

By the Committees on Comprehensive Planning, Local and Military Affairs; Transportation; and Senator Sebesta

316-1871-01

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; creating s. 320.691, F.S.; creating
27 the Automobile Dealers Industry Advisory Board
28 within the Department of Highway Safety and
29 Motor Vehicles; providing for appointment of
30 members; providing terms of office; requiring
31 the board to make an annual report to the

1 Governor and the Legislature; amending s.
2 322.01, F.S.; providing that a motorized
3 scooter is not a motor vehicle for driver's
4 licensing purposes; amending s. 322.0261, F.S.;
5 requiring the department to regulate and
6 approve certain courses for driver improvement
7 schools; amending s. 322.05, F.S.; conforming a
8 statutory cross-reference; amending s. 322.081,
9 F.S.; conforming provisions to the Florida
10 Single Audit Act; amending s. 322.095, F.S.;
11 requiring the department to approve and
12 regulate certain courses for driver improvement
13 schools; amending s. 322.161, F.S.; increasing
14 the number of points that a driver under a
15 specified age may accumulate before the
16 department is required to issue that driver a
17 restricted license; creating s. 322.222, F.S.;
18 authorizing the department to conduct hearings
19 for medical review cases; amending s. 322.2615,
20 F.S.; revising provisions relating to temporary
21 driving permits; amending s. 322.27, F.S.;
22 revising provisions relating to the revocation
23 of license for habitual traffic offenders;
24 amending s. 322.28, F.S.; deleting obsolete
25 provisions; repealing s. 322.282, F.S., which
26 prescribes procedures governing certain
27 court-ordered reinstatements of a driver's
28 license or driving privilege; amending s.
29 322.292, F.S.; revising requirements relating
30 to the operation of DUI programs; repealing s.
31 322.331, F.S., relating to the restoration of

1 the license of habitual traffic offenders;
2 amending s. 322.61, F.S.; revising provisions
3 relating to the disqualification from operating
4 a commercial motor vehicle; amending s. 322.64,
5 F.S.; revising provisions relating to
6 commercial vehicle operators and driving under
7 the influence; amending s. 324.091, F.S.;
8 providing for electronic access to vehicle
9 insurance information; amending s. 328.01,
10 F.S.; revising requirements relating to the
11 application for certificate of title; amending
12 s. 328.42, F.S.; revising provisions relating
13 to the payment of certain transactions by
14 dishonored check; amending s. 328.56, F.S.;
15 revising provisions relating to the display of
16 vessel registration numbers; amending s.
17 328.72, F.S.; revising requirements relating to
18 the transfer of an antique vessel; amending s.
19 328.76, F.S.; providing for an annual
20 appropriation to the Highway Safety Operating
21 Trust Fund; amending s. 681.1096, F.S.;
22 extending the pilot program an additional
23 period; amending s. 681.1097, F.S.; providing
24 for technical corrections to an arbitrator's
25 decision; prescribing guidelines for appealing
26 an arbitrator's decision; amending s. 681.115,
27 F.S.; expanding the conditions under which
28 agreements may be voided; amending s. 713.78,
29 F.S.; providing for the notification of
30 insurers when a vehicle is towed; revising
31 requirements for selling an unclaimed vehicle

1 or vessel; repealing s. 715.05, F.S., relating
2 to the reporting of unclaimed motor vehicles;
3 amending s. 715.07, F.S.; redefining the term
4 "vessel"; providing for the removal of
5 undocumented vessels from private property;
6 amending s. 832.09, F.S.; providing for the use
7 of a standardized form in reporting certain
8 information to the department; providing
9 effective dates.

10

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

12

13 Section 1. Subsection (21) of section 316.003, Florida
14 Statutes, is amended, and subsection (82) is added to that
15 section, to read:

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

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

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

28 Section 2. Paragraph (a) of subsection (1) of section
29 316.1945, Florida Statutes, is amended to read:

30 316.1945 Stopping, standing, or parking prohibited in
31 specified places.--

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

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

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

8 2. On a sidewalk.

9 3. Within an intersection.

10 4. On a crosswalk.

11 5. Between a safety zone and the adjacent curb or
12 within 30 feet of points on the curb immediately opposite the
13 ends of a safety zone, unless the Department of Transportation
14 indicates a different length by signs or markings.

15 6. Alongside or opposite any street excavation or
16 obstruction when stopping, standing, or parking would obstruct
17 traffic.

18 7. Upon any bridge or other elevated structure upon a
19 highway or within a highway tunnel.

20 8. On any railroad tracks.

21 9. On a bicycle path.

22 10. At any place where official traffic control
23 devices prohibit stopping.

24 11. On the roadway or shoulder of a limited access
25 facility, except as provided by regulation of the Department
26 of Transportation, or on the paved portion of a connecting
27 ramp; except that a vehicle which is disabled or in a
28 condition improper to be driven as a result of mechanical
29 failure or crash may be parked on such shoulder for a period
30 not to exceed 6 hours. This provision is not applicable to a
31 person stopping a vehicle to render aid to an injured person

1 or assistance to a disabled vehicle in obedience to the
2 directions of a law enforcement officer or to a person
3 stopping a vehicle in compliance with applicable traffic laws.

4 12. For the purpose of loading or unloading a
5 passenger on the paved roadway or shoulder of a limited access
6 facility or on the paved portion of any connecting ramp. This
7 provision is not applicable to a person stopping a vehicle to
8 render aid to an injured person or assistance to a disabled
9 vehicle.

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

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

15 316.1951 Parking for certain purposes prohibited.--

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

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

1 316.1975 Unattended motor vehicle.--

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

3 (a) An authorized emergency vehicle while in the
4 performance of official duties and the vehicle is equipped
5 with an activated antitheft device that prohibits the vehicle
6 from being driven; or

7 (b) A licensed delivery truck or other delivery
8 vehicle while making deliveries.

9 (c) A solid waste or recovered materials vehicle while
10 collecting such items.

11 Section 5. Section 316.2065, Florida Statutes, is
12 amended to read:

13 316.2065 Bicycle and motorized scooter regulations.--

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

21 (2) A person operating a bicycle may not ride other
22 than upon or astride a permanent and regular seat attached
23 thereto.

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

28 (b) Except as provided in paragraph (a), a bicycle
29 rider must carry any passenger who is a child under 4 years of
30 age, or who weighs 40 pounds or less, in a seat or carrier
31 that is designed to carry a child of that age or size and that

1 secures and protects the child from the moving parts of the
2 bicycle.

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

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

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

27 (f) A person operating a motorized scooter may not
28 carry passengers.

29 (4) No person riding upon any bicycle, coaster, roller
30 skates, sled, motorized scooter, or toy vehicle may attach the
31 same or himself or herself to any vehicle upon a roadway. This

1 subsection does not prohibit attaching a bicycle trailer or
2 bicycle semitrailer to a bicycle if that trailer or
3 semitrailer is commercially available and has been designed
4 for such attachment.

5 (5)(a) Any person operating a bicycle upon a roadway
6 at less than the normal speed of traffic at the time and place
7 and under the conditions then existing shall ride as close as
8 practicable to the right-hand curb or edge of the roadway
9 except under any of the following situations:

10 1. When overtaking and passing another bicycle,
11 motorized scooter, or vehicle proceeding in the same
12 direction.

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

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

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

28 (6) Persons riding bicycles or motorized scooters upon
29 a roadway may not ride more than two abreast except on paths
30 or parts of roadways set aside for the exclusive use of
31 bicycles. Persons riding two abreast may not impede traffic

1 when traveling at less than the normal speed of traffic at the
2 time and place and under the conditions then existing and
3 shall ride within a single lane.

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

6 (8) Every bicycle or motorized scooter in use between
7 sunset and sunrise shall be equipped with a lamp on the front
8 exhibiting a white light visible from a distance of at least
9 500 feet to the front and a lamp and reflector on the rear
10 each exhibiting a red light visible from a distance of 600
11 feet to the rear. A bicycle or motorized scooter ~~its~~ rider
12 may be equipped with lights or reflectors in addition to those
13 required by this section.

14 (9) No parent of any minor child and no guardian of
15 any minor ward may authorize or knowingly permit any such
16 minor child or ward to violate any of the provisions of this
17 section.

18 (10) A person propelling a vehicle by human power or
19 operating a motorized scooter upon and along a sidewalk, or
20 across a roadway upon and along a crosswalk, has all the
21 rights and duties applicable to a pedestrian under the same
22 circumstances.

23 (11) A person propelling a bicycle upon and along a
24 sidewalk, or across a roadway upon and along a crosswalk,
25 shall yield the right-of-way to any pedestrian and shall give
26 an audible signal before overtaking and passing such
27 pedestrian.

28 (12) No person upon roller skates, or riding in or by
29 means of any coaster, toy vehicle, or similar device, may go
30 upon any roadway except while crossing a street on a
31 crosswalk; and, when so crossing, such person shall be granted

1 all rights and shall be subject to all of the duties
2 applicable to pedestrians.

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

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

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

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

- 17 1. The child possesses a bicycle helmet; or
18 2. The lessor provides a bicycle helmet for the child
19 to wear.

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

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

29 (18) Notwithstanding s. 318.21, all proceeds collected
30 pursuant to s. 318.18 for violations under paragraphs (3)(e)

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1 and (16)(b) shall be deposited into the State Transportation
2 Trust Fund.

3 (19) The failure of a person to wear a bicycle helmet
4 or the failure of a parent or guardian to prevent a child from
5 riding a bicycle without a bicycle helmet may not be
6 considered evidence of negligence or contributory negligence.

7 (20) Except as otherwise provided in this section, a
8 violation of this section is a noncriminal traffic infraction,
9 punishable as a pedestrian violation as provided in chapter
10 318. A law enforcement officer may issue traffic citations for
11 a violation of subsection (3) or subsection (16) only if the
12 violation occurs on a bicycle path or road, as defined in s.
13 334.03. However, they may not issue citations to persons on
14 private property, except any part thereof which is open to the
15 use of the public for purposes of vehicular traffic.

