

HB 971

2010

1                   A bill to be entitled  
2           An act relating to motor vehicles, mobile homes, and  
3           vessels; amending s. 316.066, F.S.; revising requirements  
4           for written reports of crashes; requiring such reports to  
5           contain the names and addresses of all drivers and  
6           passengers; removing provisions for one or more counties  
7           to enter into an agreement with the appropriate state  
8           agency to be certified to have a traffic records center  
9           for the purpose of tabulating and analyzing traffic crash  
10          reports; deleting a requirement that fees charged for  
11          copies of certain traffic reports be used to fund traffic  
12          records centers; revising period of confidentiality of  
13          crash reports; authorizing the Department of Highway  
14          Safety and Motor Vehicles to waive specified fees for  
15          copies of certain public records provided to governmental  
16          agencies; removing provisions prohibiting certain crash  
17          reports from being used for commercial solicitation  
18          purposes; amending s. 316.159, F.S.; requiring that  
19          drivers of certain commercial motor vehicles slow before  
20          crossing a railroad grade; amending s. 316.1923, F.S.;  
21          providing penalties for aggressive careless driving;  
22          amending s. 316.1935, F.S.; defining the term "conviction"  
23          for purposes of provisions prohibiting fleeing or  
24          attempting to elude a law enforcement officer; amending s.  
25          316.2085, F.S.; revising the prohibition against operation  
26          of a motorcycle by a person under 16 years of age to  
27          prohibit the operation of a motorcycle with a motor that  
28          has 150 cubic centimeters displacement or less; amending

29 s. 316.251, F.S.; correcting a cross-reference; amending  
30 s. 316.2952, F.S.; authorizing certain satellite reception  
31 devices to be attached to the windshield of a motor  
32 vehicle; amending s. 316.545, F.S., relating to weight and  
33 load limits; conforming terminology to changes made by the  
34 act; amending s. 316.646, F.S.; directing the department  
35 to suspend the registration and driver's license of a  
36 person convicted of failure to maintain required security  
37 on a motor vehicle; amending s. 318.14, F.S.; providing  
38 procedures for disposition of a citation for violating  
39 specified learner's driver's license restrictions;  
40 removing an erroneous reference; removing a requirement  
41 that a person who commits a noncriminal traffic infraction  
42 be cited to appear before an official; requiring a person  
43 who commits a traffic violation requiring a hearing or a  
44 criminal traffic violation to sign and accept a citation  
45 indicating a promise to appear for a hearing; providing  
46 penalties; providing for certain persons cited for  
47 specified offenses to provide proof of compliance to a  
48 designated official; providing alternative citation  
49 disposition procedures for the offense of operating a  
50 motor vehicle with a license that has been suspended for  
51 failure to pay certain financial obligations or failure to  
52 comply with specified education requirements; amending s.  
53 318.18, F.S.; providing a minimum penalty for aggressive  
54 careless driving; amending s. 318.19, F.S.; requiring a  
55 hearing on a citation for aggressive careless driving;  
56 amending s. 319.14, F.S.; providing requirements for the

HB 971

2010

57 | sale or exchange of custom vehicles and street rod  
58 | vehicles; requiring identification on the certificate of  
59 | title of the vehicle as a custom or street rod vehicle  
60 | prior to the sale or exchange unless certain application  
61 | procedures have been followed; providing for the  
62 | department to affix a decal to the vehicle identifying the  
63 | vehicle as being rebuilt; defining the terms "custom  
64 | vehicle" and "street rod"; requiring disclosure prior to  
65 | the sale or exchange and in any offer or advertisement to  
66 | sell or exchange a custom or street rod vehicle; requiring  
67 | information branded on the certificate of title to be  
68 | noted on the registration and carried forward on  
69 | subsequent title and registration certificates; providing  
70 | penalties; limiting liability under certain conditions;  
71 | amending s. 319.40, F.S., relating to issuance of  
72 | certificates of title to motor vehicles and mobile homes;  
73 | authorizing the department to collect and use Internet e-  
74 | mail addresses and telephone numbers of motor vehicle  
75 | owners and registrants for the purpose of providing  
76 | notices to such owners and registrants; amending s.  
77 | 320.01, F.S.; deleting the definition of the term  
78 | "apportioned motor vehicle"; revising the definition of  
79 | the terms "apportionable vehicle" and "commercial motor  
80 | vehicle"; revising weight amounts; amending s. 320.03,  
81 | F.S.; revising terminology; revising the weight threshold  
82 | at which a truck is charged a certain fee on registration  
83 | and renewal of registration; amending s. 320.055, F.S.;  
84 | revising the registration period for certain trucks;

HB 971

2010

85 | amending s. 320.071, F.S.; revising the time period during  
86 | which the owner of an apportionable motor vehicle may file  
87 | an application for renewal of registration; revising  
88 | terminology relating to the vehicles registered in  
89 | accordance with the International Registration Plan;  
90 | amending s. 320.0715, F.S.; revising terminology relating  
91 | to the vehicles registered in accordance with the  
92 | International Registration Plan; amending s. 320.08, F.S.;  
93 | conforming cross-references; amending s. 320.0807, F.S.;  
94 | revising provisions governing the special license plates  
95 | issued to federal and state legislators; amending s.  
96 | 320.084, F.S.; providing for a biennial registration  
97 | renewal period for disabled veteran license plates;  
98 | amending s. 320.0863, F.S., relating to custom vehicles  
99 | and street rods; removing the definition of the terms  
100 | "custom vehicle" and "street rod"; deleting a provision  
101 | for the model year listed on the certificate of title;  
102 | amending s. 320.27, F.S., relating to mobile home dealers,  
103 | motor vehicle dealers, and recreational vehicle dealers;  
104 | providing that the department may deny, suspend, or revoke  
105 | a dealer's license for failure to honor a bank draft or  
106 | check given to the department; providing for dispute of  
107 | the action; providing that the department may deny,  
108 | suspend, or revoke a dealer's license for failure to  
109 | obtain a supplemental license for off-premises sales;  
110 | amending s. 320.77, F.S.; revising requirements for a  
111 | mobile home dealer to have evidence of title to a mobile  
112 | home prior to offering the mobile home for sale;

HB 971

2010

113 | authorizing the sale if the dealer has made application  
114 | for a title certificate or has reasonable indicia of  
115 | ownership; amending s. 320.8225, F.S.; revising the  
116 | requirements for a mobile home or recreational vehicle  
117 | manufacturer, distributor, or importer to maintain  
118 | security sufficient to assure satisfaction of claims  
119 | against the licensee; removing provisions for a cash bond  
120 | as such security; providing for a recreational vehicle  
121 | manufacturer, distributor, or importer to provide a letter  
122 | of credit as security; directing the department to notify  
123 | a financial institution issuing an irrevocable letter of  
124 | credit if the license is denied, suspended, or revoked;  
125 | requiring a financial institution that honors a demand for  
126 | payment as a condition specified in a letter of credit to  
127 | notify the department of the payment; requiring the surety  
128 | company or financial institution to provide notice to the  
129 | department at least 30 days before cancellation of such  
130 | surety bond or letter of credit; prohibiting such  
131 | cancellation without the 30-day notice; directing the  
132 | department to deny, suspend, or revoke the license of a  
133 | manufacturer, distributor, or importer who conducts  
134 | business during the license period without having the  
135 | required surety bond or letter of credit; amending s.  
136 | 320.95, F.S., relating to taxes on and registration of  
137 | motor vehicles and mobile homes; authorizing the  
138 | department to collect and use Internet e-mail addresses  
139 | and telephone numbers of motor vehicle owners and  
140 | registrants for the purpose providing notices to such

HB 971

2010

141 owners and registrants; amending s. 321.03, F.S.;

142 providing that it is unlawful to possess or color or cause

143 to be colored a motor vehicle or motorcycle of the same or

144 similar color as those prescribed for the Florida Highway

145 Patrol unless specifically authorized by the Florida

146 Highway Patrol; amending s. 321.05, F.S.; providing that

147 officers of the Florida Highway Patrol have the same

148 arrest and other authority as that provided for certain

149 other state law enforcement officers; amending s.

150 322.0261, F.S.; directing the department to require a

151 person convicted of aggressive careless driving to attend

152 a department-approved driver improvement course in order

153 to maintain driving privileges; amending s. 322.08, F.S.;

154 authorizing the department to collect and use Internet e-

155 mail addresses and telephone numbers of driver's license

156 or identification card holders for the purpose of

157 providing notices to such driver's license or

158 identification card holders; amending s. 322.095, F.S.;

159 removing a requirement that instructors of traffic law and

160 substance abuse education courses be certified by the

161 department; amending s. 322.121, F.S.; revising

162 legislative intent for reexamination of licensed drivers

163 upon renewal of the driver's license; removing a

164 requirement that each licensee must pass a reexamination

165 at the time of license renewal; amending s. 322.18, F.S.;

166 providing that a person issued a driver's license using

167 proof of nonimmigrant classification under specified

168 provisions is not eligible to renew that license;

169 providing for the department to send a driver's license  
170 renewal notice to a licensee's Internet e-mail address or  
171 telephone number; correcting a cross-reference; amending  
172 s. 322.212, F.S.; revising penalty provisions for offenses  
173 related to issuance, possession, and use of a driver's  
174 license or identification card; providing a mandatory  
175 minimum sentence for any state employee, agent of the  
176 department, or person participating in the driver's  
177 license issuance process who is convicted of such offense;  
178 providing that a court shall not suspend, defer, or  
179 withhold adjudication of guilt or imposition of sentence;  
180 providing that such person sentenced to the mandatory  
181 minimum term of imprisonment is not eligible for specified  
182 early release provisions; amending s. 322.22, F.S.;  
183 authorizing the department to cancel an identification  
184 card if the holder was not entitled to its issuance,  
185 failed to give correct information on the application for  
186 the card, committed fraud while making the application, or  
187 has multiple identification cards under different names;  
188 amending s. 322.2615, F.S.; revising requirements for  
189 information an officer must submit to the department after  
190 suspending a driver's license for certain DUI offenses;  
191 removing a requirement that the officer submit a copy of a  
192 crash report; authorizing the officer to submit such  
193 report; amending s. 322.27, F.S.; providing circumstances  
194 under which the department may suspend an identification  
195 card without a preliminary hearing; providing for points  
196 to be assessed against a person's driver's license for a

197 conviction of aggressive careless driving; amending s.  
 198 322.28, F.S., relating to the suspension or revocation of  
 199 a driver's license or privilege to drive when convicted of  
 200 certain violations involving a motor vehicle; providing  
 201 that multiple convictions that occur on the same day  
 202 resulting from violations that occurred on separate days  
 203 shall be considered separate violations and the offense  
 204 which occurred earliest shall be deemed a prior  
 205 conviction; amending s. 322.61, F.S.; revising the period  
 206 of disqualification from operating a commercial motor  
 207 vehicle for a violation of an out-of-service order;  
 208 amending s. 327.72, F.S., relating to imposition of  
 209 penalties for certain vessel safety or registration or  
 210 titling violations; providing that multiple convictions  
 211 that occur on the same day resulting from violations that  
 212 occurred on separate days shall be considered separate  
 213 violations and the offense which occurred earliest shall  
 214 be deemed a prior conviction; amending ss. 328.30 and  
 215 328.80, F.S.; authorizing the department to collect and  
 216 use Internet e-mail addresses and telephone numbers of  
 217 vessel owners and registrants for the purpose of providing  
 218 notices to such vessel owners and registrants; amending  
 219 ss. 261.03, 316.2122, 316.2124, 316.21265, 316.3026,  
 220 316.550, 317.0003, and 320.0847, F.S.; conforming cross-  
 221 references; providing an effective date.

222  
 223 Be It Enacted by the Legislature of the State of Florida:  
 224



HB 971

2010

225 Section 1. Section 316.066, Florida Statutes, is amended  
 226 to read:

227 316.066 Written reports of crashes.—

228 (1) The driver of a vehicle which is in any manner  
 229 involved in a crash resulting in bodily injury to or death of  
 230 any person or damage to any vehicle or other property in an  
 231 apparent amount of at least \$500 shall, within 10 days after the  
 232 crash, forward a written report of such crash to the department  
 233 ~~or traffic records center~~. However, when the investigating  
 234 officer has made a written report of the crash pursuant to  
 235 subsection (3), no written report need be forwarded to the  
 236 department ~~or traffic records center~~ by the driver.

237 (2) The receiving entity may require any driver of a  
 238 vehicle involved in a crash of which a written report must be  
 239 made as provided in this section to file supplemental written  
 240 reports whenever the original report is insufficient in the  
 241 opinion of the department and may require witnesses of crashes  
 242 to render reports to the department.

243 (3) (a) Every law enforcement officer who in the regular  
 244 course of duty investigates a motor vehicle crash:

245 1. Which crash resulted in death or personal injury shall,  
 246 within 10 days after completing the investigation, forward a  
 247 written report of the crash to the department ~~or traffic records~~  
 248 ~~center~~.

249 2. Which crash involved a violation of s. 316.061(1) or s.  
 250 316.193 shall, within 10 days after completing the  
 251 investigation, forward a written report of the crash to the  
 252 department ~~or traffic records center~~.

253           3. In which crash a vehicle was rendered inoperative to a  
 254 degree which required a wrecker to remove it from traffic way,  
 255 within 10 days after completing the investigation, forward a  
 256 written report of the crash to the department ~~or traffic records~~  
 257 ~~center~~ if such action is appropriate, in the officer's  
 258 discretion.

259           (b) In every case in which a crash report is required by  
 260 this section and a written report to a law enforcement officer  
 261 is not prepared, the law enforcement officer shall provide each  
 262 party involved in the crash a short-form report, prescribed by  
 263 the state, to be completed by the party. The short-form report  
 264 must include:

- 265           1. The date, time, and location of the crash;
- 266           2. A description of the vehicles involved;
- 267           3. The names and addresses of the parties involved;
- 268           4. The names and addresses of all drivers and passengers  
 269 in the vehicles involved;

270           ~~5.4.~~ The names and addresses of witnesses;

271           ~~6.5.~~ The name, badge number, and law enforcement agency of  
 272 the officer investigating the crash; and

273           ~~7.6.~~ The names of the insurance companies for the  
 274 respective parties involved in the crash.

275           (c) Each party to the crash shall provide the law  
 276 enforcement officer with proof of insurance to be included in  
 277 the crash report. If a law enforcement officer submits a report  
 278 on the accident, proof of insurance must be provided to the  
 279 officer by each party involved in the crash. Any party who fails  
 280 to provide the required information is guilty of an infraction

HB 971

2010

281 for a nonmoving violation, punishable as provided in chapter 318  
 282 unless the officer determines that due to injuries or other  
 283 special circumstances such insurance information cannot be  
 284 provided immediately. If the person provides the law enforcement  
 285 agency, within 24 hours after the crash, proof of insurance that  
 286 was valid at the time of the crash, the law enforcement agency  
 287 may void the citation.

288 ~~(4) (a) One or more counties may enter into an agreement~~  
 289 ~~with the appropriate state agency to be certified by the agency~~  
 290 ~~to have a traffic records center for the purpose of tabulating~~  
 291 ~~and analyzing countywide traffic crash reports. The agreement~~  
 292 ~~must include: certification by the agency that the center has~~  
 293 ~~adequate auditing and monitoring mechanisms in place to ensure~~  
 294 ~~the quality and accuracy of the data; the time period in which~~  
 295 ~~the traffic records center must report crash data to the agency;~~  
 296 ~~and the medium in which the traffic records must be submitted to~~  
 297 ~~the agency.~~

298 ~~(b) In the case of a county or multicounty area that has a~~  
 299 ~~certified central traffic records center, a law enforcement~~  
 300 ~~agency or driver must submit to the center within the time limit~~  
 301 ~~prescribed in this section a written report of the crash. A~~  
 302 ~~driver who is required to file a crash report must be notified~~  
 303 ~~of the proper place to submit the completed report.~~

304 (4) (e) Fees for copies of public records provided by the  
 305 investigating law enforcement agency may ~~a certified traffic~~  
 306 ~~records center shall~~ be charged and collected in an amount not  
 307 to exceed those established below ~~as follows:~~

308

HB 971

2010

309 For a crash report \$10 per copy.  
 310 For a homicide report \$25 per copy.  
 311 For a uniform traffic citation \$0.50 per copy.

