

Bill No. CS for SB 1742

Barcode 720760

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.

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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. Paragraphs (a) and (c) of subsection (1)
28 of section 319.14, Florida Statutes, are amended to read:

29 319.14 Sale of motor vehicles registered or used as
30 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
31 and nonconforming vehicles.--

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1 (1)(a) No person shall knowingly offer for sale, sell,
2 or exchange any vehicle that has ever been licensed,
3 registered, or used as a taxicab, police vehicle, or
4 short-term-lease vehicle, or a vehicle that has been
5 repurchased by a manufacturer pursuant to a settlement,
6 determination, or decision under chapter 681, until the
7 department has stamped in a conspicuous place on the
8 certificate of title of the vehicle, or its duplicate, words
9 stating the nature of the previous use of the vehicle or the
10 title has been stamped "Manufacturer's Buy Back" to reflect
11 that the vehicle is a nonconforming vehicle. If the
12 certificate of title or duplicate was not so stamped upon
13 initial issuance thereof or if, subsequent to initial issuance
14 of the title, the use of the vehicle is changed to a use
15 requiring the notation provided for in this section, the owner
16 or lienholder of the vehicle shall surrender the certificate
17 of title or duplicate to the department prior to offering the
18 vehicle for sale, and the department shall stamp the
19 certificate or duplicate as required herein. When a vehicle
20 has been repurchased by a manufacturer pursuant to a
21 settlement, determination, or decision under chapter 681, the
22 title shall be stamped "Manufacturer's Buy Back" to reflect
23 that the vehicle is a nonconforming vehicle.

24 (c) As used in this section:

25 1. "Police vehicle" means a motor vehicle owned or
26 leased by the state or a county or municipality, marked and
27 outfitted as a pursuit vehicle, and used in law enforcement.

28 2.a. "Short-term-lease vehicle" means a motor vehicle
29 leased without a driver and under a written agreement to one
30 or more persons from time to time for a period of less than 12
31 months.

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1 b. "Long-term-lease vehicle" means a motor vehicle
2 leased without a driver and under a written agreement to one
3 person for a period of 12 months or longer.

4 c. "Lease vehicle" includes both short-term-lease
5 vehicles and long-term-lease vehicles.

6 3. "Rebuilt vehicle" means a motor vehicle or mobile
7 home built from salvage or junk, as defined in s. 319.30(1).

8 4. "Assembled from parts" means a motor vehicle or
9 mobile home assembled from parts or combined from parts of
10 motor vehicles or mobile homes, new or used. "Assembled from
11 parts" does not mean a motor vehicle defined as a "rebuilt
12 vehicle" in subparagraph 3., which has been declared a total
13 loss pursuant to s. 319.30.

14 5. "Kit car" means a motor vehicle assembled with a
15 kit supplied by a manufacturer to rebuild a wrecked or
16 outdated motor vehicle with a new body kit.

17 6. "Glider kit" means a vehicle assembled with a kit
18 supplied by a manufacturer to rebuild a wrecked or outdated
19 truck or truck tractor.

20 7. "Replica" means a complete new motor vehicle
21 manufactured to look like an old vehicle.

22 8. "Flood vehicle" means a motor vehicle or mobile
23 home that has been declared to be a total loss pursuant to s.
24 319.30(3)(a) resulting from damage caused by water.

25 9. "Nonconforming vehicle" means a motor vehicle which
26 has been purchased by a manufacturer pursuant to a settlement,
27 determination, or decision under chapter 681.

28 10. "Settlement" means an agreement entered into
29 between a manufacturer and a consumer that occurs after a
30 dispute is submitted to a program, or an informal dispute
31 settlement procedure established by a manufacturer or is

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1 approved for arbitration before the New Motor Vehicle
2 Arbitration Board as defined in s. 681.102.

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

5 320.02 Registration required; application for
6 registration; forms.--

7 (1) Except as otherwise provided in this chapter,
8 every owner or person in charge of a motor vehicle ~~that~~ which
9 is operated or driven on the roads of this state shall
10 register the vehicle in this state. The owner or person in
11 charge shall apply to the department or to its authorized
12 agent for registration of each such vehicle on a form
13 prescribed by the department. Prior to the original
14 registration of a motorcycle, motor-driven cycle, or moped,
15 the owner, if a natural person, must present proof that he or
16 she has a valid motorcycle endorsement as required in chapter
17 322. A No registration is not required for any motor vehicle
18 that ~~which~~ is not operated on the roads of this state during
19 the registration period.

