By Senator Silver

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38-872-99 See HB

A bill to be entitled An act relating to motor vehicle licenses; amending s. 320.06, F.S.; eliminating the requirement that a permanent validation sticker be issued in connection with each license plate and revising requirements relating to the annual validation sticker; requiring that an annual validation decal be issued in connection with each license plate in addition to the annual validation sticker; providing exemptions; amending ss. 320.03, 320.031, F.S.; providing for issuance of decals by tax collectors and delivery of decals by mail; amending s. 320.061, F.S.; providing a penalty for altering a decal; amending s. 320.07, F.S.; providing penalties for operating a motor vehicle without a current decal; amending s. 320.071, F.S.; providing for issuance of decals as part of the advance registration renewal process; providing a penalty; amending s. 320.26, F.S.; providing a penalty for counterfeiting decals; amending s. 320.261, F.S.; providing a penalty for attaching a decal to a vehicle to which the decal was not assigned; amending ss. 320.04, 320.0607, 320.0657, 320.084, 320.10, 921.0022, F.S., relating to service charges, replacement plates and decals, fleet license plates, disabled veterans' license plates, licensing of exempt vehicles, and an offense severity ranking chart, to conform; providing an effective date.

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WHEREAS, stolen automobile license plates and validation stickers are increasingly being used by persons driving illegally or using automobiles in the commission of crimes, and

WHEREAS, use of these stolen plates and stickers presents a serious problem for law enforcement officials, and

WHEREAS, an additional validation decal required to be placed inside a vehicle, which would become invalid when removed, would present a major impediment to the use of stolen license plates, and

WHEREAS, such a decal would provide valuable identifying information to law enforcement officials and afford them added protection and safety, NOW, THEREFORE,

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

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Section 1. Subsections (1) and (2) of section 320.06, Florida Statutes, are amended to read:

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

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

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30 (b) Registration license plates bearing a graphic 31 symbol and the alphanumeric system of identification shall be

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issued for a 5-year period. At the end of said 5-year period, upon renewal, the plate shall be replaced and the department shall determine the replacement date for plates issued prior to October 1, 1985. The fee for such replacement shall be \$10, \$2 of which shall be paid each year before the plate is replaced, to be credited towards the next \$10 replacement fee. The fees shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund shall not be given for any prior years' payments of such prorated replacement fee when the plate is replaced or surrendered before the end of the 5-year period. With each license plate, there shall be issued a validation sticker showing the owner's birth month or the appropriate renewal period if the owner is not a natural person and the year of expiration. This validation sticker shall be placed on the upper right left corner of the license plate and shall be issued one time during the life of the license plate, or upon request when it has been damaged or destroyed. Except as provided in paragraph (d), there shall also be issued with each license plate a validation decal, which shall be placed on the inside lower left corner of the front windshield on the driver's side. The validation decal shall bear the same number as the license plate, display the month and year of registration expiration, and contain such other information as the department requires. The vehicle identification number shall be incorporated into the validation decal when determined to be feasible by the department serially numbered validation sticker showing the year of expiration, which sticker shall be placed on the upper right corner of the license plate. Such license plate, and validation sticker, and validation decal stickers shall be 31 issued based on the applicant's appropriate renewal period.

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The registration period shall be a period of 12 months, and all expirations shall occur based on the applicant's appropriate registration period. A vehicle with an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate.

(c) A registration license plate plates equipped with a validation sticker and a validation decal stickers shall be valid for not more than 12 months and shall expire at midnight on the last day of the registration period. For each registration period after the one in which the metal registration license plate is issued, and until the license plate is required to be replaced, a validation sticker and validation decal showing the information specified in paragraph (b) year of expiration shall be issued upon payment of the proper license tax amount and fees and shall be valid for not more than 12 months. When a license plate plates equipped with a validation sticker and a validation decal stickers are issued in any month other than the owner's birth month or the designated registration period for any other motor vehicle, the effective date shall reflect the birth month or month and the year of renewal. However, when a license plate or validation sticker and validation decal are is issued for a period of less than 12 months, the applicant shall pay the appropriate amount of license tax and the applicable fee under the provisions of s. 320.14 in addition to all other fees. Validation stickers and validation decals issued for vehicles taxed under the provisions of s. 320.08(6)(a), for any company which owns 250 vehicles or more, 31 or for semitrailers taxed under the provisions of s.