312  
 313 ~~The fees collected for copies of the public records provided by~~  
 314 ~~a certified traffic records center shall be used to fund the~~  
 315 ~~center or otherwise as designated by the county or counties~~  
 316 ~~participating in the center.~~

317 (5) (a) Crash reports that reveal the identity, home or  
 318 employment telephone number, or home or employment address of,  
 319 or other personal information concerning, the parties involved  
 320 in the crash and that are held by any agency that regularly  
 321 receives or prepares information from or concerning the parties  
 322 to motor vehicle crashes are confidential and exempt from s.  
 323 119.07(1) and s. 24(a), Art. I of the State Constitution for a  
 324 period of 60 days after the date of the crash ~~the report is~~  
 325 ~~filed.~~

326 (b) Crash reports held by an agency under paragraph (a)  
 327 may be made immediately available to the parties involved in the  
 328 crash, their legal representatives, their licensed insurance  
 329 agents, their insurers or insurers to which they have applied  
 330 for coverage, persons under contract with such insurers to  
 331 provide claims or underwriting information, prosecutorial  
 332 authorities, victim services programs, radio and television  
 333 stations licensed by the Federal Communications Commission,  
 334 newspapers qualified to publish legal notices under ss. 50.011  
 335 and 50.031, and free newspapers of general circulation,  
 336 published once a week or more often, available and of interest

HB 971

2010

337 to the public generally for the dissemination of news. For the  
338 purposes of this section, the following products or publications  
339 are not newspapers as referred to in this section:

340 1. Products or publications ~~those~~ intended primarily for  
341 members of a particular profession or occupational group.~~†~~

342 2. Products or publications ~~those~~ with the primary purpose  
343 of distributing advertising.~~†~~ and

344 3. Products or publications ~~those~~ with the primary purpose  
345 of publishing names and other personal identifying information  
346 concerning parties to motor vehicle crashes.

347 (c) Any local, state, or federal agency that is authorized  
348 to have access to crash reports by any provision of law shall be  
349 granted such access in the furtherance of the agency's statutory  
350 duties. The department may waive the fees collected under  
351 subsection (4) for copies provided to such agencies.

352 (d) As a condition precedent to accessing a crash report  
353 within 60 days after the date of the crash ~~the report is filed~~,  
354 a person must present a valid driver's license or other  
355 photographic identification, proof of status, or identification  
356 that demonstrates his or her qualifications to access that  
357 information, and file a written sworn statement with the state  
358 or local agency in possession of the information stating that  
359 information from a crash report made confidential and exempt by  
360 this section will not be used for any commercial solicitation of  
361 accident victims, or knowingly disclosed to any third party for  
362 the purpose of such solicitation, during the period of time that  
363 the information remains confidential and exempt. In lieu of  
364 requiring the written sworn statement, an agency may provide

HB 971

2010

365 crash reports by electronic means to third-party vendors under  
366 contract with one or more insurers, but only when such contract  
367 states that information from a crash report made confidential  
368 and exempt by this section will not be used for any commercial  
369 solicitation of accident victims by the vendors, or knowingly  
370 disclosed by the vendors to any third party for the purpose of  
371 such solicitation, during the period of time that the  
372 information remains confidential and exempt, and only when a  
373 copy of such contract is furnished to the agency as proof of the  
374 vendor's claimed status.

375 (e) This subsection does not prevent the dissemination or  
376 publication of news to the general public by any legitimate  
377 media entitled to access confidential and exempt information  
378 pursuant to this section.

379 (6) (a) Any driver failing to file the written report  
380 required under subsection (1) or subsection (2) commits a  
381 noncriminal traffic infraction, punishable as a nonmoving  
382 violation as provided in chapter 318.

383 (b) Any employee of a state or local agency in possession  
384 of information made confidential and exempt by this section who  
385 knowingly discloses such confidential and exempt information to  
386 a person not entitled to access such information under this  
387 section is guilty of a felony of the third degree, punishable as  
388 provided in s. 775.082, s. 775.083, or s. 775.084.

389 (c) Any person, knowing that he or she is not entitled to  
390 obtain information made confidential and exempt by this section,  
391 who obtains or attempts to obtain such information is guilty of

HB 971

2010

392 a felony of the third degree, punishable as provided in s.  
 393 775.082, s. 775.083, or s. 775.084.

394 (d) Any person who knowingly uses confidential and exempt  
 395 information in violation of a filed written sworn statement or  
 396 contractual agreement required by this section commits a felony  
 397 of the third degree, punishable as provided in s. 775.082, s.  
 398 775.083, or s. 775.084.

399 (7) Except as specified in this subsection, each crash  
 400 report made by a person involved in a crash and any statement  
 401 made by such person to a law enforcement officer for the purpose  
 402 of completing a crash report required by this section shall be  
 403 without prejudice to the individual so reporting. No such report  
 404 or statement shall be used as evidence in any trial, civil or  
 405 criminal. However, subject to the applicable rules of evidence,  
 406 a law enforcement officer at a criminal trial may testify as to  
 407 any statement made to the officer by the person involved in the  
 408 crash if that person's privilege against self-incrimination is  
 409 not violated. The results of breath, urine, and blood tests  
 410 administered as provided in s. 316.1932 or s. 316.1933 are not  
 411 confidential and shall be admissible into evidence in accordance  
 412 with the provisions of s. 316.1934(2). ~~Crash reports made by~~  
 413 ~~persons involved in crashes shall not be used for commercial~~  
 414 ~~solicitation purposes; however, the use of a crash report for~~  
 415 ~~purposes of publication in a newspaper or other news periodical~~  
 416 ~~or a radio or television broadcast shall not be construed as~~  
 417 ~~"commercial purpose."~~

418 (8) A law enforcement officer, as defined in s. 943.10(1),  
 419 may enforce this section.

HB 971

2010

420 Section 2. Section 316.159, Florida Statutes, is amended  
421 to read:

422 316.159 Certain vehicles to stop or slow at all railroad  
423 grade crossings.—

424 (1) The driver of any motor vehicle carrying passengers  
425 for hire, excluding taxicabs, of any school bus carrying any  
426 school child, or of any vehicle carrying explosive substances or  
427 flammable liquids as a cargo or part of a cargo, before crossing  
428 at grade any track or tracks of a railroad, shall stop such  
429 vehicle within 50 feet but not less than 15 feet from the  
430 nearest rail of the railroad and, while so stopped, shall listen  
431 and look in both directions along the track for any approaching  
432 train, and for signals indicating the approach of a train,  
433 except as hereinafter provided, and shall not proceed until he  
434 or she can do so safely. After stopping as required herein and  
435 upon proceeding when it is safe to do so, the driver of any such  
436 vehicle shall cross only in a gear of the vehicle so that there  
437 will be no necessity for changing gears while traversing the  
438 crossing, and the driver shall not shift gears while crossing  
439 the track or tracks.

440 (2) No stop need be made at any such crossing where a  
441 police officer, a traffic control signal, or a sign directs  
442 traffic to proceed. However, any school bus carrying any school  
443 child shall be required to stop unless directed to proceed by a  
444 police officer.

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



HB 971

2010

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

450 ~~(4)(3)~~ A violation of this section is a noncriminal  
 451 traffic infraction, punishable as a moving violation as provided  
 452 in chapter 318.

453 Section 3. Section 316.1923, Florida Statutes, is amended  
 454 to read:

455 316.1923 Aggressive careless driving.—

456 (1) "Aggressive careless driving" means committing two or  
 457 more of the following acts simultaneously or in succession:

458 (a)~~(1)~~ Exceeding the posted speed as defined in s.  
 459 322.27(3)(d)5.b.

460 (b)~~(2)~~ Unsafely or improperly changing lanes as defined in  
 461 s. 316.085.

462 (c)~~(3)~~ Following another vehicle too closely as defined in  
 463 s. 316.0895(1).

464 (d)~~(4)~~ Failing to yield the right-of-way as defined in s.  
 465 316.079, s. 316.0815, or s. 316.123.

466 (e)~~(5)~~ Improperly passing as defined in s. 316.083, s.  
 467 316.084, or s. 316.085.

468 (f)~~(6)~~ Violating traffic control and signal devices as  
 469 defined in ss. 316.074 and 316.075.

470 (2) A person who commits aggressive careless driving  
 471 commits a noncriminal traffic infraction punishable as a moving  
 472 violation as provided in chapter 318. A law enforcement officer  
 473 issuing a citation for a violation of this section shall not  
 474 also issue separate citations for violations of the acts listed  
 475 in subsection (1).

HB 971

2010

476 Section 4. Section 316.1935, Florida Statutes, is amended  
 477 to read:

478 316.1935 Fleeing or attempting to elude a law enforcement  
 479 officer; aggravated fleeing or eluding.—

480 (1) It is unlawful for the operator of any vehicle, having  
 481 knowledge that he or she has been ordered to stop such vehicle  
 482 by a duly authorized law enforcement officer, willfully to  
 483 refuse or fail to stop the vehicle in compliance with such order  
 484 or, having stopped in knowing compliance with such order,  
 485 willfully to flee in an attempt to elude the officer, and a  
 486 person who violates this subsection commits a felony of the  
 487 third degree, punishable as provided in s. 775.082, s. 775.083,  
 488 or s. 775.084.

489 (2) Any person who willfully flees or attempts to elude a  
 490 law enforcement officer in an authorized law enforcement patrol  
 491 vehicle, with agency insignia and other jurisdictional markings  
 492 prominently displayed on the vehicle, with siren and lights  
 493 activated commits a felony of the third degree, punishable as  
 494 provided in s. 775.082, s. 775.083, or s. 775.084.

495 (3) Any person who willfully flees or attempts to elude a  
 496 law enforcement officer in an authorized law enforcement patrol  
 497 vehicle, with agency insignia and other jurisdictional markings  
 498 prominently displayed on the vehicle, with siren and lights  
 499 activated, and during the course of the fleeing or attempted  
 500 eluding:

501 (a) Drives at high speed, or in any manner which  
 502 demonstrates a wanton disregard for the safety of persons or

HB 971

2010

503 | property, commits a felony of the second degree, punishable as  
 504 | provided in s. 775.082, s. 775.083, or s. 775.084.

505 |       (b) Drives at high speed, or in any manner which  
 506 | demonstrates a wanton disregard for the safety of persons or  
 507 | property, and causes serious bodily injury or death to another  
 508 | person, including any law enforcement officer involved in  
 509 | pursuing or otherwise attempting to effect a stop of the  
 510 | person's vehicle, commits a felony of the first degree,  
 511 | punishable as provided in s. 775.082, s. 775.083, or s. 775.084.  
 512 | Notwithstanding any other provision of law, the court shall  
 513 | sentence any person convicted of committing the offense  
 514 | described in this paragraph to a mandatory minimum sentence of 3  
 515 | years imprisonment. Nothing in this paragraph shall prevent a  
 516 | court from imposing a greater sentence of incarceration as  
 517 | authorized by law.

518 |       (4) Any person who, in the course of unlawfully leaving or  
 519 | attempting to leave the scene of a crash in violation of s.  
 520 | 316.027 or s. 316.061, having knowledge of an order to stop by a  
 521 | duly authorized law enforcement officer, willfully refuses or  
 522 | fails to stop in compliance with such an order, or having  
 523 | stopped in knowing compliance with such order, willfully flees  
 524 | in an attempt to elude such officer and, as a result of such  
 525 | fleeing or eluding:

526 |       (a) Causes injury to another person or causes damage to  
 527 | any property belonging to another person, commits aggravated  
 528 | fleeing or eluding, a felony of the second degree, punishable as  
 529 | provided in s. 775.082, s. 775.083, or s. 775.084.

HB 971

2010

530 (b) Causes serious bodily injury or death to another  
531 person, including any law enforcement officer involved in  
532 pursuing or otherwise attempting to effect a stop of the  
533 person's vehicle, commits aggravated fleeing or eluding with  
534 serious bodily injury or death, a felony of the first degree,  
535 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

536

537 The felony of aggravated fleeing or eluding and the felony of  
538 aggravated fleeing or eluding with serious bodily injury or  
539 death constitute separate offenses for which a person may be  
540 charged, in addition to the offenses under ss. 316.027 and  
541 316.061, relating to unlawfully leaving the scene of a crash,  
542 which the person had been in the course of committing or  
543 attempting to commit when the order to stop was given.

544 Notwithstanding any other provision of law, the court shall  
545 sentence any person convicted of committing aggravated fleeing  
546 or eluding with serious bodily injury or death to a mandatory  
547 minimum sentence of 3 years imprisonment. Nothing in this  
548 subsection shall prevent a court from imposing a greater  
549 sentence of incarceration as authorized by law.

550 (5) The court shall revoke, for a period not less than 1  
551 year nor exceeding 5 years, the driver's license of any operator  
552 of a motor vehicle convicted of a violation of subsection (1),  
553 subsection (2), subsection (3), or subsection (4).

554 (6) Notwithstanding s. 948.01, no court may suspend,  
555 defer, or withhold adjudication of guilt or imposition of  
556 sentence for any violation of this section. A person convicted  
557 and sentenced to a mandatory minimum term of incarceration under

558 paragraph (3) (b) or paragraph (4) (b) is not eligible for  
 559 statutory gain-time under s. 944.275 or any form of  
 560 discretionary early release, other than pardon or executive  
 561 clemency or conditional medical release under s. 947.149, prior  
 562 to serving the mandatory minimum sentence.

563 (7) Any motor vehicle involved in a violation of this  
 564 section is deemed to be contraband, which may be seized by a law  
 565 enforcement agency and is subject to forfeiture pursuant to ss.  
 566 932.701-932.704. Any vehicle not required to be titled under the  
 567 laws of this state is presumed to be the property of the person  
 568 in possession of the vehicle.

569 (8) As used in this section, the term "conviction" means a  
 570 determination of guilt that is the result of a plea or trial,  
 571 regardless of whether adjudication is withheld.

572 Section 5. Subsection (6) of section 316.2085, Florida  
 573 Statutes, is amended to read:

574 316.2085 Riding on motorcycles or mopeds.—

575 (6) A person who has not attained ~~under~~ 16 years of age  
 576 may not:

577 (a) Operate a motorcycle ~~that has a motor with more than~~  
 578 ~~150 cubic centimeters displacement.~~

579 (b) Rent a motorcycle or a moped.

580 Section 6. Subsection (2) of section 316.251, Florida  
 581 Statutes, is amended to read:

582 316.251 Maximum bumper heights.—

583 (2) "New motor vehicles" as defined in s. 319.001(9),  
 584 "antique automobiles" as defined in s. 320.08, "horseless  
 585 carriages" as defined in s. 320.086, and "street rods" as

HB 971

2010

586 defined in s. 319.14 ~~320.0863~~ shall be excluded from the  
 587 requirements of this section.

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

590 316.2952 Windshields; requirements; restrictions.—

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

595 (d) A global positioning system device or similar  
 596 satellite receiver device which uses the global positioning  
 597 system operated pursuant to 10 U.S.C. s. 2281 for the purpose of  
 598 obtaining navigation or routing information while the motor  
 599 vehicle is being operated.

