

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.
6 234.021, F.S.; revising hazardous walking
7 conditions for students; amending s. 316.063,
8 F.S.; revising provisions to refer to a
9 "traffic crash" rather than an "accident";
10 providing a noncriminal traffic infraction for
11 obstructing traffic under certain
12 circumstances; amending s. 316.1958, F.S.;
13 restricting the issuance of disabled parking
14 citations under certain circumstances; amending
15 s. 316.1975, F.S.; revising provisions with
16 respect to unattended motor vehicles; amending
17 s. 316.211, F.S.; providing for compliance with
18 certain federal safety standards with respect
19 to equipment for motorcycle and moped riders;
20 amending s. 316.520, F.S.; providing that it is
21 a noncriminal traffic infraction punishable as
22 a moving violation to violate load limits on
23 vehicles; amending s. 316.640, F.S.;
24 authorizing the Florida Highway Patrol to
25 employ certain persons as traffic accident
26 investigation officers; providing for certain
27 powers and duties; providing for the employment
28 of parking enforcement specialists by airport
29 authorities; amending s. 318.14, F.S.;
30 conforming cross-references to changes made by
31 the act; amending s. 318.15, F.S.; including

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

1 320.065, F.S., relating to the registration of
2 certain rental trailers for hire and
3 semitrailers used to haul agricultural
4 products; amending s. 320.0657, F.S.; revising
5 provisions with respect to fleet license
6 plates; providing fees; amending s. 320.08,
7 F.S., relating to license fees; deleting
8 references to certain collectible vehicles;
9 providing a fee for manufacturer license
10 plates; amending s. 320.08056, F.S.; revising
11 the license plate annual use fee for the
12 Challenger license plate; repealing s.
13 320.08058(2)(f), F.S., which provides for the
14 repeal of the Challenger license plate;
15 amending s. 320.08058, F.S.; revising
16 provisions relating to the design of the
17 Florida Salutes Veterans license plate;
18 authorizing the Department of Veterans' Affairs
19 to use moneys from the license plate fee to
20 promote and market the plate; amending s.
21 320.084, F.S.; deleting obsolete provisions;
22 amending s. 320.086, F.S.; revising provisions
23 governing the issuance of license plates for
24 certain historical motor vehicles; reenacting
25 s. 320.072(2)(g), F.S., relating to the fee
26 imposed on motor vehicle registrations, to
27 incorporate the amendment to s. 320.086, F.S.,
28 in references thereto; amending s. 320.13,
29 F.S.; providing an alternative method of
30 registration for manufacturer license plates;
31 prohibiting the use of dealer license plates

1 for specified purposes; amending s. 320.131,
2 F.S.; authorizing agents or Florida licensed
3 dealers to issue temporary license tags when
4 such tags are not specifically authorized;
5 providing penalties with respect to certain
6 violations concerning temporary tags; amending
7 s. 320.1325, F.S.; revising provisions with
8 respect to registration for the temporarily
9 employed; amending s. 320.27, F.S.; revising
10 provisions governing the denial, suspension, or
11 revocation of motor vehicle dealer licenses;
12 amending s. 320.30, F.S.; providing for the
13 forfeiture of a motor vehicle; providing for
14 confiscation and sale of such vehicles;
15 repealing s. 320.8249(11), F.S., which provides
16 for an exemption from installer licensing;
17 amending s. 320.8325, F.S.; providing for
18 uniform standards; amending s. 321.06, F.S.;
19 authorizing the department to employ certain
20 traffic accident investigation officers;
21 amending s. 322.08, F.S.; deleting provisions
22 with respect to certain applications made by
23 persons who hold an out-of-state driver
24 license; amending s. 322.081, F.S.; revising
25 audit requirements with respect to voluntary
26 contributions on the driver's license
27 application; amending s. 322.1615, F.S.;
28 revising provisions with respect to a learner's
29 driver's license; amending s. 322.2615, F.S.;
30 revising provisions with respect to suspension
31 of a license; amending s. 322.28, F.S.;

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

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

1 plate seizure; amending s. 324.202, F.S.;
2 expanding into additional counties a pilot
3 project that authorizes a recovery agent or
4 recovery agency to seize the license plate of a
5 motor vehicle following suspension of the
6 vehicle's registration or suspension of the
7 driver's license of the owner or operator of
8 the vehicle for failing to maintain personal
9 injury protection; requiring that the
10 department provide procedures for paying fees;
11 amending s. 627.733, F.S.; deleting payment of
12 a fee to recovery agents; amending s. 318.18,
13 F.S.; changing the date by which electronic
14 transmission of certain data must be commenced;
15 amending s. 322.245, F.S.; changing the time
16 within which the failure of a person to pay
17 child support must be reported; repealing s. 14
18 of ch. 98-223, Laws of Florida, relating to
19 required security for the operation of a motor
20 vehicle; providing an effective date.

21
22 Be It Enacted by the Legislature of the State of Florida:

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

27 233.063 Instruction in operation of motor vehicles.--
28 (3)(a) School districts shall earn funds on full-time
29 equivalent students at the appropriate basic program cost
30 factor, regardless of the method by which such courses are
31 offered.

1 (b) For the purpose of financing the Driver Education
2 Program in the secondary schools, there shall be levied an
3 additional 50 cents per year to the driver's license fee
4 required by s. 322.21. The additional fee shall be promptly
5 remitted to the Department of Highway Safety and Motor
6 Vehicles, and the department shall transmit the fee to the
7 Educational Aids Trust Fund within the Department of Education
8 for distribution to school districts for driver education
9 programs ~~Treasurer to be deposited in the General Revenue~~
10 ~~Fund.~~

11 Section 2. Paragraph (c) is added to subsection (3) of
12 section 234.021, Florida Statutes, to read:

13 234.021 Hazardous walking conditions.--

14 (3) CRITERIA FOR DETERMINING HAZARDOUS WALKING
15 CONDITIONS.--

16 (c) Walking on an overpass which crosses over an
17 interstate highway.--It shall be considered hazardous walking
18 conditions with respect to any vehicle overpass which crosses
19 over an interstate highway which students must walk in order
20 to travel to and from school.

21 1. This provision shall apply regardless of the
22 existence of a walkway, unless a concrete barrier separates
23 the walkway from parallel traffic; and

24 2. Students do not have to cross at an interstate on
25 or off-ramp.

26 Section 3. Section 316.063, Florida Statutes, is
27 amended to read:

28 316.063 Duty upon damaging unattended vehicle or other
29 property.--

30 (1) The driver of any vehicle which collides with, or
31 is involved in a crash ~~an accident~~ with, any vehicle or other

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

19 (2) Every such stop shall be made without obstructing
20 traffic more than is necessary. If a damaged vehicle is
21 obstructing traffic, the driver shall make every reasonable
22 effort to move the vehicle or have it moved so as not to
23 obstruct the regular flow of traffic. A violation of this
24 subsection is a noncriminal traffic infraction, punishable as
25 a nonmoving violation as provided in chapter 318.

