

By the Committees on Finance and Tax; and Transportation; and
Senator Gardiner

593-04969-10

20102400c2

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. 316.066, F.S.; authorizing crash reports
5 to be provided to law enforcement agencies and county
6 traffic operations; amending s. 316.0741, F.S.;
7 providing that certain tri-vehicles are hybrid
8 vehicles; amending s. 316.159, F.S.; requiring that
9 drivers of certain commercial motor vehicles slow
10 before crossing a railroad grade; amending s. 316.193,
11 F.S.; revising qualifications for an immobilization
12 agency to immobilize vehicles in a judicial circuit;
13 requiring the immobilization agency to conduct a state
14 criminal history check on certain employees;
15 redefining the term "immobilization agency" or
16 "immobilization agencies"; amending s. 316.2085, F.S.;
17 authorizing the license tag on a motorcycle or moped
18 to be affixed and displayed perpendicularly relative
19 to the ground under certain circumstances; amending s.
20 316.2952, F.S.; authorizing a person to attach a
21 global positioning system device to the windshield of
22 a motor vehicle; amending s. 316.29545, F.S.;
23 authorizing the Department of Highway Safety and Motor
24 Vehicles to exempt persons having medical conditions
25 that require a limited exposure to light from certain
26 prohibitions against using sunscreening material on
27 the windows of a motor vehicle; directing the
28 Department of Highway Safety and Motor Vehicles to
29 exempt vehicles that are owned or leased by private

593-04969-10

20102400c2

30 investigative agencies from certain prohibitions
31 against using suncreening material on the windows of
32 a motor vehicle; authorizing the Department of Highway
33 Safety and Motor Vehicles to adopt rules; amending s.
34 316.605, F.S.; conforming the prohibition on the
35 vertical display of a license tag to changes made by
36 the act; amending s. 316.646, F.S.; directing the
37 Department of Highway Safety and Motor Vehicles to
38 suspend the registration and driver's license of a
39 person convicted of failure to maintain required
40 security on a motor vehicle; amending s. 318.14, F.S.;
41 providing procedures for disposition of a citation for
42 violating a specified learner's driver's license
43 restriction; removing an erroneous reference; removing
44 a requirement that a person who commits a noncriminal
45 traffic infraction be cited to appear before an
46 official; requiring a person who commits a traffic
47 violation requiring a hearing or a criminal traffic
48 violation to sign and accept a citation indicating a
49 promise to appear for a hearing; requiring an officer
50 to certify the delivery of a citation to the person
51 cited; providing penalties; providing for certain
52 persons cited for specified offenses to provide proof
53 of compliance to a designated official; providing
54 alternative citation disposition procedures for the
55 offense of operating a motor vehicle with a license
56 that has been suspended for failure to pay certain
57 financial obligations or failure to comply with
58 specified education requirements; amending s. 318.18,

593-04969-10

20102400c2

59 F.S.; adding a designated school crossing to the
60 locations at which exceeding the posted speed limit
61 will double the fine otherwise provided by law;
62 amending s. 319.28, F.S.; requiring a lienholder who
63 repossesses a motor vehicle in this state to apply for
64 a certificate of repossession or certificate of title;
65 amending s. 319.30, F.S.; defining the term
66 "independent entity"; providing procedures for an
67 independent entity that stores a damaged or dismantled
68 motor vehicle for an insurance company to notify the
69 owner when the vehicle is available for pick up or to
70 apply for a certificate of destruction or a
71 certificate of title if the vehicle is not claimed
72 within a certain period; amending s. 320.071, F.S.;
73 revising the period during which the owner of an
74 apportionable motor vehicle may file an application
75 for renewal of registration; amending s. 320.08, F.S.;
76 establishing license taxes for tri-vehicles; revising
77 the amount of the annual license tax for the operation
78 of an ancient or antique motorcycle; amending s.
79 320.0807, F.S.; revising provisions governing the
80 special license plates issued to federal and state
81 legislators; amending s. 320.084, F.S.; providing for
82 a biennial registration renewal period for disabled
83 veteran license plates; amending s. 321.03, F.S.;
84 providing that it is unlawful to possess or color or
85 cause to be colored a motor vehicle or motorcycle of
86 the same or similar color as those prescribed for the
87 Florida Highway Patrol unless specifically authorized

593-04969-10

20102400c2

88 by the Florida Highway Patrol; amending s. 321.05,
89 F.S.; providing that officers of the Florida Highway
90 Patrol have the same arrest and other authority as
91 that provided for certain other state law enforcement
92 officers; amending s. 322.01, F.S.; defining the term
93 "tri-vehicle" and excluding such vehicles from the
94 definition of "motorcycle"; amending s. 322.121, F.S.;
95 revising legislative intent for reexamination of
96 licensed drivers upon renewal of the driver's license;
97 removing a requirement that each licensee must pass a
98 reexamination at the time of license renewal; amending
99 s. 322.18, F.S.; authorizing a licensed physician at a
100 federally established veterans hospital to administer
101 a vision test for purposes of renewing a driver's
102 license; correcting a cross-reference; amending s.
103 322.2615, F.S.; revising requirements for information
104 an officer must submit to the department after
105 suspending a driver's license for certain DUI
106 offenses; removing a requirement that the officer
107 submit a copy of a crash report; authorizing the
108 officer to submit such report; amending s. 322.34,
109 F.S.; providing that if a person does not hold a
110 commercial driver's license and is cited for an
111 offense of knowingly driving while his or her license
112 is suspended, revoked, or canceled, he or she may, in
113 lieu of payment of a fine or court appearance, elect
114 to enter a plea of nolo contendere and provide proof
115 of compliance to the clerk of the court, designated
116 official, or authorized operator of a traffic

593-04969-10

20102400c2

117 violations bureau; limiting a driver's option to elect
118 such a remedy; amending s. 322.61, F.S.; revising the
119 period of disqualification from operating a commercial
120 motor vehicle for a violation of an out-of-service
121 order; amending s. 488.06, F.S.; specifying additional
122 circumstances under which the department may suspend
123 or revoke a license or certificate of a driving
124 school; providing an effective date.

125
126 Be It Enacted by the Legislature of the State of Florida:

127
128 Section 1. Subsection (86) is added to section 316.003,
129 Florida Statutes, to read:

130 316.003 Definitions.—The following words and phrases, when
131 used in this chapter, shall have the meanings respectively
132 ascribed to them in this section, except where the context
133 otherwise requires:

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

136 (a) Is designed to operate with three wheels in contact
137 with the ground;

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

139 (c) Has a single, completely enclosed, occupant
140 compartment;

141 (d) Is produced in a minimum quantity of 300 in any
142 calendar year;

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

145 (f) Is equipped with:

593-04969-10

20102400c2

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

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

150 3. A propulsion unit located forward or aft of the enclosed
151 occupant compartment;

152 4. A seat belt for each vehicle occupant, certified to meet
153 the requirements of Federal Motor Vehicle Safety Standard No.
154 209, "Seat belt assemblies" (49. C.F.R. s. 571.209);

155 5. A windshield and an appropriate windshield wiper and
156 washer system that are certified by the vehicle manufacturer to
157 meet the requirements of Federal Motor Vehicle Safety Standard
158 No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal
159 Motor Vehicle Safety Standard No. 104, "Windshield Wiping and
160 Washing Systems" (49 C.F.R. s. 571.104); and

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

165 Section 2. Paragraph (b) of subsection (5) of section
166 316.066, Florida Statutes, is amended to read:

167 316.066 Written reports of crashes.—

168 (5)

169 (b) Crash reports held by an agency under paragraph (a) may
170 be made immediately available to the parties involved in the
171 crash, their legal representatives, their licensed insurance
172 agents, their insurers or insurers to which they have applied
173 for coverage, persons under contract with such insurers to
174 provide claims or underwriting information, prosecutorial

593-04969-10

20102400c2

175 authorities, law enforcement agencies, county traffic
176 operations, victim services programs, radio and television
177 stations licensed by the Federal Communications Commission,
178 newspapers qualified to publish legal notices under ss. 50.011
179 and 50.031, and free newspapers of general circulation,
180 published once a week or more often, available and of interest
181 to the public generally for the dissemination of news. For the
182 purposes of this section, the following products or publications
183 are not newspapers as referred to in this section: those
184 intended primarily for members of a particular profession or
185 occupational group; those with the primary purpose of
186 distributing advertising; and those with the primary purpose of
187 publishing names and other personal identifying information
188 concerning parties to motor vehicle crashes.

