

1                                   A bill to be entitled  
2           An act relating to motor vehicles, vessels, and  
3           enforcement of laws related thereto; amending  
4           s. 316.003, F.S.; providing that certain  
5           vehicles of the Department of Health are  
6           authorized emergency vehicles; amending s.  
7           316.006, F.S.; authorizing the installation of  
8           multiparty stop signs on certain roads;  
9           providing guidelines for the installation of  
10          such signage; revising the traffic control  
11          jurisdiction of a county over certain roads and  
12          rights-of-way dedicated in a residential  
13          subdivision under certain circumstances;  
14          creating s. 316.00825, F.S.; authorizing the  
15          governing body of a county to abandon the roads  
16          and rights-of-way dedicated in a recorded  
17          subdivision plat under certain circumstances;  
18          providing for traffic control jurisdiction of  
19          such roads; amending s. 316.061, F.S.;  
20          authorizing certain entities to remove crashed  
21          motor vehicles from roadways under certain  
22          circumstances; providing a limitation of  
23          liability; amending s. 316.066, F.S.; providing  
24          for access to vehicle crash reports by local,  
25          state, and federal entities under certain  
26          circumstances; requiring said entities to  
27          maintain confidential status of such reports;  
28          amending s. 316.1975, F.S.; exempting operators  
29          of solid waste and recovered materials vehicles  
30          from provisions regarding unattended motor  
31          vehicles under certain circumstances; creating

1 s. 316.2127, F.S.; providing for operation of  
2 utility vehicles on city streets, county roads,  
3 or the State Highway System under certain  
4 circumstances; amending s. 316.2397, F.S.;  
5 authorizing emergency response vehicles of the  
6 Department of Health to use red flashing  
7 lights; amending s. 316.304, F.S.; revising  
8 requirements regarding the wearing of headsets  
9 while operating a vehicle; amending s. 316.520,  
10 F.S.; clarifying that a violation of a  
11 provision governing loads on vehicles is a  
12 moving rather than a nonmoving violation;  
13 exempting certain vehicles carrying  
14 agricultural products; providing for criminal  
15 penalties for failure to secure loads on  
16 vehicles under certain circumstances; amending  
17 s. 316.640, F.S.; revising traffic law  
18 enforcement authority of university police  
19 officers; revising the powers and duties of  
20 traffic crash investigation officers; amending  
21 s. 318.1451, F.S.; providing traffic school  
22 reference guide requirements; amending s.  
23 318.18, F.S.; providing for assessment of  
24 doubled fines for speeding in toll collection  
25 zones; providing a minimum penalty for  
26 violations of s. 316.520, F.S.; amending s.  
27 318.19, F.S.; providing a mandatory hearing for  
28 violations of s. 316.520, F.S.; revising  
29 traffic law enforcement authority of the Office  
30 of Agricultural Law Enforcement; amending s.  
31 570.073, F.S.; revising the powers and duties

1 of the Office of Agricultural Law Enforcement;  
 2 amending s. 319.23, F.S.; requiring the  
 3 Department of Highway Safety and Motor Vehicles  
 4 to retain certain evidence of title; amending  
 5 s. 319.28, F.S.; revising requirements for  
 6 processing an application for title based on a  
 7 contractual default; amending s. 319.33, F.S.;  
 8 revising the elements of the offense of  
 9 possessing, selling or offering for sale,  
 10 concealing, or disposing of a motor vehicle or  
 11 mobile home, or major component part thereof,  
 12 on which the motor number or vehicle  
 13 identification number has been destroyed,  
 14 removed, covered, altered, or defaced;  
 15 providing penalties; amending s. 320.025, F.S.;  
 16 providing for confidential registration and  
 17 issuance under fictitious name of decals for  
 18 vessels operated by a law enforcement agency;  
 19 requiring registration number and decal to be  
 20 affixed to such vessel; amending s. 320.05,  
 21 F.S.; providing for release of vessel  
 22 registration information; providing exceptions;  
 23 amending s. 320.055, F.S.; providing  
 24 registration period for certain nonapportioned  
 25 vehicles; amending s. 320.06, F.S.; revising  
 26 form of license plate validation stickers;  
 27 reducing the number of required validation  
 28 stickers per plate; amending s. 320.072, F.S.;  
 29 revising initial registration fee exemptions;  
 30 amending s. 320.0805, F.S.; reducing the  
 31 timeframe for a personalized license plate to

1 remain out of circulation prior to  
2 reassignment; amending s. 320.08056, F.S.;  
3 providing for a use fee; amending s. 320.08058,  
4 F.S.; directing the Department of Highway  
5 Safety and Motor Vehicles to develop a Florida  
6 Golf license plate; providing for the  
7 distribution and use of fees; authorizing the  
8 Florida Sports Foundation to establish a youth  
9 golf program; providing for an advisory  
10 committee; amending s. 320.083, F.S.; revising  
11 requirements for the Amateur Radio Operator  
12 specialty license plate; amending s. 320.0848,  
13 F.S.; revising fees for the 4-year disabled  
14 parking permit and renewal permit; amending s.  
15 320.089, F.S.; revising weight restriction for  
16 the Ex-POW and Purple Heart license plates;  
17 amending s. 320.275, F.S.; creating a technical  
18 advisory committee to the Automobile Dealers  
19 Industry Advisory Board; providing for its  
20 duties and composition; requiring the office of  
21 the Attorney General, the Department of  
22 Agriculture and Consumer Services, and the  
23 Department of Highway Safety and Motor Vehicles  
24 to provide consumer education and information;  
25 amending s. 321.02, F.S.; providing for colors  
26 for use on Florida Highway Patrol motor  
27 vehicles and motorcycles; amending s. 322.051,  
28 F.S.; requiring acceptance of the Florida  
29 identification card as proof of identification  
30 by persons accepting the Florida driver license  
31 as proof of identification; amending s.

1 322.095, F.S.; deleting provision prohibiting  
2 governmental entities or courts from providing  
3 information regarding traffic law and substance  
4 abuse education program schools or course  
5 providers; authorizing the Department of  
6 Highway Safety and Motor Vehicles to provide a  
7 list of approved traffic law and substance  
8 abuse education course providers with a single  
9 phone number for each provider; requiring the  
10 Department of Highway Safety and Motor Vehicles  
11 to approve and regulate certain courses for  
12 driver improvement schools; amending s. 322.25,  
13 F.S.; correcting a cross reference; amending s.  
14 322.27, F.S.; revising language relating to  
15 habitual traffic offender license revocation;  
16 amending s. 322.271, F.S.; correcting a cross  
17 reference; amending s. 322.28, F.S.; deleting  
18 obsolete language relating to revocation of a  
19 driver's license; repealing s. 322.282, F.S.,  
20 relating to procedure when court revokes or  
21 suspends license or driving privilege and  
22 orders reinstatement, and s. 322.331, F.S.,  
23 relating to restoration of license for habitual  
24 traffic offenders; amending s. 324.091, F.S.;  
25 providing for electronic access to vehicle  
26 insurer information; prohibiting compilation  
27 and retention of such information; amending s.  
28 328.01, F.S.; deleting the requirement that a  
29 copy of a contract upon which a claim of  
30 ownership of a vessel is made be submitted if  
31 an application for transfer of title is based

1 on a contractual default; amending s. 328.42,  
2 F.S.; authorizing the department to deny or  
3 cancel a vessel registration, license plate, or  
4 fuel-use tax decal when given a dishonored  
5 check by the customer; amending s. 328.56,  
6 F.S.; revising language relating to display of  
7 vessel registration number; amending s. 328.72,  
8 F.S.; deleting certain requirements for the  
9 transfer of ownership of an antique vessel;  
10 amending s. 832.09, F.S.; requiring the  
11 department to create a standardized form for  
12 notification from clerks of courts of  
13 satisfaction of a worthless check; providing an  
14 effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18 Section 1. Subsection (1) of section 316.003, Florida  
19 Statutes, is amended to read:

20 316.003 Definitions.--The following words and phrases,  
21 when used in this chapter, shall have the meanings  
22 respectively ascribed to them in this section, except where  
23 the context otherwise requires:

24 (1) AUTHORIZED EMERGENCY VEHICLES.--Vehicles of the  
25 fire department (fire patrol), police vehicles, and such  
26 ambulances and emergency vehicles of municipal departments,  
27 public service corporations operated by private corporations,  
28 the Department of Environmental Protection, the Department of  
29 Health, and the Department of Transportation as are designated  
30 or authorized by their respective department or the chief of  
31

1 police of an incorporated city or any sheriff of any of the  
2 various counties.

3 Section 2. Paragraph (b) of subsection (2) and  
4 paragraph (b) of subsection (3) are amended and paragraph (c)  
5 is added to subsection (3) of section 316.006, Florida  
6 Statutes, to read:

7 316.006 Jurisdiction.--Jurisdiction to control traffic  
8 is vested as follows:

9 (2) MUNICIPALITIES.--

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

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

23 2. The exercise of jurisdiction provided for herein  
24 shall be in addition to jurisdictional authority presently  
25 exercised by municipalities under law, and nothing in this  
26 paragraph shall be construed to limit or remove any such  
27 jurisdictional authority. Such jurisdiction includes  
28 regulation of access to such road or roads by security devices  
29 or personnel.

30 3. Any such agreement may provide for the installation  
31 of multiparty stop signs by the parties controlling the roads

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

8  
9 This subsection shall not limit those counties which have the  
10 charter powers to provide and regulate arterial, toll, and  
11 other roads, bridges, tunnels, and related facilities from the  
12 proper exercise of those powers by the placement and  
13 maintenance of traffic control devices which conform to the  
14 manual and specifications of the Department of Transportation  
15 on streets and highways located within municipal boundaries.

16 (3) COUNTIES.--

17 (b) A county may exercise jurisdiction over any  
18 private road or roads, or over any limited access road or  
19 roads owned or controlled by a special district, located in  
20 the unincorporated area within its boundaries if the county  
21 and party or parties owning or controlling such road or roads  
22 provide, by written agreement approved by the governing body  
23 of the county, for county traffic control jurisdiction over  
24 the road or roads encompassed by such agreement. Pursuant  
25 thereto:

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

31



1           2. Prior to entering into an agreement which provides  
2 for enforcement of the traffic laws of the state over a  
3 private road or roads, or over any limited access road or  
4 roads owned or controlled by a special district, the governing  
5 body of the county shall consult with the sheriff. No such  
6 agreement shall take effect prior to October 1, the beginning  
7 of the county fiscal year, unless this requirement is waived  
8 in writing by the sheriff.

9           3. The exercise of jurisdiction provided for herein  
10 shall be in addition to jurisdictional authority presently  
11 exercised by counties under law, and nothing in this paragraph  
12 shall be construed to limit or remove any such jurisdictional  
13 authority.

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

23           (c) If the governing body of a county abandons the  
24 roads and rights-of-way dedicated in a recorded residential  
25 subdivision, and simultaneously conveys the county's interest  
26 therein to a homeowners' association for the subdivision in  
27 the manner prescribed in s. 316.00825, that county's traffic  
28 control jurisdiction over the abandoned and conveyed roads  
29 ceases unless the requirements of paragraph (b) are met.

