

1                   A bill to be entitled  
2           An act relating to highway safety and motor vehicles;  
3           amending s. 316.003, F.S.; defining the term "tri-vehicle"  
4           for purposes of the Florida Uniform Traffic Control Law;  
5           amending s. 316.066, F.S.; authorizing law enforcement  
6           agencies and county traffic operations to access certain  
7           crash reports held by an agency; amending s. 316.0741,  
8           F.S.; providing that certain tri-vehicles are hybrid  
9           vehicles; amending s. 316.159, F.S.; requiring that  
10          drivers of certain commercial motor vehicles slow before  
11          crossing a railroad grade crossing; providing penalties;  
12          amending s. 316.193, F.S.; revising qualifications for an  
13          immobilization agency and certain employees of the agency  
14          to immobilize vehicles in a judicial circuit; requiring  
15          the immobilization agency to verify through a Florida  
16          Department of Law Enforcement background check the  
17          qualifications of a person hired to immobilize a vehicle;  
18          redefining the terms "immobilization agency" and  
19          "immobilization agencies"; amending 316.2065, F.S.;  
20          requiring bicycles to be ridden in the lane marked for  
21          bicycle use except under specified circumstances;  
22          providing penalties; amending s. 316.2085, F.S.;  
23          permitting certain license tags for motorcycles or mopeds  
24          to be affixed perpendicularly to the ground under certain  
25          circumstances; amending s. 316.2952, F.S.; authorizing  
26          certain satellite reception devices to be attached to the  
27          windshield of a motor vehicle; amending s. 316.29545,  
28          F.S., relating to window suncreening exclusions;

29 | excluding vehicles operated by persons with certain  
30 | medical conditions from certain window sunscreening  
31 | restrictions; excluding vehicles owned or leased by  
32 | private investigators or private investigative services  
33 | from specified window sunscreening restrictions; providing  
34 | rulemaking authority to the Department of Highway Safety  
35 | and Motor Vehicles regarding sunscreening restrictions;  
36 | amending s. 316.605, F.S.; providing an exception for  
37 | certain motorcycles or mopeds to a requirement that  
38 | license plates be affixed and displayed in such a manner  
39 | that the letters and numerals shall be read from left to  
40 | right parallel to the ground; amending s. 316.646, F.S.;  
41 | directing the department to suspend the registration and  
42 | driver's license of a person convicted of failure to  
43 | maintain required security on a motor vehicle; amending s.  
44 | 318.14, F.S.; providing procedures for disposition of a  
45 | citation for violating specified learner's driver's  
46 | license restrictions; correcting an erroneous reference;  
47 | requiring a person who commits a traffic violation  
48 | requiring a hearing or commits a criminal traffic  
49 | violation to sign and accept a citation indicating a  
50 | promise to appear for a hearing; removing a requirement  
51 | that a person cited for a noncriminal traffic infraction  
52 | not requiring a hearing must sign and accept the citation  
53 | indicating a promise to appear; requiring an officer to  
54 | certify the delivery of a citation to the person cited;  
55 | providing penalties; providing for certain persons cited  
56 | for specified offenses to provide proof of compliance to a

57 | designated official; providing alternative citation  
58 | disposition procedures for the offense of operating a  
59 | motor vehicle with a license that has been suspended for  
60 | failure to pay certain financial obligations or to comply  
61 | with specified education requirements; amending s. 318.18,  
62 | F.S.; providing that the penalty for speeding in  
63 | designated school crossing is twice the otherwise  
64 | applicable amount; amending s. 319.28, F.S.; requiring  
65 | lienholders repossessing vehicles in this state to apply  
66 | to a tax collector's office in this state or to the  
67 | department for a certificate of repossession or to the  
68 | department for a certificate of title; amending s. 319.30,  
69 | F.S.; defining the term "independent entity" for purposes  
70 | of provisions for salvage and dismantling, destruction,  
71 | and change of identity of motor vehicle or mobile home;  
72 | providing for a notice and release statement prescribed by  
73 | the department from an insurance company to an independent  
74 | entity that stores a damaged or dismantled motor vehicle  
75 | for the insurance company; providing procedures for  
76 | disposition of the vehicle by the independent entity;  
77 | requiring the independent entity to notify the owner when  
78 | the vehicle is available for pick up; authorizing the  
79 | independent entity to apply for a certificate of  
80 | destruction or a certificate of title if the vehicle is  
81 | not claimed within a certain period; providing  
82 | requirements for submission of the application;  
83 | prohibiting the independent entity from charging an owner  
84 | of the vehicle storage fees or applying for a certificate

85 of title under specified provisions; amending s. 320.02,  
86 F.S.; requiring the application forms for motor vehicle  
87 registration and renewal of registration to include  
88 language permitting the applicant to make a voluntary  
89 contribution to the League Against Cancer/La Liga Contra  
90 el Cancer; amending s. 320.03, F.S., relating to an  
91 electronic filing system used to provide titling and  
92 registration functions for motor vehicles, vessels, mobile  
93 homes, and off-highway vehicles; providing regulatory  
94 authority over the electronic filing system to the  
95 department; providing for statewide uniform application of  
96 the system; providing that entities that sell products  
97 that require titling or registration and that meet certain  
98 requirements may be agents for the system and may not be  
99 precluded from using the system; requiring tax collectors  
100 to appoint such entities as electronic filing system  
101 agents; providing rulemaking authority; providing that  
102 such rules shall replace existing program standards;  
103 providing that existing standards remain in place until  
104 such rulemaking is complete, except for existing standards  
105 conflicting with this section; providing that an  
106 authorized electronic filing agent may charge fees to  
107 customers; providing that certain providers of the  
108 electronic filing system shall continue to comply with  
109 certain financial arrangements with the Tax Collector  
110 Service Corporation; providing for expiration of the  
111 provisions requiring the providers to comply with the  
112 financial arrangements; amending s. 320.05, F.S.;

113 requiring specified fees be collected for providing  
114 registration data by electronic access through a tax  
115 collector's office; providing for distribution of the fees  
116 collected; providing an exception; amending s. 320.071,  
117 F.S.; revising the time period during which the owner of  
118 an apportioned motor vehicle may file an application for  
119 renewal of registration; amending s. 320.08, F.S.;

120 establishing license taxes for tri-vehicles and antique  
121 motorcycles; amending s. 45 of chapter 2008-176, Laws of  
122 Florida; delaying the expiration of the moratorium on the  
123 issuance of new specialty license plates by the  
124 department; amending s. 320.08053, F.S.; removing  
125 provisions requiring an organization seeking authorization  
126 to establish a new specialty license plate to submit a  
127 sample survey of motor vehicle owners to the department;  
128 requiring the department to establish a method to issue  
129 vouchers allowing the presale of a specialty license  
130 plate; requiring that an organization that is approved to  
131 issue a specialty license plate record with the department  
132 a minimum number of voucher sales in order to proceed with  
133 the development of the plate; providing for the purchaser  
134 of a voucher to receive a refund or use the voucher to  
135 purchase of another license plate if the specialty plate  
136 is deauthorized; providing that changes to specified  
137 provisions relating to establishing a new specialty  
138 license plate do not apply to certain organizations;  
139 amending ss. 320.08056 and 320.08058, F.S.; conforming  
140 provisions to changes made by the act; creating the

141 Hispanics Achievers license plate; establishing an annual  
142 use fee for the plate; providing for the distribution of  
143 use fees received from the sale of such plate; amending s.  
144 320.0807, F.S.; revising provisions governing the special  
145 license plates issued to federal and state legislators;  
146 amending s. 320.084, F.S.; providing for a biennial  
147 registration renewal period for disabled veteran license  
148 plates; amending s. 321.03, F.S.; providing that it is  
149 unlawful to possess or color or cause to be colored a  
150 motor vehicle or motorcycle of the same or similar color  
151 as those prescribed for the Florida Highway Patrol unless  
152 specifically authorized by the Florida Highway Patrol;  
153 amending s. 321.05, F.S.; providing that officers of the  
154 Florida Highway Patrol have the same arrest and other  
155 authority as that provided for certain other state law  
156 enforcement officers; amending s. 322.01, F.S.; defining  
157 the term "tri-vehicle" and excluding such vehicles from  
158 the definition of "motorcycle" as those terms are used in  
159 provisions for drivers' licenses; amending s. 322.08,  
160 F.S.; requiring the application form for an original,  
161 renewal, or replacement driver's license or identification  
162 card to include language permitting the applicant to make  
163 voluntary contributions for certain purposes; requiring  
164 such forms to include language permitting the applicant to  
165 make a voluntary contribution to the League Against  
166 Cancer/La Liga Contra el Cancer and to state homes for  
167 veterans; providing for distribution of funds collected  
168 from such contributions; providing that such contributions

169 are not considered income of a revenue nature; amending s.  
170 322.121, F.S.; revising legislative intent for  
171 reexamination of licensed drivers upon the renewal of the  
172 driver's license; removing a requirement that each  
173 licensee must pass a reexamination at the time of license  
174 renewal; amending s. 322.18, F.S.; authorizing a licensed  
175 physician at a federally established veterans' hospital to  
176 administer a vision test for purposes of renewing a  
177 driver's license; conforming a cross-reference; amending  
178 s. 322.2615, F.S.; revising requirements for information  
179 an officer must submit to the department after suspending  
180 a driver's license for certain DUI offenses; removing a  
181 requirement that the officer submit a copy of a crash  
182 report; authorizing the officer to submit such report;  
183 amending s. 322.34, F.S.; providing that if a person does  
184 not hold a commercial driver's license and is cited for an  
185 offense of knowingly driving while his or her license is  
186 suspended, revoked, or canceled for specified offenses, he  
187 or she may, in lieu of payment of a fine or court  
188 appearance, elect to enter a plea of nolo contendere and  
189 provide proof of compliance to the clerk of the court,  
190 designated official, or authorized operator of a traffic  
191 violations bureau; limiting a driver's option to elect  
192 such a remedy; amending s. 322.61, F.S.; revising the  
193 period of disqualification from operating a commercial  
194 motor vehicle for a violation of an out-of-service order;  
195 amending s. 488.06, F.S.; specifying additional  
196 circumstances under which the department may suspend or

197 |           revoke a license or certificate of a driving school;  
 198 |           providing effective dates.

199 |

200 | Be It Enacted by the Legislature of the State of Florida:

201 |

202 |           Section 1. Subsection (86) is added to section 316.003,  
 203 | Florida Statutes, to read:

204 |           316.003 Definitions.—The following words and phrases, when  
 205 | used in this chapter, shall have the meanings respectively  
 206 | ascribed to them in this section, except where the context  
 207 | otherwise requires:

208 |           (86) TRI-VEHICLE.—An enclosed three-wheeled passenger  
 209 | vehicle that:

210 |           (a) Is designed to operate with three wheels in contact  
 211 | with the ground;

212 |           (b) Has a minimum unladen weight of 900 pounds;

213 |           (c) Has a single, completely enclosed, occupant  
 214 | compartment;

215 |           (d) Is produced in a minimum quantity of 300 in any  
 216 | calendar year;

217 |           (e) Is capable of a speed greater than 60 miles per hour  
 218 | on level ground; and

219 |           (f) Is equipped with:

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

223 |           2. A steering wheel used to maneuver the vehicle;

224 |           3. A propulsion unit located forward or aft of the



225 enclosed occupant compartment;

226 4. A seat belt for each vehicle occupant certified to meet  
 227 the requirements of Federal Motor Vehicle Safety Standard No.  
 228 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);

229 5. A windshield and an appropriate windshield wiper and  
 230 washer system that are certified by the vehicle manufacturer to  
 231 meet the requirements of Federal Motor Vehicle Safety Standard  
 232 No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal  
 233 Motor Vehicle Safety Standard No. 104, "Windshield Wiping and  
 234 Washing Systems" (49 C.F.R. s. 571.104); and

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

239 Section 2. Paragraph (b) of subsection (5) of section  
 240 316.066, Florida Statutes, is amended to read:

241 316.066 Written reports of crashes.—

242 (5)

243 (b) Crash reports held by an agency under paragraph (a)  
 244 may be made immediately available to the parties involved in the  
 245 crash, their legal representatives, their licensed insurance  
 246 agents, their insurers or insurers to which they have applied  
 247 for coverage, persons under contract with such insurers to  
 248 provide claims or underwriting information, prosecutorial  
 249 authorities, law enforcement agencies, county traffic  
 250 operations, victim services programs, radio and television  
 251 stations licensed by the Federal Communications Commission,  
 252 newspapers qualified to publish legal notices under ss. 50.011

253 and 50.031, and free newspapers of general circulation,  
 254 published once a week or more often, available and of interest  
 255 to the public generally for the dissemination of news. For the  
 256 purposes of this section, the following products or publications  
 257 are not newspapers as referred to in this section: those  
 258 intended primarily for members of a particular profession or  
 259 occupational group; those with the primary purpose of  
 260 distributing advertising; and those with the primary purpose of  
 261 publishing names and other personal identifying information  
 262 concerning parties to motor vehicle crashes.

