

By the Committees on Government Efficiency Appropriations;
Transportation; and Senators Sebesta and Fasano

593-2419-06

1 A bill to be entitled
2 An act relating to the Department of Highway
3 Safety and Motor Vehicles; amending s. 207.008,
4 F.S.; requiring that a motor carrier maintain
5 certain tax records for a specified period;
6 amending s. 207.021, F.S.; authorizing the
7 department to adopt rules to resolve disputes
8 with motor carriers involving taxes, penalties,
9 interest, or refunds; providing for an
10 agreement with the department settling or
11 compromising a taxpayer's liability for any
12 tax, interest, or penalty; authorizing
13 agreements for scheduling payments of taxes,
14 penalties, or interest; amending s. 261.10,
15 F.S.; providing a limitation on liability in
16 off-highway vehicle recreation; creating s.
17 261.20, F.S.; authorizing operations of
18 off-highway vehicles on public lands; providing
19 restrictions; requiring safety courses;
20 defining prohibited acts; providing penalties;
21 amending s. 316.003, F.S.; defining the term
22 "full mount"; revising the definition of
23 "saddle mount" to provide for a full mount;
24 amending s. 316.006, F.S.; authorizing the
25 board of directors of a homeowner's association
26 to provide for local law enforcement agencies
27 to enforce state traffic laws on private roads
28 that are controlled by the association;
29 amending s. 316.0085, F.S.; applying provisions
30 that relate to liability with respect to
31 skateboarding, inline skating, and other

1 recreational pursuits to mountain and off-road
2 bicycling as well; requiring demonstration that
3 consent by a parent or legal guardian was
4 provided to a governmental entity in specified
5 circumstances; amending s. 316.1001, F.S.;
6 exempting the owner of a leased vehicle from
7 responsibility for a failure to pay a toll
8 violation under certain circumstances; amending
9 s. 316.192, F.S.; adding to the definition of
10 acts that constitute reckless driving;
11 specifying certain acts that constitute
12 reckless driving per se; amending s. 316.1955,
13 F.S.; exempting the owner of a leased vehicle
14 from responsibility for a violation of certain
15 disabled parking violations in specific
16 circumstances; amending s. 316.2015, F.S.;
17 deleting an exception to a prohibition against
18 persons riding on the exterior of a passenger
19 vehicle; revising exceptions to a prohibition
20 against persons riding on any vehicle on an
21 area of the vehicle not designed or intended
22 for the use of passengers; prohibiting an
23 operator from allowing certain minors to ride
24 within the open body of a pickup truck or
25 flatbed truck on limited access facilities;
26 providing exceptions; providing penalties;
27 providing for counties to be exempted from the
28 section; amending s. 316.2095, F.S.; deleting a
29 requirement that certain motorcycles be
30 equipped with passenger handholds; amending s.
31 316.211, F.S.; requiring a unique license plate

1 for a motorcycle registered to a person younger
2 than a specified age; creating s. 316.2123,
3 F.S.; providing for all-terrain vehicle
4 operation under certain conditions; requiring
5 the operator to provide proof of ownership to a
6 law enforcement officer; providing for counties
7 to be exempted from the act; amending s.
8 316.2125, F.S.; granting local jurisdictions
9 the authority to enact ordinances governing the
10 use of golf carts within a retirement community
11 which are more restrictive than state law;
12 creating s. 316.2128, F.S.; providing
13 requirements for the commercial sale of
14 motorized scooters and miniature motorcycles;
15 providing that a violation of the commercial
16 sales requirements is an unfair and deceptive
17 trade practice; amending s. 316.221, F.S.;
18 exempting dump trucks and similar vehicles from
19 the requirement that the rear registration
20 plate be illuminated; amending s. 316.302,
21 F.S.; updating references to federal commercial
22 motor vehicle regulations; revising
23 hours-of-service requirements for certain
24 intrastate motor carriers; revising conditions
25 for an exemption from commercial driver's
26 license requirements; revising weight
27 requirements for application of certain
28 exceptions to specified federal regulations and
29 to operation of certain commercial motor
30 vehicles by persons of a certain age; amending
31 s. 316.515, F.S.; authorizing certain uses of

1 forestry equipment; providing width and speed
2 limitations; requiring such vehicles to be
3 operated in accordance with specified safety
4 requirements; revising length and mount
5 requirements for automobile towaway and
6 driveaway operations; authorizing saddle mount
7 combinations to include one full mount;
8 amending s. 318.143, F.S., relating to
9 sanctions for infractions of ch. 316, F.S.,
10 committed by minors; allowing a court to
11 require a minor and his or her parents or
12 guardians to participate in a registered
13 youthful driver monitoring service; creating s.
14 318.1435, F.S.; defining the term "youthful
15 driver monitoring service"; providing
16 procedures by which such a service may provide
17 monitoring; providing registration
18 requirements; amending s. 318.15, F.S.;
19 providing for the collection of certain service
20 charges by authorized driver licensing agents;
21 amending s. 318.18, F.S.; providing increased
22 penalties for violation of load on vehicle
23 restrictions; amending s. 318.32, F.S.;
24 authorizing officers to revoke a driver's
25 license under certain circumstances; amending
26 s. 320.02, F.S.; requiring proof of an
27 endorsement before the original registration of
28 a motorcycle, motor-driven cycle, or moped;
29 amending s. 320.03, F.S.; exempting certain
30 owners of leased vehicles from certain
31 registration requirements; amending s. 320.07,

1 F.S.; exempting certain owners of leased
2 vehicles from certain penalties relating to
3 annual registration-renewal requirements;
4 amending s. 320.0706, F.S.; providing
5 requirements for displaying the rear license
6 plate on a dump truck; amending s. 320.08056,
7 F.S.; providing annual use fees for certain
8 plates; exempting collegiate license plates
9 from the requirement for maintaining a
10 specified number of license plate
11 registrations; amending s. 320.08058, F.S.;
12 creating the Future Farmers of America license
13 plate; providing for the distribution of annual
14 use fees received from the sale of such plates;
15 amending s. 320.089, F.S.; providing for
16 Operation Iraqi Freedom and Operation Enduring
17 Freedom license plates for qualified military
18 personnel; amending s. 320.27, F.S.; exempting
19 certain applicants for a new franchised motor
20 vehicle dealer license from certain training
21 requirements; providing penalties for the
22 failure to register a mobile home salesperson;
23 amending s. 320.405, F.S.; authorizing the
24 department to enter into an agreement for
25 scheduling the payment of taxes or penalties;
26 amending s. 320.77, F.S.; providing a
27 definition; requiring mobile home salespersons
28 to be registered with the department; amending
29 s. 320.781, F.S.; providing for certain claims
30 to be satisfied from the Mobile Home and
31 Recreational Vehicle Protection Trust Fund;

1 establishing certain conditions for such
2 claims; providing limits on such claims;
3 amending s. 322.01, F.S.; redefining the term
4 "driver's license" to include an operator's
5 license as defined by federal law; defining the
6 terms "identification card," "temporary
7 driver's license," and "temporary
8 identification card" for purposes of ch. 322,
9 F.S.; amending s. 322.02, F.S.; revising
10 legislative intent provisions to include
11 references to county constitutional officers
12 providing driver licensing services; amending
13 s. 322.05, F.S.; requiring that a driver
14 holding a learner license may only have his or
15 her application for a Class E license delayed
16 for a moving violation; amending s. 322.051,
17 F.S.; revising the age at which a person may be
18 issued an identification card by the
19 department; authorizing the use of additional
20 documentation for purposes of proving
21 nonimmigrant classification when a person
22 applies for an identification card; amending s.
23 322.08, F.S.; authorizing the use of additional
24 documentation for purposes of proving
25 nonimmigrant classification when a person
26 applies for a driver's license; amending s.
27 322.12, F.S.; requiring that all first-time
28 applicants for a license to operate a
29 motorcycle complete a motorcycle safety course;
30 amending s. 322.121, F.S.; revising periodic
31 license examination requirements; providing for

1 such testing of applicants for renewal of a
2 license under provisions requiring an
3 endorsement permitting the applicant to operate
4 a tank vehicle transporting hazardous
5 materials; amending s. 322.135, F.S.;
6 authorizing the department to contract with any
7 county constitutional officer for driver
8 license services in counties where the tax
9 collector is not elected or does not provide
10 the services; amending s. 322.2615, F.S.;
11 revising the procedures under which a law
12 enforcement officer or correctional officer may
13 suspend the driving privilege of a person who
14 is driving a motor vehicle and who has an
15 unlawful blood-alcohol level or breath-alcohol
16 level or who refuses to submit to a test of his
17 or her urine, breath, or blood; deleting a
18 requirement that such person be arrested for
19 the offense of driving under the influence;
20 revising certain reporting requirements;
21 providing that materials submitted to the
22 department by the law enforcement agency,
23 including the crash report, are
24 self-authenticating and part of the record for
25 the hearing officer; authorizing a law
26 enforcement agency to appeal a decision by the
27 department invalidating a suspension of a
28 person's driving privilege; directing the
29 department to study the outsourcing of its
30 driver license services to a provider or other
31 governmental agency, in whole or in part, while

1 retaining responsibility and accountability for
2 the services; requiring that the department
3 submit a report to the Governor and Legislature
4 by a specified date; providing requirements for
5 the department with respect to issues to be
6 included in the study; requiring a cost-benefit
7 analysis and a transition and implementation
8 plan; providing effective dates.
9

10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Section 207.008, Florida Statutes, is
13 amended to read:

14 207.008 Retention of records by motor carrier.--Each
15 registered motor carrier shall maintain and keep pertinent
16 records and papers as may be required by the department for
17 the reasonable administration of this chapter and shall
18 preserve the records upon which each quarterly tax return is
19 based for 4 years following the due date or filing date of the
20 return, whichever is later ~~such records as long as required by~~
21 ~~s. 213.35.~~

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

24 207.021 Informal conferences; settlement or compromise
25 of taxes, penalties, or interest.--

26 (1)(a) The department may adopt rules for establishing
27 informal conferences for the resolution of disputes arising
28 from the assessment of taxes, penalties, or interest or the
29 denial of refunds under chapter 120.
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1 (b) During any proceeding arising under this section,
2 the motor carrier has the right to be represented and to
3 record all procedures at the motor carrier's expense.

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

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

27 (3) A taxpayer's liability for any tax or interest
28 specified in this chapter may be compromised by the department
29 upon the grounds of doubt as to liability for or the
30 collectibility of such tax or interest. Doubt as to the
31 liability of a taxpayer for tax and interest exists if the

1 taxpayer demonstrates that he or she reasonably relied on a
2 written determination of the department.

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

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

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

17 Section 3. Effective July 1, 2008, section 261.10,
18 Florida Statutes, is amended to read:

19 261.10 Criteria for recreation areas and trails;
20 limitation on liability.--

21 (1) Publicly owned or operated off-highway vehicle
22 recreation areas and trails shall be designated and maintained
23 for recreational travel by off-highway vehicles. These areas
24 and trails need not be generally suitable or maintained for
25 normal travel by conventional two-wheel-drive vehicles and
26 should not be designated as recreational footpaths. State
27 off-highway vehicle recreation areas and trails must be
28 selected and managed in accordance with this chapter.

