

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 repealing s. 320.8249(11), F.S., which provides
14 for an exemption from installer licensing;
15 amending s. 320.8325, F.S.; providing for
16 uniform standards; amending s. 321.06, F.S.;
17 authorizing the department to employ certain
18 traffic accident investigation officers;
19 amending s. 322.08, F.S.; deleting provisions
20 with respect to certain applications made by
21 persons who hold an out-of-state driver
22 license; amending s. 322.081, F.S.; revising
23 audit requirements with respect to voluntary
24 contributions on the driver's license
25 application; amending s. 322.1615, F.S.;
26 revising provisions with respect to a learner's
27 driver's license; amending s. 322.2615, F.S.;
28 revising provisions with respect to suspension
29 of a license; amending s. 322.28, F.S.;
30 revising requirements for the period of
31 suspension or revocation of a driver's license;

1 amending s. 322.34, F.S.; conforming a
2 cross-reference to changes made by the act;
3 amending s. 325.2135, F.S.; directing the
4 Department of Highway Safety and Motor Vehicles
5 to enter into a contract for a motor vehicle
6 inspection program; amending s. 325.214, F.S.;
7 changing the motor vehicle inspection fee;
8 amending s. 327.031, F.S.; providing for the
9 denial or cancellation of a vessel registration
10 when payment for registration is made by a
11 dishonored check; amending s. 327.11, F.S.;
12 providing for a replacement vessel
13 registration; amending s. 327.23, F.S.;
14 providing for a temporary certificate of
15 registration for a vessel by certain
16 out-of-state residents; amending s. 327.25,
17 F.S.; revising provisions with respect to
18 transfer of ownership and registration of
19 vessels; creating s. 327.255, F.S.; providing
20 for the duties of tax collectors with respect
21 to vessel registration; providing fees;
22 creating s. 327.256, F.S.; providing procedures
23 for advanced vessel registration renewal;
24 amending s. 328.01, F.S.; revising provisions
25 with respect to application for a certificate
26 of title for a vessel; amending s. 328.11,
27 F.S.; increasing the time period for
28 application for a reissuance of a certificate
29 of title; amending s. 328.15, F.S.; providing
30 requirements with respect to certain second
31 liens on vessels; increasing the fee for

1 recording a notice of lien; providing
2 requirements with respect to satisfaction of a
3 lien on a vessel; providing penalties for
4 failure to comply; amending s. 328.16, F.S.;
5 providing requirements with respect to liens;
6 creating s. 328.165, F.S.; providing for
7 cancellation of certificates; amending s.
8 713.78, F.S.; revising requirements relating to
9 liens for recovering, towing, or storing
10 vehicles and undocumented vessels; providing an
11 exemption from the requirement of an inventory
12 of personal property found in a motor vehicle
13 to be removed from the scene of an accident
14 under certain circumstances; amending ss.
15 732.9215, 732.9216, F.S.; conforming
16 cross-references to changes made by the act;
17 amending s. 812.014, F.S.; providing
18 prohibition on a theft of gasoline while in a
19 motor vehicle; amending s. 832.06, F.S.;
20 revising provisions with respect to prosecution
21 for worthless checks given to the tax collector
22 for certain licenses or taxes; amending s.
23 932.701, F.S.; redefining the term "contraband
24 article," and reenacting ss. 705.101(6),
25 932.704(4), F.S., relating to forfeiture of
26 contraband article, to incorporate said
27 amendment in references; amending s. 324.201,
28 F.S.; deleting the requirement that recovery
29 agents notify law enforcement of a license
30 plate seizure; amending s. 324.202, F.S.;
31 expanding into additional counties a pilot

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

19

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

21

22 Section 1. Effective July 1, 2000, subsection (3) of
23 section 233.063, Florida Statutes, 1998 Supplement, is amended
24 to read:

25 233.063 Instruction in operation of motor vehicles.--

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

30 (b) For the purpose of financing the Driver Education
31 Program in the secondary schools, there shall be levied an

1 additional 50 cents per year to the driver's license fee
2 required by s. 322.21. The additional fee shall be promptly
3 remitted to the Department of Highway Safety and Motor
4 Vehicles, and the department shall transmit the fee to the
5 Educational Aids Trust Fund within the Department of Education
6 for distribution to school districts for driver education
7 programs ~~Treasurer to be deposited in the General Revenue~~
8 ~~Fund.~~

9 Section 2. Section 316.063, Florida Statutes, is
10 amended to read:

11 316.063 Duty upon damaging unattended vehicle or other
12 property.--

13 (1) The driver of any vehicle which collides with, or
14 is involved in a crash ~~an accident~~ with, any vehicle or other
15 property which is unattended, resulting in any damage to such
16 other vehicle or property, shall immediately stop and shall
17 then and there either locate and notify the operator or owner
18 of the vehicle or other property of the driver's name and
19 address and the registration number of the vehicle he or she
20 is driving, or shall attach securely in a conspicuous place in
21 or on the vehicle or other property a written notice giving
22 the driver's name and address and the registration number of
23 the vehicle he or she is driving, and shall without
24 unnecessary delay notify the nearest office of a duly
25 authorized police authority. ~~Every such stop shall be made~~
26 ~~without obstructing traffic more than is necessary. If a~~
27 ~~damaged vehicle is obstructing traffic, the driver shall make~~
28 ~~every reasonable effort to move the vehicle or have it moved~~
29 ~~so as not to obstruct the regular flow of traffic.~~ Any person
30 who fails to comply with this subsection commits a misdemeanor
31

1 of the second degree, punishable as provided in s. 775.082 or
2 s. 775.083.

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

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

18 Section 3. Section 316.1958, Florida Statutes, 1998
19 Supplement, is amended to read:

20 316.1958 Out-of-state vehicles bearing identification
21 of issuance to persons who have disabilities.--Motor vehicles
22 displaying a special license plate or parking permit issued to
23 a person who has a disability by any other state or district
24 subject to the laws of the United States or by a foreign
25 country that issues disabled parking permits that display the
26 international symbol of accessibility are recognized as
27 displaying a valid license plate or permit, that allows such a
28 vehicle special parking privileges under s. 316.1955, if the
29 other state or district grants reciprocal recognition for
30 residents of this state who have disabilities. However, when
31 an individual is required by law to have a Florida driver's

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

12 Section 4. Section 316.1975, Florida Statutes, is
13 amended to read:

14 316.1975 Unattended motor vehicle.--

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

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

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

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

31

1 Section 5. Section 316.211, Florida Statutes, is
2 amended to read:

3 316.211 Equipment for motorcycle and moped riders.--

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

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

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

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

30 (5) ~~The department is authorized to approve protective~~
31 ~~headgear made to specifications drawn and devised by, or~~

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

9 Section 6. Section 316.520, Florida Statutes, is
10 amended to read:

11 316.520 Loads on vehicles.--

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

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

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

31

1 Section 7. Paragraph (a) of subsection (1) of section
2 316.640, Florida Statutes, is amended to read:

3 316.640 Enforcement.--The enforcement of the traffic
4 laws of this state is vested as follows:

5 (1) STATE.--

6 (a)1.a. The Division of Florida Highway Patrol of the
7 Department of Highway Safety and Motor Vehicles, the Division
8 of Law Enforcement of the Game and Fresh Water Fish
9 Commission, the Division of Law Enforcement of the Department
10 of Environmental Protection, and law enforcement officers of
11 the Department of Transportation each have authority to
12 enforce all of the traffic laws of this state on all the
13 streets and highways thereof and elsewhere throughout the
14 state wherever the public has a right to travel by motor
15 vehicle. The Division of the Florida Highway Patrol may employ
16 as a traffic accident investigation officer any individual who
17 successfully completes at least 200 hours of instruction in
18 traffic accident investigation and court presentation through
19 the Selective Traffic Enforcement Program as approved by the
20 Criminal Justice Standards and Training Commission and funded
21 through the National Highway Traffic Safety Administration or
22 a similar program approved by the commission, but who does not
23 necessarily meet the uniform minimum standards established by
24 the commission for law enforcement officers or auxiliary law
25 enforcement officers under chapter 943. Any such traffic
26 accident investigation officer who makes an investigation at
27 the scene of a traffic accident may issue traffic citations,
28 based upon personal investigation, when he or she has
29 reasonable and probable grounds to believe that a person who
30 was involved in the accident committed an offense under this
31 chapter, chapter 319, chapter 320, or chapter 322 in

1 connection with the accident. This paragraph does not permit
2 the carrying of firearms or other weapons, nor do such
3 officers have arrest authority other than for the issuance of
4 a traffic citation as authorized in this paragraph.

