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CS/CS/HB 971, Engrossed 2

2010 Legislature

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;

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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

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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

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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.;

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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

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

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169 | purposes; requiring such forms to include language
170 | permitting the applicant to make a voluntary contribution
171 | to the League Against Cancer/La Liga Contra el Cancer and
172 | to state homes for veterans; providing for distribution of
173 | funds collected from such contributions; providing that
174 | such contributions are not considered income of a revenue
175 | nature; amending s. 322.121, F.S.; revising legislative
176 | intent for reexamination of licensed drivers upon the
177 | renewal of the driver's license; removing a requirement
178 | that each licensee must pass a reexamination at the time
179 | of license renewal; amending s. 322.18, F.S.; authorizing
180 | a licensed physician at a federally established veterans'
181 | hospital to administer a vision test for purposes of
182 | renewing a driver's license; conforming a cross-reference;
183 | amending s. 322.2615, F.S.; revising requirements for
184 | information an officer must submit to the department after
185 | suspending a driver's license for certain DUI offenses;
186 | removing a requirement that the officer submit a copy of a
187 | crash report; authorizing the officer to submit such
188 | report; amending s. 322.271, F.S.; providing procedures
189 | for the restoration of the driving privileges of certain
190 | persons whose driving privileges have been revoked;
191 | providing for a hearing; providing for the adoption of
192 | rules; providing a phase-in period; amending s. 322.2715,
193 | F.S.; requiring the installation of an ignition interlock
194 | device under certain circumstances; amending s. 322.34,
195 | F.S.; providing that if a person does not hold a
196 | commercial driver's license and is cited for an offense of

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197 knowingly driving while his or her license is suspended,
198 revoked, or canceled for specified offenses, he or she
199 may, in lieu of payment of a fine or court appearance,
200 elect to enter a plea of nolo contendere and provide proof
201 of compliance to the clerk of the court, designated
202 official, or authorized operator of a traffic violations
203 bureau; limiting a driver's option to elect such a remedy;
204 amending s. 322.61, F.S.; revising the period of
205 disqualification from operating a commercial motor vehicle
206 for a violation of an out-of-service order; amending s.
207 488.06, F.S.; specifying additional circumstances under
208 which the department may suspend or revoke a license or
209 certificate of a driving school; providing procedures for
210 background screening; amending ss. 261.03 and 317.0003,
211 F.S.; revising the definition of the term "ROV" to include
212 vehicles of an increased width and weight for purposes of
213 provisions relating to off-highway vehicles; amending s.
214 316.008, F.S.; authorizing a county or municipality to
215 enact an ordinance to permit, control, or regulate the
216 operation of vehicles, golf carts, mopeds, motorized
217 scooters, and electric personal assistive mobility devices
218 on sidewalks or sidewalk areas under certain conditions;
219 requiring the ordinance to restrict such vehicles or
220 devices to a certain maximum speed; amending s. 316.1995,
221 F.S.; specifying exceptions to restrictions on operating
222 vehicles upon a bicycle path, sidewalk, or sidewalk area;
223 amending s. 316.212, F.S.; providing for a local
224 governmental entity to enact an ordinance relating to golf

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225 | cart operation on sidewalks in certain areas if certain
 226 | conditions are met; amending s. 316.2128, F.S.; revising
 227 | requirements for signage which must be displayed by
 228 | certain sellers of motorized scooters or miniature
 229 | motorcycles; creating the "Ronshay Dugans Act";
 230 | designating Drowsy Driving Prevention Week; encouraging
 231 | the Department of Highway Safety and Motor Vehicles and
 232 | the Department of Transportation to educate the law
 233 | enforcement community and the public about the
 234 | relationship between fatigue and driving performance;
 235 | providing effective dates.

236 |
 237 | Be It Enacted by the Legislature of the State of Florida:
 238 |

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

241 | 316.003 Definitions.—The following words and phrases, when
 242 | used in this chapter, shall have the meanings respectively
 243 | ascribed to them in this section, except where the context
 244 | otherwise requires:

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

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

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

250 | (c) Has a single, completely enclosed, occupant
 251 | compartment;

252 | (d) Is produced in a minimum quantity of 300 in any

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- 253 calendar year;
- 254 (e) Is capable of a speed greater than 60 miles per hour
- 255 on level ground; and
- 256 (f) Is equipped with:
- 257 1. Seats that are certified by the vehicle manufacturer to
- 258 meet the requirements of Federal Motor Vehicle Safety Standard
- 259 No. 207, "Seating systems" (49 C.F.R. s. 571.207);
- 260 2. A steering wheel used to maneuver the vehicle;
- 261 3. A propulsion unit located forward or aft of the
- 262 enclosed occupant compartment;
- 263 4. A seat belt for each vehicle occupant certified to meet
- 264 the requirements of Federal Motor Vehicle Safety Standard No.
- 265 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);
- 266 5. A windshield and an appropriate windshield wiper and
- 267 washer system that are certified by the vehicle manufacturer to
- 268 meet the requirements of Federal Motor Vehicle Safety Standard
- 269 No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal
- 270 Motor Vehicle Safety Standard No. 104, "Windshield Wiping and
- 271 Washing Systems" (49 C.F.R. s. 571.104); and
- 272 6. A vehicle structure certified by the vehicle
- 273 manufacturer to meet the requirements of Federal Motor Vehicle
- 274 Safety Standard No. 216, "Rollover crush resistance" (49 C.F.R.
- 275 s. 571.216).

276 Section 2. Paragraph (b) of subsection (5) of section

277 316.066, Florida Statutes, is amended to read:

278 316.066 Written reports of crashes.—

279 (5)

280 (b) Crash reports held by an agency under paragraph (a)

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281 may be made immediately available to the parties involved in the
 282 crash, their legal representatives, their licensed insurance
 283 agents, their insurers or insurers to which they have applied
 284 for coverage, persons under contract with such insurers to
 285 provide claims or underwriting information, prosecutorial
 286 authorities, law enforcement agencies, county traffic
 287 operations, victim services programs, radio and television
 288 stations licensed by the Federal Communications Commission,
 289 newspapers qualified to publish legal notices under ss. 50.011
 290 and 50.031, and free newspapers of general circulation,
 291 published once a week or more often, available and of interest
 292 to the public generally for the dissemination of news. For the
 293 purposes of this section, the following products or publications
 294 are not newspapers as referred to in this section: those
 295 intended primarily for members of a particular profession or
 296 occupational group; those with the primary purpose of
 297 distributing advertising; and those with the primary purpose of
 298 publishing names and other personal identifying information
 299 concerning parties to motor vehicle crashes.

300 Section 3. Paragraph (b) of subsection (1) of section
 301 316.0741, Florida Statutes, is amended to read:

302 316.0741 High-occupancy-vehicle lanes.—

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

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

305 1. That draws propulsion energy from onboard sources of
 306 stored energy which are both an internal combustion or heat
 307 engine using combustible fuel and a rechargeable energy-storage
 308 system; ~~and~~

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

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

316 (4) (a) Notwithstanding any other provision of this
 317 section, an inherently low-emission vehicle (ILEV) that is
 318 certified and labeled in accordance with federal regulations may
 319 be driven in an HOV lane at any time, regardless of its
 320 occupancy. In addition, upon the state's receipt of written
 321 notice from the proper federal regulatory agency authorizing
 322 such use, a vehicle defined as a hybrid vehicle under this
 323 section may be driven in an HOV lane at any time, regardless of
 324 its occupancy.

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

329 (c) Upon issuance of the applicable United States
 330 Environmental Protection Agency final rule pursuant to 23 U.S.C.
 331 s. 166(e), relating to the eligibility of hybrid and other low-
 332 emission and energy-efficient vehicles for operation in an HOV
 333 lane, regardless of occupancy, the Department of Transportation
 334 shall review the rule and recommend to the Legislature any
 335 statutory changes necessary for compliance with the federal
 336 rule. The department shall provide its recommendations no later

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337 | than 30 days following issuance of the final rule.

338 | Section 4. Section 316.159, Florida Statutes, is amended
339 | to read:

340 | 316.159 Certain vehicles to stop or slow at all railroad
341 | grade crossings.—

342 | (1) The driver of any motor vehicle carrying passengers
343 | for hire, excluding taxicabs, of any school bus carrying any
344 | school child, or of any vehicle carrying explosive substances or
345 | flammable liquids as a cargo or part of a cargo, before crossing
346 | at grade any track or tracks of a railroad, shall stop such
347 | vehicle within 50 feet but not less than 15 feet from the
348 | nearest rail of the railroad and, while so stopped, shall listen
349 | and look in both directions along the track for any approaching
350 | train, and for signals indicating the approach of a train,
351 | except as hereinafter provided, and shall not proceed until he
352 | or she can do so safely. After stopping as required herein and
353 | upon proceeding when it is safe to do so, the driver of any such
354 | vehicle shall cross only in a gear of the vehicle so that there
355 | will be no necessity for changing gears while traversing the
356 | crossing, and the driver shall not shift gears while crossing
357 | the track or tracks.

358 | (2) No stop need be made at any such crossing where a
359 | police officer, a traffic control signal, or a sign directs
360 | traffic to proceed. However, any school bus carrying any school
361 | child shall be required to stop unless directed to proceed by a
362 | police officer.

363 | (3) The driver of any commercial motor vehicle that is not
364 | required to stop under subsection (1) or subsection (2) shall

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365 slow the motor vehicle before crossing the tracks of any
 366 railroad grade crossing and check that the tracks are clear of
 367 an approaching train.

368 ~~(4)~~~~(3)~~ A violation of this section is a noncriminal
 369 traffic infraction, punishable as a moving violation as provided
 370 in chapter 318.

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

373 316.193 Driving under the influence; penalties.—

374 (13) If personnel of the circuit court or the sheriff do
 375 not immobilize vehicles, only immobilization agencies that meet
 376 the conditions of this subsection shall immobilize vehicles in
 377 that judicial circuit.

378 (a) The immobilization agency responsible for immobilizing
 379 vehicles in that judicial circuit shall be subject to strict
 380 compliance with all of the following conditions and
 381 restrictions:

382 1. Any immobilization agency engaged in the business of
 383 immobilizing vehicles shall provide to the clerk of the court a
 384 signed affidavit attesting that the agency:

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

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

389 ~~b.e. Maintains~~ Maintain accurate and complete records of
 390 all payments for the immobilization, copies of all documents
 391 pertaining to the court's order of impoundment or
 392 immobilization, and any other documents relevant to each

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393 immobilization. Such records must be maintained by the
 394 immobilization agency for at least 3 years; and
 395 c. Employs and assigns persons to immobilize vehicles that
 396 meet the requirements established in subparagraph 2.
 397 2. The person who immobilizes a vehicle must:
 398 a. Not have been adjudicated incapacitated under s.
 399 744.331, or a similar statute in another state, unless his or
 400 her capacity has been judicially restored; involuntarily placed
 401 in a treatment facility for the mentally ill under chapter 394,
 402 or a similar law in any other state, unless his or her
 403 competency has been judicially restored; or diagnosed as having
 404 an incapacitating mental illness unless a psychologist or
 405 psychiatrist licensed in this state certifies that he or she
 406 does not currently suffer from the mental illness.
 407 b. Not be a chronic and habitual user of alcoholic
 408 beverages to the extent that his or her normal faculties are
 409 impaired; not have been committed under chapter 397, former
 410 chapter 396, or a similar law in any other state; not have been
 411 found to be a habitual offender under s. 856.011(3), or a
 412 similar law in any other state; or not have had any convictions
 413 under this section, or a similar law in any other state, within
 414 2 years before the affidavit is submitted.
 415 c. Not have been committed for controlled substance abuse
 416 or have been found guilty of a crime under chapter 893, or a
 417 similar law in any other state, relating to controlled
 418 substances in any other state.
 419 d. Not have been found guilty of or entered a plea of
 420 guilty or nolo contendere to, regardless of adjudication, or

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421 been convicted of a felony, unless his or her civil rights have
 422 been restored.

423 e. Be a citizen or legal resident alien of the United
 424 States or have been granted authorization to seek employment in
 425 this country by the United States Bureau of Citizenship and
 426 Immigration Services.

427 (b) The immobilization agency shall conduct a state
 428 criminal history check through the Florida Department of Law
 429 Enforcement to ensure that the person hired to immobilize a
 430 vehicle meets the requirements in sub-subparagraph (a)2.d. never
 431 ~~have been convicted of any felony or of driving or boating under~~
 432 ~~the influence of alcohol or a controlled substance in the last 3~~
 433 ~~years.~~

434 (c) ~~(b)~~ A person who violates paragraph (a) commits a
 435 misdemeanor of the first degree, punishable as provided in s.
 436 775.082 or s. 775.083.

437 ~~(c) Any immobilization agency who is aggrieved by a~~
 438 ~~person's violation of paragraph (a) may bring a civil action~~
 439 ~~against the person who violated paragraph (a) seeking injunctive~~
 440 ~~relief, damages, reasonable attorney's fees and costs, and any~~
 441 ~~other remedy available at law or in equity as may be necessary~~
 442 ~~to enforce this subsection. In any action to enforce this~~
 443 ~~subsection, establishment of a violation of paragraph (a) shall~~
 444 ~~conclusively establish a clear legal right to injunctive relief,~~
 445 ~~that irreparable harm will be caused if an injunction does not~~
 446 ~~issue, that no adequate remedy at law exists, and that public~~
 447 ~~policy favors issuance of injunctive relief.~~

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

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449 (a) "Immobilization," "immobilizing," or "immobilize"
 450 means the act of installing a vehicle antitheft device on the
 451 steering wheel of a vehicle, the act of placing a tire lock or
 452 wheel clamp on a vehicle, or a governmental agency's act of
 453 taking physical possession of the license tag and vehicle
 454 registration rendering a vehicle legally inoperable to prevent
 455 any person from operating the vehicle pursuant to an order of
 456 impoundment or immobilization under subsection (6).

