

By the Committees on Finance and Taxation; Transportation; and  
Senator Sebesta

314-2567-04

1                                   A bill to be entitled  
2           An act relating to highway and vessel safety;  
3           amending s. 316.085, F.S.; prohibiting driving  
4           outside of authorized lanes or within pavement  
5           markings or traffic control devices except  
6           where explicitly permitted; providing  
7           exceptions; prohibiting vehicles from entering  
8           queues of certain slow-moving traffic; amending  
9           s. 316.605, F.S.; clarifying that portion of a  
10          license plate which must be clear and plainly  
11          visible; amending s. 316.613, F.S.; eliminating  
12          authorization for the Department of Highway  
13          Safety and Motor Vehicles to expend certain  
14          funds; creating s. 316.6131, F.S.; authorizing  
15          the department to expend certain funds;  
16          amending s. 318.1451, F.S.; conforming  
17          provisions to changes made by the act; amending  
18          s. 319.29, F.S.; directing the verification of  
19          identity for certain title certificates;  
20          amending s. 320.01, F.S.; clarifying the  
21          definition of the terms "apportionable vehicle"  
22          and "commercial motor vehicle"; amending s.  
23          320.05, F.S.; providing that certain motor  
24          vehicle and vessel information is available  
25          free of charge on the department's website;  
26          amending s. 320.06, F.S.; correcting a  
27          cross-reference; amending s. 320.0607, F.S.;  
28          directing the verification of identity for  
29          certain vehicle license plates and  
30          registrations; amending s. 320.0843, F.S.;  
31          requiring that an applicant eligible for a

1 disabled parking plate be noted on the  
2 certificate; amending s. 320.0848, F.S.;  
3 requiring the verification of identity for  
4 certain disabled parking permits; amending s.  
5 320.086, F.S.; revising provisions relating to  
6 historical license plates; amending s. 320.58,  
7 F.S.; authorizing inspectors employed by the  
8 department to enforce certain provisions  
9 relating to off-highway vehicles and vessels;  
10 amending s. 322.025, F.S.; authorizing the  
11 department to offer a once-in-a-lifetime  
12 opportunity to attend a basic driver  
13 improvement course for drivers who meet certain  
14 criteria; requiring the department to deduct  
15 points from a driver's record upon proof of  
16 completion of the basic driver improvement  
17 course; requiring the department to record on  
18 the driver's record that the offer of the  
19 improvement course has been accepted and used;  
20 providing that this opportunity is not  
21 available to any driver who has attended a  
22 basic driver improvement course within the  
23 previous 12 months; amending s. 322.09, F.S.;  
24 requiring the signature of a secondary guardian  
25 on a driver's license application for a minor  
26 under certain circumstances; amending s.  
27 322.11, F.S.; providing for notice to a minor  
28 before canceling the minor's license due to the  
29 death of or withdrawal of consent by the person  
30 who co-signed the initial application; amending  
31 s. 322.20, F.S.; authorizing the department to

1 charge fees for electronic access to specified  
2 information; requiring that certain driver's  
3 license information be available free of charge  
4 on the department's website; creating s.  
5 327.375, F.S.; regulating commercial  
6 parasailing; amending s. 328.11, F.S.; revising  
7 requirements relating to the issuance of a  
8 duplicate certificate of title for vessels;  
9 providing an effective date.

10

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

12

13 Section 1. Present subsection (3) of section 316.085,  
14 Florida Statutes, is redesignated as subsection (5), and new  
15 subsections (3) and (4) are added to that section, to read:

16 316.085 Limitations on overtaking, passing, changing  
17 lanes and changing course.--

18 (3) A motor vehicle may not be driven outside of the  
19 authorized lane of travel or over, across, or within a  
20 pavement marking or traffic control device for the purpose of  
21 overtaking or passing another vehicle except where the  
22 pavement marking or traffic control device explicitly permits  
23 such overtaking or passing. This prohibition does not apply to  
24 maneuvers taken to avoid disabled vehicles or obstructions.

25 (4) A motor vehicle may not be driven from a direct  
26 course in a lane on a highway until the driver has determined  
27 that the vehicle is not entering a vehicular queue at a point  
28 ahead of the last vehicle in the queue. As used in this  
29 subsection, the term "queue" means more than one vehicle  
30 proceeding in the same direction, traveling at less than the  
31 posted speed limit, and aligned in one or more lanes for the

1 purpose of exiting or entering a roadway, merging, or  
2 traveling through a designated construction zone.

