

CHAPTER 97-300

Committee Substitute for Senate Bill No. 1002

An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 316.066, F.S.; deleting a penalty for failure to provide proof of insurance to a law enforcement officer under certain circumstances; amending s. 316.2065; providing that a violation is a pedestrian violation; amending s. 318.18, F.S.; providing a fine for pedestrian and bicycle violations; revising the date by which the clerks of the court must transmit required information; authorizing chief judges to set maximum court costs for civil traffic offenses; authorizing court costs for civil traffic offenses to be used to fund regional criminal justice assessment centers; amending s. 318.19, F.S.; revising provisions with respect to infractions requiring a mandatory hearing, to include a cross-reference; amending s. 319.24, F.S.; requiring motor vehicle dealers who purchase a motor vehicle to satisfy the outstanding lien within 10 days of purchase; requiring the lienholder to deliver the certificate of title indicating the lien satisfaction or notify the person satisfying the lien that the title is not available within 10 days of receipt of payment; amending s. 320.07, F.S.; increasing a time period with respect to the expiration of registration; creating ss. 319.40, 320.95, 322.70, 327.90, and 328.30, F.S.; amending s. 316.1974, F.S.; providing for funeral procession right-of-way and liability; providing definitions; providing for required equipment; providing for right-of-way; providing for driving in procession; providing for other vehicles; providing for liability; amending s. 316.072, F.S.; including certain law enforcement vehicles in a list of authorized emergency vehicles; reenacting s. 316.293(6)(a), F.S., relating to motor vehicle noise, to incorporate the amendment in a reference; amending s. 316.066; authorizing the department to accept applications by electronic or telephonic means; amending s. 316.2397, F.S.; authorizing petroleum tankers to display amber lights; amending s. 320.02, F.S.; providing for voluntary contributions on the application for motor vehicle registration with respect to Prevent Blindness Florida; amending s. 320.06, F.S.; amending provisions relating to validation stickers on fleet license plates; including issuance of two plates under certain circumstances; amending s. 322.16, F.S.; revising language with respect to license restrictions; amending s. 316.1001, F.S.; providing a cross reference; amending s. 319.29, F.S.; increasing the time period for the reissuance of certain certificates of title; amending s. 320.08058, F.S.; providing that certain collegiate and professional sports team license plates must meet certain requirements and be authorized by act of the Legislature; repealing s. 325.205, F.S., relating to supplemental safety inspections; amending s. 325.207, F.S.; providing options with respect to certain performance bonds; amending s. 316.215, F.S.; providing an exemption to certain motor vehicle requirements for front-end loading vehicles; amending s. 316.302,

F.S., relating to commercial motor vehicle safety regulations; updating reference to federal regulations; providing exception to specified provisions for public utility and authorized emergency vehicles; revising language with respect to requirements for intrastate transporting of hazardous materials; providing for applicability of alcohol and drug testing programs to certain volunteer drivers; providing an exemption to certain federal commercial motor vehicle requirements for certain vehicles operating intrastate; amending s. 316.515, F.S.; providing exception to length limitations for certain utility vehicles under specified conditions; providing exceptions to load extension limitation; amending s. 316.516, F.S.; providing statutory penalties for violation of maximum width, height, and length limitations; amending s. 322.53, F.S.; deleting an exemption to the requirement of having a commercial driver's license; amending s. 320.072, F.S.; providing exemptions to the additional fee imposed on certain motor vehicle registration transactions; amending ss. 320.08 and 320.086, F.S.; providing for ancient, antique, or collectible motorcycles; correcting cross-references; creating s. 320.08048, F.S.; providing for sample license plates; providing a fee; amending s. 320.131, F.S.; revising provisions with respect to temporary tags; amending s. 320.0848, F.S.; providing for issuing disabled parking permits to persons with long-term mobility problems; providing a time limit; providing requirements; providing limitations; revising the fee for a disabled parking permit; revising distribution of the fee; amending s. 321.24, F.S.; allowing an auxiliary of the Florida Highway Patrol to make arrests; amending s. 322.121, F.S.; conforming a cross-reference; amending s. 322.1615, F.S.; authorizing certain nighttime operation with respect to certain persons who have a learner's driver license; creating s. 320.95, F.S.; amending s. 322.32, F.S.; requiring certain knowledge for possession or display of certain invalid licenses to constitute a criminal violation; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations of driving privileges; providing penalties; amending s. 322.34, F.S.; providing penalties for driving with certain invalid driver's licenses; defining the term "knowledge"; providing for the use of other evidence to impute knowledge; providing for notification of certain cancellations, suspensions, or revocations; providing penalties for habitual offenders; amending s. 327.25, F.S.; revising language with respect to the registration of antique vessels; exempting such vessels from registration fees; amending s. 328.16, F.S.; providing for the electronic transmission of certain lien information; amending s. 316.063, F.S.; providing second degree misdemeanor penalties for driver failure to perform specified duties upon damaging unattended vehicle or other property; amending s. 316.614, F.S.; excluding certain areas within specified trucks and recreational vehicles from safety belt use requirements; providing that children under the age of 16 must wear a safety belt; amending s. 316.655, F.S., correcting a cross-reference; amending s. 318.14, F.S.; extending the timeframe for a person to show proof of insurance to 30 days; creating s. 320.091, F.S.; authorizing the issuance of speciality license plates to vehicles held in trust; amending s. 320.535, F.S.;

exempting airport fuel trucks and equipment from the payment of license taxes and the display of license plates when transporting aviation fuel within the airport facility of any public use airport; authorizing the incidental operation of airport fuel tanks or equipment on roads of this state within the airport facility; amending s. 320.8285, F.S.; providing local jurisdictions shall not prohibit siting or resiting of used mobile homes based on date of manufacture; amending s. 322.38, F.S.; providing that used mobile homes may be moved as long as the mobile home meets federal safety codes which were in effect at the time the mobile home was constructed; providing that certain aesthetic and land use and zoning requirements are reserved for local jurisdiction; amending s. 318.15, F.S.; providing that persons who elect to attend driver improvement school may subsequently elect not to attend such school; amending s. 320.086, F.S.; revising language with respect to certain ancient, antique, or collectible motor vehicles; amending ss. 125.0103, 166.043, F.S.; authorizing counties and municipalities to regulate immobilization fees; providing effective dates.

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

Section 1. Paragraph (a) of subsection (3) of section 316.066, Florida Statutes, 1996 Supplement, is amended to read:

316.066 Written reports of accidents.—

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

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

2. Which accident involved a violation of ~~s. 316.027(2)~~, s. 316.061(1), or s. 316.193 shall, within 10 days after completing the investigation, forward a written report of the accident to the department or traffic records center.

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

However, in every case in which an accident report is required by this section and a written report to a law enforcement officer is not prepared, the law enforcement officer shall provide each party involved in the accident a short-form report, prescribed by the state, to be completed by the party. The short-form report must include, but is not limited to: the date, time, and location of the accident; a description of the vehicles involved; the names and addresses of the parties involved; the names and addresses of witnesses; the name, badge number, and law enforcement agency of the officer investigating the accident; and the names of the insurance companies for the respec-

tive parties involved in the accident. Each party to the accident shall provide the law enforcement officer with proof of insurance to be included in the accident report. If a law enforcement officer submits a report on the accident, proof of insurance must be provided to the officer by each party involved in the accident ~~within 24 hours after the accident~~. Any party who fails to provide the required information ~~within the applicable time limit prescribed by this paragraph~~ is guilty of an infraction for a nonmoving violation, punishable as provided in chapter 318 unless the officer determines that due to injuries or other special circumstances such insurance information cannot be provided immediately. If the person provides the law enforcement agency, within 24 hours after the accident, proof of insurance that was valid at the time of the accident, the law enforcement agency may void the citation.

Section 2. Paragraph (e) of subsection (3) of section 316.2065, Florida Statutes, 1996 Supplement, is amended to read:

316.2065 Bicycle regulations.—

(3)

(e) Law enforcement officers and school crossing guards may issue a bicycle safety brochure and a verbal warning to a bicycle rider or passenger who violates this subsection. Effective January 1, 1998, a bicycle rider or passenger who violates this subsection may be issued a citation by a law enforcement officer and assessed a fine for a pedestrian nonmoving traffic violation, as provided in s. 318.18. The court shall dismiss the charge against a bicycle rider or passenger for a first violation of paragraph (d) upon proof of purchase of a bicycle helmet that complies with this subsection.

Section 3. Subsection (1) and paragraph (a) of subsection (8) of section 318.18, Florida Statutes, 1996 Supplement, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(1) Fifteen dollars for all infractions of pedestrian regulations ~~under s. 316.130~~, all infractions of s. 316.2065, unless otherwise specified and other violations of chapter 316 by persons 14 years of age or under who are operating bicycles.

(8)(a) Any person who fails to comply with the court's requirements or who fails to pay the civil penalties specified in this section within the 30-day period provided for in s. 318.14 must pay an additional civil penalty of \$12, \$2.50 of which must be deposited into the General Revenue Fund, and \$9.50 of which must be deposited in the Highway Safety Operating Trust Fund. There is hereby appropriated from the Highway Safety Operating Trust Fund for fiscal year 1996-1997 the amount of \$4 million. From this appropriation the department shall contract with the Florida Association of Court Clerks, Inc., to design, establish, operate, upgrade, and maintain an automated statewide Uniform Traffic Citation Accounting System to be operated by the clerks of the court which shall include, but not be limited to, the accounting for traffic infractions by type, a record of the disposition of the

citations, and an accounting system for the fines assessed and the subsequent fine amounts paid to the clerks of the court. On or before December 1, 1999, October 1, 1998, the clerks of the court must provide the information required by this chapter to be transmitted to the department by electronic transmission pursuant to the contract.