29 (2) State agencies, water management districts,
30 counties, and municipalities, and officers and employees
31 thereof, which provide off-highway recreation areas and trails

1 on publicly owned land are not liable for damage to personal
2 property or personal injury or death to any person resulting
3 from participation in the inherently dangerous risks of
4 off-highway vehicle recreation. This subsection does not limit
5 liability that would otherwise exist for an act of negligence
6 by a state agency, water management district, county, or
7 municipality, or officer or employee thereof, which is the
8 proximate cause of the damage, injury, or death. Nothing in
9 this subsection creates a duty of care or basis of liability
10 for death, personal injury, or damage to personal property,
11 nor shall anything in this subsection be deemed to be a waiver
12 of sovereign immunity under any circumstances.

13 Section 4. Effective July 1, 2008, section 261.20,
14 Florida Statutes, is created to read:

15 261.20 Operations of off-highway vehicles on public
16 lands; restrictions; safety courses; required equipment;
17 prohibited acts; penalties.--

18 (1) This section applies only to the operation of
19 off-highway vehicles on public lands.

20 (2) Any person operating an off-highway vehicle as
21 permitted in this section who has not attained 16 years of age
22 must be supervised by an adult while operating the off-highway
23 vehicle.

24 (3) Effective July 1, 2008, while operating an
25 off-highway vehicle, a person who has not attained 16 years of
26 age must have in his or her possession a certificate
27 evidencing the satisfactory completion of an approved
28 off-highway vehicle safety course in this state or another
29 jurisdiction. A nonresident who has not attained 16 years of
30 age and who is in this state temporarily for a period not to
31 exceed 30 days is exempt from this subsection. Nothing

1 contained in this chapter shall prohibit an agency from
2 requiring additional safety-education courses for all
3 operators.

4 (4)(a) The department shall approve all off-highway
5 vehicle public safety-education programs required by this
6 chapter as a condition for operating on public lands.

7 (b) An off-highway vehicle must be equipped with a
8 spark arrester that is approved by the United States
9 Department of Agriculture Forest Service, a braking system,
10 and a muffler, all in operating condition.

11 (c) On and after July 1, 2008, off-highway vehicles,
12 when operating pursuant to this chapter, shall be equipped
13 with a silencer or other device which limits sound emissions.
14 Exhaust noise must not exceed 96 decibels in the A-weighting
15 scale for vehicles manufactured after January 1, 1986, or 99
16 decibels in the A-weighting scale for vehicles manufactured
17 before January 1, 1986, when measured from a distance of 20
18 inches using test procedures established by the Society of
19 Automotive Engineers under Standard J-1287. Off-highway
20 vehicle manufacturers or their agents prior to the sale to the
21 general public in this state of any new off-highway vehicle
22 model manufactured after January 1, 2008, shall provide to the
23 department revolutions-per-minute data needed to conduct the
24 J-1287 test, where applicable.

25 (d) An off-highway vehicle that is operated between
26 sunset and sunrise, or when visibility is reduced because of
27 rain, smoke, or smog, must display a lighted headlamp and
28 taillamp unless the use of such lights is prohibited by other
29 laws, such as a prohibition on the use of lights when hunting
30 at night.

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1 (e) An off-highway vehicle that is used in certain
2 organized and sanctioned competitive events being held on a
3 closed course may be exempted by departmental rule from any
4 equipment requirement in this subsection.

5 (5) It is a violation of this section:

6 (a) To carry a passenger on an off-highway vehicle,
7 unless the machine is specifically designed by the
8 manufacturer to carry an operator and a single passenger.

9 (b) To operate an off-highway vehicle while under the
10 influence of alcohol, a controlled substance, or any
11 prescription or over-the-counter drug that impairs vision or
12 motor condition.

13 (c) For a person who has not attained 16 years of age,
14 to operate an off-highway vehicle without wearing eye
15 protection, over-the-ankle boots, and a safety helmet that is
16 approved by the United States Department of Transportation or
17 Snell Memorial Foundation.

18 (d) To operate an off-highway vehicle in a careless or
19 reckless manner that endangers or causes injury or damage to
20 another person or property.

21 (6) Any person who violates this section commits a
22 noncriminal infraction and is subject to a fine of not less
23 than \$100, and may have his or her privilege to operate an ATV
24 on public lands revoked. However, a person who commits such
25 acts with intent to defraud, or who commits a second or
26 subsequent violation, is subject to a fine of not less than
27 \$500 and may have his or her privilege to operate an ATV on
28 public lands revoked.

29 (7) Public land managing agencies, through the course
30 of their management activities, are exempt from the provisions
31 of subsection (5)(a).

1 Section 5. Subsection (43) of section 316.003, Florida
2 Statutes, is amended to read:

3 316.003 Definitions.--The following words and phrases,
4 when used in this chapter, shall have the meanings
5 respectively ascribed to them in this section, except where
6 the context otherwise requires:

7 (43) ~~SADDLE MOUNT; FULL MOUNT~~.--An arrangement whereby
8 the front wheels of one vehicle rest in a secured position
9 upon another vehicle. All of the wheels of the towing vehicle
10 are upon the ground and only the rear wheels of the towed
11 vehicle rest upon the ground. Such combinations may include
12 one full mount, whereby a smaller transport vehicle is placed
13 completely on the last towed vehicle.

14 Section 6. Paragraph (b) of subsection (2) and
15 paragraph (b) of subsection (3) of section 316.006, Florida
16 Statutes, are amended to read:

17 316.006 Jurisdiction.--Jurisdiction to control traffic
18 is vested as follows:

19 (2) MUNICIPALITIES.--

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

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

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

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

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

23 (3) COUNTIES.--

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

1 | the road or roads encompassed by such agreement. Pursuant
2 | thereto:

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

8 | 2. Prior to entering into an agreement which provides
9 | for enforcement of the traffic laws of the state over a
10 | private road or roads, or over any limited access road or
11 | roads owned or controlled by a special district, the governing
12 | body of the county shall consult with the sheriff. No such
13 | agreement shall take effect prior to October 1, the beginning
14 | of the county fiscal year, unless this requirement is waived
15 | in writing by the sheriff.

16 | 3. The exercise of jurisdiction provided for herein
17 | shall be in addition to jurisdictional authority presently
18 | exercised by counties under law, and nothing in this paragraph
19 | shall be construed to limit or remove any such jurisdictional
20 | authority.

21 | 4. Any such agreement may provide for the installation
22 | of multiparty stop signs by the parties controlling the roads
23 | covered by the agreement if a determination is made by such
24 | parties that the signage will enhance traffic safety.
25 | Multiparty stop signs must conform to the manual and
26 | specifications of the Department of Transportation; however,
27 | minimum traffic volumes may not be required for the
28 | installation of such signage. Enforcement for the signs shall
29 | be as provided in s. 316.123.

30 | 5. The board of directors of a homeowners' association
31 | as defined in chapter 720 may, by majority vote, elect to have

1 state traffic laws enforced by local law enforcement agencies
2 on private roads that are controlled by the association.

3 Section 7. Section 316.0085, Florida Statutes, is
4 amended to read:

5 316.0085 Skateboarding; inline skating; freestyle or
6 mountain and off-road bicycling; paintball; definitions;
7 liability.--

8 (1) The purpose of this section is to encourage
9 governmental owners or lessees of property to make land
10 available to the public for skateboarding, inline skating,
11 paintball, and freestyle or mountain and off-road bicycling.

12 It is recognized that governmental owners or lessees of
13 property have failed to make property available for such
14 activities because of the exposure to liability from lawsuits
15 and the prohibitive cost of insurance, if insurance can be
16 obtained for such activities. It is also recognized that risks
17 and dangers are inherent in these activities, which risks and
18 dangers should be assumed by those participating in such
19 activities.

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

21 (a) "Governmental entity" means:

22 1. The United States, the State of Florida, any county
23 or municipality, or any department, agency, or other
24 instrumentality thereof.

25 2. Any school board, special district, authority, or
26 other entity exercising governmental authority.

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

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1 (3) This section does not grant authority or
2 permission for a person to engage in skateboarding, inline
3 skating, paintball, or freestyle or mountain and off-road
4 bicycling on property owned or controlled by a governmental
5 entity unless such governmental entity has specifically
6 designated such area for skateboarding, inline skating,
7 paintball, or freestyle or mountain and off-road bicycling.
8 Each governmental entity shall post a rule in each
9 specifically designated area that identifies all authorized
10 activities and indicates that a child under 17 years of age
11 may not engage in any of those activities until the
12 governmental entity has obtained written consent, in a form
13 acceptable to the governmental entity, from the child's
14 parents or legal guardians.

15 (4) A governmental entity or public employee is not
16 liable to any person who voluntarily participates in
17 skateboarding, inline skating, paintball, or freestyle or
18 mountain and off-road bicycling for any damage or injury to
19 property or persons which arises out of a person's
20 participation in such activity, and which takes place in an
21 area designated for such activity.

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

24 (a) The failure of the governmental entity or public
25 employee to guard against or warn of a dangerous condition of
26 which a participant does not and cannot reasonably be expected
27 to have notice.

28 (b) An act of gross negligence by the governmental
29 entity or public employee that is the proximate cause of the
30 injury.

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1 (c) The failure of a governmental entity that provides
2 a designated area for skateboarding, inline skating,
3 paintball, or freestyle or mountain and off-road bicycling to
4 obtain the written consent, in a form acceptable to the
5 governmental entity, from the parents or legal guardians of
6 any child under 17 years of age before authorizing such child
7 to participate in skateboarding, inline skating, paintball, or
8 freestyle or mountain and off-road bicycling in such
9 designated area, unless that child's participation is in
10 violation of posted rules governing the authorized use of the
11 designated area, except that a parent or legal guardian must
12 demonstrate that written consent to engage in mountain or
13 off-road bicycling in a designated area was provided to the
14 governmental entity before entering the designated area.

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16 Nothing in this subsection creates a duty of care or basis of
17 liability for death, personal injury, or damage to personal
18 property. Nothing in this section shall be deemed to be a
19 waiver of sovereign immunity under any circumstances.

20 (6) Nothing in this section shall limit the liability
21 of an independent concessionaire, or any person or
22 organization other than a governmental entity or public
23 employee, whether or not the person or organization has a
24 contractual relationship with a governmental entity to use the
25 public property, for injuries or damages suffered in any case
26 as a result of the operation of skateboards, inline skates,
27 paintball equipment, or freestyle or mountain and off-road
28 bicycles on public property by the concessionaire, person, or
29 organization.

30 (7)(a) Any person who participates in or assists in
31 skateboarding, inline skating, paintball, or freestyle or

1 mountain and off-road bicycling assumes the known and unknown
2 inherent risks in these activities irrespective of age, and is
3 legally responsible for all damages, injury, or death to
4 himself or herself or other persons or property which result
5 from these activities. Any person who observes skateboarding,
6 inline skating, paintball, or freestyle or mountain or
7 off-road bicycling assumes the known and unknown inherent
8 risks in these activities irrespective of age, and is legally
9 responsible for all damages, injury, or death to himself or
10 herself which result from these activities. A governmental
11 entity that sponsors, allows, or permits skateboarding, inline
12 skating, paintball, or freestyle or mountain or off-road
13 bicycling on its property is not required to eliminate, alter,
14 or control the inherent risks in these activities.

