

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative Evers offered the following:

2
3 **Amendment (with title amendment)**

4 On page 81, between line(s) 13 and 14,
5 insert:

6 Section 62. Present subsection (3) of section 316.085,
7 Florida Statutes, is redesignated as subsection (5), and
8 subsections (3) and (4) are added to that section, to read:

9 316.085 Limitations on overtaking, passing, changing lanes
10 and changing course.--

11 (3) A motor vehicle may not be driven outside of the
12 authorized lane of travel or over, across, or within a pavement
13 marking or traffic control device for the purpose of overtaking
14 or passing another vehicle except where the pavement marking or
15 traffic control device explicitly permits such overtaking or

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16 passing. This prohibition does not apply to maneuvers taken to
17 avoid disabled vehicles or obstructions.

18 (4) A motor vehicle may not be driven from a direct course
19 in a lane on a highway until the driver has determined that the
20 vehicle is not entering a vehicular queue at a point ahead of
21 the last vehicle in the queue. As used in this subsection, the
22 term "queue" means more than one vehicle proceeding in the same
23 direction, traveling at less than the posted speed limit, and
24 aligned in one or more lanes for the purpose of exiting or
25 entering a roadway, merging, or traveling through a designated
26 construction zone.

27 Section 63. Subsection (1) of section 316.605, Florida
28 Statutes, is amended to read:

29 316.605 Licensing of vehicles.--

30 (1) Every vehicle, at all times while driven, stopped, or
31 parked upon any highways, roads, or streets of this state, shall
32 be licensed in the name of the owner thereof in accordance with
33 the laws of this state unless such vehicle is not required by
34 the laws of this state to be licensed in this state and shall,
35 except as otherwise provided in s. 320.0706 for front-end
36 registration license plates on truck tractors, display the
37 license plate or both of the license plates assigned to it by
38 the state, one on the rear and, if two, the other on the front
39 of the vehicle, each to be securely fastened to the vehicle
40 outside the main body of the vehicle in such manner as to
41 prevent the plates from swinging, with all letters, numerals,
42 printing, writing, and other identification marks upon the
43 plates regarding the word "Florida," the registration decal, and

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44 | the alphanumeric designation shall be clear and distinct and
45 | free from defacement, mutilation, grease, and other obscuring
46 | matter, so that they will be plainly visible and legible at all
47 | times 100 feet from the rear or front. Nothing shall be placed
48 | upon the face of a Florida plate except as permitted by law or
49 | by rule or regulation of a governmental agency. No license
50 | plates other than those furnished by the state shall be used.
51 | However, if the vehicle is not required to be licensed in this
52 | state, the license plates on such vehicle issued by another
53 | state, by a territory, possession, or district of the United
54 | States, or by a foreign country, substantially complying with
55 | the provisions hereof, shall be considered as complying with
56 | this chapter. A violation of this subsection is a noncriminal
57 | traffic infraction, punishable as a nonmoving violation as
58 | provided in chapter 318.

59 | Section 64. Subsection (4) of section 316.613, Florida
60 | Statutes, is amended to read:

61 | 316.613 Child restraint requirements.--

62 | (4)(a) It is the legislative intent that all state,
63 | county, and local law enforcement agencies, and safety councils,
64 | in recognition of the problems with child death and injury from
65 | unrestrained occupancy in motor vehicles, conduct a continuing
66 | safety and public awareness campaign as to the magnitude of the
67 | problem.

68 | ~~(b) The department may authorize the expenditure of funds~~
69 | ~~for the purchase of promotional items as part of the public~~
70 | ~~information and education campaigns provided for in this~~
71 | ~~subsection and ss. 316.614, 322.025, and 403.7145.~~

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72 Section 65. Section 316.6131, Florida Statutes, is created
73 to read:

74 316.6131 Educational expenditures.--The department may
75 authorize the expenditure of funds for the purchase of
76 educational items as part of the public information and
77 education campaigns promoting highway safety and awareness as
78 well as departmental community-based initiatives. Funds may be
79 expended for, but are not limited to, educational campaigns
80 provided in chapters 316, 320, and 322 and s. 403.7145.

81 Section 66. Section 317.0001, Florida Statutes, is amended
82 to read:

83 317.0001 Short title.--~~This chapter Sections 317.0001-~~
84 ~~317.0013~~ may be cited as the "Florida Off-Highway Vehicle
85 Titling Act."

86 Section 67. Section 317.0003, Florida Statutes, is amended
87 to read:

88 317.0003 Definitions.--As used in this chapter ~~ss.~~
89 ~~317.0001-317.0013~~, the term:

90 (1) "ATV" means any motorized off-highway or all-terrain
91 vehicle 50 inches or less in width, having a dry weight of 900
92 pounds or less, designed to travel on three or more low-pressure
93 tires, having a seat designed to be straddled by the operator
94 and handlebars for steering control, and intended for use by a
95 single operator and with no passenger.

96 (2) "Dealer" means any person authorized by the Department
97 of Revenue to buy, sell, resell, or otherwise distribute off-
98 highway vehicles. Such person must have a valid sales tax
99 certificate of registration issued by the Department of Revenue

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100 and a valid commercial or occupational license required by any
101 county, municipality, or political subdivision of the state in
102 which the person operates.