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

18 316.228 Lamps or flags on projecting load.--

19 (2) Any commercial motor vehicle or trailer, ~~except as~~
20 ~~stated in s. 316.515(7),~~ transporting a load of unprocessed
21 logs, or long pulpwood, ~~poles, or posts~~ which load extends
22 ~~extend~~ more than 4 feet beyond the rear of the body or bed of
23 such vehicle, must have securely fixed as close as practical
24 to the end of any such projection one amber strobe-type lamp
25 equipped with a multidirectional type lens so mounted as to be
26 visible from the rear and both sides of the projecting load.
27 If the mounting of one strobe lamp cannot be accomplished so
28 that it is visible from the rear and both sides of the
29 projecting load, multiple strobe lights must be used to meet
30 the visibility requirements of this subsection.The strobe
31 lamp must flash at a rate of at least 60 flashes per minute

1 and must be plainly visible from a distance of at least 500
2 feet to the rear and sides of the projecting load at any time
3 of the day or night. The lamp must be operating at any time of
4 the day or night when the vehicle is operated on any highway
5 or parked on the shoulder or immediately adjacent to the
6 traveled portion of any public roadway. The projecting load
7 must also be marked with a red flag as described in subsection
8 (1).

9 Section 7. Section 316.520, Florida Statutes, is
10 amended to read:

11 316.520 Loads on vehicles.--

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

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

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

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

6 Section 8. Subsections (1), (2), and (3) of section
7 316.640, Florida Statutes, are amended to read:

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

10 (1) STATE.--

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

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

10 b. University police officers shall have authority to
11 enforce all of the traffic laws of this state when such
12 violations occur on or about any property or facilities that
13 are under the guidance, supervision, regulation, or control of
14 the State University System, except that traffic laws may be
15 enforced off-campus when hot pursuit originates on-campus.

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

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

25 (I) An airport authority may employ as a parking
26 enforcement specialist any individual who successfully
27 completes a training program established and approved by the
28 Criminal Justice Standards and Training Commission for parking
29 enforcement specialists but who does not otherwise meet the
30 uniform minimum standards established by the commission for
31 law enforcement officers or auxiliary or part-time officers

1 under s. 943.12. Nothing in this sub-sub-subparagraph shall be
2 construed to permit the carrying of firearms or other weapons,
3 nor shall such parking enforcement specialist have arrest
4 authority.

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

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

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

24 2. An agency of the state as described in subparagraph
25 1. is prohibited from establishing a traffic citation quota. A
26 violation of this subparagraph is not subject to the penalties
27 provided in chapter 318.

28 3. Any disciplinary action taken or performance
29 evaluation conducted by an agency of the state as described in
30 subparagraph 1. of a law enforcement officer's traffic
31 enforcement activity must be in accordance with written

1 work-performance standards. Such standards must be approved by
2 the agency and any collective bargaining unit representing
3 such law enforcement officer. A violation of this subparagraph
4 is not subject to the penalties provided in chapter 318.

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

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

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

22 (2) COUNTIES.--

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

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

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

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

11 2. A parking enforcement specialist employed pursuant
12 to this subsection shall not carry firearms or other weapons
13 or have arrest authority.

14 (3) MUNICIPALITIES.--

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

27 (b) The police department of a chartered municipality
28 may employ as a traffic crash investigation officer any
29 individual who successfully completes at least 200 hours of
30 instruction in traffic crash investigation and court
31 presentation through the Selective Traffic Enforcement Program

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

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

28 1.2. A parking enforcement specialist employed by a
29 chartered municipality or its authorized agency or
30 instrumentality is authorized to enforce all state, county,
31 and municipal laws and ordinances governing parking within the

1 boundaries of the municipality employing the specialist, by
2 appropriate state, county, or municipal traffic citation.
3 ~~Nothing in this paragraph shall be construed to permit the~~
4 ~~carrying of firearms or other weapons, nor shall such a~~
5 ~~parking enforcement specialist have arrest authority.~~

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

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

11 318.1451 Driver improvement schools.--

12 (5)(a) No governmental entity or court shall provide,
13 issue, or maintain any information or orders regarding driver
14 improvement schools or course providers, with the exception of
15 the traffic school reference guide or course provider list
16 referred to in s. 318.1451(5)(b)~~directing inquiries or~~
17 ~~requests to the local telephone directory heading of driving~~
18 ~~instruction or the traffic school reference guide.~~ However,
19 the department is authorized to maintain the information and
20 records necessary to administer its duties and
21 responsibilities for driver improvement courses. Where such
22 information is a public record as defined in chapter 119, it
23 shall be made available to the public upon request pursuant to
24 s. 119.07(1). Course providers receiving a request for
25 information about traffic schools from geographic areas that
26 they do not serve shall provide a telephone number for a
27 course provider that they believe serves such geographic area.

28 (b) The department shall prepare for any governmental
29 entity or court to distribute a traffic school reference guide
30 that ~~which~~ shall list the benefits of attending a driver
31 improvement school and contain the names of fully approved

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

12 Section 10. Section 319.001, Florida Statutes, is
13 amended to read:

14 319.001 Definitions.--As used in this chapter, the
15 term:

16 (1) "Department" means the Department of Highway
17 Safety and Motor Vehicles.

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

20 (3)~~(2)~~ "Licensed dealer," unless otherwise
21 specifically provided, means a motor vehicle dealer licensed
22 under s. 320.27, a mobile home dealer licensed under s.
23 320.77, or a recreational vehicle dealer licensed under s.
24 320.771.

25 (4) "Motorcycle body assembly" means frame, fenders,
26 and gas tanks.

27 (5) "Motorcycle engine" means cylinder block, heads,
28 engine case, and crank case.

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

30 (7)~~(3)~~ "New mobile home" means a mobile home the
31 equitable or legal title to which has never been transferred

1 by a manufacturer, distributor, importer, or dealer to an
2 ultimate purchaser.

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

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

19 (10)~~(5)~~ "Satisfaction of lien" means full payment of a
20 debt or release of a debtor from a lien by the lienholder.

21 (11)~~(6)~~ "Used motor vehicle" means any motor vehicle
22 that is not a "new motor vehicle" as defined in subsection(8)
23 ~~(4)~~.

24 Section 11. Paragraphs (b) and (c) of subsection (1)
25 and subsections (2) and (3) of section 319.14, Florida
26 Statutes, are amended, present subsections (6), (7), and (8)
27 of that section are redesignated as subsections (7), (8), and
28 (9), respectively, and a new subsection (6) is added to that
29 section to read:

30
31

1 319.14 Sale of motor vehicles registered or used as
2 taxicabs, police vehicles, lease vehicles, or rebuilt vehicles
3 and nonconforming vehicles.--

4 (1)

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

19 Thereafter, the department shall affix a decal to the vehicle
20 in the manner prescribed by the department, showing that the
21 vehicle has been rebuilt.

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

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

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

30
31

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

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

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

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

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

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

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

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

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

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

31

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

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

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

1 (6) Any person who removes a rebuilt decal from a
2 rebuilt vehicle or who knowingly possesses a rebuilt vehicle
3 from which a rebuilt decal has been removed commits a felony
4 of the third degree, punishable as provided in s. 775.082, s.
5 775.083, or s. 775.084.

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

8 319.23 Application for, and issuance of, certificate
9 of title.--

10 (3) If a certificate of title has not previously been
11 issued for a motor vehicle or mobile home in this state, the
12 application, unless otherwise provided for in this chapter,
13 shall be accompanied by a proper bill of sale or sworn
14 statement of ownership, or a duly certified copy thereof, or
15 by a certificate of title, bill of sale, or other evidence of
16 ownership required by the law of the state or county from
17 which the motor vehicle or mobile home was brought into this
18 state. The application shall also be accompanied by:

19 (a)1. A sworn affidavit from the seller and purchaser
20 verifying that the vehicle identification number shown on the
21 affidavit is identical to the vehicle identification number
22 shown on the motor vehicle; or

23 2. An appropriate departmental form evidencing that a
24 physical examination has been made of the motor vehicle by the
25 owner and by a duly constituted law enforcement officer in any
26 state, a licensed motor vehicle dealer, a license inspector as
27 provided by s. 320.58, or a notary public commissioned by this
28 state and that the vehicle identification number shown on such
29 form is identical to the vehicle identification number shown
30 on the motor vehicle; and

31

1 (b) If the vehicle is a used car original, a sworn
2 affidavit from the owner verifying that the odometer reading
3 shown on the affidavit is identical to the odometer reading
4 shown on the motor vehicle in accordance with the requirements
5 of 49 C.F.R. s. 580.5 at the time that application for title
6 is made. For the purposes of this section, the term "used car
7 original" means a used vehicle coming into and being titled in
8 this state for the first time.

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

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

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

25 319.27 Notice of lien on motor vehicles or mobile
26 homes; notation on certificate; recording of lien.--

27 ~~(4)(a) Notwithstanding the provisions of subsection
28 (2), any person holding a lien for purchase money or as
29 security for a debt in the form of a security agreement,
30 retain title contract, conditional bill of sale, chattel
31 mortgage, or other similar instrument covering a motor vehicle~~

1 ~~or mobile home previously titled or registered outside this~~
2 ~~state upon which no Florida certificate of title has been~~
3 ~~issued may use the facilities of the department for the~~
4 ~~recording of such lien as constructive notice of such lien to~~
5 ~~creditors and purchasers of such motor vehicle or mobile home~~
6 ~~in this state provided such lienholder files a sworn notice of~~
7 ~~such lien in the department, showing the following~~
8 ~~information:~~

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

14
15 ~~Upon the filing of such notice of lien and the payment of the~~
16 ~~fee provided in s. 319.32, the lien shall be recorded in the~~
17 ~~department.~~

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

- 22 ~~1. Any lien shown on the application for Florida~~
23 ~~certificate of title; and~~
- 24 ~~2. Any lien filed in the department in accordance with~~
25 ~~paragraph (a); and~~
- 26 ~~2.3.~~ Any lien shown on the existing certificate of
27 title issued by another state.

