

By Representative Kyle

1 A bill to be entitled
2 An act relating to the Department of Highway
3 Safety and Motor Vehicles; amending s. 316.003,
4 F.S.; redefining the term "motor vehicle";
5 amending s. 316.2065, F.S.; revising language
6 with respect to bicycle regulations; amending
7 s. 316.2954, F.S.; revising language with
8 respect to restrictions on sunscreening
9 material on a motor vehicle; providing
10 applicability; providing a penalty; amending s.
11 316.605, F.S.; prohibiting the placement of
12 materials on a license plate under certain
13 circumstances; amending s. 316.613, F.S.;
14 authorizing the department to expend funds for
15 the purchase of promotional items and education
16 campaigns with respect to child restraint
17 requirements; amending s. 319.001, F.S.;
18 providing definitions; amending s. 319.14,
19 F.S.; revising language with respect to the
20 sale of certain nonconforming vehicles;
21 revising language with respect to certain
22 rebuilt vehicles; providing a penalty for
23 removal of certain decals; amending s. 319.27,
24 F.S.; revising language with respect to
25 constructive notice for liens on certain motor
26 vehicles or mobile homes; amending s. 319.30,
27 F.S.; redefining the terms "major component
28 parts" and "major part"; revising language with
29 respect to salvage certificates of title;
30 amending s. 319.32, F.S.; providing reference
31 to assembled-from-parts vehicles with respect

1 to certain applications for certificate of
2 title; amending s. 320.055, F.S.; revising
3 language with respect to registration periods
4 for certain apportioned registration; amending
5 s. 320.07, F.S.; providing for the time period
6 for the application of a delinquent fee with
7 respect to the expiration of registration;
8 amending s. 320.083, F.S.; revising language
9 with respect to the special license plates for
10 amateur radio operators; amending s. 320.089,
11 F.S.; revising language with respect to special
12 license plates issued to members of the
13 National Guard and active United States Armed
14 Forces reservists, former prisoners of war,
15 survivors of Pearl Harbor, and Purple Heart
16 medal recipients; amending s. 320.18, F.S.;
17 authorizing the department to suspend certain
18 motor vehicle registrations and driver licenses
19 for persons who pay for certain license plates,
20 decals, tax liabilities, penalties, or interest
21 by a dishonored check; amending s. 320.27,
22 F.S.; providing language with respect to
23 supplemental licenses for motor vehicle dealers
24 authorizing off-premises sales; amending s.
25 320.77, F.S.; providing language with respect
26 to supplemental licenses for mobile home
27 dealers authorizing off-premises sales;
28 amending s. 320.771, F.S.; providing language
29 with respect to supplemental licenses for
30 recreational vehicle dealers authorizing
31 off-premises sales; amending s. 322.01, F.S.;

1 redefining the term "motor vehicle"; amending
2 s. 322.22, F.S.; providing for license
3 cancellation with respect to certain
4 transactions which are paid for by a dishonored
5 check; amending s. 322.051, F.S.; revising
6 language with respect to identification cards;
7 amending s. 322.08, F.S.; revising language
8 with respect to application for license;
9 amending s. 322.161, F.S.; increasing the point
10 requirement for restricting certain high-risk
11 drivers; amending s. 322.271, F.S.; requiring
12 proof of enrollment in a department-approved
13 basic driver improvement or traffic law and
14 substance abuse education course prior to
15 certain driver license reinstatements; amending
16 s. 322.291, F.S.; conforming to the act with
17 respect to certain DUI programs prior to
18 license reinstatement; amending s. 713.78,
19 F.S.; revising language with respect to a
20 certificate of destruction authorizing the
21 dismantling or destruction of a vehicle or
22 vessel; authorizing employees of the department
23 to inspect records; providing penalties for
24 failure to maintain certain records; amending
25 s. 715.05, F.S.; revising language with respect
26 to the reporting of unclaimed motor vehicles;
27 including reference to vessels; providing
28 penalties with respect to certain violations
29 regarding vessels; amending s. 715.07, F.S.;
30 including reference to vessels as well as
31 vehicles which are parked or located on private

1 property; amending s. 213.053, F.S.;
2 authorizing the Department of Revenue to
3 provide certain information to the department
4 for certain purposes; amending ss. 316.251 and
5 325.203, F.S.; correcting cross references;
6 providing effective dates.
7

8 Be It Enacted by the Legislature of the State of Florida:
9

10 Section 1. Subsection (21) of section 316.003, Florida
11 Statutes, is amended to read:

12 316.003 Definitions.--The following words and phrases,
13 when used in this chapter, shall have the meanings
14 respectively ascribed to them in this section, except where
15 the context otherwise requires:

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

19 Section 2. Paragraph (d) of subsection (3) of section
20 316.2065, Florida Statutes, is amended to read:

21 316.2065 Bicycle regulations.--

22 (3)

23 (d) A bicycle rider or passenger who is under 16 years
24 of age must wear a bicycle helmet that is properly fitted and
25 is fastened securely upon the passenger's head by a strap, and
26 that meets the federal Safety Standard for Bicycle Helmets;
27 Final Rule, 16 C.F.R. part 1203 standards of the American
28 National Standards Institute (ANSI Z 90.4 Bicycle Helmet
29 Standards), the standards of the Snell Memorial Foundation
30 (1984 Standard for Protective Headgear for Use in Bicycling),
31 or any other nationally recognized standards for bicycle

