

By the Committees on Finance & Taxation, Transportation
and 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. 316.193, F.S.; providing for the
6 court to order the impoundment and
7 immobilization of all vehicles owned by a
8 person with a second or subsequent conviction
9 of DUI; amending s. 316.1936, F.S.; prohibiting
10 the possession of any open alcoholic beverage
11 container in the passenger area of any motor
12 vehicle on any public road; amending s.
13 316.2065, F.S.; revising language with respect
14 to bicycle regulations; amending s. 316.228,
15 F.S.; providing that any vehicle or trailer
16 transporting logs, pulpwood, poles, or posts
17 extending 4 feet or more from the rear of the
18 vehicle must have an amber strobe light affixed
19 to the projecting load; amending s. 316.2954,
20 F.S.; revising language with respect to
21 restrictions on sunscreening material on a
22 motor vehicle; providing applicability;
23 providing a penalty; creating s. 316.29545,
24 F.S.; directing the Department of Highway
25 Safety and Motor Vehicles to provide for the
26 issuance of medical exemption certificates to
27 certain persons who may operate a motor vehicle
28 with suncreening materials which are not in
29 compliance with state law; providing for
30 exemptions for certain law enforcement
31 vehicles; providing for a fee; amending s.

1 316.2956, F.S.; providing a cross reference to
2 conform to the act; amending s. 316.515, F.S.;
3 revising width limits with respect to certain
4 noncommercial travel trailers, camping
5 trailers, truck campers, motor homes, and
6 private motor coaches; providing a length limit
7 on motor homes; providing length limitations on
8 boat trailers; amending s. 316.530, F.S.;
9 authorizing the use of cables and other devices
10 meeting federal safety standards in the towing
11 of certain vehicles; amending s. 316.605, F.S.;
12 prohibiting the placement of materials on a
13 license plate under certain circumstances;
14 amending s. 316.613, F.S.; authorizing the
15 department to expend funds for the purchase of
16 promotional items and education campaigns with
17 respect to child restraint requirements;
18 amending s. 318.1451, F.S.; deleting an
19 unnecessary statute reference; providing the
20 Department of Highway Safety and Motor Vehicles
21 regulatory authority over the approval process
22 for courses related to basic driver improvement
23 courses that use technology as the delivery
24 method; redefining the term "approved courses"
25 to mean those courses which have passed and
26 have maintained standards approved for
27 statewide delivery; amending s. 318.32, F.S.;
28 appointing traffic infraction hearing officers
29 to administer oaths; amending s. 319.001, F.S.;
30 providing definitions; amending s. 319.14,
31 F.S.; revising language with respect to the

1 sale of certain nonconforming vehicles;
2 revising language with respect to certain
3 rebuilt vehicles; providing a penalty for
4 removal of certain decals; amending s. 319.27,
5 F.S.; revising language with respect to
6 constructive notice for liens on certain motor
7 vehicles or mobile homes; amending s. 319.30,
8 F.S.; redefining the terms "major component
9 parts" and "major part"; revising language with
10 respect to salvage certificates of title;
11 prohibiting the removal of a state-assigned
12 identification number plate from a motor
13 vehicle or mobile home; amending s. 319.33,
14 F.S.; prohibiting the removal of a
15 state-assigned identification number plate or
16 serial plate or any other decal for the purpose
17 of identification of a motor vehicle; revising
18 language with respect to numbers and
19 identifying marks manufactured on a major
20 component part; providing for the confiscation
21 of a major component part that has been
22 altered, defaced, destroyed, or removed;
23 amending s. 320.01, F.S.; increasing the length
24 limit for the definition of a "motor home";
25 amending s. 320.031, F.S.; providing for all
26 mail service charges to be paid into the
27 Highway Safety Operating Trust Fund; amending
28 s. 320.04, F.S.; providing for the registration
29 service charge to be paid to the Highway Safety
30 Operating Trust Fund; amending s. 320.055,
31 F.S.; revising language with respect to

1 registration periods for certain apportioned
2 registration; amending s. 320.0605, F.S.;
3 providing for a temporary receipt to be printed
4 upon a registration renewal via the Internet;
5 amending s. 320.07, F.S.; providing for the
6 time period for the application of a delinquent
7 fee with respect to the expiration of
8 registration; amending s. 320.0805, F.S.;
9 providing for a shorter period of time for a
10 personalized prestige license plate to remain
11 out of circulation; amending s. 320.08058,
12 F.S.; revising language concerning the
13 disbursement of the annual use fee assessed
14 from the Sea Turtle license plate; revising
15 language concerning the United States Marine
16 Corps license plate; amending s. 320.083, F.S.;
17 revising language with respect to the special
18 license plates for amateur radio operators;
19 amending s. 320.089, F.S.; revising language
20 with respect to special license plates issued
21 to members of the National Guard and active
22 United States Armed Forces reservists, former
23 prisoners of war, survivors of Pearl Harbor,
24 and Purple Heart medal recipients; amending s.
25 320.18, F.S.; authorizing the department to
26 suspend certain motor vehicle registrations and
27 driver licenses for persons who pay for certain
28 license plates, decals, tax liabilities,
29 penalties, or interest by a dishonored check;
30 amending s. 320.27, F.S.; providing language
31 with respect to supplemental licenses for motor

1 vehicle dealers authorizing off-premises sales;
2 revising language with respect to certificate
3 of title to provide additional indicia of
4 ownership; amending s. 320.60, F.S.; redefining
5 the term "motor vehicle"; amending s. 320.77,
6 F.S.; providing language with respect to
7 supplemental licenses for mobile home dealers
8 authorizing off-premises sales; amending s.
9 320.771, F.S.; providing language with respect
10 to supplemental licenses for recreational
11 vehicle dealers authorizing off-premises sales;
12 amending s. 322.01, F.S.; redefining the term
13 "motor vehicle"; amending s. 322.025, F.S.;
14 correcting cross references; amending s.
15 322.051, F.S.; revising language with respect
16 to identification cards; amending s. 322.08,
17 F.S.; revising language with respect to
18 application for license; amending s. 322.161,
19 F.S.; increasing the point requirement for
20 restricting certain high-risk drivers; amending
21 s. 322.22, F.S.; providing for license
22 cancellation with respect to certain
23 transactions which are paid for by a dishonored
24 check; amending s. 322.271, F.S.; requiring
25 proof of enrollment in a department-approved
26 basic driver improvement or traffic law and
27 substance abuse education course prior to
28 certain driver license reinstatements; amending
29 ss. 328.48, 328.72, 328.73, and 328.735, F.S.;
30 correcting cross references; amending s.
31 713.585, F.S.; providing that the lienor of a

1 vehicle must give prior notice to the vehicle
2 owner at the last known address upon claim of a
3 lien and prior to the sale of the vehicle;
4 providing that the vehicle must be sold in the
5 county in which it has been held and in which
6 notice has been published; providing for
7 penalties; amending s. 713.78, F.S.; providing
8 that the lienor of a vessel must send prior
9 notice of the claim and sale of a vessel to the
10 most current known address; providing that the
11 vessel must be sold in the county in which it
12 has been held and in which the notice has been
13 published; providing penalties; revising
14 language with respect to a certificate of
15 destruction authorizing the dismantling or
16 destruction of a vehicle or vessel; authorizing
17 employees of the department to inspect records;
18 providing penalties for failure to maintain
19 certain records; amending s. 715.05, F.S.;
20 revising language with respect to the reporting
21 of unclaimed motor vehicles; including
22 reference to vessels; providing penalties with
23 respect to certain violations regarding
24 vessels; amending s. 715.07, F.S.; including
25 reference to vessels as well as vehicles which
26 are parked or located on private property;
27 amending s. 213.053, F.S.; authorizing the
28 Department of Revenue to provide certain
29 information to the department for certain
30 purposes; amending ss. 316.251 and 325.203,
31 F.S.; correcting cross references; creating an

1 interim task force on motor vehicles within the
2 Department of Highway Safety and Motor
3 Vehicles; providing for membership,
4 organization, and meetings of the task force;
5 providing purposes and duties; providing for
6 interim and final reports; providing for
7 termination of the task force; providing
8 effective dates.

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

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

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

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

21 Section 2. Subsection (6) of section 316.193, Florida
22 Statutes, is amended to read:

23 316.193 Driving under the influence; penalties.--

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

27 (a) For the first conviction, the court shall place
28 the defendant on probation for a period not to exceed 1 year
29 and, as a condition of such probation, shall order the
30 defendant to participate in public service or a community work
31 project for a minimum of 50 hours; or the court may order

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

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

1 with the driver's license revocation imposed under s.
2 322.28(2)(a)2. The impoundment or immobilization order may be
3 dismissed in accordance with paragraph (e), paragraph (f), ~~or~~
4 paragraph (g), or paragraph (h). At least 48 hours of
5 confinement must be consecutive.

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

20 322.28(2)(a)3. The impoundment or immobilization order may be
21 dismissed in accordance with paragraph (e), paragraph (f), ~~or~~
22 paragraph (g), or paragraph (h). At least 48 hours of
23 confinement must be consecutive.

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

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

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

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

31

1 (h) The court may also dismiss the order of
2 impoundment or immobilization of any vehicles that are owned
3 by the defendant but that are operated solely by the employees
4 of the defendant or any business owned by the defendant.

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

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

1 (k)~~(j)~~ A defendant, in the court's discretion, may be
2 required to serve all or any portion of a term of imprisonment
3 to which the defendant has been sentenced pursuant to this
4 section in a residential alcoholism treatment program or a
5 residential drug abuse treatment program. Any time spent in
6 such a program must be credited by the court toward the term
7 of imprisonment.

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

31

1 Section 3. Subsections (1) and (2) of section
2 316.1936, Florida Statutes, are amended to read:

3 316.1936 Possession of open containers of alcoholic
4 beverages in vehicles prohibited; penalties.--

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

6 (a) "Open container" means any container of an
7 alcoholic beverage which is immediately capable of being
8 consumed from, or the seal of which has been broken.

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

16 (2)(a) It is unlawful and punishable as provided in
17 this section for any person to possess an open container of an
18 alcoholic beverage or consumes an alcoholic beverage while
19 operating a vehicle in the state or while a passenger in or on
20 a vehicle being operated in the state.

