

Bill No. CS for SB 2412

Amendment No. ____ Barcode 890258

CHAMBER ACTION

Senate

House

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Senator Sebesta moved the following amendment:

Senate Amendment (with title amendment)

On page 7, line 15, delete that line

and insert:

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

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

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

(4) A motor vehicle may not be driven from a direct course in a lane on a highway until the driver has determined that the vehicle is not entering a vehicular queue at a point

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1 ahead of the last vehicle in the queue. As used in this
2 subsection, the term "queue" means more than one vehicle
3 proceeding in the same direction, traveling at less than the
4 posted speed limit, and aligned in one or more lanes for the
5 purpose of exiting or entering a roadway, merging, or
6 traveling through a designated construction zone.

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

9 316.605 Licensing of vehicles.--

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

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1 used. However, if the vehicle is not required to be licensed
2 in this state, the license plates on such vehicle issued by
3 another state, by a territory, possession, or district of the
4 United States, or by a foreign country, substantially
5 complying with the provisions hereof, shall be considered as
6 complying with this chapter. A violation of this subsection is
7 a noncriminal traffic infraction, punishable as a nonmoving
8 violation as provided in chapter 318.

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

11 316.613 Child restraint requirements.--

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

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

22 Section 6. Section 316.6131, Florida Statutes, is
23 created to read:

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

31 Section 7. Section 317.0001, Florida Statutes, is

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1 amended to read:

2 317.0001 Short title.--~~This chapter Sections~~

3 ~~317.0001-317.0013~~ may be cited as the "Florida Off-Highway
4 Vehicle Titling Act."

5 Section 8. Section 317.0003, Florida Statutes, is
6 amended to read:

7 317.0003 Definitions.--As used in this chapter ~~ss.~~
8 ~~317.0001-317.0013~~, the term:

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

16 (2) "Dealer" means any person authorized by the
17 Department of Revenue to buy, sell, resell, or otherwise
18 distribute off-highway vehicles. Such person must have a valid
19 sales tax certificate of registration issued by the Department
20 of Revenue and a valid commercial or occupational license
21 required by any county, municipality, or political subdivision
22 of the state in which the person operates.

23 (3) "Department" means the Department of Highway
24 Safety and Motor Vehicles.

25 (4) "Florida resident" means a person who has had a
26 principal place of domicile in this state for a period of more
27 than 6 consecutive months, who has registered to vote in this
28 state, who has made a statement of domicile pursuant to s.
29 222.17, or who has filed for homestead tax exemption on
30 property in this state.

31 (5) "OHM" or "off-highway motorcycle" means any motor

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1 vehicle used off the roads or highways of this state that has
 2 a seat or saddle for the use of the rider and is designed to
 3 travel with not more than two wheels in contact with the
 4 ground, but excludes a tractor or a moped.

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

9 (7) "Owner" means a person, other than a lienholder,
 10 having the property in or title to an off-highway vehicle,
 11 including a person entitled to the use or possession of an
 12 off-highway vehicle subject to an interest held by another
 13 person, reserved or created by agreement and securing payment
 14 of performance of an obligation, but the term excludes a
 15 lessee under a lease not intended as security.

16 (8) "Public lands" means lands within the state that
 17 are available for public use and that are owned, operated, or
 18 managed by a federal, state, county, or municipal governmental
 19 entity.

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

23 Section 9. Subsection (1) of section 317.0004,
 24 Florida Statutes, is amended to read:

25 317.0004 Administration of off-highway vehicle titling
 26 laws; records.--

27 (1) The administration of off-highway vehicle titling
 28 laws in this chapter ~~ss. 317.0001-317.0013~~ is under the
 29 Department of Highway Safety and Motor Vehicles, which shall
 30 provide for the issuing, handling, and recording of all
 31 off-highway vehicle titling applications and certificates,

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1 including the receipt and accounting of off-highway vehicle
2 titling fees.

3 Section 10. Section 317.0005, Florida Statutes, is
4 amended to read:

5 317.0005 Rules, forms, and notices.--

6 (1) The department may adopt rules pursuant to ss.
7 120.536(1) and 120.54, which pertain to off-highway vehicle
8 titling, in order to implement the provisions of this chapter
9 ~~ss. 317.0001-317.0013~~ conferring duties upon it.

