

HB 7079

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1                   A bill to be entitled  
2           An act relating to highway safety and motor vehicles;  
3           amending s. 207.008, F.S.; revising requirements for motor  
4           carriers to retain certain records as required by the  
5           Department of Highway Safety and Motor Vehicles for tax  
6           purposes; amending s. 207.021, F.S.; authorizing the  
7           department to adopt rules establishing informal  
8           conferences to resolve disputes with motor carriers  
9           arising from the assessment of taxes, penalties, or  
10          interest or the denial of refunds; specifying certain  
11          rights of the motor carrier; providing for closing  
12          agreements to settle or compromise the taxpayer's  
13          liability; providing conditions for settlement or  
14          compromise; authorizing installment payment to settle  
15          liability; amending s. 316.003, F.S.; revising the  
16          definitions of "motor vehicle," "motorcycle," and  
17          "motorized scooter"; defining "miniature motorcycle" and  
18          "full mount"; revising the definition of "saddle mount" to  
19          provide for a full mount; amending s. 316.211, F.S.;  
20          requiring motorcycles registered to certain persons to  
21          display a license plate that is unique in design and  
22          color; providing penalties; creating s. 316.2123, F.S.;  
23          providing for all-terrain vehicle operation under certain  
24          conditions; requiring the operator to provide proof of  
25          ownership to a law enforcement officer; creating s.  
26          316.2128, F.S.; prohibiting use of motorized scooters and  
27          miniature motorcycles on public roads and sidewalks;  
28          requiring the operator to possess proof of ownership;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | prohibiting causing or allowing a child or ward to operate  
30 | a motorized scooter or miniature motorcycle on public  
31 | roads or sidewalks or without proof of ownership;  
32 | providing penalties; providing requirements for commercial  
33 | sale of motorized scooters and miniature motorcycles;  
34 | providing that a violation of the commercial sales  
35 | requirements is an unfair and deceptive trade practice;  
36 | amending s. 316.221, F.S.; providing an exemption from  
37 | certain taillamp requirements for dump trucks and vehicles  
38 | with dump bodies; amending s. 316.302, F.S.; updating  
39 | reference to federal commercial motor vehicle regulations;  
40 | revising hours-of-service requirements for certain  
41 | intrastate motor carriers; revising conditions for an  
42 | exemption from commercial driver license requirements;  
43 | revising weight requirements for application of certain  
44 | exceptions to specified federal regulations and to  
45 | operation of certain commercial motor vehicles by persons  
46 | of a certain age; amending s. 316.515, F.S.; authorizing  
47 | certain uses of forestry equipment; providing width and  
48 | speed limitations; requiring such vehicles to be operated  
49 | in accordance with specified safety requirements; revising  
50 | length and mount requirements for automobile towaway and  
51 | driveaway operations; authorizing saddle mount  
52 | combinations to include one full mount; amending s.  
53 | 318.1215, F.S.; increasing the amount of a local option  
54 | surcharge on traffic penalties; amending s. 318.14, F.S.;  
55 | providing exceptions to procedures for certain speed limit  
56 | violations; removing the option for certain offenders to

57 attend driver improvement school; amending s. 318.18,  
58 F.S.; providing increased penalties for certain speed  
59 limit violations and violations of vehicle load  
60 requirements; defining "conviction" for specified  
61 purposes; amending s. 318.19, F.S.; requiring mandatory  
62 hearings for certain speed limit violations; amending s.  
63 319.14, F.S.; revising definition of "police vehicle" for  
64 purpose of resale or exchange; amending s. 320.02, F.S.;  
65 requiring proof of required endorsement on a driver  
66 license as a condition for original registration of a  
67 motorcycle, motor-driven cycle, or moped; amending s.  
68 320.0706, F.S.; revising license display requirements for  
69 dump trucks; amending s. 320.089, F.S.; providing for  
70 Operation Iraqi Freedom and Operation Enduring Freedom  
71 license plates for qualified military personnel; amending  
72 s. 320.27, F.S.; revising motor vehicle dealer licensing  
73 requirements; revising the definition of "motor vehicle"  
74 to provide an exception for certain low-speed vehicles;  
75 revising conditions for license renewal for certain  
76 independent dealers; removing certain training provisions;  
77 correcting terminology; correcting a cross-reference;  
78 amending s. 320.405, F.S.; authorizing the department to  
79 enter into certain agreements to schedule payments to  
80 settle certain liabilities under the International  
81 Registration Plan; amending s. 322.01, F.S.; revising the  
82 definition of "driver's license"; defining "identification  
83 card," "temporary driver's license," and "temporary  
84 identification card"; amending s. 322.051, F.S.; revising

85 | the age requirement for issuance of an identification  
86 | card; revising criteria for proof of the identity and  
87 | status of an applicant for an identification card;  
88 | revising the period of issuance for certain temporary  
89 | identification cards; amending s. 322.08, F.S.; revising  
90 | criteria for proof of the identity and status of an  
91 | applicant for a driver license; revising the period of  
92 | issuance for certain temporary driver licenses or permits;  
93 | amending s. 322.12, F.S.; requiring all first-time  
94 | applicants for licensure to operate a motorcycle to  
95 | provide proof of completion of a motorcycle safety course;  
96 | amending s. 322.121, F.S.; revising periodic license  
97 | examination requirements; providing for such testing of  
98 | applicants for renewal of a license under provisions  
99 | requiring an endorsement permitting the applicant to  
100 | operate a tank vehicle transporting hazardous materials;  
101 | amending s. 322.142, F.S.; providing authority for driver  
102 | license digital images and signatures to be reproduced and  
103 | provided to supervisors of elections for certain purposes;  
104 | amending s. 322.2615, F.S.; revising provisions for  
105 | suspension of driver licenses and review of suspension by  
106 | the department; revising criteria for notice of the  
107 | suspension; providing that certain materials shall be  
108 | considered self-authenticating and available to a hearing  
109 | officer; revising authority of the hearing officer to  
110 | subpoena and question witnesses; removing provision for  
111 | the department and the person arrested to subpoena  
112 | witnesses; providing for appeal by a law enforcement

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113 agency of a department decision invalidating a suspension;  
 114 providing that the court review may not be used in a trial  
 115 for driving under the influence; amending s. 322.27, F.S.;

116 providing for an increase in driver license points  
 117 assessed for certain speed limit violations and for  
 118 traffic control signal device violations resulting in a  
 119 crash; defining "conviction" for specified purposes;  
 120 providing effective dates.

121

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

123

124 Section 1. Section 207.008, Florida Statutes, is amended  
 125 to read:

126 207.008 Retention of records by motor carrier.--Each  
 127 registered motor carrier shall maintain and keep pertinent  
 128 records and papers as may be required by the department for the  
 129 reasonable administration of this chapter and shall preserve the  
 130 records upon which each quarterly tax return is based for 4  
 131 years after the due date or filing date of the return, whichever  
 132 is later ~~such records as long as required by s. 213.35.~~

133 Section 2. Section 207.021, Florida Statutes, is amended  
 134 to read:

135 207.021 Informal conferences; settlement or compromise of  
 136 taxes, penalties, or interest.--~~The department may settle or~~  
 137 ~~compromise, pursuant to s. 213.21, penalties or interest imposed~~  
 138 ~~under this chapter.~~

139 (1) (a) The department may adopt rules pursuant to ss.  
 140 120.536(1) and 120.54 for establishing informal conferences to

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141 resolve disputes arising from the assessment of taxes,  
142 penalties, or interest or the denial of refunds.

143 (b) During any proceeding arising under this section, the  
144 motor carrier has the right to be represented at and record all  
145 proceedings at the motor carrier's expense.

146 (2) (a) The executive director of the department or his or  
147 her designee is authorized to enter into closing agreements with  
148 any taxpayer settling or compromising the taxpayer's liability  
149 for any tax, interest, or penalty assessed under this chapter.  
150 The agreement shall be in writing and must be in the form of a  
151 closing agreement approved by the department and signed by the  
152 executive director or his or her designee. The agreement shall  
153 be final and conclusive except upon a showing of material fraud  
154 or misrepresentation of material fact. No additional assessment  
155 may be made by the department against the taxpayer for the tax,  
156 interest, or penalty specified in the closing agreement for the  
157 time specified in the closing agreement, and the taxpayer shall  
158 not be entitled to institute any judicial or administrative  
159 proceeding to recover any tax, interest, or penalty paid  
160 pursuant to the closing agreement. The executive director or his  
161 or her designee is authorized to approve any such closing  
162 agreement.

