

CHAPTER 2010-223

Council Substitute for Committee Substitute for House Bill No. 971

An act relating to highway safety and motor vehicles; amending s. 316.003, F.S.; defining the term “tri-vehicle” for purposes of the Florida Uniform Traffic Control Law; amending s. 316.066, F.S.; authorizing law enforcement agencies and county traffic operations to access certain crash reports held by an agency; amending s. 316.0741, F.S.; providing that certain tri-vehicles are hybrid vehicles; amending s. 316.159, F.S.; requiring that drivers of certain commercial motor vehicles slow before crossing a railroad grade crossing; providing penalties; amending s. 316.193, F.S.; revising qualifications for an immobilization agency and certain employees of the agency to immobilize vehicles in a judicial circuit; requiring the immobilization agency to verify through a Florida Department of Law Enforcement background check the qualifications of a person hired to immobilize a vehicle; redefining the terms “immobilization agency” and “immobilization agencies”; amending 316.2065, F.S.; requiring bicycles to be ridden in the lane marked for bicycle use except under specified circumstances; providing penalties; amending s. 316.2085, F.S.; permitting certain license tags for motorcycles or mopeds to be affixed perpendicularly to the ground under certain circumstances; amending s. 316.2952, F.S.; authorizing certain satellite reception devices to be attached to the windshield of a motor vehicle; amending s. 316.29545, F.S., relating to window suncreening exclusions; excluding vehicles operated by persons with certain medical conditions from certain window suncreening restrictions; excluding vehicles owned or leased by private investigators or private investigative services from specified window suncreening restrictions; providing rulemaking authority to the Department of Highway Safety and Motor Vehicles regarding suncreening restrictions; amending s. 316.605, F.S.; providing an exception for certain motorcycles or mopeds to a requirement that license plates be affixed and displayed in such a manner that the letters and numerals shall be read from left to right parallel to the ground; amending s. 316.646, F.S.; directing the department to suspend the registration and driver’s license of a person convicted of failure to maintain required security on a motor vehicle; amending s. 318.14, F.S.; providing procedures for disposition of a citation for violating specified learner’s driver’s license restrictions; correcting an erroneous reference; requiring a person who commits a traffic violation requiring a hearing or commits a criminal traffic violation to sign and accept a citation indicating a promise to appear for a hearing; removing a requirement that a person cited for a noncriminal traffic infraction not requiring a hearing must sign and accept the citation indicating a promise to appear; requiring an officer to certify the delivery of a citation to the person cited; providing penalties; providing for certain persons cited for specified offenses to provide proof of compliance to a designated official; providing alternative citation disposition procedures for the offense of operating a motor vehicle with a license

that has been suspended for failure to pay certain financial obligations or to comply with specified education requirements; amending s. 318.18, F.S.; providing that the penalty for speeding in designated school crossing is twice the otherwise applicable amount; amending s. 319.28, F.S.; requiring lienholders repossessing vehicles in this state to apply to a tax collector's office in this state or to the department for a certificate of repossession or to the department for a certificate of title; amending s. 319.30, F.S.; defining the term "independent entity" for purposes of provisions for salvage and dismantling, destruction, and change of identity of motor vehicle or mobile home; providing for a notice and release statement prescribed by the department from an insurance company to an independent entity that stores a damaged or dismantled motor vehicle for the insurance company; providing procedures for disposition of the vehicle by the independent entity; requiring the independent entity to notify the owner when the vehicle is available for pick up; authorizing the independent entity to apply for a certificate of destruction or a certificate of title if the vehicle is not claimed within a certain period; providing requirements for submission of the application; prohibiting the independent entity from charging an owner of the vehicle storage fees or applying for a certificate of title under specified provisions; amending s. 320.02, F.S.; requiring the application forms for motor vehicle registration and renewal of registration to include language permitting the applicant to make a voluntary contribution to the League Against Cancer/La Liga Contra el Cancer; amending s. 320.03, F.S., relating to an electronic filing system used to provide titling and registration functions for motor vehicles, vessels, mobile homes, and off-highway vehicles; providing regulatory authority over the electronic filing system to the department; providing for statewide uniform application of the system; providing that entities that sell products that require titling or registration and that meet certain requirements may be agents for the system and may not be precluded from using the system; requiring tax collectors to appoint such entities as electronic filing system agents; providing rulemaking authority; providing that such rules shall replace existing program standards; providing that existing standards remain in place until such rulemaking is complete, except for existing standards conflicting with this section; providing that an authorized electronic filing agent may charge fees to customers; providing that certain providers of the electronic filing system shall continue to comply with certain financial arrangements with the Tax Collector Service Corporation; providing for expiration of the provisions requiring the providers to comply with the financial arrangements; amending s. 320.05, F.S.; requiring specified fees be collected for providing registration data by electronic access through a tax collector's office; providing for distribution of the fees collected; providing an exception; amending s. 320.071, F.S.; revising the time period during which the owner of an apportioned motor vehicle may file an application for renewal of registration; amending s. 320.08, F.S.; establishing license taxes for tri-vehicles and antique motorcycles; amending s. 45 of chapter 2008-176, Laws of Florida; delaying the expiration of the moratorium on the issuance of new specialty license plates by the department; amending s. 320.08053, F.S.; removing provisions requiring

