

CHAMBER ACTION

1 The State Infrastructure Council recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the Department of Highway Safety and
7 Motor Vehicles; amending s. 207.008, F.S.; revising
8 requirements for motor carriers to retain certain records
9 as required by the Department of Highway Safety and Motor
10 Vehicles for tax purposes; amending s. 207.021, F.S.;
11 authorizing the department to adopt rules establishing
12 informal conferences to resolve disputes with motor
13 carriers arising from the assessment of taxes, penalties,
14 or interest or the denial of refunds; specifying certain
15 rights of the motor carrier; providing for closing
16 agreements to settle or compromise the taxpayer's
17 liability; providing conditions for settlement or
18 compromise; authorizing installment payment to settle
19 liability; amending s. 261.10, F.S.; limiting liability of
20 state agencies, water management districts, counties, and
21 municipalities, and officers and employees thereof,
22 providing off-highway vehicle recreation areas; creating
23 s. 261.20, F.S.; authorizing operation of off-highway

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24 | vehicles on public lands; providing requirements for
25 | operation by certain minors; requiring supervision, a
26 | certificate of completion of a safety education course,
27 | and certain safety equipment; providing exceptions;
28 | requiring approval by the Department of Agriculture and
29 | Consumer Services of the courses; requiring certain
30 | equipment on off-highway vehicles; providing for
31 | exceptions to equipment requirements by rule of the
32 | department; prohibiting certain acts; providing penalties;
33 | providing exemptions; amending s. 316.003, F.S.; revising
34 | the definition of "saddle mount" to provide for a full
35 | mount; amending s. 316.0085, F.S.; revising provisions for
36 | risks of certain activities on government-owned property
37 | to include mountain and off-road bicycling; revising
38 | definitions; providing for limitations on liability of the
39 | governmental entity; providing exceptions to the
40 | limitations; providing for assumption of risks by the
41 | person engaged in the activity; providing responsibilities
42 | of the participants; amending s. 316.1001, F.S.; revising
43 | procedures for disposition of citations issued for failure
44 | to pay a toll; providing for violations involving leased
45 | vehicles; amending s. 316.1955, F.S.; providing for
46 | responsibility for certain parking violations involving
47 | leased vehicles; amending s. 316.2015, F.S.; revising
48 | restrictions on riding on the exterior of a vehicle;
49 | removing an exception; providing exceptions to
50 | restrictions on riding in areas of a vehicle not intended
51 | for passengers; prohibiting certain minors from riding in

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52 | the open body of certain trucks on limited access
53 | highways; providing exceptions; providing for a county
54 | governing body to exempt the county from the prohibition;
55 | providing penalties; amending s. 316.2095, F.S.; deleting
56 | a requirement that certain motorcycles be equipped with
57 | passenger handholds; amending s. 316.211, F.S.; requiring
58 | motorcycles registered to certain persons to display a
59 | license plate that is unique in design and color;
60 | providing penalties; creating s. 316.2123, F.S.;
61 | prohibiting operation of all-terrain vehicles on public
62 | roads and streets; providing an exception for operation on
63 | described roadways; providing conditions; requiring the
64 | operator to provide proof of ownership to a law
65 | enforcement officer; providing for a local government to
66 | restrict such operation; amending s. 316.2125, F.S.;
67 | providing for a local governmental entity to enact an
68 | ordinance regarding golf cart operation and equipment that
69 | is more restrictive than specified provisions; limiting
70 | application of such ordinance to unlicensed drivers;
71 | creating s. 316.2128, F.S.; providing notice requirements
72 | for commercial sale of motorized scooters and miniature
73 | motorcycles; providing a definition; providing that a
74 | violation of the notice requirements is an unfair and
75 | deceptive trade practice; amending s. 316.221, F.S.;
76 | providing an exemption from certain taillamp requirements
77 | for dump trucks and vehicles with dump bodies; amending s.
78 | 316.302, F.S.; updating reference to federal commercial
79 | motor vehicle regulations; revising hours-of-service

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80 requirements for certain intrastate motor carriers;
81 revising conditions for an exemption from commercial
82 driver license requirements; revising weight requirements
83 for application of certain exceptions to specified federal
84 regulations and to operation of certain commercial motor
85 vehicles by persons of a certain age; amending s. 316.515,
86 F.S.; authorizing the Department of Transportation to
87 issue overwidth permits for certain implements of
88 husbandry; authorizing certain uses of forestry equipment;
89 providing width and speed limitations; requiring such
90 vehicles to be operated during daylight hours and in
91 accordance with specified safety requirements; revising
92 length and mount requirements for automobile towaway and
93 driveaway operations; authorizing saddle mount
94 combinations to include one full mount; requiring saddle
95 mount combinations to comply with specified safety
96 regulations; amending s. 318.14, F.S.; providing
97 exceptions to procedures for disposition of citations for
98 certain traffic violations; removing the option for
99 certain offenders to attend driver improvement school;
100 amending s. 318.143, F.S.; revising provisions for court-
101 imposed sanctions on a minor for specified traffic
102 violations; authorizing a court to require a minor and his
103 or her parents or guardian to participate in a registered
104 youthful driver monitoring service; creating s. 318.1435,
105 F.S.; providing for youthful driver monitoring services;
106 providing for registration with the Department of Highway
107 Safety and Motor Vehicles; amending s. 318.18, F.S.;

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108 | revising penalty provisions to provide for certain
109 | criminal penalties; providing increased penalties for
110 | certain speed limit violations; defining "conviction" for
111 | specified purposes; increasing penalties for violations of
112 | vehicle load requirements; imposing a surcharge to be paid
113 | for specified traffic-related criminal offenses and all
114 | noncriminal moving traffic violations; providing for the
115 | proceeds of the surcharge to be used for the state agency
116 | law enforcement radio system; amending s. 318.19, F.S.;
117 | requiring mandatory hearings for certain speed limit
118 | violations; amending s. 318.21, F.S.; revising provisions
119 | for disposition of civil penalties to provide for
120 | distribution of a specified surcharge; amending s. 318.32,
121 | F.S.; revising the powers of civil traffic infraction
122 | hearing officers; amending s. 319.14, F.S.; revising
123 | definition of "police vehicle" for purpose of resale or
124 | exchange; amending s. 320.02, F.S.; requiring proof of
125 | required endorsement on a driver license as a condition
126 | for original registration of a motorcycle, motor-driven
127 | cycle, or moped; amending s. 320.03, F.S.; revising the
128 | requirement to withhold issuance of a license plate or
129 | revalidation sticker from certain persons to exempt the
130 | owner of a leased vehicle when that vehicle is registered
131 | in the name of the lessee; amending s. 320.07, F.S.;
132 | providing for responsibility for certain registration
133 | violations when the motor vehicle involved is leased and
134 | registered in the name of the lessee; amending s.
135 | 320.0706, F.S.; revising requirements for display of

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136 license plates; providing display requirements for dump
137 trucks; prohibiting display in such a manner that the
138 letters and numbers and their proper sequence are not
139 readily identifiable; amending s. 320.08056, F.S.;
140 establishing an annual use fee for the Future Farmers of
141 America license plate; amending s. 320.08058, F.S.;
142 revising provisions for distribution of revenues received
143 from the sale of Sportsmen's National Land Trust license
144 plates; creating the Future Farmers of America license
145 plate and providing for use of funds received from the
146 sale of the plates; amending s. 320.0807, F.S.; providing
147 for license plates for legislative presiding officers;
148 amending s. 320.089, F.S.; providing for Operation Iraqi
149 Freedom and Operation Enduring Freedom license plates for
150 qualified military personnel; amending s. 320.27, F.S.;
151 revising motor vehicle dealer licensing requirements;
152 revising certain training provisions; correcting
153 terminology; correcting a cross-reference; providing for
154 denial, suspension, or revocation of a license for failure
155 to register a mobile home salesperson; amending s.
156 320.405, F.S.; authorizing the department to enter into
157 agreements to schedule payments to settle certain
158 liabilities under the International Registration Plan;
159 amending s. 320.77, F.S.; revising mobile home dealer
160 license requirements; defining "mobile home salesperson";
161 requiring licensees to register salespersons; providing
162 registration criteria and procedures; requiring the
163 licensee to report salesperson separation from employment

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164 to the department; amending s. 320.781, F.S.; revising
165 criteria for use of funds in the Mobile Home and
166 Recreational Vehicle Protection Trust Fund to settle a
167 judgment or claim against a mobile home or recreational
168 vehicle dealer or broker for damages, restitution, or
169 expenses; revising conditions for filing a claim and for
170 receiving payment; revising application provisions;
171 amending s. 320.8325, F.S.; requiring that modular homes
172 be allowed to be sited wherever mobile homes are allowed;
173 amending s. 322.01, F.S.; revising the definition of
174 "driver's license"; defining "identification card,"
175 "temporary driver's license," and "temporary
176 identification card"; amending s. 322.05, F.S.; revising
177 requirements for a person who has not attained 18 years of
178 age to be issued a driver license; amending s. 322.051,
179 F.S.; revising the age requirement for issuance of an
180 identification card; revising criteria for proof of the
181 identity and status of an applicant for an identification
182 card; revising the period of issuance for certain
183 temporary identification cards; amending s. 322.08, F.S.;
184 revising criteria for proof of the identity and status of
185 an applicant for a driver license; revising the period of
186 issuance for certain temporary driver licenses or permits;
187 amending s. 322.12, F.S.; requiring all first-time
188 applicants for licensure to operate a motorcycle to
189 provide proof of completion of a motorcycle safety course;
190 amending s. 322.121, F.S.; revising periodic license
191 examination requirements; providing for such testing of

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192 applicants for renewal of a license under provisions
193 requiring an endorsement permitting the applicant to
194 operate a tank vehicle transporting hazardous materials;
195 amending s. 322.2615, F.S.; revising provisions for
196 suspension of driver licenses and review of suspension by
197 the department; revising procedures; revising terms of
198 suspension; revising validity of temporary permit issued;
199 revising criteria for notice of the suspension; revising
200 requirements for information provided by the officer to
201 the department; providing that certain materials shall be
202 considered self-authenticating and available to a hearing
203 officer; revising authority of the hearing officer to
204 subpoena and question witnesses; revising provisions for
205 review of the suspension; removing provision for the
206 department and the person arrested to subpoena witnesses;
207 revising provisions for the scope of a review of the
208 suspension; revising duties of the department upon a
209 determination by the hearing officer; revising provisions
210 for issuance of a license for business or employment
211 purposes only; providing for appeal by a law enforcement
212 agency of a department decision invalidating a suspension;
213 providing that the court review may not be used in a trial
214 for driving under the influence; amending s. 322.27, F.S.;
215 providing for an increase in driver license points
216 assessed for certain speed limit violations and for
217 traffic control signal device violations resulting in a
218 crash; defining "conviction" for specified purposes;
219 providing effective dates.

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

222

223 Section 1. Section 207.008, Florida Statutes, is amended
224 to read:

225 207.008 Retention of records by motor carrier.--Each
226 registered motor carrier shall maintain and keep pertinent
227 records and papers as may be required by the department for the
228 reasonable administration of this chapter and shall preserve the
229 records upon which each quarterly tax return is based for 4
230 years after the due date or filing date of the return, whichever
231 is later ~~such records as long as required by s. 213.35.~~

232 Section 2. Section 207.021, Florida Statutes, is amended
233 to read:

234 207.021 Informal conferences; settlement or compromise of
235 taxes, penalties, or interest.--~~The department may settle or~~
236 ~~compromise, pursuant to s. 213.21, penalties or interest imposed~~
237 ~~under this chapter.~~

238 (1) (a) The department may adopt rules pursuant to ss.
239 120.536(1) and 120.54 for establishing informal conferences to
240 resolve disputes arising from the assessment of taxes,
241 penalties, or interest or the denial of refunds.

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

245 (2) (a) The executive director of the department or his or
246 her designee is authorized to enter into closing agreements with
247 any taxpayer settling or compromising the taxpayer's liability

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248 for any tax, interest, or penalty assessed under this chapter.
249 The agreement shall be in writing and must be in the form of a
250 closing agreement approved by the department and signed by the
251 executive director or his or her designee. The agreement shall
252 be final and conclusive except upon a showing of material fraud
253 or misrepresentation of material fact. No additional assessment
254 may be made by the department against the taxpayer for the tax,
255 interest, or penalty specified in the closing agreement for the
256 time specified in the closing agreement, and the taxpayer shall
257 not be entitled to institute any judicial or administrative
258 proceeding to recover any tax, interest, or penalty paid
259 pursuant to the closing agreement. The executive director or his
260 or her designee is authorized to approve any such closing
261 agreement.

262 (b) Notwithstanding the provisions of paragraph (a), for
263 the purpose of settling and compromising the liability of any
264 taxpayer for tax or interest on the grounds of doubt as to
265 liability based on the taxpayer's reasonable reliance on a
266 written determination issued by the department, the department
267 may compromise the amount of such tax or interest resulting from
268 such reasonable reliance.

269 (3) A taxpayer's liability for any tax or interest
270 specified in this chapter may be compromised by the department
271 upon the grounds of doubt as to liability for or the ability to
272 collect such tax or interest. Doubt as to the liability of a
273 taxpayer for tax and interest exists if the taxpayer
274 demonstrates that he or she reasonably relied on a written
275 determination of the department.

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

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

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

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

290 261.10 Criteria for recreation areas and trails;
291 limitation on liability.--

292 (1) Publicly owned or operated off-highway vehicle
293 recreation areas and trails shall be designated and maintained
294 for recreational travel by off-highway vehicles. These areas and
295 trails need not be generally suitable or maintained for normal
296 travel by conventional two-wheel-drive vehicles and should not
297 be designated as recreational footpaths. State off-highway
298 vehicle recreation areas and trails must be selected and managed
299 in accordance with this chapter.

300 (2) State agencies, water management districts, counties,
301 and municipalities, and officers and employees thereof, that
302 provide off-highway recreation areas and trails on publicly
303 owned land shall not be liable for damage to personal property

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304 or personal injury or death to any person resulting from
305 participation in the inherently dangerous risks of off-highway
306 vehicle recreation. This subsection does not limit liability
307 that would otherwise exist for an act of gross negligence by the
308 state agency, water management district, county, or
309 municipality, or officer or employee thereof, that is the
310 proximate cause of the damage, injury, or death. Nothing in this
311 subsection creates a duty of care or basis of liability for
312 death, personal injury, or damage to personal property, nor
313 shall anything in this subsection be deemed to be a waiver of
314 sovereign immunity under any circumstances.

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

317 261.20 Operation of off-highway vehicles on public lands;
318 restrictions; safety courses; required equipment; prohibited
319 acts; penalties.--

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

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

326 (3) Effective July 1, 2008, while operating an off-highway
327 vehicle, a person who has not attained 16 years of age must have
328 in his or her possession a certificate evidencing the
329 satisfactory completion of an approved off-highway vehicle
330 safety education course in this state or another jurisdiction. A
331 nonresident who has not attained 16 years of age and who is in

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332 this state temporarily for a period not to exceed 30 days is
333 exempt from this subsection. Nothing contained in this chapter
334 shall prohibit an agency from requiring additional safety
335 education courses for all operators.

336 (4) (a) The department shall approve all off-highway
337 vehicle public safety education courses required by this chapter
338 as a condition for operating on public lands.

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

343 (c) On and after July 1, 2008, off-highway vehicles
344 operating pursuant to this chapter shall be equipped with a
345 silencer or other device that limits sound emissions. Exhaust
346 noise must not exceed 96 decibels in the A-weighting scale for
347 vehicles manufactured after January 1, 1986, or 99 decibels in
348 the A-weighting scale for vehicles manufactured before January
349 1, 1986, when measured from a distance of 20 inches using test
350 procedures established by the Society of Automotive Engineers
351 under Standard J-1287. Prior to the sale to the general public
352 in this state of any new off-highway vehicle model manufactured
353 after January 1, 2008, off-highway vehicle manufacturers or
354 their agents shall provide to the department revolutions-per-
355 minute data needed to conduct the J-1287 test, where applicable.

