

Bill No. HB 7079, 2nd Eng.

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	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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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:

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

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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~~ 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. Paragraph (f) is added to subsection (1)  
 31 of section 318.143, Florida Statutes, to read:

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1           318.143 Sanctions for infractions by minors.--

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

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

8           Section 21. Section 318.1435, Florida Statutes, is  
9 created to read:

10           318.1435 Youthful driver monitoring services.--

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

22           (2) A youthful driver monitoring service may register  
23 with the Department of Highway Safety and Motor Vehicles. The  
24 registration must consist of a narrative description of the  
25 services offered by the youthful driver monitoring service,  
26 the name of the manager in charge of the service, the address  
27 of the service, and the telephone number of the service.  
28 Registration under this subsection remains valid indefinitely,  
29 but it is the responsibility of the youthful driver monitoring  
30 service to timely file a revised registration statement to  
31 reflect any changes in the required information. If the

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1 department determines that the youthful driver monitoring  
 2 service is not providing the services described in the  
 3 narrative statement, the department may suspend the  
 4 registration; however, the department must reinstate the  
 5 registration when the service files a revised statement that  
 6 reflects its actual practices.

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

9           318.15 Failure to comply with civil penalty or to  
 10 appear; penalty.--

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

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

29           318.18 Amount of civil penalties.--The penalties  
 30 required for a noncriminal disposition pursuant to s. 318.14  
 31 are as follows:

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

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

10           318.32 Jurisdiction; limitations.--

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

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

21           (b) Hear a case involving a crash resulting in injury  
22 or death;

23           (c) Hear a criminal traffic offense case or a case  
24 involving a civil traffic infraction issued in conjunction  
25 with a criminal traffic offense; or

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

28           Section 25. Effective July 1, 2008, subsection (1) of  
29 section 320.02, Florida Statutes, is amended to read:

30           320.02 Registration required; application for  
31 registration; forms.--

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

14           Section 26. Subsection (8) of section 320.03, Florida  
15 Statutes, is amended to read:

16           320.03 Registration; duties of tax collectors;  
17 International Registration Plan.--

18           (8) If the applicant's name appears on the list  
19 referred to in s. 316.1001(4), s. 316.1967(6), or s.  
20 713.78(13), a license plate or revalidation sticker may not be  
21 issued until that person's name no longer appears on the list  
22 or until the person presents a receipt from the clerk showing  
23 that the fines outstanding have been paid. This subsection  
24 does not apply to the owner of a leased vehicle if the vehicle  
25 is registered in the name of the lessee of the vehicle. The  
26 tax collector and the clerk of the court are each entitled to  
27 receive monthly, as costs for implementing and administering  
28 this subsection, 10 percent of the civil penalties and fines  
29 recovered from such persons. As used in this subsection, the  
30 term "civil penalties and fines" does not include a wrecker  
31 operator's lien as described in s. 713.78(13). If the tax

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1 collector has private tag agents, such tag agents are entitled  
 2 to receive a pro rata share of the amount paid to the tax  
 3 collector, based upon the percentage of license plates and  
 4 revalidation stickers issued by the tag agent compared to the  
 5 total issued within the county. The authority of any private  
 6 agent to issue license plates shall be revoked, after notice  
 7 and a hearing as provided in chapter 120, if he or she issues  
 8 any license plate or revalidation sticker contrary to the  
 9 provisions of this subsection. This section applies only to  
 10 the annual renewal in the owner's birth month of a motor  
 11 vehicle registration and does not apply to the transfer of a  
 12 registration of a motor vehicle sold by a motor vehicle dealer  
 13 licensed under this chapter, except for the transfer of  
 14 registrations which is inclusive of the annual renewals. This  
 15 section does not affect the issuance of the title to a motor  
 16 vehicle, notwithstanding s. 319.23(7)(b).

17 Section 27. Section 320.07, Florida Statutes, is  
 18 amended to read:

19 320.07 Expiration of registration; annual renewal  
 20 required; penalties.--

21 (1) The registration of a motor vehicle or mobile home  
 22 shall expire at midnight on the last day of the registration  
 23 period. A vehicle shall not be operated on the roads of this  
 24 state after expiration of the renewal period unless the  
 25 registration has been renewed according to law.

