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1 sound-making devices in motor vehicles;
2 amending s. 318.1215, F.S.; clarifying that
3 funds from the Dori Slosberg Driver Education
4 Safety Act be used for driver education
5 programs in schools; requiring that funds be
6 used for enhancement of a driver education
7 program; providing a requirement for
8 behind-the-wheel training; amending s. 319.30,
9 F.S.; revising provisions relating to the
10 applicability of certificate of destruction
11 requirements for certain damaged vehicles;
12 amending s. 320.02, F.S.; authorizing the
13 withholding of motor vehicle registrations or
14 re-registrations in certain situations;
15 requiring motor vehicle dealers to maintain
16 certain information; allowing owners and
17 co-owners to dispute a dealer's claims of money
18 owed; amending s. 320.27, F.S.; providing for
19 motor vehicle dealer license discipline for the
20 failure to maintain evidence of notification to
21 the owner or co-owner of a vehicle regarding
22 registration and titling fees owed; revising
23 authorized uses of revenues from the United We
24 Stand specialty license plate; amending s.
25 320.08058, F.S.; revising requirements for
26 agencies that receive funds from the Choose
27 Life license plate; revising authorized uses of
28 revenues from the Animal Friend specialty
29 license plate; amending s. 320.089, F.S.;
30 allowing retired members of the U.S. Armed
31 Forces Reserve to be issued U.S. Reserve

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1 license plates; amending s. 322.08, F.S.;

2 revising the use of funds collected from a

3 voluntary contribution associated with driver's

4 license renewals to be used for the purposes

5 designated by the Hearing Research Institute,

6 Inc.; amending s. 322.2615, F.S.; providing

7 that the disposition of a related criminal

8 proceeding may not affect a suspension of a

9 driver's license for refusal to submit to

10 blood, breath, or urine testing; directing the

11 Department of Highway Safety and Motor Vehicles

12 to invalidate a suspension for driving with an

13 unlawful blood-alcohol level or breath-alcohol

14 level if the suspended person is found not

15 guilty at trial of the underlying violation of

16 law; creating the Manufactured Housing

17 Regulatory Study Commission; providing for

18 membership; providing duties; requiring the

19 commission to file a report with the Governor

20 and the Legislature; amending s. 322.27, F.S.;

21 correcting a cross-reference relating to points

22 assigned for littering violations; amending s.

23 322.61, F.S.; specifying additional violations

24 that disqualify a person from operating a

25 commercial motor vehicle; providing penalties;

26 providing an exception to the requirement that

27 a commercial driver's license be in possession

28 of the commercial driver; removing requirements

29 for a Class D driver's license; amending s.

30 321.24, F.S.; providing that certain medical

31 professionals who volunteer for Florida Highway

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1 Patrol service are considered employees of the
2 state for sovereign immunity purposes;
3 providing an effective date.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

7 Section 1. Section 61.13016, Florida Statutes, is
8 amended to read:

9 61.13016 Suspension of driver's licenses and motor
10 vehicle registrations.--

11 (1) The driver's license and motor vehicle
12 registration of a support obligor who is delinquent in payment
13 or who has failed to comply with subpoenas or a similar order
14 to appear or show cause relating to paternity or support
15 proceedings may be suspended. When an obligor is 15 days
16 delinquent making a payment in support or failure to comply
17 with a subpoena, order to appear, order to show cause, or
18 similar order in IV-D cases, the Title IV-D agency may provide
19 notice to the obligor of the delinquency or failure to comply
20 with a subpoena, order to appear, order to show cause, or
21 similar order and the intent to suspend by regular United
22 States mail that is posted to the obligor's last address of
23 record with the Department of Highway Safety and Motor
24 Vehicles. When an obligor is 15 days delinquent in making a
25 payment in support in non-IV-D cases, and upon the request of
26 the obligee, the depository or the clerk of the court must
27 provide notice to the obligor of the delinquency and the
28 intent to suspend by regular United States mail that is posted
29 to the obligor's last address of record with the Department of
30 Highway Safety and Motor Vehicles. In either case, the notice
31 must state:

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- 1 (a) The terms of the order creating the support
 2 obligation;
- 3 (b) The period of the delinquency and the total amount
 4 of the delinquency as of the date of the notice or describe
 5 the subpoena, order to appear, order to show cause, or other
 6 similar order which has not been complied with;
- 7 (c) That notification will be given to the Department
 8 of Highway Safety and Motor Vehicles to suspend the obligor's
 9 driver's license and motor vehicle registration unless, within
 10 20 days after the date the notice is mailed, the obligor:
- 11 1.a. Pays the delinquency in full and any other costs
 12 and fees accrued between the date of the notice and the date
 13 the delinquency is paid;
- 14 b. Enters into a written agreement for payment with
 15 the obligee in non-IV-D cases or with the Title IV-D agency in
 16 IV-D cases; or in IV-D cases, complies with a subpoena or
 17 order to appear, order to show cause, or a similar order; or
- 18 c. Files a petition with the circuit court to contest
 19 the delinquency action; and
- 20 2. Pays any applicable delinquency fees.

21
 22 If the obligor in non-IV-D cases enters into a written
 23 agreement for payment before the expiration of the 20-day
 24 period, the obligor must provide a copy of the signed written
 25 agreement to the depository or the clerk of the court.

26 (2) The suspension of the driver's license of an
 27 obligor pursuant to this section may be set aside for good
 28 cause if a petition is filed by the obligor in the circuit
 29 court within 20 days after the mailing date of the notice. For
 30 purposes of this subsection, "good cause" means proof to the
 31 court that the failure to pay any delinquency is due to either

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1 inability to pay because a medical condition exists that
2 prevents the obligor from being employed or to extended
3 unemployment that is beyond the obligor's control. The obligor
4 must serve a copy of the petition on the Title IV-D agency in
5 IV-D cases or on the depository or clerk of the court in
6 non-IV-D cases. When an obligor timely files a petition to set
7 aside a suspension, the court must hear the matter within 15
8 days after the petition is filed. The court must enter an
9 order resolving the matter within 10 days after the hearing,
10 and a copy of the order must be served on the parties. The
11 timely filing of a petition under this subsection stays the
12 intent to suspend until the entry of a court order resolving
13 the matter.

14 ~~(3)(2)~~ If the obligor does not, within 20 days after
15 the mailing date on the notice, pay the delinquency, enter
16 into a payment agreement, comply with the subpoena, order to
17 appear, order to show cause, or other similar order, or file a
18 motion to contest, the Title IV-D agency in IV-D cases, or the
19 depository or clerk of the court in non-IV-D cases, shall file
20 the notice with the Department of Highway Safety and Motor
21 Vehicles and request the suspension of the obligor's driver's
22 license and motor vehicle registration in accordance with s.
23 322.058.

