

By Representatives Kyle and K. Smith

1 A bill to be entitled
2 An act relating to the Department of Highway
3 Safety and Motor Vehicles; amending s. 316.063,
4 F.S.; revising language to refer to a traffic
5 crash rather than accident; providing a
6 noncriminal traffic infraction for obstructing
7 traffic under certain circumstances; amending
8 s. 316.1975, F.S.; revising language with
9 respect to unattended motor vehicles; amending
10 s. 316.211, F.S.; providing for compliance with
11 certain federal safety standards with respect
12 to equipment for motorcycle and moped riders;
13 amending s. 316.520, F.S.; providing that it is
14 a noncriminal traffic infraction punishable as
15 a moving violation to violate load limits on
16 vehicles; amending s. 316.640, F.S.;
17 authorizing the Florida Highway Patrol to
18 employ certain persons as traffic crash
19 investigation officers; providing for certain
20 powers and duties; amending s. 318.14, F.S.;
21 correcting cross references; amending s.
22 318.15, F.S.; including reference to the tax
23 collector with respect to the collection of
24 certain service fees for reinstatement of
25 suspended driver license; amending s. 319.23,
26 F.S.; revising language with respect to
27 application for title; amending s. 319.30,
28 F.S.; revising language with respect to
29 dismantling, destroying, or changing the
30 identity of a motor vehicle or mobile home;
31 amending s. 320.01, F.S.; defining the term

1 "agricultural products"; amending s. 320.02,
2 F.S.; revising language with respect to
3 application for registration forms to include
4 certain identification information; amending s.
5 320.023, F.S.; revising language with respect
6 to the time for audits for organizations
7 receiving certain voluntary contributions;
8 amending s. 320.055, F.S.; revising language
9 with respect to registration periods; amending
10 s. 320.06, F.S.; revising manufacturer license
11 plates; providing for manufacture of decals;
12 repealing s. 320.065, F.S., relating to the
13 registration of certain rental trailers for
14 hire and semitrailers used to haul agricultural
15 products; amending s. 320.0657, F.S.; revising
16 language with respect to fleet license plates;
17 providing fees; amending s. 320.08, F.S.;
18 deleting reference to "collectible" motor
19 vehicles; providing reference to manufacturer
20 license plates; amending s. 320.086, F.S.;
21 revising language with respect to ancient or
22 antique motor vehicles; deleting reference to
23 collectible vehicles; amending s. 320.13, F.S.;
24 prohibiting the use of dealer license plates
25 under certain circumstances; providing for
26 manufacturer plates; amending s. 320.131, F.S.;
27 providing penalties with respect to certain
28 violations concerning temporary tags; amending
29 s. 320.1325, F.S.; revising language with
30 respect to registration for the temporarily
31 employed; amending s. 320.30, F.S., relating to

1 the forfeiture of a motor vehicle; providing
2 for confiscation and a share to certain
3 counties or municipalities; amending s. 321.06,
4 F.S.; authorizing the department to employ
5 certain traffic crash investigation officers;
6 amending s. 322.08, F.S.; deleting language
7 with respect to certain applications made by
8 persons presently holding an out-of-state
9 driver license; amending s. 322.081, F.S.;
10 revising language with respect to the time for
11 audits for organizations receiving certain
12 voluntary contributions; amending s. 322.1615,
13 F.S.; revising language with respect to
14 learner's driver's licenses; amending s.
15 322.2615, F.S.; revising language with respect
16 to suspension of license; amending s. 322.28,
17 F.S., relating to the period of suspension or
18 revocation of a license; amending s. 322.34,
19 F.S.; conforming a cross reference; amending s.
20 327.031, F.S.; providing for the denial or
21 cancellation of a vessel registration when
22 payment for registration is made by a
23 dishonored check; amending s. 327.11, F.S.;
24 providing for replacement vessel registration;
25 amending s. 327.23, F.S.; providing for a
26 temporary certificate of registration for a
27 vessel by certain out-of-state residents;
28 amending s. 327.25, F.S.; revising language
29 with respect to transfer of ownership and
30 registration of vessels; creating s. 327.255,
31 F.S.; providing for the duties of tax

1 collectors with respect to vessel registration;
2 creating s. 327.256, F.S.; providing procedures
3 for advanced vessel registration renewal;
4 amending s. 328.01, F.S.; revising language
5 with respect to application for a certificate
6 of title for a vessel; amending s. 328.11,
7 F.S.; increasing the time period to apply for a
8 reissuance of a certificate of title; amending
9 s. 328.15, F.S.; providing requirements with
10 respect to certain second liens on vessels;
11 providing requirements with respect to
12 satisfaction of a lien on a vessel; providing
13 penalties for failure to comply; amending s.
14 328.16, F.S.; providing requirements with
15 respect to liens; creating s. 328.165, F.S.;
16 providing for cancellation of certificates;
17 amending s. 713.78, F.S.; providing an
18 exemption from the requirement of an inventory
19 of personal property found in a motor vehicle
20 to be removed from the scene of an accident
21 under certain circumstances; amending ss.
22 732.9215 and 732.9216, F.S.; correcting cross
23 references; amending s. 812.014, F.S., relating
24 to theft; providing prohibition on theft of
25 gasoline while in a motor vehicle; amending s.
26 832.06, F.S.; revising language with respect to
27 prosecution for worthless checks given to the
28 tax collector for certain licenses or taxes;
29 repealing section 14 of chapter 98-223, Laws of
30 Florida, relating to required security for the
31

1 operation of a motor vehicle; providing an
2 effective date.