28 ~~(b)(c)~~ When a Florida certificate of title has been
29 issued on a motor vehicle or mobile home previously titled or
30 registered outside this state, liens valid in and registered
31 under the law of the state wherein such liens were created are

1 not valid in this state unless filed and noted upon the
2 certificate of title under the provisions of this section.

3 Section 14. Paragraph (a) of subsection (1) of section
4 319.28, Florida Statutes, is amended to read:

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

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

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

4 319.30 Definitions; dismantling, destruction, change
5 of identity of motor vehicle or mobile home; salvage.--

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

7 (e) "Major component parts" means:

8 1. For motor vehicles other than motorcycles: the
9 front-end assembly (fenders, hood, grill, and bumper), cowl
10 assembly, rear body section (both quarter panels, decklid, and
11 bumper), floor pan, door assemblies, engine, frame,
12 transmission, and airbag.

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

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

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

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

26 (3)

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

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

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

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

14 320.01 Definitions, general.--As used in the Florida
15 Statutes, except as otherwise provided, the term:

16 (1) "Motor vehicle" means:

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

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

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

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

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

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

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

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

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

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

29 Section 17. Subsections (5) and (7) of section
30 320.023, Florida Statutes, are amended to read:

31

1 320.023 Requests to establish voluntary checkoff on
2 motor vehicle registration application.--

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

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

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

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

1 ~~(c)(d)~~ Any voluntary contributions authorized by law
2 shall only be distributed to an organization under an
3 appropriation by the Legislature.

4 ~~(d)(e)~~ Any organization subject to audit pursuant to
5 s. 215.97 shall submit an audit report in accordance with
6 rules adopted by the Auditor General.~~The annual audit or~~
7 ~~report shall be submitted to the department for review within~~
8 ~~180 days after the end of the organization's fiscal year.~~

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

12 Section 18. Subsections (1) and (2) of section
13 320.025, Florida Statutes, are amended to read:

14 320.025 Registration certificate and license plate
15 issued under fictitious name; application.--

16 (1) A confidential registration certificate and
17 registration license plate or decal shall be issued under a
18 fictitious name only for a motor vehicle or vessel owned or
19 operated by a law enforcement agency of state, county,
20 municipal, or federal government, the Attorney General's
21 Medicaid Fraud Control Unit, or any state public defender's
22 office. The requesting agency shall file a written application
23 with the department on forms furnished by the department,
24 which includes a statement that the license plate will be used
25 for the Attorney General's Medicaid Fraud Control Unit, or law
26 enforcement or any state public defender's office activities
27 requiring concealment of publicly leased or owned motor
28 vehicles or vessels and a statement of the position
29 classifications of the individuals who are authorized to use
30 the license plate. The department may modify its records to
31 reflect the fictitious identity of the owner or lessee until

1 such time as the license plate and registration certificate
2 are surrendered to it.

3 (2) Except as provided in subsection (1), any motor
4 vehicle owned or exclusively operated by the state or any
5 county, municipality, or other governmental entity must at all
6 times display a license plate of the type prescribed in s.
7 320.0655. Any vessel owned or exclusively operated by the
8 state or any county, municipality, or other governmental
9 entity must at all times display a registration number as
10 required in s. 328.56 and a vessel decal as required in s.
11 328.48(5).

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

14 320.05 Records of the department; inspection
15 procedure; lists and searches; fees.--

16 (1) Except as provided in ~~ss.~~s.119.07(3) and
17 320.025(3), the department may release records as provided in
18 this section.

19 (2) Upon receipt of an application for the
20 registration of a motor vehicle, vessel, or mobile home, as
21 herein provided for, the department shall register the motor
22 vehicle, vessel, or mobile home under the distinctive number
23 assigned to such motor vehicle, vessel, or mobile home by the
24 department. Electronic registration records shall be open to
25 the inspection of the public during business hours.
26 Information on a motor vehicle or vessel registration may not
27 be made available to a person unless the person requesting the
28 information furnishes positive proof of identification. The
29 agency that furnishes a motor vehicle or vessel registration
30 record shall record the name and address of any person other
31 than a representative of a law enforcement agency who requests

1 and receives information from a motor vehicle or vessel
2 registration record and shall also record the name and address
3 of the person who is the subject of the inquiry or other
4 information identifying the entity about which information is
5 requested. A record of each such inquiry must be maintained
6 for a period of 6 months from the date upon which the
7 information was released to the inquirer. Nothing in this
8 section shall prohibit any financial institution, insurance
9 company, motor vehicle dealer, licensee under chapter 493,
10 attorney, or other agency which the department determines has
11 the right to know from obtaining, for professional or business
12 use only, information in such records from the department
13 through any means of telecommunication pursuant to a code
14 developed by the department providing all fees specified in
15 subsection (3) have been paid. The department shall disclose
16 records or information to the child support enforcement agency
17 to assist in the location of individuals who owe or
18 potentially owe child support or to whom such an obligation is
19 owed pursuant to Title IV-D of the Social Security Act.

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

22 320.055 Registration periods; renewal periods.--The
23 following registration periods and renewal periods are
24 established:

25 (5) For a vehicle subject to apportioned registration
26 under s. 320.08(4), (5)(a)1., (e), (6)(b), or (14), the
27 registration period shall be a period of 12 months beginning
28 in a month designated by the department and ending on the last
29 day of the 12th month. For a vehicle subject to this
30 registration period, the renewal period is the last month of
31 the registration period. The registration period may be

1 shortened or extended at the discretion of the department, on
2 receipt of the appropriate prorated fees, in order to evenly
3 distribute such registrations on a monthly basis. For vehicles
4 subject to registration other than vehicles apportioned under
5 s. 320.08(4), (5)(a)1., (6)(b), or (14), the registration
6 period begins December 1 and ends November 30. The renewal
7 period is the 31-day period beginning December 1.

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

10 320.06 Registration certificates, license plates, and
11 validation stickers generally.--

12 (1)

13 (b) Registration license plates bearing a graphic
14 symbol and the alphanumeric system of identification shall be
15 issued for a 5-year period. At the end of said 5-year period,
16 upon renewal, the plate shall be replaced. The fee for such
17 replacement shall be \$10, \$2 of which shall be paid each year
18 before the plate is replaced, to be credited towards the next
19 \$10 replacement fee. The fees shall be deposited into the
20 Highway Safety Operating Trust Fund. A credit or refund shall
21 not be given for any prior years' payments of such prorated
22 replacement fee when the plate is replaced or surrendered
23 before the end of the 5-year period. With each license plate,
24 there shall be issued a validation sticker showing the owner's
25 birth month, license plate number and the year of expiration,
26 or the appropriate renewal period if the owner is not a
27 natural person. The validation sticker is to be placed on the
28 upper right corner of the license plate.~~This validation~~
29 ~~sticker shall be placed on the upper left corner of the~~
30 ~~license plate and shall be issued one time during the life of~~
31 ~~the license plate, or upon request when it has been damaged or~~

1 ~~destroyed. There shall also be issued with each license plate~~
2 ~~a serially numbered validation sticker showing the year of~~
3 ~~expiration, which sticker shall be placed on the upper right~~
4 ~~corner of the license plate. Such license plate and validation~~
5 stickers shall be issued based on the applicant's appropriate
6 renewal period. The registration period shall be a period of
7 12 months, and all expirations shall occur based on the
8 applicant's appropriate registration period. A vehicle with
9 an apportioned registration shall be issued an annual license
10 plate and a cab card that denote the declared gross vehicle
11 weight for each apportioned jurisdiction in which the vehicle
12 is authorized to operate.

13 (c) Registration license plates equipped with
14 validation stickers shall be valid for not more than 12 months
15 and shall expire at midnight on the last day of the
16 registration period. For each registration period after the
17 one in which the metal registration license plate is issued,
18 and until the license plate is required to be replaced, a
19 validation sticker showing the month and year of expiration
20 shall be issued upon payment of the proper license tax amount
21 and fees and shall be valid for not more than 12 months. When
22 license plates equipped with validation stickers are issued in
23 any month other than the owner's birth month or the designated
24 registration period for any other motor vehicle, the effective
25 date shall reflect the birth month or month and the year of
26 renewal. However, when a license plate or validation sticker
27 is issued for a period of less than 12 months, the applicant
28 shall pay the appropriate amount of license tax and the
29 applicable fee under the provisions of s. 320.14 in addition
30 to all other fees. Validation stickers issued for vehicles
31 taxed under the provisions of s. 320.08(6)(a), for any company

1 which owns 250 vehicles or more, or for semitrailers taxed
2 under the provisions of s. 320.08(5)(a), for any company which
3 owns 50 vehicles or more, may be placed on any vehicle in the
4 fleet so long as the vehicle receiving the validation sticker
5 has the same owner's name and address as the vehicle to which
6 the validation sticker was originally assigned.

7 Section 22. Section 320.0605, Florida Statutes, is
8 amended to read:

9 320.0605 Certificate of registration; possession
10 required; exception.--The registration certificate or an
11 official copy thereof, a true copy of a rental or lease
12 agreement issued for a motor vehicle or issued for a
13 replacement vehicle in the same registration period, a
14 temporary receipt printed upon self-initiated electronic
15 renewal of a registration via the Internet, or a cab card
16 issued for a vehicle registered under the International
17 Registration Plan shall, at all times while the vehicle is
18 being used or operated on the roads of this state, be in the
19 possession of the operator thereof or be carried in the
20 vehicle for which issued and shall be exhibited upon demand of
21 any authorized law enforcement officer or any agent of the
22 department. The provisions of this section do not apply during
23 the first 30 days after purchase of a replacement vehicle or
24 any fleet vehicles registered under s. 320.0657. A violation
25 of this section is a noncriminal traffic infraction,
26 punishable as a nonmoving violation as provided in chapter
27 318.

