

By the Committee on Transportation and Senator Sebesta

306-1681-01

1                                   A bill to be entitled  
2           An act relating to highway safety, motor  
3           vehicles, and vessels; amending s. 316.003,  
4           F.S.; defining the term "motorized scooter";  
5           amending s. 316.1945, F.S.; revising provisions  
6           relating to the parking of vehicles in  
7           specified areas; amending s. 316.1951, F.S.;  
8           revising provisions regulating removal of  
9           certain unlawfully parked vehicles; amending s.  
10          316.1975, F.S.; revising provisions relating to  
11          unattended motor vehicles; amending s.  
12          316.2065, F.S.; providing motorized scooter  
13          operating regulations; amending s. 316.228,  
14          F.S.; revising provisions relating to the use  
15          of lamps on vehicles transporting certain  
16          loads; amending s. 316.520, F.S.; revising  
17          penalties for violation of load limits on  
18          vehicles; exempting certain vehicles carrying  
19          agricultural products from load limits;  
20          amending s. 316.640, F.S.; revising the powers  
21          and duties of traffic crash investigation  
22          officers; amending s. 318.1451, F.S.; requiring  
23          governmental entities and courts to maintain  
24          information on driver improvement schools;  
25          revising the duties of the Department of  
26          Highway Safety and Motor Vehicles; amending s.  
27          319.001, F.S.; revising definitions with  
28          respect to component parts of motor vehicles;  
29          amending s. 319.14, F.S.; revising provisions  
30          relating to the sale of certain vehicles;  
31          authorizing the Department of Highway Safety

1 and Motor Vehicles to affix a decal on rebuilt  
2 vehicles; redefining the term "assembled from  
3 parts" and deleting the term "combined";  
4 providing a penalty for the removal of decals  
5 designating rebuilt vehicles; amending s.  
6 319.23, F.S.; revising provisions relating to  
7 the transfer of ownership of an antique  
8 vehicle; amending s. 319.27, F.S.; revising  
9 provisions with respect to the filing of liens  
10 on motor vehicles and mobile homes; amending s.  
11 319.28, F.S.; revising requirements relating to  
12 the transfer of ownership by operation of law;  
13 amending s. 319.30, F.S.; redefining the terms  
14 "major component part"; providing standards for  
15 the sale of certain vehicles; amending s.  
16 320.01, F.S.; providing that a motorized  
17 scooter is not a motor vehicle for registration  
18 purposes; conforming the length limitation for  
19 a motor home to that established in s. 316.515,  
20 F.S.; amending s. 320.023, F.S.; conforming  
21 provisions to the Florida Single Audit Act;  
22 amending s. 320.025, F.S.; revising provisions  
23 relating to the issuance of confidential  
24 registration certificates and license plates;  
25 amending s. 320.05, F.S.; revising provisions  
26 relating to vessel registration records;  
27 amending s. 320.055, F.S.; revising  
28 registration periods for certain vehicles;  
29 amending s. 320.06, F.S.; providing for the  
30 placement of registration validation stickers;  
31 amending s. 320.0605, F.S.; revising provisions

1 relating to fleet vehicles and registration  
2 certificates; amending s. 320.072, F.S.;  
3 revising provisions relating to the exemption  
4 of certain registration fees; amending s.  
5 320.0805, F.S.; revising provisions relating to  
6 the issuance of personalized license plates;  
7 amending s. 320.08056, F.S.; providing for the  
8 exemption of certain collegiate specialty  
9 license plates from sales requirements;  
10 amending s. 320.08062, F.S.; conforming  
11 provisions to the Florida Single Audit Act;  
12 amending s. 320.083, F.S.; revising vehicle  
13 weight restrictions relating to the amateur  
14 radio operator's license plate; amending s.  
15 320.089, F.S.; revising vehicle weight  
16 restrictions relating to the Ex-POW and Purple  
17 Heart license plates; amending s. 320.18, F.S.;  
18 providing for cancellation of a license and  
19 fuel use decal for failure to pay motor carrier  
20 weight and safety violation penalties; amending  
21 s. 320.27, F.S.; redefining the term "motor  
22 vehicle auction"; revising requirements  
23 relating to motor vehicle dealers; defining the  
24 term "bona fide employee"; revising grounds for  
25 denial, suspension, or revocation of a dealer  
26 license; amending s. 322.01, F.S.; providing  
27 that a motorized scooter is not a motor vehicle  
28 for driver's licensing purposes; amending s.  
29 322.0261, F.S.; requiring the department to  
30 regulate and approve certain courses for driver  
31 improvement schools; amending s. 322.05, F.S.;

1 conforming a statutory cross-reference;  
2 amending s. 322.081, F.S.; conforming  
3 provisions to the Florida Single Audit Act;  
4 amending s. 322.095, F.S.; requiring the  
5 Department to approve and regulate certain  
6 courses for driver improvement schools;  
7 amending s. 322.126, F.S.; revising provisions  
8 relating to the reporting of a disability to  
9 the department; creating s. 322.222, F.S.;  
10 authorizing the department to conduct hearings  
11 for medical review cases; amending s. 322.2615,  
12 F.S.; revising provisions relating to temporary  
13 driving permits; amending s. 322.27, F.S.;  
14 revising provisions relating to the revocation  
15 of license for habitual traffic offenders;  
16 amending s. 322.28, F.S.; deleting obsolete  
17 provisions; repealing s. 322.282, F.S., which  
18 prescribes procedures governing certain  
19 court-ordered reinstatements of a driver's  
20 license or driving privilege; amending s.  
21 322.292, F.S.; revising requirements relating  
22 to the operation of DUI programs; repealing s.  
23 322.331, F.S., relating to the restoration of  
24 the license of habitual traffic offenders;  
25 amending s. 322.61, F.S.; revising provisions  
26 relating to the disqualification from operating  
27 a commercial motor vehicle; amending s. 322.64,  
28 F.S.; revising provisions relating to  
29 commercial vehicle operators and driving under  
30 the influence; amending s. 324.091, F.S.;  
31 providing for electronic access to vehicle

1 insurance information; amending s. 328.01,  
2 F.S.; revising requirements relating to the  
3 application for certificate of title; amending  
4 s. 328.42, F.S.; revising provisions relating  
5 to the payment of certain transactions by  
6 dishonored check; amending s. 328.56, F.S.;  
7 revising provisions relating to the display of  
8 vessel registration numbers; amending s.  
9 328.72, F.S.; revising requirements relating to  
10 the transfer of an antique vessel; amending s.  
11 328.76, F.S.; providing for an annual  
12 appropriation to the Highway Safety Operating  
13 Trust Fund; amending s. 681.1096, F.S.;  
14 extending the pilot program an additional  
15 period; amending s. 681.1097, F.S.; providing  
16 for technical corrections to an arbitrator's  
17 decision; prescribing guidelines for appealing  
18 an arbitrator's decision; amending s. 713.78,  
19 F.S.; providing for the notification of  
20 insurers when a vehicle is towed; revising  
21 requirements for selling an unclaimed vehicle  
22 or vessel; repealing s. 715.05, F.S., relating  
23 to the reporting of unclaimed motor vehicles;  
24 amending s. 715.07, F.S.; redefining the term  
25 "vessel"; providing for the removal of  
26 undocumented vessels from private property;  
27 amending s. 832.09, F.S.; providing for the use  
28 of a standardized form in reporting certain  
29 information to the department; providing  
30 effective dates.  
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1 Be It Enacted by the Legislature of the State of Florida:

2

3 Section 1. Subsection (21) of section 316.003, Florida  
4 Statutes, is amended, and subsection (82) is added to that  
5 section, to read:

6 316.003 Definitions.--The following words and phrases,  
7 when used in this chapter, shall have the meanings  
8 respectively ascribed to them in this section, except where  
9 the context otherwise requires:

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

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

18 Section 2. Paragraph (a) of subsection (1) of section  
19 316.1945, Florida Statutes, is amended to read:

20 316.1945 Stopping, standing, or parking prohibited in  
21 specified places.--

22 (1) Except when necessary to avoid conflict with other  
23 traffic, or in compliance with law or the directions of a  
24 police officer or official traffic control device, no person  
25 shall:

26 (a) Stop, stand, or park a vehicle:

27 1. On the roadway side of any vehicle stopped or  
28 parked at the edge or curb of a street.

29 2. On a sidewalk.

30 3. Within an intersection.

31 4. On a crosswalk.

1           5. Between a safety zone and the adjacent curb or  
2 within 30 feet of points on the curb immediately opposite the  
3 ends of a safety zone, unless the Department of Transportation  
4 indicates a different length by signs or markings.

5           6. Alongside or opposite any street excavation or  
6 obstruction when stopping, standing, or parking would obstruct  
7 traffic.

8           7. Upon any bridge or other elevated structure upon a  
9 highway or within a highway tunnel.

10          8. On any railroad tracks.

11          9. On a bicycle path.

12          10. At any place where official traffic control  
13 devices prohibit stopping.

14          11. On the roadway or shoulder of a limited access  
15 facility, except as provided by regulation of the Department  
16 of Transportation, or on the paved portion of a connecting  
17 ramp; except that a vehicle which is disabled or in a  
18 condition improper to be driven as a result of mechanical  
19 failure or crash may be parked on such shoulder for a period  
20 not to exceed 6 hours. This provision is not applicable to a  
21 person stopping a vehicle to render aid to an injured person  
22 or assistance to a disabled vehicle in obedience to the  
23 directions of a law enforcement officer or to a person  
24 stopping a vehicle in compliance with applicable traffic laws.

25          12. For the purpose of loading or unloading a  
26 passenger on the paved roadway or shoulder of a limited access  
27 facility or on the paved portion of any connecting ramp. This  
28 provision is not applicable to a person stopping a vehicle to  
29 render aid to an injured person or assistance to a disabled  
30 vehicle.

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1           13. Within a roadway, to include the paved or unpaved  
2 median, in areas not designated for parking.

3           Section 3. Subsection (4) of section 316.1951, Florida  
4 Statutes, as amended by section 45 of chapter 2000-17, Laws of  
5 Florida, is amended to read:

6           316.1951 Parking for certain purposes prohibited.--

7           (4) A law enforcement officer, compliance examiner, or  
8 license inspector, or supervisor of the department,~~as~~  
9 ~~authorized in s. 320.58(1)(a),~~ may cause to be removed at the  
10 owner's expense any motor vehicle found upon a public street,  
11 public parking lot, other public property, or private  
12 property, where the public has the right to travel by motor  
13 vehicle, which is in violation of subsection (1). Every  
14 written notice issued pursuant to this section shall be  
15 affixed in a conspicuous place upon a vehicle by a law  
16 enforcement officer, compliance examiner, or license  
17 inspector, or supervisor of the department. Any vehicle found  
18 in violation of subsection (1) within 10 days after a previous  
19 violation and written notice shall be subject to immediate  
20 removal without an additional waiting period.

21           Section 4. Subsection (2) of section 316.1975, Florida  
22 Statutes, is amended to read:

23           316.1975 Unattended motor vehicle.--

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

25           (a) An authorized emergency vehicle while in the  
26 performance of official duties and the vehicle is equipped  
27 with an activated antitheft device that prohibits the vehicle  
28 from being driven; or

29           (b) A licensed delivery truck or other delivery  
30 vehicle while making deliveries.

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1           (c) A solid waste or recovered materials vehicle while  
2 collecting such items.

3           Section 5. Section 316.2065, Florida Statutes, is  
4 amended to read:

5           316.2065 Bicycle and motorized scooter regulations.--

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

13           (2) A person operating a bicycle may not ride other  
14 than upon or astride a permanent and regular seat attached  
15 thereto.

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

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

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

29           (d) A bicycle rider or passenger who is under 16 years  
30 of age must wear a bicycle helmet that is properly fitted and  
31 is fastened securely upon the passenger's head by a strap, and

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

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

19 (f) A person operating a motorized scooter may not  
20 carry passengers.

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

28 (5)(a) Any person operating a bicycle upon a roadway  
29 at less than the normal speed of traffic at the time and place  
30 and under the conditions then existing shall ride as close as  
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1 practicable to the right-hand curb or edge of the roadway  
2 except under any of the following situations:  
3       1. When overtaking and passing another bicycle,  
4 motorized scooter, or vehicle proceeding in the same  
5 direction.  
6       2. When preparing for a left turn at an intersection  
7 or into a private road or driveway.  
8       3. When reasonably necessary to avoid any condition,  
9 including, but not limited to, a fixed or moving object,  
10 parked or moving vehicle, bicycle, motorized scooter,  
11 pedestrian, animal, surface hazard, or substandard-width lane,  
12 that makes it unsafe to continue along the right-hand curb or  
13 edge. For the purposes of this subsection, a  
14 "substandard-width lane" is a lane that is too narrow for a  
15 bicycle or motorized scooter and another vehicle to travel  
16 safely side by side within the lane.  
17       (b) Any person operating a bicycle or motorized  
18 scooter upon a one-way highway with two or more marked traffic  
19 lanes may ride as near the left-hand curb or edge of such  
20 roadway as practicable.  
21       (6) Persons riding bicycles or motorized scooters upon  
22 a roadway may not ride more than two abreast except on paths  
23 or parts of roadways set aside for the exclusive use of  
24 bicycles. Persons riding two abreast may not impede traffic  
25 when traveling at less than the normal speed of traffic at the  
26 time and place and under the conditions then existing and  
27 shall ride within a single lane.  
28       (7) Any person operating a bicycle or motorized  
29 scooter shall keep at least one hand upon the handlebars.  
30       (8) Every bicycle or motorized scooter in use between  
31 sunset and sunrise shall be equipped with a lamp on the front

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

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

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

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

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

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

30 (14) Every bicycle or motorized scooter shall be  
31 equipped with a brake or brakes which will enable its rider to

1 stop the bicycle within 25 feet from a speed of 10 miles per  
2 hour on dry, level, clean pavement.