26 (2) Registration shall be renewed annually during the  
 27 applicable renewal period, upon payment of the applicable  
 28 license tax amount required by s. 320.08, service charges  
 29 required by s. 320.04, and any additional fees required by  
 30 law. However, any person owning a motor vehicle registered  
 31 under s. 320.08(4), (6)(b), or (13) may register semiannually

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1 as provided in s. 320.0705.

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

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

13 (b) Any person whose motor vehicle or mobile home  
14 registration has been expired for more than 6 months shall  
15 upon a first offense be subject to the penalty provided in s.  
16 318.14.

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

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

27 (e) Any servicemember, as defined in s. 250.01, whose  
28 mobile home registration has expired while serving on active  
29 duty or state active duty shall not be charged with a  
30 violation of this subsection if, at the time of the offense,  
31 the servicemember was serving on active duty or state active



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1 duty 35 miles or more from the mobile home. The servicemember  
2 must present to the department either a copy of the official  
3 military orders or a written verification signed by the  
4 servicemember's commanding officer to waive charges.

5 (f) The owner of a leased motor vehicle is not  
6 responsible for any penalty specified in this subsection if  
7 the motor vehicle is registered in the name of the lessee of  
8 the motor vehicle.

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

- 20 1. License tax of \$5 but not more than \$25: \$5 flat.
- 21 2. License tax over \$25 but not more than \$50: \$10  
22 flat.
- 23 3. License tax over \$50 but not more than \$100: \$15  
24 flat.
- 25 4. License tax over \$100 but not more than \$400: \$50  
26 flat.
- 27 5. License tax over \$400 but not more than \$600: \$100  
28 flat.
- 29 6. License tax over \$600 and up: \$250 flat.

30 (b) A person who has been assessed a penalty pursuant  
31 to s. 316.545(2)(b) for failure to have a valid vehicle

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1 registration certificate is not subject to the delinquent fee  
 2 authorized by this subsection if such person obtains a valid  
 3 registration certificate within 10 working days after such  
 4 penalty was assessed. The official receipt authorized by s.  
 5 316.545(6) constitutes proof of payment of the penalty  
 6 authorized in s. 316.545(2)(b).

7 (c) The owner of a leased motor vehicle is not  
 8 responsible for any delinquent fee specified in this  
 9 subsection if the motor vehicle is registered in the name of  
 10 the lessee of the motor vehicle.

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

22 (6) Delinquent fees imposed under this section shall  
 23 not be apportionable under the International Registration  
 24 Plan.

25 Section 28. Section 320.0706, Florida Statutes, is  
 26 amended to read:

27 320.0706 Display of license plates on trucks.--The  
 28 owner of any commercial truck of gross vehicle weight of  
 29 26,001 pounds or more shall display the registration license  
 30 plate on both the front and rear of the truck in conformance  
 31 with all the requirements of s. 316.605 that do not conflict

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1 with this section. The owner of a dump truck may place the  
 2 rear license plate on the gate no higher than 60 inches to  
 3 allow for better visibility. However, the owner of a truck  
 4 tractor shall be required to display the registration license  
 5 plate only on the front of such vehicle.

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

10 320.08056 Specialty license plates.--

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

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

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

22 Section 30. Subsection (57) is added to section  
 23 320.08058, Florida Statutes, to read:

24 320.08058 Specialty license plates.--

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

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

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1 must appear at the bottom of the plate.

2       (b) The license plate annual use fee shall be  
3 distributed quarterly to the Florida Future Farmers of America  
4 Foundation, Inc., to fund activities and services of the  
5 Future Farmers of America.

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

19       Section 31. Section 320.089, Florida Statutes, is  
20 amended to read:

21       320.089 Members of National Guard and active United  
22 States Armed Forces reservists; former prisoners of war;  
23 survivors of Pearl Harbor; Purple Heart medal recipients;  
24 Operation Iraqi Freedom and Operation Enduring Freedom  
25 Veterans; special license plates; fee.--

26       (1)(a) Each owner or lessee of an automobile or truck  
27 for private use or recreational vehicle as specified in s.  
28 320.08(9)(c) or (d), which is not used for hire or commercial  
29 use, who is a resident of the state and an active or retired  
30 member of the Florida National Guard, a survivor of the attack  
31 on Pearl Harbor, a recipient of the Purple Heart medal, or an

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

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

28 (c) Notwithstanding any provisions of law to the  
29 contrary, an applicant for a Pearl Harbor Survivor license  
30 plate or a Purple Heart license plate who also qualifies for a  
31 disabled veteran's license plate under s. 320.084 shall be

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1 issued the appropriate special license plate without payment  
2 of the license tax imposed by s. 320.08.