24 ~~(4)(3)~~ The obligor may, within 20 days after the
25 mailing date on the notice of delinquency or noncompliance and
26 intent to suspend, file in the circuit court a petition to
27 contest the notice of delinquency or noncompliance and intent
28 to suspend on the ground of mistake of fact regarding the
29 existence of a delinquency or the identity of the obligor.
30 The obligor must serve a copy of the petition on the Title
31 IV-D agency in IV-D cases or depository or clerk of the court

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1 | in non-IV-D cases. When an obligor timely files a petition to
 2 | contest, the court must hear the matter within 15 days after
 3 | the petition is filed. The court must enter an order
 4 | resolving the matter within 10 days after the hearing, and a
 5 | copy of the order must be served on the parties. The timely
 6 | filing of a petition to contest stays the notice of
 7 | delinquency and intent to suspend until the entry of a court
 8 | order resolving the matter.

9 | Section 2. Subsection (2) of section 316.006, Florida
 10 | Statutes, is amended to read:

11 | 316.006 Jurisdiction.--Jurisdiction to control traffic
 12 | is vested as follows:

13 | (2) MUNICIPALITIES.--

14 | (a) Chartered municipalities shall have original
 15 | jurisdiction over all streets and highways located within
 16 | their boundaries, except state roads, and may place and
 17 | maintain such traffic control devices which conform to the
 18 | manual and specifications of the Department of Transportation
 19 | upon all streets and highways under their original
 20 | jurisdiction as they shall deem necessary to indicate and to
 21 | carry out the provisions of this chapter or to regulate, warn,
 22 | or guide traffic.

23 | (b) A municipality may exercise jurisdiction over any
 24 | private road or roads, or over any limited access road or
 25 | roads owned or controlled by a special district, located
 26 | within its boundaries if the municipality and party or parties
 27 | owning or controlling such road or roads provide, by written
 28 | agreement approved by the governing body of the municipality,
 29 | for municipal traffic control jurisdiction over the road or
 30 | roads encompassed by such agreement. Pursuant thereto:
 31 |

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1 1. Provision for reimbursement for actual costs of
2 traffic control and enforcement and for liability insurance
3 and indemnification by the party or parties, and such other
4 terms as are mutually agreeable, may be included in such an
5 agreement.

6 2. The exercise of jurisdiction provided for herein
7 shall be in addition to jurisdictional authority presently
8 exercised by municipalities under law, and nothing in this
9 paragraph shall be construed to limit or remove any such
10 jurisdictional authority. Such jurisdiction includes
11 regulation of access to such road or roads by security devices
12 or personnel.

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

22 (c) Notwithstanding any other provisions of law to the
23 contrary, a municipality may, by interlocal agreement with a
24 county, agree to transfer traffic regulatory authority over
25 areas within the municipality to the county.

26
27 This subsection shall not limit those counties which have the
28 charter powers to provide and regulate arterial, toll, and
29 other roads, bridges, tunnels, and related facilities from the
30 proper exercise of those powers by the placement and
31 maintenance of traffic control devices which conform to the

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1 manual and specifications of the Department of Transportation
2 on streets and highways located within municipal boundaries.

3 Section 3. Section 316.083, Florida Statutes, is
4 amended to read:

5 316.083 Overtaking and passing a vehicle.--The
6 following rules shall govern the overtaking and passing of
7 vehicles proceeding in the same direction, subject to those
8 limitations, exceptions, and special rules hereinafter stated:

9 (1) The driver of a vehicle overtaking another vehicle
10 proceeding in the same direction shall give an appropriate
11 signal as provided for in s. 316.156, shall pass to the left
12 thereof at a safe distance, and shall not again drive to the
13 right side of the roadway until safely clear of the overtaken
14 vehicle.

15 (2) Except when overtaking and passing on the right is
16 permitted, the driver of an overtaken vehicle shall give way
17 to the right in favor of the overtaking vehicle, on audible
18 signal or upon the visible blinking of the headlamps of the
19 overtaking vehicle if such overtaking is being attempted at
20 nighttime, and shall not increase the speed of his or her
21 vehicle until completely passed by the overtaking vehicle.

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

25 Section 4. Section 316.155, Florida Statutes, is
26 amended to read:

27 316.155 When signal required.--

28 (1) No person may turn a vehicle from a direct course
29 or move right or left upon a highway unless and until such
30 movement can be made with reasonable safety, and then only
31 after giving an appropriate signal in the manner hereinafter

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1 provided, in the event any other vehicle may be affected by
2 the movement.

3 (2) A signal of intention to turn right or left must
4 be given continuously during not less than the last 100 feet
5 traveled by the vehicle before turning, except that such a
6 signal by hand or arm need not be given continuously by a
7 bicyclist if the hand is needed in the control or operation of
8 the bicycle.

9 (3) No person may stop or suddenly decrease the speed
10 of a vehicle without first giving an appropriate signal in the
11 manner provided herein to the driver of any vehicle
12 immediately to the rear, when there is opportunity to give
13 such signal.

14 (4) The signals provided for in s. 316.156 shall be
15 used to indicate an intention to turn, to overtake, or to pass
16 a vehicle and may not, except as provided in s. 316.2397, be
17 flashed on one side only on a parked or disabled vehicle or
18 flashed as a courtesy or "do pass" signal to operators of
19 other vehicles approaching from the rear.

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

23 Section 5. Section 316.2095, Florida Statutes, is
24 amended to read:

25 316.2095 Footrests, handholds, and handlebars.--

26 (1) Any motorcycle carrying a passenger, other than in
27 a sidecar or enclosed cab, shall be equipped with footrests
28 and handholds for such passenger.

29 (2) No person shall operate any motorcycle with
30 handlebars or with handgrips that are higher than the top of
31 the shoulders of the person operating the motorcycle while

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1 ~~properly seated upon the motorcycle more than 15 inches in~~
2 ~~height above that portion of the seat occupied by the~~
3 ~~operator.~~

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

7 Section 6. Section 316.212, Florida Statutes, is
8 amended to read:

9 316.212 Operation of golf carts on certain
10 roadways.--The operation of a golf cart upon the public roads
11 or streets of this state is prohibited except as provided
12 herein:

13 (1) A golf cart may be operated only upon a county
14 road that has been designated by a county, or a municipal ~~city~~
15 street that has been designated by a municipality ~~city~~, for
16 use by golf carts. Prior to making such a designation, the
17 responsible local governmental entity must first determine
18 that golf carts may safely travel on or cross the public road
19 or street, considering factors including the speed, volume,
20 and character of motor vehicle traffic using the road or
21 street. Upon a determination that golf carts may be safely
22 operated on a designated road or street, the responsible
23 governmental entity shall post appropriate signs to indicate
24 that such operation is allowed.