Section 4. Subsection (11) of section 318.18, Florida Statutes, 1996 Supplement, is amended to read:

318.18 Amount of civil penalties.—The penalties required for a noncriminal disposition pursuant to s. 318.14 are as follows:

(11) Court costs which are to be in addition to the stated fine shall be imposed by the court in an amount not less than the following:

- For pedestrian infractions \$ 3.
- For nonmoving traffic infractions \$ 6.
- For moving traffic infractions \$10.

In no event may court costs imposed under this subsection exceed \$30. A regional criminal justice assessment center or other local criminal justice access and assessment center may be funded from these court costs.

Section 5. Section 318.19, Florida Statutes, is amended to read:

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

- (1) Any infraction which results in an accident that causes the death of another; or
- (2) Any infraction which results in an accident that causes “serious bodily injury” of another as defined in s. 316.1933(1).

Section 6. Subsection (5) of section 319.24, Florida Statutes, 1996 Supplement, is amended to read:

319.24 Issuance in duplicate; delivery; liens and encumbrances.—

(5)(a) Upon satisfaction of any first lien or encumbrance recorded at the department, the owner of the motor vehicle or mobile home, as shown on the title certificate, or the person satisfying the lien shall be entitled to demand and receive from the lienholder a satisfaction of the lien. If the lienholder, upon satisfaction of the lien and upon demand, fails or refuses to furnish a satisfaction thereof within 30 days after demand, he or she shall be held liable for all costs, damages, and expenses, including reasonable attorney’s fees, lawfully incurred by the titled owner or person satisfying the lien in any suit brought in this state for cancellation of the lien. A motor vehicle dealer acquiring ownership of a motor vehicle with an outstanding purchase money lien, shall pay and satisfy the outstanding lien within 10 working days of acquiring ownership. The lienholder receiving final payment as

defined in s. 674.215 shall mail or otherwise deliver a lien satisfaction and the certificate of title indicating the satisfaction within 10 working days of receipt of such final payment or notify the person satisfying the lien that the title is not available within 10 working days of receipt of such final payment. If the lienholder is unable to provide the certificate of title and notifies the person of such, the lienholder shall provide a lien satisfaction and shall be responsible for the cost of a duplicate title, including fast title charges as provided in s. 319.323. The provisions of this paragraph shall not apply to electronic transactions pursuant to s. 319.24(9).

(b) Following satisfaction of a lien, the lienholder shall enter a satisfaction thereof in the space provided on the face of the certificate of title. If the certificate of title was retained by the owner, the owner shall, within 5 days of the satisfaction of a lien, deliver the certificate of title to the lienholder and the lienholder shall enter a satisfaction thereof in the space provided on the face of the certificate of title. If there are no subsequent liens shown thereon, the certificate shall be delivered by the lienholder to the person satisfying the lien or encumbrance and an executed satisfaction on a form provided by the department shall be forwarded to the department by the lienholder within 10 days of satisfaction of the lien.

(c) If the certificate of title shows a subsequent lien not then being discharged, an executed satisfaction of the first lien shall be delivered by the lienholder to the person satisfying the lien and the certificate of title showing satisfaction of the first lien shall be forwarded by the lienholder to the department within 10 days of satisfaction of the lien.

(d) If, upon receipt of a title certificate showing satisfaction of the first lien, the department determines from its records that there are no subsequent liens or encumbrances upon the motor vehicle or mobile home, the department shall forward to the owner, as shown on the face of the title, a corrected certificate showing no liens or encumbrances. If there is a subsequent lien not being discharged, the certificate of title shall be reissued showing the second or subsequent lienholder as the first lienholder and shall be delivered to either the new first lienholder or to the owner as indicated in the notice of lien filed by the new first lienholder. If the certificate of title is to be retained by the first lienholder on the reissued certificate, the first lienholder shall be entitled to retain the certificate of title except as provided in subsection (4) until his or her lien is satisfied. Upon satisfaction of the lien, the lienholder shall be subject to the procedures required of a first lienholder by subsection (4) and this subsection.

Section 7. Paragraphs (a) and (b) of subsection (3) of section 320.07, Florida Statutes, 1996 Supplement, are amended to read:

320.07 Expiration of registration; annual renewal required; penalties.—

(3) The operation of any motor vehicle without having attached thereto a registration license plate and validation stickers, or the use of any mobile home without having attached thereto a mobile home sticker, for the current registration period shall subject the owner thereof, if he or she is present, or, if the owner is not present, the operator thereof to the following penalty provisions:

(a) Any person whose motor vehicle or mobile home registration has been expired for a period of 6 4 months or less shall be subject to the penalty provided in s. 318.14.

(b) Any person whose motor vehicle or mobile home registration has been expired for more than 6 4 months is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 8. Paragraph (d) of subsection (2) of section 320.072, Florida Statutes, 1996 Supplement, is amended, and subsection (5) is added to said section, to read:

320.072 Additional fee imposed on certain motor vehicle registration transactions.—

(1) A fee of \$100 is imposed upon the initial application for registration pursuant to s. 320.06 of every motor vehicle classified in s. 320.08(2), (3), and (9)(c) and (d).

(2) The fee imposed by subsection (1) shall not apply to:

(d) The registration of any motor vehicle owned by and operated exclusively for the personal use of:

1. Any member of the United States Armed Forces, or his or her spouse or dependent child, who is not a resident of this state and who is stationed in this state while in compliance with military orders.

2. Any former member of the United States Armed Forces, or his or her spouse or dependent child, who purchased such motor vehicle while stationed outside of Florida, who has separated from the Armed Forces and was not dishonorably discharged or discharged for bad conduct, who was a resident of this state at the time of enlistment and at the time of discharge, and who applies for registration of such motor vehicle within 6 months after discharge.

3. Any member of the United States Armed Forces, or his or her spouse or dependent child, who was a resident of this state at the time of enlistment, who purchased such motor vehicle while stationed outside of Florida, and who is now reassigned by military order to this state.

4. Any spouse or dependent child of a member of the United States Armed Forces who loses his or her life while on active duty or who is listed by the Armed Forces as “missing-in-action.” Such spouse or child must be a resident of this state and the service member must have been a resident of this state at the time of enlistment. Registration of such motor vehicle must occur within 1 year of the notification of the service member’s death or of his or her status as “missing-in-action.”

5. Any member of the United States Armed Forces, or his or her spouse or dependent child, who was a resident of this state at the time of enlistment, who purchased a motor vehicle while stationed outside of Florida, and who continues to be stationed outside of Florida.

(5) The fee imposed in subsection (1) shall not apply if it is determined, pursuant to an affidavit submitted by the owner on a form approved by the department, that the registration being transferred is from a vehicle that is not operational, is in storage, or will not be operated on the streets and highways of this state.

Section 9. Paragraph (e) of subsection (1) of section 320.08, Florida Statutes, 1996 Supplement, is amended to read:

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

(1) MOTORCYCLES, MOPEDS, MOTORIZED BICYCLES.—

~~(e) An ancient, antique, or collectible motorcycle: \$10 flat. An “antique motorcycle” is any motorcycle manufactured more than 20 years prior to the date of application or equipped with an engine manufactured to the specifications of the original engine.~~

Section 10. Subsections (1) and (2) and paragraph (a) of subsection (3) of section 320.086, Florida Statutes, 1996 Supplement, are amended to read:

320.086 Ancient, antique, or collectible motor vehicles; “horseless carriage,” antique, collectible, or historical license plates.—

(1) ~~The owner of a motor vehicle ~~an automobile or truck~~ for private use manufactured in 1927 or earlier, equipped with an engine manufactured in 1927 or earlier or manufactured to the specifications of the original engine, and operated on the streets and highways of this state shall, upon application in the manner and at the time prescribed by the department and upon payment of the license tax for an ancient motor vehicle prescribed by s. 320.08(1)(e), (2)(a), or (3)(e), be issued a special license plate for such motor vehicle. The license plate shall be permanent and valid for use without renewal so long as the vehicle is in existence. In addition to the payment of all other fees required by law, the applicant shall pay such fee for the issuance of the special license plate as may be prescribed by the department commensurate with the cost of its manufacture. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with “Horseless Carriage No. 1,” and the plates shall be of a distinguishing color.~~

(2) ~~The owner of a motor vehicle ~~an automobile or truck~~ for private use manufactured between 1928 and 1945, inclusive, with an engine manufactured between 1928 and 1945, inclusive, or manufactured to the specifications of the original engine and operated on the streets and highways of this state shall, upon application in the manner and at the time prescribed by the department and upon payment of the license tax prescribed by s. 320.08(1)(e), (2)(a), or (3)(e), be issued a special license plate for such motor vehicle. In addition to the payment of all other fees required by law, the~~

applicant shall pay such fee for the issuance of the special license plate as may be prescribed by the department commensurate with the cost of its manufacture. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Antique Vehicle No. 1," and the plates shall be of a distinguishing color.

(3)(a) ~~The owner of a motor vehicle an automobile or truck~~ for private use of the age of 20 years or more from the date of manufacture, equipped with an engine of the age of 20 years or more from the date of manufacture, and operated on the streets and highways of this state shall, upon application in the manner and at the time prescribed by the department and upon payment of the license tax prescribed by s. 320.08(1)(e), (2)(a), or (3)(e), be issued a special license plate for such motor vehicle. In addition to the payment of all other fees required by law, the applicant shall pay such fee for the issuance of the special license plate as may be prescribed by the department commensurate with the cost of its manufacture. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Collectible No. 1," and the plates shall be of a distinguishing color.

Section 11. Section 320.08048, Florida Statutes, is created to read:

320.08048 Sample license plates.—

(1) The department is authorized, upon application and payment of a \$10 fee per plate, to provide one or more sample regular issuance license plates or specialty license plates based upon availability.

(2) The sample license plates described in subsection (1) shall have the word "SAMPLE" or an abbreviated variation thereof, as determined by the department, based on the specific design of such plate.

(3) Fees collected pursuant to this section shall be deposited into the Highway Safety Operating Trust Fund.

(4) Tax collectors are not required to pay fees for sample license plates obtained for display purposes at main or branch offices.