163 (b) Notwithstanding the provisions of paragraph (a), for  
164 the purpose of settling and compromising the liability of any  
165 taxpayer for tax or interest on the grounds of doubt as to  
166 liability based on the taxpayer's reasonable reliance on a  
167 written determination issued by the department, the department  
168 may compromise the amount of such tax or interest resulting from

169 such reasonable reliance.

170 (3) A taxpayer's liability for any tax or interest  
 171 specified in this chapter may be compromised by the department  
 172 upon the grounds of doubt as to liability for or the ability to  
 173 collect such tax or interest. Doubt as to the liability of a  
 174 taxpayer for tax and interest exists if the taxpayer  
 175 demonstrates that he or she reasonably relied on a written  
 176 determination of the department.

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

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

185 (6) The department is authorized to enter into agreements  
 186 for scheduling payments of taxes, penalties, and interest due to  
 187 the department as a result of audit assessments issued under  
 188 this chapter.

189 Section 3. Subsections (21), (22), (43), and (82) of  
 190 section 316.003, Florida Statutes, are amended, and subsection  
 191 (86) is added to that section, to read:

192 316.003 Definitions.--The following words and phrases,  
 193 when used in this chapter, shall have the meanings respectively  
 194 ascribed to them in this section, except where the context  
 195 otherwise requires:

196 (21) MOTOR VEHICLE.--Any self-propelled vehicle not  
 197 operated upon rails or guideway, but not including any bicycle,  
 198 ~~motorized scooter,~~ electric personal assistive mobility device,  
 199 or moped.

200 (22) MOTORCYCLE.--Any motor vehicle having a seat or  
 201 saddle for the use of the rider and designed to travel on not  
 202 more than three wheels in contact with the ground, but excluding  
 203 a tractor, a miniature motorcycle, or a moped.

204 (43) SADDLE MOUNT; FULL MOUNT.--An arrangement whereby the  
 205 front wheels of one vehicle rest in a secured position upon  
 206 another vehicle. All of the wheels of the towing vehicle are  
 207 upon the ground and only the rear wheels of the towed vehicle  
 208 rest upon the ground. Such combinations may include one full  
 209 mount, whereby a smaller transport vehicle is placed completely  
 210 on the last towed vehicle.

211 (82) MOTORIZED SCOOTER.--Any vehicle not having a seat or  
 212 saddle for the use of the rider, designed to travel on not more  
 213 than three wheels, and not capable of propelling the vehicle at  
 214 a speed greater than 30 miles per hour on level ground and that,  
 215 because of its small size, its design or lack of required safety  
 216 equipment, or other noncompliance with federal regulations, is  
 217 not eligible for a manufacturer's certificate of origin and for  
 218 registration pursuant to chapter 320.

219 (86) MINIATURE MOTORCYCLE.--Any vehicle having a seat or  
 220 saddle for the use of the rider and designed to travel on not  
 221 more than three wheels in contact with the ground and that,  
 222 because of its small size, its design or lack of required safety  
 223 equipment, or other noncompliance with federal regulations, is



224 not eligible for a manufacturer's certificate of origin and for  
 225 registration as a motorcycle pursuant to chapter 320. The term  
 226 does not include off-highway vehicles as defined in chapter 317.

227 Section 4. Effective January 1, 2007, subsection (6) of  
 228 section 316.211, Florida Statutes, is renumbered as subsection  
 229 (7), and a new subsection (6) is added to that section, to read:

230 316.211 Equipment for motorcycle and moped riders.--

231 (6) Motorcycles registered to persons who have not  
 232 attained 21 years of age shall display a license plate that is  
 233 unique in design and color.

234 (7)~~(6)~~ A violation of this section is a noncriminal  
 235 traffic infraction, punishable as a nonmoving violation as  
 236 provided in chapter 318.

237 Section 5. Section 316.2123, Florida Statutes, is created  
 238 to read:

239 316.2123 Operation of an ATV on certain roadways.--The  
 240 operation of an ATV as defined in s. 317.0003 upon the public  
 241 roads or streets of this state is prohibited, except that an ATV  
 242 may be operated during the daytime on an unpaved roadway where  
 243 the posted speed limit is less than 35 miles per hour by a  
 244 licensed driver or by a minor under the supervision of a  
 245 licensed driver. The operator must provide proof of ownership  
 246 pursuant to chapter 317 upon request by a law enforcement  
 247 officer.

248 Section 6. Section 316.2128, Florida Statutes, is created  
 249 to read:

250 316.2128 Operation of motorized scooters and miniature  
 251 motorcycles; requirements for sales.--

252       (1) The operation of motorized scooters and miniature  
253 motorcycles, as defined in s. 316.003, on the public roads or  
254 streets of this state or on the sidewalks of this state is  
255 prohibited, and such vehicles may not be registered pursuant to  
256 chapter 320. Except when operating the vehicle on the operator's  
257 own private property, the operator of such a vehicle must keep  
258 proof of ownership in the form of a receipt, sales invoice, bill  
259 of sale, or other written documentation in his or her possession  
260 at all times.

261       (2) (a) No person shall cause or knowingly permit his or  
262 her child or ward who has not attained 16 years of age to drive  
263 a motorized scooter or miniature motorcycle in violation of  
264 subsection (1).

265       (b) No person shall cause or knowingly permit his or her  
266 child or ward who is between 16 to 18 years of age and who is  
267 not a licensed driver to drive a motorized scooter or miniature  
268 motorcycle in violation of subsection (1).

269       (3) A violation of subsection (1) or subsection (2) is a  
270 noncriminal traffic infraction, punishable as a moving violation  
271 as provided in chapter 318. A minor in violation of any  
272 provision of this section is also subject to the additional  
273 sanctions of s. 318.143.

274       (4) A person who engages in the business of, serves in the  
275 capacity of, or acts as a commercial seller of motorized  
276 scooters or miniature motorcycles in this state must comply with  
277 this subsection. Each such person shall prominently display at  
278 his or her place of business a notice that such vehicles are not  
279 legal to operate on public roads or sidewalks and may not be

280 registered as motor vehicles. The required notice must also  
 281 appear in all forms of advertising offering motorized scooters  
 282 or miniature motorcycles for sale. The notice and a copy of this  
 283 section must also be provided to a consumer prior to the  
 284 consumer's purchasing or becoming obligated to purchase a  
 285 motorized scooter or a miniature motorcycle. Any person selling  
 286 or offering a motorized scooter or a miniature motorcycle for  
 287 sale in violation of this subsection commits an unfair and  
 288 deceptive trade practice as defined in part II of chapter 501.

289 Section 7. Subsection (2) of section 316.221, Florida  
 290 Statutes, is amended to read:

291 316.221 Taillamps.--

292 (2) Either a taillamp or a separate lamp shall be so  
 293 constructed and placed as to illuminate with a white light the  
 294 rear registration plate and render it clearly legible from a  
 295 distance of 50 feet to the rear. Any taillamp or taillamps,  
 296 together with any separate lamp or lamps for illuminating the  
 297 rear registration plate, shall be so wired as to be lighted  
 298 whenever the headlamps or auxiliary driving lamps are lighted.  
 299 Dump trucks and vehicles with dump bodies are exempt from the  
 300 requirements of this subsection.

301 Section 8. Paragraph (b) of subsection (1), paragraphs  
 302 (b), (c), (d), (f), and (i) of subsection (2), and subsection  
 303 (3) of section 316.302, Florida Statutes, are amended to read:

304 316.302 Commercial motor vehicles; safety regulations;  
 305 transporters and shippers of hazardous materials; enforcement.--

306 (1)

307 (b) Except as otherwise provided in this section, all  
 308 owners or drivers of commercial motor vehicles that are engaged  
 309 in intrastate commerce are subject to the rules and regulations  
 310 contained in 49 C.F.R. parts 382, 385, and 390-397, with the  
 311 exception of 49 C.F.R. s. 390.5 as it relates to the definition  
 312 of bus, as such rules and regulations existed on October 1, 2005  
 313 ~~2004~~.