25 (2) A golf cart may be operated on a part of the State
26 Highway System only under the following conditions:

27 (a) To cross a portion of the State Highway System
28 which intersects a county road or municipal ~~city~~ street that
29 has been designated for use by golf carts if the Department of
30 Transportation has reviewed and approved the location and
31

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1 design of the crossing and any traffic control devices needed
2 for safety purposes.

3 (b) To cross, at midblock, a part of the State Highway
4 System where a golf course is constructed on both sides of the
5 highway if the Department of Transportation has reviewed and
6 approved the location and design of the crossing and any
7 traffic control devices needed for safety purposes.

8 (c) A golf cart may be operated on a state road that
9 has been designated for transfer to a local government unit
10 pursuant to s. 335.0415 if the Department of Transportation
11 determines that the operation of a golf cart within the
12 right-of-way of the road will not impede the safe and
13 efficient flow of motor vehicular traffic. The department may
14 authorize the operation of golf carts on such a road if:

15 1. The road is the only available public road along
16 which golf carts may travel or cross or the road provides the
17 safest travel route among alternative routes available; and

18 2. The speed, volume, and character of motor vehicular
19 traffic using the road is considered in making such a
20 determination.

21
22 Upon its determination that golf carts may be operated on a
23 given road, the department shall post appropriate signs on the
24 road to indicate that such operation is allowed.

25 (3) Any other provision of this section to the
26 contrary notwithstanding, a golf cart may be operated for the
27 purpose of crossing a street or highway where a single mobile
28 home park is located on both sides of the street or highway
29 and is divided by that street or highway, provided that the
30 governmental entity having original jurisdiction over such
31 street or highway shall review and approve the location of the

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1 crossing and require implementation of any traffic controls
2 needed for safety purposes. This subsection shall apply only
3 to residents or guests of the mobile home park. Any other
4 provision of law to the contrary notwithstanding, if notice is
5 posted at the entrance and exit to any mobile home park that
6 residents of the park utilize golf carts or electric vehicles
7 within the confines of the park it shall not be necessary that
8 the park have a gate or other device at the entrance and exit
9 in order for such golf carts or electric vehicles to be
10 lawfully operated in the park.

11 (4) A golf cart may be operated only during the hours
12 between sunrise and sunset, unless the responsible
13 governmental entity has determined that a golf cart may be
14 operated during the hours between sunset and sunrise and the
15 golf cart is equipped with headlights, brake lights, turn
16 signals, and a windshield.

17 (5) A golf cart must be equipped with efficient
18 brakes, reliable steering apparatus, safe tires, a rearview
19 mirror, and red reflectorized warning devices in both the
20 front and rear.

21 (6) A golf cart may not be operated on public roads or
22 streets by any person under the age of 14.

23 (7) A local governmental entity may enact an ordinance
24 regarding golf cart operation and equipment which is more
25 restrictive than those enumerated in this section. Upon
26 enactment of any such ordinance, the local governmental entity
27 shall post appropriate signs or otherwise inform the residents
28 that such an ordinance exists and that it shall be enforced
29 within the local government's jurisdictional territory.

30 ~~(8)(7)~~ A violation of this section is a noncriminal
31 traffic infraction, punishable pursuant to chapter 318 as

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1 ~~either~~ a moving violation for infractions of subsection (1),
2 subsection (2), subsection (3), ~~or~~ subsection (4), or a local
3 ordinance corresponding thereto and enacted pursuant to
4 subsection (7), or punishable pursuant to chapter 318 as a
5 nonmoving violation for infractions of subsection ~~subsections~~
6 (5), subsection and (6), or a local ordinance corresponding
7 thereto and enacted pursuant to subsection (7).

8 Section 7. Section 316.2126, Florida Statutes, is
9 amended to read:

10 316.2126 Use of golf carts and utility vehicles by
11 municipalities.--In addition to the powers granted by ss.
12 316.212 and 316.2125, municipalities are hereby authorized to
13 utilize golf carts and utility vehicles, as defined in s.
14 320.01, upon any state, county, or municipal roads located
15 within the corporate limits of such municipalities, subject to
16 the following conditions:

17 (1) Golf carts and utility vehicles must comply with
18 the operational and safety requirements in ss. 316.212 and
19 316.2125, and with any more restrictive ordinances enacted by
20 the local governmental entity pursuant to s. 316.212(7), and
21 shall only be operated by municipal employees for municipal
22 purposes, including, but not limited to, police patrol,
23 traffic enforcement, and inspection of public facilities.

24 (2) In addition to the safety equipment required in s.
25 316.212(5) and any more restrictive safety equipment required
26 by the local governmental entity pursuant to s. 316.212(7),
27 such golf carts and utility vehicles must be equipped with
28 sufficient lighting and turn signal equipment.

29 (3) Golf carts and utility vehicles may only be
30 operated on state roads that have a posted speed limit of 30
31 miles per hour or less.

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1 (4) A municipal employee operating a golf cart or
 2 utility vehicle pursuant to this section must possess a valid
 3 driver's license as required by s. 322.03.

4 Section 8. Subsection (11) is added to section
 5 316.302, Florida Statutes, to read:

6 316.302 Commercial motor vehicles; safety regulations;
 7 transporters and shippers of hazardous materials;
 8 enforcement.--

9 (11) In addition to any other penalty provided in this
 10 section, a person who operates a commercial motor vehicle that
 11 bears an identification number required by this section which
 12 is false, fraudulent, or displayed without the consent of the
 13 person to whom it is assigned commits a misdemeanor of the
 14 first degree, punishable as provided in s. 775.082 or s.
 15 775.083.

16 Section 9. Section 316.3045, Florida Statutes, is
 17 amended to read:

18 316.3045 Operation of radios or other mechanical
 19 soundmaking devices or instruments in vehicles; exemptions.--

20 (1) It is unlawful for any person operating or
 21 occupying a motor vehicle on a street or highway to operate or
 22 amplify the sound produced by a radio, tape player, or other
 23 mechanical soundmaking device or instrument from within the
 24 motor vehicle so that the sound is:

25 (a) Plainly audible at a distance of 25 ~~100~~ feet or
 26 more from the motor vehicle; or

27 (b) Louder than necessary for the convenient hearing
 28 by persons inside the vehicle in areas adjoining churches,
 29 schools, or hospitals.