263 Section 3. Paragraph (b) of subsection (1) of section  
 264 316.0741, Florida Statutes, is amended to read:

265 316.0741 High-occupancy-vehicle lanes.—

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

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

268 1. That draws propulsion energy from onboard sources of  
 269 stored energy which are both an internal combustion or heat  
 270 engine using combustible fuel and a rechargeable energy-storage  
 271 system; ~~and~~

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

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

279 (4) (a) Notwithstanding any other provision of this  
 280 section, an inherently low-emission vehicle (ILEV) that is

281 certified and labeled in accordance with federal regulations may  
 282 be driven in an HOV lane at any time, regardless of its  
 283 occupancy. In addition, upon the state's receipt of written  
 284 notice from the proper federal regulatory agency authorizing  
 285 such use, a vehicle defined as a hybrid vehicle under this  
 286 section may be driven in an HOV lane at any time, regardless of  
 287 its occupancy.

288 (b) All eligible hybrid and all eligible other low-  
 289 emission and energy-efficient vehicles driven in an HOV lane  
 290 must comply with the minimum fuel economy standards in 23 U.S.C.  
 291 s. 166(f) (3) (B).

292 (c) Upon issuance of the applicable United States  
 293 Environmental Protection Agency final rule pursuant to 23 U.S.C.  
 294 s. 166(e), relating to the eligibility of hybrid and other low-  
 295 emission and energy-efficient vehicles for operation in an HOV  
 296 lane, regardless of occupancy, the Department of Transportation  
 297 shall review the rule and recommend to the Legislature any  
 298 statutory changes necessary for compliance with the federal  
 299 rule. The department shall provide its recommendations no later  
 300 than 30 days following issuance of the final rule.

301 Section 4. Section 316.159, Florida Statutes, is amended  
 302 to read:

303 316.159 Certain vehicles to stop or slow at all railroad  
 304 grade crossings.—

305 (1) The driver of any motor vehicle carrying passengers  
 306 for hire, excluding taxicabs, of any school bus carrying any  
 307 school child, or of any vehicle carrying explosive substances or  
 308 flammable liquids as a cargo or part of a cargo, before crossing

CS/CS/HB 971

2010

309 at grade any track or tracks of a railroad, shall stop such  
310 vehicle within 50 feet but not less than 15 feet from the  
311 nearest rail of the railroad and, while so stopped, shall listen  
312 and look in both directions along the track for any approaching  
313 train, and for signals indicating the approach of a train,  
314 except as hereinafter provided, and shall not proceed until he  
315 or she can do so safely. After stopping as required herein and  
316 upon proceeding when it is safe to do so, the driver of any such  
317 vehicle shall cross only in a gear of the vehicle so that there  
318 will be no necessity for changing gears while traversing the  
319 crossing, and the driver shall not shift gears while crossing  
320 the track or tracks.

321 (2) No stop need be made at any such crossing where a  
322 police officer, a traffic control signal, or a sign directs  
323 traffic to proceed. However, any school bus carrying any school  
324 child shall be required to stop unless directed to proceed by a  
325 police officer.

326 (3) The driver of any commercial motor vehicle that is not  
327 required to stop under subsection (1) or subsection (2) shall  
328 slow the motor vehicle before crossing the tracks of any  
329 railroad grade crossing and check that the tracks are clear of  
330 an approaching train.

331 (4)-(3) A violation of this section is a noncriminal  
332 traffic infraction, punishable as a moving violation as provided  
333 in chapter 318.

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

336 316.193 Driving under the influence; penalties.—

337 (13) If personnel of the circuit court or the sheriff do  
338 not immobilize vehicles, only immobilization agencies that meet  
339 the conditions of this subsection shall immobilize vehicles in  
340 that judicial circuit.

341 (a) The immobilization agency responsible for immobilizing  
342 vehicles in that judicial circuit shall be subject to strict  
343 compliance with all of the following conditions and  
344 restrictions:

345 1. Any immobilization agency engaged in the business of  
346 immobilizing vehicles shall provide to the clerk of the court a  
347 signed affidavit attesting that the agency:

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

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

352 ~~b.c. Maintains~~ Maintain accurate and complete records of  
353 all payments for the immobilization, copies of all documents  
354 pertaining to the court's order of impoundment or  
355 immobilization, and any other documents relevant to each  
356 immobilization. Such records must be maintained by the  
357 immobilization agency for at least 3 years; and

358 c. Employs and assigns persons to immobilize vehicles that  
359 meet the requirements established in subparagraph 2.

360 2. The person who immobilizes a vehicle must:

361 a. Not have been adjudicated incapacitated under s.  
362 744.331, or a similar statute in another state, unless his or  
363 her capacity has been judicially restored; involuntarily placed  
364 in a treatment facility for the mentally ill under chapter 394,

365 or a similar law in any other state, unless his or her  
366 competency has been judicially restored; or diagnosed as having  
367 an incapacitating mental illness unless a psychologist or  
368 psychiatrist licensed in this state certifies that he or she  
369 does not currently suffer from the mental illness.

370 b. Not be a chronic and habitual user of alcoholic  
371 beverages to the extent that his or her normal faculties are  
372 impaired; not have been committed under chapter 397, former  
373 chapter 396, or a similar law in any other state; not have been  
374 found to be a habitual offender under s. 856.011(3), or a  
375 similar law in any other state; or not have had any convictions  
376 under this section, or a similar law in any other state, within  
377 2 years before the affidavit is submitted.

378 c. Not have been committed for controlled substance abuse  
379 or have been found guilty of a crime under chapter 893, or a  
380 similar law in any other state, relating to controlled  
381 substances in any other state.

382 d. Not have been found guilty of or entered a plea of  
383 guilty or nolo contendere to, regardless of adjudication, or  
384 been convicted of a felony, unless his or her civil rights have  
385 been restored.

386 e. Be a citizen or legal resident alien of the United  
387 States or have been granted authorization to seek employment in  
388 this country by the United States Bureau of Citizenship and  
389 Immigration Services.

390 (b) The immobilization agency shall conduct a state  
391 criminal history check through the Florida Department of Law  
392 Enforcement to ensure that the person hired to immobilize a

393 vehicle meets the requirements in sub-subparagraph (a)2.d. never  
394 ~~have been convicted of any felony or of driving or boating under~~  
395 ~~the influence of alcohol or a controlled substance in the last 3~~  
396 ~~years.~~

397 (c) ~~(b)~~ A person who violates paragraph (a) commits a  
398 misdemeanor of the first degree, punishable as provided in s.  
399 775.082 or s. 775.083.

400 ~~(c) Any immobilization agency who is aggrieved by a~~  
401 ~~person's violation of paragraph (a) may bring a civil action~~  
402 ~~against the person who violated paragraph (a) seeking injunctive~~  
403 ~~relief, damages, reasonable attorney's fees and costs, and any~~  
404 ~~other remedy available at law or in equity as may be necessary~~  
405 ~~to enforce this subsection. In any action to enforce this~~  
406 ~~subsection, establishment of a violation of paragraph (a) shall~~  
407 ~~conclusively establish a clear legal right to injunctive relief,~~  
408 ~~that irreparable harm will be caused if an injunction does not~~  
409 ~~issue, that no adequate remedy at law exists, and that public~~  
410 ~~policy favors issuance of injunctive relief.~~

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

412 (a) "Immobilization," "immobilizing," or "immobilize"  
413 means the act of installing a vehicle antitheft device on the  
414 steering wheel of a vehicle, the act of placing a tire lock or  
415 wheel clamp on a vehicle, or a governmental agency's act of  
416 taking physical possession of the license tag and vehicle  
417 registration rendering a vehicle legally inoperable to prevent  
418 any person from operating the vehicle pursuant to an order of  
419 impoundment or immobilization under subsection (6).

420 (b) "Immobilization agency" or "immobilization agencies"

421 means any person, firm, company, agency, organization,  
 422 partnership, corporation, association, trust, or other business  
 423 entity of any kind whatsoever that meets all of the conditions  
 424 of subsection (13).

425 (c) "Impoundment," "impounding," or "impound" means the  
 426 act of storing a vehicle at a storage facility pursuant to an  
 427 order of impoundment or immobilization under subsection (6)  
 428 where the person impounding the vehicle exercises control,  
 429 supervision, and responsibility over the vehicle.

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

433 Section 6. Subsections (5) and (20) of section 316.2065,  
 434 Florida Statutes, are amended to read:

435 316.2065 Bicycle regulations.—

436 (5) (a) Any person operating a bicycle upon a roadway at  
 437 less than the normal speed of traffic at the time and place and  
 438 under the conditions then existing shall ride in the lane marked  
 439 for bicycle use or, if no lane is marked for bicycle use, as  
 440 close as practicable to the right-hand curb or edge of the  
 441 roadway except under any of the following situations:

442 1. When overtaking and passing another bicycle or vehicle  
 443 proceeding in the same direction.

444 2. When preparing for a left turn at an intersection or  
 445 into a private road or driveway.

446 3. When reasonably necessary to avoid any condition,  
 447 including, but not limited to, a fixed or moving object, parked  
 448 or moving vehicle, bicycle, pedestrian, animal, surface hazard,



449 or substandard-width lane, that makes it unsafe to continue  
 450 along the right-hand curb or edge. For the purposes of this  
 451 subsection, a "substandard-width lane" is a lane that is too  
 452 narrow for a bicycle and another vehicle to travel safely side  
 453 by side within the lane.

454 (b) Any person operating a bicycle upon a one-way highway  
 455 with two or more marked traffic lanes may ride as near the left-  
 456 hand curb or edge of such roadway as practicable.

457 (20) Except as otherwise provided in this section, a  
 458 violation of this section is a noncriminal traffic infraction,  
 459 punishable as a pedestrian violation as provided in chapter 318.  
 460 A law enforcement officer may issue traffic citations for a  
 461 violation of subsection (3) or subsection (16) only if the  
 462 violation occurs on a bicycle path or road, as defined in s.  
 463 334.03. However, a law enforcement officer ~~they~~ may not issue  
 464 citations to persons on private property, except any part  
 465 thereof which is open to the use of the public for purposes of  
 466 vehicular traffic.

467 Section 7. Subsection (3) of section 316.2085, Florida  
 468 Statutes, is amended to read:

469 316.2085 Riding on motorcycles or mopeds.—

470 (3) The license tag of a motorcycle or moped must be  
 471 permanently affixed to the vehicle and may not be adjusted or  
 472 capable of being flipped up. No device for or method of  
 473 concealing or obscuring the legibility of the license tag of a  
 474 motorcycle shall be installed or used. The license tag of a  
 475 motorcycle or moped may be affixed horizontally to the ground so  
 476 that the numbers and letters read from left to right.

477 Alternatively, a license tag for a motorcycle or moped for which  
 478 the numbers and letters read from top to bottom may be affixed  
 479 perpendicularly to the ground, provided that the registered  
 480 owner of the motorcycle or moped maintains a prepaid toll  
 481 account in good standing and a transponder associated with the  
 482 prepaid toll account is affixed to the motorcycle or moped.

483 Section 8. Paragraph (d) is added to subsection (2) of  
 484 section 316.2952, Florida Statutes, to read:

485 316.2952 Windshields; requirements; restrictions.—

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

490 (d) A global positioning system device or similar  
 491 satellite receiver device which uses the global positioning  
 492 system operated pursuant to 10 U.S.C. s. 2281 for the purpose of  
 493 obtaining navigation or routing information while the motor  
 494 vehicle is being operated.

495 Section 9. Section 316.29545, Florida Statutes, is amended  
 496 to read:

497 316.29545 Window sunscreening exclusions; medical  
 498 exemption; certain law enforcement vehicles and private  
 499 investigative service vehicles exempt.—

500 (1) The department shall issue medical exemption  
 501 certificates to persons who are afflicted with Lupus, any  
 502 autoimmune disease, or other ~~similar~~ medical conditions which  
 503 require a limited exposure to light, which certificates shall  
 504 entitle the person to whom the certificate is issued to have

505 | sunscreensing material on the windshield, side windows, and  
506 | windows behind the driver which is in violation of the  
507 | requirements of ss. 316.2951-316.2957. The department shall  
508 | consult with the Medical Advisory Board established in s.  
509 | 322.125 for guidance with respect to the autoimmune diseases and  
510 | other medical conditions which shall be included on ~~provide, by~~  
511 | ~~rule, for~~ the form of the medical certificate authorized by this  
512 | section. At a minimum, the medical exemption certificate shall  
513 | include a vehicle description with the make, model, year,  
514 | vehicle identification number, medical exemption decal number  
515 | issued for the vehicle, and the name of the person or persons  
516 | who are the registered owners of the vehicle. A medical  
517 | exemption certificate shall be nontransferable and shall become  
518 | null and void upon the sale or transfer of the vehicle  
519 | identified on the certificate.

