

HB 1223

2012

1 A bill to be entitled  
2 An act relating to highway safety and motor vehicles;  
3 amending s. 20.24, F.S.; renaming the Office of Motor  
4 Carrier Compliance within the Division of the Florida  
5 Highway Patrol as the Office of Commercial Vehicle  
6 Enforcement; amending s. 316.003, F.S.; revising  
7 definitions for purposes of the Florida Uniform  
8 Traffic Control Law; revising the definition of the  
9 term "motor vehicle" to exclude swamp buggies;  
10 defining the term "swamp buggy"; amending s. 316.1303,  
11 F.S.; authorizing a person who is mobility impaired to  
12 use a motorized wheelchair to temporarily leave the  
13 sidewalk and use the roadway under certain  
14 circumstances; authorizing a law enforcement officer  
15 to issue only a verbal warning to such person;  
16 amending s. 316.2065, F.S.; revising safety standard  
17 requirements for bicycle helmets that must be worn by  
18 certain riders and passengers; revising requirements  
19 for a bicycle operator to ride in a bicycle lane or  
20 along the curb or edge of the roadway; providing for  
21 enforcement of requirements for bicycle lighting  
22 equipment; providing penalties for violations;  
23 providing for dismissal of the charge following a  
24 first offense under certain circumstances; amending s.  
25 316.2085, F.S.; requiring that the license tag of a  
26 motorcycle or moped remain clearly visible from the  
27 rear at all times; prohibiting deliberate acts to  
28 conceal or obscure the license tag; providing that

HB 1223

2012

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

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

HB 1223

2012

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

HB 1223

2012

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

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

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

HB 1223

2012

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

HB 1223

2012

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

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

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

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

HB 1223

2012

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

341

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

343

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

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

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

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

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

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

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

HB 1223

2012

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

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

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

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

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

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

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

392 316.2065 Bicycle regulations.—

393 (3)

394 (d) A bicycle rider or passenger who is under 16 years of

395 age must wear a bicycle helmet that is properly fitted and is

396 fastened securely upon the passenger's head by a strap~~7~~ and that

397 meets the federal safety standard for bicycle helmets, final

398 rule, 16 C.F.R. part 1203. A helmet purchased before October 1,

399 2012, which meets the standards of the American National

400 Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards), the

401 standards of the Snell Memorial Foundation (1984 Standard for

402 Protective Headgear for Use in Bicycling), or any other

403 nationally recognized standards for bicycle helmets adopted by

404 the department may continue to be worn by a bicycle rider or

405 passenger until January 1, 2016. As used in this subsection, the

406 term "passenger" includes a child who is riding in a trailer or

407 semitrailer attached to a bicycle.

408 (5) (a) Any person operating a bicycle upon a roadway at

409 less than the normal speed of traffic at the time and place and

410 under the conditions then existing shall ride in the lane marked

411 for bicycle use or, if no lane is marked for bicycle use, as

412 close as practicable to the right-hand curb or edge of the

413 roadway except under any of the following situations:

- 414 1. When overtaking and passing another bicycle or vehicle
- 415 proceeding in the same direction.
- 416 2. When preparing for a left turn at an intersection or
- 417 into a private road or driveway.
- 418 3. When reasonably necessary to avoid any condition or
- 419 potential conflict, including, but not limited to, a fixed or
- 420 moving object, parked or moving vehicle, bicycle, pedestrian,

CODING: Words **stricken** are deletions; words **underlined** are additions.

HB 1223

2012

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

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

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

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

446 316.2085 Riding on motorcycles or mopeds.-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

524 (2)

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

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

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

557 316.3026 Unlawful operation of motor carriers.—

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

HB 1223

2012

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

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

577 316.614 Safety belt usage.—

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

HB 1223

2012

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

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

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

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

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

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

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

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

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

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

HB 1223

2012

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

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

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

HB 1223

2012

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

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

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

684 | (1)

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

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

HB 1223

2012

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

704           (3)

