

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. 318.14,
9 F.S.; providing penalties for certain traffic
10 infractions requiring a mandatory hearing;
11 providing for distribution of moneys collected;
12 amending s. 318.21, F.S.; providing for
13 distribution of specified civil penalties by
14 county courts; amending s. 319.30, F.S.;
15 revising provisions relating to the
16 applicability of certificate of destruction
17 requirements for certain damaged vehicles;
18 amending s. 320.02, F.S.; authorizing the
19 withholding of motor vehicle registrations or
20 re-registrations in certain situations;
21 requiring motor vehicle dealers to maintain
22 certain information; allowing owners and
23 co-owners to dispute a dealer's claims of money
24 owed; amending s. 320.27, F.S.; providing for
25 motor vehicle dealer license discipline for the
26 failure to maintain evidence of notification to
27 the owner or co-owner of a vehicle regarding
28 registration and titling fees owed; revising
29 authorized uses of revenues from the United We
30 Stand specialty license plate; amending s.
31 320.08058, F.S.; redesignating the Florida

1 Special Olympics license plate as the Special
2 Olympics Florida license plate and revising
3 design requirements for such specialty license
4 plate; revising requirements for agencies that
5 receive funds from the Choose Life license
6 plate; revising authorized uses of revenues
7 from the Animal Friend specialty license plate;
8 amending s. 320.089, F.S.; allowing retired
9 members of the U.S. Armed Forces Reserve to be
10 issued U.S. Reserve license plates; amending s.
11 320.77, F.S.; providing that mobile home
12 dealers may provide a cash bond or letter of
13 credit in lieu of a required surety bond;
14 amending s. 322.08, F.S.; revising the use of
15 funds collected from a voluntary contribution
16 associated with driver's license renewals to be
17 used for the purposes designated by the Hearing
18 Research Institute, Inc.; amending s. 322.2615,
19 F.S.; providing that the disposition of a
20 related criminal proceeding may not affect a
21 suspension of a driver's license for refusal to
22 submit to blood, breath, or urine testing;
23 directing the Department of Highway Safety and
24 Motor Vehicles to invalidate a suspension for
25 driving with an unlawful blood-alcohol level or
26 breath-alcohol level if the suspended person is
27 found not guilty at trial of the underlying
28 violation of law; creating the Manufactured
29 Housing Regulatory Study Commission; providing
30 for membership; providing duties; requiring the
31 commission to file a report with the Governor

1 and the Legislature; amending s. 322.27, F.S.;
2 correcting a cross-reference relating to points
3 assigned for littering violations; amending s.
4 322.61, F.S.; specifying additional violations
5 that disqualify a person from operating a
6 commercial motor vehicle; providing penalties;
7 providing an exception to the requirement that
8 a commercial driver's license be in possession
9 of the commercial driver; removing requirements
10 for a Class D driver's license; amending s.
11 321.24, F.S.; providing that certain medical
12 professionals who volunteer for Florida Highway
13 Patrol service are considered employees of the
14 state for sovereign immunity purposes; creating
15 s. 549.102, F.S.; authorizing temporary
16 overnight parking during a motorsports event at
17 a motorsports entertainment complex; exempting
18 such parking from regulations relating to
19 recreational vehicle parks; providing for
20 application of health agency requirements;
21 providing effective dates.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Section 61.13016, Florida Statutes, is
26 amended to read:

27 61.13016 Suspension of driver's licenses and motor
28 vehicle registrations.--

29 (1) The driver's license and motor vehicle
30 registration of a support obligor who is delinquent in payment
31 or who has failed to comply with subpoenas or a similar order

1 | to appear or show cause relating to paternity or support
2 | proceedings may be suspended. When an obligor is 15 days
3 | delinquent making a payment in support or failure to comply
4 | with a subpoena, order to appear, order to show cause, or
5 | similar order in IV-D cases, the Title IV-D agency may provide
6 | notice to the obligor of the delinquency or failure to comply
7 | with a subpoena, order to appear, order to show cause, or
8 | similar order and the intent to suspend by regular United
9 | States mail that is posted to the obligor's last address of
10 | record with the Department of Highway Safety and Motor
11 | Vehicles. When an obligor is 15 days delinquent in making a
12 | payment in support in non-IV-D cases, and upon the request of
13 | the obligee, the depository or the clerk of the court must
14 | provide notice to the obligor of the delinquency and the
15 | intent to suspend by regular United States mail that is posted
16 | to the obligor's last address of record with the Department of
17 | Highway Safety and Motor Vehicles. In either case, the notice
18 | must state:

19 | (a) The terms of the order creating the support
20 | obligation;

21 | (b) The period of the delinquency and the total amount
22 | of the delinquency as of the date of the notice or describe
23 | the subpoena, order to appear, order to show cause, or other
24 | similar order which has not been complied with;

25 | (c) That notification will be given to the Department
26 | of Highway Safety and Motor Vehicles to suspend the obligor's
27 | driver's license and motor vehicle registration unless, within
28 | 20 days after the date the notice is mailed, the obligor:

29 | 1.a. Pays the delinquency in full and any other costs
30 | and fees accrued between the date of the notice and the date
31 | the delinquency is paid;

1 b. Enters into a written agreement for payment with
2 the obligee in non-IV-D cases or with the Title IV-D agency in
3 IV-D cases; or in IV-D cases, complies with a subpoena or
4 order to appear, order to show cause, or a similar order; or

5 c. Files a petition with the circuit court to contest
6 the delinquency action; and

7 2. Pays any applicable delinquency fees.

8
9 If the obligor in non-IV-D cases enters into a written
10 agreement for payment before the expiration of the 20-day
11 period, the obligor must provide a copy of the signed written
12 agreement to the depository or the clerk of the court.

13 (2)(a) Upon petition filed by the obligor in the
14 circuit court within 20 days after the mailing date of the
15 notice, the court may, in its discretion, direct the
16 department to issue a license for driving privileges
17 restricted to business purposes only, as defined by s.
18 322.271, if the person is otherwise qualified for such a
19 license. As a condition for the court to exercise its
20 discretion under this subsection, the obligor must agree to a
21 schedule of payment on any child support arrearages and to
22 maintain current child support obligations. If the obligor
23 fails to comply with the schedule of payment, the court shall
24 direct the Department of Highway Safety and Motor Vehicles to
25 suspend the obligor's driver's license.

