

By the Committee on Transportation and Senator Casas

306-1783A-99

1 A bill to be entitled
2 An act relating to motor vehicles and highway
3 safety; amending s. 316.063, F.S.; revising
4 provisions to refer to a "traffic crash" rather
5 than an "accident"; providing a noncriminal
6 traffic infraction for obstructing traffic
7 under certain circumstances; amending s.
8 316.1958, F.S.; restricting the issuance of
9 disabled parking citations under certain
10 circumstances; amending s. 316.1975, F.S.;
11 revising provisions with respect to unattended
12 motor vehicles; amending s. 316.211, F.S.;
13 providing for compliance with certain federal
14 safety standards with respect to equipment for
15 motorcycle and moped riders; amending s.
16 316.520, F.S.; providing that it is a
17 noncriminal traffic infraction punishable as a
18 moving violation to violate load limits on
19 vehicles; amending s. 316.640, F.S.;
20 authorizing the Florida Highway Patrol to
21 employ certain persons as traffic accident
22 investigation officers; providing for certain
23 powers and duties; providing for the employment
24 of parking enforcement specialists by airport
25 authorities; amending s. 318.14, F.S.;
26 conforming cross-references to changes made by
27 the act; amending s. 318.15, F.S.; including
28 reference to the tax collector with respect to
29 the collection of certain service fees for
30 reinstatement of a suspended driver's license;
31 amending s. 318.36, F.S.; providing judicial

1 immunity for civil traffic infraction hearing
2 officers; amending s. 319.14, F.S.; including
3 reference to short-term and long-term lease
4 vehicles; providing definitions; providing
5 penalties; amending s. 319.23, F.S.; revising
6 application requirements for a certificate of
7 title; deleting references to collectible
8 vehicles; amending s. 319.30, F.S.; revising
9 provisions with respect to dismantling,
10 destroying, or changing the identity of a motor
11 vehicle or mobile home; amending s. 320.01,
12 F.S.; defining the term "agricultural products"
13 for purposes of ch. 320, F.S.; amending s.
14 320.023, F.S.; revising audit requirements with
15 respect to voluntary contributions on the
16 application form for a motor vehicle
17 registration; amending s. 320.03, F.S.;
18 revising the distribution formula with respect
19 to a fee charged for the Florida Real Time
20 Vehicle Information System; amending s. 320.04,
21 F.S.; authorizing a service charge on vessel
22 decals issued from an automated vending
23 facility or printer dispenser machine; amending
24 s. 320.055, F.S.; revising provisions with
25 respect to registration periods; amending s.
26 320.06, F.S.; authorizing the department to
27 issue manufacturer license plates; repealing s.
28 320.065, F.S., relating to the registration of
29 certain rental trailers for hire and
30 semitrailers used to haul agricultural
31 products; amending s. 320.0657, F.S.; revising

1 provisions with respect to fleet license
2 plates; providing fees; amending s. 320.08,
3 F.S., relating to license fees; deleting
4 references to certain collectible vehicles;
5 providing a fee for manufacturer license
6 plates; amending s. 320.08056, F.S.; revising
7 the license plate annual use fee for the
8 Challenger license plate; repealing s.
9 320.08058(2)(f), F.S., which provides for the
10 repeal of the Challenger license plate;
11 amending s. 320.086, F.S.; revising provisions
12 governing the issuance of license plates for
13 certain historical motor vehicles; reenacting
14 s. 320.072(2)(g), F.S., relating to the fee
15 imposed on motor vehicle registrations, to
16 incorporate the amendment to s. 320.086, F.S.,
17 in references thereto; amending s. 320.13,
18 F.S.; providing an alternative method of
19 registration for manufacturer license plates;
20 prohibiting the use of dealer license plates
21 for specified purposes; amending s. 320.131,
22 F.S.; authorizing agents or Florida licensed
23 dealers to issue temporary license tags when
24 such tags are not specifically authorized;
25 providing penalties with respect to certain
26 violations concerning temporary tags; amending
27 s. 320.1325, F.S.; revising provisions with
28 respect to registration for the temporarily
29 employed; amending s. 320.27, F.S.; revising
30 provisions governing the denial, suspension, or
31 revocation of motor vehicle dealer licenses;

1 amending s. 320.30, F.S.; providing for the
2 forfeiture of a motor vehicle; providing for
3 confiscation and sale of such vehicles;
4 amending s. 321.06, F.S.; authorizing the
5 department to employ certain traffic accident
6 investigation officers; amending s. 322.08,
7 F.S.; deleting provisions with respect to
8 certain applications made by persons who hold
9 an out-of-state driver license; amending s.
10 322.081, F.S.; revising audit requirements with
11 respect to voluntary contributions on the
12 driver's license application; amending s.
13 322.1615, F.S.; revising provisions with
14 respect to a learner's driver's license;
15 amending s. 322.2615, F.S.; revising provisions
16 with respect to suspension of a license;
17 amending s. 322.28, F.S.; revising requirements
18 for the period of suspension or revocation of a
19 driver's license; amending s. 322.34, F.S.;
20 conforming a cross-reference to changes made by
21 the act; amending s. 325.2135, F.S.; directing
22 the Department of Highway Safety and Motor
23 Vehicles to enter into a contract for a motor
24 vehicle inspection program; amending s.
25 325.214, F.S.; changing the motor vehicle
26 inspection fee; amending s. 327.031, F.S.;
27 providing for the denial or cancellation of a
28 vessel registration when payment for
29 registration is made by a dishonored check;
30 amending s. 327.11, F.S.; providing for a
31 replacement vessel registration; amending s.

1 327.23, F.S.; providing for a temporary
2 certificate of registration for a vessel by
3 certain out-of-state residents; amending s.
4 327.25, F.S.; revising provisions with respect
5 to transfer of ownership and registration of
6 vessels; creating s. 327.255, F.S.; providing
7 for the duties of tax collectors with respect
8 to vessel registration; providing fees;
9 creating s. 327.256, F.S.; providing procedures
10 for advanced vessel registration renewal;
11 amending s. 328.01, F.S.; revising provisions
12 with respect to application for a certificate
13 of title for a vessel; amending s. 328.11,
14 F.S.; increasing the time period for
15 application for a reissuance of a certificate
16 of title; amending s. 328.15, F.S.; providing
17 requirements with respect to certain second
18 liens on vessels; increasing the fee for
19 recording a notice of lien; providing
20 requirements with respect to satisfaction of a
21 lien on a vessel; providing penalties for
22 failure to comply; amending s. 328.16, F.S.;
23 providing requirements with respect to liens;
24 creating s. 328.165, F.S.; providing for
25 cancellation of certificates; amending s.
26 713.78, F.S.; providing an exemption from the
27 requirement of an inventory of personal
28 property found in a motor vehicle to be removed
29 from the scene of an accident under certain
30 circumstances; amending ss. 732.9215, 732.9216,
31 F.S.; conforming cross-references to changes

1 made by the act; amending s. 812.014, F.S.;
2 providing prohibition on a theft of gasoline
3 while in a motor vehicle; amending s. 832.06,
4 F.S.; revising provisions with respect to
5 prosecution for worthless checks given to the
6 tax collector for certain licenses or taxes;
7 repealing s. 14 of ch. 98-223, Laws of Florida,
8 relating to required security for the operation
9 of a motor vehicle; providing an effective
10 date.

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

13
14 Section 1. Section 316.063, Florida Statutes, is
15 amended to read:

16 316.063 Duty upon damaging unattended vehicle or other
17 property.--

18 (1) The driver of any vehicle which collides with, or
19 is involved in a crash ~~an accident~~ with, any vehicle or other
20 property which is unattended, resulting in any damage to such
21 other vehicle or property, shall immediately stop and shall
22 then and there either locate and notify the operator or owner
23 of the vehicle or other property of the driver's name and
24 address and the registration number of the vehicle he or she
25 is driving, or shall attach securely in a conspicuous place in
26 or on the vehicle or other property a written notice giving
27 the driver's name and address and the registration number of
28 the vehicle he or she is driving, and shall without
29 unnecessary delay notify the nearest office of a duly
30 authorized police authority. ~~Every such stop shall be made~~
31 ~~without obstructing traffic more than is necessary. If a~~

1 ~~damaged vehicle is obstructing traffic, the driver shall make~~
2 ~~every reasonable effort to move the vehicle or have it moved~~
3 ~~so as not to obstruct the regular flow of traffic.~~Any person
4 who fails to comply with this subsection commits a misdemeanor
5 of the second degree, punishable as provided in s. 775.082 or
6 s. 775.083.

7 (2) Every such stop shall be made without obstructing
8 traffic more than is necessary. If a damaged vehicle is
9 obstructing traffic, the driver shall make every reasonable
10 effort to move the vehicle or have it moved so as not to
11 obstruct the regular flow of traffic. A violation of this
12 subsection is a noncriminal traffic infraction, punishable as
13 a nonmoving violation as provided in chapter 318.

14 (3)~~(2)~~ The law enforcement officer at the scene of a a
15 crash ~~an accident~~ required to be reported in accordance with
16 the provisions of subsection (1) or the law enforcement
17 officer receiving a report by a driver as required by
18 subsection (1) shall, if part or any of the property damaged
19 is a fence or other structure used to house or contain
20 livestock, promptly make a reasonable effort to notify the
21 owner, occupant, or agent of this damage.

