

By Senator Webster

12-613A-00

1                                   A bill to be entitled  
2           An act relating to the operation of vehicles  
3           and vessels; amending s. 213.053, F.S.;  
4           authorizing the exchange of certain information  
5           between the Department of Revenue and the  
6           Department of Highway Safety and Motor  
7           Vehicles; amending s. 316.003, F.S.; redefining  
8           the term "motor vehicle" to include mopeds;  
9           amending s. 316.193, F.S.; revising penalties  
10          for subsequent convictions of driving under the  
11          influence; amending s. 316.1936, F.S.; defining  
12          the term "road"; revising provisions relating  
13          to the possession of open containers of  
14          alcoholic beverages in vehicles; providing  
15          penalties; amending s. 316.2065, F.S.;  
16          providing for compliance with certain federal  
17          safety standards with respect to bicycle  
18          helmets; amending s. 316.251, F.S.; conforming  
19          a statutory cross-reference; amending s.  
20          316.613, F.S.; authorizing the expenditure of  
21          certain funds for safety and public awareness  
22          campaigns; amending s. 318.1451, F.S.;  
23          eliminating a reference to traffic law and  
24          substance abuse education courses; amending s.  
25          318.32, F.S.; authorizing traffic infraction  
26          hearing officers to administer oaths; amending  
27          s. 319.001, F.S.; revising definitions with  
28          respect to major component parts of vehicles;  
29          amending s. 319.14, F.S.; authorizing the  
30          Department of Highway Safety and Motor Vehicles  
31          to affix a decal on rebuilt vehicles; providing

1 a penalty for the removal of rebuilt decals;  
2 revising provisions relating to brands and  
3 certificates of registration; revising  
4 definitions; amending s. 319.27, F.S.; revising  
5 the process for filing liens on motor vehicles  
6 and mobile homes; amending s. 319.30, F.S.;  
7 redefining the terms "major component parts"  
8 and "major part"; providing standards for the  
9 sale of certain rebuilt vehicles; providing  
10 penalties; revising provisions relating to  
11 change of identity of motor vehicles or mobile  
12 homes; amending s. 319.33, F.S.; revising  
13 provisions relating to vehicle identification  
14 numbers; amending s. 320.031, F.S.; providing  
15 for the deposit of certain fees into the  
16 Highway Safety Operating Trust Fund; amending  
17 s. 320.055, F.S.; providing for registration  
18 periods; amending s. 320.0605, F.S.; providing  
19 for the issuance of a temporary receipt for  
20 electronic registration renewal via the  
21 Internet; amending s. 320.07, F.S.; providing  
22 for the expiration of registration; amending s.  
23 320.0805, F.S.; revising provisions relating to  
24 personalized prestige license plates; amending  
25 s. 320.08058, F.S.; revising provisions  
26 relating to the United States Marine Corp  
27 License Plate; amending s. 320.083, F.S.;  
28 eliminating vehicle weight restrictions  
29 relating to the amateur radio operator's  
30 license plate; amending s. 320.089, F.S.;  
31 eliminating vehicle weight restrictions

1 relating to the Ex-POW and Purple Heart license  
2 plates; amending s. 320.18, F.S.; authorizing  
3 the suspension of registration and driver's  
4 license for payment of fees by a dishonored  
5 check; amending s. 320.27, F.S.; providing for  
6 the issuance of a temporary supplemental  
7 license to motor vehicle dealers; amending s.  
8 320.77, F.S.; providing for the issuance of a  
9 temporary supplemental license to mobile home  
10 dealers; amending s. 320.771, F.S.; providing  
11 for the issuance of a temporary supplemental  
12 license to recreational vehicle dealers;  
13 providing requirements relating to the sale of  
14 vehicles via the Internet; providing for the  
15 jurisdiction of state courts in instances of  
16 the sale of vehicles via the Internet;  
17 prohibiting the sale of vehicles via the  
18 Internet by manufacturers, distributors, or  
19 importers; providing penalties for violations;  
20 providing rulemaking authority; amending s.  
21 322.01, F.S.; redefining the term "motor  
22 vehicle" to include mopeds; amending s.  
23 322.025, F.S.; conforming a statutory  
24 cross-reference; amending s. 322.051, F.S.;  
25 providing conditions for the issuance of  
26 identification cards; amending s. 322.08, F.S.;  
27 providing for proof of identity for the  
28 issuance of driver's licenses; amending s.  
29 322.161, F.S.; providing for the restriction of  
30 driving privileges; amending s. 322.22, F.S.;  
31 authorizing the suspension of registration for

1 payment of fees by a dishonored check; amending  
2 ss. 322.271, 322.291, F.S.; providing  
3 conditions for the reinstatement of driving  
4 privileges; amending ss. 325.203, 328.48,  
5 328.72, 328.73, 328.735, F.S.; conforming  
6 statutory cross-references; amending s.  
7 713.585, F.S.; providing for the enforcement of  
8 lien by sale; providing penalties; amending s.  
9 713.78, F.S.; revising provisions relating to  
10 liens for recovering, towing, or storing  
11 vehicles and vessels; restricting the number of  
12 reassignments allowable under a certificate of  
13 destruction; authorizing the inspection of  
14 records; providing penalties for failure to  
15 maintain or produce required records; amending  
16 s. 715.05, F.S.; providing for the reporting of  
17 unclaimed vessels; amending s. 715.07, F.S.;  
18 providing for the removal of certain vessels;  
19 providing for the creation of the Motor Vehicle  
20 Industry Task Force; providing for membership  
21 and responsibilities; providing an effective  
22 date.

23

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

25

26 Section 1. Paragraph (r) is added to subsection (7) of  
27 section 213.053, Florida Statutes, to read:

28 213.053 Confidentiality and information sharing.--

29 (7) Notwithstanding any other provision of this  
30 section, the department may provide:

31

1           (r) Names, addresses, and federal employer  
2 identification numbers, or such similar identifiers, to the  
3 Department of Highway Safety and Motor Vehicles for use in the  
4 conduct of its official business.

5  
6 Disclosure of information under this subsection shall be  
7 pursuant to a written agreement between the executive director  
8 and the agency. Such agencies, governmental or  
9 nongovernmental, shall be bound by the same requirements of  
10 confidentiality as the Department of Revenue. Breach of  
11 confidentiality is a misdemeanor of the first degree,  
12 punishable as provided by s. 775.082 or s. 775.083.

13           Section 2. Subsection (21) of section 316.003, Florida  
14 Statutes, is amended to read:

15           316.003 Definitions.--The following words and phrases,  
16 when used in this chapter, shall have the meanings  
17 respectively ascribed to them in this section, except where  
18 the context otherwise requires:

19           (21) MOTOR VEHICLE.--Any self-propelled vehicle not  
20 operated upon rails or guideway, but not including any  
21 bicycle, goped, or moped.

22           Section 3. Subsection (6) of section 316.193, Florida  
23 Statutes, is amended to read:

24           316.193 Driving under the influence; penalties.--

25           (6) With respect to any person convicted of a  
26 violation of subsection (1), regardless of any penalty imposed  
27 pursuant to subsection (2), subsection (3), or subsection (4):

28           (a) For the first conviction, the court shall place  
29 the defendant on probation for a period not to exceed 1 year  
30 and, as a condition of such probation, shall order the  
31 defendant to participate in public service or a community work

1 project for a minimum of 50 hours; or the court may order  
2 instead, that any defendant pay an additional fine of \$10 for  
3 each hour of public service or community work otherwise  
4 required, if, after consideration of the residence or location  
5 of the defendant at the time public service or community work  
6 is required, payment of the fine is in the best interests of  
7 the state. However, the total period of probation and  
8 incarceration may not exceed 1 year. The court must also, as a  
9 condition of probation, order the impoundment or  
10 immobilization of the vehicle that was operated by or in the  
11 actual control of the defendant or any one vehicle registered  
12 in the defendant's name at the time of impoundment or  
13 immobilization, for a period of 10 days or for the unexpired  
14 term of any lease or rental agreement that expires within 10  
15 days. The impoundment or immobilization must not occur  
16 concurrently with the incarceration of the defendant. The  
17 impoundment or immobilization order may be dismissed in  
18 accordance with paragraph (e), paragraph (f), or paragraph  
19 (g).

20 (b) For the second conviction for an offense that  
21 occurs within a period of 5 years after the date of a prior  
22 conviction for violation of this section, the court shall  
23 order imprisonment for not less than 10 days. The court must  
24 also, as a condition of probation, order the impoundment or  
25 immobilization of all vehicles owned by ~~the vehicle that was~~  
26 ~~operated by or in the actual control of~~ the defendant ~~or any~~  
27 ~~one vehicle registered in the defendant's name~~ at the time of  
28 impoundment or immobilization, for a period of 30 days or for  
29 the unexpired term of any lease or rental agreement that  
30 expires within 30 days. The impoundment or immobilization must  
31 not occur concurrently with the incarceration of the defendant

1 and must occur concurrently with the driver's license  
2 revocation imposed under s. 332.28(2)(a)2. The impoundment or  
3 immobilization order may be dismissed in accordance with  
4 paragraph (e), paragraph (f), or paragraph (g). At least 48  
5 hours of confinement must be consecutive.

6 (c) For the third or subsequent conviction for an  
7 offense that occurs within a period of 10 years after the date  
8 of a prior conviction for violation of this section, the court  
9 shall order imprisonment for not less than 30 days. The court  
10 must also, as a condition of probation, order the impoundment  
11 or immobilization of all vehicles owned ~~the vehicle that was~~  
12 ~~operated by or in the actual control of the defendant or any~~  
13 ~~one vehicle registered in the defendant's name~~ at the time of  
14 impoundment or immobilization, for a period of 90 days or for  
15 the unexpired term of any lease or rental agreement that  
16 expires within 90 days. The impoundment or immobilization must  
17 not occur concurrently with the incarceration of the defendant  
18 and must occur concurrently with the driver's license

19 revocation imposed under s. 332.28(2)(a)2. The impoundment or  
20 immobilization order may be dismissed in accordance with  
21 paragraph (e), paragraph (f), or paragraph (g). At least 48  
22 hours of confinement must be consecutive.

23 (d) The court must at the time of sentencing the  
24 defendant issue an order for the impoundment or immobilization  
25 of a vehicle. Within 7 business days after the date that the  
26 court issues the order of impoundment or immobilization, the  
27 clerk of the court must send notice by certified mail, return  
28 receipt requested, to the registered owner of each vehicle, if  
29 the registered owner is a person other than the defendant, and  
30 to each person of record claiming a lien against the vehicle.

31

1           (e) A person who owns but was not operating the  
2 vehicle when the offense occurred may submit to the court a  
3 police report indicating that the vehicle was stolen at the  
4 time of the offense or documentation of having purchased the  
5 vehicle after the offense was committed from an entity other  
6 than the defendant or the defendant's agent. If the court  
7 finds that the vehicle was stolen or that the sale was not  
8 made to circumvent the order and allow the defendant continued  
9 access to the vehicle, the order must be dismissed and the  
10 owner of the vehicle will incur no costs. If the court denies  
11 the request to dismiss the order of impoundment or  
12 immobilization, the petitioner may request an evidentiary  
13 hearing.

14           (f) A person who owns but was not operating the  
15 vehicle when the offense occurred, and whose vehicle was  
16 stolen or who purchased the vehicle after the offense was  
17 committed directly from the defendant or the defendant's  
18 agent, may request an evidentiary hearing to determine whether  
19 the impoundment or immobilization should occur. If the court  
20 finds that either the vehicle was stolen or the purchase was  
21 made without knowledge of the offense, that the purchaser had  
22 no relationship to the defendant other than through the  
23 transaction, and that such purchase would not circumvent the  
24 order and allow the defendant continued access to the vehicle,  
25 the order must be dismissed and the owner of the vehicle will  
26 incur no costs.

27           (g) The court shall also dismiss the order of  
28 impoundment or immobilization of one ~~the~~ vehicle if the court  
29 finds that the family of the owner of the vehicle has no other  
30 private or public means of transportation.

31



1           (h) All costs and fees for the impoundment or  
2 immobilization, including the cost of notification, must be  
3 paid by the owner of the vehicle or, if the vehicle is leased  
4 or rented, by the person leasing or renting the vehicle,  
5 unless the impoundment or immobilization order is dismissed.  
6 All provisions of s. 713.78 shall apply.