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

26 Section 4. Paragraph (d) of subsection (3) of section
27 316.2065, Florida Statutes, is amended to read:

28 316.2065 Bicycle regulations.--

29 (3)

30 (d) A bicycle rider or passenger who is under 16 years
31 of age must wear a bicycle helmet that is properly fitted and

1 is fastened securely upon the passenger's head by a strap, and
2 that meets the federal Safety Standard for Bicycle Helmets;
3 Final Rule, 16 C.F.R. part 1203 ~~standards of the American~~
4 ~~National Standards Institute (ANSI Z 90.4 Bicycle Helmet~~
5 ~~Standards), the standards of the Snell Memorial Foundation~~
6 ~~(1984 Standard for Protective Headgear for Use in Bicycling),~~
7 ~~or any other nationally recognized standards for bicycle~~
8 ~~helmets adopted by the department. As used in this subsection,~~
9 the term "passenger" includes a child who is riding in a
10 trailer or semitrailer attached to a bicycle. Helmets
11 purchased prior to October 1, 2000, and meeting the standards
12 of the American National Standards Institute (ANSI Z 90.4
13 Bicycle Helmet Standards), the standards of the Snell Memorial
14 Foundation (1984 Standard for Protective Headgear for Use in
15 Bicycling), or any other nationally recognized standards for
16 bicycle helmets adopted by the department may continue to be
17 worn by riders or passengers until March 9, 2009. This
18 exception for helmets purchased prior to October 1, 2000, is
19 repealed March 9, 2009.

20 Section 5. Section 316.228, Florida Statutes, is
21 amended to read:

22 316.228 Lamps or flags on projecting load.--

23 (1) Except as provided in subsection (2), whenever the
24 load upon any vehicle extends to the rear 4 feet or more
25 beyond the bed or body of such vehicle, there shall be
26 displayed at the extreme rear end of the load, at the times
27 specified in s. 316.217, two red lamps visible from a distance
28 of at least 500 feet to the rear, two red reflectors visible
29 at night from all distances within 600 feet to 100 feet to the
30 rear when directly in front of lawful lower beams of headlamps
31 and located so as to indicate maximum width, and on each side

1 one red lamp visible from a distance of at least 500 feet to
2 the side and located so as to indicate maximum overhang.
3 There shall be displayed at all other times on any vehicle
4 having a load which extends beyond its sides or more than 4
5 feet beyond its rear, red flags, not less than 12 inches
6 square, marking the extremities of such load, at each point
7 where a lamp would otherwise be required by this section. A
8 violation of this section is a noncriminal traffic infraction,
9 punishable as a nonmoving violation as provided in chapter
10 318.

11 (2) Any motor vehicle or trailer, except as stated in
12 s. 316.515(7), transporting a load of logs, long pulpwood,
13 poles, or posts which extend more than 4 feet beyond the rear
14 of the body or bed of such vehicle must have securely fixed as
15 close as practical to the end of any such projection one amber
16 strobe-type lamp equipped with a multidirectional type lens so
17 mounted as to be visible from the rear and both sides of the
18 projecting load. The strobe lamp must flash at a rate of at
19 least 60 flashes per minute and must be plainly visible from a
20 distance of at least 500 feet to the rear and sides of the
21 projecting load at any time of the day or night. The lamp
22 must be operating at any time of the day or night when the
23 vehicle is operated on any highway or parked on the shoulder
24 or immediately adjacent to the traveled portion of any public
25 roadway.

26 Section 6. Effective July 1, 2001, paragraph (a) of
27 subsection (1) of section 316.2954, Florida Statutes, is
28 amended, and paragraph (e) is added to said subsection, to
29 read:

30 316.2954 Windows behind the driver; restrictions on
31 sunscreening material.--

1 (1) A person shall not operate any motor vehicle on
2 any public highway, road, or street on which vehicle any
3 windows behind the driver are composed of, covered by, or
4 treated with any sunscreening material, or other product or
5 material which has the effect of making the window
6 nontransparent or which would alter the window's color,
7 increase its reflectivity, or reduce its light transmittance,
8 except as specified below:

9 (a) Sunscreening material consisting of film which,
10 when applied to and tested on the rear window glass of the
11 specific motor vehicle, has a total solar reflectance of
12 visible light of not more than 25 ~~35~~ percent as measured on
13 the nonfilm side and a light transmittance of at least 28 ~~15~~
14 percent in the visible light range; however, sunscreening
15 material which, when applied to and tested on the rear window
16 glass of the specific motor vehicle, has a total solar
17 reflectance of visible light of not more than 25 ~~35~~ percent as
18 measured on the nonfilm side and a light transmittance of at
19 least 10 ~~6~~ percent in the visible light range may be used on
20 multipurpose passenger vehicles and law enforcement vehicles.

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

24 (3) A violation of this section is a noncriminal
25 traffic infraction, punishable as a nonmoving violation as
26 provided in chapter 318.

27 Section 7. Section 316.29545, Florida Statutes, is
28 created to read:

29 316.29545 Window sunscreening exclusions; medical
30 exemption; certain law enforcement vehicles exempt.--

31

1 (1) The department shall issue medical exemption
2 certificates to persons who are afflicted with Lupus or
3 similar medical conditions which require a limited exposure to
4 light, which certificates shall entitle the person to whom the
5 certificate is issued to have sunscreening material on the
6 windshield, side windows, and windows behind the driver which
7 is in violation of the requirements of ss. 316.2951-316.2957.
8 The department shall provide, by rule, for the form of the
9 medical certificate authorized by this section. At a minimum,
10 the medical exemption certificate shall include a vehicle
11 description with the make, model, year, vehicle identification
12 number, medical exemption decal number issued for the vehicle,
13 and the name of the person or persons who are the registered
14 owners of the vehicle. A medical exemption certificate shall
15 be nontransferable and shall become null and void upon the
16 sale or transfer of the vehicle identified on the certificate.

17 (2) The department shall exempt all law enforcement
18 vehicles used in undercover or canine operations from the
19 window sunscreening requirements of ss. 316.2951-316.2957.

20 (3) The department may charge a fee in an amount
21 sufficient to defray the expenses of issuing a medical
22 exemption certificate as described in subsection (1).

23 Section 8. Subsection (3) of section 316.2956, Florida
24 Statutes, is amended to read:

25 316.2956 Violation of provisions relating to
26 windshields, windows, and sunscreening material; penalties.--

27 (3) Any person who sells or installs sunscreening
28 material in violation of any provision of ss.
29 316.2951-316.2955, except as allowed by s. 316.29545, is
30 guilty of a misdemeanor of the second degree, punishable as
31 provided in s. 775.082 or s. 775.083.

1 Section 9. Subsection (1) and paragraph (a) of
2 subsection (3) of section 316.515, Florida Statutes, are
3 amended, and subsection (15) is added to said section, to
4 read:

5 316.515 Maximum width, height, length.--

6 (1) WIDTH LIMITATION.--The total outside width of any
7 vehicle or the load thereon may not exceed 102 inches,
8 exclusive of safety devices determined by the department to be
9 necessary for the safe and efficient operation of motor
10 vehicles. The use of public roads that do not have at least
11 one through lane of 12 feet or more in width in each
12 direction, and the use of public roads deemed unsafe for wider
13 vehicles on the basis of safety and engineering analyses, by
14 vehicles exceeding 96 inches in width may be restricted by the
15 Department of Transportation or by local officials for streets
16 and roads under their respective jurisdictions. The total
17 outside width of a noncommercial travel trailer, camping
18 trailer, truck camper, motor home, or private motor coach as
19 defined in s. 320.01 may be more than 102 inches if:

20 (a) The excess width is attributable to appurtenances
21 that do not extend beyond the exterior rearview mirrors
22 installed on the motor home by the manufacturer or the
23 exterior rearview mirrors of the tow vehicle; and

24 (b) The exterior rearview mirrors only extend the
25 distance necessary to provide the appropriate field of view
26 for the vehicle before the appurtenances are attached.

27 (3) LENGTH LIMITATION.--Except as otherwise provided
28 in this section, length limitations apply solely to a
29 semitrailer or trailer, and not to a truck tractor or to the
30 overall length of a combination of vehicles. No combination
31 of commercial motor vehicles coupled together and operating on

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

1 retaining bar mounted above the truck bed so that the root
2 balls of the trees rest on the floor and to the front of the
3 truck bed and the tops of the trees extend up over and to the
4 rear of the truck bed, and provided the overhanging portion of
5 the load is covered with protective fabric.

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

21 (15) MOTOR HOMES.--No motor home may exceed a length
22 of 45 feet exclusive of bumpers and safety devices.

23 Section 10. Subsection (2) of section 316.530, Florida
24 Statutes, is amended to read:

25 316.530 Towing requirements.--

26 (2) When a vehicle is towing a trailer or semitrailer
27 on a public road or highway by means of a trailer hitch to the
28 rear of the vehicle, there shall be attached in addition
29 thereto safety chains, cables, or other safety devices that
30 comply with 49 C.F.R. sub f 393.71(g)(2)(1) and 393.71(h)(10)
31 from the trailer or semitrailer to the vehicle. These safety

1 chains, cables, or other safety devices shall be of sufficient
2 strength to maintain connection of the trailer or semitrailer
3 to the pulling vehicle under all conditions while the trailer
4 or semitrailer is being towed by the vehicle. The provisions
5 of this subsection shall not apply to trailers or semitrailers
6 using a hitch known as a fifth wheel nor to farm equipment
7 traveling less than 20 miles per hour.

8 Section 11. Subsection (1) of section 316.605, Florida
9 Statutes, is amended to read:

10 316.605 Licensing of vehicles.--

11 (1) Every vehicle, at all times while driven, stopped,
12 or parked upon any highways, roads, or streets of this state,
13 shall be licensed in the name of the owner thereof in
14 accordance with the laws of this state unless such vehicle is
15 not required by the laws of this state to be licensed in this
16 state and shall, except as otherwise provided in s. 320.0706
17 for front-end registration license plates on truck tractors,
18 display the license plate or both of the license plates
19 assigned to it by the state, one on the rear and, if two, the
20 other on the front of the vehicle, each to be securely
21 fastened to the vehicle outside the main body of the vehicle
22 in such manner as to prevent the plates from swinging, with
23 all letters, numerals, printing, writing, and other
24 identification marks upon the plates clear and distinct and
25 free from defacement, mutilation, grease, and other obscuring
26 matter, so that they will be plainly visible and legible at
27 all times 100 feet from the rear or front. No object,
28 material, or covering that obscures any of the letters,
29 numerals, or other identification marks of a license plate
30 shall be placed, displayed, installed, affixed, or applied
31 upon the license plate. Nothing shall be placed upon the face

1 of a Florida plate except as permitted by law or by rule or
2 regulation of a governmental agency. No license plates other
3 than those furnished by the state shall be used. However, if
4 the vehicle is not required to be licensed in this state, the
5 license plates on such vehicle issued by another state, by a
6 territory, possession, or district of the United States, or by
7 a foreign country, substantially complying with the provisions
8 hereof, shall be considered as complying with this chapter. A
9 violation of this subsection is a noncriminal traffic
10 infraction, punishable as a nonmoving violation as provided in
11 chapter 318.

