

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.; requiring that
4 a motor carrier maintain certain tax records for a
5 specified period; amending s. 207.021, F.S.; authorizing
6 the department to adopt rules to resolve disputes with
7 motor carriers involving taxes, penalties, interest, or
8 refunds; providing for an agreement with the department
9 settling or compromising a taxpayer's liability for any
10 tax, interest, or penalty; authorizing agreements for
11 scheduling payments of taxes, penalties, or interest;
12 amending s. 261.10, F.S.; providing a limitation on
13 liability in off-highway vehicle recreation; creating s.
14 261.20, F.S.; authorizing operations of off-highway
15 vehicles on public lands; providing restrictions;
16 requiring safety courses; defining prohibited acts;
17 providing penalties; amending s. 316.003, F.S.; defining
18 the term "full mount"; revising the definition of "saddle
19 mount" to provide for a full mount; amending s. 316.006,
20 F.S.; authorizing the board of directors of a homeowner's
21 association to provide for local law enforcement agencies
22 to enforce state traffic laws on private roads that are
23 controlled by the association; amending s. 316.0085, F.S.;
24 applying provisions that relate to liability with respect
25 to skateboarding, inline skating, and other recreational
26 pursuits to mountain and off-road bicycling as well;
27 requiring demonstration that consent by a parent or legal

28 guardian was provided to a governmental entity in
29 specified circumstances; amending s. 316.1001, F.S.;
30 exempting the owner of a leased vehicle from
31 responsibility for a failure to pay a toll violation under
32 certain circumstances; amending s. 316.192, F.S.; adding
33 to the definition of acts that constitute reckless
34 driving; specifying certain acts that constitute reckless
35 driving per se; amending s. 316.1955, F.S.; exempting the
36 owner of a leased vehicle from responsibility for a
37 violation of certain disabled parking violations in
38 specific circumstances; amending s. 316.2015, F.S.;
39 deleting an exception to a prohibition against persons
40 riding on the exterior of a passenger vehicle; revising
41 exceptions to a prohibition against persons riding on any
42 vehicle on an area of the vehicle not designed or intended
43 for the use of passengers; prohibiting an operator from
44 allowing certain minors to ride within the open body of a
45 pickup truck or flatbed truck on limited access
46 facilities; providing exceptions; providing penalties;
47 providing for counties to be exempted from the section;
48 amending s. 316.2095, F.S.; deleting a requirement that
49 certain motorcycles be equipped with passenger handholds;
50 amending s. 316.211, F.S.; requiring a unique license
51 plate for a motorcycle registered to a person younger than
52 a specified age; creating s. 316.2123, F.S.; providing for
53 all-terrain vehicle operation under certain conditions;
54 requiring the operator to provide proof of ownership to a

55 law enforcement officer; providing for counties to be
56 exempted from the act; amending s. 316.2125, F.S.;
57 granting local jurisdictions the authority to enact
58 ordinances governing the use of golf carts within a
59 retirement community which are more restrictive than state
60 law; creating s. 316.2128, F.S.; providing requirements
61 for the commercial sale of motorized scooters and
62 miniature motorcycles; providing that a violation of the
63 commercial sales requirements is an unfair and deceptive
64 trade practice; amending s. 316.221, F.S.; exempting dump
65 trucks and similar vehicles from the requirement that the
66 rear registration plate be illuminated; amending s.
67 316.302, F.S.; updating references to federal commercial
68 motor vehicle regulations; revising hours-of-service
69 requirements for certain intrastate motor carriers;
70 revising conditions for an exemption from commercial
71 driver's license requirements; revising weight
72 requirements for application of certain exceptions to
73 specified federal regulations and to operation of certain
74 commercial motor vehicles by persons of a certain age;
75 amending s. 316.515, F.S.; authorizing certain uses of
76 forestry equipment; providing width and speed limitations;
77 requiring such vehicles to be operated in accordance with
78 specified safety requirements; revising length and mount
79 requirements for automobile towaway and driveaway
80 operations; authorizing saddle mount combinations to
81 include one full mount; amending s. 318.14, F.S.;

82 providing exceptions to procedures for certain speed-limit
83 violations; removing the option for certain offenders to
84 attend driver improvement school; amending s. 318.143,
85 F.S., relating to sanctions for infractions of ch. 316,
86 F.S., committed by minors; allowing a court to require a
87 minor and his or her parents or guardians to participate
88 in a registered youthful driver monitoring service;
89 creating s. 318.1435, F.S.; defining the term "youthful
90 driver monitoring service"; providing procedures by which
91 such a service may provide monitoring; providing
92 registration requirements; amending s. 318.15, F.S.;
93 providing for the collection of certain service charges by
94 authorized driver licensing agents; amending s. 318.18,
95 F.S.; providing increased penalties for violation of load
96 on vehicle restrictions; amending s. 318.19, F.S.;
97 requiring mandatory hearings for certain speed-limit
98 violations; amending s. 318.32, F.S.; authorizing officers
99 to revoke a driver's license under certain circumstances;
100 amending s. 320.015, F.S.; providing that a prefabricated
101 or modular home shall be taxed as real property after it
102 is permanently affixed to real property; providing an
103 exception for certain display homes or dealer inventory;
104 amending s. 320.02, F.S.; requiring proof of an
105 endorsement before the original registration of a
106 motorcycle, motor-driven cycle, or moped; amending s.
107 320.03, F.S.; exempting certain owners of leased vehicles
108 from certain registration requirements; amending s.

109 | 320.07, F.S.; exempting certain owners of leased vehicles
 110 | from certain penalties relating to annual registration-
 111 | renewal requirements; amending s. 320.0706, F.S.;
 112 | providing requirements for displaying the rear license
 113 | plate on a dump truck; amending s. 320.08056, F.S.;
 114 | providing annual use fees for certain plates; exempting
 115 | collegiate license plates from the requirement for
 116 | maintaining a specified number of license plate
 117 | registrations; amending s. 320.08058, F.S.; creating the
 118 | Future Farmers of America license plate; providing for the
 119 | distribution of annual use fees received from the sale of
 120 | such plates; amending s. 320.089, F.S.; providing for
 121 | Operation Iraqi Freedom and Operation Enduring Freedom
 122 | license plates for qualified military personnel; amending
 123 | s. 320.27, F.S.; exempting certain applicants for a new
 124 | franchised motor vehicle dealer license from certain
 125 | training requirements; providing penalties for the failure
 126 | to register a mobile home salesperson; amending s.
 127 | 320.405, F.S.; authorizing the department to enter into an
 128 | agreement for scheduling the payment of taxes or
 129 | penalties; amending s. 320.77, F.S.; providing a
 130 | definition; requiring mobile home salespersons to be
 131 | registered with the department; amending s. 320.781, F.S.;
 132 | providing for certain claims to be satisfied from the
 133 | Mobile Home and Recreational Vehicle Protection Trust
 134 | Fund; establishing certain conditions for such claims;
 135 | providing limits on such claims; amending s. 322.01, F.S.;

136 redefining the term "driver's license" to include an
137 operator's license as defined by federal law; defining the
138 terms "identification card," "temporary driver's license,"
139 and "temporary identification card" for purposes of ch.
140 322, F.S.; amending s. 322.05, F.S.; requiring that a
141 driver holding a learner license may only have his or her
142 application for a Class E license delayed for a moving
143 violation; amending s. 322.051, F.S.; revising the age at
144 which a person may be issued an identification card by the
145 department; authorizing the use of additional
146 documentation for purposes of proving nonimmigrant
147 classification when a person applies for an identification
148 card; amending s. 322.08, F.S.; authorizing the use of
149 additional documentation for purposes of proving
150 nonimmigrant classification when a person applies for a
151 driver's license; amending s. 322.12, F.S.; requiring that
152 all first-time applicants for a license to operate a
153 motorcycle complete a motorcycle safety course; amending
154 s. 322.121, F.S.; revising periodic license examination
155 requirements; providing for such testing of applicants for
156 renewal of a license under provisions requiring an
157 endorsement permitting the applicant to operate a tank
158 vehicle transporting hazardous materials; amending s.
159 322.2615, F.S.; revising the procedures under which a law
160 enforcement officer or correctional officer may suspend
161 the driving privilege of a person who is driving a motor
162 vehicle and who has an unlawful blood-alcohol level or

163 breath-alcohol level or who refuses to submit to a test of
164 his or her urine, breath, or blood; deleting a requirement
165 that such person be arrested for the offense of driving
166 under the influence; revising certain reporting
167 requirements; providing that materials submitted to the
168 department by the law enforcement agency, including the
169 crash report, are self-authenticating and part of the
170 record for the hearing officer; authorizing a law
171 enforcement agency to appeal a decision by the department
172 invalidating a suspension of a person's driving privilege;
173 directing the department to study the outsourcing of its
174 driver license services to a provider or other
175 governmental agency, in whole or in part, while retaining
176 responsibility and accountability for the services;
177 requiring that the department submit a report to the
178 Governor and Legislature by a specified date; providing
179 requirements for the department with respect to issues to
180 be included in the study; requiring a cost-benefit
181 analysis and a transition and implementation plan;
182 amending s. 627.733, F.S.; revising security requirements
183 for certain vehicles; amending s. 324.032, F.S.; revising
184 financial responsibility requirements for certain for-hire
185 vehicles; amending s. 318.1215, F.S.; deleting obsolete
186 language; increasing the amount of the surcharge on each
187 civil traffic penalty which is to be used for driver
188 education programs in schools; amending s. 316.083, F.S.;
189 requiring the driver of a vehicle overtaking a bicycle or

190 other nonmotorized vehicle to pass the bicycle or other
 191 nonmotorized vehicle at a safe, specified distance;
 192 providing effective dates.

193
 194 Be It Enacted by the Legislature of the State of Florida:

195
 196 Section 1. Section 207.008, Florida Statutes, is amended
 197 to read:

198 207.008 Retention of records by motor carrier.--Each
 199 registered motor carrier shall maintain and keep pertinent
 200 records and papers as may be required by the department for the
 201 reasonable administration of this chapter and shall preserve the
 202 records upon which each quarterly tax return is based for 4
 203 years following the due date or filing date of the return,
 204 whichever is later ~~such records as long as required by s.~~
 205 ~~213.35.~~

206 Section 2. Section 207.021, Florida Statutes, is amended
 207 to read:

208 207.021 Informal conferences; settlement or compromise of
 209 taxes, penalties, or interest.--

210 (1) (a) The department may adopt rules for establishing
 211 informal conferences for the resolution of disputes arising from
 212 the assessment of taxes, penalties, or interest or the denial of
 213 refunds under chapter 120.

214 (b) During any proceeding arising under this section, the
 215 motor carrier has the right to be represented and to record all
 216 procedures at the motor carrier's expense.

217 (2) (a) The executive director or his or her designee may
218 enter into a closing agreement with a taxpayer settling or
219 compromising the taxpayer's liability for any tax, interest, or
220 penalty assessed under this chapter. Each agreement must be in
221 writing, in the form of a closing agreement approved by the
222 department, and signed by the executive director or his or her
223 designee. The agreement is final and conclusive, except upon a
224 showing of material fraud or misrepresentation of material fact.
225 The department may not make an additional assessment against the
226 taxpayer for the tax, interest, or penalty specified in the
227 closing agreement for the time specified in the closing
228 agreement, and the taxpayer may not institute a judicial or
229 administrative proceeding to recover any tax, interest, or
230 penalty paid pursuant to the closing agreement. The executive
231 director of the department or his or her designee may approve
232 the closing agreement.

233 (b) Notwithstanding paragraph (a), for the purpose of
234 settling and compromising the liability of a taxpayer for any
235 tax or interest on the grounds of doubt as to liability based on
236 the taxpayer's reasonable reliance on a written determination
237 issued by the department, the department may compromise the
238 amount of the tax or interest resulting from such reasonable
239 reliance.

240 (3) A taxpayer's liability for any tax or interest
241 specified in this chapter may be compromised by the department
242 upon the grounds of doubt as to liability for or the
243 collectibility of such tax or interest. Doubt as to the

244 liability of a taxpayer for tax and interest exists if the
 245 taxpayer demonstrates that he or she reasonably relied on a
 246 written determination of the department.

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

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

255 (6) The department may enter into an agreement for
 256 scheduling payments of any tax, penalty, or interest owed to the
 257 department as a result of an audit assessment issued under this
 258 chapter. ~~The department may settle or compromise, pursuant to s.~~
 259 ~~213.21, penalties or interest imposed under this chapter.~~

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

262 261.10 Criteria for recreation areas and trails;
 263 limitation on liability.--

264 (1) Publicly owned or operated off-highway vehicle
 265 recreation areas and trails shall be designated and maintained
 266 for recreational travel by off-highway vehicles. These areas and
 267 trails need not be generally suitable or maintained for normal
 268 travel by conventional two-wheel-drive vehicles and should not
 269 be designated as recreational footpaths. State off-highway

270 vehicle recreation areas and trails must be selected and managed
271 in accordance with this chapter.

272 (2) State agencies, water management districts, counties,
273 and municipalities, and officers and employees thereof, which
274 provide off-highway recreation areas and trails on publicly
275 owned land are not liable for damage to personal property or
276 personal injury or death to any person resulting from
277 participation in the inherently dangerous risks of off-highway
278 vehicle recreation. This subsection does not limit liability
279 that would otherwise exist for an act of negligence by a state
280 agency, water management district, county, or municipality, or
281 officer or employee thereof, which is the proximate cause of the
282 damage, injury, or death. Nothing in this subsection creates a
283 duty of care or basis of liability for death, personal injury,
284 or damage to personal property, nor shall anything in this
285 subsection be deemed to be a waiver of sovereign immunity under
286 any circumstances.

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

289 261.20 Operations of off-highway vehicles on public lands;
290 restrictions; safety courses; required equipment; prohibited
291 acts; penalties.--

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

294 (2) Any person operating an off-highway vehicle as
295 permitted in this section who has not attained 16 years of age

296 must be supervised by an adult while operating the off-highway
297 vehicle.

298 (3) Effective July 1, 2008, while operating an off-highway
299 vehicle, a person who has not attained 16 years of age must have
300 in his or her possession a certificate evidencing the
301 satisfactory completion of an approved off-highway vehicle
302 safety course in this state or another jurisdiction. A
303 nonresident who has not attained 16 years of age and who is in
304 this state temporarily for a period not to exceed 30 days is
305 exempt from this subsection. Nothing contained in this chapter
306 shall prohibit an agency from requiring additional safety-
307 education courses for all operators.

308 (4) (a) The department shall approve all off-highway
309 vehicle public safety-education programs required by this
310 chapter as a condition for operating on public lands.

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

315 (c) On and after July 1, 2008, off-highway vehicles, when
316 operating pursuant to this chapter, shall be equipped with a
317 silencer or other device which limits sound emissions. Exhaust
318 noise must not exceed 96 decibels in the A-weighting scale for
319 vehicles manufactured after January 1, 1986, or 99 decibels in
320 the A-weighting scale for vehicles manufactured before January
321 1, 1986, when measured from a distance of 20 inches using test
322 procedures established by the Society of Automotive Engineers

323 under Standard J-1287. Off-highway vehicle manufacturers or
324 their agents prior to the sale to the general public in this
325 state of any new off-highway vehicle model manufactured after
326 January 1, 2008, shall provide to the department revolutions-
327 per-minute data needed to conduct the J-1287 test, where
328 applicable.

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

334 (e) An off-highway vehicle that is used in certain
335 organized and sanctioned competitive events being held on a
336 closed course may be exempted by departmental rule from any
337 equipment requirement in this subsection.

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

339 (a) To carry a passenger on an off-highway vehicle, unless
340 the machine is specifically designed by the manufacturer to
341 carry an operator and a single passenger.

342 (b) To operate an off-highway vehicle while under the
343 influence of alcohol, a controlled substance, or any
344 prescription or over-the-counter drug that impairs vision or
345 motor condition.

346 (c) For a person who has not attained 16 years of age, to
347 operate an off-highway vehicle without wearing eye protection,
348 over-the-ankle boots, and a safety helmet that is approved by

349 the United States Department of Transportation or Snell Memorial
350 Foundation.