26 (b) The obligor must serve a copy of the petition on
27 the Title IV-D agency in IV-D cases or on the depository or
28 the clerk of the court in non-IV-D cases. When an obligor
29 timely files a petition to set aside a suspension, the court
30 must hear the matter within 15 days after the petition is
31 filed. The court must enter an order resolving the matter

1 within 10 days after the hearing, and a copy of the order must
2 be served on the parties. The timely filing of a petition
3 under this subsection stays the intent to suspend until the
4 entry of a court order resolving the matter.

5 ~~(3)(2)~~ If the obligor does not, within 20 days after
6 the mailing date on the notice, pay the delinquency, enter
7 into a payment agreement, comply with the subpoena, order to
8 appear, order to show cause, or other similar order, or file a
9 motion to contest, the Title IV-D agency in IV-D cases, or the
10 depository or clerk of the court in non-IV-D cases, shall file
11 the notice with the Department of Highway Safety and Motor
12 Vehicles and request the suspension of the obligor's driver's
13 license and motor vehicle registration in accordance with s.
14 322.058.

15 ~~(4)(3)~~ The obligor may, within 20 days after the
16 mailing date on the notice of delinquency or noncompliance and
17 intent to suspend, file in the circuit court a petition to
18 contest the notice of delinquency or noncompliance and intent
19 to suspend on the ground of mistake of fact regarding the
20 existence of a delinquency or the identity of the obligor.
21 The obligor must serve a copy of the petition on the Title
22 IV-D agency in IV-D cases or depository or clerk of the court
23 in non-IV-D cases. When an obligor timely files a petition to
24 contest, the court must hear the matter within 15 days after
25 the petition is filed. The court must enter an order
26 resolving the matter within 10 days after the hearing, and a
27 copy of the order must be served on the parties. The timely
28 filing of a petition to contest stays the notice of
29 delinquency and intent to suspend until the entry of a court
30 order resolving the matter.

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

3 316.006 Jurisdiction.--Jurisdiction to control traffic
4 is vested as follows:

5 (2) MUNICIPALITIES.--

6 (a) Chartered municipalities shall have original
7 jurisdiction over all streets and highways located within
8 their boundaries, except state roads, and may place and
9 maintain such traffic control devices which conform to the
10 manual and specifications of the Department of Transportation
11 upon all streets and highways under their original
12 jurisdiction as they shall deem necessary to indicate and to
13 carry out the provisions of this chapter or to regulate, warn,
14 or guide traffic.

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

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

28 2. The exercise of jurisdiction provided for herein
29 shall be in addition to jurisdictional authority presently
30 exercised by municipalities under law, and nothing in this
31 paragraph shall be construed to limit or remove any such

1 jurisdictional authority. Such jurisdiction includes
2 regulation of access to such road or roads by security devices
3 or personnel.

4 3. Any such agreement may provide for the installation
5 of multiparty stop signs by the parties controlling the roads
6 covered by the agreement if a determination is made by such
7 parties that the signage will enhance traffic safety.

8 Multiparty stop signs must conform to the manual and
9 specifications of the Department of Transportation; however,
10 minimum traffic volumes may not be required for the
11 installation of such signage. Enforcement for the signs shall
12 be as provided in s. 316.123.

13 (c) Notwithstanding any other provisions of law to the
14 contrary, a municipality may, by interlocal agreement with a
15 county, agree to transfer traffic regulatory authority over
16 areas within the municipality to the county.

17
18 This subsection shall not limit those counties which have the
19 charter powers to provide and regulate arterial, toll, and
20 other roads, bridges, tunnels, and related facilities from the
21 proper exercise of those powers by the placement and
22 maintenance of traffic control devices which conform to the
23 manual and specifications of the Department of Transportation
24 on streets and highways located within municipal boundaries.

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

27 316.083 Overtaking and passing a vehicle.--The
28 following rules shall govern the overtaking and passing of
29 vehicles proceeding in the same direction, subject to those
30 limitations, exceptions, and special rules hereinafter stated:

31

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

7 (2) Except when overtaking and passing on the right is
8 permitted, the driver of an overtaken vehicle shall give way
9 to the right in favor of the overtaking vehicle, on audible
10 signal or upon the visible blinking of the headlamps of the
11 overtaking vehicle if such overtaking is being attempted at
12 nighttime, and shall not increase the speed of his or her
13 vehicle until completely passed by the overtaking vehicle.

14 (3) A violation of this section is a noncriminal
15 traffic infraction, punishable as a moving violation as
16 provided in chapter 318.

17 Section 4. Section 316.155, Florida Statutes, is
18 amended to read:

19 316.155 When signal required.--

20 (1) No person may turn a vehicle from a direct course
21 or move right or left upon a highway unless and until such
22 movement can be made with reasonable safety, and then only
23 after giving an appropriate signal in the manner hereinafter
24 provided, in the event any other vehicle may be affected by
25 the movement.

26 (2) A signal of intention to turn right or left must
27 be given continuously during not less than the last 100 feet
28 traveled by the vehicle before turning, except that such a
29 signal by hand or arm need not be given continuously by a
30 bicyclist if the hand is needed in the control or operation of
31 the bicycle.

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

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

12 (5) A violation of this section is a noncriminal
13 traffic infraction, punishable as a moving violation as
14 provided in chapter 318.

15 Section 5. Section 316.2095, Florida Statutes, is
16 amended to read:

17 316.2095 Footrests, handholds, and handlebars.--

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

21 (2) No person shall operate any motorcycle with
22 handlebars or with handgrips that are higher than the top of
23 the shoulders of the person operating the motorcycle while
24 properly seated upon the motorcycle ~~more than 15 inches in~~
25 ~~height above that portion of the seat occupied by the~~
26 ~~operator.~~

27 (3) A violation of this section is a noncriminal
28 traffic infraction, punishable as a nonmoving violation as
29 provided in chapter 318.

30 Section 6. Section 316.212, Florida Statutes, is
31 amended to read:

1 316.212 Operation of golf carts on certain
2 roadways.--The operation of a golf cart upon the public roads
3 or streets of this state is prohibited except as provided
4 herein:

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

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

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

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

30 (c) A golf cart may be operated on a state road that
31 has been designated for transfer to a local government unit

1 pursuant to s. 335.0415 if the Department of Transportation
2 determines that the operation of a golf cart within the
3 right-of-way of the road will not impede the safe and
4 efficient flow of motor vehicular traffic. The department may
5 authorize the operation of golf carts on such a road if:

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

9 2. The speed, volume, and character of motor vehicular
10 traffic using the road is considered in making such a
11 determination.