12 Section 12. Subsection (4) of section 316.613, Florida
13 Statutes, is amended to read:

14 316.613 Child restraint requirements.--

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

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

25 Section 13. Subsections (1) and (2) of section
26 318.1451, Florida Statutes, are amended to read:

27 318.1451 Driver improvement schools.--

28 (1)(a) The Department of Highway Safety and Motor
29 Vehicles shall approve the courses of all driver improvement
30 schools, as the courses relate to ss. 318.14(9), 322.0261,
31 ~~322.095,~~ and 322.291. The chief judge of the applicable

1 judicial circuit may establish requirements regarding the
2 location of schools within the judicial circuit. A person may
3 engage in the business of operating a driver improvement
4 school that offers department-approved courses related to ss.
5 318.14(9), 322.0261, ~~322.095~~, and 322.291.

6 (b) The Department of Highway Safety and Motor
7 Vehicles shall approve and regulate courses that use
8 technology as the delivery method of all driver improvement
9 schools as the courses relate to ss. 318.14(9) and 322.0261.

10 (2)(a) In determining whether to approve the courses
11 referenced in this section, the department shall consider
12 course content designed to promote safety, driver awareness,
13 crash avoidance techniques, and other factors or criteria to
14 improve driver performance from a safety viewpoint.

15 (b) In determining whether to approve courses of
16 driver improvement schools that use technology as the delivery
17 method as the courses relate to ss. 318.14(9) and 322.0261,
18 the department shall consider only those courses submitted by
19 a person, business, or entity which have approval for
20 statewide delivery.

21 Section 14. Subsection (4) is added to section 318.32,
22 Florida Statutes, to read:

23 318.32 Jurisdiction; limitations.--

24 (4) Duly appointed traffic infraction hearing officers
25 may administer oaths in the performance of their duties as a
26 hearing officer.

27 Section 15. Section 319.001, Florida Statutes, is
28 amended to read:

29 319.001 Definitions.--As used in this chapter, the
30 term:

31

- 1 (1) "Department" means the Department of Highway
2 Safety and Motor Vehicles.
- 3 (2) "Front-end assembly" means fenders, hood, grill,
4 and bumper.
- 5 (3)~~(2)~~ "Licensed dealer," unless otherwise
6 specifically provided, means a motor vehicle dealer licensed
7 under s. 320.27, a mobile home dealer licensed under s.
8 320.77, or a recreational vehicle dealer licensed under s.
9 320.771.
- 10 (4) "Motorcycle body assembly" means frame, fenders,
11 and gas tanks.
- 12 (5) "Motorcycle engine" means cylinder block, heads,
13 engine case, and crank case.
- 14 (6) "Motorcycle transmission" means drive train.
- 15 (7)~~(3)~~ "New mobile home" means a mobile home the
16 equitable or legal title to which has never been transferred
17 by a manufacturer, distributor, importer, or dealer to an
18 ultimate purchaser.
- 19 (8)~~(4)~~ "New motor vehicle" means a motor vehicle 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; however, when legal title is not
23 transferred but possession of a motor vehicle is transferred
24 pursuant to a conditional sales contract or lease and the
25 conditions are not satisfied and the vehicle is returned to
26 the motor vehicle dealer, the motor vehicle may be resold by
27 the motor vehicle dealer as a new motor vehicle, provided the
28 selling motor vehicle dealer gives the following written
29 notice to the purchaser: "THIS VEHICLE WAS DELIVERED TO A
30 PREVIOUS PURCHASER." The purchaser shall sign an
31

1 acknowledgement, a copy of which is kept in the selling
2 dealer's file.

3 (9) "Rear body section" means both quarter panels,
4 decklid, bumper, and floor pan.

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

7 (11)~~(6)~~ "Used motor vehicle" means any motor vehicle
8 that is not a "new motor vehicle" as defined in subsection
9 (8)~~(4)~~.

10 Section 16. Section 319.14, Florida Statutes, is
11 amended to read:

12 319.14 Sale of motor vehicles registered or used as
13 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
14 and nonconforming vehicles.--

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

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

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

23 (c) As used in this section:

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

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

31

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

4 c. "Lease vehicle" includes both short-term-lease
5 vehicles and long-term-lease vehicles.

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

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

14 ~~5. "Combined" means assembled by combining two motor~~
15 ~~vehicles neither of which has been titled and branded as~~
16 ~~"Salvage Unrebuildable."~~

17 ~~5.6.~~ "Kit car" means a motor vehicle assembled with a
18 kit supplied by a manufacturer to rebuild a wrecked or
19 outdated motor vehicle with a new body kit.

20 ~~6.7.~~ "Glider kit" means a vehicle assembled with a kit
21 supplied by a manufacturer to rebuild a wrecked or outdated
22 truck or truck tractor.

23 ~~7.8.~~ "Replica" means a complete new motor vehicle
24 manufactured to look like an old vehicle.

25 ~~8.9.~~ "Flood vehicle" means a motor vehicle or mobile
26 home that has been declared to be a total loss pursuant to s.
27 319.30(3)(a) resulting from damage caused by water.

28 ~~9.10.~~ "Nonconforming vehicle" means a motor vehicle
29 which has been purchased by a manufacturer pursuant to a
30 settlement, determination, or decision under chapter 681.

31

1 ~~10.11.~~ "Settlement" means an agreement entered into
2 between a manufacturer and a consumer that occurs after a
3 dispute is submitted to a program, or an informal dispute
4 settlement procedure established by a manufacturer or is
5 approved for arbitration before the New Motor Vehicle
6 Arbitration Board as defined in s. 681.102.

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

17 (3) Any person who, with intent to offer for sale or
18 exchange any vehicle referred to in subsection (1), knowingly
19 or intentionally advertises, publishes, disseminates,
20 circulates, or places before the public in any communications
21 medium, whether directly or indirectly, any offer to sell or
22 exchange the vehicle shall clearly and precisely state in each
23 such offer that the vehicle has previously been titled,
24 registered, or used as a taxicab, police vehicle, or
25 short-term-lease vehicle or that the vehicle or mobile home is
26 a vehicle that is rebuilt, or assembled from parts, ~~or~~
27 ~~combined~~, or is a kit car, glider kit, replica, or flood
28 vehicle, or a nonconforming vehicle, as the case may be. Any
29 person who violates this subsection commits ~~is guilty of~~ a
30 misdemeanor of the second degree, punishable as provided in s.
31 775.082 or s. 775.083.

1 (4) When a certificate of title, including a foreign
2 certificate, is branded to reflect a condition or prior use of
3 the titled vehicle, the brand must be noted ~~on the~~
4 ~~registration certificate of the vehicle~~ and such brand shall
5 be carried forward on all subsequent certificates of title ~~and~~
6 ~~registration certificates~~ issued for the life of the vehicle.

7 (5) Any person who knowingly sells, exchanges, or
8 offers to sell or exchange a motor vehicle or mobile home
9 contrary to the provisions of this section or any officer,
10 agent, or employee of a person who knowingly authorizes,
11 directs, aids in, or consents to the sale, exchange, or offer
12 to sell or exchange a motor vehicle or mobile home contrary to
13 the provisions of this section commits ~~is guilty of~~ a
14 misdemeanor of the second degree, punishable as provided in s.
15 775.082 or s. 775.083.

16 (6) Any person who removes a rebuilt decal from a
17 rebuilt vehicle with the intent to conceal the rebuilt status
18 of the vehicle commits a felony of the third degree,
19 punishable as provided in s. 775.082, s. 775.083, or s.
20 775.084.

21 (7)~~(6)~~ This section applies to a mobile home, travel
22 trailer, camping trailer, truck camper, or fifth-wheel
23 recreation trailer only when such mobile home or vehicle is a
24 rebuilt vehicle or is assembled from parts.

25 (8)~~(7)~~ No person shall be liable or accountable in any
26 civil action arising out of a violation of this section if the
27 designation of the previous use or condition of the motor
28 vehicle is not noted on the certificate of title and
29 registration certificate of the vehicle which was received by,
30 or delivered to, such person, unless such person has actively
31

1 concealed the prior use or condition of the vehicle from the
2 purchaser.

3 (9)~~(8)~~ Subsections (1), (2), and (3) do not apply to
4 the transfer of ownership of a motor vehicle after the motor
5 vehicle has ceased to be used as a lease vehicle and the
6 ownership has been transferred to an owner for private use or
7 to the transfer of ownership of a nonconforming vehicle with
8 36,000 or more miles on its odometer, or 34 months whichever
9 is later and the ownership has been transferred to an owner
10 for private use. Such owner, as shown on the title
11 certificate, may request the department to issue a corrected
12 certificate of title that does not contain the statement of
13 the previous use of the vehicle as a lease vehicle or
14 condition as a nonconforming vehicle.