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320.08(5)(a), for any company which owns 50 vehicles or more, 2 may be placed on any vehicle in the fleet so long as the 3 vehicle receiving the validation sticker and validation decal has the same owner's name and address as the vehicle to which 4 5 the validation sticker and validation decal were $\frac{1}{2}$ 6 originally assigned. Validation stickers issued for 7 semitrailers taxed under the provisions of s. 320.08(5)(a), 8 for any company which owns 50 vehicles or more, may be placed on any vehicle in the fleet so long as the vehicle receiving 9 10 the validation sticker has the same owner's name and address 11 as the vehicle to which the validation sticker was originally 12 assigned.

- (d) Any vehicle taxed under s. 320.08(1), (2)(a), (3)(d) or (e), (4)(g), (h), (i), (j), (k), (l), (m), or (n), (5), (7), (8), (9)(a) or (b), (10), (11), or (12) is not required to be issued or to display a validation decal.
- (2) The department shall provide the several tax collectors and license plate agents with the necessary number of validation stickers and validation decals.

Section 2. Subsections (1), (2), (3), and (8) of section 320.03, Florida Statutes, 1998 Supplement, are amended to read:

320.03 Registration; duties of tax collectors; International Registration lan. --

(1) The tax collectors in the several counties of the state, as authorized agents of the department, shall issue registration certificates, registration license plates, validation stickers, validation decals, and mobile home stickers to applicants, subject to the requirements of law, in accordance with rules of the department. Any person, firm, or 31 corporation representing itself, through advertising or naming

 of the business, to be an authorized agent of the department shall be deemed guilty of an unfair and deceptive trade practice as defined in part II of chapter 501. No such person, firm, or corporation shall use either the state or county name as a part of their business name when such use can reasonably be interpreted as an official state or county office.

- (2) The department may require each tax collector to give a bond, payable to the department, conditioned that the tax collector faithfully and truly perform the duties imposed upon him or her according to the requirements of law and the rules and regulations of the department and that the tax collector pay over and account for all validation stickers, validation decals, records, and other property and money that comes into his or her possession or control by reason of such service. The amount of the bond is to be determined by the department based on an amount not more than 10 percent above the average of the daily deposits of each tax collector.
- (3) Each tax collector shall keep a full and complete record and account of all validation stickers, <u>validation</u> decals, mobile home stickers, or other properties received by him or her from the department, or from any other source, and shall make prompt remittance of moneys collected by him or her at such times and in such manner as prescribed by law.
- (8) If the applicant's name appears on the list referred to in s. 316.1001(5) or s. 316.1967(6), a license plate or revalidation sticker and revalidation decal may not be issued until that person's name no longer appears on the list or until the person presents a receipt from the clerk showing that the fines outstanding have been paid. The tax collector and the clerk of the court are each entitled to

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receive monthly, as costs for implementing and administering this subsection, 10 percent of the civil penalties and fines recovered from such persons. If the tax collector has private tag agents, such tag agents are entitled to receive a pro rata share of the amount paid to the tax collector, based upon the percentage of license plates and revalidation stickers and revalidation decals issued by the tag agent compared to the total issued within the county. The authority of any private agent to issue license plates shall be revoked, after notice and a hearing as provided in chapter 120, if he or she issues any license plate or revalidation sticker and revalidation decal contrary to the provisions of this subsection. This section applies only to the annual renewal in the owner's birth month of a motor vehicle registration and does not apply to the transfer of a registration of a motor vehicle sold by a motor vehicle dealer licensed under this chapter, except for the transfer of registrations which is inclusive of the annual renewals. This section does not affect the issuance of the title to a motor vehicle, notwithstanding s. 319.23(7)(b).

Section 3. Subsections (1) and (2) of section 320.031, Florida Statutes, are amended to read:

320.031 Mailing of registration certificates, license plates, and validation stickers. --

- (1)The department and the tax collectors of the several counties of the state may at the request of the applicant use United States mail service to deliver registration certificates and renewals thereof, license plates, mobile home stickers, and validation stickers and validation decals to applicants.
- (2) A mail service charge may be collected for each 31 registration certificate, license plate, mobile home sticker,

and validation sticker and validation decal mailed by the 2 department or any tax collector. Each registration 3 certificate, license plate, mobile home sticker, and 4 validation sticker and validation decal shall be mailed by 5 first-class mail unless otherwise requested by the applicant. 6 The amount of the mail service charge shall be the actual 7 postage required, rounded to the nearest 5 cents, plus a 8 25-cent handling charge. The mail service charge is in 9 addition to the service charge provided by s. 320.04. 10 Section 4. Paragraph (a) of subsection (1) of section 11 320.04, Florida Statutes, 1998 Supplement, is amended to read: 320.04 Registration service charge.--12 13 (1)(a) There shall be a service charge of \$2.50 for each application which is handled in connection with original 14 15 issuance, duplicate issuance, or transfer of any license plate, mobile home sticker, or validation sticker and 16 17 validation decal, or with transfer or duplicate issuance of any registration certificate. There may also be a service 18 19 charge of up to \$1 for the issuance of each license plate 20 validation sticker and validation decal or each and mobile home sticker issued from an automated vending facility or 21 printer dispenser machine which shall be payable to and 22 retained by the department to provide for automated vending 23 24 facilities or printer dispenser machines used to dispense such 25 stickers and decals by each tax collector's or license tag agent's employee. 26 27 Section 5. Subsections (1) and (2) of section 28 320.0607, Florida Statutes, are amended to read: 29 320.0607 Replacement license plates, validation decal, 30 or mobile home sticker.--

