

CHAPTER 2012-181

Committee Substitute for Committee Substitute for House Bill No. 1223

An act relating to highway safety and motor vehicles; amending s. 20.24, F.S.; renaming the Office of Motor Carrier Compliance within the Division of the Florida Highway Patrol as the “Office of Commercial Vehicle Enforcement”; amending s. 316.003, F.S.; revising the definition of the term “motor vehicle” to exclude swamp buggies; defining the term “swamp buggy”; amending s. 316.0083, F.S.; providing for the dismissal of a uniform traffic citation for failure to stop at a red light when the motor vehicle owner is deceased and an affidavit with specified supporting documents is filed with the issuing agency; amending s. 316.1303, F.S.; authorizing a person who is mobility impaired to use a motorized wheelchair to temporarily leave the sidewalk and use the roadway under certain circumstances; authorizing a law enforcement officer to issue only a verbal warning to such person; amending s. 316.183, F.S.; revising a provision that prohibits a school bus from exceeding the posted speed limits; amending s. 316.2065, F.S.; revising safety standard requirements for bicycle helmets that must be worn by certain riders and passengers; revising requirements for a bicycle operator to ride in a bicycle lane or along the curb or edge of the roadway; providing for enforcement of requirements for bicycle lighting equipment; providing penalties for violations; providing for dismissal of the charge following a first offense under certain circumstances; amending s. 316.2085, F.S.; requiring that the license tag of a motorcycle or moped remain clearly visible from the rear at all times; prohibiting deliberate acts to conceal or obscure the license tag; removing a condition for a motorcycle or moped license plate that reads from top to bottom to be affixed perpendicular to the ground; requiring that owners or operators of motorcycles or mopeds with vertical tags pay any required toll by whatever means available; providing penalties; amending s. 316.2126, F.S.; authorizing municipalities to use golf carts and utility vehicles to cross the State Highway System and operate on sidewalks adjacent to state highways under certain circumstances; creating s. 316.2129, F.S.; authorizing the operation of swamp buggies on a public road, highway, or street if a local governmental entity has designated the public road, highway, or street for such use; providing that the authorization does not apply to the State Highway System; authorizing the operation of swamp buggies on land managed, owned, or leased by a state or federal agency; amending s. 316.2397, F.S.; providing an exception to the prohibition against flashing vehicle lights for motorists who intermittently flash the vehicle’s headlamps at an oncoming vehicle, regardless of the intent in doing so, and for persons operating bicycles equipped with lamps; amending s. 316.302, F.S.; requiring owners or drivers of commercial motor vehicles that are engaged in intrastate commerce to be subject to specified federal rules and regulations as such rules and regulations existed on a certain date; providing that certain

restrictions on the number of consecutive hours that a commercial motor vehicle may operate do not apply to a farm labor vehicle operated during a state of emergency or during an emergency pertaining to agriculture; correcting terminology; amending s. 316.3026, F.S., relating to unlawful operation of motor carriers; conforming provisions to changes made by the act; amending s. 316.613, F.S., relating to requirements for the operator of a vehicle to use child restraints; providing that such provisions do not apply to certain for-hire vehicles; providing for the obligation of a parent, guardian, or other person responsible for a child's welfare to comply with the requirements; amending s. 316.6135, F.S.; revising the criteria under which a child may not be left unattended in a vehicle; providing penalties; amending s. 316.655, F.S.; providing that a driver convicted of a violation of certain offenses relating to motor vehicles which resulted in an accident may have his or her driving privileges revoked or suspended; amending s. 318.14, F.S.; authorizing a person who does not hold a commercial driver license and who is cited for a noncriminal traffic infraction while driving a noncommercial motor vehicle to elect to attend a basic driver improvement course in lieu of a court appearance; authorizing a person who does not hold a commercial driver license and who is cited for certain offenses while driving a noncommercial motor vehicle to elect to enter a plea of nolo contendere and to provide proof of compliance in lieu of payment of fine or court appearance; amending s. 318.15, F.S.; providing that a person charged with a traffic infraction may request a hearing within a specified period after the date upon which the violation occurred; requiring that the clerk set the case for hearing; providing exceptions to the time period for requesting a hearing; authorizing the court to grant a request for a hearing made after the time period has expired; amending ss. 318.18 and 318.21, F.S., relating to penalties and disposition of penalties; conforming cross-references; amending s. 319.14, F.S.; prohibiting the sale or exchange of custom vehicles or street rod vehicles under certain conditions; providing definitions; amending s. 319.23, F.S.; requiring that the application for a certificate of title, corrected certificate, or assignment or reassignment be filed within a certain time period after the consummation of the sale of a mobile home; authorizing the department to accept a bond and affidavit if the applicant for a certificate of title is unable to provide a title that assigns the prior owner's interest in the motor vehicle; providing requirements for the bond and the affidavit; providing that an interested person has a right to recover on the bond; limiting liability to the amount of the bond; providing for future expiration of the bond; amending s. 319.24, F.S.; requiring that the department electronically transmit a lien to the first lienholder and notify the first lienholder of any additional liens if there are one or more lien encumbrances on a motor vehicle or mobile home; requiring that subsequent lien satisfactions be transmitted electronically to the department; amending s. 319.27, F.S.; requiring that the department establish and administer an electronic titling program; requiring the electronic recording of vehicle title information for new, transferred, and corrected certificates of title; requiring that lienholders electronically transmit liens and lien satisfactions to the department; providing exceptions; amending s. 319.28, F.S.; providing that a dealer of certain

industrial equipment is not subject to licensure as a recovery agent or agency under certain conditions; amending to s. 319.30, F.S.; authorizing the department to adopt rules to implement an electronic system for issuing salvage certificates of title and certificates of destruction; amending s. 319.40, F.S.; authorizing the department to issue an electronic certificate of title in lieu of printing a paper title and to collect electronic mail addresses and use electronic mail as a notification method in lieu of the United States Postal Service; providing an exception; amending s. 320.01, F.S.; revising the definition of the term “motor vehicle” to exclude special mobile equipment and swamp buggies; defining the term “swamp buggy”; amending s. 320.02, F.S.; providing that an active duty member of the Armed Forces of the United States is exempt from the requirement to provide an address on an application for vehicle registration; revising provisions relating to the registration of a motor carrier who operates a commercial motor vehicle without liability insurance, a surety bond, or a valid self-insurance certificate; providing that the registration shall be canceled on the expiration date noted in the cancellation notice that the department receives from the insurer; requiring that the insurer provide notice to the department at the same time the cancellation notice is provided to the insured; authorizing the department to adopt rules regarding the electronic submission of the cancellation notice; removing a provision that prohibits cancellation of liability insurance or surety bond on less than 30 days’ notice to the department; requiring the application forms for motor vehicle registration and renewal of registration to include language permitting the applicant to make certain voluntary contributions to specified not-for-profit entities; providing that such contributions are not income for specified purposes; requiring that the department retain all electronic registration records for a specified period; amending s. 320.03, F.S.; conforming a cross-reference; amending s. 320.06, F.S.; authorizing the department to conduct a pilot program to evaluate the designs, concepts, and technologies for alternative license plates; requiring that the department investigate the feasibility and use of alternative license plate technologies and the long-term cost impact to the consumer for purposes of the pilot program; requiring limiting the scope of the pilot program to license plates that are used on government-owned motor vehicles; providing an exemption for such license plates from certain requirements; providing that license plates issued under ch. 320, F.S., are the property of the state; amending s. 320.0605, F.S.; revising provisions relating to a requirement that rental or lease documentation be in the possession of an operator of a motor vehicle; providing specified information sufficient to satisfy this requirement; amending s. 320.061, F.S.; prohibiting a person from altering the original appearance of a temporary license plate; amending s. 320.07, F.S.; revising provisions relating to the expiration of a registration of a motor vehicle or mobile home; providing that the registration for a motor vehicle or mobile home whose owner is a natural person expires at midnight on the owner’s birthday; amending s. 320.08056, F.S.; prohibiting the use of funds derived from the specialty license plate program from being used to lobby elected members or employees of the Legislature; amending s. 320.08058, F.S.; providing that

