

CHAPTER 99-248

Committee Substitute for Committee Substitute for Senate Bill No. 1270

An act relating to motor vehicles and highway safety; amending s. 316.063, F.S.; revising provisions to refer to a "traffic crash" rather than an "accident"; providing a noncriminal traffic infraction for obstructing traffic under certain circumstances; amending s. 316.1958, F.S.; restricting the issuance of disabled parking citations under certain circumstances; amending s. 316.1975, F.S.; revising provisions with respect to unattended motor vehicles; amending s. 316.211, F.S.; providing for compliance with certain federal safety standards with respect to equipment for motorcycle and moped riders; amending s. 316.520, F.S.; providing that it is a noncriminal traffic infraction punishable as a moving violation to violate load limits on vehicles; amending s. 316.640, F.S.; authorizing the Florida Highway Patrol to employ certain persons as traffic accident investigation officers; providing for certain powers and duties; providing for the employment of parking enforcement specialists by airport authorities; amending s. 318.14, F.S.; conforming cross-references to changes made by the act; amending s. 318.15, F.S.; including reference to the tax collector with respect to the collection of certain service fees for reinstatement of a suspended driver's license; amending s. 318.36, F.S.; providing judicial immunity for civil traffic infraction hearing officers; amending s. 319.14, F.S.; including reference to short-term and long-term lease vehicles; providing definitions; providing penalties; amending s. 319.23, F.S.; revising application requirements for a certificate of title; deleting references to collectible vehicles; amending s. 319.30, F.S.; revising provisions with respect to dismantling, destroying, or changing the identity of a motor vehicle or mobile home; providing penalties for certain violations with respect to the change of identity of a motor vehicle or mobile home; amending s. 320.01, F.S.; defining the term "agricultural products" for purposes of ch. 320, F.S.; amending s. 320.02, F.S.; revising language with respect to application for registration forms to include certain identification information; amending s. 320.023, F.S.; revising audit requirements with respect to voluntary contributions on the application form for a motor vehicle registration; amending s. 320.03, F.S.; revising the distribution formula with respect to a fee charged for the Florida Real Time Vehicle Information System; amending s. 320.04, F.S.; authorizing a service charge on vessel decals issued from an automated vending facility or printer dispenser machine; amending s. 320.055, F.S.; revising provisions with respect to registration periods; amending s. 320.06, F.S.; authorizing the department to issue manufacturer license plates; repealing s. 320.065, F.S., relating to the registration of certain rental trailers for hire and semitrailers used to haul agricultural products; amending s. 320.0657, F.S.; revising provisions with respect to fleet license plates; providing fees; amending s. 320.08, F.S., relating to license fees; deleting references to certain collectible

vehicles; providing a fee for manufacturer license plates; amending s. 320.08056, F.S.; revising the license plate annual use fee for the Challenger license plate; repealing s. 320.08058(2)(f), F.S., which provides for the repeal of the Challenger license plate; amending s. 320.08058, F.S.; revising provisions relating to the design of the Florida Salutes Veterans license plate; authorizing the Department of Veterans' Affairs to use moneys from the license plate fee to promote and market the plate; providing that a certain percentage of the annual use fee for the Indian River Lagoon license plate may be used for the continuing promotion and marketing of the license plate; amending s. 320.083, F.S.; providing additional specifications for a specialty license plate for amateur radio operators; deleting obsolete provisions; amending s. 320.084, F.S.; deleting obsolete provisions; amending s. 320.086, F.S.; revising provisions governing the issuance of license plates for certain historical motor vehicles; reenacting s. 320.072(2)(g), F.S., relating to the fee imposed on motor vehicle registrations, to incorporate the amendment to s. 320.086, F.S., in references thereto; amending s. 320.13, F.S.; providing an alternative method of registration for manufacturer license plates; prohibiting the use of dealer license plates for specified purposes; amending s. 320.131, F.S.; authorizing agents or Florida licensed dealers to issue temporary license tags when such tags are not specifically authorized; providing penalties with respect to certain violations concerning temporary tags; amending s. 320.1325, F.S.; revising provisions with respect to registration for the temporarily employed; amending s. 320.27, F.S.; revising provisions governing the denial, suspension, or revocation of motor vehicle dealer licenses; amending s. 320.30, F.S.; providing for the forfeiture of a motor vehicle; providing for confiscation and sale of such vehicles; repealing s. 320.8249(11), F.S., which provides for an exemption from installer licensing; amending s. 320.8325, F.S.; providing for uniform standards; amending s. 321.06, F.S.; authorizing the department to employ certain traffic accident investigation officers; amending s. 322.08, F.S.; deleting provisions with respect to certain applications made by persons who hold an out-of-state driver license; amending s. 322.081, F.S.; revising audit requirements with respect to voluntary contributions on the driver's license application; amending s. 322.1615, F.S.; revising provisions with respect to a learner's driver's license; amending s. 322.2615, F.S.; revising provisions with respect to suspension of a license; amending s. 322.28, F.S.; revising requirements for the period of suspension or revocation of a driver's license; amending s. 322.34, F.S.; conforming a cross-reference to changes made by the act; amending s. 325.207, F.S.; specifying required provisions of certain contracts for certain emission inspections; amending s. 325.2135, F.S.; directing the Department of Highway Safety and Motor Vehicles to enter into a contract for a motor vehicle inspection program; amending s. 325.214, F.S.; changing the motor vehicle inspection fee; amending s. 327.031, F.S.; providing for the denial or cancellation of a vessel registration when payment for registration is made by a dishonored check; amending s. 327.11, F.S.; providing for a replacement vessel

registration; amending s. 327.23, F.S.; providing for a temporary certificate of registration for a vessel by certain out-of-state residents; amending s. 327.25, F.S.; revising language with respect to transfer of ownership and registration of vessels; providing an exemption from vessel registration fees for vessels owned and operated for the Florida Association of Christian Child Caring Agencies, Inc.; creating s. 327.255, F.S.; providing for the duties of tax collectors with respect to vessel registration; providing fees; creating s. 327.256, F.S.; providing procedures for advanced vessel registration renewal; amending s. 328.01, F.S.; revising provisions with respect to application for a certificate of title for a vessel; amending s. 328.11, F.S.; increasing the time period for application for a reissuance of a certificate of title; amending s. 328.15, F.S.; providing requirements with respect to certain second liens on vessels; increasing the fee for recording a notice of lien; providing requirements with respect to satisfaction of a lien on a vessel; providing penalties for failure to comply; amending s. 328.16, F.S.; providing requirements with respect to liens; creating s. 328.165, F.S.; providing for cancellation of certificates; amending s. 713.78, F.S.; revising requirements relating to liens for recovering, towing, or storing vehicles and undocumented vessels; providing an exemption from the requirement of an inventory of personal property found in a motor vehicle to be removed from the scene of an accident under certain circumstances; amending ss. 732.9215, 732.9216, F.S.; conforming cross-references to changes made by the act; amending s. 812.014, F.S.; providing prohibition on a theft of gasoline while in a motor vehicle; amending s. 832.06, F.S.; revising provisions with respect to prosecution for worthless checks given to the tax collector for certain licenses or taxes; amending s. 932.701, F.S.; redefining the term "contraband article," and reenacting ss. 705.101(6), 932.704(4), F.S., relating to forfeiture of contraband article, to incorporate said amendment in references; amending s. 324.201, F.S.; deleting the requirement that recovery agents notify law enforcement of a license plate seizure; amending s. 324.202, F.S.; expanding into additional counties a pilot project that authorizes a recovery agent or recovery agency to seize the license plate of a motor vehicle following suspension of the vehicle's registration or suspension of the driver's license of the owner or operator of the vehicle for failing to maintain personal injury protection; specifying conditions required for expansion; requiring a determination from the Office of Program Policy Analysis and Government Accountability; requiring that the department provide procedures for paying fees; amending s. 627.733, F.S.; deleting payment of a fee to recovery agents; amending s. 318.18, F.S.; changing the date by which electronic transmission of certain data must be commenced; amending s. 322.245, F.S.; changing the time within which the failure of a person to pay child support must be reported; amending s. 932.703, F.S.; revising language with respect to fines, penalties, and administrative charges for rented or leased vehicles seized under the Florida Contraband Forfeiture Act; creating the "Florida Clean Fuel Act"; providing purposes; providing definitions; establishing the Clean Fuel Florida Advisory Board; specifying membership; providing purposes of the board; providing for

meetings and duties of the board; requiring a report containing recommendations for pilot programs; requiring a report to the Legislature; requiring a budget; amending s. 322.051, F.S.; revising language with respect to identification cards; amending s. 322.08, F.S.; revising language with respect to information required on application for license; amending s. 322.09, F.S.; revising language with respect to information required with certain applications by minors; amending s. 627.743, F.S.; requiring an insurer to provide notice to the owner of a damaged vehicle as to the consequences of failure to use the insurance proceeds in accordance with a security agreement; providing an exception; designating a section of Highway 326 as the Mike Stavola Highway; directing the Department of Transportation to erect suitable markers; clarifying references to certain courses; amending s. 318.1451, F.S.; prohibiting governmental entities or courts from providing, maintaining, or disclosing certain information relating to certain schools or course providers; amending s. 812.014, F.S.; including the theft of any stop sign within a list of crimes which are considered to be grand theft of the third degree; providing a penalty; reenacting s. 316.003, F.S.; relating to the definition of hazardous material; amending s. 316.008, F.S.; revising terminology and deleting obsolete provisions; amending s. 316.061, F.S.; providing second degree misdemeanor penalty for certain violations with respect to leaving the scene of an accident; revising terminology; amending ss. 316.027, 316.062, 316.063, 316.064, 316.065, 316.066, 316.068, 316.069, 316.070, 316.072, 316.640, 316.645, 318.1451, 318.17, 318.19, 318.32, 321.051, 321.23, 322.201, 322.221, 322.26, 322.291, 322.44, 322.61, 322.63, 324.011, 324.021, 324.022, 324.051, 324.061, 324.081, 324.091, 324.101, F.S.; changing the term "accident" to "crash"; amending s. 316.067, F.S.; providing a second degree misdemeanor penalty for certain false reports; amending ss. 316.0745, 316.0747, 316.1895, 316.193, 316.2065, F.S.; deleting obsolete provisions; amending s. 316.1935, F.S.; providing a first degree misdemeanor penalty for certain violations with respect to fleeing or attempting to elude a law enforcement officer; amending s. 316.2074, F.S.; deleting certain findings of the Legislature with respect to all-terrain vehicles; amending ss. 316.3027, 316.70, F.S.; providing reference to the United States Department of Transportation; amending s. 316.615, F.S., relating to school buses; amending ss. 316.613, 316.6135, F.S.; correcting reference to the Department of Highway Safety and Motor Vehicles; amending s. 316.405, F.S.; authorizing certain use of modulating headlights by motorcycles; revising various provisions in chapter 316, F.S., to conform cross-references, delete obsolete provisions, and to provide uniform references to penalties for moving and nonmoving noncriminal traffic offenses punishable under chapter 318, F.S.; amending s. 318.12, F.S.; revising references; amending ss. 318.13, 318.14, F.S.; conforming cross-references; amending ss. 318.18, 318.21, F.S.; revising provisions relating to civil penalties; repealing s. 318.39, F.S., relating to the Highway Safety Operating Trust Fund; amending s. 319.28, F.S.; revising provisions relating to repossession; amending s. 319.33, F.S.; conforming cross-references; amending ss. 320.02 and

320.03, F.S.; deleting obsolete provisions; amending s. 320.031, F.S.; revising provisions relating to the mailing of registration certificates, license plates, and validation stickers; amending s. 320.055, F.S.; conforming cross-references; amending ss. 320.06, 320.061, F.S.; deleting obsolete provisions; amending ss. 320.0605, 320.07, F.S.; providing uniform reference to noncriminal traffic infractions; repealing s. 320.073, F.S., relating to refund of impact fees; amending s. 320.0802, F.S.; providing reference to the Department of Management Services; amending s. 320.08058, F.S.; revising provisions relating to Manatee license plates and Florida Special Olympics license plates; amending s. 320.0848, F.S.; conforming a cross-reference with respect to disabled parking permits; amending s. 320.087, F.S.; providing reference to the United States Department of Transportation; amending s. 320.1325, F.S.; deleting a cross-reference; amending s. 320.20, F.S.; deleting obsolete provisions; amending s. 320.8255, F.S.; providing reference to labels rather than seals with respect to certain mobile home inspections; repealing s. 320.8256, F.S., relating to recreational vehicle inspection; repealing ss. 321.06, 321.07, 321.09, 321.15, 321.17, 321.18, 321.19, 321.191, 321.20, 321.201, 321.202, 321.203, 321.21, 321.22, 321.2205, 321.221, 321.222, 321.223, F.S., relating to the Florida Highway Patrol and the pension system therefor; amending s. 322.055, F.S.; providing reference to the Department of Children and Family Services; amending s. 322.0261, F.S.; revising terminology to change the term "accident" to "crash"; amending s. 322.08, F.S.; deleting obsolete provisions; amending ss. 322.12, 322.121, F.S.; conforming cross-references; amending s. 322.141, F.S.; deleting obsolete provisions; amending s. 322.15, F.S.; providing reference to noncriminal traffic infractions; amending s. 322.20, F.S.; providing reference to the Department of Health; reenacting and amending s. 322.264, F.S., relating to habitual traffic offenders; revising terminology; amending s. 322.27, F.S.; conforming cross-references; amending s. 322.292, F.S.; revising provisions relating to DUI programs supervision; amending s. 322.293, F.S.; deleting obsolete provisions; amending s. 322.57, F.S.; revising provisions relating to driving tests; amending s. 324.202, F.S.; deleting obsolete provisions; repealing ss. 325.01, 325.02, 325.03, 325.04, 325.05, 325.06, 325.07, 325.08, 325.09, 325.10, F.S., relating to vehicle safety equipment and inspections; amending s. 325.209, F.S.; revising provisions relating to waivers; reenacting s. 325.212(2), F.S., relating to reinspections; reenacting s. 328.17(1), F.S., relating to nonjudicial sale of vessels; amending s. 627.7415, F.S., relating to commercial motor vehicles, to include reference to noncriminal traffic infractions; amending s. 627.742, F.S.; providing reference to noncriminal traffic infractions with respect to certain violations with respect to nonpublic sector buses; amending s. 784.07, F.S.; conforming a cross-reference; amending s. 335.0415, F.S.; modifying the date to be used in determining the jurisdiction of and responsibility for public roads; repealing s. 14 of ch. 98-223, Laws of Florida, relating to required security for the operation of a motor vehicle; amending s. 715.05, F.S.; requiring notice to the insurer of certain unclaimed or impounded vehicles; providing effective dates.

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

Section 1. Section 316.063, Florida Statutes, 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 a crash ~~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.

(2) 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. A violation of this subsection is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

~~(3)~~⁽²⁾ The law enforcement officer at the scene of a crash ~~an accident~~ required to be reported in accordance with the provisions of subsection (1) or the law enforcement officer receiving a report by a driver as required by subsection (1) shall, if part or any of the property damaged is a fence or other structure used to house or contain livestock, promptly make a reasonable effort to notify the owner, occupant, or agent of this damage.

Section 2. Section 316.1958, Florida Statutes, 1998 Supplement, is amended to read:

316.1958 Out-of-state vehicles bearing identification of issuance to persons who have disabilities.—Motor vehicles displaying a special license plate or parking permit issued to a person who has a disability by any other state or district subject to the laws of the United States or by a foreign country that issues disabled parking permits that display the international symbol of accessibility are recognized as displaying a valid license plate or permit, that allows such a vehicle special parking privileges under s. 316.1955, if the other state or district grants reciprocal recognition for residents of this state who have disabilities. However, when an individual is required by law to have a Florida driver's license or a Florida vehicle registration, a special motor vehicle license plate or parking permit issued by another state, district, or country to persons who have disabilities is not valid and the individual whose vehicle displays such an invalid plate or

permit is subject to the same penalty as an individual whose vehicle does not display a valid plate or permit. A law enforcement officer or parking enforcement specialist may not ticket a vehicle for a violation of s. 316.1955 without first determining whether the vehicle is transporting a resident of another state who is the owner of the out-of-state placard.

Section 3. Section 316.1975, Florida Statutes, is amended to read:

316.1975 Unattended motor vehicle.—

(1) ~~A No person driving or in charge of any motor vehicle may not except a licensed delivery truck or other delivery vehicle while making deliveries,~~ shall permit it to stand unattended without first stopping the engine, locking the ignition, and removing the key. A No vehicle may not shall be permitted to stand unattended upon any perceptible grade without stopping the engine and effectively setting the brake thereon and turning the front wheels to the curb or side of the street.

(2) This section does not apply to the operator of:

(a) An authorized emergency vehicle while in the performance of official duties and the vehicle is equipped with an activated anti-theft device that prohibits the vehicle from being driven; or

(b) A licensed delivery truck or other delivery vehicle while making deliveries.

Section 4. Section 316.211, Florida Statutes, is amended to read:

316.211 Equipment for motorcycle and moped riders.—

(1) ~~A No person may not shall operate or ride upon a motorcycle unless the person is properly wearing protective headgear securely fastened upon his or her head which complies with Federal Motorcycle Vehicle Safety Standard 218 promulgated by the United States Department of Transportation. The Department of Highway Safety and Motor Vehicles shall adopt this standard by agency rule standards established by the department.~~

(2) ~~A No person may not shall operate a motorcycle unless the person is wearing an eye-protective device over his or her eyes of a type approved by the department.~~

(3) ~~This section does shall not apply to persons riding within an enclosed cab or to any person 16 years of age or older who is operating or riding upon a motorcycle powered by a motor with a displacement of 50 cubic centimeters or less or is rated not in excess of 2 brake horsepower and which is not capable of propelling such motorcycle at a speed greater than 30 miles per hour on level ground.~~

(4) ~~A No person under 16 years of age may not shall operate or ride upon a moped unless the person is properly wearing protective headgear securely fastened upon his or her head which complies with Federal Motorcycle Vehicle Safety Standard 218 promulgated by the United States Department of Transportation standards established by the department.~~

~~(5) The department shall make available a list of protective headgear approved in this section, and the list shall be provided on request. The department is authorized to approve protective headgear made to specifications drawn and devised by, or approved by, the American National Standards Institute, the United States Department of Transportation, the United States Consumer Products Safety Commission, the United States Department of Defense, or any other entity which can provide equally effective equipment specifications. The department shall publish lists of protective equipment, and such lists shall be made available by request to all users of such equipment.~~

Section 5. Section 316.520, Florida Statutes, is amended to read:

316.520 Loads on vehicles.—

(1) ~~A No~~ A vehicle ~~may not~~ shall be driven or moved on any highway unless the vehicle is so constructed or loaded as to prevent any of its load from dropping, shifting, leaking, blowing, or otherwise escaping therefrom, except that sand may be dropped only for the purpose of securing traction or water or other substance may be sprinkled on a roadway in cleaning or maintaining the roadway.

(2) It is the duty of every owner and driver, severally, of any vehicle hauling, upon any public road or highway open to the public, dirt, sand, lime rock, gravel, silica, or other similar aggregate or trash, garbage, or any similar material that ~~which~~ could fall or blow from such vehicle, to prevent such materials from falling, blowing, or in any way escaping from such vehicle. Covering and securing the load with a close-fitting tarpaulin or other appropriate cover is required.

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

Section 6. Paragraph (a) of subsection (1) of section 316.640, Florida Statutes, is amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(1) STATE.—

(a)1.a. The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles, the Division of Law Enforcement of the Game and Fresh Water Fish Commission, the Division of Law Enforcement of the Department of Environmental Protection, and law enforcement officers of the Department of Transportation each have authority to enforce all of the traffic laws of this state on all the streets and highways thereof and elsewhere throughout the state wherever the public has a right to travel by motor vehicle. The Division of the Florida Highway Patrol may employ as a traffic accident investigation officer any individual who successfully completes at least 200 hours of instruction in traffic accident investigation and court presentation through the Selective Traffic Enforcement Program as approved by the Criminal Justice Standards and Training Commission and

funded through the National Highway Traffic Safety Administration or a similar program approved by the commission, but who does not necessarily meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic accident investigation officer who makes an investigation at the scene of a traffic accident may issue traffic citations, based upon personal investigation, when he or she has reasonable and probable grounds to believe that a person who was involved in the accident committed an offense under this chapter, chapter 319, chapter 320, or chapter 322 in connection with the accident. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority other than for the issuance of a traffic citation as authorized in this paragraph.

b. University police officers shall have authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities that are under the guidance, supervision, regulation, or control of the State University System, except that traffic laws may be enforced off-campus when hot pursuit originates on-campus.

c. Community college police officers shall have the authority to enforce all the traffic laws of this state only when such violations occur on any property or facilities that are under the guidance, supervision, regulation, or control of the community college system.

d. Police officers employed by an airport authority shall have the authority to enforce all of the traffic laws of this state only when such violations occur on any property or facilities that are owned or operated by an airport authority.

(I) An airport authority may employ as a parking enforcement specialist any individual who successfully completes a training program established and approved by the Criminal Justice Standards and Training Commission for parking enforcement specialists but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary or part-time officers under s. 943.12. Nothing in this sub-sub-paragraph shall be construed to permit the carrying of firearms or other weapons, nor shall such parking enforcement specialist have arrest authority.

(II) A parking enforcement specialist employed by an airport authority is authorized to enforce all state, county, and municipal laws and ordinances governing parking only when such violations are on property or facilities owned or operated by the airport authority employing the specialist, by appropriate state, county, or municipal traffic citation.

e. The Office of Agricultural Law Enforcement of the Department of Agriculture and Consumer Services shall have the authority to enforce traffic laws of this state only as authorized by the provisions of chapter 570. However, nothing in this section shall expand the authority of the Office of Agricultural Law Enforcement at its agricultural inspection stations to issue any traffic tickets except those traffic tickets for vehicles illegally passing the inspection station.

f. School safety officers shall have the authority to enforce all of the traffic laws of this state when such violations occur on or about any property or facilities which are under the guidance, supervision, regulation, or control of the district school board.

2. An agency of the state as described in subparagraph 1. is prohibited from establishing a traffic citation quota. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

3. Any disciplinary action taken or performance evaluation conducted by an agency of the state as described in subparagraph 1. of a law enforcement officer's traffic enforcement activity must be in accordance with written work-performance standards. Such standards must be approved by the agency and any collective bargaining unit representing such law enforcement officer. A violation of this subparagraph is not subject to the penalties provided in chapter 318.

Section 7. Subsections (1), (4), and (9) of section 318.14, Florida Statutes, are amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(1) Except as provided in ss. 318.17 and 320.07(3)(c) ~~320.07(3)(b)~~, any person cited for a violation of s. 240.265, chapter 316, s. 320.0605(1), s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.16(2) or (3), s. 322.161(4), or s. 322.19 is charged with a noncriminal infraction and must be cited for such an infraction and cited to appear before an official. If another person dies as a result of the noncriminal infraction, the person cited may be required to perform 120 community service hours under s. 316.027(4), in addition to any other penalties.

(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 after 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 (b) 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.

(9) Any person who is cited for an infraction under this section other than a violation of s. 320.0605(1), s. 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court appearance, elect to attend in the location of his or her choice within this state a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles. In such a case, adjudication must be withheld; points, as provided by s. 322.27, may not be assessed; and the civil penalty that is imposed by s. 318.18(3) must be reduced by 18 percent; however, a person may not make

an election under this subsection if the person has made an election under this subsection in the preceding 12 months. A person may make no more than five elections under this subsection. The requirement for community service under s. 318.18(7) is not waived by a plea of nolo contendere or by the withholding of adjudication of guilt by a court.

Section 8. Paragraph (a) of subsection (1) and subsection (2) of section 318.15, Florida Statutes, are 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 10 ~~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.

(2) After suspension of the driver's license and privilege to drive of a person under subsection (1), the license and privilege may not be reinstated until the person complies with all obligations and penalties imposed on him or her under s. 318.18 and presents to a driver license office a certificate of compliance issued by the court, together with the \$25 nonrefundable service fee imposed under s. 322.29, or pays the aforementioned \$25 service fee to the clerk of the court or tax collector clearing such suspension. Such person shall also be in compliance with requirements of chapter 322 prior to reinstatement.

Section 9. Paragraph (a) of subsection (8) of section 318.18, Florida Statutes, 1998 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:

(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, ~~2001~~ 1999, 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 10. Section 318.36, Florida Statutes, is amended to read:

318.36 Code of ethics.—Hearing officers shall be subject to The Florida Bar Code of Professional Responsibility and not the Judicial Code of Ethics, except that they shall avoid practices or occupations that would constitute a conflict of interest or give the appearance of impropriety. Whether serving full time or part time, hearing officers shall be prohibited from representing clients or practicing before any other hearing officer of a civil traffic court or from representing any client appealing the decision of any other hearing officer. A civil traffic infractions hearing officer appointed under s. 318.30 shall have judicial immunity in the same manner and to the same extent as judges.

Section 11. Subsections (1), (2), and (3) of section 319.14, Florida Statutes, are amended to read:

319.14 Sale of motor vehicles registered or used as taxicabs, police vehicles, lease vehicles, or rebuilt vehicles and nonconforming vehicles.—

(1)(a) No person shall knowingly offer for sale, sell, or exchange any vehicle that has been licensed, registered, or used as a taxicab, police vehicle, or ~~short-term-lease lease vehicle which will no longer be in lease service after April 29, 1990,~~ or a vehicle that ~~which~~ has been repurchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681, until the department has stamped in a conspicuous place on the certificate of title of the vehicle, or its duplicate, words stating the nature of the previous use of the vehicle or the title has been stamped “Manufacturer’s Buy Back” to reflect that the vehicle is a nonconforming vehicle. If the certificate of title or duplicate was not so stamped upon initial issuance thereof or if, subsequent to initial issuance of the title, the use of the vehicle is changed to a use requiring the notation provided for in this section, the owner or lienholder of the vehicle shall surrender the certificate of title or duplicate to the department prior to offering the vehicle for sale, and the department shall stamp the certificate or duplicate as required herein. When a vehicle has been repurchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681, the title shall be stamped “Manufacturer’s Buy Back” to reflect that the vehicle is a nonconforming vehicle.

(b) No person shall knowingly offer for sale, sell, or exchange a rebuilt vehicle until the department has stamped in a conspicuous place on the certificate of title for the vehicle words stating that the vehicle has been rebuilt, assembled from parts, or combined, or is a kit car, glider kit, replica, or flood vehicle unless proper application for a certificate of title for a vehicle that is rebuilt, assembled from parts, or combined, or is a kit car, glider kit, replica, or flood vehicle has been made to the department in accordance with

this chapter and the department has conducted the physical examination of the vehicle to assure the identity of the vehicle.

(c) As used in this section:

1. "Police vehicle" means a motor vehicle owned or leased by the state or a county or municipality and used in law enforcement.

2.a. ~~"Short-term-lease vehicle" "Lease vehicle"~~ means a motor vehicle leased without a driver and under a written agreement to one ~~person for a period of 12 months or longer or to one or more persons from time to time for a period of less than 12 months.~~

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

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

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

4. "Assembled from parts" means a motor vehicle or mobile home assembled from parts of motor vehicles or mobile homes, new or used. "Assembled from parts" does not mean a motor vehicle defined as a "rebuilt vehicle" in subparagraph 3., which has been declared a total loss pursuant to s. 319.30.

5. "Combined" means assembled by combining two motor vehicles neither of which has been titled and branded as "Salvage Unrebuildable."

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

7. "Glider kit" means a vehicle assembled with a kit supplied by a manufacturer to rebuild a wrecked or outdated truck or truck tractor.

8. "Replica" means a complete new motor vehicle manufactured to look like an old vehicle.

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

10. "Nonconforming vehicle" means a motor vehicle which has been purchased by a manufacturer pursuant to a settlement, determination, or decision under chapter 681.

11. "Settlement" means an agreement entered into between a manufacturer and a consumer that occurs after a dispute is submitted to a program, or an informal dispute settlement procedure established by a manufacturer or is approved for arbitration before the New Motor Vehicle Arbitration Board as defined in s. 681.102.

(2) No person shall knowingly sell, exchange, or transfer a vehicle referred to in subsection (1) without, prior to consummating the sale, exchange, or transfer, disclosing in writing to the purchaser, customer, or transferee the fact that the vehicle has previously been titled, registered, or used as a taxicab, police vehicle, or short-term-lease lease vehicle or is a vehicle that is rebuilt, assembled from parts, or combined, or is a kit car, glider kit, replica, or flood vehicle, or is a nonconforming vehicle, as the case may be.

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

Section 12. Subsections (3) and (8) of section 319.23, Florida Statutes, are amended to read:

319.23 Application for, and issuance of, certificate of title.—

(3) If a certificate of title has not previously been issued for a motor vehicle or mobile home in this state, the application, unless otherwise provided for in this chapter, shall be accompanied by a proper bill of sale or sworn statement of ownership, or a duly certified copy thereof, or by a certificate of title, bill of sale, or other evidence of ownership required by the law of the state or county from which the motor vehicle or mobile home was brought into this state. The application shall also be accompanied by:

(a)1. A sworn affidavit from the seller and purchaser verifying that the vehicle identification number shown on the affidavit is identical to the vehicle identification number shown on the motor vehicle; or

2. An appropriate departmental form evidencing that a physical examination has been made of the motor vehicle by the owner and by a duly constituted law enforcement officer in any state, a licensed motor vehicle dealer, a license inspector as provided by s. 320.58, or a notary public commissioned by this state and that the vehicle identification number shown on such form is identical to the vehicle identification number shown on the motor vehicle; and

(b) If the vehicle is a used car original, a sworn affidavit from the owner verifying that the odometer reading shown on the affidavit is identical to the odometer reading shown on the motor vehicle in accordance with the requirements of 49 C.F.R. s. 580.5 at the time that application for title is made. For the purposes of this section, the term “used car original” means a used vehicle coming into and being titled in this state for the first time.

(c) If the vehicle is an ancient ~~or~~, antique, ~~or collectible~~ vehicle, as defined in s. 320.086, the application shall be accompanied ~~either~~ by 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 vehicle description to include the vehicle identification or engine number, year make, color, selling price, and signatures of the seller and purchaser.

Verification of the vehicle identification number ~~is~~ shall not be required for any new motor vehicle sold in this state by a licensed motor vehicle dealer; any mobile home; any trailer or semitrailer with a net weight of less than 2,000 pounds; or any travel trailer, camping trailer, truck camper, or fifth-wheel recreation trailer.

(8) The title certificate or application for title ~~must~~ shall contain the applicant's full first name, middle initial, last name, date of birth, ~~and sex, personal or business identification, which may include, but need not be limited to, a driver's license number, Florida identification card number, or federal employer identification number,~~ and the license plate number or, in lieu thereof, an affidavit certifying that the motor vehicle to be titled will not be operated upon the public highways of this state.

