

Bill No. HB 7079, 2nd Eng.

Barcode 783214

CHAMBER ACTION

Senate

House

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Senator Baker moved the following **amendment to amendment**  
(220694):

**Senate Amendment (with title amendment)**

On page 26, line 30, through  
page 73, line 21, delete those lines

and insert:

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

318.14 Noncriminal traffic infractions; exception;  
procedures.--

(9) Any person who does not hold a commercial driver's  
license and who is cited for an infraction under this section  
other than a violation of s. 316.183(2), s. 316.187, or s.  
316.189 when the driver exceeds the posted limit by 30 miles  
per hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s.  
322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of  
a court appearance, elect to attend in the location of his or  
her choice within this state a basic driver improvement course  
approved by the Department of Highway Safety and Motor

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1 Vehicles. In such a case, adjudication must be withheld;  
 2 points, as provided by s. 322.27, may not be assessed; and the  
 3 civil penalty that is imposed by s. 318.18(3) must be reduced  
 4 by 18 percent; however, a person may not make an election  
 5 under this subsection if the person has made an election under  
 6 this subsection in the preceding 12 months. A person may make  
 7 no more than five elections under this subsection. The  
 8 requirement for community service under s. 318.18(8) is not  
 9 waived by a plea of nolo contendere or by the withholding of  
 10 adjudication of guilt by a court.

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

13 318.143 Sanctions for infractions by minors.--

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

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

20 Section 22. Section 318.1435, Florida Statutes, is  
 21 created to read:

22 318.1435 Youthful driver monitoring services.--

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

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1 service shall timely forward to the parents or guardians all  
2 reports of inappropriate driving practices by the minor child.

3 (2) A youthful driver monitoring service may register  
4 with the Department of Highway Safety and Motor Vehicles. The  
5 registration must consist of a narrative description of the  
6 services offered by the youthful driver monitoring service,  
7 the name of the manager in charge of the service, the address  
8 of the service, and the telephone number of the service.

9 Registration under this subsection remains valid indefinitely,  
10 but it is the responsibility of the youthful driver monitoring  
11 service to timely file a revised registration statement to  
12 reflect any changes in the required information. If the  
13 department determines that the youthful driver monitoring  
14 service is not providing the services described in the  
15 narrative statement, the department may suspend the  
16 registration; however, the department must reinstate the  
17 registration when the service files a revised statement that  
18 reflects its actual practices.

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

21 318.15 Failure to comply with civil penalty or to  
22 appear; penalty.--

23 (2) After suspension of the driver's license and  
24 privilege to drive of a person under subsection (1), the  
25 license and privilege may not be reinstated until the person  
26 complies with all obligations and penalties imposed on him or  
27 her under s. 318.18 and presents to a driver license office a  
28 certificate of compliance issued by the court, together with a  
29 nonrefundable service charge of up to \$47.50 imposed under s.  
30 322.29, or presents a certificate of compliance and pays the  
31 aforementioned service charge of up to \$47.50 to the clerk of

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1 | the court or a driver licensing agent authorized in s. 322.135  
 2 | ~~tax collector~~ clearing such suspension. Of the charge  
 3 | collected by the clerk of the court or driver licensing agent  
 4 | ~~the tax collector~~, \$10 shall be remitted to the Department of  
 5 | Revenue to be deposited into the Highway Safety Operating  
 6 | Trust Fund. Such person shall also be in compliance with  
 7 | requirements of chapter 322 prior to reinstatement.

8 |           Section 24. Subsections (3) and (12) of section  
 9 | 318.18, Florida Statutes, are amended to read:

10 |           318.18 Amount of civil penalties.--The penalties  
 11 | required for a noncriminal disposition pursuant to s. 318.14  
 12 | are as follows:

13 |           (3)(a) Except as otherwise provided in this section,  
 14 | \$60 for all moving violations not requiring a mandatory  
 15 | appearance.

