

Bill No. HB 7079, 2nd Eng.

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CHAMBER ACTION

Senate

House

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Senator Sebesta moved the following amendment:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause

and insert:

Section 1. Section 207.008, Florida Statutes, is

amended to read:

<A NAME="PageLine19" 207.008 Retention of records by motor  
carrier.--Each

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

Section 2. Section 207.021, Florida Statutes, is

amended to read:

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

(1)(a) The department may adopt rules for establishing

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1 informal conferences for the resolution of disputes arising  
2 from the assessment of taxes, penalties, or interest or the  
3 denial of refunds under chapter 120.

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

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

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

30 (3) A taxpayer's liability for any tax or interest  
31 specified in this chapter may be compromised by the department

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

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

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

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

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

22 261.10 Criteria for recreation areas and trails;  
 23 limitation on liability.--

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

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

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

18           261.20 Operations of off-highway vehicles on public  
19 lands; restrictions; safety courses; required equipment;  
20 prohibited acts; penalties.--

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

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

27           (3) Effective July 1, 2008, while operating an  
28 off-highway vehicle, a person who has not attained 16 years of  
29 age must have in his or her possession a certificate  
30 evidencing the satisfactory completion of an approved  
31 off-highway vehicle safety course in this state or another

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1 jurisdiction. A nonresident who has not attained 16 years of  
2 age and who is in this state temporarily for a period not to  
3 exceed 30 days is exempt from this subsection. Nothing  
4 contained in this chapter shall prohibit an agency from  
5 requiring additional safety-education courses for all  
6 operators.

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

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

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

28 (d) An off-highway vehicle that is operated between  
29 sunset and sunrise, or when visibility is reduced because of  
30 rain, smoke, or smog, must display a lighted headlamp and  
31 taillamp unless the use of such lights is prohibited by other

1 laws, such as a prohibition on the use of lights when hunting  
2 at night.

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

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

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

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

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

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

23 (6) Any person who violates this section commits a  
24 noncriminal infraction and is subject to a fine of not less  
25 than \$100, and may have his or her privilege to operate an ATV  
26 on public lands revoked. However, a person who commits such  
27 acts with intent to defraud, or who commits a second or  
28 subsequent violation, is subject to a fine of not less than  
29 \$500 and may have his or her privilege to operate an ATV on  
30 public lands revoked.

31 (7) Public land managing agencies, through the course

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1 of their management activities, are exempt from the provisions  
2 of subsection (5)(a).

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

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

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

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

19 316.006 Jurisdiction.--Jurisdiction to control traffic  
20 is vested as follows:

21 (2) MUNICIPALITIES.--

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

30 1. Provision for reimbursement for actual costs of  
31 traffic control and enforcement and for liability insurance

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1 and indemnification by the party or parties, and such other  
2 terms as are mutually agreeable, may be included in such an  
3 agreement.

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

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

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

24           (3) COUNTIES.--

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



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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

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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.

31 (3) This section does not grant authority or

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

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

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

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

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

30 (c) The failure of a governmental entity that provides  
 31 a designated area for skateboarding, inline skating,

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

13 |  
 14 | Nothing in this subsection creates a duty of care or basis of  
 15 | liability for death, personal injury, or damage to personal  
 16 | property. Nothing in this section shall be deemed to be a  
 17 | waiver of sovereign immunity under any circumstances.

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

28 |         (7)(a) Any person who participates in or assists in  
 29 | skateboarding, inline skating, paintball, or freestyle or  
 30 | mountain and off-road bicycling assumes the known and unknown  
 31 | inherent risks in these activities irrespective of age, and is

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

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

17 |           1. Acting within the limits of his or her ability and  
 18 | the purpose and design of the equipment used.

19 |           2. Maintaining control of his or her person and the  
 20 | equipment used.

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

24 |  
 25 | Failure to comply with the requirements of this paragraph  
 26 | shall constitute negligence.

27 |           (8) The fact that a governmental entity carries  
 28 | insurance which covers any act described in this section shall  
 29 | not constitute a waiver of the protections set forth in this  
 30 | section, regardless of the existence or limits of such  
 31 | coverage.

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

3 316.1001 Payment of toll on toll facilities required;  
4 penalties.--

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

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

30 (c) The owner of the motor vehicle involved in the  
31 violation is responsible and liable for payment of a citation

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

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

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

14  
 15 Upon receipt of an affidavit the person designated as having  
 16 care, custody, and control of the motor vehicle at the time of  
 17 the violation may be issued a citation for failure to pay a  
 18 required toll. The affidavit shall be admissible in a  
 19 proceeding pursuant to this section for the purpose of  
 20 providing that the person identified in the affidavit was in  
 21 actual care, custody, or control of the motor vehicle. The  
 22 owner of a leased vehicle for which a citation is issued for  
 23 failure to pay a toll is not responsible for payment of the  
 24 citation and is not required to submit an affidavit as  
 25 specified in this subsection if the motor vehicle involved in  
 26 the violation is registered in the name of the lessee of such  
 27 motor vehicle.

28           (d) A written report of a toll enforcement officer to  
 29 photographic evidence that a required toll was not paid is  
 30 admissible in any proceeding to enforce this section and  
 31 raises a rebuttable presumption that the motor vehicle named

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1 in the report or shown in the photographic evidence was used  
2 in violation of this section.

3 Section 9. Subsection (1) of section 316.192, Florida  
4 Statutes, is amended to read:

5 316.192 Reckless driving.--

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

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

11 Section 10. Subsection (1) of section 316.1955,  
12 Florida Statutes, is amended to read:

13 316.1955 Enforcement of parking requirements for  
14 persons who have disabilities.--

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

30 (a) Whenever a law enforcement officer, a parking  
31 enforcement specialist, or the owner or lessee of the space



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1 finds a vehicle in violation of this subsection, that officer,  
 2 owner, or lessor shall have the vehicle in violation removed  
 3 to any lawful parking space or facility or require the  
 4 operator or other person in charge of the vehicle immediately  
 5 to remove the unauthorized vehicle from the parking space.

6 Whenever any vehicle is removed under this section to a  
 7 storage lot, garage, or other safe parking space, the cost of  
 8 the removal and parking constitutes a lien against the  
 9 vehicle.

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

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

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

26 Section 11. Section 316.2015, Florida Statutes, is  
 27 amended to read:

28 316.2015 Unlawful for person to ride on exterior of  
 29 vehicle.--

30 (1) It is unlawful for any operator of a passenger  
 31 vehicle to permit any person to ride on the bumper, radiator,

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

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

23       (b) It is unlawful for any operator of a pickup truck  
 24 or flatbed truck to permit a minor child who has not attained  
 25 18 years of age to ride upon limited access facilities of the  
 26 state within the open body of a pickup truck or flatbed truck  
 27 unless the minor is restrained within the open body in the  
 28 back of a truck that has been modified to include secure  
 29 seating and safety restraints to prevent the passenger from  
 30 being thrown, falling, or jumping from the truck. This  
 31 paragraph does not apply in a medical emergency if the child

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1 is accompanied within the truck by an adult. A county is  
2 exempt from this paragraph if the governing body of the  
3 county, by majority vote, following a noticed public hearing,  
4 votes to exempt the county from this paragraph.

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

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

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

14 316.2095 Footrests, handholds, and handlebars.--

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

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

22 316.211 Equipment for motorcycle and moped riders.--

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

26 Section 14. Section 316.2123, Florida Statutes, is  
27 created to read:

28 316.2123 Operation of an ATV on certain roadways.--

29 (1) The operation of an ATV, as defined in s.  
30 317.0003, upon the public roads or streets of this state is  
31 prohibited, except that an ATV may be operated during the

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1 daytime on an unpaved roadway where the posted speed limit is  
 2 less than 35 miles per hour by a licensed driver or by a minor  
 3 under the supervision of a licensed driver. The operator must  
 4 provide proof of ownership pursuant to chapter 317 upon  
 5 request by a law enforcement officer.

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

10 Section 15. Subsection (3) is added to section  
 11 316.2125, Florida Statutes, to read:

12 316.2125 Operation of golf carts within a retirement  
 13 community.--

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

23 Section 16. Section 316.2128, Florida Statutes, is  
 24 created to read:

25 316.2128 Operation of motorized scooters and miniature  
 26 motorcycles; requirements for sales.--

27 (1) A person who engages in the business of, serves in  
 28 the capacity of, or acts as a commercial seller of motorized  
 29 scooters or miniature motorcycles in this state must  
 30 prominently display at his or her place of business a notice  
 31 that such vehicles are not legal to operate on public roads or

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1 sidewalks and may not be registered as motor vehicles. The  
 2 required notice must also appear in all forms of advertising  
 3 offering motorized scooters or miniature motorcycles for sale.  
 4 The notice and a copy of this section must also be provided to  
 5 a consumer prior to the consumer's purchasing or becoming  
 6 obligated to purchase a motorized scooter or a miniature  
 7 motorcycle.