26 (3)~~(2)~~ The law enforcement officer at the scene of a
27 crash~~an accident~~ required to be reported in accordance with
28 the provisions of subsection (1) or the law enforcement
29 officer receiving a report by a driver as required by
30 subsection (1) shall, if part or any of the property damaged
31 is a fence or other structure used to house or contain

1 livestock, promptly make a reasonable effort to notify the
2 owner, occupant, or agent of this damage.

3 Section 4. Section 316.1958, Florida Statutes, 1998
4 Supplement, is amended to read:

5 316.1958 Out-of-state vehicles bearing identification
6 of issuance to persons who have disabilities.--Motor vehicles
7 displaying a special license plate or parking permit issued to
8 a person who has a disability by any other state or district
9 subject to the laws of the United States or by a foreign
10 country that issues disabled parking permits that display the
11 international symbol of accessibility are recognized as
12 displaying a valid license plate or permit, that allows such a
13 vehicle special parking privileges under s. 316.1955, if the
14 other state or district grants reciprocal recognition for
15 residents of this state who have disabilities. However, when
16 an individual is required by law to have a Florida driver's
17 license or a Florida vehicle registration, a special motor
18 vehicle license plate or parking permit issued by another
19 state, district, or country to persons who have disabilities
20 is not valid and the individual whose vehicle displays such an
21 invalid plate or permit is subject to the same penalty as an
22 individual whose vehicle does not display a valid plate or
23 permit. A law enforcement officer or parking enforcement
24 specialist may not ticket a vehicle for a violation of s.
25 316.1955 without first determining whether the vehicle is
26 transporting a resident of another state who is the owner of
27 the out-of-state placard.

28 Section 5. Section 316.1975, Florida Statutes, is
29 amended to read:

30 316.1975 Unattended motor vehicle.--

31

1 (1) A ~~No~~ person driving or in charge of any motor
2 vehicle may not ~~except a licensed delivery truck or other~~
3 ~~delivery vehicle while making deliveries,~~ shall permit it to
4 stand unattended without first stopping the engine, locking
5 the ignition, and removing the key. A ~~No~~ vehicle may not
6 ~~shall~~ be permitted to stand unattended upon any perceptible
7 grade without stopping the engine and effectively setting the
8 brake thereon and turning the front wheels to the curb or side
9 of the street.

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

11 (a) An authorized emergency vehicle while in the
12 performance of official duties and the vehicle is equipped
13 with an activated anti-theft device that prohibits the vehicle
14 from being driven; or

15 (b) A licensed delivery truck or other delivery
16 vehicle while making deliveries.

17 Section 6. Section 316.211, Florida Statutes, is
18 amended to read:

19 316.211 Equipment for motorcycle and moped riders.--

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

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

31

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

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

16 ~~(5) The department is authorized to approve protective~~
17 ~~headgear made to specifications drawn and devised by, or~~
18 ~~approved by, the American National Standards Institute, the~~
19 ~~United States Department of Transportation, the United States~~
20 ~~Consumer Products Safety Commission, the United States~~
21 ~~Department of Defense, or any other entity which can provide~~
22 ~~equally effective equipment specifications. The department~~
23 ~~shall publish lists of protective equipment, and such lists~~
24 ~~shall be made available by request to all users of such~~
25 ~~equipment.~~

26 Section 7. Section 316.520, Florida Statutes, is
27 amended to read:

28 316.520 Loads on vehicles.--

29 (1) A ~~No~~ vehicle may not ~~shall~~ be driven or moved on
30 any highway unless the vehicle is so constructed or loaded as
31 to prevent any of its load from dropping, shifting, leaking,

1 blowing, or otherwise escaping therefrom, except that sand may
2 be dropped only for the purpose of securing traction or water
3 or other substance may be sprinkled on a roadway in cleaning
4 or maintaining the roadway.

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

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

17 Section 8. Paragraph (a) of subsection (1) of section
18 316.640, Florida Statutes, is amended to read:

19 316.640 Enforcement.--The enforcement of the traffic
20 laws of this state is vested as follows:

21 (1) STATE.--

22 (a)1.a. The Division of Florida Highway Patrol of the
23 Department of Highway Safety and Motor Vehicles, the Division
24 of Law Enforcement of the Game and Fresh Water Fish
25 Commission, the Division of Law Enforcement of the Department
26 of Environmental Protection, and law enforcement officers of
27 the Department of Transportation each have authority to
28 enforce all of the traffic laws of this state on all the
29 streets and highways thereof and elsewhere throughout the
30 state wherever the public has a right to travel by motor
31 vehicle. The Division of the Florida Highway Patrol may employ

1 as a traffic accident investigation officer any individual who
2 successfully completes at least 200 hours of instruction in
3 traffic accident investigation and court presentation through
4 the Selective Traffic Enforcement Program as approved by the
5 Criminal Justice Standards and Training Commission and funded
6 through the National Highway Traffic Safety Administration or
7 a similar program approved by the commission, but who does not
8 necessarily meet the uniform minimum standards established by
9 the commission for law enforcement officers or auxiliary law
10 enforcement officers under chapter 943. Any such traffic
11 accident investigation officer who makes an investigation at
12 the scene of a traffic accident may issue traffic citations,
13 based upon personal investigation, when he or she has
14 reasonable and probable grounds to believe that a person who
15 was involved in the accident committed an offense under this
16 chapter, chapter 319, chapter 320, or chapter 322 in
17 connection with the accident. This paragraph does not permit
18 the carrying of firearms or other weapons, nor do such
19 officers have arrest authority other than for the issuance of
20 a traffic citation as authorized in this paragraph.

21 b. University police officers shall have authority to
22 enforce all of the traffic laws of this state when such
23 violations occur on or about any property or facilities that
24 are under the guidance, supervision, regulation, or control of
25 the State University System, except that traffic laws may be
26 enforced off-campus when hot pursuit originates on-campus.

27 c. Community college police officers shall have the
28 authority to enforce all the traffic laws of this state only
29 when such violations occur on any property or facilities that
30 are under the guidance, supervision, regulation, or control of
31 the community college system.

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

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

16 (II) A parking enforcement specialist employed by an
17 airport authority is authorized to enforce all state, county,
18 and municipal laws and ordinances governing parking only when
19 such violations are on property or facilities owned or
20 operated by the airport authority employing the specialist, by
21 appropriate state, county, or municipal traffic citation.

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

30 f. School safety officers shall have the authority to
31 enforce all of the traffic laws of this state when such

1 violations occur on or about any property or facilities which
2 are under the guidance, supervision, regulation, or control of
3 the district school board.

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

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

16 Section 9. Subsections (1), (4), and (9) of section
17 318.14, Florida Statutes, are amended to read:

18 318.14 Noncriminal traffic infractions; exception;
19 procedures.--

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

30 (4) Any person charged with a noncriminal infraction
31 under this section who does not elect to appear shall pay the

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

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

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

4 318.15 Failure to comply with civil penalty or to
5 appear; penalty.--

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

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

1 shall also be in compliance with requirements of chapter 322
2 prior to reinstatement.