16 |           (b) For moving violations involving unlawful speed,  
 17 | the fines are as follows:

18 |

19   For speed exceeding the limit by:	Fine:
20   1-5 m.p.h.....	Warning
21   6-9 m.p.h.....	\$ 25
22   10-14 m.p.h.....	\$100
23   15-19 m.p.h.....	\$125
24   20-29 m.p.h.....	\$150
25   30 m.p.h. and above.....	\$250

26 |

27 |           (c) Notwithstanding paragraph (b), a person cited for  
 28 | exceeding the speed limit by up to 5 m.p.h. in a legally  
 29 | posted school zone will be fined \$50. A person exceeding the  
 30 | speed limit in a school zone shall pay a fine double the  
 31 | amount listed in paragraph (b).

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1 (d) A person cited for exceeding the speed limit in a  
 2 posted construction zone shall pay a fine double the amount  
 3 listed in paragraph (b). The fine shall be doubled for  
 4 construction zone violations only if construction personnel  
 5 are present or operating equipment on the road or immediately  
 6 adjacent to the road under construction.

7 (e) If a violation of s. 316.1301 or s. 316.1303  
 8 results in an injury to the pedestrian or damage to the  
 9 property of the pedestrian, an additional fine of up to \$250  
 10 shall be paid. This amount must be distributed pursuant to s.  
 11 318.21.

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

22 (g) A person cited for a second or subsequent  
 23 conviction of speed exceeding the limit by 30 miles per hour  
 24 and above within a 12-month period shall pay a fine that is  
 25 double the amount listed in paragraph (b). For purposes of  
 26 this paragraph, the term "conviction" means a finding of  
 27 guilt, with or without adjudication of guilt, as a result of a  
 28 jury verdict, nonjury trial, or entry of a plea of guilty or  
 29 nolo contendere, notwithstanding s. 318.14(11). Moneys  
 30 received from the increased fine imposed by this paragraph  
 31 shall be remitted to the Department of Revenue and deposited

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1 into the Department of Health Administrative Trust Fund to  
 2 provide financial support to certified trauma centers to  
 3 assure the availability and accessibility of trauma services  
 4 throughout the state. Funds deposited into the Administrative  
 5 Trust Fund under this section shall be allocated as follows:

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

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

13 (12) Two ~~One~~ hundred dollars for a violation of s.  
 14 316.520(1) or (2). If, at a hearing, the alleged offender is  
 15 found to have committed this offense, the court shall impose a  
 16 minimum civil penalty of \$200 ~~\$100~~. For a second or subsequent  
 17 adjudication within a period of 5 years, the department shall  
 18 suspend the driver's license of the person for not less than 1  
 19 year ~~180 days~~ and not more than 2 years ~~1 year~~.

20 Section 25. Section 318.19, Florida Statutes, is  
 21 amended to read:

22 318.19 Infractions requiring a mandatory hearing.--Any  
 23 person cited for the infractions listed in this section shall  
 24 not have the provisions of s. 318.14(2), (4), and (9)  
 25 available to him or her but must appear before the designated  
 26 official at the time and location of the scheduled hearing:

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

29 (2) Any infraction which results in a crash that  
 30 causes "serious bodily injury" of another as defined in s.  
 31 316.1933(1);

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- 1 (3) Any infraction of s. 316.172(1)(b); ~~or~~
- 2 (4) Any infraction of s. 316.520(1) or (2); ~~or~~
- 3 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
- 4 316.189 of exceeding the speed limit by 30 m.p.h. or more.

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

7 318.32 Jurisdiction; limitations.--

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

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

18 (b) Hear a case involving a crash resulting in injury  
19 or death;

20 (c) Hear a criminal traffic offense case or a case  
21 involving a civil traffic infraction issued in conjunction  
22 with a criminal traffic offense; or

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

25 Section 27. Effective July 1, 2008, subsection (1) of  
26 section 320.02, Florida Statutes, is amended to read:

27 320.02 Registration required; application for  
28 registration; forms.--

29 (1) Except as otherwise provided in this chapter,  
30 every owner or person in charge of a motor vehicle ~~that~~ ~~which~~  
31 is operated or driven on the roads of this state shall

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

11 Section 28. Subsection (8) of section 320.03, Florida  
 12 Statutes, is amended to read:

13 320.03 Registration; duties of tax collectors;  
 14 International Registration Plan.--