Section 13. Subsections (4) and (5) and paragraph (c) of subsection (8) of section 319.30, Florida Statutes, 1998 Supplement, are amended, and subsection (9) is added to that section, to read:

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

(4) It is unlawful for any person to have in his or her possession any motor vehicle or mobile home when the manufacturer's identification number plate or serial plate has been removed therefrom. However, nothing in this subsection shall be applicable when a vehicle defined in this section as a derelict or salvage was purchased or acquired from a foreign state requiring such vehicle's identification number plate to be surrendered to such state, provided the person shall have an affidavit from the seller describing the vehicle by manufacturer's serial number and the state to which such vehicle's identification number plate was surrendered. ~~Any person who violates this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(5)(a) It is unlawful for any person to knowingly possess, sell, or exchange, offer to sell or exchange, or give away any certificate of title or manufacturer's identification number plate or serial plate of any motor vehicle, mobile home, or derelict ~~that~~ which has been sold as salvage contrary to the provisions of this section, ~~and it is unlawful for any person to authorize, direct, aid in, or consent to the possession, sale, or exchange or to offer any person who authorizes, directs, aids in, or consents to the possession, sale, or exchange or who offers to sell, exchange, or give away such certificate of title or manufacturer's identification number plate or serial plate is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(b) It is unlawful for any person to knowingly possess, sell, or exchange, offer to sell or exchange, or give away any manufacturer's identification number plate or serial plate of any motor vehicle or mobile home that which has been removed from the motor vehicle or mobile home for which it was manufactured, and it is unlawful for any person to authorize, direct, aid in, or consent to the possession, sale, or exchange or to offer a person who authorizes, directs, aids in, or consents to the possession, sale, or exchange or who offers to sell, exchange, or give away such manufacturer's identification number plate or serial plate is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(c) ~~Nothing in This chapter does not shall be construed to apply to anyone who removes, possesses, or replaces a manufacturer's identification number plate, in the course of performing repairs on a vehicle, that require such removal or replacement. If in the event that the repair requires replacement of a vehicle part that contains the manufacturer's identification number plate, the manufacturer's identification number plate that is assigned to the vehicle being repaired will be installed on the replacement part. The manufacturer's identification number plate that was removed from this replacement part will be installed on the part that was removed from the vehicle being repaired.~~

(8)

(c) For the purpose of enforcement of this section, the department or its agents and employees shall have the same right of inspection as law enforcement officers as provided in s. 812.055. ~~Any person who violates this subsection is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.~~

(9) Except as otherwise provided in this section, any person who violates this section commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 14. Subsection (2), paragraph (b) of subsection (3), and subsections (6) and (7) of section 319.30, Florida Statutes, 1998 Supplement, are amended to read:

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

(2)(a) Each person mentioned as owner in the last issued certificate of title, when such motor vehicle or mobile home is dismantled, destroyed, or changed in such manner that it is not the motor vehicle or mobile home described in the certificate of title, shall surrender his or her certificate of title to the department, and thereupon the department shall, with the consent of any lienholders noted thereon, enter a cancellation upon its records. Upon cancellation of a certificate of title in the manner prescribed by this section, the department may cancel and destroy all certificates in that chain of title. Any person who willfully and deliberately violates this paragraph commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(b) When a motor vehicle is sold, transported, or delivered to a salvage motor vehicle dealer, it shall be accompanied by:

1. A properly endorsed certificate of title, salvage certificate of title, or vehicle certificate of destruction issued by the department; or

2. If the certificate of title has been surrendered to the department, a notarized affidavit signed by the owner stating that the title has been returned to the State of Florida pursuant to paragraph (a), the date on which such return was made, the year, make, and vehicle identification number of the motor vehicle, and the name, address, and personal identification card number of the owner. Any person who willfully and deliberately violates this subparagraph by falsifying a required affidavit commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(3)

(b) The owner of any motor vehicle or mobile home which is considered to be salvage shall, within 72 hours after the motor vehicle or mobile home becomes salvage, forward the title to the motor vehicle or mobile home to the department for processing. However, an insurance company which pays money as compensation for total loss of a motor vehicle or mobile home shall obtain the certificate of title for the motor vehicle or mobile home and, within 72 hours after receiving such certificate of title, shall forward such title to the department for processing. The owner or insurance company, as the case may be, may not dispose of a vehicle or mobile home that is a total loss before it has obtained a salvage certificate of title from the department. When applying for a salvage certificate of title, the owner or insurance company must provide the department with an estimate of the costs of repairing the physical and mechanical damage suffered by the vehicle for which a salvage certificate of title is sought. If the estimated costs of repairing the physical and mechanical damage to the vehicle is equal to 80 percent or more of the current retail cost of the vehicle, as established in any official used car or used mobile home guide, the department shall declare the vehicle unrebuildable and print notice on the salvage certificate of title that the vehicle is unrebuildable; and, thereafter, the department shall refuse issuance of any certificate of title for that vehicle. Nothing in this subsection shall be applicable when a vehicle is worth less than \$1,500 retail in undamaged condition in any official used motor vehicle guide or used mobile home guide or when a stolen motor vehicle or mobile home is recovered in substantially intact condition and is readily resalable without extensive repairs to or replacement of the frame or engine. Any person who willfully and deliberately violates this paragraph or falsifies any document to avoid the requirements of this paragraph commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) In the event of a purchase by a salvage motor vehicle dealer of materials or major component parts for any reason, the purchaser shall:

(a) For each item of materials or major component parts purchased, the salvage motor vehicle dealer shall record the date of purchase, name and address of the seller, and the personal identification card number of the

person delivering such items, as well as the vehicle identification number, if available.

(b) With respect to each item of materials or major component parts purchased, obtain such documentation as may be required by subsection (2).

Any person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(7) In the event of a purchase by a secondary metals recycler, that has been issued a certificate of registration number, of:

(a) Materials, prepared materials, or parts from any seller for purposes other than the processing of such materials, prepared materials, or parts, the purchaser shall obtain such documentation as may be required by this section, and shall record the seller's name and address, date of purchase, and the personal identification card number of the person delivering such items.

(b) Parts or prepared materials from any seller for purposes of the processing of such parts or prepared materials, the purchaser shall record the seller's name and address and date of purchase; and, in the event of a purchase transaction consisting primarily of parts or prepared materials, the personal identification card number of the person delivering such items.

(c) Materials from another secondary metals recycler for purposes of the processing of such materials, the purchaser shall record the seller's name, address, and date of purchase.

(d) Motor vehicles, mobile homes, or derelicts from other than a secondary metals recycler for purposes of the processing of such motor vehicles, mobile homes, or derelicts, the purchaser shall record the seller's name, address, date of purchase, and the personal identification card number of the person delivering such items, and shall obtain the following documentation from the seller with respect to each item purchased:

1. A valid certificate of title issued in the name of the seller or properly endorsed over to the seller;

2. A valid certificate of destruction issued in the name of the seller or properly endorsed over to the seller; or

3. If a valid certificate of title or a valid certificate of destruction is not available, an affidavit signed by the seller stating that the seller returned the certificate of title to the State of Florida pursuant to subsection (2) and the date on which such return was made, and setting forth the vehicle identification number of such motor vehicle, mobile home, or derelict.

(e) Major parts from other than a secondary metals recycler for purposes of the processing of such major parts, the purchaser shall record the seller's name, address, date of purchase, and the personal identification card number of the person delivering such items, as well as the vehicle identification number, if available, of each major part purchased.

Any person who violates this subsection commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 15. Subsection (42) is added to section 320.01, Florida Statutes, to read:

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

(42) For purposes of this chapter, the term “agricultural products” means any food product; any agricultural, horticultural, or livestock product; any raw material used in plant food formulation; and any plant food used to produce food and fiber.

Section 16. Paragraph (a) of subsection (2) of section 320.02, Florida Statutes, 1998 Supplement, is amended to read:

320.02 Registration required; application for registration; forms.—

(2)(a) The application for registration shall include the street address of the owner's permanent residence or the address of his or her permanent place of business and shall be accompanied by personal or business identification information which may include, but need not be limited to, a driver's license number, Florida identification card number, or federal employer identification number. If the owner does not have a permanent residence or permanent place of business or if the owner's permanent residence or permanent place of business cannot be identified by a street address, the application shall include:

1. If the vehicle is registered to a business, the name and street address of the permanent residence of an owner of the business, an officer of the corporation, or an employee who is in a supervisory position.

2. If the vehicle is registered to an individual, the name and street address of the permanent residence of a close relative or friend who is a resident of this state.

Section 17. Subsections (5) and (6) of section 320.023, Florida Statutes, 1998 Supplement, are amended to read:

320.023 Requests to establish voluntary checkoff on motor vehicle registration application.—

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law, or to pay the cost of the audit or report required by law.

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

(b) All organizational recipients of any voluntary contributions in excess of \$15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law. ~~Such audits must be delivered to the department no later than December 31 of the calendar year in which the audit was performed.~~

(c) In lieu of an annual audit, any organization receiving less than \$15,000 in voluntary contributions directly from the department may annually report, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.

(d) Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.

(e) The annual audit or report shall be submitted to the department for review within 180 days after the end of the organization's fiscal year.

(6) Within 90 days after receiving an organization's audit or report ~~By February 1 each year,~~ the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

Section 18. Subsection (5) of section 320.03, Florida Statutes, 1998 Supplement, is amended to read:

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

(5) A fee of 50 cents shall be charged, in addition to the fees required under s. 320.08, on every license registration sold to cover the costs of the Florida Real Time Vehicle Information System. The fees collected hereunder shall be distributed as follows: 25 cents deposited into the Highway Safety Operating Trust Fund and shall be used to fund the Florida Real Time Vehicle Information System ~~that system~~ and may be used to fund the general operations of the department and 25 cents into the Highway Safety Operating Trust Fund to be used exclusively to fund the Florida Real Time Vehicle Information System. The only use of this latter portion of the fee shall be to fund the Florida Real Time Vehicle Information System equipment, software, and networks used in the offices of the county tax collectors as agents of the department and the ancillary technology necessary to integrate the Florida Real Time Vehicle Information System with other tax

collection systems. The department shall administer this program upon consultation with the Florida Tax Collectors, Inc., to ensure that each county tax collector's office will be technologically equipped and functional for the operation of the Florida Real Time Vehicle Information System. Any of the designated revenue collected to support functions of the county tax collectors and not used in a given year will remain exclusively in the trust fund as a carryover to the following year.

Section 19. Paragraph (a) of subsection (1) of section 320.04, Florida Statutes, 1998 Supplement, is amended to read:

320.04 Registration service charge.—

(1)(a) There shall be a service charge of \$2.50 for each application which is handled in connection with original issuance, duplicate issuance, or transfer of any license plate, mobile home sticker, or validation sticker or with transfer or duplicate issuance of any registration certificate. There may also be a service charge of up to \$1 for the issuance of each license plate validation sticker, vessel decal, and mobile home sticker issued from an automated vending facility or printer dispenser machine which shall be payable to and retained by the department to provide for automated vending facilities or printer dispenser machines used to dispense such stickers and decals by each tax collector's or license tag agent's employee.

Section 20. Subsections (2) and (7) of section 320.055, Florida Statutes, are amended to read:

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

(2) For a vehicle subject to registration under s. 320.08(11), the registration period begins January 1 and ends December 31. For a vehicle subject to this registration period, the renewal period is the 31-day period prior to expiration beginning January 1.

~~(7) For those vehicles subject to registration under s. 320.0657, the department shall implement a system that distributes the registration renewal process throughout the year. For a vehicle subject to registration under s. 320.065, the registration period begins December 1 and ends November 30. For a vehicle subject to this registration period, the renewal period is the 31-day period beginning December 1.~~

Section 21. Paragraph (a) of subsection (3) and paragraph (b) of subsection (4) of section 320.06, Florida Statutes, are amended to read:

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

(3)(a) Registration license plates shall be of metal specially treated with a retroreflective material, as specified by the department. The registration license plate is designed to increase nighttime visibility and legibility and shall be at least 6 inches wide and not less than 12 inches in length, unless a plate with reduced dimensions is deemed necessary by the department to

accommodate motorcycles, mopeds, or similar smaller vehicles. Validation stickers shall be treated with a retroreflective material, shall be of such size as specified by the department, and shall adhere to the license plate. The registration license plate shall be imprinted with a combination of bold letters and numerals or numerals, not to exceed seven digits, to identify the registration license plate number. The license plate shall also be imprinted with the word "Florida" at the top and the name of the county in which it is sold at the bottom, except that apportioned license plates shall have the word "Apportioned" at the bottom and license plates issued for vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), ~~(12), or (14)~~ shall have the word "Restricted" at the bottom. License plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Dealer" at the bottom. Manufacturer license plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Manufacturer" at the bottom., ~~except that gross-vehicle-weight vehicles owned by a licensed motor vehicle dealer may be issued a license plate with the word "Restricted."~~ License plates issued for vehicles taxed under s. 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at the bottom. Any county may, upon majority vote of the county commission, elect to have the county name removed from the license plates sold in that county. The words "Sunshine State" shall be printed in lieu thereof. In those counties where the county commission has not removed the county name from the license plate, the tax collector may, in addition to issuing license plates with the county name printed on the license plate, also issue license plates with the words "Sunshine State" printed on the license plate subject to the approval of the department and a legislative appropriation for the additional license plates. A license plate issued for a vehicle taxed under s. 320.08(6) may not be assigned a registration license number, or be issued with any other distinctive character or designation, that distinguishes the motor vehicle as a for-hire motor vehicle.

(4)

(b) For the purposes of authorizing the corporation organized pursuant to chapter 946 to manufacture license plates, ~~and validation stickers, and decals~~ for the Department of Highway Safety and Motor Vehicles as provided in this chapter and chapter 327, the reference to the Department of Corrections in paragraph (a) means the Department of Corrections or the corporation organized pursuant to chapter 946, and the Department of Highway Safety and Motor Vehicles is not required to obtain competitive bids in order to contract with such corporation.

Section 22. Section 320.065, Florida Statutes, is repealed.

Section 23. Section 320.0657, Florida Statutes, is amended to read:

320.0657 Permanent registration; fleet license plates.—

(1) As used in this section, the term "fleet" means nonapportioned motor vehicles owned or leased by a company and used for business purposes. Vehicle numbers comprising a "fleet" shall be established by the department. Vehicles registered as short-term rental vehicles are excluded from the provisions of this section.

(2)(a) The owner or lessee of a fleet of motor vehicles shall, upon application in the manner and at the time prescribed and upon approval by the department and payment of the license tax prescribed under s. 320.08(2), (3), (4), (5)(a) and (b), (6)(a), (7), and (8), be issued permanent fleet license plates. All vehicles with a fleet license plate shall have the company's name or logo and unit number displayed so that they are readily identifiable.

~~(1)(a) The owner or lessee of 250 or more nonapportioned commercial motor vehicles licensed under s. 320.08(2), (3), (4), (5)(a)1. and (b), and (7), who has posted a bond as prescribed by department rules, may apply via magnetically encoded computer tape reel or cartridge which is machine readable by the installed computer system at the department for permanent license plates. All vehicles with a fleet license plate shall have the company's name or logo and unit number displayed so that they are readily identifiable. The provisions of s. 320.0605 shall not apply to vehicles registered in accordance with this section, and no annual validation sticker is required.~~

(b) The plates, which shall be of a distinctive color, shall have the word "Fleet" appearing at the bottom and the word "Florida" appearing at the top. The plates shall conform in all respects to the provisions of this chapter, except as specified herein.

(c) In addition to the license tax prescribed by s. 320.08(2), (3), (4), (5)(a) and (b), (6)(a), (7), and (8), an annual fleet management fee of \$2 shall be charged. A one-time license plate manufacturing fee of \$1.50 shall be charged for plates issued for the established number of vehicles in the fleet. If the size of the fleet is increased, an issuance fee of \$10 per vehicle will be charged to include the license plate manufacturing fee. If the license plate manufacturing cost increases, the department shall increase the license plate manufacturing fee to recoup its cost. Fees collected shall be deposited into the Highway Safety Operating Trust Fund. Payment of registration license tax and fees shall be made annually and be evidenced only by the issuance of a single receipt by the department. The provisions of s. 320.0605 do not apply to vehicles registered in accordance with this section, and no annual validation sticker is required. In addition to the license tax prescribed by s. 320.08(2), (3), (4), (5)(a)1. and (b), and (7), an annual fee of \$6 shall be charged for each vehicle registered hereunder. Of this \$6 fee, \$2.50 shall be retained as a service charge by the tax collector, if the registration occurs at such office, or by the department, if the registration occurs at offices of the department. Receipts from the \$6 fee not retained by tax collectors shall be deposited into the Highway Safety Operating Trust Fund. Payment of registration license tax and fees shall be made annually and be evidenced only by the issuance of a single receipt by the department. Half-year registrations shall not be available for vehicles registered in accordance with the provisions of this section. The provision of s. 320.06(1)(b) shall not apply to the fleet renewal process.

(3) If a recipient of fleet license plates fails to properly and timely renew or initially register vehicles in its fleet, the department may impose a delinquency penalty of \$50 or 10 percent of the delinquent taxes due, whichever is greater, if the failure is for not more than 30 days, with an additional 10 percent penalty for each additional 30 days, or fraction thereof, that the

failure continues, not to exceed a total penalty of 100 percent in the aggregate; however, the penalty may not be less than \$50.

(4) All recipients of fleet license plates authorized by this section must provide the department with an annual vehicle reconciliation and must annually surrender all unassigned license plates. Failure to comply with this subsection may result in fines of up to \$1,000 for each occurrence, or in suspension or termination from the fleet program.

~~(2) All recipients of permanent license plates authorized by this section shall submit an annual audit as prescribed by rule of the department. Such audit shall include a percentage of the vehicles registered by each owner or lessee, not to exceed 10 percent. The department shall randomly select the vehicles to be audited and shall forward a listing of said vehicles only to the office of the auditor performing the audit. Every attempt shall be made to provide for groupings of vehicles based in the same location; however, the location shall change from year to year. The audit shall be prepared by a certified public accountant licensed under chapter 473, at the recipient's expense, and shall be performed to standards prescribed by the department. Such audits shall be delivered to the department on or before February 15 of each calendar year. Any fees or taxes which the audit determines are due the department shall be submitted to the department along with such audit. In addition, any company found to be habitually abusing the privileges afforded by permanent licensure shall forfeit the bond required in subsection (1), and may be required by the department to relinquish all permanent license plates, and not be eligible to continue to participate in the program.~~

~~(5)(3) The department may is authorized to adopt such rules as necessary to comply with this section.~~

Section 24. Subsections (1), (2), (3), and (12) of section 320.08, Florida Statutes, 1998 Supplement, are 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.—

(a) Any motorcycle: \$10 flat.

(b) Any moped: \$5 flat.

(c) Any motorized bicycle as defined in s. 316.003(2): \$5 flat; however, annual renewal is not required.

(d) Upon registration of any motorcycle, motor-driven cycle, or moped there shall be paid in addition to the license taxes specified in this subsection a nonrefundable motorcycle safety education fee in the amount of \$2.50. The proceeds of such additional fee shall be deposited in the Highway Safety

Operating Trust Fund and be used exclusively to fund a motorcycle driver improvement program implemented pursuant to s. 322.025 or the Florida Motorcycle Safety Education Program established in s. 322.0255.

(e) An ancient ~~or, antique, or collectible~~ motorcycle: \$10 flat.

(2) AUTOMOBILES FOR PRIVATE USE.—

(a) An ancient ~~or, antique, or collectible~~ automobile, as defined in s. 320.086, or a street rod, as defined in s. 320.0863: \$7.50 flat.

(b) Net weight of less than 2,500 pounds: \$14.50 flat.

(c) Net weight of 2,500 pounds or more, but less than 3,500 pounds: \$22.50 flat.

(d) Net weight of 3,500 pounds or more: \$32.50 flat.

(3) TRUCKS.—

(a) Net weight of less than 2,000 pounds: \$14.50 flat.

(b) Net weight of 2,000 pounds or more, but not more than 3,000 pounds: \$22.50 flat.

(c) Net weight more than 3,000 pounds, but not more than 5,000 pounds: \$32.50 flat.

(d) A truck defined as a “goat,” or any other vehicle when used in the field by a farmer or in the woods for the purpose of harvesting a crop, including naval stores, during such harvesting operations, and which is not principally operated upon the roads of the state: \$7.50 flat. A “goat” is a motor vehicle designed, constructed, and used principally for the transportation of citrus fruit within citrus groves.

(e) An ancient ~~or, antique, or collectible~~ truck, as defined in s. 320.086: \$7.50 flat.

(12) DEALER AND MANUFACTURER LICENSE PLATES.—A franchised motor vehicle dealer, independent motor vehicle dealer, marine boat trailer dealer, or mobile home dealer and manufacturer license plate: \$12.50 flat.

Section 25. Paragraph (b) of subsection (4) of section 320.08056, Florida Statutes, 1998 Supplement, is amended to read:

320.08056 Specialty license plates.—

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

(b) Challenger license plate, ~~\$25~~ \$15, except that a person that purchases 1,000 or more Challenger license plates shall pay an annual use fee of \$15 ~~\$10~~ per plate.

Section 26. Paragraph (f) of subsection (2) of section 320.08058, Florida Statutes, 1998 Supplement, is repealed.

Section 27. Subsection (4) and paragraph (b) of subsection (10) of section 320.08058, Florida Statutes, 1998 Supplement, are amended to read:

320.08058 Specialty license plates.—

(4) FLORIDA SALUTES VETERANS LICENSE PLATES.—

(a) ~~The department shall develop a Florida Salutes Veterans license plate. The words “Florida Salutes Veterans” and the flag of the United States of America must appear on the plate. developed by the department must have a white background and must be designed so that the word “Florida” appears in red characters at the top of the plate; the words “Salutes Veterans” appear at the bottom of the plate in white characters on a red background; the flag of the United States, which must be designed to be waving, appears in the center of the plate; and the serial numbers appear in blue characters at either side of the flag.~~

(b) The Florida Salutes Veterans license plate annual use fee must be deposited in the State Homes for Veterans Trust Fund, which is created in the State Treasury. All such moneys are to be administered by the Department of Veterans' Affairs and must be used solely for the purpose of constructing, operating, and maintaining domiciliary and nursing homes for veterans and for continuing promotion and marketing of the license plate, subject to the requirements of chapter 216.

(10) FLORIDA INDIAN RIVER LAGOON LICENSE PLATES.—

(b) The license plate annual use fees are to be distributed annually as follows:

1. The first \$5 million collected annually must be transferred to the St. Johns River Water Management District. The district shall account for these funds separate from all other funds received. These funds must be distributed as follows:

a. Based on Florida Indian River Lagoon license plate sales data from each county tax collector for Volusia, Brevard, Indian River, St. Lucie, Martin, and Palm Beach Counties, each county's total number of Florida Indian River Lagoon license plates sold between October 1 and September 30 must represent a percentage of the six-county total, calculated as follows: the total number sold for county A divided by the total number sold for counties A, B, C, D, E, and F is multiplied by 100. The percentage determined for St. Lucie, Martin, and Palm Beach Counties must be totaled and that total percentage of the statewide Florida Indian River Lagoon license plate revenues must be transferred to the South Florida Water Management District special Indian River Lagoon License Plate Revenue Account and distributed proportionately among St. Lucie, Martin, and Palm Beach Counties. The remaining funds in the St. Johns River Water Management District Revenue Account must be divided proportionately between Volusia, Brevard, and Indian River Counties.

b. Each water management district is responsible for administering projects in its respective counties funded with the appropriate percentage of license plate revenues.

2. Up to 5 percent of the proceeds from the annual use fee may be used for continuing promotion and marketing of the license plate.

~~3.2.~~ Any additional fees must be deposited into the General Revenue Fund. Fees are not to be deposited into the general revenue funds of the water management districts.

Section 28. Section 320.083, Florida Statutes, is amended to read:

320.083 Amateur radio operators; ~~citizens' band radio operators~~; special license plates; fees.—

(1) A person who is the owner or lessee of an automobile for private use, a truck weighing not more than 5,000 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use; who is a resident of the state; and who holds a valid official amateur radio station license ~~or citizens' band radio station license~~ issued by the Federal Communications Commission shall be issued a special license plate upon application, accompanied by proof of ownership of such radio station license, and payment of the following tax and fees:

(a) The license tax required for the vehicle, as prescribed by s. 320.08(2), (3)(a), (b), or (c), or (9); and

(b) An initial additional fee of \$5, and an additional fee of \$1.50 thereafter.

(2) The license plate issued shall meet the requirements of s. 320.06, except that, in lieu of the numbers as prescribed by s. 320.06, it shall be inscribed with the official amateur radio call letters ~~or the official citizens' band radio call letters, as appropriate~~, of the applicant, as assigned by the Federal Communications Commission, including as a prefix, when applicable, those call letters assigned by the Armed Services of the United States of America, not to exceed eight characters. In lieu of the name of the county or the designation "Sunshine State" on the bottom of the plate as prescribed in s. 320.06, the words "Amateur Radio" shall be inscribed.

(3) All applications for such plates shall be made to the department.

Section 29. Subsection (5) of section 320.084, Florida Statutes, is amended to read:

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

(5) A county or municipality, or any agency thereof, may not impose upon any person who is issued a ~~"DV" motor vehicle license plate, or a license plate with the international accessibility symbol~~, under this section, any fee or penalty for parking in any metered or timed parking space except:

(a) As provided in s. 316.1964; or

(b) When the person is parked without a permit issued under s. 320.0848 in a space designated for use by persons who have disabilities.

Section 30. Section 320.086, Florida Statutes, is amended to read:

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

(1) The owner of a motor vehicle for private use manufactured in 1945 ~~1927~~ or earlier, equipped with an engine manufactured in 1945 ~~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 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.~~

~~(2)(3)(a)~~ The owner of a motor vehicle for private use manufactured after 1945 and of the age of 30 ~~20~~ years or more after ~~from~~ the date of manufacture, equipped with an engine of the age of 30 ~~20~~ years or more after ~~from~~ the date of manufacture, and operated on the streets and highways of this state may ~~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 the ~~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 No. 1,” “Collectible No. 1,” and the plates shall be of a distinguishing color. The owner of the motor vehicle may, upon application and payment of the license tax prescribed by s. 320.08, be issued a regular Florida license plate or specialty license plate in lieu of the special “Antique” license plate.

(b) Motor vehicles licensed under this section which have been issued a permanent license plate prior to October 1, 1999, shall maintain such plate unless the vehicle is transferred to a new owner. Motor vehicles licensed under this section which have been issued a “Collectible” license plate prior to October 1, 1999, may retain that license plate until the next regularly scheduled replacement.

(3) The owner of an ancient or antique fire fighting apparatus or other historical motor vehicle or trailer identifiable as a military trailer 30 years old or older which is used only in exhibitions, parades, or public display, may, 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(2)(a), be issued a license plate as prescribed in subsection (1) or subsection (2). License plates issued under this subsection shall be permanent and valid for use without renewal as long as the vehicle is in existence and its use is consistent with this subsection. ~~Motor vehicles with a model year of 1928-1960, registered as ancient prior to July 1, 1996, shall be grandfathered to maintain a permanent license plate unless a 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.~~

(4) Any person who is the registered owner of ~~a an ancient, antique, or collectible~~ motor vehicle as defined in this section and manufactured in the model year 1974 or earlier, may apply to the department for permission to use a historical Florida license plate that ~~which~~ clearly represents the model year of the vehicle as a personalized prestige license plate. This plate shall be furnished by such person and shall be presented to the department with a reasonable fee to be determined by the department for approval and for authentication that the historic license plate and any applicable decals were issued by this state in the same year as the model year of the car or truck. The requirements of s. 320.0805(8)(b) do not apply to historical plates authorized under this subsection.

Section 31. For the purpose of incorporating the amendments made by this act to section 320.086, Florida Statutes, in references thereto, paragraph (g) of subsection (2) of section 320.072, Florida Statutes, is reenacted to read:

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

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

(g) Any ancient or antique automobile or truck for private use registered pursuant to s. 320.086(1) or (2).

Section 32. Section 320.13, Florida Statutes, is amended to read:

320.13 Dealer and manufacturer license plates and alternative method of registration.—

(1)(a) Any licensed motor vehicle dealer and any licensed mobile home dealer may, upon payment of the license tax imposed by s. 320.08(12) s. 320.08(11), secure one or more dealer license plates, which are valid for use on motor vehicles or mobile homes owned by the dealer to whom such plates are issued while the motor vehicles are in inventory and for sale, or while being operated in connection with such dealer's business, but are not valid for use for hire. Dealer license plates may not be used on any tow truck or wrecker unless the tow truck or wrecker is being demonstrated for sale, and the dealer license plates may not be used on a vehicle used to transport another motor vehicle for the motor vehicle dealer.

(b)1. Marine boat trailer dealers and manufacturers may, upon payment of the license taxes imposed by s. 320.08(12), secure one or more dealer plates, which are valid for use on boat trailers owned by the dealer to whom such plates are issued while being used in connection with such dealer's business, but are not valid for use for hire.

2. It is the intent of the Legislature that the method currently used to license marine boat trailer dealers to do business in the state, that is, by an occupational license issued by the city or county, not be changed. The department shall not interpret this act to mean that it is empowered to license such dealers to do business. An occupational license tax certificate shall be sufficient proof upon which the department may issue dealer license plates.

(2) A licensed manufacturer of motor vehicles may, upon payment of the license tax imposed by s. 320.08(12), secure one or more manufacturer license plates, which are valid for use on motor vehicles owned by the manufacturer to whom such plates are issued while the motor vehicles are in inventory and for sale, being operated for demonstration purposes, or in connection with such manufacturer's business, but are not valid for use for hire. A dealer license plate may be replaced by the department upon submission of an affidavit stating that the original has been actually destroyed or lost and payment of a fee of \$2.

(3) When a licensed dealer or a marine boat trailer dealer chooses to register any motor vehicle or boat trailer he or she owns and has for sale and secure a regular motor vehicle license plate therefor, the dealer may, upon sale thereof, submit to the department a transfer fee of \$4.50 and an application for transfer of the license plate to a comparable motor vehicle or boat trailer owned by the dealer of the same weight series as set forth under s. 320.08.

Section 33. Paragraph (k) of subsection (1) of section 320.131, Florida Statutes, is amended, and subsections (5), (6), and (7) are added to that section, 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:

(k) In any case where a permanent license plate ~~cannot~~ ~~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 or authorize agents or Florida licensed dealers to issue temporary license plates to applicants demonstrating a need for such temporary use.

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.

(5) Any person who knowingly and willfully abuses or misuses temporary-tag issuance to avoid registering a vehicle requiring registration pursuant to this chapter or chapter 319 commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) Any person who knowingly and willfully issues a temporary tag or causes another to issue a temporary tag to a fictitious person or entity to avoid disclosure of the true owner of a vehicle commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(7) Any person authorized by this section to purchase and issue a temporary tag shall maintain records as required by this chapter or departmental rules and such records shall be open to inspection by the department or its agents during reasonable business hours. Any person who knowingly and willfully fails to comply with this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 34. Section 320.1325, Florida Statutes, is amended to read:

320.1325 Registration required for the temporarily employed.—Motor vehicles owned or leased by persons who are temporarily employed within the state but are not residents are required to be registered. Upon payment of the fees prescribed in this section and proof of insurance coverage as required by the applicant's resident state, the department shall provide a temporary registration plate and a registration certificate valid for 90 days to an applicant who is temporarily employed in this the state. The temporary registration plate may be renewed one time for an additional 90-day period. At the end of the 180-day period of temporary registration, the applicant shall apply for a permanent registration if there is a further need to remain in this state. A temporary license registration plate may not be issued for any commercial motor vehicle as defined in s. 320.01. The fee for the 90-day temporary registration plate shall be \$40 plus the applicable service charge required by s. 320.04. Subsequent permanent registration and titling of a vehicle registered hereunder shall subject the applicant to providing proof of Florida insurance coverage as specified in s. 320.02 and payment of the fees required by ss. 319.231 and 320.072, in addition to all other taxes and fees required.

Section 35. Paragraph (v) is added to subsection (9) of section 320.27, Florida Statutes, and paragraph (a) of subsection (9) and subsection (12) of that section are amended, to read:

320.27 Motor vehicle dealers.—

(9) DENIAL, SUSPENSION, OR REVOCATION.—The department may deny, suspend, or revoke any license issued hereunder or under the provisions of s. 320.77 or s. 320.771, upon proof that a licensee has failed to comply with any of the following provisions with sufficient frequency so as to establish a pattern of wrongdoing on the part of the licensee:

(a) Willful violation of any other law of this state, including chapter 319, this chapter, or ss. 559.901-559.9221, which has to do with dealing in or repairing motor vehicles or mobile homes or willful failure to comply with any administrative rule promulgated by the department. Additionally, in the case of used motor vehicles, the willful violation of the federal law and rule in 15 U.S.C. 2304, 16 C.F.R. Part 455, pertaining to the consumer sales window form.

(v) Sale by a motor vehicle dealer of a vehicle offered in trade by a customer prior to consummation of the sale, exchange, or transfer of a newly acquired vehicle to the customer, unless the customer provides written authorization for the sale of the trade-in vehicle prior to delivery of the newly acquired vehicle.

(12) CIVIL FINES; PROCEDURE.—In addition to the exercise of other powers provided in this section, the department may levy and collect a civil fine, in an amount not to exceed \$1,000 for each violation, against any licensee if it finds that the licensee has violated any provision of this section or has violated any other law of this state or the federal law and administrative rule set forth in s. 320.27(9)(a) related to dealing in motor vehicles. Any licensee shall be entitled to a hearing pursuant to chapter 120 if the licensee contests the fine levied, or about to be levied, upon him or her.