12
13 Upon its determination that golf carts may be operated on a
14 given road, the department shall post appropriate signs on the
15 road to indicate that such operation is allowed.

16 (3) Any other provision of this section to the
17 contrary notwithstanding, a golf cart may be operated for the
18 purpose of crossing a street or highway where a single mobile
19 home park is located on both sides of the street or highway
20 and is divided by that street or highway, provided that the
21 governmental entity having original jurisdiction over such
22 street or highway shall review and approve the location of the
23 crossing and require implementation of any traffic controls
24 needed for safety purposes. This subsection shall apply only
25 to residents or guests of the mobile home park. Any other
26 provision of law to the contrary notwithstanding, if notice is
27 posted at the entrance and exit to any mobile home park that
28 residents of the park utilize golf carts or electric vehicles
29 within the confines of the park it shall not be necessary that
30 the park have a gate or other device at the entrance and exit
31

1 | in order for such golf carts or electric vehicles to be
2 | lawfully operated in the park.

3 | (4) A golf cart may be operated only during the hours
4 | between sunrise and sunset, unless the responsible
5 | governmental entity has determined that a golf cart may be
6 | operated during the hours between sunset and sunrise and the
7 | golf cart is equipped with headlights, brake lights, turn
8 | signals, and a windshield.

9 | (5) A golf cart must be equipped with efficient
10 | brakes, reliable steering apparatus, safe tires, a rearview
11 | mirror, and red reflectorized warning devices in both the
12 | front and rear.

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

15 | (7) A local governmental entity may enact an ordinance
16 | regarding golf cart operation and equipment which is more
17 | restrictive than those enumerated in this section. Upon
18 | enactment of any such ordinance, the local governmental entity
19 | shall post appropriate signs or otherwise inform the residents
20 | that such an ordinance exists and that it shall be enforced
21 | within the local government's jurisdictional territory.

22 | ~~(8)(7)~~ A violation of this section is a noncriminal
23 | traffic infraction, punishable pursuant to chapter 318 as
24 | ~~either~~ a moving violation for infractions of subsection (1),
25 | subsection (2), subsection (3), ~~or~~ subsection (4), or a local
26 | ordinance corresponding thereto and enacted pursuant to
27 | subsection (7), or punishable pursuant to chapter 318 as a
28 | nonmoving violation for infractions of subsection ~~subsections~~
29 | (5), subsection and (6), or a local ordinance corresponding
30 | thereto and enacted pursuant to subsection (7).

31 |

1 Section 7. Section 316.2126, Florida Statutes, is
2 amended to read:

3 316.2126 Use of golf carts and utility vehicles by
4 municipalities.--In addition to the powers granted by ss.
5 316.212 and 316.2125, municipalities are hereby authorized to
6 utilize golf carts and utility vehicles, as defined in s.
7 320.01, upon any state, county, or municipal roads located
8 within the corporate limits of such municipalities, subject to
9 the following conditions:

10 (1) Golf carts and utility vehicles must comply with
11 the operational and safety requirements in ss. 316.212 and
12 316.2125, and with any more restrictive ordinances enacted by
13 the local governmental entity pursuant to s. 316.212(7), and
14 shall only be operated by municipal employees for municipal
15 purposes, including, but not limited to, police patrol,
16 traffic enforcement, and inspection of public facilities.

17 (2) In addition to the safety equipment required in s.
18 316.212(5) and any more restrictive safety equipment required
19 by the local governmental entity pursuant to s. 316.212(7),
20 such golf carts and utility vehicles must be equipped with
21 sufficient lighting and turn signal equipment.

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

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

28 Section 8. Subsection (11) is added to section
29 316.302, Florida Statutes, to read:

30
31

1 316.302 Commercial motor vehicles; safety regulations;
2 transporters and shippers of hazardous materials;
3 enforcement.--

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

11 Section 9. Section 316.3045, Florida Statutes, is
12 amended to read:

13 316.3045 Operation of radios or other mechanical
14 soundmaking devices or instruments in vehicles; exemptions.--

15 (1) It is unlawful for any person operating or
16 occupying a motor vehicle on a street or highway to operate or
17 amplify the sound produced by a radio, tape player, or other
18 mechanical soundmaking device or instrument from within the
19 motor vehicle so that the sound is:

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

22 (b) Louder than necessary for the convenient hearing
23 by persons inside the vehicle in areas adjoining churches,
24 schools, or hospitals.

25 (2) The provisions of this section shall not apply to
26 any law enforcement motor vehicle equipped with any
27 communication device necessary in the performance of law
28 enforcement duties or to any emergency vehicle equipped with
29 any communication device necessary in the performance of any
30 emergency procedures.

31

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

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

16 (5) A violation of this section is a noncriminal
17 traffic infraction, punishable as a nonmoving violation as
18 provided in chapter 318.

19 Section 10. Section 318.1215, Florida Statutes, is
20 amended to read:

21 318.1215 Dori Slosberg Driver Education Safety
22 Act.--Effective October 1, 2002, notwithstanding the
23 provisions of s. 318.121, a board of county commissioners may
24 require, by ordinance, that the clerk of the court collect an
25 additional \$3 with each civil traffic penalty, which shall be
26 used to fund ~~driver traffic~~ education programs in public and
27 nonpublic schools. The ordinance shall provide for the board
28 of county commissioners to administer the funds, which shall
29 be used for enhancement, and not replacement, of driver
30 education program funds. The funds shall be used for direct
31 educational expenses and shall not be used for administration.

1 Each driver education program receiving funds pursuant to this
2 section shall require that a minimum of 30 percent of a
3 student's time in the program be behind-the-wheel training.