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



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

14 Section 29. Section 320.07, Florida Statutes, is  
 15 amended to read:

16 320.07 Expiration of registration; annual renewal  
 17 required; penalties.--

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

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

30 (3) The operation of any motor vehicle without having  
 31 attached thereto a registration license plate and validation

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1 stickers, or the use of any mobile home without having  
 2 attached thereto a mobile home sticker, for the current  
 3 registration period shall subject the owner thereof, if he or  
 4 she is present, or, if the owner is not present, the operator  
 5 thereof to the following penalty provisions:

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

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

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

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

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

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1 servicemember's commanding officer to waive charges.

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

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

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

27           (b) A person who has been assessed a penalty pursuant  
28 to s. 316.545(2)(b) for failure to have a valid vehicle  
29 registration certificate is not subject to the delinquent fee  
30 authorized by this subsection if such person obtains a valid  
31 registration certificate within 10 working days after such

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1 penalty was assessed. The official receipt authorized by s.  
2 316.545(6) constitutes proof of payment of the penalty  
3 authorized in s. 316.545(2)(b).

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

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

19 (6) Delinquent fees imposed under this section shall  
20 not be apportionable under the International Registration  
21 Plan.

22 Section 30. Section 320.0706, Florida Statutes, is  
23 amended to read:

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

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1 tractor shall be required to display the registration license  
2 plate only on the front of such vehicle.

3 Section 31. Paragraph (eee) is added to subsection (4)  
4 of section 320.08056, Florida Statutes, as amended by section  
5 1 of chapter 2005-357, Laws of Florida, and paragraph (a) of  
6 subsection (8) of that section is amended, to read:

7 320.08056 Specialty license plates.--

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

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

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

19 Section 32. Subsection (57) is added to section  
20 320.08058, Florida Statutes, to read:

21 320.08058 Specialty license plates.--

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

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

30 (b) The license plate annual use fee shall be  
31 distributed quarterly to the Florida Future Farmers of America

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1 Foundation, Inc., to fund activities and services of the  
2 Future Farmers of America.

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

16 Section 33. Section 320.089, Florida Statutes, is  
17 amended to read:

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

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

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

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

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

31 |         (2) Each owner or lessee of an automobile or truck for

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

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

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

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



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1 spouse of a recipient of the Purple Heart medal shall, upon  
 2 application therefor to the department, with the payment of  
 3 the required fees, be issued a license plate as provided in s.  
 4 320.06, on which license plate are stamped the words "Purple  
 5 Heart" and the likeness of the Purple Heart medal followed by  
 6 the serial number. Each application shall be accompanied by  
 7 proof that the applicant is the unremarried surviving spouse  
 8 of a recipient of the Purple Heart medal.

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

26           Section 34. Subsection (4) and paragraph (b) of  
 27 subsection (9) of section 320.27, Florida Statutes, are  
 28 amended to read:

29           320.27 Motor vehicle dealers.--

30           (4) LICENSE CERTIFICATE.--

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

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

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

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

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

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

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

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

- 28 1. Representation that a demonstrator is a new motor  
29 vehicle, or the attempt to sell or the sale of a demonstrator  
30 as a new motor vehicle without written notice to the purchaser  
31 that the vehicle is a demonstrator. For the purposes of this

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1 section, a "demonstrator," a "new motor vehicle," and a "used  
2 motor vehicle" shall be defined as under s. 320.60.

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

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

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

20           5. Failure of any motor vehicle dealer to comply with  
21 the terms of any bona fide written, executed agreement,  
22 pursuant to the sale of a motor vehicle.

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

25           7. Use of the dealer license identification number by  
26 any person other than the licensed dealer or his or her  
27 designee.

28           8. Failure to continually meet the requirements of the  
29 licensure law.

30           9. Representation to a customer or any advertisement  
31 to the public representing or suggesting that a motor vehicle

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1 is a new motor vehicle if such vehicle lawfully cannot be  
2 titled in the name of the customer or other member of the  
3 public by the seller using a manufacturer's statement of  
4 origin as permitted in s. 319.23(1).