356 (d) An off-highway vehicle that is operated between sunset
357 and sunrise or when visibility is reduced because of rain,
358 smoke, or smog must display a lighted headlamp and taillamp

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359 | unless the use of such lights is prohibited by other laws, such
360 | as a prohibition on the use of lights when hunting at night.

361 | (e) An off-highway vehicle that is used in certain
362 | organized and sanctioned competitive events being held on a
363 | closed course may be exempted by department rule from any
364 | equipment requirement in this subsection.

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

366 | (a) To carry a passenger on an off-highway vehicle unless
367 | the machine is specifically designed by the manufacturer to
368 | carry an operator and a single passenger.

369 | (b) To operate an off-highway vehicle while under the
370 | influence of alcohol, a controlled substance, or any
371 | prescription or over-the-counter drug that impairs vision or
372 | motor function.

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

378 | (d) To operate an off-highway vehicle in a careless or
379 | reckless manner that endangers or causes injury or damage to
380 | another person or property.

381 | (6) Any person who violates this section commits a
382 | noncriminal infraction, is subject to a fine of not less than
383 | \$100, and may have his or her privilege to operate an ATV on
384 | public lands revoked. However, a person who commits such acts
385 | with intent to defraud or who commits a second or subsequent
386 | violation is subject to a fine of not less than \$500 and may

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387 | have his or her privilege to operate an ATV on public lands
388 | revoked.

389 | (7) Public land managing agencies, through the course of
390 | their management activities, are exempt from the provisions of
391 | paragraph (5) (a).

392 | Section 5. Subsection (43) of section 316.003, Florida
393 | Statutes, is amended to read:

394 | 316.003 Definitions.--The following words and phrases,
395 | when used in this chapter, shall have the meanings respectively
396 | ascribed to them in this section, except where the context
397 | otherwise requires:

398 | (43) SADDLE MOUNT; FULL MOUNT.--An arrangement whereby the
399 | front wheels of one vehicle rest in a secured position upon
400 | another vehicle. All of the wheels of the towing vehicle are
401 | upon the ground and only the rear wheels of the towed vehicle
402 | rest upon the ground. Such combinations may include one full
403 | mount, whereby a smaller transport vehicle is placed completely
404 | on the last towed vehicle.

405 | Section 6. Subsections (1) through (7) of section
406 | 316.0085, Florida Statutes, are amended to read:

407 | 316.0085 Skateboarding; inline skating; freestyle or
408 | mountain and off-road bicycling; paintball; definitions;
409 | liability.--

410 | (1) The purpose of this section is to encourage
411 | governmental owners or lessees of property to make land
412 | available to the public for skateboarding, inline skating,
413 | paintball, and freestyle or mountain and off-road bicycling. It
414 | is recognized that governmental owners or lessees of property

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415 | have failed to make property available for such activities
416 | because of the exposure to liability from lawsuits and the
417 | prohibitive cost of insurance, if insurance can be obtained for
418 | such activities. It is also recognized that risks and dangers
419 | are inherent in these activities, which risks and dangers should
420 | be assumed by those participating in such activities.

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

422 | (a) "Governmental entity" means:

423 | 1. The United States, the State of Florida, any county or
424 | municipality, or any department, agency, or other
425 | instrumentality thereof.

426 | 2. Any school board, special district, authority, or other
427 | entity exercising governmental authority.

428 | (b) "Inherent risk" means those dangers or conditions that
429 | are characteristic of, intrinsic to, or an integral part of
430 | skateboarding, inline skating, paintball, and freestyle or
431 | mountain and off-road bicycling.

432 | (3) This section does not grant authority or permission
433 | for a person to engage in skateboarding, inline skating,
434 | paintball, or freestyle or mountain and off-road bicycling on
435 | property owned or controlled by a governmental entity unless
436 | such governmental entity has specifically designated such area
437 | for skateboarding, inline skating, paintball, or freestyle or
438 | mountain and off-road bicycling. Each governmental entity shall
439 | post a rule in each specifically designated area that identifies
440 | all authorized activities and indicates that a child under 17
441 | years of age may not engage in any of those activities until the
442 | governmental entity has obtained written consent, in a form

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443 acceptable to the governmental entity, from the child's parents
444 or legal guardians.

445 (4) A governmental entity or public employee is not liable
446 to any person who voluntarily participates in skateboarding,
447 inline skating, paintball, or freestyle or mountain and off-road
448 bicycling for any damage or injury to property or persons that
449 ~~which~~ arises out of a person's participation in such activity,
450 and that ~~which~~ takes place in an area designated for such
451 activity.

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

454 (a) The failure of the governmental entity or public
455 employee to guard against or warn of a dangerous condition of
456 which a participant does not and cannot reasonably be expected
457 to have notice.

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

460 (c) The failure of a governmental entity that provides a
461 designated area for skateboarding, inline skating, paintball, or
462 freestyle or mountain and off-road bicycling to obtain the
463 written consent, in a form acceptable to the governmental
464 entity, from the parents or legal guardians of any child under
465 17 years of age before authorizing such child to participate in
466 skateboarding, inline skating, paintball, or freestyle or
467 mountain and off-road bicycling in such designated area, unless
468 that child's participation is in violation of posted rules
469 governing the authorized use of the designated area, except that
470 a parent or legal guardian must demonstrate that written consent

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471 to engage in mountain or off-road bicycling in a designated area
472 was provided to the governmental entity prior to entering the
473 designated area.

474

475 Nothing in this subsection creates a duty of care or basis of
476 liability for death, personal injury, or damage to personal
477 property. Nothing in this section shall be deemed to be a waiver
478 of sovereign immunity under any circumstances.

479 (6) Nothing in this section shall limit the liability of
480 an independent concessionaire, or any person or organization
481 other than a governmental entity or public employee, whether or
482 not the person or organization has a contractual relationship
483 with a governmental entity to use the public property, for
484 injuries or damages suffered in any case as a result of the
485 operation of skateboards, inline skates, paintball equipment, or
486 freestyle or mountain and off-road bicycles on public property
487 by the concessionaire, person, or organization.

488 (7) (a) Any person who participates in or assists in
489 skateboarding, inline skating, paintball, or freestyle or
490 mountain and off-road bicycling assumes the known and unknown
491 inherent risks in these activities irrespective of age, and is
492 legally responsible for all damages, injury, or death to himself
493 or herself or other persons or property that results ~~which~~
494 ~~result~~ from these activities. Any person who observes
495 skateboarding, inline skating, paintball, or freestyle or
496 mountain and off-road bicycling assumes the known and unknown
497 inherent risks in these activities irrespective of age, and is
498 legally responsible for all damages, injury, or death to himself

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499 | or herself that results ~~which result~~ from these activities. A
 500 | governmental entity that sponsors, allows, or permits
 501 | skateboarding, inline skating, paintball, or freestyle or
 502 | mountain and off-road bicycling on its property is not required
 503 | to eliminate, alter, or control the inherent risks in these
 504 | activities.

505 | (b) While engaged in skateboarding, inline skating,
 506 | paintball, or freestyle or mountain and off-road bicycling,
 507 | irrespective of where such activities occur, a participant is
 508 | responsible for doing all of the following:

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

511 | 2. Maintaining control of his or her person and the
 512 | equipment used.

513 | 3. Refraining from acting in any manner that ~~which~~ may
 514 | cause or contribute to death or injury of himself or herself, or
 515 | other persons.

516 |
 517 | Failure to comply with the requirements of this paragraph shall
 518 | constitute negligence.

519 | Section 7. Paragraphs (b) and (c) of subsection (2) of
 520 | section 316.1001, Florida Statutes, are amended to read:

521 | 316.1001 Payment of toll on toll facilities required;
 522 | penalties.--

523 | (2)

524 | (b) A citation issued under this subsection may be issued
 525 | by mailing the citation by first class mail, or by certified
 526 | mail, return receipt requested, to the address of the registered

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527 | owner of the motor vehicle involved in the violation or, if a
528 | leased motor vehicle is involved in the violation and is
529 | registered in the name of the lessee, to the address of the
530 | registered lessee of such motor vehicle. Mailing the citation to
531 | this address constitutes notification. In the case of joint
532 | ownership of a motor vehicle, the traffic citation must be
533 | mailed to the first name appearing on the registration, unless
534 | the first name appearing on the registration is a business
535 | organization, in which case the second name appearing on the
536 | registration may be used. In the case of a motor vehicle jointly
537 | leased and registered in the names of the joint lessees, the
538 | traffic citation must be mailed to the first name appearing on
539 | the registration, unless the first name appearing on the
540 | registration is a business organization, in which case the
541 | second name appearing on the registration may be used. A
542 | citation issued under this paragraph must be mailed to the
543 | registered owner of the motor vehicle involved in the violation
544 | or, if a leased motor vehicle is involved in the violation and
545 | is registered in the name of the lessee, to the registered
546 | lessee of such motor vehicle within 14 days after the date of
547 | issuance of the violation. In addition to the citation,
548 | ~~notification must be sent to the registered owner of the motor~~
549 | ~~vehicle involved in the violation~~ specifying remedies available
550 | under ss. 318.14(12) and 318.18(7) must be sent to the
551 | registered owner of the motor vehicle involved in the violation
552 | or, if a leased motor vehicle is involved in the violation and
553 | is registered in the name of the lessee, to the registered
554 | lessee of such motor vehicle.

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555 (c) The owner of the motor vehicle involved in the
556 violation is responsible and liable for payment of a citation
557 issued for failure to pay a toll, unless the owner can establish
558 the motor vehicle was, at the time of the violation, in the
559 care, custody, or control of another person. In order to
560 establish such facts, the owner of the motor vehicle is
561 required, within 14 days after the date of issuance of the
562 citation, to furnish to the appropriate governmental entity an
563 affidavit setting forth:

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

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

570

571 Upon receipt of an affidavit the person designated as having
572 care, custody, and control of the motor vehicle at the time of
573 the violation may be issued a citation for failure to pay a
574 required toll. The affidavit shall be admissible in a proceeding
575 pursuant to this section for the purpose of providing that the
576 person identified in the affidavit was in actual care, custody,
577 or control of the motor vehicle. The owner of a leased vehicle
578 for which a citation is issued for failure to pay a toll is not
579 responsible for payment of the citation and is not required to
580 submit an affidavit as specified in this subsection if the motor
581 vehicle involved in the violation is registered in the name of
582 the lessee of such motor vehicle.

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583 Section 8. Paragraph (b) of subsection (1) of section
584 316.1955, Florida Statutes, is amended to read:

585 316.1955 Enforcement of parking requirements for persons
586 who have disabilities.--

587 (1) It is unlawful for any person to stop, stand, or park
588 a vehicle within, or to obstruct, any such specially designated
589 and marked parking space provided in accordance with s.
590 553.5041, unless the vehicle displays a disabled parking permit
591 issued under s. 316.1958 or s. 320.0848 or a license plate
592 issued under s. 320.084, s. 320.0842, s. 320.0843, or s.
593 320.0845, and the vehicle is transporting the person to whom the
594 displayed permit is issued. The violation may not be dismissed
595 for failure of the marking on the parking space to comply with
596 s. 553.5041 if the space is in general compliance and is clearly
597 distinguishable as a designated accessible parking space for
598 people who have disabilities. Only a warning may be issued for
599 unlawfully parking in a space designated for persons with
600 disabilities if there is no above-grade sign as provided in s.
601 553.5041.

602 (b) The officer or specialist shall charge the operator or
603 other person in charge of the vehicle in violation with a
604 noncriminal traffic infraction, punishable as provided in s.
605 316.008(4) or s. 318.18(6). The owner of a leased vehicle shall
606 not be responsible for a violation of this section if the
607 vehicle is registered in the name of the lessee.

608 Section 9. Section 316.2015, Florida Statutes, is amended
609 to read:

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610 316.2015 Unlawful for person to ride on exterior of
611 vehicle.--

612 (1) It is unlawful for any operator of a passenger vehicle
613 to permit any person to ride on the bumper, radiator, fender,
614 hood, top, trunk, or running board of such vehicle when operated
615 upon any street or highway that ~~which~~ is maintained by the
616 state, a county, or a municipality. ~~However, the operator of any~~
617 ~~vehicle shall not be in violation of this section when such~~
618 ~~operator permits any person to occupy seats securely affixed to~~
619 ~~the exterior of such vehicle.~~ Any person who violates the
620 ~~provisions of~~ this subsection shall be cited for a moving
621 violation, punishable as provided in chapter 318.

622 (2) (a) No person shall ride on any vehicle upon any
623 portion thereof not designed or intended for the use of
624 passengers. This paragraph does not apply to an employee of a
625 fire department, an employee of a governmentally operated solid
626 waste disposal department or a waste disposal service operating
627 pursuant to a contract with a governmental entity, or to a
628 volunteer firefighter when the employee or firefighter is
629 engaged in the necessary discharge of a duty and does not apply
630 to a person who is being transported in response to an emergency
631 by a public agency or pursuant to the direction or authority of
632 a public agency. This provision shall not apply to an employee
633 engaged in the necessary discharge of a duty or to a person or
634 persons riding within truck bodies in space intended for
635 merchandise. Any person who violates ~~the provisions of~~ this
636 paragraph subsection shall be cited for a nonmoving violation,
637 punishable as provided in chapter 318.

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638 (b) It is unlawful for any operator of a pickup truck or
639 flatbed truck to permit a minor child who has not attained 18
640 years of age to ride upon limited access facilities of the state
641 within the open body of a pickup truck or flatbed truck unless
642 the minor is restrained within the open body in the back of a
643 truck that has been modified to include secure seating and
644 safety restraints that would prevent the minor from being
645 thrown, falling, or jumping from the truck. This paragraph does
646 not apply in a medical emergency if the child is accompanied
647 within the truck by an adult. This paragraph does not apply in a
648 county if the governing body of the county, by majority vote,
649 following a duly noticed public hearing, votes to exempt the
650 county from this paragraph. Any person who violates this
651 paragraph shall be cited for a nonmoving violation, punishable
652 as provided in chapter 318.

653 (3) This section shall not apply to a performer engaged in
654 a professional exhibition or person participating in an
655 exhibition or parade, or any such person preparing to
656 participate in such exhibitions or parades.

657 Section 10. Subsection (1) of section 316.2095, Florida
658 Statutes, is amended to read:

659 316.2095 Footrests, ~~handholds~~, and handlebars.--

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

663 Section 11. Effective January 1, 2007, subsection (6) of
664 section 316.211, Florida Statutes, is renumbered as subsection
665 (7), and a new subsection (6) is added to that section, to read:

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666 316.211 Equipment for motorcycle and moped riders.--

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

670 (7)~~(6)~~ A violation of this section is a noncriminal
 671 traffic infraction, punishable as a nonmoving violation as
 672 provided in chapter 318.

673 Section 12. Section 316.2123, Florida Statutes, is created
 674 to read:

675 316.2123 Operation of an ATV on certain roadways.--The
 676 operation of an ATV as defined in s. 317.0003 upon the public
 677 roads or streets of this state is prohibited, except that an ATV
 678 may be operated during the daytime on an unpaved roadway where
 679 the posted speed limit is less than 35 miles per hour by a
 680 licensed driver or by a minor under the supervision of a
 681 licensed driver. When operating on an unpaved roadway, the ATV
 682 must be equipped with working headlamps and taillamps. The
 683 operator must provide proof of ownership pursuant to chapter 317
 684 upon request by a law enforcement officer. A county or
 685 municipality may adopt an ordinance that prohibits the operation
 686 of an ATV on unpaved public roads or streets notwithstanding the
 687 authorization of this section. Notice of such an ordinance shall
 688 be given to the public by appropriate signage on the roads or
 689 streets affected by the local ordinance.

