

By the Committees on Fiscal Policy, Transportation and  
Senators Casas and Forman

309-2158-99

1                                   A bill to be entitled  
2           An act relating to motor vehicles and highway  
3           safety; amending s. 233.063, F.S.; revising the  
4           distribution of driver's license fee revenues  
5           for driver education programs; amending s.  
6           316.063, F.S.; revising provisions to refer to  
7           a "traffic crash" rather than an "accident";  
8           providing a noncriminal traffic infraction for  
9           obstructing traffic under certain  
10          circumstances; amending s. 316.1958, F.S.;  
11          restricting the issuance of disabled parking  
12          citations under certain circumstances; amending  
13          s. 316.1975, F.S.; revising provisions with  
14          respect to unattended motor vehicles; amending  
15          s. 316.211, F.S.; providing for compliance with  
16          certain federal safety standards with respect  
17          to equipment for motorcycle and moped riders;  
18          amending s. 316.520, F.S.; providing that it is  
19          a noncriminal traffic infraction punishable as  
20          a moving violation to violate load limits on  
21          vehicles; amending s. 316.640, F.S.;  
22          authorizing the Florida Highway Patrol to  
23          employ certain persons as traffic accident  
24          investigation officers; providing for certain  
25          powers and duties; providing for the employment  
26          of parking enforcement specialists by airport  
27          authorities; amending s. 318.14, F.S.;  
28          conforming cross-references to changes made by  
29          the act; amending s. 318.15, F.S.; including  
30          reference to the tax collector with respect to  
31          the collection of certain service fees for

1 reinstatement of a suspended driver's license;  
2 amending s. 318.36, F.S.; providing judicial  
3 immunity for civil traffic infraction hearing  
4 officers; amending s. 319.14, F.S.; including  
5 reference to short-term and long-term lease  
6 vehicles; providing definitions; providing  
7 penalties; amending s. 319.23, F.S.; revising  
8 application requirements for a certificate of  
9 title; deleting references to collectible  
10 vehicles; amending s. 319.30, F.S.; revising  
11 provisions with respect to dismantling,  
12 destroying, or changing the identity of a motor  
13 vehicle or mobile home; amending s. 320.01,  
14 F.S.; defining the term "agricultural products"  
15 for purposes of ch. 320, F.S.; amending s.  
16 320.023, F.S.; revising audit requirements with  
17 respect to voluntary contributions on the  
18 application form for a motor vehicle  
19 registration; amending s. 320.03, F.S.;  
20 revising the distribution formula with respect  
21 to a fee charged for the Florida Real Time  
22 Vehicle Information System; amending s. 320.04,  
23 F.S.; authorizing a service charge on vessel  
24 decals issued from an automated vending  
25 facility or printer dispenser machine; amending  
26 s. 320.055, F.S.; revising provisions with  
27 respect to registration periods; amending s.  
28 320.06, F.S.; authorizing the department to  
29 issue manufacturer license plates; repealing s.  
30 320.065, F.S., relating to the registration of  
31 certain rental trailers for hire and

1 semitrailers used to haul agricultural  
2 products; amending s. 320.0657, F.S.; revising  
3 provisions with respect to fleet license  
4 plates; providing fees; amending s. 320.08,  
5 F.S., relating to license fees; deleting  
6 references to certain collectible vehicles;  
7 providing a fee for manufacturer license  
8 plates; amending s. 320.08056, F.S.; revising  
9 the license plate annual use fee for the  
10 Challenger license plate; repealing s.  
11 320.08058(2)(f), F.S., which provides for the  
12 repeal of the Challenger license plate;  
13 amending s. 320.08058, F.S.; revising  
14 provisions relating to the design of the  
15 Florida Salutes Veterans license plate;  
16 authorizing the Department of Veterans' Affairs  
17 to use moneys from the license plate fee to  
18 promote and market the plate; amending s.  
19 320.084, F.S.; deleting obsolete provisions;  
20 amending s. 320.086, F.S.; revising provisions  
21 governing the issuance of license plates for  
22 certain historical motor vehicles; reenacting  
23 s. 320.072(2)(g), F.S., relating to the fee  
24 imposed on motor vehicle registrations, to  
25 incorporate the amendment to s. 320.086, F.S.,  
26 in references thereto; amending s. 320.13,  
27 F.S.; providing an alternative method of  
28 registration for manufacturer license plates;  
29 prohibiting the use of dealer license plates  
30 for specified purposes; amending s. 320.131,  
31 F.S.; authorizing agents or Florida licensed

1 dealers to issue temporary license tags when  
2 such tags are not specifically authorized;  
3 providing penalties with respect to certain  
4 violations concerning temporary tags; amending  
5 s. 320.1325, F.S.; revising provisions with  
6 respect to registration for the temporarily  
7 employed; amending s. 320.27, F.S.; revising  
8 provisions governing the denial, suspension, or  
9 revocation of motor vehicle dealer licenses;  
10 amending s. 320.30, F.S.; providing for the  
11 forfeiture of a motor vehicle; providing for  
12 confiscation and sale of such vehicles;  
13 amending s. 321.06, F.S.; authorizing the  
14 department to employ certain traffic accident  
15 investigation officers; amending s. 322.08,  
16 F.S.; deleting provisions with respect to  
17 certain applications made by persons who hold  
18 an out-of-state driver license; amending s.  
19 322.081, F.S.; revising audit requirements with  
20 respect to voluntary contributions on the  
21 driver's license application; amending s.  
22 322.1615, F.S.; revising provisions with  
23 respect to a learner's driver's license;  
24 amending s. 322.2615, F.S.; revising provisions  
25 with respect to suspension of a license;  
26 amending s. 322.28, F.S.; revising requirements  
27 for the period of suspension or revocation of a  
28 driver's license; amending s. 322.34, F.S.;  
29 conforming a cross-reference to changes made by  
30 the act; amending s. 325.2135, F.S.; directing  
31 the Department of Highway Safety and Motor

1 Vehicles to enter into a contract for a motor  
2 vehicle inspection program; amending s.  
3 325.214, F.S.; changing the motor vehicle  
4 inspection fee; amending s. 327.031, F.S.;  
5 providing for the denial or cancellation of a  
6 vessel registration when payment for  
7 registration is made by a dishonored check;  
8 amending s. 327.11, F.S.; providing for a  
9 replacement vessel registration; amending s.  
10 327.23, F.S.; providing for a temporary  
11 certificate of registration for a vessel by  
12 certain out-of-state residents; amending s.  
13 327.25, F.S.; revising provisions with respect  
14 to transfer of ownership and registration of  
15 vessels; creating s. 327.255, F.S.; providing  
16 for the duties of tax collectors with respect  
17 to vessel registration; providing fees;  
18 creating s. 327.256, F.S.; providing procedures  
19 for advanced vessel registration renewal;  
20 amending s. 328.01, F.S.; revising provisions  
21 with respect to application for a certificate  
22 of title for a vessel; amending s. 328.11,  
23 F.S.; increasing the time period for  
24 application for a reissuance of a certificate  
25 of title; amending s. 328.15, F.S.; providing  
26 requirements with respect to certain second  
27 liens on vessels; increasing the fee for  
28 recording a notice of lien; providing  
29 requirements with respect to satisfaction of a  
30 lien on a vessel; providing penalties for  
31 failure to comply; amending s. 328.16, F.S.;

1 providing requirements with respect to liens;  
2 creating s. 328.165, F.S.; providing for  
3 cancellation of certificates; amending s.  
4 713.78, F.S.; revising requirements relating to  
5 liens for recovering, towing, or storing  
6 vehicles and undocumented vessels; providing an  
7 exemption from the requirement of an inventory  
8 of personal property found in a motor vehicle  
9 to be removed from the scene of an accident  
10 under certain circumstances; amending ss.  
11 732.9215, 732.9216, F.S.; conforming  
12 cross-references to changes made by the act;  
13 amending s. 812.014, F.S.; providing  
14 prohibition on a theft of gasoline while in a  
15 motor vehicle; amending s. 832.06, F.S.;  
16 revising provisions with respect to prosecution  
17 for worthless checks given to the tax collector  
18 for certain licenses or taxes; amending s.  
19 932.701, F.S.; redefining the term "contraband  
20 article," and reenacting ss. 705.101(6),  
21 932.704(4), F.S., relating to forfeiture of  
22 contraband article, to incorporate said  
23 amendment in references; amending s. 324.201,  
24 F.S.; deleting the requirement that recovery  
25 agents notify law enforcement of a license  
26 plate seizure; amending s. 324.202, F.S.;  
27 expanding into additional counties a pilot  
28 project that authorizes a recovery agent or  
29 recovery agency to seize the license plate of a  
30 motor vehicle following suspension of the  
31 vehicle's registration or suspension of the

1 driver's license of the owner or operator of  
2 the vehicle for failing to maintain personal  
3 injury protection; requiring that the  
4 department provide procedures for paying fees;  
5 amending s. 627.733, F.S.; deleting payment of  
6 a fee to recovery agents; amending s. 318.18,  
7 F.S.; changing the date by which electronic  
8 transmission of certain data must be commenced;  
9 amending s. 322.245, F.S.; changing the time  
10 within which the failure of a person to pay  
11 child support must be reported; repealing s. 14  
12 of ch. 98-223, Laws of Florida, relating to  
13 required security for the operation of a motor  
14 vehicle; providing an effective date.