an organization seeking authorization to establish a new specialty license plate to submit a sample survey of motor vehicle owners to the department; requiring the department to establish a method to issue vouchers allowing the presale of a specialty license plate; requiring that an organization that is approved to issue a specialty license plate record with the department a minimum number of voucher sales in order to proceed with the development of the plate; providing for the purchaser of a voucher to receive a refund or use the voucher to purchase of another license plate if the specialty plate is deauthorized; providing that changes to specified provisions relating to establishing a new specialty license plate do not apply to certain organizations; amending ss. 320.08056 and 320.08058, F.S.; conforming provisions to changes made by the act; creating the Hispanic Achievers license plate, the Children First license plate, and the Veterans of Foreign Wars license plate; establishing an annual use fee for the plates; providing for distribution of use fees received from the sale of such plates; prohibiting the department from establishing new voluntary contributions on the motor vehicle registration application form or the driver's license application form during a certain time period; providing exceptions; amending s. 320.0807, F.S.; revising provisions governing the special license plates issued to federal and state legislators; amending s. 320.084, F.S.; providing for a biennial registration renewal period for disabled veteran license plates; amending s. 321.03, F.S.; providing that it is unlawful to possess or color or cause to be colored a motor vehicle or motorcycle of the same or similar color as those prescribed for the Florida Highway Patrol unless specifically authorized by the Florida Highway Patrol; amending s. 321.05, F.S.; providing that officers of the Florida Highway Patrol have the same arrest and other authority as that provided for certain other state law enforcement officers; amending s. 322.01, F.S.; defining the term "tri-vehicle" and excluding such vehicles from the definition of "motorcycle" as those terms are used in provisions for drivers' licenses; amending s. 322.08, F.S.; requiring the application form for an original, renewal, or replacement driver's license or identification card to include language permitting the applicant to make voluntary contributions for certain purposes; requiring such forms to include language permitting the applicant to make a voluntary contribution to the League Against Cancer/La Liga Contra el Cancer and to state homes for veterans; providing for distribution of funds collected from such contributions; providing that such contributions are not considered income of a revenue nature; amending s. 322.121, F.S.; revising legislative intent for reexamination of licensed drivers upon the renewal of the driver's license; removing a requirement that each licensee must pass a reexamination at the time of license renewal; amending s. 322.18, F.S.; authorizing a licensed physician at a federally established veterans' hospital to administer a vision test for purposes of renewing a driver's license; conforming a cross-reference; amending s. 322.2615, F.S.; revising requirements for information an officer must submit to the department after suspending a driver's license for certain DUI offenses; removing a requirement that the officer submit a copy of a crash report; authorizing the officer to submit such report; amending s. 322.271, F.S.; providing procedures for the

restoration of the driving privileges of certain persons whose driving privileges have been revoked; providing for a hearing; providing for the adoption of rules; providing a phase-in period; amending s. 322.2715, F.S.; requiring the installation of an ignition interlock device under certain circumstances; amending s. 322.34, F.S.; providing that if a person does not hold a commercial driver's license and is cited for an offense of knowingly driving while his or her license is suspended, revoked, or canceled for specified offenses, he or she may, in lieu of payment of a fine or court appearance, elect to enter a plea of nolo contendere and provide proof of compliance to the clerk of the court, designated official, or authorized operator of a traffic violations bureau; limiting a driver's option to elect such a remedy; amending s. 322.61, F.S.; revising the period of disqualification from operating a commercial motor vehicle for a violation of an out-of-service order; amending s. 488.06, F.S.; specifying additional circumstances under which the department may suspend or revoke a license or certificate of a driving school; providing procedures for background screening; amending ss. 261.03 and 317.0003, F.S.; revising the definition of the term "ROV" to include vehicles of an increased width and weight for purposes of provisions relating to off-highway vehicles; amending s. 316.008, F.S.; authorizing a county or municipality to enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and electric personal assistive mobility devices on sidewalks or sidewalk areas under certain conditions; requiring the ordinance to restrict such vehicles or devices to a certain maximum speed; amending s. 316.1995, F.S.; specifying exceptions to restrictions on operating vehicles upon a bicycle path, sidewalk, or sidewalk area; amending s. 316.212, F.S.; providing for a local governmental entity to enact an ordinance relating to golf cart operation on sidewalks in certain areas if certain conditions are met; amending s. 316.2128, F.S.; revising requirements for signage which must be displayed by certain sellers of motorized scooters or miniature motorcycles; creating the "Ronshay Dugans Act"; designating Drowsy Driving Prevention Week; encouraging the Department of Highway Safety and Motor Vehicles and the Department of Transportation to educate the law enforcement community and the public about the relationship between fatigue and driving performance; providing effective dates.