30 (2) The provisions of this section shall not apply to
 31 any law enforcement motor vehicle equipped with any

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1 communication device necessary in the performance of law
2 enforcement duties or to any emergency vehicle equipped with
3 any communication device necessary in the performance of any
4 emergency procedures.

5 (3) The provisions of this section do not apply to
6 motor vehicles used for business or political purposes, which
7 in the normal course of conducting such business use
8 soundmaking devices. The provisions of this subsection shall
9 not be deemed to prevent local authorities, with respect to
10 streets and highways under their jurisdiction and within the
11 reasonable exercise of the police power, from regulating the
12 time and manner in which such business may be operated.

13 (4) The provisions of this section do not apply to the
14 noise made by a horn or other warning device required or
15 permitted by s. 316.271. The Department of Highway Safety and
16 Motor Vehicles shall promulgate rules defining "plainly
17 audible" and establish standards regarding how sound should be
18 measured by law enforcement personnel who enforce the
19 provisions of this section.

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

23 Section 10. Section 318.1215, Florida Statutes, is
24 amended to read:

25 318.1215 Dori Slosberg Driver Education Safety
26 Act.--Effective October 1, 2002, notwithstanding the
27 provisions of s. 318.121, a board of county commissioners may
28 require, by ordinance, that the clerk of the court collect an
29 additional \$3 with each civil traffic penalty, which shall be
30 used to fund driver ~~traffic~~ education programs in public and
31 nonpublic schools. The ordinance shall provide for the board

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1 of county commissioners to administer the funds, which shall
 2 be used for enhancement, and not replacement, of driver
 3 education program funds. The funds shall be used for direct
 4 educational expenses and shall not be used for administration.
 5 Each driver education program receiving funds pursuant to this
 6 section shall require that a minimum of 30 percent of a
 7 student's time in the program be behind-the-wheel training.

8 This section may be cited as the "Dori Slosberg Driver
 9 Education Safety Act."

10 Section 11. Paragraph (b) of subsection (3) of section
 11 319.30, Florida Statutes, is amended to read:

12 319.30 Definitions; dismantling, destruction, change
 13 of identity of motor vehicle or mobile home; salvage.--

14 (3)

15 (b) The owner, including persons who are self-insured,
 16 of any motor vehicle or mobile home which is considered to be
 17 salvage shall, within 72 hours after the motor vehicle or
 18 mobile home becomes salvage, forward the title to the motor
 19 vehicle or mobile home to the department for processing.

20 However, an insurance company which pays money as compensation
 21 for total loss of a motor vehicle or mobile home shall obtain
 22 the certificate of title for the motor vehicle or mobile home
 23 and, within 72 hours after receiving such certificate of
 24 title, shall forward such title to the department for
 25 processing. The owner or insurance company, as the case may
 26 be, may not dispose of a vehicle or mobile home that is a
 27 total loss before it has obtained a salvage certificate of
 28 title or certificate of destruction from the department. When
 29 applying for a salvage certificate of title or certificate of
 30 destruction, the owner or insurance company must provide the
 31 department with an estimate of the costs of repairing the

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1 physical and mechanical damage suffered by the vehicle for
2 which a salvage certificate of title or certificate of
3 destruction is sought. If the estimated costs of repairing the
4 physical and mechanical damage to the vehicle are equal to 80
5 percent or more of the current retail cost of the vehicle, as
6 established in any official used car or used mobile home
7 guide, the department shall declare the vehicle unrebuildable
8 and print a certificate of destruction, which authorizes the
9 dismantling or destruction of the motor vehicle or mobile home
10 described therein. However, if the damaged motor vehicle is
11 equipped with custom-lowered floors for wheelchair access or a
12 wheelchair lift, the insurance company may, upon determining
13 that the vehicle is repairable to a condition that is safe for
14 operation on public roads, submit the certificate of title to
15 the department for reissuance as a salvage rebuildable title
16 and the addition of a title brand of "insurance-declared total
17 loss." This certificate of destruction shall be reassignable a
18 maximum of two times before dismantling or destruction of the
19 vehicle shall be required, and shall accompany the motor
20 vehicle or mobile home for which it is issued, when such motor
21 vehicle or mobile home is sold for such purposes, in lieu of a
22 certificate of title, and, thereafter, the department shall
23 refuse issuance of any certificate of title for that vehicle.
24 Nothing in this subsection shall be applicable when a vehicle
25 is worth less than \$1,500 retail in undamaged condition in any
26 official used motor vehicle guide or used mobile home guide or
27 when a stolen motor vehicle or mobile home is recovered in
28 substantially intact condition and is readily resalable
29 without extensive repairs to or replacement of the frame or
30 engine. Any person who willfully and deliberately violates
31 this paragraph or falsifies any document to avoid the

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1 requirements of this paragraph commits a misdemeanor of the
2 first degree, punishable as provided in s. 775.082 or s.
3 775.083.

4 Section 12. Subsection (19) is added to section
5 320.02, Florida Statutes, to read:

6 320.02 Registration required; application for
7 registration; forms.--

8 (19) The department is authorized to withhold
9 registration or re-registration of a motor vehicle if the name
10 of the owner or of a co-owner appears on a list submitted to
11 the department by a licensed motor vehicle dealer for a
12 previous registration of that vehicle. The motor vehicle
13 dealer must maintain signed evidence that the owner or
14 co-owner acknowledged the dealer's authority to submit the
15 list to the department if he or she failed to pay and must
16 note the amount for which the owner or co-owner would be
17 responsible for the vehicle registration. The dealer must
18 maintain the necessary documentation required in this
19 subsection or face penalties as provided in s. 320.27. This
20 subsection does not affect the issuance of a title to a motor
21 vehicle.

22 (a) The motor vehicle owner or co-owner may dispute
23 the claim that money is owed to a dealer for registration fees
24 by submitting a form to the department if the motor vehicle
25 owner or co-owner has documentary proof that the registration
26 fees have been paid to the dealer for the disputed amount.
27 Without clear evidence of the amounts owed for the vehicle
28 registration and repayment, the department will assume initial
29 payments are applied to government-assessed fees first.

30 (b) If the registered owner's dispute complies with
31 paragraph (a), the department shall immediately remove the

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1 motor vehicle owner or co-owner's name from the list, thereby
2 allowing the issuance of a license plate or revalidation
3 sticker.