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

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

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

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

31

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

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

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

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

24 3. Any disciplinary action taken or performance
25 evaluation conducted by an agency of the state as described in
26 subparagraph 1. of a law enforcement officer's traffic
27 enforcement activity must be in accordance with written
28 work-performance standards. Such standards must be approved by
29 the agency and any collective bargaining unit representing
30 such law enforcement officer. A violation of this subparagraph
31 is not subject to the penalties provided in chapter 318.

1 Section 8. Subsections (1), (4), and (9) of section
2 318.14, Florida Statutes, are amended to read:

3 318.14 Noncriminal traffic infractions; exception;
4 procedures.--

5 (1) Except as provided in ss. 318.17 and 320.07(3)(c)
6 ~~320.07(3)(b)~~, any person cited for a violation of s. 240.265,
7 chapter 316, s. 320.0605(1), s. 320.07(3)(a), s. 322.065, s.
8 322.15(1), s. 322.16(2) or (3), s. 322.161(4), or s. 322.19 is
9 charged with a noncriminal infraction and must be cited for
10 such an infraction and cited to appear before an official. If
11 another person dies as a result of the noncriminal infraction,
12 the person cited may be required to perform 120 community
13 service hours under s. 316.027(4), in addition to any other
14 penalties.

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

31

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

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

21 318.15 Failure to comply with civil penalty or to
22 appear; penalty.--

23 (1)(a) If a person fails to comply with the civil
24 penalties provided in s. 318.18 within the time period
25 specified in s. 318.14(4), fails to attend driver improvement
26 school, or fails to appear at a scheduled hearing, the clerk
27 of the court shall notify the Division of Driver Licenses of
28 the Department of Highway Safety and Motor Vehicles of such
29 failure within 10 5 days after such failure. Upon receipt of
30 such notice, the department shall immediately issue an order
31 suspending the driver's license and privilege to drive of such

1 person effective 20 days after the date the order of
2 suspension is mailed in accordance with s. 322.251(1), (2),
3 and (6). Any such suspension of the driving privilege which
4 has not been reinstated, including a similar suspension
5 imposed outside Florida, shall remain on the records of the
6 department for a period of 7 years from the date imposed and
7 shall be removed from the records after the expiration of 7
8 years from the date it is imposed.

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

20 Section 10. Paragraph (a) of subsection (8) of section
21 318.18, Florida Statutes, 1998 Supplement, is amended to read:

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

25 (8)(a) Any person who fails to comply with the court's
26 requirements or who fails to pay the civil penalties specified
27 in this section within the 30-day period provided for in s.
28 318.14 must pay an additional civil penalty of \$12, \$2.50 of
29 which must be deposited into the General Revenue Fund, and
30 \$9.50 of which must be deposited in the Highway Safety
31 Operating Trust Fund. There is hereby appropriated from the

1 Highway Safety Operating Trust Fund for fiscal year 1996-1997
2 the amount of \$4 million. From this appropriation the
3 department shall contract with the Florida Association of
4 Court Clerks, Inc., to design, establish, operate, upgrade,
5 and maintain an automated statewide Uniform Civil Court and
6 Traffic Citation Accounting System to be operated by the
7 clerks of the court which shall include, but not be limited
8 to, the accounting for traffic infractions by type, a record
9 of the disposition of the citations, and an accounting system
10 for the fines assessed and the subsequent fine amounts paid to
11 the clerks of the court. On or before December 1, 2001 ~~1999~~,
12 the clerks of the court must provide the information required
13 by this chapter to be transmitted to the department by
14 electronic transmission pursuant to the contract.

15 Section 11. Section 318.36, Florida Statutes, is
16 amended to read:

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

29 Section 12. Subsections (1), (2), and (3) of section
30 319.14, Florida Statutes, are amended to read:

31

1 319.14 Sale of motor vehicles registered or used as
2 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
3 and nonconforming vehicles.--

4 (1)(a) No person shall knowingly offer for sale, sell,
5 or exchange any vehicle that has been licensed, registered, or
6 used as a taxicab, police vehicle, or short-term-lease ~~lease~~
7 vehicle ~~which will no longer be in lease service after April~~
8 ~~29, 1990~~, or a vehicle that ~~which~~ has been repurchased by a
9 manufacturer pursuant to a settlement, determination, or
10 decision under chapter 681, until the department has stamped
11 in a conspicuous place on the certificate of title of the
12 vehicle, or its duplicate, words stating the nature of the
13 previous use of the vehicle or the title has been stamped
14 "Manufacturer's Buy Back" to reflect that the vehicle is a
15 nonconforming vehicle. If the certificate of title or
16 duplicate was not so stamped upon initial issuance thereof or
17 if, subsequent to initial issuance of the title, the use of
18 the vehicle is changed to a use requiring the notation
19 provided for in this section, the owner or lienholder of the
20 vehicle shall surrender the certificate of title or duplicate
21 to the department prior to offering the vehicle for sale, and
22 the department shall stamp the certificate or duplicate as
23 required herein. When a vehicle has been repurchased by a
24 manufacturer pursuant to a settlement, determination, or
25 decision under chapter 681, the title shall be stamped
26 "Manufacturer's Buy Back" to reflect that the vehicle is a
27 nonconforming vehicle.

28 (b) No person shall knowingly offer for sale, sell, or
29 exchange a rebuilt vehicle until the department has stamped in
30 a conspicuous place on the certificate of title for the
31 vehicle words stating that the vehicle has been rebuilt,

1 assembled from parts, or combined, or is a kit car, glider
2 kit, replica, or flood vehicle unless proper application for a
3 certificate of title for a vehicle that is rebuilt, assembled
4 from parts, or combined, or is a kit car, glider kit, replica,
5 or flood vehicle has been made to the department in accordance
6 with this chapter and the department has conducted the
7 physical examination of the vehicle to assure the identity of
8 the vehicle.

9 (c) As used in this section:

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

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

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

21 c. "Lease vehicle" includes both short-term-lease
22 vehicles and long-term-lease vehicles.

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

25 4. "Assembled from parts" means a motor vehicle or
26 mobile home assembled from parts of motor vehicles or mobile
27 homes, new or used. "Assembled from parts" does not mean a
28 motor vehicle defined as a "rebuilt vehicle" in subparagraph
29 3., which has been declared a total loss pursuant to s.
30 319.30.

31

1 5. "Combined" means assembled by combining two motor
2 vehicles neither of which has been titled and branded as
3 "Salvage Unrebuildable."

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

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

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

12 9. "Flood vehicle" means a motor vehicle or mobile
13 home that has been declared to be a total loss pursuant to s.
14 319.30(3)(a) resulting from damage caused by water.

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

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

24 (2) No person shall knowingly sell, exchange, or
25 transfer a vehicle referred to in subsection (1) without,
26 prior to consummating the sale, exchange, or transfer,
27 disclosing in writing to the purchaser, customer, or
28 transferee the fact that the vehicle has previously been
29 titled, registered, or used as a taxicab, police vehicle, or
30 short-term-lease ~~lease~~ vehicle or is a vehicle that is
31 rebuilt, assembled from parts, or combined, or is a kit car,

1 glider kit, replica, or flood vehicle, or is a nonconforming
2 vehicle, as the case may be.

3 (3) Any person who, with intent to offer for sale or
4 exchange any vehicle referred to in subsection (1), knowingly
5 or intentionally advertises, publishes, disseminates,
6 circulates, or places before the public in any communications
7 medium, whether directly or indirectly, any offer to sell or
8 exchange the vehicle shall clearly and precisely state in each
9 such offer that the vehicle has previously been titled,
10 registered, or used as a taxicab, police vehicle, or
11 short-term-lease ~~lease~~ vehicle or that the vehicle or mobile
12 home is a vehicle that is rebuilt, assembled from parts, or
13 combined, or is a kit car, glider kit, replica, or flood
14 vehicle, or a nonconforming vehicle, as the case may be. Any
15 person who violates this subsection is guilty of a misdemeanor
16 of the second degree, punishable as provided in s. 775.082 or
17 s. 775.083.

