

By Senator Casas

39-677B-99

1                                   A bill to be entitled  
2           An act relating to the Department of Highway  
3           Safety and Motor Vehicles; amending s. 316.063,  
4           F.S.; revising provisions to refer to a traffic  
5           crash rather than accident; providing a  
6           noncriminal traffic infraction for obstructing  
7           traffic under certain circumstances; amending  
8           s. 316.1975, F.S.; revising provisions with  
9           respect to unattended motor vehicles; amending  
10          s. 316.211, F.S.; providing for compliance with  
11          certain federal safety standards with respect  
12          to equipment for motorcycle and moped riders;  
13          amending s. 316.520, F.S.; providing that it is  
14          a noncriminal traffic infraction punishable as  
15          a moving violation to violate load limits on  
16          vehicles; amending s. 316.640, F.S.;  
17          authorizing the Florida Highway Patrol to  
18          employ certain persons as traffic accident  
19          investigation officers; providing for certain  
20          powers and duties; amending s. 318.14, F.S.;  
21          conforming cross-references to changes made by  
22          the act; amending s. 318.15, F.S.; including  
23          reference to the tax collector with respect to  
24          the collection of certain service fees for  
25          reinstatement of suspended driver's license;  
26          amending s. 319.23, F.S.; revising application  
27          requirements for a certificate of title;  
28          deleting references to collectible vehicles;  
29          amending s. 319.30, F.S.; revising provisions  
30          with respect to dismantling, destroying, or  
31          changing the identity of a motor vehicle or

1 mobile home; amending s. 320.01, F.S.; defining  
2 the term "agricultural products" for purposes  
3 of ch. 320, F.S.; amending s. 320.023, F.S.;  
4 revising audit requirements with respect to  
5 voluntary contributions on the application form  
6 for a motor vehicle registration; amending s.  
7 320.055, F.S.; revising provisions with respect  
8 to registration periods; amending s. 320.06,  
9 F.S.; authorizing the department to issue  
10 manufacturer license plates; repealing s.  
11 320.065, F.S., relating to the registration of  
12 certain rental trailers for hire and  
13 semitrailers used to haul agricultural  
14 products; amending s. 320.0657, F.S.; revising  
15 provisions with respect to fleet license  
16 plates; providing fees; amending s. 320.08,  
17 F.S., relating to license fees; deleting  
18 references to certain collectible vehicles;  
19 providing a fee for manufacturer license  
20 plates; amending s. 320.086, F.S.; revising  
21 provisions governing the issuance of license  
22 plates for certain historical motor vehicles;  
23 reenacting s. 320.072(2)(g), F.S., relating to  
24 the fee imposed on motor vehicle registrations,  
25 to incorporate the amendment to s. 320.086,  
26 F.S., in references thereto; amending s.  
27 320.13, F.S.; providing an alternative method  
28 of registration for manufacturer license  
29 plates; prohibiting the use of dealer license  
30 plates for specified purposes; amending s.  
31 320.131, F.S.; providing penalties with respect

1 to certain violations concerning temporary  
2 tags; amending s. 320.1325, F.S.; revising  
3 provisions with respect to registration for the  
4 temporarily employed; amending s. 321.06, F.S.;  
5 authorizing the department to employ certain  
6 traffic accident investigation officers;  
7 amending s. 322.08, F.S.; deleting provisions  
8 with respect to certain applications made by  
9 persons who hold an out-of-state driver  
10 license; amending s. 322.081, F.S.; revising  
11 audit requirements with respect to voluntary  
12 contributions on the driver's license  
13 application; amending s. 322.1615, F.S.;  
14 revising provisions with respect to a learner's  
15 driver's license; amending s. 322.2615, F.S.;  
16 revising provisions with respect to suspension  
17 of a license; amending s. 322.28, F.S.;  
18 revising requirements for the period of  
19 suspension or revocation of a driver's license;  
20 amending s. 322.34, F.S.; conforming a  
21 cross-reference to changes made by the act;  
22 amending s. 327.031, F.S.; providing for the  
23 denial or cancellation of a vessel registration  
24 when payment for registration is made by a  
25 dishonored check; amending s. 327.11, F.S.;  
26 providing for a replacement vessel  
27 registration; amending s. 327.23, F.S.;  
28 providing for a temporary certificate of  
29 registration for a vessel by certain  
30 out-of-state residents; amending s. 327.25,  
31 F.S.; revising provisions with respect to

1 transfer of ownership and registration of  
2 vessels; creating s. 327.255, F.S.; providing  
3 for the duties of tax collectors with respect  
4 to vessel registration; providing fees;  
5 creating s. 327.256, F.S.; providing procedures  
6 for advanced vessel registration renewal;  
7 amending s. 328.01, F.S.; revising provisions  
8 with respect to application for a certificate  
9 of title for a vessel; amending s. 328.11,  
10 F.S.; increasing the time period to apply for a  
11 reissuance of a certificate of title; amending  
12 s. 328.15, F.S.; providing requirements with  
13 respect to certain second liens on vessels;  
14 increasing the fee for recording a notice of  
15 lien; providing requirements with respect to  
16 satisfaction of a lien on a vessel; providing  
17 penalties for failure to comply; amending s.  
18 328.16, F.S.; providing requirements with  
19 respect to liens; creating s. 328.165, F.S.;  
20 providing for cancellation of certificates;  
21 amending s. 713.78, F.S.; providing an  
22 exemption from the requirement of an inventory  
23 of personal property found in a motor vehicle  
24 to be removed from the scene of an accident  
25 under certain circumstances; amending ss.  
26 732.9215, 732.9216, F.S.; conforming  
27 cross-references to changes made by the act;  
28 amending s. 832.06, F.S.; revising provisions  
29 with respect to prosecution for worthless  
30 checks given to the tax collector for certain  
31 licenses or taxes; providing an effective date.

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

2

3 Section 1. Section 316.063, Florida Statutes, is  
4 amended to read:

5 316.063 Duty upon damaging unattended vehicle or other  
6 property.--

7 (1) The driver of any vehicle which collides with, or  
8 is involved in a crash ~~an accident~~ with, any vehicle or other  
9 property which is unattended, resulting in any damage to such  
10 other vehicle or property, shall immediately stop and shall  
11 then and there either locate and notify the operator or owner  
12 of the vehicle or other property of the driver's name and  
13 address and the registration number of the vehicle he or she  
14 is driving, or shall attach securely in a conspicuous place in  
15 or on the vehicle or other property a written notice giving  
16 the driver's name and address and the registration number of  
17 the vehicle he or she is driving, and shall without  
18 unnecessary delay notify the nearest office of a duly  
19 authorized police authority. ~~Every such stop shall be made~~  
20 ~~without obstructing traffic more than is necessary. If a~~  
21 ~~damaged vehicle is obstructing traffic, the driver shall make~~  
22 ~~every reasonable effort to move the vehicle or have it moved~~  
23 ~~so as not to obstruct the regular flow of traffic.~~Any person  
24 who fails to comply with this subsection commits a misdemeanor  
25 of the second degree, punishable as provided in s. 775.082 or  
26 s. 775.083.

27 (2) Every such stop shall be made without obstructing  
28 traffic more than is necessary. If a damaged vehicle is  
29 obstructing traffic, the driver shall make every reasonable  
30 effort to move the vehicle or have it moved so as not to  
31 obstruct the regular flow of traffic. A violation of this

1 subsection is a noncriminal traffic infraction, punishable as  
2 a nonmoving violation as provided in chapter 318.