20 Section 19. Subsection (8) of section 320.03, Florida
21 Statutes, is amended to read:

22 320.03 Registration; duties of tax collectors;
23 International Registration Plan.--

24 (8) If the applicant's name appears on the list
25 referred to in s. 316.1001(4), s. 316.1967(6), or s.
26 713.78(13), a license plate or revalidation sticker may not be
27 issued until that person's name no longer appears on the list
28 or until the person presents a receipt from the clerk showing
29 that the fines outstanding have been paid. This subsection
30 does not apply to the owner of a leased vehicle if the vehicle
31 is registered in the name of the lessee of the vehicle. The

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1 tax collector and the clerk of the court are each entitled to
2 receive monthly, as costs for implementing and administering
3 this subsection, 10 percent of the civil penalties and fines
4 recovered from such persons. As used in this subsection, the
5 term "civil penalties and fines" does not include a wrecker
6 operator's lien as described in s. 713.78(13). If the tax
7 collector has private tag agents, such tag agents are entitled
8 to receive a pro rata share of the amount paid to the tax
9 collector, based upon the percentage of license plates and
10 revalidation stickers issued by the tag agent compared to the
11 total issued within the county. The authority of any private
12 agent to issue license plates shall be revoked, after notice
13 and a hearing as provided in chapter 120, if he or she issues
14 any license plate or revalidation sticker contrary to the
15 provisions of this subsection. This section applies only to
16 the annual renewal in the owner's birth month of a motor
17 vehicle registration and does not apply to the transfer of a
18 registration of a motor vehicle sold by a motor vehicle dealer
19 licensed under this chapter, except for the transfer of
20 registrations which is inclusive of the annual renewals. This
21 section does not affect the issuance of the title to a motor
22 vehicle, notwithstanding s. 319.23(7)(b).

23 Section 20. Section 320.07, Florida Statutes, is
24 amended to read:

25 320.07 Expiration of registration; annual renewal
26 required; penalties.--

27 (1) The registration of a motor vehicle or mobile home
28 shall expire at midnight on the last day of the registration
29 period. A vehicle shall not be operated on the roads of this
30 state after expiration of the renewal period unless the
31 registration has been renewed according to law.

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

8 (3) The operation of any motor vehicle without having
9 attached thereto a registration license plate and validation
10 stickers, or the use of any mobile home without having
11 attached thereto a mobile home sticker, for the current
12 registration period shall subject the owner thereof, if he or
13 she is present, or, if the owner is not present, the operator
14 thereof to the following penalty provisions:

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

19 (b) Any person whose motor vehicle or mobile home
20 registration has been expired for more than 6 months shall
21 upon a first offense be subject to the penalty provided in s.
22 318.14.

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

28 (d) However, no operator shall be charged with a
29 violation of this subsection if the operator can show,
30 pursuant to a valid lease agreement, that the vehicle had been
31 leased for a period of 30 days or less at the time of the

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1 offense.

2 (e) Any servicemember, as defined in s. 250.01, whose
 3 mobile home registration has expired while serving on active
 4 duty or state active duty shall not be charged with a
 5 violation of this subsection if, at the time of the offense,
 6 the servicemember was serving on active duty or state active
 7 duty 35 miles or more from the mobile home. The servicemember
 8 must present to the department either a copy of the official
 9 military orders or a written verification signed by the
 10 servicemember's commanding officer to waive charges.

11 (f) The owner of a leased motor vehicle is not
 12 responsible for any penalty specified in this subsection if
 13 the motor vehicle is registered in the name of the lessee of
 14 the motor vehicle.

15 (4)(a) In addition to a penalty provided in subsection
 16 (3), a delinquent fee based on the following schedule of
 17 license taxes shall be imposed on any applicant who fails to
 18 renew a registration prior to the end of the month in which
 19 renewal registration is due. The delinquent fee shall be
 20 applied beginning on the 11th calendar day of the month
 21 succeeding the renewal period. The delinquent fee shall not
 22 apply to those vehicles which have not been required to be
 23 registered during the preceding registration period or as
 24 provided in s. 320.18(2). The delinquent fee shall be imposed
 25 as follows:

- 26 1. License tax of \$5 but not more than \$25: \$5 flat.
- 27 2. License tax over \$25 but not more than \$50: \$10
- 28 flat.
- 29 3. License tax over \$50 but not more than \$100: \$15
- 30 flat.
- 31 4. License tax over \$100 but not more than \$400: \$50

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1 flat.

2 5. License tax over \$400 but not more than \$600: \$100

3 flat.

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

5 (b) A person who has been assessed a penalty pursuant
6 to s. 316.545(2)(b) for failure to have a valid vehicle
7 registration certificate is not subject to the delinquent fee
8 authorized by this subsection if such person obtains a valid
9 registration certificate within 10 working days after such
10 penalty was assessed. The official receipt authorized by s.
11 316.545(6) constitutes proof of payment of the penalty
12 authorized in s. 316.545(2)(b).