Section 36. Section 320.30, Florida Statutes, is amended to read:

320.30 Penalty for violating s. 320.28.—No action or right of action to recover any such motor vehicle, or any part of the selling price thereof, shall be maintained in the courts of this state by any such dealer or vendor or his or her successors or assigns in any case wherein such vendor or dealer shall have failed to comply with the terms and provisions of s. 320.28, and in addition thereto, such vendor or dealer, upon conviction for the violation of any of the provisions of said sections, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 and by confiscation of the vehicle or vehicles offered for sale. Any municipal or county law enforcement agency that enforces, or assists the department in enforcing, the provisions of this section which enforcement results in a forfeiture of property as provided in this section is entitled to receive all or a share of any such property based upon its participation in such enforcement. Any property seized by any municipal or county law enforcement agency may be retained or sold by the law enforcement agency in accordance

with the Florida Contraband Forfeiture Act. Any funds received by a municipal or county law enforcement agency pursuant to this section constitute supplemental funds and may not be used as replacement funds by the municipality or county. However, this section shall not apply to:

(1) The holder of a note or notes representing a portion of the purchase price of such motor vehicle when the owner thereof was and is a bona fide purchaser of said note or notes, before maturity, for value and without knowledge that the vendor of such vehicle had not complied with said sections; or

(2) The bona fide purchaser of such motor vehicle for value and without knowledge that the vendor or dealer of such vehicle had not complied with said sections.

Section 37. Subsection (11) of section 320.8249, Florida Statutes, is repealed.

Section 38. Subsection (2) of section 320.8325, Florida Statutes, is amended to read:

320.8325 Mobile homes and park trailers; tie-down requirements; minimum installation standards; injunctions; penalty.—

(2) The department shall promulgate rules and regulations setting forth uniform ~~minimum~~ standards for the manufacture or installation of anchors, tie-downs, over-the-roof ties, or other reliable methods of securing mobile homes or park trailers when over-the-roof ties are not suitable due to factors such as unreasonable cost, design of the mobile home or park trailer, or potential damage to the mobile home or park trailer. No entity, other than the department, has authority to amend these uniform standards. Such devices required under this section, when properly installed, shall cause the mobile home or park trailer to resist wind overturning and sliding. In promulgating such rules and regulations, the department may make such discriminations regarding mobile home or park trailer tie-down requirements as are reasonable when factors such as age, location, and practicality of tying down a mobile home or park trailer are considered.

Section 39. Section 321.06, Florida Statutes, is amended to read:

321.06 Civil service.—

(1) The Department of Highway Safety and Motor Vehicles is hereby empowered and directed to make civil service rules governing the employment and tenure of the members of the highway patrol. All persons employed as said patrol officers shall be subject to said civil service rules and regulations, and any amendment thereto which may thereafter from time to time be adopted. The department may, for cause, discharge, suspend or reduce in rank or pay, any member of said highway patrol by presenting to such employee the reason or reasons therefor in writing, subject to the civil service rules and regulations of the department, and subject to the review of the Governor and Cabinet, as head of the department who shall serve as a court of inquiry in such cases and shall hear all complaints and defenses,

if requested by such employee. Their decision shall be final and conclusive. Such civil service rules or regulations shall be subject to the revision of the Legislature in the event civil service rules adopted by the department are declared unlawful or unreasonable.

(2) The department may employ traffic accident investigation officers who must complete any applicable standards adopted by the Florida Highway Patrol, including, but not limited to: cognitive testing, drug testing, polygraph testing, psychological testing, and an extensive background check, including a credit check.

Section 40. Subsections (6) and (7) of section 322.08, Florida Statutes, 1998 Supplement, are amended to read:

322.08 Application for license.—

~~(6) Every application under this section made by a person who presently holds an out-of-state license shall be accompanied by a copy of the Florida registration certificate showing registration under chapter 320 for every motor vehicle which is owned by the applicant, or, if he or she does not own any vehicle required to be registered under chapter 320, an affidavit to that effect.~~

~~(6)(7)~~ The application form for a driver's license or duplicate thereof shall include language permitting the following:

(a) A voluntary contribution of \$5 per applicant, which contribution shall be transferred into the Election Campaign Financing Trust Fund.

(b) A voluntary contribution of \$1 per applicant, which contribution shall be deposited into the Florida Organ and Tissue Donor Education and Procurement Trust Fund for organ and tissue donor education and for maintaining the organ and tissue donor registry.

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

A statement providing an explanation of the purpose of the trust funds shall also be included.

Section 41. Subsections (5) and (6) of section 322.081, Florida Statutes, 1998 Supplement, are amended to read:

322.081 Requests to establish voluntary checkoff on driver's license application.—

(5) A voluntary contribution collected and distributed under this chapter, or any interest earned from those contributions, may not be used for commercial or for-profit activities nor for general or administrative expenses, except as authorized by law, or to pay the cost of the audit or report required by law.

(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with law.

(b) All organizational recipients of any voluntary contributions in excess of \$15,000, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of these contributions and interest earned from these contributions, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with law. ~~Such audits must be delivered to the department no later than December 31 of the calendar year in which the audit was performed.~~

(c) In lieu of an annual audit, any organization receiving less than \$15,000 in voluntary contributions directly from the department may annually report, under penalties of perjury, that such proceeds were used in compliance with law. The attestation shall be made annually in a form and format determined by the department.

(d) Any voluntary contributions authorized by law shall only be distributed to an organization under an appropriation by the Legislature.

(e) The annual audit or report must be submitted to the department for review within 180 days after the end of the organization's fiscal year.

~~(6) Within 90 days after receiving an organization's audit or report By February 1 each year,~~ the department shall determine which recipients have not complied with subsection (5). If the department determines that an organization has not complied or has failed to use the revenues in accordance with law, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the voluntary contributions are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs.

Section 42. Subsection (3) of section 322.1615, Florida Statutes, 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's license may operate a vehicle until between the hours of 7 p.m. and 10 p.m. after 3 months following after the issuance of the learner's driver's license.

Section 43. Paragraphs (b) and (d) of subsection (6) and subsection (10) of section 322.2615, Florida Statutes, are amended to read:

322.2615 Suspension of license; right to review.—

(6)

(b) Such formal review hearing shall be held before a hearing officer employed by the department, and the hearing officer shall be authorized to

administer oaths, examine witnesses and take testimony, receive relevant evidence, issue subpoenas, regulate the course and conduct of the hearing, and make a ruling on the suspension. The department and the person arrested may subpoena witnesses, and the party requesting the presence of a witness shall be responsible for the payment of any witness fees and for notifying in writing the state attorney's office in the appropriate circuit of the issuance of the subpoena. If the person who requests a formal review hearing fails to appear and the hearing officer finds such failure to be without just cause, the right to a formal hearing is waived and the suspension shall be sustained ~~department shall conduct an informal review of the suspension under subsection (4).~~

(d) The department must, within 7 working days after a formal review hearing, send notice to the person of the hearing officer's decision as to whether sufficient cause exists to sustain, amend, or invalidate the suspension.

(10) A person whose driver's license is suspended under subsection (1) or subsection (3) may apply for issuance of a license for business or employment purposes only if the person is otherwise eligible for the driving privilege pursuant to s. 322.271.

(a) If the suspension of the driver's license of the person for failure to submit to a breath, urine, or blood test is sustained, the person is not eligible to receive a license for business or employment purposes only, pursuant to s. 322.271, until 90 days have elapsed after the expiration of the last 30-day temporary permit issued ~~pursuant to this section or s. 322.64~~. If the driver is not issued a 30-day permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for failure to submit to a breath, urine, or blood test is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 90 days have elapsed from the date of the suspension.

(b) If the suspension of the driver's license of the person arrested for a violation of s. 316.193, relating to unlawful blood-alcohol level, is sustained, the person is not eligible to receive a license for business or employment purposes only pursuant to s. 322.271 until 30 days have elapsed after the expiration of the last 30-day temporary permit issued ~~pursuant to this section or s. 322.64~~. If the driver is not issued a 30-day permit pursuant to this section or s. 322.64 because he or she is ineligible for the permit and the suspension for a violation of s. 316.193, relating to unlawful blood-alcohol level, is not invalidated by the department, the driver is not eligible to receive a business or employment license pursuant to s. 322.271 until 30 days have elapsed from the date of the arrest.

Section 44. Subsection (3) of section 322.245, Florida Statutes, is amended to read:

322.245 Suspension of license upon failure of person charged with specified offense under chapter 316, chapter 320, or this chapter to comply with directives ordered by traffic court or upon failure to pay child support in non-IV-D cases as provided in chapter 61.—

(3) If the person fails to comply with the directives of the court within the 30-day period, or, in non-IV-D cases, fails to comply with the requirements of s. 61.13016 within the period specified in that statute, the depository or the clerk of the court shall notify the department of such failure within 10 5 days. Upon receipt of the notice, the department shall immediately issue an order suspending the person's driver's license and privilege to drive effective 20 days after the date the order of suspension is mailed in accordance with s. 322.251(1), (2), and (6).

Section 45. Subsections (4), (5), (6), (7), and (8) of section 322.28, Florida Statutes, 1998 Supplement, are amended to read:

322.28 Period of suspension or revocation.—

~~(4) Upon the conviction of a person for a violation of s. 322.34, the license or driving privilege, if suspended, shall be suspended for 3 months in addition to the period of suspension previously imposed and, if revoked, the time after which a new license may be issued shall be delayed 3 months.~~

~~(5) If, in any case arising under this section, a licensee, after having been given notice of suspension or revocation of his or her license in the manner provided in s. 322.251, fails to surrender to the department a license theretofore suspended or revoked, as required by s. 322.29, or fails otherwise to account for the license to the satisfaction of the department, the period of suspension of the license, or the period required to elapse after revocation before a new license may be issued, shall be extended until, and shall not expire until, a period has elapsed after the date of surrender of the license, or after the date of expiration of the license, whichever occurs first, which is identical in length with the original period of suspension or revocation.~~

~~(4)(6)(a)~~ Upon a conviction for a violation of s. 316.193(3)(c)2., involving serious bodily injury, a conviction of manslaughter resulting from the operation of a motor vehicle, or a conviction of vehicular homicide, the court shall revoke the driver's license of the person convicted for a minimum period of 3 years. If ~~In the event that~~ a conviction under s. 316.193(3)(c)2., involving serious bodily injury, is also a subsequent conviction as described under paragraph (2)(a), the court shall revoke the driver's license or driving privilege of the person convicted for the period applicable as provided in paragraph (2)(a) or paragraph (2)(e).

(b) If the period of revocation was not specified by the court at the time of imposing sentence or within 30 days thereafter, the department shall revoke the driver's license for the minimum period applicable under paragraph (a) or, for a subsequent conviction, for the minimum period applicable under paragraph (2)(a) or paragraph (2)(e).

~~(5)(7)~~ A court may not stay the ~~No~~ administrative suspension of a driving privilege under s. 322.2615 or s. 322.2616 during judicial ~~shall be stayed upon a request for review of the departmental order that resulted in such suspension and~~ a, ~~except as provided in former s. 322.261,~~ no suspension or revocation of a driving privilege may not ~~shall be stayed upon an appeal of the conviction or order that resulted in the suspension or revocation therein.~~

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

Section 46. Subsection (6) of section 322.34, Florida Statutes, 1998 Supplement, is amended to read:

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

(6) 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 (4)(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.

Section 47. Subsection (5) of section 324.201, Florida Statutes, is amended to read:

324.201 Return of license or registration to department.—

(5) When a recovery agent or recovery agency obtains a seized license plate in accordance with this chapter, the license plate shall be delivered to a driver license office on the next business day local law enforcement agencies must be notified of the recovery within 6 hours after seizure. The recovery agent or recovery agency shall deliver the license plate to the local law enforcement authorities and obtain a receipt upon delivery of the license plate for claim record purposes with the department pursuant to the procedure prescribed in this section.

Section 48. Effective July 1, 2000, section 324.202, Florida Statutes, is amended to read:

324.202 Seizure of motor vehicle license plates by recovery agents.—

(1) The Department of Highway Safety and Motor Vehicles shall implement a pilot program using recovery agents for the seizure of license plates in Broward County, Dade County, and Hillsborough County. Licensed recovery agents and recovery agencies as described in s. 493.6101(20) and (21) may seize license plates of motor vehicles whose registrations have been suspended pursuant to s. 316.646 or s. 627.733 in such counties upon compliance with this section and rules of the Department of Highway Safety and Motor Vehicles. Upon the implementation of the vehicle information system overall reorganization to the Oracle database of driver licenses and a verification of an error rate of 2 percent or less for valid license plates seized

during the period following implementation of the database, as determined by the Office of Program Policy Analysis and Government Accountability, the program shall be expanded to those counties where a majority of the governing body of the county has requested the program be implemented. The determination by the Office of Program Policy Analysis and Government Accountability shall be submitted to the Senate and the House of Representatives committees responsible for insurance and transportation issues no later than January 1, 2001. The program authorizing recovery agents and agencies to seize license plates shall be repealed July 1, 2002. The Department of Highway Safety and Motor Vehicles shall implement a pilot project in Broward County, Dade County, and Hillsborough County to determine the effectiveness of using recovery agents for the seizure of license plates. On October 1, 1996, the department shall provide a report to the President of the Senate, the Speaker of the House of Representatives, the chair of the Senate Commerce Committee, the chair of the House Insurance Committee, and the Majority and Minority Leaders of the Senate and the House of Representatives, on the results of the pilot project. Licensed recovery agents and recovery agencies as described in s. 493.6101(20) and (21) may seize license plates of motor vehicles whose registrations have been suspended pursuant to s. 316.646 or s. 627.733 in such counties upon compliance with this section and rules of the Department of Highway Safety and Motor Vehicles.

(2) The Department of Highway Safety and Motor Vehicles shall:

(a) Provide a procedure for the ~~payment of fees to~~ recovery agents or recovery agencies who seize license plates pursuant to this section. This procedure shall include the development and distribution of forms and monthly renewal notices, including the name and most current address available to the department of persons not in compliance with s. 316.646 or s. 627.733, ~~which shall be used by the seizing recovery agent or recovery agency to transmit the seized license plate to the local law enforcement agency pursuant to s. 324.201.~~

(b) Provide a method for the payment of ~~a the fee of \$25 in s. 627.733(7)~~ to the recovery agent or recovery agency seizing an eligible the license plate pursuant to this section. ~~The requirements with respect to payment must provide that when the owner or operator whose driver's license has been suspended under s. 316.646 or s. 627.733 pays the reinstatement fee to the Department of Highway Safety and Motor Vehicles, the department shall pay the recovery agent.~~

Section 49. Paragraphs (n) and (o) are added to subsection (8) of section 325.207, Florida Statutes, to read:

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

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

(n) A provision authorizing the department to amend the contract if the Legislature enacts legislation that changes the number of motor vehicle model years that are subject to inspection requirements.

(o) A provision authorizing the contract to be amended or canceled by the department upon statewide implementation of clean fuel requirements promulgated by the United States Environmental Protection Agency.

Section 50. Section 325.2135, Florida Statutes, 1998 Supplement, is amended to read:

325.2135 Motor vehicle emissions inspection program; development of specifications; fees; reporting.—

~~(1) The Department of Highway Safety and Motor Vehicles shall hire an independent expert consultant to develop appropriate request for proposal specifications and a range of inspection fees for the motor vehicle emissions inspection program based on an annual and a biennial inspection program for vehicles 4 model years old and older, using the basic test for hydrocarbon emissions and carbon monoxide emissions and other mobile source testing for nitrous oxides or other pollutants, and no later than January 1, 1999, to report to the President of the Senate and the Speaker of the House of Representatives setting forth the relevant facts and the department's recommendations. Notwithstanding the provisions of chapter 325, the department and the Governor and Cabinet, acting as head of that agency, are prohibited from entering into any contract or extension of a contract for any form of motor vehicle emissions testing without legislative approval through the enactment of specific legislation directing the department to implement an inspection program and establishing a fee for the program.~~

~~(2) If no specific legislation is passed during the 1999 legislative session to direct the department to implement a motor vehicle inspection program, the department may issue a request for proposal and The department may extend the current emissions inspection program contracts for a period of time sufficient to implement new contracts resulting from competitive proposals, and shall enter into and implement one or more contracts by June 30, 2000, for a biennial inspection program for vehicles, except the current model year and the two prior model years, 5 model years and older using the basic test for hydrocarbon emissions and carbon monoxide emissions. The requirements for the program included in the proposals must be based on the requirements under chapter 325 unless those requirements conflict with this section. No contract entered into under this subsection may be for longer than 7 2 years. Any contract authorized under this section must contain a provision that, after 4 years, the department reserves the right to cancel the contract upon 6 months' notice to the contractor. Notwithstanding the provisions of s. 325.214, if the fee for motor vehicle inspection proposed by the Department of Highway Safety and Motor Vehicles may not will exceed \$19 \$10 per inspection, the department may impose the higher fee if such fee is approved through the budget amendment process set forth in chapter 216 and notice is provided to the chairmen of the Senate and House Transportation and Natural Resources Committees at the time it is provided to the Senate Ways and Means and House Appropriations Committees.~~

Section 51. Subsection (2) of section 325.214, Florida Statutes, 1998 Supplement, is amended to read:

325.214 Motor vehicle inspection; fees; disposition of fees.—

(2) The inspection fee may not exceed \$19 shall be \$10. Notwithstanding any other provision of law to the contrary, an additional fee of \$1 shall be assessed upon the issuance of each dealer certificate, which fee shall be forwarded to the department for deposit into the Highway Safety Operating Trust Fund.

Section 52. Section 327.031, Florida Statutes, is amended to read:

327.031 Suspension or denial of a vessel registration due to child support delinquency; dishonored checks.—

(1) The department must allow applicants for new or renewal registrations to be screened by the Department of Revenue, as the Title IV-D child support agency under s. 409.2598, or by a non-IV-D obligee to assure compliance with a support obligation. The purpose of this section is to promote the public policy of this state as established in s. 409.2551. The department must, when directed by the court, deny or suspend the vessel registration of any applicant found to have a delinquent child support obligation. The department must issue or reinstate a registration when notified by the Title IV-D agency or the court that the applicant has complied with the terms of the court order. The department may not be held liable for any registration denial or suspension resulting from the discharge of its duties under this section.

(2) The department may deny or cancel any vessel registration if the owner pays for the registration by a dishonored check.

Section 53. Subsection (3) of section 327.11, Florida Statutes, is amended, present subsection (6) is renumbered as subsection (8) and amended, and new subsections (6) and (7) are added to that section, to read:

327.11 Vessel registration, application, certificate, number, decal, duplicate certificate.—

(3) The Department of Highway Safety and Motor Vehicles shall issue certificates of registration and numbers for city, county, and state-owned vessels, charging only the service fees required in s. 327.25(7) and (8) at no charge, provided the vessels are used for purposes other than recreation.

(6) When a vessel decal has been stolen, the owner of the vessel for which the decal was issued shall make application to the department for a replacement. The application shall contain the decal number being replaced and a statement that the item was stolen. If the application includes a copy of the police report prepared in response to a report of a stolen decal, such decal shall be replaced at no charge.

(7) Any decal lost in the mail may be replaced at no charge. The service charge shall not be applied to this replacement; however, the application for a replacement shall contain a statement of such fact, the decal number, and the date issued.

(8)(6) Anyone guilty of falsely certifying any facts relating to application, certificate, transfer, number, decal, ~~or duplicate, or replacement~~ certificates or any information required under this section shall be punished as provided under this chapter.

Section 54. Subsection (2) of section 327.23, Florida Statutes, is amended to read:

327.23 Exemption of vessels and outboard motors from personal property tax; temporary certificate of registration; vessel registration certificate fee.—

(2) A temporary certificate of registration may be issued to a vessel for use in the following cases:

(a) ~~which~~ The owner has made application to the United States Coast Guard for documentation and has paid the applicable registration certificate fee pursuant to s. 327.25(1). A temporary certificate of registration shall only be issued upon proof that all applicable state sales taxes have been paid and that the application for documentation is on file with the United States Coast Guard. Any reregistration of such a vessel without the submission of the vessel's documentation papers shall require written verification from the United States Coast Guard as to the current status of the application for the vessel's documentation. Upon receipt of the vessel's documentation papers, the owner shall bring them to the agent issuing the temporary certificate for official recording of information.

(b) An out-of-state resident, subject to registration in this state, who must secure ownership documentation from the home state, and is unable to submit an out-of-state title because it is being held by an out-of-state lienholder.

Section 55. Paragraphs (b) and (c) of subsection (2), paragraph (b) of subsection (4), subsection (6), paragraph (c) of subsection (12), and subsection (15) of section 327.25, Florida Statutes, are amended to read:

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

(2) ANTIQUE VESSEL REGISTRATION FEE.—

(b) The registration number for an antique vessel shall be displayed as provided in ~~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) The Department of Highway Safety and Motor Vehicles may issue a decal identifying the vessel as an antique vessel. The decal shall be displayed as provided in s. 327.11 ~~placed within 3 inches of the registration number.~~

(4) TRANSFER OF OWNERSHIP.—

(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.

(6) CHANGE OF CLASSIFICATION.—If the classification of a vessel changes from noncommercial to commercial, or from commercial to noncommercial, and a current registration certificate has been issued to the owner, the owner shall within 30 days forward his or her certificate to the county tax collector with a fee of \$2.25 and a new certificate shall be issued.

(12) REGISTRATION.—

(c) Effective July 1, 1996, the following registration periods and renewal periods are established:

1. For vessels owned by individuals, the registration period begins the first day of the birth month of the owner and ends the last day of the month immediately preceding the owner's birth month in the succeeding year. If the vessel is registered in the name of more than one person, the birth month of the person whose name first appears on the registration shall be used to determine the registration period. For a vessel subject to this registration period, the renewal period is the 30-day period ending at midnight on the vessel owner's date of birth.

2. For vessels owned by companies, corporations, governmental entities, ~~those entities listed under subsection (11),~~ and registrations issued to dealers and manufacturers, the registration period begins July 1 and ends June 30. The renewal period is the 30-day period beginning June 1.

(15) EXEMPTIONS.—Vessels owned and operated by Sea Explorer or Sea Scout units of the Boy Scouts of America, the Girl Scouts of America, the Florida Association of Christian Child Caring Agencies Safe Harbor Haven, Inc., 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 56. Section 327.255, Florida Statutes, is created to read:

327.255 Registration; duties of tax collectors.—

(1) The tax collectors in the counties of the state, as authorized agents of the department, shall issue registration certificates and vessel numbers and decals to applicants, subject to the requirements of law and in accordance with rules of the department.

(2) Each tax collector shall keep a full and complete record and account of all vessel decals or other properties received by him or her from the department or from any other source and shall make prompt remittance of moneys collected by him or her at the times and in the manner prescribed by law.

(3) A fee of 50 cents shall be charged in addition to the fees required under s. 327.25 on every vessel decal registration sold to cover the cost of the Florida Real Time Vehicle Information System. The fees collected under this section shall be deposited into the Highway Safety Operating Trust Fund and shall be used to fund that system and may be used to fund the general operations of the department.

Section 57. Section 327.256, Florida Statutes, is created to read:

327.256 Advanced registration renewal; procedures.—

(1) The owner of any vessel currently registered in this state may file an application for renewal of registration with the department, or its authorized agent in the county wherein the owner resides, any time during the 3 months preceding the date of expiration of the registration period.

(2) Upon the filing of the application and payment of the appropriate vessel registration fee and service charges required by s. 327.25 and any additional fees required by law, the department or its agents shall issue to the owner of the vessel a decal and registration. When the decal is affixed to the vessel, the registration is renewed for the appropriate registration period.

(3) Any person who uses a vessel decal without lawful authority or who willfully violates any rule of the department relating to this section shall be punished as provided under this chapter.

Section 58. Paragraph (c) of subsection (3) of section 328.01, Florida Statutes, is amended to read:

328.01 Application for certificate of title.—

(3)

(c) In making application for transfer of title from a deceased titled owner, the new owner or surviving coowner shall establish proof of ownership by submitting with the application the original certificate of title and the decedent's probated last will and testament or letters of administration appointing the personal representative of the decedent. In lieu of a probated last will and testament or letters of administration, a copy of the decedent's death certificate, a ~~certified~~ copy of the decedent's last will and testament, and an affidavit by the decedent's surviving spouse or heirs affirming rights of ownership may be accepted by the department. If the decedent died intestate, a court order awarding the ownership of the vessel or an affidavit by the decedent's surviving spouse or heirs establishing or releasing all rights of ownership and a copy of the decedent's death certificate shall be submitted to the department.

Section 59. Subsection (3) of section 328.11, Florida Statutes, is amended to read:

328.11 Duplicate certificate of title.—

(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 vessel or the holder of a lien thereon may, within 180 90 days after the date of issuance of the title, apply to the department for reissuance of the certificate of title. An additional fee may not be charged for reissuance under this subsection.

Section 60. Paragraph (c) of subsection (2) and subsection (7) of section 328.15, Florida Statutes, are amended, present subsection (8) is renumbered as subsection (12), and new subsections (8), (9), (10), and (11) are added to that section, to read:

328.15 Notice of lien on vessel; recording.—

(2)

(c) If the owner of the vessel as shown on the title certificate or the director of the state child support enforcement program desires to place a second or subsequent lien or encumbrance against the vessel when the title certificate is in the possession of the first lienholder, the owner shall send a written request to the first lienholder by certified mail and such first lienholder shall forward the certificate to the department for endorsement. The department shall return the certificate to the first lienholder, as indicated in the notice of lien filed by the first lienholder, after endorsing the second or subsequent lien on the certificate and on the duplicate. If the first lienholder fails, neglects, or refuses to forward the certificate of title to the department within 10 days after the date of the owner's or the director's request, the department, on written request of the subsequent lienholder or an assignee thereof, shall demand of the first lienholder the return of such certificate for the notation of the second or subsequent lien or encumbrance. The director of the state child support enforcement program may place a subsequent lien or encumbrance against a vessel having a recorded first lien by sending a written request to the first lienholder by certified mail. The first lienholder shall forward the certificate to the Department of Highway Safety and Motor Vehicles for endorsement, and the department shall return the certificate to the first lienholder after endorsing the subsequent lien on the certificate and on the duplicate.

(7)(a) Should any person, firm, or corporation holding such lien, which has been recorded by the Department of Highway Safety and Motor Vehicles, upon payment of such lien and on demand, fail or refuse, within 30 days after such payment and demand, to furnish the debtor or the registered owner of such vessel motorboat a satisfaction of the lien, then, in that event, such person, firm, or corporation shall be held liable for all costs, damages, and expenses, including reasonable attorney's fees, lawfully incurred by the debtor or the registered owner of such vessel motorboat in any suit which may be brought in the courts of this state for the cancellation of such lien.

(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 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 after 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 after 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 vessel, 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 the new first lienholder. The first lienholder shall be entitled to retain the certificate of title 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 in this subsection and in subsection (2).

(8) When the original certificate of title cannot be returned to the department by the lienholder and evidence satisfactory to the department is produced that all liens or encumbrances have been satisfied, upon application by the owner for a duplicate copy of the certificate of title, upon the form prescribed by the department, accompanied by the fee prescribed in this chapter, a duplicate copy of the certificate of title without statement of liens or encumbrances shall be issued by the department and delivered to the owner.

(9) Any person who fails, within 10 days after receipt of a demand by the department by certified mail, to return a certificate of title to the department as required by subsection (2)(c) or who, upon satisfaction of a lien, fails within 10 days after receipt of such demand to forward the appropriate document to the department as required by paragraph (7)(b) or paragraph (7)(c) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(10) The department is not required to retain on file any bill of sale or duplicate thereof, notice of lien, or satisfaction of lien covering any vessel for a period longer than 7 years after the date of the filing thereof, and thereafter the same may be destroyed.

(11) The department shall use the last known address as shown by its records when sending any notice required by this section.

Section 61. Subsection (3) of section 328.16, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

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

(3) Except as provided in ~~s. 328.15(12)~~ ~~s. 328.15(8)~~, the certificate of title shall be retained by the first lienholder. The first lienholder is entitled to retain the certificate until the first lien is satisfied.

(5) The owner of a vessel, upon which a lien has been filed with the department or noted upon a certificate of title for a period of 5 years, may apply to the department in writing for such lien to be removed from the department files or from the certificate of title. The application must be accompanied by evidence satisfactory to the department that the applicant has notified the lienholder by certified mail, not less than 20 days prior to the date of the application, of his or her intention to apply to the department for removal of the lien. Ten days after receipt of the application, the department may remove the lien from its files or from the certificate of title, as the case may be, if no statement in writing protesting removal of the lien is received by the department from the lienholder within the 10-day period. However, if the lienholder files with the department, within the 10-day period, a written statement that the lien is still outstanding, the department may not remove the lien until the lienholder presents a satisfaction of lien to the department.

Section 62. Section 328.165, Florida Statutes, is created to read:

328.165 Cancellation of certificates.—

(1) If it appears that a certificate of title has been improperly issued, the department shall cancel the certificate. Upon cancellation of any certificate of title, the department shall notify the person to whom the certificate of title was issued, and any lienholders appearing thereon, of the cancellation and shall demand the surrender of the certificate of title; however, the cancellation does not affect the validity of any lien noted thereon. The holder of the certificate of title shall immediately return it to the department. If a certificate of registration has been issued to the holder of a certificate of title so canceled, the department shall immediately cancel the certificate of registration and demand the return of the certificate of registration and the holder of such certificate of registration shall immediately return it to the department.

(2) The department may, upon application by any person and payment of the proper fees, prepare and furnish lists containing title information in such form as the department authorizes, search the records of the department and make reports thereof, and make photographic copies of the department records and attestations thereof.

Section 63. Subsection (7) of section 627.733, Florida Statutes, 1998 Supplement, is amended to read:

627.733 Required security.—

(7)(a) Any operator or owner whose driver's license or registration has been suspended pursuant to this section or s. 316.646 may effect its reinstatement upon compliance with the requirements of this section and upon payment to the Department of Highway Safety and Motor Vehicles of a nonrefundable reinstatement fee of \$150 for the first reinstatement. Such reinstatement fee shall be \$250 for the second reinstatement and \$500 for each subsequent reinstatement during the 3 years following the first reinstatement. Any person reinstating her or his insurance under this subsection must also secure noncancelable coverage as described in s. 627.7275(2)

and present to the appropriate person proof that the coverage is in force on a form promulgated by the Department of Highway Safety and Motor Vehicles, such proof to be maintained for 2 years. If the person does not have a second reinstatement within 3 years after her or his initial reinstatement, the reinstatement fee shall be \$150 for the first reinstatement after that 3-year period. In the event that a person's license and registration are suspended pursuant to this section or s. 316.646, only one reinstatement fee shall be paid to reinstate the license and the registration. All fees shall be collected by the Department of Highway Safety and Motor Vehicles at the time of reinstatement. The Department of Highway Safety and Motor Vehicles shall issue proper receipts for such fees and shall promptly deposit those fees in the Highway Safety Operating Trust Fund. One-third of the fee collected under this subsection shall be distributed from the Highway Safety Operating Trust Fund to the local government entity or state agency which employed the law enforcement officer or the recovery agent who seizes a license plate pursuant to s. 324.201 or to s. 324.202. Such funds may be used by the local government entity or state agency for any authorized purpose.

~~(b) One-third of the fee collected for the seizure of a license plate by a recovery agent shall be paid to the recovery agent, and the balance shall remain in the Highway Safety Operating Trust Fund and be distributed pursuant to s. 321.245.~~

Section 64. Paragraph (b) of subsection (4) and paragraph (c) of subsection (7) of section 713.78, Florida Statutes, 1998 Supplement, are amended to read:

713.78 Liens for recovering, towing, or storing vehicles and undocumented vessels.—

(4)

(b) Notice by certified mail, return receipt requested, shall be sent within 7 business days after the date of storage of the vehicle or vessel to the registered owner and to all persons of record claiming a lien against the vehicle or vessel. It shall state the fact of possession of the vehicle or vessel, that a lien as provided in subsection (2) is claimed, that charges have accrued and the amount thereof, that the lien is subject to enforcement pursuant to law, and that the owner or lienholder, if any, has the right to a hearing as set forth in subsection (5), and that any vehicle or vessel which remains unclaimed, or for which the charges for recovery, towing, or storage services remain unpaid, may be sold after ~~in~~ 35 days free of all prior liens.

(7)

(c) Any law enforcement agency requesting that a motor vehicle be removed from an accident scene, street, or highway must conduct an inventory and prepare a written record of all personal property found in the vehicle before the vehicle is removed by a wrecker operator. However, if the owner or driver of the motor vehicle is present and accompanies the vehicle, no inventory by law enforcement is required. A wrecker operator is not liable for the loss of personal property alleged to be contained in such a vehicle when such personal property was not identified on the inventory record

prepared by the law enforcement agency requesting the removal of the vehicle.

Section 65. Subsection (1) of section 732.9215, Florida Statutes, is amended to read:

732.9215 Education program relating to anatomical gifts.—The Agency for Health Care Administration, subject to the concurrence of the Department of Highway Safety and Motor Vehicles, shall develop a continuing program to educate and inform medical professionals, law enforcement agencies and officers, high school children, state and local government employees, and the public regarding the laws of this state relating to anatomical gifts and the need for anatomical gifts.