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

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

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

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

- (b) Has a minimum unladen weight of 900 pounds;
- (c) Has a single, completely enclosed, occupant compartment;
- (d) Is produced in a minimum quantity of 300 in any calendar year;
- (e) Is capable of a speed greater than 60 miles per hour on level ground;
and
- (f) Is equipped with:
 1. Seats that are certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 207, "Seating systems" (49 C.F.R. s. 571.207);
 2. A steering wheel used to maneuver the vehicle;
 3. A propulsion unit located forward or aft of the enclosed occupant compartment;
 4. A seat belt for each vehicle occupant certified to meet the requirements of Federal Motor Vehicle Safety Standard No. 209, "Seat belt assemblies" (49 C.F.R. s. 571.209);
 5. A windshield and an appropriate windshield wiper and washer system that are certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 205, "Glazing Materials" (49 C.F.R. s. 571.205) and Federal Motor Vehicle Safety Standard No. 104, "Windshield Wiping and Washing Systems" (49 C.F.R. s. 571.104); and
 6. A vehicle structure certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 216, "Rollover crush resistance" (49 C.F.R. s. 571.216).

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

316.066 Written reports of crashes.—

(5)

(b) Crash reports held by an agency under paragraph (a) may be made immediately available to the parties involved in the crash, their legal representatives, their licensed insurance agents, their insurers or insurers to which they have applied for coverage, persons under contract with such insurers to provide claims or underwriting information, prosecutorial authorities, law enforcement agencies, county traffic operations, victim services programs, radio and television stations licensed by the Federal Communications Commission, newspapers qualified to publish legal notices under ss. 50.011 and 50.031, and free newspapers of general circulation, published once a week or more often, available and of interest to the public generally for the dissemination of news. For the purposes of this section, the

following products or publications are not newspapers as referred to in this section: those intended primarily for members of a particular profession or occupational group; those with the primary purpose of distributing advertising; and those with the primary purpose of publishing names and other personal identifying information concerning parties to motor vehicle crashes.

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

316.0741 High-occupancy-vehicle lanes.—

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

(b) “Hybrid vehicle” means a motor vehicle:

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

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

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

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

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

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

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

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

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

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

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

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

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

316.193 Driving under the influence; penalties.—

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

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

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

a.— ~~Have a class “R” license issued pursuant to part IV of chapter 493;~~

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

b.e. Maintains ~~Maintain~~ accurate and complete records of all payments for the immobilization, copies of all documents pertaining to the court’s order

of impoundment or immobilization, and any other documents relevant to each immobilization. Such records must be maintained by the immobilization agency for at least 3 years; and

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

2. The person who immobilizes a vehicle must:

a. Not have been adjudicated incapacitated under s. 744.331, or a similar statute in another state, unless his or her capacity has been judicially restored; involuntarily placed in a treatment facility for the mentally ill under chapter 394, or a similar law in any other state, unless his or her competency has been judicially restored; or diagnosed as having an incapacitating mental illness unless a psychologist or psychiatrist licensed in this state certifies that he or she does not currently suffer from the mental illness.

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

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

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

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

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

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

(c) Any immobilization agency who is aggrieved by a person's violation of paragraph (a) may bring a civil action against the person who violated paragraph (a) seeking injunctive relief, damages, reasonable attorney's fees

~~and costs, and any other remedy available at law or in equity as may be necessary to enforce this subsection. In any action to enforce this subsection, establishment of a violation of paragraph (a) shall conclusively establish a clear legal right to injunctive relief, that irreparable harm will be caused if an injunction does not issue, that no adequate remedy at law exists, and that public policy favors issuance of injunctive relief.~~

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

(a) “Immobilization,” “immobilizing,” or “immobilize” means the act of installing a vehicle antitheft device on the steering wheel of a vehicle, the act of placing a tire lock or wheel clamp on a vehicle, or a governmental agency’s act of taking physical possession of the license tag and vehicle registration rendering a vehicle legally inoperable to prevent any person from operating the vehicle pursuant to an order of impoundment or immobilization under subsection (6).

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

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

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

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

316.2065 Bicycle regulations.—

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

1. When overtaking and passing another bicycle or vehicle proceeding in the same direction.
2. When preparing for a left turn at an intersection or into a private road or driveway.
3. When reasonably necessary to avoid any condition, including, but not limited to, a fixed or moving object, parked or moving vehicle, bicycle, pedestrian, animal, surface hazard, or substandard-width lane, that makes it

unsafe to continue along the right-hand curb or edge. For the purposes of this subsection, a “substandard-width lane” is a lane that is too narrow for a bicycle and another vehicle to travel safely side by side within the lane.

