

By Senator Perry

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1 A bill to be entitled
2 An act relating to autocycles; amending s. 316.003,
3 F.S.; defining the term "autocycle"; revising the
4 definition of the term "motorcycle"; conforming a
5 cross-reference; amending s. 316.614, F.S.; requiring
6 safety belt or, if applicable, child restraint usage
7 by an operator or passenger of an autocycle; amending
8 s. 320.01, F.S.; including an autocycle in the
9 definition of the term "motorcycle"; amending s.
10 322.03, F.S.; authorizing a person to operate an
11 autocycle without a motorcycle endorsement; amending
12 s. 322.12, F.S.; providing applicability; amending ss.
13 212.05, 316.303, 320.08, and 655.960, F.S.; conforming
14 cross-references; providing an effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

17
18 Section 1. Present subsections (2) through (99) of section
19 316.003, Florida Statutes, are renumbered as subsections (3)
20 through (100), respectively, a new subsection (2) is added to
21 that section, and present subsections (41) and (57) are amended,
22 to read:

23 316.003 Definitions.—The following words and phrases, when
24 used in this chapter, shall have the meanings respectively
25 ascribed to them in this section, except where the context
26 otherwise requires:

27 (2) AUTOCYCLE.—A three-wheeled motorcycle that has two
28 wheels in the front and one wheel in the back; is equipped with
29 a roll cage or roll hoops, a seat belt for each occupant,

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30 antilock brakes, a steering wheel, and seating that does not
31 require the operator to straddle or sit astride it; and is
32 manufactured in accordance with the applicable federal
33 motorcycle safety standards in 49 C.F.R. part 571 by a
34 manufacturer registered with the National Highway Traffic Safety
35 Administration.

36 (42)-(41) MOTORCYCLE.—Any motor vehicle having a seat or
37 saddle for the use of the rider and designed to travel on not
38 more than three wheels in contact with the ground. The term
39 includes an autocycle, but does not include ~~excluding~~ a tractor,
40 ~~or~~ a moped, or any vehicle in which the operator is enclosed by
41 a cabin unless it meets the requirements set forth by the
42 National Highway Traffic Safety Administration for a motorcycle.

43 (58)-(57)—PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
44 provided in paragraph (80) (b) ~~(79)-(b)~~, any privately owned way
45 or place used for vehicular travel by the owner and those having
46 express or implied permission from the owner, but not by other
47 persons.

48 Section 2. Subsections (4) and (5) of section 316.614,
49 Florida Statutes, are amended to read:

50 316.614 Safety belt usage.—

51 (4) It is unlawful for any person:

52 (a) To operate a motor vehicle or an autocycle in this
53 state unless each passenger and the operator of the vehicle or
54 autocycle under the age of 18 years are restrained by a safety
55 belt or by a child restraint device pursuant to s. 316.613, if
56 applicable; or

57 (b) To operate a motor vehicle or an autocycle in this
58 state unless the person is restrained by a safety belt.

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59 (5) It is unlawful for any person 18 years of age or older
60 to be a passenger in the front seat of a motor vehicle or an
61 autocycle unless such person is restrained by a safety belt when
62 the vehicle or autocycle is in motion.

63 Section 3. Subsection (26) of section 320.01, Florida
64 Statutes, is amended to read:

65 320.01 Definitions, general.—As used in the Florida
66 Statutes, except as otherwise provided, the term:

67 (26) "Motorcycle" means any motor vehicle having a seat or
68 saddle for the use of the rider and designed to travel on not
69 more than three wheels in contact with the ground. The term
70 includes an autocycle, as defined in s. 316.003, but excludes a
71 tractor, a moped, or any ~~excluding a~~ vehicle in which the
72 operator is enclosed by a cabin unless it meets the requirements
73 set forth by the National Highway Traffic Safety Administration
74 for a motorcycle. ~~The term "motorcycle" does not include a~~
75 ~~tractor or a moped.~~

76 Section 4. Subsection (4) of section 322.03, Florida
77 Statutes, is amended to read:

78 322.03 Drivers must be licensed; penalties.—

79 (4) A person may not operate a motorcycle unless he or she
80 holds a driver license that authorizes such operation, subject
81 to the appropriate restrictions and endorsements. A person may
82 operate an autocycle, as defined in s. 316.003, without a
83 motorcycle endorsement.

