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By Representatives Lippman, Jones, Tobin

1 A bill to be entitled
 2 An act relating to the Florida Safety Belt Law;
 3 amending s. 316.614, F.S.; eliminating obsolete
 4 language; providing for a surcharge for
 5 violations, providing for the deposit of the
 6 surcharge into the Trauma Services Trust Fund;
 7 providing for the use of such funds; deleting
 8 language providing for enforcement of the act
 9 only as a secondary action; providing that a
 10 violation of the act shall result in the
 11 assessment of 1 point against the offender's
 12 license; amending s. 322.27, F.S ; conforming
 13 to the act; providing an effective date.

14
 15 Be It Enacted by the Legislature of the State of Florida:

16
 17 Section 1. Subsections (7) and (9) of section 316.614,
 18 Florida Statutes, as amended by chapter 93-260, Laws of
 19 Florida, are amended to read:

20 316.614 Safety belt usage.--
 21 (7)(a) ~~After January 1, 1987~~; Any person who violates
 22 subsection (4) or subsection (5) shall be fined \$20, including
 23 court costs, for each separate offense.

24 (b) In addition to the fine set forth herein, there is
 25 imposed an additional surcharge of \$5 for each separate
 26 offense. Revenues collected from the surcharge imposed in
 27 this subsection shall be deposited in the Trauma Services
 28 Trust Fund created in s. 395 0345 and used solely for the
 29 purpose of carrying out the provisions of ss. 395 031,
 30 395.032, 395.035, and 395 036 and section 11 of chapter 87-
 31 399, Laws of Florida.

1 (9) Any person who violates the provisions of this
 2 section shall have 1 point assessed against his driver's
 3 license as set forth in s. 322.27. ~~Enforcement of this~~
 4 ~~section by state or local law enforcement agencies shall be~~
 5 ~~accomplished only as a secondary action when a driver of a~~
 6 ~~motor vehicle has been detained for a suspected violation of~~
 7 ~~another section of this chapter; chapter 320; or chapter 322.~~

8 Section 2. Paragraph (d) of subsection (3) of section
 9 322.27, Florida Statutes, as amended by chapter 93-164, Laws
 10 of Florida, is amended to read:

11 322.27 Authority of department to suspend or revoke
 12 license.--

13 (3) There is established a point system for evaluation
 14 of convictions of violations of motor vehicle laws or
 15 ordinances, and violations of applicable provisions of s.
 16 403.413(5)(b) when such violations involve the use of motor
 17 vehicles, for the determination of the continuing
 18 qualification of any person to operate a motor vehicle. The
 19 department is authorized to suspend the license of any person
 20 upon showing of its records or other good and sufficient
 21 evidence that the licensee has been convicted of violation of
 22 motor vehicle laws or ordinances, or applicable provisions of
 23 s. 403.413(5)(b), amounting to 12 or more points as determined
 24 by the point system. The suspension shall be for a period of
 25 not more than 1 year.

26 (d) The point system shall have as its basic element a
 27 graduated scale of points assigning relative values to
 28 convictions of the following violations:

- 29 1. Reckless driving, willful and wanton--4 points.
 30 2. Leaving the scene of an accident resulting in
 31 property damage of more than \$50--6 points.

94-178C-7-3

- 1 3. Unlawful speed resulting in an accident--6 points.
- 2 4. Passing a stopped school bus--4 points.
- 3 5. Unlawful speed:
- 4 a. Not in excess of 15 miles per hour of lawful or
- 5 posted speed--3 points.
- 6 b. In excess of 15 miles per hour of lawful or posted
- 7 speed--4 points.
- 8 6. Improper equipment or the operation of a motor
- 9 vehicle which is in an unsafe condition pursuant to s.
- 10 316.610--2 points; except that when the operator corrects the
- 11 defect within 10 days from the date upon which the traffic
- 12 citation was issued--0 points. The provisions of this
- 13 subparagraph shall not apply to violations of s. 316.610 by a
- 14 commercial motor vehicle as defined in s. 316.003(66) or by
- 15 transit buses owned and operated by a governmental entity.
- 16 7. All other moving violations (including parking on a
- 17 highway outside the limits of a municipality)--3 points.
- 18 However, no points shall be imposed for a violation of s.
- 19 316.2065(12).
- 20 8. Any moving violation covered above, excluding
- 21 unlawful speed, resulting in an accident--4 points.
- 22 9. Any conviction under s. 403.413(5)(b)--3 points.
- 23 10 Any violation under s. 316.613--3 points.
- 24 11 Any violation under s. 316.614--1 point.

Section 3. This act shall take effect July 1, 1994.

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HOUSE SUMMARY

Reviser the Florida Safety Belt Law to:

- 1. Eliminate obsolete language.
- 2. Provide for a \$5 surcharge on each violation of the act.
- 3. Provide for the deposit of the surcharge into the Trauma Services Trust Fund and provide for the use of such funds.
- 4. Eliminate language providing for the enforcement of the act only as a secondary action.
- 5. Provide that a violation of the act shall result in the assessment of 1 point against the offender's license.

This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

By the Committee on Transportation and Representatives
Lippman, Jones, Tobin, Armesto-Garcia, Chestnut, Jacobs

1 A bill to be entitled

2 An act relating to the Florida Safety Belt Law;
3 amending s 316.614, F.S.; eliminating obsolete
4 language; providing an exception to seatbelt
5 usage; revising a fine; providing that a
6 violation of the act shall result in the
7 assessment of 1 point against the offender's
8 license; deleting language providing for
9 enforcement of the act only as a secondary
10 action; providing for a surcharge for
11 violations; providing for the deposit of the
12 surcharge into the Trauma Services Trust Fund;
13 providing for the use of such funds; amending
14 s. 318.18, F.S.; providing a surcharge;
15 amending s. 322.27, F.S.; conforming to the
16 act; providing an effective date.

17
18 Be It Enacted by the Legislature of the State of Florida:

19
20 Section 1. Paragraph (c) is added to subsection (6)
21 and subsections (7) and (9) of section 316.614, Florida
22 Statutes, are amended to read:

23 316.614 Safety belt usage.--

24 (6)

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

29 (7)(a) After January 1, 1987; Any person who violates
30 subsection (4) or subsection (5) shall be subject to the
31

198-193-2-4

1 penalties provided in s. 318.18 fined-\$20;-including-court
2 costs;-fer-each-separate-offense.

3 (b) In addition to the fine set forth herein, there is
4 imposed an additional surcharge of \$5 for each separate
5 offense. Revenues collected from the surcharge imposed in
6 this subsection shall be deposited in the Trauma Services
7 Trust Fund created in s. 395.4035 and used solely for the
8 purpose of carrying out the provisions of ss. 395.401,
9 395.4015, 395.404, and 395.4045.

10 (9) Any person who violates the provisions of this
11 section shall have 1 point assessed against that person's
12 driver license as set forth in s. 322.27. Enforcement-of-this
13 section-by-state-or-local-law-enforcement-agencies-shall-be
14 accomplished-only-as-a-secondary-action-when-a-driver-of-a
15 motor-vehicle-has-been-detained-for-a-suspected-violation-of
16 another-section-of-this-chapter;-chapter-320;-or-chapter-322:

17 Section 2. Subsection (11) of section 318.18, Florida
18 Statutes, is amended to read:

19 318.18 Amount of civil penalties.--The penalties
20 required for a noncriminal disposition pursuant to ss.
21 316.2935(6) and 318.14(1), (2), and (4) are as follows:

22 (11)(a) In addition to the civil penalty penalties
23 imposed in subsection (13) ~~subsections (4) and (12)~~ for the
24 violation of child restraint requirements provided in s.
25 316.613, and, in addition to the civil penalty imposed in
26 subsection (4) for violation of safety belt requirements as
27 provided in s. 316.614, there is hereby imposed an additional
28 \$5 surcharge. This surcharge shall be deposited in the
29 Epilepsy Services Trust Fund established pursuant to s.
30 385.207.

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198-193-2-4

1 (b) In addition to the civil penalty imposed in
 2 subsection (4), and, in addition to the surcharge imposed in
 3 paragraph (a) for the violation of safety belt requirements
 4 provided in s. 316.614, there is hereby imposed an additional
 5 \$5 surcharge for each separate offense. Revenues collected
 6 from the surcharge imposed in this paragraph shall be
 7 deposited in the Trauma Services Trust Fund created in s.
 8 395.4035 and used solely for the purpose of carrying out the
 9 provisions of ss. 395.401, 395.4015, 395.404, and 395.4045.

10 Section 3. Paragraph (d) of subsection (3) of section
 11 322.27, Florida Statutes, is amended to read:

12 322.27 Authority of department to suspend or revoke
 13 license.--

14 (3) There is established a point system for evaluation
 15 of convictions of violations of motor vehicle laws or
 16 ordinances, and violations of applicable provisions of s.
 17 403.413(5)(b) when such violations involve the use of motor
 18 vehicles, for the determination of the continuing
 19 qualification of any person to operate a motor vehicle. The
 20 department is authorized to suspend the license of any person
 21 upon showing of its records or other good and sufficient
 22 evidence that the licensee has been convicted of violation of
 23 motor vehicle laws or ordinances, or applicable provisions of
 24 s. 403.413(5)(b), amounting to 12 or more points as determined
 25 by the point system. The suspension shall be for a period of
 26 not more than 1 year.

27 (d) The point system shall have as its basic element a
 28 graduated scale of points assigning relative values to
 29 convictions of the following violations:

- 30 1. Reckless driving, willful and wanton--4 points.

198-193-2-4

- 1 2. Leaving the scene of an accident resulting in
2 property damage of more than \$50--6 points.
- 3 3. Unlawful speed resulting in an accident--6 points.
4 4. Passing a stopped school bus--4 points.
5 5. Unlawful speed:
6 a. Not in excess of 15 miles per hour of lawful or
7 posted speed--3 points.
8 b. In excess of 15 miles per hour of lawful or posted
9 speed--4 points.
- 10 6. Improper equipment or the operation of a motor
11 vehicle which is in an unsafe condition pursuant to s.
12 316.610--2 points; except that when the operator corrects the
13 defect within 10 days from the date upon which the traffic
14 citation was issued--0 points. The provisions of this
15 subparagraph shall not apply to violations of s. 316.610 by a
16 commercial motor vehicle as defined in s. 316.003(66) or by
17 transit buses owned and operated by a governmental entity.
- 18 7. All other moving violations (including parking on a
19 highway outside the limits of a municipality)--3 points.
20 However, no points shall be imposed for a violation of s.
21 316.2065(12).
- 22 8. Any moving violation covered above, excluding
23 unlawful speed, resulting in an accident--4 points.
- 24 9. Any conviction under s. 403.413(5)(b)--3 points.
25 10. Any violation under s. 316.613--3 points.
26 11. Any violation under s. 316.614--1point.
- 27 Section 4. This act shall take effect July 1, 1994.
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2 This publication was produced at an average cost of 1.12 cents
3 per single page in compliance with the Rules and for
4 the information of members of the Legislature and the public.