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

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

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

30 (3) Each owner or lessee of an automobile or truck for  
31 private use, truck weighing not more than 7,999 pounds, or

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

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

29 Section 32. Subsection (4) and paragraph (b) of  
30 subsection (9) of section 320.27, Florida Statutes, are  
31 amended to read:

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1           320.27 Motor vehicle dealers.--

2           (4) LICENSE CERTIFICATE.--

3           (a) A license certificate shall be issued by the

4 department in accordance with such application when the

5 application is regular in form and in compliance with the

6 provisions of this section. The license certificate may be in

7 the form of a document or a computerized card as determined by

8 the department. The actual cost of each original, additional,

9 or replacement computerized card shall be borne by the

10 licensee and is in addition to the fee for licensure. Such

11 license, when so issued, entitles the licensee to carry on and

12 conduct the business of a motor vehicle dealer. Each license

13 issued to a franchise motor vehicle dealer expires annually on

14 December 31 unless revoked or suspended prior to that date.

15 Each license issued to an independent or wholesale dealer or

16 auction expires annually on April 30 unless revoked or

17 suspended prior to that date. Not less than 60 days prior to

18 the license expiration date, the department shall deliver or

19 mail to each licensee the necessary renewal forms. Each

20 independent dealer shall certify that the dealer ~~principal~~

21 (owner, partner, officer ~~of the corporation~~, or director of

22 the licensee, or a full-time employee of the licensee that

23 holds a responsible management-level position) has completed 8

24 hours of continuing education prior to filing the renewal

25 forms with the department. Such certification shall be filed

26 once every 2 years commencing with the 2006 renewal period.

27 The continuing education shall include at least 2 hours of

28 legal or legislative issues, 1 hour of department issues, and

29 5 hours of relevant motor vehicle industry topics. Continuing

30 education shall be provided by dealer schools licensed under

31 paragraph (b) either in a classroom setting or by



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

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

15 (b) Each initial license application received by the  
16 department for licensure under subparagraph (1)(c)2. must be  
17 accompanied by verification that, within the preceding 6  
18 months, the applicant (owner, partner, officer ~~of the~~  
19 ~~corporation~~, or director of the applicant, or a full-time  
20 employee of the applicant that holds a responsible  
21 management-level position) has successfully completed training  
22 conducted by a licensed motor vehicle dealer training school.  
23 Such training must include training in titling and  
24 registration of motor vehicles, laws relating to unfair and  
25 deceptive trade practices, laws relating to financing with  
26 regard to buy-here, pay-here operations, and such other  
27 information that in the opinion of the department will promote  
28 good business practices. Successful completion of this  
29 training shall be determined by examination administered at  
30 the end of the course and attendance of no less than 90  
31 percent of the total hours required by such school. Any

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1 applicant who had held a valid motor vehicle dealer's license  
2 within the past 2 years and who remains in good standing with  
3 the department is exempt from the requirements of this  
4 paragraph. ~~In the case of nonresident applicants, the~~  
5 ~~requirement to attend such training shall be placed on any~~  
6 ~~employee of the licensee who holds a responsible~~  
7 ~~management-level position and who is employed full-time at the~~  
8 ~~motor vehicle dealership.~~ The department shall have the  
9 authority to adopt any rule necessary for establishing the  
10 training curriculum; length of training, which shall not  
11 exceed 8 hours for required department topics and shall not  
12 exceed an additional 24 hours for topics related to other  
13 regulatory agencies' instructor qualifications; and any other  
14 requirements under this section. The curriculum for other  
15 subjects shall be approved by any and all other regulatory  
16 agencies having jurisdiction over specific subject matters;  
17 however, the overall administration of the licensing of these  
18 dealer schools and their instructors shall remain with the  
19 department. Such schools are authorized to charge a fee.  
20 This privatized method for training applicants for dealer  
21 licensing pursuant to subparagraph (1)(c)2. is a pilot program  
22 that shall be evaluated by the department after it has been in  
23 operation for a period of 2 years.

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

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

31 1. Representation that a demonstrator is a new motor

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

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

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

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

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

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

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

31           8. Failure to continually meet the requirements of the

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1 licensure law.