up to 15 percent of the proceeds from the annual use fees for the Florida Golf license plate may be used by the Dade Amateur Golf Association for the administration of the Florida Junior Golf Program; amending s. 320.08068, F.S.; revising provisions relating to the use of funds received from the sale of motorcycle specialty license plates; deleting a provision that requires that 20 percent of the annual fee collected for such plates be used to leverage additional funding and new sources of revenue for the centers for independent living; amending s. 320.0807, F.S.; revising provisions for special license plates for the Governor and federal and state legislators; providing for issuance of special plates for former federal and state legislators; providing a one-time fee; providing for distribution of the fee; authorizing the department to create a unique plate design for plates to be used by members or former members of the Legislature or Congress under specified provisions; amending s. 320.0848, F.S.; revising the requirements for the deposit of fee proceeds from temporary disabled parking permits; requiring that certain proceeds be deposited into the Florida Endowment Foundation for Vocational Rehabilitation, instead of the Florida Governor's Alliance for the Employment of Disabled Citizens; amending s. 320.089, F.S.; providing for the issuance of a Combat Infantry Badge license plate and a Vietnam War Veterans license plate; providing qualifications and requirements for the plate; amending s. 320.13, F.S.; authorizing a dealer of heavy trucks, upon payment of a license tax, to secure one or more dealer license plates under certain circumstances; providing that the license plates may be used for demonstration purposes for a specified period; requiring that the license plates be validated on a form prescribed by the department and be retained in the vehicle being operated; amending s. 320.15, F.S.; providing that an owner of a motor vehicle or mobile home may apply for a refund of certain license taxes if the owner renews a registration during the advanced renewal period and surrenders the motor vehicle or mobile home license plate before the end of the renewal period; amending s. 320.27, F.S.; providing an exemption for salvage motor vehicle dealers from certain application and security requirements; amending s. 320.771, F.S.; revising the definition of the term "dealer"; amending s. 320.95, F.S.; authorizing the department to collect electronic mail addresses and use electronic mail for the purpose of providing renewal notices in lieu of the United States Postal Service; amending s. 322.04, F.S.; revising provisions exempting a nonresident from the requirement to obtain a driver license under certain circumstances; amending s. 322.051, F.S.; revising requirements by which an applicant for an identification card may prove nonimmigrant classification; clarifying the validity of an identification card based on specified documents; authorizing the department to require additional documentation to establish the maintenance of, or efforts to maintain, continuous lawful presence; providing for the department to waive the fees for issuing or renewing an identification card to a person who is homeless; amending s. 322.058, F.S.; conforming a cross-reference; amending s. 322.065, F.S.; revising provisions relating to a person whose driver license has expired for 6 months or less and who drives a motor vehicle; amending s. 322.07, F.S.; revising provisions relating to temporary commercial instruction

permits; amending s. 322.08, F.S.; revising provisions relating to an application for a driver license or temporary permit; requiring that applicants prove nonimmigrant classification by providing certain documentation; authorizing the department to require additional documentation to establish the maintenance of, or efforts to maintain, continuous lawful presence; revising the length of time a license is valid when issuance is based on documentation required under specified provisions; requiring the application forms for an original, renewal, or replacement driver license to include language permitting the applicant to make certain voluntary contributions to specified not-for-profit entities;; authorizing the department to collect electronic mail addresses and use electronic mail for the purpose of providing renewal notices in lieu of the United States Postal Service; amending s. 322.121, F.S.; conforming a provision relating to Safe Driver designation; revising provisions authorizing the automatic extension of a license for members of the Armed Forces of the United States or their dependents while serving on active duty outside the state; amending s. 322.14, F.S.; deleting a requirement that a qualified driver license applicant appear in person for issuance of a color photographic or digital imaged driver license; creating s. 322.1415, F.S.; authorizing the department to issue a specialty driver license or identification card to qualified applicants; specifying that, at a minimum, the specialty driver licenses and identification cards must be available for certain state and independent universities and professional sports teams and all of the branches of the Armed Forces of the United States; requiring that the department approve the design of each specialty driver license and identification card; providing for future expiration; amending s. 322.142, F.S.; providing district medical examiners access to driver information maintained in the Driver and Vehicle Information Database for a specified purpose; amending s. 322.19, F.S.; providing that certain persons who have a valid student identification card are presumed not to have changed their legal residence or mailing address; amending s. 322.21, F.S.; providing for the distribution of funds collected from the specialty driver license and identification card fees; amending s. 322.251, F.S.; providing that certain notices of cancellation, suspension, revocation, or disqualification of a driver license are complete within a specified period after deposit in the mail; amending s. 322.27, F.S.; revising the department's authority to suspend or revoke licenses or identification cards under certain circumstances; repealing s. 322.292(5), F.S., relating to private probation services providers referring probationers to any DUI program owned in whole or in part by that probation services provider or its affiliates; amending s. 322.53, F.S.; revising an exemption from the requirement to obtain a commercial driver license for farmers transporting agricultural products, farm supplies, or farm machinery under certain circumstances; providing that such exemption applies if the vehicle is not used in the operations of a common or contract motor carrier; amending s. 322.54, F.S.; requiring that persons who drive a motor vehicle having a gross vehicle weight rating or gross vehicle weight of a specified amount or more possess certain classifications of driver licenses; repealing s. 322.58, F.S., relating to holders of chauffeur licenses and the classified licensure of commercial motor vehicle drivers;

amending s. 322.59, F.S.; revising provisions relating to the possession of a medical examiner's certificate; requiring that the department disqualify a driver from operating a commercial motor vehicle if the driver holds a commercial driver license and fails to comply with the medical certification requirements; authorizing the department to issue, under certain circumstances, a Class E driver license to a person who is disqualified from operating a commercial motor vehicle; amending s. 322.61, F.S.; revising provisions relating to the disqualification from operating a commercial motor vehicle; providing that any holder of a commercial driver license who is convicted of two violations committed while operating any motor vehicle is permanently disqualified from operating a commercial motor vehicle; amending s. 324.072, F.S.; prohibiting the department from suspending a registration of a motor vehicle if the person to whom the motor vehicle is registered had certain limits on the date of the offense that caused the suspension or revocation; amending s. 324.091, F.S.; revising the period within which an owner or operator involved in a crash must furnish evidence of automobile liability insurance, motor vehicle liability insurance, or surety bond; amending s. 328.15, F.S.; requiring that the department establish and administer an electronic titling program that requires the recording of vessel title information for new, transferred, and corrected certificates of title; requiring that lienholders electronically transmit liens and lien satisfactions to the department; providing exceptions; amending s. 328.16, F.S.; requiring that the department electronically transmit a lien to the first lienholder and notify such lienholder of any additional liens; requiring that subsequent lien satisfactions be electronically transmitted to the department; amending s. 328.30, F.S.; authorizing the department to issue an electronic certificate of title in lieu of printing a paper title; authorizing the department to collect electronic mail addresses and use electronic mail for the purpose of providing renewal notices in lieu of the United States Postal Service; amending s. 520.32, F.S.; providing an exemption to specified licensing requirements for motor vehicle dealers licensed under specified provisions; providing for application of the exemption; amending s. 713.78, F.S.; conforming a cross-reference; amending s. 316.271, F.S.; removing a prohibition on using the audible horn of a motor vehicle on a highway; amending s. 323.002, F.S.; requiring unauthorized wrecker operators to disclose a fee schedule and certain information; amending ss. 316.0083 and 318.18, F.S.; revising provisions relating to the deposit of funds from traffic infractions; correcting references to a trust fund; providing effective dates.