3 Section 11. Paragraph (a) of subsection (8) of section
4 318.18, Florida Statutes, 1998 Supplement, is amended to read:

5 318.18 Amount of civil penalties.--The penalties
6 required for a noncriminal disposition pursuant to s. 318.14
7 are as follows:

8 (8)(a) Any person who fails to comply with the court's
9 requirements or who fails to pay the civil penalties specified
10 in this section within the 30-day period provided for in s.
11 318.14 must pay an additional civil penalty of \$12, \$2.50 of
12 which must be deposited into the General Revenue Fund, and
13 \$9.50 of which must be deposited in the Highway Safety
14 Operating Trust Fund. There is hereby appropriated from the
15 Highway Safety Operating Trust Fund for fiscal year 1996-1997
16 the amount of \$4 million. From this appropriation the
17 department shall contract with the Florida Association of
18 Court Clerks, Inc., to design, establish, operate, upgrade,
19 and maintain an automated statewide Uniform Civil Court and
20 Traffic Citation Accounting System to be operated by the
21 clerks of the court which shall include, but not be limited
22 to, the accounting for traffic infractions by type, a record
23 of the disposition of the citations, and an accounting system
24 for the fines assessed and the subsequent fine amounts paid to
25 the clerks of the court. On or before December 1, 2001 ~~1999~~,
26 the clerks of the court must provide the information required
27 by this chapter to be transmitted to the department by
28 electronic transmission pursuant to the contract.

29 Section 12. Section 318.36, Florida Statutes, is
30 amended to read:

31

1 318.36 Code of ethics.--Hearing officers shall be
2 subject to The Florida Bar Code of Professional Responsibility
3 and not the Judicial Code of Ethics, except that they shall
4 avoid practices or occupations that would constitute a
5 conflict of interest or give the appearance of impropriety.
6 Whether serving full time or part time, hearing officers shall
7 be prohibited from representing clients or practicing before
8 any other hearing officer of a civil traffic court or from
9 representing any client appealing the decision of any other
10 hearing officer. A civil traffic infractions hearing officer
11 appointed under s. 318.30 shall have judicial immunity in the
12 same manner and to the same extent as judges.

13 Section 13. Subsections (1), (2), and (3) of section
14 319.14, Florida Statutes, are amended to read:

15 319.14 Sale of motor vehicles registered or used as
16 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
17 and nonconforming vehicles.--

18 (1)(a) No person shall knowingly offer for sale, sell,
19 or exchange any vehicle that has been licensed, registered, or
20 used as a taxicab, police vehicle, or short-term-lease ~~lease~~
21 ~~vehicle which will no longer be in lease service after April~~
22 ~~29, 1990~~, or a vehicle that ~~which~~ has been repurchased by a
23 manufacturer pursuant to a settlement, determination, or
24 decision under chapter 681, until the department has stamped
25 in a conspicuous place on the certificate of title of the
26 vehicle, or its duplicate, words stating the nature of the
27 previous use of the vehicle or the title has been stamped
28 "Manufacturer's Buy Back" to reflect that the vehicle is a
29 nonconforming vehicle. If the certificate of title or
30 duplicate was not so stamped upon initial issuance thereof or
31 if, subsequent to initial issuance of the title, the use of

1 the vehicle is changed to a use requiring the notation
2 provided for in this section, the owner or lienholder of the
3 vehicle shall surrender the certificate of title or duplicate
4 to the department prior to offering the vehicle for sale, and
5 the department shall stamp the certificate or duplicate as
6 required herein. When a vehicle has been repurchased by a
7 manufacturer pursuant to a settlement, determination, or
8 decision under chapter 681, the title shall be stamped
9 "Manufacturer's Buy Back" to reflect that the vehicle is a
10 nonconforming vehicle.

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

23 (c) As used in this section:

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

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

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

4 c. "Lease vehicle" includes both short-term-lease
5 vehicles and long-term-lease vehicles.

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

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

14 5. "Combined" means assembled by combining two motor
15 vehicles neither of which has been titled and branded as
16 "Salvage Unrebuildable."

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

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

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

25 9. "Flood vehicle" means a motor vehicle or mobile
26 home that has been declared to be a total loss pursuant to s.
27 319.30(3)(a) resulting from damage caused by water.

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

31

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

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

17 (3) Any person who, with intent to offer for sale or
18 exchange any vehicle referred to in subsection (1), knowingly
19 or intentionally advertises, publishes, disseminates,
20 circulates, or places before the public in any communications
21 medium, whether directly or indirectly, any offer to sell or
22 exchange the vehicle shall clearly and precisely state in each
23 such offer that the vehicle has previously been titled,
24 registered, or used as a taxicab, police vehicle, or
25 short-term-lease ~~lease~~ vehicle or that the vehicle or mobile
26 home is a vehicle that is rebuilt, assembled from parts, or
27 combined, or is a kit car, glider kit, replica, or flood
28 vehicle, or a nonconforming vehicle, as the case may be. Any
29 person who violates this subsection is guilty of a misdemeanor
30 of the second degree, punishable as provided in s. 775.082 or
31 s. 775.083.

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

3 319.23 Application for, and issuance of, certificate
4 of title.--

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

14 (a)1. A sworn affidavit from the seller and purchaser
15 verifying that the vehicle identification number shown on the
16 affidavit is identical to the vehicle identification number
17 shown on the motor vehicle; or

18 2. An appropriate departmental form evidencing that a
19 physical examination has been made of the motor vehicle by the
20 owner and by a duly constituted law enforcement officer in any
21 state, a licensed motor vehicle dealer, a license inspector as
22 provided by s. 320.58, an employee of an emissions contractor
23 pursuant to s. 325.207, or a notary public commissioned by
24 this state and that the vehicle identification number shown on
25 such form is identical to the vehicle identification number
26 shown on the motor vehicle; and

27 (b) If the vehicle is a used car original, a sworn
28 affidavit from the owner verifying that the odometer reading
29 shown on the affidavit is identical to the odometer reading
30 shown on the motor vehicle in accordance with the requirements
31 of 49 C.F.R. s. 580.5 at the time that application for title

1 is made. For the purposes of this section, the term "used car
2 original" means a used vehicle coming into and being titled in
3 this state for the first time.

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

13
14 Verification of the vehicle identification number is ~~shall~~ not
15 ~~be~~ required for any new motor vehicle ~~sold in this state by a~~
16 ~~licensed motor vehicle dealer~~; any mobile home; any trailer or
17 semitrailer with a net weight of less than 2,000 pounds; or
18 any travel trailer, camping trailer, truck camper, or
19 fifth-wheel recreation trailer.