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

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

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

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

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

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

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

HB 1223

2012

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

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

HB 1223

2012

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

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

766 ~~1.4.~~ "Assembled from parts" means a motor vehicle or  
767 mobile home assembled from parts or combined from parts of motor  
768 vehicles or mobile homes, new or used. The term ~~"Assembled from~~  
769 ~~parts"~~ does not include ~~mean~~ a motor vehicle defined as a  
770 "rebuilt vehicle" in subparagraph 9. 3.7, which has been declared  
771 a total loss pursuant to s. 319.30.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

HB 1223

2012

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

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

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

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

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

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

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

HB 1223

2012

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

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

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

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

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

HB 1223

2012

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

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

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

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

896 319.225 Transfer and reassignment forms; odometer

897 disclosure statements.-

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

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

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

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

HB 1223

2012

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

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

HB 1223

2012

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

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

962 (a) The bond must be:

963 1. In a form prescribed by the department;

964 2. Executed by the applicant;

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

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

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

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

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

983 (d) The affidavit must:

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

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

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

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

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

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

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

HB 1223

2012

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

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

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

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

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

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

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

HB 1223

2012

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

1039 319.40 Transactions by electronic or telephonic means.—

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

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

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

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

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

1055 (1) "Motor vehicle" means:

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

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

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

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

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

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

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

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

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

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

1101 (5)

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

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

1127 (15)

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

1135  
 1136 For the purpose of applying the service charge provided in s.  
 1137 215.20, contributions received under this subsection are not  
 1138 income of a revenue nature.

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

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

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

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

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

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

HB 1223

2012

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

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

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

1195 (1)

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

HB 1223

2012

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

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

HB 1223

2012

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

HB 1223

2012

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

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

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

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

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

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

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

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

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

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

HB 1223

2012

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

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

1321 |           320.08056 Specialty license plates.—

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

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

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

1327 |           320.08068 Motorcycle specialty license plates.—

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

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

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

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

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

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

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

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

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

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

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

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

HB 1223

2012

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

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

HB 1223

2012

1401 Section 32. Subsection (3) of section 320.27, Florida  
1402 Statutes, is amended to read:

1403 320.27 Motor vehicle dealers.—

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

HB 1223

2012

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

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

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

1481 320.771 License required of recreational vehicle dealers.-

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

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

HB 1223

2012

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

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

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

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

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

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

1530 320.95 Transactions by electronic or telephonic means.—

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

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

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

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

HB 1223

2012

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

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

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

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

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

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

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

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

HB 1223

2012

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

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

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

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

1583 322.051 Identification cards.—

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

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

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

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

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

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

1606 b. A certified copy of a United States birth certificate;

1607 c. A valid, unexpired United States passport;

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

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

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

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

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

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

HB 1223

2012

1653 admittance into the United States.

1654  
 1655 An identification card issued based on documents required  
 1656 ~~Presentation of any of the documents described in sub-~~  
 1657 ~~subparagraph g. or sub-subparagraph h. is valid entitles the~~  
 1658 ~~applicant to an identification card~~ for a period not to exceed  
 1659 the expiration date of the document presented or 1 year,  
 1660 whichever ~~first~~ occurs first.

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

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

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

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

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

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

HB 1223

2012

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

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

1687 322.07 Instruction permits and temporary licenses.—

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

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

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

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

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

1708 (2) Each such application shall include the following

1709 information regarding the applicant:

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

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

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

1720 3. A valid, unexpired United States passport;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1765 admittance into the United States.

1766  
 1767 A driver license or temporary permit issued based on documents  
 1768 required ~~Presentation of any of the documents~~ in subparagraph 7.  
 1769 or subparagraph 8. is valid ~~entitles the applicant to a driver's~~  
 1770 ~~license or temporary permit~~ for a period not to exceed the  
 1771 expiration date of the document presented or 1 year, ~~whichever~~  
 1772 ~~occurs first.~~

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

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

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

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

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

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

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

1810 322.14 Licenses issued to drivers.—

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

HB 1223

2012

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

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

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

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

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

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

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

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

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

1860       322.145 Electronic authentication of licenses.—

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

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

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

HB 1223

2012

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

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

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

1883 (1)