314 (2)

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

319 1. More than 12 hours following 10 consecutive hours off  
 320 duty; or

321 2. For any period after the end of the 16th hour after  
 322 coming on duty following 10 consecutive hours off duty ~~is exempt~~  
 323 ~~from 49 C.F.R. s. 395.3(a) and (b) and may, after 8 hours' rest,~~  
 324 ~~and following the required initial motor vehicle inspection, be~~  
 325 ~~permitted to drive any part of the first 15 on-duty hours in any~~  
 326 ~~24 hour period, but may not be permitted to operate a commercial~~  
 327 ~~motor vehicle after that until the requirement of another 8~~  
 328 ~~hours' rest has been fulfilled.~~

329  
 330 The provisions of this paragraph do not apply to drivers of  
 331 utility service vehicles as defined in 49 C.F.R. s. 395.2 ~~public~~  
 332 ~~utility vehicles or authorized emergency vehicles during periods~~  
 333 ~~of severe weather or other emergencies.~~

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334           (c) Except as provided in 49 C.F.R. s. 395.1(k), a person  
335 who operates a commercial motor vehicle solely in intrastate  
336 commerce not transporting any hazardous material in amounts that  
337 require placarding pursuant to 49 C.F.R. part 172 may not drive  
338 after having been on duty more than 70 hours in any period of 7  
339 consecutive days or more than 80 hours in any period of 8  
340 consecutive days if the motor carrier operates every day of the  
341 week. ~~Twenty-four be on duty more than 72 hours in any period of~~  
342 ~~7 consecutive days, but carriers operating every day in a week~~  
343 ~~may permit drivers to remain on duty for a total of not more~~  
344 ~~than 84 hours in any period of 8 consecutive days; however, 24~~  
345 consecutive hours off duty shall constitute the end of any such  
346 period of 7 or 8 consecutive days. This weekly limit does not  
347 apply to a person who operates a commercial motor vehicle solely  
348 within this state while transporting, during harvest periods,  
349 any unprocessed agricultural products or unprocessed food or  
350 fiber that is ~~are~~ subject to seasonal harvesting from place of  
351 harvest to the first place of processing or storage or from  
352 place of harvest directly to market or while transporting  
353 livestock, livestock feed, or farm supplies directly related to  
354 growing or harvesting agricultural products. Upon request of the  
355 Department of Transportation, motor carriers shall furnish time  
356 records or other written verification to that department so that  
357 the Department of Transportation can determine compliance with  
358 this subsection. These time records must be furnished to the  
359 Department of Transportation within 10 days after receipt of  
360 that department's request. Falsification of such information is  
361 subject to a civil penalty not to exceed \$100. The provisions of

362 this paragraph do not apply to drivers of ~~public utility~~ service  
 363 vehicles as defined in 49 C.F.R. s. 395.2 ~~or authorized~~  
 364 ~~emergency vehicles during periods of severe weather or other~~  
 365 ~~emergencies.~~

366 (d) A person who operates a commercial motor vehicle  
 367 solely in intrastate commerce not transporting any hazardous  
 368 material in amounts that require placarding pursuant to 49  
 369 C.F.R. part 172 within a 150 ~~200~~ air-mile radius of the location  
 370 where the vehicle is based need not comply with 49 C.F.R. s.  
 371 395.8, except that time records shall be maintained as  
 372 prescribed in 49 C.F.R. s. 395.1(e)(5).

373 (f) A person who operates a commercial motor vehicle  
 374 having a declared gross vehicle weight of less than 26,001  
 375 ~~26,000~~ pounds solely in intrastate commerce and who is not  
 376 transporting hazardous materials in amounts that require  
 377 placarding pursuant to 49 C.F.R. part 172, or who is  
 378 transporting petroleum products as defined in s. 376.301, is  
 379 exempt from subsection (1). However, such person must comply  
 380 with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss.  
 381 396.3(a)(1) and 396.9.

382 (i) A person ~~who was a regularly employed driver of a~~  
 383 ~~commercial motor vehicle on July 4, 1987, and~~ whose driving  
 384 record shows no traffic convictions, pursuant to s. 322.61,  
 385 during the 2-year period immediately preceding the application  
 386 for the commercial driver's license, ~~and~~ who is otherwise  
 387 qualified as a driver under 49 C.F.R. part 391, and who operates  
 388 a commercial vehicle in intrastate commerce only, shall be  
 389 exempt from the requirements of 49 C.F.R. part 391, subpart E,

390 s. 391.41(b)(10). However, such operators are still subject to  
 391 the requirements of ss. 322.12 and 322.121. As proof of  
 392 eligibility, such driver shall have in his or her possession a  
 393 physical examination form dated within the past 24 months.

394 (3) A person who has not attained ~~under the age of~~ 18  
 395 years of age may not operate a commercial motor vehicle, except  
 396 that a person who has not attained ~~under the age of~~ 18 years of  
 397 age may operate a commercial motor vehicle which has a gross  
 398 vehicle weight of less than 26,001 ~~26,000~~ pounds while  
 399 transporting agricultural products, including horticultural or  
 400 forestry products, from farm or harvest place to storage or  
 401 market.

402 Section 9. Subsections (5) and (10) of section 316.515,  
 403 Florida Statutes, are amended to read:

404 316.515 Maximum width, height, length.--

405 (5) IMPLEMENTS OF HUSBANDRY, AGRICULTURAL TRAILERS,  
 406 FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.--

407 (a) Notwithstanding any other provisions of law, straight  
 408 trucks, agricultural tractors, and cotton module movers, not  
 409 exceeding 50 feet in length, or any combination of up to and  
 410 including three implements of husbandry including the towing  
 411 power unit, and any single agricultural trailer with a load  
 412 thereon or any agricultural implements attached to a towing  
 413 power unit not exceeding 130 inches in width, or a self-  
 414 propelled agricultural implement or an agricultural tractor not  
 415 exceeding 130 inches in width, is authorized for the purpose of  
 416 transporting peanuts, grains, soybeans, cotton, hay, straw, or  
 417 other perishable farm products from their point of production to

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418 the first point of change of custody or of long-term storage,  
419 and for the purpose of returning to such point of production, or  
420 for the purpose of moving such tractors, movers, and implements  
421 from one point of agricultural production to another, by a  
422 person engaged in the production of any such product or custom  
423 hauler, if such vehicle or combination of vehicles otherwise  
424 complies with this section. Such vehicles shall be operated in  
425 accordance with all safety requirements prescribed by law and  
426 Department of Transportation rules. The Department of  
427 Transportation may issue overlength permits for cotton module  
428 movers greater than 50 feet but not more than 55 feet in overall  
429 length.

430 (b) Notwithstanding any other provisions of law, equipment  
431 not exceeding 136 inches in width and not capable of speeds  
432 exceeding 20 miles per hour that is used exclusively for the  
433 purpose of harvesting forestry products is authorized for the  
434 purpose of transporting the equipment from one point of harvest  
435 to another point of harvest, not to exceed 10 miles, by a person  
436 engaged in the harvesting of forestry products. Such vehicles  
437 shall be operated in accordance with all safety requirements  
438 prescribed by s. 316.2295(5) and (6).

439 (10) AUTOMOBILE TOWAWAY AND DRIVEAWAY OPERATIONS.--An  
440 automobile towaway or driveaway operation transporting new or  
441 used trucks may use what is known to the trade as "saddle  
442 mounts," if the overall length does not exceed 97 75 feet and no  
443 more than three saddle mounts are towed. Such combinations may  
444 include one full mount. Saddle mount combinations must also



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445 comply with the applicable safety regulations in 49 C.F.R. s.  
446 393.71.

447 Section 10. Section 318.1215, Florida Statutes, is amended  
448 to read:

449 318.1215 Dori Slosberg Driver Education Safety  
450 Act.--~~Effective October 1, 2002,~~ Notwithstanding the provisions  
451 of s. 318.121, a board of county commissioners may require, by  
452 ordinance, that the clerk of the court collect an additional \$5  
453 ~~\$3~~ with each civil traffic penalty, which shall be used to fund  
454 driver education programs in public and nonpublic schools. The  
455 ordinance shall provide for the board of county commissioners to  
456 administer the funds, which shall be used for enhancement, and  
457 not replacement, of driver education program funds. The funds  
458 shall be used for direct educational expenses and shall not be  
459 used for administration. Each driver education program receiving  
460 funds pursuant to this section shall require that a minimum of  
461 30 percent of a student's time in the program be behind-the-  
462 wheel training. This section may be cited as the "Dori Slosberg  
463 Driver Education Safety Act."