Section 12. Paragraphs (a) and (c) of subsection (1), subsection (2), and paragraph (a) of subsection (3) of section 320.0848, Florida Statutes, 1996 Supplement, are amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(1)(a) The Department of Highway Safety and Motor Vehicles or its authorized agents shall, upon application and receipt of the fee, issue a disabled parking permit for a period of up to 4 years that ends on the applicant's birthday ~~renewal date for that person's driver's license or identification card~~ to any person who has long-term permanent ~~permanent~~ mobility problems, or a temporary disabled parking permit not to exceed 1 year to any person

who has temporary mobility problems. ~~The application for a disabled parking permit must contain the name and motor vehicle policy number of the applicant's primary insurance carrier, whom the department may notify upon granting a disabled parking permit.~~ The person must be currently certified by a physician licensed under chapter 458, chapter 459, or chapter 460, or by a podiatrist licensed under chapter 461, by the Division of Blind Services of the Department of Labor and Employment Security, or by the Adjudication Office of the United States Department of Veterans Affairs or its predecessor as being legally blind or as having any of the following disabilities that limit or impair his or her ability to walk:

1. Inability to walk 200 feet without stopping to rest.
2. Inability to walk without the use of or assistance from a brace, cane, crutch, prosthetic device, or other assistive device, or without the assistance of another person. If the assistive device significantly restores the person's ability to walk to the extent that the person can walk without severe limitation, the person is not eligible for the exemption parking permit.
3. The need to permanently use a wheelchair.
4. Restriction by lung disease to the extent that the person's forced (respiratory) expiratory volume for 1 second, when measured by spirometry, is less than 1 liter, or the person's arterial oxygen is less than 60 mm/hg on room air at rest.
5. Use of portable oxygen.
6. Restriction by cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV according to standards set by the American Heart Association.
7. Severe limitation in the person's ability to walk due to an arthritic, neurological, or orthopedic condition.

(c) ~~The Department of Highway Safety and Motor Vehicles shall renew the disabled parking permit of any person who has a disability upon presentation of the certification required by paragraph (b), for the period that coincides with the period of the person's driver's license or identification card.~~

(2) **DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM PERMANENT MOBILITY PROBLEMS.**—

(a) The disabled parking permit is a placard that can be placed in a motor vehicle so as to be visible from the front and rear of the vehicle. Each side of the placard must have the international symbol of accessibility in a contrasting color in the center so as to be visible. One side of the placard must display the applicant's driver's license number or state identification card number along with a warning that the applicant must have such identification at all times while using the parking permit. A validation sticker must also be issued with each disabled parking permit, showing the month and year of expiration and the holder's birth month on each side of the placard.

Validation stickers must be of the size specified by the Department of Highway Safety and Motor Vehicles and must be affixed to the disabled parking permits. The disabled parking permits must use the same colors as license plate validations.

(b) License plates issued under ss. 320.084, 320.0842, 320.0843, and 320.0845 are valid for the same parking privileges and other privileges provided under ss. 316.1955, 316.1964, and 526.141(5)(a).

(c)1. Except as provided in subparagraph 2., the fee for a disabled parking permit shall be:

~~a. Twenty-two dollars and fifty cents for the initial 6-year permit or renewal permit, of which the State Transportation Trust Fund shall receive \$20.25 and the tax collector of the county in which the fee was collected shall receive \$2.25.~~

~~b. One dollar and fifty cents for each additional or additional renewal 6-year permit, of which the State Transportation Trust Fund shall receive all funds collected.~~

~~a.c. Fifteen dollars for each initial 4-year permit or renewal permit, of which the State Transportation Trust Fund shall receive \$13.50 and the tax collector of the county in which the fee was collected shall receive \$1.50.~~

~~b.d. One dollar for each additional or additional renewal 4-year permit, of which the State Transportation Trust Fund shall receive all funds collected.~~

The department shall not issue an additional disabled parking permit unless the applicant states that they are a frequent traveler or a quadriplegic. The department may not issue to any one eligible applicant more than two disabled parking permits except to an organization in accordance with paragraph (1)(d). Subsections (1), (5), (6), and (7) apply to this subsection.

2. If an applicant who is a disabled veteran, is a resident of this state, has been honorably discharged, and either has been determined by the Department of Defense or the United States Department of Veterans Affairs Administration of the Federal Government to have a service-connected disability rating for compensation of 50 percent or greater or has been determined to have a service-connected disability rating of 50 percent or greater and is in receipt of both disability retirement pay from the United States Department of Veterans Affairs Administration and has a signed physician's statement of qualification for the disabled parking permits, the fee for a disabled parking permit shall be:

~~a. Two dollars and twenty five cents for the initial 6-year permit or renewal permit.~~

~~b. One dollar and fifty cents for the additional or additional renewal 6-year permit.~~

~~a.c. One dollar and fifty cents for the initial 4-year permit or renewal permit.~~

b.d. One dollar for each additional or additional renewal 4-year permit.

The tax collector of the county in which the fee was collected shall retain all funds received pursuant to this subparagraph.

3. If an applicant presents to the department a statement from the Federal Government or the State of Florida indicating the applicant is a recipient of supplemental security income, the fee for the disabled parking permit shall be:

~~a. Twelve dollars and seventy-five cents for the initial 6-year permit or renewal permit, of which the State Transportation Trust Fund shall receive \$10.15 and the tax collector of the county in which the fee was collected shall receive \$2.60.~~

b. nine dollars for the initial 4-year permit or renewal permit, of which the State Transportation Trust Fund shall receive \$6.75 and the tax collector of the county in which the fee was collected shall receive \$2.25.

~~The department may not issue to any one eligible applicant more than two disabled parking permits except to an organization in accordance with paragraph (1)(d). Subsections (1), (5), (6), and (7) apply to this subsection.~~

(3) DISABLED PARKING PERMIT; TEMPORARY.—

(a) The temporary disabled parking permit is a placard of a different color from the color of the ~~long-term permanent~~ disabled parking permit placard, and must clearly display the date of expiration, but is in all other respects identical to the ~~long-term permanent~~ disabled parking permit placard. The temporary disabled parking permit placard must be designed to conspicuously display the expiration date of the permit on the front and back of the placard.

Section 13. Section 320.131, Florida Statutes, 1996 Supplement, is amended to read:

320.131 Temporary tags.—

(1) The department is authorized and empowered to design, issue, and regulate the use of temporary tags to be designated “temporary tags” for use in the following cases:

(a) Where a dealer license plate may not be lawfully used.

(b) For a casual or private sale, including the sale of a marine boat trailer by a marine boat trailer dealer. A “casual or private sale” means any sale other than that by a licensed dealer.

(c) For certified common carriers or driveaway companies who transport motor vehicles, mobile homes, or recreational vehicles from one place to another for persons other than themselves.

(d) For banks, credit unions, and other financial institutions which are not required to be licensed under the provisions of s. 320.27, s. 320.77, or s.

320.771, but need temporary tags for the purpose of demonstrating repossessions for sale.

(e) Where a motor vehicle is sold in this state to a resident of another state for registration therein and the motor vehicle is not required to be registered under the provisions of s. 320.38.

(f) Where a motor vehicle is required to be weighed or emission tested prior to registration or have a vehicle identification number verified. A temporary tag issued for any of these purposes shall be valid for 10 days.

(g) Where an out-of-state resident, subject to registration in this state, must secure ownership documentation from the home state.

(h) For a rental car company which possesses a motor vehicle dealer license and which may use temporary tags on vehicles offered for lease by such company in accordance with the provisions of rules established by the department. However, the original issuance date of a temporary tag shall be the date which determines the applicable license plate fee.

(i) In the resolution of a consumer complaint where there is a need to issue more than two temporary tags, the department may do so.

(j) While a personalized prestige or specialty license plate is being manufactured for use upon the motor vehicle. A temporary tag issued for this purpose shall be valid for 90 days.

(k)(j) In any case where a permanent license plate can not legally be issued to an applicant and a temporary license plate is not specifically authorized under the provisions of this section, the department shall have the discretion to issue temporary license plates to applicants demonstrating a need for such temporary use.

(l)(k) For use by licensed dealers to transport motor vehicles and recreational vehicles from the dealer's licensed location to an off-premise sales location and return. Temporary tags used for such purposes shall be issued to the licensed dealer who owns the vehicles.

Further, the department is authorized to disallow the purchase of temporary tags by licensed dealers, common carriers, or financial institutions in those cases where abuse has occurred.

(2) The department is authorized to sell temporary tags, in addition to those listed above, to their agents and where need is demonstrated by a consumer complainant. The fee shall be \$2 each. One dollar from each tag sold shall be deposited into the Brain and Spinal Cord Injury Rehabilitation Trust Fund Impaired Drivers and Speeders Trust Fund, with the remaining proceeds being deposited into the Highway Safety Operating Trust Fund. Agents of the department shall sell temporary tags for \$2 each and shall charge the service charge authorized by s. 320.04 per transaction, regardless of the quantity sold. Requests for purchase of temporary tags to the department or its agents shall be made, where applicable, on letterhead stationery and notarized. Except as specifically provided otherwise, a temporary tag

shall be valid for 30 days, and no more than two shall be issued to the same person for the same vehicle.

~~(3) For the purpose of requiring proof of personal injury protection or liability insurance, the issuance of a temporary tag by a licensed motor vehicle dealer does not constitute registration of the vehicle. However, prior to the expiration of the first temporary tag issued to any person by a motor vehicle dealer, proof of personal injury protection or liability insurance shall be accomplished.~~

~~(3)(4) Any person or corporation who unlawfully issues or uses a temporary tag or violates this section or any rule adopted by the department to implement this section is guilty of a misdemeanor of the second degree punishable as provided in s. 775.082 or s. 775.083 in addition to other administrative action by the department, except that using a temporary tag that has been expired for a period of 7 days or less is a noncriminal infraction, and is a nonmoving violation punishable as provided for in chapter 318.~~

(4) Temporary tags shall be conspicuously displayed in the rear license plate bracket or attached to the inside of the rear window in an upright position so as to be clearly visible from the rear of the vehicle. On vehicles requiring front display of license plates, temporary tags shall be displayed on the front of the vehicle in the location where the metal license plate would normally be displayed.