4 Section 13. Paragraph (b) of subsection (9) of section
5 320.27, Florida Statutes, is amended to read:

6 320.27 Motor vehicle dealers.--

7 (9) DENIAL, SUSPENSION, OR REVOCATION.--

8 (b) The department may deny, suspend, or revoke any
9 license issued hereunder or under the provisions of s. 320.77
10 or s. 320.771 upon proof that a licensee has committed, with
11 sufficient frequency so as to establish a pattern of
12 wrongdoing on the part of a licensee, violations of one or
13 more of the following activities:

14 1. Representation that a demonstrator is a new motor
15 vehicle, or the attempt to sell or the sale of a demonstrator
16 as a new motor vehicle without written notice to the purchaser
17 that the vehicle is a demonstrator. For the purposes of this
18 section, a "demonstrator," a "new motor vehicle," and a "used
19 motor vehicle" shall be defined as under s. 320.60.

20 2. Unjustifiable refusal to comply with a licensee's
21 responsibility under the terms of the new motor vehicle
22 warranty issued by its respective manufacturer, distributor,
23 or importer. However, if such refusal is at the direction of
24 the manufacturer, distributor, or importer, such refusal shall
25 not be a ground under this section.

26 3. Misrepresentation or false, deceptive, or
27 misleading statements with regard to the sale or financing of
28 motor vehicles which any motor vehicle dealer has, or causes
29 to have, advertised, printed, displayed, published,
30 distributed, broadcast, televised, or made in any manner with
31 regard to the sale or financing of motor vehicles.

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- 1 4. Failure by any motor vehicle dealer to provide a
2 customer or purchaser with an odometer disclosure statement
3 and a copy of any bona fide written, executed sales contract
4 or agreement of purchase connected with the purchase of the
5 motor vehicle purchased by the customer or purchaser.
- 6 5. Failure of any motor vehicle dealer to comply with
7 the terms of any bona fide written, executed agreement,
8 pursuant to the sale of a motor vehicle.
- 9 6. Failure to apply for transfer of a title as
10 prescribed in s. 319.23(6).
- 11 7. Use of the dealer license identification number by
12 any person other than the licensed dealer or his or her
13 designee.
- 14 8. Failure to continually meet the requirements of the
15 licensure law.
- 16 9. Representation to a customer or any advertisement
17 to the public representing or suggesting that a motor vehicle
18 is a new motor vehicle if such vehicle lawfully cannot be
19 titled in the name of the customer or other member of the
20 public by the seller using a manufacturer's statement of
21 origin as permitted in s. 319.23(1).
- 22 10. Requirement by any motor vehicle dealer that a
23 customer or purchaser accept equipment on his or her motor
24 vehicle which was not ordered by the customer or purchaser.
- 25 11. Requirement by any motor vehicle dealer that any
26 customer or purchaser finance a motor vehicle with a specific
27 financial institution or company.
- 28 12. Requirement by any motor vehicle dealer that the
29 purchaser of a motor vehicle contract with the dealer for
30 physical damage insurance.
- 31

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- 1 13. Perpetration of a fraud upon any person as a
 2 result of dealing in motor vehicles, including, without
 3 limitation, the misrepresentation to any person by the
 4 licensee of the licensee's relationship to any manufacturer,
 5 importer, or distributor.
- 6 14. Violation of any of the provisions of s. 319.35 by
 7 any motor vehicle dealer.
- 8 15. Sale by a motor vehicle dealer of a vehicle
 9 offered in trade by a customer prior to consummation of the
 10 sale, exchange, or transfer of a newly acquired vehicle to the
 11 customer, unless the customer provides written authorization
 12 for the sale of the trade-in vehicle prior to delivery of the
 13 newly acquired vehicle.
- 14 16. Willful failure to comply with any administrative
 15 rule adopted by the department.
- 16 17. Violation of chapter 319, this chapter, or ss.
 17 559.901-559.9221, which has to do with dealing in or repairing
 18 motor vehicles or mobile homes. Additionally, in the case of
 19 used motor vehicles, the willful violation of the federal law
 20 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining
 21 to the consumer sales window form.
- 22 18. Failure to maintain evidence of notification to
 23 the owner or co-owner of a vehicle regarding registration or
 24 titling fees owned as required in s. 320.02(19).
- 25 Section 14. Subsections (30), (33), and (56) of
 26 section 320.08058, Florida Statutes, are amended to read:
 27 320.08058 Specialty license plates.--
 28 (30) CHOOSE LIFE LICENSE PLATES.--
 29 (a) The department shall develop a Choose Life license
 30 plate as provided in this section. The word "Florida" must
 31

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1 appear at the bottom of the plate, and the words "Choose Life"
2 must appear at the top of the plate.

3 (b) The annual use fees shall be distributed annually
4 to each county in the ratio that the annual use fees collected
5 by each county bears to the total fees collected for the
6 plates within the state. Each county shall distribute the
7 funds to nongovernmental, not-for-profit agencies within the
8 county, which agencies' services are limited to counseling and
9 meeting the physical needs of pregnant women who are committed
10 to placing their children for adoption. Funds may not be
11 distributed to any agency that is involved or associated with
12 abortion activities, including counseling for or referrals to
13 abortion clinics, providing medical abortion-related
14 procedures, or proabortion advertising, and funds may not be
15 distributed to any agency that charges women for services
16 received.

17 1. Agencies that receive the funds must use at least
18 70 percent of the funds to provide for the material needs of
19 pregnant women who are committed to placing their children for
20 adoption, including clothing, housing, medical care, food,
21 utilities, and transportation. Such funds may also be expended
22 on infants awaiting placement with adoptive parents.

23 2. The remaining funds may be used for adoption,
24 counseling, training, or advertising, but may not be used for
25 administrative expenses, legal expenses, or capital
26 expenditures.

27 3. Each agency that receives such funds must submit an
28 annual attestation ~~audit, prepared by a certified public~~
29 ~~accountant,~~ to the county. ~~The county may conduct a~~
30 ~~consolidated audit in lieu of the annual audit.~~ Any unused
31 funds that exceed 10 percent of the funds received by an

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1 agency during its fiscal year must be returned to the county,
2 which shall distribute them to other qualified agencies.

3 (33) UNITED WE STAND LICENSE PLATES.--

4 (a) Notwithstanding the provisions of s. 320.08053,
5 the department shall develop a United We Stand license plate
6 as provided in this section. The American Flag must appear on
7 the license plate in addition to the words "United We Stand."
8 The colors of the license plate must be red, white, and blue.