464 Section 11. Subsection (9) of section 318.14, Florida  
465 Statutes, is amended to read:

466 318.14 Noncriminal traffic infractions; exception;  
467 procedures.--

468 (9) Any person who does not hold a commercial driver's  
469 license and who is cited for an infraction under this section  
470 other than a violation of s. 316.183(2), s. 316.187, or s.  
471 316.189, when the driver exceeds the posted limit by 30 miles  
472 per hour or more, or s. 320.0605, s. 320.07(3)(a) or (b), s.

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473 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a  
 474 court appearance, elect to attend in the location of his or her  
 475 choice within this state a basic driver improvement course  
 476 approved by the Department of Highway Safety and Motor Vehicles.  
 477 In such a case, adjudication must be withheld; points, as  
 478 provided by s. 322.27, may not be assessed; and the civil  
 479 penalty that is imposed by s. 318.18(3) must be reduced by 18  
 480 percent; however, a person may not make an election under this  
 481 subsection if the person has made an election under this  
 482 subsection in the preceding 12 months. A person may make no more  
 483 than five elections under this subsection. The requirement for  
 484 community service under s. 318.18(8) is not waived by a plea of  
 485 nolo contendere or by the withholding of adjudication of guilt  
 486 by a court.

487 Section 12. Paragraph (g) is added to subsection (3) of  
 488 section 318.18, Florida Statutes, and subsection (12) of that  
 489 section is amended, to read:

490 318.18 Amount of civil penalties.--The penalties required  
 491 for a noncriminal disposition pursuant to s. 318.14 are as  
 492 follows:

493 (3)

494 (g) A person cited for a second or subsequent violation of  
 495 exceeding the speed limit by 30 miles per hour and above within  
 496 a 12-month period shall pay a fine double the amount listed in  
 497 paragraph (b). For purposes of this paragraph, the term  
 498 "conviction" means a finding of guilt, with or without  
 499 adjudication of guilt, as a result of a jury verdict, nonjury

500 trial, or entry of a plea of guilty or nolo contendere,  
 501 notwithstanding s. 318.14(11).

502 (12) Two ~~One~~ hundred dollars for a violation of s.  
 503 316.520(1) or (2). If, at a hearing, the alleged offender is  
 504 found to have committed this offense, the court shall impose a  
 505 minimum civil penalty of \$200 ~~\$100~~. For a second or subsequent  
 506 adjudication within a period of 5 years, the department shall  
 507 suspend the driver's license of the person for not less than 1  
 508 year ~~180 days~~ and not more than 2 years ~~1 year~~.

509 Section 13. Section 318.19, Florida Statutes, is amended  
 510 to read:

511 318.19 Infractions requiring a mandatory hearing.--Any  
 512 person cited for the infractions listed in this section shall  
 513 not have the provisions of s. 318.14(2), (4), and (9) available  
 514 to him or her but must appear before the designated official at  
 515 the time and location of the scheduled hearing:

- 516 (1) Any infraction which results in a crash that causes  
 517 the death of another;
- 518 (2) Any infraction which results in a crash that causes  
 519 "serious bodily injury" of another as defined in s. 316.1933(1);
- 520 (3) Any infraction of s. 316.172(1)(b); ~~or~~
- 521 (4) Any infraction of s. 316.520(1) or (2); or
- 522 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
 523 316.189 of exceeding the speed limit by 30 miles per hour or  
 524 more.

525 Section 14. Paragraph (c) of subsection (1) of section  
 526 319.14, Florida Statutes, is amended to read:

527           319.14 Sale of motor vehicles registered or used as  
 528 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles  
 529 and nonconforming vehicles.--

530           (1)

531           (c) As used in this section:

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

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

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

542           c. "Lease vehicle" includes both short-term-lease vehicles  
 543 and long-term-lease vehicles.

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

546           4. "Assembled from parts" means a motor vehicle or mobile  
 547 home assembled from parts or combined from parts of motor  
 548 vehicles or mobile homes, new or used. "Assembled from parts"  
 549 does not mean a motor vehicle defined as a "rebuilt vehicle" in  
 550 subparagraph 3., which has been declared a total loss pursuant  
 551 to s. 319.30.

552           5. "Kit car" means a motor vehicle assembled with a kit  
 553 supplied by a manufacturer to rebuild a wrecked or outdated  
 554 motor vehicle with a new body kit.

555           6. "Glider kit" means a vehicle assembled with a kit  
556 supplied by a manufacturer to rebuild a wrecked or outdated  
557 truck or truck tractor.

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

560           8. "Flood vehicle" means a motor vehicle or mobile home  
561 that has been declared to be a total loss pursuant to s.  
562 319.30(3)(a) resulting from damage caused by water.

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

566           10. "Settlement" means an agreement entered into between a  
567 manufacturer and a consumer that occurs after a dispute is  
568 submitted to a program, or an informal dispute settlement  
569 procedure established by a manufacturer or is approved for  
570 arbitration before the New Motor Vehicle Arbitration Board as  
571 defined in s. 681.102.

572           Section 15. Effective January 1, 2007, subsection (1) of  
573 section 320.02, Florida Statutes, is amended to read:

574           320.02 Registration required; application for  
575 registration; forms.--

576           (1) Except as otherwise provided in this chapter, every  
577 owner or person in charge of a motor vehicle which is operated  
578 or driven on the roads of this state shall register the vehicle  
579 in this state. The owner or person in charge shall apply to the  
580 department or to its authorized agent for registration of each  
581 such vehicle on a form prescribed by the department. Prior to an  
582 original registration of any motorcycle, motor-driven cycle, or

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583 moped, the owner shall present proof that he or she has obtained  
 584 the necessary endorsement as required in s. 322.57. No  
 585 registration is required for any motor vehicle which is not  
 586 operated on the roads of this state during the registration  
 587 period.

588 Section 16. Section 320.0706, Florida Statutes, is amended  
 589 to read:

590 320.0706 Display of license plates on trucks.--The owner  
 591 of any commercial truck of gross vehicle weight of 26,001 pounds  
 592 or more shall display the registration license plate on both the  
 593 front and rear of the truck in conformance with all the  
 594 requirements of s. 316.605 that do not conflict with this  
 595 section. To allow for better visibility, the owner of a dump  
 596 truck may place the rear license plate on the gate so that the  
 597 distance from the ground to the top of the license plate is no  
 598 more than 60 inches. However, the owner of a truck tractor shall  
 599 be required to display the registration license plate only on  
 600 the front of such vehicle.

601 Section 17. Subsection (4) is added to section 320.089,  
 602 Florida Statutes, to read:

603 320.089 Members of National Guard and active United States  
 604 Armed Forces reservists; former prisoners of war; survivors of  
 605 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi  
 606 Freedom and Operation Enduring Freedom veterans; special license  
 607 plates; fee.--

608 (4) Each owner or lessee of an automobile or truck for  
 609 private use, truck weighing not more than 7,999 pounds, or  
 610 recreational vehicle as specified in s. 320.08(9)(c) or (d),

611 which automobile, truck, or recreational vehicle is not used for  
 612 hire or commercial use, who is a resident of the state and a  
 613 current or former member of the United States military who was  
 614 deployed and served in Iraq during Operation Iraqi Freedom or in  
 615 Afghanistan during Operation Enduring Freedom shall, upon  
 616 application to the department, accompanied by proof of active  
 617 membership or former active duty status during one of these  
 618 operations, and upon payment of the license tax for the vehicle  
 619 as provided in s. 320.08, be issued a license plate as provided  
 620 by s. 320.06 upon which, in lieu of the registration license  
 621 number prescribed by s. 320.06, shall be stamped the words  
 622 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as  
 623 appropriate, followed by the registration license number of the  
 624 plate.