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

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

1890 322.19 Change of address or name.—

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

HB 1223

2012

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

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

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

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

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

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

HB 1223

2012

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

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

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

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

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

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

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

HB 1223

2012

1960 licensee:

1961 (a) Has committed an offense for which mandatory

1962 revocation of license is required upon conviction. A law

1963 enforcement agency must provide information to the department

1964 within 24 hours after any traffic fatality or when the law

1965 enforcement agency initiates action pursuant to s. 316.1933;

1966 (b) Has been convicted of a violation of any traffic law

1967 which resulted in a crash that caused the death or personal

1968 injury of another or property damage in excess of \$500;

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

1970 (d) Has permitted an unlawful or fraudulent use of the

1971 ~~such~~ license or identification card or has knowingly been a

1972 party to the obtaining of a license or identification card by

1973 fraud or misrepresentation or to the display, or representation

1974 ~~represent~~ as one's own, of a driver ~~any driver's~~ license or

1975 identification card not issued to him or her. ~~Provided, however,~~

1976 ~~no provision of~~ This section does not ~~shall be construed to~~

1977 include the provisions of s. 322.32(1);

1978 (e) Has committed an offense in another state which, if

1979 committed in this state, would be grounds for suspension or

1980 revocation; or

1981 (f) Has committed a second or subsequent violation of s.

1982 316.172(1) within a 5-year period of any previous violation.

1983 (2) The department shall suspend the license of any person

1984 without preliminary hearing upon a showing of its records that

1985 the licensee has been convicted in any court having jurisdiction

1986 over offenses committed under this chapter or any other law of

1987 this state regulating the operation of a motor vehicle on the

HB 1223

2012

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

1992 (3) There is established a point system for evaluation of  
 1993 convictions of violations of motor vehicle laws or ordinances,  
 1994 and violations of applicable provisions of s. 403.413(6)(b) when  
 1995 such violations involve the use of motor vehicles, for the  
 1996 determination of the continuing qualification of any person to  
 1997 operate a motor vehicle. The department is authorized to suspend  
 1998 the license of any person upon showing of its records or other  
 1999 good and sufficient evidence that the licensee has been  
 2000 convicted of violation of motor vehicle laws or ordinances, or  
 2001 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
 2002 more points as determined by the point system. The suspension  
 2003 shall be for a period of not more than 1 year.

2004 (a) When a licensee accumulates 12 points within a 12-  
 2005 month period, the period of suspension shall be for not more  
 2006 than 30 days.

2007 (b) When a licensee accumulates 18 points, including  
 2008 points upon which suspension action is taken under paragraph  
 2009 (a), within an 18-month period, the suspension shall be for a  
 2010 period of not more than 3 months.

2011 (c) When a licensee accumulates 24 points, including  
 2012 points upon which suspension action is taken under paragraphs  
 2013 (a) and (b), within a 36-month period, the suspension shall be  
 2014 for a period of not more than 1 year.

2015 (d) The point system shall have as its basic element a

HB 1223

2012

2016 graduated scale of points assigning relative values to  
 2017 convictions of the following violations:  
 2018 1. Reckless driving, willful and wanton—4 points.  
 2019 2. Leaving the scene of a crash resulting in property  
 2020 damage of more than \$50—6 points.  
 2021 3. Unlawful speed resulting in a crash—6 points.  
 2022 4. Passing a stopped school bus—4 points.  
 2023 5. Unlawful speed:  
 2024 a. Not in excess of 15 miles per hour of lawful or posted  
 2025 speed—3 points.  
 2026 b. In excess of 15 miles per hour of lawful or posted  
 2027 speed—4 points.  
 2028 6. A violation of a traffic control signal device as  
 2029 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.  
 2030 However, no points shall be imposed for a violation of s.  
 2031 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
 2032 stop at a traffic signal and when enforced by a traffic  
 2033 infraction enforcement officer. In addition, a violation of s.  
 2034 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
 2035 stop at a traffic signal and when enforced by a traffic  
 2036 infraction enforcement officer may not be used for purposes of  
 2037 setting motor vehicle insurance rates.  
 2038 7. All other moving violations (including parking on a  
 2039 highway outside the limits of a municipality)—3 points. However,  
 2040 no points shall be imposed for a violation of s. 316.0741 or s.  
 2041 316.2065(12); and points shall be imposed for a violation of s.  
 2042 316.1001 only when imposed by the court after a hearing pursuant  
 2043 to s. 318.14(5).