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

30 320.072 Additional fee imposed on certain motor
31 vehicle registration transactions.--

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

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

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

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

10 320.0805 Personalized prestige license plates.--

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

20 Section 25. Paragraph (c) of subsection (8) of section
21 320.08056, Florida Statutes, is amended to read:

22 320.08056 Specialty license plates.--

23 (8)

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

27 Section 26. Section 320.08062, Florida Statutes, is
28 amended to read:

29 320.08062 Audits and attestations required; annual use
30 fees of specialty license plates.--

31

1 (1)(a) All organizations that receive annual use fee
2 proceeds from the department are responsible for ensuring that
3 proceeds are used in accordance with ss. 320.08056 and
4 320.08058.

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

17 **(b)(c) Any organization not subject to audit pursuant**
18 **to s. 215.97 shall in lieu of an annual audit, any**
19 **organization receiving less than \$25,000 in annual use fee**
20 **proceeds directly from the department, or from another state**
21 **agency, may annually attest report, under penalties of**
22 **perjury, that such proceeds were used in compliance with ss.**
23 **320.08056 and 320.08058. The annual attestation shall be**
24 **submitted to the department for review within 9 months after**
25 **the end of the organization's fiscal year.**~~The attestation~~
26 ~~shall be made annually in a form and format determined by the~~
27 ~~department.~~

28 **(c)(d) Any organization subject to audit pursuant to**
29 **s. 215.97 shall submit an audit report in accordance with**
30 **rules adopted by the Auditor General**~~The annual audit or~~
31

1 ~~report shall be submitted to the department for review within~~
2 ~~180 days after the end of the organization's fiscal year.~~

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

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

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

22 320.083 Amateur radio operators; special license
23 plates; fees.--

24 (1) A person who is the owner or lessee of an
25 automobile or truck for private use, a truck weighing not more
26 than 7,999 ~~5,000~~ pounds, or a recreational vehicle as
27 specified in s. 320.08(9)(c) or (d), which is not used for
28 hire or commercial use; who is a resident of the state; and
29 who holds a valid official amateur radio station license
30 issued by the Federal Communications Commission shall be
31 issued a special license plate upon application, accompanied

1 by proof of ownership of such radio station license, and
2 payment of the following tax and fees:

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

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

8 Section 28. Subsections (2) and (3) of section
9 320.089, Florida Statutes, are amended to read:

10 320.089 Members of National Guard and active United
11 States Armed Forces reservists; former prisoners of war;
12 survivors of Pearl Harbor; Purple Heart medal recipients;
13 special license plates; fee.--

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

25 (a) A citizen of the United States who served as a
26 member of the Armed Forces of the United States or the armed
27 forces of a nation allied with the United States who was held
28 as a prisoner of war at such time as the Armed Forces of the
29 United States were engaged in combat, or their unremarried
30 surviving spouse, may be issued the special license plate

31

1 provided for in this subsection without payment of the license
2 tax imposed by s. 320.08.

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

11 (3) Each owner or lessee of an automobile or truck for
12 private use, truck weighing not more than 7,999 ~~5,000~~ pounds,
13 or recreational vehicle as specified in s. 320.08(9)(c) or
14 (d), which is not used for hire or commercial use, who is a
15 resident of this state and who is the unremarried surviving
16 spouse of a recipient of the Purple Heart medal shall, upon
17 application therefor to the department, with the payment of
18 the required fees, be issued a license plate as provided in s.
19 320.06, on which license plate are stamped the words "Purple
20 Heart" and the likeness of the Purple Heart medal followed by
21 the serial number. Each application shall be accompanied by
22 proof that the applicant is the unremarried surviving spouse
23 of a recipient of the Purple Heart medal.

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

26 320.18 Withholding registration.--

27 (1) The department may withhold the registration of
28 any motor vehicle or mobile home the owner of which has failed
29 to register it under the provisions of law for any previous
30 period or periods for which it appears registration should
31 have been made in this state, until the tax for such period or

1 periods is paid. The department may cancel any license plate
2 or fuel-use tax decal if the owner pays for the license plate,
3 fuel-use tax decal, or any tax liability, penalty, or interest
4 specified in chapter 207 by a dishonored check or if the
5 vehicle owner or motor carrier has failed to pay a penalty for
6 a weight or safety violation issued by the Department of
7 Transportation Motor Carrier Compliance Office. The Department
8 of Transportation and the Department of Highway Safety and
9 Motor Vehicles may impound any commercial motor vehicle that
10 has a canceled license plate or fuel-use tax decal until the
11 tax liability, penalty, and interest specified in chapter 207,
12 the license tax, or the fuel-use decal fee, and applicable
13 administrative fees have been paid for by certified funds.

14 Section 30. Paragraph (c) of subsection (1) of section
15 320.27, Florida Statutes, is amended, paragraph (f) is added
16 to that subsection, and subsections (7) and (9) of that
17 section are amended to read:

18 320.27 Motor vehicle dealers.--

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

23 (c) "Motor vehicle dealer" means any person engaged in
24 the business of buying, selling, or dealing in motor vehicles
25 or offering or displaying motor vehicles for sale at wholesale
26 or retail, or who may service and repair motor vehicles
27 pursuant to an agreement as defined in s. 320.60(1). Any
28 person who buys, sells, or deals in three or more motor
29 vehicles in any 12-month period or who offers or displays for
30 sale three or more motor vehicles in any 12-month period shall
31 be prima facie presumed to be engaged in such business. The

1 terms "selling" and "sale" include lease-purchase
2 transactions. A motor vehicle dealer may, at retail or
3 wholesale, sell a recreational vehicle as described in s.
4 320.01(1)(b)1.-6. and 8., acquired in exchange for the sale of
5 a motor vehicle, provided such acquisition is incidental to
6 the principal business of being a motor vehicle dealer.
7 However, a motor vehicle dealer may not buy a recreational
8 vehicle for the purpose of resale unless licensed as a
9 recreational vehicle dealer pursuant to s. 320.771. A motor
10 vehicle dealer may apply for a certificate of title to a motor
11 vehicle required to be registered under s. 320.08(2)(b), (c),
12 and (d), using a manufacturer's statement of origin as
13 permitted by s. 319.23(1), only if such dealer is authorized
14 by a franchised agreement as defined in s. 320.60(1), to buy,
15 sell, or deal in such vehicle and is authorized by such
16 agreement to perform delivery and preparation obligations and
17 warranty defect adjustments on the motor vehicle; provided
18 this limitation shall not apply to recreational vehicles, van
19 conversions, or any other motor vehicle manufactured on a
20 truck chassis. The transfer of a motor vehicle by a dealer not
21 meeting these qualifications shall be titled as a used
22 vehicle. The classifications of motor vehicle dealers are
23 defined as follows:

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

28 2. "Independent motor vehicle dealer" means any person
29 other than a franchised or wholesale motor vehicle dealer who
30 engages in the business of buying, selling, or dealing in
31 motor vehicles, and who may service and repair motor vehicles.

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

18 4. "Motor vehicle auction" means any person offering
19 motor vehicles or recreational vehicles for sale to the
20 highest bidder where ~~both sellers and~~ buyers are licensed
21 motor vehicle dealers. Such person shall not sell a vehicle to
22 anyone other than a licensed motor vehicle dealer.

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

26
27 The term "motor vehicle dealer" does not include persons not
28 engaged in the purchase or sale of motor vehicles as a
29 business who are disposing of vehicles acquired for their own
30 use or for use in their business or acquired by foreclosure or
31 by operation of law, provided such vehicles are acquired and

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

23 (f) "Bona fide employee" means a person who is
24 employed by a licensed motor vehicle dealer and receives
25 annually an Internal Revenue Service Form W-2 or an
26 independent contractor who has a written contract with a
27 licensed motor vehicle dealer and receives annually an
28 Internal Revenue Service Form 1099 for the purpose of acting
29 in the capacity of or conducting motor vehicle sales
30 transactions as a motor vehicle dealer.

31

1 (7) CERTIFICATE OF TITLE REQUIRED.--For each used
2 motor vehicle in the possession of a licensee and offered for
3 sale by him or her, the licensee either shall have in his or
4 her possession or control a duly assigned certificate of title
5 from the owner in accordance with the provisions of chapter
6 319, from the time when the motor vehicle is delivered to the
7 licensee and offered for sale by him or her until it has been
8 disposed of by the licensee, or shall have reasonable indicia
9 of ownership or right of possession, or shall have made proper
10 application for a certificate of title or duplicate
11 certificate of title in accordance with the provisions of
12 chapter 319. A motor vehicle dealer may not sell or offer for
13 sale a vehicle in his or her possession unless the dealer
14 satisfies the requirements of this subsection. Reasonable
15 indicia of ownership shall include a duly assigned certificate
16 of title; in the case of a new motor vehicle, a manufacturer's
17 certificate of origin issued to or reassigned to the dealer; a
18 consignment contract between the owner and the dealer along
19 with a secure power of attorney from the owner to the dealer
20 authorizing the dealer to apply for a duplicate certificate of
21 title and assign the title on behalf of the owner; a court
22 order awarding title to the vehicle to the dealer; a salvage
23 certificate of title; a photocopy of a duly assigned
24 certificate of title being held by a financial institution as
25 collateral for a business loan of money to the dealer ("floor
26 plan"); a copy of a canceled check or other documentation
27 evidencing that an outstanding lien on a vehicle taken in
28 trade by a licensed dealer has been satisfied and that the
29 certificate of title will be, but has not yet been, received
30 by the dealer; a vehicle purchase order or installment
31 contract for a specific vehicle identifying that vehicle as a

1 trade-in on a replacement vehicle; or a duly executed odometer
2 disclosure statement as required by Title IV of the Motor
3 Vehicle Information and Cost Savings Act of 1972 (Pub. L. No.
4 92-513, as amended by Pub. L. No. 94-364 and Pub. L. No.
5 100-561) and by 49 C.F.R. part 580 bearing the signatures of
6 the titled owners of a traded-in vehicle.