1 ~~helmets adopted by the department.~~ As used in this subsection,
2 the term "passenger" includes a child who is riding in a
3 trailer or semitrailer attached to a bicycle. Helmets
4 purchased prior to October 1, 2000, and meeting the standards
5 of the American National Standards Institute (ANSI Z 90.4
6 Bicycle Helmet Standards), the standards of the Snell Memorial
7 Foundation (1984 Standard for Protective Headgear for Use in
8 Bicycling), or any other nationally recognized standards for
9 bicycle helmets adopted by the department may continue to be
10 worn by riders or passengers until March 9, 2009. This
11 exception for helmets purchased prior to October 1, 2000, is
12 repealed March 9, 2009.

13 Section 3. Effective July 1, 2001, paragraph (a) of
14 subsection (1) of section 316.2954, Florida Statutes, is
15 amended, and paragraph (e) is added to said subsection, to
16 read:

17 316.2954 Windows behind the driver; restrictions on
18 sunscreening material.--

19 (1) A person shall not operate any motor vehicle on
20 any public highway, road, or street on which vehicle any
21 windows behind the driver are composed of, covered by, or
22 treated with any suncreening material, or other product or
23 material which has the effect of making the window
24 nontransparent or which would alter the window's color,
25 increase its reflectivity, or reduce its light transmittance,
26 except as specified below:

27 (a) Sunscreening material consisting of film which,
28 when applied to and tested on the rear window glass of the
29 specific motor vehicle, has a total solar reflectance of
30 visible light of not more than 25 ~~35~~ percent as measured on
31 the nonfilm side and a light transmittance of at least 28 ~~15~~

1 percent in the visible light range; however, suncreening
2 material which, when applied to and tested on the rear window
3 glass of the specific motor vehicle, has a total solar
4 reflectance of visible light of not more than 25 ~~35~~ percent as
5 measured on the nonfilm side and a light transmittance of at
6 least 10 ~~6~~ percent in the visible light range may be used on
7 multipurpose passenger vehicles and law enforcement vehicles.

8 (e) This section shall apply to the windows of all
9 motor vehicles, multipurpose passenger vehicles, and law
10 enforcement vehicles manufactured on or after July 1, 2001.

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 4. Subsection (1) of section 316.605, Florida
15 Statutes, is amended to read:

16 316.605 Licensing of vehicles.--

17 (1) Every vehicle, at all times while driven, stopped,
18 or parked upon any highways, roads, or streets of this state,
19 shall be licensed in the name of the owner thereof in
20 accordance with the laws of this state unless such vehicle is
21 not required by the laws of this state to be licensed in this
22 state and shall, except as otherwise provided in s. 320.0706
23 for front-end registration license plates on truck tractors,
24 display the license plate or both of the license plates
25 assigned to it by the state, one on the rear and, if two, the
26 other on the front of the vehicle, each to be securely
27 fastened to the vehicle outside the main body of the vehicle
28 in such manner as to prevent the plates from swinging, with
29 all letters, numerals, printing, writing, and other
30 identification marks upon the plates clear and distinct and
31 free from defacement, mutilation, grease, and other obscuring

1 matter, so that they will be plainly visible and legible at
2 all times 100 feet from the rear or front. No object,
3 material, or covering that obscures any of the letters,
4 numerals, or other identification marks of a license plate
5 shall be placed, displayed, installed, affixed, or applied
6 upon the license plate. Nothing shall be placed upon the face
7 of a Florida plate except as permitted by law or by rule or
8 regulation of a governmental agency. No license plates other
9 than those furnished by the state shall be used. However, if
10 the vehicle is not required to be licensed in this state, the
11 license plates on such vehicle issued by another state, by a
12 territory, possession, or district of the United States, or by
13 a foreign country, substantially complying with the provisions
14 hereof, shall be considered as complying with this chapter. A
15 violation of this subsection is a noncriminal traffic
16 infraction, punishable as a nonmoving violation as provided in
17 chapter 318.

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

20 316.613 Child restraint requirements.--

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

27 (b) The department may authorize the expenditure of
28 funds for the purchase of promotional items as part of the
29 public information and education campaigns in carrying out the
30 directives of this subsection and ss. 316.614(7) and 322.025.

31

1 Section 6. Section 319.001, Florida Statutes, is
2 amended to read:
3 319.001 Definitions.--As used in this chapter, the
4 term:
5 (1) "Department" means the Department of Highway
6 Safety and Motor Vehicles.
7 (2) "Front-end assembly" means fenders, hood, grill,
8 and bumper.
9 (3)~~(2)~~ "Licensed dealer," unless otherwise
10 specifically provided, means a motor vehicle dealer licensed
11 under s. 320.27, a mobile home dealer licensed under s.
12 320.77, or a recreational vehicle dealer licensed under s.
13 320.771.
14 (4) "Motorcycle body assembly" means frame, fenders,
15 and gas tanks.
16 (5) "Motorcycle engine" means cylinder block, heads,
17 engine case, and crank case.
18 (6) "Motorcycle transmission" means drive train.
19 (7)~~(3)~~ "New mobile home" means a mobile home the
20 equitable or legal title to which has never been transferred
21 by a manufacturer, distributor, importer, or dealer to an
22 ultimate purchaser.
23 (8)~~(4)~~ "New motor vehicle" means a motor vehicle 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 (9) "Rear body section" means both quarter panels,
28 decklid, bumper, and floor pan.
29 (10)~~(5)~~ "Satisfaction of lien" means full payment of a
30 debt or release of a debtor from a lien by the lienholder.
31

1 (11)~~(6)~~ "Used motor vehicle" means any motor vehicle
2 that is not a "new motor vehicle" as defined in subsection
3 (8)~~(4)~~.