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

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

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

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

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

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

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

30 (20) Except as otherwise provided in this section, a  
31 violation of this section is a noncriminal traffic infraction,

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

8 Section 6. Subsection (2) of section 316.228, Florida  
9 Statutes, is amended to read:

10 316.228 Lamps or flags on projecting load.--

11 (2) Any commercial motor vehicle or trailer, ~~except as~~  
12 ~~stated in s. 316.515(7)~~, transporting a load of unprocessed  
13 ~~logs, or long~~ pulpwood, ~~poles, or posts~~ which load extends  
14 ~~extend~~ more than 4 feet beyond the rear of the body or bed of  
15 such vehicle, must have securely fixed as close as practical  
16 to the end of any such projection one amber strobe-type lamp  
17 equipped with a multidirectional type lens so mounted as to be  
18 visible from the rear and both sides of the projecting load.  
19 If the mounting of one strobe lamp cannot be accomplished so  
20 that it is visible from the rear and both sides of the  
21 projecting load, multiple strobe lights must be used to meet  
22 the visibility requirements of this subsection.The strobe  
23 lamp must flash at a rate of at least 60 flashes per minute  
24 and must be plainly visible from a distance of at least 500  
25 feet to the rear and sides of the projecting load at any time  
26 of the day or night. The lamp must be operating at any time of  
27 the day or night when the vehicle is operated on any highway  
28 or parked on the shoulder or immediately adjacent to the  
29 traveled portion of any public roadway. The projecting load  
30 must also be marked with a red flag as described in subsection  
31 (1).

1 Section 7. Section 316.520, Florida Statutes, is  
2 amended to read:

3 316.520 Loads on vehicles.--

4 (1) A vehicle may not be driven or moved on any  
5 highway unless the vehicle is so constructed or loaded as to  
6 prevent any of its load from dropping, shifting, leaking,  
7 blowing, or otherwise escaping therefrom, except that sand may  
8 be dropped only for the purpose of securing traction or water  
9 or other substance may be sprinkled on a roadway in cleaning  
10 or maintaining the roadway.

11 (2) It is the duty of every owner and driver,  
12 severally, of any vehicle hauling, upon any public road or  
13 highway open to the public, dirt, sand, lime rock, gravel,  
14 silica, or other similar aggregate or trash, garbage, or any  
15 similar material that could fall or blow from such vehicle, to  
16 prevent such materials from falling, blowing, or in any way  
17 escaping from such vehicle. Covering and securing the load  
18 with a close-fitting tarpaulin or other appropriate cover is  
19 required.

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

23 (4) This section does not apply to vehicles carrying  
24 agricultural products locally from a field harvest site to a  
25 farm storage site or to a farm feed lot on roads where the  
26 posted speed limit is 55 miles per hour or less and the  
27 distance driven on public roads is less than 10 miles.

28 Section 8. Subsections (1), (2), and (3) of section  
29 316.640, Florida Statutes, are amended to read:

30 316.640 Enforcement.--The enforcement of the traffic  
31 laws of this state is vested as follows:

1 (1) STATE.--

2 (a)1.

3 a. The Division of Florida Highway Patrol of the  
4 Department of Highway Safety and Motor Vehicles, the Division  
5 of Law Enforcement of the Fish and Wildlife Conservation  
6 Commission, the Division of Law Enforcement of the Department  
7 of Environmental Protection, and law enforcement officers of  
8 the Department of Transportation each have authority to  
9 enforce all of the traffic laws of this state on all the  
10 streets and highways thereof and elsewhere throughout the  
11 state wherever the public has a right to travel by motor  
12 vehicle. The Division of the Florida Highway Patrol may employ  
13 as a traffic accident investigation officer any individual who  
14 successfully completes at least 200 hours of instruction in  
15 traffic accident investigation and court presentation through  
16 the Selective Traffic Enforcement Program as approved by the  
17 Criminal Justice Standards and Training Commission and funded  
18 through the National Highway Traffic Safety Administration or  
19 a similar program approved by the commission, but who does not  
20 necessarily meet the uniform minimum standards established by  
21 the commission for law enforcement officers or auxiliary law  
22 enforcement officers under chapter 943. Any such traffic  
23 accident investigation officer who makes an investigation at  
24 the scene of a traffic accident may issue traffic citations,  
25 based upon personal investigation, when he or she has  
26 reasonable and probable grounds to believe that a person who  
27 was involved in the accident committed an offense under this  
28 chapter, chapter 319, chapter 320, or chapter 322 in  
29 connection with the accident. This paragraph does not permit  
30 the carrying of firearms or other weapons, nor do such

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1 officers have arrest authority ~~other than for the issuance of~~  
2 ~~a traffic citation as authorized in this paragraph.~~

3       b. University police officers shall have authority to  
4 enforce all of the traffic laws of this state when such  
5 violations occur on or about any property or facilities that  
6 are under the guidance, supervision, regulation, or control of  
7 the State University System, except that traffic laws may be  
8 enforced off-campus when hot pursuit originates on-campus.

9       c. Community college police officers shall have the  
10 authority to enforce all the traffic laws of this state only  
11 when such violations occur on any property or facilities that  
12 are under the guidance, supervision, regulation, or control of  
13 the community college system.

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

18       (I) An airport authority may employ as a parking  
19 enforcement specialist any individual who successfully  
20 completes a training program established and approved by the  
21 Criminal Justice Standards and Training Commission for parking  
22 enforcement specialists but who does not otherwise meet the  
23 uniform minimum standards established by the commission for  
24 law enforcement officers or auxiliary or part-time officers  
25 under s. 943.12. Nothing in this sub-sub-subparagraph shall be  
26 construed to permit the carrying of firearms or other weapons,  
27 nor shall such parking enforcement specialist have arrest  
28 authority.

29       (II) A parking enforcement specialist employed by an  
30 airport authority is authorized to enforce all state, county,  
31 and municipal laws and ordinances governing parking only when

1 such violations are on property or facilities owned or  
2 operated by the airport authority employing the specialist, by  
3 appropriate state, county, or municipal traffic citation.

4 e. The Office of Agricultural Law Enforcement of the  
5 Department of Agriculture and Consumer Services shall have the  
6 authority to enforce traffic laws of this state only as  
7 authorized by the provisions of chapter 570. However, nothing  
8 in this section shall expand the authority of the Office of  
9 Agricultural Law Enforcement at its agricultural inspection  
10 stations to issue any traffic tickets except those traffic  
11 tickets for vehicles illegally passing the inspection station.

12 f. School safety officers shall have the authority to  
13 enforce all of the traffic laws of this state when such  
14 violations occur on or about any property or facilities which  
15 are under the guidance, supervision, regulation, or control of  
16 the district school board.

17 2. An agency of the state as described in subparagraph  
18 1. is prohibited from establishing a traffic citation quota. A  
19 violation of this subparagraph is not subject to the penalties  
20 provided in chapter 318.

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

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

1           2.a. The Department of Transportation shall develop  
2 training and qualifications standards for toll enforcement  
3 officers whose sole authority is to enforce the payment of  
4 tolls pursuant to s. 316.1001. Nothing in this subparagraph  
5 shall be construed to permit the carrying of firearms or other  
6 weapons, nor shall a toll enforcement officer have arrest  
7 authority.

8           b. For the purpose of enforcing s. 316.1001,  
9 governmental entities, as defined in s. 334.03, which own or  
10 operate a toll facility may employ independent contractors or  
11 designate employees as toll enforcement officers; however, any  
12 such toll enforcement officer must successfully meet the  
13 training and qualifications standards for toll enforcement  
14 officers established by the Department of Transportation.

15           (2) COUNTIES.--

16           (a) The sheriff's office of each of the several  
17 counties of this state shall enforce all of the traffic laws  
18 of this state on all the streets and highways thereof and  
19 elsewhere throughout the county wherever the public has the  
20 right to travel by motor vehicle. In addition, the sheriff's  
21 office may be required by the county to enforce the traffic  
22 laws of this state on any private or limited access road or  
23 roads over which the county has jurisdiction pursuant to a  
24 written agreement entered into under s. 316.006(3)(b).

25           (b) The sheriff's office of each county may employ as  
26 a traffic crash investigation officer any individual who  
27 successfully completes at least 200 hours of instruction in  
28 traffic crash investigation and court presentation through the  
29 Selective Traffic Enforcement Program (STEP) as approved by  
30 the Criminal Justice Standards and Training Commission and  
31 funded through the National Highway Traffic Safety

1 Administration (NHTSA) or a similar program approved by the  
2 commission, but who does not necessarily otherwise meet the  
3 uniform minimum standards established by the commission for  
4 law enforcement officers or auxiliary law enforcement officers  
5 under chapter 943. Any such traffic crash investigation  
6 officer who makes an investigation at the scene of a traffic  
7 crash may issue traffic citations when, based upon personal  
8 investigation, he or she has reasonable and probable grounds  
9 to believe that a person who was involved in the accident has  
10 committed an offense under this chapter, chapter 319, chapter  
11 320, or chapter 322 in connection with the accident ~~crash~~.  
12 This paragraph does not permit the carrying of firearms or  
13 other weapons, nor do such officers have arrest authority  
14 ~~other than for the issuance of a traffic citation as~~  
15 ~~authorized in this paragraph.~~

16 (c) The sheriff's office of each of the several  
17 counties of this state may employ as a parking enforcement  
18 specialist any individual who successfully completes a  
19 training program established and approved by the Criminal  
20 Justice Standards and Training Commission for parking  
21 enforcement specialists, but who does not necessarily  
22 otherwise meet the uniform minimum standards established by  
23 the commission for law enforcement officers or auxiliary or  
24 part-time officers under s. 943.12.

25 1. A parking enforcement specialist employed by the  
26 sheriff's office of each of the several counties of this state  
27 is authorized to enforce all state and county laws,  
28 ordinances, regulations, and official signs governing parking  
29 within the unincorporated areas of the county by appropriate  
30 state or county citation and may issue such citations for  
31 parking in violation of signs erected pursuant to s.

1 316.006(3) at parking areas located on property owned or  
2 leased by a county, whether or not such areas are within the  
3 boundaries of a chartered municipality.

4 2. A parking enforcement specialist employed pursuant  
5 to this subsection shall not carry firearms or other weapons  
6 or have arrest authority.

7 (3) MUNICIPALITIES.--

8 (a) The police department of each chartered  
9 municipality shall enforce the traffic laws of this state on  
10 all the streets and highways thereof and elsewhere throughout  
11 the municipality wherever the public has the right to travel  
12 by motor vehicle. In addition, the police department may be  
13 required by a municipality to enforce the traffic laws of this  
14 state on any private or limited access road or roads over  
15 which the municipality has jurisdiction pursuant to a written  
16 agreement entered into under s. 316.006(2)(b). However,  
17 nothing in this chapter shall affect any law, general,  
18 special, or otherwise, in effect on January 1, 1972, relating  
19 to "hot pursuit" without the boundaries of the municipality.

20 (b) The police department of a chartered municipality  
21 may employ as a traffic crash investigation officer any  
22 individual who successfully completes at least 200 hours of  
23 instruction in traffic crash investigation and court  
24 presentation through the Selective Traffic Enforcement Program  
25 (STEP) as approved by the Criminal Justice Standards and  
26 Training Commission and funded through the National Highway  
27 Traffic Safety Administration (NHTSA) or a similar program  
28 approved by the commission, but who does not otherwise meet  
29 the uniform minimum standards established by the commission  
30 for law enforcement officers or auxiliary law enforcement  
31 officers under chapter 943. Any such traffic crash

1 investigation officer who makes an investigation at the scene  
2 of a traffic accident ~~may crash is authorized to~~ issue traffic  
3 citations when, based upon personal investigation, he or she  
4 has reasonable and probable grounds to believe that a person  
5 involved in the accident has committed an offense under the  
6 provisions of this chapter, chapter 319, chapter 320, or  
7 chapter 322 in connection with the accident ~~crash~~. ~~Nothing in~~  
8 This paragraph does not ~~shall be construed to~~ permit the  
9 carrying of firearms or other weapons, nor do ~~shall~~ such  
10 officers have arrest authority ~~other than for the issuance of~~  
11 ~~a traffic citation as authorized above.~~

12 (c)1. ~~A chartered municipality or its authorized~~  
13 ~~agency or instrumentality may employ as a parking enforcement~~  
14 ~~specialist any individual who successfully completes a~~  
15 ~~training program established and approved by the Criminal~~  
16 ~~Justice Standards and Training Commission for parking~~  
17 ~~enforcement specialists, but who does not otherwise meet the~~  
18 ~~uniform minimum standards established by the commission for~~  
19 ~~law enforcement officers or auxiliary or part-time officers~~  
20 ~~under s. 943.12.~~

21 1.2. A parking enforcement specialist employed by a  
22 chartered municipality or its authorized agency or  
23 instrumentality is authorized to enforce all state, county,  
24 and municipal laws and ordinances governing parking within the  
25 boundaries of the municipality employing the specialist, by  
26 appropriate state, county, or municipal traffic citation.  
27 ~~Nothing in this paragraph shall be construed to permit the~~  
28 ~~carrying of firearms or other weapons, nor shall such a~~  
29 ~~parking enforcement specialist have arrest authority.~~

30  
31

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

4           Section 9. Subsection (5) of section 318.1451, Florida  
5 Statutes, is amended to read:

6           318.1451 Driver improvement schools.--

7           (5)(a) Each ~~No~~ governmental entity and ~~or~~ court shall  
8 provide, issue, or maintain ~~any~~ information or orders  
9 regarding driver improvement schools including a list of ~~or~~  
10 course providers who license driver improvement schools within  
11 the geographic area of the governmental entity or court,  
12 together with a single telephone number for each such provider  
13 as provided by the course provider., ~~with the exception of~~  
14 ~~directing inquiries or requests to the local telephone~~  
15 ~~directory heading of driving instruction or the traffic school~~  
16 ~~reference guide. However, the department is authorized to~~  
17 ~~maintain the information and records necessary to administer~~  
18 ~~its duties and responsibilities for driver improvement~~  
19 ~~courses. Where such information is a public record as defined~~  
20 ~~in chapter 119, it shall be made available to the public upon~~  
21 ~~request pursuant to s. 119.07(1).~~

22           (b) The department shall prepare for governmental  
23 entities and courts ~~any governmental entity to distribute a~~  
24 traffic school course provider list that ~~reference guide which~~  
25 shall list the benefits of attending a driver improvement  
26 school and the names of the course providers, together with a  
27 single telephone number for each such provider as provided by  
28 the course provider, ~~but under no circumstance may any list of~~  
29 ~~course providers or schools be included, and shall refer~~  
30 ~~further inquiries to the telephone directory under driving~~  
31 ~~instruction.~~

1           Section 10. Section 319.001, Florida Statutes, is  
2 amended to read:

3           319.001 Definitions.--As used in this chapter, the  
4 term:

5           (1) "Department" means the Department of Highway  
6 Safety and Motor Vehicles.

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

9           (3)~~(2)~~ "Licensed dealer," unless otherwise  
10 specifically provided, means a motor vehicle dealer licensed  
11 under s. 320.27, a mobile home dealer licensed under s.  
12 320.77, or a recreational vehicle dealer licensed under s.  
13 320.771.

14           (4) "Motorcycle body assembly" means frame, fenders,  
15 and gas tanks.