13 (c) The owner of a leased motor vehicle is not
14 responsible for any delinquent fee specified in this
15 subsection if the motor vehicle is registered in the name of
16 the lessee of the motor vehicle.

17 (5) Any servicemember, as defined in s. 250.01, whose
18 motor vehicle or mobile home registration has expired while
19 serving on active duty or state active duty, shall be able to
20 renew his or her registration upon return from active duty or
21 state active duty without penalty, if the servicemember served
22 on active duty or state active duty 35 miles or more from the
23 servicemember's home of record prior to entering active duty
24 or state active duty. The servicemember must provide to the
25 department either a copy of the official military orders or a
26 written verification signed by the servicemember's commanding
27 officer to waive delinquent fees.

28 (6) Delinquent fees imposed under this section shall
29 not be apportionable under the International Registration
30 Plan.

31 Section 21. Section 320.0706, Florida Statutes, is

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1 amended to read:

2 320.0706 Display of license plates on trucks.--The
3 owner of any commercial truck of gross vehicle weight of
4 26,001 pounds or more shall display the registration license
5 plate on both the front and rear of the truck in conformance
6 with all the requirements of s. 316.605 that do not conflict
7 with this section. The owner of a dump truck may place the
8 rear license plate on the gate no higher than 60 inches to
9 allow for better visibility. However, the owner of a truck
10 tractor shall be required to display the registration license
11 plate only on the front of such vehicle.

12 Section 22. Section 320.089, Florida Statutes, is
13 amended to read:

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

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

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

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

21 (c) Notwithstanding any provisions of law to the
 22 contrary, an applicant for a Pearl Harbor Survivor license
 23 plate or a Purple Heart license plate who also qualifies for a
 24 disabled veteran's license plate under s. 320.084 shall be
 25 issued the appropriate special license plate without payment
 26 of the license tax imposed by s. 320.08.

27 (2) Each owner or lessee of an automobile or truck for
 28 private use, truck weighing not more than 7,999 pounds, or
 29 recreational vehicle as specified in s. 320.08(9)(c) or (d),
 30 which is not used for hire or commercial use, who is a
 31 resident of the state and who is a former prisoner of war, or

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1 their unremarried surviving spouse, shall, upon application
 2 therefor to the department, be issued a license plate as
 3 provided in s. 320.06, on which license plate are stamped the
 4 words "Ex-POW" followed by the serial number. Each application
 5 shall be accompanied by proof that the applicant meets the
 6 qualifications specified in paragraph (a) or paragraph (b).

7 (a) A citizen of the United States who served as a
 8 member of the Armed Forces of the United States or the armed
 9 forces of a nation allied with the United States who was held
 10 as a prisoner of war at such time as the Armed Forces of the
 11 United States were engaged in combat, or their unremarried
 12 surviving spouse, may be issued the special license plate
 13 provided for in this subsection without payment of the license
 14 tax imposed by s. 320.08.

15 (b) A person who was serving as a civilian with the
 16 consent of the United States Government, or a person who was a
 17 member of the Armed Forces of the United States who was not a
 18 United States citizen and was held as a prisoner of war when
 19 the Armed Forces of the United States were engaged in combat,
 20 or their unremarried surviving spouse, may be issued the
 21 special license plate provided for in this subsection upon
 22 payment of the license tax imposed by s. 320.08.

23 (3) Each owner or lessee of an automobile or truck for
 24 private use, truck weighing not more than 7,999 pounds, or
 25 recreational vehicle as specified in s. 320.08(9)(c) or (d),
 26 which is not used for hire or commercial use, who is a
 27 resident of this state and who is the unremarried surviving
 28 spouse of a recipient of the Purple Heart medal shall, upon
 29 application therefor to the department, with the payment of
 30 the required fees, be issued a license plate as provided in s.
 31 320.06, on which license plate are stamped the words "Purple

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1 Heart" and the likeness of the Purple Heart medal followed by
2 the serial number. Each application shall be accompanied by
3 proof that the applicant is the unremarried surviving spouse
4 of a recipient of the Purple Heart medal.

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

22 Section 23. Paragraph (b) of subsection (9) of section
23 320.27, Florida Statutes, is amended to read:

24 320.27 Motor vehicle dealers.--

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

26 (b) The department may deny, suspend, or revoke any
27 license issued hereunder or under the provisions of s. 320.77
28 or s. 320.771 upon proof that a licensee has committed, with
29 sufficient frequency so as to establish a pattern of
30 wrongdoing on the part of a licensee, violations of one or
31 more of the following activities:

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

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

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

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

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

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

29 7. Use of the dealer license identification number by
 30 any person other than the licensed dealer or his or her
 31 designee.

