



1 directives must be reported to the Department  
2 of Highway Safety and Motor Vehicles; including  
3 reference to the tax collector with respect to  
4 the collection of certain service fees for  
5 reinstatement of suspended driver license;  
6 amending s. 318.18, F.S.; extending the date by  
7 which clerks of the court must provide  
8 information electronically to the Department of  
9 Highway Safety and Motor Vehicles; amending s.  
10 319.14, F.S., relating to the sale of motor  
11 vehicles registered or used as taxicabs, police  
12 vehicles, lease vehicles, or rebuilt vehicles  
13 and nonconforming vehicles; including reference  
14 to short-term and long-term lease vehicles;  
15 providing definitions; providing penalties;  
16 amending s. 319.23, F.S.; revising language  
17 with respect to application for title; amending  
18 s. 319.30, F.S.; revising language with respect  
19 to dismantling, destroying, or changing the  
20 identity of a motor vehicle or mobile home;  
21 amending s. 320.01, F.S.; defining the term  
22 "agricultural products"; amending s. 320.02,  
23 F.S.; revising language with respect to  
24 application for registration forms to include  
25 certain identification information; amending s.  
26 320.023, F.S.; revising language with respect  
27 to the time for audits for organizations  
28 receiving certain voluntary contributions;  
29 amending s. 320.03, F.S.; revising the  
30 distribution formula with respect to a fee  
31 charged for the Florida Real Time Vehicle

1 Information System; amending s. 320.055, F.S.;  
2 revising language with respect to registration  
3 periods; amending s. 320.06, F.S.; revising  
4 manufacturer license plates; providing for  
5 manufacture of decals; repealing s. 320.065,  
6 F.S., relating to the registration of certain  
7 rental trailers for hire and semitrailers used  
8 to haul agricultural products; amending s.  
9 320.0657, F.S.; revising language with respect  
10 to fleet license plates; providing fees;  
11 amending s. 320.08, F.S.; deleting reference to  
12 "collectible" motor vehicles; providing  
13 reference to manufacturer license plates;  
14 amending s. 320.08058, F.S.; revising language  
15 with respect to the designation of the Florida  
16 Salutes Veterans license plate; providing that  
17 the annual use fee may be used for the  
18 continuing promotion and marketing of the  
19 plate; amending s. 320.083, F.S.; providing  
20 additional specifications for a specialty  
21 license plate for amateur radio operators;  
22 deleting obsolete provisions; amending s.  
23 320.086, F.S.; revising language with respect  
24 to ancient or antique motor vehicles; deleting  
25 reference to collectible vehicles; amending s.  
26 320.13, F.S.; prohibiting the use of dealer  
27 license plates under certain circumstances;  
28 providing for manufacturer plates; amending s.  
29 320.131, F.S.; authorizing agents or Florida  
30 licensed dealers to issue temporary license  
31 tags when such tag is not specifically

1 authorized; providing penalties with respect to  
2 certain violations concerning temporary tags;  
3 amending s. 320.1325, F.S.; revising language  
4 with respect to registration for the  
5 temporarily employed; amending s. 320.27, F.S.;  
6 revising language with respect to the denial,  
7 suspension, or revocation of motor vehicle  
8 dealer licenses; amending s. 320.30, F.S.,  
9 relating to the forfeiture of a motor vehicle;  
10 providing for confiscation and a share to  
11 certain counties or municipalities; amending s.  
12 321.06, F.S.; authorizing the department to  
13 employ certain traffic crash investigation  
14 officers; amending s. 322.08, F.S.; deleting  
15 language with respect to certain applications  
16 made by persons presently holding an  
17 out-of-state driver license; amending s.  
18 322.081, F.S.; revising language with respect  
19 to the time for audits for organizations  
20 receiving certain voluntary contributions;  
21 amending s. 322.1615, F.S.; revising language  
22 with respect to learner's driver's licenses;  
23 amending s. 322.245, F.S.; increasing the time  
24 the failure to comply with the court's  
25 directives must be reported to the Department  
26 of Highway Safety and Motor Vehicles; amending  
27 s. 322.2615, F.S.; revising language with  
28 respect to suspension of license; amending s.  
29 322.28, F.S., relating to the period of  
30 suspension or revocation of a license; amending  
31 s. 322.34, F.S.; conforming a cross reference;

1           amending s. 325.207, F.S.; authorizing the  
2           solicitation of proposals for one contractor to  
3           conduct vehicle emissions inspections in all  
4           program areas of the state; amending s.  
5           327.031, F.S.; providing for the denial or  
6           cancellation of a vessel registration when  
7           payment for registration is made by a  
8           dishonored check; amending s. 327.11, F.S.;  
9           providing for replacement vessel registration;  
10          amending s. 327.23, F.S.; providing for a  
11          temporary certificate of registration for a  
12          vessel by certain out-of-state residents;  
13          amending s. 327.25, F.S.; revising language  
14          with respect to transfer of ownership and  
15          registration of vessels; providing an exemption  
16          from vessel registration fees for vessels owned  
17          and operated for the Florida Association of  
18          Christian Child Caring Agencies, Inc.; creating  
19          s. 327.255, F.S.; providing for the duties of  
20          tax collectors with respect to vessel  
21          registration; creating s. 327.256, F.S.;  
22          providing procedures for advanced vessel  
23          registration renewal; amending s. 328.01, F.S.;  
24          revising language with respect to application  
25          for a certificate of title for a vessel;  
26          amending s. 328.11, F.S.; increasing the time  
27          period to apply for a reissuance of a  
28          certificate of title; amending s. 328.15, F.S.;  
29          providing requirements with respect to certain  
30          second liens on vessels; providing requirements  
31          with respect to satisfaction of a lien on a

1 vessel; providing penalties for failure to  
2 comply; amending s. 328.16, F.S.; providing  
3 requirements with respect to liens; creating s.  
4 328.165, F.S.; providing for cancellation of  
5 certificates; amending s. 370.06, F.S.,  
6 relating to saltwater products licenses, to  
7 provide reference to registration; amending s.  
8 713.78, F.S.; providing an exemption from the  
9 requirement of an inventory of personal  
10 property found in a motor vehicle to be removed  
11 from the scene of an accident under certain  
12 circumstances; amending ss. 732.9215 and  
13 732.9216, F.S.; correcting cross references;  
14 amending s. 812.014, F.S., relating to theft;  
15 providing prohibition on theft of gasoline  
16 while in a motor vehicle; amending s. 832.06,  
17 F.S.; revising language with respect to  
18 prosecution for worthless checks given to the  
19 tax collector for certain licenses or taxes;  
20 amending s. 932.701, F.S.; redefining the term  
21 "contraband article," and reenacting ss.  
22 705.101(6) and 932.703(4), F.S., relating to  
23 forfeiture of contraband article, to  
24 incorporate said amendment in references;  
25 repealing section 14 of chapter 98-223, Laws of  
26 Florida, relating to required security for the  
27 operation of a motor vehicle; providing an  
28 effective date.