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

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

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

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

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

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

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

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

316.0083 Mark Wandall Traffic Safety Program; administration; report.

(1)

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

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

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

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

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

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

2. In order to establish such facts, the owner of the motor vehicle shall, within 30 days after the date of issuance of the traffic citation, furnish to the

appropriate governmental entity an affidavit setting forth detailed information supporting an exemption as provided in this paragraph.

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

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

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

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

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

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

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

3. Upon receipt of an affidavit, the person designated as having care, custody, and control of the motor vehicle at the time of the violation may be issued a traffic citation for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal. The affidavit is admissible in a proceeding pursuant to this section for the purpose of providing proof that the person identified in the affidavit was in actual care, custody, or control of the motor vehicle. The owner of a leased vehicle for which a traffic citation is issued for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when the driver failed to stop at a traffic signal is not responsible for paying the traffic citation and is not required to submit an affidavit as specified in this subsection if the motor vehicle involved in the violation is registered in the name of the lessee of such motor vehicle.

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

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

316.1303 Traffic regulations to assist mobility-impaired persons.—

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

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

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

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

316.183 Unlawful speed.—

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

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

316.2065 Bicycle regulations.—

(3)

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

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

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

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

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

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

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

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

316.2085 Riding on motorcycles or mopeds.—

(3) The license tag of a motorcycle or moped must be permanently affixed to the vehicle and remain clearly visible from the rear at all times ~~may not be adjusted or capable of being flipped up. Any deliberate act to conceal or obscure~~ No device for or method of concealing or obscuring the legibility of the license tag of a motorcycle ~~is prohibited shall be installed or used.~~ The license tag of a motorcycle or moped may be affixed horizontally to the ground so that the numbers and letters read from left to right. Alternatively, a license tag for a motorcycle or moped for which the numbers and letters read from top to bottom may be affixed perpendicularly to the ground, ~~provided that the~~

registered owner of the motorcycle or moped maintains a prepaid toll account in good standing and a transponder associated with the prepaid toll account is affixed to the motorcycle or moped. Notwithstanding the authorization to affix the license tag of a motorcycle or moped perpendicularly to the ground, the owner or operator of a motorcycle or moped shall pay any required toll pursuant to s. 316.1001 by whatever means available.

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

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

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

(1) In addition to the powers granted by ss. 316.212 and 316.2125, municipalities are authorized to use ~~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:

(a) 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(8), and shall be operated only by municipal employees for municipal purposes, including, but not limited to, police patrol, traffic enforcement, and inspection of public facilities.

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

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

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

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

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

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

(1) A swamp buggy may be operated on a public road, street, or highway if the local governmental entity, as defined in s. 334.03, having jurisdiction over the public road, street, or highway, has designated it for use by swamp buggies. Upon determining that swamp buggies may safely operate on or cross such public road, street, or highway, the local governmental entity shall post appropriate signs or otherwise inform the public that the operation of swamp buggies is allowed. This authorization does not apply to the State Highway System, as defined in s. 334.03. However, a swamp buggy may be operated on a part of the State Highway System only to cross that portion of the State Highway System which intersects a county road or municipal street that has been designated for use by swamp buggies 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.

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

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

316.2397 Certain lights prohibited; exceptions.—

(7) Flashing lights are prohibited on vehicles except:

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

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

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

Section 11. Effective July 1, 2012, paragraph (b) of subsection (1) and paragraph (c) of subsection (2) of section 316.302, Florida Statutes, are 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, 2011 2009.

(2)

(c) Except as provided in 49 C.F.R. s. 395.1, a person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material in amounts that require placarding pursuant to 49 C.F.R. part 172 may not drive after having been on duty more than 70 hours in any period of 7 consecutive days or more than 80 hours in any period of 8 consecutive days if the motor carrier operates every day of the week. Thirty-four consecutive hours off duty shall constitute the end of any such period of 7 or 8 consecutive days. This weekly limit does not apply to a person who operates a commercial motor vehicle solely within this state while transporting, during harvest periods, any unprocessed agricultural products or unprocessed food or fiber that is subject to seasonal harvesting from place of harvest to the first place of processing or storage or from place of harvest directly to market or while transporting livestock, livestock feed, or farm supplies directly related to growing or harvesting agricultural products. Upon request of the Department of Highway Safety and Motor Vehicles ~~Department of Transportation~~, motor carriers shall furnish time records or other written verification to that department so that the Department of Highway Safety and Motor Vehicles ~~Department of Transportation~~ can determine compliance with this subsection. These time records must be furnished to the Department of Highway Safety and Motor Vehicles ~~Department of Transportation~~ within 2 days after receipt of that department's request. Falsification of such information is subject to a civil penalty not to exceed \$100. The provisions of this paragraph do not apply to operators of farm labor vehicles operated during a state of emergency declared by the Governor or operated pursuant to s. 570.07(21), and do not apply to drivers of utility service vehicles as defined in 49 C.F.R. s. 395.2.

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

316.3026 Unlawful operation of motor carriers.—

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

director of the Division of the Florida Highway Patrol or his or her designee. An administrative hearing pursuant to s. 120.569 shall be afforded to motor carriers subject to such orders.

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

316.613 Child restraint requirements.—

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

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

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

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

(b) A bus used for the transportation of persons for compensation, other than a bus regularly used to transport children to or from school, as defined in s. 316.615(1)(b), or in conjunction with school activities.

(c) A farm tractor or implement of husbandry.

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

(e) A motorcycle, moped, or bicycle.

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

(4) 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.

(5) Any person who violates ~~the provisions of~~ this section commits a moving violation, punishable as provided in chapter 318 and shall have 3 points assessed against his or her driver ~~driver's~~ license as set forth in s.

322.27. In lieu of the penalty specified in s. 318.18 and the assessment of points, a person who violates the provisions of this section may elect, with the court's approval, to participate in a child restraint safety program approved by the chief judge of the circuit in which the violation occurs, and, upon completing such program, the penalty specified in chapter 318 and associated costs may be waived at the court's discretion and the assessment of points shall be waived. The child restraint safety program must use a course approved by the Department of Highway Safety and Motor Vehicles, and the fee for the course must bear a reasonable relationship to the cost of providing the course.

