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HB 7079, Engrossed 3

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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

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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

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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.;

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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.

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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.;

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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

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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

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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.



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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

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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

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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

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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

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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

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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

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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.

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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



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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.--

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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

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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

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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

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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.

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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

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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,

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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.



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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

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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.

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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.

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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

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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

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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.

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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~~

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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



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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

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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:

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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

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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.

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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:

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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.

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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.

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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

1054

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.



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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.

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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.

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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

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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.

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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

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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,

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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.

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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.



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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

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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

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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

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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

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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 licenseplate 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

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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.

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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

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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



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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

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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

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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

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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.

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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

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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.--

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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.

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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



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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

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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

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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.

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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.

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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

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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

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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

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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



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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

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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.--

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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

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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

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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:

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- 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

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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.

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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



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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:

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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

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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

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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

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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

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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

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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

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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,~~



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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

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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

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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.

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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:

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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.

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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.

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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

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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