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

11 Section 2. Section 316.1975, Florida Statutes, is  
12 amended to read:

13 316.1975 Unattended motor vehicle.--

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

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

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

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

30 Section 3. Section 316.211, Florida Statutes, is  
31 amended to read:

1           316.211 Equipment for motorcycle and moped riders.--

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

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

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

20           (4) A No person under 16 years of age may not ~~shall~~  
21 operate or ride upon a moped unless the person is properly  
22 wearing protective headgear securely fastened upon his or her  
23 head which complies with Federal Motorcycle Vehicle Safety  
24 Standard 218 promulgated by the United States Department of  
25 Transportation. The Department of Highway Safety and Motor  
26 Vehicles shall adopt rules to enforce this standard ~~standards~~  
27 ~~established by the department.~~

28           ~~(5) The department is authorized to approve protective~~  
29 ~~headgear made to specifications drawn and devised by, or~~  
30 ~~approved by, the American National Standards Institute, the~~  
31 ~~United States Department of Transportation, the United States~~

1 ~~Consumer Products Safety Commission, the United States~~  
2 ~~Department of Defense, or any other entity which can provide~~  
3 ~~equally effective equipment specifications. The department~~  
4 ~~shall publish lists of protective equipment, and such lists~~  
5 ~~shall be made available by request to all users of such~~  
6 ~~equipment.~~

7 Section 4. Section 316.520, Florida Statutes, is  
8 amended to read:

9 316.520 Loads on vehicles.--

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

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

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

29 Section 5. Paragraph (a) of subsection (1) of section  
30 316.640, Florida Statutes, is amended to read:

31



1           316.640 Enforcement.--The enforcement of the traffic  
2 laws of this state is vested as follows:

3           (1) STATE.--

4           (a)1.a. The Division of Florida Highway Patrol of the  
5 Department of Highway Safety and Motor Vehicles, the Division  
6 of Law Enforcement of the Game and Fresh Water Fish  
7 Commission, the Division of Law Enforcement of the Department  
8 of Environmental Protection, and law enforcement officers of  
9 the Department of Transportation each have authority to  
10 enforce all of the traffic laws of this state on all the  
11 streets and highways thereof and elsewhere throughout the  
12 state wherever the public has a right to travel by motor  
13 vehicle. The Division of the Florida Highway Patrol may employ  
14 as a traffic accident investigation officer any individual who  
15 successfully completes at least 200 hours of instruction in  
16 traffic accident investigation and court presentation through  
17 the Selective Traffic Enforcement Program as approved by the  
18 Criminal Justice Standards and Training Commission and funded  
19 through the National Highway Traffic Safety Administration or  
20 a similar program approved by the commission, but who does not  
21 necessarily meet the uniform minimum standards established by  
22 the commission for law enforcement officers or auxiliary law  
23 enforcement officers under chapter 943. Any such traffic  
24 accident investigation officer who makes an investigation at  
25 the scene of a traffic accident may issue traffic citations,  
26 based upon personal investigation, when he or she has  
27 reasonable and probable grounds to believe that a person who  
28 was involved in the accident committed an offense under this  
29 chapter, chapter 319, chapter 320, or chapter 322 in  
30 connection with the accident. This paragraph does not permit  
31 the carrying of firearms or other weapons, nor do such

1 officers have arrest authority other than for the issuance of  
2 a traffic citation as authorized in this paragraph.

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

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

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

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

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

31

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

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

13           Section 6. Subsections (1), (4), and (9) of section  
14 318.14, Florida Statutes, are amended to read:

15           318.14 Noncriminal traffic infractions; exception;  
16 procedures.--

17           (1) Except as provided in ss. 318.17 and 320.07(3)(c)  
18 ~~320.07(3)(b)~~, any person cited for a violation of s. 240.265,  
19 chapter 316, s. 320.0605(1), s. 320.07(3)(a), s. 322.065, s.  
20 322.15(1), s. 322.16(2) or (3), s. 322.161(4), or s. 322.19 is  
21 charged with a noncriminal infraction and must be cited for  
22 such an infraction and cited to appear before an official. If  
23 another person dies as a result of the noncriminal infraction,  
24 the person cited may be required to perform 120 community  
25 service hours under s. 316.027(4), in addition to any other  
26 penalties.

27           (4) Any person charged with a noncriminal infraction  
28 under this section who does not elect to appear shall pay the  
29 civil penalty and delinquent fee, if applicable, either by  
30 mail or in person, within 30 days after ~~of~~ the date of  
31 receiving the citation. If the person cited follows the above

1 procedure, he or she shall be deemed to have admitted the  
2 infraction and to have waived his or her right to a hearing on  
3 the issue of commission of the infraction. Such admission  
4 shall not be used as evidence in any other proceedings. Any  
5 person who is cited for a violation of s. 320.0605(1) or s.  
6 322.15(1), or subject to a penalty under s. 320.07(3)(a) or  
7 (b) or s. 322.065, and who makes an election under this  
8 subsection shall submit proof of compliance with the  
9 applicable section to the clerk of the court. For the purposes  
10 of this subsection, proof of compliance consists of a valid  
11 driver's license or a valid registration certificate.

12 (9) Any person who is cited for an infraction under  
13 this section other than a violation of s. 320.0605(1), s.  
14 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or  
15 s. 322.62 may, in lieu of a court appearance, elect to attend  
16 in the location of his or her choice within this state a basic  
17 driver improvement course approved by the Department of  
18 Highway Safety and Motor Vehicles. In such a case,  
19 adjudication must be withheld; points, as provided by s.  
20 322.27, may not be assessed; and the civil penalty that is  
21 imposed by s. 318.18(3) must be reduced by 18 percent;  
22 however, a person may not make an election under this  
23 subsection if the person has made an election under this  
24 subsection in the preceding 12 months. A person may make no  
25 more than five elections under this subsection. The  
26 requirement for community service under s. 318.18(7) is not  
27 waived by a plea of nolo contendere or by the withholding of  
28 adjudication of guilt by a court.

29 Section 7. Subsection (2) of section 318.15, Florida  
30 Statutes, is amended to read:

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1           318.15 Failure to comply with civil penalty or to  
2 appear; penalty.--

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

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

16           319.23 Application for, and issuance of, certificate  
17 of title.--

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

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

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1           2. An appropriate departmental form evidencing that a  
2 physical examination has been made of the motor vehicle by the  
3 owner and by a duly constituted law enforcement officer in any  
4 state, a licensed motor vehicle dealer, a license inspector as  
5 provided by s. 320.58, an employee of an emissions contractor  
6 pursuant to s. 325.207, or a notary public commissioned by  
7 this state and that the vehicle identification number shown on  
8 such form is identical to the vehicle identification number  
9 shown on the motor vehicle; and

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

18           (c) If the vehicle is an ancient or, antique, or  
19 ~~collectible~~ vehicle, as defined in s. 320.086, the application  
20 shall be accompanied ~~either~~ by a certificate of title; a  
21 ~~notarized~~ bill of sale and a registration; or a ~~notarized~~ bill  
22 of sale and, an affidavit by the owner defending the title  
23 from all claims. The bill of sale must contain a complete  
24 vehicle description to include the vehicle identification or  
25 engine number, year make, color, selling price, and signatures  
26 of the seller and purchaser.

27  
28 Verification of the vehicle identification number is ~~shall~~ not  
29 ~~be~~ required for any new motor vehicle ~~sold in this state by a~~  
30 ~~licensed motor vehicle dealer;~~ any mobile home; any trailer or  
31 semitrailer with a net weight of less than 2,000 pounds; or

1 any travel trailer, camping trailer, truck camper, or  
2 fifth-wheel recreation trailer.

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

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

16 319.30 Definitions; dismantling, destruction, change  
17 of identity of motor vehicle or mobile home; salvage.--

18 (4) It is unlawful for any person to have in his or  
19 her possession any motor vehicle or mobile home when the  
20 manufacturer's identification number plate or serial plate has  
21 been removed therefrom. However, nothing in this subsection  
22 shall be applicable when a vehicle defined in this section as  
23 a derelict or salvage was purchased or acquired from a foreign  
24 state requiring such vehicle's identification number plate to  
25 be surrendered to such state, provided the person shall have  
26 an affidavit from the seller describing the vehicle by  
27 manufacturer's serial number and the state to which such  
28 vehicle's identification number plate was surrendered. ~~Any~~  
29 ~~person who violates this subsection is guilty of a felony of~~  
30 ~~the third degree, punishable as provided in s. 775.082, s.~~  
31 ~~775.083, or s. 775.084.~~

1           (5)(a) It is unlawful for any person to knowingly  
2 possess, sell, or exchange, offer to sell or exchange, or give  
3 away any certificate of title or manufacturer's identification  
4 number plate or serial plate of any motor vehicle, mobile  
5 home, or derelict that ~~which~~ has been sold as salvage contrary  
6 to the provisions of this section, and it is unlawful for any  
7 person to authorize, direct, aid in, or consent to the  
8 possession, sale, or exchange or to offer any person who  
9 ~~authorizes, directs, aids in, or consents to the possession,~~  
10 ~~sale, or exchange or who offers to sell, exchange, or give~~  
11 away such certificate of title or manufacturer's  
12 identification number plate or serial plate ~~is guilty of a~~  
13 ~~felony of the third degree, punishable as provided in s.~~  
14 ~~775.082, s. 775.083, or s. 775.084.~~