9 (b) The department shall retain all revenues from the
10 sale of such plates until all startup costs for developing and
11 issuing the plates have been recovered. Thereafter, 100 ~~50~~
12 percent of the annual use fee shall be distributed to the
13 Department of Transportation SAFE Council to fund a grant
14 program to enhance security at airports throughout the state,
15 pursuant to s. 332.14 and ~~50 percent of such fees shall be~~
16 ~~distributed to the Rewards for Justice Fund, to be contributed~~
17 ~~to the United States State Department's Rewards for Justice~~
18 ~~program and used solely to apprehend terrorists and bring them~~
19 ~~to justice.~~

20 (56) ANIMAL FRIEND LICENSE PLATES.--

21 (a) Notwithstanding the provisions of s. 320.08053,
22 the department shall develop an Animal Friend license plate as
23 provided in this section. Animal Friend license plates must
24 bear the colors and design approved by the department. The
25 word "Florida" must appear at the top of the plate, and the
26 words "Animal Friend" must appear at the bottom of the plate.

27 (b) The department shall retain all annual use fee
28 revenues from the sale of such plates until all startup costs
29 for developing and issuing the plates are recovered, not to
30 exceed \$60,000.

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1 (c) After the department has recovered all startup
2 costs for developing and issuing the plates, the annual use
3 fees shall be distributed to the Florida Animal Friend, Inc.,
4 ~~for Humane Society of the United States for animal welfare~~
5 ~~programs and~~ spay and neuter programs in the state.

6 (d) No more than 10 percent of the fees collected may
7 be used for administrative costs directly associated with
8 marketing and promotion of the Animal Friend license plate and
9 distribution of funds as described in paragraph (c).

10 (e) Funds received from the purchase of the Animal
11 Friend license plate shall not be used for litigation.

12 Section 15. Paragraph (a) of subsection (1) of section
13 320.089, Florida Statutes, is amended to read:

14 320.089 Members of National Guard and active United
15 States Armed Forces reservists; former prisoners of war;
16 survivors of Pearl Harbor; Purple Heart medal recipients;
17 special license plates; fee.--

18 (1)(a) Each owner or lessee of an automobile or truck
19 for private use or recreational vehicle as specified in s.
20 320.08(9)(c) or (d), which is not used for hire or commercial
21 use, who is a resident of the state and an active or retired
22 member of the Florida National Guard, a survivor of the attack
23 on Pearl Harbor, a recipient of the Purple Heart medal, or an
24 active or retired member of any branch of the United States
25 Armed Forces Reserve shall, upon application to the
26 department, accompanied by proof of active membership or
27 retired status in the Florida National Guard, proof of
28 membership in the Pearl Harbor Survivors Association or proof
29 of active military duty in Pearl Harbor on December 7, 1941,
30 proof of being a Purple Heart medal recipient, or proof of
31 active or retired membership in any branch of the Armed Forces

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1 Reserve, and upon payment of the license tax for the vehicle
2 as provided in s. 320.08, be issued a license plate as
3 provided by s. 320.06, upon which, in lieu of the serial
4 numbers prescribed by s. 320.06, shall be stamped the words
5 "National Guard," "Pearl Harbor Survivor," "Combat-wounded
6 veteran," or "U.S. Reserve," as appropriate, followed by the
7 serial number of the license plate. Additionally, the Purple
8 Heart plate may have the words "Purple Heart" stamped on the
9 plate and the likeness of the Purple Heart medal appearing on
10 the plate.

11 Section 16. Subsection (6) of section 322.08, Florida
12 Statutes, is amended to read:

13 322.08 Application for license.--

14 (6) The application form for a driver's license or
15 duplicate thereof shall include language permitting the
16 following:

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

20 (b) A voluntary contribution of \$1 per applicant,
21 which contribution shall be deposited into the Florida Organ
22 and Tissue Donor Education and Procurement Trust Fund for
23 organ and tissue donor education and for maintaining the organ
24 and tissue donor registry.

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

28 (d) A voluntary contribution of \$2 per applicant,
29 which shall be distributed to the Hearing Research Institute,
30 Incorporated, ~~for the purpose of infant hearing screening in~~
31 ~~Florida.~~

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1 (e) A voluntary contribution of \$1 per applicant,
2 which shall be distributed to the Juvenile Diabetes Foundation
3 International.

4
5 A statement providing an explanation of the purpose of the
6 trust funds shall also be included. For the purpose of
7 applying the service charge provided in s. 215.20,
8 contributions received under paragraphs (c), (d), and (e) and
9 under s. 322.18(9)(a) are not income of a revenue nature.

10 Section 17. Subsection (14) of section 322.2615,
11 Florida Statutes, is amended, and subsection (16) is added to
12 that section, to read:

13 322.2615 Suspension of license; right to review.--

14 (14)(a) The decision of the department under this
15 section ~~may shall~~ not be considered in any trial for a
16 violation of s. 316.193, ~~and a nor shall any~~ written statement
17 submitted by a person in his or her request for departmental
18 review under this section ~~may not be admitted~~ admissible into
19 evidence against him or her in any such trial.

20 (b) The disposition of any related criminal
21 proceedings ~~does shall~~ not affect a suspension for refusal to
22 submit to a blood, breath, or urine test, authorized by s.
23 316.1932 or s. 316.1933, imposed under ~~pursuant to~~ this
24 section.

25 (16) The department shall invalidate a suspension for
26 driving with an unlawful blood-alcohol level or breath-alcohol
27 level imposed under this section if the suspended person is
28 found not guilty at trial of an underlying violation of s.
29 316.193.

30 Section 18. (1) There is created the Manufactured
31 Housing Regulatory Study Commission. The study commission

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1 shall be composed of 11 members who shall be appointed as
2 follows:

3 (a) Four members appointed by the Florida Manufactured
4 Housing Association, one member representing publicly owned
5 manufacturers of manufactured housing, one member representing
6 privately owned manufacturers of manufactured housing, and two
7 members who are retail sellers of manufactured housing, one of
8 whom must also sell residential manufactured buildings
9 approved by the Department of Community Affairs.

10 (b) Two members from the Senate, appointed by the
11 President of the Senate.

12 (c) Two members from the House of Representatives,
13 appointed by the Speaker of the House of Representatives.

14 (d) The secretary of the Department of Community
15 Affairs or the secretary's designee.

16 (e) The executive director of the Department of
17 Highway Safety and Motor Vehicles or the director's designee.

18 (f) The commissioner of the Department of Agriculture
19 and Consumer Services or the commissioner's designee.

20
21 The commission members representing the departments of
22 Community Affairs, Highway Safety and Motor Vehicles, and
23 Agriculture and Consumer Services shall serve as ex officio,
24 nonvoting members of the study commission.

25 (2) The study commission shall review the programs
26 regulating manufactured and mobile homes which are currently
27 located at the Department of Highway Safety and Motor Vehicles
28 and must include a review of the following programs and
29 activities:

30 (a) The federal construction and inspection programs.
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1 (b) The installation program, including the regulation
2 and inspection functions.

3 (c) The Mobile Home and RV Protection Trust Fund.

