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Bill No. CS/CS/HB 1053, 2nd Eng.

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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2		.	
3		.	
4		.	

ORIGINAL STAMP BELOW

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10  
11 Representative(s) Gardiner offered the following:

12

13 **Amendment to Senate Amendment (334172) (with title**  
14 **amendment)**

15 On page 197, between lines 13 and 14

16

17 insert:

18 Section 122. Subsections (1) and (21) of section  
19 316.003, Florida Statutes, are amended, and subsection (82) is  
20 added to said section, to read:

21 316.003 Definitions.--The following words and phrases,  
22 when used in this chapter, shall have the meanings  
23 respectively ascribed to them in this section, except where  
24 the context otherwise requires:

25 (1) AUTHORIZED EMERGENCY VEHICLES.--Vehicles of the  
26 fire department (fire patrol), police vehicles, and such  
27 ambulances and emergency vehicles of municipal departments,  
28 public service corporations operated by private corporations,  
29 the Department of Environmental Protection, the Department of  
30 Health, and the Department of Transportation as are designated  
31 or authorized by their respective department or the chief of

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1 police of an incorporated city or any sheriff of any of the  
2 various counties.

3 (21) MOTOR VEHICLE.--Any self-propelled vehicle not  
4 operated upon rails or guideway, but not including any  
5 bicycle, motorized scooter, or moped.

6 (82) MOTORIZED SCOOTER.--Any vehicle not having a seat  
7 or saddle for the use of the rider, designed to travel on not  
8 more than three wheels, and not capable of propelling the  
9 vehicle at a speed greater than 30 miles per hour on level  
10 ground.

11 Section 123. Subsections (2) and (3) of section  
12 316.006, Florida Statutes, are amended to read:

13 316.006 Jurisdiction.--Jurisdiction to control traffic  
14 is vested as follows:

15 (2) MUNICIPALITIES.--

16 (a) Chartered municipalities shall have original  
17 jurisdiction over all streets and highways located within  
18 their boundaries, except state roads, and may place and  
19 maintain such traffic control devices which conform to the  
20 manual and specifications of the Department of Transportation  
21 upon all streets and highways under their original  
22 jurisdiction as they shall deem necessary to indicate and to  
23 carry out the provisions of this chapter or to regulate, warn,  
24 or guide traffic.

25 (b) A municipality may exercise jurisdiction over any  
26 private road or roads, or over any limited access road or  
27 roads owned or controlled by a special district, located  
28 within its boundaries if the municipality and party or parties  
29 owning or controlling such road or roads provide, by written  
30 agreement approved by the governing body of the municipality,  
31 for municipal traffic control jurisdiction over the road or

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1 roads encompassed by such agreement. Pursuant thereto:

2 1. Provision for reimbursement for actual costs of  
3 traffic control and enforcement and for liability insurance  
4 and indemnification by the party or parties, and such other  
5 terms as are mutually agreeable, may be included in such an  
6 agreement.

7 2. The exercise of jurisdiction provided for herein  
8 shall be in addition to jurisdictional authority presently  
9 exercised by municipalities under law, and nothing in this  
10 paragraph shall be construed to limit or remove any such  
11 jurisdictional authority. Such jurisdiction includes  
12 regulation of access to such road or roads by security devices  
13 or personnel.

14 3. Any such agreement may provide for the installation  
15 of multiparty stop signs by the parties controlling the roads  
16 covered by the agreement, if a determination is made by such  
17 parties that the signage will enhance traffic safety.  
18 Multiparty stop signs must conform to the manual and  
19 specifications of the Department of Transportation. However,  
20 minimum traffic volumes may not be required for the  
21 installation of such signage. Enforcement for the signs shall  
22 be as provided in s. 316.123.

23  
24 This subsection shall not limit those counties which have the  
25 charter powers to provide and regulate arterial, toll, and  
26 other roads, bridges, tunnels, and related facilities from the  
27 proper exercise of those powers by the placement and  
28 maintenance of traffic control devices which conform to the  
29 manual and specifications of the Department of Transportation  
30 on streets and highways located within municipal boundaries.

31 (3) COUNTIES.--

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1           (a) Counties shall have original jurisdiction over all  
2 streets and highways located within their boundaries, except  
3 all state roads and those streets and highways specified in  
4 subsection (2), and may place and maintain such traffic  
5 control devices which conform to the manual and specifications  
6 of the Department of Transportation upon all streets and  
7 highways under their original jurisdiction as they shall deem  
8 necessary to indicate and to carry out the provisions of this  
9 chapter or to regulate, warn, or guide traffic.

10           (b) A county may exercise jurisdiction over any  
11 private road or roads, or over any limited access road or  
12 roads owned or controlled by a special district, located in  
13 the unincorporated area within its boundaries if the county  
14 and party or parties owning or controlling such road or roads  
15 provide, by written agreement approved by the governing body  
16 of the county, for county traffic control jurisdiction over  
17 the road or roads encompassed by such agreement. Pursuant  
18 thereto:

19           1. Provision for reimbursement for actual costs of  
20 traffic control and enforcement and for liability insurance  
21 and indemnification by the party or parties, and such other  
22 terms as are mutually agreeable, may be included in such an  
23 agreement.

24           2. Prior to entering into an agreement which provides  
25 for enforcement of the traffic laws of the state over a  
26 private road or roads, or over any limited access road or  
27 roads owned or controlled by a special district, the governing  
28 body of the county shall consult with the sheriff. No such  
29 agreement shall take effect prior to October 1, the beginning  
30 of the county fiscal year, unless this requirement is waived  
31 in writing by the sheriff.

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1           3. The exercise of jurisdiction provided for herein  
2 shall be in addition to jurisdictional authority presently  
3 exercised by counties under law, and nothing in this paragraph  
4 shall be construed to limit or remove any such jurisdictional  
5 authority.

6           4. Any such agreement may provide for the installation  
7 of multiparty stop signs by the parties controlling the roads  
8 covered by the agreement, if a determination is made by such  
9 parties that the signage will enhance traffic safety.

10 Multiparty stop signs must conform to the manual and  
11 specifications of the Department of Transportation. However,  
12 minimum traffic volumes may not be required for the  
13 installation of such signage. Enforcement for the signs shall  
14 be as provided in s. 316.123.

15  
16 Notwithstanding the provisions of subsection (2), each county  
17 shall have original jurisdiction to regulate parking, by  
18 resolution of the board of county commissioners and the  
19 erection of signs conforming to the manual and specifications  
20 of the Department of Transportation, in parking areas located  
21 on property owned or leased by the county, whether or not such  
22 areas are located within the boundaries of chartered  
23 municipalities.

24           Section 124. Effective July 1, 2001, subsection (4) of  
25 section 316.1951, Florida Statutes, is amended to read:

26           316.1951 Parking for certain purposes prohibited.--

27           (4) A law enforcement officer, compliance examiner, or  
28 license inspector, or supervisor of the department, ~~as~~  
29 ~~authorized in s. 320.58(1)(a),~~ may cause to be removed at the  
30 owner's expense any motor vehicle found upon a public street,  
31 public parking lot, other public property, or private

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1 property, where the public has the right to travel by motor  
2 vehicle, which is in violation of subsection (1). Every  
3 written notice issued pursuant to this section shall be  
4 affixed in a conspicuous place upon a vehicle by a law  
5 enforcement officer, compliance examiner, ~~or~~ license  
6 inspector, or supervisor of the department. Any vehicle found  
7 in violation of subsection (1) within 10 days after a previous  
8 violation and written notice shall be subject to immediate  
9 removal without an additional waiting period.

10 Section 125. Subsection (4) of section 316.1967,  
11 Florida Statutes, is amended to read:

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

14 (4) Any person who elects to appear before a  
15 designated official to present evidence waives his or her  
16 right to pay the civil penalty provisions of the ticket. The  
17 official, after a hearing, shall make a determination as to  
18 whether a parking violation has been committed and may impose  
19 a civil penalty not to exceed \$100 or the fine amount  
20 designated by county ordinance, plus court costs. Any person  
21 who fails to pay the civil penalty within the time allowed by  
22 the court is deemed to have been convicted of a parking ticket  
23 violation, and the court shall take appropriate measures to  
24 enforce collection of the fine.

25 Section 126. Subsection (2) of section 316.1975,  
26 Florida Statutes, is amended to read:

27 316.1975 Unattended motor vehicle.--

28 (2) This section does not apply to the operator of:

29 (a) An authorized emergency vehicle while in the  
30 performance of official duties and the vehicle is equipped  
31 with an activated antitheft device that prohibits the vehicle

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1 from being driven; ~~or~~

2 (b) A licensed delivery truck or other delivery  
3 vehicle while making deliveries; ~~or-~~

4 (c) A solid waste or recovered materials vehicle while  
5 collecting such items.

6 Section 127. Section 316.2065, Florida Statutes, is  
7 amended to read:

8 316.2065 Bicycle and motorized scooter regulations.--

9 (1) Every person propelling a vehicle by human power,  
10 or operating a motorized scooter as defined in s. 316.003, has  
11 all of the rights and all of the duties applicable to the  
12 driver of any other vehicle under this chapter, except as to  
13 special regulations in this chapter, and except as to  
14 provisions of this chapter which by their nature can have no  
15 application.

16 (2) A person operating a bicycle may not ride other  
17 than upon or astride a permanent and regular seat attached  
18 thereto.

19 (3)(a) A bicycle may not be used to carry more persons  
20 at one time than the number for which it is designed or  
21 equipped, except that an adult rider may carry a child  
22 securely attached to his or her person in a backpack or sling.

23 (b) Except as provided in paragraph (a), a bicycle  
24 rider must carry any passenger who is a child under 4 years of  
25 age, or who weighs 40 pounds or less, in a seat or carrier  
26 that is designed to carry a child of that age or size and that  
27 secures and protects the child from the moving parts of the  
28 bicycle.

29 (c) A bicycle rider may not allow a passenger to  
30 remain in a child seat or carrier on a bicycle when the rider  
31 is not in immediate control of the bicycle.

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1 (d) A bicycle rider or passenger who is under 16 years  
2 of age must wear a bicycle helmet that is properly fitted and  
3 is fastened securely upon the passenger's head by a strap, and  
4 that meets the standards of the American National Standards  
5 Institute (ANSI Z 90.4 Bicycle Helmet Standards), the  
6 standards of the Snell Memorial Foundation (1984 Standard for  
7 Protective Headgear for Use in Bicycling), or any other  
8 nationally recognized standards for bicycle helmets adopted by  
9 the department. As used in this subsection, the term  
10 "passenger" includes a child who is riding in a trailer or  
11 semitrailer attached to a bicycle.

12 (e) Law enforcement officers and school crossing  
13 guards may issue a bicycle safety brochure and a verbal  
14 warning to a bicycle rider or passenger who violates this  
15 subsection. A bicycle rider or passenger who violates this  
16 subsection may be issued a citation by a law enforcement  
17 officer and assessed a fine for a pedestrian violation, as  
18 provided in s. 318.18. The court shall dismiss the charge  
19 against a bicycle rider or passenger for a first violation of  
20 paragraph (d) upon proof of purchase of a bicycle helmet that  
21 complies with this subsection.

22 (f) A person operating a motorized scooter may not  
23 carry passengers.

24 (4) No person riding upon any bicycle, coaster, roller  
25 skates, sled, motorized scooter, or toy vehicle may attach the  
26 same or himself or herself to any vehicle upon a roadway. This  
27 subsection does not prohibit attaching a bicycle trailer or  
28 bicycle semitrailer to a bicycle if that trailer or  
29 semitrailer is commercially available and has been designed  
30 for such attachment.

31 (5)(a) Any person operating a bicycle upon a roadway



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1 at less than the normal speed of traffic at the time and place  
2 and under the conditions then existing shall ride as close as  
3 practicable to the right-hand curb or edge of the roadway  
4 except under any of the following situations:

5 1. When overtaking and passing another bicycle,  
6 motorized scooter, or vehicle proceeding in the same  
7 direction.

8 2. When preparing for a left turn at an intersection  
9 or into a private road or driveway.

10 3. When reasonably necessary to avoid any condition,  
11 including, but not limited to, a fixed or moving object,  
12 parked or moving vehicle, bicycle, motorized scooter,  
13 pedestrian, animal, surface hazard, or substandard-width lane,  
14 that makes it unsafe to continue along the right-hand curb or  
15 edge. For the purposes of this subsection, a  
16 "substandard-width lane" is a lane that is too narrow for a  
17 bicycle or motorized scooter and another vehicle to travel  
18 safely side by side within the lane.

19 (b) Any person operating a bicycle or motorized  
20 scooter upon a one-way highway with two or more marked traffic  
21 lanes may ride as near the left-hand curb or edge of such  
22 roadway as practicable.

23 (6) Persons riding bicycles or motorized scooters upon  
24 a roadway may not ride more than two abreast except on paths  
25 or parts of roadways set aside for the exclusive use of  
26 bicycles. Persons riding two abreast may not impede traffic  
27 when traveling at less than the normal speed of traffic at the  
28 time and place and under the conditions then existing and  
29 shall ride within a single lane.

30 (7) Any person operating a bicycle or motorized  
31 scooter shall keep at least one hand upon the handlebars.

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1           (8) Every bicycle or motorized scooter in use between  
2 sunset and sunrise shall be equipped with a lamp on the front  
3 exhibiting a white light visible from a distance of at least  
4 500 feet to the front and a lamp and reflector on the rear  
5 each exhibiting a red light visible from a distance of 600  
6 feet to the rear. A bicycle or motorized scooter ~~its~~ rider  
7 may be equipped with lights or reflectors in addition to those  
8 required by this section.

9           (9) No parent of any minor child and no guardian of  
10 any minor ward may authorize or knowingly permit any such  
11 minor child or ward to violate any of the provisions of this  
12 section.

13           (10) A person propelling a vehicle by human power or  
14 operating a motorized scooter, upon and along a sidewalk, or  
15 across a roadway upon and along a crosswalk, has all the  
16 rights and duties applicable to a pedestrian under the same  
17 circumstances.

18           (11) A person propelling a bicycle upon and along a  
19 sidewalk, or across a roadway upon and along a crosswalk,  
20 shall yield the right-of-way to any pedestrian and shall give  
21 an audible signal before overtaking and passing such  
22 pedestrian.

23           (12) No person upon roller skates, or riding in or by  
24 means of any coaster, toy vehicle, or similar device, may go  
25 upon any roadway except while crossing a street on a  
26 crosswalk; and, when so crossing, such person shall be granted  
27 all rights and shall be subject to all of the duties  
28 applicable to pedestrians.

29           (13) This section shall not apply upon any street  
30 while set aside as a play street authorized herein or as  
31 designated by state, county, or municipal authority.

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1           (14) Every bicycle and motorized scooter shall be  
2 equipped with a brake or brakes which will enable its rider to  
3 stop the bicycle or motorized scooter within 25 feet from a  
4 speed of 10 miles per hour on dry, level, clean pavement.

5           (15) A person engaged in the business of selling  
6 bicycles or motorized scooters at retail shall not sell such  
7 ~~any~~ bicycle or motorized scooter unless it ~~the bicycle~~ has an  
8 identifying number permanently stamped or cast on its frame.

9           (16)(a) A person may not knowingly rent or lease any  
10 bicycle to be ridden by a child who is under the age of 16  
11 years unless:

- 12           1. The child possesses a bicycle helmet; or  
13           2. The lessor provides a bicycle helmet for the child  
14 to wear.

15           (b) A violation of this subsection is a nonmoving  
16 violation, punishable as provided in s. 318.18.

17           (17) The court may waive, reduce, or suspend payment  
18 of any fine imposed under subsection (3) or subsection (16)  
19 and may impose any other conditions on the waiver, reduction,  
20 or suspension. If the court finds that a person does not have  
21 sufficient funds to pay the fine, the court may require the  
22 performance of a specified number of hours of community  
23 service or attendance at a safety seminar.

24           (18) Notwithstanding s. 318.21, all proceeds collected  
25 pursuant to s. 318.18 for violations under paragraphs (3)(e)  
26 and (16)(b) shall be deposited into the State Transportation  
27 Trust Fund.

28           (19) The failure of a person to wear a bicycle helmet  
29 or the failure of a parent or guardian to prevent a child from  
30 riding a bicycle without a bicycle helmet may not be  
31 considered evidence of negligence or contributory negligence.

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1           (20) Except as otherwise provided in this section, a  
 2 violation of this section is a noncriminal traffic infraction,  
 3 punishable as a pedestrian violation as provided in chapter  
 4 318. A law enforcement officer may issue traffic citations for  
 5 a violation of subsection (3) or subsection (16) only if the  
 6 violation occurs on a bicycle path or road, as defined in s.  
 7 334.03. However, they may not issue citations to persons on  
 8 private property, except any part thereof which is open to the  
 9 use of the public for purposes of vehicular traffic.

10           Section 128. Subsection (2) of section 316.228,  
 11 Florida Statutes, is amended to read:

12           316.228 Lamps or flags on projecting load.--

13           (2) Any commercial motor vehicle or trailer, ~~except as~~  
 14 ~~stated in s. 316.515(7),~~ transporting a load of unprocessed  
 15 logs or, long pulpwood, poles, or posts which load extends  
 16 ~~extend~~ more than 4 feet beyond the rear of the body or bed of  
 17 such vehicle, must have securely fixed as close as practical  
 18 to the end of any such projection one amber strobe-type lamp  
 19 equipped with a multidirectional type lens so mounted as to be  
 20 visible from the rear and both sides of the projecting load.  
 21 If the mounting of one strobe lamp cannot be accomplished so  
 22 that it is visible from the rear and both sides of the  
 23 projecting load, multiple strobe lights shall be utilized so  
 24 as to meet the visibility requirements of this subsection.The  
 25 strobe lamp must flash at a rate of at least 60 flashes per  
 26 minute and must be plainly visible from a distance of at least  
 27 500 feet to the rear and sides of the projecting load at any  
 28 time of the day or night. The lamp must be operating at any  
 29 time of the day or night when the vehicle is operated on any  
 30 highway or parked on the shoulder or immediately adjacent to  
 31 the traveled portion of any public roadway. The projecting

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1 load shall also be marked with a red flag as described in  
2 subsection (1).

3 Section 129. Subsection (9) of section 316.2397,  
4 Florida Statutes, is amended to read:

5 316.2397 Certain lights prohibited; exceptions.--

6 (9) Flashing red lights may be used by emergency  
7 response vehicles of the Department of Environmental  
8 Protection and the Department of Health when responding to an  
9 emergency in the line of duty.

10 Section 130. Section 316.520, Florida Statutes, is  
11 amended to read:

12 316.520 Loads on vehicles.--

13 (1) A vehicle may not be driven or moved on any  
14 highway unless the vehicle is so constructed or loaded as to  
15 prevent any of its load from dropping, shifting, leaking,  
16 blowing, or otherwise escaping therefrom, except that sand may  
17 be dropped only for the purpose of securing traction or water  
18 or other substance may be sprinkled on a roadway in cleaning  
19 or maintaining the roadway.

20 (2) It is the duty of every owner and driver,  
21 severally, of any vehicle hauling, upon any public road or  
22 highway open to the public, dirt, sand, lime rock, gravel,  
23 silica, or other similar aggregate or trash, garbage, or any  
24 similar material that could fall or blow from such vehicle, to  
25 prevent such materials from falling, blowing, or in any way  
26 escaping from such vehicle. Covering and securing the load  
27 with a close-fitting tarpaulin or other appropriate cover is  
28 required.