15 (b) While engaged in skateboarding, inline skating,
16 paintball, or freestyle or mountain or off-road bicycling,
17 irrespective of where such activities occur, a participant is
18 responsible for doing all of the following:

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

21 2. Maintaining control of his or her person and the
22 equipment used.

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

26
27 Failure to comply with the requirements of this paragraph
28 shall constitute negligence.

29 (8) The fact that a governmental entity carries
30 insurance which covers any act described in this section shall
31 not constitute a waiver of the protections set forth in this

1 | section, regardless of the existence or limits of such
2 | coverage.

3 | Section 8. Subsection (2) of section 316.1001, Florida
4 | Statutes, is amended to read:

5 | 316.1001 Payment of toll on toll facilities required;
6 | penalties.--

7 | (2)(a) For the purpose of enforcing this section, any
8 | governmental entity, as defined in s. 334.03, that owns or
9 | operates a toll facility may, by rule or ordinance, authorize
10 | a toll enforcement officer to issue a uniform traffic citation
11 | for a violation of this section. Toll enforcement officer
12 | means the designee of a governmental entity whose authority is
13 | to enforce the payment of tolls. The governmental entity may
14 | designate toll enforcement officers pursuant to s. 316.640(1).

15 | (b) A citation issued under this subsection may be
16 | issued by mailing the citation by first class mail, or by
17 | certified mail, return receipt requested, to the address of
18 | the registered owner of the motor vehicle involved in the
19 | violation. Mailing the citation to this address constitutes
20 | notification. In the case of joint ownership of a motor
21 | vehicle, the traffic citation must be mailed to the first name
22 | appearing on the registration, unless the first name appearing
23 | on the registration is a business organization, in which case
24 | the second name appearing on the registration may be used. A
25 | citation issued under this paragraph must be mailed to the
26 | registered owner of the motor vehicle involved in the
27 | violation within 14 days after the date of issuance of the
28 | violation. In addition to the citation, notification must be
29 | sent to the registered owner of the motor vehicle involved in
30 | the violation specifying remedies available under ss.
31 | 318.14(12) and 318.18(7).

1 (c) The owner of the motor vehicle involved in the
2 violation is responsible and liable for payment of a citation
3 issued for failure to pay a toll, unless the owner can
4 establish the motor vehicle was, at the time of the violation,
5 in the care, custody, or control of another person. In order
6 to establish such facts, the owner of the motor vehicle is
7 required, within 14 days after the date of issuance of the
8 citation, to furnish to the appropriate governmental entity an
9 affidavit setting forth:

10 1. The name, address, date of birth, and, if known,
11 the driver license number of the person who leased, rented, or
12 otherwise had the care, custody, or control of the motor
13 vehicle at the time of the alleged violation; or

14 2. If stolen, the police report indicating that the
15 vehicle was stolen at the time of the alleged violation.

16
17 Upon receipt of an affidavit the person designated as having
18 care, custody, and control of the motor vehicle at the time of
19 the violation may be issued a citation for failure to pay a
20 required toll. The affidavit shall be admissible in a
21 proceeding pursuant to this section for the purpose of
22 providing that the person identified in the affidavit was in
23 actual care, custody, or control of the motor vehicle. The
24 owner of a leased vehicle for which a citation is issued for
25 failure to pay a toll is not responsible for payment of the
26 citation and is not required to submit an affidavit as
27 specified in this subsection if the motor vehicle involved in
28 the violation is registered in the name of the lessee of such
29 motor vehicle.

30 (d) A written report of a toll enforcement officer to
31 photographic evidence that a required toll was not paid is

1 | admissible in any proceeding to enforce this section and
2 | raises a rebuttable presumption that the motor vehicle named
3 | in the report or shown in the photographic evidence was used
4 | in violation of this section.

5 | Section 9. Subsection (1) of section 316.192, Florida
6 | Statutes, is amended to read:

7 | 316.192 Reckless driving.--

8 | (1)(a) Any person who drives any vehicle in willful or
9 | wanton disregard for the safety of persons or property is
10 | guilty of reckless driving.

11 | (b) Fleeing a law enforcement officer in a motor
12 | vehicle is reckless driving per se.

13 | Section 10. Subsection (1) of section 316.1955,
14 | Florida Statutes, is amended to read:

15 | 316.1955 Enforcement of parking requirements for
16 | persons who have disabilities.--

17 | (1) It is unlawful for any person to stop, stand, or
18 | park a vehicle within, or to obstruct, any such specially
19 | designated and marked parking space provided in accordance
20 | with s. 553.5041, unless the vehicle displays a disabled
21 | parking permit issued under s. 316.1958 or s. 320.0848 or a
22 | license plate issued under s. 320.084, s. 320.0842, s.
23 | 320.0843, or s. 320.0845, and the vehicle is transporting the
24 | person to whom the displayed permit is issued. The violation
25 | may not be dismissed for failure of the marking on the parking
26 | space to comply with s. 553.5041 if the space is in general
27 | compliance and is clearly distinguishable as a designated
28 | accessible parking space for people who have disabilities.
29 | Only a warning may be issued for unlawfully parking in a space
30 | designated for persons with disabilities if there is no
31 | above-grade sign as provided in s. 553.5041.

1 (a) Whenever a law enforcement officer, a parking
2 enforcement specialist, or the owner or lessee of the space
3 finds a vehicle in violation of this subsection, that officer,
4 owner, or lessor shall have the vehicle in violation removed
5 to any lawful parking space or facility or require the
6 operator or other person in charge of the vehicle immediately
7 to remove the unauthorized vehicle from the parking space.
8 Whenever any vehicle is removed under this section to a
9 storage lot, garage, or other safe parking space, the cost of
10 the removal and parking constitutes a lien against the
11 vehicle.

12 (b) The officer or specialist shall charge the
13 operator or other person in charge of the vehicle in violation
14 with a noncriminal traffic infraction, punishable as provided
15 in s. 316.008(4) or s. 318.18(6). The owner of a leased
16 vehicle is not responsible for a violation of this section if
17 the vehicle is registered in the name of the lessee.

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

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

28 Section 11. Section 316.2015, Florida Statutes, is
29 amended to read:

30 316.2015 Unlawful for person to ride on exterior of
31 vehicle.--

1 (1) It is unlawful for any operator of a passenger
2 vehicle to permit any person to ride on the bumper, radiator,
3 fender, hood, top, trunk, or running board of such vehicle
4 when operated upon any street or highway which is maintained
5 by the state, county, or municipality. ~~However, the operator~~
6 ~~of any vehicle shall not be in violation of this section when~~
7 ~~such operator permits any person to occupy seats securely~~
8 ~~affixed to the exterior of such vehicle.~~ Any person who
9 violates ~~the provisions of~~ this subsection shall be cited for
10 a moving violation, punishable as provided in chapter 318.

11 (2)(a) No person shall ride on any vehicle upon any
12 portion thereof not designed or intended for the use of
13 passengers. This paragraph does not apply to an employee of a
14 fire department, an employee of a governmentally operated
15 solid waste disposal department or a waste disposal service
16 operating pursuant to a contract with a governmental entity,
17 or to a volunteer firefighter when the employee or firefighter
18 is engaged in the necessary discharge of a duty, and does not
19 apply to a person who is being transported in response to an
20 emergency by a public agency or pursuant to the direction or
21 authority of a public agency. ~~This paragraph does provision~~
22 ~~shall~~ not apply to an employee engaged in the necessary
23 discharge of a duty or to a person or persons riding within
24 truck bodies in space intended for merchandise.

25 (b) It is unlawful for any operator of a pickup truck
26 or flatbed truck to permit a minor child who has not attained
27 18 years of age to ride upon limited access facilities of the
28 state within the open body of a pickup truck or flatbed truck
29 unless the minor is restrained within the open body in the
30 back of a truck that has been modified to include secure
31 seating and safety restraints to prevent the passenger from

1 being thrown, falling, or jumping from the truck. This
2 paragraph does not apply in a medical emergency if the child
3 is accompanied within the truck by an adult. A county is
4 exempt from this paragraph if the governing body of the
5 county, by majority vote, following a noticed public hearing,
6 votes to exempt the county from this paragraph.

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

10 (3) This section shall not apply to a performer
11 engaged in a professional exhibition or person participating
12 in an exhibition or parade, or any such person preparing to
13 participate in such exhibitions or parades.

14 Section 12. Subsection (1) section 316.2095, Florida
15 Statutes, is amended to read:

16 316.2095 Footrests, handholds, and handlebars.--

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

20 Section 13. Effective January 1, 2007, present
21 subsection (6) of section 316.211, Florida Statutes, is
22 redesignated as subsection (7), and a new subsection (6) is
23 added to that section, to read:

24 316.211 Equipment for motorcycle and moped riders.--

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

28 Section 14. Section 316.2123, Florida Statutes, is
29 created to read:

30 316.2123 Operation of an ATV on certain roadways.--
31

1 (1) The operation of an ATV, as defined in s.
2 317.0003, upon the public roads or streets of this state is
3 prohibited, except that an ATV may be operated during the
4 daytime on an unpaved roadway where the posted speed limit is
5 less than 35 miles per hour by a licensed driver or by a minor
6 under the supervision of a licensed driver. The operator must
7 provide proof of ownership pursuant to chapter 317 upon
8 request by a law enforcement officer.

9 (2) A county is exempt from this section if the
10 governing body of the county, by majority vote, following a
11 noticed public hearing, votes to exempt the county from this
12 section.

13 Section 15. Subsection (3) is added to section
14 316.2125, Florida Statutes, to read:

15 316.2125 Operation of golf carts within a retirement
16 community.--

17 (3) A local governmental entity may enact an ordinance
18 regarding golf cart operation and equipment which is more
19 restrictive than those enumerated in this section. Upon
20 enactment of any such ordinance, the local governmental entity
21 shall post appropriate signs or otherwise inform the residents
22 that such an ordinance exists and that it shall be enforced
23 within the local government's jurisdictional territory. An
24 ordinance referred to in this section must apply only to an
25 unlicensed driver.

26 Section 16. Section 316.2128, Florida Statutes, is
27 created to read:

28 316.2128 Operation of motorized scooters and miniature
29 motorcycles; requirements for sales.--

30 (1) A person who engages in the business of, serves in
31 the capacity of, or acts as a commercial seller of motorized

1 scooters or miniature motorcycles in this state must
2 prominently display at his or her place of business a notice
3 that such vehicles are not legal to operate on public roads or
4 sidewalks and may not be registered as motor vehicles. The
5 required notice must also appear in all forms of advertising
6 offering motorized scooters or miniature motorcycles for sale.
7 The notice and a copy of this section must also be provided to
8 a consumer prior to the consumer's purchasing or becoming
9 obligated to purchase a motorized scooter or a miniature
10 motorcycle.

