

1349 f. A Consular Report of Birth Abroad provided by the  
1350 United States Department of State;

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1351 g. An unexpired employment authorization card issued by  
1352 the United States Department of Homeland Security; or

1353 h. Proof of nonimmigrant classification provided by the  
1354 United States Department of Homeland Security, for an original  
1355 identification card. In order to prove ~~such~~ nonimmigrant  
1356 classification, an applicant must provide at least one of  
1357 ~~applicants may produce but are not limited to~~ the following  
1358 documents. In addition, the department may require applicants to  
1359 produce United States Department of Homeland Security documents  
1360 for the sole purpose of establishing the maintenance of, or  
1361 efforts to maintain, continuous lawful presence:

1362 (I) A notice of hearing from an immigration court  
1363 scheduling a hearing on any proceeding.

1364 (II) A notice from the Board of Immigration Appeals  
1365 acknowledging pendency of an appeal.

1366 (III) A notice of the approval of an application for  
1367 adjustment of status issued by the United States Bureau of  
1368 Citizenship and Immigration Services.

1369 (IV) An ~~Any~~ official documentation confirming the filing  
1370 of a petition for asylum or refugee status or any other relief  
1371 issued by the United States Bureau of Citizenship and  
1372 Immigration Services.

1373 (V) A notice of action transferring any pending matter  
1374 from another jurisdiction to Florida, issued by the United  
1375 States Bureau of Citizenship and Immigration Services.

1376 (VI) An order of an immigration judge or immigration  
1377 officer granting ~~any~~ relief that authorizes the alien to live

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1378 and work in the United States, including, but not limited to,  
1379 asylum.

1380 (VII) Evidence that an application is pending for  
1381 adjustment of status to that of an alien lawfully admitted for  
1382 permanent residence in the United States or conditional  
1383 permanent resident status in the United States, if a visa number  
1384 is available having a current priority date for processing by  
1385 the United States Bureau of Citizenship and Immigration  
1386 Services.

1387 (VIII) On or after January 1, 2010, an unexpired foreign  
1388 passport with an unexpired United States Visa affixed,  
1389 accompanied by an approved I-94, documenting the most recent  
1390 admittance into the United States.

1391  
1392 An identification card issued based on documents required  
1393 presentation of any of the documents described in sub-  
1394 subparagraph g. or sub-subparagraph h. is valid entitles the  
1395 applicant to an identification card for a period not to exceed  
1396 the expiration date of the document presented or 1 year,  
1397 whichever first occurs first.

1398 (9) Notwithstanding any other provision of this section or  
1399 s. 322.21 to the contrary, the department shall issue or renew a  
1400 card at no charge to a person who presents evidence satisfactory  
1401 to the department that he or she is homeless as defined in s.  
1402 414.0252(7).

1403 Section 42. Subsection (4) of section 322.058, Florida  
1404 Statutes, is amended to read:

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1405 322.058 Suspension of driving privileges due to support  
1406 delinquency; reinstatement.—

1407 (4) This section applies only to the annual renewal in the  
1408 owner's birth month of a motor vehicle registration and does not  
1409 apply to the transfer of a registration of a motor vehicle sold  
1410 by a motor vehicle dealer licensed under chapter 320, except for  
1411 the transfer of registrations which includes ~~is inclusive of~~ the  
1412 annual renewals. This section does not affect the issuance of  
1413 the title to a motor vehicle, notwithstanding s. 319.23(8)(b) ~~s.~~  
1414 ~~319.23(7)(b)~~.

1415 Section 43. Section 322.065, Florida Statutes, is amended  
1416 to read:

1417 322.065 Driver ~~Driver's~~ license expired for 6 ~~4~~ months or  
1418 less; penalties.—A ~~Any~~ person whose driver ~~driver's~~ license has  
1419 been expired for 6 ~~4~~ months or less and who drives a motor  
1420 vehicle upon the highways of this state commits ~~is guilty of~~ an  
1421 infraction and is subject to the penalty provided in s. 318.18.

1422 Section 44. Subsection (3) of section 322.07, Florida  
1423 Statutes, is amended to read:

1424 322.07 Instruction permits and temporary licenses.—

1425 (3) Any person who, except for his or her lack of  
1426 instruction in operating a commercial motor vehicle, would  
1427 otherwise be qualified to obtain a commercial driver ~~driver's~~  
1428 license under this chapter, may apply for a temporary commercial  
1429 instruction permit. The department shall issue such a permit  
1430 entitling the applicant, while having the permit in his or her  
1431 immediate possession, to drive a commercial motor vehicle on the  
1432 highways, if ~~provided that~~:

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1433 (a) The applicant possesses a valid Florida driver  
1434 ~~driver's~~ license issued in any state; and

1435 (b) The applicant, while operating a commercial motor  
1436 vehicle, is accompanied by a licensed driver who is 21 years of  
1437 age or older, who is licensed to operate the class of vehicle  
1438 being operated, and who is ~~actually~~ occupying the closest seat  
1439 to the right of the driver.

1440 Section 45. Paragraph (c) of subsection (2) and subsection  
1441 (7) of section 322.08, Florida Statutes, are amended, and  
1442 subsections (8) and (9) are added to that section, to read:

1443 322.08 Application for license; requirements for license  
1444 and identification card forms.—

1445 (2) Each such application shall include the following  
1446 information regarding the applicant:

1447 (c) Proof of identity satisfactory to the department. Such  
1448 proof must include one of the following documents issued to the  
1449 applicant:

1450 1. A driver ~~driver's~~ license record or identification card  
1451 record from another jurisdiction that required the applicant to  
1452 submit a document for identification which is substantially  
1453 similar to a document required under subparagraph 2.,  
1454 subparagraph 3., subparagraph 4., subparagraph 5., subparagraph  
1455 6., subparagraph 7., or subparagraph 8.;

1456 2. A certified copy of a United States birth certificate;

1457 3. A valid, unexpired United States passport;

1458 4. A naturalization certificate issued by the United  
1459 States Department of Homeland Security;

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1460 5. A valid, unexpired alien registration receipt card  
1461 (green card);

1462 6. A Consular Report of Birth Abroad provided by the  
1463 United States Department of State;

1464 7. An unexpired employment authorization card issued by  
1465 the United States Department of Homeland Security; or

1466 8. Proof of nonimmigrant classification provided by the  
1467 United States Department of Homeland Security, for an original

1468 driver driver's license. In order to prove nonimmigrant  
1469 classification, an applicant must provide at least one of the

1470 following documents. In addition, the department may require  
1471 applicants to produce United States Department of Homeland

1472 Security documents for the sole purpose of establishing the  
1473 maintenance of, or efforts to maintain, continuous lawful

1474 presence may produce the following documents, including, but not  
1475 limited to:

1476 a. A notice of hearing from an immigration court  
1477 scheduling a hearing on any proceeding.

1478 b. A notice from the Board of Immigration Appeals  
1479 acknowledging pendency of an appeal.

1480 c. A notice of the approval of an application for  
1481 adjustment of status issued by the United States Bureau of  
1482 Citizenship and Immigration Services.

1483 d. An ~~Any~~ official documentation confirming the filing of  
1484 a petition for asylum or refugee status or any other relief  
1485 issued by the United States Bureau of Citizenship and  
1486 Immigration Services.



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1487 e. A notice of action transferring any pending matter from  
1488 another jurisdiction to this state issued by the United States  
1489 Bureau of Citizenship and Immigration Services.

1490 f. An order of an immigration judge or immigration officer  
1491 granting ~~any~~ relief that authorizes the alien to live and work  
1492 in the United States, including, but not limited to, asylum.

1493 g. Evidence that an application is pending for adjustment  
1494 of status to that of an alien lawfully admitted for permanent  
1495 residence in the United States or conditional permanent resident  
1496 status in the United States, if a visa number is available  
1497 having a current priority date for processing by the United  
1498 States Bureau of Citizenship and Immigration Services.

1499 h. On or after January 1, 2010, an unexpired foreign  
1500 passport with an unexpired United States Visa affixed,  
1501 accompanied by an approved I-94, documenting the most recent  
1502 admittance into the United States.

1503  
1504 A driver license or temporary permit issued based on documents  
1505 required ~~Presentation of any of the documents~~ in subparagraph 7.  
1506 or subparagraph 8. is valid ~~entitles the applicant to a driver's~~  
1507 ~~license or temporary permit~~ for a period not to exceed the  
1508 expiration date of the document presented or 1 year, ~~whichever~~  
1509 ~~occurs first.~~

1510 (7) The application form for an original, renewal, or  
1511 replacement driver ~~driver's~~ license or identification card shall  
1512 include language permitting the following:

1513 (a) A voluntary contribution of \$1 per applicant, which  
1514 contribution shall be deposited into the Health Care Trust Fund

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1515 for organ and tissue donor education and for maintaining the  
1516 organ and tissue donor registry.

1517 (b) A voluntary contribution of \$1 per applicant, which  
1518 contribution shall be distributed to the Florida Council of the  
1519 Blind.

1520 (c) A voluntary contribution of \$2 per applicant, which  
1521 shall be distributed to the Hearing Research Institute,  
1522 Incorporated.

1523 (d) A voluntary contribution of \$1 per applicant, which  
1524 shall be distributed to the Juvenile Diabetes Foundation  
1525 International.

1526 (e) A voluntary contribution of \$1 per applicant, which  
1527 shall be distributed to the Children's Hearing Help Fund.

1528 (f) A voluntary contribution of \$1 per applicant, which  
1529 shall be distributed to Family First, a nonprofit organization.

1530 (g) A voluntary contribution of \$1 per applicant to Stop  
1531 Heart Disease, which shall be distributed to the Florida Heart  
1532 Research Institute, a nonprofit organization.

1533 (h) A voluntary contribution of \$1 per applicant to Senior  
1534 Vision Services, which shall be distributed to the Florida  
1535 Association of Agencies Serving the Blind, Inc., a not-for-  
1536 profit organization.

1537 (i) A voluntary contribution of \$1 per applicant for  
1538 services for persons with developmental disabilities, which  
1539 shall be distributed to The Arc of Florida.