29 (3) A violation of this section is a noncriminal  
30 traffic infraction, punishable as a moving ~~nonmoving~~ violation  
31 as provided in chapter 318.

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1           (4) This section does not apply to vehicles carrying  
2 agricultural products locally from a field harvest site to a  
3 farm storage site or to a farm feed lot on roads where the  
4 posted speed limit is 60 miles per hour or less and the  
5 distance driven on public roads is less than 20 miles.

6           Section 131. Subsections (1), (2), and (3) of section  
7 316.640, Florida Statutes, are amended to read:

8           316.640 Enforcement.--The enforcement of the traffic  
9 laws of this state is vested as follows:

10           (1) STATE.--

11           (a)1.a. The Division of Florida Highway Patrol of the  
12 Department of Highway Safety and Motor Vehicles, the Division  
13 of Law Enforcement of the Fish and Wildlife Conservation  
14 Commission, the Division of Law Enforcement of the Department  
15 of Environmental Protection, and law enforcement officers of  
16 the Department of Transportation each have authority to  
17 enforce all of the traffic laws of this state on all the  
18 streets and highways thereof and elsewhere throughout the  
19 state wherever the public has a right to travel by motor  
20 vehicle. The Division of the Florida Highway Patrol may employ  
21 as a traffic accident investigation officer any individual who  
22 successfully completes at least 200 hours of instruction in  
23 traffic accident investigation and court presentation through  
24 the Selective Traffic Enforcement Program as approved by the  
25 Criminal Justice Standards and Training Commission and funded  
26 through the National Highway Traffic Safety Administration or  
27 a similar program approved by the commission, but who does not  
28 necessarily meet the uniform minimum standards established by  
29 the commission for law enforcement officers or auxiliary law  
30 enforcement officers under chapter 943. Any such traffic  
31 accident investigation officer who makes an investigation at

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1 the scene of a traffic accident may issue traffic citations,  
2 based upon personal investigation, when he or she has  
3 reasonable and probable grounds to believe that a person who  
4 was involved in the accident committed an offense under this  
5 chapter, chapter 319, chapter 320, or chapter 322 in  
6 connection with the accident. This paragraph does not permit  
7 the carrying of firearms or other weapons, nor do such  
8 officers have arrest authority ~~other than for the issuance of~~  
9 ~~a traffic citation as authorized in this paragraph.~~

10 b. University police officers shall have authority to  
11 enforce all of the traffic laws of this state when such  
12 violations occur on or about any property or facilities that  
13 are under the guidance, supervision, regulation, or control of  
14 a state university, a direct support organization of such  
15 state university, or any other organization controlled by the  
16 state university or a direct support organization of the state  
17 university ~~the State University System~~, except that traffic  
18 laws may be enforced off-campus when hot pursuit originates  
19 ~~on-campus~~ on or adjacent to any such property or facilities.

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

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

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

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

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

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

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

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



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

9           (b)1. The Department of Transportation has authority  
10 to enforce on all the streets and highways of this state all  
11 laws applicable within its authority.

12           2.a. The Department of Transportation shall develop  
13 training and qualifications standards for toll enforcement  
14 officers whose sole authority is to enforce the payment of  
15 tolls pursuant to s. 316.1001. Nothing in this subparagraph  
16 shall be construed to permit the carrying of firearms or other  
17 weapons, nor shall a toll enforcement officer have arrest  
18 authority.

19           b. For the purpose of enforcing s. 316.1001,  
20 governmental entities, as defined in s. 334.03, which own or  
21 operate a toll facility may employ independent contractors or  
22 designate employees as toll enforcement officers; however, any  
23 such toll enforcement officer must successfully meet the  
24 training and qualifications standards for toll enforcement  
25 officers established by the Department of Transportation.

26           (2) COUNTIES.--

27           (a) The sheriff's office of each of the several  
28 counties of this state shall enforce all of the traffic laws  
29 of this state on all the streets and highways thereof and  
30 elsewhere throughout the county wherever the public has the  
31 right to travel by motor vehicle. In addition, the sheriff's

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1 office may be required by the county to enforce the traffic  
2 laws of this state on any private or limited access road or  
3 roads over which the county has jurisdiction pursuant to a  
4 written agreement entered into under s. 316.006(3)(b).

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

27 (c) The sheriff's office of each of the several  
28 counties of this state may employ as a parking enforcement  
29 specialist any individual who successfully completes a  
30 training program established and approved by the Criminal  
31 Justice Standards and Training Commission for parking

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1 enforcement specialists, but who does not necessarily  
2 otherwise meet the uniform minimum standards established by  
3 the commission for law enforcement officers or auxiliary or  
4 part-time officers under s. 943.12.

5         1. A parking enforcement specialist employed by the  
6 sheriff's office of each of the several counties of this state  
7 is authorized to enforce all state and county laws,  
8 ordinances, regulations, and official signs governing parking  
9 within the unincorporated areas of the county by appropriate  
10 state or county citation and may issue such citations for  
11 parking in violation of signs erected pursuant to s.  
12 316.006(3) at parking areas located on property owned or  
13 leased by a county, whether or not such areas are within the  
14 boundaries of a chartered municipality.

15         2. A parking enforcement specialist employed pursuant  
16 to this subsection shall not carry firearms or other weapons  
17 or have arrest authority.

18         (3) MUNICIPALITIES.--

19         (a) The police department of each chartered  
20 municipality shall enforce the traffic laws of this state on  
21 all the streets and highways thereof and elsewhere throughout  
22 the municipality wherever the public has the right to travel  
23 by motor vehicle. In addition, the police department may be  
24 required by a municipality to enforce the traffic laws of this  
25 state on any private or limited access road or roads over  
26 which the municipality has jurisdiction pursuant to a written  
27 agreement entered into under s. 316.006(2)(b). However,  
28 nothing in this chapter shall affect any law, general,  
29 special, or otherwise, in effect on January 1, 1972, relating  
30 to "hot pursuit" without the boundaries of the municipality.

31         (b) The police department of a chartered municipality

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1 may employ as a traffic crash investigation officer any  
2 individual who successfully completes at least 200 hours of  
3 instruction in traffic crash investigation and court  
4 presentation through the Selective Traffic Enforcement Program  
5 (STEP) as approved by the Criminal Justice Standards and  
6 Training Commission and funded through the National Highway  
7 Traffic Safety Administration (NHTSA) or a similar program  
8 approved by the commission, but who does not otherwise meet  
9 the uniform minimum standards established by the commission  
10 for law enforcement officers or auxiliary law enforcement  
11 officers under chapter 943. Any such traffic crash  
12 investigation officer who makes an investigation at the scene  
13 of a traffic crash is authorized to issue traffic citations  
14 when, based upon personal investigation, he or she has  
15 reasonable and probable grounds to believe that a person  
16 involved in the crash has committed an offense under the  
17 provisions of this chapter, chapter 319, chapter 320, or  
18 chapter 322 in connection with the crash. ~~Nothing in This~~  
19 ~~paragraph does not shall be construed to~~ permit the carrying  
20 of firearms or other weapons, nor ~~do shall~~ such officers have  
21 arrest authority ~~other than for the issuance of a traffic~~  
22 ~~citation as authorized above.~~

23 (c)1. A chartered municipality or its authorized  
24 agency or instrumentality may employ as a parking enforcement  
25 specialist any individual who successfully completes a  
26 training program established and approved by the Criminal  
27 Justice Standards and Training Commission for parking  
28 enforcement specialists, but who does not otherwise meet the  
29 uniform minimum standards established by the commission for  
30 law enforcement officers or auxiliary or part-time officers  
31 under s. 943.12.

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1           2. A parking enforcement specialist employed by a  
 2 chartered municipality or its authorized agency or  
 3 instrumentality is authorized to enforce all state, county,  
 4 and municipal laws and ordinances governing parking within the  
 5 boundaries of the municipality employing the specialist, by  
 6 appropriate state, county, or municipal traffic citation.  
 7 ~~Nothing in this paragraph shall be construed to permit the~~  
 8 ~~carrying of firearms or other weapons, nor shall such a~~  
 9 ~~parking enforcement specialist have arrest authority.~~

10           3. A parking enforcement specialist employed pursuant  
 11 to this subsection may not carry firearms or other weapons or  
 12 have arrest authority.

13           Section 132. Subsection (3) of section 316.650,  
 14 Florida Statutes, is amended to read:

15           316.650 Traffic citations.--

16           (3) Every traffic enforcement officer, upon issuing a  
 17 traffic citation to an alleged violator of any provision of  
 18 the motor vehicle laws of this state or of any traffic  
 19 ordinance of any city or town, shall deposit the original and  
 20 one copy of such traffic citation or, in the case of a traffic  
 21 enforcement agency which has an automated citation issuance  
 22 system, shall provide an electronic facsimile with a court  
 23 having jurisdiction over the alleged offense or with its  
 24 traffic violations bureau within 5 days after issuance to the  
 25 violator. If a law enforcement officer distributes additional  
 26 information, such information shall be a copy of the traffic  
 27 school reference guide.

28           Section 133. Subsection (9) of section 318.14, Florida  
 29 Statutes, is amended to read:

30           318.14 Noncriminal traffic infractions; exception;  
 31 procedures.--

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1           (9) Any person who is cited for an infraction under  
2 this section other than a violation of s. 320.0605, s.  
3 320.07(3)(a) or (b), s. 322.065, s. 322.15(1), s. 322.61, or  
4 s. 322.62 may, in lieu of a court appearance, elect to attend  
5 in the location of his or her choice within this state a basic  
6 driver improvement course approved by the Department of  
7 Highway Safety and Motor Vehicles. In such a case,  
8 adjudication must be withheld; points, as provided by s.  
9 322.27, may not be assessed; and the civil penalty that is  
10 imposed by s. 318.18(3) must be reduced by 18 percent;  
11 however, a person may not make an election under this  
12 subsection if the person has made an election under this  
13 subsection in the preceding 12 months. ~~A person may make no~~  
14 ~~more than five elections under this subsection.~~The  
15 requirement for community service under s. 318.18(8) is not  
16 waived by a plea of nolo contendere or by the withholding of  
17 adjudication of guilt by a court.

18           Section 134. Subsection (6) and paragraph (a) of  
19 subsection (8) of section 318.18, Florida Statutes, are  
20 amended to read:

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

24           (6) One hundred dollars or the fine amount designated  
25 by county ordinance, plus court costs for illegally parking,  
26 under s. 316.1955, in a parking space provided for people who  
27 have disabilities. However, this fine will be waived if a  
28 person provides to the law enforcement agency that issued the  
29 citation for such a violation proof that the person committing  
30 the violation has a valid parking permit or license plate  
31 issued pursuant to s. 316.1958, s. 320.0842, s. 320.0843, s.

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1 320.0845, or s. 320.0848 or a signed affidavit that the owner  
2 of the disabled parking permit or license plate was present at  
3 the time the violation occurred, and that such a parking  
4 permit or license plate was valid at the time the violation  
5 occurred. The law enforcement officer, upon determining that  
6 all required documentation has been submitted verifying that  
7 the required parking permit or license plate was valid at the  
8 time of the violation, must sign an affidavit of compliance.  
9 Upon provision of the affidavit of compliance and payment of a  
10 \$5 dismissal fee to the clerk of the circuit court, the clerk  
11 shall dismiss the citation.

12 (8)(a) Any person who fails to comply with the court's  
13 requirements or who fails to pay the civil penalties specified  
14 in this section within the 30-day period provided for in s.  
15 318.14 must pay an additional civil penalty of \$12, \$2.50 of  
16 which must be deposited into the General Revenue Fund, and  
17 \$9.50 of which must be deposited in the Highway Safety  
18 Operating Trust Fund. There is hereby appropriated from the  
19 Highway Safety Operating Trust Fund for fiscal year 1996-1997  
20 the amount of \$4 million. From this appropriation the  
21 department shall contract with the Florida Association of  
22 Court Clerks, Inc., to design, establish, operate, upgrade,  
23 and maintain an automated statewide Uniform Traffic Citation  
24 Accounting System to be operated by the clerks of the court  
25 which shall include, but not be limited to, the accounting for  
26 traffic infractions by type, a record of the disposition of  
27 the citations, and an accounting system for the fines assessed  
28 and the subsequent fine amounts paid to the clerks of the  
29 court. On or before December 1, 2002 ~~2001~~, the clerks of the  
30 court must provide the information required by this chapter to  
31 be transmitted to the department by electronic transmission

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1 pursuant to the contract.

2 (b) Any person who fails to comply with the court's  
3 requirements as to civil penalties specified in this section  
4 due to demonstrable financial hardship shall be authorized to  
5 satisfy such civil penalties by public works or community  
6 service. Each hour of such service shall be applied, at the  
7 rate of the minimum wage, toward payment of the person's civil  
8 penalties; provided, however, that if the person has a trade  
9 or profession for which there is a community service need and  
10 application, the rate for each hour of such service shall be  
11 the average standard wage for such trade or profession. Any  
12 person who fails to comply with the court's requirements as to  
13 such civil penalties who does not demonstrate financial  
14 hardship may also, at the discretion of the court, be  
15 authorized to satisfy such civil penalties by public works or  
16 community service in the same manner.

17 (c) If the noncriminal infraction has caused or  
18 resulted in the death of another, the person who committed the  
19 infraction may perform 120 community service hours under s.  
20 316.027(4), in addition to any other penalties.

21 Section 135. Paragraph (b) of subsection (1) and  
22 subsection (2) of section 322.0261, Florida Statutes, are  
23 amended to read:

24 322.0261 Mandatory driver improvement course; certain  
25 crashes.--

26 (1) The department shall screen crash reports received  
27 under s. 316.066 or s. 324.051 to identify crashes involving  
28 the following:

29 (b) A ~~second crash by the same operator within the~~  
30 ~~previous 2-year period~~ involving property damage in an  
31 apparent amount of at least ~~\$2,500~~\$500.



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1           (2) With respect to an operator convicted of, or who  
2 pleaded nolo contendere to, a traffic offense giving rise to a  
3 crash identified pursuant to subsection (1), the department  
4 shall require that the operator, in addition to other  
5 applicable penalties, attend a departmentally approved basic  
6 driver improvement course in order to maintain driving  
7 privileges. If the operator fails to complete the course  
8 within 90 days of receiving notice from the department, the  
9 operator's driver's license shall be canceled by the  
10 department until the course is successfully completed.

11           Section 136. Section 322.02615, Florida Statutes, is  
12 created to read:

13           322.02615 Mandatory driver improvement course; certain  
14 violations.--

15           (1) The department shall screen reports of convictions  
16 for violations of chapter 316 to identify operators who:

17           (a) Are less than 21 years of age and have been  
18 convicted of, or pleaded nolo contendere to, a noncriminal  
19 moving infraction and have also been convicted of, or pleaded  
20 nolo contendere to, another noncriminal moving infraction  
21 since initial license issuance.

22           (b) Have been convicted of, or pleaded nolo contendere  
23 to, more than one noncriminal moving infraction in a 12-month  
24 period.

25           (2) With respect to an operator convicted of, or who  
26 has pleaded nolo contendere to, a noncriminal traffic offense  
27 identified under subsection (1), the department shall require  
28 that the operator, in addition to other applicable penalties,  
29 attend a departmentally approved basic driver improvement  
30 course in order to maintain driving privileges. If the  
31 operator fails to complete the course within 90 days after

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1 receiving notice from the department, the operator's driver's  
2 license shall be suspended by the department until the course  
3 is successfully completed.

4 (3) Attendance of a course approved by the department  
5 as a driver improvement course for purposes of s. 318.14(9)  
6 shall satisfy the requirements of this section. However,  
7 attendance of a course as required by this section is not  
8 included in the limitation on course elections under s.  
9 318.14(9).

10 Section 137. Subsection (5) of section 318.1451,  
11 Florida Statutes, is amended to read:

12 318.1451 Driver improvement schools.--

13 (5)(a) No governmental entity or court shall provide,  
14 issue, or maintain any information or orders regarding driver  
15 improvement schools or course providers, with the exception of  
16 the traffic school reference guide or course provider list  
17 referred to in paragraph (b) directing inquiries or requests  
18 to the local telephone directory heading of driving  
19 instruction or the traffic school reference guide. However,  
20 the department is authorized to maintain the information and  
21 records necessary to administer its duties and  
22 responsibilities for driver improvement courses. Where such  
23 information is a public record as defined in chapter 119, it  
24 shall be made available to the public upon request pursuant to  
25 s. 119.07(1). Course providers receiving requests for  
26 information about traffic schools from geographic areas that  
27 they do not serve shall provide a telephone number for a  
28 course provider that they believe services such geographic  
29 area.

30 (b) The department shall prepare for any governmental  
31 entity or court ~~to distribute~~ a traffic school reference guide

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1 which shall list the benefits of attending a driver  
2 improvement school and contain the names of the fully approved  
3 course providers with a single telephone number for each such  
4 provider, as furnished by the provider. The cost of producing  
5 the traffic school reference guide must be assumed equally by  
6 providers electing to have their course included in the guide.  
7 Clerks of court may reproduce the traffic school reference  
8 guide course provider list, provided that each name is rotated  
9 on each reproduction so that each provider occupies each  
10 position on the list in a equitable manner, but under no  
11 circumstance may any list of course providers or schools be  
12 included, and shall refer further inquiries to the telephone  
13 directory under driving instruction.

14 Section 138. Section 319.001, Florida Statutes, is  
15 amended to read:

16 319.001 Definitions.--As used in this chapter, the  
17 term:

18 (1) "Department" means the Department of Highway  
19 Safety and Motor Vehicles.

20 (2) "Front-end assembly" means fenders, hood, grill,  
21 and bumper.

22 (3)~~(2)~~ "Licensed dealer," unless otherwise  
23 specifically provided, means a motor vehicle dealer licensed  
24 under s. 320.27, a mobile home dealer licensed under s.  
25 320.77, or a recreational vehicle dealer licensed under s.  
26 320.771.

27 (4) "Motorcycle body assembly" means frame, fenders,  
28 and gas tanks.

29 (5) "Motorcycle engine" means cylinder block, heads,  
30 engine case, and crank case.

31 (6) "Motorcycle transmission" means drive train.

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1           ~~(7)~~~~(3)~~ "New mobile home" means a mobile home the  
2 equitable or legal title to which has never been transferred  
3 by a manufacturer, distributor, importer, or dealer to an  
4 ultimate purchaser.

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

19           ~~(9)~~ "Rear body section" means both quarter panels,  
20 decklid, bumper, and floor pan.

21           ~~(10)~~~~(5)~~ "Satisfaction of lien" means full payment of a  
22 debt or release of a debtor from a lien by the lienholder.

23           ~~(11)~~~~(6)~~ "Used motor vehicle" means any motor vehicle  
24 that is not a "new motor vehicle" as defined in subsection  
25 ~~(8)~~~~(4)~~.