457 (b) "Immobilization agency" or "immobilization agencies"
 458 means any person, firm, company, agency, organization,
 459 partnership, corporation, association, trust, or other business
 460 entity of any kind whatsoever that meets all of the conditions
 461 of subsection (13).

462 (c) "Impoundment," "impounding," or "impound" means the
 463 act of storing a vehicle at a storage facility pursuant to an
 464 order of impoundment or immobilization under subsection (6)
 465 where the person impounding the vehicle exercises control,
 466 supervision, and responsibility over the vehicle.

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

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

472 316.2065 Bicycle regulations.—

473 (5) (a) Any person operating a bicycle upon a roadway at
 474 less than the normal speed of traffic at the time and place and
 475 under the conditions then existing shall ride in the lane marked
 476 for bicycle use or, if no lane is marked for bicycle use, as

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477 close as practicable to the right-hand curb or edge of the
 478 roadway except under any of the following situations:

479 1. When overtaking and passing another bicycle or vehicle
 480 proceeding in the same direction.

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

483 3. When reasonably necessary to avoid any condition,
 484 including, but not limited to, a fixed or moving object, parked
 485 or moving vehicle, bicycle, pedestrian, animal, surface hazard,
 486 or substandard-width lane, that makes it unsafe to continue
 487 along the right-hand curb or edge. For the purposes of this
 488 subsection, a "substandard-width lane" is a lane that is too
 489 narrow for a bicycle and another vehicle to travel safely side
 490 by side within the lane.

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

494 (20) Except as otherwise provided in this section, a
 495 violation of this section is a noncriminal traffic infraction,
 496 punishable as a pedestrian violation as provided in chapter 318.
 497 A law enforcement officer may issue traffic citations for a
 498 violation of subsection (3) or subsection (16) only if the
 499 violation occurs on a bicycle path or road, as defined in s.
 500 334.03. However, a law enforcement officer ~~they~~ may not issue
 501 citations to persons on private property, except any part
 502 thereof which is open to the use of the public for purposes of
 503 vehicular traffic.

504 Section 7. Subsection (3) of section 316.2085, Florida

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505 Statutes, is amended to read:

506 316.2085 Riding on motorcycles or mopeds.—

507 (3) The license tag of a motorcycle or moped must be
 508 permanently affixed to the vehicle and may not be adjusted or
 509 capable of being flipped up. No device for or method of
 510 concealing or obscuring the legibility of the license tag of a
 511 motorcycle shall be installed or used. The license tag of a
 512 motorcycle or moped may be affixed horizontally to the ground so
 513 that the numbers and letters read from left to right.

514 Alternatively, a license tag for a motorcycle or moped for which
 515 the numbers and letters read from top to bottom may be affixed
 516 perpendicularly to the ground, provided that the registered
 517 owner of the motorcycle or moped maintains a prepaid toll
 518 account in good standing and a transponder associated with the
 519 prepaid toll account is affixed to the motorcycle or moped.

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

522 316.2952 Windshields; requirements; restrictions.—

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

527 (d) A global positioning system device or similar
 528 satellite receiver device which uses the global positioning
 529 system operated pursuant to 10 U.S.C. s. 2281 for the purpose of
 530 obtaining navigation or routing information while the motor
 531 vehicle is being operated.

532 Section 9. Section 316.29545, Florida Statutes, is amended

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533 to read:

534 316.29545 Window sunscreening exclusions; medical
 535 exemption; certain law enforcement vehicles and private
 536 investigative service vehicles exempt.—

537 (1) The department shall issue medical exemption
 538 certificates to persons who are afflicted with Lupus, any
 539 autoimmune disease, or other ~~similar~~ medical conditions which
 540 require a limited exposure to light, which certificates shall
 541 entitle the person to whom the certificate is issued to have
 542 sunscreening material on the windshield, side windows, and
 543 windows behind the driver which is in violation of the
 544 requirements of ss. 316.2951-316.2957. The department shall
 545 consult with the Medical Advisory Board established in s.
 546 322.125 for guidance with respect to the autoimmune diseases and
 547 other medical conditions which shall be included on ~~provide, by~~
 548 ~~rule, for~~ the form of the medical certificate authorized by this
 549 section. At a minimum, the medical exemption certificate shall
 550 include a vehicle description with the make, model, year,
 551 vehicle identification number, medical exemption decal number
 552 issued for the vehicle, and the name of the person or persons
 553 who are the registered owners of the vehicle. A medical
 554 exemption certificate shall be nontransferable and shall become
 555 null and void upon the sale or transfer of the vehicle
 556 identified on the certificate.

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

560 (3) The department shall exempt from the window

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561 sunscreening restrictions of ss. 316.2953, 316.2954, and
 562 316.2956 vehicles that are owned or leased by private
 563 investigators or private investigative agencies licensed under
 564 chapter 493.

565 (4)~~(3)~~ The department may charge a fee in an amount
 566 sufficient to defray the expenses of issuing a medical exemption
 567 certificate as described in subsection (1).

568 (5) The department is authorized to promulgate rules for
 569 the implementation of this section.

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

572 316.605 Licensing of Vehicles.—

573 (1) Every vehicle, at all times while driven, stopped, or
 574 parked upon any highways, roads, or streets of this state, shall
 575 be licensed in the name of the owner thereof in accordance with
 576 the laws of this state unless such vehicle is not required by
 577 the laws of this state to be licensed in this state and shall,
 578 except as otherwise provided in s. 320.0706 for front-end
 579 registration license plates on truck tractors and s. 320.086(5)
 580 which exempts display of license plates on described former
 581 military vehicles, display the license plate or both of the
 582 license plates assigned to it by the state, one on the rear and,
 583 if two, the other on the front of the vehicle, each to be
 584 securely fastened to the vehicle outside the main body of the
 585 vehicle not higher than 60 inches and not lower than 12 inches
 586 from the ground and no more than 24 inches to the left or right
 587 of the centerline of the vehicle, and in such manner as to
 588 prevent the plates from swinging, and all letters, numerals,

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589 printing, writing, and other identification marks upon the
590 plates regarding the word "Florida," the registration decal, and
591 the alphanumeric designation shall be clear and distinct and
592 free from defacement, mutilation, grease, and other obscuring
593 matter, so that they will be plainly visible and legible at all
594 times 100 feet from the rear or front. Except as provided in s.
595 316.2085(3), vehicle license plates shall be affixed and
596 displayed in such a manner that the letters and numerals shall
597 be read from left to right parallel to the ground. No vehicle
598 license plate may be displayed in an inverted or reversed
599 position or in such a manner that the letters and numbers and
600 their proper sequence are not readily identifiable. Nothing
601 shall be placed upon the face of a Florida plate except as
602 permitted by law or by rule or regulation of a governmental
603 agency. No license plates other than those furnished by the
604 state shall be used. However, if the vehicle is not required to
605 be licensed in this state, the license plates on such vehicle
606 issued by another state, by a territory, possession, or district
607 of the United States, or by a foreign country, substantially
608 complying with the provisions hereof, shall be considered as
609 complying with this chapter. A violation of this subsection is a
610 noncriminal traffic infraction, punishable as a nonmoving
611 violation as provided in chapter 318.

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

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

616 (3) Any person who violates this section commits a

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

632 Section 12. Subsections (1), (2), (3), and (10) of section
 633 318.14, Florida Statutes, are amended to read:

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

636 (1) Except as provided in ss. 318.17 and 320.07(3)(c), any
 637 person cited for a violation of chapter 316, s. 320.0605, s.
 638 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or
 639 (3), s. 322.1615 ~~s. 322.161(5)~~, s. 322.19, or s. 1006.66(3) is
 640 charged with a noncriminal infraction and must be cited for such
 641 an infraction and cited to appear before an official. If another
 642 person dies as a result of the noncriminal infraction, the
 643 person cited may be required to perform 120 community service
 644 hours under s. 316.027(4), in addition to any other penalties.

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645 (2) Except as provided in s. 316.1001(2), any person cited
 646 for a violation requiring a mandatory hearing listed in s.
 647 318.19 or any other criminal traffic violation listed in chapter
 648 316 ~~an infraction under this section~~ must sign and accept a
 649 citation indicating a promise to appear. The officer may
 650 indicate on the traffic citation the time and location of the
 651 scheduled hearing and must indicate the applicable civil penalty
 652 established in s. 318.18. For all other infractions under this
 653 section, except for infractions under s. 316.1001, the officer
 654 must certify by electronic, electronic facsimile, or written
 655 signature that the citation was delivered to the person cited.
 656 This certification is prima facie evidence that the person cited
 657 was served with the citation.

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

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

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673 1. Operating a motor vehicle without a valid driver's
 674 license in violation of the provisions of s. 322.03, s. 322.065,
 675 or s. 322.15(1), or operating a motor vehicle with a license
 676 that ~~which~~ has been suspended for failure to appear, failure to
 677 pay civil penalty, or failure to attend a driver improvement
 678 course pursuant to s. 322.291.

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

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

682 4. Operating a motor vehicle with a license that has been
 683 suspended under s. 61.13016 or s. 322.245 for failure to pay
 684 child support or for failure to pay any other financial
 685 obligation as provided in s. 322.245; however, this subparagraph
 686 does not apply if the license has been suspended pursuant to s.
 687 322.245(1).

688 5. Operating a motor vehicle with a license that has been
 689 suspended under s. 322.091 for failure to meet school attendance
 690 requirements.

691 (b) Any person cited for an offense listed in this
 692 subsection shall present proof of compliance prior to the
 693 scheduled court appearance date. For the purposes of this
 694 subsection, proof of compliance shall consist of a valid,
 695 renewed, or reinstated driver's license or registration
 696 certificate and proper proof of maintenance of security as
 697 required by s. 316.646. Notwithstanding waiver of fine, any
 698 person establishing proof of compliance shall be assessed court
 699 costs of \$25, except that a person charged with violation of s.
 700 316.646(1)-(3) may be assessed court costs of \$8. One dollar of

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

720 Section 13. Paragraph (c) of subsection (3) of section
721 318.18, Florida Statutes, is amended to read:

722 318.18 Amount of penalties.—The penalties required for a
723 noncriminal disposition pursuant to s. 318.14 or a criminal
724 offense listed in s. 318.17 are as follows:

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

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

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729 For speed exceeding the limit by: Fine:
 730 1-5 m.p.h Warning
 731 6-9 m.p.h \$25
 732 10-14 m.p.h \$100
 733 15-19 m.p.h \$150
 734 20-29 m.p.h \$175
 735 30 m.p.h. and above \$250

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

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

744 319.28 Transfer of ownership by operation of law.—

745 (2)

746 (b) In case of repossession of a motor vehicle or mobile
 747 home pursuant to the terms of a security agreement or similar
 748 instrument, an affidavit by the party to whom possession has
 749 passed stating that the vehicle or mobile home was repossessed
 750 upon default in the terms of the security agreement or other
 751 instrument shall be considered satisfactory proof of ownership
 752 and right of possession. At least 5 days prior to selling the
 753 repossessed vehicle, any subsequent lienholder named in the last
 754 issued certificate of title shall be sent notice of the
 755 repossession by certified mail, on a form prescribed by the
 756 department. If such notice is given and no written protest to

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757 the department is presented by a subsequent lienholder within 15
758 days from the date on which the notice was mailed, the
759 certificate of title or the certificate of repossession shall be
760 issued showing no liens. If the former owner or any subsequent
761 lienholder files a written protest under oath within such 15-day
762 period, the department shall not issue the certificate of title
763 or certificate of repossession for 10 days thereafter. If within
764 the 10-day period no injunction or other order of a court of
765 competent jurisdiction has been served on the department
766 commanding it not to deliver the certificate of title or
767 certificate of repossession, the department shall deliver the
768 certificate of title or repossession to the applicant or as may
769 otherwise be directed in the application showing no other liens
770 than those shown in the application. Any lienholder who has
771 repossessed a vehicle in this state in compliance with the
772 provisions of this section ~~must~~ may apply to a ~~the~~ tax
773 collector's office in this state or to the department for a
774 certificate of repossession or to the department for a
775 certificate of title pursuant to s. 319.323. Proof of the
776 required notice to subsequent lienholders shall be submitted
777 together with regular title fees. A lienholder to whom a
778 certificate of repossession has been issued may assign the
779 certificate of title to the subsequent owner. Any person found
780 guilty of violating any requirements of this paragraph shall be
781 guilty of a felony of the third degree, punishable as provided
782 in s. 775.082, s. 775.083, or s. 775.084.