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

24 316.1958 Out-of-state vehicles bearing identification
25 of issuance to persons who have disabilities.--Motor vehicles
26 displaying a special license plate or parking permit issued to
27 a person who has a disability by any other state or district
28 subject to the laws of the United States or by a foreign
29 country that issues disabled parking permits that display the
30 international symbol of accessibility are recognized as
31 displaying a valid license plate or permit, that allows such a

1 vehicle special parking privileges under s. 316.1955, if the
2 other state or district grants reciprocal recognition for
3 residents of this state who have disabilities. However, when
4 an individual is required by law to have a Florida driver's
5 license or a Florida vehicle registration, a special motor
6 vehicle license plate or parking permit issued by another
7 state, district, or country to persons who have disabilities
8 is not valid and the individual whose vehicle displays such an
9 invalid plate or permit is subject to the same penalty as an
10 individual whose vehicle does not display a valid plate or
11 permit. A law enforcement officer or parking enforcement
12 specialist may not ticket a vehicle for a violation of s.
13 316.1955 without first determining whether the vehicle is
14 transporting a resident of another state who is the owner of
15 the out-of-state placard.

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

18 316.1975 Unattended motor vehicle.--

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

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

29 (a) An authorized emergency vehicle while in the
30 performance of official duties and the vehicle is equipped

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1 with an activated anti-theft device that prohibits the vehicle
2 from being driven; or

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

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

7 316.211 Equipment for motorcycle and moped riders.--

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

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

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

26 (4) A ~~No~~ person under 16 years of age may not ~~shall~~
27 operate or ride upon a moped unless the person is properly
28 wearing protective headgear securely fastened upon his or her
29 head which complies with Federal Motorcycle Vehicle Safety
30 Standard 218 promulgated by the United States Department of
31 Transportation. The Department of Highway Safety and Motor

1 Vehicles shall adopt rules to enforce this standard ~~standards~~
2 ~~established by the department.~~

3 ~~(5) The department is authorized to approve protective~~
4 ~~headgear made to specifications drawn and devised by, or~~
5 ~~approved by, the American National Standards Institute, the~~
6 ~~United States Department of Transportation, the United States~~
7 ~~Consumer Products Safety Commission, the United States~~
8 ~~Department of Defense, or any other entity which can provide~~
9 ~~equally effective equipment specifications. The department~~
10 ~~shall publish lists of protective equipment, and such lists~~
11 ~~shall be made available by request to all users of such~~
12 ~~equipment.~~

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

15 316.520 Loads on vehicles.--

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

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

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

4 Section 6. Paragraph (a) of subsection (1) of section
5 316.640, Florida Statutes, is amended to read:

6 316.640 Enforcement.--The enforcement of the traffic
7 laws of this state is vested as follows:

8 (1) STATE.--

9 (a)1.a. The Division of Florida Highway Patrol of the
10 Department of Highway Safety and Motor Vehicles, the Division
11 of Law Enforcement of the Game and Fresh Water Fish
12 Commission, the Division of Law Enforcement of the Department
13 of Environmental Protection, and law enforcement officers of
14 the Department of Transportation each have authority to
15 enforce all of the traffic laws of this state on all the
16 streets and highways thereof and elsewhere throughout the
17 state wherever the public has a right to travel by motor
18 vehicle. The Division of the Florida Highway Patrol may employ
19 as a traffic accident investigation officer any individual who
20 successfully completes at least 200 hours of instruction in
21 traffic accident investigation and court presentation through
22 the Selective Traffic Enforcement Program as approved by the
23 Criminal Justice Standards and Training Commission and funded
24 through the National Highway Traffic Safety Administration or
25 a similar program approved by the commission, but who does not
26 necessarily meet the uniform minimum standards established by
27 the commission for law enforcement officers or auxiliary law
28 enforcement officers under chapter 943. Any such traffic
29 accident investigation officer who makes an investigation at
30 the scene of a traffic accident may issue traffic citations,
31 based upon personal investigation, when he or she has

1 reasonable and probable grounds to believe that a person who
2 was involved in the accident committed an offense under this
3 chapter, chapter 319, chapter 320, or chapter 322 in
4 connection with the accident. This paragraph does not permit
5 the carrying of firearms or other weapons, nor do such
6 officers have arrest authority other than for the issuance of
7 a traffic citation as authorized in this paragraph.

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

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

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

23 (I) An airport authority may employ as a parking
24 enforcement specialist any individual who successfully
25 completes a training program established and approved by the
26 Criminal Justice Standards and Training Commission for parking
27 enforcement specialists but who does not otherwise meet the
28 uniform minimum standards established by the commission for
29 law enforcement officers or auxiliary or part-time officers
30 under s. 943.12. Nothing in this sub-sub-subparagraph shall be
31 construed to permit the carrying of firearms or other weapons,

1 nor shall such parking enforcement specialist have arrest
2 authority.

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

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

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

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

26 3. Any disciplinary action taken or performance
27 evaluation conducted by an agency of the state as described in
28 subparagraph 1. of a law enforcement officer's traffic
29 enforcement activity must be in accordance with written
30 work-performance standards. Such standards must be approved by
31 the agency and any collective bargaining unit representing

1 such law enforcement officer. A violation of this subparagraph
2 is not subject to the penalties provided in chapter 318.

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

5 318.14 Noncriminal traffic infractions; exception;
6 procedures.--

7 (1) Except as provided in ss. 318.17 and 320.07(3)(c)
8 ~~320.07(3)(b)~~, any person cited for a violation of s. 240.265,
9 chapter 316, s. 320.0605(1), s. 320.07(3)(a), s. 322.065, s.
10 322.15(1), s. 322.16(2) or (3), s. 322.161(4), or s. 322.19 is
11 charged with a noncriminal infraction and must be cited for
12 such an infraction and cited to appear before an official. If
13 another person dies as a result of the noncriminal infraction,
14 the person cited may be required to perform 120 community
15 service hours under s. 316.027(4), in addition to any other
16 penalties.

17 (4) Any person charged with a noncriminal infraction
18 under this section who does not elect to appear shall pay the
19 civil penalty and delinquent fee, if applicable, either by
20 mail or in person, within 30 days after ~~of~~ the date of
21 receiving the citation. If the person cited follows the above
22 procedure, he or she shall be deemed to have admitted the
23 infraction and to have waived his or her right to a hearing on
24 the issue of commission of the infraction. Such admission
25 shall not be used as evidence in any other proceedings. Any
26 person who is cited for a violation of s. 320.0605(1) or s.
27 322.15(1), or subject to a penalty under s. 320.07(3)(a) or
28 (b) or s. 322.065, and who makes an election under this
29 subsection shall submit proof of compliance with the
30 applicable section to the clerk of the court. For the purposes
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1 of this subsection, proof of compliance consists of a valid
2 driver's license or a valid registration certificate.

3 (9) Any person who is cited for an infraction under
4 this section other than a violation of s. 320.0605(1), s.
5 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or
6 s. 322.62 may, in lieu of a court appearance, elect to attend
7 in the location of his or her choice within this state a basic
8 driver improvement course approved by the Department of
9 Highway Safety and Motor Vehicles. In such a case,
10 adjudication must be withheld; points, as provided by s.
11 322.27, may not be assessed; and the civil penalty that is
12 imposed by s. 318.18(3) must be reduced by 18 percent;
13 however, a person may not make an election under this
14 subsection if the person has made an election under this
15 subsection in the preceding 12 months. A person may make no
16 more than five elections under this subsection. The
17 requirement for community service under s. 318.18(7) is not
18 waived by a plea of nolo contendere or by the withholding of
19 adjudication of guilt by a court.

20 Section 8. Subsection (2) of section 318.15, Florida
21 Statutes, is amended to read:

22 318.15 Failure to comply with civil penalty or to
23 appear; penalty.--

24 (2) After suspension of the driver's license and
25 privilege to drive of a person under subsection (1), the
26 license and privilege may not be reinstated until the person
27 complies with all obligations and penalties imposed on him or
28 her under s. 318.18 and presents to a driver license office a
29 certificate of compliance issued by the court, together with
30 the \$25 nonrefundable service fee imposed under s. 322.29, or
31 pays the aforementioned \$25 service fee to the clerk of the

1 court or tax collector clearing such suspension. Such person
2 shall also be in compliance with requirements of chapter 322
3 prior to reinstatement.

4 Section 9. Section 318.36, Florida Statutes, is
5 amended to read:

6 318.36 Code of ethics.--Hearing officers shall be
7 subject to The Florida Bar Code of Professional Responsibility
8 and not the Judicial Code of Ethics, except that they shall
9 avoid practices or occupations that would constitute a
10 conflict of interest or give the appearance of impropriety.
11 Whether serving full time or part time, hearing officers shall
12 be prohibited from representing clients or practicing before
13 any other hearing officer of a civil traffic court or from
14 representing any client appealing the decision of any other
15 hearing officer. A civil traffic infractions hearing officer
16 appointed under s. 318.30 shall have judicial immunity in the
17 same manner and to the same extent as judges.

