

House Bill No. 1697

An act relating to highway safety; amending s. 61.13016, F.S.; directing the department to issue a driver's license restricted for business purposes only under certain circumstances relating to failure to pay child support; amending s. 316.006, F.S.; providing for interlocal agreements between municipalities and counties transferring traffic regulatory authority; amending s. 316.083, F.S.; requiring an appropriate signal when overtaking and passing a vehicle; amending s. 316.155, F.S.; specifying that signals are required when moving right or left or overtaking or passing a vehicle; amending s. 316.2095, F.S.; revising physical requirements for operating motorcycles under certain circumstances; amending s. 316.212, F.S.; granting local jurisdictions the authority to enact ordinances governing the use of golf carts which are more restrictive than state law; amending s. 316.2126, F.S.; requiring that the use of golf carts upon any state, county, or municipal road within a local jurisdiction be in compliance with local ordinances governing the use of golf carts; amending s. 316.302, F.S.; providing a penalty for operating a commercial motor vehicle bearing a false or other illegal identification number; amending s. 316.3045, F.S.; revising criteria related to the operation of radios or other sound-making devices in motor vehicles; amending s. 318.1215, F.S.; clarifying that funds from the Dori Slosberg Driver Education Safety Act be used for driver education programs in schools; requiring that funds be used for enhancement of a driver education program; providing a requirement for behind-the-wheel training; amending s. 318.14, F.S.; providing penalties for certain traffic infractions requiring a mandatory hearing; providing for distribution of moneys collected; amending s. 318.21, F.S.; providing for distribution of specified civil penalties by county courts; amending s. 319.30, F.S.; revising provisions relating to the applicability of certificate of destruction requirements for certain damaged vehicles; amending s. 320.02, F.S.; authorizing the withholding of motor vehicle registrations or re-registrations in certain situations; requiring motor vehicle dealers to maintain certain information; allowing owners and co-owners to dispute a dealer's claims of money owed; amending s. 320.27, F.S.; providing for motor vehicle dealer license discipline for the failure to maintain evidence of notification to the owner or co-owner of a vehicle regarding registration and titling fees owed; revising authorized uses of revenues from the United We Stand specialty license plate; amending s. 320.08058, F.S.; redesignating the Florida Special Olympics license plate as the Special Olympics Florida license plate and revising design requirements for such specialty license plate; revising requirements for agencies that receive funds from the Choose Life license plate; revising authorized uses of revenues from the Animal Friend specialty license plate; amending s. 320.089, F.S.; allowing retired members of the U.S. Armed Forces Reserve to be issued U.S. Reserve license plates; amending s. 320.77, F.S.; providing that mobile home dealers may provide a cash bond or letter of credit in lieu of a required surety

bond; amending s. 322.08, F.S.; revising the use of funds collected from a voluntary contribution associated with driver's license renewals to be used for the purposes designated by the Hearing Research Institute, Inc.; amending s. 322.2615, F.S.; providing that the disposition of a related criminal proceeding may not affect a suspension of a driver's license for refusal to submit to blood, breath, or urine testing; directing the Department of Highway Safety and Motor Vehicles to invalidate a suspension for driving with an unlawful blood-alcohol level or breath-alcohol level if the suspended person is found not guilty at trial of the underlying violation of law; creating the Manufactured Housing Regulatory Study Commission; providing for membership; providing duties; requiring the commission to file a report with the Governor and the Legislature; amending s. 322.27, F.S.; correcting a cross-reference relating to points assigned for littering violations; amending s. 322.61, F.S.; specifying additional violations that disqualify a person from operating a commercial motor vehicle; providing penalties; providing an exception to the requirement that a commercial driver's license be in possession of the commercial driver; removing requirements for a Class D driver's license; amending s. 321.24, F.S.; providing that certain medical professionals who volunteer for Florida Highway Patrol service are considered employees of the state for sovereign immunity purposes; creating s. 549.102, F.S.; authorizing temporary overnight parking during a motorsports event at a motorsports entertainment complex; exempting such parking from regulations relating to recreational vehicle parks; providing for application of health agency requirements; amending s. 261.03, F.S.; redefining the term "off-highway vehicle" to include a two-rider ATV; adding a definition; amending s. 316.003, F.S.; defining the term "traffic signal preemption system"; amending s. 316.0775, F.S.; providing that the unauthorized use of a traffic signal preemption device is a moving violation; amending s. 316.122, F.S.; providing for the right-of-way for certain passing vehicles; creating s. 316.1576, F.S.; providing clearance specifications for a railroad-highway grade crossing; providing a penalty; creating s. 316.1577, F.S.; providing that an employer is responsible under certain circumstances for violations pertaining to railroad-highway grade crossings; providing a penalty; amending s. 316.183, F.S.; increasing the minimum speed limit on interstate highways under certain circumstances; amending s. 316.1932, F.S.; revising the requirements for printing the notice of consent for sobriety testing on a driver's license; amending s. 316.1936, F.S., relating to possession of open containers of alcohol; removing an exemption provided for passengers of a vehicle operated by a driver holding a Class D driver's license; amending s. 316.194, F.S.; authorizing traffic accident investigation officers to remove vehicles under certain circumstances; amending s. 316.1967, F.S.; providing that an owner of a leased vehicle is not responsible for a parking ticket violation in certain circumstances; amending s. 316.2074, F.S.; redefining the term "all-terrain vehicle" to include a two-rider ATV; amending s. 316.302, F.S.; updating a reference to the Code of Federal Regulations relating to commercial motor vehicles; amending s. 316.605,

F.S.; clarifying that portion of a license plate which must be clear and plainly visible; amending s. 316.613, F.S.; eliminating authorization for the Department of Highway Safety and Motor Vehicles to expend certain funds for promotional purposes; creating s. 316.6131, F.S.; authorizing the department to expend certain funds for public information and education campaigns; amending s. 316.650, F.S.; providing exceptions to a prohibition against using citations as evidence in a trial; amending s. 317.0003, F.S.; defining the term "off-highway vehicle" to include a two-rider ATV; providing a definition; amending ss. 317.0004, 317.0005, and 317.0006, F.S.; conforming references; amending s. 317.0007, F.S.; authorizing the Department of Highway Safety and Motor Vehicles to issue a validation sticker as an additional proof of title for an off-highway vehicle; providing for the replacement of lost or destroyed off-highway vehicle validation stickers; providing for disposition of fees; repealing s. 317.0008(2), F.S., relating to the expedited issuance of duplicate certificates of title for off-highway vehicles; amending ss. 317.0010, 317.0012, and 317.0013, F.S.; conforming references; creating s. 317.0014, F.S.; establishing procedures for the issuance of a certificate of title for an off-highway vehicle; providing duties of the Department of Highway Safety and Motor Vehicles; providing for a notice of lien and lien satisfaction; creating s. 317.0015, F.S.; providing for the applicability of certain provisions of law to the titling of off-highway vehicles; creating s. 317.0016, F.S.; providing for the expedited issuance of titles for off-highway vehicles; creating s. 317.0017, F.S.; prohibiting specified actions relating to the issuance of titles for off-highway vehicles; providing a penalty; creating s. 317.0018, F.S.; prohibiting the transfer of an off-highway vehicle without delivery of a certificate of title; prescribing other violations; providing a penalty; amending s. 318.14, F.S.; authorizing the department to modify certain actions to suspend or revoke a driver's license following notice of final disposition; providing citation procedures and proceedings for persons who do not hold a commercial driver's license; amending s. 319.23, F.S.; requiring a licensed motor vehicle dealer to notify the Department of Highway Safety and Motor Vehicles of a motor vehicle or mobile home taken as a trade-in; requiring the department to update its title record; amending s. 319.27, F.S.; correcting an obsolete cross-reference; amending s. 320.06, F.S.; providing for a credit or refund when a registrant is required to replace a license plate under certain circumstances; amending s. 320.0601, F.S.; requiring that a registration or renewal of a long-term leased motor vehicle be in the name of the lessee; amending s. 320.0605, F.S.; exempting a vehicle registered as a fleet vehicle from the requirement that the certificate of registration be carried in the vehicle at all times; amending s. 320.0843, F.S.; requiring that an applicant's eligibility for a disabled parking plate be noted on the certificate; amending s. 320.131, F.S.; authorizing the department to provide for an electronic system for motor vehicle dealers to use in issuing temporary license plates; providing a penalty; amending s. 320.18, F.S.; authorizing the department to cancel the vehicle or vessel registration, driver's license, or identification

card of a person who pays certain fees or penalties with a dishonored check; amending s. 320.27, F.S.; requiring dealer principals to provide certification of completing continuing education under certain circumstances; requiring motor vehicle dealers to maintain records for a specified period; providing certain penalties; amending s. 322.01, F.S.; redefining the terms “commercial motor vehicle” and “out-of-service order”; providing the definition of conviction applicable to offenses committed in a commercial motor vehicle; amending s. 322.05, F.S.; removing requirements for a Class D driver’s license; amending s. 322.051, F.S.; revising provisions relating to the application for an identification card; providing that the requirement for a fullface photograph or digital image on an identification card may not be waived under ch. 761, F.S.; amending s. 322.07, F.S.; removing requirements for a Class D driver’s license; amending s. 322.08, F.S.; providing that a United States passport is an acceptable proof of identity for purposes of obtaining a driver’s license; providing that a naturalization certificate issued by the United States Department of Homeland Security is an acceptable proof of identity for such purpose; providing that specified documents issued by the United States Department of Homeland Security are acceptable as proof of nonimmigrant classification; amending s. 322.09, F.S.; requiring the signature of a secondary guardian on a driver’s license application for a minor under certain circumstances; amending s. 322.11, F.S.; providing for notice to a minor before canceling the minor’s license due to the death of the person who cosigned the initial application; amending s. 322.12, F.S.; removing requirements for a Class D driver’s license; amending s. 322.135, F.S.; deleting a requirement that a portion of certain fees collected by a tax collector be deposited in the Highway Safety Operating Trust Fund; revising requirements for the tax collector in directing a licensee for examination or reexamination; requiring county officers to pay certain funds to the State Treasury by electronic funds transfer within a specified period; amending s. 322.142, F.S.; providing that the requirement for a fullface photograph or digital image on a driver’s license may not be waived under ch. 761, F.S.; amending s. 322.161, F.S.; removing requirements for a Class D driver’s license; amending s. 322.17, F.S., relating to duplicate and replacement certificates; conforming a cross-reference; amending s. 322.18, F.S.; revising the expiration period for driver’s licenses issued to specified persons; conforming cross-references; amending s. 322.19, F.S., relating to change of address or name; conforming cross-references; amending s. 322.21, F.S.; removing requirements for a Class D driver’s license; requiring the department to set a fee for a hazardous-materials endorsement; providing that the fee may not exceed \$100; amending s. 322.212, F.S.; providing an additional penalty for giving false information when applying for a commercial driver’s license; amending s. 322.22, F.S.; authorizing the department to cancel any identification card, vehicle or vessel registration, or fuel-use decal of a licensee who pays certain fees or penalties with a dishonored check; amending s. 322.251, F.S.; removing requirements for a Class D driver’s license; amending s. 322.2615, F.S.; revising provisions related to administrative suspension of driver’s licenses; amending s. 322.27, F.S.;

providing 4 points to be assessed against a person's driver's license for a violation of s. 316.0775(2), F.S.; amending s. 322.30, F.S.; removing the requirements for a Class D driver's license; amending s. 322.53, F.S.; removing requirements for a Class D driver's license; removing a requirement that certain operators of a commercial motor vehicle obtain a specified license; amending s. 322.54, F.S.; revising the classification requirements for certain driver's licenses; deleting requirements for a Class D driver's license; amending s. 322.57, F.S.; providing testing requirements for school bus drivers; amending s. 322.58, F.S.; deleting requirements for a Class D driver's license and changing those requirements to a Class E driver's license; amending s. 322.63, F.S.; clarifying provisions governing alcohol and drug testing for commercial motor vehicle operators; amending s. 322.64, F.S., and reenacting s. 322.64(14), F.S., relating to citation procedures and proceedings, to incorporate the amendment to s. 322.61, F.S., in a reference thereto; providing for a temporary permit issued following certain DUI offenses to apply only to the operation of noncommercial vehicles; amending s. 713.78, F.S.; revising provisions relating to the placement of a wrecker operator's lien against a motor vehicle; amending s. 843.16, F.S.; prohibiting the transportation of radio equipment that receives signals on frequencies used by this state's law enforcement officers or fire rescue personnel; redefining the term "emergency vehicle" to include any motor vehicle designated as such by the fire chief of a county or municipality; providing a short title; amending s. 316.614, F.S.; revising provisions relating to safety belt usage; requiring the Department of Highway Safety and Motor Vehicles to develop a policy to prohibit the practice of racial profiling; providing an enhanced penalty; providing effective dates.