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

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

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

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

23 (c) Perpetration of a fraud upon any person as a
24 result of dealing in motor vehicles, including, without
25 limitation, the misrepresentation to any person by the
26 licensee of the licensee's relationship to any manufacturer,
27 importer, or distributor.

28 (d) Representation that a demonstrator is a new motor
29 vehicle, or the attempt to sell or the sale of a demonstrator
30 as a new motor vehicle without written notice to the purchaser
31 that the vehicle is a demonstrator. For the purposes of this

1 section, a "demonstrator," a "new motor vehicle," and a "used
2 motor vehicle" shall be defined as under s. 320.60.

3 (e) Unjustifiable refusal to comply with a licensee's
4 responsibility under the terms of the new motor vehicle
5 warranty issued by its respective manufacturer, distributor,
6 or importer. However, if such refusal is at the direction of
7 the manufacturer, distributor, or importer, such refusal shall
8 not be a ground under this section.

9 (f) Misrepresentation or false, deceptive, or
10 misleading statements with regard to the sale or financing of
11 motor vehicles which any motor vehicle dealer has, or causes
12 to have, advertised, printed, displayed, published,
13 distributed, broadcast, televised, or made in any manner with
14 regard to the sale or financing of motor vehicles.

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

18 (h) Requirement by any motor vehicle dealer that any
19 customer or purchaser finance a motor vehicle with a specific
20 financial institution or company.

21 (i) Failure by any motor vehicle dealer to provide a
22 customer or purchaser with an odometer disclosure statement
23 and a copy of any bona fide written, executed sales contract
24 or agreement of purchase connected with the purchase of the
25 motor vehicle purchased by the customer or purchaser.

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

29 (k) Requirement by the motor vehicle dealer that the
30 purchaser of a motor vehicle contract with the dealer for
31 physical damage insurance.

1 (l) Violation of any of the provisions of s. 319.35 by
2 any motor vehicle dealer.

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

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

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

15 (p) Use of the dealer license identification number by
16 any person other than the licensed dealer or his or her
17 designee.

18 (q) Conviction of a felony.

19 (r) Failure to continually meet the requirements of
20 the licensure law.

21 (s) A person who has been ~~When a motor vehicle dealer~~
22 ~~is convicted of a crime, infraction, or violation as set forth~~
23 ~~in paragraph (q) which results in his or her being prohibited~~
24 ~~from continuing in that capacity, the dealer~~ may not serve
25 ~~continue~~ in any capacity within the industry. Such person ~~The~~
26 ~~offender~~ shall have no financial interest, management, sales,
27 or other role in the operation of a dealership. Further, the
28 person ~~offender~~ may not derive income from the dealership
29 beyond reasonable compensation for the sale of his or her
30 ownership interest in the business. The license or application
31 of any dealership in which such person has an interest or

1 plays a role in violation of this subsection shall be denied
2 or revoked.

3 (t) Representation to a customer or any advertisement
4 to the general public representing or suggesting that a motor
5 vehicle is a new motor vehicle if such vehicle lawfully cannot
6 be titled in the name of the customer or other member of the
7 general public by the seller using a manufacturer's statement
8 of origin as permitted in s. 319.23(1).

9 (u) Failure to honor a bank draft or check given to a
10 motor vehicle dealer for the purchase of a motor vehicle by
11 another motor vehicle dealer within 10 days after notification
12 that the bank draft or check has been dishonored. A single
13 violation of this paragraph is sufficient for revocation or
14 suspension. If the transaction is disputed, the maker of the
15 bank draft or check shall post a bond in accordance with the
16 provisions of s. 559.917, and no proceeding for revocation or
17 suspension shall be commenced until the dispute is resolved.

18 (v) Sale by a motor vehicle dealer of a vehicle
19 offered in trade by a customer prior to consummation of the
20 sale, exchange, or transfer of a newly acquired vehicle to the
21 customer, unless the customer provides written authorization
22 for the sale of the trade-in vehicle prior to delivery of the
23 newly acquired vehicle.

24 Section 31. Section 320.691, Florida Statutes, is
25 created to read:

26 320.691 Automobile Dealers Industry Advisory Board.--

27 (1) AUTOMOBILE DEALERS INDUSTRY ADVISORY BOARD.--The
28 Automobile Dealers Industry Advisory Board is created within
29 the Department of Highway Safety and Motor Vehicles. The board
30 shall make recommendations on proposed legislation, make
31 recommendations on proposed rules and procedures, present

1 licensed motor vehicle industry dealer issues to the
2 department for its consideration, consider any matters
3 relating to the motor vehicle industry presented to it by the
4 department, and submit an annual report to the executive
5 director of the department and file copies with the Governor,
6 the President of the Senate, and the Speaker of the House of
7 Representatives.

8 (2) MEMBERSHIP; TERMS; MEETINGS.--

9 (a) The board shall be composed of 12 members. The
10 executive director of the Department of Highway Safety and
11 Motor Vehicles shall appoint the members from names submitted
12 by the entities for the designated categories the member will
13 represent. The executive director shall appoint one
14 representative of the Department of Highway Safety and Motor
15 Vehicles, who must represent the Division of Motor Vehicles;
16 two representatives of the independent motor vehicle industry
17 as recommended by the Florida Independent Automobile Dealers
18 Association; two representatives of the franchise motor
19 vehicle industry as recommended by the Florida Automobile
20 Dealers Association; one representative of the auction motor
21 vehicle industry who is from an auction chain and is
22 recommended by a group affiliated with the National Auto
23 Auction Association; one representative of the auction motor
24 vehicle industry who is from an independent auction and is
25 recommended by a group affiliated with the National Auto
26 Auction Association; one representative from the Department of
27 Revenue; a Florida tax collector representative recommended by
28 the Florida Tax Collectors Association; one representative
29 from the Better Business Bureau; one representative from the
30 Department of Agriculture and Consumer Services, who must
31 represent the Division of Consumer Services; and one

1 representative of the insurance industry who writes motor
2 vehicle dealer surety bonds.

3 (b)1. The executive director shall appoint the
4 following initial members to 1-year terms: one representative
5 from the motor vehicle auction industry who represents an
6 auction chain, one representative from the independent motor
7 vehicle industry, one representative from the franchise motor
8 vehicle industry, one representative from the Department of
9 Revenue, one Florida tax collector, and one representative
10 from the Better Business Bureau.

11 2. The executive director shall appoint the following
12 initial members to 2-year terms: one representative from the
13 motor vehicle auction industry who represents an independent
14 auction, one representative from the independent motor vehicle
15 industry, one representative from the franchise motor vehicle
16 industry, one representative from the Division of Consumer
17 Services, one representative from the insurance industry, and
18 one representative from the Division of Motor Vehicles.

19 3. As the initial terms expire, the executive director
20 shall appoint successors from the same designated category for
21 terms of 2 years. If renominated, a member may succeed himself
22 or herself.

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

25 (c) The board shall meet at least two times per year.
26 Meetings may be called by the chair of the board or by the
27 executive director of the department. One meeting shall be
28 held in the fall of the year to review legislative proposals.
29 The board shall conduct all meetings in accordance with
30 applicable law and shall keep minutes of all meetings.

31

1 Meetings may be held in locations around the state in
2 department facilities or in other appropriate locations.

3 (3) PER DIEM; TRAVEL; AND STAFFING.--Members of the
4 board from the private sector are not entitled to per diem or
5 reimbursement for travel expenses. However, members of the
6 board from the public sector are entitled to reimbursement, if
7 any, from their respective agency. Members of the board may
8 request assistance from the Department of Highway Safety and
9 Motor Vehicles as necessary.

10 Section 32. Subsection (26) of section 322.01, Florida
11 Statutes, is amended to read:

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

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

18 Section 33. Subsections (4) and (5) are added to
19 section 322.0261, Florida Statutes, to read:

20 322.0261 Mandatory driver improvement course; certain
21 crashes.--

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

26 (5) In determining whether to approve courses of
27 driver improvement schools that use technology as the delivery
28 method as the courses relate to this section, the department
29 shall consider only those courses submitted by a person,
30 business, or entity which:

31

1 (a) Receive approval from the department for statewide
2 delivery.

3 (b) Demonstrate independent scientific research
4 evidence of course effectiveness.

5 Section 34. Subsection (4) of section 322.05, Florida
6 Statutes, is amended to read:

7 322.05 Persons not to be licensed.--The department may
8 not issue a license:

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

24 Section 35. Subsections (5) and (7) of section
25 322.081, Florida Statutes, are amended to read:

26 322.081 Requests to establish voluntary checkoff on
27 driver's license application.--

28 (5) A voluntary contribution collected and distributed
29 under this chapter, or any interest earned from those
30 contributions, may not be used for commercial or for-profit
31 activities nor for general or administrative expenses, except

1 as authorized by law, ~~or to pay the cost of the audit or~~
2 ~~report required by law.~~

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

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

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

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

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

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

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

7 Section 36. Present subsections (2) through (7) of
8 section 322.095, Florida Statutes, are redesignated as
9 subsections (4) through (9), respectively, and new subsections
10 (2) and (3) are added to that section to read:

11 322.095 Traffic law and substance abuse education
12 program for driver's license applicants.--

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

17 (3) In determining whether to approve courses of
18 driver improvement schools that use technology as the delivery
19 method as the courses relate to this section, for courses
20 submitted on or after July 1, 2001, the department shall
21 consider only those courses submitted by a person, business,
22 or entity which:

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

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

27 (4)~~(2)~~ The department shall contract for an
28 independent evaluation of the courses, and shall provide
29 documentation to the Legislature by October 1, 2000, measuring
30 course effectiveness. Local DUI programs authorized under s.
31 316.193(5) and certified by the department or a driver

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

9 (5)~~(3)~~ The completion of a course does not qualify a
10 person for the reinstatement of a driver's license which has
11 been suspended or revoked.