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By Representatives Lippman, Jones

1 A bill to be entitled

2 An act relating to the Florida Safety Belt Law;
 3 amending s. 316.614, F.S.; eliminating obsolete
 4 language; providing an exception to seatbelt
 5 usage; revising a fine; deleting language
 6 providing for enforcement of the act only as a
 7 secondary action; amending s. 318.18, F.S.;
 8 providing for a surcharge for violations;
 9 providing for the deposit of the surcharge into
 10 the Trauma Services Trust Fund; providing for
 11 the use of such funds; providing an effective
 12 date

13
 14 Be It Enacted by the Legislature of the State of Florida:

15
 16 Section 1. Paragraph (c) is added to subsection (6)
 17 and subsections (7) and (9) of section 316.614, Florida
 18 Statutes, are amended to read:

19 316.614 Safety belt usage.--

20 (6)

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

25 (7) ~~After January 1, 1987~~; Any person who violates
 26 subsection (4) or subsection (5) shall be subject to the
 27 penalties provided in s. 318.18 ~~fined \$20; including court~~
 28 ~~costs; for each separate offense.~~

29 ~~(9) Enforcement of this section by state or local law~~
 30 ~~enforcement agencies shall be accomplished only as a secondary~~
 31 ~~action when a driver of a motor vehicle has been detained for~~

94-178D-1-5

1 ~~a-suspected-violation-of-another-section-of-this-chapter;~~
2 ~~chapter-320;-or-chapter-322:~~

3 Section 2. Subsection (11) of section 318.18, Florida
4 Statutes, 1994 Supplement, is amended to read:

5 318.18 Amount of civil penalties --The penalties
6 required for a noncriminal disposition pursuant to ss.
7 316.2935(6) and 318.14(1), (2), and (4) are as follows:

8 (11)(a) In addition to the civil penalty penalties
9 imposed in subsection (13) subsections-(4)-and-(12) for the
10 violation of child restraint requirements provided in s.
11 316.613, and, in addition to the civil penalty imposed in
12 subsection (4) for violation of safety belt requirements as
13 provided in s. 316 614, there is hereby imposed an additional
14 \$5 surcharge. This surcharge shall be deposited in the
15 Epilepsy Services Trust Fund established pursuant to s.
16 385.207

17 (b) In addition to the civil penalty imposed in
18 subsection (4), and, in addition to the surcharge imposed in
19 paragraph (a) for the violation of safety belt requirements
20 provided in s. 316.614, there is hereby imposed an additional
21 \$5 surcharge for each separate offense. Revenues collected
22 from the surcharge imposed in this paragraph shall be
23 deposited in the Trauma Services Trust Fund created in s.
24 395.4035 and used solely for the purpose of carrying out the
25 provisions of ss. 395.401, 395.4015, 395.404, and 395 4045.

26 Section 3. This act shall take effect July 1, 1995.
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HOUSE SUMMARY

Provides that an employee of a solid waste recyclable collection service is not required to be restrained by a safety belt while in the course of employment collecting solid waste or recyclables on designated routes. Provides an additional \$5 surcharge for the violation of safety belt requirements for each separate offense and provides for the deposit of revenues collected from the surcharge in the Trauma Services Trust Fund to be used for described purposes. See bill for details.

This publication was produced at an average cost of 1.12 cents per single page in compliance with the Rules and for the information of members of the Legislature and the public.

BY Senator Jenne

29-1820-95

See HB 131

A bill to be entitled

An act relating to the Florida Safety Belt Law; amending s. 316.614, F.S.; eliminating obsolete language; providing an exception to seatbelt usage; revising a fine; deleting language providing for enforcement of the act only as a secondary action; amending s. 318.18, F.S.; providing for a surcharge for violations; providing for the deposit of the surcharge into the Trauma Services Trust Fund; providing for the use of such funds; providing an effective date.

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

Section 1. Paragraph (c) is added to subsection (6) and subsections (7) and (9) of section 316.614, Florida Statutes, are amended to read.

316.614 Safety belt usage.--

(6)

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

~~(7) After January 1, 1987, Any person who violates subsection (4) or subsection (5) shall be subject to the penalties provided in s. 318.18 fined \$207, including court costs, for each separate offense.~~

~~(9) Enforcement of this section by state or local law enforcement agencies shall be accomplished only as a secondary action when a driver of a motor vehicle has been detained for~~

1 ~~a-suspected-violation-of-another-section-of-this-chapter,~~
2 ~~chapter-3207-or-chapter-322-~~

3 Section 2. Subsection (11) of section 318.18, Florida
4 Statutes, 1994 Supplement, is amended to read:

5 318.18 Amount of civil penalties.--The penalties
6 required for a noncriminal disposition pursuant to ss.
7 316.2935(6) and 318.14(1), (2), and (4) are as follows:

8 (11)(a) In addition to the civil penalty penalties
9 imposed in subsection (13) subsections-(4)-and-(12) for the
10 violation of child restraint requirements provided in s.
11 316.613, and, in addition to the civil penalty imposed in
12 subsection (4) for violation of safety belt requirements as
13 provided in s. 316.614, there is hereby imposed an additional
14 \$5 surcharge. This surcharge shall be deposited in the
15 Epilepsy Services Trust Fund established pursuant to s.
16 385.207.

17 (b) In addition to the civil penalty imposed in
18 subsection (4), and, in addition to the surcharge imposed in
19 paragraph (a) for the violation of safety belt requirements
20 provided in s. 316.614, there is hereby imposed an additional
21 \$5 surcharge for each separate offense. Revenues collected
22 from the surcharge imposed in this paragraph shall be
23 deposited in the Trauma Services Trust Fund created in s.
24 395.4035 and used solely for the purpose of carrying out the
25 provisions of ss. 395.401, 395.4015, 395.404, and 395.4045.

26 Section 3. This act shall take effect July 1, 1995.
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HOUSE SUMMARY

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

Provides an additional \$5 surcharge for the violation of safety belt requirements for each separate offense and provides for the deposit of revenues collected from the surcharge in the Trauma Services Trust Fund to be used for described purposes. See bill for details.

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By Representatives Lippman, Jones, Mackenzie, Miller, Cosgrove, Boyd, Posey, Wise, Klein, Healey, Smith, Brennan, Trovillion, Casey, Bloom, Tobin and Sainter

1 A bill to be entitled
 2 An act relating to the Florida Safety Belt Law;
 3 amending s. 316.614, F.S.; deleting obsolete
 4 language; eliminating a provision which
 5 requires enforcement of the act only as a
 6 secondary action; providing an effective date.

7
 8 Be It Enacted by the Legislature of the State of Florida:

9
 10 Section 1. Subsections (7), (9), and (10) of section
 11 316.614, Florida Statutes, are amended to read:

12 316.614 Safety belt usage.--

13 (4) It is unlawful for any person:

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

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

20 (5) It is unlawful for any person 16 years of age or
 21 older to be a passenger in the front seat of a motor vehicle
 22 unless such person is restrained by a safety belt when the
 23 vehicle is in motion.

24 (7) ~~After January 1, 1987; Any person who violates~~
 25 subsection (4) or subsection (5) shall be subject to the
 26 penalties provided in s. 316.18 ~~fined \$20; including court~~
 27 ~~costs; for each separate offense.~~

28 ~~(9)--Enforcement of this section by state or local law~~
 29 ~~enforcement agencies shall be accomplished only as a secondary~~
 30 ~~action when a driver of a motor vehicle has been detained for~~
 31

1 ~~a-suspected-violation-of-another-section-of-this-chapter;~~
2 ~~chapter-320;-er-chapter-322:~~

3 (9)(10) A violation of the provisions of this section
4 shall not constitute negligence per se, nor shall such
5 violation be used as prima facie evidence of negligence or be
6 considered in mitigation of damages, but such violation may be
7 considered as evidence of comparative negligence, in any civil
8 action.

9 Section 2. This act shall take effect October 1, 1996.

10 *****

11 HOUSE SUMMARY

12
13 Deletes the provision of the Florida Safety Belt Law
14 which requires that enforcement of the safety belt law by
15 state or local law enforcement agencies be accomplished
16 only as a secondary action when a driver of a motor
17 vehicle has been detained for a suspended violation of
18 ch. 316, F.S., relating to state uniform traffic control,
19 ch. 320, F.S., relating to motor vehicle licenses, or ch.
20 322, F.S., relating to driver's licenses

21 This publication was produced at an average cost of 1.12 cents
22 per single page in compliance with the Rules and for the
23 information of members of the Legislature and the public.

By the Committee on Transportation and Representatives
 Lippman, Jones, Mackenzie, Miller, Cosgrove, Boyd, Posey,
 Wise, Klein, Healey, Smith, Brennan, Trovillion, Casey, Bloom,
 Tobin and Bainter

A bill to be entitled

An act relating to the Florida Safety Belt Law;
 amending s. 316.614, F.S.; deleting obsolete
 language; providing an exception to safety belt
 use; eliminating a provision which requires
 enforcement of the act only as a secondary
 action; providing an effective date.

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

Section 1. Paragraph (c) is added to subsection (6),
 and subsections (7), (9), and (10) of section 316.614, Florida
 Statutes, are amended to read:

316.614 Safety belt usage.--

(4) It is unlawful for any person:

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

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

(5) It is unlawful for any person 16 years of age or
 older to be a passenger in the front seat of a motor vehicle
 unless such person is restrained by a safety belt when the
 vehicle is in motion.

(6)

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

1 (7) After ~~January 1, 1987~~; Any person who violates
2 subsection (4) or subsection (5) shall be subject to the
3 penalties provided in s. 318.18 ~~fined \$20; including court~~
4 ~~costs; for each separate offense.~~

5 (9) ~~Enforcement of this section by state or local law~~
6 ~~enforcement agencies shall be accomplished only as a secondary~~
7 ~~action when a driver of a motor vehicle has been detained for~~
8 ~~a suspected violation of another section of this chapter;~~
9 ~~chapter 320; or chapter 322:~~

10 (9)(10) A violation of the provisions of this section
11 shall not constitute negligence per se, nor shall such
12 violation be used as prima facie evidence of negligence or be
13 considered in mitigation of damages, but such violation may be
14 considered as evidence of comparative negligence, in any civil
15 action.

16 Section 2. This act shall take effect October 1, 1996.
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21 This publication was produced at an average cost of 1.12 cents
22 per single page in compliance with the Rules and for the
23 information of members of the Legislature and the public.