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1 8. Failure to continually meet the requirements of the
2 licensure law.

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

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

12 11. Requirement by any motor vehicle dealer that any
13 customer or purchaser finance a motor vehicle with a specific
14 financial institution or company.

15 12. Requirement by any motor vehicle dealer that the
16 purchaser of a motor vehicle contract with the dealer for
17 physical damage insurance.

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

23 14. Violation of any of the provisions of s. 319.35 by
24 any motor vehicle dealer.

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

31 16. Willful failure to comply with any administrative

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1 rule adopted by the department or the provisions of s.

2 320.131(8).

3 17. Violation of chapter 319, this chapter, or ss.
4 559.901-559.9221, which has to do with dealing in or repairing
5 motor vehicles or mobile homes. Additionally, in the case of
6 used motor vehicles, the willful violation of the federal law
7 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining
8 to the consumer sales window form.

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

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

14 Section 24. Subsection (5) is added to section
15 320.405, Florida Statutes, to read:

16 320.405 International Registration Plan; inspection of
17 records; hearings.--

18 (5) The department may enter into an agreement for
19 scheduling the payment of taxes or penalties owed to the
20 department as a result of an audit assessment issued under
21 this section.

22 Section 25. Subsection (1) of section 320.77 is
23 amended, present subsections (9) through (15) are redesignated
24 as subsections (10) through (16), respectively, and a new
25 subsection (9) is added to that section, to read:

26 320.77 License required of mobile home dealers.--

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

28 (a) "Dealer" means any person engaged in the business
29 of buying, selling, or dealing in mobile homes or offering or
30 displaying mobile homes for sale. The term "dealer" includes
31 a mobile home broker. Any person who buys, sells, deals in, or

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

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

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

25 a. Is employed as a salesperson by a mobile home
26 dealer, as defined in s. 320.77, or who, under any contract,
27 agreement, or arrangement with a dealer, for a commission,
28 money, profit, or any other thing of value, sells, exchanges,
29 buys, or offers for sale, negotiates, or attempts to negotiate
30 a sale or exchange of an interest in a mobile home required to
31 be titled under this chapter;

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

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

17 2. The term does not include:

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

25 b. A person who is licensed as a manufacturer,
 26 remanufacturer, transporter, distributor, or representative of
 27 mobile homes.

28 c. A person who is licensed as a mobile home dealer
 29 under this chapter.

30 d. A person not engaged in the purchase or sale of
 31 mobile homes as a business who is disposing of mobile homes

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1 acquired for his or her own use or for use in his or her
2 business if the mobile homes were acquired and used in good
3 faith and not for the purpose of avoiding the provisions of
4 this chapter.

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

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

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

15 (c) Quarterly, each licensee shall notify the
16 department of the termination or separation from employment of
17 each mobile home salesperson employed by the licensee. Each
18 notification must be on a form prescribed by the department.

19 Section 26. Section 320.781, Florida Statutes, is
20 amended to read:

21 320.781 Mobile Home and Recreational Vehicle
22 Protection Trust Fund.--

23 (1) There is hereby established a Mobile Home and
24 Recreational Vehicle Protection Trust Fund. The trust fund
25 shall be administered and managed by the Department of Highway
26 Safety and Motor Vehicles. The expenses incurred by the
27 department in administering this section shall be paid only
28 from appropriations made from the trust fund.

29 (2) Beginning October 1, 1990, the department shall
30 charge and collect an additional fee of \$1 for each new mobile
31 home and new recreational vehicle title transaction for which

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1 it charges a fee. This additional fee shall be deposited into
2 the trust fund. The Department of Highway Safety and Motor
3 Vehicles shall charge a fee of \$40 per annual dealer and
4 manufacturer license and license renewal, which shall be
5 deposited into the trust fund. The sums deposited in the trust
6 fund shall be used exclusively for carrying out the purposes
7 of this section. These sums may be invested and reinvested by
8 the Chief Financial Officer under the same limitations as
9 apply to investment of other state funds, with all interest
10 from these investments deposited to the credit of the trust
11 fund.

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

21 (4) The trust fund shall not be liable for any
22 judgment, or part thereof, resulting from any tort claim
23 except as expressly provided in subsection (3), nor for any
24 punitive, exemplary, double, or treble damages. A person, the
25 state, or any political subdivision thereof may recover
26 against the mobile home or recreational vehicle dealer,
27 broker, or surety, jointly and severally, for such damages,
28 restitution, or expenses; provided, however, that in no event
29 shall the trust fund or the surety be liable for an amount in
30 excess of actual damages, restitution, or expenses.