2044 8. Any moving violation covered above, excluding unlawful  
 2045 speed, resulting in a crash—4 points.

2046 9. Any conviction under s. 403.413(6)(b)—3 points.

2047 10. Any conviction under s. 316.0775(2)—4 points.

2048 (e) A conviction in another state of a violation therein  
 2049 which, if committed in this state, would be a violation of the  
 2050 traffic laws of this state, or a conviction of an offense under  
 2051 any federal law substantially conforming to the traffic laws of  
 2052 this state, except a violation of s. 322.26, may be recorded  
 2053 against a driver on the basis of the same number of points  
 2054 received had the conviction been made in a court of this state.

2055 (f) In computing the total number of points, when the  
 2056 licensee reaches the danger zone, the department is authorized  
 2057 to send the licensee a warning letter advising that any further  
 2058 convictions may result in suspension of his or her driving  
 2059 privilege.

2060 (g) The department shall administer and enforce the  
 2061 provisions of this law and may make rules and regulations  
 2062 necessary for its administration.

2063 (h) Three points shall be deducted from the driver history  
 2064 record of any person whose driving privilege has been suspended  
 2065 only once pursuant to this subsection and has been reinstated,  
 2066 if such person has complied with all other requirements of this  
 2067 chapter.

2068 (i) This subsection does ~~shall~~ not apply to persons  
 2069 operating a nonmotorized vehicle for which a driver ~~driver's~~  
 2070 license is not required.

2071 (4) The department, in computing the points and period of

HB 1223

2012

2072 time for suspensions under this section, shall use the offense  
 2073 date of all convictions.

2074 (5) The department shall revoke the license of any person  
 2075 designated a habitual offender, as set forth in s. 322.264, and  
 2076 such person is ~~shall~~ not be eligible to be relicensed for a  
 2077 minimum of 5 years from the date of revocation, except as  
 2078 provided for in s. 322.271. Any person whose license is revoked  
 2079 may, by petition to the department, show cause why his or her  
 2080 license should not be revoked.

2081 (6) The department shall revoke the driving privilege of  
 2082 any person who is convicted of a felony for the possession of a  
 2083 controlled substance if, at the time of such possession, the  
 2084 person was driving or in actual physical control of a motor  
 2085 vehicle. A person whose driving privilege has been revoked  
 2086 pursuant to this subsection is ~~shall~~ not be eligible to receive  
 2087 a limited business or employment purpose license during the term  
 2088 of such revocation.

2089 (7) Review of an order of suspension or revocation shall  
 2090 be by writ of certiorari as provided in s. 322.31.

2091 Section 50. Subsection (2) of section 322.53, Florida  
 2092 Statutes, is amended to read:

2093 322.53 License required; exemptions.—

2094 (2) The following persons are exempt from the requirement  
 2095 to obtain a commercial driver ~~driver's~~ license:

2096 (a) Drivers of authorized emergency vehicles.

2097 (b) Military personnel driving vehicles operated for  
 2098 military purposes.

2099 (c) Farmers transporting agricultural products, farm

HB 1223

2012

2100 supplies, or farm machinery to or from their farms and within  
 2101 150 miles of their farms farm, if the vehicle operated under  
 2102 this exemption is not used in the operations of a common or  
 2103 contract motor carrier or transporting agricultural products to  
 2104 or from the first place of storage or processing or directly to  
 2105 or from market, within 150 miles of their farm.

2106 (d) Drivers of recreational vehicles, as defined in s.  
 2107 320.01.

2108 (e) Drivers who operate straight trucks, as defined in s.  
 2109 316.003, and who that are exclusively transporting exclusively  
 2110 their own tangible personal property, which is not for sale.

2111 (f) Employees ~~An employee~~ of a publicly owned transit  
 2112 system who are ~~is~~ limited to moving vehicles for maintenance or  
 2113 parking purposes exclusively within the restricted-access  
 2114 confines of a transit system's property.