By Senator Hargrett

21-1426-97

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A bill to be entitled

An act relating to highway safety; modifying provisions relating to operation of the Department of Highway Safety and Motor Vehicles; providing an effective date.

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

Section 1. The Legislature intends to modify provisions of law relating to the Department of Highway Safety and Motor Vehicles.

Section 2. This act shall take effect July 1, 1997.

SENATE SUMMARY

Expresses the legislative intent to modify laws relating to the Department of Highway Safety and Motor Vehicles.

1 A bill to be entitled
2 An act relating to the Florida Safety Belt Law;
3 amending s. 316.614, F.S.; deleting obsolete
4 language; providing an exception to safety belt
5 use; eliminating a provision which requires
6 enforcement of the act only as a secondary
7 action; providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Paragraph (c) is added to subsection (6),
12 and subsections (7), (9), and (10) of section 316.614, Florida
13 Statutes, are amended to read:

14 316.614 Safety belt usage.--

15 (4) It is unlawful for any person:

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

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

22 (5) It is unlawful for any person 16 years of age or
23 older to be a passenger in the front seat of a motor vehicle
24 unless such person is restrained by a safety belt when the
25 vehicle is in motion.

26 (6)

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

1 (7) After ~~January 1, 1987~~; Any person who violates
2 subsection (4) or subsection (5) shall be subject to the
3 penalties provided in s. 318.18 ~~fined \$20~~; ~~including court~~
4 ~~costs~~; ~~for each separate offense.~~

5 ~~(9) -- Enforcement of this section by state or local law~~
6 ~~enforcement agencies shall be accomplished only as a secondary~~
7 ~~action when a driver of a motor vehicle has been detained for~~
8 ~~a suspected violation of another section of this chapter;~~
9 ~~chapter 320; or chapter 322.~~

10 (9)(10) A violation of the provisions of this section
11 shall not constitute negligence per se, nor shall such
12 violation be used as prima facie evidence of negligence or be
13 considered in mitigation of damages, but such violation may be
14 considered as evidence of comparative negligence, in any civil
15 action.

16 Section 2. This act shall take effect October 1, 1997.

17 *****

18 HOUSE SUMMARY

19
20 Provides that an employee of a solid waste or recyclable
21 collection service is not required to be restrained by a
22 safety belt while in the course of employment collecting
23 solid waste or recyclables on designated routes.
24 Eliminates a provision in the Florida Safety Belt Law
25 which requires enforcement of the law only as a secondary
26 action.

27
28 This publication was produced at an average cost of 1.12 cents
29 per single page in compliance with the Rules and for the
30 information of members of the Legislature and the public.
31

By Senator Grant

13-823-97

1 A bill to be entitled
2 An act relating to the Florida Safety Belt Law;
3 amending s. 316.614, F.S.; providing an
4 exception to safety belt use; deleting a
5 provision that requires enforcement of the act
6 only as a secondary action; providing an
7 effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Subsections (6) and (8) of section 316.614,
12 Florida Statutes, 1996 Supplement, are amended to read:

13 316.614 Safety belt usage.--

14 (6)(a) Neither a person who is certified by a
15 physician as having a medical condition that causes the use of
16 a safety belt to be inappropriate or dangerous nor an employee
17 of a newspaper home delivery service while in the course of
18 his or her employment delivering newspapers on home delivery
19 routes is required to be restrained by a safety belt.

20 (b) The number of front seat passengers of a pickup
21 truck required to wear a safety belt pursuant to this section
22 shall not exceed the number of safety belts which were
23 installed in the front seat of such pickup truck by the
24 manufacturer.

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

29 (8) Any person who violates the provisions of this
30 section commits a nonmoving violation, punishable as provided
31 in chapter 318. ~~However, enforcement of this section by state~~

1 ~~or local law enforcement agencies must be accomplished only as~~
2 ~~a secondary action when a driver of a motor vehicle has been~~
3 ~~detained for a suspected violation of another section of this~~
4 ~~chapter, chapter 320, or chapter 322.~~

5 Section 2. This act shall take effect July 1, 1997.

6
7 *****

8 SENATE SUMMARY

9 Provides that an employee of a solid waste or recyclable
10 collection service is not required to be restrained by a
11 safety belt while in the course of employment collecting
12 solid waste or recyclables on designated routes.
13 Eliminates a provision in the Florida Safety Belt Law
14 which requires enforcement of the law only as a secondary
15 action.
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By the Committee on Transportation and Representatives
 Lippman, Jones, Feeney, Trovillion, Cosgrove, Fuller,
 Sublette, Miller, Tobin and Casey

A bill to be entitled

An act relating to the Florida Safety Belt Law;
 amending s. 316.614, F.S.; providing that it is
 unlawful to operate a motor vehicle in this
 state unless each passenger of the vehicle
 under the age of 16 is restrained by a safety
 belt or child restraint device; providing an
 exception to safety belt use; eliminating a
 provision which requires enforcement of the act
 only as a secondary action; providing an
 effective date.

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

Section 1. Subsections (4) and (5) of section 316.614,
 Florida Statutes, 1996 Supplement, are amended, and paragraph
 (c) is added to subsection (6) of said section, to read:

316.614 Safety belt usage.--

(4) It is unlawful for any person:

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

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

(6)

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

1 (8) Any person who violates the provisions of this
2 section commits a nonmoving violation, punishable as provided
3 in chapter 318. ~~However; enforcement of this section by state~~
4 ~~or local law enforcement agencies must be accomplished only as~~
5 ~~a secondary action when a driver of a meter vehicle has been~~
6 ~~detained for a suspected violation of another section of this~~
7 ~~chapter; chapter 320; or chapter 322.~~

8 Section 2. This act shall take effect October 1, 1997.
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Florida House of Representatives - 1997

By the Committee on Transportation and Representative
Smith

A bill to be entitled

1 An act relating to the Department of Highway
2 Safety and Motor Vehicles; amending s. 316.066,
3 F.S.; deleting a penalty for failure to provide
4 proof of insurance to a law enforcement officer
5 under certain circumstances; amending s.
6 316.2065, F.S.; providing for pedestrian
7 violations for certain bicycle riders or
8 passengers; amending s. 316.2397, F.S.;
9 authorizing petroleum tankers to display amber
10 lights; amending s. 316.614, F.S.; providing
11 that it is unlawful to operate a motor vehicle
12 in this state unless each passenger of the
13 vehicle under the age of 16 is restrained by a
14 safety belt or child restraint device; amending
15 s. 316.645, F.S.; including reference to
16 chapter 320, F.S., with respect to the arrest
17 authority of an officer at the scene of a
18 traffic accident; amending s. 318.1451, F.S.;
19 authorizing clerks of the court to establish
20 procedures for notifying the public of driving
21 improvement courses; amending s. 318.18, F.S.;
22 providing fine for pedestrian and bicycle
23 violation; revising the date by which the clerk
24 of the circuit court must transmit citation
25 information; amending s. 318.19, F.S.; revising
26 language with respect to infractions requiring
27 a mandatory hearing, to include a cross
28 reference; amending s. 319.24, F.S.; amending
29 provisions relating to lien satisfactions and
30 certificates of title; creating ss. 319.40,
31

1 320.95, 322.70, 327.90, and 328.30, F.S. ;
2 authorizing the department to accept
3 applications by electronic or telephonic means;
4 amending s. 320.02, F.S. ; providing for
5 voluntary contributions on the application for
6 motor vehicle registration with respect to
7 Prevent Blindness Florida; amending s. 320.06,
8 F.S. ; amending provisions relating to
9 validation stickers on fleet license plates;
10 amending s. 320.072, F.S. ; providing exemptions
11 to the additional fee imposed on certain motor
12 vehicle registration transactions; creating s.
13 320.08048, F.S. ; providing for sample license
14 plates; providing a fee; amending s. 320.131,
15 F.S. ; revising language with respect to
16 temporary tags; creating s. 320.535, F.S. ;
17 exempting airport fuel trucks and equipment
18 from the payment of license taxes and the
19 display of license plates when transporting
20 aviation fuel within the airport facility of
21 any public-use airport; authorizing the
22 incidental operation of airport fuel trucks or
23 equipment on roads of this state; amending s.
24 321.24, F.S. ; authorizing arrest powers for
25 members of an auxiliary to the Florida Highway
26 Patrol; amending s. 322.01, F.S. ; redefining
27 the term "motor vehicle" to include certain
28 mopeds; amending s. 322.121, F.S. ; correcting a
29 cross reference; amending s. 322.16, F.S. ;
30 revising language with respect to license
31 restrictions; amending s. 322.1615, F.S. ;

1 authorizing certain nighttime operation with
2 respect to certain persons who have a learner's
3 driver license; amending s. 322.293, F.S.;
4 providing for an offender security account;
5 amending s. 328.16, F.S.; providing for the
6 electronic transmission of certain lien
7 information; providing an effective date.
8

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

10
11 Section 1. Paragraph (a) of subsection (3) of section
12 316.066, Florida Statutes, 1996 Supplement, is amended to
13 read:

14 316.066 Written reports of accidents.--

15 (3)(a) Every law enforcement officer who in the
16 regular course of duty investigates a motor vehicle accident:
17 1. Which accident resulted in death or personal injury
18 shall, within 10 days after completing the investigation,
19 forward a written report of the accident to the department or
20 traffic records center.

21 2. Which accident involved a violation of s.
22 316.027(2); s. 316.061(1); or s. 316.193 shall, within 10 days
23 after completing the investigation, forward a written report
24 of the accident to the department or traffic records center.

25 3. In which accident a vehicle was rendered
26 inoperative to a degree which required a wrecker to remove it
27 from traffic way, within 10 days after completing the
investigation, forward a written report of the accident to the
department or traffic records center if such action is
30 appropriate, in the officer's discretion.
31

1 However, in every case in which an accident report is required
2 by this section and a written report to a law enforcement
3 officer is not prepared, the law enforcement officer shall
4 provide each party involved in the accident a short-form
5 report, prescribed by the state, to be completed by the party.
6 The short-form report must include, but is not limited to: the
7 date, time, and location of the accident; a description of the
8 vehicles involved; the names and addresses of the parties
9 involved; the names and addresses of witnesses; the name,
10 badge number, and law enforcement agency of the officer
11 investigating the accident; and the names of the insurance
12 companies for the respective parties involved in the accident.
13 Each party to the accident shall provide the law enforcement
14 officer with proof of insurance to be included in the accident
15 report. ~~If a law enforcement officer submits a report on the~~
16 ~~accident; proof of insurance must be provided to the officer~~
17 ~~by each party involved in the accident within 24 hours after~~
18 ~~the accident. Any party who fails to provide the required~~
19 ~~information within the applicable time limit prescribed by~~
20 ~~this paragraph is guilty of an infraction for a nonmoving~~
21 ~~violation; punishable as provided in chapter 318:~~

22 Section 2. Paragraph (e) of subsection (3) of section
23 316.2065, Florida Statutes, 1996 Supplement, is amended to
24 read:

25 316.2065 Bicycle regulations.--

26 (3)

27 (e) Law enforcement officers and school crossing
28 guards may issue a bicycle safety brochure and a verbal
29 warning to a bicycle rider or passenger who violates this
30 subsection. Effective January 1, 1998, a bicycle rider or
31 passenger who violates this subsection may be issued a

1 citation by a law enforcement officer and assessed a fine for
2 a pedestrian nonmoving-traffic violation, as provided in s.
3 318.18. The court shall dismiss the charge against a bicycle
4 rider or passenger for a first violation of paragraph (d) upon
5 proof of purchase of a bicycle helmet that complies with this
6 subsection.