29  
30 Be It Enacted by the Legislature of the State of Florida:  
31

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

3 316.063 Duty upon damaging unattended vehicle or other  
4 property.--

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

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

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

9           Section 2. Subsection (6) of section 316.1967, Florida  
10 Statutes, is amended to read:

11           316.1967 Liability for payment of parking ticket  
12 violations and other parking violations.--

13           (6) Any county or municipality may provide by  
14 ordinance that the clerk of the court or the traffic  
15 violations bureau shall supply the department with a  
16 magnetically encoded computer tape reel or cartridge or send  
17 by other electronic means data which is machine readable by  
18 the installed computer system at the department, listing  
19 persons who have two ~~three~~ or more outstanding parking  
20 violations, including violations of s. 316.1955. Each county  
21 shall provide by ordinance that the clerk of the court or the  
22 traffic violations bureau shall supply the department with a  
23 magnetically encoded computer tape reel or cartridge or send  
24 by other electronic means data that is machine readable by the  
25 installed computer system at the department, listing persons  
26 who have any outstanding violations of s. 316.1955 or any  
27 similar local ordinance that regulates parking in spaces  
28 designated for use by persons who have disabilities. The  
29 department shall mark the appropriate registration records of  
30 persons who are so reported. Section 320.03(8) applies to each  
31 person whose name appears on the list.



1 Section 3. Section 316.1975, Florida Statutes, is  
2 amended to read:

3 316.1975 Unattended motor vehicle.--

4 (1) No person driving or in charge of any motor  
5 ~~vehicle except a licensed delivery truck or other delivery~~  
6 ~~vehicle while making deliveries,~~ shall permit it to stand  
7 unattended without first stopping the engine, locking the  
8 ignition, and removing the key. No vehicle shall be permitted  
9 to stand unattended upon any perceptible grade without  
10 stopping the engine and effectively setting the brake thereon  
11 and turning the front wheels to the curb or side of the  
12 street.

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

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

18 (b) A licensed delivery truck or other delivery  
19 vehicle while making deliveries.

20 Section 4. Section 316.2055, Florida Statutes, is  
21 amended to read:

22 316.2055 Motor vehicles, throwing advertising  
23 materials in.--It is unlawful for any person on a public  
24 street, highway, or sidewalk in the state to throw into, or  
25 attempt to throw into, any motor vehicle, or offer, or attempt  
26 to offer, to any occupant of any motor vehicle, whether  
27 standing or moving, or to place or throw into any motor  
28 vehicle any advertising or soliciting materials or to cause or  
29 secure any person or persons to do any one of such unlawful  
30 acts. A violation of this section shall be considered a  
31

1 noncriminal traffic infraction, punishable as a pedestrian  
2 violation as provided in chapter 318.

3 Section 5. 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 6. 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 7. Paragraph (a) of subsection (1) of section  
30 316.640, Florida Statutes, is amended, and paragraph (c) is  
31 added to subsection (1) of said section, to read:

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

3           (1) STATE.--

4           (a)1.a. The Division of Florida Highway Patrol of the  
5 Department of Highway Safety and Motor Vehicles, the Division  
6 of Law Enforcement of the Game and Fresh Water Fish  
7 Commission, the Division of Law Enforcement of the Department  
8 of Environmental Protection, and law enforcement officers of  
9 the Department of Transportation each have authority to  
10 enforce all of the traffic laws of this state on all the  
11 streets and highways thereof and elsewhere throughout the  
12 state wherever the public has a right to travel by motor  
13 vehicle.

14           b. University police officers shall have authority to  
15 enforce all of the traffic laws of this state when such  
16 violations occur on or about any property or facilities that  
17 are under the guidance, supervision, regulation, or control of  
18 the State University System, except that traffic laws may be  
19 enforced off-campus when hot pursuit originates on-campus.

20           c. Community college police officers shall have the  
21 authority to enforce all the traffic laws of this state only  
22 when such violations occur on any property or facilities that  
23 are under the guidance, supervision, regulation, or control of  
24 the community college system.

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

29           (I) An airport authority may employ as a parking  
30 enforcement specialist any individual who successfully  
31 completes a training program established and approved by the

1 Criminal Justice Standards and Training Commission for parking  
2 enforcement specialist, but who does not otherwise meet the  
3 uniform minimum standards established by the commission for  
4 law enforcement officers or auxiliary or part-time officers  
5 under s. 943.12. Nothing in this sub-sub-subparagraph shall be  
6 construed to permit the carrying of firearms or other weapons,  
7 nor shall such parking enforcement specialist have arrest  
8 authority.

9 (II) A parking enforcement specialist employed by an  
10 airport authority is authorized to enforce all state, county,  
11 and municipal laws and ordinances governing parking only when  
12 such violations are on property or facilities owned or  
13 operated by the airport authority employing the specialist, by  
14 appropriate state, county, or municipal traffic citation.

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

23 f. School safety officers shall have the authority to  
24 enforce all of the traffic laws of this state when such  
25 violations occur on or about any property or facilities which  
26 are under the guidance, supervision, regulation, or control of  
27 the district school board.

28 2. An agency of the state as described in subparagraph  
29 1. is prohibited from establishing a traffic citation quota. A  
30 violation of this subparagraph is not subject to the penalties  
31 provided in chapter 318.

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

9           (c) The Division of Florida Highway Patrol may employ  
10 as a traffic crash investigation officer any individual who  
11 successfully completes at least 200 hours of instruction in  
12 traffic crash investigation and court presentation through the  
13 Selective Traffic Enforcement Program as approved by the  
14 Criminal Justice Standards and Training Commission and funded  
15 through the National Highway Traffic Safety Administration or  
16 a similar program approved by the commission, but who does not  
17 necessarily meet the uniform minimum standards established by  
18 the commission for law enforcement officers or auxiliary law  
19 enforcement officers under chapter 943. Any such traffic crash  
20 investigation officer who makes an investigation at the scene  
21 of a traffic crash may issue traffic citations, based upon  
22 personal investigation, when he or she has reasonable and  
23 probable grounds to believe that a person who was involved in  
24 the crash committed an offense under this chapter, chapter  
25 319, chapter 320, or chapter 322 in connection with the crash.  
26 This paragraph does not permit the carrying of firearms or  
27 other weapons, nor do such officers have arrest authority  
28 other than for the issuance of a traffic citation as  
29 authorized in this paragraph.

30           Section 8. Subsections (1), (4), and (9) of section  
31 318.14, Florida Statutes, are amended to read:

1           318.14 Noncriminal traffic infractions; exception;  
2 procedures.--

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

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

29           (9) Any person who is cited for an infraction under  
30 this section other than a violation of s. 320.0605(1), s.  
31 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or

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

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

18 318.15 Failure to comply with civil penalty or to  
19 appear; penalty.--

20 (1)(a) If a person fails to comply with the civil  
21 penalties provided in s. 318.18 within the time period  
22 specified in s. 318.14(4), fails to attend driver improvement  
23 school, or fails to appear at a scheduled hearing, the clerk  
24 of the court shall notify the Division of Driver Licenses of  
25 the Department of Highway Safety and Motor Vehicles of such  
26 failure within 10 5 days after such failure. Upon receipt of  
27 such notice, the department shall immediately issue an order  
28 suspending the driver's license and privilege to drive of such  
29 person effective 20 days after the date the order of  
30 suspension is mailed in accordance with s. 322.251(1), (2),  
31 and (6). Any such suspension of the driving privilege which



1 has not been reinstated, including a similar suspension  
2 imposed outside Florida, shall remain on the records of the  
3 department for a period of 7 years from the date imposed and  
4 shall be removed from the records after the expiration of 7  
5 years from the date it is imposed.