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

17  
18 Section 1. Effective July 1, 2000, subsection (3) of  
19 section 233.063, Florida Statutes, 1998 Supplement, is amended  
20 to read:

21 233.063 Instruction in operation of motor vehicles.--

22 (3)(a) School districts shall earn funds on full-time  
23 equivalent students at the appropriate basic program cost  
24 factor, regardless of the method by which such courses are  
25 offered.

26 (b) For the purpose of financing the Driver Education  
27 Program in the secondary schools, there shall be levied an  
28 additional 50 cents per year to the driver's license fee  
29 required by s. 322.21. The additional fee shall be promptly  
30 remitted to the Department of Highway Safety and Motor  
31 Vehicles, and the department shall transmit the fee to the

1 Educational Aids Trust Fund within the Department of Education  
2 for distribution to school districts for driver education  
3 programs ~~Treasurer to be deposited in the General Revenue~~  
4 ~~Fund.~~

5 Section 2. Section 316.063, Florida Statutes, is  
6 amended to read:

7 316.063 Duty upon damaging unattended vehicle or other  
8 property.--

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

29 (2) Every such stop shall be made without obstructing  
30 traffic more than is necessary. If a damaged vehicle is  
31 obstructing traffic, the driver shall make every reasonable



1 effort to move the vehicle or have it moved so as not to  
2 obstruct the regular flow of traffic. A violation of this  
3 subsection is a noncriminal traffic infraction, punishable as  
4 a nonmoving violation as provided in chapter 318.

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

13 Section 3. Section 316.1958, Florida Statutes, 1998  
14 Supplement, is amended to read:

15 316.1958 Out-of-state vehicles bearing identification  
16 of issuance to persons who have disabilities.--Motor vehicles  
17 displaying a special license plate or parking permit issued to  
18 a person who has a disability by any other state or district  
19 subject to the laws of the United States or by a foreign  
20 country that issues disabled parking permits that display the  
21 international symbol of accessibility are recognized as  
22 displaying a valid license plate or permit, that allows such a  
23 vehicle special parking privileges under s. 316.1955, if the  
24 other state or district grants reciprocal recognition for  
25 residents of this state who have disabilities. However, when  
26 an individual is required by law to have a Florida driver's  
27 license or a Florida vehicle registration, a special motor  
28 vehicle license plate or parking permit issued by another  
29 state, district, or country to persons who have disabilities  
30 is not valid and the individual whose vehicle displays such an  
31 invalid plate or permit is subject to the same penalty as an

1 individual whose vehicle does not display a valid plate or  
2 permit. A law enforcement officer or parking enforcement  
3 specialist may not ticket a vehicle for a violation of s.  
4 316.1955 without first determining whether the vehicle is  
5 transporting a resident of another state who is the owner of  
6 the out-of-state placard.

7 Section 4. Section 316.1975, Florida Statutes, is  
8 amended to read:

9 316.1975 Unattended motor vehicle.--

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

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

20 (a) An authorized emergency vehicle while in the  
21 performance of official duties and the vehicle is equipped  
22 with an activated anti-theft device that prohibits the vehicle  
23 from being driven; or

24 (b) A licensed delivery truck or other delivery  
25 vehicle while making deliveries.

26 Section 5. Section 316.211, Florida Statutes, is  
27 amended to read:

28 316.211 Equipment for motorcycle and moped riders.--

29 (1) A ~~No~~ person may not ~~shall~~ operate or ride upon a  
30 motorcycle unless the person is properly wearing protective  
31 headgear securely fastened upon his or her head which complies

1 with Federal Motorcycle Vehicle Safety Standard 218  
2 promulgated by the United States Department of Transportation.  
3 The Department of Highway Safety and Motor Vehicles shall  
4 adopt rules to adopt this standard ~~standards established by~~  
5 ~~the department.~~

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

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

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

24 ~~(5) The department is authorized to approve protective~~  
25 ~~headgear made to specifications drawn and devised by, or~~  
26 ~~approved by, the American National Standards Institute, the~~  
27 ~~United States Department of Transportation, the United States~~  
28 ~~Consumer Products Safety Commission, the United States~~  
29 ~~Department of Defense, or any other entity which can provide~~  
30 ~~equally effective equipment specifications. The department~~  
31 ~~shall publish lists of protective equipment, and such lists~~

1 ~~shall be made available by request to all users of such~~  
2 ~~equipment.~~

3 Section 6. Section 316.520, Florida Statutes, is  
4 amended to read:

5 316.520 Loads on vehicles.--

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

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

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

25 Section 7. Paragraph (a) of subsection (1) of section  
26 316.640, Florida Statutes, is amended to read:

27 316.640 Enforcement.--The enforcement of the traffic  
28 laws of this state is vested as follows:

29 (1) STATE.--

30 (a)1.a. The Division of Florida Highway Patrol of the  
31 Department of Highway Safety and Motor Vehicles, the Division

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

29       b. University police officers shall have authority to  
30 enforce all of the traffic laws of this state when such  
31 violations occur on or about any property or facilities that

1 are under the guidance, supervision, regulation, or control of  
2 the State University System, except that traffic laws may be  
3 enforced off-campus when hot pursuit originates on-campus.

4 c. Community college police officers shall have the  
5 authority to enforce all the traffic laws of this state only  
6 when such violations occur on any property or facilities that  
7 are under the guidance, supervision, regulation, or control of  
8 the community college system.

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

13 (I) An airport authority may employ as a parking  
14 enforcement specialist any individual who successfully  
15 completes a training program established and approved by the  
16 Criminal Justice Standards and Training Commission for parking  
17 enforcement specialists but who does not otherwise meet the  
18 uniform minimum standards established by the commission for  
19 law enforcement officers or auxiliary or part-time officers  
20 under s. 943.12. Nothing in this sub-sub-subparagraph shall be  
21 construed to permit the carrying of firearms or other weapons,  
22 nor shall such parking enforcement specialist have arrest  
23 authority.

24 (II) A parking enforcement specialist employed by an  
25 airport authority is authorized to enforce all state, county,  
26 and municipal laws and ordinances governing parking only when  
27 such violations are on property or facilities owned or  
28 operated by the airport authority employing the specialist, by  
29 appropriate state, county, or municipal traffic citation.

30 e. The Office of Agricultural Law Enforcement of the  
31 Department of Agriculture and Consumer Services shall have the

1 authority to enforce traffic laws of this state only as  
2 authorized by the provisions of chapter 570. However, nothing  
3 in this section shall expand the authority of the Office of  
4 Agricultural Law Enforcement at its agricultural inspection  
5 stations to issue any traffic tickets except those traffic  
6 tickets for vehicles illegally passing the inspection station.

7 f. School safety officers shall have the authority to  
8 enforce all of the traffic laws of this state when such  
9 violations occur on or about any property or facilities which  
10 are under the guidance, supervision, regulation, or control of  
11 the district school board.

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

16 3. Any disciplinary action taken or performance  
17 evaluation conducted by an agency of the state as described in  
18 subparagraph 1. of a law enforcement officer's traffic  
19 enforcement activity must be in accordance with written  
20 work-performance standards. Such standards must be approved by  
21 the agency and any collective bargaining unit representing  
22 such law enforcement officer. A violation of this subparagraph  
23 is not subject to the penalties provided in chapter 318.

