

Bill No. CS for SB 1742

Barcode 155312

CHAMBER ACTION

Senate

House

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The Committee on Domestic Security (Sebesta) recommended the following amendment:

Senate Amendment (with title amendment)

Delete everything after the enacting clause

and insert:

Section 1. Section 207.008, Florida Statutes, is amended to read:

207.008 Retention of records by motor carrier.--Each registered motor carrier shall maintain and keep pertinent records and papers as may be required by the department for the reasonable administration of this chapter and shall preserve the records upon which each quarterly tax return is based for 4 years following the due date or filing date of the return, whichever is later ~~such records as long as required by s. 213.35.~~

Section 2. Section 207.021, Florida Statutes, is amended to read:

207.021 Informal conferences; settlement or compromise of taxes, penalties, or interest.--

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1 (1)(a) The department may adopt rules for establishing
 2 informal conferences for the resolution of disputes arising
 3 from the assessment of taxes, penalties, or interest or the
 4 denial of refunds under chapter 120.

5 (b) During any proceeding arising under this section,
 6 the motor carrier has the right to be represented at and to
 7 record all procedures at the motor carrier's expense.

8 (2)(a) The executive director or his or her designee
 9 may enter into a closing agreement with a taxpayer settling or
 10 compromising the taxpayer's liability for any tax, interest,
 11 or penalty assessed under this chapter. Each agreement must be
 12 in writing, in the form of a closing agreement approved by the
 13 department, and signed by the executive director or his or her
 14 designee. The agreement is final and conclusive, except upon a
 15 showing of material fraud or misrepresentation of material
 16 fact. The department may not make an additional assessment
 17 against the taxpayer for the tax, interest, or penalty
 18 specified in the closing agreement for the time specified in
 19 the closing agreement, and the taxpayer may not institute a
 20 judicial or administrative proceeding to recover any tax,
 21 interest, or penalty paid pursuant to the closing agreement.
 22 The executive director of the department or his or her
 23 designee may approve the closing agreement.

24 (b) Notwithstanding paragraph (a), for the purpose of
 25 settling and compromising the liability of a taxpayer for any
 26 tax or interest on the grounds of doubt as to liability based
 27 on the taxpayer's reasonable reliance on a written
 28 determination issued by the department, the department may
 29 compromise the amount of the tax or interest resulting from
 30 such reasonable reliance.

31 (3) A taxpayer's liability for any tax or interest

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1 specified in this chapter may be compromised by the department
 2 upon the grounds of doubt as to liability for or the
 3 collectibility of such tax or interest. Doubt as to the
 4 liability of a taxpayer for tax and interest exists if the
 5 taxpayer demonstrates that he or she reasonably relied on a
 6 written determination of the department.

7 (4) A taxpayer's liability for any tax or interest
 8 under this chapter shall be settled or compromised in whole or
 9 in part whenever or to the extent allowable under the Articles
 10 of Agreement of the International Fuel Tax Agreement.

11 (5) A taxpayer's liability for penalties under this
 12 chapter may be settled or compromised if it is determined by
 13 the department that the noncompliance is due to reasonable
 14 cause and not willful negligence, willful neglect, or fraud.

15 (6) The department may enter into an agreement for
 16 scheduling payments of any tax, penalty, or interest owed to
 17 the department as a result of an audit assessment issued under
 18 this chapter. The department may settle or compromise,
 19 ~~pursuant to s. 213.21, penalties or interest imposed under~~
 20 ~~this chapter.~~

21 Section 3. Subsection (43) of section 316.003, Florida
 22 Statutes, is amended to read:

23 316.003 Definitions.--The following words and phrases,
 24 when used in this chapter, shall have the meanings
 25 respectively ascribed to them in this section, except where
 26 the context otherwise requires:

27 (43) SADDLE MOUNT; FULL MOUNT.--An arrangement whereby
 28 the front wheels of one vehicle rest in a secured position
 29 upon another vehicle. All of the wheels of the towing vehicle
 30 are upon the ground and only the rear wheels of the towed
 31 vehicle rest upon the ground. Such combinations may include

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1 one full mount, whereby a smaller transport vehicle is placed
2 completely on the last towed vehicle.

3 Section 4. Paragraph (b) of subsection (2) and
4 paragraph (b) of subsection (3) of section 316.006, Florida
5 Statutes, are amended to read:

6 316.006 Jurisdiction.--Jurisdiction to control traffic
7 is vested as follows:

8 (2) MUNICIPALITIES.--

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

17 1. Provision for reimbursement for actual costs of
18 traffic control and enforcement and for liability insurance
19 and indemnification by the party or parties, and such other
20 terms as are mutually agreeable, may be included in such an
21 agreement.

22 2. The exercise of jurisdiction provided for herein
23 shall be in addition to jurisdictional authority presently
24 exercised by municipalities under law, and nothing in this
25 paragraph shall be construed to limit or remove any such
26 jurisdictional authority. Such jurisdiction includes
27 regulation of access to such road or roads by security devices
28 or personnel.

29 3. Any such agreement may provide for the installation
30 of multiparty stop signs by the parties controlling the roads
31 covered by the agreement if a determination is made by such

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1 parties that the signage will enhance traffic safety.

2 Multiparty stop signs must conform to the manual and
3 specifications of the Department of Transportation; however,
4 minimum traffic volumes may not be required for the
5 installation of such signage. Enforcement for the signs shall
6 be as provided in s. 316.123.

7 4. The board of directors of a homeowners' association
8 as defined in chapter 720 may, by majority vote, elect to have
9 state traffic laws enforced by local law enforcement agencies
10 on private roads that are controlled by the association.

11 (3) COUNTIES.--

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

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

26 2. Prior to entering into an agreement which provides
27 for enforcement of the traffic laws of the state over a
28 private road or roads, or over any limited access road or
29 roads owned or controlled by a special district, the governing
30 body of the county shall consult with the sheriff. No such
31 agreement shall take effect prior to October 1, the beginning

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1 of the county fiscal year, unless this requirement is waived
2 in writing by the sheriff.

3 3. The exercise of jurisdiction provided for herein
4 shall be in addition to jurisdictional authority presently
5 exercised by counties under law, and nothing in this paragraph
6 shall be construed to limit or remove any such jurisdictional
7 authority.

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

17 5. The board of directors of a homeowners' association
18 as defined in chapter 720 may, by majority vote, elect to have
19 state traffic laws enforced by local law enforcement agencies
20 on private roads that are controlled by the association.

21 Section 5. Subsection (1) of section 316.192, Florida
22 Statutes, is amended to read:

23 316.192 Reckless driving.--

24 (1)(a) Any person who drives any vehicle in willful or
25 wanton disregard for the safety of persons or property is
26 guilty of reckless driving.

27 (b) Fleeing a law enforcement officer in a motor
28 vehicle is reckless driving per se.

29 Section 6. Subsection (1) of section 316.1955, Florida
30 Statutes, is amended to read:

31 316.1955 Enforcement of parking requirements for

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1 persons who have disabilities.--

2 (1) It is unlawful for any person to stop, stand, or
3 park a vehicle within, or to obstruct, any such specially
4 designated and marked parking space provided in accordance
5 with s. 553.5041, unless the vehicle displays a disabled
6 parking permit issued under s. 316.1958 or s. 320.0848 or a
7 license plate issued under s. 320.084, s. 320.0842, s.
8 320.0843, or s. 320.0845, and the vehicle is transporting the
9 person to whom the displayed permit is issued. The violation
10 may not be dismissed for failure of the marking on the parking
11 space to comply with s. 553.5041 if the space is in general
12 compliance and is clearly distinguishable as a designated
13 accessible parking space for people who have disabilities.
14 Only a warning may be issued for unlawfully parking in a space
15 designated for persons with disabilities if there is no
16 above-grade sign as provided in s. 553.5041.

17 (a) Whenever a law enforcement officer, a parking
18 enforcement specialist, or the owner or lessee of the space
19 finds a vehicle in violation of this subsection, that officer,
20 owner, or lessor shall have the vehicle in violation removed
21 to any lawful parking space or facility or require the
22 operator or other person in charge of the vehicle immediately
23 to remove the unauthorized vehicle from the parking space.
24 Whenever any vehicle is removed under this section to a
25 storage lot, garage, or other safe parking space, the cost of
26 the removal and parking constitutes a lien against the
27 vehicle.

28 (b) The officer or specialist shall charge the
29 operator or other person in charge of the vehicle in violation
30 with a noncriminal traffic infraction, punishable as provided
31 in s. 316.008(4) or s. 318.18(6). The owner of a leased

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1 vehicle is not responsible for a violation of this section if
2 the vehicle is registered in the name of the lessee.

3 (c) All convictions for violations of this section
4 must be reported to the Department of Highway Safety and Motor
5 Vehicles by the clerk of the court.

6 (d) A law enforcement officer or a parking enforcement
7 specialist has the right to demand to be shown the person's
8 disabled parking permit and driver's license or state
9 identification card when investigating the possibility of a
10 violation of this section. If such a request is refused, the
11 person in charge of the vehicle may be charged with resisting
12 an officer without violence, as provided in s. 843.02.

13 Section 7. Section 316.2015, Florida Statutes, is
14 amended to read:

15 316.2015 Unlawful for person to ride on exterior of
16 vehicle.--

17 (1) It is unlawful for any operator of a passenger
18 vehicle to permit any person to ride on the bumper, radiator,
19 fender, hood, top, trunk, or running board of such vehicle
20 when operated upon any street or highway which is maintained
21 by the state, county, or municipality. ~~However, the operator~~
22 ~~of any vehicle shall not be in violation of this section when~~
23 ~~such operator permits any person to occupy seats securely~~
24 ~~affixed to the exterior of such vehicle.~~ Any person who
25 violates ~~the provisions of~~ this subsection shall be cited for
26 a moving violation, punishable as provided in chapter 318.

27 (2)(a) No person shall ride on any vehicle upon any
28 portion thereof not designed or intended for the use of
29 passengers. This paragraph does not apply to an employee of a
30 fire department, an employee of a governmentally operated
31 solid waste disposal department or a waste disposal service

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1 operating pursuant to a contract with a governmental entity,
 2 or to a volunteer firefighter when the employee or firefighter
 3 is engaged in the necessary discharge of a duty, and does not
 4 apply to a person who is being transported in response to an
 5 emergency by a public agency or pursuant to the direction or
 6 authority of a public agency. This paragraph does ~~provision~~
 7 ~~shall~~ not apply to an employee engaged in the necessary
 8 discharge of a duty or to a person or persons riding within
 9 truck bodies in space intended for merchandise.

10 (b) It is unlawful for any operator of a pickup truck
 11 or flatbed truck to permit a minor child who has not attained
 12 18 years of age to ride upon limited access facilities of the
 13 state within the open body of a pickup truck or flatbed truck
 14 unless the minor is restrained within the open body in the
 15 back of a truck that has been modified to include secure
 16 seating and safety restraints to prevent the passenger from
 17 being thrown, falling, or jumping from the truck. This
 18 paragraph does not apply in a medical emergency if the child
 19 is accompanied within the truck by an adult. A county is
 20 exempt from this paragraph if the governing body of the
 21 county, by majority vote, following a noticed public hearing,
 22 votes to exempt the county from this paragraph.

23 (c) Any person who violates ~~the provisions of~~ this
 24 subsection shall be cited for a nonmoving violation,
 25 punishable as provided in chapter 318.

26 (3) This section shall not apply to a performer
 27 engaged in a professional exhibition or person participating
 28 in an exhibition or parade, or any such person preparing to
 29 participate in such exhibitions or parades.

30 Section 8. Effective January 1, 2007, present
 31 subsection (6) of section 316.211, Florida Statutes, is

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1 redesignated as subsection (7), and a new subsection (6) is
2 added to that section, to read:

3 316.211 Equipment for motorcycle and moped riders.--

4 (6) Each motorcycle registered to a person under 21
5 years of age must display a license plate that is unique in
6 design and color.

7 Section 9. Section 316.2123, Florida Statutes, is
8 created to read:

9 316.2123 Operation of an ATV on certain roadways.--

10 (1) The operation of an ATV, as defined in s.
11 317.0003, upon the public roads or streets of this state is
12 prohibited, except that an ATV may be operated during the
13 daytime on an unpaved roadway where the posted speed limit is
14 less than 35 miles per hour by a licensed driver or by a minor
15 under the supervision of a licensed driver. The operator must
16 provide proof of ownership pursuant to chapter 317 upon
17 request by a law enforcement officer.

18 (2) A county is exempt from this section if the
19 governing body of the county, by majority vote, following a
20 noticed public hearing, votes to exempt the county from this
21 section.

22 Section 10. Subsection (3) is added to section
23 316.2125, Florida Statutes, to read:

24 316.2125 Operation of golf carts within a retirement
25 community.--

26 (3) A local governmental entity may enact an ordinance
27 regarding golf cart operation and equipment which is more
28 restrictive than those enumerated in this section. Upon
29 enactment of any such ordinance, the local governmental entity
30 shall post appropriate signs or otherwise inform the residents
31 that such an ordinance exists and that it shall be enforced

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1 within the local government's jurisdictional territory. An
2 ordinance referred to in this section must apply only to an
3 unlicensed driver.

4 Section 11. Section 316.2128, Florida Statutes, is
5 created to read:

6 316.2128 Operation of motorized scooters and miniature
7 motorcycles; requirements for sales.--

8 (1) A person who engages in the business of, serves in
9 the capacity of, or acts as a commercial seller of motorized
10 scooters or miniature motorcycles in this state must
11 prominently display at his or her place of business a notice
12 that such vehicles are not legal to operate on public roads or
13 sidewalks and may not be registered as motor vehicles. The
14 required notice must also appear in all forms of advertising
15 offering motorized scooters or miniature motorcycles for sale.
16 The notice and a copy of this section must also be provided to
17 a consumer prior to the consumer's purchasing or becoming
18 obligated to purchase a motorized scooter or a miniature
19 motorcycle.

20 (2) Any person selling or offering a motorized scooter
21 or a miniature motorcycle for sale in violation of this
22 subsection commits an unfair and deceptive trade practice as
23 defined in part II of chapter 501.

24 Section 12. Subsection (2) of section 316.221, Florida
25 Statutes, is amended to read:

26 316.221 Taillamps.--

27 (2) Either a taillamp or a separate lamp shall be so
28 constructed and placed as to illuminate with a white light the
29 rear registration plate and render it clearly legible from a
30 distance of 50 feet to the rear. Any taillamp or taillamps,
31 together with any separate lamp or lamps for illuminating the

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1 rear registration plate, shall be so wired as to be lighted
 2 whenever the headlamps or auxiliary driving lamps are lighted.
 3 Dump trucks and vehicles having dump bodies are exempt from
 4 the requirements of this subsection.

5 Section 13. Paragraph (b) of subsection (1),
 6 paragraphs (b), (c), (d), (f), and (i) of subsection (2), and
 7 subsection (3) of section 316.302, Florida Statutes, are
 8 amended to read:

9 316.302 Commercial motor vehicles; safety regulations;
 10 transporters and shippers of hazardous materials;
 11 enforcement.--

12 (1)

13 (b) Except as otherwise provided in this section, all
 14 owners or drivers of commercial motor vehicles that are
 15 engaged in intrastate commerce are subject to the rules and
 16 regulations contained in 49 C.F.R. parts 382, 385, and
 17 390-397, with the exception of 49 C.F.R. s. 390.5 as it
 18 relates to the definition of bus, as such rules and
 19 regulations existed on October 1, 2005 ~~2004~~.