16           (5) "Motorcycle engine" means cylinder block, heads,  
17 engine case, and crank case.

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

19           (7)~~(3)~~ "New mobile home" means a mobile home the  
20 equitable or legal title to which has never been transferred  
21 by a manufacturer, distributor, importer, or dealer to an  
22 ultimate purchaser.

23           (8)~~(4)~~ "New motor vehicle" means a motor vehicle the  
24 equitable or legal title to which has never been transferred  
25 by a manufacturer, distributor, importer, or dealer to an  
26 ultimate purchaser; however, when legal title is not  
27 transferred but possession of a motor vehicle is transferred  
28 pursuant to a conditional sales contract or lease and the  
29 conditions are not satisfied and the vehicle is returned to  
30 the motor vehicle dealer, the motor vehicle may be resold by  
31 the motor vehicle dealer as a new motor vehicle, provided the

1 selling motor vehicle dealer gives the following written  
2 notice to the purchaser: "THIS VEHICLE WAS DELIVERED TO A  
3 PREVIOUS PURCHASER." The purchaser shall sign an  
4 acknowledgment, a copy of which is kept in the selling  
5 dealer's file.

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

8 (10)~~(5)~~ "Satisfaction of lien" means full payment of a  
9 debt or release of a debtor from a lien by the lienholder.

10 (11)~~(6)~~ "Used motor vehicle" means any motor vehicle  
11 that is not a "new motor vehicle" as defined in subsection(8)  
12 ~~(4)~~.

13 Section 11. Paragraphs (b) and (c) of subsection (1)  
14 and subsections (2) and (3) of section 319.14, Florida  
15 Statutes, are amended, present subsections (6), (7), and (8)  
16 of that section are redesignated as subsections (7), (8), and  
17 (9), respectively, and a new subsection (6) is added to that  
18 section to read:

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

22 (1)

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

1 department in accordance with this chapter and the department  
2 has, moreover, conducted the physical examination of the  
3 vehicle to assure the identification identity of the vehicle  
4 and of all major component parts, as defined in s.  
5 319.30(1)(e), which have been repaired or replaced.

6 Thereafter, the department shall affix a decal to the vehicle  
7 in the manner prescribed by the department, showing that the  
8 vehicle has been rebuilt.

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

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

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

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

20 c. "Lease vehicle" includes both short-term-lease  
21 vehicles and long-term-lease vehicles.

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

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

30  
31

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

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 commits a felony  
21 of the third degree, punishable as provided in s. 775.082, s.  
22 775.083, or s. 775.084.

23 Section 12. Subsection (3) of section 319.23, Florida  
24 Statutes, is amended to read:

25 319.23 Application for, and issuance of, certificate  
26 of title.--

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

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

5 (a)1. A sworn affidavit from the seller and purchaser  
6 verifying that the vehicle identification number shown on the  
7 affidavit is identical to the vehicle identification number  
8 shown on the motor vehicle; or

9 2. An appropriate departmental form evidencing that a  
10 physical examination has been made of the motor vehicle by the  
11 owner and by a duly constituted law enforcement officer in any  
12 state, a licensed motor vehicle dealer, a license inspector as  
13 provided by s. 320.58, or a notary public commissioned by this  
14 state and that the vehicle identification number shown on such  
15 form is identical to the vehicle identification number shown  
16 on the motor vehicle; and

17 (b) If the vehicle is a used car original, a sworn  
18 affidavit from the owner verifying that the odometer reading  
19 shown on the affidavit is identical to the odometer reading  
20 shown on the motor vehicle in accordance with the requirements  
21 of 49 C.F.R. s. 580.5 at the time that application for title  
22 is made. For the purposes of this section, the term "used car  
23 original" means a used vehicle coming into and being titled in  
24 this state for the first time.

25 ~~(c) If the vehicle is an ancient or antique vehicle,~~  
26 ~~as defined in s. 320.086, the application shall be accompanied~~  
27 ~~by a certificate of title; a bill of sale and a registration;~~  
28 ~~or a bill of sale and an affidavit by the owner defending the~~  
29 ~~title from all claims. The bill of sale must contain a~~  
30 ~~complete vehicle description to include the vehicle~~

31

1 ~~identification or engine number, year make, color, selling~~  
2 ~~price, and signatures of the seller and purchaser.~~

3  
4 Verification of the vehicle identification number is not  
5 required for any new motor vehicle; any mobile home; any  
6 trailer or semitrailer with a net weight of less than 2,000  
7 pounds; or any travel trailer, camping trailer, truck camper,  
8 or fifth-wheel recreation trailer.

9 Section 13. Subsection (4) of section 319.27, Florida  
10 Statutes, is amended to read:

11 319.27 Notice of lien on motor vehicles or mobile  
12 homes; notation on certificate; recording of lien.--

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

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

31

1 ~~Upon the filing of such notice of lien and the payment of the~~  
2 ~~fee provided in s. 319.32, the lien shall be recorded in the~~  
3 ~~department.~~

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

8 1. Any lien shown on the application for Florida  
9 certificate of title; and

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

12 2.3. Any lien shown on the existing certificate of  
13 title issued by another state.

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

20 Section 14. Paragraph (a) of subsection (1) of section  
21 319.28, Florida Statutes, is amended to read:

22 319.28 Transfer of ownership by operation of law.--

23 (1)(a) In the event of the transfer of ownership of a  
24 motor vehicle or mobile home by operation of law as upon  
25 inheritance, devise or bequest, order in bankruptcy,  
26 insolvency, replevin, attachment, execution or other judicial  
27 sale or whenever the engine of a motor vehicle is replaced by  
28 another engine or whenever a motor vehicle is sold to satisfy  
29 storage or repair charges or repossession is had upon default  
30 in performance of the terms of a security agreement, chattel  
31 mortgage, conditional sales contract, trust receipt, or other

1 like agreement, and upon the surrender of the prior  
2 certificate of title or, when that is not possible,  
3 presentation of satisfactory proof to the department of  
4 ownership and right of possession to such motor vehicle or  
5 mobile home, and upon payment of the fee prescribed by law and  
6 presentation of an application for certificate of title, the  
7 department may issue to the applicant a certificate of title  
8 thereto. ~~If the application is predicated upon a security  
9 agreement, chattel mortgage, conditional sales contract, trust  
10 receipt, or other like agreement, the original instrument or a  
11 certified copy thereof shall accompany the application;  
12 however, if an owner under a chattel mortgage voluntarily  
13 surrenders possession of the motor vehicle or mobile home, the  
14 original or a certified copy of the chattel mortgage shall  
15 accompany the application for a certificate of title and it  
16 shall not be necessary to institute proceedings in any court  
17 to foreclose such mortgage.~~

18 Section 15. Paragraphs (e) and (f) of subsection (1)  
19 and paragraph (b) of subsection (3) of section 319.30, Florida  
20 Statutes, are amended to read:

21 319.30 Definitions; dismantling, destruction, change  
22 of identity of motor vehicle or mobile home; salvage.--

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

24 (e) "Major component parts" means:

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

31

1           2. For trucks, in addition to the items specified in  
2 subparagraph 1.: the truck bed.

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

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

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

14           (3)

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

1 vehicle for which a salvage certificate of title or  
2 certificate of destruction is sought. If the estimated costs  
3 of repairing the physical and mechanical damage to the vehicle  
4 are equal to 80 percent or more of the current retail cost of  
5 the vehicle, as established in any official used car or used  
6 mobile home guide, the department shall declare the vehicle  
7 unbuildable and print a certificate of destruction, which  
8 authorizes the dismantling or destruction of the motor vehicle  
9 or mobile home described therein. This certificate of  
10 destruction shall be reassignable a maximum of two times  
11 before dismantling or destruction of the vehicle shall be  
12 required, and shall accompany the motor vehicle or mobile home  
13 for which it is issued, when such motor vehicle or mobile home  
14 is sold for such purposes, in lieu of a certificate of title,  
15 and, thereafter, the department shall refuse issuance of any  
16 certificate of title for that vehicle. ~~Nothing in This~~  
17 subsection does not apply ~~shall be applicable~~ when a vehicle  
18 is worth less than \$1,500 retail in undamaged condition in any  
19 official used motor vehicle guide or used mobile home guide.  
20 An insurer paying a total loss claim may obtain a certificate  
21 of destruction for such vehicle. When ~~or when~~ a stolen motor  
22 vehicle or mobile home is recovered in substantially intact  
23 condition and is readily resalable without extensive repairs  
24 to or replacement of the frame or engine, the insurer must  
25 obtain a certificate in its own name before the vehicle may be  
26 sold or transferred. Any person who willfully and deliberately  
27 violates this paragraph or falsifies any document to avoid the  
28 requirements of this paragraph commits a misdemeanor of the  
29 first degree, punishable as provided in s. 775.082 or s.  
30 775.083.  
31

1           Section 16. Subsection (1) of section 320.01, Florida  
2 Statutes, is amended to read:

3           320.01 Definitions, general.--As used in the Florida  
4 Statutes, except as otherwise provided, the term:

5           (1) "Motor vehicle" means:

6           (a) An automobile, motorcycle, truck, trailer,  
7 semitrailer, truck tractor and semitrailer combination, or any  
8 other vehicle operated on the roads of this state, used to  
9 transport persons or property, and propelled by power other  
10 than muscular power, but the term does not include traction  
11 engines, road rollers, such vehicles as run only upon a track,  
12 bicycles, motorized scooters or mopeds.

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

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

29           2. The "camping trailer," which is a vehicular  
30 portable unit mounted on wheels and constructed with  
31 collapsible partial sidewalls which fold for towing by another

1 vehicle and unfold at the campsite to provide temporary living  
2 quarters for recreational, camping, or travel use.

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

8 4. The "motor home," which is a vehicular unit that  
9 ~~which~~ does not exceed the ~~40 feet in length, and the height,~~  
10 and ~~the~~ width limitations provided in s. 316.515, is a  
11 self-propelled motor vehicle, and is primarily designed to  
12 provide temporary living quarters for recreational, camping,  
13 or travel use.

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

21 6. The "van conversion," which is a vehicular unit  
22 which does not exceed the length and width limitations  
23 provided in s. 316.515, is built on a self-propelled motor  
24 vehicle chassis, and is designed for recreation, camping, and  
25 travel use.

26 7. The "park trailer," which is a transportable unit  
27 which has a body width not exceeding 14 feet and which is  
28 built on a single chassis and is designed to provide seasonal  
29 or temporary living quarters when connected to utilities  
30 necessary for operation of installed fixtures and appliances.  
31 The total area of the unit in a setup mode, when measured from

1 the exterior surface of the exterior stud walls at the level  
2 of maximum dimensions, not including any bay window, does not  
3 exceed 400 square feet when constructed to ANSI A-119.5  
4 standards, and 500 square feet when constructed to United  
5 States Department of Housing and Urban Development Standards.  
6 The length of a park trailer means the distance from the  
7 exterior of the front of the body (nearest to the drawbar and  
8 coupling mechanism) to the exterior of the rear of the body  
9 (at the opposite end of the body), including any protrusions.

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

18 Section 17. Subsections (5) and (7) of section  
19 320.023, Florida Statutes, are amended to read:

20 320.023 Requests to establish voluntary checkoff on  
21 motor vehicle registration application.--

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

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

31

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

12           ~~(b)(c)~~ Any organization not subject to audit pursuant  
13 to s. 215.97, shall annually attest, in lieu of an annual  
14 audit, any organization receiving less than \$15,000 in  
15 voluntary contributions directly from the department may  
16 annually report, under penalties of perjury, that such  
17 proceeds were used in compliance with law. The attestation  
18 shall be submitted to the department for review within 9  
19 months after the end of the organization's fiscal year made  
20 annually in a form and format determined by the department.

21           ~~(c)(d)~~ Any voluntary contributions authorized by law  
22 shall only be distributed to an organization under an  
23 appropriation by the Legislature.

24           ~~(d)(e)~~ Any organization subject to audit pursuant to  
25 s. 215.97 shall submit an audit report in accordance with  
26 rules adopted by the Auditor General. ~~The annual audit or~~  
27 ~~report shall be submitted to the department for review within~~  
28 ~~180 days after the end of the organization's fiscal year.~~

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

1           Section 18. Subsections (1) and (2) of section  
2 320.025, Florida Statutes, are amended to read:

3           320.025 Registration certificate and license plate  
4 issued under fictitious name; application.--

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

23           (2) Except as provided in subsection (1), any motor  
24 vehicle owned or exclusively operated by the state or any  
25 county, municipality, or other governmental entity must at all  
26 times display a license plate of the type prescribed in s.  
27 320.0655. Any vessel owned or exclusively operated by the  
28 state or any county, municipality, or other governmental  
29 entity must at all times display a registration number as  
30 required in s. 328.56 and a vessel decal as required in s.  
31 328.48(5).

1           Section 19. Subsections (1) and (2) of section 320.05,  
2 Florida Statutes, are amended to read:

3           320.05 Records of the department; inspection  
4 procedure; lists and searches; fees.--

5           (1) Except as provided in ~~ss.s-119.07(3)~~ and  
6 320.025(3), the department may release records as provided in  
7 this section.

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

1 use only, information in such records from the department  
2 through any means of telecommunication pursuant to a code  
3 developed by the department providing all fees specified in  
4 subsection (3) have been paid. The department shall disclose  
5 records or information to the child support enforcement agency  
6 to assist in the location of individuals who owe or  
7 potentially owe child support or to whom such an obligation is  
8 owed pursuant to Title IV-D of the Social Security Act.

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

11 320.055 Registration periods; renewal periods.--The  
12 following registration periods and renewal periods are  
13 established:

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

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

30 320.06 Registration certificates, license plates, and  
31 validation stickers generally.--

1           (1)  
2           (b) Registration license plates bearing a graphic  
3 symbol and the alphanumeric system of identification shall be  
4 issued for a 5-year period. At the end of said 5-year period,  
5 upon renewal, the plate shall be replaced. The fee for such  
6 replacement shall be \$10, \$2 of which shall be paid each year  
7 before the plate is replaced, to be credited towards the next  
8 \$10 replacement fee. The fees shall be deposited into the  
9 Highway Safety Operating Trust Fund. A credit or refund shall  
10 not be given for any prior years' payments of such prorated  
11 replacement fee when the plate is replaced or surrendered  
12 before the end of the 5-year period. With each license plate,  
13 there shall be issued a validation sticker showing the owner's  
14 birth month, license plate number and the year of expiration,  
15 or the appropriate renewal period if the owner is not a  
16 natural person. The validation sticker is to be placed on the  
17 upper right corner of the license plate.~~This validation~~  
18 ~~sticker shall be placed on the upper left corner of the~~  
19 ~~license plate and shall be issued one time during the life of~~  
20 ~~the license plate, or upon request when it has been damaged or~~  
21 ~~destroyed. There shall also be issued with each license plate~~  
22 ~~a serially numbered validation sticker showing the year of~~  
23 ~~expiration, which sticker shall be placed on the upper right~~  
24 ~~corner of the license plate.~~Such license plate and validation  
25 stickers shall be issued based on the applicant's appropriate  
26 renewal period. The registration period shall be a period of  
27 12 months, and all expirations shall occur based on the  
28 applicant's appropriate registration period. A vehicle with  
29 an apportioned registration shall be issued an annual license  
30 plate and a cab card that denote the declared gross vehicle  
31

1 weight for each apportioned jurisdiction in which the vehicle  
2 is authorized to operate.