1540 (j) A voluntary contribution of \$1 to the Ronald McDonald  
1541 House, which shall be distributed each month to Ronald McDonald  
1542 House Charities of Tampa Bay, Inc.

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1543 (k) Notwithstanding s. 322.081, a voluntary contribution  
1544 of \$1 per applicant, which shall be distributed to the League  
1545 Against Cancer/La Liga Contra el Cancer, a not-for-profit  
1546 organization.

1547 (l) A voluntary contribution of \$1 per applicant to  
1548 Prevent Child Sexual Abuse, which shall be distributed to  
1549 Lauren's Kids, Inc., a nonprofit organization.

1550 (m) A voluntary contribution of \$1 per applicant, which  
1551 shall be distributed to Prevent Blindness Florida, a not-for-  
1552 profit organization, to prevent blindness and preserve the sight  
1553 of the residents of this state.

1554 (n) Notwithstanding s. 322.081, a voluntary contribution  
1555 of \$1 per applicant to the state homes for veterans, to be  
1556 distributed on a quarterly basis by the department to the State  
1557 Homes for Veterans Trust Fund, which is administered by the  
1558 Department of Veterans' Affairs.

1559 (o) A voluntary contribution of \$1 per applicant to the  
1560 Disabled American Veterans, Department of Florida, which shall  
1561 be distributed quarterly to Disabled American Veterans,  
1562 Department of Florida, a nonprofit organization.

1563 (p) A voluntary contribution of \$1 per applicant for  
1564 Autism Services and Supports. Such contributions must be  
1565 transferred by the department to the Achievement and  
1566 Rehabilitation Centers, Inc., Autism Services Fund.

1567 (q) A voluntary contribution of \$1 per applicant to  
1568 Support Our Troops, which shall be distributed to Support Our  
1569 Troops, Inc., a Florida not-for-profit organization.

1570

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1571 A statement providing an explanation of the purpose of the trust  
1572 funds shall also be included. For the purpose of applying the  
1573 service charge provided in s. 215.20, contributions received  
1574 under paragraphs (b)-(g) ~~(b)-(e)~~ are not income of a revenue  
1575 nature.

1576 (8) Notwithstanding subsection (7), the department and its  
1577 authorized agents shall provide a complete list of voluntary  
1578 contributions authorized by law to customers applying for a  
1579 license or identification card or renewal of a license or  
1580 identification card. The renewal application form must include  
1581 either a complete list of all authorized voluntary contributions  
1582 or the department's website address which provides a complete  
1583 list and information on all authorized voluntary contributions.  
1584 The department or authorized agent may include on the renewal  
1585 application forms a complete list of authorized voluntary  
1586 contributions and the department's website address. Customers  
1587 renewing a license or identification card at either an agent's  
1588 office or a department office shall be provided information on  
1589 voluntary contribution options.

1590 (9) The department may collect electronic mail addresses  
1591 and use electronic mail in lieu of the United States Postal  
1592 Service for the purpose of providing renewal notices.

1593 Section 46. Paragraph (c) of subsection (2) and subsection  
1594 (5) of section 322.121, Florida Statutes, are amended to read:

1595 322.121 Periodic reexamination of all drivers.-

1596 (2) For each licensee whose driving record does not show  
1597 any revocations, disqualifications, or suspensions for the

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1598 preceding 7 years or any convictions for the preceding 3 years  
1599 except for convictions of the following nonmoving violations:

1600 (c) Operating a motor vehicle with an expired license that  
1601 has been expired for 6 4 months or less pursuant to s. 322.065;

1602  
1603 the department shall cause such licensee's license to be  
1604 prominently marked with the notation "Safe Driver."

1605 (5) Members of the Armed Forces, or their dependents  
1606 residing with them, shall be granted an automatic extension for  
1607 the expiration of their Class E licenses without reexamination  
1608 while serving on active duty outside this state. This extension  
1609 is valid for 90 days after the member of the Armed Forces is  
1610 either discharged or returns to this state to live.

1611 Section 47. Paragraph (a) of subsection (1) of section  
1612 322.14, Florida Statutes, is amended to read:

1613 322.14 Licenses issued to drivers.—

1614 (1)(a) The department shall, upon successful completion of  
1615 all required examinations and payment of the required fee, issue  
1616 to every qualified applicant ~~qualifying therefor,~~ a driver  
1617 ~~driver's~~ license that must as applied for, ~~which license shall~~  
1618 bear ~~thereon~~ a color photograph or digital image of the  
1619 licensee; the name of the state; a distinguishing number  
1620 assigned to the licensee; and the licensee's full name, date of  
1621 birth, and residence address; a brief description of the  
1622 licensee, including, but not limited to, the licensee's gender  
1623 and height; and the dates of issuance and expiration of the  
1624 license. A space shall be provided upon which the licensee shall  
1625 affix his or her usual signature. A ~~No~~ license is invalid ~~shall~~

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1626 ~~be valid~~ until it has been ~~so~~ signed by the licensee except that  
1627 the signature of the said licensee is not ~~shall not be~~ required  
1628 if it appears thereon in facsimile or if the licensee is not  
1629 present within the state at the time of issuance. ~~Applicants~~  
1630 ~~qualifying to receive a Class A, Class B, or Class C driver's~~  
1631 ~~license must appear in person within the state for issuance of a~~  
1632 ~~color photographic or digital imaged driver's license pursuant~~  
1633 ~~to s. 322.142.~~

1634 Section 48. Section 322.1415, Florida Statutes, is created  
1635 to read:

1636 322.1415 Specialty driver license and identification card  
1637 program.—

1638 (1) The department may issue to any applicant qualified  
1639 pursuant to s. 322.14 a specialty driver license or  
1640 identification card upon payment of the appropriate fee pursuant  
1641 to s. 322.21.

1642 (2) Any specialty driver license or identification card  
1643 approved by the department shall, at a minimum, be available for  
1644 state and independent universities domiciled in this state, all  
1645 Florida professional sports teams designated pursuant to s.  
1646 320.08058(9)(a), and all branches of the United States Armed  
1647 Forces.

1648 (3) The design and use of each specialty driver license  
1649 and identification card must be approved by the department and  
1650 the organization that is recognized by the driver license or  
1651 card.

1652 (4) Organizations receiving funds from this program shall  
1653 attest, under penalties of perjury, pursuant to s. 320.08062

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1654 that the funds have been expended in the same manner as provided  
1655 in s. 320.08058. On December 1 of each year, the department  
1656 shall deliver an annual report to the President of the Senate  
1657 and the Speaker of the House of Representatives which addresses  
1658 the viability of the program and details the amounts distributed  
1659 to each entity.

1660 (5) This section is repealed August 31, 2016.

1661 Section 49. Section 322.145, Florida Statutes, is created  
1662 to read:

1663 322.145 Electronic authentication of licenses.—

1664 (1) Any driver license issued on or after July 1, 2013,  
1665 must contain a means of electronic authentication which conforms  
1666 to a recognized standard for such authentication, such as public  
1667 key infrastructure, symmetric key algorithms, security tokens,  
1668 mediametrics, or biometrics. Electronic authentication  
1669 capabilities must not interfere with or change the driver  
1670 license format or topology.

1671 (2) The department shall provide, at the applicant's  
1672 option and at the time a license is issued, a security token  
1673 that can be electronically authenticated through a personal  
1674 computer. The token must also conform to one of the standards  
1675 provided in subsection (1).

1676 (3) The department shall negotiate a new contract with the  
1677 vendor selected to implement the electronic authentication  
1678 feature which provides that the vendor pay all costs of  
1679 implementing the system. This contract must not conflict with  
1680 current contractual arrangements for the issuance of driver  
1681 licenses.

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1682 Section 50. Subsection (2) of section 322.19, Florida  
1683 Statutes, is amended to read:

1684 322.19 Change of address or name.—

1685 (2) Whenever any person, after applying for or receiving a  
1686 driver ~~driver's~~ license, changes the legal residence or mailing  
1687 address in the application or license, the person must, within  
1688 10 calendar days after making the change, obtain a replacement  
1689 license that reflects the change. A written request to the  
1690 department must include the old and new addresses and the driver  
1691 ~~driver's~~ license number. Any person who has a valid, current  
1692 student identification card issued by an educational institution  
1693 in this state is presumed not to have changed his or her legal  
1694 residence or mailing address. This subsection does not affect  
1695 any person required to register a permanent or temporary address  
1696 change pursuant to s. 775.13, s. 775.21, s. 775.25, or s.  
1697 943.0435.

1698 Section 51. Present paragraphs (e) through (h) of  
1699 subsection (1) of section 322.21, Florida Statutes, are  
1700 redesignated as paragraphs (f) through (i), respectively, and  
1701 new paragraphs (e) and (j) are added to that subsection, to  
1702 read:

1703 322.21 License fees; procedure for handling and collecting  
1704 fees.—

1705 (1) Except as otherwise provided herein, the fee for:

1706 (e) An original or renewal enhanced driver license or  
1707 identification card that meets the requirements of the Western  
1708 Hemisphere Travel Initiative, in addition to the fees required  
1709 in paragraph (a), paragraph (b), paragraph (c), or paragraph

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1710 (f), may not exceed \$30. The funds collected pursuant to this  
1711 paragraph shall be deposited into the Highway Safety Operating  
1712 Trust Fund to offset the cost of administration and materials  
1713 related to the issuance of the enhanced driver license or  
1714 identification card. The issuance of an enhanced driver license  
1715 or identification card is optional for all residents who are  
1716 otherwise qualified to be issued a Class A, B, C, or E driver  
1717 license or an identification card.

1718 (j) The specialty driver license or identification card  
1719 issued pursuant to s. 322.1415 is \$25, which is in addition to  
1720 other fees required in this section. The fee shall be  
1721 distributed as follows:

1722 1. Fifty percent shall be distributed as provided in s.  
1723 320.08058 to the appropriate state or independent university,  
1724 professional sports team, or branch of the United States Armed  
1725 Forces.