103 (3) "Department" means the Department of Highway Safety
104 and Motor Vehicles.

105 (4) "Florida resident" means a person who has had a
106 principal place of domicile in this state for a period of more
107 than 6 consecutive months, who has registered to vote in this
108 state, who has made a statement of domicile pursuant to s.
109 222.17, or who has filed for homestead tax exemption on property
110 in this state.

111 (5) "OHM" or "off-highway motorcycle" means any motor
112 vehicle used off the roads or highways of this state that has a
113 seat or saddle for the use of the rider and is designed to
114 travel with not more than two wheels in contact with the ground,
115 but excludes a tractor or a moped.

116 (6) "Off-highway vehicle" means any ATV, two-rider ATV, or
117 OHM that is used off the roads or highways of this state ~~for~~
118 ~~recreational purposes~~ and that is not registered and licensed
119 for highway use pursuant to chapter 320.

120 (7) "Owner" means a person, other than a lienholder,
121 having the property in or title to an off-highway vehicle,
122 including a person entitled to the use or possession of an off-
123 highway vehicle subject to an interest held by another person,
124 reserved or created by agreement and securing payment of
125 performance of an obligation, but the term excludes a lessee
126 under a lease not intended as security.

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127 (8) "Public lands" means lands within the state that are
128 available for public use and that are owned, operated, or
129 managed by a federal, state, county, or municipal governmental
130 entity.

131 (9) "Two-rider ATV" means any ATV that is specifically
132 designed by the manufacturer for a single operator and one
133 passenger.

134 Section 68. Subsection (1) of section 317.0004, Florida
135 Statutes, is amended to read:

136 317.0004 Administration of off-highway vehicle titling
137 laws; records.--

138 (1) The administration of off-highway vehicle titling laws
139 in this chapter ~~ss. 317.0001-317.0013~~ is under the Department of
140 Highway Safety and Motor Vehicles, which shall provide for the
141 issuing, handling, and recording of all off-highway vehicle
142 titling applications and certificates, including the receipt and
143 accounting of off-highway vehicle titling fees.

144 Section 69. Section 317.0005, Florida Statutes, is amended
145 to read:

146 317.0005 Rules, forms, and notices.--

147 (1) The department may adopt rules pursuant to ss.
148 120.536(1) and 120.54, which pertain to off-highway vehicle
149 titling, in order to implement the provisions of this chapter
150 ~~ss. 317.0001-317.0013~~ conferring duties upon it.

151 (2) The department shall prescribe and provide suitable
152 forms for applications and other notices and forms necessary to
153 administer the provisions of this chapter ~~ss. 317.0001-317.0013~~.

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154 Section 70. Subsection (1) of section 317.0006, Florida
155 Statutes, is amended to read:

156 317.0006 Certificate of title required.--

157 (1) Any off-highway vehicle that is purchased by a
158 resident of this state after the effective date of this act or
159 that is owned by a resident and is operated on the public lands
160 of this state must be titled pursuant to this chapter ~~ss.~~
161 ~~317.0001-317.0013~~.

162 Section 71. Section 317.0010, Florida Statutes, is amended
163 to read:

164 317.0010 Disposition of fees.--Except as otherwise
165 specifically provided for in this chapter, the department shall
166 deposit all funds received under this chapter ~~ss. 317.0001-~~
167 ~~317.0013~~, less administrative costs of \$2 per title transaction,
168 into the Incidental Trust Fund of the Division of Forestry of
169 the Department of Agriculture and Consumer Services.

170 Section 72. Paragraph (c) of subsection (3) of section
171 317.0012, Florida Statutes, is amended to read:

172 317.0012 Crimes relating to certificates of title;
173 penalties.--

174 (3) It is unlawful to:

175 (c) Use a false or fictitious name, give a false or
176 fictitious address, or make any false statement in any
177 application or affidavit required by this chapter ~~ss. 317.0001-~~
178 ~~317.0013~~ or in a bill of sale or sworn statement of ownership or
179 otherwise commit a fraud in any application.

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181 Any person who violates this subsection commits a felony of the
182 third degree, punishable as provided in s. 775.082, s. 775.083,
183 or s. 775.084. A violation of this subsection with respect to
184 any off-highway vehicle makes such off-highway vehicle
185 contraband which may be seized by a law enforcement agency and
186 forfeited under ss. 932.701-932.704.

187 Section 73. Section 317.0013, Florida Statutes, is amended
188 to read:

189 317.0013 Nonmoving traffic violations.--Any person who
190 fails to comply with any provision of this chapter ~~ss. 317.0001-~~
191 ~~317.0012~~ for which a penalty is not otherwise provided commits a
192 nonmoving traffic violation, punishable as provided in s.
193 318.18.

194 Section 74. Subsection (4) of section 319.29, Florida
195 Statutes, is amended to read:

196 319.29 Lost or destroyed certificates.--

197 (4) The department shall implement a system to verify that
198 the application is signed by a person authorized to receive a
199 duplicate title certificate under this section if the address
200 shown on the application is different from the address shown for
201 the applicant on the records of the department. If the title
202 certificate is being delivered to someone other than the owner
203 of record, the identity of the person to whom the title
204 certificate is delivered must be verified and the documentation
205 of the verification must be maintained by the department.