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

28 Section 22. Section 320.0605, Florida Statutes, is  
29 amended to read:

30 320.0605 Certificate of registration; possession  
31 required; exception.--The registration certificate or an

1 official copy thereof, a true copy of a rental or lease  
2 agreement issued for a motor vehicle or issued for a  
3 replacement vehicle in the same registration period, a  
4 temporary receipt printed upon self-initiated electronic  
5 renewal of a registration via the Internet, or a cab card  
6 issued for a vehicle registered under the International  
7 Registration Plan shall, at all times while the vehicle is  
8 being used or operated on the roads of this state, be in the  
9 possession of the operator thereof or be carried in the  
10 vehicle for which issued and shall be exhibited upon demand of  
11 any authorized law enforcement officer or any agent of the  
12 department. The provisions of this section do not apply during  
13 the first 30 days after purchase of a replacement vehicle or  
14 any fleet vehicles registered under s. 320.0657. A violation  
15 of this section is a noncriminal traffic infraction,  
16 punishable as a nonmoving violation as provided in chapter  
17 318.

18 Section 23. Paragraphs (h) and (i) are added to  
19 subsection (2) of section 320.072, Florida Statutes, to read:

20 320.072 Additional fee imposed on certain motor  
21 vehicle registration transactions.--

22 (2) The fee imposed by subsection (1) shall not apply  
23 to:

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

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

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

31 320.0805 Personalized prestige license plates.--

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

10           Section 25. Paragraph (c) of subsection (8) of section  
11 320.08056, Florida Statutes, is amended to read:

12           320.08056 Specialty license plates.--

13           (8)

14           (c) The requirements of paragraph (a) do ~~shall~~ not  
15 apply to collegiate specialty license plates authorized in s.  
16 320.08058(3), and (13), (21), and (26).

17           Section 26. Section 320.08062, Florida Statutes, is  
18 amended to read:

19           320.08062 Audits and attestations required; annual use  
20 fees of specialty license plates.--

21           (1)(a) All organizations that receive annual use fee  
22 proceeds from the department are responsible for ensuring that  
23 proceeds are used in accordance with ss. 320.08056 and  
24 320.08058.

25           ~~(b) All organizational recipients of any specialty~~  
26 ~~license plate annual use fee authorized in this chapter, not~~  
27 ~~otherwise subject to annual audit by the Office of the Auditor~~  
28 ~~General, shall submit an annual audit of the expenditures of~~  
29 ~~annual use fees and interest earned from these fees, to~~  
30 ~~determine if expenditures are being made in accordance with~~  
31 ~~the specifications outlined by law. The audit shall be~~

1 ~~prepared by a certified public accountant licensed under~~  
2 ~~chapter 473 at that organizational recipient's expense. The~~  
3 ~~notes to the financial statements should state whether~~  
4 ~~expenditures were made in accordance with ss. 320.08056 and~~  
5 ~~320.08058.~~

6 (b)(c) Any organization not subject to audit pursuant  
7 to s. 215.97 shall in lieu of an annual audit, any  
8 organization receiving less than \$25,000 in annual use fee  
9 proceeds directly from the department, or from another state  
10 agency, may annually attest report, under penalties of  
11 perjury, that such proceeds were used in compliance with ss.  
12 320.08056 and 320.08058. The annual attestation shall be  
13 submitted to the department for review within 9 months after  
14 the end of the organization's fiscal year.~~The attestation~~  
15 ~~shall be made annually in a form and format determined by the~~  
16 ~~department.~~

17 (c)(d) Any organization subject to audit pursuant to  
18 s. 215.97 shall submit an audit report in accordance with  
19 rules adopted by the Auditor General ~~The annual audit or~~  
20 ~~report shall be submitted to the department for review within~~  
21 ~~180 days after the end of the organization's fiscal year.~~

22 (2) Within 90 days after receiving an organization's  
23 audit or report, the department shall determine which  
24 recipients of revenues from specialty license plate annual use  
25 fees have not complied with subsection (1). If the department  
26 determines that an organization has not complied or has failed  
27 to use the revenues in accordance with ss. 320.08056 and  
28 320.08058, the department must discontinue the distribution of  
29 the revenues to the organization until the department  
30 determines that the organization has complied. If an  
31 organization fails to comply within 12 months after the annual

1 use fee proceeds are withheld by the department, the proceeds  
2 shall be deposited into the Highway Safety Operating Trust  
3 Fund to offset department costs related to the issuance of  
4 specialty license plates.

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

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

10 320.083 Amateur radio operators; special license  
11 plates; fees.--

12 (1) A person who is the owner or lessee of an  
13 automobile or truck for private use, a truck weighing not more  
14 than 7,999 ~~5,000~~ pounds, or a recreational vehicle as  
15 specified in s. 320.08(9)(c) or (d), which is not used for  
16 hire or commercial use; who is a resident of the state; and  
17 who holds a valid official amateur radio station license  
18 issued by the Federal Communications Commission shall be  
19 issued a special license plate upon application, accompanied  
20 by proof of ownership of such radio station license, and  
21 payment of the following tax and fees:

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

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

27 Section 28. Subsections (2) and (3) of section  
28 320.089, Florida Statutes, are amended to read:

29 320.089 Members of National Guard and active United  
30 States Armed Forces reservists; former prisoners of war;

31

1 survivors of Pearl Harbor; Purple Heart medal recipients;  
2 special license plates; fee.--

3 (2) Each owner or lessee of an automobile or truck for  
4 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,  
5 or recreational vehicle as specified in s. 320.08(9)(c) or  
6 (d), which is not used for hire or commercial use, who is a  
7 resident of the state and who is a former prisoner of war, or  
8 their unremarried surviving spouse, shall, upon application  
9 therefor to the department, be issued a license plate as  
10 provided in s. 320.06, on which license plate are stamped the  
11 words "Ex-POW" followed by the serial number. Each application  
12 shall be accompanied by proof that the applicant meets the  
13 qualifications specified in paragraph (a) or paragraph (b).

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

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

30 (3) Each owner or lessee of an automobile or truck for  
31 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,

1 or recreational vehicle as specified in s. 320.08(9)(c) or  
2 (d), which is not used for hire or commercial use, who is a  
3 resident of this state and who is the unremarried surviving  
4 spouse of a recipient of the Purple Heart medal shall, upon  
5 application therefor to the department, with the payment of  
6 the required fees, be issued a license plate as provided in s.  
7 320.06, on which license plate are stamped the words "Purple  
8 Heart" and the likeness of the Purple Heart medal followed by  
9 the serial number. Each application shall be accompanied by  
10 proof that the applicant is the unremarried surviving spouse  
11 of a recipient of the Purple Heart medal.

12 Section 29. Subsection (1) of section 320.18, Florida  
13 Statutes, is amended to read:

14 320.18 Withholding registration.--

15 (1) The department may withhold the registration of  
16 any motor vehicle or mobile home the owner of which has failed  
17 to register it under the provisions of law for any previous  
18 period or periods for which it appears registration should  
19 have been made in this state, until the tax for such period or  
20 periods is paid. The department may cancel any license plate  
21 or fuel-use tax decal if the owner pays for the license plate,  
22 fuel-use tax decal, or any tax liability, penalty, or interest  
23 specified in chapter 207 by a dishonored check or if the  
24 vehicle owner or motor carrier has failed to pay a penalty for  
25 a weight or safety violation issued by the Department of  
26 Transportation Motor Carrier Compliance Office. The Department  
27 of Transportation and the Department of Highway Safety and  
28 Motor Vehicles may impound any commercial motor vehicle that  
29 has a canceled license plate or fuel-use tax decal until the  
30 tax liability, penalty, and interest specified in chapter 207,  
31

1 the license tax, or the fuel-use decal fee, and applicable  
2 administrative fees have been paid for by certified funds.

3 Section 30. Paragraph (c) of subsection (1) of section  
4 320.27, Florida Statutes, is amended, paragraph (f) is added  
5 to that subsection, and subsections (7) and (9) of that  
6 section are amended to read:

7 320.27 Motor vehicle dealers.--

8 (1) DEFINITIONS.--The following words, terms, and  
9 phrases when used in this section have the meanings  
10 respectively ascribed to them in this subsection, except where  
11 the context clearly indicates a different meaning:

12 (c) "Motor vehicle dealer" means any person engaged in  
13 the business of buying, selling, or dealing in motor vehicles  
14 or offering or displaying motor vehicles for sale at wholesale  
15 or retail, or who may service and repair motor vehicles  
16 pursuant to an agreement as defined in s. 320.60(1). Any  
17 person who buys, sells, or deals in three or more motor  
18 vehicles in any 12-month period or who offers or displays for  
19 sale three or more motor vehicles in any 12-month period shall  
20 be prima facie presumed to be engaged in such business. The  
21 terms "selling" and "sale" include lease-purchase  
22 transactions. A motor vehicle dealer may, at retail or  
23 wholesale, sell a recreational vehicle as described in s.  
24 320.01(1)(b)1.-6. and 8., acquired in exchange for the sale of  
25 a motor vehicle, provided such acquisition is incidental to  
26 the principal business of being a motor vehicle dealer.  
27 However, a motor vehicle dealer may not buy a recreational  
28 vehicle for the purpose of resale unless licensed as a  
29 recreational vehicle dealer pursuant to s. 320.771. A motor  
30 vehicle dealer may apply for a certificate of title to a motor  
31 vehicle required to be registered under s. 320.08(2)(b), (c),

1 and (d), using a manufacturer's statement of origin as  
2 permitted by s. 319.23(1), only if such dealer is authorized  
3 by a franchised agreement as defined in s. 320.60(1), to buy,  
4 sell, or deal in such vehicle and is authorized by such  
5 agreement to perform delivery and preparation obligations and  
6 warranty defect adjustments on the motor vehicle; provided  
7 this limitation shall not apply to recreational vehicles, van  
8 conversions, or any other motor vehicle manufactured on a  
9 truck chassis. The transfer of a motor vehicle by a dealer not  
10 meeting these qualifications shall be titled as a used  
11 vehicle. The classifications of motor vehicle dealers are  
12 defined as follows:

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

17         2. "Independent motor vehicle dealer" means any person  
18 other than a franchised or wholesale motor vehicle dealer who  
19 engages in the business of buying, selling, or dealing in  
20 motor vehicles, and who may service and repair motor vehicles.

21         3. "Wholesale motor vehicle dealer" means any person  
22 who engages exclusively in the business of buying, selling, or  
23 dealing in motor vehicles at wholesale or with motor vehicle  
24 auctions. Such person shall be licensed to do business in this  
25 state, shall not sell or auction a vehicle to any person who  
26 is not a licensed dealer, and shall not have the privilege of  
27 the use of dealer license plates. Any person who buys, sells,  
28 or deals in motor vehicles at wholesale or with motor vehicle  
29 auctions on behalf of a licensed motor vehicle dealer and as a  
30 bona fide employee of such licensed motor vehicle dealer is  
31 not required to be licensed as a wholesale motor vehicle

1 dealer. In such cases it shall be prima facie presumed that a  
2 bona fide employer-employee relationship exists. A wholesale  
3 motor vehicle dealer shall be exempt from the display  
4 provisions of this section but shall maintain an office  
5 wherein records are kept in order that those records may be  
6 inspected.

7 4. "Motor vehicle auction" means any person offering  
8 motor vehicles or recreational vehicles for sale to the  
9 highest bidder where ~~both sellers and~~ buyers are licensed  
10 motor vehicle dealers. Such person shall not sell a vehicle to  
11 anyone other than a licensed motor vehicle dealer.

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

15  
16 The term "motor vehicle dealer" does not include persons not  
17 engaged in the purchase or sale of motor vehicles as a  
18 business who are disposing of vehicles acquired for their own  
19 use or for use in their business or acquired by foreclosure or  
20 by operation of law, provided such vehicles are acquired and  
21 sold in good faith and not for the purpose of avoiding the  
22 provisions of this law; persons engaged in the business of  
23 manufacturing, selling, or offering or displaying for sale at  
24 wholesale or retail no more than 25 trailers in a 12-month  
25 period; public officers while performing their official  
26 duties; receivers; trustees, administrators, executors,  
27 guardians, or other persons appointed by, or acting under the  
28 judgment or order of, any court; banks, finance companies, or  
29 other loan agencies that acquire motor vehicles as an incident  
30 to their regular business; motor vehicle brokers; and motor  
31 vehicle rental and leasing companies that sell motor vehicles

1 to motor vehicle dealers licensed under this section. Vehicles  
2 owned under circumstances described in this paragraph may be  
3 disposed of at retail, wholesale, or auction, unless otherwise  
4 restricted. A manufacturer of fire trucks, ambulances, or  
5 school buses may sell such vehicles directly to governmental  
6 agencies or to persons who contract to perform or provide  
7 firefighting, ambulance, or school transportation services  
8 exclusively to governmental agencies without processing such  
9 sales through dealers if such fire trucks, ambulances, school  
10 buses, or similar vehicles are not presently available through  
11 motor vehicle dealers licensed by the department.

12 (f) "Bona fide employee" means a person who is  
13 employed by a licensed motor vehicle dealer and receives  
14 annually an Internal Revenue Service Form W-2 or an  
15 independent contractor who has a written contract with a  
16 licensed motor vehicle dealer and receives annually an  
17 Internal Revenue Service Form 1099 for the purpose of acting  
18 in the capacity of or conducting motor vehicle sales  
19 transactions as a motor vehicle dealer.

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

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

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

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

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

9 (b) Commission of fraud or willful misrepresentation  
10 in application for or in obtaining a license.

11 (c) Perpetration of a fraud upon any person as a  
12 result of dealing in motor vehicles, including, without  
13 limitation, the misrepresentation to any person by the  
14 licensee of the licensee's relationship to any manufacturer,  
15 importer, or distributor.