783 Section 15. Paragraphs (g) through (u) of subsection (1)
784 of section 319.30, Florida Statutes, are redesignated as

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785 paragraphs (h) through (v), respectively, a new paragraph (g) is
 786 added to that subsection, subsection (9) of that section is
 787 renumbered as subsection (10), and a new subsection (9) is added
 788 to that section, to read:

789 319.30 Definitions; dismantling, destruction, change of
 790 identity of motor vehicle or mobile home; salvage.—

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

792 (g) "Independent entity" means a business or entity that
 793 may temporarily store damaged or dismantled motor vehicles
 794 pursuant to an agreement with an insurance company and is
 795 engaged in the sale or resale of damaged or dismantled motor
 796 vehicles. The term does not include a wrecker operator, towing
 797 company, or a repair facility.

798 (9) (a) An insurance company may notify an independent
 799 entity that obtains possession of a damaged or dismantled motor
 800 vehicle to release the vehicle to the owner. The insurance
 801 company shall provide the independent entity a release statement
 802 on a form prescribed by the department authorizing the
 803 independent entity to release the vehicle to the owner. The form
 804 shall, at a minimum, contain the following:

- 805 1. The policy and claim number.
- 806 2. The name and address of the insured.
- 807 3. The vehicle identification number.
- 808 4. The signature of an authorized representative of the
 809 insurance company.

810 (b) The independent entity in possession of a motor
 811 vehicle must send a notice to the owner that the vehicle is
 812 available for pick up when it receives a release statement from

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813 the insurance company. The notice shall be sent by certified
 814 mail to the owner at the owner's address reflected in the
 815 department's records. The notice must inform the owner that the
 816 owner has 30 days after receipt of the notice to pick up the
 817 vehicle from the independent entity. If the motor vehicle is not
 818 claimed within 30 days after the owner receives the notice, the
 819 independent entity may apply for a certificate of destruction or
 820 a certificate of title.

821 (c) Upon applying for a certificate of destruction or
 822 certificate of title, the independent entity shall provide a
 823 copy of the release statement from the insurance company to the
 824 independent entity, proof of providing the 30-day notice to the
 825 owner, and applicable fees.

826 (d) The independent entity may not charge an owner of the
 827 vehicle storage fees or apply for a title under s. 713.585 or s.
 828 713.78.

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

831 320.02 Registration required; application for
 832 registration; forms.—

833 (15)

834 (i) Notwithstanding s. 320.023, the application forms for
 835 motor vehicle registration and renewal of registration must
 836 include language permitting a voluntary contribution of \$1 per
 837 applicant, which shall be distributed to the League Against
 838 Cancer/La Liga Contra el Cancer. Such contributions shall be
 839 distributed by the department to the League Against Cancer/La
 840 Liga Contra el Cancer, a not-for-profit organization that

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841 provides free medical care to needy cancer patients. The
 842 department shall retain all contributions necessary, up to a
 843 maximum of \$10,000, to defray the cost of including the
 844 voluntary contribution language on the registration forms.

845
 846 For the purpose of applying the service charge provided in s.
 847 215.20, contributions received under this subsection are not
 848 income of a revenue nature.

849 Section 17. Effective July 1, 2010, subsection (10) of
 850 section 320.03, Florida Statutes, is amended to read:

851 320.03 Registration; duties of tax collectors;
 852 International Registration Plan.—

853 (10) (a) Jurisdiction over the ~~outsourced~~ electronic filing
 854 system for use by authorized electronic filing system agents to
 855 electronically title or register motor vehicles, vessels, mobile
 856 homes, or off-highway vehicles; issue or transfer registration
 857 license plates or decals; electronically transfer fees due for
 858 the title and registration process; and perform inquiries for
 859 title, registration, and lienholder verification and
 860 certification of service providers ~~licensed motor vehicle~~
 861 ~~dealers electronically to title and to register motor vehicles~~
 862 ~~and to issue or to transfer registration license plates or~~
 863 ~~decals~~ is expressly preempted to the state and the department
 864 shall have regulatory authority over the system. The department
 865 ~~shall continue its current outsourcing of the existing~~
 866 ~~electronic filing system, including its program standards.~~ The
 867 electronic filing system shall be available for use statewide
 868 and applied uniformly throughout the state ~~is approved for use~~

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869 ~~in all counties, shall apply uniformly to all tax collectors of~~
 870 ~~the state, and no tax collector may add or detract from the~~
 871 ~~program standards in his or her respective county. An entity~~
 872 ~~that, in the normal course of its business, sells products that~~
 873 ~~must be titled or registered, provides title and registration~~
 874 ~~services on behalf of its consumers and meets all established~~
 875 ~~requirements may be an authorized electronic filing system agent~~
 876 ~~and shall not be precluded from participating in the electronic~~
 877 ~~filing system in any county. Upon request from a qualified~~
 878 ~~entity, the tax collector shall appoint the entity as an~~
 879 ~~authorized electronic filing system agent for that county. The~~
 880 ~~department shall adopt rules in accordance with chapter 120 to~~
 881 ~~replace the December 10, 2009, program standards and to~~
 882 ~~administer the provisions of this section, including, but not~~
 883 ~~limited to, establishing participation requirements,~~
 884 ~~certification of service providers, electronic filing system~~
 885 ~~requirements, and enforcement authority for noncompliance. The~~
 886 ~~December 10, 2009, program standards, excluding any standards~~
 887 ~~which conflict with this paragraph, shall remain in effect until~~
 888 ~~the rules are adopted. An authorized electronic filing agent ~~A~~~~
 889 ~~motor vehicle dealer licensed under this chapter may charge a~~
 890 ~~fee to the customer for use of the electronic filing system, and~~
 891 ~~such fee is not a component of the program standards. Final~~
 892 ~~authority over disputes relating to program standards lies with~~
 893 ~~the department. By January 1, 2010, the Office of Program Policy~~
 894 ~~Analysis and Government Accountability, with input from the~~
 895 ~~department and from affected parties, including tax collectors,~~
 896 ~~service providers, and motor vehicle dealers, shall report to~~

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897 ~~the President of the Senate and the Speaker of the House of~~
 898 ~~Representatives on the status of the outsourced electronic~~
 899 ~~filing system, including the program standards, and its~~
 900 ~~compliance with this subsection. The report shall identify all~~
 901 ~~public and private alternatives for continued operation of the~~
 902 ~~electronic filing system and shall include any and all~~
 903 ~~appropriate recommendations, including revisions to the program~~
 904 ~~standards.~~

905 (b) Notwithstanding paragraph (a), the private entity
 906 providers of the electronic filing system shall continue to
 907 comply with the financial arrangements with the Tax Collector
 908 Service Corporation which were in effect as of January 1, 2010,
 909 through December 31, 2010. This paragraph expires January 1,
 910 2011.

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

913 320.05 Records of the department; inspection procedure;
 914 lists and searches; fees.—

915 (3) (a) The department is authorized, upon application of
 916 any person and payment of the proper fees, to prepare and
 917 furnish lists containing motor vehicle or vessel information in
 918 such form as the department may authorize, to search the records
 919 of the department and make reports thereof, and to make
 920 photographic copies of the department records and attestations
 921 thereof.

922 (b) Fees therefor shall be charged and collected as
 923 follows:

924 1. For providing lists of motor vehicle or vessel records

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925 for the entire state, or any part or parts thereof, divided
 926 according to counties, a sum computed at a rate of not less than
 927 1 cent nor more than 5 cents per item.

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

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

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

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

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

938 7. For providing electronic access to motor vehicle,
 939 vessel, and mobile home registration data requested by tag,
 940 vehicle identification number, title number, or decal number, 50
 941 cents per item.

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

945 9. For providing lists of licensed mobile home dealers and
 946 manufacturers and recreational vehicle dealers and
 947 manufacturers, \$15 per list.

948 10. For providing lists of licensed motor vehicle dealers,
 949 \$25 per list.

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

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

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

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

957 (e) When motor vehicle, vessel, or mobile home
 958 registration data is provided by electronic access through a tax
 959 collector's office, the applicable fee as provided in paragraph
 960 (b) must be collected and deposited pursuant to paragraph (c).

961 However, when such registration data is obtained through an
 962 electronic system described in s. 320.03(10), s. 320.0609, or s.
 963 320.131 and results in the issuance of a title certificate or
 964 the registration credential, such fee shall not apply a fee for
 965 the electronic access is not required to be assessed. However,
 966 at the tax collector's discretion, a fee equal to or less than
 967 the fee charged by the department for such information may be
 968 assessed by the tax collector for the electronic access.

969 ~~Notwithstanding paragraph (c), any funds collected by the tax~~
 970 ~~collector as a result of providing such access shall be retained~~
 971 ~~by the tax collector.~~

972 Section 19. Paragraph (b) of subsection (1) of section
 973 320.071, Florida Statutes, is amended to read:

974 320.071 Advance registration renewal; procedures.—

975 (1)

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

980 Section 20. Section 320.08, Florida Statutes, is amended

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981 to read:

982 320.08 License taxes.—Except as otherwise provided herein,
 983 there are hereby levied and imposed annual license taxes for the
 984 operation of motor vehicles, mopeds, motorized bicycles as
 985 defined in s. 316.003(2), tri-vehicles as defined in s. 316.003,
 986 and mobile homes, as defined in s. 320.01, which shall be paid
 987 to and collected by the department or its agent upon the
 988 registration or renewal of registration of the following:

989 (1) MOTORCYCLES AND MOPEDS.—

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

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

994 (c) Upon registration of any motorcycle, motor-driven
 995 cycle, or moped there shall be paid in addition to the license
 996 taxes specified in this subsection a nonrefundable motorcycle
 997 safety education fee in the amount of \$2.50. The proceeds of
 998 such additional fee shall be deposited in the Highway Safety
 999 Operating Trust Fund to fund a motorcycle driver improvement
 1000 program implemented pursuant to s. 322.025, the Florida
 1001 Motorcycle Safety Education Program established in s. 322.0255,
 1002 or the general operations of the department.

1003 (d) An ancient or antique motorcycle: \$8.50 ~~\$13.50~~ flat,
 1004 of which \$3.50 shall be deposited into the General Revenue Fund.

1005 (2) AUTOMOBILES OR TRI-VEHICLES FOR PRIVATE USE.—

1006 (a) An ancient or antique automobile, as defined in s.
 1007 320.086, or a street rod, as defined in s. 320.0863: \$10.25
 1008 flat, of which \$2.75 shall be deposited into the General Revenue

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1009 Fund.

1010 (b) Net weight of less than 2,500 pounds: \$19.50 flat, of
1011 which \$5 shall be deposited into the General Revenue Fund.

1012 (c) Net weight of 2,500 pounds or more, but less than
1013 3,500 pounds: \$30.50 flat, of which \$8 shall be deposited into
1014 the General Revenue Fund.

1015 (d) Net weight of 3,500 pounds or more: \$44 flat, of which
1016 \$11.50 shall be deposited into the General Revenue Fund.

1017 (3) TRUCKS.—

1018 (a) Net weight of less than 2,000 pounds: \$19.50 flat, of
1019 which \$5 shall be deposited into the General Revenue Fund.

1020 (b) Net weight of 2,000 pounds or more, but not more than
1021 3,000 pounds: \$30.50 flat, of which \$8 shall be deposited into
1022 the General Revenue Fund.

1023 (c) Net weight more than 3,000 pounds, but not more than
1024 5,000 pounds: \$44 flat, of which \$11.50 shall be deposited into
1025 the General Revenue Fund.

1026 (d) A truck defined as a "goat," or any other vehicle if
1027 used in the field by a farmer or in the woods for the purpose of
1028 harvesting a crop, including naval stores, during such
1029 harvesting operations, and which is not principally operated
1030 upon the roads of the state: \$10.25 flat, of which \$2.75 shall
1031 be deposited into the General Revenue Fund. A "goat" is a motor
1032 vehicle designed, constructed, and used principally for the
1033 transportation of citrus fruit within citrus groves or for the
1034 transportation of crops on farms, and which can also be used for
1035 the hauling of associated equipment or supplies, including
1036 required sanitary equipment, and the towing of farm trailers.

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1037 (e) An ancient or antique truck, as defined in s. 320.086:
 1038 \$10.25 flat, of which \$2.75 shall be deposited into the General
 1039 Revenue Fund.

1040 (4) HEAVY TRUCKS, TRUCK TRACTORS, FEES ACCORDING TO GROSS
 1041 VEHICLE WEIGHT.—

1042 (a) Gross vehicle weight of 5,001 pounds or more, but less
 1043 than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be
 1044 deposited into the General Revenue Fund.

1045 (b) Gross vehicle weight of 6,000 pounds or more, but less
 1046 than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be
 1047 deposited into the General Revenue Fund.

1048 (c) Gross vehicle weight of 8,000 pounds or more, but less
 1049 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited
 1050 into the General Revenue Fund.

1051 (d) Gross vehicle weight of 10,000 pounds or more, but
 1052 less than 15,000 pounds: \$118 flat, of which \$31 shall be
 1053 deposited into the General Revenue Fund.

1054 (e) Gross vehicle weight of 15,000 pounds or more, but
 1055 less than 20,000 pounds: \$177 flat, of which \$46 shall be
 1056 deposited into the General Revenue Fund.

1057 (f) Gross vehicle weight of 20,000 pounds or more, but
 1058 less than 26,001 pounds: \$251 flat, of which \$65 shall be
 1059 deposited into the General Revenue Fund.

1060 (g) Gross vehicle weight of 26,001 pounds or more, but
 1061 less than 35,000: \$324 flat, of which \$84 shall be deposited
 1062 into the General Revenue Fund.

