

By Senator Gardiner

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1 A bill to be entitled
2 An act relating to the Department of Highway Safety
3 and Motor Vehicles; amending s. 261.03, F.S., relating
4 to off-highway vehicles; conforming a cross-reference;
5 amending s. 316.066, F.S.; requiring that additional
6 information be included on the short-form crash
7 report; deleting provisions authorizing counties to
8 establish traffic records centers; deleting a
9 requirement that fees charged for copies of certain
10 traffic reports be used to fund traffic records
11 centers; authorizing the department to waive such fees
12 for local, state, or federal agencies; revising and
13 deleting certain provisions prohibiting certain uses
14 of crash reports; amending s. 316.159, F.S.; requiring
15 that drivers of certain commercial motor vehicles slow
16 before crossing a railroad grade; amending s.
17 316.1923, F.S.; providing that aggressive careless
18 driving is a moving violation; prohibiting the
19 issuance of separate citations for the acts
20 constituting such a violation; amending s. 316.193,
21 F.S., relating to penalties for driving under the
22 influence; conforming cross-references; deleting
23 certain provisions governing the impoundment or
24 immobilization of a person's vehicle following an
25 alcohol-related or drug-related traffic offense;
26 amending s. 316.1935, F.S.; defining the term
27 "conviction" for purposes of the offense of fleeing or
28 attempting to elude a law enforcement officer;
29 amending s. 316.2085, F.S.; clarifying a provision

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30 prohibiting a person younger than 16 years of age from
31 operating a motorcycle; amending ss. 316.2122,
32 316.2124, 316.21265, 316.3026, and 316.550, F.S.,
33 relating to the operation of low-speed vehicles,
34 motorized disability access vehicles, and all-terrain
35 or utility vehicles, the unlawful operation of motor
36 carriers, and special permits, respectively;
37 conforming cross-references; amending s. 316.545,
38 F.S.; providing for the regulation of apportionable
39 vehicles; amending s. 316.646, F.S.; authorizing the
40 department to suspend the driving privilege of a
41 person convicted of failing to maintain the required
42 security while operating a motor vehicle; amending s.
43 317.0003, F.S., relating to off-highway vehicles;
44 conforming a cross-reference; amending s. 318.14,
45 F.S.; requiring that persons who are cited for certain
46 additional traffic violations sign and accept a
47 citation indicating a promise to appear; providing
48 that refusal to sign such summons is a second-degree
49 misdemeanor; amending s. 318.18, F.S.; providing an
50 enhanced penalty for the offense of aggressive
51 careless driving; amending s. 318.19, F.S.; requiring
52 a mandatory hearing for the offense of aggressive
53 careless driving; amending s. 319.14, F.S.;

54 prohibiting a person from knowingly offering for sale,
55 selling, or exchanging certain vehicles unless the
56 department has stamped in a conspicuous place on the
57 certificate of title words stating that the vehicle is
58 a custom vehicle or street rod vehicle; defining the

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59 terms "custom vehicle" and "street rod"; amending s.
60 320.01, F.S.; deleting an obsolete definition;
61 revising the gross vehicle weight for purposes of
62 defining the terms "apportionable vehicle" and
63 "commercial motor vehicle"; amending s. 320.03, F.S.,
64 relating to the International Registration Plan;
65 revising the net weight of apportionable vehicles
66 subject to such registration; amending s. 320.055,
67 F.S., relating to registration periods for motor
68 vehicles; clarifying provisions to conform to changes
69 made by the act; amending s. 320.071, F.S.; revising
70 the period for early renewal of the registration of an
71 apportionable vehicle; amending s. 320.0715, F.S.;
72 clarifying provisions requiring the registration of
73 apportionable vehicles under the International
74 Registration Plan; amending s. 320.08, F.S., relating
75 to license taxes; conforming cross-references;
76 amending s. 320.0807, F.S.; revising the provisions
77 governing the special license plates issued to federal
78 and state legislators; amending s. 320.084, F.S.;
79 extending the period of registration for a motor
80 vehicle license plate issued to a disabled veteran;
81 amending s. 320.0847, F.S., relating to license
82 plates; conforming cross-references; amending s.
83 320.0863, F.S., relating to the registration of custom
84 vehicles and street rods; conforming provisions to
85 changes made by the act; amending s. 320.131, F.S.,
86 relating to temporary tags; conforming a cross-
87 reference; amending s. 320.27, F.S.; authorizing the

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88 department to deny, suspend, or revoke the license of
89 certain licensees who fail to honor a bank draft or
90 check given to the department as payment for fees or
91 who fail to obtain specified supplemental licenses;
92 amending s. 320.77, F.S.; requiring that a mobile home
93 dealer have certain indicia of ownership for mobile
94 homes; specifying documents that constitute an indicia
95 of ownership; amending s. 320.8225, F.S.; providing
96 requirements for the bond held by a mobile home and
97 recreational vehicle manufacturer, distributor, or
98 importer; requiring the department to revoke or
99 suspend the license of, or deny issuing a license to,
100 a dealer who conducts business without a surety bond
101 in full force and effect; amending s. 321.03, F.S.;
102 prohibiting the possession of a motor vehicle or
103 motorcycle of the same or similar color as those
104 prescribed for the Florida Highway Patrol; amending s.
105 321.05, F.S.; providing that officers of the Florida
106 Highway Patrol have the same arrest and other
107 authority as that provided for certain other state law
108 enforcement officers; amending s. 322.0261, F.S.;
109 requiring a person who is convicted of or who pleads
110 nolo contendere to aggressive careless driving to
111 attend a driver improvement course; amending s.
112 322.095, F.S.; deleting a provision requiring that
113 instructors of substance abuse education courses be
114 certified by the department; amending s. 322.121,
115 F.S.; deleting provisions requiring that the
116 reexamination for a driver's license include tests of

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117 the person's ability to read and understand highway
118 signs and pavement markings; amending s. 322.18, F.S.;
119 authorizing a licensed physician at a federally
120 established veterans hospital to administer a vision
121 test for purposes of renewing a driver's license;
122 conforming a cross-reference; amending s. 322.212,
123 F.S.; providing a mandatory minimum sentence for
124 certain offenses involving the unauthorized possession
125 or use of a driver's license or identification card;
126 amending s. 322.22, F.S.; authorizing the department
127 to cancel a person's identification card under certain
128 circumstances and for certain offenses; requiring that
129 a cancelled identification card be surrendered to the
130 department; amending s. 322.2615, F.S.; revising the
131 requirements for a law enforcement officer with
132 respect to the information submitted to the department
133 following suspension of a person's driver's license;
134 conforming provisions to changes made by the act;
135 amending s. 322.27, F.S.; authorizing the department
136 to suspend or revoke a person's identification card;
137 providing for points to be assessed against a person's
138 driving record for the offense of aggressive careless
139 driving; amending s. 322.271, F.S., relating to
140 suspended, canceled, or revoked driver's licenses;
141 conforming cross-references; amending s. 322.28, F.S.;
142 providing for determining a prior conviction if
143 multiple convictions occur on the same date as the
144 result of separate offenses; amending s. 322.282,
145 F.S., relating to the revocation, suspension, and

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146 reinstatement of a license or driving privilege;
147 conforming a cross-reference; amending s. 322.34,
148 F.S.; specifying circumstances under which
149 adjudication for certain offenses is withheld if a
150 person enters a plea of nolo contendere and provides
151 proof of compliance to the court or the clerk of the
152 court; providing certain limitations; providing for
153 the deposit of court costs paid, notwithstanding a
154 waiver of the fine; amending s. 322.61, F.S.;
155 extending certain periods of disqualification
156 following a conviction of violating an out-of-service
157 order while driving a commercial vehicle; amending s.
158 327.72, F.S., relating to penalties imposed under ch.
159 327 or ch. 328, F.S.; providing for determining a
160 prior conviction if multiple convictions occur on the
161 same date as the result of separate offenses;
162 providing an effective date.

163

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

165

166 Section 1. Subsection (9) of section 261.03, Florida
167 Statutes, is amended to read:

168 261.03 Definitions.—As used in this chapter, the term:

169 (9) "ROV" means any motorized recreational off-highway
170 vehicle 60 inches or less in width, having a dry weight of 1,500
171 pounds or less, designed to travel on four or more nonhighway
172 tires, having nonstraddle seating and a steering wheel, and
173 manufactured for recreational use by one or more persons. The
174 term "ROV" does not include a golf cart as defined in ss.

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175 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
176 s. 320.01~~(42)~~.

177 Section 2. Subsections (1), (3), (4), (5), (6), (7), and
178 (8) of section 316.066, Florida Statutes, are amended to read:
179 316.066 Written reports of crashes.—

180 (1) The driver of a vehicle that ~~which~~ is in any manner
181 involved in a crash resulting in bodily injury to or death of
182 any person or damage to any vehicle or other property in an
183 apparent amount of at least \$500 shall, within 10 days after the
184 crash, forward a written report of such crash to the department
185 ~~or traffic records center~~. However, when the investigating
186 officer has made a written report of the crash pursuant to
187 subsection (3), no written report need be forwarded to the
188 department ~~or traffic records center~~ by the driver.

189 (3) (a) Every law enforcement officer who in the regular
190 course of duty investigates a motor vehicle crash:

191 1. Which crash resulted in death or personal injury shall,
192 within 10 days after completing the investigation, forward a
193 written report of the crash to the department ~~or traffic records~~
194 ~~center~~.

195 2. Which crash involved a violation of s. 316.061(1) or s.
196 316.193 shall, within 10 days after completing the
197 investigation, forward a written report of the crash to the
198 department ~~or traffic records center~~.

199 3. In which crash a vehicle was rendered inoperative to a
200 degree that ~~which~~ required a wrecker to remove it from traffic
201 may, within 10 days after completing the investigation, forward
202 a written report of the crash to the department ~~or traffic~~
203 ~~records center~~ if such action is appropriate, in the officer's

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204 discretion.

205 (b) In every case in which a crash report is required by
206 this section and a written report by ~~to~~ a law enforcement
207 officer is not prepared, the law enforcement officer shall
208 provide each party involved in the crash a short-form report,
209 prescribed by the state, to be completed by the party. The
210 short-form report must include:

- 211 1. The date, time, and location of the crash;
- 212 2. A description of the vehicles involved;
- 213 3. The names and addresses of the parties involved;
- 214 4. The names and addresses of all drivers and passengers in
215 the vehicle involved;
- 216 ~~5.4.~~ The names and addresses of witnesses;
- 217 ~~6.5.~~ The name, badge number, and law enforcement agency of
218 the officer investigating the crash; and
- 219 ~~7.6.~~ The names of the insurance companies for the
220 respective parties involved in the crash.

221 (c) Each party to the crash shall provide the law
222 enforcement officer with proof of insurance to be included in
223 the crash report. If a law enforcement officer submits a report
224 on the crash ~~accident~~, proof of insurance must be provided to
225 the officer by each party involved in the crash. Any party who
226 fails to provide the required information commits ~~is guilty of~~
227 an infraction for a nonmoving violation, punishable as provided
228 in chapter 318 unless the officer determines that due to
229 injuries or other special circumstances such insurance
230 information cannot be provided immediately. If the person
231 provides the law enforcement agency, within 24 hours after the
232 crash, proof of insurance that was valid at the time of the

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233 crash, the law enforcement agency may void the citation.

234 ~~(4)(a) One or more counties may enter into an agreement~~
235 ~~with the appropriate state agency to be certified by the agency~~
236 ~~to have a traffic records center for the purpose of tabulating~~
237 ~~and analyzing countywide traffic crash reports. The agreement~~
238 ~~must include: certification by the agency that the center has~~
239 ~~adequate auditing and monitoring mechanisms in place to ensure~~
240 ~~the quality and accuracy of the data; the time period in which~~
241 ~~the traffic records center must report crash data to the agency;~~
242 ~~and the medium in which the traffic records must be submitted to~~
243 ~~the agency.~~

244 ~~(b) In the case of a county or multicounty area that has a~~
245 ~~certified central traffic records center, a law enforcement~~
246 ~~agency or driver must submit to the center within the time limit~~
247 ~~prescribed in this section a written report of the crash. A~~
248 ~~driver who is required to file a crash report must be notified~~
249 ~~of the proper place to submit the completed report.~~

250 (4)(e) Fees for copies of public records provided by the
251 investigating law enforcement agency may a certified traffic
252 records center shall be charged and collected in an amount not
253 to exceed those established below as follows:

254
255 For a crash report.....\$10 per copy.

256 For a homicide report.....\$25 per copy.

257 For a uniform traffic citation.....\$0.50 per copy.

258 ~~The fees collected for copies of the public records provided by~~
259 ~~a certified traffic records center shall be used to fund the~~
260 ~~center or otherwise as designated by the county or counties~~
261 ~~participating in the center.~~

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262 (5) (a) Crash reports that reveal the identity, home or
263 employment telephone number or home or employment address of, or
264 other personal information concerning the parties involved in
265 the crash and that are held by any agency that regularly
266 receives or prepares information from or concerning the parties
267 to motor vehicle crashes are confidential and exempt from s.
268 119.07(1) and s. 24(a), Art. I of the State Constitution for a
269 period of 60 days after the date of the crash ~~the report is~~
270 ~~filed~~.

271 (b) Crash reports held by an agency under paragraph (a) may
272 be made immediately available to the parties involved in the
273 crash, their legal representatives, their licensed insurance
274 agents, their insurers or insurers to which they have applied
275 for coverage, persons under contract with such insurers to
276 provide claims or underwriting information, prosecutorial
277 authorities, victim services programs, radio and television
278 stations licensed by the Federal Communications Commission,
279 newspapers qualified to publish legal notices under ss. 50.011
280 and 50.031, and free newspapers of general circulation,
281 published once a week or more often, available and of interest
282 to the public generally for the dissemination of news. For the
283 purposes of this section, the following products or publications
284 are not newspapers as referred to in this section: those
285 intended primarily for members of a particular profession or
286 occupational group; those with the primary purpose of
287 distributing advertising; and those with the primary purpose of
288 publishing names and other personal identifying information
289 concerning parties to motor vehicle crashes.

290 (c) Any local, state, or federal agency that is authorized

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291 to have access to crash reports by any provision of law shall be
292 granted such access in the furtherance of the agency's statutory
293 duties. The department may waive the above fees for these
294 agencies.