4 (d) The licensing of manufacturers, retailers, and
5 installers of manufactured and mobile homes.

6 (e) The titling of manufactured and mobile homes.

7 (f) Dispute resolution.

8
9 During the course of the study, the study commission must
10 review the sources funding the programs to determine if the
11 manufactured and mobile home programs are or can be
12 self-sustaining. The study commission shall also consider the
13 impact that changes in regulation may have on the industry and
14 its consumers.

15 (3) The study commission shall be administratively
16 supported by the staff of the transportation committees of the
17 Senate and the House of Representatives.

18 (4)(a) The study commission must hold its initial
19 meeting no later than August 15, 2005, in Tallahassee. Staff
20 to the commission shall schedule and organize the initial
21 meeting. Subsequent meetings of the study commission must be
22 held in Tallahassee according to a schedule developed by the
23 chair.

24 (b) At the initial meeting, the study commission shall
25 elect a chair from one of the elected official members.

26 (5) The study commission must submit a final report
27 setting forth its findings and recommendations to the
28 Governor, the President of the Senate, and the Speaker of the
29 House of Representatives on or before January 1, 2006.

30 (6) Members of the study commission shall serve
31 without compensation, but are entitled to be reimbursed for

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1 per diem and travel expenses under section 112.061, Florida
2 Statutes.

3 (7) The study commission terminates after submitting
4 its final report but not later than February 15, 2006.

5 Section 19. Subsection (3) of section 322.27, Florida
6 Statutes, is amended to read:

7 322.27 Authority of department to suspend or revoke
8 license.--

9 (3) There is established a point system for evaluation
10 of convictions of violations of motor vehicle laws or
11 ordinances, and violations of applicable provisions of s.
12 403.413(6)(b) when such violations involve the use of motor
13 vehicles, for the determination of the continuing
14 qualification of any person to operate a motor vehicle. The
15 department is authorized to suspend the license of any person
16 upon showing of its records or other good and sufficient
17 evidence that the licensee has been convicted of violation of
18 motor vehicle laws or ordinances, or applicable provisions of
19 s. 403.413(6)(b), amounting to 12 or more points as determined
20 by the point system. The suspension shall be for a period of
21 not more than 1 year.

22 (a) When a licensee accumulates 12 points within a
23 12-month period, the period of suspension shall be for not
24 more than 30 days.

25 (b) When a licensee accumulates 18 points, including
26 points upon which suspension action is taken under paragraph
27 (a), within an 18-month period, the suspension shall be for a
28 period of not more than 3 months.

29 (c) When a licensee accumulates 24 points, including
30 points upon which suspension action is taken under paragraphs
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1 (a) and (b), within a 36-month period, the suspension shall be
2 for a period of not more than 1 year.

3 (d) The point system shall have as its basic element a
4 graduated scale of points assigning relative values to
5 convictions of the following violations:

6 1. Reckless driving, willful and wanton--4 points.

7 2. Leaving the scene of a crash resulting in property
8 damage of more than \$50--6 points.

9 3. Unlawful speed resulting in a crash--6 points.

10 4. Passing a stopped school bus--4 points.

11 5. Unlawful speed:

12 a. Not in excess of 15 miles per hour of lawful or
13 posted speed--3 points.

14 b. In excess of 15 miles per hour of lawful or posted
15 speed--4 points.

16 6. All other moving violations (including parking on a
17 highway outside the limits of a municipality)--3 points.

18 However, no points shall be imposed for a violation of s.
19 316.0741 or s. 316.2065(12).

20 7. Any moving violation covered above, excluding
21 unlawful speed, resulting in a crash--4 points.

22 8. Any conviction under s. 403.413(6)(b) ~~s.~~
23 ~~403.413(5)(b)~~--3 points.

24 (e) A conviction in another state of a violation
25 therein which, if committed in this state, would be a
26 violation of the traffic laws of this state, or a conviction
27 of an offense under any federal law substantially conforming
28 to the traffic laws of this state, except a violation of s.
29 322.26, may be recorded against a driver on the basis of the
30 same number of points received had the conviction been made in
31 a court of this state.

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1 (f) In computing the total number of points, when the
2 licensee reaches the danger zone, the department is authorized
3 to send the licensee a warning letter advising that any
4 further convictions may result in suspension of his or her
5 driving privilege.

6 (g) The department shall administer and enforce the
7 provisions of this law and may make rules and regulations
8 necessary for its administration.

9 (h) Three points shall be deducted from the driver
10 history record of any person whose driving privilege has been
11 suspended only once pursuant to this subsection and has been
12 reinstated, if such person has complied with all other
13 requirements of this chapter.

14 (i) This subsection shall not apply to persons
15 operating a nonmotorized vehicle for which a driver's license
16 is not required.

17 Section 20. Subsections (1), (2), (3), (7), (8), and
18 (10) of section 322.61, Florida Statutes, are amended to read:

19 322.61 Disqualification from operating a commercial
20 motor vehicle.--

21 (1) A person who, for offenses occurring within a
22 3-year period, is convicted of two of the following serious
23 traffic violations or any combination thereof, arising in
24 separate incidents committed in a commercial motor vehicle
25 shall, in addition to any other applicable penalties, be
26 disqualified from operating a commercial motor vehicle for a
27 period of 60 days. A person who, for offenses occurring within
28 a 3-year period, is convicted of two of the following serious
29 traffic violations, or any combination thereof, arising in
30 separate incidents committed in a noncommercial motor vehicle
31 shall, in addition to any other applicable penalties, be

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1 disqualified from operating a commercial motor vehicle for a
 2 period of 60 days if such convictions result in the
 3 suspension, revocation, or cancellation of the licenseholder's
 4 driving privilege:

5 (a) A violation of any state or local law relating to
 6 motor vehicle traffic control, other than a parking violation,
 7 a weight violation, or a vehicle equipment violation, arising
 8 in connection with a crash resulting in death or personal
 9 injury to any person;

10 (b) Reckless driving, as defined in s. 316.192;

11 (c) Careless driving, as defined in s. 316.1925;

12 (d) Fleeing or attempting to elude a law enforcement
 13 officer, as defined in s. 316.1935;

14 (e) Unlawful speed of 15 miles per hour or more above
 15 the posted speed limit;

16 (f) Driving a commercial motor vehicle, owned by such
 17 person, which is not properly insured;

18 (g) Improper lane change, as defined in s. 316.085; ~~or~~

19 (h) Following too closely, as defined in s. 316.0895; ~~or~~

20 (i) Driving a commercial vehicle without obtaining a
 21 commercial driver's license;

22 (j) Driving a commercial vehicle without the proper
 23 class of commercial driver's license or without the proper
 24 endorsement; or

25 (k) Driving a commercial vehicle without a commercial
 26 driver's license in possession. Any individual who provides
 27 proof to the clerk of the court or designated official in the
 28 jurisdiction where the citation was issued, by the date the
 29 individual must appear in court or pay any fine for such a
 30 violation, that the individual held a valid commercial
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1 driver's license on the date the citation was issued is not
2 guilty of this offense.