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

354 (6) Any person who violates this section commits a
355 noncriminal infraction and is subject to a fine of not less than
356 \$100, and may have his or her privilege to operate an ATV on
357 public lands revoked. However, a person who commits such acts
358 with intent to defraud, or who commits a second or subsequent
359 violation, is subject to a fine of not less than \$500 and may
360 have his or her privilege to operate an ATV on public lands
361 revoked.

362 (7) Public land managing agencies, through the course of
363 their management activities, are exempt from the provisions of
364 subsection (5)(a).

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

367 316.003 Definitions.--The following words and phrases,
368 when used in this chapter, shall have the meanings respectively
369 ascribed to them in this section, except where the context
370 otherwise requires:

371 (43) SADDLE MOUNT; FULL MOUNT.--An arrangement whereby the
372 front wheels of one vehicle rest in a secured position upon
373 another vehicle. All of the wheels of the towing vehicle are
374 upon the ground and only the rear wheels of the towed vehicle
375 rest upon the ground. Such combinations may include one full

376 mount, whereby a smaller transport vehicle is placed completely
377 on the last towed vehicle.

378 Section 6. Paragraph (b) of subsection (2) and paragraph
379 (b) of subsection (3) of section 316.006, Florida Statutes, are
380 amended to read:

381 316.006 Jurisdiction.--Jurisdiction to control traffic is
382 vested as follows:

383 (2) MUNICIPALITIES.--

384 (b) A municipality may exercise jurisdiction over any
385 private road or roads, or over any limited access road or roads
386 owned or controlled by a special district, located within its
387 boundaries if the municipality and party or parties owning or
388 controlling such road or roads provide, by written agreement
389 approved by the governing body of the municipality, for
390 municipal traffic control jurisdiction over the road or roads
391 encompassed by such agreement. Pursuant thereto:

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

396 2. The exercise of jurisdiction provided for herein shall
397 be in addition to jurisdictional authority presently exercised
398 by municipalities under law, and nothing in this paragraph shall
399 be construed to limit or remove any such jurisdictional
400 authority. Such jurisdiction includes regulation of access to
401 such road or roads by security devices or personnel.

402 3. Any such agreement may provide for the installation of
 403 multiparty stop signs by the parties controlling the roads
 404 covered by the agreement if a determination is made by such
 405 parties that the signage will enhance traffic safety. Multiparty
 406 stop signs must conform to the manual and specifications of the
 407 Department of Transportation; however, minimum traffic volumes
 408 may not be required for the installation of such signage.
 409 Enforcement for the signs shall be as provided in s. 316.123.

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

414 (3) COUNTIES.--

415 (b) A county may exercise jurisdiction over any private
 416 road or roads, or over any limited access road or roads owned or
 417 controlled by a special district, located in the unincorporated
 418 area within its boundaries if the county and party or parties
 419 owning or controlling such road or roads provide, by written
 420 agreement approved by the governing body of the county, for
 421 county traffic control jurisdiction over the road or roads
 422 encompassed by such agreement. Pursuant thereto:

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

427 2. Prior to entering into an agreement which provides for
 428 enforcement of the traffic laws of the state over a private road

429 or roads, or over any limited access road or roads owned or
 430 controlled by a special district, the governing body of the
 431 county shall consult with the sheriff. No such agreement shall
 432 take effect prior to October 1, the beginning of the county
 433 fiscal year, unless this requirement is waived in writing by the
 434 sheriff.

435 3. The exercise of jurisdiction provided for herein shall
 436 be in addition to jurisdictional authority presently exercised
 437 by counties under law, and nothing in this paragraph shall be
 438 construed to limit or remove any such jurisdictional authority.

439 4. Any such agreement may provide for the installation of
 440 multiparty stop signs by the parties controlling the roads
 441 covered by the agreement if a determination is made by such
 442 parties that the signage will enhance traffic safety. Multiparty
 443 stop signs must conform to the manual and specifications of the
 444 Department of Transportation; however, minimum traffic volumes
 445 may not be required for the installation of such signage.
 446 Enforcement for the signs shall be as provided in s. 316.123.

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

451 Section 7. Section 316.0085, Florida Statutes, is amended
 452 to read:

453 316.0085 Skateboarding; inline skating; freestyle or
 454 mountain and off-road bicycling; paintball; definitions;
 455 liability.--

456 (1) The purpose of this section is to encourage
457 governmental owners or lessees of property to make land
458 available to the public for skateboarding, inline skating,
459 paintball, and freestyle or mountain and off-road bicycling. It
460 is recognized that governmental owners or lessees of property
461 have failed to make property available for such activities
462 because of the exposure to liability from lawsuits and the
463 prohibitive cost of insurance, if insurance can be obtained for
464 such activities. It is also recognized that risks and dangers
465 are inherent in these activities, which risks and dangers should
466 be assumed by those participating in such activities.

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

468 (a) "Governmental entity" means:

469 1. The United States, the State of Florida, any county or
470 municipality, or any department, agency, or other
471 instrumentality thereof.

472 2. Any school board, special district, authority, or other
473 entity exercising governmental authority.

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

478 (3) This section does not grant authority or permission
479 for a person to engage in skateboarding, inline skating,
480 paintball, or freestyle or mountain and off-road bicycling on
481 property owned or controlled by a governmental entity unless
482 such governmental entity has specifically designated such area

483 for skateboarding, inline skating, paintball, or freestyle or
484 mountain and off-road bicycling. Each governmental entity shall
485 post a rule in each specifically designated area that identifies
486 all authorized activities and indicates that a child under 17
487 years of age may not engage in any of those activities until the
488 governmental entity has obtained written consent, in a form
489 acceptable to the governmental entity, from the child's parents
490 or legal guardians.

491 (4) A governmental entity or public employee is not liable
492 to any person who voluntarily participates in skateboarding,
493 inline skating, paintball, or freestyle or mountain and off-road
494 bicycling for any damage or injury to property or persons which
495 arises out of a person's participation in such activity, and
496 which takes place in an area designated for such activity.

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

499 (a) The failure of the governmental entity or public
500 employee to guard against or warn of a dangerous condition of
501 which a participant does not and cannot reasonably be expected
502 to have notice.

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

505 (c) The failure of a governmental entity that provides a
506 designated area for skateboarding, inline skating, paintball, or
507 freestyle or mountain and off-road bicycling to obtain the
508 written consent, in a form acceptable to the governmental
509 entity, from the parents or legal guardians of any child under

510 17 years of age before authorizing such child to participate in
511 skateboarding, inline skating, paintball, or freestyle or
512 mountain and off-road bicycling in such designated area, unless
513 that child's participation is in violation of posted rules
514 governing the authorized use of the designated area, except that
515 a parent or legal guardian must demonstrate that written consent
516 to engage in mountain or off-road bicycling in a designated area
517 was provided to the governmental entity before entering the
518 designated area.

519

520 Nothing in this subsection creates a duty of care or basis of
521 liability for death, personal injury, or damage to personal
522 property. Nothing in this section shall be deemed to be a waiver
523 of sovereign immunity under any circumstances.

524 (6) Nothing in this section shall limit the liability of
525 an independent concessionaire, or any person or organization
526 other than a governmental entity or public employee, whether or
527 not the person or organization has a contractual relationship
528 with a governmental entity to use the public property, for
529 injuries or damages suffered in any case as a result of the
530 operation of skateboards, inline skates, paintball equipment, or
531 freestyle or mountain and off-road bicycles on public property
532 by the concessionaire, person, or organization.

533 (7) (a) Any person who participates in or assists in
534 skateboarding, inline skating, paintball, or freestyle or
535 mountain and off-road bicycling assumes the known and unknown
536 inherent risks in these activities irrespective of age, and is

537 | legally responsible for all damages, injury, or death to himself
538 | or herself or other persons or property which result from these
539 | activities. Any person who observes skateboarding, inline
540 | skating, paintball, or freestyle or mountain or off-road
541 | bicycling assumes the known and unknown inherent risks in these
542 | activities irrespective of age, and is legally responsible for
543 | all damages, injury, or death to himself or herself which result
544 | from these activities. A governmental entity that sponsors,
545 | allows, or permits skateboarding, inline skating, paintball, or
546 | freestyle or mountain or off-road bicycling on its property is
547 | not required to eliminate, alter, or control the inherent risks
548 | in these activities.

549 | (b) While engaged in skateboarding, inline skating,
550 | paintball, or freestyle or mountain or off-road bicycling,
551 | irrespective of where such activities occur, a participant is
552 | responsible for doing all of the following:

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

555 | 2. Maintaining control of his or her person and the
556 | equipment used.

557 | 3. Refraining from acting in any manner which may cause or
558 | contribute to death or injury of himself or herself, or other
559 | persons.

560 |
561 | Failure to comply with the requirements of this paragraph shall
562 | constitute negligence.

563 (8) The fact that a governmental entity carries insurance
564 which covers any act described in this section shall not
565 constitute a waiver of the protections set forth in this
566 section, regardless of the existence or limits of such coverage.

567 Section 8. Subsection (2) of section 316.1001, Florida
568 Statutes, is amended to read:

569 316.1001 Payment of toll on toll facilities required;
570 penalties.--

571 (2) (a) For the purpose of enforcing this section, any
572 governmental entity, as defined in s. 334.03, that owns or
573 operates a toll facility may, by rule or ordinance, authorize a
574 toll enforcement officer to issue a uniform traffic citation for
575 a violation of this section. Toll enforcement officer means the
576 designee of a governmental entity whose authority is to enforce
577 the payment of tolls. The governmental entity may designate
578 toll enforcement officers pursuant to s. 316.640(1).

579 (b) A citation issued under this subsection may be issued
580 by mailing the citation by first class mail, or by certified
581 mail, return receipt requested, to the address of the registered
582 owner of the motor vehicle involved in the violation. Mailing
583 the citation to this address constitutes notification. In the
584 case of joint ownership of a motor vehicle, the traffic citation
585 must be mailed to the first name appearing on the registration,
586 unless the first name appearing on the registration is a
587 business organization, in which case the second name appearing
588 on the registration may be used. A citation issued under this
589 paragraph must be mailed to the registered owner of the motor

590 vehicle involved in the violation within 14 days after the date
591 of issuance of the violation. In addition to the citation,
592 notification must be sent to the registered owner of the motor
593 vehicle involved in the violation specifying remedies available
594 under ss. 318.14(12) and 318.18(7).

595 (c) The owner of the motor vehicle involved in the
596 violation is responsible and liable for payment of a citation
597 issued for failure to pay a toll, unless the owner can establish
598 the motor vehicle was, at the time of the violation, in the
599 care, custody, or control of another person. In order to
600 establish such facts, the owner of the motor vehicle is
601 required, within 14 days after the date of issuance of the
602 citation, to furnish to the appropriate governmental entity an
603 affidavit setting forth:

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

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

610

611 Upon receipt of an affidavit the person designated as having
612 care, custody, and control of the motor vehicle at the time of
613 the violation may be issued a citation for failure to pay a
614 required toll. The affidavit shall be admissible in a
615 proceeding pursuant to this section for the purpose of providing
616 that the person identified in the affidavit was in actual care,

617 custody, or control of the motor vehicle. The owner of a leased
618 vehicle for which a citation is issued for failure to pay a toll
619 is not responsible for payment of the citation and is not
620 required to submit an affidavit as specified in this subsection
621 if the motor vehicle involved in the violation is registered in
622 the name of the lessee of such motor vehicle.

623 (d) A written report of a toll enforcement officer to
624 photographic evidence that a required toll was not paid is
625 admissible in any proceeding to enforce this section and raises
626 a rebuttable presumption that the motor vehicle named in the
627 report or shown in the photographic evidence was used in
628 violation of this section.

629 Section 9. Subsection (1) of section 316.192, Florida
630 Statutes, is amended to read:

631 316.192 Reckless driving.--

632 (1) (a) Any person who drives any vehicle in willful or
633 wanton disregard for the safety of persons or property is guilty
634 of reckless driving.

635 (b) Fleeing a law enforcement officer in a motor vehicle
636 is reckless driving per se.

637 Section 10. Subsection (1) of section 316.1955, Florida
638 Statutes, is amended to read:

639 316.1955 Enforcement of parking requirements for persons
640 who have disabilities.--

641 (1) It is unlawful for any person to stop, stand, or park
642 a vehicle within, or to obstruct, any such specially designated
643 and marked parking space provided in accordance with s.

644 553.5041, unless the vehicle displays a disabled parking permit
645 issued under s. 316.1958 or s. 320.0848 or a license plate
646 issued under s. 320.084, s. 320.0842, s. 320.0843, or s.
647 320.0845, and the vehicle is transporting the person to whom the
648 displayed permit is issued. The violation may not be dismissed
649 for failure of the marking on the parking space to comply with
650 s. 553.5041 if the space is in general compliance and is clearly
651 distinguishable as a designated accessible parking space for
652 people who have disabilities. Only a warning may be issued for
653 unlawfully parking in a space designated for persons with
654 disabilities if there is no above-grade sign as provided in s.
655 553.5041.

656 (a) Whenever a law enforcement officer, a parking
657 enforcement specialist, or the owner or lessee of the space
658 finds a vehicle in violation of this subsection, that officer,
659 owner, or lessor shall have the vehicle in violation removed to
660 any lawful parking space or facility or require the operator or
661 other person in charge of the vehicle immediately to remove the
662 unauthorized vehicle from the parking space. Whenever any
663 vehicle is removed under this section to a storage lot, garage,
664 or other safe parking space, the cost of the removal and parking
665 constitutes a lien against the vehicle.

666 (b) The officer or specialist shall charge the operator or
667 other person in charge of the vehicle in violation with a
668 noncriminal traffic infraction, punishable as provided in s.
669 316.008(4) or s. 318.18(6). The owner of a leased vehicle is not

670 responsible for a violation of this section if the vehicle is
671 registered in the name of the lessee.

672 (c) All convictions for violations of this section must be
673 reported to the Department of Highway Safety and Motor Vehicles
674 by the clerk of the court.

675 (d) A law enforcement officer or a parking enforcement
676 specialist has the right to demand to be shown the person's
677 disabled parking permit and driver's license or state
678 identification card when investigating the possibility of a
679 violation of this section. If such a request is refused, the
680 person in charge of the vehicle may be charged with resisting an
681 officer without violence, as provided in s. 843.02.

682 Section 11. Section 316.2015, Florida Statutes, is amended
683 to read:

684 316.2015 Unlawful for person to ride on exterior of
685 vehicle.--

686 (1) It is unlawful for any operator of a passenger vehicle
687 to permit any person to ride on the bumper, radiator, fender,
688 hood, top, trunk, or running board of such vehicle when operated
689 upon any street or highway which is maintained by the state,
690 county, or municipality. ~~However, the operator of any vehicle~~
691 ~~shall not be in violation of this section when such operator~~
692 ~~permits any person to occupy seats securely affixed to the~~
693 ~~exterior of such vehicle.~~ Any person who violates the provisions
694 of this subsection shall be cited for a moving violation,
695 punishable as provided in chapter 318.

696 (2) (a) No person shall ride on any vehicle upon any
697 portion thereof not designed or intended for the use of
698 passengers. This paragraph does not apply to an employee of a
699 fire department, an employee of a governmentally operated solid
700 waste disposal department or a waste disposal service operating
701 pursuant to a contract with a governmental entity, or to a
702 volunteer firefighter when the employee or firefighter is
703 engaged in the necessary discharge of a duty, and does not apply
704 to a person who is being transported in response to an emergency
705 by a public agency or pursuant to the direction or authority of
706 a public agency. This paragraph does ~~provision shall~~ not apply
707 to an employee engaged in the necessary discharge of a duty or
708 to a person or persons riding within truck bodies in space
709 intended for merchandise.