1 Notwithstanding the provisions of subsection (2), each county  
2 shall have original jurisdiction to regulate parking, by  
3 resolution of the board of county commissioners and the  
4 erection of signs conforming to the manual and specifications  
5 of the Department of Transportation, in parking areas located  
6 on property owned or leased by the county, whether or not such  
7 areas are located within the boundaries of chartered  
8 municipalities.

9 Section 3. Section 316.00825, Florida Statutes, is  
10 created to read:

11 316.00825 Closing and abandonment of roads; optional  
12 conveyance to homeowners' association; traffic control  
13 jurisdiction.--

14 (1)(a) In addition to the authority provided in s.  
15 336.12, the governing body of the county may abandon the roads  
16 and rights-of-way dedicated in a recorded residential  
17 subdivision plat and simultaneously convey the county's  
18 interest in such roads, rights-of-way, and appurtenant  
19 drainage facilities to a homeowners' association for the  
20 subdivision, if the following conditions have been met:

21 1. The homeowners' association has requested the  
22 abandonment and conveyance in writing for the purpose of  
23 converting the subdivision to a gated neighborhood with  
24 restricted public access.

25 2. No fewer than four-fifths of the owners of record  
26 of property located in the subdivision have consented in  
27 writing to the abandonment and simultaneous conveyance to the  
28 homeowners' association.

29 3. The homeowners' association is both a corporation  
30 not for profit organized and in good standing under chapter  
31 617, and a "homeowners' association" as defined in s.

1 720.301(7) with the power to levy and collect assessments for  
2 routine and periodic major maintenance and operation of street  
3 lighting, drainage, sidewalks, and pavement in the  
4 subdivision.

5 4. The homeowners' association has entered into and  
6 executed such agreements, covenants, warranties, and other  
7 instruments; has provided, or has provided assurance of, such  
8 funds, reserve funds, and funding sources; and has satisfied  
9 such other requirements and conditions as may be established  
10 or imposed by the county with respect to the ongoing  
11 operation, maintenance, and repair and the periodic  
12 reconstruction or replacement of the roads, drainage, street  
13 lighting, and sidewalks in the subdivision after the  
14 abandonment by the county.

15 (b) The homeowners' association shall install,  
16 operate, maintain, repair, and replace all signs, signals,  
17 markings, striping, guardrails, and other traffic control  
18 devices necessary or useful for the private roads unless an  
19 agreement has been entered into between the county and the  
20 homeowners' association, as authorized under s. 316.006(3)(b),  
21 expressly providing that the county has traffic control  
22 jurisdiction.

23 (2) Upon abandonment of the roads and rights-of-way  
24 and the conveyance thereof to the homeowners' association, the  
25 homeowners' association shall have all the rights, title, and  
26 interest in the roads and rights-of-way, including all  
27 appurtenant drainage facilities, as were previously vested in  
28 the county. Thereafter, the homeowners' association shall  
29 hold the roads and rights-of-way in trust for the benefit of  
30 the owners of the property in the subdivision, and shall  
31 operate, maintain, repair, and, from time to time, replace and

1 reconstruct the roads, street lighting, sidewalks, and  
2 drainage facilities as necessary to ensure their use and  
3 enjoyment by the property owners, tenants, and residents of  
4 the subdivision and their guests and invitees. The provisions  
5 of this section shall be regarded as supplemental and  
6 additional to the provisions of s. 336.12, and shall not be  
7 regarded as in derogation of that section.

8 Section 4. Subsection (3) is added to section 316.061,  
9 Florida Statutes, to read:

10 316.061 Crashes involving damage to vehicle or  
11 property.--

12 (3) Employees or authorized agents of the Department  
13 of Transportation, law enforcement with proper jurisdiction,  
14 and an expressway authority created pursuant to chapter 348,  
15 in the exercise, management, control, and maintenance of its  
16 highway system, may undertake the removal from the main  
17 traveled way of roads on its highway system of all vehicles  
18 incapacitated as a result of a motor vehicle crash and of  
19 debris caused thereby. Such removal is applicable when such a  
20 crash results only in damage to a vehicle or other property,  
21 and where such removal can be accomplished safely and will  
22 result in the improved safety or convenience of travel upon  
23 the road. The driver or any other person who has removed a  
24 vehicle from the main traveled way of the road as provided in  
25 this subsection shall not be considered liable or at fault  
26 regarding the cause of the accident solely by reason of moving  
27 the vehicle.

28 Section 5. Paragraph (c) of subsection (3) of section  
29 316.066, Florida Statutes, is amended to read:

30 316.066 Written reports of crashes.--

31 (3)

1 (c) Crash reports required by this section which  
2 reveal the identity, home or employment telephone number or  
3 home or employment address of, or other personal information  
4 concerning the parties involved in the crash and which are  
5 received or prepared by any agency that regularly receives or  
6 prepares information from or concerning the parties to motor  
7 vehicle crashes are confidential and exempt from s. 119.07(1)  
8 and s. 24(a), Art. I of the State Constitution for a period of  
9 60 days after the date the report is filed. However, such  
10 reports may be made immediately available to the parties  
11 involved in the crash, their legal representatives, their  
12 licensed insurance agents, their insurers or insurers to which  
13 they have applied for coverage, persons under contract with  
14 such insurers to provide claims or underwriting information,  
15 prosecutorial authorities, radio and television stations  
16 licensed by the Federal Communications Commission, newspapers  
17 qualified to publish legal notices under ss. 50.011 and  
18 50.031, and free newspapers of general circulation, published  
19 once a week or more often, available and of interest to the  
20 public generally for the dissemination of news. For the  
21 purposes of this section, the following products or  
22 publications are not newspapers as referred to in this  
23 section: those intended primarily for members of a particular  
24 profession or occupational group; those with the primary  
25 purpose of distributing advertising; and those with the  
26 primary purpose of publishing names and other personally  
27 identifying information concerning parties to motor vehicle  
28 crashes. Any local, state, or federal agency, agent, or  
29 employee that is authorized to have access to such reports by  
30 any provision of law shall be granted such access in the  
31 furtherance of the agency's statutory duties notwithstanding

1 the provisions of this paragraph. Any local, state, or federal  
2 agency, agent, or employee receiving such crash reports shall  
3 maintain the confidential and exempt status of those reports  
4 and shall not disclose such crash reports to any person or  
5 entity. Any person attempting to access crash reports within  
6 60 days after the date the report is filed must present  
7 legitimate credentials or identification that demonstrates his  
8 or her qualifications to access that information. This  
9 exemption is subject to the Open Government Sunset Review Act  
10 of 1995 in accordance with s. 119.15, and shall stand repealed  
11 on October 2, 2006, unless reviewed and saved from repeal  
12 through reenactment by the Legislature.

13 Section 6. Subsection (2) of section 316.1975, Florida  
14 Statutes, is amended to read:

15 316.1975 Unattended motor vehicle.--

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

17 (a) An authorized emergency vehicle while in the  
18 performance of official duties and the vehicle is equipped  
19 with an activated antitheft device that prohibits the vehicle  
20 from being driven; ~~or~~

21 (b) A licensed delivery truck or other delivery  
22 vehicle while making deliveries; or

23 (c) A solid waste or recovered materials vehicle while  
24 collecting such items.

25 Section 7. Section 316.2127, Florida Statutes, is  
26 created to read:

27 316.2127 Operation of utility vehicles on certain  
28 roadways by homeowners' associations.--The operation of a  
29 utility vehicle, as defined in s. 320.01, upon the public  
30 roads or streets of this state by a homeowners' association,  
31

1 as defined in s. 720.301, or its agents is prohibited except  
2 as provided herein:

3 (1) A utility vehicle may be operated by a homeowners'  
4 association or its agents only upon a county road that has  
5 been designated by a county, or a city street that has been  
6 designated by a city, for use by a utility vehicle for general  
7 maintenance, security, and landscaping purposes. Prior to  
8 making such a designation, the responsible local governmental  
9 entity must first determine that utility vehicles may safely  
10 travel on or cross the public road or street, considering  
11 factors including the speed, volume, and character of motor  
12 vehicle traffic on the road or street. Upon a determination  
13 that utility vehicles may be safely operated on a designated  
14 road or street, the responsible governmental entity shall post  
15 appropriate signs to indicate that such operation is allowed.

16 (2) A utility vehicle may be operated by a homeowners'  
17 association or its agents on a portion of the State Highway  
18 System only under the following conditions:

19 (a) To cross a portion of the State Highway System  
20 which intersects a county road or a city street that has been  
21 designated for use by utility vehicles if the Department of  
22 Transportation has reviewed and approved the location and  
23 design of the crossing and any traffic control devices needed  
24 for safety purposes.

25 (b) To cross, at midblock, a portion of the State  
26 Highway System where the highway bisects property controlled  
27 or maintained by a homeowners' association if the Department  
28 of Transportation has reviewed and approved the location and  
29 design of the crossing and any traffic control devices needed  
30 for safety purposes.

31

1           (c) To travel on a state road that has been designated  
2 for transfer to a local government unit pursuant to s.  
3 335.0415 if the Department of Transportation determines that  
4 the operation of a utility vehicle within the right-of-way of  
5 the road will not impede the safe and efficient flow of motor  
6 vehicle traffic. The department may authorize the operation of  
7 utility vehicles on such a road if:

8           1. The road is the only available public road on which  
9 utility vehicles may travel or cross or the road provides the  
10 safest travel route among alternative routes available; and

11           2. The speed, volume, and character of motor vehicle  
12 traffic on the road is considered in making such a  
13 determination.

14  
15 Upon its determination that utility vehicles may be operated  
16 on a given road, the department shall post appropriate signs  
17 on the road to indicate that such operation is allowed.

18           (3) A utility vehicle may be operated by a homeowners'  
19 association or its agents only during the hours between  
20 sunrise and sunset, unless the responsible governmental entity  
21 has determined that a utility vehicle may be operated during  
22 the hours between sunset and sunrise and the utility vehicle  
23 is equipped with headlights, brake lights, turn signals, and a  
24 windshield.

25           (4) A utility vehicle must be equipped with efficient  
26 brakes, a reliable steering apparatus, safe tires, a rearview  
27 mirror, and red reflectorized warning devices in both the  
28 front and the rear.

29           (5) A utility vehicle may not be operated on public  
30 roads or streets by any person under the age of 14.

31



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

6 Section 8. Subsection (9) of section 316.2397, Florida  
7 Statutes, is amended to read:

8 316.2397 Certain lights prohibited; exceptions.--

9 (9) Flashing red lights may be used by emergency  
10 response vehicles of the Department of Environmental  
11 Protection and the Department of Health when responding to an  
12 emergency in the line of duty.

13 Section 9. Subsection (2) of section 316.304, Florida  
14 Statutes, is amended to read:

15 316.304 Wearing of headsets.--

16 (2) This section does not apply to:

17 (a) Any law enforcement officer equipped with any  
18 communication device necessary in performing his or her  
19 assigned duties or to any emergency vehicle operator equipped  
20 with any ear protection device.

21 (b) Any applicant for a license to operate a  
22 motorcycle while taking the examination required by s.  
23 322.12(5).