(1) The program is to be implemented with the assistance of the organ and tissue donor education panel as provided in s. 732.9216 and with the funds collected under ss. 320.08047 and 322.08(6)(b) ~~322.08(7)(b)~~. Existing community resources, when available, must be used to support the program, and volunteers may assist the program to the maximum extent possible. The Agency for Health Care Administration may contract for the provision of all or any portion of the program. When awarding such contract, the agency shall give priority to existing nonprofit groups that are located within the community, including within the minority communities specified in subsection (2). The program aimed at educating medical professionals may be implemented by contract with one or more medical schools located in the state.

Section 66. Subsection (1) of section 732.9216, Florida Statutes, is amended to read:

732.9216 Organ and tissue donor education panel.—

(1) The Legislature recognizes that there exists in the state a shortage of organ and tissue donors to provide the organs and tissue that could save lives or enhance the quality of life for many Floridians. The Legislature further recognizes the need to encourage the various minority populations of Florida to donate organs and tissue. It is the intent of the Legislature that the funds collected pursuant to ss. 320.08047 and 322.08(6)(b) ~~322.08(7)(b)~~ be used for educational purposes aimed at increasing the number of organ and tissue donors, thus affording more Floridians who are awaiting organ or tissue transplants the opportunity for a full and productive life.

Section 67. Paragraph (a) of subsection (3) of section 812.014, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

812.014 Theft.—

(3)(a) Theft of any property not specified in subsection (2) is petit theft of the second degree and a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, and as provided in subsection (5), as applicable.

(5)(a) No person shall drive a motor vehicle so as to cause it to leave the premises of an establishment at which gasoline offered for retail sale was

dispensed into the fuel tank of such motor vehicle unless the payment of authorized charge for the gasoline dispensed has been made.

(b) In addition to the penalties prescribed in paragraph (3)(a), every judgment of guilty of a petit theft for property described in this subsection shall provide for the suspension of the convicted person's driver's license. The court shall forward the driver's license to the Department of Highway Safety and Motor Vehicles in accordance with s. 322.25.

1. The first suspension of a driver's license under this subsection shall be for a period of up to 6 months.

2. The second or subsequent suspension of a driver's license under this subsection shall be for a period of 1 year.

Section 68. Subsection (1) of section 832.06, Florida Statutes, is amended to read:

832.06 Prosecution for worthless checks given tax collector for licenses or taxes; refunds.—

(1) Whenever any person, firm, or corporation violates the provisions of s. 832.05 by drawing, making, uttering, issuing, or delivering to any county tax collector any check, draft, or other written order on any bank or depository for the payment of money or its equivalent for any tag, title, lien, tax (except ad valorem taxes), penalty, or fee relative to a boat, airplane, or motor vehicle, driver license, or identification card; any occupational license, beverage license, or sales or use tax; or any hunting or fishing license, the county tax collector, after the exercise of due diligence to locate the person, firm, or corporation which drew, made, uttered, issued, or delivered the check, draft, or other written order for the payment of money, or to collect the same by the exercise of due diligence and prudence, shall swear out a complaint in the proper court against the person, firm, or corporation for the issuance of the worthless check or draft. If the state attorney cannot sign the information due to lack of proof, as determined by the state attorney in good faith, for a prima facie case in court, he or she shall issue a certificate so stating to the tax collector. If payment of the dishonored check, draft, or other written order, together with court costs expended, is not received in full by the county tax collector within 30 days after service of the warrant, 30 days after conviction, or 60 days after the collector swears out the complaint or receives the certificate of the state attorney, whichever is first, the county tax collector shall make a written report to this effect to the Department of Highway Safety and Motor Vehicles relative to airplanes and motor vehicles and vessels, to the ~~Department of Environmental Protection relative to boats~~, to the Department of Revenue relative to occupational licenses and the sales and use tax, to the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation relative to beverage licenses, or to the Game and Fresh Water Fish Commission relative to hunting and fishing licenses, containing a statement of the amount remaining unpaid on the worthless check or draft. If the information is not signed, the certificate of the state attorney is issued, and the written report of the amount remaining unpaid is made, the county tax collector may request the sum be forthwith refunded by the appropriate governmental

entity, agency, or department. If a warrant has been issued and served, he or she shall certify to that effect, together with the court costs and amount remaining unpaid on the check. The county tax collector may request that the sum of money certified by him or her be forthwith refunded by the Department of Highway Safety and Motor Vehicles, ~~the Department of Environmental Protection~~, the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the Game and Fresh Water Fish Commission to the county tax collector. Within 30 days after receipt of the request, the Department of Highway Safety and Motor Vehicles, ~~the Department of Environmental Protection~~, the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the Game and Fresh Water Fish Commission, upon being satisfied as to the correctness of the certificate of the tax collector, or the report, shall refund to the county tax collector the sums of money so certified or reported. If any officer of any court issuing the warrant is unable to serve it within 60 days after the issuance and delivery of it to the officer for service, the officer shall make a written return to the county tax collector to this effect. Thereafter, the county tax collector may certify that the warrant has been issued and that service has not been had upon the defendant and further certify the amount of the worthless check or draft and the amount of court costs expended by the county tax collector, and the county tax collector may file the certificate with the Department of Highway Safety and Motor Vehicles relative to motor vehicles and vessels airplanes, ~~with the Department of Environmental Protection relative to boats~~, with the Department of Revenue relative to occupational licenses and the sales and use tax, with the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation relative to beverage licenses, or with the Game and Fresh Water Fish Commission relative to hunting and fishing licenses, together with a request that the sums of money so certified be forthwith refunded by the Department of Highway Safety and Motor Vehicles, ~~the Department of Environmental Protection~~, the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the Game and Fresh Water Fish Commission to the county tax collector, and within 30 days after receipt of the request, the Department of Highway Safety and Motor Vehicles, ~~the Department of Environmental Protection~~, the Department of Revenue, the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation, or the Game and Fresh Water Fish Commission, upon being satisfied as to the correctness of the certificate, shall refund the sums of money so certified to the county tax collector.

Section 69. Paragraph (a) of subsection (2) of section 932.701, Florida Statutes, is amended to read:

932.701 Short title; definitions.—

(2) As used in the Florida Contraband Forfeiture Act:

(a) “Contraband article” means:

1. Any controlled substance as defined in chapter 893 or any substance, device, paraphernalia, or currency or other means of exchange that was

used, was attempted to be used, or was intended to be used in violation of any provision of chapter 893, if the totality of the facts presented by the state is clearly sufficient to meet the state's burden of establishing probable cause to believe that a nexus exists between the article seized and the narcotics activity, whether or not the use of the contraband article can be traced to a specific narcotics transaction.

2. Any gambling paraphernalia, lottery tickets, money, currency, or other means of exchange which was used, was attempted, or intended to be used in violation of the gambling laws of the state.

3. Any equipment, liquid or solid, which was being used, is being used, was attempted to be used, or intended to be used in violation of the beverage or tobacco laws of the state.

4. Any motor fuel upon which the motor fuel tax has not been paid as required by law.

5. Any personal property, including, but not limited to, any vessel, aircraft, item, object, tool, substance, device, weapon, machine, vehicle of any kind, money, securities, books, records, research, negotiable instruments, or currency, which was used or was attempted to be used as an instrumentality in the commission of, or in aiding or abetting in the commission of, any felony, whether or not comprising an element of the felony, or which is acquired by proceeds obtained as a result of a violation of the Florida Contraband Forfeiture Act.

6. Any real property, including any right, title, leasehold, or other interest in the whole of any lot or tract of land, which was used, is being used, or was attempted to be used as an instrumentality in the commission of, or in aiding or abetting in the commission of, any felony, or which is acquired by proceeds obtained as a result of a violation of the Florida Contraband Forfeiture Act.

7. Any personal property, including, but not limited to, equipment, money, securities, books, records, research, negotiable instruments, currency, or any vessel, aircraft, item, object, tool, substance, device, weapon, machine, or vehicle of any kind in the possession of or belonging to any person who takes aquaculture products in violation of s. 812.014(2)(c).

8. Any motor vehicle offered for sale in violation of s. 320.28.

Section 70. For the purpose of incorporating the amendment to section 932.701(2)(a), Florida Statutes, in references thereto, subsection (6) of section 705.101, Florida Statutes, and subsection (4) of section 932.703, Florida Statutes, is reenacted to read:

705.101 Definitions.—As used in this chapter:

(6) “Unclaimed evidence” means any tangible personal property, including cash, not included within the definition of “contraband article,” as provided in s. 932.701(2), which was seized by a law enforcement agency, was intended for use in a criminal or quasi-criminal proceeding, and is retained

by the law enforcement agency or the clerk of the county or circuit court for 60 days after the final disposition of the proceeding and to which no claim of ownership has been made.

932.703 Forfeiture of contraband article; exceptions.—

(4) In any incident in which possession of any contraband article defined in s. 932.701(2)(a) constitutes a felony, the vessel, motor vehicle, aircraft, other personal property, or real property in or on which such contraband article is located at the time of seizure shall be contraband subject to forfeiture. It shall be presumed in the manner provided in s. 90.302(2) that the vessel, motor vehicle, aircraft, other personal property, or real property in which or on which such contraband article is located at the time of seizure is being used or was attempted or intended to be used in a manner to facilitate the transportation, carriage, conveyance, concealment, receipt, possession, purchase, sale, barter, exchange, or giving away of a contraband article defined in s. 932.701(2).

Section 71. Paragraph (d) of subsection (6) of section 932.703, Florida Statutes, is amended to read:

932.703 Forfeiture of contraband article; exceptions.—

(6)

(d) A vehicle that is rented or leased from a company engaged in the business of renting or leasing vehicles, which vehicle was rented or leased in the manner prescribed by law prior to the seizure, may not be forfeited under the Florida Contraband Forfeiture Act, and no fine, penalty, or administrative charge, other than reasonable and customary charges for towing and storage, shall be imposed by any governmental agency on the company which rented or leased the vehicle, unless the seizing agency establishes by preponderance of the evidence that the renter or lessor had actual knowledge, at the time the vehicle was rented or leased, that the vehicle was being employed or was likely to be employed in criminal activity. When a vehicle that is rented or leased from a company engaged in the business of renting or leasing vehicles is seized under the Florida Contraband Forfeiture Act, upon learning the address or phone number of the company, the seizing law enforcement agency shall, as soon as practicable, inform the company that the vehicle has been seized and is available for the company to take possession upon payment of the reasonable and customary charges for towing and storage.

Section 72. (1) SHORT TITLE AND PURPOSE.—

(a) This section may be cited as the “Florida Clean Fuel Act.”

(b) The purposes of this act are to establish the Clean Fuel Florida Advisory Board under the Department of Community Affairs to study the implementation of alternative fuel vehicles and to formulate and provide to the Secretary of Community Affairs recommendations on expanding the use of alternative fuel vehicles in this state and make funding available for implementation.

(2) DEFINITIONS.—For purposes of this act:

(a) “Alternative fuels” include electricity, biodiesel, natural gas, propane, and any other fuel that may be deemed appropriate in the future by the Department of Community Affairs with guidance from the Clean Fuel Florida Advisory Board.

(b) “Alternative fuel vehicles” include on-road and off-road transportation vehicles and light-duty, medium-duty, and heavy-duty vehicles that are powered by an alternative fuel or a combination of alternative fuels.

(3) CLEAN FUEL FLORIDA ADVISORY BOARD ESTABLISHED; MEMBERSHIP; DUTIES AND RESPONSIBILITIES.—

(a) The Clean Fuel Florida Advisory Board is established within the Department of Community Affairs.

(b)1. The advisory board shall consist of the Secretary of Community Affairs, or a designee from that department, the Secretary of Environmental Protection, or a designee from that department, the Secretary of Education, or a designee from that department, the Secretary of Transportation, or a designee from that department, the Commissioner of Agriculture, or a designee from the department of Agriculture and Consumer Services, the Secretary of Management Services, or a designee from that department, and a representative of each of the following, who shall be appointed by the Secretary of Community Affairs within 30 days after the effective date of this act:

- a. The Florida biodiesel industry.
- b. The Florida electric utility industry.
- c. The Florida natural gas industry.
- d. The Florida propane gas industry.
- e. An automobile manufacturers' association.
- f. A Florida Clean Cities Coalition designated by the United States Department of Energy.
- g. Enterprise Florida, Inc.
- h. EV Ready Broward.
- i. The Florida petroleum industry.
- j. The Florida League of Cities.
- k. The Florida Association of Counties.
- l. Floridians for Better Transportation.
- m. A motor vehicle manufacturer.
- n. Florida Local Environment Resource Agencies.

- o. Project for an energy efficient Florida.
- p. Florida Transportation Builders Association.
2. The purpose of the advisory board is to serve as a resource for the department and to provide the Governor, the Legislature, and the Secretary of Community Affairs with private sector and other public agency perspectives on achieving the goal of increasing the use of alternative fuel vehicles in this state.
3. Members shall be appointed to serve terms of one year each, with reappointment at the discretion of the Secretary of Community Affairs. Vacancies shall be filled for the remainder of the unexpired term in the same manner as the original appointment.
4. The board shall annually select a chairperson.
 - 5.a. The board shall meet at least once each quarter or more often at the call of the chairperson or the Secretary of Community Affairs.
 - b. Meetings are exempt from the notice requirements of chapter 120, Florida Statutes, and sufficient notice shall be given to afford interested persons reasonable notice under the circumstances.
 6. Members of the board are entitled to travel expenses while engaged in the performance of board duties.
 7. The board shall terminate 5 years after the effective date of this act.
 - (c) The board shall review the performance of the state with reference to alternative fuel vehicle implementation in complying with federal laws and maximizing available federal funding and may:
 1. Advise the Governor, Legislature, and the Secretary of Community Affairs and make recommendations regarding implementation and use of alternative fuel vehicles in this state.
 2. Identify potential improvements in this act and the state's alternative fuel policies.
 3. Request from all state agencies any information the board determines relevant to board duties.
 4. Regularly report to the Secretary of Community Affairs, the Governor, the President of the Senate, and the Speaker of the House of Representatives regarding the board's findings and recommendations.
 - (d)1. The advisory board shall, within 120 days after its first meeting, make recommendations to the Department of Community Affairs for establishing pilot programs in this state that provide experience and support the best use expansion of the alternative fuel vehicle industry in this state. No funds shall be released for a project unless there is at least a 50 percent private or local match.

2. In addition to the pilot programs, the advisory board shall assess federal, state, and local initiatives to identify incentives that encourage successful alternative fuel vehicle programs, obstacles to alternative fuel vehicle use including legislative, regulatory, and economic obstacles, and programs that educate and inform the public about alternative fuel vehicles.

3. The advisory board is charged with determining a reasonable, fair, and equitable way to address current motor fuel taxes as they apply to alternative fuels and at what threshold of market penetration.

4. Based on its findings, the advisory board shall develop recommendations to the Legislature on future alternative fuel vehicle programs and legislative changes that provide the best use of state and other resources to enhance the alternative fuel vehicle market in this state and maximize the return on that investment in terms of job creation, economic development, and emissions reduction.

(e) The advisory board, working with the Department of Community Affairs, shall develop a budget for the department's approval and all expenditures shall be approved by the department. At the conclusion of the first year, the department shall conduct an audit of the board and board programs.

Section 73. Subsection (1) of section 322.051, Florida Statutes, is amended to read:

322.051 Identification cards.—

(1) Any person who is 12 years of age or older, or any person who has a disability, regardless of age, who applies for a disabled parking permit under s. 320.0848, may be issued an identification card by the department upon completion of an application and payment of an application fee.

(a) Each such application shall include the following information regarding the applicant:

1. Full name (first, middle or maiden, and last), gender, social security card number, residence and mailing address, and a brief description.

2. Proof of birth date satisfactory to the department.

3. Proof of identity satisfactory to the department, including one of the following: a certified copy of a United States birth certificate, a valid United States passport, an alien registration receipt card (green card), an employment authorization card issued by the United States Department of Justice, or proof of nonimmigrant classification provided by the United States Department of Justice, for an original identification card. ~~The application must include the applicant's full name (first, middle or maiden, and last), sex, race, residence address and mailing address, proof of birth satisfactory to the department, and other data that the department requires.~~

(b) An application for an identification card must be signed and verified by the applicant in a format designated by the department before a person

authorized to administer oaths. The fee for an identification card is \$3, including payment for the color photograph or digital image of the applicant.

Section 74. Subsection (2) of section 322.08, Florida Statutes, 1998 Supplement, is amended to read:

322.08 Application for license.—

(2) Each such application shall include the following information regarding the applicant:

(a) Full name (first, middle or maiden, and last), gender, social security card number, residence and mailing address, and a brief description.

(b) Proof of birth date satisfactory to the department.

(c) Proof of identity satisfactory to the department, including one of the following: a certified copy of a United States birth certificate, a valid United States passport, an alien registration receipt card (green card), an employment authorization card issued by the United States Department of Justice, or proof of nonimmigrant classification provided by the United States Department of Justice, for an original license.

~~(d) Whether the applicant has previously been licensed to drive, and, if so, when and by what state, and whether any such license or driving privilege has ever been disqualified, revoked, or suspended, or whether an application has ever been refused, and, if so, the date of and reason for such disqualification, suspension, revocation, or refusal. Each such application shall reflect the full name (first, middle or maiden, and last), proof of identity satisfactory to the department, proof of birth date satisfactory to the department, sex, social security number, and residence and mailing address of the applicant, and briefly describe the applicant, and shall state whether the applicant has previously been licensed to drive, and if so, when and by what state, and whether any such license or driving privilege has ever been disqualified, revoked, or suspended, or whether an application has ever been refused, and if so, the date of and reason for such disqualification, suspension, revocation, or refusal.~~

Section 75. Paragraph (b) of subsection (1) of section 322.09, Florida Statutes, is amended to read:

322.09 Application of minors.—

(1)

(b) There shall be submitted with each application a certified copy of a United States birth certificate, a valid United States passport, an alien registration receipt card (green card), an employment authorization card issued by the United States Department of Justice, or proof of nonimmigrant classification provided by the United States Department of Justice, for an original license ~~the birth certificate of the applicant. If the applicant is unable to furnish such certified copy, a certificate from the public school authorities as to the age of the applicant upon entering school as required~~

~~by s. 232.03, or the school authorities of the state where applicant enrolled in school, shall be submitted. Upon inability of applicant to establish a birth date as above provided, then the same may be established in the order of preference as provided by s. 232.03. However, uncertified copies of such documents shall not be accepted.~~

Section 76. Effective October 1, 1999, subsection (1) of section 627.743, Florida Statutes, is amended and subsection (2) is added to said section to read:

627.743 Payment of third-party claims.—

(1) Before making any payment on a claim for damage to an automobile for a total loss, regardless of amount, which automobile is owned by a person who is not named as an insured in the policy under which payment is made, the insurer shall first cause a search of the records of the Department of Highway Safety and Motor Vehicles to be made in order to determine whether the damaged vehicle is subject to any liens. If the search discloses the existence of any liens, payment of the claim shall be made jointly to the owner of the damaged vehicle and the first lienholder of record. The insurer shall not be subject to the requirements of this section if the owner of the damaged vehicle presents to the insurer a title certificate for such vehicle.

(2) When making any payment on a third party claim for damage to an automobile for a partial loss, the insurer shall have printed on the loss estimate, if prepared by the insurer, the following: "Failure to use the insurance proceeds in accordance with the security agreement, if any, could be a violation of s. 812.014, Florida Statutes. If you have any questions, contact your lending institution." However, this subsection does not apply if the insurer does not prepare the loss estimate.

Section 77. Highway 326 from I-75 east to Highway 441/301/27 shall hereby be known as the Mike Stavola Highway. The Department of Transportation shall erect suitable markers acknowledging the above.

Section 78. Effective June 1, 2000, subsection (6) is added to section 318.1451, Florida Statutes, to read:

318.1451 Driver improvement schools.—

(6)(a) No governmental entity or court shall provide, issue, or maintain any information or orders regarding driver improvement schools or course providers, with the exception of directing inquiries or requests to the local telephone directory heading of driving instruction or the traffic school reference guide. However, the department is authorized to maintain the information and records necessary to administer its duties and responsibilities for driver improvement courses. Where such information is a public record as defined in chapter 119, it shall be made available to the public upon request pursuant to s. 119.07(1).

(b) The department shall prepare for any governmental entity to distribute a traffic school reference guide which shall list the benefits of attending a driver improvement school, but under no circumstance may any list of

course providers or schools be included, and shall refer further inquiries to the telephone directory under driving instruction.

Section 79. Paragraph (c) of subsection (2) of section 812.014, Florida Statutes, is amended to read:

812.014 Theft.—

(2)

(c) It is grand theft of the third degree and a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if the property stolen is:

1. Valued at \$300 or more, but less than \$5,000.
2. Valued at \$5,000 or more, but less than \$10,000.
3. Valued at \$10,000 or more, but less than \$20,000.
4. A will, codicil, or other testamentary instrument.
5. A firearm.
6. A motor vehicle, except as provided in subparagraph (2)(a).

7. Any commercially farmed animal, including any animal of the equine, bovine, or swine class, or other grazing animal, and including aquaculture species raised at a certified aquaculture facility. If the property stolen is aquaculture species raised at a certified aquaculture facility, then a \$10,000 fine shall be imposed.

8. Any fire extinguisher.

9. Any amount of citrus fruit consisting of 2,000 or more individual pieces of fruit.

10. Taken from a designated construction site identified by the posting of a sign as provided for in s. 810.09(2)(d).

11. Any stop sign.

Section 80. Subsection (69) of section 316.003, Florida Statutes, 1998 Supplement, is reenacted to read:

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

(69) HAZARDOUS MATERIAL.—Any substance or material which has been determined by the secretary of the United States Department of Transportation to be capable of imposing an unreasonable risk to health, safety, and property. This term includes hazardous waste as defined in s. 403.703(21).

Section 81. Paragraph (k) of subsection (1) and subsection (6) of section 316.008, Florida Statutes, are amended to read:

316.008 Powers of local authorities.—

(1) The provisions of this chapter shall not be deemed to prevent local authorities, with respect to streets and highways under their jurisdiction and within the reasonable exercise of the police power, from:

(k) Requiring written crash ~~accident~~ reports.

(6) A county or municipality may enact an ordinance providing for the establishment of a “combat automobile theft” program, and may charge a fee for the administration of the program and the cost of the decal. Such a program shall include:

(a) Consent forms for motor vehicle owners who wish to enroll their vehicles.

(b) Decals indicating a vehicle’s enrollment in the “combat automobile theft” program. The Department of Law Enforcement shall, ~~no later than October 1, 1993,~~ approve the color, design, and other specifications of the program decal.

(c) A consent form signed by a motor vehicle owner provides authorization for a law enforcement officer to stop the vehicle when it is being driven between the hours of 1 a.m. and 5 a.m., provided that a decal is conspicuously affixed to the bottom left corner of the back window of the vehicle to provide notice of its enrollment in the “combat automobile theft” program. The owner of the motor vehicle is responsible for removing the decal when terminating participation in the program, or when selling or otherwise transferring ownership of the vehicle. No civil liabilities will arise from the actions of a law enforcement officer when stopping a vehicle with a yellow decal evidencing enrollment in the program when the driver is not enrolled in the program provided that the stop is made in accordance with the requirements of the “combat automobile theft” program.

Section 82. Section 316.027, Florida Statutes, is amended to read:

316.027 Crash ~~Accidents~~ involving death or personal injuries.—

(1)(a) The driver of any vehicle involved in a crash ~~an accident~~ resulting in injury of any person must immediately stop the vehicle at the scene of the crash ~~accident~~, or as close thereto as possible, and must remain at the scene of the crash ~~accident~~ until he or she has fulfilled the requirements of s. 316.062. Any person who willfully violates this paragraph is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) The driver of any vehicle involved in a crash ~~an accident~~ resulting in the death of any person must immediately stop the vehicle at the scene of the crash ~~accident~~, or as close thereto as possible, and must remain at the scene of the crash ~~accident~~ until he or she has fulfilled the requirements of

s. 316.062. Any person who willfully violates this paragraph is guilty of a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) The department shall revoke the driver's license of the person so convicted.

(3) Every stop must be made without obstructing traffic more than is necessary, and, if a damaged vehicle is obstructing traffic, the driver of the vehicle must 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 shall be cited for a nonmoving violation, punishable as provided in chapter 318.

(4) A person whose commission of a noncriminal traffic infraction or any violation of this chapter or s. 240.265 causes or results in the death of another person may, in addition to any other civil, criminal, or administrative penalty imposed, be required by the court to serve 120 community service hours in a trauma center or hospital that regularly receives victims of vehicle accidents, under the supervision of a registered nurse, an emergency room physician, or an emergency medical technician pursuant to a voluntary community service program operated by the trauma center or hospital.

Section 83. Section 316.061, Florida Statutes, is amended to read:

316.061 Crashes ~~Accidents~~ involving damage to vehicle or property.—

(1) The driver of any vehicle involved in a crash ~~an accident~~ resulting only in damage to a vehicle or other property which is driven or attended by any person shall immediately stop such vehicle at the scene of such crash ~~accident~~ or as close thereto as possible, and shall forthwith return to, and in every event shall remain at, the scene of the crash ~~accident~~ until he or she has fulfilled the requirements of s. 316.062. A person who violates this subsection commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. Any person failing to stop or comply with said requirements shall, upon conviction, be punished by a fine of not more than \$500 or by imprisonment for not more than 60 days or by both such fine and imprisonment. Notwithstanding any other provision of this section, \$5 shall be added to a fine imposed pursuant to this section, which \$5 shall be deposited in the Emergency Medical Services Trust Fund.

(2) Every stop must be made without obstructing traffic more than is necessary, and, if a damaged vehicle is obstructing traffic, the driver of such vehicle must make every reasonable effort to move the vehicle or have it moved so as not to block the regular flow of traffic. Any person failing to comply with this subsection shall be cited for a nonmoving violation, punishable as provided in chapter 318.

Section 84. Section 316.062, Florida Statutes, is amended to read:

316.062 Duty to give information and render aid.—

(1) The driver of any vehicle involved in a crash ~~an accident~~ resulting in injury to or death of any person or damage to any vehicle or other property which is driven or attended by any person shall give his or her name, address, and the registration number of the vehicle he or she is driving, and shall upon request and if available exhibit his or her license or permit to drive, to any person injured in such crash ~~accident~~ or to the driver or occupant of or person attending any vehicle or other property damaged in the crash ~~accident~~ and shall give such information and, upon request, exhibit such license or permit to any police officer at the scene of the crash ~~accident~~ or who is investigating the crash ~~accident~~ and shall render to any person injured in the crash ~~accident~~ reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon, or hospital for medical or surgical treatment if it is apparent that treatment is necessary, or if such carrying is requested by the injured person.

(2) In the event none of the persons specified are in condition to receive the information to which they otherwise would be entitled under subsection (1), and no police officer is present, the driver of any vehicle involved in such crash ~~accident~~, after fulfilling all other requirements of s. 316.027 and subsection (1), insofar as possible on his or her part to be performed, shall forthwith report the crash ~~accident~~ to the nearest office of a duly authorized police authority and submit thereto the information specified in subsection (1).

(3) The statutory duty of a person to make a report or give information to a law enforcement officer making a written report relating to a crash ~~an accident~~ shall not be construed as extending to information which would violate the privilege of such person against self-incrimination.

(4) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 85. Section 316.063, Florida Statutes, 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 a crash ~~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.

(2) The law enforcement officer at the scene of a crash ~~an accident~~ required to be reported in accordance with the provisions of subsection (1) or the law enforcement officer receiving a report by a driver as required by subsection (1) shall, if part or any of the property damaged is a fence or other structure used to house or contain livestock, promptly make a reasonable effort to notify the owner, occupant, or agent of this damage.

Section 86. Section 316.064, Florida Statutes, is amended to read:

316.064 When driver unable to report.—

(1) A crash ~~An accident~~ report is not required under this chapter from any person who is physically incapable of making a report during the period of such incapacity.

(2) Whenever the driver of a vehicle is physically incapable of making an immediate or a written report of a crash ~~an accident~~, as required in ss. 316.065 and 316.066, and there was another occupant in the vehicle at the time of the crash ~~accident~~ capable of making a report, such occupant shall make or cause to be made the report not made by the driver.

(3) Whenever the driver is physically incapable of making a written report of a crash ~~an accident~~ as required in this chapter, then the owner of the vehicle involved in the crash ~~accident~~ shall, within 10 days after the crash ~~accident~~, make such report not made by the driver.

(4) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 87. Section 316.065, Florida Statutes, is amended to read:

316.065 Crashes ~~Accidents~~; reports; penalties.—

(1) The driver of a vehicle involved in a crash ~~an accident~~ resulting in injury to or death of any persons or damage to any vehicle or other property in an apparent amount of at least \$500 shall immediately by the quickest means of communication give notice of the crash ~~accident~~ to the local police department, if such crash ~~accident~~ occurs within a municipality; otherwise, to the office of the county sheriff or the nearest office or station of the Florida Highway Patrol. A violation of this subsection is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

(2) Every coroner or other official performing like functions, upon learning of the death of a person in his or her jurisdiction as the result of a traffic crash ~~accident~~, shall immediately notify the nearest office or station of the department.

(3) Any person in charge of any garage or repair shop to which is brought any motor vehicle which shows evidence of having been struck by a bullet, or any other person to whom is brought for the purpose of repair a motor vehicle showing such evidence, shall make a report, or cause a report to be made, to the nearest local police station or Florida Highway Patrol office within 24 hours after the motor vehicle is received and before any repairs

are made to the vehicle. The report shall contain the year, license number, make, model, and color of the vehicle and the name and address of the owner or person in possession of the vehicle.

(4) Any person who knowingly repairs a motor vehicle without having made a report as required by subsection (3) is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. The owner and driver of a vehicle involved in a crash ~~an accident~~ who makes a report thereof in accordance with subsection (1) or s. 316.066(1) is not liable under this section.

Section 88. Section 316.066, Florida Statutes, is amended to read:

316.066 Written reports of crashes ~~accidents~~.—

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

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

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

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

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

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

However, in every case in which a crash ~~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 crash ~~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 crash 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 crash accident; and the names of the insurance companies for the respective parties involved in the crash accident. Each party to the crash accident shall provide the law enforcement officer with proof of insurance to be included in the crash 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 crash accident. Any party who fails to provide the required information 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 crash accident, proof of insurance that was valid at the time of the crash accident, the law enforcement agency may void the citation.

(b) One or more counties may enter into an agreement with the appropriate state agency to be certified by the agency to have a traffic records center for the purpose of tabulating and analyzing countywide traffic crash accident reports. The agreement must include: certification by the agency that the center has adequate auditing and monitoring mechanisms in place to ensure the quality and accuracy of the data; the time period in which the traffic records center must report crash accident data to the agency; and the medium in which the traffic records must be submitted to the agency. In the case of a county or multicounty area that has a certified central traffic records center, a law enforcement agency or driver must submit to the center within the time limit prescribed in this section a written report of the crash accident. A driver who is required to file a crash an-accident report must be notified of the proper place to submit the completed report. Fees for copies of public records provided by a certified traffic records center shall be charged and collected as follows:

- For a crash an-accident report \$2 per copy.
- For a homicide report \$25 per copy.
- For a uniform traffic citation \$0.50 per copy.

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

(c) Crash Accident reports made by law enforcement officers shall not be used for commercial solicitation purposes; ~~provided, however, the that use of a crash an-accident report for purposes of publication in a newspaper or other news periodical or a radio or television broadcast shall not be construed as "commercial purpose."~~

(4) Except as specified in this subsection, each crash accident report made by a person involved in a crash an-accident and any statement made by such person to a law enforcement officer for the purpose of completing a crash an-accident report required by this section shall be without prejudice

to the individual so reporting. No such report or statement shall be used as evidence in any trial, civil or criminal. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the officer by the person involved in the crash accident if that person's privilege against self-incrimination is not violated. The results of breath, urine, and blood tests administered as provided in s. 316.1932 or s. 316.1933 are not confidential and shall be admissible into evidence in accordance with the provisions of s. 316.1934(2). Crash Accident reports made by persons involved in crashes accidents shall not be used for commercial solicitation purposes; ~~provided, however, that~~ the use of a crash an accident report for purposes of publication in a newspaper or other news periodical or a radio or television broadcast shall not be construed as "commercial purpose."

(5) For purposes of this section, a written report includes a report generated by a law enforcement agency through the use of a computer.

(6) Any driver failing to file the written report required under subsection (1) or subsection (2) commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318 is subject to the penalty provided in s. 318.18(2).