3 Section 2. Subsection (1) of section 316.605, Florida  
4 Statutes, is amended to read:

5 316.605 Licensing of vehicles.--

6 (1) Every vehicle, at all times while driven, stopped,  
7 or parked upon any highways, roads, or streets of this state,  
8 shall be licensed in the name of the owner thereof in  
9 accordance with the laws of this state unless such vehicle is  
10 not required by the laws of this state to be licensed in this  
11 state and shall, except as otherwise provided in s. 320.0706  
12 for front-end registration license plates on truck tractors,  
13 display the license plate or both of the license plates  
14 assigned to it by the state, one on the rear and, if two, the  
15 other on the front of the vehicle, each to be securely  
16 fastened to the vehicle outside the main body of the vehicle  
17 in such manner as to prevent the plates from swinging, with  
18 all letters, numerals, printing, writing, and other  
19 identification marks upon the plates regarding the word  
20 "Florida," the registration decal, and the alphanumeric  
21 designation shall be clear and distinct and free from  
22 defacement, mutilation, grease, and other obscuring matter, so  
23 that they will be plainly visible and legible at all times 100  
24 feet from the rear or front. Nothing shall be placed upon the  
25 face of a Florida plate except as permitted by law or by rule  
26 or regulation of a governmental agency. No license plates  
27 other than those furnished by the state shall be used.  
28 However, if the vehicle is not required to be licensed in this  
29 state, the license plates on such vehicle issued by another  
30 state, by a territory, possession, or district of the United  
31 States, or by a foreign country, substantially complying with

1 the provisions hereof, shall be considered as complying with  
2 this chapter. A violation of this subsection is a noncriminal  
3 traffic infraction, punishable as a nonmoving violation as  
4 provided in chapter 318.

5 Section 3. Subsection (4) of section 316.613, Florida  
6 Statutes, is amended to read:

7 316.613 Child restraint requirements.--

8 (4)~~(a)~~ It is the legislative intent that all state,  
9 county, and local law enforcement agencies, and safety  
10 councils, in recognition of the problems with child death and  
11 injury from unrestrained occupancy in motor vehicles, conduct  
12 a continuing safety and public awareness campaign as to the  
13 magnitude of the problem.

14 ~~(b) The department may authorize the expenditure of~~  
15 ~~funds for the purchase of promotional items as part of the~~  
16 ~~public information and education campaigns provided for in~~  
17 ~~this subsection and ss. 316.614, 322.025, and 403.7145.~~

18 Section 4. Section 316.6131, Florida Statutes, is  
19 created to read:

20 316.6131 Educational expenditures.--The department may  
21 authorize the expenditure of funds for the purchase of  
22 educational items as part of the public information and  
23 education campaigns promoting highway safety and awareness as  
24 well as departmental community-based initiatives. Funds may be  
25 expended for, but are not limited to, educational campaigns  
26 provided in chapters 316, 320, and 322 and s. 403.7145.

27 Section 5. Subsection (4) of section 318.1451, Florida  
28 Statutes, is amended to read:

29 318.1451 Driver improvement schools.--

30 (4) In addition to a regular course fee, an assessment  
31 fee in the amount of \$2.50 shall be collected by the school

1 from each person who elects to attend a course, as it relates  
2 to ss. 318.14(9), 322.025(2), 322.0261, 322.291, and  
3 627.06501, which shall be remitted to the Department of  
4 Highway Safety and Motor Vehicles and deposited in the Highway  
5 Safety Operating Trust Fund to administer this program and to  
6 fund the general operations of the department.

7 Section 6. Subsection (4) of section 319.29, Florida  
8 Statutes, is amended to read:

9 319.29 Lost or destroyed certificates.--

10 (4) The department shall implement a system to verify  
11 that the application is signed by a person authorized to  
12 receive a duplicate title certificate under this section if  
13 the address shown on the application is different from the  
14 address shown for the applicant on the records of the  
15 department. If the title is being delivered to someone other  
16 than the owner of record, the identity of the person to whom  
17 the title is delivered must be verified and the documentation  
18 of the verification must be maintained by the department.