24 Section 8. Subsections (1), (4), and (9) of section  
25 318.14, Florida Statutes, are amended to read:

26 318.14 Noncriminal traffic infractions; exception;  
27 procedures.--

28 (1) Except as provided in ss. 318.17 and 320.07(3)(c)  
29 ~~320.07(3)(b)~~, any person cited for a violation of s. 240.265,  
30 chapter 316, s. 320.0605(1), s. 320.07(3)(a), s. 322.065, s.  
31 322.15(1), s. 322.16(2) or (3), s. 322.161(4), or s. 322.19 is

1 charged with a noncriminal infraction and must be cited for  
2 such an infraction and cited to appear before an official. If  
3 another person dies as a result of the noncriminal infraction,  
4 the person cited may be required to perform 120 community  
5 service hours under s. 316.027(4), in addition to any other  
6 penalties.

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

23 (9) Any person who is cited for an infraction under  
24 this section other than a violation of s. 320.0605(1), s.  
25 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or  
26 s. 322.62 may, in lieu of a court appearance, elect to attend  
27 in the location of his or her choice within this state a basic  
28 driver improvement course approved by the Department of  
29 Highway Safety and Motor Vehicles. In such a case,  
30 adjudication must be withheld; points, as provided by s.  
31 322.27, may not be assessed; and the civil penalty that is



1 imposed by s. 318.18(3) must be reduced by 18 percent;  
2 however, a person may not make an election under this  
3 subsection if the person has made an election under this  
4 subsection in the preceding 12 months. A person may make no  
5 more than five elections under this subsection. The  
6 requirement for community service under s. 318.18(7) is not  
7 waived by a plea of nolo contendere or by the withholding of  
8 adjudication of guilt by a court.

9           Section 9. Paragraph (a) of subsection (1) and  
10 subsection (2) of section 318.15, Florida Statutes, are  
11 amended to read:

12           318.15 Failure to comply with civil penalty or to  
13 appear; penalty.--

14           (1)(a) If a person fails to comply with the civil  
15 penalties provided in s. 318.18 within the time period  
16 specified in s. 318.14(4), fails to attend driver improvement  
17 school, or fails to appear at a scheduled hearing, the clerk  
18 of the court shall notify the Division of Driver Licenses of  
19 the Department of Highway Safety and Motor Vehicles of such  
20 failure within 10 5 days after such failure. Upon receipt of  
21 such notice, the department shall immediately issue an order  
22 suspending the driver's license and privilege to drive of such  
23 person effective 20 days after the date the order of  
24 suspension is mailed in accordance with s. 322.251(1), (2),  
25 and (6). Any such suspension of the driving privilege which  
26 has not been reinstated, including a similar suspension  
27 imposed outside Florida, shall remain on the records of the  
28 department for a period of 7 years from the date imposed and  
29 shall be removed from the records after the expiration of 7  
30 years from the date it is imposed.

31

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

12           Section 10. Paragraph (a) of subsection (8) of section  
13 318.18, Florida Statutes, 1998 Supplement, is amended to read:

14           318.18 Amount of civil penalties.--The penalties  
15 required for a noncriminal disposition pursuant to s. 318.14  
16 are as follows:

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

1 of the disposition of the citations, and an accounting system  
2 for the fines assessed and the subsequent fine amounts paid to  
3 the clerks of the court. On or before December 1, 2001 ~~1999~~,  
4 the clerks of the court must provide the information required  
5 by this chapter to be transmitted to the department by  
6 electronic transmission pursuant to the contract.

7 Section 11. Section 318.36, Florida Statutes, is  
8 amended to read:

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

21 Section 12. Subsections (1), (2), and (3) of section  
22 319.14, Florida Statutes, are amended to read:

23 319.14 Sale of motor vehicles registered or used as  
24 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles  
25 and nonconforming vehicles.--

26 (1)(a) No person shall knowingly offer for sale, sell,  
27 or exchange any vehicle that has been licensed, registered, or  
28 used as a taxicab, police vehicle, or short-term-lease ~~lease~~  
29 ~~vehicle which will no longer be in lease service after April~~  
30 ~~29, 1990~~, or a vehicle that ~~which~~ has been repurchased by a  
31 manufacturer pursuant to a settlement, determination, or

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

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

31 (c) As used in this section:

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

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

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

12           c. "Lease vehicle" includes both short-term-lease  
13 vehicles and long-term-lease vehicles.

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

16           4. "Assembled from parts" means a motor vehicle or  
17 mobile home assembled from parts of motor vehicles or mobile  
18 homes, new or used. "Assembled from parts" does not mean a  
19 motor vehicle defined as a "rebuilt vehicle" in subparagraph  
20 3., which has been declared a total loss pursuant to s.  
21 319.30.

22           5. "Combined" means assembled by combining two motor  
23 vehicles neither of which has been titled and branded as  
24 "Salvage Unrebuildable."

25           6. "Kit car" means a motor vehicle assembled with a  
26 kit supplied by a manufacturer to rebuild a wrecked or  
27 outdated motor vehicle with a new body kit.

28           7. "Glider kit" means a vehicle assembled with a kit  
29 supplied by a manufacturer to rebuild a wrecked or outdated  
30 truck or truck tractor.

31

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

3           9. "Flood vehicle" means a motor vehicle or mobile  
4 home that has been declared to be a total loss pursuant to s.  
5 319.30(3)(a) resulting from damage caused by water.

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

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

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

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

1 registered, or used as a taxicab, police vehicle, or  
2 short-term-lease ~~lease~~ vehicle or that the vehicle or mobile  
3 home is a vehicle that is rebuilt, assembled from parts, or  
4 combined, or is a kit car, glider kit, replica, or flood  
5 vehicle, or a nonconforming vehicle, as the case may be. Any  
6 person who violates this subsection is guilty of a misdemeanor  
7 of the second degree, punishable as provided in s. 775.082 or  
8 s. 775.083.

9 Section 13. Subsections (3) and (8) of section 319.23,  
10 Florida Statutes, are amended to read:

11 319.23 Application for, and issuance of, certificate  
12 of title.--

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

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

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

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

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

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

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

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



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

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

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

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

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

1 person to authorize, direct, aid in, or consent to the  
2 possession, sale, or exchange or to offer ~~any person who~~  
3 ~~authorizes, directs, aids in, or consents to the possession,~~  
4 ~~sale, or exchange or who offers to sell, exchange, or give~~  
5 away such certificate of title or manufacturer's  
6 identification number plate or serial plate ~~is guilty of a~~  
7 ~~felony of the third degree, punishable as provided in s.~~  
8 ~~775.082, s. 775.083, or s. 775.084.~~

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

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

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 15. 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 16. 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 17. 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 18. 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 19. 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 20. 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 21. Section 320.065, Florida Statutes, is  
13 repealed.

14 Section 22. 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 23. 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 24. 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~~<sup>\$15</sup>, except that a  
25 person that purchases 1,000 or more Challenger license plates  
26 shall pay an annual use fee of ~~\$15~~<sup>\$10</sup> per plate.

27 Section 25. Paragraph (f) of subsection (2) of section  
28 320.08058, Florida Statutes, 1998 Supplement, is repealed.

29 Section 26. Subsection (4) of section 320.08058,  
30 Florida Statutes, 1998 Supplement, is amended to read:

31 320.08058 Specialty license plates.--

1 (4) FLORIDA SALUTES VETERANS LICENSE PLATES.--

2 (a) The department shall develop a Florida Salutes  
3 Veterans license plate. The words "Florida Salutes Veterans"  
4 and the flag of the United States of America must appear on  
5 the plate. developed by the department must have a white  
6 background and must be designed so that the word "Florida"  
7 appears in red characters at the top of the plate; the words  
8 "Salutes Veterans" appear at the bottom of the plate in white  
9 characters on a red background; the flag of the United States,  
10 which must be designed to be waving, appears in the center of  
11 the plate; and the serial numbers appear in blue characters at  
12 either side of the flag.

13 (b) The Florida Salutes Veterans license plate annual  
14 use fee must be deposited in the State Homes for Veterans  
15 Trust Fund, which is created in the State Treasury. All such  
16 moneys are to be administered by the Department of Veterans'  
17 Affairs and must be used solely for the purpose of  
18 constructing, operating, and maintaining domiciliary and  
19 nursing homes for veterans and for continuing promotion and  
20 marketing of the license plate,subject to the requirements of  
21 chapter 216.

22 Section 27. Subsection (5) of section 320.084, Florida  
23 Statutes, is amended to read:

24 320.084 Free motor vehicle license plate to certain  
25 disabled veterans.--

26 (5) A county or municipality, or any agency thereof,  
27 may not impose upon any person who is issued a ~~"DV" motor~~  
28 ~~vehicle license plate,~~ or a license plate with the  
29 international accessibility symbol, under this section, any  
30 fee or penalty for parking in any metered or timed parking  
31 space except:

1 (a) As provided in s. 316.1964; or

2 (b) When the person is parked without a permit issued  
3 under s. 320.0848 in a space designated for use by persons who  
4 have disabilities.