295 (d) As a condition precedent to accessing a crash report
296 within 60 days after the date of the crash ~~the report is filed~~,
297 a person must present a valid driver's license or other
298 photographic identification, proof of status, or identification
299 that demonstrates his or her qualifications to access that
300 information, and file a written sworn statement with the state
301 or local agency in possession of the information stating that
302 information from a crash report made confidential and exempt by
303 this section will not be used for any commercial solicitation of
304 parties to motor vehicle crashes ~~accident victims~~, or knowingly
305 disclosed to any third party for the purpose of such
306 solicitation, during the period of time that the information
307 remains confidential and exempt. In lieu of requiring the
308 written sworn statement, an agency may provide crash reports by
309 electronic means to third-party vendors under contract with one
310 or more insurers, but only when such contract states that
311 information from a crash report made confidential and exempt by
312 this section will not be used for any commercial solicitation of
313 parties to motor vehicle crashes ~~accident victims~~ by the
314 vendors, or knowingly disclosed by the vendors to any third
315 party for the purpose of such solicitation, during the period of
316 time that the information remains confidential and exempt, and
317 only when a copy of such contract is furnished to the agency as
318 proof of the vendor's claimed status.

319 (e) This subsection does not prevent the dissemination or

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320 publication of news to the general public by any legitimate
321 media entitled to access confidential and exempt information
322 pursuant to this section.

323 (6) (a) Any driver failing to file the written report
324 required under subsection (1) or subsection (2) commits a
325 noncriminal traffic infraction, punishable as a nonmoving
326 violation as provided in chapter 318.

327 (b) Any employee of a state or local agency in possession
328 of information made confidential and exempt by this section who
329 knowingly discloses such confidential and exempt information to
330 a person not entitled to access such information under this
331 section commits ~~is guilty of~~ a felony of the third degree,
332 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

333 (c) Any person, knowing that he or she is not entitled to
334 obtain information made confidential and exempt by this section,
335 who obtains or attempts to obtain such information commits ~~is~~
336 ~~guilty of~~ a felony of the third degree, punishable as provided
337 in s. 775.082, s. 775.083, or s. 775.084.

338 (d) Any person who knowingly uses confidential and exempt
339 information in violation of a filed written sworn statement or
340 contractual agreement required by this section commits a felony
341 of the third degree, punishable as provided in s. 775.082, s.
342 775.083, or s. 775.084.

343 (7) Except as specified in this subsection, each crash
344 report made by a person involved in a crash and any statement
345 made by such person to a law enforcement officer for the purpose
346 of completing a crash report required by this section shall be
347 without prejudice to the individual so reporting. No such report
348 or statement shall be used as evidence in any trial, civil or

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349 criminal. However, subject to the applicable rules of evidence,
350 a law enforcement officer at a criminal trial may testify as to
351 any statement made to the officer by the person involved in the
352 crash if that person's privilege against self-incrimination is
353 not violated. The results of breath, urine, and blood tests
354 administered as provided in s. 316.1932 or s. 316.1933 are not
355 confidential and shall be admissible into evidence in accordance
356 with the provisions of s. 316.1934(2). ~~Crash reports made by~~
357 ~~persons involved in crashes shall not be used for commercial~~
358 ~~solicitation purposes; however, the use of a crash report for~~
359 ~~purposes of publication in a newspaper or other news periodical~~
360 ~~or a radio or television broadcast shall not be construed as~~
361 ~~"commercial purpose."~~

362 (8) A law enforcement officer, as defined in s. 943.10(1),
363 may enforce this section.

364 Section 3. Section 316.159, Florida Statutes, is amended to
365 read:

366 316.159 Certain vehicles to stop or slow at all railroad
367 grade crossings.—

368 (1) The driver of any motor vehicle carrying passengers for
369 hire, excluding taxicabs, of any school bus carrying any school
370 child, or of any vehicle carrying explosive substances or
371 flammable liquids as a cargo or part of a cargo, before crossing
372 at grade any track or tracks of a railroad, shall stop such
373 vehicle within 50 feet but not less than 15 feet from the
374 nearest rail of the railroad and, while so stopped, shall listen
375 and look in both directions along the track for any approaching
376 train, and for signals indicating the approach of a train,
377 except as hereinafter provided, and shall not proceed until he

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378 or she can do so safely. After stopping as required herein and
379 upon proceeding when it is safe to do so, the driver of any such
380 vehicle shall cross only in a gear of the vehicle so that there
381 will be no necessity for changing gears while traversing the
382 crossing, and the driver shall not shift gears while crossing
383 the track or tracks.

384 (2) No stop need be made at any such crossing where a
385 police officer, a traffic control signal, or a sign directs
386 traffic to proceed. However, any school bus carrying any school
387 child shall be required to stop unless directed to proceed by a
388 police officer.

389 (3) The driver of any commercial motor vehicle that is not
390 required to stop under subsection (1) or subsection (2) before
391 crossing the track or tracks of any railroad grade crossing
392 shall slow the motor vehicle and check that the tracks are clear
393 of an approaching train.

394 (4)~~(3)~~ A violation of this section is a noncriminal traffic
395 infraction, punishable as a moving violation as provided in
396 chapter 318.

397 Section 4. Section 316.1923, Florida Statutes, is amended
398 to read:

399 316.1923 Aggressive careless driving.—

400 (1) "Aggressive careless driving" means committing two or
401 more of the following acts simultaneously or in succession:

402 (a)~~(1)~~ Exceeding the posted speed as defined in s.

403 322.27(3)(d)5.b.

404 (b)~~(2)~~ Unsafely or improperly changing lanes as defined in
405 s. 316.085.

406 (c)~~(3)~~ Following another vehicle too closely as defined in

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407 s. 316.0895(1).

408 ~~(d)(4)~~ Failing to yield the right-of-way as defined in s.
409 316.079, s. 316.0815, or s. 316.123.

410 ~~(e)(5)~~ Improperly passing as defined in s. 316.083, s.
411 316.084, or s. 316.085.

412 ~~(f)(6)~~ Violating traffic control and signal devices as
413 defined in ss. 316.074 and 316.075.

414 (2) A violation of this section is a moving violation,
415 punishable as provided in chapter 318. A law enforcement officer
416 issuing a citation for a violation of this section may not also
417 issue separate citations for violations of the acts listed in
418 subsection (1).

419 Section 5. Paragraphs (b), (c), (d), and (i) of subsection
420 (6) and subsections (13) and (14) of section 316.193, Florida
421 Statutes, are amended to read:

422 316.193 Driving under the influence; penalties.—

423 (6) With respect to any person convicted of a violation of
424 subsection (1), regardless of any penalty imposed pursuant to
425 subsection (2), subsection (3), or subsection (4):

426 (b) For the second conviction for an offense that occurs
427 within a period of 5 years after the date of a prior conviction
428 for violation of this section, the court shall order
429 imprisonment for not less than 10 days. The court must also, as
430 a condition of probation, order the impoundment or
431 immobilization of all vehicles owned by the defendant at the
432 time of impoundment or immobilization, for a period of 30 days
433 or for the unexpired term of any lease or rental agreement that
434 expires within 30 days. The impoundment or immobilization must
435 not occur concurrently with the incarceration of the defendant

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436 and must occur concurrently with the driver's license revocation
437 imposed under s. 322.28(2)(b)2. ~~s. 322.28(2)(a)2.~~ The
438 impoundment or immobilization order may be dismissed in
439 accordance with paragraph (e), paragraph (f), paragraph (g), or
440 paragraph (h). At least 48 hours of confinement must be
441 consecutive.

442 (c) For the third or subsequent conviction for an offense
443 that occurs within a period of 10 years after the date of a
444 prior conviction for violation of this section, the court shall
445 order imprisonment for not less than 30 days. The court must
446 also, as a condition of probation, order the impoundment or
447 immobilization of all vehicles owned by the defendant at the
448 time of impoundment or immobilization, for a period of 90 days
449 or for the unexpired term of any lease or rental agreement that
450 expires within 90 days. The impoundment or immobilization must
451 not occur concurrently with the incarceration of the defendant
452 and must occur concurrently with the driver's license revocation
453 imposed under s. 322.28(2)(b)3. ~~s. 322.28(2)(a)3.~~ The
454 impoundment or immobilization order may be dismissed in
455 accordance with paragraph (e), paragraph (f), paragraph (g), or
456 paragraph (h). At least 48 hours of confinement must be
457 consecutive.

458 (d) The court must at the time of sentencing the defendant
459 issue an order for the impoundment or immobilization of a
460 vehicle. ~~The order of impoundment or immobilization must include~~
461 ~~the name and telephone numbers of all immobilization agencies~~
462 ~~meeting all of the conditions of subsection (13).~~ Within 7
463 business days after the date that the court issues the order of
464 impoundment or immobilization, the clerk of the court must send

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465 notice by certified mail, return receipt requested, to the
466 registered owner of each vehicle, if the registered owner is a
467 person other than the defendant, and to each person of record
468 claiming a lien against the vehicle.

469 (i) All costs and fees for the impoundment or
470 immobilization, including the cost of notification, must be paid
471 by the owner of the vehicle or, if the vehicle is leased or
472 rented, by the person leasing or renting the vehicle, unless the
473 impoundment or immobilization order is dismissed. All provisions
474 of s. 713.78 shall apply. ~~The costs and fees for the impoundment~~
475 ~~or immobilization must be paid directly to the person impounding~~
476 ~~or immobilizing the vehicle.~~

477
478 For the purposes of this section, any conviction for a violation
479 of s. 327.35; a previous conviction for the violation of former
480 s. 316.1931, former s. 860.01, or former s. 316.028; or a
481 previous conviction outside this state for driving under the
482 influence, driving while intoxicated, driving with an unlawful
483 blood-alcohol level, driving with an unlawful breath-alcohol
484 level, or any other similar alcohol-related or drug-related
485 traffic offense, is also considered a previous conviction for
486 violation of this section. However, in satisfaction of the fine
487 imposed pursuant to this section, the court may, upon a finding
488 that the defendant is financially unable to pay either all or
489 part of the fine, order that the defendant participate for a
490 specified additional period of time in public service or a
491 community work project in lieu of payment of that portion of the
492 fine which the court determines the defendant is unable to pay.
493 In determining such additional sentence, the court shall

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494 consider the amount of the unpaid portion of the fine and the
495 reasonable value of the services to be ordered; however, the
496 court may not compute the reasonable value of services at a rate
497 less than the federal minimum wage at the time of sentencing.

498 ~~(13) If personnel of the circuit court or the sheriff do~~
499 ~~not immobilize vehicles, only immobilization agencies that meet~~
500 ~~the conditions of this subsection shall immobilize vehicles in~~
501 ~~that judicial circuit.~~

502 ~~(a) The immobilization agency responsible for immobilizing~~
503 ~~vehicles in that judicial circuit shall be subject to strict~~
504 ~~compliance with all of the following conditions and~~
505 ~~restrictions:~~

506 ~~1. Any immobilization agency engaged in the business of~~
507 ~~immobilizing vehicles shall:~~

508 ~~a. Have a class "R" license issued pursuant to part IV of~~
509 ~~chapter 493;~~

510 ~~b. Have at least 3 years of verifiable experience in~~
511 ~~immobilizing vehicles; and~~

512 ~~c. Maintain accurate and complete records of all payments~~
513 ~~for the immobilization, copies of all documents pertaining to~~
514 ~~the court's order of impoundment or immobilization, and any~~
515 ~~other documents relevant to each immobilization. Such records~~
516 ~~must be maintained by the immobilization agency for at least 3~~
517 ~~years.~~

518 ~~2. The person who immobilizes a vehicle must never have~~
519 ~~been convicted of any felony or of driving or boating under the~~
520 ~~influence of alcohol or a controlled substance in the last 3~~
521 ~~years.~~

522 ~~(b) A person who violates paragraph (a) commits a~~

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523 ~~misdemeanor of the first degree, punishable as provided in s.~~
524 ~~775.082 or s. 775.083.~~

525 ~~(c) Any immobilization agency who is aggrieved by a~~
526 ~~person's violation of paragraph (a) may bring a civil action~~
527 ~~against the person who violated paragraph (a) seeking injunctive~~
528 ~~relief, damages, reasonable attorney's fees and costs, and any~~
529 ~~other remedy available at law or in equity as may be necessary~~
530 ~~to enforce this subsection. In any action to enforce this~~
531 ~~subsection, establishment of a violation of paragraph (a) shall~~
532 ~~conclusively establish a clear legal right to injunctive relief,~~
533 ~~that irreparable harm will be caused if an injunction does not~~
534 ~~issue, that no adequate remedy at law exists, and that public~~
535 ~~policy favors issuance of injunctive relief.~~

536 ~~(14) As used in this chapter, the term:~~

537 ~~(a) "Immobilization," "immobilizing," or "immobilize" means~~
538 ~~the act of installing a vehicle antitheft device on the steering~~
539 ~~wheel of a vehicle, the act of placing a tire lock or wheel~~
540 ~~clamp on a vehicle, or a governmental agency's act of taking~~
541 ~~physical possession of the license tag and vehicle registration~~
542 ~~rendering a vehicle legally inoperable to prevent any person~~
543 ~~from operating the vehicle pursuant to an order of impoundment~~
544 ~~or immobilization under subsection (6).~~

545 ~~(b) "Immobilization agency" or "immobilization agencies"~~
546 ~~means any firm, company, agency, organization, partnership,~~
547 ~~corporation, association, trust, or other business entity of any~~
548 ~~kind whatsoever that meets all of the conditions of subsection~~
549 ~~(13).~~

550 ~~(c) "Impoundment," "impounding," or "impound" means the act~~
551 ~~of storing a vehicle at a storage facility pursuant to an order~~

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552 ~~of impoundment or immobilization under subsection (6) where the~~
 553 ~~person impounding the vehicle exercises control, supervision,~~
 554 ~~and responsibility over the vehicle.~~

555 ~~(d) "Person" means any individual, firm, company, agency,~~
 556 ~~organization, partnership, corporation, association, trust, or~~
 557 ~~other business entity of any kind whatsoever.~~

558 Section 6. Present subsections (6) and (7) of section
 559 316.1935, Florida Statutes, are renumbered as subsections (7)
 560 and (8), respectively, and a new subsection (6) is added to that
 561 section, to read:

562 316.1935 Fleeing or attempting to elude a law enforcement
 563 officer; aggravated fleeing or eluding.—

564 (6) As used in this section, the term "conviction" means a
 565 determination of guilt that is the result of a plea or trial,
 566 regardless of whether adjudication is withheld.

567 Section 7. Subsection (6) of section 316.2085, Florida
 568 Statutes, is amended to read:

569 316.2085 Riding on motorcycles or mopeds.—

570 (6) A person under 16 years of age may not:

571 (a) Operate a motorcycle ~~that has a motor with more than~~
 572 ~~150 cubic centimeters displacement.~~

573 (b) Rent a motorcycle or a moped.