10 (2) The department shall prescribe and provide
11 suitable forms for applications and other notices and forms
12 necessary to administer the provisions of this chapter ~~ss.~~
13 ~~317.0001-317.0013~~.

14 Section 11. Subsection (1) of section 317.0006,
15 Florida Statutes, is amended to read:

16 317.0006 Certificate of title required.--

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

22 Section 12. Section 317.0010, Florida Statutes, is
23 amended to read:

24 317.0010 Disposition of fees.--~~Except as otherwise~~
25 specifically provided for in this chapter, the department
26 shall deposit all funds received under this chapter ~~ss.~~
27 ~~317.0001-317.0013~~, less administrative costs of \$2 per title
28 transaction, into the Incidental Trust Fund of the Division of
29 Forestry of the Department of Agriculture and Consumer
30 Services.

31 Section 13. Paragraph (c) of subsection (3) of

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1 section 317.0012, Florida Statutes, is amended to read:

2 317.0012 Crimes relating to certificates of title;
3 penalties.--

4 (3) It is unlawful to:

5 (c) Use a false or fictitious name, give a false or
6 fictitious address, or make any false statement in any
7 application or affidavit required by this chapter ss.
8 ~~317.0001-317.0013~~ or in a bill of sale or sworn statement of
9 ownership or otherwise commit a fraud in any application.

10

11 Any person who violates this subsection commits a felony of
12 the third degree, punishable as provided in s. 775.082, s.
13 775.083, or s. 775.084. A violation of this subsection with
14 respect to any off-highway vehicle makes such off-highway
15 vehicle contraband which may be seized by a law enforcement
16 agency and forfeited under ss. 932.701-932.704.

17 Section 14. Section 317.0013, Florida Statutes, is
18 amended to read:

19 317.0013 Nonmoving traffic violations.--Any person who
20 fails to comply with any provision of this chapter ss.
21 ~~317.0001-317.0012~~ for which a penalty is not otherwise
22 provided commits a nonmoving traffic violation, punishable as
23 provided in s. 318.18.

24 Section 15. Subsection (4) of section 319.29,
25 Florida Statutes, is amended to read:

26 319.29 Lost or destroyed certificates.--

27 (4) The department shall implement a system to verify
28 that the application is signed by a person authorized to
29 receive a duplicate title certificate under this section if
30 the address shown on the application is different from the
31 address shown for the applicant on the records of the

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1 department. If the title certificate is being delivered to
 2 someone other than the owner of record, the identity of the
 3 person to whom the title certificate is delivered must be
 4 verified and the documentation of the verification must be
 5 maintained by the department.

6 Section 16. Subsections (25) and (26) of section
 7 320.01, Florida Statutes, are amended to read:

8 320.01 Definitions, general.--As used in the Florida
 9 Statutes, except as otherwise provided, the term:

10 (25) "Apportionable vehicle" means any vehicle, except
 11 recreational vehicles, vehicles displaying restricted plates,
 12 city pickup and delivery vehicles, buses used in
 13 transportation of chartered parties, and government-owned
 14 vehicles, which is used or intended for use in two or more
 15 member jurisdictions that allocate or proportionally register
 16 vehicles and which is used for the transportation of persons
 17 for hire or is designed, used, or maintained primarily for the
 18 transportation of property and:

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

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

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

26
 27 Vehicles, or combinations thereof, having a gross vehicle
 28 weight of 26,001 pounds or less and two-axle vehicles may be
 29 proportionally registered.

30 (26) "Commercial motor vehicle" means any vehicle that
 31 ~~which~~ is not owned or operated by a governmental entity, that

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1 ~~which~~ uses special fuel or motor fuel on the public highways,
2 and ~~that which~~ has a gross vehicle weight of 26,001 pounds or
3 more, or has three or more axles regardless of weight, or is
4 used in combination when the weight of ~~the such~~ combination is
5 ~~exceeds~~ 26,001 pounds or more gross vehicle weight.