5 Section 28. Section 320.086, Florida Statutes, is  
6 amended to read:

7 320.086 Ancient ~~or, antique, or collectible~~ motor  
8 vehicles; "horseless carriage," antique, ~~collectible,~~ or  
9 historical license plates.--

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

28 ~~(2) The owner of a motor vehicle for private use~~  
29 ~~manufactured between 1928 and 1945, inclusive, with an engine~~  
30 ~~manufactured between 1928 and 1945, inclusive, or manufactured~~  
31 ~~to the specifications of the original engine and operated on~~



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

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

1 license plate or specialty license plate in lieu of the  
2 special "Antique" license plate.

3 (b) Motor vehicles licensed under this section which  
4 have been issued a permanent license plate prior to October 1,  
5 1999, shall maintain such plate unless the vehicle is  
6 transferred to a new owner. Motor vehicles licensed under this  
7 section which have been issued a "Collectible" license plate  
8 prior to October 1, 1999, may retain that license plate until  
9 the next regularly scheduled replacement.

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

28 (4) Any person who is the registered owner of a an  
29 ancient, antique, or collectible motor vehicle as defined in  
30 this section and manufactured in the model year 1974 or  
31 earlier, may apply to the department for permission to use a

1 historical Florida license plate that ~~which~~ clearly represents  
2 the model year of the vehicle as a personalized prestige  
3 license plate. This plate shall be furnished by such person  
4 and shall be presented to the department with a reasonable fee  
5 to be determined by the department for approval and for  
6 authentication that the historic license plate and any  
7 applicable decals were issued by this state in the same year  
8 as the model year of the car or truck. The requirements of s.  
9 320.0805(8)(b) do not apply to historical plates authorized  
10 under this subsection.

11 Section 29. For the purpose of incorporating the  
12 amendments made by this act to section 320.086, Florida  
13 Statutes, in references thereto, paragraph (g) of subsection  
14 (2) of section 320.072, Florida Statutes, is reenacted to  
15 read:

16 320.072 Additional fee imposed on certain motor  
17 vehicle registration transactions.--

18 (2) The fee imposed by subsection (1) shall not apply  
19 to:

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

22 Section 30. Section 320.13, Florida Statutes, is  
23 amended to read:

24 320.13 Dealer and manufacturer license plates and  
25 alternative method of registration.--

26 (1)(a) Any licensed motor vehicle dealer and any  
27 licensed mobile home dealer may, upon payment of the license  
28 tax imposed by s. 320.08(12)~~s. 320.08(11)~~, secure one or more  
29 dealer license plates, which are valid for use on motor  
30 vehicles or mobile homes owned by the dealer to whom such  
31 plates are issued while the motor vehicles are in inventory

1 and for sale, or while being operated in connection with such  
2 dealer's business, but are not valid for use for hire. Dealer  
3 license plates may not be used on any tow truck or wrecker  
4 unless the tow truck or wrecker is being demonstrated for  
5 sale, and the dealer license plates may not be used on a  
6 vehicle used to transport another motor vehicle for the motor  
7 vehicle dealer.

8 (b)1. Marine boat trailer dealers and manufacturers  
9 may, upon payment of the license taxes imposed by s.  
10 320.08(12), secure one or more dealer plates, which are valid  
11 for use on boat trailers owned by the dealer to whom such  
12 plates are issued while being used in connection with such  
13 dealer's business, but are not valid for use for hire.

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

22 (2) A licensed manufacturer of motor vehicles may,  
23 upon payment of the license tax imposed by s. 320.08(12),  
24 secure one or more manufacturer license plates, which are  
25 valid for use on motor vehicles owned by the manufacturer to  
26 whom such plates are issued while the motor vehicles are in  
27 inventory and for sale, being operated for demonstration  
28 purposes, or in connection with such manufacturer's business,  
29 but are not valid for use for hire.~~A dealer license plate may~~  
30 ~~be replaced by the department upon submittal of an affidavit~~  
31

1 ~~stating that the original has been actually destroyed or lost~~  
2 ~~and payment of a fee of \$2.~~

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

11 Section 31. Paragraph (k) of subsection (1) of section  
12 320.131, Florida Statutes, is amended, and subsections (5),  
13 (6), and (7) are added to that section, to read:

14 320.131 Temporary tags.--

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

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

25  
26 Further, the department is authorized to disallow the purchase  
27 of temporary tags by licensed dealers, common carriers, or  
28 financial institutions in those cases where abuse has  
29 occurred.

30 (5) Any person who knowingly and willfully abuses or  
31 misuses temporary-tag issuance to avoid registering a vehicle

1 requiring registration pursuant to this chapter or chapter 319  
2 commits a misdemeanor of the first degree, punishable as  
3 provided in s. 775.082 or s. 775.083.

4 (6) Any person who knowingly and willfully issues a  
5 temporary tag or causes another to issue a temporary tag to a  
6 fictitious person or entity to avoid disclosure of the true  
7 owner of a vehicle commits a felony of the third degree,  
8 punishable as provided in s. 775.082, s. 775.083, or s.  
9 775.084.

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

17 Section 32. Section 320.1325, Florida Statutes, is  
18 amended to read:

19 320.1325 Registration required for the temporarily  
20 employed.--Motor vehicles owned or leased by persons who are  
21 temporarily employed within the state but are not residents  
22 are required to be registered. Upon payment of the fees  
23 prescribed in this section and proof of insurance coverage as  
24 required by the applicant's resident state,the department  
25 shall provide a temporary registration plate and a  
26 registration certificate valid for 90 days to an applicant who  
27 is temporarily employed in this ~~the~~ state. The temporary  
28 registration plate may be renewed one time for an additional  
29 90-day period. At the end of the 180-day period of temporary  
30 registration, the applicant shall apply for a permanent  
31 registration if there is a further need to remain in this

1 state. A temporary license registration plate may not be  
2 issued for any commercial motor vehicle as defined in s.  
3 320.01. The fee for the 90-day temporary registration plate  
4 shall be \$40 plus the applicable service charge required by s.  
5 320.04. Subsequent permanent registration and titling of a  
6 vehicle registered hereunder shall subject the applicant to  
7 providing proof of Florida insurance coverage as specified in  
8 s. 320.02 and payment of the fees required by ss. 319.231 and  
9 320.072, in addition to all other taxes and fees required.

10 Section 33. Paragraph (v) is added to subsection (9)  
11 of section 320.27, Florida Statutes, and paragraph (a) of  
12 subsection (9) and subsection (12) of that section are  
13 amended, to read:

14 320.27 Motor vehicle dealers.--

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

21 (a) Willful violation of any other law of this state,  
22 including chapter 319, this chapter, or ss. 559.901-559.9221,  
23 which has to do with dealing in or repairing motor vehicles or  
24 mobile homes or willful failure to comply with any  
25 administrative rule promulgated by the department.

26 Additionally, in the case of used motor vehicles, the willful  
27 violation of the federal law and rule in 15 U.S.C. 2304, 16  
28 C.F.R. Part 455, pertaining to the consumer sales window form.

29 (v) Sale by a motor vehicle dealer of a vehicle  
30 offered in trade by a customer prior to consummation of the  
31 sale, exchange, or transfer of a newly acquired vehicle to the

1 customer, unless the customer provides written authorization  
2 for the sale of the trade-in vehicle prior to delivery of the  
3 newly acquired vehicle.

4 (12) CIVIL FINES; PROCEDURE.--In addition to the  
5 exercise of other powers provided in this section, the  
6 department may levy and collect a civil fine, in an amount not  
7 to exceed \$1,000 for each violation, against any licensee if  
8 it finds that the licensee has violated any provision of this  
9 section or has violated any other law of this state or the  
10 federal law and administrative rule set forth in s.

11 320.27(9)(a)related to dealing in motor vehicles. Any  
12 licensee shall be entitled to a hearing pursuant to chapter  
13 120 if the licensee contests the fine levied, or about to be  
14 levied, upon him or her.