- (1) Any law enforcement officer or department license and registration inspector may at any time inspect a license plate, validation sticker, or validation decal for proper display and legibility as prescribed by chapter 316. A damaged or defaced plate, sticker, or decal may be required to be replaced.
- validation sticker, or validation decal has been lost, stolen, or destroyed, the owner of the motor vehicle or mobile home for which the plate, sticker, or decal was issued shall make application to the department for a replacement. The application shall contain the plate, sticker, or decal number being replaced and a statement that the item was lost, stolen, or destroyed. If the application includes a copy of the police report prepared in response to a report of a stolen plate, sticker, or decal, such plate, sticker, or decal must be replaced at no charge.

Section 6. Section 320.061, Florida Statutes, is amended to read:

320.061 Unlawful to alter motor vehicle registration certificates, license plates, mobile home stickers, or validation decals; penalty.—No person shall alter the original appearance of any registration license plate, mobile home sticker, validation sticker, validation decal, or vehicle registration certificate issued for and assigned to any motor vehicle or mobile home, whether by mutilation, alteration, defacement, or change of color or in any other manner. Any person who violates the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 7. Paragraph (a) of subsection (1) of section 320.0657, Florida Statutes, is amended to read:

320.0657 Permanent registration; fleet license plates.--

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

Section 8. Subsection (3) of section 320.07, Florida Statutes, 1998 Supplement, is amended to read:

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

- (3) The operation of any motor vehicle without having attached thereto a registration license plate, and validation sticker, and, where required, validation decal stickers, or the use of any mobile home without having attached thereto a mobile home sticker, for the current registration period shall subject the owner thereof, if he or she is present, or, if the owner is not present, the operator thereof to the following penalty provisions:
- (a) Any person whose motor vehicle or mobile home registration has been expired for a period of 6 months or less shall be subject to the penalty provided in s. 318.14.

- (b) Any person whose motor vehicle or mobile home registration has been expired for more than 6 months shall upon a first offense be subject to the penalty provided in s. 318.14.
- (c) Any person whose motor vehicle or mobile home registration has been expired for more than 6 months shall upon a second or subsequent offense be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.
- (d) However, no operator shall be charged with a violation of this subsection if the operator can show, pursuant to a valid lease agreement, that the vehicle had been leased for a period of 30 days or less at the time of the offense.
- Section 9. Subsections (2) and (3) of section 320.071, Florida Statutes, are amended to read:
 - 320.071 Advance registration renewal; procedures.--
- (2) Upon the filing of the application and payment of the appropriate license tax under s. 320.08, service charges required by s. 320.04, and any additional fees required by law, the department or its agent shall issue to the owner of the motor vehicle or mobile home a validation sticker and validation decal or mobile home sticker, as appropriate, which, when affixed to the license plate and windshield or mobile home, shall renew the registration for the appropriate registration period.
- (3) Any person who uses a mobile home sticker, or validation decal without lawful authority or who willfully violates any rule of the department relating to this section is guilty of a misdemeanor of the

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second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 10. Subsections (3) and (4) of section 320.084, Florida Statutes, are amended to read:

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

(3) The department shall, as it deems necessary, require each person to whom a motor vehicle license plate has been issued pursuant to subsection (1) to apply to the department for reissuance of his or her registration license plate. Upon receipt of the application and proof of the applicant's continued eligibility, the department shall issue a new permanent "DV" numerical motor vehicle license plate which shall be of the colors red, white, and blue similar to the colors of the United States flag. The operation of a motor vehicle displaying a "DV" license plate from a previous issue period or a noncurrent validation sticker or validation decal after the date specified by the department shall subject the owner if he or she is present, otherwise the operator, to the penalty provided in s. 318.18(2). Such permanent license plate shall be removed upon sale of the vehicle, but may be transferred to another vehicle owned by such veteran in the manner prescribed by law. The license number of each plate issued under this section shall be identified by the letter designation "DV." Upon request of any such veteran, the department is authorized to issue a designation plate containing only the letters "DV," to be displayed on the front of the vehicle.