31 (5) Subject to the limitations and requirements of

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1 this section, the trust fund shall be used by the department
 2 to compensate persons who have unsatisfied judgments, or in
 3 certain limited circumstances unsatisfied claims, against a
 4 mobile home or recreational vehicle dealer or broker. The
 5 following conditions must exist for a person to be eligible to
 6 file a claim against the trust fund ~~in one of the following~~
 7 ~~situations:~~

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

21 (b) A claim has been made in a lawsuit against the
 22 surety and a judgment obtained is unsatisfied; a claim has
 23 been made in a lawsuit against the surety which has been
 24 stayed or discharged in a bankruptcy proceeding; or a claimant
 25 is prohibited from filing a claim in a lawsuit because a
 26 bankruptcy proceeding is pending by surety or the surety is
 27 not liable due to the prior payment of valid claims against
 28 the bond in an amount equal to, or greater than, the face
 29 amount of the applicable bond. However, a claimant may not
 30 recover against the trust fund if the claimant has recovered
 31 from the surety an amount that is equal to or greater than the

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1 ~~total loss. The claimant has obtained a judgment against the~~
2 ~~surety of the mobile home or recreational vehicle dealer or~~
3 ~~broker that is unsatisfied.~~

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

14 (6) In order to recover from the trust fund, the
15 person must file an application and verified claim with the
16 department.

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

21 1.a. That the judgment against the mobile home or
22 recreational vehicle dealer or broker and its surety has been
23 entered; or

24 b. That the judgment against the mobile home or
25 recreational vehicle dealer or broker contains a specific
26 finding that the surety has no liability, that execution has
27 been returned unsatisfied, and that a judgment lien has been
28 perfected;

29 2. The amount of actual damages broken down by
30 category as awarded by the court or jury in the cause which
31 resulted in the unsatisfied judgment, and the amount of

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1 attorney's fees set forth in the unsatisfied judgment;

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

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

12 5. An assignment by the claimant of rights, title, or
13 interest in the unsatisfied judgement lien to the department;
14 and

15 ~~6.5.~~ Such other information as the department
16 requires.

17 (b) If the claimant has alleged a claim as set forth
18 in paragraph(5)(a) ~~(5)(c)~~ and for the reasons set forth
19 therein has not been able to secure a judgment, the verified
20 claim must contain the following:

21 1. A true copy of the pleadings in the lawsuit that
22 ~~which~~ was stayed or discharged by the bankruptcy court and the
23 order of the bankruptcy court staying those proceedings or a
24 true copy of the claim that was filed in the bankruptcy court
25 proceedings;

26 2. Allegations of the acts or omissions by the mobile
27 home or recreational vehicle dealer or broker setting forth
28 the specific acts or omissions complained of which resulted in
29 actual damage to the person, along with the actual dollar
30 amount necessary to reimburse or compensate the person for
31 costs or expenses resulting from the acts or omissions of

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1 which the person complained;

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

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

10 ~~5.4.~~ Such other information as the department
11 requires.

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

14 (7) Within 90 days after receipt of the application
15 and verified claim, the department shall issue its
16 determination on the claim. Such determination shall not be
17 subject to the provisions of chapter 120, but shall be
18 reviewable only by writ of certiorari in the circuit court in
19 the county in which the claimant resides in the manner and
20 within the time provided by the Florida Rules of Appellate
21 Procedure. The claim must be paid within 45 days after the
22 determination, or, if judicial review is sought, within 45
23 days after the review becomes final. A person may not be paid
24 an amount from the fund in excess of \$25,000 per mobile home
25 or recreational vehicle, which includes any damages,
26 restitution, payments received as the result of a claim
27 against the surety bond, or expenses, including reasonable
28 attorney's fees. Prior to payment, the person must execute an
29 assignment to the department of all the person's rights and
30 title to, and interest in, the unsatisfied judgment and
31 judgment lien or the claim against the dealer or broker and

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1 its surety. Any approved claim involving a mobile home shall
 2 be paid solely from fees collected from mobile home dealers
 3 and manufacturers and mobile home title transactions in
 4 accordance with subsection (2). Any approved claim involving a
 5 recreational vehicle shall be paid solely from fees collected
 6 from recreational vehicle dealers and manufacturers and
 7 recreational vehicle title transactions in accordance with
 8 subsection (2).

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

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

24 (10) Neither the department, nor the trust fund shall
 25 be liable to any person for recovery if the trust fund does
 26 not have the moneys necessary to pay amounts claimed. If the
 27 trust fund does not have sufficient assets to pay the
 28 claimant, it shall log the time and date of its determination
 29 for payment to a claimant. If moneys become available, the
 30 department shall pay the claimant whose unpaid claim is the
 31 earliest by time and date of determination.