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

17 Section 10. Paragraph (a) of subsection (8) of section  
18 318.18, Florida Statutes, 1998 Supplement, is amended to read:

19 318.18 Amount of civil penalties.--The penalties  
20 required for a noncriminal disposition pursuant to s. 318.14  
21 are as follows:

22 (8)(a) Any person who fails to comply with the court's  
23 requirements or who fails to pay the civil penalties specified  
24 in this section within the 30-day period provided for in s.  
25 318.14 must pay an additional civil penalty of \$12, \$2.50 of  
26 which must be deposited into the General Revenue Fund, and  
27 \$9.50 of which must be deposited in the Highway Safety  
28 Operating Trust Fund. There is hereby appropriated from the  
29 Highway Safety Operating Trust Fund for fiscal year 1996-1997  
30 the amount of \$4 million. From this appropriation the  
31 department shall contract with the Florida Association of

1 Court Clerks, Inc., to design, establish, operate, upgrade,  
2 and maintain an automated statewide Uniform Traffic Citation  
3 Accounting System to be operated by the clerks of the court  
4 which shall include, but not be limited to, the accounting for  
5 traffic infractions by type, a record of the disposition of  
6 the citations, and an accounting system for the fines assessed  
7 and the subsequent fine amounts paid to the clerks of the  
8 court. On or before December 1, 2001 ~~1999~~, the clerks of the  
9 court must provide the information required by this chapter to  
10 be transmitted to the department by electronic transmission  
11 pursuant to the contract.

12 Section 11. Subsections (1), (2), and (3) of section  
13 319.14, Florida Statutes, are amended to read:

14 319.14 Sale of motor vehicles registered or used as  
15 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles  
16 and nonconforming vehicles.--

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

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

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

21 (c) As used in this section:

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

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

29 b. Long-term lease vehicle means a motor vehicle  
30 leased without a driver and under a written agreement to one  
31 person for a period of 12 months or longer.

1           c. "Lease vehicle" means both short-term lease vehicle  
2 and long-term lease vehicle.

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

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

11           5. "Combined" means assembled by combining two motor  
12 vehicles neither of which has been titled and branded as  
13 "Salvage Unrebuildable."

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

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

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

22           9. "Flood vehicle" means a motor vehicle or mobile  
23 home that has been declared to be a total loss pursuant to s.  
24 319.30(3)(a) resulting from damage caused by water.

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

28           11. "Settlement" means an agreement entered into  
29 between a manufacturer and a consumer that occurs after a  
30 dispute is submitted to a program, or an informal dispute  
31 settlement procedure established by a manufacturer or is

1 approved for arbitration before the New Motor Vehicle  
2 Arbitration Board as defined in s. 681.102.

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

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

28 Section 12. Subsections (3) and (8) of section 319.23,  
29 Florida Statutes, are amended to read:

30 319.23 Application for, and issuance of, certificate  
31 of title.--

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

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

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

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

31

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

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

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

26 Section 13. Subsections (4) and (5) and paragraph (c)  
27 of subsection (8) of section 319.30, Florida Statutes, 1998  
28 Supplement, are amended, and subsection (9) is added to said  
29 section, to read:

30 319.30 Definitions; dismantling, destruction, change  
31 of identity of motor vehicle or mobile home; salvage.--

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

15           (5)(a) It is unlawful for any person to knowingly  
16 possess, sell, or exchange, offer to sell or exchange, or give  
17 away any certificate of title or manufacturer's identification  
18 number plate or serial plate of any motor vehicle, mobile  
19 home, or derelict which has been sold as salvage contrary to  
20 the provisions of this section, and it is unlawful for any  
21 person to authorize, direct, aid in, or consent to the  
22 possession, sale, or exchange or to offer ~~any person who~~  
23 ~~authorizes, directs, aids in, or consents to the possession,~~  
24 ~~sale, or exchange or who offers to sell, exchange, or give~~  
25 away such certificate of title or manufacturer's  
26 identification number plate or serial plate ~~is guilty of a~~  
27 ~~felony of the third degree, punishable as provided in s.~~  
28 ~~775.082, s. 775.083, or s. 775.084.~~

29           (b) It is unlawful for any person to knowingly  
30 possess, sell, or exchange, offer to sell or exchange, or give  
31 away any manufacturer's identification number plate or serial



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

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

23 (8)

24 (c) For the purpose of enforcement of this section,  
25 the department or its agents and employees shall have the same  
26 right of inspection as law enforcement officers as provided in  
27 s. 812.055. ~~Any person who violates this subsection is guilty~~  
28 ~~of a felony of the third degree, punishable as provided in s.~~  
29 ~~775.082, s. 775.083, or s. 775.084.~~

30  
31

1           (9) Any person who violates this section commits a  
2 felony of the third degree, punishable as provided in s.  
3 775.082, s. 775.083, or s. 775.084.

4           Section 14. Subsection (42) is added to section  
5 320.01, Florida Statutes, to read:

6           320.01 Definitions, general.--As used in the Florida  
7 Statutes, except as otherwise provided, the term:

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

13           Section 15. Paragraph (a) of subsection (2) of section  
14 320.02, Florida Statutes, 1998 Supplement, is amended to read:

15           320.02 Registration required; application for  
16 registration; forms.--

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

28           1. If the vehicle is registered to a business, the  
29 name and street address of the permanent residence of an owner  
30 of the business, an officer of the corporation, or an employee  
31 who is in a supervisory position.

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

4           Section 16. Subsections (5), (6), and (7) of section  
5 320.023, Florida Statutes, 1998 Supplement, are amended to  
6 read:

7           320.023 Requests to establish voluntary checkoff on  
8 motor vehicle registration application.--

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

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

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

31

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

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

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

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

26           (8)(7) The Auditor General and the department have the  
27 authority to examine all records pertaining to the use of  
28 funds from the voluntary contributions authorized.

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

31

1           320.03 Registration; duties of tax collectors;  
2 International Registration Plan.--

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

28           Section 18. Subsections (2) and (7) of section  
29 320.055, Florida Statutes, are amended to read:

30  
31

1           320.055 Registration periods; renewal periods.--The  
2 following registration periods and renewal periods are  
3 established:

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

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

16           Section 19. Paragraph (a) of subsection (3) and  
17 paragraph (b) of subsection (4) of section 320.06, Florida  
18 Statutes, are amended to read:

19           320.06 Registration certificates, license plates, and  
20 validation stickers generally.--

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

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

1 issued with any other distinctive character or designation,  
2 that distinguishes the motor vehicle as a for-hire motor  
3 vehicle.