4 This section may be cited as the "Dori Slosberg Driver
5 Education Safety Act."

6 Section 11. Effective October 1, 2005, subsection (5)
7 of section 318.14, Florida Statutes, is amended to read:

8 318.14 Noncriminal traffic infractions; exception;
9 procedures.--

10 (5) Any person electing to appear before the
11 designated official or who is required so to appear shall be
12 deemed to have waived his or her right to the civil penalty
13 provisions of s. 318.18. The official, after a hearing, shall
14 make a determination as to whether an infraction has been
15 committed. If the commission of an infraction has been proven,
16 the official may impose a civil penalty not to exceed \$500,
17 except that in cases involving unlawful speed in a school zone
18 or, involving unlawful speed in a construction zone, ~~or~~
19 ~~involving a death~~, the civil penalty may not exceed \$1,000; or
20 require attendance at a driver improvement school, or both. If
21 the person is required to appear before the designated
22 official pursuant to s. 318.19(1) and is found to have
23 committed the infraction, the designated official shall impose
24 a civil penalty of \$1,000 in addition to any other penalties
25 and the person's driver's license shall be suspended for 6
26 months. If the person is required to appear before the
27 designated official pursuant to s. 318.19(2) and is found to
28 have committed the infraction, the designated official shall
29 impose a civil penalty of \$500 in addition to any other
30 penalties and the person's driver's license shall be suspended
31 for 3 months. If the official determines that no infraction

1 has been committed, no costs or penalties shall be imposed and
2 any costs or penalties that have been paid shall be returned.
3 Moneys received from the mandatory civil penalties imposed
4 pursuant to this subsection upon persons required to appear
5 before a designated official pursuant to s. 318.19(1) or (2)
6 shall be remitted to the Department of Revenue and deposited
7 into the Department of Health Administrative Trust Fund to
8 provide financial support to certified trauma centers to
9 assure the availability and accessibility of trauma services
10 throughout the state. Funds deposited into the Administrative
11 Trust Fund under this section shall be allocated as follows:

12 (a) Fifty percent shall be allocated equally among all
13 Level I, Level II, and pediatric trauma centers in recognition
14 of readiness costs for maintaining trauma services.

15 (b) Fifty percent shall be allocated among Level I,
16 Level II, and pediatric trauma centers based on each center's
17 relative volume of trauma cases as reported in the Department
18 of Health Trauma Registry.

19 Section 12. Effective October 1, 2005, subsection (13)
20 is added to section 318.21, Florida Statutes, to read:

21 318.21 Disposition of civil penalties by county
22 courts.--All civil penalties received by a county court
23 pursuant to the provisions of this chapter shall be
24 distributed and paid monthly as follows:

25 (13) Notwithstanding subsections (1) and (2), the
26 proceeds from the mandatory civil penalties imposed pursuant
27 to s. 318.14(5) shall be distributed as provided in that
28 section.

29 Section 13. Paragraph (b) of subsection (3) of section
30 319.30, Florida Statutes, is amended to read:

31

1 319.30 Definitions; dismantling, destruction, change
2 of identity of motor vehicle or mobile home; salvage.--

3 (3)

4 (b) The owner, including persons who are self-insured,
5 of any motor vehicle or mobile home which is considered to be
6 salvage shall, within 72 hours after the motor vehicle or
7 mobile home becomes salvage, forward the title to the motor
8 vehicle or mobile home to the department for processing.

9 However, an insurance company which pays money as compensation
10 for total loss of a motor vehicle or mobile home shall obtain
11 the certificate of title for the motor vehicle or mobile home
12 and, within 72 hours after receiving such certificate of
13 title, shall forward such title to the department for
14 processing. The owner or insurance company, as the case may
15 be, may not dispose of a vehicle or mobile home that is a
16 total loss before it has obtained a salvage certificate of
17 title or certificate of destruction from the department. When
18 applying for a salvage certificate of title or certificate of
19 destruction, the owner or insurance company must provide the
20 department with an estimate of the costs of repairing the
21 physical and mechanical damage suffered by the vehicle for
22 which a salvage certificate of title or certificate of
23 destruction is sought. If the estimated costs of repairing the
24 physical and mechanical damage to the vehicle are equal to 80
25 percent or more of the current retail cost of the vehicle, as
26 established in any official used car or used mobile home
27 guide, the department shall declare the vehicle unrebuildable
28 and print a certificate of destruction, which authorizes the
29 dismantling or destruction of the motor vehicle or mobile home
30 described therein. However, if the damaged motor vehicle is
31 equipped with custom-lowered floors for wheelchair access or a

1 wheelchair lift, the insurance company may, upon determining
2 that the vehicle is repairable to a condition that is safe for
3 operation on public roads, submit the certificate of title to
4 the department for reissuance as a salvage rebuildable title
5 and the addition of a title brand of "insurance-declared total
6 loss." This certificate of destruction shall be reassignable a
7 maximum of two times before dismantling or destruction of the
8 vehicle shall be required, and shall accompany the motor
9 vehicle or mobile home for which it is issued, when such motor
10 vehicle or mobile home is sold for such purposes, in lieu of a
11 certificate of title, and, thereafter, the department shall
12 refuse issuance of any certificate of title for that vehicle.
13 Nothing in this subsection shall be applicable when a vehicle
14 is worth less than \$1,500 retail in undamaged condition in any
15 official used motor vehicle guide or used mobile home guide or
16 when a stolen motor vehicle or mobile home is recovered in
17 substantially intact condition and is readily resalable
18 without extensive repairs to or replacement of the frame or
19 engine. Any person who willfully and deliberately violates
20 this paragraph or falsifies any document to avoid the
21 requirements of this paragraph commits a misdemeanor of the
22 first degree, punishable as provided in s. 775.082 or s.
23 775.083.

24 Section 14. Subsection (19) is added to section
25 320.02, Florida Statutes, to read:

26 320.02 Registration required; application for
27 registration; forms.--

28 (19) The department is authorized to withhold
29 registration or re-registration of a motor vehicle if the name
30 of the owner or of a co-owner appears on a list submitted to
31 the department by a licensed motor vehicle dealer for a

1 previous registration of that vehicle. The motor vehicle
2 dealer must maintain signed evidence that the owner or
3 co-owner acknowledged the dealer's authority to submit the
4 list to the department if he or she failed to pay and must
5 note the amount for which the owner or co-owner would be
6 responsible for the vehicle registration. The dealer must
7 maintain the necessary documentation required in this
8 subsection or face penalties as provided in s. 320.27. This
9 subsection does not affect the issuance of a title to a motor
10 vehicle.

11 (a) The motor vehicle owner or co-owner may dispute
12 the claim that money is owed to a dealer for registration fees
13 by submitting a form to the department if the motor vehicle
14 owner or co-owner has documentary proof that the registration
15 fees have been paid to the dealer for the disputed amount.
16 Without clear evidence of the amounts owed for the vehicle
17 registration and repayment, the department will assume initial
18 payments are applied to government-assessed fees first.