84 Section 5. Paragraph (c) is added to subsection (5) of
85 section 322.12, Florida Statutes, to read:

86 322.12 Examination of applicants.—

87 (5)

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88 (c) This subsection does not apply to the operation of an
89 autocycle, as defined in s. 316.003.

90 Section 6. Paragraph (c) of subsection (1) of section
91 212.05, Florida Statutes, is amended to read:

92 212.05 Sales, storage, use tax.—It is hereby declared to be
93 the legislative intent that every person is exercising a taxable
94 privilege who engages in the business of selling tangible
95 personal property at retail in this state, including the
96 business of making mail order sales, or who rents or furnishes
97 any of the things or services taxable under this chapter, or who
98 stores for use or consumption in this state any item or article
99 of tangible personal property as defined herein and who leases
100 or rents such property within the state.

101 (1) For the exercise of such privilege, a tax is levied on
102 each taxable transaction or incident, which tax is due and
103 payable as follows:

104 (c) At the rate of 6 percent of the gross proceeds derived
105 from the lease or rental of tangible personal property, as
106 defined herein; however, the following special provisions apply
107 to the lease or rental of motor vehicles:

108 1. When a motor vehicle is leased or rented for a period of
109 less than 12 months:

110 a. If the motor vehicle is rented in Florida, the entire
111 amount of such rental is taxable, even if the vehicle is dropped
112 off in another state.

113 b. If the motor vehicle is rented in another state and
114 dropped off in Florida, the rental is exempt from Florida tax.

115 2. Except as provided in subparagraph 3., for the lease or
116 rental of a motor vehicle for a period of not less than 12

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117 months, sales tax is due on the lease or rental payments if the
118 vehicle is registered in this state; provided, however, that no
119 tax shall be due if the taxpayer documents use of the motor
120 vehicle outside this state and tax is being paid on the lease or
121 rental payments in another state.

122 3. The tax imposed by this chapter does not apply to the
123 lease or rental of a commercial motor vehicle as defined in s.
124 316.003(13) (a) ~~316.003(12) (a)~~ to one lessee or rentee for a
125 period of not less than 12 months when tax was paid on the
126 purchase price of such vehicle by the lessor. To the extent tax
127 was paid with respect to the purchase of such vehicle in another
128 state, territory of the United States, or the District of
129 Columbia, the Florida tax payable shall be reduced in accordance
130 with the provisions of s. 212.06(7). This subparagraph shall
131 only be available when the lease or rental of such property is
132 an established business or part of an established business or
133 the same is incidental or germane to such business.

134 Section 7. Subsections (1) and (3) of section 316.303,
135 Florida Statutes, are amended to read:

136 316.303 Television receivers.—

137 (1) No motor vehicle may be operated on the highways of
138 this state if the vehicle is actively displaying moving
139 television broadcast or pre-recorded video entertainment content
140 that is visible from the driver's seat while the vehicle is in
141 motion, unless the vehicle is equipped with autonomous
142 technology, as defined in s. 316.003(3) ~~316.003(2)~~, and is being
143 operated in autonomous mode, as provided in s. 316.85(2).

144 (3) This section does not prohibit the use of an electronic
145 display used in conjunction with a vehicle navigation system; an

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146 electronic display used by an operator of a vehicle equipped
147 with autonomous technology, as defined in s. 316.003(3) ~~316.003~~;
148 or an electronic display used by an operator of a vehicle
149 equipped and operating with driver-assistive truck platooning
150 technology, as defined in s. 316.003.

151 Section 8. Section 320.08, Florida Statutes, is amended to
152 read:

153 320.08 License taxes.—Except as otherwise provided herein,
154 there are hereby levied and imposed annual license taxes for the
155 operation of motor vehicles, mopeds, motorized bicycles as
156 defined in s. 316.003(4) ~~316.003(3)~~, tri-vehicles as defined in
157 s. 316.003, and mobile homes as defined in s. 320.01, which
158 shall be paid to and collected by the department or its agent
159 upon the registration or renewal of registration of the
160 following:

161 (1) MOTORCYCLES AND MOPEDS.—

162 (a) Any motorcycle: \$10 flat.