7 Section 3. Subsection (4) of section 316.2397, Florida
8 Statutes, 1996 Supplement, is amended to read:

9 316.2397 Certain lights prohibited; exceptions.--

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

15 Section 4. Paragraph (a) of subsection (4) of section
16 316.614, Florida Statutes, 1996 Supplement, is amended to
17 read:

18 316.614 Safety belt usage.--

19 (4) It is unlawful for any person:

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

24 Section 5. Section 316.645, Florida Statutes, is
25 amended to read:

26 316.645 Arrest authority of officer at scene of a
27 traffic accident.--A police officer who makes an investigation
28 at the scene of a traffic accident may arrest any driver of a
29 vehicle involved in the accident when, based upon personal
30 investigation, the officer has reasonable and probable grounds
31 to believe that the person has committed any offense under the

1 provisions of this ~~chapter, chapter 320,~~ or chapter 322 in
2 connection with the accident.

3 Section 6. Subsection (1) of section 318.1451, Florida
4 Statutes, is amended to read:

5 318.1451 Driver improvement schools.--

6 (1) The Department of Highway Safety and Motor
7 Vehicles shall approve the courses of all driver improvement
8 schools, as the courses relate to ss. 318.14(9), 322.0261,
9 322.095, and 322.291. The chief judge of the applicable
10 judicial circuit may establish requirements regarding the
11 location of schools within the judicial circuit and the clerk
12 of the court may establish any procedures necessary to notify
13 the public of authorized courses being offered within each
14 county. A person may engage in the business of operating a
15 driver improvement school that offers department-approved
16 courses related to ss. 318.14(9), 322.0261, 322.095, and
17 322.291.

18 Section 7. Subsection (1) and paragraph (a) of
19 subsection (8) of section 318.18, Florida Statutes, 1996
20 Supplement, are amended to read:

21 318.18 Amount of civil penalties.--The penalties
22 required for a noncriminal disposition pursuant to s. 318.14
23 are as follows:

24 (1) Fifteen dollars for all infractions of pedestrian
25 regulations under s. 316.150, all infractions of s. 316.2065,
26 unless otherwise specified, and other violations of chapter
27 316 by persons 14 years of age or under who are operating
28 bicycles.

29 (8)(a) Any person who fails to comply with the court's
30 requirements or who fails to pay the civil penalties specified
31 in this section within the 30-day period provided for in s.

1 318.14 must pay an additional civil penalty of \$12, \$2.50 of
2 which must be deposited into the General Revenue Fund, and
3 \$9.50 of which must be deposited in the Highway Safety
4 Operating Trust Fund. There is hereby appropriated from the
5 Highway Safety Operating Trust Fund for fiscal year 1996-1997
6 the amount of \$4 million. From this appropriation the
7 department shall contract with the Florida Association of
8 Court Clerks, Inc., to design, establish, operate, upgrade,
9 and maintain an automated statewide Uniform Traffic Citation
10 Accounting System to be operated by the clerks of the court
11 which shall include, but not be limited to, the accounting for
12 traffic infractions by type, a record of the disposition of
13 the citations, and an accounting system for the fines assessed
14 and the subsequent fine amounts paid to the clerks of the
15 court. On or before December 1, 1999, ~~October 1, 1998~~; the
16 clerks of the court must provide the information required by
17 this chapter to be transmitted to the department by electronic
18 transmission pursuant to the contract.

19 Section 8. Section 318.19, Florida Statutes, is
20 amended to read:

21 318.19 Infractions requiring a mandatory hearing.--Any
22 person cited for the infractions listed in this section shall
23 not have the provisions of s. 318.14(2), and (4), and (9)
24 available to him or her but must appear before the designated
25 official at the time and location of the scheduled hearing:

26 (1) Any infraction which results in an accident that
27 causes the death of another; or

28 (2) Any infraction which results in an accident that
29 causes "serious bodily injury" of another as defined in s.
30 316.1933(1).
31

1 Section 9. Paragraph (a) of subsection (5) of section
2 319.24, Florida Statutes, 1996 Supplement, is amended to read:
3 319.24 Issuance in duplicate; delivery; liens and
4 encumbrances.--

5 (5)(a) Upon satisfaction of any first lien or
6 encumbrance recorded at the department, the owner of the motor
7 vehicle or mobile home, as shown on the title certificate, or
8 the person satisfying the lien shall be entitled to demand and
9 receive from the lienholder a satisfaction of the lien. If
10 the lienholder, upon satisfaction of the lien and upon demand,
11 fails or refuses to furnish a satisfaction thereof within 30
12 days after demand, he or she shall be held liable for all
13 costs, damages, and expenses, including reasonable attorney's
14 fees, lawfully incurred by the titled owner or person
15 satisfying the lien in any suit brought in this state for
16 cancellation of the lien. Any person acquiring ownership of a
17 motor vehicle with an outstanding purchase money lien shall
18 pay and satisfy the outstanding lien within 10 working days of
19 acquiring ownership. The lienholder receiving payment shall
20 provide a lien satisfaction and the certificate of title
21 indicating the satisfaction within 10 working days of receipt
22 of payment or notify the person satisfying the lien that the
23 title is not available within 10 working days of receipt of
24 payment. If the lienholder is unable to provide the
25 certificate of title, the lienholder shall be responsible for
26 the cost of a duplicate title, including fast title charges as
27 provided in s. 319.323. The provisions of this paragraph
28 shall not apply to electronic transactions pursuant to
29 subsection (9).

30 Section 10. Section 319.40, Florida Statutes, is
31 created to read:

1 319.40 Transactions by electronic or telephonic
2 means.--The department is authorized to accept any application
3 provided for under this chapter by electronic or telephonic
4 means.

5 Section 11. Subsection (16) is added to section
6 320.02, Florida Statutes, to read:

7 320.02 Registration required; application for
8 registration; forms.--

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

21 Section 12. Paragraph (c) of subsection (1) of section
22 320.06, Florida Statutes, 1996 Supplement, is amended to read:

23 320.06 Registration certificates, license plates, and
24 validation stickers generally.--

25 (1)

26 (c) Registration license plates equipped with
27 validation stickers shall be valid for not more than 12 months
28 and shall expire at midnight on the last day of the
29 registration period. For each registration period after the
30 one in which the metal registration license plate is issued,
31 and until the license plate is required to be replaced, a

1 validation sticker showing the year of expiration shall be
2 issued upon payment of the proper license tax amount and fees
3 and shall be valid for not more than 12 months. When license
4 plates equipped with validation stickers are issued in any
5 month other than the owner's birth month or the designated
6 registration period for any other motor vehicle, the effective
7 date shall reflect the birth month or month and the year of
8 renewal. However, when a license plate or validation sticker
9 is issued for a period of less than 12 months, the applicant
10 shall pay the appropriate amount of license tax and the
11 applicable fee under the provisions of s. 320.14 in addition
12 to all other fees. Validation stickers issued for vehicles
13 taxed under the provisions of s. 320.08(6)(a), for any company
14 which owns 250 ~~1,000~~ vehicles or more, or for semitrailers
15 taxed under the provisions of s. 320.08(5)(a), for any company
16 which owns 50 vehicles or more, may be placed on any vehicle
17 in the fleet so long as the vehicle receiving the validation
18 sticker has the same owner's name and address as the vehicle
19 to which the validation sticker was originally assigned.

20 Section 13. Paragraph (d) of subsection (2) of section
21 320.072, Florida Statutes, 1996 Supplement, is amended, and
22 subsection (5) is added to said section, to read:

23 320.072 Additional fee imposed on certain motor
24 vehicle registration transactions.--

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

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

31

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

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

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

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

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

29 5. Any member of the United States Armed Forces, or
30 his or her spouse or dependent child, who was a resident of
31 this state at the time of enlistment, who purchased a motor

1 vehicle while stationed outside of Florida, and who continues
2 to be stationed outside of Florida.

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

9 Section 14. Section 320.08048, Florida Statutes, is
10 created to read:

11 320.08048 Sample license plates.--

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

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

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

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

25 Section 15. Section 320.131, Florida Statutes, 1996
26 Supplement, is amended to read:

27 320.131 Temporary tags.--

28 (1) The department is authorized and empowered to
29 design, issue, and regulate the use of temporary tags to be
30 designated "temporary tags" for use in the following cases:
31

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

3 (b) For a casual or private sale, including the sale
4 of a marine boat trailer by a marine boat trailer dealer. A
5 "casual or private sale" means any sale other than that by a
6 licensed dealer.

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

11 (d) For banks, credit unions, and other financial
12 institutions which are not required to be licensed under the
13 provisions of s. 320.27, s. 320.77, or s. 320.771, but need
14 temporary tags for the purpose of demonstrating repossessions
15 for sale.

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

20 (f) Where a motor vehicle is required to be weighed ~~or~~
21 emission tested prior to registration ~~or have a vehicle~~
22 identification number verified. A temporary tag issued for any
23 of these purposes shall be valid for 5 days.

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

27 (h) For a rental car company which possesses a motor
28 vehicle dealer license and which may use temporary tags on
29 vehicles offered for lease by such company in accordance with
30 the provisions of rules established by the department.
31

1 However, the original issuance date of a temporary tag shall
2 be the date which determines the applicable license plate fee.

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

6 (i) While a personalized prestige or specialty license
7 plate is being manufactured for use upon the motor vehicle, a
8 temporary tag issued for this purpose shall be valid for 90
9 days.

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

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

21
22 Further, the department is authorized to disallow the purchase
23 of temporary tags by licensed dealers, common carriers, or
24 financial institutions in those cases where abuse has
25 occurred.