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

29 Section 15. Subsections (4) and (5) and paragraph (c)
30 of subsection (8) of section 319.30, Florida Statutes, 1998
31

1 Supplement, are amended, and subsection (9) is added to that
2 section, to read:

3 319.30 Definitions; dismantling, destruction, change
4 of identity of motor vehicle or mobile home; salvage.--

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

19 (5)(a) It is unlawful for any person to knowingly
20 possess, sell, or exchange, offer to sell or exchange, or give
21 away any certificate of title or manufacturer's identification
22 number plate or serial plate of any motor vehicle, mobile
23 home, or derelict that ~~which~~ has been sold as salvage contrary
24 to the provisions of this section, and it is unlawful for any
25 person to authorize, direct, aid in, or consent to the
26 possession, sale, or exchange or to offer ~~any person who~~
27 ~~authorizes, directs, aids in, or consents to the possession,~~
28 ~~sale, or exchange or who offers to sell, exchange, or give~~
29 away such certificate of title or manufacturer's
30 identification number plate or serial plate ~~is guilty of a~~
31

1 ~~felony of the third degree, punishable as provided in s.~~
2 ~~775.082, s. 775.083, or s. 775.084.~~

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

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

28 (8)

29 (c) For the purpose of enforcement of this section,
30 the department or its agents and employees ~~shall~~ have the same
31 right of inspection as law enforcement officers as provided in

1 ~~s. 812.055. Any person who violates this subsection is guilty~~
2 ~~of a felony of the third degree, punishable as provided in s.~~
3 ~~775.082, s. 775.083, or s. 775.084.~~

4 (9) Any person who violates this section commits a
5 felony of the third degree, punishable as provided in s.
6 775.082, s. 775.083, or s. 775.084.

7 Section 16. Subsection (42) is added to section
8 320.01, Florida Statutes, to read:

9 320.01 Definitions, general.--As used in the Florida
10 Statutes, except as otherwise provided, the term:

11 (42) For purposes of this chapter, the term
12 "agricultural products" means any food product; any
13 agricultural, horticultural, or livestock product; any raw
14 material used in plant food formulation; and any plant food
15 used to produce food and fiber.

16 Section 17. Subsections (5) and (6) of section
17 320.023, Florida Statutes, 1998 Supplement, are amended to
18 read:

19 320.023 Requests to establish voluntary checkoff on
20 motor vehicle registration application.--

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

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

30 (b) All organizational recipients of any voluntary
31 contributions in excess of \$15,000, not otherwise subject to

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

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

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

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

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

1 organization fails to comply within 12 months after the
2 voluntary contributions are withheld by the department, the
3 proceeds shall be deposited into the Highway Safety Operating
4 Trust Fund to offset department costs.

5 Section 18. Subsection (5) of section 320.03, Florida
6 Statutes, 1998 Supplement, is amended to read:

7 320.03 Registration; duties of tax collectors;
8 International Registration Plan.--

9 (5) A fee of 50 cents shall be charged, in addition to
10 the fees required under s. 320.08, on every license
11 registration sold to cover the costs of the Florida Real Time
12 Vehicle Information System. The fees collected hereunder
13 shall be distributed as follows: 25 cents ~~deposited~~ into the
14 Highway Safety Operating Trust Fund ~~and~~ shall be used to fund
15 the Florida Real Time Vehicle Information System that system
16 and may be used to fund the general operations of the
17 department and 25 cents into the Highway Safety Operating
18 Trust Fund to be used exclusively to fund the Florida Real
19 Time Vehicle Information System. The only use of this latter
20 portion of the fee shall be to fund the Florida Real Time
21 Vehicle Information System equipment, software, and networks
22 used in the offices of the county tax collectors as agents of
23 the department and the ancillary technology necessary to
24 integrate the Florida Real Time Vehicle Information System
25 with other tax collection systems. The department shall
26 administer this program upon consultation with the Florida Tax
27 Collectors, Inc., to ensure that each county tax collector's
28 office will be technologically equipped and functional for the
29 operation of the Florida Real Time Vehicle Information System.
30 Any of the designated revenue collected to support functions
31 of the county tax collectors and not used in a given year will

1 remain exclusively in the trust fund as a carryover to the
2 following year.

3 Section 19. Paragraph (a) of subsection (1) of section
4 320.04, Florida Statutes, 1998 Supplement, is amended to read:

5 320.04 Registration service charge.--

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

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

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

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

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

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

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

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

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

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

24 (4)

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

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

4 Section 22. Section 320.065, Florida Statutes, is
5 repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 Section 24. Subsections (1), (2), (3), and (12) of
20 section 320.08, Florida Statutes, 1998 Supplement, are amended
21 to read:

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

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

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

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

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

14 (2) AUTOMOBILES FOR PRIVATE USE.--

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

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

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

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

22 (3) TRUCKS.--

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

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

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

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

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

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

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

10 Section 25. Paragraph (b) of subsection (4) of section
11 320.08056, Florida Statutes, 1998 Supplement, is amended to
12 read:

13 320.08056 Specialty license plates.--

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

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

19 Section 26. Paragraph (f) of subsection (2) of section
20 320.08058, Florida Statutes, 1998 Supplement, is repealed.

21 Section 27. Subsection (4) of section 320.08058,
22 Florida Statutes, 1998 Supplement, is amended to read:

23 320.08058 Specialty license plates.--

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

25 (a) The department shall develop a Florida Salutes
26 Veterans license plate. The words "Florida Salutes Veterans"
27 and the flag of the United States of America must appear on
28 the plate. developed by the department must have a white
29 background and must be designed so that the word "Florida"
30 appears in red characters at the top of the plate; the words
31 "Salutes Veterans" appear at the bottom of the plate in white

1 ~~characters on a red background; the flag of the United States,~~
2 ~~which must be designed to be waving, appears in the center of~~
3 ~~the plate; and the serial numbers appear in blue characters at~~
4 ~~either side of the flag.~~

5 (b) The Florida Salutes Veterans license plate annual
6 use fee must be deposited in the State Homes for Veterans
7 Trust Fund, which is created in the State Treasury. All such
8 moneys are to be administered by the Department of Veterans'
9 Affairs and must be used solely for the purpose of
10 constructing, operating, and maintaining domiciliary and
11 nursing homes for veterans and for continuing promotion and
12 marketing of the license plate, subject to the requirements of
13 chapter 216.

14 Section 28. Subsection (5) of section 320.084, Florida
15 Statutes, is amended to read:

16 320.084 Free motor vehicle license plate to certain
17 disabled veterans.--

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

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

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

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

30
31

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

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

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

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

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

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

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

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

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

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

5 Section 30. For the purpose of incorporating the
6 amendments made by this act to section 320.086, Florida
7 Statutes, in references thereto, paragraph (g) of subsection
8 (2) of section 320.072, Florida Statutes, is reenacted to
9 read:

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

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

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

16 Section 31. Section 320.13, Florida Statutes, is
17 amended to read:

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

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

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

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

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

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

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

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

5 Section 32. Paragraph (k) of subsection (1) of section
6 320.131, Florida Statutes, is amended, and subsections (5),
7 (6), and (7) are added to that section, to read:

8 320.131 Temporary tags.--

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

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

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

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

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

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

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

11 Section 33. Section 320.1325, Florida Statutes, is
12 amended to read:

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

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

4 Section 34. Paragraph (v) is added to subsection (9)
5 of section 320.27, Florida Statutes, and paragraph (a) of
6 subsection (9) and subsection (12) of that section are
7 amended, to read:

8 320.27 Motor vehicle dealers.--

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

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

23 (v) Sale by a motor vehicle dealer of a vehicle
24 offered in trade by a customer prior to consummation of the
25 sale, exchange, or transfer of a newly acquired vehicle to the
26 customer, unless the customer provides written authorization
27 for the sale of the trade-in vehicle prior to delivery of the
28 newly acquired vehicle.

