

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; amending s. 316.2095, F.S.; deleting a
48 | requirement that certain motorcycles be equipped with
49 | passenger handholds; amending s. 316.211, F.S.; requiring
50 | motorcycles registered to certain persons to display a
51 | license plate that is unique in design and color;
52 | providing penalties; creating s. 316.2123, F.S. ;
53 | prohibiting operation of all-terrain vehicles on public
54 | roads and streets; providing an exception for operation on

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

82 | vehicles to be operated during daylight hours and in
83 | accordance with specified safety requirements; revising
84 | length and mount requirements for automobile towaway and
85 | driveaway operations; authorizing saddle mount
86 | combinations to include one full mount; requiring saddle
87 | mount combinations to comply with specified safety
88 | regulations; amending s. 318.14, F.S.; providing
89 | exceptions to procedures for disposition of citations for
90 | certain traffic violations; removing the option for
91 | certain offenders to attend driver improvement school;
92 | amending s. 318.143, F.S.; revising provisions for court-
93 | imposed sanctions on a minor for specified traffic
94 | violations; authorizing a court to require a minor and his
95 | or her parents or guardian to participate in a registered
96 | youthful driver monitoring service; creating s. 318.1435,
97 | F.S.; providing for youthful driver monitoring services;
98 | providing for registration with the Department of Highway
99 | Safety and Motor Vehicles; amending s. 318.18, F.S.;
100 | revising penalty provisions to provide for certain
101 | criminal penalties; providing increased penalties for
102 | certain speed limit violations; defining "conviction" for
103 | specified purposes; increasing penalties for violations of
104 | vehicle load requirements; imposing a surcharge to be paid
105 | for specified traffic-related criminal offenses and all
106 | noncriminal moving traffic violations; providing for the
107 | proceeds of the surcharge to be used for the state agency
108 | law enforcement radio system; amending s. 318.21, F.S.;

109 | revising provisions for disposition of civil penalties to
110 | provide for distribution of a specified surcharge;
111 | amending s. 318.19, F.S.; requiring mandatory hearings for
112 | certain speed limit violations; amending s. 318.32, F.S.;
113 | revising the powers of civil traffic infraction hearing
114 | officers; amending s. 320.015, F.S.; revising provisions
115 | relating to the taxation of mobile homes to clarify when
116 | specified prefabricated or modular housing units shall be
117 | taxed as real property; providing construction with
118 | respect to display homes or other inventory being held for
119 | sale by a manufacturer or dealer of modular housing units;
120 | amending s. 320.02, F.S.; requiring proof of required
121 | endorsement on a driver license as a condition for
122 | original registration of a motorcycle, motor-driven cycle,
123 | or moped; amending s. 320.03, F.S.; revising the
124 | requirement to withhold issuance of a license plate or
125 | revalidation sticker from certain persons to exempt the
126 | owner of a leased vehicle when that vehicle is registered
127 | in the name of the lessee; amending s. 320.07, F.S.;
128 | providing for responsibility for certain registration
129 | violations when the motor vehicle involved is leased and
130 | registered in the name of the lessee; amending s.
131 | 320.0706, F.S.; revising requirements for display of
132 | license plates; providing display requirements for dump
133 | trucks; prohibiting display in such a manner that the
134 | letters and numbers and their proper sequence are not
135 | readily identifiable; amending s. 320.08056, F.S.;

136 | establishing an annual use fee for the Future Farmers of
137 | America license plate; amending s. 320.08058, F.S.;
138 | revising provisions for distribution of revenues received
139 | from the sale of Sportsmen's National Land Trust license
140 | plates; creating the Future Farmers of America license
141 | plate and providing for use of funds received from the
142 | sale of the plates; amending s. 320.0807, F.S.; providing
143 | for license plates for legislative presiding officers;
144 | amending s. 320.089, F.S.; providing for Operation Iraqi
145 | Freedom and Operation Enduring Freedom license plates for
146 | qualified military personnel; amending s. 320.27, F.S.;
147 | revising motor vehicle dealer licensing requirements;
148 | revising certain training provisions; correcting
149 | terminology; correcting a cross-reference; providing for
150 | denial, suspension, or revocation of a license for failure
151 | to register a mobile home salesperson; amending s.
152 | 320.405, F.S.; authorizing the department to enter into
153 | agreements to schedule payments to settle certain
154 | liabilities under the International Registration Plan;
155 | amending s. 320.77, F.S.; revising mobile home dealer
156 | license requirements; defining "mobile home salesperson";
157 | requiring licensees to register salespersons; providing
158 | registration criteria and procedures; requiring the
159 | licensee to report salesperson separation from employment
160 | to the department; amending s. 320.781, F.S.; revising
161 | criteria for use of funds in the Mobile Home and
162 | Recreational Vehicle Protection Trust Fund to settle a

163 judgment or claim against a mobile home or recreational
164 vehicle dealer or broker for damages, restitution, or
165 expenses; revising conditions for filing a claim and for
166 receiving payment; revising application provisions;
167 amending s. 322.01, F.S.; revising the definition of
168 "driver's license"; defining "identification card,"
169 "temporary driver's license," and "temporary
170 identification card"; amending s. 322.05, F.S.; revising
171 requirements for a person who has not attained 18 years of
172 age to be issued a driver license; amending s. 322.051,
173 F.S.; revising the age requirement for issuance of an
174 identification card; revising criteria for proof of the
175 identity and status of an applicant for an identification
176 card; revising the period of issuance for certain
177 temporary identification cards; amending s. 322.08, F.S.;
178 revising criteria for proof of the identity and status of
179 an applicant for a driver license; revising the period of
180 issuance for certain temporary driver licenses or permits;
181 amending s. 322.12, F.S.; requiring all first-time
182 applicants for licensure to operate a motorcycle to
183 provide proof of completion of a motorcycle safety course;
184 amending s. 322.121, F.S.; revising periodic license
185 examination requirements; providing for such testing of
186 applicants for renewal of a license under provisions
187 requiring an endorsement permitting the applicant to
188 operate a tank vehicle transporting hazardous materials;
189 amending s. 322.2615, F.S.; revising provisions for

190 suspension of driver licenses and review of suspension by
191 the department; revising procedures; revising terms of
192 suspension; revising validity of temporary permit issued;
193 revising criteria for notice of the suspension; revising
194 requirements for information provided by the officer to
195 the department; providing that certain materials shall be
196 considered self-authenticating and available to a hearing
197 officer; revising authority of the hearing officer to
198 subpoena and question witnesses; revising provisions for
199 review of the suspension; removing provision for the
200 department and the person arrested to subpoena witnesses;
201 revising provisions for the scope of a review of the
202 suspension; revising duties of the department upon a
203 determination by the hearing officer; revising provisions
204 for issuance of a license for business or employment
205 purposes only; providing for appeal by a law enforcement
206 agency of a department decision invalidating a suspension;
207 providing that the court review may not be used in a trial
208 for driving under the influence; amending s. 322.27, F.S.;
209 providing for an increase in driver license points
210 assessed for certain speed limit violations and for
211 traffic control signal device violations resulting in a
212 crash; defining "conviction" for specified purposes;
213 amending s. 320.08056, F.S.; exempting collegiate license
214 plates from the requirement for maintaining a specified
215 number of license plate registrations; amending s.
216 316.172, F.S.; providing for school bus stop zones;

217 prohibiting exceeding the posted speed limit within such
218 zones; providing penalties; amending s. 318.18, F.S.;
219 providing a penalty for exceeding the posted speed limit
220 in a school bus stop zone by a certain speed; providing a
221 short title; amending s. 316.006, F.S.; authorizing the
222 board of directors of a homeowner's association to provide
223 for local law enforcement agencies to enforce state
224 traffic laws on private roads that are controlled by the
225 association; amending s. 318.1215, F.S.; increasing the
226 amount of a local option surcharge on traffic penalties;
227 amending s. 318.15, F.S.; providing for the collection of
228 certain service charges by authorized driver licensing
229 agents; amending s. 320.08056, F.S.; exempting collegiate
230 license plates from the requirement for maintaining a
231 specified number of license plate registrations; amending
232 s. 627.733, F.S.; revising security requirements for
233 certain vehicles; amending s. 324.032, F.S.; revising
234 financial responsibility requirements for certain for-hire
235 vehicles; directing the department to study the
236 outsourcing of its driver license services to a provider
237 or other governmental agency, in whole or in part, while
238 retaining responsibility and accountability for the
239 services; requiring that the department submit a report to
240 the Governor and Legislature by a specified date;
241 providing requirements for the department with respect to
242 issues to be included in the study; requiring a cost-
243 benefit analysis and a transition and implementation plan;

244 amending s. 206.606, F.S.; authorizing the use of certain
245 funds for local boating related projects and activities;
246 amending s. 327.59, F.S.; authorizing marina owners,
247 operators, employees, and agents to take actions to secure
248 vessels during severe weather and to charge fees and be
249 held harmless for such service; holding marina operators,
250 employees, and agents liable for damage caused by
251 intentional acts or negligence while removing or securing
252 vessels; authorizing contract provisions and providing
253 contract notice requirements relating to removing or
254 securing vessels; amending s. 327.60, F.S.; providing for
255 local regulation of anchoring within mooring fields;
256 amending s. 328.64, F.S.; requiring the Department of
257 Highway Safety and Motor Vehicles to provide forms for
258 certain notification related to vessels; requiring the
259 department to provide by rule for the surrender and
260 replacement of certificates of registration to reflect
261 change of address; amending s. 328.72, F.S.; requiring
262 counties to use funds for specific boating related
263 purposes; requiring counties to provide reports
264 demonstrating specified expenditure of such funds;
265 providing penalties for failure to comply; amending s.
266 376.11, F.S.; authorizing the distribution of revenues
267 from the Florida Coastal Protection Trust Fund to all
268 local governments for the removal of certain vessels;
269 amending s. 376.15, F.S.; revising provisions relating to
270 the removal of abandoned and derelict vessels; specifying

271 officers authorized to remove such vessels; providing that
272 certain costs are recoverable; requiring the Department of
273 Legal Affairs to represent the Fish and Wildlife
274 Conservation Commission in certain actions; expanding
275 eligibility for disbursement of grant funds for the
276 removal of certain vessels; amending s. 403.813, F.S.;
277 providing exemptions from permitting, registration, and
278 regulation of floating vessel platforms or floating boat
279 lifts by a local government; authorizing local governments
280 to require certain permits or registration for floating
281 vessel platforms or floating boat lifts under certain
282 circumstances; amending s. 705.101, F.S.; revising the
283 definition of "abandoned property" to include certain
284 vessels; amending s. 705.103, F.S.; revising the
285 terminology relating to abandoned or lost property to
286 conform; amending s. 823.11, F.S.; revising provisions
287 relating to abandoned and derelict vessels and the removal
288 of such vessels; providing a definition of "derelict
289 vessel"; specifying which officers may remove such
290 vessels; directing the Fish and Wildlife Conservation
291 Commission to implement a plan for the procurement of
292 federal disaster funds for the removal of derelict
293 vessels; requiring the Department of Legal Affairs to
294 represent the commission in certain actions; deleting a
295 provision authorizing the commission to delegate certain
296 authority to local governments under certain
297 circumstances; authorizing private property owners to

298 | remove certain vessels with required notice; providing
 299 | that cost of such removal is recoverable; prohibiting
 300 | private property owners from hindering the removal of
 301 | certain vessels by vessel owners or agents; providing for
 302 | jurisdictional imposition of civil penalties for
 303 | violations relating to certain vessels; providing that
 304 | riparian rights shall include the right to moor a vessel
 305 | under certain conditions; providing effective dates.

306 |

307 | Be It Enacted by the Legislature of the State of Florida:

308 |

309 | Section 1. Section 207.008, Florida Statutes, is amended
 310 | to read:

311 | 207.008 Retention of records by motor carrier.--Each
 312 | registered motor carrier shall maintain and keep pertinent
 313 | records and papers as may be required by the department for the
 314 | reasonable administration of this chapter and shall preserve the
 315 | records upon which each quarterly tax return is based for 4
 316 | years after the due date or filing date of the return, whichever
 317 | is later ~~such records as long as required by s. 213.35.~~

318 | Section 2. Section 207.021, Florida Statutes, is amended
 319 | to read:

320 | 207.021 Informal conferences; settlement or compromise of
 321 | taxes, penalties, or interest.--~~The department may settle or~~
 322 | ~~compromise, pursuant to s. 213.21, penalties or interest imposed~~
 323 | ~~under this chapter.~~

324 (1) (a) The department may adopt rules pursuant to ss.
325 120.536(1) and 120.54 for establishing informal conferences to
326 resolve disputes arising from the assessment of taxes,
327 penalties, or interest or the denial of refunds.

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

331 (2) (a) The executive director of the department or his or
332 her designee is authorized to enter into closing agreements with
333 any taxpayer settling or compromising the taxpayer's liability
334 for any tax, interest, or penalty assessed under this chapter.
335 The agreement shall be in writing and must be in the form of a
336 closing agreement approved by the department and signed by the
337 executive director or his or her designee. The agreement shall
338 be final and conclusive except upon a showing of material fraud
339 or misrepresentation of material fact. No additional assessment
340 may be made by the department against the taxpayer for the tax,
341 interest, or penalty specified in the closing agreement for the
342 time specified in the closing agreement, and the taxpayer shall
343 not be entitled to institute any judicial or administrative
344 proceeding to recover any tax, interest, or penalty paid
345 pursuant to the closing agreement. The executive director or his
346 or her designee is authorized to approve any such closing
347 agreement.

348 (b) Notwithstanding the provisions of paragraph (a), for
349 the purpose of settling and compromising the liability of any
350 taxpayer for tax or interest on the grounds of doubt as to

351 liability based on the taxpayer's reasonable reliance on a
352 written determination issued by the department, the department
353 may compromise the amount of such tax or interest resulting from
354 such reasonable reliance.

355 (3) A taxpayer's liability for any tax or interest
356 specified in this chapter may be compromised by the department
357 upon the grounds of doubt as to liability for or the ability to
358 collect such tax or interest. Doubt as to the liability of a
359 taxpayer for tax and interest exists if the taxpayer
360 demonstrates that he or she reasonably relied on a written
361 determination of the department.

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

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

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

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

376 261.10 Criteria for recreation areas and trails;
377 limitation on liability.--

378 (1) Publicly owned or operated off-highway vehicle
379 recreation areas and trails shall be designated and maintained
380 for recreational travel by off-highway vehicles. These areas and
381 trails need not be generally suitable or maintained for normal
382 travel by conventional two-wheel-drive vehicles and should not
383 be designated as recreational footpaths. State off-highway
384 vehicle recreation areas and trails must be selected and managed
385 in accordance with this chapter.

386 (2) State agencies, water management districts, counties,
387 and municipalities, and officers and employees thereof, that
388 provide off-highway recreation areas and trails on publicly
389 owned land shall not be liable for damage to personal property
390 or personal injury or death to any person resulting from
391 participation in the inherently dangerous risks of off-highway
392 vehicle recreation. This subsection does not limit liability
393 that would otherwise exist for an act of gross negligence by the
394 state agency, water management district, county, or
395 municipality, or officer or employee thereof, that is the
396 proximate cause of the damage, injury, or death. Nothing in this
397 subsection creates a duty of care or basis of liability for
398 death, personal injury, or damage to personal property, nor
399 shall anything in this subsection be deemed to be a waiver of
400 sovereign immunity under any circumstances.

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

403 261.20 Operation of off-highway vehicles on public lands;
404 restrictions; safety courses; required equipment; prohibited
405 acts; penalties.--

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

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

412 (3) Effective July 1, 2008, while operating an off-highway
413 vehicle, a person who has not attained 16 years of age must have
414 in his or her possession a certificate evidencing the
415 satisfactory completion of an approved off-highway vehicle
416 safety education course in this state or another jurisdiction. A
417 nonresident who has not attained 16 years of age and who is in
418 this state temporarily for a period not to exceed 30 days is
419 exempt from this subsection. Nothing contained in this chapter
420 shall prohibit an agency from requiring additional safety
421 education courses for all operators.

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

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

429 (c) On and after July 1, 2008, off-highway vehicles
430 operating pursuant to this chapter shall be equipped with a
431 silencer or other device that limits sound emissions. Exhaust
432 noise must not exceed 96 decibels in the A-weighting scale for
433 vehicles manufactured after January 1, 1986, or 99 decibels in
434 the A-weighting scale for vehicles manufactured before January
435 1, 1986, when measured from a distance of 20 inches using test
436 procedures established by the Society of Automotive Engineers
437 under Standard J-1287. Prior to the sale to the general public
438 in this state of any new off-highway vehicle model manufactured
439 after January 1, 2008, off-highway vehicle manufacturers or
440 their agents shall provide to the department revolutions-per-
441 minute data needed to conduct the J-1287 test, where applicable.

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

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

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

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

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

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

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

467 (6) Any person who violates this section commits a
468 noncriminal infraction, is subject to a fine of not less than
469 \$100, and may have his or her privilege to operate an ATV on
470 public lands revoked. However, a person who commits such acts
471 with intent to defraud or who commits a second or subsequent
472 violation is subject to a fine of not less than \$500 and may
473 have his or her privilege to operate an ATV on public lands
474 revoked.

475 (7) Public land managing agencies, through the course of
476 their management activities, are exempt from the provisions of
477 paragraph (5) (a).

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

480 316.003 Definitions.--The following words and phrases,
481 when used in this chapter, shall have the meanings respectively

482 ascribed to them in this section, except where the context
 483 otherwise requires:

484 (43) SADDLE MOUNT; FULL MOUNT.--An arrangement whereby the
 485 front wheels of one vehicle rest in a secured position upon
 486 another vehicle. All of the wheels of the towing vehicle are
 487 upon the ground and only the rear wheels of the towed vehicle
 488 rest upon the ground. Such combinations may include one full
 489 mount, whereby a smaller transport vehicle is placed completely
 490 on the last towed vehicle.

491 Section 6. Subsections (1) through (7) of section
 492 316.0085, Florida Statutes, are amended to read:

493 316.0085 Skateboarding; inline skating; freestyle or
 494 mountain and off-road bicycling; paintball; definitions;
 495 liability.--

496 (1) The purpose of this section is to encourage
 497 governmental owners or lessees of property to make land
 498 available to the public for skateboarding, inline skating,
 499 paintball, and freestyle or mountain and off-road bicycling. It
 500 is recognized that governmental owners or lessees of property
 501 have failed to make property available for such activities
 502 because of the exposure to liability from lawsuits and the
 503 prohibitive cost of insurance, if insurance can be obtained for
 504 such activities. It is also recognized that risks and dangers
 505 are inherent in these activities, which risks and dangers should
 506 be assumed by those participating in such activities.

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

508 (a) "Governmental entity" means:

509 1. The United States, the State of Florida, any county or
510 municipality, or any department, agency, or other
511 instrumentality thereof.

512 2. Any school board, special district, authority, or other
513 entity exercising governmental authority.

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

518 (3) This section does not grant authority or permission
519 for a person to engage in skateboarding, inline skating,
520 paintball, or freestyle or mountain and off-road bicycling on
521 property owned or controlled by a governmental entity unless
522 such governmental entity has specifically designated such area
523 for skateboarding, inline skating, paintball, or freestyle or
524 mountain and off-road bicycling. Each governmental entity shall
525 post a rule in each specifically designated area that identifies
526 all authorized activities and indicates that a child under 17
527 years of age may not engage in any of those activities until the
528 governmental entity has obtained written consent, in a form
529 acceptable to the governmental entity, from the child's parents
530 or legal guardians.

531 (4) A governmental entity or public employee is not liable
532 to any person who voluntarily participates in skateboarding,
533 inline skating, paintball, or freestyle or mountain and off-road
534 bicycling for any damage or injury to property or persons that
535 ~~which~~ arises out of a person's participation in such activity,

536 | and that ~~which~~ takes place in an area designated for such
537 | activity.

538 | (5) This section does not limit liability that would
539 | otherwise exist for any of the following:

540 | (a) The failure of the governmental entity or public
541 | employee to guard against or warn of a dangerous condition of
542 | which a participant does not and cannot reasonably be expected
543 | to have notice.