19 Section 7. Subsections (25) and (26) of section  
20 320.01, Florida Statutes, are amended to read:

21 320.01 Definitions, general.--As used in the Florida  
22 Statutes, except as otherwise provided, the term:

23 (25) "Apportionable vehicle" means any vehicle, except  
24 recreational vehicles, vehicles displaying restricted plates,  
25 city pickup and delivery vehicles, buses used in  
26 transportation of chartered parties, and government-owned  
27 vehicles, which is used or intended for use in two or more  
28 member jurisdictions that allocate or proportionally register  
29 vehicles and which is used for the transportation of persons  
30 for hire or is designed, used, or maintained primarily for the  
31 transportation of property and:

1 (a) Is a power unit having a gross vehicle weight ~~in~~  
2 ~~excess~~ of 26,001 pounds or more;

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

5 (c) Is used in combination, when the weight of such  
6 combination is ~~exceeds~~ 26,001 pounds or more gross vehicle  
7 weight.

8  
9 Vehicles, or combinations thereof, having a gross vehicle  
10 weight of 26,001 pounds or less and two-axle vehicles may be  
11 proportionally registered.

12 (26) "Commercial motor vehicle" means any vehicle that  
13 ~~which~~ is not owned or operated by a governmental entity, which  
14 uses special fuel or motor fuel on the public highways, and  
15 which has a gross vehicle weight of 26,001 pounds or more, or  
16 has three or more axles regardless of weight, or is used in  
17 combination when the weight of the ~~such~~ combination is ~~exceeds~~  
18 26,001 pounds or more gross vehicle weight.

19 Section 8. Subsection (3) of section 320.05, Florida  
20 Statutes, is amended to read:

21 320.05 Records of the department; inspection  
22 procedure; lists and searches; fees.--

23 (3)(a) The department is authorized, upon application  
24 of any person and payment of the proper fees, to prepare and  
25 furnish lists containing motor vehicle or vessel information  
26 in a ~~such~~ form as the department may authorize, to search the  
27 records of the department and make reports thereof, and to  
28 make photographic copies of the department records and  
29 attestations thereof.

30 (b) Fees ~~therefor~~ shall be charged and collected as  
31 follows:

- 1           1. For providing lists of motor vehicle or vessel  
2 records for the entire state, or any part or parts thereof,  
3 divided according to counties, a sum computed at a rate of not  
4 less than 1 cent nor more than 5 cents per item.
- 5           2. For providing noncertified photographic copies of  
6 motor vehicle or vessel documents, \$1 per page.
- 7           3. For providing noncertified photographic copies of  
8 micrographic records, \$1 per page.
- 9           4. For providing certified copies of motor vehicle or  
10 vessel records, \$3 per record.
- 11          5. For providing noncertified computer-generated  
12 printouts of motor vehicle or vessel records, 50 cents per  
13 record.
- 14          6. For providing certified computer-generated  
15 printouts of motor vehicle or vessel records, \$3 per record.
- 16          7. For providing electronic access to motor vehicle,  
17 vessel, and mobile home registration data requested by tag,  
18 vehicle identification number, title number, or decal number,  
19 50 cents per item, except that information provided via the  
20 department's Internet website is free of charge.
- 21          ~~8. For providing electronic access to driver's license~~  
22 ~~status report by name, sex, and date of birth or by driver~~  
23 ~~license number, 50 cents per item.~~
- 24          ~~8.9.~~ For providing lists of licensed mobile home  
25 dealers and manufacturers and recreational vehicle dealers and  
26 manufacturers, \$15 per list.
- 27          ~~9.10.~~ For providing lists of licensed motor vehicle  
28 dealers, \$25 per list.
- 29          ~~10.11.~~ For each copy of a videotape record, \$15 per  
30 tape.
- 31



1           ~~11.12.~~ For each copy of the Division of Motor Vehicles  
2 Procedures Manual, \$25.

3           (c) Fees collected under ~~pursuant to~~ paragraph (b)  
4 shall be deposited into the Highway Safety Operating Trust  
5 Fund.

6           (d) The department shall furnish the ~~such~~ information  
7 without charge to any court or governmental entity.

8           (e) When motor vehicle, vessel, or mobile home  
9 registration data is provided by electronic access through a  
10 tax collector's office, a fee for the electronic access is not  
11 required to be assessed. However, at the tax collector's  
12 discretion, a fee equal to or less than the fee charged by the  
13 department for the ~~such~~ information may be assessed by the tax  
14 collector for the electronic access. Notwithstanding paragraph  
15 (c), any funds collected by the tax collector as a result of  
16 providing ~~such~~ access shall be retained by the tax collector.