Section 14. Section 316.1974, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 316.1974, F.S., for present text.)

316.1974 Funeral procession right-of-way and liability.—

(1) DEFINITIONS.—

(a) “Funeral director” and “funeral establishment” shall have the same meaning as set forth in s. 470.002.

(b) “Funeral procession” means two or more vehicles accompanying the body of a deceased person, or traveling to the church, chapel, or other location at which the funeral service is to be held, in the daylight hours, including a funeral lead vehicle or a funeral escort vehicle.

(c) “Funeral lead vehicle” means any authorized law enforcement or non-law enforcement motor vehicle properly equipped pursuant to subsection (2) or a funeral escort vehicle being used to lead and facilitate the movement of a funeral procession. A funeral hearse may serve as a funeral lead vehicle.

(d) “Funeral escort” means a person or entity that provides escort services for funeral processions, including law enforcement personnel and agencies.

(e) “Funeral escort vehicle” means any motor vehicle that is properly equipped pursuant to subsection (2) and which escorts a funeral procession.

(2) EQUIPMENT.—

(a) All non-law enforcement funeral escort vehicles and funeral lead vehicles shall be equipped with at least one lighted circulation lamp exhibiting an amber light or lens visible under normal atmospheric conditions for a distance of 500 feet from the front of the vehicle. Flashing amber lights may be used only when such vehicles are used in a funeral procession.

(b) Any law enforcement funeral escort vehicle may be equipped with red, blue, or amber flashing lights which meet the criteria established in paragraph (a).

(3) FUNERAL PROCESSION RIGHT-OF-WAY; FUNERAL ESCORT VEHICLES; FUNERAL LEAD VEHICLES.—

(a) Regardless of any traffic control device or right-of-way provisions prescribed by state or local ordinance, pedestrians and operators of all vehicles, except as stated in paragraph (c), shall yield the right-of-way to any vehicle which is part of a funeral procession being led by a funeral escort vehicle or a funeral lead vehicle.

(b) When the funeral lead vehicle lawfully enters an intersection, either by reason of a traffic control device or at the direction of law enforcement personnel, the remaining vehicles in the funeral procession may follow through the intersection regardless of any traffic control devices or right-of-way provisions prescribed by state or local law.

(c) Funeral processions shall have the right-of-way at intersections regardless of traffic control devices, subject to the following conditions and exceptions:

1. Operators of vehicles in a funeral procession shall yield the right-of-way to an approaching emergency vehicle giving an audible or visible signal.

2. Operators of vehicles in a funeral procession shall yield the right-of-way when directed to do so by a police officer.

3. Operators of vehicles in a funeral procession must exercise due care when participating in a funeral procession.

(4) DRIVING IN PROCESSION.—

(a) All vehicles comprising a funeral procession shall follow the preceding vehicle in the funeral procession as closely as is practical and safe.

(b) Any ordinance, law, or regulation stating that motor vehicles shall be operated to allow sufficient space enabling any other vehicle to enter and occupy such space without danger shall not be applicable to vehicles in a funeral procession.

(c) Each vehicle which is part of a funeral procession shall have its headlights, either high or low beam, and tail lights lighted and may also use the flashing hazard lights if the vehicle is so equipped.

(5) LIABILITY.—

(a) Liability for any death, personal injury, or property damage suffered on or after October 1, 1997, by any person in a funeral procession shall not be imposed upon the funeral director or funeral establishment or their employees or agents unless such death, personal injury, or property damage is proximately caused by the negligent or intentional act of an employee or agent of the funeral director or funeral establishment.

(b) A funeral director, funeral establishment, funeral escort, or other participant that leads, organizes, or participates in a funeral procession in accordance with this section shall be presumed to have acted with reasonable care.

(c) Except for a grossly negligent or intentional act by a funeral director or funeral establishment there shall be no liability on the part of a funeral director or funeral establishment for failing, on or after October 1, 1997, to use reasonable care in the planning or selection of the route to be followed by the funeral procession.

Section 15. Paragraph (a) of subsection (5) of section 316.072, Florida Statutes, is amended to read:

316.072 Obedience to and effect of traffic laws.—

(5) AUTHORIZED EMERGENCY VEHICLES.—

(a)1. The driver of an authorized emergency vehicle, when responding to an emergency call, when in the pursuit of an actual or suspected violator of the law, or when responding to a fire alarm, but not upon returning from a fire; ~~or~~

2. A medical staff physician or technician of a medical facility licensed by the state when responding to an emergency in the line of duty in his or her privately owned vehicle, using red lights as authorized in s. 316.2398;
or

3. The driver of an authorized law enforcement vehicle, when conducting a nonemergency escort, to warn the public of an approaching motorcade;

may exercise the privileges set forth in this section, but subject to the conditions herein stated.

Section 16. For purposes of incorporating the amendment to s. 316.072, Florida Statutes, in references thereto, paragraph (a) of subsection (6) of section 316.293, Florida Statutes, is reenacted to read:

316.293 Motor vehicle noise.—

(6) EXEMPT VEHICLES.—The following are exempt from the operation of this act:

(a) Emergency vehicles operating as specified in s. 316.072(5)(a).

Section 17. Subsection (4) of section 316.2397, Florida Statutes, 1996 Supplement, is amended to read:

316.2397 Certain lights prohibited; exceptions.—

(4) Road or street maintenance equipment, road or street maintenance vehicles, road service vehicles, refuse collection vehicles, petroleum tankers, and mail carrier vehicles may show or display amber lights when in operation or a hazard exists.

Section 18. Section 319.40, Florida Statutes, is created to read:

319.40 Transactions by electronic or telephonic means.—The department is authorized to accept any application provided for under this chapter by electronic or telephonic means.

Section 19. Subsection (16) is added to section 320.02, Florida Statutes, to read:

320.02 Registration required; application for registration; forms.—

(16) The application form for motor vehicle registration shall include language permitting the voluntary contribution of \$1 per applicant, to be quarterly distributed by the department to Prevent Blindness Florida, a not-for-profit organization, to prevent blindness and preserve the sight of the residents of this state. A statement providing an explanation of the purpose of the funds shall be included with the application form. Prior to the department distributing the funds collected pursuant to this subsection, Prevent Blindness Florida must submit a report to the department that identifies how such funds were used during the preceding year.

Section 20. Paragraphs (a) and (c) of subsection (1) of section 320.06, Florida Statutes, 1996 Supplement, are amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)(a) Upon the receipt of an initial application for registration and payment of the appropriate license tax and other fees required by law, the department shall assign to the motor vehicle a registration license number consisting of letters and numerals or numerals and issue to the owner or lessee a certificate of registration and one registration license plate, unless two plates are required for display by s. 320.0706, for each vehicle so registered.

(c) Registration license plates equipped with validation stickers shall be valid for not more than 12 months and shall expire at midnight on the last day of the registration period. For each registration period after the one in which the metal registration license plate is issued, and until the license plate is required to be replaced, a validation sticker showing the year of expiration shall be issued upon payment of the proper license tax amount and fees and shall be valid for not more than 12 months. When license plates equipped with validation stickers are issued in any month other than the

owner's birth month or the designated registration period for any other motor vehicle, the effective date shall reflect the birth month or month and the year of renewal. However, when a license plate or validation sticker is issued for a period of less than 12 months, the applicant shall pay the appropriate amount of license tax and the applicable fee under the provisions of s. 320.14 in addition to all other fees. Validation stickers issued for vehicles taxed under the provisions of s. 320.08(6)(a), for any company which owns ~~250~~ 1,000 vehicles or more, or for semitrailers taxed under the provisions of s. 320.08(5)(a), for any company which owns 50 vehicles or more, may be placed on any vehicle in the fleet so long as the vehicle receiving the validation sticker has the same owner's name and address as the vehicle to which the validation sticker was originally assigned.

Section 21. Section 320.95, Florida Statutes, is created to read:

320.95 Transactions by electronic or telephonic means.—The department is authorized to accept any application provided for under this chapter by electronic or telephonic means.

Section 22. Subsections (2) and (3) of section 322.16, Florida Statutes, 1996 Supplement, are amended to read:

322.16 License restrictions.—

(2) A person who holds a driver's license and who is under 17 years of age, when operating a motor vehicle after 11 p.m. and before 6 a.m., must be accompanied by a driver who holds a valid license to operate the type of vehicle being operated and is at least 21 years of age unless that person is driving directly to or from work.

(3) A person who holds a driver's license who is 17 years of age, when operating a motor vehicle after 1 a.m. and before 5 a.m., must be accompanied by a driver who holds a valid license to operate the type of vehicle being operated, and is at least 21 years of age unless that person is driving directly to or from work.

Section 23. Section 322.70, Florida Statutes, is created to read:

322.70 Transactions by electronic or telephonic means.—The department is authorized to accept any application provided for under this chapter by electronic or telephonic means.

Section 24. Section 327.90, Florida Statutes, is created to read:

327.90 Transactions by electronic or telephonic means.—The department is authorized to accept any application provided for under this chapter by electronic or telephonic means.

Section 25. Section 328.30, Florida Statutes, is created to read:

328.30 Transactions by electronic or telephonic means.—The department is authorized to accept any application provided for under this chapter by electronic or telephonic means.

Section 26. Paragraph (b) of subsection (2) of section 316.1001, Florida Statutes, 1996 Supplement, is amended to read:

316.1001 Payment of toll on toll facilities required; penalties.—

(2)

(b) A citation issued under this subsection may be issued by mailing the citation by certified mail, return receipt requested, to the address of the registered owner of the motor vehicle involved in the violation. In the case of joint ownership of a motor vehicle, the traffic citation must be mailed to the first name appearing on the registration. A citation issued under this paragraph must be mailed to the registered owner of the motor vehicle involved in the violation within 14 days after the date of the violation. In addition to the citation, notification must be sent to the registered owner of the motor vehicle involved in the violation specifying the remedy available under s. 318.18(7) ~~subsection (3)~~.

