

1 A bill to be entitled

2 An act relating to the Department of Highway Safety and  
3 Motor Vehicles; amending s. 207.008, F.S.; revising  
4 requirements for motor carriers to retain certain records  
5 as required by the Department of Highway Safety and Motor  
6 Vehicles for tax purposes; amending s. 207.021, F.S.;  
7 authorizing the department to adopt rules establishing  
8 informal conferences to resolve disputes with motor  
9 carriers arising from the assessment of taxes, penalties,  
10 or interest or the denial of refunds; specifying certain  
11 rights of the motor carrier; providing for closing  
12 agreements to settle or compromise the taxpayer's  
13 liability; providing conditions for settlement or  
14 compromise; authorizing installment payment to settle  
15 liability; amending s. 261.10, F.S.; limiting liability of  
16 state agencies, water management districts, counties, and  
17 municipalities, and officers and employees thereof,  
18 providing off-highway vehicle recreation areas; creating  
19 s. 261.20, F.S.; authorizing operation of off-highway  
20 vehicles on public lands; providing requirements for  
21 operation by certain minors; requiring supervision, a  
22 certificate of completion of a safety education course,  
23 and certain safety equipment; providing exceptions;  
24 requiring approval by the Department of Agriculture and  
25 Consumer Services of the courses; requiring certain  
26 equipment on off-highway vehicles; providing for  
27 exceptions to equipment requirements by rule of the

28 | department; prohibiting certain acts; providing penalties;  
29 | providing exemptions; amending s. 316.003, F.S.; revising  
30 | the definition of "saddle mount" to provide for a full  
31 | mount; amending s. 316.0085, F.S.; revising provisions for  
32 | risks of certain activities on government-owned property  
33 | to include mountain and off-road bicycling; revising  
34 | definitions; providing for limitations on liability of the  
35 | governmental entity; providing exceptions to the  
36 | limitations; providing for assumption of risks by the  
37 | person engaged in the activity; providing responsibilities  
38 | of the participants; amending s. 316.1001, F.S.; revising  
39 | procedures for disposition of citations issued for failure  
40 | to pay a toll; providing for violations involving leased  
41 | vehicles; amending s. 316.1955, F.S.; providing for  
42 | responsibility for certain parking violations involving  
43 | leased vehicles; amending s. 316.2015, F.S.; revising  
44 | restrictions on riding on the exterior of a vehicle;  
45 | removing an exception; providing exceptions to  
46 | restrictions on riding in areas of a vehicle not intended  
47 | for passengers; prohibiting certain minors from riding in  
48 | the open body of certain trucks on limited access  
49 | highways; providing exceptions; providing for a county  
50 | governing body to exempt the county from the prohibition;  
51 | providing penalties; amending s. 316.2095, F.S.; deleting  
52 | a requirement that certain motorcycles be equipped with  
53 | passenger handholds; amending s. 316.211, F.S.; requiring  
54 | motorcycles registered to certain persons to display a

55 license plate that is unique in design and color;  
56 providing penalties; creating s. 316.2123, F.S.;  
57 prohibiting operation of all-terrain vehicles on public  
58 roads and streets; providing an exception for operation on  
59 described roadways; providing conditions; requiring the  
60 operator to provide proof of ownership to a law  
61 enforcement officer; providing for a local government to  
62 restrict such operation; amending s. 316.2125, F.S.;  
63 providing for a local governmental entity to enact an  
64 ordinance regarding golf cart operation and equipment that  
65 is more restrictive than specified provisions; limiting  
66 application of such ordinance to unlicensed drivers;  
67 creating s. 316.2128, F.S.; providing notice requirements  
68 for commercial sale of motorized scooters and miniature  
69 motorcycles; providing a definition; providing that a  
70 violation of the notice requirements is an unfair and  
71 deceptive trade practice; amending s. 316.221, F.S.;  
72 providing an exemption from certain taillamp requirements  
73 for dump trucks and vehicles with dump bodies; amending s.  
74 316.302, F.S.; updating reference to federal commercial  
75 motor vehicle regulations; revising hours-of-service  
76 requirements for certain intrastate motor carriers;  
77 revising conditions for an exemption from commercial  
78 driver license requirements; revising weight requirements  
79 for application of certain exceptions to specified federal  
80 regulations and to operation of certain commercial motor  
81 vehicles by persons of a certain age; amending s. 316.515,

82 F.S.; authorizing the Department of Transportation to  
83 issue overwidth permits for certain implements of  
84 husbandry; authorizing certain uses of forestry equipment;  
85 providing width and speed limitations; requiring such  
86 vehicles to be operated during daylight hours and in  
87 accordance with specified safety requirements; revising  
88 length and mount requirements for automobile towaway and  
89 driveaway operations; authorizing saddle mount  
90 combinations to include one full mount; requiring saddle  
91 mount combinations to comply with specified safety  
92 regulations; amending s. 318.14, F.S.; providing  
93 exceptions to procedures for disposition of citations for  
94 certain traffic violations; removing the option for  
95 certain offenders to attend driver improvement school;  
96 amending s. 318.143, F.S.; revising provisions for court-  
97 imposed sanctions on a minor for specified traffic  
98 violations; authorizing a court to require a minor and his  
99 or her parents or guardian to participate in a registered  
100 youthful driver monitoring service; creating s. 318.1435,  
101 F.S.; providing for youthful driver monitoring services;  
102 providing for registration with the Department of Highway  
103 Safety and Motor Vehicles; amending s. 318.18, F.S.;  
104 revising penalty provisions to provide for certain  
105 criminal penalties; providing increased penalties for  
106 certain speed limit violations; defining "conviction" for  
107 specified purposes; increasing penalties for violations of  
108 vehicle load requirements; amending s. 318.19, F.S.;

109 requiring mandatory hearings for certain speed limit  
110 violations; amending s. 318.32, F.S.; revising the powers  
111 of civil traffic infraction hearing officers; amending s.  
112 320.02, F.S.; requiring proof of required endorsement on a  
113 driver license as a condition for original registration of  
114 a motorcycle, motor-driven cycle, or moped; amending s.  
115 320.03, F.S.; revising the requirement to withhold  
116 issuance of a license plate or revalidation sticker from  
117 certain persons to exempt the owner of a leased vehicle  
118 when that vehicle is registered in the name of the lessee;  
119 amending s. 320.07, F.S.; providing for responsibility for  
120 certain registration violations when the motor vehicle  
121 involved is leased and registered in the name of the  
122 lessee; amending s. 320.0706, F.S.; revising requirements  
123 for display of license plates; providing display  
124 requirements for dump trucks; prohibiting display in such  
125 a manner that the letters and numbers and their proper  
126 sequence are not readily identifiable; amending s.  
127 320.08056, F.S.; establishing an annual use fee for the  
128 Future Farmers of America license plate; amending s.  
129 320.08058, F.S.; revising provisions for distribution of  
130 revenues received from the sale of Sportsmen's National  
131 Land Trust license plates; creating the Future Farmers of  
132 America license plate and providing for use of funds  
133 received from the sale of the plates; amending s.  
134 320.0807, F.S.; providing for license plates for  
135 legislative presiding officers; amending s. 320.089, F.S.;

136 providing for Operation Iraqi Freedom and Operation  
137 Enduring Freedom license plates for qualified military  
138 personnel; amending s. 320.27, F.S.; revising motor  
139 vehicle dealer licensing requirements; revising certain  
140 training provisions; correcting terminology; correcting a  
141 cross-reference; providing for denial, suspension, or  
142 revocation of a license for failure to register a mobile  
143 home salesperson; amending s. 320.405, F.S.; authorizing  
144 the department to enter into agreements to schedule  
145 payments to settle certain liabilities under the  
146 International Registration Plan; amending s. 320.77, F.S.;  
147 revising mobile home dealer license requirements; defining  
148 "mobile home salesperson"; requiring licensees to register  
149 salespersons; providing registration criteria and  
150 procedures; requiring the licensee to report salesperson  
151 separation from employment to the department; amending s.  
152 320.781, F.S.; revising criteria for use of funds in the  
153 Mobile Home and Recreational Vehicle Protection Trust Fund  
154 to settle a judgment or claim against a mobile home or  
155 recreational vehicle dealer or broker for damages,  
156 restitution, or expenses; revising conditions for filing a  
157 claim and for receiving payment; revising application  
158 provisions; amending s. 322.01, F.S.; revising the  
159 definition of "driver's license"; defining "identification  
160 card," "temporary driver's license," and "temporary  
161 identification card"; amending s. 322.05, F.S.; revising  
162 requirements for a person who has not attained 18 years of

163 age to be issued a driver license; amending s. 322.051,  
164 F.S.; revising the age requirement for issuance of an  
165 identification card; revising criteria for proof of the  
166 identity and status of an applicant for an identification  
167 card; revising the period of issuance for certain  
168 temporary identification cards; amending s. 322.08, F.S.;  
169 revising criteria for proof of the identity and status of  
170 an applicant for a driver license; revising the period of  
171 issuance for certain temporary driver licenses or permits;  
172 amending s. 322.12, F.S.; requiring all first-time  
173 applicants for licensure to operate a motorcycle to  
174 provide proof of completion of a motorcycle safety course;  
175 amending s. 322.121, F.S.; revising periodic license  
176 examination requirements; providing for such testing of  
177 applicants for renewal of a license under provisions  
178 requiring an endorsement permitting the applicant to  
179 operate a tank vehicle transporting hazardous materials;  
180 amending s. 322.2615, F.S.; revising provisions for  
181 suspension of driver licenses and review of suspension by  
182 the department; revising procedures; revising terms of  
183 suspension; revising validity of temporary permit issued;  
184 revising criteria for notice of the suspension; revising  
185 requirements for information provided by the officer to  
186 the department; providing that certain materials shall be  
187 considered self-authenticating and available to a hearing  
188 officer; revising authority of the hearing officer to  
189 subpoena and question witnesses; revising provisions for

190 review of the suspension; removing provision for the  
191 department and the person arrested to subpoena witnesses;  
192 revising provisions for the scope of a review of the  
193 suspension; revising duties of the department upon a  
194 determination by the hearing officer; revising provisions  
195 for issuance of a license for business or employment  
196 purposes only; providing for appeal by a law enforcement  
197 agency of a department decision invalidating a suspension;  
198 providing that the court review may not be used in a trial  
199 for driving under the influence; amending s. 322.27, F.S.;  
200 providing for an increase in driver license points  
201 assessed for certain speed limit violations and for  
202 traffic control signal device violations resulting in a  
203 crash; defining "conviction" for specified purposes;  
204 amending s. 320.08056, F.S.; exempting collegiate license  
205 plates from the requirement for maintaining a specified  
206 number of license plate registrations; amending s.  
207 316.172, F.S.; providing for school bus stop zones;  
208 prohibiting exceeding the posted speed limit within such  
209 zones; providing penalties; amending s. 318.18, F.S.;  
210 providing a penalty for exceeding the posted speed limit  
211 in a school bus stop zone by a certain speed; providing a  
212 short title; amending s. 316.006, F.S.; authorizing the  
213 board of directors of a homeowner's association to provide  
214 for local law enforcement agencies to enforce state  
215 traffic laws on private roads that are controlled by the  
216 association; amending s. 318.1215, F.S.; increasing the



217 amount of a local option surcharge on traffic penalties;  
218 amending s. 318.15, F.S.; providing for the collection of  
219 certain service charges by authorized driver licensing  
220 agents; amending s. 320.08056, F.S.; exempting collegiate  
221 license plates from the requirement for maintaining a  
222 specified number of license plate registrations; amending  
223 s. 322.02, F.S.; revising legislative intent provisions to  
224 include references to county constitutional officers  
225 providing driver licensing services; amending s. 322.135,  
226 F.S.; authorizing the department to contract with any  
227 county constitutional officer for driver license services  
228 in counties where the tax collector is not elected or does  
229 not provide the services; amending s. 627.733, F.S.;  
230 revising security requirements for certain vehicles;  
231 amending s. 324.032, F.S.; revising financial  
232 responsibility requirements for certain for-hire vehicles;  
233 directing the department to study the outsourcing of its  
234 driver license services to a provider or other  
235 governmental agency, in whole or in part, while retaining  
236 responsibility and accountability for the services;  
237 requiring that the department submit a report to the  
238 Governor and Legislature by a specified date; providing  
239 requirements for the department with respect to issues to  
240 be included in the study; requiring a cost-benefit  
241 analysis and a transition and implementation plan;  
242 providing effective dates.

243

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

245

246 Section 1. Section 207.008, Florida Statutes, is amended  
247 to read:

248 207.008 Retention of records by motor carrier.--Each  
249 registered motor carrier shall maintain and keep pertinent  
250 records and papers as may be required by the department for the  
251 reasonable administration of this chapter and shall preserve the  
252 records upon which each quarterly tax return is based for 4  
253 years after the due date or filing date of the return, whichever  
254 is later ~~such records as long as required by s. 213.35.~~

255 Section 2. Section 207.021, Florida Statutes, is amended  
256 to read:

257 207.021 Informal conferences; settlement or compromise of  
258 taxes, penalties, or interest.--The department may settle or  
259 ~~compromise, pursuant to s. 213.21, penalties or interest imposed~~  
260 ~~under this chapter.~~

261 (1) (a) The department may adopt rules pursuant to ss.  
262 120.536(1) and 120.54 for establishing informal conferences to  
263 resolve disputes arising from the assessment of taxes,  
264 penalties, or interest or the denial of refunds.

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

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

271 for any tax, interest, or penalty assessed under this chapter.  
272 The agreement shall be in writing and must be in the form of a  
273 closing agreement approved by the department and signed by the  
274 executive director or his or her designee. The agreement shall  
275 be final and conclusive except upon a showing of material fraud  
276 or misrepresentation of material fact. No additional assessment  
277 may be made by the department against the taxpayer for the tax,  
278 interest, or penalty specified in the closing agreement for the  
279 time specified in the closing agreement, and the taxpayer shall  
280 not be entitled to institute any judicial or administrative  
281 proceeding to recover any tax, interest, or penalty paid  
282 pursuant to the closing agreement. The executive director or his  
283 or her designee is authorized to approve any such closing  
284 agreement.

285 (b) Notwithstanding the provisions of paragraph (a), for  
286 the purpose of settling and compromising the liability of any  
287 taxpayer for tax or interest on the grounds of doubt as to  
288 liability based on the taxpayer's reasonable reliance on a  
289 written determination issued by the department, the department  
290 may compromise the amount of such tax or interest resulting from  
291 such reasonable reliance.

292 (3) A taxpayer's liability for any tax or interest  
293 specified in this chapter may be compromised by the department  
294 upon the grounds of doubt as to liability for or the ability to  
295 collect such tax or interest. Doubt as to the liability of a  
296 taxpayer for tax and interest exists if the taxpayer

297 demonstrates that he or she reasonably relied on a written  
298 determination of the department.

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

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

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

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

313 261.10 Criteria for recreation areas and trails;  
314 limitation on liability.--

315 (1) Publicly owned or operated off-highway vehicle  
316 recreation areas and trails shall be designated and maintained  
317 for recreational travel by off-highway vehicles. These areas and  
318 trails need not be generally suitable or maintained for normal  
319 travel by conventional two-wheel-drive vehicles and should not  
320 be designated as recreational footpaths. State off-highway  
321 vehicle recreation areas and trails must be selected and managed  
322 in accordance with this chapter.

323       (2) State agencies, water management districts, counties,  
324 and municipalities, and officers and employees thereof, that  
325 provide off-highway recreation areas and trails on publicly  
326 owned land shall not be liable for damage to personal property  
327 or personal injury or death to any person resulting from  
328 participation in the inherently dangerous risks of off-highway  
329 vehicle recreation. This subsection does not limit liability  
330 that would otherwise exist for an act of gross negligence by the  
331 state agency, water management district, county, or  
332 municipality, or officer or employee thereof, that is the  
333 proximate cause of the damage, injury, or death. Nothing in this  
334 subsection creates a duty of care or basis of liability for  
335 death, personal injury, or damage to personal property, nor  
336 shall anything in this subsection be deemed to be a waiver of  
337 sovereign immunity under any circumstances.

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

340       261.20 Operation of off-highway vehicles on public lands;  
341 restrictions; safety courses; required equipment; prohibited  
342 acts; penalties.--

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

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

349       (3) Effective July 1, 2008, while operating an off-highway  
350 vehicle, a person who has not attained 16 years of age must have  
351 in his or her possession a certificate evidencing the  
352 satisfactory completion of an approved off-highway vehicle  
353 safety education course in this state or another jurisdiction. A  
354 nonresident who has not attained 16 years of age and who is in  
355 this state temporarily for a period not to exceed 30 days is  
356 exempt from this subsection. Nothing contained in this chapter  
357 shall prohibit an agency from requiring additional safety  
358 education courses for all operators.

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

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

366       (c) On and after July 1, 2008, off-highway vehicles  
367 operating pursuant to this chapter shall be equipped with a  
368 silencer or other device that limits sound emissions. Exhaust  
369 noise must not exceed 96 decibels in the A-weighting scale for  
370 vehicles manufactured after January 1, 1986, or 99 decibels in  
371 the A-weighting scale for vehicles manufactured before January  
372 1, 1986, when measured from a distance of 20 inches using test  
373 procedures established by the Society of Automotive Engineers  
374 under Standard J-1287. Prior to the sale to the general public  
375 in this state of any new off-highway vehicle model manufactured

376 after January 1, 2008, off-highway vehicle manufacturers or  
377 their agents shall provide to the department revolutions-per-  
378 minute data needed to conduct the J-1287 test, where applicable.