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

20 319.23 Application for, and issuance of, certificate
21 of title.--

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

31

1 (a)1. A sworn affidavit from the seller and purchaser
2 verifying that the vehicle identification number shown on the
3 affidavit is identical to the vehicle identification number
4 shown on the motor vehicle; or

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

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

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

31

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

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

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

20 319.30 Definitions; dismantling, destruction, change
21 of identity of motor vehicle or mobile home; salvage.--

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

1 vehicle's identification number plate was surrendered. ~~Any~~
2 ~~person who violates this subsection is guilty of a felony of~~
3 ~~the third degree, punishable as provided in s. 775.082, s.~~
4 ~~775.083, or s. 775.084.~~

5 (5)(a) It is unlawful for any person to knowingly
6 possess, sell, or exchange, offer to sell or exchange, or give
7 away any certificate of title or manufacturer's identification
8 number plate or serial plate of any motor vehicle, mobile
9 home, or derelict that ~~which~~ has been sold as salvage contrary
10 to the provisions of this section, and it is unlawful for any
11 person to authorize, direct, aid in, or consent to the
12 possession, sale, or exchange or to offer ~~any person who~~
13 ~~authorizes, directs, aids in, or consents to the possession,~~
14 ~~sale, or exchange or who offers to sell, exchange, or give~~
15 away such certificate of title or manufacturer's
16 identification number plate or serial plate ~~is guilty of a~~
17 ~~felony of the third degree, punishable as provided in s.~~
18 ~~775.082, s. 775.083, or s. 775.084.~~

19 (b) It is unlawful for any person to knowingly
20 possess, sell, or exchange, offer to sell or exchange, or give
21 away any manufacturer's identification number plate or serial
22 plate of any motor vehicle or mobile home that ~~which~~ has been
23 removed from the motor vehicle or mobile home for which it was
24 manufactured, and it is unlawful for any person to authorize,
25 direct, aid in, or consent to the possession, sale, or
26 exchange or to offer ~~a person who authorizes, directs, aids~~
27 ~~in, or consents to the possession, sale, or exchange or who~~
28 ~~offers to sell, exchange, or give away such manufacturer's~~
29 identification number plate or serial plate ~~is guilty of a~~
30 ~~felony of the third degree, punishable as provided in s.~~
31 ~~775.082, s. 775.083, or s. 775.084.~~

1 (c) ~~Nothing in~~ This chapter does not ~~shall be~~
2 ~~construed to~~ apply to anyone who removes, possesses, or
3 replaces a manufacturer's identification number plate, in the
4 course of performing repairs on a vehicle, that require such
5 removal or replacement. If ~~in the event that~~ the repair
6 requires replacement of a vehicle part that contains the
7 manufacturer's identification number plate, the manufacturer's
8 identification number plate that is assigned to the vehicle
9 being repaired will be installed on the replacement part. The
10 manufacturer's identification number plate that was removed
11 from this replacement part will be installed on the part that
12 was removed from the vehicle being repaired.

13 (8)

14 (c) For the purpose of enforcement of this section,
15 the department or its agents and employees ~~shall~~ have the same
16 right of inspection as law enforcement officers as provided in
17 s. 812.055. ~~Any person who violates this subsection is guilty~~
18 ~~of a felony of the third degree, punishable as provided in s.~~
19 ~~775.082, s. 775.083, or s. 775.084.~~

20 (9) Any person who violates this section commits a
21 felony of the third degree, punishable as provided in s.
22 775.082, s. 775.083, or s. 775.084.

23 Section 15. Subsection (42) is added to section
24 320.01, Florida Statutes, to read:

25 320.01 Definitions, general.--As used in the Florida
26 Statutes, except as otherwise provided, the term:

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

1 Section 16. Subsections (5) and (6) of section
2 320.023, Florida Statutes, 1998 Supplement, are amended to
3 read:

4 320.023 Requests to establish voluntary checkoff on
5 motor vehicle registration application.--

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

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

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

28 (c) In lieu of an annual audit, any organization
29 receiving less than \$15,000 in voluntary contributions
30 directly from the department may annually report, under
31 penalties of perjury, that such proceeds were used in

1 compliance with law. The attestation shall be made annually in
2 a form and format determined by the department.

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

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

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

21 Section 17. Subsection (5) of section 320.03, Florida
22 Statutes, 1998 Supplement, is amended to read:

23 320.03 Registration; duties of tax collectors;
24 International Registration Plan.--

25 (5) A fee of 50 cents shall be charged, in addition to
26 the fees required under s. 320.08, on every license
27 registration sold to cover the costs of the Florida Real Time
28 Vehicle Information System. The fees collected hereunder
29 shall be distributed as follows: 25 cents ~~deposited~~ into the
30 Highway Safety Operating Trust Fund ~~and~~ shall be used to fund
31 the Florida Real Time Vehicle Information System ~~that system~~

1 and may be used to fund the general operations of the
2 department and 25 cents into the Highway Safety Operating
3 Trust Fund to be used exclusively to fund the Florida Real
4 Time Vehicle Information System. The only use of this latter
5 portion of the fee shall be to fund the Florida Real Time
6 Vehicle Information System equipment, software, and networks
7 used in the offices of the county tax collectors as agents of
8 the department and the ancillary technology necessary to
9 integrate the Florida Real Time Vehicle Information System
10 with other tax collection systems. The department shall
11 administer this program upon consultation with the Florida Tax
12 Collectors, Inc., to ensure that each county tax collector's
13 office will be technologically equipped and functional for the
14 operation of the Florida Real Time Vehicle Information System.
15 Any of the designated revenue collected to support functions
16 of the county tax collectors and not used in a given year will
17 remain exclusively in the trust fund as a carryover to the
18 following year.

19 Section 18. Paragraph (a) of subsection (1) of section
20 320.04, Florida Statutes, 1998 Supplement, is amended to read:

21 320.04 Registration service charge.--

22 (1)(a) There shall be a service charge of \$2.50 for
23 each application which is handled in connection with original
24 issuance, duplicate issuance, or transfer of any license
25 plate, mobile home sticker, or validation sticker or with
26 transfer or duplicate issuance of any registration
27 certificate. There may also be a service charge of up to \$1
28 for the issuance of each license plate validation sticker,
29 vessel decal, and mobile home sticker issued from an automated
30 vending facility or printer dispenser machine which shall be
31 payable to and retained by the department to provide for

1 automated vending facilities or printer dispenser machines
2 used to dispense such stickers and decals by each tax
3 collector's or license tag agent's employee.

4 Section 19. Subsections (2) and (7) of section
5 320.055, Florida Statutes, are amended to read:

6 320.055 Registration periods; renewal periods.--The
7 following registration periods and renewal periods are
8 established:

9 (2) For a vehicle subject to registration under s.
10 320.08(11), the registration period begins January 1 and ends
11 December 31. For a vehicle subject to this registration
12 period, the renewal period is the 31-day period prior to
13 expiration ~~beginning January 1.~~

14 (7) For those vehicles subject to registration under
15 s. 320.0657, the department shall implement a system that
16 distributes the registration renewal process throughout the
17 year. ~~For a vehicle subject to registration under s. 320.065,~~
18 ~~the registration period begins December 1 and ends November~~
19 ~~30. For a vehicle subject to this registration period, the~~
20 ~~renewal period is the 31-day period beginning December 1.~~

21 Section 20. Paragraph (a) of subsection (3) and
22 paragraph (b) of subsection (4) of section 320.06, Florida
23 Statutes, are amended to read:

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

26 (3)(a) Registration license plates shall be of metal
27 specially treated with a retroreflective material, as
28 specified by the department. The registration license plate is
29 designed to increase nighttime visibility and legibility and
30 shall be at least 6 inches wide and not less than 12 inches in
31 length, unless a plate with reduced dimensions is deemed

