

1 A bill to be entitled
2 An act relating to motor vehicles and highway
3 safety; amending s. 316.063, F.S.; revising
4 provisions to refer to a "traffic crash" rather
5 than an "accident"; providing a noncriminal
6 traffic infraction for obstructing traffic
7 under certain circumstances; amending s.
8 316.1958, F.S.; restricting the issuance of
9 disabled parking citations under certain
10 circumstances; amending s. 316.1975, F.S.;
11 revising provisions with respect to unattended
12 motor vehicles; amending s. 316.211, F.S.;
13 providing for compliance with certain federal
14 safety standards with respect to equipment for
15 motorcycle and moped riders; amending s.
16 316.520, F.S.; providing that it is a
17 noncriminal traffic infraction punishable as a
18 moving violation to violate load limits on
19 vehicles; amending s. 316.640, F.S.;
20 authorizing the Florida Highway Patrol to
21 employ certain persons as traffic accident
22 investigation officers; providing for certain
23 powers and duties; providing for the employment
24 of parking enforcement specialists by airport
25 authorities; amending s. 318.14, F.S.;
26 conforming cross-references to changes made by
27 the act; amending s. 318.15, F.S.; including
28 reference to the tax collector with respect to
29 the collection of certain service fees for
30 reinstatement of a suspended driver's license;
31 amending s. 318.36, F.S.; providing judicial

1 immunity for civil traffic infraction hearing
2 officers; amending s. 319.14, F.S.; including
3 reference to short-term and long-term lease
4 vehicles; providing definitions; providing
5 penalties; amending s. 319.23, F.S.; revising
6 application requirements for a certificate of
7 title; deleting references to collectible
8 vehicles; amending s. 319.30, F.S.; revising
9 provisions with respect to dismantling,
10 destroying, or changing the identity of a motor
11 vehicle or mobile home; providing penalties for
12 certain violations with respect to the change
13 of identity of a motor vehicle or mobile home;
14 amending s. 320.01, F.S.; defining the term
15 "agricultural products" for purposes of ch.
16 320, F.S.; amending s. 320.02, F.S.; revising
17 language with respect to application for
18 registration forms to include certain
19 identification information; amending s.
20 320.023, F.S.; revising audit requirements with
21 respect to voluntary contributions on the
22 application form for a motor vehicle
23 registration; amending s. 320.03, F.S.;
24 revising the distribution formula with respect
25 to a fee charged for the Florida Real Time
26 Vehicle Information System; amending s. 320.04,
27 F.S.; authorizing a service charge on vessel
28 decals issued from an automated vending
29 facility or printer dispenser machine; amending
30 s. 320.055, F.S.; revising provisions with
31 respect to registration periods; amending s.

1 320.06, F.S.; authorizing the department to
2 issue manufacturer license plates; repealing s.
3 320.065, F.S., relating to the registration of
4 certain rental trailers for hire and
5 semitrailers used to haul agricultural
6 products; amending s. 320.0657, F.S.; revising
7 provisions with respect to fleet license
8 plates; providing fees; amending s. 320.08,
9 F.S., relating to license fees; deleting
10 references to certain collectible vehicles;
11 providing a fee for manufacturer license
12 plates; amending s. 320.08056, F.S.; revising
13 the license plate annual use fee for the
14 Challenger license plate; repealing s.
15 320.08058(2)(f), F.S., which provides for the
16 repeal of the Challenger license plate;
17 amending s. 320.08058, F.S.; revising
18 provisions relating to the design of the
19 Florida Salutes Veterans license plate;
20 authorizing the Department of Veterans' Affairs
21 to use moneys from the license plate fee to
22 promote and market the plate; providing that a
23 certain percentage of the annual use fee for
24 the Indian River Lagoon license plate may be
25 used for the continuing promotion and marketing
26 of the license plate; amending s. 320.083,
27 F.S.; providing additional specifications for a
28 specialty license plate for amateur radio
29 operators; deleting obsolete provisions;
30 amending s. 320.084, F.S.; deleting obsolete
31 provisions; amending s. 320.086, F.S.; revising

1 provisions governing the issuance of license
2 plates for certain historical motor vehicles;
3 reenacting s. 320.072(2)(g), F.S., relating to
4 the fee imposed on motor vehicle registrations,
5 to incorporate the amendment to s. 320.086,
6 F.S., in references thereto; amending s.
7 320.13, F.S.; providing an alternative method
8 of registration for manufacturer license
9 plates; prohibiting the use of dealer license
10 plates for specified purposes; amending s.
11 320.131, F.S.; authorizing agents or Florida
12 licensed dealers to issue temporary license
13 tags when such tags are not specifically
14 authorized; providing penalties with respect to
15 certain violations concerning temporary tags;
16 amending s. 320.1325, F.S.; revising provisions
17 with respect to registration for the
18 temporarily employed; amending s. 320.27, F.S.;
19 revising provisions governing the denial,
20 suspension, or revocation of motor vehicle
21 dealer licenses; amending s. 320.30, F.S.;
22 providing for the forfeiture of a motor
23 vehicle; providing for confiscation and sale of
24 such vehicles; repealing s. 320.8249(11), F.S.,
25 which provides for an exemption from installer
26 licensing; amending s. 320.8325, F.S.;
27 providing for uniform standards; amending s.
28 321.06, F.S.; authorizing the department to
29 employ certain traffic accident investigation
30 officers; amending s. 322.08, F.S.; deleting
31 provisions with respect to certain applications

1 made by persons who hold an out-of-state driver
2 license; amending s. 322.081, F.S.; revising
3 audit requirements with respect to voluntary
4 contributions on the driver's license
5 application; amending s. 322.1615, F.S.;
6 revising provisions with respect to a learner's
7 driver's license; amending s. 322.2615, F.S.;
8 revising provisions with respect to suspension
9 of a license; amending s. 322.28, F.S.;
10 revising requirements for the period of
11 suspension or revocation of a driver's license;
12 amending s. 322.34, F.S.; conforming a
13 cross-reference to changes made by the act;
14 amending s. 325.207, F.S.; specifying required
15 provisions of certain contracts for certain
16 emission inspections; amending s. 325.2135,
17 F.S.; directing the Department of Highway
18 Safety and Motor Vehicles to enter into a
19 contract for a motor vehicle inspection
20 program; amending s. 325.214, F.S.; changing
21 the motor vehicle inspection fee; amending s.
22 327.031, F.S.; providing for the denial or
23 cancellation of a vessel registration when
24 payment for registration is made by a
25 dishonored check; amending s. 327.11, F.S.;
26 providing for a replacement vessel
27 registration; amending s. 327.23, F.S.;
28 providing for a temporary certificate of
29 registration for a vessel by certain
30 out-of-state residents; amending s. 327.25,
31 F.S.; revising language with respect to

1 transfer of ownership and registration of
2 vessels; providing an exemption from vessel
3 registration fees for vessels owned and
4 operated for the Florida Association of
5 Christian Child Caring Agencies, Inc.; creating
6 s. 327.255, F.S.; providing for the duties of
7 tax collectors with respect to vessel
8 registration; providing fees; creating s.
9 327.256, F.S.; providing procedures for
10 advanced vessel registration renewal; amending
11 s. 328.01, F.S.; revising provisions with
12 respect to application for a certificate of
13 title for a vessel; amending s. 328.11, F.S.;
14 increasing the time period for application for
15 a reissuance of a certificate of title;
16 amending s. 328.15, F.S.; providing
17 requirements with respect to certain second
18 liens on vessels; increasing the fee for
19 recording a notice of lien; providing
20 requirements with respect to satisfaction of a
21 lien on a vessel; providing penalties for
22 failure to comply; amending s. 328.16, F.S.;
23 providing requirements with respect to liens;
24 creating s. 328.165, F.S.; providing for
25 cancellation of certificates; amending s.
26 713.78, F.S.; revising requirements relating to
27 liens for recovering, towing, or storing
28 vehicles and undocumented vessels; providing an
29 exemption from the requirement of an inventory
30 of personal property found in a motor vehicle
31 to be removed from the scene of an accident

1 under certain circumstances; amending ss.
2 732.9215, 732.9216, F.S.; conforming
3 cross-references to changes made by the act;
4 amending s. 812.014, F.S.; providing
5 prohibition on a theft of gasoline while in a
6 motor vehicle; amending s. 832.06, F.S.;
7 revising provisions with respect to prosecution
8 for worthless checks given to the tax collector
9 for certain licenses or taxes; amending s.
10 932.701, F.S.; redefining the term "contraband
11 article," and reenacting ss. 705.101(6),
12 932.704(4), F.S., relating to forfeiture of
13 contraband article, to incorporate said
14 amendment in references; amending s. 324.201,
15 F.S.; deleting the requirement that recovery
16 agents notify law enforcement of a license
17 plate seizure; amending s. 324.202, F.S.;
18 expanding into additional counties a pilot
19 project that authorizes a recovery agent or
20 recovery agency to seize the license plate of a
21 motor vehicle following suspension of the
22 vehicle's registration or suspension of the
23 driver's license of the owner or operator of
24 the vehicle for failing to maintain personal
25 injury protection; specifying conditions
26 required for expansion; requiring a
27 determination from the Office of Program Policy
28 Analysis and Government Accountability;
29 requiring that the department provide
30 procedures for paying fees; amending s.
31 627.733, F.S.; deleting payment of a fee to

1 recovery agents; amending s. 318.18, F.S.;
2 changing the date by which electronic
3 transmission of certain data must be commenced;
4 amending s. 322.245, F.S.; changing the time
5 within which the failure of a person to pay
6 child support must be reported; amending s.
7 932.703, F.S.; revising language with respect
8 to fines, penalties, and administrative charges
9 for rented or leased vehicles seized under the
10 Florida Contraband Forfeiture Act; creating the
11 "Florida Clean Fuel Act"; providing purposes;
12 providing definitions; establishing the Clean
13 Fuel Florida Advisory Board; specifying
14 membership; providing purposes of the board;
15 providing for meetings and duties of the board;
16 requiring a report containing recommendations
17 for pilot programs; requiring a report to the
18 Legislature; requiring a budget; amending s.
19 322.051, F.S.; revising language with respect
20 to identification cards; amending s. 322.08,
21 F.S.; revising language with respect to
22 information required on application for
23 license; amending s. 322.09, F.S.; revising
24 language with respect to information required
25 with certain applications by minors; amending
26 s. 627.743, F.S.; requiring an insurer to
27 provide notice to the owner of a damaged
28 vehicle as to the consequences of failure to
29 use the insurance proceeds in accordance with a
30 security agreement; providing an exception;
31 designating a section of Highway 326 as the

1 Mike Stavola Highway; directing the Department
2 of Transportation to erect suitable markers;
3 clarifying references to certain courses;
4 amending s. 318.1451, F.S.; prohibiting
5 governmental entities or courts from providing,
6 maintaining, or disclosing certain information
7 relating to certain schools or course
8 providers; amending s. 812.014, F.S.; including
9 the theft of any stop sign within a list of
10 crimes which are considered to be grand theft
11 of the third degree; providing a penalty;
12 reenacting s. 316.003, F.S.; relating to the
13 definition of hazardous material; amending s.
14 316.008, F.S.; revising terminology and
15 deleting obsolete provisions; amending s.
16 316.061, F.S.; providing second degree
17 misdemeanor penalty for certain violations with
18 respect to leaving the scene of an accident;
19 revising terminology; amending ss. 316.027,
20 316.062, 316.063, 316.064, 316.065, 316.066,
21 316.068, 316.069, 316.070, 316.072, 316.640,
22 316.645, 318.1451, 318.17, 318.19, 318.32,
23 321.051, 321.23, 322.201, 322.221, 322.26,
24 322.291, 322.44, 322.61, 322.63, 324.011,
25 324.021, 324.022, 324.051, 324.061, 324.081,
26 324.091, 324.101, F.S.; changing the term
27 "accident" to "crash"; amending s. 316.067,
28 F.S.; providing a second degree misdemeanor
29 penalty for certain false reports; amending ss.
30 316.0745, 316.0747, 316.1895, 316.193,
31 316.2065, F.S.; deleting obsolete provisions;

1 amending s. 316.1935, F.S.; providing a first
2 degree misdemeanor penalty for certain
3 violations with respect to fleeing or
4 attempting to elude a law enforcement officer;
5 amending s. 316.2074, F.S.; deleting certain
6 findings of the Legislature with respect to
7 all-terrain vehicles; amending ss. 316.3027,
8 316.70, F.S.; providing reference to the United
9 States Department of Transportation; amending
10 s. 316.615, F.S., relating to school buses;
11 amending ss. 316.613, 316.6135, F.S.;
12 correcting reference to the Department of
13 Highway Safety and Motor Vehicles; amending s.
14 316.405, F.S.; authorizing certain use of
15 modulating headlights by motorcycles; revising
16 various provisions in chapter 316, F.S., to
17 conform cross-references, delete obsolete
18 provisions, and to provide uniform references
19 to penalties for moving and nonmoving
20 noncriminal traffic offenses punishable under
21 chapter 318, F.S.; amending s. 318.12, F.S.;
22 revising references; amending ss. 318.13,
23 318.14, F.S.; conforming cross-references;
24 amending ss. 318.18, 318.21, F.S.; revising
25 provisions relating to civil penalties;
26 repealing s. 318.39, F.S., relating to the
27 Highway Safety Operating Trust Fund; amending
28 s. 319.28, F.S.; revising provisions relating
29 to repossession; amending s. 319.33, F.S.;
30 conforming cross-references; amending ss.
31 320.02 and 320.03, F.S.; deleting obsolete

1 provisions; amending s. 320.031, F.S.; revising
2 provisions relating to the mailing of
3 registration certificates, license plates, and
4 validation stickers; amending s. 320.055, F.S.;
5 conforming cross-references; amending ss.
6 320.06, 320.061, F.S.; deleting obsolete
7 provisions; amending ss. 320.0605, 320.07,
8 F.S.; providing uniform reference to
9 noncriminal traffic infractions; repealing s.
10 320.073, F.S., relating to refund of impact
11 fees; amending s. 320.0802, F.S.; providing
12 reference to the Department of Management
13 Services; amending s. 320.08058, F.S.; revising
14 provisions relating to Manatee license plates
15 and Florida Special Olympics license plates;
16 amending s. 320.0848, F.S.; conforming a
17 cross-reference with respect to disabled
18 parking permits; amending s. 320.087, F.S.;
19 providing reference to the United States
20 Department of Transportation; amending s.
21 320.1325, F.S.; deleting a cross-reference;
22 amending s. 320.20, F.S.; deleting obsolete
23 provisions; amending s. 320.8255, F.S.;
24 providing reference to labels rather than seals
25 with respect to certain mobile home
26 inspections; repealing s. 320.8256, F.S.,
27 relating to recreational vehicle inspection;
28 repealing ss. 321.06, 321.07, 321.09, 321.15,
29 321.17, 321.18, 321.19, 321.191, 321.20,
30 321.201, 321.202, 321.203, 321.21, 321.22,
31 321.2205, 321.221, 321.222, 321.223, F.S.,

1 relating to the Florida Highway Patrol and the
2 pension system therefor; amending s. 322.055,
3 F.S.; providing reference to the Department of
4 Children and Family Services; amending s.
5 322.0261, F.S.; revising terminology to change
6 the term "accident" to "crash"; amending s.
7 322.08, F.S.; deleting obsolete provisions;
8 amending ss. 322.12, 322.121, F.S.; conforming
9 cross-references; amending s. 322.141, F.S.;
10 deleting obsolete provisions; amending s.
11 322.15, F.S.; providing reference to
12 noncriminal traffic infractions; amending s.
13 322.20, F.S.; providing reference to the
14 Department of Health; reenacting and amending
15 s. 322.264, F.S., relating to habitual traffic
16 offenders; revising terminology; amending s.
17 322.27, F.S.; conforming cross-references;
18 amending s. 322.292, F.S.; revising provisions
19 relating to DUI programs supervision; amending
20 s. 322.293, F.S.; deleting obsolete provisions;
21 amending s. 322.57, F.S.; revising provisions
22 relating to driving tests; amending s. 324.202,
23 F.S.; deleting obsolete provisions; repealing
24 ss. 325.01, 325.02, 325.03, 325.04, 325.05,
25 325.06, 325.07, 325.08, 325.09, 325.10, F.S.,
26 relating to vehicle safety equipment and
27 inspections; amending s. 325.209, F.S.;
28 revising provisions relating to waivers;
29 reenacting s. 325.212(2), F.S., relating to
30 reinspections; reenacting s. 328.17(1), F.S.,
31 relating to nonjudicial sale of vessels;

1 amending s. 627.7415, F.S., relating to
2 commercial motor vehicles, to include reference
3 to noncriminal traffic infractions; amending s.
4 627.742, F.S.; providing reference to
5 noncriminal traffic infractions with respect to
6 certain violations with respect to nonpublic
7 sector buses; amending s. 784.07, F.S.;
8 conforming a cross-reference; amending s.
9 335.0415, F.S.; modifying the date to be used
10 in determining the jurisdiction of and
11 responsibility for public roads; repealing s.
12 14 of ch. 98-223, Laws of Florida, relating to
13 required security for the operation of a motor
14 vehicle; amending s. 715.05, F.S.; requiring
15 notice to the insurer of certain unclaimed or
16 impounded vehicles; providing effective dates.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Section 316.063, Florida Statutes, is
21 amended to read:

22 316.063 Duty upon damaging unattended vehicle or other
23 property.--

24 (1) The driver of any vehicle which collides with, or
25 is involved in a crash ~~an accident~~ with, any vehicle or other
26 property which is unattended, resulting in any damage to such
27 other vehicle or property, shall immediately stop and shall
28 then and there either locate and notify the operator or owner
29 of the vehicle or other property of the driver's name and
30 address and the registration number of the vehicle he or she
31 is driving, or shall attach securely in a conspicuous place in

1 or on the vehicle or other property a written notice giving
2 the driver's name and address and the registration number of
3 the vehicle he or she is driving, and shall without
4 unnecessary delay notify the nearest office of a duly
5 authorized police authority. ~~Every such stop shall be made~~
6 ~~without obstructing traffic more than is necessary. If a~~
7 ~~damaged vehicle is obstructing traffic, the driver shall make~~
8 ~~every reasonable effort to move the vehicle or have it moved~~
9 ~~so as not to obstruct the regular flow of traffic.~~ Any person
10 who fails to comply with this subsection commits a misdemeanor
11 of the second degree, punishable as provided in s. 775.082 or
12 s. 775.083.

13 (2) Every such stop shall be made without obstructing
14 traffic more than is necessary. If a damaged vehicle is
15 obstructing traffic, the driver shall make every reasonable
16 effort to move the vehicle or have it moved so as not to
17 obstruct the regular flow of traffic. A violation of this
18 subsection is a noncriminal traffic infraction, punishable as
19 a nonmoving violation as provided in chapter 318.

20 ~~(3)(2)~~ The law enforcement officer at the scene of a
21 crash ~~an accident~~ required to be reported in accordance with
22 the provisions of subsection (1) or the law enforcement
23 officer receiving a report by a driver as required by
24 subsection (1) shall, if part or any of the property damaged
25 is a fence or other structure used to house or contain
26 livestock, promptly make a reasonable effort to notify the
27 owner, occupant, or agent of this damage.

28 Section 2. Section 316.1958, Florida Statutes, 1998
29 Supplement, is amended to read:

30 316.1958 Out-of-state vehicles bearing identification
31 of issuance to persons who have disabilities.--Motor vehicles

1 displaying a special license plate or parking permit issued to
2 a person who has a disability by any other state or district
3 subject to the laws of the United States or by a foreign
4 country that issues disabled parking permits that display the
5 international symbol of accessibility are recognized as
6 displaying a valid license plate or permit, that allows such a
7 vehicle special parking privileges under s. 316.1955, if the
8 other state or district grants reciprocal recognition for
9 residents of this state who have disabilities. However, when
10 an individual is required by law to have a Florida driver's
11 license or a Florida vehicle registration, a special motor
12 vehicle license plate or parking permit issued by another
13 state, district, or country to persons who have disabilities
14 is not valid and the individual whose vehicle displays such an
15 invalid plate or permit is subject to the same penalty as an
16 individual whose vehicle does not display a valid plate or
17 permit. A law enforcement officer or parking enforcement
18 specialist may not ticket a vehicle for a violation of s.
19 316.1955 without first determining whether the vehicle is
20 transporting a resident of another state who is the owner of
21 the out-of-state placard.

22 Section 3. Section 316.1975, Florida Statutes, is
23 amended to read:

24 316.1975 Unattended motor vehicle.--

25 (1) A ~~No~~ person driving or in charge of any motor
26 vehicle may not ~~except a licensed delivery truck or other~~
27 ~~delivery vehicle while making deliveries, shall~~ permit it to
28 stand unattended without first stopping the engine, locking
29 the ignition, and removing the key. A ~~No~~ vehicle may not
30 ~~shall~~ be permitted to stand unattended upon any perceptible
31 grade without stopping the engine and effectively setting the

1 brake thereon and turning the front wheels to the curb or side
2 of the street.

3 (2) This section does not apply to the operator of:

4 (a) An authorized emergency vehicle while in the
5 performance of official duties and the vehicle is equipped
6 with an activated anti-theft device that prohibits the vehicle
7 from being driven; or

8 (b) A licensed delivery truck or other delivery
9 vehicle while making deliveries.

10 Section 4. Section 316.211, Florida Statutes, is
11 amended to read:

12 316.211 Equipment for motorcycle and moped riders.--

13 (1) A ~~No~~ person may not ~~shall~~ operate or ride upon a
14 motorcycle unless the person is properly wearing protective
15 headgear securely fastened upon his or her head which complies
16 with Federal Motorcycle Vehicle Safety Standard 218
17 promulgated by the United States Department of Transportation.
18 The Department of Highway Safety and Motor Vehicles shall
19 adopt this standard by agency rule ~~standards established by~~
20 ~~the department.~~

21 (2) A ~~No~~ person may not ~~shall~~ operate a motorcycle
22 unless the person is wearing an eye-protective device over his
23 or her eyes of a type approved by the department.

24 (3) This section does ~~shall~~ not apply to persons
25 riding within an enclosed cab or to any person 16 years of age
26 or older who is operating or riding upon a motorcycle powered
27 by a motor with a displacement of 50 cubic centimeters or less
28 or is rated not in excess of 2 brake horsepower and which is
29 not capable of propelling such motorcycle at a speed greater
30 than 30 miles per hour on level ground.

31

1 (4) A ~~No~~ person under 16 years of age may not ~~shall~~
2 operate or ride upon a moped unless the person is properly
3 wearing protective headgear securely fastened upon his or her
4 head which complies with Federal Motorcycle Vehicle Safety
5 Standard 218 promulgated by the United States Department of
6 Transportation ~~standards established by the department.~~

7 (5) The department shall make available a list of
8 protective headgear approved in this section, and the list
9 shall be provided on request. ~~The department is authorized to~~
10 ~~approve protective headgear made to specifications drawn and~~
11 ~~devised by, or approved by, the American National Standards~~
12 ~~Institute, the United States Department of Transportation, the~~
13 ~~United States Consumer Products Safety Commission, the United~~
14 ~~States Department of Defense, or any other entity which can~~
15 ~~provide equally effective equipment specifications. The~~
16 ~~department shall publish lists of protective equipment, and~~
17 ~~such lists shall be made available by request to all users of~~
18 ~~such equipment.~~

19 Section 5. Section 316.520, Florida Statutes, is
20 amended to read:

21 316.520 Loads on vehicles.--

22 (1) A ~~No~~ vehicle may not ~~shall~~ be driven or moved on
23 any highway unless the vehicle is so constructed or loaded as
24 to prevent any of its load from dropping, shifting, leaking,
25 blowing, or otherwise escaping therefrom, except that sand may
26 be dropped only for the purpose of securing traction or water
27 or other substance may be sprinkled on a roadway in cleaning
28 or maintaining the roadway.

29 (2) It is the duty of every owner and driver,
30 severally, of any vehicle hauling, upon any public road or
31 highway open to the public, dirt, sand, lime rock, gravel,

1 silica, or other similar aggregate or trash, garbage, or any
2 similar material that ~~which~~ could fall or blow from such
3 vehicle, to prevent such materials from falling, blowing, or
4 in any way escaping from such vehicle. Covering and securing
5 the load with a close-fitting tarpaulin or other appropriate
6 cover is required.

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

10 Section 6. Paragraph (a) of subsection (1) of section
11 316.640, Florida Statutes, is amended to read:

12 316.640 Enforcement.--The enforcement of the traffic
13 laws of this state is vested as follows:

14 (1) STATE.--

15 (a)1.a. The Division of Florida Highway Patrol of the
16 Department of Highway Safety and Motor Vehicles, the Division
17 of Law Enforcement of the Game and Fresh Water Fish
18 Commission, the Division of Law Enforcement of the Department
19 of Environmental Protection, and law enforcement officers of
20 the Department of Transportation each have authority to
21 enforce all of the traffic laws of this state on all the
22 streets and highways thereof and elsewhere throughout the
23 state wherever the public has a right to travel by motor
24 vehicle. The Division of the Florida Highway Patrol may employ
25 as a traffic accident investigation officer any individual who
26 successfully completes at least 200 hours of instruction in
27 traffic accident investigation and court presentation through
28 the Selective Traffic Enforcement Program as approved by the
29 Criminal Justice Standards and Training Commission and funded
30 through the National Highway Traffic Safety Administration or
31 a similar program approved by the commission, but who does not

1 necessarily meet the uniform minimum standards established by
2 the commission for law enforcement officers or auxiliary law
3 enforcement officers under chapter 943. Any such traffic
4 accident investigation officer who makes an investigation at
5 the scene of a traffic accident may issue traffic citations,
6 based upon personal investigation, when he or she has
7 reasonable and probable grounds to believe that a person who
8 was involved in the accident committed an offense under this
9 chapter, chapter 319, chapter 320, or chapter 322 in
10 connection with the accident. This paragraph does not permit
11 the carrying of firearms or other weapons, nor do such
12 officers have arrest authority other than for the issuance of
13 a traffic citation as authorized in this paragraph.

14 b. University police officers shall have authority to
15 enforce all of the traffic laws of this state when such
16 violations occur on or about any property or facilities that
17 are under the guidance, supervision, regulation, or control of
18 the State University System, except that traffic laws may be
19 enforced off-campus when hot pursuit originates on-campus.

20 c. Community college police officers shall have the
21 authority to enforce all the traffic laws of this state only
22 when such violations occur on any property or facilities that
23 are under the guidance, supervision, regulation, or control of
24 the community college system.

25 d. Police officers employed by an airport authority
26 shall have the authority to enforce all of the traffic laws of
27 this state only when such violations occur on any property or
28 facilities that are owned or operated by an airport authority.

29 (I) An airport authority may employ as a parking
30 enforcement specialist any individual who successfully
31 completes a training program established and approved by the

1 Criminal Justice Standards and Training Commission for parking
2 enforcement specialists but who does not otherwise meet the
3 uniform minimum standards established by the commission for
4 law enforcement officers or auxiliary or part-time officers
5 under s. 943.12. Nothing in this sub-sub-subparagraph shall be
6 construed to permit the carrying of firearms or other weapons,
7 nor shall such parking enforcement specialist have arrest
8 authority.

9 (II) A parking enforcement specialist employed by an
10 airport authority is authorized to enforce all state, county,
11 and municipal laws and ordinances governing parking only when
12 such violations are on property or facilities owned or
13 operated by the airport authority employing the specialist, by
14 appropriate state, county, or municipal traffic citation.

15 e. The Office of Agricultural Law Enforcement of the
16 Department of Agriculture and Consumer Services shall have the
17 authority to enforce traffic laws of this state only as
18 authorized by the provisions of chapter 570. However, nothing
19 in this section shall expand the authority of the Office of
20 Agricultural Law Enforcement at its agricultural inspection
21 stations to issue any traffic tickets except those traffic
22 tickets for vehicles illegally passing the inspection station.

23 f. School safety officers shall have the authority to
24 enforce all of the traffic laws of this state when such
25 violations occur on or about any property or facilities which
26 are under the guidance, supervision, regulation, or control of
27 the district school board.

28 2. An agency of the state as described in subparagraph
29 1. is prohibited from establishing a traffic citation quota. A
30 violation of this subparagraph is not subject to the penalties
31 provided in chapter 318.

1 3. Any disciplinary action taken or performance
2 evaluation conducted by an agency of the state as described in
3 subparagraph 1. of a law enforcement officer's traffic
4 enforcement activity must be in accordance with written
5 work-performance standards. Such standards must be approved by
6 the agency and any collective bargaining unit representing
7 such law enforcement officer. A violation of this subparagraph
8 is not subject to the penalties provided in chapter 318.

9 Section 7. Subsections (1), (4), and (9) of section
10 318.14, Florida Statutes, are amended to read:

11 318.14 Noncriminal traffic infractions; exception;
12 procedures.--

13 (1) Except as provided in ss. 318.17 and 320.07(3)(c)
14 ~~320.07(3)(b)~~, any person cited for a violation of s. 240.265,
15 chapter 316, s. 320.0605~~(1)~~, s. 320.07(3)(a) or (b), s.
16 322.065, s. 322.15(1), s. 322.16(2) or (3), s. 322.161(4), or
17 s. 322.19 is charged with a noncriminal infraction and must be
18 cited for such an infraction and cited to appear before an
19 official. If another person dies as a result of the
20 noncriminal infraction, the person cited may be required to
21 perform 120 community service hours under s. 316.027(4), in
22 addition to any other penalties.

23 (4) Any person charged with a noncriminal infraction
24 under this section who does not elect to appear shall pay the
25 civil penalty and delinquent fee, if applicable, either by
26 mail or in person, within 30 days after ~~of~~ the date of
27 receiving the citation. If the person cited follows the above
28 procedure, he or she shall be deemed to have admitted the
29 infraction and to have waived his or her right to a hearing on
30 the issue of commission of the infraction. Such admission
31 shall not be used as evidence in any other proceedings. Any

1 person who is cited for a violation of s. 320.0605(1) or s.
2 322.15(1), or subject to a penalty under s. 320.07(3)(a) or
3 (b) or s. 322.065, and who makes an election under this
4 subsection shall submit proof of compliance with the
5 applicable section to the clerk of the court. For the purposes
6 of this subsection, proof of compliance consists of a valid
7 driver's license or a valid registration certificate.

8 (9) Any person who is cited for an infraction under
9 this section other than a violation of s. 320.0605(1), s.
10 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or
11 s. 322.62 may, in lieu of a court appearance, elect to attend
12 in the location of his or her choice within this state a basic
13 driver improvement course approved by the Department of
14 Highway Safety and Motor Vehicles. In such a case,
15 adjudication must be withheld; points, as provided by s.
16 322.27, may not be assessed; and the civil penalty that is
17 imposed by s. 318.18(3) must be reduced by 18 percent;
18 however, a person may not make an election under this
19 subsection if the person has made an election under this
20 subsection in the preceding 12 months. A person may make no
21 more than five elections under this subsection. The
22 requirement for community service under s. 318.18(7) is not
23 waived by a plea of nolo contendere or by the withholding of
24 adjudication of guilt by a court.

25 Section 8. Paragraph (a) of subsection (1) and
26 subsection (2) of section 318.15, Florida Statutes, are
27 amended to read:

28 318.15 Failure to comply with civil penalty or to
29 appear; penalty.--

30 (1)(a) If a person fails to comply with the civil
31 penalties provided in s. 318.18 within the time period

1 specified in s. 318.14(4), fails to attend driver improvement
2 school, or fails to appear at a scheduled hearing, the clerk
3 of the court shall notify the Division of Driver Licenses of
4 the Department of Highway Safety and Motor Vehicles of such
5 failure within 10 5 days after such failure. Upon receipt of
6 such notice, the department shall immediately issue an order
7 suspending the driver's license and privilege to drive of such
8 person effective 20 days after the date the order of
9 suspension is mailed in accordance with s. 322.251(1), (2),
10 and (6). Any such suspension of the driving privilege which
11 has not been reinstated, including a similar suspension
12 imposed outside Florida, shall remain on the records of the
13 department for a period of 7 years from the date imposed and
14 shall be removed from the records after the expiration of 7
15 years from the date it is imposed.

16 (2) After suspension of the driver's license and
17 privilege to drive of a person under subsection (1), the
18 license and privilege may not be reinstated until the person
19 complies with all obligations and penalties imposed on him or
20 her under s. 318.18 and presents to a driver license office a
21 certificate of compliance issued by the court, together with
22 the \$25 nonrefundable service fee imposed under s. 322.29, or
23 pays the aforementioned \$25 service fee to the clerk of the
24 court or tax collector clearing such suspension. Such person
25 shall also be in compliance with requirements of chapter 322
26 prior to reinstatement.

27 Section 9. Paragraph (a) of subsection (8) of section
28 318.18, Florida Statutes, 1998 Supplement, is amended to read:

29 318.18 Amount of civil penalties.--The penalties
30 required for a noncriminal disposition pursuant to s. 318.14
31 are as follows:

1 (8)(a) Any person who fails to comply with the court's
2 requirements or who fails to pay the civil penalties specified
3 in this section within the 30-day period provided for in s.
4 318.14 must pay an additional civil penalty of \$12, \$2.50 of
5 which must be deposited into the General Revenue Fund, and
6 \$9.50 of which must be deposited in the Highway Safety
7 Operating Trust Fund. There is hereby appropriated from the
8 Highway Safety Operating Trust Fund for fiscal year 1996-1997
9 the amount of \$4 million. From this appropriation the
10 department shall contract with the Florida Association of
11 Court Clerks, Inc., to design, establish, operate, upgrade,
12 and maintain an automated statewide Uniform Traffic Citation
13 Accounting System to be operated by the clerks of the court
14 which shall include, but not be limited to, the accounting for
15 traffic infractions by type, a record of the disposition of
16 the citations, and an accounting system for the fines assessed
17 and the subsequent fine amounts paid to the clerks of the
18 court. On or before December 1, 2001 ~~1999~~, the clerks of the
19 court must provide the information required by this chapter to
20 be transmitted to the department by electronic transmission
21 pursuant to the contract.

22 Section 10. Section 318.36, Florida Statutes, is
23 amended to read:

24 318.36 Code of ethics.--Hearing officers shall be
25 subject to The Florida Bar Code of Professional Responsibility
26 and not the Judicial Code of Ethics, except that they shall
27 avoid practices or occupations that would constitute a
28 conflict of interest or give the appearance of impropriety.
29 Whether serving full time or part time, hearing officers shall
30 be prohibited from representing clients or practicing before
31 any other hearing officer of a civil traffic court or from

1 representing any client appealing the decision of any other
2 hearing officer. A civil traffic infractions hearing officer
3 appointed under s. 318.30 shall have judicial immunity in the
4 same manner and to the same extent as judges.

5 Section 11. Subsections (1), (2), and (3) of section
6 319.14, Florida Statutes, are amended to read:

7 319.14 Sale of motor vehicles registered or used as
8 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
9 and nonconforming vehicles.--

10 (1)(a) No person shall knowingly offer for sale, sell,
11 or exchange any vehicle that has been licensed, registered, or
12 used as a taxicab, police vehicle, or short-term-lease ~~lease~~
13 ~~vehicle which will no longer be in lease service after April~~
14 ~~29, 1990~~, or a vehicle that ~~which~~ has been repurchased by a
15 manufacturer pursuant to a settlement, determination, or
16 decision under chapter 681, until the department has stamped
17 in a conspicuous place on the certificate of title of the
18 vehicle, or its duplicate, words stating the nature of the
19 previous use of the vehicle or the title has been stamped
20 "Manufacturer's Buy Back" to reflect that the vehicle is a
21 nonconforming vehicle. If the certificate of title or
22 duplicate was not so stamped upon initial issuance thereof or
23 if, subsequent to initial issuance of the title, the use of
24 the vehicle is changed to a use requiring the notation
25 provided for in this section, the owner or lienholder of the
26 vehicle shall surrender the certificate of title or duplicate
27 to the department prior to offering the vehicle for sale, and
28 the department shall stamp the certificate or duplicate as
29 required herein. When a vehicle has been repurchased by a
30 manufacturer pursuant to a settlement, determination, or
31 decision under chapter 681, the title shall be stamped

1 "Manufacturer's Buy Back" to reflect that the vehicle is a
2 nonconforming vehicle.

3 (b) No person shall knowingly offer for sale, sell, or
4 exchange a rebuilt vehicle until the department has stamped in
5 a conspicuous place on the certificate of title for the
6 vehicle words stating that the vehicle has been rebuilt,
7 assembled from parts, or combined, or is a kit car, glider
8 kit, replica, or flood vehicle unless proper application for a
9 certificate of title for a vehicle that is rebuilt, assembled
10 from parts, or combined, or is a kit car, glider kit, replica,
11 or flood vehicle has been made to the department in accordance
12 with this chapter and the department has conducted the
13 physical examination of the vehicle to assure the identity of
14 the vehicle.

15 (c) As used in this section:

16 1. "Police vehicle" means a motor vehicle owned or
17 leased by the state or a county or municipality and used in
18 law enforcement.

19 2.a. "Short-term-lease vehicle" ~~"Lease vehicle"~~ means
20 a motor vehicle leased without a driver and under a written
21 agreement to one ~~person for a period of 12 months or longer or~~
22 ~~to one~~ or more persons from time to time for a period of less
23 than 12 months.

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

27 c. "Lease vehicle" includes both short-term-lease
28 vehicles and long-term-lease vehicles.

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

31

1 4. "Assembled from parts" means a motor vehicle or
2 mobile home assembled from parts of motor vehicles or mobile
3 homes, new or used. "Assembled from parts" does not mean a
4 motor vehicle defined as a "rebuilt vehicle" in subparagraph
5 3., which has been declared a total loss pursuant to s.
6 319.30.

7 5. "Combined" means assembled by combining two motor
8 vehicles neither of which has been titled and branded as
9 "Salvage Unrebuildable."

10 6. "Kit car" means a motor vehicle assembled with a
11 kit supplied by a manufacturer to rebuild a wrecked or
12 outdated motor vehicle with a new body kit.

13 7. "Glider kit" means a vehicle assembled with a kit
14 supplied by a manufacturer to rebuild a wrecked or outdated
15 truck or truck tractor.

16 8. "Replica" means a complete new motor vehicle
17 manufactured to look like an old vehicle.

18 9. "Flood vehicle" means a motor vehicle or mobile
19 home that has been declared to be a total loss pursuant to s.
20 319.30(3)(a) resulting from damage caused by water.

21 10. "Nonconforming vehicle" means a motor vehicle
22 which has been purchased by a manufacturer pursuant to a
23 settlement, determination, or decision under chapter 681.

24 11. "Settlement" means an agreement entered into
25 between a manufacturer and a consumer that occurs after a
26 dispute is submitted to a program, or an informal dispute
27 settlement procedure established by a manufacturer or is
28 approved for arbitration before the New Motor Vehicle
29 Arbitration Board as defined in s. 681.102.

30 (2) No person shall knowingly sell, exchange, or
31 transfer a vehicle referred to in subsection (1) without,

1 prior to consummating the sale, exchange, or transfer,
2 disclosing in writing to the purchaser, customer, or
3 transferee the fact that the vehicle has previously been
4 titled, registered, or used as a taxicab, police vehicle, or
5 short-term-lease ~~lease~~ vehicle or is a vehicle that is
6 rebuilt, assembled from parts, or combined, or is a kit car,
7 glider kit, replica, or flood vehicle, or is a nonconforming
8 vehicle, as the case may be.

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

24 Section 12. Subsections (3) and (8) of section 319.23,
25 Florida Statutes, are amended to read:

26 319.23 Application for, and issuance of, certificate
27 of title.--

28 (3) If a certificate of title has not previously been
29 issued for a motor vehicle or mobile home in this state, the
30 application, unless otherwise provided for in this chapter,
31 shall be accompanied by a proper bill of sale or sworn

1 statement of ownership, or a duly certified copy thereof, or
2 by a certificate of title, bill of sale, or other evidence of
3 ownership required by the law of the state or county from
4 which the motor vehicle or mobile home was brought into this
5 state. The application shall also be accompanied by:

6 (a)1. A sworn affidavit from the seller and purchaser
7 verifying that the vehicle identification number shown on the
8 affidavit is identical to the vehicle identification number
9 shown on the motor vehicle; or

10 2. An appropriate departmental form evidencing that a
11 physical examination has been made of the motor vehicle by the
12 owner and by a duly constituted law enforcement officer in any
13 state, a licensed motor vehicle dealer, a license inspector as
14 provided by s. 320.58, or a notary public commissioned by this
15 state and that the vehicle identification number shown on such
16 form is identical to the vehicle identification number shown
17 on the motor vehicle; and

18 (b) If the vehicle is a used car original, a sworn
19 affidavit from the owner verifying that the odometer reading
20 shown on the affidavit is identical to the odometer reading
21 shown on the motor vehicle in accordance with the requirements
22 of 49 C.F.R. s. 580.5 at the time that application for title
23 is made. For the purposes of this section, the term "used car
24 original" means a used vehicle coming into and being titled in
25 this state for the first time.

26 (c) If the vehicle is an ancient or, antique, ~~or~~
27 ~~collectible~~ vehicle, as defined in s. 320.086, the application
28 shall be accompanied ~~either~~ by a certificate of title; a
29 ~~notarized~~ bill of sale and a registration; or a ~~notarized~~ bill
30 of sale and, an affidavit by the owner defending the title
31 from all claims. The bill of sale must contain a complete

1 vehicle description to include the vehicle identification or
2 engine number, year make, color, selling price, and signatures
3 of the seller and purchaser.

4
5 Verification of the vehicle identification number is ~~shall~~ not
6 ~~be~~ required for any new motor vehicle ~~sold in this state by a~~
7 ~~licensed motor vehicle dealer~~; any mobile home; any trailer or
8 semitrailer with a net weight of less than 2,000 pounds; or
9 any travel trailer, camping trailer, truck camper, or
10 fifth-wheel recreation trailer.

11 (8) The title certificate or application for title
12 must ~~shall~~ contain the applicant's full first name, middle
13 initial, last name, date of birth, ~~and~~ sex, personal or
14 business identification, which may include, but need not be
15 limited to, a driver's license number, Florida identification
16 card number, or federal employer identification number, and
17 the license plate number or in lieu thereof, an affidavit
18 certifying that the motor vehicle to be titled will not be
19 operated upon the public highways of this state.

20 Section 13. Subsections (4) and (5) and paragraph (c)
21 of subsection (8) of section 319.30, Florida Statutes, 1998
22 Supplement, are amended, and subsection (9) is added to that
23 section, to read:

24 319.30 Definitions; dismantling, destruction, change
25 of identity of motor vehicle or mobile home; salvage.--

26 (4) It is unlawful for any person to have in his or
27 her possession any motor vehicle or mobile home when the
28 manufacturer's identification number plate or serial plate has
29 been removed therefrom. However, nothing in this subsection
30 shall be applicable when a vehicle defined in this section as
31 a derelict or salvage was purchased or acquired from a foreign

1 state requiring such vehicle's identification number plate to
2 be surrendered to such state, provided the person shall have
3 an affidavit from the seller describing the vehicle by
4 manufacturer's serial number and the state to which such
5 vehicle's identification number plate was surrendered. ~~Any~~
6 ~~person who violates this subsection is guilty of a felony of~~
7 ~~the third degree, punishable as provided in s. 775.082, s.~~
8 ~~775.083, or s. 775.084.~~

9 (5)(a) It is unlawful for any person to knowingly
10 possess, sell, or exchange, offer to sell or exchange, or give
11 away any certificate of title or manufacturer's identification
12 number plate or serial plate of any motor vehicle, mobile
13 home, or derelict that ~~which~~ has been sold as salvage contrary
14 to the provisions of this section, and it is unlawful for any
15 person to authorize, direct, aid in, or consent to the
16 possession, sale, or exchange or to offer ~~any person who~~
17 ~~authorizes, directs, aids in, or consents to the possession,~~
18 ~~sale, or exchange or who offers to sell, exchange, or give~~
19 away such certificate of title or manufacturer's
20 identification number plate or serial plate ~~is guilty of a~~
21 ~~felony of the third degree, punishable as provided in s.~~
22 ~~775.082, s. 775.083, or s. 775.084.~~

23 (b) It is unlawful for any person to knowingly
24 possess, sell, or exchange, offer to sell or exchange, or give
25 away any manufacturer's identification number plate or serial
26 plate of any motor vehicle or mobile home that ~~which~~ has been
27 removed from the motor vehicle or mobile home for which it was
28 manufactured, and it is unlawful for any person to authorize,
29 direct, aid in, or consent to the possession, sale, or
30 exchange or to offer ~~a person who authorizes, directs, aids~~
31 ~~in, or consents to the possession, sale, or exchange or who~~

1 ~~offers~~ to sell, exchange, or give away such manufacturer's
2 identification number plate or serial plate ~~is guilty of a~~
3 ~~felony of the third degree, punishable as provided in s.~~
4 ~~775.082, s. 775.083, or s. 775.084.~~

5 (c) ~~Nothing in This chapter does not shall be~~
6 ~~construed to~~ apply to anyone who removes, possesses, or
7 replaces a manufacturer's identification number plate, in the
8 course of performing repairs on a vehicle, that require such
9 removal or replacement. ~~If in the event that~~ the repair
10 requires replacement of a vehicle part that contains the
11 manufacturer's identification number plate, the manufacturer's
12 identification number plate that is assigned to the vehicle
13 being repaired will be installed on the replacement part. The
14 manufacturer's identification number plate that was removed
15 from this replacement part will be installed on the part that
16 was removed from the vehicle being repaired.

