

By the Committee on Transportation; and Senator Gardiner

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1 A bill to be entitled
2 An act relating to motor vehicles; amending s.
3 316.003, F.S.; defining the term "tri-vehicle";
4 amending s. 316.0741, F.S.; providing that certain
5 tri-vehicles are hybrid vehicles; amending s. 316.159,
6 F.S.; requiring that drivers of certain commercial
7 motor vehicles slow before crossing a railroad grade;
8 amending s. 316.193, F.S., relating to penalties for
9 driving under the influence; deleting certain
10 provisions governing the impoundment or immobilization
11 of a person's vehicle following an alcohol-related or
12 drug-related traffic offense; amending s. 316.646,
13 F.S.; directing the Department of Highway Safety and
14 Motor Vehicles to suspend the registration and
15 driver's license of a person convicted of failure to
16 maintain required security on a motor vehicle;
17 amending s. 318.14, F.S.; providing procedures for
18 disposition of a citation for violating a specified
19 learner's driver's license restrictions; removing an
20 erroneous reference; removing a requirement that a
21 person who commits a noncriminal traffic infraction be
22 cited to appear before an official; requiring a person
23 who commits a traffic violation requiring a hearing or
24 a criminal traffic violation to sign and accept a
25 citation indicating a promise to appear for a hearing;
26 providing penalties; providing for certain persons
27 cited for specified offenses to provide proof of
28 compliance to a designated official; providing
29 alternative citation disposition procedures for the

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30 offense of operating a motor vehicle with a license
31 that has been suspended for failure to pay certain
32 financial obligations or failure to comply with
33 specified education requirements; amending s. 318.18,
34 F.S.; adding a designated school crossing to the
35 locations at which exceeding the posted speed limit
36 will double the fine otherwise provided by law;
37 amending s. 320.071, F.S.; revising the time period
38 during which the owner of an apportionable motor
39 vehicle may file an application for renewal of
40 registration; revising terminology relating to the
41 vehicles registered in accordance with the
42 International Registration Plan; amending s. 320.08,
43 F.S.; establishing license taxes for tri-vehicles;
44 amending s. 320.0807, F.S.; revising provisions
45 governing the special license plates issued to federal
46 and state legislators; amending s. 320.084, F.S.;

47 providing for a biennial registration renewal period
48 for disabled veteran license plates; amending s.
49 321.03, F.S.; providing that it is unlawful to possess
50 or color or cause to be colored a motor vehicle or
51 motorcycle of the same or similar color as those
52 prescribed for the Florida Highway Patrol unless
53 specifically authorized by the Florida Highway Patrol;
54 amending s. 321.05, F.S.; providing that officers of
55 the Florida Highway Patrol have the same arrest and
56 other authority as that provided for certain other
57 state law enforcement officers; amending s. 322.01,
58 F.S.; defining the term "tri-vehicle" and excluding

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59 such vehicles from the definition of "motorcycle";
60 amending s. 322.121, F.S.; revising legislative intent
61 for reexamination of licensed drivers upon renewal of
62 the driver's license; removing a requirement that each
63 licensee must pass a reexamination at the time of
64 license renewal; amending s. 322.18, F.S.; providing
65 that a person issued a driver's license using proof of
66 nonimmigrant classification under specified provisions
67 is not eligible to renew that license; authorizing a
68 licensed physician at a federally established veterans
69 hospital to administer a vision test for purposes of
70 renewing a driver's license; correcting a cross-
71 reference; amending s. 322.2615, F.S.; revising
72 requirements for information an officer must submit to
73 the department after suspending a driver's license for
74 certain DUI offenses; removing a requirement that the
75 officer submit a copy of a crash report; authorizing
76 the officer to submit such report; amending s. 322.34,
77 F.S.; providing that if a person does not hold a
78 commercial driver's license and is cited for an
79 offense of knowingly driving while his or her license
80 is suspended, revoked, or canceled, he or she may, in
81 lieu of payment of a fine or court appearance, elect
82 to enter a plea of nolo contendere and provide proof
83 of compliance to the clerk of the court, designated
84 official, or authorized operator of a traffic
85 violations bureau; limiting a driver's option to elect
86 such a remedy; amending s. 322.61, F.S.; revising the
87 period of disqualification from operating a commercial

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88 motor vehicle for a violation of an out-of-service
89 order; amending s. 488.06, F.S.; specifying additional
90 circumstances under which the department may suspend
91 or revoke a license or certificate of a driving
92 school; providing an effective date.

93

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

95

96 Section 1. Subsection (86) is added to section 316.003,
97 Florida Statutes, to read:

98 316.003 Definitions.—The following words and phrases, when
99 used in this chapter, shall have the meanings respectively
100 ascribed to them in this section, except where the context
101 otherwise requires:

102 (86) TRI-VEHICLE.—An enclosed three-wheeled passenger
103 vehicle that:

104 (a) Is designed to operate with three wheels in contact
105 with the ground;

106 (b) Has a minimum unladen weight of 900 lbs;

107 (c) Has a single, completely enclosed, occupant
108 compartment;

109 (d) Is produced in a minimum quantity of 300 in any
110 calendar year;

111 (e) Is capable of a speed greater than 60 miles per hour on
112 level ground; and

113 (f) Is equipped with:

114 1. Seats that are certified by the vehicle manufacturer to
115 meet the requirements of Federal Motor Vehicle Safety Standard
116 No. 207, "Seating systems" (49 C.F.R. s. 571.207);

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117 2. A steering wheel used to maneuver the vehicle;

118 3. A propulsion unit located forward or aft of the enclosed
119 occupant compartment;

120 4. A seat belt for each vehicle occupant, certified to meet
121 the requirements of Federal Motor Vehicle Safety Standard No.
122 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);

123 5. A windshield and an appropriate windshield wiper and
124 washer system that are certified by the vehicle manufacturer to
125 meet the requirements of Federal Motor Vehicle Safety Standard
126 No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal
127 Motor Vehicle Safety Standard No. 104, "Windshield Wiping and
128 Washing Systems" (49 C.F.R. s. 571.104); and

129 6. A vehicle structure certified by the vehicle
130 manufacturer to meet the requirements of Federal Motor Vehicle
131 Safety Standard No. 216, "Rollover crush resistance" (49 C.F.R.
132 s. 571.216).

133 Section 2. Paragraph (b) of subsection (1) of section
134 316.0741, Florida Statutes, is amended to read:

135 316.0741 High-occupancy-vehicle lanes.—

136 (1) As used in this section, the term:

137 (b) "Hybrid vehicle" means a motor vehicle:

138 1. That draws propulsion energy from onboard sources of
139 stored energy which are both an internal combustion or heat
140 engine using combustible fuel and a rechargeable energy-storage
141 system; ~~and~~

142 2. That, in the case of a passenger automobile or light
143 truck, has received a certificate of conformity under the Clean
144 Air Act, 42 U.S.C. ss. 7401 et seq., and meets or exceeds the
145 equivalent qualifying California standards for a low-emission

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146 vehicle; and

147 3. That, in the case of a tri-vehicle, is an inherently
148 low-emission vehicle (ILEV), as provided in subsection (4).