574 Section 8. Section 316.2122, Florida Statutes, is amended
 575 to read:

576 316.2122 Operation of a low-speed vehicle or mini truck on
 577 certain roadways.—The operation of a low-speed vehicle as
 578 defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
 579 320.01~~(45)~~ on any road as defined in s. 334.03(15) or (33) is
 580 authorized with the following restrictions:

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581 (1) A low-speed vehicle or mini truck may be operated only
582 on streets where the posted speed limit is 35 miles per hour or
583 less. This does not prohibit a low-speed vehicle or mini truck
584 from crossing a road or street at an intersection where the road
585 or street has a posted speed limit of more than 35 miles per
586 hour.

587 (2) A low-speed vehicle must be equipped with headlamps,
588 stop lamps, turn signal lamps, taillamps, reflex reflectors,
589 parking brakes, rearview mirrors, windshields, seat belts, and
590 vehicle identification numbers.

591 (3) A low-speed vehicle or mini truck must be registered
592 and insured in accordance with s. 320.02 and titled pursuant to
593 chapter 319.

594 (4) Any person operating a low-speed vehicle or mini truck
595 must have in his or her possession a valid driver's license.

596 (5) A county or municipality may prohibit the operation of
597 low-speed vehicles or mini trucks on any road under its
598 jurisdiction if the governing body of the county or municipality
599 determines that such prohibition is necessary in the interest of
600 safety.

601 (6) The Department of Transportation may prohibit the
602 operation of low-speed vehicles or mini trucks on any road under
603 its jurisdiction if it determines that such prohibition is
604 necessary in the interest of safety.

605 Section 9. Section 316.2124, Florida Statutes, is amended
606 to read:

607 316.2124 Motorized disability access vehicles.—The
608 Department of Highway Safety and Motor Vehicles is directed to
609 provide, by rule, for the regulation of motorized disability

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610 access vehicles as described in s. 320.01~~(34)~~. The department
611 shall provide that motorized disability access vehicles shall be
612 registered in the same manner as motorcycles and shall pay the
613 same registration fee as for a motorcycle. There shall also be
614 assessed, in addition to the registration fee, a \$2.50 surcharge
615 for motorized disability access vehicles. This surcharge shall
616 be paid into the Highway Safety Operating Trust Fund. Motorized
617 disability access vehicles shall not be required to be titled by
618 the department. The department shall require motorized
619 disability access vehicles to be subject to the same safety
620 requirements as set forth in this chapter for motorcycles.

621 Section 10. Subsection (1) of section 316.21265, Florida
622 Statutes, is amended to read:

623 316.21265 Use of all-terrain vehicles, golf carts, low-
624 speed vehicles, or utility vehicles by law enforcement
625 agencies.—

626 (1) Notwithstanding any provision of law to the contrary,
627 any law enforcement agency in this state may operate all-terrain
628 vehicles as defined in s. 316.2074, golf carts as defined in s.
629 320.01~~(22)~~, low-speed vehicles as defined in s. 320.01~~(42)~~, or
630 utility vehicles as defined in s. 320.01~~(43)~~ on any street,
631 road, or highway in this state while carrying out its official
632 duties.

633 Section 11. Subsection (1) of section 316.3026, Florida
634 Statutes, is amended to read:

635 316.3026 Unlawful operation of motor carriers.—

636 (1) The Office of Motor Carrier Compliance of the
637 Department of Transportation may issue out-of-service orders to
638 motor carriers, as defined in s. 320.01~~(33)~~, who have after

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639 proper notice failed to pay any penalty or fine assessed by the
640 department, or its agent, against any owner or motor carrier for
641 violations of state law, refused to submit to a compliance
642 review and provide records pursuant to s. 316.302(5) or s.
643 316.70, or violated safety regulations pursuant to s. 316.302 or
644 insurance requirements found in s. 627.7415. Such out-of-service
645 orders shall have the effect of prohibiting the operations of
646 any motor vehicles owned, leased, or otherwise operated by the
647 motor carrier upon the roadways of this state, until such time
648 as the violations have been corrected or penalties have been
649 paid. Out-of-service orders issued under this section must be
650 approved by the Secretary of Transportation or his or her
651 designee. An administrative hearing pursuant to s. 120.569 shall
652 be afforded to motor carriers subject to such orders.

653 Section 12. Subsection (3) of section 316.545, Florida
654 Statutes, is amended to read:

655 316.545 Weight and load unlawful; special fuel and motor
656 fuel tax enforcement; inspection; penalty; review.—

657 (3) Any person who violates the overloading provisions of
658 this chapter shall be conclusively presumed to have damaged the
659 highways of this state by reason of such overloading, which
660 damage is hereby fixed as follows:

661 (a) When the excess weight is 200 pounds or less than the
662 maximum herein provided, the penalty shall be \$10;

663 (b) Five cents per pound for each pound of weight in excess
664 of the maximum herein provided when the excess weight exceeds
665 200 pounds. However, whenever the gross weight of the vehicle or
666 combination of vehicles does not exceed the maximum allowable
667 gross weight, the maximum fine for the first 600 pounds of

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668 unlawful axle weight shall be \$10;

669 (c) An apportionable ~~apportioned motor~~ vehicle, as defined
670 in s. 320.01, operating on the highways of this state without
671 being properly licensed and registered shall be subject to the
672 penalties as herein provided; and

673 (d) Vehicles operating on the highways of this state from
674 nonmember International Registration Plan jurisdictions which
675 are not in compliance with the provisions of s. 316.605 shall be
676 subject to the penalties as herein provided.

677 Section 13. Paragraph (a) of subsection (4) and subsection
678 (9) of section 316.550, Florida Statutes, are amended to read:

679 316.550 Operations not in conformity with law; special
680 permits.—

681 (4) (a) The Department of Transportation may issue a wrecker
682 special blanket permit to authorize a wrecker as defined in s.
683 320.01~~(40)~~ to tow a disabled vehicle as defined in s. 320.01(38)
684 where the combination of the wrecker and the disabled vehicle
685 being towed exceeds the maximum weight limits as established by
686 s. 316.535.

687 (9) Whenever any motor vehicle, or the combination of a
688 wrecker as defined in s. 320.01~~(40)~~ and a towed motor vehicle,
689 exceeds any weight or dimensional criteria or special
690 operational or safety stipulation contained in a special permit
691 issued under the provisions of this section, the penalty
692 assessed to the owner or operator shall be as follows:

693 (a) For violation of weight criteria contained in a special
694 permit, the penalty per pound or portion thereof exceeding the
695 permitted weight shall be as provided in s. 316.545.

696 (b) For each violation of dimensional criteria in a special

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697 permit, the penalty shall be as provided in s. 316.516 and
698 penalties for multiple violations of dimensional criteria shall
699 be cumulative except that the total penalty for the vehicle
700 shall not exceed \$1,000.

701 (c) For each violation of an operational or safety
702 stipulation in a special permit, the penalty shall be an amount
703 not to exceed \$1,000 per violation and penalties for multiple
704 violations of operational or safety stipulations shall be
705 cumulative except that the total penalty for the vehicle shall
706 not exceed \$1,000.

707 (d) For violation of any special condition that has been
708 prescribed in the rules of the Department of Transportation and
709 declared on the permit, the vehicle shall be determined to be
710 out of conformance with the permit and the permit shall be
711 declared null and void for the vehicle, and weight and
712 dimensional limits for the vehicle shall be as established in s.
713 316.515 or s. 316.535, whichever is applicable, and:

714 1. For weight violations, a penalty as provided in s.
715 316.545 shall be assessed for those weights which exceed the
716 limits thus established for the vehicle; and

717 2. For dimensional, operational, or safety violations, a
718 penalty as established in paragraph (c) or s. 316.516, whichever
719 is applicable, shall be assessed for each nonconforming
720 dimensional, operational, or safety violation and the penalties
721 for multiple violations shall be cumulative for the vehicle.

722 Section 14. Subsection (3) of section 316.646, Florida
723 Statutes, is amended to read:

724 316.646 Security required; proof of security and display
725 thereof; dismissal of cases.-

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726 (3) Any person who violates this section commits a
727 nonmoving traffic infraction subject to the penalty provided in
728 chapter 318 and shall be required to furnish proof of security
729 as provided in this section. If any person is found guilty and
730 convicted of ~~charged with~~ a violation of this section and fails
731 to furnish proof, at or before the scheduled court appearance
732 date, that security was in effect at the time of the violation,
733 the court shall notify the department to ~~may immediately~~ suspend
734 the registration and driver's license of such person. If the
735 court fails to order the suspension of the driving privilege for
736 a conviction of a violation of this section at the time of
737 sentencing, the department shall, upon receiving the conviction
738 from the court, suspend the driving privilege as provided in s.
739 324.0221. Such license and registration may be reinstated only
740 as provided in s. 324.0221.

741 Section 15. Subsection (9) of section 317.0003, Florida
742 Statutes, is amended to read:

743 317.0003 Definitions.—As used in this chapter, the term:

744 (9) "ROV" means any motorized recreational off-highway
745 vehicle 60 inches or less in width, having a dry weight of 1,500
746 pounds or less, designed to travel on four or more nonhighway
747 tires, having nonstraddle seating and a steering wheel, and
748 manufactured for recreational use by one or more persons. The
749 term "ROV" does not include a golf cart as defined in ss.
750 320.01~~(22)~~ and 316.003(68) or a low-speed vehicle as defined in
751 s. 320.01~~(42)~~.

752 Section 16. Subsections (1), (2), and (3) and paragraph (a)
753 of subsection (13) of section 318.14, Florida Statutes, are
754 amended to read:

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755 318.14 Noncriminal traffic infractions; exception;
756 procedures.—

757 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
758 person cited for a violation of chapter 316, s. 320.0605, s.
759 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or
760 (3), s. 322.1615 ~~s. 322.161(5)~~, s. 322.19, or s. 1006.66(3) is
761 charged with a noncriminal infraction and must be cited for such
762 an infraction ~~and cited to appear before an official~~. If another
763 person dies as a result of the noncriminal infraction, the
764 person cited may be required to perform 120 community service
765 hours under s. 316.027(4), in addition to any other penalties.

766 (2) Except as provided in s. 316.1001(2), any person cited
767 for a violation requiring a mandatory hearing listed in s.
768 318.19, or for any other criminal traffic violation listed in
769 chapter 316, an infraction under this section must sign and
770 accept a citation indicating a promise to appear. The officer
771 may indicate on the traffic citation the time and location of
772 the scheduled hearing and must indicate the applicable civil
773 penalty established in s. 318.18.

774 (3) Any person who willfully refuses to accept and sign a
775 summons as provided in subsection (2) commits ~~is guilty of a~~
776 misdemeanor of the second degree.

777 (13) (a) A person cited for a violation listed in ~~of~~ s.
778 316.1926 shall, in addition to any other requirements provided
779 in this section, pay a fine of \$1,000. This fine is in lieu of
780 the fine required under s. 318.18(3)(b), if the person was cited
781 for violation of s. 316.1926(2).

782 Section 17. Subsection (3) of section 318.18, Florida
783 Statutes, is amended to read:

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784 318.18 Amount of penalties.—The penalties required for a
785 noncriminal disposition pursuant to s. 318.14 or a criminal
786 offense listed in s. 318.17 are as follows:

787 (3) (a) Except as otherwise provided in this section, \$60
788 for all moving violations not requiring a mandatory appearance.

789 (b) For moving violations involving unlawful speed, the
790 fines are as follows:

791		
792	For speed exceeding the limit by:	Fine:
793	1-5 m.p.h.....	Warning
794	6-9 m.p.h.....	\$25
795	10-14 m.p.h.....	\$100
796	15-19 m.p.h.....	\$150
797	20-29 m.p.h.....	\$175
798	30 m.p.h. and above.....	\$250

799 (c) Notwithstanding paragraph (b), a person cited for
800 exceeding the speed limit by up to 5 m.p.h. in a legally posted
801 school zone will be fined \$50. A person exceeding the speed
802 limit in a school zone shall pay a fine double the amount listed
803 in paragraph (b).

804 (d) A person cited for exceeding the speed limit in a
805 posted construction zone, which posting must include
806 notification of the speed limit and the doubling of fines, shall
807 pay a fine double the amount listed in paragraph (b). The fine
808 shall be doubled for construction zone violations only if
809 construction personnel are present or operating equipment on the
810 road or immediately adjacent to the road under construction.

811 (e) A person cited for exceeding the speed limit in an
812 enhanced penalty zone shall pay a fine amount of \$50 plus the

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813 amount listed in paragraph (b). Notwithstanding paragraph (b), a
814 person cited for exceeding the speed limit by up to 5 m.p.h. in
815 a legally posted enhanced penalty zone shall pay a fine amount
816 of \$50.

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

821 (g) A person cited for exceeding the speed limit within a
822 zone posted for any electronic or manual toll collection
823 facility shall pay a fine double the amount listed in paragraph
824 (b). However, no person cited for exceeding the speed limit in
825 any toll collection zone shall be subject to a doubled fine
826 unless the governmental entity or authority controlling the toll
827 collection zone first installs a traffic control device
828 providing warning that speeding fines are doubled. Any such
829 traffic control device must meet the requirements of the uniform
830 system of traffic control devices.

831 (h) A person cited for a second or subsequent conviction of
832 speed exceeding the limit by 30 miles per hour and above within
833 a 12-month period shall pay a fine that is double the amount
834 listed in paragraph (b). For purposes of this paragraph, the
835 term "conviction" means a finding of guilt as a result of a jury
836 verdict, nonjury trial, or entry of a plea of guilty. Moneys
837 received from the increased fine imposed by this paragraph shall
838 be remitted to the Department of Revenue and deposited into the
839 Department of Health Administrative Trust Fund to provide
840 financial support to certified trauma centers to assure the
841 availability and accessibility of trauma services throughout the

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842 state. Funds deposited into the Administrative Trust Fund under
843 this section shall be allocated as follows:

844 1. Fifty percent shall be allocated equally among all Level
845 I, Level II, and pediatric trauma centers in recognition of
846 readiness costs for maintaining trauma services.

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

851 (i) A person cited for aggressive careless driving as
852 provided in s. 316.1923 shall pay a fine at least double the
853 amount listed in paragraph (a).

854 Section 18. Section 318.19, Florida Statutes, is amended to
855 read:

856 318.19 Infractions requiring a mandatory hearing.—Any
857 person cited for the infractions listed in this section shall
858 not have the provisions of s. 318.14(2), (4), and (9) available
859 to him or her but must appear before the designated official at
860 the time and location of the scheduled hearing:

861 (1) Any infraction which results in a crash that causes the
862 death of another;

863 (2) Any infraction which results in a crash that causes
864 "serious bodily injury" of another as defined in s. 316.1933(1);

865 (3) Any infraction of s. 316.172(1)(b);

866 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

867 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
868 316.189 of exceeding the speed limit by 30 m.p.h. or more; or

869 (6) Any infraction of s. 316.1923.