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

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

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

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

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

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

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

30           16. Willful failure to comply with any administrative  
31 rule adopted by the department or the provisions of s.

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1 320.131(8).

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

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

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

13 Section 33. Subsection (5) is added to section  
14 320.405, Florida Statutes, to read:

15 320.405 International Registration Plan; inspection of  
16 records; hearings.--

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

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

25 320.77 License required of mobile home dealers.--

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

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

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

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

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

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

31 b. Induces or attempts to induce any person to buy or

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

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

16 2. The term does not include:

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

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

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

29 d. A person not engaged in the purchase or sale of  
 30 mobile homes as a business who is disposing of mobile homes  
 31 acquired for his or her own use or for use in his or her



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

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

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

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

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

18 Section 35. Section 320.781, Florida Statutes, is  
19 amended to read:

20 320.781 Mobile Home and Recreational Vehicle  
21 Protection Trust Fund.--

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

28 (2) Beginning October 1, 1990, the department shall  
29 charge and collect an additional fee of \$1 for each new mobile  
30 home and new recreational vehicle title transaction for which  
31 it charges a fee. This additional fee shall be deposited into

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

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

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

30 (5) Subject to the limitations and requirements of  
 31 this section, the trust fund shall be used by the department

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

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

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

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1 ~~surety of the mobile home or recreational vehicle dealer or~~  
2 ~~broker that is unsatisfied.~~

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

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

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

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

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

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

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

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

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

14           ~~6.5.~~ Such other information as the department  
15 requires.

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

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

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

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

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

9           ~~5.4.~~ Such other information as the department  
 10 requires.

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

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

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1           (8) The department, in its discretion and where  
 2 feasible, may try to recover from the mobile home or  
 3 recreational vehicle dealer or broker, or the judgment debtor  
 4 or its surety, all sums paid to persons from the trust fund.  
 5 Any sums recovered shall be deposited to the credit of the  
 6 trust fund. The department shall be awarded a reasonable  
 7 attorney's fee for all actions taken to recover any sums paid  
 8 to persons from the trust fund pursuant to this section.

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

16           (10) Neither the department, nor the trust fund shall  
 17 be liable to any person for recovery if the trust fund does  
 18 not have the moneys necessary to pay amounts claimed. If the  
 19 trust fund does not have sufficient assets to pay the  
 20 claimant, it shall log the time and date of its determination  
 21 for payment to a claimant. If moneys become available, the  
 22 department shall pay the claimant whose unpaid claim is the  
 23 earliest by time and date of determination.

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

30           Section 36. Subsection (16) of section 322.01, Florida  
 31 Statutes, is amended, and subsections (43) and (44) are added

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1 to that section, to read:

2 322.01 Definitions.--As used in this chapter:

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

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

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

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

22 322.02 Legislative intent; administration.--

23 (1) The Legislature finds that over the past several  
24 years the department and individual county tax collectors have  
25 entered into contracts for the delivery of full and limited  
26 driver license services where such contractual relationships  
27 best served the public interest through state administration  
28 and enforcement and local government implementation. It is the  
29 intent of the Legislature that future interests and processes  
30 for developing and expanding the department's relationship  
31 with tax collectors and other county constitutional officers



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1 through contractual relationships for the delivery of driver  
 2 license services be achieved through the provisions of this  
 3 chapter, thereby serving best the public interest considering  
 4 accountability, cost-effectiveness, efficiency,  
 5 responsiveness, and high-quality service to the drivers in  
 6 Florida.

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

9 322.05 Persons not to be licensed.--The department may  
 10 not issue a license:

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

14 (a) Learner's driver's license for at least 12 months,  
 15 with no moving traffic convictions, before applying for a  
 16 license;

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

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

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

26 322.051 Identification cards.--

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

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1 fee.

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

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

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

8 3. Proof of identity satisfactory to the department.

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

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

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

19 c. A United States passport;

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

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

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

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

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

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

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

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

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

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

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

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

30 (b) An application for an identification card must be  
31 signed and verified by the applicant in a format designated by

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1 the department before a person authorized to administer oaths.  
2 The fee for an identification card is \$3, including payment  
3 for the color photograph or digital image of the applicant.

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

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

8 322.08 Application for license.--

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

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

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

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

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

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

27 3. A United States passport;

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

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

31 6. An employment authorization card issued by the

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1 United States Department of Homeland Security; or

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

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

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

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

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

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

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

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

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1 processing by the United States Bureau of Citizenship and  
2 Immigration Services.