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

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

14 316.221 Taillamps.--

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

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

28 316.302 Commercial motor vehicles; safety regulations;  
 29 transporters and shippers of hazardous materials;  
 30 enforcement.--

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

8 (2)

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

14 1. More than 12 hours following 10 consecutive hours  
 15 off duty; or

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

24  
 25 The provisions of this paragraph do not apply to drivers of  
 26 utility service vehicles as defined in 49 C.F.R. s. 395.2.  
 27 ~~public utility vehicles or authorized emergency vehicles~~  
 28 ~~during periods of severe weather or other emergencies.~~

29 (c) Except as provided in 49 C.F.R. s. 395.1, a person  
 30 who operates a commercial motor vehicle solely in intrastate  
 31 commerce not transporting any hazardous material in amounts

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1 that require placarding pursuant to 49 C.F.R. part 172 may not  
 2 drive after having been on duty more than 70 hours in any  
 3 period of 7 consecutive days or more than 80 hours in any  
 4 period of 8 consecutive days if the motor carrier operates  
 5 every day of the week. Thirty-four ~~be on duty more than 72~~  
 6 ~~hours in any period of 7 consecutive days, but carriers~~  
 7 ~~operating every day in a week may permit drivers to remain on~~  
 8 ~~duty for a total of not more than 84 hours in any period of 8~~  
 9 ~~consecutive days; however, 24~~ consecutive hours off duty shall  
 10 constitute the end of any such period of 7 or 8 consecutive  
 11 days. This weekly limit does not apply to a person who  
 12 operates a commercial motor vehicle solely within this state  
 13 while transporting, during harvest periods, any unprocessed  
 14 agricultural products or unprocessed food or fiber that is ~~are~~  
 15 subject to seasonal harvesting from place of harvest to the  
 16 first place of processing or storage or from place of harvest  
 17 directly to market or while transporting livestock, livestock  
 18 feed, or farm supplies directly related to growing or  
 19 harvesting agricultural products. Upon request of the  
 20 Department of Transportation, motor carriers shall furnish  
 21 time records or other written verification to that department  
 22 so that the Department of Transportation can determine  
 23 compliance with this subsection. These time records must be  
 24 furnished to the Department of Transportation within 2 ~~10~~ days  
 25 after receipt of that department's request. Falsification of  
 26 such information is subject to a civil penalty not to exceed  
 27 \$100. The provisions of this paragraph do not apply to drivers  
 28 of ~~public~~ public utility service vehicles as defined in 49 C.F.R. s.  
 29 395.2. ~~or authorized emergency vehicles during periods of~~  
 30 ~~severe weather or other emergencies.~~

31 (d) A person who operates a commercial motor vehicle

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

12 (f) A person who operates a commercial motor vehicle  
 13 having a declared gross vehicle weight of less than 26,001  
 14 ~~26,000~~ pounds solely in intrastate commerce and who is not  
 15 transporting hazardous materials in amounts that require  
 16 placarding pursuant to 49 C.F.R. part 172, or who is  
 17 transporting petroleum products as defined in s. 376.301, is  
 18 exempt from subsection (1). However, such person must comply  
 19 with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss.  
 20 396.3(a)(1) and 396.9.

21 (i) A person ~~who was a regularly employed driver of a~~  
 22 ~~commercial motor vehicle on July 4, 1987, and~~ whose driving  
 23 record shows no traffic convictions, pursuant to s. 322.61,  
 24 during the 2-year period immediately preceding the application  
 25 for the commercial driver's license, ~~and~~ who is otherwise  
 26 qualified as a driver under 49 C.F.R. part 391, and who  
 27 operates a commercial vehicle in intrastate commerce only,  
 28 shall be exempt from the requirements of 49 C.F.R. part 391,  
 29 subpart E, s. 391.41(b)(10). However, such operators are still  
 30 subject to the requirements of ss. 322.12 and 322.121. As  
 31 proof of eligibility, such driver shall have in his or her



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1 possession a physical examination form dated within the past  
2 24 months.

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

11 Section 19. Subsections (5) and (10) of section  
12 316.515, Florida Statutes, are amended to read:

13 316.515 Maximum width, height, length.--

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

16 (a) Notwithstanding any other provisions of law,  
17 straight trucks, agricultural tractors, and cotton module  
18 movers, not exceeding 50 feet in length, or any combination of  
19 up to and including three implements of husbandry, including  
20 the towing power unit, and any single agricultural trailer  
21 with a load thereon or any agricultural implements attached to  
22 a towing power unit not exceeding 130 inches in width, or a  
23 self-propelled agricultural implement or an agricultural  
24 tractor not exceeding 130 inches in width, is authorized for  
25 the purpose of transporting peanuts, grains, soybeans, cotton,  
26 hay, straw, or other perishable farm products from their point  
27 of production to the first point of change of custody or of  
28 long-term storage, and for the purpose of returning to such  
29 point of production, or for the purpose of moving such  
30 tractors, movers, and implements from one point of  
31 agricultural production to another, by a person engaged in the

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1 production of any such product or custom hauler, if such  
 2 vehicle or combination of vehicles otherwise complies with  
 3 this section. The Department of Transportation may issue  
 4 overwidth permits for implements of husbandry greater than 130  
 5 inches, but not more than 170 inches, in width. ~~Such vehicles~~  
 6 ~~shall be operated in accordance with all safety requirements~~  
 7 ~~prescribed by law and Department of Transportation rules.~~ The  
 8 Department of Transportation may issue overlength permits for  
 9 cotton module movers greater than 50 feet but not more than 55  
 10 feet in overall length. Such vehicles shall be operated in  
 11 accordance with all safety requirements prescribed by law and  
 12 rules of the Department of Transportation.

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

22 (10) AUTOMOBILE TOWAWAY AND DRIVEAWAY OPERATIONS.--An  
 23 automobile towaway or driveaway operation transporting new or  
 24 used trucks may use what is known to the trade as "saddle  
 25 mounts," if the overall length does not exceed 97 75 feet and  
 26 no more than three saddle mounts are towed. Such combinations  
 27 may include one full mount. Saddle mount combinations must  
 28 also comply with the applicable safety regulations in 49  
 29 C.F.R. s. 393.71.

30 Section 20. Subsection (9) of section 318.14, Florida  
 31 Statutes, is amended to read:

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1           318.14 Noncriminal traffic infractions; exception;  
2 procedures.--

3           (9) Any person who does not hold a commercial driver's  
4 license and who is cited for an infraction under this section  
5 other than a violation of s. 316.183(2), s. 316.187, or s.  
6 316.189 when the driver exceeds the posted limit by 30 miles  
7 per hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s.  
8 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of  
9 a court appearance, elect to attend in the location of his or  
10 her choice within this state a basic driver improvement course  
11 approved by the Department of Highway Safety and Motor  
12 Vehicles. In such a case, adjudication must be withheld;  
13 points, as provided by s. 322.27, may not be assessed; and the  
14 civil penalty that is imposed by s. 318.18(3) must be reduced  
15 by 18 percent; however, a person may not make an election  
16 under this subsection if the person has made an election under  
17 this subsection in the preceding 12 months. A person may make  
18 no more than five elections under this subsection. The  
19 requirement for community service under s. 318.18(8) is not  
20 waived by a plea of nolo contendere or by the withholding of  
21 adjudication of guilt by a court.

22           Section 21. Paragraph (f) is added to subsection (1)  
23 of section 318.143, Florida Statutes, to read:

24           318.143 Sanctions for infractions by minors.--

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

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

31           Section 22. Section 318.1435, Florida Statutes, is

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1 created to read:

2 318.1435 Youthful driver monitoring services.--

3 (1) As used in this section, the term "youthful driver  
 4 monitoring service" means an entity that enables parents or  
 5 guardians to monitor the driving performance of their minor  
 6 children. The service may provide monitoring by posting on a  
 7 vehicle a placard that shows a toll-free telephone number and  
 8 a unique identifying number and includes a request to members  
 9 of the public to call the toll-free telephone number to report  
 10 inappropriate driving practices. The service shall enter into  
 11 a contract with the parents or guardians under which the  
 12 service shall timely forward to the parents or guardians all  
 13 reports of inappropriate driving practices by the minor child.

14 (2) A youthful driver monitoring service may register  
 15 with the Department of Highway Safety and Motor Vehicles. The  
 16 registration must consist of a narrative description of the  
 17 services offered by the youthful driver monitoring service,  
 18 the name of the manager in charge of the service, the address  
 19 of the service, and the telephone number of the service.  
 20 Registration under this subsection remains valid indefinitely,  
 21 but it is the responsibility of the youthful driver monitoring  
 22 service to timely file a revised registration statement to  
 23 reflect any changes in the required information. If the  
 24 department determines that the youthful driver monitoring  
 25 service is not providing the services described in the  
 26 narrative statement, the department may suspend the  
 27 registration; however, the department must reinstate the  
 28 registration when the service files a revised statement that  
 29 reflects its actual practices.

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



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1	6-9 m.p.h.....	\$ 25
2	10-14 m.p.h.....	\$100
3	15-19 m.p.h.....	\$125
4	20-29 m.p.h.....	\$150
5	30 m.p.h. and above.....	\$250

6

7           (c) Notwithstanding paragraph (b), a person cited for

8 exceeding the speed limit by up to 5 m.p.h. in a legally

9 posted school zone will be fined \$50. A person exceeding the

10 speed limit in a school zone shall pay a fine double the

11 amount listed in paragraph (b).

12           (d) A person cited for exceeding the speed limit in a

13 posted construction zone shall pay a fine double the amount

14 listed in paragraph (b). The fine shall be doubled for

15 construction zone violations only if construction personnel

16 are present or operating equipment on the road or immediately

17 adjacent to the road under construction.