7           (i) The person who owns a vehicle that is impounded or  
8 immobilized under this paragraph, or a person who has a lien  
9 of record against such a vehicle and who has not requested a  
10 review of the impoundment pursuant to paragraph (e), paragraph  
11 (f), or paragraph (g), may, within 10 days after the date that  
12 person has knowledge of the location of the vehicle, file a  
13 complaint in the county in which the owner resides to  
14 determine whether the vehicle was wrongfully taken or withheld  
15 from the owner or lienholder. Upon the filing of a complaint,  
16 the owner or lienholder may have the vehicle released by  
17 posting with the court a bond or other adequate security equal  
18 to the amount of the costs and fees for impoundment or  
19 immobilization, including towing or storage, to ensure the  
20 payment of such costs and fees if the owner or lienholder does  
21 not prevail. When the bond is posted and the fee is paid as  
22 set forth in s. 28.24, the clerk of the court shall issue a  
23 certificate releasing the vehicle. At the time of release,  
24 after reasonable inspection, the owner or lienholder must give  
25 a receipt to the towing or storage company indicating any loss  
26 or damage to the vehicle or to the contents of the vehicle.

27           (j) A defendant, in the court's discretion, may be  
28 required to serve all or any portion of a term of imprisonment  
29 to which the defendant has been sentenced pursuant to this  
30 section in a residential alcoholism treatment program or a  
31 residential drug abuse treatment program. Any time spent in

1 such a program must be credited by the court toward the term  
2 of imprisonment.

3  
4 For the purposes of this section, any conviction for a  
5 violation of s. 327.35; a previous conviction for the  
6 violation of former s. 316.1931, former s. 860.01, or former  
7 s. 316.028; or a previous conviction outside this state for  
8 driving under the influence, driving while intoxicated,  
9 driving with an unlawful blood-alcohol level, driving with an  
10 unlawful breath-alcohol level, or any other similar  
11 alcohol-related or drug-related traffic offense, is also  
12 considered a previous conviction for violation of this  
13 section. However, in satisfaction of the fine imposed pursuant  
14 to this section, the court may, upon a finding that the  
15 defendant is financially unable to pay either all or part of  
16 the fine, order that the defendant participate for a specified  
17 additional period of time in public service or a community  
18 work project in lieu of payment of that portion of the fine  
19 which the court determines the defendant is unable to pay. In  
20 determining such additional sentence, the court shall consider  
21 the amount of the unpaid portion of the fine and the  
22 reasonable value of the services to be ordered; however, the  
23 court may not compute the reasonable value of services at a  
24 rate less than the federal minimum wage at the time of  
25 sentencing.

26 Section 4. Subsections (1) and (2) of section  
27 316.1936, Florida Statutes, are amended to read:

28 316.1936 Possession of open containers of alcoholic  
29 beverages in vehicles prohibited; penalties.--

30 (1) As used in this section, the term:

31

1           (a) "Open container" means any container of alcoholic  
2 beverage which is immediately capable of being consumed from,  
3 or the seal of which has been broken.

4           (b) "Road" means a way open to travel by the public,  
5 including, but not limited to, a street, highway, or alley.  
6 The term includes associated sidewalks, the roadbed, the  
7 right-of-way, and all culverts, drains, sluices, ditches,  
8 water storage areas, waterways, embankments, slopes, retaining  
9 walls, bridges, tunnels, and viaducts necessary for the  
10 maintenance of travel and all ferries used in connection  
11 therewith.

12           (2)(a) It is unlawful and punishable as provided in  
13 this section for any person to possess an open container of an  
14 alcoholic beverage or consume an alcoholic beverage while  
15 operating a vehicle in the state or while a passenger in or on  
16 a vehicle being operated in the state.

17           (b) It is unlawful and punishable as provided in this  
18 section for any person to possess an open container of an  
19 alcoholic beverage or consume an alcoholic beverage while  
20 seated in or on a motor vehicle that is parked or stopped  
21 within a road as defined in this section.

22           Section 5. Paragraph (d) of subsection (3) of section  
23 316.2065, Florida Statutes, is amended to read:

24           316.2065 Bicycle regulations.--

25           (3)

26           (d) A bicycle rider or passenger who is under 16 years  
27 of age must wear a bicycle helmet that is properly fitted and  
28 is fastened securely upon the passenger's head by a strap, and  
29 that meets the federal Safety Standard for Bicycle Helmets in  
30 16 C.F.R., Part 1203. Helmets purchased before October 1,  
31 2000, and that meet the standards of the American National

1 Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards),  
2 the standards of the Snell Memorial Foundation (1984 Standard  
3 for Protective Headgear for Use in Bicycling), or any other  
4 nationally recognized standards for bicycle helmets adopted by  
5 the department may continue to be worn by riders or passengers  
6 until March 9, 2009. As used in this subsection, the term  
7 "passenger" includes a child who is riding in a trailer or  
8 semitrailer attached to a bicycle.

9 Section 6. Subsection (2) of section 316.251, Florida  
10 Statutes, is amended to read:

11 316.251 Maximum bumper heights.--

12 (2) "New motor vehicles" as defined in s. 319.001(8)  
13 ~~s. 319.001(4)~~, "antique automobiles" as defined in s. 320.08,  
14 "horseless carriages" as defined in s. 320.086, and "street  
15 rods" as defined in s. 320.0863 shall be excluded from the  
16 requirements of this section.

17 Section 7. Subsection (4) of section 316.613, Florida  
18 Statutes, is amended to read:

19 316.613 Child restraint requirements.--

20 (4)(a) It is the legislative intent that all state,  
21 county, and local law enforcement agencies, and safety  
22 councils, in recognition of the problems with child death and  
23 injury from unrestrained occupancy in motor vehicles, conduct  
24 a continuing safety and public awareness campaign as to the  
25 magnitude of the problem.

26 (b) The department may authorize the expenditure of  
27 funds for the purchase of promotional items as part of the  
28 public information and education campaigns provided for in  
29 this subsection, s. 316.614, s. 322.025, and s. 403.7145.

30 Section 8. Subsection (1) of section 318.1451, Florida  
31 Statutes, is amended to read:

1 318.1451 Driver improvement schools.--

2 (1) The Department of Highway Safety and Motor  
3 Vehicles shall approve the courses of all driver improvement  
4 schools, as the courses relate to ss. 318.14(9), 322.0261,  
5 ~~322.095~~, and 322.291. The chief judge of the applicable  
6 judicial circuit may establish requirements regarding the  
7 location of schools within the judicial circuit. A person may  
8 engage in the business of operating a driver improvement  
9 school that offers department-approved courses related to ss.  
10 318.14(9), 322.0261, ~~322.095~~, and 322.291.

11 Section 9. Subsection (4) is added to section 318.32,  
12 Florida Statutes, to read:

13 318.32 Jurisdiction; limitations.--

14 (4) Duly appointed traffic infraction hearing officers  
15 may administer oaths in the performance of their duties as  
16 hearing officers.

17 Section 10. Section 319.001, Florida Statutes, is  
18 amended to read:

19 319.001 Definitions.--As used in this chapter, the  
20 term:

21 (1) "Department" means the Department of Highway  
22 Safety and Motor Vehicles.

23 (2) "Front-end assembly" includes the fenders, hood,  
24 grill, and bumper.

25 (3)~~(2)~~ "Licensed dealer," unless otherwise  
26 specifically provided, means a motor vehicle dealer licensed  
27 under s. 320.27, a mobile home dealer licensed under s.  
28 320.77, or a recreational vehicle dealer licensed under s.  
29 320.771.

30 (4) "Motorcycle body assembly" includes the frame,  
31 fenders, and gas tanks.

1           (5) "Motorcycle engine" includes the engine block,  
2 cylinders, and cylinder heads.

3           (6) "Motorcycle transmission" includes the  
4 transmission case and gear assembly.

5           ~~(7)(3)~~ "New mobile home" means a mobile home the  
6 equitable or legal title to which has never been transferred  
7 by a manufacturer, distributor, importer, or dealer to an  
8 ultimate purchaser.

9           ~~(8)(4)~~ "New motor vehicle" means a motor vehicle the  
10 equitable or legal title to which has never been transferred  
11 by a manufacturer, distributor, importer, or dealer to an  
12 ultimate purchaser.

13           (9) "Rear body section" includes both quarter panels,  
14 decklid, bumper, and floor pan.

15           ~~(10)(5)~~ "Satisfaction of lien" means full payment of a  
16 debt or release of a debtor from a lien by the lienholder.

17           ~~(11)(6)~~ "Used motor vehicle" means any motor vehicle  
18 that is not a "new motor vehicle" as defined in subsection(8)  
19 ~~(4)~~.

20           Section 11. Subsections (1), (2), (3), and (4) of  
21 section 319.14, Florida Statutes, are amended, present  
22 subsections (6), (7), and (8) of that section are redesignated  
23 as subsections (7), (8), and (9), respectively, and new  
24 subsection (6) is added to that section to read:

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

28           (1)(a) No person shall knowingly offer for sale, sell,  
29 or exchange any vehicle that has been licensed, registered, or  
30 used as a taxicab, police vehicle, or short-term-lease  
31 vehicle, or a vehicle that has been repurchased by a

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

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

1 defined in s. 319.30(1)(e), which have been repaired or  
2 replaced. Thereafter, the department shall affix a decal to  
3 the vehicle, in the manner prescribed by the department,  
4 showing that the vehicle was rebuilt.

5 (c) As used in this section, the term:

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

9 2.a. "Short-term-lease vehicle" means a motor vehicle  
10 leased without a driver and under a written agreement to one  
11 or more persons from time to time for a period of less than 12  
12 months.

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

16 c. "Lease vehicle" includes both short-term-lease  
17 vehicles and long-term-lease vehicles.

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

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

26 ~~5. "Combined" means assembled by combining two motor~~  
27 ~~vehicles neither of which has been titled and branded as~~  
28 ~~"Salvage Unrebuildable."~~

29 ~~5.6.~~ "Kit car" means a motor vehicle assembled with a  
30 kit supplied by a manufacturer to rebuild a wrecked or  
31 outdated motor vehicle with a new body kit.



1           6.7. "Glider kit" means a vehicle assembled with a kit  
2 supplied by a manufacturer to rebuild a wrecked or outdated  
3 truck or truck tractor.

4           7.8. "Replica" means a complete new motor vehicle  
5 manufactured to look like an old vehicle.

6           8.9. "Flood vehicle" means a motor vehicle or mobile  
7 home that has been declared to be a total loss pursuant to s.  
8 319.30(3)(a) resulting from damage caused by water.

9           9.10. "Nonconforming vehicle" means a motor vehicle  
10 which has been purchased by a manufacturer pursuant to a  
11 settlement, determination, or decision under chapter 681.

12           10.11. "Settlement" means an agreement entered into  
13 between a manufacturer and a consumer that occurs after a  
14 dispute is submitted to a program, or an informal dispute  
15 settlement procedure established by a manufacturer or is  
16 approved for arbitration before the New Motor Vehicle  
17 Arbitration Board as defined in s. 681.102.

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

28           (3) Any person who, with intent to offer for sale or  
29 exchange any vehicle referred to in subsection (1), knowingly  
30 or intentionally advertises, publishes, disseminates,  
31 circulates, or places before the public in any communications

1 medium, whether directly or indirectly, any offer to sell or  
2 exchange the vehicle shall clearly and precisely state in each  
3 such offer that the vehicle has previously been titled,  
4 registered, or used as a taxicab, police vehicle, or  
5 short-term-lease vehicle or that the vehicle or mobile home is  
6 a vehicle that is rebuilt, or assembled from parts, ~~or~~  
7 ~~combined~~, or is a kit car, glider kit, replica, or flood  
8 vehicle, or a nonconforming vehicle, as the case may be. Any  
9 person who violates this subsection is guilty of a misdemeanor  
10 of the second degree, punishable as provided in s. 775.082 or  
11 s. 775.083.

12 (4) When a certificate of title, including a foreign  
13 certificate, is branded to reflect a condition or prior use of  
14 the titled vehicle, the brand must be noted, ~~on the~~  
15 ~~registration certificate of the vehicle~~ and such brand shall  
16 be carried forward on all subsequent certificates of title ~~and~~  
17 ~~registration certificates~~ issued for the life of the vehicle.

18 (6) Any person who removes a rebuilt decal from a  
19 rebuilt vehicle or who knowingly possesses a rebuilt vehicle  
20 from which a rebuilt decal has been removed commits a felony  
21 of the third degree, punishable as provided in s. 775.082, s.  
22 775.083, or s. 775.084.