17           Section 9. Subsection (4) of section 320.06, Florida  
18 Statutes, is amended to read:

19           320.06 Registration certificates, license plates, and  
20 validation stickers generally.--

21           (4) The corporation organized under chapter 946 may  
22 manufacture license plates, validation stickers, and decals,  
23 as well as temporary tags, disabled hang tags, vessel decals,  
24 and fuel use decals, for the Department of Highway Safety and  
25 Motor Vehicles as provided in this chapter and chapter 328  
26 ~~327~~. The Department of Highway Safety and Motor Vehicles is  
27 not required to obtain competitive bids in order to contract  
28 with the corporation.

29           Section 10. Section 320.0607, Florida Statutes, is  
30 amended to read:

31

1           320.0607 Replacement license plates, validation decal,  
2 or mobile home sticker.--

3           (1) A ~~Any~~ law enforcement officer or department  
4 license and registration inspector may at any time inspect a  
5 license plate or validation decal for proper display and  
6 legibility as prescribed by chapter 316. A damaged or defaced  
7 plate or decal may be required to be replaced.

8           (2) When a license plate, mobile home sticker, or  
9 validation decal has been lost, stolen, or destroyed, the  
10 owner of the motor vehicle or mobile home for which the plate,  
11 sticker, or decal was issued shall make application to the  
12 department for a replacement. The application shall contain  
13 the plate, sticker, or decal number being replaced and a  
14 statement that the item was lost, stolen, or destroyed. If the  
15 application includes a copy of the police report prepared in  
16 response to a report of a stolen plate, sticker, or decal,  
17 such plate, sticker, or decal must be replaced at no charge.

18           (3) The department shall implement a system to verify  
19 that the replacement application is signed by a person  
20 authorized to receive a replacement license plate or duplicate  
21 registration if the address on the application is different  
22 from the address for the applicant on the records of the  
23 department. If the replacement license plate or registration  
24 is being delivered to someone other than the owner of record,  
25 proof of identity for that person must be verified and the  
26 physical documentation of the verification must be maintained  
27 by the department.

28           ~~(4)(3)~~ Except as provided in subsection (2), in all  
29 ~~such~~ cases, upon filing of an application accompanied by a fee  
30 of \$10 plus applicable service charges, the department shall  
31 issue a replacement plate, sticker, or decal as the case may

1 be if it is satisfied that the information reported in the  
2 application is true. The replacement fee shall be deposited  
3 into the Highway Safety Operating Trust Fund.

4 ~~(5)(4)~~ Any license plate, sticker, or decal lost in  
5 the mail shall ~~may~~ be replaced at no charge. ~~A Neither the~~  
6 service charge or ~~nor the~~ replacement fee may not ~~shall~~ be  
7 applied to the ~~this~~ replacement. However, the application for  
8 a replacement must ~~shall~~ contain a statement that the license  
9 plate, sticker, or decal was lost in the mail of such fact,  
10 the audit number of the lost item, and the date issued.

11 ~~(6)(5)~~ Upon the issuance of an original license plate,  
12 the applicant shall pay a fee of \$10 to be deposited in the  
13 Highway Safety Operating Trust Fund.

14 ~~(7)(6)~~ All funds derived from the sale of temporary  
15 tags under ~~the provisions of~~ s. 320.131 shall be deposited in  
16 the Highway Safety Operating Trust Fund.

17 Section 11. Section 320.0843, Florida Statutes, is  
18 amended to read:

19 320.0843 License plates for persons with disabilities  
20 eligible for permanent disabled parking permits.--

21 (1) An ~~Any~~ owner or lessee of a motor vehicle who  
22 resides in this state and qualifies for a disabled parking  
23 permit under s. 320.0848(2), upon application to the  
24 department and payment of the license tax for a motor vehicle  
25 registered under s. 320.08(2), (3)(a), (b), (c), or (e),  
26 (4)(a) or (b), (6)(a), or (9)(c) or (d), shall be issued a  
27 license plate as provided by s. 320.06 which, in lieu of the  
28 serial number prescribed by s. 320.06, shall be stamped with  
29 the international wheelchair user symbol after the serial  
30 number of the license plate. The license plate entitles the  
31 person to all privileges afforded by a parking permit issued

1 under s. 320.0848. If more than one registrant is listed on  
2 the registration issued under this section, the eligible  
3 applicant for the license plate shall be noted on the  
4 registration certificate.