206 Section 75. Subsections (25) and (26) of section 320.01,
207 Florida Statutes, are amended to read:

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208 320.01 Definitions, general.--As used in the Florida
209 Statutes, except as otherwise provided, the term:

210 (25) "Apportionable vehicle" means any vehicle, except
211 recreational vehicles, vehicles displaying restricted plates,
212 city pickup and delivery vehicles, buses used in transportation
213 of chartered parties, and government-owned vehicles, which is
214 used or intended for use in two or more member jurisdictions
215 that allocate or proportionally register vehicles and which is
216 used for the transportation of persons for hire or is designed,
217 used, or maintained primarily for the transportation of property
218 and:

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

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

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

226
227 Vehicles, or combinations thereof, having a gross vehicle weight
228 of 26,001 pounds or less and two-axle vehicles may be
229 proportionally registered.

230 (26) "Commercial motor vehicle" means any vehicle that
231 ~~which~~ is not owned or operated by a governmental entity, that
232 ~~which~~ uses special fuel or motor fuel on the public highways,
233 and that ~~which~~ has a gross vehicle weight of 26,001 pounds or
234 more, or has three or more axles regardless of weight, or is

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235 used in combination when the weight of the ~~such~~ combination is
236 ~~exceeds~~ 26,001 pounds or more gross vehicle weight.

237 Section 76. Subsection (3) of section 320.05, Florida
238 Statutes, is amended to read:

239 320.05 Records of the department; inspection procedure;
240 lists and searches; fees.--

241 (3)(a) The department is authorized, upon application of
242 any person and payment of the proper fees, to prepare and
243 furnish lists containing motor vehicle or vessel information in
244 a ~~such~~ form as the department may authorize, to search the
245 records of the department and make reports thereof, and to make
246 photographic copies of the department records and attestations
247 thereof.

248 (b) Fees ~~therefor~~ shall be charged and collected as
249 follows:

250 1. For providing lists of motor vehicle or vessel records
251 for the entire state, or any part or parts thereof, divided
252 according to counties, a sum computed at a rate of not less than
253 1 cent nor more than 5 cents per item.

254 2. For providing noncertified photographic copies of motor
255 vehicle or vessel documents, \$1 per page.

256 3. For providing noncertified photographic copies of
257 micrographic records, \$1 per page.

258 4. For providing certified copies of motor vehicle or
259 vessel records, \$3 per record.

260 5. For providing noncertified computer-generated printouts
261 of motor vehicle or vessel records, 50 cents per record.

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262 6. For providing certified computer-generated printouts of
263 motor vehicle or vessel records, \$3 per record.

264 7. For providing electronic access to motor vehicle,
265 vessel, and mobile home registration data requested by tag,
266 vehicle identification number, title number, or decal number, 50
267 cents per item, except that information provided via the
268 department's Internet website is free of charge.

269 ~~8. For providing electronic access to driver's license~~
270 ~~status report by name, sex, and date of birth or by driver~~
271 ~~license number, 50 cents per item.~~

272 ~~8.9.~~ For providing lists of licensed mobile home dealers
273 and manufacturers and recreational vehicle dealers and
274 manufacturers, \$15 per list.

275 ~~9.10.~~ For providing lists of licensed motor vehicle
276 dealers, \$25 per list.

277 ~~10.11.~~ For each copy of a videotape record, \$15 per tape.

278 ~~11.12.~~ For each copy of the Division of Motor Vehicles
279 Procedures Manual, \$25.

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

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

284 (e) When motor vehicle, vessel, or mobile home
285 registration data is provided by electronic access through a tax
286 collector's office, a fee for the electronic access is not
287 required to be assessed. However, at the tax collector's
288 discretion, a fee equal to or less than the fee charged by the
289 department for the ~~such~~ information may be assessed by the tax

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290 collector for the electronic access. Notwithstanding paragraph
291 (c), any funds collected by the tax collector as a result of
292 providing ~~such~~ access shall be retained by the tax collector.

293 Section 77. Subsection (4) of section 320.06, Florida
294 Statutes, is amended to read:

295 320.06 Registration certificates, license plates, and
296 validation stickers generally.--

297 (4) The corporation organized under chapter 946 may
298 manufacture license plates, validation stickers, and decals, as
299 well as temporary tags, disabled hang tags, vessel decals, and
300 fuel use decals, for the Department of Highway Safety and Motor
301 Vehicles as provided in this chapter and chapter ~~328~~ 327. The
302 Department of Highway Safety and Motor Vehicles is not required
303 to obtain competitive bids in order to contract with the
304 corporation.

305 Section 78. Section 320.0607, Florida Statutes, is amended
306 to read:

307 320.0607 Replacement license plates, validation decal, or
308 mobile home sticker.--

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

314 (2) When a license plate, mobile home sticker, or
315 validation decal has been lost, stolen, or destroyed, the owner
316 of the motor vehicle or mobile home for which the plate,
317 sticker, or decal was issued shall make application to the

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318 department for a replacement. The application shall contain the
319 plate, sticker, or decal number being replaced and a statement
320 that the item was lost, stolen, or destroyed. If the application
321 includes a copy of the police report prepared in response to a
322 report of a stolen plate, sticker, or decal, such plate,
323 sticker, or decal must be replaced at no charge.