26           Section 139. Subsections (1), (2), and (3) of section  
27 319.14, Florida Statutes, are amended, subsections (6), (7),  
28 and (8) are renumbered as subsections (7), (8), and (9),  
29 respectively, and a new subsection (6) is added to said  
30 section, to read:

31           319.14 Sale of motor vehicles registered or used as

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1 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles  
2 and nonconforming vehicles.--

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

26 (b) No person shall knowingly offer for sale, sell, or  
27 exchange a rebuilt vehicle until the department has stamped in  
28 a conspicuous place on the certificate of title for the  
29 vehicle words stating that the vehicle has been rebuilt or  
30 assembled from parts, ~~or combined~~, or is a kit car, glider  
31 kit, replica, or flood vehicle unless proper application for a

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1 certificate of title for a vehicle that is rebuilt or  
2 assembled from parts, ~~or combined~~, or is a kit car, glider  
3 kit, replica, or flood vehicle has been made to the department  
4 in accordance with this chapter and the department or its  
5 agent has conducted the physical examination of the vehicle to  
6 assure the identity of the vehicle and all major component  
7 parts, as defined in s. 319.30(1)(e), which have been repaired  
8 or replaced. Thereafter, the department shall affix a decal to  
9 the vehicle, in the manner prescribed by the department,  
10 showing the vehicle to be rebuilt.

11 (c) As used in this section:

12 1. "Police vehicle" means a motor vehicle owned or  
13 leased by the state or a county or municipality and used in  
14 law enforcement.

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

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

22 c. "Lease vehicle" includes both short-term-lease  
23 vehicles and long-term-lease vehicles.

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

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

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1           ~~5. "Combined" means assembled by combining two motor~~  
2 ~~vehicles neither of which has been titled and branded as~~  
3 ~~"Salvage Unrebuildable."~~

4           ~~5.6.~~ "Kit car" means a motor vehicle assembled with a  
5 kit supplied by a manufacturer to rebuild a wrecked or  
6 outdated motor vehicle with a new body kit.

7           ~~6.7.~~ "Glider kit" means a vehicle assembled with a kit  
8 supplied by a manufacturer to rebuild a wrecked or outdated  
9 truck or truck tractor.

10           ~~7.8.~~ "Replica" means a complete new motor vehicle  
11 manufactured to look like an old vehicle.

12           ~~8.9.~~ "Flood vehicle" means a motor vehicle or mobile  
13 home that has been declared to be a total loss pursuant to s.  
14 319.30(3)(a) resulting from damage caused by water.

15           ~~9.10.~~ "Nonconforming vehicle" means a motor vehicle  
16 which has been purchased by a manufacturer pursuant to a  
17 settlement, determination, or decision under chapter 681.

18           ~~10.11.~~ "Settlement" means an agreement entered into  
19 between a manufacturer and a consumer that occurs after a  
20 dispute is submitted to a program, or an informal dispute  
21 settlement procedure established by a manufacturer or is  
22 approved for arbitration before the New Motor Vehicle  
23 Arbitration Board as defined in s. 681.102.

24           (2) No person shall knowingly sell, exchange, or  
25 transfer a vehicle referred to in subsection (1) without,  
26 prior to consummating the sale, exchange, or transfer,  
27 disclosing in writing to the purchaser, customer, or  
28 transferee the fact that the vehicle has previously been  
29 titled, registered, or used as a taxicab, police vehicle, or  
30 short-term-lease vehicle or is a vehicle that is rebuilt or  
31 assembled from parts, ~~or combined~~, or is a kit car, glider

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1 kit, replica, or flood vehicle, or is a nonconforming vehicle,  
2 as the case may be.

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

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

23 Section 140. Paragraph (c) of subsection (3) and  
24 subsection (5) of section 319.23, Florida Statutes, is amended  
25 and a new subsection (11) is added to that section to read:

26 319.23 Application for, and issuance of, certificate  
27 of title.--

28 (3) If a certificate of title has not previously been  
29 issued for a motor vehicle or mobile home in this state, the  
30 application, unless otherwise provided for in this chapter,  
31 shall be accompanied by a proper bill of sale or sworn



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1 statement of ownership, or a duly certified copy thereof, or  
2 by a certificate of title, bill of sale, or other evidence of  
3 ownership required by the law of the state or county from  
4 which the motor vehicle or mobile home was brought into this  
5 state. The application shall also be accompanied by:

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

14  
15 Verification of the vehicle identification number is not  
16 required for any new motor vehicle; any mobile home; any  
17 trailer or semitrailer with a net weight of less than 2,000  
18 pounds; or any travel trailer, camping trailer, truck camper,  
19 or fifth-wheel recreation trailer.

20 (5) The certificate of title issued by the department  
21 for a motor vehicle or mobile home previously registered  
22 outside this state shall give the name of the state or country  
23 in which the vehicle was last registered outside this state.  
24 ~~The department shall retain the evidence of title presented by~~  
25 ~~the applicant and based on which the certificate of title is~~  
26 ~~issued.~~The department shall use reasonable diligence in  
27 ascertaining whether or not the facts in the application are  
28 true; and, if satisfied that the applicant is the owner of the  
29 motor vehicle or mobile home and that the application is in  
30 the proper form, it shall issue a certificate of title.

31 (11) The department is not required to retain any

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1 evidence of title presented by the applicant and based on  
2 which the certificate of title issued.

3 Section 141. Paragraph (a) of subsection (1) of  
4 section 319.28, Florida Statutes, is amended to read:

5 319.28 Transfer of ownership by operation of law.--

6 (1)(a) In the event of the transfer of ownership of a  
7 motor vehicle or mobile home by operation of law as upon  
8 inheritance, devise or bequest, order in bankruptcy,  
9 insolvency, replevin, attachment, execution or other judicial  
10 sale or whenever the engine of a motor vehicle is replaced by  
11 another engine or whenever a motor vehicle is sold to satisfy  
12 storage or repair charges or repossession is had upon default  
13 in performance of the terms of a security agreement, chattel  
14 mortgage, conditional sales contract, trust receipt, or other  
15 like agreement, and upon the surrender of the prior  
16 certificate of title or, when that is not possible,  
17 presentation of satisfactory proof to the department of  
18 ownership and right of possession to such motor vehicle or  
19 mobile home, and upon payment of the fee prescribed by law and  
20 presentation of an application for certificate of title, the  
21 department may issue to the applicant a certificate of title  
22 thereto. ~~If the application is predicated upon a security~~  
23 ~~agreement, chattel mortgage, conditional sales contract, trust~~  
24 ~~receipt, or other like agreement, the original instrument or a~~  
25 ~~certified copy thereof shall accompany the application;~~  
26 ~~however, if an owner under a chattel mortgage voluntarily~~  
27 ~~surrenders possession of the motor vehicle or mobile home, the~~  
28 ~~original or a certified copy of the chattel mortgage shall~~  
29 ~~accompany the application for a certificate of title and it~~  
30 ~~shall not be necessary to institute proceedings in any court~~  
31 ~~to foreclose such mortgage.~~

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1 Section 142. Paragraphs (e) and (f) of subsection (1)  
 2 and paragraph (b) of subsection (3) of section 319.30, Florida  
 3 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, and airbag.

13 2. For trucks, in addition to 1. above: the truck  
 14 bed.

15 3. For motorcycles: body assembly, frame, fenders,  
 16 gas tanks, engine, cylinder block, heads, engine case, crank  
 17 case, transmission, drive train, front fork assembly, and  
 18 wheels.

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

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

27 (3)

28 (b) The owner of any motor vehicle or mobile home  
 29 which is considered to be salvage shall, within 72 hours after  
 30 the motor vehicle or mobile home becomes salvage, forward the  
 31 title to the motor vehicle or mobile home to the department

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1 for processing. However, an insurance company which pays money  
2 as compensation for total loss of a motor vehicle or mobile  
3 home shall obtain the certificate of title for the motor  
4 vehicle or mobile home and, within 72 hours after receiving  
5 such certificate of title, shall forward such title to the  
6 department for processing. The owner or insurance company, as  
7 the case may be, may not dispose of a vehicle or mobile home  
8 that is a total loss before it has obtained a salvage  
9 certificate of title or certificate of destruction from the  
10 department. When applying for a salvage certificate of title  
11 or certificate of destruction, 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 or  
15 certificate of destruction is sought. If the estimated costs  
16 of repairing the physical and mechanical damage to the vehicle  
17 are equal to 80 percent or more of the current retail cost of  
18 the vehicle, as established in any official used car or used  
19 mobile home guide, the department shall declare the vehicle  
20 unbuildable and print a certificate of destruction, which  
21 authorizes the dismantling or destruction of the motor vehicle  
22 or mobile home described therein. This certificate of  
23 destruction shall be reassignable a maximum of two times  
24 before dismantling or destruction of the vehicle shall be  
25 required, and shall accompany the motor vehicle or mobile home  
26 for which it is issued, when such motor vehicle or mobile home  
27 is sold for such purposes, in lieu of a certificate of title,  
28 and, thereafter, the department shall refuse issuance of any  
29 certificate of title for that vehicle. Nothing in this  
30 subsection shall be applicable when a vehicle is worth less  
31 than \$1,500 retail in undamaged condition in any official used

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1 motor vehicle guide or used mobile home guide. An insurer  
2 paying a total loss claim may obtain a certificate of  
3 destruction for such vehicle. ~~or~~ When a stolen motor vehicle  
4 or mobile home is recovered in substantially intact condition  
5 and is readily resalable without extensive repairs to or  
6 replacement of the frame or engine, the insurer shall obtain a  
7 certificate of title in its own name before the vehicle may be  
8 sold or transferred. Any person who willfully and deliberately  
9 violates this paragraph or falsifies any document to avoid the  
10 requirements of this paragraph commits a misdemeanor of the  
11 first degree, punishable as provided in s. 775.082 or s.  
12 775.083.

13 Section 143. Subsection (1) of section 320.01, Florida  
14 Statutes, is amended to read:

15 320.01 Definitions, general.--As used in the Florida  
16 Statutes, except as otherwise provided, the term:

17 (1) "Motor vehicle" means:

18 (a) An automobile, motorcycle, truck, trailer,  
19 semitrailer, truck tractor and semitrailer combination, or any  
20 other vehicle operated on the roads of this state, used to  
21 transport persons or property, and propelled by power other  
22 than muscular power, but the term does not include traction  
23 engines, road rollers, such vehicles as run only upon a track,  
24 bicycles, motorized scooters, or mopeds.

25 (b) A recreational vehicle-type unit primarily  
26 designed as temporary living quarters for recreational,  
27 camping, or travel use, which either has its own motive power  
28 or is mounted on or drawn by another vehicle. Recreational  
29 vehicle-type units, when traveling on the public roadways of  
30 this state, must comply with the length and width provisions  
31 of s. 316.515, as that section may hereafter be amended. As

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1 defined below, the basic entities are:

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

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

15 3. The "truck camper," which is a truck equipped with  
16 a portable unit designed to be loaded onto, or affixed to, the  
17 bed or chassis of the truck and constructed to provide  
18 temporary living quarters for recreational, camping, or travel  
19 use.

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

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

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1           6. The "van conversion," which is a vehicular unit  
2 which does not exceed the length and width limitations  
3 provided in s. 316.515, is built on a self-propelled motor  
4 vehicle chassis, and is designed for recreation, camping, and  
5 travel use.

6           7. The "park trailer," which is a transportable unit  
7 which has a body width not exceeding 14 feet and which is  
8 built on a single chassis and is designed to provide seasonal  
9 or temporary living quarters when connected to utilities  
10 necessary for operation of installed fixtures and appliances.  
11 The total area of the unit in a setup mode, when measured from  
12 the exterior surface of the exterior stud walls at the level  
13 of maximum dimensions, not including any bay window, does not  
14 exceed 400 square feet when constructed to ANSI A-119.5  
15 standards, and 500 square feet when constructed to United  
16 States Department of Housing and Urban Development Standards.  
17 The length of a park trailer means the distance from the  
18 exterior of the front of the body (nearest to the drawbar and  
19 coupling mechanism) to the exterior of the rear of the body  
20 (at the opposite end of the body), including any protrusions.

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

29           Section 144. Subsections (18) and (19) are added to  
30 section 320.02, Florida Statutes, to read:

31           320.02 Registration required; application for

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1 registration; forms.--

2 (18) The application form for motor vehicle  
3 registration and renewal of registration must include language  
4 permitting a voluntary contribution of \$2 per applicant, which  
5 shall be distributed to the Hearing Research Institute,  
6 Incorporated, for the purpose of infant hearing screening in  
7 Florida.

8 (19) The application form for motor vehicle  
9 registration and renewal of registration must include language  
10 permitting a voluntary contribution of \$1 per applicant, which  
11 shall be distributed to the Juvenile Diabetes Foundation  
12 International.

13 Section 145. Paragraph (b) of subsection (4) and  
14 subsections (5), (6), and (7) of section 320.023, Florida  
15 Statutes, are amended, and subsection (8) is added to said  
16 section, to read:

17 320.023 Requests to establish voluntary checkoff on  
18 motor vehicle registration application.--

19 (4)

20 (b) The department is authorized to discontinue the  
21 voluntary contribution and distribution of associated proceeds  
22 if the organization no longer exists, if the organization has  
23 stopped providing services that are authorized to be funded  
24 from the voluntary contributions, or pursuant to an  
25 organizational recipient's request. Organizations are required  
26 to notify the department immediately to stop warrants for  
27 voluntary check-off contributions if any of the conditions in  
28 this subsection exist, and must meet the requirements of  
29 paragraph (5)(b) or paragraph (5)(c), if applicable, for any  
30 period of operation during the fiscal year.

31 (5) A voluntary contribution collected and distributed



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1 under this chapter, or any interest earned from those  
2 contributions, may not be used for commercial or for-profit  
3 activities nor for general or administrative expenses, except  
4 as authorized by law, ~~or to pay the cost of the audit or~~  
5 ~~report required by law.~~

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

9 ~~(b) All organizational recipients of any voluntary~~  
10 ~~contributions in excess of \$15,000, not otherwise subject to~~  
11 ~~annual audit by the Office of the Auditor General, shall~~  
12 ~~submit an annual audit of the expenditures of these~~  
13 ~~contributions and interest earned from these contributions, to~~  
14 ~~determine if expenditures are being made in accordance with~~  
15 ~~the specifications outlined by law. The audit shall be~~  
16 ~~prepared by a certified public accountant licensed under~~  
17 ~~chapter 473 at that organizational recipient's expense. The~~  
18 ~~notes to the financial statements should state whether~~  
19 ~~expenditures were made in accordance with law.~~

20 (b)(c) Any organization not subject to ~~In lieu of an~~  
21 ~~annual audit pursuant to s. 215.97 shall, any organization~~  
22 ~~receiving less than \$15,000 in voluntary contributions~~  
23 ~~directly from the department may annually attest report, under~~  
24 ~~penalties of perjury, that such proceeds were used in~~  
25 ~~compliance with law. The attestation shall be made annually in~~  
26 ~~a form and format determined by the department.~~

27 (c)(d) Any voluntary contributions authorized by law  
28 ~~shall only be distributed to an organization under an~~  
29 ~~appropriation by the Legislature.~~

30 (d)(e) Any organization subject to audit pursuant to  
31 s. 215.97 shall submit an audit report in accordance with

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1 rules promulgated by the Auditor General.The annual  
 2 attestation ~~audit or report~~ shall be submitted to the  
 3 department for review within 9 months ~~180 days~~ after the end  
 4 of the organization's fiscal year.

5 (6) Within 90 days after receiving an organization's  
 6 audit or attestation ~~report~~, the department shall determine  
 7 which recipients have not complied with subsection (5). If  
 8 the department determines that an organization has not  
 9 complied or has failed to use the revenues in accordance with  
 10 law, the department must discontinue the distribution of the  
 11 revenues to the organization until the department determines  
 12 that the organization has complied. If an organization fails  
 13 to comply within 12 months after the voluntary contributions  
 14 are withheld by the department, the proceeds shall be  
 15 deposited into the Highway Safety Operating Trust Fund to  
 16 offset department costs.

17 (7) The ~~Auditor General and the~~ department has have  
 18 the authority to examine all records pertaining to the use of  
 19 funds from the voluntary contributions authorized.

20 (8) All organizations seeking to establish a voluntary  
 21 contribution on a motor vehicle registration application that  
 22 are required to operate under the Solicitation of  
 23 Contributions Act, as provided in chapter 496, must do so  
 24 before funds may be distributed.

25 Section 146. Subsections (1) and (2) of section  
 26 320.025, Florida Statutes, are amended to read:

27 320.025 Registration certificate and license plate  
 28 issued under fictitious name; application.--

29 (1) A confidential registration certificate and  
 30 registration license plate or decal shall be issued under a  
 31 fictitious name only for a motor vehicle or vessel owned or

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1 operated by a law enforcement agency of state, county,  
2 municipal, or federal government, the Attorney General's  
3 Medicaid Fraud Control Unit, or any state public defender's  
4 office. The requesting agency shall file a written application  
5 with the department on forms furnished by the department,  
6 which includes a statement that the license plate will be used  
7 for the Attorney General's Medicaid Fraud Control Unit, or law  
8 enforcement or any state public defender's office activities  
9 requiring concealment of publicly leased or owned motor  
10 vehicles or vessels and a statement of the position  
11 classifications of the individuals who are authorized to use  
12 the license plate. The department may modify its records to  
13 reflect the fictitious identity of the owner or lessee until  
14 such time as the license plate and registration certificate  
15 are surrendered to it.

16 (2) Except as provided in subsection (1), any motor  
17 vehicle owned or exclusively operated by the state or any  
18 county, municipality, or other governmental entity must at all  
19 times display a license plate of the type prescribed in s.  
20 320.0655. Any vessel owned or exclusively operated by the  
21 state or any county, municipality, or other governmental  
22 entity must at all times display a registration number as  
23 required in s. 328.56 and a vessel decal as required in s.  
24 328.48(5).

25 Section 147. Subsections (1) and (2) of section  
26 320.05, Florida Statutes, are amended read:

27 320.05 Records of the department; inspection  
28 procedure; lists and searches; fees.--

29 (1) Except as provided in ss. ~~s.~~119.07(3) and  
30 320.025(3), the department may release records as provided in  
31 this section.

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1           (2) Upon receipt of an application for the  
2 registration of a motor vehicle, vessel, or mobile home, as  
3 herein provided for, the department shall register the motor  
4 vehicle, vessel, or mobile home under the distinctive number  
5 assigned to such motor vehicle, vessel, or mobile home by the  
6 department. Electronic registration records shall be open to  
7 the inspection of the public during business hours.  
8 Information on a motor vehicle or vessel registration may not  
9 be made available to a person unless the person requesting the  
10 information furnishes positive proof of identification. The  
11 agency that furnishes a motor vehicle or vessel registration  
12 record shall record the name and address of any person other  
13 than a representative of a law enforcement agency who requests  
14 and receives information from a motor vehicle or vessel  
15 registration record and shall also record the name and address  
16 of the person who is the subject of the inquiry or other  
17 information identifying the entity about which information is  
18 requested. A record of each such inquiry must be maintained  
19 for a period of 6 months from the date upon which the  
20 information was released to the inquirer. Nothing in this  
21 section shall prohibit any financial institution, insurance  
22 company, motor vehicle dealer, licensee under chapter 493,  
23 attorney, or other agency which the department determines has  
24 the right to know from obtaining, for professional or business  
25 use only, information in such records from the department  
26 through any means of telecommunication pursuant to a code  
27 developed by the department providing all fees specified in  
28 subsection (3) have been paid. The department shall disclose  
29 records or information to the child support enforcement agency  
30 to assist in the location of individuals who owe or  
31 potentially owe child support or to whom such an obligation is

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1 owed pursuant to Title IV-D of the Social Security Act.