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

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

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

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

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

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

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

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

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

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

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

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

Section 15. Subsection (2) of section 316.655, Florida Statutes, is amended to read:

316.655 Penalties.—

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

Section 16. Subsections (9) and (10) of section 318.14, Florida Statutes, are amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(9) Any person who does not hold a commercial ~~driver~~ driver's license and who is cited while driving a noncommercial motor vehicle for an infraction under this section other than a violation of s. 316.183(2), s. 316.187, or s. 316.189 when the driver exceeds the posted limit by 30 miles per hour or more, 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 and points, as provided by s. 322.27, may not be assessed. 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 not ~~make no~~ more than five elections within his or her lifetime 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. If a person makes an election to attend a basic driver improvement course under this subsection, 18 percent of the civil penalty imposed under s. 318.18(3) shall be deposited in the State Courts Revenue Trust Fund; however, that

portion is not revenue for purposes of s. 28.36 and may not be used in establishing the budget of the clerk of the court under that section or s. 28.35.

(10)(a) Any person who does not hold a commercial ~~driver~~ driver's license and who is cited while driving a noncommercial motor vehicle 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, designated official, or authorized operator of a traffic violations bureau. In such case, adjudication shall be withheld; however, a person may not make an ~~no election shall be made~~ under this subsection if the ~~such~~ person has made an election under this subsection in the preceding 12 months ~~preceding election hereunder~~. A ~~No~~ person may not make more than three elections under this subsection. This subsection applies to the following offenses:

1. Operating a motor vehicle without a valid ~~driver~~ 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 that 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.

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

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

(b) Any person cited for an offense listed in this subsection shall present proof of compliance before ~~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 ~~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 \$25, except that a person charged with violation of s. 316.646(1)-(3) may be assessed court costs of \$8. 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. Fourteen dollars of such costs shall be distributed to the municipality and \$9 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 ~~does~~ 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 17. Paragraph (c) is added to subsection (1) of section 318.15, Florida Statutes, to read:

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

(1)

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

Section 18. Paragraph (f) of subsection (3) of section 318.18, Florida Statutes, is amended to read:

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

(3)

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

Section 19. Subsection (5) of section 318.21, Florida Statutes, is amended 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:

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

Section 20. Section 319.14, Florida Statutes, is amended to read:

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

(1)(a) ~~A No person may not~~ shall knowingly offer for sale, sell, or exchange any vehicle that has been licensed, registered, or used as a taxicab, police vehicle, or short-term-lease vehicle, or a vehicle that has been repurchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681, until the department has stamped in a conspicuous place on the certificate of title of the vehicle, or its duplicate, words stating the nature of the previous use of the vehicle or the title has been stamped “Manufacturer’s Buy Back” to reflect that the vehicle is a nonconforming vehicle. If the certificate of title or duplicate was not so stamped upon initial issuance thereof or if, subsequent to initial issuance of the title, the use of the vehicle is changed to a use requiring the notation provided for in this section, the owner or lienholder of the vehicle shall surrender the certificate of title or duplicate to the department prior to offering the vehicle for sale, and the department shall stamp the certificate or duplicate as required herein. When a vehicle has been repurchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681, the title shall be stamped “Manufacturer’s Buy Back” to reflect that the vehicle is a nonconforming vehicle.

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

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

1. “Police vehicle” means a motor vehicle owned or leased by the state or a county or municipality and used in law enforcement.

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

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

c. “Lease vehicle” includes both short-term-lease vehicles and long-term-lease vehicles.

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

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

5. “Kit car” means a motor vehicle assembled with a kit supplied by a manufacturer to rebuild a wrecked or outdated motor vehicle with a new body kit.

6. “Glider kit” means a vehicle assembled with a kit supplied by a manufacturer to rebuild a wrecked or outdated truck or truck tractor.

7. “Replica” means a complete new motor vehicle manufactured to look like an old vehicle.

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

9. “Nonconforming vehicle” means a motor vehicle which has been purchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681.

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

11. “Custom vehicle” means a motor vehicle that:

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

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

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

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

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

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

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

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

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

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

(5) A ~~Any~~ person who knowingly sells, exchanges, or offers to sell or exchange a motor vehicle or mobile home contrary to the ~~provisions of this~~ section or any officer, agent, or employee of a person who knowingly authorizes, directs, aids in, or consents to the sale, exchange, or offer to

sell or exchange a motor vehicle or mobile home contrary to the provisions of this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

Section 21. Subsection (6) of section 319.23, Florida Statutes, is amended, present subsections (7) through (11) of that section are redesignated as subsections (8) through (12), respectively, and a new subsection (7) is added to that section, to read:

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

(6)(a) 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 must be obtained in the name of the purchaser by the dealer upon application signed by the purchaser, and in each other case the ~~such~~ certificate must be obtained by the purchaser. In each case of transfer of a motor vehicle or mobile home, the application for a certificate of title, a corrected certificate, or an assignment or reassignment must be filed within 30 days after the delivery of the motor vehicle or after consummation of the sale of the ~~the~~ mobile home to the purchaser. An applicant must pay a fee of \$20, in addition to all other fees and penalties required by law, for failing to file such application within the specified time. In the case of the sale of a motor vehicle by a licensed motor vehicle dealer to a general purchaser who resides in another state or country, the dealer is not required to apply for a certificate of title for the motor vehicle; however, the dealer must transfer ownership and reassign the

certificate of title or manufacturer's certificate of origin to the purchaser, and the purchaser must sign an affidavit, as approved by the department, that the purchaser will title and register the motor vehicle in another state or country.

(b) If 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.

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

(a) The bond must be:

1. In a form prescribed by the department;
2. Executed by the applicant;
3. Issued by a person authorized to conduct a surety business in this state;
4. In an amount equal to two times the value of the vehicle as determined by the department; and
5. Conditioned to indemnify all prior owners and lienholders and all subsequent purchasers of the vehicle or persons who acquire a security interest in the vehicle, and their successors in interest, against any expense, loss, or damage, including reasonable attorney fees, occurring because of the issuance of the certificate of title for the vehicle or for a defect in or undisclosed security interest on the right, title, or interest of the applicant to the vehicle.

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

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

(d) The affidavit must:

1. Be in a form prescribed by the department;

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

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

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

Section 22. Subsection (8) of section 319.24, Florida Statutes, is amended to read:

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

(8) Notwithstanding any requirements in this section or in s. 319.27 indicating that a lien on a motor vehicle or mobile home shall be noted on the face of the Florida certificate of title, if there are one or more liens or encumbrances on the motor vehicle or mobile home, the department shall ~~may~~ electronically transmit the lien to the first lienholder and notify the first lienholder of any additional liens. Subsequent lien satisfactions shall ~~may~~ be electronically transmitted to the department and must ~~shall~~ include the name and address of the person or entity satisfying the lien. When electronic transmission of liens and lien satisfactions is 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. In subsequent transfer of ownership of the motor vehicle, it shall be presumed that the motor vehicle title is subject to a lien as set forth in s. 319.225(6)(a) until the title to be issued pursuant to this subsection is received by the person or entity satisfying the lien.

Section 23. Subsection (7) is added to section 319.27, Florida Statutes, to read:

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

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

Section 24. Subsection (3) is added to section 319.28, Florida Statutes, to read:

319.28 Transfer of ownership by operation of law.—

(3) A dealer of industrial equipment who conducts a repossession, as defined in s. 493.6101(22), of such equipment is not subject to licensure as a

recovery agent or recovery agency if the dealer is regularly engaged in the sale of the equipment for a particular manufacturer, the lender is affiliated with that manufacturer, and the dealer uses his or her own employees to make such reposessions.