149 Section 3. Section 316.159, Florida Statutes, is amended to
150 read:

151 316.159 Certain vehicles to stop or slow at all railroad
152 grade crossings.—

153 (1) The driver of any motor vehicle carrying passengers for
154 hire, excluding taxicabs, of any school bus carrying any school
155 child, or of any vehicle carrying explosive substances or
156 flammable liquids as a cargo or part of a cargo, before crossing
157 at grade any track or tracks of a railroad, shall stop such
158 vehicle within 50 feet but not less than 15 feet from the
159 nearest rail of the railroad and, while so stopped, shall listen
160 and look in both directions along the track for any approaching
161 train, and for signals indicating the approach of a train,
162 except as hereinafter provided, and shall not proceed until he
163 or she can do so safely. After stopping as required herein and
164 upon proceeding when it is safe to do so, the driver of any such
165 vehicle shall cross only in a gear of the vehicle so that there
166 will be no necessity for changing gears while traversing the
167 crossing, and the driver shall not shift gears while crossing
168 the track or tracks.

169 (2) No stop need be made at any such crossing where a
170 police officer, a traffic control signal, or a sign directs
171 traffic to proceed. However, any school bus carrying any school
172 child shall be required to stop unless directed to proceed by a
173 police officer.

174 (3) The driver of any commercial motor vehicle that is not

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175 required to stop under subsection (1) or subsection (2) before
176 crossing the track or tracks of any railroad grade crossing
177 shall slow the motor vehicle and check that the tracks are clear
178 of an approaching train.

179 ~~(4)~~~~(3)~~ A violation of this section is a noncriminal traffic
180 infraction, punishable as a moving violation as provided in
181 chapter 318.

182 Section 4. Paragraphs (d) and (i) of subsection (6) and
183 subsections (13) and (14) of section 316.193, Florida Statutes,
184 are amended to read:

185 316.193 Driving under the influence; penalties.—

186 (6) With respect to any person convicted of a violation of
187 subsection (1), regardless of any penalty imposed pursuant to
188 subsection (2), subsection (3), or subsection (4):

189 (d) The court must at the time of sentencing the defendant
190 issue an order for the impoundment or immobilization of a
191 vehicle. ~~The order of impoundment or immobilization must include~~
192 ~~the name and telephone numbers of all immobilization agencies~~
193 ~~meeting all of the conditions of subsection (13).~~ Within 7
194 business days after the date that the court issues the order of
195 impoundment or immobilization, the clerk of the court must send
196 notice by certified mail, return receipt requested, to the
197 registered owner of each vehicle, if the registered owner is a
198 person other than the defendant, and to each person of record
199 claiming a lien against the vehicle.

200 (i) All costs and fees for the impoundment or
201 immobilization, including the cost of notification, must be paid
202 by the owner of the vehicle or, if the vehicle is leased or
203 rented, by the person leasing or renting the vehicle, unless the

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204 impoundment or immobilization order is dismissed. All provisions
205 of s. 713.78 shall apply. ~~The costs and fees for the impoundment~~
206 ~~or immobilization must be paid directly to the person impounding~~
207 ~~or immobilizing the vehicle.~~

208

209 For the purposes of this section, any conviction for a violation
210 of s. 327.35; a previous conviction for the violation of former
211 s. 316.1931, former s. 860.01, or former s. 316.028; or a
212 previous conviction outside this state for driving under the
213 influence, driving while intoxicated, driving with an unlawful
214 blood-alcohol level, driving with an unlawful breath-alcohol
215 level, or any other similar alcohol-related or drug-related
216 traffic offense, is also considered a previous conviction for
217 violation of this section. However, in satisfaction of the fine
218 imposed pursuant to this section, the court may, upon a finding
219 that the defendant is financially unable to pay either all or
220 part of the fine, order that the defendant participate for a
221 specified additional period of time in public service or a
222 community work project in lieu of payment of that portion of the
223 fine which the court determines the defendant is unable to pay.
224 In determining such additional sentence, the court shall
225 consider the amount of the unpaid portion of the fine and the
226 reasonable value of the services to be ordered; however, the
227 court may not compute the reasonable value of services at a rate
228 less than the federal minimum wage at the time of sentencing.

229 ~~(13) If personnel of the circuit court or the sheriff do~~
230 ~~not immobilize vehicles, only immobilization agencies that meet~~
231 ~~the conditions of this subsection shall immobilize vehicles in~~
232 ~~that judicial circuit.~~

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233 ~~(a) The immobilization agency responsible for immobilizing~~
234 ~~vehicles in that judicial circuit shall be subject to strict~~
235 ~~compliance with all of the following conditions and~~
236 ~~restrictions:~~

237 ~~1. Any immobilization agency engaged in the business of~~
238 ~~immobilizing vehicles shall:~~

239 ~~a. Have a class "R" license issued pursuant to part IV of~~
240 ~~chapter 493;~~

241 ~~b. Have at least 3 years of verifiable experience in~~
242 ~~immobilizing vehicles; and~~

243 ~~c. Maintain accurate and complete records of all payments~~
244 ~~for the immobilization, copies of all documents pertaining to~~
245 ~~the court's order of impoundment or immobilization, and any~~
246 ~~other documents relevant to each immobilization. Such records~~
247 ~~must be maintained by the immobilization agency for at least 3~~
248 ~~years.~~

249 ~~2. The person who immobilizes a vehicle must never have~~
250 ~~been convicted of any felony or of driving or boating under the~~
251 ~~influence of alcohol or a controlled substance in the last 3~~
252 ~~years.~~

253 ~~(b) A person who violates paragraph (a) commits a~~
254 ~~misdemeanor of the first degree, punishable as provided in s.~~
255 ~~775.082 or s. 775.083.~~

256 ~~(c) Any immobilization agency who is aggrieved by a~~
257 ~~person's violation of paragraph (a) may bring a civil action~~
258 ~~against the person who violated paragraph (a) seeking injunctive~~
259 ~~relief, damages, reasonable attorney's fees and costs, and any~~
260 ~~other remedy available at law or in equity as may be necessary~~
261 ~~to enforce this subsection. In any action to enforce this~~

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262 ~~subsection, establishment of a violation of paragraph (a) shall~~
263 ~~conclusively establish a clear legal right to injunctive relief,~~
264 ~~that irreparable harm will be caused if an injunction does not~~
265 ~~issue, that no adequate remedy at law exists, and that public~~
266 ~~policy favors issuance of injunctive relief.~~

267 ~~(14) As used in this chapter, the term:~~

268 ~~(a) "Immobilization," "immobilizing," or "immobilize" means~~
269 ~~the act of installing a vehicle antitheft device on the steering~~
270 ~~wheel of a vehicle, the act of placing a tire lock or wheel~~
271 ~~clamp on a vehicle, or a governmental agency's act of taking~~
272 ~~physical possession of the license tag and vehicle registration~~
273 ~~rendering a vehicle legally inoperable to prevent any person~~
274 ~~from operating the vehicle pursuant to an order of impoundment~~
275 ~~or immobilization under subsection (6).~~

276 ~~(b) "Immobilization agency" or "immobilization agencies"~~
277 ~~means any firm, company, agency, organization, partnership,~~
278 ~~corporation, association, trust, or other business entity of any~~
279 ~~kind whatsoever that meets all of the conditions of subsection~~
280 ~~(13).~~

281 ~~(c) "Impoundment," "impounding," or "impound" means the act~~
282 ~~of storing a vehicle at a storage facility pursuant to an order~~
283 ~~of impoundment or immobilization under subsection (6) where the~~
284 ~~person impounding the vehicle exercises control, supervision,~~
285 ~~and responsibility over the vehicle.~~

286 ~~(d) "Person" means any individual, firm, company, agency,~~
287 ~~organization, partnership, corporation, association, trust, or~~
288 ~~other business entity of any kind whatsoever.~~

289 Section 5. Subsection (3) of section 316.646, Florida
290 Statutes, is amended to read:

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291 316.646 Security required; proof of security and display
292 thereof; dismissal of cases.-

293 (3) Any person who violates this section commits a
294 nonmoving traffic infraction subject to the penalty provided in
295 chapter 318 and shall be required to furnish proof of security
296 as provided in this section. If any person charged with a
297 violation of this section fails to furnish proof~~7~~ at or before
298 the scheduled court appearance date~~7~~ that security was in effect
299 at the time of the violation, the court shall, upon conviction,
300 notify the department to ~~may immediately~~ suspend the
301 registration and driver's license of such person. If the court
302 fails to order the suspension of the person's registration and
303 driver's license for a conviction of this section at the time of
304 sentencing, the department shall, upon receiving notice of the
305 conviction from the court, suspend the person's registration and
306 driver's license for the violation of this section. Such license
307 and registration may be reinstated only as provided in s.
308 324.0221.