Section 27. Subsection (3) of section 319.29, Florida Statutes, is amended to read:

319.29 Lost or destroyed certificates.—

(3) If, following the issuance of an original, duplicate, or corrected certificate of title by the department, the certificate is lost in transit and is not delivered to the addressee, the owner of the motor vehicle or mobile home, or the holder of a lien thereon, may, within 180 ~~90~~ days of the date of issuance of the title, apply to the department for reissuance of the certificate of title. No additional fee shall be charged for reissuance under this subsection.

Section 28. Paragraph (a) of subsection (3) and paragraph (a) of subsection (9) of section 320.08058, Florida Statutes, 1996 Supplement, are amended to read:

320.08058 Specialty license plates.—

(3) COLLEGIATE LICENSE PLATES.—

(a) The department shall develop a collegiate license plate as provided in this section for state and independent universities domiciled in this state. However, any collegiate license plate created or established after January 1, 1997, must comply with the requirements of s. 320.08053 and be specifically authorized by an act of the Legislature. Collegiate license plates must bear the colors and design approved by the department as appropriate for each state and independent university. The word "Florida" must be stamped across the bottom of the plate in small letters.

(9) FLORIDA PROFESSIONAL SPORTS TEAM LICENSE PLATES.—

(a) The Department of Highway Safety and Motor Vehicles shall develop a Florida Professional Sports Team license plate as provided in this section for Major League Baseball, National Basketball Association, National Football League, Arena Football Teams, and National Hockey League teams

domiciled in this state. However, any Florida Professional Sports Team license plate created or established after January 1, 1997, must comply with the requirements of s. 320.08053 and be specifically authorized by an act of the Legislature. Florida Professional Sports Team license plates must bear the colors and design approved by the department and must include the official league or team logo, or both, as appropriate for each team. The word "Florida" must appear at the top of the plate.

Section 29. Section 325.205, Florida Statutes, is repealed.

Section 30. Paragraph (l) of subsection (8) of section 325.207, Florida Statutes, 1996 Supplement, is amended to read:

325.207 Inspection stations; department contracts; inspection requirements; recordkeeping.—

(8) Any contract authorized under this section shall contain:

(l) A provision requiring a performance bond of \$1 million, which the department may, after the second year of inspection operations under the contract, elect to waive entirely, reduce in amount, or waive in exchange for another appropriate means of security in a like or reduced amount.

Section 31. Subsection (5) is added to section 316.215, Florida Statutes, to read:

316.215 Scope and effect of regulations.—

(5) The provisions of this chapter and 49 C.F.R. part 393, with respect to number, visibility, distribution of light, and mounting height requirements for headlamps, auxiliary lamps, and turn signals shall not apply to a front-end loading collection vehicle, when:

(a) The front-end loading mechanism and container or containers are in the lowered position;

(b) The vehicle is engaged in collecting solid waste or recyclable or recovered materials; and

(c) The vehicle is being operated at speeds less than 20 miles per hour with the vehicular hazard-warning lights activated.

Section 32. Paragraphs (b) and (c) of subsection (1) and paragraphs (b) and (f) of subsection (2) and subsection (4) of section 316.302, Florida Statutes, 1996 Supplement, are amended, and paragraph (k) is added to subsection (2) of said section, to read:

316.302 Commercial motor vehicles; safety regulations; transporters and shippers of hazardous materials; enforcement.—

(1)

(b) Except as otherwise provided in this section, all owners or drivers of commercial motor vehicles that are engaged in intrastate commerce are

subject to the rules and regulations contained in 49 C.F.R. parts 382, 385, and 390-397, with the exception of 49 C.F.R. s. 390.5 as it relates to the definition of bus, as such rules and regulations existed on March 1, 1997 1995.

(c) Except as provided in s. 316.215(5), and except as provided in s. 316.228 for rear overhang lighting and flagging requirements for intrastate operations, the requirements of this section supersede all other safety requirements of this chapter for commercial motor vehicles.

(2)

(b) A person who operates a commercial motor vehicle solely in intrastate commerce not transporting any hazardous material is exempt from 49 C.F.R. s. 395.3(a) and (b) and may, after 8 hours' rest, and following the required initial motor vehicle inspection, be permitted to drive any part of the first 15 on-duty hours in any 24-hour period, but may not be permitted to operate a commercial motor vehicle after that until the requirement of another 8 hours' rest has been fulfilled. The provisions of this paragraph do not apply to drivers of public utility vehicles or authorized emergency vehicles during periods of severe weather or other emergencies.

(f) A person who operates a commercial motor vehicle having a declared gross vehicle weight of less than 26,000 pounds solely in intrastate commerce and who is not transporting hazardous materials, or who is transporting petroleum products as defined in s. 376.301(27), is exempt from subsection (1). However, such person must comply with 49 C.F.R. parts 382, 392, 393, and 49 C.F.R. s. 396.9.

(k) A person holding a commercial driver's license who is a regularly employed driver of a commercial motor vehicle and is subject to an alcohol and controlled substance testing program related to that employment shall not be required to be part of a separate testing program for operating any bus owned and operated by a church when the driver does not receive any form of compensation for operating the bus and when the bus is used to transport people to or from church-related activities at no charge. The provisions of this paragraph may not be implemented if the Federal Government notifies the department that implementation will adversely affect the allocation of federal funds to the state.

(4)(a) Except as provided in this subsection, all commercial motor vehicles transporting any hazardous material on any road, street, or highway open to the public, whether engaged in interstate or intrastate commerce, and any person who offers hazardous materials for such transportation, are subject to the regulations contained in 49 C.F.R. parts 107, subpart G, 171, 172, 173, 177, 178, and 180. Effective July 1, 1997, the exceptions for intrastate motor carriers provided in 49 C.F.R. 173.5 and 173.8 are hereby adopted.

(a) ~~A person who operates a commercial motor vehicle having a declared gross vehicle weight of less than 26,000 pounds transporting, solely within intrastate commerce, quantities of petroleum products as defined in s. 376.301(27) is exempt from the requirements of subsection (1) and from the~~

requirements of 49 C.F.R. parts 171, 172, 173, 177, 178, and 180. However, such person must comply with 49 C.F.R. part 172, subpart F, 49 C.F.R. parts 392 and 393, and 49 C.F.R. s. 396.9.

~~(b) A person who operates a commercial motor vehicle with a declared gross vehicle weight of less than 26,000 pounds transporting Table 2 commodities, as specified in 49 C.F.R. s. 172.504, solely in intrastate commerce within a 150-air-mile radius of the location where the vehicle is based, is subject only to the following federal regulations while transporting these commodities to be used in a support role for agricultural, horticultural, or forestry production: 49 C.F.R. part 172, subpart F, 49 C.F.R. part 391, subpart H, and 49 C.F.R. parts 382, 392, 393, and 396.9.~~

~~(b)(c)~~ In addition to the penalties provided in s. 316.3025(3)(b), (c), (d), and (e), any motor carrier or any of its officers, drivers, agents, representatives, employees, or shippers of hazardous materials that do not comply with this ~~subsection~~ paragraph or any rule adopted by a state agency that is consistent with the federal rules and regulations regarding hazardous materials commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. To ensure compliance with this subsection, enforcement officers of the Motor Carrier Compliance Office within the Department of Transportation and state highway patrol officers may inspect shipping documents and cargo of any vehicle known or suspected to be a transporter of hazardous materials.

Section 33. Subsections (3) and (4) and paragraph (b) of subsection (7) of section 316.515, Florida Statutes, are amended to read:

316.515 Maximum width, height, length.—

(3) LENGTH LIMITATION.—Except as otherwise provided in this section, length limitations apply solely to a semitrailer or trailer, and not to a truck tractor or to the overall length of a combination of vehicles. No combination of commercial motor vehicles coupled together and operating on the public roads may consist of more than one truck tractor and two trailing units. Unless otherwise specifically provided for in this section, a combination of vehicles not qualifying as commercial motor vehicles may consist of no more than two units coupled together; such nonqualifying combination of vehicles may not exceed a total length of 65 feet, inclusive of the load carried thereon, but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Notwithstanding any other provision of this section, a truck tractor-semitrailer combination engaged in the transportation of automobiles or boats may transport motor vehicles or boats on part of the power unit; and, except as may otherwise be mandated under federal law, an automobile or boat transporter semitrailer may not exceed 50 feet in length, exclusive of the load; however, the load may extend up to an additional ~~6~~ 4 feet beyond the rear of the trailer. The 50-foot length limitation does not apply to non-stinger-steered automobile or boat transporters that are 65 feet or less in overall length, exclusive of the load carried thereon, or to stinger-steered automobile or boat transporters that are 75 feet or less in overall length, exclusive of the load carried thereon. For purposes of this subsection, a “stinger-steered automobile or boat transporter” is an automobile or boat transporter

configured as a semitrailer combination wherein the fifth wheel is located on a drop frame located behind and below the rearmost axle of the power unit. Notwithstanding paragraphs (a) and (b), any straight truck or truck tractor-semitrailer combination engaged in the transportation of horticultural trees may allow the load to extend up to an additional 10 feet beyond the rear of the vehicle, provided said trees are resting against a retaining bar mounted above the truck bed so that the root balls of the trees rest on the floor and to the front of the truck bed and the tops of the trees extend up over and to the rear of the truck bed, and provided the overhanging portion of the load is covered with protective fabric.