17 (8)

18 (c) For the purpose of enforcement of this section,
19 the department or its agents and employees ~~shall~~ have the same
20 right of inspection as law enforcement officers as provided in
21 s. 812.055. ~~Any person who violates this subsection is guilty~~
22 ~~of a felony of the third degree, punishable as provided in s.~~
23 ~~775.082, s. 775.083, or s. 775.084.~~

24 (9) Except as otherwise provided in this section, any
25 person who violates this section commits a felony of the third
26 degree, punishable as provided in s. 775.082, s. 775.083, or
27 s. 775.084.

28 Section 14. Subsection (2), paragraph (b) of
29 subsection (3), and subsections (6) and (7) of section 319.30,
30 Florida Statutes, 1998 Supplement, are amended to read:

31

1 319.30 Definitions; dismantling, destruction, change
2 of identity of motor vehicle or mobile home; salvage.--

3 (2)(a) Each person mentioned as owner in the last
4 issued certificate of title, when such motor vehicle or mobile
5 home is dismantled, destroyed, or changed in such manner that
6 it is not the motor vehicle or mobile home described in the
7 certificate of title, shall surrender his or her certificate
8 of title to the department, and thereupon the department
9 shall, with the consent of any lienholders noted thereon,
10 enter a cancellation upon its records. Upon cancellation of a
11 certificate of title in the manner prescribed by this section,
12 the department may cancel and destroy all certificates in that
13 chain of title. Any person who willfully and deliberately
14 violates this paragraph commits a misdemeanor of the second
15 degree, punishable as provided in s. 775.082 or s. 775.083.

16 (b) When a motor vehicle is sold, transported, or
17 delivered to a salvage motor vehicle dealer, it shall be
18 accompanied by:

19 1. A properly endorsed certificate of title, salvage
20 certificate of title, or vehicle certificate of destruction
21 issued by the department; or

22 2. If the certificate of title has been surrendered to
23 the department, a notarized affidavit signed by the owner
24 stating that the title has been returned to the State of
25 Florida pursuant to paragraph (a), the date on which such
26 return was made, the year, make, and vehicle identification
27 number of the motor vehicle, and the name, address, and
28 personal identification card number of the owner. Any person
29 who willfully and deliberately violates this subparagraph by
30 falsifying a required affidavit commits a felony of the third

31

1 degree, punishable as provided in s. 775.082, s. 775.083, or
2 s. 775.084.

3 (3)

4 (b) The owner of any motor vehicle or mobile home
5 which is considered to be salvage shall, within 72 hours after
6 the motor vehicle or mobile home becomes salvage, forward the
7 title to the motor vehicle or mobile home to the department
8 for processing. However, an insurance company which pays money
9 as compensation for total loss of a motor vehicle or mobile
10 home shall obtain the certificate of title for the motor
11 vehicle or mobile home and, within 72 hours after receiving
12 such certificate of title, shall forward such title to the
13 department for processing. The owner or insurance company, as
14 the case may be, may not dispose of a vehicle or mobile home
15 that is a total loss before it has obtained a salvage
16 certificate of title from the department. When applying for a
17 salvage certificate of title, the owner or insurance company
18 must provide the department with an estimate of the costs of
19 repairing the physical and mechanical damage suffered by the
20 vehicle for which a salvage certificate of title is sought.
21 If the estimated costs of repairing the physical and
22 mechanical damage to the vehicle is equal to 80 percent or
23 more of the current retail cost of the vehicle, as established
24 in any official used car or used mobile home guide, the
25 department shall declare the vehicle unrebuildable and print
26 notice on the salvage certificate of title that the vehicle is
27 unrebuildable; and, thereafter, the department shall refuse
28 issuance of any certificate of title for that vehicle. Nothing
29 in this subsection shall be applicable when a vehicle is worth
30 less than \$1,500 retail in undamaged condition in any official
31 used motor vehicle guide or used mobile home guide or when a

1 stolen motor vehicle or mobile home is recovered in
2 substantially intact condition and is readily resalable
3 without extensive repairs to or replacement of the frame or
4 engine. Any person who willfully and deliberately violates
5 this paragraph or falsifies any document to avoid the
6 requirements of this paragraph commits a misdemeanor of the
7 first degree, punishable as provided in s. 775.082 or s.
8 775.083.

9 (6) In the event of a purchase by a salvage motor
10 vehicle dealer of materials or major component parts for any
11 reason, the purchaser shall:

12 (a) For each item of materials or major component
13 parts purchased, the salvage motor vehicle dealer shall record
14 the date of purchase, name and address of the seller, and the
15 personal identification card number of the person delivering
16 such items, as well as the vehicle identification number, if
17 available.

18 (b) With respect to each item of materials or major
19 component parts purchased, obtain such documentation as may be
20 required by subsection (2).

21
22 Any person who violates this subsection commits a misdemeanor
23 of the first degree, punishable as provided in s. 775.082 or
24 s. 775.083.

25 (7) In the event of a purchase by a secondary metals
26 recycler, that has been issued a certificate of registration
27 number, of:

28 (a) Materials, prepared materials, or parts from any
29 seller for purposes other than the processing of such
30 materials, prepared materials, or parts, the purchaser shall
31 obtain such documentation as may be required by this section,

1 and shall record the seller's name and address, date of
2 purchase, and the personal identification card number of the
3 person delivering such items.

4 (b) Parts or prepared materials from any seller for
5 purposes of the processing of such parts or prepared
6 materials, the purchaser shall record the seller's name and
7 address and date of purchase; and, in the event of a purchase
8 transaction consisting primarily of parts or prepared
9 materials, the personal identification card number of the
10 person delivering such items.

11 (c) Materials from another secondary metals recycler
12 for purposes of the processing of such materials, the
13 purchaser shall record the seller's name, address, and date of
14 purchase.

15 (d) Motor vehicles, mobile homes, or derelicts from
16 other than a secondary metals recycler for purposes of the
17 processing of such motor vehicles, mobile homes, or derelicts,
18 the purchaser shall record the seller's name, address, date of
19 purchase, and the personal identification card number of the
20 person delivering such items, and shall obtain the following
21 documentation from the seller with respect to each item
22 purchased:

23 1. A valid certificate of title issued in the name of
24 the seller or properly endorsed over to the seller;

25 2. A valid certificate of destruction issued in the
26 name of the seller or properly endorsed over to the seller; or

27 3. If a valid certificate of title or a valid
28 certificate of destruction is not available, an affidavit
29 signed by the seller stating that the seller returned the
30 certificate of title to the State of Florida pursuant to
31 subsection (2) and the date on which such return was made, and

1 setting forth the vehicle identification number of such motor
2 vehicle, mobile home, or derelict.

3 (e) Major parts from other than a secondary metals
4 recycler for purposes of the processing of such major parts,
5 the purchaser shall record the seller's name, address, date of
6 purchase, and the personal identification card number of the
7 person delivering such items, as well as the vehicle
8 identification number, if available, of each major part
9 purchased.

10

11 Any person who violates this subsection commits a felony of
12 the third degree, punishable as provided in s. 775.082, s.
13 775.083, or s. 775.084.

14 Section 15. Subsection (42) is added to section
15 320.01, Florida Statutes, to read:

16 320.01 Definitions, general.--As used in the Florida
17 Statutes, except as otherwise provided, the term:

18 (42) For purposes of this chapter, the term
19 "agricultural products" means any food product; any
20 agricultural, horticultural, or livestock product; any raw
21 material used in plant food formulation; and any plant food
22 used to produce food and fiber.

23 Section 16. Paragraph (a) of subsection (2) of section
24 320.02, Florida Statutes, 1998 Supplement, is amended to read:

25 320.02 Registration required; application for
26 registration; forms.--

27 (2)(a) The application for registration shall include
28 the street address of the owner's permanent residence or the
29 address of his or her permanent place of business and shall be
30 accompanied by personal or business identification information
31 which may include, but need not be limited to, a driver's

1 license number, Florida identification card number, or federal
2 employer identification number. If the owner does not have a
3 permanent residence or permanent place of business or if the
4 owner's permanent residence or permanent place of business
5 cannot be identified by a street address, the application
6 shall include:

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

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

14 Section 17. Subsections (5) and (6) of section
15 320.023, Florida Statutes, 1998 Supplement, are amended to
16 read:

17 320.023 Requests to establish voluntary checkoff on
18 motor vehicle registration application.--

19 (5) A voluntary contribution collected and distributed
20 under this chapter, or any interest earned from those
21 contributions, may not be used for commercial or for-profit
22 activities nor for general or administrative expenses, except
23 as authorized by law, or to pay the cost of the audit or
24 report required by law.

25 (a) All organizations that receive annual use fee
26 proceeds from the department are responsible for ensuring that
27 proceeds are used in accordance with law.

28 (b) All organizational recipients of any voluntary
29 contributions in excess of \$15,000, not otherwise subject to
30 annual audit by the Office of the Auditor General, shall
31 submit an annual audit of the expenditures of these

1 contributions and interest earned from these contributions, to
2 determine if expenditures are being made in accordance with
3 the specifications outlined by law. The audit shall be
4 prepared by a certified public accountant licensed under
5 chapter 473 at that organizational recipient's expense. The
6 notes to the financial statements should state whether
7 expenditures were made in accordance with law. ~~Such audits~~
8 ~~must be delivered to the department no later than December 31~~
9 ~~of the calendar year in which the audit was performed.~~

10 (c) In lieu of an annual audit, any organization
11 receiving less than \$15,000 in voluntary contributions
12 directly from the department may annually report, under
13 penalties of perjury, that such proceeds were used in
14 compliance with law. The attestation shall be made annually in
15 a form and format determined by the department.

16 (d) Any voluntary contributions authorized by law
17 shall only be distributed to an organization under an
18 appropriation by the Legislature.

19 (e) The annual audit or report shall be submitted to
20 the department for review within 180 days after the end of the
21 organization's fiscal year.

22 (6) Within 90 days after receiving an organization's
23 audit or report ~~By February 1 each year~~, the department shall
24 determine which recipients have not complied with subsection
25 (5). If the department determines that an organization has
26 not complied or has failed to use the revenues in accordance
27 with law, the department must discontinue the distribution of
28 the revenues to the organization until the department
29 determines that the organization has complied. If an
30 organization fails to comply within 12 months after the
31 voluntary contributions are withheld by the department, the

1 proceeds shall be deposited into the Highway Safety Operating
2 Trust Fund to offset department costs.

3 Section 18. Subsection (5) of section 320.03, Florida
4 Statutes, 1998 Supplement, is amended to read:

5 320.03 Registration; duties of tax collectors;
6 International Registration Plan.--

7 (5) A fee of 50 cents shall be charged, in addition to
8 the fees required under s. 320.08, on every license
9 registration sold to cover the costs of the Florida Real Time
10 Vehicle Information System. The fees collected hereunder
11 shall be distributed as follows: 25 cents deposited into the
12 Highway Safety Operating Trust Fund ~~and~~ shall be used to fund
13 the Florida Real Time Vehicle Information System that system
14 and may be used to fund the general operations of the
15 department and 25 cents into the Highway Safety Operating
16 Trust Fund to be used exclusively to fund the Florida Real
17 Time Vehicle Information System. The only use of this latter
18 portion of the fee shall be to fund the Florida Real Time
19 Vehicle Information System equipment, software, and networks
20 used in the offices of the county tax collectors as agents of
21 the department and the ancillary technology necessary to
22 integrate the Florida Real Time Vehicle Information System
23 with other tax collection systems. The department shall
24 administer this program upon consultation with the Florida Tax
25 Collectors, Inc., to ensure that each county tax collector's
26 office will be technologically equipped and functional for the
27 operation of the Florida Real Time Vehicle Information System.
28 Any of the designated revenue collected to support functions
29 of the county tax collectors and not used in a given year will
30 remain exclusively in the trust fund as a carryover to the
31 following year.

1 Section 19. Paragraph (a) of subsection (1) of section
2 320.04, Florida Statutes, 1998 Supplement, is amended to read:

3 320.04 Registration service charge.--

4 (1)(a) There shall be a service charge of \$2.50 for
5 each application which is handled in connection with original
6 issuance, duplicate issuance, or transfer of any license
7 plate, mobile home sticker, or validation sticker or with
8 transfer or duplicate issuance of any registration
9 certificate. There may also be a service charge of up to \$1
10 for the issuance of each license plate validation sticker,
11 vessel decal, and mobile home sticker issued from an automated
12 vending facility or printer dispenser machine which shall be
13 payable to and retained by the department to provide for
14 automated vending facilities or printer dispenser machines
15 used to dispense such stickers and decals by each tax
16 collector's or license tag agent's employee.

17 Section 20. Subsections (2) and (7) of section
18 320.055, Florida Statutes, are amended to read:

19 320.055 Registration periods; renewal periods.--The
20 following registration periods and renewal periods are
21 established:

22 (2) For a vehicle subject to registration under s.
23 320.08(11), the registration period begins January 1 and ends
24 December 31. For a vehicle subject to this registration
25 period, the renewal period is the 31-day period prior to
26 expiration beginning January 1.

27 (7) For those vehicles subject to registration under
28 s. 320.0657, the department shall implement a system that
29 distributes the registration renewal process throughout the
30 year. ~~For a vehicle subject to registration under s. 320.065,~~
31 ~~the registration period begins December 1 and ends November~~

1 ~~30. For a vehicle subject to this registration period, the~~
2 ~~renewal period is the 31-day period beginning December 1.~~

3 Section 21. Paragraph (a) of subsection (3) and
4 paragraph (b) of subsection (4) of section 320.06, Florida
5 Statutes, are amended to read:

6 320.06 Registration certificates, license plates, and
7 validation stickers generally.--

8 (3)(a) Registration license plates shall be of metal
9 specially treated with a retroreflective material, as
10 specified by the department. The registration license plate is
11 designed to increase nighttime visibility and legibility and
12 shall be at least 6 inches wide and not less than 12 inches in
13 length, unless a plate with reduced dimensions is deemed
14 necessary by the department to accommodate motorcycles,
15 mopeds, or similar smaller vehicles. Validation stickers shall
16 be treated with a retroreflective material, shall be of such
17 size as specified by the department, and shall adhere to the
18 license plate. The registration license plate shall be
19 imprinted with a combination of bold letters and numerals or
20 numerals, not to exceed seven digits, to identify the
21 registration license plate number. The license plate shall
22 also be imprinted with the word "Florida" at the top and the
23 name of the county in which it is sold at the bottom, except
24 that apportioned license plates shall have the word
25 "Apportioned" at the bottom and license plates issued for
26 vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or
27 (c), ~~(12)~~, or (14) shall have the word "Restricted" at the
28 bottom. License plates issued for vehicles taxed under s.
29 320.08(12) must be imprinted with the word "Florida" at the
30 top and the word "Dealer" at the bottom. Manufacturer license
31 plates issued for vehicles taxed under s. 320.08(12) must be

1 imprinted with the word "Florida" at the top and the word
2 "Manufacturer" at the bottom., ~~except that~~
3 ~~gross-vehicle-weight vehicles owned by a licensed motor~~
4 ~~vehicle dealer may be issued a license plate with the word~~
5 ~~"Restricted."~~ License plates issued for vehicles taxed under
6 s. 320.08(5)(d) or (e) must be imprinted with the word
7 "Wrecker" at the bottom. Any county may, upon majority vote
8 of the county commission, elect to have the county name
9 removed from the license plates sold in that county. The words
10 "Sunshine State" shall be printed in lieu thereof. In those
11 counties where the county commission has not removed the
12 county name from the license plate, the tax collector may, in
13 addition to issuing license plates with the county name
14 printed on the license plate, also issue license plates with
15 the words "Sunshine State" printed on the license plate
16 subject to the approval of the department and a legislative
17 appropriation for the additional license plates. A license
18 plate issued for a vehicle taxed under s. 320.08(6) may not be
19 assigned a registration license number, or be issued with any
20 other distinctive character or designation, that distinguishes
21 the motor vehicle as a for-hire motor vehicle.

22 (4)

23 (b) For the purposes of authorizing the corporation
24 organized pursuant to chapter 946 to manufacture license
25 plates, and validation stickers, and decals for the Department
26 of Highway Safety and Motor Vehicles as provided in this
27 chapter and chapter 327, the reference to the Department of
28 Corrections in paragraph (a) means the Department of
29 Corrections or the corporation organized pursuant to chapter
30 946, and the Department of Highway Safety and Motor Vehicles
31

1 is not required to obtain competitive bids in order to
2 contract with such corporation.

3 Section 22. Section 320.065, Florida Statutes, is
4 repealed.

5 Section 23. Section 320.0657, Florida Statutes, is
6 amended to read:

7 320.0657 Permanent registration; fleet license
8 plates.--

9 (1) As used in this section, the term "fleet" means
10 nonapportioned motor vehicles owned or leased by a company and
11 used for business purposes. Vehicle numbers comprising a
12 "fleet" shall be established by the department. Vehicles
13 registered as short-term rental vehicles are excluded from the
14 provisions of this section.

15 (2)(a) The owner or lessee of a fleet of motor
16 vehicles shall, upon application in the manner and at the time
17 prescribed and upon approval by the department and payment of
18 the license tax prescribed under s. 320.08(2), (3), (4),
19 (5)(a) and (b), (6)(a), (7), and (8), be issued permanent
20 fleet license plates. All vehicles with a fleet license plate
21 shall have the company's name or logo and unit number
22 displayed so that they are readily identifiable.

23 ~~(1)(a) The owner or lessee of 250 or more~~
24 ~~nonapportioned commercial motor vehicles licensed under s.~~
25 ~~320.08(2), (3), (4), (5)(a)1. and (b), and (7), who has posted~~
26 ~~a bond as prescribed by department rules, may apply via~~
27 ~~magnetically encoded computer tape reel or cartridge which is~~
28 ~~machine readable by the installed computer system at the~~
29 ~~department for permanent license plates. All vehicles with a~~
30 ~~fleet license plate shall have the company's name or logo and~~
31 ~~unit number displayed so that they are readily identifiable.~~

1 ~~The provisions of s. 320.0605 shall not apply to vehicles~~
2 ~~registered in accordance with this section, and no annual~~
3 ~~validation sticker is required.~~

4 (b) The plates, which shall be of a distinctive color,
5 shall have the word "Fleet" appearing at the bottom and the
6 word "Florida" appearing at the top. The plates shall conform
7 in all respects to the provisions of this chapter, except as
8 specified herein.

9 (c) In addition to the license tax prescribed by s.
10 320.08(2), (3), (4), (5)(a) and (b), (6)(a), (7), and (8), an
11 annual fleet management fee of \$2 shall be charged. A one-time
12 license plate manufacturing fee of \$1.50 shall be charged for
13 plates issued for the established number of vehicles in the
14 fleet. If the size of the fleet is increased, an issuance fee
15 of \$10 per vehicle will be charged to include the license
16 plate manufacturing fee. If the license plate manufacturing
17 cost increases, the department shall increase the license
18 plate manufacturing fee to recoup its cost. Fees collected
19 shall be deposited into the Highway Safety Operating Trust
20 Fund. Payment of registration license tax and fees shall be
21 made annually and be evidenced only by the issuance of a
22 single receipt by the department. The provisions of s.
23 320.0605 do not apply to vehicles registered in accordance
24 with this section, and no annual validation sticker is
25 required.~~In addition to the license tax prescribed by s.~~
26 ~~320.08(2), (3), (4), (5)(a)1. and (b), and (7), an annual fee~~
27 ~~of \$6 shall be charged for each vehicle registered hereunder.~~
28 ~~Of this \$6 fee, \$2.50 shall be retained as a service charge by~~
29 ~~the tax collector, if the registration occurs at such office,~~
30 ~~or by the department, if the registration occurs at offices of~~
31 ~~the department. Receipts from the \$6 fee not retained by tax~~

1 ~~collectors shall be deposited into the Highway Safety~~
2 ~~Operating Trust Fund. Payment of registration license tax and~~
3 ~~fees shall be made annually and be evidenced only by the~~
4 ~~issuance of a single receipt by the department. Half-year~~
5 ~~registrations shall not be available for vehicles registered~~
6 ~~in accordance with the provisions of this section. The~~
7 ~~provision of s. 320.06(1)(b) shall not apply to the fleet~~
8 ~~renewal process.~~

9 (3) If a recipient of fleet license plates fails to
10 properly and timely renew or initially register vehicles in
11 its fleet, the department may impose a delinquency penalty of
12 \$50 or 10 percent of the delinquent taxes due, whichever is
13 greater, if the failure is for not more than 30 days, with an
14 additional 10 percent penalty for each additional 30 days, or
15 fraction thereof, that the failure continues, not to exceed a
16 total penalty of 100 percent in the aggregate; however, the
17 penalty may not be less than \$50.

18 (4) All recipients of fleet license plates authorized
19 by this section must provide the department with an annual
20 vehicle reconciliation and must annually surrender all
21 unassigned license plates. Failure to comply with this
22 subsection may result in fines of up to \$1,000 for each
23 occurrence, or in suspension or termination from the fleet
24 program.

25 ~~(2) All recipients of permanent license plates~~
26 ~~authorized by this section shall submit an annual audit as~~
27 ~~prescribed by rule of the department. Such audit shall include~~
28 ~~a percentage of the vehicles registered by each owner or~~
29 ~~lessee, not to exceed 10 percent. The department shall~~
30 ~~randomly select the vehicles to be audited and shall forward a~~
31 ~~listing of said vehicles only to the office of the auditor~~

1 ~~performing the audit. Every attempt shall be made to provide~~
2 ~~for groupings of vehicles based in the same location; however,~~
3 ~~the location shall change from year to year. The audit shall~~
4 ~~be prepared by a certified public accountant licensed under~~
5 ~~chapter 473, at the recipient's expense, and shall be~~
6 ~~performed to standards prescribed by the department. Such~~
7 ~~audits shall be delivered to the department on or before~~
8 ~~February 15 of each calendar year. Any fees or taxes which the~~
9 ~~audit determines are due the department shall be submitted to~~
10 ~~the department along with such audit. In addition, any company~~
11 ~~found to be habitually abusing the privileges afforded by~~
12 ~~permanent licensure shall forfeit the bond required in~~
13 ~~subsection (1), and may be required by the department to~~
14 ~~relinquish all permanent license plates, and not be eligible~~
15 ~~to continue to participate in the program.~~

16 ~~(5)(3)~~ The department may ~~is~~ authorized to adopt such
17 rules ~~as necessary~~ to comply with this section.

18 Section 24. Subsections (1), (2), (3), and (12) of
19 section 320.08, Florida Statutes, 1998 Supplement, are amended
20 to read:

21 320.08 License taxes.--Except as otherwise provided
22 herein, there are hereby levied and imposed annual license
23 taxes for the operation of motor vehicles, mopeds, motorized
24 bicycles as defined in s. 316.003(2), and mobile homes, as
25 defined in s. 320.01, which shall be paid to and collected by
26 the department or its agent upon the registration or renewal
27 of registration of the following:

28 (1) MOTORCYCLES, MOPEDS, MOTORIZED BICYCLES.--

29 (a) Any motorcycle: \$10 flat.

30 (b) Any moped: \$5 flat.

31

1 (c) Any motorized bicycle as defined in s. 316.003(2):
2 \$5 flat; however, annual renewal is not required.

3 (d) Upon registration of any motorcycle, motor-driven
4 cycle, or moped there shall be paid in addition to the license
5 taxes specified in this subsection a nonrefundable motorcycle
6 safety education fee in the amount of \$2.50. The proceeds of
7 such additional fee shall be deposited in the Highway Safety
8 Operating Trust Fund and be used exclusively to fund a
9 motorcycle driver improvement program implemented pursuant to
10 s. 322.025 or the Florida Motorcycle Safety Education Program
11 established in s. 322.0255.

12 (e) An ancient or,~~antique, or collectible~~ motorcycle:
13 \$10 flat.

14 (2) AUTOMOBILES FOR PRIVATE USE.--

15 (a) An ancient or,~~antique, or collectible~~ automobile,
16 as defined in s. 320.086,or a street rod,as defined in s.
17 320.0863: \$7.50 flat.

18 (b) Net weight of less than 2,500 pounds: \$14.50 flat.

19 (c) Net weight of 2,500 pounds or more, but less than
20 3,500 pounds: \$22.50 flat.

21 (d) Net weight of 3,500 pounds or more: \$32.50 flat.

22 (3) TRUCKS.--

23 (a) Net weight of less than 2,000 pounds: \$14.50 flat.

24 (b) Net weight of 2,000 pounds or more, but not more
25 than 3,000 pounds: \$22.50 flat.

26 (c) Net weight more than 3,000 pounds, but not more
27 than 5,000 pounds: \$32.50 flat.

28 (d) A truck defined as a "goat," or any other vehicle
29 when used in the field by a farmer or in the woods for the
30 purpose of harvesting a crop, including naval stores, during
31 such harvesting operations, and which is not principally

1 operated upon the roads of the state: \$7.50 flat. A "goat" is
2 a motor vehicle designed, constructed, and used principally
3 for the transportation of citrus fruit within citrus groves.

4 (e) An ancient ~~or, antique, or collectible~~ truck, as
5 defined in s. 320.086: \$7.50 flat.

6 (12) DEALER AND MANUFACTURER LICENSE PLATES.--A
7 franchised motor vehicle dealer, independent motor vehicle
8 dealer, marine boat trailer dealer, or mobile home dealer and
9 manufacturer license plate: \$12.50 flat.

10 Section 25. Paragraph (b) of subsection (4) of section
11 320.08056, Florida Statutes, 1998 Supplement, is amended to
12 read:

13 320.08056 Specialty license plates.--

14 (4) The following license plate annual use fees shall
15 be collected for the appropriate specialty license plates:

16 (b) Challenger license plate, ~~\$25~~\$15, except that a
17 person that purchases 1,000 or more Challenger license plates
18 shall pay an annual use fee of ~~\$15~~\$10 per plate.

19 Section 26. Paragraph (f) of subsection (2) of section
20 320.08058, Florida Statutes, 1998 Supplement, is repealed.

21 Section 27. Subsection (4) and paragraph (b) of
22 subsection (10) of section 320.08058, Florida Statutes, 1998
23 Supplement, are amended to read:

24 320.08058 Specialty license plates.--

25 (4) FLORIDA SALUTES VETERANS LICENSE PLATES.--

26 (a) The department shall develop a Florida Salutes
27 Veterans license plate. The words "Florida Salutes Veterans"
28 and the flag of the United States of America must appear on
29 the plate. ~~developed by the department must have a white~~
30 ~~background and must be designed so that the word "Florida"~~
31 ~~appears in red characters at the top of the plate; the words~~

1 ~~"Salutes Veterans" appear at the bottom of the plate in white~~
2 ~~characters on a red background; the flag of the United States,~~
3 ~~which must be designed to be waving, appears in the center of~~
4 ~~the plate; and the serial numbers appear in blue characters at~~
5 ~~either side of the flag.~~

6 (b) The Florida Salutes Veterans license plate annual
7 use fee must be deposited in the State Homes for Veterans
8 Trust Fund, which is created in the State Treasury. All such
9 moneys are to be administered by the Department of Veterans'
10 Affairs and must be used solely for the purpose of
11 constructing, operating, and maintaining domiciliary and
12 nursing homes for veterans and for continuing promotion and
13 marketing of the license plate, subject to the requirements of
14 chapter 216.

15 (10) FLORIDA INDIAN RIVER LAGOON LICENSE PLATES.--

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

18 1. The first \$5 million collected annually must be
19 transferred to the St. Johns River Water Management District.
20 The district shall account for these funds separate from all
21 other funds received. These funds must be distributed as
22 follows:

23 a. Based on Florida Indian River Lagoon license plate
24 sales data from each county tax collector for Volusia,
25 Brevard, Indian River, St. Lucie, Martin, and Palm Beach
26 Counties, each county's total number of Florida Indian River
27 Lagoon license plates sold between October 1 and September 30
28 must represent a percentage of the six-county total,
29 calculated as follows: the total number sold for county A
30 divided by the total number sold for counties A, B, C, D, E,
31 and F is multiplied by 100. The percentage determined for St.

1 Lucie, Martin, and Palm Beach Counties must be totaled and
2 that total percentage of the statewide Florida Indian River
3 Lagoon license plate revenues must be transferred to the South
4 Florida Water Management District special Indian River Lagoon
5 License Plate Revenue Account and distributed proportionately
6 among St. Lucie, Martin, and Palm Beach Counties. The
7 remaining funds in the St. Johns River Water Management
8 District Revenue Account must be divided proportionately
9 between Volusia, Brevard, and Indian River Counties.

10 b. Each water management district is responsible for
11 administering projects in its respective counties funded with
12 the appropriate percentage of license plate revenues.

13 2. Up to 5 percent of the proceeds from the annual use
14 fee may be used for continuing promotion and marketing of the
15 license plate.

16 3.2. Any additional fees must be deposited into the
17 General Revenue Fund. Fees are not to be deposited into the
18 general revenue funds of the water management districts.

19 Section 28. Section 320.083, Florida Statutes, is
20 amended to read:

21 320.083 Amateur radio operators; ~~citizens' band radio~~
22 ~~operators~~; special license plates; fees.--

23 (1) A person who is the owner or lessee of an
24 automobile for private use, a truck weighing not more than
25 5,000 pounds, or a recreational vehicle as specified in s.
26 320.08(9)(c) or (d), which is not used for hire or commercial
27 use; who is a resident of the state; and who holds a valid
28 official amateur radio station license ~~or citizens' band radio~~
29 ~~station license~~ issued by the Federal Communications
30 Commission shall be issued a special license plate upon
31

1 application, accompanied by proof of ownership of such radio
2 station license, and payment of the following tax and fees:

3 (a) The license tax required for the vehicle, as
4 prescribed by s. 320.08(2), (3)(a), (b), or (c), or (9); and

5 (b) An initial additional fee of \$5, and an additional
6 fee of \$1.50 thereafter.

7 (2) The license plate issued shall meet the
8 requirements of s. 320.06, except that, in lieu of the numbers
9 as prescribed by s. 320.06, it shall be inscribed with the
10 official amateur radio call letters ~~or the official citizens'~~
11 ~~band radio call letters, as appropriate,~~of the applicant, as
12 assigned by the Federal Communications Commission, including
13 as a prefix, when applicable, those call letters assigned by
14 the Armed Services of the United States of America, not to
15 exceed eight characters. In lieu of the name of the county or
16 the designation "Sunshine State" on the bottom of the plate as
17 prescribed in s. 320.06, the words "Amateur Radio" shall be
18 inscribed.

19 (3) All applications for such plates shall be made to
20 the department.

21 Section 29. Subsection (5) of section 320.084, Florida
22 Statutes, is amended to read:

23 320.084 Free motor vehicle license plate to certain
24 disabled veterans.--

25 (5) A county or municipality, or any agency thereof,
26 may not impose upon any person who is issued a ~~"DV" motor~~
27 ~~vehicle license plate,~~ or a license plate with the
28 international accessibility symbol, under this section, any
29 fee or penalty for parking in any metered or timed parking
30 space except:

31 (a) As provided in s. 316.1964; or

1 (b) When the person is parked without a permit issued
2 under s. 320.0848 in a space designated for use by persons who
3 have disabilities.

4 Section 30. Section 320.086, Florida Statutes, is
5 amended to read:

6 320.086 Ancient ~~or, antique, or collectible~~ motor
7 vehicles; "horseless carriage," antique, ~~collectible,~~ or
8 historical license plates.--

9 (1) The owner of a motor vehicle for private use
10 manufactured in 1945 ~~1927~~ or earlier, equipped with an engine
11 manufactured in 1945 ~~1927~~ or earlier or manufactured to the
12 specifications of the original engine, and operated on the
13 streets and highways of this state shall, upon application in
14 the manner and at the time prescribed by the department and
15 upon payment of the license tax for an ancient motor vehicle
16 prescribed by s. 320.08(1)(e), (2)(a), or (3)(e), be issued a
17 special license plate for such motor vehicle. The license
18 plate shall be permanent and valid for use without renewal so
19 long as the vehicle is in existence. In addition to the
20 payment of all other fees required by law, the applicant shall
21 pay such fee for the issuance of the special license plate as
22 may be prescribed by the department commensurate with the cost
23 of its manufacture. The registration numbers and special
24 license plates assigned to such motor vehicles shall run in a
25 separate numerical series, commencing with "Horseless Carriage
26 No. 1," and the plates shall be of a distinguishing color.

27 ~~(2) The owner of a motor vehicle for private use~~
28 ~~manufactured between 1928 and 1945, inclusive, with an engine~~
29 ~~manufactured between 1928 and 1945, inclusive, or manufactured~~
30 ~~to the specifications of the original engine and operated on~~
31 ~~the streets and highways of this state shall, upon application~~

1 ~~in the manner and at the time prescribed by the department and~~
2 ~~upon payment of the license tax prescribed by s. 320.08(1)(e),~~
3 ~~(2)(a), or (3)(e), be issued a special license plate for such~~
4 ~~motor vehicle. In addition to the payment of all other fees~~
5 ~~required by law, the applicant shall pay such fee for the~~
6 ~~issuance of the special license plate as may be prescribed by~~
7 ~~the department commensurate with the cost of its manufacture.~~
8 ~~The registration numbers and special license plates assigned~~
9 ~~to such motor vehicles shall run in a separate numerical~~
10 ~~series, commencing with "Antique Vehicle No. 1," and the~~
11 ~~plates shall be of a distinguishing color.~~

12 (2)(3)(a) The owner of a motor vehicle for private use
13 manufactured after 1945 and of the age of 30 ~~20~~ years or more
14 after from the date of manufacture, equipped with an engine of
15 the age of 30 ~~20~~ years or more after from the date of
16 manufacture, and operated on the streets and highways of this
17 state may shall, upon application in the manner and at the
18 time prescribed by the department and upon payment of the
19 license tax prescribed by s. 320.08(1)(e), (2)(a), or (3)(e),
20 be issued a special license plate for such motor vehicle. In
21 addition to the payment of all other fees required by law, the
22 applicant shall pay the such fee for the issuance of the
23 special license plate ~~as may be~~ prescribed by the department,
24 commensurate with the cost of its manufacture. The
25 registration numbers and special license plates assigned to
26 such motor vehicles shall run in a separate numerical series,
27 commencing with "Antique No. 1," ~~"Collectible No. 1,"~~ and the
28 plates shall be of a distinguishing color. The owner of the
29 motor vehicle may, upon application and payment of the license
30 tax prescribed by s. 320.08, be issued a regular Florida

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1 license plate or specialty license plate in lieu of the
2 special "Antique" license plate.

3 (b) Motor vehicles licensed under this section which
4 have been issued a permanent license plate prior to October 1,
5 1999, shall maintain such plate unless the vehicle is
6 transferred to a new owner. Motor vehicles licensed under this
7 section which have been issued a "Collectible" license plate
8 prior to October 1, 1999, may retain that license plate until
9 the next regularly scheduled replacement.

10 (3) The owner of an ancient or antique fire fighting
11 apparatus or other historical motor vehicle or trailer
12 identifiable as a military trailer 30 years old or older which
13 is used only in exhibitions, parades, or public display, may,
14 upon application in the manner and at the time prescribed by
15 the department and upon payment of the license tax prescribed
16 by s. 320.08(2)(a), be issued a license plate as prescribed in
17 subsection (1) or subsection (2). License plates issued under
18 this subsection shall be permanent and valid for use without
19 renewal as long as the vehicle is in existence and its use is
20 consistent with this subsection.~~Motor vehicles with a model~~
21 ~~year of 1928-1960, registered as ancient prior to July 1,~~
22 ~~1996, shall be grandfathered to maintain a permanent license~~
23 ~~plate unless a vehicle with a model year of 1946-1960 is~~
24 ~~transferred to a new owner. Upon transfer of a vehicle with a~~
25 ~~model year of 1946-1960, after July 1, 1996, the vehicle shall~~
26 ~~be registered as a collectible and required to renew annually~~
27 ~~as prescribed by s. 320.08.~~

28 (4) Any person who is the registered owner of a an
29 ~~ancient, antique, or collectible~~ motor vehicle as defined in
30 this section and manufactured in the model year 1974 or
31 earlier, may apply to the department for permission to use a

1 historical Florida license plate that ~~which~~ clearly represents
2 the model year of the vehicle as a personalized prestige
3 license plate. This plate shall be furnished by such person
4 and shall be presented to the department with a reasonable fee
5 to be determined by the department for approval and for
6 authentication that the historic license plate and any
7 applicable decals were issued by this state in the same year
8 as the model year of the car or truck. The requirements of s.
9 320.0805(8)(b) do not apply to historical plates authorized
10 under this subsection.

11 Section 31. For the purpose of incorporating the
12 amendments made by this act to section 320.086, Florida
13 Statutes, in references thereto, paragraph (g) of subsection
14 (2) of section 320.072, Florida Statutes, is reenacted to
15 read:

16 320.072 Additional fee imposed on certain motor
17 vehicle registration transactions.--

18 (2) The fee imposed by subsection (1) shall not apply
19 to:

20 (g) Any ancient or antique automobile or truck for
21 private use registered pursuant to s. 320.086(1) or (2).

22 Section 32. Section 320.13, Florida Statutes, is
23 amended to read:

24 320.13 Dealer and manufacturer license plates and
25 alternative method of registration.--

26 (1)(a) Any licensed motor vehicle dealer and any
27 licensed mobile home dealer may, upon payment of the license
28 tax imposed by s. 320.08(12)~~s. 320.08(11)~~, secure one or more
29 dealer license plates, which are valid for use on motor
30 vehicles or mobile homes owned by the dealer to whom such
31 plates are issued while the motor vehicles are in inventory

1 and for sale, or while being operated in connection with such
2 dealer's business, but are not valid for use for hire. Dealer
3 license plates may not be used on any tow truck or wrecker
4 unless the tow truck or wrecker is being demonstrated for
5 sale, and the dealer license plates may not be used on a
6 vehicle used to transport another motor vehicle for the motor
7 vehicle dealer.

8 (b)1. Marine boat trailer dealers and manufacturers
9 may, upon payment of the license taxes imposed by s.
10 320.08(12), secure one or more dealer plates, which are valid
11 for use on boat trailers owned by the dealer to whom such
12 plates are issued while being used in connection with such
13 dealer's business, but are not valid for use for hire.

14 2. It is the intent of the Legislature that the method
15 currently used to license marine boat trailer dealers to do
16 business in the state, that is, by an occupational license
17 issued by the city or county, not be changed. The department
18 shall not interpret this act to mean that it is empowered to
19 license such dealers to do business. An occupational license
20 tax certificate shall be sufficient proof upon which the
21 department may issue dealer license plates.

22 (2) A licensed manufacturer of motor vehicles may,
23 upon payment of the license tax imposed by s. 320.08(12),
24 secure one or more manufacturer license plates, which are
25 valid for use on motor vehicles owned by the manufacturer to
26 whom such plates are issued while the motor vehicles are in
27 inventory and for sale, being operated for demonstration
28 purposes, or in connection with such manufacturer's business,
29 but are not valid for use for hire.~~A dealer license plate may~~
30 ~~be replaced by the department upon submittal of an affidavit~~

31

1 ~~stating that the original has been actually destroyed or lost~~
2 ~~and payment of a fee of \$2.~~

3 (3) When a licensed dealer or a marine boat trailer
4 dealer chooses to register any motor vehicle or boat trailer
5 he or she owns and has for sale and secure a regular motor
6 vehicle license plate therefor, the dealer may, upon sale
7 thereof, submit to the department a transfer fee of \$4.50 and
8 an application for transfer of the license plate to a
9 comparable motor vehicle or boat trailer owned by the dealer
10 of the same weight series as set forth under s. 320.08.

11 Section 33. Paragraph (k) of subsection (1) of section
12 320.131, Florida Statutes, is amended, and subsections (5),
13 (6), and (7) are added to that section, to read:

14 320.131 Temporary tags.--

15 (1) The department is authorized and empowered to
16 design, issue, and regulate the use of temporary tags to be
17 designated "temporary tags" for use in the following cases:

18 (k) In any case where a permanent license plate cannot
19 ~~can not~~ legally be issued to an applicant and a temporary
20 license plate is not specifically authorized under the
21 provisions of this section, the department shall have the
22 discretion to issue or authorize agents or Florida licensed
23 dealers to issue temporary license plates to applicants
24 demonstrating a need for such temporary use.

25
26 Further, the department is authorized to disallow the purchase
27 of temporary tags by licensed dealers, common carriers, or
28 financial institutions in those cases where abuse has
29 occurred.

30 (5) Any person who knowingly and willfully abuses or
31 misuses temporary-tag issuance to avoid registering a vehicle

1 requiring registration pursuant to this chapter or chapter 319
2 commits a misdemeanor of the first degree, punishable as
3 provided in s. 775.082 or s. 775.083.

4 (6) Any person who knowingly and willfully issues a
5 temporary tag or causes another to issue a temporary tag to a
6 fictitious person or entity to avoid disclosure of the true
7 owner of a vehicle commits a felony of the third degree,
8 punishable as provided in s. 775.082, s. 775.083, or s.
9 775.084.

10 (7) Any person authorized by this section to purchase
11 and issue a temporary tag shall maintain records as required
12 by this chapter or departmental rules and such records shall
13 be open to inspection by the department or its agents during
14 reasonable business hours. Any person who knowingly and
15 willfully fails to comply with this subsection commits a
16 misdemeanor of the second degree, punishable as provided in s.
17 775.082 or s. 775.083.

18 Section 34. Section 320.1325, Florida Statutes, is
19 amended to read:

20 320.1325 Registration required for the temporarily
21 employed.--Motor vehicles owned or leased by persons who are
22 temporarily employed within the state but are not residents
23 are required to be registered. Upon payment of the fees
24 prescribed in this section and proof of insurance coverage as
25 required by the applicant's resident state,the department
26 shall provide a temporary registration plate and a
27 registration certificate valid for 90 days to an applicant who
28 is temporarily employed in this ~~the~~ state. The temporary
29 registration plate may be renewed one time for an additional
30 90-day period. At the end of the 180-day period of temporary
31 registration, the applicant shall apply for a permanent

1 registration if there is a further need to remain in this
2 state. A temporary license registration plate may not be
3 issued for any commercial motor vehicle as defined in s.
4 320.01. The fee for the 90-day temporary registration plate
5 shall be \$40 plus the applicable service charge required by s.
6 320.04. Subsequent permanent registration and titling of a
7 vehicle registered hereunder shall subject the applicant to
8 providing proof of Florida insurance coverage as specified in
9 s. 320.02 and payment of the fees required by ss. 319.231 and
10 320.072, in addition to all other taxes and fees required.