15 Section 17. Subsections (2) and (4) of section 319.27,
16 Florida Statutes, are amended to read:

17 319.27 Notice of lien on motor vehicles or mobile
18 homes; notation on certificate; recording of lien.--

19 (2) No lien for purchase money or as security for a
20 debt in the form of a security agreement, retain title
21 contract, conditional bill of sale, chattel mortgage, or other
22 similar instrument or any other lien, including a lien for
23 child support, upon a motor vehicle or mobile home upon which
24 a Florida certificate of title has been issued shall be
25 enforceable in any of the courts of this state against
26 creditors or subsequent purchasers for a valuable
27 consideration and without notice, unless a sworn notice of
28 such lien has been filed in the department and such lien has
29 been noted upon the certificate of title of the motor vehicle
30 or mobile home. Such notice shall be effective as constructive
31 notice when filed. No interest of a statutory nonpossessory

1 lienor; the interest of a nonpossessory execution, attachment,
2 or equitable lienor; or the interest of a lien creditor as
3 defined in s. 679.301(3), if nonpossessory, shall be
4 enforceable against creditors or subsequent purchasers for a
5 valuable consideration unless such interest becomes a
6 possessory lien or is noted upon the certificate of title for
7 the subject motor vehicle or mobile home prior to the
8 occurrence of the subsequent transaction. Provided the
9 provisions of this subsection relating to a nonpossessory
10 statutory lienor; a nonpossessory execution, attachment, or
11 equitable lienor; or the interest of a lien creditor as
12 defined in s. 679.301(3) shall not apply to liens validly
13 perfected prior to October 1, 1988. The notice of lien shall
14 provide the following information:

15 (a) The date of the lien if a security agreement,
16 retain title contract, conditional bill of sale, chattel
17 mortgage, or other similar instrument was executed prior to
18 the filing of the notice of lien;

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

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

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

23 (4)(a) ~~Notwithstanding the provisions of subsection~~
24 ~~(2), any person holding a lien for purchase money or as~~
25 ~~security for a debt in the form of a security agreement,~~
26 ~~retain title contract, conditional bill of sale, chattel~~
27 ~~mortgage, or other similar instrument covering a motor vehicle~~
28 ~~or mobile home previously titled or registered outside this~~
29 ~~state upon which no Florida certificate of title has been~~
30 ~~issued may use the facilities of the department for the~~
31 ~~recording of such lien as constructive notice of such lien to~~

1 ~~creditors and purchasers of such motor vehicle or mobile home~~
2 ~~in this state provided such lienholder files a sworn notice of~~
3 ~~such lien in the department, showing the following~~
4 ~~information:~~

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

10
11 ~~Upon the filing of such notice of lien and the payment of the~~
12 ~~fee provided in s. 319.32, the lien shall be recorded in the~~
13 ~~department.~~

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

- 18 1. Any lien shown on the application for Florida
19 certificate of title; and
- 20 ~~2. Any lien filed in the department in accordance with~~
21 ~~paragraph (a); and~~
- 22 ~~2.3.~~ Any lien shown on the existing certificate of
23 title issued by another state.

24 ~~(b)(c)~~ When a Florida certificate of title has been
25 issued on a motor vehicle or mobile home previously titled or
26 registered outside this state, liens valid in and registered
27 under the law of the state wherein such liens were created are
28 not valid in this state unless filed and noted upon the
29 certificate of title under the provisions of this section.

30
31

1 Section 18. Paragraphs (e) and (f) of subsection (1),
2 paragraph (b) of subsection (3), and subsections (4) and (5)
3 of section 319.30, Florida Statutes, are amended to read:
4 319.30 Definitions; dismantling, destruction, change
5 of identity of motor vehicle or mobile home; salvage.--
6 (1) As used in this section, the term:
7 (e) "Major component parts" means:
8 1. For motor vehicles other than motorcycles, the
9 front-end assembly, fenders, hood, grill, bumper, cowl
10 assembly, rear body section, both quarter panels, decklid,
11 bumper, floor pan, door assemblies, engine, frame,
12 transmission, dashboard, hard-top roof, sunroof, T-top,
13 airbag, wheels, windshield, and interior.
14 2. For trucks, in addition to those parts listed in
15 subparagraph 1., the truck bed.
16 3. For motorcycles, the body assembly, frame, fenders,
17 gas tanks, engine, cylinder block, heads, engine case, crank
18 case, transmission, drive train, front fork assembly, and
19 wheels.
20 4. For mobile homes, the frame.~~the front-end assembly~~
21 ~~(fenders, hood, grill, and bumper); cowl assembly; rear body~~
22 ~~section (both quarter panels, decklid, bumper, and floor pan);~~
23 ~~door assemblies; engine; frame; or transmission.~~
24 (f) "Major part" means the front-end assembly,
25 ~~(fenders, hood, grill, and bumper); cowl assembly,~~ or rear
26 ~~body section (both quarter panels, decklid, bumper, and floor~~
27 ~~pan).~~
28 (3)
29 (b) The owner of any motor vehicle or mobile home
30 which is considered to be salvage shall, within 72 hours after
31 the motor vehicle or mobile home becomes salvage, forward the

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

1 to avoid the requirements of this paragraph commits a
2 misdemeanor of the first degree, punishable as provided in s.
3 775.082 or s. 775.083.

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

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

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

1 home for which it was manufactured, and it is unlawful for any
2 person to authorize, direct, aid in, or consent to the
3 possession, sale, or exchange or to offer to sell, exchange,
4 or give away such manufacturer's or state-assigned
5 identification number plate or serial plate.

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

19 Section 19. Subsection (5) and paragraph (b) of
20 subsection (7) of section 319.33, Florida Statutes, are
21 amended, and paragraph (c) is added to subsection (7) of said
22 section, to read:

23 319.33 Offenses involving vehicle identification
24 numbers, applications, certificates, papers; penalty.--

25 (5) It is unlawful for any person, firm, or
26 corporation to knowingly possess, manufacture, sell or
27 exchange, offer to sell or exchange, supply in blank, or give
28 away any counterfeit manufacturer's or state-assigned
29 identification number plates or serial plates or any decal
30 used for the purpose of identification of any motor vehicle;
31 or for any officer, agent, or employee of any person, firm, or

1 corporation, or any person who shall authorize, direct, aid in
2 exchange, or give away such counterfeit manufacturer's or
3 state-assigned identification number plates or serial plates
4 or any decal; or conspire to do any of the foregoing.

5 However, nothing in this subsection shall be applicable to any
6 approved replacement manufacturer's identification number
7 plates or serial plates or any decal issued by the department
8 or any state.

9 (7)

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

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

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

3 Section 20. Paragraph (b) of subsection (1) of section
4 320.01, Florida Statutes, is amended to read:

5 320.01 Definitions, general.--As used in the Florida
6 Statutes, except as otherwise provided, the term:

7 (1) "Motor vehicle" means:

8 (b) A recreational vehicle-type unit primarily
9 designed as temporary living quarters for recreational,
10 camping, or travel use, which either has its own motive power
11 or is mounted on or drawn by another vehicle. Recreational
12 vehicle-type units, when traveling on the public roadways of
13 this state, must comply with the length and width provisions
14 of s. 316.515, as that section may hereafter be amended. As
15 defined below, the basic entities are:

16 1. The "travel trailer," which is a vehicular portable
17 unit, mounted on wheels, of such a size or weight as not to
18 require special highway movement permits when drawn by a
19 motorized vehicle. It is primarily designed and constructed to
20 provide temporary living quarters for recreational, camping,
21 or travel use. It has a body width of no more than 8 1/2 feet
22 and an overall body length of no more than 40 feet when
23 factory-equipped for the road.

24 2. The "camping trailer," which is a vehicular
25 portable unit mounted on wheels and constructed with
26 collapsible partial sidewalls which fold for towing by another
27 vehicle and unfold at the campsite to provide temporary living
28 quarters for recreational, camping, or travel use.

29 3. The "truck camper," which is a truck equipped with
30 a portable unit designed to be loaded onto, or affixed to, the
31 bed or chassis of the truck and constructed to provide

1 temporary living quarters for recreational, camping, or travel
2 use.

3 4. The "motor home," which is a vehicular unit which
4 does not exceed 45 ~~40~~ feet in length and the height and the
5 width limitations provided in s. 316.515, is a self-propelled
6 motor vehicle, and is primarily designed to provide temporary
7 living quarters for recreational, camping, or travel use.

8 5. The "private motor coach," which is a vehicular
9 unit which does not exceed the length, width, and height
10 limitations provided in s. 316.515(9), is built on a
11 self-propelled bus type chassis having no fewer than three
12 load-bearing axles, and is primarily designed to provide
13 temporary living quarters for recreational, camping, or travel
14 use.

15 6. The "van conversion," which is a vehicular unit
16 which does not exceed the length and width limitations
17 provided in s. 316.515, is built on a self-propelled motor
18 vehicle chassis, and is designed for recreation, camping, and
19 travel use.

20 7. The "park trailer," which is a transportable unit
21 which has a body width not exceeding 14 feet and which is
22 built on a single chassis and is designed to provide seasonal
23 or temporary living quarters when connected to utilities
24 necessary for operation of installed fixtures and appliances.
25 The total area of the unit in a setup mode, when measured from
26 the exterior surface of the exterior stud walls at the level
27 of maximum dimensions, not including any bay window, does not
28 exceed 400 square feet when constructed to ANSI A-119.5
29 standards, and 500 square feet when constructed to United
30 States Department of Housing and Urban Development Standards.
31 The length of a park trailer means the distance from the

1 exterior of the front of the body (nearest to the drawbar and
2 coupling mechanism) to the exterior of the rear of the body
3 (at the opposite end of the body), including any protrusions.

4 8. The "fifth-wheel trailer," which is a vehicular
5 unit mounted on wheels, designed to provide temporary living
6 quarters for recreational, camping, or travel use, of such
7 size or weight as not to require a special highway movement
8 permit, of gross trailer area not to exceed 400 square feet in
9 the setup mode, and designed to be towed by a motorized
10 vehicle that contains a towing mechanism that is mounted above
11 or forward of the tow vehicle's rear axle.

12 Section 21. Subsection (2) of section 320.031, Florida
13 Statutes, is amended to read:

14 320.031 Mailing of registration certificates, license
15 plates, and validation stickers.--

16 (2) A mail service charge may be collected for each
17 registration certificate, license plate, mobile home sticker,
18 and validation sticker mailed by the department or any tax
19 collector. Each registration certificate, license plate,
20 mobile home sticker, and validation sticker shall be mailed by
21 first-class mail unless otherwise requested by the applicant.
22 The amount of the mail service charge shall be the actual
23 postage required, rounded to the nearest 5 cents, plus a
24 25-cent handling charge. The mail service charge is in
25 addition to the service charge provided by s. 320.04. All
26 charges collected by the department, as prescribed in this
27 section, shall be paid into the Highway Safety Operating Trust
28 Fund.