710 (b) It is unlawful for any operator of a pickup truck or
711 flatbed truck to permit a minor child who has not attained 18
712 years of age to ride upon limited access facilities of the state
713 within the open body of a pickup truck or flatbed truck unless
714 the minor is restrained within the open body in the back of a
715 truck that has been modified to include secure seating and
716 safety restraints to prevent the passenger from being thrown,
717 falling, or jumping from the truck. This paragraph does not
718 apply in a medical emergency if the child is accompanied within
719 the truck by an adult. A county is exempt from this paragraph if
720 the governing body of the county, by majority vote, following a
721 noticed public hearing, votes to exempt the county from this
722 paragraph.

723 (c) Any person who violates ~~the provisions of~~ this
724 subsection shall be cited for a nonmoving violation, punishable
725 as provided in chapter 318.

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

730 Section 12. Subsection (1) section 316.2095, Florida
731 Statutes, is amended to read:

732 316.2095 Footrests, handholds, and handlebars.--

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

736 Section 13. Effective January 1, 2007, present subsection
737 (6) of section 316.211, Florida Statutes, is redesignated as
738 subsection (7), and a new subsection (6) is added to that
739 section, to read:

740 316.211 Equipment for motorcycle and moped riders.--

741 (6) Each motorcycle registered to a person under 21 years
742 of age must display a license plate that is unique in design and
743 color.

744 Section 14. Section 316.2123, Florida Statutes, is created
745 to read:

746 316.2123 Operation of an ATV on certain roadways.--

747 (1) The operation of an ATV, as defined in s. 317.0003,
748 upon the public roads or streets of this state is prohibited,
749 except that an ATV may be operated during the daytime on an

750 unpaved roadway where the posted speed limit is less than 35
751 miles per hour by a licensed driver or by a minor under the
752 supervision of a licensed driver. The operator must provide
753 proof of ownership pursuant to chapter 317 upon request by a law
754 enforcement officer.

755 (2) A county is exempt from this section if the governing
756 body of the county, by majority vote, following a noticed public
757 hearing, votes to exempt the county from this section.

758 Section 15. Subsection (3) is added to section 316.2125,
759 Florida Statutes, to read:

760 316.2125 Operation of golf carts within a retirement
761 community.--

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

771 Section 16. Section 316.2128, Florida Statutes, is created
772 to read:

773 316.2128 Operation of motorized scooters and miniature
774 motorcycles; requirements for sales.--

775 (1) A person who engages in the business of, serves in the
776 capacity of, or acts as a commercial seller of motorized

777 scooters or miniature motorcycles in this state must prominently
778 display at his or her place of business a notice that such
779 vehicles are not legal to operate on public roads or sidewalks
780 and may not be registered as motor vehicles. The required notice
781 must also appear in all forms of advertising offering motorized
782 scooters or miniature motorcycles for sale. The notice and a
783 copy of this section must also be provided to a consumer prior
784 to the consumer's purchasing or becoming obligated to purchase a
785 motorized scooter or a miniature motorcycle.

786 (2) Any person selling or offering a motorized scooter or
787 a miniature motorcycle for sale in violation of this subsection
788 commits an unfair and deceptive trade practice as defined in
789 part II of chapter 501.

790 Section 17. Subsection (2) of section 316.221, Florida
791 Statutes, is amended to read:

792 316.221 Taillamps.--

793 (2) Either a taillamp or a separate lamp shall be so
794 constructed and placed as to illuminate with a white light the
795 rear registration plate and render it clearly legible from a
796 distance of 50 feet to the rear. Any taillamp or taillamps,
797 together with any separate lamp or lamps for illuminating the
798 rear registration plate, shall be so wired as to be lighted
799 whenever the headlamps or auxiliary driving lamps are lighted.
800 Dump trucks and vehicles having dump bodies are exempt from the
801 requirements of this subsection.

802 Section 18. Paragraph (b) of subsection (1), paragraphs
803 (b), (c), (d), (f), and (i) of subsection (2), and subsection
804 (3) of section 316.302, Florida Statutes, are amended to read:

805 316.302 Commercial motor vehicles; safety regulations;
806 transporters and shippers of hazardous materials; enforcement.--

807 (1)

808 (b) Except as otherwise provided in this section, all
809 owners or drivers of commercial motor vehicles that are engaged
810 in intrastate commerce are subject to the rules and regulations
811 contained in 49 C.F.R. parts 382, 385, and 390-397, with the
812 exception of 49 C.F.R. s. 390.5 as it relates to the definition
813 of bus, as such rules and regulations existed on October 1, 2005
814 ~~2004~~.

815 (2)

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

820 1. More than 12 hours following 10 consecutive hours off
821 duty; or

822 2. For any period after the end of the 16th hour after
823 coming on duty following 10 consecutive hours off duty. ~~is~~
824 ~~exempt from 49 C.F.R. s. 395.3(a) and (b) and may, after 8~~
825 ~~hours' rest, and following the required initial motor vehicle~~
826 ~~inspection, be permitted to drive any part of the first 15 on-~~
827 ~~duty hours in any 24 hour period, but may not be permitted to~~

828 ~~operate a commercial motor vehicle after that until the~~
829 ~~requirement of another 8 hours' rest has been fulfilled.~~

830

831 The provisions of this paragraph do not apply to drivers of
832 utility service vehicles as defined in 49 C.F.R. s. 395.2.
833 ~~public utility vehicles or authorized emergency vehicles during~~
834 ~~periods of severe weather or other emergencies.~~

835 (c) Except as provided in 49 C.F.R. s. 395.1, a person who
836 operates a commercial motor vehicle solely in intrastate
837 commerce not transporting any hazardous material in amounts that
838 require placarding pursuant to 49 C.F.R. part 172 may not drive
839 after having been on duty more than 70 hours in any period of 7
840 consecutive days or more than 80 hours in any period of 8
841 consecutive days if the motor carrier operates every day of the
842 week. Thirty-four be on duty more than 72 hours in any period of
843 ~~7 consecutive days, but carriers operating every day in a week~~
844 ~~may permit drivers to remain on duty for a total of not more~~
845 ~~than 84 hours in any period of 8 consecutive days; however, 24~~
846 consecutive hours off duty shall constitute the end of any such
847 period of 7 or 8 consecutive days. This weekly limit does not
848 apply to a person who operates a commercial motor vehicle solely
849 within this state while transporting, during harvest periods,
850 any unprocessed agricultural products or unprocessed food or
851 fiber that is ~~are~~ subject to seasonal harvesting from place of
852 harvest to the first place of processing or storage or from
853 place of harvest directly to market or while transporting
854 livestock, livestock feed, or farm supplies directly related to

855 growing or harvesting agricultural products. Upon request of the
856 Department of Transportation, motor carriers shall furnish time
857 records or other written verification to that department so that
858 the Department of Transportation can determine compliance with
859 this subsection. These time records must be furnished to the
860 Department of Transportation within 2 ~~10~~ days after receipt of
861 that department's request. Falsification of such information is
862 subject to a civil penalty not to exceed \$100. The provisions of
863 this paragraph do not apply to drivers of public utility service
864 vehicles as defined in 49 C.F.R. s. 395.2. ~~or authorized~~
865 ~~emergency vehicles during periods of severe weather or other~~
866 ~~emergencies.~~

867 (d) A person who operates a commercial motor vehicle
868 solely in intrastate commerce not transporting any hazardous
869 material in amounts that require placarding pursuant to 49
870 C.F.R. part 172 within a 150 ~~200~~ air-mile radius of the location
871 where the vehicle is based need not comply with 49 C.F.R. s.
872 395.8, if the requirements of 49 C.F.R. s. 395.1(e)(1)(iii) and
873 (v) are met. If a driver is not released from duty within 12
874 hours after the driver arrives for duty, the motor carrier must
875 maintain documentation of the driver's driving times throughout
876 the duty period ~~except that time records shall be maintained as~~
877 ~~prescribed in 49 C.F.R. s. 395.1(e)(5).~~

878 (f) A person who operates a commercial motor vehicle
879 having a declared gross vehicle weight of less than 26,001
880 ~~26,000~~ pounds solely in intrastate commerce and who is not
881 transporting hazardous materials in amounts that require

882 placarding pursuant to 49 C.F.R. part 172, or who is
 883 transporting petroleum products as defined in s. 376.301, is
 884 exempt from subsection (1). However, such person must comply
 885 with 49 C.F.R. parts 382, 392, and 393, and with 49 C.F.R. ss.
 886 396.3(a)(1) and 396.9.

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

899 (3) A person who has not attained ~~under the age of~~ 18
 900 years of age may not operate a commercial motor vehicle, except
 901 that a person who has not attained ~~under the age of~~ 18 years of
 902 age may operate a commercial motor vehicle which has a gross
 903 vehicle weight of less than 26,001 ~~26,000~~ pounds while
 904 transporting agricultural products, including horticultural or
 905 forestry products, from farm or harvest place to storage or
 906 market.

907 Section 19. Subsections (5) and (10) of section 316.515,
 908 Florida Statutes, are amended to read:

909 316.515 Maximum width, height, length.--

910 (5) IMPLEMENTS OF HUSBANDRY;; AGRICULTURAL TRAILERS;;
 911 FORESTRY EQUIPMENT; SAFETY REQUIREMENTS.--

912 (a) Notwithstanding any other provisions of law, straight
 913 trucks, agricultural tractors, and cotton module movers, not
 914 exceeding 50 feet in length, or any combination of up to and
 915 including three implements of husbandry, including the towing
 916 power unit, and any single agricultural trailer with a load
 917 thereon or any agricultural implements attached to a towing
 918 power unit not exceeding 130 inches in width, or a self-
 919 propelled agricultural implement or an agricultural tractor not
 920 exceeding 130 inches in width, is authorized for the purpose of
 921 transporting peanuts, grains, soybeans, cotton, hay, straw, or
 922 other perishable farm products from their point of production to
 923 the first point of change of custody or of long-term storage,
 924 and for the purpose of returning to such point of production, or
 925 for the purpose of moving such tractors, movers, and implements
 926 from one point of agricultural production to another, by a
 927 person engaged in the production of any such product or custom
 928 hauler, if such vehicle or combination of vehicles otherwise
 929 complies with this section. The Department of Transportation may
 930 issue overwidth permits for implements of husbandry greater than
 931 130 inches, but not more than 170 inches, in width. ~~Such~~
 932 ~~vehicles shall be operated in accordance with all safety~~
 933 ~~requirements prescribed by law and Department of Transportation~~
 934 ~~rules.~~ The Department of Transportation may issue overlength
 935 permits for cotton module movers greater than 50 feet but not

936 | more than 55 feet in overall length. Such vehicles shall be
937 | operated in accordance with all safety requirements prescribed
938 | by law and rules of the Department of Transportation.

939 | (b) Notwithstanding any other provision of law, equipment
940 | not exceeding 136 inches in width and not capable of speeds
941 | exceeding 20 miles per hour which is used exclusively for
942 | harvesting forestry products is authorized for the purpose of
943 | transporting equipment from one point of harvest to another
944 | point of harvest, not to exceed 10 miles, by a person engaged in
945 | the harvesting of forestry products. Such vehicles must be
946 | operated during daylight hours only, in accordance with all
947 | safety requirements prescribed by s. 316.2295(5) and (6).

948 | (10) AUTOMOBILE TOWAWAY AND DRIVEAWAY OPERATIONS.--An
949 | automobile towaway or driveaway operation transporting new or
950 | used trucks may use what is known to the trade as "saddle
951 | mounts," if the overall length does not exceed 97 ~~75~~ feet and no
952 | more than three saddle mounts are towed. Such combinations may
953 | include one full mount. Saddle mount combinations must also
954 | comply with the applicable safety regulations in 49 C.F.R. s.
955 | 393.71.

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

958 | 318.14 Noncriminal traffic infractions; exception;
959 | procedures.--

960 | (9) Any person who does not hold a commercial driver's
961 | license and who is cited for an infraction under this section
962 | other than a violation of s. 316.183(2), s. 316.187, or s.

963 316.189 when the driver exceeds the posted limit by 30 miles per
964 hour or more, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,
965 s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court
966 appearance, elect to attend in the location of his or her choice
967 within this state a basic driver improvement course approved by
968 the Department of Highway Safety and Motor Vehicles. In such a
969 case, adjudication must be withheld; points, as provided by s.
970 322.27, may not be assessed; and the civil penalty that is
971 imposed by s. 318.18(3) must be reduced by 18 percent; however,
972 a person may not make an election under this subsection if the
973 person has made an election under this subsection in the
974 preceding 12 months. A person may make no more than five
975 elections under this subsection. The requirement for community
976 service under s. 318.18(8) is not waived by a plea of nolo
977 contendere or by the withholding of adjudication of guilt by a
978 court.

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

981 318.143 Sanctions for infractions by minors.--

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

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

988 Section 22. Section 318.1435, Florida Statutes, is created
989 to read:

990 318.1435 Youthful driver monitoring services.--

991 (1) As used in this section, the term "youthful driver
992 monitoring service" means an entity that enables parents or
993 guardians to monitor the driving performance of their minor
994 children. The service may provide monitoring by posting on a
995 vehicle a placard that shows a toll-free telephone number and a
996 unique identifying number and includes a request to members of
997 the public to call the toll-free telephone number to report
998 inappropriate driving practices. The service shall enter into a
999 contract with the parents or guardians under which the service
1000 shall timely forward to the parents or guardians all reports of
1001 inappropriate driving practices by the minor child.

1002 (2) A youthful driver monitoring service may register with
1003 the Department of Highway Safety and Motor Vehicles. The
1004 registration must consist of a narrative description of the
1005 services offered by the youthful driver monitoring service, the
1006 name of the manager in charge of the service, the address of the
1007 service, and the telephone number of the service. Registration
1008 under this subsection remains valid indefinitely, but it is the
1009 responsibility of the youthful driver monitoring service to
1010 timely file a revised registration statement to reflect any
1011 changes in the required information. If the department
1012 determines that the youthful driver monitoring service is not
1013 providing the services described in the narrative statement, the
1014 department may suspend the registration; however, the department
1015 must reinstate the registration when the service files a revised
1016 statement that reflects its actual practices.

1017 Section 23. Subsection (2) of section 318.15, Florida
 1018 Statutes, is amended to read:

1019 318.15 Failure to comply with civil penalty or to appear;
 1020 penalty.--

1021 (2) After suspension of the driver's license and privilege
 1022 to drive of a person under subsection (1), the license and
 1023 privilege may not be reinstated until the person complies with
 1024 all obligations and penalties imposed on him or her under s.
 1025 318.18 and presents to a driver license office a certificate of
 1026 compliance issued by the court, together with a nonrefundable
 1027 service charge of up to \$47.50 imposed under s. 322.29, or
 1028 presents a certificate of compliance and pays the aforementioned
 1029 service charge of up to \$47.50 to the clerk of the court or a
 1030 driver licensing agent authorized in s. 322.135 ~~tax collector~~
 1031 clearing such suspension. Of the charge collected by the clerk
 1032 of the court or driver licensing agent ~~the tax collector~~, \$10
 1033 shall be remitted to the Department of Revenue to be deposited
 1034 into the Highway Safety Operating Trust Fund. Such person shall
 1035 also be in compliance with requirements of chapter 322 prior to
 1036 reinstatement.

1037 Section 24. Subsections (3) and (12) of section 318.18,
 1038 Florida Statutes, are amended to read:

1039 318.18 Amount of civil penalties.--The penalties required
 1040 for a noncriminal disposition pursuant to s. 318.14 are as
 1041 follows:

1042 (3) (a) Except as otherwise provided in this section, \$60
 1043 for all moving violations not requiring a mandatory appearance.

1044 (b) For moving violations involving unlawful speed, the
 1045 fines are as follows:
 1046
 1047 For speed exceeding the limit by: Fine:
 1048 1-5 m.p.h.....Warning
 1049 6-9 m.p.h.....\$25
 1050 10-14 m.p.h.....\$100
 1051 15-19 m.p.h.....\$125
 1052 20-29 m.p.h.....\$150
 1053 30 m.p.h. and above.....\$250

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

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

1066 (e) If a violation of s. 316.1301 or s. 316.1303 results
 1067 in an injury to the pedestrian or damage to the property of the
 1068 pedestrian, an additional fine of up to \$250 shall be paid. This
 1069 amount must be distributed pursuant to s. 318.21.