(4)(a) With the issuance of each new permanent "DV" numerical motor vehicle license plate, the department shall initially issue, without cost to the applicant, a validation

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sticker reflecting the owner's birth month and a validation decal serially numbered validation sticker reflecting the information specified in s. 320.06(1)(b)year of expiration. The initial sticker reflecting the year of expiration may not exceed 15 months.

- (b) There shall be a service charge in accordance with the provisions of s. 320.04 for each initial application or renewal of registration and an additional sum of 50 cents on each license plate and validation sticker as provided in s. 320.06(3)(b).
- (c) Registration under this section shall be renewed annually during the applicable renewal period on forms prescribed by the department, which shall include, in addition to any other information required by the department, a certified statement as to the continued eligibility of the applicant to receive the special "DV" license plate. Any applicant who falsely or fraudulently submits to the department the certified statement required by this paragraph is guilty of a noncriminal violation and is subject to a civil penalty of \$50.

Section 11. Subsection (2) of section 320.10, Florida Statutes, is amended to read:

320.10 Exemptions.--

(2) Any such vehicle or mobile home, except one owned or operated exclusively by the Federal Government, shall be furnished a license plate, validation sticker, and validation decal or mobile home sticker upon the proper application to the department and upon the payment of \$3 to cover the cost of same. For any motor vehicle or mobile home which is exempt under paragraph (1)(a), there shall be issued a license plate, 31 validation sticker, validation decal, or mobile home sticker

prescribed by s. 320.06; and for any vehicle which is exempt under paragraphs (1)(c)-(h), there shall be issued a license plate under series "X." Vehicles exempt under this provision must be equipped with proper license plates showing such exempt status.

Section 12. Section 320.26, Florida Statutes, is amended to read:

320.26 Counterfeiting license plates, validation stickers, validation decals, mobile home stickers, cab cards, trip permits, or special temporary operational permits prohibited; penalty.--

- (1)(a) No person shall counterfeit registration license plates, validation stickers, validation decals, or mobile home stickers, or have in his or her possession any such plates, or stickers, or decals; nor shall any person manufacture, sell, or dispose of registration license plates, validation stickers, validation decals, or mobile home stickers in the state without first having obtained the permission and authority of the department in writing.
- (b) No person shall counterfeit, alter, or manufacture International Registration Plan cab cards, trip permits, special temporary permits, or temporary operational permits; nor shall any person sell or dispose of International Registration Plan cab cards, trip permits, special temporary permits, or temporary operational permits without first having obtained the permission and authority of the department in writing.
- (2) Any person who violates this section is guilty of a felony of the third degree.

(a) If the violator is a natural person, he or she is punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(b) If the violator is an association or corporation, it is punishable as provided in s. 775.083, and the official of the association or corporation under whose direction or with whose knowledge, consent, or acquiescence such violation occurred may be punished as provided in s. 775.082, in addition to the fine which may be imposed upon such association or corporation.

Section 13. Section 320.261, Florida Statutes, is amended to read:

320.261 Attaching registration license plate not assigned unlawful; penalty.—Any person who knowingly attaches to any motor vehicle or mobile home any registration license plate, or who knowingly attaches any validation sticker or mobile home sticker to a registration license plate, or who knowingly attaches any validation decal to a motor vehicle, which plate, or sticker, or decal was not issued and assigned or lawfully transferred to such vehicle, is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 14. Paragraph (a) of subsection (3) of section 921.0022, Florida Statutes, 1998 Supplement, is amended to read:

921.0022 Criminal Punishment Code; offense severity ranking chart.--

(3) OFFENSE SEVERITY RANKING CHART

1	Florida	Felony	
2	Statute	Degree	Description
3			
4			(a) LEVEL 1
5	24.118(3)(a)	3rd	Counterfeit or altered state
6			lottery ticket.
7	212.054(2)(b)	3rd	Discretionary sales surtax;
8			limitations, administration, and
9			collection.
10	212.15(2)(b)	3rd	Failure to remit sales taxes,
11			amount greater than \$300 but less
12			than \$20,000.
13	319.30(5)	3rd	Sell, exchange, give away
14			certificate of title or
15			identification number plate.
16	319.35(1)(a)	3rd	Tamper, adjust, change, etc., an
17			odometer.
18	320.26(1)(a)	3rd	Counterfeit, manufacture, or sell
19			registration license plates <u>,</u> or
20			validation stickers <u>, or</u>
21			validation decals.
22	322.212(1)	3rd	Possession of forged, stolen,
23			counterfeit, or unlawfully issued
24			driver's license; possession of
25			simulated identification.
26	322.212(4)	3rd	Supply or aid in supplying
27			unauthorized driver's license or
28			identification card.
29	322.212(5)(a)	3rd	False application for driver's
30			license or identification card.
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1	370.13(4)(a)	3rd	Molest any stone crab trap, line,
2			or buoy which is property of
3			licenseholder.
4	370.135(1)	3rd	Molest any blue crab trap, line,
5			or buoy which is property of
6			licenseholder.
7	372.663(1)	3rd	Poach any alligator or
8			crocodilia.
9	414.39(2)	3rd	Unauthorized use, possession,
10			forgery, or alteration of food
11			stamps, Medicaid ID, value
12			greater than \$200.
13	414.39(3)(a)	3rd	Fraudulent misappropriation of
14			public assistance funds by
15			employee/official, value more
16			than \$200.
17	443.071(1)	3rd	False statement or representation
18			to obtain or increase
19			unemployment compensation
20			benefits.
21	458.327(1)(a)	3rd	Unlicensed practice of medicine.
22	466.026(1)(a)	3rd	Unlicensed practice of dentistry
23			or dental hygiene.
24	509.151(1)	3rd	Defraud an innkeeper, food or
25			lodging value greater than \$300.
26	517.302(1)	3rd	Violation of the Florida
27			Securities and Investor
28			Protection Act.
29	562.27(1)	3rd	Possess still or still apparatus.
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1	713.69	3rd	Tenant removes property upon
2			which lien has accrued, value
3			more than \$50.
4	812.014(3)(c)	3rd	Petit theft (3rd conviction);
5			theft of any property not
6			specified in subsection (2).
7	812.081(2)	3rd	Unlawfully makes or causes to be
8			made a reproduction of a trade
9			secret.
10	815.04(4)(a)	3rd	Offense against intellectual
11			property (i.e., computer
12			programs, data).
13	817.52(2)	3rd	Hiring with intent to defraud,
14			motor vehicle services.
15	826.01	3rd	Bigamy.
16	828.122(3)	3rd	Fighting or baiting animals.
17	831.04(1)	3rd	Any erasure, alteration, etc., of
18			any replacement deed, map, plat,
19			or other document listed in s.
20			92.28.
21	831.31(1)(a)	3rd	Sell, deliver, or possess
22			counterfeit controlled
23			substances, all but s. 893.03(5)
24			drugs.
25	832.041(1)	3rd	Stopping payment with intent to
26			defraud \$150 or more.
27	832.05		
28	(2)(b)&(4)(c)	3rd	Knowing, making, issuing
29			worthless checks \$150 or more or
30			obtaining property in return for
31			worthless check \$150 or more.

1	838.015(3)	3rd	Bribery.
2	838.016(1)	3rd	Public servant receiving unlawful
3	,		compensation.
4	838.15(2)	3rd	Commercial bribe receiving.
5	838.16	3rd	Commercial bribery.
6	843.18	3rd	Fleeing by boat to elude a law
7			enforcement officer.
8	847.011(1)(a)	3rd	Sell, distribute, etc., obscene,
9			lewd, etc., material (2nd
10			conviction).
11	849.01	3rd	Keeping gambling house.
12	849.09(1)(a)-(d)	3rd	Lottery; set up, promote, etc.,
13			or assist therein, conduct or
14			advertise drawing for prizes, or
15			dispose of property or money by
16			means of lottery.
17	849.23	3rd	Gambling-related machines;
18			"common offender" as to property
19			rights.
20	849.25(2)	3rd	Engaging in bookmaking.
21	860.08	3rd	Interfere with a railroad signal.
22	860.13(1)(a)	3rd	Operate aircraft while under the
23			influence.
24	893.13(2)(a)2.	3rd	Purchase of cannabis.
25	893.13(6)(a)	3rd	Possession of cannabis (more than
26			20 grams).
27	893.13(7)(a)10.	3rd	Affix false or forged label to
28			package of controlled substance.
29	934.03(1)(a)	3rd	Intercepts, or procures any other
30			person to intercept, any wire or
31			oral communication.

Section 15. This act shall take effect January 1, 2000, and issuance of the validation stickers and validation decals required by this act shall begin on that date. LEGISLATIVE SUMMARY Eliminates the requirement that a permanent validation sticker be issued in connection with each motor vehicle license plate and revises requirements relating to the annual validation sticker. Requires that an annual validation decal be issued in connection with each license plate in addition to the annual validation sticker. The decal is to be placed on the inside front windshield on the driver's side. Decals are to be issued in the same manner as validation stickers, and subject to the same penalties for misuse.