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

692 316.2125 Operation of golf carts within a retirement
 693 community.--

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694 (3) A local governmental entity may enact an ordinance
695 regarding golf cart operation and equipment that is more
696 restrictive than those enumerated in this section. Upon
697 enactment of any such ordinance, the local governmental entity
698 shall post appropriate signs or otherwise inform the residents
699 that such an ordinance exists and that it shall be enforced
700 within the local government's jurisdictional territory. An
701 ordinance referred to in this section must apply only to an
702 unlicensed driver.

703 Section 14. Section 316.2128, Florida Statutes, is created
704 to read:

705 316.2128 Motorized scooters and miniature motorcycles;
706 disclosure requirements for sale.--A person who engages in the
707 business or serves in the capacity of, or acts as, a commercial
708 seller of motorized scooters as defined in s. 316.003(82) or
709 miniature motorcycles in this state must comply with this
710 section. Each such person shall prominently display at his or
711 her place of business a notice that such vehicles are not legal
712 to operate on public roads or sidewalks and may not be
713 registered as motor vehicles. The required notice must also
714 appear in all forms of advertising offering motorized scooters
715 or miniature motorcycles for sale. The notice and a copy of this
716 section must also be provided to a consumer prior to the
717 consumer's purchasing or becoming obligated to purchase a
718 motorized scooter or a miniature motorcycle. For purposes of
719 this section, "miniature motorcycle" means any vehicle that has
720 a seat or saddle for the use of the rider, is designed to travel
721 on not more than three wheels in contact with the ground, and,

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722 because of its small size, design, or lack of required safety
 723 equipment or other noncompliance with federal regulations, is
 724 not eligible for a manufacturer's certificate of origin or for
 725 registration as a motorcycle pursuant to chapter 320. Any person
 726 selling or offering a motorized scooter or a miniature
 727 motorcycle for sale in violation of this section commits an
 728 unfair and deceptive trade practice as defined in part II of
 729 chapter 501. This section does not apply to motorcycles as
 730 defined in chapter 316 or to off-highway vehicles as defined in
 731 chapter 317.

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

734 316.221 Taillamps.--

735 (2) Either a taillamp or a separate lamp shall be so
 736 constructed and placed as to illuminate with a white light the
 737 rear registration plate and render it clearly legible from a
 738 distance of 50 feet to the rear. Any taillamp or taillamps,
 739 together with any separate lamp or lamps for illuminating the
 740 rear registration plate, shall be so wired as to be lighted
 741 whenever the headlamps or auxiliary driving lamps are lighted.
 742 Dump trucks and vehicles with dump bodies are exempt from the
 743 requirements of this subsection.

744 Section 16. Paragraph (b) of subsection (1), paragraphs
 745 (b), (c), (d), (f), and (i) of subsection (2), and subsection
 746 (3) of section 316.302, Florida Statutes, are amended to read:

747 316.302 Commercial motor vehicles; safety regulations;
 748 transporters and shippers of hazardous materials; enforcement.--

749 (1)

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750 (b) Except as otherwise provided in this section, all
 751 owners or drivers of commercial motor vehicles that are engaged
 752 in intrastate commerce are subject to the rules and regulations
 753 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
 754 exception of 49 C.F.R. s. 390.5 as it relates to the definition
 755 of bus, as such rules and regulations existed on October 1, 2005
 756 ~~2004~~.

757 (2)

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

762 1. More than 12 hours following 10 consecutive hours off
 763 duty; or

764 2. For any period after the end of the 16th hour after
 765 coming on duty following 10 consecutive hours off duty ~~is exempt~~
 766 ~~from 49 C.F.R. s. 395.3(a) and (b) and may, after 8 hours' rest,~~
 767 ~~and following the required initial motor vehicle inspection, be~~
 768 ~~permitted to drive any part of the first 15 on-duty hours in any~~
 769 ~~24-hour period, but may not be permitted to operate a commercial~~
 770 ~~motor vehicle after that until the requirement of another 8~~
 771 ~~hours' rest has been fulfilled.~~

772
 773 The provisions of this paragraph do not apply to drivers of
 774 utility service vehicles as defined in 49 C.F.R. s. 395.2 ~~public~~
 775 ~~utility vehicles or authorized emergency vehicles during periods~~
 776 ~~of severe weather or other emergencies.~~

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777 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
778 operates a commercial motor vehicle solely in intrastate
779 commerce not transporting any hazardous material in amounts that
780 require placarding pursuant to 49 C.F.R. part 172 may not drive
781 after having been on duty more than 70 hours in any period of 7
782 consecutive days or more than 80 hours in any period of 8
783 consecutive days if the motor carrier operates every day of the
784 week. ~~Thirty-four be on duty more than 72 hours in any period of~~
785 ~~7 consecutive days, but carriers operating every day in a week~~
786 ~~may permit drivers to remain on duty for a total of not more~~
787 ~~than 84 hours in any period of 8 consecutive days; however, 24~~
788 consecutive hours off duty shall constitute the end of any such
789 period of 7 or 8 consecutive days. This weekly limit does not
790 apply to a person who operates a commercial motor vehicle solely
791 within this state while transporting, during harvest periods,
792 any unprocessed agricultural products or unprocessed food or
793 fiber that is ~~are~~ subject to seasonal harvesting from place of
794 harvest to the first place of processing or storage or from
795 place of harvest directly to market or while transporting
796 livestock, livestock feed, or farm supplies directly related to
797 growing or harvesting agricultural products. Upon request of the
798 Department of Transportation, motor carriers shall furnish time
799 records or other written verification to that department so that
800 the Department of Transportation can determine compliance with
801 this subsection. These time records must be furnished to the
802 Department of Transportation within 2 ~~10~~ days after receipt of
803 that department's request. Falsification of such information is
804 subject to a civil penalty not to exceed \$100. The provisions of

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805 | this paragraph do not apply to drivers of ~~public utility service~~
806 | vehicles as defined in 49 C.F.R. s. 395.2 ~~or authorized~~
807 | ~~emergency vehicles during periods of severe weather or other~~
808 | ~~emergencies.~~

809 | (d) A person who operates a commercial motor vehicle
810 | solely in intrastate commerce not transporting any hazardous
811 | material in amounts that require placarding pursuant to 49
812 | C.F.R. part 172 within a 150 ~~200~~ air-mile radius of the location
813 | where the vehicle is based need not comply with 49 C.F.R. s.
814 | 395.8, provided the requirements of 49 C.F.R. s.
815 | 395.1(e)(1)(iii) and (v) are met. If a driver is not released
816 | from duty within 12 hours after the driver arrives for duty, the
817 | motor carrier must maintain documentation of the driver's
818 | driving times throughout the duty period ~~except that time~~
819 | ~~records shall be maintained as prescribed in 49 C.F.R. s.~~
820 | ~~395.1(e)(5).~~

821 | (f) A person who operates a commercial motor vehicle
822 | having a declared gross vehicle weight of less than 26,001
823 | ~~26,000~~ pounds solely in intrastate commerce and who is not
824 | transporting hazardous materials in amounts that require
825 | placarding pursuant to 49 C.F.R. part 172, or who is
826 | transporting petroleum products as defined in s. 376.301, is
827 | exempt from subsection (1). However, such person must comply
828 | with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss.
829 | 396.3(a)(1) and 396.9.

830 | (i) A person ~~who was a regularly employed driver of a~~
831 | ~~commercial motor vehicle on July 4, 1987, and whose driving~~
832 | ~~record shows no traffic convictions, pursuant to s. 322.61,~~

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833 during the 2-year period immediately preceding the application
834 for the commercial driver's license, ~~and~~ who is otherwise
835 qualified as a driver under 49 C.F.R. part 391, and who operates
836 a commercial vehicle in intrastate commerce only, shall be
837 exempt from the requirements of 49 C.F.R. part 391, subpart E,
838 s. 391.41(b)(10). However, such operators are still subject to
839 the requirements of ss. 322.12 and 322.121. As proof of
840 eligibility, such driver shall have in his or her possession a
841 physical examination form dated within the past 24 months.

842 (3) A person who has not attained ~~under the age of~~ 18
843 years of age may not operate a commercial motor vehicle, except
844 that a person who has not attained ~~under the age of~~ 18 years of
845 age may operate a commercial motor vehicle that ~~which~~ has a
846 gross vehicle weight of less than 26,001 ~~26,000~~ pounds while
847 transporting agricultural products, including horticultural or
848 forestry products, from farm or harvest place to storage or
849 market.

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

852 316.515 Maximum width, height, length.--

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

855 (a) Notwithstanding any other provisions of law, straight
856 trucks, agricultural tractors, and cotton module movers, not
857 exceeding 50 feet in length, or any combination of up to and
858 including three implements of husbandry including the towing
859 power unit, and any single agricultural trailer with a load
860 thereon or any agricultural implements attached to a towing

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861 power unit not exceeding 130 inches in width, or a self-
862 propelled agricultural implement or an agricultural tractor not
863 exceeding 130 inches in width, is authorized for the purpose of
864 transporting peanuts, grains, soybeans, cotton, hay, straw, or
865 other perishable farm products from their point of production to
866 the first point of change of custody or of long-term storage,
867 and for the purpose of returning to such point of production, or
868 for the purpose of moving such tractors, movers, and implements
869 from one point of agricultural production to another, by a
870 person engaged in the production of any such product or custom
871 hauler, if such vehicle or combination of vehicles otherwise
872 complies with this section. The Department of Transportation may
873 issue overwidth permits for implements of husbandry greater than
874 130 inches, but not more than 170 inches, in width. ~~Such~~
875 ~~vehicles shall be operated in accordance with all safety~~
876 ~~requirements prescribed by law and Department of Transportation~~
877 ~~rules.~~ The Department of Transportation may issue overlength
878 permits for cotton module movers greater than 50 feet but not
879 more than 55 feet in overall length. Such vehicles shall be
880 operated in accordance with all safety requirements prescribed
881 by law and Department of Transportation rules.

882 (b) Notwithstanding any other provisions of law, equipment
883 not exceeding 136 inches in width and not capable of speeds
884 exceeding 20 miles per hour that is used exclusively for the
885 purpose of harvesting forestry products is authorized for the
886 purpose of transporting the equipment from one point of harvest
887 to another point of harvest, not to exceed 10 miles, by a person
888 engaged in the harvesting of forestry products. Such vehicles

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889 shall be operated during daylight hours only in accordance with
890 all safety requirements prescribed by s. 316.2295(5) and (6).

891 (10) AUTOMOBILE TOWAWAY AND DRIVEAWAY OPERATIONS.--An
892 automobile towaway or driveaway operation transporting new or
893 used trucks may use what is known to the trade as "saddle
894 mounts," if the overall length does not exceed 97 ~~75~~ feet and no
895 more than three saddle mounts are towed. Such combinations may
896 include one full mount. Saddle mount combinations must also
897 comply with the applicable safety regulations in 49 C.F.R. s.
898 393.71.

899 Section 18. Subsection (9) of section 318.14, Florida
900 Statutes, is amended to read:

901 318.14 Noncriminal traffic infractions; exception;
902 procedures.--

903 (9) Any person who does not hold a commercial driver's
904 license and who is cited for an infraction under this section
905 other than a violation of s. 316.183(2), s. 316.187, or s.
906 316.189, when the driver exceeds the posted limit by 30 miles
907 per hour or more, or s. 320.0605, s. 320.07(3)(a) or (b), s.
908 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a
909 court appearance, elect to attend in the location of his or her
910 choice within this state a basic driver improvement course
911 approved by the Department of Highway Safety and Motor Vehicles.
912 In such a case, adjudication must be withheld; points, as
913 provided by s. 322.27, may not be assessed; and the civil
914 penalty that is imposed by s. 318.18(3) must be reduced by 18
915 percent; however, a person may not make an election under this
916 subsection if the person has made an election under this

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917 subsection in the preceding 12 months. A person may make no more
918 than five elections under this subsection. The requirement for
919 community service under s. 318.18(8) is not waived by a plea of
920 nolo contendere or by the withholding of adjudication of guilt
921 by a court.

922 Section 19. Paragraph (f) is added to subsection (1) of
923 section 318.143, Florida Statutes, to read:

924 318.143 Sanctions for infractions by minors.--

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

928 (f) The court may require the minor and his or her parents
929 or guardian to participate in a registered youthful driver
930 monitoring service as described in s. 318.1435.

931 Section 20. Section 318.1435, Florida Statutes, is created
932 to read:

933 318.1435 Youthful driver monitoring services.--

934 (1) As used in this section, the term "youthful driver
935 monitoring service" means an entity that enables parents or
936 guardians to monitor the driving performance of their minor
937 children. The service may provide monitoring by posting on a
938 vehicle a placard that shows a toll-free telephone number and a
939 unique identifying number and includes a request to members of
940 the public to call the toll-free telephone number to report
941 inappropriate driving practices. The service shall enter into a
942 contract with the parents or guardians under which the service
943 shall timely forward to the parents or guardians all reports of
944 inappropriate driving practices by the minor child.

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945 (2) A youthful driver monitoring service may register with
946 the Department of Highway Safety and Motor Vehicles. The
947 registration must consist of a narrative description of the
948 services offered by the youthful driver monitoring service, the
949 name of the manager in charge of the service, the address of the
950 service, and the telephone number of the service. Registration
951 under this subsection remains valid indefinitely, but it is the
952 responsibility of the youthful driver monitoring service to
953 timely file a revised registration statement to reflect any
954 changes in the required information. If the department
955 determines that the youthful driver monitoring service is not
956 providing the services described in the narrative statement, the
957 department may suspend the registration; however, the department
958 must reinstate the registration when the service files a revised
959 statement that reflects its actual provided services.

960 Section 21. Section 318.18, Florida Statutes, is amended
961 to read:

962 318.18 Amount of ~~civil~~ penalties.--The penalties required
963 for a noncriminal disposition pursuant to s. 318.14 or a
964 criminal offense listed in s. 318.17 are as follows:

965 (1) Fifteen dollars for:

966 (a) All infractions of pedestrian regulations.

967 (b) All infractions of s. 316.2065, unless otherwise
968 specified.

969 (c) Other violations of chapter 316 by persons 14 years of
970 age or under who are operating bicycles, regardless of the
971 noncriminal traffic infraction's classification.

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972 (2) Thirty dollars for all nonmoving traffic violations
973 and:

974 (a) For all violations of s. 322.19.

975 (b) For all violations of ss. 320.0605, 320.07(1),
976 322.065, and 322.15(1). Any person who is cited for a violation
977 of s. 320.07(1) shall be charged a delinquent fee pursuant to s.
978 320.07(4).

979 1. If a person who is cited for a violation of s. 320.0605
980 or s. 320.07 can show proof of having a valid registration at
981 the time of arrest, the clerk of the court may dismiss the case
982 and may assess a dismissal fee of up to \$7.50. A person who
983 finds it impossible or impractical to obtain a valid
984 registration certificate must submit an affidavit detailing the
985 reasons for the impossibility or impracticality. The reasons may
986 include, but are not limited to, the fact that the vehicle was
987 sold, stolen, or destroyed; that the state in which the vehicle
988 is registered does not issue a certificate of registration; or
989 that the vehicle is owned by another person.

990 2. If a person who is cited for a violation of s. 322.03,
991 s. 322.065, or s. 322.15 can show a driver's license issued to
992 him or her and valid at the time of arrest, the clerk of the
993 court may dismiss the case and may assess a dismissal fee of up
994 to \$7.50.