26 (2) The department is authorized to sell temporary
27 tags, in addition to those listed above, to their agents and
28 where need is demonstrated by a consumer complainant. The fee
29 shall be \$2 each. One dollar from each tag sold shall be
30 deposited into the Brain and Spinal Cord Injury Rehabilitation
31 Trust Fund Impaired-Drivers-and-Speeders-Trust-Fund, with the

1 remaining proceeds being deposited into the Highway Safety
2 Operating Trust Fund. Agents of the department shall sell
3 temporary tags for \$2 each and shall charge the service charge
4 authorized by s. 320.04 per transaction, regardless of the
5 quantity sold. Requests for purchase of temporary tags to the
6 department or its agents shall be made, where applicable, on
7 letterhead stationery and notarized. Except as specifically
8 provided otherwise, a temporary tag shall be valid for 30
9 days, and no more than two shall be issued to the same person
10 for the same vehicle.

11 ~~(3)--For-the-purpose-of-requiring-proof-of-personal~~
12 ~~injury-protection-or-liability-insurance;-the-issuance-of-a~~
13 ~~temporary-tag-by-a-licensed-motor-vehicle-dealer-does-not~~
14 ~~constitute-registration-of-the-vehicle;-However;-prior-to-the~~
15 ~~expiration-of-the-first-temporary-tag-issued-to-any-person-by~~
16 ~~a-motor-vehicle-dealer;-proof-of-personal-injury-protection-or~~
17 ~~liability-insurance-shall-be-accomplished:~~

18 (3){4} Any person or corporation who unlawfully issues
19 or uses a temporary tag or violates this section or any rule
20 adopted by the department to implement this section is guilty
21 of a misdemeanor of the second degree punishable as provided
22 in s. 775.082 or s. 775.083 in addition to other
23 administrative action by the department.

24 (4) Temporary tags shall be conspicuously displayed in
25 the rear license plate bracket or attached to the inside of
26 the rear window in an upright position so as to be clearly
27 visible from the rear of the vehicle. On vehicles requiring
28 front display of license plates, temporary tags shall be
29 displayed on the front of the vehicle in the location where
30 the metal license plate would normally be displayed.
31

1 Section 16. Section 320.535, Florida Statutes, is
2 created to read:

3 320.535 Airport vehicles and equipment; definition;
4 exemption.--

5 (1) As used in this section, the term "airport fuel
6 trucks and equipment" means trucks, trailers, containers, and
7 other vehicles or equipment used for transporting aviation
8 fuel.

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

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

20 Section 17. Section 320.95, Florida Statutes, is
21 created to read:

22 320.95 Transactions by electronic or telephonic
23 means.--The department is authorized to accept any application
24 provided for under this chapter by electronic or telephonic
25 means.

26 Section 18. Subsections (2) and (4) of section 321.24,
27 Florida Statutes, are amended to read:

28 321.24 Members of an auxiliary to Florida Highway
29 Patrol.--

30 (2) Members of an auxiliary serving with the Florida
31 Highway Patrol shall at all times serve under the direction

1 and supervision of the director and members of the Florida
2 Highway Patrol. After approval by the director on an
3 individual basis and after completion of a firearms course
4 approved by the director, members of an auxiliary, while
5 serving under the supervision and direction of the director,
6 or a member of the Florida Highway Patrol, shall have the
7 power to bear arms and make arrests. Members of an auxiliary
8 shall have the same protection and immunities afforded
9 regularly employed highway patrol officers, which shall be
10 recognized by all courts having jurisdiction over offenses
11 against the laws of this state.

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

19 Section 19. Subsection (26) of section 322.01, Florida
20 Statutes, 1996 Supplement, is amended to read:

21 322.01 Definitions.--As used in this chapter:

22 (26) "Motor vehicle" means any self-propelled vehicle,
23 including a motor vehicle combination, not operated upon rails
24 or guideway, excluding vehicles moved solely by human power,
25 motorized wheelchairs, and motorized bicycles as defined in s.
26 316.003. For the purposes of this chapter, the term "motor
27 vehicle" includes a moped as defined in s. 316.003(7).

28 Section 20. Paragraph (c) of subsection (3) of section
29 322.121, Florida Statutes, is amended to read:

30 322.121 Periodic reexamination of all drivers.--
31

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

6 (c) Operating a motor vehicle with an expired license
7 that has been expired for 4 months or less pursuant to s.
8 322.065 322.03(5);

9
10 the department shall cause such licensee's license to be
11 prominently marked with the notation "Safe Driver."

12 Section 21. Subsections (2) and (3) of section 322.16,
13 Florida Statutes, 1996 Supplement, are amended to read:

14 322.16 License restrictions.--

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

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

28 Section 22. Subsection (3) of section 322.1615,
29 Florida Statutes, 1996 Supplement, is amended to read:

30 322.1615 Learner's driver's license.--
31

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

7 Section 23. Subsection (4) of section 322.293, Florida
8 Statutes, 1996 Supplement, is renumbered as subsection (5) and
9 a new subsection (4) is added to said section to read:

10 322.293 DUI Programs Coordination Trust Fund;
11 assessment; disposition.--

12 (4) The department is authorized to collect the amount
13 of 25 cents from each licensed DUI program for each person
14 enrolling in that DUI program who pays an assessment fee
15 pursuant to subsection (3), in order to establish and
16 administer an offender security account which shall be part of
17 the DUI Programs Coordination Trust Fund. Moneys collected
18 pursuant to this section and any interest accrued thereon
19 shall only be used for the provision of alternative DUI
20 program services in the event that any DUI program fails to
21 provide DUI program services to its enrolled offenders. The
22 department shall determine payment for alternative services
23 from a licensed DUI program under this subsection based, at a
24 minimum, on the following criteria: offender preference;
25 availability of services of the alternative provider;
26 proximity of alternative provider; and DUI program fee. No DUI
27 program shall be required to provide alternative services
28 under this subsection unless such DUI program consents to
29 provide such services. Each DUI program shall remit the amount
30 provided for under this section in addition to the amounts
31 provided under subsection (3). The alternative DUI program

306-1588-97

A bill to be entitled

1
2 An act relating to the Department of Highway
3 Safety and Motor Vehicles; amending s. 316.066,
4 F.S.; deleting a penalty for failure to provide
5 proof of insurance to a law enforcement officer
6 under certain circumstances; amending s.
7 316.2065; providing that a violation is a
8 pedestrian violation; amending s. 316.2397,
9 F.S.; authorizing motor fuel tankers to display
10 amber lights; amending s. 316.645, F.S.;
11 including reference to chapter 320, F.S, with
12 respect to the arrest authority of an officer
13 at the scene of a traffic accident; amending s.
14 318.1451, F.S.; authorizing the clerks of the
15 court to establish notification procedures in
16 regards to DUI schools; amending s. 318.18,
17 F.S.; providing a fine for pedestrian and
18 bicycle violations; revising the date by which
19 the clerks of the court must transmit required
20 information; amending s. 318.19, F.S.; revising
21 provisions with respect to infractions
22 requiring a mandatory hearing, to include a
23 cross-reference; creating ss. 319.40, 320.95,
24 322.70, 327.90, and 328.30, F.S.; authorizing
25 the department to accept applications by
26 electronic or telephonic means; amending s.
27 320.072, F.S.; providing an exemption to the
28 additional fee imposed on certain motor vehicle
29 registration transactions; creating s.
30 320.08048, F.S.; providing for sample license
31 plates; providing a fee; amending s. 320.131,

1 F.S.; revising provisions with respect to
2 temporary tags; amending s. 321.24, F.S.;
3 allowing an auxiliary of the Florida Highway
4 Patrol to make arrests; amending s. 322.121,
5 F.S.; conforming a cross-reference; amending s.
6 322.1615, F.S.; authorizing certain nighttime
7 operation with respect to certain persons who
8 have a learner's driver license; amending s.
9 322.32, F.S.; requiring certain knowledge for
10 possession or display of certain invalid
11 licenses to constitute a criminal violation;
12 defining the term "knowledge"; providing for
13 the use of other evidence to impute knowledge;
14 providing for notification of certain
15 cancellations, suspensions, or revocations of
16 driving privileges; providing penalties;
17 amending s. 322.34, F.S.; providing penalties
18 for driving with certain invalid driver's
19 licenses; defining the term "knowledge";
20 providing for the use of other evidence to
21 impute knowledge; providing for notification of
22 certain cancellations, suspensions, or
23 revocations; providing penalties for habitual
24 offenders; amending s. 328.16, F.S.; providing
25 for the electronic transmission of certain lien
26 information; providing an effective date.

27
28 Be It Enacted by the Legislature of the State of Florida:
29
30
31

1 Section 1. Paragraph (a) of subsection (3) of section
2 316.066, Florida Statutes, 1996 Supplement, is amended to
3 read:

4 316.066 Written reports of accidents.--

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

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

11 2. Which accident involved a violation of ~~s.~~
12 ~~316.027(2)~~ s. 316.061(1) or s. 316.193 shall, within 10 days
13 after completing the investigation, forward a written report
14 of the accident to the department or traffic records center.

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

21

22 However, in every case in which an accident report is required
23 by this section and a written report to a law enforcement
24 officer is not prepared, the law enforcement officer shall
25 provide each party involved in the accident a short-form
26 report, prescribed by the state, to be completed by the party.
27 The short-form report must include, but is not limited to: the
28 date, time, and location of the accident; a description of the
29 vehicles involved; the names and addresses of the parties
30 involved; the names and addresses of witnesses; the name,
31 badge number, and law enforcement agency of the officer

1 investigating the accident; and the names of the insurance
2 companies for the respective parties involved in the accident.
3 Each party to the accident shall provide the law enforcement
4 officer with proof of insurance to be included in the accident
5 report. If a law enforcement officer submits a report on the
6 accident, proof of insurance must be provided to the officer
7 by each party involved in the accident ~~within 24 hours after~~
8 ~~the accident.~~ Any party who fails to provide the required
9 information ~~within the applicable time limit prescribed by~~
10 ~~this paragraph~~ is guilty of an infraction for a nonmoving
11 violation, punishable as provided in chapter 318 unless the
12 officer determines that due to injuries or other special
13 circumstances such insurance information cannot be provided
14 immediately. If the person provides the law enforcement
15 agency, within 24 hours after the accident, proof of insurance
16 that was valid at the time of the accident, the law
17 enforcement agency may void the citation.

18 Section 2. Paragraph (e) of subsection (3) of section
19 316.2065, Florida Statutes, 1996 Supplement, is amended to
20 read:

21 316.2065 Bicycle regulations.--

22 (3)

23 (e) Law enforcement officers and school crossing
24 guards may issue a bicycle safety brochure and a verbal
25 warning to a bicycle rider or passenger who violates this
26 subsection. Effective January 1, 1998, a bicycle rider or
27 passenger who violates this subsection may be issued a
28 citation by a law enforcement officer and assessed a fine for
29 a pedestrian nonmoving-traffic violation, as provided in s.
30 318.18. The court shall dismiss the charge against a bicycle
31 rider or passenger for a first violation of paragraph (d) upon

1 proof of purchase of a bicycle helmet that complies with this
2 subsection.