1063 (h) Gross vehicle weight of 35,000 pounds or more, but
 1064 less than 44,000 pounds: \$405 flat, of which \$105 shall be

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1065 deposited into the General Revenue Fund.

1066 (i) Gross vehicle weight of 44,000 pounds or more, but
 1067 less than 55,000 pounds: \$773 flat, of which \$201 shall be
 1068 deposited into the General Revenue Fund.

1069 (j) Gross vehicle weight of 55,000 pounds or more, but
 1070 less than 62,000 pounds: \$916 flat, of which \$238 shall be
 1071 deposited into the General Revenue Fund.

1072 (k) Gross vehicle weight of 62,000 pounds or more, but
 1073 less than 72,000 pounds: \$1,080 flat, of which \$280 shall be
 1074 deposited into the General Revenue Fund.

1075 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322
 1076 flat, of which \$343 shall be deposited into the General Revenue
 1077 Fund.

1078 (m) Notwithstanding the declared gross vehicle weight, a
 1079 truck tractor used within a 150-mile radius of its home address
 1080 is eligible for a license plate for a fee of \$324 flat if:

1081 1. The truck tractor is used exclusively for hauling
 1082 forestry products; or

1083 2. The truck tractor is used primarily for the hauling of
 1084 forestry products, and is also used for the hauling of
 1085 associated forestry harvesting equipment used by the owner of
 1086 the truck tractor.

1087

1088 Of the fee imposed by this paragraph, \$84 shall be deposited
 1089 into the General Revenue Fund.

1090 (n) A truck tractor or heavy truck, not operated as a for-
 1091 hire vehicle, which is engaged exclusively in transporting raw,
 1092 unprocessed, and nonmanufactured agricultural or horticultural

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1093 products within a 150-mile radius of its home address, is
 1094 eligible for a restricted license plate for a fee of:

1095 1. If such vehicle's declared gross vehicle weight is less
 1096 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be
 1097 deposited into the General Revenue Fund.

1098 2. If such vehicle's declared gross vehicle weight is
 1099 44,000 pounds or more and such vehicle only transports from the
 1100 point of production to the point of primary manufacture; to the
 1101 point of assembling the same; or to a shipping point of a rail,
 1102 water, or motor transportation company, \$324 flat, of which \$84
 1103 shall be deposited into the General Revenue Fund.

1104
 1105 Such not-for-hire truck tractors and heavy trucks used
 1106 exclusively in transporting raw, unprocessed, and
 1107 nonmanufactured agricultural or horticultural products may be
 1108 incidentally used to haul farm implements and fertilizers
 1109 delivered direct to the growers. The department may require any
 1110 documentation deemed necessary to determine eligibility prior to
 1111 issuance of this license plate. For the purpose of this
 1112 paragraph, "not-for-hire" means the owner of the motor vehicle
 1113 must also be the owner of the raw, unprocessed, and
 1114 nonmanufactured agricultural or horticultural product, or the
 1115 user of the farm implements and fertilizer being delivered.

1116 (5) SEMITRAILERS, FEES ACCORDING TO GROSS VEHICLE WEIGHT;
 1117 SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

1118 (a)1. A semitrailer drawn by a GVW truck tractor by means
 1119 of a fifth-wheel arrangement: \$13.50 flat per registration year
 1120 or any part thereof, of which \$3.50 shall be deposited into the

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1121 General Revenue Fund.

1122 2. A semitrailer drawn by a GVW truck tractor by means of
 1123 a fifth-wheel arrangement: \$68 flat per permanent registration,
 1124 of which \$18 shall be deposited into the General Revenue Fund.

1125 (b) A motor vehicle equipped with machinery and designed
 1126 for the exclusive purpose of well drilling, excavation,
 1127 construction, spraying, or similar activity, and which is not
 1128 designed or used to transport loads other than the machinery
 1129 described above over public roads: \$44 flat, of which \$11.50
 1130 shall be deposited into the General Revenue Fund.

1131 (c) A school bus used exclusively to transport pupils to
 1132 and from school or school or church activities or functions
 1133 within their own county: \$41 flat, of which \$11 shall be
 1134 deposited into the General Revenue Fund.

1135 (d) A wrecker, as defined in s. 320.01(40), which is used
 1136 to tow a vessel as defined in s. 327.02(39), a disabled,
 1137 abandoned, stolen-recovered, or impounded motor vehicle as
 1138 defined in s. 320.01(38), or a replacement motor vehicle as
 1139 defined in s. 320.01(39): \$41 flat, of which \$11 shall be
 1140 deposited into the General Revenue Fund.

1141 (e) A wrecker that is used to tow any motor vehicle,
 1142 regardless of whether such motor vehicle is a disabled motor
 1143 vehicle, a replacement motor vehicle, a vessel, or any other
 1144 cargo, as follows:

1145 1. Gross vehicle weight of 10,000 pounds or more, but less
 1146 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited
 1147 into the General Revenue Fund.

1148 2. Gross vehicle weight of 15,000 pounds or more, but less

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1149 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited
 1150 into the General Revenue Fund.

1151 3. Gross vehicle weight of 20,000 pounds or more, but less
 1152 than 26,000 pounds: \$251 flat, of which \$65 shall be deposited
 1153 into the General Revenue Fund.

1154 4. Gross vehicle weight of 26,000 pounds or more, but less
 1155 than 35,000 pounds: \$324 flat, of which \$84 shall be deposited
 1156 into the General Revenue Fund.

1157 5. Gross vehicle weight of 35,000 pounds or more, but less
 1158 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
 1159 into the General Revenue Fund.

1160 6. Gross vehicle weight of 44,000 pounds or more, but less
 1161 than 55,000 pounds: \$772 flat, of which \$200 shall be deposited
 1162 into the General Revenue Fund.

1163 7. Gross vehicle weight of 55,000 pounds or more, but less
 1164 than 62,000 pounds: \$915 flat, of which \$237 shall be deposited
 1165 into the General Revenue Fund.

1166 8. Gross vehicle weight of 62,000 pounds or more, but less
 1167 than 72,000 pounds: \$1,080 flat, of which \$280 shall be
 1168 deposited into the General Revenue Fund.

1169 9. Gross vehicle weight of 72,000 pounds or more: \$1,322
 1170 flat, of which \$343 shall be deposited into the General Revenue
 1171 Fund.

1172 (f) A hearse or ambulance: \$40.50 flat, of which \$10.50
 1173 shall be deposited into the General Revenue Fund.

1174 (6) MOTOR VEHICLES FOR HIRE.—

1175 (a) Under nine passengers: \$17 flat, of which \$4.50 shall
 1176 be deposited into the General Revenue Fund; plus \$1.50 per cwt,

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1177 of which 50 cents shall be deposited into the General Revenue
1178 Fund.

1179 (b) Nine passengers and over: \$17 flat, of which \$4.50
1180 shall be deposited into the General Revenue Fund; plus \$2 per
1181 cwt, of which 50 cents shall be deposited into the General
1182 Revenue Fund.

1183 (7) TRAILERS FOR PRIVATE USE.—

1184 (a) Any trailer weighing 500 pounds or less: \$6.75 flat
1185 per year or any part thereof, of which \$1.75 shall be deposited
1186 into the General Revenue Fund.

1187 (b) Net weight over 500 pounds: \$3.50 flat, of which \$1
1188 shall be deposited into the General Revenue Fund; plus \$1 per
1189 cwt, of which 25 cents shall be deposited into the General
1190 Revenue Fund.

1191 (8) TRAILERS FOR HIRE.—

1192 (a) Net weight under 2,000 pounds: \$3.50 flat, of which \$1
1193 shall be deposited into the General Revenue Fund; plus \$1.50 per
1194 cwt, of which 50 cents shall be deposited into the General
1195 Revenue Fund.

1196 (b) Net weight 2,000 pounds or more: \$13.50 flat, of which
1197 \$3.50 shall be deposited into the General Revenue Fund; plus
1198 \$1.50 per cwt, of which 50 cents shall be deposited into the
1199 General Revenue Fund.

1200 (9) RECREATIONAL VEHICLE-TYPE UNITS.—

1201 (a) A travel trailer or fifth-wheel trailer, as defined by
1202 s. 320.01(1)(b), that does not exceed 35 feet in length: \$27
1203 flat, of which \$7 shall be deposited into the General Revenue
1204 Fund.

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1205 (b) A camping trailer, as defined by s. 320.01(1)(b)2.:
 1206 \$13.50 flat, of which \$3.50 shall be deposited into the General
 1207 Revenue Fund.

1208 (c) A motor home, as defined by s. 320.01(1)(b)4.:
 1209 1. Net weight of less than 4,500 pounds: \$27 flat, of
 1210 which \$7 shall be deposited into the General Revenue Fund.
 1211 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
 1212 which \$12.25 shall be deposited into the General Revenue Fund.

1213 (d) A truck camper as defined by s. 320.01(1)(b)3.:
 1214 1. Net weight of less than 4,500 pounds: \$27 flat, of
 1215 which \$7 shall be deposited into the General Revenue Fund.
 1216 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
 1217 which \$12.25 shall be deposited into the General Revenue Fund.

1218 (e) A private motor coach as defined by s. 320.01(1)(b)5.:
 1219 1. Net weight of less than 4,500 pounds: \$27 flat, of
 1220 which \$7 shall be deposited into the General Revenue Fund.
 1221 2. Net weight of 4,500 pounds or more: \$47.25 flat, of
 1222 which \$12.25 shall be deposited into the General Revenue Fund.

1223 (10) PARK TRAILERS; TRAVEL TRAILERS; FIFTH-WHEEL TRAILERS;
 1224 35 FEET TO 40 FEET.—

1225 (a) Park trailers.—Any park trailer, as defined in s.
 1226 320.01(1)(b)7.: \$25 flat.

1227 (b) A travel trailer or fifth-wheel trailer, as defined in
 1228 s. 320.01(1)(b), that exceeds 35 feet: \$25 flat.

1229 (11) MOBILE HOMES.—

1230 (a) A mobile home not exceeding 35 feet in length: \$20
 1231 flat.

1232 (b) A mobile home over 35 feet in length, but not

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1233 | exceeding 40 feet: \$25 flat.
 1234 | (c) A mobile home over 40 feet in length, but not
 1235 | exceeding 45 feet: \$30 flat.
 1236 | (d) A mobile home over 45 feet in length, but not
 1237 | exceeding 50 feet: \$35 flat.
 1238 | (e) A mobile home over 50 feet in length, but not
 1239 | exceeding 55 feet: \$40 flat.
 1240 | (f) A mobile home over 55 feet in length, but not
 1241 | exceeding 60 feet: \$45 flat.
 1242 | (g) A mobile home over 60 feet in length, but not
 1243 | exceeding 65 feet: \$50 flat.
 1244 | (h) A mobile home over 65 feet in length: \$80 flat.
 1245 | (12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised
 1246 | motor vehicle dealer, independent motor vehicle dealer, marine
 1247 | boat trailer dealer, or mobile home dealer and manufacturer
 1248 | license plate: \$17 flat, of which \$4.50 shall be deposited into
 1249 | the General Revenue Fund.
 1250 | (13) EXEMPT OR OFFICIAL LICENSE PLATES.—Any exempt or
 1251 | official license plate: \$4 flat, of which \$1 shall be deposited
 1252 | into the General Revenue Fund.
 1253 | (14) LOCALLY OPERATED MOTOR VEHICLES FOR HIRE.—A motor
 1254 | vehicle for hire operated wholly within a city or within 25
 1255 | miles thereof: \$17 flat, of which \$4.50 shall be deposited into
 1256 | the General Revenue Fund; plus \$2 per cwt, of which 50 cents
 1257 | shall be deposited into the General Revenue Fund.
 1258 | (15) TRANSPORTER.—Any transporter license plate issued to
 1259 | a transporter pursuant to s. 320.133: \$101.25 flat, of which
 1260 | \$26.25 shall be deposited into the General Revenue Fund.

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1261 Section 21. Section 45 of chapter 2008-176, Laws of
 1262 Florida, is amended to read:

1263 Section 45. Except for a specialty license plate proposal
 1264 which has submitted a letter of intent to the Department of
 1265 Highway Safety and Motor Vehicles prior to May 2, 2008, and
 1266 which has submitted a valid survey, marketing strategy, and
 1267 application fee as required by s. 320.08053, Florida Statutes,
 1268 prior to October 1, 2008 ~~the effective date of this act~~, or
 1269 which was included in a bill filed during the 2008 Legislative
 1270 Session, the Department of Highway Safety and Motor Vehicles may
 1271 not issue any new specialty license plates pursuant to ss.
 1272 320.08056 and 320.08058, Florida Statutes, between July 1, 2008,
 1273 and July 1, 2014 ~~2011~~.

1274 Section 22. Section 320.08053, Florida Statutes, is
 1275 amended to read:

1276 320.08053 Requirements for requests to establish specialty
 1277 license plates.—

1278 (1) An organization that seeks authorization to establish
 1279 a new specialty license plate for which an annual use fee is to
 1280 be charged must submit to the department:

1281 (a) A request for the particular specialty license plate
 1282 being sought, describing the proposed specialty license plate in
 1283 specific terms, including a sample plate that conforms to the
 1284 specifications set by the department and this chapter, and that
 1285 is in substantially final form.