15           (b) It is unlawful for any person to knowingly  
16 possess, sell, or exchange, offer to sell or exchange, or give  
17 away any manufacturer's identification number plate or serial  
18 plate of any motor vehicle or mobile home that ~~which~~ has been  
19 removed from the motor vehicle or mobile home for which it was  
20 manufactured, and it is unlawful for any person to authorize,  
21 direct, aid in, or consent to the possession, sale, or  
22 exchange or to offer a person who authorizes, directs, aids  
23 ~~in, or consents to the possession, sale, or exchange or who~~  
24 ~~offers to sell, exchange, or give away such manufacturer's~~  
25 identification number plate or serial plate ~~is guilty of a~~  
26 ~~felony of the third degree, punishable as provided in s.~~  
27 ~~775.082, s. 775.083, or s. 775.084.~~

28           (c) ~~Nothing in This chapter~~ does not ~~shall be~~  
29 ~~construed to~~ apply to anyone who removes, possesses, or  
30 replaces a manufacturer's identification number plate, in the  
31 course of performing repairs on a vehicle, that require such



1 removal or replacement. ~~If in the event that~~ the repair  
2 requires replacement of a vehicle part that contains the  
3 manufacturer's identification number plate, the manufacturer's  
4 identification number plate that is assigned to the vehicle  
5 being repaired will be installed on the replacement part. The  
6 manufacturer's identification number plate that was removed  
7 from this replacement part will be installed on the part that  
8 was removed from the vehicle being repaired.

9 (8)

10 (c) For the purpose of enforcement of this section,  
11 the department or its agents and employees ~~shall~~ have the same  
12 right of inspection as law enforcement officers as provided in  
13 s. 812.055. ~~Any person who violates this subsection is guilty~~  
14 ~~of a felony of the third degree, punishable as provided in s.~~  
15 ~~775.082, s. 775.083, or s. 775.084.~~

16 (9) Any person who violates this section commits a  
17 felony of the third degree, punishable as provided in s.  
18 775.082, s. 775.083, or s. 775.084.

19 Section 10. Subsection (42) is added to section  
20 320.01, Florida Statutes, to read:

21 320.01 Definitions, general.--As used in the Florida  
22 Statutes, except as otherwise provided, the term:

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

28 Section 11. Subsections (5) and (6) of section  
29 320.023, Florida Statutes, 1998 Supplement, are amended to  
30 read:

31

1           320.023 Requests to establish voluntary checkoff on  
2 motor vehicle registration application.--

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

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

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

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

31

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

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

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

19 Section 12. Subsections (2) and (7) of section  
20 320.055, Florida Statutes, are amended to read:

21 320.055 Registration periods; renewal periods.--The  
22 following registration periods and renewal periods are  
23 established:

24 (2) For a vehicle subject to registration under s.  
25 320.08(11), the registration period begins January 1 and ends  
26 December 31. For a vehicle subject to this registration  
27 period, the renewal period is the 31-day period prior to  
28 expiration ~~beginning January 1~~.

29 (7) For those vehicles subject to registration under  
30 s. 320.0657, the department shall implement a system that  
31 distributes the registration renewal process throughout the

1 ~~year. For a vehicle subject to registration under s. 320.065,~~  
2 ~~the registration period begins December 1 and ends November~~  
3 ~~30. For a vehicle subject to this registration period, the~~  
4 ~~renewal period is the 31-day period beginning December 1.~~

5 Section 13. Paragraph (a) of subsection (3) and  
6 paragraph (b) of subsection (4) of section 320.06, Florida  
7 Statutes, are amended to read:

8 320.06 Registration certificates, license plates, and  
9 validation stickers generally.--

10 (3)(a) Registration license plates shall be of metal  
11 specially treated with a retroreflective material, as  
12 specified by the department. The registration license plate is  
13 designed to increase nighttime visibility and legibility and  
14 shall be at least 6 inches wide and not less than 12 inches in  
15 length, unless a plate with reduced dimensions is deemed  
16 necessary by the department to accommodate motorcycles,  
17 mopeds, or similar smaller vehicles. Validation stickers shall  
18 be treated with a retroreflective material, shall be of such  
19 size as specified by the department, and shall adhere to the  
20 license plate. The registration license plate shall be  
21 imprinted with a combination of bold letters and numerals or  
22 numerals, not to exceed seven digits, to identify the  
23 registration license plate number. The license plate shall  
24 also be imprinted with the word "Florida" at the top and the  
25 name of the county in which it is sold at the bottom, except  
26 that apportioned license plates shall have the word  
27 "Apportioned" at the bottom and license plates issued for  
28 vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or  
29 (c), ~~(12)~~, or (14) shall have the word "Restricted" at the  
30 bottom. License plates issued for vehicles taxed under s.  
31 320.08(12) must be imprinted with the word "Florida" at the

1 top and the word "Dealer" at the bottom. Manufacturer license  
2 plates issued for vehicles taxed under s. 320.08(12) must be  
3 imprinted with the word "Florida" at the top and the word  
4 "Manufacturer" at the bottom., ~~except that~~  
5 ~~gross-vehicle-weight vehicles owned by a licensed motor~~  
6 ~~vehicle dealer may be issued a license plate with the word~~  
7 ~~"Restricted."~~ License plates issued for vehicles taxed under  
8 s. 320.08(5)(d) or (e) must be imprinted with the word  
9 "Wrecker" at the bottom. Any county may, upon majority vote  
10 of the county commission, elect to have the county name  
11 removed from the license plates sold in that county. The words  
12 "Sunshine State" shall be printed in lieu thereof. In those  
13 counties where the county commission has not removed the  
14 county name from the license plate, the tax collector may, in  
15 addition to issuing license plates with the county name  
16 printed on the license plate, also issue license plates with  
17 the words "Sunshine State" printed on the license plate  
18 subject to the approval of the department and a legislative  
19 appropriation for the additional license plates. A license  
20 plate issued for a vehicle taxed under s. 320.08(6) may not be  
21 assigned a registration license number, or be issued with any  
22 other distinctive character or designation, that distinguishes  
23 the motor vehicle as a for-hire motor vehicle.

24 (4)

25 (b) For the purposes of authorizing the corporation  
26 organized pursuant to chapter 946 to manufacture license  
27 plates, ~~and~~ validation stickers, and decals for the Department  
28 of Highway Safety and Motor Vehicles as provided in this  
29 chapter and chapter 327, the reference to the Department of  
30 Corrections in paragraph (a) means the Department of  
31 Corrections or the corporation organized pursuant to chapter

1 946, and the Department of Highway Safety and Motor Vehicles  
2 is not required to obtain competitive bids in order to  
3 contract with such corporation.

4 Section 14. Section 320.065, Florida Statutes, is  
5 repealed.

6 Section 15. Section 320.0657, Florida Statutes, is  
7 amended to read:

8 320.0657 Permanent registration; fleet license  
9 plates.--

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

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

24 ~~(1)(a) The owner or lessee of 250 or more~~  
25 ~~nonapportioned commercial motor vehicles licensed under s.~~  
26 ~~320.08(2), (3), (4), (5)(a)1. and (b), and (7), who has posted~~  
27 ~~a bond as prescribed by department rules, may apply via~~  
28 ~~magnetically encoded computer tape reel or cartridge which is~~  
29 ~~machine readable by the installed computer system at the~~  
30 ~~department for permanent license plates. All vehicles with a~~  
31 ~~fleet license plate shall have the company's name or logo and~~

1 ~~unit number displayed so that they are readily identifiable.~~  
2 ~~The provisions of s. 320.0605 shall not apply to vehicles~~  
3 ~~registered in accordance with this section, and no annual~~  
4 ~~validation sticker is required.~~