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

(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 law enforcement officer 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, a law enforcement officer ~~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 7. Subsection (3) of section 316.2085, Florida Statutes, is amended to read:

316.2085 Riding on motorcycles or mopeds.—

(3) The license tag of a motorcycle or moped must be permanently affixed to the vehicle and may not be adjusted or capable of being flipped up. No device for or method of concealing or obscuring the legibility of the license tag of a motorcycle shall be installed or used. The license tag of a motorcycle or moped may be affixed horizontally to the ground so that the numbers and letters read from left to right. Alternatively, a license tag for a motorcycle or moped for which the numbers and letters read from top to bottom may be affixed perpendicularly to the ground, provided that the registered owner of the motorcycle or moped maintains a prepaid toll account in good standing and a transponder associated with the prepaid toll account is affixed to the motorcycle or moped.

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

316.2952 Windshields; requirements; restrictions.—

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

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

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

316.29545 Window suncreening exclusions; medical exemption; certain law enforcement vehicles and private investigative service vehicles exempt.

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

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

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

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

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

Section 10. Subsection (1) of 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 and s. 320.086(5) which exempts display of license plates on described former military vehicles, 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 not higher than 60 inches and not lower than 12 inches from the ground and no more than 24 inches to the left or right of the centerline of the vehicle, and in such manner as to prevent the plates from swinging, and all letters, numerals, printing, writing, and other identification marks upon the plates regarding the word "Florida," the registration decal, and the alphanumeric designation shall be 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. Except as provided in s. 316.2085(3), vehicle license plates shall be affixed and displayed in such a manner that the letters and numerals shall be read from left to right parallel to the ground. No vehicle license plate may be displayed in an inverted or reversed position or in such a manner that the letters and numbers and their proper sequence are not readily identifiable. 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.

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

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

(3) Any person who violates this section commits a nonmoving traffic infraction subject to the penalty provided in chapter 318 and shall be required to furnish proof of security as provided in this section. If any person charged with a violation of this section fails to furnish proof, at or before the scheduled court appearance date, that security was in effect at the time of the violation, the court shall, upon conviction, notify the department to may immediately suspend the registration and driver's license of such person. If the court fails to order the suspension of the person's registration and driver's license for a conviction of this section at the time of sentencing, the department shall, upon receiving notice of the conviction from the court, suspend the person's registration and driver's license for the violation of this section. Such license and registration may be reinstated only as provided in s. 324.0221.

Section 12. Subsections (1), (2), (3), 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), any person cited for a violation of chapter 316, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065, s.

322.15(1), s. 322.16(2) or (3), ~~s. 322.1615~~ ~~s. 322.161(5)~~, s. 322.19, or s. 1006.66(3) 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.

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

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

(10)(a) Any person who does not hold a commercial driver's license and who is 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, designated official, 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 that 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, s. 320.07, or s. 320.131.

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

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

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

(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 \$25, except that a person charged with violation of s. 316.646(1)-(3) may be assessed court costs of \$8. One dollar of such costs shall be remitted to the Department of Revenue for deposit into the Child Welfare Training Trust Fund of the Department of Children and Family Services. One dollar of such costs shall be distributed to the Department of Juvenile Justice for deposit into the Juvenile Justice Training Trust Fund. Fourteen dollars of such costs shall be distributed to the municipality and \$9 shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, 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 entire amount shall be deposited by the clerk of the court into the fine and forfeiture fund established pursuant to s. 142.01, 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 13. Paragraph (c) of subsection (3) of section 318.18, Florida Statutes, is amended to read:

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

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

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

For speed exceeding the limit by: Fine:

- 1-5 m.p.h Warning
- 6-9 m.p.h \$25
- 10-14 m.p.h \$100
- 15-19 m.p.h \$150
- 20-29 m.p.h \$175

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

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

Section 14. Effective July 1, 2010, 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 this state in compliance with the provisions of this section ~~must~~ may apply to ~~a~~ the tax collector's office in this state 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 15. Paragraphs (g) through (u) of subsection (1) of section 319.30, Florida Statutes, are redesignated as paragraphs (h) through (v), respectively, a new paragraph (g) is added to that subsection, subsection (9) of that section is renumbered as subsection (10), and a new subsection (9) is added to that section, to read:

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

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

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

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

1. The policy and claim number.
2. The name and address of the insured.
3. The vehicle identification number.
4. The signature of an authorized representative of the insurance company.

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

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

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

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

320.02 Registration required; application for registration; forms.—

(15)

(i) Notwithstanding s. 320.023, the application forms for motor vehicle registration and renewal of registration must include language permitting a voluntary contribution of \$1 per applicant, which shall be distributed to the League Against Cancer/La Liga Contra el Cancer. Such contributions shall be distributed by the department to the League Against Cancer/La Liga Contra el Cancer, a not-for-profit organization that provides free medical care to needy cancer patients. The department shall retain all contributions necessary, up to a maximum of \$10,000, to defray the cost of including the voluntary contribution language on the registration forms.