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

Section 1. Section 61.13016, Florida Statutes, is amended to read:

61.13016 Suspension of driver's licenses and motor vehicle registrations.—

(1) The driver's license and motor vehicle registration of a support obligor who is delinquent in payment or who has failed to comply with subpoenas or a similar order to appear or show cause relating to paternity or support proceedings may be suspended. When an obligor is 15 days delinquent making a payment in support or failure to comply with a subpoena, order to appear, order to show cause, or similar order in IV-D cases, the Title IV-D agency may provide notice to the obligor of the delinquency or failure to comply with a subpoena, order to appear, order to show cause, or similar order and the intent to suspend by regular United States mail that is posted to the obligor's last address of record with the Department of Highway Safety and Motor Vehicles. When an obligor is 15 days delinquent in making a payment in support in non-IV-D cases, and upon the request of the obligee, the depository or the clerk of the court must provide notice to the obligor of the delinquency and the intent to suspend by regular United States mail

that is posted to the obligor's last address of record with the Department of Highway Safety and Motor Vehicles. In either case, the notice must state:

- (a) The terms of the order creating the support obligation;
- (b) The period of the delinquency and the total amount of the delinquency as of the date of the notice or describe the subpoena, order to appear, order to show cause, or other similar order which has not been complied with;
- (c) That notification will be given to the Department of Highway Safety and Motor Vehicles to suspend the obligor's driver's license and motor vehicle registration unless, within 20 days after the date the notice is mailed, the obligor:
 - 1.a. Pays the delinquency in full and any other costs and fees accrued between the date of the notice and the date the delinquency is paid;
 - b. Enters into a written agreement for payment with the obligee in non-IV-D cases or with the Title IV-D agency in IV-D cases; or in IV-D cases, complies with a subpoena or order to appear, order to show cause, or a similar order; or
 - c. Files a petition with the circuit court to contest the delinquency action; and
2. Pays any applicable delinquency fees.

If the obligor in non-IV-D cases enters into a written agreement for payment before the expiration of the 20-day period, the obligor must provide a copy of the signed written agreement to the depository or the clerk of the court.

(2)(a) Upon petition filed by the obligor in the circuit court within 20 days after the mailing date of the notice, the court may, in its discretion, direct the department to issue a license for driving privileges restricted to business purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license. As a condition for the court to exercise its discretion under this subsection, the obligor must agree to a schedule of payment on any child support arrearages and to maintain current child support obligations. If the obligor fails to comply with the schedule of payment, the court shall direct the Department of Highway Safety and Motor Vehicles to suspend the obligor's driver's license.

(b) The obligor must serve a copy of the petition on the Title IV-D agency in IV-D cases or on the depository or the clerk of the court in non-IV-D cases. When an obligor timely files a petition to set aside a suspension, the court must hear the matter within 15 days after the petition is filed. The court must enter an order resolving the matter within 10 days after the hearing, and a copy of the order must be served on the parties. The timely filing of a petition under this subsection stays the intent to suspend until the entry of a court order resolving the matter.

~~(3)(2)~~ If the obligor does not, within 20 days after the mailing date on the notice, pay the delinquency, enter into a payment agreement, comply with

the subpoena, order to appear, order to show cause, or other similar order, or file a motion to contest, the Title IV-D agency in IV-D cases, or the depository or clerk of the court in non-IV-D cases, shall file the notice with the Department of Highway Safety and Motor Vehicles and request the suspension of the obligor's driver's license and motor vehicle registration in accordance with s. 322.058.

(4)(3) The obligor may, within 20 days after the mailing date on the notice of delinquency or noncompliance and intent to suspend, file in the circuit court a petition to contest the notice of delinquency or noncompliance and intent to suspend on the ground of mistake of fact regarding the existence of a delinquency or the identity of the obligor. The obligor must serve a copy of the petition on the Title IV-D agency in IV-D cases or depository or clerk of the court in non-IV-D cases. When an obligor timely files a petition to contest, the court must hear the matter within 15 days after the petition is filed. The court must enter an order resolving the matter within 10 days after the hearing, and a copy of the order must be served on the parties. The timely filing of a petition to contest stays the notice of delinquency and intent to suspend until the entry of a court order resolving the matter.

Section 2. Subsection (2) of section 316.006, Florida Statutes, is amended to read:

316.006 Jurisdiction.—Jurisdiction to control traffic is vested as follows:

(2) MUNICIPALITIES.—

(a) Chartered municipalities shall have original jurisdiction over all streets and highways located within their boundaries, except state roads, and may place and maintain such traffic control devices which conform to the manual and specifications of the Department of Transportation upon all streets and highways under their original jurisdiction as they shall deem necessary to indicate and to carry out the provisions of this chapter or to regulate, warn, or guide traffic.

(b) A municipality may exercise jurisdiction over any private road or roads, or over any limited access road or roads owned or controlled by a special district, located within its boundaries if the municipality and party or parties owning or controlling such road or roads provide, by written agreement approved by the governing body of the municipality, for municipal traffic control jurisdiction over the road or roads encompassed by such agreement. Pursuant thereto:

1. Provision for reimbursement for actual costs of traffic control and enforcement and for liability insurance and indemnification by the party or parties, and such other terms as are mutually agreeable, may be included in such an agreement.

2. The exercise of jurisdiction provided for herein shall be in addition to jurisdictional authority presently exercised by municipalities under law, and nothing in this paragraph shall be construed to limit or remove any such

jurisdictional authority. Such jurisdiction includes regulation of access to such road or roads by security devices or personnel.

3. Any such agreement may provide for the installation of multiparty stop signs by the parties controlling the roads covered by the agreement if a determination is made by such parties that the signage will enhance traffic safety. Multiparty stop signs must conform to the manual and specifications of the Department of Transportation; however, minimum traffic volumes may not be required for the installation of such signage. Enforcement for the signs shall be as provided in s. 316.123.

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

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

Section 3. Section 316.083, Florida Statutes, is amended to read:

316.083 Overtaking and passing a vehicle.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

(1) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall give an appropriate signal as provided for in s. 316.156, shall pass to the left thereof at a safe distance, and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.

(2) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle, on audible signal or upon the visible blinking of the headlamps of the overtaking vehicle if such overtaking is being attempted at nighttime, and shall not increase the speed of his or her vehicle until completely passed by the overtaking vehicle.

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

Section 4. Section 316.155, Florida Statutes, is amended to read:

316.155 When signal required.—

(1) No person may turn a vehicle from a direct course or move right or left upon a highway unless and until such movement can be made with reasonable safety, and then only after giving an appropriate signal in the manner hereinafter provided, in the event any other vehicle may be affected by the movement.

(2) A signal of intention to turn right or left must be given continuously during not less than the last 100 feet traveled by the vehicle before turning, except that such a signal by hand or arm need not be given continuously by a bicyclist if the hand is needed in the control or operation of the bicycle.

(3) No person may stop or suddenly decrease the speed of a vehicle without first giving an appropriate signal in the manner provided herein to the driver of any vehicle immediately to the rear, when there is opportunity to give such signal.

(4) The signals provided for in s. 316.156 shall be used to indicate an intention to turn, ~~to overtake, or to pass a vehicle~~ and may not, except as provided in s. 316.2397, be flashed on one side only on a parked or disabled vehicle or flashed as a courtesy or “do pass” signal to operators of other vehicles approaching from the rear.

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

Section 5. Section 316.2095, Florida Statutes, is amended to read:

316.2095 Footrests, handholds, and handlebars.—

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

(2) No person shall operate any motorcycle with handlebars or with handgrips that are higher than the top of the shoulders of the person operating the motorcycle while properly seated upon the motorcycle more than 15 inches in height above that portion of the seat occupied by the operator.

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

Section 6. Section 316.212, Florida Statutes, is amended to read:

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

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

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

(a) To cross a portion of the State Highway System which intersects a county road or municipal city street that has been designated for use by golf carts if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(b) To cross, at midblock, a part of the State Highway System where a golf course is constructed on both sides of the highway if the Department of Transportation has reviewed and approved the location and design of the crossing and any traffic control devices needed for safety purposes.

(c) A golf cart may be operated on a state road that has been designated for transfer to a local government unit pursuant to s. 335.0415 if the Department of Transportation determines that the operation of a golf cart within the right-of-way of the road will not impede the safe and efficient flow of motor vehicular traffic. The department may authorize the operation of golf carts on such a road if:

1. The road is the only available public road along which golf carts may travel or cross or the road provides the safest travel route among alternative routes available; and
2. The speed, volume, and character of motor vehicular traffic using the road is considered in making such a determination.

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

(3) Any other provision of this section to the contrary notwithstanding, a golf cart may be operated for the purpose of crossing a street or highway where a single mobile home park is located on both sides of the street or highway and is divided by that street or highway, provided that the governmental entity having original jurisdiction over such street or highway shall review and approve the location of the crossing and require implementation of any traffic controls needed for safety purposes. This subsection shall apply only to residents or guests of the mobile home park. Any other provision of law to the contrary notwithstanding, if notice is posted at the entrance and exit to any mobile home park that residents of the park utilize golf carts or electric vehicles within the confines of the park it shall not be necessary that the park have a gate or other device at the entrance and exit in order for such golf carts or electric vehicles to be lawfully operated in the park.

(4) A golf cart may be operated only during the hours between sunrise and sunset, unless the responsible governmental entity has determined that a golf cart may be operated during the hours between sunset and sunrise and the golf cart is equipped with headlights, brake lights, turn signals, and a windshield.

(5) A golf cart must be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized warning devices in both the front and rear.

(6) A golf cart may not be operated on public roads or streets by any person under the age of 14.

(7) A local governmental entity may enact an ordinance regarding golf cart operation and equipment which is more restrictive than those enumerated in this section. Upon enactment of any such ordinance, the local governmental entity shall post appropriate signs or otherwise inform the residents that such an ordinance exists and that it shall be enforced within the local government's jurisdictional territory. An ordinance referred to in this section must apply only to an unlicensed driver.

~~(8)(7)~~ A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as ~~either~~ a moving violation for infractions of subsection (1), subsection (2), subsection (3), ~~or~~ subsection (4), or a local ordinance corresponding thereto and enacted pursuant to subsection (7), or punishable pursuant to chapter 318 as a nonmoving violation for infractions of subsection subsections (5), subsection and (6), or a local ordinance corresponding thereto and enacted pursuant to subsection (7).

Section 7. Section 316.2126, Florida Statutes, is amended to read:

316.2126 Use of golf carts and utility vehicles by municipalities.—In addition to the powers granted by ss. 316.212 and 316.2125, municipalities are hereby authorized to utilize golf carts and utility vehicles, as defined in s. 320.01, upon any state, county, or municipal roads located within the corporate limits of such municipalities, subject to the following conditions:

(1) Golf carts and utility vehicles must comply with the operational and safety requirements in ss. 316.212 and 316.2125, and with any more restrictive ordinances enacted by the local governmental entity pursuant to s. 316.212(7), and shall only be operated by municipal employees for municipal purposes, including, but not limited to, police patrol, traffic enforcement, and inspection of public facilities.

(2) In addition to the safety equipment required in s. 316.212(5) and any more restrictive safety equipment required by the local governmental entity pursuant to s. 316.212(7), such golf carts and utility vehicles must be equipped with sufficient lighting and turn signal equipment.

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

(4) A municipal employee operating a golf cart or utility vehicle pursuant to this section must possess a valid driver's license as required by s. 322.03.