309 Section 6. Subsections (1), (2), (3), (10), and (13) of
310 section 318.14, Florida Statutes, are amended to read:

311 318.14 Noncriminal traffic infractions; exception;
312 procedures.-

313 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
314 person cited for a violation of chapter 316, s. 320.0605, s.
315 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or
316 (3), s. 322.1615 ~~s. 322.161(5)~~, s. 322.19, or s. 1006.66(3) is
317 charged with a noncriminal infraction and must be cited for such
318 an infraction ~~and cited to appear before an official~~. If another
319 person dies as a result of the noncriminal infraction, the

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320 person cited may be required to perform 120 community service
321 hours under s. 316.027(4), in addition to any other penalties.

322 (2) Except as provided in s. 316.1001(2), any person cited
323 for a violation requiring a mandatory hearing listed in s.
324 318.19 or any other criminal traffic violation listed in chapter
325 316 ~~an infraction under this section~~ must sign and accept a
326 citation indicating a promise to appear. The officer may
327 indicate on the traffic citation the time and location of the
328 scheduled hearing and must indicate the applicable civil penalty
329 established in s. 318.18.

330 (3) Any person who willfully refuses to accept and sign a
331 summons as provided in subsection (2) commits ~~is guilty of~~ a
332 misdemeanor of the second degree.

333 (10) (a) Any person who does not hold a commercial driver's
334 license and who is cited for an offense listed under this
335 subsection may, in lieu of payment of fine or court appearance,
336 elect to enter a plea of nolo contendere and provide proof of
337 compliance to the clerk of the court, designated official, or
338 authorized operator of a traffic violations bureau. In such
339 case, adjudication shall be withheld; however, no election shall
340 be made under this subsection if such person has made an
341 election under this subsection in the 12 months preceding
342 election hereunder. No person may make more than three elections
343 under this subsection. This subsection applies to the following
344 offenses:

345 1. Operating a motor vehicle without a valid driver's
346 license in violation of the provisions of s. 322.03, s. 322.065,
347 or s. 322.15(1), or operating a motor vehicle with a license
348 that ~~which~~ has been suspended for failure to appear, failure to

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349 pay civil penalty, failure to pay any other financial obligation
350 as provided in s. 322.245 other than those specified in s.
351 322.245(1), or failure to attend a driver improvement course
352 pursuant to s. 322.291.

353 2. Operating a motor vehicle without a valid registration
354 in violation of s. 320.0605, s. 320.07, or s. 320.131.

355 3. Operating a motor vehicle in violation of s. 316.646.

356 4. Operating a motor vehicle with a license that has been
357 suspended for child support in violation of s. 322.245 or s.
358 61.13016.

359 5. Operating a motor vehicle with a license which has been
360 suspended in violation of s. 322.091.

361 (b) Any person cited for an offense listed in this
362 subsection shall present proof of compliance prior to the
363 scheduled court appearance date. For the purposes of this
364 subsection, proof of compliance shall consist of a valid,
365 renewed, or reinstated driver's license or registration
366 certificate and proper proof of maintenance of security as
367 required by s. 316.646. Notwithstanding waiver of fine, any
368 person establishing proof of compliance shall be assessed court
369 costs of \$25, except that a person charged with violation of s.
370 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
371 such costs shall be remitted to the Department of Revenue for
372 deposit into the Child Welfare Training Trust Fund of the
373 Department of Children and Family Services. One dollar of such
374 costs shall be distributed to the Department of Juvenile Justice
375 for deposit into the Juvenile Justice Training Trust Fund.
376 Fourteen dollars of such costs shall be distributed to the
377 municipality and \$9 shall be deposited by the clerk of the court

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378 into the fine and forfeiture fund established pursuant to s.
379 142.01, if the offense was committed within the municipality. If
380 the offense was committed in an unincorporated area of a county
381 or if the citation was for a violation of s. 316.646(1)-(3), the
382 entire amount shall be deposited by the clerk of the court into
383 the fine and forfeiture fund established pursuant to s. 142.01,
384 except for the moneys to be deposited into the Child Welfare
385 Training Trust Fund and the Juvenile Justice Training Trust
386 Fund. This subsection shall not be construed to authorize the
387 operation of a vehicle without a valid driver's license, without
388 a valid vehicle tag and registration, or without the maintenance
389 of required security.

390 (13) (a) A person cited for a violation of s. 316.1926
391 shall, in addition to any other requirements provided in this
392 section, pay a fine of \$1,000. This fine is in lieu of the fine
393 required under s. 318.18(3)(b), if the person was cited for
394 violation of s. 316.1926(2).

395 (b) A person cited for a second violation of s. 316.1926
396 shall, in addition to any other requirements provided in this
397 section, pay a fine of \$2,500. This fine is in lieu of the fine
398 required under s. 318.18(3)(b), if the person was cited for
399 violation of s. 316.1926(2). In addition, the court shall revoke
400 the person's authorization and privilege to operate a motor
401 vehicle for a period of 1 year and order the person to surrender
402 his or her driver's license.

403 (c) A person cited for a third violation of s. 316.1926
404 commits a felony of the third degree, punishable as provided in
405 s. 775.082, s. 775.083, or s. 775.084. Upon conviction, the
406 court shall impose a fine of \$5,000, revoke the person's

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407 authorization and privilege to operate a motor vehicle for a
408 period of 10 years, and order the person to surrender his or her
409 driver's license.

410 Section 7. Paragraphs (a), (b), and (c) of subsection (3)
411 of section 318.18, Florida Statutes, are amended to read:

412 318.18 Amount of penalties.—The penalties required for a
413 noncriminal disposition pursuant to s. 318.14 or a criminal
414 offense listed in s. 318.17 are as follows:

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

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

419		
420	For speed exceeding the limit by:	Fine:
421	1-5 m.p.h.....	Warning
422	6-9 m.p.h.....	\$25
423	10-14 m.p.h.....	\$100
424	15-19 m.p.h.....	\$150
425	20-29 m.p.h.....	\$175
426	30 m.p.h. and above.....	\$250

427 (c) Notwithstanding paragraph (b), a person cited for
428 exceeding the speed limit by up to 5 m.p.h. in a legally posted
429 school zone will be fined \$50. A person exceeding the speed
430 limit in a school zone or designated school crossing shall pay a
431 fine double the amount listed in paragraph (b).

432 Section 8. Paragraph (b) of subsection (1) of section
433 320.071, Florida Statutes, is amended to read:

434 320.071 Advance registration renewal; procedures.—

435 (1)

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436 (b) The owner of any apportioned motor vehicle currently
437 registered in this state may file an application for renewal of
438 registration with the department any time during the 3 ~~5~~ months
439 preceding the date of expiration of the registration period.