12 (6)~~(4)~~ The fee charged by the course provider must
13 bear a reasonable relationship to the cost of the course. The
14 department must conduct financial audits of course providers
15 conducting the education courses required under this section
16 or require that financial audits of providers be performed, at
17 the expense of the provider, by a certified public accountant.

18 (7)~~(5)~~ The provisions of this section do not apply to
19 any person who has been licensed in any other jurisdiction or
20 who has satisfactorily completed a Department of Education
21 driver's education course offered pursuant to s. 233.063.

22 (8)~~(6)~~ Each course provider must collect a \$3
23 assessment fee in addition to the enrollment fee charged to
24 participants of the traffic law and substance abuse course
25 required under this section. The \$3 assessment fee collected
26 by the course provider must be forwarded to the department
27 within 30 days after receipt of the assessment.

28 (9)~~(7)~~(a) No governmental entity or court shall
29 provide, issue, or maintain any information or orders
30 regarding traffic law and substance abuse education program
31 schools or course providers, with the exception of directing

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

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

16 Section 37. Section 322.161, Florida Statutes, is
17 amended to read:

18 322.161 High-risk drivers; restricted licenses.--

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

25 (b) Upon determination that any person has accumulated
26 six ~~four~~ or more points, the department shall notify the
27 licensee and issue the licensee a restricted license for
28 business purposes only. The licensee must appear before the
29 department within 10 days after notification to have this
30 restriction applied. The period of restriction shall be for a
31

1 period of no less than 1 year beginning on the date it is
2 applied by the department.

3 (c) The restriction shall be automatically withdrawn
4 by the department after 1 year if the licensee does not
5 accumulate any additional points. If the licensee accumulates
6 any additional points, then the period of restriction shall be
7 extended 90 days for each point. The restriction shall also
8 be automatically withdrawn upon the licensee's 18th birthday
9 if no other grounds for restriction exist. The licensee must
10 appear before the department to have the restriction removed
11 and a duplicate license issued.

12 (2)(a) Any Class E licensee who is age 15 through 17
13 and who has accumulated six ~~four~~ or more points pursuant to s.
14 318.14, excluding parking violations, within a 12-month period
15 shall not be eligible to obtain a Class D license for a period
16 of no less than 1 year. The period of ineligibility shall
17 begin on the date of conviction for the violation that results
18 in the licensee's accumulation of six ~~four~~ or more points.

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

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

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

31

1 Section 38. Section 322.222, Florida Statutes, is
2 created to read:

3 322.222 Right to review.--A driver may request an
4 administrative hearing to review a revocation under s.
5 322.221(3). The hearing must be held in accordance with the
6 department's administrative rules adopted under chapter 120.

7 Section 39. Subsections (1), (3), and (10) of section
8 322.2615, Florida Statutes, are amended to read:

9 322.2615 Suspension of license; right to review.--

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

29 (b) The suspension under paragraph (a) shall be
30 pursuant to, and the notice of suspension shall inform the
31 driver of, the following:

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

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

13 2. The suspension period shall commence on the date of
14 arrest or issuance of the notice of suspension, whichever is
15 later.

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

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

24 5. The driver may submit to the department any
25 materials relevant to the arrest.

26 (3) If the department determines that the license of
27 the person arrested should be suspended pursuant to this
28 section and if the notice of suspension has not already been
29 served upon the person by a law enforcement officer or
30 correctional officer as provided in subsection (1), the
31 department shall issue a notice of suspension and, unless the

1 notice is mailed pursuant to s. 322.251, a temporary permit
2 which expires 10 ~~30~~ days after the date of issuance if the
3 driver is otherwise eligible.

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

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

22 (b) If the suspension of the driver's license of the
23 person arrested for a violation of s. 316.193, relating to
24 unlawful blood-alcohol level, is sustained, the person is not
25 eligible to receive a license for business or employment
26 purposes only pursuant to s. 322.271 until 30 days have
27 elapsed after the expiration of the last temporary permit
28 issued. If the driver is not issued a 10-day ~~30-day~~ permit
29 pursuant to this section or s. 322.64 because he or she is
30 ineligible for the permit and the suspension for a violation
31 of s. 316.193, relating to unlawful blood-alcohol level, is

1 not invalidated by the department, the driver is not eligible
2 to receive a business or employment license pursuant to s.
3 322.271 until 30 days have elapsed from the date of the
4 arrest.

5 Section 40. Subsection (5) of section 322.27, Florida
6 Statutes, is amended to read:

7 322.27 Authority of department to suspend or revoke
8 license.--

9 (5) The department shall revoke the license of any
10 person designated a habitual offender, as set forth in s.
11 322.264, and such person shall not be eligible to be
12 relicensed for ~~a minimum of~~ 5 years from the date of
13 revocation, except as provided for in s. 322.271. Any person
14 whose license is revoked may, by petition to the department,
15 show cause why his or her license should not be revoked.

16 Section 41. Subsection (2) of section 322.28, Florida
17 Statutes, is amended to read:

18 322.28 Period of suspension or revocation.--

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

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

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

30 2. Upon a second conviction within a period of 5 years
31 from the date of a prior conviction for a violation of the

1 provisions of s. 316.193 or former s. 316.1931 or a
2 combination of such sections, the driver's license or driving
3 privilege shall be revoked for not less than 5 years.

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

10

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

21 (b) If the period of revocation was not specified by
22 the court at the time of imposing sentence or within 30 days
23 thereafter, and is not otherwise specified by law, the
24 department shall forthwith revoke the driver's license or
25 driving privilege for the maximum period applicable under
26 paragraph (a) for a first conviction and for the minimum
27 period applicable under paragraph (a) for any subsequent
28 convictions. The driver may, within 30 days after such
29 revocation by the department, petition the court for further
30 hearing on the period of revocation, and the court may reopen

31

1 the case and determine the period of revocation within the
2 limits specified in paragraph (a).

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

24 ~~(d) When any driver's license or driving privilege has~~
25 ~~been revoked pursuant to the provisions of this section, the~~
26 ~~department shall not grant a new license, except upon~~
27 ~~reexamination of the licensee after the expiration of the~~
28 ~~period of revocation so prescribed. However, the court may,~~
29 ~~in its sound discretion, issue an order of reinstatement on a~~
30 ~~form furnished by the department which the person may take to~~
31

1 ~~any driver's license examining office for reinstatement by the~~
2 ~~department pursuant to s. 322.282.~~

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

26 Section 42. Section 322.282, Florida Statutes, is
27 repealed.

28 Section 43. Subsection (3) is added to section
29 322.292, Florida Statutes, to read:

30 322.292 DUI programs supervision; powers and duties of
31 the department.--

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

3 Section 44. Section 322.331, Florida Statutes, is
4 repealed.

5 Section 45. Subsections (8), (9), and (10) are added
6 to section 322.61, Florida Statutes, to read:

7 322.61 Disqualification from operating a commercial
8 motor vehicle.--

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

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

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

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

23 (d) A driver is disqualified for a period of not less
24 than 180 days nor more than 2 years if the driver is convicted
25 of a first violation of an out-of-service order while
26 transporting hazardous materials required to be placarded
27 under the Hazardous Materials Transportation Act (49 U.S.C.
28 5101 et. seq.), or while operating motor vehicles designed to
29 transport more than 15 passengers including the driver. A
30 driver is disqualified for a period of not less than 3 years
31 nor more than 5 years if, during any 10-year period, the

1 driver is convicted of any subsequent violations of
2 out-of-service orders, in separate incidents, while
3 transporting hazardous materials required to be placarded
4 under the Hazardous Materials Transportation Act (49 U.S.C.
5 5101 et. seq.), or while operating motor vehicles designed to
6 transport more than 15 passengers including the driver.

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

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

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

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

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

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

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

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

30 (b) A driver is disqualified for not less than 120
31 days if, during any 3-year period, the driver is convicted of

1 a second railroad-highway grade crossing violation in separate
2 incidents.

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

7 Section 46. Subsections (1) and (3) of section 322.64,
8 Florida Statutes, are amended to read:

9 322.64 Holder of commercial driver's license; driving
10 with unlawful blood-alcohol level; refusal to submit to
11 breath, urine, or blood test.--

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

1 breath-alcohol level of 0.08 or higher, the department shall
2 disqualify the person from operating a commercial motor
3 vehicle pursuant to subsection (3).

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

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

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

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

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

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

30 5. The driver may submit to the department any
31 materials relevant to the arrest.

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

11 Section 47. Subsection (3) is added to section
12 324.091, Florida Statutes, to read:

13 324.091 Notice to department; notice to insurer.--

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

21 Section 48. Paragraph (b) of subsection (3) of section
22 328.01, Florida Statutes, is amended to read:

23 328.01 Application for certificate of title.--

24 (3)

25 (b) If the application for transfer of title is based
26 upon a contractual default, the recorded lienholder shall
27 establish proof of right to ownership by submitting with the
28 application the original certificate of title ~~and a copy of~~
29 ~~the applicable contract upon which the claim of ownership is~~
30 ~~made~~. If the claim is based upon a court order or judgment, a
31 copy of such document shall accompany the application for

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

24 Section 49. Subsection (2) of section 328.42, Florida
25 Statutes, is amended to read:

26 328.42 Suspension or denial of a vessel registration
27 due to child support delinquency; dishonored checks.--

28 (2) The department may deny or cancel any vessel
29 registration, license plate, or fuel-use tax decal if the
30 owner pays for the registration, license plate, fuel-use tax
31 decal, or any tax liability, penalty, or interest specified in

1 chapter 207 with ~~if the owner pays for the registration by a~~
2 ~~dishonored check.~~

3 Section 50. Section 328.56, Florida Statutes, is
4 amended to read:

5 328.56 Vessel registration number.--Each vessel that
6 is used on the waters of the state must display a ~~commercial~~
7 ~~or recreational~~ Florida registration number, unless it is:

8 (1) A vessel used exclusively on private lakes and
9 ponds.