(a) Straight trucks.—No straight truck may exceed a length of 40 feet in extreme overall dimension, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. ~~Any straight truck, excluding recreational vehicles, in excess of 35 feet in length may have no fewer than three load-bearing axles.~~ A straight truck may tow no more than one trailer, and such trailer may not exceed a length of 28 feet. However, such trailer limitation does not apply if the overall length of the truck-trailer combination is 65 feet or less, including the load thereon. Notwithstanding any other provisions of this section, a truck-trailer combination engaged in the transportation of boats shall not exceed the length limitations of this paragraph exclusive of the load; however, the load may extend up to an additional 6 4 feet beyond the rear of the trailer.

(b) Semitrailers.—

1. A semitrailer operating in a truck tractor-semitrailer combination may not exceed 48 feet in extreme overall outside dimension, measured from the front of the unit to the rear of the unit and the load carried thereon, exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads, unless it complies with subparagraph 2. A semitrailer which exceeds 48 feet in length and is used to transport divisible loads may operate in this state only if issued a permit under s. 316.550 and if such trailer meets the requirements of this chapter relating to vehicle equipment and safety. Except for highways on the tandem trailer truck highway network, public roads deemed unsafe for longer semitrailer vehicles or those roads on which such longer vehicles are determined not to be in the interest of public convenience shall, in conformance with s. 316.006, be restricted by the Department of Transportation or by the local authority to use by semitrailers not exceeding a length of 48 feet, inclusive of the load carried thereon but exclusive of safety and energy conservation devices approved by the department for use on vehicles using public roads. Truck tractor-semitrailer combinations shall be afforded reasonable access to terminals; facilities for food, fuel, repairs, and rest; and points of loading and unloading.

2. A semitrailer which is more than 48 feet but not more than 53 feet in extreme overall outside dimension, as measured pursuant to subparagraph 1., may operate on public roads, except roads on the State Highway System which are restricted by the Department of Transportation or other roads restricted by local authorities, if:

a. The distance between the kingpin or other peg which locks into the fifth wheel of a truck tractor and the center of the rear axle or rear group of axles does not exceed 41 feet; and

b. It is equipped with a substantial rear-end underride protection device meeting the requirements of 49 C.F.R. s. 393.86, "Rear End Protection."

(c) Tandem trailer trucks.—

1. Except for semitrailers and trailers of up to 28½ feet in length which existed on December 1, 1982, and which were actually and lawfully operating on that date, no semitrailer or trailer operating in a truck tractor-semitrailer-trailer combination may exceed a length of 28 feet in extreme overall outside dimension, measured from the front of the unit to the rear of the unit and the load carried thereon, exclusive of safety and energy conservation devices approved by the Department of Transportation for use on vehicles using public roads.

2. Tandem trailer trucks conforming to the weight and size limitations of this chapter and in immediate transit to or from a terminal facility as defined in this chapter may operate on the public roads of this state except for residential neighborhood streets restricted by the Department of Transportation or local jurisdictions. In addition, the Department of Transportation or local jurisdictions may restrict these vehicles from using streets and roads under their maintenance responsibility on the basis of safety and engineering analyses, provided that the restrictions are consistent with the provisions of this chapter. The Department of Transportation shall develop safety and engineering standards to be used by all jurisdictions when identifying public roads and streets to be restricted from tandem trailer truck operations.

3. Except as otherwise provided in this section, within 5 miles of the Federal National Network for large trucks, tandem trailer trucks shall be afforded access to terminals; facilities for food, fuel, repairs, and rest; and points of loading and unloading.

4. Notwithstanding the provisions of any general or special law to the contrary, all local system tandem trailer truck route review procedures must be consistent with those adopted by the Department of Transportation.

5. Tandem trailer trucks employed as household goods carriers and conforming to the weight and size limitations of this chapter shall be afforded access to points of loading and unloading on the public streets and roads of this state, except for streets and roads that have been restricted from use by such vehicles on the basis of safety and engineering analyses by the jurisdiction responsible for maintenance of the streets and roads.

(d) Maxi-cube vehicles.—Maxi-cube vehicles shall be allowed to operate on routes open to tandem trailer trucks under the same conditions applicable to tandem trailer trucks as specified by this section.

(4) LOAD EXTENSION LIMITATION.—The load upon any vehicle operated alone, or the load upon the front vehicle of a combination of vehicles,

may not extend more than 3 feet beyond the front wheels of the vehicle or the front bumper of the vehicle if it is equipped with a bumper.

(a) The limitations of this subsection do not apply to bicycle racks carrying bicycles on public sector transit vehicles.

(b) The provisions of this subsection shall not apply to a front-end loading collection vehicle, when:

1. The front-end loading mechanism and container or containers are in the lowered position;

2. The vehicle is engaged in collecting solid waste or recyclable or recovered materials;

3. The vehicle is being operated at speeds less than 20 miles per hour with the vehicular hazard-warning lights activated; and

4. The extension does not exceed 8 feet 6 inches.

(7) FIRE OR EMERGENCY VEHICLES, UTILITY VEHICLES, AND OTHER VEHICLES TRANSPORTING NONDIVISIBLE LOADS.—The length limitations imposed by this section do not apply to:

(b) Utility vehicles owned or operated by governmental entities or public utility corporations, or operated under contract with such entities or corporations:

1. When transporting poles during daytime, except on weekends and holidays, as defined in the rules of the Department of Transportation, and when the vehicle and load do not exceed 120 feet in overall length, provided proper flags are located at the rearmost end of the load. However, such movements with an overall length in excess of 75 feet:

a. Shall be equipped with a working warning light device.

b. Shall be accompanied by a company-provided flasher-equipped escort vehicle when making turns within corporate city limits.

2.a. When transporting poles during nighttime and when the vehicle and load do not exceed 120 feet in overall length. Such movements shall be equipped with a working warning light device and shall be accompanied by one leading and one trailing company-provided flasher-equipped escort vehicle.

b. The provisions of sub-subparagraph a. notwithstanding, for vehicle and loads with overall lengths not exceeding 85 feet and being transported under emergency conditions, only a single trailing company-owned flasher-equipped escort vehicle shall be required, provided that the pole being transported shall be equipped with active marker lights, visible from both sides, at a maximum of 6-foot intervals mounted along the pole or trailer extending the length of the trailer and at 36-inch intervals along the pole extending beyond the rear of the trailer.

3. When transporting poles during emergencies or required maintenance. Such movements may be made on all days and at all hours, provided the respective daytime or nighttime requirements are otherwise met.

4. When operating flasher-equipped straight truck utility vehicles that have permanently mounted equipment that extends up to 9 feet beyond the front bumper, provided:

a. Such equipment, when in the travel position, is supported in such a manner that it has a minimum of 80 inches clearance above the roadway;

b. Such equipment is illuminated on the forwardmost sides with high visibility reflective tape;

c. The respective daytime and nighttime requirements for operation are otherwise met;

d. Nighttime emergency or required maintenance operation of such utility vehicles with overall lengths in excess of 50 feet are led by a company-provided flasher-equipped escort vehicle; and

e. Trailers are not pulled by utility vehicles over 50 feet in length.

A flasher-equipped escort vehicle is defined as an automobile or truck that closely accompanies an over dimensional vehicle or load carried thereon to alert approaching traffic of that vehicle or load. Such escort vehicles shall be equipped with a working warning light device, as defined in this subsection, except that such device shall be located on top of the escort vehicle. Warning light devices required in this subsection shall be consistent with size, color, type, intensity, and mounting requirements developed by the Department of Transportation.

Section 34. Subsection (4) of section 316.516, Florida Statutes, 1996 Supplement, is amended to read:

316.516 Width, height, and length; inspection; penalties.—

(4) Notwithstanding other provisions of this chapter, penalties for violation of the maximum limits for width, height, and length provided for in s. 316.515 are as follows:

(a) Two hundred and fifty dollars per foot of violation or any portion thereof for width and height limit violations.

(b)1. Forty dollars for length limit violations not exceeding 2 feet over the length limit;

2. One hundred dollars for length limit violations of greater than 2 feet but not exceeding 10 feet over the length limit; or

3. Two hundred and fifty dollars for length limit violations of greater than 10 feet, plus \$250 for every additional foot or any portion thereof that exceeds 11 feet over the length limit.

(c) No individual penalty issued under the provisions of this subsection shall exceed \$1,000 for each width, height, or length violation. Penalties for violation of the width, height, and length limits contained in this chapter shall be as provided in the rules of the Department of Transportation, except that no such individual penalty shall exceed \$1,000 per width, height, or length violation.

Section 35. Paragraph (g) of subsection (2) and subsection (5) of section 322.53, Florida Statutes, 1996 Supplement, are amended to read:

322.53 License required; exemptions.—

(2) The following persons are exempt from the requirement to obtain a commercial driver's license:

~~(g) A driver operating any bus owned and operated by a church, when the driver does not receive any form of compensation for operating the bus, and when the bus is used to transport people to or from church-related activities at no charge.~~

(5) A resident who is exempt from obtaining a commercial driver's license pursuant to paragraph (2)(b), paragraph (2)(d), paragraph (2)(e), or paragraph (2)(f), or paragraph (2)(g) may drive a commercial motor vehicle pursuant to the exemption granted in paragraph (2)(b), paragraph (2)(d), paragraph (2)(e), or paragraph (2)(f), or paragraph (2)(g) if he or she possesses a valid Class D or Class E driver's license or a military license.

Section 36. Subsections (2) and (4) of section 321.24, Florida Statutes, are amended to read:

321.24 Members of an auxiliary to Florida Highway Patrol.—

(2) Members of an auxiliary serving with the Florida Highway Patrol shall at all times serve under the direction and supervision of the director and members of the Florida Highway Patrol. After approval by the director on an individual basis and after completion of a firearms course approved by the director, members of an auxiliary, while serving under the supervision and direction of the director, or a member of the Florida Highway Patrol, shall have the power to bear arms and make arrests. Members of an auxiliary shall have the same protection and immunities afforded regularly employed highway patrol officers, which shall be recognized by all courts having jurisdiction over offenses against the laws of this state.