870 Section 19. Section 319.14, Florida Statutes, is amended to

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871 read:

872 319.14 Sale of motor vehicles registered or used as
873 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,
874 ~~and~~ nonconforming vehicles, custom vehicles, or street rod
875 vehicles.-

876 (1) (a) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
877 sell, or exchange any vehicle that has been licensed,
878 registered, or used as a taxicab, police vehicle, or short-term-
879 lease vehicle, or a vehicle that has been repurchased by a
880 manufacturer pursuant to a settlement, determination, or
881 decision under chapter 681, until the department has stamped in
882 a conspicuous place on the certificate of title of the vehicle,
883 or its duplicate, words stating the nature of the previous use
884 of the vehicle or the title has been stamped "Manufacturer's Buy
885 Back" to reflect that the vehicle is a nonconforming vehicle. If
886 the certificate of title or duplicate was not so stamped upon
887 initial issuance thereof or if, subsequent to initial issuance
888 of the title, the use of the vehicle is changed to a use
889 requiring the notation provided for in this section, the owner
890 or lienholder of the vehicle shall surrender the certificate of
891 title or duplicate to the department before ~~prior to~~ offering
892 the vehicle for sale, and the department shall stamp the
893 certificate or duplicate as required herein. If ~~When~~ a vehicle
894 has been repurchased by a manufacturer pursuant to a settlement,
895 determination, or decision under chapter 681, the title shall be
896 stamped "Manufacturer's Buy Back" to reflect that the vehicle is
897 a nonconforming vehicle.

898 (b) A ~~No~~ person may not ~~shall~~ knowingly offer for sale,
899 sell, or exchange a rebuilt vehicle until the department has

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900 stamped in a conspicuous place on the certificate of title for
901 the vehicle words stating that the vehicle has been rebuilt or
902 assembled from parts, or is a kit car, glider kit, replica, ~~or~~
903 flood vehicle, custom vehicle, or street rod vehicle unless
904 proper application for a certificate of title for a vehicle that
905 is rebuilt or assembled from parts, or is a kit car, glider kit,
906 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle
907 has been made to the department in accordance with this chapter
908 and the department has conducted the physical examination of the
909 vehicle to assure the identity of the vehicle and all major
910 component parts, as defined in s. 319.30(1), which have been
911 repaired or replaced. Thereafter, the department shall affix a
912 decal to the vehicle, in the manner prescribed by the
913 department, showing the vehicle to be rebuilt.

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

915 1. "Police vehicle" means a motor vehicle owned or leased
916 by the state or a county or municipality and used in law
917 enforcement.

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

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

925 c. "Lease vehicle" includes both short-term-lease vehicles
926 and long-term-lease vehicles.

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

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

935 5. "Kit car" means a motor vehicle assembled with a kit
936 supplied by a manufacturer to rebuild a wrecked or outdated
937 motor vehicle with a new body kit.

938 6. "Glider kit" means a vehicle assembled with a kit
939 supplied by a manufacturer to rebuild a wrecked or outdated
940 truck or truck tractor.

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

943 8. "Flood vehicle" means a motor vehicle or mobile home
944 that has been declared to be a total loss pursuant to s.
945 319.30(3)(a) resulting from damage caused by water.

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

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

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

956 a. Is 25 years of age or older and of a model year after
957 1948, or was manufactured to resemble a vehicle that is 25 years

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958 of age or older and of a model year after 1948; and

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

961
962 The model year and year of manufacture which the body of a
963 custom vehicle resembles is the model year and year of
964 manufacture listed on the certificate of title, regardless of
965 when the vehicle was actually manufactured.

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

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

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

972
973 The model year and year of manufacture which the body of a
974 street rod resembles is the model year and year of manufacture
975 listed on the certificate of title, regardless of when the
976 vehicle was actually manufactured.

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

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987 (3) Any person who, with intent to offer for sale or
988 exchange any vehicle referred to in subsection (1), knowingly or
989 intentionally advertises, publishes, disseminates, circulates,
990 or places before the public in any communications medium,
991 whether directly or indirectly, any offer to sell or exchange
992 the vehicle shall clearly and precisely state in each ~~such~~ offer
993 that the vehicle has previously been titled, registered, or used
994 as a taxicab, police vehicle, or short-term-lease vehicle or
995 that the vehicle or mobile home is a vehicle that is rebuilt or
996 assembled from parts, ~~or~~ is a kit car, glider kit, replica, or
997 flood vehicle, or is a nonconforming vehicle, custom vehicle, or
998 street rod vehicle, as the case may be. Any person who violates
999 this subsection commits a misdemeanor of the second degree,
1000 punishable as provided in s. 775.082 or s. 775.083.

1001 (4) ~~If~~ When a certificate of title, including a foreign
1002 certificate, is branded to reflect a condition or prior use of
1003 the titled vehicle, the brand must be noted on the registration
1004 certificate of the vehicle and such brand shall be carried
1005 forward on all subsequent certificates of title and registration
1006 certificates issued for the life of the vehicle.

1007 (5) Any person who knowingly sells, exchanges, or offers to
1008 sell or exchange a motor vehicle or mobile home contrary to ~~the~~
1009 ~~provisions of~~ this section or any officer, agent, or employee of
1010 a person who knowingly authorizes, directs, aids in, or consents
1011 to the sale, exchange, or offer to sell or exchange a motor
1012 vehicle or mobile home contrary to ~~the provisions of~~ this
1013 section commits a misdemeanor of the second degree, punishable
1014 as provided in s. 775.082 or s. 775.083.

1015 (6) Any person who removes a rebuilt decal from a rebuilt

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1016 vehicle with the intent to conceal the rebuilt status of the
1017 vehicle commits a felony of the third degree, punishable as
1018 provided in s. 775.082, s. 775.083, or s. 775.084.

1019 (7) This section applies to a mobile home, travel trailer,
1020 camping trailer, truck camper, or fifth-wheel recreation trailer
1021 only when the ~~such~~ mobile home or vehicle is a rebuilt vehicle
1022 or is assembled from parts.

1023 (8) A ~~No~~ person is not ~~shall be~~ liable or accountable in
1024 any civil action arising out of a violation of this section if
1025 the designation of the previous use or condition of the motor
1026 vehicle is not noted on the certificate of title and
1027 registration certificate of the vehicle which was received by,
1028 or delivered to, such person, unless the ~~such~~ person has
1029 actively concealed the prior use or condition of the vehicle
1030 from the purchaser.

1031 (9) Subsections (1), (2), and (3) do not apply to the
1032 transfer of ownership of a motor vehicle after the motor vehicle
1033 has ceased to be used as a lease vehicle and the ownership has
1034 been transferred to an owner for private use or to the transfer
1035 of ownership of a nonconforming vehicle with 36,000 or more
1036 miles on its odometer, or 34 months whichever is later and the
1037 ownership has been transferred to an owner for private use. Such
1038 owner, as shown on the title certificate, may request the
1039 department to issue a corrected certificate of title that does
1040 not contain the statement of the previous use of the vehicle as
1041 a lease vehicle or condition as a nonconforming vehicle.

1042 Section 20. Present subsections (24) through (45) of
1043 section 320.01, Florida Statutes, are renumbered as subsections
1044 (23) through (44), respectively, and present subsections (23),

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1045 (25), and (26) of that section are amended, to read:

1046 320.01 Definitions, general.—As used in the Florida
1047 Statutes, except as otherwise provided, the term:

1048 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~
1049 ~~which is required to be registered, or with respect to which an~~
1050 ~~election has been made to register it, under the International~~
1051 ~~Registration Plan.~~

1052 (24)~~(25)~~ "Apportionable vehicle" means any vehicle, except
1053 recreational vehicles, vehicles displaying restricted plates,
1054 city pickup and delivery vehicles, buses used in transportation
1055 of chartered parties, and government-owned vehicles, which is
1056 used or intended for use in two or more member jurisdictions
1057 that allocate or proportionally register vehicles and which is
1058 used for the transportation of persons for hire or is designed,
1059 used, or maintained primarily for the transportation of property
1060 and:

1061 (a) Is a power unit having a gross vehicle weight in excess
1062 of 26,000 ~~26,001~~ pounds;

1063 (b) Is a power unit having three or more axles, regardless
1064 of weight; or

1065 (c) Is used in combination, when the weight of such
1066 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

1067
1068 Vehicles, or combinations thereof, having a gross vehicle weight
1069 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be
1070 proportionally registered.

1071 (25)~~(26)~~ "Commercial motor vehicle" means any vehicle that
1072 ~~which~~ is not owned or operated by a governmental entity, that
1073 ~~which~~ uses special fuel or motor fuel on the public highways,

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1074 and that ~~which~~ has a gross vehicle weight of 26,000 ~~26,001~~
 1075 pounds or more, or has three or more axles regardless of weight,
 1076 or is used in combination when the weight of such combination
 1077 exceeds 26,000 ~~26,001~~ pounds gross vehicle weight. A vehicle
 1078 that occasionally transports personal property to and from a
 1079 closed-course motorsport facility, as defined in s.
 1080 549.09(1)(a), is not a commercial motor vehicle if the use is
 1081 not for profit and corporate sponsorship is not involved. As
 1082 used in this subsection, the term "corporate sponsorship" means
 1083 a payment, donation, gratuity, in-kind service, or other benefit
 1084 provided to or derived by a person in relation to the underlying
 1085 activity, other than the display of product or corporate names,
 1086 logos, or other graphic information on the property being
 1087 transported.

1088 Section 21. Subsections (7) and (9) of section 320.03,
 1089 Florida Statutes, are amended to read:

1090 320.03 Registration; duties of tax collectors;
 1091 International Registration Plan.-

1092 (7) The Department of Highway Safety and Motor Vehicles
 1093 shall register apportionable ~~apportioned~~ ~~motor~~ vehicles under
 1094 the provisions of the International Registration Plan. The
 1095 department may adopt rules to implement and enforce the
 1096 provisions of the plan.

1097 (9) A nonrefundable fee of \$1.50 shall be charged on the
 1098 initial and renewal registration of each automobile for private
 1099 use, and on the initial and renewal registration of each truck
 1100 having a net weight of 8,000 ~~5,000~~ pounds or less. Such fees
 1101 shall be deposited in the Transportation Disadvantaged Trust
 1102 Fund created in part I of chapter 427 and shall be used as

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1103 provided therein, except that priority shall be given to the
1104 transportation needs of those who, because of age or physical
1105 and mental disability, are unable to transport themselves and
1106 are dependent upon others to obtain access to health care,
1107 employment, education, shopping, or other life-sustaining
1108 activities.

1109 Section 22. Paragraph (a) of subsection (1) and subsection
1110 (5) of section 320.055, Florida Statutes, are amended to read:

1111 320.055 Registration periods; renewal periods.—The
1112 following registration periods and renewal periods are
1113 established:

1114 (1) (a) For a motor vehicle subject to registration under s.
1115 320.08(1), (2), (3), (4) (a) or (b), (5) (b), (c), (d), or (f),
1116 (6) (a), (7), (8), (9), or (10) and owned by a natural person,
1117 the registration period begins the first day of the birth month
1118 of the owner and ends the last day of the month immediately
1119 preceding the owner's birth month in the succeeding year. If
1120 such vehicle is registered in the name of more than one person,
1121 the birth month of the person whose name first appears on the
1122 registration shall be used to determine the registration period.
1123 For a vehicle subject to this registration period, the renewal
1124 period is the 30-day period ending at midnight on the vehicle
1125 owner's date of birth.

1126 (5) For a vehicle subject to apportioned registration under
1127 s. 320.08(4), (5) (a)1., (e), (6) (b), or (14), the registration
1128 period shall be a period of 12 months beginning in a month
1129 designated by the department and ending on the last day of the
1130 12th month. For a vehicle subject to this registration period,
1131 the renewal period is the last month of the registration period.

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1132 The registration period may be shortened or extended at the
 1133 discretion of the department, on receipt of the appropriate
 1134 prorated fees, in order to evenly distribute such registrations
 1135 on a monthly basis. For a vehicle subject to nonapportioned
 1136 registration under s. 320.08(4) (a) or (b) and not owned by a
 1137 natural person, s. 320.08(4) (c), (d), (e), (f), (g), (h), (i),
 1138 (j), (k), (l), (m), or (n), (5) (a)1., (6) (b), or (14), the
 1139 registration period begins December 1 and ends November 30. The
 1140 renewal period is the 31-day period beginning December 1.

1141 Section 23. Paragraph (b) of subsection (1) of section
 1142 320.071, Florida Statutes, is amended to read:

1143 320.071 Advance registration renewal; procedures.—

1144 (1)

1145 (b) The owner of any apportionable ~~apportioned motor~~
 1146 vehicle currently registered in this state may file an
 1147 application for renewal of registration with the department any
 1148 time during the 3 ~~5~~ months preceding the date of expiration of
 1149 the registration period.

1150 Section 24. Subsections (1) and (3) of section 320.0715,
 1151 Florida Statutes, are amended to read:

1152 320.0715 International Registration Plan; motor carrier
 1153 services; permits; retention of records.—

1154 (1) All apportionable ~~commercial motor~~ vehicles domiciled
 1155 in this state ~~and engaged in interstate commerce~~ shall be
 1156 registered in accordance with the provisions of the
 1157 International Registration Plan ~~and shall display apportioned~~
 1158 ~~license plates.~~

1159 (3) (a) If the department is unable to immediately issue the
 1160 apportioned license plate to an applicant currently registered

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1161 in this state under the International Registration Plan or to a
1162 vehicle currently titled in this state, the department or its
1163 designated agent is authorized to issue a 60-day temporary
1164 operational permit. The department or agent of the department
1165 shall charge a \$3 fee and the service charge authorized by s.
1166 320.04 for each temporary operational permit it issues.

1167 (b) The department shall in no event issue a temporary
1168 operational permit for any apportionable ~~commercial motor~~
1169 vehicle to any applicant until the applicant has shown that:

1170 1. All sales or use taxes due on the registration of the
1171 vehicle are paid; and

1172 2. Insurance requirements have been met in accordance with
1173 ss. 320.02(5) and 627.7415.

1174 (c) Issuance of a temporary operational permit provides
1175 ~~commercial motor vehicle~~ registration privileges in each
1176 International Registration Plan member jurisdiction designated
1177 on said permit and therefore requires payment of all applicable
1178 registration fees and taxes due for that period of registration.

1179 (d) Application for permanent registration must be made to
1180 the department within 10 days following ~~from~~ issuance of a
1181 temporary operational permit. Failure to file an application
1182 within this 10-day period may result in cancellation of the
1183 temporary operational permit.