995 3. If a person who is cited for a violation of s. 316.646
996 can show proof of security as required by s. 627.733, issued to
997 the person and valid at the time of arrest, the clerk of the
998 court may dismiss the case and may assess a dismissal fee of up
999 to \$7.50. A person who finds it impossible or impractical to

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1000 obtain proof of security must submit an affidavit detailing the
1001 reasons for the impracticality. The reasons may include, but are
1002 not limited to, the fact that the vehicle has since been sold,
1003 stolen, or destroyed; that the owner or registrant of the
1004 vehicle is not required by s. 627.733 to maintain personal
1005 injury protection insurance; or that the vehicle is owned by
1006 another person.

1007 (c) For all violations of ss. 316.2935 and 316.610.
1008 However, for a violation of s. 316.2935 or s. 316.610, if the
1009 person committing the violation corrects the defect and obtains
1010 proof of such timely repair by an affidavit of compliance
1011 executed by the law enforcement agency within 30 days from the
1012 date upon which the traffic citation was issued, and pays \$4 to
1013 the law enforcement agency, thereby completing the affidavit of
1014 compliance, then upon presentation of said affidavit by the
1015 defendant to the clerk within the 30-day time period set forth
1016 under s. 318.14(4), the fine must be reduced to \$7.50, which the
1017 clerk of the court shall retain.

1018 (d) For all violations of s. 316.126(1)(b), unless
1019 otherwise specified.

1020 (3)(a) Except as otherwise provided in this section, \$60
1021 for all moving violations not requiring a mandatory appearance.

1022 (b) For moving violations involving unlawful speed, the
1023 fines are as follows:

1024	
1025	For speed exceeding the limit by:.....Fine:
1026	1-5 m.p.h.....Warning
1027	6-9 m.p.h.....\$ 25

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1028	10-14 m.p.h.....	\$100
1029	15-19 m.p.h.....	\$125
1030	20-29 m.p.h.....	\$150
1031	30 m.p.h. and above.....	\$250

1032 (c) Notwithstanding paragraph (b), a person cited for
 1033 exceeding the speed limit by up to 5 m.p.h. in a legally posted
 1034 school zone will be fined \$50. A person exceeding the speed
 1035 limit in a school zone shall pay a fine double the amount listed
 1036 in paragraph (b).

1037 (d) A person cited for exceeding the speed limit in a
 1038 posted construction zone shall pay a fine double the amount
 1039 listed in paragraph (b). The fine shall be doubled for
 1040 construction zone violations only if construction personnel are
 1041 present or operating equipment on the road or immediately
 1042 adjacent to the road under construction.

1043 (e) If a violation of s. 316.1301 or s. 316.1303 results
 1044 in an injury to the pedestrian or damage to the property of the
 1045 pedestrian, an additional fine of up to \$250 shall be paid. This
 1046 amount must be distributed pursuant to s. 318.21.

1047 (f) A person cited for exceeding the speed limit within a
 1048 zone posted for any electronic or manual toll collection
 1049 facility shall pay a fine double the amount listed in paragraph
 1050 (b). However, no person cited for exceeding the speed limit in
 1051 any toll collection zone shall be subject to a doubled fine
 1052 unless the governmental entity or authority controlling the toll
 1053 collection zone first installs a traffic control device
 1054 providing warning that speeding fines are doubled. Any such

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1055 traffic control device must meet the requirements of the uniform
1056 system of traffic control devices.

1057 (g) A person cited for a second or subsequent violation of
1058 exceeding the speed limit by 30 miles per hour and above within
1059 a 12-month period shall pay a fine double the amount listed in
1060 paragraph (b). For purposes of this paragraph, the term
1061 "conviction" means a finding of guilt, with or without
1062 adjudication of guilt, as a result of a jury verdict, nonjury
1063 trial, or entry of a plea of guilty or nolo contendere,
1064 notwithstanding s. 318.14(11).

1065 (4) The penalty imposed under s. 316.545 shall be
1066 determined by the officer in accordance with the provisions of
1067 ss. 316.535 and 316.545.

1068 (5) (a) One hundred dollars for a violation of s.
1069 316.172(1) (a), failure to stop for a school bus. If, at a
1070 hearing, the alleged offender is found to have committed this
1071 offense, the court shall impose a minimum civil penalty of \$100.
1072 In addition to this penalty, for a second or subsequent offense
1073 within a period of 5 years, the department shall suspend the
1074 driver's license of the person for not less than 90 days and not
1075 more than 6 months.

1076 (b) Two hundred dollars for a violation of s.
1077 316.172(1) (b), passing a school bus on the side that children
1078 enter and exit when the school bus displays a stop signal. If,
1079 at a hearing, the alleged offender is found to have committed
1080 this offense, the court shall impose a minimum civil penalty of
1081 \$200. In addition to this penalty, for a second or subsequent
1082 offense within a period of 5 years, the department shall suspend

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1083 | the driver's license of the person for not less than 180 days
1084 | and not more than 1 year.

1085 | (6) One hundred dollars or the fine amount designated by
1086 | county ordinance, plus court costs for illegally parking, under
1087 | s. 316.1955, in a parking space provided for people who have
1088 | disabilities. However, this fine will be waived if a person
1089 | provides to the law enforcement agency that issued the citation
1090 | for such a violation proof that the person committing the
1091 | violation has a valid parking permit or license plate issued
1092 | pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845,
1093 | or s. 320.0848 or a signed affidavit that the owner of the
1094 | disabled parking permit or license plate was present at the time
1095 | the violation occurred, and that such a parking permit or
1096 | license plate was valid at the time the violation occurred. The
1097 | law enforcement officer, upon determining that all required
1098 | documentation has been submitted verifying that the required
1099 | parking permit or license plate was valid at the time of the
1100 | violation, must sign an affidavit of compliance. Upon provision
1101 | of the affidavit of compliance and payment of a dismissal fee of
1102 | up to \$7.50 to the clerk of the circuit court, the clerk shall
1103 | dismiss the citation.

1104 | (7) One hundred dollars for a violation of s. 316.1001.
1105 | However, a person may elect to pay \$30 to the clerk of the
1106 | court, in which case adjudication is withheld, and no points are
1107 | assessed under s. 322.27. Upon receipt of the fine, the clerk of
1108 | the court must retain \$5 for administrative purposes and must
1109 | forward the \$25 to the governmental entity that issued the
1110 | citation. Any funds received by a governmental entity for this

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1111 violation may be used for any lawful purpose related to the
1112 operation or maintenance of a toll facility.

1113 (8)(a) Any person who fails to comply with the court's
1114 requirements or who fails to pay the civil penalties specified
1115 in this section within the 30-day period provided for in s.
1116 318.14 must pay an additional civil penalty of \$12, \$2.50 of
1117 which must be remitted to the Department of Revenue for deposit
1118 in the General Revenue Fund, and \$9.50 of which must be remitted
1119 to the Department of Revenue for deposit in the Highway Safety
1120 Operating Trust Fund. The department shall contract with the
1121 Florida Association of Court Clerks, Inc., to design, establish,
1122 operate, upgrade, and maintain an automated statewide Uniform
1123 Traffic Citation Accounting System to be operated by the clerks
1124 of the court that ~~which~~ shall include, but not be limited to,
1125 the accounting for traffic infractions by type, a record of the
1126 disposition of the citations, and an accounting system for the
1127 fines assessed and the subsequent fine amounts paid to the
1128 clerks of the court. On or before December 1, 2001, the clerks
1129 of the court must provide the information required by this
1130 chapter to be transmitted to the department by electronic
1131 transmission pursuant to the contract.

1132 (b) Any person who fails to comply with the court's
1133 requirements as to civil penalties specified in this section due
1134 to demonstrable financial hardship shall be authorized to
1135 satisfy such civil penalties by public works or community
1136 service. Each hour of such service shall be applied, at the rate
1137 of the minimum wage, toward payment of the person's civil
1138 penalties; provided, however, that if the person has a trade or

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1139 | profession for which there is a community service need and
 1140 | application, the rate for each hour of such service shall be the
 1141 | average standard wage for such trade or profession. Any person
 1142 | who fails to comply with the court's requirements as to such
 1143 | civil penalties who does not demonstrate financial hardship may
 1144 | also, at the discretion of the court, be authorized to satisfy
 1145 | such civil penalties by public works or community service in the
 1146 | same manner.

1147 | (c) If the noncriminal infraction has caused or resulted
 1148 | in the death of another, the person who committed the infraction
 1149 | may perform 120 community service hours under s. 316.027(4), in
 1150 | addition to any other penalties.

1151 | (9) One hundred dollars for a violation of s. 316.1575.

1152 | (10) Twenty-five dollars for a violation of s. 316.2074.

1153 | (11) (a) In addition to the stated fine, court costs must
 1154 | be paid in the following amounts and shall be deposited by the
 1155 | clerk into the fine and forfeiture fund established pursuant to
 1156 | s. 142.01:

- 1157 |
- 1158 | For pedestrian infractions.....\$ 3.
 - 1159 | For nonmoving traffic infractions.....\$ 16.
 - 1160 | For moving traffic infractions.....\$ 30.

1161 | (b) In addition to the court cost required under paragraph
 1162 | (a), up to \$3 for each infraction shall be collected and
 1163 | distributed by the clerk in those counties that have been
 1164 | authorized to establish a criminal justice selection center or a
 1165 | criminal justice access and assessment center pursuant to the
 1166 | following special acts of the Legislature:

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- 1167 1. Chapter 87-423, Laws of Florida, for Brevard County.
- 1168 2. Chapter 89-521, Laws of Florida, for Bay County.
- 1169 3. Chapter 94-444, Laws of Florida, for Alachua County.
- 1170 4. Chapter 97-333, Laws of Florida, for Pinellas County.

1171
1172 Funds collected by the clerk pursuant to this paragraph shall be
1173 distributed to the centers authorized by those special acts.

1174 (c) In addition to the court cost required under paragraph
1175 (a), a \$2.50 court cost must be paid for each infraction to be
1176 distributed by the clerk to the county to help pay for criminal
1177 justice education and training programs pursuant to s. 938.15.
1178 Funds from the distribution to the county not directed by the
1179 county to fund these centers or programs shall be retained by
1180 the clerk and used for funding the court-related services of the
1181 clerk.

1182 (d) In addition to the court cost required under paragraph
1183 (a), a \$3 court cost must be paid for each infraction to be
1184 distributed as provided in s. 938.01 and a \$2 court cost as
1185 provided in s. 938.15 when assessed by a municipality or county.

1186 (12) Two ~~One~~ hundred dollars for a violation of s.
1187 316.520(1) or (2). If, at a hearing, the alleged offender is
1188 found to have committed this offense, the court shall impose a
1189 minimum civil penalty of \$200 ~~\$100~~. For a second or subsequent
1190 adjudication within a period of 5 years, the department shall
1191 suspend the driver's license of the person for not less than 1
1192 year ~~180 days~~ and not more than 2 years ~~1 year~~.

1193 (13) In addition to any penalties imposed for noncriminal
1194 traffic infractions pursuant to this chapter or imposed for

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1195 criminal violations listed in s. 318.17, a board of county
 1196 commissioners or any unit of local government that ~~which~~ is
 1197 consolidated as provided by s. 9, Art. VIII of the State
 1198 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
 1199 Constitution of 1968:

1200 (a) May impose by ordinance a surcharge of up to \$15 for
 1201 any infraction or violation to fund state court facilities. The
 1202 court shall not waive this surcharge. Up to 25 percent of the
 1203 revenue from such surcharge may be used to support local law
 1204 libraries provided that the county or unit of local government
 1205 provides a level of service equal to that provided prior to July
 1206 1, 2004, which shall include the continuation of library
 1207 facilities located in or near the county courthouse or annexes.

1208 (b) That imposed increased fees or service charges by
 1209 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the
 1210 purpose of securing payment of the principal and interest on
 1211 bonds issued by the county before July 1, 2003, to finance state
 1212 court facilities, may impose by ordinance a surcharge for any
 1213 infraction or violation for the exclusive purpose of securing
 1214 payment of the principal and interest on bonds issued by the
 1215 county before July 1, 2003, to fund state court facilities until
 1216 the date of stated maturity. The court shall not waive this
 1217 surcharge. Such surcharge may not exceed an amount per violation
 1218 calculated as the quotient of the maximum annual payment of the
 1219 principal and interest on the bonds as of July 1, 2003, divided
 1220 by the number of traffic citations for county fiscal year 2002-
 1221 2003 certified as paid by the clerk of the court of the county.
 1222 Such quotient shall be rounded up to the next highest dollar

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1223 amount. The bonds may be refunded only if savings will be
 1224 realized on payments of debt service and the refunding bonds are
 1225 scheduled to mature on the same date or before the bonds being
 1226 refunded.

1227
 1228 A county may not impose both of the surcharges authorized under
 1229 paragraphs (a) and (b) concurrently. The clerk of court shall
 1230 report, no later than 30 days after the end of the quarter, the
 1231 amount of funds collected under this subsection during each
 1232 quarter of the fiscal year. The clerk shall submit the report,
 1233 in a format developed by the Office of State Courts
 1234 Administrator, to the chief judge of the circuit, the Governor,
 1235 the President of the Senate, and the Speaker of the House of
 1236 Representatives.

1237 (14) In addition to any penalties imposed for noncriminal
 1238 traffic infractions under this chapter or imposed for criminal
 1239 violations listed in s. 318.17, any unit of local government
 1240 that is consolidated as provided by s. 9, Art. VIII of the State
 1241 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
 1242 State Constitution of 1968, and that is granted the authority in
 1243 the State Constitution to exercise all the powers of a municipal
 1244 corporation, and any unit of local government operating under a
 1245 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.
 1246 VIII of the State Constitution of 1885, as preserved by s. 6(e),
 1247 Art. VIII of the State Constitution of 1968, that is granted the
 1248 authority in the State Constitution to exercise all the powers
 1249 conferred now or hereafter by general law upon municipalities,
 1250 may impose by ordinance a surcharge of up to \$15 for any

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1251 | infraction or violation. Revenue from the surcharge shall be
 1252 | transferred to such unit of local government for the purpose of
 1253 | replacing fine revenue deposited into the clerk's fine and
 1254 | forfeiture fund under s. 142.01. The court may not waive this
 1255 | surcharge. Proceeds from the imposition of the surcharge
 1256 | authorized in this subsection shall not be used for the purpose
 1257 | of securing payment of the principal and interest on bonds. This
 1258 | subsection, and any surcharge imposed pursuant to this
 1259 | subsection, shall stand repealed September 30, 2007.

1260 | (15) One hundred twenty-five dollars for a violation of s.
 1261 | 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
 1262 | stop at a traffic signal. Sixty dollars shall be distributed as
 1263 | provided in s. 318.21, and the remaining \$65 shall be remitted
 1264 | to the Department of Revenue for deposit into the Administrative
 1265 | Trust Fund of the Department of Health.

1266 | (16) In addition to any penalties imposed, a surcharge of
 1267 | \$4 must be paid for all criminal offenses listed in s. 318.17
 1268 | and for all noncriminal moving traffic violations under chapter
 1269 | 316. Revenue from the surcharge shall be remitted to the
 1270 | Department of Revenue and deposited quarterly into the State
 1271 | Agency Law Enforcement Radio System Trust Fund of the Department
 1272 | of Management Services for the state agency law enforcement
 1273 | radio system, as described in s. 282.1095.

1274 | Section 22. Section 318.19, Florida Statutes, is amended
 1275 | to read:

1276 | 318.19 Infractions requiring a mandatory hearing.--Any
 1277 | person cited for the infractions listed in this section shall
 1278 | not have the provisions of s. 318.14(2), (4), and (9) available

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1279 | to him or her but must appear before the designated official at
1280 | the time and location of the scheduled hearing:

1281 | (1) Any infraction that ~~which~~ results in a crash that
1282 | causes the death of another;

1283 | (2) Any infraction that ~~which~~ results in a crash that
1284 | causes "serious bodily injury" of another as defined in s.
1285 | 316.1933(1);

1286 | (3) Any infraction of s. 316.172(1)(b); ~~or~~

1287 | (4) Any infraction of s. 316.520(1) or (2); or

1288 | (5) Any infraction of s. 316.183(2), s. 316.187, or s.
1289 | 316.189 of exceeding the speed limit by 30 miles per hour or
1290 | more.