2 Section 148. Subsection (5) of section 320.055,  
3 Florida Statutes, is amended to read:

4 320.055 Registration periods; renewal periods.--The  
5 following registration periods and renewal periods are  
6 established:

7 (5) For a vehicle subject to apportioned registration  
8 under s. 320.08(4), (5)(a)1., (e), (6)(b), or (14), the  
9 registration period shall be a period of 12 months beginning  
10 in a month designated by the department and ending on the last  
11 day of the 12th month. For a vehicle subject to this  
12 registration period, the renewal period is the last month of  
13 the registration period. The registration period may be  
14 shortened or extended at the discretion of the department, on  
15 receipt of the appropriate prorated fees, in order to evenly  
16 distribute such registrations on a monthly basis. For vehicles  
17 subject to registration other than apportioned under s.  
18 320.08(4), (5)(a)1., (6)(b), or (14), the registration period  
19 begins December 1 and ends November 30. The renewal period is  
20 the 31-day period beginning December 1.

21 Section 149. Paragraphs (b) and (c) of subsection (1)  
22 of section 320.06, Florida Statutes, are amended to read:

23 320.06 Registration certificates, license plates, and  
24 validation stickers generally.--

25 (1)

26 (b) Registration license plates bearing a graphic  
27 symbol and the alphanumeric system of identification shall be  
28 issued for a 5-year period. At the end of said 5-year period,  
29 upon renewal, the plate shall be replaced. The fee for such  
30 replacement shall be \$10, \$2 of which shall be paid each year  
31 before the plate is replaced, to be credited towards the next

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1 \$10 replacement fee. The fees shall be deposited into the  
2 Highway Safety Operating Trust Fund. A credit or refund shall  
3 not be given for any prior years' payments of such prorated  
4 replacement fee when the plate is replaced or surrendered  
5 before the end of the 5-year period. With each license plate,  
6 there shall be issued a validation sticker showing the owner's  
7 birth month, license plate number, and the year of expiration  
8 or the appropriate renewal period if the owner is not a  
9 natural person. The validation sticker is to be placed on the  
10 upper right corner of the license plate.~~This validation~~  
11 ~~sticker shall be placed on the upper left corner of the~~  
12 ~~license plate and shall be issued one time during the life of~~  
13 ~~the license plate, or upon request when it has been damaged or~~  
14 ~~destroyed. There shall also be issued with each license plate~~  
15 ~~a serially numbered validation sticker showing the year of~~  
16 ~~expiration, which sticker shall be placed on the upper right~~  
17 ~~corner of the license plate.~~Such license plate and validation  
18 stickers shall be issued based on the applicant's appropriate  
19 renewal period. The registration period shall be a period of  
20 12 months, and all expirations shall occur based on the  
21 applicant's appropriate registration period. A vehicle with  
22 an apportioned registration shall be issued an annual license  
23 plate and a cab card that denote the declared gross vehicle  
24 weight for each apportioned jurisdiction in which the vehicle  
25 is authorized to operate.

26 (c) Registration license plates equipped with  
27 validation stickers shall be valid for not more than 12 months  
28 and shall expire at midnight on the last day of the  
29 registration period. For each registration period after the  
30 one in which the metal registration license plate is issued,  
31 and until the license plate is required to be replaced, a

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1 validation sticker showing the month and year of expiration  
2 shall be issued upon payment of the proper license tax amount  
3 and fees and shall be valid for not more than 12 months. When  
4 license plates equipped with validation stickers are issued in  
5 any month other than the owner's birth month or the designated  
6 registration period for any other motor vehicle, the effective  
7 date shall reflect the birth month or month and the year of  
8 renewal. However, when a license plate or validation sticker  
9 is issued for a period of less than 12 months, the applicant  
10 shall pay the appropriate amount of license tax and the  
11 applicable fee under the provisions of s. 320.14 in addition  
12 to all other fees. Validation stickers issued for vehicles  
13 taxed under the provisions of s. 320.08(6)(a), for any company  
14 which owns 250 vehicles or more, or for semitrailers taxed  
15 under the provisions of s. 320.08(5)(a), for any company which  
16 owns 50 vehicles or more, may be placed on any vehicle in the  
17 fleet so long as the vehicle receiving the validation sticker  
18 has the same owner's name and address as the vehicle to which  
19 the validation sticker was originally assigned.

20 Section 150. Paragraphs (h) and (i) are added to  
21 subsection (2) of section 320.072, Florida Statutes, to read:

22 320.072 Additional fee imposed on certain motor  
23 vehicle registration transactions.--

24 (1) A fee of \$100 is imposed upon the initial  
25 application for registration pursuant to s. 320.06 of every  
26 motor vehicle classified in s. 320.08(2), (3), and (9)(c) and  
27 (d).

28 (2) The fee imposed by subsection (1) shall not apply  
29 to:

30 (h) Any license plate issued in the previous 10-year  
31 period from the date the transaction is being processed.

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1           (i) Any license plate issued to a vehicle taxed under  
2 s. 320.08(2), (3), and (9)(c) or (d) at any time during the  
3 previous 10-year period.

4           Section 151. Subsection (6) of section 320.0805,  
5 Florida Statutes, is amended to read:

6           320.0805 Personalized prestige license plates.--

7           (6) A personalized prestige license plate shall be  
8 issued for the exclusive continuing use of the applicant. An  
9 exact duplicate of any plate may not be issued to any other  
10 applicant during the same registration period. An exact  
11 duplicate may not be issued for any succeeding year unless the  
12 previous owner of a specific plate relinquishes it by failure  
13 to apply for renewal or reissuance for 1 year following the  
14 last year of issuance ~~three consecutive annual registration~~  
15 ~~periods following the original year of issuance.~~

16           Section 152. Paragraph (h) of subsection (4) of  
17 section 320.08056, Florida Statutes, is amended to read:

18           320.08056 Specialty license plates.--

19           (4) The following license plate annual use fees shall  
20 be collected for the appropriate specialty license plates:

21           (h) Florida educational license plate, ~~\$25~~<sup>\$15</sup>.

22           Section 153. Paragraph (ff) is added to subsection (4)  
23 of section 320.08056, Florida Statutes, and paragraphs (a),  
24 (b), and (c) of subsection (8) of that section, are amended to  
25 read:

26           320.08056 Specialty license plates.--

27           (4) The following license plate annual use fees shall  
28 be collected for the appropriate specialty license plates:

29           (ff) Florida Golf license plate, \$25.

30           (8)(a) The department must discontinue the issuance of  
31 an approved specialty license plate if:



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1           1. Less than 8,000 plates, including annual renewals,  
2 are issued for that specialty license plate by the end of the  
3 5th year of sales.

4           2. Less than 8,000 plates, including annual renewals,  
5 are issued for that specialty license plate during any  
6 subsequent 5-year period.

7           (b) The department is authorized to discontinue the  
8 issuance of a specialty license plate and distribution of  
9 associated annual use fee proceeds if the organization no  
10 longer exists, if the organization has stopped providing  
11 services that are authorized to be funded from the annual use  
12 fee proceeds, or pursuant to an organizational recipient's  
13 request. An organization is required to notify the department  
14 immediately to stop all warrants for plate sales if any of the  
15 conditions in this section exist, and the organization must  
16 comply with s. 320.08062 for any period of operation during a  
17 fiscal year.

18           (c) The requirements of paragraph (a) shall not apply  
19 to collegiate specialty license plates authorized in s.  
20 320.08058(3), ~~and~~ (13), (21), and (26).

21           Section 154. Subsection (32) is added to section  
22 320.08058, Florida Statutes to read:

23           320.08058 Specialty license plates.--  
24           (32) FLORIDA GOLF LICENSE PLATES.--

25           (a) The Department of Highway Safety and Motor  
26 Vehicles shall develop a Florida Golf license plate as  
27 provided in this section. The word "Florida" must appear at  
28 the bottom of the plate. The Dade Amateur Golf Association,  
29 following consultation with the PGA TOUR, the Florida Sports  
30 Foundation, the LPGA and the PGA of America may submit a  
31 revised sample plate for consideration by the department.

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1           (b) The department shall distribute the Florida Golf  
2 license plate annual use fee to the Florida Sports Foundation,  
3 a direct support organization of the Office of Tourism, Trade,  
4 and Economic Development. The license plate annual use fees  
5 are to be annually allocated as follows:

6           1. Up to five percent of the proceeds from the annual  
7 use fees may be used by the Florida Sports Foundation for the  
8 administration of the Florida Youth Golf Program.

9           2. The Dade Amateur Golf Association shall receive the  
10 first \$80,000 in proceeds from the annual use fees for the  
11 operation of youth golf programs in Miami-Dade County.  
12 Thereafter, 15 percent of the proceeds from the annual use fee  
13 shall be provided to the Dade Amateur Golf Association for the  
14 operation of youth golf programs in Miami-Dade County.

15           3. The remaining proceeds from the annual use fee  
16 shall be available for grants to nonprofit organizations to  
17 operate youth golf programs and for the purpose of marketing  
18 the Florida Golf License Plates. All grant recipients,  
19 including the Dade Amateur Golf Association, shall be required  
20 to provide to the Florida Sports Foundation an annual program  
21 and financial report regarding the use of grant funds. Such  
22 reports shall be made available to the public.

23           (c) The Florida Sports Foundation shall establish a  
24 Florida Youth Golf Program. The Florida Youth Golf Program  
25 shall assist organizations for the benefit of youth, introduce  
26 young people to golf, instruct young people in golf, teach the  
27 values of golf, and stress life skills, fair play, courtesy,  
28 and self-discipline.

29           (d) The Florida Sports Foundation shall establish a  
30 five-member committee to offer advice regarding the  
31 distribution of the annual use fees for grants to nonprofit

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1 organizations. The advisory committee shall consist of one  
2 member from a group serving youth, one member from a group  
3 serving disabled youth, and three members at large.

4 Section 155. Section 320.08062, Florida Statutes, is  
5 amended to read:

6 320.08062 Audits and attestation required; annual use  
7 fees of specialty license plates.--

8 (1)(a) All organizations that receive annual use fee  
9 proceeds from the department are responsible for ensuring that  
10 proceeds are used in accordance with ss. 320.08056 and  
11 320.08058.

12 ~~(b) All organizational recipients of any specialty~~  
13 ~~license plate annual use fee authorized in this chapter, not~~  
14 ~~otherwise subject to annual audit by the Office of the Auditor~~  
15 ~~General, shall submit an annual audit of the expenditures of~~  
16 ~~annual use fees and interest earned from these fees, to~~  
17 ~~determine if expenditures are being made in accordance with~~  
18 ~~the specifications outlined by law. The audit shall be~~  
19 ~~prepared by a certified public accountant licensed under~~  
20 ~~chapter 473 at that organizational recipient's expense. The~~  
21 ~~notes to the financial statements should state whether~~  
22 ~~expenditures were made in accordance with ss. 320.08056 and~~  
23 ~~320.08058.~~

24 (b)(c) Any organization not subject to ~~In lieu of an~~  
25 ~~annual audit pursuant to s. 215.97 shall,~~ any organization  
26 receiving less than \$25,000 in annual use fee proceeds  
27 directly from the department, or from another state agency,  
28 may annually attest report, under penalties of perjury, that  
29 such proceeds were used in compliance with ss. 320.08056 and  
30 320.08058. The attestation shall be made annually in a form  
31 and format determined by the department.

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1           ~~(c)(d)~~ Any organization subject to audit pursuant to  
 2 s. 215.97 shall submit an audit report in accordance with  
 3 rules promulgated by the Auditor General.The annual  
 4 attestation ~~audit~~ or report shall be submitted to the  
 5 department for review within 9 months ~~180 days~~ after the end  
 6 of the organization's fiscal year.

7           (2) Within 90 days after receiving an organization's  
 8 audit or attestation ~~report~~, the department shall determine  
 9 which recipients of revenues from specialty license plate  
 10 annual use fees have not complied with subsection (1). If the  
 11 department determines that an organization has not complied or  
 12 has failed to use the revenues in accordance with ss.  
 13 320.08056 and 320.08058, the department must discontinue the  
 14 distribution of the revenues to the organization until the  
 15 department determines that the organization has complied. If  
 16 an organization fails to comply within 12 months after the  
 17 annual use fee proceeds are withheld by the department, the  
 18 proceeds shall be deposited into the Highway Safety Operating  
 19 Trust Fund to offset department costs related to the issuance  
 20 of specialty license plates.

21           (3) The ~~Auditor General and the~~ department has ~~have~~  
 22 the authority to examine all records pertaining to the use of  
 23 funds from the sale of specialty license plates.

24           Section 156. Subsection (1) of section 320.083,  
 25 Florida Statutes, is amended to read:

26           320.083 Amateur radio operators; special license  
 27 plates; fees.--

28           (1) A person who is the owner or lessee of an  
 29 automobile or truck for private use, a truck weighing not more  
 30 than 7,999 ~~5,000~~ pounds, or a recreational vehicle as  
 31 specified in s. 320.08(9)(c) or (d), which is not used for

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1 hire or commercial use; who is a resident of the state; and  
2 who holds a valid official amateur radio station license  
3 issued by the Federal Communications Commission shall be  
4 issued a special license plate upon application, accompanied  
5 by proof of ownership of such radio station license, and  
6 payment of the following tax and fees:

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

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

12 Section 157. Subsections (1), (2), and (3) of section  
13 320.089, Florida Statutes, are amended to read:

14 320.089 Members of National Guard and active United  
15 States Armed Forces reservists; former prisoners of war;  
16 survivors of Pearl Harbor; Purple Heart medal recipients;  
17 special license plates; fee.--

18 (1)(a) Each owner or lessee of an automobile or truck  
19 for private use or recreational vehicle as specified in s.  
20 320.08(9)(c) or (d), which is not used for hire or commercial  
21 use, who is a resident of the state and an active or retired  
22 member of the Florida National Guard, a survivor of the attack  
23 on Pearl Harbor, a recipient of the Purple Heart medal, or an  
24 active member of any branch of the United States Armed Forces  
25 Reserve shall, upon application to the department, accompanied  
26 by proof of active membership or retired status in the Florida  
27 National Guard, proof of membership in the Pearl Harbor  
28 Survivors Association or proof of active military duty in  
29 Pearl Harbor on December 7, 1941, proof of being a Purple  
30 Heart medal recipient, or proof of active membership in any  
31 branch of the Armed Forces Reserve, and upon payment of the

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1 license tax for the vehicle as provided in s. 320.08, be  
2 issued a license plate as provided by s. 320.06, upon which,  
3 in lieu of the serial numbers prescribed by s. 320.06, shall  
4 be stamped the words "National Guard," "Pearl Harbor  
5 Survivor," "Combat-wounded veteran," or "U.S. Reserve," as  
6 appropriate, followed by the serial number of the license  
7 plate. Additionally, the Purple Heart plate may have the words  
8 "Purple Heart" stamped on the plate and the likeness of the  
9 Purple Heart medal appearing on the plate.

10 (b) Notwithstanding any other provision of law to the  
11 contrary beginning with fiscal year 2000-2001 and annually  
12 thereafter, the first \$50,000 in general revenue generated  
13 from the sale of license plates issued under this section  
14 which are stamped with the words "National Guard," "Pearl  
15 Harbor Survivor," "Combat-wounded veteran," or "U.S. Reserve"  
16 shall be deposited into the Grants and Donations Trust Fund,  
17 as described in s. 296.38(2), to be used for the purposes  
18 established by law for that trust fund.

19 (c) Notwithstanding any provisions of law to the  
20 contrary, an applicant for a Pearl Harbor Survivor license  
21 plate or a Purple Heart license plate who also qualifies for a  
22 disabled veteran's license plate under s. 320.084 shall be  
23 issued one appropriate special license plate without payment  
24 of the license tax imposed by s. 320.08.

25 (2) Each owner or lessee of an automobile or truck for  
26 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,  
27 or recreational vehicle as specified in s. 320.08(9)(c) or  
28 (d), which is not used for hire or commercial use, who is a  
29 resident of the state and who is a former prisoner of war, or  
30 their unremarried surviving spouse, shall, upon application  
31 therefor to the department, be issued a license plate as

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1 provided in s. 320.06, on which license plate are stamped the  
2 words "Ex-POW" followed by the serial number. Each application  
3 shall be accompanied by proof that the applicant meets the  
4 qualifications specified in paragraph (a) or paragraph (b).

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

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

21 (3) Each owner or lessee of an automobile or truck for  
22 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,  
23 or recreational vehicle as specified in s. 320.08(9)(c) or  
24 (d), which is not used for hire or commercial use, who is a  
25 resident of this state and who is the unremarried surviving  
26 spouse of a recipient of the Purple Heart medal shall, upon  
27 application therefor to the department, with the payment of  
28 the required fees, be issued a license plate as provided in s.  
29 320.06, on which license plate are stamped the words "Purple  
30 Heart" and the likeness of the Purple Heart medal followed by  
31 the serial number. Each application shall be accompanied by

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

3 Section 158. Subsection (1) of section 320.18, Florida  
4 Statutes, is amended to read:

5 320.18 Withholding registration.--

6 (1) The department may withhold the registration of  
7 any motor vehicle or mobile home the owner of which has failed  
8 to register it under the provisions of law for any previous  
9 period or periods for which it appears registration should  
10 have been made in this state, until the tax for such period or  
11 periods is paid. The department may cancel any license plate  
12 or fuel-use tax decal if the owner pays for the license plate,  
13 fuel-use tax decal, or any tax liability, penalty, or interest  
14 specified in chapter 207 by a dishonored check, or if the  
15 vehicle owner or motor carrier has failed to pay a penalty for  
16 a weight or safety violation issued by the Department of  
17 Transportation Motor Carrier Compliance Office.. The  
18 Department of Transportation and the Department of Highway  
19 Safety and Motor Vehicles may impound any commercial motor  
20 vehicle that has a canceled license plate or fuel-use tax  
21 decal until the tax liability, penalty, and interest specified  
22 in chapter 207, the license tax, or the fuel-use decal fee,  
23 and applicable administrative fees have been paid for by  
24 certified funds.

25 Section 159. Paragraph (c) of subsection (1) of  
26 section 320.27, Florida Statutes, is amended, paragraph (f) is  
27 added to said subsection, and subsections (7) and (9) of said  
28 section are amended, to read:

29 320.27 Motor vehicle dealers.--

30 (1) DEFINITIONS.--The following words, terms, and  
31 phrases when used in this section have the meanings



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1 respectively ascribed to them in this subsection, except where  
2 the context clearly indicates a different meaning:

3           (c) "Motor vehicle dealer" means any person engaged in  
4 the business of buying, selling, or dealing in motor vehicles  
5 or offering or displaying motor vehicles for sale at wholesale  
6 or retail, or who may service and repair motor vehicles  
7 pursuant to an agreement as defined in s. 320.60(1). Any  
8 person who buys, sells, or deals in three or more motor  
9 vehicles in any 12-month period or who offers or displays for  
10 sale three or more motor vehicles in any 12-month period shall  
11 be prima facie presumed to be engaged in such business. The  
12 terms "selling" and "sale" include lease-purchase  
13 transactions. A motor vehicle dealer may, at retail or  
14 wholesale, sell a recreational vehicle as described in s.  
15 320.01(1)(b)1.-6. and 8., acquired in exchange for the sale of  
16 a motor vehicle, provided such acquisition is incidental to  
17 the principal business of being a motor vehicle dealer.  
18 However, a motor vehicle dealer may not buy a recreational  
19 vehicle for the purpose of resale unless licensed as a  
20 recreational vehicle dealer pursuant to s. 320.771. A motor  
21 vehicle dealer may apply for a certificate of title to a motor  
22 vehicle required to be registered under s. 320.08(2)(b), (c),  
23 and (d), using a manufacturer's statement of origin as  
24 permitted by s. 319.23(1), only if such dealer is authorized  
25 by a franchised agreement as defined in s. 320.60(1), to buy,  
26 sell, or deal in such vehicle and is authorized by such  
27 agreement to perform delivery and preparation obligations and  
28 warranty defect adjustments on the motor vehicle; provided  
29 this limitation shall not apply to recreational vehicles, van  
30 conversions, or any other motor vehicle manufactured on a  
31 truck chassis. The transfer of a motor vehicle by a dealer not

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1 meeting these qualifications shall be titled as a used  
2 vehicle. The classifications of motor vehicle dealers are  
3 defined as follows:

4 1. "Franchised motor vehicle dealer" means any person  
5 who engages in the business of repairing, servicing, buying,  
6 selling, or dealing in motor vehicles pursuant to an agreement  
7 as defined in s. 320.60(1).