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

15 Section 17. Subsection (2) of section 316.221, Florida
16 Statutes, is amended to read:

17 316.221 Taillamps.--

18 (2) Either a taillamp or a separate lamp shall be so
19 constructed and placed as to illuminate with a white light the
20 rear registration plate and render it clearly legible from a
21 distance of 50 feet to the rear. Any taillamp or taillamps,
22 together with any separate lamp or lamps for illuminating the
23 rear registration plate, shall be so wired as to be lighted
24 whenever the headlamps or auxiliary driving lamps are lighted.
25 Dump trucks and vehicles having dump bodies are exempt from
26 the requirements of this subsection.

27 Section 18. Paragraph (b) of subsection (1),
28 paragraphs (b), (c), (d), (f), and (i) of subsection (2), and
29 subsection (3) of section 316.302, Florida Statutes, are
30 amended to read:

31

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

4 (1)

5 (b) Except as otherwise provided in this section, all
6 owners or drivers of commercial motor vehicles that are
7 engaged in intrastate commerce are subject to the rules and
8 regulations contained in 49 C.F.R. parts 382, 385, and
9 390-397, with the exception of 49 C.F.R. s. 390.5 as it
10 relates to the definition of bus, as such rules and
11 regulations existed on October 1, 2005 ~~2004~~.

12 (2)

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

18 1. More than 12 hours following 10 consecutive hours
19 off duty; or

20 2. For any period after the end of the 16th hour after
21 coming on duty following 10 consecutive hours off duty. is
22 ~~exempt from 49 C.F.R. s. 395.3(a) and (b) and may, after 8~~
23 ~~hours' rest, and following the required initial motor vehicle~~
24 ~~inspection, be permitted to drive any part of the first 15~~
25 ~~on duty hours in any 24 hour period, but may not be permitted~~
26 ~~to operate a commercial motor vehicle after that until the~~
27 ~~requirement of another 8 hours' rest has been fulfilled.~~

28
29 The provisions of this paragraph do not apply to drivers of
30 utility service vehicles as defined in 49 C.F.R. s. 395.2.
31

1 ~~public utility vehicles or authorized emergency vehicles~~
2 ~~during periods of severe weather or other emergencies.~~
3 (c) Except as provided in 49 C.F.R. s. 395.1, a person
4 who operates a commercial motor vehicle solely in intrastate
5 commerce not transporting any hazardous material in amounts
6 that require placarding pursuant to 49 C.F.R. part 172 may not
7 drive after having been on duty more than 70 hours in any
8 period of 7 consecutive days or more than 80 hours in any
9 period of 8 consecutive days if the motor carrier operates
10 every day of the week. Thirty-four ~~be on duty more than 72~~
11 ~~hours in any period of 7 consecutive days, but carriers~~
12 ~~operating every day in a week may permit drivers to remain on~~
13 ~~duty for a total of not more than 84 hours in any period of 8~~
14 ~~consecutive days; however, 24~~ consecutive hours off duty shall
15 constitute the end of any such period of 7 or 8 consecutive
16 days. This weekly limit does not apply to a person who
17 operates a commercial motor vehicle solely within this state
18 while transporting, during harvest periods, any unprocessed
19 agricultural products or unprocessed food or fiber that ~~is~~ are
20 subject to seasonal harvesting from place of harvest to the
21 first place of processing or storage or from place of harvest
22 directly to market or while transporting livestock, livestock
23 feed, or farm supplies directly related to growing or
24 harvesting agricultural products. Upon request of the
25 Department of Transportation, motor carriers shall furnish
26 time records or other written verification to that department
27 so that the Department of Transportation can determine
28 compliance with this subsection. These time records must be
29 furnished to the Department of Transportation within 2 ~~10~~ days
30 after receipt of that department's request. Falsification of
31 such information is subject to a civil penalty not to exceed

1 \$100. The provisions of this paragraph do not apply to drivers
2 of ~~public utility~~ service vehicles as defined in 49 C.F.R. s.
3 395.2. ~~or authorized emergency vehicles during periods of~~
4 ~~severe weather or other emergencies.~~

5 (d) A person who operates a commercial motor vehicle
6 solely in intrastate commerce not transporting any hazardous
7 material in amounts that require placarding pursuant to 49
8 C.F.R. part 172 within a 150 ~~200~~ air-mile radius of the
9 location where the vehicle is based need not comply with 49
10 C.F.R. s. 395.8, if the requirements of 49 C.F.R. s.
11 395.1(e)(1)(iii) and (v) are met. If a driver is not released
12 from duty within 12 hours after the driver arrives for duty,
13 the motor carrier must maintain documentation of the driver's
14 driving times throughout the duty period ~~except that time~~
15 ~~records shall be maintained as prescribed in 49 C.F.R. s.~~
16 ~~395.1(e)(5).~~

17 (f) A person who operates a commercial motor vehicle
18 having a declared gross vehicle weight of less than 26,001
19 ~~26,000~~ pounds solely in intrastate commerce and who is not
20 transporting hazardous materials in amounts that require
21 placarding pursuant to 49 C.F.R. part 172, or who is
22 transporting petroleum products as defined in s. 376.301, is
23 exempt from subsection (1). However, such person must comply
24 with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss.
25 396.3(a)(1) and 396.9.

26 (i) ~~A person who was a regularly employed driver of a~~
27 ~~commercial motor vehicle on July 4, 1987, and whose driving~~
28 ~~record shows no traffic convictions, pursuant to s. 322.61,~~
29 ~~during the 2-year period immediately preceding the application~~
30 ~~for the commercial driver's license, and who is otherwise~~
31 ~~qualified as a driver under 49 C.F.R. part 391, and who~~

1 operates a commercial vehicle in intrastate commerce only~~7~~
2 shall be exempt from the requirements of 49 C.F.R. part 391,
3 subpart E, s. 391.41(b)(10). However, such operators are still
4 subject to the requirements of ss. 322.12 and 322.121. As
5 proof of eligibility~~7~~, such driver shall have in his or her
6 possession a physical examination form dated within the past
7 24 months.

8 (3) A person who has not attained ~~under the age of~~ 18
9 years of age may not operate a commercial motor vehicle,
10 except that a person who has not attained ~~under the age of~~ 18
11 years of age may operate a commercial motor vehicle which has
12 a gross vehicle weight of less than 26,001 ~~26,000~~ pounds while
13 transporting agricultural products, including horticultural or
14 forestry products, from farm or harvest place to storage or
15 market.

16 Section 19. Subsections (5) and (10) of section
17 316.515, Florida Statutes, are amended to read:

18 316.515 Maximum width, height, length.--

19 (5) IMPLEMENTS OF HUSBANDRY;~~7~~ AGRICULTURAL TRAILERS;~~7~~
20 FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.--

21 (a) Notwithstanding any other provisions of law,
22 straight trucks, agricultural tractors, and cotton module
23 movers, not exceeding 50 feet in length, or any combination of
24 up to and including three implements of husbandry~~7~~, including
25 the towing power unit, and any single agricultural trailer
26 with a load thereon or any agricultural implements attached to
27 a towing power unit not exceeding 130 inches in width, or a
28 self-propelled agricultural implement or an agricultural
29 tractor not exceeding 130 inches in width, is authorized for
30 the purpose of transporting peanuts, grains, soybeans, cotton,
31 hay, straw, or other perishable farm products from their point

1 of production to the first point of change of custody or of
2 long-term storage, and for the purpose of returning to such
3 point of production, or for the purpose of moving such
4 tractors, movers, and implements from one point of
5 agricultural production to another, by a person engaged in the
6 production of any such product or custom hauler, if such
7 vehicle or combination of vehicles otherwise complies with
8 this section. The Department of Transportation may issue
9 overwidth permits for implements of husbandry greater than 130
10 inches, but not more than 170 inches, in width. Such vehicles
11 ~~shall be operated in accordance with all safety requirements~~
12 ~~prescribed by law and Department of Transportation rules.~~ The
13 Department of Transportation may issue overlength permits for
14 cotton module movers greater than 50 feet but not more than 55
15 feet in overall length. Such vehicles shall be operated in
16 accordance with all safety requirements prescribed by law and
17 rules of the Department of Transportation.

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

27 (10) AUTOMOBILE TOWAWAY AND DRIVEAWAY OPERATIONS.--An
28 automobile towaway or driveaway operation transporting new or
29 used trucks may use what is known to the trade as "saddle
30 mounts," if the overall length does not exceed 97 75 feet and
31 no more than three saddle mounts are towed. Such combinations

1 may include one full mount. Saddle mount combinations must
2 also comply with the applicable safety regulations in 49
3 C.F.R. s. 393.71.

4 Section 20. Paragraph (f) is added to subsection (1)
5 of section 318.143, Florida Statutes, to read:

6 318.143 Sanctions for infractions by minors.--

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

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

13 Section 21. Section 318.1435, Florida Statutes, is
14 created to read:

15 318.1435 Youthful driver monitoring services.--

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

27 (2) A youthful driver monitoring service may register
28 with the Department of Highway Safety and Motor Vehicles. The
29 registration must consist of a narrative description of the
30 services offered by the youthful driver monitoring service,
31 the name of the manager in charge of the service, the address

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

12 Section 22. Subsection (2) of section 318.15, Florida
13 Statutes, is amended to read:

14 318.15 Failure to comply with civil penalty or to
15 appear; penalty.--

16 (2) After suspension of the driver's license and
17 privilege to drive of a person under subsection (1), the
18 license and privilege may not be reinstated until the person
19 complies with all obligations and penalties imposed on him or
20 her under s. 318.18 and presents to a driver license office a
21 certificate of compliance issued by the court, together with a
22 nonrefundable service charge of up to \$47.50 imposed under s.
23 322.29, or presents a certificate of compliance and pays the
24 aforementioned service charge of up to \$47.50 to the clerk of
25 the court or a driver licensing agent authorized in s. 322.135
26 ~~tax collector~~ clearing such suspension. Of the charge
27 collected by the clerk of the court or driver licensing agent
28 ~~the tax collector~~, \$10 shall be remitted to the Department of
29 Revenue to be deposited into the Highway Safety Operating
30 Trust Fund. Such person shall also be in compliance with
31 requirements of chapter 322 prior to reinstatement.

1 Section 23. Subsection (12) of section 318.18, Florida
2 Statutes, is amended to read:

3 318.18 Amount of civil penalties.--The penalties
4 required for a noncriminal disposition pursuant to s. 318.14
5 are as follows:

6 (12) Two ~~One~~ hundred dollars for a violation of s.
7 316.520(1) or (2). If, at a hearing, the alleged offender is
8 found to have committed this offense, the court shall impose a
9 minimum civil penalty of ~~\$200~~\$100. For a second or subsequent
10 adjudication within a period of 5 years, the department shall
11 suspend the driver's license of the person for not less than 1
12 year ~~180 days~~ and not more than 2 years ~~1 year~~.

13 Section 24. Subsection (1) of section 318.32, Florida
14 Statutes, is amended to read:

15 318.32 Jurisdiction; limitations.--

16 (1) Hearing officers shall be empowered to accept
17 pleas from and decide the guilt or innocence of any person,
18 adult or juvenile, charged with any civil traffic infraction
19 and shall be empowered to adjudicate or withhold adjudication
20 of guilt in the same manner as a county court judge under the
21 statutes, rules, and procedures presently existing or as
22 subsequently amended, except that hearing officers shall not:

23 (a) Have the power to hold a defendant in contempt of
24 court, but shall be permitted to file a motion for order of
25 contempt with the appropriate state trial court judge;

26 (b) Hear a case involving a crash resulting in injury
27 or death;

28 (c) Hear a criminal traffic offense case or a case
29 involving a civil traffic infraction issued in conjunction
30 with a criminal traffic offense; or
31

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

3 Section 25. 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 26. 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

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 27. 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.