4 (4)

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

15 Section 20. Section 320.065, Florida Statutes, is  
16 repealed.

17 Section 21. Section 320.0657, Florida Statutes, is  
18 amended to read:

19 320.0657 Permanent registration; fleet license  
20 plates.--

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

27 (2)(a) The owner or lessee of a fleet of motor  
28 vehicles shall, upon application in the manner and at the time  
29 prescribed and upon approval by the department and payment of  
30 the license tax prescribed under s. 320.08(2), (3), (4),  
31 (5)(a) and (b), (6)(a), (7), and (8), be issued permanent



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

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

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

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

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

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

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

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

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

27 Section 22. Paragraph (e) of subsection (1), paragraph  
28 (a) of subsection (2), paragraph (e) of subsection (3), and  
29 subsection (12) of section 320.08, Florida Statutes, 1998  
30 Supplement, are amended to read:  
31

1           320.08 License taxes.--Except as otherwise provided  
2 herein, there are hereby levied and imposed annual license  
3 taxes for the operation of motor vehicles, mopeds, motorized  
4 bicycles as defined in s. 316.003(2), and mobile homes, as  
5 defined in s. 320.01, which shall be paid to and collected by  
6 the department or its agent upon the registration or renewal  
7 of registration of the following:

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

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

11           (2) AUTOMOBILES FOR PRIVATE USE.--

12           (a) An ancient ~~or, antique, or collectible~~ automobile  
13 as defined in s. 320.086 or street rod as defined in s.  
14 320.0863: \$7.50 flat.

15           (3) TRUCKS.--

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

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

19 franchised motor vehicle dealer, independent motor vehicle  
20 dealer, marine boat trailer dealer, or mobile home dealer and  
21 manufacturer license plate: \$12.50 flat.

22           Section 23. Subsection (4) of section 320.08058,  
23 Florida Statutes, 1998 Supplement, is amended to read:

24           320.08058 Specialty license plates.--

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

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

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

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

16 Section 24. Section 320.083, Florida Statutes, is  
17 amended to read:

18 320.083 Amateur radio operators; ~~citizens' band radio~~  
19 ~~operators;~~ special license plates; fees.--

20 (1) A person who is the owner or lessee of an  
21 automobile for private use, a truck weighing not more than  
22 5,000 pounds, or a recreational vehicle as specified in s.  
23 320.08(9)(c) or (d), which is not used for hire or commercial  
24 use; who is a resident of the state; and who holds a valid  
25 official amateur radio station license ~~or citizens' band radio~~  
26 ~~station license~~ issued by the Federal Communications  
27 Commission shall be issued a special license plate upon  
28 application, accompanied by proof of ownership of such radio  
29 station license, and payment of the following tax and fees:

30 (a) The license tax required for the vehicle, as  
31 prescribed by s. 320.08(2), (3)(a), (b), or (c), or (9); and

1 (b) An initial additional fee of \$5, and an additional  
2 fee of \$1.50 thereafter.

3 (2) The license plate issued shall meet the  
4 requirements of s. 320.06, except that, in lieu of the numbers  
5 as prescribed by s. 320.06, it shall be inscribed with the  
6 official amateur radio call letters ~~or the official citizens'~~  
7 ~~band radio call letters, as appropriate,~~of the applicant, as  
8 assigned by the Federal Communications Commission, including  
9 as a prefix, when applicable, those call letters assigned by  
10 the Armed Services of the United States of America, not to  
11 exceed eight characters. In lieu of the name of the county or  
12 the designation "Sunshine State" on the bottom of the plate as  
13 prescribed in s. 320.06, the words "Amateur Radio" shall be  
14 inscribed.

15 (3) All applications for such plates shall be made to  
16 the department.

17 Section 25. 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 26. 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 27. Paragraph (k) of subsection (1) of section  
21 320.131, Florida Statutes, is amended, and subsections (5),  
22 (6), and (7) are added to said section, to read:

23 320.131 Temporary tags.--

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

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

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

3

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

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

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

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

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

29 320.1325 Registration required for the temporarily  
30 employed.--Motor vehicles owned or leased by persons who are  
31 temporarily employed within the state but are not residents

1 are required to be registered. Upon payment of the fees  
2 prescribed in this section and proof of insurance coverage as  
3 required by the applicant's resident state,the department  
4 shall provide a temporary registration plate and a  
5 registration certificate valid for 90 days to an applicant who  
6 is temporarily employed in this ~~the~~ state. The temporary  
7 registration plate may be renewed one time for an additional  
8 90-day period. At the end of the 180-day period of temporary  
9 registration, the applicant shall apply for a permanent  
10 registration if there is a further need to remain in this  
11 state. A temporary license registration plate may not be  
12 issued for any commercial motor vehicle as defined in s.  
13 320.01. The fee for the 90-day temporary registration plate  
14 shall be \$40 plus the applicable service charge required by s.  
15 320.04. Subsequent permanent registration and titling of a  
16 vehicle registered hereunder shall subject the applicant to  
17 providing proof of Florida insurance coverage as specified in  
18 s. 320.02 and payment of the fees required by ss. 319.231 and  
19 320.072, in addition to all other taxes and fees required.

20 Section 29. Paragraph (v) is added to subsection (9)  
21 of section 320.27, Florida Statutes, to read:

22 320.27 Motor vehicle dealers.--

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

29 (v) Sale by a motor vehicle dealer of a vehicle  
30 offered in trade by a customer prior to consummation of the  
31

1 sale, exchange, or transfer of a newly acquired vehicle to the  
2 customer.

3 Section 30. Section 320.30, Florida Statutes, is  
4 amended to read:

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

1 and without knowledge that the vendor of such vehicle had not  
2 complied with said sections.

3 Section 31. Section 321.06, Florida Statutes, is  
4 amended to read:

5 321.06 Civil service.--

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

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

31

1           Section 32. 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 33. 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 34. 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 35. Subsection (3) of section 322.245, Florida  
2 Statutes, is amended to read:

3           322.245 Suspension of license upon failure of person  
4 charged with specified offense under chapter 316, chapter 320,  
5 or this chapter to comply with directives ordered by traffic  
6 court or upon failure to pay child support in non-IV-D cases  
7 as provided in chapter 61.--

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

18           Section 36. Paragraphs (b) and (d) of subsection (6)  
19 and subsection (10) of section 322.2615, Florida Statutes, are  
20 amended to read:

21           322.2615 Suspension of license; right to review.--

22           (6)

23           (b) Such formal review hearing shall be held before a  
24 hearing officer employed by the department, and the hearing  
25 officer shall be authorized to administer oaths, examine  
26 witnesses and take testimony, receive relevant evidence, issue  
27 subpoenas, regulate the course and conduct of the hearing, and  
28 make a ruling on the suspension. The department and the  
29 person arrested may subpoena witnesses, and the party  
30 requesting the presence of a witness shall be responsible for  
31 the payment of any witness fees and for notifying in writing

1 the state attorney's office in the appropriate circuit of the  
2 issuance of the subpoena. If the person who requests a formal  
3 review hearing fails to appear and the hearing officer finds  
4 such failure to be without just cause, the right to a formal  
5 hearing is waived and the suspension shall be sustained  
6 ~~department shall conduct an informal review of the suspension~~  
7 ~~under subsection (4).~~

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

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

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

30 (b) If the suspension of the driver's license of the  
31 person arrested for a violation of s. 316.193, relating to

1 unlawful blood-alcohol level, is sustained, the person is not  
2 eligible to receive a license for business or employment  
3 purposes only pursuant to s. 322.271 until 30 days have  
4 elapsed after the expiration of the last 30-day temporary  
5 permit issued ~~pursuant to this section or s. 322.64~~. If the  
6 driver is not issued a 30-day permit pursuant to this section  
7 or s. 322.64 because he or she is ineligible for the permit  
8 and the suspension for a violation of s. 316.193, relating to  
9 unlawful blood-alcohol level, is not invalidated by the  
10 department, the driver is not eligible to receive a business  
11 or employment license pursuant to s. 322.271 until 30 days  
12 have elapsed from the date of the arrest.