20 (2)

21 (b) Except as provided in 49 C.F.R. s. 395.1, a person
 22 who operates a commercial motor vehicle solely in intrastate
 23 commerce not transporting any hazardous material in amounts
 24 that require placarding pursuant to 49 C.F.R. part 172 may not
 25 drive:

26 1. More than 12 hours following 10 consecutive hours
 27 off duty; or

28 2. For any period after the end of the 16th hour after
 29 coming on duty following 10 consecutive hours off duty. ~~is~~
 30 ~~exempt from 49 C.F.R. s. 395.3(a) and (b) and may, after 8~~
 31 ~~hours' rest, and following the required initial motor vehicle~~

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1 ~~inspection, be permitted to drive any part of the first 15~~
 2 ~~on-duty hours in any 24-hour period, but may not be permitted~~
 3 ~~to operate a commercial motor vehicle after that until the~~
 4 ~~requirement of another 8 hours' rest has been fulfilled.~~

5
 6 The provisions of this paragraph do not apply to drivers of
 7 utility service vehicles as defined in 49 C.F.R. s. 395.2.
 8 ~~public utility vehicles or authorized emergency vehicles~~
 9 ~~during periods of severe weather or other emergencies.~~

10 (c) Except as provided in 49 C.F.R. s. 395.1, a person
 11 who operates a commercial motor vehicle solely in intrastate
 12 commerce not transporting any hazardous material in amounts
 13 that require placarding pursuant to 49 C.F.R. part 172 may not
 14 drive after having been on duty more than 70 hours in any
 15 period of 7 consecutive days or more than 80 hours in any
 16 period of 8 consecutive days if the motor carrier operates
 17 every day of the week. Thirty-four ~~be on duty more than 72~~
 18 ~~hours in any period of 7 consecutive days, but carriers~~
 19 ~~operating every day in a week may permit drivers to remain on~~
 20 ~~duty for a total of not more than 84 hours in any period of 8~~
 21 ~~consecutive days; however, 24~~ consecutive hours off duty shall
 22 constitute the end of any such period of 7 or 8 consecutive
 23 days. This weekly limit does not apply to a person who
 24 operates a commercial motor vehicle solely within this state
 25 while transporting, during harvest periods, any unprocessed
 26 agricultural products or unprocessed food or fiber that is ~~are~~
 27 subject to seasonal harvesting from place of harvest to the
 28 first place of processing or storage or from place of harvest
 29 directly to market or while transporting livestock, livestock
 30 feed, or farm supplies directly related to growing or
 31 harvesting agricultural products. Upon request of the

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1 Department of Transportation, motor carriers shall furnish
 2 time records or other written verification to that department
 3 so that the Department of Transportation can determine
 4 compliance with this subsection. These time records must be
 5 furnished to the Department of Transportation within 2 ~~10~~ days
 6 after receipt of that department's request. Falsification of
 7 such information is subject to a civil penalty not to exceed
 8 \$100. The provisions of this paragraph do not apply to drivers
 9 of ~~public~~ utility service vehicles as defined in 49 C.F.R. s.
 10 395.2. ~~or authorized emergency vehicles during periods of~~
 11 ~~severe weather or other emergencies.~~

12 (d) A person who operates a commercial motor vehicle
 13 solely in intrastate commerce not transporting any hazardous
 14 material in amounts that require placarding pursuant to 49
 15 C.F.R. part 172 within a 150 ~~200~~ air-mile radius of the
 16 location where the vehicle is based need not comply with 49
 17 C.F.R. s. 395.8, if the requirements of 49 C.F.R. s.
 18 395.1(e)(1)(iii) and (v) are met. If a driver is not released
 19 from duty within 12 hours after the driver arrives for duty,
 20 the motor carrier must maintain documentation of the driver's
 21 driving times throughout the duty period ~~except that time~~
 22 ~~records shall be maintained as prescribed in 49 C.F.R. s.~~
 23 ~~395.1(e)(5).~~

24 (f) A person who operates a commercial motor vehicle
 25 having a declared gross vehicle weight of less than 26,001
 26 ~~26,000~~ pounds solely in intrastate commerce and who is not
 27 transporting hazardous materials in amounts that require
 28 placarding pursuant to 49 C.F.R. part 172, or who is
 29 transporting petroleum products as defined in s. 376.301, is
 30 exempt from subsection (1). However, such person must comply
 31 with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss.

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1 396.3(a)(1) and 396.9.

2 (i) A person ~~who was a regularly employed driver of a~~
3 ~~commercial motor vehicle on July 4, 1987, and~~ whose driving
4 record shows no traffic convictions, pursuant to s. 322.61,
5 during the 2-year period immediately preceding the application
6 for the commercial driver's license, ~~and~~ who is otherwise
7 qualified as a driver under 49 C.F.R. part 391, and who
8 operates a commercial vehicle in intrastate commerce only,
9 shall be exempt from the requirements of 49 C.F.R. part 391,
10 subpart E, s. 391.41(b)(10). However, such operators are still
11 subject to the requirements of ss. 322.12 and 322.121. As
12 proof of eligibility, such driver shall have in his or her
13 possession a physical examination form dated within the past
14 24 months.

15 (3) A person who has not attained ~~under the age of 18~~
16 years of age may not operate a commercial motor vehicle,
17 except that a person who has not attained ~~under the age of 18~~
18 years of age may operate a commercial motor vehicle which has
19 a gross vehicle weight of less than 26,001 ~~26,000~~ pounds while
20 transporting agricultural products, including horticultural or
21 forestry products, from farm or harvest place to storage or
22 market.

23 Section 14. Subsections (5) and (10) of section
24 316.515, Florida Statutes, are amended to read:

25 316.515 Maximum width, height, length.--

26 (5) IMPLEMENTS OF HUSBANDRY;~~;~~ AGRICULTURAL TRAILERS;~~;~~
27 FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.--

28 (a) Notwithstanding any other provisions of law,
29 straight trucks, agricultural tractors, and cotton module
30 movers, not exceeding 50 feet in length, or any combination of
31 up to and including three implements of husbandry including

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1 the towing power unit, and any single agricultural trailer
 2 with a load thereon or any agricultural implements attached to
 3 a towing power unit not exceeding 130 inches in width, or a
 4 self-propelled agricultural implement or an agricultural
 5 tractor not exceeding 130 inches in width, is authorized for
 6 the purpose of transporting peanuts, grains, soybeans, cotton,
 7 hay, straw, or other perishable farm products from their point
 8 of production to the first point of change of custody or of
 9 long-term storage, and for the purpose of returning to such
 10 point of production, or for the purpose of moving such
 11 tractors, movers, and implements from one point of
 12 agricultural production to another, by a person engaged in the
 13 production of any such product or custom hauler, if such
 14 vehicle or combination of vehicles otherwise complies with
 15 this section. Such vehicles shall be operated in accordance
 16 with all safety requirements prescribed by law and Department
 17 of Transportation rules. The Department of Transportation may
 18 issue overlength permits for cotton module movers greater than
 19 50 feet but not more than 55 feet in overall length.

20 (b) Notwithstanding any other provision of law,
 21 equipment not exceeding 136 inches in width and not capable of
 22 speeds exceeding 20 miles per hour which is used exclusively
 23 for harvesting forestry products is authorized for the purpose
 24 of transporting equipment from one point of harvest to another
 25 point of harvest, not to exceed 10 miles, by a person engaged
 26 in the harvesting of forestry products. Such vehicles must be
 27 operated during daylight hours only, in accordance with all
 28 safety requirements prescribed by s. 316.2295(5) and (6).

29 (10) AUTOMOBILE TOWAWAY AND DRIVEAWAY OPERATIONS.--An
 30 automobile towaway or driveaway operation transporting new or
 31 used trucks may use what is known to the trade as "saddle

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1 mounts, if the overall length does not exceed 97 75 feet and
 2 no more than three saddle mounts are towed. Such combinations
 3 may include one full mount. Saddle mount combinations must
 4 also comply with the applicable safety regulations in 49
 5 C.F.R. s. 393.71.

6 Section 15. Section 318.18, Florida Statutes, is
 7 amended to read:

8 318.18 Amount of ~~civil~~ penalties.--The penalties
 9 required for a noncriminal disposition pursuant to s. 318.14
 10 or a criminal offense listed in s. 318.17 are as follows:

- 11 (1) Fifteen dollars for:
 - 12 (a) All infractions of pedestrian regulations.
 - 13 (b) All infractions of s. 316.2065, unless otherwise
 - 14 specified.
 - 15 (c) Other violations of chapter 316 by persons 14
 - 16 years of age or under who are operating bicycles, regardless
 - 17 of the noncriminal traffic infraction's classification.

- 18 (2) Thirty dollars for all nonmoving traffic
- 19 violations and:
 - 20 (a) For all violations of s. 322.19.
 - 21 (b) For all violations of ss. 320.0605, 320.07(1),
 - 22 322.065, and 322.15(1). Any person who is cited for a
 - 23 violation of s. 320.07(1) shall be charged a delinquent fee
 - 24 pursuant to s. 320.07(4).

25 1. If a person who is cited for a violation of s.
 26 320.0605 or s. 320.07 can show proof of having a valid
 27 registration at the time of arrest, the clerk of the court may
 28 dismiss the case and may assess a dismissal fee of up to
 29 \$7.50. A person who finds it impossible or impractical to
 30 obtain a valid registration certificate must submit an
 31 affidavit detailing the reasons for the impossibility or

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1 impracticality. The reasons may include, but are not limited
 2 to, the fact that the vehicle was sold, stolen, or destroyed;
 3 that the state in which the vehicle is registered does not
 4 issue a certificate of registration; or that the vehicle is
 5 owned by another person.

6 2. If a person who is cited for a violation of s.
 7 322.03, s. 322.065, or s. 322.15 can show a driver's license
 8 issued to him or her and valid at the time of arrest, the
 9 clerk of the court may dismiss the case and may assess a
 10 dismissal fee of up to \$7.50.

11 3. If a person who is cited for a violation of s.
 12 316.646 can show proof of security as required by s. 627.733,
 13 issued to the person and valid at the time of arrest, the
 14 clerk of the court may dismiss the case and may assess a
 15 dismissal fee of up to \$7.50. A person who finds it impossible
 16 or impractical to obtain proof of security must submit an
 17 affidavit detailing the reasons for the impracticality. The
 18 reasons may include, but are not limited to, the fact that the
 19 vehicle has since been sold, stolen, or destroyed; that the
 20 owner or registrant of the vehicle is not required by s.
 21 627.733 to maintain personal injury protection insurance; or
 22 that the vehicle is owned by another person.

23 (c) For all violations of ss. 316.2935 and 316.610.
 24 However, for a violation of s. 316.2935 or s. 316.610, if the
 25 person committing the violation corrects the defect and
 26 obtains proof of such timely repair by an affidavit of
 27 compliance executed by the law enforcement agency within 30
 28 days from the date upon which the traffic citation was issued,
 29 and pays \$4 to the law enforcement agency, thereby completing
 30 the affidavit of compliance, then upon presentation of said
 31 affidavit by the defendant to the clerk within the 30-day time

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1 period set forth under s. 318.14(4), the fine must be reduced
2 to \$7.50, which the clerk of the court shall retain.

3 (d) For all violations of s. 316.126(1)(b), unless
4 otherwise specified.

5 (3)(a) Except as otherwise provided in this section,
6 \$60 for all moving violations not requiring a mandatory
7 appearance.

8 (b) For moving violations involving unlawful speed,
9 the fines are as follows:

10

11 For speed exceeding the limit by:	Fine:
12 1-5 m.p.h.....	Warning
13 6-9 m.p.h.....	\$ 25
14 10-14 m.p.h.....	\$100
15 15-19 m.p.h.....	\$125
16 20-29 m.p.h.....	\$150
17 30 m.p.h. and above.....	\$250

18

19 (c) Notwithstanding paragraph (b), a person cited for
20 exceeding the speed limit by up to 5 m.p.h. in a legally
21 posted school zone will be fined \$50. A person exceeding the
22 speed limit in a school zone shall pay a fine double the
23 amount listed in paragraph (b).

24 (d) A person cited for exceeding the speed limit in a
25 posted construction zone shall pay a fine double the amount
26 listed in paragraph (b). The fine shall be doubled for
27 construction zone violations only if construction personnel
28 are present or operating equipment on the road or immediately
29 adjacent to the road under construction.

30 (e) If a violation of s. 316.1301 or s. 316.1303
31 results in an injury to the pedestrian or damage to the

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1 property of the pedestrian, an additional fine of up to \$250
2 shall be paid. This amount must be distributed pursuant to s.
3 318.21.

4 (f) A person cited for exceeding the speed limit
5 within a zone posted for any electronic or manual toll
6 collection facility shall pay a fine double the amount listed
7 in paragraph (b). However, no person cited for exceeding the
8 speed limit in any toll collection zone shall be subject to a
9 doubled fine unless the governmental entity or authority
10 controlling the toll collection zone first installs a traffic
11 control device providing warning that speeding fines are
12 doubled. Any such traffic control device must meet the
13 requirements of the uniform system of traffic control devices.

14 (4) The penalty imposed under s. 316.545 shall be
15 determined by the officer in accordance with the provisions of
16 ss. 316.535 and 316.545.

17 (5)(a) One hundred dollars for a violation of s.
18 316.172(1)(a), failure to stop for a school bus. If, at a
19 hearing, the alleged offender is found to have committed this
20 offense, the court shall impose a minimum civil penalty of
21 \$100. In addition to this penalty, for a second or subsequent
22 offense within a period of 5 years, the department shall
23 suspend the driver's license of the person for not less than
24 90 days and not more than 6 months.

25 (b) Two hundred dollars for a violation of s.
26 316.172(1)(b), passing a school bus on the side that children
27 enter and exit when the school bus displays a stop signal. If,
28 at a hearing, the alleged offender is found to have committed
29 this offense, the court shall impose a minimum civil penalty
30 of \$200. In addition to this penalty, for a second or
31 subsequent offense within a period of 5 years, the department

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1 shall suspend the driver's license of the person for not less
2 than 180 days and not more than 1 year.

3 (6) One hundred dollars or the fine amount designated
4 by county ordinance, plus court costs for illegally parking,
5 under s. 316.1955, in a parking space provided for people who
6 have disabilities. However, this fine will be waived if a
7 person provides to the law enforcement agency that issued the
8 citation for such a violation proof that the person committing
9 the violation has a valid parking permit or license plate
10 issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s.
11 320.0845, or s. 320.0848 or a signed affidavit that the owner
12 of the disabled parking permit or license plate was present at
13 the time the violation occurred, and that such a parking
14 permit or license plate was valid at the time the violation
15 occurred. The law enforcement officer, upon determining that
16 all required documentation has been submitted verifying that
17 the required parking permit or license plate was valid at the
18 time of the violation, must sign an affidavit of compliance.
19 Upon provision of the affidavit of compliance and payment of a
20 dismissal fee of up to \$7.50 to the clerk of the circuit
21 court, the clerk shall dismiss the citation.

22 (7) One hundred dollars for a violation of s.
23 316.1001. However, a person may elect to pay \$30 to the clerk
24 of the court, in which case adjudication is withheld, and no
25 points are assessed under s. 322.27. Upon receipt of the fine,
26 the clerk of the court must retain \$5 for administrative
27 purposes and must forward the \$25 to the governmental entity
28 that issued the citation. Any funds received by a governmental
29 entity for this violation may be used for any lawful purpose
30 related to the operation or maintenance of a toll facility.