600 Section 8. Paragraph (c) of subsection (3) of section  
 601 316.545, Florida Statutes, is amended to read:

602 316.545 Weight and load unlawful; special fuel and motor  
 603 fuel tax enforcement; inspection; penalty; review.—

604 (3) Any person who violates the overloading provisions of  
 605 this chapter shall be conclusively presumed to have damaged the  
 606 highways of this state by reason of such overloading, which  
 607 damage is hereby fixed as follows:

608 (c) An apportionable ~~apportioned motor~~ vehicle, as defined  
 609 in s. 320.01, operating on the highways of this state without  
 610 being properly licensed and registered shall be subject to the  
 611 penalties as herein provided; and

612 Section 9. Subsection (3) of section 316.646, Florida  
 613 Statutes, is amended to read:

614 316.646 Security required; proof of security and display  
 615 thereof; dismissal of cases.—

616 (3) Any person who violates this section commits a  
 617 nonmoving traffic infraction subject to the penalty provided in  
 618 chapter 318 and shall be required to furnish proof of security  
 619 as provided in this section. If any person charged with a  
 620 violation of this section fails to furnish proof~~7~~ at or before  
 621 the scheduled court appearance date~~7~~, that security was in effect  
 622 at the time of the violation, the court shall, upon conviction,  
 623 notify the department to ~~may immediately~~ suspend the  
 624 registration and driver's license of such person. If the court  
 625 fails to order the suspension of the person's registration and  
 626 driver's license for a conviction of this section at the time of  
 627 sentencing, the department shall, upon receiving notice of the  
 628 conviction from the court, suspend the person's registration and  
 629 driver's license for the violation of this section. Such license  
 630 and registration may be reinstated only as provided in s.  
 631 324.0221.

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

634 318.14 Noncriminal traffic infractions; exception;  
 635 procedures.—

636 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any  
 637 person cited for a violation of chapter 316, s. 320.0605, s.  
 638 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or  
 639 (3), s. 322.1615 ~~322.161(5)~~, s. 322.19, or s. 1006.66(3) is  
 640 charged with a noncriminal infraction and must be cited for such  
 641 an infraction ~~and cited to appear before an official~~. If another

HB 971

2010

642 person dies as a result of the noncriminal infraction, the  
 643 person cited may be required to perform 120 community service  
 644 hours under s. 316.027(4), in addition to any other penalties.

645 (2) Except as provided in s. 316.1001(2), any person cited  
 646 for a violation requiring a mandatory hearing listed in s.  
 647 318.19 or any other criminal traffic violation listed in chapter  
 648 316 ~~an infraction under this section~~ must sign and accept a  
 649 citation indicating a promise to appear. The officer may  
 650 indicate on the traffic citation the time and location of the  
 651 scheduled hearing and must indicate the applicable civil penalty  
 652 established in s. 318.18.

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

656 (10)(a) Any person who does not hold a commercial driver's  
 657 license and who is cited for an offense listed under this  
 658 subsection may, in lieu of payment of fine or court appearance,  
 659 elect to enter a plea of nolo contendere and provide proof of  
 660 compliance to the clerk of the court, designated official, or  
 661 authorized operator of a traffic violations bureau. In such  
 662 case, adjudication shall be withheld; however, no election shall  
 663 be made under this subsection if such person has made an  
 664 election under this subsection in the 12 months preceding  
 665 election hereunder. No person may make more than three elections  
 666 under this subsection. This subsection applies to the following  
 667 offenses:

668 1. Operating a motor vehicle without a valid driver's  
 669 license in violation of the provisions of s. 322.03, s. 322.065,



HB 971

2010

670 or s. 322.15(1), or operating a motor vehicle with a license  
671 that ~~which~~ has been suspended for failure to appear, failure to  
672 pay civil penalty, or failure to attend a driver improvement  
673 course pursuant to s. 322.291.

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

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

677 4. Operating a motor vehicle with a license that has been  
678 suspended under s. 61.13016 or s. 322.245 for failure to pay  
679 child support or for failure to pay any other financial  
680 obligation as provided in s. 322.245; however, this subsection  
681 does not apply if the license has been suspended pursuant to s.  
682 322.245(1).

683 5. Operating a motor vehicle with a license which has been  
684 suspended under s. 322.091.

685 (b) Any person cited for an offense listed in this  
686 subsection shall present proof of compliance prior to the  
687 scheduled court appearance date. For the purposes of this  
688 subsection, proof of compliance shall consist of a valid,  
689 renewed, or reinstated driver's license or registration  
690 certificate and proper proof of maintenance of security as  
691 required by s. 316.646. Notwithstanding waiver of fine, any  
692 person establishing proof of compliance shall be assessed court  
693 costs of \$25, except that a person charged with violation of s.  
694 316.646(1)-(3) may be assessed court costs of \$8. One dollar of  
695 such costs shall be remitted to the Department of Revenue for  
696 deposit into the Child Welfare Training Trust Fund of the  
697 Department of Children and Family Services. One dollar of such

HB 971

2010

698 costs shall be distributed to the Department of Juvenile Justice  
 699 for deposit into the Juvenile Justice Training Trust Fund.  
 700 Fourteen dollars of such costs shall be distributed to the  
 701 municipality and \$9 shall be deposited by the clerk of the court  
 702 into the fine and forfeiture fund established pursuant to s.  
 703 142.01, if the offense was committed within the municipality. If  
 704 the offense was committed in an unincorporated area of a county  
 705 or if the citation was for a violation of s. 316.646(1)-(3), the  
 706 entire amount shall be deposited by the clerk of the court into  
 707 the fine and forfeiture fund established pursuant to s. 142.01,  
 708 except for the moneys to be deposited into the Child Welfare  
 709 Training Trust Fund and the Juvenile Justice Training Trust  
 710 Fund. This subsection shall not be construed to authorize the  
 711 operation of a vehicle without a valid driver's license, without  
 712 a valid vehicle tag and registration, or without the maintenance  
 713 of required security.

714 (13) (a) A person cited for a violation listed in ~~of~~ s.  
 715 316.1926 shall, in addition to any other requirements provided  
 716 in this section, pay a fine of \$1,000. This fine is in lieu of  
 717 the fine required under s. 318.18(3) (b), if the person was cited  
 718 for violation listed in ~~of~~ s. 316.1926(2).

719 (b) A person cited for a second violation listed in ~~of~~ s.  
 720 316.1926 shall, in addition to any other requirements provided  
 721 in this section, pay a fine of \$2,500. This fine is in lieu of  
 722 the fine required under s. 318.18(3) (b), if the person was cited  
 723 for violation listed in ~~of~~ s. 316.1926(2). In addition, the  
 724 court shall revoke the person's authorization and privilege to

HB 971

2010

725 operate a motor vehicle for a period of 1 year and order the  
 726 person to surrender his or her driver's license.

727 (c) A person cited for a third violation listed in ~~of~~ s.  
 728 316.1926 commits a felony of the third degree, punishable as  
 729 provided in s. 775.082, s. 775.083, or s. 775.084. Upon  
 730 conviction, the court shall impose a fine of \$5,000, revoke the  
 731 person's authorization and privilege to operate a motor vehicle  
 732 for a period of 10 years, and order the person to surrender his  
 733 or her driver's license.

734 Section 11. Paragraph (i) is added to subsection (3) of  
 735 section 318.18, Florida Statutes, to read:

736 318.18 Amount of penalties.—The penalties required for a  
 737 noncriminal disposition pursuant to s. 318.14 or a criminal  
 738 offense listed in s. 318.17 are as follows:

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

741 (i) A person cited for aggressive careless driving as  
 742 provided in s. 316.1923 shall pay a fine at least double the  
 743 amount listed in paragraph (a).

744 Section 12. Subsection (6) is added to section 318.19,  
 745 Florida Statutes, to read:

746 318.19 Infractions requiring a mandatory hearing.—Any  
 747 person cited for the infractions listed in this section shall  
 748 not have the provisions of s. 318.14(2), (4), and (9) available  
 749 to him or her but must appear before the designated official at  
 750 the time and location of the scheduled hearing:

751 (6) Any infraction of s. 316.1923.

HB 971

2010

752 Section 13. Section 319.14, Florida Statutes, is amended  
 753 to read:

754 319.14 Sale of motor vehicles registered or used as  
 755 taxicabs, police vehicles, lease vehicles, ~~or~~ rebuilt vehicles,  
 756 ~~and~~ nonconforming vehicles, custom vehicles, and street rod  
 757 vehicles.—

758 (1) (a) No person shall knowingly offer for sale, sell, or  
 759 exchange any vehicle that has been licensed, registered, or used  
 760 as a taxicab, police vehicle, or short-term-lease vehicle, or a  
 761 vehicle that has been repurchased by a manufacturer pursuant to  
 762 a settlement, determination, or decision under chapter 681,  
 763 until the department has stamped in a conspicuous place on the  
 764 certificate of title of the vehicle, or its duplicate, words  
 765 stating the nature of the previous use of the vehicle or the  
 766 title has been stamped "Manufacturer's Buy Back" to reflect that  
 767 the vehicle is a nonconforming vehicle. If the certificate of  
 768 title or duplicate was not so stamped upon initial issuance  
 769 thereof or if, subsequent to initial issuance of the title, the  
 770 use of the vehicle is changed to a use requiring the notation  
 771 provided for in this section, the owner or lienholder of the  
 772 vehicle shall surrender the certificate of title or duplicate to  
 773 the department prior to offering the vehicle for sale, and the  
 774 department shall stamp the certificate or duplicate as required  
 775 herein. When a vehicle has been repurchased by a manufacturer  
 776 pursuant to a settlement, determination, or decision under  
 777 chapter 681, the title shall be stamped "Manufacturer's Buy  
 778 Back" to reflect that the vehicle is a nonconforming vehicle.

HB 971

2010

779 (b) No person shall knowingly offer for sale, sell, or  
 780 exchange a rebuilt vehicle until the department has stamped in a  
 781 conspicuous place on the certificate of title for the vehicle  
 782 words stating that the vehicle has been rebuilt or assembled  
 783 from parts, or is a kit car, glider kit, replica, ~~or~~ flood  
 784 vehicle, custom vehicle, or street rod vehicle unless proper  
 785 application for a certificate of title for a vehicle that is  
 786 rebuilt or assembled from parts, or is a kit car, glider kit,  
 787 replica, ~~or~~ flood vehicle, custom vehicle, or street rod vehicle  
 788 has been made to the department in accordance with this chapter  
 789 and the department has conducted the physical examination of the  
 790 vehicle to assure the identity of the vehicle and all major  
 791 component parts, as defined in s. 319.30(1), which have been  
 792 repaired or replaced. Thereafter, the department shall affix a  
 793 decal to the vehicle, in the manner prescribed by the  
 794 department, showing the vehicle to be rebuilt.

795 (c) As used in this section:

796 ~~1.4.~~ "Assembled from parts" means a motor vehicle or  
 797 mobile home assembled from parts or combined from parts of motor  
 798 vehicles or mobile homes, new or used. "Assembled from parts"  
 799 does not mean a motor vehicle defined as a "rebuilt vehicle" in  
 800 subparagraph ~~8. 3.~~, which has been declared a total loss  
 801 pursuant to s. 319.30.

802 2. "Custom vehicle" means a motor vehicle that:

803 a. Is 25 years or older and of a model year after 1948 or  
 804 was manufactured to resemble a vehicle that is 25 years old or  
 805 older and of a model year after 1948; and

HB 971

2010

806 b. Has been altered from the manufacturer's original  
807 design or has a body constructed from nonoriginal materials.

808

809 The model year and year of manufacture which the body of a  
810 custom vehicle resembles is the model year and year of  
811 manufacture listed on the certificate of title, regardless of  
812 when the vehicle was actually manufactured.

813 ~~3.8.~~ "Flood vehicle" means a motor vehicle or mobile home  
814 that has been declared to be a total loss pursuant to s.  
815 319.30(3)(a) resulting from damage caused by water.

816 ~~4.6.~~ "Glider kit" means a vehicle assembled with a kit  
817 supplied by a manufacturer to rebuild a wrecked or outdated  
818 truck or truck tractor.

819 5. "Kit car" means a motor vehicle assembled with a kit  
820 supplied by a manufacturer to rebuild a wrecked or outdated  
821 motor vehicle with a new body kit.

822 ~~6.9.~~ "Nonconforming vehicle" means a motor vehicle which  
823 has been purchased by a manufacturer pursuant to a settlement,  
824 determination, or decision under chapter 681.

825 ~~7.1.~~ "Police vehicle" means a motor vehicle owned or  
826 leased by the state or a county or municipality and used in law  
827 enforcement.

828 ~~8.3.~~ "Rebuilt vehicle" means a motor vehicle or mobile  
829 home built from salvage or junk, as defined in s. 319.30(1).

830 ~~9.7.~~ "Replica" means a complete new motor vehicle  
831 manufactured to look like an old vehicle.

832 10. "Settlement" means an agreement entered into between a  
833 manufacturer and a consumer that occurs after a dispute is

HB 971

2010

834 submitted to a program, or an informal dispute settlement  
835 procedure established by a manufacturer or is approved for  
836 arbitration before the New Motor Vehicle Arbitration Board as  
837 defined in s. 681.102.

838 11.2.a. "Short-term-lease vehicle" means a motor vehicle  
839 leased without a driver and under a written agreement to one or  
840 more persons from time to time for a period of less than 12  
841 months.

842 b. "Long-term-lease vehicle" means a motor vehicle leased  
843 without a driver and under a written agreement to one person for  
844 a period of 12 months or longer.

845 c. "Lease vehicle" includes both short-term-lease vehicles  
846 and long-term-lease vehicles.

847 12. "Street rod" means a motor vehicle that:

848 a. Is of a model year of 1948 or older or was manufactured  
849 after 1948 to resemble a vehicle of a model year of 1948 or  
850 older; and

851 b. Has been altered from the manufacturer's original  
852 design or has a body constructed from nonoriginal materials.

853  
854 The model year and year of manufacture which the body of a  
855 street rod resembles is the model year and year of manufacture  
856 listed on the certificate of title, regardless of when the  
857 vehicle was actually manufactured.

858 (2) No person shall knowingly sell, exchange, or transfer  
859 a vehicle referred to in subsection (1) without, prior to  
860 consummating the sale, exchange, or transfer, disclosing in  
861 writing to the purchaser, customer, or transferee the fact that

HB 971

2010

862 the vehicle has previously been titled, registered, or used as a  
863 taxicab, police vehicle, or short-term-lease vehicle or is a  
864 vehicle that is rebuilt or assembled from parts, or is a kit  
865 car, glider kit, replica, or flood vehicle, or is a  
866 nonconforming vehicle, custom vehicle, or street rod vehicle, as  
867 the case may be.

868 (3) Any person who, with intent to offer for sale or  
869 exchange any vehicle referred to in subsection (1), knowingly or  
870 intentionally advertises, publishes, disseminates, circulates,  
871 or places before the public in any communications medium,  
872 whether directly or indirectly, any offer to sell or exchange  
873 the vehicle shall clearly and precisely state in each such offer  
874 that the vehicle has previously been titled, registered, or used  
875 as a taxicab, police vehicle, or short-term-lease vehicle or  
876 that the vehicle or mobile home is a vehicle that is rebuilt or  
877 assembled from parts, or is a kit car, glider kit, replica, or  
878 flood vehicle, or a nonconforming vehicle, custom vehicle, or  
879 street rod vehicle, as the case may be. Any person who violates  
880 this subsection commits a misdemeanor of the second degree,  
881 punishable as provided in s. 775.082 or s. 775.083.

882 (4) When a certificate of title, including a foreign  
883 certificate, is branded to reflect a condition or prior use of  
884 the titled vehicle, the brand must be noted on the registration  
885 certificate of the vehicle and such brand shall be carried  
886 forward on all subsequent certificates of title and registration  
887 certificates issued for the life of the vehicle.

888 (5) Any person who knowingly sells, exchanges, or offers  
889 to sell or exchange a motor vehicle or mobile home contrary to



HB 971

2010

890 the provisions of this section or any officer, agent, or  
891 employee of a person who knowingly authorizes, directs, aids in,  
892 or consents to the sale, exchange, or offer to sell or exchange  
893 a motor vehicle or mobile home contrary to the provisions of  
894 this section commits a misdemeanor of the second degree,  
895 punishable as provided in s. 775.082 or s. 775.083.

896 (6) Any person who removes a rebuilt decal from a rebuilt  
897 vehicle with the intent to conceal the rebuilt status of the  
898 vehicle commits a felony of the third degree, punishable as  
899 provided in s. 775.082, s. 775.083, or s. 775.084.

900 (7) This section applies to a mobile home, travel trailer,  
901 camping trailer, truck camper, or fifth-wheel recreation trailer  
902 only when such mobile home or vehicle is a rebuilt vehicle or is  
903 assembled from parts.