6 Section 17. Subsection (3) of section 320.05,
7 Florida Statutes, is amended to read:

8 320.05 Records of the department; inspection
9 procedure; lists and searches; fees.--

10 (3)(a) The department is authorized, upon application
11 of any person and payment of the proper fees, to prepare and
12 furnish lists containing motor vehicle or vessel information
13 in a such form as the department may authorize, to search the
14 records of the department and make reports thereof, and to
15 make photographic copies of the department records and
16 attestations thereof.

17 (b) Fees ~~therefor~~ shall be charged and collected as
18 follows:

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

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

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

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

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

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

3 7. For providing electronic access to motor vehicle,
4 vessel, and mobile home registration data requested by tag,
5 vehicle identification number, title number, or decal number,
6 50 cents per item, except that information provided via the
7 department's Internet website is free of charge.

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

11 ~~8.9.~~ For providing lists of licensed mobile home
12 dealers and manufacturers and recreational vehicle dealers and
13 manufacturers, \$15 per list.

14 ~~9.10.~~ For providing lists of licensed motor vehicle
15 dealers, \$25 per list.

16 ~~10.11.~~ For each copy of a videotape record, \$15 per
17 tape.

18 ~~11.12.~~ For each copy of the Division of Motor Vehicles
19 Procedures Manual, \$25.

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

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

25 (e) When motor vehicle, vessel, or mobile home
26 registration data is provided by electronic access through a
27 tax collector's office, a fee for the electronic access is not
28 required to be assessed. However, at the tax collector's
29 discretion, a fee equal to or less than the fee charged by the
30 department for the ~~such~~ information may be assessed by the tax
31 collector for the electronic access. Notwithstanding paragraph

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1 (c), any funds collected by the tax collector as a result of
2 providing ~~such~~ access shall be retained by the tax collector.

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

5 320.06 Registration certificates, license plates, and
6 validation stickers generally.--

7 (4) The corporation organized under chapter 946 may
8 manufacture license plates, validation stickers, and decals,
9 as well as temporary tags, disabled hang tags, vessel decals,
10 and fuel use decals, for the Department of Highway Safety and
11 Motor Vehicles as provided in this chapter and chapter 328
12 ~~327~~. The Department of Highway Safety and Motor Vehicles is
13 not required to obtain competitive bids in order to contract
14 with the corporation.

15 Section 19. Section 320.0607, Florida Statutes, is
16 amended to read:

17 320.0607 Replacement license plates, validation decal,
18 or mobile home sticker.--

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

24 (2) When a license plate, mobile home sticker, or
25 validation decal has been lost, stolen, or destroyed, the
26 owner of the motor vehicle or mobile home for which the plate,
27 sticker, or decal was issued shall make application to the
28 department for a replacement. The application shall contain
29 the plate, sticker, or decal number being replaced and a
30 statement that the item was lost, stolen, or destroyed. If the
31 application includes a copy of the police report prepared in

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1 response to a report of a stolen plate, sticker, or decal,
2 such plate, sticker, or decal must be replaced at no charge.

3 (3) The department shall implement a system to verify
4 that the replacement application is signed by a person
5 authorized to receive a replacement license plate or duplicate
6 registration if the address on the application is different
7 from the address for the applicant on the records of the
8 department. If the replacement license plate or duplicate
9 registration is being delivered to someone other than the
10 owner of record, proof of identity for that person must be
11 verified and the physical documentation of the verification
12 must be maintained by the department.

13 (4)(3) Except as provided in subsection (2), in all
14 ~~such~~ cases, upon filing ~~of~~ an application accompanied by a fee
15 of \$10 plus applicable service charges, the department shall
16 issue a replacement plate, sticker, or decal as the case may
17 be if it is satisfied that the information reported in the
18 application is true. The replacement fee shall be deposited
19 into the Highway Safety Operating Trust Fund.

20 (5)(4) Any license plate, sticker, or decal lost in
21 the mail ~~shall~~ may be replaced at no charge. ~~A Neither the~~
22 ~~service charge or nor the~~ replacement fee may not shall be
23 applied to ~~the this~~ replacement. However, the application for
24 a replacement must shall contain a statement that the license
25 plate, sticker, or decal was lost in the mail of such fact,
26 the audit number of the lost item, and the date issued.

27 (6)(5) Upon the issuance of an original license plate,
28 the applicant shall pay a fee of \$10 to be deposited in the
29 Highway Safety Operating Trust Fund.