440 Section 9. Section 320.08, Florida Statutes, is amended to
441 read:

442 320.08 License taxes.—Except as otherwise provided herein,
443 there are hereby levied and imposed annual license taxes for the
444 operation of motor vehicles, mopeds, motorized bicycles as
445 defined in s. 316.003(2), tri-vehicles, as defined in s.
446 316.003, and mobile homes, as defined in s. 320.01, which shall
447 be paid to and collected by the department or its agent upon the
448 registration or renewal of registration of the following:

449 (1) MOTORCYCLES AND MOPEDS.—

450 (a) Any motorcycle: \$13.50 flat, of which \$3.50 shall be
451 deposited into the General Revenue Fund.

452 (b) Any moped: \$6.75 flat, of which \$1.75 shall be
453 deposited into the General Revenue Fund.

454 (c) Upon registration of any motorcycle, motor-driven
455 cycle, or moped there shall be paid in addition to the license
456 taxes specified in this subsection a nonrefundable motorcycle
457 safety education fee in the amount of \$2.50. The proceeds of
458 such additional fee shall be deposited in the Highway Safety
459 Operating Trust Fund to fund a motorcycle driver improvement
460 program implemented pursuant to s. 322.025, the Florida
461 Motorcycle Safety Education Program established in s. 322.0255,
462 or the general operations of the department.

463 (d) An ancient or antique motorcycle: \$13.50 flat, of which
464 \$3.50 shall be deposited into the General Revenue Fund.

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465 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

466 (a) An ancient or antique automobile, as defined in s.
467 320.086, or a street rod, as defined in s. 320.0863: \$10.25
468 flat, of which \$2.75 shall be deposited into the General Revenue
469 Fund.

470 (b) Net weight of less than 2,500 pounds: \$19.50 flat, of
471 which \$5 shall be deposited into the General Revenue Fund.

472 (c) Net weight of 2,500 pounds or more, but less than 3,500
473 pounds: \$30.50 flat, of which \$8 shall be deposited into the
474 General Revenue Fund.

475 (d) Net weight of 3,500 pounds or more: \$44 flat, of which
476 \$11.50 shall be deposited into the General Revenue Fund.

477 (3) TRUCKS.—

478 (a) Net weight of less than 2,000 pounds: \$19.50 flat, of
479 which \$5 shall be deposited into the General Revenue Fund.

480 (b) Net weight of 2,000 pounds or more, but not more than
481 3,000 pounds: \$30.50 flat, of which \$8 shall be deposited into
482 the General Revenue Fund.

483 (c) Net weight more than 3,000 pounds, but not more than
484 5,000 pounds: \$44 flat, of which \$11.50 shall be deposited into
485 the General Revenue Fund.

486 (d) A truck defined as a "goat," or any other vehicle if
487 used in the field by a farmer or in the woods for the purpose of
488 harvesting a crop, including naval stores, during such
489 harvesting operations, and which is not principally operated
490 upon the roads of the state: \$10.25 flat, of which \$2.75 shall
491 be deposited into the General Revenue Fund. A "goat" is a motor
492 vehicle designed, constructed, and used principally for the
493 transportation of citrus fruit within citrus groves or for the

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494 transportation of crops on farms, and which can also be used for
495 the hauling of associated equipment or supplies, including
496 required sanitary equipment, and the towing of farm trailers.

497 (e) An ancient or antique truck, as defined in s. 320.086:
498 \$10.25 flat, of which \$2.75 shall be deposited into the General
499 Revenue Fund.

500 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS
501 VEHICLE WEIGHT.—

502 (a) Gross vehicle weight of 5,001 pounds or more, but less
503 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be
504 deposited into the General Revenue Fund.

505 (b) Gross vehicle weight of 6,000 pounds or more, but less
506 than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be
507 deposited into the General Revenue Fund.

508 (c) Gross vehicle weight of 8,000 pounds or more, but less
509 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited
510 into the General Revenue Fund.

511 (d) Gross vehicle weight of 10,000 pounds or more, but less
512 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited
513 into the General Revenue Fund.

514 (e) Gross vehicle weight of 15,000 pounds or more, but less
515 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited
516 into the General Revenue Fund.

517 (f) Gross vehicle weight of 20,000 pounds or more, but less
518 than 26,001 pounds: \$251 flat, of which \$65 shall be deposited
519 into the General Revenue Fund.

520 (g) Gross vehicle weight of 26,001 pounds or more, but less
521 than 35,000: \$324 flat, of which \$84 shall be deposited into the
522 General Revenue Fund.

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523 (h) Gross vehicle weight of 35,000 pounds or more, but less
524 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
525 into the General Revenue Fund.

526 (i) Gross vehicle weight of 44,000 pounds or more, but less
527 than 55,000 pounds: \$773 flat, of which \$201 shall be deposited
528 into the General Revenue Fund.

529 (j) Gross vehicle weight of 55,000 pounds or more, but less
530 than 62,000 pounds: \$916 flat, of which \$238 shall be deposited
531 into the General Revenue Fund.

532 (k) Gross vehicle weight of 62,000 pounds or more, but less
533 than 72,000 pounds: \$1,080 flat, of which \$280 shall be
534 deposited into the General Revenue Fund.

535 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322
536 flat, of which \$343 shall be deposited into the General Revenue
537 Fund.

538 (m) Notwithstanding the declared gross vehicle weight, a
539 truck tractor used within a 150-mile radius of its home address
540 is eligible for a license plate for a fee of \$324 flat if:

541 1. The truck tractor is used exclusively for hauling
542 forestry products; or

543 2. The truck tractor is used primarily for the hauling of
544 forestry products, and is also used for the hauling of
545 associated forestry harvesting equipment used by the owner of
546 the truck tractor.

547
548 Of the fee imposed by this paragraph, \$84 shall be deposited
549 into the General Revenue Fund.

550 (n) A truck tractor or heavy truck, not operated as a for-
551 hire vehicle, which is engaged exclusively in transporting raw,

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552 unprocessed, and nonmanufactured agricultural or horticultural
553 products within a 150-mile radius of its home address, is
554 eligible for a restricted license plate for a fee of:

555 1. If such vehicle's declared gross vehicle weight is less
556 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be
557 deposited into the General Revenue Fund.

558 2. If such vehicle's declared gross vehicle weight is
559 44,000 pounds or more and such vehicle only transports from the
560 point of production to the point of primary manufacture; to the
561 point of assembling the same; or to a shipping point of a rail,
562 water, or motor transportation company, \$324 flat, of which \$84
563 shall be deposited into the General Revenue Fund.

564
565 Such not-for-hire truck tractors and heavy trucks used
566 exclusively in transporting raw, unprocessed, and
567 nonmanufactured agricultural or horticultural products may be
568 incidentally used to haul farm implements and fertilizers
569 delivered direct to the growers. The department may require any
570 documentation deemed necessary to determine eligibility prior to
571 issuance of this license plate. For the purpose of this
572 paragraph, "not-for-hire" means the owner of the motor vehicle
573 must also be the owner of the raw, unprocessed, and
574 nonmanufactured agricultural or horticultural product, or the
575 user of the farm implements and fertilizer being delivered.

576 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
577 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

578 (a)1. A semitrailer drawn by a GVW truck tractor by means
579 of a fifth-wheel arrangement: \$13.50 flat per registration year
580 or any part thereof, of which \$3.50 shall be deposited into the

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581 General Revenue Fund.

582 2. A semitrailer drawn by a GVW truck tractor by means of a
583 fifth-wheel arrangement: \$68 flat per permanent registration, of
584 which \$18 shall be deposited into the General Revenue Fund.

585 (b) A motor vehicle equipped with machinery and designed
586 for the exclusive purpose of well drilling, excavation,
587 construction, spraying, or similar activity, and which is not
588 designed or used to transport loads other than the machinery
589 described above over public roads: \$44 flat, of which \$11.50
590 shall be deposited into the General Revenue Fund.