520 |       (2) The department shall exempt all law enforcement  
521 | vehicles used in undercover or canine operations from the window  
522 | sunscreensing requirements of ss. 316.2951-316.2957.

523 |       (3) The department shall exempt from the window  
524 | sunscreensing restrictions of ss. 316.2953, 316.2954, and  
525 | 316.2956 vehicles that are owned or leased by private  
526 | investigators or private investigative agencies licensed under  
527 | chapter 493.

528 |       ~~(4)~~ (3) The department may charge a fee in an amount  
529 | sufficient to defray the expenses of issuing a medical exemption  
530 | certificate as described in subsection (1).

531 |       (5) The department is authorized to promulgate rules for  
532 | the implementation of this section.

533 Section 10. Subsection (1) of section 316.605, Florida  
534 Statutes, is amended to read:

535 316.605 Licensing of Vehicles.—

536 (1) Every vehicle, at all times while driven, stopped, or  
537 parked upon any highways, roads, or streets of this state, shall  
538 be licensed in the name of the owner thereof in accordance with  
539 the laws of this state unless such vehicle is not required by  
540 the laws of this state to be licensed in this state and shall,  
541 except as otherwise provided in s. 320.0706 for front-end  
542 registration license plates on truck tractors and s. 320.086(5)  
543 which exempts display of license plates on described former  
544 military vehicles, display the license plate or both of the  
545 license plates assigned to it by the state, one on the rear and,  
546 if two, the other on the front of the vehicle, each to be  
547 securely fastened to the vehicle outside the main body of the  
548 vehicle not higher than 60 inches and not lower than 12 inches  
549 from the ground and no more than 24 inches to the left or right  
550 of the centerline of the vehicle, and in such manner as to  
551 prevent the plates from swinging, and all letters, numerals,  
552 printing, writing, and other identification marks upon the  
553 plates regarding the word "Florida," the registration decal, and  
554 the alphanumeric designation shall be clear and distinct and  
555 free from defacement, mutilation, grease, and other obscuring  
556 matter, so that they will be plainly visible and legible at all  
557 times 100 feet from the rear or front. Except as provided in s.  
558 316.2085(3), vehicle license plates shall be affixed and  
559 displayed in such a manner that the letters and numerals shall  
560 be read from left to right parallel to the ground. No vehicle

561 license plate may be displayed in an inverted or reversed  
 562 position or in such a manner that the letters and numbers and  
 563 their proper sequence are not readily identifiable. Nothing  
 564 shall be placed upon the face of a Florida plate except as  
 565 permitted by law or by rule or regulation of a governmental  
 566 agency. No license plates other than those furnished by the  
 567 state shall be used. However, if the vehicle is not required to  
 568 be licensed in this state, the license plates on such vehicle  
 569 issued by another state, by a territory, possession, or district  
 570 of the United States, or by a foreign country, substantially  
 571 complying with the provisions hereof, shall be considered as  
 572 complying with this chapter. A violation of this subsection is a  
 573 noncriminal traffic infraction, punishable as a nonmoving  
 574 violation as provided in chapter 318.

575 Section 11. Subsection (3) of section 316.646, Florida  
 576 Statutes, is amended to read:

577 316.646 Security required; proof of security and display  
 578 thereof; dismissal of cases.—

579 (3) Any person who violates this section commits a  
 580 nonmoving traffic infraction subject to the penalty provided in  
 581 chapter 318 and shall be required to furnish proof of security  
 582 as provided in this section. If any person charged with a  
 583 violation of this section fails to furnish proof~~7~~ at or before  
 584 the scheduled court appearance date~~7~~ that security was in effect  
 585 at the time of the violation, the court shall, upon conviction,  
 586 notify the department to ~~may immediately~~ suspend the  
 587 registration and driver's license of such person. If the court  
 588 fails to order the suspension of the person's registration and

589 driver's license for a conviction of this section at the time of  
 590 sentencing, the department shall, upon receiving notice of the  
 591 conviction from the court, suspend the person's registration and  
 592 driver's license for the violation of this section. Such license  
 593 and registration may be reinstated only as provided in s.  
 594 324.0221.

595 Section 12. Subsections (1), (2), (3), and (10) of section  
 596 318.14, Florida Statutes, are amended to read:

597 318.14 Noncriminal traffic infractions; exception;  
 598 procedures.—

599 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any  
 600 person cited for a violation of chapter 316, s. 320.0605, s.  
 601 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or  
 602 (3), s. 322.1615 ~~s. 322.161(5)~~, s. 322.19, or s. 1006.66(3) is  
 603 charged with a noncriminal infraction and must be cited for such  
 604 an infraction and cited to appear before an official. If another  
 605 person dies as a result of the noncriminal infraction, the  
 606 person cited may be required to perform 120 community service  
 607 hours under s. 316.027(4), in addition to any other penalties.

608 (2) Except as provided in s. 316.1001(2), any person cited  
 609 for a violation requiring a mandatory hearing listed in s.  
 610 318.19 or any other criminal traffic violation listed in chapter  
 611 316 an infraction under this section must sign and accept a  
 612 citation indicating a promise to appear. The officer may  
 613 indicate on the traffic citation the time and location of the  
 614 scheduled hearing and must indicate the applicable civil penalty  
 615 established in s. 318.18. For all other infractions under this  
 616 section, except for infractions under s. 316.1001, the officer

617 must certify by electronic, electronic facsimile, or written  
 618 signature that the citation was delivered to the person cited.  
 619 This certification is prima facie evidence that the person cited  
 620 was served with the citation.

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

624 (10)(a) Any person who does not hold a commercial driver's  
 625 license and who is cited for an offense listed under this  
 626 subsection may, in lieu of payment of fine or court appearance,  
 627 elect to enter a plea of nolo contendere and provide proof of  
 628 compliance to the clerk of the court, designated official, or  
 629 authorized operator of a traffic violations bureau. In such  
 630 case, adjudication shall be withheld; however, no election shall  
 631 be made under this subsection if such person has made an  
 632 election under this subsection in the 12 months preceding  
 633 election hereunder. No person may make more than three elections  
 634 under this subsection. This subsection applies to the following  
 635 offenses:

636 1. Operating a motor vehicle without a valid driver's  
 637 license in violation of the provisions of s. 322.03, s. 322.065,  
 638 or s. 322.15(1), or operating a motor vehicle with a license  
 639 that ~~which~~ has been suspended for failure to appear, failure to  
 640 pay civil penalty, or failure to attend a driver improvement  
 641 course pursuant to s. 322.291.

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

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

645        4. Operating a motor vehicle with a license that has been  
646 suspended under s. 61.13016 or s. 322.245 for failure to pay  
647 child support or for failure to pay any other financial  
648 obligation as provided in s. 322.245; however, this subparagraph  
649 does not apply if the license has been suspended pursuant to s.  
650 322.245(1).

651        5. Operating a motor vehicle with a license that has been  
652 suspended under s. 322.091 for failure to meet school attendance  
653 requirements.

654        (b) Any person cited for an offense listed in this  
655 subsection shall present proof of compliance prior to the  
656 scheduled court appearance date. For the purposes of this  
657 subsection, proof of compliance shall consist of a valid,  
658 renewed, or reinstated driver's license or registration  
659 certificate and proper proof of maintenance of security as  
660 required by s. 316.646. Notwithstanding waiver of fine, any  
661 person establishing proof of compliance shall be assessed court  
662 costs of \$25, except that a person charged with violation of s.  
663 316.646(1)-(3) may be assessed court costs of \$8. One dollar of  
664 such costs shall be remitted to the Department of Revenue for  
665 deposit into the Child Welfare Training Trust Fund of the  
666 Department of Children and Family Services. One dollar of such  
667 costs shall be distributed to the Department of Juvenile Justice  
668 for deposit into the Juvenile Justice Training Trust Fund.  
669 Fourteen dollars of such costs shall be distributed to the  
670 municipality and \$9 shall be deposited by the clerk of the court  
671 into the fine and forfeiture fund established pursuant to s.  
672 142.01, if the offense was committed within the municipality. If



CS/CS/HB 971

2010

673 the offense was committed in an unincorporated area of a county  
 674 or if the citation was for a violation of s. 316.646(1)-(3), the  
 675 entire amount shall be deposited by the clerk of the court into  
 676 the fine and forfeiture fund established pursuant to s. 142.01,  
 677 except for the moneys to be deposited into the Child Welfare  
 678 Training Trust Fund and the Juvenile Justice Training Trust  
 679 Fund. This subsection shall not be construed to authorize the  
 680 operation of a vehicle without a valid driver's license, without  
 681 a valid vehicle tag and registration, or without the maintenance  
 682 of required security.

683 Section 13. Paragraph (c) of subsection (3) of section  
 684 318.18, Florida Statutes, is amended to read:

685 318.18 Amount of penalties.—The penalties required for a  
 686 noncriminal disposition pursuant to s. 318.14 or a criminal  
 687 offense listed in s. 318.17 are as follows:

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

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

692 For speed exceeding the limit by: Fine:

693 1-5 m.p.h Warning

694 6-9 m.p.h \$25

695 10-14 m.p.h \$100

696 15-19 m.p.h \$150

697 20-29 m.p.h \$175

698 30 m.p.h. and above \$250

699 (c) Notwithstanding paragraph (b), a person cited for  
 700 exceeding the speed limit by up to 5 m.p.h. in a legally posted

CS/CS/HB 971

2010

701 school zone will be fined \$50. A person exceeding the speed  
702 limit in a school zone or designated school crossing shall pay a  
703 fine double the amount listed in paragraph (b).

704 Section 14. Effective July 1, 2010, paragraph (b) of  
705 subsection (2) of section 319.28, Florida Statutes, is amended  
706 to read:

707 319.28 Transfer of ownership by operation of law.—

708 (2)

709 (b) In case of repossession of a motor vehicle or mobile  
710 home pursuant to the terms of a security agreement or similar  
711 instrument, an affidavit by the party to whom possession has  
712 passed stating that the vehicle or mobile home was repossessed  
713 upon default in the terms of the security agreement or other  
714 instrument shall be considered satisfactory proof of ownership  
715 and right of possession. At least 5 days prior to selling the  
716 repossessed vehicle, any subsequent lienholder named in the last  
717 issued certificate of title shall be sent notice of the  
718 repossession by certified mail, on a form prescribed by the  
719 department. If such notice is given and no written protest to  
720 the department is presented by a subsequent lienholder within 15  
721 days from the date on which the notice was mailed, the  
722 certificate of title or the certificate of repossession shall be  
723 issued showing no liens. If the former owner or any subsequent  
724 lienholder files a written protest under oath within such 15-day  
725 period, the department shall not issue the certificate of title  
726 or certificate of repossession for 10 days thereafter. If within  
727 the 10-day period no injunction or other order of a court of  
728 competent jurisdiction has been served on the department

729 commanding it not to deliver the certificate of title or  
 730 certificate of repossession, the department shall deliver the  
 731 certificate of title or repossession to the applicant or as may  
 732 otherwise be directed in the application showing no other liens  
 733 than those shown in the application. Any lienholder who has  
 734 repossessed a vehicle in this state in compliance with the  
 735 provisions of this section must ~~may~~ apply to a ~~the~~ tax  
 736 collector's office in this state or to the department for a  
 737 certificate of repossession or to the department for a  
 738 certificate of title pursuant to s. 319.323. Proof of the  
 739 required notice to subsequent lienholders shall be submitted  
 740 together with regular title fees. A lienholder to whom a  
 741 certificate of repossession has been issued may assign the  
 742 certificate of title to the subsequent owner. Any person found  
 743 guilty of violating any requirements of this paragraph shall be  
 744 guilty of a felony of the third degree, punishable as provided  
 745 in s. 775.082, s. 775.083, or s. 775.084.

746 Section 15. Paragraphs (g) through (u) of subsection (1)  
 747 of section 319.30, Florida Statutes, are redesignated as  
 748 paragraphs (h) through (v), respectively, a new paragraph (g) is  
 749 added to that subsection, subsection (9) of that section is  
 750 renumbered as subsection (10), and a new subsection (9) is added  
 751 to that section, to read:

752 319.30 Definitions; dismantling, destruction, change of  
 753 identity of motor vehicle or mobile home; salvage.—

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

755 (g) "Independent entity" means a business or entity that  
 756 may temporarily store damaged or dismantled motor vehicles

CS/CS/HB 971

2010

757 pursuant to an agreement with an insurance company and is  
758 engaged in the sale or resale of damaged or dismantled motor  
759 vehicles. The term does not include a wrecker operator, towing  
760 company, or a repair facility.

761 (9) (a) An insurance company may notify an independent  
762 entity that obtains possession of a damaged or dismantled motor  
763 vehicle to release the vehicle to the owner. The insurance  
764 company shall provide the independent entity a release statement  
765 on a form prescribed by the department authorizing the  
766 independent entity to release the vehicle to the owner. The form  
767 shall, at a minimum, contain the following:

- 768 1. The policy and claim number.
- 769 2. The name and address of the insured.
- 770 3. The vehicle identification number.
- 771 4. The signature of an authorized representative of the  
772 insurance company.