29 Section 22. Subsection (2) of section 320.04, Florida
30 Statutes, is amended to read:

31 320.04 Registration service charge.--

1 (2) The service charges shall be collected by the
2 department on all applications handled directly from its
3 office; and the proceeds thereof, together with any fees
4 returned to it by the tax collector, shall be paid into the
5 Highway Safety Operating Trust Fund ~~General Revenue Fund~~. No
6 tax collector, deputy tax collector, or employee of the state
7 or any county shall charge, collect, or receive any fee or
8 compensation for services performed as notary public in
9 connection with or incidental to the issuance of license
10 plates or titles. The provisions of this subsection and of s.
11 116.38(2) prohibiting the charging, collecting, or receiving
12 of notary public fees do not apply to any privately owned
13 license plate agency appointed by the county manager of a
14 charter county which has an appointed tax collector.

15 Section 23. Subsection (5) of section 320.055, Florida
16 Statutes, is amended to read:

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

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

1 begins on December 1 of a year and ends November 30 of the
2 following year. The renewal period is the 31-day period
3 beginning December 1.

4 Section 24. Section 320.0605, Florida Statutes, is
5 amended to read:

6 320.0605 Certificate of registration; possession
7 required; exception.--The registration certificate or an
8 official copy thereof, a true copy of a rental or lease
9 agreement issued for a motor vehicle or issued for a
10 replacement vehicle in the same registration period, a
11 temporary receipt printed upon self-initiated electronic
12 renewal of a registration via the Internet, or a cab card
13 issued for a vehicle registered under the International
14 Registration Plan shall, at all times while the vehicle is
15 being used or operated on the roads of this state, be in the
16 possession of the operator thereof or be carried in the
17 vehicle for which issued and shall be exhibited upon demand of
18 any authorized law enforcement officer or any agent of the
19 department. The provisions of this section do not apply during
20 the first 30 days after purchase of a replacement vehicle. A
21 violation of this section is a noncriminal traffic infraction,
22 punishable as a nonmoving violation as provided in chapter
23 318.

24 Section 25. Paragraph (a) of subsection (4) of section
25 320.07, Florida Statutes, is amended to read:

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

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

1 renewal registration is due. The delinquent fee shall be
2 applied beginning at 12:01 a.m. on the day immediately
3 following the expiration of the registration period ~~on the~~
4 ~~11th calendar day of the month succeeding the renewal period.~~
5 The delinquent fee shall not apply to those vehicles which
6 have not been required to be registered during the preceding
7 registration period or as provided in s. 320.18(2). The
8 delinquent fee shall be imposed as follows:
9 1. License tax of \$5 but not more than \$25: \$5 flat.
10 2. License tax over \$25 but not more than \$50: \$10
11 flat.
12 3. License tax over \$50 but not more than \$100: \$15
13 flat.
14 4. License tax over \$100 but not more than \$400: \$50
15 flat.
16 5. License tax over \$400 but not more than \$600: \$100
17 flat.
18 6. License tax over \$600 and up: \$250 flat.
19 Section 26. Subsection (6) of section 320.0805,
20 Florida Statutes, is amended to read:
21 320.0805 Personalized prestige license plates.--
22 (6) A personalized prestige license plate shall be
23 issued for the exclusive continuing use of the applicant. An
24 exact duplicate of any plate may not be issued to any other
25 applicant during the same registration period. An exact
26 duplicate may not be issued for any succeeding year unless the
27 previous owner of a specific plate relinquishes it by failure
28 to apply for renewal within 1 year of expiration of the
29 registration period ~~or reissuance for three consecutive annual~~
30 ~~registration periods following the original year of issuance.~~
31

1 Section 27. Subsections (19) and (29) of section
2 320.08058, Florida Statutes, are amended to read:
3 320.08058 Specialty license plates.--
4 (19) SEA TURTLE LICENSE PLATES.--
5 (a) The department shall develop a Sea Turtle license
6 plate as provided in this section. The word "Florida" must
7 appear at the top of the plate, the words "Helping Sea Turtles
8 Survive" must appear at the bottom of the plate, and the image
9 of a sea turtle must appear in the center of the plate.
10 (b) The annual use fees shall be deposited in the
11 Marine Resources Conservation Trust Fund in the Fish and
12 Wildlife Conservation Commission. The first \$500,000 in annual
13 revenue shall be used by the Florida Marine Turtle Protection
14 Program to conduct sea turtle protection, research, and
15 recovery programs. Additional annual use proceeds, up to an
16 amount not exceeding 30 percent of the total annual use
17 proceeds, shall be disbursed annually through the marine
18 turtle grants program as provided in s. 370.12(1)(h).The
19 remaining annual use proceeds shall be used by the commission
20 for sea turtle conservation activities, ~~except that up to 30~~
21 ~~percent of the remaining annual use fee proceeds shall be~~
22 ~~annually disbursed through the marine turtle grants program as~~
23 ~~provided in s. 370.12(1)(h).~~
24 (29) UNITED STATES MARINE CORPS LICENSE PLATES.--
25 (a) The department shall develop a United States
26 Marine Corps license plate as provided in this section. The
27 word "Florida" must appear at the top center of the plate, and
28 the words "Marine Corps ~~First to Fight~~" must appear at the
29 bottom center of the plate. The United States Marine Corps
30 logo, 3 inches in diameter, must appear on the left side
31 centered top to bottom of the plate in proper colors.

1 (b) The department shall distribute the United States
2 Marine Corps license plate annual use fees in the following
3 manner:

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

9 2. Any additional fees collected annually shall be
10 deposited in the Marine Corps Scholarship Foundation, Inc.,
11 successor to the USMC ~~USMV~~ Tag/Scholarship Fund, Inc., which
12 shall use the fees to fund scholarships and assist Marine
13 Corps Junior ROTC and Young Marine programs of this state. The
14 foundation shall develop a plan to distribute the funds to
15 recipients nominated by residents of the state to receive
16 scholarships, and to the Marine Corps Junior ROTC programs in
17 the state.

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

20 320.083 Amateur radio operators; special license
21 plates; fees.--

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

1 (a) The license tax required for the vehicle, as
2 prescribed by s. 320.08(2), (3)(a), (b), or (c), (4)(a), (b),
3 (c), (d), (e), or (f), or (9); and
4 (b) An initial additional fee of \$5, and an additional
5 fee of \$1.50 thereafter.
6 Section 29. Subsections (2) and (3) of section
7 320.089, Florida Statutes, are amended to read:
8 320.089 Members of National Guard and active United
9 States Armed Forces reservists; former prisoners of war;
10 survivors of Pearl Harbor; Purple Heart medal recipients;
11 special license plates; fee.--
12 (2) Each owner or lessee of an automobile or a truck
13 for private use, ~~truck weighing not more than 5,000 pounds,~~ or
14 a recreational vehicle as specified in s. 320.08(9)(c) or (d),
15 which is not used for hire or commercial use, who is a
16 resident of the state and who is a former prisoner of war, or
17 their unremarried surviving spouse, shall, upon application
18 therefor to the department, be issued a license plate as
19 provided in s. 320.06, on which license plate are stamped the
20 words "Ex-POW" followed by the serial number. Each application
21 shall be accompanied by proof that the applicant meets the
22 qualifications specified in paragraph (a) or paragraph (b).
23 (a) A citizen of the United States who served as a
24 member of the Armed Forces of the United States or the armed
25 forces of a nation allied with the United States who was held
26 as a prisoner of war at such time as the Armed Forces of the
27 United States were engaged in combat, or their unremarried
28 surviving spouse, may be issued the special license plate
29 provided for in this subsection without payment of the license
30 tax imposed by s. 320.08.
31

1 (b) A person who was serving as a civilian with the
2 consent of the United States Government, or a person who was a
3 member of the Armed Forces of the United States who was not a
4 United States citizen and was held as a prisoner of war when
5 the Armed Forces of the United States were engaged in combat,
6 or their unremarried surviving spouse, may be issued the
7 special license plate provided for in this subsection upon
8 payment of the license tax imposed by s. 320.08.

9 (3) Each owner or lessee of an automobile or a truck
10 for private use, ~~truck weighing not more than 5,000 pounds, or~~
11 a recreational vehicle as specified in s. 320.08(9)(c) or (d),
12 which is not used for hire or commercial use, who is a
13 resident of this state and who is the unremarried surviving
14 spouse of a recipient of the Purple Heart medal shall, upon
15 application therefor to the department, with the payment of
16 the required fees, be issued a license plate as provided in s.
17 320.06, on which license plate are stamped the words "Purple
18 Heart" and the likeness of the Purple Heart medal followed by
19 the serial number. Each application shall be accompanied by
20 proof that the applicant is the unremarried surviving spouse
21 of a recipient of the Purple Heart medal.

22 Section 30. Subsection (1) of section 320.18, Florida
23 Statutes, is amended to read:

24 320.18 Withholding registration.--

25 (1) The department may withhold the registration of
26 any motor vehicle or mobile home the owner of which has failed
27 to register it under the provisions of law for any previous
28 period or periods for which it appears registration should
29 have been made in this state, until the tax for such period or
30 periods is paid. The department may cancel any license plate
31 or fuel-use tax decal if the owner pays for the license plate,

1 fuel-use tax decal, or any tax liability, penalty, or interest
2 specified in chapter 207 by a dishonored check. The department
3 may cancel all other motor vehicle registrations and the
4 driver license of any person who pays for a license plate,
5 fuel-use tax decal, or any tax liability, penalty, or interest
6 specified in chapter 207 by a dishonored check, said
7 cancellations to continue until the registration fee and
8 service charges or tax liability, as the case may be, and all
9 applicable penalties, service charges, and reinstatement fees
10 have been paid for in certified funds.The Department of
11 Transportation and the Department of Highway Safety and Motor
12 Vehicles may impound any commercial motor vehicle that has a
13 canceled license plate or fuel-use tax decal until the tax
14 liability, penalty, and interest specified in chapter 207, the
15 license tax, or the fuel-use decal fee, and applicable
16 administrative fees have been paid for by certified funds.