11 Section 35. Paragraph (v) is added to subsection (9)
12 of section 320.27, Florida Statutes, and paragraph (a) of
13 subsection (9) and subsection (12) of that section are
14 amended, to read:

15 320.27 Motor vehicle dealers.--

16 (9) DENIAL, SUSPENSION, OR REVOCATION.--The department
17 may deny, suspend, or revoke any license issued hereunder or
18 under the provisions of s. 320.77 or s. 320.771, upon proof
19 that a licensee has failed to comply with any of the following
20 provisions with sufficient frequency so as to establish a
21 pattern of wrongdoing on the part of the licensee:

22 (a) Willful violation of any other law of this state,
23 including chapter 319, this chapter, or ss. 559.901-559.9221,
24 which has to do with dealing in or repairing motor vehicles or
25 mobile homes or willful failure to comply with any
26 administrative rule promulgated by the department.
27 Additionally, in the case of used motor vehicles, the willful
28 violation of the federal law and rule in 15 U.S.C. 2304, 16
29 C.F.R. Part 455, pertaining to the consumer sales window form.

30 (v) Sale by a motor vehicle dealer of a vehicle
31 offered in trade by a customer prior to consummation of the

1 sale, exchange, or transfer of a newly acquired vehicle to the
2 customer, unless the customer provides written authorization
3 for the sale of the trade-in vehicle prior to delivery of the
4 newly acquired vehicle.

5 (12) CIVIL FINES; PROCEDURE.--In addition to the
6 exercise of other powers provided in this section, the
7 department may levy and collect a civil fine, in an amount not
8 to exceed \$1,000 for each violation, against any licensee if
9 it finds that the licensee has violated any provision of this
10 section or has violated any other law of this state or the
11 federal law and administrative rule set forth in s.
12 320.27(9)(a)related to dealing in motor vehicles. Any
13 licensee shall be entitled to a hearing pursuant to chapter
14 120 if the licensee contests the fine levied, or about to be
15 levied, upon him or her.

16 Section 36. Section 320.30, Florida Statutes, is
17 amended to read:

18 320.30 Penalty for violating s. 320.28.--No action or
19 right of action to recover any such motor vehicle, or any part
20 of the selling price thereof, shall be maintained in the
21 courts of this state by any such dealer or vendor or his or
22 her successors or assigns in any case wherein such vendor or
23 dealer shall have failed to comply with the terms and
24 provisions of s. 320.28, and in addition thereto, such vendor
25 or dealer, upon conviction for the violation of any of the
26 provisions of said sections, shall be guilty of a misdemeanor
27 of the second degree, punishable as provided in s. 775.082 or
28 s. 775.083 and by confiscation of the vehicle or vehicles
29 offered for sale. Any municipal or county law enforcement
30 agency that enforces, or assists the department in enforcing,
31 the provisions of this section which enforcement results in a

1 forfeiture of property as provided in this section is entitled
2 to receive all or a share of any such property based upon its
3 participation in such enforcement. Any property seized by any
4 municipal or county law enforcement agency may be retained or
5 sold by the law enforcement agency in accordance with the
6 Florida Contraband Forfeiture Act. Any funds received by a
7 municipal or county law enforcement agency pursuant to this
8 section constitute supplemental funds and may not be used as
9 replacement funds by the municipality or county. However, this
10 section shall not apply to:

11 (1) The holder of a note or notes representing a
12 portion of the purchase price of such motor vehicle when the
13 owner thereof was and is a bona fide purchaser of said note or
14 notes, before maturity, for value and without knowledge that
15 the vendor of such vehicle had not complied with said
16 sections; or-

17 (2) The bona fide purchaser of such motor vehicle for
18 value and without knowledge that the vendor or dealer of such
19 vehicle had not complied with said sections.

20 Section 37. Subsection (11) of section 320.8249,
21 Florida Statutes, is repealed.

22 Section 38. Subsection (2) of section 320.8325,
23 Florida Statutes, is amended to read:

24 320.8325 Mobile homes and park trailers; tie-down
25 requirements; minimum installation standards; injunctions;
26 penalty.--

27 (2) The department shall promulgate rules and
28 regulations setting forth uniform ~~minimum~~ standards for the
29 manufacture or installation of anchors, tie-downs,
30 over-the-roof ties, or other reliable methods of securing
31 mobile homes or park trailers when over-the-roof ties are not

1 suitable due to factors such as unreasonable cost, design of
2 the mobile home or park trailer, or potential damage to the
3 mobile home or park trailer. No entity, other than the
4 department, has authority to amend these uniform standards.

5 Such devices required under this section, when properly
6 installed, shall cause the mobile home or park trailer to
7 resist wind overturning and sliding. In promulgating such
8 rules and regulations, the department may make such
9 discriminations regarding mobile home or park trailer tie-down
10 requirements as are reasonable when factors such as age,
11 location, and practicality of tying down a mobile home or park
12 trailer are considered.

13 Section 39. Section 321.06, Florida Statutes, is
14 amended to read:

15 321.06 Civil service.--

16 (1) The Department of Highway Safety and Motor
17 Vehicles is hereby empowered and directed to make civil
18 service rules governing the employment and tenure of the
19 members of the highway patrol. All persons employed as said
20 patrol officers shall be subject to said civil service rules
21 and regulations, and any amendment thereto which may
22 thereafter from time to time be adopted. The department may,
23 for cause, discharge, suspend or reduce in rank or pay, any
24 member of said highway patrol by presenting to such employee
25 the reason or reasons therefor in writing, subject to the
26 civil service rules and regulations of the department, and
27 subject to the review of the Governor and Cabinet, as head of
28 the department who shall serve as a court of inquiry in such
29 cases and shall hear all complaints and defenses, if requested
30 by such employee. Their decision shall be final and
31 conclusive. Such civil service rules or regulations shall be

1 subject to the revision of the Legislature in the event civil
2 service rules adopted by the department are declared unlawful
3 or unreasonable.

4 (2) The department may employ traffic accident
5 investigation officers who must complete any applicable
6 standards adopted by the Florida Highway Patrol, including,
7 but not limited to: cognitive testing, drug testing,
8 polygraph testing, psychological testing, and an extensive
9 background check, including a credit check.

10 Section 40. Subsections (6) and (7) of section 322.08,
11 Florida Statutes, 1998 Supplement, are amended to read:

12 322.08 Application for license.--

13 ~~(6) Every application under this section made by a~~
14 ~~person who presently holds an out-of-state license shall be~~
15 ~~accompanied by a copy of the Florida registration certificate~~
16 ~~showing registration under chapter 320 for every motor vehicle~~
17 ~~which is owned by the applicant, or, if he or she does not own~~
18 ~~any vehicle required to be registered under chapter 320, an~~
19 ~~affidavit to that effect.~~

20 ~~(6)(7)~~ The application form for a driver's license or
21 duplicate thereof shall include language permitting the
22 following:

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

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

31

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

4
5 A statement providing an explanation of the purpose of the
6 trust funds shall also be included.

7 Section 41. Subsections (5) and (6) of section
8 322.081, Florida Statutes, 1998 Supplement, are amended to
9 read:

10 322.081 Requests to establish voluntary checkoff on
11 driver's license application.--

12 (5) A voluntary contribution collected and distributed
13 under this chapter, or any interest earned from those
14 contributions, may not be used for commercial or for-profit
15 activities nor for general or administrative expenses, except
16 as authorized by law, or to pay the cost of the audit or
17 report required by law.

18 (a) All organizations that receive annual use fee
19 proceeds from the department are responsible for ensuring that
20 proceeds are used in accordance with law.

21 (b) All organizational recipients of any voluntary
22 contributions in excess of \$15,000, not otherwise subject to
23 annual audit by the Office of the Auditor General, shall
24 submit an annual audit of the expenditures of these
25 contributions and interest earned from these contributions, to
26 determine if expenditures are being made in accordance with
27 the specifications outlined by law. The audit shall be
28 prepared by a certified public accountant licensed under
29 chapter 473 at that organizational recipient's expense. The
30 notes to the financial statements should state whether
31 expenditures were made in accordance with law. ~~Such audits~~

1 ~~must be delivered to the department no later than December 31~~
2 ~~of the calendar year in which the audit was performed.~~

3 (c) In lieu of an annual audit, any organization
4 receiving less than \$15,000 in voluntary contributions
5 directly from the department may annually report, under
6 penalties of perjury, that such proceeds were used in
7 compliance with law. The attestation shall be made annually in
8 a form and format determined by the department.

9 (d) Any voluntary contributions authorized by law
10 shall only be distributed to an organization under an
11 appropriation by the Legislature.

12 (e) The annual audit or report must be submitted to
13 the department for review within 180 days after the end of the
14 organization's fiscal year.

15 (6) Within 90 days after receiving an organization's
16 audit or report ~~By February 1 each year~~, the department shall
17 determine which recipients have not complied with subsection
18 (5). If the department determines that an organization has
19 not complied or has failed to use the revenues in accordance
20 with law, the department must discontinue the distribution of
21 the revenues to the organization until the department
22 determines that the organization has complied. If an
23 organization fails to comply within 12 months after the
24 voluntary contributions are withheld by the department, the
25 proceeds shall be deposited into the Highway Safety Operating
26 Trust Fund to offset department costs.

27 Section 42. Subsection (3) of section 322.1615,
28 Florida Statutes, is amended to read:

29 322.1615 Learner's driver's license.--

30 (3) A person who holds a learner's driver's license
31 may operate a vehicle only during daylight hours, except that

1 the holder of a learner's driver's license may operate a
2 vehicle until ~~between the hours of 7 p.m. and 10 p.m.~~ after 3
3 months following ~~after~~ the issuance of the learner's driver's
4 license.

5 Section 43. Paragraphs (b) and (d) of subsection (6)
6 and subsection (10) of section 322.2615, Florida Statutes, are
7 amended to read:

8 322.2615 Suspension of license; right to review.--

9 (6)

10 (b) Such formal review hearing shall be held before a
11 hearing officer employed by the department, and the hearing
12 officer shall be authorized to administer oaths, examine
13 witnesses and take testimony, receive relevant evidence, issue
14 subpoenas, regulate the course and conduct of the hearing, and
15 make a ruling on the suspension. The department and the
16 person arrested may subpoena witnesses, and the party
17 requesting the presence of a witness shall be responsible for
18 the payment of any witness fees and for notifying in writing
19 the state attorney's office in the appropriate circuit of the
20 issuance of the subpoena. If the person who requests a formal
21 review hearing fails to appear and the hearing officer finds
22 such failure to be without just cause, the right to a formal
23 hearing is waived and the suspension shall be sustained
24 ~~department shall conduct an informal review of the suspension~~
25 ~~under subsection (4).~~

26 (d) The department must, within 7 working days after a
27 formal review hearing, send notice to the person of the
28 hearing officer's decision as to whether sufficient cause
29 exists to sustain, amend, or invalidate the suspension.

30 (10) A person whose driver's license is suspended
31 under subsection (1) or subsection (3) may apply for issuance

1 of a license for business or employment purposes only if the
2 person is otherwise eligible for the driving privilege
3 pursuant to s. 322.271.

4 (a) If the suspension of the driver's license of the
5 person for failure to submit to a breath, urine, or blood test
6 is sustained, the person is not eligible to receive a license
7 for business or employment purposes only, pursuant to s.
8 322.271, until 90 days have elapsed after the expiration of
9 the last 30-day temporary permit issued ~~pursuant to this~~
10 ~~section or s. 322.64~~. If the driver is not issued a 30-day
11 permit pursuant to this section or s. 322.64 because he or she
12 is ineligible for the permit and the suspension for failure to
13 submit to a breath, urine, or blood test is not invalidated by
14 the department, the driver is not eligible to receive a
15 business or employment license pursuant to s. 322.271 until 90
16 days have elapsed from the date of the suspension.

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

31

1 Section 44. Subsection (3) of section 322.245, Florida
2 Statutes, is amended to read:

3 322.245 Suspension of license upon failure of person
4 charged with specified offense under chapter 316, chapter 320,
5 or this chapter to comply with directives ordered by traffic
6 court or upon failure to pay child support in non-IV-D cases
7 as provided in chapter 61.--

8 (3) If the person fails to comply with the directives
9 of the court within the 30-day period, or, in non-IV-D cases,
10 fails to comply with the requirements of s. 61.13016 within
11 the period specified in that statute, the depository or the
12 clerk of the court shall notify the department of such failure
13 within 10 5 days. Upon receipt of the notice, the department
14 shall immediately issue an order suspending the person's
15 driver's license and privilege to drive effective 20 days
16 after the date the order of suspension is mailed in accordance
17 with s. 322.251(1), (2), and (6).

18 Section 45. Subsections (4), (5), (6), (7), and (8) of
19 section 322.28, Florida Statutes, 1998 Supplement, are amended
20 to read:

21 322.28 Period of suspension or revocation.--

22 ~~(4) Upon the conviction of a person for a violation of~~
23 ~~s. 322.34, the license or driving privilege, if suspended,~~
24 ~~shall be suspended for 3 months in addition to the period of~~
25 ~~suspension previously imposed and, if revoked, the time after~~
26 ~~which a new license may be issued shall be delayed 3 months.~~

27 ~~(5) If, in any case arising under this section, a~~
28 ~~licensee, after having been given notice of suspension or~~
29 ~~revocation of his or her license in the manner provided in s.~~
30 ~~322.251, fails to surrender to the department a license~~
31 ~~theretofore suspended or revoked, as required by s. 322.29, or~~

1 ~~fails otherwise to account for the license to the satisfaction~~
2 ~~of the department, the period of suspension of the license, or~~
3 ~~the period required to elapse after revocation before a new~~
4 ~~license may be issued, shall be extended until, and shall not~~
5 ~~expire until, a period has elapsed after the date of surrender~~
6 ~~of the license, or after the date of expiration of the~~
7 ~~license, whichever occurs first, which is identical in length~~
8 ~~with the original period of suspension or revocation.~~

9 (4)~~(6)~~(a) Upon a conviction for a violation of s.
10 316.193(3)(c)2., involving serious bodily injury, a conviction
11 of manslaughter resulting from the operation of a motor
12 vehicle, or a conviction of vehicular homicide, the court
13 shall revoke the driver's license of the person convicted for
14 a minimum period of 3 years. If ~~In the event that~~ a conviction
15 under s. 316.193(3)(c)2., involving serious bodily injury, is
16 also a subsequent conviction as described under paragraph
17 (2)(a), the court shall revoke the driver's license or driving
18 privilege of the person convicted for the period applicable as
19 provided in paragraph (2)(a) or paragraph (2)(e).

20 (b) If the period of revocation was not specified by
21 the court at the time of imposing sentence or within 30 days
22 thereafter, the department shall revoke the driver's license
23 for the minimum period applicable under paragraph (a) or, for
24 a subsequent conviction, for the minimum period applicable
25 under paragraph (2)(a) or paragraph (2)(e).

26 (5)~~(7)~~ A court may not stay the ~~No~~ administrative
27 suspension of a driving privilege under s. 322.2615 or s.
28 322.2616 during judicial ~~shall be stayed upon a request for~~
29 review of the departmental order that resulted in such
30 suspension and a, ~~except as provided in former s. 322.261, no~~
31 suspension or revocation of a driving privilege may not ~~shall~~

1 be stayed upon an appeal of the conviction or order that
2 resulted in the suspension or revocation ~~therein~~.

3 ~~(6)(8)~~ In a prosecution for a violation of s.
4 316.172(1), and upon a showing of the department's records
5 that the licensee has received a second conviction within ~~a~~
6 ~~period of~~ 5 years following ~~from~~ the date of a prior
7 conviction of s. 316.172(1), the department shall, upon
8 direction of the court, suspend the driver's license of the
9 person convicted for a period of not less than 90 days or ~~nor~~
10 more than 6 months.

11 Section 46. Subsection (6) of section 322.34, Florida
12 Statutes, 1998 Supplement, is amended to read:

13 322.34 Driving while license suspended, revoked,
14 canceled, or disqualified.--

15 (6) Any person who operates a motor vehicle:

16 (a) Without having a driver's license as required
17 under s. 322.03; or

18 (b) While his or her driver's license or driving
19 privilege is canceled, suspended, or revoked pursuant to s.

20 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) or

21 (4)~~(5)~~,

22
23 and who by careless or negligent operation of the motor
24 vehicle causes the death of or serious bodily injury to
25 another human being is guilty of a felony of the third degree,
26 punishable as provided in s. 775.082 or s. 775.083.

27 Section 47. Subsection (5) of section 324.201, Florida
28 Statutes, is amended to read:

29 324.201 Return of license or registration to
30 department.--

31

1 (5) When a recovery agent or recovery agency obtains a
2 seized license plate in accordance with this chapter, the
3 license plate shall be delivered to a driver license office on
4 the next business day ~~local law enforcement agencies must be~~
5 ~~notified of the recovery within 6 hours after seizure. The~~
6 ~~recovery agent or recovery agency shall deliver the license~~
7 ~~plate to the local law enforcement authorities and obtain a~~
8 ~~receipt upon delivery of the license plate for claim record~~
9 ~~purposes with the department pursuant to the procedure~~
10 ~~prescribed in this section.~~

11 Section 48. Effective July 1, 2000, section 324.202,
12 Florida Statutes, is amended to read:

13 324.202 Seizure of motor vehicle license plates by
14 recovery agents.--

15 (1) The Department of Highway Safety and Motor
16 Vehicles shall implement a pilot program using recovery agents
17 for the seizure of license plates in Broward County, Dade
18 County, and Hillsborough County. Licensed recovery agents and
19 recovery agencies as described in s. 493.6101(20) and (21) may
20 seize license plates of motor vehicles whose registrations
21 have been suspended pursuant to s. 316.646 or s. 627.733 in
22 such counties upon compliance with this section and rules of
23 the Department of Highway Safety and Motor Vehicles. Upon the
24 implementation of the vehicle information system overall
25 reorganization to the Oracle database of driver licenses and a
26 verification of an error rate of 2 percent or less for valid
27 license plates seized during the period following
28 implementation of the database, as determined by the Office of
29 Program Policy Analysis and Government Accountability, the
30 program shall be expanded to those counties where a majority
31 of the governing body of the county has requested the program

1 be implemented. The determination by the Office of Program
2 Policy Analysis and Government Accountability shall be
3 submitted to the Senate and the House of Representatives
4 committees responsible for insurance and transportation issues
5 no later than January 1, 2001. The program authorizing
6 recovery agents and agencies to seize license plates shall be
7 repealed July 1, 2002.~~The Department of Highway Safety and~~
8 ~~Motor Vehicles shall implement a pilot project in Broward~~
9 ~~County, Dade County, and Hillsborough County to determine the~~
10 ~~effectiveness of using recovery agents for the seizure of~~
11 ~~license plates. On October 1, 1996, the department shall~~
12 ~~provide a report to the President of the Senate, the Speaker~~
13 ~~of the House of Representatives, the chair of the Senate~~
14 ~~Commerce Committee, the chair of the House Insurance~~
15 ~~Committee, and the Majority and Minority Leaders of the Senate~~
16 ~~and the House of Representatives, on the results of the pilot~~
17 ~~project. Licensed recovery agents and recovery agencies as~~
18 ~~described in s. 493.6101(20) and (21) may seize license plates~~
19 ~~of motor vehicles whose registrations have been suspended~~
20 ~~pursuant to s. 316.646 or s. 627.733 in such counties upon~~
21 ~~compliance with this section and rules of the Department of~~
22 ~~Highway Safety and Motor Vehicles.~~

23 (2) The Department of Highway Safety and Motor
24 Vehicles shall:

25 (a) Provide a procedure for ~~the payment of fees to~~
26 ~~recovery agents or recovery agencies who seize license plates~~
27 ~~pursuant to this section. This procedure shall include the~~
28 ~~development and distribution of forms and monthly renewal~~
29 ~~notices, including the name and most current address available~~
30 ~~to the department of persons not in compliance with s. 316.646~~
31 ~~or s. 627.733, which shall be used by the seizing recovery~~

1 ~~agent or recovery agency to transmit the seized license plate~~
2 ~~to the local law enforcement agency pursuant to s. 324.201.~~

3 (b) Provide a method for the payment of a the fee of
4 \$25 in s. 627.733(7) to the recovery agent or recovery agency
5 seizing an eligible the license plate pursuant to this
6 section. ~~The requirements with respect to payment must provide~~
7 ~~that when the owner or operator whose driver's license has~~
8 ~~been suspended under s. 316.646 or s. 627.733 pays the~~
9 ~~reinstatement fee to the Department of Highway Safety and~~
10 ~~Motor Vehicles, the department shall pay the recovery agent.~~

11 Section 49. Paragraphs (n) and (o) are added to
12 subsection (8) of section 325.207, Florida Statutes, to read:

13 325.207 Inspection stations; department contracts;
14 inspection requirements; recordkeeping.--

15 (8) Any contract authorized under this section shall
16 contain:

17 (n) A provision authorizing the department to amend
18 the contract if the Legislature enacts legislation that
19 changes the number of motor vehicle model years that are
20 subject to inspection requirements.

21 (o) A provision authorizing the contract to be amended
22 or canceled by the department upon statewide implementation of
23 clean fuel requirements promulgated by the United States
24 Environmental Protection Agency.

25 Section 50. Section 325.2135, Florida Statutes, 1998
26 Supplement, is amended to read:

27 325.2135 Motor vehicle emissions inspection program;
28 development of specifications; fees; reporting.--

29 ~~(1) The Department of Highway Safety and Motor~~
30 ~~Vehicles shall hire an independent expert consultant to~~
31 ~~develop appropriate request-for-proposal specifications and a~~

1 ~~range of inspection fees for the motor vehicle emissions~~
2 ~~inspection program based on an annual and a biennial~~
3 ~~inspection program for vehicles 4 model years old and older,~~
4 ~~using the basic test for hydrocarbon emissions and carbon~~
5 ~~monoxide emissions and other mobile source testing for nitrous~~
6 ~~oxides or other pollutants, and no later than January 1, 1999,~~
7 ~~to report to the President of the Senate and the Speaker of~~
8 ~~the House of Representatives setting forth the relevant facts~~
9 ~~and the department's recommendations. Notwithstanding the~~
10 ~~provisions of chapter 325, the department and the Governor and~~
11 ~~Cabinet, acting as head of that agency, are prohibited from~~
12 ~~entering into any contract or extension of a contract for any~~
13 ~~form of motor vehicles emissions testing without legislative~~
14 ~~approval through the enactment of specific legislation~~
15 ~~directing the department to implement an inspection program~~
16 ~~and establishing a fee for the program.~~

17 ~~(2) If no specific legislation is passed during the~~
18 ~~1999 legislative session to direct the department to implement~~
19 ~~a motor vehicle inspection program, the department may issue a~~
20 ~~request for proposal and~~ The department may extend the current
21 emissions inspection program contracts for a period of time
22 sufficient to implement new contracts resulting from
23 competitive proposals, and shall enter into and implement one
24 or more contracts by June 30, 2000, for a biennial inspection
25 program for vehicles, except the current model year and the
26 two prior model years, 5 model years and older using the basic
27 test for hydrocarbon emissions and carbon monoxide emissions.
28 The requirements for the program included in the proposals
29 must be based on the requirements under chapter 325 unless
30 those requirements conflict with this section. No contract
31 entered into under this subsection may be for longer than 7 2

1 years. Any contract authorized under this section must contain
2 a provision that, after 4 years, the department reserves the
3 right to cancel the contract upon 6 months' notice to the
4 contractor. Notwithstanding the provisions of s. 325.214, if
5 the fee for motor vehicle inspection proposed by the
6 Department of Highway Safety and Motor Vehicles may not will
7 exceed \$19~~\$10~~ per inspection., ~~the department may impose the~~
8 ~~higher fee if such fee is approved through the budget~~
9 ~~amendment process set forth in chapter 216 and notice is~~
10 ~~provided to the chairmen of the Senate and House~~
11 ~~Transportation and Natural Resources Committees at the time it~~
12 ~~is provided to the Senate Ways and Means and House~~
13 ~~Appropriations Committees.~~

14 Section 51. Subsection (2) of section 325.214, Florida
15 Statutes, 1998 Supplement, is amended to read:

16 325.214 Motor vehicle inspection; fees; disposition of
17 fees.--

18 (2) The inspection fee may not exceed \$19 ~~shall be~~
19 ~~\$10~~. Notwithstanding any other provision of law to the
20 contrary, an additional fee of \$1 shall be assessed upon the
21 issuance of each dealer certificate, which fee shall be
22 forwarded to the department for deposit into the Highway
23 Safety Operating Trust Fund.

24 Section 52. Section 327.031, Florida Statutes, is
25 amended to read:

26 327.031 Suspension or denial of a vessel registration
27 due to child support delinquency; dishonored checks.--

28 (1) The department must allow applicants for new or
29 renewal registrations to be screened by the Department of
30 Revenue, as the Title IV-D child support agency under s.
31 409.2598, or by a non-IV-D obligee to assure compliance with a

1 support obligation. The purpose of this section is to promote
2 the public policy of this state as established in s. 409.2551.
3 The department must, when directed by the court, deny or
4 suspend the vessel registration of any applicant found to have
5 a delinquent child support obligation. The department must
6 issue or reinstate a registration when notified by the Title
7 IV-D agency or the court that the applicant has complied with
8 the terms of the court order. The department may not be held
9 liable for any registration denial or suspension resulting
10 from the discharge of its duties under this section.

11 (2) The department may deny or cancel any vessel
12 registration if the owner pays for the registration by a
13 dishonored check.

14 Section 53. Subsection (3) of section 327.11, Florida
15 Statutes, is amended, present subsection (6) is renumbered as
16 subsection (8) and amended, and new subsections (6) and (7)
17 are added to that section, to read:

18 327.11 Vessel registration, application, certificate,
19 number, decal, duplicate certificate.--

20 (3) The Department of Highway Safety and Motor
21 Vehicles shall issue certificates of registration and numbers
22 for city, county, and state-owned vessels, charging only the
23 service fees required in s. 327.25(7) and (8)~~at no charge~~,
24 provided the vessels are used for purposes other than
25 recreation.

26 (6) When a vessel decal has been stolen, the owner of
27 the vessel for which the decal was issued shall make
28 application to the department for a replacement. The
29 application shall contain the decal number being replaced and
30 a statement that the item was stolen. If the application
31 includes a copy of the police report prepared in response to a

1 report of a stolen decal, such decal shall be replaced at no
2 charge.

3 (7) Any decal lost in the mail may be replaced at no
4 charge. The service charge shall not be applied to this
5 replacement; however, the application for a replacement shall
6 contain a statement of such fact, the decal number, and the
7 date issued.

8 (8)~~(6)~~ Anyone guilty of falsely certifying any facts
9 relating to application, certificate, transfer, number, decal,
10 ~~or duplicate, or replacement~~ certificates or any information
11 required under this section shall be punished as provided
12 under this chapter.

13 Section 54. Subsection (2) of section 327.23, Florida
14 Statutes, is amended to read:

15 327.23 Exemption of vessels and outboard motors from
16 personal property tax; temporary certificate of registration;
17 vessel registration certificate fee.--

18 (2) A temporary certificate of registration may be
19 issued to a vessel for use in the following cases:

20 (a) which The owner has made application to the United
21 States Coast Guard for documentation and has paid the
22 applicable registration certificate fee pursuant to s.
23 327.25(1). A temporary certificate of registration shall only
24 be issued upon proof that all applicable state sales taxes
25 have been paid and that the application for documentation is
26 on file with the United States Coast Guard. Any reregistration
27 of such a vessel without the submission of the vessel's
28 documentation papers shall require written verification from
29 the United States Coast Guard as to the current status of the
30 application for the vessel's documentation. Upon receipt of
31 the vessel's documentation papers, the owner shall bring them

1 to the agent issuing the temporary certificate for official
2 recording of information.

3 (b) An out-of-state resident, subject to registration
4 in this state, who must secure ownership documentation from
5 the home state, and is unable to submit an out-of-state title
6 because it is being held by an out-of-state lienholder.

7 Section 55. Paragraphs (b) and (c) of subsection (2),
8 paragraph (b) of subsection (4), subsection (6), paragraph (c)
9 of subsection (12), and subsection (15) of section 327.25,
10 Florida Statutes, are amended to read:

11 327.25 Classification; registration; fees and charges;
12 surcharge; disposition of fees; fines; marine turtle
13 stickers.--

14 (2) ANTIQUE VESSEL REGISTRATION FEE.--

15 (b) The registration number for an antique vessel
16 shall be displayed as provided in ~~affixed on the forward half~~
17 ~~of the hull or on the port side of the windshield according to~~
18 ss. 327.11 and 327.14.

19 (c) The Department of Highway Safety and Motor
20 Vehicles may issue a decal identifying the vessel as an
21 antique vessel. The decal shall be displayed as provided in s.
22 327.11 ~~placed within 3 inches of the registration number.~~

23 (4) TRANSFER OF OWNERSHIP.--

24 (b) If a vessel is an antique as defined in subsection
25 (2), the application shall be accompanied by either a
26 certificate of title, a ~~notarized~~ bill of sale and a
27 registration, or a ~~notarized~~ bill of sale and an affidavit by
28 the owner defending the title from all claims. The bill of
29 sale must contain a complete vessel description to include the
30 hull identification number and engine number, if appropriate;

31

1 the year, make, and color of the vessel; the selling price;
2 and the signatures of the seller and purchaser.

3 (6) CHANGE OF CLASSIFICATION.--If the classification
4 of a vessel changes from noncommercial to commercial, or from
5 commercial to noncommercial, and a current registration
6 certificate has been issued to the owner, the owner shall
7 within 30 days forward his or her certificate to the county
8 tax collector with a fee of \$2.25 and a new certificate shall
9 be issued.

10 (12) REGISTRATION.--

11 (c) Effective July 1, 1996, the following registration
12 periods and renewal periods are established:

13 1. For vessels owned by individuals, the registration
14 period begins the first day of the birth month of the owner
15 and ends the last day of the month immediately preceding the
16 owner's birth month in the succeeding year. If the vessel is
17 registered in the name of more than one person, the birth
18 month of the person whose name first appears on the
19 registration shall be used to determine the registration
20 period. For a vessel subject to this registration period, the
21 renewal period is the 30-day period ending at midnight on the
22 vessel owner's date of birth.

23 2. For vessels owned by companies, corporations,
24 governmental entities, ~~those entities listed under subsection~~
25 ~~(11)~~, and registrations issued to dealers and manufacturers,
26 the registration period begins July 1 and ends June 30. The
27 renewal period is the 30-day period beginning June 1.

28 (15) EXEMPTIONS.--Vessels owned and operated by Sea
29 Explorer or Sea Scout units of the Boy Scouts of America, the
30 Girl Scouts of America, the Florida Association of Christian
31 Child Caring Agencies ~~Safe Harbor Haven~~, Inc., or the

1 Associated Marine Institutes, Inc., and its affiliates, or
2 which are antique vessels as defined in paragraph (2)(a) are
3 exempt from the provisions of subsection (1). Such vessels
4 shall be issued certificates of registration and numbers upon
5 application and payment of the service fee provided in
6 subsection (7).

7 Section 56. Section 327.255, Florida Statutes, is
8 created to read:

9 327.255 Registration; duties of tax collectors.--

10 (1) The tax collectors in the counties of the state,
11 as authorized agents of the department, shall issue
12 registration certificates and vessel numbers and decals to
13 applicants, subject to the requirements of law and in
14 accordance with rules of the department.

15 (2) Each tax collector shall keep a full and complete
16 record and account of all vessel decals or other properties
17 received by him or her from the department or from any other
18 source and shall make prompt remittance of moneys collected by
19 him or her at the times and in the manner prescribed by law.

20 (3) A fee of 50 cents shall be charged in addition to
21 the fees required under s. 327.25 on every vessel decal
22 registration sold to cover the cost of the Florida Real Time
23 Vehicle Information System. The fees collected under this
24 section shall be deposited into the Highway Safety Operating
25 Trust Fund and shall be used to fund that system and may be
26 used to fund the general operations of the department.

27 Section 57. Section 327.256, Florida Statutes, is
28 created to read:

29 327.256 Advanced registration renewal; procedures.--

30 (1) The owner of any vessel currently registered in
31 this state may file an application for renewal of registration

1 with the department, or its authorized agent in the county
2 wherein the owner resides, any time during the 3 months
3 preceding the date of expiration of the registration period.

4 (2) Upon the filing of the application and payment of
5 the appropriate vessel registration fee and service charges
6 required by s. 327.25 and any additional fees required by law,
7 the department or its agents shall issue to the owner of the
8 vessel a decal and registration. When the decal is affixed to
9 the vessel, the registration is renewed for the appropriate
10 registration period.

11 (3) Any person who uses a vessel decal without lawful
12 authority or who willfully violates any rule of the department
13 relating to this section shall be punished as provided under
14 this chapter.

15 Section 58. Paragraph (c) of subsection (3) of section
16 328.01, Florida Statutes, is amended to read:

17 328.01 Application for certificate of title.--

18 (3)

19 (c) In making application for transfer of title from a
20 deceased titled owner, the new owner or surviving coowner
21 shall establish proof of ownership by submitting with the
22 application the original certificate of title and the
23 decedent's probated last will and testament or letters of
24 administration appointing the personal representative of the
25 decedent. In lieu of a probated last will and testament or
26 letters of administration, a copy of the decedent's death
27 certificate, a ~~certified~~ copy of the decedent's last will and
28 testament, and an affidavit by the decedent's surviving spouse
29 or heirs affirming rights of ownership may be accepted by the
30 department. If the decedent died intestate, a court order
31 awarding the ownership of the vessel or an affidavit by the

1 decedent's surviving spouse or heirs establishing or releasing
2 all rights of ownership and a copy of the decedent's death
3 certificate shall be submitted to the department.

4 Section 59. Subsection (3) of section 328.11, Florida
5 Statutes, is amended to read:

6 328.11 Duplicate certificate of title.--

7 (3) If, following the issuance of an original,
8 duplicate, or corrected certificate of title by the
9 department, the certificate is lost in transit and is not
10 delivered to the addressee, the owner of the vessel or the
11 holder of a lien thereon may, within 180 ~~90~~ days after the
12 date of issuance of the title, apply to the department for
13 reissuance of the certificate of title. An additional fee may
14 not be charged for reissuance under this subsection.

15 Section 60. Paragraph (c) of subsection (2) and
16 subsection (7) of section 328.15, Florida Statutes, are
17 amended, present subsection (8) is renumbered as subsection
18 (12), and new subsections (8), (9), (10), and (11) are added
19 to that section, to read:

20 328.15 Notice of lien on vessel; recording.--

21 (2)

22 (c) If the owner of the vessel as shown on the title
23 certificate or the director of the state child support
24 enforcement program desires to place a second or subsequent
25 lien or encumbrance against the vessel when the title
26 certificate is in the possession of the first lienholder, the
27 owner shall send a written request to the first lienholder by
28 certified mail and such first lienholder shall forward the
29 certificate to the department for endorsement. The department
30 shall return the certificate to the first lienholder, as
31 indicated in the notice of lien filed by the first lienholder,

1 after endorsing the second or subsequent lien on the
2 certificate and on the duplicate. If the first lienholder
3 fails, neglects, or refuses to forward the certificate of
4 title to the department within 10 days after the date of the
5 owner's or the director's request, the department, on written
6 request of the subsequent lienholder or an assignee thereof,
7 shall demand of the first lienholder the return of such
8 certificate for the notation of the second or subsequent lien
9 or encumbrance.~~The director of the state child support~~
10 ~~enforcement program may place a subsequent lien or encumbrance~~
11 ~~against a vessel having a recorded first lien by sending a~~
12 ~~written request to the first lienholder by certified mail.~~
13 ~~The first lienholder shall forward the certificate to the~~
14 ~~Department of Highway Safety and Motor Vehicles for~~
15 ~~endorsement, and the department shall return the certificate~~
16 ~~to the first lienholder after endorsing the subsequent lien on~~
17 ~~the certificate and on the duplicate.~~

18 (7)(a) Should any person, firm, or corporation holding
19 such lien, which has been recorded by the Department of
20 Highway Safety and Motor Vehicles, upon payment of such lien
21 and on demand, fail or refuse, within 30 days after such
22 payment and demand, to furnish the debtor or the registered
23 owner of such vessel ~~motorboat~~ a satisfaction of the lien,
24 then, in that event, such person, firm, or corporation shall
25 be held liable for all costs, damages, and expenses, including
26 reasonable attorney's fees, lawfully incurred by the debtor or
27 the registered owner of such vessel ~~motorboat~~ in any suit
28 which may be brought in the courts of this state for the
29 cancellation of such lien.

30 (b) Following satisfaction of a lien, the lienholder
31 shall enter a satisfaction thereof in the space provided on

1 the face of the certificate of title. If there are no
2 subsequent liens shown thereon, the certificate shall be
3 delivered by the lienholder to the person satisfying the lien
4 or encumbrance and an executed satisfaction on a form provided
5 by the department shall be forwarded to the department by the
6 lienholder within 10 days after satisfaction of the lien.

7 (c) If the certificate of title shows a subsequent
8 lien not then being discharged, an executed satisfaction of
9 the first lien shall be delivered by the lienholder to the
10 person satisfying the lien and the certificate of title
11 showing satisfaction of the first lien shall be forwarded by
12 the lienholder to the department within 10 days after
13 satisfaction of the lien.

14 (d) If, upon receipt of a title certificate showing
15 satisfaction of the first lien, the department determines from
16 its records that there are no subsequent liens or encumbrances
17 upon the vessel, the department shall forward to the owner, as
18 shown on the face of the title, a corrected certificate
19 showing no liens or encumbrances. If there is a subsequent
20 lien not being discharged, the certificate of title shall be
21 reissued showing the second or subsequent lienholder as the
22 first lienholder and shall be delivered to the new first
23 lienholder. The first lienholder shall be entitled to retain
24 the certificate of title until his or her lien is satisfied.
25 Upon satisfaction of the lien, the lienholder shall be subject
26 to the procedures required of a first lienholder in this
27 subsection and in subsection (2).

28 (8) When the original certificate of title cannot be
29 returned to the department by the lienholder and evidence
30 satisfactory to the department is produced that all liens or
31 encumbrances have been satisfied, upon application by the

1 owner for a duplicate copy of the certificate of title, upon
2 the form prescribed by the department, accompanied by the fee
3 prescribed in this chapter, a duplicate copy of the
4 certificate of title without statement of liens or
5 encumbrances shall be issued by the department and delivered
6 to the owner.

7 (9) Any person who fails, within 10 days after receipt
8 of a demand by the department by certified mail, to return a
9 certificate of title to the department as required by
10 subsection (2)(c) or who, upon satisfaction of a lien, fails
11 within 10 days after receipt of such demand to forward the
12 appropriate document to the department as required by
13 paragraph (7)(b) or paragraph (7)(c) commits a misdemeanor of
14 the second degree, punishable as provided in s. 775.082 or s.
15 775.083.

16 (10) The department is not required to retain on file
17 any bill of sale or duplicate thereof, notice of lien, or
18 satisfaction of lien covering any vessel for a period longer
19 than 7 years after the date of the filing thereof, and
20 thereafter the same may be destroyed.

21 (11) The department shall use the last known address
22 as shown by its records when sending any notice required by
23 this section.

24 Section 61. Subsection (3) of section 328.16, Florida
25 Statutes, is amended, and subsection (5) is added to that
26 section, to read:

27 328.16 Issuance in duplicate; delivery; liens and
28 encumbrances.--

29 (3) Except as provided in s. 328.15(12)~~s. 328.15(8)~~,
30 the certificate of title shall be retained by the first
31

1 lienholder. The first lienholder is entitled to retain the
2 certificate until the first lien is satisfied.

3 (5) The owner of a vessel, upon which a lien has been
4 filed with the department or noted upon a certificate of title
5 for a period of 5 years, may apply to the department in
6 writing for such lien to be removed from the department files
7 or from the certificate of title. The application must be
8 accompanied by evidence satisfactory to the department that
9 the applicant has notified the lienholder by certified mail,
10 not less than 20 days prior to the date of the application, of
11 his or her intention to apply to the department for removal of
12 the lien. Ten days after receipt of the application, the
13 department may remove the lien from its files or from the
14 certificate of title, as the case may be, if no statement in
15 writing protesting removal of the lien is received by the
16 department from the lienholder within the 10-day period.
17 However, if the lienholder files with the department, within
18 the 10-day period, a written statement that the lien is still
19 outstanding, the department may not remove the lien until the
20 lienholder presents a satisfaction of lien to the department.

21 Section 62. Section 328.165, Florida Statutes, is
22 created to read:

23 328.165 Cancellation of certificates.--

24 (1) If it appears that a certificate of title has been
25 improperly issued, the department shall cancel the
26 certificate. Upon cancellation of any certificate of title,
27 the department shall notify the person to whom the certificate
28 of title was issued, and any lienholders appearing thereon, of
29 the cancellation and shall demand the surrender of the
30 certificate of title; however, the cancellation does not
31 affect the validity of any lien noted thereon. The holder of

1 the certificate of title shall immediately return it to the
2 department. If a certificate of registration has been issued
3 to the holder of a certificate of title so canceled, the
4 department shall immediately cancel the certificate of
5 registration and demand the return of the certificate of
6 registration and the holder of such certificate of
7 registration shall immediately return it to the department.

8 (2) The department may, upon application by any person
9 and payment of the proper fees, prepare and furnish lists
10 containing title information in such form as the department
11 authorizes, search the records of the department and make
12 reports thereof, and make photographic copies of the
13 department records and attestations thereof.

14 Section 63. Subsection (7) of section 627.733, Florida
15 Statutes, 1998 Supplement, is amended to read:

16 627.733 Required security.--

17 (7)~~(a)~~ Any operator or owner whose driver's license or
18 registration has been suspended pursuant to this section or s.
19 316.646 may effect its reinstatement upon compliance with the
20 requirements of this section and upon payment to the
21 Department of Highway Safety and Motor Vehicles of a
22 nonrefundable reinstatement fee of \$150 for the first
23 reinstatement. Such reinstatement fee shall be \$250 for the
24 second reinstatement and \$500 for each subsequent
25 reinstatement during the 3 years following the first
26 reinstatement. Any person reinstating her or his insurance
27 under this subsection must also secure noncancelable coverage
28 as described in s. 627.7275(2) and present to the appropriate
29 person proof that the coverage is in force on a form
30 promulgated by the Department of Highway Safety and Motor
31 Vehicles, such proof to be maintained for 2 years. If the

1 person does not have a second reinstatement within 3 years
2 after her or his initial reinstatement, the reinstatement fee
3 shall be \$150 for the first reinstatement after that 3-year
4 period. In the event that a person's license and registration
5 are suspended pursuant to this section or s. 316.646, only one
6 reinstatement fee shall be paid to reinstate the license and
7 the registration. All fees shall be collected by the
8 Department of Highway Safety and Motor Vehicles at the time of
9 reinstatement. The Department of Highway Safety and Motor
10 Vehicles shall issue proper receipts for such fees and shall
11 promptly deposit those fees in the Highway Safety Operating
12 Trust Fund. One-third of the fee collected under this
13 subsection shall be distributed from the Highway Safety
14 Operating Trust Fund to the local government entity or state
15 agency which employed the law enforcement officer or the
16 recovery agent who seizes a license plate pursuant to s.
17 324.201 or to s. 324.202. Such funds may be used by the local
18 government entity or state agency for any authorized purpose.

19 ~~(b) One-third of the fee collected for the seizure of~~
20 ~~a license plate by a recovery agent shall be paid to the~~
21 ~~recovery agent, and the balance shall remain in the Highway~~
22 ~~Safety Operating Trust Fund and be distributed pursuant to s.~~
23 ~~321.245.~~

24 Section 64. Paragraph (b) of subsection (4) and
25 paragraph (c) of subsection (7) of section 713.78, Florida
26 Statutes, 1998 Supplement, are amended to read:

27 713.78 Liens for recovering, towing, or storing
28 vehicles and undocumented vessels.--

29 (4)

30 (b) Notice by certified mail, return receipt
31 requested, shall be sent within 7 business days after the date

1 of storage of the vehicle or vessel to the registered owner
2 and to all persons of record claiming a lien against the
3 vehicle or vessel. It shall state the fact of possession of
4 the vehicle or vessel, that a lien as provided in subsection
5 (2) is claimed, that charges have accrued and the amount
6 thereof, that the lien is subject to enforcement pursuant to
7 law, and that the owner or lienholder, if any, has the right
8 to a hearing as set forth in subsection (5), and that any
9 vehicle or vessel which remains unclaimed, or for which the
10 charges for recovery, towing, or storage services remain
11 unpaid, may be sold after ~~in~~ 35 days free of all prior liens.