189 Section 3. Paragraph (b) of subsection (1) of section
190 316.0741, Florida Statutes, is amended to read:

191 316.0741 High-occupancy-vehicle lanes.—

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

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

194 1. That draws propulsion energy from onboard sources of
195 stored energy which are both an internal combustion or heat
196 engine using combustible fuel and a rechargeable energy-storage
197 system; ~~and~~

198 2. That, in the case of a passenger automobile or light
199 truck, has received a certificate of conformity under the Clean
200 Air Act, 42 U.S.C. ss. 7401 et seq., and meets or exceeds the
201 equivalent qualifying California standards for a low-emission
202 vehicle; and

203 3. That, in the case of a tri-vehicle, is an inherently

593-04969-10

20102400c2

204 low-emission vehicle (ILEV), as provided in subsection (4).

205 Section 4. Section 316.159, Florida Statutes, is amended to
206 read:

207 316.159 Certain vehicles to stop or slow at all railroad
208 grade crossings.—

209 (1) The driver of any motor vehicle carrying passengers for
210 hire, excluding taxicabs, of any school bus carrying any school
211 child, or of any vehicle carrying explosive substances or
212 flammable liquids as a cargo or part of a cargo, before crossing
213 at grade any track or tracks of a railroad, shall stop such
214 vehicle within 50 feet but not less than 15 feet from the
215 nearest rail of the railroad and, while so stopped, shall listen
216 and look in both directions along the track for any approaching
217 train, and for signals indicating the approach of a train,
218 except as hereinafter provided, and shall not proceed until he
219 or she can do so safely. After stopping as required herein and
220 upon proceeding when it is safe to do so, the driver of any such
221 vehicle shall cross only in a gear of the vehicle so that there
222 will be no necessity for changing gears while traversing the
223 crossing, and the driver shall not shift gears while crossing
224 the track or tracks.

225 (2) No stop need be made at any such crossing where a
226 police officer, a traffic control signal, or a sign directs
227 traffic to proceed. However, any school bus carrying any school
228 child shall be required to stop unless directed to proceed by a
229 police officer.

230 (3) The driver of any commercial motor vehicle that is not
231 required to stop under subsection (1) or subsection (2) before
232 crossing the track or tracks of any railroad grade crossing

593-04969-10

20102400c2

233 shall slow the motor vehicle and check that the tracks are clear
234 of an approaching train.

235 ~~(4)(3)~~ A violation of this section is a noncriminal traffic
236 infraction, punishable as a moving violation as provided in
237 chapter 318.

238 Section 5. Subsections (13) and (14) of section 316.193,
239 Florida Statutes, are amended to read:

240 316.193 Driving under the influence; penalties.-

241 (13) If personnel of the circuit court or the sheriff do
242 not immobilize vehicles, only immobilization agencies that meet
243 the conditions of this subsection shall immobilize vehicles in
244 that judicial circuit.

245 (a) The immobilization agency responsible for immobilizing
246 vehicles in that judicial circuit shall be subject to strict
247 compliance with all of the following conditions and
248 restrictions:

249 1. Any immobilization agency engaged in the business of
250 immobilizing vehicles shall provide to the clerk of the court a
251 signed affidavit attesting that the agency:

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

254 ~~a.b. Has~~ Have ~~at least 3 years of~~ verifiable experience in
255 immobilizing vehicles; ~~and~~

256 ~~b.e. Maintains~~ Maintain accurate and complete records of
257 all payments for the immobilization, copies of all documents
258 pertaining to the court's order of impoundment or
259 immobilization, and any other documents relevant to each
260 immobilization. Such records must be maintained by the
261 immobilization agency for at least 3 years; and

593-04969-10

20102400c2

262 c. Employs and assigns persons to immobilize vehicles who
263 meet the requirements established in subparagraph 2.

264 2. The person who immobilizes a vehicle must:

265 a. Not have been adjudicated incapacitated under s.
266 744.331, or a similar statute in another state, unless his or
267 her capacity has been judicially restored; involuntarily placed
268 in a treatment facility for the mentally ill under chapter 394,
269 or a similar law in any other state, unless his or her
270 competency has been judicially restored; or diagnosed as having
271 an incapacitating mental illness unless a psychologist or
272 psychiatrist licensed in this state certifies that he or she
273 does not currently suffer from the mental illness.

274 b. Not be a chronic and habitual user of alcoholic
275 beverages to the extent that his or her normal faculties are
276 impaired; not have been committed under chapter 397, former
277 chapter 396, or a similar law in any other state; not have been
278 found to be a habitual offender under s. 856.011(3), or a
279 similar law in any other state; or not have had any convictions
280 under s. 316.193, or a similar law in any other state within 2
281 years of the affidavit.

282 c. Not have been committed for controlled substance abuse
283 or have been found guilty of a crime under chapter 893, or a
284 similar law in any other state, relating to controlled
285 substances in any other state.

286 d. Not have been found guilty of or entered a plea of
287 guilty or nolo contendere to, regardless of adjudication, or
288 been convicted of a felony, unless his or her civil rights have
289 been restored.

290 e. Be a citizen or legal resident alien of the United

593-04969-10

20102400c2

291 States or have been granted authorization to seek employment in
292 this country by the United States Bureau of Citizenship and
293 Immigration Services.

294 (b) The immobilization agency shall conduct a state
295 criminal history check through the Department of Law Enforcement
296 to ensure that the person hired to immobilize a vehicle meets
297 the requirements in sub-subparagraph (a)2.d. never have been
298 convicted of any felony or of driving or boating under the
299 influence of alcohol or a controlled substance in the last 3
300 years.

301 (c)(b) A person who violates paragraph (a) commits a
302 misdemeanor of the first degree, punishable as provided in s.
303 775.082 or s. 775.083.

304 (c) Any immobilization agency who is aggrieved by a
305 person's violation of paragraph (a) may bring a civil action
306 against the person who violated paragraph (a) seeking injunctive
307 relief, damages, reasonable attorney's fees and costs, and any
308 other remedy available at law or in equity as may be necessary
309 to enforce this subsection. In any action to enforce this
310 subsection, establishment of a violation of paragraph (a) shall
311 conclusively establish a clear legal right to injunctive relief,
312 that irreparable harm will be caused if an injunction does not
313 issue, that no adequate remedy at law exists, and that public
314 policy favors issuance of injunctive relief.

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

316 (a) "Immobilization," "immobilizing," or "immobilize" means
317 the act of installing a vehicle antitheft device on the steering
318 wheel of a vehicle, the act of placing a tire lock or wheel
319 clamp on a vehicle, or a governmental agency's act of taking

593-04969-10

20102400c2

320 physical possession of the license tag and vehicle registration
321 rendering a vehicle legally inoperable to prevent any person
322 from operating the vehicle pursuant to an order of impoundment
323 or immobilization under subsection (6).

324 (b) "Immobilization agency" or "immobilization agencies"
325 means any person, firm, company, agency, organization,
326 partnership, corporation, association, trust, or other business
327 entity of any kind whatsoever that meets all of the conditions
328 of subsection (13).

329 (c) "Impoundment," "impounding," or "impound" means the act
330 of storing a vehicle at a storage facility pursuant to an order
331 of impoundment or immobilization under subsection (6) where the
332 person impounding the vehicle exercises control, supervision,
333 and responsibility over the vehicle.

334 (d) "Person" means any individual, firm, company, agency,
335 organization, partnership, corporation, association, trust, or
336 other business entity of any kind whatsoever.

337 Section 6. Subsection (3) of section 316.2085, Florida
338 Statutes, is amended to read:

339 316.2085 Riding on motorcycles or mopeds.—

340 (3) The license tag of a motorcycle or moped must be
341 permanently affixed to the vehicle and may not be adjusted or
342 capable of being flipped up. No device for or method of
343 concealing or obscuring the legibility of the license tag of a
344 motorcycle shall be installed or used. The license tag of a
345 motorcycle or moped may be affixed and displayed parallel to the
346 ground in a manner that the numbers and letters read from left
347 to right. Alternatively, a license tag for a motorcycle or moped
348 may be affixed and displayed perpendicularly to the ground in a

593-04969-10

20102400c2

349 manner that the numbers and letters read from top to bottom, if
350 the registered owner of the motorcycle or moped maintains a
351 prepaid toll account in good standing and a transponder
352 associated with the prepaid toll account is affixed to the
353 motorcycle or moped.

354 Section 7. Paragraph (d) is added to subsection (2) of
355 section 316.2952, Florida Statutes, to read:

356 316.2952 Windshields; requirements; restrictions.—

357 (2) A person shall not operate any motor vehicle on any
358 public highway, road, or street with any sign, sunscreening
359 material, product, or covering attached to, or located in or
360 upon, the windshield, except the following:

361 (d) A global positioning system device or similar satellite
362 receiver device that uses the global positioning system operated
363 pursuant to 10 U.S.C. s. 2281 for the purpose of obtaining
364 navigation or routing information while the motor vehicle is
365 being operated.

