

By the Committee on Transportation and Senator Webster

306-1791-00

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. 234.02, F.S.; updating
8 the current allowable exception to the use of a
9 school bus; amending s. 316.003, F.S.;
10 redefining the term "motor vehicle" to include
11 gopeds; amending s. 316.193, F.S.; revising
12 penalties for subsequent convictions of driving
13 under the influence; amending s. 316.1936,
14 F.S.; defining the term "road"; revising
15 provisions relating to the possession of open
16 containers of alcoholic beverages in vehicles;
17 providing penalties; amending s. 316.2065,
18 F.S.; providing for compliance with certain
19 federal safety standards with respect to
20 bicycle helmets; amending s. 316.212, F.S.;
21 providing that a person under the age of 14 may
22 not operate a golf cart on public roads;
23 amending s. 316.2125, F.S.; providing
24 restrictions on the operation of golf carts in
25 retirement communities; amending s. 316.228,
26 F.S.; providing for the use of strobe lamps on
27 certain motor vehicles and trailers;
28 establishing penalties for violation; amending
29 s. 316.251, F.S.; conforming a statutory
30 cross-reference; amending s. 316.515, F.S.;
31 providing an exception to length limitations

1 for certain boat trailers; amending s. 316.530,
2 F.S.; providing that cables and certain safety
3 devices comply with towing requirements;
4 amending s. 316.613, F.S.; authorizing the
5 expenditure of certain funds for safety and
6 public awareness campaigns; amending s.
7 318.1451, F.S.; eliminating a reference to
8 traffic law and substance abuse education
9 courses; amending s. 318.32, F.S.; authorizing
10 traffic infraction hearing officers to
11 administer oaths; amending s. 319.001, F.S.;
12 revising definitions with respect to major
13 component parts of vehicles; redefining the
14 term "new motor vehicle"; amending s. 319.14,
15 F.S.; authorizing the Department of Highway
16 Safety and Motor Vehicles to affix a decal on
17 rebuilt vehicles; providing a penalty for the
18 removal of rebuilt decals; revising provisions
19 relating to brands and certificates of
20 registration; revising definitions; amending s.
21 319.17, F.S.; providing for the use of
22 electronic records; amending s. 319.24;
23 revising record-retention requirements;
24 amending s. 319.27, F.S.; revising the process
25 for filing liens on motor vehicles and mobile
26 homes; amending s. 319.30, F.S.; redefining the
27 terms "major component parts" and "major part";
28 providing standards for the sale of certain
29 rebuilt vehicles; providing penalties; revising
30 provisions relating to change of identity of
31 motor vehicles or mobile homes; amending s.

1 319.33, F.S.; revising provisions relating to
2 vehicle identification numbers; amending s.
3 320.02, F.S.; requiring a driver's license or
4 identification card for vehicle registration;
5 amending s. 320.031, F.S.; providing for the
6 deposit of certain fees into the Highway Safety
7 Operating Trust Fund; amending s. 320.04;
8 providing for the deposit of certain funds into
9 the Highway Safety Operating Trust Fund;
10 amending s. 320.05, F.S.; providing for the use
11 of electronic records; amending s. 320.055,
12 F.S.; providing for registration periods;
13 amending s. 320.0605, F.S.; providing for the
14 issuance of a temporary receipt for electronic
15 registration renewal via the Internet; amending
16 s. 320.07, F.S.; providing for the expiration
17 of registration; amending s. 320.0805, F.S.;
18 revising provisions relating to personalized
19 prestige license plates; amending s. 320.08058,
20 F.S.; revising provisions relating to the
21 United States Marine Corp License Plate;
22 amending s. 320.083, F.S.; eliminating vehicle
23 weight restrictions relating to the amateur
24 radio operator's license plate; amending s.
25 320.089, F.S.; eliminating vehicle weight
26 restrictions relating to the Ex-POW and Purple
27 Heart license plates; amending s. 320.18, F.S.;
28 authorizing the suspension of registration and
29 driver's license for payment of fees by a
30 dishonored check; amending s. 320.27, F.S.;
31 providing for the issuance of a temporary

1 supplemental license to motor vehicle dealers;
2 providing for indicia of ownership; amending s.
3 320.60, F.S.; redefining the term "motor
4 vehicle"; amending s. 320.61, F.S.; prohibiting
5 the granting of a replacement application until
6 the exhaustion of appellate remedies with
7 respect to certain complaints against
8 licensees; amending s. 320.641, F.S.; revising
9 provisions relating to the unfair cancellation
10 of franchise agreements; providing
11 clarification regarding when a complaint may be
12 filed; establishing a burden of proof standard;
13 providing standards for determining when an
14 agreement is unfair; amending s. 320.645, F.S.;
15 restricting the ownership of dealerships by
16 licensees; prohibiting licensees from receiving
17 a motor vehicle dealer's license; defining
18 terms; providing exceptions; amending s.
19 320.695, F.S.; providing additional grounds for
20 issuing injunctions; amending s. 320.77, F.S.;
21 providing for the issuance of a temporary
22 supplemental license to mobile home dealers;
23 amending s. 320.771, F.S.; providing for the
24 issuance of a temporary supplemental license to
25 recreational vehicle dealers; amending s.
26 320.833, F.S.; providing for the electronic
27 retention of records; amending s. 320.865,
28 F.S.; providing for the electronic retention of
29 certain records; amending s. 322.01, F.S.;
30 redefining the term "motor vehicle" to include
31 mopeds; amending s. 322.025, F.S.; conforming a

1 statutory cross-reference; amending s. 322.051,
2 F.S.; providing conditions for the issuance of
3 identification cards; amending s. 322.08, F.S.;
4 providing for proof of identity for the
5 issuance of driver's licenses; amending s.
6 322.161, F.S.; providing for the restriction of
7 driving privileges; amending s. 322.22, F.S.;
8 authorizing the suspension of registration for
9 payment of fees by a dishonored check; amending
10 ss. 322.271, 322.291, F.S.; providing
11 conditions for the reinstatement of driving
12 privileges; amending ss. 325.203, 328.48,
13 328.72, 328.73, 328.735, F.S.; conforming
14 statutory cross-references; amending s. 328.15,
15 F.S.; revising records-retention requirements;
16 amending s. 328.40, F.S.; providing for
17 electronic retention of records; amending s.
18 713.585, F.S.; providing for the enforcement of
19 lien by sale; providing penalties; amending s.
20 713.78, F.S.; revising provisions relating to
21 liens for recovering, towing, or storing
22 vehicles and vessels; restricting the number of
23 reassignments allowable under a certificate of
24 destruction; authorizing the inspection of
25 records; providing penalties for failure to
26 maintain or produce required records; amending
27 s. 715.05, F.S.; providing for the reporting of
28 unclaimed vessels; amending s. 715.07, F.S.;
29 providing for the removal of certain vessels;
30 providing for the creation of the Used Motor
31 Vehicle Industry Task Force; providing for

1 membership and responsibilities; providing an
2 effective date.

3

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

5

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

8 213.053 Confidentiality and information sharing.--

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

11 (r) Names, addresses, and federal employer
12 identification numbers, or such similar identifiers, to the
13 Department of Highway Safety and Motor Vehicles for use in the
14 conduct of its official business.

15

16 Disclosure of information under this subsection shall be
17 pursuant to a written agreement between the executive director
18 and the agency. Such agencies, governmental or
19 nongovernmental, shall be bound by the same requirements of
20 confidentiality as the Department of Revenue. Breach of
21 confidentiality is a misdemeanor of the first degree,
22 punishable as provided by s. 775.082 or s. 775.083.

23 Section 2. Subsection (1) of section 234.02, Florida
24 Statutes, is amended to read:

25 234.02 Safety and health of pupils.--Maximum regard
26 for safety and adequate protection of health are primary
27 requirements that must be observed by school boards in routing
28 buses, appointing drivers, and providing and operating
29 equipment, in accordance with all requirements of law and
30 regulations of the commissioner in providing transportation
31 pursuant to s. 234.01:

1 (1) School boards shall use school buses, as defined
2 in s. 234.051, for all regular transportation. Regular
3 transportation or regular use means transportation of students
4 to and from school or school-related activities that are part
5 of a scheduled series or sequence of events to the same
6 location. "Students" means, for the purposes of this section,
7 students enrolled in the public schools in prekindergarten
8 programs through grade 12. School boards may regularly use
9 motor vehicles other than school buses only under the
10 following conditions:

11 (a) When the transportation is for physically
12 handicapped or isolated students and the district has elected
13 to provide for the transportation of the student through
14 written or oral contracts or agreements.

15 (b) When the transportation is a part of a
16 comprehensive contract for a specialized educational program
17 between a school board and a service provider who provides
18 instruction, transportation, and other services.

19 (c) When the transportation is provided through a
20 public transit system.

21 (d) When the transportation of students is necessary
22 or practical in a motor vehicle owned or operated by a school
23 board other than a school bus, ~~and~~ such transportation must be
24 ~~is~~ provided in designated seating positions in a passenger car
25 not to exceed 8 students or in a multipurpose passenger
26 vehicle ~~any other motor vehicle~~ designed to transport 10 or
27 fewer persons which meets all applicable federal motor vehicle
28 safety standards ~~for passenger cars~~. Multipurpose passenger
29 vehicles classified as utility vehicles with a wheelbase of
30 110 inches or less which are required by federal motor vehicle
31 standards to display a rollover warning label may not be used.

1
2 When students are transported in motor vehicles, the occupant
3 crash protection system provided by the vehicle manufacturer
4 must be used unless the student's physical condition prohibits
5 such use.

6 Section 3. Subsection (21) of section 316.003, Florida
7 Statutes, is amended to read:

8 316.003 Definitions.--The following words and phrases,
9 when used in this chapter, shall have the meanings
10 respectively ascribed to them in this section, except where
11 the context otherwise requires:

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

15 Section 4. Subsection (6) of section 316.193, Florida
16 Statutes, is amended to read:

17 316.193 Driving under the influence; penalties.--

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

21 (a) For the first conviction, the court shall place
22 the defendant on probation for a period not to exceed 1 year
23 and, as a condition of such probation, shall order the
24 defendant to participate in public service or a community work
25 project for a minimum of 50 hours; or the court may order
26 instead, that any defendant pay an additional fine of \$10 for
27 each hour of public service or community work otherwise
28 required, if, after consideration of the residence or location
29 of the defendant at the time public service or community work
30 is required, payment of the fine is in the best interests of
31 the state. However, the total period of probation and

1 incarceration may not exceed 1 year. The court must also, as a
2 condition of probation, order the impoundment or
3 immobilization of the vehicle that was operated by or in the
4 actual control of the defendant or any one vehicle registered
5 in the defendant's name at the time of impoundment or
6 immobilization, for a period of 10 days or for the unexpired
7 term of any lease or rental agreement that expires within 10
8 days. The impoundment or immobilization must not occur
9 concurrently with the incarceration of the defendant. The
10 impoundment or immobilization order may be dismissed in
11 accordance with paragraph (e), paragraph (f), ~~or~~ paragraph
12 (g), or paragraph (h).

13 (b) For the second conviction for an offense that
14 occurs within a period of 5 years after the date of a prior
15 conviction for violation of this section, the court shall
16 order imprisonment for not less than 10 days. The court must
17 also, as a condition of probation, order the impoundment or
18 immobilization of all vehicles owned by the defendant ~~the~~
19 ~~vehicle that was operated by or in the actual control of the~~
20 ~~defendant or any one vehicle registered in the defendant's~~
21 ~~name~~ at the time of impoundment or immobilization, for a
22 period of 30 days or for the unexpired term of any lease or
23 rental agreement that expires within 30 days. The impoundment
24 or immobilization must not occur concurrently with the
25 incarceration of the defendant and must occur concurrently
26 with the driver's license revocation imposed under s.
27 322.28(2)(a)2. The impoundment or immobilization order may be
28 dismissed in accordance with paragraph (e), paragraph (f), ~~or~~
29 paragraph (g), or paragraph (h). At least 48 hours of
30 confinement must be consecutive.

31

1 (c) For the third or subsequent conviction for an
2 offense that occurs within a period of 10 years after the date
3 of a prior conviction for violation of this section, the court
4 shall order imprisonment for not less than 30 days. The court
5 must also, as a condition of probation, order the impoundment
6 or immobilization of all vehicles owned by the defendant ~~the~~
7 ~~vehicle that was operated by or in the actual control of the~~
8 ~~defendant or any one vehicle registered in the defendant's~~
9 ~~name~~ at the time of impoundment or immobilization, for a
10 period of 90 days or for the unexpired term of any lease or
11 rental agreement that expires within 90 days. The impoundment
12 or immobilization must not occur concurrently with the
13 incarceration of the defendant and must occur concurrently
14 with the driver's license revocation imposed under s.
15 322.28(2)(a)3. The impoundment or immobilization order may be
16 dismissed in accordance with paragraph (e), paragraph (f), ~~or~~
17 paragraph (g), or paragraph (h). At least 48 hours of
18 confinement must be consecutive.