13 Section 37. Section 322.28, Florida Statutes, 1998  
14 Supplement, is amended to read:

15 322.28 Period of suspension or revocation.--

16 (1) Unless otherwise provided by this section, the  
17 department shall not suspend a license for a period of more  
18 than 1 year and, upon revoking a license, in any case except  
19 in a prosecution for the offense of driving a motor vehicle  
20 while under the influence of alcoholic beverages, chemical  
21 substances as set forth in s. 877.111, or controlled  
22 substances, shall not in any event grant a new license until  
23 the expiration of 1 year after such revocation.

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

26 (a) Upon conviction of the driver, the court, along  
27 with imposing sentence, shall revoke the driver's license or  
28 driving privilege of the person so convicted, effective on the  
29 date of conviction, and shall prescribe the period of such  
30 revocation in accordance with the following provisions:

31

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

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

10          3. Upon a third conviction within a period of 10 years  
11 from the date of conviction of the first of three or more  
12 convictions for the violation of the provisions of s. 316.193  
13 or former s. 316.1931 or a combination of such sections, the  
14 driver's license or driving privilege shall be revoked for not  
15 less than 10 years.

16  
17 For the purposes of this paragraph, a previous conviction  
18 outside this state for driving under the influence, driving  
19 while intoxicated, driving with an unlawful blood-alcohol  
20 level, or any other alcohol-related or drug-related traffic  
21 offense similar to the offense of driving under the influence  
22 as proscribed by s. 316.193 will be considered a previous  
23 conviction for violation of s. 316.193, and a conviction for  
24 violation of former s. 316.028, former s. 316.1931, or former  
25 s. 860.01 is considered a conviction for violation of s.  
26 316.193.

27          (b) If the period of revocation was not specified by  
28 the court at the time of imposing sentence or within 30 days  
29 thereafter, and is not otherwise specified by law, the  
30 department shall forthwith revoke the driver's license or  
31 driving privilege for the maximum period applicable under

1 paragraph (a) for a first conviction and for the minimum  
2 period applicable under paragraph (a) for any subsequent  
3 convictions. The driver may, within 30 days after such  
4 revocation by the department, petition the court for further  
5 hearing on the period of revocation, and the court may reopen  
6 the case and determine the period of revocation within the  
7 limits specified in paragraph (a).

8 (c) The forfeiture of bail bond, not vacated within 20  
9 days, in any prosecution for the offense of driving while  
10 under the influence of alcoholic beverages, chemical  
11 substances, or controlled substances to the extent of  
12 depriving the defendant of his or her normal faculties shall  
13 be deemed equivalent to a conviction for the purposes of this  
14 paragraph, and the department shall forthwith revoke the  
15 defendant's driver's license or driving privilege for the  
16 maximum period applicable under paragraph (a) for a first  
17 conviction and for the minimum period applicable under  
18 paragraph (a) for a second or subsequent conviction; however,  
19 if the defendant is later convicted of the charge, the period  
20 of revocation imposed by the department for such conviction  
21 shall not exceed the difference between the applicable maximum  
22 for a first conviction or minimum for a second or subsequent  
23 conviction and the revocation period under this subsection  
24 that has actually elapsed; upon conviction of such charge, the  
25 court may impose revocation for a period of time as specified  
26 in paragraph (a). This paragraph does not apply if an  
27 appropriate motion contesting the forfeiture is filed within  
28 the 20-day period.

29 (d) When any driver's license or driving privilege has  
30 been revoked pursuant to the provisions of this section, the  
31 department shall not grant a new license, except upon

1 reexamination of the licensee after the expiration of the  
2 period of revocation so prescribed. However, the court may,  
3 in its sound discretion, issue an order of reinstatement on a  
4 form furnished by the department which the person may take to  
5 any driver's license examining office for reinstatement by the  
6 department pursuant to s. 322.282.

7 (e) The court shall permanently revoke the driver's  
8 license or driving privilege of a person who has been  
9 convicted four times for violation of s. 316.193 or former s.  
10 316.1931 or a combination of such sections. The court shall  
11 permanently revoke the driver's license or driving privilege  
12 of any person who has been convicted of DUI manslaughter in  
13 violation of s. 316.193. If the court has not permanently  
14 revoked such driver's license or driving privilege within 30  
15 days after imposing sentence, the department shall permanently  
16 revoke the driver's license or driving privilege pursuant to  
17 this paragraph. No driver's license or driving privilege may  
18 be issued or granted to any such person. This paragraph  
19 applies only if at least one of the convictions for violation  
20 of s. 316.193 or former s. 316.1931 was for a violation that  
21 occurred after July 1, 1982. For the purposes of this  
22 paragraph, a conviction for violation of former s. 316.028,  
23 former s. 316.1931, or former s. 860.01 is also considered a  
24 conviction for violation of s. 316.193. Also, a conviction of  
25 driving under the influence, driving while intoxicated,  
26 driving with an unlawful blood-alcohol level, or any other  
27 similar alcohol-related or drug-related traffic offense  
28 outside this state is considered a conviction for the purposes  
29 of this paragraph.

30 (3) The court shall permanently revoke the driver's  
31 license or driving privilege of a person who has been

1 convicted of murder resulting from the operation of a motor  
2 vehicle. No driver's license or driving privilege may be  
3 issued or granted to any such person.

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

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

22 (4)(6)(a) Upon a conviction for a violation of s.  
23 316.193(3)(c)2., involving serious bodily injury, a conviction  
24 of manslaughter resulting from the operation of a motor  
25 vehicle, or a conviction of vehicular homicide, the court  
26 shall revoke the driver's license of the person convicted for  
27 a minimum period of 3 years. In the event that a conviction  
28 under s. 316.193(3)(c)2., involving serious bodily injury, is  
29 also a subsequent conviction as described under paragraph  
30 (2)(a), the court shall revoke the driver's license or driving  
31



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

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

9 (5)~~(7)~~ No court shall stay the administrative  
10 suspension of a driving privilege under s. 322.2615 or s.  
11 322.2616 during judicial ~~shall be stayed upon a request for~~  
12 review of the departmental order that resulted in such  
13 suspension and, ~~except as provided in former s. 322.261,~~ no  
14 suspension or revocation of a driving privilege shall be  
15 stayed upon an appeal of the conviction or order that resulted  
16 therein.