625 Section 18. Paragraph (b) of subsection (1), paragraph (a)  
 626 of subsection (4), and paragraph (b) of subsection (9) of  
 627 section 320.27, Florida Statutes, are amended to read:

628 320.27 Motor vehicle dealers.--

629 (1) DEFINITIONS.--The following words, terms, and phrases  
 630 when used in this section have the meanings respectively  
 631 ascribed to them in this subsection, except where the context  
 632 clearly indicates a different meaning:

633 (b) "Motor vehicle" means any motor vehicle of the type  
 634 and kind required to be registered and titled under chapter 319  
 635 and this chapter, except a recreational vehicle, moped,  
 636 motorcycle powered by a motor with a displacement of 50 cubic  
 637 centimeters or less, low-speed vehicle as defined in s. 320.01,  
 638 or mobile home.

639           (4) LICENSE CERTIFICATE.--

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

641 department in accordance with such application when the

642 application is regular in form and in compliance with the

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

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

645 the department. The actual cost of each original, additional, or

646 replacement computerized card shall be borne by the licensee and

647 is in addition to the fee for licensure. Such license, when so

648 issued, entitles the licensee to carry on and conduct the

649 business of a motor vehicle dealer. Each license issued to a

650 franchise motor vehicle dealer expires annually on December 31

651 unless revoked or suspended prior to that date. Each license

652 issued to an independent or wholesale dealer or auction expires

653 annually on April 30 unless revoked or suspended prior to that

654 date. Not less than 60 days prior to the license expiration

655 date, the department shall deliver or mail to each licensee the

656 necessary renewal forms. Each independent dealer who has been in

657 business for less than 5 years shall certify that the dealer

658 principal (owner, partner, officer of the corporation, or

659 director) has completed 8 hours of continuing education prior to

660 filing the renewal forms with the department. Such certification

661 shall be filed once every 2 years commencing with the 2006

662 renewal period. The continuing education shall include at least

663 2 hours of legal or legislative issues, 1 hour of department

664 issues, and 5 hours of relevant motor vehicle industry topics.

665 Continuing education shall be provided by dealer schools

666 licensed under paragraph (b) either in a classroom setting or by



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667 correspondence. Such schools shall provide certificates of  
668 completion to the department and the customer which shall be  
669 filed with the license renewal form, and such schools may charge  
670 a fee for providing continuing education. Any licensee who does  
671 not file his or her application and fees and any other requisite  
672 documents, as required by law, with the department at least 30  
673 days prior to the license expiration date shall cease to engage  
674 in business as a motor vehicle dealer on the license expiration  
675 date. A renewal filed with the department within 45 days after  
676 the expiration date shall be accompanied by a delinquent fee of  
677 \$100. Thereafter, a new application is required, accompanied by  
678 the initial license fee. A license certificate duly issued by  
679 the department may be modified by endorsement to show a change  
680 in the name of the licensee, provided, as shown by affidavit of  
681 the licensee, the majority ownership interest of the licensee  
682 has not changed or the name of the person appearing as  
683 franchisee on the sales and service agreement has not changed.  
684 Modification of a license certificate to show any name change as  
685 herein provided shall not require initial licensure or  
686 reissuance of dealer tags; however, any dealer obtaining a name  
687 change shall transact all business in and be properly identified  
688 by that name. All documents relative to licensure shall reflect  
689 the new name. In the case of a franchise dealer, the name change  
690 shall be approved by the manufacturer, distributor, or importer.  
691 A licensee applying for a name change endorsement shall pay a  
692 fee of \$25 which fee shall apply to the change in the name of a  
693 main location and all additional locations licensed under the  
694 provisions of subsection (5). ~~Each initial license application~~

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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695 ~~received by the department shall be accompanied by verification~~  
696 ~~that, within the preceding 6 months, the applicant, or one or~~  
697 ~~more of his or her designated employees, has attended a training~~  
698 ~~and information seminar conducted by a licensed motor vehicle~~  
699 ~~dealer training school. Such seminar shall include, but is not~~  
700 ~~limited to, statutory dealer requirements, which requirements~~  
701 ~~include required bookkeeping and recordkeeping procedures,~~  
702 ~~requirements for the collection of sales and use taxes, and such~~  
703 ~~other information that in the opinion of the department will~~  
704 ~~promote good business practices. No seminar may exceed 8 hours~~  
705 ~~in length.~~

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

707 (b) The department may deny, suspend, or revoke any  
708 license issued hereunder or under the provisions of s. 320.77 or  
709 s. 320.771 upon proof that a licensee has committed, with  
710 sufficient frequency so as to establish a pattern of wrongdoing  
711 on the part of a licensee, violations of one or more of the  
712 following activities:

713 1. Representation that a demonstrator is a new motor  
714 vehicle, or the attempt to sell or the sale of a demonstrator as  
715 a new motor vehicle without written notice to the purchaser that  
716 the vehicle is a demonstrator. For the purposes of this section,  
717 a "demonstrator," a "new motor vehicle," and a "used motor  
718 vehicle" shall be defined as under s. 320.60.

719 2. Unjustifiable refusal to comply with a licensee's  
720 responsibility under the terms of the new motor vehicle warranty  
721 issued by its respective manufacturer, distributor, or importer.  
722 However, if such refusal is at the direction of the

723 manufacturer, distributor, or importer, such refusal shall not  
 724 be a ground under this section.

725 3. Misrepresentation or false, deceptive, or misleading  
 726 statements with regard to the sale or financing of motor  
 727 vehicles which any motor vehicle dealer has, or causes to have,  
 728 advertised, printed, displayed, published, distributed,  
 729 broadcast, televised, or made in any manner with regard to the  
 730 sale or financing of motor vehicles.

731 4. Failure by any motor vehicle dealer to provide a  
 732 customer or purchaser with an odometer disclosure statement and  
 733 a copy of any bona fide written, executed sales contract or  
 734 agreement of purchase connected with the purchase of the motor  
 735 vehicle purchased by the customer or purchaser.

736 5. Failure of any motor vehicle dealer to comply with the  
 737 terms of any bona fide written, executed agreement, pursuant to  
 738 the sale of a motor vehicle.

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

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

743 8. Failure to continually meet the requirements of the  
 744 licensure law.

745 9. Representation to a customer or any advertisement to  
 746 the public representing or suggesting that a motor vehicle is a  
 747 new motor vehicle if such vehicle lawfully cannot be titled in  
 748 the name of the customer or other member of the public by the  
 749 seller using a manufacturer's statement of origin as permitted  
 750 in s. 319.23(1).

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

754           11. Requirement by any motor vehicle dealer that any  
755 customer or purchaser finance a motor vehicle with a specific  
756 financial institution or company.

757           12. Requirement by any motor vehicle dealer that the  
758 purchaser of a motor vehicle contract with the dealer for  
759 physical damage insurance.

760           13. Perpetration of a fraud upon any person as a result of  
761 dealing in motor vehicles, including, without limitation, the  
762 misrepresentation to any person by the licensee of the  
763 licensee's relationship to any manufacturer, importer, or  
764 distributor.

765           14. Violation of any of the provisions of s. 319.35 by any  
766 motor vehicle dealer.

767           15. Sale by a motor vehicle dealer of a vehicle offered in  
768 trade by a customer prior to consummation of the sale, exchange,  
769 or transfer of a newly acquired vehicle to the customer, unless  
770 the customer provides written authorization for the sale of the  
771 trade-in vehicle prior to delivery of the newly acquired  
772 vehicle.

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

775           17. Violation of chapter 319, this chapter, or ss.  
776 559.901-559.9221, which has to do with dealing in or repairing  
777 motor vehicles or mobile homes. Additionally, in the case of  
778 used motor vehicles, the willful violation of the federal law

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779 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to  
780 the consumer sales window form.

781 18. Failure to maintain evidence of notification to the  
782 owner or coowner of a vehicle regarding registration or titling  
783 fees owed ~~owned~~ as required in s. 320.02(17) ~~320.02(19)~~.

784 Section 19. Subsection (5) is added to section 320.405,  
785 Florida Statutes, to read:

786 320.405 International Registration Plan; inspection of  
787 records; hearings.--

788 (5) The department is authorized to enter into agreements  
789 for scheduling payments of taxes and penalties due to the  
790 department as a result of audit assessments issued under this  
791 section.