18           (e) If a violation of s. 316.1301 or s. 316.1303

19 results in an injury to the pedestrian or damage to the

20 property of the pedestrian, an additional fine of up to \$250

21 shall be paid. This amount must be distributed pursuant to s.

22 318.21.

23           (f) A person cited for exceeding the speed limit

24 within a zone posted for any electronic or manual toll

25 collection facility shall pay a fine double the amount listed

26 in paragraph (b). However, no person cited for exceeding the

27 speed limit in any toll collection zone shall be subject to a

28 doubled fine unless the governmental entity or authority

29 controlling the toll collection zone first installs a traffic

30 control device providing warning that speeding fines are

31 doubled. Any such traffic control device must meet the

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1 requirements of the uniform system of traffic control devices.

2 (g) A person cited for a second or subsequent  
3 conviction of speed exceeding the limit by 30 miles per hour  
4 and above within a 12-month period shall pay a fine that is  
5 double the amount listed in paragraph (b). For purposes of  
6 this paragraph, the term "conviction" means a finding of guilt  
7 as a result of a jury verdict, nonjury trial, or entry of a  
8 plea of guilty. Moneys received from the increased fine  
9 imposed by this paragraph shall be remitted to the Department  
10 of Revenue and deposited into the Department of Health  
11 Administrative Trust Fund to provide financial support to  
12 certified trauma centers to assure the availability and  
13 accessibility of trauma services throughout the state. Funds  
14 deposited into the Administrative Trust Fund under this  
15 section shall be allocated as follows:

16 1. Fifty percent shall be allocated equally among all  
17 Level I, Level II, and pediatric trauma centers in recognition  
18 of readiness costs for maintaining trauma services.

19 2. Fifty percent shall be allocated among Level I,  
20 Level II, and pediatric trauma centers based on each center's  
21 relative volume of trauma cases as reported in the Department  
22 of Health Trauma Registry.

23 (12) Two ~~One~~ hundred dollars for a violation of s.  
24 316.520(1) or (2). If, at a hearing, the alleged offender is  
25 found to have committed this offense, the court shall impose a  
26 minimum civil penalty of \$200 ~~\$100~~. For a second or subsequent  
27 adjudication within a period of 5 years, the department shall  
28 suspend the driver's license of the person for not less than 1  
29 year ~~180 days~~ and not more than 2 years ~~1 year~~.

30 Section 25. Section 318.19, Florida Statutes, is  
31 amended to read:

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1           318.19    Infractions requiring a mandatory hearing.--Any  
 2 person cited for the infractions listed in this section shall  
 3 not have the provisions of s. 318.14(2), (4), and (9)  
 4 available to him or her but must appear before the designated  
 5 official at the time and location of the scheduled hearing:

6           (1) Any infraction which results in a crash that  
 7 causes the death of another;

8           (2) Any infraction which results in a crash that  
 9 causes "serious bodily injury" of another as defined in s.  
 10 316.1933(1);

11           (3) Any infraction of s. 316.172(1)(b); ~~or~~

12           (4) Any infraction of s. 316.520(1) or (2); ~~or~~

13           (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
 14 316.189 of exceeding the speed limit by 30 m.p.h. or more.

15           Section 26. Subsection (1) of section 318.32, Florida  
 16 Statutes, is amended to read:

17           318.32    Jurisdiction; limitations.--

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

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

28           (b) Hear a case involving a crash resulting in injury  
 29 or death;

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



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1 with a criminal traffic offense; or

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

4 Section 27. Subsection (1) of section 320.015, Florida  
5 Statutes, is amended to read:

6 320.015 Taxation of mobile homes.--

7 (1) A mobile home, as defined in s. 320.01(2),  
8 regardless of its actual use, shall be subject only to a  
9 license tax unless classified and taxed as real property. A  
10 mobile home is to be considered real property only when the  
11 owner of the mobile home is also the owner of the land on  
12 which the mobile home is situated and said mobile home is  
13 permanently affixed thereto. Any prefabricated or modular  
14 housing unit or portion thereof not manufactured upon an  
15 integral chassis or undercarriage for travel over the highways  
16 shall be taxed as real property once it is permanently affixed  
17 to real property. This subsection does not apply to a display  
18 home or other inventory being held for sale by a manufacturer  
19 or dealer of modular housing units ~~even though transported~~  
20 ~~over the highways to a site for erection or use.~~

21 Section 28. Effective July 1, 2008, subsection (1) of  
22 section 320.02, Florida Statutes, is amended to read:

23 320.02 Registration required; application for  
24 registration; forms.--

25 (1) Except as otherwise provided in this chapter,  
26 every owner or person in charge of a motor vehicle that ~~which~~  
27 is operated or driven on the roads of this state shall  
28 register the vehicle in this state. The owner or person in  
29 charge shall apply to the department or to its authorized  
30 agent for registration of each such vehicle on a form  
31 prescribed by the department. Prior to the original

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1 registration of a motorcycle, motor-driven cycle, or moped,  
 2 the owner, if a natural person, must present proof that he or  
 3 she has a valid motorcycle endorsement as required in chapter  
 4 322. A ~~No~~ registration is not required for any motor vehicle  
 5 that ~~which~~ is not operated on the roads of this state during  
 6 the registration period.

7 Section 29. Subsection (8) of section 320.03, Florida  
 8 Statutes, is amended to read:

9 320.03 Registration; duties of tax collectors;  
 10 International Registration Plan.--

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

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1 any license plate or revalidation sticker contrary to the  
 2 provisions of this subsection. This section applies only to  
 3 the annual renewal in the owner's birth month of a motor  
 4 vehicle registration and does not apply to the transfer of a  
 5 registration of a motor vehicle sold by a motor vehicle dealer  
 6 licensed under this chapter, except for the transfer of  
 7 registrations which is inclusive of the annual renewals. This  
 8 section does not affect the issuance of the title to a motor  
 9 vehicle, notwithstanding s. 319.23(7)(b).

10 Section 30. Section 320.07, Florida Statutes, is  
 11 amended to read:

12 320.07 Expiration of registration; annual renewal  
 13 required; penalties.--

14 (1) The registration of a motor vehicle or mobile home  
 15 shall expire at midnight on the last day of the registration  
 16 period. A vehicle shall not be operated on the roads of this  
 17 state after expiration of the renewal period unless the  
 18 registration has been renewed according to law.

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

26 (3) The operation of any motor vehicle without having  
 27 attached thereto a registration license plate and validation  
 28 stickers, or the use of any mobile home without having  
 29 attached thereto a mobile home sticker, for the current  
 30 registration period shall subject the owner thereof, if he or  
 31 she is present, or, if the owner is not present, the operator

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1 | thereof to the following penalty provisions:

2 |         (a) Any person whose motor vehicle or mobile home  
3 | registration has been expired for a period of 6 months or less  
4 | commits a noncriminal traffic infraction, punishable as a  
5 | nonmoving violation as provided in chapter 318.

6 |         (b) Any person whose motor vehicle or mobile home  
7 | registration has been expired for more than 6 months shall  
8 | upon a first offense be subject to the penalty provided in s.  
9 | 318.14.

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

15 |         (d) However, no operator shall be charged with a  
16 | violation of this subsection if the operator can show,  
17 | pursuant to a valid lease agreement, that the vehicle had been  
18 | leased for a period of 30 days or less at the time of the  
19 | offense.

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

29 |         (f) The owner of a leased motor vehicle is not  
30 | responsible for any penalty specified in this subsection if  
31 | the motor vehicle is registered in the name of the lessee of

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1 the motor vehicle.

2           (4)(a) In addition to a penalty provided in subsection  
3 (3), a delinquent fee based on the following schedule of  
4 license taxes shall be imposed on any applicant who fails to  
5 renew a registration prior to the end of the month in which  
6 renewal registration is due. The delinquent fee shall be  
7 applied beginning on the 11th calendar day of the month  
8 succeeding the renewal period. The delinquent fee shall not  
9 apply to those vehicles which have not been required to be  
10 registered during the preceding registration period or as  
11 provided in s. 320.18(2). The delinquent fee shall be imposed  
12 as follows:

- 13           1. License tax of \$5 but not more than \$25: \$5 flat.
- 14           2. License tax over \$25 but not more than \$50: \$10
- 15 flat.
- 16           3. License tax over \$50 but not more than \$100: \$15
- 17 flat.
- 18           4. License tax over \$100 but not more than \$400: \$50
- 19 flat.
- 20           5. License tax over \$400 but not more than \$600: \$100
- 21 flat.
- 22           6. License tax over \$600 and up: \$250 flat.

23           (b) A person who has been assessed a penalty pursuant  
24 to s. 316.545(2)(b) for failure to have a valid vehicle  
25 registration certificate is not subject to the delinquent fee  
26 authorized by this subsection if such person obtains a valid  
27 registration certificate within 10 working days after such  
28 penalty was assessed. The official receipt authorized by s.  
29 316.545(6) constitutes proof of payment of the penalty  
30 authorized in s. 316.545(2)(b).

31 (c) The owner of a leased motor vehicle is not

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1 responsible for any delinquent fee specified in this  
2 subsection if the motor vehicle is registered in the name of  
3 the lessee of the motor vehicle.