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

24 Section 38. Paragraph (b) of subsection (6) of section  
25 322.34, Florida Statutes, 1998 Supplement, is amended to read:

26 322.34 Driving while license suspended, revoked,  
27 canceled, or disqualified.--

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

29 (b) While his or her driver's license or driving  
30 privilege is canceled, suspended, or revoked pursuant to s.

31

1 316.655, s. 322.26(8), s. 322.27(2), or s. 322.28(2) or (4)  
2 ~~(5)~~,

3  
4 and who by careless or negligent operation of the motor  
5 vehicle causes the death of or serious bodily injury to  
6 another human being is guilty of a felony of the third degree,  
7 punishable as provided in s. 775.082 or s. 775.083.

8 Section 39. Subsection (15) is added to section  
9 325.207, Florida Statutes, to read:

10 325.207 Inspection stations; department contracts;  
11 inspection requirements; recordkeeping.--

12 (15) Notwithstanding the requirements of subsection  
13 (11), the department may request proposals for one contractor  
14 to conduct vehicle inspections in all program areas of the  
15 state.

16 Section 40. When the Department of Highway Safety and  
17 Motor Vehicles requests proposals prior to the expiration of  
18 the current emissions inspection contracts, the Department of  
19 Highway Safety and Motor Vehicles must also request proposals  
20 for one contractor to conduct vehicle inspections in all  
21 program areas of the state.

22 Section 41. Section 327.031, Florida Statutes, is  
23 amended to read:

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

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

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

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

12 Section 42. Present subsection (6) of section 327.11,  
13 Florida Statutes, is renumbered as subsection (8) and amended,  
14 and new subsections (6) and (7) are added to said section, to  
15 read:

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

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

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

31

1           (8)~~(6)~~ Anyone guilty of falsely certifying any facts  
2 relating to application, certificate, transfer, number, decal,  
3 ~~or duplicate, or replacement~~ certificates or any information  
4 required under this section shall be punished as provided  
5 under this chapter.

6           Section 43. Subsection (2) of section 327.23, Florida  
7 Statutes, is amended to read:

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

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

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

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

31

1           Section 44. Paragraphs (b) and (c) of subsection (2),  
2 paragraph (b) of subsection (4), subsection (6), paragraph (c)  
3 of subsection (12), and subsection (15) of section 327.25,  
4 Florida Statutes, are amended to read:

5           327.25 Classification; registration; fees and charges;  
6 surcharge; disposition of fees; fines; marine turtle  
7 stickers.--

8           (2) ANTIQUE VESSEL REGISTRATION FEE.--

9           (b) The registration number for an antique vessel  
10 shall be displayed as provided in ~~affixed on the forward half~~  
11 ~~of the hull or on the port side of the windshield according to~~  
12 ss. 327.11 and 327.14.

13           (c) The Department of Highway Safety and Motor  
14 Vehicles may issue a decal identifying the vessel as an  
15 antique vessel. The decal shall be displayed as provided in s.  
16 327.11 ~~placed within 3 inches of the registration number.~~

17           (4) TRANSFER OF OWNERSHIP.--

18           (b) If a vessel is an antique as defined in subsection  
19 (2), the application shall be accompanied by either a  
20 certificate of title, a ~~notarized~~ bill of sale and a  
21 registration, or a ~~notarized~~ bill of sale and an affidavit by  
22 the owner defending the title from all claims. The bill of  
23 sale must contain a complete vessel description to include the  
24 hull identification number and engine number, if appropriate;  
25 the year, make, and color of the vessel; the selling price;  
26 and the signatures of the seller and purchaser.

27           (6) CHANGE OF CLASSIFICATION.--If the classification  
28 of a vessel changes from noncommercial to commercial, or from  
29 commercial to noncommercial, and a current registration  
30 certificate has been issued to the owner, the owner shall  
31 within 30 days forward his or her certificate to the county

1 tax collector with a fee of \$2.25 and a new certificate shall  
2 be issued.

3 (12) REGISTRATION.--

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

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

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

21 (15) EXEMPTIONS.--Vessels owned and operated by Sea  
22 Explorer or Sea Scout units of the Boy Scouts of America, the  
23 Girl Scouts of America, the Florida Association of Christian  
24 Child Caring Agencies ~~Safe Harbor Haven~~, Inc., or the  
25 Associated Marine Institutes, Inc., and its affiliates, or  
26 which are antique vessels as defined in paragraph (2)(a) are  
27 exempt from the provisions of subsection (1). Such vessels  
28 shall be issued certificates of registration and numbers upon  
29 application and payment of the service fee provided in  
30 subsection (7).

31

1           Section 45. 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 46. 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 47. 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 48. 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 49. 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 50. 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 51. 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 52. Subsection (2) of section 370.06, Florida  
4 Statutes, 1998 Supplement, is amended to read:

5 370.06 Licenses.--

6 (2) SALTWATER PRODUCTS LICENSE.--

7 (a) Every person, firm, or corporation that sells,  
8 offers for sale, barter, or exchanges for merchandise any  
9 saltwater products, or which harvests saltwater products with  
10 certain gear or equipment as specified by law, must have a  
11 valid saltwater products license, except that the holder of an  
12 aquaculture certificate under s. 597.004 is not required to  
13 purchase and possess a saltwater products license in order to  
14 possess, transport, or sell marine aquaculture products. Each  
15 saltwater products license allows the holder to engage in any  
16 of the activities for which the license is required. The  
17 license must be in the possession of the licenseholder or  
18 aboard the vessel and shall be subject to inspection at any  
19 time that harvesting activities for which a license is  
20 required are being conducted. A restricted species endorsement  
21 on the saltwater products license is required to sell to a  
22 licensed wholesale dealer those species which the state, by  
23 law or rule, has designated as "restricted species." This  
24 endorsement may be issued only to a person who is at least 16  
25 years of age, or to a firm certifying that over 25 percent of  
26 its income or \$5,000 of its income, whichever is less, is  
27 attributable to the sale of saltwater products pursuant to a  
28 license issued under this paragraph or a similar license from  
29 another state. This endorsement may also be issued to a  
30 for-profit corporation if it certifies that at least \$5,000 of  
31 its income is attributable to the sale of saltwater products

1 pursuant to a license issued under this paragraph or a similar  
2 license from another state. However, if at least 50 percent of  
3 the annual income of a person, firm, or for-profit corporation  
4 is derived from charter fishing, the person, firm, or  
5 for-profit corporation must certify that at least \$2,500 of  
6 the income of the person, firm, or corporation is attributable  
7 to the sale of saltwater products pursuant to a license issued  
8 under this paragraph or a similar license from another state,  
9 in order to be issued the endorsement. Such income attribution  
10 must apply to at least 1 year out of the last 3 years. For the  
11 purpose of this section "income" means that income which is  
12 attributable to work, employment, entrepreneurship, pensions,  
13 retirement benefits, and social security benefits. To renew an  
14 existing restricted species endorsement, a marine aquaculture  
15 producer possessing a valid saltwater products license with a  
16 restricted species endorsement may apply income from the sale  
17 of marine aquaculture products to licensed wholesale dealers.