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

546 | (c) The failure of a governmental entity that provides a
547 | designated area for skateboarding, inline skating, paintball, or
548 | freestyle or mountain and off-road bicycling to obtain the
549 | written consent, in a form acceptable to the governmental
550 | entity, from the parents or legal guardians of any child under
551 | 17 years of age before authorizing such child to participate in
552 | skateboarding, inline skating, paintball, or freestyle or
553 | mountain and off-road bicycling in such designated area, unless
554 | that child's participation is in violation of posted rules
555 | governing the authorized use of the designated area, except that
556 | a parent or legal guardian must demonstrate that written consent
557 | to engage in mountain or off-road bicycling in a designated area
558 | was provided to the governmental entity prior to entering the
559 | designated area.

560 |
561 | Nothing in this subsection creates a duty of care or basis of
562 | liability for death, personal injury, or damage to personal

563 property. Nothing in this section shall be deemed to be a waiver
564 of sovereign immunity under any circumstances.

565 (6) Nothing in this section shall limit the liability of
566 an independent concessionaire, or any person or organization
567 other than a governmental entity or public employee, whether or
568 not the person or organization has a contractual relationship
569 with a governmental entity to use the public property, for
570 injuries or damages suffered in any case as a result of the
571 operation of skateboards, inline skates, paintball equipment, or
572 freestyle or mountain and off-road bicycles on public property
573 by the concessionaire, person, or organization.

574 (7) (a) Any person who participates in or assists in
575 skateboarding, inline skating, paintball, or freestyle or
576 mountain and off-road bicycling assumes the known and unknown
577 inherent risks in these activities irrespective of age, and is
578 legally responsible for all damages, injury, or death to himself
579 or herself or other persons or property that results ~~which~~
580 ~~result~~ from these activities. Any person who observes
581 skateboarding, inline skating, paintball, or freestyle or
582 mountain and off-road bicycling assumes the known and unknown
583 inherent risks in these activities irrespective of age, and is
584 legally responsible for all damages, injury, or death to himself
585 or herself that results ~~which result~~ from these activities. A
586 governmental entity that sponsors, allows, or permits
587 skateboarding, inline skating, paintball, or freestyle or
588 mountain and off-road bicycling on its property is not required

589 | to eliminate, alter, or control the inherent risks in these
 590 | activities.

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

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

597 | 2. Maintaining control of his or her person and the
 598 | equipment used.

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

602 |
 603 | Failure to comply with the requirements of this paragraph shall
 604 | constitute negligence.

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

607 | 316.1001 Payment of toll on toll facilities required;
 608 | penalties.--

609 | (2)

610 | (b) A citation issued under this subsection may be issued
 611 | by mailing the citation by first class mail, or by certified
 612 | mail, return receipt requested, to the address of the registered
 613 | owner of the motor vehicle involved in the violation or, if a
 614 | leased motor vehicle is involved in the violation and is
 615 | registered in the name of the lessee, to the address of the

616 registered lessee of such motor vehicle. Mailing the citation to
617 this address constitutes notification. In the case of joint
618 ownership of a motor vehicle, the traffic citation must be
619 mailed to the first name appearing on the registration, unless
620 the first name appearing on the registration is a business
621 organization, in which case the second name appearing on the
622 registration may be used. In the case of a motor vehicle jointly
623 leased and registered in the names of the joint lessees, the
624 traffic citation must be mailed to the first name appearing on
625 the registration, unless the first name appearing on the
626 registration is a business organization, in which case the
627 second name appearing on the registration may be used. A
628 citation issued under this paragraph must be mailed to the
629 registered owner of the motor vehicle involved in the violation
630 or, if a leased motor vehicle is involved in the violation and
631 is registered in the name of the lessee, to the registered
632 lessee of such motor vehicle within 14 days after the date of
633 issuance of the violation. In addition to the citation,
634 ~~notification must be sent to the registered owner of the motor~~
635 ~~vehicle involved in the violation~~ specifying remedies available
636 under ss. 318.14(12) and 318.18(7) must be sent to the
637 registered owner of the motor vehicle involved in the violation
638 or, if a leased motor vehicle is involved in the violation and
639 is registered in the name of the lessee, to the registered
640 lessee of such motor vehicle.

641 (c) The owner of the motor vehicle involved in the
642 violation is responsible and liable for payment of a citation

643 issued for failure to pay a toll, unless the owner can establish
644 the motor vehicle was, at the time of the violation, in the
645 care, custody, or control of another person. In order to
646 establish such facts, the owner of the motor vehicle is
647 required, within 14 days after the date of issuance of the
648 citation, to furnish to the appropriate governmental entity an
649 affidavit setting forth:

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

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

656
657 Upon receipt of an affidavit the person designated as having
658 care, custody, and control of the motor vehicle at the time of
659 the violation may be issued a citation for failure to pay a
660 required toll. The affidavit shall be admissible in a proceeding
661 pursuant to this section for the purpose of providing that the
662 person identified in the affidavit was in actual care, custody,
663 or control of the motor vehicle. The owner of a leased vehicle
664 for which a citation is issued for failure to pay a toll is not
665 responsible for payment of the citation and is not required to
666 submit an affidavit as specified in this subsection if the motor
667 vehicle involved in the violation is registered in the name of
668 the lessee of such motor vehicle.

669 Section 8. Paragraph (b) of subsection (1) of section
 670 316.1955, Florida Statutes, is amended to read:

671 316.1955 Enforcement of parking requirements for persons
 672 who have disabilities.--

673 (1) It is unlawful for any person to stop, stand, or park
 674 a vehicle within, or to obstruct, any such specially designated
 675 and marked parking space provided in accordance with s.
 676 553.5041, unless the vehicle displays a disabled parking permit
 677 issued under s. 316.1958 or s. 320.0848 or a license plate
 678 issued under s. 320.084, s. 320.0842, s. 320.0843, or s.
 679 320.0845, and the vehicle is transporting the person to whom the
 680 displayed permit is issued. The violation may not be dismissed
 681 for failure of the marking on the parking space to comply with
 682 s. 553.5041 if the space is in general compliance and is clearly
 683 distinguishable as a designated accessible parking space for
 684 people who have disabilities. Only a warning may be issued for
 685 unlawfully parking in a space designated for persons with
 686 disabilities if there is no above-grade sign as provided in s.
 687 553.5041.

688 (b) The officer or specialist shall charge the operator or
 689 other person in charge of the vehicle in violation with a
 690 noncriminal traffic infraction, punishable as provided in s.
 691 316.008(4) or s. 318.18(6). The owner of a leased vehicle shall
 692 not be responsible for a violation of this section if the
 693 vehicle is registered in the name of the lessee.

694 Section 9. Section 316.2015, Florida Statutes, is amended
 695 to read:

696 316.2015 Unlawful for person to ride on exterior of
 697 vehicle.--

698 (1) It is unlawful for any operator of a passenger vehicle
 699 to permit any person to ride on the bumper, radiator, fender,
 700 hood, top, trunk, or running board of such vehicle when operated
 701 upon any street or highway that ~~which~~ is maintained by the
 702 state, a county, or a municipality. ~~However, the operator of any~~
 703 ~~vehicle shall not be in violation of this section when such~~
 704 ~~operator permits any person to occupy seats securely affixed to~~
 705 ~~the exterior of such vehicle.~~ Any person who violates the
 706 ~~provisions of~~ this subsection shall be cited for a moving
 707 violation, punishable as provided in chapter 318.

708 (2) No person shall ride on any vehicle upon any portion
 709 thereof not designed or intended for the use of passengers. This
 710 subsection does not apply to an employee of a fire department,
 711 an employee of a governmentally operated solid waste disposal
 712 department or a waste disposal service operating pursuant to a
 713 contract with a governmental entity, or to a volunteer
 714 firefighter when the employee or firefighter is engaged in the
 715 necessary discharge of a duty and does not apply to a person who
 716 is being transported in response to an emergency by a public
 717 agency or pursuant to the direction or authority of a public
 718 agency. This provision shall not apply to an employee engaged in
 719 the necessary discharge of a duty or to a person or persons
 720 riding within truck bodies in space intended for merchandise.
 721 Any person who violates ~~the provisions of~~ this subsection shall

722 | be cited for a nonmoving violation, punishable as provided in
 723 | chapter 318.

724 | (3) This section shall not apply to a performer engaged in
 725 | a professional exhibition or person participating in an
 726 | exhibition or parade, or any such person preparing to
 727 | participate in such exhibitions or parades.

728 | Section 10. Subsection (1) of section 316.2095, Florida
 729 | Statutes, is amended to read:

730 | 316.2095 Footrests, ~~handholds~~, and handlebars.--

731 | (1) Any motorcycle carrying a passenger, other than in a
 732 | sidecar or enclosed cab, shall be equipped with footrests ~~and~~
 733 | ~~handholds~~ for such passenger.

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

737 | 316.211 Equipment for motorcycle and moped riders.--

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

741 | (7)~~(6)~~ A violation of this section is a noncriminal
 742 | traffic infraction, punishable as a nonmoving violation as
 743 | provided in chapter 318.

744 | Section 12. Section 316.2123, Florida Statutes, is created
 745 | to read:

746 | 316.2123 Operation of an ATV on certain roadways.--The
 747 | operation of an ATV as defined in s. 317.0003 upon the public
 748 | roads or streets of this state is prohibited, except that an ATV

749 may be operated during the daytime on an unpaved roadway where
750 the posted speed limit is less than 35 miles per hour by a
751 licensed driver or by a minor under the supervision of a
752 licensed driver. When operating on an unpaved roadway, the ATV
753 must be equipped with working headlamps and taillamps. The
754 operator must provide proof of ownership pursuant to chapter 317
755 upon request by a law enforcement officer. A county or
756 municipality may adopt an ordinance that prohibits the operation
757 of an ATV on unpaved public roads or streets notwithstanding the
758 authorization of this section. Notice of such an ordinance shall
759 be given to the public by appropriate signage on the roads or
760 streets affected by the local ordinance.

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

763 316.2125 Operation of golf carts within a retirement
764 community.--

765 (3) A local governmental entity may enact an ordinance
766 regarding golf cart operation and equipment that is more
767 restrictive than those enumerated in this section. Upon
768 enactment of any such ordinance, the local governmental entity
769 shall post appropriate signs or otherwise inform the residents
770 that such an ordinance exists and that it shall be enforced
771 within the local government's jurisdictional territory. An
772 ordinance referred to in this section must apply only to an
773 unlicensed driver.

774 Section 14. Section 316.2128, Florida Statutes, is created
775 to read:

776 316.2128 Motorized scooters and miniature motorcycles;
777 disclosure requirements for sale.--A person who engages in the
778 business or serves in the capacity of, or acts as, a commercial
779 seller of motorized scooters as defined in s. 316.003(82) or
780 miniature motorcycles in this state must comply with this
781 section. Each such person shall prominently display at his or
782 her place of business a notice that such vehicles are not legal
783 to operate on public roads or sidewalks and may not be
784 registered as motor vehicles. The required notice must also
785 appear in all forms of advertising offering motorized scooters
786 or miniature motorcycles for sale. The notice and a copy of this
787 section must also be provided to a consumer prior to the
788 consumer's purchasing or becoming obligated to purchase a
789 motorized scooter or a miniature motorcycle. For purposes of
790 this section, "miniature motorcycle" means any vehicle that has
791 a seat or saddle for the use of the rider, is designed to travel
792 on not more than three wheels in contact with the ground, and,
793 because of its small size, design, or lack of required safety
794 equipment or other noncompliance with federal regulations, is
795 not eligible for a manufacturer's certificate of origin or for
796 registration as a motorcycle pursuant to chapter 320. Any person
797 selling or offering a motorized scooter or a miniature
798 motorcycle for sale in violation of this section commits an
799 unfair and deceptive trade practice as defined in part II of
800 chapter 501. This section does not apply to motorcycles as
801 defined in chapter 316 or to off-highway vehicles as defined in
802 chapter 317.

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

805 316.221 Taillamps.--

806 (2) Either a taillamp or a separate lamp shall be so
 807 constructed and placed as to illuminate with a white light the
 808 rear registration plate and render it clearly legible from a
 809 distance of 50 feet to the rear. Any taillamp or taillamps,
 810 together with any separate lamp or lamps for illuminating the
 811 rear registration plate, shall be so wired as to be lighted
 812 whenever the headlamps or auxiliary driving lamps are lighted.
 813 Dump trucks and vehicles with dump bodies are exempt from the
 814 requirements of this subsection.

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

818 316.302 Commercial motor vehicles; safety regulations;
 819 transporters and shippers of hazardous materials; enforcement.--

820 (1)

821 (b) Except as otherwise provided in this section, all
 822 owners or drivers of commercial motor vehicles that are engaged
 823 in intrastate commerce are subject to the rules and regulations
 824 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
 825 exception of 49 C.F.R. s. 390.5 as it relates to the definition
 826 of bus, as such rules and regulations existed on October 1, 2005
 827 ~~2004~~.

828 (2)

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

833 1. More than 12 hours following 10 consecutive hours off
 834 duty; or

835 2. For any period after the end of the 16th hour after
 836 coming on duty following 10 consecutive hours off duty ~~is exempt~~
 837 ~~from 49 C.F.R. s. 395.3(a) and (b) and may, after 8 hours' rest,~~
 838 ~~and following the required initial motor vehicle inspection, be~~
 839 ~~permitted to drive any part of the first 15 on duty hours in any~~
 840 ~~24-hour period, but may not be permitted to operate a commercial~~
 841 ~~motor vehicle after that until the requirement of another 8~~
 842 ~~hours' rest has been fulfilled.~~

843
 844 The provisions of this paragraph do not apply to drivers of
 845 utility service vehicles as defined in 49 C.F.R. s. 395.2 ~~public~~
 846 ~~utility vehicles or authorized emergency vehicles during periods~~
 847 ~~of severe weather or other emergencies.~~

848 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
 849 operates a commercial motor vehicle solely in intrastate
 850 commerce not transporting any hazardous material in amounts that
 851 require placarding pursuant to 49 C.F.R. part 172 may not drive
 852 after having been on duty more than 70 hours in any period of 7
 853 consecutive days or more than 80 hours in any period of 8
 854 consecutive days if the motor carrier operates every day of the
 855 week. Thirty-four ~~be on duty more than 72 hours in any period of~~

856 ~~7 consecutive days, but carriers operating every day in a week~~
857 ~~may permit drivers to remain on duty for a total of not more~~
858 ~~than 84 hours in any period of 8 consecutive days; however, 24~~
859 consecutive hours off duty shall constitute the end of any such
860 period of 7 or 8 consecutive days. This weekly limit does not
861 apply to a person who operates a commercial motor vehicle solely
862 within this state while transporting, during harvest periods,
863 any unprocessed agricultural products or unprocessed food or
864 fiber that is ~~are~~ subject to seasonal harvesting from place of
865 harvest to the first place of processing or storage or from
866 place of harvest directly to market or while transporting
867 livestock, livestock feed, or farm supplies directly related to
868 growing or harvesting agricultural products. Upon request of the
869 Department of Transportation, motor carriers shall furnish time
870 records or other written verification to that department so that
871 the Department of Transportation can determine compliance with
872 this subsection. These time records must be furnished to the
873 Department of Transportation within 2 ~~10~~ days after receipt of
874 that department's request. Falsification of such information is
875 subject to a civil penalty not to exceed \$100. The provisions of
876 this paragraph do not apply to drivers of ~~public utility~~ service
877 vehicles as defined in 49 C.F.R. s. 395.2 ~~or authorized~~
878 ~~emergency vehicles during periods of severe weather or other~~
879 ~~emergencies.~~

880 (d) A person who operates a commercial motor vehicle
881 solely in intrastate commerce not transporting any hazardous
882 material in amounts that require placarding pursuant to 49

883 C.F.R. part 172 within a 150 ~~200~~ air-mile radius of the location
884 where the vehicle is based need not comply with 49 C.F.R. s.
885 395.8, provided the requirements of 49 C.F.R. s.
886 395.1(e)(1)(iii) and (v) are met. If a driver is not released
887 from duty within 12 hours after the driver arrives for duty, the
888 motor carrier must maintain documentation of the driver's
889 driving times throughout the duty period ~~except that time~~
890 ~~records shall be maintained as prescribed in 49 C.F.R. s.~~
891 ~~395.1(e)(5).~~

892 (f) A person who operates a commercial motor vehicle
893 having a declared gross vehicle weight of less than 26,001
894 ~~26,000~~ pounds solely in intrastate commerce and who is not
895 transporting hazardous materials in amounts that require
896 placarding pursuant to 49 C.F.R. part 172, or who is
897 transporting petroleum products as defined in s. 376.301, is
898 exempt from subsection (1). However, such person must comply
899 with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss.
900 396.3(a)(1) and 396.9.

901 (i) A person ~~who was a regularly employed driver of a~~
902 ~~commercial motor vehicle on July 4, 1987,~~ and whose driving
903 record shows no traffic convictions, pursuant to s. 322.61,
904 during the 2-year period immediately preceding the application
905 for the commercial driver's license, ~~and~~ who is otherwise
906 qualified as a driver under 49 C.F.R. part 391, and who operates
907 a commercial vehicle in intrastate commerce only, shall be
908 exempt from the requirements of 49 C.F.R. part 391, subpart E,
909 s. 391.41(b)(10). However, such operators are still subject to

910 the requirements of ss. 322.12 and 322.121. As proof of
911 eligibility, such driver shall have in his or her possession a
912 physical examination form dated within the past 24 months.

913 (3) A person who has not attained ~~under the age of~~ 18
914 years of age may not operate a commercial motor vehicle, except
915 that a person who has not attained ~~under the age of~~ 18 years of
916 age may operate a commercial motor vehicle that ~~which~~ has a
917 gross vehicle weight of less than 26,001 ~~26,000~~ pounds while
918 transporting agricultural products, including horticultural or
919 forestry products, from farm or harvest place to storage or
920 market.

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

923 316.515 Maximum width, height, length.--

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

926 (a) Notwithstanding any other provisions of law, straight
927 trucks, agricultural tractors, and cotton module movers, not
928 exceeding 50 feet in length, or any combination of up to and
929 including three implements of husbandry including the towing
930 power unit, and any single agricultural trailer with a load
931 thereon or any agricultural implements attached to a towing
932 power unit not exceeding 130 inches in width, or a self-
933 propelled agricultural implement or an agricultural tractor not
934 exceeding 130 inches in width, is authorized for the purpose of
935 transporting peanuts, grains, soybeans, cotton, hay, straw, or
936 other perishable farm products from their point of production to

937 the first point of change of custody or of long-term storage,
938 and for the purpose of returning to such point of production, or
939 for the purpose of moving such tractors, movers, and implements
940 from one point of agricultural production to another, by a
941 person engaged in the production of any such product or custom
942 hauler, if such vehicle or combination of vehicles otherwise
943 complies with this section. The Department of Transportation may
944 issue overwidth permits for implements of husbandry greater than
945 130 inches, but not more than 170 inches, in width. Such
946 ~~vehicles shall be operated in accordance with all safety~~
947 ~~requirements prescribed by law and Department of Transportation~~
948 ~~rules.~~ The Department of Transportation may issue overlength
949 permits for cotton module movers greater than 50 feet but not
950 more than 55 feet in overall length. Such vehicles shall be
951 operated in accordance with all safety requirements prescribed
952 by law and Department of Transportation rules.

953 (b) Notwithstanding any other provisions of law, equipment
954 not exceeding 136 inches in width and not capable of speeds
955 exceeding 20 miles per hour that is used exclusively for the
956 purpose of harvesting forestry products is authorized for the
957 purpose of transporting the equipment from one point of harvest
958 to another point of harvest, not to exceed 10 miles, by a person
959 engaged in the harvesting of forestry products. Such vehicles
960 shall be operated during daylight hours only in accordance with
961 all safety requirements prescribed by s. 316.2295(5) and (6).