24 (c) Any person operating a motorcycle who is using a  
25 headset that is installed in a helmet and worn so as to  
26 prevent the speakers from making direct contact with the  
27 user's ears so that the user can hear surrounding sounds.

28 (d) Any person using a headset in conjunction with a  
29 cellular telephone that only provides sound through one ear  
30 and allows surrounding sounds to be hear with the other ear.

31

1           (e) Any person using a headset in conjunction with  
2 communicating with the central base operation that only  
3 provides sound through one ear and allows surrounding sounds  
4 to be heard with the other ear.

5           Section 10. Section 316.520, Florida Statutes, is  
6 amended to read:

7           316.520 Loads on vehicles.--

8           (1) A vehicle may not be driven or moved on any  
9 highway unless the vehicle is so constructed or loaded as to  
10 prevent any of its load from dropping, shifting, leaking,  
11 blowing, or otherwise escaping therefrom, except that sand may  
12 be dropped only for the purpose of securing traction or water  
13 or other substance may be sprinkled on a roadway in cleaning  
14 or maintaining the roadway.

15           (2) It is the duty of every owner and driver,  
16 individually and severally, of any vehicle hauling, upon any  
17 public road or highway open to the public, dirt, sand, lime  
18 rock, gravel, silica, or other similar aggregate or trash,  
19 garbage, any inanimate object or objects, or any similar  
20 material that could fall or blow from such vehicle, to prevent  
21 such materials from falling, blowing, or in any way escaping  
22 from such vehicle. Covering and securing the load with a  
23 close-fitting tarpaulin or other appropriate cover is  
24 required.

25           (3)(a) Except as provided in paragraph (b),a  
26 violation of this section is a noncriminal traffic infraction,  
27 punishable as a moving ~~nonmoving~~ violation as provided in  
28 chapter 318.

29           (b) Any person who violates the provisions of this  
30 section which offense results in personal injury to an  
31 individual and which offense occurs as a result of failing to

1 comply with subsections (1) and (2) commits a criminal traffic  
2 offense and a misdemeanor of the second degree, punishable as  
3 provided in s. 775.082 or s. 775.083.

4 (4) The provisions of subsection (2) requiring  
5 covering and securing the load with a close-fitting tarpaulin  
6 or other appropriate cover does not apply to vehicles carrying  
7 agricultural products locally from a harvest site or to or  
8 from a farm on roads where the posted speed limit is 65 miles  
9 per hour or less and the distance driven on public roads is  
10 less than 20 miles.

11 Section 11. Paragraph (a) of subsection (1), paragraph  
12 (b) of subsection (2), and paragraphs (b) and (c) of  
13 subsection (3) of section 316.640, Florida Statutes, are  
14 amended to read:

15 316.640 Enforcement.--The enforcement of the traffic  
16 laws of this state is vested as follows:

17 (1) STATE.--

18 (a)1.a. The Division of Florida Highway Patrol of the  
19 Department of Highway Safety and Motor Vehicles, the Division  
20 of Law Enforcement of the Fish and Wildlife Conservation  
21 Commission, the Division of Law Enforcement of the Department  
22 of Environmental Protection, and law enforcement officers of  
23 the Department of Transportation each have authority to  
24 enforce all of the traffic laws of this state on all the  
25 streets and highways thereof and elsewhere throughout the  
26 state wherever the public has a right to travel by motor  
27 vehicle. The Division of the Florida Highway Patrol may employ  
28 as a traffic accident investigation officer any individual who  
29 successfully completes at least 200 hours of instruction in  
30 traffic accident investigation and court presentation through  
31 the Selective Traffic Enforcement Program as approved by the

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

17         b. University police officers shall have authority to  
18 enforce all of the traffic laws of this state when such  
19 violations occur on or about any property or facilities that  
20 are under the guidance, supervision, regulation, or control of  
21 a state university, a direct-support organization of such  
22 state university, or any other organization controlled by the  
23 state university or a direct-support organization of the state  
24 university system, except that traffic laws may be enforced  
25 off-campus when hot pursuit originates on or adjacent to any  
26 such property or facilities ~~on-campus~~.

27         c. Community college police officers shall have the  
28 authority to enforce all the traffic laws of this state only  
29 when such violations occur on any property or facilities that  
30 are under the guidance, supervision, regulation, or control of  
31 the community college system.

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

5           (I) An airport authority may employ as a parking  
6 enforcement specialist any individual who successfully  
7 completes a training program established and approved by the  
8 Criminal Justice Standards and Training Commission for parking  
9 enforcement specialists but who does not otherwise meet the  
10 uniform minimum standards established by the commission for  
11 law enforcement officers or auxiliary or part-time officers  
12 under s. 943.12. Nothing in this sub-sub-subparagraph shall be  
13 construed to permit the carrying of firearms or other weapons,  
14 nor shall such parking enforcement specialist have arrest  
15 authority.

16           (II) A parking enforcement specialist employed by an  
17 airport authority is authorized to enforce all state, county,  
18 and municipal laws and ordinances governing parking only when  
19 such violations are on property or facilities owned or  
20 operated by the airport authority employing the specialist, by  
21 appropriate state, county, or municipal traffic citation.

22           e. The Office of Agricultural Law Enforcement of the  
23 Department of Agriculture and Consumer Services shall have the  
24 authority to enforce traffic laws of this state only as  
25 authorized by the provisions of chapter 570. However, nothing  
26 in this section shall expand the authority of the Office of  
27 Agricultural Law Enforcement at its agricultural inspection  
28 stations to issue any traffic tickets except those traffic  
29 tickets for vehicles illegally passing the inspection station.

30           f. School safety officers shall have the authority to  
31 enforce all of the traffic laws of this state when such

1 violations occur on or about any property or facilities which  
2 are under the guidance, supervision, regulation, or control of  
3 the district school board.

4         2. An agency of the state as described in subparagraph  
5 1. is prohibited from establishing a traffic citation quota. A  
6 violation of this subparagraph is not subject to the penalties  
7 provided in chapter 318.

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

16         (2) COUNTIES.--

17         (b) The sheriff's office of each county may employ as  
18 a traffic crash investigation officer any individual who  
19 successfully completes at least 200 hours of instruction in  
20 traffic crash investigation and court presentation through the  
21 Selective Traffic Enforcement Program (STEP) as approved by  
22 the Criminal Justice Standards and Training Commission and  
23 funded through the National Highway Traffic Safety  
24 Administration (NHTSA) or a similar program approved by the  
25 commission, but who does not necessarily otherwise meet the  
26 uniform minimum standards established by the commission for  
27 law enforcement officers or auxiliary law enforcement officers  
28 under chapter 943. Any such traffic crash investigation  
29 officer who makes an investigation at the scene of a traffic  
30 crash may issue traffic citations when, based upon personal  
31 investigation, he or she has reasonable and probable grounds

1 to believe that a person who was involved in the crash has  
2 committed an offense under this chapter, chapter 319, chapter  
3 320, or chapter 322 in connection with the crash. This  
4 paragraph does not permit the carrying of firearms or other  
5 weapons, nor do such officers have arrest authority ~~other than~~  
6 ~~for the issuance of a traffic citation as authorized in this~~  
7 ~~paragraph.~~

8 (3) MUNICIPALITIES.--

9 (b) The police department of a chartered municipality  
10 may employ as a traffic crash investigation officer any  
11 individual who successfully completes at least 200 hours of  
12 instruction in traffic crash investigation and court  
13 presentation through the Selective Traffic Enforcement Program  
14 (STEP) as approved by the Criminal Justice Standards and  
15 Training Commission and funded through the National Highway  
16 Traffic Safety Administration (NHTSA) or a similar program  
17 approved by the commission, but who does not otherwise meet  
18 the uniform minimum standards established by the commission  
19 for law enforcement officers or auxiliary law enforcement  
20 officers under chapter 943. Any such traffic crash  
21 investigation officer who makes an investigation at the scene  
22 of a traffic crash is authorized to issue traffic citations  
23 when, based upon personal investigation, he or she has  
24 reasonable and probable grounds to believe that a person  
25 involved in the crash has committed an offense under the  
26 provisions of this chapter, chapter 319, chapter 320, or  
27 chapter 322 in connection with the crash. ~~Nothing in This~~  
28 ~~paragraph does not shall be construed to~~ permit the carrying  
29 of firearms or other weapons, nor do ~~shall~~ such officers have  
30 arrest authority ~~other than for the issuance of a traffic~~  
31 ~~citation as authorized above.~~

1 (c)1. A chartered municipality or its authorized  
2 agency or instrumentality may employ as a parking enforcement  
3 specialist any individual who successfully completes a  
4 training program established and approved by the Criminal  
5 Justice Standards and Training Commission for parking  
6 enforcement specialists, but who does not otherwise meet the  
7 uniform minimum standards established by the commission for  
8 law enforcement officers or auxiliary or part-time officers  
9 under s. 943.12.

10 2. A parking enforcement specialist employed by a  
11 chartered municipality or its authorized agency or  
12 instrumentality is authorized to enforce all state, county,  
13 and municipal laws and ordinances governing parking within the  
14 boundaries of the municipality employing the specialist, by  
15 appropriate state, county, or municipal traffic citation.  
16 ~~Nothing in this paragraph shall be construed to permit the~~  
17 ~~carrying of firearms or other weapons, nor shall such a~~  
18 ~~parking enforcement specialist have arrest authority.~~

19 3. A parking enforcement specialist employed pursuant  
20 to this subsection may not carry firearms or other weapons or  
21 have arrest authority.

22 Section 12. Subsection (5) of section 318.1451,  
23 Florida Statutes, is amended to read:

24 318.1451 Driver improvement schools.--

25 (5)(a) ~~No governmental entity or court shall provide,~~  
26 ~~issue, or maintain any information or orders regarding driver~~  
27 ~~improvement schools or course providers, with the exception of~~  
28 ~~directing inquiries or requests to the local telephone~~  
29 ~~directory heading of driving instruction or the traffic school~~  
30 ~~reference guide. However, The department is authorized to~~  
31 maintain the information and records necessary to administer



1 its duties and responsibilities for driver improvement  
2 courses. Where such information is a public record as defined  
3 in chapter 119, it shall be made available to the public upon  
4 request pursuant to s. 119.07(1).

5 (b) The department or court may ~~shall~~ prepare for ~~any~~  
6 ~~governmental entity to distribute~~ a traffic school reference  
7 guide which lists ~~shall list~~ the benefits of attending a  
8 driver improvement school and contains the names of the fully  
9 approved course providers with a single telephone number for  
10 each such provider, as furnished by the provider, ~~but under no~~  
11 ~~circumstance may any list of course providers or schools be~~  
12 ~~included, and shall refer further inquiries to the telephone~~  
13 ~~directory under driving instruction.~~

14 Section 13. Paragraph (f) is added to subsection (3)  
15 of section 318.18, Florida Statutes, and subsection (12) is  
16 added to said section, to read:

17 318.18 Amount of civil penalties.--The penalties  
18 required for a noncriminal disposition pursuant to s. 318.14  
19 are as follows:

20 (3)

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

For speed exceeding the limit by:	Fine:
24 1-5 m.p.h.....	Warning
25 6-9 m.p.h.....	\$ 25
26 10-14 m.p.h.....	\$100
27 15-19 m.p.h.....	\$125
28 20-29 m.p.h.....	\$150
29 30 m.p.h. and above.....	\$250

31

1           (f) A person cited for exceeding the speed limit  
2 within a zone posted for any electronic or manual toll  
3 collection facility will be assessed a fine double the amount  
4 listed in paragraph (b). However, no person cited for  
5 exceeding the speed limit in any toll collection zone shall be  
6 subject to a doubled fine unless the governmental entity or  
7 authority controlling the toll collection zone first installs  
8 a traffic control device providing warning that speeding fines  
9 are doubled. Any such traffic control device must meet the  
10 requirements of the uniform system of traffic control devices.