3

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

5

6 Section 1. Section 316.063, Florida Statutes, is
7 amended to read:

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

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

30 (2) Every such stop shall be made without obstructing
31 traffic more than is necessary. If a damaged vehicle is

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

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

14 Section 2. Section 316.1975, Florida Statutes, is
15 amended to read:

16 316.1975 Unattended motor vehicle.--

17 (1) No person driving or in charge of any motor
18 vehicle ~~except a licensed delivery truck or other delivery~~
19 ~~vehicle while making deliveries,~~ shall permit it to stand
20 unattended without first stopping the engine, locking the
21 ignition, and removing the key. No vehicle shall be permitted
22 to stand unattended upon any perceptible grade without
23 stopping the engine and effectively setting the brake thereon
24 and turning the front wheels to the curb or side of the
25 street.

26 (2) This section shall not apply to the operator of:

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

31

1 (b) A licensed delivery truck or other delivery
2 vehicle while making deliveries.

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

5 316.211 Equipment for motorcycle and moped riders.--

6 (1) No person shall operate or ride upon a motorcycle
7 unless the person is properly wearing protective headgear
8 securely fastened upon his or her head which complies with 49
9 C.F.R. s. 571.218. The department is authorized to promulgate
10 rules for the enforcement of this standard ~~standards~~
11 ~~established by the department.~~

12 (2) No person shall operate a motorcycle unless the
13 person is wearing an eye-protective device over his or her
14 eyes of a type approved by the department.

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

22 (4) No person under 16 years of age shall operate or
23 ride upon a moped unless the person is properly wearing
24 protective headgear securely fastened upon his or her head
25 which complies with 49 C.F.R. s. 571.218. The department is
26 authorized to promulgate rules for the enforcement of this
27 standard ~~standards established by the department.~~

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

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

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

9 316.520 Loads on vehicles.--

10 (1) No vehicle shall be driven or moved on any highway
11 unless the vehicle is so constructed or loaded as to prevent
12 any of its load from dropping, shifting, leaking, blowing, or
13 otherwise escaping therefrom, except that sand may be dropped
14 only for the purpose of securing traction or water or other
15 substance may be sprinkled on a roadway in cleaning or
16 maintaining the roadway.

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

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

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

31

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

3 (1) STATE.--

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

25 Section 6. Subsections (1), (4), and (9) of section
26 318.14, Florida Statutes, are amended to read:

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

29 (1) Except as provided in ss. 318.17 and
30 320.07(3)(c)~~(b)~~, any person cited for a violation of s.
31 240.265, chapter 316, s. 320.0605~~(1)~~, s. 320.07(3)(a) or (b),

1 s. 322.065, s. 322.15(1), s. 322.16(2) or (3), s. 322.161(4),
2 or s. 322.19 is charged with a noncriminal infraction and must
3 be cited for such an infraction and cited to appear before an
4 official. If another person dies as a result of the
5 noncriminal infraction, the person cited may be required to
6 perform 120 community service hours under s. 316.027(4), in
7 addition to any other penalties.

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

24 (9) Any person who is cited for an infraction under
25 this section other than a violation of s. 320.0605(1), s.
26 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or
27 s. 322.62 may, in lieu of a court appearance, elect to attend
28 in the location of his or her choice within this state a basic
29 driver improvement course approved by the Department of
30 Highway Safety and Motor Vehicles. In such a case,
31 adjudication must be withheld; points, as provided by s.

1 322.27, may not be assessed; and the civil penalty that is
2 imposed by s. 318.18(3) must be reduced by 18 percent;
3 however, a person may not make an election under this
4 subsection if the person has made an election under this
5 subsection in the preceding 12 months. A person may make no
6 more than five elections under this subsection. The
7 requirement for community service under s. 318.18(7) is not
8 waived by a plea of nolo contendere or by the withholding of
9 adjudication of guilt by a court.

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

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

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

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

27 319.23 Application for, and issuance of, certificate
28 of title.--

29 (3) If a certificate of title has not previously been
30 issued for a motor vehicle or mobile home in this state, the
31 application, unless otherwise provided for in this chapter,

1 shall be accompanied by a proper bill of sale or sworn
2 statement of ownership, or a duly certified copy thereof, or
3 by a certificate of title, bill of sale, or other evidence of
4 ownership required by the law of the state or county from
5 which the motor vehicle or mobile home was brought into this
6 state. The application shall also be accompanied by:

7 (a)1. A sworn affidavit from the seller and purchaser
8 verifying that the vehicle identification number shown on the
9 affidavit is identical to the vehicle identification number
10 shown on the motor vehicle; or

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

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

28 (c) If the vehicle is an ancient ~~or antique, or~~
29 ~~collectible~~ vehicle as defined in s. 320.086, the application
30 shall be accompanied either by a certificate of title; a
31 ~~notarized~~ bill of sale and a registration; or a ~~notarized~~ bill

1 of sale, an affidavit by the owner defending the title from
2 all claims. The bill of sale must contain a complete vehicle
3 description to include the vehicle identification or engine
4 number, year make, color, selling price, and signatures of the
5 seller and purchaser.