8 2. "Independent motor vehicle dealer" means any person  
9 other than a franchised or wholesale motor vehicle dealer who  
10 engages in the business of buying, selling, or dealing in  
11 motor vehicles, and who may service and repair motor vehicles.

12 3. "Wholesale motor vehicle dealer" means any person  
13 who engages exclusively in the business of buying, selling, or  
14 dealing in motor vehicles at wholesale or with motor vehicle  
15 auctions. Such person shall be licensed to do business in this  
16 state, shall not sell or auction a vehicle to any person who  
17 is not a licensed dealer, and shall not have the privilege of  
18 the use of dealer license plates. Any person who buys, sells,  
19 or deals in motor vehicles at wholesale or with motor vehicle  
20 auctions on behalf of a licensed motor vehicle dealer and as a  
21 bona fide employee of such licensed motor vehicle dealer is  
22 not required to be licensed as a wholesale motor vehicle  
23 dealer. In such cases it shall be prima facie presumed that a  
24 bona fide employer-employee relationship exists. A wholesale  
25 motor vehicle dealer shall be exempt from the display  
26 provisions of this section but shall maintain an office  
27 wherein records are kept in order that those records may be  
28 inspected.

29 4. "Motor vehicle auction" means any person offering  
30 motor vehicles or recreational vehicles for sale to the  
31 highest bidder where ~~both sellers and~~ buyers are licensed

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1 motor vehicle dealers. Such person shall not sell a vehicle to  
2 anyone other than a licensed motor vehicle dealer.

3 5. "Salvage motor vehicle dealer" means any person who  
4 engages in the business of acquiring salvaged or wrecked motor  
5 vehicles for the purpose of reselling them and their parts.

6  
7 The term "motor vehicle dealer" does not include persons not  
8 engaged in the purchase or sale of motor vehicles as a  
9 business who are disposing of vehicles acquired for their own  
10 use or for use in their business or acquired by foreclosure or  
11 by operation of law, provided such vehicles are acquired and  
12 sold in good faith and not for the purpose of avoiding the  
13 provisions of this law; persons engaged in the business of  
14 manufacturing, selling, or offering or displaying for sale at  
15 wholesale or retail no more than 25 trailers in a 12-month  
16 period; public officers while performing their official  
17 duties; receivers; trustees, administrators, executors,  
18 guardians, or other persons appointed by, or acting under the  
19 judgment or order of, any court; banks, finance companies, or  
20 other loan agencies that acquire motor vehicles as an incident  
21 to their regular business; motor vehicle brokers; and motor  
22 vehicle rental and leasing companies that sell motor vehicles  
23 to motor vehicle dealers licensed under this section. Vehicles  
24 owned under circumstances described in this paragraph may be  
25 disposed of at retail, wholesale, or auction, unless otherwise  
26 restricted. A manufacturer of fire trucks, ambulances, or  
27 school buses may sell such vehicles directly to governmental  
28 agencies or to persons who contract to perform or provide  
29 firefighting, ambulance, or school transportation services  
30 exclusively to governmental agencies without processing such  
31 sales through dealers if such fire trucks, ambulances, school

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1 buses, or similar vehicles are not presently available through  
2 motor vehicle dealers licensed by the department.

3 (f) "Bona fide employee" means a person who is  
4 employed by a licensed motor vehicle dealer and receives  
5 annually an Internal Revenue Service Form W-2, or an  
6 independent contractor who has a written contract with a  
7 licensed motor vehicle dealer and receives annually an  
8 Internal Revenue Service Form 1099, for the purpose of acting  
9 in the capacity of or conducting motor vehicle sales  
10 transactions as a motor vehicle dealer.

11 (7) CERTIFICATE OF TITLE REQUIRED.--For each used  
12 motor vehicle in the possession of a licensee and offered for  
13 sale by him or her, the licensee either shall have in his or  
14 her possession or control a duly assigned certificate of title  
15 from the owner in accordance with the provisions of chapter  
16 319, from the time when the motor vehicle is delivered to the  
17 licensee and offered for sale by him or her until it has been  
18 disposed of by the licensee, or shall have reasonable indicia  
19 of ownership or right of possession, or shall have made proper  
20 application for a certificate of title or duplicate  
21 certificate of title in accordance with the provisions of  
22 chapter 319. A motor vehicle dealer may not sell or offer for  
23 sale a vehicle in his or her possession unless the dealer  
24 satisfies the requirements of this subsection. Reasonable  
25 indicia of ownership shall include a duly assigned certificate  
26 of title; in the case of a new motor vehicle, a manufacturer's  
27 certificate of origin issued to or reassigned to the dealer; a  
28 consignment contract between the owner and the dealer along  
29 with a secure power of attorney from the owner to the dealer  
30 authorizing the dealer to apply for a duplicate certificate of  
31 title and assign the title on behalf of the owner; a court

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1 order awarding title to the vehicle to the dealer; a salvage  
2 certificate of title; a photocopy of a duly assigned  
3 certificate of title being held by a financial institution as  
4 collateral for a business loan of money to the dealer ("floor  
5 plan"); a copy of a canceled check or other documentation  
6 evidencing that an outstanding lien on a vehicle taken in  
7 trade by a licensed dealer has been satisfied and that the  
8 certificate of title will be, but has not yet been, received  
9 by the dealer; a vehicle purchase order or installment  
10 contract for a specific vehicle identifying that vehicle as a  
11 trade-in on a replacement vehicle; or a duly executed odometer  
12 disclosure statement as required by Title IV of the Motor  
13 Vehicle Information and Cost Savings Act of 1972 (Pub. L. No.  
14 92-513, as amended by Pub. L. No. 94-364 and Pub. L. No.  
15 100-561) and by 49 C.F.R. part 580 bearing the signatures of  
16 the titled owners of a traded-in vehicle.

17 (9) DENIAL, SUSPENSION, OR REVOCATION.--The department  
18 may deny, suspend, or revoke any license issued hereunder or  
19 under the provisions of s. 320.77 or s. 320.771, upon proof  
20 that a licensee has failed to comply with any of the following  
21 provisions ~~with sufficient frequency so as to establish a~~  
22 ~~pattern of wrongdoing on the part of the licensee:~~

23 (a) Willful violation of any other law of this state,  
24 including chapter 319, this chapter, or ss. 559.901-559.9221,  
25 which has to do with dealing in or repairing motor vehicles or  
26 mobile homes or willful failure to comply with any  
27 administrative rule promulgated by the department.

28 Additionally, in the case of used motor vehicles, the willful  
29 violation of the federal law and rule in 15 U.S.C. s. 2304, 16  
30 C.F.R. part 455, pertaining to the consumer sales window form.

31 (b) Commission of fraud or willful misrepresentation

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1 in application for or in obtaining a license.

2 (c) Perpetration of a fraud upon any person as a  
3 result of dealing in motor vehicles, including, without  
4 limitation, the misrepresentation to any person by the  
5 licensee of the licensee's relationship to any manufacturer,  
6 importer, or distributor.

7 (d) Representation that a demonstrator is a new motor  
8 vehicle, or the attempt to sell or the sale of a demonstrator  
9 as a new motor vehicle without written notice to the purchaser  
10 that the vehicle is a demonstrator. For the purposes of this  
11 section, a "demonstrator," a "new motor vehicle," and a "used  
12 motor vehicle" shall be defined as under s. 320.60.

13 (e) Unjustifiable refusal to comply with a licensee's  
14 responsibility under the terms of the new motor vehicle  
15 warranty issued by its respective manufacturer, distributor,  
16 or importer. However, if such refusal is at the direction of  
17 the manufacturer, distributor, or importer, such refusal shall  
18 not be a ground under this section.

19 (f) Misrepresentation or false, deceptive, or  
20 misleading statements with regard to the sale or financing of  
21 motor vehicles which any motor vehicle dealer has, or causes  
22 to have, advertised, printed, displayed, published,  
23 distributed, broadcast, televised, or made in any manner with  
24 regard to the sale or financing of motor vehicles.

25 (g) Requirement by any motor vehicle dealer that a  
26 customer or purchaser accept equipment on his or her motor  
27 vehicle which was not ordered by the customer or purchaser.

28 (h) Requirement by any motor vehicle dealer that any  
29 customer or purchaser finance a motor vehicle with a specific  
30 financial institution or company.

31 (i) Failure by any motor vehicle dealer to provide a

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1 customer or purchaser with an odometer disclosure statement  
2 and a copy of any bona fide written, executed sales contract  
3 or agreement of purchase connected with the purchase of the  
4 motor vehicle purchased by the customer or purchaser.

5 (j) Failure of any motor vehicle dealer to comply with  
6 the terms of any bona fide written, executed agreement,  
7 pursuant to the sale of a motor vehicle.

8 (k) Requirement by the motor vehicle dealer that the  
9 purchaser of a motor vehicle contract with the dealer for  
10 physical damage insurance.

11 (l) Violation of any of the provisions of s. 319.35 by  
12 any motor vehicle dealer.

13 (m) Either a history of bad credit or an unfavorable  
14 credit rating as revealed by the applicant's official credit  
15 report or by investigation by the department.

16 (n) Failure to disclose damage to a new motor vehicle  
17 as defined in s. 320.60(10) of which the dealer had actual  
18 knowledge if the dealer's actual cost of repair, excluding  
19 tires, bumpers, and glass, exceeds 3 percent of the  
20 manufacturer's suggested retail price; provided, however, if  
21 only the application of exterior paint is involved, disclosure  
22 shall be made if such touch-up paint application exceeds \$100.

23 (o) Failure to apply for transfer of a title as  
24 prescribed in s. 319.23(6).

25 (p) Use of the dealer license identification number by  
26 any person other than the licensed dealer or his or her  
27 designee.

28 (q) Conviction of a felony.

29 (r) Failure to continually meet the requirements of  
30 the licensure law.

31 (s) A person who has been ~~When a motor vehicle dealer~~

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1 ~~is~~ convicted of a crime, infraction, or violation as set forth  
2 in paragraph (g) ~~which results in his or her being prohibited~~  
3 ~~from continuing in that capacity, the dealer~~ may not serve  
4 ~~continue~~ in any capacity within the industry. Such person ~~The~~  
5 ~~offender~~ shall have no financial interest, management, sales,  
6 or other role in the operation of a dealership. Further, the  
7 person ~~offender~~ may not derive income from the dealership  
8 beyond reasonable compensation for the sale of his or her  
9 ownership interest in the business. The license or application  
10 of any dealership in which such person has an interest or  
11 plays a role in violation of this subsection shall be denied  
12 or revoked, as the case may be.

13 (t) Representation to a customer or any advertisement  
14 to the general public representing or suggesting that a motor  
15 vehicle is a new motor vehicle if such vehicle lawfully cannot  
16 be titled in the name of the customer or other member of the  
17 general public by the seller using a manufacturer's statement  
18 of origin as permitted in s. 319.23(1).

19 (u) Failure to honor a bank draft or check given to a  
20 motor vehicle dealer for the purchase of a motor vehicle by  
21 another motor vehicle dealer within 10 days after notification  
22 that the bank draft or check has been dishonored. A single  
23 violation of this paragraph is sufficient for revocation or  
24 suspension. If the transaction is disputed, the maker of the  
25 bank draft or check shall post a bond in accordance with the  
26 provisions of s. 559.917, and no proceeding for revocation or  
27 suspension shall be commenced until the dispute is resolved.

28 (v) Sale by a motor vehicle dealer of a vehicle  
29 offered in trade by a customer prior to consummation of the  
30 sale, exchange, or transfer of a newly acquired vehicle to the  
31 customer, unless the customer provides written authorization



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1 for the sale of the trade-in vehicle prior to delivery of the  
2 newly acquired vehicle.

3 Section 160. Section 320.691, Florida Statutes, is  
4 created to read:

5 320.691 Automobile Dealers Industry Advisory Board.--

6 (1) AUTOMOBILE DEALERS INDUSTRY ADVISORY BOARD.--The  
7 Automobile Dealers Industry Advisory Board is created within  
8 the Department of Highway Safety and Motor Vehicles. The board  
9 shall make recommendations on proposed legislation, make  
10 recommendations on proposed rules and procedures, present  
11 licensed motor vehicle dealer industry issues to the  
12 department for its consideration, consider any matters  
13 relating to the motor vehicle industry presented to it by the  
14 department, and submit an annual report to the Executive  
15 Director of the department and file copies with the Governor,  
16 President of the Senate, and the Speaker of the House of  
17 Representatives.

18 (2) MEMBERSHIP, TERMS, MEETINGS.--

19 (a) The board shall be composed of 12 members. The  
20 Executive Director of the Department of Highway Safety and  
21 Motor Vehicles shall appoint the members from names submitted  
22 by the entities for the designated categories the member will  
23 represent. The Executive Director shall appoint one  
24 representative of the Department of Highway Safety and Motor  
25 Vehicles, who must represent the Division of Motor Vehicles;  
26 two representatives of the independent motor vehicle industry  
27 as recommended by the Florida Independent Automobile Dealers  
28 Association; two representatives of the franchise motor  
29 vehicle industry as recommended by the Florida Automobile  
30 Dealers Association; one representative of the auction motor  
31 vehicle industry who is from an auction chain and is

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1 recommended by a group affiliated with the National Auto  
2 Auction Association; one representative of the auction motor  
3 vehicle industry who is from an independent auction and is  
4 recommended by a group affiliated with the National Auto  
5 Auction Association; one representative from the Department of  
6 Revenue; a Florida Tax Collector representative recommended by  
7 the Florida Tax Collectors Association; one representative  
8 from the Better Business Bureau; one representative from the  
9 Department of Agriculture and Consumer Services, who must  
10 represent the Division of Consumer Services; and one  
11 representative of the insurance industry who writes motor  
12 vehicle dealer surety bonds.

13 (b)1. The Executive Director shall appoint the  
14 following initial members to 1-year terms: one representative  
15 from the motor vehicle auction industry who represents an  
16 auction chain, one representative from the independent motor  
17 vehicle industry, one representative from the franchise motor  
18 vehicle industry, one representative from the Department of  
19 Revenue, one Florida Tax Collector, and one representative  
20 from the Better Business Bureau.

21 2. The Executive Director shall appoint the following  
22 initial members to 2-year terms: one representative from the  
23 motor vehicle auction industry who represents an independent  
24 auction, one representative from the independent motor vehicle  
25 industry, one representative from the franchise motor vehicle  
26 industry, one representative from the Division of Consumer  
27 Services, one representative from the insurance industry, and  
28 one representative from the Division of Motor Vehicles.

29 3. As the initial terms expire, the Executive Director  
30 shall appoint successors from the same designated category for  
31 terms of 2 years. If renominated, a member may succeed himself

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1 or herself.

2 4. The board shall appoint a chair and vice chair at  
3 its initial meeting and every 2 years thereafter.

4 (c) The board shall meet at least two times per year.  
5 Meetings may be called by the chair of the board or by the  
6 Executive Director of the department. One meeting shall be  
7 held in the fall of the year to review legislative proposals.  
8 The board shall conduct all meetings in accordance with  
9 applicable Florida Statutes and shall keep minutes of all  
10 meetings. Meetings may be held in locations around the state  
11 in department facilities or in other appropriate locations.

12 (3) PER DIEM, TRAVEL, AND STAFFING.--Members of the  
13 board from the private sector are not entitled to per diem or  
14 reimbursement for travel expenses. However, members of the  
15 board from the public sector are entitled to reimbursement, if  
16 any, from their respective agency. Members of the board may  
17 request assistance from the Department of Highway Safety and  
18 Motor Vehicles as necessary.

19 Section 161. Subsection (26) of section 322.01,  
20 Florida Statutes, is amended to read:

21 322.01 Definitions.--As used in this chapter:

22 (26) "Motor vehicle" means any self-propelled vehicle,  
23 including a motor vehicle combination, not operated upon rails  
24 or guideway, excluding vehicles moved solely by human power,  
25 motorized wheelchairs, motorized scooters, and motorized  
26 bicycles as defined in s. 316.003.

27 Section 162. Subsections (4) and (5) are added to  
28 section 322.0261, Florida Statutes, to read:

29 322.0261 Mandatory driver improvement course; certain  
30 crashes.--

31 (4) The Department of Highway Safety and Motor

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1 Vehicles shall approve and regulate courses that use  
2 technology as the delivery method of all driver improvement  
3 schools as the courses relate to this section.

4 (5) In determining whether to approve courses of  
5 driver improvement schools that use technology as the delivery  
6 method as the courses relate to this section, the department  
7 shall consider only those courses submitted by a person,  
8 business, or entity which receive:

9 (a) Approval for statewide delivery.

10 (b) Independent scientific research evidence of course  
11 effectiveness.

12 Section 163. Section 322.161, Florida Statutes, is  
13 amended to read:

14 322.161 High-risk drivers; restricted licenses.--

15 (1)(a) Notwithstanding any provision of law to the  
16 contrary, the department shall restrict the driving privilege  
17 of any Class D or Class E licensee who is age 15 through 17  
18 and who has accumulated six ~~four~~ or more points pursuant to s.  
19 318.14, excluding parking violations, within a 12-month  
20 period.

21 (b) Upon determination that any person has accumulated  
22 six ~~four~~ or more points, the department shall notify the  
23 licensee and issue the licensee a restricted license for  
24 business purposes only. The licensee must appear before the  
25 department within 10 days after notification to have this  
26 restriction applied. The period of restriction shall be for a  
27 period of no less than 1 year beginning on the date it is  
28 applied by the department.

29 (c) The restriction shall be automatically withdrawn  
30 by the department after 1 year if the licensee does not  
31 accumulate any additional points. If the licensee accumulates

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1 any additional points, then the period of restriction shall be  
2 extended 90 days for each point. The restriction shall also  
3 be automatically withdrawn upon the licensee's 18th birthday  
4 if no other grounds for restriction exist. The licensee must  
5 appear before the department to have the restriction removed  
6 and a duplicate license issued.

7 (2)(a) Any Class E licensee who is age 15 through 17  
8 and who has accumulated six four or more points pursuant to s.  
9 318.14, excluding parking violations, within a 12-month period  
10 shall not be eligible to obtain a Class D license for a period  
11 of no less than 1 year. The period of ineligibility shall  
12 begin on the date of conviction for the violation that results  
13 in the licensee's accumulation of six four or more points.

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

21 (3) Any action taken by the department pursuant to  
22 this section shall not be subject to any formal or informal  
23 administrative hearing or similar administrative procedure.

24 (4) The department shall adopt rules to carry out the  
25 purposes of this section.