379 (d) An off-highway vehicle that is operated between sunset  
380 and sunrise or when visibility is reduced because of rain,  
381 smoke, or smog must display a lighted headlamp and taillamp  
382 unless the use of such lights is prohibited by other laws, such  
383 as a prohibition on the use of lights when hunting at night.

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

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

389 (a) To carry a passenger on an off-highway vehicle unless  
390 the machine is specifically designed by the manufacturer to  
391 carry an operator and a single passenger.

392 (b) To operate an off-highway vehicle while under the  
393 influence of alcohol, a controlled substance, or any  
394 prescription or over-the-counter drug that impairs vision or  
395 motor function.

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

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

404        (6) Any person who violates this section commits a  
 405 noncriminal infraction, is subject to a fine of not less than  
 406 \$100, and may have his or her privilege to operate an ATV on  
 407 public lands revoked. However, a person who commits such acts  
 408 with intent to defraud or who commits a second or subsequent  
 409 violation is subject to a fine of not less than \$500 and may  
 410 have his or her privilege to operate an ATV on public lands  
 411 revoked.

412        (7) Public land managing agencies, through the course of  
 413 their management activities, are exempt from the provisions of  
 414 paragraph (5) (a).

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

417        316.003 Definitions.--The following words and phrases,  
 418 when used in this chapter, shall have the meanings respectively  
 419 ascribed to them in this section, except where the context  
 420 otherwise requires:

421        (43) SADDLE MOUNT; FULL MOUNT.--An arrangement whereby the  
 422 front wheels of one vehicle rest in a secured position upon  
 423 another vehicle. All of the wheels of the towing vehicle are  
 424 upon the ground and only the rear wheels of the towed vehicle  
 425 rest upon the ground. Such combinations may include one full  
 426 mount, whereby a smaller transport vehicle is placed completely  
 427 on the last towed vehicle.



428 Section 6. Subsections (1) through (7) of section  
 429 316.0085, Florida Statutes, are amended to read:

430 316.0085 Skateboarding; inline skating; freestyle or  
 431 mountain and off-road bicycling; paintball; definitions;  
 432 liability.--

433 (1) The purpose of this section is to encourage  
 434 governmental owners or lessees of property to make land  
 435 available to the public for skateboarding, inline skating,  
 436 paintball, and freestyle or mountain and off-road bicycling. It  
 437 is recognized that governmental owners or lessees of property  
 438 have failed to make property available for such activities  
 439 because of the exposure to liability from lawsuits and the  
 440 prohibitive cost of insurance, if insurance can be obtained for  
 441 such activities. It is also recognized that risks and dangers  
 442 are inherent in these activities, which risks and dangers should  
 443 be assumed by those participating in such activities.

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

445 (a) "Governmental entity" means:

446 1. The United States, the State of Florida, any county or  
 447 municipality, or any department, agency, or other  
 448 instrumentality thereof.

449 2. Any school board, special district, authority, or other  
 450 entity exercising governmental authority.

451 (b) "Inherent risk" means those dangers or conditions that  
 452 are characteristic of, intrinsic to, or an integral part of  
 453 skateboarding, inline skating, paintball, and freestyle or  
 454 mountain and off-road bicycling.

455 (3) This section does not grant authority or permission  
456 for a person to engage in skateboarding, inline skating,  
457 paintball, or freestyle or mountain and off-road bicycling on  
458 property owned or controlled by a governmental entity unless  
459 such governmental entity has specifically designated such area  
460 for skateboarding, inline skating, paintball, or freestyle or  
461 mountain and off-road bicycling. Each governmental entity shall  
462 post a rule in each specifically designated area that identifies  
463 all authorized activities and indicates that a child under 17  
464 years of age may not engage in any of those activities until the  
465 governmental entity has obtained written consent, in a form  
466 acceptable to the governmental entity, from the child's parents  
467 or legal guardians.

468 (4) A governmental entity or public employee is not liable  
469 to any person who voluntarily participates in skateboarding,  
470 inline skating, paintball, or freestyle or mountain and off-road  
471 bicycling for any damage or injury to property or persons that  
472 ~~which~~ arises out of a person's participation in such activity,  
473 and that ~~which~~ takes place in an area designated for such  
474 activity.

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

477 (a) The failure of the governmental entity or public  
478 employee to guard against or warn of a dangerous condition of  
479 which a participant does not and cannot reasonably be expected  
480 to have notice.

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

483 (c) The failure of a governmental entity that provides a  
484 designated area for skateboarding, inline skating, paintball, or  
485 freestyle or mountain and off-road bicycling to obtain the  
486 written consent, in a form acceptable to the governmental  
487 entity, from the parents or legal guardians of any child under  
488 17 years of age before authorizing such child to participate in  
489 skateboarding, inline skating, paintball, or freestyle or  
490 mountain and off-road bicycling in such designated area, unless  
491 that child's participation is in violation of posted rules  
492 governing the authorized use of the designated area, except that  
493 a parent or legal guardian must demonstrate that written consent  
494 to engage in mountain or off-road bicycling in a designated area  
495 was provided to the governmental entity prior to entering the  
496 designated area.

497  
498 Nothing in this subsection creates a duty of care or basis of  
499 liability for death, personal injury, or damage to personal  
500 property. Nothing in this section shall be deemed to be a waiver  
501 of sovereign immunity under any circumstances.

502 (6) Nothing in this section shall limit the liability of  
503 an independent concessionaire, or any person or organization  
504 other than a governmental entity or public employee, whether or  
505 not the person or organization has a contractual relationship  
506 with a governmental entity to use the public property, for  
507 injuries or damages suffered in any case as a result of the

508 operation of skateboards, inline skates, paintball equipment, or  
509 freestyle or mountain and off-road bicycles on public property  
510 by the concessionaire, person, or organization.

511 (7) (a) Any person who participates in or assists in  
512 skateboarding, inline skating, paintball, or freestyle or  
513 mountain and off-road bicycling assumes the known and unknown  
514 inherent risks in these activities irrespective of age, and is  
515 legally responsible for all damages, injury, or death to himself  
516 or herself or other persons or property that results ~~which~~  
517 ~~result~~ from these activities. Any person who observes  
518 skateboarding, inline skating, paintball, or freestyle or  
519 mountain and off-road bicycling assumes the known and unknown  
520 inherent risks in these activities irrespective of age, and is  
521 legally responsible for all damages, injury, or death to himself  
522 or herself that results ~~which result~~ from these activities. A  
523 governmental entity that sponsors, allows, or permits  
524 skateboarding, inline skating, paintball, or freestyle or  
525 mountain and off-road bicycling on its property is not required  
526 to eliminate, alter, or control the inherent risks in these  
527 activities.

528 (b) While engaged in skateboarding, inline skating,  
529 paintball, or freestyle or mountain and off-road bicycling,  
530 irrespective of where such activities occur, a participant is  
531 responsible for doing all of the following:

532 1. Acting within the limits of his or her ability and the  
533 purpose and design of the equipment used.

534 2. Maintaining control of his or her person and the  
535 equipment used.

536 3. Refraining from acting in any manner that ~~which~~ may  
537 cause or contribute to death or injury of himself or herself, or  
538 other persons.

539  
540 Failure to comply with the requirements of this paragraph shall  
541 constitute negligence.

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

544 316.1001 Payment of toll on toll facilities required;  
545 penalties.--

546 (2)

547 (b) A citation issued under this subsection may be issued  
548 by mailing the citation by first class mail, or by certified  
549 mail, return receipt requested, to the address of the registered  
550 owner of the motor vehicle involved in the violation or, if a  
551 leased motor vehicle is involved in the violation and is  
552 registered in the name of the lessee, to the address of the  
553 registered lessee of such motor vehicle. Mailing the citation to  
554 this address constitutes notification. In the case of joint  
555 ownership of a motor vehicle, the traffic citation must be  
556 mailed to the first name appearing on the registration, unless  
557 the first name appearing on the registration is a business  
558 organization, in which case the second name appearing on the  
559 registration may be used. In the case of a motor vehicle jointly  
560 leased and registered in the names of the joint lessees, the

561 traffic citation must be mailed to the first name appearing on  
562 the registration, unless the first name appearing on the  
563 registration is a business organization, in which case the  
564 second name appearing on the registration may be used. A  
565 citation issued under this paragraph must be mailed to the  
566 registered owner of the motor vehicle involved in the violation  
567 or, if a leased motor vehicle is involved in the violation and  
568 is registered in the name of the lessee, to the registered  
569 lessee of such motor vehicle within 14 days after the date of  
570 issuance of the violation. In addition to the citation,  
571 ~~notification must be sent to the registered owner of the motor~~  
572 ~~vehicle involved in the violation~~ specifying remedies available  
573 under ss. 318.14(12) and 318.18(7) must be sent to the  
574 registered owner of the motor vehicle involved in the violation  
575 or, if a leased motor vehicle is involved in the violation and  
576 is registered in the name of the lessee, to the registered  
577 lessee of such motor vehicle.

578 (c) The owner of the motor vehicle involved in the  
579 violation is responsible and liable for payment of a citation  
580 issued for failure to pay a toll, unless the owner can establish  
581 the motor vehicle was, at the time of the violation, in the  
582 care, custody, or control of another person. In order to  
583 establish such facts, the owner of the motor vehicle is  
584 required, within 14 days after the date of issuance of the  
585 citation, to furnish to the appropriate governmental entity an  
586 affidavit setting forth:

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

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

593  
 594 Upon receipt of an affidavit the person designated as having  
 595 care, custody, and control of the motor vehicle at the time of  
 596 the violation may be issued a citation for failure to pay a  
 597 required toll. The affidavit shall be admissible in a proceeding  
 598 pursuant to this section for the purpose of providing that the  
 599 person identified in the affidavit was in actual care, custody,  
 600 or control of the motor vehicle. The owner of a leased vehicle  
 601 for which a citation is issued for failure to pay a toll is not  
 602 responsible for payment of the citation and is not required to  
 603 submit an affidavit as specified in this subsection if the motor  
 604 vehicle involved in the violation is registered in the name of  
 605 the lessee of such motor vehicle.

606           Section 8. Paragraph (b) of subsection (1) of section  
 607 316.1955, Florida Statutes, is amended to read:

608           316.1955 Enforcement of parking requirements for persons  
 609 who have disabilities.--

610           (1) It is unlawful for any person to stop, stand, or park  
 611 a vehicle within, or to obstruct, any such specially designated  
 612 and marked parking space provided in accordance with s.  
 613 553.5041, unless the vehicle displays a disabled parking permit

614 issued under s. 316.1958 or s. 320.0848 or a license plate  
615 issued under s. 320.084, s. 320.0842, s. 320.0843, or s.  
616 320.0845, and the vehicle is transporting the person to whom the  
617 displayed permit is issued. The violation may not be dismissed  
618 for failure of the marking on the parking space to comply with  
619 s. 553.5041 if the space is in general compliance and is clearly  
620 distinguishable as a designated accessible parking space for  
621 people who have disabilities. Only a warning may be issued for  
622 unlawfully parking in a space designated for persons with  
623 disabilities if there is no above-grade sign as provided in s.  
624 553.5041.

625 (b) The officer or specialist shall charge the operator or  
626 other person in charge of the vehicle in violation with a  
627 noncriminal traffic infraction, punishable as provided in s.  
628 316.008(4) or s. 318.18(6). The owner of a leased vehicle shall  
629 not be responsible for a violation of this section if the  
630 vehicle is registered in the name of the lessee.

631 Section 9. Section 316.2015, Florida Statutes, is amended  
632 to read:

633 316.2015 Unlawful for person to ride on exterior of  
634 vehicle.--

635 (1) It is unlawful for any operator of a passenger vehicle  
636 to permit any person to ride on the bumper, radiator, fender,  
637 hood, top, trunk, or running board of such vehicle when operated  
638 upon any street or highway that ~~which~~ is maintained by the  
639 state, a county, or a municipality. ~~However, the operator of any~~  
640 ~~vehicle shall not be in violation of this section when such~~



641 ~~operator permits any person to occupy seats securely affixed to~~  
642 ~~the exterior of such vehicle.~~ Any person who violates the  
643 ~~provisions of~~ this subsection shall be cited for a moving  
644 violation, punishable as provided in chapter 318.

645 (2) (a) No person shall ride on any vehicle upon any  
646 portion thereof not designed or intended for the use of  
647 passengers. This paragraph does not apply to an employee of a  
648 fire department, an employee of a governmentally operated solid  
649 waste disposal department or a waste disposal service operating  
650 pursuant to a contract with a governmental entity, or to a  
651 volunteer firefighter when the employee or firefighter is  
652 engaged in the necessary discharge of a duty and does not apply  
653 to a person who is being transported in response to an emergency  
654 by a public agency or pursuant to the direction or authority of  
655 a public agency. This provision shall not apply to an employee  
656 engaged in the necessary discharge of a duty or to a person or  
657 persons riding within truck bodies in space intended for  
658 merchandise. Any person who violates ~~the provisions of~~ this  
659 paragraph subsection shall be cited for a nonmoving violation,  
660 punishable as provided in chapter 318.

661 (b) It is unlawful for any operator of a pickup truck or  
662 flatbed truck to permit a minor child who has not attained 18  
663 years of age to ride upon limited access facilities of the state  
664 within the open body of a pickup truck or flatbed truck unless  
665 the minor is restrained within the open body in the back of a  
666 truck that has been modified to include secure seating and  
667 safety restraints that would prevent the minor from being

668 thrown, falling, or jumping from the truck. This paragraph does  
669 not apply in a medical emergency if the child is accompanied  
670 within the truck by an adult. This paragraph does not apply in a  
671 county if the governing body of the county, by majority vote,  
672 following a duly noticed public hearing, votes to exempt the  
673 county from this paragraph. Any person who violates this  
674 paragraph shall be cited for a nonmoving violation, punishable  
675 as provided in chapter 318.

676 (3) This section shall not apply to a performer engaged in  
677 a professional exhibition or person participating in an  
678 exhibition or parade, or any such person preparing to  
679 participate in such exhibitions or parades.

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

682 316.2095 Footrests,~~handholds,~~ and handlebars.--

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

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

689 316.211 Equipment for motorcycle and moped riders.--

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

693        ~~(7)-(6)~~ A violation of this section is a noncriminal  
694 traffic infraction, punishable as a nonmoving violation as  
695 provided in chapter 318.

696        Section 12. Section 316.2123, Florida Statutes, is created  
697 to read:

698        316.2123 Operation of an ATV on certain roadways.--The  
699 operation of an ATV as defined in s. 317.0003 upon the public  
700 roads or streets of this state is prohibited, except that an ATV  
701 may be operated during the daytime on an unpaved roadway where  
702 the posted speed limit is less than 35 miles per hour by a  
703 licensed driver or by a minor under the supervision of a  
704 licensed driver. When operating on an unpaved roadway, the ATV  
705 must be equipped with working headlamps and taillamps. The  
706 operator must provide proof of ownership pursuant to chapter 317  
707 upon request by a law enforcement officer. A county or  
708 municipality may adopt an ordinance that prohibits the operation  
709 of an ATV on unpaved public roads or streets notwithstanding the  
710 authorization of this section. Notice of such an ordinance shall  
711 be given to the public by appropriate signage on the roads or  
712 streets affected by the local ordinance.

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

715        316.2125 Operation of golf carts within a retirement  
716 community.--

717        (3) A local governmental entity may enact an ordinance  
718 regarding golf cart operation and equipment that is more  
719 restrictive than those enumerated in this section. Upon

720 enactment of any such ordinance, the local governmental entity  
721 shall post appropriate signs or otherwise inform the residents  
722 that such an ordinance exists and that it shall be enforced  
723 within the local government's jurisdictional territory. An  
724 ordinance referred to in this section must apply only to an  
725 unlicensed driver.

726 Section 14. Section 316.2128, Florida Statutes, is created  
727 to read:

728 316.2128 Motorized scooters and miniature motorcycles;  
729 disclosure requirements for sale.--A person who engages in the  
730 business or serves in the capacity of, or acts as, a commercial  
731 seller of motorized scooters as defined in s. 316.003(82) or  
732 miniature motorcycles in this state must comply with this  
733 section. Each such person shall prominently display at his or  
734 her place of business a notice that such vehicles are not legal  
735 to operate on public roads or sidewalks and may not be  
736 registered as motor vehicles. The required notice must also  
737 appear in all forms of advertising offering motorized scooters  
738 or miniature motorcycles for sale. The notice and a copy of this  
739 section must also be provided to a consumer prior to the  
740 consumer's purchasing or becoming obligated to purchase a  
741 motorized scooter or a miniature motorcycle. For purposes of  
742 this section, "miniature motorcycle" means any vehicle that has  
743 a seat or saddle for the use of the rider, is designed to travel  
744 on not more than three wheels in contact with the ground, and,  
745 because of its small size, design, or lack of required safety  
746 equipment or other noncompliance with federal regulations, is

747 not eligible for a manufacturer's certificate of origin or for  
748 registration as a motorcycle pursuant to chapter 320. Any person  
749 selling or offering a motorized scooter or a miniature  
750 motorcycle for sale in violation of this section commits an  
751 unfair and deceptive trade practice as defined in part II of  
752 chapter 501. This section does not apply to motorcycles as  
753 defined in chapter 316 or to off-highway vehicles as defined in  
754 chapter 317.

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

757 316.221 Taillamps.--

758 (2) Either a taillamp or a separate lamp shall be so  
759 constructed and placed as to illuminate with a white light the  
760 rear registration plate and render it clearly legible from a  
761 distance of 50 feet to the rear. Any taillamp or taillamps,  
762 together with any separate lamp or lamps for illuminating the  
763 rear registration plate, shall be so wired as to be lighted  
764 whenever the headlamps or auxiliary driving lamps are lighted.  
765 Dump trucks and vehicles with dump bodies are exempt from the  
766 requirements of this subsection.