31 (8)(a) Any person who fails to comply with the court's

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1 requirements or who fails to pay the civil penalties specified
2 in this section within the 30-day period provided for in s.
3 318.14 must pay an additional civil penalty of \$12, \$2.50 of
4 which must be remitted to the Department of Revenue for
5 deposit in the General Revenue Fund, and \$9.50 of which must
6 be remitted to the Department of Revenue for deposit in the
7 Highway Safety Operating Trust Fund. The department shall
8 contract with the Florida Association of Court Clerks, Inc.,
9 to design, establish, operate, upgrade, and maintain an
10 automated statewide Uniform Traffic Citation Accounting System
11 to be operated by the clerks of the court which shall include,
12 but not be limited to, the accounting for traffic infractions
13 by type, a record of the disposition of the citations, and an
14 accounting system for the fines assessed and the subsequent
15 fine amounts paid to the clerks of the court. On or before
16 December 1, 2001, the clerks of the court must provide the
17 information required by this chapter to be transmitted to the
18 department by electronic transmission pursuant to the
19 contract.

20 (b) Any person who fails to comply with the court's
21 requirements as to civil penalties specified in this section
22 due to demonstrable financial hardship shall be authorized to
23 satisfy such civil penalties by public works or community
24 service. Each hour of such service shall be applied, at the
25 rate of the minimum wage, toward payment of the person's civil
26 penalties; provided, however, that if the person has a trade
27 or profession for which there is a community service need and
28 application, the rate for each hour of such service shall be
29 the average standard wage for such trade or profession. Any
30 person who fails to comply with the court's requirements as to
31 such civil penalties who does not demonstrate financial

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1 hardship may also, at the discretion of the court, be
2 authorized to satisfy such civil penalties by public works or
3 community service in the same manner.

4 (c) If the noncriminal infraction has caused or
5 resulted in the death of another, the person who committed the
6 infraction may perform 120 community service hours under s.
7 316.027(4), in addition to any other penalties.

8 (9) One hundred dollars for a violation of s.
9 316.1575.

10 (10) Twenty-five dollars for a violation of s.
11 316.2074.

12 (11)(a) In addition to the stated fine, court costs
13 must be paid in the following amounts and shall be deposited
14 by the clerk into the fine and forfeiture fund established
15 pursuant to s. 142.01:

- 16
- 17 For pedestrian infractions.....\$ 3.
- 18 For nonmoving traffic infractions.....\$ 16.
- 19 For moving traffic infractions.....\$ 30.
- 20

21 (b) In addition to the court cost required under
22 paragraph (a), up to \$3 for each infraction shall be collected
23 and distributed by the clerk in those counties that have been
24 authorized to establish a criminal justice selection center or
25 a criminal justice access and assessment center pursuant to
26 the following special acts of the Legislature:

- 27 1. Chapter 87-423, Laws of Florida, for Brevard
- 28 County.
- 29 2. Chapter 89-521, Laws of Florida, for Bay County.
- 30 3. Chapter 94-444, Laws of Florida, for Alachua
- 31 County.

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1 4. Chapter 97-333, Laws of Florida, for Pinellas
2 County.

3
4 Funds collected by the clerk pursuant to this paragraph shall
5 be distributed to the centers authorized by those special
6 acts.

7 (c) In addition to the court cost required under
8 paragraph (a), a \$2.50 court cost must be paid for each
9 infraction to be distributed by the clerk to the county to
10 help pay for criminal justice education and training programs
11 pursuant to s. 938.15. Funds from the distribution to the
12 county not directed by the county to fund these centers or
13 programs shall be retained by the clerk and used for funding
14 the court-related services of the clerk.

15 (d) In addition to the court cost required under
16 paragraph (a), a \$3 court cost must be paid for each
17 infraction to be distributed as provided in s. 938.01 and a \$2
18 court cost as provided in s. 938.15 when assessed by a
19 municipality or county.

20 (12) One hundred dollars for a violation of s.
21 316.520(1) or (2). If, at a hearing, the alleged offender is
22 found to have committed this offense, the court shall impose a
23 minimum civil penalty of \$100. For a second or subsequent
24 adjudication within a period of 5 years, the department shall
25 suspend the driver's license of the person for not less than
26 180 days and not more than 1 year.

27 (13) In addition to any penalties imposed for
28 noncriminal traffic infractions pursuant to this chapter or
29 imposed for criminal violations listed in s. 318.17, a board
30 of county commissioners or any unit of local government which
31 is consolidated as provided by s. 9, Art. VIII of the State

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1 Constitution of 1885, as preserved by s. 6(e), Art. VIII of
2 the Constitution of 1968:

3 (a) May impose by ordinance a surcharge of up to \$15
4 for any infraction or violation to fund state court
5 facilities. The court shall not waive this surcharge. Up to 25
6 percent of the revenue from such surcharge may be used to
7 support local law libraries provided that the county or unit
8 of local government provides a level of service equal to that
9 provided prior to July 1, 2004, which shall include the
10 continuation of library facilities located in or near the
11 county courthouse or annexes.

12 (b) That imposed increased fees or service charges by
13 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the
14 purpose of securing payment of the principal and interest on
15 bonds issued by the county before July 1, 2003, to finance
16 state court facilities, may impose by ordinance a surcharge
17 for any infraction or violation for the exclusive purpose of
18 securing payment of the principal and interest on bonds issued
19 by the county before July 1, 2003, to fund state court
20 facilities until the date of stated maturity. The court shall
21 not waive this surcharge. Such surcharge may not exceed an
22 amount per violation calculated as the quotient of the maximum
23 annual payment of the principal and interest on the bonds as
24 of July 1, 2003, divided by the number of traffic citations
25 for county fiscal year 2002-2003 certified as paid by the
26 clerk of the court of the county. Such quotient shall be
27 rounded up to the next highest dollar amount. The bonds may be
28 refunded only if savings will be realized on payments of debt
29 service and the refunding bonds are scheduled to mature on the
30 same date or before the bonds being refunded.

31

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1 A county may not impose both of the surcharges authorized
 2 under paragraphs (a) and (b) concurrently. The clerk of court
 3 shall report, no later than 30 days after the end of the
 4 quarter, the amount of funds collected under this subsection
 5 during each quarter of the fiscal year. The clerk shall submit
 6 the report, in a format developed by the Office of State
 7 Courts Administrator, to the chief judge of the circuit, the
 8 Governor, the President of the Senate, and the Speaker of the
 9 House of Representatives.

10 (14) In addition to any penalties imposed for
 11 noncriminal traffic infractions under this chapter or imposed
 12 for criminal violations listed in s. 318.17, any unit of local
 13 government that is consolidated as provided by s. 9, Art. VIII
 14 of the State Constitution of 1885, as preserved by s. 6(e),
 15 Art. VIII of the State Constitution of 1968, and that is
 16 granted the authority in the State Constitution to exercise
 17 all the powers of a municipal corporation, and any unit of
 18 local government operating under a home rule charter adopted
 19 pursuant to ss. 10, 11, and 24, Art. VIII of the State
 20 Constitution of 1885, as preserved by s. 6(e), Art. VIII of
 21 the State Constitution of 1968, that is granted the authority
 22 in the State Constitution to exercise all the powers conferred
 23 now or hereafter by general law upon municipalities, may
 24 impose by ordinance a surcharge of up to \$15 for any
 25 infraction or violation. Revenue from the surcharge shall be
 26 transferred to such unit of local government for the purpose
 27 of replacing fine revenue deposited into the clerk's fine and
 28 forfeiture fund under s. 142.01. The court may not waive this
 29 surcharge. Proceeds from the imposition of the surcharge
 30 authorized in this subsection shall not be used for the
 31 purpose of securing payment of the principal and interest on

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1 bonds. This subsection, and any surcharge imposed pursuant to
2 this subsection, shall stand repealed September 30, 2007.

3 (15) One hundred twenty-five dollars for a violation
4 of s. 316.074(1) or s. 316.075(1)(c)1. when a driver has
5 failed to stop at a traffic signal. Sixty dollars shall be
6 distributed as provided in s. 318.21, and the remaining \$65
7 shall be remitted to the Department of Revenue for deposit
8 into the Administrative Trust Fund of the Department of
9 Health.

10 (16) In addition to any penalties imposed, a surcharge
11 of \$4 must be paid for all criminal offenses listed in s.
12 318.17 and for all noncriminal moving traffic violations under
13 chapter 316. Revenue from the surcharge shall be remitted to
14 the Department of Revenue and deposited quarterly into the
15 State Agency Law Enforcement Radio System Trust Fund of the
16 Department of Management Services for the state agency law
17 enforcement radio system, as described in s. 282.1095.

18 Section 16. Subsection (15) is added to section
19 318.21, Florida Statutes, to read:

20 318.21 Disposition of civil penalties by county
21 courts.--All civil penalties received by a county court
22 pursuant to the provisions of this chapter shall be
23 distributed and paid monthly as follows:

24 (15) Notwithstanding subsections (1) and (2), the
25 proceeds from the surcharge imposed under s. 318.18(16) shall
26 be distributed as provided in that subsection.

27 Section 17. Subsection (1) of section 320.15, Florida
28 Statutes, is amended to read:

29 320.015 Taxation of mobile homes.--

30 (1) A mobile home, as defined in s. 320.01(2),
31 regardless of its actual use, shall be subject only to a

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1 license tax unless classified and taxed as real property. A
 2 mobile home is to be considered real property only when the
 3 owner of the mobile home is also the owner of the land on
 4 which the mobile home is situated and said mobile home is
 5 permanently affixed thereto. Any prefabricated or modular
 6 housing unit or portion thereof not manufactured upon an
 7 integral chassis or undercarriage for travel over the highways
 8 shall be taxed as real property once permanently affixed to
 9 realty and connected to utilities. This section shall not be
 10 construed to apply to a display home or other inventory being
 11 held for sale by a manufacture/ or dealer of modular housing
 12 unitseven though transported over the highways to a site for
 13 erection or use.

14 Section 18. Effective July 1, 2008, subsection (1) of
 15 section 320.02, Florida Statutes, is amended to read:

16 320.02 Registration required; application for
 17 registration; forms.--

18 (1) Except as otherwise provided in this chapter,
 19 every owner or person in charge of a motor vehicle that ~~which~~
 20 is operated or driven on the roads of this state shall
 21 register the vehicle in this state. The owner or person in
 22 charge shall apply to the department or to its authorized
 23 agent for registration of each such vehicle on a form
 24 prescribed by the department. Prior to the original
 25 registration of a motorcycle, motor-driven cycle, or moped,
 26 the owner, if a natural person, must present proof that he or
 27 she has a valid motorcycle endorsement as required in chapter
 28 322. A No registration is not required for any motor vehicle
 29 that ~~which~~ is not operated on the roads of this state during
 30 the registration period.

31 Section 19. Subsection (8) of section 320.03, Florida

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1 Statutes, is amended to read:

2 320.03 Registration; duties of tax collectors;
3 International Registration Plan.--

4 (8) If the applicant's name appears on the list
5 referred to in s. 316.1001(4), s. 316.1967(6), or s.
6 713.78(13), a license plate or revalidation sticker may not be
7 issued until that person's name no longer appears on the list
8 or until the person presents a receipt from the clerk showing
9 that the fines outstanding have been paid. This subsection
10 does not apply to the owner of a leased vehicle if the vehicle
11 is registered in the name of the lessee of the vehicle. The
12 tax collector and the clerk of the court are each entitled to
13 receive monthly, as costs for implementing and administering
14 this subsection, 10 percent of the civil penalties and fines
15 recovered from such persons. As used in this subsection, the
16 term "civil penalties and fines" does not include a wrecker
17 operator's lien as described in s. 713.78(13). If the tax
18 collector has private tag agents, such tag agents are entitled
19 to receive a pro rata share of the amount paid to the tax
20 collector, based upon the percentage of license plates and
21 revalidation stickers issued by the tag agent compared to the
22 total issued within the county. The authority of any private
23 agent to issue license plates shall be revoked, after notice
24 and a hearing as provided in chapter 120, if he or she issues
25 any license plate or revalidation sticker contrary to the
26 provisions of this subsection. This section applies only to
27 the annual renewal in the owner's birth month of a motor
28 vehicle registration and does not apply to the transfer of a
29 registration of a motor vehicle sold by a motor vehicle dealer
30 licensed under this chapter, except for the transfer of
31 registrations which is inclusive of the annual renewals. This

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1 section does not affect the issuance of the title to a motor
2 vehicle, notwithstanding s. 319.23(7)(b).

3 Section 20. Section 320.07, Florida Statutes, is
4 amended to read:

5 320.07 Expiration of registration; annual renewal
6 required; penalties.--

7 (1) The registration of a motor vehicle or mobile home
8 shall expire at midnight on the last day of the registration
9 period. A vehicle shall not be operated on the roads of this
10 state after expiration of the renewal period unless the
11 registration has been renewed according to law.

12 (2) Registration shall be renewed annually during the
13 applicable renewal period, upon payment of the applicable
14 license tax amount required by s. 320.08, service charges
15 required by s. 320.04, and any additional fees required by
16 law. However, any person owning a motor vehicle registered
17 under s. 320.08(4), (6)(b), or (13) may register semiannually
18 as provided in s. 320.0705.

19 (3) The operation of any motor vehicle without having
20 attached thereto a registration license plate and validation
21 stickers, or the use of any mobile home without having
22 attached thereto a mobile home sticker, for the current
23 registration period shall subject the owner thereof, if he or
24 she is present, or, if the owner is not present, the operator
25 thereof to the following penalty provisions:

26 (a) Any person whose motor vehicle or mobile home
27 registration has been expired for a period of 6 months or less
28 commits a noncriminal traffic infraction, punishable as a
29 nonmoving violation as provided in chapter 318.

30 (b) Any person whose motor vehicle or mobile home
31 registration has been expired for more than 6 months shall

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1 upon a first offense be subject to the penalty provided in s.
2 318.14.

3 (c) Any person whose motor vehicle or mobile home
4 registration has been expired for more than 6 months shall
5 upon a second or subsequent offense be guilty of a misdemeanor
6 of the second degree, punishable as provided in s. 775.082 or
7 s. 775.083.

8 (d) However, no operator shall be charged with a
9 violation of this subsection if the operator can show,
10 pursuant to a valid lease agreement, that the vehicle had been
11 leased for a period of 30 days or less at the time of the
12 offense.

13 (e) Any servicemember, as defined in s. 250.01, whose
14 mobile home registration has expired while serving on active
15 duty or state active duty shall not be charged with a
16 violation of this subsection if, at the time of the offense,
17 the servicemember was serving on active duty or state active
18 duty 35 miles or more from the mobile home. The servicemember
19 must present to the department either a copy of the official
20 military orders or a written verification signed by the
21 servicemember's commanding officer to waive charges.

22 (f) The owner of a leased motor vehicle is not
23 responsible for any penalty specified in this subsection if
24 the motor vehicle is registered in the name of the lessee of
25 the motor vehicle.