16 (d) Representation that a demonstrator is a new motor  
17 vehicle, or the attempt to sell or the sale of a demonstrator  
18 as a new motor vehicle without written notice to the purchaser  
19 that the vehicle is a demonstrator. For the purposes of this  
20 section, a "demonstrator," a "new motor vehicle," and a "used  
21 motor vehicle" shall be defined as under s. 320.60.

22 (e) Unjustifiable refusal to comply with a licensee's  
23 responsibility under the terms of the new motor vehicle  
24 warranty issued by its respective manufacturer, distributor,  
25 or importer. However, if such refusal is at the direction of  
26 the manufacturer, distributor, or importer, such refusal shall  
27 not be a ground under this section.

28 (f) Misrepresentation or false, deceptive, or  
29 misleading statements with regard to the sale or financing of  
30 motor vehicles which any motor vehicle dealer has, or causes  
31 to have, advertised, printed, displayed, published,

1 distributed, broadcast, televised, or made in any manner with  
2 regard to the sale or financing of motor vehicles.

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

6 (h) Requirement by any motor vehicle dealer that any  
7 customer or purchaser finance a motor vehicle with a specific  
8 financial institution or company.

9 (i) Failure by any motor vehicle dealer to provide a  
10 customer or purchaser with an odometer disclosure statement  
11 and a copy of any bona fide written, executed sales contract  
12 or agreement of purchase connected with the purchase of the  
13 motor vehicle purchased by the customer or purchaser.

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

17 (k) Requirement by the motor vehicle dealer that the  
18 purchaser of a motor vehicle contract with the dealer for  
19 physical damage insurance.

20 (l) Violation of any of the provisions of s. 319.35 by  
21 any motor vehicle dealer.

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

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

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

3 (p) Use of the dealer license identification number by  
4 any person other than the licensed dealer or his or her  
5 designee.

6 (q) Conviction of a felony.

7 (r) Failure to continually meet the requirements of  
8 the licensure law.

9 (s) A person who has been ~~When a motor vehicle dealer~~  
10 ~~is~~ convicted of a crime, infraction, or violation as set forth  
11 in paragraph (q) which results in his or her being prohibited  
12 from continuing in that capacity, the dealer may not serve  
13 continue in any capacity within the industry. Such person ~~The~~  
14 ~~offender~~ shall have no financial interest, management, sales,  
15 or other role in the operation of a dealership. Further, the  
16 person ~~offender~~ may not derive income from the dealership  
17 beyond reasonable compensation for the sale of his or her  
18 ownership interest in the business. The license or application  
19 of any dealership in which such person has an interest or  
20 plays a role in violation of this subsection shall be denied  
21 or revoked.

22 (t) Representation to a customer or any advertisement  
23 to the general public representing or suggesting that a motor  
24 vehicle is a new motor vehicle if such vehicle lawfully cannot  
25 be titled in the name of the customer or other member of the  
26 general public by the seller using a manufacturer's statement  
27 of origin as permitted in s. 319.23(1).

28 (u) Failure to honor a bank draft or check given to a  
29 motor vehicle dealer for the purchase of a motor vehicle by  
30 another motor vehicle dealer within 10 days after notification  
31 that the bank draft or check has been dishonored. A single

1 violation of this paragraph is sufficient for revocation or  
2 suspension. If the transaction is disputed, the maker of the  
3 bank draft or check shall post a bond in accordance with the  
4 provisions of s. 559.917, and no proceeding for revocation or  
5 suspension shall be commenced until the dispute is resolved.

6 (v) Sale by a motor vehicle dealer of a vehicle  
7 offered in trade by a customer prior to consummation of the  
8 sale, exchange, or transfer of a newly acquired vehicle to the  
9 customer, unless the customer provides written authorization  
10 for the sale of the trade-in vehicle prior to delivery of the  
11 newly acquired vehicle.

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

14 322.01 Definitions.--As used in this chapter:

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

20 Section 32. Subsections (4) and (5) are added to  
21 section 322.0261, Florida Statutes, to read:

22 322.0261 Mandatory driver improvement course; certain  
23 crashes.--

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

28 (5) In determining whether to approve courses of  
29 driver improvement schools that use technology as the delivery  
30 method as the courses relate to this section, the department  
31

1 shall consider only those courses submitted by a person,  
2 business, or entity which:

3 (a) Receive approval from the department for statewide  
4 delivery.

5 (b) Demonstrate independent scientific research  
6 evidence of course effectiveness.

7 Section 33. Subsection (4) of section 322.05, Florida  
8 Statutes, is amended to read:

9 322.05 Persons not to be licensed.--The department may  
10 not issue a license:

11 (4) Except as provided by this subsection, to any  
12 person, as a Class A licensee, Class B licensee, Class C  
13 licensee, or Class D licensee, who is under the age of 18  
14 years. A person age 16 or 17 years who applies for a Class D  
15 driver's license is subject to all the requirements and  
16 provisions of ss. 322.09, and 322.16(2) and (3), and  
17 322.05(2)(a) and (b). ~~Any person who applies for a Class D~~  
18 ~~driver's license who is age 16 or 17 years must have had a~~  
19 ~~learner's driver's license or a driver's license for at least~~  
20 ~~90 days before he or she is eligible to receive a Class D~~  
21 ~~driver's license.~~The department may require of any such  
22 applicant for a Class D driver's license such examination of  
23 the qualifications of the applicant as the department  
24 considers proper, and the department may limit the use of any  
25 license granted as it considers proper.

26 Section 34. Subsections (5) and (7) of section  
27 322.081, Florida Statutes, are amended to read:

28 322.081 Requests to establish voluntary checkoff on  
29 driver's license application.--

30 (5) A voluntary contribution collected and distributed  
31 under this chapter, or any interest earned from those

1 contributions, may not be used for commercial or for-profit  
2 activities nor for general or administrative expenses, except  
3 as authorized by law, ~~or to pay the cost of the audit or~~  
4 ~~report required by law.~~

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

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

19 (b)(c) Any organization not subject to audit pursuant  
20 to s. 215.97 shall in lieu of an annual audit, any  
21 organization receiving less than \$15,000 in voluntary  
22 contributions directly from the department may annually attest  
23 report, under penalties of perjury, that such proceeds were  
24 used in compliance with law. The annual attestation must be  
25 reported to the department for review within 9 months after  
26 the end of the organization's fiscal year.~~The attestation~~  
27 ~~shall be made annually in a form and format determined by the~~  
28 ~~department.~~

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

1           ~~(d)(e)~~ 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 audit or~~  
4 ~~report must be submitted to the department for review within~~  
5 ~~180 days after the end of the organization's fiscal year.~~

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

9           Section 35. Present subsections (2) through (7) of  
10 section 322.095, Florida Statutes, are redesignated as  
11 subsections (4) through (9), respectively, and new subsections  
12 (2) and (3) are added to that section to read:

13           322.095 Traffic law and substance abuse education  
14 program for driver's license applicants.--

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

19           (3) In determining whether to approve courses of  
20 driver improvement schools that use technology as the delivery  
21 method as the courses relate to this section, the department  
22 shall consider only those courses submitted by a person,  
23 business, or entity which:

24           (a) Receive approval from the department for statewide  
25 delivery.

26           (b) Demonstrate independent scientific research  
27 evidence of course effectiveness.

28           ~~(4)(2)~~ The department shall contract for an  
29 independent evaluation of the courses, and shall provide  
30 documentation to the Legislature by October 1, 2000, measuring  
31 course effectiveness. Local DUI programs authorized under s.

1 316.193(5) and certified by the department or a driver  
2 improvement school may offer a traffic law and substance abuse  
3 education course. However, prior to offering the course, the  
4 course provider must obtain certification from the department  
5 that the course complies with the requirements of this  
6 section. The course provider must offer the approved course at  
7 locations reasonably accessible to most applicants and must  
8 issue a certificate to those persons successfully completing  
9 the course.

10 (5)~~(3)~~ The completion of a course does not qualify a  
11 person for the reinstatement of a driver's license which has  
12 been suspended or revoked.

13 (6)~~(4)~~ The fee charged by the course provider must  
14 bear a reasonable relationship to the cost of the course. The  
15 department must conduct financial audits of course providers  
16 conducting the education courses required under this section  
17 or require that financial audits of providers be performed, at  
18 the expense of the provider, by a certified public accountant.

19 (7)~~(5)~~ The provisions of this section do not apply to  
20 any person who has been licensed in any other jurisdiction or  
21 who has satisfactorily completed a Department of Education  
22 driver's education course offered pursuant to s. 233.063.

23 (8)~~(6)~~ Each course provider must collect a \$3  
24 assessment fee in addition to the enrollment fee charged to  
25 participants of the traffic law and substance abuse course  
26 required under this section. The \$3 assessment fee collected  
27 by the course provider must be forwarded to the department  
28 within 30 days after receipt of the assessment.

29 (9)~~(7)~~(a) No governmental entity or court shall  
30 provide, issue, or maintain any information or orders  
31 regarding traffic law and substance abuse education program

1 schools or course providers, with the exception of directing  
2 inquiries or requests to the local telephone directory heading  
3 of driving instruction or the driver's license applicant  
4 reference guide. However, the department is authorized to  
5 maintain the information and records necessary to administer  
6 its duties and responsibilities for the program. Where such  
7 information is a public record as defined in chapter 119, it  
8 shall be made available to the public upon request pursuant to  
9 s. 119.07(1).

10 (b) The department shall prepare for any governmental  
11 entity to distribute a driver's license applicant reference  
12 guide which shall list the benefits of attending a traffic law  
13 and substance abuse education school, but under no  
14 circumstance may include any list of course providers or  
15 schools. The department shall refer further inquiries to the  
16 telephone directory heading of driving instruction.

17 Section 36. Subsection (2) of section 322.126, Florida  
18 Statutes, is amended to read:

19 322.126 Report of disability to department; content;  
20 use.--

21 (2) Any physician, health care professional ~~person~~, or  
22 agency, or combination of two family members having knowledge  
23 of any licensed driver's or applicant's mental or physical  
24 disability to drive or need to obtain or to wear a medical  
25 identification bracelet is authorized to report such knowledge  
26 to the Department of Highway Safety and Motor Vehicles. Any  
27 person may in a sworn statement report a driver to any law  
28 enforcement agency. The law enforcement agency may investigate  
29 the basis of the report and determine if the driver should be  
30 reported to the department.The report should be made in  
31 writing giving the full name, date of birth, address, and a

1 description of the alleged disability of any person over 15  
2 years of age having mental or physical disorders that could  
3 affect his or her driving ability.

4 Section 37. Section 322.222, Florida Statutes, is  
5 created to read:

6 322.222 Right to review.--A driver may request an  
7 administrative hearing to review a revocation under s.  
8 322.221(3). The hearing must be held in accordance with the  
9 department's administrative rules adopted under chapter 120.

10 Section 38. Subsections (1), (3), and (10) of section  
11 322.2615, Florida Statutes, are amended to read:

12 322.2615 Suspension of license; right to review.--

13 (1)(a) A law enforcement officer or correctional  
14 officer shall, on behalf of the department, suspend the  
15 driving privilege of a person who has been arrested by a law  
16 enforcement officer for a violation of s. 316.193, relating to  
17 unlawful blood-alcohol level or breath-alcohol level, or of a  
18 person who has refused to submit to a breath, urine, or blood  
19 test authorized by s. 316.1932. The officer shall take the  
20 person's driver's license and issue the person a 10-day ~~30-day~~  
21 temporary permit if the person is otherwise eligible for the  
22 driving privilege and shall issue the person a notice of  
23 suspension. If a blood test has been administered, the results  
24 of which are not available to the officer at the time of the  
25 arrest, the agency employing the officer shall transmit such  
26 results to the department within 5 days after receipt of the  
27 results. If the department then determines that the person  
28 was arrested for a violation of s. 316.193 and that the person  
29 had a blood-alcohol level or breath-alcohol level of 0.08 or  
30 higher, the department shall suspend the person's driver's  
31 license pursuant to subsection (3).

1 (b) The suspension under paragraph (a) shall be  
2 pursuant to, and the notice of suspension shall inform the  
3 driver of, the following:

4 1.a. The driver refused to submit to a lawful breath,  
5 blood, or urine test and his or her driving privilege is  
6 suspended for a period of 1 year for a first refusal or for a  
7 period of 18 months if his or her driving privilege has been  
8 previously suspended as a result of a refusal to submit to  
9 such a test; or

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

16 2. The suspension period shall commence on the date of  
17 arrest or issuance of the notice of suspension, whichever is  
18 later.

19 3. The driver may request a formal or informal review  
20 of the suspension by the department within 10 days after the  
21 date of arrest or issuance of the notice of suspension,  
22 whichever is later.

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

27 5. The driver may submit to the department any  
28 materials relevant to the arrest.

29 (3) If the department determines that the license of  
30 the person arrested should be suspended pursuant to this  
31 section and if the notice of suspension has not already been

1 served upon the person by a law enforcement officer or  
2 correctional officer as provided in subsection (1), the  
3 department shall issue a notice of suspension and, unless the  
4 notice is mailed pursuant to s. 322.251, a temporary permit  
5 which expires 10 ~~30~~ days after the date of issuance if the  
6 driver is otherwise eligible.

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

12 (a) If the suspension of the driver's license of the  
13 person for failure to submit to a breath, urine, or blood test  
14 is sustained, the person is not eligible to receive a license  
15 for business or employment purposes only, pursuant to s.  
16 322.271, until 90 days have elapsed after the expiration of  
17 the last temporary permit issued. If the driver is not issued  
18 a 10-day ~~30-day~~ permit pursuant to this section or s. 322.64  
19 because he or she is ineligible for the permit and the  
20 suspension for failure to submit to a breath, urine, or blood  
21 test is not invalidated by the department, the driver is not  
22 eligible to receive a business or employment license pursuant  
23 to s. 322.271 until 90 days have elapsed from the date of the  
24 suspension.

25 (b) If the suspension of the driver's license of the  
26 person arrested for a violation of s. 316.193, relating to  
27 unlawful blood-alcohol level, is sustained, the person is not  
28 eligible to receive a license for business or employment  
29 purposes only pursuant to s. 322.271 until 30 days have  
30 elapsed after the expiration of the last temporary permit  
31 issued. If the driver is not issued a 10-day ~~30-day~~ permit

1 pursuant to this section or s. 322.64 because he or she is  
2 ineligible for the permit and the suspension for a violation  
3 of s. 316.193, relating to unlawful blood-alcohol level, is  
4 not invalidated by the department, the driver is not eligible  
5 to receive a business or employment license pursuant to s.  
6 322.271 until 30 days have elapsed from the date of the  
7 arrest.