4 (5) Any servicemember, as defined in s. 250.01, whose  
5 motor vehicle or mobile home registration has expired while  
6 serving on active duty or state active duty, shall be able to  
7 renew his or her registration upon return from active duty or  
8 state active duty without penalty, if the servicemember served  
9 on active duty or state active duty 35 miles or more from the  
10 servicemember's home of record prior to entering active duty  
11 or state active duty. The servicemember must provide to the  
12 department either a copy of the official military orders or a  
13 written verification signed by the servicemember's commanding  
14 officer to waive delinquent fees.

15 (6) Delinquent fees imposed under this section shall  
16 not be apportionable under the International Registration  
17 Plan.

18 Section 31. Section 320.0706, Florida Statutes, is  
19 amended to read:

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

30 Section 32. Paragraph (eee) is added to subsection (4)  
31 of section 320.08056, Florida Statutes, as amended by section

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1 1 of chapter 2005-357, Laws of Florida, and paragraph (a) of  
2 subsection (8) of that section is amended, to read:

3 320.08056 Specialty license plates.--

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

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

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

15 Section 33. Subsection (57) is added to section  
16 320.08058, Florida Statutes, to read:

17 320.08058 Specialty license plates.--

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

19 (a) Notwithstanding the provisions of s. 320.08053,  
20 the department shall develop a Future Farmers of America  
21 license plate as provided in this section. Future Farmers of  
22 America license plates must bear the colors and design  
23 approved by the department. The word "Florida" must appear at  
24 the top of the plate, and the words "Agricultural Education"  
25 must appear at the bottom of the plate.

26 (b) The license plate annual use fee shall be  
27 distributed quarterly to the Florida Future Farmers of America  
28 Foundation, Inc., to fund activities and services of the  
29 Future Farmers of America.

30 (c) The Florida Future Farmers of America Foundation,  
31 Inc., shall retain all revenue from the annual use fees until

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1 all startup costs for developing and establishing the plates  
 2 have been recovered. Thereafter, up to 10 percent of the  
 3 annual use fee revenue may be used for administrative,  
 4 handling, and disbursement expenses and up to 5 percent may be  
 5 used for advertising and marketing costs. All remaining annual  
 6 use fee revenue shall be used by the Florida Future Farmers of  
 7 America Foundation, Inc., to fund its activities, programs,  
 8 and projects, including, but not limited to, student and  
 9 teacher leadership programs, the Foundation for Leadership  
 10 Training Center, teacher recruitment and retention, and other  
 11 special projects.

12 Section 34. Section 320.089, Florida Statutes, is  
 13 amended to read:

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

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



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

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

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

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

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

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

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

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

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

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

22 Section 35. Subsection (4) and paragraph (b) of  
23 subsection (9) of section 320.27, Florida Statutes, are  
24 amended to read:

25 320.27 Motor vehicle dealers.--

26 (4) LICENSE CERTIFICATE.--

27 (a) A license certificate shall be issued by the  
28 department in accordance with such application when the  
29 application is regular in form and in compliance with the  
30 provisions of this section. The license certificate may be in  
31 the form of a document or a computerized card as determined by

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1 | the department. The actual cost of each original, additional,  
2 | or replacement computerized card shall be borne by the  
3 | licensee and is in addition to the fee for licensure. Such  
4 | license, when so issued, entitles the licensee to carry on and  
5 | conduct the business of a motor vehicle dealer. Each license  
6 | issued to a franchise motor vehicle dealer expires annually on  
7 | December 31 unless revoked or suspended prior to that date.  
8 | Each license issued to an independent or wholesale dealer or  
9 | auction expires annually on April 30 unless revoked or  
10 | suspended prior to that date. Not less than 60 days prior to  
11 | the license expiration date, the department shall deliver or  
12 | mail to each licensee the necessary renewal forms. Each  
13 | independent dealer shall certify that the dealer ~~principal~~  
14 | (owner, partner, officer ~~of the corporation~~, or director of  
15 | the licensee, or a full-time employee of the licensee that  
16 | holds a responsible management-level position) has completed 8  
17 | hours of continuing education prior to filing the renewal  
18 | forms with the department. Such certification shall be filed  
19 | once every 2 years commencing with the 2006 renewal period.  
20 | The continuing education shall include at least 2 hours of  
21 | legal or legislative issues, 1 hour of department issues, and  
22 | 5 hours of relevant motor vehicle industry topics. Continuing  
23 | education shall be provided by dealer schools licensed under  
24 | paragraph (b) either in a classroom setting or by  
25 | correspondence. Such schools shall provide certificates of  
26 | completion to the department and the customer which shall be  
27 | filed with the license renewal form, and such schools may  
28 | charge a fee for providing continuing education. Any licensee  
29 | who does not file his or her application and fees and any  
30 | other requisite documents, as required by law, with the  
31 | department at least 30 days prior to the license expiration

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1 date shall cease to engage in business as a motor vehicle  
2 dealer on the license expiration date. A renewal filed with  
3 the department within 45 days after the expiration date shall  
4 be accompanied by a delinquent fee of \$100. Thereafter, a new  
5 application is required, accompanied by the initial license  
6 fee. A license certificate duly issued by the department may  
7 be modified by endorsement to show a change in the name of the  
8 licensee, provided, as shown by affidavit of the licensee, the  
9 majority ownership interest of the licensee has not changed or  
10 the name of the person appearing as franchisee on the sales  
11 and service agreement has not changed. Modification of a  
12 license certificate to show any name change as herein provided  
13 shall not require initial licensure or reissuance of dealer  
14 tags; however, any dealer obtaining a name change shall  
15 transact all business in and be properly identified by that  
16 name. All documents relative to licensure shall reflect the  
17 new name. In the case of a franchise dealer, the name change  
18 shall be approved by the manufacturer, distributor, or  
19 importer. A licensee applying for a name change endorsement  
20 shall pay a fee of \$25 which fee shall apply to the change in  
21 the name of a main location and all additional locations  
22 licensed under the provisions of subsection (5). Each initial  
23 license application received by the department shall be  
24 accompanied by verification that, within the preceding 6  
25 months, the applicant, or one or more of his or her designated  
26 employees, has attended a training and information seminar  
27 conducted by a licensed motor vehicle dealer training school.  
28 Any applicant for a new franchised motor vehicle dealer  
29 license who has held a valid franchised motor vehicle dealer  
30 license continuously for the past 2 years and who remains in  
31 good standing with the department is exempt from the

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1 prelicensing training requirement. Such seminar shall include,  
 2 but is not limited to, statutory dealer requirements, which  
 3 requirements include required bookkeeping and recordkeeping  
 4 procedures, requirements for the collection of sales and use  
 5 taxes, and such other information that in the opinion of the  
 6 department will promote good business practices. No seminar  
 7 may exceed 8 hours in length.

8 (b) Each initial license application received by the  
 9 department for licensure under subparagraph (1)(c)2. must be  
 10 accompanied by verification that, within the preceding 6  
 11 months, the applicant (owner, partner, officer ~~of the~~  
 12 ~~corporation~~, or director of the applicant, or a full-time  
 13 employee of the applicant that holds a responsible  
 14 management-level position) has successfully completed training  
 15 conducted by a licensed motor vehicle dealer training school.  
 16 Such training must include training in titling and  
 17 registration of motor vehicles, laws relating to unfair and  
 18 deceptive trade practices, laws relating to financing with  
 19 regard to buy-here, pay-here operations, and such other  
 20 information that in the opinion of the department will promote  
 21 good business practices. Successful completion of this  
 22 training shall be determined by examination administered at  
 23 the end of the course and attendance of no less than 90  
 24 percent of the total hours required by such school. Any  
 25 applicant who had held a valid motor vehicle dealer's license  
 26 within the past 2 years and who remains in good standing with  
 27 the department is exempt from the requirements of this  
 28 paragraph. ~~In the case of nonresident applicants, the~~  
 29 ~~requirement to attend such training shall be placed on any~~  
 30 ~~employee of the licensee who holds a responsible~~  
 31 ~~management-level position and who is employed full-time at the~~

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1 ~~motor vehicle dealership.~~ The department shall have the  
 2 authority to adopt any rule necessary for establishing the  
 3 training curriculum; length of training, which shall not  
 4 exceed 8 hours for required department topics and shall not  
 5 exceed an additional 24 hours for topics related to other  
 6 regulatory agencies' instructor qualifications; and any other  
 7 requirements under this section. The curriculum for other  
 8 subjects shall be approved by any and all other regulatory  
 9 agencies having jurisdiction over specific subject matters;  
 10 however, the overall administration of the licensing of these  
 11 dealer schools and their instructors shall remain with the  
 12 department. Such schools are authorized to charge a fee.  
 13 This privatized method for training applicants for dealer  
 14 licensing pursuant to subparagraph (1)(c)2. is a pilot program  
 15 that shall be evaluated by the department after it has been in  
 16 operation for a period of 2 years.

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

18 (b) The department may deny, suspend, or revoke any  
 19 license issued hereunder or under the provisions of s. 320.77  
 20 or s. 320.771 upon proof that a licensee has committed, with  
 21 sufficient frequency so as to establish a pattern of  
 22 wrongdoing on the part of a licensee, violations of one or  
 23 more of the following activities:

24 1. Representation that a demonstrator is a new motor  
 25 vehicle, or the attempt to sell or the sale of a demonstrator  
 26 as a new motor vehicle without written notice to the purchaser  
 27 that the vehicle is a demonstrator. For the purposes of this  
 28 section, a "demonstrator," a "new motor vehicle," and a "used  
 29 motor vehicle" shall be defined as under s. 320.60.