591 (c) A school bus used exclusively to transport pupils to
592 and from school or school or church activities or functions
593 within their own county: \$41 flat, of which \$11 shall be
594 deposited into the General Revenue Fund.

595 (d) A wrecker, as defined in s. 320.01(40), which is used
596 to tow a vessel as defined in s. 327.02(39), a disabled,
597 abandoned, stolen-recovered, or impounded motor vehicle as
598 defined in s. 320.01(38), or a replacement motor vehicle as
599 defined in s. 320.01(39): \$41 flat, of which \$11 shall be
600 deposited into the General Revenue Fund.

601 (e) A wrecker that is used to tow any motor vehicle,
602 regardless of whether such motor vehicle is a disabled motor
603 vehicle, a replacement motor vehicle, a vessel, or any other
604 cargo, as follows:

605 1. Gross vehicle weight of 10,000 pounds or more, but less
606 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited
607 into the General Revenue Fund.

608 2. Gross vehicle weight of 15,000 pounds or more, but less
609 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited

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610 into the General Revenue Fund.

611 3. Gross vehicle weight of 20,000 pounds or more, but less
612 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited
613 into the General Revenue Fund.

614 4. Gross vehicle weight of 26,000 pounds or more, but less
615 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited
616 into the General Revenue Fund.

617 5. Gross vehicle weight of 35,000 pounds or more, but less
618 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
619 into the General Revenue Fund.

620 6. Gross vehicle weight of 44,000 pounds or more, but less
621 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited
622 into the General Revenue Fund.

623 7. Gross vehicle weight of 55,000 pounds or more, but less
624 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited
625 into the General Revenue Fund.

626 8. Gross vehicle weight of 62,000 pounds or more, but less
627 than 72,000 pounds: \$1,080 flat, of which \$280 shall be
628 deposited into the General Revenue Fund.

629 9. Gross vehicle weight of 72,000 pounds or more: \$1,322
630 flat, of which \$343 shall be deposited into the General Revenue
631 Fund.

632 (f) A hearse or ambulance: \$40.50 flat, of which \$10.50
633 shall be deposited into the General Revenue Fund.

634 (6) MOTOR VEHICLES FOR HIRE.—

635 (a) Under nine passengers: \$17 flat, of which \$4.50 shall
636 be deposited into the General Revenue Fund; plus \$1.50 per cwt,
637 of which 50 cents shall be deposited into the General Revenue
638 Fund.

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639 (b) Nine passengers and over: \$17 flat, of which \$4.50
640 shall be deposited into the General Revenue Fund; plus \$2 per
641 cwt, of which 50 cents shall be deposited into the General
642 Revenue Fund.

643 (7) TRAILERS FOR PRIVATE USE.—

644 (a) Any trailer weighing 500 pounds or less: \$6.75 flat per
645 year or any part thereof, of which \$1.75 shall be deposited into
646 the General Revenue Fund.

647 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1
648 shall be deposited into the General Revenue Fund; plus \$1 per
649 cwt, of which 25 cents shall be deposited into the General
650 Revenue Fund.

651 (8) TRAILERS FOR HIRE.—

652 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1
653 shall be deposited into the General Revenue Fund; plus \$1.50 per
654 cwt, of which 50 cents shall be deposited into the General
655 Revenue Fund.

656 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which
657 \$3.50 shall be deposited into the General Revenue Fund; plus
658 \$1.50 per cwt, of which 50 cents shall be deposited into the
659 General Revenue Fund.

660 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

661 (a) A travel trailer or fifth-wheel trailer, as defined by
662 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27
663 flat, of which \$7 shall be deposited into the General Revenue
664 Fund.

665 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:
666 \$13.50 flat, of which \$3.50 shall be deposited into the General
667 Revenue Fund.

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- 668 (c) A motor home, as defined by s. 320.01(1)(b)4.:
- 669 1. Net weight of less than 4,500 pounds: \$27 flat, of which
- 670 \$7 shall be deposited into the General Revenue Fund.
- 671 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
- 672 which \$12.25 shall be deposited into the General Revenue Fund.
- 673 (d) A truck camper as defined by s. 320.01(1)(b)3.:
- 674 1. Net weight of less than 4,500 pounds: \$27 flat, of which
- 675 \$7 shall be deposited into the General Revenue Fund.
- 676 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
- 677 which \$12.25 shall be deposited into the General Revenue Fund.
- 678 (e) A private motor coach as defined by s. 320.01(1)(b)5.:
- 679 1. Net weight of less than 4,500 pounds: \$27 flat, of which
- 680 \$7 shall be deposited into the General Revenue Fund.
- 681 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
- 682 which \$12.25 shall be deposited into the General Revenue Fund.
- 683 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;
- 684 35 FEET TO 40 FEET.—
- 685 (a) Park trailers.—Any park trailer, as defined in s.
- 686 320.01(1)(b)7.: \$25 flat.
- 687 (b) A travel trailer or fifth-wheel trailer, as defined in
- 688 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.
- 689 (11) MOBILE HOMES.—
- 690 (a) A mobile home not exceeding 35 feet in length: \$20
- 691 flat.
- 692 (b) A mobile home over 35 feet in length, but not exceeding
- 693 40 feet: \$25 flat.
- 694 (c) A mobile home over 40 feet in length, but not exceeding
- 695 45 feet: \$30 flat.
- 696 (d) A mobile home over 45 feet in length, but not exceeding

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697 50 feet: \$35 flat.

698 (e) A mobile home over 50 feet in length, but not exceeding
699 55 feet: \$40 flat.

700 (f) A mobile home over 55 feet in length, but not exceeding
701 60 feet: \$45 flat.

702 (g) A mobile home over 60 feet in length, but not exceeding
703 65 feet: \$50 flat.

704 (h) A mobile home over 65 feet in length: \$80 flat.

705 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised
706 motor vehicle dealer, independent motor vehicle dealer, marine
707 boat trailer dealer, or mobile home dealer and manufacturer
708 license plate: \$17 flat, of which \$4.50 shall be deposited into
709 the General Revenue Fund.

710 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or
711 official license plate: \$4 flat, of which \$1 shall be deposited
712 into the General Revenue Fund.

713 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor
714 vehicle for hire operated wholly within a city or within 25
715 miles thereof: \$17 flat, of which \$4.50 shall be deposited into
716 the General Revenue Fund; plus \$2 per cwt, of which 50 cents
717 shall be deposited into the General Revenue Fund.

718 (15) TRANSPORTER.—Any transporter license plate issued to a
719 transporter pursuant to s. 320.133: \$101.25 flat, of which
720 \$26.25 shall be deposited into the General Revenue Fund.

721 Section 10. Subsections (1) and (2) of section 320.0807,
722 Florida Statutes, are amended to read:

723 320.0807 Special license plates for Governor and federal
724 and state legislators.—

725 (1) Upon application by any member of the House of

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726 Representatives of Congress and payment of the fees prescribed
727 by s. 320.0805, the department is authorized to issue to such
728 Member of Congress a license plate stamped "Member of Congress"
729 followed by the number of the appropriate congressional district
730 and the letters "MC," or any other configuration chosen by the
731 member which is not already in use. Upon application by a United
732 States Senator and payment of the fees prescribed by s.
733 320.0805, the department is authorized to issue a license plate
734 stamped "USS," followed by the numeral II in the case of the
735 junior senator.