26 Section 164. Subsection (4) of section 322.05, Florida  
27 Statutes, is amended to read:

28 322.05 Persons not to be licensed.--The department may  
29 not issue a license:

30 (4) Except as provided by this subsection, to any  
31 person, as a Class A licensee, Class B licensee, Class C

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1 licensee, or Class D licensee, who is under the age of 18  
2 years. A person age 16 or 17 years who applies for a Class D  
3 driver's license is subject to all the requirements and  
4 provisions of ss. 322.05(2)(a) and (b), 322.09, and 322.16(2)  
5 and (3). ~~Any person who applies for a Class D driver's license~~  
6 ~~who is age 16 or 17 years must have had a learner's driver's~~  
7 ~~license or a driver's license for at least 90 days before he~~  
8 ~~or she is eligible to receive a Class D driver's license.~~ The  
9 department may require of any such applicant for a Class D  
10 driver's license such examination of the qualifications of the  
11 applicant as the department considers proper, and the  
12 department may limit the use of any license granted as it  
13 considers proper.

14 Section 165. Paragraph (b) of subsection (4) and  
15 subsections (5), (6), and (7) of section 322.081, Florida  
16 Statutes, are amended, and subsection (8) is added to said  
17 section, to read:

18 322.081 Requests to establish voluntary check-off  
19 ~~checkoff~~ on driver's license application.--

20 (4)

21 (b) The department is authorized to discontinue the  
22 voluntary contribution and distribution of associated proceeds  
23 if the organization no longer exists, if the organization has  
24 stopped providing services that are authorized to be funded  
25 from the voluntary contributions, or pursuant to an  
26 organizational recipient's request. Organizations are required  
27 to notify the department immediately to stop warrants for  
28 voluntary check-off contribution, if any of the conditions in  
29 this subsection exist, and must meet the requirements of  
30 paragraph (5)(b) or paragraph (5)(c), if applicable, for any  
31 period of operation during the fiscal year.

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1           (5) A voluntary contribution collected and distributed  
2 under this chapter, or any interest earned from those  
3 contributions, may not be used for commercial or for-profit  
4 activities nor for general or administrative expenses, except  
5 as authorized by law, ~~or to pay the cost of the audit or~~  
6 ~~report required by law.~~

7           (a) All organizations that receive annual use fee  
8 proceeds from the department are responsible for ensuring that  
9 proceeds are used in accordance with law.

10          ~~(b) All organizational recipients of any voluntary~~  
11 ~~contributions in excess of \$15,000, not otherwise subject to~~  
12 ~~annual audit by the Office of the Auditor General, shall~~  
13 ~~submit an annual audit of the expenditures of these~~  
14 ~~contributions and interest earned from these contributions, to~~  
15 ~~determine if expenditures are being made in accordance with~~  
16 ~~the specifications outlined by law. The audit shall be~~  
17 ~~prepared by a certified public accountant licensed under~~  
18 ~~chapter 473 at that organizational recipient's expense. The~~  
19 ~~notes to the financial statements should state whether~~  
20 ~~expenditures were made in accordance with law.~~

21          (b)(c) Any organization not subject to ~~In lieu of an~~  
22 ~~annual audit pursuant to s. 215.97 shall, any organization~~  
23 ~~receiving less than \$15,000 in voluntary contributions~~  
24 ~~directly from the department may annually attest report, under~~  
25 ~~penalties of perjury, that such proceeds were used in~~  
26 ~~compliance with law. The attestation shall be made annually in~~  
27 ~~a form and format determined by the department.~~

28          ~~(c)(d)~~ Any voluntary contributions authorized by law  
29 shall only be distributed to an organization under an  
30 appropriation by the Legislature.

31          (d)(e) Any organization subject to audit pursuant to

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1 s. 215.97 shall submit an audit report in accordance with  
2 rules promulgated by the Auditor General.The annual  
3 attestation ~~audit or report~~ must be submitted to the  
4 department for review within 9 months ~~180 days~~ after the end  
5 of the organization's fiscal year.

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

18 (7) The ~~Auditor General and the~~ department has ~~have~~  
19 the authority to examine all records pertaining to the use of  
20 funds from the voluntary contributions authorized.

21 (8) All organizations seeking to establish a voluntary  
22 contribution on a driver's license application that are  
23 required to operate under the Solicitation of Contributions  
24 Act, as provided in chapter 496, must do so before funds may  
25 be distributed.

26 Section 166. Present subsections (2) through (7) of  
27 section 322.095, Florida Statutes, are renumbered as  
28 subsections (4) through (9), respectively, and new subsections  
29 (2) and (3) are added to said section, to read:

30 322.095 Traffic law and substance abuse education  
31 program for driver's license applicants.--



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1           (2) The Department of Highway Safety and Motor  
2 Vehicles shall approve and regulate courses that use  
3 technology as the delivery method of all driver improvement  
4 schools as the courses relate to this section.

5           (3) In determining whether to approve courses of  
6 driver improvement schools that use technology as the delivery  
7 method as the courses relate to this section, for courses  
8 submitted on or after July 1, 2001, the department shall  
9 consider only those courses submitted by a person, business,  
10 or entity which receive:

11           (a) Approval for statewide delivery.

12           (b) Independent scientific research evidence of course  
13 effectiveness.

14           Section 167. Section 322.222, Florida Statutes, is  
15 created to read:

16           322.222 Right to review.--A driver may request an  
17 administrative hearing to review a revocation pursuant to s.  
18 322.221(3). The hearing shall be held in accordance with the  
19 department's administrative rules that the department shall  
20 have promulgated pursuant to chapter 120.

21           Section 168. Subsection (7) of section 322.25, Florida  
22 Statutes, is amended to read:

23           322.25 When court to forward license to department and  
24 report convictions; temporary reinstatement of driving  
25 privileges.--

26           (7) Any licensed driver convicted of driving, or being  
27 in the actual physical control of, a vehicle within this state  
28 while under the influence of alcoholic beverages, any chemical  
29 substance set forth in s. 877.111, or any substance controlled  
30 under chapter 893, when affected to the extent that his or her  
31 normal faculties are impaired, and whose license and driving

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1 privilege have been revoked as provided in subsection (1) may  
2 be issued a court order for reinstatement of a driving  
3 privilege on a temporary basis; provided that, as a part of  
4 the penalty, upon conviction, the defendant is required to  
5 enroll in and complete a driver improvement course for the  
6 rehabilitation of drinking drivers and the driver is otherwise  
7 eligible for reinstatement of the driving privilege ~~as~~  
8 ~~provided by s. 322.282~~. The court order for reinstatement  
9 shall be on a form provided by the department and must be  
10 taken by the person convicted to a Florida driver's license  
11 examining office, where a temporary driving permit may be  
12 issued. The period of time for which a temporary permit issued  
13 in accordance with this subsection is valid shall be deemed to  
14 be part of the period of revocation imposed by the court.

15 Section 169. Subsections (1), (3), and (10) of section  
16 322.2615, Florida Statutes, are amended to read:

17 322.2615 Suspension of license; right to review.--

18 (1)(a) A law enforcement officer or correctional  
19 officer shall, on behalf of the department, suspend the  
20 driving privilege of a person who has been arrested by a law  
21 enforcement officer for a violation of s. 316.193, relating to  
22 unlawful blood-alcohol level or breath-alcohol level, or of a  
23 person who has refused to submit to a breath, urine, or blood  
24 test authorized by s. 316.1932. The officer shall take the  
25 person's driver's license and issue the person a 10-day ~~30-day~~  
26 temporary permit if the person is otherwise eligible for the  
27 driving privilege and shall issue the person a notice of  
28 suspension. If a blood test has been administered, the results  
29 of which are not available to the officer at the time of the  
30 arrest, the agency employing the officer shall transmit such  
31 results to the department within 5 days after receipt of the

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1 results. If the department then determines that the person  
2 was arrested for a violation of s. 316.193 and that the person  
3 had a blood-alcohol level or breath-alcohol level of 0.08 or  
4 higher, the department shall suspend the person's driver's  
5 license pursuant to subsection (3).

6 (b) The suspension under paragraph (a) shall be  
7 pursuant to, and the notice of suspension shall inform the  
8 driver of, the following:

9 1.a. The driver refused to submit to a lawful breath,  
10 blood, or urine test and his or her driving privilege is  
11 suspended for a period of 1 year for a first refusal or for a  
12 period of 18 months if his or her driving privilege has been  
13 previously suspended as a result of a refusal to submit to  
14 such a test; or

15 b. The driver violated s. 316.193 by driving with an  
16 unlawful blood-alcohol level as provided in that section and  
17 his or her driving privilege is suspended for a period of 6  
18 months for a first offense or for a period of 1 year if his or  
19 her driving privilege has been previously suspended for a  
20 violation of s. 316.193.

21 2. The suspension period shall commence on the date of  
22 arrest or issuance of the notice of suspension, whichever is  
23 later.

24 3. The driver may request a formal or informal review  
25 of the suspension by the department within 10 days after the  
26 date of arrest or issuance of the notice of suspension,  
27 whichever is later.

28 4. The temporary permit issued at the time of arrest  
29 will expire at midnight of the 10th ~~30th~~ day following the  
30 date of arrest or issuance of the notice of suspension,  
31 whichever is later.

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1           5. The driver may submit to the department any  
2 materials relevant to the arrest.

3           (3) If the department determines that the license of  
4 the person arrested should be suspended pursuant to this  
5 section and if the notice of suspension has not already been  
6 served upon the person by a law enforcement officer or  
7 correctional officer as provided in subsection (1), the  
8 department shall issue a notice of suspension and, unless the  
9 notice is mailed pursuant to s. 322.251, a temporary permit  
10 which expires 10 ~~30~~ days after the date of issuance if the  
11 driver is otherwise eligible.

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

17           (a) If the suspension of the driver's license of the  
18 person for failure to submit to a breath, urine, or blood test  
19 is sustained, the person is not eligible to receive a license  
20 for business or employment purposes only, pursuant to s.  
21 322.271, until 90 days have elapsed after the expiration of  
22 the last temporary permit issued. If the driver is not issued  
23 a 10-day ~~30-day~~ permit pursuant to this section or s. 322.64  
24 because he or she is ineligible for the permit and the  
25 suspension for failure to submit to a breath, urine, or blood  
26 test is not invalidated by the department, the driver is not  
27 eligible to receive a business or employment license pursuant  
28 to s. 322.271 until 90 days have elapsed from the date of the  
29 suspension.

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

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

13 Section 170. Subsection (5) of section 322.27, Florida  
14 Statutes, is amended to read:

15 322.27 Authority of department to suspend or revoke  
16 license.--

17 (5) The department shall revoke the license of any  
18 person designated a habitual offender, as set forth in s.  
19 322.264, and such person shall not be eligible to be  
20 relicensed for ~~a minimum of~~ 5 years from the date of  
21 revocation, except as provided for in s. 322.271. Any person  
22 whose license is revoked may, by petition to the department,  
23 show cause why his or her license should not be revoked.

24 Section 171. Subsection (2) of section 322.28, Florida  
25 Statutes, is amended to read:

26 322.28 Period of suspension or revocation.--

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

29 (a) Upon conviction of the driver, the court, along  
30 with imposing sentence, shall revoke the driver's license or  
31 driving privilege of the person so convicted, effective on the

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1 date of conviction, and shall prescribe the period of such  
2 revocation in accordance with the following provisions:

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

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

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

18  
19 For the purposes of this paragraph, a previous conviction  
20 outside this state for driving under the influence, driving  
21 while intoxicated, driving with an unlawful blood-alcohol  
22 level, or any other alcohol-related or drug-related traffic  
23 offense similar to the offense of driving under the influence  
24 as proscribed by s. 316.193 will be considered a previous  
25 conviction for violation of s. 316.193, and a conviction for  
26 violation of former s. 316.028, former s. 316.1931, or former  
27 s. 860.01 is considered a conviction for violation of s.  
28 316.193.

29 (b) If the period of revocation was not specified by  
30 the court at the time of imposing sentence or within 30 days  
31 thereafter, and is not otherwise specified by law, the

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

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

31 ~~(d) When any driver's license or driving privilege has~~

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1 ~~been revoked pursuant to the provisions of this section, the~~  
2 ~~department shall not grant a new license, except upon~~  
3 ~~reexamination of the licensee after the expiration of the~~  
4 ~~period of revocation so prescribed. However, the court may,~~  
5 ~~in its sound discretion, issue an order of reinstatement on a~~  
6 ~~form furnished by the department which the person may take to~~  
7 ~~any driver's license examining office for reinstatement by the~~  
8 ~~department pursuant to s. 322.282.~~

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



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1           Section 172. Section 322.282, Florida Statutes, is  
2 repealed.

3           Section 173. Subsection (3) is added to section  
4 322.292, Florida Statutes, to read:

5           322.292 DUI programs supervision; powers and duties of  
6 the department.--

7           (3) DUI programs shall be either governmental programs  
8 or not-for-profit corporations.

9           Section 174. Section 322.331, Florida Statutes, is  
10 repealed.

11          Section 175. Subsections (8), (9), and (10) are added  
12 to section 322.61, Florida Statutes, to read:

13          322.61 Disqualification from operating a commercial  
14 motor vehicle.--

15          (8) A driver who is convicted of or otherwise found to  
16 have committed a violation of an out-of-service order while  
17 driving a commercial motor vehicle is disqualified as follows:

18           (a) Not less than 90 days nor more than 1 year if the  
19 driver is convicted of or otherwise found to have committed a  
20 first violation of an out-of-service order.

21           (b) Not less than 1 year nor more than 5 years if,  
22 during any 10-year period, the driver is convicted of or  
23 otherwise found to have committed two violations of  
24 out-of-service orders in separate incidents.

25           (c) Not less than 3 years nor more than 5 years if,  
26 during any 10-year period, the driver is convicted of or  
27 otherwise found to have committed three or more violations of  
28 out-of-service orders in separate incidents.

29           (d) Not less than 180 days nor more than 2 years if  
30 the driver is convicted of or otherwise found to have  
31 committed a first violation of an out-of-service order while

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1 transporting hazardous materials required to be placarded  
2 under the Hazardous Materials Transportation Act, 49 U.S.C.  
3 5101 et seq., or while operating motor vehicles designed to  
4 transport more than 15 passengers, including the driver. A  
5 driver is disqualified for a period of not less than 3 years  
6 nor more than 5 years if, during any 10-year period, the  
7 driver is convicted of or otherwise found to have committed  
8 any subsequent violations of out-of-service orders, in  
9 separate incidents, while transporting hazardous materials  
10 required to be placarded under the Hazardous Materials  
11 Transportation Act 49 U.S.C. 5101 et seq., or while operating  
12 motor vehicles designed to transport more than 15 passengers,  
13 including the driver.

14 (9) A driver who is convicted of or otherwise found to  
15 have committed an offense of operating a CMV in violation of  
16 federal, state, or local law or regulation pertaining to one  
17 of the following six offenses at a railroad-highway grade  
18 crossing must be disqualified for the period of time specified  
19 in subsection (10):

20 (a) For drivers who are not always required to stop,  
21 failing to slow down and check that the tracks are clear of  
22 approaching trains.

23 (b) For drivers who are not always required to stop,  
24 failing to stop before reaching the crossing if the tracks are  
25 not clear.

26 (c) For drivers who are always required to stop,  
27 failing to stop before driving onto the crossing.

28 (d) For all drivers, failing to have sufficient space  
29 to drive completely through the crossing without stopping.

30 (e) For all drivers, failing to obey a traffic control  
31 device or all directions of an enforcement official at the

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1 crossing.

2 (f) For all drivers, failing to negotiate a crossing  
3 because of insufficient undercarriage clearance.

4 (10)(a) A driver must be disqualified for not less  
5 than 60 days if the driver is convicted of or otherwise found  
6 to have committed a first violation of a railroad-highway  
7 grade crossing violation.

8 (b) A driver must be disqualified for not less than  
9 120 days if, during any 3-year period, the driver is convicted  
10 of or otherwise found to have committed a second  
11 railroad-highway grade crossing violation in separate  
12 incidents.

13 (c) A driver must be disqualified for not less than 1  
14 year if, during any 3-year period, the driver is convicted of  
15 or otherwise found to have committed a third or subsequent  
16 railroad-highway grade crossing violation in separate  
17 incidents.

18 Section 176. Subsections (1) and (3) of section  
19 322.64, Florida Statutes, are amended to read:

20 322.64 Holder of commercial driver's license; driving  
21 with unlawful blood-alcohol level; refusal to submit to  
22 breath, urine, or blood test.--

23 (1)(a) A law enforcement officer or correctional  
24 officer shall, on behalf of the department, disqualify from  
25 operating any commercial motor vehicle a person who while  
26 operating or in actual physical control of a commercial motor  
27 vehicle is arrested for a violation of s. 316.193, relating to  
28 unlawful blood-alcohol level or breath-alcohol level, or a  
29 person who has refused to submit to a breath, urine, or blood  
30 test authorized by s. 322.63 arising out of the operation or  
31 actual physical control of a commercial motor vehicle. Upon

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1 disqualification of the person, the officer shall take the  
2 person's driver's license and issue the person a 10-day ~~30-day~~  
3 temporary permit if the person is otherwise eligible for the  
4 driving privilege and shall issue the person a notice of  
5 disqualification. If the person has been given a blood,  
6 breath, or urine test, the results of which are not available  
7 to the officer at the time of the arrest, the agency employing  
8 the officer shall transmit such results to the department  
9 within 5 days after receipt of the results. If the department  
10 then determines that the person was arrested for a violation  
11 of s. 316.193 and that the person had a blood-alcohol level or  
12 breath-alcohol level of 0.08 or higher, the department shall  
13 disqualify the person from operating a commercial motor  
14 vehicle pursuant to subsection (3).

15 (b) The disqualification under paragraph (a) shall be  
16 pursuant to, and the notice of disqualification shall inform  
17 the driver of, the following:

18 1.a. The driver refused to submit to a lawful breath,  
19 blood, or urine test and he or she is disqualified from  
20 operating a commercial motor vehicle for a period of 1 year,  
21 for a first refusal, or permanently, if he or she has  
22 previously been disqualified as a result of a refusal to  
23 submit to such a test; or

24 b. The driver violated s. 316.193 by driving with an  
25 unlawful blood-alcohol level and he or she is disqualified  
26 from operating a commercial motor vehicle for a period of 6  
27 months for a first offense or for a period of 1 year if he or  
28 she has previously been disqualified, or his or her driving  
29 privilege has been previously suspended, for a violation of s.  
30 316.193.

31 2. The disqualification period shall commence on the

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1 date of arrest or issuance of notice of disqualification,  
2 whichever is later.

3 3. The driver may request a formal or informal review  
4 of the disqualification by the department within 10 days after  
5 the date of arrest or issuance of notice of disqualification,  
6 whichever is later.

7 4. The temporary permit issued at the time of arrest  
8 or disqualification will expire at midnight of the 10th ~~30th~~  
9 day following the date of disqualification.

10 5. The driver may submit to the department any  
11 materials relevant to the arrest.

12 (3) If the department determines that the person  
13 arrested should be disqualified from operating a commercial  
14 motor vehicle pursuant to this section and if the notice of  
15 disqualification has not already been served upon the person  
16 by a law enforcement officer or correctional officer as  
17 provided in subsection (1), the department shall issue a  
18 notice of disqualification and, unless the notice is mailed  
19 pursuant to s. 322.251, a temporary permit which expires 10 ~~30~~  
20 days after the date of issuance if the driver is otherwise  
21 eligible.