962 (10) AUTOMOBILE TOWAWAY AND DRIVEAWAY OPERATIONS.--An
963 automobile towaway or driveaway operation transporting new or

964 used trucks may use what is known to the trade as "saddle
965 mounts," if the overall length does not exceed 97 75 feet and no
966 more than three saddle mounts are towed. Such combinations may
967 include one full mount. Saddle mount combinations must also
968 comply with the applicable safety regulations in 49 C.F.R. s.
969 393.71.

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

972 318.14 Noncriminal traffic infractions; exception;
973 procedures.--

974 (9) Any person who does not hold a commercial driver's
975 license and who is cited for an infraction under this section
976 other than a violation of s. 316.183(2), s. 316.187, or s.
977 316.189, when the driver exceeds the posted limit by 30 miles
978 per hour or more, or s. 320.0605, s. 320.07(3)(a) or (b), s.
979 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a
980 court appearance, elect to attend in the location of his or her
981 choice within this state a basic driver improvement course
982 approved by the Department of Highway Safety and Motor Vehicles.
983 In such a case, adjudication must be withheld; points, as
984 provided by s. 322.27, may not be assessed; and the civil
985 penalty that is imposed by s. 318.18(3) must be reduced by 18
986 percent; however, a person may not make an election under this
987 subsection if the person has made an election under this
988 subsection in the preceding 12 months. A person may make no more
989 than five elections under this subsection. The requirement for
990 community service under s. 318.18(8) is not waived by a plea of

991 nolo contendere or by the withholding of adjudication of guilt
 992 by a court.

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

995 318.143 Sanctions for infractions by minors.--

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

999 (f) The court may require the minor and his or her parents
 1000 or guardian to participate in a registered youthful driver
 1001 monitoring service as described in s. 318.1435.

1002 Section 20. Section 318.1435, Florida Statutes, is created
 1003 to read:

1004 318.1435 Youthful driver monitoring services.--

1005 (1) As used in this section, the term "youthful driver
 1006 monitoring service" means an entity that enables parents or
 1007 guardians to monitor the driving performance of their minor
 1008 children. The service may provide monitoring by posting on a
 1009 vehicle a placard that shows a toll-free telephone number and a
 1010 unique identifying number and includes a request to members of
 1011 the public to call the toll-free telephone number to report
 1012 inappropriate driving practices. The service shall enter into a
 1013 contract with the parents or guardians under which the service
 1014 shall timely forward to the parents or guardians all reports of
 1015 inappropriate driving practices by the minor child.

1016 (2) A youthful driver monitoring service may register with
 1017 the Department of Highway Safety and Motor Vehicles. The

1018 registration must consist of a narrative description of the
 1019 services offered by the youthful driver monitoring service, the
 1020 name of the manager in charge of the service, the address of the
 1021 service, and the telephone number of the service. Registration
 1022 under this subsection remains valid indefinitely, but it is the
 1023 responsibility of the youthful driver monitoring service to
 1024 timely file a revised registration statement to reflect any
 1025 changes in the required information. If the department
 1026 determines that the youthful driver monitoring service is not
 1027 providing the services described in the narrative statement, the
 1028 department may suspend the registration; however, the department
 1029 must reinstate the registration when the service files a revised
 1030 statement that reflects its actual provided services.

1031 Section 21. Section 318.18, Florida Statutes, is amended
 1032 to read:

1033 318.18 Amount of ~~civil~~ penalties.--The penalties required
 1034 for a noncriminal disposition pursuant to s. 318.14 or a
 1035 criminal offense listed in s. 318.17 are as follows:

1036 (1) Fifteen dollars for:

1037 (a) All infractions of pedestrian regulations.

1038 (b) All infractions of s. 316.2065, unless otherwise
 1039 specified.

1040 (c) Other violations of chapter 316 by persons 14 years of
 1041 age or under who are operating bicycles, regardless of the
 1042 noncriminal traffic infraction's classification.

1043 (2) Thirty dollars for all nonmoving traffic violations
 1044 and:

1045 (a) For all violations of s. 322.19.

1046 (b) For all violations of ss. 320.0605, 320.07(1),

1047 322.065, and 322.15(1). Any person who is cited for a violation

1048 of s. 320.07(1) shall be charged a delinquent fee pursuant to s.

1049 320.07(4).

1050 1. If a person who is cited for a violation of s. 320.0605

1051 or s. 320.07 can show proof of having a valid registration at

1052 the time of arrest, the clerk of the court may dismiss the case

1053 and may assess a dismissal fee of up to \$7.50. A person who

1054 finds it impossible or impractical to obtain a valid

1055 registration certificate must submit an affidavit detailing the

1056 reasons for the impossibility or impracticality. The reasons may

1057 include, but are not limited to, the fact that the vehicle was

1058 sold, stolen, or destroyed; that the state in which the vehicle

1059 is registered does not issue a certificate of registration; or

1060 that the vehicle is owned by another person.

1061 2. If a person who is cited for a violation of s. 322.03,

1062 s. 322.065, or s. 322.15 can show a driver's license issued to

1063 him or her and valid at the time of arrest, the clerk of the

1064 court may dismiss the case and may assess a dismissal fee of up

1065 to \$7.50.

1066 3. If a person who is cited for a violation of s. 316.646

1067 can show proof of security as required by s. 627.733, issued to

1068 the person and valid at the time of arrest, the clerk of the

1069 court may dismiss the case and may assess a dismissal fee of up

1070 to \$7.50. A person who finds it impossible or impractical to

1071 obtain proof of security must submit an affidavit detailing the

1072 reasons for the impracticality. The reasons may include, but are
1073 not limited to, the fact that the vehicle has since been sold,
1074 stolen, or destroyed; that the owner or registrant of the
1075 vehicle is not required by s. 627.733 to maintain personal
1076 injury protection insurance; or that the vehicle is owned by
1077 another person.

1078 (c) For all violations of ss. 316.2935 and 316.610.
1079 However, for a violation of s. 316.2935 or s. 316.610, if the
1080 person committing the violation corrects the defect and obtains
1081 proof of such timely repair by an affidavit of compliance
1082 executed by the law enforcement agency within 30 days from the
1083 date upon which the traffic citation was issued, and pays \$4 to
1084 the law enforcement agency, thereby completing the affidavit of
1085 compliance, then upon presentation of said affidavit by the
1086 defendant to the clerk within the 30-day time period set forth
1087 under s. 318.14(4), the fine must be reduced to \$7.50, which the
1088 clerk of the court shall retain.

1089 (d) For all violations of s. 316.126(1)(b), unless
1090 otherwise specified.

1091 (3)(a) Except as otherwise provided in this section, \$60
1092 for all moving violations not requiring a mandatory appearance.

1093 (b) For moving violations involving unlawful speed, the
1094 fines are as follows:

| | |
|------|---|
| 1095 | |
| 1096 | For speed exceeding the limit by:.....Fine: |
| 1097 | 1-5 m.p.h.....Warning |
| 1098 | 6-9 m.p.h.....\$ 25 |

| | | |
|------|--------------------------|-------|
| 1099 | 10-14 m.p.h..... | \$100 |
| 1100 | 15-19 m.p.h..... | \$125 |
| 1101 | 20-29 m.p.h..... | \$150 |
| 1102 | 30 m.p.h. and above..... | \$250 |

1103 (c) Notwithstanding paragraph (b), a person cited for
 1104 exceeding the speed limit by up to 5 m.p.h. in a legally posted
 1105 school zone will be fined \$50. A person exceeding the speed
 1106 limit in a school zone shall pay a fine double the amount listed
 1107 in paragraph (b).

1108 (d) A person cited for exceeding the speed limit in a
 1109 posted construction zone shall pay a fine double the amount
 1110 listed in paragraph (b). The fine shall be doubled for
 1111 construction zone violations only if construction personnel are
 1112 present or operating equipment on the road or immediately
 1113 adjacent to the road under construction.

1114 (e) If a violation of s. 316.1301 or s. 316.1303 results
 1115 in an injury to the pedestrian or damage to the property of the
 1116 pedestrian, an additional fine of up to \$250 shall be paid. This
 1117 amount must be distributed pursuant to s. 318.21.

1118 (f) A person cited for exceeding the speed limit within a
 1119 zone posted for any electronic or manual toll collection
 1120 facility shall pay a fine double the amount listed in paragraph
 1121 (b). However, no person cited for exceeding the speed limit in
 1122 any toll collection zone shall be subject to a doubled fine
 1123 unless the governmental entity or authority controlling the toll
 1124 collection zone first installs a traffic control device
 1125 providing warning that speeding fines are doubled. Any such

1126 traffic control device must meet the requirements of the uniform
1127 system of traffic control devices.

1128 (g) A person cited for a second or subsequent violation of
1129 exceeding the speed limit by 30 miles per hour and above within
1130 a 12-month period shall pay a fine double the amount listed in
1131 paragraph (b). For purposes of this paragraph, the term
1132 "conviction" means a finding of guilt, with or without
1133 adjudication of guilt, as a result of a jury verdict, nonjury
1134 trial, or entry of a plea of guilty or nolo contendere,
1135 notwithstanding s. 318.14(11).

1136 (4) The penalty imposed under s. 316.545 shall be
1137 determined by the officer in accordance with the provisions of
1138 ss. 316.535 and 316.545.

1139 (5) (a) One hundred dollars for a violation of s.
1140 316.172(1)(a), failure to stop for a school bus. If, at a
1141 hearing, the alleged offender is found to have committed this
1142 offense, the court shall impose a minimum civil penalty of \$100.
1143 In addition to this penalty, for a second or subsequent offense
1144 within a period of 5 years, the department shall suspend the
1145 driver's license of the person for not less than 90 days and not
1146 more than 6 months.

1147 (b) Two hundred dollars for a violation of s.
1148 316.172(1)(b), passing a school bus on the side that children
1149 enter and exit when the school bus displays a stop signal. If,
1150 at a hearing, the alleged offender is found to have committed
1151 this offense, the court shall impose a minimum civil penalty of
1152 \$200. In addition to this penalty, for a second or subsequent

1153 offense within a period of 5 years, the department shall suspend
1154 the driver's license of the person for not less than 180 days
1155 and not more than 1 year.

1156 (6) One hundred dollars or the fine amount designated by
1157 county ordinance, plus court costs for illegally parking, under
1158 s. 316.1955, in a parking space provided for people who have
1159 disabilities. However, this fine will be waived if a person
1160 provides to the law enforcement agency that issued the citation
1161 for such a violation proof that the person committing the
1162 violation has a valid parking permit or license plate issued
1163 pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s. 320.0845,
1164 or s. 320.0848 or a signed affidavit that the owner of the
1165 disabled parking permit or license plate was present at the time
1166 the violation occurred, and that such a parking permit or
1167 license plate was valid at the time the violation occurred. The
1168 law enforcement officer, upon determining that all required
1169 documentation has been submitted verifying that the required
1170 parking permit or license plate was valid at the time of the
1171 violation, must sign an affidavit of compliance. Upon provision
1172 of the affidavit of compliance and payment of a dismissal fee of
1173 up to \$7.50 to the clerk of the circuit court, the clerk shall
1174 dismiss the citation.

1175 (7) One hundred dollars for a violation of s. 316.1001.
1176 However, a person may elect to pay \$30 to the clerk of the
1177 court, in which case adjudication is withheld, and no points are
1178 assessed under s. 322.27. Upon receipt of the fine, the clerk of
1179 the court must retain \$5 for administrative purposes and must

1180 forward the \$25 to the governmental entity that issued the
1181 citation. Any funds received by a governmental entity for this
1182 violation may be used for any lawful purpose related to the
1183 operation or maintenance of a toll facility.

1184 (8) (a) Any person who fails to comply with the court's
1185 requirements or who fails to pay the civil penalties specified
1186 in this section within the 30-day period provided for in s.
1187 318.14 must pay an additional civil penalty of \$12, \$2.50 of
1188 which must be remitted to the Department of Revenue for deposit
1189 in the General Revenue Fund, and \$9.50 of which must be remitted
1190 to the Department of Revenue for deposit in the Highway Safety
1191 Operating Trust Fund. The department shall contract with the
1192 Florida Association of Court Clerks, Inc., to design, establish,
1193 operate, upgrade, and maintain an automated statewide Uniform
1194 Traffic Citation Accounting System to be operated by the clerks
1195 of the court that ~~which~~ shall include, but not be limited to,
1196 the accounting for traffic infractions by type, a record of the
1197 disposition of the citations, and an accounting system for the
1198 fines assessed and the subsequent fine amounts paid to the
1199 clerks of the court. On or before December 1, 2001, the clerks
1200 of the court must provide the information required by this
1201 chapter to be transmitted to the department by electronic
1202 transmission pursuant to the contract.

1203 (b) Any person who fails to comply with the court's
1204 requirements as to civil penalties specified in this section due
1205 to demonstrable financial hardship shall be authorized to
1206 satisfy such civil penalties by public works or community

1207 service. Each hour of such service shall be applied, at the rate
 1208 of the minimum wage, toward payment of the person's civil
 1209 penalties; provided, however, that if the person has a trade or
 1210 profession for which there is a community service need and
 1211 application, the rate for each hour of such service shall be the
 1212 average standard wage for such trade or profession. Any person
 1213 who fails to comply with the court's requirements as to such
 1214 civil penalties who does not demonstrate financial hardship may
 1215 also, at the discretion of the court, be authorized to satisfy
 1216 such civil penalties by public works or community service in the
 1217 same manner.

1218 (c) If the noncriminal infraction has caused or resulted
 1219 in the death of another, the person who committed the infraction
 1220 may perform 120 community service hours under s. 316.027(4), in
 1221 addition to any other penalties.

1222 (9) One hundred dollars for a violation of s. 316.1575.

1223 (10) Twenty-five dollars for a violation of s. 316.2074.

1224 (11)(a) In addition to the stated fine, court costs must
 1225 be paid in the following amounts and shall be deposited by the
 1226 clerk into the fine and forfeiture fund established pursuant to
 1227 s. 142.01:

1228

| | | |
|------|--|--------|
| 1229 | For pedestrian infractions..... | \$ 3. |
| 1230 | For nonmoving traffic infractions..... | \$ 16. |
| 1231 | For moving traffic infractions..... | \$ 30. |

1232 (b) In addition to the court cost required under paragraph
 1233 (a), up to \$3 for each infraction shall be collected and

1234 distributed by the clerk in those counties that have been
 1235 authorized to establish a criminal justice selection center or a
 1236 criminal justice access and assessment center pursuant to the
 1237 following special acts of the Legislature:

- 1238 1. Chapter 87-423, Laws of Florida, for Brevard County.
- 1239 2. Chapter 89-521, Laws of Florida, for Bay County.
- 1240 3. Chapter 94-444, Laws of Florida, for Alachua County.
- 1241 4. Chapter 97-333, Laws of Florida, for Pinellas County.

1242
 1243 Funds collected by the clerk pursuant to this paragraph shall be
 1244 distributed to the centers authorized by those special acts.

1245 (c) In addition to the court cost required under paragraph
 1246 (a), a \$2.50 court cost must be paid for each infraction to be
 1247 distributed by the clerk to the county to help pay for criminal
 1248 justice education and training programs pursuant to s. 938.15.
 1249 Funds from the distribution to the county not directed by the
 1250 county to fund these centers or programs shall be retained by
 1251 the clerk and used for funding the court-related services of the
 1252 clerk.

1253 (d) In addition to the court cost required under paragraph
 1254 (a), a \$3 court cost must be paid for each infraction to be
 1255 distributed as provided in s. 938.01 and a \$2 court cost as
 1256 provided in s. 938.15 when assessed by a municipality or county.

1257 (12) Two ~~One~~ hundred dollars for a violation of s.
 1258 316.520(1) or (2). If, at a hearing, the alleged offender is
 1259 found to have committed this offense, the court shall impose a
 1260 minimum civil penalty of \$200 ~~\$100~~. For a second or subsequent

1261 adjudication within a period of 5 years, the department shall
 1262 suspend the driver's license of the person for not less than 1
 1263 year ~~180 days~~ and not more than 2 years ~~1 year~~.

1264 (13) In addition to any penalties imposed for noncriminal
 1265 traffic infractions pursuant to this chapter or imposed for
 1266 criminal violations listed in s. 318.17, a board of county
 1267 commissioners or any unit of local government that ~~which~~ is
 1268 consolidated as provided by s. 9, Art. VIII of the State
 1269 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
 1270 Constitution of 1968:

1271 (a) May impose by ordinance a surcharge of up to \$15 for
 1272 any infraction or violation to fund state court facilities. The
 1273 court shall not waive this surcharge. Up to 25 percent of the
 1274 revenue from such surcharge may be used to support local law
 1275 libraries provided that the county or unit of local government
 1276 provides a level of service equal to that provided prior to July
 1277 1, 2004, which shall include the continuation of library
 1278 facilities located in or near the county courthouse or annexes.

1279 (b) That imposed increased fees or service charges by
 1280 ordinance under s. 28.2401, s. 28.241, or s. 34.041 for the
 1281 purpose of securing payment of the principal and interest on
 1282 bonds issued by the county before July 1, 2003, to finance state
 1283 court facilities, may impose by ordinance a surcharge for any
 1284 infraction or violation for the exclusive purpose of securing
 1285 payment of the principal and interest on bonds issued by the
 1286 county before July 1, 2003, to fund state court facilities until
 1287 the date of stated maturity. The court shall not waive this

1288 surcharge. Such surcharge may not exceed an amount per violation
1289 calculated as the quotient of the maximum annual payment of the
1290 principal and interest on the bonds as of July 1, 2003, divided
1291 by the number of traffic citations for county fiscal year 2002-
1292 2003 certified as paid by the clerk of the court of the county.
1293 Such quotient shall be rounded up to the next highest dollar
1294 amount. The bonds may be refunded only if savings will be
1295 realized on payments of debt service and the refunding bonds are
1296 scheduled to mature on the same date or before the bonds being
1297 refunded.

1298
1299 A county may not impose both of the surcharges authorized under
1300 paragraphs (a) and (b) concurrently. The clerk of court shall
1301 report, no later than 30 days after the end of the quarter, the
1302 amount of funds collected under this subsection during each
1303 quarter of the fiscal year. The clerk shall submit the report,
1304 in a format developed by the Office of State Courts
1305 Administrator, to the chief judge of the circuit, the Governor,
1306 the President of the Senate, and the Speaker of the House of
1307 Representatives.

1308 (14) In addition to any penalties imposed for noncriminal
1309 traffic infractions under this chapter or imposed for criminal
1310 violations listed in s. 318.17, any unit of local government
1311 that is consolidated as provided by s. 9, Art. VIII of the State
1312 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
1313 State Constitution of 1968, and that is granted the authority in
1314 the State Constitution to exercise all the powers of a municipal

1315 corporation, and any unit of local government operating under a
1316 home rule charter adopted pursuant to ss. 10, 11, and 24, Art.
1317 VIII of the State Constitution of 1885, as preserved by s. 6(e),
1318 Art. VIII of the State Constitution of 1968, that is granted the
1319 authority in the State Constitution to exercise all the powers
1320 conferred now or hereafter by general law upon municipalities,
1321 may impose by ordinance a surcharge of up to \$15 for any
1322 infraction or violation. Revenue from the surcharge shall be
1323 transferred to such unit of local government for the purpose of
1324 replacing fine revenue deposited into the clerk's fine and
1325 forfeiture fund under s. 142.01. The court may not waive this
1326 surcharge. Proceeds from the imposition of the surcharge
1327 authorized in this subsection shall not be used for the purpose
1328 of securing payment of the principal and interest on bonds. This
1329 subsection, and any surcharge imposed pursuant to this
1330 subsection, shall stand repealed September 30, 2007.

1331 (15) One hundred twenty-five dollars for a violation of s.
1332 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
1333 stop at a traffic signal. Sixty dollars shall be distributed as
1334 provided in s. 318.21, and the remaining \$65 shall be remitted
1335 to the Department of Revenue for deposit into the Administrative
1336 Trust Fund of the Department of Health.