Section 89. Section 316.067, Florida Statutes, is amended to read:

316.067 False reports.—Any person who gives information in oral, electronic, or written reports as required in this chapter, knowing or having reason to believe that such information is false, commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083 shall be punished by a fine of not more than \$500 or by imprisonment for not more than 60 days or by both such fine and imprisonment.

Section 90. Section 316.068, Florida Statutes, is amended to read:

316.068 Crash Accident report forms.—

(1) The department shall prepare and, upon request, supply to police departments, sheriffs, and other appropriate agencies or individuals forms for crash accident reports as required in this chapter, suitable with respect to the persons required to make such reports and the purposes to be served. The form must call for sufficiently detailed information to disclose, with reference to a vehicle crash accident, the cause and conditions then existing and the persons and vehicles involved. Every crash accident report form must call for the policy numbers of liability insurance and the names of carriers covering any vehicle involved in a crash an accident required to be reported by this chapter.

(2) Every crash accident report required to be made in writing must be made on the appropriate form approved by the department and must contain all the information required therein unless not available. Notwithstanding any other provisions of this section, a crash an accident report produced electronically by a law enforcement officer must, at a minimum, contain the same information as is called for on those forms approved by the department.

Section 91. Section 316.069, Florida Statutes, is amended to read:

316.069 State to tabulate and analyze crash accident reports.—The state shall tabulate and may analyze all crash accident reports and shall publish, annually, or at more frequent intervals, statistical information based thereon as to the number and circumstances of traffic crashes accidents. The state shall maintain separate statistics on the number and location of crashes accidents involving tandem trailer trucks.

Section 92. Section 316.070, Florida Statutes, is amended to read:

316.070 Exchange of information at scene of crash accident.—The law enforcement officer at the scene of a crash an accident required to be reported in accordance with the provisions of s. 316.066 shall instruct the driver of each vehicle involved in the crash accident to report the following to all other parties suffering injury or property damage as an apparent result of the crash accident:

- (1) The name and address of the owner and the driver of the vehicle.
- (2) The license number of the vehicle.
- (3) The name of the liability carrier for the vehicle.

Section 93. Subsections (2) and (3) of section 316.072, Florida Statutes, are amended to read:

316.072 Obedience to and effect of traffic laws.—

(2) **REQUIRED OBEDIENCE TO TRAFFIC LAWS.**—It is unlawful for any person to do any act forbidden, or to fail to perform any act required, in this chapter. It is unlawful for the owner, or any other person employing or otherwise directing the driver of any vehicle, to require or knowingly permit the operation of such vehicle upon a highway in any manner contrary to law. A violation of this subsection is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

(3) **OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS.**—It is unlawful and a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083, for any person willfully to fail or refuse to comply with any lawful order or direction of any law enforcement officer, traffic crash accident investigation officer as described in s. 316.640, traffic infraction enforcement officer as described in s. 316.640 ~~318.141~~, or member of the fire department at the scene of a fire, rescue operation, or other emergency. Notwithstanding the provisions of this subsection, certified emergency medical technicians or paramedics may respond to the scene of emergencies and may provide emergency medical treatment on the scene and provide transport of patients in the performance of their duties for an emergency medical services provider licensed under chapter 401 and in accordance with any local emergency medical response protocols.

Section 94. Subsection (6) is added to section 316.074, Florida Statutes, to read:

316.074 Obedience to and required traffic control devices.—

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

Section 95. Subsections (2) and (3) of section 316.0745, Florida Statutes, are amended to read:

316.0745 Uniform signals and devices.—

(2) The Department of Transportation shall compile and publish a manual of uniform traffic control devices which defines the uniform system adopted pursuant to subsection (1), and shall compile and publish minimum specifications for traffic control signals and devices certified by it as conforming with the uniform system.

(a) The department shall make copies of such manual and specifications available to all counties, municipalities, and other public bodies having jurisdiction of streets or highways open to the public in this state.

(b) The manual shall provide for the use of regulatory speed signs in work zone areas. The installation of such signs is exempt from the provisions of s. 335.10.

~~(3) All official traffic control signals or official traffic control devices purchased and installed in this state by any public body or official shall conform with the manual and specifications published by the Department of Transportation pursuant to subsection (2). All traffic control devices other than traffic control signals purchased prior to July 1, 1972, not conforming to said system may continue in use until January 1, 1975, after which time such devices must comply with the uniform system. All traffic control signals purchased prior to January 1, 1972, not conforming to said system may continue in use until January 1, 1980, after which time such signals must comply with the uniform system.~~

Section 96. Section 316.0747, Florida Statutes, is amended to read:

316.0747 Sale or purchase of traffic control devices by nongovernmental entities; prohibitions.—

(1) It is unlawful for any nongovernmental entity to use any traffic control device at any place where the general public is invited, unless such device conforms to the uniform system of traffic control devices adopted by the Department of Transportation pursuant to this chapter.

~~(2) Any nonconforming traffic control device in use by a nongovernmental entity prior to January 1, 1980, may be used for the remainder of its useful life, but no longer than January 1, 1992, after which any replacement device shall conform to the uniform system of traffic control devices adopted by the Department of Transportation.~~

~~(2)(3)~~ Nongovernmental entities to which the general public is invited to travel shall install and maintain uniform traffic control devices at appropriate locations pursuant to the standards set forth by the Manual on Uniform

Traffic Control Devices as adopted by the Department of Transportation pursuant to s. 316.0745. Such traffic control devices shall be installed no later than January 1, 1992. Businesses the parking lots of which do not provide intersecting lanes of traffic and businesses having fewer than 25 parking spaces are exempt from the provisions of this subsection. The Department of Transportation shall adopt rules to implement this section.

(3)(4) A person who violates this section commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 97. Section 316.075, Florida Statutes, is amended to read:

316.075 Traffic control signal devices.—

(1) Except for automatic warning signal lights installed or to be installed at railroad crossings, whenever traffic, including municipal traffic, is controlled by traffic control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(a)(1) Green indication.—

1.(a) Vehicular traffic facing a circular green signal may proceed cautiously straight through or turn right or left unless a sign at such place prohibits either such turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

2.(b) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, as directed by the manual, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time, except the driver of any vehicle may U-turn, so as to proceed in the opposite direction unless such movement is prohibited by posted traffic control signs. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection.

3.(c) Unless otherwise directed by a pedestrian control signal as provided in s. 316.0755, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b)(2) Steady yellow indication.—

1.(a) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.

2.(b) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian control signal as provided in s. 316.0755, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall start to cross the roadway.

(c)(3) Steady red indication.—

1.(a) Vehicular traffic facing a steady red signal shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until a green indication is shown; however:

a.1. The driver of a vehicle which is stopped at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or, if none then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection in obedience to a steady red signal may make a right turn, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that municipal and county authorities may prohibit any such right turn against a steady red signal at any intersection, which prohibition shall be effective when a sign giving notice thereof is erected in a location visible to traffic approaching the intersection.

b.2. The driver of a vehicle on a one-way street that intersects another one-way street on which traffic moves to the left shall stop in obedience to a steady red signal, but may then make a left turn into the one-way street, but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection, except that municipal and county authorities may prohibit any such left turn as described, which prohibition shall be effective when a sign giving notice thereof is attached to the traffic control signal device at the intersection.

2.(b) Unless otherwise directed by a pedestrian control signal as provided in s. 316.0755, pedestrians facing a steady red signal shall not enter the roadway.

(2)(4) In the event an official traffic control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(3)(5)(a) No traffic control signal device shall be used which does not exhibit a yellow or "caution" light between the green or "go" signal and the red or "stop" signal.

(b) No traffic control signal device shall display other than the color red at the top of the vertical signal, nor shall it display other than the color red at the extreme left of the horizontal signal.

(4) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as either a pedestrian violation or, if the infraction resulted from the operation of a vehicle, as a moving violation.

Section 98. Section 316.076, Florida Statutes, is amended to read:

316.076 Flashing signals.—

(1) Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(a)(1) Flashing red (stop signal).—When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection, or if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b)(2) Flashing yellow (caution signal).—When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

(2)(3) This section does not apply at railroad-highway grade crossings. Conduct of drivers of vehicles approaching such crossings shall be governed by the rules as set forth in ss. 316.1575 and 316.159.

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

Section 99. Section 316.0765, Florida Statutes, is amended to read:

316.0765 Lane direction control signals.—When lane direction control signals are placed over the individual lanes of a street or highway, vehicular traffic may travel in any lane or lanes over which a green signal is shown, but shall not enter or travel in any lane or lanes over which a red signal is shown. A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 100. Subsection (5) is added to section 316.077, Florida Statutes, to read:

316.077 Display of unauthorized signs, signals or markings.—

(5) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 101. Section 316.0775, Florida Statutes, is amended to read:

316.0775 Interference with official traffic control devices or railroad signs or signals.—No person shall, without lawful authority, attempt to or in fact alter, deface, injure, knock down or remove any official traffic control device or any railroad sign or signal or any inscription, shield or insignia thereon, or any other part thereof. A violation of this section is a noncriminal

traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 102. Section 316.078, Florida Statutes, is amended to read:

316.078 Detour signs to be respected.—

(1) It is unlawful to tear down or deface any detour sign or to break down or drive around any barricade erected for the purpose of closing any section of a public street or highway to traffic during the construction or repair thereof or to drive over such section of public street or highway until again thrown open to public traffic. However, such restriction shall not apply to the person in charge of the construction or repairs.

(2) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as:

(a) A nonmoving violation for tearing, breaking down, or defacing any detour sign.

(b) A moving violation for driving around any barricade erected for the purpose of closing any section of a public street or highway to traffic that is under construction or repair or driving over such section of public street or highway until open to public traffic.

Section 103. Subsection (3) is added to section 316.079, Florida Statutes, to read:

316.079 Duty to yield to highway construction workers.—

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

Section 104. Subsection (4) is added to section 316.081, Florida Statutes, to read:

316.081 Driving on right side of roadway; exceptions.—

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

Section 105. Subsection (3) is added to section 316.082, Florida Statutes, to read:

316.082 Passing vehicles proceeding in opposite directions.—

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

Section 106. Section 316.0825, Florida Statutes, is amended to read:

316.0825 Vehicle approaching an animal.—Every person operating a motor vehicle shall use reasonable care when approaching or passing a person who is riding or leading an animal upon a roadway or the shoulder thereof, and shall not intentionally startle or injure such an animal. A

violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 107. Subsection (3) is added to section 316.083, Florida Statutes, to read:

316.083 Overtaking and passing a vehicle.—The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to those limitations, exceptions, and special rules hereinafter stated:

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

Section 108. Subsection (3) is added to section 316.084, Florida Statutes, to read:

316.084 When overtaking on the right is permitted.—

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

Section 109. Subsection (3) is added to section 316.085, Florida Statutes, to read:

316.085 Limitations on overtaking, passing, changing lanes and changing course.—

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

Section 110. Subsection (3) is added to section 316.087, Florida Statutes, to read:

316.087 Further limitations on driving to left of center of roadway.—

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

Section 111. Subsection (4) is added to section 316.0875, Florida Statutes, to read:

316.0875 No-passing zones.—

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

Section 112. Subsection (4) is added to section 316.088, Florida Statutes, to read:

316.088 One-way roadways and rotary traffic islands.—

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

Section 113. Subsection (5) is added to section 316.089, Florida Statutes, to read:

316.089 Driving on roadways laned for traffic.—Whenever any roadway has been divided into two or more clearly marked lanes for traffic, the following rules, in addition to all others consistent herewith, shall apply:

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

Section 114. Subsection (4) is added to section 316.0895, Florida Statutes, to read:

316.0895 Following too closely.—

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

Section 115. Subsection (3) is added to section 316.090, Florida Statutes, to read:

316.090 Driving on divided highways.—

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

Section 116. Subsection (5) is added to section 316.091, Florida Statutes, to read:

316.091 Limited access facilities; interstate highways; use restricted.—

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

Section 117. Subsection (6) is added to section 316.121, Florida Statutes, to read:

316.121 Vehicles approaching or entering intersections.—

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

Section 118. Section 316.122, Florida Statutes, is amended to read:

316.122 Vehicle turning left.—The driver of a vehicle intending to turn to the left within an intersection or into an alley, private road, or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard. A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 119. Subsection (4) is added to section 316.123, Florida Statutes, to read:

316.123 Vehicle entering stop or yield intersection.—

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

Section 120. Section 316.1235, Florida Statutes, is amended to read:

316.1235 Vehicle approaching intersection in which traffic lights are inoperative.—The driver of a vehicle approaching an intersection in which the traffic lights are inoperative shall stop in the manner indicated in s. 316.123(2) for approaching a stop intersection. In the event that only some of the traffic lights within an intersection are inoperative, the driver of a vehicle approaching an inoperative light shall stop in the above-prescribed manner. A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 121. Subsection (3) is added to section 316.125, Florida Statutes, to read:

316.125 Vehicle entering highway from private road or driveway or emerging from alley, driveway or building.—

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

Section 122. Subsection (6) is added to section 316.126, Florida Statutes, to read:

316.126 Operation of vehicles and actions of pedestrians on approach of authorized emergency vehicle.—

(6) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as either a moving violation for infractions of subsection (1) or subsection (3), or as a pedestrian violation for infractions of subsection (2).

Section 123. Subsection (19) is added to section 316.130, Florida Statutes, to read:

316.130 Pedestrian obedience to traffic control devices and traffic regulations.—

(19) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as either a pedestrian violation or, if the infraction resulted from the operation of a vehicle, as a moving violation.

Section 124. Section 316.1355, Florida Statutes, is amended to read:

316.1355 Driving through safety zone prohibited.—No vehicle shall at any time be driven through or within a safety zone. A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 125. Subsection (3) is added to section 316.151, Florida Statutes, to read:

316.151 Required position and method of turning at intersections.—

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

Section 126. Section 316.1515, Florida Statutes, is amended to read:

316.1515 Limitations on turning around.—The driver of any vehicle shall not turn the vehicle so as to proceed in the opposite direction upon any street unless such movement can be made in safety and without interfering with other traffic and unless such movement is not prohibited by posted traffic control signs. A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 127. Section 316.152, Florida Statutes, is amended to read:

316.152 Turning on curve or crest of grade prohibited.—No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near, the crest of a grade, where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction within 500 feet. A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 128. Section 316.154, Florida Statutes, is amended to read:

316.154 Starting parked vehicle.—No person shall start a vehicle which is stopped, standing, or parked, unless and until such movement can be made with reasonable safety. A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 129. Subsection (5) is added to section 316.155, Florida Statutes, to read:

316.155 When signal required.—

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

Section 130. Subsection (3) is added to section 316.156, Florida Statutes, to read:

316.156 Signals by hand and arm or signal lamps.—

(3) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as either a moving violation for infractions of subsection (1) or as a nonmoving violation for infractions of subsection (2).

Section 131. Section 316.157, Florida Statutes, is amended to read:

316.157 Method of giving hand and arm signals.—

(1) All signals herein required to be given by hand and arm shall be given from the left side of the vehicle in the following manner and such signals shall indicate as follows:

(a)(4) Left turn.—Hand and arm extended horizontally.

(b)(2) Right turn.—Hand and arm extended upward, except that a bicyclist may extend the right hand and arm horizontally to the right side of the bicycle.

(c)(3) Stop or decrease speed.—Hand and arm extended downward.

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

Section 132. Subsection (3) is added to section 316.1575, Florida Statutes, to read:

316.1575 Obedience to traffic control devices at railroad-highway grade crossings.—

(3) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as either a pedestrian violation or, if the infraction resulted from the operation of a vehicle, as a moving violation.

Section 133. Subsection (3) is added to section 316.159, Florida Statutes, to read:

316.159 Certain vehicles to stop at all railroad grade crossings.—

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

Section 134. Subsection (5) is added to section 316.170, Florida Statutes, to read:

316.170 Moving heavy equipment at railroad grade crossings.—

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

Section 135. Subsection (7) is added to section 316.183, Florida Statutes, to read:

316.183 Unlawful speed.—

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

Section 136. Section 316.185, Florida Statutes, is amended to read:

316.185 Special hazards.—The fact that the speed of a vehicle is lower than the prescribed limits shall not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, when approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazards exist or may exist with respect to pedestrians or other traffic or by reason of weather or other roadway conditions, and speed shall be decreased as may be necessary to avoid colliding with any person, vehicle, or other conveyance

on or entering the street in compliance with legal requirements and the duty of all persons to use due care. A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 137. Subsection (4) of section 316.1895, Florida Statutes, is amended to read:

316.1895 Establishment of school speed zones, enforcement; designation.—

(4) A school zone speed limit may not be less than 15 miles per hour except by local regulation. ~~After July 1, 1992,~~ No school zone speed limit shall be more than 20 miles per hour in an urbanized area, as defined in s. 334.03. Such speed limit may be in force only during those times 30 minutes before, during, and 30 minutes after the periods of time when pupils are arriving at a regularly scheduled breakfast program or a regularly scheduled school session and leaving a regularly scheduled school session.

Section 138. Subsection (5) is added to section 316.191, Florida Statutes, to read:

316.191 Racing on highways.—

(5) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as either a pedestrian violation or, if the infraction resulted from the operation of a vehicle, as a moving violation.

Section 139. Paragraph (c) of subsection (3) and subsection (5) of section 316.193, Florida Statutes, 1998 Supplement, are amended to read:

316.193 Driving under the influence; penalties.—

(3) Any person:

(c) Who, by reason of such operation, causes:

1. Damage to the property or person of another commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

2. Serious bodily injury to another, as defined in s. 316.1933, commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

3. The death of any human being commits DUI manslaughter, and commits:

a. A felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

b. A felony of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if:

(I) At the time of the crash ~~accident~~, the person knew, or should have known, that the crash ~~accident~~ occurred; and

(II) The person failed to give information and render aid as required by s. 316.062.

(5) The court shall place any offender convicted of violating this section on monthly reporting probation and shall require attendance at a substance abuse course licensed by the department; and the agency conducting the course may refer the offender to an authorized service provider for substance abuse evaluation and treatment, in addition to any sentence or fine imposed under this section. The offender shall assume reasonable costs for such education, evaluation, and treatment, with completion of all such education, evaluation, and treatment being a condition of reporting probation. Treatment resulting from a psychosocial evaluation may not be waived without a supporting psychosocial evaluation conducted by an agency appointed by the court and with access to the original evaluation. The offender shall bear the cost of this procedure. The term "substance abuse" means the abuse of alcohol or any substance named or described in Schedules I through V of s. 893.03. If an offender referred to treatment under this subsection fails to report for or complete such treatment or fails to complete the substance abuse education course, the DUI program shall notify the court and the department of the failure. Upon receipt of the notice, the department shall cancel the offender's driving privilege. The department shall reinstate the driving privilege when the offender completes the substance abuse education course or enters treatment required under this subsection. The organization that conducts the substance abuse education and evaluation may not provide required substance abuse treatment unless a waiver has been granted to that organization by the department. A waiver may be granted only if the department determines, in accordance with its rules, that the service provider that conducts the substance abuse education and evaluation is the most appropriate service provider and is licensed under chapter 397 or is exempt from such licensure. ~~All DUI treatment programs providing treatment services on January 1, 1994, shall be allowed to continue to provide such services until the department determines whether a waiver should be granted.~~ A statistical referral report shall be submitted quarterly to the department by each organization authorized to provide services under this section.

Section 140. Subsections (1) and (4) of section 316.1935, Florida Statutes, 1998 Supplement, are amended to read:

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

(1) It is unlawful for the operator of any vehicle, having knowledge that he or she has been ordered to stop such vehicle by a duly authorized law enforcement officer, willfully to refuse or fail to stop the vehicle in compliance with such order or, having stopped in knowing compliance with such order, willfully to flee in an attempt to elude the officer, and a person who violates this subsection commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083 ~~shall, upon conviction, be punished by imprisonment in the county jail for a period not to exceed 1 year, or by fine not to exceed \$1,000, or by both such fine and imprisonment.~~

(4) Any person who, in the course of unlawfully leaving or attempting to leave the scene of ~~a crash an accident~~ in violation of s. 316.027 or s. 316.061, having knowledge of an order to stop by a duly authorized law enforcement officer:

(a) Willfully refuses or fails to stop in compliance with such an order, or having stopped in knowing compliance with such order, willfully flees in an attempt to elude such officer; and

(b) As a result of such fleeing or eluding, causes injury to another person or causes damage to any property belonging to another person

commits aggravated fleeing or eluding, a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The felony of aggravated fleeing or eluding constitutes a separate offense for which a person may be charged, in addition to the offense of unlawfully leaving the scene of ~~a crash an accident~~ which the person had been in the course of committing or attempting to commit when the order to stop was given.

Section 141. Subsection (8) is added to section 316.1937, Florida Statutes, to read:

316.1937 Ignition interlock devices, requiring; unlawful acts.—

(8) In addition to the penalties provided in this section, a violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 142. Subsection (4) is added to section 316.194, Florida Statutes, to read:

316.194 Stopping, standing or parking outside of municipalities.—

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

Section 143. Paragraph (a) of subsection (1) of section 316.1945, Florida Statutes, is amended, and subsection (4) is added to that section, to read:

316.1945 Stopping, standing, or parking prohibited in specified places.—

(1) Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

(a) Stop, stand, or park a vehicle:

1. On the roadway side of any vehicle stopped or parked at the edge or curb of a street.

2. On a sidewalk.

3. Within an intersection.

4. On a crosswalk.
5. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless the Department of Transportation indicates a different length by signs or markings.
6. Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic.
7. Upon any bridge or other elevated structure upon a highway or within a highway tunnel.
8. On any railroad tracks.
9. On a bicycle path.
10. At any place where official traffic control devices prohibit stopping.
11. On the roadway or shoulder of a limited access facility, except as provided by regulation of the Department of Transportation, or on the paved portion of a connecting ramp; except that a vehicle which is disabled or in a condition improper to be driven as a result of mechanical failure or crash accident may be parked on such shoulder for a period not to exceed 6 hours. This provision is not applicable to a person stopping a vehicle to render aid to an injured person or assistance to a disabled vehicle in obedience to the directions of a law enforcement officer or to a person stopping a vehicle in compliance with applicable traffic laws.
12. For the purpose of loading or unloading a passenger on the paved roadway or shoulder of a limited access facility or on the paved portion of any connecting ramp. This provision is not applicable to a person stopping a vehicle to render aid to an injured person or assistance to a disabled vehicle.

(4) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 144. Subsection (4) is added to section 316.195, Florida Statutes, to read:

316.195 Additional parking regulations.—

(4) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 145. Subsection (7) is added to section 316.1951, Florida Statutes, to read:

316.1951 Parking for certain purposes prohibited.—

(7) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 146. Paragraph (a) of subsection (10) of section 316.1955, Florida Statutes, 1998 Supplement, is amended to read:

316.1955 Parking spaces for persons who have disabilities.—

(10)(a) A vehicle that is transporting a person who has a disability and that has been granted a permit under s. 320.0848(1)(a)(d) may be parked for a maximum of 30 minutes in any parking space reserved for persons who have disabilities.

Section 147. Subsection (6) is added to section 316.1974, Florida Statutes, to read:

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

(6) VIOLATIONS.—A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as a nonmoving violation for infractions of subsection (2), a pedestrian violation for infractions of subsection (3), or as a moving violation for infractions of subsection (3) or subsection (4) if the infraction resulted from the operation of a vehicle.

Section 148. Section 316.1975, Florida Statutes, is amended to read:

316.1975 Unattended motor vehicle.—No person driving or in charge of any motor vehicle except a licensed delivery truck or other delivery vehicle while making deliveries, shall permit it to stand unattended without first stopping the engine, locking the ignition, and removing the key. No vehicle shall be permitted to stand unattended upon any perceptible grade without stopping the engine and effectively setting the brake thereon and turning the front wheels to the curb or side of the street. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 149. Subsection (3) is added to section 316.1985, Florida Statutes, to read:

316.1985 Limitations on backing.—

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

Section 150. Section 316.1995, Florida Statutes, is amended to read:

316.1995 Driving upon sidewalk or bicycle path.—No person shall drive any vehicle other than by human power upon a bicycle path, sidewalk, or sidewalk area, except upon a permanent or duly authorized temporary driveway. A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 151. Subsection (3) is added to section 316.2004, Florida Statutes, to read:

316.2004 Obstruction to driver's view or driving mechanism.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 152. Section 316.2005, Florida Statutes, is amended to read:

316.2005 Opening and closing vehicle doors.—No person shall open any door on a motor vehicle unless and until it is reasonably safe to do so and can be done without interfering with the movement of other traffic, nor shall any person leave a door open on the side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 153. Section 316.2014, Florida Statutes, is amended to read:

316.2014 Riding in house trailers.—No person or persons shall occupy a house trailer while it is being moved upon a public street or highway. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 154. Section 316.2024, Florida Statutes, is amended to read:

316.2024 Coasting prohibited.—The driver of any motor vehicle, when traveling upon a downgrade, shall not coast with the gears or transmission of such vehicle in neutral or the clutch disengaged. A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 155. Section 316.2025, Florida Statutes, is amended to read:

316.2025 Following fire apparatus prohibited.—No driver of any vehicle other than an authorized emergency vehicle on official business shall follow any fire apparatus traveling in response to a fire alarm closer than 500 feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm. A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as a moving violation for following too close to a fire apparatus or as a nonmoving violation for parking near a fire apparatus.

Section 156. Section 316.2034, Florida Statutes, is amended to read:

316.2034 Crossing fire hose.—No vehicle shall be driven over any unprotected hose of a fire department when laid down on any street or highway, or private road or driveway, to be used at any fire or alarm of fire, without the consent of the fire department official in command. A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 157. Subsection (5) is added to section 316.2035, Florida Statutes, to read:

316.2035 Injurious substances prohibited; dragging vehicle or load; obstructing, digging, etc.—

(5) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as either a nonmoving violation for infractions of subsection (1) or subsection (3) or as a moving violation for infractions of subsection (2) or subsection (4).

Section 158. Subsection (3) is added to section 316.2044, Florida Statutes, to read:

316.2044 Removal of injurious substances.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 159. Section 316.2051, Florida Statutes, is amended to read:

316.2051 Certain vehicles prohibited on hard-surfaced roads.—It is unlawful to operate upon any hard-surfaced road in this state any log cart, tractor, or well machine; any steel-tired vehicle other than the ordinary farm wagon or buggy; or any other vehicle or machine that is likely to damage a hard-surfaced road except to cause ordinary wear and tear on the same. A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 160. Section 316.2061, Florida Statutes, is amended to read:

316.2061 Stop when traffic obstructed.—No driver shall enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle the driver is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed. A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 161. Paragraph (e) of subsection (3) and subsection (20) of section 316.2065, Florida Statutes, are 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 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.

(20) Except as otherwise provided in this section, a violation of this section is a noncriminal traffic infraction, punishable as a pedestrian violation as provided in chapter 318. A ~~Effective January 1, 1998,~~ law enforcement ~~officer~~ officers may issue traffic citations for a violation of subsection (3) or subsection (16) only if the violation occurs on a bicycle path or road, as

defined in s. 334.03. However, they may not issue citations to persons on private property, except any part thereof which is open to the use of the public for purposes of vehicular traffic.

Section 162. Section 316.2074, Florida Statutes, is amended to read:

316.2074 All-terrain vehicles.—

(1) ~~The Legislature hereby finds and declares that:~~

~~(a) All-terrain vehicle use has doubled over the past several years;~~

~~(b) Injuries associated with all-terrain vehicle use have more than tripled over the past several years;~~

~~(c) On the national level, annual emergency room treatments of injuries related to all-terrain vehicle use increased from 26,900 in 1983 to 63,900 in 1984 to 85,900 in 1985;~~

~~(d) Nearly one-half of all individuals injured in all-terrain vehicle accidents are under 16 years of age;~~

~~(e) In the past 5 years, there have been more than 550 deaths resulting from all-terrain vehicle accidents, with more than 40 percent of the dead being children 16 years of age or younger;~~

~~(f) Over one-half of all individuals injured in all-terrain vehicle accidents do not wear any type of protective equipment.~~

(2) It is the intent of the Legislature, through the adoption of this section to provide safety protection for minors while operating an all-terrain vehicle in this state.

(2)(3) As used in this section “all-terrain vehicle” means any motorized off-highway vehicle 50 inches (1270 mm) or less in width, having a dry weight of 600 pounds (273 kg) or less, traveling on three or more low-pressure tires, designed for operator use only with no passengers, having a seat or saddle designed to be straddled by the operator, and having handlebars for steering control.

(3)(4) No person under 16 years of age shall operate, ride, or be otherwise propelled on an all-terrain vehicle unless the person wears a safety helmet meeting United States Department of Transportation standards and eye protection.

(4)(5) If a crash ~~an accident~~ results in the death of any person or in the injury of any person which results in treatment of the person by a physician, the operator of each all-terrain vehicle involved in the crash ~~accident~~ shall give notice of the crash ~~accident~~ pursuant to s. 316.066.

(5)(6) An all-terrain vehicle having four wheels may be used by police officers on public beaches designated as public roadways for the purpose of enforcing the traffic laws of the state. All-terrain vehicles may also be used by the police to travel on public roadways within 5 miles of beach access only when getting to and from the beach.

(6) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

~~(7) Any person who violates the provisions of this section shall be punished as provided in chapter 318.~~

Section 163. Subsection (5) is added to section 316.208, Florida Statutes, to read:

316.208 Motorcycles and mopeds.—

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

Section 164. Subsection (6) is added to section 316.2085, Florida Statutes, to read:

316.2085 Riding on motorcycles or mopeds.—

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

Section 165. Subsection (6) is added to section 316.209, Florida Statutes, to read:

316.209 Operating motorcycles on roadways laned for traffic.—

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

Section 166. Subsection (3) is added to section 316.2095, Florida Statutes, to read:

316.2095 Footrests and handlebars.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 167. Subsection (6) is added to section 316.211, Florida Statutes, to read:

316.211 Equipment for motorcycle and moped riders.—

(6) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 168. Subsection (6) is added to section 316.212, Florida Statutes, to read:

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

(6) A violation of this section is a noncriminal traffic infraction, punishable pursuant to chapter 318 as either a moving violation for infractions of

subsection (1), subsection (2), subsection (3), or subsection (4), or as a non-moving violation for infractions of subsection (5).

Section 169. Subsection (2) of section 316.2126, Florida Statutes, is amended to read:

316.2126 Use of golf carts by certain municipalities.—In addition to the powers granted by ss. 316.212 and 316.2125, municipalities older than 400 years old are hereby authorized to utilize golf carts, as defined in s. 320.01, upon any state, county, or municipal roads located within the corporate limits of such municipalities, subject to the following conditions:

(2) In addition to the safety equipment required in s. 316.212~~(5)(6)~~, such golf carts must be equipped with sufficient lighting and turn signal equipment.

Section 170. Subsection (6) is added to section 316.215, Florida Statutes, to read:

316.215 Scope and effect of regulations.—

(6) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 171. Subsection (4) is added to section 316.217, Florida Statutes, to read:

316.217 When lighted lamps are required.—

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

Section 172. Subsection (3) is added to section 316.220, Florida Statutes, to read:

316.220 Headlamps on motor vehicles.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 173. Subsection (3) is added to section 316.221, Florida Statutes, to read:

316.221 Taillamps.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 174. Subsection (4) is added to section 316.222, Florida Statutes, to read:

316.222 Stop lamps and turn signals.—

(4) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 175. Subsection (8) is added to section 316.2225, Florida Statutes, to read:

316.2225 Additional equipment required on certain vehicles.—In addition to other equipment required in this chapter, the following vehicles shall be equipped as herein stated under the conditions stated in s. 316.217.