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

8       11. Requirement by any motor vehicle dealer that any  
9 customer or purchaser finance a motor vehicle with a specific  
10 financial institution or company.

11       12. Requirement by any motor vehicle dealer that the  
12 purchaser of a motor vehicle contract with the dealer for  
13 physical damage insurance.

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

19       14. Violation of any of the provisions of s. 319.35 by  
20 any motor vehicle dealer.

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

27       16. Willful failure to comply with any administrative  
28 rule adopted by the department or the provisions of s.  
29 320.131(8).

30       17. Violation of chapter 319, this chapter, or ss.  
31 559.901-559.9221, which has to do with dealing in or repairing

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1 motor vehicles or mobile homes. Additionally, in the case of  
2 used motor vehicles, the willful violation of the federal law  
3 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining  
4 to the consumer sales window form.

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

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

10 Section 35. Subsection (5) is added to section  
11 320.405, Florida Statutes, to read:

12 320.405 International Registration Plan; inspection of  
13 records; hearings.--

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

18 Section 36. Subsection (1) of section 320.77 is  
19 amended, present subsections (9) through (15) are redesignated  
20 as subsections (10) through (16), respectively, and a new  
21 subsection (9) is added to that section, to read:

22 320.77 License required of mobile home dealers.--

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

24 (a) "Dealer" means any person engaged in the business  
25 of buying, selling, or dealing in mobile homes or offering or  
26 displaying mobile homes for sale. The term "dealer" includes  
27 a mobile home broker. Any person who buys, sells, deals in, or  
28 offers or displays for sale, or who acts as the agent for the  
29 sale of, one or more mobile homes in any 12-month period shall  
30 be prima facie presumed to be a dealer. The terms "selling"  
31 and "sale" include lease-purchase transactions. The term



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1 "dealer" does not include banks, credit unions, and finance  
 2 companies that acquire mobile homes as an incident to their  
 3 regular business and does not include mobile home rental and  
 4 leasing companies that sell mobile homes to dealers licensed  
 5 under this section. A licensed dealer may transact business in  
 6 recreational vehicles with a motor vehicle auction as defined  
 7 in s. 320.27(1)(c)4. Any licensed dealer dealing exclusively  
 8 in mobile homes shall not have benefit of the privilege of  
 9 using dealer license plates.

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

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

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

28 b. Induces or attempts to induce any person to buy or  
 29 exchange an interest in a mobile home required to be  
 30 registered and who receives or expects to receive a  
 31 commission, money, brokerage fees, profit, or any other thing

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

13 2. The term does not include:

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

21 b. A person who is licensed as a manufacturer,  
 22 remanufacturer, transporter, distributor, or representative of  
 23 mobile homes.

24 c. A person who is licensed as a mobile home dealer  
 25 under this chapter.

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

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

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

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

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

15       Section 37. Section 320.781, Florida Statutes, is  
16 amended to read:

17       320.781 Mobile Home and Recreational Vehicle  
18 Protection Trust Fund.--

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

25       (2) Beginning October 1, 1990, the department shall  
26 charge and collect an additional fee of \$1 for each new mobile  
27 home and new recreational vehicle title transaction for which  
28 it charges a fee. This additional fee shall be deposited into  
29 the trust fund. The Department of Highway Safety and Motor  
30 Vehicles shall charge a fee of \$40 per annual dealer and  
31 manufacturer license and license renewal, which shall be

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1 deposited into the trust fund. The sums deposited in the trust  
2 fund shall be used exclusively for carrying out the purposes  
3 of this section. These sums may be invested and reinvested by  
4 the Chief Financial Officer under the same limitations as  
5 apply to investment of other state funds, with all interest  
6 from these investments deposited to the credit of the trust  
7 fund.

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

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

27           (5) Subject to the limitations and requirements of  
28 this section, the trust fund shall be used by the department  
29 to compensate persons who have unsatisfied judgments, or in  
30 certain limited circumstances unsatisfied claims, against a  
31 mobile home or recreational vehicle dealer or broker. The

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1 following conditions must exist for a person to be eligible to  
2 file a claim against the trust fund ~~in one of the following~~  
3 ~~situations:~~

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

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

31 ~~(c) The claimant has alleged a claim against the~~

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

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

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

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

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

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

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

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

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

11           ~~6.5.~~ Such other information as the department  
 12 requires.