1337 (16) In addition to any penalties imposed, a surcharge of
1338 \$4 must be paid for all criminal offenses listed in s. 318.17
1339 and for all noncriminal moving traffic violations under chapter
1340 316. Revenue from the surcharge shall be remitted to the
1341 Department of Revenue and deposited quarterly into the State

1342 Agency Law Enforcement Radio System Trust Fund of the Department
 1343 of Management Services for the state agency law enforcement
 1344 radio system, as described in s. 282.1095.

1345 Section 22. Subsection (15) is added to section 318.21,
 1346 Florida Statutes, to read:

1347 318.21 Disposition of civil penalties by county
 1348 courts.--All civil penalties received by a county court pursuant
 1349 to the provisions of this chapter shall be distributed and paid
 1350 monthly as follows:

1351 (15) Notwithstanding subsections (1) and (2), the proceeds
 1352 from the surcharge imposed under s. 318.18(16) shall be
 1353 distributed as provided in that subsection.

1354 Section 23. Section 318.19, Florida Statutes, is amended
 1355 to read:

1356 318.19 Infractions requiring a mandatory hearing.--Any
 1357 person cited for the infractions listed in this section shall
 1358 not have the provisions of s. 318.14(2), (4), and (9) available
 1359 to him or her but must appear before the designated official at
 1360 the time and location of the scheduled hearing:

1361 (1) Any infraction which results in a crash that causes
 1362 the death of another;

1363 (2) Any infraction which results in a crash that causes
 1364 "serious bodily injury" of another as defined in s. 316.1933(1);

1365 (3) Any infraction of s. 316.172(1)(b); ~~or~~

1366 (4) Any infraction of s. 316.520(1) or (2); or

1367 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
 1368 316.189 of exceeding the speed limit by 30 miles per hour or
 1369 more.

1370 Section 24. Paragraph (d) of subsection (1) of section
 1371 318.32, Florida Statutes, is amended to read:

1372 318.32 Jurisdiction; limitations.--

1373 (1) Hearing officers shall be empowered to accept pleas
 1374 from and decide the guilt or innocence of any person, adult or
 1375 juvenile, charged with any civil traffic infraction and shall be
 1376 empowered to adjudicate or withhold adjudication of guilt in the
 1377 same manner as a county court judge under the statutes, rules,
 1378 and procedures presently existing or as subsequently amended,
 1379 except that hearing officers shall not:

1380 (d) Have the power to suspend or revoke a defendant's
 1381 driver's license pursuant to s. 316.655(2).

1382 Section 25. Subsection (1) of section 320.015, Florida
 1383 Statutes, is amended to read:

1384 320.015 Taxation of mobile homes.--

1385 (1) A mobile home, as defined in s. 320.01(2), regardless
 1386 of its actual use, shall be subject only to a license tax unless
 1387 classified and taxed as real property. A mobile home is to be
 1388 considered real property only when the owner of the mobile home
 1389 is also the owner of the land on which the mobile home is
 1390 situated and said mobile home is permanently affixed thereto.
 1391 Any prefabricated or modular housing unit or portion thereof not
 1392 manufactured upon an integral chassis or undercarriage for
 1393 travel over the highways shall be taxed as real property once

1394 permanently affixed to real property. This section shall not be
 1395 construed to apply to a display home or other inventory being
 1396 held for sale by a manufacturer or dealer of modular housing
 1397 units even though transported over the highways to a site for
 1398 erection or use.

1399 Section 26. Effective July 1, 2008, subsection (1) of
 1400 section 320.02, Florida Statutes, is amended to read:

1401 320.02 Registration required; application for
 1402 registration; forms.--

1403 (1) Except as otherwise provided in this chapter, every
 1404 owner or person in charge of a motor vehicle that ~~which~~ is
 1405 operated or driven on the roads of this state shall register the
 1406 vehicle in this state. The owner or person in charge shall apply
 1407 to the department or to its authorized agent for registration of
 1408 each such vehicle on a form prescribed by the department. Prior
 1409 to an original registration of any motorcycle, motor-driven
 1410 cycle, or moped, the owner, if a natural person, shall present
 1411 proof that he or she has a valid motorcycle endorsement as
 1412 required in chapter 322. No registration is required for any
 1413 motor vehicle that ~~which~~ is not operated on the roads of this
 1414 state during the registration period.

1415 Section 27. Subsection (8) of section 320.03, Florida
 1416 Statutes, is amended to read:

1417 320.03 Registration; duties of tax collectors;
 1418 International Registration Plan.--

1419 (8) If the applicant's name appears on the list referred
 1420 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a

1421 license plate or revalidation sticker may not be issued until
1422 that person's name no longer appears on the list or until the
1423 person presents a receipt from the clerk showing that the fines
1424 outstanding have been paid. This subsection shall not apply to
1425 the owner of a leased vehicle if the vehicle is registered in
1426 the name of the lessee of such vehicle. The tax collector and
1427 the clerk of the court are each entitled to receive monthly, as
1428 costs for implementing and administering this subsection, 10
1429 percent of the civil penalties and fines recovered from such
1430 persons. As used in this subsection, the term "civil penalties
1431 and fines" does not include a wrecker operator's lien as
1432 described in s. 713.78(13). If the tax collector has private tag
1433 agents, such tag agents are entitled to receive a pro rata share
1434 of the amount paid to the tax collector, based upon the
1435 percentage of license plates and revalidation stickers issued by
1436 the tag agent compared to the total issued within the county.
1437 The authority of any private agent to issue license plates shall
1438 be revoked, after notice and a hearing as provided in chapter
1439 120, if he or she issues any license plate or revalidation
1440 sticker contrary to the provisions of this subsection. This
1441 section applies only to the annual renewal in the owner's birth
1442 month of a motor vehicle registration and does not apply to the
1443 transfer of a registration of a motor vehicle sold by a motor
1444 vehicle dealer licensed under this chapter, except for the
1445 transfer of registrations which is inclusive of the annual
1446 renewals. This section does not affect the issuance of the title
1447 to a motor vehicle, notwithstanding s. 319.23(7)(b).

1448 Section 28. Paragraph (f) is added to subsection (3) and
 1449 paragraph (c) is added to subsection (4) of section 320.07,
 1450 Florida Statutes, to read:

1451 320.07 Expiration of registration; annual renewal
 1452 required; penalties.--

1453 (3) The operation of any motor vehicle without having
 1454 attached thereto a registration license plate and validation
 1455 stickers, or the use of any mobile home without having attached
 1456 thereto a mobile home sticker, for the current registration
 1457 period shall subject the owner thereof, if he or she is present,
 1458 or, if the owner is not present, the operator thereof to the
 1459 following penalty provisions:

1460 (f) The owner of a leased motor vehicle shall not be
 1461 responsible for any of the penalties specified in this
 1462 subsection if the motor vehicle is registered in the name of the
 1463 lessee of such motor vehicle.

1464 (4)

1465 (c) The owner of a leased motor vehicle shall not be
 1466 responsible for any delinquent fee specified in this subsection
 1467 if the motor vehicle is registered in the name of the lessee of
 1468 such motor vehicle.

1469 Section 29. Section 320.0706, Florida Statutes, is amended
 1470 to read:

1471 320.0706 Display of license plates on trucks.--The owner
 1472 of any commercial truck of gross vehicle weight of 26,001 pounds
 1473 or more shall display the registration license plate on both the
 1474 front and rear of the truck in conformance with all the

1475 requirements of s. 316.605 that do not conflict with this
 1476 section. To allow for better visibility, the owner of a dump
 1477 truck may place the rear license plate on the gate so that the
 1478 distance from the ground to the top of the license plate is no
 1479 more than 60 inches. However, the owner of a truck tractor shall
 1480 be required to display the registration license plate only on
 1481 the front of such vehicle. Vehicle license plates shall be
 1482 affixed and displayed in such a manner that the letters and
 1483 numerals shall be read from left to right parallel to the
 1484 ground. No vehicle license plate may be displayed in an inverted
 1485 or reversed position or in such a manner that the letters and
 1486 numbers and their proper sequence are not readily identifiable.

1487 Section 30. Paragraph (eee) is added to subsection (4) of
 1488 section 320.08056, Florida Statutes, to read:

1489 320.08056 Specialty license plates.--

1490 (4) The following license plate annual use fees shall be
 1491 collected for the appropriate specialty license plates:

1492 (eee) Future Farmers of America license plate, \$25.

1493 Section 31. Subsection (48) of section 320.08058, Florida
 1494 Statutes, is amended, and subsection (57) is added to that
 1495 section, to read:

1496 320.08058 Specialty license plates.--

1497 (48) SPORTSMEN'S NATIONAL LAND TRUST LICENSE PLATES.--

1498 (a) The department shall develop a Sportsmen's National
 1499 Land Trust license plate as provided in this section. The word
 1500 "Florida" must appear at the top of the plate, and the words

1501 "Sportsmen's National Land Trust" must appear at the bottom of
 1502 the plate.

1503 (b) The annual revenues from the sales of the license
 1504 plate shall be distributed to the Sportsmen's National Land
 1505 Trust. Such annual revenues must be used by the trust in the
 1506 following manner:

1507 1. Fifty percent may be retained until ~~fifty percent of~~
 1508 all startup costs for developing and establishing the plate have
 1509 been recovered.

1510 2. Twenty-five percent must be used to fund programs and
 1511 projects within the state that preserve open space and wildlife
 1512 habitat, promote conservation, improve wildlife habitat, and
 1513 establish open space for the perpetual use of the public.

1514 3. Twenty-five percent may be used for promotion,
 1515 marketing, and administrative costs directly associated with
 1516 operation of the trust.

1517 (c) When the provisions of subparagraph (b)1. are met,
 1518 those annual revenues shall be used for the purposes of
 1519 subparagraph (b)2.

1520 (57) FUTURE FARMERS OF AMERICA LICENSE PLATES.--

1521 (a) Notwithstanding s. 320.08053, the department shall
 1522 develop a Future Farmers of America license plate as provided in
 1523 this section. Future Farmers of America license plates must bear
 1524 the colors and design approved by the department. The word
 1525 "Florida" must appear at the top of the plate, and the words
 1526 "Agricultural Education" must appear at the bottom of the plate.

1527 (b) The license plate annual use fee shall be distributed
1528 quarterly to the Florida Future Farmers of America Foundation,
1529 Inc., to fund activities and services of the Future Farmers of
1530 America.

1531 (c) The Florida Future Farmers of America Foundation,
1532 Inc., shall retain all revenue from the annual use fees until
1533 all startup costs for developing and establishing the plates
1534 have been recovered. Thereafter, up to 10 percent of the annual
1535 use fee revenue may be used for administrative, handling, and
1536 disbursement expenses and up to 5 percent may be used for
1537 advertising and marketing costs. All remaining annual use fee
1538 revenue shall be used by the Florida Future Farmers of America
1539 Foundation, Inc., to fund its activities, programs, and
1540 projects, including, but not limited to, student and teacher
1541 leadership programs, the Foundation for Leadership Training
1542 Center, teacher recruitment and retention, and other special
1543 projects.

1544 Section 32. Subsection (5) of section 320.0807, Florida
1545 Statutes, is renumbered as subsection (6), and a new subsection
1546 (5) is added to that section to read:

1547 320.0807 Special license plates for Governor and federal
1548 and state legislators.--

1549 (5) Upon application by any current or former President of
1550 the Senate and payment of the fees prescribed by s. 320.0805,
1551 the department is authorized to issue a license plate stamped in
1552 bold letters "Senate President" followed by the number assigned
1553 by the department or chosen by the applicant if the number is

1554 not already in use. Upon application by any current or former
1555 Speaker of the House of Representatives and payment of the fees
1556 prescribed by s. 320.0805, the department is authorized to issue
1557 a license plate stamped in bold letters "House Speaker" followed
1558 by the number assigned by the department or chosen by the
1559 applicant if the number is not already in use.

1560 Section 33. Subsection (4) is added to section 320.089,
1561 Florida Statutes, to read:

1562 320.089 Members of National Guard and active United States
1563 Armed Forces reservists; former prisoners of war; survivors of
1564 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi
1565 Freedom and Operation Enduring Freedom veterans; special license
1566 plates; fee.--

1567 (4) Each owner or lessee of an automobile or truck for
1568 private use, truck weighing not more than 7,999 pounds, or
1569 recreational vehicle as specified in s. 320.08(9)(c) or (d),
1570 which automobile, truck, or recreational vehicle is not used for
1571 hire or commercial use, who is a resident of the state and a
1572 current or former member of the United States military who was
1573 deployed and served in Iraq during Operation Iraqi Freedom or in
1574 Afghanistan during Operation Enduring Freedom shall, upon
1575 application to the department, accompanied by proof of active
1576 membership or former active duty status during one of these
1577 operations, and upon payment of the license tax for the vehicle
1578 as provided in s. 320.08, be issued a license plate as provided
1579 by s. 320.06 upon which, in lieu of the registration license
1580 number prescribed by s. 320.06, shall be stamped the words

1581 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as
 1582 appropriate, followed by the registration license number of the
 1583 plate.

1584 Section 34. Paragraphs (a) and (b) of subsection (4) and
 1585 paragraph (b) of subsection (9) of section 320.27, Florida
 1586 Statutes, are amended to read:

1587 320.27 Motor vehicle dealers.--

1588 (4) LICENSE CERTIFICATE.--

1589 (a) A license certificate shall be issued by the
 1590 department in accordance with such application when the
 1591 application is regular in form and in compliance with the
 1592 provisions of this section. The license certificate may be in
 1593 the form of a document or a computerized card as determined by
 1594 the department. The actual cost of each original, additional, or
 1595 replacement computerized card shall be borne by the licensee and
 1596 is in addition to the fee for licensure. Such license, when so
 1597 issued, entitles the licensee to carry on and conduct the
 1598 business of a motor vehicle dealer. Each license issued to a
 1599 franchise motor vehicle dealer expires annually on December 31
 1600 unless revoked or suspended prior to that date. Each license
 1601 issued to an independent or wholesale dealer or auction expires
 1602 annually on April 30 unless revoked or suspended prior to that
 1603 date. Not less than 60 days prior to the license expiration
 1604 date, the department shall deliver or mail to each licensee the
 1605 necessary renewal forms. Each independent dealer who has been in
 1606 business for less than 15 years shall certify that the dealer
 1607 ~~principal~~ (owner, partner, officer ~~of the corporation~~, or

1608 director of the licensee, or full-time employee of the licensee
1609 who holds a responsible management-level position) has completed
1610 8 hours of continuing education prior to filing the renewal
1611 forms with the department. Such certification shall be filed
1612 once every 2 years commencing with the 2006 renewal period. The
1613 continuing education shall include at least 2 hours of legal or
1614 legislative issues, 1 hour of department issues, and 5 hours of
1615 relevant motor vehicle industry topics. Continuing education
1616 shall be provided by dealer schools licensed under paragraph (b)
1617 either in a classroom setting or by correspondence. Such schools
1618 shall provide certificates of completion to the department and
1619 the customer which shall be filed with the license renewal form,
1620 and such schools may charge a fee for providing continuing
1621 education. Any licensee who does not file his or her application
1622 and fees and any other requisite documents, as required by law,
1623 with the department at least 30 days prior to the license
1624 expiration date shall cease to engage in business as a motor
1625 vehicle dealer on the license expiration date. A renewal filed
1626 with the department within 45 days after the expiration date
1627 shall be accompanied by a delinquent fee of \$100. Thereafter, a
1628 new application is required, accompanied by the initial license
1629 fee. A license certificate duly issued by the department may be
1630 modified by endorsement to show a change in the name of the
1631 licensee, provided, as shown by affidavit of the licensee, the
1632 majority ownership interest of the licensee has not changed or
1633 the name of the person appearing as franchisee on the sales and
1634 service agreement has not changed. Modification of a license

1635 certificate to show any name change as herein provided shall not
1636 require initial licensure or reissuance of dealer tags; however,
1637 any dealer obtaining a name change shall transact all business
1638 in and be properly identified by that name. All documents
1639 relative to licensure shall reflect the new name. In the case of
1640 a franchise dealer, the name change shall be approved by the
1641 manufacturer, distributor, or importer. A licensee applying for
1642 a name change endorsement shall pay a fee of \$25, which fee
1643 shall apply to the change in the name of a main location and all
1644 additional locations licensed under the provisions of subsection
1645 (5). Each initial license application received by the department
1646 shall be accompanied by verification that, within the preceding
1647 6 months, the applicant, or one or more of his or her designated
1648 employees, has attended a training and information seminar
1649 conducted by a licensed motor vehicle dealer training school.
1650 Any applicant for a new franchised motor vehicle dealer license
1651 who has held a valid franchised motor vehicle dealer license
1652 continuously for the preceding 2 years and who remains in good
1653 standing with the department is exempt from the prelicensing
1654 training requirement. Such seminar shall include, but is not
1655 limited to, statutory dealer requirements, which requirements
1656 include required bookkeeping and recordkeeping procedures,
1657 requirements for the collection of sales and use taxes, and such
1658 other information that in the opinion of the department will
1659 promote good business practices. No seminar may exceed 8 hours
1660 in length.

1661 (b) Each initial license application received by the
1662 department for licensure under subparagraph (1)(c)2. must be
1663 accompanied by verification that, within the preceding 6 months,
1664 the applicant (owner, partner, officer ~~of the corporation~~, or
1665 director of the applicant, or full-time employee of the
1666 applicant who holds a responsible management-level position) has
1667 successfully completed training conducted by a licensed motor
1668 vehicle dealer training school. Such training must include
1669 training in titling and registration of motor vehicles, laws
1670 relating to unfair and deceptive trade practices, laws relating
1671 to financing with regard to buy-here, pay-here operations, and
1672 such other information that in the opinion of the department
1673 will promote good business practices. Successful completion of
1674 this training shall be determined by examination administered at
1675 the end of the course and attendance of no less than 90 percent
1676 of the total hours required by such school. Any applicant who
1677 had held a valid motor vehicle dealer's license within the past
1678 2 years and who remains in good standing with the department is
1679 exempt from the requirements of this paragraph. ~~In the case of~~
1680 ~~nonresident applicants, the requirement to attend such training~~
1681 ~~shall be placed on any employee of the licensee who holds a~~
1682 ~~responsible management-level position and who is employed full-~~
1683 ~~time at the motor vehicle dealership.~~ The department shall have
1684 the authority to adopt any rule necessary for establishing the
1685 training curriculum; length of training, which shall not exceed
1686 8 hours for required department topics and shall not exceed an
1687 additional 24 hours for topics related to other regulatory

1688 agencies' instructor qualifications; and any other requirements
1689 under this section. The curriculum for other subjects shall be
1690 approved by any and all other regulatory agencies having
1691 jurisdiction over specific subject matters; however, the overall
1692 administration of the licensing of these dealer schools and
1693 their instructors shall remain with the department. Such schools
1694 are authorized to charge a fee. This privatized method for
1695 training applicants for dealer licensing pursuant to
1696 subparagraph (1)(c)2. is a pilot program that shall be evaluated
1697 by the department after it has been in operation for a period of
1698 2 years.

1699 (9) DENIAL, SUSPENSION, OR REVOCATION.--

1700 (b) The department may deny, suspend, or revoke any
1701 license issued hereunder or under the provisions of s. 320.77 or
1702 s. 320.771 upon proof that a licensee has committed, with
1703 sufficient frequency so as to establish a pattern of wrongdoing
1704 on the part of a licensee, violations of one or more of the
1705 following activities:

1706 1. Representation that a demonstrator is a new motor
1707 vehicle, or the attempt to sell or the sale of a demonstrator as
1708 a new motor vehicle without written notice to the purchaser that
1709 the vehicle is a demonstrator. For the purposes of this section,
1710 a "demonstrator," a "new motor vehicle," and a "used motor
1711 vehicle" shall be defined as under s. 320.60.

1712 2. Unjustifiable refusal to comply with a licensee's
1713 responsibility under the terms of the new motor vehicle warranty
1714 issued by its respective manufacturer, distributor, or importer.

1715 | However, if such refusal is at the direction of the
1716 | manufacturer, distributor, or importer, such refusal shall not
1717 | be a ground under this section.