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

10 (c) In addition to the license tax prescribed by s.  
11 320.08(2), (3), (4), (5)(a) and (b), (6)(a), (7), and (8), an  
12 annual fleet management fee of \$2 shall be charged. A one-time  
13 license plate manufacturing fee of \$1.50 shall be charged for  
14 plates issued for the established number of vehicles in the  
15 fleet. If the size of the fleet is increased, an issuance fee  
16 of \$10 per vehicle will be charged to include the license  
17 plate manufacturing fee. If the license plate manufacturing  
18 cost increases, the department shall increase the license  
19 plate manufacturing fee to recoup its cost. Fees collected  
20 shall be deposited into the Highway Safety Operating Trust  
21 Fund. Payment of registration license tax and fees shall be  
22 made annually and be evidenced only by the issuance of a  
23 single receipt by the department. The provisions of s.  
24 320.0605 do not apply to vehicles registered in accordance  
25 with this section, and no annual validation sticker is  
26 required.~~In addition to the license tax prescribed by s.~~  
27 ~~320.08(2), (3), (4), (5)(a)1. and (b), and (7), an annual fee~~  
28 ~~of \$6 shall be charged for each vehicle registered hereunder.~~  
29 ~~Of this \$6 fee, \$2.50 shall be retained as a service charge by~~  
30 ~~the tax collector, if the registration occurs at such office,~~  
31 ~~or by the department, if the registration occurs at offices of~~

1 ~~the department. Receipts from the \$6 fee not retained by tax~~  
2 ~~collectors shall be deposited into the Highway Safety~~  
3 ~~Operating Trust Fund. Payment of registration license tax and~~  
4 ~~fees shall be made annually and be evidenced only by the~~  
5 ~~issuance of a single receipt by the department. Half-year~~  
6 ~~registrations shall not be available for vehicles registered~~  
7 ~~in accordance with the provisions of this section. The~~  
8 ~~provision of s. 320.06(1)(b) shall not apply to the fleet~~  
9 ~~renewal process.~~

10 (3) If a recipient of fleet license plates fails to  
11 properly and timely renew or initially register vehicles in  
12 its fleet, the department may impose a delinquency penalty of  
13 \$50 or 10 percent of the delinquent taxes due, whichever is  
14 greater, if the failure is for not more than 30 days, with an  
15 additional 10 percent penalty for each additional 30 days, or  
16 fraction thereof, that the failure continues, not to exceed a  
17 total penalty of 100 percent in the aggregate; however, the  
18 penalty may not be less than \$50.

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

26 ~~(2) All recipients of permanent license plates~~  
27 ~~authorized by this section shall submit an annual audit as~~  
28 ~~prescribed by rule of the department. Such audit shall include~~  
29 ~~a percentage of the vehicles registered by each owner or~~  
30 ~~lessee, not to exceed 10 percent. The department shall~~  
31 ~~randomly select the vehicles to be audited and shall forward a~~



1 ~~listing of said vehicles only to the office of the auditor~~  
2 ~~performing the audit. Every attempt shall be made to provide~~  
3 ~~for groupings of vehicles based in the same location; however,~~  
4 ~~the location shall change from year to year. The audit shall~~  
5 ~~be prepared by a certified public accountant licensed under~~  
6 ~~chapter 473, at the recipient's expense, and shall be~~  
7 ~~performed to standards prescribed by the department. Such~~  
8 ~~audits shall be delivered to the department on or before~~  
9 ~~February 15 of each calendar year. Any fees or taxes which the~~  
10 ~~audit determines are due the department shall be submitted to~~  
11 ~~the department along with such audit. In addition, any company~~  
12 ~~found to be habitually abusing the privileges afforded by~~  
13 ~~permanent licensure shall forfeit the bond required in~~  
14 ~~subsection (1), and may be required by the department to~~  
15 ~~relinquish all permanent license plates, and not be eligible~~  
16 ~~to continue to participate in the program.~~

17       ~~(5)(3)~~ The department may ~~is authorized to~~ adopt such  
18 rules ~~as necessary~~ to comply with this section.

19       Section 16. Subsections (1), (2), (3), and (12) of  
20 section 320.08, Florida Statutes, 1998 Supplement, are amended  
21 to read:

22       320.08 License taxes.--Except as otherwise provided  
23 herein, there are hereby levied and imposed annual license  
24 taxes for the operation of motor vehicles, mopeds, motorized  
25 bicycles as defined in s. 316.003(2), and mobile homes, as  
26 defined in s. 320.01, which shall be paid to and collected by  
27 the department or its agent upon the registration or renewal  
28 of registration of the following:

- 29       (1) MOTORCYCLES, MOPEDS, MOTORIZED BICYCLES.--  
30       (a) Any motorcycle: \$10 flat.  
31       (b) Any moped: \$5 flat.

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

3 (d) Upon registration of any motorcycle, motor-driven  
4 cycle, or moped there shall be paid in addition to the license  
5 taxes specified in this subsection a nonrefundable motorcycle  
6 safety education fee in the amount of \$2.50. The proceeds of  
7 such additional fee shall be deposited in the Highway Safety  
8 Operating Trust Fund and be used exclusively to fund a  
9 motorcycle driver improvement program implemented pursuant to  
10 s. 322.025 or the Florida Motorcycle Safety Education Program  
11 established in s. 322.0255.

12 (e) An ancient or,~~antique, or collectible~~ motorcycle:  
13 \$10 flat.

14 (2) AUTOMOBILES FOR PRIVATE USE.--

15 (a) An ancient or,~~antique, or collectible~~ automobile,  
16 as defined in s. 320.086,or a street rod, as defined in s.  
17 320.0863: \$7.50 flat.

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

19 (c) Net weight of 2,500 pounds or more, but less than  
20 3,500 pounds: \$22.50 flat.

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

22 (3) TRUCKS.--

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

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

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

28 (d) A truck defined as a "goat," or any other vehicle  
29 when used in the field by a farmer or in the woods for the  
30 purpose of harvesting a crop, including naval stores, during  
31 such harvesting operations, and which is not principally

1 operated upon the roads of the state: \$7.50 flat. A "goat" is  
2 a motor vehicle designed, constructed, and used principally  
3 for the transportation of citrus fruit within citrus groves.

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

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

10 Section 17. Section 320.086, Florida Statutes, is  
11 amended to read:

12 320.086 Ancient or,~~antique, or collectible~~ motor  
13 vehicles; "horseless carriage," antique, ~~collectible,~~or  
14 historical license plates.--

15 (1) The owner of a motor vehicle for private use  
16 manufactured in 1945 ~~1927~~ or earlier, equipped with an engine  
17 manufactured in 1945 ~~1927~~ or earlier or manufactured to the  
18 specifications of the original engine, and operated on the  
19 streets and highways of this state shall, upon application in  
20 the manner and at the time prescribed by the department and  
21 upon payment of the license tax for an ancient motor vehicle  
22 prescribed by s. 320.08(1)(e), (2)(a), or (3)(e), be issued a  
23 special license plate for such motor vehicle. The license  
24 plate shall be permanent and valid for use without renewal so  
25 long as the vehicle is in existence. In addition to the  
26 payment of all other fees required by law, the applicant shall  
27 pay such fee for the issuance of the special license plate as  
28 may be prescribed by the department commensurate with the cost  
29 of its manufacture. The registration numbers and special  
30 license plates assigned to such motor vehicles shall run in a

31

1 separate numerical series, commencing with "Horseless Carriage  
2 No. 1," and the plates shall be of a distinguishing color.

3 ~~(2) The owner of a motor vehicle for private use  
4 manufactured between 1928 and 1945, inclusive, with an engine  
5 manufactured between 1928 and 1945, inclusive, or manufactured  
6 to the specifications of the original engine and operated on  
7 the streets and highways of this state shall, upon application  
8 in the manner and at the time prescribed by the department and  
9 upon payment of the license tax prescribed by s. 320.08(1)(e),  
10 (2)(a), or (3)(e), be issued a special license plate for such  
11 motor vehicle. In addition to the payment of all other fees  
12 required by law, the applicant shall pay such fee for the  
13 issuance of the special license plate as may be prescribed by  
14 the department commensurate with the cost of its manufacture.  
15 The registration numbers and special license plates assigned  
16 to such motor vehicles shall run in a separate numerical  
17 series, commencing with "Antique Vehicle No. 1," and the  
18 plates shall be of a distinguishing color.~~

19 (2)(3)(a) The owner of a motor vehicle for private use  
20 manufactured after 1945 and of the age of 30 20 years or more  
21 after from the date of manufacture, equipped with an engine of  
22 the age of 30 20 years or more after from the date of  
23 manufacture, and operated on the streets and highways of this  
24 state may shall, upon application in the manner and at the  
25 time prescribed by the department and upon payment of the  
26 license tax prescribed by s. 320.08(1)(e), (2)(a), or (3)(e),  
27 be issued a special license plate for such motor vehicle. In  
28 addition to the payment of all other fees required by law, the  
29 applicant shall pay the such fee for the issuance of the  
30 special license plate as may be prescribed by the department,  
31 commensurate with the cost of its manufacture. The

1 registration numbers and special license plates assigned to  
2 such motor vehicles shall run in a separate numerical series,  
3 commencing with "Antique No. 1," ~~"Collectible No. 1,"~~ and the  
4 plates shall be of a distinguishing color. The owner of the  
5 motor vehicle may, upon application and payment of the license  
6 tax prescribed by s. 320.08, be issued a regular Florida  
7 license plate or specialty license plate in lieu of the  
8 special "Antique" license plate.