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

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

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

29           3. True copies of all purchase agreements, notices,  
 30 service or repair orders or papers or documents of any kind  
 31 whatsoever which the person received in connection with the

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1 purchase, exchange, or lease-purchase of the mobile home or  
2 recreational vehicle from which the person's cause of action  
3 arises; ~~and~~

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

6 ~~5.4.~~ Such other information as the department  
7 requires.

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

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

29 (8) The department, in its discretion and where  
30 feasible, may try to recover from the mobile home or  
31 recreational vehicle dealer or broker, or the judgment debtor



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1 or its surety, all sums paid to persons from the trust fund.  
 2 Any sums recovered shall be deposited to the credit of the  
 3 trust fund. The department shall be awarded a reasonable  
 4 attorney's fee for all actions taken to recover any sums paid  
 5 to persons from the trust fund pursuant to this section.

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

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

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

27 Section 38. Subsection (16) of section 322.01, Florida  
 28 Statutes, is amended, and subsections (43) and (44) are added  
 29 to that section, to read:

30 322.01 Definitions.--As used in this chapter:

31 (16) "Driver's license" means a certificate that

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1 which, subject to all other requirements of law, authorizes an  
2 individual to drive a motor vehicle and denotes an operator's  
3 license as defined in 49 U.S.C. s. 30301.

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

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

17 Section 39. Subsection (1) of section 322.02, Florida  
18 Statutes, is amended to read:

19 322.02 Legislative intent; administration.--

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

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1 | accountability, cost-effectiveness, efficiency,  
2 | responsiveness, and high-quality service to the drivers in  
3 | Florida.

4 |         Section 40. Subsection (2) of section 322.05, Florida  
5 | Statutes, is amended to read:

6 |             322.05 Persons not to be licensed.--The department may  
7 | not issue a license:

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

11 |             (a) Learner's driver's license for at least 12 months,  
12 | with no moving traffic convictions, before applying for a  
13 | license;

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

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

21 |         Section 41. Subsection (1) of section 322.051, Florida  
22 | Statutes, is amended to read:

23 |             322.051 Identification cards.--

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

30 |             (a) Each such application shall include the following  
31 | information regarding the applicant:

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

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

5           3. Proof of identity satisfactory to the department.

6 Such proof must include one of the following documents issued  
7 to the applicant:

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

14           b. A certified copy of a United States birth  
15 certificate;

16           c. A United States passport;

17           d. A naturalization certificate issued by the United  
18 States Department of Homeland Security;

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

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

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

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

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

31           (III) Notice of the approval of an application for

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1 adjustment of status issued by the United States Bureau of  
2 Citizenship and Immigration Services.

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

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

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

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

21  
22 Presentation of any of the documents described in  
23 sub-subparagraph f. or sub-subparagraph g. entitles the  
24 applicant to an identification card for a period not to exceed  
25 the expiration date of the document presented or 1 year ~~2~~  
26 ~~years~~, whichever first occurs.

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

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

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

5 322.08 Application for license.--

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

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

11 (b) Proof of birth date satisfactory to the  
12 department.

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

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

22 2. A certified copy of a United States birth  
23 certificate;

24 3. A United States passport;

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

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

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

30 7. Proof of nonimmigrant classification provided by  
31 the United States Department of Homeland Security, for an

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1 original driver's license. In order to prove nonimmigrant  
2 classification, an applicant may produce the following  
3 documents, including, but not limited to:

4 a. A notice of hearing from an immigration court  
5 scheduling a hearing on any proceeding.

6 b. A notice from the Board of Immigration Appeals  
7 acknowledging pendency of an appeal.