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

27 (e) A person who owns but was not operating the
28 vehicle when the offense occurred may submit to the court a
29 police report indicating that the vehicle was stolen at the
30 time of the offense or documentation of having purchased the
31 vehicle after the offense was committed from an entity other

1 than the defendant or the defendant's agent. If the court
2 finds that the vehicle was stolen or that the sale was not
3 made to circumvent the order and allow the defendant continued
4 access to the vehicle, the order must be dismissed and the
5 owner of the vehicle will incur no costs. If the court denies
6 the request to dismiss the order of impoundment or
7 immobilization, the petitioner may request an evidentiary
8 hearing.

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

22 (g) The court shall also dismiss the order of
23 impoundment or immobilization of the vehicle if the court
24 finds that the family of the owner of the vehicle has no other
25 private or public means of transportation.

26 (h) The court may also dismiss the order of
27 impoundment or immobilization of any vehicles that are owned
28 by the defendant but that are operated solely by the employees
29 of the defendant or any business owned by the defendant.

30 (i)~~(h)~~ All costs and fees for the impoundment or
31 immobilization, including the cost of notification, must be

1 paid by the owner of the vehicle or, if the vehicle is leased
2 or rented, by the person leasing or renting the vehicle,
3 unless the impoundment or immobilization order is dismissed.
4 All provisions of s. 713.78 shall apply.

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

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

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 5. 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, embankments, slopes, retaining walls,
9 bridges, tunnels, and viaducts necessary for the maintenance
10 of travel and all ferries used in connection therewith.

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

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

21 Section 6. Paragraph (d) of subsection (3) of section
22 316.2065, Florida Statutes, is amended to read:

23 316.2065 Bicycle regulations.--

24 (3)

25 (d) A bicycle rider or passenger who is under 16 years
26 of age must wear a bicycle helmet that is properly fitted and
27 is fastened securely upon the passenger's head by a strap, and
28 that meets the federal Safety Standard for Bicycle Helmets in
29 16 C.F.R., Part 1203. Helmets purchased before October 1,
30 2000, and that meet the standards of the American National
31 Standards Institute (ANSI Z 90.4 Bicycle Helmet Standards),

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

8 Section 7. Section 316.212, Florida Statutes, is
9 amended to read:

10 316.212 Operation of golf carts on certain
11 roadways.--The operation of a golf cart upon the public roads
12 or streets of this state is prohibited except as provided
13 herein:

14 (1) A golf cart may be operated only upon a county
15 road that has been designated by a county, or a city street
16 that has been designated by a city, for use by golf carts.
17 Prior to making such a designation, the responsible local
18 governmental entity must first determine that golf carts may
19 safely travel on or cross the public road or street,
20 considering factors including the speed, volume, and character
21 of motor vehicle traffic using the road or street. Upon a
22 determination that golf carts may be safely operated on a
23 designated road or street, the responsible governmental entity
24 shall post appropriate signs to indicate that such operation
25 is allowed.

26 (2) A golf cart may be operated on a part of the State
27 Highway System only under the following conditions:

28 (a) To cross a portion of the State Highway System
29 which intersects a county road or city street that has been
30 designated for use by golf carts if the Department of
31 Transportation has reviewed and approved the location and

1 design of the crossing and any traffic control devices needed
2 for safety purposes.

3 (b) To cross, at midblock, a part of the State Highway
4 System where a golf course is constructed on both sides of the
5 highway if the Department of Transportation has reviewed and
6 approved the location and design of the crossing and any
7 traffic control devices needed for safety purposes.

8 (c) A golf cart may be operated on a state road that
9 has been designated for transfer to a local government unit
10 pursuant to s. 335.0415 if the Department of Transportation
11 determines that the operation of a golf cart within the
12 right-of-way of the road will not impede the safe and
13 efficient flow of motor vehicular traffic. The department may
14 authorize the operation of golf carts on such a road if:

15 1. The road is the only available public road along
16 which golf carts may travel or cross or the road provides the
17 safest travel route among alternative routes available; and

18 2. The speed, volume, and character of motor vehicular
19 traffic using the road is considered in making such a
20 determination.

21
22 Upon its determination that golf carts may be operated on a
23 given road, the department shall post appropriate signs on the
24 road to indicate that such operation is allowed.

25 (3) Any other provision of this section to the
26 contrary notwithstanding, a golf cart may be operated for the
27 purpose of crossing a street or highway where a single mobile
28 home park is located on both sides of the street or highway
29 and is divided by that street or highway, provided that the
30 governmental entity having original jurisdiction over such
31 street or highway shall review and approve the location of the

1 crossing and require implementation of any traffic controls
2 needed for safety purposes. This subsection shall apply only
3 to residents or guests of the mobile home park. Any other
4 provision of law to the contrary notwithstanding, if notice is
5 posted at the entrance and exit to any mobile home park that
6 residents of the park utilize golf carts or electric vehicles
7 within the confines of the park it shall not be necessary that
8 the park have a gate or other device at the entrance and exit
9 in order for such golf carts or electric vehicles to be
10 lawfully operated in the park.

11 (4) A golf cart may be operated only during the hours
12 between sunrise and sunset, unless the responsible
13 governmental entity has determined that a golf cart may be
14 operated during the hours between sunset and sunrise and the
15 golf cart is equipped with headlights, brake lights, turn
16 signals, and a windshield.

17 (5) A golf cart must be equipped with efficient
18 brakes, reliable steering apparatus, safe tires, a rearview
19 mirror, and red reflectorized warning devices in both the
20 front and rear.

21 (6) A golf cart may not be operated on public roads or
22 streets by any person under the age of 14.

23 (7)~~(6)~~ A violation of this section is a noncriminal
24 traffic infraction, punishable pursuant to chapter 318 as
25 either a moving violation for infractions of subsection (1),
26 subsection (2), subsection (3), or subsection (4), or as a
27 nonmoving violation for infractions of subsections ~~subsection~~
28 (5) and (6).

29 Section 8. Subsection (1) of section 316.2125, Florida
30 Statutes, is amended to read:

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1 316.2125 Operation of golf carts within a retirement
2 community.--

3 (1) Notwithstanding the provisions of s. 316.212, the
4 reasonable operation of a golf cart, equipped and operated as
5 provided in s. 316.212(4), (5), and (6)~~s. 316.212(5)~~, within
6 any self-contained retirement community is permitted unless
7 prohibited under subsection (2).

8 Section 9. Section 316.228, Florida Statutes, is
9 amended to read:

10 316.228 Lamps or flags on projecting load.--

11 (1) Except as provided in subsection (2), whenever the
12 load upon any vehicle extends to the rear 4 feet or more
13 beyond the bed or body of such vehicle, there shall be
14 displayed at the extreme rear end of the load, at the times
15 specified in s. 316.217, two red lamps visible from a distance
16 of at least 500 feet to the rear, two red reflectors visible
17 at night from all distances within 600 feet to 100 feet to the
18 rear when directly in front of lawful lower beams of headlamps
19 and located so as to indicate maximum width, and on each side
20 one red lamp visible from a distance of at least 500 feet to
21 the side and located so as to indicate maximum overhang.
22 There shall be displayed at all other times on any vehicle
23 having a load which extends beyond its sides or more than 4
24 feet beyond its rear, red flags, not less than 12 inches
25 square, marking the extremities of such load, at each point
26 where a lamp would otherwise be required by this section.

27 (2) Any motor vehicle or trailer, except as stated in
28 s. 316.515(7), transporting a load of logs, long pulpwood,
29 poles, or posts which extend more than 4 feet beyond the rear
30 of the body or bed of such vehicle must have securely affixed
31 as close as practical to the end of any such projection one

1 amber strobe-type lamp equipped with a multidirectional type
2 lens so mounted as to be visible from the rear and both sides
3 of the projecting load. The strobe lamp must flash at a rate
4 of at least 60 flashes per minute and must be plainly visible
5 from a distance of at least 500 feet to the rear and sides of
6 the projection load any time of the day or night. The lamp
7 must be operating at any time of the day or night when the
8 vehicle is operated on any highway or parked on the shoulder
9 or immediately adjacent to the traveled portion of any public
10 roadway.

11 (3) A violation of this section is a noncriminal
12 traffic infraction, punishable as a nonmoving violation as
13 provided in chapter 318.

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

16 316.251 Maximum bumper heights.--

17 (2) "New motor vehicles" as defined in s. 319.001(8)
18 ~~s. 319.001(4)~~, "antique automobiles" as defined in s. 320.08,
19 "horseless carriages" as defined in s. 320.086, and "street
20 rods" as defined in s. 320.0863 shall be excluded from the
21 requirements of this section.

22 Section 11. Paragraph (a) of subsection (3) of section
23 316.515, Florida Statutes, is amended to read:

24 316.515 Maximum width, height, length.--

25 (3) LENGTH LIMITATION.--Except as otherwise provided
26 in this section, length limitations apply solely to a
27 semitrailer or trailer, and not to a truck tractor or to the
28 overall length of a combination of vehicles. No combination
29 of commercial motor vehicles coupled together and operating on
30 the public roads may consist of more than one truck tractor
31 and two trailing units. Unless otherwise specifically provided

1 for in this section, a combination of vehicles not qualifying
2 as commercial motor vehicles may consist of no more than two
3 units coupled together; such nonqualifying combination of
4 vehicles may not exceed a total length of 65 feet, inclusive
5 of the load carried thereon, but exclusive of safety and
6 energy conservation devices approved by the department for use
7 on vehicles using public roads. Notwithstanding any other
8 provision of this section, a truck tractor-semitrailer
9 combination engaged in the transportation of automobiles or
10 boats may transport motor vehicles or boats on part of the
11 power unit; and, except as may otherwise be mandated under
12 federal law, an automobile or boat transporter semitrailer may
13 not exceed 50 feet in length, exclusive of the load; however,
14 the load may extend up to an additional 6 feet beyond the rear
15 of the trailer. The 50-foot length limitation does not apply
16 to non-stinger-steered automobile or boat transporters that
17 are 65 feet or less in overall length, exclusive of the load
18 carried thereon, or to stinger-steered automobile or boat
19 transporters that are 75 feet or less in overall length,
20 exclusive of the load carried thereon. For purposes of this
21 subsection, a "stinger-steered automobile or boat transporter"
22 is an automobile or boat transporter configured as a
23 semitrailer combination wherein the fifth wheel is located on
24 a drop frame located behind and below the rearmost axle of the
25 power unit. Notwithstanding paragraphs (a) and (b), any
26 straight truck or truck tractor-semitrailer combination
27 engaged in the transportation of horticultural trees may allow
28 the load to extend up to an additional 10 feet beyond the rear
29 of the vehicle, provided said trees are resting against a
30 retaining bar mounted above the truck bed so that the root
31 balls of the trees rest on the floor and to the front of the

1 truck bed and the tops of the trees extend up over and to the
2 rear of the truck bed, and provided the overhanging portion of
3 the load is covered with protective fabric.

4 (a) Straight trucks.--No straight truck may exceed a
5 length of 40 feet in extreme overall dimension, exclusive of
6 safety and energy conservation devices approved by the
7 department for use on vehicles using public roads. A straight
8 truck may tow no more than one trailer, and such trailer may
9 not exceed a length of 28 feet. However, such trailer
10 limitation does not apply if the overall length of the
11 truck-trailer combination is 65 feet or less, including the
12 load thereon. Notwithstanding any other provisions of this
13 section, a truck-trailer combination engaged in the
14 transportation of boats or boat trailers whose design dictates
15 a front-to-rear stacking method shall not exceed the length
16 limitations of this paragraph exclusive of the load; however,
17 the load may extend up to an additional 6 feet beyond the rear
18 of the trailer.

19 Section 12. Subsection (2) of section 316.530, Florida
20 Statutes, is amended to read:

21 316.530 Towing requirements.--

22 (2) When a vehicle is towing a trailer or semitrailer
23 on a public road or highway by means of a trailer hitch to the
24 rear of the vehicle, there shall be attached in addition
25 thereto safety chains, cables, or other safety devices that
26 comply with 49 C.F.R. sub f 393.71(g)(2)(1) and 393.71(h)(10)
27 from the trailer or semitrailer to the vehicle. These safety
28 chains, cables, or other safety devices shall be of sufficient
29 strength to maintain connection of the trailer or semitrailer
30 to the pulling vehicle under all conditions while the trailer
31 or semitrailer is being towed by the vehicle. The provisions

1 of this subsection shall not apply to trailers or semitrailers
2 using a hitch known as a fifth wheel nor to farm equipment
3 traveling less than 20 miles per hour.

4 Section 13. Subsection (4) of section 316.613, Florida
5 Statutes, is amended to read:

6 316.613 Child restraint requirements.--

7 (4)(a) It is the legislative intent that all state,
8 county, and local law enforcement agencies, and safety
9 councils, in recognition of the problems with child death and
10 injury from unrestrained occupancy in motor vehicles, conduct
11 a continuing safety and public awareness campaign as to the
12 magnitude of the problem.

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

17 Section 14. Subsection (1) of section 318.1451,
18 Florida Statutes, is amended to read:

19 318.1451 Driver improvement schools.--

20 (1) The Department of Highway Safety and Motor
21 Vehicles shall approve the courses of all driver improvement
22 schools, as the courses relate to ss. 318.14(9), 322.0261,
23 ~~322.095~~, and 322.291. The chief judge of the applicable
24 judicial circuit may establish requirements regarding the
25 location of schools within the judicial circuit. A person may
26 engage in the business of operating a driver improvement
27 school that offers department-approved courses related to ss.
28 318.14(9), 322.0261, ~~322.095~~, and 322.291.