4 Section 7. Section 319.14, Florida Statutes, is
5 amended to read:

6 319.14 Sale of motor vehicles registered or used as
7 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
8 and nonconforming vehicles.--

9 (1)(a) No person shall knowingly offer for sale, sell,
10 or exchange any vehicle that has been licensed, registered, or
11 used as a taxicab, police vehicle, or short-term-lease
12 vehicle, or a vehicle that has been repurchased by a
13 manufacturer pursuant to a settlement, determination, or
14 decision under chapter 681, until the department has stamped
15 in a conspicuous place on the certificate of title of the
16 vehicle, or its duplicate, words stating the nature of the
17 previous use of the vehicle or the title has been stamped
18 "Manufacturer's Buy Back" to reflect that the vehicle is a
19 nonconforming vehicle. If the certificate of title or
20 duplicate was not so stamped upon initial issuance thereof or
21 if, subsequent to initial issuance of the title, the use of
22 the vehicle is changed to a use requiring the notation
23 provided for in this section, the owner or lienholder of the
24 vehicle shall surrender the certificate of title or duplicate
25 to the department prior to offering the vehicle for sale, and
26 the department shall stamp the certificate or duplicate as
27 required herein. When a vehicle has been repurchased by a
28 manufacturer pursuant to a settlement, determination, or
29 decision under chapter 681, the title shall be stamped
30 "Manufacturer's Buy Back" to reflect that the vehicle is a
31 nonconforming vehicle.

1 (b) No person shall knowingly offer for sale, sell, or
2 exchange a rebuilt vehicle until the department has stamped in
3 a conspicuous place on the certificate of title for the
4 vehicle words stating that the vehicle has been rebuilt, or
5 assembled from parts, ~~or combined~~, or is a kit car, glider
6 kit, replica, or flood vehicle unless proper application for a
7 certificate of title for a vehicle that is rebuilt, or
8 assembled from parts, ~~or combined~~, or is a kit car, glider
9 kit, replica, or flood vehicle has been made to the department
10 in accordance with this chapter and the department has
11 conducted the physical examination of the vehicle to assure
12 the identity of the vehicle and all major component parts, as
13 defined in s. 319.30(1)(e), which have been repaired or
14 replaced. Thereafter, the department shall affix a decal to
15 the vehicle, in the manner prescribed by the department,
16 showing the vehicle to be rebuilt.

17 (c) As used in this section:

18 1. "Police vehicle" means a motor vehicle owned or
19 leased by the state or a county or municipality and used in
20 law enforcement.

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

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

28 c. "Lease vehicle" includes both short-term-lease
29 vehicles and long-term-lease vehicles.

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

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

7 ~~5. "Combined" means assembled by combining two motor~~
8 ~~vehicles neither of which has been titled and branded as~~
9 ~~"Salvage Unrebuildable."~~

10 ~~5.6.~~ "Kit car" means a motor vehicle assembled with a
11 kit supplied by a manufacturer to rebuild a wrecked or
12 outdated motor vehicle with a new body kit.

13 ~~6.7.~~ "Glider kit" means a vehicle assembled with a kit
14 supplied by a manufacturer to rebuild a wrecked or outdated
15 truck or truck tractor.

16 ~~7.8.~~ "Replica" means a complete new motor vehicle
17 manufactured to look like an old vehicle.

18 ~~8.9.~~ "Flood vehicle" means a motor vehicle or mobile
19 home that has been declared to be a total loss pursuant to s.
20 319.30(3)(a) resulting from damage caused by water.

21 ~~9.10.~~ "Nonconforming vehicle" means a motor vehicle
22 which has been purchased by a manufacturer pursuant to a
23 settlement, determination, or decision under chapter 681.

24 ~~10.11.~~ "Settlement" means an agreement entered into
25 between a manufacturer and a consumer that occurs after a
26 dispute is submitted to a program, or an informal dispute
27 settlement procedure established by a manufacturer or is
28 approved for arbitration before the New Motor Vehicle
29 Arbitration Board as defined in s. 681.102.

30 (2) No person shall knowingly sell, exchange, or
31 transfer a vehicle referred to in subsection (1) without,

1 prior to consummating the sale, exchange, or transfer,
2 disclosing in writing to the purchaser, customer, or
3 transferee the fact that the vehicle has previously been
4 titled, registered, or used as a taxicab, police vehicle, or
5 short-term-lease vehicle or is a vehicle that is rebuilt, or
6 assembled from parts, ~~or combined~~, or is a kit car, glider
7 kit, replica, or flood vehicle, or is a nonconforming vehicle,
8 as the case may be.