17 Section 31. Subsections (5) and (7) of section 320.27,
18 Florida Statutes, are amended to read:

19 320.27 Motor vehicle dealers.--

20 (5) SUPPLEMENTAL LICENSE.--Any person licensed
21 hereunder shall obtain a supplemental license for each
22 permanent additional place or places of business not
23 contiguous to the premises for which the original license is
24 issued, on a form to be furnished by the department, and upon
25 payment of a fee of \$50 for each such additional location.
26 Upon making renewal applications for such supplemental
27 licenses, such applicant shall pay \$50 for each additional
28 location. A supplemental license authorizing off-premises
29 sales shall be issued, at no charge to the dealer, for a
30 period not to exceed 10 consecutive calendar days. To obtain
31 such a temporary supplemental license for off-premises sales,

1 the applicant must be a licensed dealer; must notify the
2 applicable local department office of the specific dates and
3 location for which such license is requested, display a sign
4 at the licensed location clearly identifying the dealer, and
5 provide staff to work at the temporary location for the
6 duration of the off-premises sale; must meet any local
7 government permitting requirements; and must have permission
8 of the property owner to sell at that location. In the case of
9 an off-premises sale by a motor vehicle dealer licensed under
10 s. 320.27(1)(c)1. for the sale of new motor vehicles, the
11 applicant must also include documentation notifying the
12 applicable licensee licensed under s. 320.61 of the intent to
13 engage in an off-premises sale 5 working days prior to the
14 date of the off-premises sale. The licensee shall either
15 approve or disapprove of the off-premises sale within 2
16 working days after receiving notice; otherwise, it will be
17 deemed approved. This section does not apply to a nonselling
18 motor vehicle show or public display of new motor vehicles.

19 (7) CERTIFICATE OF TITLE REQUIRED.--For each used
20 motor vehicle in the possession of a licensee and offered for
21 sale by him or her, the licensee either shall have in his or
22 her possession a duly assigned certificate of title from the
23 owner in accordance with the provisions of chapter 319, from
24 the time when the motor vehicle is delivered to the licensee
25 and offered for sale by him or her until it has been disposed
26 of by the licensee, or shall have reasonable indicia of
27 ownership or right of possession, or shall have made proper
28 application for a certificate of title or duplicate
29 certificate of title in accordance with the provisions of
30 chapter 319. A motor vehicle dealer may not sell or offer for
31 sale a vehicle in his or her possession unless the dealer

1 satisfies the requirements of this subsection. Reasonable
2 indicia of ownership shall include a duly assigned certificate
3 of title; in the case of a new motor vehicle, a manufacturer's
4 certificate of origin issued to or reassigned to the dealer; a
5 consignment contract between the owner and the dealer along
6 with a secure power of attorney from the owner to the dealer
7 authorizing the dealer to apply for a duplicate certificate of
8 title and assign the title on behalf of the owner; a court
9 order awarding title to the vehicle to the dealer; a salvage
10 certificate of title; a photocopy of a duly assigned
11 certificate of title being held by a financial institution as
12 collateral for a business loan of money to the dealer ("floor
13 plan"); a copy of a canceled check or other documentation
14 evidencing that an outstanding lien on a vehicle taken in
15 trade by a licensed dealer has been satisfied and that the
16 certificate of title will be, but has not yet been, received
17 by the dealer; a vehicle purchase order or installment
18 contract for a specific vehicle identifying that vehicle as a
19 trade-in on a replacement vehicle; or a duly executed odometer
20 disclosure statement as required by Title IV of the Motor
21 Vehicle Information and Cost Savings Act of 1972 (Pub. L. No.
22 92-513, as amended by Pub. L. No. 94-364 and Pub. L. No.
23 100-561) and by Part 580, Title 49, Code of Federal
24 Regulations, bearing the signatures of the titled owners of a
25 traded-in vehicle.

26 Section 32. Subsection (10) of section 320.60, Florida
27 Statutes, is amended to read:

28 320.60 Definitions for ss. 320.61-320.70.--Whenever
29 used in ss. 320.61-320.70, unless the context otherwise
30 requires, the following words and terms have the following
31 meanings:

1 (10) "Motor vehicle" means any new automobile,
2 motorcycle, or truck the equitable or legal title to which has
3 never been transferred by a manufacturer, distributor,
4 importer, or dealer to an ultimate purchaser; however, when
5 legal title is not transferred but possession of a motor
6 vehicle is transferred pursuant to a conditional sales
7 contract or lease and the conditions are not satisfied and the
8 vehicle is returned to the motor vehicle dealer, the motor
9 vehicle may be resold by the motor vehicle dealer as a new
10 motor vehicle, provided the selling motor vehicle dealer gives
11 the following written notice to the purchaser, "THIS VEHICLE
12 WAS DELIVERED TO A PREVIOUS PURCHASER." The purchaser shall
13 sign an acknowledgement, a copy of which is kept in the
14 selling dealer's file.

15 Section 33. Subsection (7) of section 320.77, Florida
16 Statutes, is amended to read:

17 320.77 License required of mobile home 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 location 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 duration of the off-premises sale;
7 must meet any local government permitting requirements; and
8 must have permission of the property owner to sell at that
9 location.

10 Section 34. Subsection (7) of section 320.771, Florida
11 Statutes, is amended to read:

12 320.771 License required of recreational vehicle
13 dealers.--

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

1 identifying the dealer, and provide staff to work at the
2 temporary location for the entire duration of the off-premises
3 sale; must meet any local government permitting requirements;
4 and must have permission of the property owner to sell at that
5 location.

6 Section 35. Subsection (26) of section 322.01, Florida
7 Statutes, is amended to read:

8 322.01 Definitions.--As used in this chapter:

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

14 Section 36. Section 322.025, Florida Statutes, is
15 amended to read:

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

26 Section 37. Paragraph (a) of subsection (1) of section
27 322.051, Florida Statutes, is amended to read:

28 322.051 Identification cards.--

29 (1) Any person who is 12 years of age or older, or any
30 person who has a disability, regardless of age, who applies
31 for a disabled parking permit under s. 320.0848, may be issued

1 an identification card by the department upon completion of an
2 application and payment of an application fee.

3 (a) Each such application shall include the following
4 information regarding the applicant:

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

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

9 3. Proof of identity satisfactory to the department.

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

19 Section 38. Paragraph (c) of subsection (2) of section
20 322.08, Florida Statutes, is amended to read:

21 322.08 Application for license.--

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

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

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

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

3 Section 39. Paragraph (a) of subsection (1) of section
4 322.161, Florida Statutes, is amended to read:

5 322.161 High-risk drivers; restricted licenses.--

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

12 Section 40. Subsection (1) of section 322.22, Florida
13 Statutes, is amended to read:

14 322.22 Authority of department to cancel license.--

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

1 case may be, and all applicable penalties, service charges,
2 and reinstatement fees have been paid for in certified funds.

3 Section 41. Paragraph (a) of subsection (2) of section
4 322.271, Florida Statutes, is amended to read:

5 322.271 Authority to modify revocation, cancellation,
6 or suspension order.--

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

1 in this subsection to determine if the driver should be
2 reinstated on a restricted basis. A person whose license was
3 suspended pursuant to s. 322.2616 shall, before the driving
4 privilege may be reinstated, present to the department proof
5 of current enrollment in a department-approved basic driver
6 improvement or traffic law and substance abuse education
7 course. If such person fails to complete the approved course
8 within 90 days after reinstatement or subsequently fails to
9 complete treatment, if applicable, the department shall cancel
10 his or her driver's license until the course and treatment, if
11 applicable, is successfully completed, notwithstanding the
12 terms of the court order or any suspension or revocation of
13 the driving privilege. The department may temporarily
14 reinstate the driving privilege on a restricted basis upon
15 verification from the DUI program that the offender has
16 reentered and is currently participating in treatment and has
17 completed the DUI education course and evaluation requirement.
18 If the DUI program notifies the department of the second
19 failure to complete treatment, the department shall reinstate
20 the driving privilege only after notice of completion of
21 treatment from the DUI program. The privilege of driving on a
22 limited or restricted basis for business or employment use
23 shall not be granted to a person who has been convicted of a
24 violation of s. 316.193 until completion of the DUI program
25 substance abuse education course and evaluations as provided
26 in s. 316.193(5). Except as provided in paragraph (b), the
27 privilege of driving on a limited or restricted basis for
28 business or employment use shall not be granted to a person
29 whose license is revoked pursuant to s. 322.28 or suspended
30 pursuant to s. 322.2615 and who has been convicted of a
31 violation of s. 316.193 two or more times or whose license has

1 | been suspended two or more times for refusal to submit to a
2 | test pursuant to s. 322.2615 or former s. 322.261.

3 | Section 42. Subsection (3) of section 328.48, Florida
4 | Statutes, is amended to read:

5 | 328.48 Vessel registration, application, certificate,
6 | number, decal, duplicate certificate.--

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

13 | Section 43. Paragraph (c) of subsection (2) of section
14 | 328.72, Florida Statutes, is amended to read:

15 | 328.72 Classification; registration; fees and charges;
16 | surcharge; disposition of fees; fines; marine turtle
17 | stickers.--

18 | (2) ANTIQUE VESSEL REGISTRATION FEE.--

19 | (c) The Department of Highway Safety and Motor
20 | Vehicles may issue a decal identifying the vessel as an
21 | antique vessel. The decal shall be displayed as provided in s.
22 | 328.48 ~~ss. 327.11 and 327.14.~~

23 | Section 44. Subsection (3) of section 328.73, Florida
24 | Statutes, is amended to read:

25 | 328.73 Registration; duties of tax collectors.--

26 | (3) A fee of 50 cents shall be charged in addition to
27 | the fees required under s. 328.72 ~~s. 327.25~~ on every vessel
28 | decal registration sold to cover the cost of the Florida Real
29 | Time Vehicle Information System. The fees collected under this
30 | section shall be deposited into the Highway Safety Operating
31 |

1 Trust Fund and shall be used to fund that system and may be
2 used to fund the general operations of the department.

3 Section 45. Subsection (2) of section 328.735, Florida
4 Statutes, is amended to read:

5 328.735 Advanced registration renewal; procedures.--

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

13 Section 46. Subsections (1), (3), and (8) of section
14 713.585, Florida Statutes, are amended, and subsection (14) is
15 added to said section, to read:

16 713.585 Enforcement of lien by sale of motor
17 vehicle.--A person claiming a lien under s. 713.58 for
18 performing labor or services on a motor vehicle may enforce
19 such lien by sale of the vehicle in accordance with the
20 following procedures:

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

1 different from that disclosed by the records of the Department
2 of Highway Safety and Motor Vehicles or of a corresponding
3 agency of any other state in which the vehicle is registered.
4 Such notice must contain:
5 (a) A description of the vehicle (year, make, vehicle
6 identification number) and its location.
7 (b) The name and address of the owner of the vehicle,
8 the customer as indicated on the order for repair, and any
9 person claiming an interest in or lien thereon.
10 (c) The name, address, and telephone number of the
11 lienor.
12 (d) Notice that the lienor claims a lien on the
13 vehicle for labor and services performed and storage charges,
14 if any, and the cash sum which, if paid to the lienor, would
15 be sufficient to redeem the vehicle from the lien claimed by
16 the lienor.
17 (e) Notice that the lien claimed by the lienor is
18 subject to enforcement pursuant to this section and that the
19 vehicle may be sold to satisfy the lien.
20 (f) If known, the date, time, and location of any
21 proposed or scheduled sale of the vehicle. No vehicle may be
22 sold earlier than 60 days after completion of the repair work.
23 (g) Notice that the owner of the vehicle or any person
24 claiming an interest in or lien thereon has a right to a
25 hearing at any time prior to the scheduled date of sale by
26 filing a demand for hearing with the clerk of the circuit
27 court in the county in which the vehicle is held and mailing
28 copies of the demand for hearing to all other owners and
29 lienors as reflected on the notice.
30 (h) Notice that the owner of the vehicle has a right
31 to recover possession of the vehicle without instituting

1 judicial proceedings by posting bond in accordance with the
2 provisions of s. 559.917.