29 Section 15. Subsection (4) is added to section 318.32,
30 Florida Statutes, to read:

31 318.32 Jurisdiction; limitations.--

1 (4) Duly appointed traffic infraction hearing officers
2 may administer oaths in the performance of their duties as
3 hearing officers.

4 Section 16. Section 319.001, Florida Statutes, is
5 amended to read:

6 319.001 Definitions.--As used in this chapter, the
7 term:

8 (1) "Department" means the Department of Highway
9 Safety and Motor Vehicles.

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

12 (3)~~(2)~~ "Licensed dealer," unless otherwise
13 specifically provided, means a motor vehicle dealer licensed
14 under s. 320.27, a mobile home dealer licensed under s.
15 320.77, or a recreational vehicle dealer licensed under s.
16 320.771.

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

19 (5) "Motorcycle engine" includes the engine block,
20 cylinders, and cylinder heads.

21 (6) "Motorcycle transmission" includes the
22 transmission case and gear assembly.

23 (7)~~(3)~~ "New mobile home" means a mobile home the
24 equitable or legal title to which has never been transferred
25 by a manufacturer, distributor, importer, or dealer to an
26 ultimate purchaser.

27 (8)~~(4)~~ "New motor vehicle" means a motor vehicle the
28 equitable or legal title to which has never been transferred
29 by a manufacturer, distributor, importer, or dealer to an
30 ultimate purchaser; provided however, when legal title is not
31 transferred but possession of a motor vehicle is transferred

1 under a conditional sales contract or lease and the conditions
2 are not satisfied and the vehicle is returned to the motor
3 vehicle dealer, the motor vehicle may be resold by the motor
4 vehicle dealer as a new motor vehicle if the selling motor
5 vehicle dealer gives the following notice to the purchaser:

6 "This Vehicle Was Delivered to a Previous Purchaser."~~7~~

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

9 (10)~~(5)~~ "Satisfaction of lien" means full payment of a
10 debt or release of a debtor from a lien by the lienholder.

11 (11)~~(6)~~ "Used motor vehicle" means any motor vehicle
12 that is not a "new motor vehicle" as defined in subsection(8)
13 ~~(4)~~.

14 Section 17. Subsections (1), (2), (3), and (4) of
15 section 319.14, Florida Statutes, are amended, present
16 subsections (6), (7), and (8) of that section are redesignated
17 as subsections (7), (8), and (9), respectively, and new
18 subsection (6) is added to that section to read:

19 319.14 Sale of motor vehicles registered or used as
20 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
21 and nonconforming vehicles.--

22 (1)(a) No person shall knowingly offer for sale, sell,
23 or exchange any vehicle that has been licensed, registered, or
24 used as a taxicab, police vehicle, or short-term-lease
25 vehicle, or a vehicle that has been repurchased by a
26 manufacturer pursuant to a settlement, determination, or
27 decision under chapter 681, until the department has stamped
28 in a conspicuous place on the certificate of title of the
29 vehicle, or its duplicate, words stating the nature of the
30 previous use of the vehicle or the title has been stamped
31 "Manufacturer's Buy Back" to reflect that the vehicle is a

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

14 (b) No person shall knowingly offer for sale, sell, or
15 exchange a rebuilt vehicle until the department has stamped in
16 a conspicuous place on the certificate of title for the
17 vehicle words stating that the vehicle has been rebuilt, or
18 assembled from parts, ~~or combined~~, or is a kit car, glider
19 kit, replica, or flood vehicle unless proper application for a
20 certificate of title for a vehicle that is rebuilt, or
21 assembled from parts, ~~or combined~~, or is a kit car, glider
22 kit, replica, or flood vehicle has been made to the department
23 in accordance with this chapter and the department has
24 conducted the physical examination of the vehicle to assure
25 the identity of the vehicle and all major component parts, as
26 defined in s. 319.30(1)(e), which have been repaired or
27 replaced. Thereafter, the department shall affix a decal to
28 the vehicle, in the manner prescribed by the department,
29 showing that the vehicle was rebuilt.

30 (c) As used in this section, the term:
31

- 1 1. "Police vehicle" means a motor vehicle owned or
2 leased by the state or a county or municipality and used in
3 law enforcement.
- 4 2.a. "Short-term-lease vehicle" means a motor vehicle
5 leased without a driver and under a written agreement to one
6 or more persons from time to time for a period of less than 12
7 months.
- 8 b. "Long-term-lease vehicle" means a motor vehicle
9 leased without a driver and under a written agreement to one
10 person for a period of 12 months or longer.
- 11 c. "Lease vehicle" includes both short-term-lease
12 vehicles and long-term-lease vehicles.
- 13 3. "Rebuilt vehicle" means a motor vehicle or mobile
14 home built from salvage or junk, as defined in s. 319.30(1).
- 15 4. "Assembled from parts" means a motor vehicle or
16 mobile home assembled from parts or combined from parts of
17 motor vehicles or mobile homes, new or used. "Assembled from
18 parts" does not mean a motor vehicle defined as a "rebuilt
19 vehicle" in subparagraph 3., which has been declared a total
20 loss pursuant to s. 319.30.
- 21 ~~5. "Combined" means assembled by combining two motor~~
22 ~~vehicles neither of which has been titled and branded as~~
23 ~~"Salvage Unrebuildable."~~
- 24 ~~5.6.~~ "Kit car" means a motor vehicle assembled with a
25 kit supplied by a manufacturer to rebuild a wrecked or
26 outdated motor vehicle with a new body kit.
- 27 ~~6.7.~~ "Glider kit" means a vehicle assembled with a kit
28 supplied by a manufacturer to rebuild a wrecked or outdated
29 truck or truck tractor.
- 30 ~~7.8.~~ "Replica" means a complete new motor vehicle
31 manufactured to look like an old vehicle.

1 8.9. "Flood vehicle" means a motor vehicle or mobile
2 home that has been declared to be a total loss pursuant to s.
3 319.30(3)(a) resulting from damage caused by water.

4 9.10. "Nonconforming vehicle" means a motor vehicle
5 which has been purchased by a manufacturer pursuant to a
6 settlement, determination, or decision under chapter 681.

7 10.11. "Settlement" means an agreement entered into
8 between a manufacturer and a consumer that occurs after a
9 dispute is submitted to a program, or an informal dispute
10 settlement procedure established by a manufacturer or is
11 approved for arbitration before the New Motor Vehicle
12 Arbitration Board as defined in s. 681.102.

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

23 (3) Any person who, with intent to offer for sale or
24 exchange any vehicle referred to in subsection (1), knowingly
25 or intentionally advertises, publishes, disseminates,
26 circulates, or places before the public in any communications
27 medium, whether directly or indirectly, any offer to sell or
28 exchange the vehicle shall clearly and precisely state in each
29 such offer that the vehicle has previously been titled,
30 registered, or used as a taxicab, police vehicle, or
31 short-term-lease vehicle or that the vehicle or mobile home is

1 a vehicle that is rebuilt, or assembled from parts, ~~or~~
2 ~~combined~~, or is a kit car, glider kit, replica, or flood
3 vehicle, or a nonconforming vehicle, as the case may be. Any
4 person who violates this subsection is guilty of a misdemeanor
5 of the second degree, punishable as provided in s. 775.082 or
6 s. 775.083.

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

13 (6) Any person who removes a rebuilt decal from a
14 rebuilt vehicle or who knowingly possesses a rebuilt vehicle
15 from which a rebuilt decal has been removed commits a felony
16 of the third degree, punishable as provided in s. 775.082, s.
17 775.083, or s. 775.084.

18 Section 18. Subsection (3) of section 319.17, Florida
19 Statutes, is amended to read:

20 319.17 Rules; forms; indexes and records.--

21 (3) The department shall maintain indexes of motor
22 vehicles and mobile homes by name of owner, by title number,
23 and by manufacturer's motor number or vehicle identification
24 number. The department shall keep an electronic ~~a permanent~~
25 record of notices of liens and satisfactions thereof. Such
26 indexes and records shall be open to the inspection of the
27 public at all reasonable times, except as provided in chapter
28 119.

29 Section 19. Subsections (8), (9), and (10) of section
30 319.24, Florida Statutes, are amended to read:

31

1 319.24 Issuance in duplicate; delivery; liens and
2 encumbrances.--

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

8 (8)~~(9)~~ Notwithstanding any requirements in this
9 section or in s. 319.27 indicating that a lien on a motor
10 vehicle or mobile home shall be noted on the face of the
11 Florida certificate of title, if there are one or more liens
12 or encumbrances on the motor vehicle or mobile home, the
13 department may electronically transmit the lien to the first
14 lienholder and notify the first lienholder of any additional
15 liens. Subsequent lien satisfactions may be electronically
16 transmitted to the department and shall include the name and
17 address of the person or entity satisfying the lien. When
18 electronic transmission of liens and lien satisfactions are
19 used, the issuance of a certificate of title may be waived
20 until the last lien is satisfied and a clear certificate of
21 title is issued to the owner of the vehicle. In subsequent
22 transfer of ownership of the motor vehicle it shall be
23 presumed that the motor vehicle title is subject to a lien as
24 set forth in s. 319.225(6)(a) until the title to be issued
25 pursuant to this subsection is received by the person or
26 entity satisfying the lien.

27 (9)~~(10)~~ The department shall in the sending of any
28 notice only be required to use the last known address as shown
29 by its records.

30 Section 20. Subsections (2) and (4) of section 319.27,
31 Florida Statutes, are amended to read:

1 319.27 Notice of lien on motor vehicles or mobile
2 homes; notation on certificate; recording of lien.--

3 (2) No lien for purchase money or as security for a
4 debt in the form of a security agreement, retain title
5 contract, conditional bill of sale, chattel mortgage, or other
6 similar instrument or any other lien, including a lien for
7 child support, upon a motor vehicle or mobile home upon which
8 a Florida certificate of title has been issued shall be
9 enforceable in any of the courts of this state against
10 creditors or subsequent purchasers for a valuable
11 consideration and without notice, unless a sworn notice of
12 such lien has been filed in the department and such lien has
13 been noted upon the certificate of title of the motor vehicle
14 or mobile home. Such notice shall be effective as constructive
15 notice when filed. No interest of a statutory nonpossessory
16 lienor; the interest of a nonpossessory execution, attachment,
17 or equitable lienor; or the interest of a lien creditor as
18 defined in s. 679.301(3), if nonpossessory, shall be
19 enforceable against creditors or subsequent purchasers for a
20 valuable consideration unless such interest becomes a
21 possessory lien or is noted upon the certificate of title for
22 the subject motor vehicle or mobile home prior to the
23 occurrence of the subsequent transaction. Provided the
24 provisions of this subsection relating to a nonpossessory
25 statutory lienor; a nonpossessory execution, attachment, or
26 equitable lienor; or the interest of a lien creditor as
27 defined in s. 679.301(3) shall not apply to liens validly
28 perfected prior to October 1, 1988. The notice of lien shall
29 provide the following information:

30 (a) The date of the lien if a security agreement,
31 retain title contract, conditional bill of sale, chattel

1 mortgage, or other similar instrument was executed prior to
2 the filing of the notice of lien;

3 (b) The name and address of the registered owner;

4 (c) A description of the motor vehicle or mobile home,
5 showing the make, type, and vehicle identification number; and

6 (d) The name and address of the lienholder.

7 (4)(a) ~~Notwithstanding the provisions of subsection~~
8 ~~(2), any person holding a lien for purchase money or as~~
9 ~~security for a debt in the form of a security agreement,~~
10 ~~retain title contract, conditional bill of sale, chattel~~
11 ~~mortgage, or other similar instrument covering a motor vehicle~~
12 ~~or mobile home previously titled or registered outside this~~
13 ~~state upon which no Florida certificate of title has been~~
14 ~~issued may use the facilities of the department for the~~
15 ~~recording of such lien as constructive notice of such lien to~~
16 ~~creditors and purchasers of such motor vehicle or mobile home~~
17 ~~in this state provided such lienholder files a sworn notice of~~
18 ~~such lien in the department, showing the following~~
19 ~~information:~~

20 1. ~~The date of the lien;~~

21 2. ~~The name and address of the registered owner;~~

22 3. ~~A description of the motor vehicle or mobile home,~~
23 ~~showing the make, type, and vehicle identification number; and~~

24 4. ~~The name and address of the lienholder.~~

25
26 ~~Upon the filing of such notice of lien and the payment of the~~
27 ~~fee provided in s. 319.32, the lien shall be recorded in the~~
28 ~~department.~~

29 (a)~~(b)~~ When a Florida certificate of title is first
30 issued on a motor vehicle or mobile home previously titled or

31

1 registered outside this state, the department shall note on
2 the Florida certificate of title the following liens:

3 1. Any lien shown on the application for Florida
4 certificate of title; and

5 ~~2. Any lien filed in the department in accordance with~~
6 ~~paragraph (a); and~~

7 ~~2.3.~~ Any lien shown on the existing certificate of
8 title issued by another state.