29 (12) CIVIL FINES; PROCEDURE.--In addition to the
30 exercise of other powers provided in this section, the
31 department may levy and collect a civil fine, in an amount not

1 to exceed \$1,000 for each violation, against any licensee if
2 it finds that the licensee has violated any provision of this
3 section or has violated any other law of this state or the
4 federal law and administrative rule set forth in s.
5 320.27(9)(a)related to dealing in motor vehicles. Any
6 licensee shall be entitled to a hearing pursuant to chapter
7 120 if the licensee contests the fine levied, or about to be
8 levied, upon him or her.

9 Section 35. Section 320.30, Florida Statutes, is
10 amended to read:

11 320.30 Penalty for violating s. 320.28.--No action or
12 right of action to recover any such motor vehicle, or any part
13 of the selling price thereof, shall be maintained in the
14 courts of this state by any such dealer or vendor or his or
15 her successors or assigns in any case wherein such vendor or
16 dealer shall have failed to comply with the terms and
17 provisions of s. 320.28, and in addition thereto, such vendor
18 or dealer, upon conviction for the violation of any of the
19 provisions of said sections, shall be guilty of a misdemeanor
20 of the second degree, punishable as provided in s. 775.082 or
21 s. 775.083 and by confiscation of the vehicle or vehicles
22 offered for sale. Any municipal or county law enforcement
23 agency that enforces, or assists the department in enforcing,
24 the provisions of this section which enforcement results in a
25 forfeiture of property as provided in this section is entitled
26 to receive all or a share of any such property based upon its
27 participation in such enforcement. Any property seized by any
28 municipal or county law enforcement agency may be retained or
29 sold by the law enforcement agency in accordance with the
30 Florida Contraband Forfeiture Act. Any funds received by a
31 municipal or county law enforcement agency pursuant to this

1 section constitute supplemental funds and may not be used as
2 replacement funds by the municipality or county. However, this
3 section shall not apply to:

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

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

13 Section 36. Subsection (11) of section 320.8249,
14 Florida Statutes, is repealed.

15 Section 37. Subsection (2) of section 320.8325,
16 Florida Statutes, is amended to read:

17 320.8325 Mobile homes and park trailers; tie-down
18 requirements; minimum installation standards; injunctions;
19 penalty.--

20 (2) The department shall promulgate rules and
21 regulations setting forth uniform ~~minimum~~ standards for the
22 manufacture or installation of anchors, tie-downs,
23 over-the-roof ties, or other reliable methods of securing
24 mobile homes or park trailers when over-the-roof ties are not
25 suitable due to factors such as unreasonable cost, design of
26 the mobile home or park trailer, or potential damage to the
27 mobile home or park trailer. No entity, other than the
28 department, has authority to amend these uniform standards.

29 Such devices required under this section, when properly
30 installed, shall cause the mobile home or park trailer to
31 resist wind overturning and sliding. In promulgating such

1 rules and regulations, the department may make such
2 discriminations regarding mobile home or park trailer tie-down
3 requirements as are reasonable when factors such as age,
4 location, and practicality of tying down a mobile home or park
5 trailer are considered.

6 Section 38. Section 321.06, Florida Statutes, is
7 amended to read:

8 321.06 Civil service.--

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

28 (2) The department may employ traffic accident
29 investigation officers who must complete any applicable
30 standards adopted by the Florida Highway Patrol, including,
31 but not limited to: cognitive testing, drug testing,

1 polygraph testing, psychological testing, and an extensive
2 background check, including a credit check.

3 Section 39. Subsections (6) and (7) of section 322.08,
4 Florida Statutes, 1998 Supplement, are amended to read:

5 322.08 Application for license.--

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

13 (6)(7) The application form for a driver's license or
14 duplicate thereof shall include language permitting the
15 following:

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

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

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

27
28 A statement providing an explanation of the purpose of the
29 trust funds shall also be included.

30
31

1 Section 40. Subsections (5) and (6) of section
2 322.081, Florida Statutes, 1998 Supplement, are amended to
3 read:

4 322.081 Requests to establish voluntary checkoff on
5 driver's license 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 must 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 41. Subsection (3) of section 322.1615,
22 Florida Statutes, is amended to read:

23 322.1615 Learner's driver's license.--

24 (3) A person who holds a learner's driver's license
25 may operate a vehicle only during daylight hours, except that
26 the holder of a learner's driver's license may operate a
27 vehicle until ~~between the hours of 7 p.m. and 10 p.m.~~ after 3
28 months following ~~after~~ the issuance of the learner's driver's
29 license.

30
31

1 Section 42. Paragraphs (b) and (d) of subsection (6)
2 and subsection (10) of section 322.2615, Florida Statutes, are
3 amended to read:

4 322.2615 Suspension of license; right to review.--

5 (6)

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

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

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

31

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

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

28 Section 43. Subsection (3) of section 322.245, Florida
29 Statutes, is amended to read:

30 322.245 Suspension of license upon failure of person
31 charged with specified offense under chapter 316, chapter 320,

1 or this chapter to comply with directives ordered by traffic
2 court or upon failure to pay child support in non-IV-D cases
3 as provided in chapter 61.--

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

14 Section 44. Subsections (4), (5), (6), (7), and (8) of
15 section 322.28, Florida Statutes, 1998 Supplement, are amended
16 to read:

17 322.28 Period of suspension or revocation.--

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

23 ~~(5) If, in any case arising under this section, a~~
24 ~~licensee, after having been given notice of suspension or~~
25 ~~revocation of his or her license in the manner provided in s.~~
26 ~~322.251, fails to surrender to the department a license~~
27 ~~theretofore suspended or revoked, as required by s. 322.29, or~~
28 ~~fails otherwise to account for the license to the satisfaction~~
29 ~~of the department, the period of suspension of the license, or~~
30 ~~the period required to elapse after revocation before a new~~
31 ~~license may be issued, shall be extended until, and shall not~~

1 ~~expire until, a period has elapsed after the date of surrender~~
2 ~~of the license, or after the date of expiration of the~~
3 ~~license, whichever occurs first, which is identical in length~~
4 ~~with the original period of suspension or revocation.~~

5 (4)(6)(a) Upon a conviction for a violation of s.
6 316.193(3)(c)2., involving serious bodily injury, a conviction
7 of manslaughter resulting from the operation of a motor
8 vehicle, or a conviction of vehicular homicide, the court
9 shall revoke the driver's license of the person convicted for
10 a minimum period of 3 years. If ~~in the event that~~ a conviction
11 under s. 316.193(3)(c)2., involving serious bodily injury, is
12 also a subsequent conviction as described under paragraph
13 (2)(a), the court shall revoke the driver's license or driving
14 privilege of the person convicted for the period applicable as
15 provided in paragraph (2)(a) or paragraph (2)(e).