26 (4)(a) In addition to a penalty provided in subsection
27 (3), a delinquent fee based on the following schedule of
28 license taxes shall be imposed on any applicant who fails to
29 renew a registration prior to the end of the month in which
30 renewal registration is due. The delinquent fee shall be
31 applied beginning on the 11th calendar day of the month

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1 succeeding the renewal period. The delinquent fee shall not
2 apply to those vehicles which have not been required to be
3 registered during the preceding registration period or as
4 provided in s. 320.18(2). The delinquent fee shall be imposed
5 as follows:

6 1. License tax of \$5 but not more than \$25: \$5 flat.

7 2. License tax over \$25 but not more than \$50: \$10
8 flat.

9 3. License tax over \$50 but not more than \$100: \$15
10 flat.

11 4. License tax over \$100 but not more than \$400: \$50
12 flat.

13 5. License tax over \$400 but not more than \$600: \$100
14 flat.

15 6. License tax over \$600 and up: \$250 flat.

16 (b) A person who has been assessed a penalty pursuant
17 to s. 316.545(2)(b) for failure to have a valid vehicle
18 registration certificate is not subject to the delinquent fee
19 authorized by this subsection if such person obtains a valid
20 registration certificate within 10 working days after such
21 penalty was assessed. The official receipt authorized by s.
22 316.545(6) constitutes proof of payment of the penalty
23 authorized in s. 316.545(2)(b).

24 (c) The owner of a leased motor vehicle is not
25 responsible for any delinquent fee specified in this
26 subsection if the motor vehicle is registered in the name of
27 the lessee of the motor vehicle.

28 (5) Any servicemember, as defined in s. 250.01, whose
29 motor vehicle or mobile home registration has expired while
30 serving on active duty or state active duty, shall be able to
31 renew his or her registration upon return from active duty or

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1 state active duty without penalty, if the servicemember served
 2 on active duty or state active duty 35 miles or more from the
 3 servicemember's home of record prior to entering active duty
 4 or state active duty. The servicemember must provide to the
 5 department either a copy of the official military orders or a
 6 written verification signed by the servicemember's commanding
 7 officer to waive delinquent fees.

8 (6) Delinquent fees imposed under this section shall
 9 not be apportionable under the International Registration
 10 Plan.

11 Section 21. Section 320.0706, Florida Statutes, is
 12 amended to read:

13 320.0706 Display of license plates on trucks.--The
 14 owner of any commercial truck of gross vehicle weight of
 15 26,001 pounds or more shall display the registration license
 16 plate on both the front and rear of the truck in conformance
 17 with all the requirements of s. 316.605 that do not conflict
 18 with this section. The owner of a dump truck may place the
 19 rear license plate on the gate no higher than 60 inches to
 20 allow for better visibility. However, the owner of a truck
 21 tractor shall be required to display the registration license
 22 plate only on the front of such vehicle.

23 Section 22. Section 320.089, Florida Statutes, is
 24 amended to read:

25 320.089 Members of National Guard and active United
 26 States Armed Forces reservists; former prisoners of war;
 27 survivors of Pearl Harbor; Purple Heart medal recipients;
 28 Operation Iraqi Freedom and Operation Enduring Freedom
 29 Veterans; special license plates; fee.--

30 (1)(a) Each owner or lessee of an automobile or truck
 31 for private use or recreational vehicle as specified in s.

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1 320.08(9)(c) or (d), which is not used for hire or commercial
2 use, who is a resident of the state and an active or retired
3 member of the Florida National Guard, a survivor of the attack
4 on Pearl Harbor, a recipient of the Purple Heart medal, or an
5 active or retired member of any branch of the United States
6 Armed Forces Reserve shall, upon application to the
7 department, accompanied by proof of active membership or
8 retired status in the Florida National Guard, proof of
9 membership in the Pearl Harbor Survivors Association or proof
10 of active military duty in Pearl Harbor on December 7, 1941,
11 proof of being a Purple Heart medal recipient, or proof of
12 active or retired membership in any branch of the Armed Forces
13 Reserve, and upon payment of the license tax for the vehicle
14 as provided in s. 320.08, be issued a license plate as
15 provided by s. 320.06, upon which, in lieu of the serial
16 numbers prescribed by s. 320.06, shall be stamped the words
17 "National Guard," "Pearl Harbor Survivor," "Combat-wounded
18 veteran," or "U.S. Reserve," as appropriate, followed by the
19 serial number of the license plate. Additionally, the Purple
20 Heart plate may have the words "Purple Heart" stamped on the
21 plate and the likeness of the Purple Heart medal appearing on
22 the plate.

23 (b) Notwithstanding any other provision of law to the
24 contrary, beginning with fiscal year 2002-2003 and annually
25 thereafter, the first \$100,000 in general revenue generated
26 from the sale of license plates issued under this section
27 which are stamped with the words "National Guard," "Pearl
28 Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve"
29 shall be deposited into the Grants and Donations Trust Fund,
30 as described in s. 296.38(2), to be used for the purposes
31 established by law for that trust fund.

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1 (c) Notwithstanding any provisions of law to the
 2 contrary, an applicant for a Pearl Harbor Survivor license
 3 plate or a Purple Heart license plate who also qualifies for a
 4 disabled veteran's license plate under s. 320.084 shall be
 5 issued the appropriate special license plate without payment
 6 of the license tax imposed by s. 320.08.

7 (2) Each owner or lessee of an automobile or truck for
 8 private use, truck weighing not more than 7,999 pounds, or
 9 recreational vehicle as specified in s. 320.08(9)(c) or (d),
 10 which is not used for hire or commercial use, who is a
 11 resident of the state and who is a former prisoner of war, or
 12 their unremarried surviving spouse, shall, upon application
 13 therefor to the department, be issued a license plate as
 14 provided in s. 320.06, on which license plate are stamped the
 15 words "Ex-POW" followed by the serial number. Each application
 16 shall be accompanied by proof that the applicant meets the
 17 qualifications specified in paragraph (a) or paragraph (b).

18 (a) A citizen of the United States who served as a
 19 member of the Armed Forces of the United States or the armed
 20 forces of a nation allied with the United States who was held
 21 as a prisoner of war at such time as the Armed Forces of the
 22 United States were engaged in combat, or their unremarried
 23 surviving spouse, may be issued the special license plate
 24 provided for in this subsection without payment of the license
 25 tax imposed by s. 320.08.

26 (b) A person who was serving as a civilian with the
 27 consent of the United States Government, or a person who was a
 28 member of the Armed Forces of the United States who was not a
 29 United States citizen and was held as a prisoner of war when
 30 the Armed Forces of the United States were engaged in combat,
 31 or their unremarried surviving spouse, may be issued the

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1 special license plate provided for in this subsection upon
2 payment of the license tax imposed by s. 320.08.

3 (3) Each owner or lessee of an automobile or truck for
4 private use, truck weighing not more than 7,999 pounds, or
5 recreational vehicle as specified in s. 320.08(9)(c) or (d),
6 which is not used for hire or commercial use, who is a
7 resident of this state and who is the unremarried surviving
8 spouse of a recipient of the Purple Heart medal shall, upon
9 application therefor to the department, with the payment of
10 the required fees, be issued a license plate as provided in s.
11 320.06, on which license plate are stamped the words "Purple
12 Heart" and the likeness of the Purple Heart medal followed by
13 the serial number. Each application shall be accompanied by
14 proof that the applicant is the unremarried surviving spouse
15 of a recipient of the Purple Heart medal.

16 (4) The owner or lessee of an automobile or truck for
17 private use, a truck weighing not more than 7,999 pounds, or a
18 recreational vehicle as specified in s. 320.08(9)(c) or (d)
19 which automobile, truck, or recreational vehicle is not used
20 for hire or commercial use who is a resident of the state and
21 a current or former member of the United States military who
22 was deployed and served in Iraq during Operation Iraqi Freedom
23 or in Afghanistan during Operation Enduring Freedom shall,
24 upon application to the department, accompanied by proof of
25 active membership or former active duty status during one of
26 these operations, and upon payment of the license tax for the
27 vehicle as provided in s. 320.08, be issued a license plate as
28 provided by s. 320.06 upon which, in lieu of the registration
29 license number prescribed by s. 320.06, shall be stamped the
30 words "Operation Iraqi Freedom" or "Operation Enduring
31 Freedom," as appropriate, followed by the registration license

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1 number of the plate.

2 Section 23. Subsection (4) of section 320.27, Florida
3 Statutes, is amended to read:

4 320.27 Motor vehicle dealers.--

5 (4) LICENSE CERTIFICATE.--

6 (a) A license certificate shall be issued by the
7 department in accordance with such application when the
8 application is regular in form and in compliance with the
9 provisions of this section. The license certificate may be in
10 the form of a document or a computerized card as determined by
11 the department. The actual cost of each original, additional,
12 or replacement computerized card shall be borne by the
13 licensee and is in addition to the fee for licensure. Such
14 license, when so issued, entitles the licensee to carry on and
15 conduct the business of a motor vehicle dealer. Each license
16 issued to a franchise motor vehicle dealer expires annually on
17 December 31 unless revoked or suspended prior to that date.
18 Each license issued to an independent or wholesale dealer or
19 auction expires annually on April 30 unless revoked or
20 suspended prior to that date. Not less than 60 days prior to
21 the license expiration date, the department shall deliver or
22 mail to each licensee the necessary renewal forms. Each
23 independent dealer shall certify that the dealer ~~principal~~
24 (owner, partner, officer ~~of the corporation,~~ or director of
25 the licensee, or a full-time employee of the licensee that
26 holds a responsible management-level position) has completed 8
27 hours of continuing education prior to filing the renewal
28 forms with the department. Such certification shall be filed
29 once every 2 years commencing with the 2006 renewal period.
30 The continuing education shall include at least 2 hours of
31 legal or legislative issues, 1 hour of department issues, and

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1 5 hours of relevant motor vehicle industry topics. Continuing
2 education shall be provided by dealer schools licensed under
3 paragraph (b) either in a classroom setting or by
4 correspondence. Such schools shall provide certificates of
5 completion to the department and the customer which shall be
6 filed with the license renewal form, and such schools may
7 charge a fee for providing continuing education. Any licensee
8 who does not file his or her application and fees and any
9 other requisite documents, as required by law, with the
10 department at least 30 days prior to the license expiration
11 date shall cease to engage in business as a motor vehicle
12 dealer on the license expiration date. A renewal filed with
13 the department within 45 days after the expiration date shall
14 be accompanied by a delinquent fee of \$100. Thereafter, a new
15 application is required, accompanied by the initial license
16 fee. A license certificate duly issued by the department may
17 be modified by endorsement to show a change in the name of the
18 licensee, provided, as shown by affidavit of the licensee, the
19 majority ownership interest of the licensee has not changed or
20 the name of the person appearing as franchisee on the sales
21 and service agreement has not changed. Modification of a
22 license certificate to show any name change as herein provided
23 shall not require initial licensure or reissuance of dealer
24 tags; however, any dealer obtaining a name change shall
25 transact all business in and be properly identified by that
26 name. All documents relative to licensure shall reflect the
27 new name. In the case of a franchise dealer, the name change
28 shall be approved by the manufacturer, distributor, or
29 importer. A licensee applying for a name change endorsement
30 shall pay a fee of \$25 which fee shall apply to the change in
31 the name of a main location and all additional locations

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1 licensed under the provisions of subsection (5). Each initial
 2 license application received by the department shall be
 3 accompanied by verification that, within the preceding 6
 4 months, the applicant, or one or more of his or her designated
 5 employees, has attended a training and information seminar
 6 conducted by a licensed motor vehicle dealer training school.
 7 Any applicant for a new franchised motor vehicle dealer
 8 license who has held a valid franchised motor vehicle dealer
 9 license continuously for the past 2 years and who remains in
 10 good standing with the department is exempt from the
 11 prelicensing training requirement. Such seminar shall include,
 12 but is not limited to, statutory dealer requirements, which
 13 requirements include required bookkeeping and recordkeeping
 14 procedures, requirements for the collection of sales and use
 15 taxes, and such other information that in the opinion of the
 16 department will promote good business practices. No seminar
 17 may exceed 8 hours in length.

18 (b) Each initial license application received by the
 19 department for licensure under subparagraph (1)(c)2. must be
 20 accompanied by verification that, within the preceding 6
 21 months, the applicant (owner, partner, officer ~~of the~~
 22 ~~corporation,~~ or director of the applicant, or a full-time
 23 employee of the applicant that holds a responsible
 24 management-level position) has successfully completed training
 25 conducted by a licensed motor vehicle dealer training school.
 26 Such training must include training in titling and
 27 registration of motor vehicles, laws relating to unfair and
 28 deceptive trade practices, laws relating to financing with
 29 regard to buy-here, pay-here operations, and such other
 30 information that in the opinion of the department will promote
 31 good business practices. Successful completion of this

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1 training shall be determined by examination administered at
2 the end of the course and attendance of no less than 90
3 percent of the total hours required by such school. Any
4 applicant who had held a valid motor vehicle dealer's license
5 within the past 2 years and who remains in good standing with
6 the department is exempt from the requirements of this
7 paragraph. ~~In the case of nonresident applicants, the~~
8 ~~requirement to attend such training shall be placed on any~~
9 ~~employee of the licensee who holds a responsible~~
10 ~~management level position and who is employed full-time at the~~
11 ~~motor vehicle dealership.~~ The department shall have the
12 authority to adopt any rule necessary for establishing the
13 training curriculum; length of training, which shall not
14 exceed 8 hours for required department topics and shall not
15 exceed an additional 24 hours for topics related to other
16 regulatory agencies' instructor qualifications; and any other
17 requirements under this section. The curriculum for other
18 subjects shall be approved by any and all other regulatory
19 agencies having jurisdiction over specific subject matters;
20 however, the overall administration of the licensing of these
21 dealer schools and their instructors shall remain with the
22 department. Such schools are authorized to charge a fee.
23 This privatized method for training applicants for dealer
24 licensing pursuant to subparagraph (1)(c)2. is a pilot program
25 that shall be evaluated by the department after it has been in
26 operation for a period of 2 years.

27 Section 24. Paragraph (b) of subsection (9) of section
28 320.27, Florida Statutes, is amended to read:

29 320.27 Motor vehicle dealers.--

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

31 (b) The department may deny, suspend, or revoke any

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1 license issued hereunder or under the provisions of s. 320.77
 2 or s. 320.771 upon proof that a licensee has committed, with
 3 sufficient frequency so as to establish a pattern of
 4 wrongdoing on the part of a licensee, violations of one or
 5 more of the following activities:

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

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

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

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

29 5. Failure of any motor vehicle dealer to comply with
 30 the terms of any bona fide written, executed agreement,
 31 pursuant to the sale of a motor vehicle.

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1 6. Failure to apply for transfer of a title as
2 prescribed in s. 319.23(6).

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

6 8. Failure to continually meet the requirements of the
7 licensure law.

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

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

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

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

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

28 14. Violation of any of the provisions of s. 319.35 by
29 any motor vehicle dealer.

30 15. Sale by a motor vehicle dealer of a vehicle
31 offered in trade by a customer prior to consummation of the

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1 sale, exchange, or transfer of a newly acquired vehicle to the
2 customer, unless the customer provides written authorization
3 for the sale of the trade-in vehicle prior to delivery of the
4 newly acquired vehicle.

5 16. Willful failure to comply with any administrative
6 rule adopted by the department or the provisions of s.
7 320.131(8).

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

14 18. Failure to maintain evidence of notification to
15 the owner or coowner of a vehicle regarding registration or
16 titling fees owned as required in s. 320.02(19).