3 (2)(a) Any person who, for offenses occurring within a
4 3-year period, is convicted of three serious traffic
5 violations specified in subsection (1) or any combination
6 thereof, arising in separate incidents committed in a
7 commercial motor vehicle shall, in addition to any other
8 applicable penalties, including but not limited to the penalty
9 provided in subsection (1), be disqualified from operating a
10 commercial motor vehicle for a period of 120 days.

11 (b) A person who, for offenses occurring within a
12 3-year period, is convicted of three serious traffic
13 violations specified in subsection (1) or any combination
14 thereof arising in separate incidents committed in a
15 noncommercial motor vehicle shall, in addition to any other
16 applicable penalties, including, but not limited to, the
17 penalty provided in subsection (1), be disqualified from
18 operating a commercial motor vehicle for a period of 120 days
19 if such convictions result in the suspension, revocation, or
20 cancellation of the licenseholder's driving privilege.

21 (3) Except as provided in subsection (4), any person
22 who is convicted of one of the following offenses shall, in
23 addition to any other applicable penalties, be disqualified
24 from operating a commercial motor vehicle for a period of 1
25 year:

26 (a) Driving a commercial motor vehicle while he or she
27 is under the influence of alcohol or a controlled substance;

28 (b) Driving a commercial motor vehicle while the
29 alcohol concentration of his or her blood, breath, or urine is
30 .04 percent or higher;

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- 1 (c) Leaving the scene of a crash involving a
 2 commercial motor vehicle driven by such person;
- 3 (d) Using a commercial motor vehicle in the commission
 4 of a felony;
- 5 (e) Driving a commercial motor vehicle while in
 6 possession of a controlled substance; ~~or~~
- 7 (f) Refusing to submit to a test to determine his or
 8 her alcohol concentration while driving a commercial motor
 9 vehicle;—
- 10 (g) Driving a commercial vehicle while the
 11 licenseholder's commercial driver's license is suspended,
 12 revoked, or canceled or while the licenseholder is
 13 disqualified from driving a commercial vehicle; or
- 14 (h) Causing a fatality through the negligent operation
 15 of a commercial motor vehicle.
- 16 (7) A person whose privilege to operate a commercial
 17 motor vehicle is disqualified under this section may, if
 18 otherwise qualified, be issued a ~~Class D or~~ Class E driver's
 19 license, pursuant to s. 322.251.
- 20 (8) A driver who is convicted of or otherwise found to
 21 have committed a violation of an out-of-service order while
 22 driving a commercial motor vehicle is disqualified as follows:
- 23 (a) Not less than 90 days nor more than 1 year if the
 24 driver is convicted of or otherwise found to have committed a
 25 first violation of an out-of-service order.
- 26 (b) Not less than 1 year nor more than 5 years if, for
 27 offenses occurring during any 10-year period, the driver is
 28 convicted of or otherwise found to have committed two
 29 violations of out-of-service orders in separate incidents.
- 30 (c) Not less than 3 years nor more than 5 years if,
 31 for offenses occurring during any 10-year period, the driver

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1 is convicted of or otherwise found to have committed three or
2 more violations of out-of-service orders in separate
3 incidents.

4 (d) Not less than 180 days nor more than 2 years if
5 the driver is convicted of or otherwise found to have
6 committed a first violation of an out-of-service order while
7 transporting hazardous materials required to be placarded
8 under the Hazardous Materials Transportation Act, 49 U.S.C.
9 ss. 5101 et seq., or while operating motor vehicles designed
10 to transport more than 15 passengers, including the driver. A
11 driver is disqualified for a period of not less than 3 years
12 nor more than 5 years if, for offenses occurring during any
13 10-year period, the driver is convicted of or otherwise found
14 to have committed any subsequent violations of out-of-service
15 orders, in separate incidents, while transporting hazardous
16 materials required to be placarded under the Hazardous
17 Materials Transportation Act 49 U.S.C. ss. 5101 et seq., or
18 while operating motor vehicles designed to transport more than
19 15 passengers, including the driver.

20 (10)(a) A driver must be disqualified for not less
21 than 60 days if the driver is convicted of or otherwise found
22 to have committed a first violation of a railroad-highway
23 grade crossing violation.

24 (b) A driver must be disqualified for not less than
25 120 days if, for offenses occurring during any 3-year period,
26 the driver is convicted of or otherwise found to have
27 committed a second railroad-highway grade crossing violation
28 in separate incidents.

29 (c) A driver must be disqualified for not less than 1
30 year if, for offenses occurring during any 3-year period, the
31 driver is convicted of or otherwise found to have committed a

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1 | third or subsequent railroad-highway grade crossing violation
2 | in separate incidents.

3 | Section 21. Subsection (5) is added to section 321.24,
4 | to read:

5 | 321.24 Members of an auxiliary to Florida Highway
6 | Patrol.--

7 | (5) Notwithstanding any other law to the contrary, any
8 | volunteer highway patrol troop surgeon appointed by the
9 | director of the Florida Highway Patrol, and any volunteer
10 | licensed health professional appointed by the director of the
11 | Florida Highway Patrol to work under the medical direction of
12 | a highway patrol troop surgeon is considered an employee for
13 | purposes of s. 768.28(9).

14 | Section 22. This act shall take effect July 1, 2005.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS for Senate Bill 454
4 Provides that the suspension of a driver's license of a child
5 support obligor may be set aside for good cause by a court.
6 Provides that local governmental entities may enact ordinances
7 regarding golf cart operation and equipment which are more
8 restrictive than state law.
9 Revises procedures applicable to determining whether vehicles
10 with custom lowered floors for wheelchair access or a
11 wheelchair lift are damaged to the point of total loss for
12 insurance purposes.
13 Provides that the DHSMV may withhold registration of a vehicle
14 if an owner appears on a list of persons owing registration
15 fees to a motor vehicle dealer.
16 Creates a new section of the Florida Statutes to provide for
17 the existence and the duties of the Manufactured Housing
18 Regulatory Study Commission.
19 Amends the standards for disqualification from operating a
20 commercial motor vehicle.
21 Provides that certain licensed health care professionals
22 appointed by the director of the Florida Highway Patrol are
23 considered employees for the purposes of the state's sovereign
24 immunity provision.
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