12 (7)

13 (c) Any law enforcement agency requesting that a motor
14 vehicle be removed from an accident scene, street, or highway
15 must conduct an inventory and prepare a written record of all
16 personal property found in the vehicle before the vehicle is
17 removed by a wrecker operator. However, if the owner or driver
18 of the motor vehicle is present and accompanies the vehicle,
19 no inventory by law enforcement is required. A wrecker
20 operator is not liable for the loss of personal property
21 alleged to be contained in such a vehicle when such personal
22 property was not identified on the inventory record prepared
23 by the law enforcement agency requesting the removal of the
24 vehicle.

25 Section 65. Subsection (1) of section 732.9215,
26 Florida Statutes, is amended to read:

27 732.9215 Education program relating to anatomical
28 gifts.--The Agency for Health Care Administration, subject to
29 the concurrence of the Department of Highway Safety and Motor
30 Vehicles, shall develop a continuing program to educate and
31 inform medical professionals, law enforcement agencies and

1 officers, high school children, state and local government
2 employees, and the public regarding the laws of this state
3 relating to anatomical gifts and the need for anatomical
4 gifts.

5 (1) The program is to be implemented with the
6 assistance of the organ and tissue donor education panel as
7 provided in s. 732.9216 and with the funds collected under ss.
8 320.08047 and 322.08(6)(b)~~322.08(7)(b)~~. Existing community
9 resources, when available, must be used to support the
10 program, and volunteers may assist the program to the maximum
11 extent possible. The Agency for Health Care Administration may
12 contract for the provision of all or any portion of the
13 program. When awarding such contract, the agency shall give
14 priority to existing nonprofit groups that are located within
15 the community, including within the minority communities
16 specified in subsection (2). The program aimed at educating
17 medical professionals may be implemented by contract with one
18 or more medical schools located in the state.

19 Section 66. Subsection (1) of section 732.9216,
20 Florida Statutes, is amended to read:

21 732.9216 Organ and tissue donor education panel.--

22 (1) The Legislature recognizes that there exists in
23 the state a shortage of organ and tissue donors to provide the
24 organs and tissue that could save lives or enhance the quality
25 of life for many Floridians. The Legislature further
26 recognizes the need to encourage the various minority
27 populations of Florida to donate organs and tissue. It is the
28 intent of the Legislature that the funds collected pursuant to
29 ss. 320.08047 and 322.08(6)(b)~~322.08(7)(b)~~ be used for
30 educational purposes aimed at increasing the number of organ
31 and tissue donors, thus affording more Floridians who are

1 awaiting organ or tissue transplants the opportunity for a
2 full and productive life.

3 Section 67. Paragraph (a) of subsection (3) of section
4 812.014, Florida Statutes, is amended, and subsection (5) is
5 added to that section, to read:

6 812.014 Theft.--

7 (3)(a) Theft of any property not specified in
8 subsection (2) is petit theft of the second degree and a
9 misdemeanor of the second degree, punishable as provided in s.
10 775.082 or s. 775.083, and as provided in subsection (5), as
11 applicable.

12 (5)(a) No person shall drive a motor vehicle so as to
13 cause it to leave the premises of an establishment at which
14 gasoline offered for retail sale was dispensed into the fuel
15 tank of such motor vehicle unless the payment of authorized
16 charge for the gasoline dispensed has been made.

17 (b) In addition to the penalties prescribed in
18 paragraph (3)(a), every judgment of guilty of a petit theft
19 for property described in this subsection shall provide for
20 the suspension of the convicted person's driver's license. The
21 court shall forward the driver's license to the Department of
22 Highway Safety and Motor Vehicles in accordance with s.
23 322.25.

24 1. The first suspension of a driver's license under
25 this subsection shall be for a period of up to 6 months.

26 2. The second or subsequent suspension of a driver's
27 license under this subsection shall be for a period of 1 year.

28 Section 68. Subsection (1) of section 832.06, Florida
29 Statutes, is amended to read:

30 832.06 Prosecution for worthless checks given tax
31 collector for licenses or taxes; refunds.--

1 (1) Whenever any person, firm, or corporation violates
2 the provisions of s. 832.05 by drawing, making, uttering,
3 issuing, or delivering to any county tax collector any check,
4 draft, or other written order on any bank or depository for
5 the payment of money or its equivalent for any tag, title,
6 lien, tax (except ad valorem taxes), penalty, or fee relative
7 to a boat, airplane, ~~or~~ motor vehicle, driver license, or
8 identification card; any occupational license, beverage
9 license, or sales or use tax; or any hunting or fishing
10 license, the county tax collector, after the exercise of due
11 diligence to locate the person, firm, or corporation which
12 drew, made, uttered, issued, or delivered the check, draft, or
13 other written order for the payment of money, or to collect
14 the same by the exercise of due diligence and prudence, shall
15 swear out a complaint in the proper court against the person,
16 firm, or corporation for the issuance of the worthless check
17 or draft. If the state attorney cannot sign the information
18 due to lack of proof, as determined by the state attorney in
19 good faith, for a prima facie case in court, he or she shall
20 issue a certificate so stating to the tax collector. If
21 payment of the dishonored check, draft, or other written
22 order, together with court costs expended, is not received in
23 full by the county tax collector within 30 days after service
24 of the warrant, 30 days after conviction, or 60 days after the
25 collector swears out the complaint or receives the certificate
26 of the state attorney, whichever is first, the county tax
27 collector shall make a written report to this effect to the
28 Department of Highway Safety and Motor Vehicles relative to
29 ~~airplanes and motor vehicles~~ and vessels, ~~to the Department of~~
30 ~~Environmental Protection relative to boats~~, to the Department
31 of Revenue relative to occupational licenses and the sales and

1 use tax, to the Division of Alcoholic Beverages and Tobacco of
2 the Department of Business and Professional Regulation
3 relative to beverage licenses, or to the Game and Fresh Water
4 Fish Commission relative to hunting and fishing licenses,
5 containing a statement of the amount remaining unpaid on the
6 worthless check or draft. If the information is not signed,
7 the certificate of the state attorney is issued, and the
8 written report of the amount remaining unpaid is made, the
9 county tax collector may request the sum be forthwith refunded
10 by the appropriate governmental entity, agency, or department.
11 If a warrant has been issued and served, he or she shall
12 certify to that effect, together with the court costs and
13 amount remaining unpaid on the check. The county tax collector
14 may request that the sum of money certified by him or her be
15 forthwith refunded by the Department of Highway Safety and
16 Motor Vehicles, ~~the Department of Environmental Protection,~~
17 the Department of Revenue, the Division of Alcoholic Beverages
18 and Tobacco of the Department of Business and Professional
19 Regulation, or the Game and Fresh Water Fish Commission to the
20 county tax collector. Within 30 days after receipt of the
21 request, the Department of Highway Safety and Motor Vehicles,
22 ~~the Department of Environmental Protection,~~ the Department of
23 Revenue, the Division of Alcoholic Beverages and Tobacco of
24 the Department of Business and Professional Regulation, or the
25 Game and Fresh Water Fish Commission, upon being satisfied as
26 to the correctness of the certificate of the tax collector, or
27 the report, shall refund to the county tax collector the sums
28 of money so certified or reported. If any officer of any court
29 issuing the warrant is unable to serve it within 60 days after
30 the issuance and delivery of it to the officer for service,
31 the officer shall make a written return to the county tax

1 collector to this effect. Thereafter, the county tax collector
2 may certify that the warrant has been issued and that service
3 has not been had upon the defendant and further certify the
4 amount of the worthless check or draft and the amount of court
5 costs expended by the county tax collector, and the county tax
6 collector may file the certificate with the Department of
7 Highway Safety and Motor Vehicles relative to motor vehicles
8 and vessels ~~airplanes~~, with the ~~Department of Environmental~~
9 ~~Protection relative to boats~~, with the Department of Revenue
10 relative to occupational licenses and the sales and use tax,
11 with the Division of Alcoholic Beverages and Tobacco of the
12 Department of Business and Professional Regulation relative to
13 beverage licenses, or with the Game and Fresh Water Fish
14 Commission relative to hunting and fishing licenses, together
15 with a request that the sums of money so certified be
16 forthwith refunded by the Department of Highway Safety and
17 Motor Vehicles, ~~the Department of Environmental Protection,~~
18 the Department of Revenue, the Division of Alcoholic Beverages
19 and Tobacco of the Department of Business and Professional
20 Regulation, or the Game and Fresh Water Fish Commission to the
21 county tax collector, and within 30 days after receipt of the
22 request, the Department of Highway Safety and Motor Vehicles,
23 ~~the Department of Environmental Protection,~~ the Department of
24 Revenue, the Division of Alcoholic Beverages and Tobacco of
25 the Department of Business and Professional Regulation, or the
26 Game and Fresh Water Fish Commission, upon being satisfied as
27 to the correctness of the certificate, shall refund the sums
28 of money so certified to the county tax collector.

29 Section 69. Paragraph (a) of subsection (2) of section
30 932.701, Florida Statutes, is amended to read:

31 932.701 Short title; definitions.--

1 (2) As used in the Florida Contraband Forfeiture Act:

2 (a) "Contraband article" means:

3 1. Any controlled substance as defined in chapter 893
4 or any substance, device, paraphernalia, or currency or other
5 means of exchange that was used, was attempted to be used, or
6 was intended to be used in violation of any provision of
7 chapter 893, if the totality of the facts presented by the
8 state is clearly sufficient to meet the state's burden of
9 establishing probable cause to believe that a nexus exists
10 between the article seized and the narcotics activity, whether
11 or not the use of the contraband article can be traced to a
12 specific narcotics transaction.

13 2. Any gambling paraphernalia, lottery tickets, money,
14 currency, or other means of exchange which was used, was
15 attempted, or intended to be used in violation of the gambling
16 laws of the state.

17 3. Any equipment, liquid or solid, which was being
18 used, is being used, was attempted to be used, or intended to
19 be used in violation of the beverage or tobacco laws of the
20 state.

21 4. Any motor fuel upon which the motor fuel tax has
22 not been paid as required by law.

23 5. Any personal property, including, but not limited
24 to, any vessel, aircraft, item, object, tool, substance,
25 device, weapon, machine, vehicle of any kind, money,
26 securities, books, records, research, negotiable instruments,
27 or currency, which was used or was attempted to be used as an
28 instrumentality in the commission of, or in aiding or abetting
29 in the commission of, any felony, whether or not comprising an
30 element of the felony, or which is acquired by proceeds
31

1 obtained as a result of a violation of the Florida Contraband
2 Forfeiture Act.

3 6. Any real property, including any right, title,
4 leasehold, or other interest in the whole of any lot or tract
5 of land, which was used, is being used, or was attempted to be
6 used as an instrumentality in the commission of, or in aiding
7 or abetting in the commission of, any felony, or which is
8 acquired by proceeds obtained as a result of a violation of
9 the Florida Contraband Forfeiture Act.

10 7. Any personal property, including, but not limited
11 to, equipment, money, securities, books, records, research,
12 negotiable instruments, currency, or any vessel, aircraft,
13 item, object, tool, substance, device, weapon, machine, or
14 vehicle of any kind in the possession of or belonging to any
15 person who takes aquaculture products in violation of s.
16 812.014(2)(c).

17 8. Any motor vehicle offered for sale in violation of
18 s. 320.28.

19 Section 70. For the purpose of incorporating the
20 amendment to section 932.701(2)(a), Florida Statutes, in
21 references thereto, subsection (6) of section 705.101, Florida
22 Statutes, and subsection (4) of section 932.703, Florida
23 Statutes, is reenacted to read:

24 705.101 Definitions.--As used in this chapter:

25 (6) "Unclaimed evidence" means any tangible personal
26 property, including cash, not included within the definition
27 of "contraband article," as provided in s. 932.701(2), which
28 was seized by a law enforcement agency, was intended for use
29 in a criminal or quasi-criminal proceeding, and is retained by
30 the law enforcement agency or the clerk of the county or
31

1 circuit court for 60 days after the final disposition of the
2 proceeding and to which no claim of ownership has been made.

3 932.703 Forfeiture of contraband article;
4 exceptions.--

5 (4) In any incident in which possession of any
6 contraband article defined in s. 932.701(2)(a) constitutes a
7 felony, the vessel, motor vehicle, aircraft, other personal
8 property, or real property in or on which such contraband
9 article is located at the time of seizure shall be contraband
10 subject to forfeiture. It shall be presumed in the manner
11 provided in s. 90.302(2) that the vessel, motor vehicle,
12 aircraft, other personal property, or real property in which
13 or on which such contraband article is located at the time of
14 seizure is being used or was attempted or intended to be used
15 in a manner to facilitate the transportation, carriage,
16 conveyance, concealment, receipt, possession, purchase, sale,
17 barter, exchange, or giving away of a contraband article
18 defined in s. 932.701(2).

19 Section 71. Paragraph (d) of subsection (6) of section
20 932.703, Florida Statutes, is amended to read:

21 932.703 Forfeiture of contraband article;
22 exceptions.--

23 (6)

24 (d) A vehicle that is rented or leased from a company
25 engaged in the business of renting or leasing vehicles, which
26 vehicle was rented or leased in the manner prescribed by law
27 prior to the seizure, may not be forfeited under the Florida
28 Contraband Forfeiture Act, and no fine, penalty, or
29 administrative charge, other than reasonable and customary
30 charges for towing and storage, shall be imposed by any
31 governmental agency on the company which rented or leased the

1 vehicle, unless the seizing agency establishes by
2 preponderance of the evidence that the renter or lessor had
3 actual knowledge, at the time the vehicle was rented or
4 leased, that the vehicle was being employed or was likely to
5 be employed in criminal activity. When a vehicle that is
6 rented or leased from a company engaged in the business of
7 renting or leasing vehicles is seized under the Florida
8 Contraband Forfeiture Act, upon learning the address or phone
9 number of the company, the seizing law enforcement agency
10 shall, as soon as practicable, inform the company that the
11 vehicle has been seized and is available for the company to
12 take possession upon payment of the reasonable and customary
13 charges for towing and storage.

14 Section 72. (1) SHORT TITLE AND PURPOSE.--

15 (a) This section may be cited as the "Florida Clean
16 Fuel Act."

17 (b) The purposes of this act are to establish the
18 Clean Fuel Florida Advisory Board under the Department of
19 Community Affairs to study the implementation of alternative
20 fuel vehicles and to formulate and provide to the Secretary of
21 Community Affairs recommendations on expanding the use of
22 alternative fuel vehicles in this state and make funding
23 available for implementation.

24 (2) DEFINITIONS.--For purposes of this act:

25 (a) "Alternative fuels" include electricity,
26 biodiesel, natural gas, propane, and any other fuel that may
27 be deemed appropriate in the future by the Department of
28 Community Affairs with guidance from the Clean Fuel Florida
29 Advisory Board.

30 (b) "Alternative fuel vehicles" include on-road and
31 off-road transportation vehicles and light-duty, medium-duty,

1 and heavy-duty vehicles that are powered by an alternative
2 fuel or a combination of alternative fuels.

3 (3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED;
4 MEMBERSHIP; DUTIES AND RESPONSIBILITIES.--

5 (a) The Clean Fuel Florida Advisory Board is
6 established within the Department of Community Affairs.

7 (b)1. The advisory board shall consist of the
8 Secretary of Community Affairs, or a designee from that
9 department, the Secretary of Environmental Protection, or a
10 designee from that department, the Secretary of Education, or
11 a designee from that department, the Secretary of
12 Transportation, or a designee from that department, the
13 Commissioner of Agriculture, or a designee from the department
14 of Agriculture and Consumer Services, the Secretary of
15 Management Services, or a designee from that department, and a
16 representative of each of the following, who shall be
17 appointed by the Secretary of Community Affairs within 30 days
18 after the effective date of this act:

- 19 a. The Florida biodiesel industry.
20 b. The Florida electric utility industry.
21 c. The Florida natural gas industry.
22 d. The Florida propane gas industry.
23 e. An automobile manufacturers' association.
24 f. A Florida Clean Cities Coalition designated by the
25 United States Department of Energy.
26 g. Enterprise Florida, Inc.
27 h. EV Ready Broward.
28 i. The Florida petroleum industry.
29 j. The Florida League of Cities.
30 k. The Florida Association of Counties.
31 l. Floridians for Better Transportation.

- 1 m. A motor vehicle manufacturer.
- 2 n. Florida Local Environment Resource Agencies.
- 3 o. Project for an energy efficient Florida.
- 4 p. Florida Transportation Builders Association.
- 5 2. The purpose of the advisory board is to serve as a
6 resource for the department and to provide the Governor, the
7 Legislature, and the Secretary of Community Affairs with
8 private sector and other public agency perspectives on
9 achieving the goal of increasing the use of alternative fuel
10 vehicles in this state.
- 11 3. Members shall be appointed to serve terms of one
12 year each, with reappointment at the discretion of the
13 Secretary of Community Affairs. Vacancies shall be filled for
14 the remainder of the unexpired term in the same manner as the
15 original appointment.
- 16 4. The board shall annually select a chairperson.
- 17 5.a. The board shall meet at least once each quarter
18 or more often at the call of the chairperson or the Secretary
19 of Community Affairs.
- 20 b. Meetings are exempt from the notice requirements of
21 chapter 120, Florida Statutes, and sufficient notice shall be
22 given to afford interested persons reasonable notice under the
23 circumstances.
- 24 6. Members of the board are entitled to travel
25 expenses while engaged in the performance of board duties.
- 26 7. The board shall terminate 5 years after the
27 effective date of this act.
- 28 (c) The board shall review the performance of the
29 state with reference to alternative fuel vehicle
30 implementation in complying with federal laws and maximizing
31 available federal funding and may:

1 1. Advise the Governor, Legislature, and the Secretary
2 of Community Affairs and make recommendations regarding
3 implementation and use of alternative fuel vehicles in this
4 state.

5 2. Identify potential improvements in this act and the
6 state's alternative fuel policies.

7 3. Request from all state agencies any information the
8 board determines relevant to board duties.

9 4. Regularly report to the Secretary of Community
10 Affairs, the Governor, the President of the Senate, and the
11 Speaker of the House of Representatives regarding the board's
12 findings and recommendations.

13 (d)1. The advisory board shall, within 120 days after
14 its first meeting, make recommendations to the Department of
15 Community Affairs for establishing pilot programs in this
16 state that provide experience and support the best use
17 expansion of the alternative fuel vehicle industry in this
18 state. No funds shall be released for a project unless there
19 is at least a 50 percent private or local match.

20 2. In addition to the pilot programs, the advisory
21 board shall assess federal, state, and local initiatives to
22 identify incentives that encourage successful alternative fuel
23 vehicle programs, obstacles to alternative fuel vehicle use
24 including legislative, regulatory, and economic obstacles, and
25 programs that educate and inform the public about alternative
26 fuel vehicles.

27 3. The advisory board is charged with determining a
28 reasonable, fair, and equitable way to address current motor
29 fuel taxes as they apply to alternative fuels and at what
30 threshold of market penetration.

31

1 4. Based on its findings, the advisory board shall
2 develop recommendations to the Legislature on future
3 alternative fuel vehicle programs and legislative changes that
4 provide the best use of state and other resources to enhance
5 the alternative fuel vehicle market in this state and maximize
6 the return on that investment in terms of job creation,
7 economic development, and emissions reduction.

8 (e) The advisory board, working with the Department of
9 Community Affairs, shall develop a budget for the department's
10 approval and all expenditures shall be approved by the
11 department. At the conclusion of the first year, the
12 department shall conduct an audit of the board and board
13 programs.

14 Section 73. Subsection (1) of section 322.051, Florida
15 Statutes, is amended to read:

16 322.051 Identification cards.--

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

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

24 1. Full name (first, middle or maiden, and last),
25 gender, social security card number, residence and mailing
26 address, and a brief description.

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

28 3. Proof of identity satisfactory to the department,
29 including one of the following: a certified copy of a United
30 States birth certificate, a valid United States passport, an
31 alien registration receipt card (green card), an employment

1 authorization card issued by the United States Department of
2 Justice, or proof of nonimmigrant classification provided by
3 the United States Department of Justice, for an original
4 identification card.~~The application must include the~~
5 ~~applicant's full name (first, middle or maiden, and last),~~
6 ~~sex, race, residence address and mailing address, proof of~~
7 ~~birth satisfactory to the department, and other data that the~~
8 ~~department requires.~~

9 (b) An application for an identification card must be
10 signed and verified by the applicant in a format designated by
11 the department before a person authorized to administer oaths.
12 The fee for an identification card is \$3, including payment
13 for the color photograph or digital image of the applicant.

14 Section 74. Subsection (2) of section 322.08, Florida
15 Statutes, 1998 Supplement, is amended to read:

16 322.08 Application for license.--

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

19 (a) Full name (first, middle or maiden, and last),
20 gender, social security card number, residence and mailing
21 address, and a brief description.

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

24 (c) Proof of identity satisfactory to the department,
25 including one of the following: a certified copy of a United
26 States birth certificate, a valid United States passport, an
27 alien registration receipt card (green card), an employment
28 authorization card issued by the United States Department of
29 Justice, or proof of nonimmigrant classification provided by
30 the United States Department of Justice, for an original
31 license.

1 (d) Whether the applicant has previously been licensed
2 to drive, and, if so, when and by what state, and whether any
3 such license or driving privilege has ever been disqualified,
4 revoked, or suspended, or whether an application has ever been
5 refused, and, if so, the date of and reason for such
6 disqualification, suspension, revocation, or refusal.~~Each~~
7 ~~such application shall reflect the full name (first, middle or~~
8 ~~maiden, and last), proof of identity satisfactory to the~~
9 ~~department, proof of birth date satisfactory to the~~
10 ~~department, sex, social security number, and residence and~~
11 ~~mailing address of the applicant, and briefly describe the~~
12 ~~applicant, and shall state whether the applicant has~~
13 ~~previously been licensed to drive, and if so, when and by what~~
14 ~~state, and whether any such license or driving privilege has~~
15 ~~ever been disqualified, revoked, or suspended, or whether an~~
16 ~~application has ever been refused, and if so, the date of and~~
17 ~~reason for such disqualification, suspension, revocation, or~~
18 ~~refusal.~~

19 Section 75. Paragraph (b) of subsection (1) of section
20 322.09, Florida Statutes, is amended to read:

21 322.09 Application of minors.--

22 (1)

23 (b) There shall be submitted with each application a
24 certified copy of a United States birth certificate, a valid
25 United States passport, an alien registration receipt card
26 (green card), an employment authorization card issued by the
27 United States Department of Justice, or proof of nonimmigrant
28 classification provided by the United States Department of
29 Justice, for an original license ~~the birth certificate of the~~
30 ~~applicant. If the applicant is unable to furnish such~~
31 ~~certified copy, a certificate from the public school~~

1 ~~authorities as to the age of the applicant upon entering~~
2 ~~school as required by s. 232.03, or the school authorities of~~
3 ~~the state where applicant enrolled in school, shall be~~
4 ~~submitted. Upon inability of applicant to establish a birth~~
5 ~~date as above provided, then the same may be established in~~
6 ~~the order of preference as provided by s. 232.03. However,~~
7 ~~uncertified copies of such documents shall not be accepted.~~

8 Section 76. Effective October 1, 1999, subsection (1)
9 of section 627.743, Florida Statutes, is amended and
10 subsection (2) is added to said section to read:

11 627.743 Payment of third-party claims.--

12 (1) Before making any payment on a claim for damage to
13 an automobile for a total loss, regardless of amount, which
14 automobile is owned by a person who is not named as an insured
15 in the policy under which payment is made, the insurer shall
16 first cause a search of the records of the Department of
17 Highway Safety and Motor Vehicles to be made in order to
18 determine whether the damaged vehicle is subject to any liens.
19 If the search discloses the existence of any liens, payment of
20 the claim shall be made jointly to the owner of the damaged
21 vehicle and the first lienholder of record. The insurer shall
22 not be subject to the requirements of this section if the
23 owner of the damaged vehicle presents to the insurer a title
24 certificate for such vehicle.

25 (2) When making any payment on a third party claim for
26 damage to an automobile for a partial loss, the insurer shall
27 have printed on the loss estimate, if prepared by the insurer,
28 the following: "Failure to use the insurance proceeds in
29 accordance with the security agreement, if any, could be a
30 violation of s. 812.014, Florida Statutes. If you have any
31 questions, contact your lending institution." However, this

1 subsection does not apply if the insurer does not prepare the
2 loss estimate.

3 Section 77. Highway 326 from I-75 east to Highway
4 441/301/27 shall hereby be known as the Mike Stavola Highway.
5 The Department of Transportation shall erect suitable markers
6 acknowledging the above.

7 Section 78. Effective June 1, 2000, subsection (6) is
8 added to section 318.1451, Florida Statutes, to read:

9 318.1451 Driver improvement schools.--

10 (6)(a) No governmental entity or court shall provide,
11 issue, or maintain any information or orders regarding driver
12 improvement schools or course providers, with the exception of
13 directing inquiries or requests to the local telephone
14 directory heading of driving instruction or the traffic school
15 reference guide. However, the department is authorized to
16 maintain the information and records necessary to administer
17 its duties and responsibilities for driver improvement
18 courses. Where such information is a public record as defined
19 in chapter 119, it shall be made available to the public upon
20 request pursuant to s. 119.07(1).

21 (b) The department shall prepare for any governmental
22 entity to distribute a traffic school reference guide which
23 shall list the benefits of attending a driver improvement
24 school, but under no circumstance may any list of course
25 providers or schools be included, and shall refer further
26 inquiries to the telephone directory under driving
27 instruction.

28 Section 79. Paragraph (c) of subsection (2) of section
29 812.014, Florida Statutes, is amended to read:

30 812.014 Theft.--

31 (2)

1 (c) It is grand theft of the third degree and a felony
2 of the third degree, punishable as provided in s. 775.082, s.
3 775.083, or s. 775.084, if the property stolen is:

- 4 1. Valued at \$300 or more, but less than \$5,000.
- 5 2. Valued at \$5,000 or more, but less than \$10,000.
- 6 3. Valued at \$10,000 or more, but less than \$20,000.
- 7 4. A will, codicil, or other testamentary instrument.
- 8 5. A firearm.
- 9 6. A motor vehicle, except as provided in subparagraph

10 (2)(a).

11 7. Any commercially farmed animal, including any
12 animal of the equine, bovine, or swine class, or other grazing
13 animal, and including aquaculture species raised at a
14 certified aquaculture facility. If the property stolen is
15 aquaculture species raised at a certified aquaculture
16 facility, then a \$10,000 fine shall be imposed.

17 8. Any fire extinguisher.

18 9. Any amount of citrus fruit consisting of 2,000 or
19 more individual pieces of fruit.

20 10. Taken from a designated construction site
21 identified by the posting of a sign as provided for in s.
22 810.09(2)(d).

23 11. Any stop sign.

24 Section 80. Subsection (69) of section 316.003,
25 Florida Statutes, 1998 Supplement, is reenacted to read:

26 316.003 Definitions.--The following words and phrases,
27 when used in this chapter, shall have the meanings
28 respectively ascribed to them in this section, except where
29 the context otherwise requires:

30 (69) HAZARDOUS MATERIAL.--Any substance or material
31 which has been determined by the secretary of the United

1 States Department of Transportation to be capable of imposing
2 an unreasonable risk to health, safety, and property. This
3 term includes hazardous waste as defined in s. 403.703(21).

4 Section 81. Paragraph (k) of subsection (1) and
5 subsection (6) of section 316.008, Florida Statutes, are
6 amended to read:

7 316.008 Powers of local authorities.--

8 (1) The provisions of this chapter shall not be deemed
9 to prevent local authorities, with respect to streets and
10 highways under their jurisdiction and within the reasonable
11 exercise of the police power, from:

12 (k) Requiring written crash ~~accident~~ reports.

13 (6) A county or municipality may enact an ordinance
14 providing for the establishment of a "combat automobile theft"
15 program, and may charge a fee for the administration of the
16 program and the cost of the decal. Such a program shall
17 include:

18 (a) Consent forms for motor vehicle owners who wish to
19 enroll their vehicles.

20 (b) Decals indicating a vehicle's enrollment in the
21 "combat automobile theft" program. The Department of Law
22 Enforcement shall, ~~no later than October 1, 1993,~~ approve the
23 color, design, and other specifications of the program decal.

24 (c) A consent form signed by a motor vehicle owner
25 provides authorization for a law enforcement officer to stop
26 the vehicle when it is being driven between the hours of 1
27 a.m. and 5 a.m., provided that a decal is conspicuously
28 affixed to the bottom left corner of the back window of the
29 vehicle to provide notice of its enrollment in the "combat
30 automobile theft" program. The owner of the motor vehicle is
31 responsible for removing the decal when terminating

1 participation in the program, or when selling or otherwise
2 transferring ownership of the vehicle. No civil liabilities
3 will arise from the actions of a law enforcement officer when
4 stopping a vehicle with a yellow decal evidencing enrollment
5 in the program when the driver is not enrolled in the program
6 provided that the stop is made in accordance with the
7 requirements of the "combat automobile theft" program.

8 Section 82. Section 316.027, Florida Statutes, is
9 amended to read:

10 316.027 Crash ~~Accidents~~ involving death or personal
11 injuries.--

12 (1)(a) The driver of any vehicle involved in a crash
13 ~~an accident~~ resulting in injury of any person must immediately
14 stop the vehicle at the scene of the crash accident, or as
15 close thereto as possible, and must remain at the scene of the
16 crash accident until he or she has fulfilled the requirements
17 of s. 316.062. Any person who willfully violates this
18 paragraph is guilty of a felony of the third degree,
19 punishable as provided in s. 775.082, s. 775.083, or s.
20 775.084.

21 (b) The driver of any vehicle involved in a crash ~~an~~
22 ~~accident~~ resulting in the death of any person must immediately
23 stop the vehicle at the scene of the crash accident, or as
24 close thereto as possible, and must remain at the scene of the
25 crash accident until he or she has fulfilled the requirements
26 of s. 316.062. Any person who willfully violates this
27 paragraph is guilty of a felony of the second degree,
28 punishable as provided in s. 775.082, s. 775.083, or s.
29 775.084.

30 (2) The department shall revoke the driver's license
31 of the person so convicted.

1 (3) Every stop must be made without obstructing
2 traffic more than is necessary, and, if a damaged vehicle is
3 obstructing traffic, the driver of the vehicle must make every
4 reasonable effort to move the vehicle or have it moved so as
5 not to obstruct the regular flow of traffic. Any person who
6 fails to comply with this subsection shall be cited for a
7 nonmoving violation, punishable as provided in chapter 318.

8 (4) A person whose commission of a noncriminal traffic
9 infraction or any violation of this chapter or s. 240.265
10 causes or results in the death of another person may, in
11 addition to any other civil, criminal, or administrative
12 penalty imposed, be required by the court to serve 120
13 community service hours in a trauma center or hospital that
14 regularly receives victims of vehicle accidents, under the
15 supervision of a registered nurse, an emergency room
16 physician, or an emergency medical technician pursuant to a
17 voluntary community service program operated by the trauma
18 center or hospital.

19 Section 83. Section 316.061, Florida Statutes, is
20 amended to read:

21 316.061 Crashes ~~Accidents~~ involving damage to vehicle
22 or property.--

23 (1) The driver of any vehicle involved in a crash ~~an~~
24 ~~accident~~ resulting only in damage to a vehicle or other
25 property which is driven or attended by any person shall
26 immediately stop such vehicle at the scene of such crash
27 ~~accident~~ or as close thereto as possible, and shall forthwith
28 return to, and in every event shall remain at, the scene of
29 the crash ~~accident~~ until he or she has fulfilled the
30 requirements of s. 316.062. A person who violates this
31 subsection commits a misdemeanor of the second degree,

1 punishable as provided in s. 775.082 or s. 775.083.~~Any person~~
2 ~~failing to stop or comply with said requirements shall, upon~~
3 ~~conviction, be punished by a fine of not more than \$500 or by~~
4 ~~imprisonment for not more than 60 days or by both such fine~~
5 ~~and imprisonment.~~Notwithstanding any other provision of this
6 section, \$5 shall be added to a fine imposed pursuant to this
7 section, which \$5 shall be deposited in the Emergency Medical
8 Services Trust Fund.

9 (2) Every stop must be made without obstructing
10 traffic more than is necessary, and, if a damaged vehicle is
11 obstructing traffic, the driver of such vehicle must make
12 every reasonable effort to move the vehicle or have it moved
13 so as not to block the regular flow of traffic. Any person
14 failing to comply with this subsection shall be cited for a
15 nonmoving violation, punishable as provided in chapter 318.

16 Section 84. Section 316.062, Florida Statutes, is
17 amended to read:

18 316.062 Duty to give information and render aid.--

19 (1) The driver of any vehicle involved in a crash ~~an~~
20 ~~accident~~ resulting in injury to or death of any person or
21 damage to any vehicle or other property which is driven or
22 attended by any person shall give his or her name, address,
23 and the registration number of the vehicle he or she is
24 driving, and shall upon request and if available exhibit his
25 or her license or permit to drive, to any person injured in
26 such crash ~~accident~~ or to the driver or occupant of or person
27 attending any vehicle or other property damaged in the crash
28 ~~accident~~ and shall give such information and, upon request,
29 exhibit such license or permit to any police officer at the
30 scene of the crash ~~accident~~ or who is investigating the crash
31 ~~accident~~ and shall render to any person injured in the crash

1 ~~accident~~ reasonable assistance, including the carrying, or the
2 making of arrangements for the carrying, of such person to a
3 physician, surgeon, or hospital for medical or surgical
4 treatment if it is apparent that treatment is necessary, or if
5 such carrying is requested by the injured person.

6 (2) In the event none of the persons specified are in
7 condition to receive the information to which they otherwise
8 would be entitled under subsection (1), and no police officer
9 is present, the driver of any vehicle involved in such crash
10 ~~accident~~, after fulfilling all other requirements of s.
11 316.027 and subsection (1), insofar as possible on his or her
12 part to be performed, shall forthwith report the crash
13 ~~accident~~ to the nearest office of a duly authorized police
14 authority and submit thereto the information specified in
15 subsection (1).

16 (3) The statutory duty of a person to make a report or
17 give information to a law enforcement officer making a written
18 report relating to a crash ~~an accident~~ shall not be construed
19 as extending to information which would violate the privilege
20 of such person against self-incrimination.

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

24 Section 85. Section 316.063, Florida Statutes, is
25 amended to read:

26 316.063 Duty upon damaging unattended vehicle or other
27 property.--

28 (1) The driver of any vehicle which collides with, or
29 is involved in a crash ~~an accident~~ with, any vehicle or other
30 property which is unattended, resulting in any damage to such
31 other vehicle or property, shall immediately stop and shall

1 then and there either locate and notify the operator or owner
2 of the vehicle or other property of the driver's name and
3 address and the registration number of the vehicle he or she
4 is driving, or shall attach securely in a conspicuous place in
5 or on the vehicle or other property a written notice giving
6 the driver's name and address and the registration number of
7 the vehicle he or she is driving, and shall without
8 unnecessary delay notify the nearest office of a duly
9 authorized police authority. Every such stop shall be made
10 without obstructing traffic more than is necessary. If a
11 damaged vehicle is obstructing traffic, the driver shall make
12 every reasonable effort to move the vehicle or have it moved
13 so as not to obstruct the regular flow of traffic. Any person
14 who fails to comply with this subsection commits a misdemeanor
15 of the second degree, punishable as provided in s. 775.082 or
16 s. 775.083.

17 (2) The law enforcement officer at the scene of a
18 crash ~~an accident~~ required to be reported in accordance with
19 the provisions of subsection (1) or the law enforcement
20 officer receiving a report by a driver as required by
21 subsection (1) shall, if part or any of the property damaged
22 is a fence or other structure used to house or contain
23 livestock, promptly make a reasonable effort to notify the
24 owner, occupant, or agent of this damage.

25 Section 86. Section 316.064, Florida Statutes, is
26 amended to read:

27 316.064 When driver unable to report.--

28 (1) A crash ~~An accident~~ report is not required under
29 this chapter from any person who is physically incapable of
30 making a report during the period of such incapacity.

31

1 (2) Whenever the driver of a vehicle is physically
2 incapable of making an immediate or a written report of a
3 crash ~~an accident~~, as required in ss. 316.065 and 316.066, and
4 there was another occupant in the vehicle at the time of the
5 crash ~~accident~~ capable of making a report, such occupant shall
6 make or cause to be made the report not made by the driver.

7 (3) Whenever the driver is physically incapable of
8 making a written report of a crash ~~an accident~~ as required in
9 this chapter, then the owner of the vehicle involved in the
10 crash ~~accident~~ shall, within 10 days after the crash ~~accident~~,
11 make such report not made by the driver.

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

15 Section 87. Section 316.065, Florida Statutes, is
16 amended to read:

17 316.065 Crashes ~~Accidents~~; reports; penalties.--

18 (1) The driver of a vehicle involved in a crash ~~an~~
19 ~~accident~~ resulting in injury to or death of any persons or
20 damage to any vehicle or other property in an apparent amount
21 of at least \$500 shall immediately by the quickest means of
22 communication give notice of the crash ~~accident~~ to the local
23 police department, if such crash ~~accident~~ occurs within a
24 municipality; otherwise, to the office of the county sheriff
25 or the nearest office or station of the Florida Highway
26 Patrol. A violation of this subsection is a noncriminal
27 traffic infraction, punishable as a nonmoving violation as
28 provided in chapter 318.

29 (2) Every coroner or other official performing like
30 functions, upon learning of the death of a person in his or
31 her jurisdiction as the result of a traffic crash ~~accident~~,

1 shall immediately notify the nearest office or station of the
2 department.

3 (3) Any person in charge of any garage or repair shop
4 to which is brought any motor vehicle which shows evidence of
5 having been struck by a bullet, or any other person to whom is
6 brought for the purpose of repair a motor vehicle showing such
7 evidence, shall make a report, or cause a report to be made,
8 to the nearest local police station or Florida Highway Patrol
9 office within 24 hours after the motor vehicle is received and
10 before any repairs are made to the vehicle. The report shall
11 contain the year, license number, make, model, and color of
12 the vehicle and the name and address of the owner or person in
13 possession of the vehicle.

14 (4) Any person who knowingly repairs a motor vehicle
15 without having made a report as required by subsection (3) is
16 guilty of a misdemeanor of the first degree, punishable as
17 provided in s. 775.082 or s. 775.083. The owner and driver of
18 a vehicle involved in a crash ~~an accident~~ who makes a report
19 thereof in accordance with subsection (1) or s. 316.066(1) is
20 not liable under this section.

21 Section 88. Section 316.066, Florida Statutes, is
22 amended to read:

23 316.066 Written reports of crashes ~~accidents~~.--

24 (1) The driver of a vehicle which is in any manner
25 involved in a crash ~~an accident~~ resulting in bodily injury to
26 or death of any person or damage to any vehicle or other
27 property in an apparent amount of at least \$500 shall, within
28 10 days after the crash ~~accident~~, forward a written report of
29 such crash ~~accident~~ to the department or traffic records
30 center. However, when the investigating officer has made a
31 written report of the crash ~~accident~~ pursuant to paragraph

1 (3)(a), no written report need be forwarded to the department
2 or traffic records center by the driver.

3 (2) The receiving entity may require any driver of a
4 vehicle involved in a crash ~~an accident~~ of which a written
5 report must be made as provided in this section to file
6 supplemental written reports whenever the original report is
7 insufficient in the opinion of the department and may require
8 witnesses of crashes ~~accidents~~ to render reports to the
9 department.

10 (3)(a) Every law enforcement officer who in the
11 regular course of duty investigates a motor vehicle crash
12 ~~accident~~:

13 1. Which crash ~~accident~~ resulted in death or personal
14 injury shall, within 10 days after completing the
15 investigation, forward a written report of the crash ~~accident~~
16 to the department or traffic records center.

17 2. Which crash ~~accident~~ involved a violation of s.
18 316.061(1) or s. 316.193 shall, within 10 days after
19 completing the investigation, forward a written report of the
20 crash ~~accident~~ to the department or traffic records center.

21 3. In which crash ~~accident~~ a vehicle was rendered
22 inoperative to a degree which required a wrecker to remove it
23 from traffic may, within 10 days after completing the
24 investigation, forward a written report of the crash ~~accident~~
25 to the department or traffic records center if such action is
26 appropriate, in the officer's discretion.

27
28 However, in every case in which a crash ~~an accident~~ report is
29 required by this section and a written report to a law
30 enforcement officer is not prepared, the law enforcement
31 officer shall provide each party involved in the crash

1 ~~accident~~ a short-form report, prescribed by the state, to be
2 completed by the party. The short-form report must include,
3 but is not limited to: the date, time, and location of the
4 crash accident; a description of the vehicles involved; the
5 names and addresses of the parties involved; the names and
6 addresses of witnesses; the name, badge number, and law
7 enforcement agency of the officer investigating the crash
8 ~~accident~~; and the names of the insurance companies for the
9 respective parties involved in the crash accident. Each party
10 to the crash accident shall provide the law enforcement
11 officer with proof of insurance to be included in the crash
12 ~~accident~~ report. If a law enforcement officer submits a report
13 on the accident, proof of insurance must be provided to the
14 officer by each party involved in the crash accident. Any
15 party who fails to provide the required information is guilty
16 of an infraction for a nonmoving violation, punishable as
17 provided in chapter 318 unless the officer determines that due
18 to injuries or other special circumstances such insurance
19 information cannot be provided immediately. If the person
20 provides the law enforcement agency, within 24 hours after the
21 crash accident, proof of insurance that was valid at the time
22 of the crash accident, the law enforcement agency may void the
23 citation.

24 (b) One or more counties may enter into an agreement
25 with the appropriate state agency to be certified by the
26 agency to have a traffic records center for the purpose of
27 tabulating and analyzing countywide traffic crash accident
28 reports. The agreement must include: certification by the
29 agency that the center has adequate auditing and monitoring
30 mechanisms in place to ensure the quality and accuracy of the
31 data; the time period in which the traffic records center must

1 report crash ~~accident~~ data to the agency; and the medium in
 2 which the traffic records must be submitted to the agency. In
 3 the case of a county or multicounty area that has a certified
 4 central traffic records center, a law enforcement agency or
 5 driver must submit to the center within the time limit
 6 prescribed in this section a written report of the crash
 7 ~~accident~~. A driver who is required to file a crash ~~an accident~~
 8 report must be notified of the proper place to submit the
 9 completed report. Fees for copies of public records provided
 10 by a certified traffic records center shall be charged and
 11 collected as follows:

- 12 For a crash ~~an accident~~ report.....\$2 per copy.
- 13 For a homicide report.....\$25 per copy.
- 14 For a uniform traffic citation.....\$0.50 per copy.

15
 16 The fees collected for copies of the public records provided
 17 by a certified traffic records center shall be used to fund
 18 the center or otherwise as designated by the county or
 19 counties participating in the center.

20 (c) Crash ~~Accident~~ reports made by law enforcement
 21 officers shall not be used for commercial solicitation
 22 purposes; ~~provided, however, the~~ that use of a crash ~~an~~
 23 ~~accident~~ report for purposes of publication in a newspaper or
 24 other news periodical or a radio or television broadcast shall
 25 not be construed as "commercial purpose."