3 Section 3. Subsection (4) of section 316.2397, Florida
4 Statutes, 1996 Supplement, is amended to read:

5 316.2397 Certain lights prohibited; exceptions.--

6 (4) Road or street maintenance equipment, road or
7 street maintenance vehicles, road service vehicles, refuse
8 collection vehicles, motor fuel tankers, and mail carrier
9 vehicles may show or display amber lights when in operation or
10 a hazard exists.

11 Section 4. Section 316.645, Florida Statutes, is
12 amended to read:

13 316.645 Arrest authority of officer at scene of a
14 traffic accident.--A police officer who makes an investigation
15 at the scene of a traffic accident may arrest any driver of a
16 vehicle involved in the accident when, based upon personal
17 investigation, the officer has reasonable and probable grounds
18 to believe that the person has committed any offense under the
19 provisions of this chapter, chapter 320, or chapter 322 in
20 connection with the accident.

21 Section 5. Subsection (1) of section 318.1451, Florida
22 Statutes, is amended to read:

23 318.1451 Driver improvement schools.--

24 (1) The Department of Highway Safety and Motor
25 Vehicles shall approve the courses of all driver improvement
26 schools, as the courses relate to ss. 318.14(9), 322.0261,
27 322.095, and 322.291. The chief judge of the applicable
28 judicial circuit may establish requirements regarding the
29 location of schools within the judicial circuit and the clerk
30 of the court may establish any necessary procedures to notify
31 the public of the authorized course being offered within each

1 county. A person may engage in the business of operating a
2 driver improvement school that offers department-approved
3 courses related to ss. 318.14(9), 322.0261, 322.095, and
4 322.291.

5 Section 6. Subsection (1) and paragraph (a) of
6 subsection (8) of section 318.18, Florida Statutes, 1996
7 Supplement, is amended to read:

8 318.18 Amount of civil penalties.--The penalties
9 required for a noncriminal disposition pursuant to s. 318.14
10 are as follows:

11 (1) Fifteen dollars for all infractions of pedestrian
12 regulations ~~under s. 316.138~~, all infractions of s.
13 316.2065(3)(e) ~~s. 316.2065~~, and other violations of chapter
14 316 by persons 14 years of age or under who are operating
15 bicycles.

16 (8)(a) Any person who fails to comply with the court's
17 requirements or who fails to pay the civil penalties specified
18 in this section within the 30-day period provided for in s.
19 318.14 must pay an additional civil penalty of \$12, \$2.50 of
20 which must be deposited into the General Revenue Fund, and
21 \$9.50 of which must be deposited in the Highway Safety
22 Operating Trust Fund. There is hereby appropriated from the
23 Highway Safety Operating Trust Fund for fiscal year 1996-1997
24 the amount of \$4 million. From this appropriation the
25 department shall contract with the Florida Association of
26 Court Clerks, Inc., to design, establish, operate, upgrade,
27 and maintain an automated statewide Uniform Traffic Citation
28 Accounting System to be operated by the clerks of the court
29 which shall include, but not be limited to, the accounting for
30 traffic infractions by type, a record of the disposition of
31 the citations, and an accounting system for the fines assessed

1 and the subsequent fine amounts paid to the clerks of the
2 court. On or before December 1, 1999, ~~October 17, 1998~~, the
3 clerks of the court must provide the information required by
4 this chapter to be transmitted to the department by electronic
5 transmission pursuant to the contract.

6 Section 7. Section 318.19, Florida Statutes, is
7 amended to read:

8 318.19 Infractions requiring a mandatory hearing.--Any
9 person cited for the infractions listed in this section shall
10 not have the provisions of s. 318.14(2), and (4), and (9)
11 available to him or her but must appear before the designated
12 official at the time and location of the scheduled hearing:

13 (1) Any infraction which results in an accident that
14 causes the death of another; or

15 (2) Any infraction which results in an accident that
16 causes "serious bodily injury" of another as defined in s.
17 316.1933(1).

18 Section 8. Section 319.40, Florida Statutes, is
19 created to read:

20 319.40 Transactions by electronic or telephonic
21 means.--The department is authorized to accept any application
22 provided for under this chapter by electronic or telephonic
23 means.

24 Section 9. Paragraph (d) of subsection (2) of section
25 320.072, Florida Statutes, 1996 Supplement, is amended to
26 read:

27 320.072 Additional fee imposed on certain motor
28 vehicle registration transactions.--

29 (1) A fee of \$100 is imposed upon the initial
30 application for registration pursuant to s. 320.06 of every
31

1 motor vehicle classified in s. 320.08(2), (3), and (9)(c) and
2 (d).

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

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

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

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

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

24 4. Any spouse or dependent child of a member of the
25 United States Armed Forces who loses his or her life while on
26 active duty or who is listed by the Armed Forces as
27 "missing-in-action." Such spouse or child must be a resident
28 of this state and the service member must have been a resident
29 of this state at the time of enlistment. Registration of such
30 motor vehicle must occur within 1 year of the notification of
31

1 the service member's death or of his or her status as
2 "missing-in-action."

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

8 Section 10. Section 320.08048, Florida Statutes, is
9 created to read:

10 320.08048 Sample license plates.--

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

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

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

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

24 Section 11. Section 320.131, Florida Statutes, 1996
25 Supplement, is amended to read:

26 320.131 Temporary tags.--

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

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

1 (b) For a casual or private sale, including the sale
2 of a marine boat trailer by a marine boat trailer dealer. A
3 "casual or private sale" means any sale other than that by a
4 licensed dealer.

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

9 (d) For banks, credit unions, and other financial
10 institutions which are not required to be licensed under the
11 provisions of s. 320.27, s. 320.77, or s. 320.771, but need
12 temporary tags for the purpose of demonstrating repossessions
13 for sale.

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

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

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

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

31

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

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

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

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

19
20 Further, the department is authorized to disallow the purchase
21 of temporary tags by licensed dealers, common carriers, or
22 financial institutions in those cases where abuse has
23 occurred.

24 (2) The department is authorized to sell temporary
25 tags, in addition to those listed above, to their agents and
26 where need is demonstrated by a consumer complainant. The fee
27 shall be \$2 each. One dollar from each tag sold shall be
28 deposited into the Brain and Spinal Cord Injury Rehabilitation
29 Trust Fund ~~Impaired-Drivers-and-Speeders-Trust-Fund~~, with the
30 remaining proceeds being deposited into the Highway Safety
31 Operating Trust Fund. Agents of the department shall sell

1 temporary tags for \$2 each and shall charge the service charge
2 authorized by s. 320.04 per transaction, regardless of the
3 quantity sold. Requests for purchase of temporary tags to the
4 department or its agents shall be made, where applicable, on
5 letterhead stationery and notarized. Except as specifically
6 provided otherwise, a temporary tag shall be valid for 30
7 days, and no more than two shall be issued to the same person
8 for the same vehicle.

9 ~~f3)--For the purpose of requiring proof of personal~~
10 ~~injury protection or liability insurance, the issuance of a~~
11 ~~temporary tag by a licensed motor vehicle dealer does not~~
12 ~~constitute registration of the vehicle. However, prior to the~~
13 ~~expiration of the first temporary tag issued to any person by~~
14 ~~a motor vehicle dealer, proof of personal injury protection or~~
15 ~~liability insurance shall be accomplished.~~

16 (3)(4) Any person or corporation who unlawfully issues
17 or uses a temporary tag or violates this section or any rule
18 adopted by the department to implement this section is guilty
19 of a misdemeanor of the second degree punishable as provided
20 in s. 775.082 or s. 775.083 in addition to other
21 administrative action by the department.

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

29 Section 12. Section 320.95, Florida Statutes, is
30 created to read:

31

1 320.95 Transactions by electronic or telephonic
2 means.--The department is authorized to accept any application
3 provided for under this chapter by electronic or telephonic
4 means.

5 Section 13. Subsections (2) and (4) of section 321.24,
6 Florida Statutes, are amended to read:

7 321.24 Members of an auxiliary to Florida Highway
8 Patrol.--

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

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

29 Section 14. Paragraph (c) of subsection (3) of section
30 322.121, Florida Statutes, is amended to read:

31 322.121 Periodic reexamination of all drivers.--

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

6 (c) Operating a motor vehicle with an expired license
7 that has been expired for 4 months or less pursuant to s.
8 322.065 322-03(5);

9
10 the department shall cause such licensee's license to be
11 prominently marked with the notation "Safe Driver."

12 Section 15. Subsection (3) of section 322.1615,
13 Florida Statutes, 1996 Supplement, is amended to read:

14 322.1615 Learner's driver's license.--

15 (3) A person who holds a learner's driver's license
16 may operate a vehicle only during daylight hours, except that
17 the holder of a learner's driver license may operate a vehicle
18 between the hours of 7 p.m. and 10 p.m. 3 months after the
19 issuance of the learner's driver license between-the-hours-of
20 6-a.m.-and-7-p.m.

21 Section 16. Section 322.32, Florida Statutes, is
22 amended to read:

23 322.32 Unlawful use of license.--It is a misdemeanor
24 of the second degree, punishable as provided in s. 775.082 or
25 s. 775.083, for any person:

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

31 (a) The element of knowledge is satisfied if:

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

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

6 3. The person received notice as provided in
7 subsection (c).

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

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

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

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

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

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

28 (6) To apply for, obtain, or cause to be issued to him
29 or her two or more photographic driver's licenses which are in
30 different names. The issuance of such licenses shall be prima
31 facie evidence that the licensee has violated the provisions

1 of this section unless the issuance was in compliance with the
2 requirements of this chapter.

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

5 Section 17. Section 322.34, Florida Statutes, is
6 amended to read:

7 322.34 Driving while license suspended, revoked,
8 canceled, or disqualified.--

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

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

22 (a) A first conviction is guilty of a misdemeanor of
23 the second degree, punishable as provided in s. 775.082 or s.
24 775.083.

25 (b) A second conviction is guilty of a misdemeanor of
26 the first degree, punishable as provided in s. 775.082 or s.
27 775.083.

28 (c) A third or subsequent conviction is guilty of a
29 felony of the third degree, punishable as provided in s.
30 775.082, s. 775.083, or s. 775.084.

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

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

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

15 (5)(2) Any person whose driver's license has been
16 revoked pursuant to s. 322.264 (habitual offender) and who
17 drives any motor vehicle upon the highways of this state while
18 such license is revoked upon:

19 ~~(a) --A first conviction is guilty of a misdemeanor of~~
20 ~~the first degree, punishable as provided in s. 775.082 or s.~~
21 ~~775.083.~~

22 ~~(b) --A second or subsequent conviction is guilty of a~~
23 ~~felony of the third degree, punishable as provided in s.~~
24 ~~775.082, s. 775.083, or s. 775.084.~~

25 (6)(3) Any person who operates a motor vehicle:

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

28 (b) While his or her driver's license or driving
29 privilege is canceled, suspended, or revoked pursuant to s.
30 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) or (5),
31

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

5 (7)~~(4)~~ Any person whose driver's license or driving
6 privilege has been canceled, suspended, revoked, or
7 disqualified and who drives a commercial motor vehicle on the
8 highways of this state while such license or privilege is
9 canceled, suspended, revoked, or disqualified, upon:

10 (a) A first conviction is guilty of a misdemeanor of
11 the first degree, punishable as provided in s. 775.082 or s.
12 775.083.