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

770 316.302 Commercial motor vehicles; safety regulations;  
771 transporters and shippers of hazardous materials; enforcement.--

772 (1)

773 (b) Except as otherwise provided in this section, all  
 774 owners or drivers of commercial motor vehicles that are engaged  
 775 in intrastate commerce are subject to the rules and regulations  
 776 contained in 49 C.F.R. parts 382, 385, and 390-397, with the  
 777 exception of 49 C.F.R. s. 390.5 as it relates to the definition  
 778 of bus, as such rules and regulations existed on October 1, 2005  
 779 2004.

780 (2)

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

785 1. More than 12 hours following 10 consecutive hours off  
 786 duty; or

787 2. For any period after the end of the 16th hour after  
 788 coming on duty following 10 consecutive hours off duty ~~is exempt~~  
 789 ~~from 49 C.F.R. s. 395.3(a) and (b) and may, after 8 hours' rest,~~  
 790 ~~and following the required initial motor vehicle inspection, be~~  
 791 ~~permitted to drive any part of the first 15 on duty hours in any~~  
 792 ~~24-hour period, but may not be permitted to operate a commercial~~  
 793 ~~motor vehicle after that until the requirement of another 8~~  
 794 ~~hours' rest has been fulfilled.~~

795  
 796 The provisions of this paragraph do not apply to drivers of  
 797 utility service vehicles as defined in 49 C.F.R. s. 395.2 ~~public~~  
 798 ~~utility vehicles or authorized emergency vehicles during periods~~  
 799 ~~of severe weather or other emergencies.~~

800 (c) Except as provided in 49 C.F.R. s. 395.1, a person who  
801 operates a commercial motor vehicle solely in intrastate  
802 commerce not transporting any hazardous material in amounts that  
803 require placarding pursuant to 49 C.F.R. part 172 may not drive  
804 after having been on duty more than 70 hours in any period of 7  
805 consecutive days or more than 80 hours in any period of 8  
806 consecutive days if the motor carrier operates every day of the  
807 week. Thirty-four ~~be on duty more than 72 hours in any period of~~  
808 ~~7 consecutive days, but carriers operating every day in a week~~  
809 ~~may permit drivers to remain on duty for a total of not more~~  
810 ~~than 84 hours in any period of 8 consecutive days; however, 24~~  
811 consecutive hours off duty shall constitute the end of any such  
812 period of 7 or 8 consecutive days. This weekly limit does not  
813 apply to a person who operates a commercial motor vehicle solely  
814 within this state while transporting, during harvest periods,  
815 any unprocessed agricultural products or unprocessed food or  
816 fiber that is ~~are~~ subject to seasonal harvesting from place of  
817 harvest to the first place of processing or storage or from  
818 place of harvest directly to market or while transporting  
819 livestock, livestock feed, or farm supplies directly related to  
820 growing or harvesting agricultural products. Upon request of the  
821 Department of Transportation, motor carriers shall furnish time  
822 records or other written verification to that department so that  
823 the Department of Transportation can determine compliance with  
824 this subsection. These time records must be furnished to the  
825 Department of Transportation within 2 ~~10~~ days after receipt of  
826 that department's request. Falsification of such information is

827 subject to a civil penalty not to exceed \$100. The provisions of  
828 this paragraph do not apply to drivers of ~~public~~ utility service  
829 vehicles as defined in 49 C.F.R. s. 395.2 ~~or authorized~~  
830 ~~emergency vehicles during periods of severe weather or other~~  
831 ~~emergencies.~~

832 (d) A person who operates a commercial motor vehicle  
833 solely in intrastate commerce not transporting any hazardous  
834 material in amounts that require placarding pursuant to 49  
835 C.F.R. part 172 within a 150 ~~200~~ air-mile radius of the location  
836 where the vehicle is based need not comply with 49 C.F.R. s.  
837 395.8, provided the requirements of 49 C.F.R. s.  
838 395.1(e)(1)(iii) and (v) are met. If a driver is not released  
839 from duty within 12 hours after the driver arrives for duty, the  
840 motor carrier must maintain documentation of the driver's  
841 driving times throughout the duty period ~~except that time~~  
842 ~~records shall be maintained as prescribed in 49 C.F.R. s.~~  
843 ~~395.1(e)(5).~~

844 (f) A person who operates a commercial motor vehicle  
845 having a declared gross vehicle weight of less than 26,001  
846 ~~26,000~~ pounds solely in intrastate commerce and who is not  
847 transporting hazardous materials in amounts that require  
848 placarding pursuant to 49 C.F.R. part 172, or who is  
849 transporting petroleum products as defined in s. 376.301, is  
850 exempt from subsection (1). However, such person must comply  
851 with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss.  
852 396.3(a)(1) and 396.9.



853 (i) A person ~~who was a regularly employed driver of a~~  
854 ~~commercial motor vehicle on July 4, 1987,~~ and whose driving  
855 record shows no traffic convictions, pursuant to s. 322.61,  
856 during the 2-year period immediately preceding the application  
857 for the commercial driver's license, ~~and~~ who is otherwise  
858 qualified as a driver under 49 C.F.R. part 391, and who operates  
859 a commercial vehicle in intrastate commerce only, shall be  
860 exempt from the requirements of 49 C.F.R. part 391, subpart E,  
861 s. 391.41(b)(10). However, such operators are still subject to  
862 the requirements of ss. 322.12 and 322.121. As proof of  
863 eligibility, such driver shall have in his or her possession a  
864 physical examination form dated within the past 24 months.

865 (3) A person who has not attained ~~under the age of~~ 18  
866 years of age may not operate a commercial motor vehicle, except  
867 that a person who has not attained ~~under the age of~~ 18 years of  
868 age may operate a commercial motor vehicle that ~~which~~ has a  
869 gross vehicle weight of less than 26,001 ~~26,000~~ pounds while  
870 transporting agricultural products, including horticultural or  
871 forestry products, from farm or harvest place to storage or  
872 market.

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

875 316.515 Maximum width, height, length.--

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

878 (a) Notwithstanding any other provisions of law, straight  
879 trucks, agricultural tractors, and cotton module movers, not

880 | exceeding 50 feet in length, or any combination of up to and  
881 | including three implements of husbandry including the towing  
882 | power unit, and any single agricultural trailer with a load  
883 | thereon or any agricultural implements attached to a towing  
884 | power unit not exceeding 130 inches in width, or a self-  
885 | propelled agricultural implement or an agricultural tractor not  
886 | exceeding 130 inches in width, is authorized for the purpose of  
887 | transporting peanuts, grains, soybeans, cotton, hay, straw, or  
888 | other perishable farm products from their point of production to  
889 | the first point of change of custody or of long-term storage,  
890 | and for the purpose of returning to such point of production, or  
891 | for the purpose of moving such tractors, movers, and implements  
892 | from one point of agricultural production to another, by a  
893 | person engaged in the production of any such product or custom  
894 | hauler, if such vehicle or combination of vehicles otherwise  
895 | complies with this section. The Department of Transportation may  
896 | issue overwidth permits for implements of husbandry greater than  
897 | 130 inches, but not more than 170 inches, in width. ~~Such~~  
898 | ~~vehicles shall be operated in accordance with all safety~~  
899 | ~~requirements prescribed by law and Department of Transportation~~  
900 | ~~rules.~~ The Department of Transportation may issue overlength  
901 | permits for cotton module movers greater than 50 feet but not  
902 | more than 55 feet in overall length. Such vehicles shall be  
903 | operated in accordance with all safety requirements prescribed  
904 | by law and Department of Transportation rules.

905 | (b) Notwithstanding any other provisions of law, equipment  
906 | not exceeding 136 inches in width and not capable of speeds

907 exceeding 20 miles per hour that is used exclusively for the  
908 purpose of harvesting forestry products is authorized for the  
909 purpose of transporting the equipment from one point of harvest  
910 to another point of harvest, not to exceed 10 miles, by a person  
911 engaged in the harvesting of forestry products. Such vehicles  
912 shall be operated during daylight hours only in accordance with  
913 all safety requirements prescribed by s. 316.2295(5) and (6).

914 (10) AUTOMOBILE TOWAWAY AND DRIVEAWAY OPERATIONS.--An  
915 automobile towaway or driveaway operation transporting new or  
916 used trucks may use what is known to the trade as "saddle  
917 mounts," if the overall length does not exceed 97 ~~75~~ feet and no  
918 more than three saddle mounts are towed. Such combinations may  
919 include one full mount. Saddle mount combinations must also  
920 comply with the applicable safety regulations in 49 C.F.R. s.  
921 393.71.

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

924 318.14 Noncriminal traffic infractions; exception;  
925 procedures.--

926 (9) Any person who does not hold a commercial driver's  
927 license and who is cited for an infraction under this section  
928 other than a violation of s. 316.183(2), s. 316.187, or s.  
929 316.189, when the driver exceeds the posted limit by 30 miles  
930 per hour or more, or s. 320.0605, s. 320.07(3)(a) or (b), s.  
931 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a  
932 court appearance, elect to attend in the location of his or her  
933 choice within this state a basic driver improvement course

934 approved by the Department of Highway Safety and Motor Vehicles.  
935 In such a case, adjudication must be withheld; points, as  
936 provided by s. 322.27, may not be assessed; and the civil  
937 penalty that is imposed by s. 318.18(3) must be reduced by 18  
938 percent; however, a person may not make an election under this  
939 subsection if the person has made an election under this  
940 subsection in the preceding 12 months. A person may make no more  
941 than five elections under this subsection. The requirement for  
942 community service under s. 318.18(8) is not waived by a plea of  
943 nolo contendere or by the withholding of adjudication of guilt  
944 by a court.

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

947 318.143 Sanctions for infractions by minors.--

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

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

954 Section 20. Section 318.1435, Florida Statutes, is created  
955 to read:

956 318.1435 Youthful driver monitoring services.--

957 (1) As used in this section, the term "youthful driver  
958 monitoring service" means an entity that enables parents or  
959 guardians to monitor the driving performance of their minor  
960 children. The service may provide monitoring by posting on a

961 vehicle a placard that shows a toll-free telephone number and a  
962 unique identifying number and includes a request to members of  
963 the public to call the toll-free telephone number to report  
964 inappropriate driving practices. The service shall enter into a  
965 contract with the parents or guardians under which the service  
966 shall timely forward to the parents or guardians all reports of  
967 inappropriate driving practices by the minor child.

968 (2) A youthful driver monitoring service may register with  
969 the Department of Highway Safety and Motor Vehicles. The  
970 registration must consist of a narrative description of the  
971 services offered by the youthful driver monitoring service, the  
972 name of the manager in charge of the service, the address of the  
973 service, and the telephone number of the service. Registration  
974 under this subsection remains valid indefinitely, but it is the  
975 responsibility of the youthful driver monitoring service to  
976 timely file a revised registration statement to reflect any  
977 changes in the required information. If the department  
978 determines that the youthful driver monitoring service is not  
979 providing the services described in the narrative statement, the  
980 department may suspend the registration; however, the department  
981 must reinstate the registration when the service files a revised  
982 statement that reflects its actual provided services.

983 Section 21. Section 318.18, Florida Statutes, is amended  
984 to read:

985 318.18 Amount of ~~civil~~ penalties.--The penalties required  
986 for a noncriminal disposition pursuant to s. 318.14 or a  
987 criminal offense listed in s. 318.17 are as follows:

988           (1) Fifteen dollars for:  
 989           (a) All infractions of pedestrian regulations.  
 990           (b) All infractions of s. 316.2065, unless otherwise  
 991 specified.  
 992           (c) Other violations of chapter 316 by persons 14 years of  
 993 age or under who are operating bicycles, regardless of the  
 994 noncriminal traffic infraction's classification.  
 995           (2) Thirty dollars for all nonmoving traffic violations  
 996 and:  
 997           (a) For all violations of s. 322.19.  
 998           (b) For all violations of ss. 320.0605, 320.07(1),  
 999 322.065, and 322.15(1). Any person who is cited for a violation  
 1000 of s. 320.07(1) shall be charged a delinquent fee pursuant to s.  
 1001 320.07(4).  
 1002           1. If a person who is cited for a violation of s. 320.0605  
 1003 or s. 320.07 can show proof of having a valid registration at  
 1004 the time of arrest, the clerk of the court may dismiss the case  
 1005 and may assess a dismissal fee of up to \$7.50. A person who  
 1006 finds it impossible or impractical to obtain a valid  
 1007 registration certificate must submit an affidavit detailing the  
 1008 reasons for the impossibility or impracticality. The reasons may  
 1009 include, but are not limited to, the fact that the vehicle was  
 1010 sold, stolen, or destroyed; that the state in which the vehicle  
 1011 is registered does not issue a certificate of registration; or  
 1012 that the vehicle is owned by another person.  
 1013           2. If a person who is cited for a violation of s. 322.03,  
 1014 s. 322.065, or s. 322.15 can show a driver's license issued to

1015 | him or her and valid at the time of arrest, the clerk of the  
1016 | court may dismiss the case and may assess a dismissal fee of up  
1017 | to \$7.50.

1018 |         3. If a person who is cited for a violation of s. 316.646  
1019 | can show proof of security as required by s. 627.733, issued to  
1020 | the person and valid at the time of arrest, the clerk of the  
1021 | court may dismiss the case and may assess a dismissal fee of up  
1022 | to \$7.50. A person who finds it impossible or impractical to  
1023 | obtain proof of security must submit an affidavit detailing the  
1024 | reasons for the impracticality. The reasons may include, but are  
1025 | not limited to, the fact that the vehicle has since been sold,  
1026 | stolen, or destroyed; that the owner or registrant of the  
1027 | vehicle is not required by s. 627.733 to maintain personal  
1028 | injury protection insurance; or that the vehicle is owned by  
1029 | another person.

1030 |         (c) For all violations of ss. 316.2935 and 316.610.  
1031 | However, for a violation of s. 316.2935 or s. 316.610, if the  
1032 | person committing the violation corrects the defect and obtains  
1033 | proof of such timely repair by an affidavit of compliance  
1034 | executed by the law enforcement agency within 30 days from the  
1035 | date upon which the traffic citation was issued, and pays \$4 to  
1036 | the law enforcement agency, thereby completing the affidavit of  
1037 | compliance, then upon presentation of said affidavit by the  
1038 | defendant to the clerk within the 30-day time period set forth  
1039 | under s. 318.14(4), the fine must be reduced to \$7.50, which the  
1040 | clerk of the court shall retain.

1041 (d) For all violations of s. 316.126(1)(b), unless  
1042 otherwise specified.

1043 (3)(a) Except as otherwise provided in this section, \$60  
1044 for all moving violations not requiring a mandatory appearance.

1045 (b) For moving violations involving unlawful speed, the  
1046 fines are as follows:

1047	
1048	For speed exceeding the limit by:.....Fine:
1049	1-5 m.p.h.....Warning
1050	6-9 m.p.h.....\$ 25
1051	10-14 m.p.h.....\$100
1052	15-19 m.p.h.....\$125
1053	20-29 m.p.h.....\$150
1054	30 m.p.h. and above.....\$250

1055 (c) Notwithstanding paragraph (b), a person cited for  
1056 exceeding the speed limit by up to 5 m.p.h. in a legally posted  
1057 school zone will be fined \$50. A person exceeding the speed  
1058 limit in a school zone shall pay a fine double the amount listed  
1059 in paragraph (b).

1060 (d) A person cited for exceeding the speed limit in a  
1061 posted construction zone shall pay a fine double the amount  
1062 listed in paragraph (b). The fine shall be doubled for  
1063 construction zone violations only if construction personnel are  
1064 present or operating equipment on the road or immediately  
1065 adjacent to the road under construction.

1066 (e) If a violation of s. 316.1301 or s. 316.1303 results  
1067 in an injury to the pedestrian or damage to the property of the



1068 pedestrian, an additional fine of up to \$250 shall be paid. This  
 1069 amount must be distributed pursuant to s. 318.21.

1070 (f) A person cited for exceeding the speed limit within a  
 1071 zone posted for any electronic or manual toll collection  
 1072 facility shall pay a fine double the amount listed in paragraph  
 1073 (b). However, no person cited for exceeding the speed limit in  
 1074 any toll collection zone shall be subject to a doubled fine  
 1075 unless the governmental entity or authority controlling the toll  
 1076 collection zone first installs a traffic control device  
 1077 providing warning that speeding fines are doubled. Any such  
 1078 traffic control device must meet the requirements of the uniform  
 1079 system of traffic control devices.

1080 (g) A person cited for a second or subsequent violation of  
 1081 exceeding the speed limit by 30 miles per hour and above within  
 1082 a 12-month period shall pay a fine double the amount listed in  
 1083 paragraph (b). For purposes of this paragraph, the term  
 1084 "conviction" means a finding of guilt, with or without  
 1085 adjudication of guilt, as a result of a jury verdict, nonjury  
 1086 trial, or entry of a plea of guilty or nolo contendere,  
 1087 notwithstanding s. 318.14(11).

1088 (4) The penalty imposed under s. 316.545 shall be  
 1089 determined by the officer in accordance with the provisions of  
 1090 ss. 316.535 and 316.545.

1091 (5) (a) One hundred dollars for a violation of s.  
 1092 316.172(1)(a), failure to stop for a school bus. If, at a  
 1093 hearing, the alleged offender is found to have committed this  
 1094 offense, the court shall impose a minimum civil penalty of \$100.