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

1080 (g) A person cited for a second or subsequent conviction
1081 of speed exceeding the limit by 30 miles per hour and above
1082 within a 12-month period shall pay a fine that is double the
1083 amount listed in paragraph (b). For purposes of this paragraph,
1084 the term "conviction" means a finding of guilt as a result of a
1085 jury verdict, nonjury trial, or entry of a plea of guilty.
1086 Moneys received from the increased fine imposed by this
1087 paragraph shall be remitted to the Department of Revenue and
1088 deposited into the Department of Health Administrative Trust
1089 Fund to provide financial support to certified trauma centers to
1090 assure the availability and accessibility of trauma services
1091 throughout the state. Funds deposited into the Administrative
1092 Trust Fund under this section shall be allocated as follows:
1093 1. Fifty percent shall be allocated equally among all
1094 Level I, Level II, and pediatric trauma centers in recognition
1095 of readiness costs for maintaining trauma services.

1096 2. Fifty percent shall be allocated among Level I, Level
 1097 II, and pediatric trauma centers based on each center's relative
 1098 volume of trauma cases as reported in the Department of Health
 1099 Trauma Registry.

1100 (12) Two ~~One~~ hundred dollars for a violation of s.
 1101 316.520(1) or (2). If, at a hearing, the alleged offender is
 1102 found to have committed this offense, the court shall impose a
 1103 minimum civil penalty of \$200 ~~\$100~~. For a second or subsequent
 1104 adjudication within a period of 5 years, the department shall
 1105 suspend the driver's license of the person for not less than 1
 1106 year ~~180 days~~ and not more than 2 years ~~1 year~~.

1107 Section 25. Section 318.19, Florida Statutes, is amended
 1108 to read:

1109 318.19 Infractions requiring a mandatory hearing.--Any
 1110 person cited for the infractions listed in this section shall
 1111 not have the provisions of s. 318.14(2), (4), and (9) available
 1112 to him or her but must appear before the designated official at
 1113 the time and location of the scheduled hearing:

1114 (1) Any infraction which results in a crash that causes
 1115 the death of another;

1116 (2) Any infraction which results in a crash that causes
 1117 "serious bodily injury" of another as defined in s. 316.1933(1);

1118 (3) Any infraction of s. 316.172(1)(b); ~~or~~

1119 (4) Any infraction of s. 316.520(1) or (2); ~~or~~

1120 (5) Any infraction of s. 316.183(2), s. 316.187, or s.
 1121 316.189 of exceeding the speed limit by 30 m.p.h. or more.

1122 Section 26. Subsection (1) of section 318.32, Florida
 1123 Statutes, is amended to read:

1124 318.32 Jurisdiction; limitations.--

1125 (1) Hearing officers shall be empowered to accept pleas
 1126 from and decide the guilt or innocence of any person, adult or
 1127 juvenile, charged with any civil traffic infraction and shall be
 1128 empowered to adjudicate or withhold adjudication of guilt in the
 1129 same manner as a county court judge under the statutes, rules,
 1130 and procedures presently existing or as subsequently amended,
 1131 except that hearing officers shall not:

1132 (a) Have the power to hold a defendant in contempt of
 1133 court, but shall be permitted to file a motion for order of
 1134 contempt with the appropriate state trial court judge;

1135 (b) Hear a case involving a crash resulting in injury or
 1136 death;

1137 (c) Hear a criminal traffic offense case or a case
 1138 involving a civil traffic infraction issued in conjunction with
 1139 a criminal traffic offense; or

1140 (d) Have the power to suspend or revoke a defendant's
 1141 driver's license pursuant to s. 316.655(2).

1142 Section 27. Subsection (1) of section 320.015, Florida
 1143 Statutes, is amended to read:

1144 320.015 Taxation of mobile homes.--

1145 (1) A mobile home, as defined in s. 320.01(2), regardless
 1146 of its actual use, shall be subject only to a license tax unless
 1147 classified and taxed as real property. A mobile home is to be
 1148 considered real property only when the owner of the mobile home

1149 | is also the owner of the land on which the mobile home is
 1150 | situated and said mobile home is permanently affixed thereto.
 1151 | Any prefabricated or modular housing unit or portion thereof not
 1152 | manufactured upon an integral chassis or undercarriage for
 1153 | travel over the highways shall be taxed as real property once it
 1154 | is permanently affixed to real property. This subsection does
 1155 | not apply to a display home or other inventory being held for
 1156 | sale by a manufacturer or dealer of modular housing units even
 1157 | ~~though transported over the highways to a site for erection or~~
 1158 | ~~use.~~

1159 | Section 28. Effective July 1, 2008, subsection (1) of
 1160 | section 320.02, Florida Statutes, is amended to read:

1161 | 320.02 Registration required; application for
 1162 | registration; forms.--

1163 | (1) Except as otherwise provided in this chapter, every
 1164 | owner or person in charge of a motor vehicle that ~~which~~ is
 1165 | operated or driven on the roads of this state shall register the
 1166 | vehicle in this state. The owner or person in charge shall
 1167 | apply to the department or to its authorized agent for
 1168 | registration of each such vehicle on a form prescribed by the
 1169 | department. Prior to the original registration of a motorcycle,
 1170 | motor-driven cycle, or moped, the owner, if a natural person,
 1171 | must present proof that he or she has a valid motorcycle
 1172 | endorsement as required in chapter 322. A ~~No~~ registration is not
 1173 | required for any motor vehicle that ~~which~~ is not operated on the
 1174 | roads of this state during the registration period.

1175 Section 29. Subsection (8) of section 320.03, Florida
 1176 Statutes, is amended to read:

1177 320.03 Registration; duties of tax collectors;
 1178 International Registration Plan.--

1179 (8) If the applicant's name appears on the list referred
 1180 to in s. 316.1001(4), s. 316.1967(6), or s. 713.78(13), a
 1181 license plate or revalidation sticker may not be issued until
 1182 that person's name no longer appears on the list or until the
 1183 person presents a receipt from the clerk showing that the fines
 1184 outstanding have been paid. This subsection does not apply to
 1185 the owner of a leased vehicle if the vehicle is registered in
 1186 the name of the lessee of the vehicle. The tax collector and the
 1187 clerk of the court are each entitled to receive monthly, as
 1188 costs for implementing and administering this subsection, 10
 1189 percent of the civil penalties and fines recovered from such
 1190 persons. As used in this subsection, the term "civil penalties
 1191 and fines" does not include a wrecker operator's lien as
 1192 described in s. 713.78(13). If the tax collector has private tag
 1193 agents, such tag agents are entitled to receive a pro rata share
 1194 of the amount paid to the tax collector, based upon the
 1195 percentage of license plates and revalidation stickers issued by
 1196 the tag agent compared to the total issued within the county.
 1197 The authority of any private agent to issue license plates shall
 1198 be revoked, after notice and a hearing as provided in chapter
 1199 120, if he or she issues any license plate or revalidation
 1200 sticker contrary to the provisions of this subsection. This
 1201 section applies only to the annual renewal in the owner's birth

1202 month of a motor vehicle registration and does not apply to the
1203 transfer of a registration of a motor vehicle sold by a motor
1204 vehicle dealer licensed under this chapter, except for the
1205 transfer of registrations which is inclusive of the annual
1206 renewals. This section does not affect the issuance of the title
1207 to a motor vehicle, notwithstanding s. 319.23(7)(b).

1208 Section 30. Section 320.07, Florida Statutes, is amended
1209 to read:

1210 320.07 Expiration of registration; annual renewal
1211 required; penalties.--

1212 (1) The registration of a motor vehicle or mobile home
1213 shall expire at midnight on the last day of the registration
1214 period. A vehicle shall not be operated on the roads of this
1215 state after expiration of the renewal period unless the
1216 registration has been renewed according to law.

1217 (2) Registration shall be renewed annually during the
1218 applicable renewal period, upon payment of the applicable
1219 license tax amount required by s. 320.08, service charges
1220 required by s. 320.04, and any additional fees required by law.
1221 However, any person owning a motor vehicle registered under s.
1222 320.08(4), (6)(b), or (13) may register semiannually as provided
1223 in s. 320.0705.

1224 (3) The operation of any motor vehicle without having
1225 attached thereto a registration license plate and validation
1226 stickers, or the use of any mobile home without having attached
1227 thereto a mobile home sticker, for the current registration
1228 period shall subject the owner thereof, if he or she is present,

1229 or, if the owner is not present, the operator thereof to the
1230 following penalty provisions:

1231 (a) Any person whose motor vehicle or mobile home
1232 registration has been expired for a period of 6 months or less
1233 commits a noncriminal traffic infraction, punishable as a
1234 nonmoving violation as provided in chapter 318.

1235 (b) Any person whose motor vehicle or mobile home
1236 registration has been expired for more than 6 months shall upon
1237 a first offense be subject to the penalty provided in s. 318.14.

1238 (c) Any person whose motor vehicle or mobile home
1239 registration has been expired for more than 6 months shall upon
1240 a second or subsequent offense be guilty of a misdemeanor of the
1241 second degree, punishable as provided in s. 775.082 or s.
1242 775.083.

1243 (d) However, no operator shall be charged with a violation
1244 of this subsection if the operator can show, pursuant to a valid
1245 lease agreement, that the vehicle had been leased for a period
1246 of 30 days or less at the time of the offense.

1247 (e) Any servicemember, as defined in s. 250.01, whose
1248 mobile home registration has expired while serving on active
1249 duty or state active duty shall not be charged with a violation
1250 of this subsection if, at the time of the offense, the
1251 servicemember was serving on active duty or state active duty 35
1252 miles or more from the mobile home. The servicemember must
1253 present to the department either a copy of the official military
1254 orders or a written verification signed by the servicemember's
1255 commanding officer to waive charges.

1256 (f) The owner of a leased motor vehicle is not responsible
 1257 for any penalty specified in this subsection if the motor
 1258 vehicle is registered in the name of the lessee of the motor
 1259 vehicle.

1260 (4) (a) In addition to a penalty provided in subsection
 1261 (3), a delinquent fee based on the following schedule of license
 1262 taxes shall be imposed on any applicant who fails to renew a
 1263 registration prior to the end of the month in which renewal
 1264 registration is due. The delinquent fee shall be applied
 1265 beginning on the 11th calendar day of the month succeeding the
 1266 renewal period. The delinquent fee shall not apply to those
 1267 vehicles which have not been required to be registered during
 1268 the preceding registration period or as provided in s.

1269 320.18(2). The delinquent fee shall be imposed as follows:

- 1270 1. License tax of \$5 but not more than \$25: \$5 flat.
- 1271 2. License tax over \$25 but not more than \$50: \$10 flat.
- 1272 3. License tax over \$50 but not more than \$100: \$15 flat.
- 1273 4. License tax over \$100 but not more than \$400: \$50 flat.
- 1274 5. License tax over \$400 but not more than \$600: \$100
- 1275 flat.
- 1276 6. License tax over \$600 and up: \$250 flat.

1277 (b) A person who has been assessed a penalty pursuant to
 1278 s. 316.545(2) (b) for failure to have a valid vehicle
 1279 registration certificate is not subject to the delinquent fee
 1280 authorized by this subsection if such person obtains a valid
 1281 registration certificate within 10 working days after such
 1282 penalty was assessed. The official receipt authorized by s.

1283 316.545(6) constitutes proof of payment of the penalty
 1284 authorized in s. 316.545(2)(b).

1285 (c) The owner of a leased motor vehicle is not responsible
 1286 for any delinquent fee specified in this subsection if the motor
 1287 vehicle is registered in the name of the lessee of the motor
 1288 vehicle.

1289 (5) Any servicemember, as defined in s. 250.01, whose
 1290 motor vehicle or mobile home registration has expired while
 1291 serving on active duty or state active duty, shall be able to
 1292 renew his or her registration upon return from active duty or
 1293 state active duty without penalty, if the servicemember served
 1294 on active duty or state active duty 35 miles or more from the
 1295 servicemember's home of record prior to entering active duty or
 1296 state active duty. The servicemember must provide to the
 1297 department either a copy of the official military orders or a
 1298 written verification signed by the servicemember's commanding
 1299 officer to waive delinquent fees.

1300 (6) Delinquent fees imposed under this section shall not
 1301 be apportionable under the International Registration Plan.

1302 Section 31. Section 320.0706, Florida Statutes, is amended
 1303 to read:

1304 320.0706 Display of license plates on trucks.--The owner
 1305 of any commercial truck of gross vehicle weight of 26,001 pounds
 1306 or more shall display the registration license plate on both the
 1307 front and rear of the truck in conformance with all the
 1308 requirements of s. 316.605 that do not conflict with this
 1309 section. The owner of a dump truck may place the rear license

1310 plate on the gate no higher than 60 inches to allow for better
 1311 visibility. However, the owner of a truck tractor shall be
 1312 required to display the registration license plate only on the
 1313 front of such vehicle.

1314 Section 32. Paragraph (eee) is added to subsection (4) of
 1315 section 320.08056, Florida Statutes, as amended by section 1 of
 1316 chapter 2005-357, Laws of Florida, and paragraph (a) of
 1317 subsection (8) of that section is amended, to read:

1318 320.08056 Specialty license plates.--

1319 (4) The following license plate annual use fees shall be
 1320 collected for the appropriate specialty license plates:

1321 (eee) Future Farmers of America license plate, \$25.

1322 (8) (a) The department must discontinue the issuance of an
 1323 approved specialty license plate if the number of valid
 1324 specialty plate registrations falls below 1,000 plates for at
 1325 least 12 consecutive months. A warning letter shall be mailed to
 1326 the sponsoring organization following the first month in which
 1327 the total number of valid specialty plate registrations is below
 1328 1,000 plates. This paragraph does not apply to collegiate
 1329 license plates established under s. 320.08058(3).

1330 Section 33. Subsection (57) is added to section 320.08058,
 1331 Florida Statutes, to read:

1332 320.08058 Specialty license plates.--

1333 (57) FUTURE FARMERS OF AMERICA LICENSE PLATES.--

1334 (a) Notwithstanding the provisions of s. 320.08053, the
 1335 department shall develop a Future Farmers of America license
 1336 plate as provided in this section. Future Farmers of America

1337 license plates must bear the colors and design approved by the
1338 department. The word "Florida" must appear at the top of the
1339 plate, and the words "Agricultural Education" must appear at the
1340 bottom of the plate.

1341 (b) The license plate annual use fee shall be distributed
1342 quarterly to the Florida Future Farmers of America Foundation,
1343 Inc., to fund activities and services of the Future Farmers of
1344 America.

1345 (c) The Florida Future Farmers of America Foundation,
1346 Inc., shall retain all revenue from the annual use fees until
1347 all startup costs for developing and establishing the plates
1348 have been recovered. Thereafter, up to 10 percent of the annual
1349 use fee revenue may be used for administrative, handling, and
1350 disbursement expenses and up to 5 percent may be used for
1351 advertising and marketing costs. All remaining annual use fee
1352 revenue shall be used by the Florida Future Farmers of America
1353 Foundation, Inc., to fund its activities, programs, and
1354 projects, including, but not limited to, student and teacher
1355 leadership programs, the Foundation for Leadership Training
1356 Center, teacher recruitment and retention, and other special
1357 projects.