1718 | 3. Misrepresentation or false, deceptive, or misleading
1719 | statements with regard to the sale or financing of motor
1720 | vehicles that ~~which~~ any motor vehicle dealer has, or causes to
1721 | have, advertised, printed, displayed, published, distributed,
1722 | broadcast, televised, or made in any manner with regard to the
1723 | sale or financing of motor vehicles.

1724 | 4. Failure by any motor vehicle dealer to provide a
1725 | customer or purchaser with an odometer disclosure statement and
1726 | a copy of any bona fide written, executed sales contract or
1727 | agreement of purchase connected with the purchase of the motor
1728 | vehicle purchased by the customer or purchaser.

1729 | 5. Failure of any motor vehicle dealer to comply with the
1730 | terms of any bona fide written, executed agreement, pursuant to
1731 | the sale of a motor vehicle.

1732 | 6. Failure to apply for transfer of a title as prescribed
1733 | in s. 319.23(6).

1734 | 7. Use of the dealer license identification number by any
1735 | person other than the licensed dealer or his or her designee.

1736 | 8. Failure to continually meet the requirements of the
1737 | licensure law.

1738 | 9. Representation to a customer or any advertisement to
1739 | the public representing or suggesting that a motor vehicle is a
1740 | new motor vehicle if such vehicle lawfully cannot be titled in
1741 | the name of the customer or other member of the public by the

1742 seller using a manufacturer's statement of origin as permitted
1743 in s. 319.23(1).

1744 10. Requirement by any motor vehicle dealer that a
1745 customer or purchaser accept equipment on his or her motor
1746 vehicle that ~~which~~ was not ordered by the customer or purchaser.

1747 11. Requirement by any motor vehicle dealer that any
1748 customer or purchaser finance a motor vehicle with a specific
1749 financial institution or company.

1750 12. Requirement by any motor vehicle dealer that the
1751 purchaser of a motor vehicle contract with the dealer for
1752 physical damage insurance.

1753 13. Perpetration of a fraud upon any person as a result of
1754 dealing in motor vehicles, including, without limitation, the
1755 misrepresentation to any person by the licensee of the
1756 licensee's relationship to any manufacturer, importer, or
1757 distributor.

1758 14. Violation of any of the provisions of s. 319.35 by any
1759 motor vehicle dealer.

1760 15. Sale by a motor vehicle dealer of a vehicle offered in
1761 trade by a customer prior to consummation of the sale, exchange,
1762 or transfer of a newly acquired vehicle to the customer, unless
1763 the customer provides written authorization for the sale of the
1764 trade-in vehicle prior to delivery of the newly acquired
1765 vehicle.

1766 16. Willful failure to comply with any administrative rule
1767 adopted by the department or the provisions of s. 320.131(8).

1768 17. Violation of chapter 319, this chapter, or ss.
 1769 559.901-559.9221, which has to do with dealing in or repairing
 1770 motor vehicles or mobile homes. Additionally, in the case of
 1771 used motor vehicles, the willful violation of the federal law
 1772 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
 1773 the consumer sales window form.

1774 18. Failure to maintain evidence of notification to the
 1775 owner or coowner of a vehicle regarding registration or titling
 1776 fees owed ~~owned~~ as required in s. 320.02(17) ~~320.02(19)~~.

1777 19. Failure to register a mobile home salesperson with the
 1778 department as required by this chapter.

1779 Section 35. Subsection (5) is added to section 320.405,
 1780 Florida Statutes, to read:

1781 320.405 International Registration Plan; inspection of
 1782 records; hearings.--

1783 (5) The department is authorized to enter into agreements
 1784 for scheduling payments of taxes and penalties due to the
 1785 department as a result of audit assessments issued under this
 1786 section.

1787 Section 36. Paragraph (c) is added to subsection (1) of
 1788 section 320.77, Florida Statutes, subsections (8) through (15)
 1789 are renumbered as subsections (9) through (16), respectively,
 1790 and a new subsection (8) is added to that section, to read:

1791 320.77 License required of mobile home dealers.--

1792 (1) DEFINITIONS.--As used in this section:

1793 (c)1. "Mobile home salesperson" is a person, not otherwise
 1794 expressly excluded by this section, who:

1795 a. Is employed as a salesperson by a mobile home dealer or
1796 who, under any form of contract, agreement, or arrangement with
1797 a dealer for commission, money, profit, or other thing of value,
1798 sells, exchanges, buys, or offers for sale, or negotiates or
1799 attempts to negotiate a sale or exchange of, an interest in a
1800 mobile home required to be titled under this chapter;

1801 b. Induces or attempts to induce any person to buy or
1802 exchange an interest in a mobile home required to be registered
1803 and receives or expects to receive a commission, money,
1804 brokerage fees, profit, or any other thing of value from either
1805 the seller or purchaser of the mobile home; or

1806 c. Exercises managerial control over the business of a
1807 licensed mobile home dealer or supervises mobile home
1808 salespersons employed by a licensed mobile home dealer, whether
1809 compensated by salary or commission, including, but not limited
1810 to, any person employed by the mobile home dealer as a general
1811 manager, assistant general manager, or sales manager or any
1812 employee of a licensed mobile home dealer who negotiates with or
1813 induces a customer to enter into a security agreement or
1814 purchase agreement or purchase order for the sale of a mobile
1815 home on behalf of the licensed mobile home dealer.

1816 2. "Mobile home salesperson" does not include any of the
1817 following:

1818 a. A representative of an insurance company or a finance
1819 company or a public official who, in the regular course of
1820 business, is required to dispose of or sell mobile homes under a
1821 contractual right or obligation of the employer or in the

1822 performance of an official duty or under the authority of any
1823 court of law, if the sale is for the purpose of saving the
1824 seller from any loss or pursuant to the authority of a court of
1825 competent jurisdiction.

1826 b. A persons who is licensed as a manufacturer,
1827 remanufacturer, transporter, distributor, or representative of
1828 mobile homes.

1829 c. A person who is licensed as a mobile home dealer under
1830 this chapter.

1831 d. A person not engaged in the purchase or sale of mobile
1832 homes as a business but disposing of mobile homes acquired for
1833 his or her own use or for use in his or her business when the
1834 mobile homes have been so acquired and used in good faith and
1835 not for the purpose of avoiding the provisions of this chapter.

1836 (8) SALESPERSONS TO BE REGISTERED BY LICENSEES.--

1837 (a) Within 30 days after the date of hire, each licensee
1838 shall register with the department the name, local residence
1839 address, and home telephone number of each person employed by
1840 the licensee as a mobile home salesperson. A licensee may not
1841 provide a post office box in lieu of a physical residential
1842 address.

1843 (b) Each time a mobile home salesperson employed by a
1844 licensee changes his or her residence address, the salesperson
1845 shall notify the department within 20 days after such change.

1846 (c) Quarterly, each licensee is required to notify the
1847 department of the termination or separation from employment of
1848 each mobile home salesperson employed by the licensee. Each

1849 notification required in this subsection shall be on a form
1850 prescribed by the department.

1851 Section 37. Subsections (3), (5), (6), (7), and (9) of
1852 section 320.781, Florida Statutes, are amended to read:

1853 320.781 Mobile Home and Recreational Vehicle Protection
1854 Trust Fund.--

1855 (3) The trust fund shall be used to satisfy any judgment
1856 or claim by any person, as provided by this section, against a
1857 mobile home or recreational vehicle dealer or broker for
1858 damages, restitution, or expenses, including reasonable
1859 attorney's fees, resulting from a cause of action directly
1860 related to the conditions of any written contract made by him or
1861 her in connection with the sale, exchange, or improvement of any
1862 mobile home or recreational vehicle, or for any violation of
1863 chapter 319 or this chapter.

1864 (5) Subject to the limitations and requirements of this
1865 section, the trust fund shall be used by the department to
1866 compensate persons who have unsatisfied judgments, or in certain
1867 limited circumstances unsatisfied claims, against a mobile home
1868 or recreational vehicle dealer or broker. The following
1869 conditions must exist to be eligible to file a claim against the
1870 trust fund ~~in one of the following situations:~~

1871 (a) The claimant has obtained a final judgment that ~~which~~
1872 is unsatisfied against the mobile home or recreational vehicle
1873 dealer or broker or its surety jointly and severally, or against
1874 the mobile home dealer or broker only, if the court found that
1875 the surety was not liable due to prior payment of valid claims

1876 against the bond in an amount equal to, or greater than, the
1877 face amount of the applicable bond; or a claimant is prohibited
1878 from filing a claim in a lawsuit because a bankruptcy proceeding
1879 is pending by the dealer or broker and the claimant has filed a
1880 claim in that bankruptcy proceeding; or the dealer or broker has
1881 closed his or her business and cannot be found or located within
1882 the jurisdiction of this state; and-

1883 (b) Either a claim has been made in a lawsuit against the
1884 surety and a judgment obtained is unsatisfied; or a claim has
1885 been made in a lawsuit against the surety that has been stayed
1886 or discharged in a bankruptcy proceeding; or a claimant is
1887 prohibited from filing a claim in a lawsuit because a bankruptcy
1888 proceeding is pending by surety or the surety is not liable due
1889 to the prior payment of valid claims against the bond in an
1890 amount equal to, or greater than, the face amount of the
1891 applicable bond. However, no claimant shall be entitled to
1892 recover against the trust fund if the claimant has recovered
1893 from the surety an amount that is equal to or greater than the
1894 total loss. The claimant has obtained a judgment against the
1895 surety of the mobile home or recreational vehicle dealer or
1896 broker that is unsatisfied.

1897 ~~(c) The claimant has alleged a claim against the mobile~~
1898 ~~home or recreational vehicle dealer or broker in a lawsuit which~~
1899 ~~has been stayed or discharged as a result of the filing for~~
1900 ~~reorganization or discharge in bankruptcy by the dealer or~~
1901 ~~broker, and judgment against the surety is not possible because~~
1902 ~~of the bankruptcy or liquidation of the surety, or because the~~

1903 ~~surety has been found by a court of competent jurisdiction not~~
 1904 ~~to be liable due to prior payment of valid claims against the~~
 1905 ~~bond in an amount equal to, or greater than, the face amount of~~
 1906 ~~the applicable bond.~~

1907 (6) In order to recover from the trust fund, the person
 1908 must file an application and verified claim with the department.

1909 (a) If the claimant has obtained a judgment that ~~which~~ is
 1910 unsatisfied against the mobile home or recreational vehicle
 1911 dealer or broker or its surety as set forth in this section, the
 1912 verified claim must specify the following:

1913 1.a. That the judgment against the mobile home or
 1914 recreational vehicle dealer or broker and its surety has been
 1915 entered; or

1916 b. That the judgment against the mobile home or
 1917 recreational vehicle dealer or broker contains a specific
 1918 finding that the surety has no liability, that execution has
 1919 been returned unsatisfied, and that a judgment lien has been
 1920 perfected;

1921 2. The amount of actual damages broken down by category as
 1922 awarded by the court or jury in the cause that ~~which~~ resulted in
 1923 the unsatisfied judgment, and the amount of attorney's fees set
 1924 forth in the unsatisfied judgment;

1925 3. The amount of payment or other consideration received,
 1926 if any, from the mobile home or recreational vehicle dealer or
 1927 broker or its surety;

1928 4. The amount that may be realized, if any, from the sale
 1929 of real or personal property or other assets of the judgment

1930 debtor liable to be sold or applied in satisfaction of the
 1931 judgment and the balance remaining due on the judgment after
 1932 application of the amount that ~~which~~ has been realized and a
 1933 certification that the claimant has made a good faith effort to
 1934 collect the judgment; ~~and~~

1935 5. An assignment by claimant of rights, title, or interest
 1936 in the unsatisfied judgment and judgment lien; and

1937 6.5. Such other information as the department requires.

1938 (b) If the claimant has alleged a claim as set forth in
 1939 paragraph (5) (a) ~~(e)~~ and for the reasons set forth therein has
 1940 not been able to secure a judgment, the verified claim must
 1941 contain the following:

1942 1. A true copy of the pleadings in the lawsuit that ~~which~~
 1943 was stayed or discharged by the bankruptcy court and the order
 1944 of the bankruptcy court staying those proceedings, or a true
 1945 copy of the claim that was filed in the bankruptcy court
 1946 proceeding;

1947 2. Allegations of the acts or omissions by the mobile home
 1948 or recreational vehicle dealer or broker setting forth the
 1949 specific acts or omissions complained of that ~~which~~ resulted in
 1950 actual damage to the person, along with the actual dollar amount
 1951 necessary to reimburse or compensate the person for costs or
 1952 expenses resulting from the acts or omissions of which the
 1953 person complained;

1954 3. True copies of all purchase agreements, notices,
 1955 service or repair orders or papers or documents of any kind
 1956 whatsoever that ~~which~~ the person received in connection with the

1957 purchase, exchange, or lease-purchase of the mobile home or
1958 recreational vehicle from which the person's cause of action
1959 arises; ~~and~~

1960 4. An assignment by claimant of rights, title, or interest
1961 in the claim to the department; and

1962 ~~5.4.~~ Such other information as the department requires.

1963 (c) The department may require such proof as it deems
1964 necessary to document the matters set forth in the claim.

1965 (7) Within 90 days after receipt of the application and
1966 verified claim, the department shall issue its determination on
1967 the claim. Such determination shall not be subject to the
1968 provisions of chapter 120, but shall be reviewable only by writ
1969 of certiorari in the circuit court in the county in which the
1970 claimant resides in the manner and within the time provided by
1971 the Florida Rules of Appellate Procedure. The claim must be paid
1972 within 45 days after the determination, or, if judicial review
1973 is sought, within 45 days after the review becomes final. A
1974 person may not be paid an amount from the fund in excess of
1975 \$25,000 per mobile home or recreational vehicle, which would
1976 include any damages, restitution, payments received as the
1977 result of a claim against the surety bond, or expenses,
1978 including reasonable attorney's fees. Prior to payment, the
1979 person must execute an assignment to the department of all the
1980 person's rights and title to, and interest in, the unsatisfied
1981 judgment and judgment lien or the claim against the dealer or
1982 broker and its surety.

1983 (9) This section does not apply to any claim, and a person
 1984 may not recover against the trust fund as the result of any
 1985 claim, against a mobile home or recreational vehicle dealer or
 1986 broker resulting from a cause of action directly related to the
 1987 sale, lease-purchase, exchange, brokerage, or installation of a
 1988 mobile home or recreational vehicle prior to July 1, 2006
 1989 ~~October 1, 1990~~.

1990 (11) It is unlawful for any person or his or her agent to
 1991 file any notice, statement, or other document required under
 1992 this section which is false or contains any material
 1993 misstatement of fact. Any person who violates this subsection is
 1994 guilty of a misdemeanor of the second degree, punishable as
 1995 provided in s. 775.082 or s. 775.083.

1996 Section 38. Subsection (16) of section 322.01, Florida
 1997 Statutes, is amended, subsections (24) through (40) are
 1998 renumbered as subsections (25) through (41), respectively,
 1999 subsections (41) and (42) are renumbered as subsections (44) and
 2000 (45), respectively, and new subsections (24), (42), and (43) are
 2001 added to that section, to read:

2002 322.01 Definitions.--As used in this chapter:

2003 (16) "Driver's license" means a certificate that ~~which~~,
 2004 subject to all other requirements of law, authorizes an
 2005 individual to drive a motor vehicle and that denotes an
 2006 operator's license as defined in 49 U.S.C. s. 30301.

2007 (24) "Identification card" means a personal identification
 2008 card issued by the department that conforms to the definition in
 2009 18 U.S.C. s. 1028 (D).

2010 (42) "Temporary driver's license" means a certificate
2011 issued by the department that, subject to all other requirements
2012 of law, authorizes an individual to drive a motor vehicle,
2013 denotes an operator's license as defined in 49 U.S.C. s. 30301,
2014 and denotes that the holder is not a permanent resident of the
2015 United States but is permitted to stay in the United States for
2016 a short duration of time specified on the license.

2017 (43) "Temporary identification card" means a personal
2018 identification card issued by the department that conforms to
2019 the definition in 18 U.S.C. s. 1028(D) and denotes that the
2020 holder is not a permanent resident of the United States but is
2021 permitted to stay in the United States for a short duration of
2022 time specified on the card.

2023 Section 39. Subsection (2) of section 322.05, Florida
2024 Statutes, is amended to read:

2025 322.05 Persons not to be licensed.--The department may not
2026 issue a license:

2027 (2) To a person who is at least 16 years of age but is
2028 less than ~~under~~ 18 years of age unless the person meets the
2029 requirements of s. 322.091 and holds a valid:

2030 (a) Learner's driver's license for at least 12 months,
2031 with no moving traffic convictions, before applying for a
2032 license;

2033 (b) Learner's driver's license for at least 12 months and
2034 who has a moving traffic conviction but elects to attend a
2035 traffic driving school for which adjudication must be withheld
2036 pursuant to s. 318.14; or

2037 (c) License that was issued in another state or in a
 2038 foreign jurisdiction and that would not be subject to suspension
 2039 or revocation under the laws of this state.

2040 Section 40. Subsection (1) of section 322.051, Florida
 2041 Statutes, is amended to read:

2042 322.051 Identification cards.--

2043 (1) Any person who is 5 ~~12~~ years of age or older, or any
 2044 person who has a disability, regardless of age, who applies for
 2045 a disabled parking permit under s. 320.0848, may be issued an
 2046 identification card by the department upon completion of an
 2047 application and payment of an application fee.

2048 (a) Each such application shall include the following
 2049 information regarding the applicant:

2050 1. Full name (first, middle or maiden, and last), gender,
 2051 social security card number, county of residence and mailing
 2052 address, country of birth, and a brief description.

2053 2. Proof of birth date satisfactory to the department.

2054 3. Proof of identity satisfactory to the department. Such
 2055 proof must include one of the following documents issued to the
 2056 applicant:

2057 a. A driver's license record or identification card record
 2058 from another jurisdiction that required the applicant to submit
 2059 a document for identification that ~~which~~ is substantially
 2060 similar to a document required under sub-subparagraph b., sub-
 2061 subparagraph c., sub-subparagraph d., sub-subparagraph e., sub-
 2062 subparagraph f., or sub-subparagraph g.;

2063 b. A certified copy of a United States birth certificate;

- 2064 c. A United States passport;
- 2065 d. A naturalization certificate issued by the United
- 2066 States Department of Homeland Security;
- 2067 e. An alien registration receipt card (green card);
- 2068 f. An employment authorization card issued by the United
- 2069 States Department of Homeland Security; or
- 2070 g. Proof of nonimmigrant classification provided by the
- 2071 United States Department of Homeland Security, for an original
- 2072 identification card. In order to prove such nonimmigrant
- 2073 classification, applicants may produce but are not limited to
- 2074 the following documents:
 - 2075 (I) A notice of hearing from an immigration court
 - 2076 scheduling a hearing on any proceeding.
 - 2077 (II) A notice from the Board of Immigration Appeals
 - 2078 acknowledging pendency of an appeal.
 - 2079 (III) Notice of the approval of an application for
 - 2080 adjustment of status issued by the United States Bureau of
 - 2081 Citizenship and Immigration Services.
 - 2082 (IV) Any official documentation confirming the filing of a
 - 2083 petition for asylum or refugee status or any other relief issued
 - 2084 by the United States Bureau of Citizenship and Immigration
 - 2085 Services.
 - 2086 (V) Notice of action transferring any pending matter from
 - 2087 another jurisdiction to Florida, issued by the United States
 - 2088 Bureau of Citizenship and Immigration Services.

2089 (VI) Order of an immigration judge or immigration officer
 2090 granting any relief that authorizes the alien to live and work
 2091 in the United States including, but not limited to, asylum.

2092 (VII) Evidence that an application is pending for
 2093 adjustment of status to that of an alien lawfully admitted for
 2094 permanent residence in the United States or conditional
 2095 permanent resident status in the United States, provided that a
 2096 visa number is available with a current priority date for
 2097 processing by the United States Bureau of Citizenship and
 2098 Immigration Services.