3  
4 Presentation of any of the documents in subparagraph 6. or  
5 subparagraph 7. entitles the applicant to a driver's license  
6 or temporary permit for a period not to exceed the expiration  
7 date of the document presented or 1 year ~~2 years~~, whichever  
8 occurs first.

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

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

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

19 322.12 Examination of applicants.--

20 (5)(a) The department shall formulate a separate  
21 examination for applicants for licenses to operate  
22 motorcycles. Any applicant for a driver's license who wishes  
23 to operate a motorcycle, and who is otherwise qualified, must  
24 successfully complete such an examination, which is in  
25 addition to the examination administered under subsection (3).  
26 The examination must test the applicant's knowledge of the  
27 operation of a motorcycle and of any traffic laws specifically  
28 relating thereto and must include an actual demonstration of  
29 his or her ability to exercise ordinary and reasonable control  
30 in the operation of a motorcycle. Any applicant who fails to  
31 pass the initial knowledge examination will incur a \$5 fee for

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

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

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

29 322.121 Periodic reexamination of all drivers.--

30 (8) In addition to any other examination authorized by  
31 this section, an applicant for a renewal of an endorsement

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1 issued under s. 322.57(1)(a), (b), (c), (d), ~~or~~ (e), or (f)  
 2 may be required to complete successfully an examination of his  
 3 or her knowledge regarding state and federal rules,  
 4 regulations, and laws, governing the type of vehicle which he  
 5 or she is seeking an endorsement to operate.

6 Section 43. Subsection (10) is added to section  
 7 322.135, Florida Statutes, to read:

8 322.135 Driver's license agents.--  
 9 (10) The department may contract with any county  
 10 constitutional officer to provide driver license services in  
 11 the same manner as provided in this section in a county where  
 12 the tax collector is not elected or elects not to provide  
 13 driver license services.

14 Section 44. Section 322.2615, Florida Statutes, is  
 15 amended to read:

16 322.2615 Suspension of license; right to review.--  
 17 (1)(a) A law enforcement officer or correctional  
 18 officer shall, on behalf of the department, suspend the  
 19 driving privilege of a person who is driving or in actual  
 20 physical control of a motor vehicle and who has an ~~has been~~  
 21 ~~arrested by a law enforcement officer for a violation of s.~~  
 22 ~~316.193, relating to unlawful blood-alcohol level or~~  
 23 ~~breath-alcohol level of 0.08 or higher,~~ or of a person who has  
 24 refused to submit to a ~~breath, urine, or blood test~~ or a test  
 25 of his or her breath-alcohol or blood-alcohol level ~~authorized~~  
 26 ~~by s. 316.1932.~~ The officer shall take the person's driver's  
 27 license and issue the person a 10-day temporary permit if the  
 28 person is otherwise eligible for the driving privilege and  
 29 shall issue the person a notice of suspension. If a blood test  
 30 has been administered, ~~the results of which are not available~~  
 31 ~~to the officer or at the time of the arrest,~~ the agency



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1 employing the officer shall transmit such results to the  
2 department within 5 days after receipt of the results. If the  
3 department then determines that the person ~~was arrested for a~~  
4 ~~violation of s. 316.193 and that the person~~ had a  
5 blood-alcohol level or breath-alcohol level of 0.08 or higher,  
6 the department shall suspend the person's driver's license  
7 pursuant to subsection (3).

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

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

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

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

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

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

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

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

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1 officer. Notwithstanding s. 316.066(4), the crash report shall  
2 be considered by the hearing officer.

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

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

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

31 (6)(a) If the person whose license was suspended

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1 ~~arrested~~ requests a formal review, the department must  
2 schedule a hearing to be held within 30 days after such  
3 request is received by the department and must notify the  
4 person of the date, time, and place of the hearing.

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

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

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

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

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

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

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

17           ~~2.3.~~ Whether the person whose license was suspended  
 18 had an unlawful blood-alcohol level or breath-alcohol level of  
 19 0.08 or higher as provided in s. 316.193.

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

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

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

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

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

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

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

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

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

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1 invalidate the suspension. If the scheduled hearing is  
 2 continued at the department's initiative, the department shall  
 3 issue a temporary driving permit that ~~which~~ shall be valid  
 4 until the hearing is conducted if the person is otherwise  
 5 eligible for the driving privilege. Such permit may ~~shall~~ not  
 6 be issued to a person who sought and obtained a continuance of  
 7 the hearing. The permit issued under this subsection shall  
 8 authorize driving for business or employment use only.