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

7 Section 27. Subsection (16) of section 322.01, Florida
 8 Statutes, is amended, and subsections (43) and (44) are added
 9 to that section, to read:

10 322.01 Definitions.--As used in this chapter:

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

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

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

28 Section 28. Subsection (1) of section 322.051, Florida
 29 Statutes, is amended to read:

30 322.051 Identification cards.--

31 (1) Any person who is 5 ~~12~~ years of age or older, or

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1 any person who has a disability, regardless of age, who
 2 applies for a disabled parking permit under s. 320.0848, may
 3 be issued an identification card by the department upon
 4 completion of an application and payment of an application
 5 fee.

6 (a) Each such application shall include the following
 7 information regarding the applicant:

- 8 1. Full name (first, middle or maiden, and last),
 9 gender, social security card number, county of residence and
 10 mailing address, country of birth, and a brief description.
- 11 2. Proof of birth date satisfactory to the department.
- 12 3. Proof of identity satisfactory to the department.

13 Such proof must include one of the following documents issued
 14 to the applicant:

15 a. A driver's license record or identification card
 16 record from another jurisdiction that required the applicant
 17 to submit a document for identification which is substantially
 18 similar to a document required under sub-subparagraph b.,
 19 sub-subparagraph c., sub-subparagraph d., sub-subparagraph e.,
 20 sub-subparagraph f., or sub-subparagraph g.;

21 b. A certified copy of a United States birth
 22 certificate;

23 c. A United States passport;

24 d. A naturalization certificate issued by the United
 25 States Department of Homeland Security;

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

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

29 g. Proof of nonimmigrant classification provided by
 30 the United States Department of Homeland Security, for an
 31 original identification card. In order to prove such

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1 nonimmigrant classification, applicants may produce but are
2 not limited to the following documents:

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

5 (II) A notice from the Board of Immigration Appeals
6 acknowledging pendency of an appeal.

7 (III) Notice of the approval of an application for
8 adjustment of status issued by the United States Bureau of
9 Citizenship and Immigration Services.

10 (IV) Any official documentation confirming the filing
11 of a petition for asylum or refugee status or any other relief
12 issued by the United States Bureau of Citizenship and
13 Immigration Services.

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

17 (VI) Order of an immigration judge or immigration
18 officer granting any relief that authorizes the alien to live
19 and work in the United States including, but not limited to
20 asylum.

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

28
29 Presentation of any of the documents described in
30 sub-subparagraph f. or sub-subparagraph g. entitles the
31 applicant to an identification card for a period not to exceed

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1 the expiration date of the document presented or 1 year ~~2~~
2 ~~years~~, whichever first occurs.

3 (b) An application for an identification card must be
4 signed and verified by the applicant in a format designated by
5 the department before a person authorized to administer oaths.
6 The fee for an identification card is \$3, including payment
7 for the color photograph or digital image of the applicant.

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

10 Section 29. Subsection (2) of section 322.08, Florida
11 Statutes, is amended to read:

12 322.08 Application for license.--

13 (2) Each such application shall include the following
14 information regarding the applicant:

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

18 (b) Proof of birth date satisfactory to the
19 department.

20 (c) Proof of identity satisfactory to the department.
21 Such proof must include one of the following documents issued
22 to the applicant:

23 1. A driver's license record or identification card
24 record from another jurisdiction that required the applicant
25 to submit a document for identification which is substantially
26 similar to a document required under subparagraph 2.,
27 subparagraph 3., subparagraph 4., subparagraph 5.,
28 subparagraph 6., or subparagraph 7.;

29 2. A certified copy of a United States birth
30 certificate;

31 3. A United States passport;

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1 4. A naturalization certificate issued by the United
2 States Department of Homeland Security;

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

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

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

11 a. A notice of hearing from an immigration court
12 scheduling a hearing on any proceeding.

13 b. A notice from the Board of Immigration Appeals
14 acknowledging pendency of an appeal.

15 c. A notice of the approval of an application for
16 adjustment of status issued by the United States Citizenship
17 and Immigration Services ~~and Naturalization Service~~.

18 d. Any official documentation confirming the filing of
19 a petition for asylum or refugee status or any other relief
20 issued by the United States Citizenship and Immigration
21 Services ~~and Naturalization Service~~.

22 e. A notice of action transferring any pending matter
23 from another jurisdiction to this state issued by the United
24 States Citizenship and Immigration Services ~~and Naturalization~~
25 ~~Service~~.

26 f. An order of an immigration judge or immigration
27 officer granting any relief that authorizes the alien to live
28 and work in the United States, including, but not limited to,
29 asylum.