Section 25. Present subsection (10) of section 319.30, Florida Statutes, is renumbered as subsection (11), and new subsection (10) is added to that section to read:

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

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

Section 26. Section 319.40, Florida Statutes, is amended to read:

319.40 Transactions by electronic or telephonic means.—

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

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

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

Section 27. Paragraph (a) of subsection (1) of section 320.01, Florida Statutes, is amended, and subsection (46) is added to that section, to read:

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

(1) “Motor vehicle” means:

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

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

Section 28. Subsection (2) and paragraph (e) of subsection (5) of section 320.02, Florida Statutes, are amended, paragraphs (o), (p), (q), and (r) are added to subsection (15), and subsection (18) is added to that section, to read:

320.02 Registration required; application for registration; forms.—

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

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

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

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

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

(5)

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

(15)

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

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

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

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

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

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

Section 29. Subsection (8) of section 320.03, Florida Statutes, is amended to read:

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

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

and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the 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 this chapter, except for the transfer of registrations which includes ~~is inclusive of~~ the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. ~~319.23(8)(b)~~ ~~319.23(7)(b)~~.

Section 30. Subsections (5) and (6) are added to section 320.06, Florida Statutes, to read:

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

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

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

Section 31. Section 320.0605, Florida Statutes, is amended to read:

320.0605 Certificate of registration; possession required; exception.—

(1) The registration certificate or an official copy thereof, a true copy of a rental or lease documentation ~~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.

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

(a) Date of rental and time of exit from rental facility;

- (b) Rental station identification;
- (c) Rental agreement number;
- (d) Rental vehicle identification number;
- (e) Rental vehicle license plate number and state of registration;
- (f) Vehicle's make, model, and color;
- (g) Vehicle's mileage; and
- (h) Authorized renter's name.

Section 32. Section 320.061, Florida Statutes, is amended to read:

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

Section 33. Subsection (1) of section 320.07, Florida Statutes, is amended to read:

320.07 Expiration of registration; renewal required; penalties.—

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

Section 34. Subsection (11) of section 320.08056, Florida Statutes, is amended to read:

320.08056 Specialty license plates.—

(11) The annual use fee from the sale of specialty license plates, the interest earned from those fees, or any fees received by an agency as a result of the sale of specialty license plates may not be used for the purpose of

marketing to, or lobbying, entertaining, or rewarding, an employee of a governmental agency that is responsible for the sale and distribution of specialty license plates, or an elected member or employee of the Legislature.

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

320.08058 Specialty license plates.—

(35) Florida Golf License Plates.—

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

1. Up to ~~10~~ 15 percent of the proceeds from the annual use fees may be used by the Dade Amateur Golf Association for the administration of the Florida Junior Golf Program.

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

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

Section 36. Paragraph (e) of subsection (4) of section 320.08068, Florida Statutes, is amended to read:

320.08068 Motorcycle specialty license plates.—

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

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

Section 37. Section 320.0807, Florida Statutes, is amended to read:

320.0807 Special license plates for Governor and federal and state legislators.—

(1) Upon application by any member of the House of Representatives of Congress and payment of the fees prescribed by s. 320.0805, the department may ~~is authorized to~~ issue to such member of Congress a license plate stamped “Official Member of Congress” followed by the number of the appropriate congressional district and the letters “MC,” or any other configuration chosen by the member which is not already in use. Upon application by a United States Senator and payment of the fees prescribed by s. 320.0805, the department may ~~is authorized to~~ issue a license plate stamped “USS,” followed by the numeral II in the case of the junior senator.

(2) Upon application by any member of the state House of Representatives and payment of the fees prescribed by s. 320.0805, the department may ~~is authorized to~~ issue the ~~such~~ state representative license plates stamped in bold letters “Official House State Legislator,” followed by the number of the appropriate House of Representatives district and the letters “HR,” or any other configuration chosen by the member which is not already in use. Upon application by a state senator and payment of the fees prescribed by s. 320.0805, the department may ~~is authorized to~~ issue license plates stamped in bold letters “Official Senate State Senator,” followed by the number of the appropriate Senate district and the letters “SN,” or any other configuration chosen by the member which is not already in use.

(3) Upon application by the Governor and payment of the appropriate fees, the department may ~~is authorized to~~ issue to the Governor two license plates stamped in bold letters “Florida 1” and “Florida 2.”

(4) License plates purchased under subsection (1), subsection (2), or subsection (3) shall be replaced by the department at no cost, other than the fees required by ss. 320.04 and 320.06(3)(b), when the person to whom the ~~such~~ plates have been issued leaves the elective office with respect to which the ~~such~~ license plates were issued. Within 30 days after leaving office, the person to whom the ~~such~~ license plates have been issued shall make application to the department for a replacement license plate. The ~~Such~~ person may return the prestige license plates to the department or may retain the ~~such~~ plates as souvenirs. Upon receipt of the replacement license plate, the ~~such~~ person may ~~shall~~ not continue to display on any vehicle the prestige license plate or plates issued with respect to his or her former office.

(5) Upon application by any current or former President of the Senate and payment of the fees prescribed by s. 320.0805, the department may ~~is authorized to~~ issue a license plate stamped in bold letters “Senate President” followed by the number assigned by the department or chosen by the applicant if it is not already in use. Upon application by any current or former Speaker of the House of Representatives and payment of the fees prescribed by s. 320.0805, the department may ~~is authorized to~~ issue a license plate stamped in bold letters “House Speaker” followed by the number assigned by the department or chosen by the applicant if it is not already in use.

(6)(a) Upon application by any former member of Congress or former member of the state Legislature, payment of the fees prescribed by s. 320.0805, and payment of a one-time fee of \$500, the department may issue a former member of Congress, state senator, or state representative a license plate stamped “Retired Congress,” “Retired Senate,” or “Retired House,” as appropriate, for a vehicle owned by the former member.

(b) To qualify for a Retired Congress, Retired Senate, or Retired House prestige license plate, a former member must have served at least 4 years as a member of Congress, state senator, or state representative, respectively.

(c) Four hundred fifty dollars of the one-time fee collected under paragraph (a) shall be distributed to the account of the citizen support organization established pursuant to s. 272.129 and used for the benefit of the Legislative Research Center and Museum at the Historic Capitol, and the remaining \$50 shall be deposited into the Highway Safety Operating Trust Fund.

(7) The department may create a unique plate design for plates to be used by members or former members of the Legislature or Congress as provided in subsections (2), (5), and (6).

~~(8)~~(6) Any person who does not make application for a replacement license plate as required by subsection (4), or who, after receipt of the replacement license plate, continues to display on any vehicle the prestige license plate or plates issued with respect to his or her former office, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

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

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

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

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

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

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

1. To the Florida Endowment Foundation for Vocational Rehabilitation, known as “The Able Trust,” Governor’s Alliance for the Employment of

Disabled Citizens for the purpose of improving employment and training opportunities for persons who have disabilities, with special emphasis on removing transportation barriers, \$4. These fees must be directly deposited into the Florida Endowment Foundation for Vocational Rehabilitation as established in s. 413.615 Transportation Disadvantaged Trust Fund for transfer to the Florida Governor's Alliance for Employment of Disabled Citizens.