30 (7)(6) All funds derived from the sale of temporary
31 tags under ~~the provisions of~~ s. 320.131 shall be deposited in

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1 the Highway Safety Operating Trust Fund.

2 Section 20. Section 320.0843, Florida Statutes, is
3 amended to read:

4 320.0843 License plates for persons with disabilities
5 eligible for permanent disabled parking permits.--

6 (1) An ~~Any~~ owner or lessee of a motor vehicle who
7 resides in this state and qualifies for a disabled parking
8 permit under s. 320.0848(2), upon application to the
9 department and payment of the license tax for a motor vehicle
10 registered under s. 320.08(2), (3)(a), (b), (c), or (e), (4)(a)
11 or (b), (6)(a), or (9)(c) or (d), shall be issued a license
12 plate as provided by s. 320.06 which, in lieu of the serial
13 number prescribed by s. 320.06, shall be stamped with the
14 international wheelchair user symbol after the serial number
15 of the license plate. The license plate entitles the person to
16 all privileges afforded by a parking permit issued under s.
17 320.0848. If more than one registrant is listed on the
18 registration issued under this section, the eligible applicant
19 for the license plate shall be noted on the registration
20 certificate.

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

23 Section 21. Paragraph (f) of subsection (2) of
24 section 320.0848, Florida Statutes, is amended to read:

25 320.0848 Persons who have disabilities; issuance of
26 disabled parking permits; temporary permits; permits for
27 certain providers of transportation services to persons who
28 have disabilities.--

29 (2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM
30 MOBILITY PROBLEMS.--

31 (f) To obtain a replacement for a disabled parking

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1 permit that has been lost or stolen, a person must submit an
2 application on a form prescribed by the department and must
3 pay a replacement fee in the amount of \$1.00, to be retained
4 by the issuing agency. If the person submits with the
5 application a police report documenting that the permit was
6 stolen, there is no replacement fee. The department shall
7 implement a system to verify that the application for a
8 disabled parking permit is signed by a person authorized to
9 receive a replacement or duplicate disabled parking permit if
10 the address on the application is different from the address
11 for the applicant on the records of the department. If the
12 replacement or duplicate disabled parking permit is being
13 delivered to someone other than the owner of record, proof of
14 identity for that person must be verified and the physical
15 documentation of the verification must be maintained by the
16 department.

17 Section 22. Subsection (4) of section 320.086,
18 Florida Statutes, is amended to read:

19 320.086 Ancient or antique motor vehicles; "horseless
20 carriage," antique, or historical license plates.--

21 (4) Any person who is the registered owner of a motor
22 vehicle as defined in this section that was ~~and~~ manufactured
23 in the model year 1975 ~~1974~~ or earlier, may apply to the
24 department for permission to use a historical Florida license
25 plate that clearly represents the model year of the vehicle as
26 a personalized prestige license plate. This plate shall be
27 furnished by the ~~such~~ person and shall be presented to the
28 department with a reasonable fee to be determined by the
29 department for approval and for authentication that the
30 historic license plate and any applicable decals were issued
31 by this state in the same year as the model year of the car or

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1 truck. The requirements of s. 320.0805(8)(b) do not apply to
2 historical plates authorized under this subsection.

3 Section 23. ~~ems>~~Section 322.025, Florida Statutes, is
4 amended to read:

5 322.025 Driver improvement.--

6 (1) The department may implement programs to improve
7 the driving ability of the drivers of this state. Such
8 programs may include, but are ~~shall~~ not ~~be~~ limited to, safety
9 awareness campaigns, driver training, and licensing
10 improvement. Motorcycle driver improvement programs
11 implemented under ~~pursuant to~~ this section or s. 322.0255
12 shall be funded by the motorcycle safety education fee
13 collected under ~~pursuant to~~ s. 320.08(1)(c), which shall be
14 deposited in the Highway Safety Operating Trust Fund of the
15 department and appropriated for that purpose.