1726 2. Fifty percent shall be distributed to the department  
1727 for costs directly related to the specialty driver license and  
1728 identification card program and to defray the costs associated  
1729 with production enhancements and distribution.

1730 Section 52. Subsection (2) of section 322.251, Florida  
1731 Statutes, is amended to read:

1732 322.251 Notice of cancellation, suspension, revocation, or  
1733 disqualification of license.—

1734 (2) The giving of notice and an order of cancellation,  
1735 suspension, revocation, or disqualification by mail is complete  
1736 upon expiration of 20 days after deposit in the United States  
1737 mail for all notices except those issued under chapter 324 or

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1738 ss. 627.732-627.734; which are complete 15 days after deposit in  
1739 the United States mail. Proof of the giving of notice and an  
1740 order of cancellation, suspension, revocation, or  
1741 disqualification in either ~~such~~ manner shall be made by entry in  
1742 the records of the department that such notice was given. The  
1743 ~~Such~~ entry is ~~shall be~~ admissible in the courts of this state  
1744 and constitutes ~~shall constitute~~ sufficient proof that such  
1745 notice was given.

1746 Section 53. Section 322.27, Florida Statutes, is amended  
1747 to read:

1748 322.27 Authority of department to suspend or revoke driver  
1749 license or identification card.-

1750 (1) Notwithstanding any provisions to the contrary in  
1751 chapter 120, the department may ~~is hereby authorized to~~ suspend  
1752 the license of any person without preliminary hearing upon a  
1753 showing of its records or other sufficient evidence that the  
1754 licensee:

1755 (a) Has committed an offense for which mandatory  
1756 revocation of license is required upon conviction. A law  
1757 enforcement agency must provide information to the department  
1758 within 24 hours after any traffic fatality or when the law  
1759 enforcement agency initiates action pursuant to s. 316.1933;

1760 (b) Has been convicted of a violation of any traffic law  
1761 which resulted in a crash that caused the death or personal  
1762 injury of another or property damage in excess of \$500;

1763 (c) Is incompetent to drive a motor vehicle;

1764 (d) Has permitted an unlawful or fraudulent use of the  
1765 ~~such~~ license or identification card or has knowingly been a

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1766 party to the obtaining of a license or identification card by  
1767 fraud or misrepresentation or to the display, or representation  
1768 ~~represent~~ as one's own, of a driver any driver's license or  
1769 identification card not issued to him or her. ~~Provided, however,~~  
1770 ~~no provision of~~ This section does not shall be construed to  
1771 include the provisions of s. 322.32(1);

1772 (e) Has committed an offense in another state which, if  
1773 committed in this state, would be grounds for suspension or  
1774 revocation; or

1775 (f) Has committed a second or subsequent violation of s.  
1776 316.172(1) within a 5-year period of any previous violation.

1777 (2) The department shall suspend the license of any person  
1778 without preliminary hearing upon a showing of its records that  
1779 the licensee has been convicted in any court having jurisdiction  
1780 over offenses committed under this chapter or any other law of  
1781 this state regulating the operation of a motor vehicle on the  
1782 highways, upon direction of the court, when the court feels that  
1783 the seriousness of the offense and the circumstances surrounding  
1784 the conviction warrant the suspension of the licensee's driving  
1785 privilege.

1786 (3) There is established a point system for evaluation of  
1787 convictions of violations of motor vehicle laws or ordinances,  
1788 and violations of applicable provisions of s. 403.413(6)(b) when  
1789 such violations involve the use of motor vehicles, for the  
1790 determination of the continuing qualification of any person to  
1791 operate a motor vehicle. The department is authorized to suspend  
1792 the license of any person upon showing of its records or other  
1793 good and sufficient evidence that the licensee has been

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1794 convicted of violation of motor vehicle laws or ordinances, or  
1795 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
1796 more points as determined by the point system. The suspension  
1797 shall be for a period of not more than 1 year.

1798 (a) When a licensee accumulates 12 points within a 12-  
1799 month period, the period of suspension shall be for not more  
1800 than 30 days.

1801 (b) When a licensee accumulates 18 points, including  
1802 points upon which suspension action is taken under paragraph  
1803 (a), within an 18-month period, the suspension shall be for a  
1804 period of not more than 3 months.

1805 (c) When a licensee accumulates 24 points, including  
1806 points upon which suspension action is taken under paragraphs  
1807 (a) and (b), within a 36-month period, the suspension shall be  
1808 for a period of not more than 1 year.

1809 (d) The point system shall have as its basic element a  
1810 graduated scale of points assigning relative values to  
1811 convictions of the following violations:

- 1812 1. Reckless driving, willful and wanton-4 points.
- 1813 2. Leaving the scene of a crash resulting in property  
1814 damage of more than \$50-6 points.
- 1815 3. Unlawful speed resulting in a crash-6 points.
- 1816 4. Passing a stopped school bus-4 points.
- 1817 5. Unlawful speed:
  - 1818 a. Not in excess of 15 miles per hour of lawful or posted  
1819 speed-3 points.
  - 1820 b. In excess of 15 miles per hour of lawful or posted  
1821 speed-4 points.

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1822           6. A violation of a traffic control signal device as  
1823 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.  
1824 However, no points shall be imposed for a violation of s.  
1825 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
1826 stop at a traffic signal and when enforced by a traffic  
1827 infraction enforcement officer. In addition, a violation of s.  
1828 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
1829 stop at a traffic signal and when enforced by a traffic  
1830 infraction enforcement officer may not be used for purposes of  
1831 setting motor vehicle insurance rates.

1832           7. All other moving violations (including parking on a  
1833 highway outside the limits of a municipality)—3 points. However,  
1834 no points shall be imposed for a violation of s. 316.0741 or s.  
1835 316.2065(12); and points shall be imposed for a violation of s.  
1836 316.1001 only when imposed by the court after a hearing pursuant  
1837 to s. 318.14(5).

1838           8. Any moving violation covered above, excluding unlawful  
1839 speed, resulting in a crash—4 points.

1840           9. Any conviction under s. 403.413(6)(b)—3 points.

1841           10. Any conviction under s. 316.0775(2)—4 points.

1842           (e) A conviction in another state of a violation therein  
1843 which, if committed in this state, would be a violation of the  
1844 traffic laws of this state, or a conviction of an offense under  
1845 any federal law substantially conforming to the traffic laws of  
1846 this state, except a violation of s. 322.26, may be recorded  
1847 against a driver on the basis of the same number of points  
1848 received had the conviction been made in a court of this state.

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1849 (f) In computing the total number of points, when the  
1850 licensee reaches the danger zone, the department is authorized  
1851 to send the licensee a warning letter advising that any further  
1852 convictions may result in suspension of his or her driving  
1853 privilege.

1854 (g) The department shall administer and enforce the  
1855 provisions of this law and may make rules and regulations  
1856 necessary for its administration.

1857 (h) Three points shall be deducted from the driver history  
1858 record of any person whose driving privilege has been suspended  
1859 only once pursuant to this subsection and has been reinstated,  
1860 if such person has complied with all other requirements of this  
1861 chapter.

1862 (i) This subsection does ~~shall~~ not apply to persons  
1863 operating a nonmotorized vehicle for which a driver ~~driver's~~  
1864 license is not required.

1865 (4) The department, in computing the points and period of  
1866 time for suspensions under this section, shall use the offense  
1867 date of all convictions.

1868 (5) The department shall revoke the license of any person  
1869 designated a habitual offender, as set forth in s. 322.264, and  
1870 such person is ~~shall~~ not be eligible to be relicensed for a  
1871 minimum of 5 years from the date of revocation, except as  
1872 provided for in s. 322.271. Any person whose license is revoked  
1873 may, by petition to the department, show cause why his or her  
1874 license should not be revoked.

1875 (6) The department shall revoke the driving privilege of  
1876 any person who is convicted of a felony for the possession of a

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1877 controlled substance if, at the time of such possession, the  
1878 person was driving or in actual physical control of a motor  
1879 vehicle. A person whose driving privilege has been revoked  
1880 pursuant to this subsection is ~~shall~~ not be eligible to receive  
1881 a limited business or employment purpose license during the term  
1882 of such revocation.

1883 (7) Review of an order of suspension or revocation shall  
1884 be by writ of certiorari as provided in s. 322.31.

1885 Section 54. Subsection (2) of section 322.53, Florida  
1886 Statutes, is amended to read:

1887 322.53 License required; exemptions.-

1888 (2) The following persons are exempt from the requirement  
1889 to obtain a commercial driver ~~driver's~~ license:

1890 (a) Drivers of authorized emergency vehicles.

1891 (b) Military personnel driving vehicles operated for  
1892 military purposes.

1893 (c) Farmers transporting agricultural products, farm  
1894 supplies, or farm machinery to or from their farms and within  
1895 150 miles of their farms farm, if the vehicle operated under  
1896 this exemption is not used in the operations of a common or  
1897 contract motor carrier or transporting agricultural products to  
1898 or from the first place of storage or processing or directly to  
1899 or from market, within 150 miles of their farm.

1900 (d) Drivers of recreational vehicles, as defined in s.  
1901 320.01.

1902 (e) Drivers who operate straight trucks, as defined in s.  
1903 316.003, and who that are exclusively transporting exclusively  
1904 their own tangible personal property, which is not for sale.

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1905 (f) Employees ~~An employee~~ of a publicly owned transit  
1906 system who are ~~is~~ limited to moving vehicles for maintenance or  
1907 parking purposes exclusively within the restricted-access  
1908 confines of a transit system's property.

1909 Section 55. Subsection (2) of section 322.54, Florida  
1910 Statutes, is amended to read:

1911 322.54 Classification.—

1912 (2) The department shall issue, pursuant to the  
1913 requirements of this chapter, driver ~~drivers'~~ licenses in  
1914 accordance with the following classifications:

1915 (a) Any person who drives a motor vehicle combination  
1916 having a gross vehicle weight rating or gross vehicle weight of  
1917 26,001 pounds or more must possess a valid Class A driver  
1918 ~~driver's~~ license, if provided the gross vehicle weight rating or  
1919 gross vehicle weight of the vehicle being towed is more than  
1920 10,000 pounds. Any person who possesses a valid Class A driver  
1921 ~~driver's~~ license may, subject to the appropriate restrictions  
1922 and endorsements, drive any class of motor vehicle within this  
1923 state.