30 2. Unjustifiable refusal to comply with a licensee's  
 31 responsibility under the terms of the new motor vehicle

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1 warranty issued by its respective manufacturer, distributor,  
2 or importer. However, if such refusal is at the direction of  
3 the manufacturer, distributor, or importer, such refusal shall  
4 not be a ground under this section.

5           3. Misrepresentation or false, deceptive, or  
6 misleading statements with regard to the sale or financing of  
7 motor vehicles which any motor vehicle dealer has, or causes  
8 to have, advertised, printed, displayed, published,  
9 distributed, broadcast, televised, or made in any manner with  
10 regard to the sale or financing of motor vehicles.

11           4. Failure by any motor vehicle dealer to provide a  
12 customer or purchaser with an odometer disclosure statement  
13 and a copy of any bona fide written, executed sales contract  
14 or agreement of purchase connected with the purchase of the  
15 motor vehicle purchased by the customer or purchaser.

16           5. Failure of any motor vehicle dealer to comply with  
17 the terms of any bona fide written, executed agreement,  
18 pursuant to the sale of a motor vehicle.

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

21           7. Use of the dealer license identification number by  
22 any person other than the licensed dealer or his or her  
23 designee.

24           8. Failure to continually meet the requirements of the  
25 licensure law.

26           9. Representation to a customer or any advertisement  
27 to the public representing or suggesting that a motor vehicle  
28 is a new motor vehicle if such vehicle lawfully cannot be  
29 titled in the name of the customer or other member of the  
30 public by the seller using a manufacturer's statement of  
31 origin as permitted in s. 319.23(1).



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

4           11. Requirement by any motor vehicle dealer that any  
5 customer or purchaser finance a motor vehicle with a specific  
6 financial institution or company.

7           12. Requirement by any motor vehicle dealer that the  
8 purchaser of a motor vehicle contract with the dealer for  
9 physical damage insurance.

10           13. Perpetration of a fraud upon any person as a  
11 result of dealing in motor vehicles, including, without  
12 limitation, the misrepresentation to any person by the  
13 licensee of the licensee's relationship to any manufacturer,  
14 importer, or distributor.

15           14. Violation of any of the provisions of s. 319.35 by  
16 any motor vehicle dealer.

17           15. Sale by a motor vehicle dealer of a vehicle  
18 offered in trade by a customer prior to consummation of the  
19 sale, exchange, or transfer of a newly acquired vehicle to the  
20 customer, unless the customer provides written authorization  
21 for the sale of the trade-in vehicle prior to delivery of the  
22 newly acquired vehicle.

23           16. Willful failure to comply with any administrative  
24 rule adopted by the department or the provisions of s.  
25 320.131(8).

26           17. Violation of chapter 319, this chapter, or ss.  
27 559.901-559.9221, which has to do with dealing in or repairing  
28 motor vehicles or mobile homes. Additionally, in the case of  
29 used motor vehicles, the willful violation of the federal law  
30 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining  
31 to the consumer sales window form.

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

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

6 Section 36. Subsection (5) is added to section  
7 320.405, Florida Statutes, to read:

8 320.405 International Registration Plan; inspection of  
9 records; hearings.--

10 (5) The department may enter into an agreement for  
11 scheduling the payment of taxes or penalties owed to the  
12 department as a result of an audit assessment issued under  
13 this section.

14 Section 37. Subsection (1) of section 320.77 is  
15 amended, present subsections (9) through (15) are redesignated  
16 as subsections (10) through (16), respectively, and a new  
17 subsection (9) is added to that section, to read:

18 320.77 License required of mobile home dealers.--

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

20 (a) "Dealer" means any person engaged in the business  
21 of buying, selling, or dealing in mobile homes or offering or  
22 displaying mobile homes for sale. The term "dealer" includes  
23 a mobile home broker. Any person who buys, sells, deals in, or  
24 offers or displays for sale, or who acts as the agent for the  
25 sale of, one or more mobile homes in any 12-month period shall  
26 be prima facie presumed to be a dealer. The terms "selling"  
27 and "sale" include lease-purchase transactions. The term  
28 "dealer" does not include banks, credit unions, and finance  
29 companies that acquire mobile homes as an incident to their  
30 regular business and does not include mobile home rental and  
31 leasing companies that sell mobile homes to dealers licensed

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1 under this section. A licensed dealer may transact business in  
 2 recreational vehicles with a motor vehicle auction as defined  
 3 in s. 320.27(1)(c)4. Any licensed dealer dealing exclusively  
 4 in mobile homes shall not have benefit of the privilege of  
 5 using dealer license plates.

6 (b) "Mobile home broker" means any person who is  
 7 engaged in the business of offering to procure or procuring  
 8 used mobile homes for the general public; who holds himself or  
 9 herself out through solicitation, advertisement, or otherwise  
 10 as one who offers to procure or procures used mobile homes for  
 11 the general public; or who acts as the agent or intermediary  
 12 on behalf of the owner or seller of a used mobile home which  
 13 is for sale or who assists or represents the seller in finding  
 14 a buyer for the mobile home.

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

17 a. Is employed as a salesperson by a mobile home  
 18 dealer, as defined in s. 320.77, or who, under any contract,  
 19 agreement, or arrangement with a dealer, for a commission,  
 20 money, profit, or any other thing of value, sells, exchanges,  
 21 buys, or offers for sale, negotiates, or attempts to negotiate  
 22 a sale or exchange of an interest in a mobile home required to  
 23 be titled under this chapter;

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

29 c. Exercises managerial control over the business of a  
 30 licensed mobile home dealer or who supervises mobile home  
 31 salespersons employed by a licensed mobile home dealer,

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1 whether compensated by salary or commission, including, but  
 2 not limited to, any person who is employed by the mobile home  
 3 dealer as a general manager, assistant general manager, or  
 4 sales manager, or any employee of a licensed mobile home  
 5 dealer who negotiates with or induces a customer to enter into  
 6 a security agreement or purchase agreement or purchase order  
 7 for the sale of a mobile home on behalf of the licensed mobile  
 8 home dealer.

9       2. The term does not include:

10       a. A representative of an insurance company or a  
 11 finance company, or a public official who, in the regular  
 12 course of business, is required to dispose of or sell mobile  
 13 homes under a contractual right or obligation of the employer,  
 14 in the performance of an official duty, or under the authority  
 15 of any court if the sale is to save the seller from any loss  
 16 or pursuant to the authority of a court.

17       b. A person who is licensed as a manufacturer,  
 18 remanufacturer, transporter, distributor, or representative of  
 19 mobile homes.

20       c. A person who is licensed as a mobile home dealer  
 21 under this chapter.

22       d. A person not engaged in the purchase or sale of  
 23 mobile homes as a business who is disposing of mobile homes  
 24 acquired for his or her own use or for use in his or her  
 25 business if the mobile homes were acquired and used in good  
 26 faith and not for the purpose of avoiding the provisions of  
 27 this chapter.

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

29       (a) Each licensee shall register with the department,  
 30 within 30 days after the date of hire, the name, local  
 31 residence address, and home telephone number of each person

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1 employed by such licensee as a mobile home salesperson. A  
2 licensee may not provide a post office box in lieu of a  
3 physical residential address.

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

7 (c) Quarterly, each licensee shall notify the  
8 department of the termination or separation from employment of  
9 each mobile home salesperson employed by the licensee. Each  
10 notification must be on a form prescribed by the department.

11 Section 38. Section 320.781, Florida Statutes, is  
12 amended to read:

13 320.781 Mobile Home and Recreational Vehicle  
14 Protection Trust Fund.--

15 (1) There is hereby established a Mobile Home and  
16 Recreational Vehicle Protection Trust Fund. The trust fund  
17 shall be administered and managed by the Department of Highway  
18 Safety and Motor Vehicles. The expenses incurred by the  
19 department in administering this section shall be paid only  
20 from appropriations made from the trust fund.

21 (2) Beginning October 1, 1990, the department shall  
22 charge and collect an additional fee of \$1 for each new mobile  
23 home and new recreational vehicle title transaction for which  
24 it charges a fee. This additional fee shall be deposited into  
25 the trust fund. The Department of Highway Safety and Motor  
26 Vehicles shall charge a fee of \$40 per annual dealer and  
27 manufacturer license and license renewal, which shall be  
28 deposited into the trust fund. The sums deposited in the trust  
29 fund shall be used exclusively for carrying out the purposes  
30 of this section. These sums may be invested and reinvested by  
31 the Chief Financial Officer under the same limitations as

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1 apply to investment of other state funds, with all interest  
2 from these investments deposited to the credit of the trust  
3 fund.