23 Section 12. Subsection (4) of section 319.27, Florida  
24 Statutes, is amended to read:

25 319.27 Notice of lien on motor vehicles or mobile  
26 homes; notation on certificate; recording of lien.--

27 ~~(4)(a) Notwithstanding the provisions of subsection~~  
28 ~~(2), any person holding a lien for purchase money or as~~  
29 ~~security for a debt in the form of a security agreement,~~  
30 ~~retain title contract, conditional bill of sale, chattel~~  
31 ~~mortgage, or other similar instrument covering a motor vehicle~~

1 ~~or mobile home previously titled or registered outside this~~  
2 ~~state upon which no Florida certificate of title has been~~  
3 ~~issued may use the facilities of the department for the~~  
4 ~~recording of such lien as constructive notice of such lien to~~  
5 ~~creditors and purchasers of such motor vehicle or mobile home~~  
6 ~~in this state provided such lienholder files a sworn notice of~~  
7 ~~such lien in the department, showing the following~~  
8 ~~information:~~

- 9       1. ~~The date of the lien;~~
- 10       2. ~~The name and address of the registered owner;~~
- 11       3. ~~A description of the motor vehicle or mobile home,~~  
12 ~~showing the make, type, and vehicle identification number; and~~
- 13       4. ~~The name and address of the lienholder.~~

14  
15 ~~Upon the filing of such notice of lien and the payment of the~~  
16 ~~fee provided in s. 319.32, the lien shall be recorded in the~~  
17 ~~department.~~

18       ~~(a)(b)~~ When a Florida certificate of title is first  
19 issued on a motor vehicle or mobile home previously titled or  
20 registered outside this state, the department shall note on  
21 the Florida certificate of title the following liens:

- 22       1. Any lien shown on the application for Florida  
23 certificate of title; and
- 24       2. ~~Any lien filed in the department in accordance with~~  
25 ~~paragraph (a); and~~
- 26       3. Any lien shown on the existing certificate of title  
27 issued by another state.

28       ~~(b)(c)~~ When a Florida certificate of title has been  
29 issued on a motor vehicle or mobile home previously titled or  
30 registered outside this state, liens valid in and registered  
31 under the law of the state wherein such liens were created are

1 not valid in this state unless filed and noted upon the  
2 certificate of title under the provisions of this section.

3 Section 13. Paragraphs (e) and (f) of subsection (1)  
4 and subsections (3), (4), and (5) of section 319.30, Florida  
5 Statutes, are amended to read:

6 319.30 Definitions; dismantling, destruction, change  
7 of identity of motor vehicle or mobile home; salvage.--

8 (1) As used in this section, the term:

9 (e) "Major component parts";

10 1. For motor vehicles other than motorcycles, includes  
11 the front-end assembly, fenders, hood, grill, bumper, cowl  
12 assembly, rear body section, both quarter panels, decklid,  
13 bumper, floor pan, door assemblies, engine, frame,  
14 transmission, radiator support, dashboard, hard-top roof,  
15 sunroof, t-top, airbag, wheels, windshield, and interior.

16 2. For trucks, in addition to the items specified in  
17 subparagraph 1. includes the truck bed.

18 3. For motorcycles, includes the body assembly, frame,  
19 fenders, gas tanks, engine block, cylinder heads, crank case,  
20 transmission, case and gear assembly, front fork assembly, and  
21 wheels.

22 4. For mobile homes, includes the frame.~~means the~~  
23 ~~front-end assembly (fenders, hood, grill, and bumper); cowl~~  
24 ~~assembly; rear body section (both quarter panels, decklid,~~  
25 ~~bumper, and floor pan); door assemblies; engine; frame; or~~  
26 ~~transmission.~~

27 (f) "Major part" means the front-end assembly  
28 ~~(fenders, hood, grill, and bumper); cowl assembly; or rear~~  
29 ~~body section (both quarter panels, decklid, bumper, and floor~~  
30 ~~pan).~~

31

1           (3)(a) As used in this section, a motor vehicle or  
2 mobile home is a "total loss":

3           1. When an insurance company pays the vehicle owner to  
4 replace the wrecked or damaged vehicle with one of like kind  
5 and quality or when an insurance company pays the owner upon  
6 the theft of the motor vehicle or mobile home; a motor vehicle  
7 or mobile home shall not be considered a "total loss" if the  
8 insurance company and the owner agree to repair, rather than  
9 to replace, the motor vehicle or mobile home; or

10          2. When an uninsured motor vehicle or mobile home is  
11 wrecked or damaged and the cost, at the time of loss, of  
12 repairing or rebuilding the vehicle is 80 percent or more of  
13 the cost to the owner of replacing the wrecked or damaged  
14 motor vehicle or mobile home with one of like kind and  
15 quality.

16          (b) The owner of any motor vehicle or mobile home  
17 which is considered to be salvage shall, within 72 hours after  
18 the motor vehicle or mobile home becomes salvage, forward the  
19 title to the motor vehicle or mobile home to the department  
20 for processing. However, an insurance company which pays money  
21 as compensation for total loss of a motor vehicle or mobile  
22 home shall obtain the certificate of title for the motor  
23 vehicle or mobile home and, within 72 hours after receiving  
24 such certificate of title, shall forward such title to the  
25 department for processing. The owner or insurance company, as  
26 the case may be, may not dispose of a vehicle or mobile home  
27 that is a total loss before it has obtained a salvage  
28 certificate of title from the department. When applying for a  
29 salvage certificate of title, the owner or insurance company  
30 must provide the department with an estimate of the costs of  
31 repairing the physical and mechanical damage suffered by the

1 vehicle for which a salvage certificate of title is sought.  
2 If the estimated costs of repairing the physical and  
3 mechanical damage to the vehicle is equal to 80 percent or  
4 more of the current retail cost of the vehicle, as established  
5 in any official used car or used mobile home guide, the  
6 department shall declare the vehicle unrebuildable and print  
7 notice on the salvage certificate of title that the vehicle is  
8 unrebuildable; and, thereafter, the vehicle may not be rebuilt  
9 or sold in a rebuilt condition, and the department shall  
10 refuse issuance of any certificate of title for that vehicle.  
11 Nothing in this subsection applies to ~~shall be applicable when~~  
12 a vehicle ~~is~~ worth less than \$1,500 retail in undamaged  
13 condition in any official used motor vehicle guide or used  
14 mobile home guide or to ~~when~~ a stolen motor vehicle or mobile  
15 home that is recovered in substantially intact condition and  
16 is readily resalable without extensive repairs to or  
17 replacement of the frame or engine. Any person who willfully  
18 and deliberately violates this paragraph or falsifies any  
19 document to avoid the requirements of this paragraph commits a  
20 misdemeanor of the first degree, punishable as provided in s.  
21 775.082 or s. 775.083.

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

1 state to which such vehicle's identification number plate was  
2 surrendered.

3 (5)(a) It is unlawful for any person to knowingly  
4 possess, sell, or exchange, offer to sell or exchange, or give  
5 away any certificate of title or manufacturer's or  
6 state-assigned identification number plate or serial plate of  
7 any motor vehicle, mobile home, or derelict that has been sold  
8 as salvage contrary to the provisions of this section, and it  
9 is unlawful for any person to authorize, direct, aid in, or  
10 consent to the possession, sale, or exchange or to offer to  
11 sell, exchange, or give away such certificate of title or  
12 manufacturer's or state-assigned identification number plate  
13 or serial plate.

14 (b) It is unlawful for any person to knowingly  
15 possess, sell, or exchange, offer to sell or exchange, or give  
16 away any manufacturer's or state-assigned identification  
17 number plate or serial plate of any motor vehicle or mobile  
18 home that has been removed from the motor vehicle or mobile  
19 home for which it was manufactured, and it is unlawful for any  
20 person to authorize, direct, aid in, or consent to the  
21 possession, sale, or exchange or to offer to sell, exchange,  
22 or give away such manufacturer's or state-assigned  
23 identification number plate or serial plate.

24 (c) This chapter does not apply to anyone who removes,  
25 possesses, or replaces a manufacturer's or state-assigned  
26 identification number plate, in the course of performing  
27 repairs on a vehicle, that require such removal or  
28 replacement. If the repair requires replacement of a vehicle  
29 part that contains the manufacturer's or state-assigned  
30 identification number plate, the manufacturer's or  
31 state-assigned identification number plate that is assigned to

1 the vehicle being repaired will be installed on the  
2 replacement part. The manufacturer's or state-assigned  
3 identification number plate that was removed from this  
4 replacement part will be installed on the part that was  
5 removed from the vehicle being repaired.

6 Section 14. Subsections (5) and (7) of section 319.33,  
7 Florida Statutes, are amended to read:

8 319.33 Offenses involving vehicle identification  
9 numbers, applications, certificates, papers; penalty.--

10 (5) It is unlawful for any person, firm, or  
11 corporation to knowingly possess, manufacture, sell or  
12 exchange, offer to sell or exchange, supply in blank, or give  
13 away any counterfeit manufacturer's or state-assigned  
14 identification number plates or serial plates or any decal  
15 used for the purpose of identification of any motor vehicle;  
16 or for any officer, agent, or employee of any person, firm, or  
17 corporation, or any person who shall authorize, direct, aid in  
18 exchange, or give away such counterfeit manufacturer's or  
19 state-assigned identification number plates or serial plates  
20 or any decal; or conspire to do any of the foregoing.  
21 However, nothing in this subsection shall be applicable to any  
22 approved replacement manufacturer's identification number  
23 plates or serial plates or any decal issued by the department  
24 or any state.

25 (7)(a) If all identifying numbers of a motor vehicle  
26 or mobile home do not exist or have been destroyed, removed,  
27 covered, altered, or defaced, or if the real identity of the  
28 motor vehicle or mobile home cannot be determined, the motor  
29 vehicle or mobile home shall constitute contraband and shall  
30 be subject to forfeiture by a seizing law enforcement agency,  
31 pursuant to applicable provisions of ss. 932.701-932.704.



1 Such motor vehicle shall not be operated on the streets and  
2 highways of the state unless, by written order of a court of  
3 competent jurisdiction, the department is directed to assign  
4 to the vehicle a replacement vehicle identification number  
5 which shall thereafter be used for identification purposes.  
6 If the motor vehicle is confiscated from a licensed motor  
7 vehicle dealer as defined in s. 320.27, the dealer's license  
8 shall be revoked.

9 (b) If all numbers or other identifying marks  
10 manufactured on a major component part on a mobile home or on  
11 a motor vehicle other than a motorcycle have been altered,  
12 defaced, destroyed, or otherwise removed for the purpose of  
13 concealing the identity of the major component part, the part  
14 shall constitute contraband and shall be subject to forfeiture  
15 by a seizing law enforcement agency, pursuant to applicable  
16 provisions of ss. 932.701-932.704. Any major component part  
17 forfeited under this subsection shall be destroyed or disposed  
18 of in a manner so as to make it unusable.

19 (c) If all numbers or other identifying marks  
20 manufactured on a major component part of a motorcycle have  
21 been altered, defaced, destroyed or otherwise removed, there  
22 is no property right in that major component part. The part  
23 shall be confiscated by a seizing law enforcement agency as  
24 contraband and may not, under any circumstances, be released.  
25 Any confiscated major component part must be retained until  
26 the seizing agency is advised by a prosecuting officer having  
27 jurisdiction within the county in which the confiscation  
28 occurred that the part is no longer required as evidence.  
29 Thereafter, upon order of a court of competent jurisdiction,  
30 any major component part confiscated under this section must

31

1 be destroyed or disposed of in a manner so as to make it  
2 unusable.

3 Section 15. Subsection (2) of section 320.031, Florida  
4 Statutes, is amended to read:

5 320.031 Mailing of registration certificates, license  
6 plates, and validation stickers.--

7 (2) A mail service charge may be collected for each  
8 registration certificate, license plate, mobile home sticker,  
9 and validation sticker mailed by the department or any tax  
10 collector. Each registration certificate, license plate,  
11 mobile home sticker, and validation sticker shall be mailed by  
12 first-class mail unless otherwise requested by the applicant.  
13 The amount of the mail service charge shall be the actual  
14 postage required, rounded to the nearest 5 cents, plus a  
15 25-cent handling charge. The mail service charge is in  
16 addition to the service charge provided by s. 320.04. All  
17 charges collected by the department under this section shall  
18 be deposited into the Highway Safety Operating Trust Fund.

19 Section 16. Subsection (5) of section 320.055, Florida  
20 Statutes, is amended to read:

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

24 (5) For a vehicle subject to apportioned registration  
25 under s. 320.08(4), (5)(a)1., (e), (6)(b), or (14), the  
26 registration period shall be a period of 12 months beginning  
27 in a month designated by the department and ending on the last  
28 day of the 12th month. For a vehicle subject to this  
29 registration period, the renewal period is the last month of  
30 the registration period. The registration period may be  
31 shortened or extended at the discretion of the department, on

1 receipt of the appropriate prorated fees, in order to evenly  
2 distribute such registrations on a monthly basis. For vehicles  
3 subject to registration other than those apportioned under s.  
4 320.08(4), (5)(a)1., (6)(b), or (14) the registration period  
5 begins December 1 and ends November 30. The renewal period is  
6 the 31-day period beginning December 1.