1358 Section 34. Section 320.089, Florida Statutes, is amended
1359 to read:

1360 320.089 Members of National Guard and active United States
1361 Armed Forces reservists; former prisoners of war; survivors of
1362 Pearl Harbor; Purple Heart medal recipients; Operation Iraqi

1363 Freedom and Operation Enduring Freedom Veterans; special license
 1364 plates; fee.--

1365 (1) (a) Each owner or lessee of an automobile or truck for
 1366 private use or recreational vehicle as specified in s.
 1367 320.08(9)(c) or (d), which is not used for hire or commercial
 1368 use, who is a resident of the state and an active or retired
 1369 member of the Florida National Guard, a survivor of the attack
 1370 on Pearl Harbor, a recipient of the Purple Heart medal, or an
 1371 active or retired member of any branch of the United States
 1372 Armed Forces Reserve shall, upon application to the department,
 1373 accompanied by proof of active membership or retired status in
 1374 the Florida National Guard, proof of membership in the Pearl
 1375 Harbor Survivors Association or proof of active military duty in
 1376 Pearl Harbor on December 7, 1941, proof of being a Purple Heart
 1377 medal recipient, or proof of active or retired membership in any
 1378 branch of the Armed Forces Reserve, and upon payment of the
 1379 license tax for the vehicle as provided in s. 320.08, be issued
 1380 a license plate as provided by s. 320.06, upon which, in lieu of
 1381 the serial numbers prescribed by s. 320.06, shall be stamped the
 1382 words "National Guard," "Pearl Harbor Survivor," "Combat-wounded
 1383 veteran," or "U.S. Reserve," as appropriate, followed by the
 1384 serial number of the license plate. Additionally, the Purple
 1385 Heart plate may have the words "Purple Heart" stamped on the
 1386 plate and the likeness of the Purple Heart medal appearing on
 1387 the plate.

1388 (b) Notwithstanding any other provision of law to the
 1389 contrary, beginning with fiscal year 2002-2003 and annually

1390 thereafter, the first \$100,000 in general revenue generated from
1391 the sale of license plates issued under this section which are
1392 stamped with the words "National Guard," "Pearl Harbor
1393 Survivor," "Combat-wounded veteran," or "U.S. Reserve" shall be
1394 deposited into the Grants and Donations Trust Fund, as described
1395 in s. 296.38(2), to be used for the purposes established by law
1396 for that trust fund.

1397 (c) Notwithstanding any provisions of law to the contrary,
1398 an applicant for a Pearl Harbor Survivor license plate or a
1399 Purple Heart license plate who also qualifies for a disabled
1400 veteran's license plate under s. 320.084 shall be issued the
1401 appropriate special license plate without payment of the license
1402 tax imposed by s. 320.08.

1403 (2) Each owner or lessee of an automobile or truck for
1404 private use, truck weighing not more than 7,999 pounds, or
1405 recreational vehicle as specified in s. 320.08(9)(c) or (d),
1406 which is not used for hire or commercial use, who is a resident
1407 of the state and who is a former prisoner of war, or their
1408 unremarried surviving spouse, shall, upon application therefor
1409 to the department, be issued a license plate as provided in s.
1410 320.06, on which license plate are stamped the words "Ex-POW"
1411 followed by the serial number. Each application shall be
1412 accompanied by proof that the applicant meets the qualifications
1413 specified in paragraph (a) or paragraph (b).

1414 (a) A citizen of the United States who served as a member
1415 of the Armed Forces of the United States or the armed forces of
1416 a nation allied with the United States who was held as a

1417 prisoner of war at such time as the Armed Forces of the United
1418 States were engaged in combat, or their unremarried surviving
1419 spouse, may be issued the special license plate provided for in
1420 this subsection without payment of the license tax imposed by s.
1421 320.08.

1422 (b) A person who was serving as a civilian with the
1423 consent of the United States Government, or a person who was a
1424 member of the Armed Forces of the United States who was not a
1425 United States citizen and was held as a prisoner of war when the
1426 Armed Forces of the United States were engaged in combat, or
1427 their unremarried surviving spouse, may be issued the special
1428 license plate provided for in this subsection upon payment of
1429 the license tax imposed by s. 320.08.

1430 (3) Each owner or lessee of an automobile or truck for
1431 private use, truck weighing not more than 7,999 pounds, or
1432 recreational vehicle as specified in s. 320.08(9)(c) or (d),
1433 which is not used for hire or commercial use, who is a resident
1434 of this state and who is the unremarried surviving spouse of a
1435 recipient of the Purple Heart medal shall, upon application
1436 therefor to the department, with the payment of the required
1437 fees, be issued a license plate as provided in s. 320.06, on
1438 which license plate are stamped the words "Purple Heart" and the
1439 likeness of the Purple Heart medal followed by the serial
1440 number. Each application shall be accompanied by proof that the
1441 applicant is the unremarried surviving spouse of a recipient of
1442 the Purple Heart medal.

1443 (4) The owner or lessee of an automobile or truck for
1444 private use, a truck weighing not more than 7,999 pounds, or a
1445 recreational vehicle as specified in s. 320.08(9)(c) or (d)
1446 which automobile, truck, or recreational vehicle is not used for
1447 hire or commercial use who is a resident of the state and a
1448 current or former member of the United States military who was
1449 deployed and served in Iraq during Operation Iraqi Freedom or in
1450 Afghanistan during Operation Enduring Freedom shall, upon
1451 application to the department, accompanied by proof of active
1452 membership or former active duty status during one of these
1453 operations, and upon payment of the license tax for the vehicle
1454 as provided in s. 320.08, be issued a license plate as provided
1455 by s. 320.06 upon which, in lieu of the registration license
1456 number prescribed by s. 320.06, shall be stamped the words
1457 "Operation Iraqi Freedom" or "Operation Enduring Freedom," as
1458 appropriate, followed by the registration license number of the
1459 plate.

1460 Section 35. Subsection (4) and paragraph (b) of subsection
1461 (9) of section 320.27, Florida Statutes, are amended to read:

1462 320.27 Motor vehicle dealers.--

1463 (4) LICENSE CERTIFICATE.--

1464 (a) A license certificate shall be issued by the
1465 department in accordance with such application when the
1466 application is regular in form and in compliance with the
1467 provisions of this section. The license certificate may be in
1468 the form of a document or a computerized card as determined by
1469 the department. The actual cost of each original, additional, or

1470 replacement computerized card shall be borne by the licensee and
1471 is in addition to the fee for licensure. Such license, when so
1472 issued, entitles the licensee to carry on and conduct the
1473 business of a motor vehicle dealer. Each license issued to a
1474 franchise motor vehicle dealer expires annually on December 31
1475 unless revoked or suspended prior to that date. Each license
1476 issued to an independent or wholesale dealer or auction expires
1477 annually on April 30 unless revoked or suspended prior to that
1478 date. Not less than 60 days prior to the license expiration
1479 date, the department shall deliver or mail to each licensee the
1480 necessary renewal forms. Each independent dealer shall certify
1481 that the dealer ~~principal~~ (owner, partner, officer ~~of the~~
1482 ~~corporation~~, or director of the licensee, or a full-time
1483 employee of the licensee that holds a responsible management-
1484 level position) has completed 8 hours of continuing education
1485 prior to filing the renewal forms with the department. Such
1486 certification shall be filed once every 2 years commencing with
1487 the 2006 renewal period. The continuing education shall include
1488 at least 2 hours of legal or legislative issues, 1 hour of
1489 department issues, and 5 hours of relevant motor vehicle
1490 industry topics. Continuing education shall be provided by
1491 dealer schools licensed under paragraph (b) either in a
1492 classroom setting or by correspondence. Such schools shall
1493 provide certificates of completion to the department and the
1494 customer which shall be filed with the license renewal form, and
1495 such schools may charge a fee for providing continuing
1496 education. Any licensee who does not file his or her application

1497 and fees and any other requisite documents, as required by law,
1498 with the department at least 30 days prior to the license
1499 expiration date shall cease to engage in business as a motor
1500 vehicle dealer on the license expiration date. A renewal filed
1501 with the department within 45 days after the expiration date
1502 shall be accompanied by a delinquent fee of \$100. Thereafter, a
1503 new application is required, accompanied by the initial license
1504 fee. A license certificate duly issued by the department may be
1505 modified by endorsement to show a change in the name of the
1506 licensee, provided, as shown by affidavit of the licensee, the
1507 majority ownership interest of the licensee has not changed or
1508 the name of the person appearing as franchisee on the sales and
1509 service agreement has not changed. Modification of a license
1510 certificate to show any name change as herein provided shall not
1511 require initial licensure or reissuance of dealer tags; however,
1512 any dealer obtaining a name change shall transact all business
1513 in and be properly identified by that name. All documents
1514 relative to licensure shall reflect the new name. In the case of
1515 a franchise dealer, the name change shall be approved by the
1516 manufacturer, distributor, or importer. A licensee applying for
1517 a name change endorsement shall pay a fee of \$25 which fee shall
1518 apply to the change in the name of a main location and all
1519 additional locations licensed under the provisions of subsection
1520 (5). Each initial license application received by the department
1521 shall be accompanied by verification that, within the preceding
1522 6 months, the applicant, or one or more of his or her designated
1523 employees, has attended a training and information seminar

1524 conducted by a licensed motor vehicle dealer training school.
 1525 Any applicant for a new franchised motor vehicle dealer license
 1526 who has held a valid franchised motor vehicle dealer license
 1527 continuously for the past 2 years and who remains in good
 1528 standing with the department is exempt from the prelicensing
 1529 training requirement. Such seminar shall include, but is not
 1530 limited to, statutory dealer requirements, which requirements
 1531 include required bookkeeping and recordkeeping procedures,
 1532 requirements for the collection of sales and use taxes, and such
 1533 other information that in the opinion of the department will
 1534 promote good business practices. No seminar may exceed 8 hours
 1535 in length.

1536 (b) Each initial license application received by the
 1537 department for licensure under subparagraph (1)(c)2. must be
 1538 accompanied by verification that, within the preceding 6 months,
 1539 the applicant (owner, partner, officer ~~of the corporation~~, or
 1540 director of the applicant, or a full-time employee of the
 1541 applicant that holds a responsible management-level position)
 1542 has successfully completed training conducted by a licensed
 1543 motor vehicle dealer training school. Such training must
 1544 include training in titling and registration of motor vehicles,
 1545 laws relating to unfair and deceptive trade practices, laws
 1546 relating to financing with regard to buy-here, pay-here
 1547 operations, and such other information that in the opinion of
 1548 the department will promote good business practices. Successful
 1549 completion of this training shall be determined by examination
 1550 administered at the end of the course and attendance of no less

1551 than 90 percent of the total hours required by such school. Any
1552 applicant who had held a valid motor vehicle dealer's license
1553 within the past 2 years and who remains in good standing with
1554 the department is exempt from the requirements of this
1555 paragraph. ~~In the case of nonresident applicants, the~~
1556 ~~requirement to attend such training shall be placed on any~~
1557 ~~employee of the licensee who holds a responsible management-~~
1558 ~~level position and who is employed full time at the motor~~
1559 ~~vehicle dealership.~~ The department shall have the authority to
1560 adopt any rule necessary for establishing the training
1561 curriculum; length of training, which shall not exceed 8 hours
1562 for required department topics and shall not exceed an
1563 additional 24 hours for topics related to other regulatory
1564 agencies' instructor qualifications; and any other requirements
1565 under this section. The curriculum for other subjects shall be
1566 approved by any and all other regulatory agencies having
1567 jurisdiction over specific subject matters; however, the overall
1568 administration of the licensing of these dealer schools and
1569 their instructors shall remain with the department. Such
1570 schools are authorized to charge a fee. This privatized method
1571 for training applicants for dealer licensing pursuant to
1572 subparagraph (1)(c)2. is a pilot program that shall be evaluated
1573 by the department after it has been in operation for a period of
1574 2 years.

1575 (9) DENIAL, SUSPENSION, OR REVOCATION.--

1576 (b) The department may deny, suspend, or revoke any
1577 license issued hereunder or under the provisions of s. 320.77 or

1578 s. 320.771 upon proof that a licensee has committed, with
1579 sufficient frequency so as to establish a pattern of wrongdoing
1580 on the part of a licensee, violations of one or more of the
1581 following activities:

1582 1. Representation that a demonstrator is a new motor
1583 vehicle, or the attempt to sell or the sale of a demonstrator as
1584 a new motor vehicle without written notice to the purchaser that
1585 the vehicle is a demonstrator. For the purposes of this section,
1586 a "demonstrator," a "new motor vehicle," and a "used motor
1587 vehicle" shall be defined as under s. 320.60.

1588 2. Unjustifiable refusal to comply with a licensee's
1589 responsibility under the terms of the new motor vehicle warranty
1590 issued by its respective manufacturer, distributor, or importer.
1591 However, if such refusal is at the direction of the
1592 manufacturer, distributor, or importer, such refusal shall not
1593 be a ground under this section.

1594 3. Misrepresentation or false, deceptive, or misleading
1595 statements with regard to the sale or financing of motor
1596 vehicles which any motor vehicle dealer has, or causes to have,
1597 advertised, printed, displayed, published, distributed,
1598 broadcast, televised, or made in any manner with regard to the
1599 sale or financing of motor vehicles.

1600 4. Failure by any motor vehicle dealer to provide a
1601 customer or purchaser with an odometer disclosure statement and
1602 a copy of any bona fide written, executed sales contract or
1603 agreement of purchase connected with the purchase of the motor
1604 vehicle purchased by the customer or purchaser.

1605 5. Failure of any motor vehicle dealer to comply with the
 1606 terms of any bona fide written, executed agreement, pursuant to
 1607 the sale of a motor vehicle.

1608 6. Failure to apply for transfer of a title as prescribed
 1609 in s. 319.23(6).

1610 7. Use of the dealer license identification number by any
 1611 person other than the licensed dealer or his or her designee.

1612 8. Failure to continually meet the requirements of the
 1613 licensure law.

1614 9. Representation to a customer or any advertisement to
 1615 the public representing or suggesting that a motor vehicle is a
 1616 new motor vehicle if such vehicle lawfully cannot be titled in
 1617 the name of the customer or other member of the public by the
 1618 seller using a manufacturer's statement of origin as permitted
 1619 in s. 319.23(1).

1620 10. Requirement by any motor vehicle dealer that a
 1621 customer or purchaser accept equipment on his or her motor
 1622 vehicle which was not ordered by the customer or purchaser.

1623 11. Requirement by any motor vehicle dealer that any
 1624 customer or purchaser finance a motor vehicle with a specific
 1625 financial institution or company.

1626 12. Requirement by any motor vehicle dealer that the
 1627 purchaser of a motor vehicle contract with the dealer for
 1628 physical damage insurance.

1629 13. Perpetration of a fraud upon any person as a result of
 1630 dealing in motor vehicles, including, without limitation, the
 1631 misrepresentation to any person by the licensee of the

1632 licensee's relationship to any manufacturer, importer, or
 1633 distributor.

1634 14. Violation of any of the provisions of s. 319.35 by any
 1635 motor vehicle dealer.

1636 15. Sale by a motor vehicle dealer of a vehicle offered in
 1637 trade by a customer prior to consummation of the sale, exchange,
 1638 or transfer of a newly acquired vehicle to the customer, unless
 1639 the customer provides written authorization for the sale of the
 1640 trade-in vehicle prior to delivery of the newly acquired
 1641 vehicle.

1642 16. Willful failure to comply with any administrative rule
 1643 adopted by the department or the provisions of s. 320.131(8).

1644 17. Violation of chapter 319, this chapter, or ss.
 1645 559.901-559.9221, which has to do with dealing in or repairing
 1646 motor vehicles or mobile homes. Additionally, in the case of
 1647 used motor vehicles, the willful violation of the federal law
 1648 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to
 1649 the consumer sales window form.

1650 18. Failure to maintain evidence of notification to the
 1651 owner or coowner of a vehicle regarding registration or titling
 1652 fees owned as required in s. 320.02(19).

1653 19. Failure to register a mobile home salesperson with the
 1654 department as required by this section.

1655 Section 36. Subsection (5) is added to section 320.405,
 1656 Florida Statutes, to read:

1657 320.405 International Registration Plan; inspection of
 1658 records; hearings.--

1659 (5) The department may enter into an agreement for
1660 scheduling the payment of taxes or penalties owed to the
1661 department as a result of an audit assessment issued under this
1662 section.