19 (b) If the registered owner's dispute complies with
20 paragraph (a), the department shall immediately remove the
21 motor vehicle owner or co-owner's name from the list, thereby
22 allowing the issuance of a license plate or revalidation
23 sticker.

24 Section 15. Paragraph (b) of subsection (9) of section
25 320.27, Florida Statutes, is amended to read:

26 320.27 Motor vehicle dealers.--

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

28 (b) The department may deny, suspend, or revoke any
29 license issued hereunder or under the provisions of s. 320.77
30 or s. 320.771 upon proof that a licensee has committed, with
31 sufficient frequency so as to establish a pattern of

1 wrongdoing on the part of a licensee, violations of one or
2 more of the following activities:

3 1. Representation that a demonstrator is a new motor
4 vehicle, or the attempt to sell or the sale of a demonstrator
5 as a new motor vehicle without written notice to the purchaser
6 that the vehicle is a demonstrator. For the purposes of this
7 section, a "demonstrator," a "new motor vehicle," and a "used
8 motor vehicle" shall be defined as under s. 320.60.

9 2. Unjustifiable refusal to comply with a licensee's
10 responsibility under the terms of the new motor vehicle
11 warranty issued by its respective manufacturer, distributor,
12 or importer. However, if such refusal is at the direction of
13 the manufacturer, distributor, or importer, such refusal shall
14 not be a ground under this section.

15 3. Misrepresentation or false, deceptive, or
16 misleading statements with regard to the sale or financing of
17 motor vehicles which any motor vehicle dealer has, or causes
18 to have, advertised, printed, displayed, published,
19 distributed, broadcast, televised, or made in any manner with
20 regard to the sale or financing of motor vehicles.

21 4. Failure by any motor vehicle dealer to provide a
22 customer or purchaser with an odometer disclosure statement
23 and a copy of any bona fide written, executed sales contract
24 or agreement of purchase connected with the purchase of the
25 motor vehicle purchased by the customer or purchaser.

26 5. Failure of any motor vehicle dealer to comply with
27 the terms of any bona fide written, executed agreement,
28 pursuant to the sale of a motor vehicle.

29 6. Failure to apply for transfer of a title as
30 prescribed in s. 319.23(6).
31

1 7. Use of the dealer license identification number by
2 any person other than the licensed dealer or his or her
3 designee.

4 8. Failure to continually meet the requirements of the
5 licensure law.

6 9. Representation to a customer or any advertisement
7 to the public representing or suggesting that a motor vehicle
8 is a new motor vehicle if such vehicle lawfully cannot be
9 titled in the name of the customer or other member of the
10 public by the seller using a manufacturer's statement of
11 origin as permitted in s. 319.23(1).

12 10. Requirement by any motor vehicle dealer that a
13 customer or purchaser accept equipment on his or her motor
14 vehicle which was not ordered by the customer or purchaser.

15 11. Requirement by any motor vehicle dealer that any
16 customer or purchaser finance a motor vehicle with a specific
17 financial institution or company.

18 12. Requirement by any motor vehicle dealer that the
19 purchaser of a motor vehicle contract with the dealer for
20 physical damage insurance.

21 13. Perpetration of a fraud upon any person as a
22 result of dealing in motor vehicles, including, without
23 limitation, the misrepresentation to any person by the
24 licensee of the licensee's relationship to any manufacturer,
25 importer, or distributor.

26 14. Violation of any of the provisions of s. 319.35 by
27 any motor vehicle dealer.

28 15. Sale by a motor vehicle dealer of a vehicle
29 offered in trade by a customer prior to consummation of the
30 sale, exchange, or transfer of a newly acquired vehicle to the
31 customer, unless the customer provides written authorization

1 for the sale of the trade-in vehicle prior to delivery of the
2 newly acquired vehicle.

3 16. Willful failure to comply with any administrative
4 rule adopted by the department.

5 17. Violation of chapter 319, this chapter, or ss.
6 559.901-559.9221, which has to do with dealing in or repairing
7 motor vehicles or mobile homes. Additionally, in the case of
8 used motor vehicles, the willful violation of the federal law
9 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining
10 to the consumer sales window form.

11 18. Failure to maintain evidence of notification to
12 the owner or co-owner of a vehicle regarding registration or
13 titling fees owned as required in s. 320.02(19).

14 Section 16. Subsections (7), (30), (33), and (56) of
15 section 320.08058, Florida Statutes, are amended to read:

16 320.08058 Specialty license plates.--

17 (7) ~~FLORIDA~~ SPECIAL OLYMPICS FLORIDA LICENSE PLATES.--

18 (a) ~~Florida~~ Special Olympics Florida license plates
19 must contain the official ~~Florida~~ Special Olympics Florida
20 logo and must bear a design and colors that are approved by
21 the department. The word "Florida" must be centered at the
22 bottom ~~top~~ of the plate, and the words "Everyone Wins"
23 ~~"Support Florida Special Olympics"~~ must be centered at the top
24 ~~bottom~~ of the plate.

25 (b) The license plate annual use fees are to be
26 annually distributed as follows:

27 1. The first \$5 million collected annually must be
28 forwarded to the private nonprofit corporation as described in
29 s. 393.002 and must be used solely for Special Olympics
30 purposes as approved by the private nonprofit corporation.
31

1 2. Any additional fees must be deposited into the
2 General Revenue Fund.

3 (30) CHOOSE LIFE LICENSE PLATES.--

4 (a) The department shall develop a Choose Life license
5 plate as provided in this section. The word "Florida" must
6 appear at the bottom of the plate, and the words "Choose Life"
7 must appear at the top of the plate.

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

22 1. Agencies that receive the funds must use at least
23 70 percent of the funds to provide for the material needs of
24 pregnant women who are committed to placing their children for
25 adoption, including clothing, housing, medical care, food,
26 utilities, and transportation. Such funds may also be expended
27 on infants awaiting placement with adoptive parents.

28 2. The remaining funds may be used for adoption,
29 counseling, training, or advertising, but may not be used for
30 administrative expenses, legal expenses, or capital
31 expenditures.

1 3. Each agency that receives such funds must submit an
2 annual attestation ~~audit, prepared by a certified public~~
3 ~~accountant,~~ to the county. ~~The county may conduct a~~
4 ~~consolidated audit in lieu of the annual audit.~~ Any unused
5 funds that exceed 10 percent of the funds received by an
6 agency during its fiscal year must be returned to the county,
7 which shall distribute them to other qualified agencies.