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

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

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

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

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

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

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

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

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

16 322.12 Examination of applicants.--

17 (5)(a) The department shall formulate a separate  
 18 examination for applicants for licenses to operate  
 19 motorcycles. Any applicant for a driver's license who wishes  
 20 to operate a motorcycle, and who is otherwise qualified, must  
 21 successfully complete such an examination, which is in  
 22 addition to the examination administered under subsection (3).  
 23 The examination must test the applicant's knowledge of the  
 24 operation of a motorcycle and of any traffic laws specifically  
 25 relating thereto and must include an actual demonstration of  
 26 his or her ability to exercise ordinary and reasonable control  
 27 in the operation of a motorcycle. Any applicant who fails to  
 28 pass the initial knowledge examination will incur a \$5 fee for  
 29 each subsequent examination, to be deposited into the Highway  
 30 Safety Operating Trust Fund. Any applicant who fails to pass  
 31 the initial skills examination will incur a \$10 fee for each



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

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

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

26 322.121 Periodic reexamination of all drivers.--

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

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1 regulations, and laws, governing the type of vehicle which he  
2 or she is seeking an endorsement to operate.

3 Section 45. Subsection (10) is added to section  
4 322.135, Florida Statutes, to read:

5 322.135 Driver's license agents.--

6 (10) The department may contract with any county  
7 constitutional officer to provide driver license services in  
8 the same manner as provided in this section in a county where  
9 the tax collector is not elected or elects not to provide  
10 driver license services.

11 Section 46. Section 322.2615, Florida Statutes, is  
12 amended to read:

13 322.2615 Suspension of license; right to review.--

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

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

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

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

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

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

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

29 4. The temporary permit issued at the time of  
 30 suspension ~~arrest expires~~ will expire at midnight of the 10th  
 31 day following the date of ~~arrest or~~ issuance of the notice of

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1 ~~suspension, whichever is later.~~

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

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

31           (3) If the department determines that the license ~~of~~

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

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

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

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

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1 person of the date, time, and place of the hearing.

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

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

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

29 (7) In a formal review hearing under subsection (6) or  
30 an informal review hearing under subsection (4), the hearing  
31 officer shall determine by a preponderance of the evidence

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1 whether sufficient cause exists to sustain, amend, or  
2 invalidate the suspension. The scope of the review shall be  
3 limited to the following issues:

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

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

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

14 ~~2.3.~~ Whether the person whose license was suspended  
15 had an unlawful blood-alcohol level or breath-alcohol level of  
16 0.08 or higher as provided in s. 316.193.

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

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

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

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

29 ~~3.4.~~ Whether the person whose license was suspended  
30 was told that if he or she refused to submit to such test his  
31 or her privilege to operate a motor vehicle would be suspended

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1 for a period of 1 year or, in the case of a second or  
2 subsequent refusal, for a period of 18 months.

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

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

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

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



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

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

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

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

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

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

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

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

31 (14)(a) The decision of the department under this

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

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

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

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

19 Section 47. Subsection (3) of section 322.27, Florida  
 20 Statutes, is amended to read:

21 322.27 Authority of department to suspend or revoke  
 22 license.--

23 (3) There is established a point system for evaluation  
 24 of convictions of violations of motor vehicle laws or  
 25 ordinances, and violations of applicable provisions of s.  
 26 403.413(6)(b) when such violations involve the use of motor  
 27 vehicles, for the determination of the continuing  
 28 qualification of any person to operate a motor vehicle. The  
 29 department is authorized to suspend the license of any person  
 30 upon showing of its records or other good and sufficient  
 31 evidence that the licensee has been convicted of violation of

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1 motor vehicle laws or ordinances, or applicable provisions of  
2 s. 403.413(6)(b), amounting to 12 or more points as determined  
3 by the point system. The suspension shall be for a period of  
4 not more than 1 year.

5 (a) When a licensee accumulates 12 points within a  
6 12-month period, the period of suspension shall be for not  
7 more than 30 days.

8 (b) When a licensee accumulates 18 points, including  
9 points upon which suspension action is taken under paragraph  
10 (a), within an 18-month period, the suspension shall be for a  
11 period of not more than 3 months.

12 (c) When a licensee accumulates 24 points, including  
13 points upon which suspension action is taken under paragraphs  
14 (a) and (b), within a 36-month period, the suspension shall be  
15 for a period of not more than 1 year.