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

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

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

13 (5) A federally documented vessel.

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

21 (7) A vessel operating under a valid temporary
22 certificate of number.

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

25 (9) An undocumented vessel used exclusively for
26 racing.

27 Section 51. Subsection (4) of section 328.72, Florida
28 Statutes, is amended to read:

29 328.72 Classification; registration; fees and charges;
30 surcharge; disposition of fees; fines; marine turtle
31 stickers.--

1 (4) TRANSFER OF OWNERSHIP.--

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

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

18 Section 52. Effective July 1, 2001, subsection (1) of
19 section 328.76, Florida Statutes, is amended to read:

20 328.76 Marine Resources Conservation Trust Fund;
21 vessel registration funds; appropriation and distribution.--

22 (1) Except as otherwise specified and less \$1.4
23 million for any administrative costs, which shall be deposited
24 annually in the Highway Safety Operating Trust Fund, all funds
25 collected from the registration of vessels through the
26 Department of Highway Safety and Motor Vehicles and the tax
27 collectors of the state, except for those funds designated for
28 the use of the counties pursuant to s. 328.72(1), shall be
29 deposited in the Marine Resources Conservation Trust Fund for
30 recreational channel marking; public launching facilities; law
31 enforcement and quality control programs; aquatic weed

1 control; manatee protection, recovery, rescue, rehabilitation,
2 and release; and marine mammal protection and recovery. The
3 funds collected pursuant to s. 328.72(1) shall be transferred
4 as follows:

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

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

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

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

22 Section 53. Subsection (1) of section 681.1096,
23 Florida Statutes, is amended to read:

24 681.1096 Pilot RV Mediation and Arbitration Program;
25 creation and qualifications.--

26 (1) This section and s. 681.1097 shall apply to
27 disputes determined eligible under this chapter involving
28 recreational vehicles acquired on or after October 1, 1997,
29 and shall remain in effect until September 30, 2002 ~~2001~~, at
30 which time recreational vehicle disputes shall be subject to
31 the provisions of ss. 681.109 and 681.1095. The Attorney

1 General shall report ~~annually~~ to the President of the Senate,
2 the Speaker of the House of Representatives, the Minority
3 Leader of each house of the Legislature, and appropriate
4 legislative committees regarding the effectiveness ~~efficiency~~
5 ~~and cost-effectiveness~~ of the pilot program.

6 Section 54. Subsections (5) and (7) of section
7 681.1097, Florida Statutes, are amended to read:

8 681.1097 Pilot RV Mediation and Arbitration Program;
9 dispute eligibility and program function.--

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

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

28 (b) The arbitrator may issue subpoenas for the
29 attendance of witnesses and for the production of records,
30 documents, and other evidence. Subpoenas so issued shall be
31 served and, upon application to the court by a party to the

1 arbitration, enforced in the manner provided by law for the
2 service and enforcement of subpoenas in civil actions. Fees
3 for attendance as a witness shall be the same as for a witness
4 in the circuit court.

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

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

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

24 (f) The arbitrator shall grant relief if a reasonable
25 number of attempts have been undertaken to correct a
26 nonconformity or nonconformities.

27 (g) The program arbitrator shall render a decision
28 within 10 days of the closing of the hearing. The decision
29 shall be in writing on a form prescribed or approved by the
30 department. The program administrator shall send a copy of the
31 decision to the consumer and each involved manufacturer by

1 registered mail. The program administrator shall also send a
2 copy of the decision to the department within 5 days of
3 mailing to the parties.

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

20 (i) Either party may request that the program
21 arbitrator make a technical correction to the decision by
22 filing a written request with the program administrator within
23 10 days after receipt of the written decision. Technical
24 corrections shall be limited to computational errors,
25 correction of a party's name or information regarding the
26 recreational vehicle, and typographical or spelling errors.
27 Technical correction of a decision shall not toll the time for
28 filing an appeal or for manufacturer compliance.

29 (7) A decision of the arbitrator is binding unless
30 appealed by either party by filing a petition with the circuit
31 court within the time and in the manner prescribed by

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

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

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

17 Section 55. Section 681.115, Florida Statutes, is
18 amended to read:

19 681.115 Certain agreements void.--Any agreement
20 entered into by a consumer that waives, limits, or disclaims
21 the rights set forth in this chapter, or that requires a
22 consumer not to disclose the terms of such agreement as a
23 condition thereof, is void as contrary to public policy. The
24 rights set forth in this chapter shall extend to a subsequent
25 transferee of such motor vehicle.

26 Section 56. Section 713.78, Florida Statutes, is
27 amended to read:

28 713.78 Liens for recovering, towing, or storing
29 vehicles and ~~documented~~ vessels.--

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

31

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

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

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

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

16 (a) The owner thereof; or

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

21 (c) Any law enforcement agency; or

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

25
26 she or he shall have a lien on such vehicle or vessel for a
27 reasonable towing fee and for a reasonable storage fee; except
28 that no storage fee shall be charged if such vehicle is stored
29 for less than 6 hours.

30 (3) This section does not authorize any person to
31 claim a lien on a vehicle for fees or charges connected with

1 the immobilization of such vehicle using a vehicle boot or
2 other similar device pursuant to s. 715.07.

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

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

1 The department may release the insurance company information
2 to the requester notwithstanding the provisions of s. 627.736.

3 (c)(b) Notice by certified mail, return receipt
4 requested, shall be sent within 7 business days after the date
5 of storage of the vehicle or vessel to the registered owner,
6 to the insurance company insuring the vehicle, notwithstanding
7 the provisions of s. 627.736,and to all persons of record
8 claiming a lien against the vehicle or vessel. It shall state
9 the fact of possession of the vehicle or vessel, that a lien
10 as provided in subsection (2) is claimed, that charges have
11 accrued and the amount thereof, that the lien is subject to
12 enforcement pursuant to law, and that the owner or lienholder,
13 if any, has the right to a hearing as set forth in subsection
14 (5), and that any vehicle or vessel which remains unclaimed,
15 or for which the charges for recovery, towing, or storage
16 services remain unpaid, may be sold ~~after 35 days~~ free of all
17 prior liens after 35 days if the vehicle or vessel is more
18 than 5 years of age or after 60 days if vehicle or vessel is 5
19 years of age or less.

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

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

1 location of the vehicle or vessel, may file a complaint in the
2 county court of the county in which the vehicle or vessel is
3 stored or in which the owner resides to determine if her or
4 his property was wrongfully taken or withheld from her or him.

5 (b) Upon filing of a complaint, an owner or lienholder
6 may have her or his vehicle or vessel released upon posting
7 with the court a cash or surety bond or other adequate
8 security equal to the amount of the charges for towing or
9 storage and lot rental amount to ensure the payment of such
10 charges in the event she or he does not prevail. Upon the
11 posting of the bond and the payment of the applicable fee set
12 forth in s. 28.24, the clerk of the court shall issue a
13 certificate notifying the lienor of the posting of the bond
14 and directing the lienor to release the vehicle or vessel. At
15 the time of such release, after reasonable inspection, she or
16 he shall give a receipt to the towing-storage company reciting
17 any claims she or he has for loss or damage to the vehicle or
18 vessel or the contents thereof.

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

27 (6) Any vehicle or vessel that ~~which~~ is stored
28 pursuant to subsection (2) and that ~~which~~ remains unclaimed,
29 or for which reasonable charges for recovery, towing, or
30 storing remain unpaid or for which a lot rental amount is due
31 and owing to the mobile home park owner, as evidenced by a

1 judgment for unpaid rent, and any contents not released
2 pursuant to subsection (10) ~~may~~ be sold by the owner or
3 operator of the storage space for such towing or storage
4 charge or unpaid lot rental amount after 35 days from the time
5 the vehicle or vessel is stored therein if the vehicle or
6 vessel is more than 5 years of age and after 60 days from the
7 time the vehicle or vessel is stored therein if the vehicle or
8 vessel is 5 years of age or less. The sale shall be at public
9 auction for cash. If the date of the sale was not included in
10 the notice required in subsection (4), notice of the sale
11 shall be given to the person in whose name the vehicle,
12 vessel, or mobile home is registered, to the mobile home park
13 owner, and to all persons claiming a lien on the vehicle or
14 vessel as shown on the records of the Department of Highway
15 Safety and Motor Vehicles or of the corresponding agency in
16 any other state. Notice shall be sent by certified mail,
17 return receipt requested, to the owner of the vehicle or
18 vessel and the person having the recorded lien on the vehicle
19 or vessel at the address shown on the records of the
20 registering agency and shall be mailed not less than 15 days
21 before the date of the sale. After diligent search and
22 inquiry, if the name and address of the registered owner or
23 the owner of the recorded lien cannot be ascertained, the
24 requirements of notice by mail may be dispensed with. In
25 addition to the notice by mail, public notice of the time and
26 place of sale shall be made by publishing a notice thereof one
27 time, at least 10 days prior to the date of the sale, in a
28 newspaper of general circulation in the county in which the
29 sale is to be held. The proceeds of the sale, after payment
30 of reasonable towing and storage charges, costs of the sale,
31 and the unpaid lot rental amount, in that order of priority,

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

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

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

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

31

- 1 1. The wrecker operator surrounds the storage facility
2 with a chain-link or solid-wall type fence at least 6 feet in
3 height;
- 4 2. The wrecker operator has illuminated the storage
5 facility with lighting of sufficient intensity to reveal
6 persons and vehicles at a distance of at least 150 feet during
7 nighttime; and
- 8 3. The wrecker operator uses one or more of the
9 following security methods to discourage theft of vehicles or
10 vessels or of any personal property contained in such vehicles
11 or vessels stored in the wrecker operator's storage facility:
- 12 a. A night dispatcher or watchman remains on duty at
13 the storage facility from sunset to sunrise;
- 14 b. A security dog remains at the storage facility from
15 sunset to sunrise;
- 16 c. Security cameras or other similar surveillance
17 devices monitor the storage facility; or
- 18 d. A security guard service examines the storage
19 facility at least once each hour from sunset to sunrise.
- 20 (c) Any law enforcement agency requesting that a motor
21 vehicle be removed from an accident scene, street, or highway
22 must conduct an inventory and prepare a written record of all
23 personal property found in the vehicle before the vehicle is
24 removed by a wrecker operator. However, if the owner or driver
25 of the motor vehicle is present and accompanies the vehicle,
26 no inventory by law enforcement is required. A wrecker
27 operator is not liable for the loss of personal property
28 alleged to be contained in such a vehicle when such personal
29 property was not identified on the inventory record prepared
30 by the law enforcement agency requesting the removal of the
31 vehicle.