18 1. The department is authorized to require  
19 verification of such income. Acceptable proof of income earned  
20 from the sale of saltwater products shall be:

21 a. Copies of trip ticket records generated pursuant to  
22 this subsection (marine fisheries information system),  
23 documenting qualifying sale of saltwater products;

24 b. Copies of sales records from locales other than  
25 Florida documenting qualifying sale of saltwater products;

26 c. A copy of the applicable federal income tax return,  
27 including Form 1099 attachments, verifying income earned from  
28 the sale of saltwater products;

29 d. Crew share statements verifying income earned from  
30 the sale of saltwater products; or

31

1 e. A certified public accountant's notarized statement  
2 attesting to qualifying source and amount of income.

3  
4 Any provision of this section or any other section of the  
5 Florida Statutes to the contrary notwithstanding, any person  
6 who owns a retail seafood market and/or restaurant at a fixed  
7 location for at least 3 years who has had an occupational  
8 license for 3 years prior to January 1, 1990, who harvests  
9 saltwater products to supply his or her retail store and has  
10 had a saltwater products license for 1 of the past 3 years  
11 prior to January 1, 1990, may provide proof of his or her  
12 verification of income and sales value at the person's retail  
13 seafood market and/or restaurant and in his or her saltwater  
14 products enterprise by affidavit and shall thereupon be issued  
15 a restricted species endorsement.

16 2. Exceptions from income requirements shall be as  
17 follows:

18 a. A permanent restricted species endorsement shall be  
19 available to those persons age 62 and older who have qualified  
20 for such endorsement for at least 3 out of the last 5 years.

21 b. Active military duty time shall be excluded from  
22 consideration of time necessary to qualify and shall not be  
23 counted against the applicant for purposes of qualifying.

24 c. Upon the sale of a used commercial fishing vessel  
25 owned by a person, firm, or corporation possessing or eligible  
26 for a restricted species endorsement, the purchaser of such  
27 vessel shall be exempted from the qualifying income  
28 requirement for the purpose of obtaining a restricted species  
29 endorsement for a period of 1 year after purchase of the  
30 vessel.

31



1           d. Upon the death or permanent disablement of a person  
2 possessing a restricted species endorsement, an immediate  
3 family member wishing to carry on the fishing operation shall  
4 be exempted from the qualifying income requirement for the  
5 purpose of obtaining a restricted species endorsement for a  
6 period of 1 year after the death or disablement.

7           e. A restricted species endorsement may be issued on  
8 an individual saltwater products license to a person age 62 or  
9 older who documents that at least \$2,500 is attributable to  
10 the sale of saltwater products pursuant to the provisions of  
11 this paragraph.

12           f. A permanent restricted species endorsement may also  
13 be issued on an individual saltwater products license to a  
14 person age 70 or older who has held a saltwater products  
15 license for at least 3 of the last 5 license years.

16           g. Any resident who is certified to be totally and  
17 permanently disabled by a verified written statement, based  
18 upon the criteria for permanent total disability in chapter  
19 440 from a physician licensed in this state, by any branch of  
20 the United States Armed Services, by the Social Security  
21 Administration, or by the United States Department of Veterans  
22 Affairs or its predecessor, or any resident who holds a valid  
23 identification card issued by the Department of Veterans'  
24 Affairs pursuant to s. 295.17, shall be exempted from the  
25 income requirements if he or she also has held a saltwater  
26 products license for at least 3 of the last 5 license years  
27 prior to the date of the disability. A Disability Award Notice  
28 issued by the United States Social Security Administration is  
29 not sufficient certification for a resident to obtain the  
30 income exemption unless the notice certifies that the resident  
31 is totally and permanently disabled.

1  
2 At least one saltwater products license bearing a restricted  
3 species endorsement shall be aboard any vessel harvesting  
4 restricted species in excess of any bag limit or when fishing  
5 under a commercial quota or in commercial quantities, and such  
6 vessel, if required to be registered, shall have a commercial  
7 vessel registration. This subsection does not apply to any  
8 person, firm, or corporation licensed under s. 370.07(1)(a)1.  
9 or (b) for activities pursuant to such licenses. A saltwater  
10 products license may be issued in the name of an individual or  
11 a valid boat registration number. Such license is not  
12 transferable. A decal shall be issued with each saltwater  
13 products license issued to a valid boat registration number.  
14 The saltwater products license decal shall be the same color  
15 as the vessel registration decal issued each year pursuant to  
16 s. 327.11(5) and shall indicate the period of time such  
17 license is valid. The saltwater products license decal shall  
18 be placed beside the vessel registration decal and, in the  
19 case of an undocumented vessel, shall be placed so that the  
20 vessel registration decal lies between the vessel registration  
21 number and the saltwater products license decal. Any saltwater  
22 products license decal for a previous year shall be removed  
23 from a vessel operating on the waters of the state. A resident  
24 shall pay an annual license fee of \$50 for a saltwater  
25 products license issued in the name of an individual or \$100  
26 for a saltwater products license issued to a valid boat  
27 registration number. A nonresident shall pay an annual license  
28 fee of \$200 for a saltwater products license issued in the  
29 name of an individual or \$400 for a saltwater products license  
30 issued to a valid boat registration number. An alien shall pay  
31 an annual license fee of \$300 for a saltwater products license

1 issued in the name of an individual or \$600 for a saltwater  
2 products license issued to a valid boat registration number.  
3 Any person who sells saltwater products pursuant to this  
4 license may sell only to a licensed wholesale dealer. A  
5 saltwater products license must be presented to the licensed  
6 wholesale dealer each time saltwater products are sold, and an  
7 imprint made thereof. The wholesale dealer shall keep records  
8 of each transaction in such detail as may be required by rule  
9 of the Department of Environmental Protection not in conflict  
10 with s. 370.07(6), and shall provide the holder of the  
11 saltwater products license with a copy of the record. It is  
12 unlawful for any licensed wholesale dealer to buy saltwater  
13 products from any unlicensed person under the provisions of  
14 this section, except that a licensed wholesale dealer may buy  
15 from another licensed wholesale dealer. It is unlawful for any  
16 licensed wholesale dealer to buy saltwater products designated  
17 as "restricted species" from any person, firm, or corporation  
18 not possessing a restricted species endorsement on his or her  
19 saltwater products license under the provisions of this  
20 section, except that a licensed wholesale dealer may buy from  
21 another licensed wholesale dealer. The Department of  
22 Environmental Protection shall be the licensing agency, may  
23 contract with private persons or entities to implement aspects  
24 of the licensing program, and shall establish by rule a marine  
25 fisheries information system in conjunction with the licensing  
26 program to gather fisheries data.

27 (b) Any person who sells, offers for sale, barter, or  
28 exchanges for merchandise saltwater products must have a  
29 method of catch preservation which meets the requirements and  
30 standards of the seafood quality control code promulgated by  
31 the Department of Environmental Protection.