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

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

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

(10)(a) Jurisdiction over the outsourced electronic filing system for use by authorized electronic filing system agents to electronically title or register motor vehicles, vessels, mobile homes, or off-highway vehicles; issue or transfer registration license plates or decals; electronically transfer fees due for the title and registration process; and perform inquiries for title, registration, and lienholder verification and certification of service providers licensed motor vehicle dealers electronically to title and to register motor vehicles and to issue or to transfer registration license plates or decals is expressly preempted to the state and the department shall have regulatory authority over the system. The department shall continue its current outsourcing of the existing electronic filing system, including its program standards. The electronic filing system shall be available for use statewide and applied uniformly throughout the state is approved for use in all counties, shall apply uniformly to all tax collectors of the state, and no tax collector may add or detract from the program standards in his or her respective county. An entity that, in the normal course of its business, sells products that must be titled or registered, provides title and registration services on behalf of its consumers and meets all established requirements may be an authorized electronic filing system agent and shall not be precluded from participating in the electronic filing system in any county. Upon request from a qualified entity, the tax collector shall appoint the entity as an authorized electronic filing system agent for that county. The department shall adopt rules in accordance with chapter 120 to replace the December 10, 2009, program standards and to administer the provisions of this section, including, but not limited to, establishing participation requirements, certification of service providers, electronic filing system requirements, and enforcement authority for noncompliance. The December 10, 2009, program standards, excluding any standards which conflict with this paragraph, shall remain in effect until the rules are adopted. An authorized electronic filing agent A motor vehicle dealer licensed under this

~~chapter may charge a fee to the customer for use of the electronic filing system, and such fee is not a component of the program standards. Final authority over disputes relating to program standards lies with the department. By January 1, 2010, the Office of Program Policy Analysis and Government Accountability, with input from the department and from affected parties, including tax collectors, service providers, and motor vehicle dealers, shall report to the President of the Senate and the Speaker of the House of Representatives on the status of the outsourced electronic filing system, including the program standards, and its compliance with this subsection. The report shall identify all public and private alternatives for continued operation of the electronic filing system and shall include any and all appropriate recommendations, including revisions to the program standards.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) When motor vehicle, vessel, or mobile home registration data is provided by electronic access through a tax collector’s office, the applicable fee as provided in paragraph (b) must be collected and deposited pursuant to paragraph (c). However, when such registration data is obtained through an electronic system described in s. 320.03(10), s. 320.0609, or s. 320.131 and results in the issuance of a title certificate or the registration credential, such fee shall not apply a fee for the electronic access is not required to be assessed. However, at the tax collector’s discretion, a fee equal to or less than the fee charged by the department for such information may be assessed by the tax collector for the electronic access. Notwithstanding paragraph (c), any funds collected by the tax collector as a result of providing such access shall be retained by the tax collector.

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

320.071 Advance registration renewal; procedures.—

(1)

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

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

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(2), tri-vehicles as defined in s. 316.003, 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 AND MOPEDS.—

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

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

(c) 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 to fund a motorcycle driver improvement program implemented pursuant to s. 322.025, the Florida Motorcycle Safety Education Program established in s. 322.0255, or the general operations of the department.

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

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

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

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

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

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

(3) TRUCKS.—

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

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

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

(d) A truck defined as a “goat,” or any other vehicle if 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: \$10.25 flat, of which \$2.75 shall be deposited into the General Revenue Fund. A “goat” is a motor vehicle designed, constructed, and used principally for the transportation of citrus fruit within citrus groves or for the transportation of crops on farms, and which can also be used for the hauling of associated equipment or supplies, including required sanitary equipment, and the towing of farm trailers.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. The truck tractor is used exclusively for hauling forestry products; or
2. The truck tractor is used primarily for the hauling of forestry products, and is also used for the hauling of associated forestry harvesting equipment used by the owner of the truck tractor.

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

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

1. If such vehicle’s declared gross vehicle weight is less than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be deposited into the General Revenue Fund.
2. If such vehicle’s declared gross vehicle weight is 44,000 pounds or more and such vehicle only transports from the point of production to the point of primary manufacture; to the point of assembling the same; or to a shipping point of a rail, water, or motor transportation company, \$324 flat, of which \$84 shall be deposited into the General Revenue Fund.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(6) MOTOR VEHICLES FOR HIRE.—

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

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

(7) TRAILERS FOR PRIVATE USE.—

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

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

(8) TRAILERS FOR HIRE.—

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

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

(9) RECREATIONAL VEHICLE-TYPE UNITS.—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) MOBILE HOMES.—

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

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

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

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

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

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

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

(h) A mobile home over 65 feet in length: \$80 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: \$17 flat, of which \$4.50 shall be deposited into the General Revenue Fund.