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

Section 39. Paragraph (a) of subsection (1) of section 320.089, Florida Statutes, is amended, and subsection (5) is added to that section, 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; Operation Iraqi Freedom and Operation Enduring Freedom Veterans; Vietnam War Veterans; Combat Infantry Badge 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, or a recipient of the Combat Infantry Badge~~ 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, or proof of membership in the Combat Infantrymen's Association, Inc., or other proof of being a recipient of the Combat Infantry Badge,~~ 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," or "Combat Infantry Badge,"~~ 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.

(5) The owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d) which automobile, truck, or recreational vehicle is not used for hire or commercial use who is a resident of the state and a current or former member of the United States military who was deployed and served in Vietnam during United States military deployment in Indochina shall, upon

application to the department, accompanied by proof of active membership or former active duty status during these operations, 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 registration license number prescribed by s. 320.06, shall be stamped the words “Vietnam War Veteran,” followed by the registration license number of the plate.

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

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

(1)

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

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

320.15 Refund of license tax.—Any resident owner of a motor vehicle or mobile home that has been destroyed or permanently removed from the state shall, upon application to the department and surrender of the license plate or mobile home sticker issued for such vehicle, be entitled to a credit to apply to registration of any other vehicle in the name of the owner, if the amount is \$3 or more, for the unexpired period of the license. However, if the license plate surrendered is a “for-hire” license plate, the amount of credit may not be more than one-half of the annual license tax amount. A credit is ~~will~~ not be valid after the expiration date of the license plate which is current on the date of the credit, as provided in s. 320.07. A motor vehicle or mobile home owner who renews a registration during the advanced renewal period as provided in s. 320.071 and who surrenders the motor vehicle or mobile home license plate before the end of the renewal period may apply for a refund of the license taxes assessed pursuant to s. 320.08.

Section 42. Subsection (3) of section 320.27, Florida Statutes, is amended to read:

320.27 Motor vehicle dealers.—

(3) APPLICATION AND FEE.—The application for the license shall be in such form as may be prescribed by the department and shall be subject to such rules with respect thereto as may be so prescribed by it. Such application shall be verified by oath or affirmation and shall contain a full statement of the name and birth date of the person or persons applying

therefor; the name of the firm or copartnership, with the names and places of residence of all members thereof, if such applicant is a firm or copartnership; the names and places of residence of the principal officers, if the applicant is a body corporate or other artificial body; the name of the state under whose laws the corporation is organized; the present and former place or places of residence of the applicant; and prior business in which the applicant has been engaged and the location thereof. Such application shall describe the exact location of the place of business and shall state whether the place of business is owned by the applicant and when acquired, or, if leased, a true copy of the lease shall be attached to the application. The applicant shall certify that the location provides an adequately equipped office and is not a residence; that the location affords sufficient unoccupied space upon and within which adequately to store all motor vehicles offered and displayed for sale; and that the location is a suitable place where the applicant can in good faith carry on such business and keep and maintain books, records, and files necessary to conduct such business, which shall ~~will~~ be available at all reasonable hours to inspection by the department or any of its inspectors or other employees. The applicant shall certify that the business of a motor vehicle dealer is the principal business which shall be conducted at that location. ~~The Such~~ application shall contain a statement that the applicant is either franchised by a manufacturer of motor vehicles, in which case the name of each motor vehicle that the applicant is franchised to sell shall be included, or an independent (nonfranchised) motor vehicle dealer. ~~The Such~~ application shall contain ~~such~~ other relevant information as may be required by the department, including evidence that the applicant is insured under a garage liability insurance policy or a general liability insurance policy coupled with a business automobile policy, which shall include, at a minimum, \$25,000 combined single-limit liability coverage including bodily injury and property damage protection and \$10,000 personal injury protection. However, a salvage motor vehicle dealer as defined in subparagraph (1)(c)5. is exempt from the requirements for garage liability insurance and personal injury protection insurance on those vehicles that cannot be legally operated on roads, highways, or streets in this state. Franchise dealers must submit a garage liability insurance policy, and all other dealers must submit a garage liability insurance policy or a general liability insurance policy coupled with a business automobile policy. Such policy shall be for the license period, and evidence of a new or continued policy shall be delivered to the department at the beginning of each license period. Upon making initial application, the applicant shall pay to the department a fee of \$300 in addition to any other fees now required by law; Upon making a subsequent renewal application, the applicant shall pay to the department a fee of \$75 in addition to any other fees now required by law. Upon making an application for a change of location, the person shall pay a fee of \$50 in addition to any other fees now required by law. The department shall, in the case of every application for initial licensure, verify whether certain facts set forth in the application are true. Each applicant, general partner in the case of a partnership, or corporate officer and director in the case of a corporate applicant, must file a set of fingerprints with the department for the purpose of determining any prior criminal record or any outstanding warrants. The department shall

submit the fingerprints to the Department of Law Enforcement for state processing and forwarding to the Federal Bureau of Investigation for federal processing. The actual cost of state and federal processing shall be borne by the applicant and is in addition to the fee for licensure. The department may issue a license to an applicant pending the results of the fingerprint investigation, which license is fully revocable if the department subsequently determines that any facts set forth in the application are not true or correctly represented.

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

320.771 License required of recreational vehicle dealers.—

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

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

2. A licensed dealer may transact business in recreational vehicles with a motor vehicle auction as defined in s. 320.27(1)(c)4. Further, a licensed dealer may, at retail or wholesale, sell a motor vehicle, as described in s. 320.01(1)(a), acquired in exchange for the sale of a recreational vehicle, if the such acquisition is incidental to the principal business of being a recreational vehicle dealer. However, a recreational vehicle dealer may not buy a motor vehicle for the purpose of resale unless licensed as a motor vehicle dealer pursuant to s. 320.27. A dealer may apply for a certificate of title to a recreational vehicle required to be registered under s. 320.08(9), using a manufacturer’s statement of origin as permitted by s. 319.23(1), only if the dealer is authorized by a manufacturer/dealer agreement, as defined in s. 320.3202, on file with the department, to buy, sell, or deal in that particular line-make of recreational vehicle, and the dealer is authorized by the manufacturer/dealer agreement to perform delivery and preparation obligations and warranty defect adjustments on that line-make.

(b) “Recreational vehicle broker” means any person who is engaged in the business of offering to procure or procuring used recreational vehicles for the general public; who holds himself or herself out through solicitation, advertisement, or otherwise as one who offers to procure or procures used recreational vehicles for the general public; or who acts as the agent or intermediary on behalf of the owner or seller of a used recreational vehicle

which is for sale or who assists or represents the seller in finding a buyer for the recreational vehicle.

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

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

320.95 Transactions by electronic or telephonic means.—

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

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

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

322.04 Persons exempt from obtaining driver ~~driver’s~~ license.—

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

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

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

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

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

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

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

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

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

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

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

322.051 Identification cards.—

(1) Any person who is 5 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) ~~The Each such~~ application must ~~shall~~ include the following information regarding the applicant:

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

2. Proof of birth date satisfactory to 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 ~~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., sub-subparagraph f., sub-subparagraph g., or sub-subparagraph h.;

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

c. A valid, unexpired United States passport;

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

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

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

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

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

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

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

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

(VI) 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.

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

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

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

(9) Notwithstanding any other provision of this section or s. 322.21 to the contrary, the department shall issue or renew a card at no charge to a person

who presents evidence satisfactory to the department that he or she is homeless as defined in s. 414.0252(7).

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

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

(4) This section applies only to the annual renewal in the 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 includes is ~~inclusive of~~ the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. ~~319.23(8)(b)~~ s. ~~319.23(7)(b)~~.