1184 Section 25. Paragraph (d) of subsection (5) of section
1185 320.08, Florida Statutes, is amended to read:

1186 320.08 License taxes.—Except as otherwise provided herein,
1187 there are hereby levied and imposed annual license taxes for the
1188 operation of motor vehicles, mopeds, motorized bicycles as
1189 defined in s. 316.003(2), and mobile homes, as defined in s.

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1190 320.01, which shall be paid to and collected by the department
1191 or its agent upon the registration or renewal of registration of
1192 the following:

1193 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
1194 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1195 (d) A wrecker, as defined in s. 320.01~~(40)~~, which is used
1196 to tow a vessel as defined in s. 327.02(39), a disabled,
1197 abandoned, stolen-recovered, or impounded motor vehicle as
1198 defined in s. 320.01~~(38)~~, or a replacement motor vehicle as
1199 defined in s. 320.01~~(39)~~: \$41 flat, of which \$11 shall be
1200 deposited into the General Revenue Fund.

1201 Section 26. Subsections (1) and (2) of section 320.0807,
1202 Florida Statutes, are amended to read:

1203 320.0807 Special license plates for Governor and federal
1204 and state legislators.—

1205 (1) Upon application by any member of the House of
1206 Representatives of Congress and payment of the fees prescribed
1207 by s. 320.0805, the department is authorized to issue to such
1208 Member of Congress a license plate stamped "Member of Congress"
1209 followed by the number of the appropriate congressional district
1210 and the letters "MC," or any other configuration chosen by the
1211 member which is not already in use. Upon application by a United
1212 States Senator and payment of the fees prescribed by s.
1213 320.0805, the department is authorized to issue a license plate
1214 stamped "USS," followed by the numeral II in the case of the
1215 junior senator.

1216 (2) Upon application by any member of the state House of
1217 Representatives and payment of the fees prescribed by s.
1218 320.0805, the department is authorized to issue such state

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1219 representative license plates stamped in bold letters "State
1220 Legislator," followed by the number of the appropriate House of
1221 Representatives district and the letters "HR," or any other
1222 configuration chosen by the member which is not already in use
1223 ~~on one plate; the numbers of the other plates will be assigned~~
1224 ~~by the department.~~ Upon application by a state senator and
1225 payment of the fees prescribed by s. 320.0805, the department is
1226 authorized to issue license plates stamped in bold letters
1227 "State Senator," followed by the number of the appropriate
1228 Senate district and the letters "SS," or any other configuration
1229 chosen by the member which is not already in use ~~on one plate;~~
1230 ~~the numbers of the other plates will be assigned by the~~
1231 ~~department.~~

1232 Section 27. Subsection (4) of section 320.084, Florida
1233 Statutes, is amended to read:

1234 320.084 Free motor vehicle license plate to certain
1235 disabled veterans.—

1236 (4) (a) With the issuance of each new permanent "DV"
1237 numerical motor vehicle license plate, the department shall
1238 initially issue, without cost to the applicant, a validation
1239 sticker reflecting the owner's birth month and a serially
1240 numbered validation sticker reflecting the year of expiration.
1241 The initial sticker reflecting the year of expiration may not
1242 exceed 27 ~~15~~ months.

1243 (b) There shall be a service charge in accordance with the
1244 provisions of s. 320.04 for each initial application or renewal
1245 of registration and an additional sum of 50 cents on each
1246 license plate and validation sticker as provided in s.
1247 320.06(3) (b).

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1248 (c) Registration under this section shall be renewed
 1249 annually or biennially during the applicable renewal period on
 1250 forms prescribed by the department, which shall include, in
 1251 addition to any other information required by the department, a
 1252 certified statement as to the continued eligibility of the
 1253 applicant to receive the special "DV" license plate. Any
 1254 applicant who falsely or fraudulently submits to the department
 1255 the certified statement required by this paragraph commits is
 1256 ~~guilty of~~ a noncriminal violation and is subject to a civil
 1257 penalty of \$50.

1258 Section 28. Subsection (1) of section 320.0847, Florida
 1259 Statutes, is amended to read:

1260 320.0847 Mini truck and low-speed vehicle license plates.-

1261 (1) The department shall issue a license plate to the owner
 1262 or lessee of any vehicle registered as a low-speed vehicle as
 1263 defined in s. 320.01~~(42)~~ or a mini truck as defined in s.
 1264 320.01~~(45)~~ upon payment of the appropriate license taxes and
 1265 fees prescribed in s. 320.08.

1266 Section 29. Section 320.0863, Florida Statutes, is amended
 1267 to read:

1268 320.0863 Custom vehicles and street rods; registration and
 1269 license plates.-

1270 (1) As used in this section, the term-

1271 ~~(a)~~ "blue dot tail light" means a red lamp that contains a
 1272 blue or purple insert that is not more than one inch in diameter
 1273 and is installed in the rear of a motor vehicle.

1274 ~~(b) "Custom vehicle" means a motor vehicle that:~~

1275 ~~1. Is 25 years old or older and of a model year after 1948~~
 1276 ~~or was manufactured to resemble a vehicle that is 25 years old~~

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1277 ~~or older and of a model year after 1948; and~~
1278 ~~2. Has been altered from the manufacturer's original design~~
1279 ~~or has a body constructed from nonoriginal materials.~~
1280 ~~(c) "Street rod" means a motor vehicle that:~~
1281 ~~1. Is of a model year of 1948 or older or was manufactured~~
1282 ~~after 1948 to resemble a vehicle of a model year of 1948 or~~
1283 ~~elder; and~~
1284 ~~2. Has been altered from the manufacturer's original design~~
1285 ~~or has a body constructed from nonoriginal materials.~~
1286 ~~(2) The model year and year of manufacture which the body~~
1287 ~~of a custom vehicle or street rod resembles is the model year~~
1288 ~~and year of manufacture listed on the certificate of title,~~
1289 ~~regardless of when the vehicle was actually manufactured.~~
1290 (2)~~(3)~~ To register a street rod or custom vehicle as
1291 defined in s. 319.14(1)(c), the owner shall apply to the
1292 department by submitting a completed application form and
1293 providing:
1294 (a) The license tax prescribed by s. 320.08(2)(a) and a
1295 processing fee of \$3;
1296 (b) A written statement that the vehicle will not be used
1297 for general daily transportation but will be maintained for
1298 occasional transportation, exhibitions, club activities,
1299 parades, tours, or other functions of public interest and
1300 similar uses; and
1301 (c) A written statement that the vehicle meets state
1302 equipment and safety requirements for motor vehicles. However,
1303 the vehicle must meet only the requirements that were in effect
1304 in this state as a condition of sale in the year listed as the
1305 model year on the certificate of title.

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1306 ~~(3)~~(4) The registration numbers and special license plates
 1307 assigned to such vehicles shall run in a separate series,
 1308 commencing with "Custom Vehicle 1" or "Street Rod 1,"
 1309 respectively, and the plates shall be of a distinguishing color
 1310 and design.

1311 ~~(4)~~(5)(a) A vehicle registered under this section is exempt
 1312 from any law or local ordinance that requires periodic vehicle
 1313 inspections or the use and inspection of emission controls.

1314 (b) Such vehicle may also be equipped with blue dot tail
 1315 lights for stop lamps, rear turning indicator lamps, rear hazard
 1316 lamps, and rear reflectors.

1317 Section 30. Subsection (8) of section 320.131, Florida
 1318 Statutes, is amended to read:

1319 320.131 Temporary tags.—

1320 (8) The department shall administer an electronic system
 1321 for licensed motor vehicle dealers to use for issuing temporary
 1322 tags. If a dealer fails to comply with the department's
 1323 requirements for issuing temporary tags using the electronic
 1324 system, the department may deny, suspend, or revoke a license
 1325 under s. 320.27(9)(b)17. ~~s. 320.27(9)(b)16.~~ upon proof that the
 1326 licensee has failed to comply with the department's
 1327 requirements. The department may adopt rules to administer this
 1328 section.

1329 Section 31. Paragraph (b) of subsection (9) of section
 1330 320.27, Florida Statutes, is amended to read:

1331 320.27 Motor vehicle dealers.—

1332 (9) DENIAL, SUSPENSION, OR REVOCATION.—

1333 (b) The department may deny, suspend, or revoke any license
 1334 issued hereunder or under the provisions of s. 320.77 or s.

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1335 320.771 upon proof that a licensee has committed, with
1336 sufficient frequency so as to establish a pattern of wrongdoing
1337 on the part of a licensee, violations of one or more of the
1338 following activities:

1339 1. Representation that a demonstrator is a new motor
1340 vehicle, or the attempt to sell or the sale of a demonstrator as
1341 a new motor vehicle without written notice to the purchaser that
1342 the vehicle is a demonstrator. For the purposes of this section,
1343 a "demonstrator," a "new motor vehicle," and a "used motor
1344 vehicle" shall be defined as under s. 320.60.

1345 2. Unjustifiable refusal to comply with a licensee's
1346 responsibility under the terms of the new motor vehicle warranty
1347 issued by its respective manufacturer, distributor, or importer.
1348 However, if such refusal is at the direction of the
1349 manufacturer, distributor, or importer, such refusal shall not
1350 be a ground under this section.

1351 3. Misrepresentation or false, deceptive, or misleading
1352 statements with regard to the sale or financing of motor
1353 vehicles which any motor vehicle dealer has, or causes to have,
1354 advertised, printed, displayed, published, distributed,
1355 broadcast, televised, or made in any manner with regard to the
1356 sale or financing of motor vehicles.

1357 4. Failure to honor a bank draft or check given to the
1358 department for payment of any fees within 10 days after
1359 notification that the bank draft or check has been dishonored.
1360 If the transaction is disputed, the maker of the bank draft or
1361 check shall post a bond in accordance with s. 559.917, and a
1362 proceeding for revocation or suspension may not be commenced
1363 until the dispute is resolved.

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1364 5.4. Failure by any motor vehicle dealer to provide a
1365 customer or purchaser with an odometer disclosure statement and
1366 a copy of any bona fide written, executed sales contract or
1367 agreement of purchase connected with the purchase of the motor
1368 vehicle purchased by the customer or purchaser.

1369 6.5. Failure of any motor vehicle dealer to comply with the
1370 terms of any bona fide written, executed agreement, pursuant to
1371 the sale of a motor vehicle.

1372 7.6. Failure to apply for transfer of a title as prescribed
1373 in s. 319.23(6).

1374 8.7. Use of the dealer license identification number by any
1375 person other than the licensed dealer or his or her designee.

1376 9.8. Failure to continually meet the requirements of the
1377 licensure law.

1378 10.9. Representation to a customer or any advertisement to
1379 the public representing or suggesting that a motor vehicle is a
1380 new motor vehicle if such vehicle lawfully cannot be titled in
1381 the name of the customer or other member of the public by the
1382 seller using a manufacturer's statement of origin as permitted
1383 in s. 319.23(1).

1384 11.10. Requirement by any motor vehicle dealer that a
1385 customer or purchaser accept equipment on his or her motor
1386 vehicle which was not ordered by the customer or purchaser.

1387 12.11. Requirement by any motor vehicle dealer that any
1388 customer or purchaser finance a motor vehicle with a specific
1389 financial institution or company.

1390 13.12. Requirement by any motor vehicle dealer that the
1391 purchaser of a motor vehicle contract with the dealer for
1392 physical damage insurance.

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1393 ~~14.13.~~ Perpetration of a fraud upon any person as a result
1394 of dealing in motor vehicles, including, without limitation, the
1395 misrepresentation to any person by the licensee of the
1396 licensee's relationship to any manufacturer, importer, or
1397 distributor.

1398 ~~15.14.~~ Violation of any of the provisions of s. 319.35 by
1399 any motor vehicle dealer.

1400 ~~16.15.~~ Sale by a motor vehicle dealer of a vehicle offered
1401 in trade by a customer prior to consummation of the sale,
1402 exchange, or transfer of a newly acquired vehicle to the
1403 customer, unless the customer provides written authorization for
1404 the sale of the trade-in vehicle prior to delivery of the newly
1405 acquired vehicle.

1406 ~~17.16.~~ Willful failure to comply with any administrative
1407 rule adopted by the department or the provisions of s.
1408 320.131(8).

1409 ~~18.17.~~ Violation of chapter 319, this chapter, or ss.
1410 559.901-559.9221, which has to do with dealing in or repairing
1411 motor vehicles or mobile homes. Additionally, in the case of
1412 used motor vehicles, the willful violation of the federal law
1413 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
1414 the consumer sales window form.

1415 19. Failure to obtain an off-premises permit as required in
1416 subsection (5).

1417 ~~20.18.~~ Failure to maintain evidence of notification to the
1418 owner or coowner of a vehicle regarding registration or titling
1419 fees owed as required in s. 320.02(16).

1420 ~~21.19.~~ Failure to register a mobile home salesperson with
1421 the department as required by this section.

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1422 Section 32. Subsection (10) of section 320.77, Florida
1423 Statutes, is amended to read:

1424 320.77 License required of mobile home dealers.—

1425 (10) EVIDENCE OF TITLE REQUIRED.—The licensee shall also
1426 have in his or her possession for each new mobile home a
1427 manufacturer's invoice or statement of origin, and for each used
1428 mobile home a properly assigned certificate of title or
1429 registration certificate if the used mobile home was previously
1430 registered in a nontitle state, from the time the mobile home is
1431 delivered to the licensee until it has been disposed of by him
1432 or her, or the licensee shall have reasonable indicia of
1433 ownership or shall have made proper application for a
1434 certificate of title or duplicate certificate of title in
1435 accordance with chapter 319. A mobile home dealer may not sell
1436 or offer for sale a vehicle in his or her possession unless the
1437 dealer satisfies the requirements of this subsection. Reasonable
1438 indicia of ownership includes a consignment contract between the
1439 owner and the dealer, along with a secure power of attorney from
1440 the owner to the dealer authorizing the dealer to apply for a
1441 duplicate certificate of title and assign the title on behalf of
1442 the owner; a court order awarding title of the vehicle to the
1443 dealer; a salvage certificate of title; a photocopy of a duly
1444 assigned certificate of title which is held by a financial
1445 institution as collateral for a business loan of money to the
1446 dealer or "floor plan"; a copy of a canceled check or other
1447 documentation evidencing that an outstanding lien on a vehicle
1448 taken in trade by a licensed dealer has been satisfied and that
1449 the certificate of title will be, but has not yet been, received
1450 by the dealer; or a vehicle purchase order or installment

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1451 contract for a specific vehicle identifying that vehicle as a
 1452 trade-in on a replacement vehicle.