7 Section 17. Section 320.0605, Florida Statutes, is  
8 amended to read:

9 320.0605 Certificate of registration; possession  
10 required; exception.--The registration certificate or an  
11 official copy thereof, a true copy of a rental or lease  
12 agreement issued for a motor vehicle or issued for a  
13 replacement vehicle in the same registration period, a  
14 temporary receipt printed upon self-initiated electronic  
15 renewal of a registration via the Internet, or a cab card  
16 issued for a vehicle registered under the International  
17 Registration Plan shall, at all times while the vehicle is  
18 being used or operated on the roads of this state, be in the  
19 possession of the operator thereof or be carried in the  
20 vehicle for which issued and shall be exhibited upon demand of  
21 any authorized law enforcement officer or any agent of the  
22 department. The provisions of this section do not apply during  
23 the first 30 days after purchase of a replacement vehicle. A  
24 violation of this section is a noncriminal traffic infraction,  
25 punishable as a nonmoving violation as provided in chapter  
26 318.

27 Section 18. Paragraph (a) of subsection (4) of section  
28 320.07, Florida Statutes, is amended to read:

29 320.07 Expiration of registration; annual renewal  
30 required; penalties.--

31

1           (4)(a) In addition to a penalty provided in subsection  
2 (3), a delinquent fee based on the following schedule of  
3 license taxes shall be imposed on any applicant who fails to  
4 renew a registration prior to the end of the month in which  
5 renewal registration is due. The delinquent fee shall be  
6 applied beginning at 12:01 a.m. on the first day of the month  
7 succeeding the renewal period ~~on the 11th calendar day of the~~  
8 ~~month succeeding the renewal period.~~ The delinquent fee shall  
9 not apply to those vehicles which have not been required to be  
10 registered during the preceding registration period or as  
11 provided in s. 320.18(2). The delinquent fee shall be imposed  
12 as follows:

- 13           1. License tax of \$5 but not more than \$25: \$5 flat.
- 14           2. License tax over \$25 but not more than \$50: \$10  
15 flat.
- 16           3. License tax over \$50 but not more than \$100: \$15  
17 flat.
- 18           4. License tax over \$100 but not more than \$400: \$50  
19 flat.
- 20           5. License tax over \$400 but not more than \$600: \$100  
21 flat.
- 22           6. License tax over \$600 and up: \$250 flat.

23           Section 19. Subsection (6) of section 320.0805,  
24 Florida Statutes, is amended to read:

25           320.0805 Personalized prestige license plates.--

26           (6) A personalized prestige license plate shall be  
27 issued for the exclusive continuing use of the applicant. An  
28 exact duplicate of any plate may not be issued to any other  
29 applicant during the same registration period. An exact  
30 duplicate may not be issued for any succeeding year unless the  
31 previous owner of a specific plate relinquishes it by failure

1 to apply for renewal within 90 days after the expiration of  
2 the registration period ~~or reissuance for three consecutive~~  
3 ~~annual registration periods following the original year of~~  
4 ~~issuance.~~

5 Section 20. Subsection (29) of section 320.08058,  
6 Florida Statutes, is amended to read:

7 320.08058 Specialty license plates.--

8 (29) UNITED STATES MARINE CORPS LICENSE PLATES.--

9 (a) The department shall develop a United States  
10 Marine Corps license plate as provided in this section. The  
11 word "Florida" must appear at the top center of the plate, and  
12 the words "Marine Corps" ~~"First to Fight"~~ must appear at the  
13 bottom center of the plate. The United States Marine Corps  
14 logo, 3 inches in diameter, must appear on the left side  
15 centered top to bottom of the plate in proper colors.

16 (b) The department shall distribute the United States  
17 Marine Corps license plate annual use fees in the following  
18 manner:

19 1. The first \$50,000 collected annually shall be  
20 deposited in the State Homes for Veterans Trust Fund and must  
21 be used solely for the purpose of constructing, operating, and  
22 maintaining domiciliary and nursing homes for veterans subject  
23 to the requirements of chapter 216.

24 2. Any additional fees collected annually shall be  
25 deposited in the Marine Corps Scholarship Foundation, Inc.,  
26 successor to the USMV Tag/Scholarship Fund, Inc., which shall  
27 use the fees to fund scholarships and assist Marine Corps  
28 Junior ROTC and Young Marine programs of this state. The  
29 foundation shall develop a plan to distribute the funds to  
30 recipients nominated by residents of the state to receive  
31

1 scholarships, and to the Marine Corps Junior ROTC and Young  
2 Marine programs in the state.

3 Section 21. Subsection (1) of section 320.083, Florida  
4 Statutes, is amended to read:

5 320.083 Amateur radio operators; special license  
6 plates; fees.--

7 (1) A person who is the owner or lessee of an  
8 automobile or truck for private use, ~~a truck weighing not more~~  
9 ~~than 5,000 pounds,~~ or a recreational vehicle as specified in  
10 s. 320.08(9)(c) or (d), which is not used for hire or  
11 commercial use; who is a resident of the state; and who holds  
12 a valid official amateur radio station license issued by the  
13 Federal Communications Commission shall be issued a special  
14 license plate upon application, accompanied by proof of  
15 ownership of such radio station license, and payment of the  
16 following tax and fees:

17 (a) The license tax required for the vehicle, as  
18 prescribed by s. 320.08(2), (3)(a), (b), or (c), (4)(a), (b),  
19 (c), (d), (e), or (f), or (9); and

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

22 Section 22. Subsection (2) and (3) of section 320.089,  
23 Florida Statutes, are amended to read:

24 320.089 Members of National Guard and active United  
25 States Armed Forces reservists; former prisoners of war;  
26 survivors of Pearl Harbor; Purple Heart medal recipients;  
27 special license plates; fee.--

28 (2) Each owner or lessee of an automobile or truck for  
29 private use, ~~truck weighing not more than 5,000 pounds,~~ or  
30 recreational vehicle as specified in s. 320.08(9)(c) or (d),  
31 which is not used for hire or commercial use, who is a

1 resident of the state and who is a former prisoner of war, or  
2 their unremarried surviving spouse, shall, upon application  
3 therefor to the department, be issued a license plate as  
4 provided in s. 320.06, on which license plate are stamped the  
5 words "Ex-POW" followed by the serial number. Each application  
6 shall be accompanied by proof that the applicant meets the  
7 qualifications specified in paragraph (a) or paragraph (b).

8 (a) A citizen of the United States who served as a  
9 member of the Armed Forces of the United States or the armed  
10 forces of a nation allied with the United States who was held  
11 as a prisoner of war at such time as the Armed Forces of the  
12 United States were engaged in combat, or their unremarried  
13 surviving spouse, may be issued the special license plate  
14 provided for in this subsection without payment of the license  
15 tax imposed by s. 320.08.

16 (b) A person who was serving as a civilian with the  
17 consent of the United States Government, or a person who was a  
18 member of the Armed Forces of the United States who was not a  
19 United States citizen and was held as a prisoner of war when  
20 the Armed Forces of the United States were engaged in combat,  
21 or their unremarried surviving spouse, may be issued the  
22 special license plate provided for in this subsection upon  
23 payment of the license tax imposed by s. 320.08.

24 (3) Each owner or lessee of an automobile or truck for  
25 private use, ~~truck weighing not more than 5,000 pounds,~~ or  
26 recreational vehicle as specified in s. 320.08(9)(c) or (d),  
27 which is not used for hire or commercial use, who is a  
28 resident of this state and who is the unremarried surviving  
29 spouse of a recipient of the Purple Heart medal shall, upon  
30 application therefor to the department, with the payment of  
31 the required fees, be issued a license plate as provided in s.

1 320.06, on which license plate are stamped the words "Purple  
2 Heart" and the likeness of the Purple Heart medal followed by  
3 the serial number. Each application shall be accompanied by  
4 proof that the applicant is the unremarried surviving spouse  
5 of a recipient of the Purple Heart medal.

6 Section 23. Subsection (1) of section 320.18, Florida  
7 Statutes, is amended to read:

8 320.18 Withholding registration.--

9 (1) The department may withhold the registration of  
10 any motor vehicle or mobile home the owner of which has failed  
11 to register it under the provisions of law for any previous  
12 period or periods for which it appears registration should  
13 have been made in this state, until the tax for such period or  
14 periods is paid. The department may cancel any license plate  
15 or fuel-use tax decal if the owner pays for the license plate,  
16 fuel-use tax decal, or any tax liability, penalty, or interest  
17 specified in chapter 207 by a dishonored check. The department  
18 may suspend all other motor vehicle registrations and the  
19 driver's license of any person who pays for a license plate,  
20 fuel-use tax decal, or any tax liability, penalty, or interest  
21 specified in chapter 207 by a dishonored check. The suspension  
22 remains in effect until the registration fee and service  
23 charges or the tax liability, as the case may be, and all  
24 applicable penalties, service charges, and reinstatement fees  
25 have been paid for by certified funds.The Department of  
26 Transportation and the Department of Highway Safety and Motor  
27 Vehicles may impound any commercial motor vehicle that has a  
28 canceled license plate or fuel-use tax decal until the tax  
29 liability, penalty, and interest specified in chapter 207, the  
30 license tax, or the fuel-use decal fee, and applicable  
31 administrative fees have been paid for by certified funds.



1           Section 24. Subsection (5) of section 320.27, Florida  
2 Statutes, is amended to read:

3           320.27 Motor vehicle dealers.--

4           (5) SUPPLEMENTAL LICENSE.--Any person licensed  
5 hereunder shall obtain a supplemental license for each  
6 permanent additional place or places of business not  
7 contiguous to the premises for which the original license is  
8 issued, on a form to be furnished by the department, and upon  
9 payment of a fee of \$50 for each such additional location.  
10 Upon making renewal applications for such supplemental  
11 licenses, such applicant shall pay \$50 for each additional  
12 location. The department shall issue, at no charge to the  
13 dealer, a supplemental license authorizing, for a period not  
14 to exceed 10 consecutive calendar days, off-premises sales. To  
15 obtain such a temporary supplemental license for off-premises  
16 sales, the applicant must be a licensed dealer, notify the  
17 applicable local department office of the specific dates and  
18 location for which such licenses are requested, display a sign  
19 at the licensed location clearly identifying the dealer,  
20 provide staff to work at the temporary location for the  
21 duration of the off-premises sale, meet any local-government  
22 permitting requirements, and have the permission of the  
23 property owner to sell at that location.

24           Section 25. Subsection (7) of section 320.77, Florida  
25 Statutes, is amended to read:

26           320.77 License required of mobile home dealers.--

27           (7) SUPPLEMENTAL LICENSE.--Any person licensed  
28 pursuant to this section shall be entitled to operate one or  
29 more additional places of business under a supplemental  
30 license for each such business if the ownership of each  
31 business is identical to that of the principal business for

1 which the original license is issued. Each supplemental  
2 license shall run concurrently with the original license and  
3 shall be issued upon application by the licensee on a form to  
4 be furnished by the department and payment of a fee of \$50 for  
5 each such license. Only one licensed dealer shall operate at  
6 the same place of business. A supplemental license  
7 authorizing off-premises sales shall be issued, at no charge  
8 to the dealer, for a period not to exceed 10 consecutive  
9 calendar days. To obtain a temporary supplemental license for  
10 off-premises sales, the applicant must be a licensed dealer,  
11 notify the applicable local department office of the specific  
12 dates and location for which the license is requested, display  
13 a sign at the licensed location clearly identifying the  
14 dealer, provide staff to work at the temporary location for  
15 the duration of the off-premises sale, meet any  
16 local-government permitting requirements, and have permission  
17 of the property owner to sell at that location.

18 Section 26. Subsection (7) of section 320.771, Florida  
19 Statutes, is amended to read:

20 320.771 License required of recreational vehicle  
21 dealers.--

22 (7) SUPPLEMENTAL LICENSE.--Any person licensed  
23 pursuant to this section shall be entitled to operate one or  
24 more additional places of business under a supplemental  
25 license for each such business if the ownership of each  
26 business is identical to that of the principal business for  
27 which the original license is issued. Each supplemental  
28 license shall run concurrently with the original license and  
29 shall be issued upon application by the licensee on a form to  
30 be furnished by the department and payment of a fee of \$50 for  
31 each such license. Only one licensed dealer shall operate at

1 the same place of business. A supplemental license  
2 authorizing off-premises sales shall be issued, at no charge  
3 to the dealer, for a period not to exceed 10 consecutive  
4 calendar days. To obtain a temporary supplemental license for  
5 off-premises sales, the applicant must be a licensed dealer,  
6 notify the applicable local department office of the specific  
7 dates and location for which such licenses are requested,  
8 display a sign at the licensed location clearly identifying  
9 the dealer, provide staff to work at the temporary location  
10 for the duration of the off-premises sale, meet any  
11 local-government permitting requirements, and have the  
12 permission of the property owner to sell at that location.