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

24 (4) When a certificate of title, including a foreign
25 certificate, is branded to reflect a condition or prior use of
26 the titled vehicle, the brand must be noted on the
27 registration certificate of the vehicle and such brand shall
28 be carried forward on all subsequent certificates of title and
29 registration certificates issued for the life of the vehicle.

30 (5) Any person who knowingly sells, exchanges, or
31 offers to sell or exchange a motor vehicle or mobile home

1 contrary to the provisions of this section or any officer,
2 agent, or employee of a person who knowingly authorizes,
3 directs, aids in, or consents to the sale, exchange, or offer
4 to sell or exchange a motor vehicle or mobile home contrary to
5 the provisions of this section commits ~~is guilty of~~ a
6 misdemeanor of the second degree, punishable as provided in s.
7 775.082 or s. 775.083.

8 (6) Any person who removes a rebuilt decal from a
9 rebuilt vehicle with the intent to conceal the rebuilt status
10 of the vehicle commits a felony of the third degree,
11 punishable as provided in s. 775.082, s. 775.083, or s.
12 775.084.

13 (7)~~(6)~~ This section applies to a mobile home, travel
14 trailer, camping trailer, truck camper, or fifth-wheel
15 recreation trailer only when such mobile home or vehicle is a
16 rebuilt vehicle or is assembled from parts.

17 (8)~~(7)~~ No person shall be liable or accountable in any
18 civil action arising out of a violation of this section if the
19 designation of the previous use or condition of the motor
20 vehicle is not noted on the certificate of title and
21 registration certificate of the vehicle which was received by,
22 or delivered to, such person, unless such person has actively
23 concealed the prior use or condition of the vehicle from the
24 purchaser.

25 (9)~~(8)~~ Subsections (1), (2), and (3) do not apply to
26 the transfer of ownership of a motor vehicle after the motor
27 vehicle has ceased to be used as a lease vehicle and the
28 ownership has been transferred to an owner for private use or
29 to the transfer of ownership of a nonconforming vehicle with
30 36,000 or more miles on its odometer, or 34 months whichever
31 is later and the ownership has been transferred to an owner

1 for private use. Such owner, as shown on the title
2 certificate, may request the department to issue a corrected
3 certificate of title that does not contain the statement of
4 the previous use of the vehicle as a lease vehicle or
5 condition as a nonconforming vehicle.

6 Section 8. Subsection (4) of section 319.27, Florida
7 Statutes, is amended to read:

8 319.27 Notice of lien on motor vehicles or mobile
9 homes; notation on certificate; recording of lien.--

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

- 23 1. ~~The date of the lien;~~
- 24 2. ~~The name and address of the registered owner;~~
- 25 3. ~~A description of the motor vehicle or mobile home,~~
26 ~~showing the make, type, and vehicle identification number; and~~
- 27 4. ~~The name and address of the lienholder.~~

28
29 ~~Upon the filing of such notice of lien and the payment of the~~
30 ~~fee provided in s. 319.32, the lien shall be recorded in the~~
31 ~~department.~~

1 ~~(b)~~ When a Florida certificate of title is first
2 issued on a motor vehicle or mobile home previously titled or
3 registered outside this state, the department shall note on
4 the Florida certificate of title the following liens:
5 1. Any lien shown on the application for Florida
6 certificate of title; and
7 ~~2. Any lien filed in the department in accordance with~~
8 ~~paragraph (a); and~~
9 ~~2.3.~~ Any lien shown on the existing certificate of
10 title issued by another state.
11 ~~(b)(c)~~ When a Florida certificate of title has been
12 issued on a motor vehicle or mobile home previously titled or
13 registered outside this state, liens valid in and registered
14 under the law of the state wherein such liens were created are
15 not valid in this state unless filed and noted upon the
16 certificate of title under the provisions of this section.
17 Section 9. Paragraphs (e) and (f) of subsection (1)
18 and paragraph (b) of subsection (3) of section 319.30, Florida
19 Statutes, are amended to read:
20 319.30 Definitions; dismantling, destruction, change
21 of identity of motor vehicle or mobile home; salvage.--
22 (1) As used in this section, the term:
23 (e) "Major component parts" means:
24 1. For motor vehicles other than motorcycles, the
25 front-end assembly, fenders, hood, grill, bumper, cowl
26 assembly, rear body section, both quarter panels, decklid,
27 bumper, floor pan, door assemblies, engine, frame,
28 transmission, dashboard, hard-top roof, sunroof, T-top,
29 airbag, wheels, windshield, and interior.
30 2. For trucks, in addition to those parts listed in
31 subparagraph 1., the truck bed.

1 3. For motorcycles, the body assembly, frame, fenders,
2 gas tanks, engine, cylinder block, heads, engine case, crank
3 case, transmission, drive train, front fork assembly, and
4 wheels.