1453 Section 33. Paragraph (f) of subsection (5) of section
 1454 320.8225, Florida Statutes, is amended, and paragraph (g) is
 1455 added to that subsection, to read:

1456 320.8225 Mobile home and recreational vehicle manufacturer,
 1457 distributor, and importer license.—

1458 (5) REQUIREMENT OF ASSURANCE.—

1459 (f) Any surety company that cancels the bond of any
 1460 licensee shall notify the department, in writing, of such
 1461 cancellation, giving reason for the cancellation. The surety
 1462 bond may not be canceled on less than 30 days' written notice by
 1463 the insurer to the department, with the 30-day period commencing
 1464 on the date that the written notice is received by the
 1465 department.

1466 (g) The department shall revoke, suspend, or deny the
 1467 license issued under this chapter of a dealer who conducts
 1468 business during the license period without having in full force
 1469 and effect a surety bond that complies with this section.

1470 Section 34. Section 321.03, Florida Statutes, is amended to
 1471 read:

1472 321.03 Imitations prohibited; penalty.—Unless specifically
 1473 authorized by the Florida Highway Patrol, it is shall be
 1474 unlawful for any person or persons in the state to possess or
 1475 color or cause to be colored any motor vehicle or motorcycle the
 1476 same or similar color as the color or colors so prescribed for
 1477 the Florida Highway Patrol. Any person violating any of the
 1478 provisions of this section or s. 321.02 with respect to
 1479 uniforms, emblems, motor vehicles and motorcycles shall be

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1480 guilty of a misdemeanor of the first degree, punishable as
1481 provided in s. 775.082 or s. 775.083. The Department of Highway
1482 Safety and Motor Vehicles shall employ such clerical help and
1483 mechanics as may be necessary for the economical and efficient
1484 operation of such department.

1485 Section 35. Section 321.05, Florida Statutes, is amended to
1486 read:

1487 321.05 Duties, functions, and powers of patrol officers.—
1488 The members of the Florida Highway Patrol are hereby declared to
1489 be conservators of the peace and law enforcement officers of the
1490 state, with the common-law right to arrest a person who, in the
1491 presence of the arresting officer, commits a felony or commits
1492 an affray or breach of the peace constituting a misdemeanor,
1493 with full power to bear arms; and they shall apprehend, without
1494 warrant, any person in the unlawful commission of any of the
1495 acts over which the members of the Florida Highway Patrol are
1496 given jurisdiction as hereinafter set out and deliver him or her
1497 to the sheriff of the county that further proceedings may be had
1498 against him or her according to law. In the performance of any
1499 of the powers, duties, and functions authorized by law, members
1500 of the Florida Highway Patrol shall have the same protections
1501 and immunities afforded other peace officers, which shall be
1502 recognized by all courts having jurisdiction over offenses
1503 against the laws of this state, and shall have authority to
1504 apply for, serve, and execute search warrants, arrest warrants,
1505 ~~capias, and other process of the court in those matters in which~~
1506 ~~patrol officers have primary responsibility as set forth in~~
1507 ~~subsection (1).~~ The patrol officers under the direction and
1508 supervision of the Department of Highway Safety and Motor

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1509 Vehicles shall perform and exercise throughout the state the
1510 following duties, functions, and powers:

1511 (1) To patrol the state highways and regulate, control, and
1512 direct the movement of traffic thereon; to maintain the public
1513 peace by preventing violence on highways; to apprehend fugitives
1514 from justice; to enforce all laws now in effect regulating and
1515 governing traffic, travel, and public safety upon the public
1516 highways and providing for the protection of the public highways
1517 and public property thereon; to make arrests without warrant for
1518 the violation of any state law committed in their presence in
1519 accordance with the laws of this state; providing that no search
1520 shall be made unless it is incident to a lawful arrest, to
1521 regulate and direct traffic concentrations and congestions; to
1522 enforce laws governing the operation, licensing, and taxing and
1523 limiting the size, weight, width, length, and speed of vehicles
1524 and licensing and controlling the operations of drivers and
1525 operators of vehicles; to cooperate with officials designated by
1526 law to collect all state fees and revenues levied as an incident
1527 to the use or right to use the highways for any purpose; to
1528 require the drivers of vehicles to stop and exhibit their
1529 driver's licenses, registration cards, or documents required by
1530 law to be carried by such vehicles; to investigate traffic
1531 accidents, secure testimony of witnesses and of persons
1532 involved, and make report thereof with copy, when requested in
1533 writing, to any person in interest or his or her attorney; to
1534 investigate reported thefts of vehicles and to seize contraband
1535 or stolen property on or being transported on the highways. Each
1536 law enforcement officer is subject to and shall have the same
1537 arrest and other authority provided for law enforcement officers

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1538 generally in chapter 901 and shall have statewide jurisdiction.
1539 Each officer shall also have arrest authority as provided for
1540 state law enforcement officers in s. 901.15. This section shall
1541 not be construed as being in conflict with, but is supplemental
1542 to, chapter 933.

1543 (2) To assist other constituted law enforcement officers of
1544 the state to quell mobs and riots, guard prisoners, and police
1545 disaster areas.

1546 (3) (a) To make arrests while in fresh pursuit of a person
1547 believed to have violated the traffic and other laws.

1548 (b) To make arrest of a person wanted for a felony or
1549 against whom a warrant has been issued on any charge in
1550 violation of federal, state, or county laws or municipal
1551 ordinances.

1552 (4) (a) All fines and costs and the proceeds of the
1553 forfeiture of bail bonds and recognizances resulting from the
1554 enforcement of this chapter by patrol officers shall be paid
1555 into the fine and forfeiture fund established pursuant to s.
1556 142.01 of the county where the offense is committed. In all
1557 cases of arrest by patrol officers, the person arrested shall be
1558 delivered forthwith by said officer to the sheriff of the
1559 county, or he or she shall obtain from such person arrested a
1560 recognizance or, if deemed necessary, a cash bond or other
1561 sufficient security conditioned for his or her appearance before
1562 the proper tribunal of such county to answer the charge for
1563 which he or she has been arrested; and all fees accruing shall
1564 be taxed against the party arrested, which fees are hereby
1565 declared to be part of the compensation of said sheriffs
1566 authorized to be fixed by the Legislature under s. 5(c), Art. II

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1567 of the State Constitution, to be paid such sheriffs in the same
1568 manner as fees are paid for like services in other criminal
1569 cases. All patrol officers are hereby directed to deliver all
1570 bonds accepted and approved by them to the sheriff of the county
1571 in which the offense is alleged to have been committed. However,
1572 no sheriff shall be paid any arrest fee for the arrest of a
1573 person for violation of any section of chapter 316 when the
1574 arresting officer was transported in a Florida Highway Patrol
1575 car to the vicinity where the arrest was made; and no sheriff
1576 shall be paid any fee for mileage for himself or herself or a
1577 prisoner for miles traveled in a Florida Highway Patrol car. No
1578 patrol officer shall be entitled to any fee or mileage cost
1579 except when responding to a subpoena in a civil cause or except
1580 when such patrol officer is appearing as an official witness to
1581 testify at any hearing or law action in any court of this state
1582 as a direct result of his or her employment as a patrol officer
1583 during time not compensated as a part of his or her normal
1584 duties. Nothing herein shall be construed as limiting the power
1585 to locate and to take from any person under arrest or about to
1586 be arrested deadly weapons. Nothing contained in this section
1587 shall be construed as a limitation upon existing powers and
1588 duties of sheriffs or police officers.

1589 (b) Any person so arrested and released on his or her own
1590 recognizance by an officer and who shall fail to appear or
1591 respond to a notice to appear shall, in addition to the traffic
1592 violation charge, be guilty of a noncriminal traffic infraction
1593 subject to the penalty provided in s. 318.18(2).

1594 (5) The department may employ or assign some fit and
1595 suitable person with experience in the field of public relations

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1596 who shall have the duty to promote, coordinate, and publicize
1597 the traffic safety activities in the state and assign such
1598 person to the office of the Governor at a salary to be fixed by
1599 the department. The person so assigned or employed shall be a
1600 member of the uniform division of the Florida Highway Patrol,
1601 and he or she shall have the pay and rank of lieutenant while on
1602 such assignment.

1603 (6) The Division of Florida Highway Patrol is authorized to
1604 promulgate rules and regulations which may be necessary to
1605 implement the provisions of chapter 316.

1606 Section 36. Subsection (4) of section 322.0261, Florida
1607 Statutes, is amended to read:

1608 322.0261 Driver improvement course; requirement to maintain
1609 driving privileges; failure to complete; department approval of
1610 course.-

1611 (4) The department shall identify any operator convicted
1612 of, or who pleaded nolo contendere to, a violation of s.
1613 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, ~~or~~ s.
1614 316.192, or s. 316.1923, and shall require that operator, in
1615 addition to other applicable penalties, to attend a department-
1616 approved driver improvement course in order to maintain driving
1617 privileges. If the operator fails to complete the course within
1618 90 days after receiving notice from the department, the
1619 operator's driver license shall be canceled by the department
1620 until the course is successfully completed.

1621 Section 37. Subsection (1) of section 322.095, Florida
1622 Statutes, is amended to read:

1623 322.095 Traffic law and substance abuse education program
1624 for driver's license applicants.-

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1625 (1) The Department of Highway Safety and Motor Vehicles
1626 must approve traffic law and substance abuse education courses
1627 that must be completed by applicants for a Florida driver's
1628 license. The curricula for the courses must provide instruction
1629 on the physiological and psychological consequences of the abuse
1630 of alcohol and other drugs, the societal and economic costs of
1631 alcohol and drug abuse, the effects of alcohol and drug abuse on
1632 the driver of a motor vehicle, and the laws of this state
1633 relating to the operation of a motor vehicle. ~~All instructors~~
1634 ~~teaching the courses shall be certified by the department.~~

1635 Section 38. Section 322.121, Florida Statutes, is amended
1636 to read:

1637 322.121 Periodic reexamination of all drivers.—

1638 (1) It is the intent of the Legislature that all licensed
1639 drivers in Florida be reexamined upon renewal of their licenses.
1640 Because only a small percentage of drivers in the state are
1641 categorized as problem drivers, the Legislature intends that the
1642 ~~large number of drivers who have not had any convictions for the~~
1643 ~~3 years preceding renewal and whose driving privilege in this~~
1644 ~~state has not been revoked, disqualified, or suspended at any~~
1645 ~~time during the 7 years preceding renewal be processed~~
1646 ~~expeditiously upon renewal of their licenses by examinations of~~
1647 ~~their eyesight and hearing only and that all other licensees be~~
1648 ~~tested, in addition to the eyesight and hearing examinations,~~
1649 ~~with respect to their ability to read and understand highway~~
1650 ~~signs regulating, warning, and directing traffic.~~

1651 ~~(2) Each licensee must pass a reexamination at the time of~~
1652 ~~renewal, except as otherwise provided in this chapter. For each~~
1653 ~~licensee whose driving record does not show any convictions for~~

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1654 ~~the preceding 3 years or any revocations, disqualifications, or~~
1655 ~~suspensions for the preceding 7 years; and who, at the time of~~
1656 ~~renewal, presents a renewal notice verifying such safe driving~~
1657 ~~record, the reexamination shall consist of tests of the~~
1658 ~~licensee's eyesight and hearing. For all other licensees, in~~
1659 ~~addition to the eyesight and hearing tests, the reexamination~~
1660 ~~must include tests of the ability to read and understand highway~~
1661 ~~signs and pavement markings regulating, warning, and directing~~
1662 ~~traffic.~~

1663 (2)~~(3)~~ For each licensee whose driving record does not show
1664 any revocations, disqualifications, or suspensions for the
1665 preceding 7 years or any convictions for the preceding 3 years
1666 except for convictions of the following nonmoving violations:

1667 (a) Failure to exhibit a vehicle registration certificate,
1668 rental agreement, or cab card pursuant to s. 320.0605;

1669 (b) Failure to renew a motor vehicle or mobile home
1670 registration that has been expired for 4 months or less pursuant
1671 to s. 320.07(3)(a);

1672 (c) Operating a motor vehicle with an expired license that
1673 has been expired for 4 months or less pursuant to s. 322.065;

1674 (d) Failure to carry or exhibit a license pursuant to s.
1675 322.15(1); or

1676 (e) Failure to notify the department of a change of address
1677 or name within 10 days pursuant to s. 322.19,

1678
1679 the department shall cause such licensee's license to be
1680 prominently marked with the notation "Safe Driver."

1681 (3)~~(4)~~ Eyesight examinations must be administered as
1682 provided in s. 322.12.

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1683 (4)~~(5)~~ An examination fee may not be assessed for
1684 reexamination required by this section.

1685 (5)~~(6)~~ Members of the Armed Forces, or their dependents
1686 residing with them, shall be granted an automatic extension for
1687 the expiration of their licenses without reexamination while
1688 serving on active duty outside this state. This extension is
1689 valid for 90 days after the member of the Armed Forces is either
1690 discharged or returns to this state to live.

1691 (6)~~(7)~~ In addition to any other examination authorized by
1692 this section, an applicant for a renewal of a commercial
1693 driver's license may be required to complete successfully an
1694 examination of his or her knowledge regarding state and federal
1695 rules, regulations, and laws, governing the type of vehicle
1696 which he or she is applying to be licensed to operate.

1697 (7)~~(8)~~ In addition to any other examination authorized by
1698 this section, an applicant for a renewal of an endorsement
1699 issued under s. 322.57(1)(a), (b), (d), (e), or (f) may be
1700 required to complete successfully an examination of his or her
1701 knowledge regarding state and federal rules, regulations, and
1702 laws, governing the type of vehicle which he or she is seeking
1703 an endorsement to operate.

1704 Section 39. Paragraph (a) of subsection (5) and paragraph
1705 (c) of subsection (8) of section 322.18, Florida Statutes, are
1706 amended to read:

1707 322.18 Original applications, licenses, and renewals;
1708 expiration of licenses; delinquent licenses.—

1709 (5) All renewal driver's licenses may be issued after the
1710 applicant licensee has been determined to be eligible by the
1711 department.

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1712 (a) A licensee who is otherwise eligible for renewal and
1713 who is at least 80 years of age:

1714 1. Must submit to and pass a vision test administered at
1715 any driver's license office; or

1716 2. If the licensee applies for a renewal using a
1717 convenience service as provided in subsection (8), he or she
1718 must submit to a vision test administered by a physician
1719 licensed under chapter 458 or chapter 459, ~~or~~ an optometrist
1720 licensed under chapter 463, or a licensed physician at a
1721 federally established veterans hospital; must send the results
1722 of that test to the department on a form obtained from the
1723 department and signed by such health care practitioner;r and
1724 must meet vision standards that are equivalent to the standards
1725 for passing the departmental vision test. The physician or
1726 optometrist may submit the results of a vision test by a
1727 department-approved electronic means.