1663 Section 37. Subsection (1) of section 320.77 is amended,
1664 present subsections (9) through (15) are redesignated as
1665 subsections (10) through (16), respectively, and a new
1666 subsection (9) is added to that section, to read:

1667 320.77 License required of mobile home dealers.--

1668 (1) DEFINITIONS.--As used in this section:

1669 (a) "Dealer" means any person engaged in the business of
1670 buying, selling, or dealing in mobile homes or offering or
1671 displaying mobile homes for sale. The term "dealer" includes a
1672 mobile home broker. Any person who buys, sells, deals in, or
1673 offers or displays for sale, or who acts as the agent for the
1674 sale of, one or more mobile homes in any 12-month period shall
1675 be prima facie presumed to be a dealer. The terms "selling" and
1676 "sale" include lease-purchase transactions. The term "dealer"
1677 does not include banks, credit unions, and finance companies
1678 that acquire mobile homes as an incident to their regular
1679 business and does not include mobile home rental and leasing
1680 companies that sell mobile homes to dealers licensed under this
1681 section. A licensed dealer may transact business in recreational
1682 vehicles with a motor vehicle auction as defined in s.

1683 320.27(1)(c)4. Any licensed dealer dealing exclusively in
1684 mobile homes shall not have benefit of the privilege of using
1685 dealer license plates.

1686 (b) "Mobile home broker" means any person who is engaged
1687 in the business of offering to procure or procuring used mobile
1688 homes for the general public; who holds himself or herself out
1689 through solicitation, advertisement, or otherwise as one who
1690 offers to procure or procures used mobile homes for the general
1691 public; or who acts as the agent or intermediary on behalf of
1692 the owner or seller of a used mobile home which is for sale or
1693 who assists or represents the seller in finding a buyer for the
1694 mobile home.

1695 (c)1. "Mobile home salesperson" means a person not
1696 otherwise expressly excluded by this section who:

1697 a. Is employed as a salesperson by a mobile home dealer,
1698 as defined in s. 320.77, or who, under any contract, agreement,
1699 or arrangement with a dealer, for a commission, money, profit,
1700 or any other thing of value, sells, exchanges, buys, or offers
1701 for sale, negotiates, or attempts to negotiate a sale or
1702 exchange of an interest in a mobile home required to be titled
1703 under this chapter;

1704 b. Induces or attempts to induce any person to buy or
1705 exchange an interest in a mobile home required to be registered
1706 and who receives or expects to receive a commission, money,
1707 brokerage fees, profit, or any other thing of value from the
1708 seller or purchaser of the mobile home; or

1709 c. Exercises managerial control over the business of a
1710 licensed mobile home dealer or who supervises mobile home
1711 salespersons employed by a licensed mobile home dealer, whether
1712 compensated by salary or commission, including, but not limited

1713 to, any person who is employed by the mobile home dealer as a
1714 general manager, assistant general manager, or sales manager, or
1715 any employee of a licensed mobile home dealer who negotiates
1716 with or induces a customer to enter into a security agreement or
1717 purchase agreement or purchase order for the sale of a mobile
1718 home on behalf of the licensed mobile home dealer.

1719 2. The term does not include:

1720 a. A representative of an insurance company or a finance
1721 company, or a public official who, in the regular course of
1722 business, is required to dispose of or sell mobile homes under a
1723 contractual right or obligation of the employer, in the
1724 performance of an official duty, or under the authority of any
1725 court if the sale is to save the seller from any loss or
1726 pursuant to the authority of a court.

1727 b. A person who is licensed as a manufacturer,
1728 remanufacturer, transporter, distributor, or representative of
1729 mobile homes.

1730 c. A person who is licensed as a mobile home dealer under
1731 this chapter.

1732 d. A person not engaged in the purchase or sale of mobile
1733 homes as a business who is disposing of mobile homes acquired
1734 for his or her own use or for use in his or her business if the
1735 mobile homes were acquired and used in good faith and not for
1736 the purpose of avoiding the provisions of this chapter.

1737 (9) Salespersons to be registered by licensees.--

1738 (a) Each licensee shall register with the department,
1739 within 30 days after the date of hire, the name, local residence

1740 address, and home telephone number of each person employed by
1741 such licensee as a mobile home salesperson. A licensee may not
1742 provide a post office box in lieu of a physical residential
1743 address.

1744 (b) Each time a mobile home salesperson employed by a
1745 licensee changes his residence address, the salesperson must
1746 notify the department within 20 days after the change.

1747 (c) Quarterly, each licensee shall notify the department
1748 of the termination or separation from employment of each mobile
1749 home salesperson employed by the licensee. Each notification
1750 must be on a form prescribed by the department.

1751 Section 38. Section 320.781, Florida Statutes, is amended
1752 to read:

1753 320.781 Mobile Home and Recreational Vehicle Protection
1754 Trust Fund.--

1755 (1) There is hereby established a Mobile Home and
1756 Recreational Vehicle Protection Trust Fund. The trust fund
1757 shall be administered and managed by the Department of Highway
1758 Safety and Motor Vehicles. The expenses incurred by the
1759 department in administering this section shall be paid only from
1760 appropriations made from the trust fund.

1761 (2) Beginning October 1, 1990, the department shall charge
1762 and collect an additional fee of \$1 for each new mobile home and
1763 new recreational vehicle title transaction for which it charges
1764 a fee. This additional fee shall be deposited into the trust
1765 fund. The Department of Highway Safety and Motor Vehicles shall
1766 charge a fee of \$40 per annual dealer and manufacturer license

1767 and license renewal, which shall be deposited into the trust
1768 fund. The sums deposited in the trust fund shall be used
1769 exclusively for carrying out the purposes of this section.
1770 These sums may be invested and reinvested by the Chief Financial
1771 Officer under the same limitations as apply to investment of
1772 other state funds, with all interest from these investments
1773 deposited to the credit of the trust fund.

1774 (3) The trust fund shall be used to satisfy any judgment
1775 or claim by any person, as provided by this section, against a
1776 mobile home or recreational vehicle dealer or broker for
1777 damages, restitution, or expenses, including reasonable
1778 attorney's fees, resulting from a cause of action directly
1779 related to the conditions of any written contract made by him or
1780 her in connection with the sale, exchange, or improvement of any
1781 mobile home or recreational vehicle, or for any violation of
1782 chapter 319 or this chapter.

1783 (4) The trust fund shall not be liable for any judgment,
1784 or part thereof, resulting from any tort claim except as
1785 expressly provided in subsection (3), nor for any punitive,
1786 exemplary, double, or treble damages. A person, the state, or
1787 any political subdivision thereof may recover against the mobile
1788 home or recreational vehicle dealer, broker, or surety, jointly
1789 and severally, for such damages, restitution, or expenses;
1790 provided, however, that in no event shall the trust fund or the
1791 surety be liable for an amount in excess of actual damages,
1792 restitution, or expenses.

1793 (5) Subject to the limitations and requirements of this
1794 section, the trust fund shall be used by the department to
1795 compensate persons who have unsatisfied judgments, or in certain
1796 limited circumstances unsatisfied claims, against a mobile home
1797 or recreational vehicle dealer or broker. The following
1798 conditions must exist for a person to be eligible to file a
1799 claim against the trust fund in one of the following situations:

1800 (a) The claimant has obtained a final judgment that which
1801 is unsatisfied against the mobile home or recreational vehicle
1802 dealer or broker or its surety jointly and severally, or against
1803 the mobile home dealer or broker only, if the court found that
1804 the surety was not liable due to prior payment of valid claims
1805 against the bond in an amount equal to, or greater than, the
1806 face amount of the applicable bond; or the claimant is
1807 prohibited from filing a claim in a lawsuit because a bankruptcy
1808 proceeding is pending by the dealer or broker, and the claimant
1809 has filed a claim in that bankruptcy proceeding; or the dealer
1810 or broker has closed his or her business and cannot be found or
1811 located within the jurisdiction of the state; and-

1812 (b) A claim has been made in a lawsuit against the surety
1813 and a judgment obtained is unsatisfied; a claim has been made in
1814 a lawsuit against the surety which has been stayed or discharged
1815 in a bankruptcy proceeding; or a claimant is prohibited from
1816 filing a claim in a lawsuit because a bankruptcy proceeding is
1817 pending by surety or the surety is not liable due to the prior
1818 payment of valid claims against the bond in an amount equal to,
1819 or greater than, the face amount of the applicable bond.

1820 However, a claimant may not recover against the trust fund if
1821 the claimant has recovered from the surety an amount that is
1822 equal to or greater than the total loss. ~~The claimant has~~
1823 ~~obtained a judgment against the surety of the mobile home or~~
1824 ~~recreational vehicle dealer or broker that is unsatisfied.~~

1825 ~~(c) The claimant has alleged a claim against the mobile~~
1826 ~~home or recreational vehicle dealer or broker in a lawsuit which~~
1827 ~~has been stayed or discharged as a result of the filing for~~
1828 ~~reorganization or discharge in bankruptcy by the dealer or~~
1829 ~~broker, and judgment against the surety is not possible because~~
1830 ~~of the bankruptcy or liquidation of the surety, or because the~~
1831 ~~surety has been found by a court of competent jurisdiction not~~
1832 ~~to be liable due to prior payment of valid claims against the~~
1833 ~~bond in an amount equal to, or greater than, the face amount of~~
1834 ~~the applicable bond.~~

1835 (6) In order to recover from the trust fund, the person
1836 must file an application and verified claim with the department.

1837 (a) If the claimant has obtained a judgment that ~~which~~ is
1838 unsatisfied against the mobile home or recreational vehicle
1839 dealer or broker or its surety as set forth in this section, the
1840 verified claim must specify the following:

1841 1.a. That the judgment against the mobile home or
1842 recreational vehicle dealer or broker and its surety has been
1843 entered; or

1844 b. That the judgment against the mobile home or
1845 recreational vehicle dealer or broker contains a specific
1846 finding that the surety has no liability, that execution has

1847 | been returned unsatisfied, and that a judgment lien has been
 1848 | perfected;

1849 | 2. The amount of actual damages broken down by category as
 1850 | awarded by the court or jury in the cause which resulted in the
 1851 | unsatisfied judgment, and the amount of attorney's fees set
 1852 | forth in the unsatisfied judgment;

1853 | 3. The amount of payment or other consideration received,
 1854 | if any, from the mobile home or recreational vehicle dealer or
 1855 | broker or its surety;

1856 | 4. The amount that may be realized, if any, from the sale
 1857 | of real or personal property or other assets of the judgment
 1858 | debtor liable to be sold or applied in satisfaction of the
 1859 | judgment and the balance remaining due on the judgment after
 1860 | application of the amount which has been realized and a
 1861 | certification that the claimant has made a good faith effort to
 1862 | collect the judgment; ~~and~~

1863 | 5. An assignment by the claimant of rights, title, or
 1864 | interest in the unsatisfied judgement lien to the department;
 1865 | and

1866 | ~~6.5-~~ Such other information as the department requires.

1867 | (b) If the claimant has alleged a claim as set forth in
 1868 | paragraph (5)(a) ~~(5)(e)~~ and for the reasons set forth therein
 1869 | has not been able to secure a judgment, the verified claim must
 1870 | contain the following:

1871 | 1. A true copy of the pleadings in the lawsuit that ~~which~~
 1872 | was stayed or discharged by the bankruptcy court and the order

1873 of the bankruptcy court staying those proceedings or a true copy
 1874 of the claim that was filed in the bankruptcy court proceedings;

1875 2. Allegations of the acts or omissions by the mobile home
 1876 or recreational vehicle dealer or broker setting forth the
 1877 specific acts or omissions complained of which resulted in
 1878 actual damage to the person, along with the actual dollar amount
 1879 necessary to reimburse or compensate the person for costs or
 1880 expenses resulting from the acts or omissions of which the
 1881 person complained;

1882 3. True copies of all purchase agreements, notices,
 1883 service or repair orders or papers or documents of any kind
 1884 whatsoever which the person received in connection with the
 1885 purchase, exchange, or lease-purchase of the mobile home or
 1886 recreational vehicle from which the person's cause of action
 1887 arises; ~~and~~

1888 4. An assignment by the claimant of rights, title, or
 1889 interest in the claim to the department; and

1890 ~~5.4.~~ Such other information as the department requires.

1891 (c) The department may require such proof as it deems
 1892 necessary to document the matters set forth in the claim.

1893 (7) Within 90 days after receipt of the application and
 1894 verified claim, the department shall issue its determination on
 1895 the claim. Such determination shall not be subject to the
 1896 provisions of chapter 120, but shall be reviewable only by writ
 1897 of certiorari in the circuit court in the county in which the
 1898 claimant resides in the manner and within the time provided by
 1899 the Florida Rules of Appellate Procedure. The claim must be

1900 | paid within 45 days after the determination, or, if judicial
 1901 | review is sought, within 45 days after the review becomes final.
 1902 | A person may not be paid an amount from the fund in excess of
 1903 | \$25,000 per mobile home or recreational vehicle, which includes
 1904 | any damages, restitution, payments received as the result of a
 1905 | claim against the surety bond, or expenses, including reasonable
 1906 | attorney's fees. Prior to payment, the person must execute an
 1907 | assignment to the department of all the person's rights and
 1908 | title to, and interest in, the unsatisfied judgment and judgment
 1909 | lien or the claim against the dealer or broker and its surety.

1910 | (8) The department, in its discretion and where feasible,
 1911 | may try to recover from the mobile home or recreational vehicle
 1912 | dealer or broker, or the judgment debtor or its surety, all sums
 1913 | paid to persons from the trust fund. Any sums recovered shall
 1914 | be deposited to the credit of the trust fund. The department
 1915 | shall be awarded a reasonable attorney's fee for all actions
 1916 | taken to recover any sums paid to persons from the trust fund
 1917 | pursuant to this section.

1918 | (9) This section does not apply to any claim, and a person
 1919 | may not recover against the trust fund as the result of any
 1920 | claim, against a mobile home or recreational vehicle dealer or
 1921 | broker resulting from a cause of action directly related to the
 1922 | sale, lease-purchase, exchange, brokerage, or installation of a
 1923 | mobile home or recreational vehicle prior to July 1, 2006
 1924 | ~~October 1, 1990.~~

1925 | (10) Neither the department, nor the trust fund shall be
 1926 | liable to any person for recovery if the trust fund does not

1927 have the moneys necessary to pay amounts claimed. If the trust
 1928 fund does not have sufficient assets to pay the claimant, it
 1929 shall log the time and date of its determination for payment to
 1930 a claimant. If moneys become available, the department shall
 1931 pay the claimant whose unpaid claim is the earliest by time and
 1932 date of determination.

1933 (11) It is unlawful for any person or his or her agent to
 1934 file any notice, statement, or other document required under
 1935 this section which is false or contains any material
 1936 misstatement of fact. Any person who violates this subsection
 1937 is guilty of a misdemeanor of the second degree, punishable as
 1938 provided in s. 775.082 or s. 775.083.

1939 Section 39. Subsection (16) of section 322.01, Florida
 1940 Statutes, is amended, and subsections (43) and (44) are added to
 1941 that section, to read:

1942 322.01 Definitions.--As used in this chapter:

1943 (16) "Driver's license" means a certificate that ~~which~~,
 1944 subject to all other requirements of law, authorizes an
 1945 individual to drive a motor vehicle and denotes an operator's
 1946 license as defined in 49 U.S.C. s. 30301.

1947 (43) "Identification card" means a personal identification
 1948 card issued by the department which conforms to the definition
 1949 in 18 U.S.C. s. 1028(d).

1950 (44) "Temporary driver's license" or "temporary
 1951 identification card" means a certificate issued by the
 1952 department which, subject to all other requirements of law,
 1953 authorizes an individual to drive a motor vehicle and denotes an

1954 operator's license, as defined in 49 U.S.C. s. 30301, or a
 1955 personal identification card issued by the department which
 1956 conforms to the definition in 18 U.S.C. s. 1028(d) and denotes
 1957 that the holder is permitted to stay for a short duration of
 1958 time, as specified on the temporary identification card, and is
 1959 not a permanent resident of the United States.