2099
 2100 Presentation of any of the documents described in sub-
 2101 subparagraph f. or sub-subparagraph g. entitles the applicant to
 2102 an identification card for a period not to exceed the expiration
 2103 date of the document presented or 1 year ~~2 years~~, whichever
 2104 first occurs.

2105 (b) An application for an identification card must be
 2106 signed and verified by the applicant in a format designated by
 2107 the department before a person authorized to administer oaths.
 2108 The fee for an identification card is \$3, including payment for
 2109 the color photograph or digital image of the applicant.

2110 (c) Each such applicant may include fingerprints and any
 2111 other unique biometric means of identity.

2112 Section 41. Paragraph (c) of subsection (2) of section
 2113 322.08, Florida Statutes, is amended to read:

2114 322.08 Application for license.--

2115 (2) Each such application shall include the following
2116 information regarding the applicant:

2117 (c) Proof of identity satisfactory to the department. Such
2118 proof must include one of the following documents issued to the
2119 applicant:

2120 1. A driver's license record or identification card record
2121 from another jurisdiction that required the applicant to submit
2122 a document for identification that ~~which~~ is substantially
2123 similar to a document required under subparagraph 2.,
2124 subparagraph 3., subparagraph 4., subparagraph 5., subparagraph
2125 6., or subparagraph 7.;

2126 2. A certified copy of a United States birth certificate;

2127 3. A United States passport;

2128 4. A naturalization certificate issued by the United
2129 States Department of Homeland Security;

2130 5. An alien registration receipt card (green card);

2131 6. An employment authorization card issued by the United
2132 States Department of Homeland Security; or

2133 7. Proof of nonimmigrant classification provided by the
2134 United States Department of Homeland Security, for an original
2135 driver's license. In order to prove nonimmigrant classification,
2136 an applicant may produce the following documents, including, but
2137 not limited to:

2138 a. A notice of hearing from an immigration court
2139 scheduling a hearing on any proceeding.

2140 b. A notice from the Board of Immigration Appeals
2141 acknowledging pendency of an appeal.

2142 c. A notice of the approval of an application for
 2143 adjustment of status issued by the United States Citizenship and
 2144 Immigration Services ~~Immigration and Naturalization Service~~.

2145 d. Any official documentation confirming the filing of a
 2146 petition for asylum or refugee status or any other relief issued
 2147 by the United States Immigration and Naturalization Service.

2148 e. A notice of action transferring any pending matter from
 2149 another jurisdiction to this state issued by the United States
 2150 Citizenship and Immigration Services ~~Immigration and~~
 2151 ~~Naturalization Service~~.

2152 f. An order of an immigration judge or immigration officer
 2153 granting any relief that authorizes the alien to live and work
 2154 in the United States, including, but not limited to, asylum.

2155 g. Evidence that an application is pending for adjustment
 2156 of status to that of an alien lawfully admitted for permanent
 2157 residence in the United States or conditional permanent resident
 2158 status in the United States, provided that a visa number is
 2159 available with a current priority date for processing by the
 2160 United States Citizenship and Immigration Services.

2161
 2162 Presentation of any of the documents in subparagraph 6. or
 2163 subparagraph 7. entitles the applicant to a driver's license or
 2164 temporary permit for a period not to exceed the expiration date
 2165 of the document presented or 1 year ~~2 years~~, whichever occurs
 2166 first.

2167 Section 42. Effective July 1, 2008, paragraph (a) of
 2168 subsection (5) of section 322.12, Florida Statutes, is amended
 2169 to read:

2170 322.12 Examination of applicants.--

2171 (5) (a) The department shall formulate a separate
 2172 examination for applicants for licenses to operate motorcycles.
 2173 Any applicant for a driver's license who wishes to operate a
 2174 motorcycle, and who is otherwise qualified, must successfully
 2175 complete such an examination, which is in addition to the
 2176 examination administered under subsection (3). The examination
 2177 must test the applicant's knowledge of the operation of a
 2178 motorcycle and of any traffic laws specifically relating thereto
 2179 and must include an actual demonstration of his or her ability
 2180 to exercise ordinary and reasonable control in the operation of
 2181 a motorcycle. Any applicant who fails to pass the initial
 2182 knowledge examination will incur a \$5 fee for each subsequent
 2183 examination, to be deposited into the Highway Safety Operating
 2184 Trust Fund. Any applicant who fails to pass the initial skills
 2185 examination will incur a \$10 fee for each subsequent
 2186 examination, to be deposited into the Highway Safety Operating
 2187 Trust Fund. In the formulation of the examination, the
 2188 department shall consider the use of the Motorcycle Operator
 2189 Skills Test and the Motorcycle in Traffic Test offered by the
 2190 Motorcycle Safety Foundation. The department shall indicate on
 2191 the license of any person who successfully completes the
 2192 examination that the licensee is authorized to operate a
 2193 motorcycle. If the applicant wishes to be licensed to operate a

2194 motorcycle only, he or she need not take the skill or road test
 2195 required under subsection (3) for the operation of a motor
 2196 vehicle, and the department shall indicate such a limitation on
 2197 his or her license as a restriction. Every first-time applicant
 2198 for licensure to operate a motorcycle ~~who is under 21 years of~~
 2199 ~~age~~ must provide proof of completion of a motorcycle safety
 2200 course, as provided for in s. 322.0255, before the applicant may
 2201 be licensed to operate a motorcycle.

2202 Section 43. Subsection (8) of section 322.121, Florida
 2203 Statutes, is amended to read:

2204 322.121 Periodic reexamination of all drivers.--

2205 (8) In addition to any other examination authorized by
 2206 this section, an applicant for a renewal of an endorsement
 2207 issued under s. 322.57(1)(a), (b), (c), (d), ~~or~~ (e), or (f) may
 2208 be required to complete successfully an examination of his or
 2209 her knowledge regarding state and federal rules, regulations,
 2210 and laws, governing the type of vehicle that ~~which~~ he or she is
 2211 seeking an endorsement to operate.

2212 Section 44. Subsections (1) through (5), paragraphs (a)
 2213 and (b) of subsection (6), subsections (7) and (8), paragraph
 2214 (b) of subsection (10), and subsections (13) and (14) of section
 2215 322.2615, Florida Statutes, are amended to read:

2216 322.2615 Suspension of license; right to review.--

2217 (1)(a) A law enforcement officer or correctional officer
 2218 shall, on behalf of the department, suspend the driving
 2219 privilege of a person who is driving or in actual physical
 2220 control of a motor vehicle with an ~~has been arrested by a law~~

2221 ~~enforcement officer for a violation of s. 316.193, relating to~~
 2222 ~~unlawful blood-alcohol level or breath-alcohol level of 0.08 or~~
 2223 ~~higher,~~ or of a person who has refused to submit to a ~~breath,~~
 2224 ~~urine, or blood test~~ or a test of his or her breath-alcohol or
 2225 blood-alcohol level authorized by s. 316.1932. The officer shall
 2226 take the person's driver's license and issue the person a 10-day
 2227 temporary permit if the person is otherwise eligible for the
 2228 driving privilege and shall issue the person a notice of
 2229 suspension. If a blood test has been administered, ~~the results~~
 2230 ~~of which are not available to the officer~~ or ~~at the time of the~~
 2231 ~~arrest,~~ the agency employing the officer shall transmit the such
 2232 results to the department within 5 days after receipt of the
 2233 results. If the department then determines that the person ~~was~~
 2234 ~~arrested for a violation of s. 316.193 and that the person~~ had a
 2235 blood-alcohol level or breath-alcohol level of 0.08 or higher,
 2236 the department shall suspend the person's driver's license
 2237 pursuant to subsection (3).

2238 (b) The suspension under paragraph (a) shall be pursuant
 2239 to, and the notice of suspension shall inform the driver of, the
 2240 following:

2241 1.a. The driver refused to submit to a lawful breath,
 2242 blood, or urine test and his or her driving privilege is
 2243 suspended for a period of 1 year for a first refusal or for a
 2244 period of 18 months if his or her driving privilege has been
 2245 previously suspended as a result of a refusal to submit to such
 2246 a test; or

2247 b. The driver was driving or in actual physical control of
2248 a motor vehicle ~~violated s. 316.193 by driving~~ with an unlawful
2249 blood-alcohol level or breath-alcohol level of 0.08 or higher ~~as~~
2250 ~~provided in that section~~ and his or her driving privilege is
2251 suspended for a period of 6 months for a first offense or for a
2252 period of 1 year if his or her driving privilege has been
2253 previously suspended under this section ~~for a violation of s.~~
2254 ~~316.193.~~

2255 2. The suspension period shall commence on the date of
2256 ~~arrest or~~ issuance of the notice of suspension, ~~whichever is~~
2257 ~~later.~~

2258 3. The driver may request a formal or informal review of
2259 the suspension by the department within 10 days after the date
2260 of ~~arrest or~~ issuance of the notice of suspension, ~~whichever is~~
2261 ~~later.~~

2262 4. The temporary permit issued at the time of suspension
2263 ~~arrest~~ will expire at midnight of the 10th day following the
2264 date of ~~arrest or~~ issuance of the notice of suspension,
2265 ~~whichever is later.~~

2266 5. The driver may submit to the department any materials
2267 relevant to the suspension ~~arrest.~~

2268 (2) Except as provided in paragraph (1)(a), the law
2269 enforcement officer shall forward to the department, within 5
2270 days after issuing ~~the date of the arrest,~~ a copy of the notice
2271 of suspension, the person's driver's license and ~~of the person~~
2272 ~~arrested,~~ and a report of the arrest, including an affidavit
2273 stating the officer's grounds for belief that the person was

2274 driving or in actual physical control of a motor vehicle while
2275 under the influence of alcoholic beverages or chemical or
2276 controlled substances ~~arrested was in violation of s. 316.193;~~
2277 the results of any breath or blood test or an affidavit stating
2278 that a breath, blood, or urine test was requested by a law
2279 enforcement officer or correctional officer and that the person
2280 ~~arrested~~ refused to submit; ~~a copy of the citation issued to the~~
2281 ~~person arrested;~~ and the officer's description of the person's
2282 field sobriety test, if any; a copy of the crash report, if any;
2283 and the notice of suspension. The failure of the officer to
2284 submit materials within the 5-day period specified in this
2285 subsection and in subsection (1) shall not affect the
2286 department's ability to consider any evidence submitted at or
2287 prior to the hearing. The officer may also submit a copy of a
2288 videotape of the field sobriety test or the attempt to
2289 administer such test. Materials submitted to the department by a
2290 law enforcement agency or correctional agency shall be
2291 considered self-authenticating and shall be in the record for
2292 consideration by the hearing officer. Notwithstanding s.
2293 316.066(4), the crash report shall be considered by the hearing
2294 officer.

2295 (3) If the department determines that the license ~~of the~~
2296 ~~person arrested~~ should be suspended pursuant to this section and
2297 if the notice of suspension has not already been served upon the
2298 person by a law enforcement officer or correctional officer as
2299 provided in subsection (1), the department shall issue a notice
2300 of suspension and, unless the notice is mailed pursuant to s.

2301 322.251, a temporary permit that ~~which~~ expires 10 days after the
2302 date of issuance if the driver is otherwise eligible.

2303 (4) If the person whose license is suspended ~~arrested~~
2304 requests an informal review pursuant to subparagraph (1)(b)3.,
2305 the department shall conduct the informal review by a hearing
2306 officer employed by the department. Such informal review hearing
2307 shall consist solely of an examination by the department of the
2308 materials submitted by a law enforcement officer or correctional
2309 officer and by the person whose license is suspended ~~arrested~~,
2310 and the presence of an officer or witness is not required.

2311 (5) After completion of the informal review, notice of the
2312 department's decision sustaining, amending, or invalidating the
2313 suspension of the person's driver's license ~~of the person~~
2314 ~~arrested~~ must be provided to such person. Such notice must be
2315 mailed to the person at the last known address shown on the
2316 department's records, or to the address provided in the law
2317 enforcement officer's report if such address differs from the
2318 address of record, within 21 days after the expiration of the
2319 temporary permit issued pursuant to subsection (1) or subsection
2320 (3).

2321 (6) (a) If the person whose license is suspended ~~arrested~~
2322 requests a formal review, the department must schedule a hearing
2323 to be held within 30 days after such request is received by the
2324 department and must notify the person of the date, time, and
2325 place of the hearing.

2326 (b) Such formal review hearing shall be held before a
2327 hearing officer employed by the department, and the hearing

2328 officer shall be authorized to administer oaths, examine
2329 witnesses and take testimony, receive relevant evidence, issue
2330 subpoenas for the officers and witnesses identified in documents
2331 provided in subsection (2), regulate the course and conduct of
2332 the hearing, question witnesses, and make a ruling on the
2333 suspension. ~~The department and the person arrested may subpoena~~
2334 ~~witnesses, and the party requesting the presence of a witness~~
2335 shall be responsible for the payment of any witness fees and for
2336 notifying in writing the state attorney's office in the
2337 appropriate circuit of the issuance of the subpoena. If the
2338 person who requests a formal review hearing fails to appear and
2339 the hearing officer finds such failure to be without just cause,
2340 the right to a formal hearing is waived and the suspension shall
2341 be sustained.

2342 (7) In a formal review hearing under subsection (6) or an
2343 informal review hearing under subsection (4), the hearing
2344 officer shall determine by a preponderance of the evidence
2345 whether sufficient cause exists to sustain, amend, or invalidate
2346 the suspension. The scope of the review shall be limited to the
2347 following issues:

2348 (a) If the license was suspended for driving with an
2349 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
2350 higher ~~in violation of s. 316.193~~:

2351 1. Whether the ~~arresting~~ law enforcement officer had
2352 probable cause to believe that the person whose license is
2353 suspended was driving or in actual physical control of a motor

2354 vehicle in this state while under the influence of alcoholic
2355 beverages or chemical or controlled substances.

2356 ~~2. Whether the person was placed under lawful arrest for a~~
2357 ~~violation of s. 316.193.~~

2358 ~~2.3.~~ Whether the person whose license is suspended had an
2359 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
2360 higher as provided in s. 316.193.

2361 (b) If the license was suspended for refusal to submit to
2362 a breath, blood, or urine test:

2363 1. Whether the ~~arresting~~ law enforcement officer had
2364 probable cause to believe that the person whose license is
2365 suspended was driving or in actual physical control of a motor
2366 vehicle in this state while under the influence of alcoholic
2367 beverages or chemical or controlled substances.

2368 ~~2. Whether the person was placed under lawful arrest for a~~
2369 ~~violation of s. 316.193.~~

2370 ~~2.3.~~ Whether the person whose license is suspended refused
2371 to submit to any such test after being requested to do so by a
2372 law enforcement officer or correctional officer.

2373 ~~3.4.~~ Whether the person whose license is suspended was
2374 told that if he or she refused to submit to such test his or her
2375 privilege to operate a motor vehicle would be suspended for a
2376 period of 1 year or, in the case of a second or subsequent
2377 refusal, for a period of 18 months.

2378 (8) Based on the determination of the hearing officer
2379 pursuant to subsection (7) for both informal hearings under

2380 subsection (4) and formal hearings under subsection (6), the
2381 department shall:

2382 (a) Sustain the suspension of the person's driving
2383 privilege for a period of 1 year for a first refusal, or for a
2384 period of 18 months if the driving privilege of such person has
2385 been previously suspended as a result of a refusal to submit to
2386 such tests, if the ~~arrested~~ person refused to submit to a lawful
2387 breath, blood, or urine test. The suspension period commences on
2388 the date of ~~the arrest or~~ issuance of the notice of suspension,
2389 ~~whichever is later.~~

2390 (b) Sustain the suspension of the person's driving
2391 privilege for a period of 6 months for a blood-alcohol level or
2392 breath-alcohol level of 0.08 or higher ~~violation of s. 316.193,~~
2393 or for a period of 1 year if the driving privilege of such
2394 person has been previously suspended under this section as a
2395 result of driving with an unlawful blood-alcohol level or
2396 breath-alcohol level ~~a violation of s. 316.193.~~ The suspension
2397 period commences on the date of ~~the arrest or~~ issuance of the
2398 notice of suspension, ~~whichever is later.~~

2399 (10) A person whose driver's license is suspended under
2400 subsection (1) or subsection (3) may apply for issuance of a
2401 license for business or employment purposes only if the person
2402 is otherwise eligible for the driving privilege pursuant to s.
2403 322.271.

2404 (b) If the suspension of the person's driver's license ~~of~~
2405 ~~the person arrested for a violation of s. 316.193,~~ relating to
2406 an unlawful blood-alcohol level or breath-alcohol level of 0.08

2407 or higher, is sustained, the person is not eligible to receive a
2408 license for business or employment purposes only pursuant to s.
2409 322.271 until 30 days have elapsed after the expiration of the
2410 last temporary permit issued. If the driver is not issued a 10-
2411 day permit pursuant to this section or s. 322.64 because he or
2412 she is ineligible for the permit and the suspension ~~for a~~
2413 ~~violation of s. 316.193~~, relating to an unlawful blood-alcohol
2414 level or breath-alcohol level of 0.08 or higher, is not
2415 invalidated by the department, the driver is not eligible to
2416 receive a business or employment license pursuant to s. 322.271
2417 until 30 days have elapsed from the date of the suspension
2418 arrest.

2419 (13) A person may appeal any decision of the department
2420 sustaining a suspension of his or her driver's license by a
2421 petition for writ of certiorari to the circuit court in the
2422 county wherein such person resides or wherein a formal or
2423 informal review was conducted pursuant to s. 322.31. However, an
2424 appeal shall not stay the suspension. A law enforcement agency
2425 may appeal any decision of the department invalidating a
2426 suspension by a petition for writ of certiorari to the circuit
2427 court in the county where a formal or informal review was
2428 conducted. This subsection shall not be construed to provide for
2429 a de novo appeal.

2430 (14) (a) The decision of the department under this section
2431 or any circuit court review thereof may not be considered in any
2432 trial for a violation of s. 316.193, and a written statement
2433 submitted by a person in his or her request for departmental

2434 review under this section may not be admitted into evidence
 2435 against him or her in any such trial.

2436 (b) The disposition of any related criminal proceedings
 2437 does not affect a suspension for refusal to submit to a blood,
 2438 breath, or urine test, ~~authorized by s. 316.1932 or s. 316.1933,~~
 2439 imposed under this section.

2440 Section 45. Paragraph (d) of subsection (3) of section
 2441 322.27, Florida Statutes, is amended, and paragraph (j) is added
 2442 to that subsection, to read:

2443 322.27 Authority of department to suspend or revoke
 2444 license.--

2445 (3) There is established a point system for evaluation of
 2446 convictions of violations of motor vehicle laws or ordinances,
 2447 and violations of applicable provisions of s. 403.413(6)(b) when
 2448 such violations involve the use of motor vehicles, for the
 2449 determination of the continuing qualification of any person to
 2450 operate a motor vehicle. The department is authorized to suspend
 2451 the license of any person upon showing of its records or other
 2452 good and sufficient evidence that the licensee has been
 2453 convicted of violation of motor vehicle laws or ordinances, or
 2454 applicable provisions of s. 403.413(6)(b), amounting to 12 or
 2455 more points as determined by the point system. The suspension
 2456 shall be for a period of not more than 1 year.

2457 (d) The point system shall have as its basic element a
 2458 graduated scale of points assigning relative values to
 2459 convictions of the following violations:

2460 1. Reckless driving, willful and wanton--4 points.