1728 (8) The department shall issue 8-year renewals using a
1729 convenience service without reexamination to drivers who have
1730 not attained 80 years of age. The department shall issue 6-year
1731 renewals using a convenience service when the applicant has
1732 satisfied the requirements of subsection (5).

1733 (c) The department shall issue one renewal using a
1734 convenience service. A person who is out of this state when his
1735 or her license expires may be issued a 90-day temporary driving
1736 permit without reexamination. At the end of the 90-day period,
1737 the person must either return to this state or apply for a
1738 license where the person is located, except for a member of the
1739 Armed Forces as provided in s. 322.121(5) ~~s. 322.121(6)~~.

1740 Section 40. Subsection (6) of section 322.212, Florida

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1741 Statutes, is amended, present subsections (7) and (8) of that
1742 section are renumbered as subsections (8) and (9), respectively,
1743 and a new subsection (7) is added to that section, to read:

1744 322.212 Unauthorized possession of, and other unlawful acts
1745 in relation to, driver's license or identification card.—

1746 (6) Except as otherwise provided in this subsection, any
1747 person who violates any of the provisions of this section
1748 commits is guilty of a felony of the third degree, punishable as
1749 provided in s. 775.082, s. 775.083, or s. 775.084.

1750 Notwithstanding any other provision of law, the court shall
1751 sentence any state employee, agent of the department, or any
1752 person participating in the driver's license issuance process
1753 who is convicted of committing an offense described in this
1754 section to a mandatory minimum sentence of 10 days'
1755 imprisonment. Any person who violates paragraph (5) (a) by giving
1756 a false age in any application for a driver's license or
1757 identification card or who violates paragraph (5) (b) by
1758 possessing a driver's license, identification card, or any
1759 instrument in the similitude thereof, on which the date of birth
1760 has been altered commits is guilty of a misdemeanor of the
1761 second degree, punishable as provided in s. 775.082 or s.
1762 775.083. Any person who violates paragraph (1) (d) commits a
1763 felony of the third degree, punishable as provided in s.
1764 775.082, s. 775.083, or s. 775.084.

1765 (7) Notwithstanding s. 948.01, a court may not suspend,
1766 defer, or withhold adjudication of guilt or imposition of
1767 sentence for any violation of this section by an employee of the
1768 state, agent of the department, or any other person
1769 participating in the driver's license issuance process. A person

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1770 who is convicted and sentenced to a mandatory minimum term of
1771 incarceration under subsection (6) is not eligible for statutory
1772 gain-time under s. 944.275 or any form of discretionary early
1773 release, other than pardon or executive clemency or conditional
1774 medical release under s. 947.149, prior to serving the mandatory
1775 minimum sentence.

1776 Section 41. Section 322.22, Florida Statutes, is amended to
1777 read:

1778 322.22 Authority of department to cancel license or
1779 identification card.-

1780 (1) The department may ~~is authorized to~~ cancel any driver's
1781 license or identification card, upon determining that the
1782 licensee or identification cardholder was not entitled to the
1783 issuance thereof, or that the licensee or identification
1784 cardholder failed to give the required or correct information in
1785 his or her application or committed any fraud in making such
1786 application, or that the licensee or identification cardholder
1787 has two or more licenses or identification cards on file with
1788 the department, each in a different name but bearing the
1789 photograph of the licensee or identification cardholder, unless
1790 the licensee or identification cardholder has complied with the
1791 requirements of this chapter in obtaining the licenses or
1792 identification card. The department may cancel any driver's
1793 license, identification card, vehicle or vessel registration, or
1794 fuel-use decal if the licensee or identification cardholder
1795 fails to pay the correct fee or pays for the driver's license,
1796 identification card, vehicle or vessel registration, or fuel-use
1797 decal; pays any tax liability, penalty, or interest specified in
1798 chapter 207; or pays any administrative, delinquency, or

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1799 reinstatement fee by a dishonored check.

1800 (2) Upon such cancellation, the licensee or identification
1801 cardholder must surrender to the department the license or
1802 identification card so canceled.

1803 Section 42. Subsection (2) of section 322.2615, Florida
1804 Statutes, is amended to read:

1805 322.2615 Suspension of license; right to review.—

1806 (2) Except as provided in paragraph (1)(a), the law
1807 enforcement officer shall forward to the department, within 5
1808 days after issuing the notice of suspension, the driver's
1809 license; an affidavit stating the officer's grounds for belief
1810 that the person was driving or in actual physical control of a
1811 motor vehicle while under the influence of alcoholic beverages
1812 or chemical or controlled substances; the results of any breath
1813 or blood test or an affidavit stating that a breath, blood, or
1814 urine test was requested by a law enforcement officer or
1815 correctional officer and that the person refused to submit; the
1816 officer's description of the person's field sobriety test, if
1817 any; and the notice of suspension; ~~and a copy of the crash~~
1818 ~~report, if any.~~ The failure of the officer to submit materials
1819 within the 5-day period specified in this subsection and in
1820 subsection (1) does not affect the department's ability to
1821 consider any evidence submitted at or prior to the hearing. The
1822 officer may also submit a copy of the crash report and a copy of
1823 a videotape of the field sobriety test or the attempt to
1824 administer such test. Materials submitted to the department by a
1825 law enforcement agency or correctional agency shall be
1826 considered self-authenticating and shall be in the record for
1827 consideration by the hearing officer. Notwithstanding s.

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1828 316.066(7), the crash report shall be considered by the hearing
1829 officer.

1830 Section 43. Section 322.27, Florida Statutes, is amended to
1831 read:

1832 322.27 Authority of department to suspend or revoke license
1833 or identification card.—

1834 (1) Notwithstanding any provisions to the contrary in
1835 chapter 120, the department is hereby authorized to suspend the
1836 license or identification card of any person without preliminary
1837 hearing upon a showing of its records or other sufficient
1838 evidence that the licensee:

1839 (a) Has committed an offense for which mandatory revocation
1840 of license is required upon conviction. A law enforcement agency
1841 must provide information to the department within 24 hours after
1842 any traffic fatality or when the law enforcement agency
1843 initiates action pursuant to s. 316.1933;

1844 (b) Has been convicted of a violation of any traffic law
1845 which resulted in a crash that caused the death or personal
1846 injury of another or property damage in excess of \$500;

1847 (c) Is incompetent to drive a motor vehicle;

1848 (d) Has permitted an unlawful or fraudulent use of such
1849 license or identification card or has knowingly been a party to
1850 the obtaining of a license or identification card by fraud or
1851 misrepresentation or to display, or represent as one's own, any
1852 driver's license or identification card not issued him or her.

1853 Provided, however, no provision of this section shall be
1854 construed to include the provisions of s. 322.32(1);

1855 (e) Has committed an offense in another state which if
1856 committed in this state would be grounds for suspension or

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1857 revocation; or

1858 (f) Has committed a second or subsequent violation of s.
1859 316.172(1) within a 5-year period of any previous violation.

1860 (2) The department shall suspend the license of any person
1861 without preliminary hearing upon a showing of its records that
1862 the licensee has been convicted in any court having jurisdiction
1863 over offenses committed under this chapter or any other law of
1864 this state regulating the operation of a motor vehicle on the
1865 highways, upon direction of the court, when the court feels that
1866 the seriousness of the offense and the circumstances surrounding
1867 the conviction warrant the suspension of the licensee's driving
1868 privilege.

1869 (3) There is established a point system for evaluation of
1870 convictions of violations of motor vehicle laws or ordinances,
1871 and violations of applicable provisions of s. 403.413(6) (b) when
1872 such violations involve the use of motor vehicles, for the
1873 determination of the continuing qualification of any person to
1874 operate a motor vehicle. The department may ~~is authorized to~~
1875 suspend the license of any person upon showing of its records or
1876 other good and sufficient evidence that the licensee has been
1877 convicted of violation of motor vehicle laws or ordinances, or
1878 applicable provisions of s. 403.413(6) (b), amounting to 12 or
1879 more points as determined by the point system. The suspension
1880 shall be for a period of not more than 1 year.

1881 (a) When a licensee accumulates 12 points within a 12-month
1882 period, the period of suspension shall be for not more than 30
1883 days.

1884 (b) When a licensee accumulates 18 points, including points
1885 upon which suspension action is taken under paragraph (a),

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1886 within an 18-month period, the suspension shall be for a period
1887 of not more than 3 months.

1888 (c) When a licensee accumulates 24 points, including points
1889 upon which suspension action is taken under paragraphs (a) and
1890 (b), within a 36-month period, the suspension shall be for a
1891 period of not more than 1 year.

1892 (d) The point system shall have as its basic element a
1893 graduated scale of points assigning relative values to
1894 convictions of the following violations:

- 1895 1. Reckless driving, willful and wanton—4 points.
- 1896 2. Leaving the scene of a crash resulting in property
1897 damage of more than \$50—6 points.
- 1898 3. Unlawful speed resulting in a crash—6 points.
- 1899 4. Passing a stopped school bus—4 points.
- 1900 5. Unlawful speed:
 - 1901 a. Not in excess of 15 miles per hour of lawful or posted
1902 speed—3 points.
 - 1903 b. In excess of 15 miles per hour of lawful or posted
1904 speed—4 points.
- 1905 6. A violation of a traffic control signal device as
1906 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
- 1907 7. All other moving violations (including parking on a
1908 highway outside the limits of a municipality)—3 points. However,
1909 no points shall be imposed for a violation of s. 316.0741 or s.
1910 316.2065(12).
- 1911 8. Any moving violation covered above, excluding unlawful
1912 speed, resulting in a crash—4 points.
- 1913 9. Any conviction under s. 403.413(6)(b)—3 points.
- 1914 10. Any conviction under s. 316.0775(2)—4 points.

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1915 11. Any conviction under s. 316.1923-4 points.

1916 (e) A conviction in another state of a violation therein
1917 which, if committed in this state, would be a violation of the
1918 traffic laws of this state, or a conviction of an offense under
1919 any federal law substantially conforming to the traffic laws of
1920 this state, except a violation of s. 322.26, may be recorded
1921 against a driver on the basis of the same number of points
1922 received had the conviction been made in a court of this state.

1923 (f) In computing the total number of points, when the
1924 licensee reaches the danger zone, the department may ~~is~~
1925 ~~authorized to~~ send the licensee a warning letter advising that
1926 any further convictions may result in suspension of his or her
1927 driving privilege.

1928 (g) The department shall administer and enforce the
1929 provisions of this law and may make rules and regulations
1930 necessary for its administration.

1931 (h) Three points shall be deducted from the driver history
1932 record of any person whose driving privilege has been suspended
1933 only once pursuant to this subsection and has been reinstated,
1934 if such person has complied with all other requirements of this
1935 chapter.

1936 (i) This subsection does ~~shall~~ not apply to persons
1937 operating a nonmotorized vehicle for which a driver's license is
1938 not required.

1939 (4) The department, in computing the points and period of
1940 time for suspensions under this section, shall use the offense
1941 date of all convictions.

1942 (5) The department shall revoke the license of any person
1943 designated a habitual offender, as set forth in s. 322.264, and

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1944 such person shall not be eligible to be relicensed for a minimum
1945 of 5 years from the date of revocation, except as provided for
1946 in s. 322.271. Any person whose license is revoked may, by
1947 petition to the department, show cause why his or her license
1948 should not be revoked.

1949 (6) The department shall revoke the driving privilege of
1950 any person who is convicted of a felony for the possession of a
1951 controlled substance if, at the time of such possession, the
1952 person was driving or in actual physical control of a motor
1953 vehicle. A person whose driving privilege has been revoked
1954 pursuant to this subsection shall not be eligible to receive a
1955 limited business or employment purpose license during the term
1956 of such revocation.

1957 (7) Review of an order of suspension or revocation shall be
1958 by writ of certiorari as provided in s. 322.31.

1959 Section 44. Paragraph (c) of subsection (2) and subsection
1960 (4) of section 322.271, Florida Statutes, are amended to read:

1961 322.271 Authority to modify revocation, cancellation, or
1962 suspension order.—

1963 (2) At such hearing, the person whose license has been
1964 suspended, canceled, or revoked may show that such suspension,
1965 cancellation, or revocation causes a serious hardship and
1966 precludes the person from carrying out his or her normal
1967 business occupation, trade, or employment and that the use of
1968 the person's license in the normal course of his or her business
1969 is necessary to the proper support of the person or his or her
1970 family.

1971 (c) A person whose license has been revoked for a period of
1972 5 years or less pursuant to s. 322.28(2)(b) ~~s. 322.28(2)(a)~~ may,

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1973 12 months after the date the revocation was imposed, petition
1974 the department for reinstatement of his or her driving privilege
1975 on a restricted basis. A person whose license has been revoked
1976 for more than 5 years under s. 322.28(2)(a) may, 24 months after
1977 the date the revocation was imposed, petition the department for
1978 reinstatement of his or her driving privilege on a restricted
1979 basis. Reinstatement under this subsection is restricted to
1980 business or employment purposes only. In addition, the
1981 department shall require such persons upon reinstatement to have
1982 not driven and to have been drug free for at least 12 months
1983 immediately before the reinstatement, to be supervised by a DUI
1984 program licensed by the department, and to report to the program
1985 at least three times a year as required by the program for the
1986 duration of the revocation period for supervision. Such
1987 supervision includes evaluation, education, referral into
1988 treatment, and other activities required by the department. Such
1989 persons shall assume reasonable costs of supervision. If the
1990 person fails to comply with the required supervision, the
1991 program shall report the failure to the department, and the
1992 department shall cancel the person's driving privilege. This
1993 paragraph does not apply to any person whose driving privilege
1994 has been permanently revoked.

1995 (4) Notwithstanding the provisions of s. 322.28(2)(f) ~~s.~~
1996 ~~322.28(2)(e)~~, a person whose driving privilege has been
1997 permanently revoked because he or she has been convicted of DUI
1998 manslaughter in violation of s. 316.193 and has no prior
1999 convictions for DUI-related offenses may, upon the expiration of
2000 5 years after the date of such revocation or the expiration of 5
2001 years after the termination of any term of incarceration under

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2002 s. 316.193 or former s. 316.1931, whichever date is later,
2003 petition the department for reinstatement of his or her driving
2004 privilege.

2005 (a) Within 30 days after the receipt of such a petition,
2006 the department shall afford the petitioner an opportunity for a
2007 hearing. At the hearing, the petitioner must demonstrate to the
2008 department that he or she:

2009 1. Has not been arrested for a drug-related offense during
2010 the 5 years preceding the filing of the petition;

2011 2. Has not driven a motor vehicle without a license for at
2012 least 5 years prior to the hearing;

2013 3. Has been drug-free for at least 5 years prior to the
2014 hearing; and

2015 4. Has completed a DUI program licensed by the department.