736 (2) Upon application by any member of the state House of
737 Representatives and payment of the fees prescribed by s.
738 320.0805, the department is authorized to issue such state
739 representative license plates stamped in bold letters "State
740 Legislator," followed by the number of the appropriate House of
741 Representatives district and the letters "HR," or any other
742 configuration chosen by the member which is not already in use
743 ~~on one plate; the numbers of the other plates will be assigned~~
744 ~~by the department.~~ Upon application by a state senator and
745 payment of the fees prescribed by s. 320.0805, the department is
746 authorized to issue license plates stamped in bold letters
747 "State Senator," followed by the number of the appropriate
748 Senate district and the letters "SS," or any other configuration
749 chosen by the member which is not already in use ~~on one plate;~~
750 ~~the numbers of the other plates will be assigned by the~~
751 ~~department.~~

752 Section 11. Subsection (4) of section 320.084, Florida
753 Statutes, is amended to read:

754 320.084 Free motor vehicle license plate to certain

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755 disabled veterans.—

756 (4) (a) With the issuance of each new permanent "DV"
757 numerical motor vehicle license plate, the department shall
758 initially issue, without cost to the applicant, a validation
759 sticker reflecting the owner's birth month and a serially
760 numbered validation sticker reflecting the year of expiration.
761 The initial sticker reflecting the year of expiration may not
762 exceed 27 ~~15~~ months.

763 (b) There shall be a service charge in accordance with the
764 provisions of s. 320.04 for each initial application or renewal
765 of registration and an additional sum of 50 cents on each
766 license plate and validation sticker as provided in s.
767 320.06(3) (b) .

768 (c) Registration under this section shall be renewed
769 annually or biennially during the applicable renewal period on
770 forms prescribed by the department, which shall include, in
771 addition to any other information required by the department, a
772 certified statement as to the continued eligibility of the
773 applicant to receive the special "DV" license plate. Any
774 applicant who falsely or fraudulently submits to the department
775 the certified statement required by this paragraph is guilty of
776 a noncriminal violation and is subject to a civil penalty of
777 \$50.

778 Section 12. Section 321.03, Florida Statutes, is amended to
779 read:

780 321.03 Imitations prohibited; penalty.—Unless specifically
781 authorized by the Florida Highway Patrol, it shall be unlawful
782 ~~for any a person or persons~~ in the state shall not ~~to~~ color or
783 cause to be colored any motor vehicle or motorcycle the same or

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784 similar color as the color or colors so prescribed for the
785 Florida Highway Patrol. A ~~Any~~ person who violates ~~violating any~~
786 ~~of the provisions of~~ this section or s. 321.02 with respect to
787 uniforms, emblems, motor vehicles and motorcycles commits ~~shall~~
788 ~~be guilty of~~ a misdemeanor of the first degree, punishable as
789 provided in s. 775.082 or s. 775.083. The Department of Highway
790 Safety and Motor Vehicles shall employ such clerical help and
791 mechanics as may be necessary for the economical and efficient
792 operation of such department.

793 Section 13. Section 321.05, Florida Statutes, is amended to
794 read:

795 321.05 Duties, functions, and powers of patrol officers.—
796 The members of the Florida Highway Patrol are hereby declared to
797 be conservators of the peace and law enforcement officers of the
798 state, with the common-law right to arrest a person who, in the
799 presence of the arresting officer, commits a felony or commits
800 an affray or breach of the peace constituting a misdemeanor,
801 with full power to bear arms; and they shall apprehend, without
802 warrant, any person in the unlawful commission of any of the
803 acts over which the members of the Florida Highway Patrol are
804 given jurisdiction as hereinafter set out and deliver him or her
805 to the sheriff of the county that further proceedings may be had
806 against him or her according to law. In the performance of any
807 of the powers, duties, and functions authorized by law, members
808 of the Florida Highway Patrol ~~shall~~ have the same protections
809 and immunities afforded other peace officers, which shall be
810 recognized by all courts having jurisdiction over offenses
811 against the laws of this state, and ~~shall~~ have authority to
812 apply for, serve, and execute search warrants, arrest warrants,

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813 ~~capias, and other process of the court in those matters in which~~
814 ~~patrol officers have primary responsibility as set forth in~~
815 ~~subsection (1).~~ The patrol officers under the direction and
816 supervision of the Department of Highway Safety and Motor
817 Vehicles shall perform and exercise throughout the state the
818 following duties, functions, and powers:

819 (1) To patrol the state highways and regulate, control, and
820 direct the movement of traffic thereon; to maintain the public
821 peace by preventing violence on highways; to apprehend fugitives
822 from justice; to enforce all laws now in effect regulating and
823 governing traffic, travel, and public safety upon the public
824 highways and providing for the protection of the public highways
825 and public property thereon; to make arrests without warrant for
826 the violation of any state law committed in their presence in
827 accordance with the laws of this state; providing that no search
828 shall be made unless it is incident to a lawful arrest, to
829 regulate and direct traffic concentrations and congestions; to
830 enforce laws governing the operation, licensing, and taxing and
831 limiting the size, weight, width, length, and speed of vehicles
832 and licensing and controlling the operations of drivers and
833 operators of vehicles; to cooperate with officials designated by
834 law to collect all state fees and revenues levied as an incident
835 to the use or right to use the highways for any purpose; to
836 require the drivers of vehicles to stop and exhibit their
837 driver's licenses, registration cards, or documents required by
838 law to be carried by such vehicles; to investigate traffic
839 accidents, secure testimony of witnesses and of persons
840 involved, and make report thereof with copy, when requested in
841 writing, to any person in interest or his or her attorney; to

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842 investigate reported thefts of vehicles and to seize contraband
843 or stolen property on or being transported on the highways. Each
844 law enforcement officer is subject to and have the same arrest
845 and other authority provided for law enforcement officers
846 generally in chapter 901 and have statewide jurisdiction. Each
847 officer shall also have arrest authority as provided for state
848 law enforcement officers in s. 901.15. This section shall not be
849 construed as being in conflict with, but is supplemental to,
850 chapter 933.

851 (2) To assist other constituted law enforcement officers of
852 the state to quell mobs and riots, guard prisoners, and police
853 disaster areas.

854 (3) (a) To make arrests while in fresh pursuit of a person
855 believed to have violated the traffic and other laws.

856 (b) To make arrest of a person wanted for a felony or
857 against whom a warrant has been issued on any charge in
858 violation of federal, state, or county laws or municipal
859 ordinances.

860 (4) (a) All fines and costs and the proceeds of the
861 forfeiture of bail bonds and recognizances resulting from the
862 enforcement of this chapter by patrol officers shall be paid
863 into the fine and forfeiture fund established pursuant to s.
864 142.01 of the county where the offense is committed. In all
865 cases of arrest by patrol officers, the person arrested shall be
866 delivered forthwith by the ~~said~~ officer to the sheriff of the
867 county, or he or she shall obtain from the ~~such~~ person arrested
868 a recognizance or, if deemed necessary, a cash bond or other
869 sufficient security conditioned for his or her appearance before
870 the proper tribunal of the ~~such~~ county to answer the charge for

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871 which he or she has been arrested; and all fees accruing shall
872 be taxed against the party arrested, which fees are hereby
873 declared to be part of the compensation of the ~~said~~ sheriffs
874 authorized to be fixed by the Legislature under s. 5(c), Art. II
875 of the State Constitution, to be paid such sheriffs in the same
876 manner as fees are paid for like services in other criminal
877 cases. All patrol officers are hereby directed to deliver all
878 bonds accepted and approved by them to the sheriff of the county
879 in which the offense is alleged to have been committed. However,
880 a ~~ne~~ sheriff shall not be paid any arrest fee for the arrest of
881 a person for violation of any section of chapter 316 when the
882 arresting officer was transported in a Florida Highway Patrol
883 car to the vicinity where the arrest was made; and a ~~ne~~ sheriff
884 shall not be paid any fee for mileage for himself or herself or
885 a prisoner for miles traveled in a Florida Highway Patrol car. A
886 ~~No~~ patrol officer is not ~~shall be~~ entitled to any fee or mileage
887 cost except when responding to a subpoena in a civil cause or
888 except when the ~~such~~ patrol officer is appearing as an official
889 witness to testify at any hearing or law action in any court of
890 this state as a direct result of his or her employment as a
891 patrol officer during time not compensated as a part of his or
892 her normal duties. Nothing herein shall be construed as limiting
893 the power to locate and to take from any person under arrest or
894 about to be arrested deadly weapons. ~~Nothing contained in This~~
895 section is not ~~shall be construed as~~ a limitation upon existing
896 powers and duties of sheriffs or police officers.