1924 (b) Any person, except a person who possesses a valid  
1925 Class A driver ~~driver's~~ license, who drives a motor vehicle  
1926 having a gross vehicle weight rating or gross vehicle weight of  
1927 26,001 pounds or more must possess a valid Class B driver  
1928 ~~driver's~~ license. Any person, except a person who possesses a  
1929 valid Class A driver ~~driver's~~ license, who drives such vehicle  
1930 towing a vehicle having a gross vehicle weight rating of 10,000  
1931 pounds or less must possess a valid Class B driver ~~driver's~~  
1932 license. Any person who possesses a valid Class B driver

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1933 ~~driver's~~ license may, subject to the appropriate restrictions  
1934 and endorsements, drive any class of motor vehicle, other than  
1935 the type of motor vehicle for which a Class A driver ~~driver's~~  
1936 license is required, within this state.

1937 (c) Any person, except a person who possesses a valid  
1938 Class A or a valid Class B driver ~~driver's~~ license, who drives a  
1939 motor vehicle having a gross vehicle weight rating of less than  
1940 26,001 pounds and who is required to obtain an endorsement  
1941 pursuant to paragraph (1)(b), paragraph (1)(c), or paragraph  
1942 (1)(e) of s. 322.57, must possess a valid Class C driver  
1943 ~~driver's~~ license. Any person who possesses a valid Class C  
1944 driver ~~driver's~~ license may, subject to the appropriate  
1945 restrictions and endorsements, drive any class of motor vehicle,  
1946 other than the type of motor vehicle for which a Class A or a  
1947 Class B driver ~~driver's~~ license is required, within this state.

1948 (d) Any person, except a person who possesses a valid  
1949 Class A, valid Class B, or valid Class C driver ~~driver's~~  
1950 license, who drives a motor vehicle must possess a valid Class E  
1951 driver ~~driver's~~ license. Any person who possesses a valid Class  
1952 E driver ~~driver's~~ license may, subject to the appropriate  
1953 restrictions and endorsements, drive any type of motor vehicle,  
1954 other than the type of motor vehicle for which a Class A, Class  
1955 B, or Class C driver ~~driver's~~ license is required, within this  
1956 state.

1957 Section 56. Section 322.58, Florida Statutes, is repealed.

1958 Section 57. Section 322.59, Florida Statutes, is amended  
1959 to read:

1960 322.59 Possession of medical examiner's certificate.-

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1961 (1) The department may ~~shall~~ not issue a commercial driver  
1962 ~~driver's~~ license to a any person who is required by the laws of  
1963 this state or by federal law to possess a medical examiner's  
1964 certificate, unless the ~~such~~ person presents a valid  
1965 certificate, as described in 49 C.F.R. s. 383.71, before ~~prior~~  
1966 ~~to~~ licensure.

1967 (2) The department shall disqualify a driver from  
1968 operating a commercial motor vehicle if the driver holds a  
1969 commercial driver license and fails to comply with the medical  
1970 certification requirements in 49 C.F.R. s. 383.71 ~~This section~~  
1971 ~~does not expand the requirements as to who must possess a~~  
1972 ~~medical examiner's certificate.~~

1973 (3) A person who is disqualified from operating a  
1974 commercial motor vehicle under this section may, if otherwise  
1975 qualified, be issued a Class E driver license pursuant to s.  
1976 322.251.

1977 Section 58. Subsections (3) and (5) of section 322.61,  
1978 Florida Statutes, are amended to read:

1979 322.61 Disqualification from operating a commercial motor  
1980 vehicle.—

1981 (3)(a) Except as provided in subsection (4), any person  
1982 who is convicted of one of the offenses listed in paragraph (b)  
1983 while operating a commercial motor vehicle shall, in addition to  
1984 any other applicable penalties, be disqualified from operating a  
1985 commercial motor vehicle for a period of 1 year~~.~~+

1986 (b) Except as provided in subsection (4), any holder of a  
1987 commercial driver ~~driver's~~ license who is convicted of one of  
1988 the offenses listed in this paragraph while operating a

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1989 noncommercial motor vehicle shall, in addition to any other  
1990 applicable penalties, be disqualified from operating a  
1991 commercial motor vehicle for a period of 1 year:

1992 1. Driving a motor vehicle while he or she is under the  
1993 influence of alcohol or a controlled substance;

1994 2. Driving a commercial motor vehicle while the alcohol  
1995 concentration of his or her blood, breath, or urine is .04  
1996 percent or higher;

1997 3. Leaving the scene of a crash involving a motor vehicle  
1998 driven by such person;

1999 4. Using a motor vehicle in the commission of a felony;

2000 5. Driving a commercial motor vehicle while in possession  
2001 of a controlled substance;

2002 6. Refusing to submit to a test to determine his or her  
2003 alcohol concentration while driving a motor vehicle;

2004 7. Driving a commercial vehicle while the licenseholder's  
2005 commercial driver ~~driver's~~ license is suspended, revoked, or  
2006 canceled or while the licenseholder is disqualified from driving  
2007 a commercial vehicle; or

2008 8. Causing a fatality through the negligent operation of a  
2009 commercial motor vehicle.

2010 (5) A ~~Any~~ person who is convicted of two violations  
2011 specified in subsection (3) which were committed while operating  
2012 a commercial motor vehicle, or any combination thereof, arising  
2013 in separate incidents shall be permanently disqualified from  
2014 operating a commercial motor vehicle. A ~~Any~~ holder of a  
2015 commercial driver ~~driver's~~ license who is convicted of two  
2016 violations specified in subsection (3) which were committed

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2017 while operating any ~~a noncommercial~~ motor vehicle, ~~or any~~  
2018 ~~combination thereof~~, arising in separate incidents shall be  
2019 permanently disqualified from operating a commercial motor  
2020 vehicle. The penalty provided in this subsection is in addition  
2021 to any other applicable penalty.

2022 Section 59. Subsection (1) of section 324.072, Florida  
2023 Statutes, is amended to read:

2024 324.072 Proof required upon certain convictions.-

2025 (1) Upon the suspension or revocation of a license  
2026 pursuant to ~~the provisions of~~ s. 322.26 or s. 322.27, the  
2027 department shall suspend the registration for all motor vehicles  
2028 registered in the name of the licensee ~~such person~~, either  
2029 individually or jointly with another. However, the department  
2030 may, except that it shall not suspend the such registration,  
2031 unless otherwise required by law, if the such person had  
2032 insurance coverage limits required under s. 324.031 on the date  
2033 of the latest offense that caused the suspension or revocation,  
2034 or has previously given or shall immediately give, and  
2035 thereafter maintain, proof of financial responsibility with  
2036 respect to all motor vehicles registered by the such person, in  
2037 accordance with this chapter.

2038 Section 60. Subsection (1) of section 324.091, Florida  
2039 Statutes, is amended to read:

2040 324.091 Notice to department; notice to insurer.-

2041 (1) Each owner and operator involved in a crash or  
2042 conviction case within the purview of this chapter shall furnish  
2043 evidence of automobile liability insurance, motor vehicle  
2044 liability insurance, or a surety bond within 14 ~~30~~ days after

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2045 ~~from~~ the date of the mailing of notice of crash by the  
2046 department in the ~~such~~ form and manner as it may designate. Upon  
2047 receipt of evidence that an automobile liability policy, motor  
2048 vehicle liability policy, or surety bond was in effect at the  
2049 time of the crash or conviction case, the department shall  
2050 forward by United States mail, postage prepaid, to the insurer  
2051 or surety insurer a copy of such information and shall assume  
2052 that the ~~such~~ policy or bond was in effect, unless the insurer  
2053 or surety insurer notifies ~~shall notify~~ the department otherwise  
2054 within 20 days after ~~from~~ the mailing of the notice to the  
2055 insurer or surety insurer. However, ~~provided that~~ if the  
2056 department ~~shall~~ later determines ~~ascertain~~ that an automobile  
2057 liability policy, motor vehicle liability policy, or surety bond  
2058 was not in effect and did not provide coverage for both the  
2059 owner and the operator, it shall ~~at such time~~ take ~~such~~ action  
2060 as it is otherwise authorized to do under this chapter. Proof of  
2061 mailing to the insurer or surety insurer may be made by the  
2062 department by naming the insurer or surety insurer to whom the  
2063 ~~such~~ mailing was made and by specifying the time, place, and  
2064 manner of mailing.

2065 Section 61. Subsection (5) of section 328.15, Florida  
2066 Statutes, is amended to read:

2067 328.15 Notice of lien on vessel; recording.—

2068 (5) (a) The Department of Highway Safety and Motor Vehicles  
2069 shall adopt ~~make such rules to administer and regulations as it~~  
2070 ~~deems necessary or proper for the effective administration of~~  
2071 this section law. The department may by rule require that a  
2072 notice of satisfaction of a lien be notarized. The department

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2073 shall prepare the forms of the notice of lien and the  
2074 satisfaction of lien to be supplied, at a charge not to exceed  
2075 50 percent more than cost, to applicants for recording the liens  
2076 or satisfactions and shall keep a record of such notices of lien  
2077 and satisfactions available for inspection by the public at all  
2078 reasonable times. The division may ~~is authorized to~~ furnish  
2079 certified copies of such satisfactions for a fee of \$1, which  
2080 are certified copies shall be admissible in evidence in all  
2081 courts of this state under the same conditions and to the same  
2082 effect as certified copies of other public records.

2083 (b) The department shall establish and administer an  
2084 electronic titling program that requires the recording of vessel  
2085 title information for new, transferred, and corrected  
2086 certificates of title. Lienholders shall electronically transmit  
2087 liens and lien satisfactions to the department in a format  
2088 determined by the department. Individuals and lienholders who  
2089 the department determines are not normally engaged in the  
2090 business or practice of financing vessels are not required to  
2091 participate in the electronic titling program.