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

14 (a) If the suspension of the driver's license of the  
 15 person for failure to submit to a breath, urine, or blood test  
 16 is sustained, the person is not eligible to receive a license  
 17 for business or employment purposes only, pursuant to s.  
 18 322.271, until 90 days have elapsed after the expiration of  
 19 the last temporary permit issued. If the driver is not issued  
 20 a 10-day permit pursuant to this section or s. 322.64 because  
 21 he or she is ineligible for the permit and the suspension for  
 22 failure to submit to a breath, urine, or blood test is not  
 23 invalidated by the department, the driver is not eligible to  
 24 receive a business or employment license pursuant to s.  
 25 322.271 until 90 days have elapsed from the date of the  
 26 suspension.

27 (b) If the suspension of the driver's license of the  
 28 person ~~arrested for a violation of s. 316.193,~~ relating to  
 29 unlawful blood-alcohol level or breath-alcohol level of 0.08  
 30 or higher, is sustained, the person is not eligible to receive  
 31 a license for business or employment purposes only pursuant to

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1 s. 322.271 until 30 days have elapsed after the expiration of  
 2 the last temporary permit issued. If the driver is not issued  
 3 a 10-day permit pursuant to this section or s. 322.64 because  
 4 he or she is ineligible for the permit and the suspension ~~for~~  
 5 ~~a violation of s. 316.193,~~ relating to unlawful blood-alcohol  
 6 level or breath-alcohol level of 0.08 or higher, is not  
 7 invalidated by the department, the driver is not eligible to  
 8 receive a business or employment license pursuant to s.  
 9 322.271 until 30 days have elapsed from the date of the  
 10 suspension ~~arrest.~~

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

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

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



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1 informal review was conducted. This subsection shall not be  
2 construed to provide for a de novo appeal.

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

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

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

17 (16) The department shall invalidate a suspension for  
18 driving with an unlawful blood-alcohol level or breath-alcohol  
19 level imposed under this section if the suspended person is  
20 found not guilty at trial of an underlying violation of s.  
21 316.193.

22 Section 45. (1) The Department of Highway Safety and  
23 Motor Vehicles shall study the outsourcing of its driver  
24 license services and shall make recommendations to the  
25 Governor, the President of the Senate, and the Speaker of the  
26 House of Representatives by January 1, 2007. As used in this  
27 section, the term "outsourcing" means the process of  
28 contracting with an external service provider or other  
29 governmental agency to provide a service, in whole or in part,  
30 while the department retains the responsibility and  
31 accountability for the service.

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

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

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

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

22           (d) A plan to ensure compliance with public-records  
23 law.

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

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1 subject to outsourcing.

2 Section 46. Except as otherwise expressly provided in  
3 this act, this act shall take effect October 1, 2006.

4  
5

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

7 And the title is amended as follows:

8 Delete everything before the enacting clause

9

10 and insert:

11 A bill to be entitled  
12 An act relating to the Department of Highway  
13 Safety and Motor Vehicles; amending s. 207.008,  
14 F.S.; requiring that a motor carrier maintain  
15 certain tax records for a specified period;  
16 amending s. 207.021, F.S.; authorizing the  
17 department to adopt rules to resolve disputes  
18 with motor carriers involving taxes, penalties,  
19 interest, or refunds; providing for an  
20 agreement with the department settling or  
21 compromising a taxpayer's liability for any  
22 tax, interest, or penalty; authorizing  
23 agreements for scheduling payments of taxes,  
24 penalties, or interest; amending s. 261.10,  
25 F.S.; providing a limitation on liability in  
26 off-highway vehicle recreation; creating s.  
27 261.20, F.S.; authorizing operations of  
28 off-highway vehicles on public lands; providing  
29 restrictions; requiring safety courses;  
30 defining prohibited acts; providing penalties;  
31 amending s. 316.003, F.S.; defining the term