9 ~~(b)(c)~~ When a Florida certificate of title has been
10 issued on a motor vehicle or mobile home previously titled or
11 registered outside this state, liens valid in and registered
12 under the law of the state wherein such liens were created are
13 not valid in this state unless filed and noted upon the
14 certificate of title under the provisions of this section.

15 Section 21. Paragraphs (e) and (f) of subsection (1)
16 and subsections (3), (4), (5), and (7) of section 319.30,
17 Florida Statutes, are amended to read:

18 319.30 Definitions; dismantling, destruction, change
19 of identity of motor vehicle or mobile home; salvage.--

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

21 (e) "Major component parts";

22 1. For motor vehicles other than motorcycles, includes
23 the front-end assembly, fenders, hood, grill, bumper, cowl
24 assembly, rear body section, both quarter panels, decklid,
25 bumper, floor pan, door assemblies, engine, frame,
26 transmission, radiator support, dashboard, hard-top roof,
27 sunroof, t-top, airbag, wheels, windshield, and interior.

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

30 3. For motorcycles, includes the body assembly, frame,
31 fenders, gas tanks, engine block, cylinder heads, crank case,

1 transmission, case and gear assembly, front fork assembly, and
2 wheels.

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

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

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

14 1. When an insurance company pays the vehicle owner to
15 replace the wrecked or damaged vehicle with one of like kind
16 and quality or when an insurance company pays the owner upon
17 the theft of the motor vehicle or mobile home; a motor vehicle
18 or mobile home shall not be considered a "total loss" if the
19 insurance company and the owner agree to repair, rather than
20 to replace, the motor vehicle or mobile home; or

21 2. When an uninsured motor vehicle or mobile home is
22 wrecked or damaged and the cost, at the time of loss, of
23 repairing or rebuilding the vehicle is 80 percent or more of
24 the cost to the owner of replacing the wrecked or damaged
25 motor vehicle or mobile home with one of like kind and
26 quality.

27 (b) The owner of any motor vehicle or mobile home
28 which is considered to be salvage shall, within 72 hours after
29 the motor vehicle or mobile home becomes salvage, forward the
30 title to the motor vehicle or mobile home to the department
31 for processing. However, an insurance company which pays money

1 as compensation for total loss of a motor vehicle or mobile
2 home shall obtain the certificate of title for the motor
3 vehicle or mobile home and, within 72 hours after receiving
4 such certificate of title, shall forward such title to the
5 department for processing. The owner or insurance company, as
6 the case may be, may not dispose of a vehicle or mobile home
7 that is a total loss before it has obtained a salvage
8 certificate of title from the department. When applying for a
9 salvage certificate of title, the owner or insurance company
10 must provide the department with an estimate of the costs of
11 repairing the physical and mechanical damage suffered by the
12 vehicle for which a salvage certificate of title is sought.
13 If the estimated costs of repairing the physical and
14 mechanical damage to the vehicle is equal to 80 percent or
15 more of the current retail cost of the vehicle, as established
16 in any official used car or used mobile home guide, the
17 department shall declare the vehicle unrebuildable and print
18 notice on the salvage certificate of title that the vehicle is
19 unrebuildable; and, thereafter, the vehicle may not be rebuilt
20 or sold in a rebuilt condition, and the department shall
21 refuse issuance of any certificate of title for that vehicle.
22 Nothing in this subsection applies to ~~shall be applicable when~~
23 a vehicle ~~is~~ worth less than \$1,500 retail in undamaged
24 condition in any official used motor vehicle guide or used
25 mobile home guide or to when a stolen motor vehicle or mobile
26 home that is recovered in substantially intact condition and
27 is readily resalable without extensive repairs to or
28 replacement of the frame or engine. Any person who willfully
29 and deliberately violates this paragraph or falsifies any
30 document to avoid the requirements of this paragraph commits a
31

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

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

15 (5)(a) It is unlawful for any person to knowingly
16 possess, sell, or exchange, offer to sell or exchange, or give
17 away any certificate of title or manufacturer's or
18 state-assigned identification number plate or serial plate of
19 any motor vehicle, mobile home, or derelict that has been sold
20 as salvage contrary to the provisions of this section, and it
21 is unlawful for any person to authorize, direct, aid in, or
22 consent to the possession, sale, or exchange or to offer to
23 sell, exchange, or give away such certificate of title or
24 manufacturer's or state-assigned identification number plate
25 or serial plate.

26 (b) It is unlawful for any person to knowingly
27 possess, sell, or exchange, offer to sell or exchange, or give
28 away any manufacturer's or state-assigned identification
29 number plate or serial plate of any motor vehicle or mobile
30 home that has been removed from the motor vehicle or mobile
31 home for which it was manufactured, and it is unlawful for any

1 person to authorize, direct, aid in, or consent to the
2 possession, sale, or exchange or to offer to sell, exchange,
3 or give away such manufacturer's or state-assigned
4 identification number plate or serial plate.

5 (c) This chapter does not apply to anyone who removes,
6 possesses, or replaces a manufacturer's or state-assigned
7 identification number plate, in the course of performing
8 repairs on a vehicle, that require such removal or
9 replacement. If the repair requires replacement of a vehicle
10 part that contains the manufacturer's or state-assigned
11 identification number plate, the manufacturer's or
12 state-assigned identification number plate that is assigned to
13 the vehicle being repaired will be installed on the
14 replacement part. The manufacturer's or state-assigned
15 identification number plate that was removed from this
16 replacement part will be installed on the part that was
17 removed from the vehicle being repaired.

18 (7) In the event of a purchase by a secondary metals
19 recycler, that has been issued a certificate of registration
20 number, of:

21 (a) Materials, prepared materials, or parts from any
22 seller for purposes other than the processing of such
23 materials, prepared materials, or parts, the purchaser shall
24 obtain such documentation as may be required by this section,
25 and shall record the seller's name and address, date of
26 purchase, and the personal identification card number of the
27 person delivering such items.

28 (b) Parts or prepared materials from any seller for
29 purposes of the processing of such parts or prepared
30 materials, the purchaser shall record the seller's name and
31 address and date of purchase; and, in the event of a purchase

1 transaction consisting primarily of parts or prepared
2 materials, the personal identification card number of the
3 person delivering such items.

4 (c) Materials from another secondary metals recycler
5 for purposes of the processing of such materials, the
6 purchaser shall record the seller's name, address, and date of
7 purchase.

8 (d) Motor vehicles, mobile homes, or derelicts from
9 other than a secondary metals recycler for purposes of the
10 processing of such motor vehicles, mobile homes, or derelicts,
11 the purchaser shall record the seller's name, address, date of
12 purchase, and the personal identification card number of the
13 person delivering such items, and shall obtain the following
14 documentation from the seller with respect to each item
15 purchased:

16 1. A valid certificate of title issued in the name of
17 the seller or properly endorsed over to the seller;

18 2. A valid certificate of destruction issued in the
19 name of the seller or properly endorsed over to the seller; or

20 3. If a valid certificate of title or a valid
21 certificate of destruction is not available, an affidavit
22 signed by the seller stating that the seller returned the
23 certificate of title to the State of Florida pursuant to
24 subsection (2) and the date on which such return was made, and
25 setting forth the vehicle identification number of such motor
26 vehicle, mobile home, or derelict.

27 (e) Major parts from other than a secondary metals
28 recycler for purposes of the processing of such major parts,
29 the purchaser shall record the seller's name, address, date of
30 purchase, and the personal identification card number of the
31 person delivering such items, as well as the vehicle

1 identification number, if available, of each major part
2 purchased.

3
4 Any person who violates this subsection, including the
5 falsification of a required affidavit or knowingly causing
6 another to falsify a required affidavit, commits a felony of
7 the third degree, punishable as provided in s. 775.082, s.
8 775.083, or s. 775.084.

9 Section 22. Subsections (5) and (7) of section 319.33,
10 Florida Statutes, are amended to read:

11 319.33 Offenses involving vehicle identification
12 numbers, applications, certificates, papers; penalty.--

13 (5) It is unlawful for any person, firm, or
14 corporation to knowingly possess, manufacture, sell or
15 exchange, offer to sell or exchange, supply in blank, or give
16 away any counterfeit manufacturer's or state-assigned
17 identification number plates or serial plates or any decal
18 used for the purpose of identification of any motor vehicle;
19 or for any officer, agent, or employee of any person, firm, or
20 corporation, or any person who shall authorize, direct, aid in
21 exchange, or give away such counterfeit manufacturer's or
22 state-assigned identification number plates or serial plates
23 or any decal; or conspire to do any of the foregoing.

24 However, nothing in this subsection shall be applicable to any
25 approved replacement manufacturer's identification number
26 plates or serial plates or any decal issued by the department
27 or any state.

28 (7)(a) If all identifying numbers of a motor vehicle
29 or mobile home do not exist or have been destroyed, removed,
30 covered, altered, or defaced, or if the real identity of the
31 motor vehicle or mobile home cannot be determined, the motor

1 vehicle or mobile home shall constitute contraband and shall
2 be subject to forfeiture by a seizing law enforcement agency,
3 pursuant to applicable provisions of ss. 932.701-932.704.

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

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

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

1 Thereafter, upon order of a court of competent jurisdiction,
2 any major component part confiscated under this section must
3 be destroyed or disposed of in a manner so as to make it
4 unusable.

5 Section 23. Paragraph (a) of subsection (2) of section
6 320.02, Florida Statutes, is amended to read:

7 320.02 Registration required; application for
8 registration; forms.--

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

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

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

29 Section 24. Subsection (2) of section 320.031, Florida
30 Statutes, is amended to read:

31

1 320.031 Mailing of registration certificates, license
2 plates, and validation stickers.--

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

15 Section 25. Subsection (2) of section 320.04, Florida
16 Statutes, is amended to read:

17 320.04 Registration service charge.--

18 (2) The service charges shall be collected by the
19 department on all applications handled directly from its
20 office; and the proceeds thereof, together with any fees
21 returned to it by the tax collector, shall be paid into the
22 Highway Safety Operating Trust ~~General Revenue~~ Fund. No tax
23 collector, deputy tax collector, or employee of the state or
24 any county shall charge, collect, or receive any fee or
25 compensation for services performed as notary public in
26 connection with or incidental to the issuance of license
27 plates or titles. The provisions of this subsection and of s.
28 116.38(2) prohibiting the charging, collecting, or receiving
29 of notary public fees do not apply to any privately owned
30 license plate agency appointed by the county manager of a
31 charter county which has an appointed tax collector.

1 320.04 Registration service charge.--

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

15 (b) In addition to the fees provided in paragraph (a),
16 any tax collector may impose an additional service charge of
17 not more than 50 cents on any transaction specified in
18 paragraph (a) or on any transaction specified in s.
19 319.32(2)(a) or s. 328.48 when such transaction occurs at any
20 tax collector's branch office.

21 (c) The service charges prescribed by paragraphs (a)
22 and (b) shall be collected from the applicant as compensation
23 for all services rendered in connection with the handling of
24 the application. Such fees shall be retained by the
25 department or by the tax collector, as the case may be, as
26 other fees accruing to those offices.

27 (2) The service charges shall be collected by the
28 department on all applications handled directly from its
29 office; and the proceeds thereof, together with any fees
30 returned to it by the tax collector, shall be paid into the
31 General Revenue Fund. No tax collector, deputy tax collector,

1 or employee of the state or any county shall charge, collect,
2 or receive any fee or compensation for services performed as
3 notary public in connection with or incidental to the issuance
4 of license plates or titles. The provisions of this subsection
5 and of s. 116.38(2) prohibiting the charging, collecting, or
6 receiving of notary public fees do not apply to any privately
7 owned license plate agency appointed by the county manager of
8 a charter county which has an appointed tax collector.

9 Section 26. Subsection (2) of section 320.05, Florida
10 Statutes, is amended to read:

11 320.05 Records of the department; inspection
12 procedure; lists and searches; fees.--

13 (2) Upon receipt of an application for the
14 registration of a motor vehicle or mobile home, as herein
15 provided for, the department shall register the motor vehicle
16 or mobile home under the distinctive number assigned to such
17 motor vehicle or mobile home by the department. Electronic
18 ~~which~~ registration records ~~record~~ shall be open to the
19 inspection of the public during business hours. Information on
20 a motor vehicle registration may not be made available to a
21 person unless the person requesting the information furnishes
22 positive proof of identification. The agency that furnishes a
23 motor vehicle registration record shall record the name and
24 address of any person other than a representative of a law
25 enforcement agency who requests and receives information from
26 a motor vehicle registration record and shall also record the
27 name and address of the person who is the subject of the
28 inquiry or other information identifying the entity about
29 which information is requested. A record of each such inquiry
30 must be maintained for a period of 6 months from the date upon
31 which the information was released to the inquirer. Nothing in

1 this section shall prohibit any financial institution,
2 insurance company, motor vehicle dealer, licensee under
3 chapter 493, attorney, or other agency which the department
4 determines has the right to know from obtaining, for
5 professional or business use only, information in such records
6 from the department through any means of telecommunication
7 pursuant to a code developed by the department providing all
8 fees specified in subsection (3) have been paid. The
9 department shall disclose records or information to the child
10 support enforcement agency to assist in the location of
11 individuals who owe or potentially owe child support or to
12 whom such an obligation is owed pursuant to Title IV-D of the
13 Social Security Act.