18 Section 10. Subsections (1), (2), and (3) of section
19 319.14, Florida Statutes, are amended to read:

20 319.14 Sale of motor vehicles registered or used as
21 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
22 and nonconforming vehicles.--

23 (1)(a) No person shall knowingly offer for sale, sell,
24 or exchange any vehicle that has been licensed, registered, or
25 used as a taxicab, police vehicle, or short-term-lease ~~lease~~
26 ~~vehicle which will no longer be in lease service after April~~
27 ~~29, 1990~~, or a vehicle that ~~which~~ has been repurchased by a
28 manufacturer pursuant to a settlement, determination, or
29 decision under chapter 681, until the department has stamped
30 in a conspicuous place on the certificate of title of the
31 vehicle, or its duplicate, words stating the nature of the

1 previous use of the vehicle or the title has been stamped
2 "Manufacturer's Buy Back" to reflect that the vehicle is a
3 nonconforming vehicle. If the certificate of title or
4 duplicate was not so stamped upon initial issuance thereof or
5 if, subsequent to initial issuance of the title, the use of
6 the vehicle is changed to a use requiring the notation
7 provided for in this section, the owner or lienholder of the
8 vehicle shall surrender the certificate of title or duplicate
9 to the department prior to offering the vehicle for sale, and
10 the department shall stamp the certificate or duplicate as
11 required herein. When a vehicle has been repurchased by a
12 manufacturer pursuant to a settlement, determination, or
13 decision under chapter 681, the title shall be stamped
14 "Manufacturer's Buy Back" to reflect that the vehicle is a
15 nonconforming vehicle.

16 (b) No person shall knowingly offer for sale, sell, or
17 exchange a rebuilt vehicle until the department has stamped in
18 a conspicuous place on the certificate of title for the
19 vehicle words stating that the vehicle has been rebuilt,
20 assembled from parts, or combined, or is a kit car, glider
21 kit, replica, or flood vehicle unless proper application for a
22 certificate of title for a vehicle that is rebuilt, assembled
23 from parts, or combined, or is a kit car, glider kit, replica,
24 or flood vehicle has been made to the department in accordance
25 with this chapter and the department has conducted the
26 physical examination of the vehicle to assure the identity of
27 the vehicle.

28 (c) As used in this section:

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

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

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

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

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

13 4. "Assembled from parts" means a motor vehicle or
14 mobile home assembled from parts of motor vehicles or mobile
15 homes, new or used. "Assembled from parts" does not mean a
16 motor vehicle defined as a "rebuilt vehicle" in subparagraph
17 3., which has been declared a total loss pursuant to s.
18 319.30.

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

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

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

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

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

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

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

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

23 (3) Any person who, with intent to offer for sale or
24 exchange any vehicle referred to in subsection (1), knowingly
25 or intentionally advertises, publishes, disseminates,
26 circulates, or places before the public in any communications
27 medium, whether directly or indirectly, any offer to sell or
28 exchange the vehicle shall clearly and precisely state in each
29 such offer that the vehicle has previously been titled,
30 registered, or used as a taxicab, police vehicle, or
31 short-term-lease ~~lease~~ vehicle or that the vehicle or mobile

1 home is a vehicle that is rebuilt, assembled from parts, or
2 combined, or is a kit car, glider kit, replica, or flood
3 vehicle, or a nonconforming vehicle, as the case may be. Any
4 person who violates this subsection is guilty of a misdemeanor
5 of the second degree, punishable as provided in s. 775.082 or
6 s. 775.083.

7 Section 11. Subsections (3) and (8) of section 319.23,
8 Florida Statutes, are amended to read:

9 319.23 Application for, and issuance of, certificate
10 of title.--

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

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

24 2. An appropriate departmental form evidencing that a
25 physical examination has been made of the motor vehicle by the
26 owner and by a duly constituted law enforcement officer in any
27 state, a licensed motor vehicle dealer, a license inspector as
28 provided by s. 320.58, an employee of an emissions contractor
29 pursuant to s. 325.207, or a notary public commissioned by
30 this state and that the vehicle identification number shown on
31

1 such form is identical to the vehicle identification number
2 shown on the motor vehicle; and

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

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

20
21 Verification of the vehicle identification number is ~~shall~~ not
22 ~~be~~ required for any new motor vehicle ~~sold in this state by a~~
23 ~~licensed motor vehicle dealer~~; any mobile home; any trailer or
24 semitrailer with a net weight of less than 2,000 pounds; or
25 any travel trailer, camping trailer, truck camper, or
26 fifth-wheel recreation trailer.

27 (8) The title certificate or application for title
28 must ~~shall~~ contain the applicant's full first name, middle
29 initial, last name, date of birth, ~~and~~ sex, personal or
30 business identification, which may include, but need not be
31 limited to, a driver's license number, Florida identification

1 card number, or federal employer identification number, and
2 the license plate number or, in lieu thereof, an affidavit
3 certifying that the motor vehicle to be titled will not be
4 operated upon the public highways of this state.

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

9 319.30 Definitions; dismantling, destruction, change
10 of identity of motor vehicle or mobile home; salvage.--

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

25 (5)(a) It is unlawful for any person to knowingly
26 possess, sell, or exchange, offer to sell or exchange, or give
27 away any certificate of title or manufacturer's identification
28 number plate or serial plate of any motor vehicle, mobile
29 home, or derelict that ~~which~~ has been sold as salvage contrary
30 to the provisions of this section, and it is unlawful for any
31 person to authorize, direct, aid in, or consent to the

1 possession, sale, or exchange or to offer ~~any person who~~
2 ~~authorizes, directs, aids in, or consents to the possession,~~
3 ~~sale, or exchange or who offers to sell, exchange, or give~~
4 away such certificate of title or manufacturer's
5 identification number plate or serial plate ~~is guilty of a~~
6 ~~felony of the third degree, punishable as provided in s.~~
7 ~~775.082, s. 775.083, or s. 775.084.~~

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

21 (c) ~~Nothing in This chapter~~ does not ~~shall be~~
22 ~~construed to apply to anyone who removes, possesses, or~~
23 replaces a manufacturer's identification number plate, in the
24 course of performing repairs on a vehicle, that require such
25 removal or replacement. If ~~In the event that~~ the repair
26 requires replacement of a vehicle part that contains the
27 manufacturer's identification number plate, the manufacturer's
28 identification number plate that is assigned to the vehicle
29 being repaired will be installed on the replacement part. The
30 manufacturer's identification number plate that was removed
31

1 from this replacement part will be installed on the part that
2 was removed from the vehicle being repaired.

3 (8)

4 (c) For the purpose of enforcement of this section,
5 the department or its agents and employees ~~shall~~ have the same
6 right of inspection as law enforcement officers as provided in
7 s. 812.055. ~~Any person who violates this subsection is guilty~~
8 ~~of a felony of the third degree, punishable as provided in s.~~
9 ~~775.082, s. 775.083, or s. 775.084.~~

10 (9) Any person who violates this section commits a
11 felony of the third degree, punishable as provided in s.
12 775.082, s. 775.083, or s. 775.084.

13 Section 13. Subsection (42) is added to section
14 320.01, Florida Statutes, to read:

15 320.01 Definitions, general.--As used in the Florida
16 Statutes, except as otherwise provided, the term:

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

22 Section 14. Subsections (5) and (6) of section
23 320.023, Florida Statutes, 1998 Supplement, are amended to
24 read:

25 320.023 Requests to establish voluntary checkoff on
26 motor vehicle registration application.--

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

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 shall 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 15. Subsection (5) of section 320.03, Florida
14 Statutes, 1998 Supplement, is amended to read:

15 320.03 Registration; duties of tax collectors;
16 International Registration Plan.--

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

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

11 Section 16. Paragraph (a) of subsection (1) of section
12 320.04, Florida Statutes, 1998 Supplement, is amended to read:

13 320.04 Registration service charge.--

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

27 Section 17. Subsections (2) and (7) of section
28 320.055, Florida Statutes, are amended to read:

29 320.055 Registration periods; renewal periods.--The
30 following registration periods and renewal periods are
31 established:

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

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

13 Section 18. Paragraph (a) of subsection (3) and
14 paragraph (b) of subsection (4) of section 320.06, Florida
15 Statutes, are amended to read:

16 320.06 Registration certificates, license plates, and
17 validation stickers generally.--

18 (3)(a) Registration license plates shall be of metal
19 specially treated with a retroreflective material, as
20 specified by the department. The registration license plate is
21 designed to increase nighttime visibility and legibility and
22 shall be at least 6 inches wide and not less than 12 inches in
23 length, unless a plate with reduced dimensions is deemed
24 necessary by the department to accommodate motorcycles,
25 mopeds, or similar smaller vehicles. Validation stickers shall
26 be treated with a retroreflective material, shall be of such
27 size as specified by the department, and shall adhere to the
28 license plate. The registration license plate shall be
29 imprinted with a combination of bold letters and numerals or
30 numerals, not to exceed seven digits, to identify the
31 registration license plate number. The license plate shall

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

1 (4)

2 (b) For the purposes of authorizing the corporation
3 organized pursuant to chapter 946 to manufacture license
4 plates, ~~and validation stickers, and decals~~ for the Department
5 of Highway Safety and Motor Vehicles as provided in this
6 chapter and chapter 327, the reference to the Department of
7 Corrections in paragraph (a) means the Department of
8 Corrections or the corporation organized pursuant to chapter
9 946, and the Department of Highway Safety and Motor Vehicles
10 is not required to obtain competitive bids in order to
11 contract with such corporation.