1 necessary by the department to accommodate motorcycles,
2 mopeds, or similar smaller vehicles. Validation stickers shall
3 be treated with a retroreflective material, shall be of such
4 size as specified by the department, and shall adhere to the
5 license plate. The registration license plate shall be
6 imprinted with a combination of bold letters and numerals or
7 numerals, not to exceed seven digits, to identify the
8 registration license plate number. The license plate shall
9 also be imprinted with the word "Florida" at the top and the
10 name of the county in which it is sold at the bottom, except
11 that apportioned license plates shall have the word
12 "Apportioned" at the bottom and license plates issued for
13 vehicles taxed under s. 320.08(3)(d), (4)(m) or (n), (5)(b) or
14 (c), ~~(12)~~, or (14) shall have the word "Restricted" at the
15 bottom. License plates issued for vehicles taxed under s.
16 320.08(12) must be imprinted with the word "Florida" at the
17 top and the word "Dealer" at the bottom. Manufacturer license
18 plates issued for vehicles taxed under s. 320.08(12) must be
19 imprinted with the word "Florida" at the top and the word
20 "Manufacturer" at the bottom. ~~except that~~
21 ~~gross-vehicle-weight vehicles owned by a licensed motor~~
22 ~~vehicle dealer may be issued a license plate with the word~~
23 ~~"Restricted."~~ License plates issued for vehicles taxed under
24 s. 320.08(5)(d) or (e) must be imprinted with the word
25 "Wrecker" at the bottom. Any county may, upon majority vote
26 of the county commission, elect to have the county name
27 removed from the license plates sold in that county. The words
28 "Sunshine State" shall be printed in lieu thereof. In those
29 counties where the county commission has not removed the
30 county name from the license plate, the tax collector may, in
31 addition to issuing license plates with the county name

1 printed on the license plate, also issue license plates with
2 the words "Sunshine State" printed on the license plate
3 subject to the approval of the department and a legislative
4 appropriation for the additional license plates. A license
5 plate issued for a vehicle taxed under s. 320.08(6) may not be
6 assigned a registration license number, or be issued with any
7 other distinctive character or designation, that distinguishes
8 the motor vehicle as a for-hire motor vehicle.

9 (4)

10 (b) For the purposes of authorizing the corporation
11 organized pursuant to chapter 946 to manufacture license
12 plates, ~~and validation stickers, and decals~~ for the Department
13 of Highway Safety and Motor Vehicles as provided in this
14 chapter and chapter 327, the reference to the Department of
15 Corrections in paragraph (a) means the Department of
16 Corrections or the corporation organized pursuant to chapter
17 946, and the Department of Highway Safety and Motor Vehicles
18 is not required to obtain competitive bids in order to
19 contract with such corporation.

20 Section 21. Section 320.065, Florida Statutes, is
21 repealed.

22 Section 22. Section 320.0657, Florida Statutes, is
23 amended to read:

24 320.0657 Permanent registration; fleet license
25 plates.--

26 (1) As used in this section, the term "fleet" means
27 nonapportioned motor vehicles owned or leased by a company and
28 used for business purposes. Vehicle numbers comprising a
29 "fleet" shall be established by the department. Vehicles
30 registered as short-term rental vehicles are excluded from the
31 provisions of this section.

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

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

21 (b) The plates, which shall be of a distinctive color,
22 shall have the word "Fleet" appearing at the bottom and the
23 word "Florida" appearing at the top. The plates shall conform
24 in all respects to the provisions of this chapter, except as
25 specified herein.

26 (c) In addition to the license tax prescribed by s.
27 320.08(2), (3), (4), (5)(a) and (b), (6)(a), (7), and (8), an
28 annual fleet management fee of \$2 shall be charged. A one-time
29 license plate manufacturing fee of \$1.50 shall be charged for
30 plates issued for the established number of vehicles in the
31 fleet. If the size of the fleet is increased, an issuance fee

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

26 (3) If a recipient of fleet license plates fails to
27 properly and timely renew or initially register vehicles in
28 its fleet, the department may impose a delinquency penalty of
29 \$50 or 10 percent of the delinquent taxes due, whichever is
30 greater, if the failure is for not more than 30 days, with an
31 additional 10 percent penalty for each additional 30 days, or

1 fraction thereof, that the failure continues, not to exceed a
2 total penalty of 100 percent in the aggregate; however, the
3 penalty may not be less than \$50.

4 (4) All recipients of fleet license plates authorized
5 by this section must provide the department with an annual
6 vehicle reconciliation and must annually surrender all
7 unassigned license plates. Failure to comply with this
8 subsection may result in fines of up to \$1,000 for each
9 occurrence, or in suspension or termination from the fleet
10 program.

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

31

1 ~~relinquish all permanent license plates, and not be eligible~~
2 ~~to continue to participate in the program.~~

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

5 Section 23. Subsections (1), (2), (3), and (12) of
6 section 320.08, Florida Statutes, 1998 Supplement, are amended
7 to read:

8 320.08 License taxes.--Except as otherwise provided
9 herein, there are hereby levied and imposed annual license
10 taxes for the operation of motor vehicles, mopeds, motorized
11 bicycles as defined in s. 316.003(2), and mobile homes, as
12 defined in s. 320.01, which shall be paid to and collected by
13 the department or its agent upon the registration or renewal
14 of registration of the following:

15 (1) MOTORCYCLES, MOPEDS, MOTORIZED BICYCLES.--

16 (a) Any motorcycle: \$10 flat.

17 (b) Any moped: \$5 flat.

18 (c) Any motorized bicycle as defined in s. 316.003(2):
19 \$5 flat; however, annual renewal is not required.

20 (d) Upon registration of any motorcycle, motor-driven
21 cycle, or moped there shall be paid in addition to the license
22 taxes specified in this subsection a nonrefundable motorcycle
23 safety education fee in the amount of \$2.50. The proceeds of
24 such additional fee shall be deposited in the Highway Safety
25 Operating Trust Fund and be used exclusively to fund a
26 motorcycle driver improvement program implemented pursuant to
27 s. 322.025 or the Florida Motorcycle Safety Education Program
28 established in s. 322.0255.

29 (e) An ancient or, ~~antique, or collectible~~ motorcycle:
30 \$10 flat.

31 (2) AUTOMOBILES FOR PRIVATE USE.--

1 (a) An ancient ~~or, antique, or collectible~~ automobile,
2 as defined in s. 320.086, or a street rod, as defined in s.
3 320.0863: \$7.50 flat.

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

5 (c) Net weight of 2,500 pounds or more, but less than
6 3,500 pounds: \$22.50 flat.

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

8 (3) TRUCKS.--

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

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

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

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

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

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

27 Section 24. Paragraph (b) of subsection (4) of section
28 320.08056, Florida Statutes, 1998 Supplement, is amended to
29 read:

30 320.08056 Specialty license plates.--

31

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

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

6 Section 25. Paragraph (f) of subsection (2) of section
7 320.08058, Florida Statutes, 1998 Supplement, is repealed.

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

10 320.08058 Specialty license plates.--

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

12 (a) The department shall develop a Florida Salutes
13 Veterans license plate. The words "Florida Salutes Veterans"
14 and the flag of the United States of America must appear on
15 the plate. ~~developed by the department must have a white~~
16 ~~background and must be designed so that the word "Florida"~~
17 ~~appears in red characters at the top of the plate; the words~~
18 ~~"Salutes Veterans" appear at the bottom of the plate in white~~
19 ~~characters on a red background; the flag of the United States,~~
20 ~~which must be designed to be waving, appears in the center of~~
21 ~~the plate; and the serial numbers appear in blue characters at~~
22 ~~either side of the flag.~~

23 (b) The Florida Salutes Veterans license plate annual
24 use fee must be deposited in the State Homes for Veterans
25 Trust Fund, which is created in the State Treasury. All such
26 moneys are to be administered by the Department of Veterans'
27 Affairs and must be used solely for the purpose of
28 constructing, operating, and maintaining domiciliary and
29 nursing homes for veterans and for continuing promotion and
30 marketing of the license plate, subject to the requirements of
31 chapter 216.