1095 | In addition to this penalty, for a second or subsequent offense  
 1096 | within a period of 5 years, the department shall suspend the  
 1097 | driver's license of the person for not less than 90 days and not  
 1098 | more than 6 months.

1099 |       (b) Two hundred dollars for a violation of s.  
 1100 | 316.172(1)(b), passing a school bus on the side that children  
 1101 | enter and exit when the school bus displays a stop signal. If,  
 1102 | at a hearing, the alleged offender is found to have committed  
 1103 | this offense, the court shall impose a minimum civil penalty of  
 1104 | \$200. In addition to this penalty, for a second or subsequent  
 1105 | offense within a period of 5 years, the department shall suspend  
 1106 | the driver's license of the person for not less than 180 days  
 1107 | and not more than 1 year.

1108 |       (6) One hundred dollars or the fine amount designated by  
 1109 | county ordinance, plus court costs for illegally parking, under  
 1110 | s. 316.1955, in a parking space provided for people who have  
 1111 | disabilities. However, this fine will be waived if a person  
 1112 | provides to the law enforcement agency that issued the citation  
 1113 | for such a violation proof that the person committing the  
 1114 | violation has a valid parking permit or license plate issued  
 1115 | pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845,  
 1116 | or s. 320.0848 or a signed affidavit that the owner of the  
 1117 | disabled parking permit or license plate was present at the time  
 1118 | the violation occurred, and that such a parking permit or  
 1119 | license plate was valid at the time the violation occurred. The  
 1120 | law enforcement officer, upon determining that all required  
 1121 | documentation has been submitted verifying that the required

1122 | parking permit or license plate was valid at the time of the  
 1123 | violation, must sign an affidavit of compliance. Upon provision  
 1124 | of the affidavit of compliance and payment of a dismissal fee of  
 1125 | up to \$7.50 to the clerk of the circuit court, the clerk shall  
 1126 | dismiss the citation.

1127 |         (7) One hundred dollars for a violation of s. 316.1001.  
 1128 | However, a person may elect to pay \$30 to the clerk of the  
 1129 | court, in which case adjudication is withheld, and no points are  
 1130 | assessed under s. 322.27. Upon receipt of the fine, the clerk of  
 1131 | the court must retain \$5 for administrative purposes and must  
 1132 | forward the \$25 to the governmental entity that issued the  
 1133 | citation. Any funds received by a governmental entity for this  
 1134 | violation may be used for any lawful purpose related to the  
 1135 | operation or maintenance of a toll facility.

1136 |         (8) (a) Any person who fails to comply with the court's  
 1137 | requirements or who fails to pay the civil penalties specified  
 1138 | in this section within the 30-day period provided for in s.  
 1139 | 318.14 must pay an additional civil penalty of \$12, \$2.50 of  
 1140 | which must be remitted to the Department of Revenue for deposit  
 1141 | in the General Revenue Fund, and \$9.50 of which must be remitted  
 1142 | to the Department of Revenue for deposit in the Highway Safety  
 1143 | Operating Trust Fund. The department shall contract with the  
 1144 | Florida Association of Court Clerks, Inc., to design, establish,  
 1145 | operate, upgrade, and maintain an automated statewide Uniform  
 1146 | Traffic Citation Accounting System to be operated by the clerks  
 1147 | of the court that ~~which~~ shall include, but not be limited to,  
 1148 | the accounting for traffic infractions by type, a record of the

1149 disposition of the citations, and an accounting system for the  
1150 fines assessed and the subsequent fine amounts paid to the  
1151 clerks of the court. On or before December 1, 2001, the clerks  
1152 of the court must provide the information required by this  
1153 chapter to be transmitted to the department by electronic  
1154 transmission pursuant to the contract.

1155 (b) Any person who fails to comply with the court's  
1156 requirements as to civil penalties specified in this section due  
1157 to demonstrable financial hardship shall be authorized to  
1158 satisfy such civil penalties by public works or community  
1159 service. Each hour of such service shall be applied, at the rate  
1160 of the minimum wage, toward payment of the person's civil  
1161 penalties; provided, however, that if the person has a trade or  
1162 profession for which there is a community service need and  
1163 application, the rate for each hour of such service shall be the  
1164 average standard wage for such trade or profession. Any person  
1165 who fails to comply with the court's requirements as to such  
1166 civil penalties who does not demonstrate financial hardship may  
1167 also, at the discretion of the court, be authorized to satisfy  
1168 such civil penalties by public works or community service in the  
1169 same manner.

1170 (c) If the noncriminal infraction has caused or resulted  
1171 in the death of another, the person who committed the infraction  
1172 may perform 120 community service hours under s. 316.027(4), in  
1173 addition to any other penalties.

1174 (9) One hundred dollars for a violation of s. 316.1575.

1175 (10) Twenty-five dollars for a violation of s. 316.2074.

1176 (11) (a) In addition to the stated fine, court costs must  
 1177 be paid in the following amounts and shall be deposited by the  
 1178 clerk into the fine and forfeiture fund established pursuant to  
 1179 s. 142.01:

- 1180
- 1181 For pedestrian infractions.....\$ 3.
  - 1182 For nonmoving traffic infractions.....\$ 16.
  - 1183 For moving traffic infractions.....\$ 30.

1184 (b) In addition to the court cost required under paragraph  
 1185 (a), up to \$3 for each infraction shall be collected and  
 1186 distributed by the clerk in those counties that have been  
 1187 authorized to establish a criminal justice selection center or a  
 1188 criminal justice access and assessment center pursuant to the  
 1189 following special acts of the Legislature:

- 1190 1. Chapter 87-423, Laws of Florida, for Brevard County.
- 1191 2. Chapter 89-521, Laws of Florida, for Bay County.
- 1192 3. Chapter 94-444, Laws of Florida, for Alachua County.
- 1193 4. Chapter 97-333, Laws of Florida, for Pinellas County.

1194

1195 Funds collected by the clerk pursuant to this paragraph shall be  
 1196 distributed to the centers authorized by those special acts.

1197 (c) In addition to the court cost required under paragraph  
 1198 (a), a \$2.50 court cost must be paid for each infraction to be  
 1199 distributed by the clerk to the county to help pay for criminal  
 1200 justice education and training programs pursuant to s. 938.15.  
 1201 Funds from the distribution to the county not directed by the  
 1202 county to fund these centers or programs shall be retained by

1203 the clerk and used for funding the court-related services of the  
 1204 clerk.

1205 (d) In addition to the court cost required under paragraph  
 1206 (a), a \$3 court cost must be paid for each infraction to be  
 1207 distributed as provided in s. 938.01 and a \$2 court cost as  
 1208 provided in s. 938.15 when assessed by a municipality or county.

1209 (12) Two ~~One~~ hundred dollars for a violation of s.  
 1210 316.520(1) or (2). If, at a hearing, the alleged offender is  
 1211 found to have committed this offense, the court shall impose a  
 1212 minimum civil penalty of \$200 ~~\$100~~. For a second or subsequent  
 1213 adjudication within a period of 5 years, the department shall  
 1214 suspend the driver's license of the person for not less than 1  
 1215 year ~~180 days~~ and not more than 2 years ~~1 year~~.

1216 (13) In addition to any penalties imposed for noncriminal  
 1217 traffic infractions pursuant to this chapter or imposed for  
 1218 criminal violations listed in s. 318.17, a board of county  
 1219 commissioners or any unit of local government that ~~which~~ is  
 1220 consolidated as provided by s. 9, Art. VIII of the State  
 1221 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
 1222 Constitution of 1968:

1223 (a) May impose by ordinance a surcharge of up to \$15 for  
 1224 any infraction or violation to fund state court facilities. The  
 1225 court shall not waive this surcharge. Up to 25 percent of the  
 1226 revenue from such surcharge may be used to support local law  
 1227 libraries provided that the county or unit of local government  
 1228 provides a level of service equal to that provided prior to July

1229 1, 2004, which shall include the continuation of library  
1230 facilities located in or near the county courthouse or annexes.

1231 (b) That imposed increased fees or service charges by  
1232 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the  
1233 purpose of securing payment of the principal and interest on  
1234 bonds issued by the county before July 1, 2003, to finance state  
1235 court facilities, may impose by ordinance a surcharge for any  
1236 infraction or violation for the exclusive purpose of securing  
1237 payment of the principal and interest on bonds issued by the  
1238 county before July 1, 2003, to fund state court facilities until  
1239 the date of stated maturity. The court shall not waive this  
1240 surcharge. Such surcharge may not exceed an amount per violation  
1241 calculated as the quotient of the maximum annual payment of the  
1242 principal and interest on the bonds as of July 1, 2003, divided  
1243 by the number of traffic citations for county fiscal year 2002-  
1244 2003 certified as paid by the clerk of the court of the county.  
1245 Such quotient shall be rounded up to the next highest dollar  
1246 amount. The bonds may be refunded only if savings will be  
1247 realized on payments of debt service and the refunding bonds are  
1248 scheduled to mature on the same date or before the bonds being  
1249 refunded.

1250  
1251 A county may not impose both of the surcharges authorized under  
1252 paragraphs (a) and (b) concurrently. The clerk of court shall  
1253 report, no later than 30 days after the end of the quarter, the  
1254 amount of funds collected under this subsection during each  
1255 quarter of the fiscal year. The clerk shall submit the report,

1256 in a format developed by the Office of State Courts  
1257 Administrator, to the chief judge of the circuit, the Governor,  
1258 the President of the Senate, and the Speaker of the House of  
1259 Representatives.

1260 (14) In addition to any penalties imposed for noncriminal  
1261 traffic infractions under this chapter or imposed for criminal  
1262 violations listed in s. 318.17, any unit of local government  
1263 that is consolidated as provided by s. 9, Art. VIII of the State  
1264 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the  
1265 State Constitution of 1968, and that is granted the authority in  
1266 the State Constitution to exercise all the powers of a municipal  
1267 corporation, and any unit of local government operating under a  
1268 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.  
1269 VIII of the State Constitution of 1885, as preserved by s. 6(e),  
1270 Art. VIII of the State Constitution of 1968, that is granted the  
1271 authority in the State Constitution to exercise all the powers  
1272 conferred now or hereafter by general law upon municipalities,  
1273 may impose by ordinance a surcharge of up to \$15 for any  
1274 infraction or violation. Revenue from the surcharge shall be  
1275 transferred to such unit of local government for the purpose of  
1276 replacing fine revenue deposited into the clerk's fine and  
1277 forfeiture fund under s. 142.01. The court may not waive this  
1278 surcharge. Proceeds from the imposition of the surcharge  
1279 authorized in this subsection shall not be used for the purpose  
1280 of securing payment of the principal and interest on bonds. This  
1281 subsection, and any surcharge imposed pursuant to this  
1282 subsection, shall stand repealed September 30, 2007.



1283 (15) One hundred twenty-five dollars for a violation of s.  
 1284 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to  
 1285 stop at a traffic signal. Sixty dollars shall be distributed as  
 1286 provided in s. 318.21, and the remaining \$65 shall be remitted  
 1287 to the Department of Revenue for deposit into the Administrative  
 1288 Trust Fund of the Department of Health.

1289 Section 22. Section 318.19, Florida Statutes, is amended  
 1290 to read:

1291 318.19 Infractions requiring a mandatory hearing.--Any  
 1292 person cited for the infractions listed in this section shall  
 1293 not have the provisions of s. 318.14(2), (4), and (9) available  
 1294 to him or her but must appear before the designated official at  
 1295 the time and location of the scheduled hearing:

1296 (1) Any infraction which results in a crash that causes  
 1297 the death of another;

1298 (2) Any infraction which results in a crash that causes  
 1299 "serious bodily injury" of another as defined in s. 316.1933(1);

1300 (3) Any infraction of s. 316.172(1)(b); ~~or~~

1301 (4) Any infraction of s. 316.520(1) or (2); or

1302 (5) Any infraction of s. 316.183(2), s. 316.187, or s.  
 1303 316.189 of exceeding the speed limit by 30 miles per hour or  
 1304 more.

1305 Section 23. Paragraph (d) of subsection (1) of section  
 1306 318.32, Florida Statutes, is amended to read:

1307 318.32 Jurisdiction; limitations.--

1308 (1) Hearing officers shall be empowered to accept pleas  
 1309 from and decide the guilt or innocence of any person, adult or

1310 juvenile, charged with any civil traffic infraction and shall be  
1311 empowered to adjudicate or withhold adjudication of guilt in the  
1312 same manner as a county court judge under the statutes, rules,  
1313 and procedures presently existing or as subsequently amended,  
1314 except that hearing officers shall not:

1315 (d) Have the power to suspend or revoke a defendant's  
1316 driver's license pursuant to s. 316.655(2).

1317 Section 24. Effective July 1, 2008, subsection (1) of  
1318 section 320.02, Florida Statutes, is amended to read:

1319 320.02 Registration required; application for  
1320 registration; forms.--

1321 (1) Except as otherwise provided in this chapter, every  
1322 owner or person in charge of a motor vehicle that ~~which~~ is  
1323 operated or driven on the roads of this state shall register the  
1324 vehicle in this state. The owner or person in charge shall apply  
1325 to the department or to its authorized agent for registration of  
1326 each such vehicle on a form prescribed by the department. Prior  
1327 to an original registration of any motorcycle, motor-driven  
1328 cycle, or moped, the owner, if a natural person, shall present  
1329 proof that he or she has a valid motorcycle endorsement as  
1330 required in chapter 322. No registration is required for any  
1331 motor vehicle that ~~which~~ is not operated on the roads of this  
1332 state during the registration period.

1333 Section 25. Subsection (8) of section 320.03, Florida  
1334 Statutes, is amended to read:

1335 320.03 Registration; duties of tax collectors;  
1336 International Registration Plan.--

1337 (8) If the applicant's name appears on the list referred  
1338 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a  
1339 license plate or revalidation sticker may not be issued until  
1340 that person's name no longer appears on the list or until the  
1341 person presents a receipt from the clerk showing that the fines  
1342 outstanding have been paid. This subsection shall not apply to  
1343 the owner of a leased vehicle if the vehicle is registered in  
1344 the name of the lessee of such vehicle. The tax collector and  
1345 the clerk of the court are each entitled to receive monthly, as  
1346 costs for implementing and administering this subsection, 10  
1347 percent of the civil penalties and fines recovered from such  
1348 persons. As used in this subsection, the term "civil penalties  
1349 and fines" does not include a wrecker operator's lien as  
1350 described in s. 713.78(13). If the tax collector has private tag  
1351 agents, such tag agents are entitled to receive a pro rata share  
1352 of the amount paid to the tax collector, based upon the  
1353 percentage of license plates and revalidation stickers issued by  
1354 the tag agent compared to the total issued within the county.  
1355 The authority of any private agent to issue license plates shall  
1356 be revoked, after notice and a hearing as provided in chapter  
1357 120, if he or she issues any license plate or revalidation  
1358 sticker contrary to the provisions of this subsection. This  
1359 section applies only to the annual renewal in the owner's birth  
1360 month of a motor vehicle registration and does not apply to the  
1361 transfer of a registration of a motor vehicle sold by a motor  
1362 vehicle dealer licensed under this chapter, except for the  
1363 transfer of registrations which is inclusive of the annual

1364 renewals. This section does not affect the issuance of the title  
 1365 to a motor vehicle, notwithstanding s. 319.23(7)(b).

1366 Section 26. Paragraph (f) is added to subsection (3) and  
 1367 paragraph (c) is added to subsection (4) of section 320.07,  
 1368 Florida Statutes, to read:

1369 320.07 Expiration of registration; annual renewal  
 1370 required; penalties.--

1371 (3) The operation of any motor vehicle without having  
 1372 attached thereto a registration license plate and validation  
 1373 stickers, or the use of any mobile home without having attached  
 1374 thereto a mobile home sticker, for the current registration  
 1375 period shall subject the owner thereof, if he or she is present,  
 1376 or, if the owner is not present, the operator thereof to the  
 1377 following penalty provisions:

1378 (f) The owner of a leased motor vehicle shall not be  
 1379 responsible for any of the penalties specified in this  
 1380 subsection if the motor vehicle is registered in the name of the  
 1381 lessee of such motor vehicle.

1382 (4)

1383 (c) The owner of a leased motor vehicle shall not be  
 1384 responsible for any delinquent fee specified in this subsection  
 1385 if the motor vehicle is registered in the name of the lessee of  
 1386 such motor vehicle.

1387 Section 27. Section 320.0706, Florida Statutes, is amended  
 1388 to read:

1389 320.0706 Display of license plates on trucks.--The owner  
 1390 of any commercial truck of gross vehicle weight of 26,001 pounds

1391 or more shall display the registration license plate on both the  
 1392 front and rear of the truck in conformance with all the  
 1393 requirements of s. 316.605 that do not conflict with this  
 1394 section. To allow for better visibility, the owner of a dump  
 1395 truck may place the rear license plate on the gate so that the  
 1396 distance from the ground to the top of the license plate is no  
 1397 more than 60 inches. However, the owner of a truck tractor shall  
 1398 be required to display the registration license plate only on  
 1399 the front of such vehicle. Vehicle license plates shall be  
 1400 affixed and displayed in such a manner that the letters and  
 1401 numerals shall be read from left to right parallel to the  
 1402 ground. No vehicle license plate may be displayed in an inverted  
 1403 or reversed position or in such a manner that the letters and  
 1404 numbers and their proper sequence are not readily identifiable.

1405 Section 28. Paragraph (eee) is added to subsection (4) of  
 1406 section 320.08056, Florida Statutes, to read:

1407 320.08056 Specialty license plates.--

1408 (4) The following license plate annual use fees shall be  
 1409 collected for the appropriate specialty license plates:

1410 (eee) Future Farmers of America license plate, \$25.