17 19. Failure to register a mobile home salesperson with
18 the department as required by this section.

19 Section 25. Subsection (5) is added to section
20 320.405, Florida Statutes, to read:

21 320.405 International Registration Plan; inspection of
22 records; hearings.--

23 (5) The department may enter into an agreement for
24 scheduling the payment of taxes or penalties owed to the
25 department as a result of an audit assessment issued under
26 this section.

27 Section 26. Subsection (1) of section 320.77 is
28 amended, present subsections (9) through (15) are redesignated
29 as subsections (10) through (16), respectively, and a new
30 subsection (9) is added to that section, to read:

31 320.77 License required of mobile home dealers.--

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1 (1) DEFINITIONS.--As used in this section:

2 (a) "Dealer" means any person engaged in the business
3 of buying, selling, or dealing in mobile homes or offering or
4 displaying mobile homes for sale. The term "dealer" includes
5 a mobile home broker. Any person who buys, sells, deals in, or
6 offers or displays for sale, or who acts as the agent for the
7 sale of, one or more mobile homes in any 12-month period shall
8 be prima facie presumed to be a dealer. The terms "selling"
9 and "sale" include lease-purchase transactions. The term
10 "dealer" does not include banks, credit unions, and finance
11 companies that acquire mobile homes as an incident to their
12 regular business and does not include mobile home rental and
13 leasing companies that sell mobile homes to dealers licensed
14 under this section. A licensed dealer may transact business in
15 recreational vehicles with a motor vehicle auction as defined
16 in s. 320.27(1)(c)4. Any licensed dealer dealing exclusively
17 in mobile homes shall not have benefit of the privilege of
18 using dealer license plates.

19 (b) "Mobile home broker" means any person who is
20 engaged in the business of offering to procure or procuring
21 used mobile homes for the general public; who holds himself or
22 herself out through solicitation, advertisement, or otherwise
23 as one who offers to procure or procures used mobile homes for
24 the general public; or who acts as the agent or intermediary
25 on behalf of the owner or seller of a used mobile home which
26 is for sale or who assists or represents the seller in finding
27 a buyer for the mobile home.

28 (c)1. "Mobile home salesperson" means a person not
29 otherwise expressly excluded by this section who:

30 a. Is employed as a salesperson by a mobile home
31 dealer, as defined in s. 320.77, or who, under any contract,

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1 agreement, or arrangement with a dealer, for a commission,
 2 money, profit, or any other thing of value, sells, exchanges,
 3 buys, or offers for sale, negotiates, or attempts to negotiate
 4 a sale or exchange of an interest in a mobile home required to
 5 be titled under this chapter;

6 b. Induces or attempts to induce any person to buy or
 7 exchange an interest in a mobile home required to be
 8 registered and who receives or expects to receive a
 9 commission, money, brokerage fees, profit, or any other thing
 10 of value from the seller or purchaser of the mobile home; or

11 c. Exercises managerial control over the business of a
 12 licensed mobile home dealer or who supervises mobile home
 13 salespersons employed by a licensed mobile home dealer,
 14 whether compensated by salary or commission, including, but
 15 not limited to, any person who is employed by the mobile home
 16 dealer as a general manager, assistant general manager, or
 17 sales manager, or any employee of a licensed mobile home
 18 dealer who negotiates with or induces a customer to enter into
 19 a security agreement or purchase agreement or purchase order
 20 for the sale of a mobile home on behalf of the licensed mobile
 21 home dealer.

22 2. The term does not include:

23 a. A representative of an insurance company or a
 24 finance company, or a public official who, in the regular
 25 course of business, is required to dispose of or sell mobile
 26 homes under a contractual right or obligation of the employer,
 27 in the performance of an official duty, or under the authority
 28 of any court if the sale is to save the seller from any loss
 29 or pursuant to the authority of a court.

30 b. A person who is licensed as a manufacturer,
 31 remanufacturer, transporter, distributor, or representative of

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1 mobile homes.

2 c. A person who is licensed as a mobile home dealer
3 under this chapter.

4 d. A person not engaged in the purchase or sale of
5 mobile homes as a business who is disposing of mobile homes
6 acquired for his or her own use or for use in his or her
7 business if the mobile homes were acquired and used in good
8 faith and not for the purpose of avoiding the provisions of
9 this chapter.

10 (9) Salespersons to be registered by licensees.--

11 (a) Each licensee shall register with the department,
12 within 30 days after the date of hire, the name, local
13 residence address, and home telephone number of each person
14 employed by such licensee as a mobile home salesperson. A
15 licensee may not provide a post office box in lieu of a
16 physical residential address.

17 (b) Each time a mobile home salesperson employed by a
18 licensee changes his residence address, the salesperson must
19 notify the department within 20 days after the change.

20 (c) Quarterly, each licensee shall notify the
21 department of the termination or separation from employment of
22 each mobile home salesperson employed by the licensee. Each
23 notification must be on a form prescribed by the department.

24 Section 27. Section 320.781, Florida Statutes, is
25 amended to read:

26 320.781 Mobile Home and Recreational Vehicle
27 Protection Trust Fund.--

28 (1) There is hereby established a Mobile Home and
29 Recreational Vehicle Protection Trust Fund. The trust fund
30 shall be administered and managed by the Department of Highway
31 Safety and Motor Vehicles. The expenses incurred by the

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1 department in administering this section shall be paid only
2 from appropriations made from the trust fund.

3 (2) Beginning October 1, 1990, the department shall
4 charge and collect an additional fee of \$1 for each new mobile
5 home and new recreational vehicle title transaction for which
6 it charges a fee. This additional fee shall be deposited into
7 the trust fund. The Department of Highway Safety and Motor
8 Vehicles shall charge a fee of \$40 per annual dealer and
9 manufacturer license and license renewal, which shall be
10 deposited into the trust fund. The sums deposited in the trust
11 fund shall be used exclusively for carrying out the purposes
12 of this section. These sums may be invested and reinvested by
13 the Chief Financial Officer under the same limitations as
14 apply to investment of other state funds, with all interest
15 from these investments deposited to the credit of the trust
16 fund.

17 (3) The trust fund shall be used to satisfy any
18 judgment or claim by any person, as provided by this section,
19 against a mobile home or recreational vehicle dealer or broker
20 for damages, restitution, or expenses, including reasonable
21 attorney's fees, resulting from a cause of action directly
22 related to the conditions of any written contract made by him
23 or her in connection with the sale, exchange, or improvement
24 of any mobile home or recreational vehicle, or for any
25 violation of chapter 319 or this chapter.

26 (4) The trust fund shall not be liable for any
27 judgment, or part thereof, resulting from any tort claim
28 except as expressly provided in subsection (3), nor for any
29 punitive, exemplary, double, or treble damages. A person, the
30 state, or any political subdivision thereof may recover
31 against the mobile home or recreational vehicle dealer,

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1 broker, or surety, jointly and severally, for such damages,
 2 restitution, or expenses; provided, however, that in no event
 3 shall the trust fund or the surety be liable for an amount in
 4 excess of actual damages, restitution, or expenses.

5 (5) Subject to the limitations and requirements of
 6 this section, the trust fund shall be used by the department
 7 to compensate persons who have unsatisfied judgments, or in
 8 certain limited circumstances unsatisfied claims, against a
 9 mobile home or recreational vehicle dealer or broker. The
 10 following conditions must exist for a person to be eligible to
 11 file a claim against the trust fund in one of the following
 12 situations:

13 (a) The claimant has obtained a final judgment that
 14 which is unsatisfied against the mobile home or recreational
 15 vehicle dealer or broker or its surety jointly and severally,
 16 or against the mobile home dealer or broker only, if the court
 17 found that the surety was not liable due to prior payment of
 18 valid claims against the bond in an amount equal to, or
 19 greater than, the face amount of the applicable bond; or the
 20 claimant is prohibited from filing a claim in a lawsuit
 21 because a bankruptcy proceeding is pending by the dealer or
 22 broker, and the claimant has filed a claim in that bankruptcy
 23 proceeding; or the dealer or broker has closed his or her
 24 business and cannot be found or located within the
 25 jurisdiction of the state; and-

26 (b) A claim has been made in a lawsuit against the
 27 surety and a judgment obtained is unsatisfied; a claim has
 28 been made in a lawsuit against the surety which has been
 29 stayed or discharged in a bankruptcy proceeding; or a claimant
 30 is prohibited from filing a claim in a lawsuit because a
 31 bankruptcy proceeding is pending by surety or the surety is

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1 not liable due to the prior payment of valid claims against
 2 the bond in an amount equal to, or greater than, the face
 3 amount of the applicable bond. However, a claimant may not
 4 recover against the trust fund if the claimant has recovered
 5 from the surety an amount that is equal to or greater than the
 6 total loss. The claimant has obtained a judgment against the
 7 surety of the mobile home or recreational vehicle dealer or
 8 broker that is unsatisfied.

9 ~~(c) The claimant has alleged a claim against the~~
 10 ~~mobile home or recreational vehicle dealer or broker in a~~
 11 ~~lawsuit which has been stayed or discharged as a result of the~~
 12 ~~filing for reorganization or discharge in bankruptcy by the~~
 13 ~~dealer or broker, and judgment against the surety is not~~
 14 ~~possible because of the bankruptcy or liquidation of the~~
 15 ~~surety, or because the surety has been found by a court of~~
 16 ~~competent jurisdiction not to be liable due to prior payment~~
 17 ~~of valid claims against the bond in an amount equal to, or~~
 18 ~~greater than, the face amount of the applicable bond.~~

19 (6) In order to recover from the trust fund, the
 20 person must file an application and verified claim with the
 21 department.

22 (a) If the claimant has obtained a judgment that ~~which~~
 23 is unsatisfied against the mobile home or recreational vehicle
 24 dealer or broker or its surety as set forth in this section,
 25 the verified claim must specify the following:

26 1.a. That the judgment against the mobile home or
 27 recreational vehicle dealer or broker and its surety has been
 28 entered; or

29 b. That the judgment against the mobile home or
 30 recreational vehicle dealer or broker contains a specific
 31 finding that the surety has no liability, that execution has

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1 been returned unsatisfied, and that a judgment lien has been
2 perfected;

3 2. The amount of actual damages broken down by
4 category as awarded by the court or jury in the cause which
5 resulted in the unsatisfied judgment, and the amount of
6 attorney's fees set forth in the unsatisfied judgment;

7 3. The amount of payment or other consideration
8 received, if any, from the mobile home or recreational vehicle
9 dealer or broker or its surety;

10 4. The amount that may be realized, if any, from the
11 sale of real or personal property or other assets of the
12 judgment debtor liable to be sold or applied in satisfaction
13 of the judgment and the balance remaining due on the judgment
14 after application of the amount which has been realized and a
15 certification that the claimant has made a good faith effort
16 to collect the judgment; ~~and~~

17 5. An assignment by the claimant of rights, title, or
18 interest in the unsatisfied judgement lien to the department;
19 and

20 ~~6.5.~~ Such other information as the department
21 requires.

22 (b) If the claimant has alleged a claim as set forth
23 in paragraph(5)(a) ~~(5)(e)~~ and for the reasons set forth
24 therein has not been able to secure a judgment, the verified
25 claim must contain the following:

26 1. A true copy of the pleadings in the lawsuit that
27 ~~which~~ was stayed or discharged by the bankruptcy court and the
28 order of the bankruptcy court staying those proceedings or a
29 true copy of the claim that was filed in the bankruptcy court
30 proceedings;

31 2. Allegations of the acts or omissions by the mobile

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1 home or recreational vehicle dealer or broker setting forth
 2 the specific acts or omissions complained of which resulted in
 3 actual damage to the person, along with the actual dollar
 4 amount necessary to reimburse or compensate the person for
 5 costs or expenses resulting from the acts or omissions of
 6 which the person complained;

7 3. True copies of all purchase agreements, notices,
 8 service or repair orders or papers or documents of any kind
 9 whatsoever which the person received in connection with the
 10 purchase, exchange, or lease-purchase of the mobile home or
 11 recreational vehicle from which the person's cause of action
 12 arises; ~~and~~

13 4. An assignment by the claimant of rights, title, or
 14 interest in the claim to the department; and

15 ~~5.4.~~ Such other information as the department
 16 requires.

17 (c) The department may require such proof as it deems
 18 necessary to document the matters set forth in the claim.

19 (7) Within 90 days after receipt of the application
 20 and verified claim, the department shall issue its
 21 determination on the claim. Such determination shall not be
 22 subject to the provisions of chapter 120, but shall be
 23 reviewable only by writ of certiorari in the circuit court in
 24 the county in which the claimant resides in the manner and
 25 within the time provided by the Florida Rules of Appellate
 26 Procedure. The claim must be paid within 45 days after the
 27 determination, or, if judicial review is sought, within 45
 28 days after the review becomes final. A person may not be paid
 29 an amount from the fund in excess of \$25,000 per mobile home
 30 or recreational vehicle, which includes any damages,
 31 restitution, payments received as the result of a claim

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1 against the surety bond, or expenses, including reasonable
 2 attorney's fees. Prior to payment, the person must execute an
 3 assignment to the department of all the person's rights and
 4 title to, and interest in, the unsatisfied judgment and
 5 judgment lien or the claim against the dealer or broker and
 6 its surety. Any approved claim involving a mobile home shall
 7 be paid solely from fees collected from mobile home dealers
 8 and manufacturers and mobile home title transactions in
 9 accordance with subsection (2). Any approved claim involving a
 10 recreational vehicle shall be paid solely from fees collected
 11 from recreational vehicle dealers and manufacturers and
 12 recreational vehicle title transactions in accordance with
 13 subsection (2).

14 (8) The department, in its discretion and where
 15 feasible, may try to recover from the mobile home or
 16 recreational vehicle dealer or broker, or the judgment debtor
 17 or its surety, all sums paid to persons from the trust fund.
 18 Any sums recovered shall be deposited to the credit of the
 19 trust fund. The department shall be awarded a reasonable
 20 attorney's fee for all actions taken to recover any sums paid
 21 to persons from the trust fund pursuant to this section.

22 (9) This section does not apply to any claim, and a
 23 person may not recover against the trust fund as the result of
 24 any claim, against a mobile home or recreational vehicle
 25 dealer or broker resulting from a cause of action directly
 26 related to the sale, lease-purchase, exchange, brokerage, or
 27 installation of a mobile home or recreational vehicle prior to
 28 July 1, 2006 ~~October 1, 1990~~.

29 (10) Neither the department, nor the trust fund shall
 30 be liable to any person for recovery if the trust fund does
 31 not have the moneys necessary to pay amounts claimed. If the

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1 trust fund does not have sufficient assets to pay the
 2 claimant, it shall log the time and date of its determination
 3 for payment to a claimant. If moneys become available, the
 4 department shall pay the claimant whose unpaid claim is the
 5 earliest by time and date of determination.

6 (11) It is unlawful for any person or his or her agent
 7 to file any notice, statement, or other document required
 8 under this section which is false or contains any material
 9 misstatement of fact. Any person who violates this subsection
 10 is guilty of a misdemeanor of the second degree, punishable as
 11 provided in s. 775.082 or s. 775.083.