1286 ~~(b) The results of a scientific sample survey of Florida~~
 1287 ~~motor vehicle owners that indicates at least 30,000 motor~~
 1288 ~~vehicle owners intend to purchase the proposed specialty license~~

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1289 ~~plate at the increased cost. As used in this paragraph, the term~~
 1290 ~~"scientific sample survey" means information that is gathered~~
 1291 ~~from a representative subset of the population as a whole. The~~
 1292 ~~sample survey of registered motor vehicle owners must be~~
 1293 ~~performed independently of the requesting organization by an~~
 1294 ~~organization that conducts similar sample surveys as a normal~~
 1295 ~~course of business. Prior to conducting a sample survey for the~~
 1296 ~~purposes of this section, a requesting organization must obtain~~
 1297 ~~a determination from the department that the organization~~
 1298 ~~selected to conduct the survey performs similar surveys as a~~
 1299 ~~normal course of business and is independent of the requesting~~
 1300 ~~organization. The methodology, results, and any evaluation by~~
 1301 ~~the department of the scientific sample survey shall be~~
 1302 ~~validated by the Auditor General as a condition precedent to~~
 1303 ~~submission of the specialty license plate for approval by the~~
 1304 ~~Legislature.~~

1305 (b) ~~(e)~~ An application fee, not to exceed \$60,000, to
 1306 defray the department's cost for reviewing the application and
 1307 developing the specialty license plate, if authorized. State
 1308 funds may not be used to pay the application fee, except for
 1309 collegiate specialty license plates authorized in s.
 1310 320.08058(3) and (13). ~~The specialty license plate application~~
 1311 ~~provisions of this act shall not apply to any organization which~~
 1312 ~~has requested and received the required forms for obtaining a~~
 1313 ~~specialty license plate authorization from the Department of~~
 1314 ~~Highway Safety and Motor Vehicles, has opened a bank account for~~
 1315 ~~the funds collected for the specialty license tag and has made~~
 1316 ~~deposits to such an account, and has obtained signatures toward~~

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1317 ~~completing the requirements for the specialty license tag.~~ All
 1318 applications requested on or after the effective date of this
 1319 act must meet the requirements of this act.

1320 (c) ~~(d)~~ A marketing strategy outlining short-term and long-
 1321 term marketing plans for the requested specialty license plate
 1322 and a financial analysis outlining the anticipated revenues and
 1323 the planned expenditures of the revenues to be derived from the
 1324 sale of the requested specialty license plates.

1325
 1326 The information required under this subsection must be submitted
 1327 to the department at least 90 days before the convening of the
 1328 next regular session of the Legislature.

1329 (2) If the specialty license plate requested by the
 1330 organization is approved by law, the organization must submit
 1331 the proposed art design for the specialty license plate to the
 1332 department, in a medium prescribed by the department, as soon as
 1333 practicable, but no later than 60 days after the act approving
 1334 the specialty license plate becomes a law. If the specialty
 1335 license plate requested by the organization is not approved by
 1336 the Legislature or does not meet the presale requirements in
 1337 subsection (3), the application fee shall be refunded to the
 1338 requesting organization.

1339 (3) (a) Within 120 days following the specialty license
 1340 plate becoming law, the department shall establish a method to
 1341 issue a specialty license plate voucher to allow for the presale
 1342 of the specialty license plate. The processing fee as prescribed
 1343 in s. 320.08056, the service charge and branch fee as prescribed
 1344 in s. 320.04, and the annual use fee as prescribed in s.

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1345 320.08056 shall be charged for the voucher. All other applicable
 1346 fees shall be charged at the time of issuance of the license
 1347 plates.

1348 (b) Within 24 months after the presale specialty license
 1349 plate voucher is established, the approved specialty license
 1350 plate organization must record with the department a minimum of
 1351 1,000 voucher sales before manufacture of the license plate may
 1352 commence. If, at the conclusion of the 24-month presale period,
 1353 the minimum sales requirements have not been met, the specialty
 1354 plate is deauthorized and the department shall discontinue
 1355 development of the plate and discontinue issuance of the presale
 1356 vouchers. Upon deauthorization of the license plate, a purchaser
 1357 of the license plate voucher may use the annual use fee
 1358 collected as a credit towards any other specialty license plate
 1359 or apply for a refund on a form prescribed by the department.

1360 (c) An organization that meets the requirements of this
 1361 subsection shall be deemed to have submitted a valid survey for
 1362 purposes of s. 45 of chapter 2008-176, Laws of Florida, as
 1363 amended.

1364 Section 23. The amendments to s. 320.08053, Florida
 1365 Statutes, made by this act do not apply to organizations that
 1366 are exempt from the moratorium contained in section 45 of
 1367 chapter 2008-176, Laws of Florida, and that have complied with
 1368 the provisions of s. 320.08053, Florida Statutes (2009).

1369 Section 24. Subsection (1) and paragraph (b) of subsection
 1370 (8) of section 320.08056, Florida Statutes, are amended, and
 1371 paragraphs (rrr), (sss), and (ttt) are added to subsection (4)
 1372 of that section, to read:

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1373 320.08056 Specialty license plates.—

1374 (1) The department is responsible for developing the
 1375 specialty license plates authorized in s. 320.08053. ~~The~~
 1376 ~~department shall begin production and distribution of each new~~
 1377 ~~specialty license plate within 1 year after approval of the~~
 1378 ~~specialty license plate by the Legislature.~~

1379 (4) The following license plate annual use fees shall be
 1380 collected for the appropriate specialty license plates:

1381 (rrr) Hispanic Achievers license plate, \$25.

1382 (sss) Children First license plate, \$25.

1383 (ttt) Veterans of Foreign Wars license plate, \$25.

1384 (8)

1385 (b) The department is authorized to discontinue the
 1386 issuance of a specialty license plate and distribution of
 1387 associated annual use fee proceeds if the organization no longer
 1388 exists, if the organization has stopped providing services that
 1389 are authorized to be funded from the annual use fee proceeds, if
 1390 the organization does not meet the presale requirements as
 1391 prescribed in s. 320.08053(3), or pursuant to an organizational
 1392 recipient's request. Organizations shall ~~are required to~~ notify
 1393 the department immediately to stop all warrants for plate sales
 1394 if any of the conditions in this section exist, and must meet
 1395 the requirements of s. 320.08062 for any period of operation
 1396 during a fiscal year.

1397 Section 25. Subsections (70), (71), and (72) are added to
 1398 section 320.08058, Florida Statutes, to read:

1399 320.08058 Specialty license plates.—

1400 (70) HISPANIC ACHIEVERS LICENSE PLATES.—

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1401 (a) Notwithstanding the requirements of s. 320.08053, the
 1402 department shall develop a Hispanic Achievers license plate as
 1403 provided in this section. The plate must bear the colors and
 1404 design approved by the department. The word "Florida" must
 1405 appear at the top of the plate, and the words "Hispanic
 1406 Achievers" must appear at the bottom of the plate.

1407 (b) The proceeds from the license plate annual use fee
 1408 shall be distributed to National Hispanic Corporate Achievers,
 1409 Inc., a nonprofit corporation under s. 501(c)(3) of the Internal
 1410 Revenue Code, to fund grants to nonprofit organizations to
 1411 operate programs and provide scholarships and for marketing the
 1412 Hispanic Achievers license plate. National Hispanic Corporate
 1413 Achievers, Inc., shall establish a Hispanic Achievers Grant
 1414 Council that shall provide recommendations for statewide grants
 1415 from available Hispanic Achievers license plate proceeds to
 1416 nonprofit organizations for programs and scholarships for
 1417 Hispanic and minority Floridians. National Hispanic Corporate
 1418 Achievers, Inc., shall also establish a Hispanic Achievers
 1419 License Plate Fund. Moneys in the fund shall be used by the
 1420 grant council as provided in this paragraph. All funds received
 1421 under this subsection must be used in this state.

1422 (c) National Hispanic Corporate Achievers, Inc., may
 1423 retain all proceeds from the annual use fee until documented
 1424 startup costs for developing and establishing the plate have
 1425 been recovered. Thereafter, the proceeds from the annual use fee
 1426 shall be used as follows:

1427 1. Up to 10 percent of the proceeds may be used for the
 1428 cost of administration of the Hispanic Achievers License Plate

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1429 Fund, the Hispanic Achievers Grant Council, and related matters.

1430 2. Funds may be used as necessary for annual audit or
 1431 compliance affidavit costs.

1432 3. Twenty-five percent of the proceeds shall be used by
 1433 the Hispanic Corporate Achievers, Inc., located in Seminole
 1434 County, for grants.

1435 4. The remaining proceeds shall be available to the
 1436 Hispanic Achievers Grant Council to award grants for services,
 1437 programs, or scholarships for Hispanic and minority individuals
 1438 and organizations throughout Florida. All grant recipients must
 1439 provide to the Hispanic Achievers Grant Council an annual
 1440 program and financial report regarding the use of grant funds.
 1441 Such reports must be available to the public.

1442 (71) CHILDREN FIRST LICENSE PLATES.—

1443 (a) Upon Children First Florida, Inc., meeting the
 1444 requirements of s. 320.08053, the department shall develop a
 1445 Children First license plate as provided in this section. The
 1446 plate must bear the colors and design approved by the
 1447 department. The word "Florida" must appear at the top of the
 1448 plate, and the words "Children First" must appear at the bottom
 1449 of the plate.

1450 (b) The proceeds from the license plate annual use fee
 1451 shall be distributed to Children First Florida, Inc., which
 1452 shall retain all proceeds until the startup costs to develop and
 1453 establish the plates have been recovered. Thereafter, the
 1454 proceeds shall be used as follows:

1455 1. A maximum of 10 percent of the proceeds may be used to
 1456 administer the license plate program, for direct administrative

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1457 costs associated with the operations of Children First Florida,
 1458 Inc., and to promote and market the license plates.

1459 2. The remaining fees shall be used by Children First
 1460 Florida, Inc., to fund public schools in this state, including
 1461 teacher salaries.

1462 (72) VETERANS OF FOREIGN WARS LICENSE PLATES.—

1463 (a) Upon Veterans of Foreign Wars, Department of Florida,
 1464 meeting the requirements of s. 320.08053, the department shall
 1465 develop a Veterans of Foreign Wars license plate as provided in
 1466 this section. The plates must bear the colors and design
 1467 approved by the department and must incorporate the Great Seal
 1468 of the Veterans of Foreign Wars of the United States as
 1469 described in Art. VIII, s. 801 of the Congressional Charter and
 1470 By-Laws of the Veterans of Foreign Wars of the United States.
 1471 The word "Florida" must appear at the top of the plate, and the
 1472 words "Veterans of Foreign Wars" must appear at the bottom of
 1473 the plate.

1474 (b) The Veterans of Foreign Wars, Department of Florida
 1475 shall retain all revenues from the sale of such plates until all
 1476 startup costs for developing and issuing the plates have been
 1477 recovered. Thereafter, 60 percent of the annual revenues shall
 1478 be distributed to the Veterans of Foreign Wars, Department of
 1479 Florida to support the Voice of Democracy and Patriots' Pen
 1480 Scholarship programs, to support high school and college ROTC
 1481 programs, and for administration and marketing the plate; 20
 1482 percent of the annual revenues shall be distributed to the
 1483 direct-support organization created under s. 292.055 under the
 1484 Florida Department of Veterans' Affairs; and 20 percent of the

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1485 annual revenues shall be distributed to the direct-support
 1486 organization created under s. 250.115 under the Department of
 1487 Military Affairs. From the funds distributed to the Veterans of
 1488 Foreign Wars, Department of Florida, an amount not to exceed 10
 1489 percent of the annual revenues received from the sale of the
 1490 plate may be used for administration and marketing the plate.

1491 Section 26. The Department of Highway Safety and Motor
 1492 Vehicles may not establish any new voluntary contributions on
 1493 the motor vehicle registration application form under s.
 1494 320.023, Florida Statutes, or the driver's license application
 1495 form under s. 322.081, Florida Statutes, between July 1, 2010,
 1496 and July 1, 2013. However, the department may establish a
 1497 voluntary contribution for an organization that has:

1498 (1) (a) Submitted a request to establish a voluntary
 1499 contribution on a motor vehicle registration application under
 1500 s. 320.023, Florida Statutes, or a driver's license application
 1501 under s. 322.081, Florida Statutes, to the department before May
 1502 1, 2010; and

1503 (b) Submitted a valid financial analysis, marketing
 1504 strategy, and application fee before September 1, 2010; or

1505 (2) Filed a bill during the 2010 Legislative Session to
 1506 establish a voluntary contribution and have met the requirements
 1507 of s. 320.023 or s. 322.081, Florida Statutes.

1508 Section 27. Subsections (1) and (2) of section 320.0807,
 1509 Florida Statutes, are amended to read:

1510 320.0807 Special license plates for Governor and federal
 1511 and state legislators.—

1512 (1) Upon application by any member of the House of

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1513 Representatives of Congress and payment of the fees prescribed
 1514 by s. 320.0805, the department is authorized to issue to such
 1515 Member of Congress a license plate stamped "Member of Congress"
 1516 followed by the number of the appropriate congressional district
 1517 and the letters "MC," or any other configuration chosen by the
 1518 member which is not already in use. Upon application by a United
 1519 States Senator and payment of the fees prescribed by s.
 1520 320.0805, the department is authorized to issue a license plate
 1521 stamped "USS," followed by the numeral II in the case of the
 1522 junior senator.