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1 "full mount"; revising the definition of  
2 "saddle mount" to provide for a full mount;  
3 amending s. 316.006, F.S.; authorizing the  
4 board of directors of a homeowner's association  
5 to provide for local law enforcement agencies  
6 to enforce state traffic laws on private roads  
7 that are controlled by the association;  
8 amending s. 316.0085, F.S.; applying provisions  
9 that relate to liability with respect to  
10 skateboarding, inline skating, and other  
11 recreational pursuits to mountain and off-road  
12 bicycling as well; requiring demonstration that  
13 consent by a parent or legal guardian was  
14 provided to a governmental entity in specified  
15 circumstances; amending s. 316.1001, F.S.;  
16 exempting the owner of a leased vehicle from  
17 responsibility for a failure to pay a toll  
18 violation under certain circumstances; amending  
19 s. 316.192, F.S.; adding to the definition of  
20 acts that constitute reckless driving;  
21 specifying certain acts that constitute  
22 reckless driving per se; amending s. 316.1955,  
23 F.S.; exempting the owner of a leased vehicle  
24 from responsibility for a violation of certain  
25 disabled parking violations in specific  
26 circumstances; amending s. 316.2015, F.S.;  
27 deleting an exception to a prohibition against  
28 persons riding on the exterior of a passenger  
29 vehicle; revising exceptions to a prohibition  
30 against persons riding on any vehicle on an  
31 area of the vehicle not designed or intended

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1 for the use of passengers; prohibiting an  
2 operator from allowing certain minors to ride  
3 within the open body of a pickup truck or  
4 flatbed truck on limited access facilities;  
5 providing exceptions; providing penalties;  
6 providing for counties to be exempted from the  
7 section; amending s. 316.2095, F.S.; deleting a  
8 requirement that certain motorcycles be  
9 equipped with passenger handholds; amending s.  
10 316.211, F.S.; requiring a unique license plate  
11 for a motorcycle registered to a person younger  
12 than a specified age; creating s. 316.2123,  
13 F.S.; providing for all-terrain vehicle  
14 operation under certain conditions; requiring  
15 the operator to provide proof of ownership to a  
16 law enforcement officer; providing for counties  
17 to be exempted from the act; amending s.  
18 316.2125, F.S.; granting local jurisdictions  
19 the authority to enact ordinances governing the  
20 use of golf carts within a retirement community  
21 which are more restrictive than state law;  
22 creating s. 316.2128, F.S.; providing  
23 requirements for the commercial sale of  
24 motorized scooters and miniature motorcycles;  
25 providing that a violation of the commercial  
26 sales requirements is an unfair and deceptive  
27 trade practice; amending s. 316.221, F.S.;  
28 exempting dump trucks and similar vehicles from  
29 the requirement that the rear registration  
30 plate be illuminated; amending s. 316.302,  
31 F.S.; updating references to federal commercial

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1 motor vehicle regulations; revising  
2 hours-of-service requirements for certain  
3 intrastate motor carriers; revising conditions  
4 for an exemption from commercial driver's  
5 license requirements; revising weight  
6 requirements for application of certain  
7 exceptions to specified federal regulations and  
8 to operation of certain commercial motor  
9 vehicles by persons of a certain age; amending  
10 s. 316.515, F.S.; authorizing certain uses of  
11 forestry equipment; providing width and speed  
12 limitations; requiring such vehicles to be  
13 operated in accordance with specified safety  
14 requirements; revising length and mount  
15 requirements for automobile towaway and  
16 driveaway operations; authorizing saddle mount  
17 combinations to include one full mount;  
18 amending s. 318.143, F.S., relating to  
19 sanctions for infractions of ch. 316, F.S.,  
20 committed by minors; allowing a court to  
21 require a minor and his or her parents or  
22 guardians to participate in a registered  
23 youthful driver monitoring service; creating s.  
24 318.1435, F.S.; defining the term "youthful  
25 driver monitoring service"; providing  
26 procedures by which such a service may provide  
27 monitoring; providing registration  
28 requirements; amending s. 318.15, F.S.;  
29 providing for the collection of certain service  
30 charges by authorized driver licensing agents;  
31 amending s. 318.18, F.S.; providing increased