1411 Section 29. Subsection (48) of section 320.08058, Florida  
 1412 Statutes, is amended, and subsection (57) is added to that  
 1413 section, to read:

1414 320.08058 Specialty license plates.--

1415 (48) SPORTSMEN'S NATIONAL LAND TRUST LICENSE PLATES.--

1416 (a) The department shall develop a Sportsmen's National  
 1417 Land Trust license plate as provided in this section. The word

1418 "Florida" must appear at the top of the plate, and the words  
 1419 "Sportsmen's National Land Trust" must appear at the bottom of  
 1420 the plate.

1421 (b) The annual revenues from the sales of the license  
 1422 plate shall be distributed to the Sportsmen's National Land  
 1423 Trust. Such annual revenues must be used by the trust in the  
 1424 following manner:

1425 1. Fifty percent may be retained until ~~fifty percent of~~  
 1426 all startup costs for developing and establishing the plate have  
 1427 been recovered.

1428 2. Twenty-five percent must be used to fund programs and  
 1429 projects within the state that preserve open space and wildlife  
 1430 habitat, promote conservation, improve wildlife habitat, and  
 1431 establish open space for the perpetual use of the public.

1432 3. Twenty-five percent may be used for promotion,  
 1433 marketing, and administrative costs directly associated with  
 1434 operation of the trust.

1435 (c) When the provisions of subparagraph (b)1. are met,  
 1436 those annual revenues shall be used for the purposes of  
 1437 subparagraph (b)2.

1438 (57) FUTURE FARMERS OF AMERICA LICENSE PLATES.--

1439 (a) Notwithstanding s. 320.08053, the department shall  
 1440 develop a Future Farmers of America license plate as provided in  
 1441 this section. Future Farmers of America license plates must bear  
 1442 the colors and design approved by the department. The word  
 1443 "Florida" must appear at the top of the plate, and the words  
 1444 "Agricultural Education" must appear at the bottom of the plate.

1445        (b) The license plate annual use fee shall be distributed  
1446 quarterly to the Florida Future Farmers of America Foundation,  
1447 Inc., to fund activities and services of the Future Farmers of  
1448 America.

1449        (c) The Florida Future Farmers of America Foundation,  
1450 Inc., shall retain all revenue from the annual use fees until  
1451 all startup costs for developing and establishing the plates  
1452 have been recovered. Thereafter, up to 10 percent of the annual  
1453 use fee revenue may be used for administrative, handling, and  
1454 disbursement expenses and up to 5 percent may be used for  
1455 advertising and marketing costs. All remaining annual use fee  
1456 revenue shall be used by the Florida Future Farmers of America  
1457 Foundation, Inc., to fund its activities, programs, and  
1458 projects, including, but not limited to, student and teacher  
1459 leadership programs, the Foundation for Leadership Training  
1460 Center, teacher recruitment and retention, and other special  
1461 projects.

1462        Section 30. Subsection (5) of section 320.0807, Florida  
1463 Statutes, is renumbered as subsection (6), and a new subsection  
1464 (5) is added to that section to read:

1465        320.0807 Special license plates for Governor and federal  
1466 and state legislators.--

1467        (5) Upon application by any current or former President of  
1468 the Senate and payment of the fees prescribed by s. 320.0805,  
1469 the department is authorized to issue a license plate stamped in  
1470 bold letters "Senate President" followed by the number assigned  
1471 by the department or chosen by the applicant if the number is

1472 not already in use. Upon application by any current or former  
1473 Speaker of the House of Representatives and payment of the fees  
1474 prescribed by s. 320.0805, the department is authorized to issue  
1475 a license plate stamped in bold letters "House Speaker" followed  
1476 by the number assigned by the department or chosen by the  
1477 applicant if the number is not already in use.

1478 Section 31. Subsection (4) is added to section 320.089,  
1479 Florida Statutes, to read:

1480 320.089 Members of National Guard and active United States  
1481 Armed Forces reservists; former prisoners of war; survivors of  
1482 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi  
1483 Freedom and Operation Enduring Freedom veterans; special license  
1484 plates; fee.--

1485 (4) Each owner or lessee of an automobile or truck for  
1486 private use, truck weighing not more than 7,999 pounds, or  
1487 recreational vehicle as specified in s. 320.08(9)(c) or (d),  
1488 which automobile, truck, or recreational vehicle is not used for  
1489 hire or commercial use, who is a resident of the state and a  
1490 current or former member of the United States military who was  
1491 deployed and served in Iraq during Operation Iraqi Freedom or in  
1492 Afghanistan during Operation Enduring Freedom shall, upon  
1493 application to the department, accompanied by proof of active  
1494 membership or former active duty status during one of these  
1495 operations, and upon payment of the license tax for the vehicle  
1496 as provided in s. 320.08, be issued a license plate as provided  
1497 by s. 320.06 upon which, in lieu of the registration license  
1498 number prescribed by s. 320.06, shall be stamped the words



1499 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as  
 1500 appropriate, followed by the registration license number of the  
 1501 plate.

1502 Section 32. Paragraphs (a) and (b) of subsection (4) and  
 1503 paragraph (b) of subsection (9) of section 320.27, Florida  
 1504 Statutes, are amended to read:

1505 320.27 Motor vehicle dealers.--

1506 (4) LICENSE CERTIFICATE.--

1507 (a) A license certificate shall be issued by the  
 1508 department in accordance with such application when the  
 1509 application is regular in form and in compliance with the  
 1510 provisions of this section. The license certificate may be in  
 1511 the form of a document or a computerized card as determined by  
 1512 the department. The actual cost of each original, additional, or  
 1513 replacement computerized card shall be borne by the licensee and  
 1514 is in addition to the fee for licensure. Such license, when so  
 1515 issued, entitles the licensee to carry on and conduct the  
 1516 business of a motor vehicle dealer. Each license issued to a  
 1517 franchise motor vehicle dealer expires annually on December 31  
 1518 unless revoked or suspended prior to that date. Each license  
 1519 issued to an independent or wholesale dealer or auction expires  
 1520 annually on April 30 unless revoked or suspended prior to that  
 1521 date. Not less than 60 days prior to the license expiration  
 1522 date, the department shall deliver or mail to each licensee the  
 1523 necessary renewal forms. Each independent dealer who has been in  
 1524 business for less than 15 years shall certify that the dealer  
 1525 ~~principal~~ (owner, partner, officer ~~of the corporation~~, or

1526 | director of the licensee, or full-time employee of the licensee  
1527 | who holds a responsible management-level position) has completed  
1528 | 8 hours of continuing education prior to filing the renewal  
1529 | forms with the department. Such certification shall be filed  
1530 | once every 2 years commencing with the 2006 renewal period. The  
1531 | continuing education shall include at least 2 hours of legal or  
1532 | legislative issues, 1 hour of department issues, and 5 hours of  
1533 | relevant motor vehicle industry topics. Continuing education  
1534 | shall be provided by dealer schools licensed under paragraph (b)  
1535 | either in a classroom setting or by correspondence. Such schools  
1536 | shall provide certificates of completion to the department and  
1537 | the customer which shall be filed with the license renewal form,  
1538 | and such schools may charge a fee for providing continuing  
1539 | education. Any licensee who does not file his or her application  
1540 | and fees and any other requisite documents, as required by law,  
1541 | with the department at least 30 days prior to the license  
1542 | expiration date shall cease to engage in business as a motor  
1543 | vehicle dealer on the license expiration date. A renewal filed  
1544 | with the department within 45 days after the expiration date  
1545 | shall be accompanied by a delinquent fee of \$100. Thereafter, a  
1546 | new application is required, accompanied by the initial license  
1547 | fee. A license certificate duly issued by the department may be  
1548 | modified by endorsement to show a change in the name of the  
1549 | licensee, provided, as shown by affidavit of the licensee, the  
1550 | majority ownership interest of the licensee has not changed or  
1551 | the name of the person appearing as franchisee on the sales and  
1552 | service agreement has not changed. Modification of a license

1553 certificate to show any name change as herein provided shall not  
1554 require initial licensure or reissuance of dealer tags; however,  
1555 any dealer obtaining a name change shall transact all business  
1556 in and be properly identified by that name. All documents  
1557 relative to licensure shall reflect the new name. In the case of  
1558 a franchise dealer, the name change shall be approved by the  
1559 manufacturer, distributor, or importer. A licensee applying for  
1560 a name change endorsement shall pay a fee of \$25, which fee  
1561 shall apply to the change in the name of a main location and all  
1562 additional locations licensed under the provisions of subsection  
1563 (5). Each initial license application received by the department  
1564 shall be accompanied by verification that, within the preceding  
1565 6 months, the applicant, or one or more of his or her designated  
1566 employees, has attended a training and information seminar  
1567 conducted by a licensed motor vehicle dealer training school.  
1568 Any applicant for a new franchised motor vehicle dealer license  
1569 who has held a valid franchised motor vehicle dealer license  
1570 continuously for the preceding 2 years and who remains in good  
1571 standing with the department is exempt from the prelicensing  
1572 training requirement. Such seminar shall include, but is not  
1573 limited to, statutory dealer requirements, which requirements  
1574 include required bookkeeping and recordkeeping procedures,  
1575 requirements for the collection of sales and use taxes, and such  
1576 other information that in the opinion of the department will  
1577 promote good business practices. No seminar may exceed 8 hours  
1578 in length.

1579 (b) Each initial license application received by the  
1580 department for licensure under subparagraph (1)(c)2. must be  
1581 accompanied by verification that, within the preceding 6 months,  
1582 the applicant (owner, partner, officer ~~of the corporation,~~ or  
1583 director of the applicant, or full-time employee of the  
1584 applicant who holds a responsible management-level position) has  
1585 successfully completed training conducted by a licensed motor  
1586 vehicle dealer training school. Such training must include  
1587 training in titling and registration of motor vehicles, laws  
1588 relating to unfair and deceptive trade practices, laws relating  
1589 to financing with regard to buy-here, pay-here operations, and  
1590 such other information that in the opinion of the department  
1591 will promote good business practices. Successful completion of  
1592 this training shall be determined by examination administered at  
1593 the end of the course and attendance of no less than 90 percent  
1594 of the total hours required by such school. Any applicant who  
1595 had held a valid motor vehicle dealer's license within the past  
1596 2 years and who remains in good standing with the department is  
1597 exempt from the requirements of this paragraph. ~~In the case of~~  
1598 ~~nonresident applicants, the requirement to attend such training~~  
1599 ~~shall be placed on any employee of the licensee who holds a~~  
1600 ~~responsible management-level position and who is employed full-~~  
1601 ~~time at the motor vehicle dealership.~~ The department shall have  
1602 the authority to adopt any rule necessary for establishing the  
1603 training curriculum; length of training, which shall not exceed  
1604 8 hours for required department topics and shall not exceed an  
1605 additional 24 hours for topics related to other regulatory

1606 agencies' instructor qualifications; and any other requirements  
1607 under this section. The curriculum for other subjects shall be  
1608 approved by any and all other regulatory agencies having  
1609 jurisdiction over specific subject matters; however, the overall  
1610 administration of the licensing of these dealer schools and  
1611 their instructors shall remain with the department. Such schools  
1612 are authorized to charge a fee. This privatized method for  
1613 training applicants for dealer licensing pursuant to  
1614 subparagraph (1)(c)2. is a pilot program that shall be evaluated  
1615 by the department after it has been in operation for a period of  
1616 2 years.

1617 (9) DENIAL, SUSPENSION, OR REVOCATION.--

1618 (b) The department may deny, suspend, or revoke any  
1619 license issued hereunder or under the provisions of s. 320.77 or  
1620 s. 320.771 upon proof that a licensee has committed, with  
1621 sufficient frequency so as to establish a pattern of wrongdoing  
1622 on the part of a licensee, violations of one or more of the  
1623 following activities:

1624 1. Representation that a demonstrator is a new motor  
1625 vehicle, or the attempt to sell or the sale of a demonstrator as  
1626 a new motor vehicle without written notice to the purchaser that  
1627 the vehicle is a demonstrator. For the purposes of this section,  
1628 a "demonstrator," a "new motor vehicle," and a "used motor  
1629 vehicle" shall be defined as under s. 320.60.

1630 2. Unjustifiable refusal to comply with a licensee's  
1631 responsibility under the terms of the new motor vehicle warranty  
1632 issued by its respective manufacturer, distributor, or importer.

1633 | However, if such refusal is at the direction of the  
1634 | manufacturer, distributor, or importer, such refusal shall not  
1635 | be a ground under this section.

1636 |         3. Misrepresentation or false, deceptive, or misleading  
1637 | statements with regard to the sale or financing of motor  
1638 | vehicles that ~~which~~ any motor vehicle dealer has, or causes to  
1639 | have, advertised, printed, displayed, published, distributed,  
1640 | broadcast, televised, or made in any manner with regard to the  
1641 | sale or financing of motor vehicles.

1642 |         4. Failure by any motor vehicle dealer to provide a  
1643 | customer or purchaser with an odometer disclosure statement and  
1644 | a copy of any bona fide written, executed sales contract or  
1645 | agreement of purchase connected with the purchase of the motor  
1646 | vehicle purchased by the customer or purchaser.

1647 |         5. Failure of any motor vehicle dealer to comply with the  
1648 | terms of any bona fide written, executed agreement, pursuant to  
1649 | the sale of a motor vehicle.

1650 |         6. Failure to apply for transfer of a title as prescribed  
1651 | in s. 319.23(6).

1652 |         7. Use of the dealer license identification number by any  
1653 | person other than the licensed dealer or his or her designee.

1654 |         8. Failure to continually meet the requirements of the  
1655 | licensure law.

1656 |         9. Representation to a customer or any advertisement to  
1657 | the public representing or suggesting that a motor vehicle is a  
1658 | new motor vehicle if such vehicle lawfully cannot be titled in  
1659 | the name of the customer or other member of the public by the

1660 seller using a manufacturer's statement of origin as permitted  
 1661 in s. 319.23(1).

1662 10. Requirement by any motor vehicle dealer that a  
 1663 customer or purchaser accept equipment on his or her motor  
 1664 vehicle that ~~which~~ was not ordered by the customer or purchaser.

1665 11. Requirement by any motor vehicle dealer that any  
 1666 customer or purchaser finance a motor vehicle with a specific  
 1667 financial institution or company.

1668 12. Requirement by any motor vehicle dealer that the  
 1669 purchaser of a motor vehicle contract with the dealer for  
 1670 physical damage insurance.

1671 13. Perpetration of a fraud upon any person as a result of  
 1672 dealing in motor vehicles, including, without limitation, the  
 1673 misrepresentation to any person by the licensee of the  
 1674 licensee's relationship to any manufacturer, importer, or  
 1675 distributor.

1676 14. Violation of any of the provisions of s. 319.35 by any  
 1677 motor vehicle dealer.

1678 15. Sale by a motor vehicle dealer of a vehicle offered in  
 1679 trade by a customer prior to consummation of the sale, exchange,  
 1680 or transfer of a newly acquired vehicle to the customer, unless  
 1681 the customer provides written authorization for the sale of the  
 1682 trade-in vehicle prior to delivery of the newly acquired  
 1683 vehicle.

1684 16. Willful failure to comply with any administrative rule  
 1685 adopted by the department or the provisions of s. 320.131(8).

1686           17. Violation of chapter 319, this chapter, or ss.  
 1687 559.901-559.9221, which has to do with dealing in or repairing  
 1688 motor vehicles or mobile homes. Additionally, in the case of  
 1689 used motor vehicles, the willful violation of the federal law  
 1690 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to  
 1691 the consumer sales window form.

1692           18. Failure to maintain evidence of notification to the  
 1693 owner or coowner of a vehicle regarding registration or titling  
 1694 fees owed ~~owned~~ as required in s. 320.02(17) ~~320.02(19)~~.

1695           19. Failure to register a mobile home salesperson with the  
 1696 department as required by this chapter.

1697           Section 33. Subsection (5) is added to section 320.405,  
 1698 Florida Statutes, to read:

1699           320.405 International Registration Plan; inspection of  
 1700 records; hearings.--

1701           (5) The department is authorized to enter into agreements  
 1702 for scheduling payments of taxes and penalties due to the  
 1703 department as a result of audit assessments issued under this  
 1704 section.

1705           Section 34. Paragraph (c) is added to subsection (1) of  
 1706 section 320.77, Florida Statutes, subsections (8) through (15)  
 1707 are renumbered as subsections (9) through (16), respectively,  
 1708 and a new subsection (8) is added to that section, to read:

1709           320.77 License required of mobile home dealers.--

1710           (1) DEFINITIONS.--As used in this section:

1711           (c)1. "Mobile home salesperson" is a person, not otherwise  
 1712 expressly excluded by this section, who:



1713 a. Is employed as a salesperson by a mobile home dealer or  
1714 who, under any form of contract, agreement, or arrangement with  
1715 a dealer for commission, money, profit, or other thing of value,  
1716 sells, exchanges, buys, or offers for sale, or negotiates or  
1717 attempts to negotiate a sale or exchange of, an interest in a  
1718 mobile home required to be titled under this chapter;

1719 b. Induces or attempts to induce any person to buy or  
1720 exchange an interest in a mobile home required to be registered  
1721 and receives or expects to receive a commission, money,  
1722 brokerage fees, profit, or any other thing of value from either  
1723 the seller or purchaser of the mobile home; or

1724 c. Exercises managerial control over the business of a  
1725 licensed mobile home dealer or supervises mobile home  
1726 salespersons employed by a licensed mobile home dealer, whether  
1727 compensated by salary or commission, including, but not limited  
1728 to, any person employed by the mobile home dealer as a general  
1729 manager, assistant general manager, or sales manager or any  
1730 employee of a licensed mobile home dealer who negotiates with or  
1731 induces a customer to enter into a security agreement or  
1732 purchase agreement or purchase order for the sale of a mobile  
1733 home on behalf of the licensed mobile home dealer.