1523 (2) Upon application by any member of the state House of
 1524 Representatives and payment of the fees prescribed by s.
 1525 320.0805, the department is authorized to issue such state
 1526 representative license plates stamped in bold letters "State
 1527 Legislator," followed by the number of the appropriate House of
 1528 Representatives district and the letters "HR," or any other
 1529 configuration chosen by the member which is not already in use
 1530 ~~on one plate; the numbers of the other plates will be assigned~~
 1531 ~~by the department.~~ Upon application by a state senator and
 1532 payment of the fees prescribed by s. 320.0805, the department is
 1533 authorized to issue license plates stamped in bold letters
 1534 "State Senator," followed by the number of the appropriate
 1535 Senate district and the letters "SN," or any other configuration
 1536 chosen by the member which is not already in use ~~on one plate;~~
 1537 ~~the numbers of the other plates will be assigned by the~~
 1538 ~~department.~~

1539 Section 28. Subsection (4) of section 320.084, Florida
 1540 Statutes, is amended to read:

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1541 320.084 Free motor vehicle license plate to certain
 1542 disabled veterans.—

1543 (4) (a) With the issuance of each new permanent "DV"
 1544 numerical motor vehicle license plate, the department shall
 1545 initially issue, without cost to the applicant, a validation
 1546 sticker reflecting the owner's birth month and a serially
 1547 numbered validation sticker reflecting the year of expiration.
 1548 The initial sticker reflecting the year of expiration may not
 1549 exceed 27 ~~15~~ months.

1550 (b) There shall be a service charge in accordance with the
 1551 provisions of s. 320.04 for each initial application or renewal
 1552 of registration and an additional sum of 50 cents on each
 1553 license plate and validation sticker as provided in s.
 1554 320.06(3) (b) .

1555 (c) Registration under this section shall be renewed
 1556 annually or biennially during the applicable renewal period on
 1557 forms prescribed by the department, which shall include, in
 1558 addition to any other information required by the department, a
 1559 certified statement as to the continued eligibility of the
 1560 applicant to receive the special "DV" license plate. Any
 1561 applicant who falsely or fraudulently submits to the department
 1562 the certified statement required by this paragraph is guilty of
 1563 a noncriminal violation and is subject to a civil penalty of
 1564 \$50.

1565 Section 29. Section 321.03, Florida Statutes, is amended
 1566 to read:

1567 321.03 Imitations prohibited; penalty.—Unless specifically
 1568 authorized by the Florida Highway Patrol, a ~~it shall be unlawful~~

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1569 ~~for any person or persons~~ in the state shall not ~~to~~ color or
 1570 cause to be colored any motor vehicle or motorcycle the same or
 1571 similar color as the color or colors so prescribed for the
 1572 Florida Highway Patrol. A Any person who violates ~~violating any~~
 1573 ~~of the provisions of~~ this section or s. 321.02 with respect to
 1574 uniforms, emblems, motor vehicles and motorcycles commits ~~shall~~
 1575 ~~be guilty of~~ a misdemeanor of the first degree, punishable as
 1576 provided in s. 775.082 or s. 775.083. The Department of Highway
 1577 Safety and Motor Vehicles shall employ such clerical help and
 1578 mechanics as may be necessary for the economical and efficient
 1579 operation of such department.

1580 Section 30. Section 321.05, Florida Statutes, is amended
 1581 to read:

1582 321.05 Duties, functions, and powers of patrol officers.—
 1583 The members of the Florida Highway Patrol are hereby declared to
 1584 be conservators of the peace and law enforcement officers of the
 1585 state, with the common-law right to arrest a person who, in the
 1586 presence of the arresting officer, commits a felony or commits
 1587 an affray or breach of the peace constituting a misdemeanor,
 1588 with full power to bear arms; and they shall apprehend, without
 1589 warrant, any person in the unlawful commission of any of the
 1590 acts over which the members of the Florida Highway Patrol are
 1591 given jurisdiction as hereinafter set out and deliver him or her
 1592 to the sheriff of the county that further proceedings may be had
 1593 against him or her according to law. In the performance of any
 1594 of the powers, duties, and functions authorized by law, members
 1595 of the Florida Highway Patrol ~~shall~~ have the same protections
 1596 and immunities afforded other peace officers, which shall be

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1597 recognized by all courts having jurisdiction over offenses
 1598 against the laws of this state, and ~~shall~~ have authority to
 1599 apply for, serve, and execute search warrants, arrest warrants,
 1600 capias, and other process of the court ~~in those matters in which~~
 1601 ~~patrol officers have primary responsibility as set forth in~~
 1602 ~~subsection (1)~~. The patrol officers under the direction and
 1603 supervision of the Department of Highway Safety and Motor
 1604 Vehicles shall perform and exercise throughout the state the
 1605 following duties, functions, and powers:

1606 (1) To patrol the state highways and regulate, control,
 1607 and direct the movement of traffic thereon; to maintain the
 1608 public peace by preventing violence on highways; to apprehend
 1609 fugitives from justice; to enforce all laws now in effect
 1610 regulating and governing traffic, travel, and public safety upon
 1611 the public highways and providing for the protection of the
 1612 public highways and public property thereon; to make arrests
 1613 without warrant for the violation of any state law committed in
 1614 their presence in accordance with the laws of this state;
 1615 providing that no search shall be made unless it is incident to
 1616 a lawful arrest, to regulate and direct traffic concentrations
 1617 and congestions; to enforce laws governing the operation,
 1618 licensing, and taxing and limiting the size, weight, width,
 1619 length, and speed of vehicles and licensing and controlling the
 1620 operations of drivers and operators of vehicles; to cooperate
 1621 with officials designated by law to collect all state fees and
 1622 revenues levied as an incident to the use or right to use the
 1623 highways for any purpose; to require the drivers of vehicles to
 1624 stop and exhibit their driver's licenses, registration cards, or

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1625 documents required by law to be carried by such vehicles; to
 1626 investigate traffic accidents, secure testimony of witnesses and
 1627 of persons involved, and make report thereof with copy, when
 1628 requested in writing, to any person in interest or his or her
 1629 attorney; to investigate reported thefts of vehicles and to
 1630 seize contraband or stolen property on or being transported on
 1631 the highways. Each patrol officer of the Florida Highway Patrol
 1632 is subject to and has the same arrest and other authority
 1633 provided for law enforcement officers generally in chapter 901
 1634 and has statewide jurisdiction. Each officer also has arrest
 1635 authority as provided for state law enforcement officers in s.
 1636 901.15. This section shall not be construed as being in conflict
 1637 with, but is supplemental to, chapter 933.

1638 (2) To assist other constituted law enforcement officers
 1639 of the state to quell mobs and riots, guard prisoners, and
 1640 police disaster areas.

1641 (3) (a) To make arrests while in fresh pursuit of a person
 1642 believed to have violated the traffic and other laws.

1643 (b) To make arrest of a person wanted for a felony or
 1644 against whom a warrant has been issued on any charge in
 1645 violation of federal, state, or county laws or municipal
 1646 ordinances.

1647 (4) (a) All fines and costs and the proceeds of the
 1648 forfeiture of bail bonds and recognizances resulting from the
 1649 enforcement of this chapter by patrol officers shall be paid
 1650 into the fine and forfeiture fund established pursuant to s.
 1651 142.01 of the county where the offense is committed. In all
 1652 cases of arrest by patrol officers, the person arrested shall be

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1653 delivered forthwith by the ~~said~~ officer to the sheriff of the
 1654 county, or he or she shall obtain from the ~~such~~ person arrested
 1655 a recognizance or, if deemed necessary, a cash bond or other
 1656 sufficient security conditioned for his or her appearance before
 1657 the proper tribunal of the ~~such~~ county to answer the charge for
 1658 which he or she has been arrested; and all fees accruing shall
 1659 be taxed against the party arrested, which fees are hereby
 1660 declared to be part of the compensation of the ~~said~~ sheriffs
 1661 authorized to be fixed by the Legislature under s. 5(c), Art. II
 1662 of the State Constitution, to be paid such sheriffs in the same
 1663 manner as fees are paid for like services in other criminal
 1664 cases. All patrol officers are hereby directed to deliver all
 1665 bonds accepted and approved by them to the sheriff of the county
 1666 in which the offense is alleged to have been committed. However,
 1667 a ~~no~~ sheriff shall not be paid any arrest fee for the arrest of
 1668 a person for violation of any section of chapter 316 when the
 1669 arresting officer was transported in a Florida Highway Patrol
 1670 car to the vicinity where the arrest was made; and a ~~no~~ sheriff
 1671 shall not be paid any fee for mileage for himself or herself or
 1672 a prisoner for miles traveled in a Florida Highway Patrol car. A
 1673 ~~No~~ patrol officer is not ~~shall be~~ entitled to any fee or mileage
 1674 cost except when responding to a subpoena in a civil cause or
 1675 except when the ~~such~~ patrol officer is appearing as an official
 1676 witness to testify at any hearing or law action in any court of
 1677 this state as a direct result of his or her employment as a
 1678 patrol officer during time not compensated as a part of his or
 1679 her normal duties. Nothing herein shall be construed as limiting
 1680 the power to locate and to take from any person under arrest or

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1681 about to be arrested deadly weapons. ~~Nothing contained in~~ This
 1682 section is not ~~shall be construed as~~ a limitation upon existing
 1683 powers and duties of sheriffs or police officers.

1684 (b) Any person so arrested and released on his or her own
 1685 recognizance by an officer and who fails ~~shall fail~~ to appear or
 1686 respond to a notice to appear shall, in addition to the traffic
 1687 violation charge, commits ~~be guilty of~~ a noncriminal traffic
 1688 infraction subject to the penalty provided in s. 318.18(2).

1689 (5) The department may employ or assign some fit and
 1690 suitable person with experience in the field of public relations
 1691 who shall ~~have the duty to~~ promote, coordinate, and publicize
 1692 the traffic safety activities in the state and assign such
 1693 person to the office of the Governor at a salary to be fixed by
 1694 the department. The person so assigned or employed shall be a
 1695 member of the uniform division of the Florida Highway Patrol,
 1696 and he or she shall have the pay and rank of lieutenant while on
 1697 such assignment.

1698 (6) The Division of Florida Highway Patrol is authorized
 1699 to adopt ~~promulgate~~ rules ~~and regulations~~ which may be necessary
 1700 to implement the provisions of chapter 316.

1701 Section 31. Subsection (26) of section 322.01, Florida
 1702 Statutes, is amended, and subsection (46) is added to that
 1703 section, to read:

1704 322.01 Definitions.—As used in this chapter:

1705 (26) "Motorcycle" means a motor vehicle powered by a motor
 1706 with a displacement of more than 50 cubic centimeters, having a
 1707 seat or saddle for the use of the rider, and designed to travel
 1708 on not more than three wheels in contact with the ground, but

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1709 | excluding a tractor, tri-vehicle, or moped.

1710 | (46) "Tri-vehicle" means an enclosed three-wheeled

1711 | passenger vehicle that:

1712 | (a) Is designed to operate with three wheels in contact

1713 | with the ground;

1714 | (b) Has a minimum unladen weight of 900 pounds;

1715 | (c) Has a single, completely enclosed, occupant

1716 | compartment;

1717 | (d) Is produced in a minimum quantity of 300 in any

1718 | calendar year;

1719 | (e) Is capable of a speed greater than 60 miles per hour

1720 | on level ground; and

1721 | (f) Is equipped with:

1722 | 1. Seats that are certified by the vehicle manufacturer to

1723 | meet the requirements of Federal Motor Vehicle Safety Standard

1724 | No. 207, "Seating systems" (49 C.F.R. s. 571.207);

1725 | 2. A steering wheel used to maneuver the vehicle;

1726 | 3. A propulsion unit located forward or aft of the

1727 | enclosed occupant compartment;

1728 | 4. A seat belt for each vehicle occupant certified to meet

1729 | the requirements of Federal Motor Vehicle Safety Standard No.

1730 | 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);

1731 | 5. A windshield and an appropriate windshield wiper and

1732 | washer system that are certified by the vehicle manufacture to

1733 | meet the requirements of Federal Motor Vehicle Safety Standard

1734 | No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal

1735 | Motor Vehicle Safety Standard No. 104, "Windshield Wiping and

1736 | Washing Systems" (49 C.F.R. s. 571.104); and

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1737 6. A vehicle structure certified by the vehicle
 1738 manufacturer to meet the requirements of Federal Motor Vehicle
 1739 Safety Standard No. 216, "Rollover crush resistance" (49 C.F.R.
 1740 s. 571.216).

1741 Section 32. Subsection (7) of section 322.08, Florida
 1742 Statutes, is amended to read:

1743 322.08 Application for license; requirements for license
 1744 and identification card forms.—

1745 (7) The application form for an original, renewal, or
 1746 replacement a driver's license or identification card ~~duplicate~~
 1747 ~~thereof~~ shall include language permitting the following:

1748 (a) A voluntary contribution of \$1 per applicant, which
 1749 contribution shall be deposited into the Health Care Trust Fund
 1750 for organ and tissue donor education and for maintaining the
 1751 organ and tissue donor registry.

1752 (b) A voluntary contribution of \$1 per applicant, which
 1753 contribution shall be distributed to the Florida Council of the
 1754 Blind.