15 Section 34. Section 320.30, Florida Statutes, is  
16 amended to read:

17 320.30 Penalty for violating s. 320.28.--No action or  
18 right of action to recover any such motor vehicle, or any part  
19 of the selling price thereof, shall be maintained in the  
20 courts of this state by any such dealer or vendor or his or  
21 her successors or assigns in any case wherein such vendor or  
22 dealer shall have failed to comply with the terms and  
23 provisions of s. 320.28, and in addition thereto, such vendor  
24 or dealer, upon conviction for the violation of any of the  
25 provisions of said sections, shall be guilty of a misdemeanor  
26 of the second degree, punishable as provided in s. 775.082 or  
27 s. 775.083 and by confiscation of the vehicle or vehicles  
28 offered for sale. Any municipal or county law enforcement  
29 agency that enforces, or assists the department in enforcing,  
30 the provisions of this section which enforcement results in a  
31 forfeiture of property as provided in this section is entitled



1 to receive all or a share of any such property based upon its  
2 participation in such enforcement. Any property seized by any  
3 municipal or county law enforcement agency may be retained or  
4 sold by the law enforcement agency in accordance with the  
5 Florida Contraband Forfeiture Act. Any funds received by a  
6 municipal or county law enforcement agency pursuant to this  
7 section constitute supplemental funds and may not be used as  
8 replacement funds by the municipality or county. However, this  
9 section shall not apply to:

10       (1) The holder of a note or notes representing a  
11 portion of the purchase price of such motor vehicle when the  
12 owner thereof was and is a bona fide purchaser of said note or  
13 notes, before maturity, for value and without knowledge that  
14 the vendor of such vehicle had not complied with said  
15 sections; or-

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

19       Section 35. Section 321.06, Florida Statutes, is  
20 amended to read:

21       321.06 Civil service.--

22       (1) The Department of Highway Safety and Motor  
23 Vehicles is hereby empowered and directed to make civil  
24 service rules governing the employment and tenure of the  
25 members of the highway patrol. All persons employed as said  
26 patrol officers shall be subject to said civil service rules  
27 and regulations, and any amendment thereto which may  
28 hereafter from time to time be adopted. The department may,  
29 for cause, discharge, suspend or reduce in rank or pay, any  
30 member of said highway patrol by presenting to such employee  
31 the reason or reasons therefor in writing, subject to the

1 civil service rules and regulations of the department, and  
2 subject to the review of the Governor and Cabinet, as head of  
3 the department who shall serve as a court of inquiry in such  
4 cases and shall hear all complaints and defenses, if requested  
5 by such employee. Their decision shall be final and  
6 conclusive. Such civil service rules or regulations shall be  
7 subject to the revision of the Legislature in the event civil  
8 service rules adopted by the department are declared unlawful  
9 or unreasonable.

10 (2) The department may employ traffic accident  
11 investigation officers who must complete any applicable  
12 standards adopted by the Florida Highway Patrol, including,  
13 but not limited to: cognitive testing, drug testing,  
14 polygraph testing, psychological testing, and an extensive  
15 background check, including a credit check.

16 Section 36. Subsections (6) and (7) of section 322.08,  
17 Florida Statutes, 1998 Supplement, are amended to read:

18 322.08 Application for license.--

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

26 (6)(7) The application form for a driver's license or  
27 duplicate thereof shall include language permitting the  
28 following:

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

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

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

9  
10 A statement providing an explanation of the purpose of the  
11 trust funds shall also be included.

12 Section 37. Subsections (5) and (6) of section  
13 322.081, Florida Statutes, 1998 Supplement, are amended to  
14 read:

15 322.081 Requests to establish voluntary checkoff on  
16 driver's license application.--

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

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

26 (b) All organizational recipients of any voluntary  
27 contributions in excess of \$15,000, not otherwise subject to  
28 annual audit by the Office of the Auditor General, shall  
29 submit an annual audit of the expenditures of these  
30 contributions and interest earned from these contributions, to  
31 determine if expenditures are being made in accordance with

1 the specifications outlined by law. The audit shall be  
2 prepared by a certified public accountant licensed under  
3 chapter 473 at that organizational recipient's expense. The  
4 notes to the financial statements should state whether  
5 expenditures were made in accordance with law. ~~Such audits~~  
6 ~~must be delivered to the department no later than December 31~~  
7 ~~of the calendar year in which the audit was performed.~~

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

14 (d) Any voluntary contributions authorized by law  
15 shall only be distributed to an organization under an  
16 appropriation by the Legislature.

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

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

1           Section 38. Subsection (3) of section 322.1615,  
2 Florida Statutes, is amended to read:

3           322.1615 Learner's driver's license.--

4           (3) A person who holds a learner's driver's license  
5 may operate a vehicle only during daylight hours, except that  
6 the holder of a learner's driver's license may operate a  
7 vehicle until ~~between the hours of 7 p.m. and 10 p.m.~~ after 3  
8 months following ~~after~~ the issuance of the learner's driver's  
9 license.

10           Section 39. Paragraphs (b) and (d) of subsection (6)  
11 and subsection (10) of section 322.2615, Florida Statutes, are  
12 amended to read:

13           322.2615 Suspension of license; right to review.--

14           (6)

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

31

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

5 (10) A person whose driver's license is suspended  
6 under subsection (1) or subsection (3) may apply for issuance  
7 of a license for business or employment purposes only if the  
8 person is otherwise eligible for the driving privilege  
9 pursuant to s. 322.271.

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

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

1 and the suspension for a violation of s. 316.193, relating to  
2 unlawful blood-alcohol level, is not invalidated by the  
3 department, the driver is not eligible to receive a business  
4 or employment license pursuant to s. 322.271 until 30 days  
5 have elapsed from the date of the arrest.

6 Section 40. Subsection (3) of section 322.245, Florida  
7 Statutes, is amended to read:

8 322.245 Suspension of license upon failure of person  
9 charged with specified offense under chapter 316, chapter 320,  
10 or this chapter to comply with directives ordered by traffic  
11 court or upon failure to pay child support in non-IV-D cases  
12 as provided in chapter 61.--

13 (3) If the person fails to comply with the directives  
14 of the court within the 30-day period, or, in non-IV-D cases,  
15 fails to comply with the requirements of s. 61.13016 within  
16 the period specified in that statute, the depository or the  
17 clerk of the court shall notify the department of such failure  
18 within 10 5 days. Upon receipt of the notice, the department  
19 shall immediately issue an order suspending the person's  
20 driver's license and privilege to drive effective 20 days  
21 after the date the order of suspension is mailed in accordance  
22 with s. 322.251(1), (2), and (6).

23 Section 41. Subsections (4), (5), (6), (7), and (8) of  
24 section 322.28, Florida Statutes, 1998 Supplement, are amended  
25 to read:

26 322.28 Period of suspension or revocation.--

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

1           ~~(5) If, in any case arising under this section, a~~  
2 ~~licensee, after having been given notice of suspension or~~  
3 ~~revocation of his or her license in the manner provided in s.~~  
4 ~~322.251, fails to surrender to the department a license~~  
5 ~~theretofore suspended or revoked, as required by s. 322.29, or~~  
6 ~~fails otherwise to account for the license to the satisfaction~~  
7 ~~of the department, the period of suspension of the license, or~~  
8 ~~the period required to elapse after revocation before a new~~  
9 ~~license may be issued, shall be extended until, and shall not~~  
10 ~~expire until, a period has elapsed after the date of surrender~~  
11 ~~of the license, or after the date of expiration of the~~  
12 ~~license, whichever occurs first, which is identical in length~~  
13 ~~with the original period of suspension or revocation.~~

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

25           (b) If the period of revocation was not specified by  
26 the court at the time of imposing sentence or within 30 days  
27 thereafter, the department shall revoke the driver's license  
28 for the minimum period applicable under paragraph (a) or, for  
29 a subsequent conviction, for the minimum period applicable  
30 under paragraph (2)(a) or paragraph (2)(e).

31



1           ~~(5)(7)~~ A court may not stay the ~~No~~ administrative  
2 suspension of a driving privilege under s. 322.2615 or s.  
3 322.2616 during judicial ~~shall be stayed upon a request for~~  
4 review of the departmental order that resulted in such  
5 suspension and a, ~~except as provided in former s. 322.261, no~~  
6 suspension or revocation of a driving privilege may not ~~shall~~  
7 be stayed upon an appeal of the conviction or order that  
8 resulted in the suspension or revocation ~~therein~~.

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

17           Section 42. Subsection (6) of section 322.34, Florida  
18 Statutes, 1998 Supplement, is amended to read:

19           322.34 Driving while license suspended, revoked,  
20 canceled, or disqualified.--

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

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

24           (b) While his or her driver's license or driving  
25 privilege is canceled, suspended, or revoked pursuant to s.  
26 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) ~~or (5)~~,

27  
28 and who by careless or negligent operation of the motor  
29 vehicle causes the death of or serious bodily injury to  
30 another human being is guilty of a felony of the third degree,  
31 punishable as provided in s. 775.082 or s. 775.083.