(8) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 176. Subsection (4) is added to section 316.224, Florida Statutes, to read:

316.224 Color of clearance lamps, identification lamps, side marker lamps, backup lamps, reflectors, and deceleration lights.—

(4) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 177. Subsection (3) is added to section 316.225, Florida Statutes, to read:

316.225 Mounting of reflectors, clearance lamps and side marker lamps.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 178. Subsection (4) is added to section 316.226, Florida Statutes, to read:

316.226 Visibility requirements for reflectors, clearance lamps, identification lamps and marker lamps.—

(4) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 179. Section 316.228, Florida Statutes, is amended to read:

316.228 Lamps or flags on projecting load.—Whenever the load upon any vehicle extends to the rear 4 feet or more beyond the bed or body of such vehicle, there shall be displayed at the extreme rear end of the load, at the times specified in s. 316.217, two red lamps visible from a distance of at least 500 feet to the rear, two red reflectors visible at night from all distances within 600 feet to 100 feet to the rear when directly in front of lawful lower beams of headlamps and located so as to indicate maximum width, and on each side one red lamp visible from a distance of at least 500 feet to the side and located so as to indicate maximum overhang. There shall be displayed at all other times on any vehicle having a load which extends beyond its sides or more than 4 feet beyond its rear, red flags, not less than 12 inches square, marking the extremities of such load, at each point where a lamp would otherwise be required by this section. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 180. Subsection (5) is added to section 316.229, Florida Statutes, to read:

316.229 Lamps on parked vehicles.—

(5) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 181. Subsection (8) is added to section 316.2295, Florida Statutes, to read:

316.2295 Lamps, reflectors and emblems on farm tractors, farm equipment and implements of husbandry.—

(8) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 182. Section 316.231, Florida Statutes, is amended to read:

316.231 Lamps on other vehicles and equipment.—Every vehicle, including animal-drawn vehicles and vehicles referred to in s. 316.215(3), not specifically required by the provisions of this section to be equipped with lamps or other lighting devices shall at all times specified in s. 316.217 be equipped with at least one lamp displaying a white light visible from a distance of not less than 1,000 feet to the front of said vehicle, and shall also be equipped with two lamps displaying red light visible from a distance of not less than 1,000 feet to the rear of the vehicle, or, as an alternative, one lamp displaying a red light visible from a distance of not less than 1,000 feet to the rear and two red reflectors visible from all distances of 600 to 100 feet to the rear when illuminated by the lawful lower beams of headlamps. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 183. Subsection (5) is added to section 316.233, Florida Statutes, to read:

316.233 Spot lamps and auxiliary lamps.—

(5) VIOLATIONS.—A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 184. Subsection (3) is added to section 316.234, Florida Statutes, to read:

316.234 Signal lamps and signal devices.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 185. Subsection (6) is added to section 316.235, Florida Statutes, to read:

316.235 Additional lighting equipment.—

(6) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 186. Subsection (3) is added to section 316.237, Florida Statutes, to read:

316.237 Multiple-beam road-lighting equipment.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 187. Section 316.238, Florida Statutes, is amended to read:

316.238 Use of multiple-beam road-lighting equipment.—

(1) Whenever a motor vehicle is being operated on a roadway or shoulder adjacent thereto during the times specified in s. 316.217, the driver shall use a distribution of light, or composite beam, directed high enough and of sufficient intensity to reveal persons and vehicles at a safe distance in advance of the vehicle, subject to the following requirements and limitations:

(a)(1) Whenever the driver of a vehicle approaches an oncoming vehicle within 500 feet, such driver shall use a distribution of light, or composite beam, so aimed that the glaring rays are not projected into the eyes of the oncoming driver. The lowermost distribution of light, or composite beam, specified in ss. 316.237(1)(b) and 316.430(2)(b) shall be deemed to avoid glare at all times, regardless of road contour and loading.

(b)(2) Whenever the driver of a vehicle approaches another vehicle from the rear within 300 feet, such driver shall use a distribution of light permissible under this chapter other than the uppermost distribution of light specified in ss. 316.237(1)(a) and 316.430(2)(a).

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

Section 188. Section 316.2385, Florida Statutes, is amended to read:

316.2385 Requirements for use of lower beam.—The lower or passing beam shall be used at all times during the twilight hours in the morning and the twilight hours in the evening, and during fog, smoke and rain. Twilight shall mean the time between sunset and full night or between full night and sunrise. A violation of this section is a noncriminal traffic infraction, punishable as a moving violation as provided in chapter 318.

Section 189. Section 316.239, Florida Statutes, is amended to read:

316.239 Single-beam road-lighting equipment.—

(1) Headlamp systems which provide only a single distribution of light shall be permitted on all farm tractors regardless of date of manufacture, and on other motor vehicles manufactured and sold prior to January 1, 1972, in lieu of multiple-beam road-lighting equipment herein specified if the

single distribution of light complies with the following requirements and limitations:

~~(a)(1)~~ The headlamps shall be so aimed that when the vehicle is not loaded none of the high intensity portion of the light shall, at a distance of 25 feet ahead, project higher than a level of five inches below the level of the center of the lamp from which it comes, and in no case higher than 42 inches above the level on which the vehicle stands at a distance of 75 feet ahead.

~~(b)(2)~~ The intensity shall be sufficient to reveal persons and vehicles at a distance of at least 200 feet.

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

Section 190. Section 316.2395, Florida Statutes, is amended to read:

316.2395 Motor vehicles; minimum headlamp requirement.—Any motor vehicle may be operated at nighttime under the conditions specified in ss. 316.237 and 316.239, when equipped with two lighted lamps upon the front thereof capable of revealing persons and objects 100 feet ahead in lieu of lamps required in ss. 316.237 and 316.239. However, at no time when lighted lamps are required shall such motor vehicle be operated in excess of 20 miles per hour. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 191. Subsection (3) is added to section 316.2396, Florida Statutes, to read:

316.2396 Number of driving lamps required or permitted.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 192. Subsection (10) is added to section 316.2397, Florida Statutes, to read:

316.2397 Certain lights prohibited; exceptions.—

(10) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 193. Section 316.2399, Florida Statutes, is amended to read:

316.2399 Special warning lights for buses or taxicabs.—The provisions of s. 316.2397(7) to the contrary notwithstanding, a bus or taxicab may be equipped with two flashing devices for the purpose of warning the operators of other vehicles and law enforcement agents that an emergency situation exists within the bus or taxicab. Such devices shall be capable of activation by the operator of the bus or taxicab and shall be of a type approved by the Department of Highway Safety and Motor Vehicles. Such devices shall be mounted one at the front and one at the rear of the bus or taxicab and shall display flashing red lights which shine on the roadway under the vehicle.

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 194. Subsection (3) is added to section 316.240, Florida Statutes, to read:

316.240 Standards for lights on highway maintenance and service equipment.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 195. Subsection (4) is added to section 316.241, Florida Statutes, to read:

316.241 Selling or using lamps or equipment.—

(4) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 196. Subsection (3) of section 316.251, Florida Statutes, is amended to read:

316.251 Maximum bumper heights.—

(3) A violation of this section shall be defined as a moving violation. A person charged with a violation of this section is subject to the penalty provided in s. 318.18(3).

Section 197. Subsection (3) is added to section 316.252, Florida Statutes, to read:

316.252 Splash and spray suppressant devices.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 198. Section 316.253, Florida Statutes, is amended to read:

316.253 Vehicles used to sell ice cream and other confections; display of warnings required.—Any person who sells ice cream or other frozen confections at retail from a motor vehicle shall display on each side of such motor vehicle, in letters at least 3 inches high, a warning containing the words “look out for children” or “caution: children” or such similar words as are approved by the department. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 199. Subsection (11) is added to section 316.261, Florida Statutes, to read:

316.261 Brake equipment required.—Every motor vehicle, trailer, semi-trailer, and pole trailer, and any combination of such vehicles, operating upon a highway within this state shall be equipped with brakes in compliance with the requirements of this chapter.

(11) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 200. Subsection (3) is added to section 316.262, Florida Statutes, to read:

316.262 Performance ability of motor vehicle brakes.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 201. Section 316.263, Florida Statutes, is amended to read:

316.263 Maintenance of brakes.—All brakes shall be maintained in good working order and shall be so adjusted as to operate as equally as practicable with respect to the wheels on opposite sides of the vehicle. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 202. Section 316.267, Florida Statutes, is amended to read:

316.267 Brakes on electric-powered vehicles.—When operated on the public streets and roads, every electric-powered vehicle with a rating of 3 to 6 horsepower shall be equipped with hydraulic brakes on the two rear wheels and at all times and under all conditions of loading, upon application of the service brake, shall be capable of:

(1) Developing a braking force that is not less than 43.5 percent of its gross weight.

(2) Decelerating to a stop from not more than 20 miles per hour at not less than 17 feet per second.

(3) Stopping from a speed of 20 miles per hour in not more than 25 feet, such distance to be measured from the point at which movement of the service brake pedal or control begins.

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 203. Subsection (8) is added to section 316.271, Florida Statutes, to read:

316.271 Horns and warning devices.—

(8) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 204. Subsection (3) is added to section 316.272, Florida Statutes, to read:

316.272 Exhaust systems, prevention of noise.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 205. Subsection (7) is added to section 316.293, Florida Statutes, to read:

316.293 Motor vehicle noise.—

(7) VIOLATIONS.—A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 206. Subsections (1), (2), and (6) of section 316.2935, Florida Statutes, are amended to read:

316.2935 Air pollution control equipment; tampering prohibited; penalty.—

(1)(a) ~~On and after July 1, 1990,~~ It is unlawful for any person or motor vehicle dealer as defined in s. 320.27 to offer or display for retail sale or lease, sell, lease, or transfer title to, a motor vehicle in Florida that has been tampered with in violation of this section, as determined pursuant to subsection (7). Tampering is defined as the dismantling, removal, or rendering ineffective of any air pollution control device or system which has been installed on a motor vehicle by the vehicle manufacturer except to replace such device or system with a device or system equivalent in design and function to the part that was originally installed on the motor vehicle. All motor vehicles sold, reassigned, or traded to a licensed motor vehicle dealer are exempt from this paragraph.

(b) ~~On and after January 1, 1991,~~ At the time of sale, lease, or transfer of title of a motor vehicle, the seller, lessor, or transferor shall certify in writing to the purchaser, lessee, or transferee that the air pollution control equipment of the motor vehicle has not been tampered with by the seller, lessor, or transferor or their agents, employees, or other representatives. A licensed motor vehicle dealer shall also visually observe those air pollution control devices listed by department rule pursuant to subsection (7), and certify that they are in place, and appear properly connected and undamaged. Such certification shall not be deemed or construed as a warranty that the pollution control devices of the subject vehicle are in functional condition, nor does the execution or delivery of this certification create by itself grounds for a cause of action between the parties to this transaction.

(c) ~~On and after July 1, 1990,~~ All motor vehicles sold, reassigned, or traded by a licensed motor vehicle dealer to a licensed motor vehicle dealer, all new motor vehicles subject to certification under s. 207, Clean Air Act, 42 U.S.C. s. 7541, and all lease agreements for 30 days or less are exempt from this subsection. Also exempt from this subsection are sales of motor vehicles for salvage purposes only.

(2) No person shall operate any gasoline-powered motor vehicle, except a motorcycle, moped, or scooter ~~as defined in chapter 320,~~ or an imported nonconforming motor vehicle which has received a one-time exemption from federal emission control requirements under 40 C.F.R. 85, subpart P, on the public roads and streets of this state which emits visible emissions from the exhaust pipe for more than a continuous period of 5 seconds, and no person shall operate on the public roads or streets of this state any motor vehicle

that has been tampered with in violation of this section, as determined pursuant to subsection (7).

(6) Except as provided in subsection (5), any person who violates subsection (1), subsection (2), or subsection (3) shall be charged with a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318 provided in s. 318.18(2). However, the penalty may be reduced if the person committing the violation corrects the violation pursuant to the provisions of s. 316.6105.

Section 207. Section 316.294, Florida Statutes, is amended to read:

316.294 Mirrors.—Every vehicle, operated singly or when towing any other vehicle, shall be equipped with a mirror so located as to reflect to the driver a view of the highway for a distance of at least 200 feet to the rear of the motor vehicle. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 208. Subsection (6) is added to section 316.2952, Florida Statutes, to read:

316.2952 Windshields; requirements; restrictions.—

(6) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 209. Section 316.2953, Florida Statutes, is amended to read:

316.2953 Side windows; restrictions on sunscreening material.—A person shall not operate any motor vehicle on any public highway, road, or street on which vehicle the side wings and side windows on either side forward of or adjacent to the operator's seat are composed of, covered by, or treated with any suncreening material or other product or covering which has the effect of making the window nontransparent or which would alter the window's color, increase its reflectivity, or reduce its light transmittance, except as expressly permitted by this section. A sunscreening material is authorized for such windows if, when applied to and tested on the glass of such windows on the specific motor vehicle, the material has a total solar reflectance of visible light of not more than 25 percent as measured on the nonfilm side and a light transmittance of at least 28 percent in the visible light range. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 210. Subsection (3) is added to section 316.2954, Florida Statutes, to read:

316.2954 Windows behind the driver; restrictions on sunscreening material.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 211. Subsections (1) and (3) of section 316.2956, Florida Statutes, are amended to read:

316.2956 Violation of provisions relating to windshields, windows, and sunscreening material; penalties.—

(1) Any person who operates a motor vehicle on which, after June 20, 1984, material was installed in violation of ss. 316.2951-316.2954 commits ~~is guilty of a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318~~ subject to the penalty provided in s. 318.18(2).

(3) Any person who sells or installs sunscreening material in violation of any provision of ss. 316.2951-316.2955 ~~after June 20, 1984,~~ is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 212. Section 316.299, Florida Statutes, is amended to read:

316.299 Rough surfaced wheels prohibited.—No person shall drive, propel, operate, or cause to be driven, propelled or operated over any paved or graded public road of this state any tractor engine, tractor or other vehicle or contrivance having wheels provided with sharpened or roughened surfaces, other than roughened pneumatic rubber tires having studs designed to improve traction without materially injuring the surface of the highway, unless the rims or tires of the wheels of such tractor engines, tractors, or other vehicles or contrivances are provided with suitable filler blocks between the cleats so as to form a smooth surface. This requirement shall not apply to tractor engines, tractors, or other vehicles or contrivances if the rims or tires of their wheels are constructed in such manner as to prevent injury to such roads. This restriction shall not apply to tractor engines, tractors, and other vehicles or implements used by any county or the Department of Transportation in the construction or maintenance of roads or to farm implements weighing less than 1,000 pounds when provided with wheel surfaces of more than ½ inch in width. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 213. Subsection (4) is added to section 316.300, Florida Statutes, to read:

316.300 Certain vehicles to carry flares or other devices.—

(4) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 214. Subsection (10) is added to section 316.301, Florida Statutes, to read:

316.301 Display of warning lights and devices when vehicle is stopped or disabled.—

(10) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 215. Paragraph (c) of subsection (1) of section 316.302, Florida Statutes, 1998 Supplement, is reenacted, and paragraph (f) of subsection (2) of that section is amended, to read:

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

(1)

(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)

(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(31)(29), 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.

Section 216. Paragraph (c) of subsection (3) of section 316.3025, Florida Statutes, is amended to read:

316.3025 Penalties.—

(3)

(c) A civil penalty of \$250 may be assessed for:

1. A violation of the placarding requirements of 49 C.F.R. parts 171-179;
2. A violation of the shipping paper requirements of 49 C.F.R. parts 171-179;
3. A violation of 49 C.F.R. s. 392.10;
4. A violation of 49 C.F.R. s. 397.5 ~~395.5~~;
5. A violation of 49 C.F.R. s. 397.7;
6. A violation of 49 C.F.R. s. 397.13; or
7. A violation of 49 C.F.R. s. 397.15.

Section 217. Subsection (5) of section 316.3027, Florida Statutes, is amended to read:

316.3027 Identification required on commercial motor vehicles.—

(5) Any vehicle which meets the vehicle identification requirements of the United States Department of Transportation Interstate Commerce Commission regulations shall be considered in compliance with this section.

Section 218. Subsection (4) is added to section 316.303, Florida Statutes, to read:

316.303 Television receivers.—

(4) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 219. Subsection (4) is added to section 316.304, Florida Statutes, to read:

316.304 Wearing of headsets.—

(4) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 220. Subsection (5) is added to section 316.3045, Florida Statutes, to read:

316.3045 Operation of radios or other mechanical soundmaking devices or instruments in vehicles; exemptions.—

(5) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 221. Subsection (3) is added to section 316.400, Florida Statutes, to read:

316.400 Headlamps.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 222. Section 316.405, Florida Statutes, is amended to read:

316.405 Motorcycle headlights to be turned on.—

(1) Any person who operates a motorcycle or motor-driven cycle on the public streets or highways shall, while so engaged, have the headlight or headlights of such motorcycle or motor-driven cycle turned on. Failure to comply with this section during the hours from sunrise to sunset, unless compliance is otherwise required by law, shall not be admissible as evidence of negligence in a civil action. During the hours of operation between sunrise and sunset, the headlights may modulate either the upper beam or the lower beam from its maximum intensity to a lower intensity, in accordance with Federal Motor Vehicle Safety Standard 571.108.

(2) Failure to comply with the provisions of this section shall not be deemed negligence per se in any civil action, but the violation of this section may be considered on the issue of negligence if the violation of this section is a proximate cause of a crash or accident.

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

Section 223. Subsection (3) is added to section 316.410, Florida Statutes, to read:

316.410 Taillamps.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 224. Section 316.415, Florida Statutes, is amended to read:

316.415 Reflectors.—Every motorcycle and motor-driven cycle shall carry on the rear, either as part of the taillamp or separately, at least one red reflector. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 225. Section 316.420, Florida Statutes, is amended to read:

316.420 Stop lamps.—Every motorcycle and motor-driven cycle shall be equipped with at least one stop lamp meeting the requirements of s. 316.234(1). A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 226. Subsection (3) is added to section 316.425, Florida Statutes, to read:

316.425 Lamps on parked motorcycles.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 227. Subsection (3) is added to section 316.430, Florida Statutes, to read:

316.430 Multiple-beam road-lighting equipment.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 228. Section 316.435, Florida Statutes, is amended to read:

316.435 Lighting equipment for motor-driven cycles.—The headlamp or headlamps upon every motor-driven cycle may be of the single-beam or multiple-beam type, but in either event shall comply with the requirements and limitations as follows:

(1) Every such headlamp or headlamps on a motor-driven cycle shall be of sufficient intensity to reveal persons and vehicles at a distance of not less than 100 feet when the motor-driven cycle is operated at any speed less than 25 miles per hour; at a distance of not less than 200 feet when the motor-driven cycle is operated at a speed of 25 or more miles per hour; and at a distance of not less than 300 feet when the motor-driven cycle is operated at a speed of 35 or more miles per hour.

(2) In the event the motor-driven cycle is equipped with a multiple-beam headlamp or headlamps, such equipment shall comply with the requirements of s. 316.430(2).

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 229. Section 316.440, Florida Statutes, is amended to read:

316.440 Brake equipment required.—Every motor-driven cycle must comply with the provisions of s. 316.261, except that:

(1) Motorcycles and motor-driven cycles need not be equipped with parking brakes.

(2) The wheel of a sidecar attached to a motorcycle or to a motor-driven cycle, and the front wheel of a motor-driven cycle, need not be equipped with brakes, provided that such motorcycle or motor-driven cycle is capable of complying with the performance requirements of this chapter.

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 230. Subsection (3) is added to section 316.445, Florida Statutes, to read:

316.445 Performance ability of motorcycle brakes.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 231. Subsection (4) is added to section 316.450, Florida Statutes, to read:

316.450 Brakes on motor-driven cycles.—

(4) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 232. Section 316.455, Florida Statutes, is amended to read:

316.455 Other equipment.—Every motorcycle and every motor-driven cycle when operated upon a highway shall comply with the requirements and limitations of:

(1) Section 316.271(1) and (2) on the requirement for horns and warning devices.

(2) Section 316.271(3) on the requirement for the use of horns.

(3) Section 316.271(4) on the requirement for sirens, whistles, and bells.

(4) Section 316.271(5) on the requirement for theft alarms.

(5) Section 316.271(6) on the requirement for emergency vehicles.

(6) Section 316.272 on the requirement for mufflers and prevention of noise.

(7) Section 316.294 on the requirement for mirrors.

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 233. Section 316.46, Florida Statutes, is amended to read:

316.46 Equipment regulations for mopeds.—No person may operate a moped that does not conform to all applicable federal motor vehicle safety standards relating to lights and safety and other equipment contained in Title 49, Code of Federal Regulations. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 234. Section 316.510, Florida Statutes, is amended to read:

316.510 Projecting loads on passenger vehicles.—No passenger type vehicle shall be operated on any highway with any load carried thereon extending beyond the fenders on the left side of the vehicle or extending more than 6 inches beyond the line of the fenders on the right side thereof. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 235. Subsection (3) is added to section 316.520, Florida Statutes, to read:

316.520 Loads on vehicles.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 236. Subsection (3) is added to section 316.525, Florida Statutes, to read:

316.525 Requirements for vehicles hauling loads.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 237. Subsection (4) is added to section 316.530, Florida Statutes, to read:

316.530 Towing requirements.—

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

Section 238. Section 316.600, Florida Statutes, is amended to read:

316.600 Health and sanitation hazards.—No motor vehicle, trailer or semitrailer shall be equipped with an open toilet or other device that may be a hazard from a health and sanitation standpoint. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 239. Section 316.605, Florida Statutes, is amended to read:

316.605 Licensing of vehicles.—

(1) Every vehicle, at all times while driven, stopped, or parked upon any highways, roads, or streets of this state, shall be licensed in the name of the owner thereof in accordance with the laws of this state unless such vehicle is not required by the laws of this state to be licensed in this state and shall, except as otherwise provided in s. 320.0706 for front-end registration license plates on truck tractors, display the license plate or both of the license plates assigned to it by the state, one on the rear and, if two, the other on the front of the vehicle, each to be securely fastened to the vehicle outside the main body of the vehicle in such manner as to prevent the plates from swinging, with all letters, numerals, printing, writing, and other identification marks upon the plates clear and distinct and free from defacement, mutilation, grease, and other obscuring matter, so that they will be plainly visible and legible at all times 100 feet from the rear or front. Nothing shall be placed upon the face of a Florida plate except as permitted by law or by rule or regulation of a governmental agency. No license plates other than those furnished by the state shall be used. However, if the vehicle is not required to be licensed in this state, the license plates on such vehicle issued by another state, by a territory, possession, or district of the United States, or by a foreign country, substantially complying with the provisions hereof, shall be considered as complying with this chapter. A violation of this subsection is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

(2) Any commercial motor vehicle, as defined in s. 316.003(66), operating over the highways of this state with an expired registration, with no registration from this or any other jurisdiction, or with no registration under the applicable provisions of chapter 320 shall be in violation of s. 320.07(3) and shall subject the owner or operator of such vehicle to the penalty provided ~~in s. 318.18~~. In addition, a commercial motor vehicle found in violation of this section may be detained by any law enforcement officer until the owner or operator produces evidence that the vehicle has been properly registered and that any applicable delinquent penalties have been paid.

Section 240. Subsection (5) of section 316.613, Florida Statutes, is amended to read:

316.613 Child restraint requirements.—

(5) Any person who violates the provisions of this section commits a moving violation, punishable as provided in chapter 318 and shall have 3 points assessed against his or her driver's license as set forth in s. 322.27. In lieu of the penalty specified in s. 318.18 and the assessment of points, a person who violates the provisions of this section may elect, with the court's approval, to participate in a child restraint safety program approved by the chief judge of the circuit in which the violation occurs, and upon completing such program, the penalty specified in chapter 318 and associated costs may be waived at the court's discretion and the assessment of points shall be waived. The child restraint safety program must use a course approved by

the Department of ~~Highway Safety and Motor Vehicles~~ Health and Rehabilitative Services, and the fee for the course must bear a reasonable relationship to the cost of providing the course.

Section 241. Subsection (5) of section 316.6135, Florida Statutes, is amended to read:

316.6135 Leaving children unattended or unsupervised in motor vehicle; penalty; authority of law enforcement officer.—

(5) The child shall be remanded to the custody of the Department of ~~Children and Family Health and Rehabilitative~~ Children and Family Health and Rehabilitative Services pursuant to chapter 39, unless the law enforcement officer is able to locate the parents or legal guardian or other person responsible for the child.

Section 242. Subsection (6) is added to section 316.615, Florida Statutes, to read:

316.615 School buses; physical requirements of drivers.—

(6) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 243. Subsection (7) is added to section 316.620, Florida Statutes, to read:

316.620 Transportation of migrant farm workers.—Every carrier of migrant farm workers shall systematically inspect and maintain, or cause to be systematically maintained, all motor vehicles and their accessories subject to its control to ensure that such motor vehicles and accessories are in safe and proper operating condition in accordance with the provisions of this chapter.

(7) VIOLATIONS.—A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 244. Paragraph (b) of subsection (2), paragraph (b) of subsection (3), and paragraph (b) of subsection (5) of section 316.640, Florida Statutes, are amended to read:

316.640 Enforcement.—The enforcement of the traffic laws of this state is vested as follows:

(2) COUNTIES.—

(b) The sheriff's office of each county may employ as a traffic crash ~~accident~~ investigation officer any individual who successfully completes at least 200 hours of instruction in traffic crash ~~accident~~ investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not necessarily otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement

officers under chapter 943. Any such traffic crash accident investigation officer who makes an investigation at the scene of a traffic crash accident may issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person who was involved has committed an offense under this chapter in connection with the crash accident. This paragraph does not permit the carrying of firearms or other weapons, nor do such officers have arrest authority other than for the issuance of a traffic citation as authorized in this paragraph.

(3) MUNICIPALITIES.—

(b) The police department of a chartered municipality may employ as a traffic crash accident investigation officer any individual who successfully completes at least 200 hours of instruction in traffic crash accident investigation and court presentation through the Selective Traffic Enforcement Program (STEP) as approved by the Criminal Justice Standards and Training Commission and funded through the National Highway Traffic Safety Administration (NHTSA) or a similar program approved by the commission, but who does not otherwise meet the uniform minimum standards established by the commission for law enforcement officers or auxiliary law enforcement officers under chapter 943. Any such traffic crash accident investigation officer who makes an investigation at the scene of a traffic crash accident is authorized to issue traffic citations when, based upon personal investigation, he or she has reasonable and probable grounds to believe that a person involved has committed an offense under the provisions of this chapter in connection with the crash accident. Nothing in this paragraph shall be construed to permit the carrying of firearms or other weapons, nor shall such officers have arrest authority other than for the issuance of a traffic citation as authorized above.

(5)

(b) The traffic enforcement officer shall be employed in relationship to a selective traffic enforcement program at a fixed location or as part of a crash ~~an accident~~ investigation team at the scene of a vehicle crash accident or in other types of traffic infraction enforcement under the direction of a fully qualified law enforcement officer; however, it is not necessary that the traffic infraction enforcement officer's duties be performed under the immediate supervision of a fully qualified law enforcement officer.

Section 245. Section 316.645, Florida Statutes, is amended to read:

316.645 Arrest authority of officer at scene of a traffic crash accident.— A police officer who makes an investigation at the scene of a traffic crash accident may arrest any driver of a vehicle involved in the crash accident when, based upon personal investigation, the officer has reasonable and probable grounds to believe that the person has committed any offense under the provisions of this chapter or chapter 322 in connection with the crash accident.

Section 246. Paragraph (b) of subsection (1) of section 316.70, Florida Statutes, is amended to read:

316.70 Nonpublic sector buses; safety rules.—

(1) The Department of Transportation shall establish and revise standards to assure the safe operation of nonpublic sector buses, as defined in s. 316.003(78), which standards shall be those contained in 49 C.F.R. parts 382, 385, and 390-397 and which shall be directed towards assuring that:

(b) Nonpublic sector buses are carrying the insurance required by law and carrying liability insurance on the checked baggage of passengers not to exceed the standard adopted by the United States Department of Transportation Interstate Commerce Commission.

Section 247. Section 318.12, Florida Statutes, is amended to read:

318.12 Purpose.—It is the legislative intent in the adoption of this chapter to decriminalize certain violations of chapter 316, the Florida Uniform Traffic Control Law; chapter 320, Motor Vehicle Licenses; chapter 322, Drivers' Licenses; ~~chapter 339, Florida Transportation Code, Sixth Part; chapter 240, Postsecondary Education 239, Universities; Scholarships, etc.; and chapter 338, Florida Intrastate Highway System and Toll Facilities 340, Turnpike Projects,~~ thereby facilitating the implementation of a more uniform and expeditious system for the disposition of traffic infractions.

Section 248. Subsection (5) of section 318.13, Florida Statutes, is amended to read:

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

(5) "Officer" means any law enforcement officer charged with and acting under his or her authority to arrest persons suspected of, or known to be, violating statutes or ordinances regulating traffic or the operation or equipment of vehicles. "Officer" includes any individual employed by a sheriff's department or the police department of a chartered municipality who is acting as a traffic infraction enforcement officer as provided in s. 316.640 318.141.

Section 249. Subsections (1), (4), (9), and (10) of section 318.14, Florida Statutes, are amended to read:

318.14 Noncriminal traffic infractions; exception; procedures.—

(1) Except as provided in ss. 318.17 and 320.07(3)(~~c~~)(b), any person cited for a violation of s. 240.265, chapter 316, s. 320.0605(1), s. 320.07(3)(a), s. 322.065, s. 322.15(1), s. 322.16(2) or (3), s. 322.1615 s. 322.161(4), or s. 322.19 is charged with a noncriminal infraction and must be cited for such an infraction and cited to appear before an official. If another person dies as a result of the noncriminal infraction, the person cited may be required to perform 120 community service hours under s. 316.027(4), in addition to any other penalties.

(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. 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(4) 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.

(9) Any person who is cited for an infraction under this section other than a violation of s. 320.0605(4), s. 320.07(3)(a), s. 322.065, s. 322.15(1), s. 322.61, or s. 322.62 may, in lieu of a court appearance, elect to attend in the location of his or her choice within this state a basic driver improvement course approved by the Department of Highway Safety and Motor Vehicles. In such a case, adjudication must be withheld; points, as provided by s. 322.27, may not be assessed; and the civil penalty that is imposed by s. 318.18(3) must be reduced by 18 percent; however, a person may not make an election under this subsection if the person has made an election under this subsection in the preceding 12 months. A person may make no more than five elections under this subsection. The requirement for community service under s. 318.18(8)(7) is not waived by a plea of nolo contendere or by the withholding of adjudication of guilt by a court.

(10)(a) Any person cited for an offense listed under this subsection may, in lieu of payment of fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court or authorized operator of a traffic violations bureau. In such case, adjudication shall be withheld; however, no election shall be made under this subsection if such person has made an election under this subsection in the 12 months preceding election hereunder. No person may make more than three elections under this subsection. This subsection applies to the following offenses:

1. Operating a motor vehicle without a valid driver's license in violation of the provisions of s. 322.03, s. 322.065, or s. 322.15(1), or operating a motor vehicle with a license which has been suspended for failure to appear, failure to pay civil penalty, or failure to attend a driver improvement course pursuant to s. 322.291.
2. Operating a motor vehicle without a valid registration in violation of s. 320.0605, ~~or~~ s. 320.07, or s. 320.131.
3. Operating a motor vehicle in violation of s. 316.646.

(b) Any person cited for an offense listed in this subsection shall present proof of compliance prior to the scheduled court appearance date. For the purposes of this subsection, proof of compliance shall consist of a valid, renewed, or reinstated driver's license or registration certificate and proper proof of maintenance of security as required by s. 316.646. Notwithstanding waiver of fine, any person establishing proof of compliance shall be assessed court costs of \$22, except that a person charged with violation of s.

316.646(1)-(3) may be assessed court costs of \$7. One dollar of such costs shall be distributed to the Department of ~~Children and Family Health and Rehabilitative Services~~ for deposit into the Child Welfare Training Trust Fund. One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund. Twelve dollars of such costs shall be distributed to the municipality and \$8 shall be retained by the county, if the offense was committed within the municipality. If the offense was committed in an unincorporated area of a county or if the citation was for a violation of s. 316.646(1)-(3), the county shall retain the entire amount, except for the moneys to be deposited into the Child Welfare Training Trust Fund and the Juvenile Justice Training Trust Fund. This subsection shall not be construed to authorize the operation of a vehicle without a valid driver's license, without a valid vehicle tag and registration, or without the maintenance of required security.

Section 250. Subsection (2) of section 318.1451, Florida Statutes, is amended to read:

318.1451 Driver improvement schools.—

(2) In determining whether to approve the courses referenced in this section, the department shall consider course content designed to promote safety, driver awareness, crash ~~accident~~ avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint.

Section 251. Section 318.17, Florida Statutes, is amended to read:

318.17 Offenses excepted.—No provision of this chapter is available to a person who is charged with any of the following offenses:

(1) Fleeing or attempting to elude a police officer, in violation of s. 316.1935;

(2) Leaving the scene of a crash ~~an accident~~, in violation of ss. 316.027 and 316.061;

(3) Driving, or being in actual physical control of, any vehicle while under the influence of alcoholic beverages, any chemical substance set forth in s. 877.111, or any substance controlled under chapter 893, in violation of s. 316.193, or driving with an unlawful blood-alcohol level;

(4) Reckless driving, in violation of s. 316.192;

(5) Making false crash ~~accident~~ reports, in violation of s. 316.067;

(6) Willfully failing or refusing to comply with any lawful order or direction of any police officer or member of the fire department, in violation of s. 316.072(3);

(7) Obstructing an officer, in violation of s. 316.545(1); or

(8) Any other offense in chapter 316 which is classified as a criminal violation.