2092 Section 62. Subsection (4) of section 328.16, Florida  
2093 Statutes, is amended to read:

2094 328.16 Issuance in duplicate; delivery; liens and  
2095 encumbrances.—

2096 (4) Notwithstanding any requirements in this section or in  
2097 s. 328.15 indicating that a lien on a vessel shall be noted on  
2098 the face of the Florida certificate of title, if there are one  
2099 or more liens or encumbrances on a vessel, the department shall  
2100 may electronically transmit the lien to the first lienholder and

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2101 notify the first lienholder of any additional liens. Subsequent  
2102 lien satisfactions shall ~~may~~ be electronically transmitted to  
2103 the department and must ~~shall~~ include the name and address of  
2104 the person or entity satisfying the lien. When electronic  
2105 transmission of liens and lien satisfactions are used, the  
2106 issuance of a certificate of title may be waived until the last  
2107 lien is satisfied and a clear certificate of title is issued to  
2108 the owner of the vessel.

2109 Section 63. Section 328.30, Florida Statutes, is amended  
2110 to read:

2111 328.30 Transactions by electronic or telephonic means.-

2112 (1) The department may ~~is authorized to~~ accept any  
2113 application provided for under this chapter by electronic or  
2114 telephonic means.

2115 (2) The department may issue an electronic certificate of  
2116 title in lieu of printing a paper title.

2117 (3) The department may collect electronic mail addresses  
2118 and use electronic mail in lieu of the United States Postal  
2119 Service for the purpose of providing renewal notices.

2120 Section 64. Present subsection (17) of section 328.72,  
2121 Florida Statutes, is renumbered as subsection (18), and a new  
2122 subsection (17) is added to that section to read:

2123 328.72 Classification; registration; fees and charges;  
2124 surcharge; disposition of fees; fines; marine turtle stickers.-

2125 (17) Notwithstanding subsection (11), the department and  
2126 the tax collectors acting as agents for the department shall  
2127 provide a complete list of voluntary contributions authorized by  
2128 law to customers applying for registration or renewal

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2129 registration. The renewal application forms must include either  
2130 a complete list of all authorized voluntary contributions or the  
2131 department's website address which provides a complete list and  
2132 information on all authorized voluntary contributions. The  
2133 department or a tax collector may include on the renewal forms a  
2134 complete list of authorized voluntary contributions and the  
2135 department's website address. Customers renewing a registration  
2136 at either a tax collector's office or a department office shall  
2137 be provided information on voluntary contribution options.

2138 Section 65. Paragraph (f) of subsection (13) of section  
2139 713.78, Florida Statutes, is amended to read:

2140 713.78 Liens for recovering, towing, or storing vehicles  
2141 and vessels.-

2142 (13)

2143 (f) This subsection applies only to the annual renewal in  
2144 the registered owner's birth month of a motor vehicle  
2145 registration and does not apply to the transfer of a  
2146 registration of a motor vehicle sold by a motor vehicle dealer  
2147 licensed under chapter 320, except for the transfer of  
2148 registrations which includes ~~is inclusive of~~ the annual  
2149 renewals. This subsection does not apply to any vehicle  
2150 registered in the name of the lessor. This subsection does not  
2151 affect the issuance of the title to a motor vehicle,  
2152 notwithstanding s. 319.23(8)(b) ~~s. 319.23(7)(b)~~.

2153 Section 66. Except as otherwise expressly provided in this  
2154 act and except for this section, which shall take effect upon  
2155 this act becoming a law, this act shall take effect January 1,  
2156 2013.

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**T I T L E   A M E N D M E N T**

Remove the entire title and insert:

A bill to be entitled

An act relating to highway safety and motor vehicles; amending s. 20.24, F.S.; renaming the Office of Motor Carrier Compliance within the Division of the Florida Highway Patrol as the Office of Commercial Vehicle Enforcement; amending s. 316.003, F.S.; revising definitions for purposes of the Florida Uniform Traffic Control Law; revising the definition of the term "motor vehicle" to exclude swamp buggies; defining the term "swamp buggy"; amending s. 316.1303, F.S.; authorizing a person who is mobility impaired to use a motorized wheelchair to temporarily leave the sidewalk and use the roadway under certain circumstances; authorizing a law enforcement officer to issue only a verbal warning to such person; amending s. 316.183, F.S.; revising a provision that prohibits a school bus from exceeding the posted speed limits; amending s. 316.2065, F.S.; revising safety standard requirements for bicycle helmets that must be worn by certain riders and passengers; revising requirements for a bicycle operator to ride in a bicycle lane or along the curb or edge of the roadway; providing for enforcement of requirements for bicycle lighting equipment; providing penalties for violations; providing for dismissal of the charge following a first offense under certain circumstances; amending s. 316.2085, F.S.; requiring that the license tag of a motorcycle or moped

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2185 remain clearly visible from the rear at all times; prohibiting  
2186 deliberate acts to conceal or obscure the license tag; providing  
2187 that certain license tags may be affixed perpendicularly to the  
2188 ground; amending s. 316.2126, F.S.; revising conditions for use  
2189 of golf carts and utility vehicles; amending s. 316.2397, F.S.;  
2190 providing an exception to the prohibition against flashing  
2191 vehicle lights for motorists who intermittently flash their  
2192 vehicle's headlamps at an oncoming vehicle, regardless of their  
2193 intent in doing so, and for persons operating bicycles equipped  
2194 with lamps; creating s. 316.2129, F.S.; prohibiting the  
2195 operation of swamp buggies on a public road, street, or highway;  
2196 providing exceptions; prohibiting the operation of swamp buggies  
2197 on land managed, owned, or leased by a state or federal agency;  
2198 providing exceptions; amending s. 316.302, F.S.; providing that  
2199 specified provisions that restrict the number of consecutive  
2200 hours a commercial motor vehicle may operate do not apply to a  
2201 farm labor vehicle operated during a state of emergency or  
2202 during an emergency pertaining to agriculture; amending s.  
2203 316.3026, F.S., relating to unlawful operation of motor  
2204 carriers; conforming provisions to changes made by the act;  
2205 amending s. 316.6135, F.S.; revising the criteria under which a  
2206 child may not be left unattended in a vehicle; amending s.  
2207 316.614, F.S.; deleting provisions that require that a law  
2208 enforcement officer record the race and ethnicity of a person  
2209 who is given a citation for not wearing his or her safety belt;  
2210 deleting provisions that require that the Department of Highway  
2211 Safety and Motor Vehicles collect such information and provide  
2212 reports; amending s. 318.14, F.S.; authorizing a person who

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2213 does not hold a commercial driver license and who is cited for a  
2214 noncriminal traffic infraction while driving a noncommercial  
2215 motor vehicle to elect to attend a basic driver improvement  
2216 course in lieu of a court appearance; authorizing a person who  
2217 does not hold a commercial driver license and who is cited for  
2218 certain offenses while driving a noncommercial motor vehicle to  
2219 elect to enter a plea of nolo contendere and to provide proof of  
2220 compliance in lieu of payment of fine or court appearance;  
2221 amending s. 318.15, F.S.; providing that a person charged with a  
2222 traffic infraction may request a hearing within a specified  
2223 period after the date upon which the violation occurred;  
2224 requiring that the clerk set the case for hearing; providing  
2225 exceptions to the time period for requesting a hearing;  
2226 authorizing the court to grant a request for a hearing made more  
2227 than 180 days after the date upon which the violation occurred;  
2228 amending ss. 318.18 and 318.21, F.S.; conforming cross-  
2229 references; amending s. 319.14, F.S.; revising provisions that  
2230 prohibit the sale or exchange of a rebuilt vehicle until certain  
2231 conditions are met; requiring an application for a certificate  
2232 of title with indication on the title that a vehicle is a custom  
2233 vehicle or a street rod, an inspection by the department, and a  
2234 decal affixed to such vehicle by the department; defining the  
2235 terms "custom vehicle" and "street rod"; prohibiting the sale,  
2236 exchange, or transfer of a custom vehicle or street rod or  
2237 advertising or offering to sell or exchange a vehicle previously  
2238 titled, registered, or used as a custom vehicle or street rod  
2239 unless certain conditions are met; providing penalties; amending  
2240 s. 319.23, F.S.; requiring that the application for a

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2241 certificate of title, corrected certificate, or assignment or  
2242 reassignment be filed after the consummation of the sale of a  
2243 mobile home; authorizing the department to accept a bond if the  
2244 applicant for a certificate of title is unable to provide a  
2245 title that assigns the prior owner's interest in the motor  
2246 vehicle; providing requirements for the bond and the affidavit;  
2247 providing for future expiration of the bond; amending s. 319.24,  
2248 F.S.; requiring that the department electronically transmit a  
2249 lien to the first lienholder and notify the first lienholder of  
2250 any additional liens if there are one or more lien encumbrances  
2251 on a motor vehicle or mobile home; requiring that subsequent  
2252 lien satisfactions be transmitted electronically to the  
2253 department; amending s. 319.27, F.S.; requiring that the  
2254 department administer an electronic titling program; requiring  
2255 the electronic recording of vehicle title information for new,  
2256 transferred, and corrected certificates of title; requiring that  
2257 lienholders electronically transmit liens and lien satisfactions  
2258 to the department; providing exceptions; amending s. 319.28,  
2259 F.S.; providing that a dealer of certain farm or industrial  
2260 equipment is not subject to licensure as a recovery agent or  
2261 agency under certain conditions; amending s. 319.40, F.S.;

2262 authorizing the department to issue an electronic certificate of  
2263 title in lieu of printing a paper title and to collect  
2264 electronic mail addresses and use electronic mail as a  
2265 notification method in lieu of the United States Postal Service;  
2266 providing an exception; amending s. 320.01, F.S.; revising the  
2267 definition of the term "motor vehicle" to exclude special mobile  
2268 equipment and swamp buggies; defining the term "swamp buggy";