1           Section 43. Subsection (5) of section 324.201, Florida  
2 Statutes, is amended to read:

3           324.201 Return of license or registration to  
4 department.--

5           (5) When a recovery agent or recovery agency obtains a  
6 seized license plate in accordance with this chapter, the  
7 license plate shall be delivered to a driver license office on  
8 the next business day ~~local law enforcement agencies must be~~  
9 ~~notified of the recovery within 6 hours after seizure. The~~  
10 ~~recovery agent or recovery agency shall deliver the license~~  
11 ~~plate to the local law enforcement authorities and obtain a~~  
12 ~~receipt upon delivery of the license plate for claim record~~  
13 ~~purposes with the department pursuant to the procedure~~  
14 ~~prescribed in this section.~~

15           Section 44. Section 324.202, Florida Statutes, is  
16 amended to read:

17           324.202 Seizure of motor vehicle license plates by  
18 recovery agents.--

19           (1) On the implementation of the vehicle information  
20 system overall reorganization to the Oracle database of driver  
21 licenses the Department of Highway Safety and Motor Vehicles  
22 shall implement a program pilot project in Broward County,  
23 Dade County, and Hillsborough County to determine the  
24 effectiveness of using recovery agents for the seizure of  
25 license plates in counties where a majority of the governing  
26 body of the county has requested the program be implemented.  
27 Until the vehicle information system overall reorganization is  
28 complete, the existing pilot project within Broward, Dade, and  
29 Hillsborough counties shall continue in effect pursuant to  
30 chapter 95-202, Laws of Florida. A ~~On October 1, 1996, the~~  
31 ~~department shall provide a report to the President of the~~

1 ~~Senate, the Speaker of the House of Representatives, the chair~~  
2 ~~of the Senate Commerce Committee, the chair of the House~~  
3 ~~Insurance Committee, and the Majority and Minority Leaders of~~  
4 ~~the Senate and the House of Representatives, on the results of~~  
5 ~~the pilot project.~~ licensed recovery agent or recovery agency  
6 ~~agents and recovery agencies~~ as described in s. 493.6101(20)  
7 and (21) may seize the license plate plates of a motor vehicle  
8 if the vehicle's registration or the driver's license of the  
9 owner or operator of the vehicle has ~~vehicles whose~~  
10 ~~registrations have~~ been suspended pursuant to s. 316.646 or s.  
11 627.733 ~~in such counties~~ upon compliance with this section and  
12 rules of the Department of Highway Safety and Motor Vehicles.

13 (2) The Department of Highway Safety and Motor  
14 Vehicles shall:

15 (a) Provide a procedure for ~~the payment of fees to~~  
16 recovery agents or recovery agencies who seize license plates  
17 pursuant to this section. This procedure shall include the  
18 development and distribution of forms and monthly renewal  
19 notices, including the name and most current address available  
20 to the department of persons not in compliance with s. 316.646  
21 or s. 627.733, ~~which shall be used by the seizing recovery~~  
22 ~~agent or recovery agency to transmit the seized license plate~~  
23 ~~to the local law enforcement agency pursuant to s. 324.201.~~

24 (b) Provide a method for the payment of a the fee of  
25 \$25 in s. 627.733(7) to the recovery agent or recovery agency  
26 seizing an eligible ~~the~~ license plate pursuant to this  
27 section. ~~The requirements with respect to payment must provide~~  
28 ~~that when the owner or operator whose driver's license has~~  
29 ~~been suspended under s. 316.646 or s. 627.733 pays the~~  
30 ~~reinstatement fee to the Department of Highway Safety and~~  
31 ~~Motor Vehicles, the department shall pay the recovery agent.~~

1 Section 45. Section 325.2135, Florida Statutes, 1998  
2 Supplement, is amended to read:

3 325.2135 Motor vehicle emissions inspection program;  
4 development of specifications; fees; reporting.--

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

24 ~~(2) If no specific legislation is passed during the~~  
25 ~~1999 legislative session to direct the department to implement~~  
26 ~~a motor vehicle inspection program,The department must ~~may~~~~  
27 ~~issue a request for proposal and enter one or more contracts~~  
28 ~~on or before May 1, 2000,for a biennial inspection program~~  
29 ~~for vehicles 4 5 model years and older using the basic test~~  
30 ~~for hydrocarbon emissions and carbon monoxide emissions. Any~~  
31 ~~contract authorized under this section must contain a~~

1 provision requiring that the average driving distance from  
2 residences to inspection stations be no more than 6 miles for  
3 at least 90 percent of the affected registered motor vehicle  
4 owners in the designated program areas.The requirements for  
5 the program included in the proposals must be based on the  
6 requirements under chapter 325 unless those requirements  
7 conflict with this section. No contract entered into under  
8 this subsection may be for longer than 5 2 years. Any contract  
9 authorized under this section must provide that the department  
10 reserves the right to cancel a contract at any time before the  
11 conclusion of the contract term upon 6 months notice to the  
12 contractor.Notwithstanding the provisions of s. 325.214, ~~if~~  
13 the fee for motor vehicle inspection proposed by the  
14 Department of Highway Safety and Motor Vehicles may not will  
15 exceed \$20\$10 per inspection., ~~the department may impose the~~  
16 ~~higher fee if such fee is approved through the budget~~  
17 ~~amendment process set forth in chapter 216 and notice is~~  
18 ~~provided to the chairmen of the Senate and House~~  
19 ~~Transportation and Natural Resources Committees at the time it~~  
20 ~~is provided to the Senate Ways and Means and House~~  
21 ~~Appropriations Committees.~~

22 Section 46. Subsection (2) of section 325.214, Florida  
23 Statutes, 1998 Supplement, is amended to read:

24 325.214 Motor vehicle inspection; fees; disposition of  
25 fees.--

26 (2) The inspection fee may not exceed \$20 ~~shall be~~  
27 ~~\$10~~. Notwithstanding any other provision of law to the  
28 contrary, an additional fee of \$1 shall be assessed upon the  
29 issuance of each dealer certificate, which fee shall be  
30 forwarded to the department for deposit into the Highway  
31 Safety Operating Trust Fund.

1           Section 47. Section 327.031, Florida Statutes, is  
2 amended to read:

3           327.031 Suspension or denial of a vessel registration  
4 due to child support delinquency; dishonored checks.--

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

19           (2) The department may deny or cancel any vessel  
20 registration if the owner pays for the registration by a  
21 dishonored check.

22           Section 48. Subsection (3) of section 327.11, Florida  
23 Statutes, is amended, present subsection (6) is renumbered as  
24 subsection (8) and amended, and new subsections (6) and (7)  
25 are added to that section, to read:

26           327.11 Vessel registration, application, certificate,  
27 number, decal, duplicate certificate.--

28           (3) The Department of Highway Safety and Motor  
29 Vehicles shall issue certificates of registration and numbers  
30 for city, county, and state-owned vessels, charging only the  
31 service fees required in s. 327.25(7) and (8)~~at no charge~~,

1 provided the vessels are used for purposes other than  
2 recreation.

3 (6) When a vessel decal has been stolen, the owner of  
4 the vessel for which the decal was issued shall make  
5 application to the department for a replacement. The  
6 application shall contain the decal number being replaced and  
7 a statement that the item was stolen. If the application  
8 includes a copy of the police report prepared in response to a  
9 report of a stolen decal, such decal shall be replaced at no  
10 charge.

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

16 (8)(6) Anyone guilty of falsely certifying any facts  
17 relating to application, certificate, transfer, number, decal,  
18 or duplicate, or replacement certificates or any information  
19 required under this section shall be punished as provided  
20 under this chapter.

21 Section 49. Subsection (2) of section 327.23, Florida  
22 Statutes, is amended to read:

23 327.23 Exemption of vessels and outboard motors from  
24 personal property tax; temporary certificate of registration;  
25 vessel registration certificate fee.--

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

28 (a) which The owner has made application to the United  
29 States Coast Guard for documentation and has paid the  
30 applicable registration certificate fee pursuant to s.  
31 327.25(1). A temporary certificate of registration shall only

1 be issued upon proof that all applicable state sales taxes  
2 have been paid and that the application for documentation is  
3 on file with the United States Coast Guard. Any reregistration  
4 of such a vessel without the submission of the vessel's  
5 documentation papers shall require written verification from  
6 the United States Coast Guard as to the current status of the  
7 application for the vessel's documentation. Upon receipt of  
8 the vessel's documentation papers, the owner shall bring them  
9 to the agent issuing the temporary certificate for official  
10 recording of information.