5 (2) All applications for these ~~such~~ license plates  
6 must be made to the department.

7 Section 12. Paragraph (f) of subsection (2) of section  
8 320.0848, Florida Statutes, is amended to read:

9 320.0848 Persons who have disabilities; issuance of  
10 disabled parking permits; temporary permits; permits for  
11 certain providers of transportation services to persons who  
12 have disabilities.--

13 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM  
14 MOBILITY PROBLEMS.--

15 (f) To obtain a replacement for a disabled parking  
16 permit that has been lost or stolen, a person must submit an  
17 application on a form prescribed by the department and must  
18 pay a replacement fee in the amount of \$1.00, to be retained  
19 by the issuing agency. If the person submits with the  
20 application a police report documenting that the permit was  
21 stolen, there is no replacement fee. The department shall  
22 implement a system to verify that the application for a  
23 disabled parking permit is signed by a person authorized to  
24 receive a replacement or duplicate disabled parking permit if  
25 the address on the application is different from the address  
26 for the applicant on the records of the department. If the  
27 replacement or duplicate disabled parking permit is being  
28 delivered to someone other than the owner of record, proof of  
29 identity for that person must be verified and the physical  
30 documentation of the verification must be maintained by the  
31 department.

1           Section 13. Subsection (4) of section 320.086, Florida  
2 Statutes, is amended to read:

3           320.086 Ancient or antique motor vehicles; "horseless  
4 carriage," antique, or historical license plates.--

5           (4) Any person who is the registered owner of a motor  
6 vehicle as defined in this section and manufactured in the  
7 model year 1975 ~~1974~~ or earlier, may apply to the department  
8 for permission to use a historical Florida license plate that  
9 clearly represents the model year of the vehicle as a  
10 personalized prestige license plate. This plate shall be  
11 furnished by the ~~such~~ person and shall be presented to the  
12 department with a reasonable fee to be determined by the  
13 department for approval and for authentication that the  
14 historic license plate and any applicable decals were issued  
15 by this state in the same year as the model year of the car or  
16 truck. The requirements of s. 320.0805(8)(b) do not apply to  
17 historical plates authorized under this subsection.

18           Section 14. Section 320.58, Florida Statutes, is  
19 amended to read:

20           320.58 License inspectors; powers, appointment.--

21           (1)(a) The department shall appoint as many license  
22 inspectors and supervisors as it deems necessary to enforce  
23 the provisions of this chapter and chapters 317, 319, 322, and  
24 324, and 328. In order to enforce the provisions of these  
25 laws, the inspectors are empowered to enter on both publicly  
26 owned and privately owned property and to issue uniform  
27 traffic citations to persons found in violation thereof. The  
28 department is further empowered to delegate the power to issue  
29 uniform traffic citations to persons acting as its agents for  
30 the purpose of enforcing the registration provisions of this  
31 chapter, which may include, but are not ~~be~~ limited to,

1 personnel employed by district school boards as agreed to by  
2 the school board and the county tax collector.

3 (b) License inspectors appointed under ~~pursuant to~~  
4 this section and agents delegated by the department are not to  
5 be considered for membership in the state high-risk retirement  
6 program.

7 (2) Any person who fails or refuses to surrender his  
8 or her driver's license, registration certificate, and license  
9 plate upon lawful demand of an inspector, supervisor, or  
10 authorized agent of the department commits ~~is guilty of~~ a  
11 misdemeanor of the second degree, punishable as provided in s.  
12 775.082 or s. 775.083.

13 Section 15. Section 322.025, Florida Statutes, is  
14 amended to read:

15 322.025 Driver improvement.--

16 (1) The department may implement programs to improve  
17 the driving ability of the drivers of this state. Such  
18 programs may include, but ~~are shall~~ not ~~be~~ limited to, safety  
19 awareness campaigns, driver training, and licensing  
20 improvement. Motorcycle driver improvement programs  
21 implemented under ~~pursuant to~~ this section or s. 322.0255  
22 shall be funded by the motorcycle safety education fee  
23 collected under ~~pursuant to~~ s. 320.08(1)(c), which shall be  
24 deposited in the Highway Safety Operating Trust Fund of the  
25 department and appropriated for that purpose.