12 Section 19. Section 320.065, Florida Statutes, is
13 repealed.

14 Section 20. Section 320.0657, Florida Statutes, is
15 amended to read:

16 320.0657 Permanent registration; fleet license
17 plates.--

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

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

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

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

18 (c) In addition to the license tax prescribed by s.
19 320.08(2), (3), (4), (5)(a) and (b), (6)(a), (7), and (8), an
20 annual fleet management fee of \$2 shall be charged. A one-time
21 license plate manufacturing fee of \$1.50 shall be charged for
22 plates issued for the established number of vehicles in the
23 fleet. If the size of the fleet is increased, an issuance fee
24 of \$10 per vehicle will be charged to include the license
25 plate manufacturing fee. If the license plate manufacturing
26 cost increases, the department shall increase the license
27 plate manufacturing fee to recoup its cost. Fees collected
28 shall be deposited into the Highway Safety Operating Trust
29 Fund. Payment of registration license tax and fees shall be
30 made annually and be evidenced only by the issuance of a
31 single receipt by the department. The provisions of s.

1 320.0605 do not apply to vehicles registered in accordance
2 with this section, and no annual validation sticker is
3 required.~~In addition to the license tax prescribed by s.~~
4 ~~320.08(2), (3), (4), (5)(a)1. and (b), and (7), an annual fee~~
5 ~~of \$6 shall be charged for each vehicle registered hereunder.~~
6 ~~Of this \$6 fee, \$2.50 shall be retained as a service charge by~~
7 ~~the tax collector, if the registration occurs at such office,~~
8 ~~or by the department, if the registration occurs at offices of~~
9 ~~the department. Receipts from the \$6 fee not retained by tax~~
10 ~~collectors shall be deposited into the Highway Safety~~
11 ~~Operating Trust Fund. Payment of registration license tax and~~
12 ~~fees shall be made annually and be evidenced only by the~~
13 ~~issuance of a single receipt by the department. Half-year~~
14 ~~registrations shall not be available for vehicles registered~~
15 ~~in accordance with the provisions of this section. The~~
16 ~~provision of s. 320.06(1)(b) shall not apply to the fleet~~
17 ~~renewal process.~~

18 (3) If a recipient of fleet license plates fails to
19 properly and timely renew or initially register vehicles in
20 its fleet, the department may impose a delinquency penalty of
21 \$50 or 10 percent of the delinquent taxes due, whichever is
22 greater, if the failure is for not more than 30 days, with an
23 additional 10 percent penalty for each additional 30 days, or
24 fraction thereof, that the failure continues, not to exceed a
25 total penalty of 100 percent in the aggregate; however, the
26 penalty may not be less than \$50.

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

1 occurrence, or in suspension or termination from the fleet
2 program.

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

25 (5)(3) The department may ~~is~~ ~~authorized to~~ adopt such
26 rules ~~as necessary~~ to comply with this section.

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

30 320.08 License taxes.--Except as otherwise provided
31 herein, there are hereby levied and imposed annual license

1 taxes for the operation of motor vehicles, mopeds, motorized
2 bicycles as defined in s. 316.003(2), and mobile homes, as
3 defined in s. 320.01, which shall be paid to and collected by
4 the department or its agent upon the registration or renewal
5 of registration of the following:

6 (1) MOTORCYCLES, MOPEDS, MOTORIZED BICYCLES.--
7 (a) Any motorcycle: \$10 flat.
8 (b) Any moped: \$5 flat.
9 (c) Any motorized bicycle as defined in s. 316.003(2):
10 \$5 flat; however, annual renewal is not required.
11 (d) Upon registration of any motorcycle, motor-driven
12 cycle, or moped there shall be paid in addition to the license
13 taxes specified in this subsection a nonrefundable motorcycle
14 safety education fee in the amount of \$2.50. The proceeds of
15 such additional fee shall be deposited in the Highway Safety
16 Operating Trust Fund and be used exclusively to fund a
17 motorcycle driver improvement program implemented pursuant to
18 s. 322.025 or the Florida Motorcycle Safety Education Program
19 established in s. 322.0255.
20 (e) An ancient or,~~antique, or collectible~~ motorcycle:
21 \$10 flat.

22 (2) AUTOMOBILES FOR PRIVATE USE.--
23 (a) An ancient or,~~antique, or collectible~~ automobile,
24 as defined in s. 320.086,or a street rod,as defined in s.
25 320.0863: \$7.50 flat.
26 (b) Net weight of less than 2,500 pounds: \$14.50 flat.
27 (c) Net weight of 2,500 pounds or more, but less than
28 3,500 pounds: \$22.50 flat.
29 (d) Net weight of 3,500 pounds or more: \$32.50 flat.

30 (3) TRUCKS.--
31 (a) Net weight of less than 2,000 pounds: \$14.50 flat.

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

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

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

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

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

18 Section 22. Paragraph (b) of subsection (4) of section
19 320.08056, Florida Statutes, 1998 Supplement, is amended to
20 read:

21 320.08056 Specialty license plates.--

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

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

27 Section 23. Paragraph (f) of subsection (2) of section
28 320.08058, Florida Statutes, 1998 Supplement, is repealed.

29 Section 24. Section 320.086, Florida Statutes, is
30 amended to read:

31

1 320.086 Ancient ~~or, antique, or collectible~~ motor
2 vehicles; "horseless carriage," antique, ~~collectible, or~~
3 historical license plates.--

4 (1) The owner of a motor vehicle for private use
5 manufactured in 1945 ~~1927~~ or earlier, equipped with an engine
6 manufactured in 1945 ~~1927~~ or earlier or manufactured to the
7 specifications of the original engine, and operated on the
8 streets and highways of this state shall, upon application in
9 the manner and at the time prescribed by the department and
10 upon payment of the license tax for an ancient motor vehicle
11 prescribed by s. 320.08(1)(e), (2)(a), or (3)(e), be issued a
12 special license plate for such motor vehicle. The license
13 plate shall be permanent and valid for use without renewal so
14 long as the vehicle is in existence. In addition to the
15 payment of all other fees required by law, the applicant shall
16 pay such fee for the issuance of the special license plate as
17 may be prescribed by the department commensurate with the cost
18 of its manufacture. The registration numbers and special
19 license plates assigned to such motor vehicles shall run in a
20 separate numerical series, commencing with "Horseless Carriage
21 No. 1," and the plates shall be of a distinguishing color.

22 ~~(2) The owner of a motor vehicle for private use~~
23 ~~manufactured between 1928 and 1945, inclusive, with an engine~~
24 ~~manufactured between 1928 and 1945, inclusive, or manufactured~~
25 ~~to the specifications of the original engine and operated on~~
26 ~~the streets and highways of this state shall, upon application~~
27 ~~in the manner and at the time prescribed by the department and~~
28 ~~upon payment of the license tax prescribed by s. 320.08(1)(e),~~
29 ~~(2)(a), or (3)(e), be issued a special license plate for such~~
30 ~~motor vehicle. In addition to the payment of all other fees~~
31 ~~required by law, the applicant shall pay such fee for the~~

1 ~~issuance of the special license plate as may be prescribed by~~
2 ~~the department commensurate with the cost of its manufacture.~~
3 ~~The registration numbers and special license plates assigned~~
4 ~~to such motor vehicles shall run in a separate numerical~~
5 ~~series, commencing with "Antique Vehicle No. 1," and the~~
6 ~~plates shall be of a distinguishing color.~~

7 (2)(3)(a) The owner of a motor vehicle for private use
8 manufactured after 1945 and of the age of 30 20 years or more
9 after from the date of manufacture, equipped with an engine of
10 the age of 30 20 years or more after from the date of
11 manufacture, and operated on the streets and highways of this
12 state may shall, upon application in the manner and at the
13 time prescribed by the department and upon payment of the
14 license tax prescribed by s. 320.08(1)(e), (2)(a), or (3)(e),
15 be issued a special license plate for such motor vehicle. In
16 addition to the payment of all other fees required by law, the
17 applicant shall pay the such fee for the issuance of the
18 special license plate ~~as may be~~ prescribed by the department,
19 commensurate with the cost of its manufacture. The
20 registration numbers and special license plates assigned to
21 such motor vehicles shall run in a separate numerical series,
22 commencing with "Antique No. 1," ~~"Collectible No. 1,"~~ and the
23 plates shall be of a distinguishing color. The owner of the
24 motor vehicle may, upon application and payment of the license
25 tax prescribed by s. 320.08, be issued a regular Florida
26 license plate or specialty license plate in lieu of the
27 special "Antique" license plate.

28 (b) Motor vehicles licensed under this section which
29 have been issued a permanent license plate prior to October 1,
30 1999, shall maintain such plate unless the vehicle is
31 transferred to a new owner. Motor vehicles licensed under this

1 section which have been issued a "Collectible" license plate
2 prior to October 1, 1999, may retain that license plate until
3 the next regularly scheduled replacement.