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

15 Section 50. Paragraphs (b) and (c) of subsection (2),  
16 paragraph (b) of subsection (4), and paragraph (c) of  
17 subsection (12) of section 327.25, Florida Statutes, are  
18 amended to read:

19 327.25 Classification; registration; fees and charges;  
20 surcharge; disposition of fees; fines; marine turtle  
21 stickers.--

22 (2) ANTIQUE VESSEL REGISTRATION FEE.--

23 (b) The registration number for an antique vessel  
24 shall be permanently attached to each side of ~~affixed on~~ the  
25 forward half of the vessel hull ~~or on the port side of the~~  
26 ~~windshield~~ according to ss. 327.11 and 327.11 and 327.14.

27 (c) The Department of Highway Safety and Motor  
28 Vehicles may issue a decal identifying the vessel as an  
29 antique vessel. The decal shall be displayed as provided in  
30 ss. 327.11 and 327.14 ~~placed within 3 inches of the~~  
31 ~~registration number.~~



1           (4) TRANSFER OF OWNERSHIP.--

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

11           (12) REGISTRATION.--

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

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

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

29           Section 51. Section 327.255, Florida Statutes, is  
30 created to read:

31           327.255 Registration; duties of tax collectors.--

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 52. 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 53. 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 54. 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 55. 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 56. 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 57. 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 58. Subsection (7) of section 627.733, Florida  
6 Statutes, 1998 Supplement, is amended to read:

7 627.733 Required security.--

8 (7)~~(a)~~ Any operator or owner whose driver's license or  
9 registration has been suspended pursuant to this section or s.  
10 316.646 may effect its reinstatement upon compliance with the  
11 requirements of this section and upon payment to the  
12 Department of Highway Safety and Motor Vehicles of a  
13 nonrefundable reinstatement fee of \$150 for the first  
14 reinstatement. Such reinstatement fee shall be \$250 for the  
15 second reinstatement and \$500 for each subsequent  
16 reinstatement during the 3 years following the first  
17 reinstatement. Any person reinstating her or his insurance  
18 under this subsection must also secure noncancelable coverage  
19 as described in s. 627.7275(2) and present to the appropriate  
20 person proof that the coverage is in force on a form  
21 promulgated by the Department of Highway Safety and Motor  
22 Vehicles, such proof to be maintained for 2 years. If the  
23 person does not have a second reinstatement within 3 years  
24 after her or his initial reinstatement, the reinstatement fee  
25 shall be \$150 for the first reinstatement after that 3-year  
26 period. In the event that a person's license and registration  
27 are suspended pursuant to this section or s. 316.646, only one  
28 reinstatement fee shall be paid to reinstate the license and  
29 the registration. All fees shall be collected by the  
30 Department of Highway Safety and Motor Vehicles at the time of  
31 reinstatement. The Department of Highway Safety and Motor

1 Vehicles shall issue proper receipts for such fees and shall  
2 promptly deposit those fees in the Highway Safety Operating  
3 Trust Fund. One-third of the fee collected under this  
4 subsection shall be distributed from the Highway Safety  
5 Operating Trust Fund to the local government entity or state  
6 agency which employed the law enforcement officer or the  
7 recovery agent who seizes a license plate pursuant to s.  
8 324.201 or to s. 324.202. Such funds may be used by the local  
9 government entity or state agency for any authorized purpose.

10 ~~(b) One third of the fee collected for the seizure of~~  
11 ~~a license plate by a recovery agent shall be paid to the~~  
12 ~~recovery agent, and the balance shall remain in the Highway~~  
13 ~~Safety Operating Trust Fund and be distributed pursuant to s.~~  
14 ~~321.245.~~

15 Section 59. Effective July 1, 2000, subsection (7) of  
16 section 627.733, Florida Statutes, 1998 Supplement, as amended  
17 by section 14 of chapter 98-223, Laws of Florida, is amended  
18 to read:

19 627.733 Required security.--

20 (7)~~(a)~~ Any operator or owner whose registration has  
21 been suspended pursuant to this section or s. 316.646 may  
22 effect its reinstatement upon compliance with the requirements  
23 of this section and upon payment to the Department of Highway  
24 Safety and Motor Vehicles of a nonrefundable reinstatement fee  
25 of \$150 for the first reinstatement. Such reinstatement fee  
26 shall be \$250 for the second reinstatement and \$500 for each  
27 subsequent reinstatement during the 3 years following the  
28 first reinstatement. Any person reinstating her or his  
29 insurance under this subsection must also secure noncancelable  
30 coverage as described in s. 627.7275(2) and present to the  
31 appropriate person proof that the coverage is in force on a

1 form promulgated by the Department of Highway Safety and Motor  
2 Vehicles, such proof to be maintained for 2 years. If the  
3 person does not have a second reinstatement within 3 years  
4 after her or his initial reinstatement, the reinstatement fee  
5 shall be \$150 for the first reinstatement after that 3-year  
6 period. All fees shall be collected by the Department of  
7 Highway Safety and Motor Vehicles at the time of  
8 reinstatement. The Department of Highway Safety and Motor  
9 Vehicles shall issue proper receipts for such fees and shall  
10 promptly deposit those fees in the Highway Safety Operating  
11 Trust Fund. One-third of the fee collected under this  
12 subsection shall be distributed from the Highway Safety  
13 Operating Trust Fund to the local government entity or state  
14 agency which employed the law enforcement officer or the  
15 recovery agent who seizes a license plate pursuant to s.  
16 324.201 or to s. 324.202. Such funds may be used by the local  
17 government entity or state agency for any authorized purpose.

18 ~~(b) One-third of the fee collected for the seizure of~~  
19 ~~a license plate by a recovery agent shall be paid to the~~  
20 ~~recovery agent, and the balance shall remain in the Highway~~  
21 ~~Safety Operating Trust Fund and be distributed pursuant to s.~~  
22 ~~321.245.~~

23 Section 60. The sum of \$150,000 is appropriated from  
24 the Insurance Commissioner's Regulatory Trust Fund to the  
25 Department of Highway Safety Operating Trust Fund for the  
26 Fiscal Year 1999-2000.

27 Section 61. Paragraph (b) of subsection (4) and  
28 paragraph (c) of subsection (7) of section 713.78, Florida  
29 Statutes, 1998 Supplement, are amended to read:

30 713.78 Liens for recovering, towing, or storing  
31 vehicles and undocumented vessels.--

1 (4)

2 (b) Notice by certified mail, return receipt  
3 requested, shall be sent within 7 business days after the date  
4 of storage of the vehicle or vessel to the registered owner  
5 and to all persons of record claiming a lien against the  
6 vehicle or vessel. It shall state the fact of possession of  
7 the vehicle or vessel, that a lien as provided in subsection  
8 (2) is claimed, that charges have accrued and the amount  
9 thereof, that the lien is subject to enforcement pursuant to  
10 law, and that the owner or lienholder, if any, has the right  
11 to a hearing as set forth in subsection (5), and that any  
12 vehicle or vessel which remains unclaimed, or for which the  
13 charges for recovery, towing, or storage services remain  
14 unpaid, may be sold after ~~in~~ 35 days free of all prior liens.

15 (7)

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

28 Section 62. Subsection (1) of section 732.9215,  
29 Florida Statutes, is amended to read:

30 732.9215 Education program relating to anatomical  
31 gifts.--The Agency for Health Care Administration, subject to

1 the concurrence of the Department of Highway Safety and Motor  
2 Vehicles, shall develop a continuing program to educate and  
3 inform medical professionals, law enforcement agencies and  
4 officers, high school children, state and local government  
5 employees, and the public regarding the laws of this state  
6 relating to anatomical gifts and the need for anatomical  
7 gifts.

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

22 Section 63. Subsection (1) of section 732.9216,  
23 Florida Statutes, is amended to read:

24 732.9216 Organ and tissue donor education panel.--

25 (1) The Legislature recognizes that there exists in  
26 the state a shortage of organ and tissue donors to provide the  
27 organs and tissue that could save lives or enhance the quality  
28 of life for many Floridians. The Legislature further  
29 recognizes the need to encourage the various minority  
30 populations of Florida to donate organs and tissue. It is the  
31 intent of the Legislature that the funds collected pursuant to

1 ss. 320.08047 and 322.08(6)(b)~~322.08(7)(b)~~ be used for  
2 educational purposes aimed at increasing the number of organ  
3 and tissue donors, thus affording more Floridians who are  
4 awaiting organ or tissue transplants the opportunity for a  
5 full and productive life.