~~(4) No member of the auxiliary shall be required to serve on any duty of and for said auxiliary without his or her consent thereto. The duties of the auxiliary shall be limited to assisting the Florida Highway Patrol in the performance of its regularly constituted duties. Nothing herein shall be construed to authorize any member of the auxiliary to make arrests.~~

Section 37. Paragraph (c) of subsection (3) of section 322.121, Florida Statutes, is amended to read:

322.121 Periodic reexamination of all drivers.—

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

(c) Operating a motor vehicle with an expired license that has been expired for 4 months or less pursuant to s. ~~322.065~~ 322.03(5);

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

Section 38. Subsection (3) of section 322.1615, Florida Statutes, 1996 Supplement, is amended to read:

322.1615 Learner's driver's license.—

(3) A person who holds a learner's driver's license may operate a vehicle only during daylight hours, except that the holder of a learner's driver license may operate a vehicle between the hours of 7 p.m. and 10 p.m. 3 months after the issuance of the learner's driver license between the hours of 6 a.m. and 7 p.m.

Section 39. Effective January 1, 1998, section 322.32, Florida Statutes, is amended to read:

322.32 Unlawful use of license.—It is a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for any person:

(1) To display, cause or permit to be displayed, or have in his or her possession any canceled, revoked, suspended, ~~or disqualified, fictitious, or fraudulently altered~~ driver's license knowing that such license has been canceled, revoked, suspended, or disqualified.

(a) The element of knowledge is satisfied if:

1. The person has been cited as provided in s. 322.34(1), and any cancellation, revocation, or suspension in effect at that time remains in effect; or

2. The person admits to knowledge of the cancellation, suspension, or revocation; or

3. The person received notice as provided in paragraph (c).

(b) In any proceeding for a violation of this section, a court may consider evidence, other than that specified in paragraph (a), that a person knowingly possessed a canceled, suspended, or revoked driver's license.

(c) Any judgment or order rendered by a court or adjudicatory body or any uniform traffic citation that cancels, suspends, or revokes a person's driver's license must contain a provision notifying the person that his or her driver's license or driving privilege has been canceled, suspended, or revoked.

(2) To lend his or her driver's license to any other person or knowingly permit the use thereof by another.

(3) To display, or represent as his or her own, any driver's license not issued to him or her.

(4) To fail or refuse to surrender to the department or to any law enforcement officer, upon its lawful demand, any driver's license in his or her possession which has been suspended, revoked, disqualified, or canceled.

(5) To permit any unlawful use of a driver's license issued to him or her.

(6) To apply for, obtain, or cause to be issued to him or her two or more photographic driver's licenses which are in different names. The issuance of such licenses shall be prima facie evidence that the licensee has violated the provisions of this section unless the issuance was in compliance with the requirements of this chapter.

(7) To do any act forbidden, or fail to perform any act required, by this chapter.

Section 40. Section 322.34, Florida Statutes, is amended to read:

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

(1) Except as provided in subsection (2), any person whose driver's license or driving privilege has been canceled, suspended, or revoked, except a "habitual traffic offender" as defined in s. 322.264, who drives a vehicle upon the highways of this state while such license or privilege is canceled, suspended, or revoked is guilty of a moving violation, punishable as provided in chapter 318.

~~(2)~~⁽⁴⁾ Any person whose driver's license or driving privilege has been canceled, suspended, or revoked as provided by law, except persons defined in s. 322.264, and who, knowing of such cancellation, suspension, or revocation, drives any motor vehicle upon the highways of this state while such license or privilege is canceled, suspended, or revoked, upon:

(a) A first conviction is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A second conviction is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A third or subsequent conviction is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

The element of knowledge is satisfied if the person has been previously cited as provided in subsection (1); or the person admits to knowledge of the cancellation, suspension, or revocation; or the person received notice as provided in subsection (4).

(3) In any proceeding for a violation of this section, a court may consider evidence, other than that specified in subsection (2), that the person knowingly violated this section.

(4) Any judgment or order rendered by a court or adjudicatory body or any uniform traffic citation that cancels, suspends, or revokes a person's driver's license must contain a provision notifying the person that his or her driver's license has been canceled, suspended, or revoked.

(5)(2) Any person whose driver's license has been revoked pursuant to s. 322.264 (habitual offender) and who drives any motor vehicle upon the highways of this state while such license is revoked upon:

~~(a) A first conviction is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.~~

~~(b) A second or subsequent conviction is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(6)(3) Any person who operates a motor vehicle:

(a) Without having a driver's license as required under s. 322.03; or

(b) While his or her driver's license or driving privilege is canceled, suspended, or revoked pursuant to s. 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) or (5),

and who by careless or negligent operation of the motor vehicle causes the death of or serious bodily injury to another human being is guilty of a felony of the third degree, punishable as provided in s. 775.082 or s. 775.083.

(7)(4) Any person whose driver's license or driving privilege has been canceled, suspended, revoked, or disqualified and who drives a commercial motor vehicle on the highways of this state while such license or privilege is canceled, suspended, revoked, or disqualified, upon:

(a) A first conviction is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A second or subsequent conviction is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(8)(5)(a) Upon the arrest of a person for the offense of driving while the person's driver's license or driving privilege is suspended or revoked, the arresting officer shall determine:

1. Whether the person's driver's license is suspended or revoked.

2. Whether the person's driver's license has remained suspended or revoked since a conviction for the offense of driving with a suspended or revoked license.

3. Whether the suspension or revocation was made under s. 316.646 or s. 627.733, relating to failure to maintain required security, or under s. 322.264, relating to habitual traffic offenders.

4. Whether the driver is the registered owner or coowner of the vehicle.

(b) If the arresting officer finds in the affirmative as to all of the criteria in paragraph (a), the officer shall immediately impound or immobilize the vehicle.

(c) Within 7 business days after the date the arresting agency impounds or immobilizes the vehicle, either the arresting agency or the towing service, whichever is in possession of the vehicle, shall send notice by certified mail, return receipt requested, to any coregistered owners of the vehicle other than the person arrested and to each person of record claiming a lien against the vehicle. All costs and fees for the impoundment or immobilization, including the cost of notification, must be paid by the owner of the vehicle or, if the vehicle is leased, by the person leasing the vehicle.

(d) Either the arresting agency or the towing service, whichever is in possession of the vehicle, shall determine whether any vehicle impounded or immobilized under this section has been leased or if there are any persons of record with a lien upon the vehicle. Either the arresting agency or the towing service, whichever is in possession of the vehicle, shall notify by telephone any lessor or lienholder before 5 p.m. on the business day after the day that the vehicle has been impounded or immobilized. A lessor or lienholder may then obtain the vehicle, upon payment of any lawful towing or storage charges. If the storage facility fails to provide timely notice to a lessor or lienholder as required by this paragraph, the storage facility shall be responsible for payment of any towing or storage charges necessary to release the vehicle to a lessor or lienholder that accrue after the notice period, which charges may then be assessed against the driver of the vehicle if the vehicle was lawfully impounded or immobilized.

(e) Except as provided in paragraph (d), the vehicle shall remain impounded or immobilized for any period imposed by the court until:

1. The owner presents proof of insurance to the arresting agency; or
2. The owner presents proof of sale of the vehicle to the arresting agency and the buyer presents proof of insurance to the arresting agency.

If proof is not presented within 35 days after the impoundment or immobilization, a lien shall be placed upon such vehicle pursuant to s. 713.78.

(f) The owner of a vehicle that is impounded or immobilized under this subsection may, within 10 days after the date the owner has knowledge of the location of the vehicle, file a complaint in the county in which the owner resides to determine whether the vehicle was wrongfully taken or withheld. Upon the filing of a complaint, the owner may have the vehicle released by posting with the court a bond or other adequate security equal to the amount of the costs and fees for impoundment or immobilization, including towing or storage, to ensure the payment of such costs and fees if the owner does not prevail. When the bond is posted and the fee is paid as set forth in s. 28.24, the clerk of the court shall issue a certificate releasing the vehicle. At the time of release, after reasonable inspection, the owner must give a

receipt to the towing or storage company indicating any loss or damage to the vehicle or to the contents of the vehicle.

Section 41. Subsections (2), (4), and (15) of section 327.25, Florida Statutes, 1996 Supplement, are amended to read:

327.25 Classification; registration; fees and charges; surcharge; disposition of fees; fines; marine turtle stickers.—

(2) ANTIQUE VESSEL REGISTRATION FEE.—

(a) A vessel that is at least 30 years old, used only for noncommercial purposes, and powered by the vessel's original-type power plant may be registered as an antique vessel. When applying for registration as an antique vessel, the owner of such a vessel shall submit certification, as prescribed by the Department of Highway Safety and Motor Vehicles or from a marine surveyor that the vessel meets the requirements of this paragraph.

~~(b) The registration fee for an antique vessel shall be based on length according to the classification schedule in subsection (1).~~

~~(b)(c)~~ The registration number for an antique vessel shall be affixed on the forward half of the hull or on the port side of the windshield according to ss. 327.11 and 327.14.

~~(c)(d)~~ The Department of Highway Safety and Motor Vehicles may issue a decal identifying the vessel as an antique vessel. The decal shall be placed within 3 inches of the registration number.

(4) TRANSFER OF OWNERSHIP.—

(a) When the ownership of a registered vessel changes, an application for transfer of registration shall be filed with the county tax collector by the new owner within 30 days with a fee of \$3.25. The county tax collector shall retain \$2.25 of the fee and shall remit \$1 to the department. A refund may not be made for any unused portion of a registration period.

(b) If a vessel is an antique as defined in subsection (2), the application shall be accompanied by either a certificate of title, a notarized bill of sale and a registration, or a notarized bill of sale and an affidavit by the owner defending the title from all claims. The bill of sale must contain a complete vessel description to include the hull identification number and engine number, if appropriate; the year, make, and color of the vessel; the selling price; and the signatures of the seller and purchaser.