1291 | Section 23. Subsection (15) is added to section 318.21,
1292 | Florida Statutes, to read:

1293 | 318.21 Disposition of civil penalties by county
1294 | courts.--All civil penalties received by a county court pursuant
1295 | to the provisions of this chapter shall be distributed and paid
1296 | monthly as follows:

1297 | (15) Notwithstanding subsections (1) and (2), the proceeds
1298 | from the surcharge imposed under s. 318.18(16) shall be
1299 | distributed as provided in that subsection.

1300 | Section 24. Paragraph (d) of subsection (1) of section
1301 | 318.32, Florida Statutes, is amended to read:

1302 | 318.32 Jurisdiction; limitations.--

1303 | (1) Hearing officers shall be empowered to accept pleas
1304 | from and decide the guilt or innocence of any person, adult or
1305 | juvenile, charged with any civil traffic infraction and shall be
1306 | empowered to adjudicate or withhold adjudication of guilt in the

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1307 same manner as a county court judge under the statutes, rules,
1308 and procedures presently existing or as subsequently amended,
1309 except that hearing officers shall not:

1310 (d) Have the power to suspend or revoke a defendant's
1311 driver's license pursuant to s. 316.655(2).

1312 Section 25. Paragraph (c) of subsection (1) of section
1313 319.14, Florida Statutes, is amended to read:

1314 319.14 Sale of motor vehicles registered or used as
1315 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
1316 and nonconforming vehicles.--

1317 (1)

1318 (c) As used in this section:

1319 1. "Police vehicle" means a motor vehicle owned or leased
1320 by the state or a county or municipality, marked and outfitted
1321 as a pursuit vehicle, and used in law enforcement.

1322 2.a. "Short-term-lease vehicle" means a motor vehicle
1323 leased without a driver and under a written agreement to one or
1324 more persons from time to time for a period of less than 12
1325 months.

1326 b. "Long-term-lease vehicle" means a motor vehicle leased
1327 without a driver and under a written agreement to one person for
1328 a period of 12 months or longer.

1329 c. "Lease vehicle" includes both short-term-lease vehicles
1330 and long-term-lease vehicles.

1331 3. "Rebuilt vehicle" means a motor vehicle or mobile home
1332 built from salvage or junk, as defined in s. 319.30(1).

1333 4. "Assembled from parts" means a motor vehicle or mobile
1334 home assembled from parts or combined from parts of motor

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1335 vehicles or mobile homes, new or used. "Assembled from parts"
1336 does not mean a motor vehicle defined as a "rebuilt vehicle" in
1337 subparagraph 3. that, ~~which~~ has been declared a total loss
1338 pursuant to s. 319.30.

1339 5. "Kit car" means a motor vehicle assembled with a kit
1340 supplied by a manufacturer to rebuild a wrecked or outdated
1341 motor vehicle with a new body kit.

1342 6. "Glider kit" means a vehicle assembled with a kit
1343 supplied by a manufacturer to rebuild a wrecked or outdated
1344 truck or truck tractor.

1345 7. "Replica" means a complete new motor vehicle
1346 manufactured to look like an old vehicle.

1347 8. "Flood vehicle" means a motor vehicle or mobile home
1348 that has been declared to be a total loss pursuant to s.
1349 319.30(3)(a) resulting from damage caused by water.

1350 9. "Nonconforming vehicle" means a motor vehicle that
1351 ~~which~~ has been purchased by a manufacturer pursuant to a
1352 settlement, determination, or decision under chapter 681.

1353 10. "Settlement" means an agreement entered into between a
1354 manufacturer and a consumer that occurs after a dispute is
1355 submitted to a program, or an informal dispute settlement
1356 procedure established by a manufacturer or is approved for
1357 arbitration before the New Motor Vehicle Arbitration Board as
1358 defined in s. 681.102.

1359 Section 26. Effective July 1, 2008, subsection (1) of
1360 section 320.02, Florida Statutes, is amended to read:

1361 320.02 Registration required; application for
1362 registration; forms.--

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1363 (1) Except as otherwise provided in this chapter, every
 1364 owner or person in charge of a motor vehicle that ~~which~~ is
 1365 operated or driven on the roads of this state shall register the
 1366 vehicle in this state. The owner or person in charge shall apply
 1367 to the department or to its authorized agent for registration of
 1368 each such vehicle on a form prescribed by the department. Prior
 1369 to an original registration of any motorcycle, motor-driven
 1370 cycle, or moped, the owner, if a natural person, shall present
 1371 proof that he or she has a valid motorcycle endorsement as
 1372 required in chapter 322. No registration is required for any
 1373 motor vehicle that ~~which~~ is not operated on the roads of this
 1374 state during the registration period.

1375 Section 27. Subsection (8) of section 320.03, Florida
 1376 Statutes, is amended to read:

1377 320.03 Registration; duties of tax collectors;
 1378 International Registration Plan.--

1379 (8) If the applicant's name appears on the list referred
 1380 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
 1381 license plate or revalidation sticker may not be issued until
 1382 that person's name no longer appears on the list or until the
 1383 person presents a receipt from the clerk showing that the fines
 1384 outstanding have been paid. This subsection shall not apply to
 1385 the owner of a leased vehicle if the vehicle is registered in
 1386 the name of the lessee of such vehicle. The tax collector and
 1387 the clerk of the court are each entitled to receive monthly, as
 1388 costs for implementing and administering this subsection, 10
 1389 percent of the civil penalties and fines recovered from such
 1390 persons. As used in this subsection, the term "civil penalties

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1391 and fines" does not include a wrecker operator's lien as
 1392 described in s. 713.78(13). If the tax collector has private tag
 1393 agents, such tag agents are entitled to receive a pro rata share
 1394 of the amount paid to the tax collector, based upon the
 1395 percentage of license plates and revalidation stickers issued by
 1396 the tag agent compared to the total issued within the county.
 1397 The authority of any private agent to issue license plates shall
 1398 be revoked, after notice and a hearing as provided in chapter
 1399 120, if he or she issues any license plate or revalidation
 1400 sticker contrary to the provisions of this subsection. This
 1401 section applies only to the annual renewal in the owner's birth
 1402 month of a motor vehicle registration and does not apply to the
 1403 transfer of a registration of a motor vehicle sold by a motor
 1404 vehicle dealer licensed under this chapter, except for the
 1405 transfer of registrations which is inclusive of the annual
 1406 renewals. This section does not affect the issuance of the title
 1407 to a motor vehicle, notwithstanding s. 319.23(7)(b).

1408 Section 28. Paragraph (f) is added to subsection (3) and
 1409 paragraph (c) is added to subsection (4) of section 320.07,
 1410 Florida Statutes, to read:

1411 320.07 Expiration of registration; annual renewal
 1412 required; penalties.--

1413 (3) The operation of any motor vehicle without having
 1414 attached thereto a registration license plate and validation
 1415 stickers, or the use of any mobile home without having attached
 1416 thereto a mobile home sticker, for the current registration
 1417 period shall subject the owner thereof, if he or she is present,

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1418 or, if the owner is not present, the operator thereof to the
1419 following penalty provisions:

1420 (f) The owner of a leased motor vehicle shall not be
1421 responsible for any of the penalties specified in this
1422 subsection if the motor vehicle is registered in the name of the
1423 lessee of such motor vehicle.

1424 (4)

1425 (c) The owner of a leased motor vehicle shall not be
1426 responsible for any delinquent fee specified in this subsection
1427 if the motor vehicle is registered in the name of the lessee of
1428 such motor vehicle.

1429 Section 29. Section 320.0706, Florida Statutes, is amended
1430 to read:

1431 320.0706 Display of license plates on trucks.--The owner
1432 of any commercial truck of gross vehicle weight of 26,001 pounds
1433 or more shall display the registration license plate on both the
1434 front and rear of the truck in conformance with all the
1435 requirements of s. 316.605 that do not conflict with this
1436 section. To allow for better visibility, the owner of a dump
1437 truck may place the rear license plate on the gate so that the
1438 distance from the ground to the top of the license plate is no
1439 more than 60 inches. However, the owner of a truck tractor shall
1440 be required to display the registration license plate only on
1441 the front of such vehicle. Vehicle license plates shall be
1442 affixed and displayed in such a manner that the letters and
1443 numerals shall be read from left to right parallel to the
1444 ground. No vehicle license plate may be displayed in an inverted

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1445 or reversed position or in such a manner that the letters and
 1446 numbers and their proper sequence are not readily identifiable.

1447 Section 30. Paragraph (eee) is added to subsection (4) of
 1448 section 320.08056, Florida Statutes, to read:

1449 320.08056 Specialty license plates.--

1450 (4) The following license plate annual use fees shall be
 1451 collected for the appropriate specialty license plates:

1452 (eee) Future Farmers of America license plate, \$25.

1453 Section 31. Subsection (48) of section 320.08058, Florida
 1454 Statutes, is amended, and subsection (57) is added to that
 1455 section, to read:

1456 320.08058 Specialty license plates.--

1457 (48) SPORTSMEN'S NATIONAL LAND TRUST LICENSE PLATES.--

1458 (a) The department shall develop a Sportsmen's National
 1459 Land Trust license plate as provided in this section. The word
 1460 "Florida" must appear at the top of the plate, and the words
 1461 "Sportsmen's National Land Trust" must appear at the bottom of
 1462 the plate.

1463 (b) The annual revenues from the sales of the license
 1464 plate shall be distributed to the Sportsmen's National Land
 1465 Trust. Such annual revenues must be used by the trust in the
 1466 following manner:

1467 1. Fifty percent may be retained until ~~fifty percent of~~
 1468 all startup costs for developing and establishing the plate have
 1469 been recovered.

1470 2. Twenty-five percent must be used to fund programs and
 1471 projects within the state that preserve open space and wildlife

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1472 habitat, promote conservation, improve wildlife habitat, and
1473 establish open space for the perpetual use of the public.

1474 3. Twenty-five percent may be used for promotion,
1475 marketing, and administrative costs directly associated with
1476 operation of the trust.

1477 (c) When the provisions of subparagraph (b)1. are met,
1478 those annual revenues shall be used for the purposes of
1479 subparagraph (b)2.

1480 (57) FUTURE FARMERS OF AMERICA LICENSE PLATES.--

1481 (a) Notwithstanding s. 320.08053, the department shall
1482 develop a Future Farmers of America license plate as provided in
1483 this section. Future Farmers of America license plates must bear
1484 the colors and design approved by the department. The word
1485 "Florida" must appear at the top of the plate, and the words
1486 "Agricultural Education" must appear at the bottom of the plate.

1487 (b) The license plate annual use fee shall be distributed
1488 quarterly to the Florida Future Farmers of America Foundation,
1489 Inc., to fund activities and services of the Future Farmers of
1490 America.

1491 (c) The Florida Future Farmers of America Foundation,
1492 Inc., shall retain all revenue from the annual use fees until
1493 all startup costs for developing and establishing the plates
1494 have been recovered. Thereafter, up to 10 percent of the annual
1495 use fee revenue may be used for administrative, handling, and
1496 disbursement expenses and up to 5 percent may be used for
1497 advertising and marketing costs. All remaining annual use fee
1498 revenue shall be used by the Florida Future Farmers of America
1499 Foundation, Inc., to fund its activities, programs, and

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1500 projects, including, but not limited to, student and teacher
 1501 leadership programs, the Foundation for Leadership Training
 1502 Center, teacher recruitment and retention, and other special
 1503 projects.

1504 Section 32. Subsection (5) of section 320.0807, Florida
 1505 Statutes, is renumbered as subsection (6), and a new subsection
 1506 (5) is added to that section to read:

1507 320.0807 Special license plates for Governor and federal
 1508 and state legislators.--

1509 (5) Upon application by any current or former President of
 1510 the Senate and payment of the fees prescribed by s. 320.0805,
 1511 the department is authorized to issue a license plate stamped in
 1512 bold letters "Senate President" followed by the number assigned
 1513 by the department or chosen by the applicant if the number is
 1514 not already in use. Upon application by any current or former
 1515 Speaker of the House of Representatives and payment of the fees
 1516 prescribed by s. 320.0805, the department is authorized to issue
 1517 a license plate stamped in bold letters "House Speaker" followed
 1518 by the number assigned by the department or chosen by the
 1519 applicant if the number is not already in use.

1520 Section 33. Subsection (4) is added to section 320.089,
 1521 Florida Statutes, to read:

1522 320.089 Members of National Guard and active United States
 1523 Armed Forces reservists; former prisoners of war; survivors of
 1524 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi
 1525 Freedom and Operation Enduring Freedom veterans; special license
 1526 plates; fee.--

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1527 (4) Each owner or lessee of an automobile or truck for
1528 private use, truck weighing not more than 7,999 pounds, or
1529 recreational vehicle as specified in s. 320.08(9)(c) or (d),
1530 which automobile, truck, or recreational vehicle is not used for
1531 hire or commercial use, who is a resident of the state and a
1532 current or former member of the United States military who was
1533 deployed and served in Iraq during Operation Iraqi Freedom or in
1534 Afghanistan during Operation Enduring Freedom shall, upon
1535 application to the department, accompanied by proof of active
1536 membership or former active duty status during one of these
1537 operations, and upon payment of the license tax for the vehicle
1538 as provided in s. 320.08, be issued a license plate as provided
1539 by s. 320.06 upon which, in lieu of the registration license
1540 number prescribed by s. 320.06, shall be stamped the words
1541 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as
1542 appropriate, followed by the registration license number of the
1543 plate.