26 (2) The department may offer once during a driver's  
27 lifetime to each driver who receives a points-warning letter  
28 under s. 322.27(3)(f) or a restriction letter under s. 322.161  
29 the opportunity to attend, within 60 days after the date of  
30 such letter, a basic driver improvement course approved by the  
31 department. If the driver completes an approved course and

1 presents proof of completion to the department, the department  
2 shall deduct three points from the citation that caused the  
3 action from the driver's record and permanently record on the  
4 driver's record that the one-time offer has been accepted and  
5 used. This election is not available to any driver who has  
6 attended a basic driver improvement course within the previous  
7 12 months.

8 Section 16. Paragraph (a) of subsection (1) of section  
9 322.09, Florida Statutes, is amended to read:

10 322.09 Application of minors; responsibility for  
11 negligence or misconduct of minor.--

12 (1)(a) The application of any person under the age of  
13 18 years for a driver's license must be signed and verified  
14 before a person authorized to administer oaths by the father,  
15 mother, or guardian, by a secondary guardian if the primary  
16 guardian dies before the minor reaches 18 years of age, or, if  
17 there is no parent or guardian, by another responsible adult  
18 who is willing to assume the obligation imposed under this  
19 chapter upon a person signing the application of a minor.  
20 This section does not apply to a person under the age of 18  
21 years who is emancipated by marriage.

22 Section 17. Section 322.11, Florida Statutes, is  
23 amended to read:

24 322.11 Revocation of license upon death of person  
25 signing minor's application.--The department, upon receipt of  
26 satisfactory evidence of the death of the person who signed  
27 the application of a minor for a license, shall, 90 days after  
28 giving written notice to the minor, cancel such license and  
29 may ~~shall~~ not issue a new license until ~~such time as~~ the new  
30 application, ~~duly~~ signed and verified, is made as required by  
31

1 this chapter. This provision does ~~shall~~ not apply if ~~in the~~  
2 ~~event~~ the minor has attained the age of 18 years.

3 Section 18. Subsection (11) of section 322.20, Florida  
4 Statutes, is amended to read:

5 322.20 Records of the department; fees; destruction of  
6 records.--

7 (11)(a) The department is authorized to charge the  
8 following fees for the following services and documents:

9 1. For providing a transcript of any one individual's  
10 driver history record or any portion thereof for the past 3  
11 years or for searching for the ~~such~~ record when no record is  
12 found to be on file.....\$2.10

13 2. For providing a transcript of any one individual's  
14 driver history record or any portion thereof for the past 7  
15 years or for searching for the ~~such~~ record when no record is  
16 found to be on file.....\$3.10

17 3. For providing a certified copy of a transcript of  
18 the driver history record or any portion thereof for any one  
19 individual.....\$3.10

20 4. For providing a certified photographic copy of a  
21 document, per page.....\$1.00

22 5. For providing an exemplified record.....\$15.00

23 6. For providing photocopies of documents, papers,  
24 letters, clearances, or license or insurance status reports,  
25 per page.....\$0.50

26 7. For assisting persons in searching any one  
27 individual's driver record at a terminal located at the  
28 department's general headquarters in Tallahassee.....\$2.00

29 8. For providing electronic access to driver's license  
30 status by name, gender, and date of birth, or by driver  
31 license number, per item.....\$0.50,



1 except that information provided via the department's Internet  
2 shall be free of charge.

3 (b) The department shall furnish the ~~such~~ information  
4 without charge to any local, state, or federal law enforcement  
5 agency or court upon proof satisfactory to the department as  
6 to the purpose of the investigation.

7 Section 19. Section 327.375, Florida Statutes, is  
8 created to read:

9 327.375 Commercial parasailing.--

10 (1) Notwithstanding the provisions of s. 327.37,  
11 commercial parasailing is permitted on the waters of the state  
12 except where prohibited by this section or by local ordinance.

13 (2) "Commercial parasailing" means any device for hire  
14 with a rider towed by a power vessel by means of a tow rope  
15 where the rider ascends into the air by the tow line being  
16 extended from the vessel and remains suspended in the air as  
17 the vessel runs its course.

18 (3) The commission shall regulate the use of  
19 commercial parasailing by requiring, at a minimum, the  
20 licensing of persons engaged in commercial parasailing and by  
21 requiring minimum liability insurance necessary for commercial  
22 parasailing. The commission may impose a fee to be established  
23 by rule, not to exceed \$500, for recovering the associated  
24 costs of regulating commercial parasailing.