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2269 amending s. 320.02, F.S.; providing that an active duty member  
2270 of the Armed Forces of the United States is exempt from the  
2271 requirement to provide an address on an application for vehicle  
2272 registration; revising provisions relating to the registration  
2273 of a motor carrier who operates a commercial motor vehicle and  
2274 the notice of the suspension of such registration; requiring  
2275 that insurer to provide notice to the department at the same  
2276 time the cancellation notice is provided to the insured;  
2277 authorizing the department to adopt rules for certain purposes;  
2278 providing that an insurer who fails to file the proper  
2279 documentation with the department violates the Florida Insurance  
2280 Code; providing that the department may use the documentation  
2281 only for enforcement and regulatory purposes; requiring the  
2282 application forms for motor vehicle registration and renewal of  
2283 registration to include language permitting the applicant to  
2284 make a voluntary contribution to the Florida Association of Food  
2285 Banks, Inc., for Autism Services and Supports, to Support Our  
2286 Troops, and to Take Stock In Children; providing that such  
2287 contributions are not income for specified purposes; requiring  
2288 the department and its agents to provide customers applying for  
2289 or renewing a registration with certain information on voluntary  
2290 contribution options; requiring that the department retain all  
2291 electronic registration records for a specified period; amending  
2292 s. 320.03, F.S.; conforming a cross-reference; amending s.  
2293 320.06, F.S.; deleting a requirement that registration license  
2294 plates be made of metal and conforming terminology; amending s.  
2295 320.0605, F.S.; revising requirements to possess certain  
2296 documentation while a vehicle is being operated; requiring

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2297 rental or lease vehicle documentation to contain certain  
2298 information; amending s. 320.061, F.S.; prohibiting a person  
2299 from altering the original appearance of a temporary license  
2300 plate; providing penalties; amending s. 320.07, F.S.; revising  
2301 provisions relating to the expiration of a registration of a  
2302 motor vehicle or mobile home; providing that the registration  
2303 for a motor vehicle or mobile home whose owner is a natural  
2304 person expires at midnight on the owner's birthday; amending s.  
2305 320.08056, F.S.; revising the annual use fee for the Tampa Bay  
2306 Estuary license plate; amending s. 320.08058, F.S.; requiring  
2307 that the Harbor Branch Oceanographic Institution, Inc.,  
2308 distribute a specified percentage of the remaining fees from the  
2309 Aquaculture license plate to the Florida Aquaculture Association  
2310 for research and education; amending s. 320.08068, F.S.;

2311 revising provisions relating to the use of funds received from  
2312 the sale of motorcycle specialty license plates; deleting a  
2313 provision that requires that 20 percent of the annual fee  
2314 collected for such plates be used to leverage additional funding  
2315 and new sources of revenue for the centers for independent  
2316 living; amending s. 320.0848, F.S.; revising the requirements  
2317 for the deposit of fee proceeds from temporary disabled parking  
2318 permits; requiring that certain proceeds be deposited into the  
2319 Florida Endowment Foundation for Vocational Rehabilitation,  
2320 instead of the Florida Governor's Alliance for the Employment of  
2321 Disabled Citizens; amending s. 320.089, F.S.; providing for the  
2322 issuance of a Combat Infantry Badge license plate; amending s.  
2323 320.15, F.S.; providing that an owner of a motor vehicle or  
2324 mobile home may apply for a refund of certain license taxes if

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2325 the owner renews a registration during the advanced renewal  
2326 period and surrenders the motor vehicle or mobile home license  
2327 plate before the end of the renewal period; amending s. 320.27,  
2328 F.S.; providing an exemption for salvage motor vehicle dealers  
2329 from certain application and security requirements; amending s.  
2330 320.771, F.S.; revising the definition of the term "dealer";  
2331 amending s. 320.95, F.S.; authorizing the department to collect  
2332 electronic mail addresses and use electronic mail for the  
2333 purpose of providing renewal notices in lieu of the United  
2334 States Postal Service; amending s. 322.04, F.S.; revising  
2335 provisions exempting a nonresident from the requirement to  
2336 obtain a driver license under certain circumstances; amending s.  
2337 322.051, F.S.; revising requirements by which an applicant for  
2338 an identification card may prove nonimmigrant classification;  
2339 clarifying the validity of an identification card based on  
2340 specified documents; authorizing the department to require  
2341 additional documentation to establish the maintenance of, or  
2342 efforts to maintain, continuous lawful presence; providing for  
2343 the department to waive the fees for issuing or renewing an  
2344 identification card to a person who is homeless; amending s.  
2345 322.058, F.S.; conforming a cross-reference; amending s.  
2346 322.065, F.S.; revising provisions relating to a person whose  
2347 driver license has expired for 6 months or less and who drives a  
2348 motor vehicle; providing penalties; amending s. 322.07, F.S.;  
2349 revising provisions relating to temporary commercial instruction  
2350 permits; amending s. 322.08, F.S.; revising provisions relating  
2351 to an application for a driver license or temporary permit;  
2352 requiring that applicants prove nonimmigrant classification by

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2353 providing certain documentation; authorizing the department to  
2354 require additional documentation to establish the maintenance  
2355 of, or efforts to maintain, continuous lawful presence; revising  
2356 the length of time a license is valid when issuance is based on  
2357 documentation required under specified provisions; requiring the  
2358 application forms for an original, renewal, or replacement  
2359 driver license to include language permitting the applicant to  
2360 make a voluntary contribution for Autism Services and Supports  
2361 and to Support Our Troops; requiring the department and its  
2362 agents to provide customers applying for or renewing a license  
2363 or identification card with certain information on voluntary  
2364 contribution options; authorizing the department to collect  
2365 electronic mail addresses and use electronic mail for the  
2366 purpose of providing renewal notices in lieu of the United  
2367 States Postal Service; amending s. 322.121, F.S.; conforming a  
2368 provision relating to Safe Driver designation; revising  
2369 provisions authorizing the automatic extension of a license for  
2370 members of the Armed Forces of the United States or their  
2371 dependents while serving on active duty outside the state;  
2372 amending s. 322.14, F.S.; deleting a requirement that a  
2373 qualified driver license applicant appear in person for issuance  
2374 of a color photographic or digital imaged driver license;  
2375 creating s. 322.1415, F.S.; authorizing the department to issue  
2376 a specialty driver license or identification card to qualified  
2377 applicants; specifying that, at a minimum, the specialty driver  
2378 licenses and identification cards must be available for certain  
2379 state and independent universities and professional sports teams  
2380 and all branches of the Armed Forces of the United States;

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2381 requiring that the department and applicable organization  
2382 approve the design of each specialty driver license and  
2383 identification card; requiring an annual report to the  
2384 Legislature; providing for future repeal; creating s. 322.145,  
2385 F.S.; requiring driver licenses to contain a means for  
2386 electronic authentication; directing the department to make  
2387 certain security tokens available to a driver license applicant;  
2388 directing the department to contract for implementation of the  
2389 electronic authentication; requiring that such person obtain an  
2390 original license; amending s. 322.19, F.S.; providing that  
2391 certain persons who have a valid student identification card are  
2392 presumed not to have changed their legal residence or mailing  
2393 address; amending s. 322.21, F.S.; revising provisions relating  
2394 to license fees; prohibiting the fee for an original or renewal  
2395 of an enhanced driver license or identification card from  
2396 exceeding a specified amount; requiring that the funds collected  
2397 from such fee be deposited into the Highway Safety Operating  
2398 Trust Fund; providing that the issuance of an enhanced driver  
2399 license or identification card is optional for certain qualified  
2400 residents; providing for the distribution of funds collected  
2401 from the specialty driver license and identification card fees;  
2402 amending s. 322.251, F.S.; providing that certain notices of  
2403 cancellation, suspension, revocation, or disqualification of a  
2404 driver license are complete within a specified period after  
2405 deposit in the mail; amending s. 322.27, F.S.; revising the  
2406 department's authority to suspend or revoke licenses or  
2407 identification cards under certain circumstances; amending s.  
2408 322.53, F.S.; revising an exemption from the requirement to

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## COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1223 (2012)

Amendment No.

2409 obtain a commercial driver license for farmers transporting  
2410 agricultural products, farm supplies, or farm machinery under  
2411 certain circumstances; providing that such exemption applies if  
2412 the vehicle is not used in the operations of a common or  
2413 contract motor carrier; amending s. 322.54, F.S.; requiring that  
2414 persons who drive a motor vehicle having a gross vehicle weight  
2415 rating or gross vehicle weight of a specified amount or more  
2416 possess certain classifications of driver licenses; repealing s.  
2417 322.58, F.S., relating to holders of chauffeur licenses and the  
2418 classified licensure of commercial motor vehicle drivers;  
2419 amending s. 322.59, F.S.; revising provisions relating to the  
2420 possession of a medical examiner's certificate; requiring that  
2421 the department disqualify a driver from operating a commercial  
2422 motor vehicle if the driver holds a commercial driver license  
2423 and fails to comply with the medical certification requirements;  
2424 authorizing the department to issue, under certain  
2425 circumstances, a Class E driver license to a person who is  
2426 disqualified from operating a commercial motor vehicle; amending  
2427 s. 322.61, F.S.; revising provisions relating to the  
2428 disqualification from operating a commercial motor vehicle;  
2429 providing that any holder of a commercial driver license who is  
2430 convicted of two violations committed while operating any motor  
2431 vehicle is permanently disqualified from operating a commercial  
2432 motor vehicle; amending s. 324.072, F.S.; prohibiting the  
2433 department from suspending a registration of a motor vehicle if  
2434 the person to whom the motor vehicle is registered had certain  
2435 insurance coverage limits on the date of the offense that caused  
2436 the suspension or revocation; amending s. 324.091, F.S.;

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COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 1223 (2012)

Amendment No.