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

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

23 (5) Subject to the limitations and requirements of  
24 this section, the trust fund shall be used by the department  
25 to compensate persons who have unsatisfied judgments, or in  
26 certain limited circumstances unsatisfied claims, against a  
27 mobile home or recreational vehicle dealer or broker. The  
28 following conditions must exist for a person to be eligible to  
29 file a claim against the trust fund ~~in one of the following~~  
30 ~~situations:~~

31 (a) The claimant has obtained a final judgment that

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1 ~~which~~ is unsatisfied against the mobile home or recreational  
2 vehicle dealer or broker or its surety jointly and severally,  
3 or against the mobile home dealer or broker only, if the court  
4 found that the surety was not liable due to prior payment of  
5 valid claims against the bond in an amount equal to, or  
6 greater than, the face amount of the applicable bond; or the  
7 claimant is prohibited from filing a claim in a lawsuit  
8 because a bankruptcy proceeding is pending by the dealer or  
9 broker, and the claimant has filed a claim in that bankruptcy  
10 proceeding; or the dealer or broker has closed his or her  
11 business and cannot be found or located within the  
12 jurisdiction of the state; and-

13 (b) A claim has been made in a lawsuit against the  
14 surety and a judgment obtained is unsatisfied; a claim has  
15 been made in a lawsuit against the surety which has been  
16 stayed or discharged in a bankruptcy proceeding; or a claimant  
17 is prohibited from filing a claim in a lawsuit because a  
18 bankruptcy proceeding is pending by surety or the surety is  
19 not liable due to the prior payment of valid claims against  
20 the bond in an amount equal to, or greater than, the face  
21 amount of the applicable bond. However, a claimant may not  
22 recover against the trust fund if the claimant has recovered  
23 from the surety an amount that is equal to or greater than the  
24 total loss. The claimant has obtained a judgment against the  
25 surety of the mobile home or recreational vehicle dealer or  
26 broker that is unsatisfied.

27 (c) ~~The claimant has alleged a claim against the~~  
28 ~~mobile home or recreational vehicle dealer or broker in a~~  
29 ~~lawsuit which has been stayed or discharged as a result of the~~  
30 ~~filing for reorganization or discharge in bankruptcy by the~~  
31 ~~dealer or broker, and judgment against the surety is not~~

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1 ~~possible because of the bankruptcy or liquidation of the~~  
 2 ~~surety, or because the surety has been found by a court of~~  
 3 ~~competent jurisdiction not to be liable due to prior payment~~  
 4 ~~of valid claims against the bond in an amount equal to, or~~  
 5 ~~greater than, the face amount of the applicable bond.~~

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

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

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

16 b. That the judgment against the mobile home or  
 17 recreational vehicle dealer or broker contains a specific  
 18 finding that the surety has no liability, that execution has  
 19 been returned unsatisfied, and that a judgment lien has been  
 20 perfected;

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

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

28 4. The amount that may be realized, if any, from the  
 29 sale of real or personal property or other assets of the  
 30 judgment debtor liable to be sold or applied in satisfaction  
 31 of the judgment and the balance remaining due on the judgment



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1 after application of the amount which has been realized and a  
2 certification that the claimant has made a good faith effort  
3 to collect the judgment; ~~and~~

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

7 ~~6.5.~~ Such other information as the department  
8 requires.

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

13 1. A true copy of the pleadings in the lawsuit that  
14 ~~which~~ was stayed or discharged by the bankruptcy court and the  
15 order of the bankruptcy court staying those proceedings or a  
16 true copy of the claim that was filed in the bankruptcy court  
17 proceedings;

18 2. Allegations of the acts or omissions by the mobile  
19 home or recreational vehicle dealer or broker setting forth  
20 the specific acts or omissions complained of which resulted in  
21 actual damage to the person, along with the actual dollar  
22 amount necessary to reimburse or compensate the person for  
23 costs or expenses resulting from the acts or omissions of  
24 which the person complained;

25 3. True copies of all purchase agreements, notices,  
26 service or repair orders or papers or documents of any kind  
27 whatsoever which the person received in connection with the  
28 purchase, exchange, or lease-purchase of the mobile home or  
29 recreational vehicle from which the person's cause of action  
30 arises; ~~and~~

31 4. An assignment by the claimant of rights, title, or

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1 interest in the claim to the department; and

2           ~~5.4.~~ Such other information as the department  
3 requires.

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

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

25           (8) The department, in its discretion and where  
26 feasible, may try to recover from the mobile home or  
27 recreational vehicle dealer or broker, or the judgment debtor  
28 or its surety, all sums paid to persons from the trust fund.  
29 Any sums recovered shall be deposited to the credit of the  
30 trust fund. The department shall be awarded a reasonable  
31 attorney's fee for all actions taken to recover any sums paid

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1 to persons from the trust fund pursuant to this section.

2 (9) This section does not apply to any claim, and a  
3 person may not recover against the trust fund as the result of  
4 any claim, against a mobile home or recreational vehicle  
5 dealer or broker resulting from a cause of action directly  
6 related to the sale, lease-purchase, exchange, brokerage, or  
7 installation of a mobile home or recreational vehicle prior to  
8 July 1, 2006 ~~October 1, 1990~~.

9 (10) Neither the department, nor the trust fund shall  
10 be liable to any person for recovery if the trust fund does  
11 not have the moneys necessary to pay amounts claimed. If the  
12 trust fund does not have sufficient assets to pay the  
13 claimant, it shall log the time and date of its determination  
14 for payment to a claimant. If moneys become available, the  
15 department shall pay the claimant whose unpaid claim is the  
16 earliest by time and date of determination.

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

23 Section 39. Subsection (16) of section 322.01, Florida  
24 Statutes, is amended, and subsections (43) and (44) are added  
25 to that section, to read:

26 322.01 Definitions.--As used in this chapter:

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

31 (43) "Identification card" means a personal

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1 identification card issued by the department which conforms to  
2 the definition in 18 U.S.C. s. 1028(d).

3       (44) "Temporary driver's license" or "temporary  
4 identification card" means a certificate issued by the  
5 department which, subject to all other requirements of law,  
6 authorizes an individual to drive a motor vehicle and denotes  
7 an operator's license, as defined in 49 U.S.C. s. 30301, or a  
8 personal identification card issued by the department which  
9 conforms to the definition in 18 U.S.C. s. 1028(d) and denotes  
10 that the holder is permitted to stay for a short duration of  
11 time, as specified on the temporary identification card, and  
12 is not a permanent resident of the United States.

13       Section 40. Subsection (2) of section 322.05, Florida  
14 Statutes, is amended to read:

15       322.05 Persons not to be licensed.--The department may  
16 not issue a license:

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

20       (a) Learner's driver's license for at least 12 months,  
21 with no moving traffic convictions, before applying for a  
22 license;

23       (b) Learner's driver's license for at least 12 months  
24 and who has a moving traffic conviction but elects to attend a  
25 traffic driving school for which adjudication must be withheld  
26 pursuant to s. 318.14; or

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

30       Section 41. Subsection (1) of section 322.051, Florida  
31 Statutes, is amended to read:

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1 322.051 Identification cards.--

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

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

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

15 Such proof must include one of the following documents issued  
16 to the applicant:

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

23 b. A certified copy of a United States birth  
24 certificate;

25 c. A United States passport;

26 d. A naturalization certificate issued by the United  
27 States Department of Homeland Security;

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

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

31 g. Proof of nonimmigrant classification provided by

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1 the United States Department of Homeland Security, for an  
2 original identification card. In order to prove such  
3 nonimmigrant classification, applicants may produce but are  
4 not limited to the following documents:

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

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

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

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

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

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

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

30  
31 Presentation of any of the documents described in

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

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

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

12 Section 42. Subsection (2) of section 322.08, Florida  
 13 Statutes, is amended to read:

14 322.08 Application for license.--

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

17 (a) 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 (b) Proof of birth date satisfactory to the  
 21 department.

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

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

31 2. A certified copy of a United States birth

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1 certificate;

2 3. A United States passport;

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

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

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

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

13 a. A notice of hearing from an immigration court  
14 scheduling a hearing on any proceeding.

15 b. A notice from the Board of Immigration Appeals  
16 acknowledging pendency of an appeal.

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

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

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

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



1 asylum.

2 g. Evidence that an application is pending for  
3 adjustment of status to that of an alien lawfully admitted for  
4 permanent residence in the United States or conditional  
5 permanent resident status in the United States, if a visa  
6 number is available having a current priority date for  
7 processing by the United States Bureau of Citizenship and  
8 Immigration Services.

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

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

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

23 Section 43. Effective July 1, 2008, subsection (5) of  
24 section 322.12, Florida Statutes, is amended to read:

25 322.12 Examination of applicants.--

26 (5)(a) The department shall formulate a separate  
27 examination for applicants for licenses to operate  
28 motorcycles. Any applicant for a driver's license who wishes  
29 to operate a motorcycle, and who is otherwise qualified, must  
30 successfully complete such an examination, which is in  
31 addition to the examination administered under subsection (3).

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

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

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1 applicant in the operation of a motorcycle.

2 Section 44. Subsection (8) of section 322.121, Florida  
3 Statutes, is amended to read:

4 322.121 Periodic reexamination of all drivers.--

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

12 Section 45. Section 322.2615, Florida Statutes, is  
13 amended to read:

14 322.2615 Suspension of license; right to review.--

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

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1 department then determines that the person ~~was arrested for a~~  
 2 ~~violation of s. 316.193 and that the person~~ had a  
 3 blood-alcohol level or breath-alcohol level of 0.08 or higher,  
 4 the department shall suspend the person's driver's license  
 5 pursuant to subsection (3).