- 2461 2. Leaving the scene of a crash resulting in property
 2462 damage of more than \$50--6 points.
- 2463 3. Unlawful speed resulting in a crash--6 points.
- 2464 4. Passing a stopped school bus--4 points.
- 2465 5. Unlawful speed:
- 2466 a. Not in excess of 15 miles per hour of lawful or posted
 2467 speed--3 points.
- 2468 b. In excess of 15 miles per hour but not in excess of 30
 2469 miles per hour of lawful or posted speed--4 points.
- 2470 c. In excess of 30 miles per hour of lawful or posted
 2471 speed--6 points.
- 2472 6.a. A violation of a traffic control signal device as
 2473 provided in s. 316.074(1) or s. 316.075(1)(c)1.--4 points.
- 2474 b. A violation of a traffic control signal device as
 2475 provided in s. 316.074(1) or s. 316.075(1)(c)1. resulting in a
 2476 crash--6 points.
- 2477 7. All other moving violations (including parking on a
 2478 highway outside the limits of a municipality)--3 points.
 2479 However, no points shall be imposed for a violation of s.
 2480 316.0741 or s. 316.2065(12).
- 2481 8. Any moving violation covered above, excluding unlawful
 2482 speed, resulting in a crash--4 points.
- 2483 9. Any conviction under s. 403.413(6)(b)--3 points.
- 2484 10. Any conviction under s. 316.0775(2)--4 points.
- 2485 (j) For purposes of sub-subparagraph (d)5.c., the term
 2486 "conviction" means a finding of guilt, with or without
 2487 adjudication of guilt, as a result of a jury verdict, nonjury

2488 trial, or entry of a plea of guilty or nolo contendere,
 2489 notwithstanding s. 318.14(11).

2490 Section 46. Effective upon this act becoming a law,
 2491 paragraph (a) of subsection (8) of section 320.08056, Florida
 2492 Statutes, is amended to read:

2493 320.08056 Specialty license plates.--

2494 (8)(a) The department must discontinue the issuance of an
 2495 approved specialty license plate if the number of valid
 2496 specialty plate registrations falls below 1,000 plates for at
 2497 least 12 consecutive months. A warning letter shall be mailed to
 2498 the sponsoring organization following the first month in which
 2499 the total number of valid specialty plate registrations is below
 2500 1,000 plates. This paragraph does not apply to collegiate
 2501 license plates established under s. 320.08058(3).

2502 Section 47. Subsection (3) of section 316.172, Florida
 2503 Statutes, is renumbered as subsection (4), and a new subsection
 2504 (3) is added to that section to read:

2505 316.172 Traffic to stop for school bus.--

2506 (3) When a school bus is stopped with warning lights
 2507 displayed and is discharging or loading passengers, the area of
 2508 highway 500 linear feet in front of the bus and 500 linear feet
 2509 behind the bus shall be considered a school bus stop zone. A
 2510 person may not drive a vehicle on a roadway considered a school
 2511 bus stop zone at a speed greater than that posted for that
 2512 location. Violation of the speed limit within the school bus
 2513 stop zone must be cited as a moving violation, punishable as
 2514 provided in chapter 318.

2515 Section 48. Paragraph (c) of subsection (3) of section
 2516 318.18, Florida Statutes, is amended to read:

2517 318.18 Amount of civil penalties.--The penalties required
 2518 for a noncriminal disposition pursuant to s. 318.14 are as
 2519 follows:

2520 (3)

2521 (c) Notwithstanding paragraph (b), a person cited for
 2522 exceeding the speed limit by up to 5 m.p.h. in a legally posted
 2523 school zone or school bus stop zone will be fined \$50. A person
 2524 exceeding the speed limit in a school zone or school bus stop
 2525 zone shall pay a fine double the amount listed in paragraph (b).

2526 Section 49. This act may be cited as the "Mann Family
 2527 Memorial Highway Safety Act."

2528 Section 50. Paragraph (b) of subsection (2) and paragraph
 2529 (b) of subsection (3) of section 316.006, Florida Statutes, are
 2530 amended to read:

2531 316.006 Jurisdiction.--Jurisdiction to control traffic is
 2532 vested as follows:

2533 (2) MUNICIPALITIES.--

2534 (b) A municipality may exercise jurisdiction over any
 2535 private road or roads, or over any limited access road or roads
 2536 owned or controlled by a special district, located within its
 2537 boundaries if the municipality and party or parties owning or
 2538 controlling such road or roads provide, by written agreement
 2539 approved by the governing body of the municipality, for
 2540 municipal traffic control jurisdiction over the road or roads
 2541 encompassed by such agreement. Pursuant thereto:

2542 1. Provision for reimbursement for actual costs of traffic
 2543 control and enforcement and for liability insurance and
 2544 indemnification by the party or parties, and such other terms as
 2545 are mutually agreeable, may be included in such an agreement.

2546 2. The exercise of jurisdiction provided for herein shall
 2547 be in addition to jurisdictional authority presently exercised
 2548 by municipalities under law, and nothing in this paragraph shall
 2549 be construed to limit or remove any such jurisdictional
 2550 authority. Such jurisdiction includes regulation of access to
 2551 such road or roads by security devices or personnel.

2552 3. Any such agreement may provide for the installation of
 2553 multiparty stop signs by the parties controlling the roads
 2554 covered by the agreement if a determination is made by such
 2555 parties that the signage will enhance traffic safety. Multiparty
 2556 stop signs must conform to the manual and specifications of the
 2557 Department of Transportation; however, minimum traffic volumes
 2558 may not be required for the installation of such signage.
 2559 Enforcement for the signs shall be as provided in s. 316.123.

2560 4. The board of directors of a homeowners' association as
 2561 defined in chapter 720 may, by majority vote, elect to have
 2562 state traffic laws enforced by local law enforcement agencies on
 2563 private roads that are controlled by the association.

2564 (3) COUNTIES.--

2565 (b) A county may exercise jurisdiction over any private
 2566 road or roads, or over any limited access road or roads owned or
 2567 controlled by a special district, located in the unincorporated
 2568 area within its boundaries if the county and party or parties

2569 | owning or controlling such road or roads provide, by written
 2570 | agreement approved by the governing body of the county, for
 2571 | county traffic control jurisdiction over the road or roads
 2572 | encompassed by such agreement. Pursuant thereto:

2573 | 1. Provision for reimbursement for actual costs of traffic
 2574 | control and enforcement and for liability insurance and
 2575 | indemnification by the party or parties, and such other terms as
 2576 | are mutually agreeable, may be included in such an agreement.

2577 | 2. Prior to entering into an agreement which provides for
 2578 | enforcement of the traffic laws of the state over a private road
 2579 | or roads, or over any limited access road or roads owned or
 2580 | controlled by a special district, the governing body of the
 2581 | county shall consult with the sheriff. No such agreement shall
 2582 | take effect prior to October 1, the beginning of the county
 2583 | fiscal year, unless this requirement is waived in writing by the
 2584 | sheriff.

2585 | 3. The exercise of jurisdiction provided for herein shall
 2586 | be in addition to jurisdictional authority presently exercised
 2587 | by counties under law, and nothing in this paragraph shall be
 2588 | construed to limit or remove any such jurisdictional authority.

2589 | 4. Any such agreement may provide for the installation of
 2590 | multiparty stop signs by the parties controlling the roads
 2591 | covered by the agreement if a determination is made by such
 2592 | parties that the signage will enhance traffic safety. Multiparty
 2593 | stop signs must conform to the manual and specifications of the
 2594 | Department of Transportation; however, minimum traffic volumes

2595 | may not be required for the installation of such signage.
 2596 | Enforcement for the signs shall be as provided in s. 316.123.

2597 | 5. The board of directors of a homeowners' association as
 2598 | defined in chapter 720 may, by majority vote, elect to have
 2599 | state traffic laws enforced by local law enforcement agencies on
 2600 | private roads that are controlled by the association.

2601 | Section 51. Section 318.1215, Florida Statutes, is amended
 2602 | to read:

2603 | 318.1215 Dori Slosberg Driver Education Safety
 2604 | Act. -- ~~Effective October 1, 2002,~~ Notwithstanding the provisions
 2605 | of s. 318.121, a board of county commissioners may require, by
 2606 | ordinance, that the clerk of the court collect an additional \$5
 2607 | ~~\$3~~ with each civil traffic penalty, which shall be used to fund
 2608 | driver education programs in public and nonpublic schools. The
 2609 | ordinance shall provide for the board of county commissioners to
 2610 | administer the funds, which shall be used for enhancement, and
 2611 | not replacement, of driver education program funds. The funds
 2612 | shall be used for direct educational expenses and shall not be
 2613 | used for administration. Each driver education program receiving
 2614 | funds pursuant to this section shall require that a minimum of
 2615 | 30 percent of a student's time in the program be behind-the-
 2616 | wheel training. This section may be cited as the "Dori Slosberg
 2617 | Driver Education Safety Act."

2618 | Section 52. Subsection (2) of section 318.15, Florida
 2619 | Statutes, is amended to read:

2620 | 318.15 Failure to comply with civil penalty or to appear;
 2621 | penalty.--

2622 (2) After suspension of the driver's license and privilege
 2623 to drive of a person under subsection (1), the license and
 2624 privilege may not be reinstated until the person complies with
 2625 all obligations and penalties imposed on him or her under s.
 2626 318.18 and presents to a driver license office a certificate of
 2627 compliance issued by the court, together with a nonrefundable
 2628 service charge of up to \$47.50 imposed under s. 322.29, or
 2629 presents a certificate of compliance and pays the aforementioned
 2630 service charge of up to \$47.50 to the clerk of the court or a
 2631 driver licensing agent authorized in s. 322.135 ~~tax collector~~
 2632 clearing such suspension. Of the charge collected by the clerk
 2633 of the court or driver licensing agent ~~the tax collector~~, \$10
 2634 shall be remitted to the Department of Revenue to be deposited
 2635 into the Highway Safety Operating Trust Fund. Such person shall
 2636 also be in compliance with requirements of chapter 322 prior to
 2637 reinstatement.

2638 Section 53. Effective July 1, 2006, paragraph (a) of
 2639 subsection (8) of section 320.08056, Florida Statutes, is
 2640 amended to read:

2641 320.08056 Specialty license plates.--

2642 (8)(a) The department must discontinue the issuance of an
 2643 approved specialty license plate if the number of valid
 2644 specialty plate registrations falls below 1,000 plates for at
 2645 least 12 consecutive months. A warning letter shall be mailed to
 2646 the sponsoring organization following the first month in which
 2647 the total number of valid specialty plate registrations is below

2648 1,000 plates. This paragraph does not apply to collegiate
 2649 license plates established under s. 320.08058(3).

2650 Section 54. Subsection (1) of section 627.733, Florida
 2651 Statutes, is amended to read:

2652 627.733 Required security.--

2653 (1)(a) Every owner or registrant of a motor vehicle, other
 2654 than a motor vehicle used as a ~~taxicab~~, school bus as defined in
 2655 s. 1006.25~~7~~ or limousine, required to be registered and licensed
 2656 in this state shall maintain security as required by subsection
 2657 (3) in effect continuously throughout the registration or
 2658 licensing period.

2659 (b) Every owner or registrant of a motor vehicle used as a
 2660 taxicab shall not be governed by paragraph (1)(a) but shall
 2661 maintain security as required under s. 324.032(1), and s.
 2662 627.737 shall not apply to any motor vehicle used as a taxicab.

2663 Section 55. Subsection (1) of section 324.032, Florida
 2664 Statutes, is amended to read:

2665 324.032 Manner of proving financial responsibility; for-
 2666 hire passenger transportation vehicles.--Notwithstanding the
 2667 provisions of s. 324.031:

2668 (1)(a) A person who is either the owner or a lessee
 2669 required to maintain insurance under s. 627.733(1)(b) ~~s.~~
 2670 ~~324.021(9)(b)~~ and who operates one or more taxicabs, limousines,
 2671 jitneys, or any other for-hire passenger transportation vehicles
 2672 may prove financial responsibility by furnishing satisfactory
 2673 evidence of holding a motor vehicle liability policy ~~as defined~~

2674 ~~in s. 324.031~~, but with minimum limits of
2675 \$125,000/250,000/50,000.

2676 (b) A person who is either the owner or a lessee required
2677 to maintain insurance under s. 324.021(9)(b) and who operates
2678 limousines, jitneys, or any other for-hire passenger vehicles,
2679 other than taxicabs, may prove financial responsibility by
2680 furnishing satisfactory evidence of holding a motor vehicle
2681 liability policy as defined in s. 324.031.

2682
2683 Upon request by the department, the applicant must provide the
2684 department at the applicant's principal place of business in
2685 this state access to the applicant's underlying financial
2686 information and financial statements that provide the basis of
2687 the certified public accountant's certification. The applicant
2688 shall reimburse the requesting department for all reasonable
2689 costs incurred by it in reviewing the supporting information.
2690 The maximum amount of self-insurance permissible under this
2691 subsection is \$300,000 and must be stated on a per-occurrence
2692 basis, and the applicant shall maintain adequate excess
2693 insurance issued by an authorized or eligible insurer licensed
2694 or approved by the Office of Insurance Regulation. All risks
2695 self-insured shall remain with the owner or lessee providing it,
2696 and the risks are not transferable to any other person, unless a
2697 policy complying with subsection (1) is obtained.

2698 Section 56. (1) The Department of Highway Safety and
2699 Motor Vehicles shall study the outsourcing of its driver license
2700 services and shall make recommendations to the Governor, the

2701 President of the Senate, and the Speaker of the House of
2702 Representatives by January 1, 2007. As used in this section, the
2703 term "outsourcing" means the process of contracting with an
2704 external service provider or other governmental agency to
2705 provide a service, in whole or in part, while the department
2706 retains the responsibility and accountability for the service.

2707 (2) As part of its study, the department shall provide a
2708 description of the services to be outsourced. Types of issues
2709 for the department to consider must include, but need not be
2710 limited to:

2711 (a) A detailed description of the service to be outsourced
2712 and a description and analysis of the department's current
2713 performance of the service.

2714 (b) A cost-benefit analysis describing the estimated
2715 specific direct and indirect costs or savings; performance
2716 improvements, including reduced wait times at driver license
2717 offices; risks; and qualitative and quantitative benefits
2718 involved in or resulting from outsourcing the service. The cost-
2719 benefit analysis must include a detailed plan and timeline
2720 identifying all actions that must be implemented to realize the
2721 expected benefits.

2722 (c) A statement of the potential effect on applicable
2723 federal, state, and local revenues and expenditures. The
2724 statement must specifically describe the effect on general
2725 revenue, trust funds, general revenue service charges, and
2726 interest on trust funds, together with the potential direct or
2727 indirect effect on federal funding and cost allocations.

2728 (d) A plan to ensure compliance with public records law.
 2729 (e) A transition and implementation plan for addressing
 2730 changes in the number of department personnel, affected business
 2731 processes, and employee-transition issues. Such a plan must also
 2732 specify the mechanism for continuing the operation of the
 2733 service if the contractor fails to perform or comply with the
 2734 performance standards and provisions of the contract. Within
 2735 this plan, the department shall identify all resources,
 2736 including full-time equivalent positions, that are subject to
 2737 outsourcing.

2738 Section 57. Paragraph (b) of subsection (1) of section
 2739 206.606, Florida Statutes, is amended to read:

2740 206.606 Distribution of certain proceeds.--

2741 (1) Moneys collected pursuant to ss. 206.41(1)(g) and
 2742 206.87(1)(e) shall be deposited in the Fuel Tax Collection Trust
 2743 Fund. Such moneys, after deducting the service charges imposed
 2744 by s. 215.20, the refunds granted pursuant to s. 206.41, and the
 2745 administrative costs incurred by the department in collecting,
 2746 administering, enforcing, and distributing the tax, which
 2747 administrative costs may not exceed 2 percent of collections,
 2748 shall be distributed monthly to the State Transportation Trust
 2749 Fund, except that:

2750 (b) \$2.5 million shall be transferred to the State Game
 2751 Trust Fund in the Fish and Wildlife Conservation Commission in
 2752 each fiscal year and used for recreational boating activities,
 2753 and freshwater fisheries management and research. The transfers
 2754 must be made in equal monthly amounts beginning on July 1 of

2755 | each fiscal year. The commission shall annually determine where
 2756 | unmet needs exist for boating-related activities, and may fund
 2757 | such activities in counties where, due to the number of vessel
 2758 | registrations, sufficient financial resources are unavailable.

2759 | 1. A minimum of \$1.25 million shall be used to fund local
 2760 | projects to provide recreational channel marking and other
 2761 | uniform waterway markers, public boat ramps, lifts, and hoists,
 2762 | marine railways, and other public launching facilities, derelict
 2763 | vessel removal aquatic plant control, and other local boating
 2764 | related activities. In funding the projects, the commission
 2765 | shall give priority consideration as follows:

2766 | a. Unmet needs in counties with populations of 100,000 or
 2767 | less.

2768 | b. Unmet needs in coastal counties with a high level of
 2769 | boating related activities from individuals residing in other
 2770 | counties.

2771 | 2. The remaining \$1.25 million may be used for
 2772 | recreational boating activities and freshwater fisheries
 2773 | management and research.

2774 | 3. The commission is authorized to adopt rules pursuant to
 2775 | ss. 120.536(1) and 120.54 to implement a Florida Boating
 2776 | Improvement Program ~~similar to the program administered by the~~
 2777 | ~~Department of Environmental Protection and established in rules~~
 2778 | ~~62D 5.031—62D 5.036, Florida Administrative Code, to determine~~
 2779 | ~~projects eligible for funding under this subsection.~~

2780 |

2781 On February 1 of each year, the commission shall file an annual
2782 report with the President of the Senate and the Speaker of the
2783 House of Representatives outlining the status of its Florida
2784 Boating Improvement Program, including the projects funded, and
2785 a list of counties whose needs are unmet due to insufficient
2786 financial resources from vessel registration fees.

2787 Section 58. Section 327.59, Florida Statutes, is amended
2788 to read:

2789 327.59 Marina evacuations.--

2790 (1) After June 1, 1994, marinas may not adopt, maintain,
2791 or enforce policies pertaining to evacuation of vessels which
2792 require vessels to be removed from marinas following the
2793 issuance of a hurricane watch or warning, in order to ensure
2794 that protecting the lives and safety of vessel owners is placed
2795 before interests of protecting property.

2796 (2) Nothing in this section may be construed to restrict
2797 the ability of an owner of a vessel or the owner's authorized
2798 representative to remove a vessel voluntarily from a marina at
2799 any time or to restrict a marina owner from dictating the kind
2800 of cleats, ropes, fenders, and other measures that must be used
2801 on vessels as a condition of use of a marina. After a tropical
2802 storm or hurricane watch has been issued, a marina owner or
2803 operator, or an employee or agent of such owner or operator, may
2804 take reasonable actions to further secure any vessel within the
2805 marina to minimize damage to a vessel and to protect marina
2806 property, private property, and the environment and may charge a
2807 reasonable fee for such services.

2808 (3) Notwithstanding any other provisions of this section,
2809 in order to minimize damage to a vessel and to protect marina
2810 property, private property, and the environment, a marina owner
2811 may provide by contract that in the event a vessel owner fails
2812 to promptly remove a vessel from a marina after a tropical storm
2813 or hurricane watch has been issued, the marina owner, operator,
2814 employee, or agent may remove the vessel, if reasonable, from
2815 its slip or take whatever reasonable actions are deemed
2816 necessary to properly secure a vessel to minimize damage to a
2817 vessel and to protect marina property, private property, and the
2818 environment and may charge the vessel owner a reasonable fee for
2819 any such services rendered. In order to add such a provision to
2820 a contract, the marina owner must provide notice to the vessel
2821 owner in any such contract in a font size of at least 10 points
2822 and in substantially the following form:

2823
2824 NOTICE TO VESSEL OWNER

2825
2826 The undersigned hereby informs you that in the event you fail to
2827 remove your vessel from the marina promptly (timeframe to be
2828 determined between the marina owner or operator and the vessel
2829 owner) after the issuance of a tropical storm or hurricane watch
2830 for (insert geographic area), Florida, under Florida law, the
2831 undersigned or his or her employees or agents are authorized to
2832 remove your vessel, if reasonable, from its slip or take any and
2833 all other reasonable actions deemed appropriate by the
2834 undersigned or his or her employees or agents in order to better

2835 secure your vessel and to protect marina property, private
2836 property, and the environment. You are further notified that you
2837 may be charged a reasonable fee for any such action.

2838 (4) A marina owner, operator, employee, or agent shall not
2839 be held liable for any damage incurred to a vessel from storms
2840 or hurricanes and is held harmless as a result of such actions.
2841 Nothing in this section may be construed to provide immunity to
2842 a marina operator, employee, or agent for any damage caused by
2843 intentional acts or negligence when removing or securing a
2844 vessel as permitted under this section.