1755 (c) A voluntary contribution of \$2 per applicant, which
 1756 shall be distributed to the Hearing Research Institute,
 1757 Incorporated.

1758 (d) A voluntary contribution of \$1 per applicant, which
 1759 shall be distributed to the Juvenile Diabetes Foundation
 1760 International.

1761 (e) A voluntary contribution of \$1 per applicant, which
 1762 shall be distributed to the Children's Hearing Help Fund.

1763 (f) A voluntary contribution of \$1 per applicant, which
 1764 shall be distributed to Family First, a nonprofit organization.

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1765 (g) A voluntary contribution of \$1 per applicant, to Stop
 1766 Heart Disease, which shall be distributed to the Florida Heart
 1767 Research Institute, a nonprofit organization.

1768 (h) Notwithstanding s. 322.081, a voluntary contribution
 1769 of \$1 per applicant, which shall be distributed to the League
 1770 Against Cancer/La Liga Contra el Cancer, a not-for-profit
 1771 organization.

1772 (i) Notwithstanding s. 322.081, a voluntary contribution
 1773 of \$1 per applicant to the state homes for veterans, to be
 1774 distributed on a quarterly basis by the department to the State
 1775 Homes for Veterans Trust Fund, which is administered by the
 1776 Department of Veterans' Affairs.

1777
 1778 A statement providing an explanation of the purpose of the trust
 1779 funds shall also be included. For the purpose of applying the
 1780 service charge provided in s. 215.20, contributions received
 1781 under paragraphs (b)-(i) ~~(b), (c), (d), (e), (f), and (g)~~ and
 1782 under s. 322.18(9) are not income of a revenue nature.

1783 Section 33. Section 322.121, Florida Statutes, is amended
 1784 to read:

1785 322.121 Periodic reexamination of all drivers.-

1786 (1) It is the intent of the Legislature that all licensed
 1787 drivers in Florida be reexamined upon renewal of their licenses.
 1788 Because only a small percentage of drivers in the state are
 1789 categorized as problem drivers, the Legislature intends that
 1790 renewals the large number of drivers who have not had any
 1791 convictions for the 3 years preceding renewal and whose driving
 1792 privilege in this state has not been revoked, disqualified, or

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1793 ~~suspended at any time during the 7 years preceding renewal~~ be
 1794 ~~processed expeditiously upon renewal of their licenses by~~
 1795 ~~examinations of the licensee's their eyesight and hearing only~~
 1796 ~~and that all other licensees be tested, in addition to the~~
 1797 ~~eyesight and hearing examinations, with respect to their ability~~
 1798 ~~to read and understand highway signs regulating, warning, and~~
 1799 ~~directing traffic.~~

1800 ~~(2) Each licensee must pass a reexamination at the time of~~
 1801 ~~renewal, except as otherwise provided in this chapter. For each~~
 1802 ~~licensee whose driving record does not show any convictions for~~
 1803 ~~the preceding 3 years or any revocations, disqualifications, or~~
 1804 ~~suspensions for the preceding 7 years; and who, at the time of~~
 1805 ~~renewal, presents a renewal notice verifying such safe driving~~
 1806 ~~record, the reexamination shall consist of tests of the~~
 1807 ~~licensee's eyesight and hearing. For all other licensees, in~~
 1808 ~~addition to the eyesight and hearing tests, the reexamination~~
 1809 ~~must include tests of the ability to read and understand highway~~
 1810 ~~signs and pavement markings regulating, warning, and directing~~
 1811 ~~traffic.~~

1812 ~~(2)(3)~~ For each licensee whose driving record does not
 1813 show any revocations, disqualifications, or suspensions for the
 1814 preceding 7 years or any convictions for the preceding 3 years
 1815 except for convictions of the following nonmoving violations:

1816 (a) Failure to exhibit a vehicle registration certificate,
 1817 rental agreement, or cab card pursuant to s. 320.0605;

1818 (b) Failure to renew a motor vehicle or mobile home
 1819 registration that has been expired for 4 months or less pursuant
 1820 to s. 320.07(3)(a);

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1821 (c) Operating a motor vehicle with an expired license that
 1822 has been expired for 4 months or less pursuant to s. 322.065;

1823 (d) Failure to carry or exhibit a license pursuant to s.
 1824 322.15(1); or

1825 (e) Failure to notify the department of a change of
 1826 address or name within 10 days pursuant to s. 322.19,

1827
 1828 the department shall cause such licensee's license to be
 1829 prominently marked with the notation "Safe Driver."

1830 (3)~~(4)~~ Eyesight examinations must be administered as
 1831 provided in s. 322.12.

1832 (4)~~(5)~~ An examination fee may not be assessed for
 1833 reexamination required by this section.

1834 (5)~~(6)~~ Members of the Armed Forces, or their dependents
 1835 residing with them, shall be granted an automatic extension for
 1836 the expiration of their licenses without reexamination while
 1837 serving on active duty outside this state. This extension is
 1838 valid for 90 days after the member of the Armed Forces is either
 1839 discharged or returns to this state to live.

1840 (6)~~(7)~~ In addition to any other examination authorized by
 1841 this section, an applicant for a renewal of a commercial
 1842 driver's license may be required to complete successfully an
 1843 examination of his or her knowledge regarding state and federal
 1844 rules, regulations, and laws, governing the type of vehicle
 1845 which he or she is applying to be licensed to operate.

1846 (7)~~(8)~~ In addition to any other examination authorized by
 1847 this section, an applicant for a renewal of an endorsement
 1848 issued under s. 322.57(1)(a), (b), (d), (e), or (f) may be

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1849 required to complete successfully an examination of his or her
 1850 knowledge regarding state and federal rules, regulations, and
 1851 laws, governing the type of vehicle which he or she is seeking
 1852 an endorsement to operate.

1853 Section 34. Paragraph (a) of subsection (5) and paragraph
 1854 (c) of subsection (8) of section 322.18, Florida Statutes, are
 1855 amended, to read:

1856 322.18 Original applications, licenses, and renewals;
 1857 expiration of licenses; delinquent licenses.—

1858 (5) All renewal driver's licenses may be issued after the
 1859 applicant licensee has been determined to be eligible by the
 1860 department.

1861 (a) A licensee who is otherwise eligible for renewal and
 1862 who is at least 80 years of age:

1863 1. Must submit to and pass a vision test administered at
 1864 any driver's license office; or

1865 2. If the licensee applies for a renewal using a
 1866 convenience service as provided in subsection (8), he or she
 1867 must submit to a vision test administered by a physician
 1868 licensed under chapter 458 or chapter 459, ~~or~~ an optometrist
 1869 licensed under chapter 463, or a licensed physician at a
 1870 federally established veterans' hospital, must send the results
 1871 of that test to the department on a form obtained from the
 1872 department and signed by such health care practitioner, and must
 1873 meet vision standards that are equivalent to the standards for
 1874 passing the departmental vision test. The physician or
 1875 optometrist may submit the results of a vision test by a
 1876 department-approved electronic means.

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1877 (8) The department shall issue 8-year renewals using a
 1878 convenience service without reexamination to drivers who have
 1879 not attained 80 years of age. The department shall issue 6-year
 1880 renewals using a convenience service when the applicant has
 1881 satisfied the requirements of subsection (5).

1882 (c) The department shall issue one renewal using a
 1883 convenience service. A person who is out of this state when his
 1884 or her license expires may be issued a 90-day temporary driving
 1885 permit without reexamination. At the end of the 90-day period,
 1886 the person must either return to this state or apply for a
 1887 license where the person is located, except for a member of the
 1888 Armed Forces as provided in s. 322.121(5) ~~s. 322.121(6)~~.

1889 Section 35. Subsection (2) of section 322.2615, Florida
 1890 Statutes, is amended to read:

1891 322.2615 Suspension of license; right to review.—

1892 (2) Except as provided in paragraph (1) (a), the law
 1893 enforcement officer shall forward to the department, within 5
 1894 days after issuing the notice of suspension, the driver's
 1895 license; an affidavit stating the officer's grounds for belief
 1896 that the person was driving or in actual physical control of a
 1897 motor vehicle while under the influence of alcoholic beverages
 1898 or chemical or controlled substances; the results of any breath
 1899 or blood test or an affidavit stating that a breath, blood, or
 1900 urine test was requested by a law enforcement officer or
 1901 correctional officer and that the person refused to submit; the
 1902 officer's description of the person's field sobriety test, if
 1903 any; and the notice of suspension; ~~and a copy of the crash~~
 1904 ~~report, if any.~~ The failure of the officer to submit materials

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1905 within the 5-day period specified in this subsection and in
 1906 subsection (1) does not affect the department's ability to
 1907 consider any evidence submitted at or prior to the hearing. The
 1908 officer may also submit a copy of the crash report and a copy of
 1909 a videotape of the field sobriety test or the attempt to
 1910 administer such test. Materials submitted to the department by a
 1911 law enforcement agency or correctional agency shall be
 1912 considered self-authenticating and shall be in the record for
 1913 consideration by the hearing officer. Notwithstanding s.
 1914 316.066(7), the crash report shall be considered by the hearing
 1915 officer.

1916 Section 36. Effective October 1, 2010, subsection (5) of
 1917 section 322.271, Florida Statutes, is renumbered as subsection
 1918 (6), and a new subsection (5) is added to that section, to read:

1919 322.271 Authority to modify revocation, cancellation, or
 1920 suspension order.—

1921 (5) Notwithstanding the provisions of s. 322.28(2)(e), a
 1922 person whose driving privilege has been permanently revoked
 1923 because he or she has been convicted four or more times of
 1924 violating s. 316.193 or former s. 316.1931 may, upon the
 1925 expiration of 10 years after the date of the last conviction or
 1926 the expiration of 10 years after the termination of any
 1927 incarceration under s. 316.193 or former s. 316.1931, whichever
 1928 is later, petition the department for reinstatement of his or
 1929 her driving privilege.

1930 (a) Within 30 days after receipt of a petition, the
 1931 department shall provide for a hearing, at which the petitioner
 1932 must demonstrate that he or she:

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1933 1. Has not been arrested for a drug-related offense for at
 1934 least 5 years prior to filing the petition;

1935 2. Has not driven a motor vehicle without a license for at
 1936 least 5 years prior to the hearing;

1937 3. Has been drug-free for at least 5 years prior to the
 1938 hearing; and

1939 4. Has completed a DUI program licensed by the department.

1940 (b) At the hearing, the department shall determine the
 1941 petitioner's qualification, fitness, and need to drive, and may,
 1942 after such determination, reinstate the petitioner's driver's
 1943 license. The reinstatement shall be subject to the following
 1944 qualifications:

1945 1. The petitioner's license must be restricted for
 1946 employment purposes for not less than 1 year; and

1947 2. The petitioner must be supervised by a DUI program
 1948 licensed by the department and must report to the program for
 1949 supervision and education at least four times a year or more, as
 1950 required by the program, for the remainder of the revocation
 1951 period. The supervision shall include evaluation, education,
 1952 referral into treatment, and other activities required by the
 1953 department.

1954 (c) The petitioner must assume the reasonable costs of
 1955 supervision. If the petitioner does not comply with the required
 1956 supervision, the program shall report the failure to the
 1957 department, and the department shall cancel such person's
 1958 driving privilege.

1959 (d) If, after reinstatement, the petitioner is convicted
 1960 of an offense for which mandatory license revocation is

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1961 required, the department shall revoke his or her driving
 1962 privilege.

1963 (e) The department shall adopt rules regulating the
 1964 services provided by DUI programs pursuant to this section.

1965 Section 37. Effective October 1, 2011, subsection (5) of
 1966 section 322.271, Florida Statutes, as created by this act, is
 1967 amended to read:

1968 322.271 Authority to modify revocation, cancellation, or
 1969 suspension order.—

1970 (5) Notwithstanding the provisions of s. 322.28(2)(e), a
 1971 person whose driving privilege has been permanently revoked
 1972 because he or she has been convicted four or more times of
 1973 violating s. 316.193 or former s. 316.1931 may, upon the
 1974 expiration of 5 ~~10~~ years after the date of the last conviction
 1975 or the expiration of 5 ~~10~~ years after the termination of any
 1976 incarceration under s. 316.193 or former s. 316.1931, whichever
 1977 is later, petition the department for reinstatement of his or
 1978 her driving privilege.

1979 (a) Within 30 days after receipt of a petition, the
 1980 department shall provide for a hearing, at which the petitioner
 1981 must demonstrate that he or she:

- 1982 1. Has not been arrested for a drug-related offense for at
- 1983 least 5 years prior to filing the petition;
- 1984 2. Has not driven a motor vehicle without a license for at
- 1985 least 5 years prior to the hearing;
- 1986 3. Has been drug-free for at least 5 years prior to the
- 1987 hearing; and
- 1988 4. Has completed a DUI program licensed by the department.

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1989 (b) At the hearing, the department shall determine the
 1990 petitioner's qualification, fitness, and need to drive, and may,
 1991 after such determination, reinstate the petitioner's driver's
 1992 license. The reinstatement shall be subject to the following
 1993 qualifications:

1994 1. The petitioner's license must be restricted for
 1995 employment purposes for not less than 1 year; and

1996 2. The petitioner must be supervised by a DUI program
 1997 licensed by the department and must report to the program for
 1998 supervision and education at least four times a year or more, as
 1999 required by the program, for the remainder of the revocation
 2000 period. The supervision shall include evaluation, education,
 2001 referral into treatment, and other activities required by the
 2002 department.