8 Section 39. Subsection (5) of section 322.27, Florida  
9 Statutes, is amended to read:

10 322.27 Authority of department to suspend or revoke  
11 license.--

12 (5) The department shall revoke the license of any  
13 person designated a habitual offender, as set forth in s.  
14 322.264, and such person shall not be eligible to be  
15 relicensed for ~~a minimum of~~ 5 years from the date of  
16 revocation, except as provided for in s. 322.271. Any person  
17 whose license is revoked may, by petition to the department,  
18 show cause why his or her license should not be revoked.

19 Section 40. Subsection (2) of section 322.28, Florida  
20 Statutes, is amended to read:

21 322.28 Period of suspension or revocation.--

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

24 (a) Upon conviction of the driver, the court, along  
25 with imposing sentence, shall revoke the driver's license or  
26 driving privilege of the person so convicted, effective on the  
27 date of conviction, and shall prescribe the period of such  
28 revocation in accordance with the following provisions:

29 1. Upon a first conviction for a violation of the  
30 provisions of s. 316.193, except a violation resulting in  
31

1 death, the driver's license or driving privilege shall be  
2 revoked for not less than 180 days or more than 1 year.

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

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

14

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

25         (b) If the period of revocation was not specified by  
26 the court at the time of imposing sentence or within 30 days  
27 thereafter, and is not otherwise specified by law, the  
28 department shall forthwith revoke the driver's license or  
29 driving privilege for the maximum period applicable under  
30 paragraph (a) for a first conviction and for the minimum  
31 period applicable under paragraph (a) for any subsequent

1 convictions. The driver may, within 30 days after such  
2 revocation by the department, petition the court for further  
3 hearing on the period of revocation, and the court may reopen  
4 the case and determine the period of revocation within the  
5 limits specified in paragraph (a).

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

27 ~~(d) When any driver's license or driving privilege has~~  
28 ~~been revoked pursuant to the provisions of this section, the~~  
29 ~~department shall not grant a new license, except upon~~  
30 ~~reexamination of the licensee after the expiration of the~~  
31 ~~period of revocation so prescribed. However, the court may,~~

1 ~~in its sound discretion, issue an order of reinstatement on a~~  
2 ~~form furnished by the department which the person may take to~~  
3 ~~any driver's license examining office for reinstatement by the~~  
4 ~~department pursuant to s. 322.282.~~

5 (d)~~(e)~~ The court shall permanently revoke the driver's  
6 license or driving privilege of a person who has been  
7 convicted four times for violation of s. 316.193 or former s.  
8 316.1931 or a combination of such sections. The court shall  
9 permanently revoke the driver's license or driving privilege  
10 of any person who has been convicted of DUI manslaughter in  
11 violation of s. 316.193. If the court has not permanently  
12 revoked such driver's license or driving privilege within 30  
13 days after imposing sentence, the department shall permanently  
14 revoke the driver's license or driving privilege pursuant to  
15 this paragraph. No driver's license or driving privilege may  
16 be issued or granted to any such person. This paragraph  
17 applies only if at least one of the convictions for violation  
18 of s. 316.193 or former s. 316.1931 was for a violation that  
19 occurred after July 1, 1982. For the purposes of this  
20 paragraph, a conviction for violation of former s. 316.028,  
21 former s. 316.1931, or former s. 860.01 is also considered a  
22 conviction for violation of s. 316.193. Also, a conviction of  
23 driving under the influence, driving while intoxicated,  
24 driving with an unlawful blood-alcohol level, or any other  
25 similar alcohol-related or drug-related traffic offense  
26 outside this state is considered a conviction for the purposes  
27 of this paragraph.

28 Section 41. Section 322.282, Florida Statutes, is  
29 repealed.

30 Section 42. Subsection (3) is added to section  
31 322.292, Florida Statutes, to read:

1           322.292 DUI programs supervision; powers and duties of  
2 the department.--

3           (3) DUI programs must be operated by either  
4 governmental entities or not-for-profit corporations.

5           Section 43. Section 322.331, Florida Statutes, is  
6 repealed.

7           Section 44. Subsections (8), (9), and (10) are added  
8 to section 322.61, Florida Statutes, to read:

9           322.61 Disqualification from operating a commercial  
10 motor vehicle.--

11           (8) A driver who is convicted of violating an  
12 out-of-service order while driving a commercial motor vehicle  
13 is disqualified as follows:

14           (a) A driver is disqualified for not less than 90 days  
15 nor more than 1 year if the driver is convicted of a first  
16 violation of an out-of-service order.

17           (b) A driver is disqualified for not less than 1 year  
18 nor more than 5 years if, during any 10-year period, the  
19 driver is convicted of two violations of out-of-service orders  
20 in separate incidents.

21           (c) A driver is disqualified for not less than 3 years  
22 nor more than 5 years, if during any 10-year period, the  
23 driver is convicted of three or more violations of  
24 out-of-service orders in separate incidents.

25           (d) A driver is disqualified for a period of not less  
26 than 180 days nor more than 2 years if the driver is convicted  
27 of a first violation of an out-of-service order while  
28 transporting hazardous materials required to be placarded  
29 under the Hazardous Materials Transportation Act (49 U.S.C.  
30 5101 et. seq.), or while operating motor vehicles designed to  
31 transport more than 15 passengers including the driver. A

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

9 (9) A driver who is convicted of operating a  
10 commercial motor vehicle in violation of federal, state, or  
11 local law or regulation pertaining to one of the following six  
12 offenses at a railroad-highway grade crossing is disqualified  
13 for the period of time specified in subsection (10).

14 (a) For drivers who are not required to always stop,  
15 failing to slow down and check that the tracks are clear of  
16 approaching trains;

17 (b) For drivers who are not required to always stop,  
18 failing to stop before reaching the crossing if the tracks are  
19 not clear;

20 (c) For drivers who are always required to stop,  
21 failing to stop before driving onto the crossing;

22 (d) For all drivers, failing to have sufficient space  
23 to drive completely through the crossing without stopping;

24 (e) For all drivers, failing to obey a traffic control  
25 device or all the directions of an enforcement official at the  
26 crossing;

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

29 (10)(a) A driver is disqualified for not less than 60  
30 days if the driver is convicted of a first violation of a  
31 railroad-highway grade crossing violation.

1           (b) A driver is disqualified for not less than 120  
2 days if, during any 3-year period, the driver is convicted of  
3 a second railroad-highway grade crossing violation in separate  
4 incidents.

5           (c) A driver is disqualified for not less than 1 year  
6 if, during any 3-year period, the driver is convicted of a  
7 third or subsequent railroad-highway grade crossing violation  
8 in separate incidents.

9           Section 45. Subsections (1) and (3) of section 322.64,  
10 Florida Statutes, are amended to read:

11           322.64 Holder of commercial driver's license; driving  
12 with unlawful blood-alcohol level; refusal to submit to  
13 breath, urine, or blood test.--

14           (1)(a) A law enforcement officer or correctional  
15 officer shall, on behalf of the department, disqualify from  
16 operating any commercial motor vehicle a person who while  
17 operating or in actual physical control of a commercial motor  
18 vehicle is arrested for a violation of s. 316.193, relating to  
19 unlawful blood-alcohol level or breath-alcohol level, or a  
20 person who has refused to submit to a breath, urine, or blood  
21 test authorized by s. 322.63 arising out of the operation or  
22 actual physical control of a commercial motor vehicle. Upon  
23 disqualification of the person, the officer shall take the  
24 person's driver's license and issue the person a 10-day ~~30-day~~  
25 temporary permit if the person is otherwise eligible for the  
26 driving privilege and shall issue the person a notice of  
27 disqualification. If the person has been given a blood,  
28 breath, or urine test, the results of which are not available  
29 to the officer at the time of the arrest, the agency employing  
30 the officer shall transmit such results to the department  
31 within 5 days after receipt of the results. If the department

1 then determines that the person was arrested for a violation  
2 of s. 316.193 and that the person had a blood-alcohol level or  
3 breath-alcohol level of 0.08 or higher, the department shall  
4 disqualify the person from operating a commercial motor  
5 vehicle pursuant to subsection (3).

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

9 1.a. The driver refused to submit to a lawful breath,  
10 blood, or urine test and he or she is disqualified from  
11 operating a commercial motor vehicle for a period of 1 year,  
12 for a first refusal, or permanently, if he or she has  
13 previously been disqualified as a result of a refusal to  
14 submit to such a test; or

15 b. The driver violated s. 316.193 by driving with an  
16 unlawful blood-alcohol level and he or she is disqualified  
17 from operating a commercial motor vehicle for a period of 6  
18 months for a first offense or for a period of 1 year if he or  
19 she has previously been disqualified, or his or her driving  
20 privilege has been previously suspended, for a violation of s.  
21 316.193.

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

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

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

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

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

13           Section 46. Subsection (3) is added to section  
14 324.091, Florida Statutes, to read:

15           324.091 Notice to department; notice to insurer.--

16           (3) Electronic access to the vehicle insurer  
17 information maintained in the department's vehicle database  
18 may be provided by an approved third-party provider to  
19 insurers, lawyers, and financial institutions in compliance  
20 with s. 627.736(9)(a) and for subrogation and claims purposes  
21 only. The compilation of and retention of this information is  
22 strictly prohibited.

23           Section 47. Paragraph (b) of subsection (3) of section  
24 328.01, Florida Statutes, is amended to read:

25           328.01 Application for certificate of title.--

26           (3)

27           (b) If the application for transfer of title is based  
28 upon a contractual default, the recorded lienholder shall  
29 establish proof of right to ownership by submitting with the  
30 application the original certificate of title ~~and a copy of~~  
31 ~~the applicable contract upon which the claim of ownership is~~

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

26 Section 48. Subsection (2) of section 328.42, Florida  
27 Statutes, is amended to read:

28 328.42 Suspension or denial of a vessel registration  
29 due to child support delinquency; dishonored checks.--

30 (2) The department may deny or cancel any vessel  
31 registration, license plate, or fuel-use tax decal if the

1 owner pays for the registration, license plate, fuel-use tax  
2 decal, or any tax liability, penalty, or interest specified in  
3 chapter 207 with ~~if the owner pays for the registration by a~~  
4 dishonored check.

5 Section 49. Section 328.56, Florida Statutes, is  
6 amended to read:

7 328.56 Vessel registration number.--Each vessel that  
8 is used on the waters of the state must display a ~~commercial~~  
9 ~~or recreational~~ Florida registration number, unless it is:

10 (1) A vessel used exclusively on private lakes and  
11 ponds.

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

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

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

15 (5) A federally documented vessel.

16 (6) A vessel already covered by a registration number  
17 in full force and effect which has been awarded to it pursuant  
18 to a federally approved numbering system of another state or  
19 by the United States Coast Guard in a state without a  
20 federally approved numbering system, if the vessel has not  
21 been within this state for a period in excess of 90  
22 consecutive days.

23 (7) A vessel operating under a valid temporary  
24 certificate of number.

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

27 (9) An undocumented vessel used exclusively for  
28 racing.

29 Section 50. Subsection (4) of section 328.72, Florida  
30 Statutes, is amended to read:

31

1           328.72 Classification; registration; fees and charges;  
2 surcharge; disposition of fees; fines; marine turtle  
3 stickers.--

4           (4) TRANSFER OF OWNERSHIP.--

5           (a) When the ownership of a registered vessel changes,  
6 an application for transfer of registration shall be filed  
7 with the county tax collector by the new owner within 30 days  
8 with a fee of \$3.25. The county tax collector shall retain  
9 \$2.25 of the fee and shall remit \$1 to the department. A  
10 refund may not be made for any unused portion of a  
11 registration period.

12           ~~(b) If a vessel is an antique as defined in subsection~~  
13 ~~(2), the application shall be accompanied by either a~~  
14 ~~certificate of title, a bill of sale and a registration, or a~~  
15 ~~bill of sale and an affidavit by the owner defending the title~~  
16 ~~from all claims. The bill of sale must contain a complete~~  
17 ~~vessel description to include the hull identification number~~  
18 ~~and engine number, if appropriate; the year, make, and color~~  
19 ~~of the vessel; the selling price; and the signatures of the~~  
20 ~~seller and purchaser.~~

21           Section 51. Effective July 1, 2001, subsection (1) of  
22 section 328.76, Florida Statutes, is amended to read:

23           328.76 Marine Resources Conservation Trust Fund;  
24 vessel registration funds; appropriation and distribution.--

25           (1) Except as otherwise specified and less\$1.4  
26 million for any administrative costs, which shall be deposited  
27 annually in the Highway Safety Operating Trust Fund,all funds  
28 collected from the registration of vessels through the  
29 Department of Highway Safety and Motor Vehicles and the tax  
30 collectors of the state, except for those funds designated for  
31 the use of the counties pursuant to s. 328.72(1), shall be

1 deposited in the Marine Resources Conservation Trust Fund for  
2 recreational channel marking; public launching facilities; law  
3 enforcement and quality control programs; aquatic weed  
4 control; manatee protection, recovery, rescue, rehabilitation,  
5 and release; and marine mammal protection and recovery. The  
6 funds collected pursuant to s. 328.72(1) shall be transferred  
7 as follows:

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

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

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

19 (d) Forty percent of the registration fees from  
20 commercial vessels shall be transferred by the Department of  
21 Highway Safety and Motor Vehicles, on a monthly basis, to the  
22 General Inspection Trust Fund of the Department of Agriculture  
23 and Consumer Services. These funds shall be used for shellfish  
24 and aquaculture law enforcement and quality control programs.

25 Section 52. Subsection (1) of section 681.1096,  
26 Florida Statutes, is amended to read:

27 681.1096 Pilot RV Mediation and Arbitration Program;  
28 creation and qualifications.--

29 (1) This section and s. 681.1097 shall apply to  
30 disputes determined eligible under this chapter involving  
31 recreational vehicles acquired on or after October 1, 1997,

1 and shall remain in effect until September 30, 2002 ~~2001~~, at  
2 which time recreational vehicle disputes shall be subject to  
3 the provisions of ss. 681.109 and 681.1095. The Attorney  
4 General shall report ~~annually~~ to the President of the Senate,  
5 the Speaker of the House of Representatives, the Minority  
6 Leader of each house of the Legislature, and appropriate  
7 legislative committees regarding the effectiveness ~~efficiency~~  
8 ~~and cost-effectiveness~~ of the pilot program.

9 Section 53. Subsections (5) and (7) of section  
10 681.1097, Florida Statutes, are amended to read:

11 681.1097 Pilot RV Mediation and Arbitration Program;  
12 dispute eligibility and program function.--

13 (5) If the mediation ends in an impasse, or if a  
14 manufacturer fails to comply with the settlement entered into  
15 between the parties, the program administrator shall schedule  
16 the dispute for an arbitration hearing. Arbitration  
17 proceedings shall be open to the public on reasonable and  
18 nondiscriminatory terms.