25 (4) Any person engaged in commercial parasailing  
26 operations shall meet the following operation requirements:

27 (a) Vessels engaged in commercial parasailing  
28 operations must be designed by the manufacturer for towing a  
29 rider, and must be equipped with a rear launch platform and  
30 powered winch used to release and retrieve the tow line.

31

1           (b) All commercial parasail operators shall have a  
2 captain's license for carrying passengers for hire issued by  
3 the United States Coast Guard.

4           (c) All commercial parasailing operations shall  
5 include an observer 18 years of age or older at all times to  
6 monitor the progress of the airborne parasail rider and  
7 parachute.

8           (d) All commercial parasail riders shall wear a United  
9 States Coast Guard approved type I, type II, or type III  
10 personal flotation device of the proper size and must be  
11 connected to the tow line and secured in a seat harness  
12 attached to an ascending type of parachute.

13           (e) Commercial parasailing conducted in the Atlantic  
14 Ocean and the Gulf of Mexico shall be restricted to not less  
15 than three-eighths nautical mile from the shore. This  
16 restriction applies to the entire commercial parasailing  
17 apparatus, including the vessel tow line and rider.

18           (f) No commercial parasailing shall be permitted  
19 within 600 feet of bridge span, concrete bridge supports,  
20 barriers, other vessels, or persons in the water.

21           (g) Commercial parasailing shall not be permitted on  
22 bodies of water less than 1,200 feet in width from shore to  
23 shore.

24           (h) All commercial parasailing towing vessels shall be  
25 equipped with a functional VHF radio.

26           (i) Commercial parasailing shall be conducted only  
27 from one-half hour after sunrise to one-half hour before  
28 sunset, and at no time during restricted visibility.

29           (j) Commercial parasailing is prohibited when  
30 sustained winds are 25 knots or more and seas are 5 feet or  
31 higher in the area of operation.

- 1           (k) Tow lines may not exceed 500 feet in length.  
2           (l) Persons who are intending to provide commercial  
3 parasailing shall notify the sheriff of the county nearest the  
4 area of operation 24 hours in advance.  
5           (m) Commercial parasail operators shall launch riders  
6 only from the flight deck of the vessels.  
7           (5) A person convicted of violating this section  
8 commits a misdemeanor of the second degree, punishable as  
9 provided in s. 775.082 or s. 775.083.

10           Section 20. Subsection (2) of section 328.11, Florida  
11 Statutes, is amended to read:

12           328.11 Duplicate certificate of title.--

13           (2) In addition to the fee imposed by subsection (1),  
14 the Department of Highway Safety and Motor Vehicles shall  
15 charge a fee of \$5 for expedited service in issuing a  
16 ~~duplicate~~ certificate of title. Application for such expedited  
17 service may be made by mail or in person. The department  
18 shall issue each certificate of title applied for under this  
19 subsection within 5 working days after receipt of a proper  
20 application or shall refund the additional \$5 fee upon written  
21 request by the applicant.

22           Section 21. This act shall take effect upon becoming a  
23 law.

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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                                   COMMITTEE SUBSTITUTE FOR  
3   CS/SB 1200

4   The committee substitute prohibits driving outside of  
5   authorized travel lanes or without pavement markings or  
6   traffic control devices for the purpose of overtaking or  
7   passing another vehicle except where explicitly permitted.

8   The committee substitute prohibits a motor vehicle from being  
9   driven from a direct course in a lane on a highway until the  
10  driver has determined that the vehicle is not entering a  
11  vehicular queue at a point ahead of the last vehicle in the  
12  queue. The term "queue" is defined.

13  The committee substitute requires the signature of a secondary  
14  guardian on a driver's license application for a minor if the  
15  primary guardian dies before the minor reaches 18 years of  
16  age. In addition, the DHSMV must provide 90 days notice to a  
17  minor before canceling the minor's license due to the death or  
18  withdrawal of consent by the person who co-signed the initial  
19  driver's license application.

20  The committee substitute provides for the regulation of  
21  commercial parasailing by the Fish and Wildlife Conservation  
22  Commission.

23  The committee substitute allows the DHSMV to offer once during  
24  a driver's lifetime, the opportunity to attend drivers school  
25  after the driver receives a points-warning letter.

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