2016 (b) At such hearing, the department shall determine the
2017 petitioner's qualification, fitness, and need to drive. Upon
2018 such determination, the department may, in its discretion,
2019 reinstate the driver's license of the petitioner. Such
2020 reinstatement must be made subject to the following
2021 qualifications:

2022 1. The license must be restricted for employment purposes
2023 for not less than 1 year; and

2024 2. Such person must be supervised by a DUI program licensed
2025 by the department and report to the program for such supervision
2026 and education at least four times a year or additionally as
2027 required by the program for the remainder of the revocation
2028 period. Such supervision shall include evaluation, education,
2029 referral into treatment, and other activities required by the
2030 department.

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2031 (c) Such person must assume the reasonable costs of
2032 supervision. If such person fails to comply with the required
2033 supervision, the program shall report the failure to the
2034 department, and the department shall cancel such person's
2035 driving privilege.

2036 (d) If, after reinstatement, such person is convicted of an
2037 offense for which mandatory revocation of his or her license is
2038 required, the department shall revoke his or her driving
2039 privilege.

2040 (e) The department shall adopt rules regulating the
2041 providing of services by DUI programs pursuant to this section.

2042 Section 45. Subsection (2) of section 322.28, Florida
2043 Statutes, is amended to read:

2044 322.28 Period of suspension or revocation.-

2045 (2) In a prosecution for a violation of s. 316.193 or
2046 former s. 316.1931, the following provisions apply:

2047 (a) Convictions that occur on the same date as the result
2048 of separate offenses that occurred on separate dates shall be
2049 treated as separate convictions, and the offense that occurred
2050 earliest shall be deemed a prior conviction for purposes of this
2051 section.

2052 (b)~~(a)~~ Upon conviction of the driver, the court, along with
2053 imposing sentence, shall revoke the driver's license or driving
2054 privilege of the person so convicted, effective on the date of
2055 conviction, and shall prescribe the period of such revocation in
2056 accordance with the following provisions:

2057 1. Upon a first conviction for a violation of the
2058 provisions of s. 316.193, except a violation resulting in death,
2059 the driver's license or driving privilege shall be revoked for

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2060 not less than 180 days or more than 1 year.

2061 2. Upon a second conviction for an offense that occurs
2062 within a period of 5 years after the date of a prior conviction
2063 for a violation of the provisions of s. 316.193 or former s.
2064 316.1931 or a combination of such sections, the driver's license
2065 or driving privilege shall be revoked for not less than 5 years.

2066 3. Upon a third conviction for an offense that occurs
2067 within a period of 10 years after the date of a prior conviction
2068 for the violation of the provisions of s. 316.193 or former s.
2069 316.1931 or a combination of such sections, the driver's license
2070 or driving privilege shall be revoked for not less than 10
2071 years.

2072
2073 For the purposes of this paragraph, a previous conviction
2074 outside this state for driving under the influence, driving
2075 while intoxicated, driving with an unlawful blood-alcohol level,
2076 or any other alcohol-related or drug-related traffic offense
2077 similar to the offense of driving under the influence as
2078 proscribed by s. 316.193 will be considered a previous
2079 conviction for violation of s. 316.193, and a conviction for
2080 violation of former s. 316.028, former s. 316.1931, or former s.
2081 860.01 is considered a conviction for violation of s. 316.193.

2082 (c) ~~(b)~~ If the period of revocation was not specified by the
2083 court at the time of imposing sentence or within 30 days
2084 thereafter, and is not otherwise specified by law, the
2085 department shall forthwith revoke the driver's license or
2086 driving privilege for the maximum period applicable under
2087 paragraph (b) ~~(a)~~ for a first conviction and for the minimum
2088 period applicable under paragraph (b) ~~(a)~~ for any subsequent

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2089 convictions. The driver may, within 30 days after such
2090 revocation by the department, petition the court for further
2091 hearing on the period of revocation, and the court may reopen
2092 the case and determine the period of revocation within the
2093 limits specified in paragraph (b) ~~(a)~~.

2094 (d) ~~(e)~~ The forfeiture of bail bond, not vacated within 20
2095 days, in any prosecution for the offense of driving while under
2096 the influence of alcoholic beverages, chemical substances, or
2097 controlled substances to the extent of depriving the defendant
2098 of his or her normal faculties shall be deemed equivalent to a
2099 conviction for the purposes of this paragraph, and the
2100 department shall forthwith revoke the defendant's driver's
2101 license or driving privilege for the maximum period applicable
2102 under paragraph (b) ~~(a)~~ for a first conviction and for the
2103 minimum period applicable under paragraph (b) ~~(a)~~ for a second
2104 or subsequent conviction; however, if the defendant is later
2105 convicted of the charge, the period of revocation imposed by the
2106 department for such conviction shall not exceed the difference
2107 between the applicable maximum for a first conviction or minimum
2108 for a second or subsequent conviction and the revocation period
2109 under this subsection that has actually elapsed; upon conviction
2110 of such charge, the court may impose revocation for a period of
2111 time as specified in paragraph (b) ~~(a)~~. This paragraph does not
2112 apply if an appropriate motion contesting the forfeiture is
2113 filed within the 20-day period.

2114 (e) ~~(d)~~ When any driver's license or driving privilege has
2115 been revoked pursuant to the provisions of this section, the
2116 department shall not grant a new license, except upon
2117 reexamination of the licensee after the expiration of the period

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2118 of revocation so prescribed. However, the court may, in its
2119 sound discretion, issue an order of reinstatement on a form
2120 furnished by the department which the person may take to any
2121 driver's license examining office for reinstatement by the
2122 department pursuant to s. 322.282.

2123 (f)~~(e)~~ The court shall permanently revoke the driver's
2124 license or driving privilege of a person who has been convicted
2125 four times for violation of s. 316.193 or former s. 316.1931 or
2126 a combination of such sections. The court shall permanently
2127 revoke the driver's license or driving privilege of any person
2128 who has been convicted of DUI manslaughter in violation of s.
2129 316.193. If the court has not permanently revoked such driver's
2130 license or driving privilege within 30 days after imposing
2131 sentence, the department shall permanently revoke the driver's
2132 license or driving privilege pursuant to this paragraph. No
2133 driver's license or driving privilege may be issued or granted
2134 to any such person. This paragraph applies only if at least one
2135 of the convictions for violation of s. 316.193 or former s.
2136 316.1931 was for a violation that occurred after July 1, 1982.
2137 For the purposes of this paragraph, a conviction for violation
2138 of former s. 316.028, former s. 316.1931, or former s. 860.01 is
2139 also considered a conviction for violation of s. 316.193. Also,
2140 a conviction of driving under the influence, driving while
2141 intoxicated, driving with an unlawful blood-alcohol level, or
2142 any other similar alcohol-related or drug-related traffic
2143 offense outside this state is considered a conviction for the
2144 purposes of this paragraph.

2145 Section 46. Section 322.282, Florida Statutes, is amended
2146 to read:

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2147 322.282 Procedure when court revokes or suspends license or
2148 driving privilege and orders reinstatement.—When a court
2149 suspends or revokes a person’s license or driving privilege and,
2150 in its discretion, orders reinstatement as provided by s.
2151 322.28(2)(e) ~~s. 322.28(2)(d)~~ or former s. 322.261(5):

2152 (1) The court shall pick up all revoked or suspended
2153 driver’s licenses from the person and immediately forward them
2154 to the department, together with a record of such conviction.
2155 The clerk of such court shall also maintain a list of all
2156 revocations or suspensions by the court.

2157 (2)(a) The court shall issue an order of reinstatement, on
2158 a form to be furnished by the department, which the person may
2159 take to any driver’s license examining office. The department
2160 shall issue a temporary driver’s permit to a licensee who
2161 presents the court’s order of reinstatement, proof of completion
2162 of a department-approved driver training or substance abuse
2163 education course, and a written request for a hearing under s.
2164 322.271. The permit shall not be issued if a record check by the
2165 department shows that the person has previously been convicted
2166 for a violation of s. 316.193, former s. 316.1931, former s.
2167 316.028, former s. 860.01, or a previous conviction outside this
2168 state for driving under the influence, driving while
2169 intoxicated, driving with an unlawful blood-alcohol level, or
2170 any similar alcohol-related or drug-related traffic offense;
2171 that the person’s driving privilege has been previously
2172 suspended for refusal to submit to a lawful test of breath,
2173 blood, or urine; or that the person is otherwise not entitled to
2174 issuance of a driver’s license. This paragraph shall not be
2175 construed to prevent the reinstatement of a license or driving

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2176 privilege that is presently suspended for driving with an
2177 unlawful blood-alcohol level or a refusal to submit to a breath,
2178 urine, or blood test and is also revoked for a conviction for a
2179 violation of s. 316.193 or former s. 316.1931, if the suspension
2180 and revocation arise out of the same incident.

2181 (b) The temporary driver's permit shall be restricted to
2182 either business or employment purposes described in s. 322.271,
2183 as determined by the department, and shall not be used for
2184 pleasure, recreational, or nonessential driving.

2185 (c) If the department determines at a later date from its
2186 records that the applicant has previously been convicted of an
2187 offense referred to in paragraph (a) which would render him or
2188 her ineligible for reinstatement, the department shall cancel
2189 the temporary driver's permit and shall issue a revocation or
2190 suspension order for the minimum period applicable. A temporary
2191 permit issued pursuant to this section shall be valid for 45
2192 days or until canceled as provided in this paragraph.

2193 (d) The period of time for which a temporary permit issued
2194 in accordance with paragraph (a) is valid shall be deemed to be
2195 part of the period of revocation imposed by the court.

2196 Section 47. Subsection (11) is added to section 322.34,
2197 Florida Statutes, to read:

2198 322.34 Driving while license suspended, revoked, canceled,
2199 or disqualified.—

2200 (11) (a) Any person who does not hold a commercial driver's
2201 license and who is cited for an offense listed under paragraph
2202 (10) (a) may elect to enter a plea of nolo contendere and provide
2203 proof of compliance to the court or to the clerk of the court.
2204 In such case, adjudication shall be withheld and such withheld

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2205 adjudication shall not be considered a conviction for purposes
2206 of designation as a habitual traffic offender. A person may not
2207 make an election under this subsection if such person has made
2208 an election under this subsection during the prior 12 months,
2209 and in no case shall a person make more than three elections
2210 under this subsection.

2211 (b) A person who is cited for an offense listed in
2212 paragraph (10) (a) shall present proof of compliance prior to the
2213 scheduled court appearance date. For purposes of this paragraph,
2214 proof of compliance consists of a valid, renewed, or reinstated
2215 driver's license or registration certificate and proper proof of
2216 maintenance of security as required by s. 316.646.
2217 Notwithstanding a waiver of the fine, any person establishing
2218 proof of compliance shall be assessed court costs of \$25, except
2219 that a person charged with a violation of s. 316.646(1)-(3) may
2220 be assessed court costs of \$8. One dollar of such costs shall be
2221 remitted to the Department of Revenue for deposit into the Child
2222 Welfare Training Trust Fund of the Department of Children and
2223 Family Services. One dollar of such costs shall be distributed
2224 to the Department of Juvenile Justice for deposit into the
2225 Juvenile Justice Training Trust Fund. Fourteen dollars of such
2226 costs shall be distributed to the municipality and \$9 shall be
2227 deposited by the clerk of the court into the fine and forfeiture
2228 fund established pursuant to s. 142.01, if the offense was
2229 committed within the municipality. If the offense was committed
2230 in an unincorporated area of a county or if the citation was for
2231 a violation of s. 316.646(1)-(3), the entire amount shall be
2232 deposited by the clerk of the court into the fine and forfeiture
2233 fund established pursuant to s. 142.01, except for the moneys to

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2234 be deposited into the Child Welfare Training Trust Fund and the
2235 Juvenile Justice Training Trust Fund. This subsection does not
2236 authorize the operation of a vehicle without a valid driver's
2237 license, without a valid vehicle tag and registration, or
2238 without the maintenance of required security.

2239 Section 48. Subsection (8) of section 322.61, Florida
2240 Statutes, is amended to read:

2241 322.61 Disqualification from operating a commercial motor
2242 vehicle.—

2243 (8) A driver who is convicted of or otherwise found to have
2244 committed a violation of an out-of-service order while driving a
2245 commercial motor vehicle is disqualified as follows:

2246 (a) Not less than 180 ~~90~~ days nor more than 1 year if the
2247 driver is convicted of or otherwise found to have committed a
2248 first violation of an out-of-service order.

2249 (b) Not less than 2 years ~~1 year~~ nor more than 5 years if,
2250 for offenses occurring during any 10-year period, the driver is
2251 convicted of or otherwise found to have committed two violations
2252 of out-of-service orders in separate incidents.

2253 (c) Not less than 3 years nor more than 5 years if, for
2254 offenses occurring during any 10-year period, the driver is
2255 convicted of or otherwise found to have committed three or more
2256 violations of out-of-service orders in separate incidents.

2257 (d) Not less than 180 days nor more than 2 years if the
2258 driver is convicted of or otherwise found to have committed a
2259 first violation of an out-of-service order while transporting
2260 hazardous materials required to be placarded under the Hazardous
2261 Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or
2262 while operating motor vehicles designed to transport more than

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2263 15 passengers, including the driver. A driver is disqualified
2264 for a period of not less than 3 years nor more than 5 years if,
2265 for offenses occurring during any 10-year period, the driver is
2266 convicted of or otherwise found to have committed any subsequent
2267 violations of out-of-service orders, in separate incidents,
2268 while transporting hazardous materials required to be placarded
2269 under the Hazardous Materials Transportation Act, 49 U.S.C. ss.
2270 5101 et seq., or while operating motor vehicles designed to
2271 transport more than 15 passengers, including the driver.

2272 Section 49. Section 327.72, Florida Statutes, is amended to
2273 read:

2274 327.72 Penalties.—

2275 (1) Any person failing to comply with the provisions of
2276 this chapter or chapter 328 not specified in s. 327.73 or not
2277 paying the civil penalty specified in said section within 30
2278 days, except as otherwise provided in this chapter or chapter
2279 328, commits a misdemeanor of the second degree, punishable as
2280 provided in s. 775.082 or s. 775.083.

2281 (2) Convictions that occur on the same date as the result
2282 of separate offenses that occurred on separate dates shall be
2283 treated as separate convictions, and the offense that occurred
2284 earliest shall be deemed a prior conviction for purposes of this
2285 section.

2286 Section 50. This act shall take effect October 1, 2010.