11           (12) One hundred dollars for a violation of s.  
12 316.520(1) or (2). If, at a hearing, the alleged offender is  
13 found to have committed this offense, the court shall impose a  
14 minimum civil penalty of \$100. For a second or subsequent  
15 adjudication within a period of 5 years, the department shall  
16 suspend the driver's license of the person for not less than  
17 180 days and not more than 1 year.

18           Section 14. Section 318.19, Florida Statutes, is  
19 amended to read:

20           318.19 Infractions requiring a mandatory hearing.--Any  
21 person cited for the infractions listed in this section shall  
22 not have the provisions of s. 318.14(2), (4), and (9)  
23 available to him or her but must appear before the designated  
24 official at the time and location of the scheduled hearing:

25           (1) Any infraction which results in a crash that  
26 causes the death of another; ~~or~~

27           (2) Any infraction which results in a crash that  
28 causes "serious bodily injury" of another as defined in s.  
29 316.1933(1); ~~or~~

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

31           (4) Any infraction of s. 316.520(1) or (2).

1           Section 15. Subsection (1), paragraph (b) of  
2 subsection (2), and paragraphs (b) and (c) of subsection (3)  
3 of section 316.640, Florida Statutes, are amended to read:

4           316.640 Enforcement.--The enforcement of the traffic  
5 laws of this state is vested as follows:

6           (1) STATE.--

7           (a)1.a. The Division of Florida Highway Patrol of the  
8 Department of Highway Safety and Motor Vehicles, the Division  
9 of Law Enforcement of the Fish and Wildlife Conservation  
10 Commission, the Division of Law Enforcement of the Department  
11 of Environmental Protection, and law enforcement officers of  
12 the Department of Transportation each have authority to  
13 enforce all of the traffic laws of this state on all the  
14 streets and highways thereof and elsewhere throughout the  
15 state wherever the public has a right to travel by motor  
16 vehicle. The Division of the Florida Highway Patrol may employ  
17 as a traffic accident investigation officer any individual who  
18 successfully completes at least 200 hours of instruction in  
19 traffic accident investigation and court presentation through  
20 the Selective Traffic Enforcement Program as approved by the  
21 Criminal Justice Standards and Training Commission and funded  
22 through the National Highway Traffic Safety Administration or  
23 a similar program approved by the commission, but who does not  
24 necessarily meet the uniform minimum standards established by  
25 the commission for law enforcement officers or auxiliary law  
26 enforcement officers under chapter 943. Any such traffic  
27 accident investigation officer who makes an investigation at  
28 the scene of a traffic accident may issue traffic citations,  
29 based upon personal investigation, when he or she has  
30 reasonable and probable grounds to believe that a person who  
31 was involved in the accident committed an offense under this

1 chapter, chapter 319, chapter 320, or chapter 322 in  
 2 connection with the accident. This paragraph does not permit  
 3 the carrying of firearms or other weapons, nor do such  
 4 officers have arrest authority ~~other than for the issuance of~~  
 5 ~~a traffic citation as authorized in this paragraph.~~

6 b. University police officers shall have authority to  
 7 enforce all of the traffic laws of this state when such  
 8 violations occur on or about any property or facilities that  
 9 are under the guidance, supervision, regulation, or control of  
 10 a state university, a direct-support organization of such  
 11 state university, or any other organization controlled by the  
 12 state university or a direct-support organization of the state  
 13 university ~~System~~, except that traffic laws may be enforced  
 14 off-campus when hot pursuit originates on or adjacent to any  
 15 such property or facilities ~~on-campus.~~

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

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

25 (I) An airport authority may employ as a parking  
 26 enforcement specialist any individual who successfully  
 27 completes a training program established and approved by the  
 28 Criminal Justice Standards and Training Commission for parking  
 29 enforcement specialists but who does not otherwise meet the  
 30 uniform minimum standards established by the commission for  
 31 law enforcement officers or auxiliary or part-time officers

1 under s. 943.12. Nothing in this sub-sub-subparagraph shall be  
2 construed to permit the carrying of firearms or other weapons,  
3 nor shall such parking enforcement specialist have arrest  
4 authority.

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

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

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

24 2. An agency of the state as described in subparagraph  
25 1. is prohibited from establishing a traffic citation quota. A  
26 violation of this subparagraph is not subject to the penalties  
27 provided in chapter 318.

28 3. Any disciplinary action taken or performance  
29 evaluation conducted by an agency of the state as described in  
30 subparagraph 1. of a law enforcement officer's traffic  
31 enforcement activity must be in accordance with written

1 work-performance standards. Such standards must be approved by  
2 the agency and any collective bargaining unit representing  
3 such law enforcement officer. A violation of this subparagraph  
4 is not subject to the penalties provided in chapter 318.

5 (2) COUNTIES.--

6 (b) The sheriff's office of each county may employ as  
7 a traffic crash investigation officer any individual who  
8 successfully completes at least 200 hours of instruction in  
9 traffic crash investigation and court presentation through the  
10 Selective Traffic Enforcement Program (STEP) as approved by  
11 the Criminal Justice Standards and Training Commission and  
12 funded through the National Highway Traffic Safety  
13 Administration (NHTSA) or a similar program approved by the  
14 commission, but who does not necessarily otherwise meet the  
15 uniform minimum standards established by the commission for  
16 law enforcement officers or auxiliary law enforcement officers  
17 under chapter 943. Any such traffic crash investigation  
18 officer who makes an investigation at the scene of a traffic  
19 crash may issue traffic citations when, based upon personal  
20 investigation, he or she has reasonable and probable grounds  
21 to believe that a person who was involved in the crash has  
22 committed an offense under this chapter, chapter 319, chapter  
23 320, or chapter 322 in connection with the crash. This  
24 paragraph does not permit the carrying of firearms or other  
25 weapons, nor do such officers have arrest authority ~~other than~~  
26 ~~for the issuance of a traffic citation as authorized in this~~  
27 ~~paragraph.~~

28 (3) MUNICIPALITIES.--

29 (b) The police department of a chartered municipality  
30 may employ as a traffic crash investigation officer any  
31 individual who successfully completes at least 200 hours of

1 instruction in traffic crash investigation and court  
2 presentation through the Selective Traffic Enforcement Program  
3 (STEP) as approved by the Criminal Justice Standards and  
4 Training Commission and funded through the National Highway  
5 Traffic Safety Administration (NHTSA) or a similar program  
6 approved by the commission, but who does not otherwise meet  
7 the uniform minimum standards established by the commission  
8 for law enforcement officers or auxiliary law enforcement  
9 officers under chapter 943. Any such traffic crash  
10 investigation officer who makes an investigation at the scene  
11 of a traffic crash is authorized to issue traffic citations  
12 when, based upon personal investigation, he or she has  
13 reasonable and probable grounds to believe that a person  
14 involved in the crash has committed an offense under the  
15 provisions of this chapter, chapter 319, chapter 320, or  
16 chapter 322 in connection with the crash. ~~Nothing in This~~  
17 ~~paragraph does not shall be construed to~~ permit the carrying  
18 of firearms or other weapons, nor ~~do shall~~ such officers have  
19 arrest authority ~~other than for the issuance of a traffic~~  
20 ~~citation as authorized above.~~

21 (c)1. A chartered municipality or its authorized  
22 agency or instrumentality may employ as a parking enforcement  
23 specialist any individual who successfully completes a  
24 training program established and approved by the Criminal  
25 Justice Standards and Training Commission for parking  
26 enforcement specialists, but who does not otherwise meet the  
27 uniform minimum standards established by the commission for  
28 law enforcement officers or auxiliary or part-time officers  
29 under s. 943.12.

30 2. A parking enforcement specialist employed by a  
31 chartered municipality or its authorized agency or

1 instrumentality is authorized to enforce all state, county,  
2 and municipal laws and ordinances governing parking within the  
3 boundaries of the municipality employing the specialist, by  
4 appropriate state, county, or municipal traffic citation.

5 ~~Nothing in this paragraph shall be construed to permit the~~  
6 ~~carrying of firearms or other weapons, nor shall such a~~  
7 ~~parking enforcement specialist have arrest authority.~~

8 3. A parking enforcement specialist employed pursuant  
9 to this subsection may not carry firearms or other weapons or  
10 have arrest authority.

11 Section 10. Section 570.073, Florida Statutes, is  
12 amended to read:

13 570.073 Department of Agriculture and Consumer  
14 Services, law enforcement officers.--

15 (1) The commissioner may create an Office of  
16 Agricultural Law Enforcement under the supervision of a senior  
17 manager exempt under s. 110.205 in the Senior Management  
18 Service. The commissioner may designate law enforcement  
19 officers, as necessary, to enforce any criminal law or conduct  
20 any criminal investigation or to enforce the provisions of any  
21 statute or any other laws of this state relating to any matter  
22 ~~over which the department has jurisdiction or which occurs on~~  
23 ~~property owned, managed, or occupied by the department.~~

24 Officers appointed under this section have the primary  
25 responsibility for enforcing laws relating to agriculture and  
26 consumer services as outlined below and violations of law that  
27 threaten the overall security and safety of this state's  
28 agriculture and consumer services.~~Those matters include~~ The  
29 primary responsibilities include the enforcement of laws  
30 relating to:  
31



1 (a) Domesticated animals, including livestock,  
2 poultry, aquaculture products, and other wild or domesticated  
3 animals or animal products.

4 (b) Farms, farm equipment, livery tack, citrus or  
5 citrus products, or horticultural products.

6 (c) Trespass, littering, forests, forest fires, and  
7 open burning.

8 (d) Damage to or theft of forest products.

9 (e) Enforcement of a marketing order.

10 (f) Protection of consumers.

11 (g) Civil traffic offenses as outlined under Florida  
12 law provided for in chapters 316, 320, and 322, subject to the  
13 provisions of chapter 318, relating to any matter over which  
14 the department has jurisdiction or committed on property  
15 owned, managed, or occupied by the department.

16 (h) The use of alcohol or drugs which occurs on  
17 property owned, managed, or occupied by the department.

18 (i) Any emergency situation in which the life, limb,  
19 or property of any person is placed in immediate and serious  
20 danger.

21 (j) Any crime incidental to or related to paragraphs  
22 (a)-(i).

23 (k) Any law over which the Commissioner of Agriculture  
24 has responsibility.