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

22 (4) Any person who is the registered owner of a an
23 ~~ancient, antique, or collectible~~ motor vehicle as defined in
24 this section and manufactured in the model year 1974 or
25 earlier, may apply to the department for permission to use a
26 historical Florida license plate that ~~which~~ clearly represents
27 the model year of the vehicle as a personalized prestige
28 license plate. This plate shall be furnished by such person
29 and shall be presented to the department with a reasonable fee
30 to be determined by the department for approval and for
31 authentication that the historic license plate and any

1 applicable decals were issued by this state in the same year
2 as the model year of the car or truck. The requirements of s.
3 320.0805(8)(b) do not apply to historical plates authorized
4 under this subsection.

5 Section 25. For the purpose of incorporating the
6 amendments made by this act to section 320.086, Florida
7 Statutes, in references thereto, paragraph (g) of subsection
8 (2) of section 320.072, Florida Statutes, is reenacted to
9 read:

10 320.072 Additional fee imposed on certain motor
11 vehicle registration transactions.--

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

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

16 Section 26. Section 320.13, Florida Statutes, is
17 amended to read:

18 320.13 Dealer and manufacturer license plates and
19 alternative method of registration.--

20 (1)(a) Any licensed motor vehicle dealer and any
21 licensed mobile home dealer may, upon payment of the license
22 tax imposed by s. 320.08(12)~~s. 320.08(11)~~, secure one or more
23 dealer license plates, which are valid for use on motor
24 vehicles or mobile homes owned by the dealer to whom such
25 plates are issued while the motor vehicles are in inventory
26 and for sale, or while being operated in connection with such
27 dealer's business, but are not valid for use for hire. Dealer
28 license plates may not be used on any tow truck or wrecker
29 unless the tow truck or wrecker is being demonstrated for
30 sale, and the dealer license plates may not be used on a
31

1 vehicle used to transport another motor vehicle for the motor
2 vehicle dealer.

3 (b)1. Marine boat trailer dealers and manufacturers
4 may, upon payment of the license taxes imposed by s.
5 320.08(12), secure one or more dealer plates, which are valid
6 for use on boat trailers owned by the dealer to whom such
7 plates are issued while being used in connection with such
8 dealer's business, but are not valid for use for hire.

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

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

28 (3) When a licensed dealer or a marine boat trailer
29 dealer chooses to register any motor vehicle or boat trailer
30 he or she owns and has for sale and secure a regular motor
31 vehicle license plate therefor, the dealer may, upon sale

1 thereof, submit to the department a transfer fee of \$4.50 and
2 an application for transfer of the license plate to a
3 comparable motor vehicle or boat trailer owned by the dealer
4 of the same weight series as set forth under s. 320.08.

5 Section 27. Paragraph (k) of subsection (1) of section
6 320.131, Florida Statutes, is amended, and subsections (5),
7 (6), and (7) are added to that section, to read:

8 320.131 Temporary tags.--

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

12 (k) In any case where a permanent license plate cannot
13 ~~can not~~ legally be issued to an applicant and a temporary
14 license plate is not specifically authorized under the
15 provisions of this section, the department shall have the
16 discretion to issue or authorize agents or Florida licensed
17 dealers to issue temporary license plates to applicants
18 demonstrating a need for such temporary use.

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

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

29 (6) Any person who knowingly and willfully issues a
30 temporary tag or causes another to issue a temporary tag to a
31 fictitious person or entity to avoid disclosure of the true

1 owner of a vehicle commits a felony of the third degree,
2 punishable as provided in s. 775.082, s. 775.083, or s.
3 775.084.

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

11 Section 28. Section 320.1325, Florida Statutes, is
12 amended to read:

13 320.1325 Registration required for the temporarily
14 employed.--Motor vehicles owned or leased by persons who are
15 temporarily employed within the state but are not residents
16 are required to be registered. Upon payment of the fees
17 prescribed in this section and proof of insurance coverage as
18 required by the applicant's resident state, the department
19 shall provide a temporary registration plate and a
20 registration certificate valid for 90 days to an applicant who
21 is temporarily employed in ~~this~~ the state. The temporary
22 registration plate may be renewed one time for an additional
23 90-day period. At the end of the 180-day period of temporary
24 registration, the applicant shall apply for a permanent
25 registration if there is a further need to remain in this
26 state. A temporary license registration plate may not be
27 issued for any commercial motor vehicle as defined in s.
28 320.01. The fee for the 90-day temporary registration plate
29 shall be \$40 plus the applicable service charge required by s.
30 320.04. Subsequent permanent registration and titling of a
31 vehicle registered hereunder shall subject the applicant to

1 providing proof of Florida insurance coverage as specified in
2 s. 320.02 and payment of the fees required by ss. 319.231 and
3 320.072, in addition to all other taxes and fees required.

4 Section 29. Paragraph (v) is added to subsection (9)
5 of section 320.27, Florida Statutes, and paragraph (a) of
6 subsection (9) and subsection (12) of that section are
7 amended, to read:

8 320.27 Motor vehicle dealers.--

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

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

23 (v) Sale by a motor vehicle dealer of a vehicle
24 offered in trade by a customer prior to consummation of the
25 sale, exchange, or transfer of a newly acquired vehicle to the
26 customer.

27 (12) CIVIL FINES; PROCEDURE.--In addition to the
28 exercise of other powers provided in this section, the
29 department may levy and collect a civil fine, in an amount not
30 to exceed \$1,000 for each violation, against any licensee if
31 it finds that the licensee has violated any provision of this

1 section or has violated any other law of this state or the
2 federal law and administrative rule set forth in s.

3 320.27(9)(a)related to dealing in motor vehicles. Any
4 licensee shall be entitled to a hearing pursuant to chapter
5 120 if the licensee contests the fine levied, or about to be
6 levied, upon him or her.

7 Section 30. Section 300.30, Florida Statutes, is
8 amended to read:

9 320.30 Penalty for violating s. 320.28.--No action or
10 right of action to recover any such motor vehicle, or any part
11 of the selling price thereof, shall be maintained in the
12 courts of this state by any such dealer or vendor or his or
13 her successors or assigns in any case wherein such vendor or
14 dealer shall have failed to comply with the terms and
15 provisions of s. 320.28, and in addition thereto, such vendor
16 or dealer, upon conviction for the violation of any of the
17 provisions of said sections, shall be guilty of a misdemeanor
18 of the second degree, punishable as provided in s. 775.082 or
19 s. 775.083 and by confiscation of the vehicle or vehicles
20 offered for sale. Any municipal or county law enforcement
21 agency that enforces, or assists the department in enforcing,
22 the provisions of this section which enforcement results in a
23 forfeiture of property as provided in this section is entitled
24 to receive all or a share of any such property based upon its
25 participation in such enforcement. Any property seized by any
26 municipal or county law enforcement agency may be retained or
27 sold by the law enforcement agency in accordance with the
28 Florida Contraband Forfeiture Act. Any funds received by a
29 municipal or county law enforcement agency pursuant to this
30 section constitute supplemental funds and may not be used as

31

1 replacement funds by the municipality or county. However, this
2 section shall not apply to:

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

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

12 Section 31. Section 321.06, Florida Statutes, is
13 amended to read:

14 321.06 Civil service.--

15 (1) The Department of Highway Safety and Motor
16 Vehicles is hereby empowered and directed to make civil
17 service rules governing the employment and tenure of the
18 members of the highway patrol. All persons employed as said
19 patrol officers shall be subject to said civil service rules
20 and regulations, and any amendment thereto which may
21 thereafter from time to time be adopted. The department may,
22 for cause, discharge, suspend or reduce in rank or pay, any
23 member of said highway patrol by presenting to such employee
24 the reason or reasons therefor in writing, subject to the
25 civil service rules and regulations of the department, and
26 subject to the review of the Governor and Cabinet, as head of
27 the department who shall serve as a court of inquiry in such
28 cases and shall hear all complaints and defenses, if requested
29 by such employee. Their decision shall be final and
30 conclusive. Such civil service rules or regulations shall be
31 subject to the revision of the Legislature in the event civil

1 service rules adopted by the department are declared unlawful
2 or unreasonable.

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

9 Section 32. Subsections (6) and (7) of section 322.08,
10 Florida Statutes, 1998 Supplement, are amended to read:

11 322.08 Application for license.--

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

19 (6)(7) The application form for a driver's license or
20 duplicate thereof shall include language permitting the
21 following:

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

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

30
31

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

4
5 A statement providing an explanation of the purpose of the
6 trust funds shall also be included.