366 Section 8. Section 316.29545, Florida Statutes, is amended
367 to read:

368 316.29545 Window sunscreening exclusions; medical
369 exemption; certain law enforcement vehicles and private
370 investigative service vehicles exempt.—

371 (1) The department shall issue medical exemption
372 certificates to persons who are afflicted with Lupus, any
373 autoimmune disease, or other ~~similar~~ medical conditions that
374 ~~which~~ require a limited exposure to light, which certificates
375 shall entitle the person to whom the certificate is issued to
376 have sunscreening material on the windshield, side windows, and
377 windows behind the driver which is in violation of the

593-04969-10

20102400c2

378 requirements of ss. 316.2951-316.2957. The department shall
379 consult with the Medical Advisory Board established in s.
380 322.125 for guidance with respect to the autoimmune diseases and
381 other medical conditions that shall be included on ~~provide, by~~
382 ~~rule, for~~ the form of the medical certificate authorized by this
383 section. At a minimum, the medical exemption certificate shall
384 include a vehicle description with the make, model, year,
385 vehicle identification number, medical exemption decal number
386 issued for the vehicle, and the name of the person or persons
387 who are the registered owners of the vehicle. A medical
388 exemption certificate shall be nontransferable and shall become
389 null and void upon the sale or transfer of the vehicle
390 identified on the certificate.

391 (2) The department shall exempt all law enforcement
392 vehicles used in undercover or canine operations from the window
393 sunscreening requirements of ss. 316.2951-316.2957.

394 (3) The department shall exempt from the window
395 sunscreening restrictions of ss. 316.2953, 316.2954, and
396 316.2956 vehicles that are owned or leased by private
397 investigative agencies licensed under chapter 493.

398 (4) ~~(3)~~ The department may charge a fee in an amount
399 sufficient to defray the expenses of issuing a medical exemption
400 certificate as described in subsection (1).

401 (5) The department may adopt rules to administer this
402 section.

403 Section 9. Subsection (1) of section 316.605, Florida
404 Statutes, is amended to read:

405 316.605 Licensing of vehicles.—

406 (1) Every vehicle, at all times while driven, stopped, or

593-04969-10

20102400c2

407 parked upon any highways, roads, or streets of this state, shall
408 be licensed in the name of the owner thereof in accordance with
409 the laws of this state unless such vehicle is not required by
410 the laws of this state to be licensed in this state and shall,
411 except as otherwise provided in s. 320.0706 for front-end
412 registration license plates on truck tractors and s. 320.086(5)
413 which exempts display of license plates on described former
414 military vehicles, display the license plate or both of the
415 license plates assigned to it by the state, one on the rear and,
416 if two, the other on the front of the vehicle, each to be
417 securely fastened to the vehicle outside the main body of the
418 vehicle not higher than 60 inches and not lower than 12 inches
419 from the ground and no more than 24 inches to the left or right
420 of the centerline of the vehicle, and in such manner as to
421 prevent the plates from swinging, and all letters, numerals,
422 printing, writing, and other identification marks upon the
423 plates regarding the word "Florida," the registration decal, and
424 the alphanumeric designation shall be clear and distinct and
425 free from defacement, mutilation, grease, and other obscuring
426 matter, so that they will be plainly visible and legible at all
427 times 100 feet from the rear or front. Except as provided in s.
428 316.2085(3), vehicle license plates shall be affixed and
429 displayed in such a manner that the letters and numerals shall
430 be read from left to right parallel to the ground. No vehicle
431 license plate may be displayed in an inverted or reversed
432 position or in such a manner that the letters and numbers and
433 their proper sequence are not readily identifiable. Nothing
434 shall be placed upon the face of a Florida plate except as
435 permitted by law or by rule or regulation of a governmental

593-04969-10

20102400c2

436 agency. No license plates other than those furnished by the
437 state shall be used. However, if the vehicle is not required to
438 be licensed in this state, the license plates on such vehicle
439 issued by another state, by a territory, possession, or district
440 of the United States, or by a foreign country, substantially
441 complying with the provisions hereof, shall be considered as
442 complying with this chapter. A violation of this subsection is a
443 noncriminal traffic infraction, punishable as a nonmoving
444 violation as provided in chapter 318.

445 Section 10. Subsection (3) of section 316.646, Florida
446 Statutes, is amended to read:

447 316.646 Security required; proof of security and display
448 thereof; dismissal of cases.—

449 (3) Any person who violates this section commits a
450 nonmoving traffic infraction subject to the penalty provided in
451 chapter 318 and shall be required to furnish proof of security
452 as provided in this section. If any person charged with a
453 violation of this section fails to furnish proof, at or before
454 the scheduled court appearance date, ~~that security was in effect~~
455 at the time of the violation, the court shall, upon conviction,
456 notify the department to ~~may immediately~~ suspend the
457 registration and driver's license of such person. If the court
458 fails to order the suspension of the person's registration and
459 driver's license for a conviction of this section at the time of
460 sentencing, the department shall, upon receiving notice of the
461 conviction from the court, suspend the person's registration and
462 driver's license for the violation of this section. Such license
463 and registration may be reinstated only as provided in s.
464 324.0221.

593-04969-10

20102400c2

465 Section 11. Subsections (1), (2), (3), and (10) of section
466 318.14, Florida Statutes, are amended to read:

467 318.14 Noncriminal traffic infractions; exception;
468 procedures.—

469 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
470 person cited for a violation of chapter 316, s. 320.0605, s.
471 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or
472 (3), s. 322.1615 ~~s. 322.161(5)~~, s. 322.19, or s. 1006.66(3) is
473 charged with a noncriminal infraction and must be cited for such
474 an infraction and cited to appear before an official. If another
475 person dies as a result of the noncriminal infraction, the
476 person cited may be required to perform 120 community service
477 hours under s. 316.027(4), in addition to any other penalties.

478 (2) Except as provided in s. 316.1001(2), any person cited
479 for a violation requiring a mandatory hearing listed in s.
480 318.19 or any other criminal traffic violation listed in chapter
481 316 an infraction under this section must sign and accept a
482 citation indicating a promise to appear. The officer may
483 indicate on the traffic citation the time and location of the
484 scheduled hearing and must indicate the applicable civil penalty
485 established in s. 318.18. For all other infractions under this
486 section, the officer must certify by electronic, electronic
487 facsimile, or written signature that the citation was delivered
488 to the person cited. This certification is prima facie evidence
489 that the person cited was served with the citation.

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

493 (10) (a) Any person who does not hold a commercial driver's

593-04969-10

20102400c2

494 license and who is cited for an offense listed under this
495 subsection may, in lieu of payment of fine or court appearance,
496 elect to enter a plea of nolo contendere and provide proof of
497 compliance to the clerk of the court, designated official, or
498 authorized operator of a traffic violations bureau. In such
499 case, adjudication shall be withheld; however, no election shall
500 be made under this subsection if such person has made an
501 election under this subsection in the 12 months preceding
502 election hereunder. No person may make more than three elections
503 under this subsection. This subsection applies to the following
504 offenses:

505 1. Operating a motor vehicle without a valid driver's
506 license in violation of the provisions of s. 322.03, s. 322.065,
507 or s. 322.15(1), or operating a motor vehicle with a license
508 that ~~which~~ has been suspended for failure to appear, failure to
509 pay civil penalty, or failure to attend a driver improvement
510 course pursuant to s. 322.291.

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

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

514 4. Operating a motor vehicle with a license that has been
515 suspended under s. 61.13016 or s. 322.245 for failure to pay
516 child support or for failure to pay any other financial
517 obligation as provided in s. 322.245. However, this subparagraph
518 does not apply if the license has been suspended pursuant to s.
519 322.245(1).

520 5. Operating a motor vehicle with a license that has been
521 suspended under s. 322.091 for failure to meet school attendance
522 requirements.