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

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

22 Section 9. Subsections (4) and (5) and paragraph (c)
23 of subsection (8) of section 319.30, Florida Statutes, 1998
24 Supplement, are amended, and subsection (9) is added to said
25 section, to read:

26 319.30 Definitions; dismantling, destruction, change
27 of identity of motor vehicle or mobile home; salvage.--

28 (4) It is unlawful for any person to have in his or
29 her possession any motor vehicle or mobile home when the
30 manufacturer's identification number plate or serial plate has
31 been removed therefrom. However, nothing in this subsection

1 shall be applicable when a vehicle defined in this section as
2 a derelict or salvage was purchased or acquired from a foreign
3 state requiring such vehicle's identification number plate to
4 be surrendered to such state, provided the person shall have
5 an affidavit from the seller describing the vehicle by
6 manufacturer's serial number and the state to which such
7 vehicle's identification number plate was surrendered. ~~Any~~
8 ~~person who violates this subsection is guilty of a felony of~~
9 ~~the third degree, punishable as provided in s. 775.082, s.~~
10 ~~775.083, or s. 775.084.~~

11 (5)(a) It is unlawful for any person to knowingly
12 possess, sell, or exchange, offer to sell or exchange, or give
13 away any certificate of title or manufacturer's identification
14 number plate or serial plate of any motor vehicle, mobile
15 home, or derelict which has been sold as salvage contrary to
16 the provisions of this section, and it is unlawful for any
17 person to authorize, direct, aid in, or consent to the
18 possession, sale, or exchange or to offer ~~any person who~~
19 ~~authorizes, directs, aids in, or consents to the possession,~~
20 ~~sale, or exchange or who offers to sell, exchange, or give~~
21 ~~away such certificate of title or manufacturer's~~
22 ~~identification number plate or serial plate is guilty of a~~
23 ~~felony of the third degree, punishable as provided in s.~~
24 ~~775.082, s. 775.083, or s. 775.084.~~

25 (b) It is unlawful for any person to knowingly
26 possess, sell, or exchange, offer to sell or exchange, or give
27 away any manufacturer's identification number plate or serial
28 plate of any motor vehicle or mobile home which has been
29 removed from the motor vehicle or mobile home for which it was
30 manufactured, and it is unlawful for any person to authorize,
31 direct, aid in, or consent to the possession, sale, or

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

7 (c) Nothing in this chapter shall be construed to
8 apply to anyone who removes, possesses, or replaces a
9 manufacturer's identification number plate, in the course of
10 performing repairs on a vehicle, that require such removal or
11 replacement. In the event that the repair requires
12 replacement of a vehicle part that contains the manufacturer's
13 identification number plate, the manufacturer's identification
14 number plate that is assigned to the vehicle being repaired
15 will be installed on the replacement part. The manufacturer's
16 identification number plate that was removed from this
17 replacement part will be installed on the part that was
18 removed from the vehicle being repaired.

19 (8)

20 (c) For the purpose of enforcement of this section,
21 the department or its agents and employees shall have the same
22 right of inspection as law enforcement officers as provided in
23 s. 812.055. ~~Any person who violates this subsection is guilty~~
24 ~~of a felony of the third degree, punishable as provided in s.~~
25 ~~775.082, s. 775.083, or s. 775.084.~~

26 (9) Any person who violates this section commits a
27 felony of the third degree, punishable as provided in s.
28 775.082, s. 775.083, or s. 775.084.

29 Section 10. Subsection (42) is added to section
30 320.01, Florida Statutes, to read:

31

1 320.01 Definitions, general.--As used in the Florida
2 Statutes, except as otherwise provided, the term:

3 (42) For purposes of this chapter, "agricultural
4 products" means any food product; any agricultural,
5 horticultural, or livestock product; any raw material used in
6 plant food formulation; and any plant food used to produce
7 food and fiber.

8 Section 11. Paragraph (a) of subsection (2) of section
9 320.02, Florida Statutes, 1998 Supplement, is amended to read:

10 320.02 Registration required; application for
11 registration; forms.--

12 (2)(a) The application for registration shall include
13 the street address of the owner's permanent residence or the
14 address of his or her permanent place of business and shall be
15 accompanied by personal or business identification information
16 which may include, but need not be limited to, a driver's
17 license number, Florida identification card number, or federal
18 employer identification number. If the owner does not have a
19 permanent residence or permanent place of business or if the
20 owner's permanent residence or permanent place of business
21 cannot be identified by a street address, the application
22 shall include:

23 1. If the vehicle is registered to a business, the
24 name and street address of the permanent residence of an owner
25 of the business, an officer of the corporation, or an employee
26 who is in a supervisory position.

27 2. If the vehicle is registered to an individual, the
28 name and street address of the permanent residence of a close
29 relative or friend who is a resident of this state.

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31

1 Section 12. Subsections (5), (6), and (7) of section
2 320.023, Florida Statutes, 1998 Supplement, are amended to
3 read:

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

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

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

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

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

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

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

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

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

22 (8)(7) The Auditor General and the department have the
23 authority to examine all records pertaining to the use of
24 funds from the voluntary contributions authorized.