Section 8. Subsection (11) is added to section 316.302, Florida Statutes, to read:

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

(11) In addition to any other penalty provided in this section, a person who operates a commercial motor vehicle that bears an identification number required by this section which is false, fraudulent, or displayed without

the consent of the person to whom it is assigned commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 9. Section 316.3045, Florida Statutes, is amended to read:

316.3045 Operation of radios or other mechanical soundmaking devices or instruments in vehicles; exemptions.—

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

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

(b) Louder than necessary for the convenient hearing by persons inside the vehicle in areas adjoining churches, schools, or hospitals.

(2) The provisions of this section shall not apply to any law enforcement motor vehicle equipped with any communication device necessary in the performance of law enforcement duties or to any emergency vehicle equipped with any communication device necessary in the performance of any emergency procedures.

(3) The provisions of this section do not apply to motor vehicles used for business or political purposes, which in the normal course of conducting such business use soundmaking devices. The provisions of this subsection shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from regulating the time and manner in which such business may be operated.

(4) The provisions of this section do not apply to the noise made by a horn or other warning device required or permitted by s. 316.271. The Department of Highway Safety and Motor Vehicles shall promulgate rules defining “plainly audible” and establish standards regarding how sound should be measured by law enforcement personnel who enforce the provisions of this section.

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

Section 10. Section 318.1215, Florida Statutes, is amended to read:

318.1215 Dori Slosberg Driver Education Safety Act.—Effective October 1, 2002, notwithstanding the provisions of s. 318.121, a board of county commissioners may require, by ordinance, that the clerk of the court collect an additional \$3 with each civil traffic penalty, which shall be used to fund driver traffic education programs in public and nonpublic schools. The ordinance shall provide for the board of county commissioners to administer the funds, which shall be used for enhancement, and not replacement, of driver education program funds. The funds shall be used for direct educational

expenses and shall not be used for administration. Each driver education program receiving funds pursuant to this section shall require that a minimum of 30 percent of a student's time in the program be behind-the-wheel training. This section may be cited as the "Dori Slosberg Driver Education Safety Act."

Section 11. Effective October 1, 2005, subsection (5) of section 318.14, Florida Statutes, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(5) Any person electing to appear before the designated official or who is required so to appear shall be deemed to have waived his or her right to the civil penalty provisions of s. 318.18. The official, after a hearing, shall make a determination as to whether an infraction has been committed. If the commission of an infraction has been proven, the official may impose a civil penalty not to exceed \$500, except that in cases involving unlawful speed in a school zone or, involving unlawful speed in a construction zone, ~~or involving a death,~~ the civil penalty may not exceed \$1,000; or require attendance at a driver improvement school, or both. If the person is required to appear before the designated official pursuant to s. 318.19(1) and is found to have committed the infraction, the designated official shall impose a civil penalty of \$1,000 in addition to any other penalties and the person's driver's license shall be suspended for 6 months. If the person is required to appear before the designated official pursuant to s. 318.19(2) and is found to have committed the infraction, the designated official shall impose a civil penalty of \$500 in addition to any other penalties and the person's driver's license shall be suspended for 3 months. If the official determines that no infraction has been committed, no costs or penalties shall be imposed and any costs or penalties that have been paid shall be returned. Moneys received from the mandatory civil penalties imposed pursuant to this subsection upon persons required to appear before a designated official pursuant to s. 318.19(1) or (2) shall be remitted to the Department of Revenue and deposited into the Department of Health Administrative Trust Fund to provide financial support to certified trauma centers to assure the availability and accessibility of trauma services throughout the state. Funds deposited into the Administrative Trust Fund under this section shall be allocated as follows:

(a) Fifty percent shall be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services.

(b) Fifty percent shall be allocated among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as reported in the Department of Health Trauma Registry.

Section 12. Effective October 1, 2005, subsection (13) is added to section 318.21, Florida Statutes, to read:

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

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

Section 13. Paragraph (b) of subsection (3) of section 319.30, Florida Statutes, is amended to read:

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

(3)

(b) The owner, including persons who are self-insured, of any motor vehicle or mobile home which is considered to be salvage shall, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the department for processing. However, an insurance company which pays money as compensation for total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home and, within 72 hours after receiving such certificate of title, shall forward such title to the department for processing. The owner or insurance company, as the case may be, may not dispose of a vehicle or mobile home that is a total loss before it has obtained a salvage certificate of title or certificate of destruction from the department. When applying for a salvage certificate of title or certificate of destruction, the owner or insurance company must provide the department with an estimate of the costs of repairing the physical and mechanical damage suffered by the vehicle for which a salvage certificate of title or certificate of destruction is sought. If the estimated costs of repairing the physical and mechanical damage to the vehicle are equal to 80 percent or more of the current retail cost of the vehicle, as established in any official used car or used mobile home guide, the department shall declare the vehicle unrebuildable and print a certificate of destruction, which authorizes the dismantling or destruction of the motor vehicle or mobile home described therein. However, if the damaged motor vehicle is equipped with custom-lowered floors for wheelchair access or a wheelchair lift, the insurance company may, upon determining that the vehicle is repairable to a condition that is safe for operation on public roads, submit the certificate of title to the department for reissuance as a salvage rebuildable title and the addition of a title brand of "insurance-declared total loss." This certificate of destruction shall be reassignable a maximum of two times before dismantling or destruction of the vehicle shall be required, and shall accompany the motor vehicle or mobile home for which it is issued, when such motor vehicle or mobile home is sold for such purposes, in lieu of a certificate of title, and, thereafter, the department shall refuse issuance of any certificate of title for that vehicle. Nothing in this subsection shall be applicable when a vehicle is worth less than \$1,500 retail in undamaged condition in any official used motor vehicle guide or used mobile home guide or when a stolen motor vehicle or mobile home is recovered in substantially intact condition and is readily resalable without extensive repairs to or replacement of the frame or engine. Any person who willfully and deliberately violates this paragraph or falsifies any document to avoid the requirements of this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 14. Subsection (19) is added to section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(19) The department is authorized to withhold registration or re-registration of a motor vehicle if the name of the owner or of a co-owner appears on a list submitted to the department by a licensed motor vehicle dealer for a previous registration of that vehicle. The motor vehicle dealer must maintain signed evidence that the owner or co-owner acknowledged the dealer's authority to submit the list to the department if he or she failed to pay and must note the amount for which the owner or co-owner would be responsible for the vehicle registration. The dealer must maintain the necessary documentation required in this subsection or face penalties as provided in s. 320.27. This subsection does not affect the issuance of a title to a motor vehicle.

(a) The motor vehicle owner or co-owner may dispute the claim that money is owed to a dealer for registration fees by submitting a form to the department if the motor vehicle owner or co-owner has documentary proof that the registration fees have been paid to the dealer for the disputed amount. Without clear evidence of the amounts owed for the vehicle registration and repayment, the department will assume initial payments are applied to government-assessed fees first.

(b) If the registered owner's dispute complies with paragraph (a), the department shall immediately remove the motor vehicle owner or co-owner's name from the list, thereby allowing the issuance of a license plate or revalidation sticker.

Section 15. Paragraph (b) of subsection (9) of section 320.27, Florida Statutes, is amended to read:

320.27 Motor vehicle dealers.—

(9) DENIAL, SUSPENSION, OR REVOCATION.—

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

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

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

3. Misrepresentation or false, deceptive, or misleading statements with regard to the sale or financing of motor vehicles which any motor vehicle dealer has, or causes to have, advertised, printed, displayed, published, distributed, broadcast, televised, or made in any manner with regard to the sale or financing of motor vehicles.

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

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

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

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

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

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

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

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

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

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

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

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

16. Willful failure to comply with any administrative rule adopted by the department.

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

18. Failure to maintain evidence of notification to the owner or co-owner of a vehicle regarding registration or titling fees owned as required in s. 320.02(19).

Section 16. Subsections (7), (30), (33), and (56) of section 320.08058, Florida Statutes, are amended to read:

320.08058 Specialty license plates.—

(7) **FLORIDA SPECIAL OLYMPICS FLORIDA LICENSE PLATES.**—

(a) Florida Special Olympics Florida license plates must contain the official Florida Special Olympics Florida logo and must bear a design and colors that are approved by the department. The word “Florida” must be centered at the ~~bottom~~ top of the plate, and the words “Everyone Wins” “~~Support Florida Special Olympics~~” must be centered at the ~~top~~ bottom of the plate.

(b) The license plate annual use fees are to be annually distributed as follows:

1. The first \$5 million collected annually must be forwarded to the private nonprofit corporation as described in s. 393.002 and must be used solely for Special Olympics purposes as approved by the private nonprofit corporation.

2. Any additional fees must be deposited into the General Revenue Fund.

(30) **CHOOSE LIFE LICENSE PLATES.**—

(a) The department shall develop a Choose Life license plate as provided in this section. The word “Florida” must appear at the bottom of the plate, and the words “Choose Life” must appear at the top of the plate.

(b) The annual use fees shall be distributed annually to each county in the ratio that the annual use fees collected by each county bears to the total fees collected for the plates within the state. Each county shall distribute the funds to nongovernmental, not-for-profit agencies within the county, which agencies’ services are limited to counseling and meeting the physical needs of pregnant women who are committed to placing their children for adoption. Funds may not be distributed to any agency that is involved or associated with abortion activities, including counseling for or referrals to abortion clinics, providing medical abortion-related procedures, or proabortion advertising, and funds may not be distributed to any agency that charges women for services received.

1. Agencies that receive the funds must use at least 70 percent of the funds to provide for the material needs of pregnant women who are committed to placing their children for adoption, including clothing, housing, medical care, food, utilities, and transportation. Such funds may also be expended on infants awaiting placement with adoptive parents.

2. The remaining funds may be used for adoption, counseling, training, or advertising, but may not be used for administrative expenses, legal expenses, or capital expenditures.

3. Each agency that receives such funds must submit an annual attestation audit, ~~prepared by a certified public accountant~~, to the county. ~~The county may conduct a consolidated audit in lieu of the annual audit.~~ Any unused funds that exceed 10 percent of the funds received by an agency during its fiscal year must be returned to the county, which shall distribute them to other qualified agencies.

(33) UNITED WE STAND LICENSE PLATES.—

(a) Notwithstanding the provisions of s. 320.08053, the department shall develop a United We Stand license plate as provided in this section. The American Flag must appear on the license plate in addition to the words “United We Stand.” The colors of the license plate must be red, white, and blue.

(b) The department shall retain all revenues from the sale of such plates until all startup costs for developing and issuing the plates have been recovered. Thereafter, 100 ~~50~~ percent of the annual use fee shall be distributed to the Department of Transportation SAFE Council to fund a grant program to enhance security at airports throughout the state, pursuant to s. 332.14 ~~and 50 percent of such fees shall be distributed to the Rewards for Justice Fund, to be contributed to the United States State Department’s Rewards for Justice program and used solely to apprehend terrorists and bring them to justice.~~

(56) ANIMAL FRIEND LICENSE PLATES.—

(a) Notwithstanding the provisions of s. 320.08053, the department shall develop an Animal Friend license plate as provided in this section. Animal Friend license plates must bear the colors and design approved by the department. The word “Florida” must appear at the top of the plate, and the words “Animal Friend” must appear at the bottom of the plate.

(b) The department shall retain all annual use fee revenues from the sale of such plates until all startup costs for developing and issuing the plates are recovered, not to exceed \$60,000.

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

(d) No more than 10 percent of the fees collected may be used for administrative costs directly associated with marketing and promotion of the Ani-

mal Friend license plate and distribution of funds as described in paragraph (c).

(e) Funds received from the purchase of the Animal Friend license plate shall not be used for litigation.

Section 17. Paragraph (a) of subsection (1) of section 320.089, Florida Statutes, is amended to read:

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

(1)(a) Each owner or lessee of an automobile or truck for private use or recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use, who is a resident of the state and an active or retired member of the Florida National Guard, a survivor of the attack on Pearl Harbor, a recipient of the Purple Heart medal, or an active or retired member of any branch of the United States Armed Forces Reserve shall, upon application to the department, accompanied by proof of active membership or retired status in the Florida National Guard, proof of membership in the Pearl Harbor Survivors Association or proof of active military duty in Pearl Harbor on December 7, 1941, proof of being a Purple Heart medal recipient, or proof of active or retired membership in any branch of the Armed Forces Reserve, and upon payment of the license tax for the vehicle as provided in s. 320.08, be issued a license plate as provided by s. 320.06, upon which, in lieu of the serial numbers prescribed by s. 320.06, shall be stamped the words “National Guard,” “Pearl Harbor Survivor,” “Combat-wounded veteran,” or “U.S. Reserve,” as appropriate, followed by the serial number of the license plate. Additionally, the Purple Heart plate may have the words “Purple Heart” stamped on the plate and the likeness of the Purple Heart medal appearing on the plate.