324 (3) The department shall implement a system to verify that
325 the replacement application is signed by a person authorized to
326 receive a replacement license plate or duplicate registration if
327 the address on the application is different from the address for
328 the applicant on the records of the department. If the
329 replacement license plate or duplicate registration is being
330 delivered to someone other than the owner of record, proof of
331 identity for that person must be verified and the physical
332 documentation of the verification must be maintained by the
333 department.

334 (4)(3) Except as provided in subsection (2), in all such
335 cases, upon filing of an application accompanied by a fee of \$10
336 plus applicable service charges, the department shall issue a
337 replacement plate, sticker, or decal as the case may be if it is
338 satisfied that the information reported in the application is
339 true. The replacement fee shall be deposited into the Highway
340 Safety Operating Trust Fund.

341 (5)(4) Any license plate, sticker, or decal lost in the
342 mail shall ~~may~~ be replaced at no charge. A ~~Neither the service~~
343 ~~charge or nor the replacement fee may not shall~~ be applied to
344 the this replacement. However, the application for a replacement
345 must shall contain a statement that the license plate, sticker,

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346 | or decal was lost in the mail ~~of such fact~~, the audit number of
347 | the lost item, and the date issued.

348 | ~~(6)(5)~~ Upon the issuance of an original license plate, the
349 | applicant shall pay a fee of \$10 to be deposited in the Highway
350 | Safety Operating Trust Fund.

351 | ~~(7)(6)~~ All funds derived from the sale of temporary tags
352 | under ~~the provisions of~~ s. 320.131 shall be deposited in the
353 | Highway Safety Operating Trust Fund.

354 | Section 79. Section 320.0843, Florida Statutes, is amended
355 | to read:

356 | 320.0843 License plates for persons with disabilities
357 | eligible for permanent disabled parking permits.--

358 | (1) An ~~Any~~ owner or lessee of a motor vehicle who resides
359 | in this state and qualifies for a disabled parking permit under
360 | s. 320.0848(2), upon application to the department and payment
361 | of the license tax for a motor vehicle registered under s.
362 | 320.08(2), (3)(a), (b), (c), or (e), (4)(a) or (b), (6)(a), or
363 | (9)(c) or (d), shall be issued a license plate as provided by s.
364 | 320.06 which, in lieu of the serial number prescribed by s.
365 | 320.06, shall be stamped with the international wheelchair user
366 | symbol after the serial number of the license plate. The license
367 | plate entitles the person to all privileges afforded by a
368 | parking permit issued under s. 320.0848. If more than one
369 | registrant is listed on the registration issued under this
370 | section, the eligible applicant for the license plate shall be
371 | noted on the registration certificate.

372 | (2) All applications for these ~~such~~ license plates must be
373 | made to the department.

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374 Section 80. Paragraph (f) of subsection (2) of section
375 320.0848, Florida Statutes, is amended to read:

376 320.0848 Persons who have disabilities; issuance of
377 disabled parking permits; temporary permits; permits for certain
378 providers of transportation services to persons who have
379 disabilities.--

380 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
381 MOBILITY PROBLEMS.--

382 (f) To obtain a replacement for a disabled parking permit
383 that has been lost or stolen, a person must submit an
384 application on a form prescribed by the department and must pay
385 a replacement fee in the amount of \$1.00, to be retained by the
386 issuing agency. If the person submits with the application a
387 police report documenting that the permit was stolen, there is
388 no replacement fee. The department shall implement a system to
389 verify that the application for a disabled parking permit is
390 signed by a person authorized to receive a replacement or
391 duplicate disabled parking permit if the address on the
392 application is different from the address for the applicant on
393 the records of the department. If the replacement or duplicate
394 disabled parking permit is being delivered to someone other than
395 the owner of record, proof of identity for that person must be
396 verified and the physical documentation of the verification must
397 be maintained by the department.

398 Section 81. Subsection (4) of section 320.086, Florida
399 Statutes, is amended to read:

400 320.086 Ancient or antique motor vehicles; "horseless
401 carriage," antique, or historical license plates.--

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402 (4) Any person who is the registered owner of a motor
403 vehicle as defined in this section that was ~~and~~ manufactured in
404 the model year 1975 ~~1974~~ or earlier, may apply to the department
405 for permission to use a historical Florida license plate that
406 clearly represents the model year of the vehicle as a
407 personalized prestige license plate. This plate shall be
408 furnished by the ~~such~~ person and shall be presented to the
409 department with a reasonable fee to be determined by the
410 department for approval and for authentication that the historic
411 license plate and any applicable decals were issued by this
412 state in the same year as the model year of the car or truck.
413 The requirements of s. 320.0805(8)(b) do not apply to historical
414 plates authorized under this subsection.

415 Section 82. Section 322.025, Florida Statutes, is amended
416 to read:

417 322.025 Driver improvement.--

418 (1) The department may implement programs to improve the
419 driving ability of the drivers of this state. Such programs may
420 include, but are ~~shall~~ not be limited to, safety awareness
421 campaigns, driver training, and licensing improvement.
422 Motorcycle driver improvement programs implemented under
423 ~~pursuant to~~ this section or s. 322.0255 shall be funded by the
424 motorcycle safety education fee collected under ~~pursuant to~~ s.
425 320.08(1)(c), which shall be deposited in the Highway Safety
426 Operating Trust Fund of the department and appropriated for that
427 purpose.