1544 Section 34. Paragraphs (a) and (b) of subsection (4) and
1545 paragraph (b) of subsection (9) of section 320.27, Florida
1546 Statutes, are amended to read:

1547 320.27 Motor vehicle dealers.--

1548 (4) LICENSE CERTIFICATE.--

1549 (a) A license certificate shall be issued by the
1550 department in accordance with such application when the
1551 application is regular in form and in compliance with the
1552 provisions of this section. The license certificate may be in
1553 the form of a document or a computerized card as determined by
1554 the department. The actual cost of each original, additional, or

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1555 replacement computerized card shall be borne by the licensee and
1556 is in addition to the fee for licensure. Such license, when so
1557 issued, entitles the licensee to carry on and conduct the
1558 business of a motor vehicle dealer. Each license issued to a
1559 franchise motor vehicle dealer expires annually on December 31
1560 unless revoked or suspended prior to that date. Each license
1561 issued to an independent or wholesale dealer or auction expires
1562 annually on April 30 unless revoked or suspended prior to that
1563 date. Not less than 60 days prior to the license expiration
1564 date, the department shall deliver or mail to each licensee the
1565 necessary renewal forms. Each independent dealer who has been in
1566 business for less than 15 years shall certify that the dealer
1567 ~~principal~~ (owner, partner, officer ~~of the corporation~~, or
1568 director of the licensee, or full-time employee of the licensee
1569 who holds a responsible management-level position) has completed
1570 8 hours of continuing education prior to filing the renewal
1571 forms with the department. Such certification shall be filed
1572 once every 2 years commencing with the 2006 renewal period. The
1573 continuing education shall include at least 2 hours of legal or
1574 legislative issues, 1 hour of department issues, and 5 hours of
1575 relevant motor vehicle industry topics. Continuing education
1576 shall be provided by dealer schools licensed under paragraph (b)
1577 either in a classroom setting or by correspondence. Such schools
1578 shall provide certificates of completion to the department and
1579 the customer which shall be filed with the license renewal form,
1580 and such schools may charge a fee for providing continuing
1581 education. Any licensee who does not file his or her application
1582 and fees and any other requisite documents, as required by law,

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1583 | with the department at least 30 days prior to the license
1584 | expiration date shall cease to engage in business as a motor
1585 | vehicle dealer on the license expiration date. A renewal filed
1586 | with the department within 45 days after the expiration date
1587 | shall be accompanied by a delinquent fee of \$100. Thereafter, a
1588 | new application is required, accompanied by the initial license
1589 | fee. A license certificate duly issued by the department may be
1590 | modified by endorsement to show a change in the name of the
1591 | licensee, provided, as shown by affidavit of the licensee, the
1592 | majority ownership interest of the licensee has not changed or
1593 | the name of the person appearing as franchisee on the sales and
1594 | service agreement has not changed. Modification of a license
1595 | certificate to show any name change as herein provided shall not
1596 | require initial licensure or reissuance of dealer tags; however,
1597 | any dealer obtaining a name change shall transact all business
1598 | in and be properly identified by that name. All documents
1599 | relative to licensure shall reflect the new name. In the case of
1600 | a franchise dealer, the name change shall be approved by the
1601 | manufacturer, distributor, or importer. A licensee applying for
1602 | a name change endorsement shall pay a fee of \$25^u, which fee
1603 | shall apply to the change in the name of a main location and all
1604 | additional locations licensed under the provisions of subsection
1605 | (5). Each initial license application received by the department
1606 | shall be accompanied by verification that, within the preceding
1607 | 6 months, the applicant, or one or more of his or her designated
1608 | employees, has attended a training and information seminar
1609 | conducted by a licensed motor vehicle dealer training school.
1610 | Any applicant for a new franchised motor vehicle dealer license

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1611 who has held a valid franchised motor vehicle dealer license
 1612 continuously for the preceding 2 years and who remains in good
 1613 standing with the department is exempt from the prelicensing
 1614 training requirement. Such seminar shall include, but is not
 1615 limited to, statutory dealer requirements, which requirements
 1616 include required bookkeeping and recordkeeping procedures,
 1617 requirements for the collection of sales and use taxes, and such
 1618 other information that in the opinion of the department will
 1619 promote good business practices. No seminar may exceed 8 hours
 1620 in length.

1621 (b) Each initial license application received by the
 1622 department for licensure under subparagraph (1)(c)2. must be
 1623 accompanied by verification that, within the preceding 6 months,
 1624 the applicant (owner, partner, officer ~~of the corporation~~, or
 1625 director of the applicant, or full-time employee of the
 1626 applicant who holds a responsible management-level position) has
 1627 successfully completed training conducted by a licensed motor
 1628 vehicle dealer training school. Such training must include
 1629 training in titling and registration of motor vehicles, laws
 1630 relating to unfair and deceptive trade practices, laws relating
 1631 to financing with regard to buy-here, pay-here operations, and
 1632 such other information that in the opinion of the department
 1633 will promote good business practices. Successful completion of
 1634 this training shall be determined by examination administered at
 1635 the end of the course and attendance of no less than 90 percent
 1636 of the total hours required by such school. Any applicant who
 1637 had held a valid motor vehicle dealer's license within the past
 1638 2 years and who remains in good standing with the department is

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1639 | exempt from the requirements of this paragraph. ~~In the case of~~
1640 | ~~nonresident applicants, the requirement to attend such training~~
1641 | ~~shall be placed on any employee of the licensee who holds a~~
1642 | ~~responsible management level position and who is employed full-~~
1643 | ~~time at the motor vehicle dealership.~~ The department shall have
1644 | the authority to adopt any rule necessary for establishing the
1645 | training curriculum; length of training, which shall not exceed
1646 | 8 hours for required department topics and shall not exceed an
1647 | additional 24 hours for topics related to other regulatory
1648 | agencies' instructor qualifications; and any other requirements
1649 | under this section. The curriculum for other subjects shall be
1650 | approved by any and all other regulatory agencies having
1651 | jurisdiction over specific subject matters; however, the overall
1652 | administration of the licensing of these dealer schools and
1653 | their instructors shall remain with the department. Such schools
1654 | are authorized to charge a fee. This privatized method for
1655 | training applicants for dealer licensing pursuant to
1656 | subparagraph (1)(c)2. is a pilot program that shall be evaluated
1657 | by the department after it has been in operation for a period of
1658 | 2 years.

1659 | (9) DENIAL, SUSPENSION, OR REVOCATION.--

1660 | (b) The department may deny, suspend, or revoke any
1661 | license issued hereunder or under the provisions of s. 320.77 or
1662 | s. 320.771 upon proof that a licensee has committed, with
1663 | sufficient frequency so as to establish a pattern of wrongdoing
1664 | on the part of a licensee, violations of one or more of the
1665 | following activities:

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1666 1. Representation that a demonstrator is a new motor
1667 vehicle, or the attempt to sell or the sale of a demonstrator as
1668 a new motor vehicle without written notice to the purchaser that
1669 the vehicle is a demonstrator. For the purposes of this section,
1670 a "demonstrator," a "new motor vehicle," and a "used motor
1671 vehicle" shall be defined as under s. 320.60.

1672 2. Unjustifiable refusal to comply with a licensee's
1673 responsibility under the terms of the new motor vehicle warranty
1674 issued by its respective manufacturer, distributor, or importer.
1675 However, if such refusal is at the direction of the
1676 manufacturer, distributor, or importer, such refusal shall not
1677 be a ground under this section.

1678 3. Misrepresentation or false, deceptive, or misleading
1679 statements with regard to the sale or financing of motor
1680 vehicles that ~~which~~ any motor vehicle dealer has, or causes to
1681 have, advertised, printed, displayed, published, distributed,
1682 broadcast, televised, or made in any manner with regard to the
1683 sale or financing of motor vehicles.

1684 4. Failure by any motor vehicle dealer to provide a
1685 customer or purchaser with an odometer disclosure statement and
1686 a copy of any bona fide written, executed sales contract or
1687 agreement of purchase connected with the purchase of the motor
1688 vehicle purchased by the customer or purchaser.

1689 5. Failure of any motor vehicle dealer to comply with the
1690 terms of any bona fide written, executed agreement, pursuant to
1691 the sale of a motor vehicle.

1692 6. Failure to apply for transfer of a title as prescribed
1693 in s. 319.23(6).

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1694 7. Use of the dealer license identification number by any
1695 person other than the licensed dealer or his or her designee.

1696 8. Failure to continually meet the requirements of the
1697 licensure law.

1698 9. Representation to a customer or any advertisement to
1699 the public representing or suggesting that a motor vehicle is a
1700 new motor vehicle if such vehicle lawfully cannot be titled in
1701 the name of the customer or other member of the public by the
1702 seller using a manufacturer's statement of origin as permitted
1703 in s. 319.23(1).

1704 10. Requirement by any motor vehicle dealer that a
1705 customer or purchaser accept equipment on his or her motor
1706 vehicle that ~~which~~ was not ordered by the customer or purchaser.

1707 11. Requirement by any motor vehicle dealer that any
1708 customer or purchaser finance a motor vehicle with a specific
1709 financial institution or company.

1710 12. Requirement by any motor vehicle dealer that the
1711 purchaser of a motor vehicle contract with the dealer for
1712 physical damage insurance.

1713 13. Perpetration of a fraud upon any person as a result of
1714 dealing in motor vehicles, including, without limitation, the
1715 misrepresentation to any person by the licensee of the
1716 licensee's relationship to any manufacturer, importer, or
1717 distributor.

1718 14. Violation of any of the provisions of s. 319.35 by any
1719 motor vehicle dealer.

1720 15. Sale by a motor vehicle dealer of a vehicle offered in
1721 trade by a customer prior to consummation of the sale, exchange,

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1722 or transfer of a newly acquired vehicle to the customer, unless
 1723 the customer provides written authorization for the sale of the
 1724 trade-in vehicle prior to delivery of the newly acquired
 1725 vehicle.

1726 16. Willful failure to comply with any administrative rule
 1727 adopted by the department or the provisions of s. 320.131(8).

1728 17. Violation of chapter 319, this chapter, or ss.
 1729 559.901-559.9221, which has to do with dealing in or repairing
 1730 motor vehicles or mobile homes. Additionally, in the case of
 1731 used motor vehicles, the willful violation of the federal law
 1732 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
 1733 the consumer sales window form.

1734 18. Failure to maintain evidence of notification to the
 1735 owner or coowner of a vehicle regarding registration or titling
 1736 fees owed ~~owned~~ as required in s. 320.02(17) ~~320.02(19)~~.

1737 19. Failure to register a mobile home salesperson with the
 1738 department as required by this chapter.

1739 Section 35. Subsection (5) is added to section 320.405,
 1740 Florida Statutes, to read:

1741 320.405 International Registration Plan; inspection of
 1742 records; hearings.--

1743 (5) The department is authorized to enter into agreements
 1744 for scheduling payments of taxes and penalties due to the
 1745 department as a result of audit assessments issued under this
 1746 section.

1747 Section 36. Paragraph (c) is added to subsection (1) of
 1748 section 320.77, Florida Statutes, subsections (8) through (15)

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1749 are renumbered as subsections (9) through (16), respectively,
1750 and a new subsection (8) is added to that section, to read:

1751 320.77 License required of mobile home dealers.--

1752 (1) DEFINITIONS.--As used in this section:

1753 (c)1. "Mobile home salesperson" is a person, not otherwise
1754 expressly excluded by this section, who:

1755 a. Is employed as a salesperson by a mobile home dealer or
1756 who, under any form of contract, agreement, or arrangement with
1757 a dealer for commission, money, profit, or other thing of value,
1758 sells, exchanges, buys, or offers for sale, or negotiates or
1759 attempts to negotiate a sale or exchange of, an interest in a
1760 mobile home required to be titled under this chapter;

1761 b. Induces or attempts to induce any person to buy or
1762 exchange an interest in a mobile home required to be registered
1763 and receives or expects to receive a commission, money,
1764 brokerage fees, profit, or any other thing of value from either
1765 the seller or purchaser of the mobile home; or

1766 c. Exercises managerial control over the business of a
1767 licensed mobile home dealer or supervises mobile home
1768 salespersons employed by a licensed mobile home dealer, whether
1769 compensated by salary or commission, including, but not limited
1770 to, any person employed by the mobile home dealer as a general
1771 manager, assistant general manager, or sales manager or any
1772 employee of a licensed mobile home dealer who negotiates with or
1773 induces a customer to enter into a security agreement or
1774 purchase agreement or purchase order for the sale of a mobile
1775 home on behalf of the licensed mobile home dealer.

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1776 2. "Mobile home salesperson" does not include any of the
1777 following:

1778 a. A representative of an insurance company or a finance
1779 company or a public official who, in the regular course of
1780 business, is required to dispose of or sell mobile homes under a
1781 contractual right or obligation of the employer or in the
1782 performance of an official duty or under the authority of any
1783 court of law, if the sale is for the purpose of saving the
1784 seller from any loss or pursuant to the authority of a court of
1785 competent jurisdiction.

1786 b. A persons who is licensed as a manufacturer,
1787 remanufacturer, transporter, distributor, or representative of
1788 mobile homes.

1789 c. A person who is licensed as a mobile home dealer under
1790 this chapter.

1791 d. A person not engaged in the purchase or sale of mobile
1792 homes as a business but disposing of mobile homes acquired for
1793 his or her own use or for use in his or her business when the
1794 mobile homes have been so acquired and used in good faith and
1795 not for the purpose of avoiding the provisions of this chapter.

1796 (8) SALESPERSONS TO BE REGISTERED BY LICENSEES.--

1797 (a) Within 30 days after the date of hire, each licensee
1798 shall register with the department the name, local residence
1799 address, and home telephone number of each person employed by
1800 the licensee as a mobile home salesperson. A licensee may not
1801 provide a post office box in lieu of a physical residential
1802 address.

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1803 (b) Each time a mobile home salesperson employed by a
 1804 licensee changes his or her residence address, the salesperson
 1805 shall notify the department within 20 days after such change.

1806 (c) Quarterly, each licensee is required to notify the
 1807 department of the termination or separation from employment of
 1808 each mobile home salesperson employed by the licensee. Each
 1809 notification required in this subsection shall be on a form
 1810 prescribed by the department.

1811 Section 37. Subsections (3), (5), (6), (7), and (9) of
 1812 section 320.781, Florida Statutes, are amended to read:

1813 320.781 Mobile Home and Recreational Vehicle Protection
 1814 Trust Fund.--

1815 (3) The trust fund shall be used to satisfy any judgment
 1816 or claim by any person, as provided by this section, against a
 1817 mobile home or recreational vehicle dealer or broker for
 1818 damages, restitution, or expenses, including reasonable
 1819 attorney's fees, resulting from a cause of action directly
 1820 related to the conditions of any written contract made by him or
 1821 her in connection with the sale, exchange, or improvement of any
 1822 mobile home or recreational vehicle, or for any violation of
 1823 chapter 319 or this chapter.

1824 (5) Subject to the limitations and requirements of this
 1825 section, the trust fund shall be used by the department to
 1826 compensate persons who have unsatisfied judgments, or in certain
 1827 limited circumstances unsatisfied claims, against a mobile home
 1828 or recreational vehicle dealer or broker. The following
 1829 conditions must exist to be eligible to file a claim against the
 1830 trust fund in one of the following situations:

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1831 (a) The claimant has obtained a final judgment that which
1832 is unsatisfied against the mobile home or recreational vehicle
1833 dealer or broker or its surety jointly and severally, or against
1834 the mobile home dealer or broker only, if the court found that
1835 the surety was not liable due to prior payment of valid claims
1836 against the bond in an amount equal to, or greater than, the
1837 face amount of the applicable bond; or a claimant is prohibited
1838 from filing a claim in a lawsuit because a bankruptcy proceeding
1839 is pending by the dealer or broker and the claimant has filed a
1840 claim in that bankruptcy proceeding; or the dealer or broker has
1841 closed his or her business and cannot be found or located within
1842 the jurisdiction of this state; and-

1843 (b) Either a claim has been made in a lawsuit against the
1844 surety and a judgment obtained is unsatisfied; or a claim has
1845 been made in a lawsuit against the surety that has been stayed
1846 or discharged in a bankruptcy proceeding; or a claimant is
1847 prohibited from filing a claim in a lawsuit because a bankruptcy
1848 proceeding is pending by surety or the surety is not liable due
1849 to the prior payment of valid claims against the bond in an
1850 amount equal to, or greater than, the face amount of the
1851 applicable bond. However, no claimant shall be entitled to
1852 recover against the trust fund if the claimant has recovered
1853 from the surety an amount that is equal to or greater than the
1854 total loss. The claimant has obtained a judgment against the
1855 surety of the mobile home or recreational vehicle dealer or
1856 broker that is unsatisfied.

1857 ~~(c) The claimant has alleged a claim against the mobile~~
1858 ~~home or recreational vehicle dealer or broker in a lawsuit which~~

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1859 ~~has been stayed or discharged as a result of the filing for~~
1860 ~~reorganization or discharge in bankruptcy by the dealer or~~
1861 ~~broker, and judgment against the surety is not possible because~~
1862 ~~of the bankruptcy or liquidation of the surety, or because the~~
1863 ~~surety has been found by a court of competent jurisdiction not~~
1864 ~~to be liable due to prior payment of valid claims against the~~
1865 ~~bond in an amount equal to, or greater than, the face amount of~~
1866 ~~the applicable bond.~~

1867 (6) In order to recover from the trust fund, the person
1868 must file an application and verified claim with the department.