25 Section 13. Subsections (2) and (7) of section
26 320.055, Florida Statutes, are amended to read:

27 320.055 Registration periods; renewal periods.--The
28 following registration periods and renewal periods are
29 established:

30 (2) For a vehicle subject to registration under s.
31 320.08(11), the registration period begins January 1 and ends

1 December 31. For a vehicle subject to this registration
2 period, the renewal period is the 31-day period prior to
3 expiration ~~beginning January 1.~~

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

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

14 320.06 Registration certificates, license plates, and
15 validation stickers generally.--

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

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

30 (4)

31

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

11 Section 15. Section 320.065, Florida Statutes, is
12 repealed.

13 Section 16. Section 320.0657, Florida Statutes, is
14 amended to read:

15 320.0657 Permanent registration; fleet license
16 plates.--

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

23 (2)(a) The owner or lessee of a fleet of motor
24 vehicles shall, upon application in the manner and at the time
25 prescribed and upon approval by the department and payment of
26 the license tax prescribed under s. 320.08(2), (3), (4),
27 (5)(a) and (b), (6)(a), (7), and (8), be issued permanent
28 fleet license plates.~~The owner or lessee of 250 or more~~
29 ~~nonapportioned commercial motor vehicles licensed under s.~~
30 ~~320.08(2), (3), (4), (5)(a)1. and (b), and (7), who has posted~~
31 ~~a bond as prescribed by department rules, may apply via~~

1 ~~magnetically encoded computer tape reel or cartridge which is~~
2 ~~machine readable by the installed computer system at the~~
3 ~~department for permanent license plates.~~ All vehicles with a
4 fleet license plate shall have the company's name or logo and
5 unit number displayed so that they are readily identifiable.
6 The provisions of s. 320.0605 shall not apply to vehicles
7 registered in accordance with this section, and no annual
8 validation sticker is required.

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

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

1 ~~of \$6 shall be charged for each vehicle registered hereunder.~~
2 ~~Of this \$6 fee, \$2.50 shall be retained as a service charge by~~
3 ~~the tax collector, if the registration occurs at such office,~~
4 ~~or by the department, if the registration occurs at offices of~~
5 ~~the department. Receipts from the \$6 fee not retained by tax~~
6 ~~collectors shall be deposited into the Highway Safety~~
7 ~~Operating Trust Fund. Payment of registration license tax and~~
8 ~~fees shall be made annually and be evidenced only by the~~
9 ~~issuance of a single receipt by the department. Half-year~~
10 ~~registrations shall not be available for vehicles registered~~
11 ~~in accordance with the provisions of this section. The~~
12 ~~provision of s. 320.06(1)(b) shall not apply to the fleet~~
13 ~~renewal process.~~

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

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

30 ~~(2) All recipients of permanent license plates~~
31 ~~authorized by this section shall submit an annual audit as~~

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

21 (5)~~(3)~~ The department is authorized to adopt such
22 rules as necessary to comply with this section.

23 Section 17. Paragraph (e) of subsection (1), paragraph
24 (a) of subsection (2), paragraph (e) of subsection (3), and
25 subsection (12) of section 320.08, Florida Statutes, 1998
26 Supplement, are amended to read:

27 320.08 License taxes.--Except as otherwise provided
28 herein, there are hereby levied and imposed annual license
29 taxes for the operation of motor vehicles, mopeds, motorized
30 bicycles as defined in s. 316.003(2), and mobile homes, as
31 defined in s. 320.01, which shall be paid to and collected by

1 the department or its agent upon the registration or renewal
2 of registration of the following:

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

4 (e) An ancient or,~~antique, or collectible~~ motorcycle:
5 \$10 flat.

6 (2) AUTOMOBILES FOR PRIVATE USE.--

7 (a) An ancient or,~~antique, or collectible~~ automobile
8 as defined in s. 320.086 or street rod as defined in s.
9 320.0863: \$7.50 flat.

10 (3) TRUCKS.--

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

13 (12) DEALER AND MANUFACTURER LICENSE PLATES.--A

14 franchised motor vehicle dealer, independent motor vehicle
15 dealer, marine boat trailer dealer, or mobile home dealer and
16 manufacturer license plate: \$12.50 flat.

17 Section 18. Section 320.086, Florida Statutes, is
18 amended to read:

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

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

1 long as the vehicle is in existence. In addition to the
2 payment of all other fees required by law, the applicant shall
3 pay such fee for the issuance of the special license plate as
4 may be prescribed by the department commensurate with the cost
5 of its manufacture. The registration numbers and special
6 license plates assigned to such motor vehicles shall run in a
7 separate numerical series, commencing with "Horseless Carriage
8 No. 1," and the plates shall be of a distinguishing color.

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

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

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

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

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

1 ~~consistent with this subsection. Motor vehicles with a model~~
2 ~~year of 1928-1960, registered as ancient prior to July 1,~~
3 ~~1996, shall be grandfathered to maintain a permanent license~~
4 ~~plate unless a vehicle with a model year of 1946-1960 is~~
5 ~~transferred to a new owner. Upon transfer of a vehicle with a~~
6 ~~model year of 1946-1960, after July 1, 1996, the vehicle shall~~
7 ~~be registered as a collectible and required to renew annually~~
8 ~~as prescribed by s. 320.08.~~

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

22 Section 19. Paragraph (a) of subsection (1) and
23 subsection (2) of section 320.13, Florida Statutes, are
24 amended to read:

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

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

1 issued while the motor vehicles are in inventory and for sale,
2 or while being operated in connection with such dealer's
3 business, but are not valid for use for hire. Dealer license
4 plates may not be used on any tow truck or wrecker unless the
5 tow truck or wrecker is being demonstrated for sale, nor can
6 the dealer license plates be used on vehicles used to
7 transport another motor vehicle for the dealership.