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

1 leased for a period of 30 days or less at the time of the
2 offense.

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

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

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

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

1 4. License tax over \$100 but not more than \$400: \$50
2 flat.
3 5. License tax over \$400 but not more than \$600: \$100
4 flat.
5 6. License tax over \$600 and up: \$250 flat.
6 (b) A person who has been assessed a penalty pursuant
7 to s. 316.545(2)(b) for failure to have a valid vehicle
8 registration certificate is not subject to the delinquent fee
9 authorized by this subsection if such person obtains a valid
10 registration certificate within 10 working days after such
11 penalty was assessed. The official receipt authorized by s.
12 316.545(6) constitutes proof of payment of the penalty
13 authorized in s. 316.545(2)(b).
14 (c) The owner of a leased motor vehicle is not
15 responsible for any delinquent fee specified in this
16 subsection if the motor vehicle is registered in the name of
17 the lessee of the motor vehicle.
18 (5) Any servicemember, as defined in s. 250.01, whose
19 motor vehicle or mobile home registration has expired while
20 serving on active duty or state active duty, shall be able to
21 renew his or her registration upon return from active duty or
22 state active duty without penalty, if the servicemember served
23 on active duty or state active duty 35 miles or more from the
24 servicemember's home of record prior to entering active duty
25 or state active duty. The servicemember must provide to the
26 department either a copy of the official military orders or a
27 written verification signed by the servicemember's commanding
28 officer to waive delinquent fees.
29 (6) Delinquent fees imposed under this section shall
30 not be apportionable under the International Registration
31 Plan.

1 Section 28. Section 320.0706, Florida Statutes, is
2 amended to read:

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

13 Section 29. Paragraph (eee) is added to subsection (4)
14 of section 320.08056, Florida Statutes, as amended by section
15 1 of chapter 2005-357, Laws of Florida, and paragraph (a) of
16 subsection (8) of that section is amended, to read:

17 320.08056 Specialty license plates.--

18 (4) The following license plate annual use fees shall
19 be collected for the appropriate specialty license plates:

20 (eee) Future Farmers of America license plate, \$25.

21 (8)(a) The department must discontinue the issuance of
22 an approved specialty license plate if the number of valid
23 specialty plate registrations falls below 1,000 plates for at
24 least 12 consecutive months. A warning letter shall be mailed
25 to the sponsoring organization following the first month in
26 which the total number of valid specialty plate registrations
27 is below 1,000 plates. This paragraph does not apply to
28 collegiate license plates established under s. 320.08058(3).

29 Section 30. Subsection (57) is added to section
30 320.08058, Florida Statutes, to read:

31 320.08058 Specialty license plates.--

1 (57) FUTURE FARMERS OF AMERICA LICENSE PLATES.--

2 (a) Notwithstanding the provisions of s. 320.08053,
3 the department shall develop a Future Farmers of America
4 license plate as provided in this section. Future Farmers of
5 America license plates must bear the colors and design
6 approved by the department. The word "Florida" must appear at
7 the top of the plate, and the words "Agricultural Education"
8 must appear at the bottom of the plate.

9 (b) The license plate annual use fee shall be
10 distributed quarterly to the Florida Future Farmers of America
11 Foundation, Inc., to fund activities and services of the
12 Future Farmers of America.

13 (c) The Florida Future Farmers of America Foundation,
14 Inc., shall retain all revenue from the annual use fees until
15 all startup costs for developing and establishing the plates
16 have been recovered. Thereafter, up to 10 percent of the
17 annual use fee revenue may be used for administrative,
18 handling, and disbursement expenses and up to 5 percent may be
19 used for advertising and marketing costs. All remaining annual
20 use fee revenue shall be used by the Florida Future Farmers of
21 America Foundation, Inc., to fund its activities, programs,
22 and projects, including, but not limited to, student and
23 teacher leadership programs, the Foundation for Leadership
24 Training Center, teacher recruitment and retention, and other
25 special projects.

26 Section 31. Section 320.089, Florida Statutes, is
27 amended to read:

28 320.089 Members of National Guard and active United
29 States Armed Forces reservists; former prisoners of war;
30 survivors of Pearl Harbor; Purple Heart medal recipients;
31

1 Operation Iraqi Freedom and Operation Enduring Freedom

2 Veterans; special license plates; fee.--

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

27 (b) Notwithstanding any other provision of law to the
28 contrary, beginning with fiscal year 2002-2003 and annually
29 thereafter, the first \$100,000 in general revenue generated
30 from the sale of license plates issued under this section
31 which are stamped with the words "National Guard," "Pearl

1 Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve"
2 shall be deposited into the Grants and Donations Trust Fund,
3 as described in s. 296.38(2), to be used for the purposes
4 established by law for that trust fund.

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

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

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

30 (b) A person who was serving as a civilian with the
31 consent of the United States Government, or a person who was a

1 member of the Armed Forces of the United States who was not a
2 United States citizen and was held as a prisoner of war when
3 the Armed Forces of the United States were engaged in combat,
4 or their unremarried surviving spouse, may be issued the
5 special license plate provided for in this subsection upon
6 payment of the license tax imposed by s. 320.08.

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

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

1 provided by s. 320.06 upon which, in lieu of the registration
2 license number prescribed by s. 320.06, shall be stamped the
3 words "Operation Iraqi Freedom" or "Operation Enduring
4 Freedom," as appropriate, followed by the registration license
5 number of the plate.

6 Section 32. Subsection (4) and paragraph (b) of
7 subsection (9) of section 320.27, Florida Statutes, are
8 amended to read:

9 320.27 Motor vehicle dealers.--

10 (4) LICENSE CERTIFICATE.--

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

1 | hours of continuing education prior to filing the renewal
2 | forms with the department. Such certification shall be filed
3 | once every 2 years commencing with the 2006 renewal period.
4 | The continuing education shall include at least 2 hours of
5 | legal or legislative issues, 1 hour of department issues, and
6 | 5 hours of relevant motor vehicle industry topics. Continuing
7 | education shall be provided by dealer schools licensed under
8 | paragraph (b) either in a classroom setting or by
9 | correspondence. Such schools shall provide certificates of
10 | completion to the department and the customer which shall be
11 | filed with the license renewal form, and such schools may
12 | charge a fee for providing continuing education. Any licensee
13 | who does not file his or her application and fees and any
14 | other requisite documents, as required by law, with the
15 | department at least 30 days prior to the license expiration
16 | date shall cease to engage in business as a motor vehicle
17 | dealer on the license expiration date. A renewal filed with
18 | the department within 45 days after the expiration date shall
19 | be accompanied by a delinquent fee of \$100. Thereafter, a new
20 | application is required, accompanied by the initial license
21 | fee. A license certificate duly issued by the department may
22 | be modified by endorsement to show a change in the name of the
23 | licensee, provided, as shown by affidavit of the licensee, the
24 | majority ownership interest of the licensee has not changed or
25 | the name of the person appearing as franchisee on the sales
26 | and service agreement has not changed. Modification of a
27 | license certificate to show any name change as herein provided
28 | shall not require initial licensure or reissuance of dealer
29 | tags; however, any dealer obtaining a name change shall
30 | transact all business in and be properly identified by that
31 | name. All documents relative to licensure shall reflect the

1 new name. In the case of a franchise dealer, the name change
2 shall be approved by the manufacturer, distributor, or
3 importer. A licensee applying for a name change endorsement
4 shall pay a fee of \$25 which fee shall apply to the change in
5 the name of a main location and all additional locations
6 licensed under the provisions of subsection (5). Each initial
7 license application received by the department shall be
8 accompanied by verification that, within the preceding 6
9 months, the applicant, or one or more of his or her designated
10 employees, has attended a training and information seminar
11 conducted by a licensed motor vehicle dealer training school.
12 Any applicant for a new franchised motor vehicle dealer
13 license who has held a valid franchised motor vehicle dealer
14 license continuously for the past 2 years and who remains in
15 good standing with the department is exempt from the
16 prelicensing training requirement. Such seminar shall include,
17 but is not limited to, statutory dealer requirements, which
18 requirements include required bookkeeping and recordkeeping
19 procedures, requirements for the collection of sales and use
20 taxes, and such other information that in the opinion of the
21 department will promote good business practices. No seminar
22 may exceed 8 hours in length.

23 (b) Each initial license application received by the
24 department for licensure under subparagraph (1)(c)2. must be
25 accompanied by verification that, within the preceding 6
26 months, the applicant (owner, partner, officer ~~of the~~
27 ~~corporation~~, or director of the applicant, or a full-time
28 employee of the applicant that holds a responsible
29 management-level position) has successfully completed training
30 conducted by a licensed motor vehicle dealer training school.
31 Such training must include training in titling and

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

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

2 (b) The department may deny, suspend, or revoke any
3 license issued hereunder or under the provisions of s. 320.77
4 or s. 320.771 upon proof that a licensee has committed, with
5 sufficient frequency so as to establish a pattern of
6 wrongdoing on the part of a licensee, violations of one or
7 more of the following activities:

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

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

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

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

31

1 5. Failure of any motor vehicle dealer to comply with
2 the terms of any bona fide written, executed agreement,
3 pursuant to the sale of a motor vehicle.

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

6 7. Use of the dealer license identification number by
7 any person other than the licensed dealer or his or her
8 designee.

9 8. Failure to continually meet the requirements of the
10 licensure law.

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

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

20 11. Requirement by any motor vehicle dealer that any
21 customer or purchaser finance a motor vehicle with a specific
22 financial institution or company.

23 12. Requirement by any motor vehicle dealer that the
24 purchaser of a motor vehicle contract with the dealer for
25 physical damage insurance.

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

31

1 14. Violation of any of the provisions of s. 319.35 by
2 any motor vehicle dealer.

3 15. Sale by a motor vehicle dealer of a vehicle
4 offered in trade by a customer prior to consummation of the
5 sale, exchange, or transfer of a newly acquired vehicle to the
6 customer, unless the customer provides written authorization
7 for the sale of the trade-in vehicle prior to delivery of the
8 newly acquired vehicle.

9 16. Willful failure to comply with any administrative
10 rule adopted by the department or the provisions of s.
11 320.131(8).

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

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

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

23 Section 33. Subsection (5) is added to section
24 320.405, Florida Statutes, to read:

25 320.405 International Registration Plan; inspection of
26 records; hearings.--

27 (5) The department may enter into an agreement for
28 scheduling the payment of taxes or penalties owed to the
29 department as a result of an audit assessment issued under
30 this section.