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

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

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

25 (56) ANIMAL FRIEND LICENSE PLATES.--

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

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

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

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

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

16 Section 17. Paragraph (a) of subsection (1) of section
17 320.089, Florida Statutes, is amended to read:

18 320.089 Members of National Guard and active United
19 States Armed Forces reservists; former prisoners of war;
20 survivors of Pearl Harbor; Purple Heart medal recipients;
21 special license plates; fee.--

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

1 membership in the Pearl Harbor Survivors Association or proof
2 of active military duty in Pearl Harbor on December 7, 1941,
3 proof of being a Purple Heart medal recipient, or proof of
4 active or retired membership in any branch of the Armed Forces
5 Reserve, and upon payment of the license tax for the vehicle
6 as provided in s. 320.08, be issued a license plate as
7 provided by s. 320.06, upon which, in lieu of the serial
8 numbers prescribed by s. 320.06, shall be stamped the words
9 "National Guard," "Pearl Harbor Survivor," "Combat-wounded
10 veteran," or "U.S. Reserve," as appropriate, followed by the
11 serial number of the license plate. Additionally, the Purple
12 Heart plate may have the words "Purple Heart" stamped on the
13 plate and the likeness of the Purple Heart medal appearing on
14 the plate.

15 Section 18. Subsection (15) of section 320.77, Florida
16 Statutes, is amended to read:

17 320.77 License required of mobile home dealers.--

18 (15) SURETY BOND, CASH BOND, OR IRREVOCABLE LETTER OF
19 CREDIT REQUIRED.--

20 (a) Before any license shall be issued or renewed, the
21 applicant or licensee shall deliver to the department a good
22 and sufficient surety bond, cash bond, or irrevocable letter
23 of credit, executed by the applicant or licensee as principal
24 ~~and by a surety company qualified to do business in the state~~
25 ~~as surety~~. The bond or irrevocable letter of credit shall be
26 in a form to be approved by the department and shall be
27 conditioned upon the dealer's complying with the conditions of
28 any written contract made by the dealer in connection with the
29 sale, exchange, or improvement of any mobile home and his or
30 her not violating any of the provisions of chapter 319 or this
31 chapter in the conduct of the business for which the dealer is

1 licensed. The bond or irrevocable letter of credit shall be
2 to the department and in favor of any retail customer who
3 shall suffer any loss as a result of any violation of the
4 conditions ~~hereinabove~~ contained in this section. The bond or
5 irrevocable letter of credit shall be for the license period,
6 and a new bond or irrevocable letter of credit or a proper
7 continuation certificate shall be delivered to the department
8 at the beginning of each license period. However, the
9 aggregate liability of the surety in any one license year
10 shall in no event exceed the sum of such bond, or, in the case
11 of a letter of credit, the aggregate liability of the issuing
12 bank shall not exceed the sum of the credit. The amount of the
13 bond required shall be as follows:

14 1. A single dealer who buys, sells, or deals in mobile
15 homes and who has four or fewer supplemental licenses shall
16 provide a surety bond, cash bond, or irrevocable letter of
17 credit executed by the dealer applicant or licensee in the
18 amount of \$25,000.

19 2. A single dealer who buys, sells, or deals in mobile
20 homes and who has more than four supplemental licenses shall
21 provide a surety bond, cash bond, or irrevocable letter of
22 credit executed by the dealer applicant or licensee in the
23 amount of \$50,000.

24
25 For the purposes of this paragraph, any person who buys,
26 sells, or deals in both mobile homes and recreational vehicles
27 shall provide the same surety bond required of dealers who
28 buy, sell, or deal in mobile homes only.

29 (b) Surety bonds shall be executed by a surety company
30 authorized to do business in the state as surety, and
31

1 irrevocable letters of credit shall be issued by a bank
2 authorized to do business in the state as a bank.

3 (c) Irrevocable letters of credit shall be engaged by
4 a bank as an agreement to honor demands for payment as
5 specified in this section.

6 (d)(b) The department shall, upon denial, suspension,
7 or revocation of any license, notify the surety company of the
8 licensee or bank issuing an irrevocable letter of credit for
9 the licensee, in writing, that the license has been denied,
10 suspended, or revoked and shall state the reason for such
11 denial, suspension, or revocation.

12 (e)(c) Any surety company that ~~which~~ pays any claim
13 against the bond of any licensee or any bank that honors a
14 demand for payment as a condition specified in a letter of
15 credit of a licensee shall notify the department, in writing,
16 that ~~it has paid~~ such action has been taken ~~a claim~~ and shall
17 state the amount of the claim or payment.

18 (f)(d) Any surety company that ~~which~~ cancels the bond
19 of any licensee or any bank that cancels an irrevocable letter
20 of credit shall notify the department, in writing, of such
21 cancellation, giving reason for the cancellation.

22 Section 19. Subsection (6) of section 322.08, Florida
23 Statutes, is amended to read:

24 322.08 Application for license.--

25 (6) The application form for a driver's license or
26 duplicate thereof shall include language permitting the
27 following:

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

31

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

6 (c) A voluntary contribution of \$1 per applicant,
7 which contribution shall be distributed to the Florida Council
8 of the Blind.

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

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

16
17 A statement providing an explanation of the purpose of the
18 trust funds shall also be included. For the purpose of
19 applying the service charge provided in s. 215.20,
20 contributions received under paragraphs (c), (d), and (e) and
21 under s. 322.18(9)(a) are not income of a revenue nature.

22 Section 20. Subsection (14) of section 322.2615,
23 Florida Statutes, is amended, and subsection (16) is added to
24 that section, to read:

25 322.2615 Suspension of license; right to review.--

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

1 **(b)** The disposition of any related criminal
2 proceedings ~~does shall~~ not affect a suspension for refusal to
3 submit to a blood, breath, or urine test, authorized by s.
4 316.1932 or s. 316.1933, imposed under ~~pursuant to~~ this
5 section.

6 **(16)** The department shall invalidate a suspension for
7 driving with an unlawful blood-alcohol level or breath-alcohol
8 level imposed under this section if the suspended person is
9 found not guilty at trial of an underlying violation of s.
10 316.193.