792 Section 20. Subsection (16) of section 322.01, Florida  
793 Statutes, is amended, subsections (24)-(40) are renumbered as  
794 subsections (25)-(41), respectively, subsections (41) and (42)  
795 are renumbered as subsections (44) and (45), respectively, and  
796 new subsections (24), (42), and (43) are added to that section,  
797 to read:

798 322.01 Definitions.--As used in this chapter:

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

803 (24) "Identification card" means a personal identification  
804 card issued by the department that conforms to the definition in  
805 18 U.S.C. s. 1028(D).

806           (42) "Temporary driver's license" means a certificate  
 807 issued by the department that, subject to all other requirements  
 808 of law, authorizes an individual to drive a motor vehicle,  
 809 denotes an operator's license as defined in 49 U.S.C. s. 30301,  
 810 and denotes that the holder is not a permanent resident of the  
 811 United States but is permitted to stay in the United States for  
 812 a short duration of time specified on the license.

813           (43) "Temporary identification card" means a personal  
 814 identification card issued by the department that conforms to  
 815 the definition in 18 U.S.C. s. 1028(D) and denotes that the  
 816 holder is not a permanent resident of the United States but is  
 817 permitted to stay in the United States for a short duration of  
 818 time specified on the card.

819           Section 21. Subsection (1) of section 322.051, Florida  
 820 Statutes, is amended to read:

821           322.051 Identification cards.--

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

827           (a) Each such application shall include the following  
 828 information regarding the applicant:

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

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

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833           3. Proof of identity satisfactory to the department. Such  
834 proof must include one of the following documents issued to the  
835 applicant:

836           a. A driver's license record or identification card record  
837 from another jurisdiction that required the applicant to submit  
838 a document for identification which is substantially similar to  
839 a document required under sub-subparagraph b., sub-subparagraph  
840 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph  
841 f., or sub-subparagraph g.;

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

843           c. A United States passport;

844           d. A naturalization certificate issued by the United  
845 States Department of Homeland Security;

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

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

849           g. Proof of nonimmigrant classification provided by the  
850 United States Department of Homeland Security, for an original  
851 identification card. In order to prove such nonimmigrant  
852 classification, applicants may produce but are not limited to  
853 the following documents:

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

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

858           (III) Notice of the approval of an application for  
859 adjustment of status issued by the United States Bureau of  
860 Citizenship and Immigration Services.

861 (IV) Any official documentation confirming the filing of a  
 862 petition for asylum status or any other relief issued by the  
 863 United States Bureau of Citizenship and Immigration Services.

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

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

870 (VII) Evidence that an application is pending for  
 871 adjustment of status to that of an alien lawfully admitted for  
 872 permanent residence in the United States or conditional  
 873 permanent resident status in the United States, provided that a  
 874 visa number is available with a current priority date for  
 875 processing by the United States Citizenship and Immigration  
 876 Services.

877  
 878 Presentation of any of the documents described in sub-  
 879 subparagraph f. or sub-subparagraph g. entitles the applicant to  
 880 an identification card for a period not to exceed the expiration  
 881 date of the document presented or 1 year ~~2 years~~, whichever  
 882 first occurs.

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



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

890 Section 22. Paragraph (c) of subsection (2) of section  
 891 322.08, Florida Statutes, is amended to read:

892 322.08 Application for license.--

893 (2) Each such application shall include the following  
 894 information regarding the applicant:

895 (c) Proof of identity satisfactory to the department. Such  
 896 proof must include one of the following documents issued to the  
 897 applicant:

898 1. A driver's license record or identification card record  
 899 from another jurisdiction that required the applicant to submit  
 900 a document for identification which is substantially similar to  
 901 a document required under subparagraph 2., subparagraph 3.,  
 902 subparagraph 4., subparagraph 5., subparagraph 6., or  
 903 subparagraph 7.;

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

905 3. A United States passport;

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

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

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

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

- 916 a. A notice of hearing from an immigration court  
 917 scheduling a hearing on any proceeding.
- 918 b. A notice from the Board of Immigration Appeals  
 919 acknowledging pendency of an appeal.
- 920 c. A notice of the approval of an application for  
 921 adjustment of status issued by the United States Immigration and  
 922 Naturalization Service.
- 923 d. Any official documentation confirming the filing of a  
 924 petition for asylum or refugee status or any other relief issued  
 925 by the United States Immigration and Naturalization Service.
- 926 e. A notice of action transferring any pending matter from  
 927 another jurisdiction to this state issued by the United States  
 928 Immigration and Naturalization Service.
- 929 f. An order of an immigration judge or immigration officer  
 930 granting any relief that authorizes the alien to live and work  
 931 in the United States, including, but not limited to, asylum.
- 932 g. Evidence that an application is pending for adjustment  
 933 of status to that of an alien lawfully admitted for permanent  
 934 residence in the United States or conditional permanent resident  
 935 status in the United States, provided that a visa number is  
 936 available with a current priority date for processing by the  
 937 United States Citizenship and Immigration Services.
- 938
- 939 Presentation of any of the documents in subparagraph 6. or  
 940 subparagraph 7. entitles the applicant to a driver's license or  
 941 temporary permit for a period not to exceed the expiration date  
 942 of the document presented or 1 year ~~2 years~~, whichever occurs  
 943 first.

944 Section 23. Effective July 1, 2008, paragraph (a) of  
945 subsection (5) of section 322.12, Florida Statutes, is amended  
946 to read:

947 322.12 Examination of applicants.--

948 (5)(a) The department shall formulate a separate  
949 examination for applicants for licenses to operate motorcycles.  
950 Any applicant for a driver's license who wishes to operate a  
951 motorcycle, and who is otherwise qualified, must successfully  
952 complete such an examination, which is in addition to the  
953 examination administered under subsection (3). The examination  
954 must test the applicant's knowledge of the operation of a  
955 motorcycle and of any traffic laws specifically relating thereto  
956 and must include an actual demonstration of his or her ability  
957 to exercise ordinary and reasonable control in the operation of  
958 a motorcycle. Any applicant who fails to pass the initial  
959 knowledge examination will incur a \$5 fee for each subsequent  
960 examination, to be deposited into the Highway Safety Operating  
961 Trust Fund. Any applicant who fails to pass the initial skills  
962 examination will incur a \$10 fee for each subsequent  
963 examination, to be deposited into the Highway Safety Operating  
964 Trust Fund. In the formulation of the examination, the  
965 department shall consider the use of the Motorcycle Operator  
966 Skills Test and the Motorcycle in Traffic Test offered by the  
967 Motorcycle Safety Foundation. The department shall indicate on  
968 the license of any person who successfully completes the  
969 examination that the licensee is authorized to operate a  
970 motorcycle. If the applicant wishes to be licensed to operate a  
971 motorcycle only, he or she need not take the skill or road test

972 required under subsection (3) for the operation of a motor  
 973 vehicle, and the department shall indicate such a limitation on  
 974 his or her license as a restriction. Every first-time applicant  
 975 for licensure to operate a motorcycle ~~who is under 21 years of~~  
 976 ~~age~~ must provide proof of completion of a motorcycle safety  
 977 course, as provided for in s. 322.0255, before the applicant may  
 978 be licensed to operate a motorcycle.

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

981 322.121 Periodic reexamination of all drivers.--

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

989 Section 25. Subsection (4) of section 322.142, Florida  
 990 Statutes, is amended to read:

991 322.142 Color photographic or digital imaged licenses.--

992 (4) The department may maintain a film negative or print  
 993 file. The department shall maintain a record of the digital  
 994 image and signature of the licensees, together with other data  
 995 required by the department for identification and retrieval.  
 996 Reproductions from the file or digital record shall be made and  
 997 issued only for departmental administrative purposes; for the  
 998 issuance of duplicate licenses; in response to law enforcement  
 999 agency requests; to the Department of State and to the

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1000 supervisors of elections pursuant to an interagency agreement to  
 1001 facilitate determinations of eligibility of voter registration  
 1002 applicants and registered voters in accordance with ss. 98.045  
 1003 and 98.075; to the Department of Revenue pursuant to an  
 1004 interagency agreement for use in establishing paternity and  
 1005 establishing, modifying, or enforcing support obligations in  
 1006 Title IV-D cases; or to the Department of Financial Services  
 1007 pursuant to an interagency agreement to facilitate the location  
 1008 of owners of unclaimed property, the validation of unclaimed  
 1009 property claims, and the identification of fraudulent or false  
 1010 claims, and are exempt from the provisions of s. 119.07(1).