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

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

22 320.131 Temporary tags.--

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

28 (6) Any person who knowingly and willfully issues a
29 temporary tag or causes another to issue a temporary tag to a
30 fictitious person or entity to avoid disclosure of the true
31 owner of a vehicle commits a felony of the third degree,

1 punishable as provided in s. 775.082, s. 775.083, or s.
2 775.084.

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

11 Section 21. 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 22. Section 320.30, Florida Statutes, is
5 amended to read:
6 320.30 Penalty for violating s. 320.28.--No action or
7 right of action to recover any such motor vehicle, or any part
8 of the selling price thereof, shall be maintained in the
9 courts of this state by any such dealer or vendor or his or
10 her successors or assigns in any case wherein such vendor or
11 dealer shall have failed to comply with the terms and
12 provisions of s. 320.28, and in addition thereto, such vendor
13 or dealer, upon conviction for the violation of any of the
14 provisions of said sections, shall be guilty of a misdemeanor
15 of the second degree, punishable as provided in s. 775.082 or
16 s. 775.083 and by confiscation of the vehicle or vehicles
17 offered for sale. Any municipal or county law enforcement
18 agency which enforces, or assists the department in enforcing,
19 the provisions of this section which results in a forfeiture
20 of property as provided in this section, shall be entitled to
21 receive all or a share of any such property based upon their
22 participation in such enforcement. Any property seized by any
23 municipal or county law enforcement agency may be retained or
24 sold by the law enforcement agency in accordance with the
25 Florida Contraband Forfeiture Act. Any funds received by a
26 municipal or county law enforcement agency pursuant to this
27 section shall be supplemental funds and may not be used as
28 replacement funds by the municipality or county. However, this
29 section shall not apply to the holder of a note or notes
30 representing a portion of the purchase price of such motor
31 vehicle when the owner thereof was and is a bona fide

1 purchaser of said note or notes, before maturity, for value
2 and without knowledge that the vendor of such vehicle had not
3 complied with said sections.

4 Section 23. Section 321.06, Florida Statutes, is
5 amended to read:

6 321.06 Civil service.--

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

26 (2) The department may employ traffic crash
27 investigation officers who must complete any applicable
28 standards promulgated by the Florida Highway Patrol,
29 including, but not limited to: cognitive testing, drug
30 testing, polygraph testing, psychological testing, and an
31 extensive background check including a credit check.

1 Section 24. Subsections (6) and (7) of section 322.08,
2 Florida Statutes, 1998 Supplement, are amended to read:

3 322.08 Application for license.--

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

11 (6)(7) The application form for a driver's license or
12 duplicate thereof shall include language permitting the
13 following:

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

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

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

25
26 A statement providing an explanation of the purpose of the
27 trust funds shall also be included.

28 Section 25. Subsections (5), (6), and (7) of section
29 322.081, Florida Statutes, 1998 Supplement, are amended to
30 read:

31

1 322.081 Requests to establish voluntary checkoff on
2 driver's license application.--

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

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

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

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

31

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

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

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

20 ~~(8)(7)~~ The Auditor General and the department have the
21 authority to examine all records pertaining to the use of
22 funds from the voluntary contributions authorized.

23 Section 26. Subsection (3) of section 322.1615,
24 Florida Statutes, is amended to read:

25 322.1615 Learner's driver's license.--

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

1 Section 27. 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 28. Section 322.28, Florida Statutes, 1998
29 Supplement, is amended to read:

30 322.28 Period of suspension or revocation.--
31

1 (1) Unless otherwise provided by this section, the
2 department shall not suspend a license for a period of more
3 than 1 year and, upon revoking a license, in any case except
4 in a prosecution for the offense of driving a motor vehicle
5 while under the influence of alcoholic beverages, chemical
6 substances as set forth in s. 877.111, or controlled
7 substances, shall not in any event grant a new license until
8 the expiration of 1 year after such revocation.

9 (2) In a prosecution for a violation of s. 316.193 or
10 former s. 316.1931, the following provisions apply:

11 (a) Upon conviction of the driver, the court, along
12 with imposing sentence, shall revoke the driver's license or
13 driving privilege of the person so convicted, effective on the
14 date of conviction, and shall prescribe the period of such
15 revocation in accordance with the following provisions:

16 1. Upon a first conviction for a violation of the
17 provisions of s. 316.193, except a violation resulting in
18 death, the driver's license or driving privilege shall be
19 revoked for not less than 180 days or more than 1 year.

20 2. Upon a second conviction within a period of 5 years
21 from the date of a prior conviction for a violation of the
22 provisions of s. 316.193 or former s. 316.1931 or a
23 combination of such sections, the driver's license or driving
24 privilege shall be revoked for not less than 5 years.

25 3. Upon a third conviction within a period of 10 years
26 from the date of conviction of the first of three or more
27 convictions for the violation of the provisions of s. 316.193
28 or former s. 316.1931 or a combination of such sections, the
29 driver's license or driving privilege shall be revoked for not
30 less than 10 years.

31

1 For the purposes of this paragraph, a previous conviction
2 outside this state for driving under the influence, driving
3 while intoxicated, driving with an unlawful blood-alcohol
4 level, or any other alcohol-related or drug-related traffic
5 offense similar to the offense of driving under the influence
6 as proscribed by s. 316.193 will be considered a previous
7 conviction for violation of s. 316.193, and a conviction for
8 violation of former s. 316.028, former s. 316.1931, or former
9 s. 860.01 is considered a conviction for violation of s.
10 316.193.