593-04969-10

20102400c2

523 (b) Any person cited for an offense listed in this
524 subsection shall present proof of compliance prior to the
525 scheduled court appearance date. For the purposes of this
526 subsection, proof of compliance shall consist of a valid,
527 renewed, or reinstated driver's license or registration
528 certificate and proper proof of maintenance of security as
529 required by s. 316.646. Notwithstanding waiver of fine, any
530 person establishing proof of compliance shall be assessed court
531 costs of \$25, except that a person charged with violation of s.
532 316.646(1)-(3) may be assessed court costs of \$8. One dollar of
533 such costs shall be remitted to the Department of Revenue for
534 deposit into the Child Welfare Training Trust Fund of the
535 Department of Children and Family Services. One dollar of such
536 costs shall be distributed to the Department of Juvenile Justice
537 for deposit into the Juvenile Justice Training Trust Fund.
538 Fourteen dollars of such costs shall be distributed to the
539 municipality and \$9 shall be deposited by the clerk of the court
540 into the fine and forfeiture fund established pursuant to s.
541 142.01, if the offense was committed within the municipality. If
542 the offense was committed in an unincorporated area of a county
543 or if the citation was for a violation of s. 316.646(1)-(3), the
544 entire amount shall be deposited by the clerk of the court into
545 the fine and forfeiture fund established pursuant to s. 142.01,
546 except for the moneys to be deposited into the Child Welfare
547 Training Trust Fund and the Juvenile Justice Training Trust
548 Fund. This subsection shall not be construed to authorize the
549 operation of a vehicle without a valid driver's license, without
550 a valid vehicle tag and registration, or without the maintenance
551 of required security.

593-04969-10

20102400c2

552 Section 12. Subsection (3) of section 318.18, Florida
553 Statutes, is amended to read:

554 318.18 Amount of penalties.—The penalties required for a
555 noncriminal disposition pursuant to s. 318.14 or a criminal
556 offense listed in s. 318.17 are as follows:

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

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

561		
562	For speed exceeding the limit by:	Fine:
563	1-5 m.p.h.....	Warning
564	6-9 m.p.h.....	\$25
565	10-14 m.p.h.....	\$100
566	15-19 m.p.h.....	\$150
567	20-29 m.p.h.....	\$175
568	30 m.p.h. and above.....	\$250

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

574 (d) A person cited for exceeding the speed limit in a
575 posted construction zone, which posting must include
576 notification of the speed limit and the doubling of fines, shall
577 pay a fine double the amount listed in paragraph (b). The fine
578 shall be doubled for construction zone violations only if
579 construction personnel are present or operating equipment on the
580 road or immediately adjacent to the road under construction.

593-04969-10

20102400c2

581 (e) A person cited for exceeding the speed limit in an
582 enhanced penalty zone shall pay a fine amount of \$50 plus the
583 amount listed in paragraph (b). Notwithstanding paragraph (b), a
584 person cited for exceeding the speed limit by up to 5 m.p.h. in
585 a legally posted enhanced penalty zone shall pay a fine amount
586 of \$50.

587 (f) If a violation of s. 316.1301 or s. 316.1303 results in
588 an injury to the pedestrian or damage to the property of the
589 pedestrian, an additional fine of up to \$250 shall be paid. This
590 amount must be distributed pursuant to s. 318.21.

591 (g) A person cited for exceeding the speed limit within a
592 zone posted for any electronic or manual toll collection
593 facility shall pay a fine double the amount listed in paragraph
594 (b). However, no person cited for exceeding the speed limit in
595 any toll collection zone shall be subject to a doubled fine
596 unless the governmental entity or authority controlling the toll
597 collection zone first installs a traffic control device
598 providing warning that speeding fines are doubled. Any such
599 traffic control device must meet the requirements of the uniform
600 system of traffic control devices.

601 (h) A person cited for a second or subsequent conviction of
602 speed exceeding the limit by 30 miles per hour and above within
603 a 12-month period shall pay a fine that is double the amount
604 listed in paragraph (b). For purposes of this paragraph, the
605 term "conviction" means a finding of guilt as a result of a jury
606 verdict, nonjury trial, or entry of a plea of guilty. Moneys
607 received from the increased fine imposed by this paragraph shall
608 be remitted to the Department of Revenue and deposited into the
609 Department of Health Administrative Trust Fund to provide

593-04969-10

20102400c2

610 financial support to certified trauma centers to assure the
611 availability and accessibility of trauma services throughout the
612 state. Funds deposited into the Administrative Trust Fund under
613 this section shall be allocated as follows:

614 1. Fifty percent shall be allocated equally among all Level
615 I, Level II, and pediatric trauma centers in recognition of
616 readiness costs for maintaining trauma services.

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

621 Section 13. Subsection (2) of section 319.28, Florida
622 Statutes, is amended to read:

623 319.28 Transfer of ownership by operation of law.—

624 (2) (a) Except as provided in paragraph (b), only an
625 affidavit by the person, or agent of the person, to whom
626 possession of such motor vehicle or mobile home has so passed,
627 setting forth facts entitling him or her to such possession and
628 ownership, together with a copy of the journal entry, court
629 order, or instrument upon which such claim of possession and
630 ownership is founded, shall be considered satisfactory proof of
631 ownership and right of possession.

632 (b) In case of repossession of a motor vehicle or mobile
633 home pursuant to the terms of a security agreement or similar
634 instrument, an affidavit by the party to whom possession has
635 passed stating that the vehicle or mobile home was repossessed
636 upon default in the terms of the security agreement or other
637 instrument shall be considered satisfactory proof of ownership
638 and right of possession. At least 5 days prior to selling the

593-04969-10

20102400c2

639 repossessed vehicle, any subsequent lienholder named in the last
640 issued certificate of title shall be sent notice of the
641 repossession by certified mail, on a form prescribed by the
642 department. If such notice is given and no written protest to
643 the department is presented by a subsequent lienholder within 15
644 days from the date on which the notice was mailed, the
645 certificate of title or the certificate of repossession shall be
646 issued showing no liens. If the former owner or any subsequent
647 lienholder files a written protest under oath within such 15-day
648 period, the department may ~~shall~~ not issue the certificate of
649 title or certificate of repossession for 10 days thereafter. If
650 within the 10-day period no injunction or other order of a court
651 of competent jurisdiction has been served on the department
652 commanding it not to deliver the certificate of title or
653 certificate of repossession, the department shall deliver the
654 certificate of title or repossession to the applicant or as may
655 otherwise be directed in the application showing no other liens
656 than those shown in the application. Any lienholder who has
657 repossessed a vehicle in this state in compliance with the
658 provisions of this section must ~~may~~ apply to a ~~the~~ tax
659 collector's office in this state or to the department for a
660 certificate of repossession or to the department for a
661 certificate of title pursuant to s. 319.323. Proof of the
662 required notice to subsequent lienholders shall be submitted
663 together with regular title fees. A lienholder to whom a
664 certificate of repossession has been issued may assign the
665 certificate of title to the subsequent owner. Any person who
666 violates ~~found guilty of violating~~ any requirements of this
667 paragraph commits ~~shall be guilty of~~ a felony of the third

593-04969-10

20102400c2

668 degree, punishable as provided in s. 775.082, s. 775.083, or s.
669 775.084.

670 (c) If the applicant for a certificate of title under this
671 section cannot produce satisfactory proof of ownership and right
672 of possession, he or she may submit such evidence as he or she
673 may have, and the department may thereupon, if it finds the
674 evidence sufficient, issue a certificate of title.

675 Section 14. Present paragraphs (g) through (u) of
676 subsection (1) of section 319.30, Florida Statutes, are
677 redesignated as paragraphs (h) through (v), respectively, a new
678 paragraph (g) is added to that subsection, present subsection
679 (9) of that section is renumbered as subsection (10), and a new
680 subsection (9) is added to that section, to read:

681 319.30 Definitions; dismantling, destruction, change of
682 identity of motor vehicle or mobile home; salvage.—

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

684 (g) "Independent entity" means a business or entity that
685 may temporarily store damaged or dismantled motor vehicles
686 pursuant to an agreement with an insurance company and is
687 engaged in the sale or resale of damaged or dismantled motor
688 vehicles. The term does not include a wrecker operator, towing
689 company, or a repair facility.

690 (9) (a) An insurance company may notify an independent
691 entity that obtains possession of a damaged or dismantled motor
692 vehicle to release the vehicle to the owner. The insurance
693 company shall provide the independent entity a release statement
694 on a form prescribed by the department authorizing the
695 independent entity to release the vehicle to the owner. The form
696 shall contain at a minimum:

593-04969-10

20102400c2

697 1. Policy and claim number;
698 2. Name and address of insured;
699 3. Vehicle identification number; and
700 4. Signature of an authorized representative of the
701 insurance company.

702 (b) The independent entity in possession of a motor vehicle
703 must send a notice to the owner that the vehicle is available
704 for pick up when it receives a release statement from the
705 insurance company. The notice shall be sent by certified mail to
706 the owner at the owner's address reflected in the department's
707 records. The notice must inform the owner that the owner has 30
708 days after receipt of the notice to pick up the vehicle from the
709 independent entity. If the motor vehicle is not claimed within
710 30 days after the owner receives the notice, the independent
711 entity may apply for a certificate of destruction or a
712 certificate of title.