16 (2) The department may offer once during a driver's
17 lifetime to each driver who receives a points-warning letter
18 under s. 322.27(3)(f) or a restriction letter under s. 322.161
19 the opportunity to attend, within 60 days after the date of
20 such letter, a basic driver improvement course approved by the
21 department. If the driver completes an approved course and
22 presents proof of completion to the department, the department
23 shall deduct three points from the citation that caused the
24 action from the driver's record and permanently record on the
25 driver's record that the one-time offer has been accepted and
26 used. This election is not available to any driver who has
27 attended a basic driver improvement course within the previous
28 12 months.

29 Section 24. Paragraph (a) of subsection (1) of
30 section 322.09, Florida Statutes, is amended to read:

31 322.09 Application of minors; responsibility for

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1 negligence or misconduct of minor.--

2 (1)(a) The application of any person under the age of
3 18 years for a driver's license must be signed and verified
4 before a person authorized to administer oaths by the father,
5 mother, or guardian, by a secondary guardian if the primary
6 guardian dies before the minor reaches 18 years of age, or, if
7 there is no parent or guardian, by another responsible adult
8 who is willing to assume the obligation imposed under this
9 chapter upon a person signing the application of a
10 minor. This section does not apply to a person under the age
11 of 18 years who is emancipated by marriage.

12 Section 25. Section 322.11, Florida Statutes, is
13 amended to read:

14 322.11 Revocation of license upon death of person
15 signing minor's application.--The department, upon receipt of
16 satisfactory evidence of the death of the person who signed
17 the application of a minor for a license, shall, 90 days after
18 giving written notice to the minor, cancel such license and
19 may ~~shall~~ not issue a new license until ~~such time as~~ the new
20 application, ~~duly~~ signed and verified, is made as required by
21 this chapter. This provision does ~~shall~~ not apply if in the
22 ~~event~~ the minor has attained the age of 18 years.

23 Section 26. Subsections (1) and paragraph (b) of
24 subsection (4) of section 322.12, Florida Statutes, are
25 amended to read:

26 322.12 Examination of applicants.--

27 (1) It is the intent of the Legislature that every
28 applicant for an original driver's license in this state be
29 required to pass an examination pursuant to this section.
30 However, the department may waive the knowledge, endorsement,
31 and skills tests for an applicant who is otherwise qualified

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1 and who surrenders a valid driver's license from another state
2 or a province of Canada, or a valid driver's license issued by
3 the United States Armed Forces, if the driver applies for a
4 Florida license of an equal or lesser classification. Any
5 applicant who fails to pass the initial knowledge test will
6 incur a \$5 fee for each subsequent test, to be deposited into
7 the Highway Safety Operating Trust Fund. Any applicant who
8 fails to pass the initial skills test will incur a \$10 fee for
9 each subsequent test, to be deposited into the Highway Safety
10 Operating Trust Fund. A person who seeks to retain a
11 hazardous-materials endorsement, pursuant to s. 322.57(1)(e)
12 ~~322.57(1)(d)~~, must pass the hazardous-materials test, upon
13 surrendering his or her commercial driver's license, if the
14 person has not taken and passed the hazardous-materials test
15 within 2 years preceding his or her application for a
16 commercial driver's license in this state.

17 (4) The examination for an applicant for a commercial
18 driver's license shall include a test of the applicant's
19 eyesight given by a driver's license examiner designated by
20 the department or by a licensed ophthalmologist, optometrist,
21 or physician and a test of the applicant's hearing given by a
22 driver's license examiner or a licensed physician. The
23 examination shall also include a test of the applicant's
24 ability to read and understand highway signs regulating,
25 warning, and directing traffic; his or her knowledge of the
26 traffic laws of this state pertaining to the class of motor
27 vehicle which he or she is applying to be licensed to operate,
28 including laws regulating driving under the influence of
29 alcohol or controlled substances, driving with an unlawful
30 blood-alcohol level, and driving while intoxicated; his or her
31 knowledge of the effects of alcohol and controlled substances

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1 and the dangers of driving a motor vehicle after having
2 consumed alcohol or controlled substances; and his or her
3 knowledge of any special skills, requirements, or precautions
4 necessary for the safe operation of the class of vehicle which
5 he or she is applying to be licensed to operate. In addition,
6 the examination shall include an actual demonstration of the
7 applicant's ability to exercise ordinary and reasonable
8 control in the safe operation of a motor vehicle or
9 combination of vehicles of the type covered by the license
10 classification which the applicant is seeking, including an
11 examination of the applicant's ability to perform an
12 inspection of his or her vehicle.