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

22 (5)(7) A court may not stay the ~~No~~ administrative
23 suspension of a driving privilege under s. 322.2615 or s.
24 322.2616 during judicial ~~shall be stayed upon a request for~~
25 review of the departmental order that resulted in such
26 suspension and a, ~~except as provided in former s. 322.261, no~~
27 suspension or revocation of a driving privilege may not ~~shall~~
28 be stayed upon an appeal of the conviction or order that
29 resulted in the suspension or revocation therein.

30 (6)(8) In a prosecution for a violation of s.
31 316.172(1), and upon a showing of the department's records

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

7 Section 45. Subsection (6) of section 322.34, Florida
8 Statutes, 1998 Supplement, is amended to read:

9 322.34 Driving while license suspended, revoked,
10 canceled, or disqualified.--

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

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

14 (b) While his or her driver's license or driving
15 privilege is canceled, suspended, or revoked pursuant to s.
16 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) ~~or (5)~~,

17
18 and who by careless or negligent operation of the motor
19 vehicle causes the death of or serious bodily injury to
20 another human being is guilty of a felony of the third degree,
21 punishable as provided in s. 775.082 or s. 775.083.

22 Section 46. Subsection (5) of section 324.201, Florida
23 Statutes, is amended to read:

24 324.201 Return of license or registration to
25 department.--

26 (5) When a recovery agent or recovery agency obtains a
27 seized license plate in accordance with this chapter, the
28 license plate shall be delivered to a driver license office on
29 the next business day ~~local law enforcement agencies must be~~
30 ~~notified of the recovery within 6 hours after seizure. The~~
31 ~~recovery agent or recovery agency shall deliver the license~~

1 ~~plate to the local law enforcement authorities and obtain a~~
2 ~~receipt upon delivery of the license plate for claim record~~
3 ~~purposes with the department pursuant to the procedure~~
4 ~~prescribed in this section.~~

5 Section 47. Effective July 1, 2000, section 324.202,
6 Florida Statutes, is amended to read:

7 324.202 Seizure of motor vehicle license plates by
8 recovery agents.--

9 (1) On the implementation of the vehicle information
10 system overall reorganization to the Oracle database of driver
11 licenses the Department of Highway Safety and Motor Vehicles
12 shall implement a program pilot project in Broward County,
13 Dade County, and Hillsborough County to determine the
14 effectiveness of using recovery agents for the seizure of
15 license plates in counties where a majority of the governing
16 body of the county has requested the program be implemented.
17 Until the vehicle information system overall reorganization is
18 complete, the existing pilot project within Broward, Dade, and
19 Hillsborough counties shall continue in effect pursuant to
20 chapter 95-202, Laws of Florida. A ~~On October 1, 1996,~~ the
21 department shall provide a report to the President of the
22 Senate, the Speaker of the House of Representatives, the chair
23 of the Senate Commerce Committee, the chair of the House
24 Insurance Committee, and the Majority and Minority Leaders of
25 the Senate and the House of Representatives, on the results of
26 the pilot project. licensed recovery agent or recovery agency
27 agents and recovery agencies as described in s. 493.6101(20)
28 and (21) may seize the license plate plates of a motor vehicle
29 if the vehicle's registration or the driver's license of the
30 owner or operator of the vehicle has ~~vehicles whose~~
31 registrations have been suspended pursuant to s. 316.646 or s.

1 ~~627.733 in such counties~~ upon compliance with this section and
2 rules of the Department of Highway Safety and Motor Vehicles.

3 (2) The Department of Highway Safety and Motor
4 Vehicles shall:

5 (a) Provide a procedure for ~~the payment of fees to~~
6 recovery agents or recovery agencies who seize license plates
7 pursuant to this section. This procedure shall include the
8 development and distribution of forms and monthly renewal
9 notices, including the name and most current address available
10 to the department of persons not in compliance with s. 316.646
11 or s. 627.733, ~~which shall be used by the seizing recovery~~
12 ~~agent or recovery agency to transmit the seized license plate~~
13 ~~to the local law enforcement agency pursuant to s. 324.201.~~

14 (b) Provide a method for the payment of a the fee of
15 \$25 in s. 627.733(7) to the recovery agent or recovery agency
16 seizing an eligible the license plate pursuant to this
17 section. ~~The requirements with respect to payment must provide~~
18 ~~that when the owner or operator whose driver's license has~~
19 ~~been suspended under s. 316.646 or s. 627.733 pays the~~
20 ~~reinstatement fee to the Department of Highway Safety and~~
21 ~~Motor Vehicles, the department shall pay the recovery agent.~~

22 Section 48. Section 325.2135, Florida Statutes, 1998
23 Supplement, is amended to read:

24 325.2135 Motor vehicle emissions inspection program;
25 development of specifications; fees; reporting.--

26 ~~(1) The Department of Highway Safety and Motor~~
27 ~~Vehicles shall hire an independent expert consultant to~~
28 ~~develop appropriate request-for-proposal specifications and a~~
29 ~~range of inspection fees for the motor vehicle emissions~~
30 ~~inspection program based on an annual and a biennial~~
31 ~~inspection program for vehicles 4 model years old and older,~~

1 ~~using the basic test for hydrocarbon emissions and carbon~~
2 ~~monoxide emissions and other mobile source testing for nitrous~~
3 ~~oxides or other pollutants, and no later than January 1, 1999,~~
4 ~~to report to the President of the Senate and the Speaker of~~
5 ~~the House of Representatives setting forth the relevant facts~~
6 ~~and the department's recommendations. Notwithstanding the~~
7 ~~provisions of chapter 325, the department and the Governor and~~
8 ~~Cabinet, acting as head of that agency, are prohibited from~~
9 ~~entering into any contract or extension of a contract for any~~
10 ~~form of motor vehicles emissions testing without legislative~~
11 ~~approval through the enactment of specific legislation~~
12 ~~directing the department to implement an inspection program~~
13 ~~and establishing a fee for the program.~~

14 (2) ~~If no specific legislation is passed during the~~
15 ~~1999 legislative session to direct the department to implement~~
16 ~~a motor vehicle inspection program, the department may issue a~~
17 ~~request for proposal and~~ The department may extend the current
18 emissions inspection program contracts for a period of time
19 sufficient to implement new contracts resulting from
20 competitive proposals, and shall enter into and implement one
21 or more contracts by June 30, 2000,for a biennial inspection
22 program for vehicles 4 5 model years and older using the basic
23 test for hydrocarbon emissions and carbon monoxide emissions.
24 Any contract authorized under this section must contain a
25 provision requiring that the average driving distance from
26 residences to inspection stations be no more than 6 miles for
27 at least 90 percent of the affected registered motor vehicle
28 owners in the designated program areas.The requirements for
29 the program included in the proposals must be based on the
30 requirements under chapter 325 unless those requirements
31 conflict with this section. No contract entered into under