1869 (a) If the claimant has obtained a judgment that ~~which~~ is
1870 unsatisfied against the mobile home or recreational vehicle
1871 dealer or broker or its surety as set forth in this section, the
1872 verified claim must specify the following:

1873 1.a. That the judgment against the mobile home or
1874 recreational vehicle dealer or broker and its surety has been
1875 entered; or

1876 b. That the judgment against the mobile home or
1877 recreational vehicle dealer or broker contains a specific
1878 finding that the surety has no liability, that execution has
1879 been returned unsatisfied, and that a judgment lien has been
1880 perfected;

1881 2. The amount of actual damages broken down by category as
1882 awarded by the court or jury in the cause that ~~which~~ resulted in
1883 the unsatisfied judgment, and the amount of attorney's fees set
1884 forth in the unsatisfied judgment;

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1885 3. The amount of payment or other consideration received,
1886 if any, from the mobile home or recreational vehicle dealer or
1887 broker or its surety;

1888 4. The amount that may be realized, if any, from the sale
1889 of real or personal property or other assets of the judgment
1890 debtor liable to be sold or applied in satisfaction of the
1891 judgment and the balance remaining due on the judgment after
1892 application of the amount that ~~which~~ has been realized and a
1893 certification that the claimant has made a good faith effort to
1894 collect the judgment; ~~and~~

1895 5. An assignment by claimant of rights, title, or interest
1896 in the unsatisfied judgment and judgment lien; and

1897 6.5. Such other information as the department requires.

1898 (b) If the claimant has alleged a claim as set forth in
1899 paragraph (5) (a) ~~(e)~~ and for the reasons set forth therein has
1900 not been able to secure a judgment, the verified claim must
1901 contain the following:

1902 1. A true copy of the pleadings in the lawsuit that ~~which~~
1903 was stayed or discharged by the bankruptcy court and the order
1904 of the bankruptcy court staying those proceedings, or a true
1905 copy of the claim that was filed in the bankruptcy court
1906 proceeding;

1907 2. Allegations of the acts or omissions by the mobile home
1908 or recreational vehicle dealer or broker setting forth the
1909 specific acts or omissions complained of that ~~which~~ resulted in
1910 actual damage to the person, along with the actual dollar amount
1911 necessary to reimburse or compensate the person for costs or

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1912 expenses resulting from the acts or omissions of which the
1913 person complained;

1914 3. True copies of all purchase agreements, notices,
1915 service or repair orders or papers or documents of any kind
1916 whatsoever that ~~which~~ the person received in connection with the
1917 purchase, exchange, or lease-purchase of the mobile home or
1918 recreational vehicle from which the person's cause of action
1919 arises; ~~and~~

1920 4. An assignment by claimant of rights, title, or interest
1921 in the claim to the department; and

1922 ~~5.4.~~ Such other information as the department requires.

1923 (c) The department may require such proof as it deems
1924 necessary to document the matters set forth in the claim.

1925 (7) Within 90 days after receipt of the application and
1926 verified claim, the department shall issue its determination on
1927 the claim. Such determination shall not be subject to the
1928 provisions of chapter 120, but shall be reviewable only by writ
1929 of certiorari in the circuit court in the county in which the
1930 claimant resides in the manner and within the time provided by
1931 the Florida Rules of Appellate Procedure. The claim must be paid
1932 within 45 days after the determination, or, if judicial review
1933 is sought, within 45 days after the review becomes final. A
1934 person may not be paid an amount from the fund in excess of
1935 \$25,000 per mobile home or recreational vehicle, which would
1936 include any damages, restitution, payments received as the
1937 result of a claim against the surety bond, or expenses,
1938 including reasonable attorney's fees. Prior to payment, the
1939 person must execute an assignment to the department of all the

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1940 person's rights and title to, and interest in, the unsatisfied
1941 judgment and judgment lien or the claim against the dealer or
1942 broker and its surety.

1943 (9) This section does not apply to any claim, and a person
1944 may not recover against the trust fund as the result of any
1945 claim, against a mobile home or recreational vehicle dealer or
1946 broker resulting from a cause of action directly related to the
1947 sale, lease-purchase, exchange, brokerage, or installation of a
1948 mobile home or recreational vehicle prior to July 1, 2006
1949 ~~October 1, 1990~~.

1950 (11) It is unlawful for any person or his or her agent to
1951 file any notice, statement, or other document required under
1952 this section which is false or contains any material
1953 misstatement of fact. Any person who violates this subsection is
1954 guilty of a misdemeanor of the second degree, punishable as
1955 provided in s. 775.082 or s. 775.083.

1956 Section 38. Subsections (5) and (6) of section 320.8325,
1957 Florida Statutes, are renumbered as subsections (6) and (7),
1958 respectively, and a new subsection (5) is added to that section
1959 to read:

1960 320.8325 Mobile homes, manufactured homes, and park
1961 trailers; uniform installation standards; injunctions;
1962 penalty.--

1963 (5) Notwithstanding any other law or ordinance to the
1964 contrary, modular homes shall be allowed wherever mobile homes
1965 are allowed to be sited.

1966 Section 39. Subsection (16) of section 322.01, Florida
1967 Statutes, is amended, subsections (24) through (40) are

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1968 | renumbered as subsections (25) through (41), respectively,
 1969 | subsections (41) and (42) are renumbered as subsections (44) and
 1970 | (45), respectively, and new subsections (24), (42), and (43) are
 1971 | added to that section, to read:

1972 | 322.01 Definitions.--As used in this chapter:

1973 | (16) "Driver's license" means a certificate that ~~which~~,
 1974 | subject to all other requirements of law, authorizes an
 1975 | individual to drive a motor vehicle and that denotes an
 1976 | operator's license as defined in 49 U.S.C. s. 30301.

1977 | (24) "Identification card" means a personal identification
 1978 | card issued by the department that conforms to the definition in
 1979 | 18 U.S.C. s. 1028(D).

1980 | (42) "Temporary driver's license" means a certificate
 1981 | issued by the department that, subject to all other requirements
 1982 | of law, authorizes an individual to drive a motor vehicle,
 1983 | denotes an operator's license as defined in 49 U.S.C. s. 30301,
 1984 | and denotes that the holder is not a permanent resident of the
 1985 | United States but is permitted to stay in the United States for
 1986 | a short duration of time specified on the license.

1987 | (43) "Temporary identification card" means a personal
 1988 | identification card issued by the department that conforms to
 1989 | the definition in 18 U.S.C. s. 1028(D) and denotes that the
 1990 | holder is not a permanent resident of the United States but is
 1991 | permitted to stay in the United States for a short duration of
 1992 | time specified on the card.

1993 | Section 40. Subsection (2) of section 322.05, Florida
 1994 | Statutes, is amended to read:

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1995 | 322.05 Persons not to be licensed.--The department may not
1996 | issue a license:

1997 | (2) To a person who is at least 16 years of age but is
1998 | less than ~~under~~ 18 years of age unless the person meets the
1999 | requirements of s. 322.091 and holds a valid:

2000 | (a) Learner's driver's license for at least 12 months,
2001 | with no moving traffic convictions, before applying for a
2002 | license;

2003 | (b) Learner's driver's license for at least 12 months and
2004 | who has a moving traffic conviction but elects to attend a
2005 | traffic driving school for which adjudication must be withheld
2006 | pursuant to s. 318.14; or

2007 | (c) License that was issued in another state or in a
2008 | foreign jurisdiction and that would not be subject to suspension
2009 | or revocation under the laws of this state.

2010 | Section 41. Subsection (1) of section 322.051, Florida
2011 | Statutes, is amended to read:

2012 | 322.051 Identification cards.--

2013 | (1) Any person who is 5 ~~12~~ years of age or older, or any
2014 | person who has a disability, regardless of age, who applies for
2015 | a disabled parking permit under s. 320.0848, may be issued an
2016 | identification card by the department upon completion of an
2017 | application and payment of an application fee.

2018 | (a) Each such application shall include the following
2019 | information regarding the applicant:

2020 | 1. Full name (first, middle or maiden, and last), gender,
2021 | social security card number, county of residence and mailing
2022 | address, country of birth, and a brief description.

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- 2023 2. Proof of birth date satisfactory to the department.
- 2024 3. Proof of identity satisfactory to the department. Such
- 2025 proof must include one of the following documents issued to the
- 2026 applicant:
- 2027 a. A driver's license record or identification card record
- 2028 from another jurisdiction that required the applicant to submit
- 2029 a document for identification that ~~which~~ is substantially
- 2030 similar to a document required under sub-subparagraph b., sub-
- 2031 subparagraph c., sub-subparagraph d., sub-subparagraph e., sub-
- 2032 subparagraph f., or sub-subparagraph g.;
- 2033 b. A certified copy of a United States birth certificate;
- 2034 c. A United States passport;
- 2035 d. A naturalization certificate issued by the United
- 2036 States Department of Homeland Security;
- 2037 e. An alien registration receipt card (green card);
- 2038 f. An employment authorization card issued by the United
- 2039 States Department of Homeland Security; or
- 2040 g. Proof of nonimmigrant classification provided by the
- 2041 United States Department of Homeland Security, for an original
- 2042 identification card. In order to prove such nonimmigrant
- 2043 classification, applicants may produce but are not limited to
- 2044 the following documents:
- 2045 (I) A notice of hearing from an immigration court
- 2046 scheduling a hearing on any proceeding.
- 2047 (II) A notice from the Board of Immigration Appeals
- 2048 acknowledging pendency of an appeal.

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2049 (III) Notice of the approval of an application for
2050 adjustment of status issued by the United States Bureau of
2051 Citizenship and Immigration Services.

2052 (IV) Any official documentation confirming the filing of a
2053 petition for asylum or refugee status or any other relief issued
2054 by the United States Bureau of Citizenship and Immigration
2055 Services.

2056 (V) Notice of action transferring any pending matter from
2057 another jurisdiction to Florida, issued by the United States
2058 Bureau of Citizenship and Immigration Services.

2059 (VI) Order of an immigration judge or immigration officer
2060 granting any relief that authorizes the alien to live and work
2061 in the United States including, but not limited to, asylum.

2062 (VII) Evidence that an application is pending for
2063 adjustment of status to that of an alien lawfully admitted for
2064 permanent residence in the United States or conditional
2065 permanent resident status in the United States, provided that a
2066 visa number is available with a current priority date for
2067 processing by the United States Bureau of Citizenship and
2068 Immigration Services.

2069
2070 Presentation of any of the documents described in sub-
2071 subparagraph f. or sub-subparagraph g. entitles the applicant to
2072 an identification card for a period not to exceed the expiration
2073 date of the document presented or 1 year ~~2 years~~, whichever
2074 first occurs.

2075 (b) An application for an identification card must be
2076 signed and verified by the applicant in a format designated by

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2077 the department before a person authorized to administer oaths.
2078 The fee for an identification card is \$3, including payment for
2079 the color photograph or digital image of the applicant.

2080 (c) Each such applicant may include fingerprints and any
2081 other unique biometric means of identity.

2082 Section 42. Paragraph (c) of subsection (2) of section
2083 322.08, Florida Statutes, is amended to read:

2084 322.08 Application for license.--

2085 (2) Each such application shall include the following
2086 information regarding the applicant:

2087 (c) Proof of identity satisfactory to the department. Such
2088 proof must include one of the following documents issued to the
2089 applicant:

2090 1. A driver's license record or identification card record
2091 from another jurisdiction that required the applicant to submit
2092 a document for identification that ~~which~~ is substantially
2093 similar to a document required under subparagraph 2.,
2094 subparagraph 3., subparagraph 4., subparagraph 5., subparagraph
2095 6., or subparagraph 7.;

2096 2. A certified copy of a United States birth certificate;

2097 3. A United States passport;

2098 4. A naturalization certificate issued by the United
2099 States Department of Homeland Security;

2100 5. An alien registration receipt card (green card);

2101 6. An employment authorization card issued by the United
2102 States Department of Homeland Security; or

2103 7. Proof of nonimmigrant classification provided by the
2104 United States Department of Homeland Security, for an original

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2105 | driver's license. In order to prove nonimmigrant classification,
2106 | an applicant may produce the following documents, including, but
2107 | not limited to:

2108 | a. A notice of hearing from an immigration court
2109 | scheduling a hearing on any proceeding.

2110 | b. A notice from the Board of Immigration Appeals
2111 | acknowledging pendency of an appeal.

2112 | c. A notice of the approval of an application for
2113 | adjustment of status issued by the United States Citizenship and
2114 | Immigration Services ~~Immigration and Naturalization Service~~.

2115 | d. Any official documentation confirming the filing of a
2116 | petition for asylum or refugee status or any other relief issued
2117 | by the United States Immigration and Naturalization Service.

2118 | e. A notice of action transferring any pending matter from
2119 | another jurisdiction to this state issued by the United States
2120 | Citizenship and Immigration Services ~~Immigration and~~
2121 | ~~Naturalization Service~~.

2122 | f. An order of an immigration judge or immigration officer
2123 | granting any relief that authorizes the alien to live and work
2124 | in the United States, including, but not limited to, asylum.

2125 | g. Evidence that an application is pending for adjustment
2126 | of status to that of an alien lawfully admitted for permanent
2127 | residence in the United States or conditional permanent resident
2128 | status in the United States, provided that a visa number is
2129 | available with a current priority date for processing by the
2130 | United States Citizenship and Immigration Services.

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2132 Presentation of any of the documents in subparagraph 6. or
 2133 subparagraph 7. entitles the applicant to a driver's license or
 2134 temporary permit for a period not to exceed the expiration date
 2135 of the document presented or 1 year ~~2 years~~, whichever occurs
 2136 first.

2137 Section 43. Effective July 1, 2008, paragraph (a) of
 2138 subsection (5) of section 322.12, Florida Statutes, is amended
 2139 to read:

2140 322.12 Examination of applicants.--

2141 (5) (a) The department shall formulate a separate
 2142 examination for applicants for licenses to operate motorcycles.
 2143 Any applicant for a driver's license who wishes to operate a
 2144 motorcycle, and who is otherwise qualified, must successfully
 2145 complete such an examination, which is in addition to the
 2146 examination administered under subsection (3). The examination
 2147 must test the applicant's knowledge of the operation of a
 2148 motorcycle and of any traffic laws specifically relating thereto
 2149 and must include an actual demonstration of his or her ability
 2150 to exercise ordinary and reasonable control in the operation of
 2151 a motorcycle. Any applicant who fails to pass the initial
 2152 knowledge examination will incur a \$5 fee for each subsequent
 2153 examination, to be deposited into the Highway Safety Operating
 2154 Trust Fund. Any applicant who fails to pass the initial skills
 2155 examination will incur a \$10 fee for each subsequent
 2156 examination, to be deposited into the Highway Safety Operating
 2157 Trust Fund. In the formulation of the examination, the
 2158 department shall consider the use of the Motorcycle Operator
 2159 Skills Test and the Motorcycle in Traffic Test offered by the

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2160 | Motorcycle Safety Foundation. The department shall indicate on
 2161 | the license of any person who successfully completes the
 2162 | examination that the licensee is authorized to operate a
 2163 | motorcycle. If the applicant wishes to be licensed to operate a
 2164 | motorcycle only, he or she need not take the skill or road test
 2165 | required under subsection (3) for the operation of a motor
 2166 | vehicle, and the department shall indicate such a limitation on
 2167 | his or her license as a restriction. Every first-time applicant
 2168 | for licensure to operate a motorcycle ~~who is under 21 years of~~
 2169 | ~~age~~ must provide proof of completion of a motorcycle safety
 2170 | course, as provided for in s. 322.0255, before the applicant may
 2171 | be licensed to operate a motorcycle.

2172 | Section 44. Subsection (8) of section 322.121, Florida
 2173 | Statutes, is amended to read:

2174 | 322.121 Periodic reexamination of all drivers.--

2175 | (8) In addition to any other examination authorized by
 2176 | this section, an applicant for a renewal of an endorsement
 2177 | issued under s. 322.57(1)(a), (b), (c), (d), ~~or~~ (e), or (f) may
 2178 | be required to complete successfully an examination of his or
 2179 | her knowledge regarding state and federal rules, regulations,
 2180 | and laws, governing the type of vehicle that ~~which~~ he or she is
 2181 | seeking an endorsement to operate.