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

31

1           (b) The arbitrator may issue subpoenas for the  
2 attendance of witnesses and for the production of records,  
3 documents, and other evidence. Subpoenas so issued shall be  
4 served and, upon application to the court by a party to the  
5 arbitration, enforced in the manner provided by law for the  
6 service and enforcement of subpoenas in civil actions. Fees  
7 for attendance as a witness shall be the same as for a witness  
8 in the circuit court.

9           (c) At all program arbitration proceedings, the  
10 parties may present oral and written testimony, present  
11 witnesses and evidence relevant to the dispute, cross-examine  
12 witnesses, and be represented by counsel. The arbitrator  
13 shall record the arbitration hearing and shall have the power  
14 to administer oaths. The arbitrator may inspect the vehicle  
15 if requested by a party or if the arbitrator considers such  
16 inspection appropriate.

17           (d) The program arbitrator may continue a hearing on  
18 his or her own motion or upon the request of a party for good  
19 cause shown. A request for continuance by the consumer  
20 constitutes a waiver of the time period set forth in s.  
21 681.1096(3)(k) for completion of all proceedings under the  
22 program.

23           (e) Where the arbitration is the result of a  
24 manufacturer's failure to perform in accordance with a  
25 settlement ~~mediation~~ agreement, any relief to the consumer  
26 granted by the arbitration will be no less than the relief  
27 agreed to by the manufacturer in the settlement agreement.

28           (f) The arbitrator shall grant relief if a reasonable  
29 number of attempts have been undertaken to correct a  
30 nonconformity or nonconformities.

31

1           (g) The program arbitrator shall render a decision  
2 within 10 days of the closing of the hearing. The decision  
3 shall be in writing on a form prescribed or approved by the  
4 department. The program administrator shall send a copy of the  
5 decision to the consumer and each involved manufacturer by  
6 registered mail. The program administrator shall also send a  
7 copy of the decision to the department within 5 days of  
8 mailing to the parties.

9           (h) A manufacturer shall comply with an arbitration  
10 decision within 40 days of the date the manufacturer receives  
11 the written decision. Compliance occurs on the date the  
12 consumer receives delivery of an acceptable replacement motor  
13 vehicle or the refund specified in the arbitration award. If a  
14 manufacturer fails to comply within the time required, the  
15 consumer must notify the program administrator in writing  
16 within 10 days. The program administrator shall notify the  
17 department of a manufacturer's failure to comply. The  
18 department shall have the authority to enforce compliance with  
19 arbitration decisions under this section in the same manner as  
20 is provided for enforcement of compliance with board decisions  
21 under s. 681.1095(10). In any civil action arising under this  
22 chapter and relating to a dispute arbitrated pursuant to this  
23 section, the decision of the arbitrator is admissible in  
24 evidence.

25           (i) Either party may request that the program  
26 arbitrator make a technical correction to the decision by  
27 filing a written request with the program administrator within  
28 10 days after receipt of the written decision. Technical  
29 corrections shall be limited to computational errors,  
30 correction of a party's name or information regarding the  
31 recreational vehicle, and typographical or spelling errors.

1 Technical correction of a decision shall not toll the time for  
2 filing an appeal or for manufacturer compliance.

3       (7) A decision of the arbitrator is binding unless  
4 appealed by either party by filing a petition with the circuit  
5 court within the time and in the manner prescribed by  
6 subsections 681.1095(10) and (12). Subsections 681.1095(13)  
7 and (14) apply to appeals filed under this section.~~Either~~  
8 ~~party may make application to the circuit court for the county~~  
9 ~~in which one of the parties resides or has a place of business~~  
10 ~~or, if neither party resides or has a place of business in~~  
11 ~~this state, the county where the arbitration hearing was held,~~  
12 ~~for an order confirming, vacating, modifying, or correcting~~  
13 ~~any award, in accordance with the provisions of this section~~  
14 ~~and ss. 682.12, 682.13, 682.14, 682.15, and 682.17. Such~~  
15 ~~application must be filed within 30 days of the moving party's~~  
16 ~~receipt of the written decision or the decision becomes final.~~  
17 ~~Upon filing such application, the moving party shall mail a~~  
18 ~~copy to the department and, upon entry of any judgment or~~  
19 ~~decree, shall mail a copy of such judgment or decree to the~~  
20 ~~department. A review of such application by the circuit court~~  
21 ~~shall be confined to the record of the proceedings before the~~  
22 ~~program arbitrator. The court shall conduct a de novo review~~  
23 ~~of the questions of law raised in the application. In addition~~  
24 ~~to the grounds set forth in ss. 682.13 and 682.14, the court~~  
25 ~~shall consider questions of fact raised in the application. In~~  
26 ~~reviewing questions of fact, the court shall uphold the award~~  
27 ~~unless it determines that the factual findings of the~~  
28 ~~arbitrator are not supported by substantial evidence in the~~  
29 ~~record and that the substantial rights of the moving party~~  
30 ~~have been prejudiced. If the arbitrator fails to state~~  
31 ~~findings or reasons for the stated award, or the findings or~~

1 ~~reasons are inadequate, the court shall search the record to~~  
2 ~~determine whether a basis exists to uphold the award. The~~  
3 ~~court shall expedite consideration of any application filed~~  
4 ~~under this section on the calendar.~~

5 (a) If a decision of a program arbitrator in favor of  
6 a consumer is confirmed by the court, recovery by the consumer  
7 shall include the pecuniary value of the award, attorney's  
8 fees incurred in obtaining confirmation of the award, and all  
9 costs and continuing damages in the amount of \$25 per day for  
10 each day beyond the 40-day period following a manufacturer's  
11 receipt of the arbitrator's decision. If a court determines  
12 the manufacturer acted in bad faith in bringing the appeal or  
13 brought the appeal solely for the purpose of harassment, or in  
14 complete absence of a justiciable issue of law or fact, the  
15 court shall double, and may triple, the amount of the total  
16 award.

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

21 Section 54. Section 713.78, Florida Statutes, is  
22 amended to read:

23 713.78 Liens for recovering, towing, or storing  
24 vehicles and ~~documented~~ vessels.--

25 (1) For the purposes of this section, the term:

26 (a) "Vehicle" means any mobile item, whether motorized  
27 or not, which is mounted on wheels.

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

1 (c) "Wrecker" means any truck or other vehicle which  
2 is used to tow, carry, or otherwise transport motor vehicles  
3 or vessels upon the streets and highways of this state and  
4 which is equipped for that purpose with a boom, winch, car  
5 carrier, or other similar equipment.

6 (2) Whenever a person regularly engaged in the  
7 business of transporting vehicles or vessels by wrecker, tow  
8 truck, or car carrier recovers, removes, or stores a vehicle,  
9 vessel, or mobile home upon instructions from:

10 (a) The owner thereof; or

11 (b) The owner or lessor, or a person authorized by the  
12 owner or lessor, of property on which such vehicle is  
13 wrongfully parked, and such removal is done in compliance with  
14 s. 715.07; or

15 (c) Any law enforcement agency; or

16 (d) A mobile home park owner as defined in s. 723.003  
17 who has a current writ of possession for a mobile home lot  
18 pursuant to s. 723.061,

19  
20 she or he shall have a lien on such vehicle or vessel for a  
21 reasonable towing fee and for a reasonable storage fee; except  
22 that no storage fee shall be charged if such vehicle is stored  
23 for less than 6 hours.

24 (3) This section does not authorize any person to  
25 claim a lien on a vehicle for fees or charges connected with  
26 the immobilization of such vehicle using a vehicle boot or  
27 other similar device pursuant to s. 715.07.

28 (4)(a) Any person regularly engaged in the business of  
29 recovering, towing, or storing vehicles or vessels who comes  
30 into possession of a vehicle or vessel pursuant to subsection  
31 (2), and who claims a lien for recovery, towing, or storage

1 services, shall give notice to the registered owner, to the  
2 insurance company insuring the vehicle, notwithstanding the  
3 provisions of s. 627.736, and to all persons claiming a lien  
4 thereon, as disclosed by the records in the Department of  
5 Highway Safety and Motor Vehicles or of a corresponding agency  
6 in any other state.

7 (b) Whenever any law enforcement agency authorizes the  
8 removal of a vehicle or whenever any towing service, garage,  
9 repair shop, or automotive service, storage, or parking place  
10 notifies the law enforcement agency of possession of a vehicle  
11 pursuant to s. 715.07(2)(a)2., the applicable law enforcement  
12 agency shall contact the Department of Highway Safety and  
13 Motor Vehicles, or the appropriate agency of the state of  
14 registration, if known, within 24 hours through the medium of  
15 electronic communications, giving a full description of the  
16 vehicle. Upon receipt of the full description of the vehicle,  
17 the department shall search its files to determine the owner's  
18 name, the insurance company insuring the vehicle, and whether  
19 any person has filed a lien upon the vehicle as provided in s.  
20 319.27(2) and (3) and notify the applicable law enforcement  
21 agency within 72 hours. The person in charge of the towing  
22 service, garage, repair shop, or automotive service, storage,  
23 or parking place shall obtain such information from the  
24 applicable law enforcement agency within 5 days from the date  
25 of storage and shall give notice pursuant to paragraph (4)(a).  
26 The department may release the insurance company information  
27 to the requester notwithstanding the provisions of s. 627.736.

28 (c)(b) Notice by certified mail, return receipt  
29 requested, shall be sent within 7 business days after the date  
30 of storage of the vehicle or vessel to the registered owner,  
31 to the insurance company insuring the vehicle, notwithstanding

1 the provisions of s. 627.736,and to all persons of record  
2 claiming a lien against the vehicle or vessel. It shall state  
3 the fact of possession of the vehicle or vessel, that a lien  
4 as provided in subsection (2) is claimed, that charges have  
5 accrued and the amount thereof, that the lien is subject to  
6 enforcement pursuant to law, and that the owner or lienholder,  
7 if any, has the right to a hearing as set forth in subsection  
8 (5), and that any vehicle or vessel which remains unclaimed,  
9 or for which the charges for recovery, towing, or storage  
10 services remain unpaid, may be sold ~~after 35 days~~ free of all  
11 prior liens after 35 days if the vehicle or vessel is more  
12 than 5 years of age or after 60 days if vehicle or vessel is 5  
13 years of age or less.

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

26 1. Check of vehicle or vessel for any type of tag, tag  
27 record, temporary tag, or regular tag.

28 2. Check of law enforcement report for tag number or  
29 other information identifying the vehicle or vessel, if the  
30 vehicle or vessel was towed at the request of a law  
31 enforcement officer.

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

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

8           5. Check of vehicle or vessel for inspection sticker  
9 or other stickers and decals that may indicate a state of  
10 possible registration.

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

14           7. Check of vehicle for vehicle identification number.

15           8. Check of vessel for vessel registration number.

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

22           (5)(a) The owner of a vehicle or vessel removed  
23 pursuant to the provisions of subsection (2), or any person  
24 claiming a lien, other than the towing-storage operator,  
25 within 10 days after the time she or he has knowledge of the  
26 location of the vehicle or vessel, may file a complaint in the  
27 county court of the county in which the vehicle or vessel is  
28 stored or in which the owner resides to determine if her or  
29 his property was wrongfully taken or withheld from her or him.

30           (b) Upon filing of a complaint, an owner or lienholder  
31 may have her or his vehicle or vessel released upon posting

1 with the court a cash or surety bond or other adequate  
2 security equal to the amount of the charges for towing or  
3 storage and lot rental amount to ensure the payment of such  
4 charges in the event she or he does not prevail. Upon the  
5 posting of the bond and the payment of the applicable fee set  
6 forth in s. 28.24, the clerk of the court shall issue a  
7 certificate notifying the lienor of the posting of the bond  
8 and directing the lienor to release the vehicle or vessel. At  
9 the time of such release, after reasonable inspection, she or  
10 he shall give a receipt to the towing-storage company reciting  
11 any claims she or he has for loss or damage to the vehicle or  
12 vessel or the contents thereof.

13 (c) Upon determining the respective rights of the  
14 parties, the court may award damages and costs in favor of the  
15 prevailing party. In any event, the final order shall provide  
16 for immediate payment in full of recovery, towing, and storage  
17 fees by the vehicle or vessel owner or lienholder; or the  
18 agency ordering the tow; or the owner, lessee, or agent  
19 thereof of the property from which the vehicle or vessel was  
20 removed.

21 (6) Any vehicle or vessel that ~~which~~ is stored  
22 pursuant to subsection (2) and that ~~which~~ remains unclaimed,  
23 or for which reasonable charges for recovery, towing, or  
24 storing remain unpaid or for which a lot rental amount is due  
25 and owing to the mobile home park owner, as evidenced by a  
26 judgment for unpaid rent, and any contents not released  
27 pursuant to subsection (10) ~~may~~ be sold by the owner or  
28 operator of the storage space for such towing or storage  
29 charge or unpaid lot rental amount after 35 days from the time  
30 the vehicle or vessel is stored therein if the vehicle or  
31 vessel is more than 5 years of age and after 60 days from the

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

1 certificate of title issued under this law shall be discharged  
2 of all liens unless otherwise provided by court order.

3 (7)(a) A wrecker operator recovering, towing, or  
4 storing vehicles or vessels is not liable for damages  
5 connected with such services, theft of such vehicles or  
6 vessels, or theft of personal property contained in such  
7 vehicles or vessels, provided that such services have been  
8 performed with reasonable care and provided, further, that, in  
9 the case of removal of a vehicle or vessel upon the request of  
10 a person purporting, and reasonably appearing, to be the owner  
11 or lessee, or a person authorized by the owner or lessee, of  
12 the property from which such vehicle or vessel is removed,  
13 such removal has been done in compliance with s. 715.07.

14 Further, a wrecker operator is not liable for damage connected  
15 with such services when complying with the lawful directions  
16 of a law enforcement officer to remove a vehicle stopped,  
17 standing, or parked upon a street or highway in such a  
18 position as to obstruct the normal movement of traffic or in  
19 such a condition as to create a hazard to other traffic upon  
20 the street or highway.