25 (2) Each law enforcement officer shall meet the  
26 qualifications of law enforcement officers under s. 943.13 and  
27 shall be certified as a law enforcement officer by the  
28 Department of Law Enforcement under the provisions of chapter  
29 943. Upon certification, each law enforcement officer is  
30 subject to and shall have the same arrest and other authority  
31 provided for law enforcement officers generally in chapter 901

1 and shall have statewide jurisdiction ~~as provided in~~  
2 ~~subsection (1)~~. Each officer shall also have arrest authority  
3 as provided for state law enforcement officers in s.  
4 901.15~~(11)~~. Such officers have full law enforcement powers  
5 granted to other peace officers of this state, including the  
6 power to make arrests, carry firearms, serve court process,  
7 and seize contraband and the proceeds of illegal activities.

8 (3) The Commissioner may also appoint part-time,  
9 reserve or auxiliary law enforcement officers under chapter  
10 943.

11 (4)~~(3)~~ All department law enforcement officers, upon  
12 certification under s. 943.1395, shall have the same right and  
13 authority to carry arms as do the sheriffs of this state.

14 (5)~~(4)~~ Each law enforcement officer in the state who  
15 is certified pursuant to chapter 943 has the same authority as  
16 law enforcement officers designated in this section to enforce  
17 the laws of this state as described in subsection (1).

18 Section 11. Subsection (5) of section 318.1451,  
19 Florida Statutes, is amended to read:

20 318.1451 Driver improvement schools.--

21 ~~(5)(a) No governmental entity or court shall provide,~~  
22 ~~issue, or maintain any information or orders regarding driver~~  
23 ~~improvement schools or course providers, with the exception of~~  
24 ~~directing inquiries or requests to the local telephone~~  
25 ~~directory heading of driving instruction or the traffic school~~  
26 ~~reference guide. However,~~The department is authorized to  
27 maintain the information and records necessary to administer  
28 its duties and responsibilities for driver improvement  
29 courses. Where such information is a public record as defined  
30 in chapter 119, it shall be made available to the public upon  
31 request pursuant to s. 119.07(1).

1 (b) The department or court may ~~shall~~ prepare for ~~any~~  
2 ~~governmental entity to distribute~~ a traffic school reference  
3 guide which lists ~~shall list~~ the benefits of attending a  
4 driver improvement school and contains the names of the fully  
5 approved course providers with a single telephone number for  
6 each such provider, as furnished by the provider, ~~but under no~~  
7 ~~circumstance may any list of course providers or schools be~~  
8 ~~included, and shall refer further inquiries to the telephone~~  
9 ~~directory under driving instruction.~~

10 Section 12. Paragraph (f) is added to subsection (3)  
11 of section 318.18, Florida Statutes, to read:

12 318.18 Amount of civil penalties.--The penalties  
13 required for a noncriminal disposition pursuant to s. 318.14  
14 are as follows:

15 (3)

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

19 For speed exceeding the limit by:	Fine:
20 1-5 m.p.h.....	Warning
21 6-9 m.p.h.....	\$ 25
22 10-14 m.p.h.....	\$100
23 15-19 m.p.h.....	\$125
24 20-29 m.p.h.....	\$150
25 30 m.p.h. and above.....	\$250

26  
27 (f) A person cited for exceeding the speed limit  
28 within a zone posted for any electronic or manual toll  
29 collection facility will be assessed a fine double the amount  
30 listed in paragraph (b). However, no person cited for  
31 exceeding the speed limit in any toll collection zone shall be

1 subject to a doubled fine unless the governmental entity or  
2 authority controlling the toll collection zone first installs  
3 a traffic control device providing warning that speeding fines  
4 are doubled. Any such traffic control device must meet the  
5 requirements of the uniform system of traffic control devices.

6 Section 13. Subsections (5) and (11) of section  
7 319.23, Florida Statutes, are amended to read:

8 319.23 Application for, and issuance of, certificate  
9 of title.--

10 (5) The certificate of title issued by the department  
11 for a motor vehicle or mobile home previously registered  
12 outside this state shall give the name of the state or country  
13 in which the vehicle was last registered outside this state.  
14 The department shall retain the evidence of title presented by  
15 the applicant upon which the certificate of title is issued.

16 The department shall use reasonable diligence in ascertaining  
17 whether or not the facts in the application are true; and, if  
18 satisfied that the applicant is the owner of the motor vehicle  
19 or mobile home and that the application is in the proper form,  
20 it shall issue a certificate of title.

21 ~~(11) The department is not required to retain any~~  
22 ~~evidence of title presented by the applicant and based on~~  
23 ~~which the certificate of title is issued.~~

24 Section 14. Paragraph (a) of subsection (1) of section  
25 319.28, Florida Statutes, is amended to read:

26 319.28 Transfer of ownership by operation of law.--

27 (1)(a) In the event of the transfer of ownership of a  
28 motor vehicle or mobile home by operation of law as upon  
29 inheritance, devise or bequest, order in bankruptcy,  
30 insolvency, replevin, attachment, execution, or other judicial  
31 sale or whenever the engine of a motor vehicle is replaced by

1 another engine or whenever a motor vehicle is sold to satisfy  
 2 storage or repair charges or repossession is had upon default  
 3 in performance of the terms of a security agreement, chattel  
 4 mortgage, conditional sales contract, trust receipt, or other  
 5 like agreement, and upon the surrender of the prior  
 6 certificate of title or, when that is not possible,  
 7 presentation of satisfactory proof to the department of  
 8 ownership and right of possession to such motor vehicle or  
 9 mobile home, and upon payment of the fee prescribed by law and  
 10 presentation of an application for certificate of title, the  
 11 department may issue to the applicant a certificate of title  
 12 thereto. ~~If the application is predicated upon a security~~  
 13 ~~agreement, chattel mortgage, conditional sales contract, trust~~  
 14 ~~receipt, or other like agreement, the original instrument or a~~  
 15 ~~certified copy thereof shall accompany the application;~~  
 16 ~~however, if an owner under a chattel mortgage voluntarily~~  
 17 ~~surrenders possession of the motor vehicle or mobile home, the~~  
 18 ~~original or a certified copy of the chattel mortgage shall~~  
 19 ~~accompany the application for a certificate of title and it~~  
 20 ~~shall not be necessary to institute proceedings in any court~~  
 21 ~~to foreclose such mortgage.~~

22 Section 15. Paragraph (d) of subsection (1) of section  
 23 319.33, Florida Statutes, is amended, and subsection (6) of  
 24 said section is reenacted, to read:

25 319.33 Offenses involving vehicle identification  
 26 numbers, applications, certificates, papers; penalty.--

27 (1) It is unlawful:

28 (d) To possess, sell or offer for sale, conceal, or  
 29 dispose of in this state a motor vehicle or mobile home, or  
 30 major component part thereof, on which any ~~the~~ motor number or  
 31 vehicle identification number that has been affixed by the

1 manufacturer or by a state agency, such as the Department of  
 2 Highway Safety and Motor Vehicles, which regulates motor  
 3 vehicles has been destroyed, removed, covered, altered, or  
 4 defaced, with knowledge of such destruction, removal,  
 5 covering, alteration, or defacement, except as provided in s.  
 6 319.30(4).

7 (6) Any person who violates any provision of this  
 8 section is guilty of a felony of the third degree, punishable  
 9 as provided in s. 775.082, s. 775.083, or s. 775.084. Any  
 10 motor vehicle used in violation of this section shall  
 11 constitute contraband which may be seized by a law enforcement  
 12 agency and shall be subject to forfeiture proceedings pursuant  
 13 to ss. 932.701-932.704. This section is not exclusive of any  
 14 other penalties prescribed by any existing or future laws for  
 15 the larceny or unauthorized taking of motor vehicles or mobile  
 16 homes, but is supplementary thereto.

17 Section 16. Section 320.025, Florida Statutes, is  
 18 amended to read:

19 320.025 Registration certificate and license plate or  
 20 decal issued under fictitious name; application.--

21 (1) A confidential registration certificate and  
 22 registration license plate or decal shall be issued under a  
 23 fictitious name only for a motor vehicle or vessel owned or  
 24 operated by a law enforcement agency of state, county,  
 25 municipal, or federal government, the Attorney General's  
 26 Medicaid Fraud Control Unit, or any state public defender's  
 27 office. The requesting agency shall file a written application  
 28 with the department on forms furnished by the department,  
 29 which includes a statement that the license plate or decal  
 30 will be used for the Attorney General's Medicaid Fraud Control  
 31 Unit, ~~or~~ law enforcement or any state public defender's office

1 activities requiring concealment of publicly leased or owned  
2 motor vehicles or vessels and a statement of the position  
3 classifications of the individuals who are authorized to use  
4 the license plate or decal. The department may modify its  
5 records to reflect the fictitious identity of the owner or  
6 lessee until such time as the license plate or decal and  
7 registration certificate are surrendered to it.

8 (2) Except as provided in subsection (1), any motor  
9 vehicle owned or exclusively operated by the state or any  
10 county, municipality, or other governmental entity must at all  
11 times display a license plate of the type prescribed in s.  
12 320.0655. Any vessel owned or exclusively operated by the  
13 state or any county, municipality, or other governmental  
14 entity must at all times display a registration number as  
15 required in s. 328.56 and a vessel decal as required in s.  
16 328.48(5).

17 (3) This section constitutes an exception to other  
18 statutes relating to falsification of public records, false  
19 swearing, and similar matters. All records relating to the  
20 registration application of the Attorney General's Medicaid  
21 Fraud Control Unit, a law enforcement agency, or any state  
22 public defender's office, and records necessary to carry out  
23 the intended purpose of this section, are exempt from the  
24 provisions of s. 119.07(1), and s. 24(a), Art. I of the State  
25 Constitution as long as the information is retained by the  
26 department. This section does not prohibit other personations,  
27 fabrications, or creations of false identifications by the  
28 Attorney General's Medicaid Fraud Control Unit, or law  
29 enforcement or public defender's officers in the official  
30 performance of covert operations.

31

1 Section 17. Subsections (1) and (2) of section 320.05,  
2 Florida Statutes, are amended to read:

3 320.05 Records of the department; inspection  
4 procedure; lists and searches; fees.--

5 (1) Except as provided in ~~ss. s-119.07(3)~~ and  
6 320.025(3), the department may release records as provided in  
7 this section.

8 (2) Upon receipt of an application for the  
9 registration of a motor vehicle, vessel, or mobile home, as  
10 herein provided for, the department shall register the motor  
11 vehicle, vessel, or mobile home under the distinctive number  
12 assigned to such motor vehicle, vessel, or mobile home by the  
13 department. Electronic registration records shall be open to  
14 the inspection of the public during business hours.  
15 Information on a motor vehicle or vessel registration may not  
16 be made available to a person unless the person requesting the  
17 information furnishes positive proof of identification. The  
18 agency that furnishes a motor vehicle or vessel registration  
19 record shall record the name and address of any person other  
20 than a representative of a law enforcement agency who requests  
21 and receives information from a motor vehicle or vessel  
22 registration record and shall also record the name and address  
23 of the person who is the subject of the inquiry or other  
24 information identifying the entity about which information is  
25 requested. A record of each such inquiry must be maintained  
26 for a period of 6 months from the date upon which the  
27 information was released to the inquirer. Nothing in this  
28 section shall prohibit any financial institution, insurance  
29 company, motor vehicle dealer, licensee under chapter 493,  
30 attorney, or other agency which the department determines has  
31 the right to know from obtaining, for professional or business



1 use only, information in such records from the department  
2 through any means of telecommunication pursuant to a code  
3 developed by the department providing all fees specified in  
4 subsection (3) have been paid. The department shall disclose  
5 records or information to the child support enforcement agency  
6 to assist in the location of individuals who owe or  
7 potentially owe support, as defined in s. 409.2554, or to whom  
8 such an obligation is owed pursuant to Title IV-D of the  
9 Social Security Act.