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

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

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

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

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

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

320.08053 Requirements for requests to establish specialty license plates.—

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

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

~~(b) The results of a scientific sample survey of Florida motor vehicle owners that indicates at least 30,000 motor vehicle owners intend to purchase the proposed specialty license plate at the increased cost. As used in this paragraph, the term “scientific sample survey” means information that is gathered from a representative subset of the population as a whole. The sample survey of registered motor vehicle owners must be performed independently of the requesting organization by an organization that conducts similar sample surveys as a normal course of business. Prior to conducting a sample survey for the purposes of this section, a requesting organization must obtain a determination from the department that the organization selected to conduct the survey performs similar surveys as a normal course of business and is independent of the requesting organization. The methodology, results, and any evaluation by the department of the scientific sample survey shall be validated by the Auditor General as a condition precedent to submission of the specialty license plate for approval by the Legislature.~~

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

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

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

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

(3)(a) Within 120 days following the specialty license plate becoming law, the department shall establish a method to issue a specialty license plate

voucher to allow for the presale of the specialty license plate. The processing fee as prescribed in s. 320.08056, the service charge and branch fee as prescribed in s. 320.04, and the annual use fee as prescribed in s. 320.08056 shall be charged for the voucher. All other applicable fees shall be charged at the time of issuance of the license plates.

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

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

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

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

320.08056 Specialty license plates.—

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

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

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

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

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

(8)

(b) The department is authorized to discontinue the issuance of a specialty license plate and distribution of associated annual use fee proceeds

if the organization no longer exists, if the organization has stopped providing services that are authorized to be funded from the annual use fee proceeds, if the organization does not meet the presale requirements as prescribed in s. 320.08053(3), or pursuant to an organizational recipient's request. Organizations shall ~~are required to~~ notify the department immediately to stop all warrants for plate sales if any of the conditions in this section exist, and must meet the requirements of s. 320.08062 for any period of operation during a fiscal year.

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

320.08058 Specialty license plates.—

(70) HISPANIC ACHIEVERS LICENSE PLATES.—

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

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

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

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

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

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

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

(71) CHILDREN FIRST LICENSE PLATES.—

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

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

1. A maximum of 10 percent of the proceeds may be used to administer the license plate program, for direct administrative costs associated with the operations of Children First Florida, Inc., and to promote and market the license plates.

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

(72) VETERANS OF FOREIGN WARS LICENSE PLATES.—

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

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

organization created under s. 250.115 under the Department of Military Affairs. From the funds distributed to the Veterans of Foreign Wars, Department of Florida, an amount not to exceed 10 percent of the annual revenues received from the sale of the plate may be used for administration and marketing the plate.

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

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

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

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

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

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

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

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

“State Senator,” followed by the number of the appropriate Senate district and the letters “SN,” or any other configuration chosen by the member which is not already in use on one plate; the numbers of the other plates will be assigned by the department.

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

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

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

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

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

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

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

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

321.05 Duties, functions, and powers of patrol officers.—The members of the Florida Highway Patrol are hereby declared to be conservators of the peace and law enforcement officers of the state, with the common-law right to arrest a person who, in the presence of the arresting officer, commits a felony or commits an affray or breach of the peace constituting a misdemeanor, with

full power to bear arms; and they shall apprehend, without warrant, any person in the unlawful commission of any of the acts over which the members of the Florida Highway Patrol are given jurisdiction as hereinafter set out and deliver him or her to the sheriff of the county that further proceedings may be had against him or her according to law. In the performance of any of the powers, duties, and functions authorized by law, members of the Florida Highway Patrol shall have the same protections and immunities afforded other peace officers, which shall be recognized by all courts having jurisdiction over offenses against the laws of this state, and shall have authority to apply for, serve, and execute search warrants, arrest warrants, capias, and other process of the court in those matters in which patrol officers have primary responsibility as set forth in subsection (1). The patrol officers under the direction and supervision of the Department of Highway Safety and Motor Vehicles shall perform and exercise throughout the state the following duties, functions, and powers:

(1) To patrol the state highways and regulate, control, and direct the movement of traffic thereon; to maintain the public peace by preventing violence on highways; to apprehend fugitives from justice; to enforce all laws now in effect regulating and governing traffic, travel, and public safety upon the public highways and providing for the protection of the public highways and public property thereon; to make arrests without warrant for the violation of any state law committed in their presence in accordance with the laws of this state; providing that no search shall be made unless it is incident to a lawful arrest, to regulate and direct traffic concentrations and congestions; to enforce laws governing the operation, licensing, and taxing and limiting the size, weight, width, length, and speed of vehicles and licensing and controlling the operations of drivers and operators of vehicles; to cooperate with officials designated by law to collect all state fees and revenues levied as an incident to the use or right to use the highways for any purpose; to require the drivers of vehicles to stop and exhibit their driver's licenses, registration cards, or documents required by law to be carried by such vehicles; to investigate traffic accidents, secure testimony of witnesses and of persons involved, and make report thereof with copy, when requested in writing, to any person in interest or his or her attorney; to investigate reported thefts of vehicles and to seize contraband or stolen property on or being transported on the highways. Each patrol officer of the Florida Highway Patrol is subject to and has the same arrest and other authority provided for law enforcement officers generally in chapter 901 and has statewide jurisdiction. Each officer also has arrest authority as provided for state law enforcement officers in s. 901.15. This section shall not be construed as being in conflict with, but is supplemental to, chapter 933.