26 (4) Except as specified in this subsection, each crash
 27 ~~accident~~ report made by a person involved in a crash ~~an~~
 28 ~~accident~~ and any statement made by such person to a law
 29 enforcement officer for the purpose of completing a crash ~~an~~
 30 ~~accident~~ report required by this section shall be without
 31 prejudice to the individual so reporting. No such report or

1 statement shall be used as evidence in any trial, civil or
2 criminal. However, subject to the applicable rules of
3 evidence, a law enforcement officer at a criminal trial may
4 testify as to any statement made to the officer by the person
5 involved in the crash ~~accident~~ if that person's privilege
6 against self-incrimination is not violated. The results of
7 breath, urine, and blood tests administered as provided in s.
8 316.1932 or s. 316.1933 are not confidential and shall be
9 admissible into evidence in accordance with the provisions of
10 s. 316.1934(2). Crash ~~Accident~~ reports made by persons
11 involved in crashes ~~accidents~~ shall not be used for commercial
12 solicitation purposes; ~~provided, however, the that~~ use of a
13 crash ~~an accident~~ report for purposes of publication in a
14 newspaper or other news periodical or a radio or television
15 broadcast shall not be construed as "commercial purpose."

16 (5) For purposes of this section, a written report
17 includes a report generated by a law enforcement agency
18 through the use of a computer.

19 (6) Any driver failing to file the written report
20 required under subsection (1) or subsection (2) commits a
21 noncriminal traffic infraction, punishable as a nonmoving
22 violation as provided in chapter 318 ~~is subject to the penalty~~
23 ~~provided in s. 318.18(2).~~

24 Section 89. Section 316.067, Florida Statutes, is
25 amended to read:

26 316.067 False reports.--Any person who gives
27 information in oral, electronic, or written reports as
28 required in this chapter, knowing or having reason to believe
29 that such information is false, commits a misdemeanor of the
30 second degree, punishable as provided in s. 775.082 or s.
31 775.083 ~~shall be punished by a fine of not more than \$500 or~~

1 ~~by imprisonment for not more than 60 days or by both such fine~~
2 ~~and imprisonment.~~

3 Section 90. Section 316.068, Florida Statutes, is
4 amended to read:

5 316.068 Crash Accident report forms.--

6 (1) The department shall prepare and, upon request,
7 supply to police departments, sheriffs, and other appropriate
8 agencies or individuals forms for crash accident reports as
9 required in this chapter, suitable with respect to the persons
10 required to make such reports and the purposes to be served.
11 The form must call for sufficiently detailed information to
12 disclose, with reference to a vehicle crash accident, the
13 cause and conditions then existing and the persons and
14 vehicles involved. Every crash accident report form must call
15 for the policy numbers of liability insurance and the names of
16 carriers covering any vehicle involved in a crash an accident
17 required to be reported by this chapter.

18 (2) Every crash accident report required to be made in
19 writing must be made on the appropriate form approved by the
20 department and must contain all the information required
21 therein unless not available. Notwithstanding any other
22 provisions of this section, a crash an accident report
23 produced electronically by a law enforcement officer must, at
24 a minimum, contain the same information as is called for on
25 those forms approved by the department.

26 Section 91. Section 316.069, Florida Statutes, is
27 amended to read:

28 316.069 State to tabulate and analyze crash accident
29 reports.--The state shall tabulate and may analyze all crash
30 ~~accident~~ reports and shall publish, annually, or at more
31 frequent intervals, statistical information based thereon as

1 to the number and circumstances of traffic crashes ~~accidents~~.
2 The state shall maintain separate statistics on the number and
3 location of crashes ~~accidents~~ involving tandem trailer trucks.

4 Section 92. Section 316.070, Florida Statutes, is
5 amended to read:

6 316.070 Exchange of information at scene of crash
7 ~~accident~~.--The law enforcement officer at the scene of a crash
8 ~~an accident~~ required to be reported in accordance with the
9 provisions of s. 316.066 shall instruct the driver of each
10 vehicle involved in the crash ~~accident~~ to report the following
11 to all other parties suffering injury or property damage as an
12 apparent result of the crash ~~accident~~:

13 (1) The name and address of the owner and the driver
14 of the vehicle.

15 (2) The license number of the vehicle.

16 (3) The name of the liability carrier for the vehicle.

17 Section 93. Subsections (2) and (3) of section
18 316.072, Florida Statutes, are amended to read:

19 316.072 Obedience to and effect of traffic laws.--

20 (2) REQUIRED OBEDIENCE TO TRAFFIC LAWS.--It is
21 unlawful for any person to do any act forbidden, or to fail to
22 perform any act required, in this chapter. It is unlawful for
23 the owner, or any other person employing or otherwise
24 directing the driver of any vehicle, to require or knowingly
25 permit the operation of such vehicle upon a highway in any
26 manner contrary to law. A violation of this subsection is a
27 noncriminal traffic infraction, punishable as a moving
28 violation as provided in chapter 318.

29 (3) OBEDIENCE TO POLICE AND FIRE DEPARTMENT
30 OFFICIALS.--It is unlawful and a misdemeanor of the second
31 degree, punishable as provided in s. 775.082 or s. 775.083,

1 for any person willfully to fail or refuse to comply with any
2 lawful order or direction of any law enforcement officer,
3 traffic crash ~~accident~~ investigation officer as described in
4 s. 316.640, traffic infraction enforcement officer as
5 described in s. 316.640 ~~318.141~~, or member of the fire
6 department at the scene of a fire, rescue operation, or other
7 emergency. Notwithstanding the provisions of this subsection,
8 certified emergency medical technicians or paramedics may
9 respond to the scene of emergencies and may provide emergency
10 medical treatment on the scene and provide transport of
11 patients in the performance of their duties for an emergency
12 medical services provider licensed under chapter 401 and in
13 accordance with any local emergency medical response
14 protocols.

15 Section 94. Subsection (6) is added to section
16 316.074, Florida Statutes, to read:

17 316.074 Obedience to and required traffic control
18 devices.--

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

22 Section 95. Subsections (2) and (3) of section
23 316.0745, Florida Statutes, are amended to read:

24 316.0745 Uniform signals and devices.--

25 (2) The Department of Transportation shall compile and
26 publish a manual of uniform traffic control devices which
27 defines the uniform system adopted pursuant to subsection (1),
28 and shall compile and publish minimum specifications for
29 traffic control signals and devices certified by it as
30 conforming with the uniform system.

31

1 (a) The department shall make copies of such manual
2 and specifications available to all counties, municipalities,
3 and other public bodies having jurisdiction of streets or
4 highways open to the public in this state.

5 (b) The manual shall provide for the use of regulatory
6 speed signs in work zone areas. The installation of such signs
7 is exempt from the provisions of s. 335.10.

8 (3) All official traffic control signals or official
9 traffic control devices purchased and installed in this state
10 by any public body or official shall conform with the manual
11 and specifications published by the Department of
12 Transportation pursuant to subsection (2). ~~All traffic control
13 devices other than traffic control signals purchased prior to
14 July 1, 1972, not conforming to said system may continue in
15 use until January 1, 1975, after which time such devices must
16 comply with the uniform system. All traffic control signals
17 purchased prior to January 1, 1972, not conforming to said
18 system may continue in use until January 1, 1980, after which
19 time such signals must comply with the uniform system.~~

20 Section 96. Section 316.0747, Florida Statutes, is
21 amended to read:

22 316.0747 Sale or purchase of traffic control devices
23 by nongovernmental entities; prohibitions.--

24 (1) It is unlawful for any nongovernmental entity to
25 use any traffic control device at any place where the general
26 public is invited, unless such device conforms to the uniform
27 system of traffic control devices adopted by the Department of
28 Transportation pursuant to this chapter.

29 ~~(2) Any nonconforming traffic control device in use by
30 a nongovernmental entity prior to January 1, 1980, may be used
31 for the remainder of its useful life, but no longer than~~

1 ~~January 1, 1992, after which any replacement device shall~~
2 ~~conform to the uniform system of traffic control devices~~
3 ~~adopted by the Department of Transportation.~~

4 (2)~~(3)~~ Nongovernmental entities to which the general
5 public is invited to travel shall install and maintain uniform
6 traffic control devices at appropriate locations pursuant to
7 the standards set forth by the Manual on Uniform Traffic
8 Control Devices as adopted by the Department of Transportation
9 pursuant to s. 316.0745. Such traffic control devices shall
10 be installed no later than January 1, 1992. Businesses the
11 parking lots of which do not provide intersecting lanes of
12 traffic and businesses having fewer than 25 parking spaces are
13 exempt from the provisions of this subsection. The Department
14 of Transportation shall adopt rules to implement this section.

15 (3)~~(4)~~ A person who violates this section commits a
16 misdemeanor of the second degree, punishable as provided in s.
17 775.082 or s. 775.083.

18 Section 97. Section 316.075, Florida Statutes, is
19 amended to read:

20 316.075 Traffic control signal devices.--

21 (1) Except for automatic warning signal lights
22 installed or to be installed at railroad crossings, whenever
23 traffic, including municipal traffic, is controlled by traffic
24 control signals exhibiting different colored lights, or
25 colored lighted arrows, successively one at a time or in
26 combination, only the colors green, red, and yellow shall be
27 used, except for special pedestrian signals carrying a word
28 legend, and the lights shall indicate and apply to drivers of
29 vehicles and pedestrians as follows:

30 (a)~~(1)~~ Green indication.--

31

1 1.(a) Vehicular traffic facing a circular green signal
2 may proceed cautiously straight through or turn right or left
3 unless a sign at such place prohibits either such turn. But
4 vehicular traffic, including vehicles turning right or left,
5 shall yield the right-of-way to other vehicles and to
6 pedestrians lawfully within the intersection or an adjacent
7 crosswalk at the time such signal is exhibited.

8 2.(b) Vehicular traffic facing a green arrow signal,
9 shown alone or in combination with another indication, as
10 directed by the manual, may cautiously enter the intersection
11 only to make the movement indicated by such arrow, or such
12 other movement as is permitted by other indications shown at
13 the same time, except the driver of any vehicle may U-turn, so
14 as to proceed in the opposite direction unless such movement
15 is prohibited by posted traffic control signs. Such vehicular
16 traffic shall yield the right-of-way to pedestrians lawfully
17 within an adjacent crosswalk and to other traffic lawfully
18 using the intersection.

19 3.(c) Unless otherwise directed by a pedestrian
20 control signal as provided in s. 316.0755, pedestrians facing
21 any green signal, except when the sole green signal is a turn
22 arrow, may proceed across the roadway within any marked or
23 unmarked crosswalk.

24 (b)(2) Steady yellow indication.--

25 1.(a) Vehicular traffic facing a steady yellow signal
26 is thereby warned that the related green movement is being
27 terminated or that a red indication will be exhibited
28 immediately thereafter when vehicular traffic shall not enter
29 the intersection.

30 2.(b) Pedestrians facing a steady yellow signal,
31 unless otherwise directed by a pedestrian control signal as

1 provided in s. 316.0755, are thereby advised that there is
2 insufficient time to cross the roadway before a red indication
3 is shown and no pedestrian shall start to cross the roadway.

4 ~~(c)(3)~~ Steady red indication.--

5 1.~~(a)~~ Vehicular traffic facing a steady red signal
6 shall stop before entering the crosswalk on the near side of
7 the intersection or, if none, then before entering the
8 intersection and shall remain standing until a green
9 indication is shown; however:

10 a.1. The driver of a vehicle which is stopped at a
11 clearly marked stop line, but if none, before entering the
12 crosswalk on the near side of the intersection, or, if none
13 then at the point nearest the intersecting roadway where the
14 driver has a view of approaching traffic on the intersecting
15 roadway before entering the intersection in obedience to a
16 steady red signal may make a right turn, but shall yield the
17 right-of-way to pedestrians and other traffic proceeding as
18 directed by the signal at the intersection, except that
19 municipal and county authorities may prohibit any such right
20 turn against a steady red signal at any intersection, which
21 prohibition shall be effective when a sign giving notice
22 thereof is erected in a location visible to traffic
23 approaching the intersection.

24 b.2. The driver of a vehicle on a one-way street that
25 intersects another one-way street on which traffic moves to
26 the left shall stop in obedience to a steady red signal, but
27 may then make a left turn into the one-way street, but shall
28 yield the right-of-way to pedestrians and other traffic
29 proceeding as directed by the signal at the intersection,
30 except that municipal and county authorities may prohibit any
31 such left turn as described, which prohibition shall be

1 effective when a sign giving notice thereof is attached to the
2 traffic control signal device at the intersection.

3 2.~~(b)~~ Unless otherwise directed by a pedestrian
4 control signal as provided in s. 316.0755, pedestrians facing
5 a steady red signal shall not enter the roadway.

6 (2)~~(4)~~ In the event an official traffic control signal
7 is erected and maintained at a place other than an
8 intersection, the provisions of this section shall be
9 applicable except as to those provisions which by their nature
10 can have no application. Any stop required shall be made at a
11 sign or marking on the pavement indicating where the stop
12 shall be made, but in the absence of any such sign or marking
13 the stop shall be made at the signal.

14 (3)~~(5)~~(a) No traffic control signal device shall be
15 used which does not exhibit a yellow or "caution" light
16 between the green or "go" signal and the red or "stop" signal.

17 (b) No traffic control signal device shall display
18 other than the color red at the top of the vertical signal,
19 nor shall it display other than the color red at the extreme
20 left of the horizontal signal.

21 (4) A violation of this section is a noncriminal
22 traffic infraction, punishable pursuant to chapter 318 as
23 either a pedestrian violation or, if the infraction resulted
24 from the operation of a vehicle, as a moving violation.

25 Section 98. Section 316.076, Florida Statutes, is
26 amended to read:

27 316.076 Flashing signals.--

28 (1) Whenever an illuminated flashing red or yellow
29 signal is used in a traffic sign or signal it shall require
30 obedience by vehicular traffic as follows:

31

1 ~~(a)(1)~~ Flashing red (stop signal).--When a red lens is
2 illuminated with rapid intermittent flashes, drivers of
3 vehicles shall stop at a clearly marked stop line, but if
4 none, before entering the crosswalk on the near side of the
5 intersection, or if none, then at the point nearest the
6 intersecting roadway where the driver has a view of
7 approaching traffic on the intersecting roadway before
8 entering the intersection, and the right to proceed shall be
9 subject to the rules applicable after making a stop at a stop
10 sign.

11 ~~(b)(2)~~ Flashing yellow (caution signal).--When a
12 yellow lens is illuminated with rapid intermittent flashes,
13 drivers of vehicles may proceed through the intersection or
14 past such signal only with caution.

15 ~~(2)(3)~~ This section does not apply at railroad-highway
16 grade crossings. Conduct of drivers of vehicles approaching
17 such crossings shall be governed by the rules as set forth in
18 ss. 316.1575 and 316.159.

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

22 Section 99. Section 316.0765, Florida Statutes, is
23 amended to read:

24 316.0765 Lane direction control signals.--When lane
25 direction control signals are placed over the individual lanes
26 of a street or highway, vehicular traffic may travel in any
27 lane or lanes over which a green signal is shown, but shall
28 not enter or travel in any lane or lanes over which a red
29 signal is shown. A violation of this section is a noncriminal
30 traffic infraction, punishable as a moving violation as
31 provided in chapter 318.

1 Section 100. Subsection (5) is added to section
2 316.077, Florida Statutes, to read:

3 316.077 Display of unauthorized signs, signals or
4 markings.--

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

8 Section 101. Section 316.0775, Florida Statutes, is
9 amended to read:

10 316.0775 Interference with official traffic control
11 devices or railroad signs or signals.--No person shall,
12 without lawful authority, attempt to or in fact alter, deface,
13 injure, knock down or remove any official traffic control
14 device or any railroad sign or signal or any inscription,
15 shield or insignia thereon, or any other part thereof. A
16 violation of this section is a noncriminal traffic infraction,
17 punishable as a nonmoving violation as provided in chapter
18 318.

19 Section 102. Section 316.078, Florida Statutes, is
20 amended to read:

21 316.078 Detour signs to be respected.--

22 (1) It is unlawful to tear down or deface any detour
23 sign or to break down or drive around any barricade erected
24 for the purpose of closing any section of a public street or
25 highway to traffic during the construction or repair thereof
26 or to drive over such section of public street or highway
27 until again thrown open to public traffic. However, such
28 restriction shall not apply to the person in charge of the
29 construction or repairs.

30 (2) A violation of this section is a noncriminal
31 traffic infraction, punishable pursuant to chapter 318 as:

1 (a) A nonmoving violation for tearing, breaking down,
2 or defacing any detour sign.

3 (b) A moving violation for driving around any
4 barricade erected for the purpose of closing any section of a
5 public street or highway to traffic that is under construction
6 or repair or driving over such section of public street or
7 highway until open to public traffic.

8 Section 103. Subsection (3) is added to section
9 316.079, Florida Statutes, to read:

10 316.079 Duty to yield to highway construction
11 workers.--

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

15 Section 104. Subsection (4) is added to section
16 316.081, Florida Statutes, to read:

17 316.081 Driving on right side of roadway;
18 exceptions.--

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

22 Section 105. Subsection (3) is added to section
23 316.082, Florida Statutes, to read:

24 316.082 Passing vehicles proceeding in opposite
25 directions.--

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

29 Section 106. Section 316.0825, Florida Statutes, is
30 amended to read:

31

1 316.0825 Vehicle approaching an animal.--Every person
2 operating a motor vehicle shall use reasonable care when
3 approaching or passing a person who is riding or leading an
4 animal upon a roadway or the shoulder thereof, and shall not
5 intentionally startle or injure such an animal. A violation of
6 this section is a noncriminal traffic infraction, punishable
7 as a moving violation as provided in chapter 318.

8 Section 107. Subsection (3) is added to section
9 316.083, Florida Statutes, to read:

10 316.083 Overtaking and passing a vehicle.--The
11 following rules shall govern the overtaking and passing of
12 vehicles proceeding in the same direction, subject to those
13 limitations, exceptions, and special rules hereinafter stated:

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

17 Section 108. Subsection (3) is added to section
18 316.084, Florida Statutes, to read:

19 316.084 When overtaking on the right is permitted.--

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

23 Section 109. Subsection (3) is added to section
24 316.085, Florida Statutes, to read:

25 316.085 Limitations on overtaking, passing, changing
26 lanes and changing course.--

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

30 Section 110. Subsection (3) is added to section
31 316.087, Florida Statutes, to read:

1 316.087 Further limitations on driving to left of
2 center of roadway.--

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

6 Section 111. Subsection (4) is added to section
7 316.0875, Florida Statutes, to read:

8 316.0875 No-passing zones.--

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

12 Section 112. Subsection (4) is added to section
13 316.088, Florida Statutes, to read:

14 316.088 One-way roadways and rotary traffic islands.--

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

18 Section 113. Subsection (5) is added to section
19 316.089, Florida Statutes, to read:

20 316.089 Driving on roadways laned for
21 traffic.--Whenever any roadway has been divided into two or
22 more clearly marked lanes for traffic, the following rules, in
23 addition to all others consistent herewith, shall apply:

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

27 Section 114. Subsection (4) is added to section
28 316.0895, Florida Statutes, to read:

29 316.0895 Following too closely.--

30
31

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

4 Section 115. Subsection (3) is added to section
5 316.090, Florida Statutes, to read:

6 316.090 Driving on divided highways.--

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

10 Section 116. Subsection (5) is added to section
11 316.091, Florida Statutes, to read:

12 316.091 Limited access facilities; interstate
13 highways; use restricted.--

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

17 Section 117. Subsection (6) is added to section
18 316.121, Florida Statutes, to read:

19 316.121 Vehicles approaching or entering
20 intersections.--

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

24 Section 118. Section 316.122, Florida Statutes, is
25 amended to read:

26 316.122 Vehicle turning left.--The driver of a vehicle
27 intending to turn to the left within an intersection or into
28 an alley, private road, or driveway shall yield the
29 right-of-way to any vehicle approaching from the opposite
30 direction which is within the intersection or so close thereto
31 as to constitute an immediate hazard. A violation of this

1 section is a noncriminal traffic infraction, punishable as a
2 moving violation as provided in chapter 318.

3 Section 119. Subsection (4) is added to section
4 316.123, Florida Statutes, to read:

5 316.123 Vehicle entering stop or yield intersection.--

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

9 Section 120. Section 316.1235, Florida Statutes, is
10 amended to read:

11 316.1235 Vehicle approaching intersection in which
12 traffic lights are inoperative.--The driver of a vehicle
13 approaching an intersection in which the traffic lights are
14 inoperative shall stop in the manner indicated in s.
15 316.123(2) for approaching a stop intersection. In the event
16 that only some of the traffic lights within an intersection
17 are inoperative, the driver of a vehicle approaching an
18 inoperative light shall stop in the above-prescribed manner. A
19 violation of this section is a noncriminal traffic infraction,
20 punishable as a moving violation as provided in chapter 318.

21 Section 121. Subsection (3) is added to section
22 316.125, Florida Statutes, to read:

23 316.125 Vehicle entering highway from private road or
24 driveway or emerging from alley, driveway or building.--

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

28 Section 122. Subsection (6) is added to section
29 316.126, Florida Statutes, to read:

30 316.126 Operation of vehicles and actions of
31 pedestrians on approach of authorized emergency vehicle.--

1 (6) A violation of this section is a noncriminal
2 traffic infraction, punishable pursuant to chapter 318 as
3 either a moving violation for infractions of subsection (1) or
4 subsection (3), or as a pedestrian violation for infractions
5 of subsection (2).

6 Section 123. Subsection (19) is added to section
7 316.130, Florida Statutes, to read:

8 316.130 Pedestrian obedience to traffic control
9 devices and traffic regulations.--

10 (19) A violation of this section is a noncriminal
11 traffic infraction, punishable pursuant to chapter 318 as
12 either a pedestrian violation or, if the infraction resulted
13 from the operation of a vehicle, as a moving violation.

14 Section 124. Section 316.1355, Florida Statutes, is
15 amended to read:

16 316.1355 Driving through safety zone prohibited.--No
17 vehicle shall at any time be driven through or within a safety
18 zone. A violation of this section is a noncriminal traffic
19 infraction, punishable as a moving violation as provided in
20 chapter 318.

21 Section 125. Subsection (3) is added to section
22 316.151, Florida Statutes, to read:

23 316.151 Required position and method of turning at
24 intersections.--

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

28 Section 126. Section 316.1515, Florida Statutes, is
29 amended to read:

30 316.1515 Limitations on turning around.--The driver of
31 any vehicle shall not turn the vehicle so as to proceed in the

1 opposite direction upon any street unless such movement can be
2 made in safety and without interfering with other traffic and
3 unless such movement is not prohibited by posted traffic
4 control signs. A violation of this section is a noncriminal
5 traffic infraction, punishable as a moving violation as
6 provided in chapter 318.

7 Section 127. Section 316.152, Florida Statutes, is
8 amended to read:

9 316.152 Turning on curve or crest of grade
10 prohibited.--No vehicle shall be turned so as to proceed in
11 the opposite direction upon any curve, or upon the approach
12 to, or near, the crest of a grade, where such vehicle cannot
13 be seen by the driver of any other vehicle approaching from
14 either direction within 500 feet. A violation of this section
15 is a noncriminal traffic infraction, punishable as a moving
16 violation as provided in chapter 318.

17 Section 128. Section 316.154, Florida Statutes, is
18 amended to read:

19 316.154 Starting parked vehicle.--No person shall
20 start a vehicle which is stopped, standing, or parked, unless
21 and until such movement can be made with reasonable safety. A
22 violation of this section is a noncriminal traffic infraction,
23 punishable as a moving violation as provided in chapter 318.

24 Section 129. Subsection (5) is added to section
25 316.155, Florida Statutes, to read:

26 316.155 When signal required.--

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

30 Section 130. Subsection (3) is added to section
31 316.156, Florida Statutes, to read:

1 316.156 Signals by hand and arm or signal lamps.--

2 (3) A violation of this section is a noncriminal
3 traffic infraction, punishable pursuant to chapter 318 as
4 either a moving violation for infractions of subsection (1) or
5 as a nonmoving violation for infractions of subsection (2).

6 Section 131. Section 316.157, Florida Statutes, is
7 amended to read:

8 316.157 Method of giving hand and arm signals.--

9 (1) All signals herein required to be given by hand
10 and arm shall be given from the left side of the vehicle in
11 the following manner and such signals shall indicate as
12 follows:

13 (a)~~(1)~~ Left turn.--Hand and arm extended horizontally.

14 (b)~~(2)~~ Right turn.--Hand and arm extended upward,
15 except that a bicyclist may extend the right hand and arm
16 horizontally to the right side of the bicycle.

17 (c)~~(3)~~ Stop or decrease speed.--Hand and arm extended
18 downward.

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

22 Section 132. Subsection (3) is added to section
23 316.1575, Florida Statutes, to read:

24 316.1575 Obedience to traffic control devices at
25 railroad-highway grade crossings.--

26 (3) A violation of this section is a noncriminal
27 traffic infraction, punishable pursuant to chapter 318 as
28 either a pedestrian violation or, if the infraction resulted
29 from the operation of a vehicle, as a moving violation.

30 Section 133. Subsection (3) is added to section
31 316.159, Florida Statutes, to read:

1 316.159 Certain vehicles to stop at all railroad grade
2 crossings.--

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

6 Section 134. Subsection (5) is added to section
7 316.170, Florida Statutes, to read:

8 316.170 Moving heavy equipment at railroad grade
9 crossings.--

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

13 Section 135. Subsection (7) is added to section
14 316.183, Florida Statutes, to read:

15 316.183 Unlawful speed.--

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

19 Section 136. Section 316.185, Florida Statutes, is
20 amended to read:

21 316.185 Special hazards.--The fact that the speed of a
22 vehicle is lower than the prescribed limits shall not relieve
23 the driver from the duty to decrease speed when approaching
24 and crossing an intersection, when approaching and going
25 around a curve, when approaching a hill crest, when traveling
26 upon any narrow or winding roadway, or when special hazards
27 exist or may exist with respect to pedestrians or other
28 traffic or by reason of weather or other roadway conditions,
29 and speed shall be decreased as may be necessary to avoid
30 colliding with any person, vehicle, or other conveyance on or
31 entering the street in compliance with legal requirements and

1 the duty of all persons to use due care. A violation of this
2 section is a noncriminal traffic infraction, punishable as a
3 moving violation as provided in chapter 318.

4 Section 137. Subsection (4) of section 316.1895,
5 Florida Statutes, is amended to read:

6 316.1895 Establishment of school speed zones,
7 enforcement; designation.--

8 (4) A school zone speed limit may not be less than 15
9 miles per hour except by local regulation. ~~After July 1,~~
10 ~~1992,~~ No school zone speed limit shall be more than 20 miles
11 per hour in an urbanized area, as defined in s. 334.03. Such
12 speed limit may be in force only during those times 30 minutes
13 before, during, and 30 minutes after the periods of time when
14 pupils are arriving at a regularly scheduled breakfast program
15 or a regularly scheduled school session and leaving a
16 regularly scheduled school session.

17 Section 138. Subsection (5) is added to section
18 316.191, Florida Statutes, to read:

19 316.191 Racing on highways.--

20 (5) A violation of this section is a noncriminal
21 traffic infraction, punishable pursuant to chapter 318 as
22 either a pedestrian violation or, if the infraction resulted
23 from the operation of a vehicle, as a moving violation.

24 Section 139. Paragraph (c) of subsection (3) and
25 subsection (5) of section 316.193, Florida Statutes, 1998
26 Supplement, are amended to read:

27 316.193 Driving under the influence; penalties.--

28 (3) Any person:

29 (c) Who, by reason of such operation, causes:
30
31

1 1. Damage to the property or person of another commits
2 a misdemeanor of the first degree, punishable as provided in
3 s. 775.082 or s. 775.083.

4 2. Serious bodily injury to another, as defined in s.
5 316.1933, commits a felony of the third degree, punishable as
6 provided in s. 775.082, s. 775.083, or s. 775.084.

7 3. The death of any human being commits DUI
8 manslaughter, and commits:

9 a. A felony of the second degree, punishable as
10 provided in s. 775.082, s. 775.083, or s. 775.084.

11 b. A felony of the first degree, punishable as
12 provided in s. 775.082, s. 775.083, or s. 775.084, if:

13 (I) At the time of the crash ~~accident~~, the person
14 knew, or should have known, that the crash ~~accident~~ occurred;
15 and

16 (II) The person failed to give information and render
17 aid as required by s. 316.062.

18 (5) The court shall place any offender convicted of
19 violating this section on monthly reporting probation and
20 shall require attendance at a substance abuse course licensed
21 by the department; and the agency conducting the course may
22 refer the offender to an authorized service provider for
23 substance abuse evaluation and treatment, in addition to any
24 sentence or fine imposed under this section. The offender
25 shall assume reasonable costs for such education, evaluation,
26 and treatment, with completion of all such education,
27 evaluation, and treatment being a condition of reporting
28 probation. Treatment resulting from a psychosocial evaluation
29 may not be waived without a supporting psychosocial evaluation
30 conducted by an agency appointed by the court and with access
31 to the original evaluation. The offender shall bear the cost

1 of this procedure. The term "substance abuse" means the abuse
2 of alcohol or any substance named or described in Schedules I
3 through V of s. 893.03. If an offender referred to treatment
4 under this subsection fails to report for or complete such
5 treatment or fails to complete the substance abuse education
6 course, the DUI program shall notify the court and the
7 department of the failure. Upon receipt of the notice, the
8 department shall cancel the offender's driving privilege. The
9 department shall reinstate the driving privilege when the
10 offender completes the substance abuse education course or
11 enters treatment required under this subsection. The
12 organization that conducts the substance abuse education and
13 evaluation may not provide required substance abuse treatment
14 unless a waiver has been granted to that organization by the
15 department. A waiver may be granted only if the department
16 determines, in accordance with its rules, that the service
17 provider that conducts the substance abuse education and
18 evaluation is the most appropriate service provider and is
19 licensed under chapter 397 or is exempt from such licensure.
20 ~~All DUI treatment programs providing treatment services on~~
21 ~~January 1, 1994, shall be allowed to continue to provide such~~
22 ~~services until the department determines whether a waiver~~
23 ~~should be granted.~~A statistical referral report shall be
24 submitted quarterly to the department by each organization
25 authorized to provide services under this section.

26 Section 140. Subsections (1) and (4) of section
27 316.1935, Florida Statutes, 1998 Supplement, are amended to
28 read:

29 316.1935 Fleeing or attempting to elude a law
30 enforcement officer; aggravated fleeing and eluding.--

31

1 (1) It is unlawful for the operator of any vehicle,
2 having knowledge that he or she has been ordered to stop such
3 vehicle by a duly authorized law enforcement officer,
4 willfully to refuse or fail to stop the vehicle in compliance
5 with such order or, having stopped in knowing compliance with
6 such order, willfully to flee in an attempt to elude the
7 officer, and a person who violates this subsection commits a
8 misdemeanor of the first degree, punishable as provided in s.
9 775.082 or s. 775.083 ~~shall, upon conviction, be punished by~~
10 ~~imprisonment in the county jail for a period not to exceed 1~~
11 ~~year, or by fine not to exceed \$1,000, or by both such fine~~
12 ~~and imprisonment.~~

13 (4) Any person who, in the course of unlawfully
14 leaving or attempting to leave the scene of a crash ~~an~~
15 ~~accident~~ in violation of s. 316.027 or s. 316.061, having
16 knowledge of an order to stop by a duly authorized law
17 enforcement officer:

18 (a) Willfully refuses or fails to stop in compliance
19 with such an order, or having stopped in knowing compliance
20 with such order, willfully flees in an attempt to elude such
21 officer; and

22 (b) As a result of such fleeing or eluding, causes
23 injury to another person or causes damage to any property
24 belonging to another person

25
26 commits aggravated fleeing or eluding, a felony of the second
27 degree, punishable as provided in s. 775.082, s. 775.083, or
28 s. 775.084. The felony of aggravated fleeing or eluding
29 constitutes a separate offense for which a person may be
30 charged, in addition to the offense of unlawfully leaving the
31 scene of a crash ~~an accident~~ which the person had been in the

1 course of committing or attempting to commit when the order to
2 stop was given.

3 Section 141. Subsection (8) is added to section
4 316.1937, Florida Statutes, to read:

5 316.1937 Ignition interlock devices, requiring;
6 unlawful acts.--

7 (8) In addition to the penalties provided in this
8 section, a violation of this section is a noncriminal traffic
9 infraction, punishable as a nonmoving violation as provided in
10 chapter 318.

11 Section 142. Subsection (4) is added to section
12 316.194, Florida Statutes, to read:

13 316.194 Stopping, standing or parking outside of
14 municipalities.--

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

18 Section 143. Paragraph (a) of subsection (1) of
19 section 316.1945, Florida Statutes, is amended, and subsection
20 (4) is added to that section, to read:

21 316.1945 Stopping, standing, or parking prohibited in
22 specified places.--

23 (1) Except when necessary to avoid conflict with other
24 traffic, or in compliance with law or the directions of a
25 police officer or official traffic control device, no person
26 shall:

27 (a) Stop, stand, or park a vehicle:

28 1. On the roadway side of any vehicle stopped or
29 parked at the edge or curb of a street.

30 2. On a sidewalk.

31 3. Within an intersection.

- 1 4. On a crosswalk.
- 2 5. Between a safety zone and the adjacent curb or
- 3 within 30 feet of points on the curb immediately opposite the
- 4 ends of a safety zone, unless the Department of Transportation
- 5 indicates a different length by signs or markings.
- 6 6. Alongside or opposite any street excavation or
- 7 obstruction when stopping, standing, or parking would obstruct
- 8 traffic.
- 9 7. Upon any bridge or other elevated structure upon a
- 10 highway or within a highway tunnel.
- 11 8. On any railroad tracks.
- 12 9. On a bicycle path.
- 13 10. At any place where official traffic control
- 14 devices prohibit stopping.
- 15 11. On the roadway or shoulder of a limited access
- 16 facility, except as provided by regulation of the Department
- 17 of Transportation, or on the paved portion of a connecting
- 18 ramp; except that a vehicle which is disabled or in a
- 19 condition improper to be driven as a result of mechanical
- 20 failure or crash ~~accident~~ may be parked on such shoulder for a
- 21 period not to exceed 6 hours. This provision is not
- 22 applicable to a person stopping a vehicle to render aid to an
- 23 injured person or assistance to a disabled vehicle in
- 24 obedience to the directions of a law enforcement officer or to
- 25 a person stopping a vehicle in compliance with applicable
- 26 traffic laws.
- 27 12. For the purpose of loading or unloading a
- 28 passenger on the paved roadway or shoulder of a limited access
- 29 facility or on the paved portion of any connecting ramp. This
- 30 provision is not applicable to a person stopping a vehicle to
- 31

1 render aid to an injured person or assistance to a disabled
2 vehicle.

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

6 Section 144. Subsection (4) is added to section
7 316.195, Florida Statutes, to read:

8 316.195 Additional parking regulations.--

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

12 Section 145. Subsection (7) is added to section
13 316.1951, Florida Statutes, to read:

14 316.1951 Parking for certain purposes prohibited.--

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

18 Section 146. Paragraph (a) of subsection (10) of
19 section 316.1955, Florida Statutes, 1998 Supplement, is
20 amended to read:

21 316.1955 Parking spaces for persons who have
22 disabilities.--

23 (10)(a) A vehicle that is transporting a person who
24 has a disability and that has been granted a permit under s.
25 320.0848(1)~~(a)(d)~~ may be parked for a maximum of 30 minutes in
26 any parking space reserved for persons who have disabilities.

27 Section 147. Subsection (6) is added to section
28 316.1974, Florida Statutes, to read:

29 316.1974 Funeral procession right-of-way and
30 liability.--

31

1 (6) VIOLATIONS.--A violation of this section is a
2 noncriminal traffic infraction, punishable pursuant to chapter
3 318 as a nonmoving violation for infractions of subsection
4 (2), a pedestrian violation for infractions of subsection (3),
5 or as a moving violation for infractions of subsection (3) or
6 subsection (4) if the infraction resulted from the operation
7 of a vehicle.

8 Section 148. Section 316.1975, Florida Statutes, is
9 amended to read:

10 316.1975 Unattended motor vehicle.--No person driving
11 or in charge of any motor vehicle except a licensed delivery
12 truck or other delivery vehicle while making deliveries, shall
13 permit it to stand unattended without first stopping the
14 engine, locking the ignition, and removing the key. No
15 vehicle shall be permitted to stand unattended upon any
16 perceptible grade without stopping the engine and effectively
17 setting the brake thereon and turning the front wheels to the
18 curb or side of the street. A violation of this section is a
19 noncriminal traffic infraction, punishable as a nonmoving
20 violation as provided in chapter 318.

21 Section 149. Subsection (3) is added to section
22 316.1985, Florida Statutes, to read:

23 316.1985 Limitations on backing.--

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

27 Section 150. Section 316.1995, Florida Statutes, is
28 amended to read:

29 316.1995 Driving upon sidewalk or bicycle path.--No
30 person shall drive any vehicle other than by human power upon
31 a bicycle path, sidewalk, or sidewalk area, except upon a

1 permanent or duly authorized temporary driveway. A violation
2 of this section is a noncriminal traffic infraction,
3 punishable as a moving violation as provided in chapter 318.

4 Section 151. Subsection (3) is added to section
5 316.2004, Florida Statutes, to read:

6 316.2004 Obstruction to driver's view or driving
7 mechanism.--

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

11 Section 152. Section 316.2005, Florida Statutes, is
12 amended to read:

13 316.2005 Opening and closing vehicle doors.--No person
14 shall open any door on a motor vehicle unless and until it is
15 reasonably safe to do so and can be done without interfering
16 with the movement of other traffic, nor shall any person leave
17 a door open on the side of a vehicle available to moving
18 traffic for a period of time longer than necessary to load or
19 unload passengers. A violation of this section is a
20 noncriminal traffic infraction, punishable as a nonmoving
21 violation as provided in chapter 318.

22 Section 153. Section 316.2014, Florida Statutes, is
23 amended to read:

24 316.2014 Riding in house trailers.--No person or
25 persons shall occupy a house trailer while it is being moved
26 upon a public street or highway. A violation of this section
27 is a noncriminal traffic infraction, punishable as a nonmoving
28 violation as provided in chapter 318.

29 Section 154. Section 316.2024, Florida Statutes, is
30 amended to read:

31

1 316.2024 Coasting prohibited.--The driver of any motor
2 vehicle, when traveling upon a downgrade, shall not coast with
3 the gears or transmission of such vehicle in neutral or the
4 clutch disengaged. A violation of this section is a
5 noncriminal traffic infraction, punishable as a moving
6 violation as provided in chapter 318.

7 Section 155. Section 316.2025, Florida Statutes, is
8 amended to read:

9 316.2025 Following fire apparatus prohibited.--No
10 driver of any vehicle other than an authorized emergency
11 vehicle on official business shall follow any fire apparatus
12 traveling in response to a fire alarm closer than 500 feet or
13 drive into or park such vehicle within the block where fire
14 apparatus has stopped in answer to a fire alarm. A violation
15 of this section is a noncriminal traffic infraction,
16 punishable pursuant to chapter 318 as a moving violation for
17 following too close to a fire apparatus or as a nonmoving
18 violation for parking near a fire apparatus.

19 Section 156. Section 316.2034, Florida Statutes, is
20 amended to read:

21 316.2034 Crossing fire hose.--No vehicle shall be
22 driven over any unprotected hose of a fire department when
23 laid down on any street or highway, or private road or
24 driveway, to be used at any fire or alarm of fire, without the
25 consent of the fire department official in command. A
26 violation of this section is a noncriminal traffic infraction,
27 punishable as a moving violation as provided in chapter 318.

28 Section 157. Subsection (5) is added to section
29 316.2035, Florida Statutes, to read:

30 316.2035 Injurious substances prohibited; dragging
31 vehicle or load; obstructing, digging, etc.--

1 (5) A violation of this section is a noncriminal
2 traffic infraction, punishable pursuant to chapter 318 as
3 either a nonmoving violation for infractions of subsection (1)
4 or subsection (3) or as a moving violation for infractions of
5 subsection (2) or subsection (4).

6 Section 158. Subsection (3) is added to section
7 316.2044, Florida Statutes, to read:

8 316.2044 Removal of injurious substances.--

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

12 Section 159. Section 316.2051, Florida Statutes, is
13 amended to read:

14 316.2051 Certain vehicles prohibited on hard-surfaced
15 roads.--It is unlawful to operate upon any hard-surfaced road
16 in this state any log cart, tractor, or well machine; any
17 steel-tired vehicle other than the ordinary farm wagon or
18 buggy; or any other vehicle or machine that is likely to
19 damage a hard-surfaced road except to cause ordinary wear and
20 tear on the same. A violation of this section is a noncriminal
21 traffic infraction, punishable as a moving violation as
22 provided in chapter 318.

23 Section 160. Section 316.2061, Florida Statutes, is
24 amended to read:

25 316.2061 Stop when traffic obstructed.--No driver
26 shall enter an intersection or a marked crosswalk unless there
27 is sufficient space on the other side of the intersection or
28 crosswalk to accommodate the vehicle the driver is operating
29 without obstructing the passage of other vehicles or
30 pedestrians, notwithstanding any traffic control signal
31 indication to proceed. A violation of this section is a

1 noncriminal traffic infraction, punishable as a moving
2 violation as provided in chapter 318.

3 Section 161. Paragraph (e) of subsection (3) and
4 subsection (20) of section 316.2065, Florida Statutes, are
5 amended to read:

6 316.2065 Bicycle regulations.--

7 (3)

8 (e) Law enforcement officers and school crossing
9 guards may issue a bicycle safety brochure and a verbal
10 warning to a bicycle rider or passenger who violates this
11 subsection. ~~Effective January 1, 1998,~~A bicycle rider or
12 passenger who violates this subsection may be issued a
13 citation by a law enforcement officer and assessed a fine for
14 a pedestrian violation, as provided in s. 318.18. The court
15 shall dismiss the charge against a bicycle rider or passenger
16 for a first violation of paragraph (d) upon proof of purchase
17 of a bicycle helmet that complies with this subsection.

18 (20) Except as otherwise provided in this section, a
19 violation of this section is a noncriminal traffic infraction,
20 punishable as a pedestrian violation as provided in chapter
21 318. A ~~Effective January 1, 1998,~~law enforcement officer
22 ~~officers~~ may issue traffic citations for a violation of
23 subsection (3) or subsection (16) only if the violation occurs
24 on a bicycle path or road, as defined in s. 334.03. However,
25 they may not issue citations to persons on private property,
26 except any part thereof which is open to the use of the public
27 for purposes of vehicular traffic.

28 Section 162. Section 316.2074, Florida Statutes, is
29 amended to read:

30 316.2074 All-terrain vehicles.--

31 (1) ~~The Legislature hereby finds and declares that:~~

1 ~~(a) All-terrain vehicle use has doubled over the past~~
2 ~~several years.~~

3 ~~(b) Injuries associated with all-terrain vehicle use~~
4 ~~have more than tripled over the past several years.~~

5 ~~(c) On the national level, annual emergency room~~
6 ~~treatments of injuries related to all-terrain vehicle use~~
7 ~~increased from 26,900 in 1983 to 63,900 in 1984 to 85,900 in~~
8 ~~1985.~~

9 ~~(d) Nearly one-half of all individuals injured in~~
10 ~~all-terrain vehicle accidents are under 16 years of age.~~

11 ~~(e) In the past 5 years, there have been more than 550~~
12 ~~deaths resulting from all-terrain vehicle accidents, with more~~
13 ~~than 40 percent of the dead being children 16 years of age or~~
14 ~~younger.~~

15 ~~(f) Over one-half of all individuals injured in~~
16 ~~all-terrain vehicle accidents do not wear any type of~~
17 ~~protective equipment.~~

18 ~~(2)~~ It is the intent of the Legislature, through the
19 adoption of this section to provide safety protection for
20 minors while operating an all-terrain vehicle in this state.

21 (2)~~(3)~~ As used in this section "all-terrain vehicle"
22 means any motorized off-highway vehicle 50 inches (1270 mm) or
23 less in width, having a dry weight of 600 pounds (273 kg) or
24 less, traveling on three or more low-pressure tires, designed
25 for operator use only with no passengers, having a seat or
26 saddle designed to be straddled by the operator, and having
27 handlebars for steering control.

28 (3)~~(4)~~ No person under 16 years of age shall operate,
29 ride, or be otherwise propelled on an all-terrain vehicle
30 unless the person wears a safety helmet meeting United States
31 Department of Transportation standards and eye protection.