2182 | Section 45. Subsections (1) through (5), paragraphs (a)
 2183 | and (b) of subsection (6), subsections (7) and (8), paragraph
 2184 | (b) of subsection (10), and subsections (13) and (14) of section
 2185 | 322.2615, Florida Statutes, are amended to read:

2186 | 322.2615 Suspension of license; right to review.--

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2187 (1) (a) A law enforcement officer or correctional officer
2188 shall, on behalf of the department, suspend the driving
2189 privilege of a person who is driving or in actual physical
2190 control of a motor vehicle with an ~~has been arrested by a law~~
2191 ~~enforcement officer for a violation of s. 316.193, relating to~~
2192 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
2193 higher, or of a person who has refused to submit to a ~~breath,~~
2194 ~~urine, or blood~~ test or a test of his or her breath-alcohol or
2195 blood-alcohol level ~~authorized by s. 316.1932~~. The officer shall
2196 take the person's driver's license and issue the person a 10-day
2197 temporary permit if the person is otherwise eligible for the
2198 driving privilege and shall issue the person a notice of
2199 suspension. If a blood test has been administered, ~~the results~~
2200 ~~of which are not available to the officer~~ or at the time of the
2201 ~~arrest~~, the agency employing the officer shall transmit the ~~such~~
2202 results to the department within 5 days after receipt of the
2203 results. If the department then determines that the person ~~was~~
2204 ~~arrested for a violation of s. 316.193 and that the person had a~~
2205 blood-alcohol level or breath-alcohol level of 0.08 or higher,
2206 the department shall suspend the person's driver's license
2207 pursuant to subsection (3).

2208 (b) The suspension under paragraph (a) shall be pursuant
2209 to, and the notice of suspension shall inform the driver of, the
2210 following:

2211 1.a. The driver refused to submit to a lawful breath,
2212 blood, or urine test and his or her driving privilege is
2213 suspended for a period of 1 year for a first refusal or for a
2214 period of 18 months if his or her driving privilege has been

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2215 | previously suspended as a result of a refusal to submit to such
2216 | a test; or

2217 | b. The driver was driving or in actual physical control of
2218 | a motor vehicle ~~violated s. 316.193 by driving~~ with an unlawful
2219 | blood-alcohol level or breath-alcohol level of 0.08 or higher ~~as~~
2220 | ~~provided in that section~~ and his or her driving privilege is
2221 | suspended for a period of 6 months for a first offense or for a
2222 | period of 1 year if his or her driving privilege has been
2223 | previously suspended under this section ~~for a violation of s.~~
2224 | ~~316.193.~~

2225 | 2. The suspension period shall commence on the date of
2226 | ~~arrest or~~ issuance of the notice of suspension, ~~whichever is~~
2227 | ~~later.~~

2228 | 3. The driver may request a formal or informal review of
2229 | the suspension by the department within 10 days after the date
2230 | of ~~arrest or~~ issuance of the notice of suspension, ~~whichever is~~
2231 | ~~later.~~

2232 | 4. The temporary permit issued at the time of suspension
2233 | ~~arrest~~ will expire at midnight of the 10th day following the
2234 | date of ~~arrest or~~ issuance of the notice of suspension,
2235 | ~~whichever is later.~~

2236 | 5. The driver may submit to the department any materials
2237 | relevant to the suspension ~~arrest.~~

2238 | (2) Except as provided in paragraph (1) (a), the law
2239 | enforcement officer shall forward to the department, within 5
2240 | days after issuing ~~the date of the arrest,~~ a copy of the notice
2241 | of suspension, the person's driver's license and ~~of the person~~
2242 | ~~arrested, and a report of the arrest, including an affidavit~~

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2243 | stating the officer's grounds for belief that the person was
2244 | driving or in actual physical control of a motor vehicle while
2245 | under the influence of alcoholic beverages or chemical or
2246 | controlled substances ~~arrested was in violation of s. 316.193;~~
2247 | the results of any breath or blood test or an affidavit stating
2248 | that a breath, blood, or urine test was requested by a law
2249 | enforcement officer or correctional officer and that the person
2250 | ~~arrested~~ refused to submit; ~~a copy of the citation issued to the~~
2251 | ~~person arrested;~~ and the officer's description of the person's
2252 | field sobriety test, if any; a copy of the crash report, if any;
2253 | and the notice of suspension. The failure of the officer to
2254 | submit materials within the 5-day period specified in this
2255 | subsection and in subsection (1) shall not affect the
2256 | department's ability to consider any evidence submitted at or
2257 | prior to the hearing. The officer may also submit a copy of a
2258 | videotape of the field sobriety test or the attempt to
2259 | administer such test. Materials submitted to the department by a
2260 | law enforcement agency or correctional agency shall be
2261 | considered self-authenticating and shall be in the record for
2262 | consideration by the hearing officer. Notwithstanding s.
2263 | 316.066(4), the crash report shall be considered by the hearing
2264 | officer.

2265 | (3) If the department determines that the license ~~of the~~
2266 | ~~person arrested~~ should be suspended pursuant to this section and
2267 | if the notice of suspension has not already been served upon the
2268 | person by a law enforcement officer or correctional officer as
2269 | provided in subsection (1), the department shall issue a notice
2270 | of suspension and, unless the notice is mailed pursuant to s.

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2271 322.251, a temporary permit that ~~which~~ expires 10 days after the
2272 date of issuance if the driver is otherwise eligible.

2273 (4) If the person whose license is suspended ~~arrested~~
2274 requests an informal review pursuant to subparagraph (1)(b)3.,
2275 the department shall conduct the informal review by a hearing
2276 officer employed by the department. Such informal review hearing
2277 shall consist solely of an examination by the department of the
2278 materials submitted by a law enforcement officer or correctional
2279 officer and by the person whose license is suspended ~~arrested~~,
2280 and the presence of an officer or witness is not required.

2281 (5) After completion of the informal review, notice of the
2282 department's decision sustaining, amending, or invalidating the
2283 suspension of the person's driver's license ~~of the person~~
2284 ~~arrested~~ must be provided to such person. Such notice must be
2285 mailed to the person at the last known address shown on the
2286 department's records, or to the address provided in the law
2287 enforcement officer's report if such address differs from the
2288 address of record, within 21 days after the expiration of the
2289 temporary permit issued pursuant to subsection (1) or subsection
2290 (3).

2291 (6) (a) If the person whose license is suspended ~~arrested~~
2292 requests a formal review, the department must schedule a hearing
2293 to be held within 30 days after such request is received by the
2294 department and must notify the person of the date, time, and
2295 place of the hearing.

2296 (b) Such formal review hearing shall be held before a
2297 hearing officer employed by the department, and the hearing
2298 officer shall be authorized to administer oaths, examine

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2299 witnesses and take testimony, receive relevant evidence, issue
 2300 subpoenas for the officers and witnesses identified in documents
 2301 provided in subsection (2), regulate the course and conduct of
 2302 the hearing, question witnesses, and make a ruling on the
 2303 suspension. ~~The department and the person arrested may subpoena~~
 2304 ~~witnesses, and the party requesting the presence of a witness~~
 2305 shall be responsible for the payment of any witness fees and for
 2306 notifying in writing the state attorney's office in the
 2307 appropriate circuit of the issuance of the subpoena. If the
 2308 person who requests a formal review hearing fails to appear and
 2309 the hearing officer finds such failure to be without just cause,
 2310 the right to a formal hearing is waived and the suspension shall
 2311 be sustained.

2312 (7) In a formal review hearing under subsection (6) or an
 2313 informal review hearing under subsection (4), the hearing
 2314 officer shall determine by a preponderance of the evidence
 2315 whether sufficient cause exists to sustain, amend, or invalidate
 2316 the suspension. The scope of the review shall be limited to the
 2317 following issues:

2318 (a) If the license was suspended for driving with an
 2319 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
 2320 higher ~~in violation of s. 316.193~~:

2321 1. Whether the ~~arresting~~ law enforcement officer had
 2322 probable cause to believe that the person whose license is
 2323 suspended was driving or in actual physical control of a motor
 2324 vehicle in this state while under the influence of alcoholic
 2325 beverages or chemical or controlled substances.

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2326 ~~2. Whether the person was placed under lawful arrest for a~~
2327 ~~violation of s. 316.193.~~

2328 ~~2.3.~~ Whether the person whose license is suspended had an
2329 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
2330 higher as provided in s. 316.193.

2331 (b) If the license was suspended for refusal to submit to
2332 a breath, blood, or urine test:

2333 1. Whether the ~~arresting~~ law enforcement officer had
2334 probable cause to believe that the person whose license is
2335 suspended was driving or in actual physical control of a motor
2336 vehicle in this state while under the influence of alcoholic
2337 beverages or chemical or controlled substances.

2338 ~~2. Whether the person was placed under lawful arrest for a~~
2339 ~~violation of s. 316.193.~~

2340 ~~2.3.~~ Whether the person whose license is suspended refused
2341 to submit to any such test after being requested to do so by a
2342 law enforcement officer or correctional officer.

2343 ~~3.4.~~ Whether the person whose license is suspended was
2344 told that if he or she refused to submit to such test his or her
2345 privilege to operate a motor vehicle would be suspended for a
2346 period of 1 year or, in the case of a second or subsequent
2347 refusal, for a period of 18 months.

2348 (8) Based on the determination of the hearing officer
2349 pursuant to subsection (7) for both informal hearings under
2350 subsection (4) and formal hearings under subsection (6), the
2351 department shall:

2352 (a) Sustain the suspension of the person's driving
2353 privilege for a period of 1 year for a first refusal, or for a

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2354 | period of 18 months if the driving privilege of such person has
 2355 | been previously suspended as a result of a refusal to submit to
 2356 | such tests, if the ~~arrested~~ person refused to submit to a lawful
 2357 | breath, blood, or urine test. The suspension period commences on
 2358 | the date of ~~the arrest or~~ issuance of the notice of suspension,
 2359 | ~~whichever is later.~~

2360 | (b) Sustain the suspension of the person's driving
 2361 | privilege for a period of 6 months for a blood-alcohol level or
 2362 | breath-alcohol level of 0.08 or higher ~~violation of s. 316.193,~~
 2363 | or for a period of 1 year if the driving privilege of such
 2364 | person has been previously suspended under this section as a
 2365 | result of driving with an unlawful blood-alcohol level or
 2366 | breath-alcohol level ~~a violation of s. 316.193.~~ The suspension
 2367 | period commences on the date of ~~the arrest or~~ issuance of the
 2368 | notice of suspension, ~~whichever is later.~~

2369 | (10) A person whose driver's license is suspended under
 2370 | subsection (1) or subsection (3) may apply for issuance of a
 2371 | license for business or employment purposes only if the person
 2372 | is otherwise eligible for the driving privilege pursuant to s.
 2373 | 322.271.

2374 | (b) If the suspension of the person's driver's license ~~of~~
 2375 | ~~the person arrested for a violation of s. 316.193,~~ relating to
 2376 | an unlawful blood-alcohol level or breath-alcohol level of 0.08
 2377 | or higher, is sustained, the person is not eligible to receive a
 2378 | license for business or employment purposes only pursuant to s.
 2379 | 322.271 until 30 days have elapsed after the expiration of the
 2380 | last temporary permit issued. If the driver is not issued a 10-
 2381 | day permit pursuant to this section or s. 322.64 because he or

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2382 she is ineligible for the permit and the suspension ~~for a~~
2383 ~~violation of s. 316.193,~~ relating to an unlawful blood-alcohol
2384 level or breath-alcohol level of 0.08 or higher, is not
2385 invalidated by the department, the driver is not eligible to
2386 receive a business or employment license pursuant to s. 322.271
2387 until 30 days have elapsed from the date of the suspension
2388 arrest.

2389 (13) A person may appeal any decision of the department
2390 sustaining a suspension of his or her driver's license by a
2391 petition for writ of certiorari to the circuit court in the
2392 county wherein such person resides or wherein a formal or
2393 informal review was conducted pursuant to s. 322.31. However, an
2394 appeal shall not stay the suspension. A law enforcement agency
2395 may appeal any decision of the department invalidating a
2396 suspension by a petition for writ of certiorari to the circuit
2397 court in the county where a formal or informal review was
2398 conducted. This subsection shall not be construed to provide for
2399 a de novo appeal.

2400 (14) (a) The decision of the department under this section
2401 or any circuit court review thereof may not be considered in any
2402 trial for a violation of s. 316.193, and a written statement
2403 submitted by a person in his or her request for departmental
2404 review under this section may not be admitted into evidence
2405 against him or her in any such trial.

2406 (b) The disposition of any related criminal proceedings
2407 does not affect a suspension for refusal to submit to a blood,
2408 breath, or urine test, ~~authorized by s. 316.1932 or s. 316.1933,~~
2409 imposed under this section.

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2410 Section 46. Paragraph (d) of subsection (3) of section
2411 322.27, Florida Statutes, is amended, and paragraph (j) is added
2412 to that subsection, to read:

2413 322.27 Authority of department to suspend or revoke
2414 license.--

2415 (3) There is established a point system for evaluation of
2416 convictions of violations of motor vehicle laws or ordinances,
2417 and violations of applicable provisions of s. 403.413(6)(b) when
2418 such violations involve the use of motor vehicles, for the
2419 determination of the continuing qualification of any person to
2420 operate a motor vehicle. The department is authorized to suspend
2421 the license of any person upon showing of its records or other
2422 good and sufficient evidence that the licensee has been
2423 convicted of violation of motor vehicle laws or ordinances, or
2424 applicable provisions of s. 403.413(6)(b), amounting to 12 or
2425 more points as determined by the point system. The suspension
2426 shall be for a period of not more than 1 year.

2427 (d) The point system shall have as its basic element a
2428 graduated scale of points assigning relative values to
2429 convictions of the following violations:

- 2430 1. Reckless driving, willful and wanton--4 points.
- 2431 2. Leaving the scene of a crash resulting in property
2432 damage of more than \$50--6 points.
- 2433 3. Unlawful speed resulting in a crash--6 points.
- 2434 4. Passing a stopped school bus--4 points.
- 2435 5. Unlawful speed:
 - 2436 a. Not in excess of 15 miles per hour of lawful or posted
2437 speed--3 points.

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2438 b. In excess of 15 miles per hour but not in excess of 30
2439 miles per hour of lawful or posted speed--4 points.

2440 c. In excess of 30 miles per hour of lawful or posted
2441 speed--6 points.

2442 6.a. A violation of a traffic control signal device as
2443 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.

2444 b. A violation of a traffic control signal device as
2445 provided in s. 316.074(1) or s. 316.075(1)(c)1. resulting in a
2446 crash--6 points.

2447 7. All other moving violations (including parking on a
2448 highway outside the limits of a municipality)--3 points.
2449 However, no points shall be imposed for a violation of s.
2450 316.0741 or s. 316.2065(12).

2451 8. Any moving violation covered above, excluding unlawful
2452 speed, resulting in a crash--4 points.

2453 9. Any conviction under s. 403.413(6)(b)--3 points.

2454 10. Any conviction under s. 316.0775(2)--4 points.

2455 (j) For purposes of sub-subparagraph (d)5.c., the term
2456 "conviction" means a finding of guilt, with or without
2457 adjudication of guilt, as a result of a jury verdict, nonjury
2458 trial, or entry of a plea of guilty or nolo contendere,
2459 notwithstanding s. 318.14(11).

2460 Section 47. Except as otherwise expressly provided in this
2461 act, and except for this section, which shall take effect upon
2462 this act becoming a law, this act shall take effect October 1,
2463 2006.