773 (b) The independent entity in possession of a motor  
774 vehicle must send a notice to the owner that the vehicle is  
775 available for pick up when it receives a release statement from  
776 the insurance company. The notice shall be sent by certified  
777 mail to the owner at the owner's address reflected in the  
778 department's records. The notice must inform the owner that the  
779 owner has 30 days after receipt of the notice to pick up the  
780 vehicle from the independent entity. If the motor vehicle is not  
781 claimed within 30 days after the owner receives the notice, the  
782 independent entity may apply for a certificate of destruction or  
783 a certificate of title.

784 (c) Upon applying for a certificate of destruction or

CS/CS/HB 971

2010

785 certificate of title, the independent entity shall provide a  
786 copy of the release statement from the insurance company to the  
787 independent entity, proof of providing the 30-day notice to the  
788 owner, and applicable fees.

789 (d) The independent entity may not charge an owner of the  
790 vehicle storage fees or apply for a title under s. 713.585 or s.  
791 713.78.

792 Section 16. Paragraph (i) is added to subsection (15) of  
793 section 320.02, Florida Statutes, to read:

794 320.02 Registration required; application for  
795 registration; forms.—

796 (15)

797 (i) The application forms for motor vehicle registration  
798 and renewal of registration must include language permitting a  
799 voluntary contribution of \$1 per applicant, which shall be  
800 distributed to the League Against Cancer/La Liga Contra el  
801 Cancer. Such contributions shall be distributed by the  
802 department to the League Against Cancer/La Liga Contra el  
803 Cancer, a not-for-profit organization that provides free medical  
804 care to needy cancer patients. The department shall retain all  
805 contributions necessary, up to a maximum of \$10,000, to defray  
806 the cost of including the voluntary contribution language on the  
807 registration forms.

808

809 For the purpose of applying the service charge provided in s.  
810 215.20, contributions received under this subsection are not  
811 income of a revenue nature.

812 Section 17. Effective July 1, 2010, subsection (10) of

CS/CS/HB 971

2010

813 section 320.03, Florida Statutes, is amended to read:

814 320.03 Registration; duties of tax collectors;  
815 International Registration Plan.—

816 (10) (a) Jurisdiction over the ~~outsourced~~ electronic filing  
817 system for use by authorized electronic filing system agents to  
818 electronically title or register motor vehicles, vessels, mobile  
819 homes, or off-highway vehicles; issue or transfer registration  
820 license plates or decals; electronically transfer fees due for  
821 the title and registration process; and perform inquiries for  
822 title, registration, and lienholder verification and  
823 certification of service providers ~~licensed motor vehicle~~  
824 ~~dealers electronically to title and to register motor vehicles~~  
825 ~~and to issue or to transfer registration license plates or~~  
826 ~~decals~~ is expressly preempted to the state and the department  
827 shall have regulatory authority over the system. ~~The department~~  
828 ~~shall continue its current outsourcing of the existing~~  
829 ~~electronic filing system, including its program standards.~~ The  
830 electronic filing system shall be available for use statewide  
831 and applied uniformly throughout the state ~~is approved for use~~  
832 ~~in all counties, shall apply uniformly to all tax collectors of~~  
833 ~~the state, and no tax collector may add or detract from the~~  
834 ~~program standards in his or her respective county.~~ An entity  
835 that, in the normal course of its business, sells products that  
836 must be titled or registered, provides title and registration  
837 services on behalf of its consumers and meets all established  
838 requirements may be an authorized electronic filing system agent  
839 and shall not be precluded from participating in the electronic  
840 filing system in any county. Upon request from a qualified

CS/CS/HB 971

2010

841 entity, the tax collector shall appoint the entity as an  
842 authorized electronic filing system agent for that county. The  
843 department shall adopt rules in accordance with chapter 120 to  
844 replace the December 10, 2009, program standards and to  
845 administer the provisions of this section, including, but not  
846 limited to, establishing participation requirements,  
847 certification of service providers, electronic filing system  
848 requirements, and enforcement authority for noncompliance. The  
849 December 10, 2009, program standards, excluding any standards  
850 which conflict with this paragraph, shall remain in effect until  
851 the rules are adopted. An authorized electronic filing agent A  
852 ~~motor vehicle dealer licensed under this chapter may charge a~~  
853 ~~fee to the customer for use of the electronic filing system, and~~  
854 ~~such fee is not a component of the program standards. Final~~  
855 ~~authority over disputes relating to program standards lies with~~  
856 ~~the department. By January 1, 2010, the Office of Program Policy~~  
857 ~~Analysis and Government Accountability, with input from the~~  
858 ~~department and from affected parties, including tax collectors,~~  
859 ~~service providers, and motor vehicle dealers, shall report to~~  
860 ~~the President of the Senate and the Speaker of the House of~~  
861 ~~Representatives on the status of the outsourced electronic~~  
862 ~~filing system, including the program standards, and its~~  
863 ~~compliance with this subsection. The report shall identify all~~  
864 ~~public and private alternatives for continued operation of the~~  
865 ~~electronic filing system and shall include any and all~~  
866 ~~appropriate recommendations, including revisions to the program~~  
867 ~~standards.~~

868 (b) Notwithstanding paragraph (a), the private entity

CS/CS/HB 971

2010

869 providers of the electronic filing system shall continue to  
870 comply with the financial arrangements with the Tax Collector  
871 Service Corporation which were in effect as of January 1, 2010,  
872 through December 31, 2010. This paragraph expires January 1,  
873 2011.

874 Section 18. Effective January 1, 2011, subsection (3) of  
875 section 320.05, Florida Statutes, is amended to read:

876 320.05 Records of the department; inspection procedure;  
877 lists and searches; fees.—

878 (3) (a) The department is authorized, upon application of  
879 any person and payment of the proper fees, to prepare and  
880 furnish lists containing motor vehicle or vessel information in  
881 such form as the department may authorize, to search the records  
882 of the department and make reports thereof, and to make  
883 photographic copies of the department records and attestations  
884 thereof.

885 (b) Fees therefor shall be charged and collected as  
886 follows:

887 1. For providing lists of motor vehicle or vessel records  
888 for the entire state, or any part or parts thereof, divided  
889 according to counties, a sum computed at a rate of not less than  
890 1 cent nor more than 5 cents per item.

891 2. For providing noncertified photographic copies of motor  
892 vehicle or vessel documents, \$1 per page.

893 3. For providing noncertified photographic copies of  
894 micrographic records, \$1 per page.

895 4. For providing certified copies of motor vehicle or  
896 vessel records, \$3 per record.



897           5. For providing noncertified computer-generated printouts  
898 of motor vehicle or vessel records, 50 cents per record.

899           6. For providing certified computer-generated printouts of  
900 motor vehicle or vessel records, \$3 per record.

901           7. For providing electronic access to motor vehicle,  
902 vessel, and mobile home registration data requested by tag,  
903 vehicle identification number, title number, or decal number, 50  
904 cents per item.

905           8. For providing electronic access to driver's license  
906 status report by name, sex, and date of birth or by driver  
907 license number, 50 cents per item.

908           9. For providing lists of licensed mobile home dealers and  
909 manufacturers and recreational vehicle dealers and  
910 manufacturers, \$15 per list.

911           10. For providing lists of licensed motor vehicle dealers,  
912 \$25 per list.

913           11. For each copy of a videotape record, \$15 per tape.

914           12. For each copy of the Division of Motor Vehicles  
915 Procedures Manual, \$25.

916           (c) Fees collected pursuant to paragraph (b) shall be  
917 deposited into the Highway Safety Operating Trust Fund.

918           (d) The department shall furnish such information without  
919 charge to any court or governmental entity.

920           (e) When motor vehicle, vessel, or mobile home  
921 registration data is provided by electronic access through a tax  
922 collector's office, the applicable fee as provided in paragraph  
923 (b) must be collected and deposited pursuant to paragraph (c).  
924 However, when such registration data is obtained through an

925 electronic system described in s. 320.03(10), s. 320.0609, or s.  
 926 320.131 and results in the issuance of a title certificate or  
 927 the registration credential, such fee shall not apply a fee for  
 928 ~~the electronic access is not required to be assessed. However,~~  
 929 ~~at the tax collector's discretion, a fee equal to or less than~~  
 930 ~~the fee charged by the department for such information may be~~  
 931 ~~assessed by the tax collector for the electronic access.~~  
 932 ~~Notwithstanding paragraph (c), any funds collected by the tax~~  
 933 ~~collector as a result of providing such access shall be retained~~  
 934 ~~by the tax collector.~~

935 Section 19. Paragraph (b) of subsection (1) of section  
 936 320.071, Florida Statutes, is amended to read:

937 320.071 Advance registration renewal; procedures.—

938 (1)

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

943 Section 20. Section 320.08, Florida Statutes, is amended  
 944 to read:

945 320.08 License taxes.—Except as otherwise provided herein,  
 946 there are hereby levied and imposed annual license taxes for the  
 947 operation of motor vehicles, mopeds, motorized bicycles as  
 948 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,  
 949 and mobile homes, as defined in s. 320.01, which shall be paid  
 950 to and collected by the department or its agent upon the  
 951 registration or renewal of registration of the following:

952 (1) MOTORCYCLES AND MOPEDS.—

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

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

957 (c) Upon registration of any motorcycle, motor-driven  
 958 cycle, or moped there shall be paid in addition to the license  
 959 taxes specified in this subsection a nonrefundable motorcycle  
 960 safety education fee in the amount of \$2.50. The proceeds of  
 961 such additional fee shall be deposited in the Highway Safety  
 962 Operating Trust Fund to fund a motorcycle driver improvement  
 963 program implemented pursuant to s. 322.025, the Florida  
 964 Motorcycle Safety Education Program established in s. 322.0255,  
 965 or the general operations of the department.

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

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

969 (a) An ancient or antique automobile, as defined in s.  
 970 320.086, or a street rod, as defined in s. 320.0863: \$10.25  
 971 flat, of which \$2.75 shall be deposited into the General Revenue  
 972 Fund.

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

975 (c) Net weight of 2,500 pounds or more, but less than  
 976 3,500 pounds: \$30.50 flat, of which \$8 shall be deposited into  
 977 the General Revenue Fund.

978 (d) Net weight of 3,500 pounds or more: \$44 flat, of which  
 979 \$11.50 shall be deposited into the General Revenue Fund.

980 (3) TRUCKS.—

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

983 (b) Net weight of 2,000 pounds or more, but not more than  
 984 3,000 pounds: \$30.50 flat, of which \$8 shall be deposited into  
 985 the General Revenue Fund.

986 (c) Net weight more than 3,000 pounds, but not more than  
 987 5,000 pounds: \$44 flat, of which \$11.50 shall be deposited into  
 988 the General Revenue Fund.

989 (d) A truck defined as a "goat," or any other vehicle if  
 990 used in the field by a farmer or in the woods for the purpose of  
 991 harvesting a crop, including naval stores, during such  
 992 harvesting operations, and which is not principally operated  
 993 upon the roads of the state: \$10.25 flat, of which \$2.75 shall  
 994 be deposited into the General Revenue Fund. A "goat" is a motor  
 995 vehicle designed, constructed, and used principally for the  
 996 transportation of citrus fruit within citrus groves or for the  
 997 transportation of crops on farms, and which can also be used for  
 998 the hauling of associated equipment or supplies, including  
 999 required sanitary equipment, and the towing of farm trailers.

1000 (e) An ancient or antique truck, as defined in s. 320.086:  
 1001 \$10.25 flat, of which \$2.75 shall be deposited into the General  
 1002 Revenue Fund.

1003 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS  
 1004 VEHICLE WEIGHT.—

1005 (a) Gross vehicle weight of 5,001 pounds or more, but less  
 1006 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be  
 1007 deposited into the General Revenue Fund.

1008 (b) Gross vehicle weight of 6,000 pounds or more, but less

1009 | than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be  
 1010 | deposited into the General Revenue Fund.

1011 |       (c) Gross vehicle weight of 8,000 pounds or more, but less  
 1012 | than 10,000 pounds: \$103 flat, of which \$27 shall be deposited  
 1013 | into the General Revenue Fund.

1014 |       (d) Gross vehicle weight of 10,000 pounds or more, but  
 1015 | less than 15,000 pounds: \$118 flat, of which \$31 shall be  
 1016 | deposited into the General Revenue Fund.

1017 |       (e) Gross vehicle weight of 15,000 pounds or more, but  
 1018 | less than 20,000 pounds: \$177 flat, of which \$46 shall be  
 1019 | deposited into the General Revenue Fund.

1020 |       (f) Gross vehicle weight of 20,000 pounds or more, but  
 1021 | less than 26,001 pounds: \$251 flat, of which \$65 shall be  
 1022 | deposited into the General Revenue Fund.