22 Section 177. Section 324.091, Florida Statutes, is  
23 amended to read:

24 324.091 Notice to department; notice to insurer.--

25 (1) Each owner and operator involved in a crash or  
26 conviction case within the purview of this chapter shall  
27 furnish evidence of automobile liability insurance, motor  
28 vehicle liability insurance, or surety bond within 30 days  
29 from the date of the mailing of notice of crash by the  
30 department in such form and manner as it may designate. Upon  
31 receipt of evidence that an automobile liability policy, motor

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1 vehicle liability policy, or surety bond was in effect at the  
2 time of the crash or conviction case, the department shall  
3 forward by United States mail, postage prepaid, to the insurer  
4 or surety insurer a copy of such information and shall assume  
5 that such policy or bond was in effect unless the insurer or  
6 surety insurer shall notify the department otherwise within 20  
7 days from the mailing of the notice to the insurer or surety  
8 insurer; provided that if the department shall later ascertain  
9 that an automobile liability policy, motor vehicle liability  
10 policy, or surety bond was not in effect and did not provide  
11 coverage for both the owner and the operator, it shall at such  
12 time take such action as it is otherwise authorized to do  
13 under this chapter. Proof of mailing to the insurer or surety  
14 insurer may be made by the department by naming the insurer or  
15 surety insurer to whom such mailing was made and specifying  
16 the time, place and manner of mailing.

17 (2) Each insurer doing business in this state shall  
18 immediately give notice to the department of each motor  
19 vehicle liability policy when issued to effect the return of a  
20 license which has been suspended under s. 324.051(2); and said  
21 notice shall be upon such form and in such manner as the  
22 department may designate.

23 (3) Electronic access to the vehicle insurer  
24 information maintained in the department's vehicle database  
25 may be provided by an approved third-party provider to  
26 insurers, lawyers, and financial institutions in compliance  
27 with s. 627.736(9)(a) and for subrogation and claims purposes  
28 only. The compilation and retention of this information is  
29 strictly prohibited.

30 Section 178. Paragraph (b) of subsection (3) of  
31 section 328.01, Florida Statutes, is amended to read:

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1           328.01 Application for certificate of title.--  
2           (3)  
3           (b) If the application for transfer of title is based  
4 upon a contractual default, the recorded lienholder shall  
5 establish proof of right to ownership by submitting with the  
6 application the original certificate of title ~~and a copy of~~  
7 ~~the applicable contract upon which the claim of ownership is~~  
8 ~~made~~. If the claim is based upon a court order or judgment, a  
9 copy of such document shall accompany the application for  
10 transfer of title. If, on the basis of departmental records,  
11 there appears to be any other lien on the vessel, the  
12 certificate of title must contain a statement of such a lien,  
13 unless the application for a certificate of title is either  
14 accompanied by proper evidence of the satisfaction or  
15 extinction of the lien or contains a statement certifying that  
16 any lienholder named on the last-issued certificate of title  
17 has been sent notice by certified mail, at least 5 days before  
18 the application was filed, of the applicant's intention to  
19 seek a repossessed title. If such notice is given and no  
20 written protest to the department is presented by a subsequent  
21 lienholder within 15 days after the date on which the notice  
22 was mailed, the certificate of title shall be issued showing  
23 no liens. If the former owner or any subsequent lienholder  
24 files a written protest under oath within the 15-day period,  
25 the department shall not issue the repossessed certificate for  
26 10 days thereafter. If, within the 10-day period, no  
27 injunction or other order of a court of competent jurisdiction  
28 has been served on the department commanding it not to deliver  
29 the certificate, the department shall deliver the repossessed  
30 certificate to the applicant, or as is otherwise directed in  
31 the application, showing no other liens than those shown in

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1 the application.

2

3 The department shall adopt suitable language that must appear  
4 upon the certificate of title to effectuate the manner in  
5 which the interest in or title to the vessel is held.

6 Section 179. Subsection (2) of section 328.42, Florida  
7 Statutes, is amended to read:

8 328.42 Suspension or denial of a vessel registration  
9 due to child support delinquency; dishonored checks.--

10 (2) The department may deny or cancel any vessel  
11 registration, license plate, or fuel-use tax decal if the  
12 owner pays for the registration, license plate, fuel-use tax  
13 decal, or any tax liability, penalty, or interest specified in  
14 chapter 207 by a dishonored check if the owner pays for the  
15 registration by a dishonored check.

16 Section 180. Section 328.56, Florida Statutes, is  
17 amended to read:

18 328.56 Vessel registration number.--Each vessel that  
19 is used on the waters of the state must display a ~~commercial~~  
20 ~~or recreational~~ Florida registration number, unless it is:

21 (1) A vessel used exclusively on private lakes and  
22 ponds.

23 (2) A vessel owned by the United States Government.

24 (3) A vessel used exclusively as a ship's lifeboat.

25 (4) A non-motor-powered vessel.

26 (5) A federally documented vessel.

27 (6) A vessel already covered by a registration number  
28 in full force and effect which has been awarded to it pursuant  
29 to a federally approved numbering system of another state or  
30 by the United States Coast Guard in a state without a  
31 federally approved numbering system, if the vessel has not



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1 been within this state for a period in excess of 90  
2 consecutive days.

3 (7) A vessel operating under a valid temporary  
4 certificate of number.

5 (8) A vessel from a country other than the United  
6 States temporarily using the waters of this state.

7 (9) An undocumented vessel used exclusively for  
8 racing.

9 Section 181. Subsection (4) of section 328.72, Florida  
10 Statutes, is amended to read:

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

14 (4) TRANSFER OF OWNERSHIP.--

15 ~~(a)~~ When the ownership of a registered vessel changes,  
16 an application for transfer of registration shall be filed  
17 with the county tax collector by the new owner within 30 days  
18 with a fee of \$3.25. The county tax collector shall retain  
19 \$2.25 of the fee and shall remit \$1 to the department. A  
20 refund may not be made for any unused portion of a  
21 registration period.

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

31 Section 182. Effective July 1, 2001, subsection (1) of

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1 section 328.76, Florida Statutes, is amended to read:

2 328.76 Marine Resources Conservation Trust Fund;  
3 vessel registration funds; appropriation and distribution.--

4 (1) Except as otherwise specified and less \$1.4  
5 million for any administrative costs which shall be deposited  
6 in the Highway Safety Operating Trust Fund, in each fiscal  
7 year beginning on or after July 1, 2001, all funds collected  
8 from the registration of vessels through the Department of  
9 Highway Safety and Motor Vehicles and the tax collectors of  
10 the state, except for those funds designated for the use of  
11 the counties pursuant to s. 328.72(1), shall be deposited in  
12 the Marine Resources Conservation Trust Fund for recreational  
13 channel marking; public launching facilities; law enforcement  
14 and quality control programs; aquatic weed control; manatee  
15 protection, recovery, rescue, rehabilitation, and release; and  
16 marine mammal protection and recovery. The funds collected  
17 pursuant to s. 328.72(1) shall be transferred as follows:

18 (a) In each fiscal year, an amount equal to \$1.50 for  
19 each vessel registered in this state shall be transferred to  
20 the Save the Manatee Trust Fund and shall be used only for the  
21 purposes specified in s. 370.12(4).

22 (b) Two dollars from each noncommercial vessel  
23 registration fee, except that for class A-1 vessels, shall be  
24 transferred to the Invasive Plant Control Trust Fund for  
25 aquatic weed research and control.

26 (c) Forty percent of the registration fees from  
27 commercial vessels shall be transferred to the Invasive Plant  
28 Control Trust Fund for aquatic plant research and control.

29 (d) Forty percent of the registration fees from  
30 commercial vessels shall be transferred by the Department of  
31 Highway Safety and Motor Vehicles, on a monthly basis, to the

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1 General Inspection Trust Fund of the Department of Agriculture  
2 and Consumer Services. These funds shall be used for shellfish  
3 and aquaculture law enforcement and quality control programs.

4 Section 183. Subsections (4) and (6) of section  
5 713.78, Florida Statutes, are amended to read:

6 713.78 Liens for recovering, towing, or storing  
7 vehicles and ~~documented~~ vessels.--

8 (4)(a) Any person regularly engaged in the business of  
9 recovering, towing, or storing vehicles or vessels who comes  
10 into possession of a vehicle or vessel pursuant to subsection  
11 (2), and who claims a lien for recovery, towing, or storage  
12 services, shall give notice to the registered owner, the  
13 insurance company insuring the vehicle notwithstanding the  
14 provisions of s. 627.736, and to all persons claiming a lien  
15 thereon, as disclosed by the records in the Department of  
16 Highway Safety and Motor Vehicles or of a corresponding agency  
17 in any other state.

18 (b) Whenever any law enforcement agency authorizes the  
19 removal of a vehicle or whenever any towing service, garage,  
20 repair shop, or automotive service, storage, or parking place  
21 notifies the law enforcement agency of possession of a vehicle  
22 pursuant to s. 715.07(2)(a)2., the applicable law enforcement  
23 agency shall contact the Department of Highway Safety and  
24 Motor Vehicles, or the appropriate agency of the state of  
25 registration, if known, within 24 hours through the medium of  
26 electronic communications, giving the full description of the  
27 vehicle. Upon receipt of the full description of the vehicle,  
28 the department shall search its files to determine the owner's  
29 name, the insurance company insuring the vehicle, and whether  
30 any person has filed a lien upon the vehicle as provided in s.  
31 319.27(2) and (3) and notify the applicable law enforcement

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1 agency within 72 hours. The person in charge of the towing  
2 service, garage, repair shop, or automotive service, storage,  
3 or parking place shall obtain such information from the  
4 applicable law enforcement agency within 5 days from the date  
5 of storage and shall give notice pursuant to paragraph (a).  
6 The department may release the insurance company information  
7 to the requestor notwithstanding the provisions of s. 627.736.

8 (c)(b) Notice by certified mail, return receipt  
9 requested, shall be sent within 7 business days after the date  
10 of storage of the vehicle or vessel to the registered owner,  
11 the insurance company insuring the vehicle notwithstanding the  
12 provisions of s. 627.736, and to all persons of record  
13 claiming a lien against the vehicle or vessel. It shall state  
14 the fact of possession of the vehicle or vessel, that a lien  
15 as 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 after 35 days if the vehicle or vessel is more  
23 than 3 years of age and after 50 days if the vehicle or vessel  
24 is 3 years of age or less.

25 (d)(c) If attempts to locate the owner or lienholder  
26 prove unsuccessful, the towing-storage operator shall, after 7  
27 working days, excluding Saturday and Sunday, of the initial  
28 tow or storage, notify the public agency of jurisdiction in  
29 writing by certified mail or acknowledged hand delivery that  
30 the towing-storage company has been unable to locate the owner  
31 or lienholder and a physical search of the vehicle or vessel

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1 has disclosed no ownership information and a good faith effort  
2 has been made. For purposes of this paragraph and subsection  
3 (9), ~~and s. 715.05~~, "good faith effort" means that the  
4 following checks have been performed by the company to  
5 establish prior state of registration and for title:

- 6 1. Check of vehicle or vessel for any type of tag, tag  
7 record, temporary tag, or regular tag.
- 8 2. Check of law enforcement report for tag number or  
9 other information identifying the vehicle or vessel, if the  
10 vehicle or vessel was towed at the request of a law  
11 enforcement officer.
- 12 3. Check of trip sheet or tow ticket of tow truck  
13 operator to see if a tag was on vehicle at beginning of tow,  
14 if private tow.
- 15 4. If there is no address of the owner on the impound  
16 report, check of law enforcement report to see if an  
17 out-of-state address is indicated from driver license  
18 information.
- 19 5. Check of vehicle or vessel for inspection sticker  
20 or other stickers and decals that may indicate a state of  
21 possible registration.
- 22 6. Check of the interior of the vehicle or vessel for  
23 any papers that may be in the glove box, trunk, or other areas  
24 for a state of registration.
- 25 7. Check of vehicle for vehicle identification number.
- 26 8. Check of vessel for vessel registration number.
- 27 9. Check of vessel hull for a hull identification  
28 number which should be carved, burned, stamped, embossed, or  
29 otherwise permanently affixed to the outboard side of the  
30 transom or, if there is no transom, to the outmost seaboard  
31 side at the end of the hull that bears the rudder or other

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1 steering mechanism.

2 (6) Any vehicle or vessel which is stored pursuant to  
3 subsection (2) and which remains unclaimed, or for which  
4 reasonable charges for recovery, towing, or storing remain  
5 unpaid or for which a lot rental amount is due and owing to  
6 the mobile home park owner, as evidenced by a judgment for  
7 unpaid rent, and any contents not released pursuant to  
8 subsection (10), may be sold by the owner or operator of the  
9 storage space for such towing or storage charge or unpaid lot  
10 rental amount after 35 days from the time the vehicle or  
11 vessel is stored therein if the vehicle or vessel is more than  
12 3 years of age and after 50 days from the time the vehicle or  
13 vessel is stored therein if the vehicle or vessel is 3 years  
14 of age or less. The sale shall be at public auction for cash.  
15 If the date of the sale was not included in the notice  
16 required in subsection (4), notice of the sale shall be given  
17 to the person in whose name the vehicle, vessel, or mobile  
18 home is registered, to the mobile home park owner, and to all  
19 persons claiming a lien on the vehicle or vessel as shown on  
20 the records of the Department of Highway Safety and Motor  
21 Vehicles or of the corresponding agency in any other state.  
22 Notice shall be sent by certified mail, return receipt  
23 requested, to the owner of the vehicle or vessel and the  
24 person having the recorded lien on the vehicle or vessel at  
25 the address shown on the records of the registering agency and  
26 shall be mailed not less than 15 days before the date of the  
27 sale. After diligent search and inquiry, if the name and  
28 address of the registered owner or the owner of the recorded  
29 lien cannot be ascertained, the requirements of notice by mail  
30 may be dispensed with. In addition to the notice by mail,  
31 public notice of the time and place of sale shall be made by

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

14 Section 184. Section 715.05, Florida Statutes, is  
15 repealed.

16 Section 185. Subsection (1) of section 681.1096,  
17 Florida Statutes, is amended to read:

18 681.1096 Pilot RV Mediation and Arbitration Program;  
19 creation and qualifications.--

20 (1) This section and s. 681.1097 shall apply to  
21 disputes determined eligible under this chapter involving  
22 recreational vehicles acquired on or after October 1, 1997,  
23 and shall remain in effect until September 30, 2002 ~~2001~~, at  
24 which time recreational vehicle disputes shall be subject to  
25 the provisions of ss. 681.109 and 681.1095. The Attorney  
26 General shall report ~~annually~~ to the President of the Senate,  
27 the Speaker of the House of Representatives, the Minority  
28 Leader of each house of the Legislature, and appropriate  
29 legislative committees regarding the effectiveness ~~efficiency~~  
30 ~~and cost-effectiveness~~ of the pilot program.

31 Section 186. Subsections (5) and (7) of section

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1 681.1097, Florida Statutes, are amended to read:

2 681.1097 Pilot RV Mediation and Arbitration Program;  
3 dispute eligibility and program function.--

4 (5) If the mediation ends in an impasse, or if a  
5 manufacturer fails to comply with the settlement entered into  
6 between the parties, the program administrator shall schedule  
7 the dispute for an arbitration hearing. Arbitration  
8 proceedings shall be open to the public on reasonable and  
9 nondiscriminatory terms.

10 (a) The arbitration hearing shall be conducted by a  
11 single arbitrator assigned by the program administrator. The  
12 arbitrator shall not be the same person as the mediator who  
13 conducted the prior mediation conference in the dispute. The  
14 parties may factually object to an arbitrator based on the  
15 arbitrator's past or present relationship with a party or a  
16 party's attorney, direct or indirect, whether financial,  
17 professional, social, or of any other kind. The program  
18 administrator shall consider any such objection, determine its  
19 validity, and notify the parties of any determination. If the  
20 objection is determined valid, the program administrator shall  
21 assign another arbitrator to the case.

22 (b) The arbitrator may issue subpoenas for the  
23 attendance of witnesses and for the production of records,  
24 documents, and other evidence. Subpoenas so issued shall be  
25 served and, upon application to the court by a party to the  
26 arbitration, enforced in the manner provided by law for the  
27 service and enforcement of subpoenas in civil actions. Fees  
28 for attendance as a witness shall be the same as for a witness  
29 in the circuit court.

30 (c) At all program arbitration proceedings, the  
31 parties may present oral and written testimony, present



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1 witnesses and evidence relevant to the dispute, cross-examine  
2 witnesses, and be represented by counsel. The arbitrator  
3 shall record the arbitration hearing and shall have the power  
4 to administer oaths. The arbitrator may inspect the vehicle  
5 if requested by a party or if the arbitrator considers such  
6 inspection appropriate.

7 (d) The program arbitrator may continue a hearing on  
8 his or her own motion or upon the request of a party for good  
9 cause shown. A request for continuance by the consumer  
10 constitutes a waiver of the time period set forth in s.  
11 681.1096(3)(k) for completion of all proceedings under the  
12 program.

13 (e) Where the arbitration is the result of a  
14 manufacturer's failure to perform in accordance with a  
15 settlement ~~mediation~~ agreement, any relief to the consumer  
16 granted by the arbitration will be no less than the relief  
17 agreed to by the manufacturer in the settlement agreement.

18 (f) The arbitrator shall grant relief if a reasonable  
19 number of attempts have been undertaken to correct a  
20 nonconformity or nonconformities.

21 (g) The program arbitrator shall render a decision  
22 within 10 days of the closing of the hearing. The decision  
23 shall be in writing on a form prescribed or approved by the  
24 department. The program administrator shall send a copy of the  
25 decision to the consumer and each involved manufacturer by  
26 registered mail. The program administrator shall also send a  
27 copy of the decision to the department within 5 days of  
28 mailing to the parties.

29 (h) A manufacturer shall comply with an arbitration  
30 decision within 40 days of the date the manufacturer receives  
31 the written decision. Compliance occurs on the date the

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1 consumer receives delivery of an acceptable replacement motor  
2 vehicle or the refund specified in the arbitration award. If a  
3 manufacturer fails to comply within the time required, the  
4 consumer must notify the program administrator in writing  
5 within 10 days. The program administrator shall notify the  
6 department of a manufacturer's failure to comply. The  
7 department shall have the authority to enforce compliance with  
8 arbitration decisions under this section in the same manner as  
9 is provided for enforcement of compliance with board decisions  
10 under s. 681.1095(10). In any civil action arising under this  
11 chapter and relating to a dispute arbitrated pursuant to this  
12 section, the decision of the arbitrator is admissible in  
13 evidence.

14 (i) Either party may request that the program  
15 arbitrator make a technical correction to the decision by  
16 filing a written request with the program administrator within  
17 10 days after receipt of the written decision. Technical  
18 corrections shall be limited to computational errors,  
19 correction of a party's name or information regarding the  
20 recreational vehicle, and typographical or spelling errors.  
21 Technical correction of a decision shall not toll the time for  
22 filing an appeal or for manufacturer compliance.