1011 Section 26. Subsections (1) through (5), paragraphs (a)  
 1012 and (b) of subsection (6), subsections (7) and (8), paragraph  
 1013 (b) of subsection (10), and subsections (13) and (14) of section  
 1014 322.2615, Florida Statutes, are amended to read:

1015 322.2615 Suspension of license; right to review.--

1016 (1)(a) A law enforcement officer or correctional officer  
 1017 shall, on behalf of the department, suspend the driving  
 1018 privilege of a person who is driving or in actual physical  
 1019 control of a motor vehicle with an ~~has been arrested by a law~~  
 1020 ~~enforcement officer for a violation of s. 316.193, relating to~~  
 1021 unlawful blood-alcohol level or breath-alcohol level of 0.08 or  
 1022 higher, or of a person who has refused to submit to a ~~breath,~~  
 1023 ~~urine, or blood test~~ or a test of his or her breath-alcohol or  
 1024 blood-alcohol level ~~authorized by s. 316.1932~~. The officer shall  
 1025 take the person's driver's license and issue the person a 10-day  
 1026 temporary permit if the person is otherwise eligible for the  
 1027 driving privilege and shall issue the person a notice of

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1028 suspension. If a blood test has been administered, ~~the results~~  
 1029 ~~of which are not available to the officer~~ or ~~at the time of the~~  
 1030 ~~arrest,~~ the agency employing the officer shall transmit the such  
 1031 results to the department within 5 days after receipt of the  
 1032 results. If the department then determines that the person ~~was~~  
 1033 ~~arrested for a violation of s. 316.193 and that the person~~ had a  
 1034 blood-alcohol level or breath-alcohol level of 0.08 or higher,  
 1035 the department shall suspend the person's driver's license  
 1036 pursuant to subsection (3).

1037 (b) The suspension under paragraph (a) shall be pursuant  
 1038 to, and the notice of suspension shall inform the driver of, the  
 1039 following:

1040 1.a. The driver refused to submit to a lawful breath,  
 1041 blood, or urine test and his or her driving privilege is  
 1042 suspended for a period of 1 year for a first refusal or for a  
 1043 period of 18 months if his or her driving privilege has been  
 1044 previously suspended as a result of a refusal to submit to such  
 1045 a test; or

1046 b. The driver was driving or in actual physical control of  
 1047 a motor vehicle ~~violated s. 316.193 by driving~~ with an unlawful  
 1048 blood-alcohol level or breath-alcohol level of 0.08 or higher ~~as~~  
 1049 ~~provided in that section~~ and his or her driving privilege is  
 1050 suspended for a period of 6 months for a first offense or for a  
 1051 period of 1 year if his or her driving privilege has been  
 1052 previously suspended under this section ~~for a violation of s.~~  
 1053 ~~316.193.~~

1054 2. The suspension period shall commence on the date of  
 1055 ~~arrest or~~ issuance of the notice of suspension, ~~whichever is~~

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1056 ~~later.~~

1057         3. The driver may request a formal or informal review of  
 1058 the suspension by the department within 10 days after the date  
 1059 of ~~arrest or~~ issuance of the notice of suspension, ~~whichever is~~  
 1060 ~~later.~~

1061         4. The temporary permit issued at the time of arrest will  
 1062 expire at midnight of the 10th day following the date of ~~arrest~~  
 1063 ~~or~~ issuance of the notice of suspension, ~~whichever is later.~~

1064         5. The driver may submit to the department any materials  
 1065 relevant to the suspension arrest.

1066         (2) Except as provided in paragraph (1) (a), the law  
 1067 enforcement officer shall forward to the department, within 5  
 1068 days after issuing ~~the date of the arrest, a copy of~~ the notice  
 1069 of suspension, the person's driver's license and ~~of the person~~  
 1070 ~~arrested, and a report of the arrest, including~~ an affidavit  
 1071 stating the officer's grounds for belief that the person was  
 1072 driving or in actual physical control of a motor vehicle while  
 1073 under the influence of alcoholic beverages or chemical or  
 1074 controlled substances ~~arrested was in violation of s. 316.193;~~  
 1075 the results of any breath or blood test or an affidavit stating  
 1076 that a breath, blood, or urine test was requested by a law  
 1077 enforcement officer or correctional officer and that the person  
 1078 ~~arrested~~ refused to submit; ~~a copy of the citation issued to the~~  
 1079 ~~person arrested, and~~ the officer's description of the person's  
 1080 field sobriety test, if any; a copy of the crash report, if any;  
 1081 and the notice of suspension. The failure of the officer to  
 1082 submit materials within the 5-day period specified in this  
 1083 subsection and in subsection (1) shall not affect the

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1084 department's ability to consider any evidence submitted at or  
 1085 prior to the hearing. The officer may also submit a copy of a  
 1086 videotape of the field sobriety test or the attempt to  
 1087 administer such test. Materials submitted to the department by a  
 1088 law enforcement agency or correctional agency shall be  
 1089 considered self-authenticating and shall be in the record for  
 1090 consideration by the hearing officer. Notwithstanding s.  
 1091 316.066(4), the crash report shall be considered by the hearing  
 1092 officer.

1093 (3) If the department determines that the license ~~of the~~  
 1094 ~~person arrested~~ should be suspended pursuant to this section and  
 1095 if the notice of suspension has not already been served upon the  
 1096 person by a law enforcement officer or correctional officer as  
 1097 provided in subsection (1), the department shall issue a notice  
 1098 of suspension and, unless the notice is mailed pursuant to s.  
 1099 322.251, a temporary permit which expires 10 days after the date  
 1100 of issuance if the driver is otherwise eligible.

1101 (4) If the person whose license is suspended ~~arrested~~  
 1102 requests an informal review pursuant to subparagraph (1)(b)3.,  
 1103 the department shall conduct the informal review by a hearing  
 1104 officer employed by the department. Such informal review hearing  
 1105 shall consist solely of an examination by the department of the  
 1106 materials submitted by a law enforcement officer or correctional  
 1107 officer and by the person whose license is suspended ~~arrested~~,  
 1108 and the presence of an officer or witness is not required.

1109 (5) After completion of the informal review, notice of the  
 1110 department's decision sustaining, amending, or invalidating the  
 1111 suspension of the person's driver's license ~~of the person~~



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1112 ~~arrested~~ must be provided to such person. Such notice must be  
1113 mailed to the person at the last known address shown on the  
1114 department's records, or to the address provided in the law  
1115 enforcement officer's report if such address differs from the  
1116 address of record, within 21 days after the expiration of the  
1117 temporary permit issued pursuant to subsection (1) or subsection  
1118 (3).

1119 (6) (a) If the person whose license is suspended ~~arrested~~  
1120 requests a formal review, the department must schedule a hearing  
1121 to be held within 30 days after such request is received by the  
1122 department and must notify the person of the date, time, and  
1123 place of the hearing.

1124 (b) Such formal review hearing shall be held before a  
1125 hearing officer employed by the department, and the hearing  
1126 officer shall be authorized to administer oaths, examine  
1127 witnesses and take testimony, receive relevant evidence, issue  
1128 subpoenas for the officers and witnesses identified in documents  
1129 provided in subsection (2), regulate the course and conduct of  
1130 the hearing, question witnesses, and make a ruling on the  
1131 suspension. The ~~department and the person arrested may subpoena~~  
1132 ~~witnesses, and the party requesting the presence of a witness~~  
1133 shall be responsible for the payment of any witness fees and for  
1134 notifying in writing the state attorney's office in the  
1135 appropriate circuit of the issuance of the subpoena. If the  
1136 person who requests a formal review hearing fails to appear and  
1137 the hearing officer finds such failure to be without just cause,  
1138 the right to a formal hearing is waived and the suspension shall  
1139 be sustained.

1140 (7) In a formal review hearing under subsection (6) or an  
 1141 informal review hearing under subsection (4), the hearing  
 1142 officer shall determine by a preponderance of the evidence  
 1143 whether sufficient cause exists to sustain, amend, or invalidate  
 1144 the suspension. The scope of the review shall be limited to the  
 1145 following issues:

1146 (a) If the license was suspended for driving with an  
 1147 unlawful blood-alcohol level or breath-alcohol level of 0.08 or  
 1148 higher ~~in violation of s. 316.193~~:

1149 1. Whether the ~~arresting~~ law enforcement officer had  
 1150 probable cause to believe that the person whose license is  
 1151 suspended was driving or in actual physical control of a motor  
 1152 vehicle in this state while under the influence of alcoholic  
 1153 beverages or chemical or controlled substances.