2003 (c) The petitioner must assume the reasonable costs of
 2004 supervision. If the petitioner does not comply with the required
 2005 supervision, the program shall report the failure to the
 2006 department, and the department shall cancel such person's
 2007 driving privilege.

2008 (d) If, after reinstatement, the petitioner is convicted
 2009 of an offense for which mandatory license revocation is
 2010 required, the department shall revoke his or her driving
 2011 privilege.

2012 (e) The department shall adopt rules regulating the
 2013 services provided by DUI programs pursuant to this section.

2014 Section 38. Paragraph (e) is added to subsection (3) of
 2015 section 322.2715, Florida Statutes, to read:

2016 322.2715 Ignition interlock device.—

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2017 (3) If the person is convicted of:
 2018 (e) A fourth or subsequent offense of driving under the
 2019 influence, the ignition interlock device shall be installed for
 2020 a period of not less than 5 years.
 2021 Section 39. Subsection (11) is added to section 322.34,
 2022 Florida Statutes, to read:
 2023 322.34 Driving while license suspended, revoked, canceled,
 2024 or disqualified.—
 2025 (10)(a) Notwithstanding any other provision of this
 2026 section, if a person does not have a prior forcible felony
 2027 conviction as defined in s. 776.08, the penalties provided in
 2028 paragraph (b) apply if a person's driver's license or driving
 2029 privilege is canceled, suspended, or revoked for:
 2030 1. Failing to pay child support as provided in s. 322.245
 2031 or s. 61.13016;
 2032 2. Failing to pay any other financial obligation as
 2033 provided in s. 322.245 other than those specified in s.
 2034 322.245(1);
 2035 3. Failing to comply with a civil penalty required in s.
 2036 318.15;
 2037 4. Failing to maintain vehicular financial responsibility
 2038 as required by chapter 324;
 2039 5. Failing to comply with attendance or other requirements
 2040 for minors as set forth in s. 322.091; or
 2041 6. Having been designated a habitual traffic offender
 2042 under s. 322.264(1)(d) as a result of suspensions of his or her
 2043 driver's license or driver privilege for any underlying
 2044 violation listed in subparagraphs 1.-5.

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2045 (b)1. Upon a first conviction for knowingly driving while
 2046 his or her license is suspended, revoked, or canceled for any of
 2047 the underlying violations listed in subparagraphs (a)1.-6., a
 2048 person commits a misdemeanor of the second degree, punishable as
 2049 provided in s. 775.082 or s. 775.083.

2050 2. Upon a second or subsequent conviction for the same
 2051 offense of knowingly driving while his or her license is
 2052 suspended, revoked, or canceled for any of the underlying
 2053 violations listed in subparagraphs (a)1.-6., a person commits a
 2054 misdemeanor of the first degree, punishable as provided in s.
 2055 775.082 or s. 775.083.

2056 (11) (a) A person who does not hold a commercial driver's
 2057 license and who is cited for an offense of knowingly driving
 2058 while his or her license is suspended, revoked, or canceled for
 2059 any of the underlying violations listed in paragraph (10) (a)
 2060 may, in lieu of payment of fine or court appearance, elect to
 2061 enter a plea of nolo contendere and provide proof of compliance
 2062 to the clerk of the court, designated official, or authorized
 2063 operator of a traffic violations bureau. In such case,
 2064 adjudication shall be withheld. However, no election shall be
 2065 made under this subsection if such person has made an election
 2066 under this subsection during the preceding 12 months. A person
 2067 may not make more than three elections under this subsection.

2068 (b) If adjudication is withheld under paragraph (a), such
 2069 action is not a conviction.

2070 Section 40. Subsection (8) of section 322.61, Florida
 2071 Statutes, is amended to read:

2072 322.61 Disqualification from operating a commercial motor

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2073 | vehicle.—

2074 | (8) A driver who is convicted of or otherwise found to

2075 | have committed a violation of an out-of-service order while

2076 | driving a commercial motor vehicle is disqualified as follows:

2077 | (a) Not less than 180 ~~90~~ days nor more than 1 year if the

2078 | driver is convicted of or otherwise found to have committed a

2079 | first violation of an out-of-service order.

2080 | (b) Not less than 2 years ~~1-year~~ nor more than 5 years if,

2081 | for offenses occurring during any 10-year period, the driver is

2082 | convicted of or otherwise found to have committed two violations

2083 | of out-of-service orders in separate incidents.

2084 | (c) Not less than 3 years nor more than 5 years if, for

2085 | offenses occurring during any 10-year period, the driver is

2086 | convicted of or otherwise found to have committed three or more

2087 | violations of out-of-service orders in separate incidents.

2088 | (d) Not less than 180 days nor more than 2 years if the

2089 | driver is convicted of or otherwise found to have committed a

2090 | first violation of an out-of-service order while transporting

2091 | hazardous materials required to be placarded under the Hazardous

2092 | Materials Transportation Act, 49 U.S.C. ss. 5101 et seq., or

2093 | while operating motor vehicles designed to transport more than

2094 | 15 passengers, including the driver. A driver is disqualified

2095 | for a period of not less than 3 years nor more than 5 years if,

2096 | for offenses occurring during any 10-year period, the driver is

2097 | convicted of or otherwise found to have committed any subsequent

2098 | violations of out-of-service orders, in separate incidents,

2099 | while transporting hazardous materials required to be placarded

2100 | under the Hazardous Materials Transportation Act, 49 U.S.C. ss.

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2101 5101 et seq., or while operating motor vehicles designed to
 2102 transport more than 15 passengers, including the driver.

2103 Section 41. Section 488.06, Florida Statutes, is amended
 2104 to read:

2105 488.06 Revocation or suspension of license or
 2106 certificate.—The Department of Highway Safety and Motor Vehicles
 2107 may suspend or revoke any license or certificate issued under
 2108 the provisions of this chapter if the holder of the license or
 2109 certificate or an instructor, agent, or employee of the
 2110 commercial driving school has:

2111 (1) Violated the provisions of this chapter;~~—~~

2112 (2) Been convicted of, pled no contest to, or had
 2113 adjudication withheld for any felony offense or misdemeanor
 2114 offense, as shown by a fingerprint-based criminal background
 2115 check, the cost of which must be borne by the applicant,
 2116 instructor, agent, or employee;

2117 (3) Committed any fraud or willful misrepresentation in
 2118 applying for or obtaining a license; or

2119 (4) Solicited business on any premises, including parking
 2120 areas, used by the department or a tax collector for the purpose
 2121 of licensing drivers.

2122
 2123 For purposes of subsection (2), fingerprints shall be submitted
 2124 by the Department of Highway Safety and Motor Vehicles to the
 2125 Florida Department of Law Enforcement for state processing, and
 2126 the Florida Department of Law Enforcement shall forward them to
 2127 the Federal Bureau of Investigation for national processing. The
 2128 Department of Highway Safety and Motor Vehicles shall screen the

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2129 background check results to determine if an applicant,
 2130 instructor, agency or employee meets licensure or certification
 2131 requirements.

2132 Section 42. Subsection (9) of section 261.03, Florida
 2133 Statutes, is amended to read:

2134 261.03 Definitions.—As used in this chapter, the term:

2135 (9) "ROV" means any motorized recreational off-highway
 2136 vehicle 64 ~~60~~ inches or less in width, having a dry weight of
 2137 2,000 ~~1,500~~ pounds or less, designed to travel on four or more
 2138 nonhighway tires, having nonstraddle seating and a steering
 2139 wheel, and manufactured for recreational use by one or more
 2140 persons. The term "ROV" does not include a golf cart as defined
 2141 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
 2142 defined in s. 320.01(42).

2143 Section 43. Subsection (9) of section 317.0003, Florida
 2144 Statutes, is amended to read:

2145 317.0003 Definitions.—As used in this chapter, the term:

2146 (9) "ROV" means any motorized recreational off-highway
 2147 vehicle 64 ~~60~~ inches or less in width, having a dry weight of
 2148 2,000 ~~1,500~~ pounds or less, designed to travel on four or more
 2149 nonhighway tires, having nonstraddle seating and a steering
 2150 wheel, and manufactured for recreational use by one or more
 2151 persons. The term "ROV" does not include a golf cart as defined
 2152 in ss. 320.01(22) and 316.003(68) or a low-speed vehicle as
 2153 defined in s. 320.01(42).

2154 Section 44. Subsection (7) is added to section 316.008,
 2155 Florida Statutes, to read:

2156 316.008 Powers of local authorities.—

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2157 (7) A county or municipality may enact an ordinance to
 2158 permit, control, or regulate the operation of vehicles, golf
 2159 carts, mopeds, motorized scooters, and electric personal
 2160 assistive mobility devices on sidewalks or sidewalk areas when
 2161 such use is permissible under federal law. The ordinance must
 2162 restrict such vehicles or devices to a maximum speed of 15 miles
 2163 per hour in such areas.

2164 Section 45. Section 316.1995, Florida Statutes, is amended
 2165 to read:

2166 316.1995 Driving upon sidewalk or bicycle path.—

2167 (1) Except as provided in s. 316.008 or s. 316.212(8), a
 2168 ~~No~~ person may not shall drive any vehicle other than by human
 2169 power upon a bicycle path, sidewalk, or sidewalk area, except
 2170 upon a permanent or duly authorized temporary driveway.

2171 (2) A violation of this section is a noncriminal traffic
 2172 infraction, punishable as a moving violation as provided in
 2173 chapter 318.

2174 (3) This section does not apply to motorized wheelchairs.

2175 Section 46. Subsection (8) of section 316.212, Florida
 2176 Statutes, is amended to read:

2177 316.212 Operation of golf carts on certain roadways.—The
 2178 operation of a golf cart upon the public roads or streets of
 2179 this state is prohibited except as provided herein:

2180 (8) A local governmental entity may enact an ordinance
 2181 relating to:

2182 (a) ~~Regarding~~ Golf cart operation and equipment which is
 2183 more restrictive than those enumerated in this section. Upon
 2184 enactment of such ordinance, the local governmental entity shall

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2185 post appropriate signs or otherwise inform the residents that
 2186 such an ordinance exists and that it will be enforced within the
 2187 local government's jurisdictional territory. An ordinance
 2188 referred to in this section must apply only to an unlicensed
 2189 driver.

2190 (b) Golf cart operation on sidewalks adjacent to specific
 2191 segments of municipal streets, county roads, or state highways
 2192 within the jurisdictional territory of the local governmental
 2193 entity if:

2194 1. The local governmental entity determines, after
 2195 considering the condition and current use of the sidewalks, the
 2196 character of the surrounding community, and the locations of
 2197 authorized golf cart crossings, that golf carts, bicycles, and
 2198 pedestrians may safely share the sidewalk;

2199 2. The local governmental entity consults with the
 2200 Department of Transportation before adopting the ordinance;

2201 3. The ordinance restricts golf carts to a maximum speed
 2202 of 15 miles per hour and permits such use on sidewalks adjacent
 2203 to state highways only if the sidewalks are at least 8 feet
 2204 wide;

2205 4. The ordinance requires the golf carts to meet the
 2206 equipment requirements in subsection (6). However, the ordinance
 2207 may require additional equipment, including horns or other
 2208 warning devices required by s. 316.271; and

2209 5. The local governmental entity posts appropriate signs
 2210 or otherwise informs residents that the ordinance exists and
 2211 applies to such sidewalks.

2212 Section 47. Section 316.2128, Florida Statutes, is amended

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2213 to read:

2214 316.2128 Operation of motorized scooters and miniature

2215 motorcycles; requirements for sales.—

2216 (1) A person who engages in the business of, serves in the

2217 capacity of, or acts as a commercial seller of motorized

2218 scooters or miniature motorcycles in this state must prominently

2219 display at his or her place of business a notice that such

2220 vehicles are not legal to operate on public roads, ~~or sidewalks~~

2221 ~~and~~ may not be registered as motor vehicles, and may not be

2222 operated on sidewalks unless authorized by an ordinance enacted

2223 pursuant to s. 316.008(7) or s. 316.212(8). The required notice

2224 must also appear in all forms of advertising offering motorized

2225 scooters or miniature motorcycles for sale. The notice and a

2226 copy of this section must also be provided to a consumer prior

2227 to the consumer's purchasing or becoming obligated to purchase a

2228 motorized scooter or a miniature motorcycle.

2229 (2) Any person selling or offering a motorized scooter or

2230 a miniature motorcycle for sale in violation of this section

2231 commits an unfair and deceptive trade practice as defined in

2232 part II of chapter 501.

2233 Section 48. Ronshay Dugans Act.—

2234 (1) This section may be cited as the "Ronshay Dugans Act."

2235 (2) The first week of September is designated as "Drowsy

2236 Driving Prevention Week" in this state. During Drowsy Driving

2237 Prevention Week, the Department of Highway Safety and Motor

2238 Vehicles and the Department of Transportation are encouraged to

2239 educate the law enforcement community and the public about the

2240 relationship between fatigue and performance and the research

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2241 | showing fatigue to be as much of an impairment as alcohol and as
2242 | dangerous while operating a motor vehicle.

2243 | Section 49. Except as otherwise expressly provided in this
2244 | act, this act shall take effect September 1, 2010.