9 (b) Motor vehicles licensed under this section which  
10 have been issued a permanent license plate prior to October 1,  
11 1999, shall maintain such plate unless the vehicle is  
12 transferred to a new owner. Motor vehicles licensed under this  
13 section which have been issued a "Collectible" license plate  
14 prior to October 1, 1999, may retain that license plate until  
15 the next regularly scheduled replacement.

16 (3) The owner of an ancient or antique fire fighting  
17 apparatus or other historical motor vehicle or trailer  
18 identifiable as a military trailer 30 years old or older which  
19 is used only in exhibitions, parades, or public display, may,  
20 upon application in the manner and at the time prescribed by  
21 the department and upon payment of the license tax prescribed  
22 by s. 320.08(2)(a), be issued a license plate as prescribed in  
23 subsection (1) or subsection (2). License plates issued under  
24 this subsection shall be permanent and valid for use without  
25 renewal as long as the vehicle is in existence and its use is  
26 consistent with this subsection. ~~Motor vehicles with a model~~  
27 ~~year of 1928-1960, registered as ancient prior to July 1,~~  
28 ~~1996, shall be grandfathered to maintain a permanent license~~  
29 ~~plate unless a vehicle with a model year of 1946-1960 is~~  
30 ~~transferred to a new owner. Upon transfer of a vehicle with a~~  
31 ~~model year of 1946-1960, after July 1, 1996, the vehicle shall~~

1 ~~be registered as a collectible and required to renew annually~~  
2 ~~as prescribed by s. 320.08.~~

3 (4) Any person who is the registered owner of a an  
4 ~~ancient, antique, or collectible~~ motor vehicle as defined in  
5 this section and manufactured in the model year 1974 or  
6 earlier, may apply to the department for permission to use a  
7 historical Florida license plate that ~~which~~ clearly represents  
8 the model year of the vehicle as a personalized prestige  
9 license plate. This plate shall be furnished by such person  
10 and shall be presented to the department with a reasonable fee  
11 to be determined by the department for approval and for  
12 authentication that the historic license plate and any  
13 applicable decals were issued by this state in the same year  
14 as the model year of the car or truck. The requirements of s.  
15 320.0805(8)(b) do not apply to historical plates authorized  
16 under this subsection.

17 Section 18. For the purpose of incorporating the  
18 amendments made by this act to section 320.086, Florida  
19 Statutes, in references thereto, paragraph (g) of subsection  
20 (2) of section 320.072, Florida Statutes, is reenacted to  
21 read:

22 320.072 Additional fee imposed on certain motor  
23 vehicle registration transactions.--

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

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

28 Section 19. Section 320.13, Florida Statutes, is  
29 amended to read:

30 320.13 Dealer and manufacturer license plates and  
31 alternative method of registration.--

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

14           (b)1. Marine boat trailer dealers and manufacturers  
15 may, upon payment of the license taxes imposed by s.  
16 320.08(12), secure one or more dealer plates, which are valid  
17 for use on boat trailers owned by the dealer to whom such  
18 plates are issued while being used in connection with such  
19 dealer's business, but are not valid for use for hire.

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

28           (2) A licensed manufacturer of motor vehicles may,  
29 upon payment of the license tax imposed by s. 320.08(12),  
30 secure one or more manufacturer license plates, which are  
31 valid for use on motor vehicles owned by the manufacturer to

1 whom such plates are issued while the motor vehicles are in  
2 inventory and for sale, being operated for demonstration  
3 purposes, or in connection with such manufacturer's business,  
4 but are not valid for use for hire.~~A dealer license plate may~~  
5 ~~be replaced by the department upon submittal of an affidavit~~  
6 ~~stating that the original has been actually destroyed or lost~~  
7 ~~and payment of a fee of \$2.~~

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

16 Section 20. Subsections (5), (6), and (7) are added to  
17 section 320.131, Florida Statutes, to read:

18 320.131 Temporary tags.--

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

24 (6) Any person who knowingly and willfully issues a  
25 temporary tag or causes another to issue a temporary tag to a  
26 fictitious person or entity to avoid disclosure of the true  
27 owner of a vehicle commits a felony of the third degree,  
28 punishable as provided in s. 775.082, s. 775.083, or s.  
29 775.084.

30 (7) Any person authorized by this section to purchase  
31 and issue a temporary tag shall maintain records as required



1 by this chapter or departmental rules and such records shall  
2 be open to inspection by the department or its agents during  
3 reasonable business hours. Any person who fails to comply with  
4 this subsection commits a misdemeanor of the second degree,  
5 punishable as provided in s. 775.082 or s. 775.083.

6 Section 21. Section 320.1325, Florida Statutes, is  
7 amended to read:

8 320.1325 Registration required for the temporarily  
9 employed.--Motor vehicles owned or leased by persons who are  
10 temporarily employed within the state but are not residents  
11 are required to be registered. Upon payment of the fees  
12 prescribed in this section and proof of insurance coverage as  
13 required by the applicant's resident state,the department  
14 shall provide a temporary registration plate and a  
15 registration certificate valid for 90 days to an applicant who  
16 is temporarily employed in this ~~the~~ state. The temporary  
17 registration plate may be renewed one time for an additional  
18 90-day period. At the end of the 180-day period of temporary  
19 registration, the applicant shall apply for a permanent  
20 registration if there is a further need to remain in this  
21 state. A temporary license registration plate may not be  
22 issued for any commercial motor vehicle as defined in s.  
23 320.01. The fee for the 90-day temporary registration plate  
24 shall be \$40 plus the applicable service charge required by s.  
25 320.04. Subsequent permanent registration and titling of a  
26 vehicle registered hereunder shall subject the applicant to  
27 providing proof of Florida insurance coverage as specified in  
28 s. 320.02 and payment of the fees required by ss. 319.231 and  
29 320.072, in addition to all other taxes and fees required.

30 Section 22. Section 321.06, Florida Statutes, is  
31 amended to read:

1           321.06 Civil service.--

2           (1) The Department of Highway Safety and Motor  
3 Vehicles is hereby empowered and directed to make civil  
4 service rules governing the employment and tenure of the  
5 members of the highway patrol. All persons employed as said  
6 patrol officers shall be subject to said civil service rules  
7 and regulations, and any amendment thereto which may  
8 thereafter from time to time be adopted. The department may,  
9 for cause, discharge, suspend or reduce in rank or pay, any  
10 member of said highway patrol by presenting to such employee  
11 the reason or reasons therefor in writing, subject to the  
12 civil service rules and regulations of the department, and  
13 subject to the review of the Governor and Cabinet, as head of  
14 the department who shall serve as a court of inquiry in such  
15 cases and shall hear all complaints and defenses, if requested  
16 by such employee. Their decision shall be final and  
17 conclusive. Such civil service rules or regulations shall be  
18 subject to the revision of the Legislature in the event civil  
19 service rules adopted by the department are declared unlawful  
20 or unreasonable.

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

27           Section 23. Subsections (6) and (7) of section 322.08,  
28 Florida Statutes, 1998 Supplement, are amended to read:

29           322.08 Application for license.--

30           ~~(6) Every application under this section made by a~~  
31 ~~person who presently holds an out-of-state license shall be~~

1 ~~accompanied by a copy of the Florida registration certificate~~  
2 ~~showing registration under chapter 320 for every motor vehicle~~  
3 ~~which is owned by the applicant, or, if he or she does not own~~  
4 ~~any vehicle required to be registered under chapter 320, an~~  
5 ~~affidavit to that effect.~~

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

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

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

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

20  
21 A statement providing an explanation of the purpose of the  
22 trust funds shall also be included.