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1 penalties for violation of load on vehicle  
2 restrictions; amending s. 318.32, F.S.;  
3 authorizing officers to revoke a driver's  
4 license under certain circumstances; amending  
5 s. 320.02, F.S.; requiring proof of an  
6 endorsement before the original registration of  
7 a motorcycle, motor-driven cycle, or moped;  
8 amending s. 320.03, F.S.; exempting certain  
9 owners of leased vehicles from certain  
10 registration requirements; amending s. 320.07,  
11 F.S.; exempting certain owners of leased  
12 vehicles from certain penalties relating to  
13 annual registration-renewal requirements;  
14 amending s. 320.0706, F.S.; providing  
15 requirements for displaying the rear license  
16 plate on a dump truck; amending s. 320.08056,  
17 F.S.; providing annual use fees for certain  
18 plates; exempting collegiate license plates  
19 from the requirement for maintaining a  
20 specified number of license plate  
21 registrations; amending s. 320.08058, F.S.;  
22 creating the Future Farmers of America license  
23 plate; providing for the distribution of annual  
24 use fees received from the sale of such plates;  
25 amending s. 320.089, F.S.; providing for  
26 Operation Iraqi Freedom and Operation Enduring  
27 Freedom license plates for qualified military  
28 personnel; amending s. 320.27, F.S.; exempting  
29 certain applicants for a new franchised motor  
30 vehicle dealer license from certain training  
31 requirements; providing penalties for the

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1 failure to register a mobile home salesperson;  
2 amending s. 320.405, F.S.; authorizing the  
3 department to enter into an agreement for  
4 scheduling the payment of taxes or penalties;  
5 amending s. 320.77, F.S.; providing a  
6 definition; requiring mobile home salespersons  
7 to be registered with the department; amending  
8 s. 320.781, F.S.; providing for certain claims  
9 to be satisfied from the Mobile Home and  
10 Recreational Vehicle Protection Trust Fund;  
11 establishing certain conditions for such  
12 claims; providing limits on such claims;  
13 amending s. 322.01, F.S.; redefining the term  
14 "driver's license" to include an operator's  
15 license as defined by federal law; defining the  
16 terms "identification card," "temporary  
17 driver's license," and "temporary  
18 identification card" for purposes of ch. 322,  
19 F.S.; amending s. 322.02, F.S.; revising  
20 legislative intent provisions to include  
21 references to county constitutional officers  
22 providing driver licensing services; amending  
23 s. 322.05, F.S.; requiring that a driver  
24 holding a learner license may only have his or  
25 her application for a Class E license delayed  
26 for a moving violation; amending s. 322.051,  
27 F.S.; revising the age at which a person may be  
28 issued an identification card by the  
29 department; authorizing the use of additional  
30 documentation for purposes of proving  
31 nonimmigrant classification when a person



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1 applies for an identification card; amending s.  
2 322.08, F.S.; authorizing the use of additional  
3 documentation for purposes of proving  
4 nonimmigrant classification when a person  
5 applies for a driver's license; amending s.  
6 322.12, F.S.; requiring that all first-time  
7 applicants for a license to operate a  
8 motorcycle complete a motorcycle safety course;  
9 amending s. 322.121, F.S.; revising periodic  
10 license examination requirements; providing for  
11 such testing of applicants for renewal of a  
12 license under provisions requiring an  
13 endorsement permitting the applicant to operate  
14 a tank vehicle transporting hazardous  
15 materials; amending s. 322.135, F.S.;  
16 authorizing the department to contract with any  
17 county constitutional officer for driver  
18 license services in counties where the tax  
19 collector is not elected or does not provide  
20 the services; amending s. 322.2615, F.S.;  
21 revising the procedures under which a law  
22 enforcement officer or correctional officer may  
23 suspend the driving privilege of a person who  
24 is driving a motor vehicle and who has an  
25 unlawful blood-alcohol level or breath-alcohol  
26 level or who refuses to submit to a test of his  
27 or her urine, breath, or blood; deleting a  
28 requirement that such person be arrested for  
29 the offense of driving under the influence;  
30 revising certain reporting requirements;  
31 providing that materials submitted to the

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1 department by the law enforcement agency,  
2 including the crash report, are  
3 self-authenticating and part of the record for  
4 the hearing officer; authorizing a law  
5 enforcement agency to appeal a decision by the  
6 department invalidating a suspension of a  
7 person's driving privilege; directing the  
8 department to study the outsourcing of its  
9 driver license services to a provider or other  
10 governmental agency, in whole or in part, while  
11 retaining responsibility and accountability for  
12 the services; requiring that the department  
13 submit a report to the Governor and Legislature  
14 by a specified date; providing requirements for  
15 the department with respect to issues to be  
16 included in the study; requiring a cost-benefit  
17 analysis and a transition and implementation  
18 plan; providing effective dates.

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