7 Section 33. Subsections (5) and (6) of section
8 322.081, Florida Statutes, 1998 Supplement, are amended to
9 read:

10 322.081 Requests to establish voluntary checkoff on
11 driver's license application.--

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

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

21 (b) All organizational recipients of any voluntary
22 contributions in excess of \$15,000, not otherwise subject to
23 annual audit by the Office of the Auditor General, shall
24 submit an annual audit of the expenditures of these
25 contributions and interest earned from these contributions, to
26 determine if expenditures are being made in accordance with
27 the specifications outlined by law. The audit shall be
28 prepared by a certified public accountant licensed under
29 chapter 473 at that organizational recipient's expense. The
30 notes to the financial statements should state whether
31 expenditures were made in accordance with law. ~~Such audits~~

1 ~~must be delivered to the department no later than December 31~~
2 ~~of the calendar year in which the audit was performed.~~

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

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

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

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

27 Section 34. Subsection (3) of section 322.1615,
28 Florida Statutes, is amended to read:

29 322.1615 Learner's driver's license.--

30 (3) A person who holds a learner's driver's license
31 may operate a vehicle only during daylight hours, except that

1 the holder of a learner's driver's license may operate a
2 vehicle until ~~between the hours of 7 p.m. and 10 p.m.~~ after 3
3 months following ~~after~~ the issuance of the learner's driver's
4 license.

5 Section 35. Paragraphs (b) and (d) of subsection (6)
6 and subsection (10) of section 322.2615, Florida Statutes, are
7 amended to read:

8 322.2615 Suspension of license; right to review.--

9 (6)

10 (b) Such formal review hearing shall be held before a
11 hearing officer employed by the department, and the hearing
12 officer shall be authorized to administer oaths, examine
13 witnesses and take testimony, receive relevant evidence, issue
14 subpoenas, regulate the course and conduct of the hearing, and
15 make a ruling on the suspension. The department and the
16 person arrested may subpoena witnesses, and the party
17 requesting the presence of a witness shall be responsible for
18 the payment of any witness fees and for notifying in writing
19 the state attorney's office in the appropriate circuit of the
20 issuance of the subpoena. If the person who requests a formal
21 review hearing fails to appear and the hearing officer finds
22 such failure to be without just cause, the right to a formal
23 hearing is waived and the suspension shall be sustained
24 ~~department shall conduct an informal review of the suspension~~
25 ~~under subsection (4).~~

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

30 (10) A person whose driver's license is suspended
31 under subsection (1) or subsection (3) may apply for issuance

1 of a license for business or employment purposes only if the
2 person is otherwise eligible for the driving privilege
3 pursuant to s. 322.271.

4 (a) If the suspension of the driver's license of the
5 person for failure to submit to a breath, urine, or blood test
6 is sustained, the person is not eligible to receive a license
7 for business or employment purposes only, pursuant to s.
8 322.271, until 90 days have elapsed after the expiration of
9 the last 30-day temporary permit issued ~~pursuant to this~~
10 ~~section or s. 322.64~~. If the driver is not issued a 30-day
11 permit pursuant to this section or s. 322.64 because he or she
12 is ineligible for the permit and the suspension for failure to
13 submit to a breath, urine, or blood test is not invalidated by
14 the department, the driver is not eligible to receive a
15 business or employment license pursuant to s. 322.271 until 90
16 days have elapsed from the date of the suspension.

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

31

1 Section 36. Subsections (4), (5), (6), (7), and (8) of
2 section 322.28, Florida Statutes, 1998 Supplement, are amended
3 to read:

4 322.28 Period of suspension or revocation.--

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

10 ~~(5) If, in any case arising under this section, a~~
11 ~~licensee, after having been given notice of suspension or~~
12 ~~revocation of his or her license in the manner provided in s.~~
13 ~~322.251, fails to surrender to the department a license~~
14 ~~theretofore suspended or revoked, as required by s. 322.29, or~~
15 ~~fails otherwise to account for the license to the satisfaction~~
16 ~~of the department, the period of suspension of the license, or~~
17 ~~the period required to elapse after revocation before a new~~
18 ~~license may be issued, shall be extended until, and shall not~~
19 ~~expire until, a period has elapsed after the date of surrender~~
20 ~~of the license, or after the date of expiration of the~~
21 ~~license, whichever occurs first, which is identical in length~~
22 ~~with the original period of suspension or revocation.~~

23 (4)(6)(a) Upon a conviction for a violation of s.
24 316.193(3)(c)2., involving serious bodily injury, a conviction
25 of manslaughter resulting from the operation of a motor
26 vehicle, or a conviction of vehicular homicide, the court
27 shall revoke the driver's license of the person convicted for
28 a minimum period of 3 years. If ~~In the event that~~ a conviction
29 under s. 316.193(3)(c)2., involving serious bodily injury, is
30 also a subsequent conviction as described under paragraph
31 (2)(a), the court shall revoke the driver's license or driving

1 | privilege of the person convicted for the period applicable as
2 | provided in paragraph (2)(a) or paragraph (2)(e).

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

9 | ~~(5)(7)~~ A court may not stay the No administrative
10 | suspension of a driving privilege under s. 322.2615 or s.
11 | 322.2616 during judicial ~~shall be stayed upon a request for~~
12 | review of the departmental order that resulted in such
13 | suspension and a, ~~except as provided in former s. 322.261, no~~
14 | suspension or revocation of a driving privilege may not shall
15 | be stayed upon an appeal of the conviction or order that
16 | resulted in the suspension or revocation ~~therein~~.

17 | ~~(6)(8)~~ In a prosecution for a violation of s.
18 | 316.172(1), and upon a showing of the department's records
19 | that the licensee has received a second conviction within ~~a~~
20 | period of 5 years following from the date of a prior
21 | conviction of s. 316.172(1), the department shall, upon
22 | direction of the court, suspend the driver's license of the
23 | person convicted for a period of not less than 90 days or ~~nor~~
24 | more than 6 months.

25 | Section 37. Subsection (6) of section 322.34, Florida
26 | Statutes, 1998 Supplement, is amended to read:

27 | 322.34 Driving while license suspended, revoked,
28 | canceled, or disqualified.--

29 | (6) Any person who operates a motor vehicle:

30 | (a) Without having a driver's license as required
31 | under s. 322.03; or

1 (b) While his or her driver's license or driving
2 privilege is canceled, suspended, or revoked pursuant to s.
3 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) ~~or (5)~~,
4
5 and who by careless or negligent operation of the motor
6 vehicle causes the death of or serious bodily injury to
7 another human being is guilty of a felony of the third degree,
8 punishable as provided in s. 775.082 or s. 775.083.

9 Section 38. Section 325.2135, Florida Statutes, 1998
10 Supplement, is amended to read:

11 325.2135 Motor vehicle emissions inspection program;
12 development of specifications; fees; reporting.--

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

1 ~~(2) If no specific legislation is passed during the~~
2 ~~1999 legislative session to direct the department to implement~~
3 ~~a motor vehicle inspection program,~~The department must may
4 issue a request for proposal and enter one or more contracts
5 on or before May 1, 2000,for a biennial inspection program
6 for vehicles 4 5 model years and older using the basic test
7 for hydrocarbon emissions and carbon monoxide emissions. Any
8 contract authorized under this section must contain a
9 provision requiring that the average driving distance from
10 residences to inspection stations be no more than 6 miles for
11 at least 90 percent of the affected registered motor vehicle
12 owners in the designated program areas.The requirements for
13 the program included in the proposals must be based on the
14 requirements under chapter 325 unless those requirements
15 conflict with this section. No contract entered into under
16 this subsection may be for longer than 5 2 years. Any contract
17 authorized under this section must provide that the department
18 reserves the right to cancel a contract at any time before the
19 conclusion of the contract term upon 6 months notice to the
20 contractor.Notwithstanding the provisions of s. 325.214, if
21 the fee for motor vehicle inspection proposed by the
22 Department of Highway Safety and Motor Vehicles may not will
23 exceed~~\$20~~\$10 per inspection., ~~the department may impose the~~
24 ~~higher fee if such fee is approved through the budget~~
25 ~~amendment process set forth in chapter 216 and notice is~~
26 ~~provided to the chairmen of the Senate and House~~
27 ~~Transportation and Natural Resources Committees at the time it~~
28 ~~is provided to the Senate Ways and Means and House~~
29 ~~Appropriations Committees.~~

30 Section 39. Subsection (2) of section 325.214, Florida
31 Statutes, 1998 Supplement, is amended to read:

1 325.214 Motor vehicle inspection; fees; disposition of
2 fees.--

3 (2) The inspection fee may not exceed \$20 ~~shall be~~
4 ~~\$10~~. Notwithstanding any other provision of law to the
5 contrary, an additional fee of \$1 shall be assessed upon the
6 issuance of each dealer certificate, which fee shall be
7 forwarded to the department for deposit into the Highway
8 Safety Operating Trust Fund.

9 Section 40. Section 327.031, Florida Statutes, is
10 amended to read:

11 327.031 Suspension or denial of a vessel registration
12 due to child support delinquency; dishonored checks.--

13 (1) The department must allow applicants for new or
14 renewal registrations to be screened by the Department of
15 Revenue, as the Title IV-D child support agency under s.
16 409.2598, or by a non-IV-D obligee to assure compliance with a
17 support obligation. The purpose of this section is to promote
18 the public policy of this state as established in s. 409.2551.
19 The department must, when directed by the court, deny or
20 suspend the vessel registration of any applicant found to have
21 a delinquent child support obligation. The department must
22 issue or reinstate a registration when notified by the Title
23 IV-D agency or the court that the applicant has complied with
24 the terms of the court order. The department may not be held
25 liable for any registration denial or suspension resulting
26 from the discharge of its duties under this section.