2115 Section 51. Subsection (5) is added to section 322.54,  
 2116 Florida Statutes, to read:

2117 322.54 Classification.—

2118 (5) The required driver license classification of any  
 2119 person operating a commercial motor vehicle that does not have a  
 2120 gross vehicle weight rating plate or a vehicle identification  
 2121 number shall be determined by the actual weight of the vehicle.

2122 Section 52. Section 322.58, Florida Statutes, is repealed.

2123 Section 53. Section 322.59, Florida Statutes, is amended  
 2124 to read:

2125 322.59 Possession of medical examiner's certificate.—

2126 (1) The department may ~~shall~~ not issue a commercial driver  
 2127 ~~driver's~~ license to a any person who is required by the laws of

HB 1223

2012

2128 | this state or by federal law to possess a medical examiner's  
 2129 | certificate, unless the ~~such~~ person presents a valid  
 2130 | certificate, as described in 49 C.F.R. s. 383.71, before ~~prior~~  
 2131 | ~~to~~ licensure.

2132 |       (2) The department shall disqualify a driver from  
 2133 | operating a commercial motor vehicle if the driver holds a  
 2134 | commercial driver license and fails to comply with the medical  
 2135 | certification requirements in 49 C.F.R. s. 383.71 ~~This section~~  
 2136 | ~~does not expand the requirements as to who must possess a~~  
 2137 | ~~medical examiner's certificate.~~

2138 |       (3) A person who is disqualified from operating a  
 2139 | commercial motor vehicle under this section may, if otherwise  
 2140 | qualified, be issued a Class E driver license pursuant to s.  
 2141 | 322.251.

2142 |       Section 54. Subsections (3) and (5) of section 322.61,  
 2143 | Florida Statutes, are amended to read:

2144 |       322.61 Disqualification from operating a commercial motor  
 2145 | vehicle.—

2146 |       (3) (a) Except as provided in subsection (4), any person  
 2147 | who is convicted of one of the offenses listed in paragraph (b)  
 2148 | while operating a commercial motor vehicle shall, in addition to  
 2149 | any other applicable penalties, be disqualified from operating a  
 2150 | commercial motor vehicle for a period of 1 year.±

2151 |       (b) Except as provided in subsection (4), any holder of a  
 2152 | commercial driver ~~driver's~~ license who is convicted of one of  
 2153 | the offenses listed in this paragraph while operating a  
 2154 | noncommercial motor vehicle shall, in addition to any other  
 2155 | applicable penalties, be disqualified from operating a

HB 1223

2012

2156 commercial motor vehicle for a period of 1 year:

2157 1. Driving a motor vehicle while he or she is under the

2158 influence of alcohol or a controlled substance;

2159 2. Driving a commercial motor vehicle while the alcohol

2160 concentration of his or her blood, breath, or urine is .04

2161 percent or higher;

2162 3. Leaving the scene of a crash involving a motor vehicle

2163 driven by such person;

2164 4. Using a motor vehicle in the commission of a felony;

2165 5. Driving a commercial motor vehicle while in possession

2166 of a controlled substance;

2167 6. Refusing to submit to a test to determine his or her

2168 alcohol concentration while driving a motor vehicle;

2169 7. Driving a commercial vehicle while the licenseholder's

2170 commercial driver ~~driver's~~ license is suspended, revoked, or

2171 canceled or while the licenseholder is disqualified from driving

2172 a commercial vehicle; or

2173 8. Causing a fatality through the negligent operation of a

2174 commercial motor vehicle.

2175 (5) A ~~Any~~ person who is convicted of two violations

2176 specified in subsection (3) which were committed while operating

2177 a commercial motor vehicle, or any combination thereof, arising

2178 in separate incidents shall be permanently disqualified from

2179 operating a commercial motor vehicle. A ~~Any~~ holder of a

2180 commercial driver ~~driver's~~ license who is convicted of two

2181 violations specified in subsection (3) which were committed

2182 while operating any ~~a noncommercial motor vehicle, or any~~

2183 ~~combination thereof,~~ arising in separate incidents shall be

HB 1223

2012

2184 permanently disqualified from operating a commercial motor  
 2185 vehicle. The penalty provided in this subsection is in addition  
 2186 to any other applicable penalty.