11 (b) If the period of revocation was not specified by
12 the court at the time of imposing sentence or within 30 days
13 thereafter, and is not otherwise specified by law, the
14 department shall forthwith revoke the driver's license or
15 driving privilege for the maximum period applicable under
16 paragraph (a) for a first conviction and for the minimum
17 period applicable under paragraph (a) for any subsequent
18 convictions. The driver may, within 30 days after such
19 revocation by the department, petition the court for further
20 hearing on the period of revocation, and the court may reopen
21 the case and determine the period of revocation within the
22 limits specified in paragraph (a).

23 (c) The forfeiture of bail bond, not vacated within 20
24 days, in any prosecution for the offense of driving while
25 under the influence of alcoholic beverages, chemical
26 substances, or controlled substances to the extent of
27 depriving the defendant of his or her normal faculties shall
28 be deemed equivalent to a conviction for the purposes of this
29 paragraph, and the department shall forthwith revoke the
30 defendant's driver's license or driving privilege for the
31 maximum period applicable under paragraph (a) for a first

1 conviction and for the minimum period applicable under
2 paragraph (a) for a second or subsequent conviction; however,
3 if the defendant is later convicted of the charge, the period
4 of revocation imposed by the department for such conviction
5 shall not exceed the difference between the applicable maximum
6 for a first conviction or minimum for a second or subsequent
7 conviction and the revocation period under this subsection
8 that has actually elapsed; upon conviction of such charge, the
9 court may impose revocation for a period of time as specified
10 in paragraph (a). This paragraph does not apply if an
11 appropriate motion contesting the forfeiture is filed within
12 the 20-day period.

13 (d) When any driver's license or driving privilege has
14 been revoked pursuant to the provisions of this section, the
15 department shall not grant a new license, except upon
16 reexamination of the licensee after the expiration of the
17 period of revocation so prescribed. However, the court may,
18 in its sound discretion, issue an order of reinstatement on a
19 form furnished by the department which the person may take to
20 any driver's license examining office for reinstatement by the
21 department pursuant to s. 322.282.

22 (e) The court shall permanently revoke the driver's
23 license or driving privilege of a person who has been
24 convicted four times for violation of s. 316.193 or former s.
25 316.1931 or a combination of such sections. The court shall
26 permanently revoke the driver's license or driving privilege
27 of any person who has been convicted of DUI manslaughter in
28 violation of s. 316.193. If the court has not permanently
29 revoked such driver's license or driving privilege within 30
30 days after imposing sentence, the department shall permanently
31 revoke the driver's license or driving privilege pursuant to

1 this paragraph. No driver's license or driving privilege may
2 be issued or granted to any such person. This paragraph
3 applies only if at least one of the convictions for violation
4 of s. 316.193 or former s. 316.1931 was for a violation that
5 occurred after July 1, 1982. For the purposes of this
6 paragraph, a conviction for violation of former s. 316.028,
7 former s. 316.1931, or former s. 860.01 is also considered a
8 conviction for violation of s. 316.193. Also, a conviction of
9 driving under the influence, driving while intoxicated,
10 driving with an unlawful blood-alcohol level, or any other
11 similar alcohol-related or drug-related traffic offense
12 outside this state is considered a conviction for the purposes
13 of this paragraph.

14 (3) The court shall permanently revoke the driver's
15 license or driving privilege of a person who has been
16 convicted of murder resulting from the operation of a motor
17 vehicle. No driver's license or driving privilege may be
18 issued or granted to any such person.

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

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

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

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

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

23 (5)~~(7)~~ No court shall stay the administrative
24 suspension of a driving privilege under s. 322.2615 or s.
25 322.2616 during judicial ~~shall be stayed upon a request for~~
26 review of the departmental order that resulted in such
27 suspension and, ~~except as provided in former s. 322.261,~~ no
28 suspension or revocation of a driving privilege shall be
29 stayed upon an appeal of the conviction or order that resulted
30 therein.

31

1 ~~(6)(8)~~ In a prosecution for a violation of s.
2 316.172(1), and upon a showing of the department's records
3 that the licensee has received a second conviction within a
4 period of 5 years from the date of a prior conviction of s.
5 316.172(1), the department shall, upon direction of the court,
6 suspend the driver's license of the person convicted for a
7 period of not less than 90 days nor more than 6 months.

8 Section 29. Paragraph (b) of subsection (6) of section
9 322.34, Florida Statutes, 1998 Supplement, is amended to read:

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

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

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

16
17 and who by careless or negligent operation of the motor
18 vehicle causes the death of or serious bodily injury to
19 another human being is guilty of a felony of the third degree,
20 punishable as provided in s. 775.082 or s. 775.083.

21 Section 30. Section 327.031, Florida Statutes, is
22 amended to read:

23 327.031 Suspension or denial of a vessel registration
24 due to child support delinquency; dishonored checks.--

25 (1) The department must allow applicants for new or
26 renewal registrations to be screened by the Department of
27 Revenue, as the Title IV-D child support agency under s.
28 409.2598, or by a non-IV-D obligee to assure compliance with a
29 support obligation. The purpose of this section is to promote
30 the public policy of this state as established in s. 409.2551.
31 The department must, when directed by the court, deny or

1 suspend the vessel registration of any applicant found to have
2 a delinquent child support obligation. The department must
3 issue or reinstate a registration when notified by the Title
4 IV-D agency or the court that the applicant has complied with
5 the terms of the court order. The department may not be held
6 liable for any registration denial or suspension resulting
7 from the discharge of its duties under this section.