1 this subsection may be for longer than 5 2 years. Any contract
2 authorized under this section must provide that the department
3 reserves the right to cancel a contract at any time before the
4 conclusion of the contract term upon 6 months notice to the
5 contractor. Notwithstanding the provisions of s. 325.214, ~~if~~
6 the fee for motor vehicle inspection proposed by the
7 Department of Highway Safety and Motor Vehicles may not will
8 exceed \$20\$10 per inspection., ~~the department may impose the~~
9 ~~higher fee if such fee is approved through the budget~~
10 ~~amendment process set forth in chapter 216 and notice is~~
11 ~~provided to the chairmen of the Senate and House~~
12 ~~Transportation and Natural Resources Committees at the time it~~
13 ~~is provided to the Senate Ways and Means and House~~
14 ~~Appropriations Committees.~~

15 Section 49. Subsection (2) of section 325.214, Florida
16 Statutes, 1998 Supplement, is amended to read:

17 325.214 Motor vehicle inspection; fees; disposition of
18 fees.--

19 (2) The inspection fee may not exceed \$19 ~~shall be~~
20 ~~\$10~~. Notwithstanding any other provision of law to the
21 contrary, an additional fee of \$1 shall be assessed upon the
22 issuance of each dealer certificate, which fee shall be
23 forwarded to the department for deposit into the Highway
24 Safety Operating Trust Fund.

25 Section 50. Section 327.031, Florida Statutes, is
26 amended to read:

27 327.031 Suspension or denial of a vessel registration
28 due to child support delinquency; dishonored checks.--

29 (1) The department must allow applicants for new or
30 renewal registrations to be screened by the Department of
31 Revenue, as the Title IV-D child support agency under s.

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

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

15 Section 51. Subsection (3) of section 327.11, Florida
16 Statutes, is amended, present subsection (6) is renumbered as
17 subsection (8) and amended, and new subsections (6) and (7)
18 are added to that section, to read:

19 327.11 Vessel registration, application, certificate,
20 number, decal, duplicate certificate.--

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

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

1 includes a copy of the police report prepared in response to a
2 report of a stolen decal, such decal shall be replaced at no
3 charge.

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

9 (8)(6) Anyone guilty of falsely certifying any facts
10 relating to application, certificate, transfer, number, decal,
11 or duplicate, or replacement certificates or any information
12 required under this section shall be punished as provided
13 under this chapter.

14 Section 52. Subsection (2) of section 327.23, Florida
15 Statutes, is amended to read:

16 327.23 Exemption of vessels and outboard motors from
17 personal property tax; temporary certificate of registration;
18 vessel registration certificate fee.--

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

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

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

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

8 Section 53. Paragraphs (b) and (c) of subsection (2),
9 paragraph (b) of subsection (4), and paragraph (c) of
10 subsection (12) of section 327.25, Florida Statutes, are
11 amended to read:

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

15 (2) ANTIQUE VESSEL REGISTRATION FEE.--

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

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

25 (4) TRANSFER OF OWNERSHIP.--

26 (b) If a vessel is an antique as defined in subsection
27 (2), the application shall be accompanied by either a
28 certificate of title, a ~~notarized~~ bill of sale and a
29 registration, or a ~~notarized~~ bill of sale and an affidavit by
30 the owner defending the title from all claims. The bill of
31 sale must contain a complete vessel description to include the

1 hull identification number and engine number, if appropriate;
2 the year, make, and color of the vessel; the selling price;
3 and the signatures of the seller and purchaser.

4 (12) REGISTRATION.--

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

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

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

22 Section 54. Section 327.255, Florida Statutes, is
23 created to read:

24 327.255 Registration; duties of tax collectors.--

25 (1) The tax collectors in the counties of the state,
26 as authorized agents of the department, shall issue
27 registration certificates and vessel numbers and decals to
28 applicants, subject to the requirements of law and in
29 accordance with rules of the department.

30 (2) Each tax collector shall keep a full and complete
31 record and account of all vessel decals or other properties

1 received by him or her from the department or from any other
2 source and shall make prompt remittance of moneys collected by
3 him or her at the times and in the manner prescribed by law.

4 (3) A fee of 50 cents shall be charged in addition to
5 the fees required under s. 327.25 on every vessel decal
6 registration sold to cover the cost of the Florida Real Time
7 Vehicle Information System. The fees collected under this
8 section shall be deposited into the Highway Safety Operating
9 Trust Fund and shall be used to fund that system and may be
10 used to fund the general operations of the department.

11 Section 55. Section 327.256, Florida Statutes, is
12 created to read:

13 327.256 Advanced registration renewal; procedures.--

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

19 (2) Upon the filing of the application and payment of
20 the appropriate vessel registration fee and service charges
21 required by s. 327.25 and any additional fees required by law,
22 the department or its agents shall issue to the owner of the
23 vessel a decal and registration. When the decal is affixed to
24 the vessel, the registration is renewed for the appropriate
25 registration period.

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

30 Section 56. Paragraph (c) of subsection (3) of section
31 328.01, Florida Statutes, is amended to read:

1 328.01 Application for certificate of title.--

2 (3)

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

19 Section 57. Subsection (3) of section 328.11, Florida
20 Statutes, is amended to read:

21 328.11 Duplicate certificate of title.--

22 (3) If, following the issuance of an original,
23 duplicate, or corrected certificate of title by the
24 department, the certificate is lost in transit and is not
25 delivered to the addressee, the owner of the vessel or the
26 holder of a lien thereon may, within 180 ~~90~~ days after the
27 date of issuance of the title, apply to the department for
28 reissuance of the certificate of title. An additional fee may
29 not be charged for reissuance under this subsection.

30 Section 58. Paragraph (c) of subsection (2) and
31 subsection (7) of section 328.15, Florida Statutes, are

1 amended, present subsection (8) is renumbered as subsection
2 (12), and new subsections (8), (9), (10), and (11) are added
3 to that section, to read:

4 328.15 Notice of lien on vessel; recording.--

5 (2)

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

31

1 ~~to the first lienholder after endorsing the subsequent lien on~~
2 ~~the certificate and on the duplicate.~~

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

15 (b) Following satisfaction of a lien, the lienholder
16 shall enter a satisfaction thereof in the space provided on
17 the face of the certificate of title. If there are no
18 subsequent liens shown thereon, the certificate shall be
19 delivered by the lienholder to the person satisfying the lien
20 or encumbrance and an executed satisfaction on a form provided
21 by the department shall be forwarded to the department by the
22 lienholder within 10 days after satisfaction of the lien.

23 (c) If the certificate of title shows a subsequent
24 lien not then being discharged, an executed satisfaction of
25 the first lien shall be delivered by the lienholder to the
26 person satisfying the lien and the certificate of title
27 showing satisfaction of the first lien shall be forwarded by
28 the lienholder to the department within 10 days after
29 satisfaction of the lien.

30 (d) If, upon receipt of a title certificate showing
31 satisfaction of the first lien, the department determines from

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

13 (8) When the original certificate of title cannot be
14 returned to the department by the lienholder and evidence
15 satisfactory to the department is produced that all liens or
16 encumbrances have been satisfied, upon application by the
17 owner for a duplicate copy of the certificate of title, upon
18 the form prescribed by the department, accompanied by the fee
19 prescribed in this chapter, a duplicate copy of the
20 certificate of title without statement of liens or
21 encumbrances shall be issued by the department and delivered
22 to the owner.