713 (c) Upon applying for a certificate of title or certificate
714 of destruction, the independent entity shall provide a copy of
715 the release statement from the insurance company to the
716 independent entity, proof of providing the 30-day notice to the
717 owner, and applicable fees.

718 (d) The independent entity may not charge an owner of the
719 vehicle storage fees or apply for a title under s. 713.585 or s.
720 713.78.

721 Section 15. Paragraph (b) of subsection (1) of section
722 320.071, Florida Statutes, is amended to read:

723 320.071 Advance registration renewal; procedures.—

724 (1)

725 (b) The owner of any apportioned motor vehicle currently

593-04969-10

20102400c2

726 registered in this state may file an application for renewal of
727 registration with the department any time during the 3 ~~5~~ months
728 preceding the date of expiration of the registration period.

729 Section 16. Section 320.08, Florida Statutes, is amended to
730 read:

731 320.08 License taxes.—Except as otherwise provided herein,
732 there are hereby levied and imposed annual license taxes for the
733 operation of motor vehicles, mopeds, motorized bicycles as
734 defined in s. 316.003(2), tri-vehicles, as defined in s.
735 316.003, and mobile homes, as defined in s. 320.01, which shall
736 be paid to and collected by the department or its agent upon the
737 registration or renewal of registration of the following:

738 (1) MOTORCYCLES AND MOPEDS.—

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

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

743 (c) Upon registration of any motorcycle, motor-driven
744 cycle, or moped there shall be paid in addition to the license
745 taxes specified in this subsection a nonrefundable motorcycle
746 safety education fee in the amount of \$2.50. The proceeds of
747 such additional fee shall be deposited in the Highway Safety
748 Operating Trust Fund to fund a motorcycle driver improvement
749 program implemented pursuant to s. 322.025, the Florida
750 Motorcycle Safety Education Program established in s. 322.0255,
751 or the general operations of the department.

752 (d) An ancient or antique motorcycle: \$8.50 ~~\$13.50~~ flat, of
753 which \$3.50 shall be deposited into the General Revenue Fund.

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

593-04969-10

20102400c2

755 (a) An ancient or antique automobile, as defined in s.
756 320.086, or a street rod, as defined in s. 320.0863: \$10.25
757 flat, of which \$2.75 shall be deposited into the General Revenue
758 Fund.

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

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

764 (d) Net weight of 3,500 pounds or more: \$44 flat, of which
765 \$11.50 shall be deposited into the General Revenue Fund.

766 (3) TRUCKS.—

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

769 (b) Net weight of 2,000 pounds or more, but not more than
770 3,000 pounds: \$30.50 flat, of which \$8 shall be deposited into
771 the General Revenue Fund.

772 (c) Net weight more than 3,000 pounds, but not more than
773 5,000 pounds: \$44 flat, of which \$11.50 shall be deposited into
774 the General Revenue Fund.

775 (d) A truck defined as a "goat," or any other vehicle if
776 used in the field by a farmer or in the woods for the purpose of
777 harvesting a crop, including naval stores, during such
778 harvesting operations, and which is not principally operated
779 upon the roads of the state: \$10.25 flat, of which \$2.75 shall
780 be deposited into the General Revenue Fund. A "goat" is a motor
781 vehicle designed, constructed, and used principally for the
782 transportation of citrus fruit within citrus groves or for the
783 transportation of crops on farms, and which can also be used for

593-04969-10

20102400c2

784 the hauling of associated equipment or supplies, including
785 required sanitary equipment, and the towing of farm trailers.

786 (e) An ancient or antique truck, as defined in s. 320.086:
787 \$10.25 flat, of which \$2.75 shall be deposited into the General
788 Revenue Fund.

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

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

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

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

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

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

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

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

812 (h) Gross vehicle weight of 35,000 pounds or more, but less

593-04969-10

20102400c2

813 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
814 into the General Revenue Fund.

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

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

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

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

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

830 1. The truck tractor is used exclusively for hauling
831 forestry products; or

832 2. The truck tractor is used primarily for the hauling of
833 forestry products, and is also used for the hauling of
834 associated forestry harvesting equipment used by the owner of
835 the truck tractor.

836
837 Of the fee imposed by this paragraph, \$84 shall be deposited
838 into the General Revenue Fund.

839 (n) A truck tractor or heavy truck, not operated as a for-
840 hire vehicle, which is engaged exclusively in transporting raw,
841 unprocessed, and nonmanufactured agricultural or horticultural

593-04969-10

20102400c2

842 products within a 150-mile radius of its home address, is
843 eligible for a restricted license plate for a fee of:

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

847 2. If such vehicle's declared gross vehicle weight is
848 44,000 pounds or more and such vehicle only transports from the
849 point of production to the point of primary manufacture; to the
850 point of assembling the same; or to a shipping point of a rail,
851 water, or motor transportation company, \$324 flat, of which \$84
852 shall be deposited into the General Revenue Fund.

853

854 Such not-for-hire truck tractors and heavy trucks used
855 exclusively in transporting raw, unprocessed, and
856 nonmanufactured agricultural or horticultural products may be
857 incidentally used to haul farm implements and fertilizers
858 delivered direct to the growers. The department may require any
859 documentation deemed necessary to determine eligibility prior to
860 issuance of this license plate. For the purpose of this
861 paragraph, "not-for-hire" means the owner of the motor vehicle
862 must also be the owner of the raw, unprocessed, and
863 nonmanufactured agricultural or horticultural product, or the
864 user of the farm implements and fertilizer being delivered.

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

867 (a)1. A semitrailer drawn by a GVW truck tractor by means
868 of a fifth-wheel arrangement: \$13.50 flat per registration year
869 or any part thereof, of which \$3.50 shall be deposited into the
870 General Revenue Fund.

593-04969-10

20102400c2

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

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

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

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

890 (e) A wrecker that is used to tow any motor vehicle,
891 regardless of whether such motor vehicle is a disabled motor
892 vehicle, a replacement motor vehicle, a vessel, or any other
893 cargo, as follows:

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

897 2. Gross vehicle weight of 15,000 pounds or more, but less
898 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited
899 into the General Revenue Fund.

593-04969-10

20102400c2

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

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

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

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

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

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

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

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

923 (6) MOTOR VEHICLES FOR HIRE.—

924 (a) Under nine passengers: \$17 flat, of which \$4.50 shall
925 be deposited into the General Revenue Fund; plus \$1.50 per cwt,
926 of which 50 cents shall be deposited into the General Revenue
927 Fund.

928 (b) Nine passengers and over: \$17 flat, of which \$4.50

593-04969-10

20102400c2

929 shall be deposited into the General Revenue Fund; plus \$2 per
930 cwt, of which 50 cents shall be deposited into the General
931 Revenue Fund.

932 (7) TRAILERS FOR PRIVATE USE.—

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

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

940 (8) TRAILERS FOR HIRE.—

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

945 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which
946 \$3.50 shall be deposited into the General Revenue Fund; plus
947 \$1.50 per cwt, of which 50 cents shall be deposited into the
948 General Revenue Fund.

949 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

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

954 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:
955 \$13.50 flat, of which \$3.50 shall be deposited into the General
956 Revenue Fund.

957 (c) A motor home, as defined by s. 320.01(1)(b)4.:

593-04969-10

20102400c2

958 1. Net weight of less than 4,500 pounds: \$27 flat, of which
959 \$7 shall be deposited into the General Revenue Fund.

960 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
961 which \$12.25 shall be deposited into the General Revenue Fund.

962 (d) A truck camper as defined by s. 320.01(1)(b)3.:

963 1. Net weight of less than 4,500 pounds: \$27 flat, of which
964 \$7 shall be deposited into the General Revenue Fund.

965 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
966 which \$12.25 shall be deposited into the General Revenue Fund.

967 (e) A private motor coach as defined by s. 320.01(1)(b)5.:

968 1. Net weight of less than 4,500 pounds: \$27 flat, of which
969 \$7 shall be deposited into the General Revenue Fund.

970 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
971 which \$12.25 shall be deposited into the General Revenue Fund.

972 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;
973 35 FEET TO 40 FEET.—

974 (a) Park trailers.—Any park trailer, as defined in s.
975 320.01(1)(b)7.: \$25 flat.

976 (b) A travel trailer or fifth-wheel trailer, as defined in
977 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.

978 (11) MOBILE HOMES.—

979 (a) A mobile home not exceeding 35 feet in length: \$20
980 flat.