21 (b) For the purposes of this subsection, a wrecker  
22 operator is presumed to use reasonable care to prevent the  
23 theft of a vehicle or vessel or of any personal property  
24 contained in such vehicle stored in the wrecker operator's  
25 storage facility if all of the following apply:

26 1. The wrecker operator surrounds the storage facility  
27 with a chain-link or solid-wall type fence at least 6 feet in  
28 height;

29 2. The wrecker operator has illuminated the storage  
30 facility with lighting of sufficient intensity to reveal  
31

1 persons and vehicles at a distance of at least 150 feet during  
2 nighttime; and

3 3. The wrecker operator uses one or more of the  
4 following security methods to discourage theft of vehicles or  
5 vessels or of any personal property contained in such vehicles  
6 or vessels stored in the wrecker operator's storage facility:

7 a. A night dispatcher or watchman remains on duty at  
8 the storage facility from sunset to sunrise;

9 b. A security dog remains at the storage facility from  
10 sunset to sunrise;

11 c. Security cameras or other similar surveillance  
12 devices monitor the storage facility; or

13 d. A security guard service examines the storage  
14 facility at least once each hour from sunset to sunrise.

15 (c) Any law enforcement agency requesting that a motor  
16 vehicle be removed from an accident scene, street, or highway  
17 must conduct an inventory and prepare a written record of all  
18 personal property found in the vehicle before the vehicle is  
19 removed by a wrecker operator. However, if the owner or driver  
20 of the motor vehicle is present and accompanies the vehicle,  
21 no inventory by law enforcement is required. A wrecker  
22 operator is not liable for the loss of personal property  
23 alleged to be contained in such a vehicle when such personal  
24 property was not identified on the inventory record prepared  
25 by the law enforcement agency requesting the removal of the  
26 vehicle.

27 (8) A person regularly engaged in the business of  
28 recovering, towing, or storing vehicles or vessels, except a  
29 person licensed under chapter 493 while engaged in  
30 "repossession" activities as defined in s. 493.6101, may not  
31 operate a wrecker, tow truck, or car carrier unless the name,

1 address, and telephone number of the company performing the  
2 service is clearly printed in contrasting colors on the driver  
3 and passenger sides of its vehicle. The name must be in at  
4 least 3-inch permanently affixed letters, and the address and  
5 telephone number must be in at least 1-inch permanently  
6 affixed letters.

7 (9) Failure to make good faith best efforts to comply  
8 with the notice requirements of this section shall preclude  
9 the imposition of any storage charges against such vehicle or  
10 vessel.

11 (10) Persons who provide services pursuant to this  
12 section shall permit vehicle or vessel owners or their agents,  
13 which agency is evidenced by a writing acknowledged by the  
14 owner before a notary public or other person empowered by law  
15 to administer oaths, to inspect the towed vehicle or vessel  
16 and shall release to the owner or agent all personal property  
17 not affixed to the vehicle or vessel which was in the vehicle  
18 or vessel at the time the vehicle or vessel came into the  
19 custody of the person providing such services.

20 (11)(a) Any person regularly engaged in the business  
21 of recovering, towing, or storing vehicles or vessels who  
22 comes into possession of a vehicle or vessel pursuant to  
23 subsection (2) and who has complied with the provisions of  
24 subsections (3) and (6), when such vehicle or vessel is to be  
25 sold for purposes of being dismantled, destroyed, or changed  
26 in such manner that it is not the motor vehicle, vessel, or  
27 mobile home described in the certificate of title, shall apply  
28 to the county tax collector for a certificate of destruction.  
29 A certificate of destruction, which authorizes the dismantling  
30 or destruction of the vehicle or vessel described therein,  
31 shall be reassignable and shall accompany the vehicle or

1 vessel for which it is issued, when such vehicle or vessel is  
2 sold for such purposes, in lieu of a certificate of title.  
3 The application for a certificate of destruction must include  
4 an affidavit from the applicant that it has complied with all  
5 applicable requirements of this section and, if the vehicle or  
6 vessel is not registered in this state, by a statement from a  
7 law enforcement officer that the vehicle or vessel is not  
8 reported stolen, and shall be accompanied by such  
9 documentation as may be required by the department.

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

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

17 (12)(a) Any person who violates any provision of  
18 subsection (1), subsection (2), subsection (4), subsection  
19 (5), subsection (6), or subsection (7) is guilty of a  
20 misdemeanor of the first degree, punishable as provided in s.  
21 775.082 or s. 775.083.

22 (b) Any person who violates the provisions of  
23 subsections (8) through (11) is guilty of a felony of the  
24 third degree, punishable as provided in s. 775.082, s.  
25 775.083, or s. 775.084.

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

1           Section 55. Section 715.05, Florida Statutes, is  
2 repealed.

3           Section 56. Section 715.07, Florida Statutes, is  
4 amended to read:

5           715.07 Vehicles parked on private property; towing.--

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

7           (a) "Vehicle" means any mobile item ~~that~~ which  
8 normally uses wheels, whether motorized or not.

9           (b) "Vessel" means any form of watercraft, barge, or  
10 air boat used or capable of being used as a means of  
11 transportation on water, other than a seaplane or a documented  
12 vessel as defined in s. 327.02(8).

13           (2) The owner or lessee of real property, or any  
14 person authorized by the owner or lessee, which person may be  
15 the designated representative of the condominium association  
16 if the real property is a condominium, may cause any vehicle  
17 or vessel parked or located on such property without her or  
18 his permission to be removed by a person regularly engaged in  
19 the business of towing vehicles or vessels, without liability  
20 for the costs of removal, transportation, or storage or  
21 damages caused by such removal, transportation, or storage,  
22 under any of the following circumstances:

23           (a) The towing or removal of any vehicle or vessel  
24 from private property without the consent of the registered  
25 owner or other legally authorized person in control of that  
26 vehicle or vessel is subject to strict compliance with the  
27 following conditions and restrictions:

28           1.a. Any towed or removed vehicle or vessel must be  
29 stored at a site within 10 miles of the point of removal in  
30 any county of 500,000 population or more, and within 15 miles  
31 of the point of removal in any county of less than 500,000

1 population. That site must be open for the purpose of  
2 redemption of vehicles or vessels on any day that the person  
3 or firm towing such vehicle or vessel is open for towing  
4 purposes, from 8:00 a.m. to 6:00 p.m., and, when closed, shall  
5 have prominently posted a sign indicating a telephone number  
6 where the operator of the site can be reached at all times.  
7 Upon receipt of a telephoned request to open the site to  
8 redeem a vehicle or vessel, the operator shall return to the  
9 site within 1 hour or she or he will be in violation of this  
10 section.

11           b. If no towing business providing such service is  
12 located within the area of towing limitations set forth in  
13 sub-subparagraph a., the following limitations apply: any  
14 towed or removed vehicle or vessel must be stored at a site  
15 within 20 miles of the point of removal in any county of  
16 500,000 population or more, and within 30 miles of the point  
17 of removal in any county of less than 500,000 population.

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

28           3. If the registered owner or other legally authorized  
29 person in control of the vehicle or vessel arrives at the  
30 scene prior to removal or towing of the vehicle or vessel, the  
31 vehicle or vessel shall be disconnected from the towing or

1 removal apparatus, and that person shall be allowed to remove  
2 the vehicle or vessel without interference upon the payment of  
3 a reasonable service fee of not more than one-half of the  
4 posted rate for such towing service as provided in  
5 subparagraph 6., for which a receipt shall be given, unless  
6 that person refuses to remove the vehicle or vessel which is  
7 otherwise unlawfully parked or located.

8 4. The rebate or payment of money or any other  
9 valuable consideration from the individual or firm towing or  
10 removing vehicles or vessels to the owners or operators of the  
11 premises from which the vehicles or vessels are towed or  
12 removed, for the privilege of removing or towing those  
13 vehicles or vessels, is prohibited.

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

27 a. The notice must be prominently placed at each  
28 driveway access or curb cut allowing vehicular access to the  
29 property, within 5 feet from the public right-of-way line. If  
30 there are no curbs or access barriers, the signs must be  
31

1 posted not less than one sign for each 25 feet of lot  
2 frontage.

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

9 c. The notice must also provide the name and current  
10 telephone number of the person or firm towing or removing the  
11 vehicles or vessels, if the property owner, lessee, or person  
12 in control of the property has a written contract with the  
13 towing company.

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

20 e. The local government may require permitting and  
21 inspection of these signs prior to any towing or removal of  
22 vehicles or vessels being authorized.

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

29  
30 A business owner or lessee may authorize the removal of a  
31 vehicle or vessel by a towing company when the vehicle or

1 vessel is parked in such a manner that restricts the normal  
2 operation of business; and if a vehicle or vessel parked on a  
3 public right-of-way obstructs access to a private driveway the  
4 owner, lessee, or agent may have the vehicle or vessel removed  
5 by a towing company upon signing an order that the vehicle or  
6 vessel be removed without a posted tow-away zone sign.

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

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

30           8. Vehicle entry for the purpose of removing the  
31 vehicle or vessel shall be allowed with reasonable care on the

1 part of the person or firm towing the vehicle or vessel. Such  
2 person or firm shall be liable for any damage occasioned to  
3 the vehicle or vessel if such entry is not in accordance with  
4 the standard of reasonable care.

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

20 (b) These requirements shall be the minimum standards  
21 and shall not preclude enactment of additional regulations by  
22 any municipality or county including the right to regulate  
23 rates when vehicles or vessels are towed from private  
24 property.

25 (3) This section does not apply to law enforcement,  
26 firefighting, rescue squad, ambulance, or other emergency  
27 vehicles or vessels that ~~which~~ are marked as such or to  
28 property owned by any governmental entity.

29 (4) When a person improperly causes a vehicle or  
30 vessel to be removed, such person shall be liable to the owner  
31 or lessee of the vehicle or vessel for the cost of removal,

1 transportation, and storage; any damages resulting from the  
2 removal, transportation, or storage of the vehicle or vessel;  
3 attorneys' fees; and court costs.

4 (5) Failure to make good-faith best efforts to comply  
5 with the notice requirement of this section as appropriate  
6 precludes the imposition of any towing or storage charges  
7 against such vehicle or vessel.

8 ~~(6)(5)~~(a) Any person who violates the provisions of  
9 subparagraph (2)(a)2. or subparagraph (2)(a)6. is guilty of a  
10 misdemeanor of the first degree, punishable as provided in s.  
11 775.082 or s. 775.083.

12 (b) Any person who violates the provisions of  
13 subparagraph (2)(a)7. is guilty of a felony of the third  
14 degree, punishable as provided in s. 775.082, s. 775.083, or  
15 s. 775.084.

16 Section 57. Subsection (3) is added to section 832.09,  
17 Florida Statutes, to read:

18 832.09 Suspension of driver license after warrant or  
19 capias is issued in worthless check case.--

20 (3) The Department of Highway Safety and Motor  
21 Vehicles shall create a standardized form to be distributed to  
22 the clerk of the circuit court in each county for the purpose  
23 of notifying the department that a person has satisfied the  
24 requirements of the court. Notices of compliance with the  
25 court's requirements shall be on the standardized form  
26 provided by the department.

27 Section 58. Except as otherwise expressly provided in  
28 this act, this act shall take effect October 1, 2001.

29  
30  
31

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2 COMMITTEE SUBSTITUTE FOR  
3 SB 1068

4 The CS provides a definition for motorized scooter and exempts  
5 a motorized scooter from the definition of motor vehicle.

6 The CS authorizes DHSMV compliance examiners to issue  
7 citations for certain illegally parked vehicles.

8 The CS provides that motorized scooters are subject to similar  
9 operating regulations as bicycles. However, the operator of a  
10 motorized scooter would not be subject to the helmet use  
11 requirement which is applicable to bicycles.

12 The CS provides that vehicles carrying agricultural products  
13 locally from a field harvest site to a farm storage site or a  
14 farm feed lot, on roads where the posted speed limit is less  
15 than 55 miles per hour and the distance traveled on public  
16 roads is less than 10 miles, are exempt from provisions  
17 relating to limits on loads.

18 The CS provides that each governmental entity and court shall  
19 provide, issue, and maintain information on driver improvement  
20 schools, including a list of course providers who license  
21 driver improvement schools within the applicable geographical  
22 area, with a telephone number for each provider.

23 The CS exempts motorized scooters from the definition of motor  
24 vehicle. In addition, the CS revises the definition of a  
25 motor home to conform to the length limitations contained in  
26 s. 316.515, F.S.

27 The CS provides that recipients of funds generated through a  
28 voluntary checkoff on vehicle registration are subject to the  
29 provisions of the the Florida Single Audit Act.

30 The CS amends s. 320.08056, F.S., to exempt the license plates  
31 of Barry University and Bethune-Cookman College from the  
discontinuance requirements. This would apply this exemption  
provision to all collegiate specialty license plates.

The CS provides that recipients of funds generated through  
specialty license plates are subject to the provisions of the  
Florida Single Audit Act.

The CS provides that DHSMV may cancel the registration of a  
vehicle if the owner has failed to pay a Department of  
Transportation weight or safety violation penalty.

The CS revises numerous provisions relating to the denial,  
suspension, or revocation of motor vehicle dealers license.

The CS provides that a motorized scooter is not a motor  
vehicle for drivers' licensing purposes.

The CS provides DHSMV is to approve and regulate certain  
driver improvement courses (advanced driver improvement) that  
rely on technology for delivery. The CS also provides criteria  
for course approval.

1 The CS provides that recipients of funds generated through a  
2 voluntary check-off on driver's license applications are  
3 subject to the provisions of the the Florida Single Audit Act.  
4 The CS provides the Department is to approve and regulate  
5 certain driver improvement courses (Traffic Law and Substance  
6 Abuse Education courses) that rely on technology as the  
7 delivery method. The CS also provides criteria for course  
8 approval.  
9 The CS repeals s. 322.282, F.S., which relates to issuance of  
10 temporary driving permits when a license is suspended. This  
11 reference is no longer needed because a temporary permit is  
12 issued at the scene of the arrest.  
13 The CS amends s. 322.331, F.S., to provide that an individual  
14 whose license revocation has expired will be reinstated  
15 without a hearing.  
16 CS amends s. 324.091, F.S., to authorize DHSMV to grant an  
17 approved third party provider electronic access to vehicle  
18 insurer information. The third-party provider would, for a  
19 fee, allow insurers, lawyers and financial institutions to  
20 access insurance information for subrogation and claims  
21 purposes.  
22 The CS deletes the September 2001, repeal of the Pilot  
23 Recreational Vehicle Mediation and Arbitration Program. The  
24 also CS provides for technical corrections to an arbitrator's  
25 decision and revises provisions relating to the appeal of an  
26 arbitrator's decision to circuit court.  
27 Further, the CS moves the notice requirement to be followed  
28 when law enforcement authorizes the removal of a vehicle from  
29 s. 715.05, F.S., to s. 713.78, F.S. The CS also revises  
30 requirements relating to the sale of unclaimed vehicles.  
31