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

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

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

(4)(a) All fines and costs and the proceeds of the forfeiture of bail bonds and recognizances resulting from the enforcement of this chapter by patrol officers shall be paid into the fine and forfeiture fund established pursuant to s. 142.01 of the county where the offense is committed. In all cases of arrest by patrol officers, the person arrested shall be delivered forthwith by ~~the said~~ officer to the sheriff of the county, or he or she shall obtain from ~~the such~~ person arrested a recognizance or, if deemed necessary, a cash bond or other sufficient security conditioned for his or her appearance before the proper tribunal of ~~the such~~ county to answer the charge for which he or she has been arrested; and all fees accruing shall be taxed against the party arrested, which fees are hereby declared to be part of the compensation of ~~the said~~ sheriffs authorized to be fixed by the Legislature under s. 5(c), Art. II of the State Constitution, to be paid such sheriffs in the same manner as fees are paid for like services in other criminal cases. All patrol officers are hereby directed to deliver all bonds accepted and approved by them to the sheriff of the county in which the offense is alleged to have been committed. However, ~~a no~~ sheriff shall not be paid any arrest fee for the arrest of a person for violation of any section of chapter 316 when the arresting officer was transported in a Florida Highway Patrol car to the vicinity where the arrest was made; and ~~a no~~ sheriff shall not be paid any fee for mileage for himself or herself or a prisoner for miles traveled in a Florida Highway Patrol car. ~~A No~~ patrol officer is not shall be entitled to any fee or mileage cost except when responding to a subpoena in a civil cause or except when ~~the such~~ patrol officer is appearing as an official witness to testify at any hearing or law action in any court of this state as a direct result of his or her employment as a patrol officer during time not compensated as a part of his or her normal duties. Nothing herein shall be construed as limiting the power to locate and to take from any person under arrest or about to be arrested deadly weapons. ~~Nothing contained in~~ This section is not shall be construed as a limitation upon existing powers and duties of sheriffs or police officers.

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

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

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

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

322.01 Definitions.—As used in this chapter:

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

(46) “Tri-vehicle” means an enclosed three-wheeled passenger vehicle that:

- (a) Is designed to operate with three wheels in contact with the ground;
- (b) Has a minimum unladen weight of 900 pounds;
- (c) Has a single, completely enclosed, occupant compartment;
- (d) Is produced in a minimum quantity of 300 in any calendar year;
- (e) Is capable of a speed greater than 60 miles per hour on level ground;
and
- (f) Is equipped with:
 - 1. Seats that are certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 207, “Seating systems” (49 C.F.R. s. 571.207);
 - 2. A steering wheel used to maneuver the vehicle;
 - 3. A propulsion unit located forward or aft of the enclosed occupant compartment;
 - 4. A seat belt for each vehicle occupant certified to meet the requirements of Federal Motor Vehicle Safety Standard No. 209, “Seat belt assemblies” (49 C.F.R. s. 571.209);
 - 5. A windshield and an appropriate windshield wiper and washer system that are certified by the vehicle manufacture to meet the requirements of Federal Motor Vehicle Safety Standard No. 205, “Glazing Materials” (49 C.F.R. s. 571.205) and Federal Motor Vehicle Safety Standard No. 104, “Windshield Wiping and Washing Systems” (49 C.F.R. s. 571.104); and
 - 6. A vehicle structure certified by the vehicle manufacturer to meet the requirements of Federal Motor Vehicle Safety Standard No. 216, “Rollover crush resistance” (49 C.F.R. s. 571.216).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

322.121 Periodic reexamination of all drivers.—

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

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

~~(2)(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;
- (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."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

322.2615 Suspension of license; right to review.—

(2) Except as provided in paragraph (1)(a), the law enforcement officer shall forward to the department, within 5 days after issuing the notice of suspension, the driver’s license; an affidavit stating the officer’s grounds for belief that the person was driving or in actual physical control of a motor vehicle while under the influence of alcoholic beverages or chemical or controlled substances; the results of any breath or blood test or an affidavit stating that a breath, blood, or urine test was requested by a law enforcement officer or correctional officer and that the person refused to submit; the officer’s description of the person’s field sobriety test, if any; and the notice of suspension; ~~and a copy of the crash report, if any.~~ The failure of the officer to submit materials within the 5-day period specified in this subsection and in subsection (1) does not affect the department’s ability to consider any evidence submitted at or prior to the hearing. The officer may also submit a copy of the crash report and a copy of a videotape of the field sobriety test or the attempt to administer such test. Materials submitted to the department by a law enforcement agency or correctional agency shall be considered self-authenticating and shall be in the record for consideration by the hearing officer. Notwithstanding s. 316.066(7), the crash report shall be considered by the hearing officer.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1. The petitioner’s license must be restricted for employment purposes for not less than 1 year; and
- 2. The petitioner must be supervised by a DUI program licensed by the department and must report to the program for supervision and education at least four times a year or more, as required by the program, for the remainder of the revocation period. The supervision shall include evaluation, education, referral into treatment, and other activities required by the department.