428 (2) The department may offer once during a driver's
429 lifetime to each driver who receives a points-warning letter

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430 under s. 322.27(3)(f) or a restriction letter under s. 322.161
431 the opportunity to attend, within 60 days after the date of such
432 letter, a basic driver improvement course approved by the
433 department. If the driver completes an approved course and
434 presents proof of completion to the department, the department
435 shall deduct three points from the citation that caused the
436 action from the driver's record and permanently record on the
437 driver's record that the one-time offer has been accepted and
438 used. This election is not available to any driver who has
439 attended a basic driver improvement course within the previous
440 12 months.

441 Section 83. Paragraph (a) of subsection (1) of section
442 322.09, Florida Statutes, is amended to read:

443 322.09 Application of minors; responsibility for
444 negligence or misconduct of minor.--

445 (1)(a) The application of any person under the age of 18
446 years for a driver's license must be signed and verified before
447 a person authorized to administer oaths by the father, mother,
448 or guardian, by a secondary guardian if the primary guardian
449 dies before the minor reaches 18 years of age, or, if there is
450 no parent or guardian, by another responsible adult who is
451 willing to assume the obligation imposed under this chapter upon
452 a person signing the application of a minor. This section does
453 not apply to a person under the age of 18 years who is
454 emancipated by marriage.

455 Section 84. Section 322.11, Florida Statutes, is amended
456 to read:

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457 322.11 Revocation of license upon death of person signing
458 minor's application.--The department, upon receipt of
459 satisfactory evidence of the death of the person who signed the
460 application of a minor for a license, shall, 90 days after
461 giving written notice to the minor, cancel such license and may
462 ~~shall~~ not issue a new license until ~~such time as~~ the new
463 application, ~~duly~~ signed and verified, is made as required by
464 this chapter. This provision does ~~shall~~ not apply if ~~in the~~
465 ~~event~~ the minor has attained the age of 18 years.

466 Section 85. Subsections (1) and paragraph (b) of
467 subsection (4) of section 322.12, Florida Statutes, are amended
468 to read:

469 322.12 Examination of applicants.--

470 (1) It is the intent of the Legislature that every
471 applicant for an original driver's license in this state be
472 required to pass an examination pursuant to this section.
473 However, the department may waive the knowledge, endorsement,
474 and skills tests for an applicant who is otherwise qualified and
475 who surrenders a valid driver's license from another state or a
476 province of Canada, or a valid driver's license issued by the
477 United States Armed Forces, if the driver applies for a Florida
478 license of an equal or lesser classification. Any applicant who
479 fails to pass the initial knowledge test will incur a \$5 fee for
480 each subsequent test, to be deposited into the Highway Safety
481 Operating Trust Fund. Any applicant who fails to pass the
482 initial skills test will incur a \$10 fee for each subsequent
483 test, to be deposited into the Highway Safety Operating Trust
484 Fund. A person who seeks to retain a hazardous-materials

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485 endorsement, pursuant to s. 322.57(1)(e) ~~322.57(1)(d)~~, must pass
486 the hazardous-materials test, upon surrendering his or her
487 commercial driver's license, if the person has not taken and
488 passed the hazardous-materials test within 2 years preceding his
489 or her application for a commercial driver's license in this
490 state.

491 (4) The examination for an applicant for a commercial
492 driver's license shall include a test of the applicant's
493 eyesight given by a driver's license examiner designated by the
494 department or by a licensed ophthalmologist, optometrist, or
495 physician and a test of the applicant's hearing given by a
496 driver's license examiner or a licensed physician. The
497 examination shall also include a test of the applicant's ability
498 to read and understand highway signs regulating, warning, and
499 directing traffic; his or her knowledge of the traffic laws of
500 this state pertaining to the class of motor vehicle which he or
501 she is applying to be licensed to operate, including laws
502 regulating driving under the influence of alcohol or controlled
503 substances, driving with an unlawful blood-alcohol level, and
504 driving while intoxicated; his or her knowledge of the effects
505 of alcohol and controlled substances and the dangers of driving
506 a motor vehicle after having consumed alcohol or controlled
507 substances; and his or her knowledge of any special skills,
508 requirements, or precautions necessary for the safe operation of
509 the class of vehicle which he or she is applying to be licensed
510 to operate. In addition, the examination shall include an actual
511 demonstration of the applicant's ability to exercise ordinary
512 and reasonable control in the safe operation of a motor vehicle

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513 or combination of vehicles of the type covered by the license
514 classification which the applicant is seeking, including an
515 examination of the applicant's ability to perform an inspection
516 of his or her vehicle.

517 (b) A person who seeks to retain a hazardous-materials
518 endorsement must, upon renewal, pass the test for such
519 endorsement as specified in s. 322.57(1)(e) ~~322.57(1)(d)~~, if the
520 person has not taken and passed the hazardous-materials test
521 within 2 years preceding his or her application for a commercial
522 driver's license in this state.