12 Section 28. Subsection (1) of section 320.8325,
 13 Florida Statutes, is amended to read:

14 320.8325 Mobile homes, manufactured homes, and park
 15 trailers; uniform installation standards; injunctions;
 16 penalty.--

17 (1) The department shall adopt rules setting forth
 18 uniform standards for the installation of mobile homes,
 19 manufactured homes, and park trailers and for the manufacture
 20 of components, products, or systems used in the installation
 21 of mobile homes, manufactured homes, and park trailers. The
 22 rules shall ensure that the home or park trailer is installed
 23 on a permanent foundation that resists wind, flood, flotation,
 24 overturning, sliding, and lateral movement of the home or park
 25 trailer. No entity, other than the department, has authority
 26 to amend these uniform standards. The owner of the mobile
 27 home, manufactured home, or park trailer shall be responsible
 28 for the installation in accordance with department rules.

29 Notwithstanding any other provision of law to the contrary,
 30 the foundation systems approved in rules promulgated by the
 31 department under this section are acceptable systems for all

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1 types of manufactured buildings as defined in s. 553.36.

2 Section 29. Subsection (16) of section 322.01, Florida
3 Statutes, is amended, and subsections (43) and (44) are added
4 to that section, to read:

5 322.01 Definitions.--As used in this chapter:

6 (16) "Driver's license" means a certificate that
7 ~~which~~, subject to all other requirements of law, authorizes an
8 individual to drive a motor vehicle and denotes an operator's
9 license as defined in 49 U.S.C. s. 30301.

10 (43) "Identification card" means a personal
11 identification card issued by the department which conforms to
12 the definition in 18 U.S.C. s. 1028(d).

13 (44) "Temporary driver's license" or "temporary
14 identification card" means a certificate issued by the
15 department which, subject to all other requirements of law,
16 authorizes an individual to drive a motor vehicle and denotes
17 an operator's license, as defined in 49 U.S.C. s. 30301, or a
18 personal identification card issued by the department which
19 conforms to the definition in 18 U.S.C. s. 1028(d) and denotes
20 that the holder is permitted to stay for a short duration of
21 time, as specified on the temporary identification card, and
22 is not a permanent resident of the United States.

23 Section 30. Subsection (1) of section 322.051, Florida
24 Statutes, is amended to read:

25 322.051 Identification cards.--

26 (1) Any person who is 5 ~~12~~ years of age or older, or
27 any person who has a disability, regardless of age, who
28 applies for a disabled parking permit under s. 320.0848, may
29 be issued an identification card by the department upon
30 completion of an application and payment of an application
31 fee.

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1 (a) Each such application shall include the following
2 information regarding the applicant:

3 1. Full name (first, middle or maiden, and last),
4 gender, social security card number, county of residence and
5 mailing address, country of birth, and a brief description.

6 2. Proof of birth date satisfactory to the department.

7 3. Proof of identity satisfactory to the department.

8 Such proof must include one of the following documents issued
9 to the applicant:

10 a. A driver's license record or identification card
11 record from another jurisdiction that required the applicant
12 to submit a document for identification which is substantially
13 similar to a document required under sub-subparagraph b.,
14 sub-subparagraph c., sub-subparagraph d., sub-subparagraph e.,
15 sub-subparagraph f., or sub-subparagraph g.;

16 b. A certified copy of a United States birth
17 certificate;

18 c. A United States passport;

19 d. A naturalization certificate issued by the United
20 States Department of Homeland Security;

21 e. An alien registration receipt card (green card);

22 f. An employment authorization card issued by the
23 United States Department of Homeland Security; or

24 g. Proof of nonimmigrant classification provided by
25 the United States Department of Homeland Security, for an
26 original identification card. In order to prove such
27 nonimmigrant classification, applicants may produce but are
28 not limited to the following documents:

29 (I) A notice of hearing from an immigration court
30 scheduling a hearing on any proceeding.

31 (II) A notice from the Board of Immigration Appeals

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1 acknowledging pendency of an appeal.

2 (III) Notice of the approval of an application for
3 adjustment of status issued by the United States Bureau of
4 Citizenship and Immigration Services.

5 (IV) Any official documentation confirming the filing
6 of a petition for asylum or refugee status or any other relief
7 issued by the United States Bureau of Citizenship and
8 Immigration Services.

9 (V) Notice of action transferring any pending matter
10 from another jurisdiction to Florida, issued by the United
11 States Bureau of Citizenship and Immigration Services.

12 (VI) Order of an immigration judge or immigration
13 officer granting any relief that authorizes the alien to live
14 and work in the United States including, but not limited to
15 asylum.

16 (VII) Evidence that an application is pending for
17 adjustment of status to that of an alien lawfully admitted for
18 permanent residence in the United States or conditional
19 permanent resident status in the United States, if a visa
20 number is available having a current priority date for
21 processing by the United States Bureau of Citizenship and
22 Immigration Services.

23
24 Presentation of any of the documents described in
25 sub-subparagraph f. or sub-subparagraph g. entitles the
26 applicant to an identification card for a period not to exceed
27 the expiration date of the document presented or 1 year ~~2~~
28 ~~years~~, whichever first occurs.

29 (b) An application for an identification card must be
30 signed and verified by the applicant in a format designated by
31 the department before a person authorized to administer oaths.

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1 The fee for an identification card is \$3, including payment
2 for the color photograph or digital image of the applicant.

3 (c) Each such applicant may include fingerprints and
4 any other unique biometric means of identity.

5 Section 31. Subsection (2) of section 322.08, Florida
6 Statutes, is amended to read:

7 322.08 Application for license.--

8 (2) Each such application shall include the following
9 information regarding the applicant:

10 (a) Full name (first, middle or maiden, and last),
11 gender, social security card number, county of residence and
12 mailing address, country of birth, and a brief description.

13 (b) Proof of birth date satisfactory to the
14 department.

15 (c) Proof of identity satisfactory to the department.
16 Such proof must include one of the following documents issued
17 to the applicant:

18 1. A driver's license record or identification card
19 record from another jurisdiction that required the applicant
20 to submit a document for identification which is substantially
21 similar to a document required under subparagraph 2.,
22 subparagraph 3., subparagraph 4., subparagraph 5.,
23 subparagraph 6., or subparagraph 7.;

24 2. A certified copy of a United States birth
25 certificate;

26 3. A United States passport;

27 4. A naturalization certificate issued by the United
28 States Department of Homeland Security;

29 5. An alien registration receipt card (green card);

30 6. An employment authorization card issued by the
31 United States Department of Homeland Security; or

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1 7. Proof of nonimmigrant classification provided by
 2 the United States Department of Homeland Security, for an
 3 original driver's license. In order to prove nonimmigrant
 4 classification, an applicant may produce the following
 5 documents, including, but not limited to:

6 a. A notice of hearing from an immigration court
 7 scheduling a hearing on any proceeding.

8 b. A notice from the Board of Immigration Appeals
 9 acknowledging pendency of an appeal.

10 c. A notice of the approval of an application for
 11 adjustment of status issued by the United States Citizenship
 12 and Immigration Services ~~and Naturalization Service~~.

13 d. Any official documentation confirming the filing of
 14 a petition for asylum or refugee status or any other relief
 15 issued by the United States Citizenship and Immigration
 16 Services ~~and Naturalization Service~~.

17 e. A notice of action transferring any pending matter
 18 from another jurisdiction to this state issued by the United
 19 States Citizenship and Immigration Services ~~and Naturalization~~
 20 ~~Service~~.

21 f. An order of an immigration judge or immigration
 22 officer granting any relief that authorizes the alien to live
 23 and work in the United States, including, but not limited to,
 24 asylum.

25 g. Evidence that an application is pending for
 26 adjustment of status to that of an alien lawfully admitted for
 27 permanent residence in the United States or conditional
 28 permanent resident status in the United States, if a visa
 29 number is available having a current priority date for
 30 processing by the United States Bureau of Citizenship and
 31 Immigration Services.

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Presentation of any of the documents in subparagraph 6. or subparagraph 7. entitles the applicant to a driver's license or temporary permit for a period not to exceed the expiration date of the document presented or 1 year ~~2 years~~, whichever occurs first.

(d) Whether the applicant has previously been licensed to drive, and, if so, when and by what state, and whether any such license or driving privilege has ever been disqualified, revoked, or suspended, or whether an application has ever been refused, and, if so, the date of and reason for such disqualification, suspension, revocation, or refusal.

(e) Each such application may include fingerprints and other unique biometric means of identity.

Section 32. Effective July 1, 2008, subsection (5) of section 322.12, Florida Statutes, is amended to read:

322.12 Examination of applicants.--

(5)(a) The department shall formulate a separate examination for applicants for licenses to operate motorcycles. Any applicant for a driver's license who wishes to operate a motorcycle, and who is otherwise qualified, must successfully complete such an examination, which is in addition to the examination administered under subsection (3). The examination must test the applicant's knowledge of the operation of a motorcycle and of any traffic laws specifically relating thereto and must include an actual demonstration of his or her ability to exercise ordinary and reasonable control in the operation of a motorcycle. Any applicant who fails to pass the initial knowledge examination will incur a \$5 fee for each subsequent examination, to be deposited into the Highway Safety Operating Trust Fund. Any applicant who fails to pass

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1 the initial skills examination will incur a \$10 fee for each
 2 subsequent examination, to be deposited into the Highway
 3 Safety Operating Trust Fund. In the formulation of the
 4 examination, the department shall consider the use of the
 5 Motorcycle Operator Skills Test and the Motorcycle in Traffic
 6 Test offered by the Motorcycle Safety Foundation. The
 7 department shall indicate on the license of any person who
 8 successfully completes the examination that the licensee is
 9 authorized to operate a motorcycle. If the applicant wishes to
 10 be licensed to operate a motorcycle only, he or she need not
 11 take the skill or road test required under subsection (3) for
 12 the operation of a motor vehicle, and the department shall
 13 indicate such a limitation on his or her license as a
 14 restriction. Every first-time applicant for licensure to
 15 operate a motorcycle ~~who is under 21 years of age~~ must provide
 16 proof of completion of a motorcycle safety course, as provided
 17 for in s. 322.0255, before the applicant may be licensed to
 18 operate a motorcycle.

19 (b) The department may exempt any applicant from the
 20 examination provided in this subsection if the applicant
 21 presents a certificate showing successful completion of a
 22 course approved by the department, which course includes a
 23 similar examination of the knowledge and skill of the
 24 applicant in the operation of a motorcycle.

25 Section 33. Subsection (8) of section 322.121, Florida
 26 Statutes, is amended to read:

27 322.121 Periodic reexamination of all drivers.--

28 (8) In addition to any other examination authorized by
 29 this section, an applicant for a renewal of an endorsement
 30 issued under s. 322.57(1)(a), (b), (c), (d), ~~or~~ (e), or (f)
 31 may be required to complete successfully an examination of his

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1 or her knowledge regarding state and federal rules,
2 regulations, and laws, governing the type of vehicle which he
3 or she is seeking an endorsement to operate.

4 Section 34. Section 322.2615, Florida Statutes, is
5 amended to read:

6 322.2615 Suspension of license; right to review.--

7 (1)(a) A law enforcement officer or correctional
8 officer shall, on behalf of the department, suspend the
9 driving privilege of a person who is driving or in actual
10 physical control of a motor vehicle and who has an ~~has been~~
11 ~~arrested by a law enforcement officer for a violation of s.~~
12 ~~316.193, relating to unlawful blood-alcohol level or~~
13 ~~breath-alcohol level of 0.08 or higher,~~ or of a person who has
14 refused to submit to a ~~breath, urine, or blood test~~ or a test
15 of his or her breath-alcohol or blood-alcohol level ~~authorized~~
16 ~~by s. 316.1932.~~ The officer shall take the person's driver's
17 license and issue the person a 10-day temporary permit if the
18 person is otherwise eligible for the driving privilege and
19 shall issue the person a notice of suspension. If a blood test
20 has been administered, ~~the results of which are not available~~
21 ~~to the officer~~ or ~~at the time of the arrest,~~ the agency
22 employing the officer shall transmit such results to the
23 department within 5 days after receipt of the results. If the
24 department then determines that the person ~~was arrested for a~~
25 ~~violation of s. 316.193 and that the person had a~~
26 ~~blood-alcohol level or breath-alcohol level of 0.08 or higher,~~
27 the department shall suspend the person's driver's license
28 pursuant to subsection (3).

29 (b) The suspension under paragraph (a) shall be
30 pursuant to, and the notice of suspension shall inform the
31 driver of, the following:

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1 1.a. The driver refused to submit to a lawful breath,
 2 blood, or urine test and his or her driving privilege is
 3 suspended for a period of 1 year for a first refusal or for a
 4 period of 18 months if his or her driving privilege has been
 5 previously suspended as a result of a refusal to submit to
 6 such a test; or

7 b. The driver was driving or in actual physical
 8 control of a motor vehicle and had ~~violated s. 316.193 by~~
 9 ~~driving with~~ an unlawful blood-alcohol level or breath-alcohol
 10 level of 0.08 or higher ~~as provided in that section~~ and his or
 11 her driving privilege is suspended for a period of 6 months
 12 for a first offense or for a period of 1 year if his or her
 13 driving privilege has been previously suspended under this
 14 section ~~for a violation of s. 316.193.~~

15 2. The suspension period shall commence on the date of
 16 ~~arrest or~~ issuance of the notice of suspension, ~~whichever is~~
 17 ~~later.~~

18 3. The driver may request a formal or informal review
 19 of the suspension by the department within 10 days after the
 20 date of ~~arrest or~~ issuance of the notice of suspension,
 21 ~~whichever is later.~~

22 4. The temporary permit issued at the time of
 23 suspension ~~arrest~~ expires ~~will expire~~ at midnight of the 10th
 24 day following the date of ~~arrest or~~ issuance of the notice of
 25 suspension, ~~whichever is later.~~

26 5. The driver may submit to the department any
 27 materials relevant to the suspension ~~arrest~~.

28 (2) Except as provided in paragraph (1)(a), the law
 29 enforcement officer shall forward to the department, within 5
 30 days after issuing ~~the date of the arrest,~~ a copy of the
 31 notice of suspension, the driver's license; ~~of the person~~

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1 ~~arrested, and a report of the arrest, including~~ an affidavit
2 stating the officer's grounds for belief that the person was
3 driving or in actual physical control of a motor vehicle while
4 under the influence of alcoholic beverages or chemical or
5 controlled substances ~~arrested was in violation of s. 316.193;~~
6 the results of any breath or blood test or an affidavit
7 stating that a breath, blood, or urine test was requested by a
8 law enforcement officer or correctional officer and that the
9 person ~~arrested~~ refused to submit; ~~a copy of the citation~~
10 ~~issued to the person arrested;~~ and the officer's description
11 of the person's field sobriety test, if any; the notice of
12 suspension; and a copy of the crash report, if any. The
13 failure of the officer to submit materials within the 5-day
14 period specified in this subsection and in subsection (1) does
15 ~~shall~~ not affect the department's ability to consider any
16 evidence submitted at or prior to the hearing. The officer
17 may also submit a copy of a videotape of the field sobriety
18 test or the attempt to administer such test. Materials
19 submitted to the department by a law enforcement agency or
20 correctional agency shall be considered self-authenticating
21 and shall be in the record for consideration by the hearing
22 officer. Notwithstanding s. 316.066(4), the crash report shall
23 be considered by the hearing officer.

24 (3) If the department determines that the license ~~of~~
25 ~~the person arrested~~ should be suspended pursuant to this
26 section and if the notice of suspension has not already been
27 served upon the person by a law enforcement officer or
28 correctional officer as provided in subsection (1), the
29 department shall issue a notice of suspension and, unless the
30 notice is mailed pursuant to s. 322.251, a temporary permit
31 that ~~which~~ expires 10 days after the date of issuance if the

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1 driver is otherwise eligible.