1960 Section 40. Subsection (2) of section 322.05, Florida
 1961 Statutes, is amended to read:

1962 322.05 Persons not to be licensed.--The department may not
 1963 issue a license:

1964 (2) To a person who is at least 16 years of age but is
 1965 under 18 years of age unless the person meets the requirements
 1966 of s. 322.091 and holds a valid:

1967 (a) Learner's driver's license for at least 12 months,
 1968 with no moving traffic convictions, before applying for a
 1969 license;

1970 (b) Learner's driver's license for at least 12 months and
 1971 who has a moving traffic conviction but elects to attend a
 1972 traffic driving school for which adjudication must be withheld
 1973 pursuant to s. 318.14; or

1974 (c) License that was issued in another state or in a
 1975 foreign jurisdiction and that would not be subject to suspension
 1976 or revocation under the laws of this state.

1977 Section 41. Subsection (1) of section 322.051, Florida
 1978 Statutes, is amended to read:

1979 322.051 Identification cards.--

1980 (1) Any person who is 5 ~~12~~ years of age or older, or any
 1981 person who has a disability, regardless of age, who applies for
 1982 a disabled parking permit under s. 320.0848, may be issued an
 1983 identification card by the department upon completion of an
 1984 application and payment of an application fee.

1985 (a) Each such application shall include the following
 1986 information regarding the applicant:

1987 1. Full name (first, middle or maiden, and last), gender,
 1988 social security card number, county of residence and mailing
 1989 address, country of birth, and a brief description.

1990 2. Proof of birth date satisfactory to the department.

1991 3. Proof of identity satisfactory to the department. Such
 1992 proof must include one of the following documents issued to the
 1993 applicant:

1994 a. A driver's license record or identification card record
 1995 from another jurisdiction that required the applicant to submit
 1996 a document for identification which is substantially similar to
 1997 a document required under sub-subparagraph b., sub-subparagraph
 1998 c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph
 1999 f., or sub-subparagraph g.;

2000 b. A certified copy of a United States birth certificate;

2001 c. A United States passport;

2002 d. A naturalization certificate issued by the United
 2003 States Department of Homeland Security;

2004 e. An alien registration receipt card (green card);

2005 f. An employment authorization card issued by the United
 2006 States Department of Homeland Security; or

2007 g. Proof of nonimmigrant classification provided by the
 2008 United States Department of Homeland Security, for an original
 2009 identification card. In order to prove such nonimmigrant
 2010 classification, applicants may produce but are not limited to
 2011 the following documents:

2012 (I) A notice of hearing from an immigration court
 2013 scheduling a hearing on any proceeding.

2014 (II) A notice from the Board of Immigration Appeals
 2015 acknowledging pendency of an appeal.

2016 (III) Notice of the approval of an application for
 2017 adjustment of status issued by the United States Bureau of
 2018 Citizenship and Immigration Services.

2019 (IV) Any official documentation confirming the filing of a
 2020 petition for asylum or refugee status or any other relief issued
 2021 by the United States Bureau of Citizenship and Immigration
 2022 Services.

2023 (V) Notice of action transferring any pending matter from
 2024 another jurisdiction to Florida, issued by the United States
 2025 Bureau of Citizenship and Immigration Services.

2026 (VI) Order of an immigration judge or immigration officer
 2027 granting any relief that authorizes the alien to live and work
 2028 in the United States including, but not limited to asylum.

2029 (VII) Evidence that an application is pending for
 2030 adjustment of status to that of an alien lawfully admitted for
 2031 permanent residence in the United States or conditional
 2032 permanent resident status in the United States, if a visa number
 2033 is available having a current priority date for processing by

2034 the United States Bureau of Citizenship and Immigration
2035 Services.

2036

2037 Presentation of any of the documents described in sub-
2038 subparagraph f. or sub-subparagraph g. entitles the applicant to
2039 an identification card for a period not to exceed the expiration
2040 date of the document presented or 1 year ~~2 years~~, whichever
2041 first occurs.

2042 (b) An application for an identification card must be
2043 signed and verified by the applicant in a format designated by
2044 the department before a person authorized to administer oaths.
2045 The fee for an identification card is \$3, including payment for
2046 the color photograph or digital image of the applicant.

2047 (c) Each such applicant may include fingerprints and any
2048 other unique biometric means of identity.

2049 Section 42. Subsection (2) of section 322.08, Florida
2050 Statutes, is amended to read:

2051 322.08 Application for license.--

2052 (2) Each such application shall include the following
2053 information regarding the applicant:

2054 (a) Full name (first, middle or maiden, and last), gender,
2055 social security card number, county of residence and mailing
2056 address, country of birth, and a brief description.

2057 (b) Proof of birth date satisfactory to the department.

2058 (c) Proof of identity satisfactory to the department. Such
2059 proof must include one of the following documents issued to the
2060 applicant:

- 2061 1. A driver's license record or identification card record
 2062 from another jurisdiction that required the applicant to submit
 2063 a document for identification which is substantially similar to
 2064 a document required under subparagraph 2., subparagraph 3.,
 2065 subparagraph 4., subparagraph 5., subparagraph 6., or
 2066 subparagraph 7.;
- 2067 2. A certified copy of a United States birth certificate;
- 2068 3. A United States passport;
- 2069 4. A naturalization certificate issued by the United
 2070 States Department of Homeland Security;
- 2071 5. An alien registration receipt card (green card);
- 2072 6. An employment authorization card issued by the United
 2073 States Department of Homeland Security; or
- 2074 7. Proof of nonimmigrant classification provided by the
 2075 United States Department of Homeland Security, for an original
 2076 driver's license. In order to prove nonimmigrant classification,
 2077 an applicant may produce the following documents, including, but
 2078 not limited to:
- 2079 a. A notice of hearing from an immigration court
 2080 scheduling a hearing on any proceeding.
- 2081 b. A notice from the Board of Immigration Appeals
 2082 acknowledging pendency of an appeal.
- 2083 c. A notice of the approval of an application for
 2084 adjustment of status issued by the United States Bureau of
 2085 Citizenship and Immigration Services ~~and Naturalization Service~~.
- 2086 d. Any official documentation confirming the filing of a
 2087 petition for asylum or refugee status or any other relief issued

2088 by the United States Bureau of Citizenship and Immigration
 2089 Services ~~and Naturalization Service~~.

2090 e. A notice of action transferring any pending matter from
 2091 another jurisdiction to this state issued by the United States
 2092 Bureau of Citizenship and Immigration Services ~~and~~
 2093 ~~Naturalization Service~~.

2094 f. An order of an immigration judge or immigration officer
 2095 granting any relief that authorizes the alien to live and work
 2096 in the United States, including, but not limited to, asylum.

2097 g. Evidence that an application is pending for adjustment
 2098 of status to that of an alien lawfully admitted for permanent
 2099 residence in the United States or conditional permanent resident
 2100 status in the United States, if a visa number is available
 2101 having a current priority date for processing by the United
 2102 States Bureau of Citizenship and Immigration Services.

2103
 2104 Presentation of any of the documents in subparagraph 6. or
 2105 subparagraph 7. entitles the applicant to a driver's license or
 2106 temporary permit for a period not to exceed the expiration date
 2107 of the document presented or 1 year ~~2 years~~, whichever occurs
 2108 first.

2109 (d) Whether the applicant has previously been licensed to
 2110 drive, and, if so, when and by what state, and whether any such
 2111 license or driving privilege has ever been disqualified,
 2112 revoked, or suspended, or whether an application has ever been
 2113 refused, and, if so, the date of and reason for such
 2114 disqualification, suspension, revocation, or refusal.

2115 (e) Each such application may include fingerprints and
2116 other unique biometric means of identity.

2117 Section 43. Effective July 1, 2008, subsection (5) of
2118 section 322.12, Florida Statutes, is amended to read:

2119 322.12 Examination of applicants.--

2120 (5)(a) The department shall formulate a separate
2121 examination for applicants for licenses to operate motorcycles.
2122 Any applicant for a driver's license who wishes to operate a
2123 motorcycle, and who is otherwise qualified, must successfully
2124 complete such an examination, which is in addition to the
2125 examination administered under subsection (3). The examination
2126 must test the applicant's knowledge of the operation of a
2127 motorcycle and of any traffic laws specifically relating thereto
2128 and must include an actual demonstration of his or her ability
2129 to exercise ordinary and reasonable control in the operation of
2130 a motorcycle. Any applicant who fails to pass the initial
2131 knowledge examination will incur a \$5 fee for each subsequent
2132 examination, to be deposited into the Highway Safety Operating
2133 Trust Fund. Any applicant who fails to pass the initial skills
2134 examination will incur a \$10 fee for each subsequent
2135 examination, to be deposited into the Highway Safety Operating
2136 Trust Fund. In the formulation of the examination, the
2137 department shall consider the use of the Motorcycle Operator
2138 Skills Test and the Motorcycle in Traffic Test offered by the
2139 Motorcycle Safety Foundation. The department shall indicate on
2140 the license of any person who successfully completes the
2141 examination that the licensee is authorized to operate a

2142 motorcycle. If the applicant wishes to be licensed to operate a
 2143 motorcycle only, he or she need not take the skill or road test
 2144 required under subsection (3) for the operation of a motor
 2145 vehicle, and the department shall indicate such a limitation on
 2146 his or her license as a restriction. Every first-time applicant
 2147 for licensure to operate a motorcycle ~~who is under 21 years of~~
 2148 ~~age~~ must provide proof of completion of a motorcycle safety
 2149 course, as provided for in s. 322.0255, before the applicant may
 2150 be licensed to operate a motorcycle.

2151 (b) The department may exempt any applicant from the
 2152 examination provided in this subsection if the applicant
 2153 presents a certificate showing successful completion of a course
 2154 approved by the department, which course includes a similar
 2155 examination of the knowledge and skill of the applicant in the
 2156 operation of a motorcycle.

2157 Section 44. Subsection (8) of section 322.121, Florida
 2158 Statutes, is amended to read:

2159 322.121 Periodic reexamination of all drivers.--

2160 (8) In addition to any other examination authorized by
 2161 this section, an applicant for a renewal of an endorsement
 2162 issued under s. 322.57(1)(a), (b), (c), (d), ~~or~~ (e), or (f) may
 2163 be required to complete successfully an examination of his or
 2164 her knowledge regarding state and federal rules, regulations,
 2165 and laws, governing the type of vehicle which he or she is
 2166 seeking an endorsement to operate.

2167 Section 45. Section 322.2615, Florida Statutes, is amended
 2168 to read:

2169 322.2615 Suspension of license; right to review.--

2170 (1) (a) A law enforcement officer or correctional officer

2171 shall, on behalf of the department, suspend the driving

2172 privilege of a person who is driving or in actual physical

2173 control of a motor vehicle and who has an ~~has been arrested by a~~

2174 ~~law enforcement officer for a violation of s. 316.193, relating~~

2175 ~~to~~ unlawful blood-alcohol level or breath-alcohol level of 0.08

2176 or higher, or of a person who has refused to submit to a ~~breath,~~

2177 ~~urine, or blood test~~ or a test of his or her breath-alcohol or

2178 blood-alcohol level ~~authorized by s. 316.1932~~. The officer shall

2179 take the person's driver's license and issue the person a 10-day

2180 temporary permit if the person is otherwise eligible for the

2181 driving privilege and shall issue the person a notice of

2182 suspension. If a blood test has been administered, ~~the results~~

2183 ~~of which are not available to the officer~~ or at the time of the

2184 ~~arrest~~, the agency employing the officer shall transmit such

2185 results to the department within 5 days after receipt of the

2186 results. If the department then determines that the person ~~was~~

2187 ~~arrested for a violation of s. 316.193 and that the person had a~~

2188 blood-alcohol level or breath-alcohol level of 0.08 or higher,

2189 the department shall suspend the person's driver's license

2190 pursuant to subsection (3).

2191 (b) The suspension under paragraph (a) shall be pursuant

2192 to, and the notice of suspension shall inform the driver of, the

2193 following:

2194 1.a. The driver refused to submit to a lawful breath,

2195 blood, or urine test and his or her driving privilege is

2196 | suspended for a period of 1 year for a first refusal or for a
2197 | period of 18 months if his or her driving privilege has been
2198 | previously suspended as a result of a refusal to submit to such
2199 | a test; or

2200 | b. The driver was driving or in actual physical control of
2201 | a motor vehicle and had violated s. 316.193 by driving with an
2202 | unlawful blood-alcohol level or breath-alcohol level of 0.08 or
2203 | higher as provided in that section and his or her driving
2204 | privilege is suspended for a period of 6 months for a first
2205 | offense or for a period of 1 year if his or her driving
2206 | privilege has been previously suspended under this section ~~for a~~
2207 | ~~violation of s. 316.193.~~

2208 | 2. The suspension period shall commence on the date of
2209 | ~~arrest or~~ issuance of the notice of suspension, ~~whichever is~~
2210 | ~~later.~~

2211 | 3. The driver may request a formal or informal review of
2212 | the suspension by the department within 10 days after the date
2213 | of ~~arrest or~~ issuance of the notice of suspension, ~~whichever is~~
2214 | ~~later.~~

2215 | 4. The temporary permit issued at the time of suspension
2216 | ~~arrest expires~~ will expire at midnight of the 10th day following
2217 | the date of ~~arrest or~~ issuance of the notice of suspension,
2218 | ~~whichever is later.~~

2219 | 5. The driver may submit to the department any materials
2220 | relevant to the suspension ~~arrest.~~

2221 | (2) Except as provided in paragraph (1)(a), the law
2222 | enforcement officer shall forward to the department, within 5

2223 days after issuing ~~the date of the arrest,~~ a copy of the notice
2224 of suspension, the driver's license; ~~of the person arrested, and~~
2225 ~~a report of the arrest, including~~ an affidavit stating the
2226 officer's grounds for belief that the person was driving or in
2227 actual physical control of a motor vehicle while under the
2228 influence of alcoholic beverages or chemical or controlled
2229 substances ~~arrested was in violation of s. 316.193;~~ the results
2230 of any breath or blood test or an affidavit stating that a
2231 breath, blood, or urine test was requested by a law enforcement
2232 officer or correctional officer and that the person ~~arrested~~
2233 ~~refused to submit; a copy of the citation issued to the person~~
2234 ~~arrested;~~ and the officer's description of the person's field
2235 sobriety test, if any; the notice of suspension; and a copy of
2236 the crash report, if any. The failure of the officer to submit
2237 materials within the 5-day period specified in this subsection
2238 and in subsection (1) does ~~shall~~ not affect the department's
2239 ability to consider any evidence submitted at or prior to the
2240 hearing. The officer may also submit a copy of a videotape of
2241 the field sobriety test or the attempt to administer such test.
2242 Materials submitted to the department by a law enforcement
2243 agency or correctional agency shall be considered self-
2244 authenticating and shall be in the record for consideration by
2245 the hearing officer. Notwithstanding s. 316.066(4), the crash
2246 report shall be considered by the hearing officer.

2247 (3) If the department determines that the license ~~of the~~
2248 ~~person arrested~~ should be suspended pursuant to this section and
2249 if the notice of suspension has not already been served upon the

2250 person by a law enforcement officer or correctional officer as
2251 provided in subsection (1), the department shall issue a notice
2252 of suspension and, unless the notice is mailed pursuant to s.
2253 322.251, a temporary permit that ~~which~~ expires 10 days after the
2254 date of issuance if the driver is otherwise eligible.

2255 (4) If the person whose license was suspended ~~arrested~~
2256 requests an informal review pursuant to subparagraph (1)(b)3.,
2257 the department shall conduct the informal review by a hearing
2258 officer employed by the department. Such informal review
2259 hearing shall consist solely of an examination by the department
2260 of the materials submitted by a law enforcement officer or
2261 correctional officer and by the person whose license was
2262 suspended ~~arrested~~, and the presence of an officer or witness is
2263 not required.

2264 (5) After completion of the informal review, notice of the
2265 department's decision sustaining, amending, or invalidating the
2266 suspension of the driver's license of the person whose license
2267 was suspended ~~arrested~~ must be provided to such person. Such
2268 notice must be mailed to the person at the last known address
2269 shown on the department's records, or to the address provided in
2270 the law enforcement officer's report if such address differs
2271 from the address of record, within 21 days after the expiration
2272 of the temporary permit issued pursuant to subsection (1) or
2273 subsection (3).