6 Section 64. Paragraph (a) of subsection (3) of section  
7 812.014, Florida Statutes, is amended, and subsection (5) is  
8 added to that section, to read:

9 812.014 Theft.--

10 (3)(a) Theft of any property not specified in  
11 subsection (2) is petit theft of the second degree and a  
12 misdemeanor of the second degree, punishable as provided in s.  
13 775.082 or s. 775.083, and as provided in subsection (5), as  
14 applicable.

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

20 (b) In addition to the penalties prescribed in  
21 paragraph (3)(a), every judgment of guilty of a petit theft  
22 for property described in this subsection shall provide for  
23 the suspension of the convicted person's driver's license. The  
24 court shall forward the driver's license to the Department of  
25 Highway Safety and Motor Vehicles in accordance with s.  
26 322.25.

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

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

31

1           Section 65. Subsection (1) of section 832.06, Florida  
2 Statutes, is amended to read:

3           832.06 Prosecution for worthless checks given tax  
4 collector for licenses or taxes; refunds.--

5           (1) Whenever any person, firm, or corporation violates  
6 the provisions of s. 832.05 by drawing, making, uttering,  
7 issuing, or delivering to any county tax collector any check,  
8 draft, or other written order on any bank or depository for  
9 the payment of money or its equivalent for any tag, title,  
10 lien, tax (except ad valorem taxes), penalty, or fee relative  
11 to a boat, airplane, ~~or~~ motor vehicle, driver license, or  
12 identification card; any occupational license, beverage  
13 license, or sales or use tax; or any hunting or fishing  
14 license, the county tax collector, after the exercise of due  
15 diligence to locate the person, firm, or corporation which  
16 drew, made, uttered, issued, or delivered the check, draft, or  
17 other written order for the payment of money, or to collect  
18 the same by the exercise of due diligence and prudence, shall  
19 swear out a complaint in the proper court against the person,  
20 firm, or corporation for the issuance of the worthless check  
21 or draft. If the state attorney cannot sign the information  
22 due to lack of proof, as determined by the state attorney in  
23 good faith, for a prima facie case in court, he or she shall  
24 issue a certificate so stating to the tax collector. If  
25 payment of the dishonored check, draft, or other written  
26 order, together with court costs expended, is not received in  
27 full by the county tax collector within 30 days after service  
28 of the warrant, 30 days after conviction, or 60 days after the  
29 collector swears out the complaint or receives the certificate  
30 of the state attorney, whichever is first, the county tax  
31 collector shall make a written report to this effect to the

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



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

1 to the correctness of the certificate, shall refund the sums  
2 of money so certified to the county tax collector.

3 Section 66. Paragraph (a) of subsection (2) of section  
4 932.701, Florida Statutes, is amended to read:

5 932.701 Short title; definitions.--

6 (2) As used in the Florida Contraband Forfeiture Act:

7 (a) "Contraband article" means:

8 1. Any controlled substance as defined in chapter 893  
9 or any substance, device, paraphernalia, or currency or other  
10 means of exchange that was used, was attempted to be used, or  
11 was intended to be used in violation of any provision of  
12 chapter 893, if the totality of the facts presented by the  
13 state is clearly sufficient to meet the state's burden of  
14 establishing probable cause to believe that a nexus exists  
15 between the article seized and the narcotics activity, whether  
16 or not the use of the contraband article can be traced to a  
17 specific narcotics transaction.

18 2. Any gambling paraphernalia, lottery tickets, money,  
19 currency, or other means of exchange which was used, was  
20 attempted, or intended to be used in violation of the gambling  
21 laws of the state.

22 3. Any equipment, liquid or solid, which was being  
23 used, is being used, was attempted to be used, or intended to  
24 be used in violation of the beverage or tobacco laws of the  
25 state.

26 4. Any motor fuel upon which the motor fuel tax has  
27 not been paid as required by law.

28 5. Any personal property, including, but not limited  
29 to, any vessel, aircraft, item, object, tool, substance,  
30 device, weapon, machine, vehicle of any kind, money,  
31 securities, books, records, research, negotiable instruments,

1 or currency, which was used or was attempted to be used as an  
2 instrumentality in the commission of, or in aiding or abetting  
3 in the commission of, any felony, whether or not comprising an  
4 element of the felony, or which is acquired by proceeds  
5 obtained as a result of a violation of the Florida Contraband  
6 Forfeiture Act.

7           6. Any real property, including any right, title,  
8 leasehold, or other interest in the whole of any lot or tract  
9 of land, which was used, is being used, or was attempted to be  
10 used as an instrumentality in the commission of, or in aiding  
11 or abetting in the commission of, any felony, or which is  
12 acquired by proceeds obtained as a result of a violation of  
13 the Florida Contraband Forfeiture Act.

14           7. Any personal property, including, but not limited  
15 to, equipment, money, securities, books, records, research,  
16 negotiable instruments, currency, or any vessel, aircraft,  
17 item, object, tool, substance, device, weapon, machine, or  
18 vehicle of any kind in the possession of or belonging to any  
19 person who takes aquaculture products in violation of s.  
20 812.014(2)(c).

21           8. Any motor vehicle offered for sale in violation of  
22 s. 320.28.

23           Section 67. For the purpose of incorporating the  
24 amendment to section 932.701(2)(a), Florida Statutes, in  
25 references thereto, subsection (6) of section 705.101, Florida  
26 Statutes, and subsection (4) of section 932.703, Florida  
27 Statutes, is reenacted to read:

28           705.101 Definitions.--As used in this chapter:

29           (6) "Unclaimed evidence" means any tangible personal  
30 property, including cash, not included within the definition  
31 of "contraband article," as provided in s. 932.701(2), which

1 was seized by a law enforcement agency, was intended for use  
2 in a criminal or quasi-criminal proceeding, and is retained by  
3 the law enforcement agency or the clerk of the county or  
4 circuit court for 60 days after the final disposition of the  
5 proceeding and to which no claim of ownership has been made.

6 932.703 Forfeiture of contraband article;  
7 exceptions.--

8 (4) In any incident in which possession of any  
9 contraband article defined in s. 932.701(2)(a) constitutes a  
10 felony, the vessel, motor vehicle, aircraft, other personal  
11 property, or real property in or on which such contraband  
12 article is located at the time of seizure shall be contraband  
13 subject to forfeiture. It shall be presumed in the manner  
14 provided in s. 90.302(2) that the vessel, motor vehicle,  
15 aircraft, other personal property, or real property in which  
16 or on which such contraband article is located at the time of  
17 seizure is being used or was attempted or intended to be used  
18 in a manner to facilitate the transportation, carriage,  
19 conveyance, concealment, receipt, possession, purchase, sale,  
20 barter, exchange, or giving away of a contraband article  
21 defined in s. 932.701(2).

22 Section 68. Section 14 of chapter 98-223, Laws of  
23 Florida, is repealed.

24 Section 69. This act shall take effect upon becoming a  
25 law.

26  
27  
28  
29  
30  
31

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

4 Provides that upon the implementation of the vehicle  
5 information system overall reorganization to the Oracle  
6 database of driver licenses, the DHSMV shall implement a  
7 program using recovery agents for the seizure of license  
8 plates in counties where a majority of the governing body of  
9 the county has requested the program.

10 Provides for the continuation of the pilot project using  
11 recovery agents for the seizure of license plates until the  
12 reorganization to the Oracle database is completed.

13 Provides an appropriation of \$150,000 from the Insurance  
14 Commissioner's Regulatory Trust fund to the Department of  
15 Highway Safety Operating Trust Fund for Fiscal Year 1999-2000.

16 Expands the time from 5 days to 10 days the Clerk of the Court  
17 has to report to the DHSMV a failure to comply with civil  
18 penalties.

19 Extends the time frame from December 1, 1999 to December 1,  
20 2001, for the Clerks of the Court to provide traffic  
21 information electronically to the DHSMV.

22 Expands the time from 5 days to 10 days the Clerk of the Court  
23 has to report to the DHSMV a failure of a person to pay child  
24 support.

25 Provides that beginning in FY 2000-01, funds will be  
26 distributed to local school districts for driver's education  
27 programs.

28 Authorizes the Department of Veterans' Affairs to redesign the  
29 veterans' license plate and adds promotion and marketing as  
30 allowable expenses.

31 Authorizes the sale of a trade-in vehicle prior to the  
delivery of the replacement vehicle if the owner gives written  
authorization of the sale.

Conforms state requirements for antique vessel registration to  
federal requirements.

Adds illegally sold recreational vehicles to the definition of  
"contraband article".