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

30 Section 41. Subsection (3) of section 327.11, Florida
31 Statutes, is amended, present subsection (6) is renumbered as

1 subsection (8) and amended, and new subsections (6) and (7)
2 are added to that section, to read:

3 327.11 Vessel registration, application, certificate,
4 number, decal, duplicate certificate.--

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

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

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

24 (8)(6) Anyone guilty of falsely certifying any facts
25 relating to application, certificate, transfer, number, decal,
26 or duplicate, or replacement certificates or any information
27 required under this section shall be punished as provided
28 under this chapter.

29 Section 42. Subsection (2) of section 327.23, Florida
30 Statutes, is amended to read:

31

1 327.23 Exemption of vessels and outboard motors from
2 personal property tax; temporary certificate of registration;
3 vessel registration certificate fee.--

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

6 (a) which The owner has made application to the United
7 States Coast Guard for documentation and has paid the
8 applicable registration certificate fee pursuant to s.
9 327.25(1). A temporary certificate of registration shall only
10 be issued upon proof that all applicable state sales taxes
11 have been paid and that the application for documentation is
12 on file with the United States Coast Guard. Any reregistration
13 of such a vessel without the submission of the vessel's
14 documentation papers shall require written verification from
15 the United States Coast Guard as to the current status of the
16 application for the vessel's documentation. Upon receipt of
17 the vessel's documentation papers, the owner shall bring them
18 to the agent issuing the temporary certificate for official
19 recording of information.

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

24 Section 43. Paragraph (b) of subsection (4) and
25 paragraph (c) of subsection (12) of section 327.25, Florida
26 Statutes, are amended to read:

27 327.25 Classification; registration; fees and charges;
28 surcharge; disposition of fees; fines; marine turtle
29 stickers.--

30 (4) TRANSFER OF OWNERSHIP.--

31

1 (b) If a vessel is an antique as defined in subsection
2 (2), the application shall be accompanied by either a
3 certificate of title, a ~~notarized~~ bill of sale and a
4 registration, or a ~~notarized~~ bill of sale and an affidavit by
5 the owner defending the title from all claims. The bill of
6 sale must contain a complete vessel description to include the
7 hull identification number and engine number, if appropriate;
8 the year, make, and color of the vessel; the selling price;
9 and the signatures of the seller and purchaser.

10 (12) REGISTRATION.--

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

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

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

28 Section 44. Section 327.255, Florida Statutes, is
29 created to read:

30 327.255 Registration; duties of tax collectors.--
31

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

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

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

18 Section 45. Section 327.256, Florida Statutes, is
19 created to read:

20 327.256 Advanced registration renewal; procedures.--

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

26 (2) Upon the filing of the application and payment of
27 the appropriate vessel registration fee and service charges
28 required by s. 327.25 and any additional fees required by law,
29 the department or its agents shall issue to the owner of the
30 vessel a decal and registration. When the decal is affixed to
31

1 the vessel, the registration is renewed for the appropriate
2 registration period.

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

7 Section 46. Paragraph (c) of subsection (3) of section
8 328.01, Florida Statutes, is amended to read:

9 328.01 Application for certificate of title.--

10 (3)

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

27 Section 47. Subsection (3) of section 328.11, Florida
28 Statutes, is amended to read:

29 328.11 Duplicate certificate of title.--

30 (3) If, following the issuance of an original,
31 duplicate, or corrected certificate of title by the

1 department, the certificate is lost in transit and is not
2 delivered to the addressee, the owner of the vessel or the
3 holder of a lien thereon may, within 180 ~~90~~ days after the
4 date of issuance of the title, apply to the department for
5 reissuance of the certificate of title. An additional fee may
6 not be charged for reissuance under this subsection.

7 Section 48. Paragraph (c) of subsection (2) and
8 subsection (7) of section 328.15, Florida Statutes, are
9 amended, present subsection (8) is renumbered as subsection
10 (12), and new subsections (8), (9), (10), and (11) are added
11 to that section, to read:

12 328.15 Notice of lien on vessel; recording.--

13 (2)

14 (c) If the owner of the vessel as shown on the title
15 certificate or the director of the state child support
16 enforcement program desires to place a second or subsequent
17 lien or encumbrance against the vessel when the title
18 certificate is in the possession of the first lienholder, the
19 owner shall send a written request to the first lienholder by
20 certified mail and such first lienholder shall forward the
21 certificate to the department for endorsement. The department
22 shall return the certificate to the first lienholder, as
23 indicated in the notice of lien filed by the first lienholder,
24 after endorsing the second or subsequent lien on the
25 certificate and on the duplicate. If the first lienholder
26 fails, neglects, or refuses to forward the certificate of
27 title to the department within 10 days after the date of the
28 owner's or the director's request, the department, on written
29 request of the subsequent lienholder or an assignee thereof,
30 shall demand of the first lienholder the return of such
31 certificate for the notation of the second or subsequent lien

1 ~~or encumbrance. The director of the state child support~~
2 ~~enforcement program may place a subsequent lien or encumbrance~~
3 ~~against a vessel having a recorded first lien by sending a~~
4 ~~written request to the first lienholder by certified mail.~~
5 ~~The first lienholder shall forward the certificate to the~~
6 ~~Department of Highway Safety and Motor Vehicles for~~
7 ~~endorsement, and the department shall return the certificate~~
8 ~~to the first lienholder after endorsing the subsequent lien on~~
9 ~~the certificate and on the duplicate.~~

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

22 (b) Following satisfaction of a lien, the lienholder
23 shall enter a satisfaction thereof in the space provided on
24 the face of the certificate of title. If there are no
25 subsequent liens shown thereon, the certificate shall be
26 delivered by the lienholder to the person satisfying the lien
27 or encumbrance and an executed satisfaction on a form provided
28 by the department shall be forwarded to the department by the
29 lienholder within 10 days after satisfaction of the lien.

30 (c) If the certificate of title shows a subsequent
31 lien not then being discharged, an executed satisfaction of

1 the first lien shall be delivered by the lienholder to the
2 person satisfying the lien and the certificate of title
3 showing satisfaction of the first lien shall be forwarded by
4 the lienholder to the department within 10 days after
5 satisfaction of the lien.

6 (d) If, upon receipt of a title certificate showing
7 satisfaction of the first lien, the department determines from
8 its records that there are no subsequent liens or encumbrances
9 upon the vessel, the department shall forward to the owner, as
10 shown on the face of the title, a corrected certificate
11 showing no liens or encumbrances. If there is a subsequent
12 lien not being discharged, the certificate of title shall be
13 reissued showing the second or subsequent lienholder as the
14 first lienholder and shall be delivered to the new first
15 lienholder. The first lienholder shall be entitled to retain
16 the certificate of title until his or her lien is satisfied.
17 Upon satisfaction of the lien, the lienholder shall be subject
18 to the procedures required of a first lienholder in this
19 subsection and in subsection (2).

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

30 (9) Any person who fails, within 10 days after receipt
31 of a demand by the department by certified mail, to return a

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

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

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

16 Section 49. Subsection (3) of section 328.16, Florida
17 Statutes, is amended, and subsection (5) is added to that
18 section, to read:

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

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

25 (5) The owner of a vessel, upon which a lien has been
26 filed with the department or noted upon a certificate of title
27 for a period of 5 years, may apply to the department in
28 writing for such lien to be removed from the department files
29 or from the certificate of title. The application must be
30 accompanied by evidence satisfactory to the department that
31 the applicant has notified the lienholder by certified mail,

1 not less than 20 days prior to the date of the application, of
2 his or her intention to apply to the department for removal of
3 the lien. Ten days after receipt of the application, the
4 department may remove the lien from its files or from the
5 certificate of title, as the case may be, if no statement in
6 writing protesting removal of the lien is received by the
7 department from the lienholder within the 10-day period.
8 However, if the lienholder files with the department, within
9 the 10-day period, a written statement that the lien is still
10 outstanding, the department may not remove the lien until the
11 lienholder presents a satisfaction of lien to the department.

12 Section 50. Section 328.165, Florida Statutes, is
13 created to read:

14 328.165 Cancellation of certificates.--

15 (1) If it appears that a certificate of title has been
16 improperly issued, the department shall cancel the
17 certificate. Upon cancellation of any certificate of title,
18 the department shall notify the person to whom the certificate
19 of title was issued, and any lienholders appearing thereon, of
20 the cancellation and shall demand the surrender of the
21 certificate of title; however, the cancellation does not
22 affect the validity of any lien noted thereon. The holder of
23 the certificate of title shall immediately return it to the
24 department. If a certificate of registration has been issued
25 to the holder of a certificate of title so canceled, the
26 department shall immediately cancel the certificate of
27 registration and demand the return of the certificate of
28 registration and the holder of such certificate of
29 registration shall immediately return it to the department.

30 (2) The department may, upon application by any person
31 and payment of the proper fees, prepare and furnish lists

1 containing title information in such form as the department
2 authorizes, search the records of the department and make
3 reports thereof, and make photographic copies of the
4 department records and attestations thereof.