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

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

13 (3)

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

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

20 Section 10. Subsection (1) of section 319.32, Florida
21 Statutes, is amended to read:

22 319.32 Fees; service charges; disposition.--

23 (1) The department shall charge a fee of \$24 for each
24 original certificate of title except for a certificate of
25 title for a motor vehicle for hire registered under s.
26 320.08(6), for which the title fee shall be \$3, \$24 for each
27 duplicate copy of a certificate of title except for a
28 certificate of title for a motor vehicle for hire registered
29 under s. 320.08(6), for which the title fee shall be \$3, \$2
30 for each salvage certificate of title, and \$3 for each
31 assignment by a lienholder. It shall also charge a fee of \$2

1 for noting a lien on a title certificate, which fee shall
2 include the services for the subsequent issuance of a
3 corrected certificate or cancellation of lien when that lien
4 is satisfied. If an application for a certificate of title is
5 for a rebuilt vehicle or an assembled-from-parts vehicle, the
6 department shall charge an additional fee of \$40 for
7 conducting a physical examination of the vehicle to assure its
8 identity. In addition to all other fees charged, a sum of \$1
9 shall be paid for the issuance of an original or duplicate
10 certificate of title to cover the cost of materials used for
11 security purposes.

12 Section 11. Subsection (5) of section 320.055, Florida
13 Statutes, is amended to read:

14 320.055 Registration periods; renewal periods.--The
15 following registration periods and renewal periods are
16 established:

17 (5) For a vehicle subject to apportioned registration
18 under s. 320.08(4), (5)(a)1., (e), (6)(b), or (14), the
19 registration period shall be a period of 12 months beginning
20 in a month designated by the department and ending on the last
21 day of the 12th month. For a vehicle subject to this
22 registration period, the renewal period is the last month of
23 the registration period. The registration period may be
24 shortened or extended at the discretion of the department, on
25 receipt of the appropriate prorated fees, in order to evenly
26 distribute such registrations on a monthly basis. For vehicles
27 subject to registration other than apportioned under s.
28 320.08(4), (5)(a)1., (6)(b), or (14), the registration period
29 begins on December 1 of a year and ends November 30 of the
30 following year. The renewal period is the 31-day period
31 beginning December 1.

1 Section 12. Paragraph (a) of subsection (4) of section
2 320.07, Florida Statutes, is amended to read:

3 320.07 Expiration of registration; annual renewal
4 required; penalties.--

5 (4)(a) In addition to a penalty provided in subsection
6 (3), a delinquent fee based on the following schedule of
7 license taxes shall be imposed on any applicant who fails to
8 renew a registration prior to the end of the month in which
9 renewal registration is due. The delinquent fee shall be
10 applied beginning at 12:01 a.m. on the day immediately

11 following the expiration of the registration period ~~on the~~
12 ~~fifth calendar day of the month succeeding the renewal period.~~

13 The delinquent fee shall not apply to those vehicles which
14 have not been required to be registered during the preceding
15 registration period or as provided in s. 320.18(2). The
16 delinquent fee shall be imposed as follows:

17 1. License tax of \$5 but not more than \$25: \$5 flat.

18 2. License tax over \$25 but not more than \$50: \$10
19 flat.

20 3. License tax over \$50 but not more than \$100: \$15
21 flat.

22 4. License tax over \$100 but not more than \$400: \$50
23 flat.

24 5. License tax over \$400 but not more than \$600: \$100
25 flat.

26 6. License tax over \$600 and up: \$250 flat.

27 Section 13. Subsection (1) of section 320.083, Florida
28 Statutes, is amended to read:

29 320.083 Amateur radio operators; special license
30 plates; fees.--

31

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

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

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

16 Section 14. Subsections (2) and (3) of section
17 320.089, Florida Statutes, are amended to read:

18 320.089 Members of National Guard and active United
19 States Armed Forces reservists; former prisoners of war;
20 survivors of Pearl Harbor; Purple Heart medal recipients;
21 special license plates; fee.--

22 (2) Each owner or lessee of an automobile or a truck
23 for private use, ~~truck weighing not more than 5,000 pounds~~, or
24 a recreational vehicle as specified in s. 320.08(9)(c) or (d),
25 which is not used for hire or commercial use, who is a
26 resident of the state and who is a former prisoner of war, or
27 their unremarried surviving spouse, shall, upon application
28 therefor to the department, be issued a license plate as
29 provided in s. 320.06, on which license plate are stamped the
30 words "Ex-POW" followed by the serial number. Each application
31

1 shall be accompanied by proof that the applicant meets the
2 qualifications specified in paragraph (a) or paragraph (b).
3 (a) A citizen of the United States who served as a
4 member of the Armed Forces of the United States or the armed
5 forces of a nation allied with the United States who was held
6 as a prisoner of war at such time as the Armed Forces of the
7 United States were engaged in combat, or their unremarried
8 surviving spouse, may be issued the special license plate
9 provided for in this subsection without payment of the license
10 tax imposed by s. 320.08.
11 (b) A person who was serving as a civilian with the
12 consent of the United States Government, or a person who was a
13 member of the Armed Forces of the United States who was not a
14 United States citizen and was held as a prisoner of war when
15 the Armed Forces of the United States were engaged in combat,
16 or their unremarried surviving spouse, may be issued the
17 special license plate provided for in this subsection upon
18 payment of the license tax imposed by s. 320.08.
19 (3) Each owner or lessee of an automobile or a truck
20 for private use, ~~truck weighing not more than 5,000 pounds,~~ or
21 a recreational vehicle as specified in s. 320.08(9)(c) or (d),
22 which is not used for hire or commercial use, who is a
23 resident of this state and who is the unremarried surviving
24 spouse of a recipient of the Purple Heart medal shall, upon
25 application therefor to the department, with the payment of
26 the required fees, be issued a license plate as provided in s.
27 320.06, on which license plate are stamped the words "Purple
28 Heart" and the likeness of the Purple Heart medal followed by
29 the serial number. Each application shall be accompanied by
30 proof that the applicant is the unremarried surviving spouse
31 of a recipient of the Purple Heart medal.