163 (b) Any moped: \$5 flat.

164 (c) Upon registration of a motorcycle, motor-driven cycle,
165 or moped, in addition to the license taxes specified in this
166 subsection, a nonrefundable motorcycle safety education fee in
167 the amount of \$2.50 shall be paid. The proceeds of such
168 additional fee shall be deposited in the Highway Safety
169 Operating Trust Fund to fund a motorcycle driver improvement
170 program implemented pursuant to s. 322.025, the Florida
171 Motorcycle Safety Education Program established in s. 322.0255,
172 or the general operations of the department.

173 (d) An ancient or antique motorcycle: \$7.50 flat, of which
174 \$2.50 shall be deposited into the General Revenue Fund.

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- 175 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—
- 176 (a) An ancient or antique automobile, as defined in s.
- 177 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.
- 178 (b) Net weight of less than 2,500 pounds: \$14.50 flat.
- 179 (c) Net weight of 2,500 pounds or more, but less than 3,500
- 180 pounds: \$22.50 flat.
- 181 (d) Net weight of 3,500 pounds or more: \$32.50 flat.
- 182 (3) TRUCKS.—
- 183 (a) Net weight of less than 2,000 pounds: \$14.50 flat.
- 184 (b) Net weight of 2,000 pounds or more, but not more than
- 185 3,000 pounds: \$22.50 flat.
- 186 (c) Net weight more than 3,000 pounds, but not more than
- 187 5,000 pounds: \$32.50 flat.
- 188 (d) A truck defined as a "goat," or other vehicle if used
- 189 in the field by a farmer or in the woods for the purpose of
- 190 harvesting a crop, including naval stores, during such
- 191 harvesting operations, and which is not principally operated
- 192 upon the roads of the state: \$7.50 flat. The term "goat" means a
- 193 motor vehicle designed, constructed, and used principally for
- 194 the transportation of citrus fruit within citrus groves or for
- 195 the transportation of crops on farms, and which can also be used
- 196 for hauling associated equipment or supplies, including required
- 197 sanitary equipment, and the towing of farm trailers.
- 198 (e) An ancient or antique truck, as defined in s. 320.086:
- 199 \$7.50 flat.
- 200 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS
- 201 VEHICLE WEIGHT.—
- 202 (a) Gross vehicle weight of 5,001 pounds or more, but less
- 203 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be

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204 deposited into the General Revenue Fund.

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

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

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

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

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

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

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

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

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

232 (k) Gross vehicle weight of 62,000 pounds or more, but less

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233 than 72,000 pounds: \$1,080 flat, of which \$280 shall be
234 deposited into the General Revenue Fund.

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

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

241 1. The truck tractor is used exclusively for hauling
242 forestry products; or

243 2. The truck tractor is used primarily for the hauling of
244 forestry products, and is also used for the hauling of
245 associated forestry harvesting equipment used by the owner of
246 the truck tractor.

247
248 Of the fee imposed by this paragraph, \$84 shall be deposited
249 into the General Revenue Fund.

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

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

258 2. If such vehicle's declared gross vehicle weight is
259 44,000 pounds or more and such vehicle only transports from the
260 point of production to the point of primary manufacture; to the
261 point of assembling the same; or to a shipping point of a rail,

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

264
265 Such not-for-hire truck tractors and heavy trucks used
266 exclusively in transporting raw, unprocessed, and
267 nonmanufactured agricultural or horticultural products may be
268 incidentally used to haul farm implements and fertilizers
269 delivered direct to the growers. The department may require any
270 documentation deemed necessary to determine eligibility prior to
271 issuance of this license plate. For the purpose of this
272 paragraph, "not-for-hire" means the owner of the motor vehicle
273 must also be the owner of the raw, unprocessed, and
274 nonmanufactured agricultural or horticultural product, or the
275 user of the farm implements and fertilizer being delivered.

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

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

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

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

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

295 (d) A wrecker, as defined in s. 320.01, which is used to
296 tow a vessel as defined in s. 327.02, a disabled, abandoned,
297 stolen-recovered, or impounded motor vehicle as defined in s.
298 320.01, or a replacement motor vehicle as defined in s. 320.01:
299 \$41 flat, of which \$11 shall be deposited into the General
300 Revenue Fund.