1023 |       (g) Gross vehicle weight of 26,001 pounds or more, but  
 1024 | less than 35,000: \$324 flat, of which \$84 shall be deposited  
 1025 | into the General Revenue Fund.

1026 |       (h) Gross vehicle weight of 35,000 pounds or more, but  
 1027 | less than 44,000 pounds: \$405 flat, of which \$105 shall be  
 1028 | deposited into the General Revenue Fund.

1029 |       (i) Gross vehicle weight of 44,000 pounds or more, but  
 1030 | less than 55,000 pounds: \$773 flat, of which \$201 shall be  
 1031 | deposited into the General Revenue Fund.

1032 |       (j) Gross vehicle weight of 55,000 pounds or more, but  
 1033 | less than 62,000 pounds: \$916 flat, of which \$238 shall be  
 1034 | deposited into the General Revenue Fund.

1035 |       (k) Gross vehicle weight of 62,000 pounds or more, but  
 1036 | less than 72,000 pounds: \$1,080 flat, of which \$280 shall be

1037 deposited into the General Revenue Fund.

1038 (1) Gross vehicle weight of 72,000 pounds or more: \$1,322  
 1039 flat, of which \$343 shall be deposited into the General Revenue  
 1040 Fund.

1041 (m) Notwithstanding the declared gross vehicle weight, a  
 1042 truck tractor used within a 150-mile radius of its home address  
 1043 is eligible for a license plate for a fee of \$324 flat if:

1044 1. The truck tractor is used exclusively for hauling  
 1045 forestry products; or

1046 2. The truck tractor is used primarily for the hauling of  
 1047 forestry products, and is also used for the hauling of  
 1048 associated forestry harvesting equipment used by the owner of  
 1049 the truck tractor.

1050  
 1051 Of the fee imposed by this paragraph, \$84 shall be deposited  
 1052 into the General Revenue Fund.

1053 (n) A truck tractor or heavy truck, not operated as a for-  
 1054 hire vehicle, which is engaged exclusively in transporting raw,  
 1055 unprocessed, and nonmanufactured agricultural or horticultural  
 1056 products within a 150-mile radius of its home address, is  
 1057 eligible for a restricted license plate for a fee of:

1058 1. If such vehicle's declared gross vehicle weight is less  
 1059 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be  
 1060 deposited into the General Revenue Fund.

1061 2. If such vehicle's declared gross vehicle weight is  
 1062 44,000 pounds or more and such vehicle only transports from the  
 1063 point of production to the point of primary manufacture; to the  
 1064 point of assembling the same; or to a shipping point of a rail,

1065 water, or motor transportation company, \$324 flat, of which \$84  
 1066 shall be deposited into the General Revenue Fund.

1067  
 1068 Such not-for-hire truck tractors and heavy trucks used  
 1069 exclusively in transporting raw, unprocessed, and  
 1070 nonmanufactured agricultural or horticultural products may be  
 1071 incidentally used to haul farm implements and fertilizers  
 1072 delivered direct to the growers. The department may require any  
 1073 documentation deemed necessary to determine eligibility prior to  
 1074 issuance of this license plate. For the purpose of this  
 1075 paragraph, "not-for-hire" means the owner of the motor vehicle  
 1076 must also be the owner of the raw, unprocessed, and  
 1077 nonmanufactured agricultural or horticultural product, or the  
 1078 user of the farm implements and fertilizer being delivered.

1079 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;  
 1080 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1081 (a)1. A semitrailer drawn by a GVW truck tractor by means  
 1082 of a fifth-wheel arrangement: \$13.50 flat per registration year  
 1083 or any part thereof, of which \$3.50 shall be deposited into the  
 1084 General Revenue Fund.

1085 2. A semitrailer drawn by a GVW truck tractor by means of  
 1086 a fifth-wheel arrangement: \$68 flat per permanent registration,  
 1087 of which \$18 shall be deposited into the General Revenue Fund.

1088 (b) A motor vehicle equipped with machinery and designed  
 1089 for the exclusive purpose of well drilling, excavation,  
 1090 construction, spraying, or similar activity, and which is not  
 1091 designed or used to transport loads other than the machinery  
 1092 described above over public roads: \$44 flat, of which \$11.50

1093 shall be deposited into the General Revenue Fund.

1094 (c) A school bus used exclusively to transport pupils to  
 1095 and from school or school or church activities or functions  
 1096 within their own county: \$41 flat, of which \$11 shall be  
 1097 deposited into the General Revenue Fund.

1098 (d) A wrecker, as defined in s. 320.01(40), which is used  
 1099 to tow a vessel as defined in s. 327.02(39), a disabled,  
 1100 abandoned, stolen-recovered, or impounded motor vehicle as  
 1101 defined in s. 320.01(38), or a replacement motor vehicle as  
 1102 defined in s. 320.01(39): \$41 flat, of which \$11 shall be  
 1103 deposited into the General Revenue Fund.

1104 (e) A wrecker that is used to tow any motor vehicle,  
 1105 regardless of whether such motor vehicle is a disabled motor  
 1106 vehicle, a replacement motor vehicle, a vessel, or any other  
 1107 cargo, as follows:

1108 1. Gross vehicle weight of 10,000 pounds or more, but less  
 1109 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited  
 1110 into the General Revenue Fund.

1111 2. Gross vehicle weight of 15,000 pounds or more, but less  
 1112 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited  
 1113 into the General Revenue Fund.

1114 3. Gross vehicle weight of 20,000 pounds or more, but less  
 1115 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited  
 1116 into the General Revenue Fund.

1117 4. Gross vehicle weight of 26,000 pounds or more, but less  
 1118 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited  
 1119 into the General Revenue Fund.

1120 5. Gross vehicle weight of 35,000 pounds or more, but less



1121 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited  
 1122 into the General Revenue Fund.

1123 6. Gross vehicle weight of 44,000 pounds or more, but less  
 1124 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited  
 1125 into the General Revenue Fund.

1126 7. Gross vehicle weight of 55,000 pounds or more, but less  
 1127 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited  
 1128 into the General Revenue Fund.

1129 8. Gross vehicle weight of 62,000 pounds or more, but less  
 1130 than 72,000 pounds: \$1,080 flat, of which \$280 shall be  
 1131 deposited into the General Revenue Fund.

1132 9. Gross vehicle weight of 72,000 pounds or more: \$1,322  
 1133 flat, of which \$343 shall be deposited into the General Revenue  
 1134 Fund.

1135 (f) A hearse or ambulance: \$40.50 flat, of which \$10.50  
 1136 shall be deposited into the General Revenue Fund.

1137 (6) MOTOR VEHICLES FOR HIRE.—

1138 (a) Under nine passengers: \$17 flat, of which \$4.50 shall  
 1139 be deposited into the General Revenue Fund; plus \$1.50 per cwt,  
 1140 of which 50 cents shall be deposited into the General Revenue  
 1141 Fund.

1142 (b) Nine passengers and over: \$17 flat, of which \$4.50  
 1143 shall be deposited into the General Revenue Fund; plus \$2 per  
 1144 cwt, of which 50 cents shall be deposited into the General  
 1145 Revenue Fund.

1146 (7) TRAILERS FOR PRIVATE USE.—

1147 (a) Any trailer weighing 500 pounds or less: \$6.75 flat  
 1148 per year or any part thereof, of which \$1.75 shall be deposited

1149 into the General Revenue Fund.

1150 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1  
 1151 shall be deposited into the General Revenue Fund; plus \$1 per  
 1152 cwt, of which 25 cents shall be deposited into the General  
 1153 Revenue Fund.

1154 (8) TRAILERS FOR HIRE.—

1155 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1  
 1156 shall be deposited into the General Revenue Fund; plus \$1.50 per  
 1157 cwt, of which 50 cents shall be deposited into the General  
 1158 Revenue Fund.

1159 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which  
 1160 \$3.50 shall be deposited into the General Revenue Fund; plus  
 1161 \$1.50 per cwt, of which 50 cents shall be deposited into the  
 1162 General Revenue Fund.

1163 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

1164 (a) A travel trailer or fifth-wheel trailer, as defined by  
 1165 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27  
 1166 flat, of which \$7 shall be deposited into the General Revenue  
 1167 Fund.

1168 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:  
 1169 \$13.50 flat, of which \$3.50 shall be deposited into the General  
 1170 Revenue Fund.

1171 (c) A motor home, as defined by s. 320.01(1)(b)4.:

1172 1. Net weight of less than 4,500 pounds: \$27 flat, of  
 1173 which \$7 shall be deposited into the General Revenue Fund.

1174 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
 1175 which \$12.25 shall be deposited into the General Revenue Fund.

1176 (d) A truck camper as defined by s. 320.01(1)(b)3.:

CS/CS/HB 971

2010

- 1177 1. Net weight of less than 4,500 pounds: \$27 flat, of  
 1178 which \$7 shall be deposited into the General Revenue Fund.
- 1179 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
 1180 which \$12.25 shall be deposited into the General Revenue Fund.
- 1181 (e) A private motor coach as defined by s. 320.01(1)(b)5.:
- 1182 1. Net weight of less than 4,500 pounds: \$27 flat, of  
 1183 which \$7 shall be deposited into the General Revenue Fund.
- 1184 2. Net weight of 4,500 pounds or more: \$47.25 flat, of  
 1185 which \$12.25 shall be deposited into the General Revenue Fund.
- 1186 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;  
 1187 35 FEET TO 40 FEET.—
- 1188 (a) Park trailers.—Any park trailer, as defined in s.  
 1189 320.01(1)(b)7.: \$25 flat.
- 1190 (b) A travel trailer or fifth-wheel trailer, as defined in  
 1191 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.
- 1192 (11) MOBILE HOMES.—
- 1193 (a) A mobile home not exceeding 35 feet in length: \$20  
 1194 flat.
- 1195 (b) A mobile home over 35 feet in length, but not  
 1196 exceeding 40 feet: \$25 flat.
- 1197 (c) A mobile home over 40 feet in length, but not  
 1198 exceeding 45 feet: \$30 flat.
- 1199 (d) A mobile home over 45 feet in length, but not  
 1200 exceeding 50 feet: \$35 flat.
- 1201 (e) A mobile home over 50 feet in length, but not  
 1202 exceeding 55 feet: \$40 flat.
- 1203 (f) A mobile home over 55 feet in length, but not  
 1204 exceeding 60 feet: \$45 flat.

1205 (g) A mobile home over 60 feet in length, but not  
 1206 exceeding 65 feet: \$50 flat.

1207 (h) A mobile home over 65 feet in length: \$80 flat.

1208 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised  
 1209 motor vehicle dealer, independent motor vehicle dealer, marine  
 1210 boat trailer dealer, or mobile home dealer and manufacturer  
 1211 license plate: \$17 flat, of which \$4.50 shall be deposited into  
 1212 the General Revenue Fund.

1213 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or  
 1214 official license plate: \$4 flat, of which \$1 shall be deposited  
 1215 into the General Revenue Fund.

1216 (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor  
 1217 vehicle for hire operated wholly within a city or within 25  
 1218 miles thereof: \$17 flat, of which \$4.50 shall be deposited into  
 1219 the General Revenue Fund; plus \$2 per cwt, of which 50 cents  
 1220 shall be deposited into the General Revenue Fund.

1221 (15) TRANSPORTER.—Any transporter license plate issued to  
 1222 a transporter pursuant to s. 320.133: \$101.25 flat, of which  
 1223 \$26.25 shall be deposited into the General Revenue Fund.

1224 Section 21. Section 45 of chapter 2008-176, Laws of  
 1225 Florida, is amended to read:

1226 Section 45. Except for a specialty license plate proposal  
 1227 which has submitted a letter of intent to the Department of  
 1228 Highway Safety and Motor Vehicles prior to May 2, 2008, and  
 1229 which has submitted a valid survey, marketing strategy, and  
 1230 application fee as required by s. 320.08053, Florida Statutes,  
 1231 prior to October 1, 2008 ~~the effective date of this act,~~ or  
 1232 which was included in a bill filed during the 2008 Legislative

CS/CS/HB 971

2010

1233 Session, the Department of Highway Safety and Motor Vehicles may  
 1234 not issue any new specialty license plates pursuant to ss.  
 1235 320.08056 and 320.08058, Florida Statutes, between July 1, 2008,  
 1236 and July 1, 2014 ~~2011~~.

1237 Section 22. Section 320.08053, Florida Statutes, is  
 1238 amended to read:

1239 320.08053 Requirements for requests to establish specialty  
 1240 license plates.—

1241 (1) An organization that seeks authorization to establish  
 1242 a new specialty license plate for which an annual use fee is to  
 1243 be charged must submit to the department:

1244 (a) A request for the particular specialty license plate  
 1245 being sought, describing the proposed specialty license plate in  
 1246 specific terms, including a sample plate that conforms to the  
 1247 specifications set by the department and this chapter, and that  
 1248 is in substantially final form.