14 Section 27. Subsection (5) of section 320.055, Florida
15 Statutes, is amended to read:

16 320.055 Registration periods; renewal periods.--The
17 following registration periods and renewal periods are
18 established:

19 (5) For a vehicle subject to apportioned registration
20 under s. 320.08(4), (5)(a)1., (e), (6)(b), or (14), the
21 registration period shall be a period of 12 months beginning
22 in a month designated by the department and ending on the last
23 day of the 12th month. For a vehicle subject to this
24 registration period, the renewal period is the last month of
25 the registration period. The registration period may be
26 shortened or extended at the discretion of the department, on
27 receipt of the appropriate prorated fees, in order to evenly
28 distribute such registrations on a monthly basis. For vehicles
29 subject to registration other than those apportioned under s.
30 320.08(4), (5)(a)1., (6)(b), or (14) the registration period

31

1 begins December 1 and ends November 30. The renewal period is
2 the 31-day period beginning December 1.

3 Section 28. Section 320.0605, Florida Statutes, is
4 amended to read:

5 320.0605 Certificate of registration; possession
6 required; exception.--The registration certificate or an
7 official copy thereof, a true copy of a rental or lease
8 agreement issued for a motor vehicle or issued for a
9 replacement vehicle in the same registration period, a
10 temporary receipt printed upon self-initiated electronic
11 renewal of a registration via the Internet, or a cab card
12 issued for a vehicle registered under the International
13 Registration Plan shall, at all times while the vehicle is
14 being used or operated on the roads of this state, be in the
15 possession of the operator thereof or be carried in the
16 vehicle for which issued and shall be exhibited upon demand of
17 any authorized law enforcement officer or any agent of the
18 department. The provisions of this section do not apply during
19 the first 30 days after purchase of a replacement vehicle. A
20 violation of this section is a noncriminal traffic infraction,
21 punishable as a nonmoving violation as provided in chapter
22 318.

23 Section 29. Paragraph (a) of subsection (4) of section
24 320.07, Florida Statutes, is amended to read:

25 320.07 Expiration of registration; annual renewal
26 required; penalties.--

27 (4)(a) In addition to a penalty provided in subsection
28 (3), a delinquent fee based on the following schedule of
29 license taxes shall be imposed on any applicant who fails to
30 renew a registration prior to the end of the month in which
31 renewal registration is due. The delinquent fee shall be

1 applied beginning at 12:01 a.m. on the first day of the month
2 succeeding the renewal period ~~on the 11th calendar day of the~~
3 ~~month succeeding the renewal period~~. The delinquent fee shall
4 not apply to those vehicles which have not been required to be
5 registered during the preceding registration period or as
6 provided in s. 320.18(2). The delinquent fee shall be imposed
7 as follows:

- 8 1. License tax of \$5 but not more than \$25: \$5 flat.
- 9 2. License tax over \$25 but not more than \$50: \$10
10 flat.
- 11 3. License tax over \$50 but not more than \$100: \$15
12 flat.
- 13 4. License tax over \$100 but not more than \$400: \$50
14 flat.
- 15 5. License tax over \$400 but not more than \$600: \$100
16 flat.
- 17 6. License tax over \$600 and up: \$250 flat.

18 Section 30. Subsection (6) of section 320.0805,
19 Florida Statutes, is amended to read:

20 320.0805 Personalized prestige license plates.--

21 (6) A personalized prestige license plate shall be
22 issued for the exclusive continuing use of the applicant. An
23 exact duplicate of any plate may not be issued to any other
24 applicant during the same registration period. An exact
25 duplicate may not be issued for any succeeding year unless the
26 previous owner of a specific plate relinquishes it by failure
27 to apply for renewal within 90 days after the expiration of
28 the registration period ~~or reissuance for three consecutive~~
29 ~~annual registration periods following the original year of~~
30 ~~issuance.~~

31

1 Section 31. Subsection (29) of section 320.08058,
2 Florida Statutes, is amended to read:

3 320.08058 Specialty license plates.--

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

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

12 (b) The department shall distribute the United States
13 Marine Corps license plate annual use fees in the following
14 manner:

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

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

29 Section 32. Subsection (1) of section 320.083, Florida
30 Statutes, is amended to read:

31

1 320.083 Amateur radio operators; special license
2 plates; fees.--

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

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

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

18 Section 33. Subsection (2) and (3) of section 320.089,
19 Florida Statutes, are amended to read:

20 320.089 Members of National Guard and active United
21 States Armed Forces reservists; former prisoners of war;
22 survivors of Pearl Harbor; Purple Heart medal recipients;
23 special license plates; fee.--

24 (2) 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 the state and who is a former prisoner of war, or
29 their unremarried surviving spouse, shall, upon application
30 therefor to the department, be issued a license plate as
31 provided in s. 320.06, on which license plate are stamped the

1 words "Ex-POW" followed by the serial number. Each application
2 shall be accompanied by proof that the applicant meets the
3 qualifications specified in paragraph (a) or paragraph (b).

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

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

20 (3) Each owner or lessee of an automobile or truck for
21 private use, ~~truck weighing not more than 5,000 pounds, or~~
22 recreational vehicle as specified in s. 320.08(9)(c) or (d),
23 which is not used for hire or commercial use, who is a
24 resident of this state and who is the unremarried surviving
25 spouse of a recipient of the Purple Heart medal shall, upon
26 application therefor to the department, with the payment of
27 the required fees, be issued a license plate as provided in s.
28 320.06, on which license plate are stamped the words "Purple
29 Heart" and the likeness of the Purple Heart medal followed by
30 the serial number. Each application shall be accompanied by
31

1 proof that the applicant is the unremarried surviving spouse
2 of a recipient of the Purple Heart medal.

3 Section 34. Subsection (1) of section 320.18, Florida
4 Statutes, is amended to read:

5 320.18 Withholding registration.--

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

29 Section 35. Subsections (5) and (7) of section 320.27,
30 Florida Statutes, are amended to read:

31 320.27 Motor vehicle dealers.--

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

21 (7) CERTIFICATE OF TITLE REQUIRED.--For each used
22 motor vehicle in the possession of a licensee and offered for
23 sale by him or her, the licensee either shall have in his or
24 her possession a duly assigned certificate of title from the
25 owner in accordance with the provisions of chapter 319, from
26 the time when the motor vehicle is delivered to the licensee
27 and offered for sale by him or her until it has been disposed
28 of by the licensee, or shall have reasonable indicia of
29 ownership or right of possession, or shall have made proper
30 application for a certificate of title or duplicate
31 certificate of title in accordance with the provisions of

1 chapter 319. A motor vehicle dealer may not sell or offer for
2 sale a vehicle in his or her possession unless the dealer
3 satisfies the requirements of this subsection. For the purpose
4 of this subsection, reasonable indicia of ownership shall
5 include:
6 (a) A duly assigned certificate of title;
7 (b) In the case of a new vehicle, a Manufacturer's
8 Statement of Origin issued to or reassigned to the dealer;
9 (c) A consignment contract between the owner and the
10 dealer along with a power of attorney from the owner to the
11 dealer authorizing the dealer to apply for duplicate
12 certificate of title and assign the title on behalf of the
13 owner;
14 (d) A certificate of right of possession issued under
15 s. 319.36;
16 (e) A court order awarding title of the vehicle to the
17 dealer;
18 (f) A salvage certificate of title;
19 (g) A photocopy of a duly assigned certificate of
20 title being held by a financial institution as collateral for
21 a business loan of money to the dealer (floor plan);
22 (h) A canceled check or other documentation evidencing
23 that an outstanding lien on a vehicle taken in trade by a
24 licensed dealer has been satisfied and that the certificate of
25 title will be but has not yet been received by the dealer;
26 (i) A vehicle purchase order or installment contract
27 for a vehicle that indicates the specifically identified
28 subject vehicle as a trade-in on a replacement vehicle; or
29 (j) A duly executed federal odometer disclosure
30 statement, as defined in subsection (4), bearing the
31 signatures of the title owners of a traded-in vehicle.

1 Section 36. Subsection (10) of section 320.60, Florida
2 Statutes, is amended to read:

3 320.60 Definitions for ss. 320.61-320.70.--Whenever
4 used in ss. 320.61-320.70, unless the context otherwise
5 requires, the following words and terms have the following
6 meanings:

7 (10) "Motor vehicle" means any new automobile,
8 motorcycle, or truck the equitable or legal title to which has
9 never been transferred by a manufacturer, distributor,
10 importer, or dealer to an ultimate purchaser; however, when
11 legal title is not transferred but possession of a motor
12 vehicle is transferred under a conditional sales contract or
13 lease and the conditions are not satisfied and the vehicle is
14 returned to the motor vehicle dealer, the motor vehicle may be
15 resold by the motor vehicle dealer as a new motor vehicle if
16 the selling motor vehicle dealer gives the following notice to
17 the purchaser: "This Vehicle Was Delivered to a Previous
18 Purchaser."

19 Section 37. Subsection (4) of section 320.61, Florida
20 Statutes, is amended to read:

21 320.61 Licenses required of motor vehicle
22 manufacturers, distributors, importers, etc.--

23 (4) When a complaint of unfair cancellation of a
24 dealer agreement is made by a motor vehicle dealer against a
25 licensee and is in the process of being heard pursuant to ss.
26 320.60-320.70 by the department, a no replacement application
27 for such agreement may not shall be granted until a final
28 decision is rendered by the department on the complaint and
29 all appellate remedies have been exhausted by the licensee or
30 motor vehicle dealer other than as provided in s. 320.641 of
31 unfair cancellation.

1 Section 38. Subsection (3) of section 320.641, Florida
2 Statutes, is amended to read:

3 320.641 Unfair cancellation of franchise agreements.--

4 (3) Any motor vehicle dealer who receives a notice
5 from the licensee of its intent to discontinue, cancel, not
6 renew, modify, or replace the dealer's franchise agreement
7 ~~whose franchise agreement is discontinued, canceled, not~~
8 ~~renewed, modified, or replaced~~ may, within the 90-day notice
9 period, file a petition or complaint for a determination of
10 whether such action is an unfair or prohibited
11 discontinuation, cancellation, nonrenewal, modification, or
12 replacement. In such action, the licensee has the burden of
13 proving that the action is fair and not prohibited.Agreements
14 and certificates of appointment shall continue in effect until
15 final determination of the issues raised in such petition or
16 complaint by the motor vehicle dealer, including the
17 exhaustion of all appellate remedies by the licensee or motor
18 vehicle dealer, except for the conviction of a dealer or
19 dealer owner of any felony, a fraudulent misrepresentation
20 that is material to the franchise, the suspension or
21 revocation of a license that a dealer is required to have to
22 operate a dealership, or the abandonment of a franchise under
23 s. 320.641(4). A discontinuation, cancellation, or nonrenewal
24 of a franchise agreement is unfair if it is not clearly
25 permitted by the franchise agreement; is not undertaken in
26 good faith; is not undertaken for good cause; or is based on
27 an alleged breach of the franchise agreement which is not in
28 fact a material and substantial breach. A modification or
29 replacement of a franchise agreement is unfair if it is not
30 permitted by the franchise agreement; is not undertaken in
31 good faith; or is not undertaken for good cause. A termination

1 based on the failure of a dealer to meet performance goals of
2 the manufacturer due to the failure of the franchisor to offer
3 new motor vehicles in quantities reasonably necessary to meet
4 the performance goals of the manufacturer shall be unfair. As
5 used in this subsection, the term "good faith" means that the
6 provisions or standards relied upon by the licensee to
7 establish grounds for termination are reasonable and have been
8 applied by the licensee in a uniform, consistent, and
9 nondiscriminatory manner, considering action taken by the
10 licensee when similar conduct was committed by other motor
11 vehicle dealers; and the term "good cause" means a material
12 and substantial breach of the franchise agreement which is
13 significantly detrimental to the licensee's business interest.

14 Section 39. Section 320.645, Florida Statutes, is
15 amended to read:

16 320.645 Restriction upon ownership of dealership by
17 licensee.--

18 (1) A ~~No~~ licensee, including a manufacturer or agent
19 of a manufacturer, or any parent, subsidiary, common entity,
20 or officer or representative of the licensee may not ~~shall~~ own
21 any interest in, control, or operate, either directly or
22 indirectly, a motor vehicle dealership in this state for the
23 sale or service of motor vehicles ~~that~~ which have been or are
24 offered for sale under a franchise agreement with a motor
25 vehicle dealer in this state. A licensee may not be issued a
26 motor vehicle dealer license pursuant to s. 320.27. However, a
27 ~~no such~~ licensee will not be deemed to be in violation of this
28 section:

29 (a) When operating a motor vehicle dealership for a
30 temporary period, not to exceed 1 year, during the transition
31 from one owner of the motor vehicle dealership to another;

1 (b) When operating a motor vehicle dealership
2 temporarily for the exclusive purpose of broadening the
3 diversity of its dealer body and enhancing opportunities for
4 qualified persons who are part of a group that has
5 historically been underrepresented in its dealer body, or for
6 other qualified persons who lack the resources to purchase or
7 capitalize a dealership outright ~~for a reasonable period, not~~
8 ~~to exceed 1 year~~, or in a bona fide relationship with an
9 independent person, other than a licensee or its agent or
10 affiliate, who has made a significant investment that is
11 subject to loss in the dealership and who can reasonably
12 expect to acquire full ownership of the dealership on
13 reasonable terms and conditions; or

14 (c) If the department determines, after a hearing on
15 the matter, pursuant to chapter 120, at the request of any
16 person, that there is no independent person available in the
17 community or territory to own and operate the motor vehicle
18 dealership in a manner consistent with the public interest.