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

3 320.084 Free motor vehicle license plate to certain
4 disabled veterans.--

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

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

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

15 Section 28. Section 320.086, Florida Statutes, is
16 amended to read:

17 320.086 Ancient ~~or, antique, or collectible~~ motor
18 vehicles; "horseless carriage," antique, ~~collectible, or~~
19 historical license plates.--

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

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

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

23 (2)(3)(a) The owner of a motor vehicle for private use
24 manufactured after 1945 and of the age of 30 ~~20~~ years or more
25 after from the date of manufacture, equipped with an engine of
26 the age of 30 ~~20~~ years or more after from the date of
27 manufacture, and operated on the streets and highways of this
28 state may shall, upon application in the manner and at the
29 time prescribed by the department and upon payment of the
30 license tax prescribed by s. 320.08(1)(e), (2)(a), or (3)(e),
31 be issued a special license plate for such motor vehicle. In

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

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

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

1 ~~1996, shall be grandfathered to maintain a permanent license~~
2 ~~plate unless a vehicle with a model year of 1946-1960 is~~
3 ~~transferred to a new owner. Upon transfer of a vehicle with a~~
4 ~~model year of 1946-1960, after July 1, 1996, the vehicle shall~~
5 ~~be registered as a collectible and required to renew annually~~
6 ~~as prescribed by s. 320.08.~~

7 (4) Any person who is the registered owner of a an
8 ~~ancient, antique, or collectible~~ motor vehicle as defined in
9 this section and manufactured in the model year 1974 or
10 earlier, may apply to the department for permission to use a
11 historical Florida license plate that ~~which~~ clearly represents
12 the model year of the vehicle as a personalized prestige
13 license plate. This plate shall be furnished by such person
14 and shall be presented to the department with a reasonable fee
15 to be determined by the department for approval and for
16 authentication that the historic license plate and any
17 applicable decals were issued by this state in the same year
18 as the model year of the car or truck. The requirements of s.
19 320.0805(8)(b) do not apply to historical plates authorized
20 under this subsection.

21 Section 29. For the purpose of incorporating the
22 amendments made by this act to section 320.086, Florida
23 Statutes, in references thereto, paragraph (g) of subsection
24 (2) of section 320.072, Florida Statutes, is reenacted to
25 read:

26 320.072 Additional fee imposed on certain motor
27 vehicle registration transactions.--

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

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

1 Section 30. Section 320.13, Florida Statutes, is
2 amended to read:

3 320.13 Dealer and manufacturer license plates and
4 alternative method of registration.--

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

18 (b)1. Marine boat trailer dealers and manufacturers
19 may, upon payment of the license taxes imposed by s.
20 320.08(12), secure one or more dealer plates, which are valid
21 for use on boat trailers owned by the dealer to whom such
22 plates are issued while being used in connection with such
23 dealer's business, but are not valid for use for hire.

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

1 (2) A licensed manufacturer of motor vehicles may,
2 upon payment of the license tax imposed by s. 320.08(12),
3 secure one or more manufacturer license plates, which are
4 valid for use on motor vehicles owned by the manufacturer to
5 whom such plates are issued while the motor vehicles are in
6 inventory and for sale, being operated for demonstration
7 purposes, or in connection with such manufacturer's business,
8 but are not valid for use for hire.~~A dealer license plate may~~
9 ~~be replaced by the department upon submittal of an affidavit~~
10 ~~stating that the original has been actually destroyed or lost~~
11 ~~and payment of a fee of \$2.~~

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

20 Section 31. Paragraph (k) of subsection (1) of section
21 320.131, Florida Statutes, is amended, and subsections (5),
22 (6), and (7) are added to that section, to read:

23 320.131 Temporary tags.--

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

27 (k) In any case where a permanent license plate cannot
28 ~~can not~~ legally be issued to an applicant and a temporary
29 license plate is not specifically authorized under the
30 provisions of this section, the department shall have the
31 discretion to issue or authorize agents or Florida licensed

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

3
4 Further, the department is authorized to disallow the purchase
5 of temporary tags by licensed dealers, common carriers, or
6 financial institutions in those cases where abuse has
7 occurred.

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

13 (6) Any person who knowingly and willfully issues a
14 temporary tag or causes another to issue a temporary tag to a
15 fictitious person or entity to avoid disclosure of the true
16 owner of a vehicle commits a felony of the third degree,
17 punishable as provided in s. 775.082, s. 775.083, or s.
18 775.084.

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

26 Section 32. Section 320.1325, Florida Statutes, is
27 amended to read:

28 320.1325 Registration required for the temporarily
29 employed.--Motor vehicles owned or leased by persons who are
30 temporarily employed within the state but are not residents
31 are required to be registered. Upon payment of the fees

1 prescribed in this section and proof of insurance coverage as
2 required by the applicant's resident state,the department
3 shall provide a temporary registration plate and a
4 registration certificate valid for 90 days to an applicant who
5 is temporarily employed in this ~~the~~ state. The temporary
6 registration plate may be renewed one time for an additional
7 90-day period. At the end of the 180-day period of temporary
8 registration, the applicant shall apply for a permanent
9 registration if there is a further need to remain in this
10 state. A temporary license registration plate may not be
11 issued for any commercial motor vehicle as defined in s.
12 320.01. The fee for the 90-day temporary registration plate
13 shall be \$40 plus the applicable service charge required by s.
14 320.04. Subsequent permanent registration and titling of a
15 vehicle registered hereunder shall subject the applicant to
16 providing proof of Florida insurance coverage as specified in
17 s. 320.02 and payment of the fees required by ss. 319.231 and
18 320.072, in addition to all other taxes and fees required.

19 Section 33. Paragraph (v) is added to subsection (9)
20 of section 320.27, Florida Statutes, and paragraph (a) of
21 subsection (9) and subsection (12) of that section are
22 amended, to read:

23 320.27 Motor vehicle dealers.--

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

30 (a) Willful violation of any other law of this state,
31 including chapter 319, this chapter, or ss. 559.901-559.9221,

1 which has to do with dealing in or repairing motor vehicles or
2 mobile homes or willful failure to comply with any
3 administrative rule promulgated by the department.
4 Additionally, in the case of used motor vehicles, the willful
5 violation of the federal law and rule in 15 U.S.C. 2304, 16
6 C.F.R. Part 455, pertaining to the consumer sales window form.

7 (v) Sale by a motor vehicle dealer of a vehicle
8 offered in trade by a customer prior to consummation of the
9 sale, exchange, or transfer of a newly acquired vehicle to the
10 customer, unless the customer provides written authorization
11 for the sale of the trade-in vehicle prior to delivery of the
12 newly acquired vehicle.

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

20 320.27(9)(a)related to dealing in motor vehicles. Any
21 licensee shall be entitled to a hearing pursuant to chapter
22 120 if the licensee contests the fine levied, or about to be
23 levied, upon him or her.

24 Section 34. Section 320.30, Florida Statutes, is
25 amended to read:

26 320.30 Penalty for violating s. 320.28.--No action or
27 right of action to recover any such motor vehicle, or any part
28 of the selling price thereof, shall be maintained in the
29 courts of this state by any such dealer or vendor or his or
30 her successors or assigns in any case wherein such vendor or
31 dealer shall have failed to comply with the terms and

1 provisions of s. 320.28, and in addition thereto, such vendor
2 or dealer, upon conviction for the violation of any of the
3 provisions of said sections, shall be guilty of a misdemeanor
4 of the second degree, punishable as provided in s. 775.082 or
5 s. 775.083 and by confiscation of the vehicle or vehicles
6 offered for sale. Any municipal or county law enforcement
7 agency that enforces, or assists the department in enforcing,
8 the provisions of this section which enforcement results in a
9 forfeiture of property as provided in this section is entitled
10 to receive all or a share of any such property based upon its
11 participation in such enforcement. Any property seized by any
12 municipal or county law enforcement agency may be retained or
13 sold by the law enforcement agency in accordance with the
14 Florida Contraband Forfeiture Act. Any funds received by a
15 municipal or county law enforcement agency pursuant to this
16 section constitute supplemental funds and may not be used as
17 replacement funds by the municipality or county. However, this
18 section shall not apply to:

19 (1) The holder of a note or notes representing a
20 portion of the purchase price of such motor vehicle when the
21 owner thereof was and is a bona fide purchaser of said note or
22 notes, before maturity, for value and without knowledge that
23 the vendor of such vehicle had not complied with said
24 sections; or-

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

28 Section 35. Subsection (11) of section 320.8249,
29 Florida Statutes, is repealed.

30 Section 36. Subsection (2) of section 320.8325,
31 Florida Statutes, is amended to read:

1 320.8325 Mobile homes and park trailers; tie-down
2 requirements; minimum installation standards; injunctions;
3 penalty.--

4 (2) The department shall promulgate rules and
5 regulations setting forth uniform ~~minimum~~ standards for the
6 manufacture or installation of anchors, tie-downs,
7 over-the-roof ties, or other reliable methods of securing
8 mobile homes or park trailers when over-the-roof ties are not
9 suitable due to factors such as unreasonable cost, design of
10 the mobile home or park trailer, or potential damage to the
11 mobile home or park trailer. No entity, other than the
12 department, has authority to amend these uniform standards.