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

19 Section 27. Subsection (8) of section 322.121,
20 Florida Statutes, is amended to read:

21 322.121 Periodic reexamination of all drivers.--

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

29 Section 28. Subsection (11) of section 322.20,
30 Florida Statutes, is amended to read:

31 322.20 Records of the department; fees; destruction of

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1 records.--

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

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

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

12 3. For providing a certified copy of a transcript of
13 the driver history record or any portion thereof for any one
14 individual....\$3.10

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

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

18 6. For providing photocopies of documents, papers,
19 letters, clearances, or license or insurance status reports,
20 per page....\$0.50

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

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

29 (b) The department shall furnish the such information
30 without charge to any local, state, or federal law enforcement
31 agency or court upon proof satisfactory to the department as

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1 to the purpose of the investigation.

2 Section 29. Subsection (2) of section 322.22,
3 Florida Statutes, is amended to read:

4 322.22 Authority of department to cancel license,
5 identification card, vehicle or vessel registration, fuel-use
6 tax decal.--

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

11 Section 30. Paragraph (c) of subsection (2) of
12 section 322.292, Florida Statutes, is amended to read:

13 322.292 DUI programs supervision; powers and duties of
14 the department.--

15 (2) The department shall adopt rules to implement its
16 supervisory authority over DUI programs in accordance with the
17 procedures of chapter 120, including the establishment of
18 uniform standards of operation for DUI programs and the method
19 for setting and approving fees, as follows:

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

22 1. A uniform application fee not to exceed \$1,000 but
23 in an amount sufficient to cover the department's
24 administrative costs in processing and evaluating DUI program
25 license applications. The application fee shall not apply to
26 programs that apply for licensure to serve a county that does
27 not have a currently licensed DUI program or where the
28 currently licensed program has relinquished its license.

29 2. In considering an application for approval of a DUI
30 program, the department shall determine whether improvements
31 in service may be derived from the operation of the DUI

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1 program and the number of clients currently served in the
2 circuit. The department shall apply the following criteria:
3 a. The increased frequency of classes and availability
4 of locations of services offered by the applicant DUI program.
5 b. Services and fees offered by the applicant DUI
6 program and any existing DUI program.
7 c. The number of DUI clients currently served and
8 historical trends in the number of clients served in the
9 circuit.
10 d. The availability, accessibility, and service
11 history of any existing DUI program services.
12 e. The applicant DUI program's service history.
13 f. The availability of resources, including personnel,
14 demonstrated management capability, and capital and operating
15 expenditures of the applicant DUI program.
16 g. Improved services to minority and special needs
17 clients.
18 3. Authority for competing applicants and currently
19 licensed DUI programs serving the same geographic area to
20 request an administrative hearing under chapter 120 to contest
21 the department's determination of need for an additional
22 licensed DUI program in that area.
23 4. A requirement that the department revoke the
24 license of any DUI program that does not provide the services
25 specified in its application within 45 days after licensure
26 and notify the chief judge of that circuit of such revocation.
27 5. A requirement that all applicants for initial
28 licensure as a DUI program in a particular circuit on and
29 after the effective date of this act must, at a minimum,
30 satisfy each of the following criteria:

31 a. Maintain a primary business office in the circuit

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1 which is located in a permanent structure that is readily
2 accessible by public transportation, if public transportation
3 is available. The primary business office must be adequately
4 staffed and equipped to provide all DUI program support
5 services, including registration and a file for each person
6 who registers for the program.

7 b. Have a satellite office for registration of DUI
8 offenders in each county in the circuit which is located in a
9 permanent structure that is readily accessible by public
10 transportation, if public transportation is available. A
11 satellite office is not required in any county where the total
12 number of DUI convictions in the most recent calendar year is
13 less than 200. In a county where the total number of DUI
14 convictions in the most recent calendar year is less than 200
15 and no satellite office is located in a permanent structure in
16 that county, another program provider otherwise meeting the
17 eligibility requirements of this section, upon recommendation
18 of the chief judge of the judicial circuit of that county,
19 shall be approved by the department to serve the county, and
20 such provider shall not be required to have a satellite office
21 in each county in the circuit.