19
20 In any ~~such~~ case in which paragraph (a) or paragraph (c)
21 applies, the licensee must continue to make the motor vehicle
22 dealership available for sale to an independent person at a
23 fair and reasonable price. Approval of the sale of such a
24 motor vehicle dealership to a proposed motor vehicle dealer
25 must ~~shall~~ not be unreasonably withheld. The licensee must
26 certify, in writing, to the department that the provisions of
27 paragraph (b) have been satisfied for the purpose of complying
28 with this section and that the relationship is not an attempt
29 to own, operate, or control one or more dealerships.

30 (2) As used in the section, the term:

31

1 (a) "Agent" means a person who is employed by or
2 affiliated with a licensee or who directly or through an
3 intermediary is controlled by or under common control of a
4 licensee.

5 (b) "Control" means the direct or indirect possession
6 of the power to direct or cause the direction of the
7 management or policies of a person, whether through the
8 ownership of voting securities, by contract, or otherwise.

9 (c) "Independent person" means a person who is not an
10 officer, director, or employee of the licensee or otherwise
11 associated with the licensee through agreements or
12 understanding, other than the franchise agreement.

13 (d) "Reasonable terms and conditions" requires that
14 profits from dealership operation will be sufficient to allow
15 full ownership of the dealership by the independent person
16 within a reasonable time period not to exceed 10 years, absent
17 exceptional circumstances demonstrated by the independent
18 person or the licensee; that the independent person has
19 sufficient control to permit acquisition of ownership; and
20 that the relationship may not be terminated to avoid full
21 ownership. The terms and conditions are not reasonable if they
22 preclude the independent person from an expedited purchase of
23 the dealership using a monetary source other than profits from
24 dealership operation.

25 (e) "Significant investment" means a reasonable
26 amount, considering the fair market value of the dealership,
27 acquired and obtained from sources other than the licensee or
28 any of its affiliates and not encumbered by the person's
29 interest in the dealership.

30
31

1 (3) This section does not apply to any dealership that
2 is owned, controlled, or operated by a licensee on July 1,
3 2000.

4 ~~(2) This section shall not be construed to prohibit~~
5 ~~any licensee from owning or operating a motor vehicle~~
6 ~~dealership in this state if such dealership was owned or~~
7 ~~operated by the licensee on May 31, 1984.~~

8 Section 40. Section 320.695, Florida Statutes, is
9 amended to read:

10 320.695 Injunction.--In addition to the remedies
11 provided in this chapter, and notwithstanding the existence of
12 any adequate remedy at law, the department, ~~or~~ any motor
13 vehicle dealer, association of motor vehicle dealers,
14 licensee, or association of licensees, in the name of the
15 department and state and for the use and benefit of a ~~the~~
16 motor vehicle dealer or licensee, may apply ~~is authorized to~~
17 ~~make application~~ to any circuit court of the state for the
18 grant, upon a hearing and for cause shown, of a temporary or
19 permanent injunction, or both, restraining any person from
20 acting as a licensee under the terms of ss. 320.60-320.70
21 without being properly licensed hereunder, or from violating
22 or continuing to violate any of the provisions of ss.
23 320.60-320.70, or from failing or refusing to comply with the
24 requirements of this law or any rule or regulation adopted
25 hereunder. Such injunction shall be issued without bond. A
26 single act in violation of the provisions of ss. 320.60-320.70
27 shall be sufficient to authorize the issuance of an
28 injunction. However, this statutory remedy shall not be
29 applicable to any motor vehicle dealer after final
30 determination by the department under s. 320.641(3).

31

1 Section 41. Subsection (7) of section 320.77, Florida
2 Statutes, is amended to read:

3 320.77 License required of mobile home dealers.--

4 (7) SUPPLEMENTAL LICENSE.--Any person licensed
5 pursuant to this section shall be entitled to operate one or
6 more additional places of business under a supplemental
7 license for each such business if the ownership of each
8 business is identical to that of the principal business for
9 which the original license is issued. Each supplemental
10 license shall run concurrently with the original license and
11 shall be issued upon application by the licensee on a form to
12 be furnished by the department and payment of a fee of \$50 for
13 each such license. Only one licensed dealer shall operate at
14 the same place of business. A supplemental license
15 authorizing off-premises sales shall be issued, at no charge
16 to the dealer, for a period not to exceed 10 consecutive
17 calendar days. To obtain a temporary supplemental license for
18 off-premises sales, the applicant must be a licensed dealer,
19 notify the applicable local department office of the specific
20 dates and location for which the license is requested, display
21 a sign at the licensed location clearly identifying the
22 dealer, provide staff to work at the temporary location for
23 the duration of the off-premises sale, meet any
24 local-government permitting requirements, and have permission
25 of the property owner to sell at that location.

26 Section 42. Subsection (7) of section 320.771, Florida
27 Statutes, is amended to read:

28 320.771 License required of recreational vehicle
29 dealers.--

30 (7) SUPPLEMENTAL LICENSE.--Any person licensed
31 pursuant to this section shall be entitled to operate one or

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

21 Section 43. Section 320.833, Florida Statutes, is
22 amended to read:

23 320.833 Retention, destruction, and reproduction of
24 records; electronic retention.--Records and documents of the
25 Department of Highway Safety and Motor Vehicles, created in
26 compliance with, and in the implementation of, chapter 319 and
27 this chapter, shall be retained by the department as specified
28 in record retention schedules established under the general
29 provisions of chapter 119. Further, the department is hereby
30 authorized:

31

1 (1) To destroy, or otherwise dispose of, those records
2 and documents, in conformity with the approved retention
3 schedules.

4 (2) To photograph, microphotograph, or reproduce on
5 film, as authorized and directed by the approved retention
6 schedules, whereby each page will be exposed in exact
7 conformity with the original records and documents retained in
8 compliance with the provisions of this section. Photographs
9 or microphotographs in the form of film or print of any
10 records, made in compliance with the provisions of this
11 section, shall have the same force and effect as the originals
12 thereof would have and shall be treated as originals for the
13 purpose of their admissibility in evidence. Duly certified or
14 authenticated reproductions of such photographs or
15 microphotographs shall be admitted in evidence equally with
16 the original photographs or microphotographs.

17 (3) Beginning December 1, 2001, the department may
18 maintain all records required or obtained in compliance with,
19 and in the implementation of, chapter 319 and this chapter
20 exclusively by electronic means.

21 Section 44. Section 320.865, Florida Statutes, is
22 amended to read:

23 320.865 Maintenance of records by the
24 department.--Beginning December 1, 2001,the department shall
25 maintain electronic ~~uniform~~ records of all complaints filed
26 against licensees licensed under the provisions of ss. 320.27,
27 320.61, 320.77, 320.771, and 320.8225, any other provision of
28 this chapter to the contrary notwithstanding. The records
29 shall contain all enforcement actions taken against licensees
30 and against unlicensed persons acting in a capacity which
31 would require them to be licensed under those sections. The

1 electronic ~~permanent~~ file of each licensee and unlicensed
2 person shall contain a record of any complaints filed against
3 him or her and a record of any enforcement actions taken
4 against him or her. ~~All complaints and satisfactions thereof~~
5 ~~and enforcement actions on each licensee and unlicensed person~~
6 ~~shall be entered into the central database in such a manner~~
7 ~~that rapid retrieval will be facilitated.~~ The complainant and
8 the referring agency, if there is one, shall be advised of the
9 disposition by the department of the complaint within 10 days
10 of such action.

11 Section 45. Subsection (26) of section 322.01, Florida
12 Statutes, is amended to read:

13 322.01 Definitions.--As used in this chapter:

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

19 Section 46. Section 322.025, Florida Statutes, is
20 amended to read:

21 322.025 Driver improvement.--The department may
22 implement programs to improve the driving ability of the
23 drivers of this state. Such programs may include, but shall
24 not be limited to, safety awareness campaigns, driver
25 training, and licensing improvement. Motorcycle driver
26 improvement programs implemented pursuant to this section or
27 s. 322.0255 shall be funded by the motorcycle safety education
28 fee collected pursuant to s. 320.08(1)(c)~~s. 320.08(1)(d)~~,
29 which shall be deposited in the Highway Safety Operating Trust
30 Fund of the department and appropriated for that purpose.

31

1 Section 47. Paragraph (a) of subsection (1) of section
2 322.051, Florida Statutes, is amended to read:

3 322.051 Identification cards.--

4 (1)

5 (a) Each such application shall include the following
6 information regarding the applicant:

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

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

11 3. Proof of identity satisfactory to the department.

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

21 Section 48. Paragraph (c) of subsection (2) of section
22 322.08, Florida Statutes, is amended to read:

23 322.08 Application for license.--

24 (2) Each such application shall include the following
25 information regarding the applicant:

26 (c) Proof of identity satisfactory to the department.

27 Such proof must include one of the following unless a driver's
28 license record or identification card record has already been
29 established, including one of the following: a certified copy
30 of a United States birth certificate, a valid United States
31 passport, an alien registration receipt card (green card), an

1 employment authorization card issued by the United States
2 Department of Justice, or proof of nonimmigrant classification
3 provided by the United States Department of Justice, for an
4 original license.

5 Section 49. Subsections (1) and (2) of section
6 322.161, Florida Statutes, are amended to read:

7 322.161 High-risk drivers; restricted licenses.--

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

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

22 (c) The restriction shall be automatically withdrawn
23 by the department after 1 year if the licensee does not
24 accumulate any additional points. If the licensee accumulates
25 any additional points, then the period of restriction shall be
26 extended 90 days for each point. The restriction shall also
27 be automatically withdrawn upon the licensee's 18th birthday
28 if no other grounds for restriction exist. The licensee must
29 appear before the department to have the restriction removed
30 and a duplicate license issued.

31

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

9 (b) The period of ineligibility shall automatically
10 expire after 1 year if the licensee does not accumulate any
11 additional points. If the licensee accumulates any additional
12 points, then the period of ineligibility shall be extended 90
13 days for each point. The period of ineligibility shall also
14 automatically expire upon the licensee's 18th birthday if no
15 other grounds for ineligibility exist.

16 Section 50. Subsection (1) of section 322.22, Florida
17 Statutes, is amended to read:

18 322.22 Authority of department to cancel license.--

19 (1) The department is authorized to cancel any
20 driver's license, upon determining that the licensee was not
21 entitled to the issuance thereof, or that the licensee failed
22 to give the required or correct information in his or her
23 application or committed any fraud in making such application,
24 or that the licensee has two or more licenses on file with the
25 department, each in a different name but bearing the
26 photograph of the licensee, unless the licensee has complied
27 with the requirements of this chapter in obtaining the
28 licenses. The department may cancel any driver's license if
29 the licensee fails to pay the correct fee or pays for the
30 license or pays any administrative, delinquency, or
31 reinstatement fee by a dishonored check. The department may

1 suspend all motor vehicle registrations of any person who pays
2 any administrative, delinquency, or reinstatement fee by a
3 dishonored check. The suspension remains in effect until the
4 administrative, delinquency, or reinstatement fee, as the case
5 may be, and all applicable penalties, service charges, and
6 reinstatement fees have been paid for by certified funds.