13 Section 27. Advertising of motor vehicles over the  
14 Internet.--

15 (1) Any advertisement or offer for the sale of motor  
16 vehicles which a motor vehicle dealer licensed by or doing  
17 business in this state displays or causes to be displayed on  
18 the Internet must contain, in a font at least as prominent and  
19 legible as the font used for the main body of the  
20 advertisement or display, all of the following:

21 (a) The current street address of the location at  
22 which the dealer is licensed to do business and the dealer's  
23 current telephone number. If the dealer is licensed to do  
24 business at more than one location, the address must be the  
25 principal licensed location.

26 (b) The dealer's current dealer license number issued  
27 by the Department of Highway Safety and Motor Vehicles.

28 (c) The following statement: "Consumer complaints  
29 regarding this dealer may be directed to," followed by the  
30 telephone number, mailing address, and electronic mail  
31 address, if any, of the department's regional office serving

1 the dealership. It is the responsibility of the dealer to  
2 obtain from the department the information needed to comply  
3 with this requirement.

4 (d) Such other information as the department requires.

5 (2) This section applies to all motor vehicle dealers  
6 licensed by or doing business in this state who advertise or  
7 offer motor vehicles for sale over the Internet, regardless of  
8 the physical location of the server on which the advertisement  
9 or offer is placed.

10 (3) Violation of this section is a misdemeanor of the  
11 second degree, punishable as provided in section 775.082,  
12 Florida Statutes, or section 775.083, Florida Statutes.  
13 Furthermore, violation is grounds for revocation or suspension  
14 of a dealer's license under section 320.27(9), Florida  
15 Statutes, or imposition of a civil fine under section  
16 320.27(12), Florida Statutes.

17 Section 28. Advertising of motor vehicles over the  
18 Internet; jurisdiction of state courts.--

19 (1) Any person who is not doing business as a motor  
20 vehicle dealer in this state under section 320.27, Florida  
21 Statutes, but who displays or causes to be displayed on the  
22 Internet any advertisement or offer for the sale of motor  
23 vehicles is subject to the jurisdiction of the courts of this  
24 state for action, suit, or proceeding relating to the  
25 advertisement or offer and brought by a person who viewed the  
26 advertisement or offer in this state and who:

27 (a) Contacts the advertiser or offeror through  
28 electronic or other means; or

29 (b) Enters into an agreement with the advertiser or  
30 offeror for the sale or transfer of a motor vehicle or  
31 transmits funds to the advertiser or offeror through any

1 means, including, but not limited to, credit card, debit card,  
2 electronic funds transfer, or check.

3 (2) Any person displaying or causing to be displayed  
4 an advertisement under the circumstances set forth in  
5 subsection (1) is considered to have appointed the Secretary  
6 of State as the agent of such person upon whom may be served  
7 all lawful process in any action, suit, or proceeding against  
8 such person relating to the advertisement or offer, and the  
9 person is considered to have agreed that any process against  
10 him or her which is so served has the same legal force and  
11 validity as if served personally on the person. Service of  
12 process must be in accordance with and in the same manner as  
13 is provided for service of process upon nonresidents under  
14 section 48.181, Florida Statutes.

15 Section 29. Advertisement and sales of vehicles over  
16 the Internet by manufacturers, distributors, or importers  
17 prohibited.--A manufacturer, importer, or distributor licensed  
18 under sections 320.60-320.70, Florida Statutes, may not  
19 advertise for or engage in direct sales of motor vehicles in  
20 this state over the Internet. Sales must be transacted through  
21 a licensed franchise dealer. Any person who violates this  
22 section is subject to license suspension or revocation under  
23 section 320.64, Florida Statutes.

24 Section 30. Rulemaking authority.--The Department of  
25 Highway Safety and Motor Vehicles may adopt rules to  
26 administer the specific powers and duties contained in  
27 sections 27, 28, and 29 of this act.

28 Section 31. Subsection (26) of section 322.01, Florida  
29 Statutes, is amended to read:

30 322.01 Definitions.--As used in this chapter:

31

1           (26) "Motor vehicle" means any self-propelled vehicle,  
2 including a motor vehicle combination, not operated upon rails  
3 or guideway, excluding vehicles moved solely by human power,  
4 motorized wheelchairs, gopeds, and motorized bicycles as  
5 defined in s. 316.003.

6           Section 32. Section 322.025, Florida Statutes, is  
7 amended to read:

8           322.025 Driver improvement.--The department may  
9 implement programs to improve the driving ability of the  
10 drivers of this state. Such programs may include, but shall  
11 not be limited to, safety awareness campaigns, driver  
12 training, and licensing improvement. Motorcycle driver  
13 improvement programs implemented pursuant to this section or  
14 s. 322.0255 shall be funded by the motorcycle safety education  
15 fee collected pursuant to s. 320.08(1)(c)~~s. 320.08(1)(d)~~,  
16 which shall be deposited in the Highway Safety Operating Trust  
17 Fund of the department and appropriated for that purpose.

18           Section 33. Paragraph (a) of subsection (1) of section  
19 322.051, Florida Statutes, is amended to read:

20           322.051 Identification cards.--

21           (1)

22           (a) Each such application shall include the following  
23 information regarding the applicant:

24           1. Full name (first, middle or maiden, and last),  
25 gender, social security card number, residence and mailing  
26 address, and a brief description.

27           2. Proof of birth date satisfactory to the department.

28           3. Proof of identity satisfactory to the department.

29 Such proof must include one of the following unless a driver's  
30 license record or identification card record has already been  
31 established, ~~including one of the following~~: a certified copy

1 of a United States birth certificate, a valid United States  
2 passport, an alien registration receipt card (green card), an  
3 employment authorization card issued by the United States  
4 Department of Justice, or proof of nonimmigrant classification  
5 provided by the United States Department of Justice, for an  
6 original identification card.

7 Section 34. Paragraph (c) of subsection (2) of section  
8 322.08, Florida Statutes, is amended to read:

9 322.08 Application for license.--

10 (2) Each such application shall include the following  
11 information regarding the applicant:

12 (c) Proof of identity satisfactory to the department.  
13 Such proof must include one of the following unless a driver's  
14 license record or identification card record has already been  
15 established, including one of the following: a certified copy  
16 of a United States birth certificate, a valid United States  
17 passport, an alien registration receipt card (green card), an  
18 employment authorization card issued by the United States  
19 Department of Justice, or proof of nonimmigrant classification  
20 provided by the United States Department of Justice, for an  
21 original license.

22 Section 35. Subsections (1) and (2) of section  
23 322.161, Florida Statutes, are amended to read:

24 322.161 High-risk drivers; restricted licenses.--

25 (1)(a) Notwithstanding any provision of law to the  
26 contrary, the department shall restrict the driving privilege  
27 of any Class D or Class E licensee who is age 15 through 17  
28 and who has accumulated five ~~four~~ or more points pursuant to  
29 s. 318.14, excluding parking violations, within a 12-month  
30 period.

31

1           (b) Upon determination that any person has accumulated  
2 five ~~four~~ or more points, the department shall notify the  
3 licensee and issue the licensee a restricted license for  
4 business purposes only. The licensee must appear before the  
5 department within 10 days after notification to have this  
6 restriction applied. The period of restriction shall be for a  
7 period of no less than 1 year beginning on the date it is  
8 applied by the department.

9           (c) The restriction shall be automatically withdrawn  
10 by the department after 1 year if the licensee does not  
11 accumulate any additional points. If the licensee accumulates  
12 any additional points, then the period of restriction shall be  
13 extended 90 days for each point. The restriction shall also  
14 be automatically withdrawn upon the licensee's 18th birthday  
15 if no other grounds for restriction exist. The licensee must  
16 appear before the department to have the restriction removed  
17 and a duplicate license issued.

18           (2)(a) Any Class E licensee who is age 15 through 17  
19 and who has accumulated five ~~four~~ or more points pursuant to  
20 s. 318.14, excluding parking violations, within a 12-month  
21 period shall not be eligible to obtain a Class D license for a  
22 period of no less than 1 year. The period of ineligibility  
23 shall begin on the date of conviction for the violation that  
24 results in the licensee's accumulation of five ~~four~~ or more  
25 points.

26           (b) The period of ineligibility shall automatically  
27 expire after 1 year if the licensee does not accumulate any  
28 additional points. If the licensee accumulates any additional  
29 points, then the period of ineligibility shall be extended 90  
30 days for each point. The period of ineligibility shall also  
31



1 automatically expire upon the licensee's 18th birthday if no  
2 other grounds for ineligibility exist.

3 Section 36. Subsection (1) of section 322.22, Florida  
4 Statutes, is amended to read:

5 322.22 Authority of department to cancel license.--

6 (1) The department is authorized to cancel any  
7 driver's license, upon determining that the licensee was not  
8 entitled to the issuance thereof, or that the licensee failed  
9 to give the required or correct information in his or her  
10 application or committed any fraud in making such application,  
11 or that the licensee has two or more licenses on file with the  
12 department, each in a different name but bearing the  
13 photograph of the licensee, unless the licensee has complied  
14 with the requirements of this chapter in obtaining the  
15 licenses. The department may cancel any driver's license if  
16 the licensee fails to pay the correct fee or pays for the  
17 license or pays any administrative, delinquency, or  
18 reinstatement fee by a dishonored check. The department may  
19 suspend all motor vehicle registrations of any person who pays  
20 any administrative, delinquency, or reinstatement fee by a  
21 dishonored check. The suspension remains in effect until the  
22 administrative, delinquency, or reinstatement fee, as the case  
23 may be, and all applicable penalties, service charges, and  
24 reinstatement fees have been paid for by certified funds.

25 Section 37. Paragraph (a) of subsection (2) of section  
26 322.271, Florida Statutes, is amended to read:

27 322.271 Authority to modify revocation, cancellation,  
28 or suspension order.--

29 (2)(a) Upon such hearing, the person whose license has  
30 been suspended, canceled, or revoked may show that such  
31 suspension, cancellation, or revocation of his or her license

1 causes a serious hardship and precludes the person's carrying  
2 out his or her normal business occupation, trade, or  
3 employment and that the use of the person's license in the  
4 normal course of his or her business is necessary to the  
5 proper support of the person or his or her family. Except as  
6 otherwise provided in this subsection, the department shall  
7 require proof of the successful completion of the applicable  
8 department-approved driver training course operating pursuant  
9 to s. 318.1451 or DUI program substance abuse education course  
10 and evaluation as provided in s. 316.193(5). Letters of  
11 recommendation from respected business persons in the  
12 community, law enforcement officers, or judicial officers may  
13 also be required to determine whether such person should be  
14 permitted to operate a motor vehicle on a restricted basis for  
15 business or employment use only and in determining whether  
16 such person can be trusted to so operate a motor vehicle. If a  
17 driver's license has been suspended under the point system or  
18 pursuant to s. 322.2615, the department shall require proof of  
19 enrollment in the applicable department-approved driver  
20 training course or licensed DUI program substance abuse  
21 education course, including evaluation and treatment, if  
22 referred, and may require letters of recommendation described  
23 in this subsection to determine if the driver should be  
24 reinstated on a restricted basis. A person whose license has  
25 been suspended pursuant to s. 322.2616, shall, before the  
26 driving privilege may be reinstated, present to the department  
27 proof of current enrollment in a department-approved basic  
28 driver improvement or traffic-law and substance-abuse  
29 education course. If such person fails to complete the  
30 approved course within 90 days after reinstatement or  
31 subsequently fails to complete treatment, if applicable, the

1 department shall cancel his or her driver's license until the  
2 course and treatment, if applicable, is successfully  
3 completed, notwithstanding the terms of the court order or any  
4 suspension or revocation of the driving privilege. The  
5 department may temporarily reinstate the driving privilege on  
6 a restricted basis upon verification from the DUI program that  
7 the offender has reentered and is currently participating in  
8 treatment and has completed the DUI education course and  
9 evaluation requirement. If the DUI program notifies the  
10 department of the second failure to complete treatment, the  
11 department shall reinstate the driving privilege only after  
12 notice of completion of treatment from the DUI program. The  
13 privilege of driving on a limited or restricted basis for  
14 business or employment use shall not be granted to a person  
15 who has been convicted of a violation of s. 316.193 until  
16 completion of the DUI program substance abuse education course  
17 and evaluations as provided in s. 316.193(5). Except as  
18 provided in paragraph (b), the privilege of driving on a  
19 limited or restricted basis for business or employment use  
20 shall not be granted to a person whose license is revoked  
21 pursuant to s. 322.28 or suspended pursuant to s. 322.2615 and  
22 who has been convicted of a violation of s. 316.193 two or  
23 more times or whose license has been suspended two or more  
24 times for refusal to submit to a test pursuant to s. 322.2615  
25 or former s. 322.261.