Section 48. Section 322.065, Florida Statutes, is amended to read:

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

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

322.07 Instruction permits and temporary licenses.—

(3) Any person who, except for his or her lack of instruction in operating a commercial motor vehicle, would otherwise be qualified to obtain a commercial driver ~~driver's~~ license under this chapter, may apply for a 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 commercial motor vehicle on the highways, if provided that:

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

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

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

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

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

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

1. A ~~driver~~ 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., subparagraph 6., subparagraph 7., or subparagraph 8.;

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

3. A valid, unexpired United States passport;

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

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

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

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

8. Proof of nonimmigrant classification provided by the United States Department of Homeland Security, for an original ~~driver~~ driver's license. In order to prove nonimmigrant classification, an applicant must provide at least one of the following documents. In addition, the department may require applicants to produce United States Department of Homeland Security documents for the sole purpose of establishing the maintenance of, or efforts to maintain, continuous lawful presence 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 Bureau of Citizenship and Immigration Services.

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

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

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.

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

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

A driver license or temporary permit issued based on documents required
Presentation of any of the documents in subparagraph 7. or subparagraph 8.
is valid 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 1 year, ~~whichever occurs first.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(n) Notwithstanding s. 322.081, a voluntary contribution of \$1 per applicant to the state homes for veterans, to be distributed on a quarterly basis by the department to the State Homes for Veterans Trust Fund, which is administered by the Department of Veterans' Affairs.

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

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

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

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 ~~(b)-(q)~~ ~~(b)-(e)~~ are not income of a revenue nature.

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

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

322.121 Periodic reexamination of all drivers.—

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

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

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

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

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

322.14 Licenses issued to drivers.—

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

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

322.1415 Specialty driver license and identification card program.—

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

(2) Any specialty driver license or identification card approved by the department shall, at a minimum, be available for state and independent universities domiciled in this state, all Florida professional sports teams

designated pursuant to s. 320.08058(9)(a), and all branches of the United States Armed Forces.

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

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

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

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

322.142 Color photographic or digital imaged licenses.—

(4) The department may maintain a film negative or print file. The department shall maintain a record of the digital image and signature of the licensees, together with other data required by the department for identification and retrieval. Reproductions from the file or digital record are exempt from the provisions of s. 119.07(1) and shall be made and issued only for departmental administrative purposes; for the issuance of duplicate licenses; in response to law enforcement agency requests; to the Department of Business and Professional Regulation pursuant to an interagency agreement for the purpose of accessing digital images for reproduction of licenses issued by the Department of Business and Professional Regulation; to the Department of State pursuant to an interagency agreement to facilitate determinations of eligibility of voter registration applicants and registered voters in accordance with ss. 98.045 and 98.075; to the Department of Revenue pursuant to an interagency agreement for use in establishing paternity and establishing, modifying, or enforcing support obligations in Title IV-D cases; to the Department of Children and Family Services pursuant to an interagency agreement to conduct protective investigations under part III of chapter 39 and chapter 415; to the Department of Children and Family Services pursuant to an interagency agreement specifying the number of employees in each of that department's regions to be granted access to the records for use as verification of identity to expedite the determination of eligibility for public assistance and for use in public assistance fraud investigations; ~~or to the Department of Financial Services pursuant to an interagency agreement to facilitate the location of owners of unclaimed property, the validation of unclaimed property claims, and the identification of fraudulent or false claims; or to district medical examiners pursuant to an interagency agreement for the purpose of identifying a deceased individual, determining cause of death, and notifying next of kin of~~

any investigations, including autopsies and other laboratory examinations, authorized in s. 406.011.

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

322.19 Change of address or name.—

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

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

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

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

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

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

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

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

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

(2) The giving of notice and an order of cancellation, suspension, revocation, or disqualification by mail is complete upon expiration of 20 days after deposit in the United States mail for all notices except those issued under chapter 324 or ss. 627.732–627.734, which are complete 15 days after deposit in the United States mail. Proof of the giving of notice and an order of cancellation, suspension, revocation, or disqualification in either such

manner shall be made by entry in the records of the department that such notice was given. ~~The~~ Such entry ~~is~~ shall be admissible in the courts of this state and constitutes ~~shall constitute~~ sufficient proof that such notice was given.

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

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

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

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

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

(c) Is incompetent to drive a motor vehicle;

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

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

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

(2) The department shall suspend the license of any person without preliminary hearing upon a showing of its records that the licensee has been convicted in any court having jurisdiction over offenses committed under this chapter or any other law of this state regulating the operation of a motor vehicle on the highways, upon direction of the court, when the court feels that the seriousness of the offense and the circumstances surrounding the conviction warrant the suspension of the licensee's driving privilege.

(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. A violation of a traffic control signal device as provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points. However, no points shall be imposed for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer. In addition, a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a traffic infraction enforcement officer may not be used for purposes of setting motor vehicle insurance rates.
7. 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); and points shall be imposed for a violation of s. 316.1001 only when imposed by the court after a hearing pursuant to s. 318.14(5).

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

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

10. Any conviction under s. 316.0775(2)—4 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 does ~~shall~~ not apply to persons operating a nonmotorized vehicle for which a driver ~~driver's~~ license is not required.

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

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

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

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

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

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

322.53 License required; exemptions.—

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

(a) Drivers of authorized emergency vehicles.

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

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

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

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

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

Section 61. 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, driver ~~drivers'~~ licenses in accordance with the following classifications:

(a) Any person who drives a motor vehicle combination having a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more must possess a valid Class A driver ~~driver's~~ license, if provided ~~if provided~~ the gross vehicle weight rating or gross vehicle weight of the vehicle being towed is more than 10,000 pounds. Any person who possesses a valid Class A driver ~~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 ~~driver's~~ license, who drives a motor vehicle having a gross vehicle weight rating or gross vehicle weight of 26,001 pounds or more must possess a valid

Class B ~~driver~~ ~~driver's~~ license. Any person, except a person who possesses a valid Class A ~~driver~~ ~~driver's~~ license, who drives such vehicle towing a vehicle having a gross vehicle weight rating of 10,000 pounds or less must possess a valid Class B ~~driver~~ ~~driver's~~ license. Any person who possesses a valid Class B ~~driver~~ ~~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~~ ~~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~~ ~~driver's~~ license, who drives a motor vehicle having a gross vehicle weight rating of less than 26,001 pounds and who is required to obtain an endorsement pursuant to paragraph (1)(b), paragraph (1)(c), or paragraph (1)(e) of s. 322.57, must possess a valid Class C ~~driver~~ ~~driver's~~ license. Any person who possesses a valid Class C ~~driver~~ ~~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~~ ~~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~~ ~~driver's~~ license, who drives a motor vehicle must possess a valid Class E ~~driver~~ ~~driver's~~ license. Any person who possesses a valid Class E ~~driver~~ ~~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~~ ~~driver's~~ license is required, within this state.