2187 Section 55. Subsection (1) of section 324.072, Florida  
 2188 Statutes, is amended to read:

2189 324.072 Proof required upon certain convictions.—

2190 (1) Upon the suspension or revocation of a license  
 2191 pursuant to ~~the provisions of~~ s. 322.26 or s. 322.27, the  
 2192 department shall suspend the registration for all motor vehicles  
 2193 registered in the name of the licensee ~~such person~~, either  
 2194 individually or jointly with another. However, the department  
 2195 may, except that it shall not suspend the ~~such~~ registration,  
 2196 unless otherwise required by law, if the ~~such~~ person had  
 2197 insurance coverage limits required under s. 324.031 on the date  
 2198 of the latest offense that caused the suspension or revocation,  
 2199 or has previously given or shall immediately give, and  
 2200 thereafter maintain, proof of financial responsibility with  
 2201 respect to all motor vehicles registered by the ~~such~~ person, in  
 2202 accordance with this chapter.

2203 Section 56. Subsection (1) of section 324.091, Florida  
 2204 Statutes, is amended to read:

2205 324.091 Notice to department; notice to insurer.—

2206 (1) Each owner and operator involved in a crash or  
 2207 conviction case within the purview of this chapter shall furnish  
 2208 evidence of automobile liability insurance, motor vehicle  
 2209 liability insurance, or a surety bond within 14 ~~30~~ days after  
 2210 ~~from~~ the date of the mailing of notice of crash by the  
 2211 department in the ~~such~~ form and manner as it may designate. Upon

HB 1223

2012

2212 receipt of evidence that an automobile liability policy, motor  
 2213 vehicle liability policy, or surety bond was in effect at the  
 2214 time of the crash or conviction case, the department shall  
 2215 forward by United States mail, postage prepaid, to the insurer  
 2216 or surety insurer a copy of such information and shall assume  
 2217 that the ~~such~~ policy or bond was in effect, unless the insurer  
 2218 or surety insurer notifies ~~shall notify~~ the department otherwise  
 2219 within 20 days after ~~from~~ the mailing of the notice to the  
 2220 insurer or surety insurer. However, ~~provided that~~ if the  
 2221 department ~~shall~~ later determines ~~ascertain~~ that an automobile  
 2222 liability policy, motor vehicle liability policy, or surety bond  
 2223 was not in effect and did not provide coverage for both the  
 2224 owner and the operator, it shall ~~at such time~~ take ~~such~~ action  
 2225 as it is otherwise authorized to do under this chapter. Proof of  
 2226 mailing to the insurer or surety insurer may be made by the  
 2227 department by naming the insurer or surety insurer to whom the  
 2228 ~~such~~ mailing was made and by specifying the time, place, and  
 2229 manner of mailing.

2230 Section 57. Subsection (5) of section 328.15, Florida  
 2231 Statutes, is amended to read:

2232 328.15 Notice of lien on vessel; recording.—

2233 (5) (a) The Department of Highway Safety and Motor Vehicles  
 2234 shall adopt ~~make such~~ rules to administer and ~~regulations as it~~  
 2235 ~~deems necessary or proper for the effective administration of~~  
 2236 this section ~~law~~. The department may by rule require that a  
 2237 notice of satisfaction of a lien be notarized. The department  
 2238 shall prepare the forms of the notice of lien and the  
 2239 satisfaction of lien to be supplied, at a charge not to exceed

HB 1223

2012

2240 50 percent more than cost, to applicants for recording the liens  
 2241 or satisfactions and shall keep a record of such notices of lien  
 2242 and satisfactions available for inspection by the public at all  
 2243 reasonable times. The division may ~~is authorized to~~ furnish  
 2244 certified copies of such satisfactions for a fee of \$1, which  
 2245 are certified copies shall be admissible in evidence in all  
 2246 courts of this state under the same conditions and to the same  
 2247 effect as certified copies of other public records.