523 Section 86. Subsection (8) of section 322.121, Florida
524 Statutes, is amended to read:

525 322.121 Periodic reexamination of all drivers.--

526 (8) In addition to any other examination authorized by
527 this section, an applicant for a renewal of an endorsement
528 issued under s. 322.57(1)(a), (b), (c), (d), ~~or (e)~~, or (f) may
529 be required to complete successfully an examination of his or
530 her knowledge regarding state and federal rules, regulations,
531 and laws, governing the type of vehicle which he or she is
532 seeking an endorsement to operate.

533 Section 87. Subsection (11) of section 322.20, Florida
534 Statutes, is amended to read:

535 322.20 Records of the department; fees; destruction of
536 records.--

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

539 1. For providing a transcript of any one individual's
540 driver history record or any portion thereof for the past 3

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541 years or for searching for the ~~such~~ record when no record is
542 found to be on file....\$2.10

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

547 3. For providing a certified copy of a transcript of the
548 driver history record or any portion thereof for any one
549 individual....\$3.10

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

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

553 6. For providing photocopies of documents, papers,
554 letters, clearances, or license or insurance status reports, per
555 page....\$0.50

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

559 8. For providing electronic access to driver's license
560 status by name, gender, and date of birth, or by driver license
561 number, per item, except that information provided via the
562 department's Internet website shall be free of charge....\$0.50

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

567 Section 88. Subsection (2) of section 322.22, Florida
568 Statutes, is amended to read:

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569 322.22 Authority of department to cancel license,
570 identification card, vehicle or vessel registration, fuel-use
571 tax decal.--

572 (2) Upon such cancellation, the licensee must surrender to
573 the department the license, identification card, vehicle or
574 vessel registration, or fuel-use tax decal so canceled.

575 Section 89. Paragraph (c) of subsection (2) of section
576 322.292, Florida Statutes, is amended to read:

577 322.292 DUI programs supervision; powers and duties of the
578 department.--

579 (2) The department shall adopt rules to implement its
580 supervisory authority over DUI programs in accordance with the
581 procedures of chapter 120, including the establishment of
582 uniform standards of operation for DUI programs and the method
583 for setting and approving fees, as follows:

584 (c) Implement procedures for the granting and revoking of
585 licenses for DUI programs, including:

586 1. A uniform application fee not to exceed \$1,000 but in
587 an amount sufficient to cover the department's administrative
588 costs in processing and evaluating DUI program license
589 applications. The application fee shall not apply to programs
590 that apply for licensure to serve a county that does not have a
591 currently licensed DUI program or where the currently licensed
592 program has relinquished its license.

593 2. In considering an application for approval of a DUI
594 program, the department shall determine whether improvements in
595 service may be derived from the operation of the DUI program and

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596 the number of clients currently served in the circuit. The
597 department shall apply the following criteria:

598 a. The increased frequency of classes and availability of
599 locations of services offered by the applicant DUI program.

600 b. Services and fees offered by the applicant DUI program
601 and any existing DUI program.

602 c. The number of DUI clients currently served and
603 historical trends in the number of clients served in the
604 circuit.

605 d. The availability, accessibility, and service history of
606 any existing DUI program services.

607 e. The applicant DUI program's service history.

608 f. The availability of resources, including personnel,
609 demonstrated management capability, and capital and operating
610 expenditures of the applicant DUI program.

611 g. Improved services to minority and special needs
612 clients.

613 3. Authority for competing applicants and currently
614 licensed DUI programs serving the same geographic area to
615 request an administrative hearing under chapter 120 to contest
616 the department's determination of need for an additional
617 licensed DUI program in that area.

618 4. A requirement that the department revoke the license of
619 any DUI program that does not provide the services specified in
620 its application within 45 days after licensure and notify the
621 chief judge of that circuit of such revocation.

622 5. A requirement that all applicants for initial licensure
623 as a DUI program in a particular circuit on and after the

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624 effective date of this act must, at a minimum, satisfy each of
625 the following criteria:

626 a. Maintain a primary business office in the circuit which
627 is located in a permanent structure that is readily accessible
628 by public transportation, if public transportation is available.
629 The primary business office must be adequately staffed and
630 equipped to provide all DUI program support services, including
631 registration and a file for each person who registers for the
632 program.

633 b. Have a satellite office for registration of DUI
634 offenders in each county in the circuit which is located in a
635 permanent structure that is readily accessible by public
636 transportation, if public transportation is available. A
637 satellite office is not required in any county where the total
638 number of DUI convictions in the most recent calendar year is
639 less than 200. In a county where the total number of DUI
640 convictions in the most recent calendar year is less than 200
641 and no satellite office is located in a permanent structure in
642 that county, another program provider otherwise meeting the
643 eligibility requirements of this section, upon recommendation of
644 the chief judge of the judicial circuit of that county, shall be
645 approved by the department to serve the county, and such
646 provider shall not be required to have a satellite office in
647 each county in the circuit.

648 c. Have a classroom in each county in the circuit which is
649 located in a permanent structure that is readily accessible by
650 public transportation, if public transportation is available. A
651 classroom is not required in any county where the total number

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652 of DUI convictions in the most recent calendar year is less than
653 100. A classroom may not be located within 250 feet of any
654 business that sells alcoholic beverages. However, a classroom
655 shall not be required to be relocated when a business selling
656 alcoholic beverages locates to within 250 feet of the classroom.