22 c. Have a classroom in each county in the circuit
23 which is located in a permanent structure that is readily
24 accessible by public transportation, if public transportation
25 is available. A classroom is not required in any county where
26 the total number of DUI convictions in the most recent
27 calendar year is less than 100. A classroom may not be located
28 within 250 feet of any business that sells alcoholic
29 beverages. However, a classroom shall not be required to be
30 relocated when a business selling alcoholic beverages locates
31 to within 250 feet of the classroom.

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

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

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

12 g. Have a volunteer board of directors and advisory
 13 committee made up of citizens who reside in the circuit in
 14 which licensure is sought.

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

18 Section 31. Paragraph (c) of subsection (2) of
 19 section 322.54, Florida Statutes, is amended to read:

20 322.54 Classification.--

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

24 (c) ~~Any person, except a person who possesses a valid~~
 25 ~~Class A or a valid Class B driver's license, who drives a~~
 26 ~~motor vehicle combination having a gross vehicle weight~~
 27 ~~rating, a declared weight, or an actual weight, whichever is~~
 28 ~~greatest, of 26,001 pounds or more must possess a valid Class~~
 29 ~~C driver's license. Any person, except a person who possesses~~
 30 a valid Class A or a valid Class B drivers license, who drives
 31 a motor vehicle ~~combination~~ having a gross vehicle weight

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1 rating, a declared weight, or an actual weight, whichever is
2 greatest, of less than 26,001 pounds and who is required to
3 obtain an endorsement pursuant to paragraph (1)(a), paragraph
4 (1)(b), ~~paragraph (1)(c)~~, paragraph (1)(d), ~~or~~ paragraph
5 (1)(e), or paragraph (1)(f) of s. 322.57, must possess a
6 valid Class C driver's license ~~that is clearly restricted to~~
7 ~~the operation of a motor vehicle or motor vehicle combination~~
8 ~~of less than 26,001 pounds~~. Any person who possesses a valid
9 Class C driver's license may, subject to the appropriate
10 restrictions and endorsements, drive any class of motor
11 vehicle, other than the type of motor vehicle for which a
12 Class A or a Class B driver's license is required, within this
13 state.

14 Section 32. Section 327.375, Florida Statutes, is
15 created to read:

16 327.375 Commercial parasailing.--

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

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

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

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

25 (2) The commission shall regulate the use of
26 commercial parasailing by requiring, at a minimum, the
27 licensing of persons engaged in commercial parasailing and by
28 requiring minimum liability insurance necessary for commercial
29 parasailing. In order to recover the associated costs of
30 regulating commercial parasailing, the commission may impose
31 an annual licensing fee to be established by rule not to

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1 exceed \$100 and a \$10 registration fee for each county in
2 which the commercial parasailing enterprise intends to provide
3 service. The commission may establish the requirements for
4 minimum liability insurance and maximum deductible amounts for
5 that insurance by rule. The commission has authority to adopt
6 rules pursuant to ss. 120.536(1) and 120.54 to implement the
7 provisions of this section.

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

10 (a) Vessels engaged in commercial parasailing
11 operations must be designed and equipped for towing a person
12 while parasailing and must be equipped with a rear launch
13 platform and powered winch used to release and retrieve the
14 tow line.

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

18 (c) All commercial parasailing operations shall
19 include an observer 18 years of age or older who is present in
20 the vessel at all times to monitor the progress of any
21 airborne parasail rider and parachute.

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

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

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

- 3 1. Anchored vessel;
4 2. Person in the water;
5 3. Shore or seawall; or
6 4. Structure, bridge, powerline, wharf, pier, dock,
7 buoy, platform, piling, channel marker, or other similar
8 object.

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

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

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

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

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

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

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

25 (4) A person who violates this section commits a
26 misdemeanor of the second degree, punishable as provided in s.
27 775.082 or s. 775.083.