904 (8) No person shall be liable or accountable in any civil  
905 action arising out of a violation of this section if the  
906 designation of the previous use or condition of the motor  
907 vehicle is not noted on the certificate of title and  
908 registration certificate of the vehicle which was received by,  
909 or delivered to, such person, unless such person has actively  
910 concealed the prior use or condition of the vehicle from the  
911 purchaser.

912 (9) Subsections (1), (2), and (3) do not apply to the  
913 transfer of ownership of a motor vehicle after the motor vehicle  
914 has ceased to be used as a lease vehicle and the ownership has  
915 been transferred to an owner for private use or to the transfer  
916 of ownership of a nonconforming vehicle with 36,000 or more  
917 miles on its odometer, or 34 months whichever is later and the

HB 971

2010

918 ownership has been transferred to an owner for private use. Such  
 919 owner, as shown on the title certificate, may request the  
 920 department to issue a corrected certificate of title that does  
 921 not contain the statement of the previous use of the vehicle as  
 922 a lease vehicle or condition as a nonconforming vehicle.

923 Section 14. Section 319.40, Florida Statutes, is amended  
 924 to read:

925 319.40 Transactions by electronic or telephonic means.—

926 (1) The department may ~~is authorized to~~ accept any  
 927 application provided for under this chapter by electronic or  
 928 telephonic means.

929 (2) The department may collect and use Internet e-mail  
 930 addresses and telephone numbers of motor vehicle owners and  
 931 registrants for the purpose of providing notices to such owners  
 932 and registrants in lieu of the United States Postal Service.

933 Section 15. Subsection (23) of section 320.01, Florida  
 934 Statutes, is repealed, subsections (24) through (45) are  
 935 renumbered as subsections (23) through (44), respectively, and  
 936 present subsections (25) and (26) of that section are amended to  
 937 read:

938 320.01 Definitions, general.—As used in the Florida  
 939 Statutes, except as otherwise provided, the term:

940 ~~(23) "Apportioned motor vehicle" means any motor vehicle~~  
 941 ~~which is required to be registered, or with respect to which an~~  
 942 ~~election has been made to register it, under the International~~  
 943 ~~Registration Plan.~~

944 (24) ~~(25)~~ "Apportionable vehicle" means any vehicle, except  
 945 recreational vehicles, vehicles displaying restricted plates,

HB 971

2010

946 city pickup and delivery vehicles, buses used in transportation  
 947 of chartered parties, and government-owned vehicles, which is  
 948 used or intended for use in two or more member jurisdictions  
 949 that allocate or proportionally register vehicles and which is  
 950 used for the transportation of persons for hire or is designed,  
 951 used, or maintained primarily for the transportation of property  
 952 and:

953 (a) Is a power unit having a gross vehicle weight in  
 954 excess of 26,000 ~~26,001~~ pounds;

955 (b) Is a power unit having three or more axles, regardless  
 956 of weight; or

957 (c) Is used in combination, when the weight of such  
 958 combination exceeds 26,000 ~~26,001~~ pounds gross vehicle weight.

959  
 960 Vehicles, or combinations thereof, having a gross vehicle weight  
 961 of 26,000 ~~26,001~~ pounds or less and two-axle vehicles may be  
 962 proportionally registered.

963 ~~(25)-(26)~~ "Commercial motor vehicle" means any vehicle  
 964 which is not owned or operated by a governmental entity, which  
 965 uses special fuel or motor fuel on the public highways, and  
 966 which has a gross vehicle weight of 26,001 pounds or more, or  
 967 has three or more axles regardless of weight, or is used in  
 968 combination when the weight of such combination exceeds 26,000  
 969 ~~26,001~~ pounds gross vehicle weight. A vehicle that occasionally  
 970 transports personal property to and from a closed-course  
 971 motorsport facility, as defined in s. 549.09(1) (a), is not a  
 972 commercial motor vehicle if the use is not for profit and  
 973 corporate sponsorship is not involved. As used in this

HB 971

2010

974 subsection, the term "corporate sponsorship" means a payment,  
 975 donation, gratuity, in-kind service, or other benefit provided  
 976 to or derived by a person in relation to the underlying  
 977 activity, other than the display of product or corporate names,  
 978 logos, or other graphic information on the property being  
 979 transported.

980 Section 16. Subsections (7) and (9) of section 320.03,  
 981 Florida Statutes, are amended to read:

982 320.03 Registration; duties of tax collectors;  
 983 International Registration Plan.—

984 (7) The Department of Highway Safety and Motor Vehicles  
 985 shall register apportionable ~~apportioned~~ motor vehicles under  
 986 the provisions of the International Registration Plan. The  
 987 department may adopt rules to implement and enforce the  
 988 provisions of the plan.

989 (9) A nonrefundable fee of \$1.50 shall be charged on the  
 990 initial and renewal registration of each automobile for private  
 991 use, and on the initial and renewal registration of each truck  
 992 having a net weight of 8,000 ~~5,000~~ pounds or less. Such fees  
 993 shall be deposited in the Transportation Disadvantaged Trust  
 994 Fund created in part I of chapter 427 and shall be used as  
 995 provided therein, except that priority shall be given to the  
 996 transportation needs of those who, because of age or physical  
 997 and mental disability, are unable to transport themselves and  
 998 are dependent upon others to obtain access to health care,  
 999 employment, education, shopping, or other life-sustaining  
 1000 activities.

HB 971

2010

1001 Section 17. Paragraph (a) of subsection (1) and subsection  
 1002 (5) of section 320.055, Florida Statutes, are amended to read:

1003 320.055 Registration periods; renewal periods.—The  
 1004 following registration periods and renewal periods are  
 1005 established:

1006 (1) (a) For a motor vehicle subject to registration under  
 1007 s. 320.08(1), (2), (3), (4) (a) and (b), (5) (b), (c), (d), or  
 1008 (f), (6) (a), (7), (8), (9), or (10) and owned by a natural  
 1009 person, the registration period begins the first day of the  
 1010 birth month of the owner and ends the last day of the month  
 1011 immediately preceding the owner's birth month in the succeeding  
 1012 year. If such vehicle is registered in the name of more than one  
 1013 person, the birth month of the person whose name first appears  
 1014 on the registration shall be used to determine the registration  
 1015 period. For a vehicle subject to this registration period, the  
 1016 renewal period is the 30-day period ending at midnight on the  
 1017 vehicle owner's date of birth.

1018 (5) For a vehicle subject to apportioned registration  
 1019 under s. 320.08(4), (5) (a)1., (e), (6) (b), or (14), the  
 1020 registration period shall be a period of 12 months beginning in  
 1021 a month designated by the department and ending on the last day  
 1022 of the 12th month. For a vehicle subject to this registration  
 1023 period, the renewal period is the last month of the registration  
 1024 period. The registration period may be shortened or extended at  
 1025 the discretion of the department, on receipt of the appropriate  
 1026 prorated fees, in order to evenly distribute such registrations  
 1027 on a monthly basis. For a vehicle subject to nonapportioned  
 1028 registration under s. 320.08(4) (a) and (b) and not owned by a

HB 971

2010

1029 natural person, (4) (c) - (n), (5) (a) 1., (6) (b), or (14), the  
 1030 registration period begins December 1 and ends November 30. The  
 1031 renewal period is the 31-day period beginning December 1.

1032 Section 18. Paragraph (b) of subsection (1) of section  
 1033 320.071, Florida Statutes, is amended to read:

1034 320.071 Advance registration renewal; procedures.-

1035 (1)

1036 (b) The owner of any apportionable ~~apportioned motor~~  
 1037 vehicle currently registered in this state may file an  
 1038 application for renewal of registration with the department any  
 1039 time during the 3 ~~5~~ months preceding the date of expiration of  
 1040 the registration period.

1041 Section 19. Subsections (1) and (3) of section 320.0715,  
 1042 Florida Statutes, are amended to read:

1043 320.0715 International Registration Plan; motor carrier  
 1044 services; permits; retention of records.-

1045 (1) All apportionable ~~commercial motor~~ vehicles domiciled  
 1046 in this state ~~and engaged in interstate commerce~~ shall be  
 1047 registered in accordance with ~~the provisions of the~~  
 1048 International Registration Plan ~~and shall display apportioned~~  
 1049 ~~license plates.~~

1050 (3) (a) If the department is unable to immediately issue  
 1051 the apportioned license plate to an applicant currently  
 1052 registered in this state under the International Registration  
 1053 Plan or to a vehicle currently titled in this state, the  
 1054 department or its designated agent is authorized to issue a 60-  
 1055 day temporary operational permit. The department or agent of the  
 1056 department shall charge a \$3 fee and the service charge

HB 971

2010

1057 authorized by s. 320.04 for each temporary operational permit it  
 1058 issues.

1059 (b) The department shall in no event issue a temporary  
 1060 operational permit for any apportionable ~~commercial motor~~  
 1061 vehicle to any applicant until the applicant has shown that:

1062 1. All sales or use taxes due on the registration of the  
 1063 vehicle are paid; and

1064 2. Insurance requirements have been met in accordance with  
 1065 ss. 320.02(5) and 627.7415.

1066 (c) Issuance of a temporary operational permit provides  
 1067 ~~commercial motor vehicle~~ registration privileges in each  
 1068 International Registration Plan member jurisdiction designated  
 1069 on said permit and therefore requires payment of all applicable  
 1070 registration fees and taxes due for that period of registration.

1071 (d) Application for permanent registration must be made to  
 1072 the department within 10 days from issuance of a temporary  
 1073 operational permit. Failure to file an application within this  
 1074 10-day period may result in cancellation of the temporary  
 1075 operational permit.

1076 Section 20. Paragraph (a) of subsection (2) and paragraph  
 1077 (d) of subsection (5) of section 320.08, Florida Statutes, are  
 1078 amended to read:

1079 320.08 License taxes.—Except as otherwise provided herein,  
 1080 there are hereby levied and imposed annual license taxes for the  
 1081 operation of motor vehicles, mopeds, motorized bicycles as  
 1082 defined in s. 316.003(2), and mobile homes, as defined in s.  
 1083 320.01, which shall be paid to and collected by the department

HB 971

2010

1084 or its agent upon the registration or renewal of registration of  
 1085 the following:

1086 (2) AUTOMOBILES FOR PRIVATE USE.—

1087 (a) An ancient or antique automobile, as defined in s.  
 1088 320.086, or a street rod, as defined in s. 319.14 ~~320.0863~~:  
 1089 \$10.25 flat, of which \$2.75 shall be deposited into the General  
 1090 Revenue Fund.

1091 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
 1092 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1093 (d) A wrecker, as defined in s. 320.01~~(39)~~~~(40)~~, which is  
 1094 used to tow a vessel as defined in s. 327.02(39), a disabled,  
 1095 abandoned, stolen-recovered, or impounded motor vehicle as  
 1096 defined in s. 320.01~~(37)~~~~(38)~~, or a replacement motor vehicle as  
 1097 defined in s. 320.01~~(38)~~~~(39)~~: \$41 flat, of which \$11 shall be  
 1098 deposited into the General Revenue Fund.

1099 Section 21. Subsections (1) and (2) of section 320.0807,  
 1100 Florida Statutes, are amended to read:

1101 320.0807 Special license plates for Governor and federal  
 1102 and state legislators.—

1103 (1) Upon application by any member of the House of  
 1104 Representatives of Congress and payment of the fees prescribed  
 1105 by s. 320.0805, the department is authorized to issue to such  
 1106 Member of Congress a license plate stamped "Member of Congress"  
 1107 followed by the number of the appropriate congressional district  
 1108 and the letters "MC," or any other configuration chosen by the  
 1109 member which is not already in use. Upon application by a United  
 1110 States Senator and payment of the fees prescribed by s.  
 1111 320.0805, the department is authorized to issue a license plate



HB 971

2010

1112 stamped "USS," followed by the numeral II in the case of the  
 1113 junior senator.

1114 (2) Upon application by any member of the state House of  
 1115 Representatives and payment of the fees prescribed by s.  
 1116 320.0805, the department is authorized to issue such state  
 1117 representative license plates stamped in bold letters "State  
 1118 Legislator," followed by the number of the appropriate House of  
 1119 Representatives district and the letters "HR," or any other  
 1120 configuration chosen by the member which is not already in use  
 1121 ~~on one plate; the numbers of the other plates will be assigned~~  
 1122 ~~by the department.~~ Upon application by a state senator and  
 1123 payment of the fees prescribed by s. 320.0805, the department is  
 1124 authorized to issue license plates stamped in bold letters  
 1125 "State Senator," followed by the number of the appropriate  
 1126 Senate district and the letters "SS," or any other configuration  
 1127 chosen by the member which is not already in use ~~on one plate;~~  
 1128 ~~the numbers of the other plates will be assigned by the~~  
 1129 ~~department.~~

1130 Section 22. Subsection (4) of section 320.084, Florida  
 1131 Statutes, is amended to read:

1132 320.084 Free motor vehicle license plate to certain  
 1133 disabled veterans.—

1134 (4) (a) With the issuance of each new permanent "DV"  
 1135 numerical motor vehicle license plate, the department shall  
 1136 initially issue, without cost to the applicant, a validation  
 1137 sticker reflecting the owner's birth month and a serially  
 1138 numbered validation sticker reflecting the year of expiration.

HB 971

2010

1139 The initial sticker reflecting the year of expiration may not  
 1140 exceed 27 ~~15~~ months.

1141 (b) There shall be a service charge in accordance with the  
 1142 provisions of s. 320.04 for each initial application or renewal  
 1143 of registration and an additional sum of 50 cents on each  
 1144 license plate and validation sticker as provided in s.  
 1145 320.06(3) (b) .

1146 (c) Registration under this section shall be renewed  
 1147 annually or biennially during the applicable renewal period on  
 1148 forms prescribed by the department, which shall include, in  
 1149 addition to any other information required by the department, a  
 1150 certified statement as to the continued eligibility of the  
 1151 applicant to receive the special "DV" license plate. Any  
 1152 applicant who falsely or fraudulently submits to the department  
 1153 the certified statement required by this paragraph is guilty of  
 1154 a noncriminal violation and is subject to a civil penalty of  
 1155 \$50.

1156 Section 23. Section 320.0863, Florida Statutes, is amended  
 1157 to read:

1158 320.0863 Custom vehicles and street rods; registration and  
 1159 license plates.—

1160 (1) As used in this section, the term:

1161 ~~(a)~~ "blue dot tail light" means a red lamp that contains a  
 1162 blue or purple insert that is not more than one inch in diameter  
 1163 and is installed in the rear of a motor vehicle.

1164 ~~(b) "Custom vehicle" means a motor vehicle that:~~

HB 971

2010

1165 | ~~1. Is 25 years old or older and of a model year after 1948~~  
 1166 | ~~or was manufactured to resemble a vehicle that is 25 years old~~  
 1167 | ~~or older and of a model year after 1948; and~~

1168 | ~~2. Has been altered from the manufacturer's original~~  
 1169 | ~~design or has a body constructed from nonoriginal materials.~~

1170 | ~~(c) "Street rod" means a motor vehicle that:~~

1171 | ~~1. Is of a model year of 1948 or older or was manufactured~~  
 1172 | ~~after 1948 to resemble a vehicle of a model year of 1948 or~~  
 1173 | ~~older; and~~

1174 | ~~2. Has been altered from the manufacturer's original~~  
 1175 | ~~design or has a body constructed from nonoriginal materials.~~

1176 | ~~(2) The model year and year of manufacture which the body~~  
 1177 | ~~of a custom vehicle or street rod resembles is the model year~~  
 1178 | ~~and year of manufacture listed on the certificate of title,~~  
 1179 | ~~regardless of when the vehicle was actually manufactured.~~

1180 | ~~(2)(3)~~ To register a street rod or custom vehicle as  
 1181 | defined in s. 319.14(1)(c), the owner shall apply to the  
 1182 | department by submitting a completed application form and  
 1183 | providing:

1184 | (a) The license tax prescribed by s. 320.08(2)(a) and a  
 1185 | processing fee of \$3;

1186 | (b) A written statement that the vehicle will not be used  
 1187 | for general daily transportation but will be maintained for  
 1188 | occasional transportation, exhibitions, club activities,  
 1189 | parades, tours, or other functions of public interest and  
 1190 | similar uses; and

1191 | (c) A written statement that the vehicle meets state  
 1192 | equipment and safety requirements for motor vehicles. However,

HB 971

2010

1193 | the vehicle must meet only the requirements that were in effect  
 1194 | in this state as a condition of sale in the year listed as the  
 1195 | model year on the certificate of title.