1249 ~~(b) The results of a scientific sample survey of Florida~~  
 1250 ~~motor vehicle owners that indicates at least 30,000 motor~~  
 1251 ~~vehicle owners intend to purchase the proposed specialty license~~  
 1252 ~~plate at the increased cost. As used in this paragraph, the term~~  
 1253 ~~"scientific sample survey" means information that is gathered~~  
 1254 ~~from a representative subset of the population as a whole. The~~  
 1255 ~~sample survey of registered motor vehicle owners must be~~  
 1256 ~~performed independently of the requesting organization by an~~  
 1257 ~~organization that conducts similar sample surveys as a normal~~  
 1258 ~~course of business. Prior to conducting a sample survey for the~~  
 1259 ~~purposes of this section, a requesting organization must obtain~~  
 1260 ~~a determination from the department that the organization~~

1261 ~~selected to conduct the survey performs similar surveys as a~~  
 1262 ~~normal course of business and is independent of the requesting~~  
 1263 ~~organization. The methodology, results, and any evaluation by~~  
 1264 ~~the department of the scientific sample survey shall be~~  
 1265 ~~validated by the Auditor General as a condition precedent to~~  
 1266 ~~submission of the specialty license plate for approval by the~~  
 1267 ~~Legislature.~~

1268 (b)~~(e)~~ An application fee, not to exceed \$60,000, to  
 1269 defray the department's cost for reviewing the application and  
 1270 developing the specialty license plate, if authorized. State  
 1271 funds may not be used to pay the application fee, except for  
 1272 collegiate specialty license plates authorized in s.  
 1273 320.08058(3) and (13). ~~The specialty license plate application~~  
 1274 ~~provisions of this act shall not apply to any organization which~~  
 1275 ~~has requested and received the required forms for obtaining a~~  
 1276 ~~specialty license plate authorization from the Department of~~  
 1277 ~~Highway Safety and Motor Vehicles, has opened a bank account for~~  
 1278 ~~the funds collected for the specialty license tag and has made~~  
 1279 ~~deposits to such an account, and has obtained signatures toward~~  
 1280 ~~completing the requirements for the specialty license tag. All~~  
 1281 applications requested on or after the effective date of this  
 1282 act must meet the requirements of this act.

1283 (c)~~(d)~~ A marketing strategy outlining short-term and long-  
 1284 term marketing plans for the requested specialty license plate  
 1285 and a financial analysis outlining the anticipated revenues and  
 1286 the planned expenditures of the revenues to be derived from the  
 1287 sale of the requested specialty license plates.

1288

1289 The information required under this subsection must be submitted  
 1290 to the department at least 90 days before the convening of the  
 1291 next regular session of the Legislature.

1292 (2) If the specialty license plate requested by the  
 1293 organization is approved by law, the organization must submit  
 1294 the proposed art design for the specialty license plate to the  
 1295 department, in a medium prescribed by the department, as soon as  
 1296 practicable, but no later than 60 days after the act approving  
 1297 the specialty license plate becomes a law. If the specialty  
 1298 license plate requested by the organization is not approved by  
 1299 the Legislature or does not meet the presale requirements in  
 1300 subsection (3), the application fee shall be refunded to the  
 1301 requesting organization.

1302 (3) (a) Within 120 days following the specialty license  
 1303 plate becoming law, the department shall establish a method to  
 1304 issue a specialty license plate voucher to allow for the presale  
 1305 of the specialty license plate. The processing fee as prescribed  
 1306 in s. 320.08056, the service charge and branch fee as prescribed  
 1307 in s. 320.04, and the annual use fee as prescribed in s.  
 1308 320.08056 shall be charged for the voucher. All other applicable  
 1309 fees shall be charged at the time of issuance of the license  
 1310 plates.

1311 (b) Within 24 months after the presale specialty license  
 1312 plate voucher is established, the approved specialty license  
 1313 plate organization must record with the department a minimum of  
 1314 1,000 voucher sales before manufacture of the license plate may  
 1315 commence. If, at the conclusion of the 24-month presale period,  
 1316 the minimum sales requirements have not been met, the specialty

1317 plate is deauthorized and the department shall discontinue  
 1318 development of the plate and discontinue issuance of the presale  
 1319 vouchers. Upon deauthorization of the license plate, a purchaser  
 1320 of the license plate voucher may use the annual use fee  
 1321 collected as a credit towards any other specialty license plate  
 1322 or apply for a refund on a form prescribed by the department.

1323 (c) An organization that meets the requirements of this  
 1324 subsection shall be deemed to have submitted a valid survey for  
 1325 purposes of s. 45 of chapter 2008-176, Laws of Florida, as  
 1326 amended.

1327 Section 23. The amendments to s. 320.08053, Florida  
 1328 Statutes, made by this act do not apply to organizations that  
 1329 are exempt from the moratorium contained in section 45 of  
 1330 chapter 2008-176, Laws of Florida, and that have complied with  
 1331 the provisions of s. 320.08053, Florida Statutes (2009).

1332 Section 24. Subsection (1) and paragraph (b) of subsection  
 1333 (8) of section 320.08056, Florida Statutes, are amended, and  
 1334 paragraph (rrr) is added to subsection (4) of that section, to  
 1335 read:

1336 320.08056 Specialty license plates.—

1337 (1) The department is responsible for developing the  
 1338 specialty license plates authorized in s. 320.08053. ~~The~~  
 1339 ~~department shall begin production and distribution of each new~~  
 1340 ~~specialty license plate within 1 year after approval of the~~  
 1341 ~~specialty license plate by the Legislature.~~

1342 (4) The following license plate annual use fees shall be  
 1343 collected for the appropriate specialty license plates:

1344 (rrr) Hispanic Achievers license plate, \$25.



1345 (8)  
 1346 (b) The department is authorized to discontinue the  
 1347 issuance of a specialty license plate and distribution of  
 1348 associated annual use fee proceeds if the organization no longer  
 1349 exists, if the organization has stopped providing services that  
 1350 are authorized to be funded from the annual use fee proceeds, if  
 1351 the organization does not meet the presale requirements as  
 1352 prescribed in s. 320.08053(3), or pursuant to an organizational  
 1353 recipient's request. Organizations shall ~~are required to~~ notify  
 1354 the department immediately to stop all warrants for plate sales  
 1355 if any of the conditions in this section exist, and must meet  
 1356 the requirements of s. 320.08062 for any period of operation  
 1357 during a fiscal year.

1358 Section 25. Subsection (70) is added to section 320.08058,  
 1359 Florida Statutes, to read:

1360 320.08058 Specialty license plates.—

1361 (70) HISPANIC ACHIEVERS LICENSE PLATES.—

1362 (a) Upon the National Hispanic Corporate Achievers, Inc.,  
 1363 meeting the requirements of s. 320.08053, the department shall  
 1364 develop a Hispanic Achievers license plate as provided in this  
 1365 section. The plate must bear the colors and design approved by  
 1366 the department. The word "Florida" must appear at the top of the  
 1367 plate and "Hispanic Achievers" must appear at the bottom of the  
 1368 plate.

1369 (b) The proceeds from the license plate annual use fee  
 1370 shall be distributed to National Hispanic Corporate Achievers,  
 1371 Inc., a nonprofit, 501(c)(3) Florida corporation, to fund grants  
 1372 to nonprofit organizations to operate programs and provide

1373 scholarships and for marketing the Hispanic Achievers license  
1374 plate. National Hispanic Corporate Achievers, Inc., shall  
1375 establish a Hispanic Achievers Grant Council that shall provide  
1376 recommendations for statewide grants from available Hispanic  
1377 Achiever license plate proceeds to nonprofit organizations for  
1378 programs and scholarships for Hispanic and minority Floridians.  
1379 National Hispanic Corporate Achievers, Inc., shall also  
1380 establish a Hispanic Achievers License Plate Fund. Moneys in the  
1381 fund shall be used by the grant council as provided in this  
1382 paragraph. All funds received under this subsection must be used  
1383 in this state.

1384 (c) National Hispanic Corporate Achievers, Inc., may  
1385 retain all proceeds from the annual use fee until documented  
1386 startup costs for developing and establishing the plate have  
1387 been recovered. Thereafter, the proceeds from the annual use fee  
1388 shall be used as follows:

1389 1. Up to 10 percent of the proceeds may be used for the  
1390 cost of administration of the Hispanic Achievers License Plate  
1391 Fund, the Hispanic Achievers Grant Council, and related matters.

1392 2. Funds may be used as necessary for annual audit or  
1393 compliance affidavit costs.

1394 3. Twenty-five percent of the proceeds shall be used by  
1395 the Hispanic Corporate Achievers, Inc., located in Seminole  
1396 County, for grants.

1397 4. The remaining proceeds shall be available to the  
1398 Hispanic Achievers Grant Council to award grants for services,  
1399 programs, or scholarships for Hispanic and minority individuals  
1400 and organizations throughout the state. All grant recipients

1401 must provide to the Hispanic Achievers Grant Council an annual  
 1402 program and financial report regarding the use of grant funds.  
 1403 Such reports must be available to the public.

1404 Section 26. Subsections (1) and (2) of section 320.0807,  
 1405 Florida Statutes, are amended to read:

1406 320.0807 Special license plates for Governor and federal  
 1407 and state legislators.—

1408 (1) Upon application by any member of the House of  
 1409 Representatives of Congress and payment of the fees prescribed  
 1410 by s. 320.0805, the department is authorized to issue to such  
 1411 Member of Congress a license plate stamped "Member of Congress"  
 1412 followed by the number of the appropriate congressional district  
 1413 and the letters "MC," or any other configuration chosen by the  
 1414 member which is not already in use. Upon application by a United  
 1415 States Senator and payment of the fees prescribed by s.  
 1416 320.0805, the department is authorized to issue a license plate  
 1417 stamped "USS," followed by the numeral II in the case of the  
 1418 junior senator.

1419 (2) Upon application by any member of the state House of  
 1420 Representatives and payment of the fees prescribed by s.  
 1421 320.0805, the department is authorized to issue such state  
 1422 representative license plates stamped in bold letters "State  
 1423 Legislator," followed by the number of the appropriate House of  
 1424 Representatives district and the letters "HR," or any other  
 1425 configuration chosen by the member which is not already in use  
 1426 ~~on one plate; the numbers of the other plates will be assigned~~  
 1427 ~~by the department.~~ Upon application by a state senator and  
 1428 payment of the fees prescribed by s. 320.0805, the department is

1429 authorized to issue license plates stamped in bold letters  
 1430 "State Senator," followed by the number of the appropriate  
 1431 Senate district and the letters "SN," or any other configuration  
 1432 chosen by the member which is not already in use ~~on one plate;~~  
 1433 ~~the numbers of the other plates will be assigned by the~~  
 1434 ~~department.~~

1435 Section 27. Subsection (4) of section 320.084, Florida  
 1436 Statutes, is amended to read:

1437 320.084 Free motor vehicle license plate to certain  
 1438 disabled veterans.—

1439 (4) (a) With the issuance of each new permanent "DV"  
 1440 numerical motor vehicle license plate, the department shall  
 1441 initially issue, without cost to the applicant, a validation  
 1442 sticker reflecting the owner's birth month and a serially  
 1443 numbered validation sticker reflecting the year of expiration.  
 1444 The initial sticker reflecting the year of expiration may not  
 1445 exceed 27 ~~15~~ months.

1446 (b) There shall be a service charge in accordance with the  
 1447 provisions of s. 320.04 for each initial application or renewal  
 1448 of registration and an additional sum of 50 cents on each  
 1449 license plate and validation sticker as provided in s.  
 1450 320.06(3) (b) .

1451 (c) Registration under this section shall be renewed  
 1452 annually or biennially during the applicable renewal period on  
 1453 forms prescribed by the department, which shall include, in  
 1454 addition to any other information required by the department, a  
 1455 certified statement as to the continued eligibility of the  
 1456 applicant to receive the special "DV" license plate. Any

CS/CS/HB 971

2010

1457 applicant who falsely or fraudulently submits to the department  
 1458 the certified statement required by this paragraph is guilty of  
 1459 a noncriminal violation and is subject to a civil penalty of  
 1460 \$50.

1461 Section 28. Section 321.03, Florida Statutes, is amended  
 1462 to read:

1463 321.03 Imitations prohibited; penalty.—Unless specifically  
 1464 authorized by the Florida Highway Patrol, a ~~it shall be unlawful~~  
 1465 ~~for any person or persons~~ in the state shall not ~~to~~ color or  
 1466 cause to be colored any motor vehicle or motorcycle the same or  
 1467 similar color as the color or colors so prescribed for the  
 1468 Florida Highway Patrol. A ~~Any person who violates violating any~~  
 1469 ~~of the provisions of~~ this section or s. 321.02 with respect to  
 1470 uniforms, emblems, motor vehicles and motorcycles commits ~~shall~~  
 1471 ~~be guilty of~~ a misdemeanor of the first degree, punishable as  
 1472 provided in s. 775.082 or s. 775.083. The Department of Highway  
 1473 Safety and Motor Vehicles shall employ such clerical help and  
 1474 mechanics as may be necessary for the economical and efficient  
 1475 operation of such department.