16 (d) The point system shall have as its basic element a  
17 graduated scale of points assigning relative values to  
18 convictions of the following violations:

19 1. Reckless driving, willful and wanton--4 points.

20 2. Leaving the scene of a crash resulting in property  
21 damage of more than \$50--6 points.

22 3. Unlawful speed resulting in a crash--6 points.

23 4. Passing a stopped school bus--4 points.

24 5. Unlawful speed:

25 a. Not in excess of 15 miles per hour of lawful or  
26 posted speed--3 points.

27 b. In excess of 15 miles per hour but less than 30  
28 miles per hour of lawful or posted speed--4 points.

29 c. Thirty miles per hour or more in excess of lawful  
30 or posted speed--6 points.

31 6. A violation of a traffic control signal device as

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1 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.

2 7. All other moving violations (including parking on a  
3 highway outside the limits of a municipality)--3 points.

4 However, no points shall be imposed for a violation of s.  
5 316.0741 or s. 316.2065(12).

6 8. Any moving violation covered above, excluding  
7 unlawful speed, resulting in a crash--4 points.

8 9. Any conviction under s. 403.413(6)(b)--3 points.

9 10. Any conviction under s. 316.0775(2)--4 points.

10 (e) A conviction in another state of a violation  
11 therein which, if committed in this state, would be a  
12 violation of the traffic laws of this state, or a conviction  
13 of an offense under any federal law substantially conforming  
14 to the traffic laws of this state, except a violation of s.  
15 322.26, may be recorded against a driver on the basis of the  
16 same number of points received had the conviction been made in  
17 a court of this state.

18 (f) In computing the total number of points, when the  
19 licensee reaches the danger zone, the department is authorized  
20 to send the licensee a warning letter advising that any  
21 further convictions may result in suspension of his or her  
22 driving privilege.

23 (g) The department shall administer and enforce the  
24 provisions of this law and may make rules and regulations  
25 necessary for its administration.

26 (h) Three points shall be deducted from the driver  
27 history record of any person whose driving privilege has been  
28 suspended only once pursuant to this subsection and has been  
29 reinstated, if such person has complied with all other  
30 requirements of this chapter.

31 (i) This subsection shall not apply to persons

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1 operating a nonmotorized vehicle for which a driver's license  
2 is not required.

3 (j) For purposes of sub-subparagraph (d)5.c., the term  
4 "conviction" means a finding of guilt, with or without  
5 adjudication of guilt, as a result of a jury verdict, nonjury  
6 trial, or entry of a plea of guilty or nolo contendere,  
7 notwithstanding s. 318.14(11).

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9  
10 ===== T I T L E A M E N D M E N T =====

11 And the title is amended as follows:

12 On page 78, line 18, through  
13 page 82, line 7, delete those lines

14  
15 and insert:

16 amending s. 318.14, F.S.; providing exceptions  
17 to procedures for certain speed-limit  
18 violations; removing the option for certain  
19 offenders to attend driver improvement school;  
20 amending s. 318.143, F.S., relating to  
21 sanctions for infractions of ch. 316, F.S.,  
22 committed by minors; allowing a court to  
23 require a minor and his or her parents or  
24 guardians to participate in a registered  
25 youthful driver monitoring service; creating s.  
26 318.1435, F.S.; defining the term "youthful  
27 driver monitoring service"; providing  
28 procedures by which such a service may provide  
29 monitoring; providing registration  
30 requirements; amending s. 318.15, F.S.;