6 (b) The suspension under paragraph (a) shall be  
 7 pursuant to, and the notice of suspension shall inform the  
 8 driver of, the following:

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

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

23 2. The suspension period shall commence on the date of  
 24 ~~arrest or~~ issuance of the notice of suspension, ~~whichever is~~  
 25 ~~later.~~

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

30 4. The temporary permit issued at the time of  
 31 suspension ~~arrest~~ expires ~~will expire~~ at midnight of the 10th

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1 day following the date of ~~arrest or~~ issuance of the notice of  
 2 suspension, ~~whichever is later.~~

3 5. The driver may submit to the department any  
 4 materials relevant to the suspension ~~arrest.~~

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

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1           (3) If the department determines that the license ~~of~~  
 2 ~~the person arrested~~ should be suspended pursuant to this  
 3 section and if the notice of suspension has not already been  
 4 served upon the person by a law enforcement officer or  
 5 correctional officer as provided in subsection (1), the  
 6 department shall issue a notice of suspension and, unless the  
 7 notice is mailed pursuant to s. 322.251, a temporary permit  
 8 that ~~which~~ expires 10 days after the date of issuance if the  
 9 driver is otherwise eligible.

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

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

29           (6)(a) If the person whose license was suspended  
 30 ~~arrested~~ requests a formal review, the department must  
 31 schedule a hearing to be held within 30 days after such

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1 request is received by the department and must notify the  
2 person of the date, time, and place of the hearing.

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

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

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

30 (7) In a formal review hearing under subsection (6) or  
31 an informal review hearing under subsection (4), the hearing

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1 officer shall determine by a preponderance of the evidence  
2 whether sufficient cause exists to sustain, amend, or  
3 invalidate the suspension. The scope of the review shall be  
4 limited to the following issues:

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

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

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

15 ~~2.3.~~ Whether the person whose license was suspended  
16 had an unlawful blood-alcohol level or breath-alcohol level of  
17 0.08 or higher as provided in s. 316.193.

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

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

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

27 ~~2.3.~~ Whether the person whose license was suspended  
28 refused to submit to any such test after being requested to do  
29 so by a law enforcement officer or correctional officer.

30 ~~3.4.~~ Whether the person whose license was suspended  
31 was told that if he or she refused to submit to such test his



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1 or her privilege to operate a motor vehicle would be suspended  
2 for a period of 1 year or, in the case of a second or  
3 subsequent refusal, for a period of 18 months.

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

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

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

25 (9) A request for a formal review hearing or an  
26 informal review hearing shall not stay the suspension of the  
27 person's driver's license. If the department fails to  
28 schedule the formal review hearing to be held within 30 days  
29 after receipt of the request therefor, the department shall  
30 invalidate the suspension. If the scheduled hearing is  
31 continued at the department's initiative, the department shall

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1 issue a temporary driving permit that ~~which~~ shall be valid  
 2 until the hearing is conducted if the person is otherwise  
 3 eligible for the driving privilege. Such permit may ~~shall~~ not  
 4 be issued to a person who sought and obtained a continuance of  
 5 the hearing. The permit issued under this subsection shall  
 6 authorize driving for business or employment use only.

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

12 (a) If the suspension of the driver's license of the  
 13 person for failure to submit to a breath, urine, or blood test  
 14 is sustained, the person is not eligible to receive a license  
 15 for business or employment purposes only, pursuant to s.  
 16 322.271, until 90 days have elapsed after the expiration of  
 17 the last temporary permit issued. If the driver is not issued  
 18 a 10-day permit pursuant to this section or s. 322.64 because  
 19 he or she is ineligible for the permit and the suspension for  
 20 failure to submit to a breath, urine, or blood test is not  
 21 invalidated by the department, the driver is not eligible to  
 22 receive a business or employment license pursuant to s.  
 23 322.271 until 90 days have elapsed from the date of the  
 24 suspension.

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

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1 a 10-day permit pursuant to this section or s. 322.64 because  
 2 he or she is ineligible for the permit and the suspension ~~for~~  
 3 ~~a violation of s. 316.193~~, relating to unlawful blood-alcohol  
 4 level or breath-alcohol level of 0.08 or higher, is not  
 5 invalidated by the department, the driver is not eligible to  
 6 receive a business or employment license pursuant to s.  
 7 322.271 until 30 days have elapsed from the date of the  
 8 suspension ~~arrest~~.

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

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

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

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1 (14)(a) The decision of the department under this  
 2 section or any circuit court review thereof may not be  
 3 considered in any trial for a violation of s. 316.193, and a  
 4 written statement submitted by a person in his or her request  
 5 for departmental review under this section may not be admitted  
 6 into evidence against him or her in any such trial.

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

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

15 (16) The department shall invalidate a suspension for  
 16 driving with an unlawful blood-alcohol level or breath-alcohol  
 17 level imposed under this section if the suspended person is  
 18 found not guilty at trial of an underlying violation of s.  
 19 316.193.

20 Section 46. (1) The Department of Highway Safety and  
 21 Motor Vehicles shall study the outsourcing of its driver  
 22 license services and shall make recommendations to the  
 23 Governor, the President of the Senate, and the Speaker of the  
 24 House of Representatives by January 1, 2007. As used in this  
 25 section, the term "outsourcing" means the process of  
 26 contracting with an external service provider or other  
 27 governmental agency to provide a service, in whole or in part,  
 28 while the department retains the responsibility and  
 29 accountability for the service.

30 (2) As part of its study, the department shall provide  
 31 a description of the services to be outsourced. Types of

1 issues for the department to consider must include, but need  
2 not be limited to:

3 (a) A detailed description of the service to be  
4 outsourced and a description and analysis of the department's  
5 current performance of the service.

6 (b) A cost-benefit analysis describing the estimated  
7 specific direct and indirect costs or savings; performance  
8 improvements, including reduced wait times at driver license  
9 offices; risks; and qualitative and quantitative benefits  
10 involved in or resulting from outsourcing the service. The  
11 cost-benefit analysis must include a detailed plan and  
12 timeline identifying all actions that must be implemented to  
13 realize the expected benefits.

14 (c) A statement of the potential effect on applicable  
15 federal, state, and local revenues and expenditures. The  
16 statement must specifically describe the effect on general  
17 revenue, trust funds, general revenue service charges, and  
18 interest on trust funds, together with the potential direct or  
19 indirect effect on federal funding and cost allocations.

20 (d) A plan to ensure compliance with public-records  
21 law.

22 (e) A transition and implementation plan for  
23 addressing changes in the number of department personnel,  
24 affected business processes, and employee-transition issues.  
25 Such a plan must also specify the mechanism for continuing the  
26 operation of the service if the contractor fails to perform or  
27 comply with the performance standards and provisions of the  
28 contract. Within this plan, the department shall identify all  
29 resources, including full-time equivalent positions, which are  
30 subject to outsourcing.

31 Section 47. Subsection (1) of section 627.733, Florida

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1 Statutes, is amended to read:

2           627.733 Required security.--

3           (1)(a) Every owner or registrant of a motor vehicle,  
4 other than a motor vehicle used as a ~~taxicab~~, school bus as  
5 defined in s. 1006.257 or limousine, required to be registered  
6 and licensed in this state shall maintain security as required  
7 by subsection (3) in effect continuously throughout the  
8 registration or licensing period.

9           (b) Every owner or registrant of a motor vehicle used  
10 as a taxicab shall not be governed by paragraph (1)(a) but  
11 shall maintain security as required under s. 324.032(1), and  
12 s. 627.737 shall not apply to any motor vehicle used as a  
13 taxicab.

14           Section 48. Subsection (1) of section 324.032, Florida  
15 Statutes, is amended to read:

16           324.032 Manner of proving financial responsibility;  
17 for-hire passenger transportation vehicles.--Notwithstanding  
18 the provisions of s. 324.031:

19           (1)(a) A person who is either the owner or a lessee  
20 required to maintain insurance under s. 627.733(1)(b) ~~s.~~  
21 ~~324.021(9)(b)~~ and who operates one or more taxicabs,  
22 limousines, jitneys, or any other for-hire passenger  
23 transportation vehicles may prove financial responsibility by  
24 furnishing satisfactory evidence of holding a motor vehicle  
25 liability policy ~~as defined in s. 324.031~~, but with minimum  
26 limits of \$125,000/250,000/50,000.

27           (b) A person who is either the owner or a lessee  
28 required to maintain insurance under s. 324.021(9)(b) and who  
29 operates limousines, jitneys, or any other for-hire passenger  
30 vehicles, other than taxicabs, may prove financial  
31 responsibility by furnishing satisfactory evidence of holding

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1 a motor vehicle liability policy as defined in s. 324.031.

2

3 Upon request by the department, the applicant must provide the  
 4 department at the applicant's principal place of business in  
 5 this state access to the applicant's underlying financial  
 6 information and financial statements that provide the basis of  
 7 the certified public accountant's certification. The applicant  
 8 shall reimburse the requesting department for all reasonable  
 9 costs incurred by it in reviewing the supporting information.  
 10 The maximum amount of self-insurance permissible under this  
 11 subsection is \$300,000 and must be stated on a per-occurrence  
 12 basis, and the applicant shall maintain adequate excess  
 13 insurance issued by an authorized or eligible insurer licensed  
 14 or approved by the Office of Insurance Regulation. All risks  
 15 self-insured shall remain with the owner or lessee providing  
 16 it, and the risks are not transferable to any other person,  
 17 unless a policy complying with subsection (1) is obtained.

18 Section 49. Section 318.1215, Florida Statutes, is  
 19 amended to read:

20 318.1215 Dori Slosberg Driver Education Safety  
 21 Act.--~~Effective October 1, 2002,~~ Notwithstanding the  
 22 provisions of s. 318.121, a board of county commissioners may  
 23 require, by ordinance, that the clerk of the court collect an  
 24 additional\$5 ~~\$3~~ with each civil traffic penalty, which shall  
 25 be used to fund driver education programs in public and  
 26 nonpublic schools. The ordinance shall provide for the board  
 27 of county commissioners to administer the funds, which shall  
 28 be used for enhancement, and not replacement, of driver  
 29 education program funds. The funds shall be used for direct  
 30 educational expenses and shall not be used for administration.