1196 |     (3)~~(4)~~ The registration numbers and special license plates  
 1197 | assigned to such vehicles shall run in a separate series,  
 1198 | commencing with "Custom Vehicle 1" or "Street Rod 1,"  
 1199 | respectively, and the plates shall be of a distinguishing color  
 1200 | and design.

1201 |     (4)~~(5)~~(a) A vehicle registered under this section is  
 1202 | exempt from any law or local ordinance that requires periodic  
 1203 | vehicle inspections or the use and inspection of emission  
 1204 | controls.

1205 |     (b) Such vehicle may also be equipped with blue dot tail  
 1206 | lights for stop lamps, rear turning indicator lamps, rear hazard  
 1207 | lamps, and rear reflectors.

1208 |     Section 24. Paragraphs (a) and (b) of subsection (9) of  
 1209 | section 320.27, Florida Statutes, are amended to read:

1210 |     320.27 Motor vehicle dealers.—

1211 |     (9) DENIAL, SUSPENSION, OR REVOCATION.—

1212 |     (a) The department may deny, suspend, or revoke any  
 1213 | license issued hereunder or under the provisions of s. 320.77 or  
 1214 | s. 320.771, upon proof that a licensee has committed any of the  
 1215 | following activities:

1216 |         1. Commission of fraud or willful misrepresentation in  
 1217 | application for or in obtaining a license.

1218 |         2. Conviction of a felony.

1219 |         3. Failure to honor a bank draft or check given to a motor  
 1220 | vehicle dealer for the purchase of a motor vehicle by another

HB 971

2010

1221 motor vehicle dealer within 10 days after notification that the  
1222 bank draft or check has been dishonored. If the transaction is  
1223 disputed, the maker of the bank draft or check shall post a bond  
1224 in accordance with the provisions of s. 559.917, and no  
1225 proceeding for revocation or suspension shall be commenced until  
1226 the dispute is resolved.

1227 4. Failure to honor a bank draft or check given to the  
1228 department for payment of any fees within 10 days after  
1229 notification that the bank draft or check has been dishonored.  
1230 If the transaction is disputed, the maker of the bank draft or  
1231 check shall post a bond in accordance with the provisions of s.  
1232 559.917, and no proceeding for revocation or suspension shall be  
1233 commenced until the dispute is resolved.

1234 (b) The department may deny, suspend, or revoke any  
1235 license issued hereunder or under the provisions of s. 320.77 or  
1236 s. 320.771 upon proof that a licensee has committed, with  
1237 sufficient frequency so as to establish a pattern of wrongdoing  
1238 on the part of a licensee, violations of one or more of the  
1239 following activities:

1240 1. Representation that a demonstrator is a new motor  
1241 vehicle, or the attempt to sell or the sale of a demonstrator as  
1242 a new motor vehicle without written notice to the purchaser that  
1243 the vehicle is a demonstrator. For the purposes of this section,  
1244 a "demonstrator," a "new motor vehicle," and a "used motor  
1245 vehicle" shall be defined as under s. 320.60.

1246 2. Unjustifiable refusal to comply with a licensee's  
1247 responsibility under the terms of the new motor vehicle warranty  
1248 issued by its respective manufacturer, distributor, or importer.

1249 | However, if such refusal is at the direction of the  
 1250 | manufacturer, distributor, or importer, such refusal shall not  
 1251 | be a ground under this section.

1252 |         3. Misrepresentation or false, deceptive, or misleading  
 1253 | statements with regard to the sale or financing of motor  
 1254 | vehicles which any motor vehicle dealer has, or causes to have,  
 1255 | advertised, printed, displayed, published, distributed,  
 1256 | broadcast, televised, or made in any manner with regard to the  
 1257 | sale or financing of motor vehicles.

1258 |         4. Failure by any motor vehicle dealer to provide a  
 1259 | customer or purchaser with an odometer disclosure statement and  
 1260 | a copy of any bona fide written, executed sales contract or  
 1261 | agreement of purchase connected with the purchase of the motor  
 1262 | vehicle purchased by the customer or purchaser.

1263 |         5. Failure of any motor vehicle dealer to comply with the  
 1264 | terms of any bona fide written, executed agreement, pursuant to  
 1265 | the sale of a motor vehicle.

1266 |         6. Failure to apply for transfer of a title as prescribed  
 1267 | in s. 319.23(6).

1268 |         7. Use of the dealer license identification number by any  
 1269 | person other than the licensed dealer or his or her designee.

1270 |         8. Failure to continually meet the requirements of the  
 1271 | licensure law.

1272 |         9. Representation to a customer or any advertisement to  
 1273 | the public representing or suggesting that a motor vehicle is a  
 1274 | new motor vehicle if such vehicle lawfully cannot be titled in  
 1275 | the name of the customer or other member of the public by the

HB 971

2010

1276 seller using a manufacturer's statement of origin as permitted  
 1277 in s. 319.23(1).

1278 10. Requirement by any motor vehicle dealer that a  
 1279 customer or purchaser accept equipment on his or her motor  
 1280 vehicle which was not ordered by the customer or purchaser.

1281 11. Requirement by any motor vehicle dealer that any  
 1282 customer or purchaser finance a motor vehicle with a specific  
 1283 financial institution or company.

1284 12. Requirement by any motor vehicle dealer that the  
 1285 purchaser of a motor vehicle contract with the dealer for  
 1286 physical damage insurance.

1287 13. Perpetration of a fraud upon any person as a result of  
 1288 dealing in motor vehicles, including, without limitation, the  
 1289 misrepresentation to any person by the licensee of the  
 1290 licensee's relationship to any manufacturer, importer, or  
 1291 distributor.

1292 14. Violation of any of the provisions of s. 319.35 by any  
 1293 motor vehicle dealer.

1294 15. Sale by a motor vehicle dealer of a vehicle offered in  
 1295 trade by a customer prior to consummation of the sale, exchange,  
 1296 or transfer of a newly acquired vehicle to the customer, unless  
 1297 the customer provides written authorization for the sale of the  
 1298 trade-in vehicle prior to delivery of the newly acquired  
 1299 vehicle.

1300 16. Willful failure to comply with any administrative rule  
 1301 adopted by the department or the provisions of s. 320.131(8).

1302 17. Violation of chapter 319, this chapter, or ss.  
 1303 559.901-559.9221, which has to do with dealing in or repairing

HB 971

2010

1304 motor vehicles or mobile homes. Additionally, in the case of  
 1305 used motor vehicles, the willful violation of the federal law  
 1306 and rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to  
 1307 the consumer sales window form.

1308 18. Failure to maintain evidence of notification to the  
 1309 owner or coowner of a vehicle regarding registration or titling  
 1310 fees owed as required in s. 320.02(16).

1311 19. Failure to obtain a supplemental license for off-  
 1312 premises sales as required in subsection (5).

1313 20.19. Failure to register a mobile home salesperson with  
 1314 the department as required by this section.

1315 Section 25. Subsection (10) of section 320.77, Florida  
 1316 Statutes, is amended to read:

1317 320.77 License required of mobile home dealers.—

1318 (10) EVIDENCE OF TITLE REQUIRED.—A mobile home dealer may  
 1319 not sell or offer for sale a mobile home in his or her  
 1320 possession unless the dealer satisfies the requirements of this  
 1321 subsection.

1322 (a) For each new mobile home, the licensee shall ~~also~~ have  
 1323 in his or her possession ~~for each new mobile home a~~  
 1324 manufacturer's invoice or statement of origin. ~~and~~

1325 (b) For each used mobile home, the licensee shall:

1326 1. Have a properly assigned certificate of title or  
 1327 registration certificate if the used mobile home was previously  
 1328 registered in a nontitle state, from the time the mobile home is  
 1329 delivered to the licensee until it has been disposed of by him  
 1330 or her;

1331 2. Have reasonable indicia of ownership; or



HB 971

2010

1332           3. Have made proper application for a certificate of title  
 1333 or duplicate certificate of title in accordance with the  
 1334 provisions of chapter 319.

1335           (c) For purposes of this subsection, reasonable indicia of  
 1336 ownership includes:

1337           1. A consignment contract between the owner and the dealer  
 1338 along with a secure power of attorney from the owner to the  
 1339 dealer authorizing the dealer to apply for a duplicate  
 1340 certificate of title and assign the title on behalf of the  
 1341 owner;

1342           2. A court order awarding title to the mobile home to the  
 1343 dealer;

1344           3. A salvage certificate of title;

1345           4. A photocopy of a duly assigned certificate of title  
 1346 being held by a financial institution as collateral for a  
 1347 business loan of money to the dealer, known as a "floor plan";

1348           5. A copy of a canceled check or other documentation  
 1349 evidencing that an outstanding lien on a mobile home taken in  
 1350 trade by a licensed dealer has been satisfied and that the  
 1351 certificate of title will be, but has not yet been, received by  
 1352 the dealer; or

1353           6. A mobile home purchase order or installment contract  
 1354 for a specific mobile home identifying that mobile home as a  
 1355 trade-in on a replacement mobile home.

1356           Section 26. Subsection (5) of section 320.8225, Florida  
 1357 Statutes, is amended to read:

1358           320.8225 Mobile home and recreational vehicle  
 1359 manufacturer, distributor, and importer license.—

HB 971

2010

1360 (5) REQUIREMENT OF ASSURANCE.—

1361 (a) Annually, prior to the receipt of a license to  
 1362 manufacture mobile homes, the applicant or licensee shall submit  
 1363 a surety bond, ~~cash bond,~~ or letter of credit from a financial  
 1364 institution, or a proper continuation certificate, sufficient to  
 1365 assure satisfaction of claims against the licensee for failure  
 1366 to comply with appropriate code standards, failure to provide  
 1367 warranty service, or violation of any provisions of this  
 1368 section. The amount of the surety bond, ~~cash bond,~~ or letter of  
 1369 credit must be \$50,000. Only one surety bond, ~~cash bond,~~ or  
 1370 letter of credit shall be required for each manufacturer,  
 1371 regardless of the number of factory locations. The surety bond, ~~cash bond,~~  
 1372 ~~cash bond,~~ or letter of credit must be to the department, in  
 1373 favor of any retail customer who suffers a loss arising out of  
 1374 noncompliance with code standards or failure to honor or provide  
 1375 warranty service. The department may disapprove any bond or  
 1376 letter of credit that does not provide assurance as provided in  
 1377 this section.

1378 (b) Annually, prior to the receipt of a license to  
 1379 manufacture, distribute, or import recreational vehicles, the  
 1380 applicant or licensee shall submit a surety bond or letter of  
 1381 credit, or a proper continuation certificate, sufficient to  
 1382 assure satisfaction of claims against the licensee for failure  
 1383 to comply with appropriate code standards, failure to provide  
 1384 warranty service, or violation of any provisions of this  
 1385 section. The amount of the surety bond or letter of credit must  
 1386 be \$10,000 per year. The surety bond or letter of credit must be  
 1387 to the department, in favor of any retail customer who suffers

HB 971

2010

1388 loss arising out of noncompliance with code standards or failure  
 1389 to honor or provide warranty service. The department may  
 1390 disapprove any bond or letter of credit that does not provide  
 1391 assurance as provided in this section.

1392 (c) The department shall adopt rules pursuant to chapter  
 1393 120 relating to providing assurance of satisfaction of claims  
 1394 under this section.

1395 (d) The department shall, upon denial, suspension, or  
 1396 revocation of any license, notify the surety company or  
 1397 financial institution issuing the irrevocable letter of credit  
 1398 of the licensee, in writing, that the license has been denied,  
 1399 suspended, or revoked and shall state the reason for such  
 1400 denial, suspension, or revocation.

1401 (e) Any surety company that pays any claim against the  
 1402 bond or any financial institution that honors a demand for  
 1403 payment as a condition specified in the letter of credit of any  
 1404 licensee shall notify the department, in writing, that it has  
 1405 paid such a claim and shall state the amount of the claim.

1406 (f) Any surety company that cancels the bond or any  
 1407 financial institution that cancels the letter of credit of any  
 1408 licensee shall notify the department, in writing, of such  
 1409 cancellation, giving reason for the cancellation. The surety  
 1410 bond or letter of credit may not be canceled without at least 30  
 1411 days' written notice by the insurer to the department. The 30-  
 1412 day notice period begins on the date the notice is received by  
 1413 the department.

1414 (g) The department shall deny, suspend, or revoke the  
 1415 license issued under this chapter of a licensee who conducts

HB 971

2010

1416 business during the license period without having in full force  
 1417 and effect a surety bond or letter of credit that complies with  
 1418 this section.

1419 Section 27. Section 320.95, Florida Statutes, is amended  
 1420 to read:

1421 320.95 Transactions by electronic or telephonic means.—

1422 (1) The department may ~~is authorized to~~ accept any  
 1423 application provided for under this chapter by electronic or  
 1424 telephonic means.

1425 (2) The department may collect and use Internet e-mail  
 1426 addresses and telephone numbers of motor vehicle owners and  
 1427 registrants for the purpose of providing notices to such owners  
 1428 and registrants in lieu of the United States Postal Service.

1429 Section 28. Section 321.03, Florida Statutes, is amended  
 1430 to read:

1431 321.03 Imitations prohibited; penalty.—Unless specifically  
 1432 authorized by the Florida Highway Patrol, it is ~~shall be~~  
 1433 unlawful for any person or persons in the state to possess or  
 1434 color or cause to be colored any motor vehicle or motorcycle the  
 1435 same or similar color as the color or colors so prescribed for  
 1436 the Florida Highway Patrol. Any person violating any of the  
 1437 provisions of this section or s. 321.02 with respect to  
 1438 uniforms, emblems, motor vehicles and motorcycles shall be  
 1439 guilty of a misdemeanor of the first degree, punishable as  
 1440 provided in s. 775.082 or s. 775.083. The Department of Highway  
 1441 Safety and Motor Vehicles shall employ such clerical help and  
 1442 mechanics as may be necessary for the economical and efficient  
 1443 operation of such department.

HB 971

2010

1444 Section 29. Section 321.05, Florida Statutes, is amended  
 1445 to read:

1446 321.05 Duties, functions, and powers of patrol officers.-  
 1447 The members of the Florida Highway Patrol are hereby declared to  
 1448 be conservators of the peace and law enforcement officers of the  
 1449 state, with the common-law right to arrest a person who, in the  
 1450 presence of the arresting officer, commits a felony or commits  
 1451 an affray or breach of the peace constituting a misdemeanor,  
 1452 with full power to bear arms; and they shall apprehend, without  
 1453 warrant, any person in the unlawful commission of any of the  
 1454 acts over which the members of the Florida Highway Patrol are  
 1455 given jurisdiction as hereinafter set out and deliver him or her  
 1456 to the sheriff of the county that further proceedings may be had  
 1457 against him or her according to law. In the performance of any  
 1458 of the powers, duties, and functions authorized by law, members  
 1459 of the Florida Highway Patrol shall have the same protections  
 1460 and immunities afforded other peace officers, which shall be  
 1461 recognized by all courts having jurisdiction over offenses  
 1462 against the laws of this state, and shall have authority to  
 1463 apply for, serve, and execute search warrants, arrest warrants,  
 1464 ~~capias, and other process of the court in those matters in which~~  
 1465 ~~patrol officers have primary responsibility as set forth in~~  
 1466 ~~subsection (1).~~ The patrol officers under the direction and  
 1467 supervision of the Department of Highway Safety and Motor  
 1468 Vehicles shall perform and exercise throughout the state the  
 1469 following duties, functions, and powers:

1470 (1) To patrol the state highways and regulate, control,  
 1471 and direct the movement of traffic thereon; to maintain the

HB 971

2010

1472 public peace by preventing violence on highways; to apprehend  
1473 fugitives from justice; to enforce all laws now in effect  
1474 regulating and governing traffic, travel, and public safety upon  
1475 the public highways and providing for the protection of the  
1476 public highways and public property thereon; to make arrests  
1477 without warrant for the violation of any state law committed in  
1478 their presence in accordance with the laws of this state;  
1479 providing that no search shall be made unless it is incident to  
1480 a lawful arrest, to regulate and direct traffic concentrations  
1481 and congestions; to enforce laws governing the operation,  
1482 licensing, and taxing and limiting the size, weight, width,  
1483 length, and speed of vehicles and licensing and controlling the  
1484 operations of drivers and operators of vehicles; to cooperate  
1485 with officials designated by law to collect all state fees and  
1486 revenues levied as an incident to the use or right to use the  
1487 highways for any purpose; to require the drivers of vehicles to  
1488 stop and exhibit their driver's licenses, registration cards, or  
1489 documents required by law to be carried by such vehicles; to  
1490 investigate traffic accidents, secure testimony of witnesses and  
1491 of persons involved, and make report thereof with copy, when  
1492 requested in writing, to any person in interest or his or her  
1493 attorney; to investigate reported thefts of vehicles and to  
1494 seize contraband or stolen property on or being transported on  
1495 the highways. Each law enforcement officer is subject to and  
1496 shall have the same arrest and other authority provided for law  
1497 enforcement officers generally in chapter 901 and shall have  
1498 statewide jurisdiction. Each officer shall also have arrest  
1499 authority as provided for state law enforcement officers in s.