23 Section 24. Subsections (5) and (6) of section  
24 322.081, Florida Statutes, 1998 Supplement, are amended to  
25 read:

26 322.081 Requests to establish voluntary checkoff on  
27 driver's license application.--

28 (5) A voluntary contribution collected and distributed  
29 under this chapter, or any interest earned from those  
30 contributions, may not be used for commercial or for-profit  
31 activities nor for general or administrative expenses, except

1 as authorized by law, or to pay the cost of the audit or  
2 report required by law.

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

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

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

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

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

31

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

13           Section 25. Subsection (3) of section 322.1615,  
14 Florida Statutes, is amended to read:

15           322.1615 Learner's driver's license.--

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

22           Section 26. Paragraphs (b) and (d) of subsection (6)  
23 and subsection (10) of section 322.2615, Florida Statutes, are  
24 amended to read:

25           322.2615 Suspension of license; right to review.--

26           (6)

27           (b) Such formal review hearing shall be held before a  
28 hearing officer employed by the department, and the hearing  
29 officer shall be authorized to administer oaths, examine  
30 witnesses and take testimony, receive relevant evidence, issue  
31 subpoenas, regulate the course and conduct of the hearing, and

1 make a ruling on the suspension. The department and the  
2 person arrested may subpoena witnesses, and the party  
3 requesting the presence of a witness shall be responsible for  
4 the payment of any witness fees and for notifying in writing  
5 the state attorney's office in the appropriate circuit of the  
6 issuance of the subpoena. If the person who requests a formal  
7 review hearing fails to appear and the hearing officer finds  
8 such failure to be without just cause, the right to a formal  
9 hearing is waived and the suspension shall be sustained  
10 ~~department shall conduct an informal review of the suspension~~  
11 ~~under subsection (4).~~

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

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

21 (a) If the suspension of the driver's license of the  
22 person for failure to submit to a breath, urine, or blood test  
23 is sustained, the person is not eligible to receive a license  
24 for business or employment purposes only, pursuant to s.  
25 322.271, until 90 days have elapsed after the expiration of  
26 the last 30-day temporary permit issued ~~pursuant to this~~  
27 ~~section or s. 322.64~~. If the driver is not issued a 30-day  
28 permit pursuant to this section or s. 322.64 because he or she  
29 is ineligible for the permit and the suspension for failure to  
30 submit to a breath, urine, or blood test is not invalidated by  
31 the department, the driver is not eligible to receive a

1 business or employment license pursuant to s. 322.271 until 90  
2 days have elapsed from the date of the suspension.

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

17 Section 27. Subsections (4), (5), (6), (7), and (8) of  
18 section 322.28, Florida Statutes, 1998 Supplement, are amended  
19 to read:

20 322.28 Period of suspension or revocation.--

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

26 ~~(5) If, in any case arising under this section, a~~  
27 ~~licensee, after having been given notice of suspension or~~  
28 ~~revocation of his or her license in the manner provided in s.~~  
29 ~~322.251, fails to surrender to the department a license~~  
30 ~~theretofore suspended or revoked, as required by s. 322.29, or~~  
31 ~~fails otherwise to account for the license to the satisfaction~~

1 ~~of the department, the period of suspension of the license, or~~  
2 ~~the period required to elapse after revocation before a new~~  
3 ~~license may be issued, shall be extended until, and shall not~~  
4 ~~expire until, a period has elapsed after the date of surrender~~  
5 ~~of the license, or after the date of expiration of the~~  
6 ~~license, whichever occurs first, which is identical in length~~  
7 ~~with the original period of suspension or revocation.~~

8       ~~(4)(6)~~(a) Upon a conviction for a violation of s.  
9 316.193(3)(c)2., involving serious bodily injury, a conviction  
10 of manslaughter resulting from the operation of a motor  
11 vehicle, or a conviction of vehicular homicide, the court  
12 shall revoke the driver's license of the person convicted for  
13 a minimum period of 3 years. ~~If in the event that~~ a conviction  
14 under s. 316.193(3)(c)2., involving serious bodily injury, is  
15 also a subsequent conviction as described under paragraph  
16 (2)(a), the court shall revoke the driver's license or driving  
17 privilege of the person convicted for the period applicable as  
18 provided in paragraph (2)(a) or paragraph (2)(e).

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

25       ~~(5)(7)~~ A court may not stay the ~~No~~ administrative  
26 suspension of a driving privilege under s. 322.2615 or s.  
27 322.2616 during judicial ~~shall be stayed upon a request for~~  
28 review of the departmental order that resulted in such  
29 suspension and a, ~~except as provided in former s. 322.261, no~~  
30 suspension or revocation of a driving privilege may not ~~shall~~

31



1 be stayed upon an appeal of the conviction or order that  
2 resulted in the suspension or revocation ~~therein~~.

3 ~~(6)(8)~~ In a prosecution for a violation of s.  
4 316.172(1), and upon a showing of the department's records  
5 that the licensee has received a second conviction within a  
6 ~~period of~~ 5 years following ~~from~~ the date of a prior  
7 conviction of s. 316.172(1), the department shall, upon  
8 direction of the court, suspend the driver's license of the  
9 person convicted for a period of not less than 90 days or ~~nor~~  
10 more than 6 months.

11 Section 28. Subsection (6) of section 322.34, Florida  
12 Statutes, 1998 Supplement, is amended to read:

13 322.34 Driving while license suspended, revoked,  
14 canceled, or disqualified.--

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

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

18 (b) While his or her driver's license or driving  
19 privilege is canceled, suspended, or revoked pursuant to s.  
20 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) ~~or (5)~~,

21  
22 and who by careless or negligent operation of the motor  
23 vehicle causes the death of or serious bodily injury to  
24 another human being is guilty of a felony of the third degree,  
25 punishable as provided in s. 775.082 or s. 775.083.

26 Section 29. Section 327.031, Florida Statutes, is  
27 amended to read:

28 327.031 Suspension or denial of a vessel registration  
29 due to child support delinquency; dishonored checks.--

30 (1) The department must allow applicants for new or  
31 renewal registrations to be screened by the Department of

1 Revenue, as the Title IV-D child support agency under s.  
2 409.2598, or by a non-IV-D obligee to assure compliance with a  
3 support obligation. The purpose of this section is to promote  
4 the public policy of this state as established in s. 409.2551.  
5 The department must, when directed by the court, deny or  
6 suspend the vessel registration of any applicant found to have  
7 a delinquent child support obligation. The department must  
8 issue or reinstate a registration when notified by the Title  
9 IV-D agency or the court that the applicant has complied with  
10 the terms of the court order. The department may not be held  
11 liable for any registration denial or suspension resulting  
12 from the discharge of its duties under this section.

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

16 Section 30. Subsection (3) of section 327.11, Florida  
17 Statutes, is amended, present subsection (6) is renumbered as  
18 subsection (8) and amended, and new subsections (6) and (7)  
19 are added to that section, to read:

20 327.11 Vessel registration, application, certificate,  
21 number, decal, duplicate certificate.--

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

28 (6) When a vessel decal has been stolen, the owner of  
29 the vessel for which the decal was issued shall make  
30 application to the department for a replacement. The  
31 application shall contain the decal number being replaced and

1 a statement that the item was stolen. If the application  
2 includes a copy of the police report prepared in response to a  
3 report of a stolen decal, such decal shall be replaced at no  
4 charge.

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

10 (8)(6) Anyone guilty of falsely certifying any facts  
11 relating to application, certificate, transfer, number, decal,  
12 ~~or duplicate, or replacement~~ certificates or any information  
13 required under this section shall be punished as provided  
14 under this chapter.

15 Section 31. Subsection (2) of section 327.23, Florida  
16 Statutes, is amended to read:

17 327.23 Exemption of vessels and outboard motors from  
18 personal property tax; temporary certificate of registration;  
19 vessel registration certificate fee.--

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

22 (a) which The owner has made application to the United  
23 States Coast Guard for documentation and has paid the  
24 applicable registration certificate fee pursuant to s.  
25 327.25(1). A temporary certificate of registration shall only  
26 be issued upon proof that all applicable state sales taxes  
27 have been paid and that the application for documentation is  
28 on file with the United States Coast Guard. Any reregistration  
29 of such a vessel without the submission of the vessel's  
30 documentation papers shall require written verification from  
31 the United States Coast Guard as to the current status of the

1 application for the vessel's documentation. Upon receipt of  
2 the vessel's documentation papers, the owner shall bring them  
3 to the agent issuing the temporary certificate for official  
4 recording of information.