8 (2) The department may deny or cancel any vessel
9 registration if the owner pays for the registration by a
10 dishonored check.

11 Section 31. Present subsection (6) of section 327.11,
12 Florida Statutes, is renumbered as subsection (8) and amended,
13 and new subsections (6) and (7) are added to said section, to
14 read:

15 327.11 Vessel registration, application, certificate,
16 number, decal, duplicate certificate, replacement.--

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

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

30 (8)~~(6)~~ Anyone guilty of falsely certifying any facts
31 relating to application, certificate, transfer, number, decal,

1 ~~or duplicate, or replacement~~ certificates or any information
2 required under this section shall be punished as provided
3 under this chapter.

4 Section 32. Subsection (2) of section 327.23, Florida
5 Statutes, is amended to read:

6 327.23 Exemption of vessels and outboard motors from
7 personal property tax; temporary certificate of registration;
8 vessel registration certificate fee.--

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

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

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

29 Section 33. Paragraph (b) of subsection (4) and
30 paragraph (c) of subsection (12) of section 327.25, Florida
31 Statutes, are amended to read:

1 327.25 Classification; registration; fees and charges;
2 surcharge; disposition of fees; fines; marine turtle
3 stickers.--

4 (4) TRANSFER OF OWNERSHIP.--

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

14 (12) REGISTRATION.--

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

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

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

1 Section 34. Section 327.255, Florida Statutes, is
2 created to read:

3 327.255 Registration; duties of tax collectors.--

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

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

15 Section 35. Section 327.256, Florida Statutes, is
16 created to read:

17 327.256 Advanced registration renewal; procedures.--

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

23 (2) Upon the filing of the application and payment of
24 the appropriate vessel registration fee and service charges
25 required by s. 327.25 and any additional fees required by law,
26 the department or its agents shall issue to the owner of the
27 vessel a decal and registration as appropriate which when
28 affixed to the vessel shall renew the registration for the
29 appropriate registration period.

30 (3) Any person who uses a vessel decal without lawful
31 authority or who willfully violates any rule of the department

1 relating to this section shall be punished as provided under
2 this chapter.

3 Section 36. Paragraph (c) of subsection (3) of section
4 328.01, Florida Statutes, is amended to read:

5 328.01 Application for certificate of title.--

6 (3)

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

23 Section 37. Subsection (3) of section 328.11, Florida
24 Statutes, is amended to read:

25 328.11 Duplicate certificate of title.--

26 (3) If, following the issuance of an original,
27 duplicate, or corrected certificate of title by the
28 department, the certificate is lost in transit and is not
29 delivered to the addressee, the owner of the vessel or the
30 holder of a lien thereon may, within 180 ~~90~~ days after the
31 date of issuance of the title, apply to the department for

1 reissuance of the certificate of title. An additional fee may
2 not be charged for reissuance under this subsection.

3 Section 38. Paragraph (c) of subsection (2) and
4 subsection (7) of section 328.15, Florida Statutes, are
5 amended, subsection (8) is renumbered as subsection (12), and
6 new subsections (8), (9), (10), and (11) are added to said
7 section, to read:

8 328.15 Notice of lien on vessel; recording.--

9 (2)

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

1 ~~The first lienholder shall forward the certificate to the~~
2 ~~Department of Highway Safety and Motor Vehicles for~~
3 ~~endorsement, and the department shall return the certificate~~
4 ~~to the first lienholder after endorsing the subsequent lien on~~
5 ~~the certificate and on the duplicate.~~

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

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

26 (c) If the certificate of title shows a subsequent
27 lien not then being discharged, an executed satisfaction of
28 the first lien shall be delivered by the lienholder to the
29 person satisfying the lien and the certificate of title
30 showing satisfaction of the first lien shall be forwarded by
31

1 the lienholder to the department within 10 days after
2 satisfaction of the lien.

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

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

27 (9) Any person who fails, within 10 days after receipt
28 of a demand by the department by certified mail, to return a
29 certificate of title to the department as required by
30 subsection (2)(c) or who, upon satisfaction of a lien, fails
31 within 10 days after receipt of such demand to forward the

1 appropriate document to the department as required by
2 paragraph (7)(b) or paragraph (7)(c) commits a misdemeanor of
3 the second degree, punishable as provided in s. 775.082 or s.
4 775.083.

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

10 (11) The department shall be required to use the last
11 known address as shown by its records when sending any notice
12 required by this section.

13 Section 39. Subsection (3) of section 328.16, Florida
14 Statutes, is amended, and subsection (5) is added to said
15 section, to read:

16 328.16 Issuance in duplicate; delivery; liens and
17 encumbrances.--

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

22 (5) The owner of a vessel, upon which a lien has been
23 filed with the department or noted upon a certificate of title
24 for a period of 5 years, may apply to the department in
25 writing for such lien to be removed from the department files
26 or from the certificate of title. The application shall be
27 accompanied by evidence satisfactory to the department that
28 the applicant has notified the lienholder by certified mail,
29 not less than 20 days prior to the date of the application, of
30 his or her intention to apply to the department for removal of
31 the lien. Ten days after receipt of the application, the

1 department may remove the lien from its files or from the
2 certificate of title, as the case may be, if no statement in
3 writing protesting removal of the lien is received by the
4 department from the lienholder within the 10-day period.
5 However, if the lienholder files with the department, within
6 the 10-day period, a written statement that the lien is still
7 outstanding, the department shall not remove the lien until
8 the lienholder presents a satisfaction of lien to the
9 department.