981 (b) A mobile home over 35 feet in length, but not exceeding
982 40 feet: \$25 flat.

983 (c) A mobile home over 40 feet in length, but not exceeding
984 45 feet: \$30 flat.

985 (d) A mobile home over 45 feet in length, but not exceeding
986 50 feet: \$35 flat.

593-04969-10

20102400c2

987 (e) A mobile home over 50 feet in length, but not exceeding
988 55 feet: \$40 flat.

989 (f) A mobile home over 55 feet in length, but not exceeding
990 60 feet: \$45 flat.

991 (g) A mobile home over 60 feet in length, but not exceeding
992 65 feet: \$50 flat.

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

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

999 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or
1000 official license plate: \$4 flat, of which \$1 shall be deposited
1001 into the General Revenue Fund.

1002 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor
1003 vehicle for hire operated wholly within a city or within 25
1004 miles thereof: \$17 flat, of which \$4.50 shall be deposited into
1005 the General Revenue Fund; plus \$2 per cwt, of which 50 cents
1006 shall be deposited into the General Revenue Fund.

1007 (15) TRANSPORTER.—Any transporter license plate issued to a
1008 transporter pursuant to s. 320.133: \$101.25 flat, of which
1009 \$26.25 shall be deposited into the General Revenue Fund.

1010 Section 17. Subsections (1) and (2) of section 320.0807,
1011 Florida Statutes, are amended to read:

1012 320.0807 Special license plates for Governor and federal
1013 and state legislators.—

1014 (1) Upon application by any member of the House of
1015 Representatives of Congress and payment of the fees prescribed

593-04969-10

20102400c2

1016 by s. 320.0805, the department is authorized to issue to such
1017 Member of Congress a license plate stamped "Member of Congress"
1018 followed by the number of the appropriate congressional district
1019 and the letters "MC," or any other configuration chosen by the
1020 member which is not already in use. Upon application by a United
1021 States Senator and payment of the fees prescribed by s.
1022 320.0805, the department is authorized to issue a license plate
1023 stamped "USS," followed by the numeral II in the case of the
1024 junior senator.

1025 (2) Upon application by any member of the state House of
1026 Representatives and payment of the fees prescribed by s.
1027 320.0805, the department is authorized to issue such state
1028 representative license plates stamped in bold letters "State
1029 Legislator," followed by the number of the appropriate House of
1030 Representatives district and the letters "HR," or any other
1031 configuration chosen by the member which is not already in use
1032 ~~on one plate; the numbers of the other plates will be assigned~~
1033 ~~by the department.~~ Upon application by a state senator and
1034 payment of the fees prescribed by s. 320.0805, the department is
1035 authorized to issue license plates stamped in bold letters
1036 "State Senator," followed by the number of the appropriate
1037 Senate district and the letters "SN," or any other configuration
1038 chosen by the member which is not already in use ~~on one plate;~~
1039 ~~the numbers of the other plates will be assigned by the~~
1040 ~~department.~~

1041 Section 18. Subsection (4) of section 320.084, Florida
1042 Statutes, is amended to read:

1043 320.084 Free motor vehicle license plate to certain
1044 disabled veterans.-

593-04969-10

20102400c2

1045 (4) (a) With the issuance of each new permanent "DV"
1046 numerical motor vehicle license plate, the department shall
1047 initially issue, without cost to the applicant, a validation
1048 sticker reflecting the owner's birth month and a serially
1049 numbered validation sticker reflecting the year of expiration.
1050 The initial sticker reflecting the year of expiration may not
1051 exceed 27 ~~15~~ months.

1052 (b) There shall be a service charge in accordance with the
1053 provisions of s. 320.04 for each initial application or renewal
1054 of registration and an additional sum of 50 cents on each
1055 license plate and validation sticker as provided in s.
1056 320.06(3) (b) .

1057 (c) Registration under this section shall be renewed
1058 annually or biennially during the applicable renewal period on
1059 forms prescribed by the department, which shall include, in
1060 addition to any other information required by the department, a
1061 certified statement as to the continued eligibility of the
1062 applicant to receive the special "DV" license plate. Any
1063 applicant who falsely or fraudulently submits to the department
1064 the certified statement required by this paragraph is guilty of
1065 a noncriminal violation and is subject to a civil penalty of
1066 \$50.

1067 Section 19. Section 321.03, Florida Statutes, is amended to
1068 read:

1069 321.03 Imitations prohibited; penalty. Unless specifically
1070 authorized by the Florida Highway Patrol, a ~~it shall be unlawful~~
1071 ~~for any person or persons~~ in the state shall not ~~to~~ color or
1072 cause to be colored any motor vehicle or motorcycle the same or
1073 similar color as the color or colors so prescribed for the

593-04969-10

20102400c2

1074 Florida Highway Patrol. A ~~Any~~ person who violates ~~violating any~~
1075 ~~of the provisions of~~ this section or s. 321.02 with respect to
1076 uniforms, emblems, motor vehicles, and motorcycles commits ~~shall~~
1077 ~~be guilty of~~ a misdemeanor of the first degree, punishable as
1078 provided in s. 775.082 or s. 775.083. The Department of Highway
1079 Safety and Motor Vehicles shall employ such clerical help and
1080 mechanics as may be necessary for the economical and efficient
1081 operation of such department.

1082 Section 20. Section 321.05, Florida Statutes, is amended to
1083 read:

1084 321.05 Duties, functions, and powers of patrol officers.—
1085 The members of the Florida Highway Patrol are hereby declared to
1086 be conservators of the peace and law enforcement officers of the
1087 state, with the common-law right to arrest a person who, in the
1088 presence of the arresting officer, commits a felony or commits
1089 an affray or breach of the peace constituting a misdemeanor,
1090 with full power to bear arms; and they shall apprehend, without
1091 warrant, any person in the unlawful commission of any of the
1092 acts over which the members of the Florida Highway Patrol are
1093 given jurisdiction as hereinafter set out and deliver him or her
1094 to the sheriff of the county that further proceedings may be had
1095 against him or her according to law. In the performance of any
1096 of the powers, duties, and functions authorized by law, members
1097 of the Florida Highway Patrol ~~shall~~ have the same protections
1098 and immunities afforded other peace officers, which shall be
1099 recognized by all courts having jurisdiction over offenses
1100 against the laws of this state, and ~~shall~~ have authority to
1101 apply for, serve, and execute search warrants, arrest warrants,
1102 capias, and other process of the court ~~in those matters in which~~

593-04969-10

20102400c2

1103 ~~patrol officers have primary responsibility as set forth in~~
1104 ~~subsection (1)~~. The patrol officers under the direction and
1105 supervision of the Department of Highway Safety and Motor
1106 Vehicles shall perform and exercise throughout the state the
1107 following duties, functions, and powers:

1108 (1) To patrol the state highways and regulate, control, and
1109 direct the movement of traffic thereon; to maintain the public
1110 peace by preventing violence on highways; to apprehend fugitives
1111 from justice; to enforce all laws now in effect regulating and
1112 governing traffic, travel, and public safety upon the public
1113 highways and providing for the protection of the public highways
1114 and public property thereon; to make arrests without warrant for
1115 the violation of any state law committed in their presence in
1116 accordance with the laws of this state; providing that no search
1117 shall be made unless it is incident to a lawful arrest, to
1118 regulate and direct traffic concentrations and congestions; to
1119 enforce laws governing the operation, licensing, and taxing and
1120 limiting the size, weight, width, length, and speed of vehicles
1121 and licensing and controlling the operations of drivers and
1122 operators of vehicles; to cooperate with officials designated by
1123 law to collect all state fees and revenues levied as an incident
1124 to the use or right to use the highways for any purpose; to
1125 require the drivers of vehicles to stop and exhibit their
1126 driver's licenses, registration cards, or documents required by
1127 law to be carried by such vehicles; to investigate traffic
1128 accidents, secure testimony of witnesses and of persons
1129 involved, and make report thereof with copy, when requested in
1130 writing, to any person in interest or his or her attorney; to
1131 investigate reported thefts of vehicles and to seize contraband

593-04969-10

20102400c2

1132 or stolen property on or being transported on the highways. Each
1133 law enforcement officer is subject to and has the same arrest
1134 and other authority provided for law enforcement officers
1135 generally in chapter 901 and has statewide jurisdiction. Each
1136 officer shall also have arrest authority as provided for state
1137 law enforcement officers in s. 901.15. This section shall not be
1138 construed as being in conflict with, but is supplemental to,
1139 chapter 933.