7 Section 51. Paragraph (a) of subsection (2) of section
8 322.271, Florida Statutes, is amended to read:

9 322.271 Authority to modify revocation, cancellation,
10 or suspension order.--

11 (2)(a) Upon such hearing, the person whose license has
12 been suspended, canceled, or revoked may show that such
13 suspension, cancellation, or revocation of his or her license
14 causes a serious hardship and precludes the person's carrying
15 out his or her normal business occupation, trade, or
16 employment and that the use of the person's license in the
17 normal course of his or her business is necessary to the
18 proper support of the person or his or her family. Except as
19 otherwise provided in this subsection, the department shall
20 require proof of the successful completion of the applicable
21 department-approved driver training course operating pursuant
22 to s. 318.1451 or DUI program substance abuse education course
23 and evaluation as provided in s. 316.193(5). Letters of
24 recommendation from respected business persons in the
25 community, law enforcement officers, or judicial officers may
26 also be required to determine whether such person should be
27 permitted to operate a motor vehicle on a restricted basis for
28 business or employment use only and in determining whether
29 such person can be trusted to so operate a motor vehicle. If a
30 driver's license has been suspended under the point system or
31 pursuant to s. 322.2615, the department shall require proof of

1 enrollment in the applicable department-approved driver
2 training course or licensed DUI program substance abuse
3 education course, including evaluation and treatment, if
4 referred, and may require letters of recommendation described
5 in this subsection to determine if the driver should be
6 reinstated on a restricted basis. A person whose license has
7 been suspended pursuant to s. 322.2616, shall, before the
8 driving privilege may be reinstated, present to the department
9 proof of current enrollment in a department-approved basic
10 driver improvement or traffic-law and substance-abuse
11 education course. If such person fails to complete the
12 approved course within 90 days after reinstatement or
13 subsequently fails to complete treatment, if applicable, the
14 department shall cancel his or her driver's license until the
15 course and treatment, if applicable, is successfully
16 completed, notwithstanding the terms of the court order or any
17 suspension or revocation of the driving privilege. The
18 department may temporarily reinstate the driving privilege on
19 a restricted basis upon verification from the DUI program that
20 the offender has reentered and is currently participating in
21 treatment and has completed the DUI education course and
22 evaluation requirement. If the DUI program notifies the
23 department of the second failure to complete treatment, the
24 department shall reinstate the driving privilege only after
25 notice of completion of treatment from the DUI program. The
26 privilege of driving on a limited or restricted basis for
27 business or employment use shall not be granted to a person
28 who has been convicted of a violation of s. 316.193 until
29 completion of the DUI program substance abuse education course
30 and evaluations as provided in s. 316.193(5). Except as
31 provided in paragraph (b), the privilege of driving on a

1 limited or restricted basis for business or employment use
2 shall not be granted to a person whose license is revoked
3 pursuant to s. 322.28 or suspended pursuant to s. 322.2615 and
4 who has been convicted of a violation of s. 316.193 two or
5 more times or whose license has been suspended two or more
6 times for refusal to submit to a test pursuant to s. 322.2615
7 or former s. 322.261.

8 Section 52. Subsection (2) of section 322.291, Florida
9 Statutes, is amended to read:

10 322.291 Driver improvement schools or DUI programs;
11 required in certain suspension and revocation cases.--Except
12 as provided in s. 322.03(2), any person:

13 (2) Whose license was suspended under the point
14 system, was suspended for driving with an unlawful
15 blood-alcohol level of 0.10 percent or higher before January
16 1, 1994, was suspended for driving with an unlawful
17 blood-alcohol level of 0.08 percent or higher after December
18 31, 1993, was suspended for a violation of s. 316.193(1), or
19 was suspended for refusing to submit to a lawful breath,
20 blood, or urine test as provided in s. 322.2615

21
22 shall, before the driving privilege may be reinstated, present
23 to the department proof of enrollment in a department-approved
24 advanced driver improvement course operating pursuant to s.
25 318.1451 or a substance abuse education course conducted by a
26 DUI program licensed pursuant to s. 322.292, which shall
27 include a psychosocial evaluation and treatment, if referred.

28 A person whose license has been suspended pursuant to s.
29 322.2616, shall, before the driving privilege may be
30 reinstated, present to the department proof of current
31 enrollment in a department-approved basic driver improvement

1 or traffic-law and substance-abuse education course. If the
2 person fails to complete such course or evaluation within 90
3 days after reinstatement, or subsequently fails to complete
4 treatment, if referred, the DUI program shall notify the
5 department of the failure. Upon receipt of the notice, the
6 department shall cancel the offender's driving privilege,
7 notwithstanding the expiration of the suspension or revocation
8 of the driving privilege. The department may temporarily
9 reinstate the driving privilege upon verification from the DUI
10 program that the offender has completed the education course
11 and evaluation requirement and has reentered and is currently
12 participating in treatment. If the DUI program notifies the
13 department of the second failure to complete treatment, the
14 department shall reinstate the driving privilege only after
15 notice of completion of treatment from the DUI program.

16 Section 53. Paragraphs (k) and (l) of subsection (4)
17 of section 325.203, Florida Statutes, are amended to read:

18 325.203 Motor vehicles subject to annual inspection;
19 exemptions.--

20 (4) The following motor vehicles are not subject to
21 inspection:

22 (k) New motor vehicles, as defined in s. 319.001(8)~~s.~~
23 ~~319.001(4)~~. Such vehicles are exempt from the inspection
24 requirements of this act at the time of the first registration
25 by the original owner and, thereafter, are subject to the
26 inspection requirements of this act. Beginning May 1, 2000,
27 such vehicles are exempt from those inspection requirements
28 for a period of 2 years from the date of purchase.

29 (l) New motor vehicles as defined in s. 319.001(8)~~s.~~
30 ~~319.001(4)~~ which are utilized as short-term rental vehicles
31 and licensed under s. 320.08(6)(a). Such vehicles are exempt

1 from the inspection requirements of this act at the time of
2 the first registration. Said vehicles are also exempt from the
3 inspection requirements of this act at the time of the first
4 registration renewal by the original owner, provided this
5 renewal occurs prior to the expiration of 12 months from the
6 date of first registration of the motor vehicle. Beginning May
7 1, 2000, such vehicles are exempt from those inspection
8 requirements for a period of 2 years from the date of
9 purchase.

10 Section 54. Subsection (10) of section 328.15, Florida
11 Statutes, is repealed.

12 Section 55. Subsections (2) and (3) of section 328.40,
13 Florida Statutes, are amended to read:

14 328.40 Administration of vessel registration and
15 titling laws; records.--

16 (2) The Department of Highway Safety and Motor
17 Vehicles shall keep electronic records and perform such other
18 clerical duties as required pertaining to:

19 (a) Vessel registration and titling.

20 (b) Suspension of the vessel operating privilege under
21 ss. 327.35-327.355.

22 (3) All records made or kept by the Department of
23 Highway Safety and Motor Vehicles under this law are public
24 records except for confidential reports.

25 Section 56. Subsection (3) of section 328.48, Florida
26 Statutes, is amended to read:

27 328.48 Vessel registration, application, certificate,
28 number, decal, duplicate certificate.--

29 (3) The Department of Highway Safety and Motor
30 Vehicles shall issue certificates of registration and numbers
31 for municipal ~~city~~, county, and state-owned vessels, charging

1 only the service fees required in s. 328.72(7) and (8)~~s.~~
2 ~~327.25(7) and (8)~~, provided that the vessels are used for
3 purposes other than recreation.

4 Section 57. Paragraph (c) of subsection (2) of section
5 328.72, Florida Statutes, is amended to read:

6 328.72 Classification; registration; fees and charges;
7 surcharge; disposition of fees; fines; marine turtle
8 stickers.--

9 (2) ANTIQUE VESSEL REGISTRATION FEE.--

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

14 Section 58. Subsection (3) of section 328.73, Florida
15 Statutes, is amended to read:

16 328.73 Registration; duties of tax collectors.--

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

24 Section 59. Subsection (2) of section 328.735, Florida
25 Statutes, is amended to read:

26 328.735 Advanced registration renewal; procedures.--

27 (2) Upon the filing of the application and payment of
28 the appropriate vessel registration fee and service charges
29 required by s. 328.72 ~~s. 327.25~~ and any additional fees
30 required by law, the department or its agents shall issue to
31 the owner of the vessel a decal and registration. When the

1 decal is affixed to the vessel, the registration is renewed
2 for the appropriate registration period.

3 Section 60. Subsections (1), (3), and (8) of section
4 713.585, Florida Statutes, are amended, and subsection (14) is
5 added to that section to read:

6 713.585 Enforcement of lien by sale of motor
7 vehicle.--A person claiming a lien under s. 713.58 for
8 performing labor or services on a motor vehicle may enforce
9 such lien by sale of the vehicle in accordance with the
10 following procedures:

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

25 Such notice must contain:

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

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

31

1 (c) The name, address, and telephone number of the
2 lienor.

3 (d) Notice that the lienor claims a lien on the
4 vehicle for labor and services performed and storage charges,
5 if any, and the cash sum which, if paid to the lienor, would
6 be sufficient to redeem the vehicle from the lien claimed by
7 the lienor.

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

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

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

21 (h) Notice that the owner of the vehicle has a right
22 to recover possession of the vehicle without instituting
23 judicial proceedings by posting bond in accordance with the
24 provisions of s. 559.917.

25 (i) Notice that any proceeds from the sale of the
26 vehicle remaining after payment of the amount claimed to be
27 due and owing to the lienor will be deposited with the clerk
28 of the circuit court for disposition upon court order pursuant
29 to subsection (8).

30 (3) If the date of the sale was not included in the
31 notice required in subsection (1), notice of the sale must be

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

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

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

13 (14) Any person who violates this section commits a
14 misdemeanor of the first degree, punishable as provided in s.
15 775.082 or s. 775.083. However, any person who uses a false or
16 fictitious name, gives a false or fictitious address, or makes
17 any false statements regarding the requirements of this
18 section commits a felony of the third degree, punishable as
19 provided in s. 775.082, s. 775.083, or s. 775.084.

20 Section 61. Subsections (4), (6), (11), and (12) of
21 section 713.78, Florida Statutes, are amended to read:

22 713.78 Liens for recovering, towing, or storing
23 vehicles and undocumented vessels.--

24 (4)(a) Any person regularly engaged in the business of
25 recovering, towing, or storing vehicles or vessels who comes
26 into possession of a vehicle or vessel pursuant to subsection
27 (2), and who claims a lien for recovery, towing, or storage
28 services, shall give notice to the registered owner and to all
29 persons claiming a lien thereon, as disclosed by the records
30 in the Department of Highway Safety and Motor Vehicles or of a
31 corresponding agency in any other state.

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

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

30 1. Check of vehicle or vessel for any type of tag, tag
31 record, temporary tag, or regular tag.

1 2. Check of law enforcement report for tag number or
2 other information identifying the vehicle or vessel, if the
3 vehicle or vessel was towed at the request of a law
4 enforcement officer.

5 3. Check of trip sheet or tow ticket of tow truck
6 operator to see if a tag was on vehicle at beginning of tow,
7 if private tow.

8 4. If there is no address of the owner on the impound
9 report, check of law enforcement report to see if an
10 out-of-state address is indicated from driver license
11 information.

12 5. Check of vehicle or vessel for inspection sticker
13 or other stickers and decals that may indicate a state of
14 possible registration.

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

18 7. Check of vehicle for vehicle identification number.

19 8. Check of vessel for vessel registration number.

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

26 (6) Any vehicle or vessel which is stored pursuant to
27 subsection (2) and which remains unclaimed, or for which
28 reasonable charges for recovery, towing, or storing remain
29 unpaid or for which a lot rental amount is due and owing to
30 the mobile home park owner, as evidenced by a judgment for
31 unpaid rent, and any contents not released pursuant to

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

1 with the clerk of the circuit court for the county if the
2 owner is absent, and the clerk shall hold such proceeds
3 subject to the claim of the person legally entitled thereto.
4 The clerk shall be entitled to receive 5 percent of such
5 proceeds for the care and disbursement thereof. The
6 certificate of title issued under this law shall be discharged
7 of all liens unless otherwise provided by court order.

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

31

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

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

8 (12)(a) Any person who violates any provision of
9 subsection (1), subsection (2), subsection (4), subsection
10 (5), subsection (6), or subsection (7) is guilty of a
11 misdemeanor of the first degree, punishable as provided in s.
12 775.082 or s. 775.083.

13 (b) Any person who violates the provisions of
14 subsections (8) through (11) is guilty of a felony of the
15 third degree, punishable as provided in s. 775.082, s.
16 775.083, or s. 775.084.

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

23 (d) Employees of the Department of Highway Safety and
24 Motor Vehicles and law enforcement officers may inspect the
25 records of any person who is regularly engaged in the business
26 of recovering, towing, or storing vehicles or vessels or
27 transporting vehicles or vessels by wrecker, tow truck, or car
28 carrier to ensure compliance with the requirements of this
29 section. Any person who fails to maintain records or fails to
30 produce records when required in a reasonable manner and at a
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1 reasonable time commits a misdemeanor of the first degree,
2 punishable as provided in s. 775.082 or s. 775.083.

3 Section 62. Section 715.05, Florida Statutes, is
4 amended to read:

5 715.05 Reporting of unclaimed motor vehicles or
6 vessels.--

7 (1) Whenever any law enforcement agency authorizes the
8 removal of a vehicle or vessel or whenever any towing service,
9 garage, repair shop, marina, or automotive service, storage,
10 or parking place notifies the law enforcement agency of
11 possession of a vehicle or vessel pursuant to s.
12 715.07(2)(a)2., the applicable law enforcement agency shall
13 contact the Department of Highway Safety and Motor Vehicles,
14 or the appropriate agency of the state of registration, if
15 known, within 24 hours through the medium of electronic
16 communications giving the full description of the vehicle or
17 vessel. Upon receipt of the full description of the vehicle
18 or vessel, the department shall search its files to determine
19 the owner's name and whether any person has filed a lien upon
20 the vehicle or vessel as provided in s. 319.27(2) and (3) or
21 s. 328.15(1) and notify the applicable law enforcement agency
22 within 72 hours. The person in charge of the towing service,
23 garage, repair shop, marina, or automotive service, storage,
24 or parking place shall obtain such information from the
25 applicable law enforcement agency within 5 days from the date
26 of storage and shall, by certified mail, return receipt
27 requested, notify the owner and all lienholders of the
28 location of the vehicle or vessel and of the fact that it is
29 unclaimed. Such notice shall be given within 7 days,
30 excluding Saturday and Sunday, from the date of storage and
31 shall be complete upon mailing; however, if the state of

1 registration is unknown, the person in charge of the towing
2 service, garage, repair shop, marina, or automotive service,
3 storage, or parking place shall make a good faith best effort
4 in so notifying the owner and any lienholders, and such notice
5 shall be given within a reasonable period of time from the
6 date of storage.