5 Section 51. Paragraph (c) of subsection (7) of section
6 713.78, Florida Statutes, 1998 Supplement, is amended to read:

7 713.78 Liens for recovering, towing, or storing
8 vehicles and undocumented vessels.--

9 (7)

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

22 Section 52. Subsection (1) of section 732.9215,
23 Florida Statutes, is amended to read:

24 732.9215 Education program relating to anatomical
25 gifts.--The Agency for Health Care Administration, subject to
26 the concurrence of the Department of Highway Safety and Motor
27 Vehicles, shall develop a continuing program to educate and
28 inform medical professionals, law enforcement agencies and
29 officers, high school children, state and local government
30 employees, and the public regarding the laws of this state

31

1 relating to anatomical gifts and the need for anatomical
2 gifts.

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

17 Section 53. Subsection (1) of section 732.9216,
18 Florida Statutes, is amended to read:

19 732.9216 Organ and tissue donor education panel.--

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

1 Section 54. Paragraph (a) of subsection (3) of section
2 812.014, Florida Statutes, is amended, and subsection (5) is
3 added to that section, to read:

4 812.014 Theft.--

5 (3)(a) Theft of any property not specified in
6 subsection (2) is petit theft of the second degree and a
7 misdemeanor of the second degree, punishable as provided in s.
8 775.082 or s. 775.083, and as provided in subsection (5), as
9 applicable.

10 (5)(a) No person shall drive a motor vehicle so as to
11 cause it to leave the premises of an establishment at which
12 gasoline offered for retail sale was dispensed into the fuel
13 tank of such motor vehicle unless the payment of authorized
14 charge for the gasoline dispensed has been made.

15 (b) In addition to the penalties prescribed in
16 paragraph (3)(a), every judgment of guilty of a petit theft
17 for property described in this subsection shall provide for
18 the suspension of the convicted person's driver's license. The
19 court shall forward the driver's license to the Department of
20 Highway Safety and Motor Vehicles in accordance with s.
21 322.25.

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

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

26 Section 55. Subsection (1) of section 832.06, Florida
27 Statutes, is amended to read:

28 832.06 Prosecution for worthless checks given tax
29 collector for licenses or taxes; refunds.--

30 (1) Whenever any person, firm, or corporation violates
31 the provisions of s. 832.05 by drawing, making, uttering,

1 issuing, or delivering to any county tax collector any check,
2 draft, or other written order on any bank or depository for
3 the payment of money or its equivalent for any tag, title,
4 lien, tax (except ad valorem taxes), penalty, or fee relative
5 to a boat, airplane, ~~or motor vehicle,~~ driver license, or
6 identification card; any occupational license, beverage
7 license, or sales or use tax; or any hunting or fishing
8 license, the county tax collector, after the exercise of due
9 diligence to locate the person, firm, or corporation which
10 drew, made, uttered, issued, or delivered the check, draft, or
11 other written order for the payment of money, or to collect
12 the same by the exercise of due diligence and prudence, shall
13 swear out a complaint in the proper court against the person,
14 firm, or corporation for the issuance of the worthless check
15 or draft. If the state attorney cannot sign the information
16 due to lack of proof, as determined by the state attorney in
17 good faith, for a prima facie case in court, he or she shall
18 issue a certificate so stating to the tax collector. If
19 payment of the dishonored check, draft, or other written
20 order, together with court costs expended, is not received in
21 full by the county tax collector within 30 days after service
22 of the warrant, 30 days after conviction, or 60 days after the
23 collector swears out the complaint or receives the certificate
24 of the state attorney, whichever is first, the county tax
25 collector shall make a written report to this effect to the
26 Department of Highway Safety and Motor Vehicles relative to
27 ~~airplanes and motor vehicles and vessels, to the Department of~~
28 ~~Environmental Protection relative to boats,~~ to the Department
29 of Revenue relative to occupational licenses and the sales and
30 use tax, to the Division of Alcoholic Beverages and Tobacco of
31 the Department of Business and Professional Regulation

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

1 has not been had upon the defendant and further certify the
2 amount of the worthless check or draft and the amount of court
3 costs expended by the county tax collector, and the county tax
4 collector may file the certificate with the Department of
5 Highway Safety and Motor Vehicles relative to motor vehicles
6 and vessels ~~airplanes~~, with the ~~Department of Environmental~~
7 ~~Protection relative to boats~~, with the Department of Revenue
8 relative to occupational licenses and the sales and use tax,
9 with the Division of Alcoholic Beverages and Tobacco of the
10 Department of Business and Professional Regulation relative to
11 beverage licenses, or with the Game and Fresh Water Fish
12 Commission relative to hunting and fishing licenses, together
13 with a request that the sums of money so certified be
14 forthwith refunded by the Department of Highway Safety and
15 Motor Vehicles, ~~the Department of Environmental Protection~~,
16 the Department of Revenue, the Division of Alcoholic Beverages
17 and Tobacco of the Department of Business and Professional
18 Regulation, or the Game and Fresh Water Fish Commission to the
19 county tax collector, and within 30 days after receipt of the
20 request, the Department of Highway Safety and Motor Vehicles,
21 ~~the Department of Environmental Protection~~, the Department of
22 Revenue, the Division of Alcoholic Beverages and Tobacco of
23 the Department of Business and Professional Regulation, or the
24 Game and Fresh Water Fish Commission, upon being satisfied as
25 to the correctness of the certificate, shall refund the sums
26 of money so certified to the county tax collector.

27 Section 56. Section 14 of chapter 98-223, Laws of
28 Florida, is repealed.

29 Section 57. This act shall take effect upon becoming a
30 law.

31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 1270

4 The CS provides that a law enforcement officer or parking
5 enforcement specialist may not issue a ticket to an
6 out-of-state vehicle displaying a disabled parking placard for
7 parking in a disabled parking space until first determining if
8 the vehicle is transporting a resident of another state who is
9 the owner of the out-of-state disabled parking placard.

10 The CS authorizes airport authorities to employ parking
11 enforcement specialists. The CS states such parking
12 enforcement specialists are not authorized to carry a weapon
13 or make arrests.

14 The CS provides civil traffic infractions hearing officers are
15 vested with the same judicial immunity as a judge.

16 The CS provides the title certificate for long-term lease
17 vehicles (a vehicle leased under written agreement to one
18 person for a period of 12 months or longer) will no longer be
19 stamped with the lease vehicle brand. Short-term lease
20 vehicles (a vehicle leased under written agreement to one or
21 more persons from time to time for a period of less than 12
22 months) would continue to receive the lease vehicle brand on
23 the title certificate.

24 The CS provides that 25 cents of the 50 cent FRVIS fee is to
25 be used exclusively to fund the FRVIS equipment, software, and
26 networks used in the offices of the county tax collectors as
27 agents of DHSMV.

28 The CS authorizes a \$1 service charge on vessel decals issued
29 from an automated vending facility or printer machine.

30 The CS increases the annual use fee for the Challenger license
31 plate from \$15 to \$25. The fee for persons purchasing 1,000 or
more of the Challenger plates is increased from \$10 to \$15.

The CS repeals the provision of law that provides for the
expiration of the Challenger plate in July of 2001.

The CS provides DHSMV has the discretion to authorize agents
or Florida licensed motor vehicle dealers to issue temporary
tags in cases where a temporary tag is not specifically
authorized if the applicant demonstrates a need for temporary
use of such a tag.

The CS provides a motor vehicle dealer license is subject to
denial, suspension, or revocation where the dealer sells a
vehicle offered in trade by a customer prior to consummation
of the sale, exchange, or transfer of a newly acquired vehicle
to the customer. Similarly, the CS provides a motor vehicle
dealer license is subject to denial, suspension, or revocation
where the dealer fails to properly post the federally-mandated
consumer sales window form.

The CS authorizes the confiscation and forfeiture of certain
motor vehicles offered for sale in accordance with the Florida

1 Contraband Forfeiture Act. The CS also provides guidance
2 regarding ownership and management of the forfeited property
by the enforcing law enforcement agency and DHSMV.

3 The CS revises the motor vehicle emissions inspection program
4 to implement the following provisions: exempt the 3 most
recent model year vehicles from testing; require biennial
5 testing of motor vehicles; provide for the continued use of
the current testing procedures and equipment; and impose a \$20
6 cap on inspection fees. In addition, the CS provides
contractors must locate the inspection stations in such a
7 manner that the average driving distance to stations is no
more than 6 miles for at least 90 percent of the affected
8 registered motor vehicle owners in the designated program
areas. The CS also provides contracts entered into may not
9 exceed 5 years in length and must provide that DHSMV reserves
the right to cancel a contract at any time before the
10 conclusion of the contract term upon 6 months notice to the
contractor.

11 The CS provides an additional penalty for petit theft in cases
12 where a person drives off without paying for gasoline offered
for retail sale. The additional penalty would be the
13 suspension of the person's driver's license for up to 6 months
for a first conviction and 1 year for subsequent convictions.

14 This CS repeals the provision of law (section 14 of chapter
15 98-223, Laws of Florida) passed by the 1998 Legislature which
removed the driver's license suspension sanction from the
16 penalty provisions for failure to maintain the required
insurance coverage.

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