2 (4) If the person whose license was suspended ~~arrested~~
3 requests an informal review pursuant to subparagraph (1)(b)3.,
4 the department shall conduct the informal review by a hearing
5 officer employed by the department. Such informal review
6 hearing shall consist solely of an examination by the
7 department of the materials submitted by a law enforcement
8 officer or correctional officer and by the person whose
9 license was suspended ~~arrested~~, and the presence of an officer
10 or witness is not required.

11 (5) After completion of the informal review, notice of
12 the department's decision sustaining, amending, or
13 invalidating the suspension of the driver's license of the
14 person whose license was suspended ~~arrested~~ must be provided
15 to such person. Such notice must be mailed to the person at
16 the last known address shown on the department's records, or
17 to the address provided in the law enforcement officer's
18 report if such address differs from the address of record,
19 within 21 days after the expiration of the temporary permit
20 issued pursuant to subsection (1) or subsection (3).

21 (6)(a) If the person whose license was suspended
22 ~~arrested~~ requests a formal review, the department must
23 schedule a hearing to be held within 30 days after such
24 request is received by the department and must notify the
25 person of the date, time, and place of the hearing.

26 (b) Such formal review hearing shall be held before a
27 hearing officer employed by the department, and the hearing
28 officer shall be authorized to administer oaths, examine
29 witnesses and take testimony, receive relevant evidence, issue
30 subpoenas for the officers and witnesses identified in
31 documents in subsection (2), regulate the course and conduct

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1 of the hearing, question witnesses, and make a ruling on the
 2 suspension. The ~~department and the person arrested may~~
 3 ~~subpoena witnesses, and the party~~ requesting the presence of a
 4 witness shall be responsible for the payment of any witness
 5 fees and for notifying in writing the state attorney's office
 6 in the appropriate circuit of the issuance of the subpoena.
 7 If the person who requests a formal review hearing fails to
 8 appear and the hearing officer finds such failure to be
 9 without just cause, the right to a formal hearing is waived
 10 and the suspension shall be sustained.

11 (c) A party may seek enforcement of a subpoena under
 12 paragraph (b) by filing a petition for enforcement in the
 13 circuit court of the judicial circuit in which the person
 14 failing to comply with the subpoena resides. A failure to
 15 comply with an order of the court shall result in a finding of
 16 contempt of court. However, a person is ~~shall~~ not ~~be~~ in
 17 contempt while a subpoena is being challenged.

18 (d) The department must, within 7 working days after a
 19 formal review hearing, send notice to the person of the
 20 hearing officer's decision as to whether sufficient cause
 21 exists to sustain, amend, or invalidate the suspension.

22 (7) In a formal review hearing under subsection (6) or
 23 an informal review hearing under subsection (4), the hearing
 24 officer shall determine by a preponderance of the evidence
 25 whether sufficient cause exists to sustain, amend, or
 26 invalidate the suspension. The scope of the review shall be
 27 limited to the following issues:

28 (a) If the license was suspended for driving with an
 29 unlawful blood-alcohol level or breath-alcohol level of 0.08
 30 or higher ~~in violation of s. 316.193:~~

31 1. Whether the ~~arresting~~ law enforcement officer had

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1 probable cause to believe that the person whose license was
2 suspended was driving or in actual physical control of a motor
3 vehicle in this state while under the influence of alcoholic
4 beverages or chemical or controlled substances.

5 ~~2. Whether the person was placed under lawful arrest~~
6 ~~for a violation of s. 316.193.~~

7 ~~2.3. Whether the person whose license was suspended~~
8 ~~had an unlawful blood-alcohol level or breath-alcohol level of~~
9 ~~0.08 or higher as provided in s. 316.193.~~

10 (b) If the license was suspended for refusal to submit
11 to a breath, blood, or urine test:

12 1. Whether the ~~arresting~~ law enforcement officer had
13 probable cause to believe that the person whose license was
14 suspended was driving or in actual physical control of a motor
15 vehicle in this state while under the influence of alcoholic
16 beverages or chemical or controlled substances.

17 ~~2. Whether the person was placed under lawful arrest~~
18 ~~for a violation of s. 316.193.~~

19 ~~2.3. Whether the person whose license was suspended~~
20 ~~refused to submit to any such test after being requested to do~~
21 ~~so by a law enforcement officer or correctional officer.~~

22 ~~3.4. Whether the person whose license was suspended~~
23 ~~was told that if he or she refused to submit to such test his~~
24 ~~or her privilege to operate a motor vehicle would be suspended~~
25 ~~for a period of 1 year or, in the case of a second or~~
26 ~~subsequent refusal, for a period of 18 months.~~

27 (8) Based on the determination of the hearing officer
28 pursuant to subsection (7) for both informal hearings under
29 subsection (4) and formal hearings under subsection (6), the
30 department shall:

31 (a) Sustain the suspension of the person's driving

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1 privilege for a period of 1 year for a first refusal, or for a
2 period of 18 months if the driving privilege of such person
3 has been previously suspended as a result of a refusal to
4 submit to such tests, if the ~~arrested~~ person refused to submit
5 to a lawful breath, blood, or urine test. The suspension
6 period commences on the date of ~~the arrest or~~ issuance of the
7 notice of suspension, ~~whichever is later.~~

8 (b) Sustain the suspension of the person's driving
9 privilege for a period of 6 months for a blood-alcohol level
10 or breath-alcohol level of 0.08 or higher ~~violation of s.~~
11 ~~316.193~~, or for a period of 1 year if the driving privilege of
12 such person has been previously suspended under this section
13 as a result of driving with an unlawful alcohol level ~~a~~
14 ~~violation of s. 316.193~~. The suspension period commences on
15 the date of ~~the arrest or~~ issuance of the notice of
16 suspension, ~~whichever is later.~~

17 (9) A request for a formal review hearing or an
18 informal review hearing shall not stay the suspension of the
19 person's driver's license. If the department fails to
20 schedule the formal review hearing to be held within 30 days
21 after receipt of the request therefor, the department shall
22 invalidate the suspension. If the scheduled hearing is
23 continued at the department's initiative, the department shall
24 issue a temporary driving permit that ~~which~~ shall be valid
25 until the hearing is conducted if the person is otherwise
26 eligible for the driving privilege. Such permit may ~~shall~~ not
27 be issued to a person who sought and obtained a continuance of
28 the hearing. The permit issued under this subsection shall
29 authorize driving for business or employment use only.

30 (10) A person whose driver's license is suspended
31 under subsection (1) or subsection (3) may apply for issuance

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1 of a license for business or employment purposes only if the
2 person is otherwise eligible for the driving privilege
3 pursuant to s. 322.271.

4 (a) If the suspension of the driver's license of the
5 person for failure to submit to a breath, urine, or blood test
6 is sustained, the person is not eligible to receive a license
7 for business or employment purposes only, pursuant to s.
8 322.271, until 90 days have elapsed after the expiration of
9 the last temporary permit issued. If the driver is not issued
10 a 10-day permit pursuant to this section or s. 322.64 because
11 he or she is ineligible for the permit and the suspension for
12 failure to submit to a breath, urine, or blood test is not
13 invalidated by the department, the driver is not eligible to
14 receive a business or employment license pursuant to s.
15 322.271 until 90 days have elapsed from the date of the
16 suspension.

17 (b) If the suspension of the driver's license of the
18 person ~~arrested for a violation of s. 316.193,~~ relating to
19 unlawful blood-alcohol level or breath-alcohol level of 0.08
20 or higher, is sustained, the person is not eligible to receive
21 a license for business or employment purposes only pursuant to
22 s. 322.271 until 30 days have elapsed after the expiration of
23 the last temporary permit issued. If the driver is not issued
24 a 10-day permit pursuant to this section or s. 322.64 because
25 he or she is ineligible for the permit and the suspension ~~for~~
26 ~~a violation of s. 316.193,~~ relating to unlawful blood-alcohol
27 level or breath-alcohol level of 0.08 or higher, is not
28 invalidated by the department, the driver is not eligible to
29 receive a business or employment license pursuant to s.
30 322.271 until 30 days have elapsed from the date of the
31 suspension ~~arrest~~.

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1 (11) The formal review hearing may be conducted upon a
 2 review of the reports of a law enforcement officer or a
 3 correctional officer, including documents relating to the
 4 administration of a breath test or blood test or the refusal
 5 to take either test or the refusal to take a urine test.
 6 However, as provided in subsection (6), the driver may
 7 subpoena the officer or any person who administered or
 8 analyzed a breath or blood test.

9 (12) The formal review hearing and the informal review
 10 hearing are exempt from the provisions of chapter 120. The
 11 department may ~~is authorized to~~ adopt rules for the conduct of
 12 reviews under this section.

13 (13) A person may appeal any decision of the
 14 department sustaining a suspension of his or her driver's
 15 license by a petition for writ of certiorari to the circuit
 16 court in the county wherein such person resides or wherein a
 17 formal or informal review was conducted pursuant to s. 322.31.
 18 However, an appeal shall not stay the suspension. A law
 19 enforcement agency may appeal any decision of the department
 20 invalidating a suspension by a petition for writ of certiorari
 21 to the circuit court in the county wherein a formal or
 22 informal review was conducted. This subsection shall not be
 23 construed to provide for a de novo appeal.

24 (14)(a) The decision of the department under this
 25 section or any circuit court review thereof may not be
 26 considered in any trial for a violation of s. 316.193, and a
 27 written statement submitted by a person in his or her request
 28 for departmental review under this section may not be admitted
 29 into evidence against him or her in any such trial.

30 (b) The disposition of any related criminal
 31 proceedings does not affect a suspension for refusal to submit

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1 to a blood, breath, or urine test, ~~authorized by s. 316.1932~~
2 ~~or s. 316.1933~~, imposed under this section.

3 (15) If the department suspends a person's license
4 under s. 322.2616, it may not also suspend the person's
5 license under this section for the same episode that was the
6 basis for the suspension under s. 322.2616.

7 (16) The department shall invalidate a suspension for
8 driving with an unlawful blood-alcohol level or breath-alcohol
9 level imposed under this section if the suspended person is
10 found not guilty at trial of an underlying violation of s.
11 316.193.

12 Section 35. (1) The Department of Highway Safety and
13 Motor Vehicles shall study the outsourcing of its driver's
14 license services and shall make recommendations to the
15 Governor, the President of the Senate, and the Speaker of the
16 House of Representatives by January 1, 2007. As used in this
17 section, the term "outsourcing" means the process of
18 contracting with an external service provider or other
19 governmental agency to provide a service, in whole or in part,
20 while the department retains the responsibility and
21 accountability for the service.

22 (2) As part of its study, the department shall provide
23 a description of the services to be outsourced. Types of
24 issues for the department to consider must include, but need
25 not be limited to:

26 (a) A detailed description of the service to be
27 outsourced and a description and analysis of the department's
28 current performance of the service.

29 (b) A cost-benefit analysis describing the estimated
30 specific direct and indirect costs or savings; performance
31 improvements, including reducing wait times at driver's

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1 license offices; risks; and qualitative and quantitative
 2 benefits involved in or resulting from outsourcing the
 3 service. The cost-benefit analysis must include a detailed
 4 plan and timeline identifying all actions that must be
 5 implemented to realize the expected benefits.

6 (c) A statement of the potential effect on applicable
 7 federal, state, and local revenues and expenditures. The
 8 statement must specifically describe the effect on general
 9 revenue, trust funds, general revenue service charges, and
 10 interest on trust funds, together with the potential direct or
 11 indirect effect on federal funding and cost allocations.

12 (d) A plan to ensure compliance with public-records
 13 law.

14 (e) A transition and implementation plan for
 15 addressing changes in the number of department personnel,
 16 affected business processes, and employee-transition issues.
 17 Such a plan must also specify the mechanism for continuing the
 18 operation of the service if the contractor fails to perform or
 19 comply with the performance standards and provisions of the
 20 contract. Within this plan, the department shall identify all
 21 resources, including full-time equivalent positions, which are
 22 subject to outsourcing.

23 Section 36. Subsection (2) of section 318.15, Florida
 24 Statutes, is amended to read:

25 318.15 Failure to comply with civil penalty or to
 26 appear; penalty.--

27 (2) After suspension of the driver's license and
 28 privilege to drive of a person under subsection (1), the
 29 license and privilege may not be reinstated until the person
 30 complies with all obligations and penalties imposed on him or
 31 her under s. 318.18 and presents to a driver license office a

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1 certificate of compliance issued by the court, together with a
 2 nonrefundable service charge of up to \$47.50 imposed under s.
 3 322.29, or presents a certificate of compliance and pays the
 4 aforementioned service charge of up to \$47.50 to the clerk of
 5 the court or a driver licensing agent authorized in s.
 6 322.135, F.S. ~~tax collector~~ clearing such suspension. Of the
 7 charge collected by the clerk of the court or driver licensing
 8 agent ~~the tax collector~~, \$10 shall be remitted to the
 9 Department of Revenue to be deposited into the Highway Safety
 10 Operating Trust Fund. Such person shall also be in compliance
 11 with requirements of chapter 322 prior to reinstatement.

12 Section 37. Subsection (1) of section 322.02, Florida
 13 Statutes, is amended to read:

14 322.02 Legislative intent; administration.--

15 (1) The Legislature finds that over the past several
 16 years the department and individual county tax collectors have
 17 entered into contracts for the delivery of full and limited
 18 driver license services where such contractual relationships
 19 best served the public interest through state administration
 20 and enforcement and local government implementation. It is the
 21 intent of the Legislature that future interests and processes
 22 for developing and expanding the department's relationship
 23 with tax collectors and other county constitutional officers
 24 through contractual relationships for the delivery of driver
 25 license services be achieved through the provisions of this
 26 chapter, thereby serving best the public interest considering
 27 accountability, cost-effectiveness, efficiency,
 28 responsiveness, and high-quality service to the drivers in
 29 Florida.

30 Section 38. Subsection (10) is added to section
 31 322.135, Florida Statutes, to read:

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1 322.135 Driver's license agents.--

2 (10) The department is hereby authorized to contract
3 with any county constitutional officer to provide driver
4 license services in the same manner as provided in this
5 section in a county where the tax collector is not elected, or
6 elects not to provide driver license services.

7 Section 39. Paragraph (f) is added to subsection (1)
8 of section 318.143, Florida Statutes, to read:

9 318.143 Sanctions for infractions by minors.--

10 (1) If the court finds that a minor has committed a
11 violation of any of the provisions of chapter 316, the court
12 may also impose one or more of the following sanctions:

13 (f) The court may require the minor and his or her
14 parents or guardians to participate in a registered youthful
15 driver monitoring service as described in s. 318.1435.

16 Section 40. Section 318.1435, Florida Statutes, is
17 created to read:

18 318.1435 Youthful driver monitoring services.--

19 (1) As used in this section, the term "youthful driver
20 monitoring service" means an entity that enables parents or
21 guardians to monitor the driving performance of their minor
22 children. The service may provide monitoring by posting on a
23 vehicle a placard that shows a toll-free telephone number and
24 a unique identifying number and includes a request to members
25 of the public to call the toll-free telephone number to report
26 inappropriate driving practices. The service shall enter into
27 a contract with the parents or guardians under which the
28 service shall timely forward to the parents or guardians all
29 reports of inappropriate driving practices by the minor child.