897 (b) Any person so arrested and released on his or her own
898 recognizance by an officer and who fails ~~shall fail~~ to appear or
899 respond to a notice to appear shall, in addition to the traffic

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900 violation charge, commits ~~be guilty of~~ a noncriminal traffic
901 infraction subject to the penalty provided in s. 318.18(2).

902 (5) The department may employ or assign some fit and
903 suitable person with experience in the field of public relations
904 who shall ~~have the duty to~~ promote, coordinate, and publicize
905 the traffic safety activities in the state and assign such
906 person to the office of the Governor at a salary to be fixed by
907 the department. The person so assigned or employed shall be a
908 member of the uniform division of the Florida Highway Patrol,
909 and he or she shall have the pay and rank of lieutenant while on
910 such assignment.

911 (6) The Division of Florida Highway Patrol is authorized to
912 adopt ~~promulgate~~ rules and ~~regulations~~ which may be necessary to
913 implement the provisions of chapter 316.

914 Section 14. Subsection (26) of section 322.01, Florida
915 Statutes, is amended, and subsection (46) is added to that
916 section, to read:

917 322.01 Definitions.—As used in this chapter:

918 (26) "Motorcycle" means a motor vehicle powered by a motor
919 with a displacement of more than 50 cubic centimeters, having a
920 seat or saddle for the use of the rider, and designed to travel
921 on not more than three wheels in contact with the ground, but
922 excluding a tractor, tri-vehicle, or moped.

923 (46) "Tri-vehicle" means an enclosed three-wheeled
924 passenger vehicle that:

925 (a) Is designed to operate with three wheels in contact
926 with the ground;

927 (b) Has a minimum unladen weight of 900 lbs;

928 (c) Has a single, completely enclosed, occupant

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929 compartment;

930 (d) Is produced in a minimum quantity of 300 in any
931 calendar year;

932 (e) Is capable of a speed greater than 60 miles per hour on
933 level ground; and

934 (f) Is equipped with:

935 1. Seats that are certified by the vehicle manufacturer to
936 meet the requirements of Federal Motor Vehicle Safety Standard
937 No. 207, "Seating systems" (49 C.F.R. s. 571.207);

938 2. A steering wheel used to maneuver the vehicle;

939 3. A propulsion unit located forward or aft of the enclosed
940 occupant compartment;

941 4. A seat belt for each vehicle occupant, certified to meet
942 the requirements of Federal Motor Vehicle Safety Standard No.
943 209, "Seat belt assemblies" (49. C.F.R. s. 571.209);

944 5. A windshield and an appropriate windshield wiper and
945 washer system that are certified by the vehicle manufacture to
946 meet the requirements of Federal Motor Vehicle Safety Standard
947 No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal
948 Motor Vehicle Safety Standard No. 104, "Windshield Wiping and
949 Washing Systems" (49 C.F.R. s. 571.104); and

950 6. A vehicle structure certified by the vehicle
951 manufacturer to meet the requirements of Federal Motor Vehicle
952 Safety Standard No. 216, "Rollover crush resistance," (49 C.F.R.
953 s. 571.216).

954 Section 15. Section 322.121, Florida Statutes, is amended
955 to read:

956 322.121 Periodic reexamination of all drivers.—

957 (1) It is the intent of the Legislature that all licensed

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958 drivers in Florida be reexamined upon renewal of their licenses.
959 Because only a small percentage of drivers in the state are
960 categorized as problem drivers, the Legislature intends that
961 renewals ~~the large number of drivers who have not had any~~
962 ~~convictions for the 3 years preceding renewal and whose driving~~
963 ~~privilege in this state has not been revoked, disqualified, or~~
964 ~~suspended at any time during the 7 years preceding renewal~~ be
965 processed expeditiously upon renewal of their licenses by
966 examinations of the licensee's ~~their~~ eyesight and hearing only
967 and ~~that all other licensees be tested, in addition to the~~
968 ~~eyesight and hearing examinations, with respect to their ability~~
969 ~~to read and understand highway signs regulating, warning, and~~
970 ~~directing traffic.~~

971 ~~(2) Each licensee must pass a reexamination at the time of~~
972 ~~renewal, except as otherwise provided in this chapter. For each~~
973 ~~licensee whose driving record does not show any convictions for~~
974 ~~the preceding 3 years or any revocations, disqualifications, or~~
975 ~~suspensions for the preceding 7 years; and who, at the time of~~
976 ~~renewal, presents a renewal notice verifying such safe driving~~
977 ~~record, the reexamination shall consist of tests of the~~
978 ~~licensee's eyesight and hearing. For all other licensees, in~~
979 ~~addition to the eyesight and hearing tests, the reexamination~~
980 ~~must include tests of the ability to read and understand highway~~
981 ~~signs and pavement markings regulating, warning, and directing~~
982 ~~traffic.~~

983 (2)~~(3)~~ For each licensee whose driving record does not show
984 any revocations, disqualifications, or suspensions for the
985 preceding 7 years or any convictions for the preceding 3 years
986 except for convictions of the following nonmoving violations:

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987 (a) Failure to exhibit a vehicle registration certificate,
988 rental agreement, or cab card pursuant to s. 320.0605;

989 (b) Failure to renew a motor vehicle or mobile home
990 registration that has been expired for 4 months or less pursuant
991 to s. 320.07(3)(a);

992 (c) Operating a motor vehicle with an expired license that
993 has been expired for 4 months or less pursuant to s. 322.065;

994 (d) Failure to carry or exhibit a license pursuant to s.
995 322.15(1); or

996 (e) Failure to notify the department of a change of address
997 or name within 10 days pursuant to s. 322.19,

998
999 the department shall cause such licensee's license to be
1000 prominently marked with the notation "Safe Driver."

1001 (3)~~(4)~~ Eyesight examinations must be administered as
1002 provided in s. 322.12.

1003 (4)~~(5)~~ An examination fee may not be assessed for
1004 reexamination required by this section.

1005 (5)~~(6)~~ Members of the Armed Forces, or their dependents
1006 residing with them, shall be granted an automatic extension for
1007 the expiration of their licenses without reexamination while
1008 serving on active duty outside this state. This extension is
1009 valid for 90 days after the member of the Armed Forces is either
1010 discharged or returns to this state to live.

1011 (6)~~(7)~~ In addition to any other examination authorized by
1012 this section, an applicant for a renewal of a commercial
1013 driver's license may be required to complete successfully an
1014 examination of his or her knowledge regarding state and federal
1015 rules, regulations, and laws, governing the type of vehicle

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1016 which he or she is applying to be licensed to operate.