30 g. Evidence that an application is pending for
31 adjustment of status to that of an alien lawfully admitted for

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1 permanent residence in the United States or conditional
 2 permanent resident status in the United States, if a visa
 3 number is available having a current priority date for
 4 processing by the United States Bureau of Citizenship and
 5 Immigration Services.

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

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

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

20 Section 30. Effective July 1, 2008, subsection (5) of
 21 section 322.12, Florida Statutes, is amended to read:

22 322.12 Examination of applicants.--

23 (5)(a) The department shall formulate a separate
 24 examination for applicants for licenses to operate
 25 motorcycles. Any applicant for a driver's license who wishes
 26 to operate a motorcycle, and who is otherwise qualified, must
 27 successfully complete such an examination, which is in
 28 addition to the examination administered under subsection (3).
 29 The examination must test the applicant's knowledge of the
 30 operation of a motorcycle and of any traffic laws specifically
 31 relating thereto and must include an actual demonstration of

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

24 (b) The department may exempt any applicant from the
25 examination provided in this subsection if the applicant
26 presents a certificate showing successful completion of a
27 course approved by the department, which course includes a
28 similar examination of the knowledge and skill of the
29 applicant in the operation of a motorcycle.

30 Section 31. Subsection (8) of section 322.121, Florida
31 Statutes, is amended to read:

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1 322.121 Periodic reexamination of all drivers.--

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

9 Section 32. Section 322.2615, Florida Statutes, is
10 amended to read:

11 322.2615 Suspension of license; right to review.--

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

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1 the department shall suspend the person's driver's license
2 pursuant to subsection (3).

3 (b) The suspension under paragraph (a) shall be
4 pursuant to, and the notice of suspension shall inform the
5 driver of, the following:

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

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

20 2. The suspension period shall commence on the date of
21 ~~arrest or~~ issuance of the notice of suspension, ~~whichever is~~
22 ~~later.~~

23 3. The driver may request a formal or informal review
24 of the suspension by the department within 10 days after the
25 date of ~~arrest or~~ issuance of the notice of suspension,
26 ~~whichever is later.~~

27 4. The temporary permit issued at the time of
28 suspension ~~arrest~~ expires ~~will expire~~ at midnight of the 10th
29 day following the date of ~~arrest or~~ issuance of the notice of
30 suspension, ~~whichever is later.~~

31 5. The driver may submit to the department any

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1 materials relevant to the suspension ~~arrest~~.

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

29 (3) If the department determines that the license ~~of~~
30 ~~the person arrested~~ should be suspended pursuant to this
31 section and if the notice of suspension has not already been

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1 served upon the person by a law enforcement officer or
 2 correctional officer as provided in subsection (1), the
 3 department shall issue a notice of suspension and, unless the
 4 notice is mailed pursuant to s. 322.251, a temporary permit
 5 that ~~which~~ expires 10 days after the date of issuance if the
 6 driver is otherwise eligible.

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

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

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

31 (b) Such formal review hearing shall be held before a

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1 hearing officer employed by the department, and the hearing
 2 officer shall be authorized to administer oaths, examine
 3 witnesses and take testimony, receive relevant evidence, issue
 4 subpoenas for the officers and witnesses identified in
 5 documents in subsection (2), regulate the course and conduct
 6 of the hearing, question witnesses, and make a ruling on the
 7 suspension. ~~The department and the person arrested may~~
 8 ~~subpoena witnesses, and the party requesting the presence of a~~
 9 witness shall be responsible for the payment of any witness
 10 fees and for notifying in writing the state attorney's office
 11 in the appropriate circuit of the issuance of the subpoena.
 12 If the person who requests a formal review hearing fails to
 13 appear and the hearing officer finds such failure to be
 14 without just cause, the right to a formal hearing is waived
 15 and the suspension shall be sustained.

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

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

27 (7) In a formal review hearing under subsection (6) or
 28 an informal review hearing under subsection (4), the hearing
 29 officer shall determine by a preponderance of the evidence
 30 whether sufficient cause exists to sustain, amend, or
 31 invalidate the suspension. The scope of the review shall be

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1 limited to the following issues:

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

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

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

12 ~~2.3.~~ Whether the person whose license was suspended
13 had an unlawful blood-alcohol level or breath-alcohol level of
14 0.08 or higher as provided in s. 316.193.

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

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

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

24 ~~2.3.~~ Whether the person whose license was suspended
25 refused to submit to any such test after being requested to do
26 so by a law enforcement officer or correctional officer.

27 ~~3.4.~~ Whether the person whose license was suspended
28 was told that if he or she refused to submit to such test his
29 or her privilege to operate a motor vehicle would be suspended
30 for a period of 1 year or, in the case of a second or
31 subsequent refusal, for a period of 18 months.