Section 18. Subsection (15) of section 320.77, Florida Statutes, is amended to read:

320.77 License required of mobile home dealers.—

(15) SURETY BOND, CASH BOND, OR IRREVOCABLE LETTER OF CREDIT REQUIRED.—

(a) Before any license shall be issued or renewed, the applicant or licensee shall deliver to the department a good and sufficient surety bond, cash bond, or irrevocable letter of credit, executed by the applicant or licensee as principal ~~and by a surety company qualified to do business in the state as surety~~. The bond or irrevocable letter of credit shall be in a form to be approved by the department and shall be conditioned upon the dealer’s complying with the conditions of any written contract made by the dealer in connection with the sale, exchange, or improvement of any mobile home and his or her not violating any of the provisions of chapter 319 or this chapter in the conduct of the business for which the dealer is licensed. The bond or irrevocable letter of credit shall be to the department and in favor of any retail customer who shall suffer any loss as a result of any violation

of the conditions ~~hereinabove~~ contained in this section. The bond or irrevocable letter of credit shall be for the license period, and a new bond or irrevocable letter of credit or a proper continuation certificate shall be delivered to the department at the beginning of each license period. However, the aggregate liability of the surety in any one license year shall in no event exceed the sum of such bond, or, in the case of a letter of credit, the aggregate liability of the issuing bank shall not exceed the sum of the credit. The amount of the bond required shall be as follows:

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

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

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

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

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

~~(d)(b)~~ The department shall, upon denial, suspension, or revocation of any license, notify the surety company of the licensee or bank issuing an irrevocable letter of credit for the licensee, in writing, that the license has been denied, suspended, or revoked and shall state the reason for such denial, suspension, or revocation.

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

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

Section 19. Subsection (6) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license.—

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

(a) A voluntary contribution of \$5 per applicant, which contribution shall be transferred into the Election Campaign Financing Trust Fund.

(b) A voluntary contribution of \$1 per applicant, which contribution shall be deposited into the Florida Organ and Tissue Donor Education and Procurement Trust Fund for organ and tissue donor education and for maintaining the organ and tissue donor registry.

(c) A voluntary contribution of \$1 per applicant, which contribution shall be distributed to the Florida Council of the Blind.

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

(e) A voluntary contribution of \$1 per applicant, which shall be distributed to the Juvenile Diabetes Foundation International.

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

Section 20. Subsection (14) of section 322.2615, Florida Statutes, is amended, and subsection (16) is added to that section, to read:

322.2615 Suspension of license; right to review.—

(14)(a) The decision of the department under this section ~~may~~ shall not be considered in any trial for a violation of s. 316.193, ~~and a nor shall any~~ written statement submitted by a person in his or her request for departmental review under this section ~~may not be~~ admitted ~~admissible~~ into evidence against him or her in any such trial.

(b) The disposition of any related criminal proceedings ~~does~~ shall not affect a suspension ~~for refusal to submit to a blood, breath, or urine test,~~ authorized by s. 316.1932 or s. 316.1933, imposed ~~under~~ pursuant to this section.

(16) ~~The department shall invalidate a suspension for driving with an unlawful blood-alcohol level or breath-alcohol level imposed under this section if the suspended person is found not guilty at trial of an underlying violation of s. 316.193.~~

Section 21. (1) There is created the Manufactured Housing Regulatory Study Commission. The study commission shall be composed of 11 members who shall be appointed as follows:

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

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

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

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

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

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

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

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

(a) The federal construction and inspection programs.

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

(c) The Mobile Home and RV Protection Trust Fund.

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

(e) The titling of manufactured and mobile homes.

(f) Dispute resolution.

During the course of the study, the study commission must review the sources funding the programs to determine if the manufactured and mobile home programs are or can be self-sustaining. The study commission shall also consider the impact that changes in regulation may have on the industry and its consumers.

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

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

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

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

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

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

Section 22. Subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke license.—

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

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

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

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

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

1. Reckless driving, willful and wanton—4 points.
2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points.
3. Unlawful speed resulting in a crash—6 points.
4. Passing a stopped school bus—4 points.

5. Unlawful speed:

- a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.
- b. In excess of 15 miles per hour of lawful or posted speed—4 points.

6. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, no points shall be imposed for a violation of s. 316.0741 or s. 316.2065(12).

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

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

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

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

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

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

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

Section 23. Subsections (1), (2), (3), (7), (8), and (10) of section 322.61, Florida Statutes, are amended to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(1) A person who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations or any combination thereof, arising in separate incidents committed in a commercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days. A person who, for offenses occurring within a 3-year period, is convicted of two of the following serious traffic violations, or any combination thereof, arising in separate incidents committed in a noncommercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days if such convictions result

in the suspension, revocation, or cancellation of the licenseholder's driving privilege:

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

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

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

(d) Fleeing or attempting to elude a law enforcement officer, as defined in s. 316.1935;

(e) Unlawful speed of 15 miles per hour or more above the posted speed limit;

(f) Driving a commercial motor vehicle, owned by such person, which is not properly insured;

(g) Improper lane change, as defined in s. 316.085; ~~or~~

(h) Following too closely, as defined in s. 316.0895; ~~or~~

(i) Driving a commercial vehicle without obtaining a commercial driver's license;

(j) Driving a commercial vehicle without the proper class of commercial driver's license or without the proper endorsement; or

(k) Driving a commercial vehicle without a commercial driver's license in possession, as required by s. 322.03. Any individual who provides proof to the clerk of the court or designated official in the jurisdiction where the citation was issued, by the date the individual must appear in court or pay any fine for such a violation, that the individual held a valid commercial driver's license on the date the citation was issued is not guilty of this offense.

(2)(a) Any person who, for offenses occurring within a 3-year period, is convicted of three serious traffic violations specified in subsection (1) or any combination thereof, arising in separate incidents committed in a commercial motor vehicle shall, in addition to any other applicable penalties, including but not limited to the penalty provided in subsection (1), be disqualified from operating a commercial motor vehicle for a period of 120 days.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Not less than 180 days nor more than 2 years if the driver is convicted of or otherwise found to have committed a first violation of an out-of-service order while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act, 49 U.S.C. ss. 5101 et

seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver. A driver is disqualified for a period of not less than 3 years nor more than 5 years if, for offenses occurring during any 10-year period, the driver is convicted of or otherwise found to have committed any subsequent violations of out-of-service orders, in separate incidents, while transporting hazardous materials required to be placarded under the Hazardous Materials Transportation Act 49 U.S.C. ss. 5101 et seq., or while operating motor vehicles designed to transport more than 15 passengers, including the driver.

(10)(a) A driver must be disqualified for not less than 60 days if the driver is convicted of or otherwise found to have committed a first violation of a railroad-highway grade crossing violation.

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

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

Section 24. Subsection (5) is added to section 321.24, to read:

321.24 Members of an auxiliary to Florida Highway Patrol.—

(5) Notwithstanding any other law to the contrary, any volunteer highway patrol troop surgeon appointed by the director of the Florida Highway Patrol, and any volunteer licensed health professional appointed by the director of the Florida Highway Patrol to work under the medical direction of a highway patrol troop surgeon is considered an employee for purposes of s. 768.28(9).

Section 25. Section 549.102, Florida Statutes, is created to read:

549.102 Motorsports entertainment complex; overnight parking.—Notwithstanding any other law to the contrary, the owner of a motorsports entertainment complex may allow temporary overnight parking during a motorsports event and the 2 days immediately preceding and following such motorsports event without any other license or permit as long as the area where such temporary overnight parking is allowed meets applicable health department requirements other than site requirements. The Department of Health, or any other health agency in the state, shall not regard such temporary overnight parking as a “recreational vehicle park” as described in chapter 513 and the administrative code adopted under that chapter.

Section 26. Subsection (6) of section 261.03, Florida Statutes, is amended and subsection (11) is added to that section, to read:

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

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

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

Section 27. Subsection (84) is added to section 316.003, Florida Statutes, to read:

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

(84) TRAFFIC SIGNAL PREEMPTION SYSTEM.—Any system or device with the capability of activating a control mechanism mounted on or near traffic signals which alters a traffic signal’s timing cycle.

Section 28. Section 316.0775, Florida Statutes, is amended to read:

316.0775 Interference with official traffic control devices or railroad signs or signals.—

(1) A No person may not shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down, or remove any official traffic control device or any railroad sign or signal or any inscription, shield, or insignia thereon, or any other part thereof. A violation of this ~~subsection~~ section is a criminal violation pursuant to s. 318.17 and shall be punishable as set forth in s. 806.13 related to criminal mischief and graffiti, beginning on or after July 1, 2000.

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

Section 29. Section 316.122, Florida Statutes, is amended to read:

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

Section 30. Section 316.1576, Florida Statutes, is created to read:

316.1576 Insufficient clearance at a railroad-highway grade crossing.—

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

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

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

Section 31. Section 316.1577, Florida Statutes, is created to read:

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

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

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

Section 32. Subsection (2) of section 316.183, Florida Statutes, is amended to read:

316.183 Unlawful speed.—

(2) On all streets or highways, the maximum speed limits for all vehicles must be 30 miles per hour in business or residence districts, and 55 miles per hour at any time at all other locations. However, with respect to a residence district, a county or municipality may set a maximum speed limit of 20 or 25 miles per hour on local streets and highways after an investigation determines that such a limit is reasonable. It is not necessary to conduct a separate investigation for each residence district. The minimum speed limit on all highways that comprise a part of the National System of Interstate and Defense Highways and have not fewer than four lanes is 40 miles per hour, except that when the posted speed limit is 70 miles per hour, the minimum speed limit is 50 miles per hour.

Section 33. Paragraph (e) of subsection (1) of section 316.1932, Florida Statutes, is amended to read:

316.1932 Tests for alcohol, chemical substances, or controlled substances; implied consent; refusal.—

(1)

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

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

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

Section 34. Subsection (5) of section 316.1936, Florida Statutes, is amended to read:

316.1936 Possession of open containers of alcoholic beverages in vehicles prohibited; penalties.—

(5) This section shall not apply to:

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

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

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

Section 35. Paragraphs (a) and (b) of subsection (3) of section 316.194, Florida Statutes, are amended to read:

316.194 Stopping, standing or parking outside of municipalities.—

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

(b) Officers and traffic accident investigation officers may ~~are hereby authorized to~~ provide for the removal of any abandoned vehicle to the nearest garage or other place of safety, cost of such removal to be a lien against motor vehicle, when an ~~said~~ abandoned vehicle is found unattended upon a bridge or causeway or in any tunnel, or on any public highway in the following instances:

1. Where such vehicle constitutes an obstruction of traffic;
2. Where such vehicle has been parked or stored on the public right-of-way for a period exceeding 48 hours, in other than designated parking areas, and is within 30 feet of the pavement edge; and
3. Where an operative vehicle has been parked or stored on the public right-of-way for a period exceeding 10 days, in other than designated parking areas, and is more than 30 feet from the pavement edge. However, the agency removing such vehicle shall be required to report same to the Department of Highway Safety and Motor Vehicles within 24 hours of such removal.

Section 36. Section 316.1967, Florida Statutes, is amended to read:

316.1967 Liability for payment of parking ticket violations and other parking violations.—

(1) The owner of a vehicle is responsible and liable for payment of any parking ticket violation unless the owner can furnish evidence, when required by this subsection, that the vehicle was, at the time of the parking violation, in the care, custody, or control of another person. In such instances, the owner of the vehicle is required, within a reasonable time after notification of the parking violation, to furnish to the appropriate law enforcement authorities an affidavit setting forth the name, address, and driver's license number of the person who leased, rented, or otherwise had the care, custody, or control of the vehicle. The affidavit submitted under this subsection is admissible in a proceeding charging a parking ticket violation and raises the rebuttable presumption that the person identified in the affidavit is responsible for payment of the parking ticket violation. The owner of a vehicle is not responsible for a parking ticket violation if the vehicle involved was, at the time, stolen or in the care, custody, or control of some person who did not have permission of the owner to use the vehicle. The owner of a leased vehicle is not responsible for a parking ticket violation and is not required to submit an affidavit or the other evidence specified in this section, if the vehicle is registered in the name of the person who leased the vehicle.