1476 Section 29. Section 321.05, Florida Statutes, is amended  
 1477 to read:

1478 321.05 Duties, functions, and powers of patrol officers.—  
 1479 The members of the Florida Highway Patrol are hereby declared to  
 1480 be conservators of the peace and law enforcement officers of the  
 1481 state, with the common-law right to arrest a person who, in the  
 1482 presence of the arresting officer, commits a felony or commits  
 1483 an affray or breach of the peace constituting a misdemeanor,  
 1484 with full power to bear arms; and they shall apprehend, without

1485 warrant, any person in the unlawful commission of any of the  
 1486 acts over which the members of the Florida Highway Patrol are  
 1487 given jurisdiction as hereinafter set out and deliver him or her  
 1488 to the sheriff of the county that further proceedings may be had  
 1489 against him or her according to law. In the performance of any  
 1490 of the powers, duties, and functions authorized by law, members  
 1491 of the Florida Highway Patrol ~~shall~~ have the same protections  
 1492 and immunities afforded other peace officers, which shall be  
 1493 recognized by all courts having jurisdiction over offenses  
 1494 against the laws of this state, and ~~shall~~ have authority to  
 1495 apply for, serve, and execute search warrants, arrest warrants,  
 1496 capias, and other process of the court ~~in those matters in which~~  
 1497 ~~patrol officers have primary responsibility as set forth in~~  
 1498 ~~subsection (1)~~. The patrol officers under the direction and  
 1499 supervision of the Department of Highway Safety and Motor  
 1500 Vehicles shall perform and exercise throughout the state the  
 1501 following duties, functions, and powers:

1502 (1) To patrol the state highways and regulate, control,  
 1503 and direct the movement of traffic thereon; to maintain the  
 1504 public peace by preventing violence on highways; to apprehend  
 1505 fugitives from justice; to enforce all laws now in effect  
 1506 regulating and governing traffic, travel, and public safety upon  
 1507 the public highways and providing for the protection of the  
 1508 public highways and public property thereon; to make arrests  
 1509 without warrant for the violation of any state law committed in  
 1510 their presence in accordance with the laws of this state;  
 1511 providing that no search shall be made unless it is incident to  
 1512 a lawful arrest, to regulate and direct traffic concentrations

1513 and congestions; to enforce laws governing the operation,  
1514 licensing, and taxing and limiting the size, weight, width,  
1515 length, and speed of vehicles and licensing and controlling the  
1516 operations of drivers and operators of vehicles; to cooperate  
1517 with officials designated by law to collect all state fees and  
1518 revenues levied as an incident to the use or right to use the  
1519 highways for any purpose; to require the drivers of vehicles to  
1520 stop and exhibit their driver's licenses, registration cards, or  
1521 documents required by law to be carried by such vehicles; to  
1522 investigate traffic accidents, secure testimony of witnesses and  
1523 of persons involved, and make report thereof with copy, when  
1524 requested in writing, to any person in interest or his or her  
1525 attorney; to investigate reported thefts of vehicles and to  
1526 seize contraband or stolen property on or being transported on  
1527 the highways. Each patrol officer of the Florida Highway Patrol  
1528 is subject to and has the same arrest and other authority  
1529 provided for law enforcement officers generally in chapter 901  
1530 and has statewide jurisdiction. Each officer also has arrest  
1531 authority as provided for state law enforcement officers in s.  
1532 901.15. This section shall not be construed as being in conflict  
1533 with, but is supplemental to, chapter 933.

1534 (2) To assist other constituted law enforcement officers  
1535 of the state to quell mobs and riots, guard prisoners, and  
1536 police disaster areas.

1537 (3) (a) To make arrests while in fresh pursuit of a person  
1538 believed to have violated the traffic and other laws.

1539 (b) To make arrest of a person wanted for a felony or  
1540 against whom a warrant has been issued on any charge in

CS/CS/HB 971

2010

1541 violation of federal, state, or county laws or municipal  
1542 ordinances.

1543 (4) (a) All fines and costs and the proceeds of the  
1544 forfeiture of bail bonds and recognizances resulting from the  
1545 enforcement of this chapter by patrol officers shall be paid  
1546 into the fine and forfeiture fund established pursuant to s.  
1547 142.01 of the county where the offense is committed. In all  
1548 cases of arrest by patrol officers, the person arrested shall be  
1549 delivered forthwith by the ~~said~~ officer to the sheriff of the  
1550 county, or he or she shall obtain from the ~~such~~ person arrested  
1551 a recognizance or, if deemed necessary, a cash bond or other  
1552 sufficient security conditioned for his or her appearance before  
1553 the proper tribunal of the ~~such~~ county to answer the charge for  
1554 which he or she has been arrested; and all fees accruing shall  
1555 be taxed against the party arrested, which fees are hereby  
1556 declared to be part of the compensation of the ~~said~~ sheriffs  
1557 authorized to be fixed by the Legislature under s. 5(c), Art. II  
1558 of the State Constitution, to be paid such sheriffs in the same  
1559 manner as fees are paid for like services in other criminal  
1560 cases. All patrol officers are hereby directed to deliver all  
1561 bonds accepted and approved by them to the sheriff of the county  
1562 in which the offense is alleged to have been committed. However,  
1563 a ~~no~~ sheriff shall not be paid any arrest fee for the arrest of  
1564 a person for violation of any section of chapter 316 when the  
1565 arresting officer was transported in a Florida Highway Patrol  
1566 car to the vicinity where the arrest was made; and a ~~no~~ sheriff  
1567 shall not be paid any fee for mileage for himself or herself or  
1568 a prisoner for miles traveled in a Florida Highway Patrol car. A



1569 ~~No~~ patrol officer is not ~~shall be~~ entitled to any fee or mileage  
 1570 cost except when responding to a subpoena in a civil cause or  
 1571 except when the ~~such~~ patrol officer is appearing as an official  
 1572 witness to testify at any hearing or law action in any court of  
 1573 this state as a direct result of his or her employment as a  
 1574 patrol officer during time not compensated as a part of his or  
 1575 her normal duties. Nothing herein shall be construed as limiting  
 1576 the power to locate and to take from any person under arrest or  
 1577 about to be arrested deadly weapons. ~~Nothing contained in This~~  
 1578 section is not ~~shall be construed as~~ a limitation upon existing  
 1579 powers and duties of sheriffs or police officers.

1580 (b) Any person so arrested and released on his or her own  
 1581 recognizance by an officer and who fails ~~shall fail~~ to appear or  
 1582 respond to a notice to appear shall, in addition to the traffic  
 1583 violation charge, commits ~~be guilty of~~ a noncriminal traffic  
 1584 infraction subject to the penalty provided in s. 318.18(2).

1585 (5) The department may employ or assign some fit and  
 1586 suitable person with experience in the field of public relations  
 1587 who shall ~~have the duty to~~ promote, coordinate, and publicize  
 1588 the traffic safety activities in the state and assign such  
 1589 person to the office of the Governor at a salary to be fixed by  
 1590 the department. The person so assigned or employed shall be a  
 1591 member of the uniform division of the Florida Highway Patrol,  
 1592 and he or she shall have the pay and rank of lieutenant while on  
 1593 such assignment.

1594 (6) The Division of Florida Highway Patrol is authorized  
 1595 to adopt ~~promulgate~~ rules and ~~regulations~~ which may be necessary  
 1596 to implement the provisions of chapter 316.

1597 Section 30. Subsection (26) of section 322.01, Florida  
 1598 Statutes, is amended, and subsection (46) is added to that  
 1599 section, to read:

1600 322.01 Definitions.—As used in this chapter:

1601 (26) "Motorcycle" means a motor vehicle powered by a motor  
 1602 with a displacement of more than 50 cubic centimeters, having a  
 1603 seat or saddle for the use of the rider, and designed to travel  
 1604 on not more than three wheels in contact with the ground, but  
 1605 excluding a tractor, tri-vehicle, or moped.

1606 (46) "Tri-vehicle" means an enclosed three-wheeled  
 1607 passenger vehicle that:

1608 (a) Is designed to operate with three wheels in contact  
 1609 with the ground;

1610 (b) Has a minimum unladen weight of 900 pounds;

1611 (c) Has a single, completely enclosed, occupant  
 1612 compartment;

1613 (d) Is produced in a minimum quantity of 300 in any  
 1614 calendar year;

1615 (e) Is capable of a speed greater than 60 miles per hour  
 1616 on level ground; and

1617 (f) Is equipped with:

1618 1. Seats that are certified by the vehicle manufacturer to  
 1619 meet the requirements of Federal Motor Vehicle Safety Standard  
 1620 No. 207, "Seating systems" (49 C.F.R. s. 571.207);

1621 2. A steering wheel used to maneuver the vehicle;

1622 3. A propulsion unit located forward or aft of the  
 1623 enclosed occupant compartment;

1624 4. A seat belt for each vehicle occupant certified to meet

CS/CS/HB 971

2010

1625 the requirements of Federal Motor Vehicle Safety Standard No.  
1626 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);

1627 5. A windshield and an appropriate windshield wiper and  
1628 washer system that are certified by the vehicle manufacture to  
1629 meet the requirements of Federal Motor Vehicle Safety Standard  
1630 No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal  
1631 Motor Vehicle Safety Standard No. 104, "Windshield Wiping and  
1632 Washing Systems" (49 C.F.R. s. 571.104); and

1633 6. A vehicle structure certified by the vehicle  
1634 manufacturer to meet the requirements of Federal Motor Vehicle  
1635 Safety Standard No. 216, "Rollover crush resistance" (49 C.F.R.  
1636 s. 571.216).

1637 Section 31. Subsection (7) of section 322.08, Florida  
1638 Statutes, is amended to read:

1639 322.08 Application for license; requirements for license  
1640 and identification card forms.-

1641 (7) The application form for an original, renewal, or  
1642 replacement a driver's license or identification card ~~duplicate~~  
1643 ~~thereof~~ shall include language permitting the following:

1644 (a) A voluntary contribution of \$1 per applicant, which  
1645 contribution shall be deposited into the Health Care Trust Fund  
1646 for organ and tissue donor education and for maintaining the  
1647 organ and tissue donor registry.

1648 (b) A voluntary contribution of \$1 per applicant, which  
1649 contribution shall be distributed to the Florida Council of the  
1650 Blind.

1651 (c) A voluntary contribution of \$2 per applicant, which  
1652 shall be distributed to the Hearing Research Institute,

CS/CS/HB 971

2010

1653 Incorporated.

1654 (d) A voluntary contribution of \$1 per applicant, which  
 1655 shall be distributed to the Juvenile Diabetes Foundation  
 1656 International.

1657 (e) A voluntary contribution of \$1 per applicant, which  
 1658 shall be distributed to the Children's Hearing Help Fund.

1659 (f) A voluntary contribution of \$1 per applicant, which  
 1660 shall be distributed to Family First, a nonprofit organization.

1661 (g) A voluntary contribution of \$1 per applicant, to Stop  
 1662 Heart Disease, which shall be distributed to the Florida Heart  
 1663 Research Institute, a nonprofit organization.

1664 (h) Notwithstanding s. 322.081, a voluntary contribution  
 1665 of \$1 per applicant, which shall be distributed to the League  
 1666 Against Cancer/La Liga Contra el Cancer, a not-for-profit  
 1667 organization.

1668 (i) Notwithstanding s. 322.081, a voluntary contribution  
 1669 of \$1 per applicant to the state homes for veterans, to be  
 1670 distributed on a quarterly basis by the department to the State  
 1671 Homes for Veterans Trust Fund, which is administered by the  
 1672 Department of Veterans' Affairs.

1673  
 1674 A statement providing an explanation of the purpose of the trust  
 1675 funds shall also be included. For the purpose of applying the  
 1676 service charge provided in s. 215.20, contributions received  
 1677 under paragraphs (b)-(i) ~~(b), (c), (d), (e), (f), and (g)~~ and  
 1678 under s. 322.18(9) are not income of a revenue nature.