1 ~~(4)(5)~~ If a crash ~~an accident~~ results in the death of
2 any person or in the injury of any person which results in
3 treatment of the person by a physician, the operator of each
4 all-terrain vehicle involved in the crash ~~accident~~ shall give
5 notice of the crash ~~accident~~ pursuant to s. 316.066.

6 ~~(5)(6)~~ An all-terrain vehicle having four wheels may
7 be used by police officers on public beaches designated as
8 public roadways for the purpose of enforcing the traffic laws
9 of the state. All-terrain vehicles may also be used by the
10 police to travel on public roadways within 5 miles of beach
11 access only when getting to and from the beach.

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

15 ~~(7) Any person who violates the provisions of this~~
16 ~~section shall be punished as provided in chapter 318.~~

17 Section 163. Subsection (5) is added to section
18 316.208, Florida Statutes, to read:

19 316.208 Motorcycles and mopeds.--

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

23 Section 164. Subsection (6) is added to section
24 316.2085, Florida Statutes, to read:

25 316.2085 Riding on motorcycles or mopeds.--

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

29 Section 165. Subsection (6) is added to section
30 316.209, Florida Statutes, to read:

31

1 316.209 Operating motorcycles on roadways laned for
2 traffic.--

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

6 Section 166. Subsection (3) is added to section
7 316.2095, Florida Statutes, to read:

8 316.2095 Footrests and handlebars.--

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

12 Section 167. Subsection (6) is added to section
13 316.211, Florida Statutes, to read:

14 316.211 Equipment for motorcycle and moped riders.--

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

18 Section 168. Subsection (6) is added to section
19 316.212, Florida Statutes, to read:

20 316.212 Operation of golf carts on certain
21 roadways.--The operation of a golf cart upon the public roads
22 or streets of this state is prohibited except as provided
23 herein:

24 (6) A violation of this section is a noncriminal
25 traffic infraction, punishable pursuant to chapter 318 as
26 either a moving violation for infractions of subsection (1),
27 subsection (2), subsection (3), or subsection (4), or as a
28 nonmoving violation for infractions of subsection (5).

29 Section 169. Subsection (2) of section 316.2126,
30 Florida Statutes, is amended to read:

31

1 316.2126 Use of golf carts by certain
2 municipalities.--In addition to the powers granted by ss.
3 316.212 and 316.2125, municipalities older than 400 years old
4 are hereby authorized to utilize golf carts, as defined in s.
5 320.01, upon any state, county, or municipal roads located
6 within the corporate limits of such municipalities, subject to
7 the following conditions:

8 (2) In addition to the safety equipment required in s.
9 316.212~~(5)(6)~~, such golf carts must be equipped with
10 sufficient lighting and turn signal equipment.

11 Section 170. Subsection (6) is added to section
12 316.215, Florida Statutes, to read:

13 316.215 Scope and effect of regulations.--

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

17 Section 171. Subsection (4) is added to section
18 316.217, Florida Statutes, to read:

19 316.217 When lighted lamps are required.--

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

23 Section 172. Subsection (3) is added to section
24 316.220, Florida Statutes, to read:

25 316.220 Headlamps on motor vehicles.--

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

29 Section 173. Subsection (3) is added to section
30 316.221, Florida Statutes, to read:

31 316.221 Taillamps.--

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

4 Section 174. Subsection (4) is added to section
5 316.222, Florida Statutes, to read:

6 316.222 Stop lamps and turn signals.--

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

10 Section 175. Subsection (8) is added to section
11 316.2225, Florida Statutes, to read:

12 316.2225 Additional equipment required on certain
13 vehicles.--In addition to other equipment required in this
14 chapter, the following vehicles shall be equipped as herein
15 stated under the conditions stated in s. 316.217.

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

19 Section 176. Subsection (4) is added to section
20 316.224, Florida Statutes, to read:

21 316.224 Color of clearance lamps, identification
22 lamps, side marker lamps, backup lamps, reflectors, and
23 deceleration lights.--

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

27 Section 177. Subsection (3) is added to section
28 316.225, Florida Statutes, to read:

29 316.225 Mounting of reflectors, clearance lamps and
30 side marker lamps.--

31

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

4 Section 178. Subsection (4) is added to section
5 316.226, Florida Statutes, to read:

6 316.226 Visibility requirements for reflectors,
7 clearance lamps, identification lamps and marker lamps.--

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

11 Section 179. Section 316.228, Florida Statutes, is
12 amended to read:

13 316.228 Lamps or flags on projecting load.--Whenever
14 the load upon any vehicle extends to the rear 4 feet or more
15 beyond the bed or body of such vehicle, there shall be
16 displayed at the extreme rear end of the load, at the times
17 specified in s. 316.217, two red lamps visible from a distance
18 of at least 500 feet to the rear, two red reflectors visible
19 at night from all distances within 600 feet to 100 feet to the
20 rear when directly in front of lawful lower beams of headlamps
21 and located so as to indicate maximum width, and on each side
22 one red lamp visible from a distance of at least 500 feet to
23 the side and located so as to indicate maximum overhang.
24 There shall be displayed at all other times on any vehicle
25 having a load which extends beyond its sides or more than 4
26 feet beyond its rear, red flags, not less than 12 inches
27 square, marking the extremities of such load, at each point
28 where a lamp would otherwise be required by this section. A
29 violation of this section is a noncriminal traffic infraction,
30 punishable as a nonmoving violation as provided in chapter
31 318.

1 Section 180. Subsection (5) is added to section
2 316.229, Florida Statutes, to read:

3 316.229 Lamps on parked vehicles.--

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

7 Section 181. Subsection (8) is added to section
8 316.2295, Florida Statutes, to read:

9 316.2295 Lamps, reflectors and emblems on farm
10 tractors, farm equipment and implements of husbandry.--

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

14 Section 182. Section 316.231, Florida Statutes, is
15 amended to read:

16 316.231 Lamps on other vehicles and equipment.--Every
17 vehicle, including animal-drawn vehicles and vehicles referred
18 to in s. 316.215(3), not specifically required by the
19 provisions of this section to be equipped with lamps or other
20 lighting devices shall at all times specified in s. 316.217 be
21 equipped with at least one lamp displaying a white light
22 visible from a distance of not less than 1,000 feet to the
23 front of said vehicle, and shall also be equipped with two
24 lamps displaying red light visible from a distance of not less
25 than 1,000 feet to the rear of the vehicle, or, as an
26 alternative, one lamp displaying a red light visible from a
27 distance of not less than 1,000 feet to the rear and two red
28 reflectors visible from all distances of 600 to 100 feet to
29 the rear when illuminated by the lawful lower beams of
30 headlamps. A violation of this section is a noncriminal

31

1 traffic infraction, punishable as a nonmoving violation as
2 provided in chapter 318.

3 Section 183. Subsection (5) is added to section
4 316.233, Florida Statutes, to read:

5 316.233 Spot lamps and auxiliary lamps.--

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

9 Section 184. Subsection (3) is added to section
10 316.234, Florida Statutes, to read:

11 316.234 Signal lamps and signal devices.--

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

15 Section 185. Subsection (6) is added to section
16 316.235, Florida Statutes, to read:

17 316.235 Additional lighting equipment.--

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

21 Section 186. Subsection (3) is added to section
22 316.237, Florida Statutes, to read:

23 316.237 Multiple-beam road-lighting equipment.--

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

27 Section 187. Section 316.238, Florida Statutes, is
28 amended to read:

29 316.238 Use of multiple-beam road-lighting
30 equipment.--

31

1 (1) Whenever a motor vehicle is being operated on a
2 roadway or shoulder adjacent thereto during the times
3 specified in s. 316.217, the driver shall use a distribution
4 of light, or composite beam, directed high enough and of
5 sufficient intensity to reveal persons and vehicles at a safe
6 distance in advance of the vehicle, subject to the following
7 requirements and limitations:

8 (a)~~(1)~~ Whenever the driver of a vehicle approaches an
9 oncoming vehicle within 500 feet, such driver shall use a
10 distribution of light, or composite beam, so aimed that the
11 glaring rays are not projected into the eyes of the oncoming
12 driver. The lowermost distribution of light, or composite
13 beam, specified in ss. 316.237(1)(b) and 316.430(2)(b) shall
14 be deemed to avoid glare at all times, regardless of road
15 contour and loading.

16 (b)~~(2)~~ Whenever the driver of a vehicle approaches
17 another vehicle from the rear within 300 feet, such driver
18 shall use a distribution of light permissible under this
19 chapter other than the uppermost distribution of light
20 specified in ss. 316.237(1)(a) and 316.430(2)(a).

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

24 Section 188. Section 316.2385, Florida Statutes, is
25 amended to read:

26 316.2385 Requirements for use of lower beam.--The
27 lower or passing beam shall be used at all times during the
28 twilight hours in the morning and the twilight hours in the
29 evening, and during fog, smoke and rain. Twilight shall mean
30 the time between sunset and full night or between full night
31 and sunrise. A violation of this section is a noncriminal

1 traffic infraction, punishable as a moving violation as
2 provided in chapter 318.

3 Section 189. Section 316.239, Florida Statutes, is
4 amended to read:

5 316.239 Single-beam road-lighting equipment.--

6 (1) Headlamp systems which provide only a single
7 distribution of light shall be permitted on all farm tractors
8 regardless of date of manufacture, and on other motor vehicles
9 manufactured and sold prior to January 1, 1972, in lieu of
10 multiple-beam road-lighting equipment herein specified if the
11 single distribution of light complies with the following
12 requirements and limitations:

13 (a)~~(1)~~ The headlamps shall be so aimed that when the
14 vehicle is not loaded none of the high intensity portion of
15 the light shall, at a distance of 25 feet ahead, project
16 higher than a level of five inches below the level of the
17 center of the lamp from which it comes, and in no case higher
18 than 42 inches above the level on which the vehicle stands at
19 a distance of 75 feet ahead.

20 (b)~~(2)~~ The intensity shall be sufficient to reveal
21 persons and vehicles at a distance of at least 200 feet.

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

25 Section 190. Section 316.2395, Florida Statutes, is
26 amended to read:

27 316.2395 Motor vehicles; minimum headlamp
28 requirement.--Any motor vehicle may be operated at nighttime
29 under the conditions specified in ss. 316.237 and 316.239,
30 when equipped with two lighted lamps upon the front thereof
31 capable of revealing persons and objects 100 feet ahead in

1 lieu of lamps required in ss. 316.237 and 316.239. However,
2 at no time when lighted lamps are required shall such motor
3 vehicle be operated in excess of 20 miles per hour. A
4 violation of this section is a noncriminal traffic infraction,
5 punishable as a nonmoving violation as provided in chapter
6 318.

7 Section 191. Subsection (3) is added to section
8 316.2396, Florida Statutes, to read:

9 316.2396 Number of driving lamps required or
10 permitted.--

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

14 Section 192. Subsection (10) is added to section
15 316.2397, Florida Statutes, to read:

16 316.2397 Certain lights prohibited; exceptions.--

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

20 Section 193. Section 316.2399, Florida Statutes, is
21 amended to read:

22 316.2399 Special warning lights for buses or
23 taxicabs.--The provisions of s. 316.2397(7) to the contrary
24 notwithstanding, a bus or taxicab may be equipped with two
25 flashing devices for the purpose of warning the operators of
26 other vehicles and law enforcement agents that an emergency
27 situation exists within the bus or taxicab. Such devices
28 shall be capable of activation by the operator of the bus or
29 taxicab and shall be of a type approved by the Department of
30 Highway Safety and Motor Vehicles. Such devices shall be
31 mounted one at the front and one at the rear of the bus or

1 taxicab and shall display flashing red lights which shine on
2 the roadway under the vehicle. A violation of this section is
3 a noncriminal traffic infraction, punishable as a nonmoving
4 violation as provided in chapter 318.

5 Section 194. Subsection (3) is added to section
6 316.240, Florida Statutes, to read:

7 316.240 Standards for lights on highway maintenance
8 and service equipment.--

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

12 Section 195. Subsection (4) is added to section
13 316.241, Florida Statutes, to read:

14 316.241 Selling or using lamps or equipment.--

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

18 Section 196. Subsection (3) of section 316.251,
19 Florida Statutes, is amended to read:

20 316.251 Maximum bumper heights.--

21 (3) A violation of this section shall be defined as a
22 moving violation. A person charged with a violation of this
23 section is subject to the penalty provided in s. 318.18~~(3)~~.

24 Section 197. Subsection (3) is added to section
25 316.252, Florida Statutes, to read:

26 316.252 Splash and spray suppressant devices.--

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

30 Section 198. Section 316.253, Florida Statutes, is
31 amended to read:

1 316.253 Vehicles used to sell ice cream and other
2 confections; display of warnings required.--Any person who
3 sells ice cream or other frozen confections at retail from a
4 motor vehicle shall display on each side of such motor
5 vehicle, in letters at least 3 inches high, a warning
6 containing the words "look out for children" or "caution:
7 children" or such similar words as are approved by the
8 department. A violation of this section is a noncriminal
9 traffic infraction, punishable as a nonmoving violation as
10 provided in chapter 318.

11 Section 199. Subsection (11) is added to section
12 316.261, Florida Statutes, to read:

13 316.261 Brake equipment required.--Every motor
14 vehicle, trailer, semitrailer, and pole trailer, and any
15 combination of such vehicles, operating upon a highway within
16 this state shall be equipped with brakes in compliance with
17 the requirements of this chapter.

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

21 Section 200. Subsection (3) is added to section
22 316.262, Florida Statutes, to read:

23 316.262 Performance ability of motor vehicle brakes.--

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

27 Section 201. Section 316.263, Florida Statutes, is
28 amended to read:

29 316.263 Maintenance of brakes.--All brakes shall be
30 maintained in good working order and shall be so adjusted as
31 to operate as equally as practicable with respect to the

1 wheels on opposite sides of the vehicle. A violation of this
2 section is a noncriminal traffic infraction, punishable as a
3 nonmoving violation as provided in chapter 318.

4 Section 202. Section 316.267, Florida Statutes, is
5 amended to read:

6 316.267 Brakes on electric-powered vehicles.--When
7 operated on the public streets and roads, every
8 electric-powered vehicle with a rating of 3 to 6 horsepower
9 shall be equipped with hydraulic brakes on the two rear wheels
10 and at all times and under all conditions of loading, upon
11 application of the service brake, shall be capable of:

12 (1) Developing a braking force that is not less than
13 43.5 percent of its gross weight.

14 (2) Decelerating to a stop from not more than 20 miles
15 per hour at not less than 17 feet per second.

16 (3) Stopping from a speed of 20 miles per hour in not
17 more than 25 feet, such distance to be measured from the point
18 at which movement of the service brake pedal or control
19 begins.

20
21 A violation of this section is a noncriminal traffic
22 infraction, punishable as a nonmoving violation as provided in
23 chapter 318.

24 Section 203. Subsection (8) is added to section
25 316.271, Florida Statutes, to read;

26 316.271 Horns and warning devices.--

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

30 Section 204. Subsection (3) is added to section
31 316.272, Florida Statutes, to read:

1 316.272 Exhaust systems, prevention of noise.--

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

5 Section 205. Subsection (7) is added to section
6 316.293, Florida Statutes, to read:

7 316.293 Motor vehicle noise.--

8 (7) VIOLATIONS.--A violation of this section is a
9 noncriminal traffic infraction, punishable as a nonmoving
10 violation as provided in chapter 318.

11 Section 206. Subsections (1), (2), and (6) of section
12 316.2935, Florida Statutes, are amended to read:

13 316.2935 Air pollution control equipment; tampering
14 prohibited; penalty.--

15 (1)(a) ~~On and after July 1, 1990,~~It is unlawful for
16 any person or motor vehicle dealer as defined in s. 320.27 to
17 offer or display for retail sale or lease, sell, lease, or
18 transfer title to, a motor vehicle in Florida that has been
19 tampered with in violation of this section, as determined
20 pursuant to subsection (7). Tampering is defined as the
21 dismantling, removal, or rendering ineffective of any air
22 pollution control device or system which has been installed on
23 a motor vehicle by the vehicle manufacturer except to replace
24 such device or system with a device or system equivalent in
25 design and function to the part that was originally installed
26 on the motor vehicle. All motor vehicles sold, reassigned, or
27 traded to a licensed motor vehicle dealer are exempt from this
28 paragraph.

29 (b) ~~On and after January 1, 1991,~~At the time of sale,
30 lease, or transfer of title of a motor vehicle, the seller,
31 lessor, or transferor shall certify in writing to the

1 purchaser, lessee, or transferee that the air pollution
2 control equipment of the motor vehicle has not been tampered
3 with by the seller, lessor, or transferor or their agents,
4 employees, or other representatives. A licensed motor vehicle
5 dealer shall also visually observe those air pollution control
6 devices listed by department rule pursuant to subsection (7),
7 and certify that they are in place, and appear properly
8 connected and undamaged. Such certification shall not be
9 deemed or construed as a warranty that the pollution control
10 devices of the subject vehicle are in functional condition,
11 nor does the execution or delivery of this certification
12 create by itself grounds for a cause of action between the
13 parties to this transaction.

14 (c) ~~On and after July 1, 1990,~~All motor vehicles
15 sold, reassigned, or traded by a licensed motor vehicle dealer
16 to a licensed motor vehicle dealer, all new motor vehicles
17 subject to certification under s. 207, Clean Air Act, 42
18 U.S.C. s. 7541, and all lease agreements for 30 days or less
19 are exempt from this subsection. Also exempt from this
20 subsection are sales of motor vehicles for salvage purposes
21 only.

22 (2) No person shall operate any gasoline-powered motor
23 vehicle, except a motorcycle, moped, ~~or scooter as defined in~~
24 ~~chapter 320~~, or an imported nonconforming motor vehicle which
25 has received a one-time exemption from federal emission
26 control requirements under 40 C.F.R. 85, subpart P, on the
27 public roads and streets of this state which emits visible
28 emissions from the exhaust pipe for more than a continuous
29 period of 5 seconds, and no person shall operate on the public
30 roads or streets of this state any motor vehicle that has been
31

1 tampered with in violation of this section, as determined
2 pursuant to subsection (7).

3 (6) Except as provided in subsection (5), any person
4 who violates subsection (1), subsection (2), or subsection (3)
5 shall be charged with a noncriminal traffic infraction,
6 punishable as a nonmoving violation as provided in chapter 318
7 ~~provided in s. 318.18(2)~~. However, the penalty may be reduced
8 if the person committing the violation corrects the violation
9 pursuant to the provisions of s. 316.6105.

10 Section 207. Section 316.294, Florida Statutes, is
11 amended to read:

12 316.294 Mirrors.--Every vehicle, operated singly or
13 when towing any other vehicle, shall be equipped with a mirror
14 so located as to reflect to the driver a view of the highway
15 for a distance of at least 200 feet to the rear of the motor
16 vehicle. A violation of this section is a noncriminal traffic
17 infraction, punishable as a nonmoving violation as provided in
18 chapter 318.

19 Section 208. Subsection (6) is added to section
20 316.2952, Florida Statutes, to read:

21 316.2952 Windshields; requirements; restrictions.--

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

25 Section 209. Section 316.2953, Florida Statutes, is
26 amended to read:

27 316.2953 Side windows; restrictions on suncreening
28 material.--A person shall not operate any motor vehicle on any
29 public highway, road, or street on which vehicle the side
30 wings and side windows on either side forward of or adjacent
31 to the operator's seat are composed of, covered by, or treated

1 with any suncreening material or other product or covering
2 which has the effect of making the window nontransparent or
3 which would alter the window's color, increase its
4 reflectivity, or reduce its light transmittance, except as
5 expressly permitted by this section. A sunscreening material
6 is authorized for such windows if, when applied to and tested
7 on the glass of such windows on the specific motor vehicle,
8 the material has a total solar reflectance of visible light of
9 not more than 25 percent as measured on the nonfilm side and a
10 light transmittance of at least 28 percent in the visible
11 light range. A violation of this section is a noncriminal
12 traffic infraction, punishable as a nonmoving violation as
13 provided in chapter 318.

14 Section 210. Subsection (3) is added to section
15 316.2954, Florida Statutes, to read:

16 316.2954 Windows behind the driver; restrictions on
17 suncreening material.--

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

21 Section 211. Subsections (1) and (3) of section
22 316.2956, Florida Statutes, are amended to read:

23 316.2956 Violation of provisions relating to
24 windshields, windows, and sunscreening material; penalties.--

25 (1) Any person who operates a motor vehicle on which,
26 after June 20, 1984, material was installed in violation of
27 ss. 316.2951-316.2954 commits ~~is guilty of~~ a noncriminal
28 traffic infraction, punishable as a nonmoving violation as
29 provided in chapter 318 ~~subject to the penalty provided in s.~~
30 ~~318.18(2).~~

31

1 (3) Any person who sells or installs suncreening
2 material in violation of any provision of ss.
3 316.2951-316.2955 ~~after June 20, 1984~~, is guilty of a
4 misdemeanor of the second degree, punishable as provided in s.
5 775.082 or s. 775.083.

6 Section 212. Section 316.299, Florida Statutes, is
7 amended to read:

8 316.299 Rough surfaced wheels prohibited.--No person
9 shall drive, propel, operate, or cause to be driven, propelled
10 or operated over any paved or graded public road of this state
11 any tractor engine, tractor or other vehicle or contrivance
12 having wheels provided with sharpened or roughened surfaces,
13 other than roughened pneumatic rubber tires having studs
14 designed to improve traction without materially injuring the
15 surface of the highway, unless the rims or tires of the wheels
16 of such tractor engines, tractors, or other vehicles or
17 contrivances are provided with suitable filler blocks between
18 the cleats so as to form a smooth surface. This requirement
19 shall not apply to tractor engines, tractors, or other
20 vehicles or contrivances if the rims or tires of their wheels
21 are constructed in such manner as to prevent injury to such
22 roads. This restriction shall not apply to tractor engines,
23 tractors, and other vehicles or implements used by any county
24 or the Department of Transportation in the construction or
25 maintenance of roads or to farm implements weighing less than
26 1,000 pounds when provided with wheel surfaces of more than
27 1/2 inch in width. A violation of this section is a
28 noncriminal traffic infraction, punishable as a nonmoving
29 violation as provided in chapter 318.

30 Section 213. Subsection (4) is added to section
31 316.300, Florida Statutes, to read:

1 316.300 Certain vehicles to carry flares or other
2 devices.--

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

6 Section 214. Subsection (10) is added to section
7 316.301, Florida Statutes, to read:

8 316.301 Display of warning lights and devices when
9 vehicle is stopped or disabled.--

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

13 Section 215. Paragraph (c) of subsection (1) of
14 section 316.302, Florida Statutes, 1998 Supplement, is
15 reenacted, and paragraph (f) of subsection (2) of that section
16 is amended, to read:

17 316.302 Commercial motor vehicles; safety regulations;
18 transporters and shippers of hazardous materials;
19 enforcement.--

20 (1)

21 (c) Except as provided in s. 316.215(5), and except as
22 provided in s. 316.228 for rear overhang lighting and flagging
23 requirements for intrastate operations, the requirements of
24 this section supersede all other safety requirements of this
25 chapter for commercial motor vehicles.

26 (2)

27 (f) A person who operates a commercial motor vehicle
28 having a declared gross vehicle weight of less than 26,000
29 pounds solely in intrastate commerce and who is not
30 transporting hazardous materials, or who is transporting
31 petroleum products as defined in s. 376.301~~(31)(29)~~, is exempt

1 from subsection (1). However, such person must comply with 49
2 C.F.R. parts 382, 392, 393, and 49 C.F.R. s. 396.9.

3 Section 216. Paragraph (c) of subsection (3) of
4 section 316.3025, Florida Statutes, is amended to read:

5 316.3025 Penalties.--

6 (3)

7 (c) A civil penalty of \$250 may be assessed for:

- 8 1. A violation of the placarding requirements of 49
9 C.F.R. parts 171-179;
- 10 2. A violation of the shipping paper requirements of
11 49 C.F.R. parts 171-179;
- 12 3. A violation of 49 C.F.R. s. 392.10;
- 13 4. A violation of 49 C.F.R. s. 397.5 ~~395.5~~;
- 14 5. A violation of 49 C.F.R. s. 397.7;
- 15 6. A violation of 49 C.F.R. s. 397.13; or
- 16 7. A violation of 49 C.F.R. s. 397.15.

17 Section 217. Subsection (5) of section 316.3027,
18 Florida Statutes, is amended to read:

19 316.3027 Identification required on commercial motor
20 vehicles.--

21 (5) Any vehicle which meets the vehicle identification
22 requirements of the United States Department of Transportation
23 ~~Interstate Commerce Commission~~ regulations shall be considered
24 in compliance with this section.

25 Section 218. Subsection (4) is added to section
26 316.303, Florida Statutes, to read:

27 316.303 Television receivers.--

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

31

1 Section 219. Subsection (4) is added to section
2 316.304, Florida Statutes, to read:

3 316.304 Wearing of headsets.--

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

7 Section 220. Subsection (5) is added to section
8 316.3045, Florida Statutes, to read:

9 316.3045 Operation of radios or other mechanical
10 soundmaking devices or instruments in vehicles; exemptions.--

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

14 Section 221. Subsection (3) is added to section
15 316.400, Florida Statutes, to read:

16 316.400 Headlamps.--

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

20 Section 222. Section 316.405, Florida Statutes, is
21 amended to read:

22 316.405 Motorcycle headlights to be turned on.--

23 (1) Any person who operates a motorcycle or
24 motor-driven cycle on the public streets or highways shall,
25 while so engaged, have the headlight or headlights of such
26 motorcycle or motor-driven cycle turned on. Failure to comply
27 with this section during the hours from sunrise to sunset,
28 unless compliance is otherwise required by law, shall not be
29 admissible as evidence of negligence in a civil action. During
30 the hours of operation between sunrise and sunset, the
31 headlights may modulate either the upper beam or the lower

1 beam from its maximum intensity to a lower intensity, in
2 accordance with Federal Motor Vehicle Safety Standard 571.108.

3 (2) Failure to comply with the provisions of this
4 section shall not be deemed negligence per se in any civil
5 action, but the violation of this section may be considered on
6 the issue of negligence if the violation of this section is a
7 proximate cause of a crash ~~an accident~~.

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

11 Section 223. Subsection (3) is added to section
12 316.410, Florida Statutes, to read:

13 316.410 Taillamps.--

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

17 Section 224. Section 316.415, Florida Statutes, is
18 amended to read:

19 316.415 Reflectors.--Every motorcycle and motor-driven
20 cycle shall carry on the rear, either as part of the taillamp
21 or separately, at least one red reflector. A violation of this
22 section is a noncriminal traffic infraction, punishable as a
23 nonmoving violation as provided in chapter 318.

24 Section 225. Section 316.420, Florida Statutes, is
25 amended to read:

26 316.420 Stop lamps.--Every motorcycle and motor-driven
27 cycle shall be equipped with at least one stop lamp meeting
28 the requirements of s. 316.234(1). A violation of this section
29 is a noncriminal traffic infraction, punishable as a nonmoving
30 violation as provided in chapter 318.

31

1 Section 226. Subsection (3) is added to section
2 316.425, Florida Statutes, to read:

3 316.425 Lamps on parked motorcycles.--

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

7 Section 227. Subsection (3) is added to section
8 316.430, Florida Statutes, to read:

9 316.430 Multiple-beam road-lighting equipment.--

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

13 Section 228. Section 316.435, Florida Statutes, is
14 amended to read:

15 316.435 Lighting equipment for motor-driven
16 cycles.--The headlamp or headlamps upon every motor-driven
17 cycle may be of the single-beam or multiple-beam type, but in
18 either event shall comply with the requirements and
19 limitations as follows:

20 (1) Every such headlamp or headlamps on a motor-driven
21 cycle shall be of sufficient intensity to reveal persons and
22 vehicles at a distance of not less than 100 feet when the
23 motor-driven cycle is operated at any speed less than 25 miles
24 per hour; at a distance of not less than 200 feet when the
25 motor-driven cycle is operated at a speed of 25 or more miles
26 per hour; and at a distance of not less than 300 feet when the
27 motor-driven cycle is operated at a speed of 35 or more miles
28 per hour.

29 (2) In the event the motor-driven cycle is equipped
30 with a multiple-beam headlamp or headlamps, such equipment
31 shall comply with the requirements of s. 316.430(2).

1
2 A violation of this section is a noncriminal traffic
3 infraction, punishable as a nonmoving violation as provided in
4 chapter 318.

5 Section 229. Section 316.440, Florida Statutes, is
6 amended to read:

7 316.440 Brake equipment required.--Every motor-driven
8 cycle must comply with the provisions of s. 316.261, except
9 that:

10 (1) Motorcycles and motor-driven cycles need not be
11 equipped with parking brakes.

12 (2) The wheel of a sidecar attached to a motorcycle or
13 to a motor-driven cycle, and the front wheel of a motor-driven
14 cycle, need not be equipped with brakes, provided that such
15 motorcycle or motor-driven cycle is capable of complying with
16 the performance requirements of this chapter.

17
18 A violation of this section is a noncriminal traffic
19 infraction, punishable as a nonmoving violation as provided in
20 chapter 318.

21 Section 230. Subsection (3) is added to section
22 316.445, Florida Statutes, to read:

23 316.445 Performance ability of motorcycle brakes.--

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

27 Section 231. Subsection (4) is added to section
28 316.450, Florida Statutes, to read:

29 316.450 Brakes on motor-driven cycles.--
30
31

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

4 Section 232. Section 316.455, Florida Statutes, is
5 amended to read:

6 316.455 Other equipment.--Every motorcycle and every
7 motor-driven cycle when operated upon a highway shall comply
8 with the requirements and limitations of:

9 (1) Section 316.271(1) and (2) on the requirement for
10 horns and warning devices.

11 (2) Section 316.271(3) on the requirement for the use
12 of horns.

13 (3) Section 316.271(4) on the requirement for sirens,
14 whistles, and bells.

15 (4) Section 316.271(5) on the requirement for theft
16 alarms.

17 (5) Section 316.271(6) on the requirement for
18 emergency vehicles.

19 (6) Section 316.272 on the requirement for mufflers
20 and prevention of noise.

21 (7) Section 316.294 on the requirement for mirrors.

22
23 A violation of this section is a noncriminal traffic
24 infraction, punishable as a nonmoving violation as provided in
25 chapter 318.

26 Section 233. Section 316.46, Florida Statutes, is
27 amended to read:

28 316.46 Equipment regulations for mopeds.--No person
29 may operate a moped that does not conform to all applicable
30 federal motor vehicle safety standards relating to lights and
31 safety and other equipment contained in Title 49, Code of

1 Federal Regulations. A violation of this section is a
2 noncriminal traffic infraction, punishable as a nonmoving
3 violation as provided in chapter 318.

4 Section 234. Section 316.510, Florida Statutes, is
5 amended to read:

6 316.510 Projecting loads on passenger vehicles.--No
7 passenger type vehicle shall be operated on any highway with
8 any load carried thereon extending beyond the fenders on the
9 left side of the vehicle or extending more than 6 inches
10 beyond the line of the fenders on the right side thereof. A
11 violation of this section is a noncriminal traffic infraction,
12 punishable as a nonmoving violation as provided in chapter
13 318.

14 Section 235. Subsection (3) is added to section
15 316.520, Florida Statutes, to read:

16 316.520 Loads on vehicles.--

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

20 Section 236. Subsection (3) is added to section
21 316.525, Florida Statutes, to read:

22 316.525 Requirements for vehicles hauling loads.--

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

26 Section 237. Subsection (4) is added to section
27 316.530, Florida Statutes, to read:

28 316.530 Towing requirements.--

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

1 Section 238. Section 316.600, Florida Statutes, is
2 amended to read:

3 316.600 Health and sanitation hazards.--No motor
4 vehicle, trailer or semitrailer shall be equipped with an open
5 toilet or other device that may be a hazard from a health and
6 sanitation standpoint. A violation of this section is a
7 noncriminal traffic infraction, punishable as a nonmoving
8 violation as provided in chapter 318.

9 Section 239. Section 316.605, Florida Statutes, is
10 amended to read:

11 316.605 Licensing of vehicles.--

12 (1) Every vehicle, at all times while driven, stopped,
13 or parked upon any highways, roads, or streets of this state,
14 shall be licensed in the name of the owner thereof in
15 accordance with the laws of this state unless such vehicle is
16 not required by the laws of this state to be licensed in this
17 state and shall, except as otherwise provided in s. 320.0706
18 for front-end registration license plates on truck tractors,
19 display the license plate or both of the license plates
20 assigned to it by the state, one on the rear and, if two, the
21 other on the front of the vehicle, each to be securely
22 fastened to the vehicle outside the main body of the vehicle
23 in such manner as to prevent the plates from swinging, with
24 all letters, numerals, printing, writing, and other
25 identification marks upon the plates clear and distinct and
26 free from defacement, mutilation, grease, and other obscuring
27 matter, so that they will be plainly visible and legible at
28 all times 100 feet from the rear or front. Nothing shall be
29 placed upon the face of a Florida plate except as permitted by
30 law or by rule or regulation of a governmental agency. No
31 license plates other than those furnished by the state shall

1 be used. However, if the vehicle is not required to be
2 licensed in this state, the license plates on such vehicle
3 issued by another state, by a territory, possession, or
4 district of the United States, or by a foreign country,
5 substantially complying with the provisions hereof, shall be
6 considered as complying with this chapter. A violation of this
7 subsection is a noncriminal traffic infraction, punishable as
8 a nonmoving violation as provided in chapter 318.

9 (2) Any commercial motor vehicle, as defined in s.
10 316.003(66), operating over the highways of this state with an
11 expired registration, with no registration from this or any
12 other jurisdiction, or with no registration under the
13 applicable provisions of chapter 320 shall be in violation of
14 s. 320.07(3) and shall subject the owner or operator of such
15 vehicle to the penalty provided ~~in s. 318.18~~. In addition, a
16 commercial motor vehicle found in violation of this section
17 may be detained by any law enforcement officer until the owner
18 or operator produces evidence that the vehicle has been
19 properly registered and that any applicable delinquent
20 penalties have been paid.

21 Section 240. Subsection (5) of section 316.613,
22 Florida Statutes, is amended to read:

23 316.613 Child restraint requirements.--

24 (5) Any person who violates the provisions of this
25 section commits a moving violation, punishable as provided in
26 chapter 318 and shall have 3 points assessed against his or
27 her driver's license as set forth in s. 322.27. In lieu of the
28 penalty specified in s. 318.18 and the assessment of points, a
29 person who violates the provisions of this section may elect,
30 with the court's approval, to participate in a child restraint
31 safety program approved by the chief judge of the circuit in

1 which the violation occurs, and upon completing such program,
2 the penalty specified in chapter 318 and associated costs may
3 be waived at the court's discretion and the assessment of
4 points shall be waived. The child restraint safety program
5 must use a course approved by the Department of Highway Safety
6 and Motor Vehicles ~~Health and Rehabilitative Services~~, and the
7 fee for the course must bear a reasonable relationship to the
8 cost of providing the course.

9 Section 241. Subsection (5) of section 316.6135,
10 Florida Statutes, is amended to read:

11 316.6135 Leaving children unattended or unsupervised
12 in motor vehicle; penalty; authority of law enforcement
13 officer.--

14 (5) The child shall be remanded to the custody of the
15 Department of Children and Family ~~Health and Rehabilitative~~
16 Services pursuant to chapter 39, unless the law enforcement
17 officer is able to locate the parents or legal guardian or
18 other person responsible for the child.

19 Section 242. Subsection (6) is added to section
20 316.615, Florida Statutes, to read:

21 316.615 School buses; physical requirements of
22 drivers.--

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

26 Section 243. Subsection (7) is added to section
27 316.620, Florida Statutes, to read:

28 316.620 Transportation of migrant farm workers.--Every
29 carrier of migrant farm workers shall systematically inspect
30 and maintain, or cause to be systematically maintained, all
31 motor vehicles and their accessories subject to its control to

1 ensure that such motor vehicles and accessories are in safe
2 and proper operating condition in accordance with the
3 provisions of this chapter.

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

7 Section 244. Paragraph (b) of subsection (2),
8 paragraph (b) of subsection (3), and paragraph (b) of
9 subsection (5) of section 316.640, Florida Statutes, are
10 amended to read:

11 316.640 Enforcement.--The enforcement of the traffic
12 laws of this state is vested as follows:

13 (2) COUNTIES.--

14 (b) The sheriff's office of each county may employ as
15 a traffic crash ~~accident~~ investigation officer any individual
16 who successfully completes at least 200 hours of instruction
17 in traffic crash ~~accident~~ investigation and court presentation
18 through the Selective Traffic Enforcement Program (STEP) as
19 approved by the Criminal Justice Standards and Training
20 Commission and funded through the National Highway Traffic
21 Safety Administration (NHTSA) or a similar program approved by
22 the commission, but who does not necessarily otherwise meet
23 the uniform minimum standards established by the commission
24 for law enforcement officers or auxiliary law enforcement
25 officers under chapter 943. Any such traffic crash ~~accident~~
26 investigation officer who makes an investigation at the scene
27 of a traffic crash ~~accident~~ may issue traffic citations when,
28 based upon personal investigation, he or she has reasonable
29 and probable grounds to believe that a person who was involved
30 has committed an offense under this chapter in connection with
31 the crash ~~accident~~. This paragraph does not permit the

1 carrying of firearms or other weapons, nor do such officers
2 have arrest authority other than for the issuance of a traffic
3 citation as authorized in this paragraph.

4 (3) MUNICIPALITIES.--

5 (b) The police department of a chartered municipality
6 may employ as a traffic crash ~~accident~~ investigation officer
7 any individual who successfully completes at least 200 hours
8 of instruction in traffic crash ~~accident~~ investigation and
9 court presentation through the Selective Traffic Enforcement
10 Program (STEP) as approved by the Criminal Justice Standards
11 and Training Commission and funded through the National
12 Highway Traffic Safety Administration (NHTSA) or a similar
13 program approved by the commission, but who does not otherwise
14 meet the uniform minimum standards established by the
15 commission for law enforcement officers or auxiliary law
16 enforcement officers under chapter 943. Any such traffic crash
17 ~~accident~~ investigation officer who makes an investigation at
18 the scene of a traffic crash ~~accident~~ is authorized to issue
19 traffic citations when, based upon personal investigation, he
20 or she has reasonable and probable grounds to believe that a
21 person involved has committed an offense under the provisions
22 of this chapter in connection with the crash ~~accident~~.

23 Nothing in this paragraph shall be construed to permit the
24 carrying of firearms or other weapons, nor shall such officers
25 have arrest authority other than for the issuance of a traffic
26 citation as authorized above.

27 (5)

28 (b) The traffic enforcement officer shall be employed
29 in relationship to a selective traffic enforcement program at
30 a fixed location or as part of a crash ~~an accident~~
31 investigation team at the scene of a vehicle crash ~~accident~~ or

1 in other types of traffic infraction enforcement under the
2 direction of a fully qualified law enforcement officer;
3 however, it is not necessary that the traffic infraction
4 enforcement officer's duties be performed under the immediate
5 supervision of a fully qualified law enforcement officer.

6 Section 245. Section 316.645, Florida Statutes, is
7 amended to read:

8 316.645 Arrest authority of officer at scene of a
9 traffic crash ~~accident~~.--A police officer who makes an
10 investigation at the scene of a traffic crash ~~accident~~ may
11 arrest any driver of a vehicle involved in the crash ~~accident~~
12 when, based upon personal investigation, the officer has
13 reasonable and probable grounds to believe that the person has
14 committed any offense under the provisions of this chapter or
15 chapter 322 in connection with the crash ~~accident~~.

16 Section 246. Paragraph (b) of subsection (1) of
17 section 316.70, Florida Statutes, is amended to read:

18 316.70 Nonpublic sector buses; safety rules.--

19 (1) The Department of Transportation shall establish
20 and revise standards to assure the safe operation of nonpublic
21 sector buses, as defined in s. 316.003(78), which standards
22 shall be those contained in 49 C.F.R. parts 382, 385, and
23 390-397 and which shall be directed towards assuring that:

24 (b) Nonpublic sector buses are carrying the insurance
25 required by law and carrying liability insurance on the
26 checked baggage of passengers not to exceed the standard
27 adopted by the United States Department of Transportation
28 ~~Interstate Commerce Commission~~.

29 Section 247. Section 318.12, Florida Statutes, is
30 amended to read:

31

1 318.12 Purpose.--It is the legislative intent in the
2 adoption of this chapter to decriminalize certain violations
3 of chapter 316, the Florida Uniform Traffic Control Law;
4 chapter 320, Motor Vehicle Licenses; chapter 322, Drivers'
5 Licenses; ~~chapter 339, Florida Transportation Code, Sixth~~
6 ~~Part~~chapter 240, Postsecondary Education ~~239, Universities;~~
7 ~~Scholarships, etc.;~~ and chapter 338, Florida Intrastate
8 Highway System and Toll Facilities ~~340, Turnpike Projects,~~
9 thereby facilitating the implementation of a more uniform and
10 expeditious system for the disposition of traffic infractions.

11 Section 248. Subsection (5) of section 318.13, Florida
12 Statutes, is amended to read:

13 318.13 Definitions.--The following words and phrases,
14 when used in this chapter, shall have the meanings
15 respectively ascribed to them in this section, except where
16 the context otherwise requires:

17 (5) "Officer" means any law enforcement officer
18 charged with and acting under his or her authority to arrest
19 persons suspected of, or known to be, violating statutes or
20 ordinances regulating traffic or the operation or equipment of
21 vehicles. "Officer" includes any individual employed by a
22 sheriff's department or the police department of a chartered
23 municipality who is acting as a traffic infraction enforcement
24 officer as provided in s. 316.640 ~~318.141~~.

25 Section 249. Subsections (1), (4), (9), and (10) of
26 section 318.14, Florida Statutes, are amended to read:

27 318.14 Noncriminal traffic infractions; exception;
28 procedures.--

29 (1) Except as provided in ss. 318.17 and
30 320.07(3)(c)~~(b)~~, any person cited for a violation of s.
31 240.265, chapter 316, s. 320.0605~~(1)~~, s. 320.07(3)(a), s.

1 322.065, s. 322.15(1), s. 322.16(2) or (3), s. 322.1615 ~~s.~~
2 ~~322.161(4)~~, or s. 322.19 is charged with a noncriminal
3 infraction and must be cited for such an infraction and cited
4 to appear before an official. If another person dies as a
5 result of the noncriminal infraction, the person cited may be
6 required to perform 120 community service hours under s.
7 316.027(4), in addition to any other penalties.

8 (4) Any person charged with a noncriminal infraction
9 under this section who does not elect to appear shall pay the
10 civil penalty and delinquent fee, if applicable, either by
11 mail or in person, within 30 days of the date of receiving the
12 citation. If the person cited follows the above procedure, he
13 or she shall be deemed to have admitted the infraction and to
14 have waived his or her right to a hearing on the issue of
15 commission of the infraction. Such admission shall not be
16 used as evidence in any other proceedings. Any person who is
17 cited for a violation of s. 320.0605~~(1)~~ or s. 322.15(1), or
18 subject to a penalty under s. 320.07(3)(a) or s. 322.065, and
19 who makes an election under this subsection shall submit proof
20 of compliance with the applicable section to the clerk of the
21 court. For the purposes of this subsection, proof of
22 compliance consists of a valid driver's license or a valid
23 registration certificate.

24 (9) Any person who is cited for an infraction under
25 this section other than a violation of s. 320.0605~~(1)~~, s.
26 320.07(3)(a), s. 322.065, s. 322.15(1), s. 322.61, or s.
27 322.62 may, in lieu of a court appearance, elect to attend in
28 the location of his or her choice within this state a basic
29 driver improvement course approved by the Department of
30 Highway Safety and Motor Vehicles. In such a case,
31 adjudication must be withheld; points, as provided by s.

1 322.27, may not be assessed; and the civil penalty that is
2 imposed by s. 318.18(3) must be reduced by 18 percent;
3 however, a person may not make an election under this
4 subsection if the person has made an election under this
5 subsection in the preceding 12 months. A person may make no
6 more than five elections under this subsection. The
7 requirement for community service under s. 318.18(8)~~(7)~~ is not
8 waived by a plea of nolo contendere or by the withholding of
9 adjudication of guilt by a court.