10 Section 18. Subsection (5) of section 320.055, Florida  
11 Statutes, is amended to read:

12 320.055 Registration periods; renewal periods.--The  
13 following registration periods and renewal periods are  
14 established:

15 (5) For a vehicle subject to apportioned registration  
16 under s. 320.08(4), (5)(a)1., (e), (6)(b), or (14), the  
17 registration period shall be a period of 12 months beginning  
18 in a month designated by the department and ending on the last  
19 day of the 12th month. For a vehicle subject to this  
20 registration period, the renewal period is the last month of  
21 the registration period. The registration period may be  
22 shortened or extended at the discretion of the department, on  
23 receipt of the appropriate prorated fees, in order to evenly  
24 distribute such registrations on a monthly basis. For a  
25 vehicle subject to nonapportioned registration under s.  
26 320.08(4), (5)(a)1., (6)(b), or (14), the registration period  
27 begins December 1 and ends November 30. The renewal period is  
28 the 31-day period beginning December 1.

29 Section 19. Paragraphs (b) and (c) of subsection (1)  
30 of section 320.06, Florida Statutes, are amended to read:

31

1           320.06 Registration certificates, license plates, and  
2 validation stickers generally.--

3           (1)

4           (b) Registration license plates bearing a graphic  
5 symbol and the alphanumeric system of identification shall be  
6 issued for a 5-year period. At the end of said 5-year period,  
7 upon renewal, the plate shall be replaced. The fee for such  
8 replacement shall be \$10, \$2 of which shall be paid each year  
9 before the plate is replaced, to be credited towards the next  
10 \$10 replacement fee. The fees shall be deposited into the  
11 Highway Safety Operating Trust Fund. A credit or refund shall  
12 not be given for any prior years' payments of such prorated  
13 replacement fee when the plate is replaced or surrendered  
14 before the end of the 5-year period. With each license plate,  
15 there shall be issued a validation sticker showing the owner's  
16 birth month, license plate number, and the year of expiration  
17 or the appropriate renewal period if the owner is not a  
18 natural person. The ~~This~~ validation sticker is to ~~shall~~ be  
19 placed on the upper right ~~left~~ corner of the license plate ~~and~~  
20 ~~shall be issued one time during the life of the license plate,~~  
21 ~~or upon request when it has been damaged or destroyed. There~~  
22 ~~shall also be issued with each license plate a serially~~  
23 ~~numbered validation sticker showing the year of expiration,~~  
24 ~~which sticker shall be placed on the upper right corner of the~~  
25 ~~license plate. Such license plate and validation~~ sticker  
26 ~~stickers~~ shall be issued based on the applicant's appropriate  
27 renewal period. The registration period shall be a period of  
28 12 months, and all expirations shall occur based on the  
29 applicant's appropriate registration period. A vehicle with an  
30 apportioned registration shall be issued an annual license  
31 plate and a cab card that denote the declared gross vehicle

1 weight for each apportioned jurisdiction in which the vehicle  
2 is authorized to operate.

3 (c) Registration license plates equipped with  
4 validation stickers shall be valid for not more than 12 months  
5 and shall expire at midnight on the last day of the  
6 registration period. For each registration period after the  
7 one in which the metal registration license plate is issued,  
8 and until the license plate is required to be replaced, a  
9 validation sticker showing the month and year of expiration  
10 shall be issued upon payment of the proper license tax amount  
11 and fees and shall be valid for not more than 12 months. When  
12 license plates equipped with validation stickers are issued in  
13 any month other than the owner's birth month or the designated  
14 registration period for any other motor vehicle, the effective  
15 date shall reflect the birth month or month and the year of  
16 renewal. However, when a license plate or validation sticker  
17 is issued for a period of less than 12 months, the applicant  
18 shall pay the appropriate amount of license tax and the  
19 applicable fee under the provisions of s. 320.14 in addition  
20 to all other fees. Validation stickers issued for vehicles  
21 taxed under the provisions of s. 320.08(6)(a), for any company  
22 which owns 250 vehicles or more, or for semitrailers taxed  
23 under the provisions of s. 320.08(5)(a), for any company which  
24 owns 50 vehicles or more, may be placed on any vehicle in the  
25 fleet so long as the vehicle receiving the validation sticker  
26 has the same owner's name and address as the vehicle to which  
27 the validation sticker was originally assigned.

28 Section 20. Paragraph (a) of subsection (2) of section  
29 320.072, Florida Statutes, is amended to read:

30 320.072 Additional fee imposed on certain motor  
31 vehicle registration transactions.--

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

3 (a) Any registration renewal transaction, except that  
4 this exemption shall not apply if the plate being renewed  
5 expired 10 or more years prior to the transaction date.

6 Section 21. Subsection (6) of section 320.0805,  
7 Florida Statutes, is amended to read:

8 320.0805 Personalized prestige license plates.--

9 (6) A personalized prestige license plate shall be  
10 issued for the exclusive continuing use of the applicant. An  
11 exact duplicate of any plate may not be issued to any other  
12 applicant during the same registration period. An exact  
13 duplicate may not be issued for any succeeding year unless the  
14 previous owner of a specific plate relinquishes it by failure  
15 to apply for renewal or reissuance for 1 year ~~three~~  
16 ~~consecutive annual registration periods~~ following the last  
17 ~~original~~ year of issuance.

18 Section 22. Paragraph (hh) is added to subsection (4)  
19 of section 320.08056, Florida Statutes, as amended by chapter  
20 2001-355, Laws of Florida, to read:

21 320.08056 Specialty license plates.--

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

24 (hh) Florida Golf license plate, \$25.

25 Section 23. Subsection (34) is added to section  
26 320.08058, Florida Statutes, as amended by chapter 2001-355,  
27 Laws of Florida, to read:

28 320.08058 Specialty license plates.--

29 (34) FLORIDA GOLF LICENSE PLATES.--

30 (a) The Department of Highway Safety and Motor  
31 Vehicles shall develop a Florida Golf license plate as

1 provided in this section. The word "Florida" must appear at  
2 the bottom of the plate. The Dade Amateur Golf Association,  
3 following consultation with the PGA TOUR, the Florida Sports  
4 Foundation, the LPGA, and the PGA of America may submit a  
5 revised sample plate for consideration by the department.

6 (b) The department shall distribute the Florida Golf  
7 license plate annual use fee to the Florida Sports Foundation,  
8 a direct-support organization of the Office of Tourism, Trade,  
9 and Economic Development. The license plate annual use fees  
10 are to be annually allocated as follows:

11 1. Up to 5 percent of the proceeds from the annual use  
12 fees may be used by the Florida Sports Foundation for the  
13 administration of the Florida Youth Golf Program.

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

20 3. The remaining proceeds from the annual use fees  
21 shall be available for grants to nonprofit organizations to  
22 operate youth golf programs and for marketing the Florida Golf  
23 license plates. All grant recipients, including the Dade  
24 Amateur Golf Association, shall be required to provide to the  
25 Florida Sports Foundation an annual program and financial  
26 report regarding the use of grant funds. Such reports shall  
27 be made available to the public.

28 (c) The Florida Sports Foundation may establish a  
29 Florida Youth Golf Program. The Florida Youth Golf Program  
30 shall assist organizations for the benefit of youth, introduce  
31 young people to golf, instruct young people in golf, teach the

1 values of golf, and stress life skills, fair play, courtesy,  
2 and self-discipline.

3 (d) The Florida Sports Foundation shall establish a  
4 seven-member advisory committee to offer advice regarding the  
5 distribution of the annual use fees for grants to nonprofit  
6 organizations. The advisory committee shall consist of one  
7 member from a group serving youth, one member from a group  
8 serving disabled youth, and five members at large.

9 Section 24. Subsection (1) of section 320.083, Florida  
10 Statutes, is amended to read:

11 320.083 Amateur radio operators; special license  
12 plates; fees.--

13 (1) A person who is the owner or lessee of an  
14 automobile or truck for private use, a truck weighing not more  
15 than 7,999 ~~5,000~~ pounds, or a recreational vehicle as  
16 specified in s. 320.08(9)(c) or (d), which is not used for  
17 hire or commercial use; who is a resident of the state; and  
18 who holds a valid official amateur radio station license  
19 issued by the Federal Communications Commission shall be  
20 issued a special license plate upon application, accompanied  
21 by proof of ownership of such radio station license, and  
22 payment of the following tax and fees:

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

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

28 Section 25. Subsection (2) of section 320.0848,  
29 Florida Statutes, is amended to read:

30 320.0848 Persons who have disabilities; issuance of  
31 disabled parking permits; temporary permits; permits for

1 certain providers of transportation services to persons who  
2 have disabilities.--

3 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM  
4 MOBILITY PROBLEMS.--

5 (a) The disabled parking permit is a placard that can  
6 be placed in a motor vehicle so as to be visible from the  
7 front and rear of the vehicle. Each side of the placard must  
8 have the international symbol of accessibility in a  
9 contrasting color in the center so as to be visible. One side  
10 of the placard must display the applicant's driver's license  
11 number or state identification card number along with a  
12 warning that the applicant must have such identification at  
13 all times while using the parking permit. A validation sticker  
14 must also be issued with each disabled parking permit, showing  
15 the month and year of expiration on each side of the placard.  
16 Validation stickers must be of the size specified by the  
17 Department of Highway Safety and Motor Vehicles and must be  
18 affixed to the disabled parking permits. The disabled parking  
19 permits must use the same colors as license plate validations.

20 (b) License plates issued under ss. 320.084, 320.0842,  
21 320.0843, and 320.0845 are valid for the same parking  
22 privileges and other privileges provided under ss. 316.1955,  
23 316.1964, and 526.141(5)(a).

24 (c) The administrative processing fee for each initial  
25 4-year disabled parking permit or renewal permit shall be  
26 \$1.50, and all proceeds of that fee shall be retained by the  
27 tax collector of the county in which the fee was collected.

28 ~~(c)1. Except as provided in subparagraph 2., the fee~~  
29 ~~for a disabled parking permit shall be:~~

30 ~~a. Fifteen dollars for each initial 4-year permit or~~  
31 ~~renewal permit, of which the State Transportation Trust Fund~~

1 ~~shall receive \$13.50 and the tax collector of the county in~~  
2 ~~which the fee was collected shall receive \$1.50.~~

3 ~~b. One dollar for each additional or additional~~  
4 ~~renewal 4-year permit, of which the State Transportation Trust~~  
5 ~~Fund shall receive all funds collected.~~

6 (d) The department shall not issue an additional  
7 disabled parking permit unless the applicant states that he or  
8 she is ~~they are~~ a frequent traveler or a quadriplegic. The  
9 department may not issue to any one eligible applicant more  
10 than two disabled parking permits except to an organization in  
11 accordance with paragraph (1)(e). Subsections (1), (5), (6),  
12 and (7) apply to this subsection.