13 Such devices required under this section, when properly
14 installed, shall cause the mobile home or park trailer to
15 resist wind overturning and sliding. In promulgating such
16 rules and regulations, the department may make such
17 discriminations regarding mobile home or park trailer tie-down
18 requirements as are reasonable when factors such as age,
19 location, and practicality of tying down a mobile home or park
20 trailer are considered.

21 Section 37. Section 321.06, Florida Statutes, is
22 amended to read:

23 321.06 Civil service.--

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

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

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

18 Section 38. Subsections (6) and (7) of section 322.08,
19 Florida Statutes, 1998 Supplement, are amended to read:

20 322.08 Application for license.--

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

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

31

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

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

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

12
13 A statement providing an explanation of the purpose of the
14 trust funds shall also be included.

15 Section 39. Subsections (5) and (6) of section
16 322.081, Florida Statutes, 1998 Supplement, are amended to
17 read:

18 322.081 Requests to establish voluntary checkoff on
19 driver's license application.--

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

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

29 (b) All organizational recipients of any voluntary
30 contributions in excess of \$15,000, not otherwise subject to
31 annual audit by the Office of the Auditor General, shall

1 submit an annual audit of the expenditures of these
2 contributions and interest earned from these contributions, to
3 determine if expenditures are being made in accordance with
4 the specifications outlined by law. The audit shall be
5 prepared by a certified public accountant licensed under
6 chapter 473 at that organizational recipient's expense. The
7 notes to the financial statements should state whether
8 expenditures were made in accordance with law. ~~Such audits~~
9 ~~must be delivered to the department no later than December 31~~
10 ~~of the calendar year in which the audit was performed.~~

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

17 (d) Any voluntary contributions authorized by law
18 shall only be distributed to an organization under an
19 appropriation by the Legislature.

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

23 (6) Within 90 days after receiving an organization's
24 audit or report ~~By February 1 each year~~, the department shall
25 determine which recipients have not complied with subsection
26 (5). If the department determines that an organization has
27 not complied or has failed to use the revenues in accordance
28 with law, the department must discontinue the distribution of
29 the revenues to the organization until the department
30 determines that the organization has complied. If an
31 organization fails to comply within 12 months after the

1 voluntary contributions are withheld by the department, the
2 proceeds shall be deposited into the Highway Safety Operating
3 Trust Fund to offset department costs.

4 Section 40. Subsection (3) of section 322.1615,
5 Florida Statutes, is amended to read:

6 322.1615 Learner's driver's license.--

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

13 Section 41. Paragraphs (b) and (d) of subsection (6)
14 and subsection (10) of section 322.2615, Florida Statutes, are
15 amended to read:

16 322.2615 Suspension of license; right to review.--

17 (6)

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

1 ~~department shall conduct an informal review of the suspension~~
2 ~~under subsection (4).~~

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

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

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

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

1 driver is not issued a 30-day permit pursuant to this section
2 or s. 322.64 because he or she is ineligible for the permit
3 and the suspension for a violation of s. 316.193, relating to
4 unlawful blood-alcohol level, is not invalidated by the
5 department, the driver is not eligible to receive a business
6 or employment license pursuant to s. 322.271 until 30 days
7 have elapsed from the date of the arrest.

8 Section 42. Subsection (3) of section 322.245, Florida
9 Statutes, is amended to read:

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

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

25 Section 43. Subsections (4), (5), (6), (7), and (8) of
26 section 322.28, Florida Statutes, 1998 Supplement, are amended
27 to read:

28 322.28 Period of suspension or revocation.--

29 ~~(4) Upon the conviction of a person for a violation of~~
30 ~~s. 322.34, the license or driving privilege, if suspended,~~
31 ~~shall be suspended for 3 months in addition to the period of~~

1 ~~suspension previously imposed and, if revoked, the time after~~
2 ~~which a new license may be issued shall be delayed 3 months.~~

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

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

27 (b) If the period of revocation was not specified by
28 the court at the time of imposing sentence or within 30 days
29 thereafter, the department shall revoke the driver's license
30 for the minimum period applicable under paragraph (a) or, for
31

1 a subsequent conviction, for the minimum period applicable
2 under paragraph (2)(a) or paragraph (2)(e).

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

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

19 Section 44. Subsection (6) of section 322.34, Florida
20 Statutes, 1998 Supplement, is amended to read:

21 322.34 Driving while license suspended, revoked,
22 canceled, or disqualified.--

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

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

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

29
30 and who by careless or negligent operation of the motor
31 vehicle causes the death of or serious bodily injury to

1 another human being is guilty of a felony of the third degree,
2 punishable as provided in s. 775.082 or s. 775.083.

3 Section 45. Subsection (5) of section 324.201, Florida
4 Statutes, is amended to read:

5 324.201 Return of license or registration to
6 department.--

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

17 Section 46. Effective July 1, 2000, section 324.202,
18 Florida Statutes, is amended to read:

19 324.202 Seizure of motor vehicle license plates by
20 recovery agents.--

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

1 chapter 95-202, Laws of Florida. A ~~On October 1, 1996, the~~
2 ~~department shall provide a report to the President of the~~
3 ~~Senate, the Speaker of the House of Representatives, the chair~~
4 ~~of the Senate Commerce Committee, the chair of the House~~
5 ~~Insurance Committee, and the Majority and Minority Leaders of~~
6 ~~the Senate and the House of Representatives, on the results of~~
7 ~~the pilot project.~~ licensed recovery agent or recovery agency
8 ~~agents and recovery agencies~~ as described in s. 493.6101(20)
9 and (21) may seize the license plate plates of a motor vehicle
10 if the vehicle's registration or the driver's license of the
11 owner or operator of the vehicle has ~~vehicles whose~~
12 ~~registrations have~~ been suspended pursuant to s. 316.646 or s.
13 627.733 ~~in such counties~~ upon compliance with this section and
14 rules of the Department of Highway Safety and Motor Vehicles.

15 (2) The Department of Highway Safety and Motor
16 Vehicles shall:

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

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

1 ~~reinstatement fee to the Department of Highway Safety and~~
2 ~~Motor Vehicles, the department shall pay the recovery agent.~~

3 Section 47. Section 325.2135, Florida Statutes, 1998
4 Supplement, is amended to read:

5 325.2135 Motor vehicle emissions inspection program;
6 development of specifications; fees; reporting.--

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

26 ~~(2) If no specific legislation is passed during the~~
27 ~~1999 legislative session to direct the department to implement~~
28 ~~a motor vehicle inspection program, the department may issue a~~
29 ~~request for proposal and The department may extend the current~~
30 ~~emissions inspection program contracts for a period of time~~
31 ~~sufficient to implement new contracts resulting from~~

1 competitive proposals, and shall enter into and implement one
2 or more contracts by June 30, 2000,for a biennial inspection
3 program for vehicles 4 5 model years and older using the basic
4 test for hydrocarbon emissions and carbon monoxide emissions.
5 Any contract authorized under this section must contain a
6 provision requiring that the average driving distance from
7 residences to inspection stations be no more than 6 miles for
8 at least 90 percent of the affected registered motor vehicle
9 owners in the designated program areas.The requirements for
10 the program included in the proposals must be based on the
11 requirements under chapter 325 unless those requirements
12 conflict with this section. No contract entered into under
13 this subsection may be for longer than 5 2 years. Any contract
14 authorized under this section must provide that the department
15 reserves the right to cancel a contract at any time before the
16 conclusion of the contract term upon 6 months notice to the
17 contractor.Notwithstanding the provisions of s. 325.214, ~~if~~
18 the fee for motor vehicle inspection proposed by the
19 Department of Highway Safety and Motor Vehicles may not will
20 exceed\$20\$10 per inspection., ~~the department may impose the~~
21 ~~higher fee if such fee is approved through the budget~~
22 ~~amendment process set forth in chapter 216 and notice is~~
23 ~~provided to the chairmen of the Senate and House~~
24 ~~Transportation and Natural Resources Committees at the time it~~
25 ~~is provided to the Senate Ways and Means and House~~
26 ~~Appropriations Committees.~~

27 Section 48. Subsection (2) of section 325.214, Florida
28 Statutes, 1998 Supplement, is amended to read:

29 325.214 Motor vehicle inspection; fees; disposition of
30 fees.--
31

1 (2) The inspection fee may not exceed \$19 ~~shall be~~
2 ~~\$10~~. Notwithstanding any other provision of law to the
3 contrary, an additional fee of \$1 shall be assessed upon the
4 issuance of each dealer certificate, which fee shall be
5 forwarded to the department for deposit into the Highway
6 Safety Operating Trust Fund.