28 Section 33. Subsection (2) of section 328.11,
29 Florida Statutes, is amended to read:

30 328.11 Certificates ~~Duplicate certificate~~ of title;
31 expedited service; duplicate certificates.--

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

10 Section 34. Except as otherwise expressly provided in
11 this act, this act shall take effect October 1, 2004.

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14 ===== T I T L E A M E N D M E N T =====

15 And the title is amended as follows:

16 On page 1, lines 2-12, delete those lines

17
18 and insert:

19 An act relating vehicles and vessels; amending
20 s. 341.8203, F.S.; redefining the terms
21 "authority" and "high-speed rail system";
22 amending s. 341.840, F.S.; revising the tax
23 exemption of the authority and its agents and
24 contractors; providing for annual
25 redetermination of eligibility for exemption;
26 providing for recapture of taxes when an
27 exemption is used inappropriately; providing
28 for rules; amending s. 316.085, F.S.;
29 prohibiting driving outside authorized lanes or
30 within pavement markings or traffic control
31 devices for certain purposes except under

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1 certain circumstances; prohibiting a motor
2 vehicle from entering a vehicular queue in
3 front of the last vehicle; defining "queue";
4 amending s. 316.605, F.S.; revising provisions
5 for display of license plates; amending s.
6 316.613, F.S.; deleting provisions that
7 authorize the Department of Highway Safety and
8 Motor Vehicles to expend funds for certain
9 purposes; creating s. 316.6131, F.S.; providing
10 for the department to authorize the expenditure
11 of funds for certain purposes; amending ss.
12 317.0001, 317.0003, 317.0004, 317.0005,
13 317.0006, 317.0012, and 317.0013, F.S.;
14 revising references to incorporate changes made
15 by the act; amending s. 317.0010, F.S.;
16 revising requirements for deposit of certain
17 funds; amending s. 319.29, F.S.; requiring the
18 department to verify the identity of certain
19 persons receiving title certificates and to
20 maintain documentation of the verification;
21 amending s. 320.01, F.S.; revising the
22 definitions of "apportionable vehicle" and
23 "commercial motor vehicle"; amending s. 320.05,
24 F.S.; removing fees for electronic access to
25 certain motor vehicle and vessel information;
26 amending s. 320.06, F.S.; correcting a cross
27 reference; amending s. 320.0607, F.S.;
28 requiring the department to verify the
29 registration and to maintain documentation of
30 the verification; amending s. 320.0843, F.S.;
31 requiring that the applicant eligible for a

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1 disabled parking plate be noted on the
2 registration certificate; amending s. 320.0848,
3 F.S.; requiring the department to verify the
4 identity of certain persons receiving a
5 replacement or duplicate disabled parking
6 permit and to maintain documentation of the
7 verification; amending s. 320.086, F.S.;
8 revising provisions relating to historical
9 license plates; amending s. 322.025, F.S.;
10 authorizing the department to offer an
11 opportunity to attend a basic driver
12 improvement course for drivers who meet certain
13 criteria; requiring the department to deduct
14 points from the driver's record upon completion
15 of the course; limiting availability of the
16 opportunity; amending s. 322.09, F.S.;
17 requiring the signature of a secondary guardian
18 on a driver's license application of a minor
19 under certain circumstances; amending s.
20 322.11, F.S.; providing for notice to a minor
21 before canceling the minor's license due to the
22 death of the person who signed the driver's
23 license application; amending s. 322.12,
24 322.121, and 322.54, F.S.; conforming
25 references to changes made by the act; amending
26 s. 322.20, F.S.; authorizing the department to
27 charge fees for electronic access to certain
28 driver license information; requiring that
29 certain information be available free of charge
30 on the department's Internet website; amending
31 s. 322.22, F.S.; requiring surrender of any

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1 identification card, vehicle or vessel
2 registration, or fuel-use tax decal under
3 certain circumstances; amending s. 322.292,
4 F.S.; revising requirements for initial
5 licensure as a DUI program; creating s.
6 327.375, F.S.; providing regulations for
7 commercial parasailing; defining "commercial
8 parasailing"; providing for regulation by the
9 Fish and Wildlife Conservation Commission;
10 requiring licensing and liability insurance;
11 providing for rules establishing minimum
12 liability and maximum deductible amounts;
13 authorizing the commission to adopt rules;
14 providing commercial parasailing operation
15 requirements; providing penalties; amending s.
16 328.11, F.S.; providing for expedited service
17 issuing certificates of title for vessels;
18 providing a fee; providing an effective date.

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