26 Section 38. Subsection (2) of section 322.291, Florida  
27 Statutes, is amended to read:

28 322.291 Driver improvement schools or DUI programs;  
29 required in certain suspension and revocation cases.--Except  
30 as provided in s. 322.03(2), any person:  
31

1           (2) Whose license was suspended under the point  
2 system, was suspended for driving with an unlawful  
3 blood-alcohol level of 0.10 percent or higher before January  
4 1, 1994, was suspended for driving with an unlawful  
5 blood-alcohol level of 0.08 percent or higher after December  
6 31, 1993, was suspended for a violation of s. 316.193(1), or  
7 was suspended for refusing to submit to a lawful breath,  
8 blood, or urine test as provided in s. 322.2615  
9  
10 shall, before the driving privilege may be reinstated, present  
11 to the department proof of enrollment in a department-approved  
12 advanced driver improvement course operating pursuant to s.  
13 318.1451 or a substance abuse education course conducted by a  
14 DUI program licensed pursuant to s. 322.292, which shall  
15 include a psychosocial evaluation and treatment, if referred.  
16 A person whose license has been suspended pursuant to s.  
17 322.2616, shall, before the driving privilege may be  
18 reinstated, present to the department proof of current  
19 enrollment in a department-approved basic driver improvement  
20 or traffic-law and substance-abuse education course. If the  
21 person fails to complete such course or evaluation within 90  
22 days after reinstatement, or subsequently fails to complete  
23 treatment, if referred, the DUI program shall notify the  
24 department of the failure. Upon receipt of the notice, the  
25 department shall cancel the offender's driving privilege,  
26 notwithstanding the expiration of the suspension or revocation  
27 of the driving privilege. The department may temporarily  
28 reinstate the driving privilege upon verification from the DUI  
29 program that the offender has completed the education course  
30 and evaluation requirement and has reentered and is currently  
31 participating in treatment. If the DUI program notifies the

1 department of the second failure to complete treatment, the  
2 department shall reinstate the driving privilege only after  
3 notice of completion of treatment from the DUI program.

4 Section 39. Paragraphs (k) and (l) of subsection (4)  
5 of section 325.203, Florida Statutes, are amended to read:

6 325.203 Motor vehicles subject to annual inspection;  
7 exemptions.--

8 (4) The following motor vehicles are not subject to  
9 inspection:

10 (k) New motor vehicles, as defined in s. 319.001(8)~~s.~~  
11 ~~319.001(4)~~. Such vehicles are exempt from the inspection  
12 requirements of this act at the time of the first registration  
13 by the original owner and, thereafter, are subject to the  
14 inspection requirements of this act. Beginning May 1, 2000,  
15 such vehicles are exempt from those inspection requirements  
16 for a period of 2 years from the date of purchase.

17 (l) New motor vehicles as defined in s. 319.001(8)~~s.~~  
18 ~~319.001(4)~~ which are utilized as short-term rental vehicles  
19 and licensed under s. 320.08(6)(a). Such vehicles are exempt  
20 from the inspection requirements of this act at the time of  
21 the first registration. Said vehicles are also exempt from the  
22 inspection requirements of this act at the time of the first  
23 registration renewal by the original owner, provided this  
24 renewal occurs prior to the expiration of 12 months from the  
25 date of first registration of the motor vehicle. Beginning May  
26 1, 2000, such vehicles are exempt from those inspection  
27 requirements for a period of 2 years from the date of  
28 purchase.

29 Section 40. Subsection (3) of section 328.48, Florida  
30 Statutes, is amended to read:

31

1           328.48 Vessel registration, application, certificate,  
2 number, decal, duplicate certificate.--

3           (3) The Department of Highway Safety and Motor  
4 Vehicles shall issue certificates of registration and numbers  
5 for municipal city, county, and state-owned vessels, charging  
6 only the service fees required in s. 328.72(7) and (8)~~s.~~  
7 ~~327.25(7) and (8)~~, provided that the vessels are used for  
8 purposes other than recreation.

9           Section 41. Paragraph (c) of subsection (2) of section  
10 328.72, Florida Statutes, is amended to read:

11           328.72 Classification; registration; fees and charges;  
12 surcharge; disposition of fees; fines; marine turtle  
13 stickers.--

14           (2) ANTIQUE VESSEL REGISTRATION FEE.--

15           (c) The Department of Highway Safety and Motor  
16 Vehicles may issue a decal identifying the vessel as an  
17 antique vessel. The decal shall be displayed as provided in  
18 ss. 328.48 and 328.54 ~~ss. 327.11 and 327.14~~.

19           Section 42. Subsection (3) of section 328.73, Florida  
20 Statutes, is amended to read:

21           328.73 Registration; duties of tax collectors.--

22           (3) A fee of 50 cents shall be charged in addition to  
23 the fees required under s. 328.72 ~~s. 327.25~~ on every vessel  
24 decal registration sold to cover the cost of the Florida Real  
25 Time Vehicle Information System. The fees collected under this  
26 section shall be deposited into the Highway Safety Operating  
27 Trust Fund and shall be used to fund that system and may be  
28 used to fund the general operations of the department.

29           Section 43. Subsection (2) of section 328.735, Florida  
30 Statutes, is amended to read:

31           328.735 Advanced registration renewal; procedures.--

1           (2) Upon the filing of the application and payment of  
2 the appropriate vessel registration fee and service charges  
3 required by s. 328.72 ~~s. 327.25~~ and any additional fees  
4 required by law, the department or its agents shall issue to  
5 the owner of the vessel a decal and registration. When the  
6 decal is affixed to the vessel, the registration is renewed  
7 for the appropriate registration period.

8           Section 44. Subsections (1), (3), and (8) of section  
9 713.585, Florida Statutes, are amended, and subsection (14) is  
10 added to that section to read:

11           713.585 Enforcement of lien by sale of motor  
12 vehicle.--A person claiming a lien under s. 713.58 for  
13 performing labor or services on a motor vehicle may enforce  
14 such lien by sale of the vehicle in accordance with the  
15 following procedures:

16           (1) The lienor must give notice, by certified mail,  
17 return receipt requested, within 15 business days, excluding  
18 Saturday and Sunday, from the beginning date of the assessment  
19 of storage charges on said motor vehicle, to the registered  
20 owner of the vehicle, to the customer at the address ~~as~~  
21 indicated on the order for repair, and to all other persons  
22 claiming an interest in or lien thereon, as disclosed by the  
23 records of the Department of Highway Safety and Motor Vehicles  
24 or of a corresponding agency of any other state in which the  
25 vehicle appears registered. Notice must also be sent to the  
26 registered owner at the most current known address even if  
27 different from that disclosed by the records of the Department  
28 of Highway Safety and Motor Vehicles or of a corresponding  
29 agency of any other state in which the vehicle is registered.

30 Such notice must contain:  
31

1 (a) A description of the vehicle (year, make, vehicle  
2 identification number) and its location.

3 (b) The name and address of the owner of the vehicle,  
4 the customer as indicated on the order for repair, and any  
5 person claiming an interest in or lien thereon.

6 (c) The name, address, and telephone number of the  
7 lienor.

8 (d) Notice that the lienor claims a lien on the  
9 vehicle for labor and services performed and storage charges,  
10 if any, and the cash sum which, if paid to the lienor, would  
11 be sufficient to redeem the vehicle from the lien claimed by  
12 the lienor.

13 (e) Notice that the lien claimed by the lienor is  
14 subject to enforcement pursuant to this section and that the  
15 vehicle may be sold to satisfy the lien.

16 (f) If known, the date, time, and location of any  
17 proposed or scheduled sale of the vehicle. No vehicle may be  
18 sold earlier than 60 days after completion of the repair work.

19 (g) Notice that the owner of the vehicle or any person  
20 claiming an interest in or lien thereon has a right to a  
21 hearing at any time prior to the scheduled date of sale by  
22 filing a demand for hearing with the clerk of the circuit  
23 court in the county in which the vehicle is held and mailing  
24 copies of the demand for hearing to all other owners and  
25 lienors as reflected on the notice.

26 (h) Notice that the owner of the vehicle has a right  
27 to recover possession of the vehicle without instituting  
28 judicial proceedings by posting bond in accordance with the  
29 provisions of s. 559.917.

30 (i) Notice that any proceeds from the sale of the  
31 vehicle remaining after payment of the amount claimed to be



1 due and owing to the lienor will be deposited with the clerk  
2 of the circuit court for disposition upon court order pursuant  
3 to subsection (8).

4 (3) If the date of the sale was not included in the  
5 notice required in subsection (1), notice of the sale must be  
6 sent by certified mail, return receipt requested, not less  
7 than 15 days before the date of sale, to the customer as  
8 indicated on the order for repair, and to all other persons  
9 claiming an interest in or lien on the motor vehicle, as  
10 disclosed by the records of the Department of Highway Safety  
11 and Motor Vehicles or of a corresponding agency of any other  
12 state in which the vehicle appears to have been registered or  
13 at the most current known address even if different from that  
14 disclosed by the records of the Department of Highway Safety  
15 and Motor Vehicles or of a corresponding agency of any other  
16 state in which the vehicle is registered. After diligent  
17 search and inquiry, if the name and address of the registered  
18 owner or the owner of the recorded lien cannot be ascertained,  
19 the requirements for this notice may be disregarded.

20 (8) A vehicle subject to lien enforcement pursuant to  
21 this section must be sold by the lienor at public sale. The  
22 sale must be held in the county in which the notice of sale  
23 was published and in which the vehicle is held. The vehicle  
24 must be physically present for inspection at the time of the  
25 public sale. Immediately upon the sale of the vehicle and  
26 payment in cash of the purchase price, the lienor shall  
27 deposit with the clerk of the circuit court the proceeds of  
28 the sale less the amount claimed by the lienor for work done  
29 and storage, if any, and all reasonable costs and expenses  
30 incurred in conducting the sale, including any attorney's fees  
31 and costs ordered by the court. Simultaneously with depositing

1 the proceeds of sale remaining after payment to the lienor,  
2 the lienor shall file with the clerk a verified report of the  
3 sale stating a description of the vehicle sold, including the  
4 vehicle identification number; the name and address of the  
5 purchaser; the date of the sale; and the selling price. The  
6 report shall also itemize the amount retained by the lienor  
7 pursuant to this section and shall indicate whether a hearing  
8 was demanded and held. All proceeds held by the court shall be  
9 held for the benefit of the owner of the vehicle or any  
10 lienholder whose lien is discharged by the sale and shall be  
11 disbursed only upon order of the court. Unless a proceeding is  
12 initiated to validate a claim to such proceeds within 1 year  
13 and a day from the date of the sale, the proceeds shall be  
14 deemed abandoned property and disposition thereof shall be  
15 governed by s. 705.103. The clerk shall receive 5 percent of  
16 the proceeds deposited with her or him, not to exceed \$25, for  
17 her or his services under this section.

18 (14) Any person who violates this section commits a  
19 misdemeanor of the first degree, punishable as provided in s.  
20 775.082 or s. 775.083. However, any person who uses a false or  
21 fictitious name, gives a false or fictitious address, or makes  
22 any false statements regarding the requirements of this  
23 section commits a felony of the third degree, punishable as  
24 provided in s. 775.082, s. 775.083, or s. 775.084.

25 Section 45. Subsections (4), (6), (11), and (12) of  
26 section 713.78, Florida Statutes, are amended to read:

27 713.78 Liens for recovering, towing, or storing  
28 vehicles and undocumented vessels.--

29 (4)(a) Any person regularly engaged in the business of  
30 recovering, towing, or storing vehicles or vessels who comes  
31 into possession of a vehicle or vessel pursuant to subsection

1 (2), and who claims a lien for recovery, towing, or storage  
2 services, shall give notice to the registered owner and to all  
3 persons claiming a lien thereon, as disclosed by the records  
4 in the Department of Highway Safety and Motor Vehicles or of a  
5 corresponding agency in any other state.

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

22 (c) If attempts to locate the owner or lienholder  
23 prove unsuccessful, the towing-storage operator shall, after 7  
24 working days, excluding Saturday and Sunday, of the initial  
25 tow or storage, notify the public agency of jurisdiction in  
26 writing by certified mail or acknowledged hand delivery that  
27 the towing-storage company has been unable to locate the owner  
28 or lienholder and a physical search of the vehicle or vessel  
29 has disclosed no ownership information and a good-faith ~~good~~  
30 ~~faith~~ effort has been made. For purposes of this paragraph,  
31 subsection (9), and s. 715.05, "good-faith"~~"good-faith"~~ effort"

1 means that the following checks have been performed by the  
2 company to establish prior state of registration and for  
3 title:

4           1. Check of vehicle or vessel for any type of tag, tag  
5 record, temporary tag, or regular tag.