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

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

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

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

(6) Any county or municipality may provide by ordinance that the clerk of the court or the traffic violations bureau shall supply the department with a magnetically encoded computer tape reel or cartridge or send by other electronic means data which is machine readable by the installed computer system at the department, listing persons who have three or more outstanding parking violations, including violations of s. 316.1955. Each county shall provide by ordinance that the clerk of the court or the traffic violations bureau shall supply the department with a magnetically encoded computer tape reel or cartridge or send by other electronic means data that is machine readable by the installed computer system at the department, listing persons who have any outstanding violations of s. 316.1955 or any similar local ordinance that regulates parking in spaces designated for use by persons who have disabilities. The department shall mark the appropriate registration records of persons who are so reported. Section 320.03(8) applies to each person whose name appears on the list.

Section 37. Subsection (2) of section 316.2074, Florida Statutes, is amended to read:

316.2074 All-terrain vehicles.—

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

Section 38. Paragraph (b) of subsection (1) of section 316.302, Florida Statutes, is amended to read:

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

(1)

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on October 1, 2004 2002.

Section 39. Subsection (1) of section 316.605, Florida Statutes, is amended to read:

316.605 Licensing of vehicles.—

(1) Every vehicle, at all times while driven, stopped, or parked upon any highways, roads, or streets of this state, shall be licensed in the name of the owner thereof in accordance with the laws of this state unless such vehicle is not required by the laws of this state to be licensed in this state and shall,

except as otherwise provided in s. 320.0706 for front-end registration license plates on truck tractors, display the license plate or both of the license plates assigned to it by the state, one on the rear and, if two, the other on the front of the vehicle, each to be securely fastened to the vehicle outside the main body of the vehicle in such manner as to prevent the plates from swinging, and with all letters, numerals, printing, writing, and other identification marks upon the plates regarding the word "Florida," the registration decal, and the alphanumeric designation shall be clear and distinct and free from defacement, mutilation, grease, and other obscuring matter, so that they will be plainly visible and legible at all times 100 feet from the rear or front. Nothing shall be placed upon the face of a Florida plate except as permitted by law or by rule or regulation of a governmental agency. No license plates other than those furnished by the state shall be used. However, if the vehicle is not required to be licensed in this state, the license plates on such vehicle issued by another state, by a territory, possession, or district of the United States, or by a foreign country, substantially complying with the provisions hereof, shall be considered as complying with this chapter. A violation of this subsection is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 40. Subsection (4) of section 316.613, Florida Statutes, is amended to read:

316.613 Child restraint requirements.—

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

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

Section 41. Section 316.6131, Florida Statutes, is created to read:

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

Section 42. Subsection (9) of section 316.650, Florida Statutes, is amended to read:

316.650 Traffic citations.—

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

Section 43. Section 317.0003, Florida Statutes, is amended, to read:

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

(1) “ATV” means any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 900 pounds or less, designed to travel on three or more low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control, and intended for use by a single operator and with no passenger.

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

(3) “Department” means the Department of Highway Safety and Motor Vehicles.

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

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

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

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

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

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

Section 44. Subsection (1) of section 317.0004, Florida Statutes, is amended to read:

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

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

Section 45. Section 317.0005, Florida Statutes, is amended to read:

317.0005 Rules, forms, and notices.—

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

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

Section 46. Subsection (1) of section 317.0006, Florida Statutes, is amended to read:

317.0006 Certificate of title required.—

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

Section 47. Subsection (6) is added to section 317.0007, Florida Statutes, to read:

317.0007 Application for and issuance of certificate of title.—

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

Section 48. Subsection (2) of section 317.0008, Florida Statutes, is repealed.

Section 49. Section 317.0010, Florida Statutes, is amended to read:

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

Section 50. Subsection (3) of section 317.0012, Florida Statutes, is amended to read:

317.0012 Crimes relating to certificates of title; penalties.—

(3) It is unlawful to:

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

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

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

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

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

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

Section 51. Section 317.0013, Florida Statutes, is amended to read:

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

Section 52. Section 317.0014, Florida Statutes, is created to read:

317.0014 Certificate of title; issuance in duplicate; delivery; liens and encumbrances.—

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

(2) A duly authorized person shall sign the original certificate of title and each corrected certificate and, if there are no liens or encumbrances on the off-highway vehicle, as shown in the records of the department or as shown in the application, shall deliver the certificate to the applicant or to another

person as directed by the applicant or person, agent, or attorney submitting the application. If there are one or more liens or encumbrances on the off-highway vehicle, the certificate shall be delivered by the department to the first lienholder as shown by department records or to the owner as indicated in the notice of lien filed by the first lienholder. If the notice of lien filed by the first lienholder indicates that the certificate should be delivered to the first lienholder, the department shall deliver to the first lienholder, along with the certificate, a form to be subsequently used by the lienholder as a satisfaction. If the notice of lien filed by the first lienholder directs the certificate of title to be delivered to the owner, then, upon delivery of the certificate of title by the department to the owner, the department shall deliver to the first lienholder confirmation of the receipt of the notice of lien and the date the certificate of title was issued to the owner at the owner's address shown on the notice of lien and a form to be subsequently used by the lienholder as a satisfaction. If the application for certificate shows the name of a first lienholder different from the name of the first lienholder as shown by the records of the department, the certificate may not be issued to any person until after all parties who appear to hold a lien and the applicant for the certificate have been notified of the conflict in writing by the department by certified mail. If the parties do not amicably resolve the conflict within 10 days after the date the notice was mailed, the department shall serve notice in writing by certified mail on all persons appearing to hold liens on that particular vehicle, including the applicant for the certificate, to show cause within 15 days following the date the notice is mailed as to why it should not issue and deliver the certificate to the person indicated in the notice of lien filed by the lienholder whose name appears in the application as the first lienholder without showing any lien or liens as outstanding other than those appearing in the application or those that have been filed subsequent to the filing of the application for the certificate. If, within the 15-day period, any person other than the lienholder shown in the application or a party filing a subsequent lien, in answer to the notice to show cause, appears in person or by a representative, or responds in writing, and files a written statement under oath that his or her lien on that particular vehicle is still outstanding, the department may not issue the certificate to anyone until after the conflict has been settled by the lien claimants involved or by a court of competent jurisdiction. If the conflict is not settled amicably within 10 days after the final date for filing an answer to the notice to show cause, the complaining party shall have 10 days in which to obtain a ruling, or a stay order, from a court of competent jurisdiction. If a ruling or stay order is not issued and served on the department within the 10-day period, it shall issue the certificate showing no liens except those shown in the application or thereafter filed to the original applicant if there are no liens shown in the application and none are thereafter filed, or to the person indicated in the notice of lien filed by the lienholder whose name appears in the application as the first lienholder if there are liens shown in the application or thereafter filed. A duplicate certificate or corrected certificate shall show only the lien or liens as shown in the application and any subsequently filed liens that may be outstanding.

(3) Except as provided in subsection (4), the certificate of title shall be retained by the first lienholder or the owner as indicated in the notice of lien filed by the first lienholder. If the first lienholder is in possession of the

certificate, the first lienholder is entitled to retain the certificate until the first lien is satisfied.

(4) If the owner of the vehicle, as shown on the title certificate, desires to place a second or subsequent lien or encumbrance against the vehicle when the title certificate is in the possession of the first lienholder, the owner shall send a written request to the first lienholder by certified mail, and the first lienholder shall forward the certificate to the department for endorsement. If the title certificate is in the possession of the owner, the owner shall forward the certificate to the department for endorsement. The department shall return the certificate to either the first lienholder or to the owner, as indicated in the notice of lien filed by the first lienholder, after endorsing the second or subsequent lien on the certificate and on the duplicate. If the first lienholder or owner fails, neglects, or refuses to forward the certificate of title to the department within 10 days after the date of the owner's request, the department, on the written request of the subsequent lienholder or an assignee of the lien, shall demand of the first lienholder the return of the certificate for the notation of the second or subsequent lien or encumbrance.

(5)(a) Upon satisfaction of any first lien or encumbrance recorded by the department, the owner of the vehicle, as shown on the title certificate, or the person satisfying the lien is entitled to demand and receive from the lienholder a satisfaction of the lien. If the lienholder, upon satisfaction of the lien and upon demand, fails or refuses to furnish a satisfaction of the lien within 30 days after demand, he or she is liable for all costs, damages, and expenses, including reasonable attorney's fees, lawfully incurred by the titled owner or person satisfying the lien in any suit brought in this state for cancellation of the lien. The lienholder receiving final payment as defined in s. 674.215 shall mail or otherwise deliver a lien satisfaction and the certificate of title indicating the satisfaction within 10 working days after receipt of final payment or notify the person satisfying the lien that the title is not available within 10 working days after receipt of final payment. If the lienholder is unable to provide the certificate of title and notifies the person of such, the lienholder shall provide a lien satisfaction and is responsible for the cost of a duplicate title, including expedited title charges as provided in s. 317.0016. This paragraph does not apply to electronic transactions under subsection (8).

(b) Following satisfaction of a lien, the lienholder shall enter a satisfaction thereof in the space provided on the face of the certificate of title. If the certificate of title was retained by the owner, the owner shall, within 5 days after satisfaction of the lien, deliver the certificate of title to the lienholder and the lienholder shall enter a satisfaction thereof in the space provided on the face of the certificate of title. If no subsequent liens are shown on the certificate of title, the certificate shall be delivered by the lienholder to the person satisfying the lien or encumbrance and an executed satisfaction on a form provided by the department shall be forwarded to the department by the lienholder within 10 days after satisfaction of the lien.

(c) If the certificate of title shows a subsequent lien not then being discharged, an executed satisfaction of the first lien shall be delivered by the

lienholder to the person satisfying the lien and the certificate of title showing satisfaction of the first lien shall be forwarded by the lienholder to the department within 10 days after satisfaction of the lien.

(d) If, upon receipt of a title certificate showing satisfaction of the first lien, the department determines from its records that there are no subsequent liens or encumbrances upon the vehicle, the department shall forward to the owner, as shown on the face of the title, a corrected certificate showing no liens or encumbrances. If there is a subsequent lien not being discharged, the certificate of title shall be reissued showing the second or subsequent lienholder as the first lienholder and shall be delivered to either the new first lienholder or to the owner as indicated in the notice of lien filed by the new first lienholder. If the certificate of title is to be retained by the first lienholder on the reissued certificate, the first lienholder is entitled to retain the certificate of title except as provided in subsection (4) until his or her lien is satisfied. Upon satisfaction of the lien, the lienholder is subject to the procedures required of a first lienholder by subsection (4) and this subsection.

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

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

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

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

Section 53. Section 317.0015, Florida Statutes, is created to read:

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

Section 54. Section 317.0016, Florida Statutes, is created to read:

317.0016 Expedited service; applications; fees.—The department shall provide, through its agents and for use by the public, expedited service on title transfers, title issuances, duplicate titles, recordation of liens, and certificates of repossession. A fee of \$7 shall be charged for this service, which is in addition to the fees imposed by ss. 317.0007 and 317.0008, and \$3.50 of this fee shall be retained by the processing agency. All remaining fees shall be deposited in the Incidental Trust Fund of the Division of Forestry of the Department of Agriculture and Consumer Services. Application for expedited service may be made by mail or in person. The department shall issue each title applied for pursuant to this section within 5 working days after receipt of the application except for an application for a duplicate title certificate covered by s. 317.0008(3), in which case the title must be issued within 5 working days after compliance with the department's verification requirements.

Section 55. Section 317.0017, Florida Statutes, is created to read:

317.0017 Offenses involving vehicle identification numbers, applications, certificates, papers; penalty.—

(1) A person may not:

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

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

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

(d) Possess, sell or offer for sale, conceal, or dispose of in this state an off-highway vehicle, or major component part thereof, on which any motor number or vehicle identification number affixed by the manufacturer or by a state agency has been destroyed, removed, covered, altered, or defaced, with knowledge of such destruction, removal, covering, alteration, or defacement, except as provided in s. 319.30(4).