1 Section 15. Subsection (1) of section 320.18, Florida
2 Statutes, is amended to read:

3 320.18 Withholding registration.--

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

27 Section 16. Subsection (5) of section 320.27, Florida
28 Statutes, is amended to read:

29 320.27 Motor vehicle dealers.--

30 (5) SUPPLEMENTAL LICENSE.--Any person licensed
31 hereunder shall obtain a supplemental license for each

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

19 Section 17. Subsection (7) of section 320.77, Florida
20 Statutes, is amended to read:

21 320.77 License required of mobile home dealers.--

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

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

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

16 320.771 License required of recreational vehicle
17 dealers.--

18 (7) SUPPLEMENTAL LICENSE.--Any person licensed
19 pursuant to this section shall be entitled to operate one or
20 more additional places of business under a supplemental
21 license for each such business if the ownership of each
22 business is identical to that of the principal business for
23 which the original license is issued. Each supplemental
24 license shall run concurrently with the original license and
25 shall be issued upon application by the licensee on a form to
26 be furnished by the department and payment of a fee of \$50 for
27 each such license. Only one licensed dealer shall operate at
28 the same place of business. A supplemental license
29 authorizing off-premises sales shall be issued, at no charge
30 to the dealer, for a period not to exceed 10 consecutive
31 calendar days. To obtain such a temporary supplemental license

1 for off-premises sales, the applicant must be a licensed
2 dealer; must notify the applicable local department office of
3 the specific dates and locations for which such license is
4 requested, display a sign at the licensed location clearly
5 identifying the dealer, and provide staff to work at the
6 temporary location for the entire duration of the off-premises
7 sale; must meet any local government permitting requirements;
8 and must have permission of the property owner to sell at that
9 location.

10 Section 19. Subsection (26) of section 322.01, Florida
11 Statutes, is amended to read:

12 322.01 Definitions.--As used in this chapter:

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

18 Section 20. Subsection (1) of section 322.22, Florida
19 Statutes, is amended to read:

20 322.22 Authority of department to cancel license.--

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

1 license or pays any administrative, delinquency, or
2 reinstatement fee by a dishonored check. The department may
3 cancel all motor vehicle registrations of any person who pays
4 any administrative, delinquency, or reinstatement fee by a
5 dishonored check, said cancellations to continue until the
6 administrative, delinquency, or reinstatement fee, as the case
7 may be, and all applicable penalties, service charges, and
8 reinstatement fees have been paid for in certified funds.

9 Section 21. Paragraph (a) of subsection (1) of section
10 322.051, Florida Statutes, is amended to read:

11 322.051 Identification cards.--

12 (1) Any person who is 12 years of age or older, or any
13 person who has a disability, regardless of age, who applies
14 for a disabled parking permit under s. 320.0848, may be issued
15 an identification card by the department upon completion of an
16 application and payment of an application fee.

17 (a) Each such application shall include the following
18 information regarding the applicant:

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

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

23 3. Proof of identity satisfactory to the department.

24 Such proof shall include one of the following, unless a driver
25 license record or identification card record has already been
26 established, including one of the following: a certified copy
27 of a United States birth certificate, a valid United States
28 passport, an alien registration receipt card (green card), an
29 employment authorization card issued by the United States
30 Department of Justice, or proof of nonimmigrant classification

31

1 provided by the United States Department of Justice, for an
2 original identification card.

3 Section 22. Paragraph (c) of subsection (2) of section
4 322.08, Florida Statutes, is amended to read:

5 322.08 Application for license.--

6 (2) Each such application shall include the following
7 information regarding the applicant:

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

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

18 Section 23. Paragraph (a) of subsection (1) of section
19 322.161, Florida Statutes, is amended to read:

20 322.161 High-risk drivers; restricted licenses.--

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

27 Section 24. Paragraph (a) of subsection (2) of section
28 322.271, Florida Statutes, is amended to read:

29 322.271 Authority to modify revocation, cancellation,
30 or suspension order.--

31

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

1 course.If such person fails to complete the approved course
2 within 90 days after reinstatement or subsequently fails to
3 complete treatment, if applicable, the department shall cancel
4 his or her driver's license until the course and treatment, if
5 applicable, is successfully completed, notwithstanding the
6 terms of the court order or any suspension or revocation of
7 the driving privilege. The department may temporarily
8 reinstate the driving privilege on a restricted basis upon
9 verification from the DUI program that the offender has
10 reentered and is currently participating in treatment and has
11 completed the DUI education course and evaluation requirement.
12 If the DUI program notifies the department of the second
13 failure to complete treatment, the department shall reinstate
14 the driving privilege only after notice of completion of
15 treatment from the DUI program. The privilege of driving on a
16 limited or restricted basis for business or employment use
17 shall not be granted to a person who has been convicted of a
18 violation of s. 316.193 until completion of the DUI program
19 substance abuse education course and evaluations as provided
20 in s. 316.193(5). Except as provided in paragraph (b), the
21 privilege of driving on a limited or restricted basis for
22 business or employment use shall not be granted to a person
23 whose license is revoked pursuant to s. 322.28 or suspended
24 pursuant to s. 322.2615 and who has been convicted of a
25 violation of s. 316.193 two or more times or whose license has
26 been suspended two or more times for refusal to submit to a
27 test pursuant to s. 322.2615 or former s. 322.261.