30 (2) A youthful driver monitoring service may register
31 with the Department of Highway Safety and Motor Vehicles. The

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1 registration must consist of a narrative description of the
2 services offered by the youthful driver monitoring service,
3 the name of the manager in charge of the service, the address
4 of the service, and the telephone number of the service.
5 Registration under this subsection remains valid indefinitely,
6 but it is the responsibility of the youthful driver monitoring
7 service to timely file a revised registration statement to
8 reflect any changes in the required information. If the
9 department determines that the youthful driver monitoring
10 service is not providing the services described in the
11 narrative statement, the department may suspend the
12 registration; however, the department must reinstate the
13 registration when the service files a revised statement that
14 reflects its actual practices.

15 Section 41. Section 316.0085, Florida Statutes, is
16 amended to read:

17 316.0085 Skateboarding; inline skating; freestyle or
18 mountain and off-road bicycling; paintball; definitions;
19 liability.--

20 (1) The purpose of this section is to encourage
21 governmental owners or lessees of property to make land
22 available to the public for skateboarding, inline skating,
23 paintball, and freestyle or mountain and off-road bicycling.
24 It is recognized that governmental owners or lessees of
25 property have failed to make property available for such
26 activities because of the exposure to liability from lawsuits
27 and the prohibitive cost of insurance, if insurance can be
28 obtained for such activities. It is also recognized that risks
29 and dangers are inherent in these activities, which risks and
30 dangers should be assumed by those participating in such
31 activities.

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1 (2) As used in this section, the term:

2 (a) "Governmental entity" means:

3 1. The United States, the State of Florida, any county
4 or municipality, or any department, agency, or other
5 instrumentality thereof.

6 2. Any school board, special district, authority, or
7 other entity exercising governmental authority.

8 (b) "Inherent risk" means those dangers or conditions
9 that are characteristic of, intrinsic to, or an integral part
10 of skateboarding, inline skating, paintball, and freestyle or
11 mountain and off-road bicycling.

12 (3) This section does not grant authority or
13 permission for a person to engage in skateboarding, inline
14 skating, paintball, or freestyle or mountain and off-road
15 bicycling on property owned or controlled by a governmental
16 entity unless such governmental entity has specifically
17 designated such area for skateboarding, inline skating,
18 paintball, or freestyle or mountain and off-road bicycling.
19 Each governmental entity shall post a rule in each
20 specifically designated area that identifies all authorized
21 activities and indicates that a child under 17 years of age
22 may not engage in any of those activities until the
23 governmental entity has obtained written consent, in a form
24 acceptable to the governmental entity, from the child's
25 parents or legal guardians.

26 (4) A governmental entity or public employee is not
27 liable to any person who voluntarily participates in
28 skateboarding, inline skating, paintball, or freestyle or
29 mountain and off-road bicycling for any damage or injury to
30 property or persons which arises out of a person's
31 participation in such activity, and which takes place in an

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1 area designated for such activity.

2 (5) This section does not limit liability that would
3 otherwise exist for any of the following:

4 (a) The failure of the governmental entity or public
5 employee to guard against or warn of a dangerous condition of
6 which a participant does not and cannot reasonably be expected
7 to have notice.

8 (b) An act of gross negligence by the governmental
9 entity or public employee that is the proximate cause of the
10 injury.

11 (c) The failure of a governmental entity that provides
12 a designated area for skateboarding, inline skating,
13 paintball, or freestyle or mountain and off-road bicycling to
14 obtain the written consent, in a form acceptable to the
15 governmental entity, from the parents or legal guardians of
16 any child under 17 years of age before authorizing such child
17 to participate in skateboarding, inline skating, paintball, or
18 freestyle or mountain and off-road bicycling in such
19 designated area, unless that child's participation is in
20 violation of posted rules governing the authorized use of the
21 designated area, except that a parent or legal guardian must
22 demonstrate that written consent to engage in mountain or
23 off-road bicycling in a designated area was provided to the
24 governmental entity before entering the designated area.

25
26 Nothing in this subsection creates a duty of care or basis of
27 liability for death, personal injury, or damage to personal
28 property. Nothing in this section shall be deemed to be a
29 waiver of sovereign immunity under any circumstances.

30 (6) Nothing in this section shall limit the liability
31 of an independent concessionaire, or any person or

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1 organization other than a governmental entity or public
2 employee, whether or not the person or organization has a
3 contractual relationship with a governmental entity to use the
4 public property, for injuries or damages suffered in any case
5 as a result of the operation of skateboards, inline skates,
6 paintball equipment, or freestyle or mountain and off-road
7 bicycles on public property by the concessionaire, person, or
8 organization.

9 (7)(a) Any person who participates in or assists in
10 skateboarding, inline skating, paintball, or freestyle or
11 mountain and off-road bicycling assumes the known and unknown
12 inherent risks in these activities irrespective of age, and is
13 legally responsible for all damages, injury, or death to
14 himself or herself or other persons or property which result
15 from these activities. Any person who observes skateboarding,
16 inline skating, paintball, or freestyle or mountain and
17 off-road bicycling assumes the known and unknown inherent
18 risks in these activities irrespective of age, and is legally
19 responsible for all damages, injury, or death to himself or
20 herself which result from these activities. A governmental
21 entity that sponsors, allows, or permits skateboarding, inline
22 skating, paintball, or freestyle or mountain and off-road
23 bicycling on its property is not required to eliminate, alter,
24 or control the inherent risks in these activities.

25 (b) While engaged in skateboarding, inline skating,
26 paintball, or freestyle or mountain and off-road bicycling,
27 irrespective of where such activities occur, a participant is
28 responsible for doing all of the following:

29 1. Acting within the limits of his or her ability and
30 the purpose and design of the equipment used.

31 2. Maintaining control of his or her person and the

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1 equipment used.

2 3. Refraining from acting in any manner which may
3 cause or contribute to death or injury of himself or herself,
4 or other persons.

5
6 Failure to comply with the requirements of this paragraph
7 shall constitute negligence.

8 (8) The fact that a governmental entity carries
9 insurance which covers any act described in this section shall
10 not constitute a waiver of the protections set forth in this
11 section, regardless of the existence or limits of such
12 coverage.

13 Section 42. Subparagraph (d) of s. 318.32, F.S., is
14 amended to read:

15 (d) Have the power to suspend or revoke a defendant's
16 driver's license pursuant to s. 316.655(2).

17 Section 43. Except as otherwise expressly provided in
18 this act, this act shall take effect October 1, 2006.

19
20

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

22 And the title is amended as follows:

23 Delete everything before the enacting clause

24

25 and insert:

26 A bill to be entitled
27 An act relating to the Department of Highway
28 Safety and Motor Vehicles; amending s. 207.008,
29 F.S.; requiring that a motor carrier maintain
30 certain tax records for a specified period;
31 amending s. 207.021, F.S.; authorizing the

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1 department to adopt rules to resolve disputes
2 with motor carriers involving taxes, penalties,
3 interest, or refunds; providing for an
4 agreement with the department settling or
5 compromising a taxpayer's liability for any
6 tax, interest, or penalty; authorizing
7 agreements for scheduling payments of taxes,
8 penalties, or interest; amending s. 316.003,
9 F.S.; defining the term "full mount"; revising
10 the definition of "saddle mount" to provide for
11 a full mount; amending s. 316.006, F.S.;
12 authorizing the board of directors of a
13 homeowner's association to provide for local
14 law enforcement agencies to enforce state
15 traffic laws on private roads that are
16 controlled by the association; amending s.
17 316.192, F.S.; adding to the definition of acts
18 that constitute reckless driving; specifying
19 certain acts that constitute reckless driving
20 per se; amending s. 316.1955, F.S.; exempting
21 the owner of a leased vehicle from
22 responsibility for a violation of certain
23 disabled parking violations in specific
24 circumstances; amending s. 316.2015, F.S.;
25 deleting an exception to a prohibition against
26 persons riding on the exterior of a passenger
27 vehicle; revising exceptions to a prohibition
28 against persons riding on any vehicle on an
29 area of the vehicle not designed or intended
30 for the use of passengers; prohibiting an
31 operator from allowing certain minors to ride

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1 within the open body of a pickup truck or
2 flatbed truck on limited access facilities;
3 providing exceptions; providing penalties;
4 providing for counties to be exempted from the
5 section; amending s. 316.211, F.S.; requiring a
6 unique license plate for a motorcycle
7 registered to a person younger than a specified
8 age; creating s. 316.2123, F.S.; providing for
9 all-terrain vehicle operation under certain
10 conditions; requiring the operator to provide
11 proof of ownership to a law enforcement
12 officer; providing for counties to be exempted
13 from the act; amending s. 316.2125, F.S.;
14 granting local jurisdictions the authority to
15 enact ordinances governing the use of golf
16 carts within a retirement community which are
17 more restrictive than state law; creating s.
18 316.2128, F.S.; providing requirements for the
19 commercial sale of motorized scooters and
20 miniature motorcycles; providing that a
21 violation of the commercial sales requirements
22 is an unfair and deceptive trade practice;
23 amending s. 316.221, F.S.; exempting dump
24 trucks and similar vehicles from the
25 requirement that the rear registration plate be
26 illuminated; amending s. 316.302, F.S.;
27 updating references to federal commercial motor
28 vehicle regulations; revising hours-of-service
29 requirements for certain intrastate motor
30 carriers; revising conditions for an exemption
31 from commercial driver license requirements;

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1 revising weight requirements for application of
2 certain exceptions to specified federal
3 regulations and to operation of certain
4 commercial motor vehicles by persons of a
5 certain age; amending s. 316.515, F.S.;
6 authorizing certain uses of forestry equipment;
7 providing width and speed limitations;
8 requiring such vehicles to be operated in
9 accordance with specified safety requirements;
10 revising length and mount requirements for
11 automobile towaway and driveaway operations;
12 authorizing saddle mount combinations to
13 include one full mount; amending s. 318.18,
14 F.S.; revising penalty provisions to provide
15 for certain criminal penalties; imposing a
16 surcharge for specified traffic-related
17 criminal offenses and all moving traffic
18 violations; providing for distribution of the
19 proceeds of the surcharge to be used for the
20 state agency law enforcement radio system;
21 amending s. 318.21, F.S.; revising distribution
22 provisions to provide for distribution of the
23 surcharge; amending s. 320.015, F.S.; ensuring
24 display homes and homes held in inventory for
25 sale are not taxable to the manufacturer or
26 dealer as real property; amending s. 320.02;
27 F.S.; requiring proof of an endorsement before
28 the original registration of a motorcycle,
29 motor-driven cycle, or moped; amending s.
30 320.03, F.S.; exempting certain owners of
31 leased vehicles from certain registration

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1 requirements; amending s. 320.07, F.S.;

2 exempting certain owners of leased vehicles

3 from certain penalties relating to annual

4 registration-renewal requirements; amending s.

5 320.0706, F.S.; providing requirements for

6 displaying the rear license plate on a dump

7 truck; amending s. 320.089, F.S.; providing for

8 Operation Iraqi Freedom and Operation Enduring

9 Freedom license plates for qualified military

10 personnel; amending s. 320.27, F.S.; exempting

11 certain applicants for a new franchised motor

12 vehicle dealer license from certain training

13 requirements; amending s. 320.27, F.S.;

14 providing penalties for the failure to register

15 a mobile home salesperson; amending s. 320.405,

16 F.S.; authorizing the department to enter into

17 an agreement for scheduling the payment of

18 taxes or penalties; amending s. 320.77, F.S.;

19 providing a definition; requiring mobile home

20 salespersons to be registered with the

21 department; amending s. 320.781, F.S.;

22 providing for certain claims to be satisfied

23 from the Mobile Home and Recreational Vehicle

24 Protection Trust Fund; establishing certain

25 conditions for such claims; providing limits on

26 such claims; specifying the source of funds

27 from which such claims may be paid; providing a

28 claims timeframe limitation; amending s.

29 320.8325, F.S.; providing for applicability of

30 certain foundation system rules to manufactured

31 buildings; amending s. 322.01, F.S.; redefining

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1 the term "driver's license" to include an
2 operator's license as defined by federal law;
3 defining the terms "identification card,"
4 "temporary driver's license," and "temporary
5 identification card" for purposes of ch. 322,
6 F.S.; amending s. 322.051, F.S.; revising the
7 age at which a person may be issued an
8 identification card by the department;
9 authorizing the use of additional documentation
10 for purposes of proving nonimmigrant
11 classification when a person applies for an
12 identification card; amending s. 322.08, F.S.;
13 authorizing the use of additional documentation
14 for purposes of proving nonimmigrant
15 classification when a person applies for a
16 driver's license; amending s. 322.12, F.S.;
17 requiring that all first-time applicants for a
18 license to operate a motorcycle complete a
19 motorcycle safety course; amending s. 322.121,
20 F.S.; revising periodic license examination
21 requirements; providing for such testing of
22 applicants for renewal of a license under
23 provisions requiring an endorsement permitting
24 the applicant to operate a tank vehicle
25 transporting hazardous materials; amending s.
26 322.2615, F.S.; revising the procedures under
27 which a law enforcement officer or correctional
28 officer may suspend the driving privilege of a
29 person who is driving a motor vehicle and who
30 has an unlawful blood-alcohol level or
31 breath-alcohol level or who refuses to submit

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1 to a test of his or her urine, breath, or
2 blood; deleting a requirement that such person
3 be arrested for the offense of driving under
4 the influence; revising certain reporting
5 requirements; providing that materials
6 submitted to the department by the law
7 enforcement agency, including the crash report,
8 are self-authenticating and part of the record
9 for the hearing officer; authorizing a law
10 enforcement agency to appeal a decision by the
11 department invalidating a suspension of a
12 person's driving privilege; directing the
13 department to study the outsourcing of its
14 driver's license services to a provider or
15 other governmental agency, in whole or in part,
16 while retaining responsibility and
17 accountability for the services; requiring that
18 the department submit a report to the Governor
19 and Legislature by a specified date; providing
20 requirements for the department with respect to
21 issues to be included in the study; requiring a
22 cost-benefit analysis and a transition and
23 implementation plan; amending s. 318.15, F.S.;
24 providing for the collection of certain service
25 charges by authorized driver licensing agents;
26 amending s. 322.02, F.S.; revising legislative
27 intent provisions to include references to
28 county constitutional officers providing driver
29 licensing services; amending s. 322.135, F.S.;
30 authorizing the department to contract with any
31 county constitutional officer for driver

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1 license services in counties where the tax
2 collector is not elected or does not provide
3 the services; amending s. 318.143, F.S.,
4 relating to sanctions for infractions of ch.
5 316, F.S., committed by minors; allowing a
6 court to require a minor and his or her parents
7 or guardians to participate in a registered
8 youthful driver monitoring service; creating s.
9 318.1435, F.S.; defining the term "youthful
10 driver monitoring service"; providing
11 procedures by which such a service may provide
12 monitoring; providing registration
13 requirements; amending s. 316.0085, F.S.;
14 applying provisions that relate to liability
15 with respect to skateboarding, inline skating,
16 and other recreational pursuits to mountain and
17 off-road bicycling as well; requiring
18 demonstration that consent by a parent or legal
19 guardian was provided to a governmental entity
20 in specified circumstances; amending s. 318.32,
21 F.S.; prohibiting hearing officers from
22 revoking defendants driver's license; providing
23 effective dates.

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