31 Each driver education program receiving funds pursuant to this

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1 section shall require that a minimum of 30 percent of a  
 2 student's time in the program be behind-the-wheel training.  
 3 This section may be cited as the "Dori Slosberg Driver  
 4 Education Safety Act."

5 Section 50. Subsection (1) of section 316.083, Florida  
 6 Statutes, is amended to read:

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

11 (1) The driver of a vehicle overtaking another vehicle  
 12 proceeding in the same direction shall give an appropriate  
 13 signal as provided for in s. 316.156, shall pass to the left  
 14 thereof at a safe distance, and shall not again drive to the  
 15 right side of the roadway until safely clear of the overtaken  
 16 vehicle. The driver of a vehicle overtaking a bicycle or other  
 17 nonmotorized vehicle must pass the bicycle or other  
 18 nonmotorized vehicle at a safe distance of not less than 3  
 19 feet between the vehicle and the bicycle or other nonmotorized  
 20 vehicle.

21 Section 51. Except as otherwise expressly provided in  
 22 this act, this act shall take effect October 1, 2006.

23  
 24

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

26 And the title is amended as follows:

27 Delete everything before the enacting clause

28  
 29 and insert:

30 A bill to be entitled  
 31 An act relating to the Department of Highway



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

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1 consent by a parent or legal guardian was  
2 provided to a governmental entity in specified  
3 circumstances; amending s. 316.1001, F.S.;  
4 exempting the owner of a leased vehicle from  
5 responsibility for a failure to pay a toll  
6 violation under certain circumstances; amending  
7 s. 316.192, F.S.; adding to the definition of  
8 acts that constitute reckless driving;  
9 specifying certain acts that constitute  
10 reckless driving per se; amending s. 316.1955,  
11 F.S.; exempting the owner of a leased vehicle  
12 from responsibility for a violation of certain  
13 disabled parking violations in specific  
14 circumstances; amending s. 316.2015, F.S.;  
15 deleting an exception to a prohibition against  
16 persons riding on the exterior of a passenger  
17 vehicle; revising exceptions to a prohibition  
18 against persons riding on any vehicle on an  
19 area of the vehicle not designed or intended  
20 for the use of passengers; prohibiting an  
21 operator from allowing certain minors to ride  
22 within the open body of a pickup truck or  
23 flatbed truck on limited access facilities;  
24 providing exceptions; providing penalties;  
25 providing for counties to be exempted from the  
26 section; amending s. 316.2095, F.S.; deleting a  
27 requirement that certain motorcycles be  
28 equipped with passenger handholds; amending s.  
29 316.211, F.S.; requiring a unique license plate  
30 for a motorcycle registered to a person younger  
31 than a specified age; creating s. 316.2123,

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

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1 operated in accordance with specified safety  
2 requirements; revising length and mount  
3 requirements for automobile towaway and  
4 driveaway operations; authorizing saddle mount  
5 combinations to include one full mount;  
6 amending s. 318.14, F.S.; providing exceptions  
7 to procedures for certain speed-limit  
8 violations; removing the option for certain  
9 offenders to attend driver improvement school;  
10 amending s. 318.143, F.S., relating to  
11 sanctions for infractions of ch. 316, F.S.,  
12 committed by minors; allowing a court to  
13 require a minor and his or her parents or  
14 guardians to participate in a registered  
15 youthful driver monitoring service; creating s.  
16 318.1435, F.S.; defining the term "youthful  
17 driver monitoring service"; providing  
18 procedures by which such a service may provide  
19 monitoring; providing registration  
20 requirements; amending s. 318.15, F.S.;  
21 providing for the collection of certain service  
22 charges by authorized driver licensing agents;  
23 amending s. 318.18, F.S.; providing increased  
24 penalties for violation of load on vehicle  
25 restrictions; amending s. 318.19, F.S.;  
26 requiring mandatory hearings for certain  
27 speed-limit violations; amending s. 318.32,  
28 F.S.; authorizing officers to revoke a driver's  
29 license under certain circumstances; amending  
30 s. 320.015, F.S.; providing that a  
31 prefabricated or modular home shall be taxed as

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1 real property after it is permanently affixed  
2 to real property; providing an exception for  
3 certain display homes or dealer inventory;  
4 amending s. 320.02, F.S.; requiring proof of an  
5 endorsement before the original registration of  
6 a motorcycle, motor-driven cycle, or moped;  
7 amending s. 320.03, F.S.; exempting certain  
8 owners of leased vehicles from certain  
9 registration requirements; amending s. 320.07,  
10 F.S.; exempting certain owners of leased  
11 vehicles from certain penalties relating to  
12 annual registration-renewal requirements;  
13 amending s. 320.0706, F.S.; providing  
14 requirements for displaying the rear license  
15 plate on a dump truck; amending s. 320.08056,  
16 F.S.; providing annual use fees for certain  
17 plates; exempting collegiate license plates  
18 from the requirement for maintaining a  
19 specified number of license plate  
20 registrations; amending s. 320.08058, F.S.;  
21 creating the Future Farmers of America license  
22 plate; providing for the distribution of annual  
23 use fees received from the sale of such plates;  
24 amending s. 320.089, F.S.; providing for  
25 Operation Iraqi Freedom and Operation Enduring  
26 Freedom license plates for qualified military  
27 personnel; amending s. 320.27, F.S.; exempting  
28 certain applicants for a new franchised motor  
29 vehicle dealer license from certain training  
30 requirements; providing penalties for the  
31 failure to register a mobile home salesperson;

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1 amending s. 320.405, F.S.; authorizing the  
2 department to enter into an agreement for  
3 scheduling the payment of taxes or penalties;  
4 amending s. 320.77, F.S.; providing a  
5 definition; requiring mobile home salespersons  
6 to be registered with the department; amending  
7 s. 320.781, F.S.; providing for certain claims  
8 to be satisfied from the Mobile Home and  
9 Recreational Vehicle Protection Trust Fund;  
10 establishing certain conditions for such  
11 claims; providing limits on such claims;  
12 amending s. 322.01, F.S.; redefining the term  
13 "driver's license" to include an operator's  
14 license as defined by federal law; defining the  
15 terms "identification card," "temporary  
16 driver's license," and "temporary  
17 identification card" for purposes of ch. 322,  
18 F.S.; amending s. 322.05, F.S.; requiring that  
19 a driver holding a learner license may only  
20 have his or her application for a Class E  
21 license delayed for a moving violation;  
22 amending s. 322.051, F.S.; revising the age at  
23 which a person may be issued an identification  
24 card by the department; authorizing the use of  
25 additional documentation for purposes of  
26 proving nonimmigrant classification when a  
27 person applies for an identification card;  
28 amending s. 322.08, F.S.; authorizing the use  
29 of additional documentation for purposes of  
30 proving nonimmigrant classification when a  
31 person applies for a driver's license; amending

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1 s. 322.12, F.S.; requiring that all first-time  
2 applicants for a license to operate a  
3 motorcycle complete a motorcycle safety course;  
4 amending s. 322.121, F.S.; revising periodic  
5 license examination requirements; providing for  
6 such testing of applicants for renewal of a  
7 license under provisions requiring an  
8 endorsement permitting the applicant to operate  
9 a tank vehicle transporting hazardous  
10 materials; amending s. 322.2615, F.S.; revising  
11 the procedures under which a law enforcement  
12 officer or correctional officer may suspend the  
13 driving privilege of a person who is driving a  
14 motor vehicle and who has an unlawful  
15 blood-alcohol level or breath-alcohol level or  
16 who refuses to submit to a test of his or her  
17 urine, breath, or blood; deleting a requirement  
18 that such person be arrested for the offense of  
19 driving under the influence; revising certain  
20 reporting requirements; providing that  
21 materials submitted to the department by the  
22 law enforcement agency, including the crash  
23 report, are self-authenticating and part of the  
24 record for the hearing officer; authorizing a  
25 law enforcement agency to appeal a decision by  
26 the department invalidating a suspension of a  
27 person's driving privilege; directing the  
28 department to study the outsourcing of its  
29 driver license services to a provider or other  
30 governmental agency, in whole or in part, while  
31 retaining responsibility and accountability for

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1 the services; requiring that the department  
2 submit a report to the Governor and Legislature  
3 by a specified date; providing requirements for  
4 the department with respect to issues to be  
5 included in the study; requiring a cost-benefit  
6 analysis and a transition and implementation  
7 plan; amending s. 627.733, F.S.; revising  
8 security requirements for certain vehicles;  
9 amending s. 324.032, F.S.; revising financial  
10 responsibility requirements for certain  
11 for-hire vehicles; amending s. 318.1215, F.S.;  
12 deleting obsolete language; increasing the  
13 amount of the surcharge on each civil traffic  
14 penalty which is to be used for driver  
15 education programs in schools; amending s.  
16 316.083, F.S.; requiring the driver of a  
17 vehicle overtaking a bicycle or other  
18 nonmotorized vehicle to pass the bicycle or  
19 other nonmotorized vehicle at a safe, specified  
20 distance; providing effective dates.

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