1679 Section 32. Section 322.121, Florida Statutes, is amended  
 1680 to read:

1681           322.121 Periodic reexamination of all drivers.-  
 1682           (1) It is the intent of the Legislature that all licensed  
 1683 drivers in Florida be reexamined upon renewal of their licenses.  
 1684 Because only a small percentage of drivers in the state are  
 1685 categorized as problem drivers, the Legislature intends that  
 1686 renewals ~~the large number of drivers who have not had any~~  
 1687 ~~convictions for the 3 years preceding renewal and whose driving~~  
 1688 ~~privilege in this state has not been revoked, disqualified, or~~  
 1689 ~~suspended at any time during the 7 years preceding renewal~~ be  
 1690 processed expeditiously upon renewal of their licenses by  
 1691 examinations of the licensee's ~~their~~ eyesight and hearing only  
 1692 and ~~that all other licensees be tested, in addition to the~~  
 1693 ~~eyesight and hearing examinations, with respect to their ability~~  
 1694 ~~to read and understand highway signs regulating, warning, and~~  
 1695 ~~directing traffic.~~

1696           ~~(2) Each licensee must pass a reexamination at the time of~~  
 1697 ~~renewal, except as otherwise provided in this chapter. For each~~  
 1698 ~~licensee whose driving record does not show any convictions for~~  
 1699 ~~the preceding 3 years or any revocations, disqualifications, or~~  
 1700 ~~suspensions for the preceding 7 years; and who, at the time of~~  
 1701 ~~renewal, presents a renewal notice verifying such safe driving~~  
 1702 ~~record, the reexamination shall consist of tests of the~~  
 1703 ~~licensee's eyesight and hearing. For all other licensees, in~~  
 1704 ~~addition to the eyesight and hearing tests, the reexamination~~  
 1705 ~~must include tests of the ability to read and understand highway~~  
 1706 ~~signs and pavement markings regulating, warning, and directing~~  
 1707 ~~traffic.~~

1708           (2)~~(3)~~ For each licensee whose driving record does not

1709 show any revocations, disqualifications, or suspensions for the  
 1710 preceding 7 years or any convictions for the preceding 3 years  
 1711 except for convictions of the following nonmoving violations:

1712 (a) Failure to exhibit a vehicle registration certificate,  
 1713 rental agreement, or cab card pursuant to s. 320.0605;

1714 (b) Failure to renew a motor vehicle or mobile home  
 1715 registration that has been expired for 4 months or less pursuant  
 1716 to s. 320.07(3)(a);

1717 (c) Operating a motor vehicle with an expired license that  
 1718 has been expired for 4 months or less pursuant to s. 322.065;

1719 (d) Failure to carry or exhibit a license pursuant to s.  
 1720 322.15(1); or

1721 (e) Failure to notify the department of a change of  
 1722 address or name within 10 days pursuant to s. 322.19,

1723  
 1724 the department shall cause such licensee's license to be  
 1725 prominently marked with the notation "Safe Driver."

1726 (3)~~(4)~~ Eyesight examinations must be administered as  
 1727 provided in s. 322.12.

1728 (4)~~(5)~~ An examination fee may not be assessed for  
 1729 reexamination required by this section.

1730 (5)~~(6)~~ Members of the Armed Forces, or their dependents  
 1731 residing with them, shall be granted an automatic extension for  
 1732 the expiration of their licenses without reexamination while  
 1733 serving on active duty outside this state. This extension is  
 1734 valid for 90 days after the member of the Armed Forces is either  
 1735 discharged or returns to this state to live.

1736 (6)~~(7)~~ In addition to any other examination authorized by

CS/CS/HB 971

2010

1737 | this section, an applicant for a renewal of a commercial  
1738 | driver's license may be required to complete successfully an  
1739 | examination of his or her knowledge regarding state and federal  
1740 | rules, regulations, and laws, governing the type of vehicle  
1741 | which he or she is applying to be licensed to operate.

1742 |       (7)~~(8)~~ In addition to any other examination authorized by  
1743 | this section, an applicant for a renewal of an endorsement  
1744 | issued under s. 322.57(1)(a), (b), (d), (e), or (f) may be  
1745 | required to complete successfully an examination of his or her  
1746 | knowledge regarding state and federal rules, regulations, and  
1747 | laws, governing the type of vehicle which he or she is seeking  
1748 | an endorsement to operate.

1749 |       Section 33. Paragraph (a) of subsection (5) and paragraph  
1750 | (c) of subsection (8) of section 322.18, Florida Statutes, are  
1751 | amended, to read:

1752 |       322.18 Original applications, licenses, and renewals;  
1753 | expiration of licenses; delinquent licenses.—

1754 |       (5) All renewal driver's licenses may be issued after the  
1755 | applicant licensee has been determined to be eligible by the  
1756 | department.

1757 |       (a) A licensee who is otherwise eligible for renewal and  
1758 | who is at least 80 years of age:

1759 |           1. Must submit to and pass a vision test administered at  
1760 | any driver's license office; or

1761 |           2. If the licensee applies for a renewal using a  
1762 | convenience service as provided in subsection (8), he or she  
1763 | must submit to a vision test administered by a physician  
1764 | licensed under chapter 458 or chapter 459, ~~or~~ an optometrist

1765 licensed under chapter 463, or a licensed physician at a  
 1766 federally established veterans' hospital, must send the results  
 1767 of that test to the department on a form obtained from the  
 1768 department and signed by such health care practitioner, and must  
 1769 meet vision standards that are equivalent to the standards for  
 1770 passing the departmental vision test. The physician or  
 1771 optometrist may submit the results of a vision test by a  
 1772 department-approved electronic means.

1773 (8) The department shall issue 8-year renewals using a  
 1774 convenience service without reexamination to drivers who have  
 1775 not attained 80 years of age. The department shall issue 6-year  
 1776 renewals using a convenience service when the applicant has  
 1777 satisfied the requirements of subsection (5).

1778 (c) The department shall issue one renewal using a  
 1779 convenience service. A person who is out of this state when his  
 1780 or her license expires may be issued a 90-day temporary driving  
 1781 permit without reexamination. At the end of the 90-day period,  
 1782 the person must either return to this state or apply for a  
 1783 license where the person is located, except for a member of the  
 1784 Armed Forces as provided in s. 322.121(5) ~~s. 322.121(6)~~.

1785 Section 34. Subsection (2) of section 322.2615, Florida  
 1786 Statutes, is amended to read:

1787 322.2615 Suspension of license; right to review.—

1788 (2) Except as provided in paragraph (1)(a), the law  
 1789 enforcement officer shall forward to the department, within 5  
 1790 days after issuing the notice of suspension, the driver's  
 1791 license; an affidavit stating the officer's grounds for belief  
 1792 that the person was driving or in actual physical control of a



1793 motor vehicle while under the influence of alcoholic beverages  
 1794 or chemical or controlled substances; the results of any breath  
 1795 or blood test or an affidavit stating that a breath, blood, or  
 1796 urine test was requested by a law enforcement officer or  
 1797 correctional officer and that the person refused to submit; the  
 1798 officer's description of the person's field sobriety test, if  
 1799 any; and the notice of suspension; ~~and a copy of the crash~~  
 1800 ~~report, if any.~~ The failure of the officer to submit materials  
 1801 within the 5-day period specified in this subsection and in  
 1802 subsection (1) does not affect the department's ability to  
 1803 consider any evidence submitted at or prior to the hearing. The  
 1804 officer may also submit a copy of the crash report and a copy of  
 1805 a videotape of the field sobriety test or the attempt to  
 1806 administer such test. Materials submitted to the department by a  
 1807 law enforcement agency or correctional agency shall be  
 1808 considered self-authenticating and shall be in the record for  
 1809 consideration by the hearing officer. Notwithstanding s.  
 1810 316.066(7), the crash report shall be considered by the hearing  
 1811 officer.

1812 Section 35. Subsection (11) is added to section 322.34,  
 1813 Florida Statutes, to read:

1814 322.34 Driving while license suspended, revoked, canceled,  
 1815 or disqualified.—

1816 (10) (a) Notwithstanding any other provision of this  
 1817 section, if a person does not have a prior forcible felony  
 1818 conviction as defined in s. 776.08, the penalties provided in  
 1819 paragraph (b) apply if a person's driver's license or driving  
 1820 privilege is canceled, suspended, or revoked for:

CS/CS/HB 971

2010

1821 1. Failing to pay child support as provided in s. 322.245  
 1822 or s. 61.13016;

1823 2. Failing to pay any other financial obligation as  
 1824 provided in s. 322.245 other than those specified in s.  
 1825 322.245(1);

1826 3. Failing to comply with a civil penalty required in s.  
 1827 318.15;

1828 4. Failing to maintain vehicular financial responsibility  
 1829 as required by chapter 324;

1830 5. Failing to comply with attendance or other requirements  
 1831 for minors as set forth in s. 322.091; or

1832 6. Having been designated a habitual traffic offender  
 1833 under s. 322.264(1)(d) as a result of suspensions of his or her  
 1834 driver's license or driver privilege for any underlying  
 1835 violation listed in subparagraphs 1.-5.

1836 (b)1. Upon a first conviction for knowingly driving while  
 1837 his or her license is suspended, revoked, or canceled for any of  
 1838 the underlying violations listed in subparagraphs (a)1.-6., a  
 1839 person commits a misdemeanor of the second degree, punishable as  
 1840 provided in s. 775.082 or s. 775.083.

1841 2. Upon a second or subsequent conviction for the same  
 1842 offense of knowingly driving while his or her license is  
 1843 suspended, revoked, or canceled for any of the underlying  
 1844 violations listed in subparagraphs (a)1.-6., a person commits a  
 1845 misdemeanor of the first degree, punishable as provided in s.  
 1846 775.082 or s. 775.083.

1847 (11) (a) A person who does not hold a commercial driver's  
 1848 license and who is cited for an offense of knowingly driving

CS/CS/HB 971

2010

1849 while his or her license is suspended, revoked, or canceled for  
 1850 any of the underlying violations listed in paragraph (10) (a)  
 1851 may, in lieu of payment of fine or court appearance, elect to  
 1852 enter a plea of nolo contendere and provide proof of compliance  
 1853 to the clerk of the court, designated official, or authorized  
 1854 operator of a traffic violations bureau. In such case,  
 1855 adjudication shall be withheld. However, no election shall be  
 1856 made under this subsection if such person has made an election  
 1857 under this subsection during the preceding 12 months. A person  
 1858 may not make more than three elections under this subsection.

1859 (b) If adjudication is withheld under paragraph (a), such  
 1860 action is not a conviction.

1861 Section 36. Subsection (8) of section 322.61, Florida  
 1862 Statutes, is amended to read:

1863 322.61 Disqualification from operating a commercial motor  
 1864 vehicle.—

1865 (8) A driver who is convicted of or otherwise found to  
 1866 have committed a violation of an out-of-service order while  
 1867 driving a commercial motor vehicle is disqualified as follows:

1868 (a) Not less than 180 ~~90~~ days nor more than 1 year if the  
 1869 driver is convicted of or otherwise found to have committed a  
 1870 first violation of an out-of-service order.

1871 (b) Not less than 2 years ~~1-year~~ nor more than 5 years if,  
 1872 for offenses occurring during any 10-year period, the driver is  
 1873 convicted of or otherwise found to have committed two violations  
 1874 of out-of-service orders in separate incidents.

1875 (c) Not less than 3 years nor more than 5 years if, for  
 1876 offenses occurring during any 10-year period, the driver is

1877 convicted of or otherwise found to have committed three or more  
 1878 violations of out-of-service orders in separate incidents.

1879 (d) Not less than 180 days nor more than 2 years if the  
 1880 driver is convicted of or otherwise found to have committed a  
 1881 first violation of an out-of-service order while transporting  
 1882 hazardous materials required to be placarded under the Hazardous  
 1883 Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or  
 1884 while operating motor vehicles designed to transport more than  
 1885 15 passengers, including the driver. A driver is disqualified  
 1886 for a period of not less than 3 years nor more than 5 years if,  
 1887 for offenses occurring during any 10-year period, the driver is  
 1888 convicted of or otherwise found to have committed any subsequent  
 1889 violations of out-of-service orders, in separate incidents,  
 1890 while transporting hazardous materials required to be placarded  
 1891 under the Hazardous Materials Transportation Act, 49 U.S.C. ss.  
 1892 5101 et seq., or while operating motor vehicles designed to  
 1893 transport more than 15 passengers, including the driver.

1894 Section 37. Section 488.06, Florida Statutes, is amended  
 1895 to read:

1896 488.06 Revocation or suspension of license or  
 1897 certificate.—The Department of Highway Safety and Motor Vehicles  
 1898 may suspend or revoke any license or certificate issued under  
 1899 the provisions of this chapter if the holder of the license or  
 1900 certificate or an instructor, agent, or employee of the  
 1901 commercial driving school has:

1902 (1) Violated the provisions of this chapter;~~;~~

1903 (2) Been convicted of, pled no contest to, or had  
 1904 adjudication withheld for any felony offense or misdemeanor

CS/CS/HB 971

2010

1905 offense, as shown by a fingerprint-based criminal background  
 1906 check, the cost of which must be borne by the applicant,  
 1907 instructor, agent, or employee;

1908 (3) Committed any fraud or willful misrepresentation in  
 1909 applying for or obtaining a license; or

1910 (4) Solicited business on any premises, including parking  
 1911 areas, used by the department or a tax collector for the purpose  
 1912 of licensing drivers.

1913  
 1914 For purposes of subsection (2), fingerprints shall be submitted  
 1915 to the Florida Department of Law Enforcement for state  
 1916 processing, and the Florida Department of Law Enforcement shall  
 1917 forward them to the Federal Bureau of Investigation for national  
 1918 processing.

1919 Section 38. Except as otherwise expressly provided in this  
 1920 act, this act shall take effect September 1, 2010.