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

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

322.59 Possession of medical examiner's certificate.—

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

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

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

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

322.61 Disqualification from operating a commercial motor vehicle.—

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

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

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

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

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

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

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

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

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

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

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

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

324.072 Proof required upon certain convictions.—

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

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

324.091 Notice to department; notice to insurer.—

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

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

328.15 Notice of lien on vessel; recording.—

(5)(a) The Department of Highway Safety and Motor Vehicles shall adopt ~~make such rules to administer and regulations as it deems necessary or proper for the effective administration of this section law~~. The department may by rule require that a notice of satisfaction of a lien be notarized. The department shall prepare the forms of the notice of lien and the satisfaction of lien to be supplied, at a charge not to exceed 50 percent more than cost, to applicants for recording the liens or satisfactions and shall keep a record of

such notices of lien and satisfactions available for inspection by the public at all reasonable times. The division ~~may~~ is authorized to furnish certified copies of such satisfactions for a fee of \$1, which ~~are certified copies~~ shall be admissible in evidence in all courts of this state under the same conditions and to the same effect as certified copies of other public records.

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

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

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

(4) Notwithstanding any requirements in this section or in s. 328.15 indicating that a lien on a vessel shall be noted on the face of the Florida certificate of title, if there are one or more liens or encumbrances on a vessel, the department ~~shall~~ may electronically transmit the lien to the first lienholder and notify the first lienholder of any additional liens. Subsequent lien satisfactions ~~shall~~ may be electronically transmitted to the department and ~~must~~ shall 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 vessel.

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

328.30 Transactions by electronic or telephonic means.—

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

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

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

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

520.32 Licenses.—

(1) A person may not engage in or transact the business of a retail seller engaging in retail installment transactions as defined in this part or operate a branch of such business without a license, except that a license is not required for:

(a) A retail seller whose retail installment transactions are limited to the honoring of credit cards issued by dealers in oil and petroleum products licensed to do business in this state.

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

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

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

(13)

(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 includes ~~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(8)(b) ~~s. 319.23(7)(b)~~.

Section 72. Subsection (3) of section 316.271, Florida Statutes, is amended to read:

316.271 Horns and warning devices.—

(3) The driver of a motor vehicle shall, when reasonably necessary to ensure safe operation, give audible warning with his or her horn, ~~but shall not otherwise use such horn when upon a highway.~~

Section 73. Paragraph (c) of subsection (2) of section 323.002, Florida Statutes, is amended to read:

323.002 County and municipal wrecker operator systems; penalties for operation outside of system.—

(2) In any county or municipality that operates a wrecker operator system:

(c) When an unauthorized wrecker operator drives by the scene of a wrecked or disabled vehicle and the owner or operator initiates contact by

signaling the wrecker operator to stop and provide towing services, the unauthorized wrecker operator must disclose to the owner or operator of the vehicle that he or she is not the authorized wrecker operator who has been designated as part of the wrecker operator system and must disclose, in writing, a fee schedule that includes what charges for towing and storage will apply before the vehicle is connected to or disconnected from the towing apparatus, the fee charged per mile to and from the storage facility, the fee charged per 24 hours of storage, and, prominently displayed, the consumer hotline for the Department of Agriculture and Consumer Services. Any person who violates this paragraph is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 74. Paragraph (b) of subsection (1) of section 316.0083, Florida Statutes, is amended to read:

316.0083 Mark Wandall Traffic Safety Program; administration; report.

(1)

(b)1.a. Within 30 days after a violation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedies available under s. 318.14 and that the violator must pay the penalty of \$158 to the department, county, or municipality, or furnish an affidavit in accordance with paragraph (d), within 30 days following the date of the notification in order to avoid court fees, costs, and the issuance of a traffic citation. The notification shall be sent by first-class mail.

b. Included with the notification to the registered owner of the motor vehicle involved in the infraction must be a notice that the owner has the right to review the photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle. The notice must state the time and place or Internet location where the evidence may be examined and observed.

2. Penalties assessed and collected by the department, county, or municipality authorized to collect the funds provided for in this paragraph, less the amount retained by the county or municipality pursuant to subparagraph 3., shall be paid to the Department of Revenue weekly. Payment by the department, county, or municipality to the state shall be made by means of electronic funds transfers. In addition to the payment, summary detail of the penalties remitted shall be reported to the Department of Revenue.

3. Penalties to be assessed and collected by the department, county, or municipality are as follows:

a. One hundred fifty-eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal if enforcement is by the department's traffic infraction enforcement officer. One hundred dollars shall be remitted to the Department of Revenue for

deposit into the General Revenue Fund, \$10 shall be remitted to the Department of Revenue for deposit into the Department of Health Emergency Medical Services Administrative Trust Fund, \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and \$45 shall be distributed to the municipality in which the violation occurred, or, if the violation occurred in an unincorporated area, to the county in which the violation occurred. Funds deposited into the Department of Health Emergency Medical Services Administrative Trust Fund under this sub-subparagraph shall be distributed as provided in s. 395.4036(1). Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and shall be used for brain and spinal cord research.

b. One hundred fifty-eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal if enforcement is by a county or municipal traffic infraction enforcement officer. Seventy dollars shall be remitted by the county or municipality to the Department of Revenue for deposit into the General Revenue Fund, \$10 shall be remitted to the Department of Revenue for deposit into the Department of Health Emergency Medical Services Administrative Trust Fund, \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and \$75 shall be retained by the county or municipality enforcing the ordinance enacted pursuant to this section. Funds deposited into the Department of Health Emergency Medical Services Administrative Trust Fund under this sub-subparagraph shall be distributed as provided in s. 395.4036(1). Proceeds of the infractions in the Brain and Spinal Cord Injury Trust Fund shall be distributed quarterly to the Miami Project to Cure Paralysis and shall be used for brain and spinal cord research.

4. An individual may not receive a commission from any revenue collected from violations detected through the use of a traffic infraction detector. A manufacturer or vendor may not receive a fee or remuneration based upon the number of violations detected through the use of a traffic infraction detector.

Section 75. Paragraphs (a) and (e) of subsection (15) of section 318.18, Florida Statutes, are amended to read:

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

(15)(a)1. One hundred and fifty-eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a law enforcement officer. Sixty dollars shall be distributed as provided in s. 318.21, \$30 shall be distributed to the General Revenue Fund, \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund, and the remaining \$65 shall be remitted to the Department of Revenue for deposit into the

Emergency Medical Services Administrative Trust Fund of the Department of Health.

2. One hundred and fifty-eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by the department's traffic infraction enforcement officer. One hundred dollars shall be remitted to the Department of Revenue for deposit into the General Revenue Fund, \$45 shall be distributed to the county for any violations occurring in any unincorporated areas of the county or to the municipality for any violations occurring in the incorporated boundaries of the municipality in which the infraction occurred, \$10 shall be remitted to the Department of Revenue for deposit into the Department of Health Emergency Medical Services Administrative Trust Fund for distribution as provided in s. 395.4036(1), and \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund.

3. One hundred and fifty-eight dollars for a violation of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to stop at a traffic signal and when enforced by a county's or municipality's traffic infraction enforcement officer. Seventy-five dollars shall be distributed to the county or municipality issuing the traffic citation, \$70 shall be remitted to the Department of Revenue for deposit into the General Revenue Fund, \$10 shall be remitted to the Department of Revenue for deposit into the Department of Health Emergency Medical Services Administrative Trust Fund for distribution as provided in s. 395.4036(1), and \$3 shall be remitted to the Department of Revenue for deposit into the Brain and Spinal Cord Injury Trust Fund.

(e) Funds deposited into the Department of Health Emergency Medical Services Administrative Trust Fund under this subsection shall be distributed as provided in s. 395.4036(1).

Section 76. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect January 1, 2013.

Approved by the Governor April 27, 2012.

Filed in Office Secretary of State April 27, 2012.