1154 ~~2. Whether the person was placed under lawful arrest for a~~  
 1155 ~~violation of s. 316.193.~~

1156 ~~2.3.~~ Whether the person whose license is suspended had an  
 1157 unlawful blood-alcohol level or breath-alcohol level of 0.08 or  
 1158 higher as provided in s. 316.193.

1159 (b) If the license was suspended for refusal to submit to  
 1160 a breath, blood, or urine test:

1161 1. Whether the ~~arresting~~ law enforcement officer had  
 1162 probable cause to believe that the person whose license is  
 1163 suspended was driving or in actual physical control of a motor  
 1164 vehicle in this state while under the influence of alcoholic  
 1165 beverages or chemical or controlled substances.

1166 ~~2. Whether the person was placed under lawful arrest for a~~  
 1167 ~~violation of s. 316.193.~~

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1168           ~~2.3.~~ Whether the person whose license is suspended refused  
 1169 to submit to any such test after being requested to do so by a  
 1170 law enforcement officer or correctional officer.

1171           ~~3.4.~~ Whether the person whose license is suspended was  
 1172 told that if he or she refused to submit to such test his or her  
 1173 privilege to operate a motor vehicle would be suspended for a  
 1174 period of 1 year or, in the case of a second or subsequent  
 1175 refusal, for a period of 18 months.

1176           (8) Based on the determination of the hearing officer  
 1177 pursuant to subsection (7) for both informal hearings under  
 1178 subsection (4) and formal hearings under subsection (6), the  
 1179 department shall:

1180           (a) Sustain the suspension of the person's driving  
 1181 privilege for a period of 1 year for a first refusal, or for a  
 1182 period of 18 months if the driving privilege of such person has  
 1183 been previously suspended as a result of a refusal to submit to  
 1184 such tests, if the ~~arrested~~ person refused to submit to a lawful  
 1185 breath, blood, or urine test. The suspension period commences on  
 1186 the date of ~~the arrest or~~ issuance of the notice of suspension,  
 1187 ~~whichever is later.~~

1188           (b) Sustain the suspension of the person's driving  
 1189 privilege for a period of 6 months for a blood-alcohol level or  
 1190 breath-alcohol level of 0.08 or higher ~~violation of s. 316.193,~~  
 1191 or for a period of 1 year if the driving privilege of such  
 1192 person has been previously suspended under this section as a  
 1193 result of driving with an unlawful blood-alcohol level or  
 1194 breath-alcohol level ~~a violation of s. 316.193.~~ The suspension  
 1195 period commences on the date of ~~the arrest or~~ issuance of the

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1196 notice of suspension, ~~whichever is later.~~

1197 (10) A person whose driver's license is suspended under  
 1198 subsection (1) or subsection (3) may apply for issuance of a  
 1199 license for business or employment purposes only if the person  
 1200 is otherwise eligible for the driving privilege pursuant to s.  
 1201 322.271.

1202 (b) If the suspension of the person's driver's license ~~of~~  
 1203 ~~the person arrested for a violation of s. 316.193,~~ relating to  
 1204 an unlawful blood-alcohol level or breath-alcohol level of 0.08  
 1205 or higher, is sustained, the person is not eligible to receive a  
 1206 license for business or employment purposes only pursuant to s.  
 1207 322.271 until 30 days have elapsed after the expiration of the  
 1208 last temporary permit issued. If the driver is not issued a 10-  
 1209 day permit pursuant to this section or s. 322.64 because he or  
 1210 she is ineligible for the permit and the suspension ~~for a~~  
 1211 ~~violation of s. 316.193,~~ relating to an unlawful blood-alcohol  
 1212 level or breath-alcohol level of 0.08 or higher, is not  
 1213 invalidated by the department, the driver is not eligible to  
 1214 receive a business or employment license pursuant to s. 322.271  
 1215 until 30 days have elapsed from the date of the suspension  
 1216 ~~arrest.~~

1217 (13) A person may appeal any decision of the department  
 1218 sustaining a suspension of his or her driver's license by a  
 1219 petition for writ of certiorari to the circuit court in the  
 1220 county wherein such person resides or wherein a formal or  
 1221 informal review was conducted pursuant to s. 322.31. However, an  
 1222 appeal shall not stay the suspension. A law enforcement agency  
 1223 may appeal any decision of the department invalidating a

1224 suspension by a petition for writ of certiorari to the circuit  
 1225 court in the county where a formal or informal review was  
 1226 conducted. This subsection shall not be construed to provide for  
 1227 a de novo appeal.

1228 (14) (a) The decision of the department under this section  
 1229 or any circuit court review thereof may not be considered in any  
 1230 trial for a violation of s. 316.193, and a written statement  
 1231 submitted by a person in his or her request for departmental  
 1232 review under this section may not be admitted into evidence  
 1233 against him or her in any such trial.

1234 (b) The disposition of any related criminal proceedings  
 1235 does not affect a suspension for refusal to submit to a blood,  
 1236 breath, or urine test, ~~authorized by s. 316.1932 or s. 316.1933,~~  
 1237 imposed under this section.

1238 Section 27. Paragraph (d) of subsection (3) of section  
 1239 322.27, Florida Statutes, is amended, and paragraph (j) is added  
 1240 to that subsection, to read:

1241 322.27 Authority of department to suspend or revoke  
 1242 license.--

1243 (3) There is established a point system for evaluation of  
 1244 convictions of violations of motor vehicle laws or ordinances,  
 1245 and violations of applicable provisions of s. 403.413(6)(b) when  
 1246 such violations involve the use of motor vehicles, for the  
 1247 determination of the continuing qualification of any person to  
 1248 operate a motor vehicle. The department is authorized to suspend  
 1249 the license of any person upon showing of its records or other  
 1250 good and sufficient evidence that the licensee has been  
 1251 convicted of violation of motor vehicle laws or ordinances, or

1252 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
 1253 more points as determined by the point system. The suspension  
 1254 shall be for a period of not more than 1 year.

1255 (d) The point system shall have as its basic element a  
 1256 graduated scale of points assigning relative values to  
 1257 convictions of the following violations:

- 1258 1. Reckless driving, willful and wanton--4 points.
- 1259 2. Leaving the scene of a crash resulting in property  
 1260 damage of more than \$50--6 points.
- 1261 3. Unlawful speed resulting in a crash--6 points.
- 1262 4. Passing a stopped school bus--4 points.
- 1263 5. Unlawful speed:

  - 1264 a. Not in excess of 15 miles per hour of lawful or posted  
 1265 speed--3 points.
  - 1266 b. In excess of 15 miles per hour but not in excess of 30  
 1267 miles per hour of lawful or posted speed--4 points.
  - 1268 c. In excess of 30 miles per hour of lawful or posted  
 1269 speed--6 points.

- 1270 6.a. A violation of a traffic control signal device as  
 1271 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.
- 1272 b. A violation of a traffic control signal device as  
 1273 provided in s. 316.074(1) or s. 316.075(1)(c)1. resulting in a  
 1274 crash--6 points.
- 1275 7. All other moving violations (including parking on a  
 1276 highway outside the limits of a municipality)--3 points.  
 1277 However, no points shall be imposed for a violation of s.  
 1278 316.0741 or s. 316.2065(12).

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1279 8. Any moving violation covered above, excluding unlawful  
 1280 speed, resulting in a crash--4 points.

1281 9. Any conviction under s. 403.413(6)(b)--3 points.

1282 10. Any conviction under s. 316.0775(2)--4 points.

1283 (j) For purposes of sub-subparagraph (d)5.c., the term  
 1284 "conviction" means a finding of guilt, with or without  
 1285 adjudication of guilt, as a result of a jury verdict, nonjury  
 1286 trial, or entry of a plea of guilty or nolo contendere,  
 1287 notwithstanding s. 318.14(11).

1288 Section 28. Except as otherwise expressly provided in this  
 1289 act, this act shall take effect October 1, 2006.