HB 971

2010

1500 901.15. This section shall not be construed as being in conflict  
 1501 with, but is supplemental to, chapter 933.

1502 (2) To assist other constituted law enforcement officers  
 1503 of the state to quell mobs and riots, guard prisoners, and  
 1504 police disaster areas.

1505 (3) (a) To make arrests while in fresh pursuit of a person  
 1506 believed to have violated the traffic and other laws.

1507 (b) To make arrest of a person wanted for a felony or  
 1508 against whom a warrant has been issued on any charge in  
 1509 violation of federal, state, or county laws or municipal  
 1510 ordinances.

1511 (4) (a) All fines and costs and the proceeds of the  
 1512 forfeiture of bail bonds and recognizances resulting from the  
 1513 enforcement of this chapter by patrol officers shall be paid  
 1514 into the fine and forfeiture fund established pursuant to s.  
 1515 142.01 of the county where the offense is committed. In all  
 1516 cases of arrest by patrol officers, the person arrested shall be  
 1517 delivered forthwith by said officer to the sheriff of the  
 1518 county, or he or she shall obtain from such person arrested a  
 1519 recognizance or, if deemed necessary, a cash bond or other  
 1520 sufficient security conditioned for his or her appearance before  
 1521 the proper tribunal of such county to answer the charge for  
 1522 which he or she has been arrested; and all fees accruing shall  
 1523 be taxed against the party arrested, which fees are hereby  
 1524 declared to be part of the compensation of said sheriffs  
 1525 authorized to be fixed by the Legislature under s. 5(c), Art. II  
 1526 of the State Constitution, to be paid such sheriffs in the same  
 1527 manner as fees are paid for like services in other criminal

HB 971

2010

1528 cases. All patrol officers are hereby directed to deliver all  
1529 bonds accepted and approved by them to the sheriff of the county  
1530 in which the offense is alleged to have been committed. However,  
1531 no sheriff shall be paid any arrest fee for the arrest of a  
1532 person for violation of any section of chapter 316 when the  
1533 arresting officer was transported in a Florida Highway Patrol  
1534 car to the vicinity where the arrest was made; and no sheriff  
1535 shall be paid any fee for mileage for himself or herself or a  
1536 prisoner for miles traveled in a Florida Highway Patrol car. No  
1537 patrol officer shall be entitled to any fee or mileage cost  
1538 except when responding to a subpoena in a civil cause or except  
1539 when such patrol officer is appearing as an official witness to  
1540 testify at any hearing or law action in any court of this state  
1541 as a direct result of his or her employment as a patrol officer  
1542 during time not compensated as a part of his or her normal  
1543 duties. Nothing herein shall be construed as limiting the power  
1544 to locate and to take from any person under arrest or about to  
1545 be arrested deadly weapons. Nothing contained in this section  
1546 shall be construed as a limitation upon existing powers and  
1547 duties of sheriffs or police officers.

1548 (b) Any person so arrested and released on his or her own  
1549 recognizance by an officer and who shall fail to appear or  
1550 respond to a notice to appear shall, in addition to the traffic  
1551 violation charge, be guilty of a noncriminal traffic infraction  
1552 subject to the penalty provided in s. 318.18(2).

1553 (5) The department may employ or assign some fit and  
1554 suitable person with experience in the field of public relations  
1555 who shall have the duty to promote, coordinate, and publicize



HB 971

2010

1556 the traffic safety activities in the state and assign such  
 1557 person to the office of the Governor at a salary to be fixed by  
 1558 the department. The person so assigned or employed shall be a  
 1559 member of the uniform division of the Florida Highway Patrol,  
 1560 and he or she shall have the pay and rank of lieutenant while on  
 1561 such assignment.

1562 (6) The Division of Florida Highway Patrol is authorized  
 1563 to promulgate rules and regulations which may be necessary to  
 1564 implement the provisions of chapter 316.

1565 Section 30. Subsection (4) of section 322.0261, Florida  
 1566 Statutes, is amended to read:

1567 322.0261 Driver improvement course; requirement to  
 1568 maintain driving privileges; failure to complete; department  
 1569 approval of course.—

1570 (4) The department shall identify any operator convicted  
 1571 of, or who pleaded nolo contendere to, a violation of s.  
 1572 316.074(1), s. 316.075(1)(c)1., s. 316.172, s. 316.191, s.  
 1573 316.1923, or s. 316.192 and shall require that operator, in  
 1574 addition to other applicable penalties, to attend a department-  
 1575 approved driver improvement course in order to maintain driving  
 1576 privileges. If the operator fails to complete the course within  
 1577 90 days after receiving notice from the department, the  
 1578 operator's driver license shall be canceled by the department  
 1579 until the course is successfully completed.

1580 Section 31. Subsection (8) is added to section 322.08,  
 1581 Florida Statutes, to read:

1582 322.08 Application for license.—

HB 971

2010

1583           (8) The department may collect and use Internet e-mail  
 1584 addresses and telephone numbers of driver's license or  
 1585 identification card holders for the purpose of providing notices  
 1586 to such driver's license or identification card holders in lieu  
 1587 of the United States Postal Service.

1588           Section 32. Subsection (1) of section 322.095, Florida  
 1589 Statutes, is amended to read:

1590           322.095 Traffic law and substance abuse education program  
 1591 for driver's license applicants.—

1592           (1) The Department of Highway Safety and Motor Vehicles  
 1593 must approve traffic law and substance abuse education courses  
 1594 that must be completed by applicants for a Florida driver's  
 1595 license. The curricula for the courses must provide instruction  
 1596 on the physiological and psychological consequences of the abuse  
 1597 of alcohol and other drugs, the societal and economic costs of  
 1598 alcohol and drug abuse, the effects of alcohol and drug abuse on  
 1599 the driver of a motor vehicle, and the laws of this state  
 1600 relating to the operation of a motor vehicle. ~~All instructors~~  
 1601 ~~teaching the courses shall be certified by the department.~~

1602           Section 33. Section 322.121, Florida Statutes, is amended  
 1603 to read:

1604           322.121 Periodic reexamination of all drivers.—

1605           (1) It is the intent of the Legislature that all licensed  
 1606 drivers in Florida be reexamined upon renewal of their licenses.  
 1607 Because only a small percentage of drivers in the state are  
 1608 categorized as problem drivers, the Legislature intends that  
 1609 renewals ~~the large number of drivers who have not had any~~  
 1610 ~~convictions for the 3 years preceding renewal and whose driving~~

HB 971

2010

1611 ~~privilege in this state has not been revoked, disqualified, or~~  
 1612 ~~suspended at any time during the 7 years preceding renewal be~~  
 1613 ~~processed expeditiously upon renewal of their licenses by~~  
 1614 ~~examinations of the licensee's ~~their~~ eyesight and hearing only~~  
 1615 ~~and that all other licensees be tested, in addition to the~~  
 1616 ~~eyesight and hearing examinations, with respect to their ability~~  
 1617 ~~to read and understand highway signs regulating, warning, and~~  
 1618 ~~directing traffic.~~

1619 ~~(2) Each licensee must pass a reexamination at the time of~~  
 1620 ~~renewal, except as otherwise provided in this chapter. For each~~  
 1621 ~~licensee whose driving record does not show any convictions for~~  
 1622 ~~the preceding 3 years or any revocations, disqualifications, or~~  
 1623 ~~suspensions for the preceding 7 years; and who, at the time of~~  
 1624 ~~renewal, presents a renewal notice verifying such safe driving~~  
 1625 ~~record, the reexamination shall consist of tests of the~~  
 1626 ~~licensee's eyesight and hearing. For all other licensees, in~~  
 1627 ~~addition to the eyesight and hearing tests, the reexamination~~  
 1628 ~~must include tests of the ability to read and understand highway~~  
 1629 ~~signs and pavement markings regulating, warning, and directing~~  
 1630 ~~traffic.~~

1631 ~~(2)~~ (3) For each licensee whose driving record does not  
 1632 show any revocations, disqualifications, or suspensions for the  
 1633 preceding 7 years or any convictions for the preceding 3 years  
 1634 except for convictions of the following nonmoving violations:

1635 (a) Failure to exhibit a vehicle registration certificate,  
 1636 rental agreement, or cab card pursuant to s. 320.0605;

1637 (b) Failure to renew a motor vehicle or mobile home  
 1638 registration that has been expired for 4 months or less pursuant

HB 971

2010

1639 to s. 320.07(3)(a);

1640 (c) Operating a motor vehicle with an expired license that  
 1641 has been expired for 4 months or less pursuant to s. 322.065;

1642 (d) Failure to carry or exhibit a license pursuant to s.  
 1643 322.15(1); or

1644 (e) Failure to notify the department of a change of  
 1645 address or name within 10 days pursuant to s. 322.19,

1646

1647 the department shall cause such licensee's license to be  
 1648 prominently marked with the notation "Safe Driver."

1649 (3)~~(4)~~ Eyesight examinations must be administered as  
 1650 provided in s. 322.12.

1651 (4)~~(5)~~ An examination fee may not be assessed for  
 1652 reexamination required by this section.

1653 (5)~~(6)~~ Members of the Armed Forces, or their dependents  
 1654 residing with them, shall be granted an automatic extension for  
 1655 the expiration of their licenses without reexamination while  
 1656 serving on active duty outside this state. This extension is  
 1657 valid for 90 days after the member of the Armed Forces is either  
 1658 discharged or returns to this state to live.

1659 (6)~~(7)~~ In addition to any other examination authorized by  
 1660 this section, an applicant for a renewal of a commercial  
 1661 driver's license may be required to complete successfully an  
 1662 examination of his or her knowledge regarding state and federal  
 1663 rules, regulations, and laws, governing the type of vehicle  
 1664 which he or she is applying to be licensed to operate.

1665 (7)~~(8)~~ In addition to any other examination authorized by  
 1666 this section, an applicant for a renewal of an endorsement

HB 971

2010

1667 issued under s. 322.57(1)(a), (b), (d), (e), or (f) may be  
1668 required to complete successfully an examination of his or her  
1669 knowledge regarding state and federal rules, regulations, and  
1670 laws, governing the type of vehicle which he or she is seeking  
1671 an endorsement to operate.

1672 Section 34. Paragraph (c) is added to subsection (1) of  
1673 section 322.18, Florida Statutes, and paragraphs (a) and (c) of  
1674 subsection (8) of that section are amended, to read:

1675 322.18 Original applications, licenses, and renewals;  
1676 expiration of licenses; delinquent licenses.—

1677 (1)

1678 (c) A person who has been issued a driver's license using  
1679 documentation specified in s. 322.08(2)(c)8. as proof of  
1680 identity is not eligible to renew that license and must obtain  
1681 an original license.

1682 (8) The department shall issue 8-year renewals using a  
1683 convenience service without reexamination to drivers who have  
1684 not attained 80 years of age. The department shall issue 6-year  
1685 renewals using a convenience service when the applicant has  
1686 satisfied the requirements of subsection (5).

1687 (a) If the department determines from its records that the  
1688 holder of a license about to expire is eligible for renewal, the  
1689 department shall, not less than 30 days prior to the licensee's  
1690 birthday, mail a renewal notice to the licensee at his or her  
1691 last known physical address or send, using a secure method, a  
1692 renewal notice to the licensee's Internet e-mail address or  
1693 telephone number, ~~not less than 30 days prior to the licensee's~~  
1694 ~~birthday.~~ The renewal notice shall direct the licensee to appear

HB 971

2010

1695 at a driver license office for in-person renewal or to transmit  
 1696 the completed renewal notice and the fees required by s. 322.21  
 1697 to the department using a convenience service.

1698 (c) The department shall issue one renewal using a  
 1699 convenience service. A person who is out of this state when his  
 1700 or her license expires may be issued a 90-day temporary driving  
 1701 permit without reexamination. At the end of the 90-day period,  
 1702 the person must either return to this state or apply for a  
 1703 license where the person is located, except for a member of the  
 1704 Armed Forces as provided in s. 322.121(5)~~(6)~~.

1705 Section 35. Section 322.212, Florida Statutes, is amended  
 1706 to read:

1707 322.212 Unauthorized possession of, and other unlawful  
 1708 acts in relation to, driver's license or identification card.—

1709 (1) It is unlawful for any person to:

1710 (a) Knowingly have in his or her possession or to display  
 1711 any blank, forged, stolen, fictitious, counterfeit, or  
 1712 unlawfully issued driver's license or identification card or any  
 1713 instrument in the similitude of a driver's license or  
 1714 identification card unless possession by such person has been  
 1715 duly authorized by the department;

1716 (b) Knowingly have in his or her possession any instrument  
 1717 in the similitude of a driver's license issued by the department  
 1718 or its duly authorized agents or those of any state or  
 1719 jurisdiction issuing licenses recognized in this state for the  
 1720 operation of a motor vehicle;

1721 (c) Knowingly have in his or her possession any instrument  
 1722 in the similitude of an identification card issued by the

HB 971

2010

1723 department or its duly authorized agents or those of any state  
 1724 or jurisdiction issuing identification cards recognized in this  
 1725 state for the purpose of indicating a person's true name and  
 1726 age; or

1727 (d) Knowingly sell, manufacture, or deliver, or knowingly  
 1728 offer to sell, manufacture, or deliver, a blank, forged, stolen,  
 1729 fictitious, counterfeit, or unlawfully issued driver's license  
 1730 or identification card, or an instrument in the similitude of a  
 1731 driver's license or identification card, unless that person is  
 1732 authorized to do so by the department. A violation of this  
 1733 section may be investigated by any law enforcement agency,  
 1734 including the Division of Alcoholic Beverages and Tobacco.

1735  
 1736 The term "driver's license" includes a driver's license issued  
 1737 by the department or its agents or a driver's license issued by  
 1738 any state or jurisdiction that issues licenses recognized in  
 1739 this state for the operation of a motor vehicle. The term  
 1740 "identification card" includes any identification card issued by  
 1741 the department or its agents or any identification card issued  
 1742 by any state or jurisdiction that issues identification cards  
 1743 recognized in this state for the purpose of indicating a  
 1744 person's true name and age. This subsection does not prohibit a  
 1745 person from possessing or displaying another person's driver's  
 1746 license or identification card for a lawful purpose.

1747 (2) It is unlawful for any person to barter, trade, sell,  
 1748 or give away any driver's license or identification card or to  
 1749 perpetrate a conspiracy to barter, trade, sell, or give away any  
 1750 such license or identification card unless such person has been

HB 971

2010

1751 | duly authorized to issue the license or identification card by  
 1752 | the department as provided in this chapter or in the adopted  
 1753 | rules of the department.