6           2. Check of law enforcement report for tag number or  
7 other information identifying the vehicle or vessel, if the  
8 vehicle or vessel was towed at the request of a law  
9 enforcement officer.

10           3. Check of trip sheet or tow ticket of tow truck  
11 operator to see if a tag was on vehicle at beginning of tow,  
12 if private tow.

13           4. If there is no address of the owner on the impound  
14 report, check of law enforcement report to see if an  
15 out-of-state address is indicated from driver license  
16 information.

17           5. Check of vehicle or vessel for inspection sticker  
18 or other stickers and decals that may indicate a state of  
19 possible registration.

20           6. Check of the interior of the vehicle or vessel for  
21 any papers that may be in the glove box, trunk, or other areas  
22 for a state of registration.

23           7. Check of vehicle for vehicle identification number.

24           8. Check of vessel for vessel registration number.

25           9. Check of vessel hull for a hull identification  
26 number which should be carved, burned, stamped, embossed, or  
27 otherwise permanently affixed to the outboard side of the  
28 transom or, if there is no transom, to the outmost seaboard  
29 side at the end of the hull that bears the rudder or other  
30 steering mechanism.

31

1           (6) Any vehicle or vessel which is stored pursuant to  
2 subsection (2) and which remains unclaimed, or for which  
3 reasonable charges for recovery, towing, or storing remain  
4 unpaid or for which a lot rental amount is due and owing to  
5 the mobile home park owner, as evidenced by a judgment for  
6 unpaid rent, and any contents not released pursuant to  
7 subsection (10), may be sold by the owner or operator of the  
8 storage space for such towing or storage charge or unpaid lot  
9 rental amount after 35 days from the time the vehicle or  
10 vessel is stored therein. The sale shall be at public auction  
11 for cash. The vehicle or vessel must be physically present for  
12 inspection with the sale at public auction. If the date of the  
13 sale was not included in the notice required in subsection  
14 (4), notice of the sale shall be given to the person in whose  
15 name the vehicle, vessel, or mobile home is registered, to the  
16 mobile home park owner, and to all persons claiming a lien on  
17 the vehicle or vessel as shown on the records of the  
18 Department of Highway Safety and Motor Vehicles or of the  
19 corresponding agency in any other state. Notice shall be sent  
20 by certified mail, return receipt requested, to the owner of  
21 the vehicle or vessel and the person having the recorded lien  
22 on the vehicle or vessel at the address shown on the records  
23 of the registering agency or at the most current known address  
24 if different from that disclosed by the records of the  
25 registering agency and shall be mailed not less than 15 days  
26 before the date of the sale. After diligent search and  
27 inquiry, if the name and address of the registered owner or  
28 the owner of the recorded lien cannot be ascertained, the  
29 requirements of notice by mail may be dispensed with. In  
30 addition to the notice by mail, public notice of the time and  
31 place of sale shall be made by publishing a notice thereof one

1 time, at least 10 days prior to the date of the sale, in a  
2 newspaper of general circulation in the county in which the  
3 sale is to be held. Within 5 business days following the sale,  
4 the proceeds of the sale, after payment of reasonable towing  
5 and storage charges, costs of the sale, and the unpaid lot  
6 rental amount, in that order of priority, shall be deposited  
7 with the clerk of the circuit court for the county if the  
8 owner is absent, and the clerk shall hold such proceeds  
9 subject to the claim of the person legally entitled thereto.  
10 The clerk shall be entitled to receive 5 percent of such  
11 proceeds for the care and disbursement thereof. The  
12 certificate of title issued under this law shall be discharged  
13 of all liens unless otherwise provided by court order.

14 (11)(a) Any person regularly engaged in the business  
15 of recovering, towing, or storing vehicles or vessels who  
16 comes into possession of a vehicle or vessel pursuant to  
17 subsection (2) and who has complied with the provisions of  
18 subsections (3) and (6), when such vehicle or vessel is to be  
19 sold for purposes of being dismantled, destroyed, or changed  
20 in such manner that it is not the motor vehicle, vessel, or  
21 mobile home described in the certificate of title, shall apply  
22 to the county tax collector for a certificate of destruction.  
23 A certificate of destruction, which authorizes the dismantling  
24 or destruction of the vehicle or vessel described therein,  
25 shall be reassignable a maximum of two times before the  
26 dismantling or destruction of the vehicle is required,and  
27 shall accompany the vehicle or vessel for which it is issued,  
28 when such vehicle or vessel is sold for such purposes, in lieu  
29 of a certificate of title. The application for a certificate  
30 of destruction must include an affidavit from the applicant  
31 that it has complied with all applicable requirements of this

1 section and, if the vehicle or vessel is not registered in  
2 this state, by a statement from a law enforcement officer that  
3 the vehicle or vessel is not reported stolen, and shall be  
4 accompanied by such documentation as may be required by the  
5 department.

6 (b) The Department of Highway Safety and Motor  
7 Vehicles shall charge a fee of \$3 for each certificate of  
8 destruction. A service charge of \$4.25 shall be collected and  
9 retained by the tax collector who processes the application.

10 (c) The Department of Highway Safety and Motor  
11 Vehicles may adopt such rules as it deems necessary or proper  
12 for the administration of this subsection.

13 (12)(a) Any person who violates any provision of  
14 subsection (1), subsection (2), subsection (4), subsection  
15 (5), subsection (6), or subsection (7) is guilty of a  
16 misdemeanor of the first degree, punishable as provided in s.  
17 775.082 or s. 775.083.

18 (b) Any person who violates the provisions of  
19 subsections (8) through (11) is guilty of a felony of the  
20 third degree, punishable as provided in s. 775.082, s.  
21 775.083, or s. 775.084.

22 (c) Any person who uses a false or fictitious name,  
23 gives a false or fictitious address, or makes any false  
24 statement in any application or affidavit required under the  
25 provisions of this section is guilty of a felony of the third  
26 degree, punishable as provided in s. 775.082, s. 775.083, or  
27 s. 775.084.

28 (d) Employees of the Department of Highway Safety and  
29 Motor Vehicles and law enforcement officers may inspect the  
30 records of any person who is regularly engaged in the business  
31 of recovering, towing, or storing vehicles or vessels or

1 transporting vehicles or vessels by wrecker, tow truck, or car  
2 carrier to ensure compliance with the requirements of this  
3 section. Any person who fails to maintain records or fails to  
4 produce records when required in a reasonable manner and at a  
5 reasonable time commits a misdemeanor of the first degree,  
6 punishable as provided in s. 775.082 or s. 775.083.

7 Section 46. Section 715.05, Florida Statutes, is  
8 amended to read:

9 715.05 Reporting of unclaimed motor vehicles or  
10 vessels.--

11 (1) Whenever any law enforcement agency authorizes the  
12 removal of a vehicle or vessel or whenever any towing service,  
13 garage, repair shop, marina, or automotive service, storage,  
14 or parking place notifies the law enforcement agency of  
15 possession of a vehicle or vessel pursuant to s.

16 715.07(2)(a)2., the applicable law enforcement agency shall  
17 contact the Department of Highway Safety and Motor Vehicles,  
18 or the appropriate agency of the state of registration, if  
19 known, within 24 hours through the medium of electronic  
20 communications giving the full description of the vehicle or  
21 vessel. Upon receipt of the full description of the vehicle  
22 or vessel, the department shall search its files to determine  
23 the owner's name and whether any person has filed a lien upon  
24 the vehicle or vessel as provided in s. 319.27(2) and (3) or  
25 s. 328.15(1) and notify the applicable law enforcement agency  
26 within 72 hours. The person in charge of the towing service,  
27 garage, repair shop, marina, or automotive service, storage,  
28 or parking place shall obtain such information from the  
29 applicable law enforcement agency within 5 days from the date  
30 of storage and shall, by certified mail, return receipt  
31 requested, notify the owner and all lienholders of the



1 location of the vehicle or vessel and of the fact that it is  
2 unclaimed. Such notice shall be given within 7 days,  
3 excluding Saturday and Sunday, from the date of storage and  
4 shall be complete upon mailing; however, if the state of  
5 registration is unknown, the person in charge of the towing  
6 service, garage, repair shop, marina, or automotive service,  
7 storage, or parking place shall make a good faith best effort  
8 in so notifying the owner and any lienholders, and such notice  
9 shall be given within a reasonable period of time from the  
10 date of storage.

11 (2) Nothing herein contained shall apply to any  
12 licensed public lodging establishment.

13 (3) Failure to make good faith best efforts to comply  
14 with the notice requirement of this section or of s.  
15 715.07(2)(a)2., as appropriate, shall preclude the imposition  
16 of any storage charges against such vehicle or vessel.

17 Section 47. Effective July 1, 2000, subsection (1) of  
18 section 715.05, Florida Statutes, as amended by section 318 of  
19 chapter 99-248, Laws of Florida, is amended to read:

20 715.05 Reporting of unclaimed motor vehicles.--

21 (1) Whenever any law enforcement agency authorizes the  
22 removal of a vehicle or vessel or whenever any towing service,  
23 garage, repair shop, marina, or automotive service, storage,  
24 or parking place notifies the law enforcement agency of  
25 possession of a vehicle or vessel pursuant to s.

26 715.07(2)(a)2., the applicable law enforcement agency shall  
27 contact the Department of Highway Safety and Motor Vehicles,  
28 or the appropriate agency of the state of registration, if  
29 known, within 24 hours through the medium of electronic  
30 communications giving the full description of the vehicle or  
31 vessel. Upon receipt of the full description of the vehicle

1 or vessel, the department shall search its files to determine  
2 the owner's name, the name of the insurance company insuring  
3 the vehicle or vessel, and whether any person has filed a lien  
4 upon the vehicle or vessel as provided in s. 319.27(2) and (3)  
5 or s. 328.15(1) and notify the applicable law enforcement  
6 agency within 72 hours. The person in charge of the towing  
7 service, garage, repair shop, marina, or automotive service,  
8 storage, or parking place shall obtain such information from  
9 the applicable law enforcement agency within 5 days from the  
10 date of storage and shall, by certified mail, return receipt  
11 requested, notify the owner, the insurer, and all lienholders  
12 of the location of the vehicle or vessel and of the fact that  
13 it is unclaimed. Such notice shall be given within 7 days,  
14 excluding Saturday and Sunday, from the date of storage and  
15 shall be complete upon mailing; however, if the state of  
16 registration is unknown, the person in charge of the towing  
17 service, garage, repair shop, marina, or automotive service,  
18 storage, or parking place shall make a good faith best effort  
19 in so notifying the owner, the insurer, and any lienholders,  
20 and such notice shall be given within a reasonable period of  
21 time from the date of storage.

22 Section 48. Section 715.07, Florida Statutes, is  
23 amended to read:

24 715.07 Vehicles or vessels parked on private property;  
25 towing.--

26 (1) As used in this section, the term:

27 (a) "Vehicle" means any mobile item which normally  
28 uses wheels, whether motorized or not.

29 (b) "Vessel" means any watercraft as defined in s.  
30 327.02, excluding "documented" vessels.

31

1           (2) The owner or lessee of real property, or any  
2 person authorized by the owner or lessee, which person may be  
3 the designated representative of the condominium association  
4 if the real property is a condominium, may cause any vehicle  
5 or vessel parked on such property without her or his  
6 permission to be removed by a person regularly engaged in the  
7 business of towing vehicles or vessels, without liability for  
8 the costs of removal, transportation, or storage or damages  
9 caused by such removal, transportation, or storage, under any  
10 of the following circumstances:

11           (a) The towing or removal of any vehicle or vessel  
12 from private property without the consent of the registered  
13 owner or other legally authorized person in control of that  
14 vehicle or vessel is subject to strict compliance with the  
15 following conditions and restrictions:

16           1.a. Any towed or removed vehicle or vessel must be  
17 stored at a site within 10 miles of the point of removal in  
18 any county of 500,000 population or more, and within 15 miles  
19 of the point of removal in any county of less than 500,000  
20 population. That site must be open for the purpose of  
21 redemption of vehicles or vessels on any day that the person  
22 or firm towing such vehicle or vessel is open for towing  
23 purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall  
24 have prominently posted a sign indicating a telephone number  
25 where the operator of the site can be reached at all times.  
26 Upon receipt of a telephoned request to open the site to  
27 redeem a vehicle or vessel, the operator shall return to the  
28 site within 1 hour or she or he will be in violation of this  
29 section.