7 Section 49. Section 327.031, Florida Statutes, is
8 amended to read:

9 327.031 Suspension or denial of a vessel registration
10 due to child support delinquency; dishonored checks.--

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

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

28 Section 50. Subsection (3) of section 327.11, Florida
29 Statutes, is amended, present subsection (6) is renumbered as
30 subsection (8) and amended, and new subsections (6) and (7)
31 are added to that section, to read:

1 327.11 Vessel registration, application, certificate,
2 number, decal, duplicate certificate.--

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

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

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

22 ~~(8)(6)~~ Anyone guilty of falsely certifying any facts
23 relating to application, certificate, transfer, number, decal,
24 ~~or duplicate, or replacement~~ certificates or any information
25 required under this section shall be punished as provided
26 under this chapter.

27 Section 51. Subsection (2) of section 327.23, Florida
28 Statutes, is amended to read:

29 327.23 Exemption of vessels and outboard motors from
30 personal property tax; temporary certificate of registration;
31 vessel registration certificate fee.--

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

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

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

21 Section 52. Paragraphs (b) and (c) of subsection (2),
22 paragraph (b) of subsection (4), and paragraph (c) of
23 subsection (12) of section 327.25, Florida Statutes, are
24 amended to read:

25 327.25 Classification; registration; fees and charges;
26 surcharge; disposition of fees; fines; marine turtle
27 stickers.--

28 (2) ANTIQUE VESSEL REGISTRATION FEE.--

29 (b) The registration number for an antique vessel
30 shall be permanently attached to each side of ~~affixed on~~ the
31

1 forward half of the vessel ~~hull or on the port side of the~~
2 ~~windshield~~ according to ss. 327.11 and 327.11 and 327.14.

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

8 (4) TRANSFER OF OWNERSHIP.--

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

18 (12) REGISTRATION.--

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

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

31

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

6 Section 53. Section 327.255, Florida Statutes, is
7 created to read:

8 327.255 Registration; duties of tax collectors.--

9 (1) The tax collectors in the counties of the state,
10 as authorized agents of the department, shall issue
11 registration certificates and vessel numbers and decals to
12 applicants, subject to the requirements of law and in
13 accordance with rules of the department.

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

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

26 Section 54. Section 327.256, Florida Statutes, is
27 created to read:

28 327.256 Advanced registration renewal; procedures.--

29 (1) The owner of any vessel currently registered in
30 this state may file an application for renewal of registration
31 with the department, or its authorized agent in the county

1 wherein the owner resides, any time during the 3 months
2 preceding the date of expiration of the registration period.

3 (2) Upon the filing of the application and payment of
4 the appropriate vessel registration fee and service charges
5 required by s. 327.25 and any additional fees required by law,
6 the department or its agents shall issue to the owner of the
7 vessel a decal and registration. When the decal is affixed to
8 the vessel, the registration is renewed for the appropriate
9 registration period.

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

14 Section 55. Paragraph (c) of subsection (3) of section
15 328.01, Florida Statutes, is amended to read:

16 328.01 Application for certificate of title.--

17 (3)

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

1 all rights of ownership and a copy of the decedent's death
2 certificate shall be submitted to the department.

3 Section 56. Subsection (3) of section 328.11, Florida
4 Statutes, is amended to read:

5 328.11 Duplicate certificate of title.--

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

14 Section 57. Paragraph (c) of subsection (2) and
15 subsection (7) of section 328.15, Florida Statutes, are
16 amended, present subsection (8) is renumbered as subsection
17 (12), and new subsections (8), (9), (10), and (11) are added
18 to that section, to read:

19 328.15 Notice of lien on vessel; recording.--

20 (2)

21 (c) If the owner of the vessel as shown on the title
22 certificate or the director of the state child support
23 enforcement program desires to place a second or subsequent
24 lien or encumbrance against the vessel when the title
25 certificate is in the possession of the first lienholder, the
26 owner shall send a written request to the first lienholder by
27 certified mail and such first lienholder shall forward the
28 certificate to the department for endorsement. The department
29 shall return the certificate to the first lienholder, as
30 indicated in the notice of lien filed by the first lienholder,
31 after endorsing the second or subsequent lien on the

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

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

29 (b) Following satisfaction of a lien, the lienholder
30 shall enter a satisfaction thereof in the space provided on
31 the face of the certificate of title. If there are no

1 subsequent liens shown thereon, the certificate shall be
2 delivered by the lienholder to the person satisfying the lien
3 or encumbrance and an executed satisfaction on a form provided
4 by the department shall be forwarded to the department by the
5 lienholder within 10 days after satisfaction of the lien.

6 (c) If the certificate of title shows a subsequent
7 lien not then being discharged, an executed satisfaction of
8 the first lien shall be delivered by the lienholder to the
9 person satisfying the lien and the certificate of title
10 showing satisfaction of the first lien shall be forwarded by
11 the lienholder to the department within 10 days after
12 satisfaction of the lien.

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

27 (8) When the original certificate of title cannot be
28 returned to the department by the lienholder and evidence
29 satisfactory to the department is produced that all liens or
30 encumbrances have been satisfied, upon application by the
31 owner for a duplicate copy of the certificate of title, upon

1 the form prescribed by the department, accompanied by the fee
2 prescribed in this chapter, a duplicate copy of the
3 certificate of title without statement of liens or
4 encumbrances shall be issued by the department and delivered
5 to the owner.

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

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

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

23 Section 58. Subsection (3) of section 328.16, Florida
24 Statutes, is amended, and subsection (5) is added to that
25 section, to read:

26 328.16 Issuance in duplicate; delivery; liens and
27 encumbrances.--

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

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

19 Section 59. Section 328.165, Florida Statutes, is
20 created to read:

21 328.165 Cancellation of certificates.--

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

1 to the holder of a certificate of title so canceled, the
2 department shall immediately cancel the certificate of
3 registration and demand the return of the certificate of
4 registration and the holder of such certificate of
5 registration shall immediately return it to the department.

6 (2) The department may, upon application by any person
7 and payment of the proper fees, prepare and furnish lists
8 containing title information in such form as the department
9 authorizes, search the records of the department and make
10 reports thereof, and make photographic copies of the
11 department records and attestations thereof.

12 Section 60. Subsection (7) of section 627.733, Florida
13 Statutes, 1998 Supplement, is amended to read:

14 627.733 Required security.--

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

1 shall be \$150 for the first reinstatement after that 3-year
2 period. In the event that a person's license and registration
3 are suspended pursuant to this section or s. 316.646, only one
4 reinstatement fee shall be paid to reinstate the license and
5 the registration. All fees shall be collected by the
6 Department of Highway Safety and Motor Vehicles at the time of
7 reinstatement. The Department of Highway Safety and Motor
8 Vehicles shall issue proper receipts for such fees and shall
9 promptly deposit those fees in the Highway Safety Operating
10 Trust Fund. One-third of the fee collected under this
11 subsection shall be distributed from the Highway Safety
12 Operating Trust Fund to the local government entity or state
13 agency which employed the law enforcement officer or the
14 recovery agent who seizes a license plate pursuant to s.
15 324.201 or to s. 324.202. Such funds may be used by the local
16 government entity or state agency for any authorized purpose.