1754 |         (3) It is unlawful for any employee of the department to  
 1755 | allow or permit the issuance of a driver's license or  
 1756 | identification card when he or she knows that the applicant has  
 1757 | not lawfully fulfilled the requirements of this chapter for the  
 1758 | issuance of such license or identification card.

1759 |         (4) It is unlawful for any person to agree to supply or to  
 1760 | aid in supplying any person with a driver's license or  
 1761 | identification card by any means whatsoever not in accordance  
 1762 | with the provisions of this chapter.

1763 |         (5) (a) It is unlawful for any person to use a false or  
 1764 | fictitious name in any application for a driver's license or  
 1765 | identification card or knowingly to make a false statement,  
 1766 | knowingly conceal a material fact, or otherwise commit a fraud  
 1767 | in any such application.

1768 |         (b) It is unlawful for any person to have in his or her  
 1769 | possession a driver's license or identification card upon which  
 1770 | the date of birth has been altered.

1771 |         (c) It is unlawful for any person designated as a sexual  
 1772 | predator or sexual offender to have in his or her possession a  
 1773 | driver's license or identification card upon which the sexual  
 1774 | predator or sexual offender markings required by s. 322.141 are  
 1775 | not displayed or have been altered.

1776 |         (6) Except as otherwise provided in this subsection, any  
 1777 | person who violates ~~any of the provisions of~~ this section  
 1778 | commits ~~is guilty of~~ a felony of the third degree, punishable as



HB 971

2010

1779 provided in s. 775.082, s. 775.083, or s. 775.084.  
1780 Notwithstanding any law to the contrary, the court shall  
1781 sentence any state employee, agent of the department, or person  
1782 participating in the driver's license issuance process who is  
1783 convicted of violating this section to a mandatory minimum  
1784 sentence of 10 days' imprisonment. Any person who violates  
1785 paragraph (5) (a) by giving a false age in any application for a  
1786 driver's license or identification card or who violates  
1787 paragraph (5) (b) by possessing a driver's license,  
1788 identification card, or any instrument in the similitude  
1789 thereof, on which the date of birth has been altered commits ~~is~~  
1790 guilty of a misdemeanor of the second degree, punishable as  
1791 provided in s. 775.082 or s. 775.083. Any person who violates  
1792 paragraph (1) (d) commits a felony of the third degree,  
1793 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

1794 (7) Notwithstanding s. 948.01, a court shall not suspend,  
1795 defer, or withhold adjudication of guilt or imposition of  
1796 sentence for any violation of this section by an employee of the  
1797 state, an agent of the department, or any other person  
1798 participating in the driver's license issuance process. A person  
1799 convicted and sentenced to a mandatory minimum term of  
1800 incarceration under subsection (6) is not eligible for statutory  
1801 gain-time under s. 944.275 or any form of discretionary early  
1802 release before serving the mandatory minimum sentence, except  
1803 for release by grant of a pardon or executive clemency or under  
1804 conditional medical release pursuant to s. 947.149.

1805 (8) ~~(7)~~ In addition to any other penalties provided by this  
1806 section, any person who provides false information when applying

HB 971

2010

1807 for a commercial driver's license shall be disqualified from  
 1808 operating a commercial motor vehicle for a period of 60 days.

1809 ~~(9)-(8)~~ The provisions of this section are in addition and  
 1810 supplemental to all other provisions of this chapter and of the  
 1811 laws of this state relating to driver's licenses and  
 1812 identification cards.

1813 Section 36. Section 322.22, Florida Statutes, is amended  
 1814 to read:

1815 322.22 Authority of department to cancel license or  
 1816 identification card.-

1817 (1) The department is authorized to cancel any driver's  
 1818 license or identification card, upon determining that the  
 1819 licensee or identification card holder was not entitled to the  
 1820 issuance thereof, or that the licensee or identification card  
 1821 holder failed to give the required or correct information in his  
 1822 or her application or committed any fraud in making such  
 1823 application, or that the licensee or identification card holder  
 1824 has two or more licenses or identification cards on file with  
 1825 the department, each in a different name but bearing the  
 1826 photograph of the licensee or identification card holder, unless  
 1827 the licensee or identification card holder has complied with the  
 1828 requirements of this chapter in obtaining the licenses or  
 1829 identification cards. The department may cancel any driver's  
 1830 license, identification card, vehicle or vessel registration, or  
 1831 fuel-use decal if the licensee or identification card holder  
 1832 fails to pay the correct fee or pays for the driver's license,  
 1833 identification card, vehicle or vessel registration, or fuel-use  
 1834 decal; pays any tax liability, penalty, or interest specified in

HB 971

2010

1835 chapter 207; or pays any administrative, delinquency, or  
 1836 reinstatement fee by a dishonored check.

1837 (2) Upon such cancellation, the licensee or identification  
 1838 card holder must surrender to the department the license or  
 1839 identification card so canceled.

1840 Section 37. Subsection (2) of section 322.2615, Florida  
 1841 Statutes, is amended to read:

1842 322.2615 Suspension of license; right to review.—

1843 (2) Except as provided in paragraph (1)(a), the law  
 1844 enforcement officer shall forward to the department, within 5  
 1845 days after issuing the notice of suspension, the driver's  
 1846 license; an affidavit stating the officer's grounds for belief  
 1847 that the person was driving or in actual physical control of a  
 1848 motor vehicle while under the influence of alcoholic beverages  
 1849 or chemical or controlled substances; the results of any breath  
 1850 or blood test or an affidavit stating that a breath, blood, or  
 1851 urine test was requested by a law enforcement officer or  
 1852 correctional officer and that the person refused to submit; the  
 1853 officer's description of the person's field sobriety test, if  
 1854 any; and the notice of suspension; ~~and a copy of the crash~~  
 1855 ~~report, if any.~~ The failure of the officer to submit materials  
 1856 within the 5-day period specified in this subsection and in  
 1857 subsection (1) does not affect the department's ability to  
 1858 consider any evidence submitted at or prior to the hearing. The  
 1859 officer may also submit a copy of the crash report, a copy of a  
 1860 videotape of the field sobriety test or the attempt to  
 1861 administer such test. Materials submitted to the department by a  
 1862 law enforcement agency or correctional agency shall be

HB 971

2010

1863 considered self-authenticating and shall be in the record for  
 1864 consideration by the hearing officer. Notwithstanding s.  
 1865 316.066(7), the crash report shall be considered by the hearing  
 1866 officer.

1867 Section 38. Subsection (1) and paragraph (d) of subsection  
 1868 (3) of section 322.27, Florida Statutes, are amended to read:

1869 322.27 Authority of department to suspend or revoke  
 1870 license or identification card.-

1871 (1) Notwithstanding any provisions to the contrary in  
 1872 chapter 120, the department may ~~is hereby authorized to~~ suspend  
 1873 the license or identification card of any person without  
 1874 preliminary hearing upon a showing of its records or other  
 1875 sufficient evidence that the licensee or cardholder:

1876 (a) Has committed an offense for which mandatory  
 1877 revocation of license is required upon conviction. A law  
 1878 enforcement agency must provide information to the department  
 1879 within 24 hours after any traffic fatality or when the law  
 1880 enforcement agency initiates action pursuant to s. 316.1933;

1881 (b) Has been convicted of a violation of any traffic law  
 1882 which resulted in a crash that caused the death or personal  
 1883 injury of another or property damage in excess of \$500;

1884 (c) Is incompetent to drive a motor vehicle;

1885 (d) Has permitted an unlawful or fraudulent use of such  
 1886 license or identification card or has knowingly been a party to  
 1887 the obtaining of a license or identification card by fraud or  
 1888 misrepresentation or to display, or represent as one's own, any  
 1889 driver's license or identification card not issued him or her.

HB 971

2010

1890 | Provided, however, no provision of this section shall be  
 1891 | construed to include the provisions of s. 322.32(1);  
 1892 |       (e) Has committed an offense in another state which if  
 1893 | committed in this state would be grounds for suspension or  
 1894 | revocation; or  
 1895 |       (f) Has committed a second or subsequent violation of s.  
 1896 | 316.172(1) within a 5-year period of any previous violation.  
 1897 |       (3) There is established a point system for evaluation of  
 1898 | convictions of violations of motor vehicle laws or ordinances,  
 1899 | and violations of applicable provisions of s. 403.413(6)(b) when  
 1900 | such violations involve the use of motor vehicles, for the  
 1901 | determination of the continuing qualification of any person to  
 1902 | operate a motor vehicle. The department is authorized to suspend  
 1903 | the license of any person upon showing of its records or other  
 1904 | good and sufficient evidence that the licensee has been  
 1905 | convicted of violation of motor vehicle laws or ordinances, or  
 1906 | applicable provisions of s. 403.413(6)(b), amounting to 12 or  
 1907 | more points as determined by the point system. The suspension  
 1908 | shall be for a period of not more than 1 year.  
 1909 |       (d) The point system shall have as its basic element a  
 1910 | graduated scale of points assigning relative values to  
 1911 | convictions of the following violations:  
 1912 |       1. Reckless driving, willful and wanton—4 points.  
 1913 |       2. Leaving the scene of a crash resulting in property  
 1914 | damage of more than \$50—6 points.  
 1915 |       3. Unlawful speed resulting in a crash—6 points.  
 1916 |       4. Passing a stopped school bus—4 points.  
 1917 |       5. Unlawful speed:

HB 971

2010

1918 a. Not in excess of 15 miles per hour of lawful or posted  
1919 speed—3 points.

1920 b. In excess of 15 miles per hour of lawful or posted  
1921 speed—4 points.

1922 6. A violation of a traffic control signal device as  
1923 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.

1924 7. All other moving violations (including parking on a  
1925 highway outside the limits of a municipality)—3 points. However,  
1926 no points shall be imposed for a violation of s. 316.0741 or s.  
1927 316.2065(12).

1928 8. Any moving violation covered above, excluding unlawful  
1929 speed, resulting in a crash—4 points.

1930 9. Any conviction under s. 403.413(6)(b)—3 points.

1931 10. Any conviction under s. 316.0775(2)—4 points.

1932 11. Any conviction under s. 316.1923—4 points.

1933 Section 39. Section 322.28, Florida Statutes, is amended  
1934 to read:

1935 322.28 Period of suspension or revocation.—

1936 (1) Unless otherwise provided by this section, the  
1937 department shall not suspend a license for a period of more than  
1938 1 year and, upon revoking a license, in any case except in a  
1939 prosecution for the offense of driving a motor vehicle while  
1940 under the influence of alcoholic beverages, chemical substances  
1941 as set forth in s. 877.111, or controlled substances, shall not  
1942 in any event grant a new license until the expiration of 1 year  
1943 after such revocation.

1944 (2) In a prosecution for a violation of s. 316.193 or  
1945 former s. 316.1931, the following provisions apply:

1946 (a) Upon conviction of the driver, the court, along with  
 1947 imposing sentence, shall revoke the driver's license or driving  
 1948 privilege of the person so convicted, effective on the date of  
 1949 conviction, and shall prescribe the period of such revocation in  
 1950 accordance with the following provisions:

1951 1. Upon a first conviction for a violation of the  
 1952 provisions of s. 316.193, except a violation resulting in death,  
 1953 the driver's license or driving privilege shall be revoked for  
 1954 not less than 180 days or more than 1 year.

1955 2. Upon a second conviction for an offense that occurs  
 1956 within a period of 5 years after the date of a prior conviction  
 1957 for a violation of the provisions of s. 316.193 or former s.  
 1958 316.1931 or a combination of such sections, the driver's license  
 1959 or driving privilege shall be revoked for not less than 5 years.

1960 3. Upon a third conviction for an offense that occurs  
 1961 within a period of 10 years after the date of a prior conviction  
 1962 for the violation of the provisions of s. 316.193 or former s.  
 1963 316.1931 or a combination of such sections, the driver's license  
 1964 or driving privilege shall be revoked for not less than 10  
 1965 years.

1966  
 1967 For the purposes of this paragraph, a previous conviction  
 1968 outside this state for driving under the influence, driving  
 1969 while intoxicated, driving with an unlawful blood-alcohol level,  
 1970 or any other alcohol-related or drug-related traffic offense  
 1971 similar to the offense of driving under the influence as  
 1972 proscribed by s. 316.193 will be considered a previous  
 1973 conviction for violation of s. 316.193, and a conviction for

HB 971

2010

1974 violation of former s. 316.028, former s. 316.1931, or former s.  
 1975 860.01 is considered a conviction for violation of s. 316.193.

1976 (b) If the period of revocation was not specified by the  
 1977 court at the time of imposing sentence or within 30 days  
 1978 thereafter, and is not otherwise specified by law, the  
 1979 department shall forthwith revoke the driver's license or  
 1980 driving privilege for the maximum period applicable under  
 1981 paragraph (a) for a first conviction and for the minimum period  
 1982 applicable under paragraph (a) for any subsequent convictions.  
 1983 The driver may, within 30 days after such revocation by the  
 1984 department, petition the court for further hearing on the period  
 1985 of revocation, and the court may reopen the case and determine  
 1986 the period of revocation within the limits specified in  
 1987 paragraph (a).

1988 (c) The forfeiture of bail bond, not vacated within 20  
 1989 days, in any prosecution for the offense of driving while under  
 1990 the influence of alcoholic beverages, chemical substances, or  
 1991 controlled substances to the extent of depriving the defendant  
 1992 of his or her normal faculties shall be deemed equivalent to a  
 1993 conviction for the purposes of this paragraph, and the  
 1994 department shall forthwith revoke the defendant's driver's  
 1995 license or driving privilege for the maximum period applicable  
 1996 under paragraph (a) for a first conviction and for the minimum  
 1997 period applicable under paragraph (a) for a second or subsequent  
 1998 conviction; however, if the defendant is later convicted of the  
 1999 charge, the period of revocation imposed by the department for  
 2000 such conviction shall not exceed the difference between the  
 2001 applicable maximum for a first conviction or minimum for a



HB 971

2010

2002 second or subsequent conviction and the revocation period under  
2003 this subsection that has actually elapsed; upon conviction of  
2004 such charge, the court may impose revocation for a period of  
2005 time as specified in paragraph (a). This paragraph does not  
2006 apply if an appropriate motion contesting the forfeiture is  
2007 filed within the 20-day period.

2008 (d) When any driver's license or driving privilege has  
2009 been revoked pursuant to the provisions of this section, the  
2010 department shall not grant a new license, except upon  
2011 reexamination of the licensee after the expiration of the period  
2012 of revocation so prescribed. However, the court may, in its  
2013 sound discretion, issue an order of reinstatement on a form  
2014 furnished by the department which the person may take to any  
2015 driver's license examining office for reinstatement by the  
2016 department pursuant to s. 322.282.

2017 (e) The court shall permanently revoke the driver's  
2018 license or driving privilege of a person who has been convicted  
2019 four times for violation of s. 316.193 or former s. 316.1931 or  
2020 a combination of such sections. The court shall permanently  
2021 revoke the driver's license or driving privilege of any person  
2022 who has been convicted of DUI manslaughter in violation of s.  
2023 316.193. If the court has not permanently revoked such driver's  
2024 license or driving privilege within 30 days after imposing  
2025 sentence, the department shall permanently revoke the driver's  
2026 license or driving privilege pursuant to this paragraph. No  
2027 driver's license or driving privilege may be issued or granted  
2028 to any such person. This paragraph applies only if at least one  
2029 of the convictions for violation of s. 316.193 or former s.

HB 971

2010

2030 316.1931 was for a violation that occurred after July 1, 1982.  
 2031 For the purposes of this paragraph, a conviction for violation  
 2032 of former s. 316.028, former s. 316.1931, or former s. 860.01 is  
 2033 also considered a conviction for violation of s. 316.193. Also,  
 2034 a conviction of driving under the influence, driving while  
 2035 intoxicated, driving with an unlawful blood-alcohol level, or  
 2036 any other similar alcohol-related or drug-related traffic  
 2037 offense outside this state is considered a conviction for the  
 2038 purposes of this paragraph.