657 d. Have a plan for conducting all DUI education courses,
658 evaluation services, and other services required by the
659 department. The level I DUI education course must be taught in
660 four segments, with no more than 6 hours of classroom
661 instruction provided to any offender each day. All DUI education
662 courses must be in a classroom with face-to-face instruction and
663 interaction among offenders and an instructor.

664 e. Employ at least 1 full-time certified addiction
665 professional for the program at all times.

666 f. Document support from community agencies involved in
667 DUI education and substance abuse treatment in the circuit.

668 g. Have a volunteer board of directors and advisory
669 committee made up of citizens who reside in the circuit in which
670 licensure is sought.

671 h. Submit documentation of compliance with all applicable
672 federal, state, and local laws, including, but not limited to,
673 the Americans with Disabilities Act.

674 Section 90. Paragraph (c) of subsection (2) of section
675 322.54, Florida Statutes, is amended to read:

676 322.54 Classification.--

677 (2) The department shall issue, pursuant to the
678 requirements of this chapter, drivers' licenses in accordance
679 with the following classifications:

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680 (c) ~~Any person, except a person who possesses a valid~~
681 ~~Class A or a valid Class B driver's license, who drives a motor~~
682 ~~vehicle combination having a gross vehicle weight rating, a~~
683 ~~declared weight, or an actual weight, whichever is greatest, of~~
684 ~~26,001 pounds or more must possess a valid Class C driver's~~
685 ~~license.~~ Any person, except a person who possesses a valid Class
686 A or a valid Class B drivers license, who drives a motor vehicle
687 ~~combination~~ having a gross vehicle weight rating, a declared
688 weight, or an actual weight, whichever is greatest, of less than
689 26,001 pounds and who is required to obtain an endorsement
690 pursuant to paragraph (1)(a), paragraph (1)(b), ~~paragraph~~
691 ~~(1)(e),~~ paragraph (1)(d), ~~or paragraph (1)(e),~~ or paragraph
692 (1)(f) of s. 322.57, must possess a valid Class C driver's
693 license ~~that is clearly restricted to the operation of a motor~~
694 ~~vehicle or motor vehicle combination of less than 26,001 pounds.~~
695 Any person who possesses a valid Class C driver's license may,
696 subject to the appropriate restrictions and endorsements, drive
697 any class of motor vehicle, other than the type of motor vehicle
698 for which a Class A or a Class B driver's license is required,
699 within this state.

700 Section 91. Section 327.375, Florida Statutes, is created
701 to read:

702 327.375 Commercial parasailing.--

703 (1) "Commercial parasailing" means any activity involving
704 the towing of a person by a motorboat for consideration when:

705 (a) One or more persons are tethered to the towing vessel.

706 (b) The person or persons ascend above the water.

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707 (c) The person or persons remain suspended above the water
708 while the vessel is underway.

709 (2) The commission shall regulate the use of commercial
710 parasailing by requiring, at a minimum, the licensing of persons
711 engaged in commercial parasailing and by requiring minimum
712 liability insurance necessary for commercial parasailing. In
713 order to recover the associated costs of regulating commercial
714 parasailing, the commission may impose an annual licensing fee
715 to be established by rule not to exceed \$100 and a \$10
716 registration fee for each county in which the commercial
717 parasailing enterprise intends to provide service. The
718 commission may establish the requirements for minimum liability
719 insurance and maximum deductible amounts for that insurance by
720 rule. The commission has authority to adopt rules pursuant to
721 ss. 120.536(1) and 120.54 to implement the provisions of this
722 section.

723 (3) Any person engaged in commercial parasailing
724 operations shall meet the following operation requirements:

725 (a) Vessels engaged in commercial parasailing operations
726 must be designed and equipped for towing a person while
727 parasailing and must be equipped with a rear launch platform and
728 powered winch used to release and retrieve the tow line.

729 (b) All commercial parasail operators are required to have
730 a license for carrying passengers for hire issued by the United
731 States Coast Guard.

732 (c) All commercial parasailing operations shall include an
733 observer 18 years of age or older who is present in the vessel

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734 at all times to monitor the progress of any airborne parasail
735 rider and parachute.

736 (d) All commercial parasail riders shall wear a United
737 States Coast Guard approved type I, type II, or type III
738 personal flotation device of the proper size and must be
739 connected to the towline and secured in a seat harness attached
740 to an ascending type of parachute.

741 (e) Commercial parasailing conducted in the Atlantic Ocean
742 and the Gulf of Mexico shall be restricted to not less than
743 three-eighths nautical mile from the shore. This restriction
744 applies to the entire commercial parasailing apparatus,
745 including the vessel, towline, and rider.

746 (f) Commercial parasailing operations shall not be
747 conducted within 600 feet of any:

- 748 1. Anchored vessel;
749 2. Person in the water;
750 3. Shore or seawall; or
751 4. Structure, bridge, powerline, wharf, pier, dock, buoy,
752 platform, piling, channel marker, or other similar object.

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

756 (h) All commercial parasailing towing vessels shall be
757 equipped with a functional VHF marine transceiver.