301 (e) A wrecker that is used to tow any nondisabled motor
302 vehicle, a vessel, or any other cargo unless used as defined in
303 paragraph (d), as follows:

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

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

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

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

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

319 6. Gross vehicle weight of 44,000 pounds or more, but less

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320 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited
321 into the General Revenue Fund.

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

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

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

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

333 (6) MOTOR VEHICLES FOR HIRE.—

334 (a) Under nine passengers: \$17 flat, of which \$4.50 shall
335 be deposited into the General Revenue Fund; plus \$1.50 per cwt,
336 of which 50 cents shall be deposited into the General Revenue
337 Fund.

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

342 (7) TRAILERS FOR PRIVATE USE.—

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

346 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1
347 shall be deposited into the General Revenue Fund; plus \$1 per
348 cwt, of which 25 cents shall be deposited into the General

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349 Revenue Fund.

350 (8) TRAILERS FOR HIRE.—

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

355 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which
356 \$3.50 shall be deposited into the General Revenue Fund; plus
357 \$1.50 per cwt, of which 50 cents shall be deposited into the
358 General Revenue Fund.

359 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

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

364 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:
365 \$13.50 flat, of which \$3.50 shall be deposited into the General
366 Revenue Fund.

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

368 1. Net weight of less than 4,500 pounds: \$27 flat, of which
369 \$7 shall be deposited into the General Revenue Fund.

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

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

373 1. Net weight of less than 4,500 pounds: \$27 flat, of which
374 \$7 shall be deposited into the General Revenue Fund.

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

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

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378 1. Net weight of less than 4,500 pounds: \$27 flat, of which
379 \$7 shall be deposited into the General Revenue Fund.

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

382 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;
383 35 FEET TO 40 FEET.—

384 (a) *Park trailers.*—Any park trailer, as defined in s.
385 320.01(1)(b)7.: \$25 flat.

386 (b) *Travel trailers or fifth-wheel trailers.*—A travel
387 trailer or fifth-wheel trailer, as defined in s. 320.01(1)(b),
388 that exceeds 35 feet: \$25 flat.

389 (11) MOBILE HOMES.—

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

392 (b) A mobile home over 35 feet in length, but not exceeding
393 40 feet: \$25 flat.

394 (c) A mobile home over 40 feet in length, but not exceeding
395 45 feet: \$30 flat.

396 (d) A mobile home over 45 feet in length, but not exceeding
397 50 feet: \$35 flat.

398 (e) A mobile home over 50 feet in length, but not exceeding
399 55 feet: \$40 flat.

400 (f) A mobile home over 55 feet in length, but not exceeding
401 60 feet: \$45 flat.

402 (g) A mobile home over 60 feet in length, but not exceeding
403 65 feet: \$50 flat.

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

405 (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised
406 motor vehicle dealer, independent motor vehicle dealer, marine

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407 boat trailer dealer, or mobile home dealer and manufacturer
408 license plate: \$17 flat, of which \$4.50 shall be deposited into
409 the General Revenue Fund.

410 (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or
411 official license plate: \$4 flat, of which \$1 shall be deposited
412 into the General Revenue Fund, except that the registration or
413 renewal of a registration of a marine boat trailer exempt under
414 s. 320.102 is not subject to any license tax.

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

420 (15) TRANSPORTER.—Any transporter license plate issued to a
421 transporter pursuant to s. 320.133: \$101.25 flat, of which
422 \$26.25 shall be deposited into the General Revenue Fund.

423 Section 9. Subsection (1) of section 655.960, Florida
424 Statutes, is amended to read:

425 655.960 Definitions; ss. 655.960-655.965.—As used in this
426 section and ss. 655.961-655.965, unless the context otherwise
427 requires:

428 (1) "Access area" means any paved walkway or sidewalk which
429 is within 50 feet of any automated teller machine. The term does
430 not include any street or highway open to the use of the public,
431 as defined in s. 316.003(80)(a) ~~316.003(79)(a)~~ or (b), including
432 any adjacent sidewalk, as defined in s. 316.003.

433 Section 10. This act shall take effect July 1, 2018.