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

9 Section 32. Paragraph (b) of subsection (4) and  
10 paragraph (c) of subsection (12) of section 327.25, Florida  
11 Statutes, are amended to read:

12 327.25 Classification; registration; fees and charges;  
13 surcharge; disposition of fees; fines; marine turtle  
14 stickers.--

15 (4) TRANSFER OF OWNERSHIP.--

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

25 (12) REGISTRATION.--

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

28 1. For vessels owned by individuals, the registration  
29 period begins the first day of the birth month of the owner  
30 and ends the last day of the month immediately preceding the  
31 owner's birth month in the succeeding year. If the vessel is

1 registered in the name of more than one person, the birth  
2 month of the person whose name first appears on the  
3 registration shall be used to determine the registration  
4 period. For a vessel subject to this registration period, the  
5 renewal period is the 30-day period ending at midnight on the  
6 vessel owner's date of birth.

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

12           Section 33. Section 327.255, Florida Statutes, is  
13 created to read:

14           327.255 Registration; duties of tax collectors.--

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

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

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

1           Section 34. Section 327.256, Florida Statutes, is  
2 created to read:

3           327.256 Advanced registration renewal; procedures.--

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

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

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

20           Section 35. Paragraph (c) of subsection (3) of section  
21 328.01, Florida Statutes, is amended to read:

22           328.01 Application for certificate of title.--

23           (3)

24           (c) In making application for transfer of title from a  
25 deceased titled owner, the new owner or surviving coowner  
26 shall establish proof of ownership by submitting with the  
27 application the original certificate of title and the  
28 decendent's probated last will and testament or letters of  
29 administration appointing the personal representative of the  
30 decendent. In lieu of a probated last will and testament or  
31 letters of administration, a copy of the decendent's death

1 certificate, a ~~certified~~ copy of the decedent's last will and  
2 testament, and an affidavit by the decedent's surviving spouse  
3 or heirs affirming rights of ownership may be accepted by the  
4 department. If the decedent died intestate, a court order  
5 awarding the ownership of the vessel or an affidavit by the  
6 decedent's surviving spouse or heirs establishing or releasing  
7 all rights of ownership and a copy of the decedent's death  
8 certificate shall be submitted to the department.

9 Section 36. Subsection (3) of section 328.11, Florida  
10 Statutes, is amended to read:

11 328.11 Duplicate certificate of title.--

12 (3) If, following the issuance of an original,  
13 duplicate, or corrected certificate of title by the  
14 department, the certificate is lost in transit and is not  
15 delivered to the addressee, the owner of the vessel or the  
16 holder of a lien thereon may, within 180 ~~90~~ days after the  
17 date of issuance of the title, apply to the department for  
18 reissuance of the certificate of title. An additional fee may  
19 not be charged for reissuance under this subsection.

20 Section 37. Paragraph (c) of subsection (2) and  
21 subsection (7) of section 328.15, Florida Statutes, are  
22 amended, present subsection (8) is renumbered as subsection  
23 (12), and new subsections (8), (9), (10), and (11) are added  
24 to that section, to read:

25 328.15 Notice of lien on vessel; recording.--

26 (2)

27 (c) If the owner of the vessel as shown on the title  
28 certificate or the director of the state child support  
29 enforcement program desires to place a second or subsequent  
30 lien or encumbrance against the vessel when the title  
31 certificate is in the possession of the first lienholder, the

1 owner shall send a written request to the first lienholder by  
2 certified mail and such first lienholder shall forward the  
3 certificate to the department for endorsement. The department  
4 shall return the certificate to the first lienholder, as  
5 indicated in the notice of lien filed by the first lienholder,  
6 after endorsing the second or subsequent lien on the  
7 certificate and on the duplicate. If the first lienholder  
8 fails, neglects, or refuses to forward the certificate of  
9 title to the department within 10 days after the date of the  
10 owner's or the director's request, the department, on written  
11 request of the subsequent lienholder or an assignee thereof,  
12 shall demand of the first lienholder the return of such  
13 certificate for the notation of the second or subsequent lien  
14 or encumbrance.~~The director of the state child support~~  
15 ~~enforcement program may place a subsequent lien or encumbrance~~  
16 ~~against a vessel having a recorded first lien by sending a~~  
17 ~~written request to the first lienholder by certified mail.~~  
18 ~~The first lienholder shall forward the certificate to the~~  
19 ~~Department of Highway Safety and Motor Vehicles for~~  
20 ~~endorsement, and the department shall return the certificate~~  
21 ~~to the first lienholder after endorsing the subsequent lien on~~  
22 ~~the certificate and on the duplicate.~~

23 (7)(a) Should any person, firm, or corporation holding  
24 such lien, which has been recorded by the Department of  
25 Highway Safety and Motor Vehicles, upon payment of such lien  
26 and on demand, fail or refuse, within 30 days after such  
27 payment and demand, to furnish the debtor or the registered  
28 owner of such vessel ~~motorboat~~ a satisfaction of the lien,  
29 then, in that event, such person, firm, or corporation shall  
30 be held liable for all costs, damages, and expenses, including  
31 reasonable attorney's fees, lawfully incurred by the debtor or



1 the registered owner of such vessel ~~motorboat~~ in any suit  
2 which may be brought in the courts of this state for the  
3 cancellation of such lien.

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

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

19 (d) If, upon receipt of a title certificate showing  
20 satisfaction of the first lien, the department determines from  
21 its records that there are no subsequent liens or encumbrances  
22 upon the vessel, the department shall forward to the owner, as  
23 shown on the face of the title, a corrected certificate  
24 showing no liens or encumbrances. If there is a subsequent  
25 lien not being discharged, the certificate of title shall be  
26 reissued showing the second or subsequent lienholder as the  
27 first lienholder and shall be delivered to the new first  
28 lienholder. The first lienholder shall be entitled to retain  
29 the certificate of title until his or her lien is satisfied.  
30 Upon satisfaction of the lien, the lienholder shall be subject  
31

1 to the procedures required of a first lienholder in this  
2 subsection and in subsection (2).

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

13 (9) Any person who fails, within 10 days after receipt  
14 of a demand by the department by certified mail, to return a  
15 certificate of title to the department as required by  
16 subsection (2)(c) or who, upon satisfaction of a lien, fails  
17 within 10 days after receipt of such demand to forward the  
18 appropriate document to the department as required by  
19 paragraph (7)(b) or paragraph (7)(c) commits a misdemeanor of  
20 the second degree, punishable as provided in s. 775.082 or s.  
21 775.083.

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

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

30  
31

1           Section 38. Subsection (3) of section 328.16, Florida  
2 Statutes, is amended, and subsection (5) is added to that  
3 section, to read:

4           328.16 Issuance in duplicate; delivery; liens and  
5 encumbrances.--

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

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

28          Section 39. Section 328.165, Florida Statutes, is  
29 created to read:

30          328.165 Cancellation of certificates.--  
31

1           (1) If it appears that a certificate of title has been  
2 improperly issued, the department shall cancel the  
3 certificate. Upon cancellation of any certificate of title,  
4 the department shall notify the person to whom the certificate  
5 of title was issued, and any lienholders appearing thereon, of  
6 the cancellation and shall demand the surrender of the  
7 certificate of title; however, the cancellation does not  
8 affect the validity of any lien noted thereon. The holder of  
9 the certificate of title shall immediately return it to the  
10 department. If a certificate of registration has been issued  
11 to the holder of a certificate of title so canceled, the  
12 department shall immediately cancel the certificate of  
13 registration and demand the return of the certificate of  
14 registration and the holder of such certificate of  
15 registration shall immediately return it to the department.

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

22           Section 40. Paragraph (c) of subsection (7) of section  
23 713.78, Florida Statutes, 1998 Supplement, is amended to read:

24           713.78 Liens for recovering, towing, or storing  
25 vehicles and undocumented vessels.--

26           (7)

27           (c) Any law enforcement agency requesting that a motor  
28 vehicle be removed from an accident scene, street, or highway  
29 must conduct an inventory and prepare a written record of all  
30 personal property found in the vehicle before the vehicle is  
31 removed by a wrecker operator. However, if the owner or driver

1 of the motor vehicle is present and accompanies the vehicle,  
2 no inventory by law enforcement is required.A wrecker  
3 operator is not liable for the loss of personal property  
4 alleged to be contained in such a vehicle when such personal  
5 property was not identified on the inventory record prepared  
6 by the law enforcement agency requesting the removal of the  
7 vehicle.