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

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

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

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

(5) A person, firm, or corporation may not knowingly possess, manufacture, sell or exchange, offer to sell or exchange, supply in blank, or give away any counterfeit manufacturer's or state-assigned identification number plates or serial plates or any decal used for the purpose of identifying an off-highway vehicle. An officer, agent, or employee of any person, firm, or corporation, or any person may not authorize, direct, aid in exchange, or give away, or conspire to authorize, direct, aid in exchange, or give away, such counterfeit manufacturer's or state-assigned identification number plates or serial plates or any decal. However, this subsection does not apply to any approved replacement manufacturer's or state-assigned identification number plates or serial plates or any decal issued by the department or any state.

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

Section 56. Section 317.0018, Florida Statutes, is created to read:

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

(1) Purports to sell or transfer an off-highway vehicle without delivering to the purchaser or transferee of the vehicle a certificate of title to the vehicle duly assigned to the purchaser as provided in this chapter;

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

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

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

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

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

Section 57. Subsections (7), (9), and (10) of section 318.14, Florida Statutes, are amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

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

(b) If the official having jurisdiction over the traffic infraction submits the final disposition to the department more than 180 days after the final hearing or after payment of the civil penalty, the department may modify any resulting suspension or revocation action to begin as if the citation were reported in a timely manner.

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

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

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

2. Operating a motor vehicle without a valid registration in violation of s. 320.0605, s. 320.07, or s. 320.131.
3. Operating a motor vehicle in violation of s. 316.646.

(b) Any person cited for an offense listed in this subsection shall present proof of compliance prior to the scheduled court appearance date. For the purposes of this subsection, proof of compliance shall consist of a valid, renewed, or reinstated driver's license or registration certificate and proper proof of maintenance of security as required by s. 316.646. Notwithstanding waiver of fine, any person establishing proof of compliance shall be assessed court costs of \$22, except that a person charged with violation of s. 316.646(1)-(3) may be assessed court costs of \$7. One dollar of such costs shall be remitted to the Department of Revenue for deposit into the Child Welfare Training Trust Fund of the Department of Children and Family Services. One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund. Twelve dollars of such costs shall be distributed to the municipality and \$8 shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, if the offense was committed within the municipality. If the offense was committed in an unincorporated area of a county or if the citation was for a violation of s. 316.646(1)-(3), the entire amount shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund. This subsection shall not be construed to authorize the operation of a vehicle without a valid driver's license, without a valid vehicle tag and registration, or without the maintenance of required security.

Section 58. Subsection (6) of section 319.23, Florida Statutes, is amended to read:

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

(6) In the case of the sale of a motor vehicle or mobile home by a licensed dealer to a general purchaser, the certificate of title shall be obtained in the name of the purchaser by the dealer upon application signed by the purchaser, and in each other case such certificate shall be obtained by the purchaser. In each case of transfer of a motor vehicle or mobile home, the application for certificate of title, or corrected certificate, or assignment or reassignment, shall be filed within 30 days from the delivery of such motor vehicle or mobile home to the purchaser. An applicant shall be required to pay a fee of \$10, in addition to all other fees and penalties required by law, for failing to file such application within the specified time. When a licensed dealer acquires a motor vehicle or mobile home as a trade-in, the dealer must file with the department, within 30 days, a notice of sale signed by the seller. The department shall update its database for that title record to indicate "sold." A licensed dealer need not apply for a certificate of title for any motor vehicle or mobile home in stock acquired for stock purposes except as provided in s. 319.225.

Section 59. Subsections (2) and (3) of section 319.27, Florida Statutes, are amended to read:

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

(2) No lien for purchase money or as security for a debt in the form of a security agreement, retain title contract, conditional bill of sale, chattel mortgage, or other similar instrument or any other nonpossessory lien, including a lien for child support, upon a motor vehicle or mobile home upon which a Florida certificate of title has been issued shall be enforceable in any of the courts of this state against creditors or subsequent purchasers for a valuable consideration and without notice, unless a sworn notice of such lien has been filed in the department and such lien has been noted upon the certificate of title of the motor vehicle or mobile home. Such notice shall be effective as constructive notice when filed. No interest of a statutory nonpossessory lienor; the interest of a nonpossessory execution, attachment, or equitable lienor; or the interest of a lien creditor as defined in s. 679.1021(1)(zz) ~~s. 679.301(3)~~, if nonpossessory, shall be enforceable against creditors or subsequent purchasers for a valuable consideration unless such interest becomes a possessory lien or is noted upon the certificate of title for the subject motor vehicle or mobile home prior to the occurrence of the subsequent transaction. Provided the provisions of this subsection relating to a nonpossessory statutory lienor; a nonpossessory execution, attachment, or equitable lienor; or the interest of a lien creditor as defined in s. 679.1021(1)(zz) ~~s. 679.301(3)~~ shall not apply to liens validly perfected prior to October 1, 1988. The notice of lien shall provide the following information:

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

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

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

(d) The name and address of the lienholder.

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

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

15 days after the debtor receives possession of the motor vehicle or mobile home and executes such security agreement or other similar instrument. The date of filing of the notice of lien shall be the date of its receipt by the department central office in Tallahassee, if first filed there, or otherwise by the office of the county tax collector, or their agents.

Section 60. Paragraph (b) of subsection (1) of section 320.06, Florida Statutes, is amended to read:

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

(1)

(b) Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 5-year period. At the end of said 5-year period, upon renewal, the plate shall be replaced. The fee for such replacement shall be \$10, \$2 of which shall be paid each year before the plate is replaced, to be credited towards the next \$10 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund shall not be given for any prior years' payments of such prorated replacement fee when the plate is replaced or surrendered before the end of the 5-year period, except that a credit may be given when a registrant is required by the department to replace a license plate under s. 320.08056(8)(a). With each license plate, there shall be issued a validation sticker showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker is to be placed on the upper right corner of the license plate. Such license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period shall be a period of 12 months, and all expirations shall occur based on the applicant's appropriate registration period. A vehicle with an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate.

Section 61. Section 320.0601, Florida Statutes, is amended to read:

320.0601 Lease and rental car companies; identification of vehicles as for-hire.—

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

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

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

1. Any emblem of no more than two colors which is less than 2 inches by 4 inches, which is placed on the rental car for inventory purposes only, and which does not display the name or logo of the rental car company; or

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

(b) “Rent in this state” means to sign a rental contract in this state or to deliver a car to a renter in this state.

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

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

Section 62. Section 320.0605, Florida Statutes, is amended to read:

320.0605 Certificate of registration; possession required; exception.— The registration certificate or an official copy thereof, a true copy of a rental or lease agreement issued for a motor vehicle or issued for a replacement vehicle in the same registration period, a temporary receipt printed upon self-initiated electronic renewal of a registration via the Internet, or a cab card issued for a vehicle registered under the International Registration Plan shall, at all times while the vehicle is being used or operated on the roads of this state, be in the possession of the operator thereof or be carried in the vehicle for which issued and shall be exhibited upon demand of any authorized law enforcement officer or any agent of the department, except for a vehicle registered under s. 320.0657. The provisions of this section do not apply during the first 30 days after purchase of a replacement vehicle. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 63. Section 320.0843, Florida Statutes, is amended to read:

320.0843 License plates for persons with disabilities eligible for permanent disabled parking permits.—

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

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

Section 64. Subsection (8) is added to section 320.131, Florida Statutes, to read:

320.131 Temporary tags.—

(8) The department may administer an electronic system for licensed motor vehicle dealers to use in issuing temporary license plates. Upon issuing a temporary license plate, the dealer shall access the electronic system and enter the appropriate vehicle and owner information within the time-frame specified by department rule. If a dealer fails to comply with the department's requirements for issuing temporary license plates using the electronic system, the department may deny, suspend, or revoke a license under s. 320.27(9)(b)16. upon proof that the licensee has failed to comply with the department's requirements. The department may adopt rules to administer this section.

Section 65. Subsection (1) of section 320.18, Florida Statutes, is amended to read:

320.18 Withholding registration.—

(1) The department may withhold the registration of any motor vehicle or mobile home the owner of which has failed to register it under the provisions of law for any previous period or periods for which it appears registration should have been made in this state, until the tax for such period or periods is paid. The department may cancel any vehicle or vessel registration, driver's license, identification card, license plate or fuel-use tax decal if the owner pays for the vehicle or vessel registration, driver's license, identification card, or license plate, fuel-use tax decal; pays any administrative, delinquency, or reinstatement fee; or pays any tax liability, penalty, or interest specified in chapter 207 by a dishonored check, or if the vehicle owner or motor carrier has failed to pay a penalty for a weight or safety violation issued by the Department of Transportation Motor Carrier Compliance Office. The Department of Transportation and the Department of Highway Safety and Motor Vehicles may impound any commercial motor vehicle that has a canceled license plate or fuel-use tax decal until the tax liability, penalty, and interest specified in chapter 207, the license tax, or the fuel-use decal fee, and applicable administrative fees have been paid for by certified funds.

Section 66. Paragraph (a) of subsection (4), subsection (6), and paragraph (b) of subsection (9) of section 320.27, Florida Statutes, are amended to read:

320.27 Motor vehicle dealers.—

(4) LICENSE CERTIFICATE.—

(a) A license certificate shall be issued by the department in accordance with such application when the application is regular in form and in compliance with the provisions of this section. The license certificate may be in the form of a document or a computerized card as determined by the department. The actual cost of each original, additional, or replacement computerized card shall be borne by the licensee and is in addition to the fee for licensure. Such license, when so issued, entitles the licensee to carry on and conduct the business of a motor vehicle dealer. Each license issued to a franchise motor vehicle dealer expires annually on December 31 unless

revoked or suspended prior to that date. Each license issued to an independent or wholesale dealer or auction expires annually on April 30 unless revoked or suspended prior to that date. Not less than 60 days prior to the license expiration date, the department shall deliver or mail to each licensee the necessary renewal forms. Each independent dealer shall certify that the dealer principal (owner, partner, officer of the corporation, or director) has completed 8 hours of continuing education prior to filing the renewal forms with the department. Such certification shall be filed once every 2 years commencing with the 2006 renewal period. The continuing education shall include at least 2 hours of legal or legislative issues, 1 hour of department issues, and 5 hours of relevant motor vehicle industry topics. Continuing education shall be provided by dealer schools licensed under paragraph (b) either in a classroom setting or by correspondence. Such schools shall provide certificates of completion to the department and the customer which shall be filed with the license renewal form, and such schools may charge a fee for providing continuing education. Any licensee who does not file his or her application and fees and any other requisite documents, as required by law, with the department at least 30 days prior to the license expiration date shall cease to engage in business as a motor vehicle dealer on the license expiration date. A renewal filed with the department within 45 days after the expiration date shall be accompanied by a delinquent fee of \$100. Thereafter, a new application is required, accompanied by the initial license fee. A license certificate duly issued by the department may be modified by endorsement to show a change in the name of the licensee, provided, as shown by affidavit of the licensee, the majority ownership interest of the licensee has not changed or the name of the person appearing as franchisee on the sales and service agreement has not changed. Modification of a license certificate to show any name change as herein provided shall not require initial licensure or reissuance of dealer tags; however, any dealer obtaining a name change shall transact all business in and be properly identified by that name. All documents relative to licensure shall reflect the new name. In the case of a franchise dealer, the name change shall be approved by the manufacturer, distributor, or importer. A licensee applying for a name change endorsement shall pay a fee of \$25 which fee shall apply to the change in the name of a main location and all additional locations licensed under the provisions of subsection (5). Each initial license application received by the department shall be accompanied by verification that, within the preceding 6 months, the applicant, or one or more of his or her designated employees, has attended a training and information seminar conducted by a licensed motor vehicle dealer training school ~~the department~~. Such seminar shall include, but is not limited to, statutory dealer requirements, which requirements include required bookkeeping and recordkeeping procedures, requirements for the collection of sales and use taxes, and such other information that in the opinion of the department will promote good business practices. No seminar may exceed 8 hours in length.