1017 ~~(7)-(8)~~ In addition to any other examination authorized by
1018 this section, an applicant for a renewal of an endorsement
1019 issued under s. 322.57(1)(a), (b), (d), (e), or (f) may be
1020 required to complete successfully an examination of his or her
1021 knowledge regarding state and federal rules, regulations, and
1022 laws, governing the type of vehicle which he or she is seeking
1023 an endorsement to operate.

1024 Section 16. Paragraph (c) is added to subsection (1) of
1025 section 322.18, Florida Statutes, paragraph (a) of subsection
1026 (5) and paragraph (c) of subsection (8) of that section are
1027 amended, to read:

1028 322.18 Original applications, licenses, and renewals;
1029 expiration of licenses; delinquent licenses.—

1030 (1)

1031 (c) A person who has been issued a driver's license using
1032 documentation specified in s. 322.08(2)(c)8. as proof of
1033 identity is not eligible to renew that license and must obtain
1034 an original license.

1035 (5) All renewal driver's licenses may be issued after the
1036 applicant licensee has been determined to be eligible by the
1037 department.

1038 (a) A licensee who is otherwise eligible for renewal and
1039 who is at least 80 years of age:

1040 1. Must submit to and pass a vision test administered at
1041 any driver's license office; or

1042 2. If the licensee applies for a renewal using a
1043 convenience service as provided in subsection (8), he or she
1044 must submit to a vision test administered by a physician

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1045 licensed under chapter 458 or chapter 459, ~~or~~ an optometrist
1046 licensed under chapter 463, or a licensed physician at a
1047 federally established veterans hospital, must send the results
1048 of that test to the department on a form obtained from the
1049 department and signed by such health care practitioner, and must
1050 meet vision standards that are equivalent to the standards for
1051 passing the departmental vision test. The physician or
1052 optometrist may submit the results of a vision test by a
1053 department-approved electronic means.

1054 (8) The department shall issue 8-year renewals using a
1055 convenience service without reexamination to drivers who have
1056 not attained 80 years of age. The department shall issue 6-year
1057 renewals using a convenience service when the applicant has
1058 satisfied the requirements of subsection (5).

1059 (c) The department shall issue one renewal using a
1060 convenience service. A person who is out of this state when his
1061 or her license expires may be issued a 90-day temporary driving
1062 permit without reexamination. At the end of the 90-day period,
1063 the person must either return to this state or apply for a
1064 license where the person is located, except for a member of the
1065 Armed Forces as provided in s. 322.121(5) ~~s. 322.121(6)~~.

1066 Section 17. Subsection (2) of section 322.2615, Florida
1067 Statutes, is amended to read:

1068 322.2615 Suspension of license; right to review.—

1069 (2) Except as provided in paragraph (1)(a), the law
1070 enforcement officer shall forward to the department, within 5
1071 days after issuing the notice of suspension, the driver's
1072 license; an affidavit stating the officer's grounds for belief
1073 that the person was driving or in actual physical control of a

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1074 motor vehicle while under the influence of alcoholic beverages
1075 or chemical or controlled substances; the results of any breath
1076 or blood test or an affidavit stating that a breath, blood, or
1077 urine test was requested by a law enforcement officer or
1078 correctional officer and that the person refused to submit; the
1079 officer's description of the person's field sobriety test, if
1080 any; and the notice of suspension; ~~and a copy of the crash~~
1081 ~~report, if any.~~ The failure of the officer to submit materials
1082 within the 5-day period specified in this subsection and in
1083 subsection (1) does not affect the department's ability to
1084 consider any evidence submitted at or prior to the hearing. The
1085 officer may also submit a copy of the crash report, a copy of a
1086 videotape of the field sobriety test or the attempt to
1087 administer such test. Materials submitted to the department by a
1088 law enforcement agency or correctional agency shall be
1089 considered self-authenticating and shall be in the record for
1090 consideration by the hearing officer. Notwithstanding s.
1091 316.066(7), the crash report shall be considered by the hearing
1092 officer.

1093 Section 18. Subsection (11) is added to section 322.34,
1094 Florida Statutes, to read:

1095 322.34 Driving while license suspended, revoked, canceled,
1096 or disqualified.—

1097 (11) (a) A person who does not hold a commercial driver
1098 license and who is cited for an offense of knowingly driving
1099 while his or her license is suspended, revoked, or canceled for
1100 any of the underlying violations listed in paragraph (10) (a)
1101 may, in lieu of payment of fine or court appearance, elect to
1102 enter a plea of nolo contendere and provide proof of compliance

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1103 to the clerk of the court, designated official or authorized
1104 operator of a traffic violations bureau. In such case,
1105 adjudication shall be withheld; however, no election shall be
1106 made under this subsection if such person has made an election
1107 under this subsection in the 12 months preceding election
1108 hereunder. A person may not make more than three elections under
1109 this subsection.

1110 (b) If adjudication is withheld under paragraph (a), such
1111 action is not a conviction.

1112 Section 19. Subsection (8) of section 322.61, Florida
1113 Statutes, is amended to read:

1114 322.61 Disqualification from operating a commercial motor
1115 vehicle.—

1116 (8) A driver who is convicted of or otherwise found to have
1117 committed a violation of an out-of-service order while driving a
1118 commercial motor vehicle is disqualified as follows:

1119 (a) Not less than 180 ~~90~~ days nor more than 1 year if the
1120 driver is convicted of or otherwise found to have committed a
1121 first violation of an out-of-service order.

1122 (b) Not less than 2 years ~~1 year~~ nor more than 5 years if,
1123 for offenses occurring during any 10-year period, the driver is
1124 convicted of or otherwise found to have committed two violations
1125 of out-of-service orders in separate incidents.

1126 (c) Not less than 3 years nor more than 5 years if, for
1127 offenses occurring during any 10-year period, the driver is
1128 convicted of or otherwise found to have committed three or more
1129 violations of out-of-service orders in separate incidents.

1130 (d) Not less than 180 days nor more than 2 years if the
1131 driver is convicted of or otherwise found to have committed a

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1132 first violation of an out-of-service order while transporting
1133 hazardous materials required to be placarded under the Hazardous
1134 Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or
1135 while operating motor vehicles designed to transport more than
1136 15 passengers, including the driver. A driver is disqualified
1137 for a period of not less than 3 years nor more than 5 years if,
1138 for offenses occurring during any 10-year period, the driver is
1139 convicted of or otherwise found to have committed any subsequent
1140 violations of out-of-service orders, in separate incidents,
1141 while transporting hazardous materials required to be placarded
1142 under the Hazardous Materials Transportation Act, 49 U.S.C. ss.
1143 5101 et seq., or while operating motor vehicles designed to
1144 transport more than 15 passengers, including the driver.

1145 Section 20. Section 488.06, Florida Statutes, is amended to
1146 read:

1147 488.06 Denial, revocation, or suspension of license or
1148 certificate.—The Department of Highway Safety and Motor Vehicles
1149 may suspend or revoke any license or certificate issued under
1150 the provisions of this chapter if the holder of the license or
1151 certificate, or if an instructor, agent, or employee of the
1152 commercial driving school, has:

1153 (1) Violated the provisions of this chapter;—

1154 (2) Been convicted of, pled no contest to, or had
1155 adjudication withheld for any felony offense or misdemeanor
1156 offense, as shown by a criminal background check, the cost of
1157 which must be borne by the applicant, instructor, agent, or
1158 employee;

1159 (3) Committed of any fraud or willful misrepresentation in
1160 applying for or obtaining a license; or

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1161 (4) Solicited business on any premises, including parking
1162 areas, used by the department or a tax collector for the purpose
1163 of licensing drivers.

1164 Section 21. This act shall take effect September 1, 2010.