2248 (b) The department shall establish and administer an  
 2249 electronic titling program that requires the recording of  
 2250 vehicle title information for new, transferred, and corrected  
 2251 certificates of title. Lienholders shall electronically transmit  
 2252 liens and lien satisfactions to the department in a format  
 2253 determined by the department. Individuals and lienholders who  
 2254 the department determines are not normally engaged in the  
 2255 business or practice of financing vehicles are not required to  
 2256 participate in the electronic titling program.

2257 Section 58. Subsection (4) of section 328.16, Florida  
 2258 Statutes, is amended to read:

2259 328.16 Issuance in duplicate; delivery; liens and  
 2260 encumbrances.—

2261 (4) Notwithstanding any requirements in this section or in  
 2262 s. 328.15 indicating that a lien on a vessel shall be noted on  
 2263 the face of the Florida certificate of title, if there are one  
 2264 or more liens or encumbrances on a vessel, the department shall  
 2265 ~~may~~ electronically transmit the lien to the first lienholder and  
 2266 notify the first lienholder of any additional liens. Subsequent  
 2267 lien satisfactions shall ~~may~~ be electronically transmitted to

HB 1223

2012

2268 the department and must ~~shall~~ include the name and address of  
 2269 the person or entity satisfying the lien. When electronic  
 2270 transmission of liens and lien satisfactions are used, the  
 2271 issuance of a certificate of title may be waived until the last  
 2272 lien is satisfied and a clear certificate of title is issued to  
 2273 the owner of the vessel.

2274 Section 59. Section 328.30, Florida Statutes, is amended  
 2275 to read:

2276 328.30 Transactions by electronic or telephonic means.—

2277 (1) The department may ~~is authorized to~~ accept any  
 2278 application provided for under this chapter by electronic or  
 2279 telephonic means.

2280 (2) The department may issue an electronic certificate of  
 2281 title in lieu of printing a paper title.

2282 (3) The department may collect electronic mail addresses  
 2283 and use electronic mail in lieu of the United States Postal  
 2284 Service for the purpose of providing renewal notices.

2285 Section 60. Present subsection (17) of section 328.72,  
 2286 Florida Statutes, is renumbered as subsection (18), and a new  
 2287 subsection (17) is added to that section to read:

2288 328.72 Classification; registration; fees and charges;  
 2289 surcharge; disposition of fees; fines; marine turtle stickers.—

2290 (17) Notwithstanding subsection (11), the department and  
 2291 the tax collectors acting as agents for the department shall  
 2292 provide a complete list of voluntary contributions authorized by  
 2293 law to customers applying for registration or renewal  
 2294 registration. The renewal application forms must include either  
 2295 a complete list of all authorized voluntary contributions or the

HB 1223

2012

2296 department's website address which provides a complete list and  
 2297 information on all authorized voluntary contributions. The  
 2298 department or a tax collector may include on the renewal forms a  
 2299 complete list of authorized voluntary contributions and the  
 2300 department's website address. Customers renewing a registration  
 2301 at either a tax collector's office or a department office shall  
 2302 be provided information on voluntary contribution options.

2303 Section 61. Paragraph (f) of subsection (13) of section  
 2304 713.78, Florida Statutes, is amended to read:

2305 713.78 Liens for recovering, towing, or storing vehicles  
 2306 and vessels.—

2307 (13)

2308 (f) This subsection applies only to the annual renewal in  
 2309 the registered owner's birth month of a motor vehicle  
 2310 registration and does not apply to the transfer of a  
 2311 registration of a motor vehicle sold by a motor vehicle dealer  
 2312 licensed under chapter 320, except for the transfer of  
 2313 registrations which includes ~~is inclusive of~~ the annual  
 2314 renewals. This subsection does not apply to any vehicle  
 2315 registered in the name of the lessor. This subsection does not  
 2316 affect the issuance of the title to a motor vehicle,  
 2317 notwithstanding s. 319.23(8)(b) ~~s. 319.23(7)(b)~~.

2318 Section 62. This act shall take effect July 1, 2012.