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

22 Section 61. Effective July 1, 2000, subsection (7) of
23 section 627.733, Florida Statutes, 1998 Supplement, as amended
24 by section 14 of chapter 98-223, Laws of Florida, is amended
25 to read:

26 627.733 Required security.--

27 (7)~~(a)~~ Any operator or owner whose registration has
28 been suspended pursuant to this section or s. 316.646 may
29 effect its reinstatement upon compliance with the requirements
30 of this section and upon payment to the Department of Highway
31 Safety and Motor Vehicles of a nonrefundable reinstatement fee

1 of \$150 for the first reinstatement. Such reinstatement fee
2 shall be \$250 for the second reinstatement and \$500 for each
3 subsequent reinstatement during the 3 years following the
4 first reinstatement. Any person reinstating her or his
5 insurance under this subsection must also secure noncancelable
6 coverage as described in s. 627.7275(2) and present to the
7 appropriate person proof that the coverage is in force on a
8 form promulgated by the Department of Highway Safety and Motor
9 Vehicles, such proof to be maintained for 2 years. If the
10 person does not have a second reinstatement within 3 years
11 after her or his initial reinstatement, the reinstatement fee
12 shall be \$150 for the first reinstatement after that 3-year
13 period. All fees shall be collected by the Department of
14 Highway Safety and Motor Vehicles at the time of
15 reinstatement. The Department of Highway Safety and Motor
16 Vehicles shall issue proper receipts for such fees and shall
17 promptly deposit those fees in the Highway Safety Operating
18 Trust Fund. One-third of the fee collected under this
19 subsection shall be distributed from the Highway Safety
20 Operating Trust Fund to the local government entity or state
21 agency which employed the law enforcement officer or the
22 recovery agent who seizes a license plate pursuant to s.
23 324.201 or to s. 324.202. Such funds may be used by the local
24 government entity or state agency for any authorized purpose.

25 ~~(b) One-third of the fee collected for the seizure of~~
26 ~~a license plate by a recovery agent shall be paid to the~~
27 ~~recovery agent, and the balance shall remain in the Highway~~
28 ~~Safety Operating Trust Fund and be distributed pursuant to s.~~
29 ~~321.245.~~

30 Section 62. The sum of \$150,000 is appropriated from
31 the Insurance Commissioner's Regulatory Trust Fund to the

1 Department of Highway Safety Operating Trust Fund for the
2 Fiscal Year 1999-2000.

3 Section 63. Paragraph (b) of subsection (4) and
4 paragraph (c) of subsection (7) of section 713.78, Florida
5 Statutes, 1998 Supplement, are amended to read:

6 713.78 Liens for recovering, towing, or storing
7 vehicles and undocumented vessels.--

8 (4)

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

22 (7)

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

1 property was not identified on the inventory record prepared
2 by the law enforcement agency requesting the removal of the
3 vehicle.

4 Section 64. Subsection (1) of section 732.9215,
5 Florida Statutes, is amended to read:

6 732.9215 Education program relating to anatomical
7 gifts.--The Agency for Health Care Administration, subject to
8 the concurrence of the Department of Highway Safety and Motor
9 Vehicles, shall develop a continuing program to educate and
10 inform medical professionals, law enforcement agencies and
11 officers, high school children, state and local government
12 employees, and the public regarding the laws of this state
13 relating to anatomical gifts and the need for anatomical
14 gifts.

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

29 Section 65. Subsection (1) of section 732.9216,
30 Florida Statutes, is amended to read:

31 732.9216 Organ and tissue donor education panel.--

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

13 Section 66. Paragraph (a) of subsection (3) of section
14 812.014, Florida Statutes, is amended, and subsection (5) is
15 added to that section, to read:

16 812.014 Theft.--

17 (3)(a) Theft of any property not specified in
18 subsection (2) is petit theft of the second degree and a
19 misdemeanor of the second degree, punishable as provided in s.
20 775.082 or s. 775.083, and as provided in subsection (5), as
21 applicable.

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

27 (b) In addition to the penalties prescribed in
28 paragraph (3)(a), every judgment of guilty of a petit theft
29 for property described in this subsection shall provide for
30 the suspension of the convicted person's driver's license. The
31 court shall forward the driver's license to the Department of

1 Highway Safety and Motor Vehicles in accordance with s.
2 322.25.

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

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

7 Section 67. Subsection (1) of section 832.06, Florida
8 Statutes, is amended to read:

9 832.06 Prosecution for worthless checks given tax
10 collector for licenses or taxes; refunds.--

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

1 order, together with court costs expended, is not received in
2 full by the county tax collector within 30 days after service
3 of the warrant, 30 days after conviction, or 60 days after the
4 collector swears out the complaint or receives the certificate
5 of the state attorney, whichever is first, the county tax
6 collector shall make a written report to this effect to the
7 Department of Highway Safety and Motor Vehicles relative to
8 ~~airplanes and motor vehicles and vessels, to the Department of~~
9 ~~Environmental Protection relative to boats,~~ to the Department
10 of Revenue relative to occupational licenses and the sales and
11 use tax, to the Division of Alcoholic Beverages and Tobacco of
12 the Department of Business and Professional Regulation
13 relative to beverage licenses, or to the Game and Fresh Water
14 Fish Commission relative to hunting and fishing licenses,
15 containing a statement of the amount remaining unpaid on the
16 worthless check or draft. If the information is not signed,
17 the certificate of the state attorney is issued, and the
18 written report of the amount remaining unpaid is made, the
19 county tax collector may request the sum be forthwith refunded
20 by the appropriate governmental entity, agency, or department.
21 If a warrant has been issued and served, he or she shall
22 certify to that effect, together with the court costs and
23 amount remaining unpaid on the check. The county tax collector
24 may request that the sum of money certified by him or her be
25 forthwith refunded by the Department of Highway Safety and
26 Motor Vehicles, ~~the Department of Environmental Protection,~~
27 the Department of Revenue, the Division of Alcoholic Beverages
28 and Tobacco of the Department of Business and Professional
29 Regulation, or the Game and Fresh Water Fish Commission to the
30 county tax collector. Within 30 days after receipt of the
31 request, the Department of Highway Safety and Motor Vehicles,

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

1 request, the Department of Highway Safety and Motor Vehicles,
2 ~~the Department of Environmental Protection,~~ the Department of
3 Revenue, the Division of Alcoholic Beverages and Tobacco of
4 the Department of Business and Professional Regulation, or the
5 Game and Fresh Water Fish Commission, upon being satisfied as
6 to the correctness of the certificate, shall refund the sums
7 of money so certified to the county tax collector.

8 Section 68. Paragraph (a) of subsection (2) of section
9 932.701, Florida Statutes, is amended to read:

10 932.701 Short title; definitions.--

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

12 (a) "Contraband article" means:

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

23 2. Any gambling paraphernalia, lottery tickets, money,
24 currency, or other means of exchange which was used, was
25 attempted, or intended to be used in violation of the gambling
26 laws of the state.

27 3. Any equipment, liquid or solid, which was being
28 used, is being used, was attempted to be used, or intended to
29 be used in violation of the beverage or tobacco laws of the
30 state.

31

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

3 5. Any personal property, including, but not limited
4 to, any vessel, aircraft, item, object, tool, substance,
5 device, weapon, machine, vehicle of any kind, money,
6 securities, books, records, research, negotiable instruments,
7 or currency, which was used or was attempted to be used as an
8 instrumentality in the commission of, or in aiding or abetting
9 in the commission of, any felony, whether or not comprising an
10 element of the felony, or which is acquired by proceeds
11 obtained as a result of a violation of the Florida Contraband
12 Forfeiture Act.

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

20 7. Any personal property, including, but not limited
21 to, equipment, money, securities, books, records, research,
22 negotiable instruments, currency, or any vessel, aircraft,
23 item, object, tool, substance, device, weapon, machine, or
24 vehicle of any kind in the possession of or belonging to any
25 person who takes aquaculture products in violation of s.
26 812.014(2)(c).

27 8. Any motor vehicle offered for sale in violation of
28 s. 320.28.

29 Section 69. For the purpose of incorporating the
30 amendment to section 932.701(2)(a), Florida Statutes, in
31 references thereto, subsection (6) of section 705.101, Florida

1 Statutes, and subsection (4) of section 932.703, Florida
2 Statutes, is reenacted to read:

3 705.101 Definitions.--As used in this chapter:

4 (6) "Unclaimed evidence" means any tangible personal
5 property, including cash, not included within the definition
6 of "contraband article," as provided in s. 932.701(2), which
7 was seized by a law enforcement agency, was intended for use
8 in a criminal or quasi-criminal proceeding, and is retained by
9 the law enforcement agency or the clerk of the county or
10 circuit court for 60 days after the final disposition of the
11 proceeding and to which no claim of ownership has been made.

12 932.703 Forfeiture of contraband article;
13 exceptions.--

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

28 Section 70. Section 14 of chapter 98-223, Laws of
29 Florida, is repealed.

30 Section 71. This act shall take effect upon becoming a
31 law.