(15) EXEMPTIONS.—Vessels owned and operated by Sea Explorer or Sea Scout units of the Boy Scouts of America, the Girl Scouts of America, or the Associated Marine Institutes, Inc., and its affiliates, or which are antique vessels as defined in paragraph (2)(a) are exempt from the provisions of subsection (1). Such vessels shall be issued certificates of registration and numbers upon application and payment of the service fee provided in subsection (7).

Section 42. Subsection (4) is added to section 328.16, Florida Statutes, 1996 Supplement, to read:

328.16 Issuance in duplicate; delivery; liens and encumbrances.—

(4) Notwithstanding any requirements in this section or in s. 328.15 indicating that a lien on a vessel shall be noted on the face of the Florida certificate of title, if there are one or more liens or encumbrances on a vessel, the department may electronically transmit the lien to the first lienholder and notify the first lienholder of any additional liens. Subsequent lien satisfactions may be electronically transmitted to the department and shall include the name and address of the person or entity satisfying the lien. When electronic transmission of liens and lien satisfactions are used, the issuance of a certificate of title may be waived until the last lien is satisfied and a clear certificate of title is issued to the owner of the vessel.

Section 43. Subsection (1) of section 316.063, Florida Statutes, 1996 Supplement, is amended to read:

316.063 Duty upon damaging unattended vehicle or other property.—

(1) The driver of any vehicle which collides with, or is involved in an accident with, any vehicle or other property which is unattended, resulting in any damage to such other vehicle or property, shall immediately stop and shall then and there either locate and notify the operator or owner of the vehicle or other property of the driver's name and address and the registration number of the vehicle he or she is driving, or shall attach securely in a conspicuous place in or on the vehicle or other property a written notice giving the driver's name and address and the registration number of the vehicle he or she is driving, and shall without unnecessary delay notify the nearest office of a duly authorized police authority. Every such stop shall be made without obstructing traffic more than is necessary. If a damaged vehicle is obstructing traffic, the driver shall make every reasonable effort to move the vehicle or have it moved so as not to obstruct the regular flow of traffic. Any person who fails to comply with this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any person failing to comply with the provisions of this section shall be cited for a nonmoving violation, punishable as provided in chapter 318.

Section 44. Subsection (4) of section 316.614, Florida Statutes, 1996 Supplement, is amended, and paragraphs (c) and (d) are added to subsection (6) of said section, to read:

316.614 Safety belt usage.—

(4) It is unlawful for any person:

(a) To operate a motor vehicle in this state unless each front seat passenger of the vehicle under the age of 16 years is restrained by a safety belt or by a child restraint device pursuant to s. 316.613, if applicable; or

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

(6)

(c) An employee of a solid waste or recyclable collection service is not required to be restrained by a safety belt while in the course of employment collecting solid waste or recyclables on designated routes.

(d) The requirements of this section shall not apply to the living quarters of a recreational vehicle or a space within a truck body primarily intended for merchandise or property.

Section 45. Subsection (1) of section 316.655, Florida Statutes, is amended to read:

316.655 Penalties.—

(1) A violation of any of the provisions of this chapter, except those violations with a specific criminal charge, as enumerated in s. 318.17, are infractions, as defined in s. 318.13(3). Except for violations of s. 316.302, infractions of this chapter are punishable as provided in chapter 318. Any person convicted of a violation of or otherwise found to be in violation of s. 316.3025, s. 316.516, s. 316.545, ~~or~~ s. 316.550 or s. 316.063 shall be punished as specifically provided in that section.

Section 46. Subsection (4) of section 318.14, Florida Statutes, 1996 Supplement, is amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(4) Any person charged with a noncriminal infraction under this section who does not elect to appear shall pay the civil penalty and delinquent fee, if applicable, either by mail or in person, within 30 days of the date of receiving the citation, ~~unless the citation is for violation of s. 316.646, in which case payment may be made, either by mail or in person, within 20 days of the date of receiving the citation.~~ If the person cited follows the above procedure, he or she shall be deemed to have admitted the infraction and to have waived his or her right to a hearing on the issue of commission of the infraction. Such admission shall not be used as evidence in any other proceedings. Any person who is cited for a violation of s. 320.0605(1) or s. 322.15(1), or subject to a penalty under s. 320.07(3)(a) or s. 322.065, and who makes an election under this subsection shall submit proof of compliance with the applicable section to the clerk of the court. For the purposes of this subsection, proof of compliance consists of a valid driver's license or a valid registration certificate.

Section 47. Section 320.091, Florida Statutes, is created to read:

320.091 Vehicles held in trust; license plates.—Any trust which provides the beneficial use of a vehicle registered to the trust to a person otherwise qualified for a special license plate pursuant to s. 320.0807, 320.083, 320.084, 320.0842, 320.0843, 320.0845, 320.086, 320.0863, 320.089, 320.0893, and 320.0898, may purchase the special license plate for the vehicle used by the qualified individual. The trustee shall provide an affidavit as to the terms of the trust related to the motor vehicle.

Section 48. Section 320.535, Florida Statutes, is created to read:

320.535 Airport vehicles and equipment; definition; exemption.—

(1) As used in this section, the term “airport fuel trucks and equipment” means trucks, trailers, containers, and other vehicles or equipment used for transporting aviation fuel.

(2) Airport fuel trucks and equipment shall be exempt from the provisions of this chapter which require the registration of motor vehicles, the payment of license taxes, and the display of license plates when operated or used for the purpose of transporting aviation fuel within the airport facility of any public-use airport of this state.

(3) The incidental operation of airport fuel trucks or equipment on the roads of this state within the airport facility while being operated for the purposes described in subsection (2) shall not deprive such vehicle of the exemption otherwise provided for in this section.

Section 49. Subsection (5) of section 320.8285, Florida Statutes, is amended to read:

320.8285 Onsite inspection.—

(5) The Department of Highway Safety and Motor Vehicles shall enforce every provision of this section and the regulations adopted pursuant hereto, except that local land use and zoning requirements, fire zones, building setback and side and rear yard requirements, site development and property line requirements, subdivision control, and onsite installation requirements, as well as review and regulation of architectural and aesthetic requirements, are hereby specifically and entirely reserved to local jurisdictions. However, any architectural or aesthetic requirement imposed on the mobile home structure itself may pertain only to roofing and siding materials. Such local requirements and regulations and others for manufactured homes must be reasonable, uniformly applied, and enforced without distinctions as to whether such housing is manufactured, located in a mobile home park or a mobile home subdivision, or built in a conventional manner. No local jurisdiction shall prohibit siting or resiting of used mobile homes based solely on the date the unit was manufactured.

Section 50. Subsection (1) of section 318.15, Florida Statutes, 1996 Supplement, is amended to read:

318.15 Failure to comply with civil penalty or to appear; penalty.—

(1)(a) If a person fails to comply with the civil penalties provided in s. 318.18 within the time period specified in s. 318.14(4), fails to attend driver improvement school, or fails to appear at a scheduled hearing, the clerk of the court shall notify the Division of Driver Licenses of the Department of Highway Safety and Motor Vehicles of such failure within 5 days after such failure. Upon receipt of such notice, the department shall immediately issue an order suspending the driver’s license and privilege to drive of such person effective 20 days after the date the order of suspension is mailed in accordance with s. 322.251(1), (2), and (6). Any such suspension of the driving

privilege which has not been reinstated, including a similar suspension imposed outside Florida, shall remain on the records of the department for a period of 7 years from the date imposed and shall be removed from the records after the expiration of 7 years from the date it is imposed.

(b) However, a person who elects to attend driver improvement school and has paid the civil penalty as provided in s. 318.14(9), but who subsequently fails to attend the driver improvement school within the time specified by the court shall be deemed to have admitted the infraction and shall be adjudicated guilty. In such case the person must pay the clerk of the court the 18 percent deducted pursuant to s. 318.14(9), and a \$10 processing fee, after which no additional penalties, court costs, or surcharges shall be imposed for the violation. The clerk of the court shall notify the department of the person's failure to attend driver improvement school and points shall be assessed pursuant to s. 322.27.

Section 51. Paragraph (b) of subsection (3) of section 320.086, Florida Statutes, 1996 Supplement, is amended to read:

320.086 Ancient, antique, or collectible motor vehicles; "horseless carriage," antique, collectible, or historical license plates.—

(3)

(b) Motor vehicles with a model year of ~~1928-1960~~ 1946-1960, registered as ancient prior to July 1, 1996, shall be grandfathered to maintain a permanent license plate unless ~~a the vehicle with a model year of 1946-1960~~ is transferred to a new owner. Upon transfer of a vehicle with a model year of 1946-1960, after July 1, 1996, the vehicle shall be registered as a collectible and required to renew annually as prescribed by s. 320.08.

Section 52. Paragraph (b) of subsection (1) of section 125.0103, Florida Statutes, is amended to read:

125.0103 Ordinances and rules imposing price controls; findings required; procedures.—

(1)

(b) The provisions of this section shall not prevent the enactment by local governments of public service rates otherwise authorized by law, including water, sewer, solid waste, public transportation, taxicab, towing of vehicles from or immobilization of vehicles on private property, removal and storage of wrecked or disabled vehicles from an accident scene or for the removal and storage of vehicles, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle, or port rates.

Section 53. Paragraph (b) of subsection (1) of section 166.043, Florida Statutes, is amended to read:

166.043 Ordinances and rules imposing price controls; findings required; procedures.—

(1)

(b) The provisions of this section shall not prevent the enactment by local governments of public service rates otherwise authorized by law, including water; sewer; solid waste; public transportation; taxicab; towing of vehicles from or immobilization of vehicles on private property; removal and storage of wrecked or disabled vehicles from an accident scene or for the removal and storage of vehicles, in the event the owner or operator is incapacitated, unavailable, leaves the procurement of wrecker service to the law enforcement officer at the scene, or otherwise does not consent to the removal of the vehicle; or port rates.

Section 54. Except as otherwise provided herein, this act shall take effect October 1, 1997.

Approved by the Governor June 3, 1997.

Filed in Office Secretary of State June 3, 1997.