1140 (2) To assist other constituted law enforcement officers of
1141 the state to quell mobs and riots, guard prisoners, and police
1142 disaster areas.

1143 (3) (a) To make arrests while in fresh pursuit of a person
1144 believed to have violated the traffic and other laws.

1145 (b) To make arrest of a person wanted for a felony or
1146 against whom a warrant has been issued on any charge in
1147 violation of federal, state, or county laws or municipal
1148 ordinances.

1149 (4) (a) All fines and costs and the proceeds of the
1150 forfeiture of bail bonds and recognizances resulting from the
1151 enforcement of this chapter by patrol officers shall be paid
1152 into the fine and forfeiture fund established pursuant to s.
1153 142.01 of the county where the offense is committed. In all
1154 cases of arrest by patrol officers, the person arrested shall be
1155 delivered forthwith by the ~~said~~ officer to the sheriff of the
1156 county, or he or she shall obtain from the ~~such~~ person arrested
1157 a recognizance or, if deemed necessary, a cash bond or other
1158 sufficient security conditioned for his or her appearance before
1159 the proper tribunal of the ~~such~~ county to answer the charge for
1160 which he or she has been arrested; and all fees accruing shall

593-04969-10

20102400c2

1161 be taxed against the party arrested, which fees are hereby
1162 declared to be part of the compensation of the ~~said~~ sheriffs
1163 authorized to be fixed by the Legislature under s. 5(c), Art. II
1164 of the State Constitution, to be paid such sheriffs in the same
1165 manner as fees are paid for like services in other criminal
1166 cases. All patrol officers are hereby directed to deliver all
1167 bonds accepted and approved by them to the sheriff of the county
1168 in which the offense is alleged to have been committed. However,
1169 a ~~no~~ sheriff shall not be paid any arrest fee for the arrest of
1170 a person for violation of any section of chapter 316 when the
1171 arresting officer was transported in a Florida Highway Patrol
1172 car to the vicinity where the arrest was made; and a ~~no~~ sheriff
1173 shall not be paid any fee for mileage for himself or herself or
1174 a prisoner for miles traveled in a Florida Highway Patrol car. A
1175 ~~No~~ patrol officer is not ~~shall be~~ entitled to any fee or mileage
1176 cost except when responding to a subpoena in a civil cause or
1177 except when the ~~such~~ patrol officer is appearing as an official
1178 witness to testify at any hearing or law action in any court of
1179 this state as a direct result of his or her employment as a
1180 patrol officer during time not compensated as a part of his or
1181 her normal duties. Nothing herein shall be construed as limiting
1182 the power to locate and to take from any person under arrest or
1183 about to be arrested deadly weapons. ~~Nothing contained in This~~
1184 section is not ~~shall be construed as~~ a limitation upon existing
1185 powers and duties of sheriffs or police officers.

1186 (b) Any person so arrested and released on his or her own
1187 recognizance by an officer and who fails ~~shall fail~~ to appear or
1188 respond to a notice to appear shall, in addition to the traffic
1189 violation charge, commits ~~be guilty of~~ a noncriminal traffic

593-04969-10

20102400c2

1190 infraction subject to the penalty provided in s. 318.18(2).

1191 (5) The department may employ or assign some fit and
1192 suitable person with experience in the field of public relations
1193 who shall ~~have the duty to~~ promote, coordinate, and publicize
1194 the traffic safety activities in the state and assign such
1195 person to the office of the Governor at a salary to be fixed by
1196 the department. The person so assigned or employed shall be a
1197 member of the uniform division of the Florida Highway Patrol,
1198 and he or she shall have the pay and rank of lieutenant while on
1199 such assignment.

1200 (6) The Division of Florida Highway Patrol is authorized to
1201 adopt ~~promulgate~~ rules and regulations which may be necessary to
1202 implement the provisions of chapter 316.

1203 Section 21. Subsection (26) of section 322.01, Florida
1204 Statutes, is amended, and subsection (46) is added to that
1205 section, to read:

1206 322.01 Definitions.—As used in this chapter:

1207 (26) "Motorcycle" means a motor vehicle powered by a motor
1208 with a displacement of more than 50 cubic centimeters, having a
1209 seat or saddle for the use of the rider, and designed to travel
1210 on not more than three wheels in contact with the ground, but
1211 excluding a tractor, tri-vehicle, or moped.

1212 (46) "Tri-vehicle" means an enclosed three-wheeled
1213 passenger vehicle that:

1214 (a) Is designed to operate with three wheels in contact
1215 with the ground;

1216 (b) Has a minimum unladen weight of 900 lbs;

1217 (c) Has a single, completely enclosed, occupant
1218 compartment;

593-04969-10

20102400c2

1219 (d) Is produced in a minimum quantity of 300 in any
1220 calendar year;

1221 (e) Is capable of a speed greater than 60 miles per hour on
1222 level ground; and

1223 (f) Is equipped with:

1224 1. Seats that are certified by the vehicle manufacturer to
1225 meet the requirements of Federal Motor Vehicle Safety Standard
1226 No. 207, "Seating systems" (49 C.F.R. s. 571.207);

1227 2. A steering wheel used to maneuver the vehicle;

1228 3. A propulsion unit located forward or aft of the enclosed
1229 occupant compartment;

1230 4. A seat belt for each vehicle occupant, certified to meet
1231 the requirements of Federal Motor Vehicle Safety Standard No.
1232 209, "Seat belt assemblies" (49. C.F.R. s. 571.209);

1233 5. A windshield and an appropriate windshield wiper and
1234 washer system that are certified by the vehicle manufacture to
1235 meet the requirements of Federal Motor Vehicle Safety Standard
1236 No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal
1237 Motor Vehicle Safety Standard No. 104, "Windshield Wiping and
1238 Washing Systems" (49 C.F.R. s. 571.104); and

1239 6. A vehicle structure certified by the vehicle
1240 manufacturer to meet the requirements of Federal Motor Vehicle
1241 Safety Standard No. 216, "Rollover crush resistance," (49 C.F.R.
1242 s. 571.216).

1243 Section 22. Section 322.121, Florida Statutes, is amended
1244 to read:

1245 322.121 Periodic reexamination of all drivers.—

1246 (1) It is the intent of the Legislature that all licensed
1247 drivers in Florida be reexamined upon renewal of their licenses.

593-04969-10

20102400c2

1248 Because only a small percentage of drivers in the state are
1249 categorized as problem drivers, the Legislature intends that
1250 renewals ~~the large number of drivers who have not had any~~
1251 ~~convictions for the 3 years preceding renewal and whose driving~~
1252 ~~privilege in this state has not been revoked, disqualified, or~~
1253 ~~suspended at any time during the 7 years preceding renewal be~~
1254 ~~processed expeditiously upon renewal of their licenses by~~
1255 ~~examinations of the licensee's~~ their eyesight and hearing only
1256 ~~and that all other licensees be tested, in addition to the~~
1257 ~~eyesight and hearing examinations, with respect to their ability~~
1258 ~~to read and understand highway signs regulating, warning, and~~
1259 ~~directing traffic.~~

1260 (2) ~~Each licensee must pass a reexamination at the time of~~
1261 ~~renewal, except as otherwise provided in this chapter. For each~~
1262 ~~licensee whose driving record does not show any convictions for~~
1263 ~~the preceding 3 years or any revocations, disqualifications, or~~
1264 ~~suspensions for the preceding 7 years; and who, at the time of~~
1265 ~~renewal, presents a renewal notice verifying such safe driving~~
1266 ~~record, the reexamination shall consist of tests of the~~
1267 ~~licensee's eyesight and hearing. For all other licensees, in~~
1268 ~~addition to the eyesight and hearing tests, the reexamination~~
1269 ~~must include tests of the ability to read and understand highway~~
1270 ~~signs and pavement markings regulating, warning, and directing~~
1271 ~~traffic.~~

1272 (2)(3) For each licensee whose driving record does not show
1273 any revocations, disqualifications, or suspensions for the
1274 preceding 7 years or any convictions for the preceding 3 years
1275 except for convictions of the following nonmoving violations:

1276 (a) Failure to exhibit a vehicle registration certificate,

593-04969-10

20102400c2

1277 rental agreement, or cab card pursuant to s. 320.0605;

1278 (b) Failure to renew a motor vehicle or mobile home
1279 registration that has been expired for 4 months or less pursuant
1280 to s. 320.07(3)(a);

1281 (c) Operating a motor vehicle with an expired license that
1282 has been expired for 4 months or less pursuant to s. 322.065;

1283 (d) Failure to carry or exhibit a license pursuant to s.
1284 322.15(1); or

1285 (e) Failure to notify the department of a change of address
1286 or name within 10 days pursuant to s. 322.19,

1287
1288 the department shall cause such licensee's license to be
1289 prominently marked with the notation "Safe Driver."