(6) RECORDS TO BE KEPT BY LICENSEE.—Every licensee shall keep a book or record in such form as shall be prescribed or approved by the department for a period of 5 years, in which the licensee shall keep a record of the purchase, sale, or exchange, or receipt for the purpose of sale, of any motor vehicle, the date upon which any temporary tag was issued, the date of title transfer, and a description of such motor vehicle together with the

name and address of the seller, the purchaser, and the alleged owner or other person from whom such motor vehicle was purchased or received or to whom it was sold or delivered, as the case may be. Such description shall include the identification or engine number, maker's number, if any, chassis number, if any, and such other numbers or identification marks as may be thereon and shall also include a statement that a number has been obliterated, defaced, or changed, if such is the fact.

(9) DENIAL, SUSPENSION, OR REVOCATION.—

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

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

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

3. Misrepresentation or false, deceptive, or misleading statements with regard to the sale or financing of motor vehicles which any motor vehicle dealer has, or causes to have, advertised, printed, displayed, published, distributed, broadcast, televised, or made in any manner with regard to the sale or financing of motor vehicles.

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

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

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

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

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

9. Representation to a customer or any advertisement to the public representing or suggesting that a motor vehicle is a new motor vehicle if such vehicle lawfully cannot be titled in the name of the customer or other mem-

ber of the public by the seller using a manufacturer's statement of origin as permitted in s. 319.23(1).

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

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

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

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

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

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

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

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

Section 67. Subsections (8), (10), and (29) of section 322.01, Florida Statutes, are amended to read:

322.01 Definitions.—As used in this chapter:

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

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

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

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

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

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

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

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

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

Section 68. Subsections (4) and (10) of section 322.05, Florida Statutes, are amended to read:

322.05 Persons not to be licensed.—The department may not issue a license:

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

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

Section 69. Paragraph (a) of subsection (1) and paragraphs (b) and (c) of subsection (2) of section 322.051, Florida Statutes, are amended, and subsection (8) is added to that section, to read:

322.051 Identification cards.—

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

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

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

2. Proof of birth date satisfactory to the department.

3. Proof of identity satisfactory to the department. 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-subparagraph b., sub-subparagraph c., sub-subparagraph d., sub-subparagraph e., ~~or sub-subparagraph f., or sub-subparagraph g.;~~

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

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

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

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

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

g.f. 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:

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

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

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

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

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

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

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

(2)

(b) Notwithstanding any other provision of this chapter, if an applicant establishes his or her identity for an identification card using a document authorized under sub-subparagraph ~~(1)(a)3.e. (1)(a)3.d.~~, the identification card shall expire on the fourth birthday of the applicant following the date of original issue or upon first renewal or duplicate issued after implementation of this section. After an initial showing of such documentation, he or she is exempted from having to renew or obtain a duplicate in person.

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

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

Section 70. Subsections (2) and (3) of section 322.07, Florida Statutes, are amended to read:

322.07 Instruction permits and temporary licenses.—

(2) The department may, in its discretion, issue a temporary permit to an applicant for a ~~Class D or~~ Class E driver's license permitting him or her to operate a motor vehicle of the type for which a ~~Class D or~~ Class E driver's license is required while the department is completing its investigation and determination of all facts relative to such applicant's right to receive a driver's license. Such permit must be in his or her immediate possession while operating a motor vehicle, and it shall be invalid when the applicant's license has been issued or for good cause has been refused.

(3) Any person who, except for his or her lack of instruction in operating a ~~Class D or~~ commercial motor vehicle, would otherwise be qualified to obtain a ~~Class D or~~ commercial driver's license under this chapter, may apply for a ~~temporary Class D or~~ temporary commercial instruction permit.

The department shall issue such a permit entitling the applicant, while having the permit in his or her immediate possession, to drive a ~~Class D or~~ commercial motor vehicle on the highways, provided that:

- (a) The applicant possesses a valid driver's license issued in any state; and
- (b) The applicant, while operating a ~~Class D or~~ 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.

Section 71. Subsection (2) of section 322.08, Florida Statutes, is amended to read:

322.08 Application for license.—

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

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

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

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

1. 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 subparagraph 2., subparagraph 3., subparagraph 4., subparagraph 5., ~~or~~ subparagraph 6., or subparagraph 7.;

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

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

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

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

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

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

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

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

c. A notice of the approval of an application for adjustment of status issued by the United States Immigration and Naturalization Service.

d. Any official documentation confirming the filing of a petition for asylum status or any other relief issued by the United States Immigration and Naturalization Service.

e. A notice of action transferring any pending matter from another jurisdiction to this state issued by the United States Immigration and Naturalization Service.

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

Presentation of any of the documents in subparagraph 6. or subparagraph 7. 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 2 years, whichever occurs first.

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

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

Section 72. Paragraph (a) of subsection (1) of section 322.09, Florida Statutes, is amended to read:

322.09 Application of minors; responsibility for negligence or misconduct of minor.—

(1)(a) The application of any person under the age of 18 years for a driver's license must be signed and verified before a person authorized to administer oaths by the father, mother, or guardian; by a secondary guardian if the primary guardian dies before the minor reaches 18 years of age;⁵ or, if there is no parent or guardian, by another responsible adult who is willing to assume the obligation imposed under this chapter upon a person signing the application of a minor. This section does not apply to a person under the age of 18 years who is emancipated by marriage.

Section 73. Section 322.11, Florida Statutes, is amended to read:

322.11 Revocation of license upon death of person signing minor's application.—The department, upon receipt of satisfactory evidence of the death of the person who signed the application of a minor for a license, shall, 90 days after giving written notice to the minor, cancel such license and may

~~shall~~ not issue a new license until ~~such time as~~ the new application, duly signed and verified, is made as required by this chapter. This provision does ~~shall~~ not apply if in the event the minor has attained the age of 18 years.

Section 74. Subsection (3) of section 322.12, Florida Statutes, is amended to read:

322.12 Examination of applicants.—

(3) For an applicant for a ~~Class D or a Class E~~ driver's license, such examination shall include a test of the applicant's eyesight given by the driver's license examiner designated by the department or by a licensed ophthalmologist, optometrist, or physician and a test of the applicant's hearing given by a driver's license examiner or a licensed physician. The examination shall also include a test of the applicant's ability to read and understand highway signs regulating, warning, and directing traffic; his or her knowledge of the traffic laws of this state, including laws regulating driving under the influence of alcohol or controlled substances, driving with an unlawful blood-alcohol level, and driving while intoxicated; and his or her knowledge of the effects of alcohol and controlled substances upon persons and the dangers of driving a motor vehicle while under the influence of alcohol or controlled substances and shall include an actual demonstration of ability to exercise ordinary and reasonable control in the operation of a motor vehicle.

Section 75. Subsections (1) and (4) of section 322.135, Florida Statutes, are amended, and subsection (9) is added to that section, to read:

322.135 Driver's license agents.—

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

(a) These services shall be limited to the issuance of driver's licenses and identification cards as authorized by this chapter.

(b) Each tax collector who is authorized by the department to provide driver's license services shall bear all costs associated with providing those services.

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

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

(9) Notwithstanding chapter 116, each county officer within this state who is authorized to collect funds provided for in this chapter shall pay all sums officially received by the officer into the State Treasury no later than 5 working days after the close of the business day in which the officer received the funds. Payment by county officers to the state shall be made by means of electronic funds transfers.

Section 76. Subsection (1) of section 322.142, Florida Statutes, is amended to read:

322.142 Color photographic or digital imaged licenses.—

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

Section 77. Paragraph (a) of subsection (1) and subsection (2) of section 322.161, Florida Statutes, are amended to read:

322.161 High-risk drivers; restricted licenses.—

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

~~(2)(a) Any Class E licensee who is age 15 through 17 and who has accumulated six or more points pursuant to s. 318.14, excluding parking violations, within a 12-month period shall not be eligible to obtain a Class D license for a period of no less than 1 year. The period of ineligibility shall begin on the date of conviction for the violation that results in the licensee's accumulation of six or more points.~~

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

Section 78. Subsection (3) of section 322.17, Florida Statutes, is amended to read:

322.17 Duplicate and replacement certificates.—

(3) Notwithstanding any other provisions of this chapter, if a licensee establishes his or her identity for a driver's license using an identification

document authorized under ~~s. 322.08(2)(c)6. or 7. s. 322.08(2)(e)5.-6.~~, the licensee may not obtain a duplicate or replacement instruction permit or driver's license except in person and upon submission of an identification document authorized under ~~s. 322.08(2)(c)6. or 7. s. 322.08(2)(e)5.-6.~~

Section 79. Subsections (2) and (4) of section 322.18, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

(b) Notwithstanding any other provision of this chapter, if an applicant establishes his or her identity for a driver's license using a document authorized under s. 322.08(2)(c)5. ~~s. 322.08(2)(c)4.~~, the license, upon an initial showing of such documentation, is exempted from having to renew or obtain a duplicate in person, unless the renewal or duplication coincides with the periodic reexamination of a driver as required pursuant to s. 322.121.

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

Section 80. Subsection (4) of section 322.19, Florida Statutes, is amended to read:

322.19 Change of address or name.—

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

Section 81. Subsection (1) of section 322.21, Florida Statutes, is amended to read:

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

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

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

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

(c) The renewal or extension of a ~~Class D or~~ Class E driver's license or of a license restricted to motorcycle use only is \$15, except that a delinquent fee of \$1 shall be added for a renewal or extension made not more than 12

months after the license expiration date. The fee provided in this paragraph shall include the fee for driver's education provided by s. 1003.48.

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

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

(f) A hazardous-materials endorsement, as required by s. 322.57(1)(d), shall be set by the department by rule and shall reflect the cost of the required criminal history check, including the cost of the state and federal fingerprint check, and the cost to the department of providing and issuing the license. The fee shall not exceed \$100. This fee shall be deposited in the Highway Safety Operating Trust Fund. The department may adopt rules to administer this section.

Section 82. Present subsection (7) of section 322.212, Florida Statutes, is redesignated as subsection (8), and a new subsection (7) is added to that section, to read:

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

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

Section 83. Subsection (1) of section 322.22, Florida Statutes, is amended to read:

322.22 Authority of department to cancel license.—

(1) The department is authorized to cancel any driver's license, upon determining that the licensee was not entitled to the issuance thereof, or that the licensee failed to give the required or correct information in his or her application or committed any fraud in making such application, or that the licensee has two or more licenses on file with the department, each in a different name but bearing the photograph of the licensee, unless the licensee has complied with the requirements of this chapter in obtaining the licenses. The department may cancel any driver's license, identification card, vehicle or vessel registration, or fuel-use decal if the licensee fails to pay the correct fee or pays for the driver's license, identification card, vehicle or vessel registration, or fuel-use decal; pays any tax liability, penalty, or interest specified in chapter 207; or pays any administrative, delinquency, or reinstatement fee by a dishonored check.

Section 84. Subsections (4) and (5) of section 322.251, Florida Statutes, are amended to read:

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

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

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

Section 85. Subsections (1), (7), (10), and (11) of section 322.2615, Florida Statutes, are amended to read:

322.2615 Suspension of license; right to review.—

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, suspend the driving privilege of a person who has been arrested by a law enforcement officer for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or of a person who has refused to submit to a breath, urine, or blood test authorized by s. 316.1932. The officer shall take the person's driver's license and issue the person a 10-day temporary permit if the person is otherwise eligible for the driving privilege and shall issue the person a notice of suspension. If a blood test has been administered, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall suspend the person's driver's license pursuant to subsection (3).

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

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

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

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

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

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

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

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

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

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

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

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

(b) If the license was suspended for refusal to submit to a breath, blood, or urine test:

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

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

3. Whether the person refused to submit to any such test after being requested to do so by a law enforcement officer or correctional officer.

4. Whether the person was told that if he or she refused to submit to such test his or her privilege to operate a motor vehicle would be suspended for a period of 1 year or, in the case of a second or subsequent refusal, for a period of 18 months.

(10) A person whose driver's license is suspended under subsection (1) or subsection (3) may apply for issuance of a license for business or employment

purposes only if the person is otherwise eligible for the driving privilege pursuant to s. 322.271.

(a) If the suspension of the driver's license of the person for failure to submit to a breath, urine, or blood test is sustained, the person is not eligible to receive a license for business or employment purposes only, pursuant to s. 322.271, until 90 days have elapsed after the expiration of the last temporary permit issued. If the driver is not issued a 10-day permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for failure to submit to a breath, urine, or blood test is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 90 days have elapsed from the date of the suspension.