31

1 Section 34. Subsection (1) of section 320.77 is
2 amended, present subsections (9) through (15) are redesignated
3 as subsections (10) through (16), respectively, and a new
4 subsection (9) is added to that section, to read:

5 320.77 License required of mobile home dealers.--

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

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

24 (b) "Mobile home broker" means any person who is
25 engaged in the business of offering to procure or procuring
26 used mobile homes for the general public; who holds himself or
27 herself out through solicitation, advertisement, or otherwise
28 as one who offers to procure or procures used mobile homes for
29 the general public; or who acts as the agent or intermediary
30 on behalf of the owner or seller of a used mobile home which
31

1 is for sale or who assists or represents the seller in finding
2 a buyer for the mobile home.

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

5 a. Is employed as a salesperson by a mobile home
6 dealer, as defined in s. 320.77, or who, under any contract,
7 agreement, or arrangement with a dealer, for a commission,
8 money, profit, or any other thing of value, sells, exchanges,
9 buys, or offers for sale, negotiates, or attempts to negotiate
10 a sale or exchange of an interest in a mobile home required to
11 be titled under this chapter;

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

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

28 2. The term does not include:

29 a. A representative of an insurance company or a
30 finance company, or a public official who, in the regular
31 course of business, is required to dispose of or sell mobile

1 homes under a contractual right or obligation of the employer,
2 in the performance of an official duty, or under the authority
3 of any court if the sale is to save the seller from any loss
4 or pursuant to the authority of a court.

5 b. A person who is licensed as a manufacturer,
6 remanufacturer, transporter, distributor, or representative of
7 mobile homes.

8 c. A person who is licensed as a mobile home dealer
9 under this chapter.

10 d. A person not engaged in the purchase or sale of
11 mobile homes as a business who is disposing of mobile homes
12 acquired for his or her own use or for use in his or her
13 business if the mobile homes were acquired and used in good
14 faith and not for the purpose of avoiding the provisions of
15 this chapter.

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

17 (a) Each licensee shall register with the department,
18 within 30 days after the date of hire, the name, local
19 residence address, and home telephone number of each person
20 employed by such licensee as a mobile home salesperson. A
21 licensee may not provide a post office box in lieu of a
22 physical residential address.

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

26 (c) Quarterly, each licensee shall notify the
27 department of the termination or separation from employment of
28 each mobile home salesperson employed by the licensee. Each
29 notification must be on a form prescribed by the department.

30 Section 35. Section 320.781, Florida Statutes, is
31 amended to read:

1 320.781 Mobile Home and Recreational Vehicle

2 Protection Trust Fund.--

3 (1) There is hereby established a Mobile Home and
4 Recreational Vehicle Protection Trust Fund. The trust fund
5 shall be administered and managed by the Department of Highway
6 Safety and Motor Vehicles. The expenses incurred by the
7 department in administering this section shall be paid only
8 from appropriations made from the trust fund.

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

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

1 (4) The trust fund shall not be liable for any
2 judgment, or part thereof, resulting from any tort claim
3 except as expressly provided in subsection (3), nor for any
4 punitive, exemplary, double, or treble damages. A person, the
5 state, or any political subdivision thereof may recover
6 against the mobile home or recreational vehicle dealer,
7 broker, or surety, jointly and severally, for such damages,
8 restitution, or expenses; provided, however, that in no event
9 shall the trust fund or the surety be liable for an amount in
10 excess of actual damages, restitution, or expenses.

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

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

1 (b) A claim has been made in a lawsuit against the
2 surety and a judgment obtained is unsatisfied; a claim has
3 been made in a lawsuit against the surety which has been
4 stayed or discharged in a bankruptcy proceeding; or a claimant
5 is prohibited from filing a claim in a lawsuit because a
6 bankruptcy proceeding is pending by surety or the surety is
7 not liable due to the prior payment of valid claims against
8 the bond in an amount equal to, or greater than, the face
9 amount of the applicable bond. However, a claimant may not
10 recover against the trust fund if the claimant has recovered
11 from the surety an amount that is equal to or greater than the
12 total loss. The claimant has obtained a judgment against the
13 ~~surety of the mobile home or recreational vehicle dealer or~~
14 ~~broker that is unsatisfied.~~

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

25 (6) In order to recover from the trust fund, the
26 person must file an application and verified claim with the
27 department.

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

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

4 b. That the judgment against the mobile home or
5 recreational vehicle dealer or broker contains a specific
6 finding that the surety has no liability, that execution has
7 been returned unsatisfied, and that a judgment lien has been
8 perfected;

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

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

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

23 5. An assignment by the claimant of rights, title, or
24 interest in the unsatisfied judgement lien to the department;
25 and

26 ~~6.5-~~ Such other information as the department
27 requires.

28 (b) If the claimant has alleged a claim as set forth
29 in paragraph(5)(a)(5)(c) and for the reasons set forth
30 therein has not been able to secure a judgment, the verified
31 claim must contain the following:

1 1. A true copy of the pleadings in the lawsuit that
2 ~~which~~ was stayed or discharged by the bankruptcy court and the
3 order of the bankruptcy court staying those proceedings or a
4 true copy of the claim that was filed in the bankruptcy court
5 proceedings;

6 2. Allegations of the acts or omissions by the mobile
7 home or recreational vehicle dealer or broker setting forth
8 the specific acts or omissions complained of which resulted in
9 actual damage to the person, along with the actual dollar
10 amount necessary to reimburse or compensate the person for
11 costs or expenses resulting from the acts or omissions of
12 which the person complained;

13 3. True copies of all purchase agreements, notices,
14 service or repair orders or papers or documents of any kind
15 whatsoever which the person received in connection with the
16 purchase, exchange, or lease-purchase of the mobile home or
17 recreational vehicle from which the person's cause of action
18 arises; ~~and~~

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

21 ~~5.4.~~ Such other information as the department
22 requires.

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

25 (7) Within 90 days after receipt of the application
26 and verified claim, the department shall issue its
27 determination on the claim. Such determination shall not be
28 subject to the provisions of chapter 120, but shall be
29 reviewable only by writ of certiorari in the circuit court in
30 the county in which the claimant resides in the manner and
31 within the time provided by the Florida Rules of Appellate

1 Procedure. The claim must be paid within 45 days after the
2 determination, or, if judicial review is sought, within 45
3 days after the review becomes final. A person may not be paid
4 an amount from the fund in excess of \$25,000 per mobile home
5 or recreational vehicle, which includes any damages,
6 restitution, payments received as the result of a claim
7 against the surety bond, or expenses, including reasonable
8 attorney's fees. Prior to payment, the person must execute an
9 assignment to the department of all the person's rights and
10 title to, and interest in, the unsatisfied judgment and
11 judgment lien or the claim against the dealer or broker and
12 its surety.

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

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

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

1 claimant, it shall log the time and date of its determination
2 for payment to a claimant. If moneys become available, the
3 department shall pay the claimant whose unpaid claim is the
4 earliest by time and date of determination.

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

11 Section 36. Subsection (16) of section 322.01, Florida
12 Statutes, is amended, and subsections (43) and (44) are added
13 to that section, to read:

14 322.01 Definitions.--As used in this chapter:

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

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

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

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

3 322.02 Legislative intent; administration.--

4 (1) The Legislature finds that over the past several
5 years the department and individual county tax collectors have
6 entered into contracts for the delivery of full and limited
7 driver license services where such contractual relationships
8 best served the public interest through state administration
9 and enforcement and local government implementation. It is the
10 intent of the Legislature that future interests and processes
11 for developing and expanding the department's relationship
12 with tax collectors and other county constitutional officers
13 through contractual relationships for the delivery of driver
14 license services be achieved through the provisions of this
15 chapter, thereby serving best the public interest considering
16 accountability, cost-effectiveness, efficiency,
17 responsiveness, and high-quality service to the drivers in
18 Florida.

19 Section 38. Subsection (2) of section 322.05, Florida
20 Statutes, is amended to read:

21 322.05 Persons not to be licensed.--The department may
22 not issue a license:

23 (2) To a person who is at least 16 years of age but is
24 under 18 years of age unless the person meets the requirements
25 of s. 322.091 and holds a valid:

26 (a) Learner's driver's license for at least 12 months,
27 with no moving traffic convictions, before applying for a
28 license;

29 (b) Learner's driver's license for at least 12 months
30 and who has a moving traffic conviction but elects to attend a
31

1 traffic driving school for which adjudication must be withheld
2 pursuant to s. 318.14; or

3 (c) License that was issued in another state or in a
4 foreign jurisdiction and that would not be subject to
5 suspension or revocation under the laws of this state.

6 Section 39. Subsection (1) of section 322.051, Florida
7 Statutes, is amended to read:

8 322.051 Identification cards.--

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

15 (a) Each such application shall include the following
16 information regarding the applicant:

- 17 1. Full name (first, middle or maiden, and last),
18 gender, social security card number, county of residence and
19 mailing address, country of birth, and a brief description.
20 2. Proof of birth date satisfactory to the department.
21 3. Proof of identity satisfactory to the department.

22 Such proof must include one of the following documents issued
23 to the applicant:

24 a. A driver's license record or identification card
25 record from another jurisdiction that required the applicant
26 to submit a document for identification which is substantially
27 similar to a document required under sub-subparagraph b.,
28 sub-subparagraph c., sub-subparagraph d., sub-subparagraph e.,
29 sub-subparagraph f., or sub-subparagraph g.;

30 b. A certified copy of a United States birth
31 certificate;

1 c. A United States passport;

2 d. A naturalization certificate issued by the United
3 States Department of Homeland Security;

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

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

7 g. Proof of nonimmigrant classification provided by
8 the United States Department of Homeland Security, for an
9 original identification card. In order to prove such
10 nonimmigrant classification, applicants may produce but are
11 not limited to the following documents:

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

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

16 (III) Notice of the approval of an application for
17 adjustment of status issued by the United States Bureau of
18 Citizenship and Immigration Services.

19 (IV) Any official documentation confirming the filing
20 of a petition for asylum or refugee status or any other relief
21 issued by the United States Bureau of Citizenship and
22 Immigration Services.

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

26 (VI) 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 (VII) Evidence that an application is pending for
31 adjustment of status to that of an alien lawfully admitted for

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 described in
8 sub-subparagraph f. or sub-subparagraph g. entitles the
9 applicant to an identification card for a period not to exceed
10 the expiration date of the document presented or 1 year ~~2~~
11 ~~years~~, whichever first occurs.

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

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

19 Section 40. Subsection (2) of section 322.08, Florida
20 Statutes, is amended to read:

21 322.08 Application for license.--

22 (2) Each such application shall include the following
23 information regarding the applicant:

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

27 (b) Proof of birth date satisfactory to the
28 department.

29 (c) Proof of identity satisfactory to the department.
30 Such proof must include one of the following documents issued
31 to the applicant:

- 1 1. A driver's license record or identification card
2 record from another jurisdiction that required the applicant
3 to submit a document for identification which is substantially
4 similar to a document required under subparagraph 2.,
5 subparagraph 3., subparagraph 4., subparagraph 5.,
6 subparagraph 6., or subparagraph 7.;
- 7 2. A certified copy of a United States birth
8 certificate;
- 9 3. A United States passport;
- 10 4. A naturalization certificate issued by the United
11 States Department of Homeland Security;
- 12 5. An alien registration receipt card (green card);
- 13 6. An employment authorization card issued by the
14 United States Department of Homeland Security; or
- 15 7. Proof of nonimmigrant classification provided by
16 the United States Department of Homeland Security, for an
17 original driver's license. In order to prove nonimmigrant
18 classification, an applicant may produce the following
19 documents, including, but not limited to:
- 20 a. A notice of hearing from an immigration court
21 scheduling a hearing on any proceeding.
- 22 b. A notice from the Board of Immigration Appeals
23 acknowledging pendency of an appeal.
- 24 c. A notice of the approval of an application for
25 adjustment of status issued by the United States Bureau of
26 Citizenship and Immigration Services ~~and Naturalization~~
27 ~~Service~~.
- 28 d. Any official documentation confirming the filing of
29 a petition for asylum or refugee status or any other relief
30 issued by the United States Bureau of Citizenship and
31 Immigration Services ~~and Naturalization Service~~.