2274 (6) (a) If the person whose license was suspended ~~arrested~~
2275 requests a formal review, the department must schedule a hearing
2276 to be held within 30 days after such request is received by the

2277 department and must notify the person of the date, time, and
 2278 place of the hearing.

2279 (b) Such formal review hearing shall be held before a
 2280 hearing officer employed by the department, and the hearing
 2281 officer shall be authorized to administer oaths, examine
 2282 witnesses and take testimony, receive relevant evidence, issue
 2283 subpoenas for the officers and witnesses identified in documents
 2284 in subsection (2), regulate the course and conduct of the
 2285 hearing, question witnesses, and make a ruling on the
 2286 suspension. ~~The department and the person arrested may subpoena~~
 2287 ~~witnesses, and the party requesting the presence of a witness~~
 2288 shall be responsible for the payment of any witness fees and for
 2289 notifying in writing the state attorney's office in the
 2290 appropriate circuit of the issuance of the subpoena. If the
 2291 person who requests a formal review hearing fails to appear and
 2292 the hearing officer finds such failure to be without just cause,
 2293 the right to a formal hearing is waived and the suspension shall
 2294 be sustained.

2295 (c) A party may seek enforcement of a subpoena under
 2296 paragraph (b) by filing a petition for enforcement in the
 2297 circuit court of the judicial circuit in which the person
 2298 failing to comply with the subpoena resides. A failure to
 2299 comply with an order of the court shall result in a finding of
 2300 contempt of court. However, a person is ~~shall~~ not be in contempt
 2301 while a subpoena is being challenged.

2302 (d) The department must, within 7 working days after a
 2303 formal review hearing, send notice to the person of the hearing

2304 officer's decision as to whether sufficient cause exists to
2305 sustain, amend, or invalidate the suspension.

2306 (7) In a formal review hearing under subsection (6) or an
2307 informal review hearing under subsection (4), the hearing
2308 officer shall determine by a preponderance of the evidence
2309 whether sufficient cause exists to sustain, amend, or invalidate
2310 the suspension. The scope of the review shall be limited to the
2311 following issues:

2312 (a) If the license was suspended for driving with an
2313 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
2314 higher ~~in violation of s. 316.193:~~

2315 1. Whether the ~~arresting~~ law enforcement officer had
2316 probable cause to believe that the person whose license was
2317 suspended was driving or in actual physical control of a motor
2318 vehicle in this state while under the influence of alcoholic
2319 beverages or chemical or controlled substances.

2320 ~~2. Whether the person was placed under lawful arrest for a~~
2321 ~~violation of s. 316.193.~~

2322 ~~2.3-~~ Whether the person whose license was suspended had an
2323 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
2324 higher as provided in s. 316.193.

2325 (b) If the license was suspended for refusal to submit to
2326 a breath, blood, or urine test:

2327 1. Whether the ~~arresting~~ law enforcement officer had
2328 probable cause to believe that the person whose license was
2329 suspended was driving or in actual physical control of a motor

2330 vehicle in this state while under the influence of alcoholic
2331 beverages or chemical or controlled substances.

2332 ~~2. Whether the person was placed under lawful arrest for a~~
2333 ~~violation of s. 316.193.~~

2334 ~~2.3.~~ Whether the person whose license was suspended
2335 refused to submit to any such test after being requested to do
2336 so by a law enforcement officer or correctional officer.

2337 ~~3.4.~~ Whether the person whose license was suspended was
2338 told that if he or she refused to submit to such test his or her
2339 privilege to operate a motor vehicle would be suspended for a
2340 period of 1 year or, in the case of a second or subsequent
2341 refusal, for a period of 18 months.

2342 (8) Based on the determination of the hearing officer
2343 pursuant to subsection (7) for both informal hearings under
2344 subsection (4) and formal hearings under subsection (6), the
2345 department shall:

2346 (a) Sustain the suspension of the person's driving
2347 privilege for a period of 1 year for a first refusal, or for a
2348 period of 18 months if the driving privilege of such person has
2349 been previously suspended as a result of a refusal to submit to
2350 such tests, if the ~~arrested~~ person refused to submit to a lawful
2351 breath, blood, or urine test. The suspension period commences
2352 on the date of ~~the arrest or~~ issuance of the notice of
2353 suspension, ~~whichever is later.~~

2354 (b) Sustain the suspension of the person's driving
2355 privilege for a period of 6 months for a blood-alcohol level or
2356 breath-alcohol level of 0.08 or higher ~~violation of s. 316.193,~~

2357 or for a period of 1 year if the driving privilege of such
 2358 person has been previously suspended under this section as a
 2359 result of driving with an unlawful alcohol level ~~a violation of~~
 2360 ~~s. 316.193~~. The suspension period commences on the date of ~~the~~
 2361 ~~arrest or~~ issuance of the notice of suspension, ~~whichever is~~
 2362 ~~later~~.

2363 (9) A request for a formal review hearing or an informal
 2364 review hearing shall not stay the suspension of the person's
 2365 driver's license. If the department fails to schedule the
 2366 formal review hearing to be held within 30 days after receipt of
 2367 the request therefor, the department shall invalidate the
 2368 suspension. If the scheduled hearing is continued at the
 2369 department's initiative, the department shall issue a temporary
 2370 driving permit that ~~which~~ shall be valid until the hearing is
 2371 conducted if the person is otherwise eligible for the driving
 2372 privilege. Such permit may ~~shall~~ not be issued to a person who
 2373 sought and obtained a continuance of the hearing. The permit
 2374 issued under this subsection shall authorize driving for
 2375 business or employment use only.

2376 (10) A person whose driver's license is suspended under
 2377 subsection (1) or subsection (3) may apply for issuance of a
 2378 license for business or employment purposes only if the person
 2379 is otherwise eligible for the driving privilege pursuant to s.
 2380 322.271.

2381 (a) If the suspension of the driver's license of the
 2382 person for failure to submit to a breath, urine, or blood test
 2383 is sustained, the person is not eligible to receive a license

2384 for business or employment purposes only, pursuant to s.
2385 322.271, until 90 days have elapsed after the expiration of the
2386 last temporary permit issued. If the driver is not issued a 10-
2387 day permit pursuant to this section or s. 322.64 because he or
2388 she is ineligible for the permit and the suspension for failure
2389 to submit to a breath, urine, or blood test is not invalidated
2390 by the department, the driver is not eligible to receive a
2391 business or employment license pursuant to s. 322.271 until 90
2392 days have elapsed from the date of the suspension.

2393 (b) If the suspension of the driver's license of the
2394 person ~~arrested for a violation of s. 316.193,~~ relating to
2395 unlawful blood-alcohol level or breath-alcohol level of 0.08 or
2396 higher, is sustained, the person is not eligible to receive a
2397 license for business or employment purposes only pursuant to s.
2398 322.271 until 30 days have elapsed after the expiration of the
2399 last temporary permit issued. If the driver is not issued a 10-
2400 day permit pursuant to this section or s. 322.64 because he or
2401 she is ineligible for the permit and the suspension ~~for a~~
2402 ~~violation of s. 316.193,~~ relating to unlawful blood-alcohol
2403 level or breath-alcohol level of 0.08 or higher, is not
2404 invalidated by the department, the driver is not eligible to
2405 receive a business or employment license pursuant to s. 322.271
2406 until 30 days have elapsed from the date of the suspension
2407 ~~arrest.~~

2408 (11) The formal review hearing may be conducted upon a
2409 review of the reports of a law enforcement officer or a
2410 correctional officer, including documents relating to the

2411 administration of a breath test or blood test or the refusal to
2412 take either test or the refusal to take a urine test. However,
2413 as provided in subsection (6), the driver may subpoena the
2414 officer or any person who administered or analyzed a breath or
2415 blood test.

2416 (12) The formal review hearing and the informal review
2417 hearing are exempt from the provisions of chapter 120. The
2418 department may ~~is authorized to~~ adopt rules for the conduct of
2419 reviews under this section.

2420 (13) A person may appeal any decision of the department
2421 sustaining a suspension of his or her driver's license by a
2422 petition for writ of certiorari to the circuit court in the
2423 county wherein such person resides or wherein a formal or
2424 informal review was conducted pursuant to s. 322.31. However, an
2425 appeal shall not stay the suspension. A law enforcement agency
2426 may appeal any decision of the department invalidating a
2427 suspension by a petition for writ of certiorari to the circuit
2428 court in the county wherein a formal or informal review was
2429 conducted. This subsection shall not be construed to provide for
2430 a de novo appeal.

2431 (14) (a) The decision of the department under this section
2432 or any circuit court review thereof may not be considered in any
2433 trial for a violation of s. 316.193, and a written statement
2434 submitted by a person in his or her request for departmental
2435 review under this section may not be admitted into evidence
2436 against him or her in any such trial.

2437 (b) The disposition of any related criminal proceedings
2438 does not affect a suspension for refusal to submit to a blood,
2439 breath, or urine test, ~~authorized by s. 316.1932 or s. 316.1933,~~
2440 imposed under this section.

2441 (15) If the department suspends a person's license under
2442 s. 322.2616, it may not also suspend the person's license under
2443 this section for the same episode that was the basis for the
2444 suspension under s. 322.2616.

2445 (16) The department shall invalidate a suspension for
2446 driving with an unlawful blood-alcohol level or breath-alcohol
2447 level imposed under this section if the suspended person is
2448 found not guilty at trial of an underlying violation of s.
2449 316.193.

2450 Section 46. (1) The Department of Highway Safety and
2451 Motor Vehicles shall study the outsourcing of its driver license
2452 services and shall make recommendations to the Governor, the
2453 President of the Senate, and the Speaker of the House of
2454 Representatives by January 1, 2007. As used in this section, the
2455 term "outsourcing" means the process of contracting with an
2456 external service provider or other governmental agency to
2457 provide a service, in whole or in part, while the department
2458 retains the responsibility and accountability for the service.

2459 (2) As part of its study, the department shall provide a
2460 description of the services to be outsourced. Types of issues
2461 for the department to consider must include, but need not be
2462 limited to:

2463 (a) A detailed description of the service to be outsourced
2464 and a description and analysis of the department's current
2465 performance of the service.

2466 (b) A cost-benefit analysis describing the estimated
2467 specific direct and indirect costs or savings; performance
2468 improvements, including reduced wait times at driver license
2469 offices; risks; and qualitative and quantitative benefits
2470 involved in or resulting from outsourcing the service. The cost-
2471 benefit analysis must include a detailed plan and timeline
2472 identifying all actions that must be implemented to realize the
2473 expected benefits.

2474 (c) A statement of the potential effect on applicable
2475 federal, state, and local revenues and expenditures. The
2476 statement must specifically describe the effect on general
2477 revenue, trust funds, general revenue service charges, and
2478 interest on trust funds, together with the potential direct or
2479 indirect effect on federal funding and cost allocations.

2480 (d) A plan to ensure compliance with public-records law.

2481 (e) A transition and implementation plan for addressing
2482 changes in the number of department personnel, affected business
2483 processes, and employee-transition issues. Such a plan must also
2484 specify the mechanism for continuing the operation of the
2485 service if the contractor fails to perform or comply with the
2486 performance standards and provisions of the contract. Within
2487 this plan, the department shall identify all resources,
2488 including full-time equivalent positions, which are subject to
2489 outsourcing.

2490 Section 47. Subsection (1) of section 627.733, Florida
 2491 Statutes, is amended to read:

2492 627.733 Required security.--

2493 (1) (a) Every owner or registrant of a motor vehicle, other
 2494 than a motor vehicle used as a ~~taxicab~~, school bus as defined in
 2495 s. 1006.25~~7~~, or limousine, required to be registered and licensed
 2496 in this state shall maintain security as required by subsection
 2497 (3) in effect continuously throughout the registration or
 2498 licensing period.

2499 (b) Every owner or registrant of a motor vehicle used as a
 2500 taxicab shall not be governed by paragraph (1) (a) but shall
 2501 maintain security as required under s. 324.032(1), and s.
 2502 627.737 shall not apply to any motor vehicle used as a taxicab.

2503 Section 48. Subsection (1) of section 324.032, Florida
 2504 Statutes, is amended to read:

2505 324.032 Manner of proving financial responsibility; for-
 2506 hire passenger transportation vehicles.--Notwithstanding the
 2507 provisions of s. 324.031:

2508 (1) (a) A person who is either the owner or a lessee
 2509 required to maintain insurance under s. 627.733(1) (b) ~~s.~~
 2510 ~~324.021(9) (b)~~ and who operates one or more taxicabs, limousines,
 2511 jitneys, or any other for-hire passenger transportation vehicles
 2512 may prove financial responsibility by furnishing satisfactory
 2513 evidence of holding a motor vehicle liability policy ~~as defined~~
 2514 ~~in s. 324.031~~, but with minimum limits of
 2515 \$125,000/250,000/50,000.

2516 (b) A person who is either the owner or a lessee required
2517 to maintain insurance under s. 324.021(9)(b) and who operates
2518 limousines, jitneys, or any other for-hire passenger vehicles,
2519 other than taxicabs, may prove financial responsibility by
2520 furnishing satisfactory evidence of holding a motor vehicle
2521 liability policy as defined in s. 324.031.

2522

2523 Upon request by the department, the applicant must provide the
2524 department at the applicant's principal place of business in
2525 this state access to the applicant's underlying financial
2526 information and financial statements that provide the basis of
2527 the certified public accountant's certification. The applicant
2528 shall reimburse the requesting department for all reasonable
2529 costs incurred by it in reviewing the supporting information.
2530 The maximum amount of self-insurance permissible under this
2531 subsection is \$300,000 and must be stated on a per-occurrence
2532 basis, and the applicant shall maintain adequate excess
2533 insurance issued by an authorized or eligible insurer licensed
2534 or approved by the Office of Insurance Regulation. All risks
2535 self-insured shall remain with the owner or lessee providing it,
2536 and the risks are not transferable to any other person, unless a
2537 policy complying with subsection (1) is obtained.

2538 Section 49. Section 318.1215, Florida Statutes, is amended
2539 to read:

2540 318.1215 Dori Slosberg Driver Education Safety Act.--
2541 ~~Effective October 1, 2002,~~ Notwithstanding the provisions of s.
2542 318.121, a board of county commissioners may require, by

2543 ordinance, that the clerk of the court collect an additional \$5
2544 ~~\$3~~ with each civil traffic penalty, which shall be used to fund
2545 driver education programs in public and nonpublic schools. The
2546 ordinance shall provide for the board of county commissioners to
2547 administer the funds, which shall be used for enhancement, and
2548 not replacement, of driver education program funds. The funds
2549 shall be used for direct educational expenses and shall not be
2550 used for administration. Each driver education program receiving
2551 funds pursuant to this section shall require that a minimum of
2552 30 percent of a student's time in the program be behind-the-
2553 wheel training. This section may be cited as the "Dori Slosberg
2554 Driver Education Safety Act."

2555 Section 50. Subsection (1) of section 316.083, Florida
2556 Statutes, is amended to read:

2557 316.083 Overtaking and passing a vehicle.--The following
2558 rules shall govern the overtaking and passing of vehicles
2559 proceeding in the same direction, subject to those limitations,
2560 exceptions, and special rules hereinafter stated:

2561 (1) The driver of a vehicle overtaking another vehicle
2562 proceeding in the same direction shall give an appropriate
2563 signal as provided for in s. 316.156, shall pass to the left
2564 thereof at a safe distance, and shall not again drive to the
2565 right side of the roadway until safely clear of the overtaken
2566 vehicle. The driver of a vehicle overtaking a bicycle or other
2567 nonmotorized vehicle must pass the bicycle or other nonmotorized
2568 vehicle at a safe distance of not less than 3 feet between the
2569 vehicle and the bicycle or other nonmotorized vehicle.

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2570 | Section 51. Except as otherwise expressly provided in this
2571 | act, this act shall take effect October 1, 2006.
2572 |