2437 revising the period within which an owner or operator involved  
2438 in a crash must furnish evidence of automobile liability  
2439 insurance, motor vehicle liability insurance, or a surety bond;  
2440 amending s. 328.15, F.S.; requiring that the department  
2441 establish and administer an electronic titling program that  
2442 requires the recording of vehicle title information for new,  
2443 transferred, and corrected certificates of title; requiring that  
2444 lienholders electronically transmit liens and lien satisfactions  
2445 to the department; providing exceptions; amending s. 328.16,  
2446 F.S.; requiring that the department electronically transmit a  
2447 lien to the first lienholder and notify such lienholder of any  
2448 additional liens; requiring that subsequent lien satisfactions  
2449 be electronically transmitted to the department; amending s.  
2450 328.30, F.S.; authorizing the department to issue an electronic  
2451 certificate of title in lieu of printing a paper title and to  
2452 collect electronic mail addresses and use electronic mail as a  
2453 notification method in lieu of the United States Postal Service;  
2454 amending s. 328.72, F.S., relating to vessel registration;  
2455 requiring the department and its agents to provide customers  
2456 applying for or renewing a registration with certain information  
2457 on voluntary contribution options; amending s. 713.78, F.S.;  
2458 conforming a cross-reference; providing effective dates.



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1287 Motor Vehicle Registration Forms

SPONSOR(S): Abruzzo

TIED BILLS: IDEN./SIM. BILLS: SB 1388

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Transportation & Highway Safety Subcommittee		Kiner <i>YLK</i>	Kruse <i>MK</i>
2) Transportation & Economic Development Appropriations Subcommittee			
3) Economic Affairs Committee			

SUMMARY ANALYSIS

The bill amends s. 320.02, F.S., and s. 322.08, F.S., to create a \$1 voluntary contribution check-off on a motor vehicle registration application (initial registration or renewal) and a driver's license or identification card application (initial, renewal, or replacement). The check-offs are created for the following entities and causes:

- Autism Services and Supports – contributions shall be distributed to Achievement and Rehabilitation Centers, Inc., Autism Services Fund.
- Support Our Troops – contributions shall be distributed to Support Our Troops, Inc., a Florida not-for-profit organization.

The bill has an indeterminate fiscal impact.

The bill has an effective date of July 1, 2012.

## FULL ANALYSIS

### I. SUBSTANTIVE ANALYSIS

#### A. EFFECT OF PROPOSED CHANGES:

##### Current Situation

##### ***Requests to Establish Voluntary Check-off on Motor Vehicle Registration Application***

Section 320.023, F.S., outlines the procedure an organization must follow prior to seeking legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary contribution on a motor vehicle registration application (initial registration or renewal). The contribution allows a registered owner of a motor vehicle to voluntarily contribute to one or more of the authorized organizations. To become eligible, the organization must submit the following to the Florida Department of Highway Safety and Motor Vehicles ("DHSMV") at least 90 days before the convening of the next regular session of the Legislature:

- a request for the particular voluntary contribution being sought, describing it in general terms;
- an application fee of up to \$10,000 (state funds may not be used) to defray DHSMV's costs for reviewing the application and developing the check-off, if authorized; and
- a short and long-term marketing strategy and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contributions.

DHSMV must discontinue the check-off if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent five-year period.<sup>1</sup>

The authorized voluntary check-offs on a motor vehicle registration application are listed in s. 320.02, F.S.

##### ***Requests to Establish Voluntary Check-off on Driver's License Application***

Section 322.081, F.S., outlines the procedure an organization must follow prior to seeking legislative authorization to request the creation of a new voluntary contribution fee and establish a corresponding voluntary contribution on a driver's license or identification card application (initial, renewal, or replacement). The contribution allows a person applying for, renewing, or replacing a Florida driver's license or identification card to voluntarily contribute to one or more of the authorized organizations during the transaction. To become eligible, the organization must submit the following to DHSMV at least 90 days before the convening of the next regular session of the Legislature:

- a request for the particular voluntary contribution being sought, describing it in general terms;
- an application fee of up to \$10,000 (state funds may not be used) to defray the DHSMV's costs for reviewing the application and developing the check-off, if authorized; and
- a short and long-term marketing strategy and a financial analysis outlining the anticipated revenues and the planned expenditures of the revenues to be derived from the voluntary contributions.

DHSMV must discontinue the contribution if less than \$25,000 has been contributed by the end of the fifth year, or if less than \$25,000 is contributed during any subsequent five-year period.<sup>2</sup>

The authorized voluntary check-offs on a driver's license or identification card application are listed in s. 322.08, F.S.

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<sup>1</sup> Section 320.023(4)(a), F.S.

<sup>2</sup> Section 322.081(4)(a), F.S.

## ***Moratorium on New Voluntary Check-offs***

Chapter 2010-223, Laws of Florida,<sup>3</sup> established a moratorium on new voluntary check-offs for both registration transactions (initial registration or renewal) and driver's license or identification card transactions (initial, renewal, or replacement). The moratorium ends on July 1, 2013. An organization is exempt from the moratorium if that organization has done the following:

- submitted a request to establish a voluntary contribution on a motor vehicle application or a driver's license or identification card application to DHSMV before May 1, 2010; and
- submitted a valid financial analysis, marketing strategy, and application fee before September 1, 2010; or
- filed a bill during the 2010 Legislative Session to establish a voluntary contribution and has met the requirements of s. 320.023, F.S., or s. 322.081, F.S.

According to DHSMV, Autism Services and Supports and Support Our Troops are exempt from the moratorium.<sup>4</sup>

### **Proposed Changes**

#### ***New Voluntary Check-offs on Motor Vehicle Registration Application***

The bill amends s. 320.02, F.S., to create a \$1 voluntary contribution check-off on an application and renewal form for a motor vehicle registration for the following entities and causes:

- Autism Services and Supports – contributions are distributed monthly to the Achievement and Rehabilitation Centers, Inc., Autism Services Fund.
- Support Our Troops – contributions shall be distributed monthly to Support Our Troops, Inc., a Florida not-for-profit organization.

#### ***New Voluntary Check-offs on Driver's License Application***

The bill amends s. 322.08, F.S., to create a \$1 voluntary contribution check-off on an original, renewal, or replacement driver's license or identification card application. The check-offs are created for the following entities and causes:

- Autism Services and Supports – contributions shall be distributed to Achievement and Rehabilitation Centers, Inc., Autism Services Fund.
- Support Our Troops – contributions shall be distributed to Support Our Troops, Inc., a Florida not-for-profit organization.

The bill does not set a schedule for the distribution of contributions to the recipient organizations.

### ***Effective Date***

The bill has an effective date of July 1, 2012.

## **B. SECTION DIRECTORY:**

- Section 1: Creates a \$1 voluntary contribution check-off on an application and renewal form for a motor vehicle registration for specified entities and causes.
- Section 2: Creates a \$1 voluntary contribution check-off on an application for an original, renewal, or replacement driver's license or identification card for specified entities and causes.

<sup>3</sup> Ch. 2010-223, Laws of Florida, s. 26.

<sup>4</sup> Letter from DHSMV Executive Director Julie L. Jones to the Florida House of Representatives, Transportation and Highway Safety Subcommittee, January 19, 2011. This letter is on file with the subcommittee.

Section 3: Provides an effective date.

## II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

### A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

### B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

### C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Persons who elect to donate to a charitable cause on a motor vehicle registration application or renewal or a driver's license or identification card application, renewal, or replacement, will be required to pay an additional \$1 for each check-off they elect. It is impossible to determine how many people will elect to donate. Therefore, the aggregate impact to the private sector cannot be determined.

### D. FISCAL COMMENTS:

The bill provides the application form for motor vehicle registration (initial or renewal) shall include language permitting the voluntary contribution of \$1 per applicant for two additional charitable organizations that have met the filing requirements set forth in s. 320.023, F.S. The application fee for the organizations is already on deposit with DHSMV to cover the costs for reviewing the application and developing the contribution. The bill provides this same authorization regarding driver's license applications (initial, renewal, or replacement).

## III. COMMENTS

### A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

### B. RULE-MAKING AUTHORITY:

None.

### C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

## IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES



1                   A bill to be entitled  
 2           An act relating to motor vehicle registration forms;  
 3           amending s. 320.02, F.S.; requiring the application  
 4           forms for motor vehicle registration and renewal of  
 5           registration to include language permitting the  
 6           applicant to make a voluntary contribution to Autism  
 7           Services and Supports and to Support Our Troops;  
 8           providing that such contributions are not income for  
 9           specified purposes; amending s. 322.08, F.S.;  
 10          requiring the application forms for an original,  
 11          renewal, or replacement driver license or  
 12          identification card to include language permitting the  
 13          applicant to make a voluntary contribution to Autism  
 14          Services and Supports and to Support Our Troops;  
 15          providing that such contributions are not income for  
 16          specified purposes; providing an effective date.

17  
 18   Be It Enacted by the Legislature of the State of Florida:

19  
 20           Section 1. Paragraphs (o) and (p) are added to subsection  
 21           (15) of section 320.02, Florida Statutes, to read:

22           320.02 Registration required; application for  
 23           registration; forms.—

24           (15)

25           (o) The application form for motor vehicle registration  
 26           and renewal of registration must include language permitting a  
 27           voluntary contribution of \$1 per applicant for Autism Services  
 28           and Supports. Such contributions must be transferred by the

29 department each month to the Achievement and Rehabilitation  
 30 Centers, Inc., Autism Services Fund.

31 (p) The application form for motor vehicle registration  
 32 and renewal of registration must include language permitting a  
 33 voluntary contribution of \$1 per applicant to Support Our  
 34 Troops, which shall be distributed monthly to Support Our  
 35 Troops, Inc., a Florida not-for-profit organization.

36  
 37 For the purpose of applying the service charge provided in s.  
 38 215.20, contributions received under this subsection are not  
 39 income of a revenue nature.

40 Section 2. Subsection (7) of section 322.08, Florida  
 41 Statutes, is amended to read:

42 322.08 Application for license; requirements for license  
 43 and identification card forms.—

44 (7) The application form for an original, renewal, or  
 45 replacement driver ~~driver's~~ license or identification card shall  
 46 include language permitting the following:

47 (a) A voluntary contribution of \$1 per applicant, which  
 48 contribution shall be deposited into the Health Care Trust Fund  
 49 for organ and tissue donor education and for maintaining the  
 50 organ and tissue donor registry.

51 (b) A voluntary contribution of \$1 per applicant, which  
 52 contribution shall be distributed to the Florida Council of the  
 53 Blind.