1 e. A notice of action transferring any pending matter
2 from another jurisdiction to this state issued by the United
3 States Bureau of Citizenship and Immigration Services ~~and~~
4 ~~Naturalization Service~~.

5 f. An order of an immigration judge or immigration
6 officer granting any relief that authorizes the alien to live
7 and work in the United States, including, but not limited to,
8 asylum.

9 g. Evidence that an application is pending for
10 adjustment of status to that of an alien lawfully admitted for
11 permanent residence in the United States or conditional
12 permanent resident status in the United States, if a visa
13 number is available having a current priority date for
14 processing by the United States Bureau of Citizenship and
15 Immigration Services.

16
17 Presentation of any of the documents in subparagraph 6. or
18 subparagraph 7. entitles the applicant to a driver's license
19 or temporary permit for a period not to exceed the expiration
20 date of the document presented or 1 year ~~2 years~~, whichever
21 occurs first.

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

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

30 Section 41. Effective July 1, 2008, subsection (5) of
31 section 322.12, Florida Statutes, is amended to read:

1 322.12 Examination of applicants.--
2 (5)(a) The department shall formulate a separate
3 examination for applicants for licenses to operate
4 motorcycles. Any applicant for a driver's license who wishes
5 to operate a motorcycle, and who is otherwise qualified, must
6 successfully complete such an examination, which is in
7 addition to the examination administered under subsection (3).
8 The examination must test the applicant's knowledge of the
9 operation of a motorcycle and of any traffic laws specifically
10 relating thereto and must include an actual demonstration of
11 his or her ability to exercise ordinary and reasonable control
12 in the operation of a motorcycle. Any applicant who fails to
13 pass the initial knowledge examination will incur a \$5 fee for
14 each subsequent examination, to be deposited into the Highway
15 Safety Operating Trust Fund. Any applicant who fails to pass
16 the initial skills examination will incur a \$10 fee for each
17 subsequent examination, to be deposited into the Highway
18 Safety Operating Trust Fund. In the formulation of the
19 examination, the department shall consider the use of the
20 Motorcycle Operator Skills Test and the Motorcycle in Traffic
21 Test offered by the Motorcycle Safety Foundation. The
22 department shall indicate on the license of any person who
23 successfully completes the examination that the licensee is
24 authorized to operate a motorcycle. If the applicant wishes to
25 be licensed to operate a motorcycle only, he or she need not
26 take the skill or road test required under subsection (3) for
27 the operation of a motor vehicle, and the department shall
28 indicate such a limitation on his or her license as a
29 restriction. Every first-time applicant for licensure to
30 operate a motorcycle ~~who is under 21 years of age~~ must provide
31 proof of completion of a motorcycle safety course, as provided

1 for in s. 322.0255, before the applicant may be licensed to
2 operate a motorcycle.

3 (b) The department may exempt any applicant from the
4 examination provided in this subsection if the applicant
5 presents a certificate showing successful completion of a
6 course approved by the department, which course includes a
7 similar examination of the knowledge and skill of the
8 applicant in the operation of a motorcycle.

9 Section 42. Subsection (8) of section 322.121, Florida
10 Statutes, is amended to read:

11 322.121 Periodic reexamination of all drivers.--

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

19 Section 43. Subsection (10) is added to section
20 322.135, Florida Statutes, to read:

21 322.135 Driver's license agents.--

22 (10) The department may contract with any county
23 constitutional officer to provide driver license services in
24 the same manner as provided in this section in a county where
25 the tax collector is not elected or elects not to provide
26 driver license services.

27 Section 44. Section 322.2615, Florida Statutes, is
28 amended to read:

29 322.2615 Suspension of license; right to review.--

30 (1)(a) A law enforcement officer or correctional
31 officer shall, on behalf of the department, suspend the

1 driving privilege of a person who is driving or in actual
2 physical control of a motor vehicle and who has an ~~has been~~
3 ~~arrested by a law enforcement officer for a violation of s.~~
4 ~~316.193, relating to~~ unlawful blood-alcohol level or
5 breath-alcohol level of 0.08 or higher, or of a person who has
6 refused to submit to a ~~breath, urine, or blood test~~ or a test
7 of his or her breath-alcohol or blood-alcohol level ~~authorized~~
8 ~~by s. 316.1932~~. The officer shall take the person's driver's
9 license and issue the person a 10-day temporary permit if the
10 person is otherwise eligible for the driving privilege and
11 shall issue the person a notice of suspension. If a blood test
12 has been administered, ~~the results of which are not available~~
13 ~~to the officer~~ or at the time of the arrest, the agency
14 employing the officer shall transmit such results to the
15 department within 5 days after receipt of the results. If the
16 department then determines that the person ~~was arrested for a~~
17 ~~violation of s. 316.193 and that the person had a~~
18 blood-alcohol level or breath-alcohol level of 0.08 or higher,
19 the department shall suspend the person's driver's license
20 pursuant to subsection (3).

21 (b) The suspension under paragraph (a) shall be
22 pursuant to, and the notice of suspension shall inform the
23 driver of, the following:

24 1.a. The driver refused to submit to a lawful breath,
25 blood, or urine test and his or her driving privilege is
26 suspended for a period of 1 year for a first refusal or for a
27 period of 18 months if his or her driving privilege has been
28 previously suspended as a result of a refusal to submit to
29 such a test; or

30 b. The driver was driving or in actual physical
31 control of a motor vehicle and had ~~violated s. 316.193 by~~

1 ~~driving with~~ an unlawful blood-alcohol level or breath-alcohol
2 level of 0.08 or higher ~~as provided in that section~~ and his or
3 her driving privilege is suspended for a period of 6 months
4 for a first offense or for a period of 1 year if his or her
5 driving privilege has been previously suspended under this
6 section ~~for a violation of s. 316.193.~~

7 2. The suspension period shall commence on the date of
8 ~~arrest or~~ issuance of the notice of suspension, ~~whichever is~~
9 ~~later.~~

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

14 4. The temporary permit issued at the time of
15 suspension ~~arrest~~ expires ~~will expire~~ at midnight of the 10th
16 day following the date of ~~arrest or~~ issuance of the notice of
17 suspension, ~~whichever is later.~~

18 5. The driver may submit to the department any
19 materials relevant to the suspension ~~arrest~~.

20 (2) Except as provided in paragraph (1)(a), the law
21 enforcement officer shall forward to the department, within 5
22 days after issuing ~~the date of the arrest, a copy of the~~
23 notice of suspension, the driver's license; ~~of the person~~
24 ~~arrested, and a report of the arrest, including~~ an affidavit
25 stating the officer's grounds for belief that the person was
26 driving or in actual physical control of a motor vehicle while
27 under the influence of alcoholic beverages or chemical or
28 controlled substances ~~arrested was in violation of s. 316.193;~~
29 the results of any breath or blood test or an affidavit
30 stating that a breath, blood, or urine test was requested by a
31 law enforcement officer or correctional officer and that the

1 | person ~~arrested~~ refused to submit; ~~a copy of the citation~~
2 | ~~issued to the person arrested; and~~ the officer's description
3 | of the person's field sobriety test, if any; the notice of
4 | suspension; and a copy of the crash report, if any. The
5 | failure of the officer to submit materials within the 5-day
6 | period specified in this subsection and in subsection (1) does
7 | ~~shall~~ not affect the department's ability to consider any
8 | evidence submitted at or prior to the hearing. The officer
9 | may also submit a copy of a videotape of the field sobriety
10 | test or the attempt to administer such test. Materials
11 | submitted to the department by a law enforcement agency or
12 | correctional agency shall be considered self-authenticating
13 | and shall be in the record for consideration by the hearing
14 | officer. Notwithstanding s. 316.066(4), the crash report shall
15 | be considered by the hearing officer.

16 | (3) If the department determines that the license ~~of~~
17 | ~~the person arrested~~ should be suspended pursuant to this
18 | section and if the notice of suspension has not already been
19 | served upon the person by a law enforcement officer or
20 | correctional officer as provided in subsection (1), the
21 | department shall issue a notice of suspension and, unless the
22 | notice is mailed pursuant to s. 322.251, a temporary permit
23 | that ~~which~~ expires 10 days after the date of issuance if the
24 | driver is otherwise eligible.

25 | (4) If the person whose license was suspended ~~arrested~~
26 | requests an informal review pursuant to subparagraph (1)(b)3.,
27 | the department shall conduct the informal review by a hearing
28 | officer employed by the department. Such informal review
29 | hearing shall consist solely of an examination by the
30 | department of the materials submitted by a law enforcement
31 | officer or correctional officer and by the person whose

1 license was suspended ~~arrested~~, and the presence of an officer
2 or witness is not required.

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

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

18 (b) Such formal review hearing shall be held before a
19 hearing officer employed by the department, and the hearing
20 officer shall be authorized to administer oaths, examine
21 witnesses and take testimony, receive relevant evidence, issue
22 subpoenas for the officers and witnesses identified in
23 documents in subsection (2), regulate the course and conduct
24 of the hearing, question witnesses, and make a ruling on the
25 suspension. ~~The department and the person arrested may~~
26 ~~subpoena witnesses, and the party requesting the presence of a~~
27 witness shall be responsible for the payment of any witness
28 fees and for notifying in writing the state attorney's office
29 in the appropriate circuit of the issuance of the subpoena.
30 If the person who requests a formal review hearing fails to
31 appear and the hearing officer finds such failure to be

1 without just cause, the right to a formal hearing is waived
2 and the suspension shall be sustained.

3 (c) A party may seek enforcement of a subpoena under
4 paragraph (b) by filing a petition for enforcement in the
5 circuit court of the judicial circuit in which the person
6 failing to comply with the subpoena resides. A failure to
7 comply with an order of the court shall result in a finding of
8 contempt of court. However, a person ~~is shall~~ not ~~be~~ in
9 contempt while a subpoena is being challenged.

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

14 (7) In a formal review hearing under subsection (6) or
15 an informal review hearing under subsection (4), the hearing
16 officer shall determine by a preponderance of the evidence
17 whether sufficient cause exists to sustain, amend, or
18 invalidate the suspension. The scope of the review shall be
19 limited to the following issues:

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

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

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

30
31

1 ~~2.3-~~ Whether the person whose license was suspended
2 had an unlawful blood-alcohol level or breath-alcohol level of
3 0.08 or higher as provided in s. 316.193.

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

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

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

13 ~~2.3-~~ Whether the person whose license was suspended
14 refused to submit to any such test after being requested to do
15 so by a law enforcement officer or correctional officer.