13 (e)2. ~~If an applicant who is a disabled veteran, is a~~  
14 ~~resident of this state, has been honorably discharged, and~~  
15 ~~either has been determined by the Department of Defense or the~~  
16 ~~United States Department of Veterans Affairs or its~~  
17 ~~predecessor to have a service-connected disability rating for~~  
18 ~~compensation of 50 percent or greater or has been determined~~  
19 ~~to have a service-connected disability rating of 50 percent or~~  
20 ~~greater and is in receipt of both disability retirement pay~~  
21 ~~from the United States Department of Veterans Affairs, he or~~  
22 ~~she must still provide and has a signed physician's statement~~  
23 ~~of qualification for the disabled parking permits., ~~the fee~~~~  
24 ~~for a disabled parking permit shall be:~~

25 ~~a. One dollar and fifty cents for the initial 4-year~~  
26 ~~permit or renewal permit.~~

27 ~~b. One dollar for each additional or additional~~  
28 ~~renewal 4-year permit.~~

29  
30 ~~The tax collector of the county in which the fee was collected~~  
31 ~~shall retain all funds received pursuant to this subparagraph.~~



1           ~~3. If an applicant presents to the department a~~  
 2 ~~statement from the Federal Government or the State of Florida~~  
 3 ~~indicating the applicant is a recipient of supplemental~~  
 4 ~~security income, the fee for the disabled parking permit shall~~  
 5 ~~be \$9 for the initial 4-year permit or renewal permit, of~~  
 6 ~~which the State Transportation Trust Fund shall receive \$6.75~~  
 7 ~~and the tax collector of the county in which the fee was~~  
 8 ~~collected shall receive \$2.25.~~

9           (f)~~(d)~~ To obtain a replacement for a disabled parking  
 10 permit that has been lost or stolen, a person must submit an  
 11 application on a form prescribed by the department and must  
 12 pay a replacement fee in the amount of \$1.00, to be retained  
 13 by the issuing agency. If the person submits with the  
 14 application a police report documenting that the permit was  
 15 stolen, there is no replacement fee.

16           (g)~~(e)~~ A person who qualifies for a disabled parking  
 17 permit under this section may be issued an international  
 18 wheelchair user symbol license plate under s. 320.0843 in lieu  
 19 of the disabled parking permit; or, if the person qualifies  
 20 for a "DV" license plate under s. 320.084, such a license  
 21 plate may be issued to him or her in lieu of a disabled  
 22 parking permit.

23           Section 26. Subsections (2) and (3) of section  
 24 320.089, Florida Statutes, are amended to read:

25           320.089 Members of National Guard and active United  
 26 States Armed Forces reservists; former prisoners of war;  
 27 survivors of Pearl Harbor; Purple Heart medal recipients;  
 28 special license plates; fee.--

29           (2) Each owner or lessee of an automobile or truck for  
 30 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,  
 31 or recreational vehicle as specified in s. 320.08(9)(c) or

1 (d), which is not used for hire or commercial use, who is a  
2 resident of the state and who is a former prisoner of war, or  
3 their unremarried surviving spouse, shall, upon application  
4 therefor to the department, be issued a license plate as  
5 provided in s. 320.06, on which license plate are stamped the  
6 words "Ex-POW" followed by the serial number. Each application  
7 shall be accompanied by proof that the applicant meets the  
8 qualifications specified in paragraph (a) or paragraph (b).

9 (a) A citizen of the United States who served as a  
10 member of the Armed Forces of the United States or the armed  
11 forces of a nation allied with the United States who was held  
12 as a prisoner of war at such time as the Armed Forces of the  
13 United States were engaged in combat, or their unremarried  
14 surviving spouse, may be issued the special license plate  
15 provided for in this subsection without payment of the license  
16 tax imposed by s. 320.08.

17 (b) A person who was serving as a civilian with the  
18 consent of the United States Government, or a person who was a  
19 member of the Armed Forces of the United States who was not a  
20 United States citizen and was held as a prisoner of war when  
21 the Armed Forces of the United States were engaged in combat,  
22 or their unremarried surviving spouse, may be issued the  
23 special license plate provided for in this subsection upon  
24 payment of the license tax imposed by s. 320.08.

25 (3) Each owner or lessee of an automobile or truck for  
26 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,  
27 or recreational vehicle as specified in s. 320.08(9)(c) or  
28 (d), which is not used for hire or commercial use, who is a  
29 resident of this state and who is the unremarried surviving  
30 spouse of a recipient of the Purple Heart medal shall, upon  
31 application therefor to the department, with the payment of

1 the required fees, be issued a license plate as provided in s.  
2 320.06, on which license plate are stamped the words "Purple  
3 Heart" and the likeness of the Purple Heart medal followed by  
4 the serial number. Each application shall be accompanied by  
5 proof that the applicant is the unremarried surviving spouse  
6 of a recipient of the Purple Heart medal.

7 Section 27. Subsection (4) and (5) are added to  
8 section 320.275, Florida Statutes, to read:

9 320.275 Automobile Dealers Industry Advisory Board.--

10 (4) A technical advisory committee is created to  
11 advise the Automobile Dealers Industry Advisory Board. The  
12 committee, from its own initiative, may make recommendations  
13 to the board on proposed legislation and proposed rules and  
14 procedures, may consider any matters relating to the motor  
15 vehicle dealer industry, and may make recommendations on  
16 consumer education and information, and submit an annual  
17 report to the board. The technical advisory committee shall  
18 be composed of one representative from a senior citizens  
19 organization; one representative from an organization  
20 representing low-income Floridians; one representative from  
21 the consumer affairs division of a county or city; one  
22 representative from a nationally recognized consumer  
23 organization; one representative from an organization  
24 representing the disabled; and one representative from the  
25 office of the Attorney General.

26 (5) The office of the Attorney General, the Department  
27 of Agriculture and Consumer Services, and the Department of  
28 Highway Safety and Motor Vehicles shall coordinate and provide  
29 consumer education and information relative to this chapter.

30 Section 28. Section 321.02, Florida Statutes, is  
31 amended to read:

1           321.02 Powers and duties of department, highway  
2 patrol.--The director of the Division of Highway Patrol of the  
3 Department of Highway Safety and Motor Vehicles shall also be  
4 the commander of the Florida Highway Patrol. The said  
5 department shall set up and promulgate rules and regulations  
6 by which the personnel of the Florida Highway Patrol officers  
7 shall be examined, employed, trained, located, suspended,  
8 reduced in rank, discharged, recruited, paid and pensioned,  
9 subject to civil service provisions hereafter set out. The  
10 department may enter into contracts or agreements, with or  
11 without competitive bidding or procurement, to make available,  
12 on a fair, reasonable, nonexclusive, and nondiscriminatory  
13 basis, property and other structures under division control  
14 for the placement of new facilities by any wireless provider  
15 of mobile service as defined in 47 U.S.C. s. 153(n) or s.  
16 332(d), and any telecommunications company as defined in s.  
17 364.02 when it is determined to be practical and feasible to  
18 make such property or other structures available. The  
19 department may, without adopting a rule, charge a just,  
20 reasonable, and nondiscriminatory fee for placement of the  
21 facilities, payable annually, based on the fair market value  
22 of space used by comparable communications facilities in the  
23 state. The department and a wireless provider or  
24 telecommunications company may negotiate the reduction or  
25 elimination of a fee in consideration of services provided to  
26 the division by the wireless provider or the  
27 telecommunications company. All such fees collected by the  
28 department shall be deposited directly into the State Agency  
29 Law Enforcement Radio System Trust Fund, and may be used to  
30 construct, maintain, or support the system. The department is  
31 further specifically authorized to purchase, sell, trade,

1 rent, lease and maintain all necessary equipment, uniforms,  
2 motor vehicles, communication systems, housing facilities,  
3 office space, and perform any other acts necessary for the  
4 proper administration and enforcement of this chapter.  
5 However, all supplies and equipment consisting of single items  
6 or in lots shall be purchased under the requirements of s.  
7 287.057. Purchases shall be made by accepting the bid of the  
8 lowest responsive bidder, the right being reserved to reject  
9 all bids. The department shall prescribe a distinctive uniform  
10 and distinctive emblem to be worn by all officers of the  
11 Florida Highway Patrol. It shall be unlawful for any other  
12 person or persons to wear a similar uniform or emblem, or any  
13 part or parts thereof. The department shall also prescribe a  
14 distinctive ~~color or~~ colors for use on all motor vehicles and  
15 motorcycles operated to be used by the Florida Highway Patrol.  
16 The prescribed colors shall be referred to as "Florida Highway  
17 Patrol black and tan."

18 Section 29. Subsection (7) is added to section  
19 322.051, Florida Statutes, to read:

20 322.051 Identification cards.--

21 (7) Any person accepting the Florida driver license as  
22 proof of identification must accept a Florida identification  
23 card as proof of identification when the bearer of the  
24 identification card does not also have a driver license.

25 Section 30. Subsection (7) of section 322.095, Florida  
26 Statutes, is amended, and subsections (8) and (9) are added to  
27 said section, to read:

28 322.095 Traffic law and substance abuse education  
29 program for driver's license applicants.--

30 ~~(7)(a) No governmental entity or court shall provide,~~  
31 ~~issue, or maintain any information or orders regarding traffic~~

1 ~~law and substance abuse education program schools or course~~  
2 ~~providers, with the exception of directing inquiries or~~  
3 ~~requests to the local telephone directory heading of driving~~  
4 ~~instruction or the driver's license applicant reference guide.~~  
5 ~~However,~~The department is authorized to maintain the  
6 information and records necessary to administer its duties and  
7 responsibilities for the program. Where such information is a  
8 public record as defined in chapter 119, it shall be made  
9 available to the public upon request pursuant to s. 119.07(1).  
10 The department may prepare a list of fully approved traffic  
11 law and substance abuse education course providers with a  
12 single telephone number for each such provider, as furnished  
13 by the provider.

14 (b) ~~The department shall prepare for any governmental~~  
15 ~~entity to distribute a driver's license applicant reference~~  
16 ~~guide which shall list the benefits of attending a traffic law~~  
17 ~~and substance abuse education school, but under no~~  
18 ~~circumstance may include any list of course providers or~~  
19 ~~schools. The department shall refer further inquiries to the~~  
20 ~~telephone directory heading of driving instruction.~~

21 (8) The department shall approve and regulate courses  
22 of all traffic law and substance abuse education schools that  
23 use technology as the delivery method as the courses relate to  
24 this section.

25 (9) In determining whether to approve courses of  
26 traffic law and substance abuse education schools that use  
27 technology as the delivery method as the courses relate to  
28 this section, for courses submitted on or after May 1, 2002,  
29 the department shall consider only those courses submitted by  
30 a person, business, or entity that has received:

31 (a) Approval for statewide delivery; and

1           (b) Independent scientific research evidence of course  
2 effectiveness.