3 (i) Notice that any proceeds from the sale of the
4 vehicle remaining after payment of the amount claimed to be
5 due and owing to the lienor will be deposited with the clerk
6 of the circuit court for disposition upon court order pursuant
7 to subsection (8).

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

24 (8) A vehicle subject to lien enforcement pursuant to
25 this section must be sold by the lienor at public sale. The
26 sale shall be held in the county in which the notice of sale
27 is published and in which the vehicle is held. The vehicle
28 shall be physically present for inspection at the time of the
29 public sale. Immediately upon the sale of the vehicle and
30 payment in cash of the purchase price, the lienor shall
31 deposit with the clerk of the circuit court the proceeds of

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

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

30 Section 47. Paragraph (b) of subsection (4),
31 subsection (6), and paragraph (a) of subsection (11) of

1 section 713.78, Florida Statutes, are amended, paragraph (d)
2 is added to subsection (12), and subsection (13) is added to
3 said section, to read:

4 713.78 Liens for recovering, towing, or storing
5 vehicles and undocumented vessels.--

6 (4)

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

23 (6) Any vehicle or vessel which is stored pursuant to
24 subsection (2) and which remains unclaimed, or for which
25 reasonable charges for recovery, towing, or storing remain
26 unpaid or for which a lot rental amount is due and owing to
27 the mobile home park owner, as evidenced by a judgment for
28 unpaid rent, and any contents not released pursuant to
29 subsection (10), may be sold by the owner or operator of the
30 storage space for such towing or storage charge or unpaid lot
31 rental amount after 35 days from the time the vehicle or

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

1 legally entitled thereto. The clerk shall be entitled to
2 receive 5 percent of such proceeds for the care and
3 disbursement thereof. The certificate of title issued under
4 this law shall be discharged of all liens unless otherwise
5 provided by court order.

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

29 (12)

30 (d) Employees of the Department of Highway Safety and
31 Motor Vehicles and law enforcement officers are authorized to

1 inspect the records of any person regularly engaged in the
2 business of recovering, towing, or storing vehicles or
3 vessels, or transporting vehicles or vessels by wrecker, tow
4 truck, or car carrier, to ensure compliance with the
5 requirements of this section. Any person who fails to maintain
6 records or fails to produce records, when so required, in a
7 reasonable manner and at a reasonable time commits a
8 misdemeanor of the first degree, punishable as provided in s.
9 775.082 or s. 775.083.

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

18 Section 48. Section 715.05, Florida Statutes, is
19 amended to read:

20 715.05 Reporting of unclaimed motor vehicles or
21 vessels.--

22 (1) Whenever any law enforcement agency authorizes the
23 removal of a vehicle or vessel or whenever any towing service,
24 garage, repair shop, marina, or automotive service, storage,
25 or parking place notifies the law enforcement agency of
26 possession of a vehicle or vessel pursuant to s.
27 715.07(2)(a)2., the applicable law enforcement agency shall
28 contact the Department of Highway Safety and Motor Vehicles,
29 or the appropriate agency of the state of registration, if
30 known, within 24 hours through the medium of electronic
31 communications giving the full description of the vehicle or

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

23 (2) Nothing herein contained shall apply to any
24 licensed public lodging establishment.

25 (3) Failure to make good faith best efforts to comply
26 with the notice requirement of this section or of s.
27 715.07(2)(a)2., as appropriate, shall preclude the imposition
28 of any storage charges against such vehicle or vessel.

29 Section 49. Section 715.07, Florida Statutes, is
30 amended to read:

31

1 715.07 Vehicles or vessels parked or located on
2 private property; towing.--
3 (1) As used in this section, the ~~terms:~~~~term~~
4 (a) "Vehicle" means any mobile item which normally
5 uses wheels, whether motorized or not.
6 (b) "Vessel" means any watercraft as defined in s.
7 327.02, excluding "documented" vessels.
8 (2) The owner or lessee of real property, or any
9 person authorized by the owner or lessee, which person may be
10 the designated representative of the condominium association
11 if the real property is a condominium, may cause any vehicle
12 or vessel parked or located on such property without her or
13 his permission to be removed by a person regularly engaged in
14 the business of towing vehicles or vessels, without liability
15 for the costs of removal, transportation, or storage or
16 damages caused by such removal, transportation, or storage,
17 under any of the following circumstances:
18 (a) The towing or removal of any vehicle or vessel
19 from private property without the consent of the registered
20 owner or other legally authorized person in control of that
21 vehicle or vessel is subject to strict compliance with the
22 following conditions and restrictions:
23 1.a. Any towed or removed vehicle or vessel must be
24 stored at a site within 10 miles of the point of removal in
25 any county of 500,000 population or more, and within 15 miles
26 of the point of removal in any county of less than 500,000
27 population. That site must be open for the purpose of
28 redemption of vehicles or vessels on any day that the person
29 or firm towing such vehicle or vessel is open for towing
30 purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall
31 have prominently posted a sign indicating a telephone number

1 where the operator of the site can be reached at all times.
2 Upon receipt of a telephoned request to open the site to
3 redeem a vehicle or vessel, the operator shall return to the
4 site within 1 hour or she or he will be in violation of this
5 section.

6 b. If no towing business providing such service is
7 located within the area of towing limitations set forth in
8 sub-subparagraph a., the following limitations apply: any
9 towed or removed vehicle or vessel must be stored at a site
10 within 20 miles of the point of removal in any county of
11 500,000 population or more, and within 30 miles of the point
12 of removal in any county of less than 500,000 population.

13 2. The person or firm towing or removing the vehicle
14 or vessel shall, within 30 minutes of completion of such
15 towing or removal, notify the municipal police department or,
16 in an unincorporated area, the sheriff of such towing or
17 removal, the storage site, the time the vehicle or vessel was
18 towed or removed, and the make, model, color, and license
19 plate number of the vehicle or the make, model, color, and
20 registration number of the vessel and shall obtain the name of
21 the person at that department to whom such information was
22 reported and note that name on the trip record.

23 3. If the registered owner or other legally authorized
24 person in control of the vehicle or vessel arrives at the
25 scene prior to removal or towing of the vehicle or vessel, the
26 vehicle or vessel shall be disconnected from the towing or
27 removal apparatus, and that person shall be allowed to remove
28 the vehicle or vessel without interference upon the payment of
29 a reasonable service fee of not more than one-half of the
30 posted rate for such towing service as provided in
31 subparagraph 6., for which a receipt shall be given, unless

1 that person refuses to remove the vehicle or vessel which is
2 otherwise unlawfully parked or located.

3 4. The rebate or payment of money or any other
4 valuable consideration from the individual or firm towing or
5 removing vehicles or vessels to the owners or operators of the
6 premises from which the vehicles or vessels are towed or
7 removed, for the privilege of removing or towing those
8 vehicles or vessels, is prohibited.

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

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

28 b. The notice must clearly indicate, in not less than
29 2-inch high, light-reflective letters on a contrasting
30 background, that unauthorized vehicles or vessels will be
31 towed away at the owner's expense. The words "tow-away zone"

1 must be included on the sign in not less than 4-inch high
2 letters.

3 c. The notice must also provide the name and current
4 telephone number of the person or firm towing or removing the
5 vehicles or vessels, if the property owner, lessee, or person
6 in control of the property has a written contract with the
7 towing company.

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

14 e. The local government may require permitting and
15 inspection of these signs prior to any towing or removal of
16 vehicles or vessels being authorized.

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

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

1 6. Any person or firm that tows or removes vehicles or
2 vessels and proposes to require an owner, operator, or person
3 in control of a vehicle or vessel to pay the costs of towing
4 and storage prior to redemption of the vehicle or vessel must
5 file and keep on record with the local law enforcement agency
6 a complete copy of the current rates to be charged for such
7 services and post at the storage site an identical rate
8 schedule and any written contracts with property owners,
9 lessees, or persons in control of property which authorize
10 such person or firm to remove vehicles or vessels as provided
11 in this section.

12 7. Any person or firm towing or removing any vehicles
13 or vessels from private property without the consent of the
14 owner or other legally authorized person in control of the
15 vehicles or vessels shall, on any trucks, wreckers as defined
16 in s. 713.78(1)(b), or other vehicles used in the towing or
17 removal, have the name, address, and telephone number of the
18 company performing such service clearly printed in contrasting
19 colors on the driver and passenger sides of the vehicle. The
20 name shall be in at least 3-inch permanently affixed letters,
21 and the address and telephone number shall be in at least
22 1-inch permanently affixed letters.

23 8. Vehicle entry for the purpose of removing the
24 vehicle or vessel shall be allowed with reasonable care on the
25 part of the person or firm towing the vehicle or vessel. Such
26 person or firm shall be liable for any damage occasioned to
27 the vehicle or vessel if such entry is not in accordance with
28 the standard of reasonable care.

29 9. When a vehicle or vessel has been towed or removed
30 pursuant to this section, it must be released to its owner or
31 custodian within one hour after requested. Any vehicle or

1 vessel owner, custodian, or agent shall have the right to
2 inspect the vehicle or vessel before accepting its return, and
3 no release or waiver of any kind which would release the
4 person or firm towing the vehicle or vessel from liability for
5 damages noted by the owner or other legally authorized person
6 at the time of the redemption may be required from any vehicle
7 or vessel owner, custodian, or agent as a condition of release
8 of the vehicle or vessel to its owner. A detailed, signed
9 receipt showing the legal name of the company or person towing
10 or removing the vehicle or vessel must be given to the person
11 paying towing or storage charges at the time of payment,
12 whether requested or not.