758 (i) Commercial parasailing shall be conducted only from
759 one-half hour after sunrise to one-half hour before sunset and
760 at no time during restricted visibility.

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761 (j) Commercial parasailing is prohibited when there are
762 sustained winds of 20 knots or seas 5 feet or higher in the area
763 of operation.

764 (k) Towlines shall not exceed 800 feet in length.

765 (l) Commercial parasail operators shall only launch riders
766 from the flight deck of the vessels.

767 (m) No more than two persons shall be tethered to the
768 towing vessel and ascend above the water at any time.

769 (4) A person who violates this section commits a
770 misdemeanor of the second degree, punishable as provided in s.
771 775.082 or s. 775.083.

772 Section 92. Subsection (2) of section 328.11, Florida
773 Statutes, is amended to read:

774 328.11 Certificates ~~Duplicate certificate~~ of title;
775 expedited service; duplicate certificates.--

776 (2) In addition to the fee imposed by subsection (1), the
777 Department of Highway Safety and Motor Vehicles shall charge a
778 fee of \$5 for expedited service in issuing a ~~duplicate~~
779 certificate of title. Application for such expedited service may
780 be made by mail or in person. The department shall issue each
781 certificate of title applied for under this subsection within 5
782 working days after receipt of a proper application or shall
783 refund the additional \$5 fee upon written request by the
784 applicant.

785
786
787 ===== T I T L E A M E N D M E N T =====

788 On page 7, line(s) 16,

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789 remove: All of said line
790
791 and insert:
792 amending s. 316.085, F.S.; prohibiting driving outside
793 authorized lanes or within pavement markings or traffic control
794 devices for certain purposes except under certain circumstances;
795 prohibiting a motor vehicle from entering a vehicular queue in
796 front of the last vehicle; defining "queue"; amending s.
797 316.605, F.S.; revising provisions for display of license
798 plates; amending s. 316.613, F.S.; deleting provisions that
799 authorize the Department of Highway Safety and Motor Vehicles to
800 expend funds for certain purposes; creating s. 316.6131, F.S.;
801 providing for the department to authorize the expenditure of
802 funds for certain purposes; amending ss. 317.0001, 317.0003,
803 317.0004, 317.0005, 317.0006, 317.0012, and 317.0013, F.S.;
804 revising references to incorporate changes made by the act;
805 amending s. 317.0010, F.S.; revising requirements for deposit of
806 certain funds; amending s. 319.29, F.S.; requiring the
807 department to verify the identity of certain persons receiving
808 title certificates and to maintain documentation of the
809 verification; amending s. 320.01, F.S.; revising the definitions
810 of "apportionable vehicle" and "commercial motor vehicle";
811 amending s. 320.05, F.S.; removing fees for electronic access to
812 certain motor vehicle and vessel information; amending s.
813 320.06, F.S.; correcting a cross reference; amending s.
814 320.0607, F.S.; requiring the department to verify the identity
815 of certain persons receiving a replacement license plate or
816 duplicate registration and to maintain documentation of the

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HOUSE AMENDMENT

Bill No. CS/CS/SB 1526

Amendment No. (for drafter's use only)

817 verification; amending s. 320.0843, F.S.; requiring that the
818 applicant eligible for a disabled parking plate be noted on the
819 registration certificate; amending s. 320.0848, F.S.; requiring
820 the department to verify the identity of certain persons
821 receiving a replacement or duplicate disabled parking permit and
822 to maintain documentation of the verification; amending s.
823 320.086, F.S.; revising provisions relating to historical
824 license plates; amending s. 322.025, F.S.; authorizing the
825 department to offer an opportunity to attend a basic driver
826 improvement course for drivers who meet certain criteria;
827 requiring the department to deduct points from the driver's
828 record upon completion of the course; limiting availability of
829 the opportunity; amending s. 322.09, F.S.; requiring the
830 signature of a secondary guardian on a driver's license
831 application of a minor under certain circumstances; amending s.
832 322.11, F.S.; providing for notice to a minor before canceling
833 the minor's license due to the death of the person who signed
834 the driver's license application; amending s. 322.12, 322.121,
835 and 322.54, F.S.; conforming references to changes made by the
836 act; amending s. 322.20, F.S.; authorizing the department to
837 charge fees for electronic access to certain driver license
838 information; requiring that certain information be available
839 free of charge on the department's Internet website; amending s.
840 322.22, F.S.; requiring surrender of any identification card,
841 vehicle or vessel registration, or fuel-use tax decal under
842 certain circumstances; amending s. 322.292, F.S.; revising
843 requirements for initial licensure as a DUI program; creating s.
844 327.375, F.S.; providing regulations for commercial parasailing;

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HOUSE AMENDMENT

Bill No. CS/CS/SB 1526

Amendment No. (for drafter's use only)

845 defining "commercial parasailing"; providing for regulation by
846 the Fish and Wildlife Conservation Commission; requiring
847 licensing and liability insurance; providing for rules
848 establishing minimum liability and maximum deductible amounts;
849 authorizing the commission to adopt rules; providing commercial
850 parasailing operation requirements; providing penalties;
851 amending s. 328.11, F.S.; providing for expedited service
852 issuing certificates of title for vessels; providing a fee;
853 providing effective dates.

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