2845 Section 59. Subsection (2) of section 327.60, Florida
2846 Statutes, is amended to read:

2847 327.60 Local regulations; limitations.--

2848 (2) Nothing contained in the provisions of this section
2849 shall be construed to prohibit local governmental authorities
2850 from the enactment or enforcement of regulations which prohibit
2851 or restrict the mooring or anchoring of floating structures or
2852 live-aboard vessels within their jurisdictions or of any vessels
2853 within the marked boundaries of mooring fields permitted as
2854 provided in s. 327.40. However, local governmental authorities
2855 are prohibited from regulating the anchoring outside of such
2856 mooring fields ~~anchorage~~ of non-live-aboard vessels ~~engaged~~ in
2857 ~~the exercise of rights of~~ navigation.

2858 Section 60. Section 328.64, Florida Statutes, is amended
2859 to read:

2860 328.64 Change of interest and address.--

2861 (1) The owner shall furnish the Department of Highway
 2862 Safety and Motor Vehicles notice of the transfer of all or any
 2863 part of his or her interest in a vessel registered or titled in
 2864 this state pursuant to this chapter or chapter 328 or of the
 2865 destruction or abandonment of such vessel, within 30 days
 2866 thereof, on a form prescribed by the department. Such transfer,
 2867 destruction, or abandonment shall terminate the certificate for
 2868 such vessel, except that in the case of a transfer of a part
 2869 interest which does not affect the owner's right to operate such
 2870 vessel, such transfer shall not terminate the certificate. The
 2871 department shall provide the form for such notice and shall
 2872 attach the form to every vessel title issued or reissued.

2873 (2) Any holder of a certificate of registration shall
 2874 notify the Department of Highway Safety and Motor Vehicles or
 2875 the county tax collector within 30 days, if his or her address
 2876 no longer conforms to the address appearing on the certificate
 2877 and shall, as a part of such notification, furnish the
 2878 department or such county tax collector with the new address.
 2879 The department shall ~~may~~ provide in its rules and regulations
 2880 for the surrender of the certificate bearing the former address
 2881 and its replacement with a certificate bearing the new address
 2882 or for the alteration of an outstanding certificate to show the
 2883 new address of the holder.

2884 Section 61. Subsection (15) of section 328.72, Florida
 2885 Statutes, is amended to read:

2886 328.72 Classification; registration; fees and charges;
 2887 surcharge; disposition of fees; fines; marine turtle stickers.--

2888 (15) DISTRIBUTION OF FEES.--Except for the first \$2, \$1 of
 2889 which shall be remitted to the state for deposit into the Save
 2890 the Manatee Trust Fund created within the Fish and Wildlife
 2891 Conservation Commission and \$1 of which shall be remitted to the
 2892 state for deposit into the Marine Resources Conservation Trust
 2893 Fund to fund a grant program for public launching facilities,
 2894 pursuant to s. 206.606 ~~327.47~~, giving priority consideration to
 2895 counties with more than 35,000 registered vessels, moneys
 2896 designated for the use of the counties, as specified in
 2897 subsection (1), shall be distributed by the tax collector to the
 2898 board of county commissioners for use only as provided in this
 2899 section. Such moneys to be returned to the counties are for the
 2900 sole purposes of providing recreational channel marking and
 2901 other uniform waterway markers, public boat ramps, lifts, and
 2902 hoists, marine railways, and other public launching facilities,
 2903 derelict vessel removal, and other boating-related activities,
 2904 ~~for~~ removal of vessels and floating structures deemed a hazard
 2905 to public safety and health for failure to comply with s.
 2906 ~~327.53, and for manatee and marine mammal protection and~~
 2907 ~~recovery~~. Counties shall ~~that~~ demonstrate through an annual
 2908 detailed accounting report of vessel registration revenues that
 2909 ~~at least \$1 of the registration fees were spent~~ as provided in
 2910 this subsection ~~on boating infrastructure shall only be required~~
 2911 ~~to transfer the first \$1 of the fees to the Save the Manatee~~
 2912 ~~Trust Fund~~. This report shall be provided to the Fish and
 2913 Wildlife Conservation Commission no later than November 1 of
 2914 each year. If, prior to January 1 of each calendar year, the

2915 annual detailed accounting report meeting the prescribed
 2916 criteria has still not been provided to the commission, the tax
 2917 collector of that county shall not distribute the moneys
 2918 designated for the use of counties, as specified in subsection
 2919 (1), to the board of county commissioners but shall, instead,
 2920 for the next calendar year, remit such moneys to the state for
 2921 deposit into the Marine Resources Conservation Trust Fund. The
 2922 commission shall return those moneys to the county if the county
 2923 fully complies with this section within that calendar year. If
 2924 the county does not fully comply with this section within that
 2925 calendar year, the moneys shall remain within the Marine
 2926 Resources Trust Fund and may be appropriated for the purposes
 2927 specified in this subsection ~~The commission shall provide an~~
 2928 ~~exemption letter to the department by December 15 of each year~~
 2929 ~~for qualifying counties.~~

2930 Section 62. Paragraph (g) of subsection (4) of section
 2931 376.11, Florida Statutes, is amended to read:

2932 376.11 Florida Coastal Protection Trust Fund.--

2933 (4) Moneys in the Florida Coastal Protection Trust Fund
 2934 shall be disbursed for the following purposes and no others:

2935 (g) The funding of a grant program to ~~coastal~~ local
 2936 governments, pursuant to s. 376.15(2)(b) and (c), for the
 2937 removal of derelict vessels from the public waters of the state.

2938 Section 63. Section 376.15, Florida Statutes, is amended
 2939 to read:

2940 376.15 Derelict vessels; removal from public waters.--

2941 (1) It is unlawful for any person, firm, or corporation to
 2942 store, leave, or abandon any derelict vessel as defined in s.
 2943 823.11(1) in this state ~~or leave any vessel in a wrecked,~~
 2944 ~~junked, or substantially dismantled condition or abandoned upon~~
 2945 ~~any public waters or at any port in this state without the~~
 2946 ~~consent of the agency having jurisdiction thereof or docked at~~
 2947 ~~any private property without the consent of the owner of the~~
 2948 ~~private property.~~

2949 (2) (a) The Fish and Wildlife Conservation Commission and
 2950 its officers and all law enforcement officers as specified in s.
 2951 327.70 ~~are is hereby designated as the agency of the state~~
 2952 ~~authorized and empowered to remove any derelict vessel as~~
 2953 defined in s. 823.11(1) ~~described in subsection (1)~~ from public
 2954 waters. All costs incurred by the commission or other law
 2955 enforcement agency in the removal of any abandoned or derelict
 2956 vessel shall be recoverable against the owner of the vessel. The
 2957 Department of Legal Affairs shall represent the commission in
 2958 such actions.

2959 (b) The commission may establish a program to provide
 2960 grants to ~~coastal~~ local governments for the removal of derelict
 2961 vessels from the public waters of the state. The program shall
 2962 be funded from the Florida Coastal Protection Trust Fund.
 2963 Notwithstanding the provisions in s. 216.181(11), funds
 2964 available for grants may only be authorized by appropriations
 2965 acts of the Legislature.

2966 (c) The commission shall adopt by rule procedures for
 2967 submitting a grant application and criteria for allocating

2968 available funds. Such criteria shall include, but not be limited
 2969 to, the following:

2970 1. The number of derelict vessels within the jurisdiction
 2971 of the applicant.

2972 2. The threat posed by such vessels to public health or
 2973 safety, the environment, navigation, or the aesthetic condition
 2974 of the general vicinity.

2975 3. The degree of commitment of the local government to
 2976 maintain waters free of abandoned and derelict vessels and to
 2977 seek legal action against those who abandon vessels in the
 2978 waters of the state.

2979 (d) This section shall constitute the authority ~~of the~~
 2980 ~~commission~~ for such removal, but is not intended to be in
 2981 contravention of any applicable federal act.

2982 ~~(e) The Department of Legal Affairs shall represent the~~
 2983 ~~Fish and Wildlife Conservation Commission in such actions.~~

2984 Section 64. Paragraph (s) of subsection (2) of section
 2985 403.813, Florida Statutes, is amended to read:

2986 403.813 Permits issued at district centers; exceptions.--

2987 (2) A permit is not required under this chapter, chapter
 2988 373, chapter 61-691, Laws of Florida, or chapter 25214 or
 2989 chapter 25270, 1949, Laws of Florida, for activities associated
 2990 with the following types of projects; however, except as
 2991 otherwise provided in this subsection, nothing in this
 2992 subsection relieves an applicant from any requirement to obtain
 2993 permission to use or occupy lands owned by the Board of Trustees
 2994 of the Internal Improvement Trust Fund or any water management

2995 | district in its governmental or proprietary capacity or from
 2996 | complying with applicable local pollution control programs
 2997 | authorized under this chapter or other requirements of county
 2998 | and municipal governments:

2999 | (s) The construction, installation, operation, or
 3000 | maintenance of floating vessel platforms or floating boat lifts,
 3001 | provided that such structures:

3002 | 1. Float at all times in the water for the sole purpose of
 3003 | supporting a vessel so that the vessel is out of the water when
 3004 | not in use;

3005 | 2. Are wholly contained within a boat slip previously
 3006 | permitted under ss. 403.91-403.929, 1984 Supplement to the
 3007 | Florida Statutes 1983, as amended, or part IV of chapter 373, or
 3008 | do not exceed a combined total of 500 square feet, or 200 square
 3009 | feet in an Outstanding Florida Water, when associated with a
 3010 | dock that is exempt under this subsection or associated with a
 3011 | permitted dock with no defined boat slip or attached to a
 3012 | bulkhead on a parcel of land where there is no other docking
 3013 | structure, ~~do not exceed a combined total of 500 square feet, or~~
 3014 | ~~200 square feet in an Outstanding Florida Water;~~

3015 | 3. Are not used for any commercial purpose or for mooring
 3016 | vessels that remain in the water when not in use, and do not
 3017 | substantially impede the flow of water, create a navigational
 3018 | hazard, or unreasonably infringe upon the riparian rights of
 3019 | adjacent property owners, as defined in s. 253.141;

3020 | 4. Are constructed and used so as to minimize adverse
 3021 | impacts to submerged lands, wetlands, shellfish areas, aquatic

3022 plant and animal species, and other biological communities,
3023 including locating such structures in areas where ~~no~~ seagrasses
3024 are least dense ~~exist if such areas are present~~ adjacent to the
3025 dock or bulkhead; and

3026 5. Are not constructed in areas specifically prohibited
3027 for boat mooring under conditions of a permit issued in
3028 accordance with ss. 403.91-403.929, 1984 Supplement to the
3029 Florida Statutes 1983, as amended, or part IV of chapter 373, or
3030 other form of authorization issued by a local government.

3031
3032 Structures that qualify for this exemption are relieved from any
3033 requirement to obtain permission to use or occupy lands owned by
3034 the Board of Trustees of the Internal Improvement Trust Fund
3035 and, with the exception of those structures attached to a
3036 bulkhead on a parcel of land where there is no docking
3037 structure, shall not be subject to any more stringent permitting
3038 requirements, registration requirements, or other regulation by
3039 any local government. Local governments may require either
3040 permitting or one-time registration of floating vessel platforms
3041 to be attached to a bulkhead on a parcel of land where there is
3042 no other docking structure as necessary to ensure compliance
3043 with local ordinances, codes, or regulations. Local governments
3044 may require either permitting or one-time registration of all
3045 other floating vessel platforms as necessary to ensure
3046 compliance with the exemption criteria in this section; to
3047 ensure compliance with local ordinances, codes, or regulations
3048 relating to building or zoning, which are no more stringent than

3049 the exemption criteria in this section or address subjects other
3050 than subjects addressed by the exemption criteria in this
3051 section; and to ensure proper installation, maintenance, and
3052 precautionary or evacuation action following a tropical storm or
3053 hurricane watch of a floating vessel platform or floating boat
3054 lift that is proposed to be attached to a bulkhead or parcel of
3055 land where there is no other docking structure. The exemption
3056 provided in this paragraph shall be in addition to the exemption
3057 provided in paragraph (b). ~~By January 1, 2003,~~ The department
3058 shall adopt a general permit by rule for the construction,
3059 installation, operation, or maintenance of those floating vessel
3060 platforms or floating boat lifts that do not qualify for the
3061 exemption provided in this paragraph but do not cause
3062 significant adverse impacts to occur individually or
3063 cumulatively. The issuance of such general permit shall also
3064 constitute permission to use or occupy lands owned by the Board
3065 of Trustees of the Internal Improvement Trust Fund. ~~Upon the~~
3066 ~~adoption of the rule creating such general permit,~~ No local
3067 government shall impose a more stringent regulation, permitting
3068 requirement, registration requirement, or other regulation
3069 covered by such general permit. Local governments may require
3070 either permitting or one-time registration of floating vessel
3071 platforms as necessary to ensure compliance with the general
3072 permit in this section; to ensure compliance with local
3073 ordinances, codes, or regulations relating to building or zoning
3074 that are no more stringent than the general permit in this
3075 section; and to ensure proper installation and maintenance of a

3076 floating vessel platform or floating boat lift that is proposed
 3077 to be attached to a bulkhead or parcel of land where there is no
 3078 other docking structure ~~on floating vessel platforms or floating~~
 3079 ~~boat lifts covered by such general permit.~~

3080 Section 65. Subsection (3) of section 705.101, Florida
 3081 Statutes, is amended to read:

3082 705.101 Definitions.--As used in this chapter:

3083 (3) "Abandoned property" means all tangible personal
 3084 property that does not have an identifiable owner and that has
 3085 been disposed on public property in a wrecked, inoperative, or
 3086 partially dismantled condition or has no apparent intrinsic
 3087 value to the rightful owner. The term includes derelict vessels
 3088 as defined in s. 823.11(1) ~~Vessels determined to be derelict by~~
 3089 ~~the Fish and Wildlife Conservation Commission or a county or~~
 3090 ~~municipality in accordance with the provisions of s. 823.11 are~~
 3091 ~~included within this definition.~~

3092 Section 66. Subsection (4) of section 705.103, Florida
 3093 Statutes, is amended to read:

3094 705.103 Procedure for abandoned or lost property.--

3095 (4) The owner of any abandoned or lost property who, after
 3096 notice as provided in this section, does not remove such
 3097 property within the specified period shall be liable to the law
 3098 enforcement agency for all costs of removal, storage, and
 3099 destruction of such property, less any salvage value obtained by
 3100 disposal of the property. Upon final disposition of the
 3101 property, the law enforcement officer shall notify the owner, if
 3102 known, of the amount owed. In the case of an abandoned vessel

3103 ~~boat~~ or motor vehicle, any person who neglects or refuses to pay
 3104 such amount is not entitled to be issued a certificate of
 3105 registration for such vessel ~~boat~~ or motor vehicle, or any other
 3106 vessel ~~boat~~ or motor vehicle, until such costs have been paid.
 3107 The law enforcement officer shall supply the Department of
 3108 Highway Safety and Motor Vehicles with a list of persons whose
 3109 vessel ~~boat~~ registration privileges or whose motor vehicle
 3110 privileges have been revoked under this subsection. Neither the
 3111 department nor any other person acting as agent thereof shall
 3112 issue a certificate of registration to a person whose vessel
 3113 ~~boat~~ or motor vehicle registration privileges have been revoked,
 3114 as provided by this subsection, until such costs have been paid.

3115 Section 67. Section 823.11, Florida Statutes, is amended
 3116 to read:

3117 823.11 Abandoned and derelict vessels; removal; penalty.--

3118 (1) "Derelict vessel" means any vessel, as defined in s.
 3119 327.02, that is left, stored, or abandoned:

3120 (a) In a wrecked, junked, or substantially dismantled
 3121 condition upon any public waters of this state.

3122 (b) At any port in this state without the consent of the
 3123 agency having jurisdiction thereof.

3124 (c) Docked or grounded at or beached upon the property of
 3125 another without the consent of the owner of the property.

3126 (2) It is unlawful for any person, firm, or corporation to
 3127 store, leave, or abandon any derelict vessel as defined in this
 3128 section in this state ~~or leave any vessel as defined by maritime~~
 3129 ~~law in a wrecked, junked, or substantially dismantled condition~~

3130 ~~er abandoned upon or in any public water or at any port in this~~
3131 ~~state without the consent of the agency having jurisdiction~~
3132 ~~thereof, or docked at any private property without the consent~~
3133 ~~of the owner of such property.~~

3134 (3) (a) (2) The Fish and Wildlife Conservation Commission
3135 and its officers and all law enforcement officers as specified
3136 in s. 327.70 are is designated as the agency of the state
3137 authorized and empowered to remove or cause to be removed any
3138 abandoned or derelict vessel from public waters in any instance
3139 when the same obstructs or threatens to obstruct navigation or
3140 in any way constitutes a danger to the environment. Removal of
3141 vessels pursuant to this section may be funded by grants
3142 provided in ss. 206.606 and 376.15. The Fish and Wildlife
3143 Conservation Commission is directed to implement a plan for the
3144 procurement of any available federal disaster funds and to use
3145 such funds for the removal of derelict vessels. All costs
3146 incurred by the commission or other law enforcement agency in
3147 the removal of any abandoned or derelict vessel as set out above
3148 shall be recoverable against the owner thereof. The Department
3149 of Legal Affairs shall represent the commission in such actions.
3150 As provided in s. 705.103(4), any person who neglects or refuses
3151 to pay such amount is not entitled to be issued a certificate of
3152 registration for such vessel or for any other vessel or motor
3153 vehicle until the costs have been paid.

3154 (b) When a derelict vessel is docked or grounded at or
3155 beached upon private property without the consent of the owner
3156 of the property, the owner of the property may remove the vessel

3157 at the vessel owner's expense 60 days after compliance with the
3158 notice requirements specified in s. 328.17(5). The private
3159 property owner may not hinder reasonable efforts by the vessel
3160 owner or agent to remove the vessel. Any notice given pursuant
3161 to this paragraph shall be presumed delivered when it is
3162 deposited with the United States Postal Service, certified, and
3163 properly addressed with prepaid postage. Pursuant to an
3164 agreement with the governing body of a county or municipality,
3165 and upon a finding by the commission that the county or
3166 municipality is competent to undertake said responsibilities,
3167 the commission may delegate to the county or municipality its
3168 authority to remove or cause to be removed an abandoned or
3169 derelict vessel from public waters within the county or
3170 municipality.

3171 (4)(3) Any person, firm, or corporation violating this act
3172 commits is guilty of a misdemeanor of the first degree and shall
3173 be punished as provided by law. Conviction under this section
3174 shall not bar the assessment and collection of the civil penalty
3175 provided in s. 376.16 for violation of s. 376.15. The court
3176 having jurisdiction over the criminal offense, notwithstanding
3177 any jurisdictional limitations on the amount in controversy, may
3178 order the imposition of such civil penalty in addition to any
3179 sentence imposed for the first criminal offense.

3180 Section 68. For upland properties bordering on navigable
3181 waters, notwithstanding any other provision of Florida Statutes,
3182 rules, or local ordinances, riparian rights shall include the
3183 right to moor a vessel of a length that is less than the width

3184 of the property, provided the dock runs adjacent and parallel to
3185 a seawall, does not interfere with navigation as defined by
3186 International Navigational Rules Act of 1977, Public Law 95-75,
3187 91 Stat. 308, or 33 U.S.C. 1601-1608, or, the Inland Navigation
3188 Rules Act of 1980, Public Law 96-591, 94 Stat. 3415, 33 U.S.C.
3189 ss. 2001-2038, the vessel is registered in the name of the owner
3190 of the upland property, the owner of the upland property has
3191 designated the property homestead pursuant to s. 222.01, Florida
3192 Statutes, and no dredging or alteration of the submerged land is
3193 needed to accommodate the vessel.

3194 Section 69. Except as otherwise expressly provided in this
3195 act, and except for this section, which shall take effect upon
3196 this act becoming a law, this act shall take effect October 1,
3197 2006.