13 (b) A second or subsequent conviction is guilty of a
14 felony of the third degree, punishable as provided in s.
15 775.082, s. 775.083, or s. 775.084.

16 (8)~~(5)~~(a) Upon the arrest of a person for the offense
17 of driving while the person's driver's license or driving
18 privilege is suspended or revoked, the arresting officer shall
19 determine:

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

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

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

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

31

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

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

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

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

4 1. The owner presents proof of insurance to the
5 arresting agency; or

6 2. The owner presents proof of sale of the vehicle to
7 the arresting agency and the buyer presents proof of insurance
8 to the arresting agency.

9
10 If proof is not presented within 35 days after the impoundment
11 or immobilization, a lien shall be placed upon such vehicle
12 pursuant to s. 713.78.

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

29 Section 18. Section 322.70, Florida Statutes, is
30 created to read:

1 322.70 Transactions by electronic or telephonic
2 means.--The department is authorized to accept any application
3 provided for under this chapter by electronic or telephonic
4 means.

5 Section 19. Section 327.90, Florida Statutes, is
6 created to read:

7 327.90 Transactions by electronic or telephonic
8 means.--The department is authorized to accept any application
9 provided for under this chapter by electronic or telephonic
10 means.

11 Section 20. Subsection (4) is added to section 328.16,
12 Florida Statutes, 1996 Supplement, to read:

13 328.16 Issuance in duplicate; delivery; liens and
14 encumbrances.--

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

28 Section 21. Section 328.30, Florida Statutes, is
29 created to read:

30 328.30 Transactions by electronic or telephonic
31 means.--The department is authorized to accept any application

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provided for under this chapter by electronic or telephonic means.

Section 22. This act shall take effect October 1, 1997.

STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
Senate Bill 1002

1. The CS repeals the 24-hour grace period for providing proof of insurance unless the officer at the scene determines that injuries or other special circumstances prevent the insurance information from being immediately provided. When a citation is issued, the motorist may provide the law enforcement agency with proof of insurance within 24 hours of the accident, and the law enforcement agency may void the citation.
2. The CS clarifies that any person who is under the age of 16 and is riding a bicycle without a helmet has committed a pedestrian violation, punishable by a \$15 fine.
3. The CS amends s. 316.2397, F.S., to allow motor fuel tankers to display amber lights when in operation or where a hazard exists.
4. The CS amends s. 316.645, F.S., to include violations of ch. 320, F.S., within the police officer's arrest authority at the scene of a traffic crash.
5. The CS amends s. 318.1451, F.S., to authorize the clerks of the court to establish procedures to notify the public of the authorized DUI courses being offered within each county.
6. The CS amends s. 318.1451, F.S., to provide authority to the clerks of the courts to establish procedures to notify the public of the authorized DUI courses being offered with each county.
7. The CS extends the time period the Clerks of the Court have to provide all traffic infraction information to the department by electronic transmission to December 1, 1999.
8. The CS amends s. 318.19, F.S., to eliminate the option to attend driver improvement school for any person who is cited with an infraction that resulted in an accident which caused the death or serious bodily injury of another.
9. The CS authorizes the department to process certain transactions through electronic or telephonic means.
10. The CS provides an exemption from the \$100 "new wheels on the road" fee to a member of the armed forces, including a spouse or dependents, who is a resident of this state at the time of enlistment and purchased a vehicle outside the state and continues to be stationed outside the state.
11. The CS authorizes the department to charge \$10 for sample license plates.
12. The CS amends s. 320.131, F.S., to repeal the provision

1 that issuers are not required to see or document that the
2 purchaser has proof of insurance at the time of issuing
3 the first temporary tag. Further, the CS authorizes the
4 department to issue temporary tags for ten days to allow
vehicles to be weighed or emission tests to be conducted,
and ninety days to allow for the manufacture of
personalized prestige license plates.

5 13. The CS amends 321.24, F.S., to authorize auxiliary
6 members of the Florida Highway patrol to make arrests.

7 14. The CS amends Section 322.1615, F.S., to provide that a
8 person with a learner's license may operate a vehicle
9 only during daylight hours for the first three months,
10 and between the hours of 7 p.m. and 10 p.m. three months
11 after the issuance of the learner's license.

12 15. The CS amends s. 322.32, F.S. to require that a person
13 have knowledge they are displaying, possessing or failing
14 to surrender upon demand of a law enforcement officer any
15 suspended, canceled, revoked, or disqualified driver's
16 license before they can be charged with a misdemeanor.

17 16. The CS also amends s. 322.34, F.S., to require the
18 element of knowledge for a criminal conviction of driving
19 with a canceled, revoked, suspended, or disqualified
20 driver's license. If the violator had no knowledge of
21 the cancellation, revocation, or suspension, they would
22 be guilty only of a moving violation. However, driving
23 with a canceled, revoked, suspended, or disqualified
24 driver's license, with knowledge that the driver's
25 license has been canceled, revoked, suspended, or
26 disqualified is a criminal violation. Such a violation is
27 a second degree misdemeanor for the first offense, and a
28 first degree misdemeanor for a second offense. A third
29 or subsequent offense results in a third degree felony.

30 17. The CS further provides that any person whose license has
31 been revoked for being a Habitual Traffic Offender
pursuant to s. 322.264 and who knowingly drives with a
revoked license is guilty of a third degree felony.

18. The CS provides that knowledge be established in one of
three ways:

1) Knowledge is satisfactorily established if the person
has been cited previously under s. 322.34, F.S.;

2) If the person admits knowledge of the cancellation,
suspension, or revocation; or

3) The person received notice of the cancellation,
suspension, or revocation from a court, adjudicatory
body, or uniform traffic citation.

These factors are not the only factors that a court may
consider for establishing knowledge of violation of the
law and other evidence may be considered.

19. The CS amends s. 320.16, F.S., to provide for the
electronic transmission of vessel liens. The section
provides that if the title indicates that there are one

1 or more liens on a vessel, the department may
2 electronically transmit the lien to the first lienholder
3 and notify the first lienholder of any additional liens.
4 Subsequent lien satisfactions may be electronically
5 transmitted to the department.
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By Representative Smith

A bill to be entitled

2 An act relating to the Department of Highway
3 Safety and Motor Vehicles; amending s. 316.066,
4 F.S.; deleting a penalty for failure to provide
5 proof of insurance to a law enforcement officer
6 under certain circumstances; amending s.
7 316.2397, F.S.; authorizing motor fuel tankers
8 to display amber lights; amending s. 316.645,
9 F.S.; including reference to chapter 320, F.S.,
10 with respect to the arrest authority of an
11 officer at the scene of a traffic accident;
12 amending s. 318.19, F.S.; revising language
13 with respect to infractions requiring a
14 mandatory hearing, to include a cross
reference; creating ss. 319.40, 320.95, 322.70,
15 327.90, and 328.30, F.S.; authorizing the
16 department to accept applications by electronic
17 or telephonic means; amending s. 320.02, F.S.;
18 providing for voluntary contributions on the
19 application for motor vehicle registration with
20 respect to Prevent Blindness Florida; amending
21 s. 320.072, F.S.; providing an exemption to the
22 additional fee imposed on certain motor vehicle
23 registration transactions; creating s.
24 320.08048, F.S.; providing for sample license
25 plates; providing a fee; amending s. 320.131,
26 F.S.; revising language with respect to
27 temporary tags; amending s. 322.121, F.S.;
28 correcting a cross reference; amending s.
29 322.16, F.S.; revising language with respect to
30 license restrictions; amending s. 322.1615,
31

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1 F S ; authorizing certain nighttime operation
2 with respect to certain persons who have a
3 learner's driver license; amending s. 322.292,
4 F.S.; directing the department to make certain
5 rules with respect to DUI programs; amending s.
6 328.16, F.S.; providing for the electronic
7 transmission of certain lien information;
8 providing an effective date.
9

10 Be It Enacted by the Legislature of the State of Florida:
11

12 Section 1. Paragraph (a) of subsection (3) of section
13 316.066, Florida Statutes, 1996 Supplement, is amended to
14 read:

15 316.066 Written reports of accidents.--

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

18 1 Which accident resulted in death or personal injury
19 shall, within 10 days after completing the investigation,
20 forward a written report of the accident to the department or
21 traffic records center.

22 2 Which accident involved a violation of s:
23 316-027(2); s. 316.061(1); or s. 316.193 shall, within 10 days
24 after completing the investigation, forward a written report
25 of the accident to the department or traffic records center.

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

2 However, in every case in which an accident report is required
3 by this section and a written report to a law enforcement
4 officer is not prepared, the law enforcement officer shall
5 provide each party involved in the accident a short-form
6 report, prescribed by the state, to be completed by the party.
7 The short-form report must include, but is not limited to: the
8 date, time, and location of the accident; a description of the
9 vehicles involved; the names and addresses of the parties
10 involved; the names and addresses of witnesses; the name,
11 badge number, and law enforcement agency of the officer
12 investigating the accident; and the names of the insurance
13 companies for the respective parties involved in the accident.
14 Each party to the accident shall provide the law enforcement
15 officer with proof of insurance to be included in the accident
16 report. ~~If a law enforcement officer submits a report on the~~
17 ~~accident; proof of insurance must be provided to the officer~~
18 ~~by each party involved in the accident within 24 hours after~~
19 ~~the accident. Any party who fails to provide the required~~
20 ~~information within the applicable time limit prescribed by~~
21 ~~this paragraph is guilty of an infraction for a nonmoving~~
22 ~~violation; punishable as provided in chapter 34B.~~

23 Section 2. Subsection (4) of section 316.2397, Florida
24 Statutes, 1996 Supplement, is amended to read:

25 316.2397 Certain lights prohibited; exceptions.--

26 (4) Road or street maintenance equipment, road or
27 street maintenance vehicles, road service vehicles, refuse
28 collection vehicles, motor fuel tankers, and mail carrier
29 vehicles may show or display amber lights when in operation or
30 a hazard exists.

31

1 Section 3. Section 316.645, Florida Statutes, is
2 amended to read:

3 316.645 Arrest authority of officer at scene of a
4 traffic accident --A police officer who makes an investigation
5 at the scene of a traffic accident may arrest any driver of a
6 vehicle involved in the accident when, based upon personal
7 investigation, the officer has reasonable and probable grounds
8 to believe that the person has committed any offense under the
9 provisions of this chapter, chapter 320, or chapter 322 in
10 connection with the accident.