10 Section 40. Section 328.165, Florida Statutes, is
11 created to read:

12 328.165 Cancellation of certificates.--

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

28 (2) The department is authorized, upon application by
29 any person and payment of the proper fees, to prepare and
30 furnish lists containing title information in such form as the
31 department may authorize, to search the records of the

1 department and make reports thereof, and to make photographic
2 copies of the department records and attestations thereof.

3 Section 41. Paragraph (c) of subsection (7) of section
4 713.78, Florida Statutes, 1998 Supplement, is amended to read:

5 713.78 Liens for recovering, towing, or storing
6 vehicles and undocumented vessels.--

7 (7)

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

20 Section 42. Subsection (1) of section 732.9215,
21 Florida Statutes, is amended to read:

22 732.9215 Education program relating to anatomical
23 gifts.--The Agency for Health Care Administration, subject to
24 the concurrence of the Department of Highway Safety and Motor
25 Vehicles, shall develop a continuing program to educate and
26 inform medical professionals, law enforcement agencies and
27 officers, high school children, state and local government
28 employees, and the public regarding the laws of this state
29 relating to anatomical gifts and the need for anatomical
30 gifts.

31

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)~~(7)~~(b). Existing community resources,
5 when available, must be used to support the program, and
6 volunteers may assist the program to the maximum extent
7 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 43. 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)~~(7)~~(b) be used for educational
26 purposes aimed at increasing the number of organ and tissue
27 donors, thus affording more Floridians who are awaiting organ
28 or tissue transplants the opportunity for a full and
29 productive life.

30 Section 44. Subsection (1) of section 832.06, Florida
31 Statutes, is amended to read:

1 832.06 Prosecution for worthless checks given tax
2 collector for licenses or taxes; refunds.--
3 (1) Whenever any person, firm, or corporation violates
4 the provisions of s. 832.05 by drawing, making, uttering,
5 issuing, or delivering to any county tax collector any check,
6 draft, or other written order on any bank or depository for
7 the payment of money or its equivalent for any tag, title,
8 lien, tax (except ad valorem taxes), penalty, or fee relative
9 to a boat, airplane, ~~or motor vehicle, driver license, or~~
10 identification card; any occupational license, beverage
11 license, or sales or use tax; or any hunting or fishing
12 license, the county tax collector, after the exercise of due
13 diligence to locate the person, firm, or corporation which
14 drew, made, uttered, issued, or delivered the check, draft, or
15 other written order for the payment of money, or to collect
16 the same by the exercise of due diligence and prudence, shall
17 swear out a complaint in the proper court against the person,
18 firm, or corporation for the issuance of the worthless check
19 or draft. If the state attorney cannot sign the information
20 due to lack of proof, as determined by the state attorney in
21 good faith, for a prima facie case in court, he or she shall
22 issue a certificate so stating to the tax collector. If
23 payment of the dishonored check, draft, or other written
24 order, together with court costs expended, is not received in
25 full by the county tax collector within 30 days after service
26 of the warrant, 30 days after conviction, or 60 days after the
27 collector swears out the complaint or receives the certificate
28 of the state attorney, whichever is first, the county tax
29 collector shall make a written report to this effect to the
30 Department of Highway Safety and Motor Vehicles relative to
31 ~~airplanes and motor vehicles and vessels, to the Department of~~

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

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

1 Section 45. Paragraph (a) of subsection (3) of section
2 812.014, Florida Statutes, is amended, and subsection (5) is
3 added to said 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 operate a motor vehicle so as
11 to 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 the
14 authorized charge for the gasoline dispensed has been made.

15 (b) In addition to the penalties prescribed in
16 subsection (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 license. The
19 court shall forward said driver 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 license under this
23 subsection shall be for a period of up to 6 months.

24 2. A subsequent suspension of a driver license under
25 this subsection shall be for a period of 1 year.

26 Section 46. Section 14 of chapter 98-223, Laws of
27 Florida, is repealed.

28 Section 47. Except as otherwise provided herein, this
29 act shall take effect October 1, 1999.

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HOUSE SUMMARY

Revises various provisions of law within the jurisdiction of the Department of Highway Safety and Motor Vehicles to:

1. Provide for reference to traffic crashes rather than accidents where appropriate.
2. Revise language with respect to unattended motor vehicles.
3. Provide for compliance with described federal standards with respect to safety equipment for motorcycle and moped riders.
4. Provide that it is a noncriminal traffic infraction, punishable as a moving violation, to violate load limits on vehicles.
5. Authorize the Florida Highway Patrol to employ described persons as traffic crash investigation officers.
6. Revise provisions with respect to dismantling, destroying, or changing the identity of a motor vehicle or motor home.
7. Define the term "agricultural products."
8. Provide for additional forms of identification with respect to described registration applications.
9. Provide a renewal time period for audits with respect to organizations who receive described voluntary contributions.
10. Provide for manufacturer license plates.
11. Revise language with respect to registration periods and fleet license plates.
12. Eliminate reference to "collectible" motor vehicles.
13. Provide penalties with respect to described violations concerning temporary tags.
14. Revise provisions concerning registration for certain temporarily employed persons, persons who currently hold out-of-state driver licenses, and the suspension or revocation of a driver license.
15. Revise provisions with respect to vessel registration.

See bill for details.