54 (c) A voluntary contribution of \$2 per applicant, which  
 55 shall be distributed to the Hearing Research Institute,  
 56 Incorporated.

57 (d) A voluntary contribution of \$1 per applicant, which  
 58 shall be distributed to the Juvenile Diabetes Foundation  
 59 International.

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

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

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

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

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

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

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

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

84 (m) A voluntary contribution of \$1 per applicant, which

85 shall be distributed to Prevent Blindness Florida, a not-for-  
 86 profit organization, to prevent blindness and preserve the sight  
 87 of the residents of this state.

88 (n) Notwithstanding s. 322.081, a voluntary contribution  
 89 of \$1 per applicant to the state homes for veterans, to be  
 90 distributed on a quarterly basis by the department to the State  
 91 Homes for Veterans Trust Fund, which is administered by the  
 92 Department of Veterans' Affairs.

93 (o) A voluntary contribution of \$1 per applicant to the  
 94 Disabled American Veterans, Department of Florida, which shall  
 95 be distributed quarterly to Disabled American Veterans,  
 96 Department of Florida, a nonprofit organization.

97 (p) A voluntary contribution of \$1 per applicant for  
 98 Autism Services and Supports, which shall be distributed to  
 99 Achievement and Rehabilitation Centers, Inc., Autism Services  
 100 Fund.

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



104  
 105 A statement providing an explanation of the purpose of the trust  
 106 funds shall also be included. For the purpose of applying the  
 107 service charge provided in s. 215.20, contributions received  
 108 under paragraphs (b)-(q) ~~(b)-(e)~~ are not income of a revenue  
 109 nature.

110 Section 3. This act shall take effect July 1, 2012.



HOUSE OF REPRESENTATIVES STAFF ANALYSIS

**BILL #:** PCB THSS 12-02 Public Records  
**SPONSOR(S):** Transportation & Highway Safety Subcommittee  
**TIED BILLS:**                   **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Transportation & Highway Safety Subcommittee		Johnson 	Kruse 

**SUMMARY ANALYSIS**

Current law provides a public records exemption for the personal identifying information of users of toll facilities who pay their tolls by using a transponder and the associated prepaid account established with the Department of Transportation (DOT) or applicable expressway authority.

The bill expands the current public records exemption to include personal identifying information of customers who use TOLL-BY-PLATE (video billed) in order to pay tolls.

The bill provides for repeal of the exemptions on October 2, 2017, unless reviewed and saved from repeal by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

**Article I, s. 24(c) of the State Constitution, requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill expands a public record exemption; thus, it requires a two-thirds vote for final passage.**

# FULL ANALYSIS

## I. SUBSTANTIVE ANALYSIS

### A. EFFECT OF PROPOSED CHANGES:

#### Current Situation

Article I, s. 24(a) of the State Constitution sets forth the state's public policy regarding access to government records. The section guarantees every person a right to inspect or copy any public record of the legislative, executive, and judicial branches of government. The Legislature, however, may provide by general law for the exemption of records from the requirements of Article I, s. 24(a) of the State Constitution. The general law must state with specificity the public necessity justifying the exemption (public necessity statement) and must be no broader than necessary to accomplish its purpose.<sup>1</sup>

Public policy regarding access to government records is addressed further in the Florida Statutes. Section 119.07(1), F.S., guarantees every person a right to inspect and copy any state, county, or municipal record. Furthermore, the Open Government Sunset Review Act<sup>2</sup> provides that a public record or public meeting exemption may be created or maintained only if it serves an identifiable public purpose. In addition, it may be no broader than is necessary to meet one of the following purposes:

- Allows the state or its political subdivisions to effectively and efficiently administer a governmental program, which administration would be significantly impaired without the exemption.
- Protects sensitive personal information that, if released, would be defamatory or would jeopardize an individual's safety; however, only the identity of an individual may be exempted under this provision.
- Protects trade or business secrets.

#### Toll Exemption

Section 338.155(6), F.S., provides a public records exemption for the personal identifying information of users of toll facilities who pay their tolls by using a transponder and the associated prepaid account established with the Department of Transportation (DOT) or applicable expressway authority. This provision was first adopted in 1996.<sup>3</sup>

DOT has begun using and is expanding the use of TOLL-BY-PLATE (video billing), which takes a picture of the license plate as it passes through the toll booth and then sends an invoice to the registered owner of the vehicle.<sup>4</sup> Personal identifying information related to TOLL-BY-PLATE customers is not included in the current public records exemption.

#### Proposed Changes

The bill amends s. 338.155(6), F.S., to provide that personal identifying information held by DOT, a county, or an expressway authority for the purpose of paying, prepaying, or collecting tolls and other amounts due for the use of toll facilities to DOT, a county, or expressway authority is exempt from public records laws.

The bill provides that s. 338.155(6), F.S. is subject to the Open Government Sunset Review Act<sup>5</sup> and is repealed on October 2, 2017, unless reviewed and saved from repeal through reenactment by the Legislature.

<sup>1</sup> Section 24(c), Art. I of the State Constitution.

<sup>2</sup> Section 119.15, F.S.

<sup>3</sup> Chapter 96-178, L.O.F.

<sup>4</sup> Information on toll-by-plate is available at <http://www.floridasturnpike.com/all-electronic tolling/TOLL-BY-PLATE.cfm> (Last visited January 17, 2012).

<sup>5</sup> Section 119.15, F.S.

The bill provides legislative findings that it is a public necessity as required by the State Constitution<sup>6</sup> to exempt personal identifying information about individuals which is held by DOT, county, or an expressway authority for the purpose of paying for use of toll facilities by any means of payment. The exemption puts individuals who pay with TOLL-BY-PLATE (video billed) on equal footing with individuals who pay by a check, charge card, credit card or who pay by cash at the toll booth. The exemption protects the health and safety of the public by keeping confidential information as to the whereabouts of individuals who use the toll road system. The exemption promotes the use of the electronic toll collection system, which is a more efficient and effective government collection system for tolls, because paying by TOLL-BY-PLATE (video billed) or paying for tolls by check, charge card, or credit card not only saves individuals time in passing through the toll facilities, in comparison to those who pay cash, but also costs much less to administer. Further, the exemption protects the privacy of individuals and promotes the right to be let alone from unreasonable government intrusion by prohibiting the public disclosure of private information about the finances and location of the individual using the toll road system.

The bill has an effective date of July 1, 2012.

**B. SECTION DIRECTORY:**

Section 1 Amends s. 338.155, F.S. ,related to the payment of tolls on toll facilities.

Section 2 Provides a finding of public necessity.

Section 3 Provides an effective date.

**II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT**

**A. FISCAL IMPACT ON STATE GOVERNMENT:**

1. Revenues:

None.

2. Expenditures:

None.

**B. FISCAL IMPACT ON LOCAL GOVERNMENTS:**

1. Revenues:

None.

2. Expenditures:

None.

**C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

None.

**D. FISCAL COMMENTS:**

None.

**III. COMMENTS**

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<sup>6</sup> Section 24(c), Art. I of the State Constitution.



A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to require counties or municipalities to spend funds or take action requiring the expenditure of funds; reduce the authority that counties or municipalities have to raise revenues in the aggregate; or reduce the percentage of state tax shared with counties or municipalities.

2. Other:

Vote Requirement

Article I, s. 24(c) of the State Constitution, requires a two-thirds vote of the members present and voting for final passage of a newly created public record or public meeting exemption. The bill creates a new public record exemption; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution, requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates a new public record exemption; thus, it includes a public necessity statement.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

**IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES**

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A bill to be entitled  
An act relating to public records; amending s.  
338.155, F.S.; revising an exemption from public-  
records requirements for personal identifying  
information held by the Department of Transportation,  
a county, or an expressway authority for the purpose  
of paying, prepaying, or collecting tolls and other  
amounts due for the use of toll facilities; providing  
for future repeal and legislative review of the  
exemption under the Open Government Sunset Review Act;  
providing a finding of public necessity;; providing an  
effective date.

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

Section 1. Section 1. Subsection (6) of section  
338.155, Florida Statutes, is amended to read:

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

(6) (a) Personal identifying information held by ~~provided~~  
~~to, acquired by, or in the possession of~~ the Department of  
Transportation, a county, or an expressway authority for the  
purpose of paying, prepaying, or collecting tolls and other  
amounts due for the use of toll facilities ~~using a credit card,~~  
~~charge card, or check for the prepayment of electronic toll~~  
~~facilities charges~~ to the department, a county, or an expressway  
authority is exempt from s. 119.07(1) and s. 24(a), Art. I of  
the State Constitution.

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29           (b) This subsection is subject to the Open Government  
 30 Sunset Review Act in accordance with s. 119.15 and shall stand  
 31 repealed on October 2, 2017, unless reviewed and saved from  
 32 repeal through reenactment by the Legislature.

33           Section 2. The Legislature finds that it is a public  
 34 necessity to exempt personal identifying information about  
 35 individuals which is held by the Department of Transportation, a  
 36 county, or an expressway authority for the purpose of paying for  
 37 use of toll facilities by any means of payment. The exemption  
 38 puts individuals who pay with TOLL-BY-PLATE (video billed) on  
 39 equal footing with individuals who pay by a check, charge card,  
 40 credit card or who pay cash at the toll booth. The exemption  
 41 protects the health and safety of the public by keeping  
 42 confidential information as to the whereabouts of individuals as  
 43 they use the toll road system. The exemption promotes the use of  
 44 the electronic toll collection system, which is a more efficient  
 45 and effective government collection system for tolls, because  
 46 paying by TOLL-BY-PLATE (video billed) or paying for tolls by  
 47 check, charge card, or credit card not only saves individuals  
 48 time in passing through the toll facilities, in comparison with  
 49 individuals who pay cash, but also costs much less to  
 50 administer. Further, the exemption protects the privacy of  
 51 individuals and promotes the right to be let alone from  
 52 unreasonable government intrusion by prohibiting the public  
 53 disclosure of private information about the finances and  
 54 location of the individual using the toll road system.

55           Section 3. This act shall take effect July 1, 2012.