1734 2. "Mobile home salesperson" does not include any of the  
1735 following:

1736 a. A representative of an insurance company or a finance  
1737 company or a public official who, in the regular course of  
1738 business, is required to dispose of or sell mobile homes under a  
1739 contractual right or obligation of the employer or in the

1740 performance of an official duty or under the authority of any  
1741 court of law, if the sale is for the purpose of saving the  
1742 seller from any loss or pursuant to the authority of a court of  
1743 competent jurisdiction.

1744 b. A persons who is licensed as a manufacturer,  
1745 remanufacturer, transporter, distributor, or representative of  
1746 mobile homes.

1747 c. A person who is licensed as a mobile home dealer under  
1748 this chapter.

1749 d. A person not engaged in the purchase or sale of mobile  
1750 homes as a business but disposing of mobile homes acquired for  
1751 his or her own use or for use in his or her business when the  
1752 mobile homes have been so acquired and used in good faith and  
1753 not for the purpose of avoiding the provisions of this chapter.

1754 (8) SALESPERSONS TO BE REGISTERED BY LICENSEES.--

1755 (a) Within 30 days after the date of hire, each licensee  
1756 shall register with the department the name, local residence  
1757 address, and home telephone number of each person employed by  
1758 the licensee as a mobile home salesperson. A licensee may not  
1759 provide a post office box in lieu of a physical residential  
1760 address.

1761 (b) Each time a mobile home salesperson employed by a  
1762 licensee changes his or her residence address, the salesperson  
1763 shall notify the department within 20 days after such change.

1764 (c) Quarterly, each licensee is required to notify the  
1765 department of the termination or separation from employment of  
1766 each mobile home salesperson employed by the licensee. Each

1767 notification required in this subsection shall be on a form  
1768 prescribed by the department.

1769 Section 35. Subsections (3), (5), (6), (7), and (9) of  
1770 section 320.781, Florida Statutes, are amended to read:

1771 320.781 Mobile Home and Recreational Vehicle Protection  
1772 Trust Fund.--

1773 (3) The trust fund shall be used to satisfy any judgment  
1774 or claim by any person, as provided by this section, against a  
1775 mobile home or recreational vehicle dealer or broker for  
1776 damages, restitution, or expenses, including reasonable  
1777 attorney's fees, resulting from a cause of action directly  
1778 related to the conditions of any written contract made by him or  
1779 her in connection with the sale, exchange, or improvement of any  
1780 mobile home or recreational vehicle, or for any violation of  
1781 chapter 319 or this chapter.

1782 (5) Subject to the limitations and requirements of this  
1783 section, the trust fund shall be used by the department to  
1784 compensate persons who have unsatisfied judgments, or in certain  
1785 limited circumstances unsatisfied claims, against a mobile home  
1786 or recreational vehicle dealer or broker. The following  
1787 conditions must exist to be eligible to file a claim against the  
1788 trust fund ~~in one of the following situations:~~

1789 (a) The claimant has obtained a final judgment that ~~which~~  
1790 is unsatisfied against the mobile home or recreational vehicle  
1791 dealer or broker or its surety jointly and severally, or against  
1792 the mobile home dealer or broker only, if the court found that  
1793 the surety was not liable due to prior payment of valid claims

1794 against the bond in an amount equal to, or greater than, the  
1795 face amount of the applicable bond; or a claimant is prohibited  
1796 from filing a claim in a lawsuit because a bankruptcy proceeding  
1797 is pending by the dealer or broker and the claimant has filed a  
1798 claim in that bankruptcy proceeding; or the dealer or broker has  
1799 closed his or her business and cannot be found or located within  
1800 the jurisdiction of this state; and-

1801 (b) Either a claim has been made in a lawsuit against the  
1802 surety and a judgment obtained is unsatisfied; or a claim has  
1803 been made in a lawsuit against the surety that has been stayed  
1804 or discharged in a bankruptcy proceeding; or a claimant is  
1805 prohibited from filing a claim in a lawsuit because a bankruptcy  
1806 proceeding is pending by surety or the surety is not liable due  
1807 to the prior payment of valid claims against the bond in an  
1808 amount equal to, or greater than, the face amount of the  
1809 applicable bond. However, no claimant shall be entitled to  
1810 recover against the trust fund if the claimant has recovered  
1811 from the surety an amount that is equal to or greater than the  
1812 total loss. The claimant has obtained a judgment against the  
1813 surety of the mobile home or recreational vehicle dealer or  
1814 broker that is unsatisfied.

1815 ~~(c) The claimant has alleged a claim against the mobile~~  
1816 ~~home or recreational vehicle dealer or broker in a lawsuit which~~  
1817 ~~has been stayed or discharged as a result of the filing for~~  
1818 ~~reorganization or discharge in bankruptcy by the dealer or~~  
1819 ~~broker, and judgment against the surety is not possible because~~  
1820 ~~of the bankruptcy or liquidation of the surety, or because the~~

1821 ~~surety has been found by a court of competent jurisdiction not~~  
1822 ~~to be liable due to prior payment of valid claims against the~~  
1823 ~~bond in an amount equal to, or greater than, the face amount of~~  
1824 ~~the applicable bond.~~

1825 (6) In order to recover from the trust fund, the person  
1826 must file an application and verified claim with the department.

1827 (a) If the claimant has obtained a judgment that ~~which~~ is  
1828 unsatisfied against the mobile home or recreational vehicle  
1829 dealer or broker or its surety as set forth in this section, the  
1830 verified claim must specify the following:

1831 1.a. That the judgment against the mobile home or  
1832 recreational vehicle dealer or broker and its surety has been  
1833 entered; or

1834 b. That the judgment against the mobile home or  
1835 recreational vehicle dealer or broker contains a specific  
1836 finding that the surety has no liability, that execution has  
1837 been returned unsatisfied, and that a judgment lien has been  
1838 perfected;

1839 2. The amount of actual damages broken down by category as  
1840 awarded by the court or jury in the cause that ~~which~~ resulted in  
1841 the unsatisfied judgment, and the amount of attorney's fees set  
1842 forth in the unsatisfied judgment;

1843 3. The amount of payment or other consideration received,  
1844 if any, from the mobile home or recreational vehicle dealer or  
1845 broker or its surety;

1846 4. The amount that may be realized, if any, from the sale  
1847 of real or personal property or other assets of the judgment

1848 debtor liable to be sold or applied in satisfaction of the  
1849 judgment and the balance remaining due on the judgment after  
1850 application of the amount that ~~which~~ has been realized and a  
1851 certification that the claimant has made a good faith effort to  
1852 collect the judgment; ~~and~~

1853 5. An assignment by claimant of rights, title, or interest  
1854 in the unsatisfied judgment and judgment lien; and

1855 6.5. Such other information as the department requires.

1856 (b) If the claimant has alleged a claim as set forth in  
1857 paragraph (5) (a) ~~(e)~~ and for the reasons set forth therein has  
1858 not been able to secure a judgment, the verified claim must  
1859 contain the following:

1860 1. A true copy of the pleadings in the lawsuit that ~~which~~  
1861 was stayed or discharged by the bankruptcy court and the order  
1862 of the bankruptcy court staying those proceedings, or a true  
1863 copy of the claim that was filed in the bankruptcy court  
1864 proceeding;

1865 2. Allegations of the acts or omissions by the mobile home  
1866 or recreational vehicle dealer or broker setting forth the  
1867 specific acts or omissions complained of that ~~which~~ resulted in  
1868 actual damage to the person, along with the actual dollar amount  
1869 necessary to reimburse or compensate the person for costs or  
1870 expenses resulting from the acts or omissions of which the  
1871 person complained;

1872 3. True copies of all purchase agreements, notices,  
1873 service or repair orders or papers or documents of any kind  
1874 whatsoever that ~~which~~ the person received in connection with the

1875 purchase, exchange, or lease-purchase of the mobile home or  
1876 recreational vehicle from which the person's cause of action  
1877 arises; ~~and~~

1878 4. An assignment by claimant of rights, title, or interest  
1879 in the claim to the department; and

1880 ~~5.4.~~ Such other information as the department requires.

1881 (c) The department may require such proof as it deems  
1882 necessary to document the matters set forth in the claim.

1883 (7) Within 90 days after receipt of the application and  
1884 verified claim, the department shall issue its determination on  
1885 the claim. Such determination shall not be subject to the  
1886 provisions of chapter 120, but shall be reviewable only by writ  
1887 of certiorari in the circuit court in the county in which the  
1888 claimant resides in the manner and within the time provided by  
1889 the Florida Rules of Appellate Procedure. The claim must be paid  
1890 within 45 days after the determination, or, if judicial review  
1891 is sought, within 45 days after the review becomes final. A  
1892 person may not be paid an amount from the fund in excess of  
1893 \$25,000 per mobile home or recreational vehicle, which would  
1894 include any damages, restitution, payments received as the  
1895 result of a claim against the surety bond, or expenses,  
1896 including reasonable attorney's fees. Prior to payment, the  
1897 person must execute an assignment to the department of all the  
1898 person's rights and title to, and interest in, the unsatisfied  
1899 judgment and judgment lien or the claim against the dealer or  
1900 broker and its surety.

1901           (9) This section does not apply to any claim, and a person  
 1902 may not recover against the trust fund as the result of any  
 1903 claim, against a mobile home or recreational vehicle dealer or  
 1904 broker resulting from a cause of action directly related to the  
 1905 sale, lease-purchase, exchange, brokerage, or installation of a  
 1906 mobile home or recreational vehicle prior to July 1, 2006  
 1907 ~~October 1, 1990~~.

1908           (11) It is unlawful for any person or his or her agent to  
 1909 file any notice, statement, or other document required under  
 1910 this section which is false or contains any material  
 1911 misstatement of fact. Any person who violates this subsection is  
 1912 guilty of a misdemeanor of the second degree, punishable as  
 1913 provided in s. 775.082 or s. 775.083.

1914           Section 36. Subsection (16) of section 322.01, Florida  
 1915 Statutes, is amended, subsections (24) through (40) are  
 1916 renumbered as subsections (25) through (41), respectively,  
 1917 subsections (41) and (42) are renumbered as subsections (44) and  
 1918 (45), respectively, and new subsections (24), (42), and (43) are  
 1919 added to that section, to read:

1920           322.01 Definitions.--As used in this chapter:

1921           (16) "Driver's license" means a certificate that ~~which~~,  
 1922 subject to all other requirements of law, authorizes an  
 1923 individual to drive a motor vehicle and that denotes an  
 1924 operator's license as defined in 49 U.S.C. s. 30301.

1925           (24) "Identification card" means a personal identification  
 1926 card issued by the department that conforms to the definition in  
 1927 18 U.S.C. s. 1028 (D).



1928           (42) "Temporary driver's license" means a certificate  
 1929 issued by the department that, subject to all other requirements  
 1930 of law, authorizes an individual to drive a motor vehicle,  
 1931 denotes an operator's license as defined in 49 U.S.C. s. 30301,  
 1932 and denotes that the holder is not a permanent resident of the  
 1933 United States but is permitted to stay in the United States for  
 1934 a short duration of time specified on the license.

1935           (43) "Temporary identification card" means a personal  
 1936 identification card issued by the department that conforms to  
 1937 the definition in 18 U.S.C. s. 1028(D) and denotes that the  
 1938 holder is not a permanent resident of the United States but is  
 1939 permitted to stay in the United States for a short duration of  
 1940 time specified on the card.

1941           Section 37. Subsection (2) of section 322.05, Florida  
 1942 Statutes, is amended to read:

1943           322.05 Persons not to be licensed.--The department may not  
 1944 issue a license:

1945           (2) To a person who is at least 16 years of age but is  
 1946 less than ~~under~~ 18 years of age unless the person meets the  
 1947 requirements of s. 322.091 and holds a valid:

1948           (a) Learner's driver's license for at least 12 months,  
 1949 with no moving traffic convictions, before applying for a  
 1950 license;

1951           (b) Learner's driver's license for at least 12 months and  
 1952 who has a moving traffic conviction but elects to attend a  
 1953 traffic driving school for which adjudication must be withheld  
 1954 pursuant to s. 318.14; or

1955 (c) License that was issued in another state or in a  
 1956 foreign jurisdiction and that would not be subject to suspension  
 1957 or revocation under the laws of this state.

1958 Section 38. Subsection (1) of section 322.051, Florida  
 1959 Statutes, is amended to read:

1960 322.051 Identification cards.--

1961 (1) Any person who is 5 ~~12~~ years of age or older, or any  
 1962 person who has a disability, regardless of age, who applies for  
 1963 a disabled parking permit under s. 320.0848, may be issued an  
 1964 identification card by the department upon completion of an  
 1965 application and payment of an application fee.

1966 (a) Each such application shall include the following  
 1967 information regarding the applicant:

1968 1. Full name (first, middle or maiden, and last), gender,  
 1969 social security card number, county of residence and mailing  
 1970 address, country of birth, and a brief description.

1971 2. Proof of birth date satisfactory to the department.

1972 3. Proof of identity satisfactory to the department. Such  
 1973 proof must include one of the following documents issued to the  
 1974 applicant:

1975 a. A driver's license record or identification card record  
 1976 from another jurisdiction that required the applicant to submit  
 1977 a document for identification that ~~which~~ is substantially  
 1978 similar to a document required under sub-subparagraph b., sub-  
 1979 subparagraph c., sub-subparagraph d., sub-subparagraph e., sub-  
 1980 subparagraph f., or sub-subparagraph g.;

1981 b. A certified copy of a United States birth certificate;

- 1982 c. A United States passport;
- 1983 d. A naturalization certificate issued by the United
- 1984 States Department of Homeland Security;
- 1985 e. An alien registration receipt card (green card);
- 1986 f. An employment authorization card issued by the United
- 1987 States Department of Homeland Security; or
- 1988 g. Proof of nonimmigrant classification provided by the
- 1989 United States Department of Homeland Security, for an original
- 1990 identification card. In order to prove such nonimmigrant
- 1991 classification, applicants may produce but are not limited to
- 1992 the following documents:
- 1993 (I) A notice of hearing from an immigration court
- 1994 scheduling a hearing on any proceeding.
- 1995 (II) A notice from the Board of Immigration Appeals
- 1996 acknowledging pendency of an appeal.
- 1997 (III) Notice of the approval of an application for
- 1998 adjustment of status issued by the United States Bureau of
- 1999 Citizenship and Immigration Services.
- 2000 (IV) Any official documentation confirming the filing of a
- 2001 petition for asylum or refugee status or any other relief issued
- 2002 by the United States Bureau of Citizenship and Immigration
- 2003 Services.
- 2004 (V) Notice of action transferring any pending matter from
- 2005 another jurisdiction to Florida, issued by the United States
- 2006 Bureau of Citizenship and Immigration Services.

2007 (VI) Order of an immigration judge or immigration officer  
 2008 granting any relief that authorizes the alien to live and work  
 2009 in the United States including, but not limited to, asylum.

2010 (VII) Evidence that an application is pending for  
 2011 adjustment of status to that of an alien lawfully admitted for  
 2012 permanent residence in the United States or conditional  
 2013 permanent resident status in the United States, provided that a  
 2014 visa number is available with a current priority date for  
 2015 processing by the United States Bureau of Citizenship and  
 2016 Immigration Services.

2017  
 2018 Presentation of any of the documents described in sub-  
 2019 subparagraph f. or sub-subparagraph g. entitles the applicant to  
 2020 an identification card for a period not to exceed the expiration  
 2021 date of the document presented or 1 year ~~2 years~~, whichever  
 2022 first occurs.

2023 (b) An application for an identification card must be  
 2024 signed and verified by the applicant in a format designated by  
 2025 the department before a person authorized to administer oaths.  
 2026 The fee for an identification card is \$3, including payment for  
 2027 the color photograph or digital image of the applicant.

2028 (c) Each such applicant may include fingerprints and any  
 2029 other unique biometric means of identity.

2030 Section 39. Paragraph (c) of subsection (2) of section  
 2031 322.08, Florida Statutes, is amended to read:

2032 322.08 Application for license.--

2033 (2) Each such application shall include the following  
 2034 information regarding the applicant:

2035 (c) Proof of identity satisfactory to the department. Such  
 2036 proof must include one of the following documents issued to the  
 2037 applicant:

2038 1. A driver's license record or identification card record  
 2039 from another jurisdiction that required the applicant to submit  
 2040 a document for identification that ~~which~~ is substantially  
 2041 similar to a document required under subparagraph 2.,  
 2042 subparagraph 3., subparagraph 4., subparagraph 5., subparagraph  
 2043 6., or subparagraph 7.;

2044 2. A certified copy of a United States birth certificate;

2045 3. A United States passport;

2046 4. A naturalization certificate issued by the United  
 2047 States Department of Homeland Security;

2048 5. An alien registration receipt card (green card);

2049 6. An employment authorization card issued by the United  
 2050 States Department of Homeland Security; or

2051 7. Proof of nonimmigrant classification provided by the  
 2052 United States Department of Homeland Security, for an original  
 2053 driver's license. In order to prove nonimmigrant classification,  
 2054 an applicant may produce the following documents, including, but  
 2055 not limited to:

2056 a. A notice of hearing from an immigration court  
 2057 scheduling a hearing on any proceeding.

2058 b. A notice from the Board of Immigration Appeals  
 2059 acknowledging pendency of an appeal.