8 Section 41. Subsection (1) of section 732.9215,  
9 Florida Statutes, is amended to read:

10 732.9215 Education program relating to anatomical  
11 gifts.--The Agency for Health Care Administration, subject to  
12 the concurrence of the Department of Highway Safety and Motor  
13 Vehicles, shall develop a continuing program to educate and  
14 inform medical professionals, law enforcement agencies and  
15 officers, high school children, state and local government  
16 employees, and the public regarding the laws of this state  
17 relating to anatomical gifts and the need for anatomical  
18 gifts.

19 (1) The program is to be implemented with the  
20 assistance of the organ and tissue donor education panel as  
21 provided in s. 732.9216 and with the funds collected under ss.  
22 320.08047 and 322.08(6)(b)~~322.08(7)(b)~~. Existing community  
23 resources, when available, must be used to support the  
24 program, and volunteers may assist the program to the maximum  
25 extent possible. The Agency for Health Care Administration may  
26 contract for the provision of all or any portion of the  
27 program. When awarding such contract, the agency shall give  
28 priority to existing nonprofit groups that are located within  
29 the community, including within the minority communities  
30 specified in subsection (2). The program aimed at educating  
31

1 | medical professionals may be implemented by contract with one  
2 | or more medical schools located in the state.

3 |         Section 42. Subsection (1) of section 732.9216,  
4 | Florida Statutes, is amended to read:

5 |             732.9216 Organ and tissue donor education panel.--

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

18 |         Section 43. Subsection (1) of section 832.06, Florida  
19 | Statutes, is amended to read:

20 |             832.06 Prosecution for worthless checks given tax  
21 | collector for licenses or taxes; refunds.--

22 |             (1) Whenever any person, firm, or corporation violates  
23 | the provisions of s. 832.05 by drawing, making, uttering,  
24 | issuing, or delivering to any county tax collector any check,  
25 | draft, or other written order on any bank or depository for  
26 | the payment of money or its equivalent for any tag, title,  
27 | lien, tax (except ad valorem taxes), penalty, or fee relative  
28 | to a boat, airplane, ~~or~~ motor vehicle, driver license, or  
29 | identification card; any occupational license, beverage  
30 | license, or sales or use tax; or any hunting or fishing  
31 | license, the county tax collector, after the exercise of due

1 diligence to locate the person, firm, or corporation which  
2 drew, made, uttered, issued, or delivered the check, draft, or  
3 other written order for the payment of money, or to collect  
4 the same by the exercise of due diligence and prudence, shall  
5 swear out a complaint in the proper court against the person,  
6 firm, or corporation for the issuance of the worthless check  
7 or draft. If the state attorney cannot sign the information  
8 due to lack of proof, as determined by the state attorney in  
9 good faith, for a prima facie case in court, he or she shall  
10 issue a certificate so stating to the tax collector. If  
11 payment of the dishonored check, draft, or other written  
12 order, together with court costs expended, is not received in  
13 full by the county tax collector within 30 days after service  
14 of the warrant, 30 days after conviction, or 60 days after the  
15 collector swears out the complaint or receives the certificate  
16 of the state attorney, whichever is first, the county tax  
17 collector shall make a written report to this effect to the  
18 Department of Highway Safety and Motor Vehicles relative to  
19 ~~airplanes and motor vehicles~~ and vessels, ~~to the Department of~~  
20 ~~Environmental Protection relative to boats,~~ to the Department  
21 of Revenue relative to occupational licenses and the sales and  
22 use tax, to the Division of Alcoholic Beverages and Tobacco of  
23 the Department of Business and Professional Regulation  
24 relative to beverage licenses, or to the Game and Fresh Water  
25 Fish Commission relative to hunting and fishing licenses,  
26 containing a statement of the amount remaining unpaid on the  
27 worthless check or draft. If the information is not signed,  
28 the certificate of the state attorney is issued, and the  
29 written report of the amount remaining unpaid is made, the  
30 county tax collector may request the sum be forthwith refunded  
31 by the appropriate governmental entity, agency, or department.

1 If a warrant has been issued and served, he or she shall  
2 certify to that effect, together with the court costs and  
3 amount remaining unpaid on the check. The county tax collector  
4 may request that the sum of money certified by him or her be  
5 forthwith refunded by the Department of Highway Safety and  
6 Motor Vehicles, ~~the Department of Environmental Protection,~~  
7 the Department of Revenue, the Division of Alcoholic Beverages  
8 and Tobacco of the Department of Business and Professional  
9 Regulation, or the Game and Fresh Water Fish Commission to the  
10 county tax collector. Within 30 days after receipt of the  
11 request, the Department of Highway Safety and Motor Vehicles,  
12 ~~the Department of Environmental Protection,~~ the Department of  
13 Revenue, the Division of Alcoholic Beverages and Tobacco of  
14 the Department of Business and Professional Regulation, or the  
15 Game and Fresh Water Fish Commission, upon being satisfied as  
16 to the correctness of the certificate of the tax collector, or  
17 the report, shall refund to the county tax collector the sums  
18 of money so certified or reported. If any officer of any court  
19 issuing the warrant is unable to serve it within 60 days after  
20 the issuance and delivery of it to the officer for service,  
21 the officer shall make a written return to the county tax  
22 collector to this effect. Thereafter, the county tax collector  
23 may certify that the warrant has been issued and that service  
24 has not been had upon the defendant and further certify the  
25 amount of the worthless check or draft and the amount of court  
26 costs expended by the county tax collector, and the county tax  
27 collector may file the certificate with the Department of  
28 Highway Safety and Motor Vehicles relative to motor vehicles  
29 and vessels ~~airplanes,~~ with the Department of Environmental  
30 ~~Protection relative to boats,~~ with the Department of Revenue  
31 relative to occupational licenses and the sales and use tax,



1 with the Division of Alcoholic Beverages and Tobacco of the  
2 Department of Business and Professional Regulation relative to  
3 beverage licenses, or with the Game and Fresh Water Fish  
4 Commission relative to hunting and fishing licenses, together  
5 with a request that the sums of money so certified be  
6 forthwith refunded by the Department of Highway Safety and  
7 Motor Vehicles, ~~the Department of Environmental Protection,~~  
8 the Department of Revenue, the Division of Alcoholic Beverages  
9 and Tobacco of the Department of Business and Professional  
10 Regulation, or the Game and Fresh Water Fish Commission to the  
11 county tax collector, and within 30 days after receipt of the  
12 request, the Department of Highway Safety and Motor Vehicles,  
13 ~~the Department of Environmental Protection,~~ the Department of  
14 Revenue, the Division of Alcoholic Beverages and Tobacco of  
15 the Department of Business and Professional Regulation, or the  
16 Game and Fresh Water Fish Commission, upon being satisfied as  
17 to the correctness of the certificate, shall refund the sums  
18 of money so certified to the county tax collector.

19 Section 44. This act shall take effect upon becoming a  
20 law.

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SENATE SUMMARY

Revises various provisions of law within the jurisdiction of the Department of Highway Safety and Motor Vehicles. Provides for references to traffic crashes rather than accidents. Provides that it is a noncriminal traffic infraction to obstruct traffic under certain circumstances. Requires that the department adopt rules to enforce certain federal safety standards with respect to equipment for motorcycle and moped riders. Provides that it is a noncriminal traffic infraction to violate load limits on vehicles. Authorizes the Florida Highway Patrol to employ certain persons as traffic accident investigation officers. Revises requirements for applying for a certificate of title. Deletes references to collectible vehicles. Revises provisions governing dismantling, destroying, or changing the identity of a motor vehicle or mobile home. Defines the term "agricultural products." Authorizes the department to issue manufacturer license plates. Revises provisions governing the issuance of fleet license plates. Revises provisions governing the issuance of license plates for certain historical motor vehicles. Provides penalties for certain violations concerning temporary tags. Revises the period of suspension or revocation of a driver's license. Provides for the denial or cancellation of a vessel registration when payment for registration is made by a dishonored check. Provides additional duties of tax collectors with respect to issuing vessel registrations. Provides for advanced vessel registration renewal. Provides requirements for second liens on vessels. Increases the fee for recording a notice of lien. (See bill for details.)