30           b. If no towing business providing such service is  
31 located within the area of towing limitations set forth in

1 sub-subparagraph a., the following limitations apply: any  
2 towed or removed vehicle or vessel must be stored at a site  
3 within 20 miles of the point of removal in any county of  
4 500,000 population or more, and within 30 miles of the point  
5 of removal in any county of less than 500,000 population.  
6         2. The person or firm towing or removing the vehicle  
7 or vessel shall, within 30 minutes of completion of such  
8 towing or removal, notify the municipal police department or,  
9 in an unincorporated area, the sheriff of such towing or  
10 removal, the storage site, the time the vehicle or vessel was  
11 towed or removed, and the make, model, color, and license  
12 plate number of the vehicle or the make, model, color, and  
13 registration number of the vessel and shall obtain the name of  
14 the person at that department to whom such information was  
15 reported and note that name on the trip record.  
16         3. If the registered owner or other legally authorized  
17 person in control of the vehicle or vessel arrives at the  
18 scene prior to removal or towing of the vehicle or vessel, the  
19 vehicle or vessel shall be disconnected from the towing or  
20 removal apparatus, and that person shall be allowed to remove  
21 the vehicle without or vessel interference upon the payment of  
22 a reasonable service fee of not more than one-half of the  
23 posted rate for such towing service as provided in  
24 subparagraph 6., for which a receipt shall be given, unless  
25 that person refuses to remove the vehicle or vessel which is  
26 otherwise unlawfully parked.  
27         4. The rebate or payment of money or any other  
28 valuable consideration from the individual or firm towing or  
29 removing vehicles or vessels to the owners or operators of the  
30 premises from which the vehicles or vessels are towed or  
31

1 removed, for the privilege of removing or towing those  
2 vehicles or vessels, is prohibited.

3           5. Except for property appurtenant to and obviously a  
4 part of a single-family residence, and except for instances  
5 when notice is personally given to the owner or other legally  
6 authorized person in control of the vehicle or vessel that the  
7 area in which that vehicle or vessel is parked is reserved or  
8 otherwise unavailable for unauthorized vehicles or vessels and  
9 subject to being removed at the owner's or operator's expense,  
10 any property owner or lessee, or person authorized by the  
11 property owner or lessee, prior to towing or removing any  
12 vehicle or vessel from private property without the consent of  
13 the owner or other legally authorized person in control of  
14 that vehicle or vessel, must post a notice meeting the  
15 following requirements:

16           a. The notice must be prominently placed at each  
17 driveway access or curb cut allowing vehicular access to the  
18 property, within 5 feet from the public right-of-way line. If  
19 there are no curbs or access barriers, the signs must be  
20 posted not less than one sign for each 25 feet of lot  
21 frontage.

22           b. The notice must clearly indicate, in not less than  
23 2-inch high, light-reflective letters on a contrasting  
24 background, that unauthorized vehicles or vessels will be  
25 towed away at the owner's expense. The words "tow-away zone"  
26 must be included on the sign in not less than 4-inch high  
27 letters.

28           c. The notice must also provide the name and current  
29 telephone number of the person or firm towing or removing the  
30 vehicles or vessels, if the property owner, lessee, or person  
31

1 in control of the property has a written contract with the  
2 towing company.

3 d. The sign structure containing the required notices  
4 must be permanently installed with the words "tow-away zone"  
5 not less than 3 feet and not more than 6 feet above ground  
6 level and must be continuously maintained on the property for  
7 not less than 24 hours prior to the towing or removal of any  
8 vehicles or vessels.

9 e. The local government may require permitting and  
10 inspection of these signs prior to any towing or removal of  
11 vehicles or vessels being authorized.

12 f. A business with 20 or fewer parking spaces  
13 satisfies the notice requirements of this subparagraph by  
14 prominently displaying a sign stating "Reserved Parking for  
15 Customers Only Unauthorized Vehicles or Vessels Will be Towed  
16 Away At the Owner's Expense" in not less than 4-inch high,  
17 light-reflective letters on a contrasting background.

18  
19 A business owner or lessee may authorize the removal of a  
20 vehicle or vessel by a towing company when the vehicle or  
21 vessel is parked in such a manner that restricts the normal  
22 operation of business; and if a vehicle or vessel parked on a  
23 public right-of-way obstructs access to a private driveway the  
24 owner, lessee, or agent may have the vehicle or vessel removed  
25 by a towing company upon signing an order that the vehicle or  
26 vessel be removed without a posted tow-away zone sign.

27 6. Any person or firm that tows or removes vehicles or  
28 vessels and proposes to require an owner, operator, or person  
29 in control of a vehicle or vessel to pay the costs of towing  
30 and storage prior to redemption of the vehicle or vessel must  
31 file and keep on record with the local law enforcement agency

1 a complete copy of the current rates to be charged for such  
2 services and post at the storage site an identical rate  
3 schedule and any written contracts with property owners,  
4 lessees, or persons in control of property which authorize  
5 such person or firm to remove vehicles or vessels as provided  
6 in this section.

7           7. Any person or firm towing or removing any vehicles  
8 or vessels from private property without the consent of the  
9 owner or other legally authorized person in control of the  
10 vehicles or vessels shall, on any trucks, wreckers as defined  
11 in s. 713.78(1)(b), or other vehicles used in the towing or  
12 removal, have the name, address, and telephone number of the  
13 company performing such service clearly printed in contrasting  
14 colors on the driver and passenger sides of the vehicle. The  
15 name shall be in at least 3-inch permanently affixed letters,  
16 and the address and telephone number shall be in at least  
17 1-inch permanently affixed letters.

18           8. Vehicle entry for the purpose of removing the  
19 vehicle or vessel shall be allowed with reasonable care on the  
20 part of the person or firm towing the vehicle or vessel. Such  
21 person or firm shall be liable for any damage occasioned to  
22 the vehicle or vessel if such entry is not in accordance with  
23 the standard of reasonable care.

24           9. When a vehicle or vessel has been towed or removed  
25 pursuant to this section, it must be released to its owner or  
26 custodian within 1 ~~one~~ hour after requested. Any vehicle or  
27 vessel owner, custodian, or agent shall have the right to  
28 inspect the vehicle or vessel before accepting its return, and  
29 no release or waiver of any kind which would release the  
30 person or firm towing the vehicle or vessel from liability for  
31 damages noted by the owner or other legally authorized person

1 at the time of the redemption may be required from any vehicle  
2 or vessel owner, custodian, or agent as a condition of release  
3 of the vehicle or vessel to its owner. A detailed, signed  
4 receipt showing the legal name of the company or person towing  
5 or removing the vehicle or vessel must be given to the person  
6 paying towing or storage charges at the time of payment,  
7 whether requested or not.

8 (b) These requirements shall be the minimum standards  
9 and shall not preclude enactment of additional regulations by  
10 any municipality or county including the right to regulate  
11 rates when vehicles or vessels are towed from private  
12 property.

13 (3) This section does not apply to law enforcement,  
14 firefighting, rescue squad, ambulance, or other emergency  
15 vehicles or vessels which are marked as such or to property  
16 owned by any governmental entity.

17 (4) When a person improperly causes a vehicle or  
18 vessel to be removed, such person shall be liable to the owner  
19 or lessee of the vehicle or vessel for the cost of removal,  
20 transportation, and storage; any damages resulting from the  
21 removal, transportation, or storage of the vehicle or vessel;  
22 attorneys' fees; and court costs.

23 (5)(a) Any person who violates the provisions of  
24 subparagraph (2)(a)2. or subparagraph (2)(a)6. is guilty of a  
25 misdemeanor of the first degree, punishable as provided in s.  
26 775.082 or s. 775.083.

27 (b) Any person who violates the provisions of  
28 subparagraph (2)(a)7. is guilty of a felony of the third  
29 degree, punishable as provided in s. 775.082, s. 775.083, or  
30 s. 775.084.

31 Section 49. Motor vehicle industry study.--



1           (1) MOTOR VEHICLE INDUSTRY TASK FORCE.--The Motor  
2 Vehicle Industry Task Force is created within the Department  
3 of Highway Safety and Motor Vehicles. The task force is  
4 charged with examining and evaluating the motor vehicle  
5 industry, including, without limitation, the licensing of  
6 dealers and the enforcement of dealer regulations, and  
7 analyzing the structure and manner in which the department  
8 carries out its regulatory purpose.

9           (2) MEMBERSHIP, ORGANIZATION, MEETINGS.--

10           (a) The task force shall be composed of 12 members.  
11 The Governor, the President of the Senate, and the Speaker of  
12 the House of Representatives shall each appoint four members.  
13 The Governor shall appoint one representative of the  
14 Department of Highway Safety and Motor Vehicles, who must  
15 represent the Division of Motor Vehicles; one representative  
16 of the independent motor vehicle industry as recommended by  
17 the Florida Independent Automobile Dealers Association; one  
18 representative of the franchise motor vehicle industry as  
19 recommended by the Florida Automobile Dealers Association; and  
20 one representative of the auction motor vehicle industry who  
21 is from an auction chain and is recommended by a group  
22 affiliated with the National Auto Auction Association. The  
23 President of the Senate shall appoint one representative from  
24 the Department of Revenue; one representative of the franchise  
25 motor vehicle industry as recommended by the Florida  
26 Automobile Dealers Association; a Florida Tax Collector  
27 representative as recommended by the Florida Tax Collectors  
28 Association; and one representative from the Better Business  
29 Bureau. The Speaker of the House of Representatives shall  
30 appoint one representative from the Department of Agriculture  
31 and Consumer Services, who must represent the Division of

1 Consumer Services; one representative of the independent motor  
2 vehicle industry as recommended by the Florida Independent  
3 Automobile Dealers Association; one representative of the  
4 auction motor vehicle industry who is from an independent  
5 auction and is recommended by a group affiliated by the  
6 National Auto Auction Association; and one representative of  
7 the insurance industry who writes motor vehicle dealer surety  
8 bonds. The Division of Motor Vehicles, the Division of  
9 Consumer Services, the Department of Revenue, the Florida  
10 Independent Automobile Dealers Association, the Florida Tax  
11 Collectors Association, and the Florida Automobile Dealers  
12 Association shall submit the names of their recommended  
13 representatives to the Department of Highway Safety and Motor  
14 Vehicles. A person who seeks to be considered for appointment  
15 to the task force representing the insurance industry or a  
16 Better Business Bureau shall submit his or her name, and a  
17 statement of the designated category that he or she proposes  
18 to represent, to the Department of Highway Safety and Motor  
19 Vehicles, which shall forward all recommended names to the  
20 appointing authority for the designated category. In order to  
21 facilitate and coordinate the efforts of the task force, the  
22 Governor, the President of the Senate, and the Speaker of the  
23 House of Representatives shall each name a liaison that the  
24 task force may contact for assistance and information during  
25 the course of the task force's existence. The members shall be  
26 appointed by July 1, 2000.

27 (b) Upon appointment of the members, the task force  
28 shall schedule an organizational meeting to be held no later  
29 than July 20, 2000. Thereafter, the task force shall meet at  
30 least once a month at various locations throughout the state.

31

1           (3) PER DIEM, TRAVEL, AND STAFFING.--Members of the  
2 task force from the private sector are not entitled to per  
3 diem or reimbursement for travel expenses, but members of the  
4 task force from the public sector are entitled to  
5 reimbursement, if any, from their agency. Members of the task  
6 force may request assistance from the Department of Highway  
7 Safety and Motor Vehicles as necessary.

8           (4) REVIEW AND ASSESSMENT OF THE MOTOR VEHICLE  
9 INDUSTRY IN THE STATE.--The task force shall conduct an  
10 in-depth review of the motor vehicle industry and the problems  
11 associated with licensing requirements, unlicensed persons,  
12 and enforcement of state statutes and rules. The task force  
13 shall, in its review, analyze chapter 320, Florida Statutes,  
14 and any other provisions of the Florida Statutes relating to  
15 the motor vehicle industry and motor vehicle dealer licensing  
16 requirements and enforcement. The task force may:

17           (a) Conduct meetings, hearings, and workshops in  
18 Tallahassee and at other locations around the state, and may  
19 take evidence, testimony, and argument at the meetings,  
20 hearings, and workshops from state agencies and consumer  
21 organizations.

22           (b) Examine and evaluate the procedures and methods  
23 for approving a dealer applicant and dealer locations,  
24 enforcement actions against unlicensed persons, and  
25 enforcement of existing statutes and rules governing dealers.  
26 The task force shall conduct its evaluation in the context of  
27 purpose, goal, and objective regarding motor vehicle dealer  
28 licensing requirements and enforcement of regulations  
29 governing dealers.

30  
31