2060 c. A notice of the approval of an application for  
 2061 adjustment of status issued by the United States Citizenship and  
 2062 Immigration Services ~~Immigration and Naturalization Service~~.

2063 d. Any official documentation confirming the filing of a  
 2064 petition for asylum or refugee status or any other relief issued  
 2065 by the United States Immigration and Naturalization Service.

2066 e. A notice of action transferring any pending matter from  
 2067 another jurisdiction to this state issued by the United States  
 2068 Citizenship and Immigration Services ~~Immigration and~~  
 2069 ~~Naturalization Service~~.

2070 f. An order of an immigration judge or immigration officer  
 2071 granting any relief that authorizes the alien to live and work  
 2072 in the United States, including, but not limited to, asylum.

2073 g. Evidence that an application is pending for adjustment  
 2074 of status to that of an alien lawfully admitted for permanent  
 2075 residence in the United States or conditional permanent resident  
 2076 status in the United States, provided that a visa number is  
 2077 available with a current priority date for processing by the  
 2078 United States Citizenship and Immigration Services.

2079  
 2080 Presentation of any of the documents in subparagraph 6. or  
 2081 subparagraph 7. entitles the applicant to a driver's license or  
 2082 temporary permit for a period not to exceed the expiration date  
 2083 of the document presented or 1 year ~~2 years~~, whichever occurs  
 2084 first.

2085 Section 40. Effective July 1, 2008, paragraph (a) of  
 2086 subsection (5) of section 322.12, Florida Statutes, is amended  
 2087 to read:

2088 322.12 Examination of applicants.--

2089 (5) (a) The department shall formulate a separate  
 2090 examination for applicants for licenses to operate motorcycles.  
 2091 Any applicant for a driver's license who wishes to operate a  
 2092 motorcycle, and who is otherwise qualified, must successfully  
 2093 complete such an examination, which is in addition to the  
 2094 examination administered under subsection (3). The examination  
 2095 must test the applicant's knowledge of the operation of a  
 2096 motorcycle and of any traffic laws specifically relating thereto  
 2097 and must include an actual demonstration of his or her ability  
 2098 to exercise ordinary and reasonable control in the operation of  
 2099 a motorcycle. Any applicant who fails to pass the initial  
 2100 knowledge examination will incur a \$5 fee for each subsequent  
 2101 examination, to be deposited into the Highway Safety Operating  
 2102 Trust Fund. Any applicant who fails to pass the initial skills  
 2103 examination will incur a \$10 fee for each subsequent  
 2104 examination, to be deposited into the Highway Safety Operating  
 2105 Trust Fund. In the formulation of the examination, the  
 2106 department shall consider the use of the Motorcycle Operator  
 2107 Skills Test and the Motorcycle in Traffic Test offered by the  
 2108 Motorcycle Safety Foundation. The department shall indicate on  
 2109 the license of any person who successfully completes the  
 2110 examination that the licensee is authorized to operate a  
 2111 motorcycle. If the applicant wishes to be licensed to operate a

2112 motorcycle only, he or she need not take the skill or road test  
 2113 required under subsection (3) for the operation of a motor  
 2114 vehicle, and the department shall indicate such a limitation on  
 2115 his or her license as a restriction. Every first-time applicant  
 2116 for licensure to operate a motorcycle ~~who is under 21 years of~~  
 2117 ~~age~~ must provide proof of completion of a motorcycle safety  
 2118 course, as provided for in s. 322.0255, before the applicant may  
 2119 be licensed to operate a motorcycle.

2120 Section 41. Subsection (8) of section 322.121, Florida  
 2121 Statutes, is amended to read:

2122 322.121 Periodic reexamination of all drivers.--

2123 (8) In addition to any other examination authorized by  
 2124 this section, an applicant for a renewal of an endorsement  
 2125 issued under s. 322.57(1)(a), (b), (c), (d), ~~or~~ (e), or (f) may  
 2126 be required to complete successfully an examination of his or  
 2127 her knowledge regarding state and federal rules, regulations,  
 2128 and laws, governing the type of vehicle that ~~which~~ he or she is  
 2129 seeking an endorsement to operate.

2130 Section 42. Subsections (1) through (5), paragraphs (a)  
 2131 and (b) of subsection (6), subsections (7) and (8), paragraph  
 2132 (b) of subsection (10), and subsections (13) and (14) of section  
 2133 322.2615, Florida Statutes, are amended to read:

2134 322.2615 Suspension of license; right to review.--

2135 (1)(a) A law enforcement officer or correctional officer  
 2136 shall, on behalf of the department, suspend the driving  
 2137 privilege of a person who is driving or in actual physical  
 2138 control of a motor vehicle with an ~~has been arrested by a law~~



2139 ~~enforcement officer for a violation of s. 316.193, relating to~~  
2140 unlawful blood-alcohol level or breath-alcohol level of 0.08 or  
2141 higher, or of a person who has refused to submit to a ~~breath,~~  
2142 ~~urine, or blood~~ test or a test of his or her breath-alcohol or  
2143 blood-alcohol level authorized by s. 316.1932. The officer shall  
2144 take the person's driver's license and issue the person a 10-day  
2145 temporary permit if the person is otherwise eligible for the  
2146 driving privilege and shall issue the person a notice of  
2147 suspension. If a blood test has been administered, ~~the results~~  
2148 ~~of which are not available to the officer~~ or ~~at the time of the~~  
2149 ~~arrest,~~ the agency employing the officer shall transmit the such  
2150 results to the department within 5 days after receipt of the  
2151 results. If the department then determines that the person ~~was~~  
2152 ~~arrested for a violation of s. 316.193 and that the person~~ had a  
2153 blood-alcohol level or breath-alcohol level of 0.08 or higher,  
2154 the department shall suspend the person's driver's license  
2155 pursuant to subsection (3).

2156 (b) The suspension under paragraph (a) shall be pursuant  
2157 to, and the notice of suspension shall inform the driver of, the  
2158 following:

2159 1.a. The driver refused to submit to a lawful breath,  
2160 blood, or urine test and his or her driving privilege is  
2161 suspended for a period of 1 year for a first refusal or for a  
2162 period of 18 months if his or her driving privilege has been  
2163 previously suspended as a result of a refusal to submit to such  
2164 a test; or

2165           b. The driver was driving or in actual physical control of  
2166 a motor vehicle ~~violated s. 316.193 by driving~~ with an unlawful  
2167 blood-alcohol level or breath-alcohol level of 0.08 or higher ~~as~~  
2168 ~~provided in that section~~ and his or her driving privilege is  
2169 suspended for a period of 6 months for a first offense or for a  
2170 period of 1 year if his or her driving privilege has been  
2171 previously suspended under this section ~~for a violation of s.~~  
2172 ~~316.193.~~

2173           2. The suspension period shall commence on the date of  
2174 ~~arrest or~~ issuance of the notice of suspension, ~~whichever is~~  
2175 ~~later.~~

2176           3. The driver may request a formal or informal review of  
2177 the suspension by the department within 10 days after the date  
2178 of ~~arrest or~~ issuance of the notice of suspension, ~~whichever is~~  
2179 ~~later.~~

2180           4. The temporary permit issued at the time of suspension  
2181 ~~arrest~~ will expire at midnight of the 10th day following the  
2182 date of ~~arrest or~~ issuance of the notice of suspension,  
2183 ~~whichever is later.~~

2184           5. The driver may submit to the department any materials  
2185 relevant to the suspension ~~arrest.~~

2186           (2) Except as provided in paragraph (1)(a), the law  
2187 enforcement officer shall forward to the department, within 5  
2188 days after issuing ~~the date of the arrest,~~ a copy of the notice  
2189 of suspension, the person's driver's license ~~and of the person~~  
2190 ~~arrested,~~ and a report of the arrest, including an affidavit  
2191 stating the officer's grounds for belief that the person was

2192 driving or in actual physical control of a motor vehicle while  
2193 under the influence of alcoholic beverages or chemical or  
2194 controlled substances ~~arrested was in violation of s. 316.193;~~  
2195 the results of any breath or blood test or an affidavit stating  
2196 that a breath, blood, or urine test was requested by a law  
2197 enforcement officer or correctional officer and that the person  
2198 ~~arrested~~ refused to submit; ~~a copy of the citation issued to the~~  
2199 ~~person arrested;~~ and the officer's description of the person's  
2200 field sobriety test, if any; a copy of the crash report, if any;  
2201 and the notice of suspension. The failure of the officer to  
2202 submit materials within the 5-day period specified in this  
2203 subsection and in subsection (1) shall not affect the  
2204 department's ability to consider any evidence submitted at or  
2205 prior to the hearing. The officer may also submit a copy of a  
2206 videotape of the field sobriety test or the attempt to  
2207 administer such test. Materials submitted to the department by a  
2208 law enforcement agency or correctional agency shall be  
2209 considered self-authenticating and shall be in the record for  
2210 consideration by the hearing officer. Notwithstanding s.  
2211 316.066(4), the crash report shall be considered by the hearing  
2212 officer.

2213 (3) If the department determines that the license ~~of the~~  
2214 ~~person arrested~~ should be suspended pursuant to this section and  
2215 if the notice of suspension has not already been served upon the  
2216 person by a law enforcement officer or correctional officer as  
2217 provided in subsection (1), the department shall issue a notice  
2218 of suspension and, unless the notice is mailed pursuant to s.

2219 322.251, a temporary permit that ~~which~~ expires 10 days after the  
2220 date of issuance if the driver is otherwise eligible.

2221 (4) If the person whose license is suspended ~~arrested~~  
2222 requests an informal review pursuant to subparagraph (1)(b)3.,  
2223 the department shall conduct the informal review by a hearing  
2224 officer employed by the department. Such informal review hearing  
2225 shall consist solely of an examination by the department of the  
2226 materials submitted by a law enforcement officer or correctional  
2227 officer and by the person whose license is suspended ~~arrested~~,  
2228 and the presence of an officer or witness is not required.

2229 (5) After completion of the informal review, notice of the  
2230 department's decision sustaining, amending, or invalidating the  
2231 suspension of the person's driver's license ~~of the person~~  
2232 ~~arrested~~ must be provided to such person. Such notice must be  
2233 mailed to the person at the last known address shown on the  
2234 department's records, or to the address provided in the law  
2235 enforcement officer's report if such address differs from the  
2236 address of record, within 21 days after the expiration of the  
2237 temporary permit issued pursuant to subsection (1) or subsection  
2238 (3).

2239 (6) (a) If the person whose license is suspended ~~arrested~~  
2240 requests a formal review, the department must schedule a hearing  
2241 to be held within 30 days after such request is received by the  
2242 department and must notify the person of the date, time, and  
2243 place of the hearing.

2244 (b) Such formal review hearing shall be held before a  
2245 hearing officer employed by the department, and the hearing

2246 officer shall be authorized to administer oaths, examine  
2247 witnesses and take testimony, receive relevant evidence, issue  
2248 subpoenas for the officers and witnesses identified in documents  
2249 provided in subsection (2), regulate the course and conduct of  
2250 the hearing, question witnesses, and make a ruling on the  
2251 suspension. ~~The department and the person arrested may subpoena~~  
2252 ~~witnesses, and the party requesting the presence of a witness~~  
2253 shall be responsible for the payment of any witness fees and for  
2254 notifying in writing the state attorney's office in the  
2255 appropriate circuit of the issuance of the subpoena. If the  
2256 person who requests a formal review hearing fails to appear and  
2257 the hearing officer finds such failure to be without just cause,  
2258 the right to a formal hearing is waived and the suspension shall  
2259 be sustained.

2260 (7) In a formal review hearing under subsection (6) or an  
2261 informal review hearing under subsection (4), the hearing  
2262 officer shall determine by a preponderance of the evidence  
2263 whether sufficient cause exists to sustain, amend, or invalidate  
2264 the suspension. The scope of the review shall be limited to the  
2265 following issues:

2266 (a) If the license was suspended for driving with an  
2267 unlawful blood-alcohol level or breath-alcohol level of 0.08 or  
2268 higher ~~in violation of s. 316.193~~:

2269 1. Whether the ~~arresting~~ law enforcement officer had  
2270 probable cause to believe that the person whose license is  
2271 suspended was driving or in actual physical control of a motor

2272 | vehicle in this state while under the influence of alcoholic  
 2273 | beverages or chemical or controlled substances.

2274 | ~~2. Whether the person was placed under lawful arrest for a~~  
 2275 | ~~violation of s. 316.193.~~

2276 | ~~2.3.~~ Whether the person whose license is suspended had an  
 2277 | unlawful blood-alcohol level or breath-alcohol level of 0.08 or  
 2278 | higher as provided in s. 316.193.

2279 | (b) If the license was suspended for refusal to submit to  
 2280 | a breath, blood, or urine test:

2281 | 1. Whether the ~~arresting~~ law enforcement officer had  
 2282 | probable cause to believe that the person whose license is  
 2283 | suspended was driving or in actual physical control of a motor  
 2284 | vehicle in this state while under the influence of alcoholic  
 2285 | beverages or chemical or controlled substances.

2286 | ~~2. Whether the person was placed under lawful arrest for a~~  
 2287 | ~~violation of s. 316.193.~~

2288 | ~~2.3.~~ Whether the person whose license is suspended refused  
 2289 | to submit to any such test after being requested to do so by a  
 2290 | law enforcement officer or correctional officer.

2291 | ~~3.4.~~ Whether the person whose license is suspended was  
 2292 | told that if he or she refused to submit to such test his or her  
 2293 | privilege to operate a motor vehicle would be suspended for a  
 2294 | period of 1 year or, in the case of a second or subsequent  
 2295 | refusal, for a period of 18 months.

2296 | (8) Based on the determination of the hearing officer  
 2297 | pursuant to subsection (7) for both informal hearings under

2298 subsection (4) and formal hearings under subsection (6), the  
 2299 department shall:

2300 (a) Sustain the suspension of the person's driving  
 2301 privilege for a period of 1 year for a first refusal, or for a  
 2302 period of 18 months if the driving privilege of such person has  
 2303 been previously suspended as a result of a refusal to submit to  
 2304 such tests, if the ~~arrested~~ person refused to submit to a lawful  
 2305 breath, blood, or urine test. The suspension period commences on  
 2306 the date of ~~the arrest or~~ issuance of the notice of suspension,  
 2307 ~~whichever is later.~~

2308 (b) Sustain the suspension of the person's driving  
 2309 privilege for a period of 6 months for a blood-alcohol level or  
 2310 breath-alcohol level of 0.08 or higher ~~violation of s. 316.193,~~  
 2311 or for a period of 1 year if the driving privilege of such  
 2312 person has been previously suspended under this section as a  
 2313 result of driving with an unlawful blood-alcohol level or  
 2314 breath-alcohol level ~~a violation of s. 316.193.~~ The suspension  
 2315 period commences on the date of ~~the arrest or~~ issuance of the  
 2316 notice of suspension, ~~whichever is later.~~

2317 (10) A person whose driver's license is suspended under  
 2318 subsection (1) or subsection (3) may apply for issuance of a  
 2319 license for business or employment purposes only if the person  
 2320 is otherwise eligible for the driving privilege pursuant to s.  
 2321 322.271.

2322 (b) If the suspension of the person's driver's license ~~of~~  
 2323 ~~the person arrested for a violation of s. 316.193,~~ relating to  
 2324 an unlawful blood-alcohol level or breath-alcohol level of 0.08

2325 or higher, is sustained, the person is not eligible to receive a  
2326 license for business or employment purposes only pursuant to s.  
2327 322.271 until 30 days have elapsed after the expiration of the  
2328 last temporary permit issued. If the driver is not issued a 10-  
2329 day permit pursuant to this section or s. 322.64 because he or  
2330 she is ineligible for the permit and the suspension ~~for a~~  
2331 ~~violation of s. 316.193,~~ relating to an unlawful blood-alcohol  
2332 level or breath-alcohol level of 0.08 or higher, is not  
2333 invalidated by the department, the driver is not eligible to  
2334 receive a business or employment license pursuant to s. 322.271  
2335 until 30 days have elapsed from the date of the suspension  
2336 arrest.

2337 (13) A person may appeal any decision of the department  
2338 sustaining a suspension of his or her driver's license by a  
2339 petition for writ of certiorari to the circuit court in the  
2340 county wherein such person resides or wherein a formal or  
2341 informal review was conducted pursuant to s. 322.31. However, an  
2342 appeal shall not stay the suspension. A law enforcement agency  
2343 may appeal any decision of the department invalidating a  
2344 suspension by a petition for writ of certiorari to the circuit  
2345 court in the county where a formal or informal review was  
2346 conducted. This subsection shall not be construed to provide for  
2347 a de novo appeal.

2348 (14) (a) The decision of the department under this section  
2349 or any circuit court review thereof may not be considered in any  
2350 trial for a violation of s. 316.193, and a written statement  
2351 submitted by a person in his or her request for departmental



2352 review under this section may not be admitted into evidence  
 2353 against him or her in any such trial.

2354 (b) The disposition of any related criminal proceedings  
 2355 does not affect a suspension for refusal to submit to a blood,  
 2356 breath, or urine test, ~~authorized by s. 316.1932 or s. 316.1933,~~  
 2357 imposed under this section.