23 (9) Any person who fails, within 10 days after receipt
24 of a demand by the department by certified mail, to return a
25 certificate of title to the department as required by
26 subsection (2)(c) or who, upon satisfaction of a lien, fails
27 within 10 days after receipt of such demand to forward the
28 appropriate document to the department as required by
29 paragraph (7)(b) or paragraph (7)(c) commits a misdemeanor of
30 the second degree, punishable as provided in s. 775.082 or s.
31 775.083.

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

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

9 Section 59. Subsection (3) of section 328.16, Florida
10 Statutes, is amended, and subsection (5) is added to that
11 section, to read:

12 328.16 Issuance in duplicate; delivery; liens and
13 encumbrances.--

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

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

1 However, if the lienholder files with the department, within
2 the 10-day period, a written statement that the lien is still
3 outstanding, the department may not remove the lien until the
4 lienholder presents a satisfaction of lien to the department.

5 Section 60. Section 328.165, Florida Statutes, is
6 created to read:

7 328.165 Cancellation of certificates.--

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

23 (2) The department may, upon application by any person
24 and payment of the proper fees, prepare and furnish lists
25 containing title information in such form as the department
26 authorizes, search the records of the department and make
27 reports thereof, and make photographic copies of the
28 department records and attestations thereof.

29 Section 61. Subsection (7) of section 627.733, Florida
30 Statutes, 1998 Supplement, is amended to read:

31 627.733 Required security.--

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

1 324.201 or to s. 324.202. Such funds may be used by the local
2 government entity or state agency for any authorized purpose.

3 ~~(b) One-third of the fee collected for the seizure of~~
4 ~~a license plate by a recovery agent shall be paid to the~~
5 ~~recovery agent, and the balance shall remain in the Highway~~
6 ~~Safety Operating Trust Fund and be distributed pursuant to s.~~
7 ~~321.245.~~

8 Section 62. Effective July 1, 2000, subsection (7) of
9 section 627.733, Florida Statutes, 1998 Supplement, as amended
10 by section 14 of chapter 98-223, Laws of Florida, is amended
11 to read:

12 627.733 Required security.--

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

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

11 ~~(b) One-third of the fee collected for the seizure of~~
12 ~~a license plate by a recovery agent shall be paid to the~~
13 ~~recovery agent, and the balance shall remain in the Highway~~
14 ~~Safety Operating Trust Fund and be distributed pursuant to s.~~
15 ~~321.245.~~

16 Section 63. The sum of \$150,000 is appropriated from
17 the Insurance Commissioner's Regulatory Trust Fund to the
18 Department of Highway Safety Operating Trust Fund for the
19 Fiscal Year 1999-2000.

20 Section 64. Paragraph (b) of subsection (4) and
21 paragraph (c) of subsection (7) of section 713.78, Florida
22 Statutes, 1998 Supplement, are amended to read:

23 713.78 Liens for recovering, towing, or storing
24 vehicles and undocumented vessels.--

25 (4)

26 (b) Notice by certified mail, return receipt
27 requested, shall be sent within 7 business days after the date
28 of storage of the vehicle or vessel to the registered owner
29 and to all persons of record claiming a lien against the
30 vehicle or vessel. It shall state the fact of possession of
31 the vehicle or vessel, that a lien as provided in subsection

1 (2) is claimed, that charges have accrued and the amount
2 thereof, that the lien is subject to enforcement pursuant to
3 law, and that the owner or lienholder, if any, has the right
4 to a hearing as set forth in subsection (5), and that any
5 vehicle or vessel which remains unclaimed, or for which the
6 charges for recovery, towing, or storage services remain
7 unpaid, may be sold after ~~in~~ 35 days free of all prior liens.

8 (7)

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

21 Section 65. Subsection (1) of section 732.9215,
22 Florida Statutes, is amended to read:

23 732.9215 Education program relating to anatomical
24 gifts.--The Agency for Health Care Administration, subject to
25 the concurrence of the Department of Highway Safety and Motor
26 Vehicles, shall develop a continuing program to educate and
27 inform medical professionals, law enforcement agencies and
28 officers, high school children, state and local government
29 employees, and the public regarding the laws of this state
30 relating to anatomical gifts and the need for anatomical
31 gifts.

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

15 Section 66. Subsection (1) of section 732.9216,
16 Florida Statutes, is amended to read:

17 732.9216 Organ and tissue donor education panel.--

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

30
31

1 Section 67. Paragraph (a) of subsection (3) of section
2 812.014, Florida Statutes, is amended, and subsection (5) is
3 added to that section, to read:

4 812.014 Theft.--

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

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

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

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

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

26 Section 68. Subsection (1) of section 832.06, Florida
27 Statutes, is amended to read:

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

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

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

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

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

27 Section 69. Paragraph (a) of subsection (2) of section
28 932.701, Florida Statutes, is amended to read:

29 932.701 Short title; definitions.--

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

31 (a) "Contraband article" means:

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

11 2. Any gambling paraphernalia, lottery tickets, money,
12 currency, or other means of exchange which was used, was
13 attempted, or intended to be used in violation of the gambling
14 laws of the state.

15 3. Any equipment, liquid or solid, which was being
16 used, is being used, was attempted to be used, or intended to
17 be used in violation of the beverage or tobacco laws of the
18 state.

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

21 5. Any personal property, including, but not limited
22 to, any vessel, aircraft, item, object, tool, substance,
23 device, weapon, machine, vehicle of any kind, money,
24 securities, books, records, research, negotiable instruments,
25 or currency, which was used or was attempted to be used as an
26 instrumentality in the commission of, or in aiding or abetting
27 in the commission of, any felony, whether or not comprising an
28 element of the felony, or which is acquired by proceeds
29 obtained as a result of a violation of the Florida Contraband
30 Forfeiture Act.

31

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

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

15 8. Any motor vehicle offered for sale in violation of
16 s. 320.28.

17 Section 70. For the purpose of incorporating the
18 amendment to section 932.701(2)(a), Florida Statutes, in
19 references thereto, subsection (6) of section 705.101, Florida
20 Statutes, and subsection (4) of section 932.703, Florida
21 Statutes, is reenacted to read:

22 705.101 Definitions.--As used in this chapter:

23 (6) "Unclaimed evidence" means any tangible personal
24 property, including cash, not included within the definition
25 of "contraband article," as provided in s. 932.701(2), which
26 was seized by a law enforcement agency, was intended for use
27 in a criminal or quasi-criminal proceeding, and is retained by
28 the law enforcement agency or the clerk of the county or
29 circuit court for 60 days after the final disposition of the
30 proceeding and to which no claim of ownership has been made.
31

1 932.703 Forfeiture of contraband article;
2 exceptions.--

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

17 Section 71. Section 14 of chapter 98-223, Laws of
18 Florida, is repealed.

19 Section 72. This act shall take effect upon becoming a
20 law.

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