Section 252. Subsection (1) of section 318.18, Florida Statutes, 1998 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:
 - (a) All infractions of pedestrian regulations,⁷
 - (b) All infractions of s. 316.2065, unless otherwise specified, ~~and~~
 - (c) Other violations of chapter 316 by persons 14 years of age or under who are operating bicycles, regardless of the noncriminal traffic infraction's classification.

Section 253. 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), (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 a crash ~~an accident~~ that causes the death of another; or
- (2) Any infraction which results in a crash ~~an accident~~ that causes “serious bodily injury” of another as defined in s. 316.1933(1); or
- (3) Any infraction of s. 316.172(1)(b).

Section 254. Subsections (4) and (7) of section 318.21, Florida Statutes, 1998 Supplement, are amended to read:

318.21 Disposition of civil penalties by county courts.—All civil penalties received by a county court pursuant to the provisions of this chapter shall be distributed and paid monthly as follows:

(4) Of the additional fine assessed under s. 318.18(3)(~~e~~)(d) for a violation of s. 316.1301, 40 percent must be deposited into the Grants and Donations Trust Fund of the Division of Blind Services of the Department of Labor and Employment Security, and 60 percent must be distributed pursuant to subsections (1) and (2) ~~of this section.~~

(7) For fines assessed under s. 318.18(3) for unlawful speed, the following amounts must be deducted and deposited into the Nongame Wildlife Trust Fund:

For speed exceeding the limit by:	Fine:
1-5 m.p.h.	\$.00
6-9 m.p.h.	\$.25
10-14 m.p.h.	\$ 3.00
15-19 m.p.h.	\$ 4.00

20-29 m.p.h.	\$ 5.00
30 m.p.h. and above	\$10.00

The remaining amount must be distributed pursuant to subsections (1) and (2).

Section 255. Subsection (1) of section 318.32, Florida Statutes, is amended to read:

318.32 Jurisdiction; limitations.—

(1) Hearing officers shall be empowered to accept pleas from and decide the guilt or innocence of any person, adult or juvenile, charged with any civil traffic infraction and shall be empowered to adjudicate or withhold adjudication of guilt in the same manner as a county court judge under the statutes, rules, and procedures presently existing or as subsequently amended, except that hearing officers shall not:

(a) Have the power to hold a defendant in contempt of court, but shall be permitted to file a motion for order of contempt with the appropriate state trial court judge;

(b) Hear a case involving a crash ~~an accident~~ resulting in injury or death; or

(c) Hear a criminal traffic offense case or a case involving a civil traffic infraction issued in conjunction with a criminal traffic offense.

Section 256. Section 318.39, Florida Statutes, is repealed.

Section 257. Paragraph (b) of subsection (2) of section 319.28, Florida Statutes, is amended to read:

319.28 Transfer of ownership by operation of law.—

(2)

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

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

Section 258. Paragraph (d) of subsection (1) of section 319.33, Florida Statutes, is amended to read:

319.33 Offenses involving vehicle identification numbers, applications, certificates, papers; penalty.—

(1) It is unlawful:

(d) To possess, sell or offer for sale, conceal, or dispose of in this state a motor vehicle or mobile home, or major component part thereof, on which the motor number or vehicle identification number has been destroyed, removed, covered, altered, or defaced, with knowledge of such destruction, removal, covering, alteration, or defacement, except as provided in s. 319.30(4)(3).

Section 259. Subsection (12) of section 320.02, Florida Statutes, is amended to read:

320.02 Registration required; application for registration; forms.—

(12) The department is authorized to withhold registration or reregistration of any motor vehicle if the owner, or one of the coowners of the vehicle, has a driver's license which is under suspension for the failure to remit payment of any fines levied in this state pursuant to chapter 318 or chapter 322. ~~The department shall design and implement a program to accomplish this action by June 1, 1992. However, nothing in this subsection shall be construed to prohibit the department from withholding registration or renewal for a similar situation during the interim.~~

Section 260. Subsections (7) and (8) of section 320.03, Florida Statutes, 1998 Supplement, are amended to read:

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

(7) The Department of Highway Safety and Motor Vehicles shall register apportioned motor vehicles under the provisions of the International Registration Plan. ~~Implementation of the plan shall occur by July 1, 1986, for the 1986-1987 registration period.~~ The department may adopt rules to implement and enforce the provisions of the plan.

(8) If the applicant's name appears on the list referred to in s. 316.1001(4)(5) or s. 316.1967(6), a license plate or revalidation sticker may not be issued until that person's name no longer appears on the list or until the person presents a receipt from the clerk showing that the fines outstanding have been paid. The tax collector and the clerk of the court are each entitled to receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which is inclusive of the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

Section 261. Section 320.031, Florida Statutes, is amended to read:

320.031 Mailing of registration certificates, license plates, and validation stickers.—

(1) The department and the tax collectors of the several counties of the state may at the request of the applicant use United States mail service to deliver registration certificates and renewals thereof, license plates, mobile home stickers, and validation stickers to applicants.

(2) A mail service charge may be collected for each registration certificate, license plate, mobile home sticker, and validation sticker mailed by the department or any tax collector. Each registration certificate, license plate, mobile home sticker, and validation sticker shall be mailed by first-class mail unless otherwise requested by the applicant. The amount of the mail service charge shall be the actual postage required, rounded to the nearest 5 cents, plus a 25-cent handling charge. The mail service charge is in addition to the service charge provided by s. 320.04.

~~(3) The department is authorized to reproduce such documents, records, and reports as required to meet the requirements of the law and the needs of the public, either by photographing, microphotographing, or reproducing on film the document, record, or report, or by using an electronic digitizing process capable of reproducing a true and correct image of the original source document. The photographs, microphotographs, or electronic digitized copy of any records made in compliance with the provisions of this section shall have the same force and effect as the originals thereof and shall be treated as originals for the purpose of their admissibility into evidence. Duly certified or authenticated reproductions of such photographs, microphotographs, or electronically digitized records shall be admitted into evidence equally with the original photographs, microphotographs, or electronically digitized records.~~

Section 262. Subsections (1) and (5) of section 320.055, Florida Statutes, are amended to read:

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

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

(5) For a vehicle subject to registration under s. 320.08(4), (5)(a)1., (e), or (6)(b), or (14), the registration period shall be a period of 12 months beginning in a month designated by the department and ending on the last day of the 12th month. For a vehicle subject to this registration period, the renewal period is the last month of the registration period. The registration period may be shortened or extended at the discretion of the department, on receipt of the appropriate prorated fees, in order to evenly distribute such registrations on a monthly basis.

Section 263. Paragraph (b) of subsection (1) and paragraph (a) of subsection (3) of section 320.06, Florida Statutes, are amended to read:

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

(1)

(b) Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 5-year period. At the end of said 5-year period, upon renewal, the plate shall be replaced ~~and the department shall determine the replacement date for plates issued prior to October 1, 1985.~~ The fee for such replacement shall be \$10, \$2 of which shall be paid each year before the plate is replaced, to be credited towards the next \$10 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund shall not be given for any prior years' payments of such prorated replacement fee when the plate is replaced or surrendered before the end of the 5-year period. With each license plate, there shall be issued a validation sticker showing the owner's birth month or the appropriate renewal period if the owner is not a natural person. This validation sticker shall be placed on the upper left corner of the license plate and shall be issued one time during the life of the license plate, or upon request when it has been damaged or destroyed. There shall also be issued with each license plate a serially numbered validation sticker showing the year of expiration, which sticker shall be placed on the upper right corner of the license plate. Such license plate and validation stickers shall be issued based on the applicant's appropriate renewal period. The registration period

shall be a period of 12 months, and all expirations shall occur based on the applicant's appropriate registration period. A vehicle with an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate.

(3)(a) Registration license plates shall be of metal specially treated with a retroreflective material, as specified by the department. The registration license plate is designed to increase nighttime visibility and legibility and shall be at least 6 inches wide and not less than 12 inches in length, unless a plate with reduced dimensions is deemed necessary by the department to accommodate motorcycles, mopeds, or similar smaller vehicles. Validation stickers shall be treated with a retroreflective material, shall be of such size as specified by the department, and shall adhere to the license plate. The registration license plate shall be imprinted with a combination of bold letters and numerals or numerals, not to exceed seven digits, to identify the registration license plate number. The license plate shall also be imprinted with the word "Florida" at the top and the name of the county in which it is sold at the bottom, except that apportioned license plates shall have the word "Apportioned" at the bottom and license plates issued for vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), (12), or (14) shall have the word "Restricted" at the bottom. License plates issued for vehicles taxed under s. 320.08(12) must be imprinted with the word "Florida" at the top and the word "Dealer" at the bottom, ~~except that gross vehicle weight vehicles owned by a licensed motor vehicle dealer may be issued a license plate with the word "Restricted."~~ License plates issued for vehicles taxed under s. 320.08(5)(d) or (e) must be imprinted with the word "Wrecker" at the bottom. Any county may, upon majority vote of the county commission, elect to have the county name removed from the license plates sold in that county. The words "Sunshine State" shall be printed in lieu thereof. In those counties where the county commission has not removed the county name from the license plate, the tax collector may, in addition to issuing license plates with the county name printed on the license plate, also issue license plates with the words "Sunshine State" printed on the license plate subject to the approval of the department and a legislative appropriation for the additional license plates. A license plate issued for a vehicle taxed under s. 320.08(6) may not be assigned a registration license number, or be issued with any other distinctive character or designation, that distinguishes the motor vehicle as a for-hire motor vehicle.

Section 264. Subsection (1) of section 320.0601, Florida Statutes, is amended to read:

320.0601 Rental car companies; identification of vehicles as for-hire.—

(1) ~~Effective September 1, 1993,~~ A rental car company may not rent in this state any for-hire vehicle, other than vehicles designed to transport cargo, that has affixed to its exterior any bumper stickers, insignias, or advertising that identifies the vehicle as a rental vehicle.

Section 265. Section 320.0605, Florida Statutes, is amended to read:

320.0605 Certificate of registration; possession required; exception.— The registration certificate or an official copy thereof, a true copy of a rental or lease agreement issued for a motor vehicle or issued for a replacement vehicle in the same registration period, or a cab card issued for a vehicle registered under the International Registration Plan shall, at all times while the vehicle is being used or operated on the roads of this state, be in the possession of the operator thereof or be carried in the vehicle for which issued and shall be exhibited upon demand of any authorized law enforcement officer or any agent of the department. The provisions of this section do not apply during the first 30 days after purchase of a replacement vehicle. A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 266. Paragraph (a) of subsection (3) of section 320.07, Florida Statutes, is 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 months or less commits a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318 ~~shall be subject to the penalty provided in s. 318.14.~~

Section 267. Section 320.073, Florida Statutes, is repealed.

Section 268. Section 320.0802, Florida Statutes, is amended to read:

320.0802 Surcharge on license tax.—During the period January 1, 1989, through December 31, 2003, there is hereby levied and imposed on each license tax imposed under s. 320.08, except those set forth in s. 320.08(11), a surcharge in the amount of \$1, which shall be collected in the same manner as the license tax and deposited into the State Agency Law Enforcement Radio System Trust Fund of the Department of Management Services. However, the surcharge shall be terminated on midnight December 31, 1994, unless the pilot project established in s. 282.1095 is deemed successful by the joint task force with the concurrence of the Governor and Cabinet as the head of the Department of Management Services ~~General Services~~.

Section 269. Paragraph (b) of subsection (1) and paragraph (b) of subsection (7) of section 320.08058, Florida Statutes, 1998 Supplement, are amended to read:

320.08058 Specialty license plates.—

(1) MANATEE LICENSE PLATES.—

(b)1. The manatee license plate annual use fee must be deposited into the Save the Manatee Trust Fund, created within the Department of Environmental Protection. The funds deposited in the Save the Manatee Trust Fund may be used only for manatee-related environmental education; manatee research; facilities, as provided in s. 370.12(4)(b)(5)(b); and manatee protection and recovery.

2. For fiscal year 1996-1997, 25 percent of the manatee license plate annual use fee must be deposited into the Save the Manatee Trust Fund within the Department of Environmental Protection and shall be used for manatee facilities as provided in s. 370.12(5)(b).

(7) FLORIDA SPECIAL OLYMPICS LICENSE PLATES.—

(b) The license plate annual use fees are to be annually distributed as follows:

1. The first \$5 million collected annually must be forwarded to the private nonprofit corporation Florida Developmental Disabilities Planning Council as described in s. ~~393.002~~ 393.001 and must be used solely for Special Olympics purposes as approved by the private nonprofit corporation council.

2. Any additional fees must be deposited into the General Revenue Fund.

Section 270. Section 320.08062, Florida Statutes, 1998 Supplement, is amended to read:

320.08062 Audits required; annual use fees of specialty ~~special~~ license plates.—

(1)(a) All organizations that receive annual use fee proceeds from the department are responsible for ensuring that proceeds are used in accordance with ss. 320.08056 and 320.08058.

(b) All organizational recipients of any specialty license plate annual use fee authorized in this chapter, not otherwise subject to annual audit by the Office of the Auditor General, shall submit an annual audit of the expenditures of annual use fees and interest earned from these fees, to determine if expenditures are being made in accordance with the specifications outlined by law. The audit shall be prepared by a certified public accountant licensed under chapter 473 at that organizational recipient's expense. The notes to the financial statements should state whether expenditures were made in accordance with ss. 320.08056 and 320.08058.

(c) In lieu of an annual audit, any organization receiving less than \$25,000 in annual use fee proceeds directly from the department, or from another state agency, may annually report, under penalties of perjury, that such proceeds were used in compliance with ss. 320.08056 and 320.08058. The attestation shall be made annually in a form and format determined by the department.

(d) The annual audit or report shall be submitted to the department for review within 180 days after the end of the organization's fiscal year.

(2) Within 90 days after receiving an organization's audit or report, the department shall determine which recipients of revenues from specialty license plate annual use fees have not complied with subsection (1). If the department determines that an organization has not complied or has failed to use the revenues in accordance with ss. 320.08056 and 320.08058, the department must discontinue the distribution of the revenues to the organization until the department determines that the organization has complied. If an organization fails to comply within 12 months after the annual use fee proceeds are withheld by the department, the proceeds shall be deposited into the Highway Safety Operating Trust Fund to offset department costs related to the issuance of specialty license plates.

(3) The Auditor General and the department have the authority to examine all records pertaining to the use of funds from the sale of specialty license plates.

Section 271. Paragraph (c) of subsection (2) of section 320.0848, Florida Statutes, 1998 Supplement, is 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.—

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

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

a. 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. 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)(e)(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 or its predecessor 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 and has a signed physician's statement of qualification for the disabled parking permits, the fee for a disabled parking permit shall be:

- a. One dollar and fifty cents for the initial 4-year permit or renewal permit.
- b. 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 \$9 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.

Section 272. Section 320.087, Florida Statutes, is amended to read:

320.087 Intercity buses operated in interstate commerce; tax.—All intercity motor buses owned or operated by residents or nonresidents of this state in interstate commerce or combined interstate and intrastate commerce as a result of which operation such motor buses operate both within and without this state under the authority of the United States Department of Transportation Interstate Commerce Commission, are subject to motor vehicle license taxes on a basis commensurate with the use of Florida roads. The department shall require the registration in this state of that percentage of intercity motor buses operating in interstate commerce or combined interstate-intrastate commerce, into or through this state, which the actual mileage operated in this state bears to the total mileage all such intercity motor buses are operated both within and without this state. Such percentage figure, so determined, is the “Florida mileage factor.” In determining the state license tax to be paid on the buses actually operated in this state under the foregoing method, the department shall first compute the amount that the state license tax would be if all of such buses were in fact subject to such tax, and then apply to that amount the Florida mileage factor.

Section 273. Section 320.1325, Florida Statutes, is amended to read:

320.1325 Registration required for the temporarily employed.—Motor vehicles owned or leased by persons who are temporarily employed within the state but are not residents are required to be registered. The department shall provide a temporary registration plate and a registration certificate valid for 90 days to an applicant who is temporarily employed in the state. The temporary registration plate may be renewed one time for an additional 90-day period. At the end of the 180-day period of temporary registration, the applicant shall apply for a permanent registration if there is a further need to remain in this state. A temporary license registration plate may not be issued for any commercial motor vehicle as defined in s. 320.01. The fee for the 90-day temporary registration plate shall be \$40 plus the applicable service charge required by s. 320.04. Subsequent permanent registration and titling of a vehicle registered hereunder shall subject the applicant to the fees required by ~~s. ss. 319.231 and~~ 320.072, in addition to all other taxes and fees required.

Section 274. Paragraph (b) of subsection (5) of section 320.20, Florida Statutes, is amended to read:

320.20 Disposition of license tax moneys.—The revenue derived from the registration of motor vehicles, including any delinquent fees and excluding those revenues collected and distributed under the provisions of s. 320.081, must be distributed monthly, as collected, as follows:

(5)

(b) ~~Beginning July 1, 1989,~~ The State Comptroller each month shall deposit in the State Transportation Trust Fund an amount, drawn from other funds in the State Treasury which are not immediately needed or are otherwise in excess of the amount necessary to meet the requirements of the State Treasury, which when added to such remaining revenues each month will equal one-twelfth of the amount of the anticipated annual revenues to be deposited in the State Transportation Trust Fund under paragraph (a) as estimated by the most recent revenue estimating conference held pursuant to s. 216.136(3). The transfers required hereunder may be suspended by action of the Administration Commission in the event of a significant shortfall of state revenues.

Section 275. Subsection (4) of section 320.8255, Florida Statutes, is amended to read:

320.8255 Mobile home inspection.—

(4) The department shall determine fees for special inspections and for the label seal ~~authorized~~ under s. 320.827 which are sufficient to cover the cost of inspection and administration under this section. Fees collected shall be deposited into the General Revenue Fund.

Section 276. Section 320.8256, Florida Statutes, is repealed.

Section 277. Subsections (2) and (4) of section 321.051, Florida Statutes, 1998 Supplement, are amended to read:

321.051 Florida Highway Patrol wrecker operator system; penalties for operation outside of system.—

(2) The Division of Florida Highway Patrol of the Department of Highway Safety and Motor Vehicles is authorized to establish within areas designated by the patrol a wrecker operator system using qualified, reputable wrecker operators for removal and storage of wrecked or disabled vehicles from a crash ~~an accident~~ scene or for removal and storage of abandoned vehicles, in the event the owner or operator is incapacitated or unavailable or leaves the procurement of wrecker service to the officer at the scene. All reputable wrecker operators shall be eligible for use in the system provided their equipment and drivers meet recognized safety qualifications and mechanical standards set by rules of the Division of Florida Highway Patrol for the size of vehicle it is designed to handle. The division is authorized to limit the number of wrecker operators participating in the wrecker operator system, which authority shall not affect wrecker operators currently participating in the system established by this section. The division is authorized to

establish maximum rates for the towing and storage of vehicles removed at the division’s request, where such rates have not been set by a county or municipality pursuant to s. 125.0103 or s. 166.043. Such rates shall not be considered rules for the purpose of chapter 120; however, the department shall establish by rule a procedure for setting such rates. Any provision in chapter 120 to the contrary notwithstanding, a final order of the department denying, suspending, or revoking a wrecker operator’s participation in the system shall be reviewable in the manner and within the time provided by the Florida Rules of Appellate Procedure only by a writ of certiorari issued by the circuit court in the county wherein such wrecker operator resides.

(4) This section does not prohibit, or in any way prevent, the owner or operator of a vehicle involved in a crash ~~an accident~~ or otherwise disabled from contacting any wrecker operator for the provision of towing services, whether the wrecker operator is an authorized wrecker operator or not.

Section 278. Subsection (2) of section 321.23, Florida Statutes, is amended to read:

321.23 Public records; fees for copies; destruction of obsolete records; photographing records; effect as evidence.—

(2) Fees for copies of public records shall be charged and collected as follows:

- (a) For a crash ~~an accident~~ report, a copy \$2
- (b) For a homicide report, a copy \$25
- (c) Photographs (accidents, etc.):

Enlargement	Color	Black & White
Proof		
1. 5" x 7"	\$1.00	\$0.75
2. 8" x 10"	\$1.50	\$1.00
3. 11" x 14"	Not Available	\$1.75
4. 16" x 20"	Not Available	\$2.75
5. 20" x 24"	Not Available	\$3.75

(d) The department shall furnish such information without charge to any local, state, or federal law enforcement agency upon proof satisfactory to the department as to the purpose of the investigation.

Section 279. Sections 321.06, 321.07, 321.09, 321.12, 321.15, 321.17, 321.18, 321.19, 321.191, 321.20, 321.201, 321.202, 321.203, 321.21, 321.22, 321.2205, 321.221, 321.222, and 321.223, Florida Statutes, are repealed.

Section 280. Section 322.0261, Florida Statutes, is amended to read:

322.0261 Mandatory driver improvement course; certain crashes accidents.—

(1) The department shall screen crash ~~accident~~ reports received under s. 316.066 or s. 324.051 to identify crashes ~~accidents~~ involving the following:

(a) A crash ~~An accident~~ involving death or a bodily injury requiring transport to a medical facility; or

(b) A second crash ~~accident~~ by the same operator within the previous 2-year period involving property damage in an apparent amount of at least \$500.

(2) With respect to an operator convicted of, or who pleaded nolo contendere to, a traffic offense giving rise to a crash ~~an accident~~ identified pursuant to subsection (1), the department shall require that the operator, in addition to other applicable penalties, attend a departmentally approved driver improvement course in order to maintain driving privileges. If the operator fails to complete the course within 90 days of receiving notice from the department, the operator's driver's license shall be canceled by the department until the course is successfully completed.

(3) In determining whether to approve a driver improvement course for the purposes of this section, the department shall consider course content designed to promote safety, driver awareness, crash ~~accident~~ avoidance techniques, and other factors or criteria to improve driver performance from a safety viewpoint.

Section 281. Subsection (2) of section 322.055, Florida Statutes, is amended to read:

322.055 Revocation or suspension of, or delay of eligibility for, driver's license for persons 18 years of age or older convicted of certain drug offenses.—

(2) If a person 18 years of age or older is convicted for the possession or sale of, trafficking in, or conspiracy to possess, sell, or traffic in a controlled substance and such person is eligible by reason of age for a driver's license or privilege, the court shall direct the department to withhold issuance of such person's driver's license or driving privilege for a period of 2 years after the date the person was convicted or until the person is evaluated for and, if deemed necessary by the evaluating agency, completes a drug treatment and rehabilitation program approved or regulated by the Department of Children and Family and Rehabilitative ~~and Rehabilitative~~ Services. However, the court may, in its sound discretion, direct the department to issue a license for driving privileges restricted to business or employment purposes only, as defined by s. 322.271, if the person is otherwise qualified for such a license. A driver whose license or driving privilege has been suspended or revoked under this section or s. 322.056 may, upon the expiration of 6 months, petition the department for restoration of the driving privilege on a restricted or unrestricted basis depending on the length of suspension or revocation. In no case shall a restricted license be available until 6 months of the suspension or revocation period has expired.

Section 282. Subsection (5) of section 322.08, Florida Statutes, 1998 Supplement, is amended to read:

322.08 Application for license.—

(5) ~~After December 31, 1989,~~ The department may not issue a driver's license to a person who has never been issued a driver's license in any jurisdiction until he or she successfully completes the traffic law and substance abuse education course prescribed in s. 322.095.

Section 283. Subsection (2) of section 322.12, Florida Statutes, is amended to read:

322.12 Examination of applicants.—

(2) The department shall examine every applicant for a driver's license, including an applicant who is licensed in another state or country, except as otherwise provided in this chapter. A person who holds a learner's driver's license as provided for in s. 322.1615 ~~s. 322.161~~ is not required to pay a fee for successfully completing the examination showing his or her ability to operate a motor vehicle as provided for herein and need not pay the fee for a replacement license as provided in s. 322.17(2). Any person who applies for reinstatement following the suspension or revocation of his or her driver's license shall pay a service fee of \$25 following a suspension, and \$50 following a revocation, which is in addition to the fee for a license. Any person who applies for reinstatement of a commercial driver's license following the disqualification of his or her privilege to operate a commercial motor vehicle shall pay a service fee of \$50, which is in addition to the fee for a license. The department shall collect all of these fees at the time of reinstatement. The department shall issue proper receipts for such fees and shall promptly transmit all funds received by it as follows:

(a) Of the \$25 fee received from a licensee for reinstatement following a suspension, the department shall deposit \$15 in the General Revenue Fund and the remaining \$10 in the Highway Safety Operating Trust Fund.

(b) Of the \$50 fee received from a licensee for reinstatement following a revocation or disqualification, the department shall deposit \$35 in the General Revenue Fund and the remaining \$15 in the Highway Safety Operating Trust Fund.

If the revocation or suspension of the driver's license was for a violation of s. 316.193, or for refusal to submit to a lawful breath, blood, or urine test, an additional fee of \$105 must be charged. However, only one such \$105 fee is to be collected from one person convicted of such violations arising out of the same incident. The department shall collect the \$105 fee and deposit it into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver's license, but the fee must not be collected if the suspension or revocation was overturned.

Section 284. 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:

(a) Failure to exhibit a vehicle registration certificate, rental agreement, or cab card pursuant to s. 320.0605 ~~s. 320.0605(1)~~;

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

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

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

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

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

Section 285. Paragraph (a) of subsection (2) of section 322.141, Florida Statutes, is amended to read:

322.141 Color of licenses.—

(2)(a) ~~Effective January 1, 1990,~~ All licenses for the operation of motor vehicles originally issued or reissued by the department to persons who have insulin-dependent diabetes may, at the request of the applicant, have distinctive markings separate and distinct from all other licenses issued by the department.

Section 286. Subsection (4) is added to section 322.15, Florida Statutes, to read:

322.15 License to be carried and exhibited on demand; fingerprint to be imprinted upon a citation.—

(4) A violation of subsection (1) is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 287. Subsections (2), (3), and (7) of section 322.20, Florida Statutes, are amended to read:

322.20 Records of the department; fees; destruction of records.—

(2) The department shall also maintain a record of all crash accident reports, abstracts of court records of convictions, and notices of revocation or suspension of a person's driver's license or driving privilege.

(3) The department shall maintain convenient records or make suitable notations, in order that the individual driver history record of each licensee

is readily available for the consideration of the department upon application for renewal of a license and at other suitable times. The release by the department of the driver history record, with respect to crashes ~~accidents~~ involving a licensee, shall not include any notation or record of the occurrence of a motor vehicle crash ~~accident~~ unless the licensee received a traffic citation as a direct result of the crash ~~accident~~, and to this extent such notation or record is exempt from the provisions of s. 119.07(1).

(7) The requirement for the department to keep records shall terminate upon the death of an individual licensed by the department upon notification by the Department of Health and ~~Rehabilitative Services~~ of such death. The department shall make such notification as is proper of the deletions from their records to the court clerks of the state.

Section 288. Section 322.201, Florida Statutes, is amended to read:

322.201 Records as evidence.—A copy, computer copy, or transcript of all abstracts of crash ~~accident~~ reports and all abstracts of court records of convictions received by the department and the complete driving record of any individual duly certified by machine imprint of the department or by machine imprint of the clerk of a court shall be received as evidence in all courts of this state without further authentication, provided the same is otherwise admissible in evidence. Further, any court or the office of the clerk of any court of this state which is electronically connected by a terminal device to the computer data center of the department may use as evidence in any case the information obtained by this device from the records of the department without need of such certification; however, if a genuine issue as to the authenticity of such information is raised by a party or by the court, the court in its sound discretion may require that a record certified by the department be submitted for admission into evidence. For such computer copies generated by a terminal device of a court or clerk of court, entry in a driver's record that the notice required by s. 322.251 was given shall constitute sufficient evidence that such notice was given.

Section 289. Paragraph (a) of subsection (2) of section 322.221, Florida Statutes, is amended to read:

322.221 Department may require reexamination.—

(2)(a) The department may require an examination or reexamination to determine the competence and driving ability of any driver causing or contributing to the cause of any crash ~~accident~~ resulting in death, personal injury, or property damage.

Section 290. Subsection (4) of section 322.26, Florida Statutes, 1998 Supplement, is amended to read:

322.26 Mandatory revocation of license by department.—The department shall forthwith revoke the license or driving privilege of any person upon receiving a record of such person's conviction of any of the following offenses:

(4) Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle crash ~~accident~~ resulting in the death or personal injury of another.

Section 291. Section 322.264, Florida Statutes, is reenacted and amended to read:

322.264 “Habitual traffic offender” defined.—A “habitual traffic offender” is any person whose record, as maintained by the Department of Highway Safety and Motor Vehicles, shows that such person has accumulated the specified number of convictions for offenses described in subsection (1) or subsection (2) within a 5-year period:

(1) Three or more convictions of any one or more of the following offenses arising out of separate acts:

(a) Voluntary or involuntary manslaughter resulting from the operation of a motor vehicle;

(b) Any violation of s. 316.193, former s. 316.1931, or former s. 860.01;

(c) Any felony in the commission of which a motor vehicle is used;

(d) Driving a motor vehicle while his or her license is suspended or revoked;

(e) Failing to stop and render aid as required under the laws of this state in the event of a motor vehicle crash ~~accident~~ resulting in the death or personal injury of another; or

(f) Driving a commercial motor vehicle while his or her privilege is disqualified.

(2) Fifteen convictions for moving traffic offenses for which points may be assessed as set forth in s. 322.27, including those offenses in subsection (1).

Any violation of any federal law, any law of another state or country, or any valid ordinance of a municipality or county of another state similar to a statutory prohibition specified in subsection (1) or subsection (2) shall be counted as a violation of such prohibition. In computing the number of convictions, all convictions during the 5 years previous to July 1, 1972, will be used, provided at least one conviction occurs after that date. The fact that previous convictions may have resulted in suspension, revocation, or disqualification under another section does not exempt them from being used for suspension or revocation under this section as a habitual offender.

Section 292. Subsections (1) and (3) of section 322.27, Florida Statutes, are amended to read:

322.27 Authority of department to suspend or revoke license.—

(1) Notwithstanding any provisions to the contrary in chapter 120, the department is hereby authorized to suspend the license of any person with-

out preliminary hearing upon a showing of its records or other sufficient evidence that the licensee:

(a) Has committed an offense for which mandatory revocation of license is required upon conviction; ~~or~~

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

(c) Is incompetent to drive a motor vehicle; ~~or~~

(d) Has permitted an unlawful or fraudulent use of such license or has knowingly been a party to the obtaining of a license by fraud or misrepresentation or to display, or represent as one's own, any driver's license not issued him or her. Provided, however, no provision of this section shall be construed to include the provisions of s. 322.32(1); ~~or~~

(e) Has committed an offense in another state which if committed in this state would be grounds for suspension or revocation; or

(f) Has committed a second or subsequent violation of s. 316.172(1) within a 5-year period of any previous violation.

(3) There is established a point system for evaluation of convictions of violations of motor vehicle laws or ordinances, and violations of applicable provisions of s. 403.413(6)(b)(5)(b) when such violations involve the use of motor vehicles, for the determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b)(5)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(a) When a licensee accumulates 12 points within a 12-month period, the period of suspension shall be for not more than 30 days.

(b) When a licensee accumulates 18 points, including points upon which suspension action is taken under paragraph (a), within an 18-month period, the suspension shall be for a period of not more than 3 months.

(c) When a licensee accumulates 24 points, including points upon which suspension action is taken under paragraphs (a) and (b), within a 36-month period, the suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.
2. Leaving the scene of a crash ~~an accident~~ resulting in property damage of more than \$50—6 points.

3. Unlawful speed resulting in a crash ~~an accident~~—6 points.
4. Passing a stopped school bus—4 points.
5. Unlawful speed:
 - a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.
 - b. In excess of 15 miles per hour of lawful or posted speed—4 points.
6. All other moving violations (including parking on a highway outside the limits of a municipality)—3 points. However, no points shall be imposed for a violation of s. 316.0741 or s. 316.2065(12).
7. Any moving violation covered above, excluding unlawful speed, resulting in a crash ~~an accident~~—4 points.
8. Any conviction under s. 403.413(5)(b)—3 points.

(e) A conviction in another state of a violation therein which, if committed in this state, would be a violation of the traffic laws of this state, or a conviction of an offense under any federal law substantially conforming to the traffic laws of this state, except a violation of s. 322.26, may be recorded against a driver on the basis of the same number of points received had the conviction been made in a court of this state.

(f) In computing the total number of points, when the licensee reaches the danger zone, the department is authorized to send the licensee a warning letter advising that any further convictions may result in suspension of his or her driving privilege.