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

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

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

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

322.2715 Ignition interlock device.—

(3) If the person is convicted of:

(e) A fourth or subsequent offense of driving under the influence, the ignition interlock device shall be installed for a period of not less than 5 years.

Section 39. Subsection (11) is added to section 322.34, Florida Statutes, to read:

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

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

1. Failing to pay child support as provided in s. 322.245 or s. 61.13016;
2. Failing to pay any other financial obligation as provided in s. 322.245 other than those specified in s. 322.245(1);
3. Failing to comply with a civil penalty required in s. 318.15;
4. Failing to maintain vehicular financial responsibility as required by chapter 324;
5. Failing to comply with attendance or other requirements for minors as set forth in s. 322.091; or
6. Having been designated a habitual traffic offender under s. 322.264(1)(d) as a result of suspensions of his or her driver's license or driver privilege for any underlying violation listed in subparagraphs 1.-5.

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

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

(11)(a) A person who does not hold a commercial driver's license and who is cited for an offense of knowingly driving while his or her license is suspended, revoked, or canceled for any of the underlying violations listed in paragraph (10)(a) 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, designated official, 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 during the preceding 12 months. A person may not make more than three elections under this subsection.

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

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

322.61 Disqualification from operating a commercial motor vehicle.—

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

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

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

(c) Not less than 3 years nor more than 5 years if, for offenses occurring during any 10-year period, the driver is convicted of or otherwise found to have committed three or more violations of out-of-service orders in separate incidents.

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

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

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

(1) Violated the provisions of this chapter;

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

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

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

For purposes of subsection (2), fingerprints shall be submitted by the Department of Highway Safety and Motor Vehicles to the Florida Department of Law Enforcement for state processing, and the Florida Department of Law Enforcement shall forward them to the Federal Bureau of Investigation for national processing. The Department of Highway Safety and Motor Vehicles shall screen the background check results to determine if an applicant, instructor, agency or employee meets licensure or certification requirements.

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

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

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

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

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

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

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

316.008 Powers of local authorities.—

(7) A county or municipality may enact an ordinance to permit, control, or regulate the operation of vehicles, golf carts, mopeds, motorized scooters, and

electric personal assistive mobility devices on sidewalks or sidewalk areas when such use is permissible under federal law. The ordinance must restrict such vehicles or devices to a maximum speed of 15 miles per hour in such areas.

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

316.1995 Driving upon sidewalk or bicycle path.—

(1) Except as provided in s. 316.008 or s. 316.212(8), a No person may not 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.

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

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

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

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

(a) Regarding Golf cart operation and equipment which is more restrictive than those enumerated in this section. Upon enactment of such ordinance, the local governmental entity shall post appropriate signs or otherwise inform the residents that such an ordinance exists and that it will be enforced within the local government’s jurisdictional territory. An ordinance referred to in this section must apply only to an unlicensed driver.

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

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

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

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

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

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

Section 47. Section 316.2128, Florida Statutes, is amended to read:

316.2128 Operation of motorized scooters and miniature motorcycles; requirements for sales.—

(1) A person who engages in the business of, serves in the capacity of, or acts as a commercial seller of motorized scooters or miniature motorcycles in this state must prominently display at his or her place of business a notice that such vehicles are not legal to operate on public roads, ~~or sidewalks and~~ may not be registered as motor vehicles, ~~and may not be operated on sidewalks unless authorized by an ordinance enacted pursuant to s. 316.008(7) or s. 316.212(8).~~ The required notice must also appear in all forms of advertising offering motorized scooters or miniature motorcycles for sale. The notice and a copy of this section must also be provided to a consumer prior to the consumer’s purchasing or becoming obligated to purchase a motorized scooter or a miniature motorcycle.

(2) Any person selling or offering a motorized scooter or a miniature motorcycle for sale in violation of this section commits an unfair and deceptive trade practice as defined in part II of chapter 501.

Section 48. Ronshay Dugans Act.—

(1) This section may be cited as the “Ronshay Dugans Act.”

(2) The first week of September is designated as “Drowsy Driving Prevention Week” in this state. During Drowsy Driving Prevention Week, the Department of Highway Safety and Motor Vehicles and the Department of Transportation are encouraged to educate the law enforcement community and the public about the relationship between fatigue and performance and the research showing fatigue to be as much of an impairment as alcohol and as dangerous while operating a motor vehicle.

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

Approved by the Governor June 4, 2010.

Filed in Office Secretary of State June 4, 2010.