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

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

Section 86. Paragraph (d) of subsection (3) of section 322.27, Florida Statutes, is amended to read:

322.27 Authority of department to suspend or revoke license.—

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

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

1. Reckless driving, willful and wanton—4 points.
2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points.
3. Unlawful speed resulting in a crash—6 points.
4. Passing a stopped school bus—4 points.
5. Unlawful speed:
 - a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.
 - b. In excess of 15 miles per hour of lawful or posted speed—4 points.
6. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, no points shall be imposed for a violation of s. 316.0741 or s. 316.2065(12).
7. Any moving violation covered above, excluding unlawful speed, resulting in a crash—4 points.
8. Any conviction under s. 403.413(6)(b) ~~s. 403.413(5)(b)~~—3 points.
9. Any conviction under s. 316.0775(2)—4 points.

Section 87. Section 322.30, Florida Statutes, is amended to read:

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

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

(2) Notwithstanding subsection (1), any commercial motor vehicle operator whose privilege to operate such vehicle is disqualified may operate a motor vehicle in this state as a ~~Class D or~~ Class E licensee, if authorized by this chapter.

Section 88. Paragraph (b) of subsection (2) and subsections (4), (5), and (6) of section 322.53, Florida Statutes, are amended to read:

322.53 License required; exemptions.—

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

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

~~(4) A resident who is exempt from obtaining a commercial driver's license pursuant to paragraph (2)(a) or paragraph (2)(c) and who drives a commer-~~

cial motor vehicle must obtain a Class D driver's license endorsed to authorize the operation of the particular type of vehicle for which his or her exemption is granted.

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

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

Section 89. Subsection (2) of section 322.54, Florida Statutes, is amended to read:

322.54 Classification.—

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

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

(b) Any person, except a person who possesses a valid Class A driver's license, who drives a motor vehicle having a gross vehicle weight rating, ~~a declared weight, or an actual weight, whichever is greatest,~~ of 26,001 pounds or more must possess a valid Class B driver's license. Any person, except a person who possesses a valid Class A driver's license, who drives such vehicle towing a vehicle having a gross vehicle weight rating, ~~a declared weight, or an actual weight, whichever is greatest,~~ of 10,000 pounds or less must possess a valid Class B driver's license. Any person who possesses a valid Class B driver's license may, subject to the appropriate restrictions and endorsements, drive any class of motor vehicle, other than the type of motor vehicle for which a Class A driver's license is required, within this state.

(c) ~~Any person, except a person who possesses a valid Class A or a valid Class B driver's license, who drives a motor vehicle combination having a gross vehicle weight rating, a declared weight, or an actual weight, whichever is greatest, of 26,001 pounds or more must possess a valid Class C driver's license.~~ Any person, except a person who possesses a valid Class A or a valid Class B driver's license, who drives a motor vehicle ~~combination~~ having a gross vehicle weight rating, ~~a declared weight, or an actual weight,~~

whichever is greatest, of less than 26,001 pounds and who is required to obtain an endorsement pursuant to ~~paragraph (1)(a), paragraph (1)(b), paragraph (1)(c), paragraph (1)(d), or paragraph (1)(e)~~ of s. 322.57, must possess a valid Class C driver's license that is clearly restricted to the operation of a motor vehicle or motor vehicle combination of less than 26,001 pounds. Any person who possesses a valid Class C driver's license may, subject to the appropriate restrictions and endorsements, drive any class of motor vehicle, other than the type of motor vehicle for which a Class A or a Class B driver's license is required, within this state.

~~(d) Any person, except a person who possesses a valid Class A, valid Class B, or valid Class C driver's license, who drives a truck or a truck tractor having a gross vehicle weight rating, a declared weight, or an actual weight, whichever is greatest, of 8,000 pounds or more but less than 26,001 pounds, or which has a width of more than 80 inches must possess a valid Class D driver's license. Any person who possesses a valid Class D driver's license may, subject to the appropriate restrictions and endorsements, drive any type of motor vehicle, other than the type of motor vehicle for which a Class A, Class B, or Class C driver's license is required, within this state.~~

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

Section 90. Subsections (1) and (2) of section 322.57, Florida Statutes, are amended to read:

322.57 Tests of knowledge concerning specified vehicles; endorsement; nonresidents; violations.—

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

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

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

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

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

~~(e)(d)~~ Drives a vehicle that transports hazardous materials and that is required to be placarded in accordance with Title 49 C.F.R. part 172, subpart

F, must successfully complete a test of his or her knowledge concerning the safe operation of such vehicles. Knowledge tests for hazardous-materials endorsements may not be administered orally for individuals applying for an initial hazardous-materials endorsement after June 30, 1994.

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

(g)(f) Drives a motorcycle must successfully complete a test of his or her knowledge concerning the safe operation of such vehicles and a test of his or her driving skills on such vehicle. A person who successfully completes such tests shall be issued an endorsement if he or she is licensed to drive another type of motor vehicle. A person who successfully completes such tests and who is not licensed to drive another type of motor vehicle shall be issued a Class E driver's license that is clearly restricted to motorcycle use only.

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

Section 91. Paragraph (a) of subsection (1) of section 322.58, Florida Statutes, is amended to read:

322.58 Holders of chauffeur's licenses; effect of classified licensure.—

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

(a) Any person who holds a valid chauffeur's license may continue to operate vehicles for which a Class E ~~D~~ driver's license is required until his or her chauffeur's license expires.

Section 92. Subsection (1) and paragraph (a) of subsection (3) of section 322.63, Florida Statutes, are amended to read:

322.63 Alcohol or drug testing; commercial motor vehicle operators.—

(1) A person who accepts the privilege extended by the laws of this state of operating a commercial motor vehicle within this state shall, by so operating such commercial motor vehicle, be deemed to have given his or her

consent to submit to an approved chemical or physical test of his or her blood ~~or , breath, or urine~~ for the purpose of determining his or her alcohol concentration, and to a urine test or for the purpose of detecting the presence of chemical substances as set forth in s. 877.111 or of controlled substances.

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

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

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

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

Section 93. Subsection (1) of section 322.64, Florida Statutes, is amended, and, for the purpose of incorporating the amendment to section 322.61, Florida Statutes, in a reference thereto, subsection (14) of that section is reenacted, to read:

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

(1)(a) A law enforcement officer or correctional officer shall, on behalf of the department, disqualify from operating any commercial motor vehicle a person who while operating or in actual physical control of a commercial motor vehicle is arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level or breath-alcohol level, or a person who has refused to submit to a breath, urine, or blood test authorized by s. 322.63 arising out of the operation or actual physical control of a commercial motor vehicle. Upon disqualification of the person, the officer shall take the person's driver's license and issue the person a 10-day temporary permit for the operation of noncommercial vehicles only if the person is otherwise eligible for the driving privilege and shall issue the person a notice of disqualification. If the person has been given a blood, breath, or urine test, the results of which are not available to the officer at the time of the arrest, the agency employing the officer shall transmit such results to the department within 5 days after receipt of the results. If the department then determines that the person was arrested for a violation of s. 316.193 and that the person had a blood-alcohol level or breath-alcohol level of 0.08 or higher, the department shall disqualify the person from operating a commercial motor vehicle pursuant to subsection (3).

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

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

b. The driver violated s. 316.193 by driving with an unlawful blood-alcohol level and he or she is disqualified from operating a commercial motor vehicle for a period of 6 months for a first offense or for a period of 1 year if he or she has previously been disqualified, or his or her driving privilege has been previously suspended, for a violation of s. 316.193.

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

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

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

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

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

Section 94. Paragraphs (c) and (f) of subsection (13) of section 713.78, Florida Statutes, are amended to read:

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

(13)

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

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

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

c. The records of the department were marked “sold” prior to the date of the tow.

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

2. A person against whom a wrecker operator’s lien has been imposed may alternatively obtain a discharge of the lien by filing a complaint, challenging the validity of the lien or the amount thereof, in the county court of the county in which the vehicle, vessel, or mobile home was ordered removed. Upon filing of the complaint, the person may have her or his name removed from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the court a cash or surety bond or other adequate security equal to the amount of the wrecker operator’s lien to ensure the payment of such lien in the event she or he does not prevail. Upon the posting of the bond and the payment of the applicable fee set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator’s lien. Upon determining the respective rights of the parties, the court may award damages and costs in favor of the prevailing party.

3. If a person against whom a wrecker operator’s lien has been imposed does not object to the lien, but cannot discharge the lien by payment because the wrecker operator has moved or gone out of business, the person may have her or his name removed from the list of those persons who may not be issued a license plate or revalidation sticker for any motor vehicle under s. 320.03(8), thereby allowing issuance of a license plate or revalidation sticker, upon posting with the clerk of court in the county in which the vehicle, vessel, or mobile home was ordered removed, a cash or surety bond or other adequate security equal to the amount of the wrecker operator’s lien. Upon the posting of the bond and the payment of the application fee

set forth in s. 28.24, the clerk of the court shall issue a certificate notifying the department of the posting of the bond and directing the department to release the wrecker operator's lien. The department shall mail to the wrecker operator, at the address upon the lien form, notice that the wrecker operator must claim the security within 60 days, or the security will be released back to the person who posted it. At the conclusion of the 60 days, the department shall direct the clerk as to which party is entitled to payment of the security, less applicable clerk's fees.

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

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

Section 95. Section 843.16, Florida Statutes, is amended to read:

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

(1) ~~A~~ No person, firm, or corporation may not shall install or transport in any motor vehicle or business establishment, except an emergency vehicle or crime watch vehicle as herein defined or a place established by municipal, county, state, or federal authority for governmental purposes, any frequency modulation radio receiving equipment so adjusted or tuned as to receive messages or signals on frequencies assigned by the Federal Communications Commission to police or law enforcement officers or fire rescue personnel of any city or county of the state or to the state or any of its agencies. Provided, nothing herein shall be construed to affect any radio station licensed by the Federal Communications System or to affect any recognized newspaper or news publication engaged in covering the news on a full-time basis or any alarm system contractor certified pursuant to part II of chapter 489, operating a central monitoring system.

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

(a) "Emergency vehicle" shall specifically mean:

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

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

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

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

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

(b) “Crime watch vehicle” means any motor vehicle used by any person participating in a citizen crime watch or neighborhood watch program when such program and use are approved in writing by the appropriate sheriff or chief of police where the vehicle will be used and the vehicle is assigned the use of frequencies assigned to the county or city. Such approval shall be renewed annually.

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

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

Section 96. Short title.—This section may be cited as the “Dori Slosberg Act of 2005.”

Section 97. Subsections (4) and (8) of section 316.614, Florida Statutes, are amended, present subsection (9) of that section is redesignated as subsection (10), and a new subsection (9) is added to that section, to read:

316.614 Safety belt usage.—

(4) It is unlawful for any person:

(a) To operate a motor vehicle in this state unless each passenger and the operator of the vehicle under the age of 18 years is restrained by a safety belt or by a child restraint device pursuant to s. 316.613, if applicable; or

(b) To operate a motor vehicle in this state unless the person is restrained by a safety belt.

(8) Any person who violates the provisions of this section commits a nonmoving violation, punishable as provided in chapter 318. However, except for violations of s. 316.613 and paragraph (4)(a), enforcement of this section by state or local law enforcement agencies must be accomplished only as a secondary action when a driver of a motor vehicle has been detained for a suspected violation of another section of this chapter, chapter 320, or chapter 322.

(9) By January 1, 2006, each law enforcement agency in this state shall adopt departmental policies to prohibit the practice of racial profiling. When a law enforcement officer issues a citation for a violation of this section, the

law enforcement officer must record the race and ethnicity of the violator. All law enforcement agencies must maintain such information and forward the information to the department in a form and manner determined by the department. The department shall collect this information by jurisdiction and annually report the data to the Governor, the President of the Senate, and the Speaker of the House of Representatives. The report must show separate statewide totals for the state's county sheriffs and municipal law enforcement agencies, state law enforcement agencies, and state university law enforcement agencies.

Section 98. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2005.

Approved by the Governor June 8, 2005.

Filed in Office Secretary of State June 8, 2005.