10 (10)(a) Any person cited for an offense listed under
11 this subsection may, in lieu of payment of fine or court
12 appearance, elect to enter a plea of nolo contendere and
13 provide proof of compliance to the clerk of the court or
14 authorized operator of a traffic violations bureau. In such
15 case, adjudication shall be withheld; however, no election
16 shall be made under this subsection if such person has made an
17 election under this subsection in the 12 months preceding
18 election hereunder. No person may make more than three
19 elections under this subsection. This subsection applies to
20 the following offenses:

21 1. Operating a motor vehicle without a valid driver's
22 license in violation of the provisions of s. 322.03, s.
23 322.065, or s. 322.15(1), or operating a motor vehicle with a
24 license which has been suspended for failure to appear,
25 failure to pay civil penalty, or failure to attend a driver
26 improvement course pursuant to s. 322.291.

27 2. Operating a motor vehicle without a valid
28 registration in violation of s. 320.0605~~, or~~ s. 320.07, or s.
29 320.131.

30 3. Operating a motor vehicle in violation of s.
31 316.646.

1 (b) Any person cited for an offense listed in this
2 subsection shall present proof of compliance prior to the
3 scheduled court appearance date. For the purposes of this
4 subsection, proof of compliance shall consist of a valid,
5 renewed, or reinstated driver's license or registration
6 certificate and proper proof of maintenance of security as
7 required by s. 316.646. Notwithstanding waiver of fine, any
8 person establishing proof of compliance shall be assessed
9 court costs of \$22, except that a person charged with
10 violation of s. 316.646(1)-(3) may be assessed court costs of
11 \$7. One dollar of such costs shall be distributed to the
12 Department of Children and Family ~~Health and Rehabilitative~~
13 Services for deposit into the Child Welfare Training Trust
14 Fund. One dollar of such costs shall be distributed to the
15 Department of Juvenile Justice for deposit into the Juvenile
16 Justice Training Trust Fund. Twelve dollars of such costs
17 shall be distributed to the municipality and \$8 shall be
18 retained by the county, if the offense was committed within
19 the municipality. If the offense was committed in an
20 unincorporated area of a county or if the citation was for a
21 violation of s. 316.646(1)-(3), the county shall retain the
22 entire amount, except for the moneys to be deposited into the
23 Child Welfare Training Trust Fund and the Juvenile Justice
24 Training Trust Fund. This subsection shall not be construed
25 to authorize the operation of a vehicle without a valid
26 driver's license, without a valid vehicle tag and
27 registration, or without the maintenance of required security.

28 Section 250. Subsection (2) of section 318.1451,
29 Florida Statutes, is amended to read:

30 318.1451 Driver improvement schools.--

31

1 (2) In determining whether to approve the courses
2 referenced in this section, the department shall consider
3 course content designed to promote safety, driver awareness,
4 crash ~~accident~~ avoidance techniques, and other factors or
5 criteria to improve driver performance from a safety
6 viewpoint.

7 Section 251. Section 318.17, Florida Statutes, is
8 amended to read:

9 318.17 Offenses excepted.--No provision of this
10 chapter is available to a person who is charged with any of
11 the following offenses:

12 (1) Fleeing or attempting to elude a police officer,
13 in violation of s. 316.1935;

14 (2) Leaving the scene of a crash ~~an accident~~, in
15 violation of ss. 316.027 and 316.061;

16 (3) Driving, or being in actual physical control of,
17 any vehicle while under the influence of alcoholic beverages,
18 any chemical substance set forth in s. 877.111, or any
19 substance controlled under chapter 893, in violation of s.
20 316.193, or driving with an unlawful blood-alcohol level;

21 (4) Reckless driving, in violation of s. 316.192;

22 (5) Making false crash ~~accident~~ reports, in violation
23 of s. 316.067;

24 (6) Willfully failing or refusing to comply with any
25 lawful order or direction of any police officer or member of
26 the fire department, in violation of s. 316.072(3);

27 (7) Obstructing an officer, in violation of s.
28 316.545(1); or

29 (8) Any other offense in chapter 316 which is
30 classified as a criminal violation.

31

1 Section 252. Subsection (1) of section 318.18, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 318.18 Amount of civil penalties.--The penalties
4 required for a noncriminal disposition pursuant to s. 318.14
5 are as follows:

6 (1) Fifteen dollars for:

7 (a) All infractions of pedestrian regulations.

8 (b) All infractions of s. 316.2065, unless otherwise
9 specified.~~and~~

10 (c) Other violations of chapter 316 by persons 14
11 years of age or under who are operating bicycles, regardless
12 of the noncriminal traffic infraction's classification.

13 Section 253. Section 318.19, Florida Statutes, is
14 amended to read:

15 318.19 Infractions requiring a mandatory hearing.--Any
16 person cited for the infractions listed in this section shall
17 not have the provisions of s. 318.14(2), (4), and (9)
18 available to him or her but must appear before the designated
19 official at the time and location of the scheduled hearing:

20 (1) Any infraction which results in a crash ~~an~~
21 ~~accident~~ that causes the death of another; or

22 (2) Any infraction which results in a crash ~~an~~
23 ~~accident~~ that causes "serious bodily injury" of another as
24 defined in s. 316.1933(1); or

25 (3) Any infraction of s. 316.172(1)(b).

26 Section 254. Subsections (4) and (7) of section
27 318.21, Florida Statutes, 1998 Supplement, are amended to
28 read:

29 318.21 Disposition of civil penalties by county
30 courts.--All civil penalties received by a county court
31

1 pursuant to the provisions of this chapter shall be
2 distributed and paid monthly as follows:

3 (4) Of the additional fine assessed under s.
4 318.18(3)~~(d)~~(e) for a violation of s. 316.1301, 40 percent
5 must be deposited into the Grants and Donations Trust Fund of
6 the Division of Blind Services of the Department of Labor and
7 Employment Security, and 60 percent must be distributed
8 pursuant to subsections (1) and (2) ~~of this section~~.

9 (7) For fines assessed under s. 318.18(3) for unlawful
10 speed, the following amounts must be deducted and deposited
11 into the Nongame Wildlife Trust Fund:

13 For speed exceeding the limit by:	Fine:
14 <u>1-5 m.p.h.</u>	\$.00
15 6 <u>1-9 m.p.h.</u>	\$.25
16 10-14 m.p.h.....	\$ 3.00
17 15-19 m.p.h.....	\$ 4.00
18 20-29 m.p.h.....	\$ 5.00
19 30 m.p.h. and above.....	\$10.00

20
21 The remaining amount must be distributed pursuant to
22 subsections (1) and (2).

23 Section 255. Subsection (1) of section 318.32, Florida
24 Statutes, is amended to read:

25 318.32 Jurisdiction; limitations.--

26 (1) Hearing officers shall be empowered to accept
27 pleas from and decide the guilt or innocence of any person,
28 adult or juvenile, charged with any civil traffic infraction
29 and shall be empowered to adjudicate or withhold adjudication
30 of guilt in the same manner as a county court judge under the

31

1 statutes, rules, and procedures presently existing or as
2 subsequently amended, except that hearing officers shall not:

3 (a) Have the power to hold a defendant in contempt of
4 court, but shall be permitted to file a motion for order of
5 contempt with the appropriate state trial court judge;

6 (b) Hear a case involving a crash ~~an accident~~
7 resulting in injury or death; or

8 (c) Hear a criminal traffic offense case or a case
9 involving a civil traffic infraction issued in conjunction
10 with a criminal traffic offense.

11 Section 256. Section 318.39, Florida Statutes, is
12 repealed.

13 Section 257. Paragraph (b) of subsection (2) of
14 section 319.28, Florida Statutes, is amended to read:

15 319.28 Transfer of ownership by operation of law.--

16 (2)

17 (b) In case of repossession of a motor vehicle or
18 mobile home pursuant to the terms of a security agreement or
19 similar instrument, an affidavit by the party to whom
20 possession has passed stating that the vehicle or mobile home
21 was repossessed upon default in the terms of the security
22 agreement or other instrument shall be considered satisfactory
23 proof of ownership and right of possession. At least 5 days
24 prior to selling the repossessed vehicle, any subsequent
25 lienholder named in the last issued certificate of title shall
26 be sent notice of the repossession by certified mail, on a
27 form prescribed by the department. If such notice is given
28 and no written protest to the department is presented by a
29 subsequent lienholder within 15 days from the date on which
30 the notice was mailed, the certificate of title or the
31 certificate of repossession shall be issued showing no liens.

1 If the former owner or any subsequent lienholder files a
2 written protest under oath within such 15-day period, the
3 department shall not issue the certificate of title or
4 certificate of repossession for 10 days thereafter. If within
5 the 10-day period no injunction or other order of a court of
6 competent jurisdiction has been served on the department
7 commanding it not to deliver the certificate of title or
8 certificate of repossession, the department shall deliver the
9 certificate of title or repossession to the applicant or as
10 may otherwise be directed in the application showing no other
11 liens than those shown in the application. Any lienholder who
12 has repossessed a vehicle in compliance with the provisions of
13 this section may apply to the tax collector's office or to the
14 department for a certificate of repossession or to the
15 department for a certificate of title pursuant to s. 319.323.
16 Proof of the required notice to subsequent lienholders shall
17 be submitted together with regular title fees. A lienholder
18 to whom a certificate of repossession has been issued may
19 assign the certificate of title to the subsequent owner. Any
20 person found guilty of violating any requirements of this
21 paragraph shall be guilty of a felony of the third degree,
22 punishable as provided in s. 775.082, s. 775.083, or s.
23 775.084.

24 Section 258. Paragraph (d) of subsection (1) of
25 section 319.33, Florida Statutes, is amended to read:

26 319.33 Offenses involving vehicle identification
27 numbers, applications, certificates, papers; penalty.--

28 (1) It is unlawful:

29 (d) To possess, sell or offer for sale, conceal, or
30 dispose of in this state a motor vehicle or mobile home, or
31 major component part thereof, on which the motor number or

1 vehicle identification number has been destroyed, removed,
2 covered, altered, or defaced, with knowledge of such
3 destruction, removal, covering, alteration, or defacement,
4 except as provided in s. 319.30(4)~~(3)~~.

5 Section 259. Subsection (12) of section 320.02,
6 Florida Statutes, is amended to read:

7 320.02 Registration required; application for
8 registration; forms.--

9 (12) The department is authorized to withhold
10 registration or reregistration of any motor vehicle if the
11 owner, or one of the coowners of the vehicle, has a driver's
12 license which is under suspension for the failure to remit
13 payment of any fines levied in this state pursuant to chapter
14 318 or chapter 322. ~~The department shall design and implement~~
15 ~~a program to accomplish this action by June 1, 1992. However,~~
16 ~~nothing in this subsection shall be construed to prohibit the~~
17 ~~department from withholding registration or renewal for a~~
18 ~~similar situation during the interim.~~

19 Section 260. Subsections (7) and (8) of section
20 320.03, Florida Statutes, 1998 Supplement, are amended to
21 read:

22 320.03 Registration; duties of tax collectors;
23 International Registration Plan.--

24 (7) The Department of Highway Safety and Motor
25 Vehicles shall register apportioned motor vehicles under the
26 provisions of the International Registration Plan.
27 ~~Implementation of the plan shall occur by July 1, 1986, for~~
28 ~~the 1986-1987 registration period.~~ The department may adopt
29 rules to implement and enforce the provisions of the plan.

30 (8) If the applicant's name appears on the list
31 referred to in s. 316.1001(4)~~(5)~~ or s. 316.1967(6), a license

1 plate or revalidation sticker may not be issued until that
2 person's name no longer appears on the list or until the
3 person presents a receipt from the clerk showing that the
4 fines outstanding have been paid. The tax collector and the
5 clerk of the court are each entitled to receive monthly, as
6 costs for implementing and administering this subsection, 10
7 percent of the civil penalties and fines recovered from such
8 persons. If the tax collector has private tag agents, such tag
9 agents are entitled to receive a pro rata share of the amount
10 paid to the tax collector, based upon the percentage of
11 license plates and revalidation stickers issued by the tag
12 agent compared to the total issued within the county. The
13 authority of any private agent to issue license plates shall
14 be revoked, after notice and a hearing as provided in chapter
15 120, if he or she issues any license plate or revalidation
16 sticker contrary to the provisions of this subsection. This
17 section applies only to the annual renewal in the owner's
18 birth month of a motor vehicle registration and does not apply
19 to the transfer of a registration of a motor vehicle sold by a
20 motor vehicle dealer licensed under this chapter, except for
21 the transfer of registrations which is inclusive of the annual
22 renewals. This section does not affect the issuance of the
23 title to a motor vehicle, notwithstanding s. 319.23(7)(b).

24 Section 261. Section 320.031, Florida Statutes, is
25 amended to read:

26 320.031 Mailing of registration certificates, license
27 plates, and validation stickers.--

28 (1) The department and the tax collectors of the
29 several counties of the state may at the request of the
30 applicant use United States mail service to deliver
31 registration certificates and renewals thereof, license

1 plates, mobile home stickers, and validation stickers to
2 applicants.

3 (2) A mail service charge may be collected for each
4 registration certificate, license plate, mobile home sticker,
5 and validation sticker mailed by the department or any tax
6 collector. Each registration certificate, license plate,
7 mobile home sticker, and validation sticker shall be mailed by
8 first-class mail unless otherwise requested by the applicant.
9 The amount of the mail service charge shall be the actual
10 postage required, rounded to the nearest 5 cents, plus a
11 25-cent handling charge. The mail service charge is in
12 addition to the service charge provided by s. 320.04.

13 ~~(3) The department is authorized to reproduce such~~
14 ~~documents, records, and reports as required to meet the~~
15 ~~requirements of the law and the needs of the public, either by~~
16 ~~photographing, microphotographing, or reproducing on film the~~
17 ~~document, record, or report, or by using an electronic~~
18 ~~digitizing process capable of reproducing a true and correct~~
19 ~~image of the original source document. The photographs,~~
20 ~~microphotographs, or electronic digitized copy of any records~~
21 ~~made in compliance with the provisions of this section shall~~
22 ~~have the same force and effect as the originals thereof and~~
23 ~~shall be treated as originals for the purpose of their~~
24 ~~admissibility into evidence. Duly certified or authenticated~~
25 ~~reproductions of such photographs, microphotographs, or~~
26 ~~electronically digitized records shall be admitted into~~
27 ~~evidence equally with the original photographs,~~
28 ~~microphotographs, or electronically digitized records.~~

29 Section 262. Subsections (1) and (5) of section
30 320.055, Florida Statutes, are amended to read:

31

1 320.055 Registration periods; renewal periods.--The
2 following registration periods and renewal periods are
3 established:

4 (1) For a motor vehicle subject to registration under
5 s. 320.08(1), (2), (3)~~(a), (b), (c), (d), or (e)~~, (5)(b), (c),
6 (d), or (f)~~(e)~~, (6)(a), (7), (8), (9), or (10) and owned by a
7 natural person, the registration period begins the first day
8 of the birth month of the owner and ends the last day of the
9 month immediately preceding the owner's birth month in the
10 succeeding year. If such vehicle is registered in the name of
11 more than one person, the birth month of the person whose name
12 first appears on the registration shall be used to determine
13 the registration period. For a vehicle subject to this
14 registration period, the renewal period is the 30-day period
15 ending at midnight on the vehicle owner's date of birth.

16 (5) For a vehicle subject to registration under s.
17 320.08(4), (5)(a)1., (e), ~~or~~ (6)(b), or (14), the registration
18 period shall be a period of 12 months beginning in a month
19 designated by the department and ending on the last day of the
20 12th month. For a vehicle subject to this registration
21 period, the renewal period is the last month of the
22 registration period. The registration period may be shortened
23 or extended at the discretion of the department, on receipt of
24 the appropriate prorated fees, in order to evenly distribute
25 such registrations on a monthly basis.

26 Section 263. Paragraph (b) of subsection (1) and
27 paragraph (a) of subsection (3) of section 320.06, Florida
28 Statutes, are amended to read:

29 320.06 Registration certificates, license plates, and
30 validation stickers generally.--

31 (1)

1 (b) Registration license plates bearing a graphic
2 symbol and the alphanumeric system of identification shall be
3 issued for a 5-year period. At the end of said 5-year period,
4 upon renewal, the plate shall be replaced ~~and the department~~
5 ~~shall determine the replacement date for plates issued prior~~
6 ~~to October 1, 1985.~~ The fee for such replacement shall be
7 \$10, \$2 of which shall be paid each year before the plate is
8 replaced, to be credited towards the next \$10 replacement fee.
9 The fees shall be deposited into the Highway Safety Operating
10 Trust Fund. A credit or refund shall not be given for any
11 prior years' payments of such prorated replacement fee when
12 the plate is replaced or surrendered before the end of the
13 5-year period. With each license plate, there shall be issued
14 a validation sticker showing the owner's birth month or the
15 appropriate renewal period if the owner is not a natural
16 person. This validation sticker shall be placed on the upper
17 left corner of the license plate and shall be issued one time
18 during the life of the license plate, or upon request when it
19 has been damaged or destroyed. There shall also be issued
20 with each license plate a serially numbered validation sticker
21 showing the year of expiration, which sticker shall be placed
22 on the upper right corner of the license plate. Such license
23 plate and validation stickers shall be issued based on the
24 applicant's appropriate renewal period. The registration
25 period shall be a period of 12 months, and all expirations
26 shall occur based on the applicant's appropriate registration
27 period. A vehicle with an apportioned registration shall be
28 issued an annual license plate and a cab card that denote the
29 declared gross vehicle weight for each apportioned
30 jurisdiction in which the vehicle is authorized to operate.
31

1 (3)(a) Registration license plates shall be of metal
2 specially treated with a retroreflective material, as
3 specified by the department. The registration license plate is
4 designed to increase nighttime visibility and legibility and
5 shall be at least 6 inches wide and not less than 12 inches in
6 length, unless a plate with reduced dimensions is deemed
7 necessary by the department to accommodate motorcycles,
8 mopeds, or similar smaller vehicles. Validation stickers shall
9 be treated with a retroreflective material, shall be of such
10 size as specified by the department, and shall adhere to the
11 license plate. The registration license plate shall be
12 imprinted with a combination of bold letters and numerals or
13 numerals, not to exceed seven digits, to identify the
14 registration license plate number. The license plate shall
15 also be imprinted with the word "Florida" at the top and the
16 name of the county in which it is sold at the bottom, except
17 that apportioned license plates shall have the word
18 "Apportioned" at the bottom and license plates issued for
19 vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or
20 (c), ~~(12)~~, or (14) shall have the word "Restricted" at the
21 bottom. License plates issued for vehicles taxed under s.
22 320.08(12) must be imprinted with the word "Florida" at the
23 top and the word "Dealer" at the bottom, ~~except that~~
24 ~~gross-vehicle-weight vehicles owned by a licensed motor~~
25 ~~vehicle dealer may be issued a license plate with the word~~
26 ~~"Restricted."~~ License plates issued for vehicles taxed under
27 s. 320.08(5)(d) or (e) must be imprinted with the word
28 "Wrecker" at the bottom. Any county may, upon majority vote
29 of the county commission, elect to have the county name
30 removed from the license plates sold in that county. The words
31 "Sunshine State" shall be printed in lieu thereof. In those

1 counties where the county commission has not removed the
2 county name from the license plate, the tax collector may, in
3 addition to issuing license plates with the county name
4 printed on the license plate, also issue license plates with
5 the words "Sunshine State" printed on the license plate
6 subject to the approval of the department and a legislative
7 appropriation for the additional license plates. A license
8 plate issued for a vehicle taxed under s. 320.08(6) may not be
9 assigned a registration license number, or be issued with any
10 other distinctive character or designation, that distinguishes
11 the motor vehicle as a for-hire motor vehicle.

12 Section 264. Subsection (1) of section 320.0601,
13 Florida Statutes, is amended to read:

14 320.0601 Rental car companies; identification of
15 vehicles as for-hire.--

16 (1) ~~Effective September 1, 1993,~~A rental car company
17 may not rent in this state any for-hire vehicle, other than
18 vehicles designed to transport cargo, that has affixed to its
19 exterior any bumper stickers, insignias, or advertising that
20 identifies the vehicle as a rental vehicle.

21 Section 265. Section 320.0605, Florida Statutes, is
22 amended to read:

23 320.0605 Certificate of registration; possession
24 required; exception.--The registration certificate or an
25 official copy thereof, a true copy of a rental or lease
26 agreement issued for a motor vehicle or issued for a
27 replacement vehicle in the same registration period, or a cab
28 card issued for a vehicle registered under the International
29 Registration Plan shall, at all times while the vehicle is
30 being used or operated on the roads of this state, be in the
31 possession of the operator thereof or be carried in the

1 vehicle for which issued and shall be exhibited upon demand of
2 any authorized law enforcement officer or any agent of the
3 department. The provisions of this section do not apply during
4 the first 30 days after purchase of a replacement vehicle. A
5 violation of this section is a noncriminal traffic infraction,
6 punishable as a nonmoving violation as provided in chapter
7 318.

8 Section 266. Paragraph (a) of subsection (3) of
9 section 320.07, Florida Statutes, is amended to read:

10 320.07 Expiration of registration; annual renewal
11 required; penalties.--

12 (3) The operation of any motor vehicle without having
13 attached thereto a registration license plate and validation
14 stickers, or the use of any mobile home without having
15 attached thereto a mobile home sticker, for the current
16 registration period shall subject the owner thereof, if he or
17 she is present, or, if the owner is not present, the operator
18 thereof to the following penalty provisions:

19 (a) Any person whose motor vehicle or mobile home
20 registration has been expired for a period of 6 months or less
21 commits a noncriminal traffic infraction, punishable as a
22 nonmoving violation as provided in chapter 318 ~~shall be~~
23 ~~subject to the penalty provided in s. 318.14.~~

24 Section 267. Section 320.073, Florida Statutes, is
25 repealed.

26 Section 268. Section 320.0802, Florida Statutes, is
27 amended to read:

28 320.0802 Surcharge on license tax.--During the period
29 January 1, 1989, through December 31, 2003, there is hereby
30 levied and imposed on each license tax imposed under s.
31 320.08, except those set forth in s. 320.08(11), a surcharge

1 in the amount of \$1, which shall be collected in the same
2 manner as the license tax and deposited into the State Agency
3 Law Enforcement Radio System Trust Fund of the Department of
4 Management Services. However, the surcharge shall be
5 terminated on midnight December 31, 1994, unless the pilot
6 project established in s. 282.1095 is deemed successful by the
7 joint task force with the concurrence of the Governor and
8 Cabinet as the head of the Department of Management Services
9 ~~General Services~~.

10 Section 269. Paragraph (b) of subsection (1) and
11 paragraph (b) of subsection (7) of section 320.08058, Florida
12 Statutes, 1998 Supplement, are amended to read:

13 320.08058 Specialty license plates.--

14 (1) MANATEE LICENSE PLATES.--

15 (b)1. The manatee license plate annual use fee must be
16 deposited into the Save the Manatee Trust Fund, created within
17 the Department of Environmental Protection. The funds
18 deposited in the Save the Manatee Trust Fund may be used only
19 for manatee-related environmental education; manatee research;
20 facilities, as provided in s. 370.12(4)(b)(5)(b); and manatee
21 protection and recovery.

22 2. For fiscal year 1996-1997, 25 percent of the
23 manatee license plate annual use fee must be deposited into
24 the Save the Manatee Trust Fund within the Department of
25 Environmental Protection and shall be used for manatee
26 facilities as provided in s. 370.12(5)(b).

27 (7) FLORIDA SPECIAL OLYMPICS LICENSE PLATES.--

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

30 1. The first \$5 million collected annually must be
31 forwarded to the private nonprofit corporation Florida

1 ~~Developmental Disabilities Planning Council~~ as described in s.
2 393.002 ~~393.001~~ and must be used solely for Special Olympics
3 purposes as approved by the private nonprofit corporation
4 ~~council~~.

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

7 Section 270. Section 320.08062, Florida Statutes, 1998
8 Supplement, is amended to read:

9 320.08062 Audits required; annual use fees of
10 specialty ~~special~~ license plates.--

11 (1)(a) All organizations that receive annual use fee
12 proceeds from the department are responsible for ensuring that
13 proceeds are used in accordance with ss. 320.08056 and
14 320.08058.

15 (b) All organizational recipients of any specialty
16 license plate annual use fee authorized in this chapter, not
17 otherwise subject to annual audit by the Office of the Auditor
18 General, shall submit an annual audit of the expenditures of
19 annual use fees and interest earned from these fees, to
20 determine if expenditures are being made in accordance with
21 the specifications outlined by law. The audit shall be
22 prepared by a certified public accountant licensed under
23 chapter 473 at that organizational recipient's expense. The
24 notes to the financial statements should state whether
25 expenditures were made in accordance with ss. 320.08056 and
26 320.08058.

27 (c) In lieu of an annual audit, any organization
28 receiving less than \$25,000 in annual use fee proceeds
29 directly from the department, or from another state agency,
30 may annually report, under penalties of perjury, that such
31 proceeds were used in compliance with ss. 320.08056 and

1 320.08058. The attestation shall be made annually in a form
2 and format determined by the department.

3 (d) The annual audit or report shall be submitted to
4 the department for review within 180 days after the end of the
5 organization's fiscal year.

6 (2) Within 90 days after receiving an organization's
7 audit or report, the department shall determine which
8 recipients of revenues from specialty license plate annual use
9 fees have not complied with subsection (1). If the department
10 determines that an organization has not complied or has failed
11 to use the revenues in accordance with ss. 320.08056 and
12 320.08058, the department must discontinue the distribution of
13 the revenues to the organization until the department
14 determines that the organization has complied. If an
15 organization fails to comply within 12 months after the annual
16 use fee proceeds are withheld by the department, the proceeds
17 shall be deposited into the Highway Safety Operating Trust
18 Fund to offset department costs related to the issuance of
19 specialty license plates.

20 (3) The Auditor General and the department have the
21 authority to examine all records pertaining to the use of
22 funds from the sale of specialty license plates.

23 Section 271. Paragraph (c) of subsection (2) of
24 section 320.0848, Florida Statutes, 1998 Supplement, is
25 amended to read:

26 320.0848 Persons who have disabilities; issuance of
27 disabled parking permits; temporary permits; permits for
28 certain providers of transportation services to persons who
29 have disabilities.--

30 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
31 MOBILITY PROBLEMS.--

1 (c)1. Except as provided in subparagraph 2., the fee
2 for a disabled parking permit shall be:

3 a. Fifteen dollars for each initial 4-year permit or
4 renewal permit, of which the State Transportation Trust Fund
5 shall receive \$13.50 and the tax collector of the county in
6 which the fee was collected shall receive \$1.50.

7 b. One dollar for each additional or additional
8 renewal 4-year permit, of which the State Transportation Trust
9 Fund shall receive all funds collected.

10

11 The department shall not issue an additional disabled parking
12 permit unless the applicant states that they are a frequent
13 traveler or a quadriplegic. The department may not issue to
14 any one eligible applicant more than two disabled parking
15 permits except to an organization in accordance with paragraph
16 (1)(e)~~(d)~~. Subsections (1), (5), (6), and (7) apply to this
17 subsection.

18 2. If an applicant who is a disabled veteran, is a
19 resident of this state, has been honorably discharged, and
20 either has been determined by the Department of Defense or the
21 United States Department of Veterans Affairs or its
22 predecessor to have a service-connected disability rating for
23 compensation of 50 percent or greater or has been determined
24 to have a service-connected disability rating of 50 percent or
25 greater and is in receipt of both disability retirement pay
26 from the United States Department of Veterans Affairs and has
27 a signed physician's statement of qualification for the
28 disabled parking permits, the fee for a disabled parking
29 permit shall be:

30 a. One dollar and fifty cents for the initial 4-year
31 permit or renewal permit.

1 b. One dollar for each additional or additional
2 renewal 4-year permit.

3
4 The tax collector of the county in which the fee was collected
5 shall retain all funds received pursuant to this subparagraph.

6 3. If an applicant presents to the department a
7 statement from the Federal Government or the State of Florida
8 indicating the applicant is a recipient of supplemental
9 security income, the fee for the disabled parking permit shall
10 be \$9 for the initial 4-year permit or renewal permit, of
11 which the State Transportation Trust Fund shall receive \$6.75
12 and the tax collector of the county in which the fee was
13 collected shall receive \$2.25.

14 Section 272. Section 320.087, Florida Statutes, is
15 amended to read:

16 320.087 Intercity buses operated in interstate
17 commerce; tax.--All intercity motor buses owned or operated by
18 residents or nonresidents of this state in interstate commerce
19 or combined interstate and intrastate commerce as a result of
20 which operation such motor buses operate both within and
21 without this state under the authority of the United States
22 Department of Transportation ~~Interstate Commerce Commission~~,
23 are subject to motor vehicle license taxes on a basis
24 commensurate with the use of Florida roads. The department
25 shall require the registration in this state of that
26 percentage of intercity motor buses operating in interstate
27 commerce or combined interstate-intrastate commerce, into or
28 through this state, which the actual mileage operated in this
29 state bears to the total mileage all such intercity motor
30 buses are operated both within and without this state. Such
31 percentage figure, so determined, is the "Florida mileage

1 factor." In determining the state license tax to be paid on
2 the buses actually operated in this state under the foregoing
3 method, the department shall first compute the amount that the
4 state license tax would be if all of such buses were in fact
5 subject to such tax, and then apply to that amount the Florida
6 mileage factor.

7 Section 273. Section 320.1325, Florida Statutes, is
8 amended to read:

9 320.1325 Registration required for the temporarily
10 employed.--Motor vehicles owned or leased by persons who are
11 temporarily employed within the state but are not residents
12 are required to be registered. The department shall provide a
13 temporary registration plate and a registration certificate
14 valid for 90 days to an applicant who is temporarily employed
15 in the state. The temporary registration plate may be renewed
16 one time for an additional 90-day period. At the end of the
17 180-day period of temporary registration, the applicant shall
18 apply for a permanent registration if there is a further need
19 to remain in this state. A temporary license registration
20 plate may not be issued for any commercial motor vehicle as
21 defined in s. 320.01. The fee for the 90-day temporary
22 registration plate shall be \$40 plus the applicable service
23 charge required by s. 320.04. Subsequent permanent
24 registration and titling of a vehicle registered hereunder
25 shall subject the applicant to the fees required by s. 320.01
26 ~~319.231~~ and 320.072, in addition to all other taxes and fees
27 required.

28 Section 274. Paragraph (b) of subsection (5) of
29 section 320.20, Florida Statutes, is amended to read:

30 320.20 Disposition of license tax moneys.--The revenue
31 derived from the registration of motor vehicles, including any

1 delinquent fees and excluding those revenues collected and
2 distributed under the provisions of s. 320.081, must be
3 distributed monthly, as collected, as follows:

4 (5)

5 (b) ~~Beginning July 1, 1989,~~The State Comptroller each
6 month shall deposit in the State Transportation Trust Fund an
7 amount, drawn from other funds in the State Treasury which are
8 not immediately needed or are otherwise in excess of the
9 amount necessary to meet the requirements of the State
10 Treasury, which when added to such remaining revenues each
11 month will equal one-twelfth of the amount of the anticipated
12 annual revenues to be deposited in the State Transportation
13 Trust Fund under paragraph (a) as estimated by the most recent
14 revenue estimating conference held pursuant to s. 216.136(3).
15 The transfers required hereunder may be suspended by action of
16 the Administration Commission in the event of a significant
17 shortfall of state revenues.

18 Section 275. Subsection (4) of section 320.8255,
19 Florida Statutes, is amended to read:

20 320.8255 Mobile home inspection.--

21 (4) The department shall determine fees for special
22 inspections and for the label seal authorized under s. 320.827
23 which are sufficient to cover the cost of inspection and
24 administration under this section. Fees collected shall be
25 deposited into the General Revenue Fund.

26 Section 276. Section 320.8256, Florida Statutes, is
27 repealed.

28 Section 277. Subsections (2) and (4) of section
29 321.051, Florida Statutes, 1998 Supplement, are amended to
30 read:

31

1 321.051 Florida Highway Patrol wrecker operator
2 system; penalties for operation outside of system.--

3 (2) The Division of Florida Highway Patrol of the
4 Department of Highway Safety and Motor Vehicles is authorized
5 to establish within areas designated by the patrol a wrecker
6 operator system using qualified, reputable wrecker operators
7 for removal and storage of wrecked or disabled vehicles from a
8 crash ~~an accident~~ scene or for removal and storage of
9 abandoned vehicles, in the event the owner or operator is
10 incapacitated or unavailable or leaves the procurement of
11 wrecker service to the officer at the scene. All reputable
12 wrecker operators shall be eligible for use in the system
13 provided their equipment and drivers meet recognized safety
14 qualifications and mechanical standards set by rules of the
15 Division of Florida Highway Patrol for the size of vehicle it
16 is designed to handle. The division is authorized to limit the
17 number of wrecker operators participating in the wrecker
18 operator system, which authority shall not affect wrecker
19 operators currently participating in the system established by
20 this section. The division is authorized to establish maximum
21 rates for the towing and storage of vehicles removed at the
22 division's request, where such rates have not been set by a
23 county or municipality pursuant to s. 125.0103 or s. 166.043.
24 Such rates shall not be considered rules for the purpose of
25 chapter 120; however, the department shall establish by rule a
26 procedure for setting such rates. Any provision in chapter
27 120 to the contrary notwithstanding, a final order of the
28 department denying, suspending, or revoking a wrecker
29 operator's participation in the system shall be reviewable in
30 the manner and within the time provided by the Florida Rules
31 of Appellate Procedure only by a writ of certiorari issued by

1 the circuit court in the county wherein such wrecker operator
2 resides.

3 (4) This section does not prohibit, or in any way
4 prevent, the owner or operator of a vehicle involved in a
5 crash ~~an accident~~ or otherwise disabled from contacting any
6 wrecker operator for the provision of towing services, whether
7 the wrecker operator is an authorized wrecker operator or not.

8 Section 278. Subsection (2) of section 321.23, Florida
9 Statutes, is amended to read:

10 321.23 Public records; fees for copies; destruction of
11 obsolete records; photographing records; effect as evidence.--

12 (2) Fees for copies of public records shall be charged
13 and collected as follows:

- 14 (a) For a crash ~~an accident~~ report, a copy.....\$2
- 15 (b) For a homicide report, a copy.....\$25
- 16 (c) Photographs (accidents, etc.):

18	Enlargement	Color	Black
19	Proof		& White
21	1. 5" x 7"	\$1.00	\$0.75
22	2. 8" x 10"	\$1.50	\$1.00
23	3. 11" x 14"	Not Available	\$1.75
24	4. 16" x 20"	Not Available	\$2.75
25	5. 20" x 24"	Not Available	\$3.75

26
27 (d) The department shall furnish such information
28 without charge to any local, state, or federal law enforcement
29 agency upon proof satisfactory to the department as to the
30 purpose of the investigation.

31

1 Section 279. Sections 321.06, 321.07, 321.09, 321.12,
2 321.15, 321.17, 321.18, 321.19, 321.191, 321.20, 321.201,
3 321.202, 321.203, 321.21, 321.22, 321.2205, 321.221, 321.222,
4 and 321.223, Florida Statutes, are repealed.

5 Section 280. Section 322.0261, Florida Statutes, is
6 amended to read:

7 322.0261 Mandatory driver improvement course; certain
8 crashes ~~accidents~~.--

9 (1) The department shall screen crash ~~accident~~ reports
10 received under s. 316.066 or s. 324.051 to identify crashes
11 ~~accidents~~ involving the following:

12 (a) A crash ~~An accident~~ involving death or a bodily
13 injury requiring transport to a medical facility; or

14 (b) A second crash ~~accident~~ by the same operator
15 within the previous 2-year period involving property damage in
16 an apparent amount of at least \$500.

17 (2) With respect to an operator convicted of, or who
18 pleaded nolo contendere to, a traffic offense giving rise to a
19 crash ~~an accident~~ identified pursuant to subsection (1), the
20 department shall require that the operator, in addition to
21 other applicable penalties, attend a departmentally approved
22 driver improvement course in order to maintain driving
23 privileges. If the operator fails to complete the course
24 within 90 days of receiving notice from the department, the
25 operator's driver's license shall be canceled by the
26 department until the course is successfully completed.

27 (3) In determining whether to approve a driver
28 improvement course for the purposes of this section, the
29 department shall consider course content designed to promote
30 safety, driver awareness, crash ~~accident~~ avoidance techniques,
31

1 and other factors or criteria to improve driver performance
2 from a safety viewpoint.

3 Section 281. Subsection (2) of section 322.055,
4 Florida Statutes, is amended to read:

5 322.055 Revocation or suspension of, or delay of
6 eligibility for, driver's license for persons 18 years of age
7 or older convicted of certain drug offenses.--

8 (2) If a person 18 years of age or older is convicted
9 for the possession or sale of, trafficking in, or conspiracy
10 to possess, sell, or traffic in a controlled substance and
11 such person is eligible by reason of age for a driver's
12 license or privilege, the court shall direct the department to
13 withhold issuance of such person's driver's license or driving
14 privilege for a period of 2 years after the date the person
15 was convicted or until the person is evaluated for and, if
16 deemed necessary by the evaluating agency, completes a drug
17 treatment and rehabilitation program approved or regulated by
18 the Department of Children and Family ~~and Rehabilitative~~
19 Services. However, the court may, in its sound discretion,
20 direct the department to issue a license for driving
21 privileges restricted to business or employment purposes only,
22 as defined by s. 322.271, if the person is otherwise qualified
23 for such a license. A driver whose license or driving
24 privilege has been suspended or revoked under this section or
25 s. 322.056 may, upon the expiration of 6 months, petition the
26 department for restoration of the driving privilege on a
27 restricted or unrestricted basis depending on the length of
28 suspension or revocation. In no case shall a restricted
29 license be available until 6 months of the suspension or
30 revocation period has expired.

31

1 Section 282. Subsection (5) of section 322.08, Florida
2 Statutes, 1998 Supplement, is amended to read:

3 322.08 Application for license.--

4 (5) ~~After December 31, 1989,~~The department may not
5 issue a driver's license to a person who has never been issued
6 a driver's license in any jurisdiction until he or she
7 successfully completes the traffic law and substance abuse
8 education course prescribed in s. 322.095.

9 Section 283. Subsection (2) of section 322.12, Florida
10 Statutes, is amended to read:

11 322.12 Examination of applicants.--

12 (2) The department shall examine every applicant for a
13 driver's license, including an applicant who is licensed in
14 another state or country, except as otherwise provided in this
15 chapter. A person who holds a learner's driver's license as
16 provided for in s. 322.1615 ~~s. 322.161~~ is not required to pay
17 a fee for successfully completing the examination showing his
18 or her ability to operate a motor vehicle as provided for
19 herein and need not pay the fee for a replacement license as
20 provided in s. 322.17(2). Any person who applies for
21 reinstatement following the suspension or revocation of his or
22 her driver's license shall pay a service fee of \$25 following
23 a suspension, and \$50 following a revocation, which is in
24 addition to the fee for a license. Any person who applies for
25 reinstatement of a commercial driver's license following the
26 disqualification of his or her privilege to operate a
27 commercial motor vehicle shall pay a service fee of \$50, which
28 is in addition to the fee for a license. The department shall
29 collect all of these fees at the time of reinstatement. The
30 department shall issue proper receipts for such fees and shall
31 promptly transmit all funds received by it as follows:

1 (a) Of the \$25 fee received from a licensee for
2 reinstatement following a suspension, the department shall
3 deposit \$15 in the General Revenue Fund and the remaining \$10
4 in the Highway Safety Operating Trust Fund.

5 (b) Of the \$50 fee received from a licensee for
6 reinstatement following a revocation or disqualification, the
7 department shall deposit \$35 in the General Revenue Fund and
8 the remaining \$15 in the Highway Safety Operating Trust Fund.

9
10 If the revocation or suspension of the driver's license was
11 for a violation of s. 316.193, or for refusal to submit to a
12 lawful breath, blood, or urine test, an additional fee of \$105
13 must be charged. However, only one such \$105 fee is to be
14 collected from one person convicted of such violations arising
15 out of the same incident. The department shall collect the
16 \$105 fee and deposit it into the Highway Safety Operating
17 Trust Fund at the time of reinstatement of the person's
18 driver's license, but the fee must not be collected if the
19 suspension or revocation was overturned.

20 Section 284. Subsection (3) of section 322.121,
21 Florida Statutes, is amended to read:

22 322.121 Periodic reexamination of all drivers.--

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

28 (a) Failure to exhibit a vehicle registration
29 certificate, rental agreement, or cab card pursuant to s.
30 320.0605 ~~s. 320.0605(1)~~;

31

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

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

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

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

11
12 the department shall cause such licensee's license to be
13 prominently marked with the notation "Safe Driver."

14 Section 285. Paragraph (a) of subsection (2) of
15 section 322.141, Florida Statutes, is amended to read:

16 322.141 Color of licenses.--

17 (2)(a) ~~Effective January 1, 1990,~~All licenses for the
18 operation of motor vehicles originally issued or reissued by
19 the department to persons who have insulin-dependent diabetes
20 may, at the request of the applicant, have distinctive
21 markings separate and distinct from all other licenses issued
22 by the department.

23 Section 286. Subsection (4) is added to section
24 322.15, Florida Statutes, to read:

25 322.15 License to be carried and exhibited on demand;
26 fingerprint to be imprinted upon a citation.--

27 (4) A violation of subsection (1) is a noncriminal
28 traffic infraction, punishable as a nonmoving violation as
29 provided in chapter 318.

30 Section 287. Subsections (2), (3), and (7) of section
31 322.20, Florida Statutes, are amended to read:

1 322.20 Records of the department; fees; destruction of
2 records.--

3 (2) The department shall also maintain a record of all
4 crash ~~accident~~ reports, abstracts of court records of
5 convictions, and notices of revocation or suspension of a
6 person's driver's license or driving privilege.

7 (3) The department shall maintain convenient records
8 or make suitable notations, in order that the individual
9 driver history record of each licensee is readily available
10 for the consideration of the department upon application for
11 renewal of a license and at other suitable times. The release
12 by the department of the driver history record, with respect
13 to crashes ~~accidents~~ involving a licensee, shall not include
14 any notation or record of the occurrence of a motor vehicle
15 crash ~~accident~~ unless the licensee received a traffic citation
16 as a direct result of the crash ~~accident~~, and to this extent
17 such notation or record is exempt from the provisions of s.
18 119.07(1).

19 (7) The requirement for the department to keep records
20 shall terminate upon the death of an individual licensed by
21 the department upon notification by the Department of Health
22 ~~and Rehabilitative Services~~ of such death. The department
23 shall make such notification as is proper of the deletions
24 from their records to the court clerks of the state.

25 Section 288. Section 322.201, Florida Statutes, is
26 amended to read:

27 322.201 Records as evidence.--A copy, computer copy,
28 or transcript of all abstracts of crash ~~accident~~ reports and
29 all abstracts of court records of convictions received by the
30 department and the complete driving record of any individual
31 duly certified by machine imprint of the department or by

1 machine imprint of the clerk of a court shall be received as
2 evidence in all courts of this state without further
3 authentication, provided the same is otherwise admissible in
4 evidence. Further, any court or the office of the clerk of
5 any court of this state which is electronically connected by a
6 terminal device to the computer data center of the department
7 may use as evidence in any case the information obtained by
8 this device from the records of the department without need of
9 such certification; however, if a genuine issue as to the
10 authenticity of such information is raised by a party or by
11 the court, the court in its sound discretion may require that
12 a record certified by the department be submitted for
13 admission into evidence. For such computer copies generated
14 by a terminal device of a court or clerk of court, entry in a
15 driver's record that the notice required by s. 322.251 was
16 given shall constitute sufficient evidence that such notice
17 was given.

18 Section 289. Paragraph (a) of subsection (2) of
19 section 322.221, Florida Statutes, is amended to read:

20 322.221 Department may require reexamination.--

21 (2)(a) The department may require an examination or
22 reexamination to determine the competence and driving ability
23 of any driver causing or contributing to the cause of any
24 crash ~~accident~~ resulting in death, personal injury, or
25 property damage.