16 ~~3.4-~~ Whether the person whose license was suspended
17 was told that if he or she refused to submit to such test his
18 or her privilege to operate a motor vehicle would be suspended
19 for a period of 1 year or, in the case of a second or
20 subsequent refusal, for a period of 18 months.

21 (8) Based on the determination of the hearing officer
22 pursuant to subsection (7) for both informal hearings under
23 subsection (4) and formal hearings under subsection (6), the
24 department shall:

25 (a) Sustain the suspension of the person's driving
26 privilege for a period of 1 year for a first refusal, or for a
27 period of 18 months if the driving privilege of such person
28 has been previously suspended as a result of a refusal to
29 submit to such tests, if the ~~arrested~~ person refused to submit
30 to a lawful breath, blood, or urine test. The suspension
31

1 period commences on the date of ~~the arrest or~~ issuance of the
2 notice of suspension, ~~whichever is later.~~

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

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

25 (10) A person whose driver's license is suspended
26 under subsection (1) or subsection (3) may apply for issuance
27 of a license for business or employment purposes only if the
28 person is otherwise eligible for the driving privilege
29 pursuant to s. 322.271.

30 (a) If the suspension of the driver's license of the
31 person for failure to submit to a breath, urine, or blood test

1 | is sustained, the person is not eligible to receive a license
2 | for business or employment purposes only, pursuant to s.
3 | 322.271, until 90 days have elapsed after the expiration of
4 | the last temporary permit issued. If the driver is not issued
5 | a 10-day permit pursuant to this section or s. 322.64 because
6 | he or she is ineligible for the permit and the suspension for
7 | failure to submit to a breath, urine, or blood test is not
8 | invalidated by the department, the driver is not eligible to
9 | receive a business or employment license pursuant to s.
10 | 322.271 until 90 days have elapsed from the date of the
11 | suspension.

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

27 | (11) The formal review hearing may be conducted upon a
28 | review of the reports of a law enforcement officer or a
29 | correctional officer, including documents relating to the
30 | administration of a breath test or blood test or the refusal
31 | to take either test or the refusal to take a urine test.

1 | However, as provided in subsection (6), the driver may
2 | subpoena the officer or any person who administered or
3 | analyzed a breath or blood test.

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

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

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

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

29 | (15) If the department suspends a person's license
30 | under s. 322.2616, it may not also suspend the person's
31 |

1 license under this section for the same episode that was the
2 basis for the suspension under s. 322.2616.

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

8 Section 45. (1) The Department of Highway Safety and
9 Motor Vehicles shall study the outsourcing of its driver
10 license services and shall make recommendations to the
11 Governor, the President of the Senate, and the Speaker of the
12 House of Representatives by January 1, 2007. As used in this
13 section, the term "outsourcing" means the process of
14 contracting with an external service provider or other
15 governmental agency to provide a service, in whole or in part,
16 while the department retains the responsibility and
17 accountability for the service.

18 (2) As part of its study, the department shall provide
19 a description of the services to be outsourced. Types of
20 issues for the department to consider must include, but need
21 not be limited to:

22 (a) A detailed description of the service to be
23 outsourced and a description and analysis of the department's
24 current performance of the service.

25 (b) A cost-benefit analysis describing the estimated
26 specific direct and indirect costs or savings; performance
27 improvements, including reduced wait times at driver license
28 offices; risks; and qualitative and quantitative benefits
29 involved in or resulting from outsourcing the service. The
30 cost-benefit analysis must include a detailed plan and
31

1 timeline identifying all actions that must be implemented to
2 realize the expected benefits.

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

9 (d) A plan to ensure compliance with public-records
10 law.

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

20 Section 46. Except as otherwise expressly provided in
21 this act, this act shall take effect October 1, 2006.
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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 CS/SB 1742

4 Statement of Substantial Changes in CS/CS/SB 1742.

5 The committee substitute made the following changes to the
6 bill:

- 7 1) Provides that the board of a homeowner's association may,
8 by majority vote, enter into agreement to permit state
9 traffic laws to be enforced by local law enforcement
10 agencies on private property controlled by the
11 association.
- 12 2) Specifies that fleeing a law enforcement officer is
13 considered reckless driving.
- 14 3) Provides that the owner of a leased vehicle is not
15 responsible for a violation of certain parking
16 requirements specified if the vehicle is registered in
17 the name of the lessee.
- 18 4) Specifically prohibits operators of pickup trucks and
19 flatbed trucks from allowing minors, defined as
20 individuals under 18 years of age, from riding on the bed
21 of these trucks unless the trucks have been modified to
22 include secure seating and safety restraints and the
23 minors are properly restrained. This provision applies to
24 operation upon secure access facilities of the state such
25 as limited access parkways and freeways. However, this
26 exempts operators from this provision when a truck is
27 being operated in medical emergencies if the child is
28 accompanied by an adult. Also revises exceptions to the
29 provision which prohibits individuals riding on any area
30 of any vehicle not designed or intended for the use of
31 passengers and authorizes counties to exempt themselves
from the provisions contained in s. 316.2015, F.S.
- 5) Allows all-terrain vehicles to be operated during the
daytime by a licensed driver or a minor under the
supervision of a licensed driver on un-paved roadways
where the posted speed limit is less than 35 mph. The
drivers are required to provide proof of ownership if
requested by law enforcement. However, this amendment
authorizes counties to exempt themselves from the
provisions contained in s. 316.2123, F.S.
- 6) Requires a person selling "motorized scooters" and
"miniature motorcycles" to display a notice that these
vehicles are not legal to operate on roads or sidewalks.
This notice and a copy of the statute must be provided to
the consumer prior to purchase. Violations of the sales
disclosure provision are punishable under the "Florida
Deceptive and Unfair Trade Practices Act" and are liable
for a civil penalty of not more than \$10,000 for each
violation plus applicable court costs and attorney fees.
- 7) Exempts the owner of a leased vehicle, if the vehicle is
registered in the name of a lessee, from provisions that

- 1 | limit re-registration of a vehicle for non-payment of
2 | toll violations, parking tickets, or wrecker liens.
- 3 | 8) Exempts the owner of a leased vehicle, if the vehicle is
4 | registered in the name of a lessee, from penalty
5 | provisions relating to expired motor vehicle or mobile
6 | home registrations.
- 7 | 9) Exempts the owner of a leased vehicle from responsibility
8 | for failure to pay a toll violation if the motor vehicle
9 | is registered in the name of the lessee of such vehicle.
- 10 | 10) Creates two new special license plates, specifically
11 | Operation Iraqi Freedom and Operation Enduring Freedom.
12 | Such plates may be issued to a current or former member
13 | of the United States military, who was deployed and
14 | served in Iraq during Operation Iraqi Freedom or in
15 | Afghanistan during Operation Enduring Freedom, upon
16 | application, accompanied by proof of service, and payment
17 | of the vehicle license tax.
- 18 | 11) Provides that each independent dealer shall certify that
19 | the dealer has completed 8 hours of continuous education
20 | prior to filing renewal forms with the DHSMV. Also
21 | exempts applicants for a new franchise motor vehicle
22 | dealer license, who has held a valid franchise motor
23 | vehicle dealer license continuously for the past 2 years
24 | and who remains in good standing with DHSMV, from the
25 | pre-licensing training requirement.
- 26 | 12) Allows the DHSMV to deny, suspend, or revoke any license
27 | issued under the provisions of ss.320.27, 320.77, or
28 | 320.771, F.S., for any violation of failure to register a
29 | mobile home salesperson with DHSMV.
- 30 | 13) Provides a definition of a "mobile home salesperson" and
31 | specify salesperson registration requirements.
- 14 | 14) Revises periodic license examination requirements.
- 15 | 15) Creates an undesignated section of law to direct DHSMV to
16 | study the outsourcing of driver license services to a
17 | provider, in whole or in part, while retaining
18 | responsibility and accountability for the services. In
19 | addition, the bill requires the DHSMV to submit a report
20 | of recommendations to the Governor, the President of the
21 | Senate, and the Speaker of the House of Representatives
22 | by January 1, 2007.
- 23 | 16) Authorizes the DHMSV to contract with any county
24 | constitutional officer for driver license services in
25 | counties where the tax collector is not elected or does
26 | not provide the services.
- 27 | 17) Defines the term "youthful driver monitoring service" to
28 | mean an entity that enables parents or guardians to
29 | monitor the driving performance of their minor children.
30 | Establishes procedures by which such an entity may
31 | provide monitoring services and specifies registration
requirements.
- 18) Applies the provisions relating to liability with respect

- 1 to skateboarding, inline skating, and other recreational
2 pursuits to mountain and off-road bicycling as well. In
3 addition, requires demonstration that parental consent
4 was provided to a governmental entity before entering
5 certain designated areas.
- 6 19) Prohibits hearing officers from revoking a defendant's
7 driver's license pursuant to 316.655(2), F.S.
- 8 20) Removes the additional \$4 surcharge on all criminal
9 traffic-related offenses and non-criminal moving
10 violations, to be used to pay for the Statewide Law
11 Enforcement Radio System; removes the provision that
12 specified how the \$4 surcharge should be distributed.
- 13 21) Removes the provision that ensured that display mobile
14 homes and mobile homes held in inventory for sale are not
15 taxable to the manufacturer or dealer as real property.
- 16 22) Removes the provisions that any approved claims against
17 the Recreational Vehicle Protection Trust Fund to satisfy
18 any judgment or claim against a mobile home dealer, must
19 be paid solely from fees collected from mobile home
20 dealers and manufacturers of mobile home title
21 transactions and any claims involving a RV must be paid
22 solely from fees collected from RV dealers and
23 manufactures and RV title transactions.
- 24 23) Removes the provision that provided for the applicability
25 of certain foundation system rules to manufactured
26 buildings.
- 27 24) Creates the Future Farmers of America specialty license
28 plate, which can be purchased for an additional fee of
29 \$25; provides for the license plate annual use fees to be
30 distributed to the Florida Future Farmers of America
31 Foundation, Inc.; to fund activities and services of the
Future Farmers of America.
- 25) Removes the requirement that a motorcycle carrying a
passenger, other than in a side care or enclosed cab,
must be equipped with handholds for the passenger.
- 26) Exempts collegiate license plates from the requirement
that the DHSMV must discontinue a specialty license plate
if the number of valid registrations falls below 1,000
plates for at least 12 months.
- 27) Limits the liability for state and local governments and
their officers and employees of providing off-highway
recreation areas and trails on publicly owned land for
damages to personal property or personal injury or death
to any person resulting from participation in the
inherently dangerous risks of off-highway vehicle
recreation.
- 28) Creates s. 261.20, F.S., which effective July 1, 2008,
provides restrictions, safety courses, required equipment
and prohibited acts for the operation of off-highway
vehicles on public lands.
- 29) Authorizing the DOT to issue over-width permits for

- 1 | implements of husbandry greater than 130 inches, but no
2 | more than 170 inches, in width.
- 3 | 30) Increase from \$100 to \$200, the fine for a violation of
4 | load on vehicle restrictions and increasing the time of
5 | license suspension for a second or subsequent
6 | adjudication within 5 years.
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