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1 (8) Based on the determination of the hearing officer
2 pursuant to subsection (7) for both informal hearings under
3 subsection (4) and formal hearings under subsection (6), the
4 department shall:

5 (a) Sustain the suspension of the person's driving
6 privilege for a period of 1 year for a first refusal, or for a
7 period of 18 months if the driving privilege of such person
8 has been previously suspended as a result of a refusal to
9 submit to such tests, if the ~~arrested~~ person refused to submit
10 to a lawful breath, blood, or urine test. The suspension
11 period commences on the date of ~~the arrest or~~ issuance of the
12 notice of suspension, ~~whichever is later~~.

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

22 (9) A request for a formal review hearing or an
23 informal review hearing shall not stay the suspension of the
24 person's driver's license. If the department fails to
25 schedule the formal review hearing to be held within 30 days
26 after receipt of the request therefor, the department shall
27 invalidate the suspension. If the scheduled hearing is
28 continued at the department's initiative, the department shall
29 issue a temporary driving permit that ~~which~~ shall be valid
30 until the hearing is conducted if the person is otherwise
31 eligible for the driving privilege. Such permit may ~~shall~~ not

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1 be issued to a person who sought and obtained a continuance of
 2 the hearing. The permit issued under this subsection shall
 3 authorize driving for business or employment use only.

4 (10) A person whose driver's license is suspended
 5 under subsection (1) or subsection (3) may apply for issuance
 6 of a license for business or employment purposes only if the
 7 person is otherwise eligible for the driving privilege
 8 pursuant to s. 322.271.

9 (a) If the suspension of the driver's license of the
 10 person for failure to submit to a breath, urine, or blood test
 11 is sustained, the person is not eligible to receive a license
 12 for business or employment purposes only, pursuant to s.
 13 322.271, until 90 days have elapsed after the expiration of
 14 the last temporary permit issued. If the driver is not issued
 15 a 10-day permit pursuant to this section or s. 322.64 because
 16 he or she is ineligible for the permit and the suspension for
 17 failure to submit to a breath, urine, or blood test is not
 18 invalidated by the department, the driver is not eligible to
 19 receive a business or employment license pursuant to s.
 20 322.271 until 90 days have elapsed from the date of the
 21 suspension.

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

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1 level or breath-alcohol level of 0.08 or higher is not
 2 invalidated by the department, the driver is not eligible to
 3 receive a business or employment license pursuant to s.
 4 322.271 until 30 days have elapsed from the date of the
 5 suspension ~~arrest~~.

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

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

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

29 (14)(a) The decision of the department under this
 30 section or any circuit court review thereof may not be
 31 considered in any trial for a violation of s. 316.193, and a

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1 written statement submitted by a person in his or her request
2 for departmental review under this section may not be admitted
3 into evidence against him or her in any such trial.

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

8 (15) If the department suspends a person's license
9 under s. 322.2616, it may not also suspend the person's
10 license under this section for the same episode that was the
11 basis for the suspension under s. 322.2616.

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

17 Section 33. 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. 319.14, F.S., relating
24 to the sale of certain motor vehicles; revising
25 a requirement that the department indicate on
26 the vehicle title the prior use of the vehicle;
27 redefining the term "police vehicle" for
28 purposes of provisions governing the resale or
29 exchange of such a vehicle; amending s. 320.02,
30 F.S.; requiring proof of an endorsement before
31 the original registration of a motorcycle,

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1 motor-driven cycle, or moped; amending s.
2 320.03, F.S.; exempting certain owners of
3 leased vehicles from certain registration
4 requirements; amending s. 320.07, F.S.;
5 exempting certain owners of leased vehicles
6 from certain penalties relating to annual
7 registration-renewal requirements; amending s.
8 320.0706, F.S.; providing requirements for
9 displaying the rear license plate on a dump
10 truck; amending s. 320.089, F.S.; providing for
11 Operation Iraqi Freedom and Operation Enduring
12 Freedom license plates for qualified military
13 personnel; amending s. 320.27, F.S.; providing
14 penalties for the failure to register a mobile
15 home salesperson; amending s. 320.405, F.S.;
16 authorizing the department to enter into an
17 agreement for scheduling the payment of taxes
18 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.
29 322.01, F.S.; redefining the term "driver's
30 license" to include an operator's license as
31 defined by federal law; defining the terms

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

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1 driving under the influence; revising certain
2 reporting requirements; providing that
3 materials submitted to the department by the
4 law enforcement agency, including the crash
5 report, are self-authenticating and part of the
6 record for the hearing officer; authorizing a
7 law enforcement agency to appeal a decision by
8 the department invalidating a suspension of a
9 person's driving privilege; providing effective
10 dates.

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