2358 Section 43. Paragraph (d) of subsection (3) of section  
 2359 322.27, Florida Statutes, is amended, and paragraph (j) is added  
 2360 to that subsection, to read:

2361 322.27 Authority of department to suspend or revoke  
 2362 license.--

2363 (3) There is established a point system for evaluation of  
 2364 convictions of violations of motor vehicle laws or ordinances,  
 2365 and violations of applicable provisions of s. 403.413(6)(b) when  
 2366 such violations involve the use of motor vehicles, for the  
 2367 determination of the continuing qualification of any person to  
 2368 operate a motor vehicle. The department is authorized to suspend  
 2369 the license of any person upon showing of its records or other  
 2370 good and sufficient evidence that the licensee has been  
 2371 convicted of violation of motor vehicle laws or ordinances, or  
 2372 applicable provisions of s. 403.413(6)(b), amounting to 12 or  
 2373 more points as determined by the point system. The suspension  
 2374 shall be for a period of not more than 1 year.

2375 (d) The point system shall have as its basic element a  
 2376 graduated scale of points assigning relative values to  
 2377 convictions of the following violations:

2378 1. Reckless driving, willful and wanton--4 points.

- 2379           2. Leaving the scene of a crash resulting in property  
 2380 damage of more than \$50--6 points.
- 2381           3. Unlawful speed resulting in a crash--6 points.
- 2382           4. Passing a stopped school bus--4 points.
- 2383           5. Unlawful speed:
- 2384           a. Not in excess of 15 miles per hour of lawful or posted  
 2385 speed--3 points.
- 2386           b. In excess of 15 miles per hour but not in excess of 30  
 2387 miles per hour of lawful or posted speed--4 points.
- 2388           c. In excess of 30 miles per hour of lawful or posted  
 2389 speed--6 points.
- 2390           6.a. A violation of a traffic control signal device as  
 2391 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.
- 2392           b. A violation of a traffic control signal device as  
 2393 provided in s. 316.074(1) or s. 316.075(1)(c)1. resulting in a  
 2394 crash--6 points.
- 2395           7. All other moving violations (including parking on a  
 2396 highway outside the limits of a municipality)--3 points.  
 2397 However, no points shall be imposed for a violation of s.  
 2398 316.0741 or s. 316.2065(12).
- 2399           8. Any moving violation covered above, excluding unlawful  
 2400 speed, resulting in a crash--4 points.
- 2401           9. Any conviction under s. 403.413(6)(b)--3 points.
- 2402           10. Any conviction under s. 316.0775(2)--4 points.
- 2403           (j) For purposes of sub-subparagraph (d)5.c., the term  
 2404 "conviction" means a finding of guilt, with or without  
 2405 adjudication of guilt, as a result of a jury verdict, nonjury

2406 trial, or entry of a plea of guilty or nolo contendere,  
2407 notwithstanding s. 318.14(11).

2408 Section 44. Effective upon this act becoming a law,  
2409 paragraph (a) of subsection (8) of section 320.08056, Florida  
2410 Statutes, is amended to read:

2411 320.08056 Specialty license plates.--

2412 (8)(a) The department must discontinue the issuance of an  
2413 approved specialty license plate if the number of valid  
2414 specialty plate registrations falls below 1,000 plates for at  
2415 least 12 consecutive months. A warning letter shall be mailed to  
2416 the sponsoring organization following the first month in which  
2417 the total number of valid specialty plate registrations is below  
2418 1,000 plates. This paragraph does not apply to collegiate  
2419 license plates established under s. 320.08058(3).

2420 Section 45. Subsection (3) of section 316.172, Florida  
2421 Statutes, is renumbered as subsection (4), and a new subsection  
2422 (3) is added to that section to read:

2423 316.172 Traffic to stop for school bus.--

2424 (3) When a school bus is stopped with warning lights  
2425 displayed and is discharging or loading passengers, the area of  
2426 highway 500 linear feet in front of the bus and 500 linear feet  
2427 behind the bus shall be considered a school bus stop zone. A  
2428 person may not drive a vehicle on a roadway considered a school  
2429 bus stop zone at a speed greater than that posted for that  
2430 location. Violation of the speed limit within the school bus  
2431 stop zone must be cited as a moving violation, punishable as  
2432 provided in chapter 318.

2433 Section 46. Paragraph (c) of subsection (3) of section  
 2434 318.18, Florida Statutes, is amended to read:

2435 318.18 Amount of civil penalties.--The penalties required  
 2436 for a noncriminal disposition pursuant to s. 318.14 are as  
 2437 follows:

2438 (3)

2439 (c) Notwithstanding paragraph (b), a person cited for  
 2440 exceeding the speed limit by up to 5 m.p.h. in a legally posted  
 2441 school zone or school bus stop zone will be fined \$50. A person  
 2442 exceeding the speed limit in a school zone or school bus stop  
 2443 zone shall pay a fine double the amount listed in paragraph (b).

2444 Section 47. This act may be cited as the "Mann Family  
 2445 Memorial Highway Safety Act."

2446 Section 48. Paragraph (b) of subsection (2) and paragraph  
 2447 (b) of subsection (3) of section 316.006, Florida Statutes, are  
 2448 amended to read:

2449 316.006 Jurisdiction.--Jurisdiction to control traffic is  
 2450 vested as follows:

2451 (2) MUNICIPALITIES.--

2452 (b) A municipality may exercise jurisdiction over any  
 2453 private road or roads, or over any limited access road or roads  
 2454 owned or controlled by a special district, located within its  
 2455 boundaries if the municipality and party or parties owning or  
 2456 controlling such road or roads provide, by written agreement  
 2457 approved by the governing body of the municipality, for  
 2458 municipal traffic control jurisdiction over the road or roads  
 2459 encompassed by such agreement. Pursuant thereto:

2460 1. Provision for reimbursement for actual costs of traffic  
 2461 control and enforcement and for liability insurance and  
 2462 indemnification by the party or parties, and such other terms as  
 2463 are mutually agreeable, may be included in such an agreement.

2464 2. The exercise of jurisdiction provided for herein shall  
 2465 be in addition to jurisdictional authority presently exercised  
 2466 by municipalities under law, and nothing in this paragraph shall  
 2467 be construed to limit or remove any such jurisdictional  
 2468 authority. Such jurisdiction includes regulation of access to  
 2469 such road or roads by security devices or personnel.

2470 3. Any such agreement may provide for the installation of  
 2471 multiparty stop signs by the parties controlling the roads  
 2472 covered by the agreement if a determination is made by such  
 2473 parties that the signage will enhance traffic safety. Multiparty  
 2474 stop signs must conform to the manual and specifications of the  
 2475 Department of Transportation; however, minimum traffic volumes  
 2476 may not be required for the installation of such signage.  
 2477 Enforcement for the signs shall be as provided in s. 316.123.

2478 4. The board of directors of a homeowners' association as  
 2479 defined in chapter 720 may, by majority vote, elect to have  
 2480 state traffic laws enforced by local law enforcement agencies on  
 2481 private roads that are controlled by the association.

2482 (3) COUNTIES.--

2483 (b) A county may exercise jurisdiction over any private  
 2484 road or roads, or over any limited access road or roads owned or  
 2485 controlled by a special district, located in the unincorporated  
 2486 area within its boundaries if the county and party or parties

2487 | owning or controlling such road or roads provide, by written  
 2488 | agreement approved by the governing body of the county, for  
 2489 | county traffic control jurisdiction over the road or roads  
 2490 | encompassed by such agreement. Pursuant thereto:

2491 |         1. Provision for reimbursement for actual costs of traffic  
 2492 | control and enforcement and for liability insurance and  
 2493 | indemnification by the party or parties, and such other terms as  
 2494 | are mutually agreeable, may be included in such an agreement.

2495 |         2. Prior to entering into an agreement which provides for  
 2496 | enforcement of the traffic laws of the state over a private road  
 2497 | or roads, or over any limited access road or roads owned or  
 2498 | controlled by a special district, the governing body of the  
 2499 | county shall consult with the sheriff. No such agreement shall  
 2500 | take effect prior to October 1, the beginning of the county  
 2501 | fiscal year, unless this requirement is waived in writing by the  
 2502 | sheriff.

2503 |         3. The exercise of jurisdiction provided for herein shall  
 2504 | be in addition to jurisdictional authority presently exercised  
 2505 | by counties under law, and nothing in this paragraph shall be  
 2506 | construed to limit or remove any such jurisdictional authority.

2507 |         4. Any such agreement may provide for the installation of  
 2508 | multiparty stop signs by the parties controlling the roads  
 2509 | covered by the agreement if a determination is made by such  
 2510 | parties that the signage will enhance traffic safety. Multiparty  
 2511 | stop signs must conform to the manual and specifications of the  
 2512 | Department of Transportation; however, minimum traffic volumes

2513 | may not be required for the installation of such signage.  
 2514 | Enforcement for the signs shall be as provided in s. 316.123.

2515 | 5. The board of directors of a homeowners' association as  
 2516 | defined in chapter 720 may, by majority vote, elect to have  
 2517 | state traffic laws enforced by local law enforcement agencies on  
 2518 | private roads that are controlled by the association.

2519 | Section 49. Section 318.1215, Florida Statutes, is amended  
 2520 | to read:

2521 | 318.1215 Dori Slosberg Driver Education Safety  
 2522 | Act. -- ~~Effective October 1, 2002,~~ Notwithstanding the provisions  
 2523 | of s. 318.121, a board of county commissioners may require, by  
 2524 | ordinance, that the clerk of the court collect an additional \$5  
 2525 | ~~\$3~~ with each civil traffic penalty, which shall be used to fund  
 2526 | driver education programs in public and nonpublic schools. The  
 2527 | ordinance shall provide for the board of county commissioners to  
 2528 | administer the funds, which shall be used for enhancement, and  
 2529 | not replacement, of driver education program funds. The funds  
 2530 | shall be used for direct educational expenses and shall not be  
 2531 | used for administration. Each driver education program receiving  
 2532 | funds pursuant to this section shall require that a minimum of  
 2533 | 30 percent of a student's time in the program be behind-the-  
 2534 | wheel training. This section may be cited as the "Dori Slosberg  
 2535 | Driver Education Safety Act."

2536 | Section 50. Subsection (2) of section 318.15, Florida  
 2537 | Statutes, is amended to read:

2538 | 318.15 Failure to comply with civil penalty or to appear;  
 2539 | penalty.--

2540 (2) After suspension of the driver's license and privilege  
 2541 to drive of a person under subsection (1), the license and  
 2542 privilege may not be reinstated until the person complies with  
 2543 all obligations and penalties imposed on him or her under s.  
 2544 318.18 and presents to a driver license office a certificate of  
 2545 compliance issued by the court, together with a nonrefundable  
 2546 service charge of up to \$47.50 imposed under s. 322.29, or  
 2547 presents a certificate of compliance and pays the aforementioned  
 2548 service charge of up to \$47.50 to the clerk of the court or a  
 2549 driver licensing agent authorized in s. 322.135 ~~tax collector~~  
 2550 clearing such suspension. Of the charge collected by the clerk  
 2551 of the court or driver licensing agent ~~the tax collector~~, \$10  
 2552 shall be remitted to the Department of Revenue to be deposited  
 2553 into the Highway Safety Operating Trust Fund. Such person shall  
 2554 also be in compliance with requirements of chapter 322 prior to  
 2555 reinstatement.

2556 Section 51. Effective July 1, 2006, paragraph (a) of  
 2557 subsection (8) of section 320.08056, Florida Statutes, is  
 2558 amended to read:

2559 320.08056 Specialty license plates.--

2560 (8) (a) The department must discontinue the issuance of an  
 2561 approved specialty license plate if the number of valid  
 2562 specialty plate registrations falls below 1,000 plates for at  
 2563 least 12 consecutive months. A warning letter shall be mailed to  
 2564 the sponsoring organization following the first month in which  
 2565 the total number of valid specialty plate registrations is below



2566 | 1,000 plates. This paragraph does not apply to collegiate  
 2567 | license plates established under s. 320.08058(3).

2568 | Section 52. Subsection (1) of section 322.02, Florida  
 2569 | Statutes, is amended to read:

2570 | 322.02 Legislative intent; administration.--

2571 | (1) The Legislature finds that over the past several years  
 2572 | the department and individual county tax collectors have entered  
 2573 | into contracts for the delivery of full and limited driver  
 2574 | license services where such contractual relationships best  
 2575 | served the public interest through state administration and  
 2576 | enforcement and local government implementation. It is the  
 2577 | intent of the Legislature that future interests and processes  
 2578 | for developing and expanding the department's relationship with  
 2579 | tax collectors and other county constitutional officers through  
 2580 | contractual relationships for the delivery of driver license  
 2581 | services be achieved through the provisions of this chapter,  
 2582 | thereby serving best the public interest considering  
 2583 | accountability, cost-effectiveness, efficiency, responsiveness,  
 2584 | and high-quality service to the drivers in Florida.

2585 | Section 53. Subsection (10) is added to section 322.135,  
 2586 | Florida Statutes, to read:

2587 | 322.135 Driver's license agents.--

2588 | (10) The department may contract with any county  
 2589 | constitutional officer to provide driver license services in the  
 2590 | same manner as provided in this section in a county where the  
 2591 | tax collector is not elected or elects not to provide driver  
 2592 | license services.

2593 Section 54. Subsection (1) of section 627.733, Florida  
 2594 Statutes, is amended to read:

2595 627.733 Required security.--

2596 (1) (a) Every owner or registrant of a motor vehicle, other  
 2597 than a motor vehicle used as a ~~taxicab~~, school bus as defined in  
 2598 s. 1006.25~~7~~ or limousine, required to be registered and licensed  
 2599 in this state shall maintain security as required by subsection  
 2600 (3) in effect continuously throughout the registration or  
 2601 licensing period.

2602 (b) Every owner or registrant of a motor vehicle used as a  
 2603 taxicab shall maintain security as required under s. 324.032(1).

2604 Section 55. Subsection (1) of section 324.032, Florida  
 2605 Statutes, is amended to read:

2606 324.032 Manner of proving financial responsibility; for-  
 2607 hire passenger transportation vehicles.--Notwithstanding the  
 2608 provisions of s. 324.031:

2609 (1) (a) A person who is either the owner or a lessee  
 2610 required to maintain insurance under s. 627.733(1)(b) ~~s.~~  
 2611 ~~324.021(9)(b)~~ and who operates one or more taxicabs, limousines,  
 2612 jitneys, or any other for-hire passenger transportation vehicles  
 2613 may prove financial responsibility by furnishing satisfactory  
 2614 evidence of holding a motor vehicle liability policy ~~as defined~~  
 2615 ~~in s. 324.031~~, but with minimum limits of  
 2616 \$125,000/250,000/50,000.

2617 (b) A person who is either the owner or a lessee required  
 2618 to maintain insurance under s. 324.021(9)(b) and who operates  
 2619 limousines, jitneys, or any other for-hire passenger vehicles,

2620 other than taxicabs, may prove financial responsibility by  
2621 furnishing satisfactory evidence of holding a motor vehicle  
2622 liability policy as defined in s. 324.031.

2623  
2624 Upon request by the department, the applicant must provide the  
2625 department at the applicant's principal place of business in  
2626 this state access to the applicant's underlying financial  
2627 information and financial statements that provide the basis of  
2628 the certified public accountant's certification. The applicant  
2629 shall reimburse the requesting department for all reasonable  
2630 costs incurred by it in reviewing the supporting information.  
2631 The maximum amount of self-insurance permissible under this  
2632 subsection is \$300,000 and must be stated on a per-occurrence  
2633 basis, and the applicant shall maintain adequate excess  
2634 insurance issued by an authorized or eligible insurer licensed  
2635 or approved by the Office of Insurance Regulation. All risks  
2636 self-insured shall remain with the owner or lessee providing it,  
2637 and the risks are not transferable to any other person, unless a  
2638 policy complying with subsection (1) is obtained.

2639 Section 56. (1) The Department of Highway Safety and  
2640 Motor Vehicles shall study the outsourcing of its driver license  
2641 services and shall make recommendations to the Governor, the  
2642 President of the Senate, and the Speaker of the House of  
2643 Representatives by January 1, 2007. As used in this section, the  
2644 term "outsourcing" means the process of contracting with an  
2645 external service provider or other governmental agency to

2646 provide a service, in whole or in part, while the department  
2647 retains the responsibility and accountability for the service.

2648 (2) As part of its study, the department shall provide a  
2649 description of the services to be outsourced. Types of issues  
2650 for the department to consider must include, but need not be  
2651 limited to:

2652 (a) A detailed description of the service to be outsourced  
2653 and a description and analysis of the department's current  
2654 performance of the service.

2655 (b) A cost-benefit analysis describing the estimated  
2656 specific direct and indirect costs or savings; performance  
2657 improvements, including reduced wait times at driver license  
2658 offices; risks; and qualitative and quantitative benefits  
2659 involved in or resulting from outsourcing the service. The cost-  
2660 benefit analysis must include a detailed plan and timeline  
2661 identifying all actions that must be implemented to realize the  
2662 expected benefits.

2663 (c) A statement of the potential effect on applicable  
2664 federal, state, and local revenues and expenditures. The  
2665 statement must specifically describe the effect on general  
2666 revenue, trust funds, general revenue service charges, and  
2667 interest on trust funds, together with the potential direct or  
2668 indirect effect on federal funding and cost allocations.

2669 (d) A plan to ensure compliance with public records law.

2670 (e) A transition and implementation plan for addressing  
2671 changes in the number of department personnel, affected business  
2672 processes, and employee-transition issues. Such a plan must also

2673 | specify the mechanism for continuing the operation of the  
2674 | service if the contractor fails to perform or comply with the  
2675 | performance standards and provisions of the contract. Within  
2676 | this plan, the department shall identify all resources,  
2677 | including full-time equivalent positions, that are subject to  
2678 | outsourcing.

2679 |       Section 57. Except as otherwise expressly provided in this  
2680 | act, and except for this section, which shall take effect upon  
2681 | this act becoming a law, this act shall take effect October 1,  
2682 | 2006.