2039 (3) The court shall permanently revoke the driver's  
 2040 license or driving privilege of a person who has been convicted  
 2041 of murder resulting from the operation of a motor vehicle. No  
 2042 driver's license or driving privilege may be issued or granted  
 2043 to any such person.

2044 (4) (a) Upon a conviction for a violation of s.  
 2045 316.193(3)(c)2., involving serious bodily injury, a conviction  
 2046 of manslaughter resulting from the operation of a motor vehicle,  
 2047 or a conviction of vehicular homicide, the court shall revoke  
 2048 the driver's license of the person convicted for a minimum  
 2049 period of 3 years. If a conviction under s. 316.193(3)(c)2.,  
 2050 involving serious bodily injury, is also a subsequent conviction  
 2051 as described under paragraph (2)(a), the court shall revoke the  
 2052 driver's license or driving privilege of the person convicted  
 2053 for the period applicable as provided in paragraph (2)(a) or  
 2054 paragraph (2)(e).

2055 (b) If the period of revocation was not specified by the  
 2056 court at the time of imposing sentence or within 30 days  
 2057 thereafter, the department shall revoke the driver's license for

HB 971

2010

2058 the minimum period applicable under paragraph (a) or, for a  
 2059 subsequent conviction, for the minimum period applicable under  
 2060 paragraph (2) (a) or paragraph (2) (e).

2061 (5) A court may not stay the administrative suspension of  
 2062 a driving privilege under s. 322.2615 or s. 322.2616 during  
 2063 judicial review of the departmental order that resulted in such  
 2064 suspension, and a suspension or revocation of a driving  
 2065 privilege may not be stayed upon an appeal of the conviction or  
 2066 order that resulted in the suspension or revocation.

2067 (6) In a prosecution for a violation of s. 316.172(1), and  
 2068 upon a showing of the department's records that the licensee has  
 2069 received a second conviction within 5 years following the date  
 2070 of a prior conviction of s. 316.172(1), the department shall,  
 2071 upon direction of the court, suspend the driver's license of the  
 2072 person convicted for a period of not less than 90 days or more  
 2073 than 6 months.

2074 (7) Following a second or subsequent violation of s.  
 2075 796.07(2) (f) which involves a motor vehicle and which results in  
 2076 any judicial disposition other than acquittal or dismissal, in  
 2077 addition to any other sentence imposed, the court shall revoke  
 2078 the person's driver's license or driving privilege, effective  
 2079 upon the date of the disposition, for a period of not less than  
 2080 1 year. A person sentenced under this subsection may request a  
 2081 hearing under s. 322.271.

2082 (8) For purposes of this section, convictions that occur  
 2083 on the same date, resulting from separate offense dates shall be  
 2084 treated as separate convictions and the offense which occurred  
 2085 earliest shall be deemed a prior conviction.

HB 971

2010

2086 Section 40. Subsection (8) of section 322.61, Florida  
 2087 Statutes, is amended to read:

2088 322.61 Disqualification from operating a commercial motor  
 2089 vehicle.—

2090 (8) A driver who is convicted of or otherwise found to  
 2091 have committed a violation of an out-of-service order while  
 2092 driving a commercial motor vehicle is disqualified as follows:

2093 (a) Not less than 180 ~~90~~ days nor more than 1 year if the  
 2094 driver is convicted of or otherwise found to have committed a  
 2095 first violation of an out-of-service order.

2096 (b) Not less than 2 years ~~1 year~~ nor more than 5 years if,  
 2097 for offenses occurring during any 10-year period, the driver is  
 2098 convicted of or otherwise found to have committed two violations  
 2099 of out-of-service orders in separate incidents.

2100 (c) Not less than 3 years nor more than 5 years if, for  
 2101 offenses occurring during any 10-year period, the driver is  
 2102 convicted of or otherwise found to have committed three or more  
 2103 violations of out-of-service orders in separate incidents.

2104 (d) Not less than 180 days nor more than 2 years if the  
 2105 driver is convicted of or otherwise found to have committed a  
 2106 first violation of an out-of-service order while transporting  
 2107 hazardous materials required to be placarded under the Hazardous  
 2108 Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or  
 2109 while operating motor vehicles designed to transport more than  
 2110 15 passengers, including the driver. A driver is disqualified  
 2111 for a period of not less than 3 years nor more than 5 years if,  
 2112 for offenses occurring during any 10-year period, the driver is  
 2113 convicted of or otherwise found to have committed any subsequent

HB 971

2010

2114 | violations of out-of-service orders, in separate incidents,  
 2115 | while transporting hazardous materials required to be placarded  
 2116 | under the Hazardous Materials Transportation Act, 49 U.S.C. ss.  
 2117 | 5101 et seq., or while operating motor vehicles designed to  
 2118 | transport more than 15 passengers, including the driver.

2119 | Section 41. Section 327.72, Florida Statutes, is amended  
 2120 | to read:

2121 | 327.72 Penalties.—

2122 | (1) Any person failing to comply with the provisions of  
 2123 | this chapter or chapter 328 not specified in s. 327.73 or not  
 2124 | paying the civil penalty specified in that ~~said~~ section within  
 2125 | 30 days, except as otherwise provided in this chapter or chapter  
 2126 | 328, commits a misdemeanor of the second degree, punishable as  
 2127 | provided in s. 775.082 or s. 775.083.

2128 | (2) For purposes of this section, convictions that occur  
 2129 | on the same date, resulting from separate offense dates shall be  
 2130 | treated as separate convictions and the offense which occurred  
 2131 | earliest shall be deemed a prior conviction.

2132 | Section 42. Section 328.30, Florida Statutes, is amended  
 2133 | to read:

2134 | 328.30 Transactions by electronic or telephonic means.—

2135 | (1) The department may ~~is authorized to~~ accept any  
 2136 | application provided for under this chapter by electronic or  
 2137 | telephonic means.

2138 | (2) The department may collect and use Internet e-mail  
 2139 | addresses and telephone numbers of vessel owners and registrants  
 2140 | for the purpose of providing notices to such owners and  
 2141 | registrants in lieu of the United States Postal Service.

HB 971

2010

2142 Section 43. Section 328.80, Florida Statutes, is amended  
 2143 to read:

2144 328.80 Transactions by electronic or telephonic means.—

2145 (1) The department may ~~commission is authorized to~~ accept  
 2146 any application provided for under this chapter by electronic or  
 2147 telephonic means.

2148 (2) The department may collect and use Internet e-mail  
 2149 addresses and telephone numbers of vessel owners and registrants  
 2150 for the purpose of providing notices to such owners and  
 2151 registrants in lieu of the United States Postal Service.

2152 Section 44. Subsection (9) of section 261.03, Florida  
 2153 Statutes, is amended to read:

2154 261.03 Definitions.—As used in this chapter, the term:

2155 (9) "ROV" means any motorized recreational off-highway  
 2156 vehicle 60 inches or less in width, having a dry weight of 1,500  
 2157 pounds or less, designed to travel on four or more nonhighway  
 2158 tires, having nonstraddle seating and a steering wheel, and  
 2159 manufactured for recreational use by one or more persons. The  
 2160 term "ROV" does not include a golf cart as defined in ss.  
 2161 320.01(22) and 316.003(68) or a low-speed vehicle as defined in  
 2162 s. 320.01 (41) ~~(42)~~.

2163 Section 45. Section 316.2122, Florida Statutes, is amended  
 2164 to read:

2165 316.2122 Operation of a low-speed vehicle or mini truck on  
 2166 certain roadways.—The operation of a low-speed vehicle as  
 2167 defined in s. 320.01 (41) ~~(42)~~ or a mini truck as defined in s.  
 2168 320.01 (44) ~~(45)~~ on any road as defined in s. 334.03(15) or (33)  
 2169 is authorized with the following restrictions:

HB 971

2010

2170 (1) A low-speed vehicle or mini truck may be operated only  
 2171 on streets where the posted speed limit is 35 miles per hour or  
 2172 less. This does not prohibit a low-speed vehicle or mini truck  
 2173 from crossing a road or street at an intersection where the road  
 2174 or street has a posted speed limit of more than 35 miles per  
 2175 hour.

2176 (2) A low-speed vehicle must be equipped with headlamps,  
 2177 stop lamps, turn signal lamps, taillamps, reflex reflectors,  
 2178 parking brakes, rearview mirrors, windshields, seat belts, and  
 2179 vehicle identification numbers.

2180 (3) A low-speed vehicle or mini truck must be registered  
 2181 and insured in accordance with s. 320.02 and titled pursuant to  
 2182 chapter 319.

2183 (4) Any person operating a low-speed vehicle or mini truck  
 2184 must have in his or her possession a valid driver's license.

2185 (5) A county or municipality may prohibit the operation of  
 2186 low-speed vehicles or mini trucks on any road under its  
 2187 jurisdiction if the governing body of the county or municipality  
 2188 determines that such prohibition is necessary in the interest of  
 2189 safety.

2190 (6) The Department of Transportation may prohibit the  
 2191 operation of low-speed vehicles or mini trucks on any road under  
 2192 its jurisdiction if it determines that such prohibition is  
 2193 necessary in the interest of safety.

2194 Section 46. Section 316.2124, Florida Statutes, is amended  
 2195 to read:

2196 316.2124 Motorized disability access vehicles.—The  
 2197 Department of Highway Safety and Motor Vehicles is directed to

HB 971

2010

2198 provide, by rule, for the regulation of motorized disability  
 2199 access vehicles as described in s. 320.01 (33) ~~(34)~~. The  
 2200 department shall provide that motorized disability access  
 2201 vehicles shall be registered in the same manner as motorcycles  
 2202 and shall pay the same registration fee as for a motorcycle.  
 2203 There shall also be assessed, in addition to the registration  
 2204 fee, a \$2.50 surcharge for motorized disability access vehicles.  
 2205 This surcharge shall be paid into the Highway Safety Operating  
 2206 Trust Fund. Motorized disability access vehicles shall not be  
 2207 required to be titled by the department. The department shall  
 2208 require motorized disability access vehicles to be subject to  
 2209 the same safety requirements as set forth in this chapter for  
 2210 motorcycles.

2211 Section 47. Subsection (1) of section 316.21265, Florida  
 2212 Statutes, is amended to read:

2213 316.21265 Use of all-terrain vehicles, golf carts, low-  
 2214 speed vehicles, or utility vehicles by law enforcement  
 2215 agencies.—

2216 (1) Notwithstanding any provision of law to the contrary,  
 2217 any law enforcement agency in this state may operate all-terrain  
 2218 vehicles as defined in s. 316.2074, golf carts as defined in s.  
 2219 320.01(22), low-speed vehicles as defined in s. 320.01 (41) ~~(42)~~,  
 2220 or utility vehicles as defined in s. 320.01 (42) ~~(43)~~ on any  
 2221 street, road, or highway in this state while carrying out its  
 2222 official duties.

2223 Section 48. Subsection (1) of section 316.3026, Florida  
 2224 Statutes, is amended to read:

2225 316.3026 Unlawful operation of motor carriers.—



HB 971

2010

2226 (1) The Office of Motor Carrier Compliance of the  
 2227 Department of Transportation may issue out-of-service orders to  
 2228 motor carriers, as defined in s. 320.01~~(32)~~~~(33)~~, who have after  
 2229 proper notice failed to pay any penalty or fine assessed by the  
 2230 department, or its agent, against any owner or motor carrier for  
 2231 violations of state law, refused to submit to a compliance  
 2232 review and provide records pursuant to s. 316.302(5) or s.  
 2233 316.70, or violated safety regulations pursuant to s. 316.302 or  
 2234 insurance requirements found in s. 627.7415. Such out-of-service  
 2235 orders shall have the effect of prohibiting the operations of  
 2236 any motor vehicles owned, leased, or otherwise operated by the  
 2237 motor carrier upon the roadways of this state, until such time  
 2238 as the violations have been corrected or penalties have been  
 2239 paid. Out-of-service orders issued under this section must be  
 2240 approved by the Secretary of Transportation or his or her  
 2241 designee. An administrative hearing pursuant to s. 120.569 shall  
 2242 be afforded to motor carriers subject to such orders.

2243 Section 49. Paragraph (a) of subsection (4) and subsection  
 2244 (9) of section 316.550, Florida Statutes, are amended to read:  
 2245 316.550 Operations not in conformity with law; special  
 2246 permits.—

2247 (4) (a) The Department of Transportation may issue a  
 2248 wrecker special blanket permit to authorize a wrecker as defined  
 2249 in s. 320.01~~(39)~~~~(40)~~ to tow a disabled vehicle as defined in s.  
 2250 320.01~~(37)~~~~(38)~~ where the combination of the wrecker and the  
 2251 disabled vehicle being towed exceeds the maximum weight limits  
 2252 as established by s. 316.535.

2253 (9) Whenever any motor vehicle, or the combination of a

HB 971

2010

2254 wrecker as defined in s. 320.01 (39) ~~(40)~~ and a towed motor  
 2255 vehicle, exceeds any weight or dimensional criteria or special  
 2256 operational or safety stipulation contained in a special permit  
 2257 issued under the provisions of this section, the penalty  
 2258 assessed to the owner or operator shall be as follows:

2259 (a) For violation of weight criteria contained in a  
 2260 special permit, the penalty per pound or portion thereof  
 2261 exceeding the permitted weight shall be as provided in s.  
 2262 316.545.

2263 (b) For each violation of dimensional criteria in a  
 2264 special permit, the penalty shall be as provided in s. 316.516  
 2265 and penalties for multiple violations of dimensional criteria  
 2266 shall be cumulative except that the total penalty for the  
 2267 vehicle shall not exceed \$1,000.

2268 (c) For each violation of an operational or safety  
 2269 stipulation in a special permit, the penalty shall be an amount  
 2270 not to exceed \$1,000 per violation and penalties for multiple  
 2271 violations of operational or safety stipulations shall be  
 2272 cumulative except that the total penalty for the vehicle shall  
 2273 not exceed \$1,000.

2274 (d) For violation of any special condition that has been  
 2275 prescribed in the rules of the Department of Transportation and  
 2276 declared on the permit, the vehicle shall be determined to be  
 2277 out of conformance with the permit and the permit shall be  
 2278 declared null and void for the vehicle, and weight and  
 2279 dimensional limits for the vehicle shall be as established in s.  
 2280 316.515 or s. 316.535, whichever is applicable, and:

2281 1. For weight violations, a penalty as provided in s.

HB 971

2010

2282 316.545 shall be assessed for those weights which exceed the  
 2283 limits thus established for the vehicle; and

2284 2. For dimensional, operational, or safety violations, a  
 2285 penalty as established in paragraph (c) or s. 316.516, whichever  
 2286 is applicable, shall be assessed for each nonconforming  
 2287 dimensional, operational, or safety violation and the penalties  
 2288 for multiple violations shall be cumulative for the vehicle.

2289 Section 50. Subsection (9) of section 317.0003, Florida  
 2290 Statutes, is amended to read:

2291 317.0003 Definitions.—As used in this chapter, the term:

2292 (9) "ROV" means any motorized recreational off-highway  
 2293 vehicle 60 inches or less in width, having a dry weight of 1,500  
 2294 pounds or less, designed to travel on four or more nonhighway  
 2295 tires, having nonstraddle seating and a steering wheel, and  
 2296 manufactured for recreational use by one or more persons. The  
 2297 term "ROV" does not include a golf cart as defined in ss.  
 2298 320.01(22) and 316.003(68) or a low-speed vehicle as defined in  
 2299 s. 320.01(41)~~(42)~~.

2300 Section 51. Subsection (1) of section 320.0847, Florida  
 2301 Statutes, is amended to read:

2302 320.0847 Mini truck and low-speed vehicle license plates.—

2303 (1) The department shall issue a license plate to the  
 2304 owner or lessee of any vehicle registered as a low-speed vehicle  
 2305 as defined in s. 320.01(41)~~(42)~~ or a mini truck as defined in s.  
 2306 320.01(44)~~(45)~~ upon payment of the appropriate license taxes and  
 2307 fees prescribed in s. 320.08.

2308 Section 52. This act shall take effect October 1, 2010.