26 Section 290. Subsection (4) of section 322.26, Florida
27 Statutes, 1998 Supplement, is amended to read:

28 322.26 Mandatory revocation of license by
29 department.--The department shall forthwith revoke the license
30 or driving privilege of any person upon receiving a record of
31 such person's conviction of any of the following offenses:

1 (4) Failure to stop and render aid as required under
2 the laws of this state in the event of a motor vehicle crash
3 ~~accident~~ resulting in the death or personal injury of another.

4 Section 291. Section 322.264, Florida Statutes, is
5 reenacted and amended to read:

6 322.264 "Habitual traffic offender" defined.--A
7 "habitual traffic offender" is any person whose record, as
8 maintained by the Department of Highway Safety and Motor
9 Vehicles, shows that such person has accumulated the specified
10 number of convictions for offenses described in subsection (1)
11 or subsection (2) within a 5-year period:

12 (1) Three or more convictions of any one or more of
13 the following offenses arising out of separate acts:

14 (a) Voluntary or involuntary manslaughter resulting
15 from the operation of a motor vehicle;

16 (b) Any violation of s. 316.193, former s. 316.1931,
17 or former s. 860.01;

18 (c) Any felony in the commission of which a motor
19 vehicle is used;

20 (d) Driving a motor vehicle while his or her license
21 is suspended or revoked;

22 (e) Failing to stop and render aid as required under
23 the laws of this state in the event of a motor vehicle crash
24 ~~accident~~ resulting in the death or personal injury of another;
25 or

26 (f) Driving a commercial motor vehicle while his or
27 her privilege is disqualified.

28 (2) Fifteen convictions for moving traffic offenses
29 for which points may be assessed as set forth in s. 322.27,
30 including those offenses in subsection (1).

31

1 Any violation of any federal law, any law of another state or
2 country, or any valid ordinance of a municipality or county of
3 another state similar to a statutory prohibition specified in
4 subsection (1) or subsection (2) shall be counted as a
5 violation of such prohibition. In computing the number of
6 convictions, all convictions during the 5 years previous to
7 July 1, 1972, will be used, provided at least one conviction
8 occurs after that date. The fact that previous convictions
9 may have resulted in suspension, revocation, or
10 disqualification under another section does not exempt them
11 from being used for suspension or revocation under this
12 section as a habitual offender.

13 Section 292. Subsections (1) and (3) of section
14 322.27, Florida Statutes, are amended to read:

15 322.27 Authority of department to suspend or revoke
16 license.--

17 (1) Notwithstanding any provisions to the contrary in
18 chapter 120, the department is hereby authorized to suspend
19 the license of any person without preliminary hearing upon a
20 showing of its records or other sufficient evidence that the
21 licensee:

22 (a) Has committed an offense for which mandatory
23 revocation of license is required upon conviction; ~~or~~

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

28 (c) Is incompetent to drive a motor vehicle; ~~or~~

29 (d) Has permitted an unlawful or fraudulent use of
30 such license or has knowingly been a party to the obtaining of
31 a license by fraud or misrepresentation or to display, or

1 represent as one's own, any driver's license not issued him or
2 her. Provided, however, no provision of this section shall be
3 construed to include the provisions of s. 322.32(1); ~~or~~

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

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

10 (3) There is established a point system for evaluation
11 of convictions of violations of motor vehicle laws or
12 ordinances, and violations of applicable provisions of s.
13 403.413(6)(b)~~(5)(b)~~ when such violations involve the use of
14 motor vehicles, for the determination of the continuing
15 qualification of any person to operate a motor vehicle. The
16 department is authorized to suspend the license of any person
17 upon showing of its records or other good and sufficient
18 evidence that the licensee has been convicted of violation of
19 motor vehicle laws or ordinances, or applicable provisions of
20 s. 403.413(6)(b)~~(5)(b)~~, amounting to 12 or more points as
21 determined by the point system. The suspension shall be for a
22 period of not more than 1 year.

23 (a) When a licensee accumulates 12 points within a
24 12-month period, the period of suspension shall be for not
25 more than 30 days.

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

30 (c) When a licensee accumulates 24 points, including
31 points upon which suspension action is taken under paragraphs

1 (a) and (b), within a 36-month period, the suspension shall be
2 for a period of not more than 1 year.

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

6 1. Reckless driving, willful and wanton--4 points.

7 2. Leaving the scene of a crash ~~an accident~~ resulting
8 in property damage of more than \$50--6 points.

9 3. Unlawful speed resulting in a crash ~~an accident~~--6
10 points.

11 4. Passing a stopped school bus--4 points.

12 5. Unlawful speed:

13 a. Not in excess of 15 miles per hour of lawful or
14 posted speed--3 points.

15 b. In excess of 15 miles per hour of lawful or posted
16 speed--4 points.

17 6. All other moving violations (including parking on a
18 highway outside the limits of a municipality)--3 points.

19 However, no points shall be imposed for a violation of s.
20 316.0741 or s. 316.2065(12).

21 7. Any moving violation covered above, excluding
22 unlawful speed, resulting in a crash ~~an accident~~--4 points.

23 8. Any conviction under s. 403.413(5)(b)--3 points.

24 (e) A conviction in another state of a violation
25 therein which, if committed in this state, would be a
26 violation of the traffic laws of this state, or a conviction
27 of an offense under any federal law substantially conforming
28 to the traffic laws of this state, except a violation of s.
29 322.26, may be recorded against a driver on the basis of the
30 same number of points received had the conviction been made in
31 a court of this state.

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

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

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

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

17 Section 293. Paragraph (a) of subsection (1) of
18 section 322.291, Florida Statutes, is amended to read:

19 322.291 Driver improvement schools; required in
20 certain suspension and revocation cases.--Except as provided
21 in s. 322.03(2), any person:

22 (1) Whose driving privilege has been revoked:

23 (a) Upon conviction for:

24 1. Driving, or being in actual physical control of,
25 any vehicle while under the influence of alcoholic beverages,
26 any chemical substance set forth in s. 877.111, or any
27 substance controlled under chapter 893, in violation of s.
28 316.193;

29 2. Driving with an unlawful blood- or breath-alcohol
30 level;

31

1 3. Manslaughter resulting from the operation of a
2 motor vehicle;

3 4. Failure to stop and render aid as required under
4 the laws of this state in the event of a motor vehicle crash
5 ~~accident~~ resulting in the death or personal injury of another;

6 5. Reckless driving; or

7
8 shall, before the driving privilege may be reinstated, present
9 to the department proof of enrollment in a department-approved
10 advanced driver improvement course or substance abuse
11 education course. If the person fails to complete such course
12 within 90 days after reinstatement, the driver's license shall
13 be canceled by the department until such course is
14 successfully completed.

15 Section 294. Section 322.292, Florida Statutes, is
16 amended to read:

17 322.292 DUI programs supervision; powers and duties of
18 the department.--

19 (1) The Department of Highway Safety and Motor
20 Vehicles shall license and regulate all DUI programs, which
21 regulation shall include the certification of instructors,
22 evaluators, clinical supervisors, and evaluator supervisors.
23 The department shall, after consultation with the chief judge
24 of the affected judicial circuit, establish requirements
25 regarding the number of programs to be offered within a
26 judicial circuit. Such requirements shall address the number
27 of clients currently served in the circuit as well as
28 improvements in service that may be derived from operation of
29 an additional DUI program. DUI education and evaluation
30 services are exempt from licensure under chapter ~~chapters 396~~

31

1 ~~and~~ 397. However, treatment programs must continue to be
2 licensed under chapter ~~chapters 396 and~~ 397.

3 (2) The department shall adopt rules to implement its
4 supervisory authority over DUI programs in accordance with the
5 procedures of chapter 120, including the establishment of
6 uniform standards of operation for DUI programs and the method
7 for setting and approving fees, as follows:

8 (a) Establish rules ~~minimum standards~~ for statutorily
9 required education, evaluation, and supervision of DUI
10 offenders. Such rules ~~minimum standards~~ previously adopted by
11 the Traffic Court Review Committee of the Supreme Court of
12 Florida shall remain in effect unless modified by the
13 department.

14 (b) Establish rules ~~minimum standards~~ for the
15 administration and financial management of DUI programs,
16 including, but not limited to:

17 1. Rules ~~Standards~~ governing the types of expenditures
18 that may be made by DUI programs from funds paid by persons
19 attending such programs.

20 2. Rules ~~Standards~~ for financial reporting that
21 require data on DUI programs expenditures in sufficient detail
22 to support reasonable and informed decisions concerning the
23 fees that are to be assessed those attending DUI programs.
24 The department shall perform financial audits of DUI programs
25 required under this section or require that financial audits
26 of the programs be performed by certified public accountants
27 at program expense and submitted directly from the auditor to
28 the department.

29 3. Rules for ~~Standards of~~ reciprocity in relation to
30 DUI programs in other states or countries that have programs
31 similar to the DUI programs licensed by the department.

1 4. Such other rules ~~standards~~ as the department deems
2 appropriate and necessary for the effective oversight of the
3 DUI programs.

4 (c) Implement procedures for the granting and revoking
5 of licenses for DUI programs.

6 (d) Establish a fee structure for the various programs
7 offered by the DUI programs, based only on the reasonable and
8 necessary costs for operating the programs throughout the
9 state. The department shall approve, modify, or reduce fees as
10 necessary. ~~The DUI programs fees that are in effect on January~~
11 ~~1, 1994, shall remain in effect until the department adopts a~~
12 ~~fee schedule for the DUI programs system. After the adoption~~
13 ~~of the schedule, the programs shall adjust their fees to~~
14 ~~conform with the established amounts.~~

15 (e) Establish policies and procedures for monitoring
16 DUI programs compliance with all rules ~~minimum standards~~
17 established by the department.

18 (f) The department shall oversee an ongoing evaluation
19 to assess the effectiveness of the DUI programs. This
20 evaluation shall be performed by an independent group and
21 shall evaluate the curriculum, client treatment referrals,
22 recidivism rates, and any other relevant matters. ~~The~~
23 ~~department shall report to the Legislature by January 1, 1995,~~
24 ~~on the status of the evaluation, including its design and~~
25 ~~schedule for completion.~~The department may use funds received
26 under s. 322.293 to retain the services and reimburse expenses
27 of such private persons or professional consultants as are
28 required for monitoring and evaluating DUI programs.

29 (g) Investigate complaints about the DUI programs and
30 resolve problems in the provision of services to DUI
31 offenders, as needed.

1 ~~(3) All DUI programs and certified program personnel~~
2 ~~providing DUI programs services that meet the department's~~
3 ~~standards and that are operating on January 1, 1994, may~~
4 ~~remain in operation until the department's license procedures~~
5 ~~are in place. At that time the DUI programs and certified~~
6 ~~program personnel may apply for relicensure.~~

7 ~~(4) DUI programs shall be either governmental programs~~
8 ~~or not-for-profit corporations.~~

9 ~~(5) The department shall report to the Supreme Court~~
10 ~~by December 1, 1994, and by December 31 of each succeeding~~
11 ~~year through 1996, on the general status of the statewide~~
12 ~~program. This report must include programmatic and statistical~~
13 ~~information regarding the number of licensed programs,~~
14 ~~enrollment and referral figures, program monitoring and~~
15 ~~evaluation activities, and findings, and the general steps~~
16 ~~taken by the department to implement the provisions of this~~
17 ~~section.~~

18 Section 295. Section 322.293, Florida Statutes, is
19 amended to read:

20 322.293 DUI Programs Coordination Trust Fund;
21 assessment; disposition.--

22 ~~(1) The DUI Programs Coordination Trust Fund, created~~
23 ~~pursuant to chapter 81-208, Laws of Florida, shall be~~
24 ~~transferred to the department with all funds therein on~~
25 ~~January 1, 1994. The DUI Programs Coordination Office shall~~
26 ~~be transferred from the budget of the Supreme Court to the~~
27 ~~Department of Highway Safety and Motor Vehicles Division of~~
28 ~~Driver Licenses. The transfer shall include all of the~~
29 ~~statutory powers, duties and functions, records, personnel,~~
30 ~~property, and unexpended balances of appropriations,~~
31 ~~allocations, and other funds. All personnel shall be~~

1 ~~transferred at their current classifications and levels of~~
2 ~~compensation. Any legal commitments, contracts, and other~~
3 ~~obligations heretofore entered into on behalf of or assumed by~~
4 ~~the DUI Programs Coordination Office in connection with the~~
5 ~~performance of its functions and duties are charged to and~~
6 ~~shall be performed by the department.~~

7 ~~(2)~~ The DUI Programs Coordination Trust Fund shall be
8 administered by the department, and the costs of
9 administration shall be borne by the fund. All funds received
10 by the DUI Programs Coordination Trust Fund shall be used
11 solely for the purposes set forth in this section and s.
12 322.292. However, if the Legislature passes legislation
13 consolidating existing trust funds assigned to the department,
14 all funds remaining in and deposited to the DUI Programs
15 Coordination Trust Fund shall be transferred to the
16 consolidated trust funds, subject to their being earmarked for
17 use solely for the purposes set forth in this section and s.
18 322.292.

19 (2)~~(3)~~ Each DUI program shall assess \$12 against each
20 person enrolling in a DUI program at the time of enrollment,
21 including persons who transfer to or from a program in another
22 state. In addition, second and third offenders and those
23 offenders under permanent driver's-license revocation who are
24 evaluated for eligibility for license restrictions under s.
25 322.271(2)(b) and ~~(4)~~ shall be assessed \$12 upon enrollment in
26 the program and upon each subsequent anniversary date while
27 they are in the program, for the duration of the license
28 period.

29 (3)~~(4)~~ All assessments collected under this section
30 shall be forwarded to the DUI Programs Coordination Trust Fund
31

1 within 30 days after the last day of the month in which the
2 assessment was received.

3 Section 296. Section 322.44, Florida Statutes, is
4 amended to read:

5 322.44 Driver License Compact.--The Driver License
6 Compact is hereby enacted into law and entered into with all
7 other jurisdictions legally joining therein in the form
8 substantially as follows:

9

10 ARTICLE I

11

12 FINDINGS AND DECLARATION OF POLICY.--

13 (1) The party states find that:

14 (a) The safety of their streets and highways is
15 materially affected by the degree of compliance with state
16 laws and local ordinances relating to the operation of motor
17 vehicles;

18 (b) Violation of such a law or ordinance is evidence
19 that the violator engages in conduct which is likely to
20 endanger the safety of persons and property;

21 (c) The continuance in force of a license to drive is
22 predicated upon compliance with laws and ordinances relating
23 to the operation of motor vehicles, in whichever jurisdiction
24 the vehicle is operated.

25 (2) It is the policy of each of the party states to:

26 (a) Promote compliance with the laws, ordinances, and
27 administrative rules and regulations relating to the operation
28 of motor vehicles by their operators in each of the
29 jurisdictions where such operators drive motor vehicles;

30 (b) Make the reciprocal recognition of licenses to
31 drive and eligibility therefor more just and equitable by

1 considering the overall compliance with motor vehicle laws,
2 ordinances, and administrative rules and regulations as a
3 condition precedent to the continuance or issuance of any
4 license by reason of which the licensee is authorized or
5 permitted to operate a motor vehicle in any of the party
6 states.

7
8 ARTICLE II

9
10 DEFINITIONS.--As used in this compact:

11 (1) "State" means a state, territory or possession of
12 the United States, the District of Columbia, or the
13 Commonwealth of Puerto Rico.

14 (2) "Home state" means the state which has issued and
15 has the power to suspend or revoke the use of the license or
16 permit to operate a motor vehicle.

17 (3) "Conviction" means a conviction of any offense
18 related to the use or operation of a motor vehicle which is
19 prohibited by state law, municipal ordinance, or
20 administrative rule or regulation, or a forfeiture of bail,
21 bond, or other security deposited to secure appearance by a
22 person charged with having committed any such offense, and
23 which conviction or forfeiture is required to be reported to
24 the licensing authority.

25
26 ARTICLE III

27
28 REPORTS OF CONVICTION.--The licensing authority of a
29 party state shall report each conviction of a person from
30 another party state occurring within its jurisdiction to the
31 licensing authority of the home state of the licensee. Such

1 report shall clearly identify the person convicted; describe
2 the violation specifying the section of the statute, code, or
3 ordinance violated; identify the court in which action was
4 taken; indicate whether a plea of guilty or not guilty was
5 entered or the conviction was a result of the forfeiture of
6 bail, bond, or other security; and shall include any special
7 findings made in connection therewith.

8
9 ARTICLE IV

10
11 EFFECT OF CONVICTION.--

12 (1) The licensing authority in the home state, for the
13 purposes of suspension, revocation, or limitation of the
14 license to operate a motor vehicle, shall give the same effect
15 to the conduct reported, pursuant to article III, as it would
16 if such conduct had occurred in the home state, in the case of
17 convictions for:

18 (a) Manslaughter or negligent homicide resulting from
19 the operation of a motor vehicle, as provided by ss. 316.193
20 and 322.26;

21 (b) Driving a motor vehicle while under the influence
22 of alcoholic beverages or a narcotic drug, or under the
23 influence of any other drug to a degree which renders the
24 driver incapable of safely driving a motor vehicle, as
25 provided by s. 316.193;

26 (c) Any felony in the commission of which a motor
27 vehicle is used, as provided by s. 322.26; or

28 (d) Failure to stop and render aid in the event of a
29 motor vehicle crash ~~accident~~ resulting in the death or
30 personal injury of another, as provided by s. 322.26.

31

1 (2) As to other convictions, reported pursuant to
2 article III, the licensing authority in the home state shall
3 give such effect to the conduct as is provided by the laws of
4 the home state.

5
6 ARTICLE V

7
8 APPLICATIONS FOR NEW LICENSES.--Upon application for a
9 license to drive, the licensing authority in a party state
10 shall ascertain whether the applicant has ever held, or is the
11 holder of, a license to drive issued by any other party state.
12 The licensing authority in the state where application is made
13 shall not issue a license to drive to the applicant if:

14 (1) The applicant has held such a license, but the
15 same has been suspended by reason, in whole or in part, of a
16 violation and if such suspension period has not terminated.

17 (2) The applicant has held such a license, but the
18 same has been revoked by reason, in whole or in part, of a
19 violation and if such revocation has not terminated, except
20 that after the expiration of 1 year from the date the license
21 was revoked, such person may make application for a new
22 license if permitted by law. The licensing authority may
23 refuse to issue a license to any such applicant if, after
24 investigation, the licensing authority determines that it will
25 not be safe to grant to such person the privilege of driving a
26 motor vehicle on the public highways.

27 (3) The applicant is the holder of a license to drive
28 issued by another party state and currently in force unless
29 the applicant surrenders such license.

30
31 ARTICLE VI

1
2 APPLICABILITY OF OTHER LAWS.--Except as expressly
3 required by provisions of this compact, nothing contained
4 herein shall be construed to affect the right of any party
5 state to apply any of its other laws relating to licenses to
6 drive to any person or circumstance, nor to invalidate or
7 prevent any driver license agreement or other cooperative
8 arrangement between a party state and a nonparty state.

9
10 ARTICLE VII

11
12 COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION.--

13 (1) The head of the licensing authority of each party
14 state shall be the administrator of this compact for his or
15 her state. The administrators, acting jointly, shall have the
16 power to formulate all necessary and proper procedures for the
17 exchange of information under this compact.

18 (2) The administrator of each party state shall
19 furnish to the administrator of each other party state any
20 information or documents reasonably necessary to facilitate
21 the administration of this compact.

22
23 ARTICLE VIII

24
25 ENTRY INTO FORCE AND WITHDRAWAL.--

26 (1) This compact shall enter into force and become
27 effective as to any state when it has enacted the same into
28 law.

29 (2) Any party state may withdraw from this compact by
30 enacting a statute repealing the same, but no such withdrawal
31 shall take effect until 6 months after the executive head of

1 the withdrawing state has given notice of the withdrawal to
2 the executive heads of all other party states. No withdrawal
3 shall affect the validity or applicability by the licensing
4 authorities of states remaining party to the compact of any
5 report of conviction occurring prior to the withdrawal.

6
7 ARTICLE IX

8
9 CONSTRUCTION AND SEVERABILITY.--This compact shall be
10 liberally construed so as to effectuate the purposes thereof.
11 The provisions of this compact shall be severable; and if any
12 phrase, clause, sentence, or provision of this compact is
13 declared to be contrary to the constitution of any party state
14 or of the United States or the applicability thereof to any
15 government, agency, person, or circumstance is held invalid,
16 the validity of the remainder of this compact and the
17 applicability thereof to any government, agency, person, or
18 circumstance shall not be affected thereby. If this compact
19 shall be held contrary to the constitution of any state party
20 thereto, the compact shall remain in full force and effect as
21 to the remaining states and in full force and effect as to the
22 state affected as to all severable matters.

23 Section 297. Paragraph (b) of subsection (1) of
24 section 322.57, Florida Statutes, is amended to read:

25 322.57 Tests of knowledge concerning specified
26 vehicles; endorsement; nonresidents; violations.--

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

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

1 skill in such a vehicle. ~~However, if such a person satisfies~~
2 ~~the requirements of s. 322.55(1)-(3), he or she is exempt from~~
3 ~~the test of his or her driving skills.~~

4 Section 298. Subsections (1) and (3) of section
5 322.61, Florida Statutes, are amended to read:

6 322.61 Disqualification from operating a commercial
7 motor vehicle.--

8 (1) A person who, within a 3-year period, is convicted
9 of two of the following serious traffic violations or any
10 combination thereof, arising in separate incidents committed
11 in a commercial motor vehicle shall, in addition to any other
12 applicable penalties, be disqualified from operating a
13 commercial motor vehicle for a period of 60 days:

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

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

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

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

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

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

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

28 (h) Following too closely, as defined in s. 316.0895.

29 (3) Except as provided in subsection (4), any person
30 who is convicted of one of the following offenses shall, in
31 addition to any other applicable penalties, be disqualified

1 from operating a commercial motor vehicle for a period of 1
2 year:

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

5 (b) Driving a commercial motor vehicle while the
6 alcohol concentration of his or her blood, breath, or urine is
7 .04 percent or higher;

8 (c) Leaving the scene of a crash ~~an accident~~ involving
9 a commercial motor vehicle driven by such person;

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

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

14 (f) Refusing to submit to a test to determine his or
15 her alcohol concentration while driving a commercial motor
16 vehicle.

17 Section 299. Paragraph (c) of subsection (2) of
18 section 322.63, Florida Statutes, is amended to read:

19 322.63 Alcohol or drug testing; commercial motor
20 vehicle operators.--

21 (2) The chemical and physical tests authorized by this
22 section shall only be required if a law enforcement officer
23 has reasonable cause to believe that a person driving a
24 commercial motor vehicle has any alcohol, chemical substance,
25 or controlled substance in his or her body.

26 (c) The blood test shall be administered at the
27 request of a law enforcement officer who has reasonable cause
28 to believe that a person was driving a commercial motor
29 vehicle with any alcohol, chemical substance, or controlled
30 substance in his or her body. The blood test shall be
31 performed in a reasonable manner by qualified medical

1 personnel. Any person who appears for treatment at a medical
2 facility as a result of his or her involvement as a commercial
3 motor vehicle driver in a crash ~~an accident~~ and who is
4 incapable, by reason of a mental or physical condition, of
5 refusing a blood test shall be deemed to have consented to
6 such test.

7 Section 300. Section 324.011, Florida Statutes, is
8 amended to read:

9 324.011 Purpose of chapter.--It is the intent of this
10 chapter to recognize the existing privilege to own or operate
11 a motor vehicle on the public streets and highways of this
12 state when such vehicles are used with due consideration for
13 others and their property, and to promote safety and provide
14 financial security requirements for such owners or operators
15 whose responsibility it is to recompense others for injury to
16 person or property caused by the operation of a motor vehicle.
17 Therefore, it is required herein that the operator of a motor
18 vehicle involved in a crash ~~an accident~~ or convicted of
19 certain traffic offenses meeting the operative provisions of
20 s. 324.051(2) shall respond for such damages and show proof of
21 financial ability to respond for damages in future accidents
22 as a requisite to his or her future exercise of such
23 privileges.

24 Section 301. Subsection (7) of section 324.021,
25 Florida Statutes, is amended to read:

26 324.021 Definitions; minimum insurance required.--The
27 following words and phrases when used in this chapter shall,
28 for the purpose of this chapter, have the meanings
29 respectively ascribed to them in this section, except in those
30 instances where the context clearly indicates a different
31 meaning:

1 (7) PROOF OF FINANCIAL RESPONSIBILITY.--That proof of
2 ability to respond in damages for liability on account of
3 crashes ~~accidents~~ arising out of the use of a motor vehicle:

4 (a) In the amount of \$10,000 because of bodily injury
5 to, or death of, one person in any one crash ~~accident~~;

6 (b) Subject to such limits for one person, in the
7 amount of \$20,000 because of bodily injury to, or death of,
8 two or more persons in any one crash ~~accident~~;

9 (c) In the amount of \$10,000 because of injury to, or
10 destruction of, property of others in any one crash ~~accident~~;
11 and

12 (d) With respect to commercial motor vehicles and
13 nonpublic sector buses, in the amounts specified in ss.
14 627.7415 and 627.742, respectively.

15 Section 302. Section 324.022, Florida Statutes, is
16 amended to read:

17 324.022 Financial responsibility for property
18 damage.--Every owner or operator of a motor vehicle, which
19 motor vehicle is subject to the requirements of ss.
20 627.730-627.7405 and required to be registered in this state,
21 shall, by one of the methods established in s. 324.031 or by
22 having a policy that complies with s. 627.7275, establish and
23 maintain the ability to respond in damages for liability on
24 account of accidents arising out of the use of the motor
25 vehicle in the amount of \$10,000 because of damage to, or
26 destruction of, property of others in any one crash ~~accident~~.

27 The requirements of this section may also be met by having a
28 policy which provides coverage in the amount of at least
29 \$30,000 for combined property damage liability and bodily
30 injury liability for any one crash ~~accident~~ arising out of the
31 use of the motor vehicle. No insurer shall have any duty to

1 defend uncovered claims irrespective of their joinder with
2 covered claims.

3 Section 303. Section 324.051, Florida Statutes, is
4 amended to read:

5 324.051 Reports of crashes ~~accidents~~; suspensions of
6 licenses and registrations.--

7 (1)(a) Every law enforcement officer who, in the
8 regular course of duty either at the time of and at the scene
9 of the crash ~~accident~~ or thereafter by interviewing
10 participants or witnesses, investigates a motor vehicle crash
11 ~~accident~~ which he or she is required to report pursuant to s.
12 316.066(3)(a) shall forward a written report of the crash
13 ~~accident~~ to the department within 10 days of completing the
14 investigation. However, when the investigation of a crash ~~an~~
15 ~~accident~~ will take more than 10 days to complete, a
16 preliminary copy of the crash ~~accident~~ report shall be
17 forwarded to the department within 10 days of the occurrence
18 of the crash ~~accident~~, to be followed by a final report within
19 10 days after completion of the investigation. The report
20 shall be on a form and contain information consistent with the
21 requirements of s. 316.068.

22 (b) The department is hereby further authorized to
23 require reports of crashes ~~accidents~~ from individual owners or
24 operators whenever it deems it necessary for the proper
25 administration of this chapter, and these reports shall be
26 made without prejudice except as specified in this subsection.
27 No such report shall be used as evidence in any trial arising
28 out of a crash ~~an accident~~. However, subject to the
29 applicable rules of evidence, a law enforcement officer at a
30 criminal trial may testify as to any statement made to the
31

1 officer by the person involved in the accident if that
2 person's privilege against self-incrimination is not violated.

3 (2)(a) Thirty days after receipt of notice of any
4 accident described in paragraph (1)(a) involving a motor
5 vehicle within this state, the department shall suspend, after
6 due notice and opportunity to be heard, the license of each
7 operator and all registrations of the owner of the vehicles
8 operated by such operator whether or not involved in such
9 crash ~~accident~~ and, in the case of a nonresident owner or
10 operator, shall suspend such nonresident's operating privilege
11 in this state, unless such operator or owner shall, prior to
12 the expiration of such 30 days, be found by the department to
13 be exempt from the operation of this chapter, based upon
14 evidence satisfactory to the department that:

15 1. The motor vehicle was legally parked at the time of
16 such crash ~~accident~~.

17 2. The motor vehicle was owned by the United States
18 Government, this state, or any political subdivision of this
19 state or any municipality therein.

20 3. Such operator or owner has secured a duly
21 acknowledged written agreement providing for release from
22 liability by all parties injured as the result of said crash
23 ~~accident~~ and has complied with one of the provisions of s.
24 324.031.

25 4. Such operator or owner has deposited with the
26 department security to conform with s. 324.061 when applicable
27 and has complied with one of the provisions of s. 324.031.

28 5. One year has elapsed since such owner or operator
29 was suspended pursuant to subsection (3), the owner or
30 operator has complied with one of the provisions of s.

31

1 324.031, and no bill of complaint of which the department has
2 notice has been filed in a court of competent jurisdiction.

3 (b) This subsection shall not apply:

4 1. To such operator or owner if such operator or owner
5 had in effect at the time of such crash ~~accident~~ or traffic
6 conviction an automobile liability policy with respect to all
7 of the registered motor vehicles owned by such operator or
8 owner.

9 2. To such operator, if not the owner of such motor
10 vehicle, if there was in effect at the time of such crash
11 ~~accident~~ or traffic conviction an automobile liability policy
12 or bond with respect to his or her operation of motor vehicles
13 not owned by him or her.

14 3. To such operator or owner if the liability of such
15 operator or owner for damages resulting from such crash
16 ~~accident~~ is, in the judgment of the department, covered by any
17 other form of liability insurance or bond.

18 4. To any person who has obtained from the department
19 a certificate of self-insurance, in accordance with s.
20 324.171, or to any person operating a motor vehicle for such
21 self-insurer.

22
23 No such policy or bond shall be effective under this
24 subsection unless it contains limits of not less than those
25 specified in s. 324.021(7).

26 (3) Any driver's license or registration certificate
27 or certificates and registration plates which are suspended as
28 provided for in this section shall remain suspended for a
29 period of 3 years unless reinstated as otherwise provided in
30 this chapter.

31

1 Section 304. Subsections (1) and (2) of section
2 324.061, Florida Statutes, are amended to read:

3 324.061 Security deposited with Department of Highway
4 Safety and Motor Vehicles; release.--

5 (1) Security deposited pursuant to the provisions of
6 s. 324.051(2)(a)4. with respect to claims for injuries to
7 persons or properties resulting from a crash ~~an accident~~
8 occurring prior to such deposit shall be in the form and
9 amount determined by the department which, in its judgment,
10 will be sufficient to compensate for all injuries arising out
11 of such crash ~~accident~~, but in no case shall the amount exceed
12 the limits as specified in s. 324.021(7).

13 (2) Such security shall be deposited with the
14 department and shall not be released except under one of the
15 following conditions:

16 (a) A duly attested written statement of satisfaction
17 by all parties shown to be injured in such crash ~~accident~~ has
18 been received by the department. ~~, or~~

19 (b) In the event the depositor has been finally
20 adjudicated by a court of competent jurisdiction not to be
21 liable; or all judgments of liability against the depositor
22 have been satisfied. ~~, or~~

23 (c) One year shall have elapsed after deposit and
24 during such period the department has not been duly notified
25 of any court action brought for damages.

26 (d) Upon receipt of an order from a court ordering
27 that such deposit be paid to satisfy a recorded judgment, in
28 whole or in part, resulting from a crash ~~an accident~~. If the
29 department does not have sufficient funds on deposit to
30 satisfy such judgment it shall forthwith call upon the
31 judgment debtor for the balance, subject to the limits

1 specified in s. 324.021(7). Upon failure of the judgment
2 debtor to make the necessary deposit or to satisfy the
3 judgment in full, the department shall revoke the driving
4 privilege and all registrations of such judgment debtor within
5 10 days subsequent to notification to the judgment debtor by
6 the department.

7 (e) In any case in which securities deposited under
8 this section have remained unclaimed for 5 years or more such
9 deposit shall be transferred by the department to the State
10 School Fund, and all interest and income that may accrue from
11 said deposits after the aforesaid period of time, shall belong
12 to said fund.

13 Section 305. Subsections (1) and (3) of section
14 324.081, Florida Statutes, are amended to read:

15 324.081 Nonresident owner or operator.--

16 (1) The department may establish reciprocal
17 agreements with any other states for the purpose of fulfilling
18 the provisions of this chapter and pursuant to such agreements
19 may suspend the license and registration of a resident of this
20 state involved in a crash ~~an accident~~ in another state.

21 (3) Upon receipt of such certification that the
22 operating privilege of a resident of this state has been
23 suspended or revoked in any such other reciprocating state
24 pursuant to a law providing for its suspension or revocation
25 for failure to deposit security for the payment of judgments
26 arising out of a motor vehicle crash ~~accident~~, under
27 circumstances which would require the department to suspend a
28 nonresident's operating privilege had the crash ~~accident~~
29 occurred in this state, the department shall suspend the
30 license of such resident if he or she was the operator, and
31 all of his or her registrations if he or she was the owner of

1 a motor vehicle involved in such crash ~~accident~~. Such
2 suspension shall continue until such resident furnishes
3 evidence of his or her compliance with the law of such other
4 state relating to the deposit of such security.

5 Section 306. Subsection (1) of section 324.091,
6 Florida Statutes, is amended to read:

7 324.091 Notice to department; notice to insurer.--

8 (1) Each owner and operator involved in a crash ~~an~~
9 ~~accident~~ or conviction case within the purview of this chapter
10 shall furnish evidence of automobile liability insurance,
11 motor vehicle liability insurance, or surety bond within 30
12 days from the date of the mailing of notice of crash ~~accident~~
13 by the department in such form and manner as it may designate.
14 Upon receipt of evidence that an automobile liability policy,
15 motor vehicle liability policy, or surety bond was in effect
16 at the time of the crash ~~accident~~ or conviction case, the
17 department shall forward by United States mail, postage
18 prepaid, to the insurer or surety insurer a copy of such
19 information and shall assume that such policy or bond was in
20 effect unless the insurer or surety insurer shall notify the
21 department otherwise within 20 days from the mailing of the
22 notice to the insurer or surety insurer; provided that if the
23 department shall later ascertain that an automobile liability
24 policy, motor vehicle liability policy, or surety bond was not
25 in effect and did not provide coverage for both the owner and
26 the operator, it shall at such time take such action as it is
27 otherwise authorized to do under this chapter. Proof of
28 mailing to the insurer or surety insurer may be made by the
29 department by naming the insurer or surety insurer to whom
30 such mailing was made and specifying the time, place and
31 manner of mailing.

1 Section 307. Section 324.101, Florida Statutes, is
2 amended to read:

3 324.101 Compliance before license or registration
4 allowed.--In case the operator or owner of a motor vehicle
5 involved in a crash ~~an accident~~ within the state has no
6 license or registration, he or she shall not be allowed a
7 license or registration until he or she has complied with the
8 requirements of this chapter to the same extent that would be
9 necessary, if at the time of the crash ~~accident~~ he or she had
10 held a license and registration.

11 Section 308. Subsection (1) of section 324.202,
12 Florida Statutes, is amended to read:

13 324.202 Seizure of motor vehicle license plates by
14 recovery agents.--

15 (1) The Department of Highway Safety and Motor
16 Vehicles shall implement a pilot project in Broward County,
17 Dade County, and Hillsborough County to determine the
18 effectiveness of using recovery agents for the seizure of
19 license plates. ~~On October 1, 1996, the department shall~~
20 ~~provide a report to the President of the Senate, the Speaker~~
21 ~~of the House of Representatives, the chair of the Senate~~
22 ~~Commerce Committee, the chair of the House Insurance~~
23 ~~Committee, and the Majority and Minority Leaders of the Senate~~
24 ~~and the House of Representatives, on the results of the pilot~~
25 ~~project.~~Licensed recovery agents and recovery agencies as
26 described in s. 493.6101(20) and (21) may seize license plates
27 of motor vehicles whose registrations have been suspended
28 pursuant to s. 316.646 or s. 627.733 in such counties upon
29 compliance with this section and rules of the Department of
30 Highway Safety and Motor Vehicles.

31

1 Section 309. Sections 325.01, 325.02, 325.03, 325.04,
2 325.05, 325.06, 325.07, 325.08, 325.09, and 325.10, Florida
3 Statutes, are repealed.

4 Section 310. Subsection (2) of section 325.209,
5 Florida Statutes, is amended to read:

6 325.209 Waivers.--

7 (2) Before a waiver may be issued, the following
8 criteria must be met:

9 (a) The motor vehicle owner must present evidence
10 satisfactory to the department that a low emissions
11 adjustment, as defined by rule of the Department of
12 Environmental Protection, has been performed;

13 (b) The motor vehicle must not have been tampered with
14 by either the current owner or any previous owner;

15 (c) The owner must have spent the required minimum
16 amount for emissions-related repairs on the vehicle within the
17 180-day ~~90-day~~ period prescribed in s. 325.203(1), not
18 including the amount spent to repair or replace air pollution
19 control equipment that has been tampered with.

20 Emissions-related repairs performed within 30 days prior to
21 inspection may also be considered under this provision. For
22 any vehicle the registration period for which is established
23 under s. 320.055(4) or (5), the required minimum amount for
24 emissions-related repairs must be spent by the owner within
25 180 ~~90~~ days before the expiration of the registration period.
26 The required minimum amount that must have been spent on
27 related repairs is:

28 1. For motor vehicles designated as model years 1975
29 through 1979: \$100; and

30 2. For motor vehicles designated as model year 1980
31 and thereafter: \$200;

1 (d) Repairs and adjustments provided for in paragraphs
2 (a) and (c) must have caused substantial improvement in the
3 emissions performance of the motor vehicle; and

4 (e) The motor vehicle must not be covered under any
5 manufacturer's or federally mandated emissions warranty.

6 Section 311. Subsection (2) of section 325.212,
7 Florida Statutes, is reenacted to read:

8 325.212 Reinspections; reinspection facilities; rules;
9 minority business participation.--

10 (2) Any motor vehicle repair shop, as defined in s.
11 559.903(7), may apply to the department, on a form approved by
12 the department, to be licensed as a reinspection facility to
13 reinspect motor vehicles which fail to pass inspections
14 required by this act.

15 Section 312. Subsection (1) of section 328.17, Florida
16 Statutes, is reenacted to read:

17 328.17 Nonjudicial sale of vessels.--

18 (1) It is the intent of the Legislature that any
19 nonjudicial sale of any unclaimed vessel held for unpaid costs
20 of repairs, improvements, or other work and related storage
21 charges, or any vessel held for failure to pay removal costs
22 pursuant to s. 327.53(7), or any undocumented vessel in
23 default of marina storage fees be disposed of pursuant to the
24 provisions of this section.

25 Section 313. Section 627.7415, Florida Statutes, is
26 amended to read:

27 627.7415 Commercial motor vehicles; additional
28 liability insurance coverage.--Commercial motor vehicles, as
29 defined in s. 207.002(2) or s. 320.01, operated upon the roads
30 and highways of this state shall be insured with the following
31 minimum levels of combined bodily liability insurance and

1 property damage liability insurance in addition to any other
2 insurance requirements:

3 (1) Fifty thousand dollars per occurrence for a
4 commercial motor vehicle with a gross vehicle weight of 26,000
5 pounds or more, but less than 35,000 pounds.

6 (2) One hundred thousand dollars per occurrence for a
7 commercial motor vehicle with a gross vehicle weight of 35,000
8 pounds or more, but less than 44,000 pounds.

9 (3) Three hundred thousand dollars per occurrence for
10 a commercial motor vehicle with a gross vehicle weight of
11 44,000 pounds or more.

12 (4) All commercial motor vehicles subject to
13 regulations of the United States Department of Transportation,
14 Title 49 C.F.R. part 387, subpart A, and as may be hereinafter
15 amended, shall be insured in an amount equivalent to the
16 minimum levels of financial responsibility as set forth in
17 such regulations.

18
19 A violation of this section is a noncriminal traffic
20 infraction, punishable as a nonmoving violation as provided in
21 chapter 318.

22 Section 314. Subsection (3) is added to section
23 627.742, Florida Statutes, to read:

24 627.742 Nonpublic sector buses; additional liability
25 insurance coverage.--

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

29 Section 315. Subsection (2) of section 784.07, Florida
30 Statutes, 1998 Supplement, is amended to read:

31

1 784.07 Assault or battery of law enforcement officers,
2 firefighters, emergency medical care providers, public transit
3 employees or agents, or other specified officers;
4 reclassification of offenses; minimum sentences.--

5 (2) Whenever any person is charged with knowingly
6 committing an assault or battery upon a law enforcement
7 officer, a firefighter, an emergency medical care provider, a
8 traffic accident investigation officer as described in s.
9 316.640, a traffic infraction enforcement officer as described
10 in s. 316.640 ~~318.141~~, a parking enforcement specialist as
11 defined in s. 316.640, or a security officer employed by the
12 board of trustees of a community college, while the officer,
13 firefighter, emergency medical care provider, intake officer,
14 traffic accident investigation officer, traffic infraction
15 enforcement officer, parking enforcement specialist, public
16 transit employee or agent, or security officer is engaged in
17 the lawful performance of his or her duties, the offense for
18 which the person is charged shall be reclassified as follows:

19 (a) In the case of assault, from a misdemeanor of the
20 second degree to a misdemeanor of the first degree.

21 (b) In the case of battery, from a misdemeanor of the
22 first degree to a felony of the third degree.

23 (c) In the case of aggravated assault, from a felony
24 of the third degree to a felony of the second degree.

25 (d) In the case of aggravated battery, from a felony
26 of the second degree to a felony of the first degree.

27 Section 316. Subsection (1) of section 335.0415,
28 Florida Statutes, is amended to read:

29 335.0415 Public road jurisdiction and transfer
30 process.--

31

1 (1) The jurisdiction of public roads and the
2 responsibility for operation and maintenance within the
3 right-of-way of any road within the state, county, and
4 municipal road system shall be that which existed on June 10,
5 1995 ~~exists on July 1, 1995.~~

6 Section 317. Section 14 of chapter 98-223, Laws of
7 Florida, is repealed.

8 Section 318. Effective July 1, 2000, subsection (1) of
9 section 715.05, Florida Statutes, is amended to read:

10 715.05 Reporting of unclaimed motor vehicles.--

11 (1) Whenever any law enforcement agency authorizes the
12 removal of a vehicle or whenever any towing service, garage,
13 repair shop, or automotive service, storage, or parking place
14 notifies the law enforcement agency of possession of a vehicle
15 pursuant to s. 715.07(2)(a)2., the applicable law enforcement
16 agency shall contact the Department of Highway Safety and
17 Motor Vehicles, or the appropriate agency of the state of
18 registration, if known, within 24 hours through the medium of
19 electronic communications giving the full description of the
20 vehicle. Upon receipt of the full description of the vehicle,
21 the department shall search its files to determine the owner's
22 name, the name of the insurance company insuring the vehicle,
23 and whether any person has filed a lien upon the vehicle as
24 provided in s. 319.27(2) and (3) and notify the applicable law
25 enforcement agency within 72 hours. The person in charge of
26 the towing service, garage, repair shop, or automotive
27 service, storage, or parking place shall obtain such
28 information from the applicable law enforcement agency within
29 5 days from the date of storage and shall, by certified mail,
30 return receipt requested, notify the owner, the insurer, and
31 all lienholders of the location of the vehicle and of the fact

1 that it is unclaimed. Such notice shall be given within 7
2 days, excluding Saturday and Sunday, from the date of storage
3 and shall be complete upon mailing; however, if the state of
4 registration is unknown, the person in charge of the towing
5 service, garage, repair shop, or automotive service, storage,
6 or parking place shall make a good faith best effort in so
7 notifying the owner, the insurer, and any lienholders, and
8 such notice shall be given within a reasonable period of time
9 from the date of storage.

10 Section 319. Except as otherwise provided herein, this
11 act shall take effect upon becoming a law.

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