11 Section 4. Section 318.19, Florida Statutes, is
12 amended to read:

13 318.19 Infractions requiring a mandatory hearing.--Any
14 person cited for the infractions listed in this section shall
15 not have the provisions of s. 318 14(2), and (4), and (9)
16 available to him or her but must appear before the designated
17 official at the time and location of the scheduled hearing:

18 (1) Any infraction which results in an accident that
19 causes the death of another; or

20 (2) Any infraction which results in an accident that
21 causes "serious bodily injury" of another as defined in s.
22 316 1933(1)

23 Section 5. Section 319.40, Florida Statutes, is
24 created to read:

25 319.40 Transactions by electronic or telephonic
26 means.--The department is authorized to accept any application
27 provided for under this chapter by electronic or telephonic
28 means.

29 Section 6. Subsection (16) is added to section 320.02,
30 Florida Statutes, to read:

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320 02 Registration required; application for
2 registration, forms.--

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

Section 7 Paragraph (d) of subsection (2) of section
320.072, Florida Statutes, 1996 Supplement, is amended to
17 read:

18 320.072 Additional fee imposed on certain motor
19 vehicle registration transactions.--

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

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

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

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

1 2 Any former member of the United States Armed
2 Forces, or his or her spouse or dependent child, who purchased
3 such motor vehicle while stationed outside of Florida, who has
4 separated from the Armed Forces and was not dishonorably
5 discharged or discharged for bad conduct, who was a resident
6 of this state at the time of enlistment and at the time of
7 discharge, and who applies for registration of such motor
8 vehicle within 6 months after discharge.

9 3 Any member of the United States Armed Forces, or
10 his or her spouse or dependent child, who was a resident of
11 this state at the time of enlistment, who purchased such motor
12 vehicle while stationed outside of Florida, and who is now
13 reassigned by military order to this state.

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

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

28 Section 8. Section 320.08048, Florida Statutes, is
29 created to read:

30 320.08048 Sample license plates --

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

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

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

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

Section 9. Section 320.131, Florida Statutes, 1996
Supplement, is amended to read.

320 131 Temporary tags.--

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

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

22 (b) For a casual or private sale, including the sale
23 of a marine boat trailer by a marine boat trailer dealer. A
24 "casual or private sale" means any sale other than that by a
25 licensed dealer.

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

(d) For banks, credit unions, and other financial
31 institutions which are not required to be licensed under the

1 provisions of s. 320.27, s. 320.77, or s. 320.771, but need
2 temporary tags for the purpose of demonstrating repossessions
3 for sale.

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

8 (f) Where a motor vehicle is required to be weighed or
9 emission tested prior to registration or have a vehicle
10 identification number verified. A temporary tag issued for any
11 of these purposes shall be valid for 5 days.

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

15 (h) For a rental car company which possesses a motor
16 vehicle dealer license and which may use temporary tags on
17 vehicles offered for lease by such company in accordance with
18 the provisions of rules established by the department.

19 However, the original issuance date of a temporary tag shall
20 be the date which determines the applicable license plate fee

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

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

28 (k){f} In any case where a permanent license plate can
29 not legally be issued to an applicant and a temporary license
30 plate is not specifically authorized under the provisions of
31 this section, the department shall have the discretion to

1 issue temporary license plates to applicants demonstrating a
2 need for such temporary use.

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

8
9 Further, the department is authorized to disallow the purchase
10 of temporary tags by licensed dealers, common carriers, or
11 financial institutions in those cases where abuse has
12 occurred.

13 (2) The department is authorized to sell temporary
14 tags, in addition to those listed above, to their agents and
15 where need is demonstrated by a consumer complainant. The fee
16 shall be \$2 each. One dollar from each tag sold shall be
17 deposited into the Brain and Spinal Cord Injury Rehabilitation
18 Trust Fund Impaired-Drivers-and-Speeders-Frust-Fund, with the
19 remaining proceeds being deposited into the Highway Safety
20 Operating Trust Fund. Agents of the department shall sell
21 temporary tags for \$2 each and shall charge the service charge
22 authorized by s. 320.04 per transaction, regardless of the
23 quantity sold. Requests for purchase of temporary tags to the
24 department or its agents shall be made, where applicable, on
25 letterhead stationery and notarized. Except as specifically
26 provided otherwise, a temporary tag shall be valid for 30
27 days, and no more than two shall be issued to the same person
28 for the same vehicle.

29 ~~{3}--For the purpose of requiring proof of personal~~
30 ~~injury protection or liability insurance, the issuance of a~~
31 ~~temporary tag by a licensed motor vehicle dealer does not~~

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1 ~~constitute registration of the vehicle. However, prior to the~~
2 ~~expiration of the first temporary tag issued to any person by~~
3 ~~a motor vehicle dealer, proof of personal injury protection or~~
4 ~~liability insurance shall be accomplished:~~

5 ~~(3)~~(4) Any person or corporation who unlawfully issues
6 or uses a temporary tag or violates this section or any rule
7 adopted by the department to implement this section is guilty
8 of a misdemeanor of the second degree punishable as provided
9 in s. 775.082 or s. 775.083 in addition to other
10 administrative action by the department.

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

18 Section 10. Section 320.95, Florida Statutes, is
19 created to read:

20 320.95 Transactions by electronic or telephonic
21 means.--The department is authorized to accept any application
22 provided for under this chapter by electronic or telephonic
23 means.

24 Section 11. Paragraph (c) of subsection (3) of section
25 322.121, Florida Statutes, is amended to read:

26 322.121 Periodic reexamination of all drivers.--

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

1 (c) Operating a motor vehicle with an expired license
2 that has been expired for 4 months or less pursuant to s.
3 322.065 322-03(5);

4
5 the department shall cause such licensee's license to be
6 prominently marked with the notation "Safe Driver."

7 Section 12. Subsections (2) and (3) of section 322.16,
8 Florida Statutes, 1996 Supplement, are amended to read:

9 322.16 License restrictions.--

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

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

23 Section 13. Subsection (3) of section 322.1615,
24 Florida Statutes, 1996 Supplement, is amended to read:

25 322.1615 Learner's driver's license.--

26 (3) A person who holds a learner's driver's license
27 may operate a vehicle only between the hours of 6 a.m. and 7
28 p.m., except that the holder of a learner's driver license may
29 operate a vehicle between the hours of 7 p.m. and 10 p.m.
30 three months after the issuance of the learner's driver
31 license.

1 Section 14. Paragraph (b) of subsection (2) of section
2 322.292, Florida Statutes, is amended to read:

3 322.292 DUI programs supervision; powers and duties of
4 the department.--

5 (2) The department shall adopt rules to implement its
6 supervisory authority over DUI programs in accordance with the
7 procedures of chapter 120, including the establishment of
8 uniform standards of operation for DUI programs and the method
9 for setting and approving fees, as follows:

10 (b) Establish minimum standards for the administration
11 and financial management of DUI programs, including, but not
12 limited to:

13 1. Standards governing the types of expenditures that
14 may be made by DUI programs from funds paid by persons
15 attending such programs.

16 2. Standards for financial reporting that require data
17 on DUI programs expenditures in sufficient detail to support
18 reasonable and informed decisions concerning the fees that are
19 to be assessed those attending DUI programs. The department
20 shall perform financial audits of DUI programs required under
21 this section or require that financial audits of the programs
22 be performed by certified public accountants at program
23 expense and submitted directly from the auditor to the
24 department.

25 3. Standards of reciprocity in relation to DUI
26 programs in other states or countries that have programs
27 similar to the DUI programs licensed by the department.

28 4. Standards for surety bonds to guarantee the
29 program's financial obligations to its clients.

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1 ~~5.~~ Such other standards as the department deems
2 appropriate and necessary for the effective oversight of the
3 DUI programs.

4 Section 15. Section 322.70, Florida Statutes, is
5 created to read:

6 322.70 Transactions by electronic or telephonic
7 means.--The department is authorized to accept any application
8 provided for under this chapter by electronic or telephonic
9 means.

10 Section 16. Section 327.90, Florida Statutes, is
11 created to read:

12 327.90 Transactions by electronic or telephonic
13 means.--The department is authorized to accept any application
14 provided for under this chapter by electronic or telephonic
15 means.

16 Section 17 Subsection (4) is added to section 328.16,
17 Florida Statutes, 1996 Supplement, to read:

18 328.16 Issuance in duplicate; delivery; liens and
19 encumbrances.--

20 (4) Notwithstanding any requirements in this section
21 or in s. 328.15 indicating that a lien on a vessel shall be
22 noted on the face of the Florida certificate of title, if
23 there are one or more liens or encumbrances on a vessel, the
24 department may electronically transmit the lien to the first
25 lienholder and notify the first lienholder of any additional
26 liens. Subsequent lien satisfactions may be electronically
27 transmitted to the department and shall include the name and
28 address of the person or entity satisfying the lien. When
29 electronic transmission of liens and lien satisfactions are
30 used, the issuance of a certificate of title may be waived
31

1 until the last lien is satisfied and a clear certificate of
2 title is issued to the owner of the vessel.

3 Section 18. Section 328.30, Florida Statutes, is
4 created to read:

5 328.30 Transactions by electronic or telephonic
6 means.--The department is authorized to accept any application
7 provided for under this chapter by electronic or telephonic
8 means.

9 Section 19. This act shall take effect October 1,
10 1997

11 *****

12 HOUSE SUMMARY

13
14 Revises provisions of law relating to the Department of
15 Highway Safety and Motor Vehicles to:

16 1 Delete a penalty for not providing a law
enforcement officer with proof of insurance under described
17 circumstances.

18 2 Authorize motor fuel tankers to display amber
lights when in operation or when a hazard exists.

19 3. Include chapter 320, F.S., within a list of chapters
where an investigating police officer may arrest a person
for a violation of such chapters at the scene of an
20 accident.

21 4 Authorize the Department of Highway Safety and
Motor Vehicles to accept applications under chapters 319,
320, 322, 327, and 328, F.S., by electronic or telephonic
22 means.

23 5. Permit the voluntary contribution of \$1 in the
application for motor vehicle registration to be
distributed to Prevent Blindness Florida.

24 6. Provide an additional exception to the statutory
additional fee imposed on certain motor vehicle
25 registration transactions.

26 7. Provide for sample license plates issued by the
department.

27 8. Revise language with respect to temporary tags.

28 9. Provide that persons who have a learner's driver
license may operate a vehicle at certain nighttime hours.

29 10. Direct the department to provide rules to
establish standards for surety bonds to guarantee DUI
30 programs financial obligations to its clients

31 See bill for details.

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