7 (2) Nothing herein contained shall apply to any
8 licensed public lodging establishment.

9 (3) Failure to make good faith best efforts to comply
10 with the notice requirement of this section or of s.
11 715.07(2)(a)2., as appropriate, shall preclude the imposition
12 of any storage charges against such vehicle or vessel.

13 Section 63. Effective July 1, 2000, subsection (1) of
14 section 715.05, Florida Statutes, as amended by section 318 of
15 chapter 99-248, Laws of Florida, is amended to read:

16 715.05 Reporting of unclaimed motor vehicles.--

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

22 715.07(2)(a)2., the applicable law enforcement agency shall
23 contact the Department of Highway Safety and Motor Vehicles,
24 or the appropriate agency of the state of registration, if
25 known, within 24 hours through the medium of electronic
26 communications giving the full description of the vehicle or
27 vessel. Upon receipt of the full description of the vehicle
28 or vessel, the department shall search its files to determine
29 ~~the owner's name, the name of the insurance company insuring~~
30 ~~the vehicle,~~ and whether any person has filed a lien upon the
31 vehicle or vessel as provided in s. 319.27(2) and (3) or s.

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

18 Section 64. Section 715.07, Florida Statutes, is
19 amended to read:

20 715.07 Vehicles or vessels parked on private property;
21 towing.--

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

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

25 (b) "Vessel" means any watercraft as defined in s.
26 327.02, excluding "documented" vessels.

27 (2) The owner or lessee of real property, or any
28 person authorized by the owner or lessee, which person may be
29 the designated representative of the condominium association
30 if the real property is a condominium, may cause any vehicle
31 or vessel parked on such property without her or his

1 permission to be removed by a person regularly engaged in the
2 business of towing vehicles or vessels, without liability for
3 the costs of removal, transportation, or storage or damages
4 caused by such removal, transportation, or storage, under any
5 of the following circumstances:

6 (a) The towing or removal of any vehicle or vessel
7 from private property without the consent of the registered
8 owner or other legally authorized person in control of that
9 vehicle or vessel is subject to strict compliance with the
10 following conditions and restrictions:

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

25 b. If no towing business providing such service is
26 located within the area of towing limitations set forth in
27 sub-subparagraph a., the following limitations apply: any
28 towed or removed vehicle or vessel must be stored at a site
29 within 20 miles of the point of removal in any county of
30 500,000 population or more, and within 30 miles of the point
31 of removal in any county of less than 500,000 population.

1 2. The person or firm towing or removing the vehicle
2 or vessel shall, within 30 minutes of completion of such
3 towing or removal, notify the municipal police department or,
4 in an unincorporated area, the sheriff of such towing or
5 removal, the storage site, the time the vehicle or vessel was
6 towed or removed, and the make, model, color, and license
7 plate number of the vehicle or the make, model, color, and
8 registration number of the vessel and shall obtain the name of
9 the person at that department to whom such information was
10 reported and note that name on the trip record.

11 3. If the registered owner or other legally authorized
12 person in control of the vehicle or vessel arrives at the
13 scene prior to removal or towing of the vehicle or vessel, the
14 vehicle or vessel shall be disconnected from the towing or
15 removal apparatus, and that person shall be allowed to remove
16 the vehicle without or vessel interference upon the payment of
17 a reasonable service fee of not more than one-half of the
18 posted rate for such towing service as provided in
19 subparagraph 6., for which a receipt shall be given, unless
20 that person refuses to remove the vehicle or vessel which is
21 otherwise unlawfully parked.

22 4. The rebate or payment of money or any other
23 valuable consideration from the individual or firm towing or
24 removing vehicles or vessels to the owners or operators of the
25 premises from which the vehicles or vessels are towed or
26 removed, for the privilege of removing or towing those
27 vehicles or vessels, is prohibited.

28 5. Except for property appurtenant to and obviously a
29 part of a single-family residence, and except for instances
30 when notice is personally given to the owner or other legally
31 authorized person in control of the vehicle or vessel that the

1 area in which that vehicle or vessel is parked is reserved or
2 otherwise unavailable for unauthorized vehicles or vessels and
3 subject to being removed at the owner's or operator's expense,
4 any property owner or lessee, or person authorized by the
5 property owner or lessee, prior to towing or removing any
6 vehicle or vessel from private property without the consent of
7 the owner or other legally authorized person in control of
8 that vehicle or vessel, must post a notice meeting the
9 following requirements:

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

16 b. The notice must clearly indicate, in not less than
17 2-inch high, light-reflective letters on a contrasting
18 background, that unauthorized vehicles or vessels will be
19 towed away at the owner's expense. The words "tow-away zone"
20 must be included on the sign in not less than 4-inch high
21 letters.

22 c. The notice must also provide the name and current
23 telephone number of the person or firm towing or removing the
24 vehicles or vessels, if the property owner, lessee, or person
25 in control of the property has a written contract with the
26 towing company.

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

3 e. The local government may require permitting and
4 inspection of these signs prior to any towing or removal of
5 vehicles or vessels being authorized.

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

12

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

21 6. Any person or firm that tows or removes vehicles or
22 vessels and proposes to require an owner, operator, or person
23 in control of a vehicle or vessel to pay the costs of towing
24 and storage prior to redemption of the vehicle or vessel must
25 file and keep on record with the local law enforcement agency
26 a complete copy of the current rates to be charged for such
27 services and post at the storage site an identical rate
28 schedule and any written contracts with property owners,
29 lessees, or persons in control of property which authorize
30 such person or firm to remove vehicles or vessels as provided
31 in this section.

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

12 8. Vehicle entry for the purpose of removing the
13 vehicle or vessel shall be allowed with reasonable care on the
14 part of the person or firm towing the vehicle or vessel. Such
15 person or firm shall be liable for any damage occasioned to
16 the vehicle or vessel if such entry is not in accordance with
17 the standard of reasonable care.

18 9. When a vehicle or vessel has been towed or removed
19 pursuant to this section, it must be released to its owner or
20 custodian within 1 ~~one~~ hour after requested. Any vehicle or
21 vessel owner, custodian, or agent shall have the right to
22 inspect the vehicle or vessel before accepting its return, and
23 no release or waiver of any kind which would release the
24 person or firm towing the vehicle or vessel from liability for
25 damages noted by the owner or other legally authorized person
26 at the time of the redemption may be required from any vehicle
27 or vessel owner, custodian, or agent as a condition of release
28 of the vehicle or vessel to its owner. A detailed, signed
29 receipt showing the legal name of the company or person towing
30 or removing the vehicle or vessel must be given to the person
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1 paying towing or storage charges at the time of payment,
2 whether requested or not.

3 (b) These requirements shall be the minimum standards
4 and shall not preclude enactment of additional regulations by
5 any municipality or county including the right to regulate
6 rates when vehicles or vessels are towed from private
7 property.

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

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

18 (5)(a) Any person who violates the provisions of
19 subparagraph (2)(a)2. or subparagraph (2)(a)6. is guilty of a
20 misdemeanor of the first degree, punishable as provided in s.
21 775.082 or s. 775.083.

22 (b) Any person who violates the provisions of
23 subparagraph (2)(a)7. is guilty of a felony of the third
24 degree, punishable as provided in s. 775.082, s. 775.083, or
25 s. 775.084.

26 Section 65. Used motor vehicle industry study.--

27 (1) USED MOTOR VEHICLE INDUSTRY TASK FORCE.--The Used
28 Motor Vehicle Industry Task Force is created within the
29 Department of Highway Safety and Motor Vehicles. The task
30 force is charged with examining and evaluating the used motor
31 vehicle industry, including, without limitation, the licensing

1 of dealers and the enforcement of dealer regulations, and
2 analyzing the structure and manner in which the department
3 carries out its regulatory purpose.

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

5 (a) The task force shall be composed of 12 members.

6 The Governor, the President of the Senate, and the Speaker of
7 the House of Representatives shall each appoint four members.

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

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

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

26 (3) PER DIEM, TRAVEL, AND STAFFING.--Members of the
27 task force from the private sector are not entitled to per
28 diem or reimbursement for travel expenses, but members of the
29 task force from the public sector are entitled to
30 reimbursement, if any, from their agency. Members of the task

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1 force may request assistance from the Department of Highway
2 Safety and Motor Vehicles as necessary.

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

13 (a) Conduct meetings, hearings, and workshops in
14 Tallahassee and at other locations around the state, and may
15 take evidence, testimony, and argument at the meetings,
16 hearings, and workshops from state agencies and consumer
17 organizations.

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

26 (c) Assess the roles of the Department of Highway
27 Safety and Motor Vehicles and County Tax Collectors regarding
28 the motor vehicle industry.

29
30 Upon completing its review, assessment, and evaluation of
31 motor vehicle license requirements and enforcement of statutes

1 and rules in the state, the task force may meet further to
2 consider its accomplishments in order that the committee may
3 compile its findings into legislative recommendations.

4 (5) INTERIM AND FINAL REPORT; TERMINATION OF TASK
5 FORCE.--By January 31, 2001, the task force shall submit its
6 interim findings and recommendations in the form of a written
7 report to the Governor, the President of the Senate, and the
8 Speaker of the House of Representatives. The task force shall
9 make the final report of its findings and recommendations,
10 which may include proposed legislation, to the Governor, the
11 President of the Senate, and the Speaker of the House of
12 Representatives March 1, 2001, at which time the task force
13 shall cease to exist.

14 Section 66. Except as otherwise provided in this act,
15 this act shall take effect upon becoming a law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 SB 1866

4 This Committee Substitute (CS) implements the following
5 changes:

6 1. Provides for an allowable exception to the use of a school
7 bus and the use of minivans in transporting students.

8 2. Allows the court to dismiss the order of impoundment or
9 immobilization for vehicles registered in the owner's name,
10 but used for a business and operated by employees. Addresses
11 instances where the individual charged with repeat DUI is a
12 small business owner who has registered company vehicles in
13 his name.

14 3. Removes the term "waterways" from the definition for
15 "road" contained in the bill.

16 4. Provides golf carts may not be operated on a public road
17 by a person under the age of 14. Requires retirement
18 communities to adhere to night-time golf cart safety
19 requirements.

20 5. Provides vehicles transporting logs, long pulpwood, poles,
21 or posts which extend more than four feet beyond the rear of
22 the vehicle must have an amber strobe light attached to the
23 end of the projection.

24 6. Provides boat trailers whose design requires a front to
25 back stacking method are included within the existing
26 exception to the length limitations.

27 7. Provides cables and other devices meeting specified
28 federal safety requirements may be used in the towing of
29 certain vehicles.

30 8. Provides vehicles returned due to a "failed sale" may be
31 sold as new provided a disclosure is made that the vehicle was
delivered to a prior customer.

9. Provides a lien on a motor vehicle for a child support is
not enforceable against subsequent purchasers unless certain
conditions are met.

10. Provides a driver's license or identification number must
be provided in connection with an application for vehicle
registration.

11. Deletes requirements relating to the retention of
documents and authorizes DHSMV to utilize electronic records.

12. Provides that for the registration transactions handled
by DHSMV, the \$2.50 registration service charge is to be
deposited into the Highway Safety Operating Trust Fund rather
than General Revenue.

13. Codifies Rule 15C-7.002(5) and adds two additional items
(i) and (j) which will be recognized as reasonable indicia of

- 1 ownership for used motor vehicles.
- 2 14. Clarifies that a motor vehicle manufacturer, importer or
3 distributor (licensee) may not have any interest in a
4 dealership and may not be issued a motor vehicle dealer
5 license. A licensee may temporarily operate a dealership for
6 the exclusive purpose of broadening the diversity of its
7 dealer body. Exempts dealership owned, controlled, or operated
8 by a licensee on July 1, 2000.
- 9 15. Provides a replacement application for unfair
10 cancellation of a dealer agreement may not be granted until
11 all appellate remedies have been exhausted. In an action for
12 discontinuation, cancellation, nonrenewal, or replacement of a
13 dealer franchise agreement, the licensee has the burden for
14 proving the action is fair and not prohibited. Provides
15 standards for determining when an agreement is unfair.
16 Provides that an association of motor vehicle dealers,
17 licensee, or licensee association are authorized to seek an
18 injunction for certain violations of licensing requirements.
- 19 16. Deletes the provision in the bill relating to the
20 advertising of motor vehicles via the Internet.
- 21 17. Provides that within 7 days of the storage of a vehicle
22 or vessel, notice must be sent to the registered owner and any
23 person claiming a lien against the vehicle or vessel after a
24 good faith effort at the most current known address even if
25 different from that provided by DHSMV.
- 26 18. Provides DHSMV is no longer required to provide the name
27 of the insurance company to the appropriate law enforcement
28 agency when a vehicle or vessel is towed.
- 29 19. Redesignates the Motor Vehicle Industry Task Force as the
30 Used Motor Vehicle Industry Task Force.
- 31