13 (b) These requirements shall be the minimum standards
14 and shall not preclude enactment of additional regulations by
15 any municipality or county including the right to regulate
16 rates when vehicles or vessels are towed from private
17 property.

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

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

28 (5)(a) Any person who violates the provisions of
29 subparagraph (2)(a)2. or subparagraph (2)(a)6. commits is
30 ~~guilty of~~ a misdemeanor of the first degree, punishable as
31 provided in s. 775.082 or s. 775.083.

1 (b) Any person who violates the provisions of
2 subparagraph (2)(a)7. commits ~~is guilty of~~ a felony of the
3 third degree, punishable as provided in s. 775.082, s.
4 775.083, or s. 775.084.

5 Section 50. Paragraph (r) is added to subsection (7)
6 of section 213.053, Florida Statutes, to read:

7 213.053 Confidentiality and information sharing.--

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

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

14
15 Disclosure of information under this subsection shall be
16 pursuant to a written agreement between the executive director
17 and the agency. Such agencies, governmental or
18 nongovernmental, shall be bound by the same requirements of
19 confidentiality as the Department of Revenue. Breach of
20 confidentiality is a misdemeanor of the first degree,
21 punishable as provided by s. 775.082 or s. 775.083.

22 Section 51. Subsection (2) of section 316.251, Florida
23 Statutes, is amended to read:

24 316.251 Maximum bumper heights.--

25 (2) "New motor vehicles" as defined in s.
26 319.001~~(8)(4)~~, "antique automobiles" as defined in s. 320.08,
27 "horseless carriages" as defined in s. 320.086, and "street
28 rods" as defined in s. 320.0863 shall be excluded from the
29 requirements of this section.

30 Section 52. Paragraphs (k) and (l) of subsection (4)
31 of section 325.203, Florida Statutes, are amended to read:

1 325.203 Motor vehicles subject to annual inspection;
2 exemptions.--
3 (4) The following motor vehicles are not subject to
4 inspection:
5 (k) New motor vehicles, as defined in s.
6 319.001~~(8)(4)~~. Such vehicles are exempt from the inspection
7 requirements of this act at the time of the first registration
8 by the original owner and, thereafter, are subject to the
9 inspection requirements of this act. Beginning May 1, 2000,
10 such vehicles are exempt from those inspection requirements
11 for a period of 2 years from the date of purchase.

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

24 Section 53. (1) TASK FORCE ON THE MOTOR VEHICLE
25 INDUSTRY.--There is hereby created within the Department of
26 Highway Safety and Motor Vehicles the Task Force on the Motor
27 Vehicle Industry. The task force shall be charged with
28 examining and evaluating the motor vehicle industry in the
29 state, specifically the licensing of motor vehicle dealers,
30 the enforcement of motor vehicle dealer regulations, and the
31

1 structure and manner in which the Department of Motor Vehicles
2 carries out its regulatory purpose.

3 (2) MEMBERSHIP; ORGANIZATION; MEETINGS.--

4 (a) The task force shall be composed of 15 members, to
5 be appointed by the Governor, the President of the Senate, and
6 the Speaker of the House of Representatives, as follows:

7 1. One representative of the Division of Motor
8 Vehicles of the Department of Highway Safety and Motor
9 Vehicles, to be appointed by the Governor.

10 2. One representative of independent motor vehicle
11 dealers as recommended by the Florida Independent Automobile
12 Dealers Association, to be appointed by the Governor.

13 3. One representative of motor vehicle franchise
14 dealers as recommended by the Florida Automobile Dealers
15 Association, to be appointed by the Governor.

16 4. One representative from an auto auction chain that
17 is recommended by a group affiliated with the National Auto
18 Auction Association, to be appointed by the Governor.

19 5. One representative of the Florida Auto Dismantlers
20 and Recyclers Association, to be appointed by the Governor.

21 6. One representative from the Department of Revenue,
22 to be appointed by the President of the Senate.

23 7. One representative of independent motor vehicle
24 dealers as recommended by the Florida Independent Automobile
25 Dealers Association, to be appointed by the President of the
26 Senate.

27 8. A Florida tax collector as recommended by the
28 Florida Tax Collectors Association, to be appointed by the
29 President of the Senate.

30
31

- 1 9. One representative from a Better Business Bureau
2 within the state, to be appointed by the President of the
3 Senate.
- 4 10. One representative of motor vehicle franchise
5 dealers as recommended by the Tampa Bay Auto Dealers
6 Association, to be appointed by the President of the Senate.
- 7 11. One representative from the Division of Consumer
8 Services of the Department of Agriculture and Consumer
9 Services, to be appointed by the Speaker of the House of
10 Representatives.
- 11 12. One representative of independent motor vehicle
12 dealers as recommended by the Florida Independent Automobile
13 Dealers Association, to be appointed by the Speaker of the
14 House of Representatives.
- 15 13. One representative of the motor vehicle auction
16 industry who is affiliated with an independent motor vehicle
17 auction concern and is recommended by a group affiliated with
18 the National Auto Auction Association, to be appointed by the
19 Speaker of the House of Representatives.
- 20 14. One representative of the insurance industry that
21 writes motor vehicle dealer surety bonds, to be appointed by
22 the Speaker of the House of Representatives.
- 23 15. One representative of motor vehicle franchise
24 dealers as recommended by the South Florida Auto Dealers
25 Association, to be appointed by the Speaker of the House of
26 Representatives.
- 27
- 28 The Division of Motor Vehicles of the Department of Highway
29 Safety and Motor Vehicles, the Division of Consumer Services
30 of the Department of Agriculture and Consumer Services, the
31 Department of Revenue, the Florida Independent Automobile

1 Dealers Association, the Florida Tax Collectors Association,
2 the Florida Automobile Dealers Association, and the Florida
3 Auto Dismantlers and Recyclers Association shall submit to the
4 Department of Highway Safety and Motor Vehicles the names of
5 their recommended representatives for selection as appointees
6 to the task force. A person who desires to be considered for
7 appointment to the task force as a representative of the
8 insurance industry or a Better Business Bureau shall submit
9 his or her name and a statement of the designated category he
10 or she proposes to represent to the Department of Highway
11 Safety and Motor Vehicles, which shall forward all recommended
12 names to the appointing authority for the designated category.
13 In order to facilitate and coordinate the efforts of the task
14 force, the Governor, the President of the Senate, and the
15 Speaker of the House of Representatives shall each name a
16 liaison whom the task force may contact for assistance and
17 information during the course of the task force's existence.
18 Members of the task force shall be appointed no later than
19 July 1, 2000.

20 (b) The Governor shall appoint the chair of the task
21 force. Any vacancy in the task force membership shall be
22 filled in the manner of the original appointment.

23 (c) Upon appointment of the members, the task force
24 shall schedule an organizational meeting to be held no later
25 than July 20, 2000. Thereafter, the task force shall meet at
26 least once a month, at the call of the chair, or at the call
27 of a quorum of the task force, at various locations throughout
28 the state to be determined by the task force. A quorum is
29 necessary for the purpose of conducting official business of
30 the task force. Eight members of the task force shall
31 constitute a quorum.

1 (d) The task force shall use accepted rules of
2 procedure to conduct its meetings. The department shall keep
3 on file a complete record of each meeting.

4 (e) Members of the task force from the private sector
5 shall not be entitled to per diem or travel expenses. Members
6 of the task force who are employees of state agencies shall
7 receive per diem and travel expenses from the budgets of their
8 respective agencies.

9 (f) The Department of Highway Safety and Motor
10 Vehicles shall provide administrative and staff support
11 services relating to the functions of the task force, and
12 members of the task force may request assistance from the
13 Department of Highway Safety and Motor Vehicles as necessary.

14 (3) PURPOSES; DUTIES.--

15 (a) The task force shall conduct an in-depth review of
16 the motor vehicle industry in the state, which shall include,
17 but not be limited to, problems associated with licensing
18 requirements for motor vehicle dealers, unlicensed persons
19 engaging in business as motor vehicle dealers, and enforcement
20 of statutes and rules regulating the motor vehicle industry.
21 The task force shall, in its review, analyze the provisions of
22 chapter 320, Florida Statutes, and any other applicable
23 provisions of state law as they relate to the motor vehicle
24 industry and motor vehicle dealer licensing requirements and
25 enforcement.

26 (b) The task force may, in its discretion:

27 1. Conduct meetings, hearings, and workshops in
28 Tallahassee, and at different locations throughout the state,
29 and take evidence, testimony, and argument at such meetings,
30 hearings, and workshops from state agencies and consumer
31 organizations.

1 2. Examine and evaluate the procedures and methods for
2 approval of an applicant for licensure as a motor vehicle
3 dealer, for establishment of motor vehicle dealer locations,
4 for enforcement actions against unlicensed persons engaging in
5 business as motor vehicle dealers, and for enforcement of
6 existing statutes and rules regulating motor vehicle dealers.

7 3. Assess the roles of the Department of Highway
8 Safety and Motor Vehicles and county tax collectors regarding
9 the motor vehicle industry.

10 (c) The in-depth review established in this section
11 shall not include the relationship between motor vehicle
12 dealers licensed under s. 320.27(1)(c)1., Florida Statutes,
13 and their respective line-make licensees licensed under s.
14 320.61, Florida Statutes, or the provisions of ss.
15 320.60-320.70, Florida Statutes.

16 (d) Upon completing the review, assessment, and
17 evaluation pursuant to this act, the task force may meet
18 further to consider its accomplishments and to compile its
19 findings into legislative recommendations.

20 (4) INTERIM AND FINAL REPORT; TERMINATION OF TASK
21 FORCE.--By January 31, 2001, the task force shall submit its
22 interim findings and recommendations in the form of a written
23 report to the Governor, the President of the Senate, and the
24 Speaker of the House of Representatives. The task force shall
25 make a final report of its findings and recommendations, which
26 may include proposed legislation, to the Governor, the
27 President of the Senate, and the Speaker of the House of
28 Representatives by March 1, 2001, at which time the task force
29 shall cease to exist.

30 (5) This section shall take effect upon this act
31 becoming a law.

1 Section 54. Except as otherwise provided herein, this
2 act shall take effect October 1, 2000.
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31