1 (8) A person regularly engaged in the business of
2 recovering, towing, or storing vehicles or vessels, except a
3 person licensed under chapter 493 while engaged in
4 "repossession" activities as defined in s. 493.6101, may not
5 operate a wrecker, tow truck, or car carrier unless the name,
6 address, and telephone number of the company performing the
7 service is clearly printed in contrasting colors on the driver
8 and passenger sides of its vehicle. The name must be in at
9 least 3-inch permanently affixed letters, and the address and
10 telephone number must be in at least 1-inch permanently
11 affixed letters.

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

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

25 (11)(a) Any person regularly engaged in the business
26 of recovering, towing, or storing vehicles or vessels who
27 comes into possession of a vehicle or vessel pursuant to
28 subsection (2) and who has complied with the provisions of
29 subsections (3) and (6), when such vehicle or vessel is to be
30 sold for purposes of being dismantled, destroyed, or changed
31 in such manner that it is not the motor vehicle, vessel, or

1 mobile home described in the certificate of title, shall apply
2 to the county tax collector for a certificate of destruction.
3 A certificate of destruction, which authorizes the dismantling
4 or destruction of the vehicle or vessel described therein,
5 shall be reassignable and shall accompany the vehicle or
6 vessel for which it is issued, when such vehicle or vessel is
7 sold for such purposes, in lieu of a certificate of title.
8 The application for a certificate of destruction must include
9 an affidavit from the applicant that it has complied with all
10 applicable requirements of this section and, if the vehicle or
11 vessel is not registered in this state, by a statement from a
12 law enforcement officer that the vehicle or vessel is not
13 reported stolen, and shall be accompanied by such
14 documentation as may be required by the department.

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

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

22 (12)(a) Any person who violates any provision of
23 subsection (1), subsection (2), subsection (4), subsection
24 (5), subsection (6), or subsection (7) is guilty of a
25 misdemeanor of the first degree, punishable as provided in s.
26 775.082 or s. 775.083.

27 (b) Any person who violates the provisions of
28 subsections (8) through (11) is guilty of a felony of the
29 third degree, punishable as provided in s. 775.082, s.
30 775.083, or s. 775.084.

31

1 (c) Any person who uses a false or fictitious name,
2 gives a false or fictitious address, or makes any false
3 statement in any application or affidavit required under the
4 provisions of this section is guilty of a felony of the third
5 degree, punishable as provided in s. 775.082, s. 775.083, or
6 s. 775.084.

7 Section 57. Section 715.05, Florida Statutes, is
8 repealed.

9 Section 58. Section 715.07, Florida Statutes, is
10 amended to read:

11 715.07 Vehicles parked on private property; towing.--

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

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

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

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

29 (a) The towing or removal of any vehicle or vessel
30 from private property without the consent of the registered
31 owner or other legally authorized person in control of that

1 vehicle or vessel is subject to strict compliance with the
2 following conditions and restrictions:

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

17 b. If no towing business providing such service is
18 located within the area of towing limitations set forth in
19 sub-subparagraph a., the following limitations apply: any
20 towed or removed vehicle or vessel must be stored at a site
21 within 20 miles of the point of removal in any county of
22 500,000 population or more, and within 30 miles of the point
23 of removal in any county of less than 500,000 population.

24 2. The person or firm towing or removing the vehicle
25 or vessel shall, within 30 minutes of completion of such
26 towing or removal, notify the municipal police department or,
27 in an unincorporated area, the sheriff of such towing or
28 removal, the storage site, the time the vehicle or vessel was
29 towed or removed, and the make, model, color, and license
30 plate number of the vehicle or the make, model, color, and
31 registration number of the vessel and shall obtain the name of

1 the person at that department to whom such information was
2 reported and note that name on the trip record.

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

14 4. The rebate or payment of money or any other
15 valuable consideration from the individual or firm towing or
16 removing vehicles or vessels to the owners or operators of the
17 premises from which the vehicles or vessels are towed or
18 removed, for the privilege of removing or towing those
19 vehicles or vessels, is prohibited.

20 5. Except for property appurtenant to and obviously a
21 part of a single-family residence, and except for instances
22 when notice is personally given to the owner or other legally
23 authorized person in control of the vehicle or vessel that the
24 area in which that vehicle or vessel is parked is reserved or
25 otherwise unavailable for unauthorized vehicles or vessels and
26 subject to being removed at the owner's or operator's expense,
27 any property owner or lessee, or person authorized by the
28 property owner or lessee, prior to towing or removing any
29 vehicle or vessel from private property without the consent of
30 the owner or other legally authorized person in control of
31

1 that vehicle or vessel, must post a notice meeting the
2 following requirements:

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

9 b. The notice must clearly indicate, in not less than
10 2-inch high, light-reflective letters on a contrasting
11 background, that unauthorized vehicles or vessels will be
12 towed away at the owner's expense. The words "tow-away zone"
13 must be included on the sign in not less than 4-inch high
14 letters.

15 c. The notice must also provide the name and current
16 telephone number of the person or firm towing or removing the
17 vehicles or vessels, if the property owner, lessee, or person
18 in control of the property has a written contract with the
19 towing company.

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

26 e. The local government may require permitting and
27 inspection of these signs prior to any towing or removal of
28 vehicles or vessels being authorized.

29 f. A business with 20 or fewer parking spaces
30 satisfies the notice requirements of this subparagraph by
31 prominently displaying a sign stating "Reserved Parking for

1 Customers Only Unauthorized Vehicles or Vessels Will be Towed
2 Away At the Owner's Expense" in not less than 4-inch high,
3 light-reflective letters on a contrasting background.

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

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

24 7. Any person or firm towing or removing any vehicles
25 or vessels from private property without the consent of the
26 owner or other legally authorized person in control of the
27 vehicles or vessels shall, on any trucks, wreckers as defined
28 in s. 713.78(1)(b), or other vehicles or vessels used in the
29 towing or removal, have the name, address, and telephone
30 number of the company performing such service clearly printed
31 in contrasting colors on the driver and passenger sides of the

1 vehicle or vessel. The name shall be in at least 3-inch
2 permanently affixed letters, and the address and telephone
3 number shall be in at least 1-inch permanently affixed
4 letters.

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

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

26 (b) These requirements shall be the minimum standards
27 and shall not preclude enactment of additional regulations by
28 any municipality or county including the right to regulate
29 rates when vehicles or vessels are towed from private
30 property.

31

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

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

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

15 ~~(6)(5)~~(a) Any person who violates the provisions of
16 subparagraph (2)(a)2. or subparagraph (2)(a)6. is guilty of a
17 misdemeanor of the first degree, punishable as provided in s.
18 775.082 or s. 775.083.

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

23 Section 59. Subsection (3) is added to section 832.09,
24 Florida Statutes, to read:

25 832.09 Suspension of driver license after warrant or
26 capias is issued in worthless check case.--

27 (3) The Department of Highway Safety and Motor
28 Vehicles shall create a standardized form to be distributed to
29 the clerk of the circuit court in each county for the purpose
30 of notifying the department that a person has satisfied the
31 requirements of the court. Notices of compliance with the

1 court's requirements shall be on the standardized form
2 provided by the department.

3 Section 60. Except as otherwise expressly provided in
4 this act, this act shall take effect October 1, 2001.

5
6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 CS/SB 1068

9 This Committee Substitute for the Committee Substitute makes
10 the following changes to the CS:

11 Amends s. 318.1451, F.S., to allow government entities and
12 courts to distribute a traffic school reference guide or
13 provider list developed by DHSMV; allows course providers
14 receiving request for information about traffic schools from
15 geographic areas that they do not serve to provide a telephone
16 number for a course provider that they believe serves such
17 geographic area; amends the traffic school reference guide to
18 include the names and telephone numbers of the fully approved
19 course providers; requires the cost of producing the traffic
20 school reference guide be assumed by providers included in the
21 guide; and specifies guidelines for reproducing the guide;

22 Amends the definition of "major component parts" in s. 319.30,
23 F.S.;

24 Creates s. 320.691, F.S., to establish an advisory board
25 within DHSMV to provide a means for the automobile industry
26 and the department to address issues that affect the industry;

27 Amends s. 322.095, F.S., to clarify DHSMV's responsibility to
28 approve and regulate certain driver improvement courses that
29 rely on technology as the delivery method;

30 Deletes section 36 of the CS, which amended s. 322.126, F.S.,
31 relating to reporting of disabilities to DHSMV that may impair
a person's ability to drive;

Amends s. 322.161, F.S., to increase the number of points that
young drivers (ages 15 to 17) may accumulate before the
department revokes their driver's license and issues them a
restricted license; and

Amends s. 681.115, F.S., to void a settlement agreement that
restricts the consumer's ability to disclose the terms of
agreements between the buyer and the seller.