11 Section 21. **(1)** There is created the Manufactured
12 Housing Regulatory Study Commission. The study commission
13 shall be composed of 11 members who shall be appointed as
14 follows:

15 **(a)** Four members appointed by the Florida Manufactured
16 Housing Association, one member representing publicly owned
17 manufacturers of manufactured housing, one member representing
18 privately owned manufacturers of manufactured housing, and two
19 members who are retail sellers of manufactured housing, one of
20 whom must also sell residential manufactured buildings
21 approved by the Department of Community Affairs.

22 **(b)** Two members from the Senate, appointed by the
23 President of the Senate.

24 **(c)** Two members from the House of Representatives,
25 appointed by the Speaker of the House of Representatives.

26 **(d)** The secretary of the Department of Community
27 Affairs or the secretary's designee.

28 **(e)** The executive director of the Department of
29 Highway Safety and Motor Vehicles or the director's designee.

30 **(f)** The commissioner of the Department of Agriculture
31 and Consumer Services or the commissioner's designee.

1
2 The commission members representing the departments of
3 Community Affairs, Highway Safety and Motor Vehicles, and
4 Agriculture and Consumer Services shall serve as ex officio,
5 nonvoting members of the study commission.

6 (2) The study commission shall review the programs
7 regulating manufactured and mobile homes which are currently
8 located at the Department of Highway Safety and Motor Vehicles
9 and must include a review of the following programs and
10 activities:

11 (a) The federal construction and inspection programs.

12 (b) The installation program, including the regulation
13 and inspection functions.

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

15 (d) The licensing of manufacturers, retailers, and
16 installers of manufactured and mobile homes.

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

18 (f) Dispute resolution.

19
20 During the course of the study, the study commission must
21 review the sources funding the programs to determine if the
22 manufactured and mobile home programs are or can be
23 self-sustaining. The study commission shall also consider the
24 impact that changes in regulation may have on the industry and
25 its consumers.

26 (3) The study commission shall be administratively
27 supported by the staff of the transportation committees of the
28 Senate and the House of Representatives.

29 (4)(a) The study commission must hold its initial
30 meeting no later than August 15, 2005, in Tallahassee. Staff
31 to the commission shall schedule and organize the initial

1 meeting. Subsequent meetings of the study commission must be
2 held in Tallahassee according to a schedule developed by the
3 chair.

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

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

10 (6) Members of the study commission shall serve
11 without compensation, but are entitled to be reimbursed for
12 per diem and travel expenses under section 112.061, Florida
13 Statutes.

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

16 Section 22. Subsection (3) of section 322.27, Florida
17 Statutes, is amended to read:

18 322.27 Authority of department to suspend or revoke
19 license.--

20 (3) There is established a point system for evaluation
21 of convictions of violations of motor vehicle laws or
22 ordinances, and violations of applicable provisions of s.
23 403.413(6)(b) when such violations involve the use of motor
24 vehicles, for the determination of the continuing
25 qualification of any person to operate a motor vehicle. The
26 department is authorized to suspend the license of any person
27 upon showing of its records or other good and sufficient
28 evidence that the licensee has been convicted of violation of
29 motor vehicle laws or ordinances, or applicable provisions of
30 s. 403.413(6)(b), amounting to 12 or more points as determined
31

1 by the point system. The suspension shall be for a period of
2 not more than 1 year.

3 (a) When a licensee accumulates 12 points within a
4 12-month period, the period of suspension shall be for not
5 more than 30 days.

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

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

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

- 17 1. Reckless driving, willful and wanton--4 points.
 - 18 2. Leaving the scene of a crash resulting in property
19 damage of more than \$50--6 points.
 - 20 3. Unlawful speed resulting in a crash--6 points.
 - 21 4. Passing a stopped school bus--4 points.
 - 22 5. Unlawful speed:
 - 23 a. Not in excess of 15 miles per hour of lawful or
24 posted speed--3 points.
 - 25 b. In excess of 15 miles per hour of lawful or posted
26 speed--4 points.
 - 27 6. All other moving violations (including parking on a
28 highway outside the limits of a municipality)--3 points.
- 29 However, no points shall be imposed for a violation of s.
30 316.0741 or s. 316.2065(12).

31

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

3 8. Any conviction under s. 403.413(6)(b) ~~s.~~
4 ~~403.413(5)(b)~~--3 points.

5 (e) A conviction in another state of a violation
6 therein which, if committed in this state, would be a
7 violation of the traffic laws of this state, or a conviction
8 of an offense under any federal law substantially conforming
9 to the traffic laws of this state, except a violation of s.
10 322.26, may be recorded against a driver on the basis of the
11 same number of points received had the conviction been made in
12 a court of this state.

13 (f) In computing the total number of points, when the
14 licensee reaches the danger zone, the department is authorized
15 to send the licensee a warning letter advising that any
16 further convictions may result in suspension of his or her
17 driving privilege.

18 (g) The department shall administer and enforce the
19 provisions of this law and may make rules and regulations
20 necessary for its administration.

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

26 (i) This subsection shall not apply to persons
27 operating a nonmotorized vehicle for which a driver's license
28 is not required.

29 Section 23. Subsections (1), (2), (3), (7), (8), and
30 (10) of section 322.61, Florida Statutes, are amended to read:

31

1 322.61 Disqualification from operating a commercial
2 motor vehicle.--

3 (1) A person who, for offenses occurring within a
4 3-year period, is convicted of two of the following serious
5 traffic violations or any combination thereof, arising in
6 separate incidents committed in a commercial motor vehicle
7 shall, in addition to any other applicable penalties, be
8 disqualified from operating a commercial motor vehicle for a
9 period of 60 days. A person who, for offenses occurring within
10 a 3-year period, is convicted of two of the following serious
11 traffic violations, or any combination thereof, arising in
12 separate incidents committed in a noncommercial motor vehicle
13 shall, in addition to any other applicable penalties, be
14 disqualified from operating a commercial motor vehicle for a
15 period of 60 days if such convictions result in the
16 suspension, revocation, or cancellation of the licenseholder's
17 driving privilege:

18 (a) A violation of any state or local law relating to
19 motor vehicle traffic control, other than a parking violation,
20 a weight violation, or a vehicle equipment violation, arising
21 in connection with a crash resulting in death or personal
22 injury to any person;