31 providing for the collection of certain service

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1 charges by authorized driver licensing agents;  
2 amending s. 318.18, F.S.; providing increased  
3 penalties for violation of load on vehicle  
4 restrictions; providing increased penalties for  
5 certain speed-limit violations; providing for  
6 disposition of increased penalties; amending s.  
7 318.19, F.S.; requiring mandatory hearings for  
8 certain speed-limit violations; amending s.  
9 318.32, F.S.; authorizing officers to revoke a  
10 driver's license under certain circumstances;  
11 amending s. 320.02, F.S.; requiring proof of an  
12 endorsement before the original registration of  
13 a motorcycle, motor-driven cycle, or moped;  
14 amending s. 320.03, F.S.; exempting certain  
15 owners of leased vehicles from certain  
16 registration requirements; amending s. 320.07,  
17 F.S.; exempting certain owners of leased  
18 vehicles from certain penalties relating to  
19 annual registration-renewal requirements;  
20 amending s. 320.0706, F.S.; providing  
21 requirements for displaying the rear license  
22 plate on a dump truck; amending s. 320.08056,  
23 F.S.; providing annual use fees for certain  
24 plates; exempting collegiate license plates  
25 from the requirement for maintaining a  
26 specified number of license plate  
27 registrations; amending s. 320.08058, F.S.;  
28 creating the Future Farmers of America license  
29 plate; providing for the distribution of annual  
30 use fees received from the sale of such plates;  
31 amending s. 320.089, F.S.; providing for

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1           Operation Iraqi Freedom and Operation Enduring  
2           Freedom license plates for qualified military  
3           personnel; amending s. 320.27, F.S.; exempting  
4           certain applicants for a new franchised motor  
5           vehicle dealer license from certain training  
6           requirements; providing penalties for the  
7           failure to register a mobile home salesperson;  
8           amending s. 320.405, F.S.; authorizing the  
9           department to enter into an agreement for  
10          scheduling the payment of taxes or penalties;  
11          amending s. 320.77, F.S.; providing a  
12          definition; requiring mobile home salespersons  
13          to be registered with the department; amending  
14          s. 320.781, F.S.; providing for certain claims  
15          to be satisfied from the Mobile Home and  
16          Recreational Vehicle Protection Trust Fund;  
17          establishing certain conditions for such  
18          claims; providing limits on such claims;  
19          amending s. 322.01, F.S.; redefining the term  
20          "driver's license" to include an operator's  
21          license as defined by federal law; defining the  
22          terms "identification card," "temporary  
23          driver's license," and "temporary  
24          identification card" for purposes of ch. 322,  
25          F.S.; amending s. 322.02, F.S.; revising  
26          legislative intent provisions to include  
27          references to county constitutional officers  
28          providing driver licensing services; amending  
29          s. 322.05, F.S.; requiring that a driver  
30          holding a learner license may only have his or  
31          her application for a Class E license delayed



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1 for a moving violation; amending s. 322.051,  
2 F.S.; revising the age at which a person may be  
3 issued an identification card by the  
4 department; authorizing the use of additional  
5 documentation for purposes of proving  
6 nonimmigrant classification when a person  
7 applies for an identification card; amending s.  
8 322.08, F.S.; authorizing the use of additional  
9 documentation for purposes of proving  
10 nonimmigrant classification when a person  
11 applies for a driver's license; amending s.  
12 322.12, F.S.; requiring that all first-time  
13 applicants for a license to operate a  
14 motorcycle complete a motorcycle safety course;  
15 amending s. 322.121, F.S.; revising periodic  
16 license examination requirements; providing for  
17 such testing of applicants for renewal of a  
18 license under provisions requiring an  
19 endorsement permitting the applicant to operate  
20 a tank vehicle transporting hazardous  
21 materials; amending s. 322.135, F.S.;  
22 authorizing the department to contract with any  
23 county constitutional officer for driver  
24 license services in counties where the tax  
25 collector is not elected or does not provide  
26 the services; amending s. 322.2615, F.S.;  
27 revising the procedures under which a law  
28 enforcement officer or correctional officer may  
29 suspend the driving privilege of a person who  
30 is driving a motor vehicle and who has an  
31 unlawful blood-alcohol level or breath-alcohol

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1 level or who refuses to submit to a test of his  
2 or her urine, breath, or blood; deleting a  
3 requirement that such person be arrested for  
4 the offense of driving under the influence;  
5 revising certain reporting requirements;  
6 providing that materials submitted to the  
7 department by the law enforcement agency,  
8 including the crash report, are  
9 self-authenticating and part of the record for  
10 the hearing officer; authorizing a law  
11 enforcement agency to appeal a decision by the  
12 department invalidating a suspension of a  
13 person's driving privilege; amending s. 322.27,  
14 F.S.; providing for an increase in driver  
15 points for certain speed-limit violations;  
16 directing the

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