(g) The department shall administer and enforce the provisions of this law and may make rules and regulations necessary for its administration.

(h) Three points shall be deducted from the driver history record of any person whose driving privilege has been suspended only once pursuant to this subsection and has been reinstated, if such person has complied with all other requirements of this chapter.

(i) This subsection shall not apply to persons operating a nonmotorized vehicle for which a driver's license is not required.

Section 293. Paragraph (a) of subsection (1) of section 322.291, Florida Statutes, is amended to read:

322.291 Driver improvement schools; required in certain suspension and revocation cases.—Except as provided in s. 322.03(2), any person:

- (1) Whose driving privilege has been revoked:
 - (a) Upon conviction for:
 1. Driving, or being in actual physical control of, any vehicle while under the influence of alcoholic beverages, any chemical substance set forth in s.

877.111, or any substance controlled under chapter 893, in violation of s. 316.193;

2. Driving with an unlawful blood- or breath-alcohol level;
3. Manslaughter resulting from the operation of a motor vehicle;
4. Failure to stop and render aid as required under the laws of this state in the event of a motor vehicle crash accident resulting in the death or personal injury of another;
5. Reckless driving; or

shall, before the driving privilege may be reinstated, present to the department proof of enrollment in a department-approved advanced driver improvement course or substance abuse education course. If the person fails to complete such course within 90 days after reinstatement, the driver's license shall be canceled by the department until such course is successfully completed.

Section 294. Section 322.292, Florida Statutes, is amended to read:

322.292 DUI programs supervision; powers and duties of the department.—

(1) The Department of Highway Safety and Motor Vehicles shall license and regulate all DUI programs, which regulation shall include the certification of instructors, evaluators, clinical supervisors, and evaluator supervisors. The department shall, after consultation with the chief judge of the affected judicial circuit, establish requirements regarding the number of programs to be offered within a judicial circuit. Such requirements shall address the number of clients currently served in the circuit as well as improvements in service that may be derived from operation of an additional DUI program. DUI education and evaluation services are exempt from licensure under chapter ~~chapters 396 and~~ 397. However, treatment programs must continue to be licensed under chapter ~~chapters 396 and~~ 397.

(2) The department shall adopt rules to implement its supervisory authority over DUI programs in accordance with the procedures of chapter 120, including the establishment of uniform standards of operation for DUI programs and the method for setting and approving fees, as follows:

(a) Establish rules ~~minimum standards~~ for statutorily required education, evaluation, and supervision of DUI offenders. Such rules ~~minimum standards~~ previously adopted by the Traffic Court Review Committee of the Supreme Court of Florida shall remain in effect unless modified by the department.

(b) Establish rules ~~minimum standards~~ for the administration and financial management of DUI programs, including, but not limited to:

1. Rules ~~Standards~~ governing the types of expenditures that may be made by DUI programs from funds paid by persons attending such programs.

2. Rules Standards for financial reporting that require data on DUI programs expenditures in sufficient detail to support reasonable and informed decisions concerning the fees that are to be assessed those attending DUI programs. The department shall perform financial audits of DUI programs required under this section or require that financial audits of the programs be performed by certified public accountants at program expense and submitted directly from the auditor to the department.

3. Rules for Standards of reciprocity in relation to DUI programs in other states or countries that have programs similar to the DUI programs licensed by the department.

4. Such other rules standards as the department deems appropriate and necessary for the effective oversight of the DUI programs.

(c) Implement procedures for the granting and revoking of licenses for DUI programs.

(d) Establish a fee structure for the various programs offered by the DUI programs, based only on the reasonable and necessary costs for operating the programs throughout the state. The department shall approve, modify, or reduce fees as necessary. ~~The DUI programs fees that are in effect on January 1, 1994, shall remain in effect until the department adopts a fee schedule for the DUI programs system. After the adoption of the schedule, the programs shall adjust their fees to conform with the established amounts.~~

(e) Establish policies and procedures for monitoring DUI programs compliance with all rules minimum standards established by the department.

(f) The department shall oversee an ongoing evaluation to assess the effectiveness of the DUI programs. This evaluation shall be performed by an independent group and shall evaluate the curriculum, client treatment referrals, recidivism rates, and any other relevant matters. ~~The department shall report to the Legislature by January 1, 1995, on the status of the evaluation, including its design and schedule for completion.~~ The department may use funds received under s. 322.293 to retain the services and reimburse expenses of such private persons or professional consultants as are required for monitoring and evaluating DUI programs.

(g) Investigate complaints about the DUI programs and resolve problems in the provision of services to DUI offenders, as needed.

~~(3) All DUI programs and certified program personnel providing DUI programs services that meet the department's standards and that are operating on January 1, 1994, may remain in operation until the department's license procedures are in place. At that time the DUI programs and certified program personnel may apply for relicensure.~~

(4) DUI programs shall be either governmental programs or not-for-profit corporations.

~~(5) The department shall report to the Supreme Court by December 1, 1994, and by December 31 of each succeeding year through 1996, on the~~

general status of the statewide program. This report must include programmatic and statistical information regarding the number of licensed programs, enrollment and referral figures, program monitoring and evaluation activities, and findings, and the general steps taken by the department to implement the provisions of this section.

Section 295. Section 322.293, Florida Statutes, is amended to read:

322.293 DUI Programs Coordination Trust Fund; assessment; disposition.—

(1) ~~The DUI Programs Coordination Trust Fund, created pursuant to chapter 81-208, Laws of Florida, shall be transferred to the department with all funds therein on January 1, 1994. The DUI Programs Coordination Office shall be transferred from the budget of the Supreme Court to the Department of Highway Safety and Motor Vehicles Division of Driver Licenses. The transfer shall include all of the statutory powers, duties and functions, records, personnel, property, and unexpended balances of appropriations, allocations, and other funds. All personnel shall be transferred at their current classifications and levels of compensation. Any legal commitments, contracts, and other obligations heretofore entered into on behalf of or assumed by the DUI Programs Coordination Office in connection with the performance of its functions and duties are charged to and shall be performed by the department.~~

(2) The DUI Programs Coordination Trust Fund shall be administered by the department, and the costs of administration shall be borne by the fund. All funds received by the DUI Programs Coordination Trust Fund shall be used solely for the purposes set forth in this section and s. 322.292. However, if the Legislature passes legislation consolidating existing trust funds assigned to the department, all funds remaining in and deposited to the DUI Programs Coordination Trust Fund shall be transferred to the consolidated trust funds, subject to their being earmarked for use solely for the purposes set forth in this section and s. 322.292.

(2)(3) Each DUI program shall assess \$12 against each person enrolling in a DUI program at the time of enrollment, including persons who transfer to or from a program in another state. In addition, second and third offenders and those offenders under permanent driver's-license revocation who are evaluated for eligibility for license restrictions under s. 322.271(2)(b) and (4) shall be assessed \$12 upon enrollment in the program and upon each subsequent anniversary date while they are in the program, for the duration of the license period.

(3)(4) All assessments collected under this section shall be forwarded to the DUI Programs Coordination Trust Fund within 30 days after the last day of the month in which the assessment was received.

Section 296. Section 322.44, Florida Statutes, is amended to read:

322.44 Driver License Compact.—The Driver License Compact is hereby enacted into law and entered into with all other jurisdictions legally joining therein in the form substantially as follows:

ARTICLE I

FINDINGS AND DECLARATION OF POLICY.—

(1) The party states find that:

(a) The safety of their streets and highways is materially affected by the degree of compliance with state laws and local ordinances relating to the operation of motor vehicles;

(b) Violation of such a law or ordinance is evidence that the violator engages in conduct which is likely to endanger the safety of persons and property;

(c) The continuance in force of a license to drive is predicated upon compliance with laws and ordinances relating to the operation of motor vehicles, in whichever jurisdiction the vehicle is operated.

(2) It is the policy of each of the party states to:

(a) Promote compliance with the laws, ordinances, and administrative rules and regulations relating to the operation of motor vehicles by their operators in each of the jurisdictions where such operators drive motor vehicles;

(b) Make the reciprocal recognition of licenses to drive and eligibility therefor more just and equitable by considering the overall compliance with motor vehicle laws, ordinances, and administrative rules and regulations as a condition precedent to the continuance or issuance of any license by reason of which the licensee is authorized or permitted to operate a motor vehicle in any of the party states.

ARTICLE II

DEFINITIONS.—As used in this compact:

(1) “State” means a state, territory or possession of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(2) “Home state” means the state which has issued and has the power to suspend or revoke the use of the license or permit to operate a motor vehicle.

(3) “Conviction” means a conviction of any offense related to the use or operation of a motor vehicle which is prohibited by state law, municipal ordinance, or administrative rule or regulation, or a forfeiture of bail, bond, or other security deposited to secure appearance by a person charged with having committed any such offense, and which conviction or forfeiture is required to be reported to the licensing authority.

ARTICLE III

REPORTS OF CONVICTION.—The licensing authority of a party state shall report each conviction of a person from another party state occurring within its jurisdiction to the licensing authority of the home state of the licensee. Such report shall clearly identify the person convicted; describe the violation specifying the section of the statute, code, or ordinance violated; identify the court in which action was taken; indicate whether a plea of guilty or not guilty was entered or the conviction was a result of the forfeiture of bail, bond, or other security; and shall include any special findings made in connection therewith.

ARTICLE IV

EFFECT OF CONVICTION.—

(1) The licensing authority in the home state, for the purposes of suspension, revocation, or limitation of the license to operate a motor vehicle, shall give the same effect to the conduct reported, pursuant to article III, as it would if such conduct had occurred in the home state, in the case of convictions for:

(a) Manslaughter or negligent homicide resulting from the operation of a motor vehicle, as provided by ss. 316.193 and 322.26;

(b) Driving a motor vehicle while under the influence of alcoholic beverages or a narcotic drug, or under the influence of any other drug to a degree which renders the driver incapable of safely driving a motor vehicle, as provided by s. 316.193;

(c) Any felony in the commission of which a motor vehicle is used, as provided by s. 322.26; or

(d) Failure to stop and render aid in the event of a motor vehicle crash ~~accident~~ resulting in the death or personal injury of another, as provided by s. 322.26.

(2) As to other convictions, reported pursuant to article III, the licensing authority in the home state shall give such effect to the conduct as is provided by the laws of the home state.

ARTICLE V

APPLICATIONS FOR NEW LICENSES.—Upon application for a license to drive, the licensing authority in a party state shall ascertain whether the applicant has ever held, or is the holder of, a license to drive issued by any other party state. The licensing authority in the state where application is made shall not issue a license to drive to the applicant if:

(1) The applicant has held such a license, but the same has been suspended by reason, in whole or in part, of a violation and if such suspension period has not terminated.

(2) The applicant has held such a license, but the same has been revoked by reason, in whole or in part, of a violation and if such revocation has not terminated, except that after the expiration of 1 year from the date the license was revoked, such person may make application for a new license if permitted by law. The licensing authority may refuse to issue a license to any such applicant if, after investigation, the licensing authority determines that it will not be safe to grant to such person the privilege of driving a motor vehicle on the public highways.

(3) The applicant is the holder of a license to drive issued by another party state and currently in force unless the applicant surrenders such license.

ARTICLE VI

APPLICABILITY OF OTHER LAWS.—Except as expressly required by provisions of this compact, nothing contained herein shall be construed to affect the right of any party state to apply any of its other laws relating to licenses to drive to any person or circumstance, nor to invalidate or prevent any driver license agreement or other cooperative arrangement between a party state and a nonparty state.

ARTICLE VII

COMPACT ADMINISTRATOR AND INTERCHANGE OF INFORMATION.—

(1) The head of the licensing authority of each party state shall be the administrator of this compact for his or her state. The administrators, acting jointly, shall have the power to formulate all necessary and proper procedures for the exchange of information under this compact.

(2) The administrator of each party state shall furnish to the administrator of each other party state any information or documents reasonably necessary to facilitate the administration of this compact.

ARTICLE VIII

ENTRY INTO FORCE AND WITHDRAWAL.—

(1) This compact shall enter into force and become effective as to any state when it has enacted the same into law.

(2) Any party state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until 6 months after the executive head of the withdrawing state has given notice of the withdrawal to the executive heads of all other party states. No withdrawal shall affect the validity or applicability by the licensing authorities of states remaining party to the compact of any report of conviction occurring prior to the withdrawal.

ARTICLE IX

CONSTRUCTION AND SEVERABILITY.—This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable; and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state party thereto, the compact shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

Section 297. Paragraph (b) of subsection (1) of section 322.57, Florida Statutes, is amended to read:

322.57 Tests of knowledge concerning specified vehicles; endorsement; nonresidents; violations.—

(1) In addition to fulfilling any other driver's licensing requirements of this chapter, a person who:

(b) Drives a passenger vehicle must successfully complete a test of his or her knowledge concerning the safe operation of such vehicles and a test of his or her driving skill in such a vehicle. ~~However, if such a person satisfies the requirements of s. 322.55(1)-(3), he or she is exempt from the test of his or her driving skills.~~

Section 298. Subsections (1) and (3) of section 322.61, Florida Statutes, are amended to read:

322.61 Disqualification from operating a commercial motor vehicle.—

(1) A person who, within a 3-year period, is convicted of two of the following serious traffic violations or any combination thereof, arising in separate incidents committed in a commercial motor vehicle shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 60 days:

(a) A violation of any state or local law relating to motor vehicle traffic control, other than a parking violation, a weight violation, or a vehicle equipment violation, arising in connection with a crash ~~an accident~~ resulting in death or personal injury to any person;

(b) Reckless driving, as defined in s. 316.192;

(c) Careless driving, as defined in s. 316.1925;

(d) Fleeing or attempting to elude a law enforcement officer, as defined in s. 316.1935;

(e) Unlawful speed of 15 miles per hour or more above the posted speed limit;

(f) Driving a commercial motor vehicle, owned by such person, which is not properly insured;

(g) Improper lane change, as defined in s. 316.085; or

(h) Following too closely, as defined in s. 316.0895.

(3) Except as provided in subsection (4), any person who is convicted of one of the following offenses shall, in addition to any other applicable penalties, be disqualified from operating a commercial motor vehicle for a period of 1 year:

(a) Driving a commercial motor vehicle while he or she is under the influence of alcohol or a controlled substance;

(b) Driving a commercial motor vehicle while the alcohol concentration of his or her blood, breath, or urine is .04 percent or higher;

(c) Leaving the scene of a crash ~~an accident~~ involving a commercial motor vehicle driven by such person;

- (d) Using a commercial motor vehicle in the commission of a felony;
- (e) Driving a commercial motor vehicle while in possession of a controlled substance; or
- (f) Refusing to submit to a test to determine his or her alcohol concentration while driving a commercial motor vehicle.

Section 299. Paragraph (c) of subsection (2) of section 322.63, Florida Statutes, is amended to read:

322.63 Alcohol or drug testing; commercial motor vehicle operators.—

(2) The chemical and physical tests authorized by this section shall only be required if a law enforcement officer has reasonable cause to believe that a person driving a commercial motor vehicle has any alcohol, chemical substance, or controlled substance in his or her body.

(c) The blood test shall be administered at the request of a law enforcement officer who has reasonable cause to believe that a person was driving a commercial motor vehicle with any alcohol, chemical substance, or controlled substance in his or her body. The blood test shall be performed in a reasonable manner by qualified medical personnel. Any person who appears for treatment at a medical facility as a result of his or her involvement as a commercial motor vehicle driver in a crash ~~an accident~~ and who is incapable, by reason of a mental or physical condition, of refusing a blood test shall be deemed to have consented to such test.

Section 300. Section 324.011, Florida Statutes, is amended to read:

324.011 Purpose of chapter.—It is the intent of this chapter to recognize the existing privilege to own or operate a motor vehicle on the public streets and highways of this state when such vehicles are used with due consideration for others and their property, and to promote safety and provide financial security requirements for such owners or operators whose responsibility it is to recompense others for injury to person or property caused by the operation of a motor vehicle. Therefore, it is required herein that the operator of a motor vehicle involved in a crash ~~an accident~~ or convicted of certain traffic offenses meeting the operative provisions of s. 324.051(2) shall respond for such damages and show proof of financial ability to respond for damages in future accidents as a requisite to his or her future exercise of such privileges.

Section 301. Subsection (7) of section 324.021, Florida Statutes, is amended to read:

324.021 Definitions; minimum insurance required.—The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(7) **PROOF OF FINANCIAL RESPONSIBILITY.—**That proof of ability to respond in damages for liability on account of crashes ~~accidents~~ arising out of the use of a motor vehicle:

(a) In the amount of \$10,000 because of bodily injury to, or death of, one person in any one crash accident;

(b) Subject to such limits for one person, in the amount of \$20,000 because of bodily injury to, or death of, two or more persons in any one crash accident;

(c) In the amount of \$10,000 because of injury to, or destruction of, property of others in any one crash accident; and

(d) With respect to commercial motor vehicles and nonpublic sector buses, in the amounts specified in ss. 627.7415 and 627.742, respectively.

Section 302. Section 324.022, Florida Statutes, is amended to read:

324.022 Financial responsibility for property damage.—Every owner or operator of a motor vehicle, which motor vehicle is subject to the requirements of ss. 627.730-627.7405 and required to be registered in this state, shall, by one of the methods established in s. 324.031 or by having a policy that complies with s. 627.7275, establish and maintain the ability to respond in damages for liability on account of accidents arising out of the use of the motor vehicle in the amount of \$10,000 because of damage to, or destruction of, property of others in any one crash accident. The requirements of this section may also be met by having a policy which provides coverage in the amount of at least \$30,000 for combined property damage liability and bodily injury liability for any one crash accident arising out of the use of the motor vehicle. No insurer shall have any duty to defend uncovered claims irrespective of their joinder with covered claims.

Section 303. Section 324.051, Florida Statutes, is amended to read:

324.051 Reports of crashes accidents; suspensions of licenses and registrations.—

(1)(a) Every law enforcement officer who, in the regular course of duty either at the time of and at the scene of the crash accident or thereafter by interviewing participants or witnesses, investigates a motor vehicle crash accident which he or she is required to report pursuant to s. 316.066(3)(a) shall forward a written report of the crash accident to the department within 10 days of completing the investigation. However, when the investigation of a crash an accident will take more than 10 days to complete, a preliminary copy of the crash accident report shall be forwarded to the department within 10 days of the occurrence of the crash accident, to be followed by a final report within 10 days after completion of the investigation. The report shall be on a form and contain information consistent with the requirements of s. 316.068.

(b) The department is hereby further authorized to require reports of crashes accidents from individual owners or operators whenever it deems it necessary for the proper administration of this chapter, and these reports shall be made without prejudice except as specified in this subsection. No such report shall be used as evidence in any trial arising out of a crash an accident. However, subject to the applicable rules of evidence, a law enforcement officer at a criminal trial may testify as to any statement made to the

officer by the person involved in the accident if that person's privilege against self-incrimination is not violated.

(2)(a) Thirty days after receipt of notice of any accident described in paragraph (1)(a) involving a motor vehicle within this state, the department shall suspend, after due notice and opportunity to be heard, the license of each operator and all registrations of the owner of the vehicles operated by such operator whether or not involved in such ~~crash accident~~ and, in the case of a nonresident owner or operator, shall suspend such nonresident's operating privilege in this state, unless such operator or owner shall, prior to the expiration of such 30 days, be found by the department to be exempt from the operation of this chapter, based upon evidence satisfactory to the department that:

1. The motor vehicle was legally parked at the time of such crash accident.

2. The motor vehicle was owned by the United States Government, this state, or any political subdivision of this state or any municipality therein.

3. Such operator or owner has secured a duly acknowledged written agreement providing for release from liability by all parties injured as the result of said crash accident and has complied with one of the provisions of s. 324.031.

4. Such operator or owner has deposited with the department security to conform with s. 324.061 when applicable and has complied with one of the provisions of s. 324.031.

5. One year has elapsed since such owner or operator was suspended pursuant to subsection (3), the owner or operator has complied with one of the provisions of s. 324.031, and no bill of complaint of which the department has notice has been filed in a court of competent jurisdiction.

(b) This subsection shall not apply:

1. To such operator or owner if such operator or owner had in effect at the time of such crash accident or traffic conviction an automobile liability policy with respect to all of the registered motor vehicles owned by such operator or owner.

2. To such operator, if not the owner of such motor vehicle, if there was in effect at the time of such crash accident or traffic conviction an automobile liability policy or bond with respect to his or her operation of motor vehicles not owned by him or her.

3. To such operator or owner if the liability of such operator or owner for damages resulting from such crash accident is, in the judgment of the department, covered by any other form of liability insurance or bond.

4. To any person who has obtained from the department a certificate of self-insurance, in accordance with s. 324.171, or to any person operating a motor vehicle for such self-insurer.

No such policy or bond shall be effective under this subsection unless it contains limits of not less than those specified in s. 324.021(7).

(3) Any driver's license or registration certificate or certificates and registration plates which are suspended as provided for in this section shall remain suspended for a period of 3 years unless reinstated as otherwise provided in this chapter.

Section 304. Subsections (1) and (2) of section 324.061, Florida Statutes, are amended to read:

324.061 Security deposited with Department of Highway Safety and Motor Vehicles; release.—

(1) Security deposited pursuant to the provisions of s. 324.051(2)(a)4. with respect to claims for injuries to persons or properties resulting from a crash ~~an accident~~ occurring prior to such deposit shall be in the form and amount determined by the department which, in its judgment, will be sufficient to compensate for all injuries arising out of such crash ~~accident~~, but in no case shall the amount exceed the limits as specified in s. 324.021(7).

(2) Such security shall be deposited with the department and shall not be released except under one of the following conditions:

(a) A duly attested written statement of satisfaction by all parties shown to be injured in such crash ~~accident~~ has been received by the department. ~~or~~

(b) In the event the depositor has been finally adjudicated by a court of competent jurisdiction not to be liable; or all judgments of liability against the depositor have been satisfied. ~~or~~

(c) One year shall have elapsed after deposit and during such period the department has not been duly notified of any court action brought for damages.

(d) Upon receipt of an order from a court ordering that such deposit be paid to satisfy a recorded judgment, in whole or in part, resulting from a crash ~~an accident~~. If the department does not have sufficient funds on deposit to satisfy such judgment it shall forthwith call upon the judgment debtor for the balance, subject to the limits specified in s. 324.021(7). Upon failure of the judgment debtor to make the necessary deposit or to satisfy the judgment in full, the department shall revoke the driving privilege and all registrations of such judgment debtor within 10 days subsequent to notification to the judgment debtor by the department.

(e) In any case in which securities deposited under this section have remained unclaimed for 5 years or more such deposit shall be transferred by the department to the State School Fund, and all interest and income that may accrue from said deposits after the aforesaid period of time, shall belong to said fund.

Section 305. Subsections (1) and (3) of section 324.081, Florida Statutes, are amended to read:

324.081 Nonresident owner or operator.—

(1) The department may establish reciprocal agreements with any other states for the purpose of fulfilling the provisions of this chapter and pursuant to such agreements may suspend the license and registration of a resident of this state involved in a crash ~~an accident~~ in another state.

(3) Upon receipt of such certification that the operating privilege of a resident of this state has been suspended or revoked in any such other reciprocating state pursuant to a law providing for its suspension or revocation for failure to deposit security for the payment of judgments arising out of a motor vehicle crash ~~accident~~, under circumstances which would require the department to suspend a nonresident's operating privilege had the crash ~~accident~~ occurred in this state, the department shall suspend the license of such resident if he or she was the operator, and all of his or her registrations if he or she was the owner of a motor vehicle involved in such crash ~~accident~~. Such suspension shall continue until such resident furnishes evidence of his or her compliance with the law of such other state relating to the deposit of such security.

Section 306. Subsection (1) of section 324.091, Florida Statutes, is amended to read:

324.091 Notice to department; notice to insurer.—

(1) Each owner and operator involved in a crash ~~an accident~~ or conviction case within the purview of this chapter shall furnish evidence of automobile liability insurance, motor vehicle liability insurance, or surety bond within 30 days from the date of the mailing of notice of crash ~~accident~~ by the department in such form and manner as it may designate. Upon receipt of evidence that an automobile liability policy, motor vehicle liability policy, or surety bond was in effect at the time of the crash ~~accident~~ or conviction case, the department shall forward by United States mail, postage prepaid, to the insurer or surety insurer a copy of such information and shall assume that such policy or bond was in effect unless the insurer or surety insurer shall notify the department otherwise within 20 days from the mailing of the notice to the insurer or surety insurer; provided that if the department shall later ascertain that an automobile liability policy, motor vehicle liability policy, or surety bond was not in effect and did not provide coverage for both the owner and the operator, it shall at such time take such action as it is otherwise authorized to do under this chapter. Proof of mailing to the insurer or surety insurer may be made by the department by naming the insurer or surety insurer to whom such mailing was made and specifying the time, place and manner of mailing.

Section 307. Section 324.101, Florida Statutes, is amended to read:

324.101 Compliance before license or registration allowed.—In case the operator or owner of a motor vehicle involved in a crash ~~an accident~~ within the state has no license or registration, he or she shall not be allowed a license or registration until he or she has complied with the requirements of this chapter to the same extent that would be necessary, if at the time of the crash ~~accident~~ he or she had held a license and registration.

Section 308. Subsection (1) of section 324.202, Florida Statutes, is amended to read:

324.202 Seizure of motor vehicle license plates by recovery agents.—

(1) The Department of Highway Safety and Motor Vehicles shall implement a pilot project in Broward County, Dade County, and Hillsborough County to determine the effectiveness of using recovery agents for the seizure of license plates. ~~On October 1, 1996, the department shall provide a report to the President of the Senate, the Speaker of the House of Representatives, the chair of the Senate Commerce Committee, the chair of the House Insurance Committee, and the Majority and Minority Leaders of the Senate and the House of Representatives, on the results of the pilot project.~~ Licensed recovery agents and recovery agencies as described in s. 493.6101(20) and (21) may seize license plates of motor vehicles whose registrations have been suspended pursuant to s. 316.646 or s. 627.733 in such counties upon compliance with this section and rules of the Department of Highway Safety and Motor Vehicles.

Section 309. Sections 325.01, 325.02, 325.03, 325.04, 325.05, 325.06, 325.07, 325.08, 325.09, and 325.10, Florida Statutes, are repealed.

Section 310. Subsection (2) of section 325.209, Florida Statutes, is amended to read:

325.209 Waivers.—

(2) Before a waiver may be issued, the following criteria must be met:

(a) The motor vehicle owner must present evidence satisfactory to the department that a low emissions adjustment, as defined by rule of the Department of Environmental Protection, has been performed;

(b) The motor vehicle must not have been tampered with by either the current owner or any previous owner;

(c) The owner must have spent the required minimum amount for emissions-related repairs on the vehicle within the ~~180-day~~ 90-day period prescribed in s. 325.203(1), not including the amount spent to repair or replace air pollution control equipment that has been tampered with. Emissions-related repairs performed within 30 days prior to inspection may also be considered under this provision. For any vehicle the registration period for which is established under s. 320.055(4) or (5), the required minimum amount for emissions-related repairs must be spent by the owner within 180 ~~90~~ days before the expiration of the registration period. The required minimum amount that must have been spent on related repairs is:

1. For motor vehicles designated as model years 1975 through 1979: \$100; and

2. For motor vehicles designated as model year 1980 and thereafter: \$200;

(d) Repairs and adjustments provided for in paragraphs (a) and (c) must have caused substantial improvement in the emissions performance of the motor vehicle; and

(e) The motor vehicle must not be covered under any manufacturer's or federally mandated emissions warranty.

Section 311. Subsection (2) of section 325.212, Florida Statutes, is reenacted to read:

325.212 Reinspections; reinspection facilities; rules; minority business participation.—

(2) Any motor vehicle repair shop, as defined in s. 559.903(7), may apply to the department, on a form approved by the department, to be licensed as a reinspection facility to reinspect motor vehicles which fail to pass inspections required by this act.

Section 312. Subsection (1) of section 328.17, Florida Statutes, is reenacted to read:

328.17 Nonjudicial sale of vessels.—

(1) It is the intent of the Legislature that any nonjudicial sale of any unclaimed vessel held for unpaid costs of repairs, improvements, or other work and related storage charges, or any vessel held for failure to pay removal costs pursuant to s. 327.53(7), or any undocumented vessel in default of marina storage fees be disposed of pursuant to the provisions of this section.

Section 313. Section 627.7415, Florida Statutes, is amended to read:

627.7415 Commercial motor vehicles; additional liability insurance coverage.—Commercial motor vehicles, as defined in s. 207.002(2) or s. 320.01, operated upon the roads and highways of this state shall be insured with the following minimum levels of combined bodily liability insurance and property damage liability insurance in addition to any other insurance requirements:

(1) Fifty thousand dollars per occurrence for a commercial motor vehicle with a gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds.

(2) One hundred thousand dollars per occurrence for a commercial motor vehicle with a gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds.

(3) Three hundred thousand dollars per occurrence for a commercial motor vehicle with a gross vehicle weight of 44,000 pounds or more.

(4) All commercial motor vehicles subject to regulations of the United States Department of Transportation, Title 49 C.F.R. part 387, subpart A, and as may be hereinafter amended, shall be insured in an amount equiva-

lent to the minimum levels of financial responsibility as set forth in such regulations.

A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 314. Subsection (3) is added to section 627.742, Florida Statutes, to read:

627.742 Nonpublic sector buses; additional liability insurance coverage.—

(3) A violation of this section is a noncriminal traffic infraction, punishable as a nonmoving violation as provided in chapter 318.

Section 315. Subsection (2) of section 784.07, Florida Statutes, 1998 Supplement, is amended to read:

784.07 Assault or battery of law enforcement officers, firefighters, emergency medical care providers, public transit employees or agents, or other specified officers; reclassification of offenses; minimum sentences.—

(2) Whenever any person is charged with knowingly committing an assault or battery upon a law enforcement officer, a firefighter, an emergency medical care provider, a traffic accident investigation officer as described in s. 316.640, a traffic infraction enforcement officer as described in s. 316.640 318.141, a parking enforcement specialist as defined in s. 316.640, or a security officer employed by the board of trustees of a community college, while the officer, firefighter, emergency medical care provider, intake officer, traffic accident investigation officer, traffic infraction enforcement officer, parking enforcement specialist, public transit employee or agent, or security officer is engaged in the lawful performance of his or her duties, the offense for which the person is charged shall be reclassified as follows:

(a) In the case of assault, from a misdemeanor of the second degree to a misdemeanor of the first degree.

(b) In the case of battery, from a misdemeanor of the first degree to a felony of the third degree.

(c) In the case of aggravated assault, from a felony of the third degree to a felony of the second degree.

(d) In the case of aggravated battery, from a felony of the second degree to a felony of the first degree.

Section 316. Subsection (1) of section 335.0415, Florida Statutes, is amended to read:

335.0415 Public road jurisdiction and transfer process.—

(1) The jurisdiction of public roads and the responsibility for operation and maintenance within the right-of-way of any road within the state,

county, and municipal road system shall be that which existed on June 10, 1995 ~~exists on July 1, 1995~~.

Section 317. Section 14 of chapter 98-223, Laws of Florida, is repealed.

Section 318. Effective July 1, 2000, subsection (1) of section 715.05, Florida Statutes, is amended to read:

715.05 Reporting of unclaimed motor vehicles.—

(1) Whenever any law enforcement agency authorizes the removal of a vehicle or whenever any towing service, garage, repair shop, or automotive service, storage, or parking place notifies the law enforcement agency of possession of a vehicle pursuant to s. 715.07(2)(a)2., the applicable law enforcement agency shall contact the Department of Highway Safety and Motor Vehicles, or the appropriate agency of the state of registration, if known, within 24 hours through the medium of electronic communications giving the full description of the vehicle. Upon receipt of the full description of the vehicle, the department shall search its files to determine the owner's name, the name of the insurance company insuring the vehicle, and whether any person has filed a lien upon the vehicle as provided in s. 319.27(2) and (3) and notify the applicable law enforcement agency within 72 hours. The person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall obtain such information from the applicable law enforcement agency within 5 days from the date of storage and shall, by certified mail, return receipt requested, notify the owner, the insurer, and all lienholders of the location of the vehicle and of the fact that it is unclaimed. Such notice shall be given within 7 days, excluding Saturday and Sunday, from the date of storage and shall be complete upon mailing; however, if the state of registration is unknown, the person in charge of the towing service, garage, repair shop, or automotive service, storage, or parking place shall make a good faith best effort in so notifying the owner, the insurer, and any lienholders, and such notice shall be given within a reasonable period of time from the date of storage.

Section 319. Except as otherwise provided herein, this act shall take effect upon becoming a law.

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.