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

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

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

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

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

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

1 (h) Following too closely, as defined in s. 316.0895;
2 (i) Driving a commercial vehicle without obtaining a
3 commercial driver's license;
4 (j) Driving a commercial vehicle without the proper
5 class of commercial driver's license or without the proper
6 endorsement; or
7 (k) Driving a commercial vehicle without a commercial
8 driver's license in possession, as required by s. 322.03. Any
9 individual who provides proof to the clerk of the court or
10 designated official in the jurisdiction where the citation was
11 issued, by the date the individual must appear in court or pay
12 any fine for such a violation, that the individual held a
13 valid commercial driver's license on the date the citation was
14 issued is not guilty of this offense.
15 (2)(a) Any person who, for offenses occurring within a
16 3-year period, is convicted of three serious traffic
17 violations specified in subsection (1) or any combination
18 thereof, arising in separate incidents committed in a
19 commercial motor vehicle shall, in addition to any other
20 applicable penalties, including but not limited to the penalty
21 provided in subsection (1), be disqualified from operating a
22 commercial motor vehicle for a period of 120 days.
23 (b) A person who, for offenses occurring within a
24 3-year period, is convicted of three serious traffic
25 violations specified in subsection (1) or any combination
26 thereof arising in separate incidents committed in a
27 noncommercial motor vehicle shall, in addition to any other
28 applicable penalties, including, but not limited to, the
29 penalty provided in subsection (1), be disqualified from
30 operating a commercial motor vehicle for a period of 120 days
31

1 if such convictions result in the suspension, revocation, or
2 cancellation of the licenseholder's driving privilege.

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

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

10 (b) Driving a commercial motor vehicle while the
11 alcohol concentration of his or her blood, breath, or urine is
12 .04 percent or higher;

13 (c) Leaving the scene of a crash involving a
14 commercial motor vehicle driven by such person;

15 (d) Using a commercial motor vehicle in the commission
16 of a felony;

17 (e) Driving a commercial motor vehicle while in
18 possession of a controlled substance; ~~or~~

19 (f) Refusing to submit to a test to determine his or
20 her alcohol concentration while driving a commercial motor
21 vehicle; ~~or~~

22 (g) Driving a commercial vehicle while the
23 licenseholder's commercial driver's license is suspended,
24 revoked, or canceled or while the licenseholder is
25 disqualified from driving a commercial vehicle; or

26 (h) Causing a fatality through the negligent operation
27 of a commercial motor vehicle.

28 (7) A person whose privilege to operate a commercial
29 motor vehicle is disqualified under this section may, if
30 otherwise qualified, be issued a ~~Class D or~~ Class E driver's
31 license, pursuant to s. 322.251.

1 (8) A driver who is convicted of or otherwise found to
2 have committed a violation of an out-of-service order while
3 driving a commercial motor vehicle is disqualified as follows:

4 (a) Not less than 90 days nor more than 1 year if the
5 driver is convicted of or otherwise found to have committed a
6 first violation of an out-of-service order.

7 (b) Not less than 1 year nor more than 5 years if, for
8 offenses occurring during any 10-year period, the driver is
9 convicted of or otherwise found to have committed two
10 violations of out-of-service orders in separate incidents.

11 (c) Not less than 3 years nor more than 5 years if,
12 for offenses occurring during any 10-year period, the driver
13 is convicted of or otherwise found to have committed three or
14 more violations of out-of-service orders in separate
15 incidents.

16 (d) Not less than 180 days nor more than 2 years if
17 the driver is convicted of or otherwise found to have
18 committed a first violation of an out-of-service order while
19 transporting hazardous materials required to be placarded
20 under the Hazardous Materials Transportation Act, 49 U.S.C.
21 ss. 5101 et seq., or while operating motor vehicles designed
22 to transport more than 15 passengers, including the driver. A
23 driver is disqualified for a period of not less than 3 years
24 nor more than 5 years if, for offenses occurring during any
25 10-year period, the driver is convicted of or otherwise found
26 to have committed any subsequent violations of out-of-service
27 orders, in separate incidents, while transporting hazardous
28 materials required to be placarded under the Hazardous
29 Materials Transportation Act 49 U.S.C. ss. 5101 et seq., or
30 while operating motor vehicles designed to transport more than
31 15 passengers, including the driver.

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

5 (b) A driver must be disqualified for not less than
6 120 days if, for offenses occurring during any 3-year period,
7 the driver is convicted of or otherwise found to have
8 committed a second railroad-highway grade crossing violation
9 in separate incidents.

10 (c) A driver must be disqualified for not less than 1
11 year if, for offenses occurring during any 3-year period, the
12 driver is convicted of or otherwise found to have committed a
13 third or subsequent railroad-highway grade crossing violation
14 in separate incidents.

15 Section 24. Subsection (5) is added to section 321.24,
16 to read:

17 321.24 Members of an auxiliary to Florida Highway
18 Patrol.--

19 (5) Notwithstanding any other law to the contrary, any
20 volunteer highway patrol troop surgeon appointed by the
21 director of the Florida Highway Patrol, and any volunteer
22 licensed health professional appointed by the director of the
23 Florida Highway Patrol to work under the medical direction of
24 a highway patrol troop surgeon is considered an employee for
25 purposes of s. 768.28(9).

26 Section 25. Section 549.102, Florida Statutes, is
27 created to read:

28 549.102 Motorsports entertainment complex; overnight
29 parking.--Notwithstanding any other law to the contrary, the
30 owner of a motorsports entertainment complex may allow
31 temporary overnight parking during a motorsports event and the

1 2 days immediately preceding and following such motorsports
2 event without any other license or permit as long as the area
3 where such temporary overnight parking is allowed meets
4 applicable health department requirements other than site
5 requirements. The Department of Health, or any other health
6 agency in the state, shall not regard such temporary overnight
7 parking as a "recreational vehicle park" as described in
8 chapter 513 and the administrative code adopted under that
9 chapter.

10 Section 26. This act shall take effect July 1, 2005.

11

12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 CS/CS Senate Bill 454

14

15 The CS allows the department to issue a drivers' license
16 restricted for "business purposes only" to a person whose
17 license is being suspended for failure to pay child support,
18 subject to the court's approval;

17

18 Provides penalties for certain traffic infractions requiring a
19 mandatory hearing and provides for distribution of monies
20 collected;

19

20 Provides for the distribution of specified civil penalties by
21 county courts;

20

21 Allows mobile home dealers to post a cash bond or irrevocable
22 letter of credit, in lieu of a required surety bond, in order
23 to be licensed mobile home dealers in the state;

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22 Provides an exemption from chapter 513, Florida Statutes, for
23 temporary overnight parking during a motorsports event at a
24 motorsports entertainment complex.

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