28 Section 25. Section 322.291, Florida Statutes, is
29 amended to read:

30
31

1 322.291 Driver improvement schools or DUI programs;
2 required in certain suspension and revocation cases.--Except
3 as provided in s. 322.03(2), any person:
4 (1) Whose driving privilege has been revoked:
5 (a) Upon conviction for:
6 1. Driving, or being in actual physical control of,
7 any vehicle while under the influence of alcoholic beverages,
8 any chemical substance set forth in s. 877.111, or any
9 substance controlled under chapter 893, in violation of s.
10 316.193;
11 2. Driving with an unlawful blood- or breath-alcohol
12 level;
13 3. Manslaughter resulting from the operation of a
14 motor vehicle;
15 4. Failure to stop and render aid as required under
16 the laws of this state in the event of a motor vehicle crash
17 resulting in the death or personal injury of another;
18 5. Reckless driving; or
19 (b) As an habitual offender;
20 (c) Upon direction of the court, if the court feels
21 that the seriousness of the offense and the circumstances
22 surrounding the conviction warrant the revocation of the
23 licensee's driving privilege; or
24 (2) Whose license was suspended under the point
25 system, was suspended for driving with an unlawful
26 blood-alcohol level of 0.10 percent or higher before January
27 1, 1994, was suspended for driving with an unlawful
28 blood-alcohol level of 0.08 percent or higher after December
29 31, 1993, was suspended for a violation of s. 316.193(1), or
30 was suspended for refusing to submit to a lawful breath,
31 blood, or urine test as provided in s. 322.2615

1
2 shall, before the driving privilege may be reinstated, present
3 to the department proof of enrollment in a department-approved
4 advanced driver improvement course operating pursuant to s.
5 318.1451 or a substance abuse education course conducted by a
6 DUI program licensed pursuant to s. 322.292, which shall
7 include a psychosocial evaluation and treatment, if referred.
8 A person whose license was suspended pursuant to s. 322.2616
9 shall, before the driving privilege may be reinstated, present
10 to the department proof of current enrollment in a
11 department-approved basic driver improvement or traffic law
12 and substance abuse education course. If the person fails to
13 complete such course or evaluation within 90 days after
14 reinstatement, or subsequently fails to complete treatment, if
15 referred, the DUI program shall notify the department of the
16 failure. Upon receipt of the notice, the department shall
17 cancel the offender's driving privilege, notwithstanding the
18 expiration of the suspension or revocation of the driving
19 privilege. The department may temporarily reinstate the
20 driving privilege upon verification from the DUI program that
21 the offender has completed the education course and evaluation
22 requirement and has reentered and is currently participating
23 in treatment. If the DUI program notifies the department of
24 the second failure to complete treatment, the department shall
25 reinstate the driving privilege only after notice of
26 completion of treatment from the DUI program.

27 Section 26. Paragraph (a) of subsection (11) of
28 section 713.78, Florida Statutes, is amended, and paragraph
29 (d) is added to subsection (12) of said section, to read:

30 713.78 Liens for recovering, towing, or storing
31 vehicles and undocumented vessels.--

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

24 (12)

25 (d) Employees of the Department of Highway Safety and
26 Motor Vehicles and law enforcement officers are authorized to
27 inspect the records of any person regularly engaged in the
28 business of recovering, towing, or storing vehicles or
29 vessels, or transporting vehicles or vessels by wrecker, tow
30 truck, or car carrier, to ensure compliance with the
31 requirements of this section. Any person who fails to maintain

1 records or fails to produce records, when so required, in a
2 reasonable manner and at a reasonable time commits a
3 misdemeanor of the first degree, punishable as provided in s.
4 775.082 or s. 775.083.

5 Section 27. Section 715.05, Florida Statutes, is
6 amended to read:

7 715.05 Reporting of unclaimed motor vehicles or
8 vessels.--

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

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

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

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

16 Section 28. Section 715.07, Florida Statutes, is
17 amended to read:

18 715.07 Vehicles or vessels parked or located on
19 private property; towing.--

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

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

23 (b) "Vessel" means any watercraft as defined in s.
24 327.02, excluding "documented" vessels.

25 (2) The owner or lessee of real property, or any
26 person authorized by the owner or lessee, which person may be
27 the designated representative of the condominium association
28 if the real property is a condominium, may cause any vehicle
29 or vessel parked or located on such property without her or
30 his permission to be removed by a person regularly engaged in
31 the business of towing vehicles or vessels, without liability

1 for the costs of removal, transportation, or storage or
2 damages caused by such removal, transportation, or storage,
3 under any of the following circumstances:

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

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

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

30 2. The person or firm towing or removing the vehicle
31 or vessel shall, within 30 minutes of completion of such

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

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

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

26 5. Except for property appurtenant to and obviously a
27 part of a single-family residence, and except for instances
28 when notice is personally given to the owner or other legally
29 authorized person in control of the vehicle or vessel that the
30 area in which that vehicle or vessel is parked is reserved or
31 otherwise unavailable for unauthorized vehicles or vessels and

1 subject to being removed at the owner's or operator's expense,
2 any property owner or lessee, or person authorized by the
3 property owner or lessee, prior to towing or removing any
4 vehicle or vessel from private property without the consent of
5 the owner or other legally authorized person in control of
6 that vehicle or vessel, must post a notice meeting the
7 following requirements:

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

14 b. The notice must clearly indicate, in not less than
15 2-inch high, light-reflective letters on a contrasting
16 background, that unauthorized vehicles or vessels will be
17 towed away at the owner's expense. The words "tow-away zone"
18 must be included on the sign in not less than 4-inch high
19 letters.