3           Section 31. Subsection (7) of section 322.25, Florida  
4 Statutes, is amended to read:

5           322.25 When court to forward license to department and  
6 report convictions; temporary reinstatement of driving  
7 privileges.--

8           (7) Any licensed driver convicted of driving, or being  
9 in the actual physical control of, a vehicle within this state  
10 while under the influence of alcoholic beverages, any chemical  
11 substance set forth in s. 877.111, or any substance controlled  
12 under chapter 893, when affected to the extent that his or her  
13 normal faculties are impaired, and whose license and driving  
14 privilege have been revoked as provided in subsection (1) may  
15 be issued a court order for reinstatement of a driving  
16 privilege on a temporary basis; provided that, as a part of  
17 the penalty, upon conviction, the defendant is required to  
18 enroll in and complete a driver improvement course for the  
19 rehabilitation of drinking drivers and the driver is otherwise  
20 eligible for reinstatement of the driving privilege ~~as~~  
21 ~~provided by s. 322.282.~~ The court order for reinstatement  
22 shall be on a form provided by the department and must be  
23 taken by the person convicted to a Florida driver's license  
24 examining office, where a temporary driving permit may be  
25 issued. The period of time for which a temporary permit issued  
26 in accordance with this subsection is valid shall be deemed to  
27 be part of the period of revocation imposed by the court.

28           Section 32. Subsection (5) of section 322.27, Florida  
29 Statutes, is amended to read:

30           322.27 Authority of department to suspend or revoke  
31 license.--

1           (5) The department shall revoke the license of any  
2 person designated a habitual offender, as set forth in s.  
3 322.264, and such person shall not be eligible to be  
4 relicensed for ~~a minimum of~~ 5 years after ~~from~~ the date of  
5 revocation, except as provided for in s. 322.271. Any person  
6 whose license is revoked may, by petition to the department,  
7 show cause why his or her license should not be revoked.

8           Section 33. Subsection (4) of section 322.271, Florida  
9 Statutes, is amended to read:

10           322.271 Authority to modify revocation, cancellation,  
11 or suspension order.--

12           (4) Notwithstanding the provisions of s.  
13 322.28(2)(d)(~~e~~), a person whose driving privilege has been  
14 permanently revoked because he or she has been convicted of  
15 DUI manslaughter in violation of s. 316.193 and has no prior  
16 convictions for DUI-related offenses may, upon the expiration  
17 of 5 years after the date of such revocation or the expiration  
18 of 5 years after the termination of any term of incarceration  
19 under s. 316.193 or former s. 316.1931, whichever date is  
20 later, petition the department for reinstatement of his or her  
21 driving privilege.

22           (a) Within 30 days after the receipt of such a  
23 petition, the department shall afford the petitioner an  
24 opportunity for a hearing. At the hearing, the petitioner must  
25 demonstrate to the department that he or she:

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

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

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



1           4. Has completed a DUI program licensed by the  
2 department.

3           (b) At such hearing, the department shall determine  
4 the petitioner's qualification, fitness, and need to drive.  
5 Upon such determination, the department may, in its  
6 discretion, reinstate the driver's license of the petitioner.  
7 Such reinstatement must be made subject to the following  
8 qualifications:

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

11           2. Such person must be supervised by a DUI program  
12 licensed by the department and report to the program for such  
13 supervision and education at least four times a year or  
14 additionally as required by the program for the remainder of  
15 the revocation period. Such supervision shall include  
16 evaluation, education, referral into treatment, and other  
17 activities required by the department.

18           (c) Such person must assume the reasonable costs of  
19 supervision. If such person fails to comply with the required  
20 supervision, the program shall report the failure to the  
21 department, and the department shall cancel such person's  
22 driving privilege.

23           (d) If, after reinstatement, such person is convicted  
24 of an offense for which mandatory revocation of his or her  
25 license is required, the department shall revoke his or her  
26 driving privilege.

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

30           Section 34. Paragraphs (d) and (e) of subsection (2)  
31 of section 322.28, Florida Statutes, are amended to read:

1           322.28 Period of suspension or revocation.--

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

4           ~~(d) When any driver's license or driving privilege has  
5 been revoked pursuant to the provisions of this section, the  
6 department shall not grant a new license, except upon  
7 reexamination of the licensee after the expiration of the  
8 period of revocation so prescribed. However, the court may, in  
9 its sound discretion, issue an order of reinstatement on a  
10 form furnished by the department which the person may take to  
11 any driver's license examining office for reinstatement by the  
12 department pursuant to s. 322.282.~~

13           (d)(e) The court shall permanently revoke the driver's  
14 license or driving privilege of a person who has been  
15 convicted four times for violation of s. 316.193 or former s.  
16 316.1931 or a combination of such sections. The court shall  
17 permanently revoke the driver's license or driving privilege  
18 of any person who has been convicted of DUI manslaughter in  
19 violation of s. 316.193. If the court has not permanently  
20 revoked such driver's license or driving privilege within 30  
21 days after imposing sentence, the department shall permanently  
22 revoke the driver's license or driving privilege pursuant to  
23 this paragraph. No driver's license or driving privilege may  
24 be issued or granted to any such person. This paragraph  
25 applies only if at least one of the convictions for violation  
26 of s. 316.193 or former s. 316.1931 was for a violation that  
27 occurred after July 1, 1982. For the purposes of this  
28 paragraph, a conviction for violation of former s. 316.028,  
29 former s. 316.1931, or former s. 860.01 is also considered a  
30 conviction for violation of s. 316.193. Also, a conviction of  
31 driving under the influence, driving while intoxicated,

1 driving with an unlawful blood-alcohol level, or any other  
2 similar alcohol-related or drug-related traffic offense  
3 outside this state is considered a conviction for the purposes  
4 of this paragraph.

5 Section 35. Sections 322.282 and 322.331, Florida  
6 Statutes, are repealed.

7 Section 36. Subsection (3) is added to section  
8 324.091, Florida Statutes, to read:

9 324.091 Notice to department; notice to insurer.--

10 (3) Electronic access to the vehicle insurer  
11 information maintained in the department's vehicle database  
12 may be provided by an approved third-party provider to  
13 insurers, lawyers, and financial institutions in compliance  
14 with s. 627.736(9)(a) and for subrogation and claims purposes  
15 only. The compilation and retention of this information is  
16 strictly prohibited.

17 Section 37. Paragraph (b) of subsection (3) of section  
18 328.01, Florida Statutes, is amended to read:

19 328.01 Application for certificate of title.--

20 (3)

21 (b) If the application for transfer of title is based  
22 upon a contractual default, the recorded lienholder shall  
23 establish proof of right to ownership by submitting with the  
24 application the original certificate of title ~~and a copy of~~  
25 ~~the applicable contract upon which the claim of ownership is~~  
26 ~~made~~. If the claim is based upon a court order or judgment, a  
27 copy of such document shall accompany the application for  
28 transfer of title. If, on the basis of departmental records,  
29 there appears to be any other lien on the vessel, the  
30 certificate of title must contain a statement of such a lien,  
31 unless the application for a certificate of title is either

1 accompanied by proper evidence of the satisfaction or  
2 extinction of the lien or contains a statement certifying that  
3 any lienholder named on the last-issued certificate of title  
4 has been sent notice by certified mail, at least 5 days before  
5 the application was filed, of the applicant's intention to  
6 seek a repossessed title. If such notice is given and no  
7 written protest to the department is presented by a subsequent  
8 lienholder within 15 days after the date on which the notice  
9 was mailed, the certificate of title shall be issued showing  
10 no liens. If the former owner or any subsequent lienholder  
11 files a written protest under oath within the 15-day period,  
12 the department shall not issue the repossessed certificate for  
13 10 days thereafter. If, within the 10-day period, no  
14 injunction or other order of a court of competent jurisdiction  
15 has been served on the department commanding it not to deliver  
16 the certificate, the department shall deliver the repossessed  
17 certificate to the applicant, or as is otherwise directed in  
18 the application, showing no other liens than those shown in  
19 the application.

20 Section 38. Subsection (2) of section 328.42, Florida  
21 Statutes, is amended to read:

22 328.42 Suspension or denial of a vessel registration  
23 due to support delinquency; dishonored checks.--

24 (2) The department may deny or cancel any vessel  
25 registration, license plate, or fuel-use tax decal if the  
26 owner pays for the registration, license plate, fuel-use tax  
27 decal, or any tax liability, penalty, or interest specified in  
28 chapter 207 by a dishonored check.

29 Section 39. Section 328.56, Florida Statutes, is  
30 amended to read:

31

1           328.56 Vessel registration number.--Each vessel that  
2 is used on the waters of the state must display a ~~commercial~~  
3 ~~or recreational~~ Florida registration number, unless it is:

4           (1) A vessel used exclusively on private lakes and  
5 ponds.

6           (2) A vessel owned by the United States Government.

7           (3) A vessel used exclusively as a ship's lifeboat.

8           (4) A non-motor-powered vessel.

9           (5) A federally documented vessel.

10          (6) A vessel already covered by a registration number  
11 in full force and effect which has been awarded to it pursuant  
12 to a federally approved numbering system of another state or  
13 by the United States Coast Guard in a state without a  
14 federally approved numbering system, if the vessel has not  
15 been within this state for a period in excess of 90  
16 consecutive days.

17          (7) A vessel operating under a valid temporary  
18 certificate of number.

19          (8) A vessel from a country other than the United  
20 States temporarily using the waters of this state.

21          (9) An undocumented vessel used exclusively for  
22 racing.

23          Section 40. Subsection (4) of section 328.72, Florida  
24 Statutes, is amended to read:

25           328.72 Classification; registration; fees and charges;  
26 surcharge; disposition of fees; fines; marine turtle  
27 stickers.--

28           (4) TRANSFER OF OWNERSHIP.--

29           ~~(a)~~ When the ownership of a registered vessel changes,  
30 an application for transfer of registration shall be filed  
31 with the county tax collector by the new owner within 30 days

1 with a fee of \$3.25. The county tax collector shall retain  
2 \$2.25 of the fee and shall remit \$1 to the department. A  
3 refund may not be made for any unused portion of a  
4 registration period.

5 ~~(b) If a vessel is an antique as defined in subsection~~  
6 ~~(2), the application shall be accompanied by either a~~  
7 ~~certificate of title, a bill of sale and a registration, or a~~  
8 ~~bill of sale and an affidavit by the owner defending the title~~  
9 ~~from all claims. The bill of sale must contain a complete~~  
10 ~~vessel description to include the hull identification number~~  
11 ~~and engine number, if appropriate; the year, make, and color~~  
12 ~~of the vessel; the selling price; and the signatures of the~~  
13 ~~seller and purchaser.~~

14 Section 41. Subsection (3) is added to section 832.09,  
15 Florida Statutes, to read:

16 832.09 Suspension of driver license after warrant or  
17 capias is issued in worthless check case.--

18 (3) The Department of Highway Safety and Motor  
19 Vehicles shall create a standardized form to be distributed to  
20 the clerks of the court in each county for the purpose of  
21 notifying the department that a person has satisfied the  
22 requirements of the court. Notices of compliance with the  
23 court's requirements shall be on the standardized form  
24 provided by the department.

25 Section 42. This act shall take effect October 1,  
26 2002.