1290 (3)~~(4)~~ Eyesight examinations must be administered as
1291 provided in s. 322.12.

1292 (4)~~(5)~~ An examination fee may not be assessed for
1293 reexamination required by this section.

1294 (5)~~(6)~~ Members of the Armed Forces, or their dependents
1295 residing with them, shall be granted an automatic extension for
1296 the expiration of their licenses without reexamination while
1297 serving on active duty outside this state. This extension is
1298 valid for 90 days after the member of the Armed Forces is either
1299 discharged or returns to this state to live.

1300 (6)~~(7)~~ In addition to any other examination authorized by
1301 this section, an applicant for a renewal of a commercial
1302 driver's license may be required to complete successfully an
1303 examination of his or her knowledge regarding state and federal
1304 rules, regulations, and laws, governing the type of vehicle
1305 which he or she is applying to be licensed to operate.

593-04969-10

20102400c2

1306 (7)~~(8)~~ In addition to any other examination authorized by
1307 this section, an applicant for a renewal of an endorsement
1308 issued under s. 322.57(1)(a), (b), (d), (e), or (f) may be
1309 required to complete successfully an examination of his or her
1310 knowledge regarding state and federal rules, regulations, and
1311 laws, governing the type of vehicle which he or she is seeking
1312 an endorsement to operate.

1313 Section 23. Paragraph (a) of subsection (5) and paragraph
1314 (c) of subsection (8) of section 322.18, Florida Statutes, are
1315 amended to read:

1316 322.18 Original applications, licenses, and renewals;
1317 expiration of licenses; delinquent licenses.—

1318 (5) All renewal driver's licenses may be issued after the
1319 applicant licensee has been determined to be eligible by the
1320 department.

1321 (a) A licensee who is otherwise eligible for renewal and
1322 who is at least 80 years of age:

1323 1. Must submit to and pass a vision test administered at
1324 any driver's license office; or

1325 2. If the licensee applies for a renewal using a
1326 convenience service as provided in subsection (8), he or she
1327 must submit to a vision test administered by a physician
1328 licensed under chapter 458 or chapter 459, ~~or~~ an optometrist
1329 licensed under chapter 463, or a licensed physician at a
1330 federally established veterans hospital, must send the results
1331 of that test to the department on a form obtained from the
1332 department and signed by such health care practitioner, and must
1333 meet vision standards that are equivalent to the standards for
1334 passing the departmental vision test. The physician or

593-04969-10

20102400c2

1335 optometrist may submit the results of a vision test by a
1336 department-approved electronic means.

1337 (8) The department shall issue 8-year renewals using a
1338 convenience service without reexamination to drivers who have
1339 not attained 80 years of age. The department shall issue 6-year
1340 renewals using a convenience service when the applicant has
1341 satisfied the requirements of subsection (5).

1342 (c) The department shall issue one renewal using a
1343 convenience service. A person who is out of this state when his
1344 or her license expires may be issued a 90-day temporary driving
1345 permit without reexamination. At the end of the 90-day period,
1346 the person must either return to this state or apply for a
1347 license where the person is located, except for a member of the
1348 Armed Forces as provided in s. 322.121(5) ~~s. 322.121(6)~~.

1349 Section 24. Subsection (2) of section 322.2615, Florida
1350 Statutes, is amended to read:

1351 322.2615 Suspension of license; right to review.—

1352 (2) Except as provided in paragraph (1)(a), the law
1353 enforcement officer shall forward to the department, within 5
1354 days after issuing the notice of suspension, the driver's
1355 license; an affidavit stating the officer's grounds for belief
1356 that the person was driving or in actual physical control of a
1357 motor vehicle while under the influence of alcoholic beverages
1358 or chemical or controlled substances; the results of any breath
1359 or blood test or an affidavit stating that a breath, blood, or
1360 urine test was requested by a law enforcement officer or
1361 correctional officer and that the person refused to submit; the
1362 officer's description of the person's field sobriety test, if
1363 any; and the notice of suspension; ~~and a copy of the crash~~

593-04969-10

20102400c2

1364 ~~report, if any.~~ The failure of the officer to submit materials
1365 within the 5-day period specified in this subsection and in
1366 subsection (1) does not affect the department's ability to
1367 consider any evidence submitted at or prior to the hearing. The
1368 officer may also submit a copy of the crash report, a copy of a
1369 videotape of the field sobriety test or the attempt to
1370 administer such test. Materials submitted to the department by a
1371 law enforcement agency or correctional agency shall be
1372 considered self-authenticating and shall be in the record for
1373 consideration by the hearing officer. Notwithstanding s.
1374 316.066(7), the crash report shall be considered by the hearing
1375 officer.

1376 Section 25. Subsection (11) is added to section 322.34,
1377 Florida Statutes, to read:

1378 322.34 Driving while license suspended, revoked, canceled,
1379 or disqualified.—

1380 (11) (a) A person who does not hold a commercial driver
1381 license and who is cited for an offense of knowingly driving
1382 while his or her license is suspended, revoked, or canceled for
1383 any of the underlying violations listed in paragraph (10) (a)
1384 may, in lieu of payment of fine or court appearance, elect to
1385 enter a plea of nolo contendere and provide proof of compliance
1386 to the clerk of the court, designated official, or authorized
1387 operator of a traffic violations bureau. In such case,
1388 adjudication shall be withheld; however, no election shall be
1389 made under this subsection if such person has made an election
1390 under this subsection in the 12 months preceding election
1391 hereunder. A person may not make more than three elections under
1392 this subsection.

593-04969-10

20102400c2

1393 (b) If adjudication is withheld under paragraph (a), such
1394 action is not a conviction.

1395 Section 26. Subsection (8) of section 322.61, Florida
1396 Statutes, is amended to read:

1397 322.61 Disqualification from operating a commercial motor
1398 vehicle.—

1399 (8) A driver who is convicted of or otherwise found to have
1400 committed a violation of an out-of-service order while driving a
1401 commercial motor vehicle is disqualified as follows:

1402 (a) Not less than 180 ~~90~~ days nor more than 1 year if the
1403 driver is convicted of or otherwise found to have committed a
1404 first violation of an out-of-service order.

1405 (b) Not less than 2 years ~~1 year~~ nor more than 5 years if,
1406 for offenses occurring during any 10-year period, the driver is
1407 convicted of or otherwise found to have committed two violations
1408 of out-of-service orders in separate incidents.

1409 (c) Not less than 3 years nor more than 5 years if, for
1410 offenses occurring during any 10-year period, the driver is
1411 convicted of or otherwise found to have committed three or more
1412 violations of out-of-service orders in separate incidents.

1413 (d) Not less than 180 days nor more than 2 years if the
1414 driver is convicted of or otherwise found to have committed a
1415 first violation of an out-of-service order while transporting
1416 hazardous materials required to be placarded under the Hazardous
1417 Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or
1418 while operating motor vehicles designed to transport more than
1419 15 passengers, including the driver. A driver is disqualified
1420 for a period of not less than 3 years nor more than 5 years if,
1421 for offenses occurring during any 10-year period, the driver is

593-04969-10

20102400c2

1422 convicted of or otherwise found to have committed any subsequent
1423 violations of out-of-service orders, in separate incidents,
1424 while transporting hazardous materials required to be placarded
1425 under the Hazardous Materials Transportation Act, 49 U.S.C. ss.
1426 5101 et seq., or while operating motor vehicles designed to
1427 transport more than 15 passengers, including the driver.

1428 Section 27. Section 488.06, Florida Statutes, is amended to
1429 read:

1430 488.06 Denial, revocation, or suspension of license or
1431 certificate.—The Department of Highway Safety and Motor Vehicles
1432 may suspend or revoke any license or certificate issued under
1433 the provisions of this chapter if the holder of the license or
1434 certificate, or if an instructor, agent, or employee of the
1435 commercial driving school, has:

1436 (1) Violated the provisions of this chapter;—

1437 (2) Been convicted of, pled no contest to, or had
1438 adjudication withheld for any felony offense or misdemeanor
1439 offense, as shown by a criminal background check, the cost of
1440 which must be borne by the applicant, instructor, agent, or
1441 employee;

1442 (3) Committed any fraud or willful misrepresentation in
1443 applying for or obtaining a license; or

1444 (4) Solicited business on any premises, including parking
1445 areas, used by the department or a tax collector for the purpose
1446 of licensing drivers.

1447 Section 28. This act shall take effect September 1, 2010.