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

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

31

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

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

10
11 A business owner or lessee may authorize the removal of a
12 vehicle or vessel by a towing company when the vehicle or
13 vessel is parked in such a manner that restricts the normal
14 operation of business; and if a vehicle or vessel parked on a
15 public right-of-way obstructs access to a private driveway the
16 owner, lessee, or agent may have the vehicle or vessel removed
17 by a towing company upon signing an order that the vehicle or
18 vessel be removed without a posted tow-away zone sign.

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

30 7. Any person or firm towing or removing any vehicles
31 or vessels from private property without the consent of the

1 owner or other legally authorized person in control of the
2 vehicles or vessels shall, on any trucks, wreckers as defined
3 in s. 713.78(1)(b), or other vehicles used in the towing or
4 removal, have the name, address, and telephone number of the
5 company performing such service clearly printed in contrasting
6 colors on the driver and passenger sides of the vehicle. The
7 name shall be in at least 3-inch permanently affixed letters,
8 and the address and telephone number shall be in at least
9 1-inch permanently affixed letters.

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

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

31

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

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

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

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

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

24 Section 29. Paragraph (r) is added to subsection (7)
25 of section 213.053, Florida Statutes, to read:

26 213.053 Confidentiality and information sharing.--

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

29 (r) Names, addresses, and federal employer
30 identification numbers, or such similar identifiers, to the
31

1 Department of Highway Safety and Motor Vehicles for use in the
2 conduct of its official duties.

3
4 Disclosure of information under this subsection shall be
5 pursuant to a written agreement between the executive director
6 and the agency. Such agencies, governmental or
7 nongovernmental, shall be bound by the same requirements of
8 confidentiality as the Department of Revenue. Breach of
9 confidentiality is a misdemeanor of the first degree,
10 punishable as provided by s. 775.082 or s. 775.083.

11 Section 30. Subsection (2) of section 316.251, Florida
12 Statutes, is amended to read:

13 316.251 Maximum bumper heights.--

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

19 Section 31. Paragraphs (k) and (l) of subsection (4)
20 of section 325.203, Florida Statutes, are amended to read:

21 325.203 Motor vehicles subject to annual inspection;
22 exemptions.--

23 (4) The following motor vehicles are not subject to
24 inspection:

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

1 (1) New motor vehicles as defined in s. 319.001(8)~~(4)~~
2 which are utilized as short-term rental vehicles and licensed
3 under s. 320.08(6)(a). Such vehicles are exempt from the
4 inspection requirements of this act at the time of the first
5 registration. Said vehicles are also exempt from the
6 inspection requirements of this act at the time of the first
7 registration renewal by the original owner, provided this
8 renewal occurs prior to the expiration of 12 months from the
9 date of first registration of the motor vehicle. Beginning May
10 1, 2000, such vehicles are exempt from those inspection
11 requirements for a period of 2 years from the date of
12 purchase.

13 Section 32. Except as otherwise provided herein, this
14 act shall take effect July 1, 2000.

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HOUSE SUMMARY

Revises various provisions of law with respect to the administration of the Department of Highway Safety and Motor Vehicles to:

1. Redefine the term "motor vehicle" to include reference to mopeds.
2. Revise language with respect to bicycle regulations.
3. Revise language with respect to sunscreening material used on motor vehicle windows.
4. Prohibit the placement of materials on a license plate under described circumstances.
5. Authorize the department to expend funds for the purchase of promotional items and educational campaigns with respect to child restraint requirements.
6. Revise language with respect to described rebuilt motor vehicles.
7. Redefine the terms "major component parts" and "major part."
8. Include reference to assembled-from-parts vehicles with respect to described applications for certificates of title.
9. Revise language with respect to described motor vehicle registration periods and periods of registration delinquency.
10. Authorize the department to cancel described licenses and registrations for persons who pay for certain items with a dishonored check.
11. Provide language with respect to supplemental licenses for motor vehicle dealers, recreational vehicle dealers, and mobile home dealers to authorize off-premises sales.
12. Revise language with respect to identification cards.
13. Increase the point requirement on licenses for the restriction of described high-risk drivers.
14. Require proof of enrollment in a department-approved basic driver improvement or traffic law and substance abuse education course prior to certain driver license reinstatements.
15. Revise language with respect to a certificate of destruction authorizing the dismantling or destruction of a vehicle or vessel and to provide authorization for employees of the department to examine certain records with respect to such vehicles or vessels.
16. Revise language with respect to the reporting of unclaimed motor vehicles to include reference to vessels as well.
17. Include reference to vessels as well as motor vehicles which are parked or located on private property and which may be removed therefrom.

See bill for details.