23 (7) A decision of the arbitrator is binding unless  
24 appealed by either party by filing a petition with the circuit  
25 court within the time and in the manner prescribed by s.  
26 681.1095(10) and (12). Section 681.1095(13) and (14) apply to  
27 appeals filed under this section.~~Either party may make~~  
28 ~~application to the circuit court for the county in which one~~  
29 ~~of the parties resides or has a place of business or, if~~  
30 ~~neither party resides or has a place of business in this~~  
31 ~~state, the county where the arbitration hearing was held, for~~

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1 ~~an order confirming, vacating, modifying, or correcting any~~  
2 ~~award, in accordance with the provisions of this section and~~  
3 ~~ss. 682.12, 682.13, 682.14, 682.15, and 682.17. Such~~  
4 ~~application must be filed within 30 days of the moving party's~~  
5 ~~receipt of the written decision or the decision becomes final.~~  
6 ~~Upon filing such application, the moving party shall mail a~~  
7 ~~copy to the department and, upon entry of any judgment or~~  
8 ~~decree, shall mail a copy of such judgment or decree to the~~  
9 ~~department. A review of such application by the circuit court~~  
10 ~~shall be confined to the record of the proceedings before the~~  
11 ~~program arbitrator. The court shall conduct a de novo review~~  
12 ~~of the questions of law raised in the application. In addition~~  
13 ~~to the grounds set forth in ss. 682.13 and 682.14, the court~~  
14 ~~shall consider questions of fact raised in the application. In~~  
15 ~~reviewing questions of fact, the court shall uphold the award~~  
16 ~~unless it determines that the factual findings of the~~  
17 ~~arbitrator are not supported by substantial evidence in the~~  
18 ~~record and that the substantial rights of the moving party~~  
19 ~~have been prejudiced. If the arbitrator fails to state~~  
20 ~~findings or reasons for the stated award, or the findings or~~  
21 ~~reasons are inadequate, the court shall search the record to~~  
22 ~~determine whether a basis exists to uphold the award. The~~  
23 ~~court shall expedite consideration of any application filed~~  
24 ~~under this section on the calendar.~~

25       (a) If a decision of a program arbitrator in favor of  
26 a consumer is confirmed by the court, recovery by the consumer  
27 shall include the pecuniary value of the award, attorney's  
28 fees incurred in obtaining confirmation of the award, and all  
29 costs and continuing damages in the amount of \$25 per day for  
30 each day beyond the 40-day period following a manufacturer's  
31 receipt of the arbitrator's decision. If a court determines

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1 the manufacturer acted in bad faith in bringing the appeal or  
2 brought the appeal solely for the purpose of harassment, or in  
3 complete absence of a justiciable issue of law or fact, the  
4 court shall double, and may triple, the amount of the total  
5 award.

6 ~~(b) An appeal of a judgment or order by the court~~  
7 ~~confirming, denying confirmation, modifying or correcting, or~~  
8 ~~vacating the award may be taken in the manner and to the same~~  
9 ~~extent as from orders or judgments in a civil action.~~

10 Section 187. Section 681.115, Florida Statutes, is  
11 amended to read:

12 681.115 Certain agreements void.--Any agreement  
13 entered into by a consumer that waives, limits, or disclaims  
14 the rights set forth in this chapter, or that requires a  
15 consumer not to disclose the terms of such agreement as a  
16 condition thereof, is void as contrary to public policy. The  
17 rights set forth in this chapter shall extend to a subsequent  
18 transferee of such motor vehicle.

19 Section 188. Section 715.07, Florida Statutes, is  
20 amended to read:

21 715.07 Vehicles and vessels parked on private  
22 property; towing.--

23 (1) As used in this section, the terms:

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

26 (b) "Vessel" means every description of watercraft,  
27 barge, and air boat used or capable of being used as a means  
28 of transportation on water, other than a seaplane or a  
29 documented vessel, as defined in s. 327.02(8).

30 (2) The owner or lessee of real property, or any  
31 person authorized by the owner or lessee, which person may be

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

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

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

28 b. If no towing business providing such service is  
29 located within the area of towing limitations set forth in  
30 sub-subparagraph a., the following limitations apply: any  
31 towed or removed vehicle or vessel must be stored at a site

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1 within 20 miles of the point of removal in any county of  
2 500,000 population or more, and within 30 miles of the point  
3 of removal in any county of less than 500,000 population.

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

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

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

31 5. Except for property appurtenant to and obviously a

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

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

19 b. The notice must clearly indicate, in not less than  
20 2-inch high, light-reflective letters on a contrasting  
21 background, that unauthorized vehicles will be towed away at  
22 the owner's expense. Owners or lessees that remove vessels  
23 from their properties shall post notice, consistent with the  
24 requirements of this subparagraph, that unauthorized vehicles  
25 or vessels will be towed at the owner's expense. The words  
26 "tow-away zone" must be included on the sign in not less than  
27 4-inch high letters.

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

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1 towing company.

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

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

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

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

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



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

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

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

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

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

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

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

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

22 (5) Failure to make good faith best efforts to comply  
23 with the notice requirement of this section, as appropriate,  
24 shall preclude the imposition of any towing or storage charges  
25 against such vehicle or vessel.

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

30 (b) Any person who violates the provisions of  
31 subparagraph (2)(a)7. commits is guilty of a felony of the

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1 third degree, punishable as provided in s. 775.082, s.  
2 775.083, or s. 775.084.

3 Section 189. Subsection (3) is added to section  
4 832.09, Florida Statutes, to read:

5 832.09 Suspension of driver license after warrant or  
6 capias is issued in worthless check case.--

7 (3) The Department of Highway Safety and Motor  
8 Vehicles shall create a standardized form to be distributed to  
9 the clerks of the court in each county for the purpose of  
10 notifying the department that a person has satisfied the  
11 requirements of the court. Notices of compliance with the  
12 court's requirements shall be on the standardized form  
13 provided by the department.

14 Section 190. Subsection (1) of section 322.056,  
15 Florida Statutes, is amended to read:

16 322.056 Mandatory revocation or suspension of, or  
17 delay of eligibility for, driver's license for persons under  
18 age 18 found guilty of certain alcohol, drug, or tobacco  
19 offenses; prohibition.--

20 (1) Notwithstanding the provisions of s. 322.055, if a  
21 person under 18 years of age is found guilty of or delinquent  
22 for a violation of s. 562.11(2), s. 562.111, or chapter 893,  
23 and:

24 (a) The person is eligible by reason of age for a  
25 driver's license or driving privilege, the court shall direct  
26 the department to revoke or to withhold issuance of his or her  
27 driver's license or driving privilege for a period of:

28 1. Not less than 6 months and not more than 1 year for  
29 the first violation.

30 2. Two years, for a subsequent violation.

31 (b) The person's driver's license or driving privilege

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1 is under suspension or revocation for any reason, the court  
2 shall direct the department to extend the period of suspension  
3 or revocation by an additional period of:

4 1. Not less than 6 months and not more than 1 year for  
5 the first violation.

6 2. Two years, for a subsequent violation.

7 (c) The person is ineligible by reason of age for a  
8 driver's license or driving privilege, the court shall direct  
9 the department to withhold issuance of his or her driver's  
10 license or driving privilege for a period of:

11 1. Not less than 6 months and not more than 1 year  
12 after the date on which he or she would otherwise have become  
13 eligible, for the first violation.

14 2. Two years after the date on which he or she would  
15 otherwise have become eligible, for a subsequent violation.

16  
17 However, the court may, in its sound discretion, direct the  
18 department to issue a license for driving privileges  
19 restricted to business or employment purposes only, as defined  
20 in s. 322.271, if the person is otherwise qualified for such a  
21 license.  
22  
23

24 ===== T I T L E A M E N D M E N T =====

25 And the title is amended as follows:

26 On page 209, line 8, after the second semicolon,

27  
28 insert:

29 amending s. 316.003, F.S.; providing that  
30 certain vehicles of the Department of Health  
31 are authorized emergency vehicles; providing

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1           that a motorized scooter is not a motor vehicle  
2           for traffic control purposes; creating a  
3           definition of the term motorized scooter;  
4           amending s. 316.006, F.S.; authorizing the  
5           installation of multiparty stop signs on  
6           certain roads; providing guidelines for the  
7           installation of such signage; amending s.  
8           316.1951, F.S.; amending 316.1967, F.S.;  
9           allowing a fine designated by county ordinance;  
10          revising provisions related to parking vehicles  
11          to display for sale; amending s. 316.1975,  
12          F.S.; exempting operators of solid waste and  
13          recovered materials vehicles from provisions  
14          regarding unattended motor vehicles; amending  
15          s. 316.2065, F.S.; providing motorized scooter  
16          operating regulations; amending s. 316.228,  
17          F.S.; requiring strobe lights to be placed on  
18          the exterior of a commercial vehicle  
19          transporting unprocessed forest products  
20          extending more than 4 feet beyond the rear of  
21          the vehicle; providing an alternate method for  
22          placing strobe lights in certain instances;  
23          requiring the use of a red flag on the load;  
24          amending s. 316.2397, F.S.; authorizing the  
25          emergency response vehicles of the Department  
26          of Health to use red flashing lights; amending  
27          s. 316.520, F.S.; clarifying that a violation  
28          of a provision governing loads on vehicles is a  
29          moving rather than a nonmoving violation;  
30          exempting certain vehicles carrying  
31          agricultural products; amending s. 316.640,

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1 F.S.; revising the powers and duties of traffic  
2 crash investigation officers; authorizing  
3 university police officers to enforce state  
4 traffic laws violated on or adjacent to  
5 property under control of the university or its  
6 agents; amending s. 316.650, F.S.; requiring  
7 the issuance of a copy of the traffic school  
8 reference guide with traffic citations under  
9 certain circumstances; amending s. 318.14,  
10 F.S.; deleting reference to a restriction on  
11 the number of elections a person may make to  
12 attend a basic driver improvement course;  
13 amending s. 318.1451, F.S.; providing traffic  
14 school reference guide requirements; amending  
15 s. 318.18, F.S.; allowing fine amount  
16 designated by county ordinance plus court  
17 costs; amending the date by which court clerks  
18 must electronically transmit to the department  
19 specified information; amending s. 322.0261,  
20 F.S.; deleting reference to a time period and  
21 increasing the amount of damage required with  
22 respect to a crash for the screening of certain  
23 crash reports; requiring the Department of  
24 Highway Safety and Motor Vehicles to approve  
25 and regulate certain courses for driver  
26 improvement schools; amending s. 322.161, F.S.;  
27 increasing the number of points that a driver  
28 under a specified age may accumulate before the  
29 department is required to issue that driver a  
30 restricted license; creating s. 322.02615,  
31 F.S.; providing for mandatory driver

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1 improvement courses for certain violations;  
2 amending s. 319.001, F.S.; providing  
3 definitions; amending s. 319.14, F.S.;  
4 authorizing the Department of Highway Safety  
5 and Motor Vehicles to place a decal on a  
6 rebuilt vehicle so as to clarify its identity;  
7 providing a penalty for the removal of the  
8 decal; amending s. 319.23, F.S.; conforming the  
9 requirements for the transfer of ownership on  
10 an antique vehicle to that of any other motor  
11 vehicle; revising provisions relating to motor  
12 vehicle titles; amending s. 319.28, F.S.;  
13 deleting the requirement that a copy of a  
14 contract for processing an application for  
15 title based on a contractual default be  
16 provided; amending s. 319.30, F.S.; clarifying  
17 the major component parts of a motor vehicle;  
18 amending s. 320.01, F.S.; conforming the length  
19 limitation for a motor home to that established  
20 in ch. 316, F.S.; providing that a motorized  
21 scooter is not a motor vehicle for registration  
22 purposes; amending s. 320.02, F.S.; requiring  
23 application forms for motor vehicle  
24 registration and renewal of registration to  
25 include language permitting a voluntary  
26 contribution to certain organizations; amending  
27 s. 320.023, F.S.; requiring certain  
28 organizations receiving voluntary check-off  
29 contributions to notify the department under  
30 certain circumstances and to meet specified  
31 requirements; conforming the section to the

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1 Florida Single Audit Act; requiring  
2 organizations seeking authorization to  
3 establish a voluntary check-off contribution on  
4 a motor vehicle registration application to  
5 conform to the requirements of ch. 496, F.S.;  
6 conforming this section to the Florida Single  
7 Audit Act; amending s. 320.025, Florida  
8 Statutes, conforming the vessel registration  
9 law to the motor vehicle registration law;  
10 requiring a decal to be affixed to a vessel  
11 that is registered under a fictitious name and  
12 operated by any law enforcement agency;  
13 amending s. 320.05, F.S.; conforming the vessel  
14 registration law to the motor vehicle  
15 registration law; providing instructions for  
16 the release of information regarding a vessel  
17 to the public; amending s. 320.055, F.S.;  
18 correcting the registration period for  
19 nonapportioned vehicles; amending s. 320.06,  
20 F.S.; providing for the placement of only one  
21 decal rather than two on a license plate;  
22 amending s. 320.072, F.S.; reducing the  
23 timeframe a registrant can use a previous  
24 license plate for the initial registration fee  
25 exemption; amending s. 320.0805, F.S.; reducing  
26 the timeframe for a personalized license plate  
27 to remain out of circulation prior to  
28 reassignment; amending s. 320.08056, F.S.;  
29 requiring the department to count annual  
30 renewals when determining whether to  
31 discontinue a speciality license plate;



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Bill No. CS/CS/HB 1053, 2nd Eng.

Amendment No. \_\_\_\_ (for drafter's use only)

1 requiring certain organizations to notify the  
2 department under certain circumstances;  
3 including two more colleges to the  
4 discontinuance exemptions provided for  
5 collegiate specialty license plates; providing  
6 for a Florida Golf license plate; amending s.  
7 320.08058, F.S.; requiring the department to  
8 develop the Florida Golf license plate;  
9 providing for distribution of proceeds of the  
10 annual use fees; requiring the Florida Sports  
11 Foundation to establish a youth golf program;  
12 providing for an advisory committee; amending  
13 s. 320.08062, F.S.; conforming this section to  
14 the Florida Single Audit Act; amending s.  
15 320.083, F.S.; increasing the weight  
16 restriction for a private-use vehicle so as to  
17 be eligible to apply for the Amateur Radio  
18 Operator specialty license plate; amending s.  
19 320.089, F.S.; providing for the issuance of  
20 Pearl Harbor Survivor and Purple Heart license  
21 plates without payment to a disabled veteran;  
22 increasing the weight restriction for a  
23 private-use vehicle so as to be eligible to  
24 apply for the EX-POW or Purple Heart specialty  
25 license plate; amending s. 320.18, F.S.;  
26 providing for cancellation of license plates  
27 and fuel use tax decals for failure to pay  
28 motor carrier weight and safety violation  
29 penalties; amending s. 320.27, F.S.; redefining  
30 the term "motor vehicle auction"; deleting the  
31 requirement for a licensee to have the

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Amendment No. \_\_\_\_ (for drafter's use only)

1 certificate of title or ownership indicia in  
2 his or her possession at an auction; deleting a  
3 requirement for establishing a pattern of  
4 wrongdoing; revising requirements for denial,  
5 suspension, or revocation of a motor vehicle  
6 dealer license; amending s. 320.691 F.S.;  
7 creating the Automobile Dealers Industry  
8 Advisory Board; amending s. 322.01, F.S.;  
9 providing that a motorized scooter is not a  
10 motor vehicle for drivers' licensing purposes;  
11 amending s. 322.05, F.S.; correcting a  
12 statutory reference regarding the requirements  
13 for an individual under 18 years of age to  
14 apply for a driver's license; amending s.  
15 322.081, F.S.; requiring certain organizations  
16 receiving voluntary check-off contributions to  
17 notify the department under certain  
18 circumstances and to meet specified  
19 requirements; conforming the section to the  
20 Florida Single Audit Act; requiring  
21 organizations seeking authorization to  
22 establish a voluntary contribution on a motor  
23 vehicle registration to register with the  
24 Department of Agriculture and Consumer  
25 Services; amending s. 322.095, F.S.; requiring  
26 the Department of Highway Safety and Motor  
27 Vehicles to approve and regulate certain  
28 courses for driver improvement schools;  
29 creating s. 322.222, F.S.; authorizing the  
30 Department of Highway Safety and Motor Vehicles  
31 to hold a hearing when an individual's driver's

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Amendment No. \_\_\_\_ (for drafter's use only)

1 license has been suspended or revoked due to  
2 medical reasons; amending s. 322.25, F.S.;  
3 correcting a cross reference; amending s.  
4 322.2615, F.S.; complying with the USDOT's  
5 drunk driving prevention incentive program;  
6 reducing the timeframe for a temporary permit  
7 that is allotted when an individual is charged  
8 with driving with an unlawful blood-alcohol  
9 level; amending s. 322.27, F.S.; clarifying the  
10 time period for a driver's license revocation  
11 of a habitual traffic offender; amending s.  
12 322.28, F.S.; deleting obsolete language  
13 regarding the revocation of a driver's license;  
14 repealing s. 322.282, F.S., relating to the  
15 procedure when the court revokes or suspends  
16 license or driving privilege and orders  
17 reinstatement; amending s. 322.292, F.S.;  
18 adding the requirement that DUI programs must  
19 be governmental programs or not-for-profit  
20 corporations; amending s. 322.61, F.S.;  
21 complying with the Federal Motor Carrier Safety  
22 Regulations; adding two more violations for  
23 which a commercial motor vehicle may be  
24 disqualified of driving privileges; amending s.  
25 322.64, F.S.; reducing the timeframe for a  
26 temporary permit allotted when an individual  
27 holding a commercial driver's license is  
28 charged with an unlawful blood-alcohol level;  
29 repealing s. 322.331, F.S., relating to the  
30 reinstatement of a license of a habitual  
31 traffic offender; amending s. 324.091, F.S.;

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Amendment No. \_\_\_\_ (for drafter's use only)

1 providing for electronic access to vehicle  
2 insurance information; amending s. 328.01,  
3 F.S.; deleting the requirement for a copy of a  
4 contract upon which a claim of ownership of a  
5 vessel is made on a contractual default;  
6 amending s. 328.42, F.S.; authorizing the  
7 department to deny or cancel any vessel  
8 registration, license plate, or fuel use decal  
9 when given a dishonored check by the customer;  
10 amending s. 328.56, F.S.; deleting the terms  
11 "commercial" and "recreational" when referring  
12 to vessels operated on the waters of this  
13 state; amending s. 328.72, F.S.; deleting the  
14 requirements for the transfer of ownership of  
15 an antique vessel; amending s. 328.76, F.S.;  
16 providing for the appropriation allotted for  
17 fiscal year 2000-2001 to be deposited into the  
18 Highway Safety Operating Trust Fund; amending  
19 s. 713.78, F.S.; adding the insurance company  
20 to the list of individuals to be contacted when  
21 a vehicle has been towed; providing storage  
22 periods before the expiration of which certain  
23 salvaged vehicles may not be sold; repealing s.  
24 715.05, F.S., relating to the reporting of  
25 unclaimed motor vehicles; amending ss. 681.1096  
26 and 681.1097, F.S.; revising program  
27 requirements for the Pilot RV Mediation and  
28 Arbitration program; amending s. 681.115, F.S.;  
29 providing that a motor vehicle sales agreement  
30 which prohibits disclosure of its terms is  
31 void; amending s. 715.07, F.S.; conforming the

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Amendment No. \_\_\_\_ (for drafter's use only)

1 vessel registration law to the motor vehicle  
 2 registration law; defining the term "vessel";  
 3 authorizing the removal of an undocumented  
 4 vessel parked on private property; amending s.  
 5 832.09, F.S.; authorizing the department to  
 6 create a standardized form to be used for  
 7 notification of satisfaction of a worthless  
 8 check; amending s. 322.056, F.S.; authorizing  
 9 the court to direct the Department of Highway  
 10 Safety and Motor Vehicles to issue a driver's  
 11 license restricted to business or employment  
 12 purposes only to certain persons under age 18  
 13 found guilty of certain alcohol, drug, or  
 14 tobacco offenses;

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