1 (c) A saltwater products license is required to  
2 harvest commercial quantities of saltwater products. Any  
3 vessel from which commercial quantities of saltwater products  
4 are harvested must, if required to be registered, have a  
5 commercial vessel registration. Commercial quantities of  
6 saltwater products shall be defined as:

7 1. With respect to those species for which no bag  
8 limit has been established, more than 100 pounds per person  
9 per day, provided that the harvesting of two fish or less per  
10 person per day shall not be considered commercial quantities  
11 regardless of aggregate weight; and

12 2. With respect to those species for which a bag limit  
13 has been established, more than the bag limit allowed by law  
14 or rule.

15 (d)1. In addition to the saltwater products license, a  
16 marine life fishing endorsement is required for the harvest of  
17 marine life species as defined by rule of the Marine Fisheries  
18 Commission. This endorsement may be issued only to a person  
19 who is at least 16 years of age or older or to a corporation  
20 holding a valid restricted species endorsement.

21 2.a. Effective July 1, 1998, and until July 1, 2002, a  
22 marine life endorsement may not be issued under this  
23 paragraph, except that those endorsements that are active  
24 during the 1997-1998 fiscal year may be renewed.

25 b. In 1998 persons or corporations holding a marine  
26 life endorsement that was active in the 1997-1998 fiscal year  
27 or an immediate family member of that person must request  
28 renewal of the marine life endorsement before December 31,  
29 1998.

30 c. In subsequent years and until July 1, 2002, a  
31 marine life endorsement holder or member of his or her

1 immediate family must request renewal of the marine life  
2 endorsement before September 30 of each year.

3           d. If a person or corporation holding an active marine  
4 life fishing endorsement or a member of that person's  
5 immediate family does not request renewal of the endorsement  
6 before the applicable dates specified in this paragraph, the  
7 department shall deactivate that marine life fishing  
8 endorsement.

9           e. In the event of the death or disability of a person  
10 holding an active marine life fishing endorsement, the  
11 endorsement may be transferred by the person to a member of  
12 his or her immediate family or may be renewed by any person so  
13 designated by the executor of the person's estate.

14           f. Persons or corporations who hold saltwater product  
15 licenses with marine life fishing endorsements issued to their  
16 vessel registration numbers and who subsequently replace their  
17 existing vessels with new vessels may transfer the existing  
18 marine life fishing endorsement to the new boat registration  
19 numbers.

20           g. Persons or corporations who hold saltwater product  
21 licenses with marine life fishing endorsements issued to their  
22 name and who subsequently incorporate or unincorporate may  
23 transfer the existing marine life fishing endorsement to the  
24 new corporation or person.

25           h. By July 1, 2000, the Marine Fisheries Commission  
26 shall prepare a report regarding options for the establishment  
27 of a limited-entry program for the marine life fishery and  
28 submit the report to the Governor, the President of the  
29 Senate, the Speaker of the House of Representatives, and the  
30 chairs of the Senate and House committees having jurisdiction  
31 over marine resources.

1           3. The fee for a marine life fishery endorsement on a  
2 saltwater products license shall be \$75. These license fees  
3 shall be collected and deposited in the Marine Resources  
4 Conservation Trust Fund and used for the purchase and  
5 installation of vessel mooring buoys at coral reef sites and  
6 for research related to marine fisheries.

7           Section 53. Paragraph (c) of subsection (7) of section  
8 713.78, Florida Statutes, 1998 Supplement, is amended to read:

9           713.78 Liens for recovering, towing, or storing  
10 vehicles and undocumented vessels.--

11           (7)

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

24           Section 54. Subsection (1) of section 732.9215,  
25 Florida Statutes, is amended to read:

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

1 employees, and the public regarding the laws of this state  
2 relating to anatomical gifts and the need for anatomical  
3 gifts.

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

18 Section 55. Subsection (1) of section 732.9216,  
19 Florida Statutes, is amended to read:

20 732.9216 Organ and tissue donor education panel.--

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

1 or tissue transplants the opportunity for a full and  
2 productive life.

3 Section 56. Paragraph (a) of subsection (3) of section  
4 812.014, Florida Statutes, is amended, and subsection (5) is  
5 added to said section, to read:

6 812.014 Theft.--

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

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

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

24 1. The first suspension of a driver license under this  
25 subsection shall be for a period of up to 6 months.

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

28 Section 57. Subsection (1) of section 832.06, Florida  
29 Statutes, is amended to read:

30 832.06 Prosecution for worthless checks given tax  
31 collector for licenses or taxes; refunds.--



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

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

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

29 Section 58. Paragraph (a) of subsection (2) of section  
30 932.701, Florida Statutes, is amended to read:

31 932.701 Short title; definitions.--

1           (2) As used in the Florida Contraband Forfeiture Act:  
2           (a) "Contraband article" means:  
3           1. Any controlled substance as defined in chapter 893  
4 or any substance, device, paraphernalia, or currency or other  
5 means of exchange that was used, was attempted to be used, or  
6 was intended to be used in violation of any provision of  
7 chapter 893, if the totality of the facts presented by the  
8 state is clearly sufficient to meet the state's burden of  
9 establishing probable cause to believe that a nexus exists  
10 between the article seized and the narcotics activity, whether  
11 or not the use of the contraband article can be traced to a  
12 specific narcotics transaction.  
13           2. Any gambling paraphernalia, lottery tickets, money,  
14 currency, or other means of exchange which was used, was  
15 attempted, or intended to be used in violation of the gambling  
16 laws of the state.  
17           3. Any equipment, liquid or solid, which was being  
18 used, is being used, was attempted to be used, or intended to  
19 be used in violation of the beverage or tobacco laws of the  
20 state.  
21           4. Any motor fuel upon which the motor fuel tax has  
22 not been paid as required by law.  
23           5. Any personal property, including, but not limited  
24 to, any vessel, aircraft, item, object, tool, substance,  
25 device, weapon, machine, vehicle of any kind, money,  
26 securities, books, records, research, negotiable instruments,  
27 or currency, which was used or was attempted to be used as an  
28 instrumentality in the commission of, or in aiding or abetting  
29 in the commission of, any felony, whether or not comprising an  
30 element of the felony, or which is acquired by proceeds  
31

1 obtained as a result of a violation of the Florida Contraband  
2 Forfeiture Act.

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

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

17           8. Any motor vehicle offered for sale in violation of  
18 s. 320.28.

19           Section 59. For the purpose of incorporating the  
20 amendment to section 932.701(2)(a), Florida Statutes, in  
21 references thereto, subsection (6) of section 705.101, Florida  
22 Statutes, and subsection (4) of section 932.703, Florida  
23 Statutes, is reenacted to read:

24           705.101 Definitions.--As used in this chapter:

25           (6) "Unclaimed evidence" means any tangible personal  
26 property, including cash, not included within the definition  
27 of "contraband article," as provided in s. 932.701(2), which  
28 was seized by a law enforcement agency, was intended for use  
29 in a criminal or quasi-criminal proceeding, and is retained by  
30 the law enforcement agency or the clerk of the county or  
31

1 circuit court for 60 days after the final disposition of the  
2 proceeding and to which no claim of ownership has been made.

3 932.703 Forfeiture of contraband article;  
4 exceptions.--

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

19 Section 60. Section 14 of chapter 98-223, Laws of  
20 Florida, is repealed.

21 Section 61. Except as otherwise provided herein, this  
22 act shall take effect October 1, 1999.

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